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Strengthening Zimbabwe's Tripartite Negotiating Forum (TNF) System under Turbulent Business Times

THULANI SHEILA MAKAMURE^{1*}, MAXWELL SANDADA^{2*}, RANZI RUSIKE^{2*} AND TAWANDA ZINYAMA³

Abstract

The article sought to assess the mechanisms that can be adopted to address the challenges facing the social dialogue forum in a turbulent business environment in Zimbabwe's public sector organisations. The Tripartite Negotiation Forum (TNF) in Zimbabwe has been affected by the dynamic and volatile changes in the business context that can be understood as Volatile, Uncertain, Complex and Ambiguous (VUCA). Consequently, the social dialogue platform seems not fair to all the players as it weighs heavily against organised labour and organised employers. The study's main research question was: What can be done to strengthen the TNF in Zimbabwe under the turbulent business context? The article used a critical documentary review to develop contextually attuned mechanisms that can be put in place to ensure the sustainability of the TNF under turbulent business contexts through policy prescriptions. A desktop review of the reports from the Zimbabwe Congress of Trade Unions (ZCTU), the Zimbabwe Coalition on Debt and Development (ZIMCODD), the Zimbabwe Teachers Association (ZIMTA), the Ministry of Labour and Social Welfare (MoLSW), International Labour Organisation (ILO), Bertelsmann Transformation Index (BTI) Report, and the interview of the TNF social partners was done to collect data. The study found that the socio-economic and political environment has been harsh on the country's TNF. This has affected the effectiveness of the social partners in arriving at a mutually acceptable position that helps the social partners to cope in these turbulent business times. Further, the government seems to be the main factor in determining the

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outcomes of the social dialogue platforms. However, this seriously works against public service workers. Inflation has also negatively undermined the effectiveness of the TNF despite the presence of legal and institutional mechanisms to protect social dialogue. The study, therefore, recommends the creation of an independent commission to facilitate and moderate social dialogue. There is need for political will and tolerance by the political leaders to allow other actors like trade unions and employers' representatives to participate effectively in the TNF and the need for the increment of the budget for the TNF, in line with the realities of inflation in the economy.

Keywords: social dialogue, business context, tripartism, negotiation, turbulent

INTRODUCTION

The need for a social dialogue platform has attracted renewed attention in recent times due to the unrelenting turbulence in the Zimbabwean business context. Most importantly, social dialogue platforms are generally seen as a proxy to develop and maintain a healthy industrial system. Globally, the International Labour Organisation (ILO) provides that social dialogue encompasses all forms of negotiation, consultation or simply exchange of information between representatives of government, employers and workers on issues of common interest relating to economic and social policy (ILO, 1999). ILO recognises, however, that the definition of social dialogue can vary, depending on context and time. Fashoyin (2004) argues that social dialogue is a mechanism through which the, ...state cedes part of its authority to recognised organisations of employers and workers, the goal being to align these interest groups with the state policy-making framework

- The concept serves four functions of information-sharing, consultation, negotiation and joint decision-making between the parties (*ibid.*).

Oftentimes, economic shifts, inflation or depressions surprise the government as it will not be prepared to embrace those changes quickly enough (Müller, Vandaele and Waddington, 2019; Bulfone and Afonso, 2020). As a result, the Public Service Commission (PSC), the civil service employer,

responds by cutting the salaries and wages of its employees or fails to ensure that there are necessary adjustments to cushion civil servants against the high cost of living. Ideally, when such a scenario arises, the representatives of the civil servants and the government should come together for joint regulation and agreement on the terms and conditions of employment in mitigation against hardship caused by the turbulent context. The state of the business environment can reflect a VUCA setting (Volatile, Uncertain, Complex, and Ambiguous) that ceaselessly undermines the effectiveness of the social dialogue fora for a harmonious relationship amongst employers, employees and the State.

This article serves to assess the mechanisms that can be adopted to address the challenges facing the social dialogue forum in a turbulent business environment in Zimbabwe's public sector organisations. This will be used as the basis for the examination of the TNF under the turbulent business context in Zimbabwe. This article particularly defines social dialogue or tripartism as a practice created and effected by the International Labour Organisation, within which governments, employers and workers' organisations have collaborative constitutional recognition and legitimacy in the promotion of global social justice (ILO, 2002, 2020). The following research objectives capture the locus of this study:

- To assess the effects of the turbulent business context on Zimbabwe's TNF.
- To identify the challenges affecting the TNF in Zimbabwe's labour governance system during turbulent business context.
- To recommend strategies for improving the effectiveness of the TNF in Zimbabwe's labour governance system.

