



NEWSLETTER



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AGRICULTURE



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CEO'S FOREWORD

Dear Reader,

Several key developments have happened over the third quarter as we march on towards strengthening the NEC Agriculture institutionally. We were pleased to complete the amendment of the Constitution of the NEC to align it with the national labour legislation and to see the expansion of our Council from 20 to 28 seats. More voices and greater representation will foster harmony and peace in the industry, as we seek to support the national mantra of leaving no one and no place behind.

As NEC Agriculture, we also had the opportunity to attend the NECs Symposium in Victoria Falls under the theme "Capacitating National Employment Councils for Compliance with Regulations in Meeting Current and Future Challenges". Here, a range of issues affecting NECs were discussed, among them, the drive towards compliance with national labour laws, and creating synergies between the Ministry of Public Service, Labour, and Social Welfare in conducting joint labour inspections and the gathering of statistics. We were honoured to be in the presence of the Honourable Minister of Public Service, Labour and Social Welfare, Cde July Moyo who delivered the keynote address, lauding the role of labour as a driver of progress.

Our activities in providing trainings and ensuring procedural fairness in dispute resolution and disciplinary matters remain in full swing as we edge closer to the end of the year. We encourage all employers and employees to adhere to industry standards on occupational safety, health, and environment, as well as the adoption of climate adaptations to maintain viability at a time dominated by climate change and persistent dry conditions. Water is precious, as we have learned. Let us make every drop count.

I hope that you do, as usual, enjoy our offering in this quarterly e-zine, and I would like to wish you a productive remainder of 2024.

Yours truly,

DAVID MADYAUSIKU

CHIEF EXECUTIVE OFFICER

PROCEDURAL FAIRNESS IN DISCIPLINARY HEARINGS

By Sydney Mutasa

The National Employment Council for the Agricultural Industry of Zimbabwe has a registered code of conduct for the sector, namely, the “National Employment Council for The Agricultural Industry in Zimbabwe Employment Code of Conduct: Disciplinary Code and Grievance Procedure”. It is a part of S.I. 41 of 2022, which is the principal collective bargaining agreement of the industry. This code of conduct is binding where an undertaking is part of the agricultural industry and does not have an independently registered code of conduct. It must be adhered to during disciplinary proceedings to avoid unfair dismissals and loss of money through payment of damages in lieu of reinstatement. This article aims to share some often-overlooked characteristics of the code to be observed by the disciplinary committees during disciplinary hearings.

In the case of **Gova v Zimbabwe Mining and Smelting Company (Pvt) Ltd HH 1/98**, the judge had this to say: **“People who draw up codes of conduct should learn to adhere to them strictly or face the consequences. There is no point in working out a code, attaching to it certain conditions and then flouting these conditions to the disadvantage or prejudice of the workers”**.

This shows that the courts will have strong regard for industry codes in the case of disciplinary proceedings and the grievance handling procedure.

Procedural fairness of disciplinary hearings relates to fairness of the way the hearing is conducted. The following rights are critical to ensure procedural fairness in disciplinary hearings:

1. The right to be heard (*Audi alteram partem*)-

It is mandatory to hear the side of the other party before pronouncing a penalty.

2. The right to representation –

An accused person facing allegations of misconduct is entitled to be

represented by Workers committee representatives, a trade union official, or a legal practitioner at his or her own cost.

3. The right to notify the accused person in writing of the charges being raised.

4. The right to give adequate notice of the hearing of at least three working days to afford the accused person an opportunity to seek legal assistance, to get witnesses and to gather evidence.

5. The right to appear before an independent body or authority, that is impartial and not biased (*nemo iudex in causa sua*), which translates to “No one shall be a judge in his/her own case”. Therefore, any person with an interest in the outcome of the case must recuse himself or herself from the hearing panel.

6. The right to call witnesses and cross-examine them –

Even if there are written reports from the witnesses, they should also be called during the hearing for cross examination.

7. The right to address in mitigation or aggravation before a penalty is given.

To avoid adverse consequences and costly legal challenges, it is important that employers must take heed of the prescribed procedures, as they are there to ensure procedural fairness in disciplinary proceedings.

Sydney Mutasa is a Designated Agent at NEC Agriculture stationed in Mutare.

OCCUPATIONAL SAFETY, HEALTH AND ENVIRONMENT (OSHE) IN THE AGRICULTURE INDUSTRY

By Nobukhosi Mkwanzani

Zimbabwe, as a full member of the International Labour Organisation, has obligations to respect, promote, and realise, in good faith and in accordance with the ILO Constitution, the principles concerning the fundamental principle and right of every person to a safe and healthy working environment. Occupational Safety, Health and Environment (OSHE) in the agriculture industry is vital to ensure the well-being of farmers, employees and the environment. In this article, we look at the individual aspects of OSHE and what they mean.

