

UNIVERSITY OF ZIMBABWE

**THE POLITICS OF LABOUR REPRESENTATION IN CHINESE OWNED SMALL
TO MEDIUM ENTERPRISES IN HARARE'S CENTRAL BUSINESS DISTRICT**

BY

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Dedication

To my mum (Jemina Munodawafa), family and friends, thank you for giving me the opportunity to advance in education.

Acknowledgement

I owe a debt of gratitude to my mum and siblings for inspiring me to do this work. It is my obligation to record my thankfulness to my research participants. Particular mention goes on to Mr Machimbira, Mr Maganga, Mr Viriri, Ms Tsitsi, Ms Sichelesile Ndlovu and my brother Julias K Munodawafa for the invaluable support they rendered to me through-out the research process.

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Acronyms

ACFTU	All-China Federation of Trade Unions
AIPPA	Access to Information and Protection of Privacy Act
CBD	Central Business District
COSATU	Congress of South African Trade Unions
ELG	Export Led Growth
EPZ	Export Processing Zones
ESAP	Economic Structural Adjustment Programme
ILO	International Labour Organisation
MDC	Movement for Democratic Change
MDC-T	Movement for Democratic Change (Tsvangirai Faction)
MNCs	Multinational Corporations
NEC	National Employment Council
NSSA	National Social Security Authority
POSA	Political Order and Security Act
SEDCO	Small Enterprises Development Corporation
SMEs	Small to Medium Enterprises
ZANU PF	Zimbabwe African National Union-Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZESA	Zimbabwe Electricity Supply Authority

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Abstract

Labour representation is a subject that demands special attention in current industrial relations studies. The study sought to explore the politics of labour representation in Chinese owned SMEs in the Central Business District of Harare. The study was explorative in nature. Key informant interviews, in-depth interviews, and semi-structured questionnaires were used as data collection methods in the inquiry. The data was presented in thematic form, statistics, and tables. The data was analysed through the common themes approach using Hyman's Marxist analysis of industrial relations and the available literature. The findings of this study demonstrated that there is lack of formal unionised representation in Chinese owned SMEs. Without unionised representation, this group of workers is facing a transitional loss of unknown duration. There is also widespread exploitation of workers for profits, to exercise authority and for the purposes of oppression. The study revealed that workers in Chinese owned SMEs have limited knowledge of Zimbabwe's labour laws and there is a greater need to conscientise them. However, the employees have their ways of navigating around the constraining spaces of lack of labour representation through subtle underground dealings, theft, deploying of social capital, and hiring of lawyers among others.

CHAPTER ONE

1.1 Introduction

The hurried growth of Chinese investments in Africa created substantial interest among researchers, experts of the law, politics, and economics (Mataura, 2014). Chinese economic investments in Africa have sparked hope and uncertainty about the true intentions of China and the implications of such investments on labour representation (Mataura, 2014). The labour movement torn by the globalisation of finance and production, incapable of adapting to the networking of corporations and the individualisation of work and challenged by engendering of employment, it diminishes away as a major foundation of social solidarity and workers' representation (Castells, 1997). Labour representation is of importance at any work place since it reduces the chances of employers from ill-treating their employees. Trade unions and workers' committees strike a balance between labour and employers. These agencies engage in collective actions that include processes of control over work relations, seeking control over employees' working conditions and their daily work practices, workers come into conflict with the aims and interests of their employers (Hyman, 1975). Studies that were done by Sachikonye (1999), Raftopoulos (2001) Zinyemba (2013), and Yeros (2013) among others, seem to have failed to examine the politics of labour representation in Chinese owned Small to Medium Enterprises (SMEs). Therefore, this study examined the politics of labour representation in Chinese owned Small to Medium Enterprises in contemporary Zimbabwe through identifying the challenges that are related to labour representation. This study went further to identify ways through which workers in Chinese owned Small to Medium Enterprises (SMEs) are navigating themselves around the challenges of labour representation. Studies done by Sachikonye (1999), Sachikonye (2010), Raftopoulos (2001) Zinyemba (2013), and Yeros (2013) among others, overlooked the knowledge of employees on the existence of labour laws. Thus, this research documented the knowledge of workers in Chinese owned Small to Medium Enterprises on the existence of labour laws in Zimbabwe. This study made use of qualitative interviews and semi-structured interviews (questionnaires) and the research was carried out in Harare's CBD. On theoretical framework, the study made use of Hyman's Marxist ideas on labour relations.

1.2 Background to the Study

Placing this research in the context of labour democratisation helps in understanding the current labour related dynamics in Chinese owned Small to Medium Enterprises in the country. The role of the labour movement in economic and political transformation is one of the principal

issues of debate in Southern Africa, not least in Zimbabwe (Raftopoulos and Sachikonye, 2001). The narrative of workplace democratisation in Zimbabwe, South Africa, and Zambia would be incomplete without the pivotal roles played by the Zimbabwe Congress of Trade Unions (ZCTU), Congress of South African Trade Unions (COSATU), and the Congress of Trade Unions (CTU) (Raftopoulos and Sachikonye, 2001). The issue of the autonomy of trade unions lies at the heart of the relationship between the state and the civil society (Keane, 1988; Beckman, 1993). The autonomy of the labour movement as constituted in the ZCTU was extremely limited in the first half of the 1980s; its subordination to the state was the most prominent feature of the relationship (Raftopoulos and Sachikonye, 2001). Analysts have tried to capture the control of labour movement in Zimbabwe through the corporate and bureaucratic rule (Cheater, 1992).

According to ILO (1982), the issues to do with labour representation fall under ILO conventions on Freedom of Association and Protection of the Right to organise (Convention 87 of 1948 and the Right to Organise and Collective Bargaining Convention 98 of 1949). The first of these, Convention 87, is the most important of all ILO conventions and the most valued by workers everywhere for it provides that workers and employers, without distinction, shall have the right to establish and join organisations of their choice without authorisation (ILO, 1982). In light of these conventions, Serrano et al. (2010) observe that the creation of micro and small enterprises in the labour market widened the gap between trade unions and a growing number of workers who have no forms of collective representation at their workplace. This has created a representational gap. What Serrano et al (2010) observed, is against the ILO (1982) Convention 135 and Recommendation 143, (both of 1971) which aim at ensuring that workers' representatives are effectively protected against any prejudicial act based on their status as workers' representatives or on their union activities that provides for affordable facilities in their undertaking to enable those representatives to carry out their functions promptly.

Kapfer (2006) argues that states are losing their sovereignty when faced with the growing power of multinational corporations (MNCs). While anti-globalists argue that MNCs are more a bane than a boon to states' economies, there has been recent evidence showing that foreign direct investments from MNCs can promote and sustain economic and social development (Kapfer, 2006). This has driven so many countries to be reliant upon MNCs for global economic integration and development. MNCs have an increasing understanding of how to take advantage of changing political situations and how to influence state policies in order to gain legitimacy and have coalitions with states (Kapfer, 2006). MNCs as footloose companies

normally have their ways to evade countries' labour laws or even necessitate a change in these labour laws. In light of this, African leaders who at one time have been under economic sanctions have welcomed the Chinese owned MNCs in Africa. Some of Zimbabwean leaders are under economic sanctions and they took a turn towards the 'Asian Tigers' with the guidance of the 'Look East Policy.' Kapfer (2006) argues that MNCs are able to force states to compete against one another in order to secure investments, which bring employment and tax revenue. Since Zimbabwe is in need of foreign direct investment, it is most likely to suffer from the erosion of state sovereignty from the Chinese owned MNCs that are in demand in Southern Africa. De Haan and Stichele (2007) observed that investment policies of Southern Africa have been relaxed and governments are granting extreme incentives to attract investment to the extent of relaxing labour laws at the expense of the workers. This study sought to reveal the politics of labour representation in Chinese owned SMEs in Harare' CBD.

1.3 Problem Statement

Three main issues are driving this study. Firstly, the available literature shows that the government has been responsive to labour problems (Raftopoulos, 2001). When a series of strikes broke out just after independence, the state responded by introducing legislative measures to provide for minimum wages and salaries, restrain dismissals and retrenchments in the private sector and to provide for workers' committees at shop floor levels (Raftopoulos, 2001; Sambureni and Mudyawabikwa, 2003). The responsive nature of the Zimbabwean government to labour challenges is increasingly being witnessed in the contemporary labour studies. The government of Zimbabwe amended the Labour Act amid chaos and disorder that was brought by the dismissal of thousands of workers upon being given notices. This research was one of the most suitable ways that could be used to examine the politics of labour representation in Chinese owned SMEs in Harare's CBD.

The available literature pertaining the labour movement in Zimbabwe has focused on labour in relation to the economy and to politics and development, but little has been done on the effects of MNCs on the country's labour laws. This research would be an addition to a field that is lagging behind academically. There is dearth of literature on workers' knowledge of Zimbabwe's labour laws, hence this study sought to determine the availability of such knowledge. Most the recent researches that were done such as the one by Beckman, Buhlungu and Sachikonye (2010) have focused on trade unions and party politics in relation to the labour movements in Africa leaving behind the politics of labour representation in MNCs in general and particularly Chinese owned Small to Medium Enterprises. Thus, this research offered a

uniquely inadequate dimension to the labour movement in Zimbabwe. Some of the available literature shows that most studies have focused their attention on the link between macro-politics and the labour movement in Zimbabwe (Sachikonye, 1999; Matombo and Sachikonye, 2010; Sambureni and Mudyawabikwa, 2003; Raftopoulos, 2001). So much has been said in that regard but the trend has been on the link between politics, labour movement and the economy. This study sought to place the micro level politics of labour representation in Chinese owned SMEs at its centre. The available literature shows that there has not been a study of this nature focusing on the politics of labour representation in Chinese owned SMEs.

Methodologically, Sachikonye (1999) carried out a longitudinal survey of Zimbabwe's textile and metal industries under the Economic Structural Adjustment Programme. Longitudinal surveys are more likely to suffer from coverage error if the sample does not include, or under-represents additions or subtractions to the population since the time the sample was selected (Lynn, 2009). This research employed qualitative interviews and semi-structured interviews to examine the politics of labour representation in Chinese owned Small to Medium Enterprises to give a follow up on previous studies on the labour movement in Zimbabwe as well as situating the labour movement into a context of the contemporary economic situation. So much has been left out especially considering that little research has been done on Chinese owned MNCs, an area that this research focused on. This research was carried out in light of the Hyman's Marxist ideas on labour relations to give relevance to labour representation at workplaces.

1.4 Research Goal

The study sought to examine the politics of labour representation in Chinese owned Small to Medium Enterprises in Harare's Central Business District.

1.5 Specific Objectives

- To identify the challenges related to labour representation in Chinese owned Small to Medium Enterprises in Harare.
- To ascertain ways through which workers in Chinese owned Small to Medium Enterprises are navigating themselves around the challenges of labour representation.
- To document the knowledge of workers in Chinese owned Small to Medium Enterprises on the existence of labour laws in Zimbabwe.

1.6 Significance of the Study

Most of the literature regarding the politics of labour representation in Chinese owned Small to Medium Enterprises in Zimbabwe has been journalistic in nature. This study sought to give an academic touch to an area that has been lagging behind in terms of academic research. This study gave an insight on how to improve labour representation not only in Chinese owned Small to Medium Enterprises but also in most of the small businesses that are sprouting everywhere in Zimbabwe. To solve a problem one should have an in-depth understanding of the dynamics of that particular problem; hence, an exploration of the politics of labour representation in Chinese owned Small to Medium Enterprises would pave way for long lasting labour related solutions to the challenge at hand.

1.7 Conceptual Framework

This section discusses the conceptual framework that this study hinges on. This study borrows from Hyman's 1975 Marxist ideas on industrial relations and the issues of control and resistance. This conceptual framework helped to explore the politics at play in Chinese owned SMEs. Industrial relations comprises of three main players, which include labour, capital and state. Labour, which is the primary producer of wealth, works for the owners of the means of production (capital). The role of the state is that of an intermediary and regulator of industrial relations through legislative frameworks and policy. These roles of the state, labour, and capital are analysed by Hyman using a Marxist analysis of industrial relations. There are instances where these roles come into conflict, especially on issues of authority and control thus creating economic and social divisions within labour relations.

Within Hyman's Marxist ideas in industrial relations, the role of trade unions as representatives of employees should be to oppose the exploitation and alienation, which is an inevitable consequence of the imbalance of power between the owners and managers on one hand and the workers on the other (Blyton and Turnbull, 1994). Marxist analysis of labour relations denies the legitimacy of capitalism and that of the managers who are the agents of capitalists. The power of managers is disproportionate to that of workers who are the primary producers of wealth (Sambureni and Mudyawabikwa, 2003). This unevenness of power propels unions into political action, which transcends narrow industrial disputes about pay and conditions of employment (Sambureni and Mudyawabikwa, 2003). Thus, trade unionism and industrial relations struggles are merely symptoms of the intrinsic class divisions that exist in the capitalist system. With trade union consciousness and industrial conflict, labour consciousness and political revolution can be respected (Sambureni and Mudyawabikwa, 2003).

Hyman's Marxist ideas on labour relations view industrial relations not only in terms of organisational demand and tensions but also in economic and social divisions that typify society mostly in terms of the struggle between capital and labour (Blyton and Turnbull, 1994). Industrial relations cannot be separated from the political and economic spheres (Hyman, 1975). Hence, this study seeks to understand the politics of labour relations in light of the struggles that are there between the employer (Chinese owned MNCs) and the worker. Blyton and Turnbull (1994) posit that industrial conflict is a continuous process found in the capitalist society since it is unavoidable and identical to social and political conflict. Thus, one cannot mention labour relations without mentioning the political games that are at play, either the ones played by capital or the ones by the state or worker representative boards. The Marxist ideas on labour relations state that legislative laws are always on the side of management rather than taking neutral positions between the two parties (Sambureni and Mudyawabikwa, 2003). This study will use this to explain whether the existing labour laws in Zimbabwe are in support of Chinese MNCs or not.

Marxists see trade unions and worker representation as a vehicle for the expression of the interests of the alienated. Hence, the growth of these trade unions is unavoidable worker response to capitalism (Blyton and Turnbull, 1994). Unions represent efforts by employees to eradicate competition. If the motive for competition among workers is worn-out and if they govern against further oppression by the bourgeoisie, the role of property is at the end (Hyman, 1975). A union can exert operative job control when it effectively organises orderly collective action from its members. Such collectivism depends on members' preparedness to subservient their own wishes or welfares to collective decisions and rules. Rigorous action requires all to adhere to common decisions and the benefits of control, attainable only through collective strength, which increases their bargaining power in negotiations and outweighs any possible costs in the loss of independence. This independence is illusive, for a secluded employee can have no genuine sovereignty. Without collective support, employees face the arbitrary power of the employer (Hyman, 1975).

However, Blyton and Turnbull (1994) argue that industrial relations and trade unionism are interwoven and they operate hand in glove which is difficult to separate from the political and economic spheres. Marxian analysis offers a different perspective to understand industrial relations in terms of totality, practice, contradiction and change (Hyman, 1975). Totality reflects that all social phenomena, including industrial relations are interwoven and no one area can be analysed in isolation (Blyton and Turnbull, 2004). Hence, when talking about

multinational companies issues to do with economic development, job creation and employer representation cannot be left out. Marxian's ideas on alienation explain well the importance of trade unionism and other forms of worker representation in the emancipation of workers from all forms of exploitation at work places. Thus, it was important to carry out this research in line of the concept of alienation since it helped to explain further the politics of worker representation that is at play in Chinese owned small to medium enterprises.

Employers use their political and superior control against the employees without hesitation, stirring a keen government to destroy the workers' blending by every possible distortion of the law and neutrality in its governance (Webb and Webb, 1897). The financial influence of capital, protected by legal approvals, is so great, the amount of control exercised by employees as individuals is limited (Hyman, 1975). Only when they organise with a common goal can they make serious inroads into the dominance of the employer (Hyman, 1975). The conduct of influential employers is oppressive in the extreme, involving every effort to collectivism. Discovered trade unionists are victimised and activists are blacklisted. Hostility to trade unions remains widespread. According to Hyman (1975), employers take every possible move to ensure that employees do not think that membership to a trade union is right. The employers strategize by using forcible opposition through overlooking unions' members for pay rises, transferring active unionists among others. The courts persistently threaten trade unionism both through anti-union laws and through court decisions that reproduce the judge's personal class bias (Hyman, 1975). Union organisation faces a lot of resistance and in some instances, the obstacles are severe, for example, it is difficult to organise in workplaces that are small and isolated, and in industries with casual labour (Hyman, 1975). Hyman (1975) argues that unionism is extremely weak in the private sector.