This article comprises a general review of literature on the TNF, case study experiences on its application, the research methodology that was applied, research findings on Zimbabwe, discussion of results and recommendations.

THEORETICAL FRAMEWORK: PLURALIST THEORY

The Pluralist Theory views society from the post-capitalist viewpoint under which the public sector is understood, as composed of individuals with divergent interests, views and interests as well as objectives. It

further asserts that conflict in labour governance is both rational and inevitable, given the composition of members of various organisations (Martineau, Johnson and Pauchant 2017; Muttakin, Mihret and Khan 2018). This implies that the composition of the public sector with the government, labour unions, public service workers and their representatives have different interests and values that inevitably creates conflict in the labour management. Pluralists acknowledge that different groups have different and, sometimes, opposing interests and goals, and that they need to be balanced through collective bargaining and state regulation (Thunnissen, 2016). The theory argues that the existence of divergent interests requires an effective and efficient resolution of labour conflicts for collaboration and effective resolution of differences for progress in the industrial system (Muttakin *et al.*, 2018).

The assumption of the Pluralist Theory provides room to agree that conflicts exist, given different interest between labour and capital, hence the need for well-organised systems to address these disparities (Thunnissen, 2016; Martineau, Johnson and Pauchant 2017). To this end, the social dialogue system at the TNF aims at ensuring that disputes in labour governance are addressed amicably. The study seeks to find out if the challenges affecting the social dialogue can be addressed to improve the functioning of the TNF in Zimbabwe. In the public sector, labour governance, collective bargaining, labour governance frameworks and constitutions promote an effective and productive labour system. To this end, the study seeks to assess the nature, systems and implications of the theory in the regulation and governance of labour in Zimbabwe's public sector under the turbulent environment in addressing the challenges faced in the social dialogue systems in the TNF in Zimbabwe's public sector organisations.

RESEARCH METHODOLOGY

The study is a qualitative documentary review of the Zimbabwe's social dialogue dynamics with the motive of plugging the literature gap on the heuristic mechanisms that can be adopted to enhance the effectiveness of Zimbabwe's social dialogue platform under the current conditions. The study utilises a qualitative research paradigm in understanding the TNF.

It adopted a descriptive research design to effectively understand the social dialogue context in Zimbabwe and devise the context-specific mechanisms under which effective bargaining can be done in the turbulent business context. A desktop review of the reports from the ZCTU, ZIMCODD, ZIMTA) MoLSW, the ILO, the BTI Report and interviews of the TNF social partners was done. Data was analysed through content analysis and presented in thematic form in relation to the main research aim.

LITERATURE REVIEW ON SOCIAL DIALOGUE SYSTEMS

This section is a critical review of literature on social dialogue systems during turbulent business times globally. The locus of the section is to understand the issues and challenges associated with social dialogue fora in the Zimbabwean context and to extrapolate lessons from the case study experiences to develop mechanisms to strengthen the country's collective bargaining systems.

CONCEPTUAL UNDERPINNINGS OF SOCIAL DIALOGUE

The ILO defines social dialogue as any type of negotiation, consultation or straightforward information-sharing by, or among, representatives of governments, employers and workers, on topics of shared interest pertaining to economic and social policy (Wilkinson, *et al.*, 2022). It can be a tripartite process with the government participating formally in the conversation, or it can merely be a relationship between labour and management (or trade unions and employers' associations), with or without any direct or indirect government involvement. Processes for social discourse can be informal or institutionalised, and frequently the two combine. It can occur at the local, regional or corporate level. It may be sectorial, interprofessional or a combination of both (Novikova *et al.*, 2021). Therefore, from this point of view, social dialogue has one objective of achieving agreements between social partners, where it is institutionalised. The ILO (2023) argues that social dialogue becomes a conduit for policy coordination between partners involved in the process. To this end, the study believes that by its very nature, social dialogue entrenches and strengthens cooperative and participatory democratic governance. Therefore, the study seeks to assess if the TNF in Zimbabwe

is seen as a mechanism that ensures cooperative and participatory democratic governance.