Occupational Safety

Occupational safety covers those mechanical and chemical components of operations that could lead to injury or death, and measures to prevent those consequences. The biggest part of operational safety entails knowing which equipment and processes may lead to injury or death, and devising measures to prevent those consequences, such as the relevant personal protective equipment, and the prohibition of certain conduct when operating certain machinery. Examples where operational safety issues may arise in the agricultural industry include:

1. Machinery and equipment safety - tractors, harvesters, trailers.
2. Chemical handling and pesticide exposure.
3. Fall prevention - from heights, ladders.
4. Electrical safety - electrocution prevention.
5. Fire safety -equipment, barns, crops.
6. Ergonomics and musculoskeletal disorders prevention
7. Confined space entry safety - silos, manure pits.

8. Weather-related hazards - heat stress, lightning strikes, drowning.

Health

Generally

1. Chemical exposure - pesticides, fertilizers.
2. Heat and extreme temperature exposure – Barns, strenuous field work
3. Respiratory protection - dust, mold, smoke.
4. Hearing conservation – noise.
5. Zoonotic diseases - animal-borne illnesses.
6. Mental health and stress management.
7. Sanitation and hygiene practices.
8. Vaccinations and medical surveillance.
9. Emergency response planning.

Environment

1. Soil conservation and erosion prevention.
2. Water conservation and efficient irrigation.
3. Integrated Pest Management (IPM).
4. Chemical storage and disposal.
5. Waste management (manure, crop residues).
6. Biodiversity conservation.
7. Climate change mitigation and adaptation.
8. Sustainable agriculture practices.

Regulations

In the agriculture industry in Zimbabwe, we have **Statutory Instrument 197 of 2020, the Occupational Safety, Health and Environment Code**. The Code is divided into eleven (11) parts which touch on the brief outline of the code and the interpretation of terms, identification and management of occupational hazards and risks, the use of chemicals in the work place, dust and zoonotic exposures, exposure to sharp objects, use of machinery, vehicles, equipment and tools, use of energy sources, noise and vibration, provisions on manual and materials handling, special provision on forestry, timber and crocodile farming operations and the general workplace safety. SI 197 of 2020 can be downloaded on our website www.necagriculture.co.zw under the downloads section.

Nobukhosi Mkwanzani is a Front Office Administrator based in Mutare.

WATER HARVESTING IN AGRICULTURE ADAPTING TO CLIMATE CHANGE

Joseph Chingwe

Water management is very important in Agriculture, especially considering current climate challenges. It serves as the backbone of food production and sustainability. Climate change alters weather patterns there by forcing farmers to face increasing challenges related to water availability and quality. As climate change affects predictability of rainfall patterns, prioritizing effective water management in Agriculture is essential for ensuring sustainable food systems, enhancing resilience and protecting our environment and resources.

Water harvesting refers to the practice of collecting and storing rainwater or runoff for Agricultural use. It involves various techniques that capture water.

Common methods include:

1. Rooftop rainwater harvesting.

This is all about collecting rainwater from building roofs into storage tanks.

2. Surface runoff harvesting:

It's all about collecting runoff or harvesting water form field surfaces into ponds or reservoirs.

3. Subsurface water harvesting.

It's all about utilizing trenches or pits to capture and store ground water.

Importance of water harvesting in sustainable Agriculture.

1. Enhanced water availability-water harvesting provides a reliable source of water especially in regions prone to drought.

2. Improved soil texture-by capturing rainwater farmers will be maintaining optimal soil moisture levels which is vital for plant growth.

3. Cost effectiveness-By utilizing harvested rainwater you will be lowering irrigation costs of depending on expensive ground water.

Water harvesting is a vital strategy in sustainable agriculture, enabling farmers to adapt to the challenges posed by climate change. By integrating these practices, the agricultural sector can contribute to a more sustainable and resilient food supply system.



The diagram above shows an example of roof top rainwater harvesting. Rainwater is collected from a roof surface and redirected to a tank or deep pit for storage and subsequent reuse and restoration of ground water.

Joseph Chingwe is an Account Analyst based in Mutare.

CHILD LABOUR

By Veronica Nyoni and Stellan Jalazi

Child labour is a complex and sensitive issue that affects millions of children worldwide. Child labour refers to the employment of children in any work that deprives them of their childhood, interferes with their ability to attend school, or is mentally, physically, socially, or morally hazardous. According to the International Labor Organization (ILO), an estimated 152 million children aged 5-17 are engaged in child labour worldwide.

