

4th Quarter 2022

NEC AGRICULTURE

Newsletter



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FOREWORD.

It is with great pleasure that I am writing this foreword to you, dear reader.

The National Employment Council (NEC) for the Agricultural Industry in Zimbabwe is a creature of statute, established in terms of the Labour Act Chapter 28:01 (the Act). Its role is to advance social justice in the agricultural industry, and achieves this through impartially providing a legal framework within which employers and employees come together for collective bargaining to improve conditions of employment, overseeing the implementation of labour standards as provided for by the laws of Zimbabwe, the resolution of disputes, and more generally promoting the participation of employers and employees in decisions affecting their interests in the workplace. It is in this context that this newsletter for the fourth quarter of 2022 is presented.

In the last quarter of 2022, the NEC for Agriculture has undertaken various activities involving stakeholders in the industry, as well as capacitating its staff to better serve stakeholders. Spotlighted in this newsletter is the Symposium, attended by all Designated Agents across all National Employment Councils in Zimbabwe, staff from the Judicial Services Commission, and officials from the Ministry of Labour, Public Service and Social Welfare, among others. Over two days, information-sharing on topics of mutual interest and relevance to the stakeholders represented was facilitated with resounding success.

The newsletter also highlights some contemporary issues in the thematic areas that the NEC for Agriculture engages with. As a body concerned with labour standards, some which affect the international law obligations of Zimbabwe, and some which are specially embodied as protected rights and duties in the Constitution of Zimbabwe, the NEC is duty-bound to engage with these issues. Child labour is one such issue which the NEC is seized with in discharging its oversight functions. The newsletter elucidates the legal issues and applicable standards for stakeholders' easy understanding.

Common risks to farmers and farmworkers impacting on a safe working environment consistent with Occupational Health, Safety and Environment standards are also under the purview of the NEC, and the often overlooked but majorly destructive risk posed by fire to production and to human life are also addressed. Ways of guarding against these risks are also addressed.

The newsletter further engages with the issues of gender-based violence (GBV) and sexual harassment in the workplace, which are issues that disproportionately affect women, but of which anyone can also be a victim. It highlights the specific protections in the law, as well as what steps to take if one falls victim to such practices in the workplace, and more broadly in the world of work.

Finally, in the newsletter the reader is kept updated about the latest developments in science and technology that protect crops from the ravages of climate-change induced erratic weather patterns, thereby increasing yield and enhancing productivity. An article explores the use of greenhouse technology for this purpose. This is in line with the NEC for the Agricultural Industry's aim to deliver first class productivity-based industrial relations to the agricultural industry in Zimbabwe.

I wish you a happy and enlightening read.

Yours truly,

David Madyausiku,

Chief Executive Officer

ANNUAL SYMPOSIUM FOR NEC DESIGNATED AGENTS

Sydney Mutasa and Sibusisiwe Maruma

The NEC for Agriculture Industry in Zimbabwe participated in a symposium in Harare for all the Designated Agents (DAs) across all National Employment Councils in Zimbabwe from 12 to 13 December 2022. The symposium was quite relevant as it ensured acquisition and sharing of knowledge and experiences for the benefit of the DAs, Council, and the sector at large. The Chief Executive Officer of the NEC Agriculture was given the opportunity to chair the first session of the program. The CEO facilitated the proceedings professionally and put the house to order. A lot of topics of interest were covered by renowned presenters.

On the first day, the presenters covered topics including enforcement of determinations issued in terms of section 63 of the Labour Act, the equitable jurisdiction of a DA, rules and principles of justice and equity, and their application by DAs. The Labour Amendment Bill was unpacked. Judicial Services Commission (JSC) officials presented on the Integrated Electronic Case Management System (IECMS) that all their stakeholders including NECs need to adopt.

On the second day, the presentations covered prospects and challenges of hybrid work models and practices, that is, post-COVID era innovative ideas for productivity of DAs and General Secretaries, evaluation of DA's work vis-à-vis an evolving work environment, common challenges faced by DAs, and the current prevalent disputes in the world of work. Strategies for collaboration and coordination between NECs and the Ministry of Public Service, Labour and Social Welfare were also presented. Some resolutions were then made and adopted as outcomes of the Symposium.