THE EFFECTS OF THE TURBULENT BUSINESS CONTEXT ON THE TNF

UNDERSTANDING THE TURBULENT BUSINESS ENVIRONMENT

A turbulent business environment can be defined as a period of uncertainty or a time when events in the environment are unpredictable. It can also be defined as unpredictable, uncertain times for strategic planning processes. The discussion is that a turbulent environment is a time when business managers are not sure of what may happen in the future (Bridgman and McLaughlin, 2018). It has also been defined as a period of hyper competition or a period where businesses face stiff competition, leading to a decline in sustainability (Vecchiato 2016; Anxo, 2017). According to Sedlakova (2018), a turbulent business environment encompasses two dimensions: complexity and dynamic. Dynamic means that the organisation can no longer use history and data from the past to determine the future (Caraway and Ford, 2020). Insinuated here is that environmental turbulence implies uncertainty and the inability of the parties to be able to plan and anticipate the changes that can take place in the operating milieu.

Environmental turbulence, therefore, affects labour governance in terms of the conditions of employment. In most cases, economic shifts, inflation or depressions often surprise the government which, in most cases, is not prepared to embrace those changes very quickly (Müller, Vandaele, and Waddington, 2019; Bulfone and Afonso, 2020). As a result, the government responds by cutting the salaries and wages of the employees (public servants) or fails to ensure that there are necessary increments civil servants to meet the high cost of living. Ideally, when such a scenario arises, representatives of the civil servants and the government should come together for joint regulation and agreement on the terms and conditions of employment in response to the turbulent context. This is meant to ensure that practical terms and conditions can be implemented for the benefit of both towards sustainability in labour governance.

Seiler (2020) makes the argument that the persistent increase in prices has a significant impact on the collective bargaining processes between employees and employers. This point is further explained by Groshen (2018) who states that inflation affects the wage-setting practices in organisations across the country. This is because in periods of high inflation, employee wages are eroded due to the increase in the cost of living, which forces them to bargain for wage increases with their respective employers (Botella, 2019; Groshen, 2018). Inflation in the USA is at its highest in forty years, and has eroded the wages of low level employees across the country (Rosenberg 2021). Further, since the advent of global economic crisis in Europe in 2008, employment relations per se and the processes and institutional structures of collective bargaining that is collective bargaining systems, in particular have become increasingly contested (Visser 2016, Hanna *et al.*, 2018, Rogers 2016). In fact, collective bargaining became one of the important arenas for policy makers in Europe since the labour market had to bear the costs of economic recovery and therefore collective bargaining systems were often seen as the key facilitator or obstacle to labour market adjustment (IMF 2017; Marginson 2016).

LITERATURE REVIEW ON TNF SYSTEMS

SOCIAL DIALOGUE IN AFRICA

Generally, differences in political, economic and social systems have resulted in diverse social dialogue processes and practices across the world. Hence, the way social dialogue is practised in Africa needs clarification. The African Union (AU) Specialised Technical Committee (STC) on Social Development, Labour, and Employment oversees the implementation of social dialogue on the continent. Article 14 of the Constitutive Act of the AU establishes the committee, along with six other committees, in areas of monetary and financial affairs, customs and trade, together with transport, communications, and tourism that necessitates cooperation on labour and social matters within the African continent. The STC succeeded the former tripartite AU Labour and Social Affairs Commission that became defunct after the 2009 restructuring of the working methods of the AU through an assembly decision (Assembly/AU/Dec.227 (XII)). It is believed that tripartism is a hallmark of the STC working arrangements, in accordance with the ILO. Clause 3(f) of the AU Labour and Social Affairs Commission's procedural rules provides that the Commission shall promote "tripartism and freedom of

association in Africa” and endeavour to establish tripartite consensus on labour and social issues. Clause 4 of the same rules provides, in addition, that all delegations to Commission meetings should be tripartite, with governments meeting the expenses of the workers’ and employers’ representatives. The new STC configuration adopted the same spirit as it continues to apply the rules, moving the same motion.

In 2004, the African Heads of State and Government, through the AU Declaration on Employment and Poverty Alleviation, showed commitment to social dialogue by pledging:

to support the continuing efforts made by the governments, social partners and civil society organisations to promote the decent work development agenda of ILO, including achieving a strengthened tripartism and social dialogue, among other strategic objectives of the organisation.