CAUSES:

1. Poverty: Families may rely on children's income to survive.
2. Lack of education: Limited access to quality education can lead to child labour.
3. Cultural and social norms: In some cultures, child labour is seen as a necessary part of growing up.
4. Conflict and crisis: Children may be forced to work in situations of conflict, natural disasters, or other crises.

EFFECTS:

1. Physical harm: Child labour can lead to injuries, illnesses, and even death.
2. Emotional trauma: Children may experience emotional distress, anxiety, and depression.
3. Lack of education: Child labour can prevent children from attending school, leading to limited future opportunities.
4. Perpetuation of poverty: Child labour can perpetuate poverty cycles, as children are denied the opportunity to acquire skills and education.



The Child labour-Poverty Cycle. Source: Moyee Coffee

TYPES OF CHILD LABOR:

1. **Forced Labor:** Children are forced to work against their will, often in exploitative conditions.
2. **Bonded Labor:** Children are forced to work to pay off debts or loans.
3. **Child Trafficking:** Children are recruited, transported, or harboured for the purpose of exploitation.
4. **Commercial Sexual Exploitation:** Children are forced into prostitution or other forms of commercial sex.
5. **Domestic Work:** Children are employed as domestic workers, often in exploitative conditions.

EFFECTS OF CHILD LABOR IN AGRICULTURAL INDUSTRY:

Imports and Exports Ban on Inputs and Outputs

- Child labour in the industry can lead to punitive bans on raw materials for use especially in the growing of tobacco. Further can distract from the efforts in growing the produce in that whether fruits or tobacco will not be exported if they are blacklisted as having exploited child labour.

Health risks

- Children are exposed to many hazards, including pesticides, chemicals, and heavy loads. These hazards can cause long-term health issues, such as respiratory problems, cancer, depression, and reproductive health problems.

Injury

- Children are at greater risk of injury from using sharp tools, carrying heavy loads, and climbing ladders.

Brain development

- Prolonged exposure to chemicals and pesticides can harm a child's growing brain, making it more difficult to learn in the future.

Limited job prospects

- Children who work instead of going to school may have fewer opportunities for better jobs and to advocate for their rights as workers.

Lack of safety

- Children are often exposed to poor or non-existent safety and health protection.

Interference with schooling

- Child labour can interfere with a child's compulsory schooling.

INTERVENTIONS TO PREVENT CHILD LABOR:

1. **Education and Awareness:** Raising awareness about the risks and consequences of child labour.
2. **Economic Empowerment:** Supporting families and communities to improve their economic situation.
3. **Policy and Legislation:** Strengthening laws and policies to prevent child labour.

4. **Community-Based Initiatives:** Implementing community-based programs to support children and families.

Veronica Nyoni is a Designated Agent, while Stella Jalazi is a Receptionist, both based in Marondera.

THE IMPORTANCE OF CONTRACT OF EMPLOYMENT IN THE AGRICULTURAL INDUSTRY

By Tapiwa Svuvure

The Labour Act Section 12 defines a contract of employment as an agreement between an employee and an employer where the employee provides personal services in exchange for remuneration. This contract can be oral or written, but the employer must provide certain information in writing when the employee starts work.

Employment contracts are indeed crucial for both employees and employers, establishing a clear framework for the working relationship. Here are five key reasons why they are essential:

1. **Understanding Employee Duties:** A good employment contract clearly defines an employee's position, responsibilities, and duties. This clarity helps employees understand their job description, duties, salary, and benefits, leading to higher efficiency and job satisfaction.
2. **Job Security for Employees:** Contracts outline the terms of employment, including the duration, probationary periods, and conditions for raises or promotions. This information provides clarity and certainty on the conditions of employment, and in some cases it provides security of job tenure, which can enhance performance and engagement.
3. **Defined Pay Rates and Income:** Employment contracts specify pay rates, payment frequency, and any bonuses. This transparency helps prevent misunderstandings and disputes over salary.
4. **Clear Leave Protocols:** Contracts detail leave entitlements, such as annual vacation leave, sick leave, and maternity leave. This ensures consistency and legality in how leave is managed, fostering a supportive work environment.
5. **Confidentiality for Employers:** Confidentiality clauses protect sensitive company information from being disclosed. Non-compete clauses can

also prevent employees from working for competitors for a certain period after leaving the company.

These elements make employment contracts a vital tool for ensuring a smooth and productive working relationship.

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