THE CEO AND DESIGNATED AGENTS FOR THE NEC AGRICULTURE INDUSTRY IN ZIMBABWE

Sydney Mutasa is a Designated Agent at NEC Agriculture, and he is stationed in Mutare. Sibusisiwe Maruma is a Designated Agent at NEC Agriculture, and she is stationed in Harare.

Child labour – A violation of children’s rights

Sydney Mutasa

The rainy season is upon us once again for the 2022- 2023 farming period. It is the time when most stakeholders in the agriculture industry engage in a variety of farming activities. As they conduct their business to achieve desired yields and for economic growth, it is imperative for farmers to consider the age of employees they engage. The International Labour Organisation (ILO) Conventions, the Constitution of Zimbabwe, and the Labour Act [28:01] strictly prohibit employment of children or young persons, that is, child labour.

Research conducted revealed that Africa has the largest number of child labourers. Around 72.1 million African children were estimated to be in child labour, and 31.5 million of those are engaged in hazardous work (ILO:2016). It was further noted that agriculture industry accounts for 85 percent of all child labour in Africa. It has been necessary to audit farms under horticulture, tea and coffee, and general agriculture to ensure total compliance to the prescribed fair and safe labour standards. These audits are now underway. The implications of non-compliance would result in farmers experiencing challenges in exporting their produce to lucrative markets abroad if implicated in child labour practices. This article seeks to share with stakeholders in the agriculture industry the legal instruments which prohibit child labour in Zimbabwe and the legal implications to offenders so that nobody falls foul of the law.

Child labour is defined as work that is mentally, physically, socially, or morally dangerous and harmful to the children (ILO). Besides having effects to the children, child labour also has detrimental economic and legal effects to the farmers and the country at large.

- According to ILO Convention 182 Article 2, a child refers to all persons under the age of 18.
- According to Statutory Instrument 72 of 1997 (Employment of children and young persons), a young person means any person who has attained the age of 16 years but not attained the age of 18 years.

LEGAL INSTRUMENTS PROHIBITING CHILD LABOUR IN ZIMBABWE

1. THE CONSTITUTION OF ZIMBABWE (AMENDMENT NO. 20 OF 2013)

Section 19(3) places an obligation on the State to take measures that ensure that children do not perform work or provide services that.

- i. are inappropriate for the children's age or
- ii. place at risk the children's wellbeing, education, physical or mental health or spiritual, moral, or social development.

Section 81(1)(e) provides that every child under the age of 18 years has the right to be protected from economic exploitation and child labour.



2.LABOUR ACT CHAPTER 28.01

Section 11 of the Act provides that no employer shall employ any person in any occupation as an apprentice who is under the age of 16, or otherwise than as an apprentice who is under the age of 16. The only exception is where a person under the age of 16 may perform work at school or technical or vocational institution that is carried out as an integral part of

course of training or training or vocational education for which the school or institution is primarily responsible.

The Act provides that no employer shall cause any person under the age of 18 years to perform any work that is likely to jeopardize that person's health, safety or morals. The Act also imposes a criminal sanction on any employer who employs any person in contravention of Section 11, making them liable to a fine up to level 7 or to imprisonment of up to two (2) years or both a fine and imprisonment.

3. ILO CONVENTION NUMBER 138 OF 1973

This Convention, ratified by Zimbabwe in June 2000, set the minimum age for admission to employment and states that children under 15 years of age should not be working. Zimbabwe has specified a minimum age of 14 years in line with Article 2(5) of that Convention. The Convention is in force as a matter of international law and its obligations are binding on Zimbabwe.

4. UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)

Article (1) defines a child as a person under the age of 18. **Article 32** states that every child should be protected from work exploitation and from hazardous jobs which hinders children's education or harm their health and development. **Article 36** provides that a child has a right to be protected from all forms of exploitation.

