

THE ZCTU GENDER POLICY



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FOREWORD

This Gender Policy is an important instrument in driving gender equality and equity. The Zimbabwe Congress of Trade Unions in its policy position document including the resolutions of its 7th General Conference Congress of 2011 gave priority to the development of this Gender Policy.

The ZCTU moves from the premise that gender inequality will disappear on its own accord. There is a need for quantitative and qualitative strategies to eliminate gender inequality within the organization and broader society. This will take the form of specific measures to promote women, young workers and workers with special needs. Leadership plans to address inequality in Trade Unions and workplace by the development and empowerment of workers with special needs and the elimination of discrimination and stereotype as central goals in promoting gender equality. The measurement of gender equality and equity is when workers fully participate at all levels of the Trade Union organization.

For the development, viability, prosperity and effectiveness of the organization as well as advancement of the working class, the General Council looks forward to optimal utilization of this Gender Policy which is one of ZCTU's tremendous strides meant to facilitate development of gender equality and equity.

I thank you.

Signed by ZCTU

President

Date -----

ACKNOWLEDGEMENT

The Zimbabwe congress of trade unions acknowledges the commitment and work done in the production of this important and historic Gender Policy which is necessary for National centre and its affiliates to achieve gender equality and equity in activities and programmes.

Profound gratitude goes to the writing team, which worked tirelessly for the development of the policy, the writing team comprised of the ZCTU Women Advisory Council, Sub-committee on gender, Sub-committee on Education and Training, Young Workers and ZCTU technical staff members.

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ZCTU MISSION STATEMENT:

To promote, advance and safeguard the economic, social and constitutional freedoms of workers by securing legal, political, democratic and good governance framework in Zimbabwe through strengthening ZCTU's capacity and independence and that of its affiliates.

ORGANISATIONAL VISION

ZCTU envisions becoming an independent, viable, self sufficient, reliable and vibrant labour movement

Policy vision

This policy envisions a stronger trade union movement with gender equality and equity, effective participation of women, young workers and workers with special needs.

CORE VALUES

This gender policy shall be guided by the following organisational values:

1. Team spirit
2. Professionalism
3. Openness
4. Respect
5. Honesty
6. Time conscious
7. Solidarity
8. fairness

PREAMBLE

We, the ZCTU, driven by our common desire to ensure that labour is not divided, discriminated or treated differently on the basis of gender and by our vision to become an independent, viable, self-sufficient, reliable and vibrant labour movement;

Guided by our common values, and having noted that the issue of gender inequality has been a cause for concern throughout the global community,

Further noting the existence of the following legal frameworks and institutions globally:

International instruments:

- Universal Declaration on human rights (UDHR) 1948;
- UN Convention on the Elimination of Discrimination against Women (CEDAW) 1981;
- International Covenant on Civil and Political Rights (ICCPR) 1966;

ILO Conventions:

- C087 – Freedom of Association and the Right to Organise Convention 1948
- C098 – Right to Organise and Collective Bargaining 1949
- C029 – Forced Labour Convention 1930
- C105 – Abolition of Labour Convention 1957
- C100 - Equal remuneration convention 1951
- C111 - Discrimination in Employment convention 1958
- C138 - Minimum Age convention 1973
- C156 - Workers with family Responsibilities 1981
- C182 - Worst Forms of Child Labour convention 1999
- C183 – Maternity Protection Convention 2000
- C189 – Decent Work for Domestic Workers Convention 2011

Millennium Development Goals

- Millennium Development Goal No.3 on Gender
- Millennium Development Goal No.1 On poverty alleviation
- Millennium Development Goal no 6 on HIV & AIDS

Continental Instruments/ Institutions:

- African (Banjul) Charter on Human & People's rights, 1981;
- African Charter's Principles and Guidelines on Socio-economic rights, 1981
- African Commission on Human and Peoples' Rights (ACHPR) – established 1987;

Regional Instruments:

- SADC Protocol on Gender & Development (2007)
- Charter of Fundamental and Social Rights in SADC (2009)

And the existence of the following frameworks in our own country:

National Instruments -

- The Constitution of Zimbabwe – Amendment 20
- National Gender Policy, 2000
- The Labour Act Chapter 28.01
- Domestic Violence Act Chapter 5.16
- Sexual Offences Act Chapter 9.21
- Legal Age of Majority Act, No. 15 of 1982
- Disabled persons Act Chapter 17.01
- Maintenance Act Chapter 5.09
- Matrimonial Causes Act Chapter 5.13,
- Pensions and Providence Fund Act Chapter 24.09
- Pensions Act Chapter 30;
- Deceased Estates Succession Act Chapter 6.02
- Deceased Persons Family Maintenance Act Chapter 6.03
- Children’s Act Chapter 5.06
- Wills Act Chapter 6.06

And the following institutions:

- Ministry of women, Gender and Community Development
- The National Gender Commission
- Domestic Violence Council
- Tripartite Negotiating Forum (TNF)
- Ministry of Small and medium enterprises
- ZRP Victim friendly units
- Victim friendly courts
- National Association of the disabled persons,
- The human rights commission

The ZCTU having already put in place the following framework and structures:

- Beyond the enclave - Model Socio-economic framework
- Model Collective Bargaining Agreements Model and Institutions
- Gender Policy Position
- Structures for workers with special needs; WAC, Young Workers Committee
- Women And Gender focal point
- Model Collective Bargaining Agreement
- Child labour Hand book
- Congress resolutions on equal representation and gender budgeting, and

Developed material on Sexual harassment, Family Responsibility, Domestic Violence, Workers rights, Socio-Economic Rights, Workers with Family Responsibilities, Decisions for Life, Decent Work and Socio- Economic Rights and Collective Bargaining.