Hethy (2001) postulates that in principle, African governments are seen as pursuing social dialogue as defined by ILO, including respect for employers’ and workers’ organisational rights to freedom of association and the right to organise. In support of the this, one can simply look at the number of ratifications of ILO’s conventions on freedom of association and collective bargaining by African countries. As of 2015, the Freedom of Association and Protection of the Right to Organise Convention, No. 87, 1948 and the Right to Organise and Collective Bargaining 67 Convention, No. 98, 1949, had been ratified by 49 and 54 states, respectively, out of a total of 54-member states. This is a clear indication of adherence to social dialogue and tripartism in Africa.

In Southern Africa, social dialogue or tripartism is pursued by the Southern African Development Community (SADC) through the Employment and Labour Sector (ELS). The objectives of the ELS, according to SADC, include the promotion of “social dialogue through tripartite consultation in addressing industrial relations and policy-making”, alongside other labour market-oriented objectives of employment creation and social protection (Giedymis, 1963). The artoce notes that the ELS) is established on the principle of tripartism that brings together governments, workers and employers’ representatives. Thus, the role of workers’ and employers’ organisations in SADC is well respected as it has been formally identified in the SADC Treaty. Article 23(3) of the SADC Treaty lists employers’ and workers’ organisations among the key stakeholders that can be involved in the pursuit of SADC

objectives of regional cooperation and integration. The status given to the organisations is the same as the private sector, civil society and non-governmental organisations (NGOs).

Heads of State and Governments adopted the SADC Protocol on Employment and Labour in August 2014. Article 2 identifies the “strengthening and institutionalisation of national and regional tripartite and broader social dialogue” as a key principle to guide its implementation. Article 11 of the Protocol calls upon member states to realise decent work for all, including through “good governance and social dialogue”. Article 23 further commits member states to ensuring the promotion of inclusive, participatory and institutionalised social structures. Thus, the SADC Decent Work Agenda acknowledges the existence of social dialogue institutions in the region, albeit with limited usefulness and narrow mandates that focus mainly on labour relations issues (SADC, 2013). This observation resonates with that of the ILO when it commented on the limited effectiveness of social dialogue in African countries (ILO, 2007).

FINDINGS ON ZIMBABWE’S TNF

TNF SYSTEMS IN ZIMBABWE

The sections below focuses on the analysis of the legal and institutional systems for the TNF system, the state and effectiveness of the TNF and the challenges associated with the TNF system in Zimbabwe.

LEGAL ARCHITECTURE PROMOTING SOCIAL DIALOGUE IN ZIMBABWE

TRIPARTITE NEGOTIATING FORUM ACT OF 2019

The Tripartite Negotiating Forum Act of 2019 is a law that was passed to establish the Tripartite Negotiating Forum (TNF), giving it responsibilities for government, organised labour and organised business cooperation, consultation, and negotiation on economic and social issues, and making pertinent decisions. The Act provides for the establishment of the TNF which aims at bringing together the government, business organisations and other labour bodies for the purpose of negotiating the terms and conditions of employment. Among other functions, the TNF is tasked with

consulting and negotiating over social and economic issues and submitting the recommendations to the public, negotiating social contracts, generating and promoting a shared national socio-economic vision, and following up as well as the implementation of the agreements (TNF Act, 2019). It can be noted that the creation of the law is a major development towards creating an enabling context for social dialogue between employers and employees for a shared common vision in governing employment relations. The Act indicates the need for social dialogue that encourages tripartite consensus by allowing social partners to voice their needs, interests, fears and concerns as well as their opinions on government and public authority decisions that affect them. It also enables citizens to participate in decision-making processes on labour governance issues.

This literally means that the forum is now a creature of a statute. Suffice to mention at this point is the establishment and functions of the TNF. Section 3 of the TNF Act of 2019 provides as follows:

- 1) The establishment of the Tripartite Negotiating Forum as a platform to discuss issues on employee welfare and joint decision making.
- 2) The Forum has structures that include the main TNF, Technical Committee and the Management Committee.

The TNF has different functions which, among others, include, negotiating social contracts, enhance cooperation and consultations between members, perform follow-ups and monitoring of the social contracts, generate a platform for inclusive social and economic development and consult as well as negotiate the Zimbabwean labour laws with other international best practices.