In contrast to any overt expectations about the stability of power relations in firms, the Marxists stress the unevenness of power amid the employee and the employer, consequent of the ownership and non-ownership of capital (Blyton and Turnbull, 2004). An employee is able to live longer without the workforce than the employee can live without work (Blyton and Turnbull, 2004). The employees are free to choose the employer for whom to work. However, Marglin (1974) argues that this is an odd logic of choice placing its emphasis on the absence of legal obligation. The employee must trade his or her capability to toil in order to survive. The capacity to work can be traded on the market but the object that is sold cannot be separated from the subject of the actual change (Blyton and Turnbull, 2004). Ownership becomes the source of power and control, granting the employer the right to hire, fire and to direct labour in

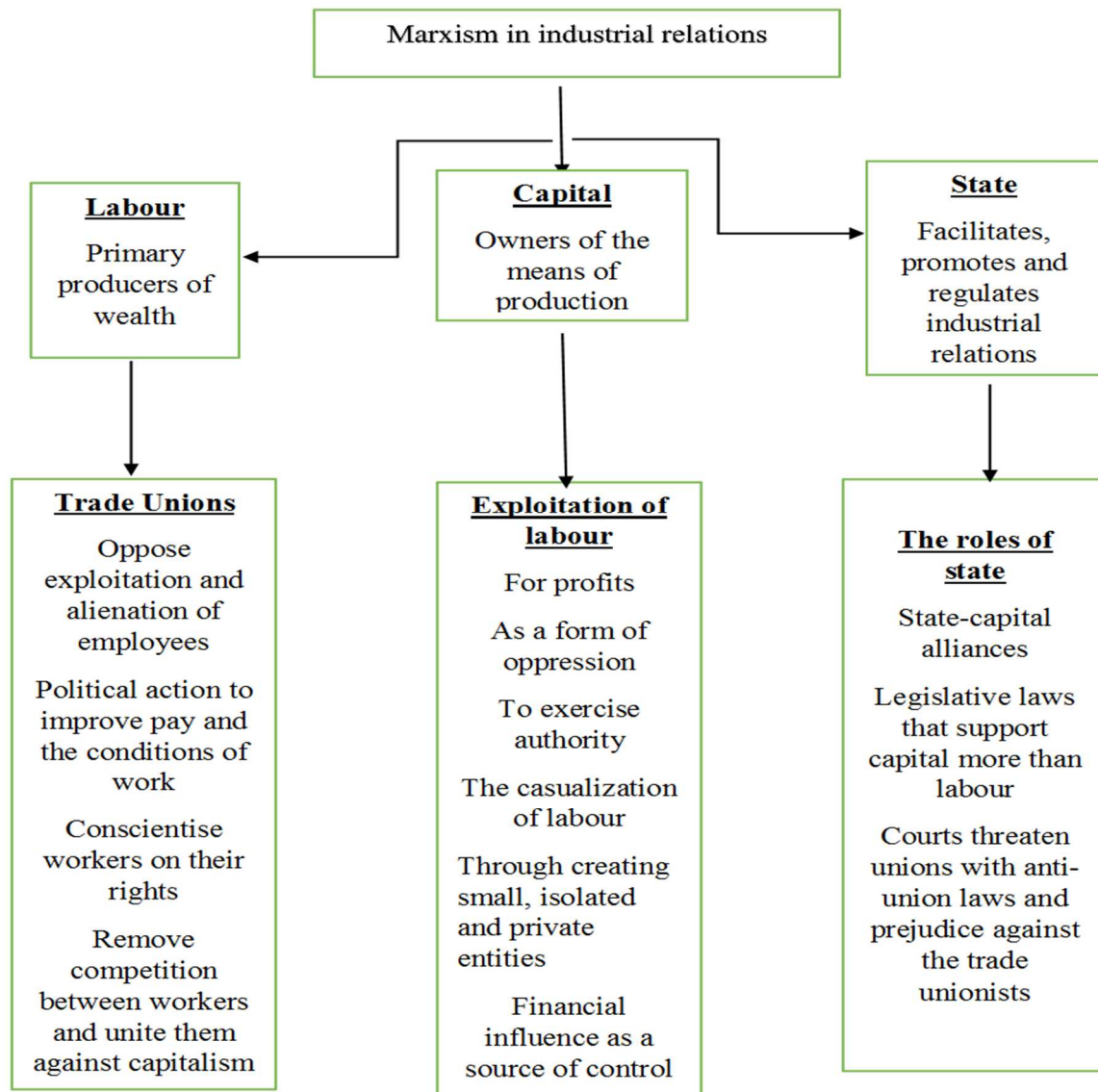
the course of production (Blyton and Turnbull, 2004). For Marxists, the use of power and the attainment of authority is a key dynamic in employment relations since the employer can never retain total control or realise full authority. Blyton and Turnbull (2004) argue that a settlement by the employee to work for so many hours per week at a low wage is not the end of the matter but the start. Labour input involves an incessant bargain every day and hour.

Today's industrial relations reflect on the increasing uncertainty of capitalism. The aim of faster investments and steady prices calls for the need to shift the balance of power between profits and wages and salaries (Hyman, 1975). The employers strategize by putting restraint on their employees' incomes or intensifying work pressure and work discipline. These ideas are a centre stage of this research where the researcher seeks to determine the applicability of Marxian ideas in Zimbabwean labour relations where the Chinese SMEs are concerned. The validity of these Marxist concepts can only be determined by research. This research on the politics of representation in Chinese owned SMEs determines whether the employer has achieve total control and authority over the employee. The research also determines whether in Chinese owned firms, the agreement made by the employee to work for a low wage for long hours signals the beginning of the struggle between labour and capital or it is the end of the race. The politics at play that are interwoven with the economy as pointed out by Blyton and Turnbull (2004) shall be discussed.

The state maintains and strengthens the position of the reigning capitalist class. The supremacy of the capitalist class is sustained through the state's ability to legitimise itself by bestowing itself as impartial and acting in the best interests of the whole civilisation. The state does not always flourish in developing acceptability from the populace as a whole and is then obliged to depend on its control over the means of force in society such as police, army and the judiciary (Sycholt and Klerck, 2010). The government in every civilisation is the collective expression of the dominant class interest, offering legitimation and compulsion required to uphold that dominant class as a reigning class (Cole et al. 1983 cited in Sycholt and Klerck, 2010). The bullying potential of the government is reflected in its policies. Coercion is regularly not sustainable in the end. The role of the state in Marxist thought developed around tensions between instrumentalist and relatively autonomous conception of the state. Instrumentalism is based on the idea that the state is merely a committee for organising the common affairs of the bourgeoisie (Hyman, 1980). The state creates policies that directly endorse the interests of the capitalist class. The superior resources of the capitalists easily influence the state.

The diagram below summarises Hyman's Marxist analysis of labour relations and the nature of state, capital and labour relations in Chinese owned SMEs. The state enables and encourages FDI, regulates industrial relations through the Labour Act, the Ministry of Labour and Social Service and the Labour Courts.

Fig.1: Marxism in Industrial Relations



Source: Hyman (1975)

1.8 Outline of the thesis

This thesis contains an introductory chapter that has an introduction, background to the study, statement of the problem, research goal, specific objectives and conceptual framework. The second chapter reviews literature that is related to labour unionisation in Zimbabwe. The study

draws much of the literature from Zimbabwe and some from China. The thesis also has a third chapter that gives an outline of the methodology that was used in the research. The methodology chapter included research design, sampling frame, data collection methods, analysis, ethical considerations and methodological challenges. The fourth chapter of this thesis presents the research findings whilst chapter five discusses research findings in relation to literature and theory.

1.9 Conclusion

This introductory chapter presented the background of the study. It gave an overview of the objectives of the research, the overall research goal, and the significance of the study. The main goal of this research was to explore the politics of labour representation in Chinese owned SMEs. This chapter also presented the research problem from methodological, theoretical and literature loopholes. A conceptual framework on Richard Hyman's Marxist analysis of labour relations was also discussed in this chapter. Hyman discussed Marxism in relation to the relationship between capital, state and labour. A study of this nature had been necessitated by the dearth in literature on Chinese owned MNCs. This necessitated the need to carry out this study. So much had been done in the history of trade unionism in Zimbabwe but there is limited evidence of the knowledge of employees of their rights. This study went further to discuss the knowledge of workers on their rights. This research also made use of Hyman's ideas on labour relations, control and resistance.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature on the history of labour unionisation in Zimbabwe. Part of the literature reviewed also looks at the Chinese industrial relations and the exploitation of workers. The themes explored in this chapter include the nature and the definition of SMEs in Zimbabwe, labour unionisation in colonial Zimbabwe, post-colonial labour relations in Zimbabwe (1980-1989), labour unionisation under a liberalised market (1990-1999), and labour unionisation in the context of crisis (2000-2015), Zimbabwe's labour legislation, the Chinese industrial relations and the exploitation of workers. The literature reviewed in this chapter is mainly from Zimbabwe; however, there are certain areas where there are comparisons with labour unionisation in other African nations. The review of literature gives an academic base for a study, helps to regulate the nature of investigation and goes outside the quest for information to contain the documentation of the relationship of the available literature and labour representation in Zimbabwe.

2.2 The nature and definition of SMEs in Zimbabwe

The ownership of SMEs in Zimbabwe comprises of two distinct groups of people who include foreign and indigenous owners of SMEs. The foreigners who own SMEs in Zimbabwe include the Chinese, the Russians, Koreans, and Nigerians among others. The Chinese owned SMEs were the focal point of this study, particularly due to the increased media reports of the abuse of employees under those investors. The growth of SMEs is of critical importance to the viable expansion of third world economies; their promotion necessitated the success of European industrialisation (Rostow, 1960; Mudavanhu et al. 2011). The improvement in SMEs efficiency and magnitude was crucial in the positive execution of ELG strategies implemented by the East Asian countries in the growth of their trade and industry (Singh, 1999). The SMEs took a central role in societal and economic development of many nations (UNDP, 2000). However, the growth of SMEs in Zimbabwe is weakened by many challenges that result in the failure of such enterprises and the rate of failure of locally owned SMEs is high (SEDCO, 2004; Mudavanhu et al. 2011). These SMEs are the seedbed for the growth of large corporations rendering them as the essence of industries and commerce (Storey and Westhead, 1994). In China and India, SMEs led to economic development that created employment, reduced poverty, expanded the countries' domestic markets and widened their tax base (Ballassa, 1972). These SMEs lead to the development of a competitive domestic private sector industry and an

independent market economy (Mudavanhu et al. 2011). Thus, the government of Zimbabwe sought to promote the growth of such industries with the hope of increasing macro-economic development. Investment in Zimbabwe's SMEs is welcome since the sector is the lifeblood of extensive economic development.

It is difficult to define SMEs; hence, they do not have a universal definition (Kim and Gallent, 2000; Tevera, 1998; Hemlsing, 1993). Some definitions of SMEs concentrate on indicators such as the number of personnel and the quantity of sales while others consider the total capital assets and capital per worker of the enterprises (Mudavanhu et al. 2011). The Zimbabwean definition of SMEs focuses on the number of workers and asset base. The Ministry of Small and Medium Enterprises Development (MSMED) (now the Ministry of Small and Medium Enterprises and Cooperative Development) that was set up in 2002 defines SMEs by making reference to the number of employees, total assets and legal structure (Republic of Zimbabwe, 2002). The MSMED stipulates on the number of personnel, asset base and the legal system that must be met for an enterprise to be categorised as SMEs. According to the SMEs Act (Chapter 24: 12) of 2011, small or medium enterprise means any commercial entity, corporate or unincorporated, which together with any of its subsidiaries is managed by one person or jointly by two or three persons and carries out business mainly in a sector or subsector of the economy. Thus, any reference made to SMEs therein shall be referring to the above definition.

2.3 Labour Unionisation in Colonial Zimbabwe

The colonial labour market in Zimbabwe was characterised by overt, apartheid style racial discrimination and the Labour Policy was guided by the Industrial Conciliation Act of 1934 (Ncube, 2000). Africans were not defined as employees and therefore could not organise or be part of any forum that determined employment conditions (ILO, 1978). African workers were pushed into mines, commercial farms and industry as cheap forms of labour (Ncube, 2000). However, with the growth of manufacturing sector in the late 1970s, the benefits of a stable and permanent labour force began to outweigh those of unreliable casual labour necessitating the emergence of internal labour markets and the creation of African labour unions (Ncube, 2000). Nevertheless, these unions were used as forums for control and not protection of workers' rights, they were used to oppress the workers not to emancipate them (ILO, 1978). Herbst (1990) argues that African unions did not freely bargain for wage adjustments and the right to strike was effectively removed under successive legislative amendments of the Industrial Conciliation Act. Contrastingly, white workers could be members of unions and could bargain for their employment conditions (Ncube, 2000). The dual nature of industrial

relations was evidence in the distribution of wages, for example in 1975, white workers earned an average of ten times the wage of an average African worker (Ncube, 2000). The representation of workers in colonial Zimbabwe had been suppressed by colonial labour policy of the Industrial Conciliation Act that managed to outlaw industrial action and promote labour unions that could not effectively bargain for wage increment but that were used to control black workers. Even during colonial Zimbabwe, the law was used to suppress any meaningful workers' response to capitalism. Ncube (2000), ILO (1978) and Herbist (1990) demonstrated that the state takes the side of capital and create legislations that are detrimental to the freedom of labour to unionise.

Raftopoulos (2001) argues that during the colonial period, labour organisations played a central role in the anti-colonial struggles between 1940s and 1960s when nationalist parties were banned by the colonial regime. However, there were strong tensions between labour organisers and the nationalist politicians over the relationship between labour issues and nationalistic politics (Raftopoulos, 2001). Central to these tensions was the sovereignty of the labour movement and its strategies in respect to the purposes of nationalistic parties. Raftopoulos and Phimister (1997) argue that the shift of the anti-colonial struggle to the rural liberation war in the early 1970s further marginalised urban labour organisations from both the leadership and discourse of the liberation agenda. Official histories of ZANU PF states that it was only in 1979, the year the Lancaster House peace talks that the mobilisation of the workers, intellectuals and other patriotic forces was targeted with greater force (Mugabe, 1984 cited in Raftopoulos, 2001). This is evidence of a long history of the marginalisation of labour in Zimbabwe; hence, this thesis determined the micro and macro politics at play under the contemporary labour movement with special focus given to the Chinese owned SMEs.

The available literature shows that labour relations during colonial Zimbabwe were tilted in favour of the white community and racial discrimination was rife. During those days, the labour laws outlawed strikes. There is a difference in terms of the thrust of this research on labour representation in Chinese owned SMEs thirty-six years after independence which literature on colonial unionisation under a racialized economy did not look at. There is no more colonialism to talk about; hence, the need of this researcher to carry out a study of this nature seeking to make a substantial contribution to the available literature. In addition to that, the above literature shows some of the black controlled unions that played a pivotal role in the politics of the day especially in anti-colonial struggles. Likewise, The ZCTU also played a key role in the democratisation of Zimbabwe. If unions could play such roles during colonialism and the first

decade of independence, why cannot they do something about the challenges that the workers under Chinese investors are facing? This research sought to answer the aforementioned question.

Post-colonial labour relations demonstrate that trade unions had always been marginalised in national politics because of mounting tensions between trade unionists and politicians. This research needs to determine whether this kind of animosity is still prevalent and if it is preventing trade unions from executing their duties. The government that is supposed to play a key and decisive role of the regulator in Zimbabwe has folded its hands and is watching from a distance. The government is now playing a backstage role in as much as the Chinese investors are concerned. The position of the government could be determined by its sour relationship with trade unions or some unwritten codes of conduct it signed with the Chinese investors.

2.4 Post-Colonial Labour Relations in Zimbabwe (1980-1989)

Sachikonye (1984) discusses the crisis of expectations characterising the workforce at independence at a time trade unions could not be of any meaningful assistance. At independence, African led unions and their affiliates lacked capacity to meet workers expectations since they were riddled with inter and intra squabbles that militated against their capacities to deliver meaningful services to the workers especially in the new political order (Sambureni and Mudyawabikwa, 2003, Yeros, 2013). In support, Raftopoulos (2001) argues that at independence in the 1980, the labour movement was weak, divided and had played no significant role in the discussions over the transition to the majority rule at Lancaster House in 1979. This was in contrast to the situation in South Africa where during the 1980s the basic contours of the post-apartheid labour relations system in the form of *Labona Minute*, were constructed prior to the broader political discussions on constitutional aspects of the transition to majority rule (Raftopoulos, 2001; Maree, 2012). As labour prepared to face the new Zimbabwean state, there was no united labour federation; instead, there were six labour centres with negligible labour constituencies and little legitimacy in the eyes of the new ruling party (Wood, 1988). This research goes beyond searching for the capacity of unions and internal squabbles, but answers questions on the availability of unions in Chinese owned firms in Zimbabwe. Unlike Sachikonye (1984), Sambureni and Mudyawabikwa (2003), and Raftopoulos' (2001) researches that looked at the challenges that trade unions are facing, this research puts the worker in the forefront especially that challenges that labour in Chinese owned firms is facing.

Soon after independence, against a background of repressive colonial labour relations and an accumulation of frustrations in the labour force leading to a series of strikes that broke out countrywide between 1980 and 1982 (Raftopoulos, 2001; Sambureni and Mudyawabikwa, 2003). Varying estimates of the number of strikes came out but Sachikonye (1986) puts the number at one hundred and seventy-one. These strikes were related to poor working conditions, demand for improved wages and the dismissal of white managers accused of racism (Sambureni and Mudyawabikwa, 2003). The immediate impacts of strikes revealed the lack of a strong regulatory framework for labour relations through which the new state could begin to construct the category of labour within the discourse of the post-colonial dispensation (Raftopoulos, 2001). The state used the Industrial Conciliation Act, the Law and Order Maintenance Act to arrest striking workers between 1980 and 1982 warning labour that the state would take action against workers who exhibit unpatriotic tendencies such as subordination, laziness, drunkenness and coming to work late (Raftopoulos, 2001; Yeros, 2013). The policy response of the state to labour included several interventions. From 1980 to 1981, the state introduced a series of legislative measures to provide for minimum legislation, restrain dismissals or retrenchments in the private sector and provide for workers' committees at shop floor level (Raftopoulos, 2001). The government also introduced workers' committees as a response to the political demand on the ruling party to intervene in labour disputes and structures in labour relations were meant to represent the rights and interests of workers at workplaces (Sambureni and Mudyawabikwa, 2003). In 1981, the state played a central role in the establishment of the central labour federation the Zimbabwe Congress of Trade Union (ZCTU) which was to be dominated by the state until the mid-1980 (Sambureni and Mudyawabikwa, 2003; Raftopoulos, 2001). Some of the challenges that striking workers faced during post-independence Zimbabwe could be different from the challenges that workers in Chinese owned firms are facing. Thus, my research then seeks to document the knowledge of workers in Chinese owned firms on the labour laws of Zimbabwe. A few academic researchers had looked into this area of investigation. The research is also situated in a period that is characterised by stringent labour policies and a deep and struggling economy that is coupled with sanctions. This wide array of circumstances that the workers face sets the whole debate on labour unionisation in Chinese owned SMEs in Zimbabwe on a different academic course. One that needs constant field researches. Researching on labour representation in a multinational company under such a troubled economy would add valuable information to the discipline of labour relations.

Of interest, during the twenty-first century Zimbabwe has recorded very few strikes in the Chinese dominated SMEs sector and most of the strikes that happened, even those led by unions in the public service, are termed illegal. This research seeks to determine whether the absence of strikes means the absence of meaningful labour representation through active and vigilant trade unionism. With reference to the presented literature, it is clear that the government of Zimbabwe has been responsive to the needs of labour through legislation and policies, some of which frustrates the efforts of labour to realise their rights. This research sought to find out the reasons that are making it practically impossible for the government of Zimbabwe to respond, even through legislation, to the plight of the workers in Chinese owned shops. What the government had done so far is to amend its Labour Act. The Labour Act was only amended after most workers had lost their jobs on notices. The people who work for the Chinese investors need answers, something that a research of this nature can provide.