5. AFRICAN CHARTER ON CHILDREN'S RIGHTS

The Charter defines a child as every human being below the age of 18 years. **Article 15** provides that every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be

hazardous or to interfere with a child's physical, mental, moral, spiritual, or social development.



Say No To Child Labour

LEGAL IMPLICATIONS OF PRACTISING CHILD LABOUR

Section 11(5) of the Labour Act (28:01) which prohibits employment of young persons in Zimbabwe provide penalties to offenders which reads ***“Any employer who employs any person in contravention of this section shall be guilty of an offense and liable to a fine not exceeding level 7 or to imprisonment not exceeding two (2) years or both such fine and such imprisonment”***.

Stakeholders in the agriculture industry must ensure compliance with good labour practices in relation to employment of young persons during this farming season and beyond for the betterment of our industry and the Zimbabwean economy at large. **SAY NO TO CHILD LABOUR.**

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

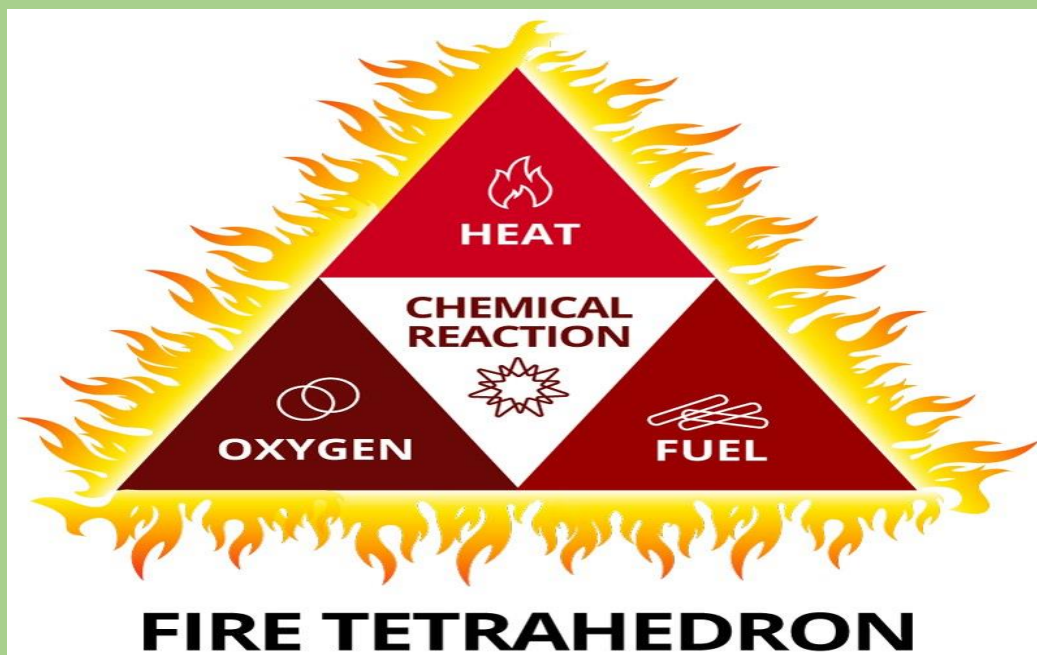
FIRE

By Nobukhosi Mkwanzani

It's summertime! Yes, summer is upon us, so are dry winds, high temperatures and an enemy of the agriculture industry, **veld fires!** There is more to fire than just the emission of heat and light.

Fire, simply put, is a chemical process of combustion involving the oxidation of a fuel source at a high temperature. It releases energy and produces heat and light.

Natural or man-made, four elements must be present for a wildfire to burn: fuel, oxygen, a heat source, and chemical chain reaction. A fire needs all four elements to live. If you take out one, the fire will die. These four elements are called a fire tetrahedron.



How can we extinguish a fire using the fire tetrahedron?

Let's take a closer look at each element of the tetrahedron to establish how to eliminate each one, and what effect that has.