The government further consolidated social dialogue together with the TNF's efforts towards economic resuscitation through invoking measures to address the country's risk factors by way of the new declaration on the national socio-economic vision. However, worth noting are the observations made by Bond (2005), that the governance and institutional power structure of the TNF are heavily tilted in favour of the

government, with other social partners feeling “crowded out” and disempowered. Gutu, (2016) argues that,

...even though the Founding Principles of the TNF purport to establish the forum on the basis of tripartism, the TNF stands out more visibly as a platform through that (which) government seeks legitimization of its work programme by business and labour, particularly in the area of labour administration.

This implies that the TNF is, by and large, regarded as an instrument in the hands of government to which other parties respond when so called upon. Apart from participating in the specific meetings of the TNF, there is currently no other role appropriated to social partners to enable them to claim ownership of the dialogue process. It can be noted that this situation has conspired to isolate the social partners from the TNF process.

In terms of social dialogue and tripartism, many African countries, such as Zimbabwe, are facing challenges in institutionalising and funding social dialogue, while some governments are lacking the political will to utilise social dialogue and consult social partners (ILO, 2015). A member of the ILO Decent Work Team in Pretoria, South Africa, Ms. Hopolang Phororo, the ILO Country Director for Zimbabwe and Namibia implored Zimbabweans:

Our hope now is that social dialogue will be given a sincere chance, strengthening the democratic space for social dialogue giving everybody a voice in shaping the changes underway and the quality of their working lives. More importantly, the future success of tripartism is in mutual trust between the parties involved. The next 100 years are like a blank page that affords us a chance to collectively write a good story that is worth reading and to do so, we must have a common vision (ILO, 2019).

The opinion was echoed as a recommendation in view of social dialogue and tripartism in a turbulent business context in Zimbabwe.

Despite being modest and measured, Zimbabwe's efforts to institutionalise social discourse appear to be making progress because there are so many successful precedents in Africa that may be studied (ILO, 2023). However, from a documentary review, it can be gleaned that the institutionalisation of social dialogue platforms in Zimbabwe has not

been followed by an amicable resolution of the plight of workers amid the turbulent socio-economic milieu. This takes place despite having the regional frameworks like the SADC Regional Indicative Strategic Development Programme (RISDP) which aims at eradicating poverty and attaining economic and non-economic development. This will be more ideal in addressing the social crisis of labour inequality that usually prevails under a turbulent business context.

Workers ought to have a decent living, despite the surge in inflation and the tense political context. Meaningful social dialogue has not been forthcoming due to multiple competing debacles that have relentlessly affected the performance of the actors for effective labour governance. The impact of worker's and employers' representatives has not been felt due to the use of force or violence in determining the terms and conditions of work in the turbulent business context. Means to engage the government as the employer, through the PSC, of public service workers have not been fruitful to consider the plight of the employees against the pressing socio-economic challenges. This portrays the TNF as having performed dismally in improving the harmonious relationships between employers and employees through the social dialogue process.

CONSTITUTION OF ZIMBABWE AMENDMENT 20 ACT 2013

Zimbabwe has numerous legal frameworks that seek to promote social dialogue in the country. The government has adopted and incorporated the principles of social dialogue and tripartism into the supreme law of the country, the Constitution of Zimbabwe (Amendment Act, 2013). The Constitution provides in section 58 for Freedom of Assembly and Association as it states that, *“Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others”*. This provision empowers and encourages every employee/employer to form, or be part of, a trade union or employer organisation, respectively, since the two are the locomotives for social dialogue and tripartism. This framework is in consonance with regional frameworks like the SADC Regional Indicative Strategic Development Programme (RISDP) document, which emphasises the need for frameworks

and platforms by national governments to address the unceasing labour disputes in their countries.

In addition, Section 65 of the Constitution further provides for other labour rights that can be referred to as the foundation of social dialogue and tripartism in Zimbabwe. Specifically, section 65(2) provides that, “.....every person has the 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”. In this regard, ‘lawful activities’ referred to in the above section can be interpreted to mean all forms of negotiation, consultation or simply the exchange of information between representatives of government, employers and workers on issues of common interest relating to economic and social policy, that culminate to social dialogue. Codification of the right to negotiate and bargain for employment relations reflects good labour governance, which ought to encourage good governance in labour.