In 1985, a new Labour Relations Act was passed to supersede the colonial Industrial Relations Act (Raftopoulos, 2001). The new Act advanced the right of workers to join unions and workers' committees; it severely restricted the right of workers to strike and concentrated powers in the Ministry of Labour and because of their organisational weakness during this period, the labour union played no substantive role in the drafting of the legislation (Raftopoulos, 2001). The weaknesses of the labour leadership translated itself to dependence on state for political patronage. In 1987, the government in Zimbabwe amended the Lancaster House constitution to remove the parliamentary seats served for whites and the ZCTU leadership made an appeal to be included in the new parliament as an interest group within ZANU PF (Raftopoulos, 2001). The ZCTU was denied the chance to take part in policy-making, formulation and national planning. In 1987 to 1988 a renewed leadership struggle emerged in the labour centre and in 1989, new leadership emerged in the ZCTU which initiated a restructuring programme in the labour market which resulted in the growth in labour affiliates and a stabilisation of leadership in the years that followed (Raftopoulos, 2001). According to Raftopoulos (2001), Morgan Tsvangirai was appointed as the new secretary general, the ZCTU began to concentrate its campaign on tripartite consultations on the Labour Relations Act and pressure to distance the state from the collective bargaining process, a demand for clarity, and commitment on the government's stated socialist programme.

The history of the struggle and the ideological disposition of the state shaped labour policies from 1980 to 1990. The government had to protect the weaker side that is the worker against the employer. Reference could be made to the thrust of the Labour Relations Act of 1985. Wage

reviews, minimum and maximum wages were fixed by the state. The state was the sole decider of most, if not all, issues pertaining industrial relations. All employers were required to apply to the Labour Relations Officers to dismiss employees found guilty of acts of misconduct. Collective bargaining within the auspices of National Employment Councils (NECs) was restricted to minor bargainable conditions of service but the major ones were statutorily determined (Sambureni and Mudyawabikwa, 2003). At this stage, the role of employers' organisations and that of trade unions was minimal and at best, that of implementers and overseers respectively of the positions arbitrarily arrived at by the state (Raftopoulos, 2001, Yeros, 2013). This research will also determine whether these are the same challenges that labour in Chinese owned SMEs is facing. The state became the sole player in industrial relations whereas trade unions and employers organisations who were supposedly championing industrial relations at workplaces were relegated to spectators in their field (Sambureni and Mudyawabikwa, 2003). This is different from the situation at paly where the government is turning a blind eye the needs of its workers under the Chinese investors. Trade unions because of their structural and functional weaknesses coupled with their linkage to the new political order, welcomed and tolerated the developments. Employers and their organisations had in frustration make to do with the situation albeit complaining about the effects of such an arrangement on productivity and company survival. Trade unions were co-opted into the governmental systems, something that incapacitated the unions.

2.5 Labour Unionisation under a Liberalised Market (1990-1999)

After the change of leadership at the ZCTU, the labour centre then distanced itself from government and the ruling part ZANU PF. However, its radicalisation stood on weak lings with the shop floor, lacking organic link with small farmers and informal workers (Yeros, 2013). Yeros (2013) argues that in the formal sector where the labour centre had penetrated, the workers there lacked familiarity with trade union affairs. Literature that is provided by Yeros (2013) shows that there was unionisation in the formal sector but lack of familiarity with trade union affairs. Yeros' (2013) research looks at labour relations from the position of trade unions; nothing is said about the workers in the Chinese owned firms, let alone the private sector. My research is focusing on labour representation from the perspective of workers. In 1990, the ZCTU led a critique of the launch of the Economic Structural Adjustment Programme in Zimbabwe, both in terms of its conception and lack of involvement in its formation (Raftopoulos, 2001; Yeros, 2013). With the advent of Economic Structural Adjustment Policy (ESAP) in 1990, the labour market was deregulated and labour laws were relaxed to align them

with the new economic order (Raftopoulos, 2001; Sambureni and Mudyawabikwa, 2003, Yeros, 2013). The relaxation of labour laws came with the Labour Relations Amendment Act of 1992 and the statutory instrument 379 and 404 of 1990 that focused on Employment Codes of Conduct and retrenchment matters respectively were promulgated (Sambureni and Mudyawabikwa, 2003). The ZCTU organised an ant-ESAP demonstration that was banned and broken up by the police, six unionist were arrested and charged under the Law and Order Maintenance Act (Raftopoulos, 2001, Yeros, 2013). The deregulation empowered Works Council and enabled NECs to deal with issues pertaining the conditions of service, dismissals, wages/salaries, and retrenchments in line with the new economic order and reduce government's powers to that of a regulator and facilitator (Sambureni and Mudyawabikwa, 2003, Yeros, 2013). The new economic order demanded that the government should encourage and strengthen the bi-partite structures at workplace and sector levels so properly constituted Works Councils and NECs became the backbone for sound industrial relations (Sambureni and Mudyawabikwa, 2003). However, Sachikonye (1999) and Yeros (2013) felt that labour relations under ESAP changed for the worse, with rapid turnover contributing to poor relations. Sachikonye (1999) and Yeros (2013) further argue that the capacity of workers' committees and trade unions to protect workers had been dented under ESAP, their capacity to wring concessions were weakened. Yeros (2013); Sachikonye (1999), Raftopoulos(2001), Sambureni and Mudyawabikwa (2003) discussed the sour turn of labour relations under difficult economic conditions of the 1990s that were driven by ESAP, however, they did not look at the prevailing economic conditions that could incapacitate trade unions and erode their importance. Labour unions in Zimbabwe are currently operating under an overly unemployed polity, thus union membership dwindled rapidly. This research gives focus to trade unionism under difficult economic conditions, it no longer ESAP that Zimbabwe is facing but now there are sanctions that forced the government to enlist the services of the Chinese investors through a 'Look East Policy.'

In 1995, midst retrenchments, price increases and Drought Levy, the ZCTU issues an ultimatum to the government to remove the levy or face nation-wide industrial action (Yeros, 2013). This resistance led to dialogue between the state and labour. After the discussion, President Mugabe was made guest of honour at the 1995 May Day celebrations after having spent the previous five years shunning the celebrations (Yeros, 2013a, Yeros, 2013). However, this did not last long because the government passed the Export Processing Zones (EPZ) that suspended the use of the Labour Relations Act (Yeros, 2013a). EPZ regulations allowed for

long working hours and working on Sundays, holidays and at night at normal pay rates, allowed employers to fire workers at will and deny them legal representation in case of disputes and prohibited strikes (The Worker 70: July 1999). Workers were subjected to mistreatment by both their employers and their government which, enacted laws and regulations that prevented them from exercising their rights. My research shall determine whether employees in Chinese owned firms are subjected to such treatment and whether the position of government has made it difficult for trade unions to represent employees in Chinese owned firms.

Sachikonye (1999) carried out a study about the contribution of ESAP to the restructuring process in the manufacturing sectors and the profound impact of that process on labour relations. The institutional and legal framework in which labour relations are conducted had gone under notable change, for example, greater flexibility has been awarded to management in recruiting and sacking workers (Sachikonye, 1999). New trends in supervision emerged as a reflection of the changes in the workplace labour regime. More and more workers were doing additional work especially in areas where retrenchments had taken place. The Labour Relations Act became more clearly supportive of unlimited managerial prerogatives to hire and fire (Sachikonye, 1999). Companies employed contract workers only and they felt freer and less afraid of the government. Workers know they will find it very difficult to find other jobs elsewhere hence; they became self-disciplined (Sachikonye, 1999). This study now needs to explore if this situation prevails under Chinese firm owners.

The ZCTU was marginalised from policy process and it attempted a different approach in 1995 to 1996 by publishing a new document entitled Beyond ESAP (Raftopoulos, 2001). During these times, labour unions demonstrated a pivotal role in the both struggles for workplace rights and democratic changes in national politics of developing countries (Sachikonye and Beckman, 1996). Sachikonye and Beckman (2010) argue that the centrality of labour unions in the process of democratic change had been documented in a number of African countries. The ZCTU with its 32 affiliates seriously challenged the state in December 1997 when it staged a demonstration against 2, 5 percent sales tax increase and the introduction of the ZESA levy, which were meant to finance the gratuities of the liberation war veterans (Sambureni and Mudyawabikwa, 2003). This is when the Zimbabwean dollar crashed, there were food riots in many cities and labour centres claimed ownership of many mass actions, which were meant to direct government to direct the economic problems (Sambureni and Mudyawabikwa, 2003). The ZCTU broadened its demands to include the issue of land, constitutional reforms and the removal of the Development Levy and the prosecution of those who looted the Housing and the War Veterans

Funds (Sambureni and Mudyawabikwa, 2003). Inaction by the government resulted in a two-day stay away on the third to 4 March 1998 to mark the beginning of direct confrontation between the state and labour (Yeros, 2013). The government engaged labour and business in a dialogue to form the Tripartite Negotiating Forum. In 1999 faced with the collapse of the economy and numerous stay away demonstrations the government responded by banning stay away demonstrations through the Presidential Emergency Powers (Sambureni and Mudyawabikwa, 2003, Yeros, 2013). Yeros (2013); Matombo and Sachikonye (2010) and Sambureni and Mudyawabikwa (2003) argue that prior to the presidential ban of stay-aways, the ZCTU had in September 1999 together with the civic society organisations including the National Constitutional Assembly (NCA) facilitated in the formation of a labour related opposition party the Movement for Democratic Change (MDC). Many trade unionists moved to MDC and some unionists won parliamentary seats on MDC ticket.

2.6 Labour Unionisation in the Context of Crisis (2000-2015)

Zinyemba (2013) argues that labour relations in Zimbabwe centre on the tripartite arrangements between the state, the employer and employees. State involvement in labour relations is fraught of challenges that emanate from its role as an employer of the majority of formal workforce, rule maker, protector of labour standards and citizenship rights and regulator of macro-economic policies (Zinyemba, 2013). In response to economic stagnation experienced in Zimbabwe, the state came up with a number of economic policies that negatively affected the growth of the economy resulting in high inflation, high unemployment rates and the growth of the informal sector (Zinyemba, 2013). The introduction of the Access to Information and Protection of Privacy Act (AIPPA) and the Political Order and Security Act (POSA) in 2002 by the government compromised the role of the state as the promoter of citizenship and democratic rights (Zinyemba, 2013; Sambureni and Mudyawabikwa, 2003). Implementation of POSA effectively prohibited labour forums and meetings whereas AIPPA restricted access to presentation of politically sensitive information (Zinyemba, 2013). Implementation of these pieces of legislation led to the arrest, detention and sometimes torture of opposition activists, some of whom were labour activists (Matombo and Sachikonye, 2010; McCandless, 2011). The main opposition party, the MDC T and MDC both emerged from the ZCTU. To frustrate and fragment the opposition labour backed movement the state registered the Zimbabwe Federations of Trade Unions (ZFTU) as an alternative labour centre silencing labour and public servants who could not go against their employer (Zinyemba, 2013; Sambureni and Mudyawabikwa, 2003).

The then Minister of Public Service, Labour and Social Welfare, Professor Jonathan Moyo (2001) cited in Sambureni and Mudyawabikwa (2003) said that the government see the political dimension of ZCTU as negatively affecting industrial relations since this has resulted in less attention being given to pure labour relations. In 2001, Zimbabwe witnessed the factory invasions, which were the entrance into companies by the members of the War Veterans Association claiming to assist workers whose grievances were no longer looked into by ZCTU that had become political (Sambureni and Mudyawabikwa, 2003). The invasions brought serious confusion at workplaces for some employers were beaten up and some foreign owned companies threatened to close (Sambureni and Mudyawabikwa, 2003).

The economic depression in Zimbabwe led to many companies closing down resulting in increased unemployment that is reported to be more than 70 percent of the population (Zinyemba, 2013). Most people earn US\$467 per month, which is below the poverty datum line of US\$503 per month for January 2013 (Zinyemba, 2013). The poor economic situation gave rise to the informal sector that can negatively affect activism. Mass activism has been rendered difficult and ineffective because poverty and informalisation means that people focus on making a living and have a little time for union activities (Raftopoulos, 2009). In support, Zinyemba (2013) argues that when unemployment is high, the bargaining power of workers is reduced, poor wages and poor working conditions prevail as well as dwindling trade union membership.

With the recent seventeenth of July 2015 court ruling upholding an employers' common law right to terminate employment on notice in the case of Don Nyamande and Kingstone Donga versus Zuva Petroleum (Private) Limited, the Zimbabwean Labour Act has been exposed of its weaknesses (Bill Watch 32/2015). The ruling followed ensuing reliance on this ruling by employers rushing to terminate the employment of many thousands of workers by giving them notices rather than going through tenuous formal retrenchment processes in accordance with the labour act (Bill Watch 32/2015). The section 12 (4) or section 12 (b) of the labour act has nothing to abolish the common law to give notice in accordance with a contract of employment. This is evidence that labour relations in the context of crisis in Zimbabwe had been weakened and unionisation means nothing in the face of an employer.

From the current literature that has been presented under this section it can be safely said that much has been left out to explore the labour representation in MNCs, let alone Chinese owned Small to Medium Enterprises. Much of the literature has focused on the politics of labour

relations at macro level; little had been said on the politics that are inherent at micro level, at shop floor level. This study covered this study gap. So much needs to be researched on especially on labour unionisation under the current Zimbabwean economic crisis. Little has been said; hence, the need to give labour relations a fresh breath. This study will also explore if there is any form of representation in Chinese owned firms.

2.7 Zimbabwe's labour legislation

This study focuses on labour representation in Chinese owned SMEs; hence, it is laudable to give an outline of Zimbabwe's legal rights and privileges that the law confers to workers when they enter into work relationship with the employer. The Labour Act (Chapter 28: 01) of Zimbabwe regulates labour issues in the country. The Labour Act mainly functions to define and pronounce the essential rights of employees, to give effect to the global commitments of Zimbabwe as a member state of the International Labour Organisation (ILO) and other transnational organisations or other conventions governing conditions of service in which Zimbabwe ratified (The Labour Act 28:01). The Labour Act of Zimbabwe also defines unfair labour practices, controls the condition of service and other related matters. The provisions of the Labour Act are many. These include; providing for the regulation of wages and salaries, providing for the selection and roles of the workers committees and to provide for the formation, registration and function of trade unions, employer organisations and employment councils. The Labour Act (Chapter 28:01) of 2006 also regulates the scope, negotiation and implementation of collective bargaining settlements, provides for the formation of the labour court, provides for the deterrence of disputes and unfair labour practices, regulates and controls collective job practice, regulates and controls work agencies and provides for matters related to the preceding.

The labour laws of Zimbabwe apply to employees in different companies. Section 2 of the Labour Act 28:01 describes an employee as an individual performing work or services for another for compensation or reward in terms of the conditions that the employer set. Article 23 (1) of the Labour Act 28: 01 provides for employees to form workers committees to represent their interests provided that no managerial employee shall be appointed or elected to a workers committee, nor shall a workers' committee represent the interests of managerial employees, unless such workers committee represent the interests of managerial employees appointed or elected to represent their interests. Article 56 and 57 of the same Act provides for employees and employers to form an employment council to regulate their sector.

Besides the Labour Act 28: 01, Zimbabwe's constitution also provides for the protection of employee rights. Section 65 of the constitution of Zimbabwe provides for Labour Rights. These rights include the right to fair and safe labour standards and to be paid a fair and reasonable wage, right to form and join trade unions and employee or employers' organisations of their choice and to participate in the lawful activities of those unions and organisations. Every worker except for those in the security sector, has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and take other similar concerted action, but the law may restrict the exercise of this right in order to maintain essential services. Every employee is entitled to just, equitable and satisfactory condition of work. Except for members of the security services, every employee, employer, trade union and employee or employer's organisation has the right to engage in collective bargaining, organise, form and join federations of such unions and organisations. These and other labour rights are enshrined in section 65 of the constitution of Zimbabwe.

2.8 Chinese industrial relations and the exploitation of workers

China's economy varied itself at an indeterminate speed making the social tissue and the employee relations suffer a lot (ICFTU, 2005; Philipp, 1993 cited in Szell, 2010). The minimum wages are also discussed in China and so low that workers have to labour for extra hours, mostly forty to fifty hours (Szell, 2010). There is a deficiency of employment benefits and extensive hire and fire principles in China (He, 2004 cited in Szell, 2010; Yi, 2009). In terms of labour representation, the All-China Federation of Trade Unions (ACFTU) has more than 160 million members; however, it is not independent from the government (Szell, 2010). Trade unions manage the health, welfare, safety of employees but ACFTU recorded poor results, and these poor results are causing 130,000 rebellions every year for loss of income, non-respect of worker's rights including the killing of executives, businesspersons and other workers (Szell, 2010). There are poor negotiations of collective agreements and the workers' right to collective job action is not respected (Clarke et al. 2004). Some NGOs, labour activists and lawyers fill in the void sometimes under severe tyranny by authorities (Quan, 2005 cited in Szell, 2010, Yi, 2009). Students of labour law have opened shops to counsel workers free of charge whilst some scientists and union leaders call for action to create real trade unions with full labour rights (Change et al. 2008 cited in Yi, 2009). This shows the existence of weak labour relations in China that needs to be improved.

In relation, Szell (2010) argues that labour conflicts of various forms, whether formal complaints to the arbitration councils, wildcat strikes or street protests within and outside the

formal labour relations have seen explosive growth since the 1990s. The growth of collective bargaining coverage and labour protests/disputes indicates that the institutionalisation of industrial relations by official actors may not be producing the desired effects of social harmony (Chang, 2009 cited in Szell, 2010). Labour related protests accounted for 46.9 percent of the collective protests in 2003 clearly demonstrating that labour issues have become a major source of social tension and conflicts in China (Szell, 2010). Considering the state of labour related affairs in China, there is not much to expect from Chinese investors.