- **Oxygen:** For a fire to ignite and sustain itself, it requires a steady oxygen supply, as this is a key component of the chemical reaction in combustion. That's why throwing a fire blanket over the flames is a way of smothering the fire to prevent any oxygen from reaching the flames. Sand and dirt can also be used to smother a fire. A carbon dioxide fire extinguisher, which works by displacing oxygen – should only be used on Class B and electrical fires. Removing the oxygen element is usually only

a viable option for small fires, however, there is no way of effectively smothering a large-scale fire.

- **Heat:** Heat works to trigger or exacerbate a fire by removing the moisture from the fuel source and raising the temperature enough for ignition to occur. There are several ways to eliminate or reduce the heat source. This can be done by applying a cooling agent such as water, powder, gas or a chemical retardant, found in various fire extinguishers – ensure you choose a technique appropriate to the type of fire, or you could worsen the blaze. Switching off electricity in a burning building can also curtail heat, too.
- **Fuel source:** Fuel refers to anything that is combustible, whether that be oil, paper, cardboard, wood, gas, plastics, cloth etc. Fires stop naturally when the fuel or flammable material has burned through, however, waiting for a fire to naturally die down is not usually a safe or viable option. How well the fuel will burn depends on other external factors, such as its chemical makeup, the surrounding oxygen, and how damp a fuel source is.
- **Chemical chain reaction:** Another technique to quell a fire is to disturb or break the chemical reaction chain. When a fire burns, free radicals or electrons are produced from the fuel which then pair up with the oxygen molecules, and this reaction raises the temperature even more – thus, keeping a fire going.

What Is A Veld Fire:

Veld fires have become one of the greatest environmental challenges of our time, causing intense damage to Zimbabwe's natural flora and fauna, biodiversity, forests, animal habitats, crops, loss of lives and valuable property. This burning has negative impacts which include biodiversity, loss, greenhouse gas emissions, loss of pastures, reduction in crop yields, soil fertility and the disruption of the hydrological cycle.

Veld fires (also referred to as wildfires) **are bush fires both within and outside farming areas that have the potential to spread out of control and destroy extensive tracts of forests, grass lands, animals, people, and valuable property.**

How to prevent wildfires

Most wildfires are started by people, compared to a small amount which is started by natural occurrences such as lightning.

Cause	Possible solution
Flammable material	Identify flammable materials at the workplace and keep them somewhere safe.

	Move them from the path of an ongoing fire.
Cigarette stubs	Educate employees and the surrounding communities on the dangers of reckless disposal of cigarette stubs.
Uncontrolled fires	Educate employees and the surrounding communities on the dangers of starting fires willy nilly and not attending to them afterwards.
Lack of fire guards	Construct fire guards that are at least 9metres wide along the farm boundary with the cooperation of your neighbours in the months of May and June before the fire season. Construct fire guards which are 4.5 meters wide around fields and plantations to protect crops.
	Farmers must also practice hay bailing. Train firefighting teams. Keep firefighting equipment in place. Keep bowsers and knapsack sprayers filled with water during the fire season which is from July to October.

What does the law say about veld fires?

Every landowner has a responsibility to put in place necessary fire suppression measures in and around their properties as stipulated in the **Forest Act [Chapter 19:05]** as read with **Statutory Instrument 7 of 2007 Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations** which state that no person must start a fire deliberately during the fire season. In case of a fire outbreak, any person within that vicinity of the fire must extinguish the fire even if they are not the owner of the land or property. According to the Environmental Management Agency (EMA), the fire season starts from July to October and fires are prevalent during this time because of the dry weather conditions. During this period, no one is allowed to start fires outside their houses.

Nobukhosi Mkwanzani is a Receptionist based in Mutare.

DEALING WITH GBV AND SEXUAL HARRASSMENT AT THE WORKPLACE

Sibusisiwe Maruma



Introduction to Gender Based Violence (GBV) at the workplace.

Definition of the World of Work

There is a broad definition of the world of work to include every space where there is work or where a worker can access and this includes bus terminus, markets, shopping areas, clinics/ hospitals, resting places and bathrooms at work including the commute to and from work.