THE EFFECT OF THE POLITICAL TURBULENCE ON THE TNF IN ZIMBABWE

Despite the availability of the legal frameworks that provide for a social dialogue platform in the country, the TNF has remained a ‘talk show’ without providing effective mechanisms to address the plight of employees and employers, thereby strengthening the effectiveness of the TNF. It has been observed that Zimbabwe has been and still facing multiple crises: unemployment, currency instability, rising inflation, fuel shortages widespread labour unrest, and increasing poverty against a backdrop of a shrinking economy (Thauzen and Mude, 2019; Nyikadzino, 2019).

It is worth noting that the effects of politics on labour come into play given that some political opposition parties are labour backed. They are aspiring to form a government; they are conflicted in their engagement with government to resolve economic problems. Political cleavage causes mistrust and bickering. The need for an effective social dialogue has been accompanied by intensified political instability, heightening the economic woes that have been felt in the country (Mugove 2019; Thauzen and Mude, 2019; Ncube, 2020). This seems to indicate that while social

dialogue is intended to bring long-lasting peace to the country, it has been rocked by a myriad of political vagaries that have continued to destabilise the social dialogue front.

There is no trust between employers and employees to bargain in good faith and ensure that all parties benefit from the bargaining systems. Government views its employee representatives as regime change agents. To this end, representatives of employees have suffered the full wrath of the government security measures as they are presumed to be spearheading regime change motives. Typical examples are the January 2019 protests, where employees took it to the streets as an expression of their dissatisfaction with the outcomes of the TNF, the 2020 strikes by nurses and doctors and the 2022 strike by the health workers when all security forces came in to quell the protests, claiming that they were politically motivated. The pluralist theoretical framework underpins that there are unceasing conflicts between labour and capital in that they constantly fight to dominate each other, when there are chances for dialogue and reconciliation with each other. The only way to address the impasse between labour and capital could be to engage each other to address the plights of both labour and capital through a functional TNF.

THE EFFECTS OF THE ECONOMIC TURBULENCE ON THE SOCIAL DIALOGUE

Equally devastating is the economic milieu that has so far witnessed surging inflation that has reached approximately 257%, one of the highest across the globe (ILO, 2019, 2020; Oesch and Vinga, 2022). In May 2022, the annual inflation spiked back to triple digits and in December 2022, it reached 244%. However, fiscal policy initiatives and monetary tightening, including steep increases in interest rates, reduced inflation to 230% in January 2023 (World Bank, 2023). This inflationary situation crippled the employers' capacity to pay employees decent wages to foot the cost of living. Most interestingly, the economic turbulence affects both parties in meeting the needs and expectations of each other in the employment relationship. Thus, an impasse between labour and capital that can be addressed only through a special dialogue process, arises. Regardless of the recognition of the role of the social dialogue in responding to this economic turbulence, evidence on the ground shows that the TNF has not been an effective model to amicably address the concerns of employers and employees. For instance, the government has been at loggerheads

with the civil service unions as restive state workers demand their salaries in United States dollars owing to the collapse of the local currency and the soaring inflation (Chibamu, 2022; Vinga, 2022). In July 2022, the government managed to cushion public sector employees with a 100% local currency increment as a response to the demands of state workers for them to make ends meet. However, it is important to note that the major concern of the public sector workers was to get their salaries in United States dollars so that they can hedge the cost of living against the rising inflation. This shows that the TNF has not been able to respond effectively to the needs of employees for a healthy social dialogue in the country.

It is important that tripartism involves the government, organised labour's and employers' organisations. Among the three, it appears as if workers are the weakest party that depends on social dialogue and tripartism for achieving labour rights. In that regard, the Labour Act (28:01) provides for the fundamental rights of employees, expanding them from the Constitution. Thus, the Labour Act (28:01) provides, in section 4, for the employee's entitlement to membership in trade unions and workers committee. These are the platforms that can be referred to as the voice of the voiceless workers as far as social dialogue and tripartism are concerned. In addition, the Act also provides for the protection of employees' right to democracy and fair labour standards. One cannot, however, ignore the fact that the Labour Act (28:01), as amended by the Labour Amendment Act, No.11, 2023, also provides and protects the rights of employers to ensure equality between the two.