The economic modification in China led to the replacement of governmental regulation of industrial relations by contractual regulation with an accumulative emphasis on the role of the collective contract structure (Clarke et al. 2004; Sundar, 2004). This new legal structure centred on the legal and contractual regulation of labour relations as a scheme for the tripartite resolution of labour differences, and the growth of employee collective discussions between trade unions and tripartite discussions (Clarke et al. 2004). Initially, these new institutions seemed familiar to industrial relations professionals while the Chinese authorities played down any proposals that might be a means of unifying interests (Clarke et al. 2004; Sundar, 2004). These similar labour relations concept are not applicable to the Chinese situation, for collective consultation does not signify the categorisation of the terms and settlement of contradictions between owners and employees (Clarke et al. 2014). The 1994 Labour Law solemnised the contractual regulation of industrial relations, separate labour contracts were put in place of assured state occupation for life, became the custom for all workforces and by the end of 2001, twenty million workers had engaged such contracts (Sundar, 2004). The governmental basis for the use of collective contracts were first laid down in the Trade Union Law of 1992 while the Labour Law of 1994 provided for a more thorough description of the character of such collective contracts (Warner, 1995). The Ministry of Labour preferred to regulate industrial relations centred on individual contracts and had no plans for the complete use of the collective contract system.

Collective contracts were viewed by ACFTU as extensions of democratic involvement in the administration and principal means of regulating labour relations in the emerging market economy (Clarke et al, 2004; Sundar, 2004). By 2004, the collective contracts had formerly been introduced with the sustenance of higher trade union boards that offered training services and modelled contracts but either these higher trade union boards or the indigenous Chinese labour section played an active role in collective consultation (Sundar, 2004; Clarke et al. 2004). However, the roles of ACTU in the shift to a market economy were twofold. As a trade

union, its function is to guard the rights and welfares of workers, who increasingly came to contradict with the needs of employers as the latter place efficiency and viability over the occupations and safety of the former (Clarke et al. 2004). The party assigned ACFTU a responsibility to encourage changes and to uphold social stability. The more liberal units in the ACFTU did not see any conflict between their two roles. They held that social stability could be best sustained if the trade unions can successfully protect the rights of their members, but conventional units in the trade unionist and the party were watchful of trade unions taking part in activities that might hearten labour unrest (Sundar, 2004; Clarke et al. 2004).

The employers are determined to maximise profits and the success of the business is no longer an adequate condition for the prosperity of its workers (Clarke et al. 2004). Management may and gradually does seek to ensure the success of the company by closing or trading off facilities, holding down or not disbursing wages and social benefits (Sundar, 2004). This compromises the healthiness and safety of the workers, laying off workers, increasing the workload and extending the working day (Clarke et al. 2004). The principal functions of the trade union at the work still tend to be administrative functions (Chan, 2000; Ding et al. 2002; Li, 2000). The provincial function of the trade union was to take the economic expansion as its essential mission by encouraging personnel to escalate output, implementing labour discipline and directing extensive propaganda on behalf of management (Clarke et al. 2004). The protection of rights and interests of workers is at best understood as observing managerial practice to guarantee conformity to all the significant laws and guidelines, applying the social and welfare policy of the enterprise by visiting sick workforces, dealing with individual problems, allocating benefits, organising and arranging picnics (Clarke et al. 2004). For most trade union cadres, protecting and representing the rights and interests of the affiliates in opposition to those of the employer is something unaccustomed, if not foreign to the old idea of their role (Clarke et al. 2004). Chinese trade unions are subordinated to management and are just an extension of management since the executives from trade unions are drawn from the administrative ranks (Cooke, 2002; Ding et al. 2002; Clarke et al. 2004). A full time trade unionist is paid by the company and enjoys the status and salary of a deputy general director of the enterprise, the private careers of the positions of party cadre, union leader and enterprise manager (Baek, 2000). The management appoints formal trade union chairs (Li, 2000). The bulk of trade union agents at every level similarity are directors or team leaders.

In China, there are certain companies that exploit the workers without fear of being prosecuted because there is poor enforcement of the law (Chan, 2010; Lan, 2009). In 2010, there were

reports of exploitation in China's multi-million electronics manufacturing company of Foxconn that has famous clients such as Nokia, Apple, Dell, Hewlett-Packard, Sony among others (Chan, 2012). Workers worked for long hours with reduced overtime payment (Chan, 2012, Lan, 2009 and Qiu, 2010). Such giant electronic company was never sued even though China's New Labour Contract Law of 2008 regulate overtime work and overtime work compensation (Chan, 2012). The law states that it is illegal to force any worker to work overtime or do so in a disguised form and if an employer arranges overtime work, the worker must be compensated for their extra efforts (Qiu, 2009). The law is right on paper but there is poor enforcement of the law, hence the New Labour Contract Law fails to safeguard the basic rights of workers. This research wanted to demonstrate whether the experiences of workers in China are the same experiences of workers in Zimbabwe who are working for the Chinese investors. If there is exploitation and disregard for labour laws by the Chinese employers in Zimbabwe's SMEs then that would mean that Chinese owned multinational companies import the exploitation of workers to countries that they chose to invest in. these and other issues shall be discussed in this research.

2.9 Conclusion

Literature review summarised the history of labour unionisation in Zimbabwe. The themes that were discussed include the nature and definition of SMEs in Zimbabwe, labour unionisation in colonial Zimbabwe, post-colonial labour relations in Zimbabwe (1980-1989), labour unionisation under a liberalised market (1990-1999), labour unionisation in the context of crisis (2000-2015), Zimbabwe's labour legislation and the Chinese industrial relations and exploitation of workers. The reviewed literature is mainly from Zimbabwe, there are certain areas where there are comparisons with labour unionisation in other African nations. The review of literature gives reason to carry out this study and helps to regulate the nature of investigation going outside the quest for information, to include the documentation of the relationship between the available literature and labour representation in Chinese owned SMEs Zimbabwe. Much of the literature demonstrated the existence of a long history of antagonism and contradiction in the capital-state-labour relationship. It was the main thrust of this paper to discuss the politics of labour representation in Chinese owned SMEs in Zimbabwe. During the course of the discussion, some comparisons between labour relations in China and labour relations in Zimbabwe by the Chinese investors.

CHAPTER 3:

METHODOLOGY

3.1 Introduction

This chapter presents the research methodology that was used in this research. The methodology outlines a description of how the research was carried out. The important components of the research methodology included in this study are the research design, sampling procedures, data collection methods, data analysis and the ethical considerations. The chapter also looks at the challenges that the researcher faced in the research field. Research methodology refers to a way of systematically solving the research problem (Kothari 2004). This section discusses the qualitative and the quantitative methodology approaches that were used to address the goals set for this study. The data collection methods that were used in this study include surveys, in-depth interviews and key informant interviews.

3.2 Research Design

Barbie and Mouton (2008) define a research design as a plan to a research problem that guides and informs how the study was carried out. A research design includes the ways through which data was collected and the types of instruments that were used (O’Leary, 2004). Research designs comprise of the qualitative methodology, the quantitative methodology and the mixed methodology. This research made use of the qualitative methodology and semi-structured questionnaires that were qualitative in nature to examine the politics of labour representation in Chinese owned SMEs. Multiple strategies of field research were used order to overcome the problems that stem from studies relying upon a single method and single set of data (Burgess 1984, p.144). This researcher used semi-structured questionnaires to get entry into the research field and these were complemented by in-depth interviews and key informant interviews. The entry point of the research was through managers in Chinese owned shops, to whom the researcher explained the purpose of the study. The research used an exploratory research design because the researcher’s state of knowledge on the politics of labour representation in Chinese owned SMEs is poor, of small scale and the research is of limited duration.

This study used semi-structured interviews to get entry into the field through distributing questionnaires. The semi-structured interviews have a series of open ended questions and some close ended questions that can be analysed using the thematic approach, the results of which were presented using statistics, tables and main themes that emanated from the open ended questions. As the researcher, I gained entry through shop managers and after gaining entry, I distributed field level questionnaires to establish a rapport between the respondents and the

researcher. I made use of the qualitative research methodology of in-depth interviews as a follow up to the responses from the survey. A qualitative research is concerned with developing explanations of social phenomena aiming to help researchers to understand the social world they live in. On this regard, qualitative methodology helped the researcher to identify the challenges that are related to labour representation and the ways through which workers in Chinese owned SMEs are navigating their way around the challenges of labour representation. A qualitative methodology is a holistic approach that can be used to explore new issues in labour representation.

The final stage of the research saw the researcher using the knowledge and experiences of key informants to fill in the information gaps that were left behind by workers in Chinese owned SMEs. Of these key informants, the researcher made use of fellow labour researchers, labour officers, leaders of NECs, and labour consultants. These key informants had knowledge on the politics of labour representation at play in Chinese owned SMEs. They helped me as the researcher to identify the challenges related to labour representation, to ascertain whether this group of workers belong to any worker representation body.

3.3 Selection of respondents

This study was carried out in the Central Business District (CBD) of Harare urban district found in the metropolitan province of Harare, the capital city of Zimbabwe. Harare province has the largest population of all the ten provinces of Zimbabwe with a total population of two million. The province comprises of four districts that are Harare Urban, Harare Rural, Chitungwiza and Epworth. Harare is the capital city and the business hub of Zimbabwe, hence the decision by the researcher to carry out the study there. Due to numerous reports of the collapse of industry in Bulawayo, I did not carry out my research there. With the fact that Harare is the capital city and the business hub of Zimbabwe, Chinese owned Small to Medium Enterprises would be located there. The researcher carried out a pilot survey to determine the number of Chinese shops in Harare's CBD and then randomly selected twenty-five shops from the list of the shops at his disposal. Twenty-five Chinese owned SMEs were randomly selected to allow the researcher to distribute at least two questionnaires at each of the selected shops.

The researcher used simple random sampling to select a sample of fifty respondents from workers in Chinese owned SMEs to fill in the questionnaires from the survey. Only willing participants were included in the sample and the number of respondents decreased to thirty due to unwillingness and mistrust on the part of the employees in Chinese owned shops. I used my

researcher discretion to select the most productive sample to answer the research questions and in this case, the workers in the Chinese owned Small to Medium Enterprises. Through systematic random sampling methods, the researcher then selected a sample of ten respondents from the sample of thirty who answered the questionnaires to respond to in-depth interviews. The researcher used a systematic random sampling method to select respondents to give each respondent an equal probability of being selected, even though combinations of respondents have different probabilities. Population size N , desired sample size n , sampling interval $k=N/n$. in this case $N=30$, $n=10$, $k=30/10=3$. After every third unit, the researcher selected a respondent until the desired sample of 10 was selected.

Five respondents who have special expertise in labour issues (key informant sample) are going to be selected using convenience sampling. The researcher conveniently selected two labour officers, one labour consultant and two members of the National Employment Council. The researcher used convenient sampling to select key informant sample because these respondents had the key purpose of filling in the information gap to the research and it was easier for the researcher to access the respondents since most of them were at their workplaces. Key informant sample helped the researcher to address the problem of representativeness and sampling errors.

3.4 Data Collection Methods

3.4.1 Semi-structured interviews

In a semi-structured questionnaire, the researcher asked a series of open-ended questions, with complementary questions that probe for more comprehensive and related data. Respondents' answers offer rich, in-depth data that helps us to appreciate the distinctive and shared matters of lives, and connotations credited to lived experiences (Sprenkle and Piercy, 2005). Semi-structured interviews are a specific type of field study that involves the collection of data from a sample of workers in Chinese owned SMEs, drawn using a questionnaire (Babbie, 1990). The semi-structured interview method was used as a run-up to an in-depth data collection from individual research participants as it is the most suitable method to get biographical and historical information from the workers in Chinese owned SMEs. The questionnaire's design was in simple everyday English that the workers in Chinese firms could effortlessly comprehend and included open-ended questions where the respondents filled in their answers. As an introductory phase of the fieldwork, the administration of this research tool acquainted the researcher to the participants. The introductory section had a self-introduction by the researcher, a brief description of the purpose of the research and the research objectives since

these issues are integral to research (Spradley, 1979). The same section informed respondents that it was their right to choose to or not to participate in the research. The section also informed the informants that the researcher respected their decision. In order to obtain the basic demographic data on workers in Chinese owned SMEs, the questionnaire asked brief questions that were presented in a logical order that required concise and clear responses. Respondents were asked to provide their demographic information on age, marital status, number of children, educational qualifications, knowledge and membership to any trade union.

3.4.2 In-depth interviews

In-depth interviews are qualitative research techniques that involve conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, program, or situation (Boyce and Neale, 2006). Burgess (1984) defines in-depth interviews as non-formal, flexible and unstructured methods of inquiry that can exploit respondents' assistance. In-depth interviews were useful in examining detailed information about respondent's knowledge on the challenges of labour representation in Chinese owned SMEs in Harare as well as ascertaining ways through which workers in Chinese owned SMEs are navigating themselves around the challenges of labour representation in depth. Interviews were used as a follow up on the questionnaires to offer a more complete picture of what is happening in Chinese owned SMEs concerning labour representation. In-depth interviews helped the researcher to document the respondents' knowledge of the existence of labour laws in Zimbabwe. The primary advantage of in-depth interviews to this research is that they provided much more detailed information than what is available through the survey (Boyce and Neale, 2006). They also may provide a more relaxed atmosphere in which to collect information where the respondents may feel more comfortable having a conversation with the researcher on the politics of labour representation in Chinese owned SMEs as opposed to filling out a survey.

3.4.3 Key informant interviews

Key informants have the special knowledge on labour relations and they are useful to the researcher in helping him to ask appropriate questions in a clearest and most productive manner. The key informants in this respect were labour officers, labour relations research fellows and leaders of labour unions, members of NEC and labour consultants. Chosen key informants managed to formulate connections between different questions and issues, which were otherwise not visible to the researcher. Key informant interviews helped to address problems of representativeness and sampling errors. Key informants helped the researcher to

clarify some of the responses that the researcher is going to get from in-depth interviews and questionnaires.

3.5 Data Analysis

This research used the thematic approach to analyse qualitative data. Thematic data analysis is the analyses of data using common themes that emerge during data collection process. In the analysis of data, themes about the politics of labour representation in Chinese owned Small to Medium Enterprises were used. The researcher has decided to use this approach because views on the politics of labour representation were less measurable in quantitative terms, and a qualitative data analysis thematic approach was helpful because more themes that arose during the research were accounted for.

To enter some of the data from semi-structured questionnaires the researcher used the Statistical Package for Social Sciences (SPSS Version 21). The data was double-checked before and after entry for completeness and accuracy. The researcher used frequency distributions to check for data entry errors and coding errors. The researcher identified the common themes that were emerging from the open-ended questionnaires and presented them in thematic form together with data from key informants and in-depth interviews.

3.6 Ethical Considerations

Since most of the sociological researches are conducted with human participants then this researcher put the welfare of these respondents as a top priority in the research process. Ethics are humane treatment to the respondents that reduced risks to research participants. These include informed consent, protection of privacy, and adequate debriefing. According to Lipson (1994), informed consent is a mechanism of making people understand what it means to participate in a research so that they can decide in a conscious deliberate way whether to participate or not to. The researcher explained the potential risks and benefits if there are any in participating in the research and informing the participants about their rights including the right to withdraw. This was laid out on the introductory part of the questionnaires. Confidentiality gave research participants the right to privacy to the information that they gave. To ensure this the researcher used pseudo names instead of the respondents' real names. Punch (1994) stipulates that adequate debriefing gives participants a general idea of what the research is going to investigate and why. Briefing allows the researcher to be more acquainted to the participants before the interview commences. It creates a fear free environment and loosens up the respondents.

3.7 Methodological Challenges

As the field researcher who worked with no assistants, I faced a plethora of challenges. This subsection presents the methodological challenges that the researcher faced in the field and the solutions that I offered to these challenges. These challenges include the general mistrust among the respondents, hostility, unfilled questionnaires, and issues to do with the fluidity of power.

3.7.1 General mistrust among the workers/respondents

I observed that there is general fear and mistrust among the workers. The respondents also said that they are afraid and they do not have common ground. Gertrude said, ‘there is no trust amongst us workers. *Hauzivi kuti zvinosvika kupi. Hauzivi zvinofunga mumwe wako* (you do not know where it could end. You do not know what your fellow colleague is thinking.’ The respondents said that it was difficult for them to organise and have a works council or workers’ committee with that kind of mistrust. On several occasions, I was told to come later after the workers hold their own background meetings to decide whether to entertain me, answer the questionnaires and be research participants. These workers have no offices and are always milling around. Interviewing them after work was difficult for it could be late and they come to work every day of the week. The respondents said that there were some individuals who approached them pretending to be researchers, only to be discovered that they were spying for the Chinese employers. I approached individual workers and gave them the questionnaires to fill at home. In most cases, I approached the managers who later talked to the employees that it was okay for them to answer the questionnaires and the managers would assure the respondents that I was not spying for the Chinese employers. Even though some respondents agreed to answer the research questions, they requested that I should fill in the questionnaire whilst they tell me the responses. Some of the respondents requested that I give them the questionnaires to answer at home. Due to the unwillingness of the respondents to answer the questionnaires, I ended up reducing my sample size from fifty respondents to thirty respondents. The non-willingness of the research respondents to fill in the questionnaires prolonged my field research.

3.7.2 Some questionnaires where returned with no responses

Initially I had planned to distribute fifty questionnaires in twenty-five Chinese owned shops, however due to the unwillingness of the Chinese owned firms I ended up reducing the sample size to thirty. Of the thirty questionnaires I distributed only twenty-two were filled in, that is 73.33 percent response rate. This non-response became one of the challenge since most of the

respondents said they have families and finish work late. They did not have time to fill in the questionnaires. However, the respondents agreed to have interviews on Sundays when business is low and when there are few workers at their workplaces.

3.7.3 Hostility

I faced hostility from the respondents who thought that I was spying for the Chinese investors. One of the managers who was a gatekeeper told me that he did not have time for my questions. He said that I should try other shops. In such scenarios, I simply had to move on and try other shops where the managers were not hostile. One manager told me that the choice of my research field is wrong and I was told to change and do something researchable, not the Chinese. With determination and courage, I did not change my research area and when faced with such responses I simply moved to the next shop.

