

# Labour law essay

[Economics](#), [Trade](#)



There are four distinct phases of labour law in Zimbabwe namely Primitive accumulation, colonial state corporatism, post colonial state corporatism and neo-liberalism. Primitive accumulation from 1890 to the 1930s. the chief legislation of this period was the 1901 Master and Servant Ordinance Act. This laid the basis of a primitive labour law system designed to fast track the establishment of a racist capitalist system based on cheap and forced black labour. The character of labour law during this period was determined by the primitive accumulation needs of the employer class in which distinction between the employer and the state was non-existent as the aim of the British South African Company was to extract as much wealth as possible within the shortest possible time. The period was characterized by weak black trade unions and two incidences of strikes which were not widespread and did not have much effect as they were quickly crushed. Repressive legislation was designed for blacks while common law and general law applied to whites. Strikes and collective bargaining were expressly prohibited.

Blacks did not have freedom to contract because of the existence of forced labour. Colonial state corporatism, the period of 1930 to 1980 under the white minority rule, a dual labour relations regime with a state corporatist regime. The Industrial Conciliation Acts of 1934, 1945 and 1959 were enacted. These acts dealt with white working class, co existing side by side with a unitary law applicable to the majority of the black working class. The Industrial Conciliation Act marks a major milestone in the history of labour law in this country, as for the first time the law recognized the need for

employer and employee to negotiate. Certain sections of the black employees had the right to Trade Unionism and collective bargaining.

Post colonial state corporatism, from 1980 to 1990 when the country attained independence. The new government retained, upheld and expanded to the whole working class the state corporatist policies of the colonial era. This was done under the guise of the road to socialism. The principal legislation was the Labour Relations Act. The state was paternalistic in nature. Government continues to play a leading role in Labour Relations.

Minimum and maximum wages were gazetted, hours of work were prescribed and collective bargaining agreements were subject to ministerial approval.

Neo liberalism, a period from 1990 to the present. Under the Economic Structural Adjustment Program (ESAP), government deregulated labour policies and adopted free market policies. Government abandoned its paternalistic approach in favour of market driven policies, thus its role in Labour Relations had to change. b) The various labour law systems were determined by the ideology of the ruling class, the socio-economic environment, politics and balance of class struggle .

in the primitive cumulation period of 1890 to 1930 the colonial government was guided by a unitarist ideology in which TUs, CB or strikes were expressly outlawed. This was to ensure uninterrupted supply of labour and production for maximum profit extraction. There were however weak TUs. Industrial and Commercial Union of 1927 which did not organize any strike. There were isolated incidences of strikes in 1912, 1922 and 1927, Wankie and Shamva strikes.

The other important feature which characterized the labour relations was the racist capitalist system designed to promote white supremacy. This was supported by Registration of Natives Regulation 1895 and 1894 order in council (southern Rhodesia) and the Master and Servant Act of 1901. The colonial government had a dual legal system in place, on one hand there was repressive legislation for blacks and on the other hand a general and common law was applied to whites. Under these pieces of legislation it was criminal to absent oneself from work without authority, to become drunk during working hours, make disturbance on employers property, use abusive language to employer or his family members. There were meant to regulate the mobility of black labour and stabilize employment. Blacks were treated as second class citizens' in order to perpetuate white supremacy. The objective of extracting wealth as quickly as possible led to the violent dispossession of the Shona and Ndebele of their fertile land and cattle and driven into reserves.

State machinery was used to crush dissent/resistance. The dispossession of the peasant of land forced him to sell his labour to the employer for him to survive. Thus in this period we see that the main objective was wealth extraction at any cost leading to dispossession, and creating repressive legislation to suppress the blacks, make them work for the colonial masters as a means for survival.