Furthermore, the law allows for the formation of trade unions, workers committees and works councils to deal and address issues not limited to the following: to represent employees concerned in any matter affecting their rights and interests; to negotiate with employers concerned, a collective bargaining agreement relating to the terms and conditions of employment of employees concerned; and to recommend collective job action to the party concerned. This mechanism of incorporation was invoked in a bid to manoeuvre through the turbulent environment in the world of work. The political context in Zimbabwe has not been enabling enough to facilitate the effectiveness of social dialogue in Zimbabwe (Accord 2019; Nyikadzino, 2019; ZIMCODD, 2020). The government, arguably the largest employer in the country, has been having challenges dealing with its restive workers in the public sector due to the uncertain political context, coupled with the economic decline (Nyikadzino, 2019).

Public sector workers have been calling for sustainable dialogue with the government to address the ever-ceasing economic decline negatively impacting their disposal income. However, the government, as the employer under the TNF, has not been accommodative to the demands of the employees as expected. Consequently, public sector workers have declared incapacitation and called for strikes in a bid to force their employer to take heed of its demands. Nevertheless, the government has since responded with a heavy hand, politicising the plight of employees. To this end, the government has been seen using force to silence the employees. A typical example is the bloody 2019 January protests when the military was deployed to quell the striking workers. A general impression from the Zimbabwean experience is that the current context of the Zimbabwean labour system has not been conducive to promoting the effectiveness of social dialogue in Zimbabwe.

THE WAY FORWARD FOR ZIMBABWE

There is need for an independent commission to facilitate social dialogue. This comes from the standpoint that despite the legal and institutional architecture for social dialogue in Zimbabwe, the government that happens to be the employer of public sector workers, seems to be more controlling of the other social dialogue partners. It is the view of this article that Ministry of Public Service, Labour and Social Welfare, which chairs the TNF, undermines the neutrality of bargaining decisions. The independent commission can help to ensure a level playfield for all the social dialogue partners to make sure that there is a harmonious relationship between employers and employees on terms and conditions of work under the turbulent business context. The country should take lessons from the NEDLAC Commission in South Africa which managed to negotiate a national minimum wage in South Africa in 2017 to ensure that there is common ground in the payment of the employees under turbulent times.

There is need for sufficient provisions in the legal frameworks to support effective equal participation of the TNF members. The findings suggest that the legal frameworks are not sufficient to ensure that all the players under the TNF are equally participating at the negotiating table.

The study recommends that TNF leaders must have the will to give a voice to the other partners in the TNF so that there are mutually agreed decisions in the regulation of the terms and conditions of employment. Social dialogue works effectively when all the partners in the TNF have a voice in the outcomes of the bargaining systems. As it stands, the government, as the regulator for public service negotiations, appears to be more powerful than the other partners in determining the course of the bargaining process. The TNF has remained symbolic, without any meaningful achievements of the purpose of its creation.

The study further recommends that the social dialogue partners must bargain in good faith. Bargaining in good faith implies that the government, as the regulator and employer, gives the other social partners space to air out their concerns without fear and the employers should be able to adhere to the promises they make to the employees at any TNF. Organised labour should not threaten to withdraw its labour as obtaining at the moment. This will give confidence and trust to the TNF partners and strengthen tripartism in the country. This can be the same as the situation in Chad where the National Commission for Social Dialogue in 2017 reached an agreement to end the protracted three-month strike in the country. This shows that when partners in collective bargaining system come in good faith, there is likely to be the ability of the members to address the concerns of both parties fairly.

CONCLUSION

This study provided insights into the findings of the research concerning social dialogue, its platforms, challenges and effectiveness of social dialogue and mechanisms adopted to strengthen social dialogue. By and large, it should be noted that there is a general application of the principle of social dialogue in Zimbabwe at company, sectorial and national levels. Overall observations made by the research point to an environment that is not supportive of social dialogue, especially in Zimbabwe. It can be deduced from the views of various scholars and social partners interviewed, that social dialogue has not been effective in addressing the socio-economic and political problems in Zimbabwe. The article also addresses various social dialogue experiences of other African

countries and it has been noted that social dialogue has somehow been effective in addressing socio-economic and political problems. It should, therefore, be given a chance in turbulent business environments.

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