3.7.4 Power dynamics in the field

Issues of power dynamics were also prevalent in the field. In most cases after asking the questions, the respondents would throw it back to me to answer. I overcame this by telling the respondents that I was going to give them time to ask their questions so that I would not lose control of the interviews. Where clarification was needed, I had to explain. Some of the questions that the respondents who work for the Chinese investors include: who is the minister of labour and social welfare? Where can we find the ministry's offices? Where can we find trade unions to represent workers? They said that I was knowledgeable and should answer most of their questions.

3.8 Conclusion

This methodology chapter described how the research was carried out. The important components of the research methodology included in this study were the research design, sampling procedures, data collection methods, data analysis and the ethical considerations. The chapter also looked at the challenges that the researcher faced in the research field. This section discussed the qualitative approaches that were used to address the goals set for this study. The data collection methods that were used in this study include surveys, in-depth interviews and key informant interviews.

CHAPTER 4:

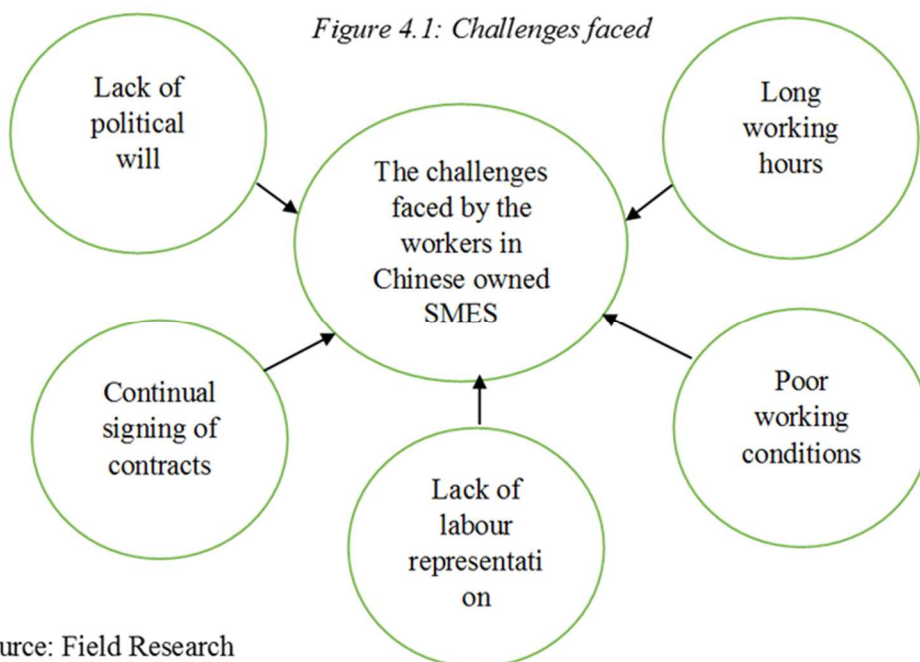
PRESENTATION OF FINDINGS

4.1 Introduction

This chapter presents the data collected during the study focusing on the politics of labour representation in Chinese owned Small to Medium Enterprises (SMEs) in Harare's CBD. The data in this chapter is presented in thematic form, statistics and tables. Data presented in this chapter was collected through key informant interviews with the labour researchers, labour consultants, and labour officers; in-depth interviews with workers in Chinese owned shops and field questionnaires that were filled in by workers in Chinese owned SMEs. Pseudo names are used to protect the respondents from victimisation by their employers or to prevent any other possible harm to the respondents as stipulated in ethical considerations.

4.2 Challenges Faced by Workers in Chinese Owned SMEs

This section presents the challenges that are faced by workers in Chinese owned SMEs. The challenges that these workers face include long working hours, poor working conditions, continual signing of contracts at work, lack of labour representation and lack of political will on the part of the government. These challenges are presented in thematic form aided by tables and statistics where possible. Figure 4.1 below summarises diagrammatically fieldwork results on the challenges faced by workers in Chinese owned SMEs.



Source: Field Research

4.2.1 Long working hours

The results from the field proved that 81.8 percent of the respondents who work for Chinese owned Small to Medium Enterprises (SMEs) said that they work for long hours to an extent that they do not have time with their families. 50 percent of the workers responded that they usually work from seven am to seven pm. Mr Jean (a labour officer) said

Their working hours are outrageous and unreasonable. They work mostly from Monday to Sunday with the fortunate ones working for a half day on Sundays. Their working hours are more than the normal working hours that we have here in Zimbabwe. They usually work from seven am to seven pm for a paltry salary.

The table below presents the number of working hours for the employees in Chinese SMEs. The table shows that fifty percent of the workforce works for eleven to twelve hours per day, 31.8 percent work for nine to ten hours per day and 18.2 percent work for six to eight hours per day. Of all the respondents, only 18.2 percent of them are working for the regulated hours at their workplaces.

Table 4.1 Number of working hours per day

No. of working hours per day	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 6-8	4	18.2	18.2	18.2
9-10	7	31.8	31.8	50.0
11-12	11	50.0	50.0	100.0
Total	22	100.0	100.0	

Mr Tichafa, a labour consultant, argued that the long working hours could be caused by cultural differences between the Chinese investors' working culture and the Zimbabwean working culture. He said

The Chinese are not only bringing investment and material goods but they are bringing in a culture of their own. This Chinese culture manifests in different ways and a good example is the structure of the Chinese working day that is different from that of Zimbabwe. Our working day structure is ordinarily eight hours and twelve hours for the Chinese is normal.

The employees in Chinese shops reiterated that above long working hours, they are underpaid and receive salaries late. Most of the workers expected to be paid overtime after working long hours but they receive none. Ms Charity, a labour officer, said that workers in Chinese owned SMEs rank amongst the least paid labour force in Zimbabwe because their employers do not abide by the gazetted wages. She said, '*kana vachibhadharwa mawages* (when they are paid wages) that are below the poverty datum line it impinges on the workers' living standards. Most of the workers are living in abject poverty.' Tanaka (a till operator) said that they are underpaid. Mr Jean supported this by saying that the Chinese employers think that labour ought to be cheap in Zimbabwe. Mr Jean said that the Chinese are getting this from their country where labour is cheap and abundant.

To make matters worse the workers said that they are not given leave days. The table below shows statistics on the number of workers who are given leave days at their workplaces in Chinese owned SMEs. The data presented in table shows that only 22.7 percent of the interviewed workers are given leave days at their workplaces while 72.7 percent are not given leave days. Of the respondents, only 4.5 percent had missing responses. The workers who are working on daily basis are not given time to rest.

Table 4.2 Statistics of workers who are given leave days

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	5	22.7	22.7	22.7
no	16	72.7	72.7	95.5
99.00	1	4.5	4.5	100.0
Total	22	100.0	100.0	

4.2.2 Poor working conditions

The workers in Chinese owned SMEs reported that they work under harsh conditions that are characterised by unsafe, cramped and poorly ventilated warehouses and shops. The employees reported that their meagre salaries are heavily deducted based on absenteeism even for good reasons. One worker, Tanaka reported that he had his salary deducted for attending his mother's funeral. The workers also reported that their working conditions are so harsh to such an extent that they lack social lives. Mr Jean said that the Chinese investors do not abide by Zimbabwe's

labour laws. He said that there are reported cases of sexual harassment, physical and verbal abuse in Chinese owned SMEs.

Gertrude, a shop assistant, said that there is a lot of victimisation on the part of employees. She said

I think *wakambovehengawo* (you read) several articles in the newspaper *paunonzwa kuti muChina arova mushandi wake* (where you have heard that a Chinese investor had beaten up his employee). *Zvaunoverenga zvose about maChinese is real bhudhi* (What you read about the Chinese investors in Zimbabwe is real brother) because we face all that on daily basis. Due to the prevailing harsh economic conditions, we have no option other than being beaten up and work in silence. Complaining and going to the labour officers would not give us food on the table. At least *maChina arikutipa mabasa* (the Chinese are employing us).

Asked why they do not report their cases to the Ministry of Labour and Social Welfare or labour officers from the National Employment Council, most respondents said that their employers have so much money to bribe them and the employers would then lose the case and risk losing their jobs too. Tanaka said,

Wangu chero ndikareporter maChinese anopomba bag and ini ndosara ndiri pamaone pabasa. Ndinenge ndave kunzi ndakura musoro and nguva zhinji pabasa ipapo unotopabva nokuti unenge wave kubatwa rough (my friend even if I report these Chinese investors pay bribes and I would have put myself in deep trouble at my workplace. My employer would be seeing me as a trouble causer and as someone who is thick headed).

However, Mr Tichafa had a different opinion on the harsh conditions faced by employees in Chinese owned SMEs. He said calling the conditions harsh would be too much. For him and other like-minded key informants it is a matter of perspective. He said,

In one sense what we term harsh working conditions are not harsh, for the Chinese employers it is normal. Most of these Chinese employers work to beat project timelines since they could be operating on project basis. In their desire to beat project timelines, the Chinese employers would end up flouting Zimbabwe's labour legislation.

4.2.3 Monthly signing of contracts

From the field questionnaires that I distributed I found out that 68.2 percent of the labour force are employed as contract workers, with 18.2 percent being fulltime employees. Only 13.6 percent reported that they are part time employees. The majority of workers in Chinese owned firms are contract workers. Most of the respondents said that they sign these contracts on monthly basis without having knowledge as to why they are doing that. Most of them clearly pointed out that they also want to be permanent employees and avoid living in fear of losing their jobs. Key informants said that this would mean that the employer could avoid paying pension benefits to NASSA and avoid so many working benefits that come with being a permanent employee.

Table 4.3 Employment status

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid part time	3	13.6	13.6	13.6
full time	4	18.2	18.2	31.8
contract	15	68.2	68.2	100.0
Total	22	100.0	100.0	

Mr Tichafa said that the signing of contracts on monthly basis would mean that the employer could arbitrarily terminate these contracts anytime. Most key informants said that this explains why there is general fear amongst the workers in Chinese owned firms. The workers' employment conditions are precarious and they live in constant fear of losing their jobs.

4.3.4 Lack of labour representation

Affiliation to labour representation boards is zero. A 100 percent of the workers interviewed reported that they are not members of any trade union and 95.5 percent reported that they do not have workers' committees at their workplaces with only 4.5 percent reporting that they have workers' committees.

Table 4.4 Workers' committees at work

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	1	4.5	4.5	4.5
no	21	95.5	95.5	100.0
Total	22	100.0	100.0	

The employees said that there is lack of labour representation in Chinese owned SMEs. Trade unionists pointed out that this lack of representation would amount to unfair dismissals and unwarranted job losses. Most of the workers said that being members of trade unions would mean trouble for them since they would be treated with suspicion at their workplaces. In support, Ms Charity said, 'should one join a trade union, then his or her life would be torrid and miserable at their working places. Once *wangonzi uyu imember yetrade union chances are high kuti basa ropera* (once you become a member of a trade union your chances of losing employment are very high).' Even if it is the right of employees to form trade unions, Mr Tichafa said that on practical basis some of the employers could deliberately make it impossible through victimisation. Most of the key informants said that employees in Chinese owned firms lack knowledge of the existence of forums such as conciliation and arbitration.

Some workers pointed out that if there is some form of representation by the National Employment Council (NEC) or the Ministry of Labour and Social Welfare, the amount of corruption and the acceptance of bribes is tremendously high. The labour officers who had been empowered to rule over disputes have been put at the mercy of Chinese investors who are more than willing to pay bribes and have their cases swept under the carpet. Mr Tichafa said:

It is common knowledge that our beloved Zimbabwe is facing economic challenges and the greatest enemy of a compromised economy is corruption. Labour officers from the Ministry of Labour or National Employment Council find themselves at the mercy of fat pockets of certain Chinese investors who may want to cut corners. *Saka hanzi panorwa nzou uswa ndihwo hunopinda maone* (when two elephants fight the grass suffers most). The grass in this case is the employee.

The reasons that were given for this lack of representation are that workers in this sector of the economy are paid less meaning to say the levy that goes to trade unions would be low to finance their operations. Mr Jean said

Unions can represent these workers but the problem lies with the workers themselves. For them to be represented they need to be properly organised. Should the workers remain unorganised and divided, then it becomes very difficult for unions to represent them. *Ivo pachavo havana* (the workers themselves do not have a) common position. They are afraid of joining trade unions, thus, making it difficult for the unions to go there and penetrate.

The National Employment Council represents registered companies and most of Chinese owned SMEs are not registered under the labour regulating board.

Other key informants argued otherwise. They said that Zimbabwe has a highly literate labour force hence it makes it common knowledge that they should be represented by trade unions, or have works councils and workers' committees at their workplaces. Mr Tichafa said,

Whether they are represented or not it is a matter of choice. Trade unions are voluntary organisations and no one is forced to join them. You must also remember that it is a prerogative right for one to be a member of a trade union as enshrined in Zimbabwe's constitution. However, these workers could be forced to keep quiet about the conditions of the work or are threatened if they join trade unions. The right to form a workers' committee is purely and categorically an employee's right but practically some of these employers may deliberately make it impossible through victimising their employees who are members of these representative boards.

Asked whether unions are in a position to represent workers in Chinese owned SMEs, one key informant said that they could but what is needed is what he termed unionism of the 1970s and 1980s. Unions need to be militant in their operations. Trade unions had not been working to increase their membership base. Mr Tichafa also said that unions of this day are no longer doing their job. He said it is rare to hear of any union that has a Newsletter to conscientise the labour force about better working conditions and fair labour practices.

4.2.5 Lack of political will

The respondents said that the government lacks political will, relaxed and is not doing anything to better the working conditions of labour under the Chinese investors. Mr Jean said,

The government should intervene by coming up with laws that regulate the activities of these Chinese firms. Government should create laws that regulate the activities of Chinese investors. I think the government is a bit relaxed when dealing with Chinese

employers. The government is relaxed maybe from the perspective of our policies where we have a Look East Policy to lure foreign direct investment (FDI) from China.

Respondents said that the government is not in a position to intervene where there are Chinese investors. The Chinese are being treated as an endangered species where not even a single Zimbabwean can challenge their authority. The government is seeking FDI from China and they are letting the Chinese investors do as they wish.

Mr D (a labour officer) said that the Chinese retained too much power causing them to abuse workers. The Chinese do not even abide by Zimbabwe's labour laws to such an extent that when a dispute has been referred to NEC or Ministry of Labour and Social Welfare for resolution, the Chinese investors do not show up. Mr D said,

Even if we try, the Chinese do not come *kumaforums akawandisa* (to so many forums). Some of these investors are politically linked and they could have been invited by some big politician to come and operate here in Zimbabwe.

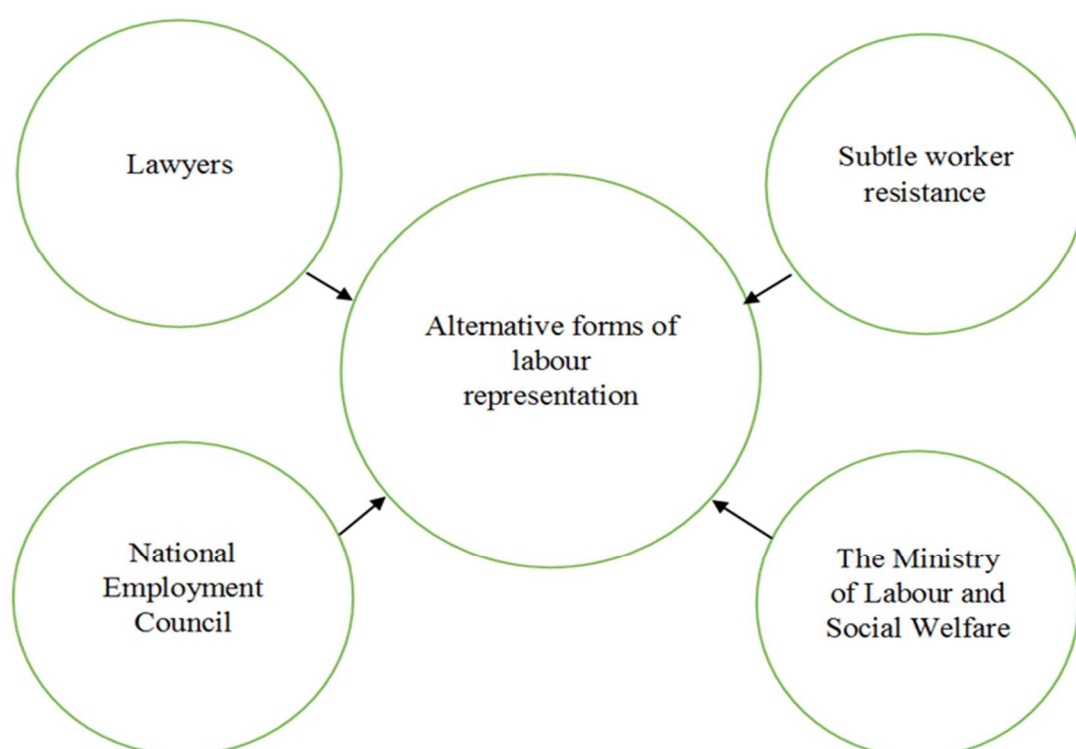
There is the Ministry of Labour and Social Welfare where the workers can air their grievances. Some respondents, however, felt that the government had been reactive than being proactive. Mr Jean said,

I feel that the government had been reactive to the challenges of labour under the Chinese investors. Under normal circumstances, the government should have ensured that the working environment is conducive for the employees. The position of the government of Zimbabwe is problematic and this must be rectified.

4.3 Alternative Forms of Labour Representation

This section presents the alternative forms of labour representation as said by the respondents. Most of these respondents said that in the absence of trade unions they could have lawyers, NEC and the Ministry of Labour and Social Welfare to represent them. Workers also have subtle forms of resistance that they use as an alternative. However, the majority of the interviewed labour force has either resigned their fate or had missing responses on field questionnaires. 40.9 percent of the employees in Chinese owned SMEs have no other forms of representation and 36.4 percent had missing responses. During follow up in-depth interviews, the respondents said they had missing responses because they did not have alternative forms of representation. They have resigned their fate to God. These alternative forms of labour representation are summarised below diagrammatically.

Figure 4.2 Alternative forms of labour representation



Source: Fieldwork

The table below also presents statistics on the alternative forms of representation that the workers in Chinese owned SMEs employ.