SUMMARY OF NEW ILO CONVENTION 190: ON VIOLENCE AND HARASSMENT IN THE WORLD OF WORK – ARTICLE 1.

- **Inclusive Definitions:**
- **“Violence and Harassment”**: Refers to a range of unacceptable behaviours and practices, or threats thereof, **whether a single occurrence or repeated**, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;
- The Convention also takes account of the fact that **nowadays work does not always take place at a physical workplace**; so, for example, it

covers violations linked to **work-related communications, including those enabled by ICT.**

Definition of Gender Based Violence and harassment.

- **“Gender-Based Violence and Harassment”**: is defined as violence directed at persons because of their sex or gender, which is unwanted and causing physical, psychological, or economic harm or death. This affects persons of a particular sex or gender disproportionately, and it includes sexual harassment.
- The Convention does not give room for repeated violations as it makes it a crime the first time one commits GBV and harassment.

Target 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

Significance of C190: Express Fundamental Right Given

- The Convention gives every worker **the Fundamental Right to a world of work free from violence and harassment.** This has hitherto never been clearly articulated in any international treaty.
- It also recognizes that Violence and Harassment including Gender Based Violence and Sexual Harassment, also **constitute human rights violation or abuse as they affect gender equality and equity.**

Forms of Gender Based Violence

- Political violence and intimidation
- Economic abuse or violence
- Sexual harassment / manipulation
- Rape and marital rape
- Verbal and physical abuse
- Discrimination
- Stalking
- dating violence
- economically coerced sex / forced prostitution.
- Malicious damage to property
- Human trafficking
- Forced male sterilization.

Sexual Harassment: A women worker rights issue

- Sexual harassment is frequently a display of power which is intended to intimidate, coerce, or degrade.'
- It can include:
 - ✓ unnecessary touching
 - ✓ suggestive remarks
 - ✓ pornographic pictures in the workplace
 - ✓ demands for sexual favours.
 - ✓ physical assault

WHICH SECTORS AND IN WHICH PLACES ARE WORKERS PROTECTED? – ARTICLE 3

- Public and private sectors, formal and informal sectors.
- Applies to violence and harassment in the world of work occurring during, linked with or arising out of work: e.g.
 - (a) in the workplace, including public and private spaces where they are a place of work;
 - (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
 - (c) during work-related trips, travel, training, events or social activities;
 - (d) through work-related communications, including those enabled by information and communication technologies;
 - (e) In employer-provided accommodation; and
 - (f) when commuting to and from work.

WHAT DO I DO WHEN I HAVE BEEN ABUSED

- Don't suffer in silence: If you are being physically, psychologically (mentally), emotionally or sexually abused, it is important that you seek help. You do not have to continue to suffer in silence.
- Talk to someone you can trust, confide in a friend, a neighbor, a relative, a spiritual leader or elder, a doctor, or a counselor.
- It is not your fault: There is no excuse for any form of abuse or violence, and you do not have to put up with it. Both physical and emotional abuse is against the law and help is available.
- You can get help: You can use the legal system to help you:
 - Report to the nearest police station – Victim Friendly Unit
 - Apply for a protection order at the nearest Magistrate Court or High Court

- Seek help in counselling and support from professional counselling organizations or churches.
- Your trade union or trade union shop steward can assist you with all these processes or refer you to someone who can.

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THE RAINY SEASON AND ASSOCIATED HAZARDS.

Joseph Chingwe

We continue to educate and share awareness on climate change and imminent hazards associated with the rainy season. Now that the rainy season is on the horizon, and we were waiting for it so that we could start planting.

We all need rain and the season as well to facilitate our productivity on farms and everywhere, but the rainy season is also associated with hazards that can do harm to our crops, produce, livestock and shelter if caught unaware and not very careful. The rainy season is characterized by heavy rains strong winds, hailstorm, and floods.