Table 4.5 Alternative forms of labour representation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No other forms of representation	9	40.9	40.9	40.9
	lawyers	2	9.1	9.1	50.0
	National Employment Council	1	4.5	4.5	54.5
	Ministry of labour	2	9.1	9.1	63.6
	missing	8	36.4	36.4	100.0
	Total	22	100.0	100.0	

4.3.1 Lawyers

From the above statistics, only 9.1 percent of the respondents said that they could use lawyers as their alternative forms of labour representation if they face unfair labour practices at their workplaces. However, some key informants, some of whom are labour officers were pessimistic about the use of lawyers. Mr Jean pointed that the amount of salaries and wages that these workers in Chinese owned SMEs are getting makes it difficult for them to get enough money to pay lawyers. He said,

The employees could be seeking redress for underpayment or unfair labour practices by their employers but where could they get the money to hire a lawyer when their case had been referred to the Supreme Court. Lawyers for the Supreme Court are expensive. There are so many cases that employees are losing at the Labour Court or Supreme Court because they have defaulted. They lose these cases based on technicality than merit.

It is mandatory that lawyers accompany a complaint and defendant to the Supreme Court. This has led to an increase in the number of defaulters at the courts.

4.3.2 Ministry of Labour and Social Service and the Labour Court

Workers can go to the Ministry of Labour and Social Welfare and claim underpayment in respect of their salaries. The ministry of labour and social welfare does not charge anything for their services. They can also go to the ministry and claim unfair dismissal through constructive dismissal. Mr Jean said,

Unfair dismissal does not only mean that the employer has terminated your contract. You can also resign and claim unfair dismissal based on constructive dismissal where the employer has made employment conditions intolerable and the employee is then forced to resign.

The employees can also approach the labour courts through trade unions and fight for their cause in terms of unfair labour practices perpetuated by their employers. However, the challenge is that only 9.1 percent of the respondents have confidence in the representation by the Ministry of Labour and Social Welfare.

4.3.3 National Employment Council

A small percentage of 4.5 percent of the workers who answered questionnaires reported that they could have the National Employment Council-Commercial sector to represent them. Some

of the workers who were interviewed also confirmed that the National Employment Council could represent them. During in-depth interviews, the respondents just referred to the National Employment Council as *kuseri uko* (beyond these shops). However, the percentage of the workers who thought that NEC-Commercial Sector could represent them in times of unfair labour practices is worrisome. Ms Charity who works for NEC said that they had been doing inspections and they are quite effective in their operations. Workers can go to the NEC with any employment related problem. Labour officers at NEC had been empowered by the law through the Labour Amendment Act of 2015 to resolve disputes so that they reduce pressure at the labour court where the number of pending cases was ballooning. Workers could go directly to NEC. Even though NECs make employers pay registration fee and employment fees as well as monthly levies for their employees, it could still represent workers whose employers have not paid anything. NEC charges 0.03 percent of the total wage bill. A challenge had been identified recently that could weaken the operations of NECs. In a case between NEC Communications and NetOne, the Supreme Court ruled that NECs are voluntary organisations and no one is compelled to register to them even though they could still regulate employment conditions. NECs are still the labour standards watchdogs. Labour consultants said that since NEC regulates the operations of employers in different sectors of the economy, they could be an effective alternative form of representation in the absence of trade unions, works councils, and workers' committees.

4.3.4 Subtle worker resistance

The workers in Chinese owned SMEs make use of subtle resistance in form of theft, side dealings, selling their own wares in the shops during working hours. The workers said that they do this in a very smart and intelligent way that even the Chinese employers cannot find out. The employees said that unlike their Indian counterparts, Chinese employers are not always at their workplaces. They have known schedules and are easy to predict. Mr Jean said that it is easy for an employee to make use of the employers' time and resources to do his or her own business and get paid at the end of the month. Mr Jean said that's what employers get when they mistreat their employees.

4.4 Workers' Knowledge of Zimbabwe's Labour Laws

This section presents the findings in terms of the workers' knowledge of the labour law. From the data that was collected, it became very clear that these workers lack the knowledge of Zimbabwe's labour laws. Very few respondents said that they know about the provisions of the Labour Act that prohibits employers from making their employees sign contracts of

employment every month even though the employer had worked for a number of years at the same company. The workers also pointed out the right to fair dismissals, the right to leave days and the right to organise and join trade unions.

4.6 Familiarity with Zimbabwe's labour laws

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	8	36.4	36.4	36.4
	No	13	59.1	59.1	95.5
	Missing	1	4.5	4.5	100.0
	Total	22	100.0	100.0	

4.7 Explanation of the law

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No to continual signing of contracts without getting a permanent post	2	9.1	9.1	9.1
	every employee have a right to union membership	2	9.1	9.1	18.2
	There are stipulated working hours and the right to leave days	3	13.6	13.6	31.8
	Workers should be served with a 3 months' notice before being dismissed	1	4.5	4.5	36.4
	Missing	14	63.6	63.6	100.0
	Total	22	100.0	100.0	

The above two tables present the familiarity of employees in Chinese owned SMEs with the labour laws of Zimbabwe and the explanations of the laws. Of the interviewed respondents 36 percent reported that they are familiar with Zimbabwe's labour laws and 59.1 percent reported

that they do not have any knowledge of these laws. Explanation of the data in the second table will be done under the themes that are below.

4.4.1 The Signing of Employment Contracts

Only 9.1 percent of the workers in Chinese owned SMEs said that an employee is not supposed to sign a contract of employment for three consecutive months without being made a permanent employee. The employees said that even though they know of this law, they were signing contracts on monthly basis for the past so many years they had been working for the Chinese. These respondents said that there are continuing to sign these contracts because they are grateful to be employed in an economy where unemployment is very high. This prohibition is in tandem with Section 12 subsection 3 of the Labour Act of Zimbabwe.

4.4.2 Right to fair dismissals

Only 4.5 percent of the labour force in the Chinese sector said that they know that an employee has the right to a fair dismissal. The respondents said that they give credit to this knowledge to the case of Zuva Petroleum versus Donga and Nyamande where employees where had their contracts terminated when they were served with three months notices. The credit is also given to newspaper articles that so many of the respondents read.

4.4.3 The right to leave days

13.6 percent of the respondents said that they know that they have the right to leave days. Most of the respondents said that they are not given leave days. The Labour Act of Zimbabwe prohibits employees to work for more than the maximum hours permitted by the law or by agreement made for under this Act. The respondents also said that weakly rest and remuneration for working during public holidays. The employee is also entitled to not less twenty-four continuous hours of rest each week.

4.3.4 Right to organise and join unions

My respondents also said that they have the right to form or join trade unions. 9.1 percent of the respondents had knowledge about this law. Even though they have that knowledge, the respondents said that they are afraid of joining these trade unions because they are afraid of victimisation by the employer. The right to union members and workers committee membership is enshrined in the labour act of Zimbabwe.

4.5 Suggested Solutions

The solutions to the challenges of labour representation that are faced by employees in Chinese owned SMEs are given in this section of this chapter. The respondents said that there is need

for the government of Zimbabwe to align its labour act with Section 65 of the Constitution of Zimbabwe. The respondents also suggested that it is imperative for the government through the ministry of labour and social welfare to carry out periodic inspections in Chinese owned SMEs. There is also the need by the government to form an independent NEC that regulates the activities of Chinese investors in Zimbabwe. This could possibly reduce the rates of unfair dismissals as well as the reports on the abuse of workers. Above all the respondents also said there is need for the employees of Zimbabwe to be conscientised about their rights and to disempower labour officers.

4.5.1 Alignment of the Labour Act with the constitution of Zimbabwe

Many respondents said that the government has recognised labour rights in the constitution of Zimbabwe. Section 65 of the Constitution of Zimbabwe expressly provides for the rights of employees. This constitution is good in terms of fair labour standards. However, a key informant Mr Jean said, ‘what is now left is for the labour act to be consistent with the constitution of Zimbabwe. The labour act has to be further amended so that it can be in line with the provisions of the constitution.’ Key informants bemoaned the government for giving with one hand and taking with the other. In as much as the constitution is clear on labour rights and the same subsection 65 recognises the right to strikes, those rights were taken away from the workers of Zimbabwe through the labour act where stringent and bureaucratic steps need to be followed before a strike. One has to give a fourteen days’ notice to the police, go to the labour officer, and issue a certificate of no settlement and all this makes it impossible for labour to have a legal strike. Thus, so many strikes in Zimbabwe had been termed illegal.

The labour officers said that employees ought to have that right to strike. The definition of the right to strike that is given by the Labour Act is also problematic in as much as essential services are concerned. People who are in the essential services such as hospitals are not allowed to go on strike. Section 104 of the Labour Act goes on to say that the responsible minister can determine employees who are in the essential services. In the end, almost every employee falls under essential services. All this need to be amended so that the workers of Zimbabwe could be happy. Mr Tichafa said that the recent amendments to the labour act of Zimbabwe had been a mockery to the labour movement. The respondents said that it was a rushed instrument lacking the input of labour and other key stakeholders. Previously employees knew that they were entitled to disturbance packages, severance package, relocation packages and many allowances. Employers were paying such packages and were not terminating contracts arbitrarily in fear of the costs they could incur. This labour Act have the statutes that give a

clear position that an employee is entitled to only one-month's salary for every two years served at his or her workplace. This has to change and further amendments need to be effected but this time with the input of other stakeholders.

4.5.2 Creation of an independent NEC for Chinese investors

Respondents said that there is need for the creation of an independent National Employment Council from that of the commercial sector that regulates the operations of Chinese investors. This independent National Employment Council would then set out minimum wages and minimum working standards for employees under the Chinese investors.

4.5.3 Government and union inspections

The government through the Ministry of Labour and Social Welfare can spearhead inspections in Chinese owned firms to ensure the existence of safe working environments and fair labour standards at these enterprises. Ms Charity said that NECs had done some inspections but the challenges they faced as NEC are that the Chinese are protected politically. She bemoaned secretive clauses that are signed between the government and the Chinese investors. The Chinese have remained the untouchables in Zimbabwe. However, some respondents who work for the Chinese said that there is need for NEC and the government to increase its inspection base from registered companies to unregistered and carry out random inspections. Mr Jean admitted that for the past two years the Ministry of Labour and Social Welfare had not been carrying out those inspections. He said, *'now zvave nani and I am sure vakapiwa a target by ILO kuti vareduce macomplains akaita seanobuda mumaChinese owned firms* (it is now better because the Ministry of Labour and Social Welfare had been given a target by ILO to reduce such complains that are coming from Chinese owned firms).' Therefore, the ministry of labour is trying to arrest those alleged reports of unfair labour practices and reduce disputes. The reason why the government is not carrying out its mandate of protecting the polity against such international investors is that their position as a government has been compromised by the need for FDI. Most Chinese investors are operating in a sector (SME sector) that had been a preserve for the locals. Thus, the government turns a blind eye and pretends as if there are no Chinese investors in SMEs. Another challenge that the government is facing is that most Chinese companies that are registered as Supermarkets and even manufacturing companies are operating very small shops at Gulf Complex and downtown of Harare.

4.5.4 Conscientisation of labour

Workers can get assistance from trade unions, NEC and the government but the problem is that they do not know of these forums' existence. One responded said that she is not mistreated at her workplace, but goes on to say that she is not given leave days and is not paid overtime. Mr Jean said,

There is the saying that says ignorance of the law is a misfortune. There is need for the employees themselves to appreciate that they have rights and they are entitled to fair labour standards in terms of section 65 of the constitution of Zimbabwe. That section of the constitution guarantees every employee the right to fair labour standards. The challenge that employees are in is that they are not aware of the predicament they are in. most of them are grateful that they are employed. A few who are knowledgeable about their challenges cannot air their grievances out of fear. Ensuring that labour knows of its rights can only be done through conscientisation. The employees ought to be well informed about their rights.

The employees can seek redress in terms of the minimum wage, unfair labour practices, and underpayment among other issues. Labour can be conscientised through visibility tours by the Ministry of Labour and Social Welfare. The responsible ministry needs to have a structured programme for visibility tours where they would be having labour coaching campaigns. For unions this should be a business, but now they are doing a fire fighting approach. It is very rare to find of a union publishing a Newsletter to conscientise labour. Trade unions should also train workers and do many inspections. In other cases, the Chinese are offering bribes as well to trade unionists.

4.5.5 Disempower labour officers

Key informants also said that there is need for the government to disempower labour officers since it has decentralised its labour courts. The government needs to remove the provisions on the jurisdiction of labour officers. The role of labour officers should be that of conciliation not arbitration. Arbitration should be left to those who are qualified. This empowerment of labour officers has led to increased corruption. Respondents said that the labour officers are too junior to arbitrate.

4.6 Conclusion

This chapter presented the data collected during the study focusing on the politics of labour representation in Chinese owned Small to Medium Enterprises (SMEs) in Harare. This chapter

also presented the challenges that workers in Chinese owned firms face. These challenges include long working hours, poor working conditions, monthly signing of contracts, lack of labour representation, and lack of political will. Even though the workers said that they lack labour representation, they have indicated that they have alternative forms of representation. These alternative forms of representation include lawyers, Ministry of Labour and Social Welfare and the Labour Court, as well as the National Employment Council. This chapter also presented data on the knowledge of employees on Zimbabwe's labour laws. The research results showed that the workers know that it is against the law for them to sign contracts for more than three times without being made permanent employees, the right to fair dismissals, the right to leave days and the right to organise and form unions. The respondents also suggested solutions to their challenges. These solutions are that there is need to align Zimbabwe's Labour Act with its constitution, and there is need to create an independent National Employment Council that specifically deals with the operations of the Chinese investors. The respondents also said that there is need for intensified government and union led inspections, conscientisation of labour and disempowering of labour officers. This could reduce the number of reported cases of unfair labour practices.

CHAPTER 5

DISCUSSION OF FINDINGS

5.1 Introduction

This chapter discusses the findings presented in the previous chapter. These findings are discussed within the confines of Hyman's Marxist analysis of labour relations and the existing literature. Under discussion are the issues of the political economy of the waged labour. The issues that are discussed in this chapter include the state apparatus, state and capital alliances, structured antagonism, direction, surveillance and discipline of subordinates and navigating constraining spaces. Issues of exploitation are discussed under the direction, surveillance and discipline of subordinates. These and other issues are discussed as the analysis takes shape.

5.2 Direction, surveillance and discipline of subordinates

The Chinese employers in SMEs alienate individual employees from the products of their labour. These employees get meagre salaries that allow them to go to work the following day and buy some food for their families. In short, employees in Chinese owned SMEs live from hand to mouth. The same salaries that they get always find their ways back to the employers who are selling cheap counterfeit products that their employees can afford. Drawing from Hyman's Marxist analysis of labour relations, contradictions within the capitalist enterprises, the Chinese SMEs included, allow opportunities for strategic choices to emerge even though no one strategy would emerge as entirely successful (Hyman, 1975). The strategic choices that the Chinese employers employ include paying meagre salaries and the exploitation of labour. The contradictions in the labour process mean that the function of labour control involves both the direction, surveillance and discipline of subordinates, whose enthusiastic commitment to corporate objectives cannot be taken for granted and the mobilisation of the discretion, initiative and diligence which coercive supervision, far from guaranteeing is likely to destroy (Hyman, 1987).

The Chinese employers in Zimbabwe's Chinese owned SMEs exploit their employees. The capitalists, in this case the Chinese employers, take advantage of the reserve pool of unemployed persons of Zimbabwe who are willing to work in Chinese owned SMEs for the same meagre salaries that their employed counterparts are getting. The unemployed polity are a ready, cheap and unskilled labour pool that the Chinese employers can resort to whenever they fire an employee. The Chinese employers in the SMEs of Zimbabwe have the flexibility to hire and fire workers with the protection of the recently exposed labour law of giving three months notices. Any worker who seems to be gaining consciousness would be charged with

inciting public disorder and are fired just like that. For the Marxists, ‘ownership acts as a source of power and control bestowing on employers not only the power to hire and fire labour but also to direct that labour in the process of production’ (Blyton and Turnbull, 2004: 35). The ownership of the ‘means of production’ in a poor economy by the Chinese investors in Zimbabwe makes it difficult for their employees to enjoy better and improved working conditions. These Chinese employers know the vulnerability of their employees and they exploit them to the maximum by making them work very long hours under harsh working environments so that they maximise their profits.

When the Chinese employers in Zimbabwe’s SME sector willingly make their employees sign contracts every month (casualization of labour) and give them salaries that are below the poverty datum line, they are exploiting the workers to make profit. The exploiter benefits from what the exploited employee misses. Karl Marx argues that when capital is making profit, someone is being exploited. The Chinese investors in Zimbabwe exploit their employees for profit and send huge profits back to China. The employers opt for casual labour with the hope of reducing production costs through wages and salaries, contributions to the National Social Security Authority (NSSA) and pension contributions. The casualization of labour in this sector makes unionism extremely weak. Drawing from Hyman’s Marxist ideas on labour relations it is difficult to organise in workplaces that are small and isolated industries with casual labour (Hyman, 1975). These contract workers have worked for the same company for several years renewing their contracts on monthly basis. This contravenes Clause 4 of the Labour Amendment Bill of 2015 that seeks to prevent employees from perpetually reviewing ‘fixed term contracts’ to avoid obligations that come with permanent employees such as longer notice periods, retrenchments packages and pension contributions to the National Social Security Authority (NSSA) (Bill Watch 32/2015). After a fixed period of continuous service determined by the Employment Council, a ‘fixed term contract’ employee shall be deemed a permanent employee who would be afforded the same obligations or entitlement by the employer (Bill Watch 32/2015). Section 12 subsection 3 of the Labour Act provides that casual workers shall be deemed to have become employees on contracts of employment without limit of time on the day his or her period of engagement with a particular employer exceeding the total number of weeks in any consecutive months. Despite the law providing for such right, the Chinese employers continue to violate the rights of their employees by making them casual employees. This is different from what happened during ESAP when the government of Zimbabwe deregulated the Labour Relations Act and used the Export Processing Zones instead (Yeros,

2013; Raftopoulos, 2001; and Sambureni and Mudyawabikwa, 2003). Unlike the labour laws that the government deregulated due to the provisions of ESAP, the Chinese investors have disregarded Zimbabwe's labour laws. They have deregulated the country's labour laws, especially on the monthly signing of contracts, replacing them with their own labour frameworks. The Chinese employers capitalise on the high unemployment that characterises the Zimbabwean polity and exploit their employees. The labour laws of Zimbabwe are standing regulations to govern the treatment of labour but the Chinese employers in SMEs continue to flout them.

The exploitation of workers can also be a way of showing authority over subordinates, for example through arbitrary termination of contracts, Chinese investors show dominion over their Zimbabwean employees. The exploitation of workers happens between unequal parties where capital directs and labour conforms. The monthly signing of contracts is an abuse of employees in Chinese owned SMEs' rights and it puts them in emotional distress since they live in fear of losing their jobs. Drawing from Hyman's Marxist ideas on labour representation it is clear that exploitation is an inevitable consequence of the imbalance of power between owners and managers on one hand and the workers on the other (Blyton and Turnbull, 1994). The monthly signing of contracts contravenes the Labour Act of Zimbabwe and section 65 of the constitution of Zimbabwe that provides for labour rights and it is a sign of exploitation by employers in Chinese owned SMEs. This supports the Marxists who stress on the unevenness of power between the employee and the employer, consequent of the ownership and non-ownership of capital (Blyton and Turnbull, 2004). An employee is able to live longer without the workforce than the employee can live without work (Blyton and Turnbull, 2004). The employees choose freely the employer for whom to work. The employee must trade his or her capability to toil in order to survive. The capacity to work can be traded on the market but the object that is sold cannot be separated from the subject of the actual change (Blyton and Turnbull, 2004). Ownership becomes the source of power and control, granting the employer the right to hire, fire and to direct labour in the course of production (Blyton and Turnbull, 2004). The Chinese employers in the SMEs know that they have authority over their employees so they can hire or fire them at any given time. These workers are grateful that they have employment; hence, they agree to sign these contracts on monthly basis.

The employers exploit their employees to perpetuate oppression, to subjugate and to exclude their employees as demonstrated by this study where workers in Chinese owned SMEs work for more than Zimbabwe's regulated eight hours per day. The workers in Chinese owned firms

work for long hours stretching to over twelve hours per day. This resonates well with the findings of Qiu (2010), Lan (2009) and Chan (2012) who in their studies found that workers in China are exploited to show oppression through long working hours per day that exceeds eleven hours. This demonstrates that the Chinese investors are exporting the oppression of workers from China to Zimbabwe. The employees have agreed to sign those contracts that make them work for such long hours due to the unavailability of employment. The Zimbabwean employees in Chinese owned firms continue to be exploited working for such long hours without being paid overtime and without being given leave days. These employees have endured under harsh, long working conditions and hours. This confirms Hyman's Marxist analysis where, if an employee agrees to work for long hours for a given low wage that is the beginning of his or her exploitation (Blyton and Turnbull, 2004). However, the workers always find their ways out of such difficult situations by stealing from their employees and doing their own business such as selling their own wares at their workplaces during work time. This is discussed below in detail.

5.3 Structured Antagonism

Capitalism has a structured system of contradiction and antagonism between the employer and the employees where the employers victimise their employees who are members of trade unions. The workers in Chinese owned SMEs rank amongst the least unionised group of employees in Zimbabwe. Drawing from the study, the Chinese owned SMEs lack of works council and workers' committees. This reduced trade unions' capacity to represent employees. In support, Hyman through his Marxist analysis argues that the conduct of influential employers is oppressive in the extreme to effort of collectivism and the employers take every possible move to ensure that their employees do not think that membership to a trade union is right (Hyman, 1975). This is evidenced in the SMEs sector where the Chinese employers have managed to incapacitate trade unionism at their companies through the abuse of active trade union members, payment of low salaries to their employers to ensure that trade unions' monthly dues are reduced and also paying bribes when labour disputes arise against them. All this efforts by the Chinese employers have managed to weaken trade unions in the commercial sector. The researches that were done by Sachikonye (1999) and Yeros (2013) confirmed that the capacity of trade unions and workers' committees to protect the workers had been dented under ESAP and their capacity to wring concessions was weakened. Under the prevailing economic crisis in the Chinese owned SMEs, trade unions and workers' committees have been weakened and are ineffective. It is no longer about the lack of capacity to represent members but it is now

about no representation at all. This supports the Marxist analysis arguing that the existing economic and social structures limit opportunities for reformist interventions and such structures are unstable because capitalism does not consist of stable and harmonious economic processes and institutions (Fregie et al. 2011). It is prone to instability and to contradictions between different parts of the economic system because the system itself is founded on opposing interests of different social classes (Fregie et al. 2011).

The Chinese employers in the SME sector of Zimbabwe victimise their employees if they become trade union members or members of workers' committees. This goes against the provisions of section 4 of the Labour Act that stipulates that the employee be entitled to membership of a trade union and workers' committee. Not only does these Chinese employers infringe on the rights of employees as provided for in the constitution of Zimbabwe but they also go on to flout the nation's Labour Act that provides for the right to union membership. The study found out that the employees are to blame for their lack of capacity and will to organise. This study maintains Hyman's (1975) analysis on the ability of competition among workers to destabilise trade unionism and the isolated employee has no genuine autonomy. The Chinese employers managed to keep competition among their employees alive by destroying trust between them. The capitalist system creates conflict between employers and workers while simultaneously providing the latter with a basis for challenging capitalism (Frege et al. 2011). Hyman makes use of dialectical imagination using contradiction and the existence of contradiction within the capitalist enterprise allow opportunities for strategic choices but no one choice would prove entirely successful (Frege et al. 2011). The employees in the Chinese owned SMEs have the capacity to form and join trade unions but they lack common ground. However, the lack of common ground is also due to the fear of victimisation and the fear of losing their jobs during a time where unemployment is very high in Zimbabwe. These employees face a difficult reality of choosing between their jobs and trade unions. The choice of the workers to remain un-unionised is guided by circumstances. The general mistrust among the workers makes it difficult for them to have a common ground if they do not trust one another. The lack of representation is the most devastating challenge faced by workers in Chinese owned SMEs.

5.4 The role of State Apparatus

The courts worsened the situation of workers in the Chinese owned sector by reducing their bargaining power and increasing the employees' vulnerability through a ruling that permitted employers to terminate contracts on notice. These courts are an example of state apparatus that

are used against the workers in Chinese owned SMEs. The condition of workers in Chinese owned SMEs was worsened by the case of Nyamande and Donga versus Zuva Petroleum where the High Court ruling upheld the employer's common right to terminate employment on notice (Bill Watch 32/2015). The ruling was succeeded by the termination of so many workers' contracts even in parastatals. Hyman (1975) argues that the courts help to threaten trade unionism through anti-union laws and through court decisions that reproduce the judge's own place bias. The High Court's ruling helped to further immiserate the workers in the Chinese owned SMEs since their employers constantly made reference to such ruling when an employee seek redress against unfair labour practices. The Chinese owned SMEs employees are subjected to precarious working conditions whereby they could lose their jobs anytime. Abuse and victimisation of the workers increased as well. In support of that, the government does not continually register success in deriving acceptability from the total populace and is then obliged to rely on its authority over the means of duress in society such as the army, judiciary and the police (Sycholt and Klerck, 2010). The coercive potential of the state is reflected in the state policies. Such aforementioned ruling by the courts represents the interests of the government and those of capital.

5.5 State and Capital Alliances

Indeed the existence of Chinese owned SMEs in Zimbabwe are a blessing with a curse, the Chinese have formed alliances with the state that are detrimental to the welfare of individual employees in this privately owned sector of the economy. The existing "Look East Policy" puts the state on the side of capital. This resonates well with the literature provided by Sambureni and Mudyawabikwa (2003) where the government of Zimbabwe once supported the factory invasions that caused confusion at workplaces. The War Veterans Association's factory invasions negatively affected labour relations and this contributed to the lack of faith in the capacity of the government to represent employees because the government openly supported these invasions. The government once introduced ZESA levy and increased sales tax to finance the gratuities of the war veterans (Sambureni and Mudyawabikwa, 2003). With evidence from Sambureni and Mudyawabikwa, one can conclude that the government has always been in support of capital and against labour. Drawing from this study, the government of Zimbabwe has continued to disregard the plight of the workers in Chinese owned SMEs through inaction in a field it is supposed to regulate. This resonates well with the results of Yeros' (2013) study where the government of Zimbabwe during the mid-1990s passed the Export Processing Zones (EPZ) that superseded the use of the Industrial Relations Act. EPZ regulations allowed

employees to work for long hours; go to work on public holidays and at night for no compensation (The Worker, 1999 cited in Yeros, 2013). The current Labour Act does not allow workers to labour for more than eight hours without compensation but the workers in Chinese owned firms are working for more than the legally stipulated working hours and they work during weekends and public holidays without compensation yet the government of Zimbabwe does not take action. There are good labour laws on paper in Zimbabwe but the state fails to enforce these laws. The Marxists argue that in every society, the state has been the combined expression of the interests of the dominant class, delivering legitimation and duress essential to preserve that dominant class as a reigning class (Cole et al. 1983). The state is a committee for organising the common affairs of the bourgeoisie (Sychoolt and Klerck, 2010). The state implements policies that directly promote the interests of the capitalist class, such as the 'Look East Policy' in Zimbabwe, meaning it is easily influenced by the superior resources of the capitalists (Sychoolt and Klerck, 2010). It comes as no surprise that the government has decided to be a backbencher in these issues.

Zinyemba (2013) argues that state involvement in labour relations is fraught with challenges that emanate from its role as an employer of the majority of the formal work force, rule maker, protector of the labour standards and citizenship rights and the regulator of macro-economic policies. In response to the stagnant economic growth, the state came up with the 'Look East Policy.' The policy compromised the position of the government of Zimbabwe as the regulator of labour relations and labour laws in Zimbabwe. The Chinese investors have become sacred to the government of Zimbabwe and the politicians. The fact that these Chinese nationals have dared to invest in a country that has been shunned by the West has made them special in the eyes of the state. The challenge that comes with the involvement of the state is that the government of Zimbabwe is now friends with the Chinese investors whom they cannot bring to book over these allegations of gross violations of labour rights. This position of the government can be explained by the need for Foreign Direct Investment (FDI). The study supported Hyman's (1975) arguments that employers use their superior and superior control against their employees without hesitation, stirring a keen government to destroy the workers' blending by every possible distortion of the law and neutrality in its governance. The government needs Foreign Direct Investment (FDI) and the Chinese investors provide this. The lack of political will is not a new phenomenon in the history of unionism in Zimbabwe. The government had always been side-lining labour in favour of capital. Yeros (2013) and Raftopoulos (2001) report that the president of Zimbabwe and the Ministry of Labour and

Social Service shunned May Day celebrations since 1992 and the government did not consider the views of labour when implementing ESAP among other policies. The government's position has not changed; it has always been supporting capital. The same politics places the government of Zimbabwe and the Chinese on the same side and labour on the other side where they do not even have unionised representation.

5.6 Navigating Constraining Spaces

Individual employees in Chinese owned SMEs are thinking manipulators with an eye to put every situation to their advantage. They have ways of navigating around the constraining spaces of lack of labour representation through alternative forms of representation such as lawyers, the National Employment Council, Ministry of Labour and Social Welfare and the Labour Courts. The workers also have subtle worker resistances such as side dealings, smuggling of staff, networks of corruption and general apathy. The employees in Chinese owned SMEs have limited alternatives to trade unions and for them nothing can fully replace trade unions. Although these employees in Chinese owned SMEs have alternatives to unionised labour, they are going through a transitional loss of unknown duration. It is not known when trade unions will represent them and it may take time before these alternatives fully represents the needs of the employees. This era signals the death of unionised representation, generally in the private sector and particularly in the Chinese owned SMEs sector. The study has demonstrated that a huge number of employees do not have alternatives to trade unions.

The workers in Chinese owned SMEs use employee agency to circumvent constraining situations. These employees can manipulate their employers through deploying social capital and hiring lawyers. The Chinese employers have continued to try to divide the employees making sure that they do not unite but the workers opt to hire lawyers when labour disputes arise. This is in direct contradiction with Sachikonye (1999), Raftopoulos (2001) and Zinyemba (2013)'s studies that emphasised the importance of trade unions as a form of representation and did not include lawyers as alternatives to unionised representation. However, the study found lawyers as an expensive alternative to labour representation and the lawyers are only needed when a dispute arises. The lawyers are not always available. Unlike trade unions, lawyers do not carry out inspections at workplaces but they just represent employees who have approached them with their problems. Lawyers can also be expensive to the workers in Chinese owned SMEs who again rank among the least paid group of employees.

The employees in Chinese owned SMEs use non-financial social assets to promote social agility beyond economic means such as intellect, education and enlist the services of the Ministry of Labour and Social Welfare to claim underpayment in respect of meagre salaries. The responsible Ministry does not charge a dime for the services rendered to the workers in any sector of the economy. This confirms Hyman's (1974) Marxist argument that workers challenge the way social values and ideologies are used in industrial relations to legitimise social inequality. The Chinese employers frustrate every efforts by their employees to form or join trade unions and workers committees at their workplaces but the workers go beyond the set ideologies and make use of the arm of the government to address their labour disputes. They use the labour courts to their advantages. As discussed earlier own these employees are reasoning manipulators who are also calculative. However, drawing from this study, the employees in Chinese owned firms have limited faith in the capacity of the Ministry of Labour and Social Welfare and the Labour Court as alternatives to trade unions. The government of Zimbabwe has decentralised the operations of Labour Courts, thus, making it easy to clear backlogs in labour disputes. The decentralisation of Labour Courts has also necessitated the resolving of many labour disputes. The workers in Chinese owned firms could benefit from such provisions. Yeros (2013) and Zinyemba (2013) bemoaned the incapacity of the state to represent labour. They said that the government of Zimbabwe has always been responsive to the challenges of labour. The government is yet to respond to the plight of labour in Zimbabwe especially the new phenomenon of abuse of employment rights by the Chinese employers.

Without the financial fraction of capital, the employees in Chinese owned SMEs are forced to seek the redress on labour disputes from the government created NECs. The NECs regulate the operations of different firms in different sectors of the economy. The NEC-Commercial sector regulates the operations of Chinese owned SMEs and other firms in the same sector. Hyman's Marxian ideas on labour state that labour boards such as the National Employment Council can act as a representative of employees to oppose their oppression and exploitation (Blyton and Turnbull, 1994). If NECs can reduce competition among workers then they can fully represent the labour needs of the oppressed. The NECs have the capacity to represent workers but they need to create confidence in their clients through carryout labour inspections. Drawing from the study, a limited number of employees could seek redress at the National Employment Council. Employees have lost trust in the capacity of NEC to represent their interests. To the workers in Chinese owned firms, the National Employment Council is there in name and does not represent their interests. The labour officers at NEC have also put the situation to their

advantage as established through allegations of corruption and acceptance of bribes. The labour officers, with the help of Chinese employers, have repressed worker agency and engaged in destructive corruption. This negatively affects the professionalism of the labour officers at the National Employment Council and creates partiality in the execution of their duties.

Due to the failure of trade unionism, workers in Chinese owned SMEs reinvented themselves and take on the challenges presented by capital, in form of Chinese investors, by making use of their own subtle and innovative responses such as theft, side dealings, smuggling of stuff, networks of corruption and general apathy. These employees try to put the situation to their advantage and regain control over work relations by using civil disobedience. The employees are not passive recipients of mistreatment from their Chinese employers but they are agency in their own capacity. On many situations, the workers can even sell their wares at their workplaces. This demonstrates that the workers have the capacity to turn their misfortunes into fortunes. However, this diverges with the employee agency of workers in China who are committing suicide when they face unfair labour practices from their employees (Chan, 2012 and Lan, 2009). The workers in China have resigned their fate and chose death as the only alternative in a under the same working conditions that the workers in Zimbabwe are employing subtle responses to the general abuse of workers at their workplaces.

5.7 Workers' knowledge of Zimbabwe's labour laws

Trade unions are vehicles through which workers can deepen their knowledge of labour rights and labour laws. In the absence of trade unions, employees become oblivious of their rights as provided by the law. The knowledge base of employees in Chinese owned SMEs could be increased if trade unions and the government conscientise them on their right to organise and form labour representatives boards, the right to leave days and the right to a fair dismissal as provided for in the Labour Act (Chapter 28:01) of Zimbabwe. Without collective support from the government, labour unions and activists, employees face the arbitrary authority of the employer (Hyman, 1975). The workers in Chinese owned firms have limited knowledge of their right to labour representation. This study is in contrast with Yeros' (2013) findings where workers during ESAP knew of the capacity of unions to represent them. This information was necessitated by the presence of union published Newsletters such as ZCTU's The Worker. Even though the Yeros (2013) reported that conscientisation of labour was low, the workers had some knowledge that it was their right to be members of trade unions. The workers in Chinese owned SMEs took it upon themselves to familiarise with Zimbabwe's labour laws through the media. These days there few to zero trade unions that publish newsletter to

conscientise its members on their rights. Even though the trade unions are not conscientising labours on employee rights, the employees are taking it upon themselves to share the little knowledge that they have on their rights. This goes well with Hyman's argument that a settlement by the employee to work for so many hours per week at a low wage is not the end of the matter but the start (Blyton and Turnbull, 2004). The employees could be working in harsh working environments but they also have the ability to research and share knowledge about their rights. This ability clearly demonstrated that employees could share knowledge. Therefore, it all begins with the settlement to work for a low wages and the rest is a continuous struggle with the employees trying to better their situation.

5.8 Suggested Solutions

Every challenge that these employees in Chinese owned SMEs is facing can be solved but there is need for a dedicated government and people who have workers at heart. This can be necessitated through the alignment of Zimbabwe's constitution with the Labour Act. There is also need to create an independent National Employment Council that regulates the operations of Chinese owned SMEs. There is need to intensify government and union led inspections in the Chinese owned SMEs sector, to conscientise labour and to disempower labour officers. All these are home-grown solutions to labour challenges in Chinese owned SMEs. What is needed are dedicated cadres who can implement these solutions and enforce the law to reduce report of labour exploitation.