For those who produce seedlings for sale on open ground or for transplanting, heavy rain can cause damage to all seed beds which can potentially cause 100% loss. Hailstorm is a hazardous condition associated with rain and can also do substantial damage to seedbeds. The uninsured farmer is then unable to recover anything from what would have been planted.

Farmers should look at the long-term control measures if they don't want loss of produce from harsh climatic conditions.

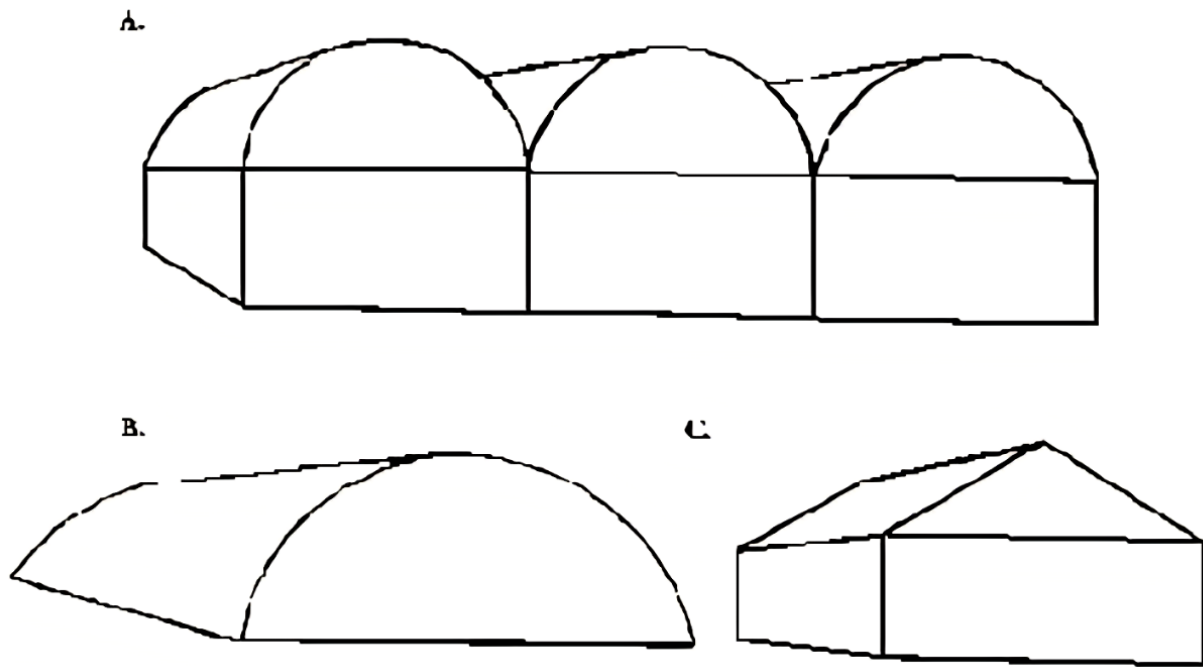
Green houses

- What is a green house?

A greenhouse is a great additional structure to any farmhouse or field, designed for protection of plants, seedlings against damage from the mentioned harsh rainy season conditions. Green houses can be constructed using cost-effective material like timber and plastic.

There are three types of greenhouses: lean-to, detached, and ridge and furrow or gutter connected as illustrated in figure 1 below:

Figure 1. Commercial greenhouse structures: A) gutter connected, B) free standing quonset
C) single gable



© Texas Agrilife Extension

Advantages of Greenhouses.

- (a) You can plant vegetables and seedlings all year round as they will be protected.
- (b) Greenhouses can mitigate against harsh temperatures causing damage to crop.
- (c) Hailstorm, heavy winds, and flood effects are limited by greenhouses
- (d) Insects, wind vectored diseases and other elements are reduced from attacking plants.
- (e) Greenhouses increase crop yields
- (f) They also protect plants from animals and invasive plant species

The NEC for Agriculture seeks to advance production on farms to feed and develop the nation, and in the knowledge that there is global climate change and harsh weather hazards, the use of greenhouses is encouraged as a measure to prevent the loss of plants.

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