The government of Zimbabwe has recognised employee rights in Section 65 of the Constitution of Zimbabwe. The constitution is good in terms of fair labour standards. However, the study identified the need to align section 65 of the constitution with the Labour Act. The Labour Act needs to be further amended so that it can be in line with the provisions of the constitution. The constitution is clear on labour rights and the same section 65 recognises the right to strikes, but those rights were taken away from the workers of Zimbabwe through the labour act where stringent and bureaucratic steps need to be followed before an industrial action takes place. One has to give a fourteen days' notice to the police, go to the labour officer, and issue a certificate of no settlement-all this makes it impossible for labour to have a legal strike. Consequently, so many strikes in Zimbabwe had been termed illegal.

The employees must to have that right to strike. The definition of the right to strike that is given by the Labour Act is also problematic in as much as essential services are concerned. People who are in the essential services such as hospitals are not allowed to go on strike. Section 102

of the Labour Act: Chapter 28:01 defines ‘essential services as the interruption of which endangers immediately the life, personal safety or health of the whole or any part of the public.’ Section 102 (b) of the Labour Act goes on to say that the responsible minister can determine employees who are in the essential services. In the end, almost every employee falls under essential services. These need to be amended so that the workers in Chinese owned SMEs could be happy. The recent amendments to the Labour Act of Zimbabwe had been a rushed instrument lacking the input of labour and other key stakeholders. Previously employees knew that they were entitled to disturbance packages, severance package, relocation packages among other packages. Employers were paying such packages and were not terminating contracts arbitrarily in fear of the costs they could incur. This Labour Act has statutes that give a clear position that an employee is entitled to only one-month’s salary for every two years served. Further amendments need to be effected with the input of other stakeholders.

There is need for the creation of an independent National Employment Council from that of the commercial sector to regulate the operations of Chinese investors. This independent National Employment Council would then set out minimum wages and minimum working standards for employees under the Chinese investors. The National Employment Council (Chinese owned SMEs) would carry out inspections in the sector since its focus could be narrowed. That way the needs of employees in Chinese owned SMEs would be represented.

Apart from the creation of an independent NEC, the study also recognised the need for the government through the Ministry of Labour and Social Welfare lead inspections in Chinese owned firms to ensure the existence of safe working environments and fair labour standards at these enterprises. However, there is need for NEC and the government to increase its inspection base from registered to unregistered companies and carry out random inspections. For the past two years, the Ministry of Labour and Social Welfare had not been carrying out inspections. It is now better because the Ministry of Labour and Social Welfare had been given a target by ILO to reduce such complains that are coming from Chinese owned firms. Therefore, the Ministry of Labour and Social Services is trying to arrest those alleged reports of unfair labour practices and reduce disputes. The reason why the government is not carrying out its mandate of protecting the polity against such international investors is that its position has been compromised by the need for Foreign Direct Investment. Most Chinese investors are operating in SMEs that had been a preserve for the locals. Another challenge that the government is facing is that most Chinese companies that are registered as Supermarkets and even

manufacturing companies are operating very small shops at Gulf Complex and downtown of Harare

Drawing from this study, workers can get assistance from trade unions, NEC and the government but the problem is that they do not know of these forums' existence. One responded said that she is not mistreated at her workplace, but goes on to say that she is not given leave days and is not paid overtime. There is need for the employees themselves to appreciate that they have rights and are entitled to fair labour standards in terms of section 65 of the constitution of Zimbabwe. That section of the constitution guarantees every employee the right to fair labour standards. The challenge that employees are in is that they are not aware of the predicament they are in. most of them are grateful that they are employed. A few who are knowledgeable about their challenges are afraid to report their employees. Ensuring that labour knows of its rights can only be done through conscientisation. The employees must to be well informed about their rights.

The employees can seek redress in terms of the minimum wage, unfair labour practices, and underpayment among other issues. Labour can be conscientised through visibility tours by the Ministry of Labour and Social Welfare. The responsible ministry needs a structured programme for visibility tours where they would be having labour coaching campaigns. For unions this should be a business. It is very rare to find of a union publishing a Newsletter to conscientise labour. Trade unions should also train workers and carry out inspections.

The government through consultation with other interested stakeholders needs to disempower labour officers since labour courts had been decentralised. The government needs to remove section 126 of the Labour Act: Chapter 28:01 that gives provisions on the jurisdiction of labour officers. The role of labour officers should be that of conciliation not arbitration. Arbitration should be left to those who are qualified. This empowerment of labour officers has led to increased corruption. Respondents said that the labour officers are too junior to arbitrate.

5.9 Conclusion and recommendations

In conclusion, labour representation is of importance at any work place since it reduces the chances of employers from abusing their employees. Trade unions and workers' committees strike a balance between labour and employers. This study examined the politics of labour representation in Chinese owned Small to Medium Enterprises in contemporary Zimbabwe. This study identified the challenges that are related to labour representation in Chinese owned Small to Medium Enterprises. The sector of Chinese owned SMEs lacks unionised

representation and employees face many challenges. These challenges include long working hours, poor working conditions, monthly signing of contracts, lack of labour representation, and lack of political will. There is direction, surveillance and discipline of workers in Chinese owned SMES. The Chinese employers in Zimbabwe alienate their workers from the products of their labour by paying them very low salaries. The salaries that the workers only allow them to live from hand to mouth. These workers in Chinese owned SMEs are exploited and their employers take advantage of the reserve pool of unemployed Zimbabweans who are willing to work for paltry salaries. Any workers who are conscious of their exploitation are charged with inciting public disorder and be dismissed from work. The exploitation of workers in Chinese owned SMEs takes various forms and these include exploitation for profit, to demonstrate authority over subordinates and to perpetuate oppression by the capitalists. Under the exploitation for profit, the study revealed that there is gross casualization of labour and the employees paid low salaries that are below the poverty datum line. The exploiter (the Chinese investor) benefits from what the exploited (workers) loses. The arbitrary termination of contracts by the employers is a type of exploitation to show authority in Chinese owned SMEs. That way the Chinese employers direct labour that conforms. The employees are oppressed, subjugated and excluded when they work for more than the regulated eight hours in Zimbabwe.

This research demonstrated that capitalism is a structured system of contradiction and antagonism between the employer and the employees. The employers victimise the employees who belong to trade unions, workers' committee or works councils. The workers in Chinese owned SMEs rank among the least unionised group of employees in Zimbabwe. The courts and the legislation support the structured systems of antagonism. These are state apparatus that worsened the situation of workers in Chinese owned SMEs through a ruling that allowed permitted employers to terminate contracts on notice. There are also instances whereby the state and capital have made alliances against labour. The 'Look East Policy' necessitated these alliances between the state and the Chinese investors.

This study found that individual employees in Chinese owned SMEs are thinking manipulators with an eye to put every situation to their advantage. The workers have ways of navigating around the constraining spaces of lack of unionised representation through alternatives such as lawyers, the Ministry of Labour and Social Welfare, the Labour Courts and the National Employment Council (NEC). Above all, the workers use subtle forms of resistance such as stealing, side dealings, chains of corruption and selling their personal wares during working hours. The workers in Chinese owned SMEs use employee agency to circumvent constraining

situations by manipulating their employers through deploying social capital and hiring lawyers. The Chinese employers have continued to try to divide the employees by making sure that they do not unite but the workers opt to hire lawyers when a labour dispute arises. In addition, within the financial fraction of capital, the workers are forced to seek redress from the National Employment Council (Commercial Sector). This thesis also concluded that due to the failure of trade unionism, the workers in Chinese owned SMEs have reinvented themselves to make use of their own subtle and innovative responses such as theft, smuggling of stuff, side dealings, networks of corruption and general apathy.

This research also documented the knowledge of workers in Chinese owned Small to Medium Enterprises on the existence of labour laws in Zimbabwe. The workers in Chinese owned firms have limited knowledge of the country's labour laws. The research exposed that these employees are not members of any trade unions; neither do they have workers' committees nor works councils at their workplaces. They are afraid of being victimised by their employers. Some workers know that it is their right to organise and join unions, to be given leave days, to have a fair dismissal and they should not sign contracts for more than six months continuously without being made permanent employees. These employees have solutions to their challenges. These solutions include the alignment of the Labour Act with the constitution of Zimbabwe, the creation of an independent NEC for the Chinese owned SMEs, carrying out of inspections by the government and trade unions, conscientisation of labour and the disempowering of labour officers.

There are recommendations that could be put in place to reduce the challenges bedevilling the employees in Chinese owned SMEs.

- Firstly, China and Zimbabwe are both developing countries where the other part (Zimbabwe) is desperate for FDI. Zimbabwe needs FDI and the Chinese needs somewhere to invest. These two nations should meet in-between. Zimbabwe cannot lower down its own shield of labour laws to accommodate capital. What needs to be done is for Zimbabwe to uphold its labour laws and its investment laws so that these investors cannot manipulate this nation. The arm of the law should be applied without prejudice to investors who abuse their employees and this should set an example to would-be offenders. Zimbabwe through its labour officers from the Ministry of Labour and Social Welfare and NECs needs to put in place meaningful and serious enforcement

of labour laws and all the international conventions on the protection of the rights of workers.

- Secondly, there is need to create equality in Zimbabwe between the employers and employees. This equality can only be achieved through the decisive state intervention. The Chinese investors are protected by the state with the exclusion of the local poor, thus Zimbabwe needs to create opportunities for its people by protecting them from harmful labour relations. The state must take it upon itself to better the conditions of workers in Chinese owned SMEs.
- Thirdly, there exists a discord between some sections of the Labour Act (Chapter 28: 01) and section 65 of the constitution of Zimbabwe. There is an urgent need to align Zimbabwe's labour laws with the supreme law of the land so that these discords could be removed.

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Appendix 1

Questionnaire

Topic: The politics of labour representation in Chinese owned small to medium enterprises in Harare's Central Business District.

Introduction

I am Pepukai Munodawafa, a Master of Science Degree in Sociology and Social Anthropology student at the University of Zimbabwe. I am doing a research on the politics of labour representation in Chinese owned Small to Medium Enterprises in Harare's Central Business District (CBD). Zimbabwe has witnessed an increase in the number of Chinese owned Multinational Corporations (MNCs) in its small to medium enterprises (SMEs). This study seeks to identify the challenges of labour representation in Chinese owned SMEs in Harare, CBD and to identify ways through which workers in Chinese owned SMEs are navigating their way around the challenges of labour representation. The research needs also to document workers in Chinese owned SMEs' knowledge of Zimbabwe's labour laws. The results of this research will be used for a continuous assessment of the researcher's post-graduate degree. It is your right as the respondents to choose to or not to participate in this research. If you have chosen to participate the researcher will make sure that your names and contact details shall not be published. As the researcher, I respect your decision to participate or not to participate in this research. For any questions, do not hesitate to contact the researcher on his cell: 0776389598 or email on [**munodawafap@yahoo.com**](mailto:munodawafap@yahoo.com) or [**pepumunoda.pm@gmail.com**](mailto:pepumunoda.pm@gmail.com)

SECTION A (Workers' demographic profiles)

1. a) Age at last birthday.....

b) Sex: (*Tick where applicable*)

Male ☐

Female ☐

Other.....

c) Marital status:

Single ☐

Married ☐

Separated ☐

Divorced ☐

Widowed ☐

d) Level of education:

None ☐

Primary ☐

Secondary ☐

Tertiary ☐

e) Occupation.....

Section B (Challenges of labour representation)

2. a) Nature of employment status.

Part time ☐

Full time ☐

Contract ☐

b) i. How do you classify your satisfaction with the conditions of your work?

Poor ☐

Satisfactory ☐

Not sure ☐

ii. Explain your answer:

.....

.....

.....

.....

.....

.....

.....

.....

iii. Number of working hours per day:

6-8 ☐

9-10 ☐

11-12 ☐

d) Are you given leave days?

Yes ☐

No ☐

e) i. Have you ever been subjected to any form of employer related mistreatment?

Yes ☐

No ☐

ii) If yes, explain your answer:

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3. Do you face any employment related challenges at your work place?

Yes ☐

No ☐

ii. If yes, what are these employment-related challenges?

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iii. Had there been any efforts to address the challenges faced by workers in Chinese owned SMEs?

Yes ☐

No ☐

Section C: Knowledge of Zimbabwe' labour laws

4. a) i. Are you familiar with any one of Zimbabwe's labour laws?

Yes ☐

No ☐

ii. If yes, can you explain the law?

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b) i. Do you have knowledge of labour representation bodies in Zimbabwe?

Yes ☐

No ☐

ii. If yes, how did you know of the existence of labour representation bodies in Zimbabwe?

From colleagues ☐

From Labour Unions ☐

From the employer ☐

Other.....

c) i. Are you affiliated to any labour representation body?

Yes ☐

No ☐

ii. If yes, name your affiliation.....

Alternative forms of labour representation

iii. If no, what other forms of labour representation do you have?

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Iv i. Do you think that these other forms of labour representation are representing the interests of the workers in Chinese owned SMEs?

Yes ☐

No ☐

ii). If no, what other ways do you think would best represent the needs of workers in Chinese owned SMEs?

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v).i. Do you have a workers' committee at your workplace?

Yes ☐

No ☐

ii. If yes, does it represent the needs of workers at your workplace?

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d). i. What is your overall assessment of the labour representation boards in Zimbabwe?

Poor ☐

Good ☐

Exceptionally Good ☐

ii. Explain your answer from d (i) above

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e) i. Do you face any challenges that are related to worker representation at your workplace?

Yes ☐

No ☐

ii. If yes, explain the challenges:

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Workers' education

5. a).i Have you ever received any education from trade unions or workers' committee leaders on employment relations?

Yes ☐

No ☐

ii. If yes, how helpful was this knowledge to workers in Chinese owned firms?

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e). Any other comments:

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THANK YOU

Appendix 2

In-Depth Interviews with Workers

Challenges of labour representation

1. What would you say are the major challenges that you face, as workers in Chinese owned Small to Medium Enterprises (SMEs)?
2. Do you have any trade union that is representing your interests at workplaces?
3. How are the challenges that you are facing affecting your employment and living standards?
4. Had there been any efforts to address the challenges faced by workers in Chinese owned SMEs? What was the degree of success?
5. Do you think unions are in a better position to represent workers in Chinese owned SMEs, financially and as social security against adverse employment action?
6. How successful do you think employment councils and employment boards is in representing the plight of workers in Chinese owned SMEs?

Worker or trade union education

1. Have you ever received any education from trade unions or workers' committee leaders on employment relations?
2. If yes, do you think these educational campaigns have been helpful in any way towards representing the interests of most of the workers in Chinese owned SMEs?
3. What are the issues that you were taught on these educational campaigns, if there were any?

Alternative forms of labour representation

1. What other forms of labour representation do you have in Chinese owned SMEs?
2. Are these other forms of representation representing your interests as workers in Chinese owned SMEs?
3. What do you think should be done to improve worker representation in Chinese owned SMEs?
4. Do you think competition for members between trade unions should be permitted since that is the provision in line with the basic human right of freedom of association?

Knowledge of Zimbabwe's labour laws

1. Are you familiar with any one of Zimbabwe's labour laws?

2. Do you think Zimbabwe's labour laws are representing your interests, as workers in Chinese owned SMEs?
3. In line with the recent trend where workers were laid off by giving them three months notices, the Government of Zimbabwe amended the Labour Act. How have this trend affected the relations between Chinese employers and their workers?
4. As workers, can you say you have benefited from the recent amendment of the Labour Act?

Appendix 3

Questions Asked To Labour Centres and Key Informants

Challenges of Labour Representation

1. What would you say are the major challenges being faced by workers in Chinese owned Small to Medium Enterprises (SMEs)?
 - a). Do you think the lack of labour representation is one of the challenges these workers are facing?
2. What are the direct impacts of these challenges on:
 - a). employment
 - b). industrial relations
 - c). Workers' living standards
3. Do you think unions are in a better position to represent workers in Chinese owned SMEs, financially and as social security against adverse employment action?
4. Had there been any efforts to address the challenges bedeviling workers in Chinese owned SMEs?
 - a). What had been the degree of success?
 - b). If no efforts to represent the workers in Chinese owned SMEs were made, does that imply that labour centres have become so powerless that they have failed to resist falling wages, increased exploitation and spreading poverty among this group of workers?

Alternative Forms of Labour Representation

1. What are labour centres doing to deal with the challenges of labour representation in Chinese owned SMEs given that workers in these sectors of the economy rank among the most exploited irrespective of the economic situation?
2. Are there any other ways through which workers in Chinese owned SMEs could navigate themselves around the challenges of representation?
3. How much are you and your affiliates charging as membership fee to your members in Chinese owned SMEs? (For labour centres)

4. What are the chances of trade unions in realising their goals in the context of reduced collective bargaining power and depleted union membership in Chinese owned SMEs?
5. How successful have labour centres been in emancipating workers in Chinese owned SMEs from the bondage of unfair labour practices?
6. In line with the recent trend where workers were laid off by giving them three months notices, the Government of Zimbabwe amended the Labour Act.
 - a). How has the amendment affected collective bargaining processes in Chinese owned SMEs?
 - b). Would you say that labour has gained or lost something as a direct result of the present Labour Act?
 - c). Are there any issues that you feel that the Labour Act does not address that needs to be addressed?

Worker or Trade Union Education (For Labour Centres)

1. Workers' education and trade union education is recognised as an effective tool to maintain strong and viable worker representation boards.
 - a). Do you have in place any worker education programmes for workers and workers committee leaders in Chinese owned SMES?
 - b). How and how often are there education programmes carried out?
 - c). What has been the response to these programmes, for example, has there been increased membership due to worker education if there had been any?
 - d). Do you feel that there is a great need to educate workers in Chinese owned SMEs now than it was before the proliferation of these firms?
 - e). To date, how many workers in Chinese owned SMEs would you say your organisation has educated?
 - f). Do you face any challenge in your efforts to educate workers and workers committee leaders in Chinese owned SMEs?
 - g). From your educational campaigns, do you think workers in Chinese owned SMEs are now knowledgeable of Zimbabwe's labour laws?

h). Are there any specific educational campaigns that you cannot carry out due to financial constraints?

How successful do you think the issue of employment councils and employment boards is in representing the plight of workers in Chinese owned SMEs?