Therefore the ZCTU having noted the gender gaps and the global efforts to curb the issues of inequality has formulated this Gender policy, to fulfil its objectives, promote and support equal and equitable access, control and ownership of resources, information, opportunities and decision-making positions for women and men. In this regard it is imperative to address the imbalances with respect to workers with special needs in terms of their access, control and ownership of resources and decision-making positions.

RATIONALE

In Zimbabwe gender imbalances between men and women still exist and it is rooted to cultural and colonial legacy. Patriarchal system in Zimbabwe has resulted in the persistence of gender inequalities which were prescribed by a number of factors that include tradition, culture and religion. Patriarchal system expects a woman's place to be in the kitchen and men being the bread-winners. Women were considered to be minors and were not allowed to participate in decision making and socio-economic activities and processes even in the family set up.

Colonial legacy

Colonialism reinforced the patriarchal **system** by denying women basic rights such as the right to own property, the right to work, except as a domestic worker for the white family and the right to vote. Men were able to enter the labour market (paid employment) while women were confined to subsistence farming in rural areas. The few women who entered into the labour market were either white or coloured and only occupied jobs which had no responsibility for making decisions. On the other hand, black women completely had no rights.

First Decade of Independent Zimbabwe 1980 – 1990

At independence, the government adopted various strategies aimed at addressing the historical imbalances of the colonial period. The priority in the first ten years was ensuring that the needs of the indigenous people were addressed. However, this majority-needs approach diluted the specific needs of women, which resulted in the continued development of strategies that were viewed largely as gender-neutral but had an adverse impact on women. From a gender perspective, the policies during this period were focused on the black majority in general and were silent about gender equality and equity.

ESAP Period 1991 to 1996

When it became clear that the economy was not generating sufficient jobs, as there was not enough investment, the government adopted a market-led reform programme, the Economic Structural Adjustment Programme (ESAP) in 1991 on the recommendation of the World Bank and the IMF. It was during this period that serious economic hardships were experienced by the majority poor. Local industries could not sustain hence some closed down and some retrenched workers most of whom were women. Education and health sectors were not spared as they deteriorated with high girl child school dropouts and unavailability of medicines, medical and maternity care in hospitals. After some years in denial, the World Bank eventually admitted that ESAP had failed. During this period the informal economy which was dominated by women expanded as it absorbed the retrenched and school leavers who could not find job opportunities.

The Crisis Period

The failure of ESAP plunged the economy into a deep crisis resulting in high unemployment rate, removal of government subsidies, hyper-inflation, deterioration of infrastructure and the majority of Zimbabweans lived in abject poverty. The labour market was equally not spared as the loss of jobs was at an alarming rate and employers tried to maximise on profits in order to survive. The reserve bank had to pass stringent monetary policies which resulted in a cash crisis, where workers could

not access their salaries and the Zimbabwean dollar finally collapsed in 2008. The economic downturn marked the expansion of the already existing informal economy. Regrettably, government policies have neglected the informal and communal economies, where the majority of people, and particularly women, are located resulting in marginalisation of women from development processes.

Today, this dual and enclave economy remains not only the cause of continual poverty and vulnerability among the poor but also makes gender inequality worse. This further entrenched the feminization of poverty, and required women to seek livelihoods outside the formal economy where they are not consistently and adequately absorbed. Zimbabwe, as a member of the regional and international communities, has signed several declarations and protocols and international treaties aimed at reducing the gender gaps that exist between men and women.

However, notable progress has been made since independence to narrow the gap. The major achievements for working women have been equal opportunities in employment, equal pay and benefits for the same jobs, provision of 100% maternity leave benefits for working women provided by the Labour Act Chapter 28.01 and other social clauses such as inheritance of property as provided by Matrimonial Causes Act.

The participation of women in the liberation struggle also formed the basis of their participation in politics and decision making structures. The creation of a Ministry of Women’s Affairs in 1981 was a milestone for women.

Situation in Trade Unions and the Workplace

The ZCTU has noted with great concern the failure by government to domesticate international instruments which it ratified and this has contributed to the failure by government to create a more enabling environment to deal with the problems that still exist regarding gender inequality and inequity.

The ZCTU has also noted the negative effects of the socio-economic problems that have prevailed since the ESAP and crisis era and the inequalities at the workplace and in trade unions. Gaps still exist between female and male workers some of which are attributed to attitudes and perceptions influenced by culture, tradition and religion. Some of these problems, which this Gender Policy seeks to address, are indicated in the table below:

Problems to be addressed by the Policy

Area	Problem	Root/ Cause	Issues/ Solutions
Workplace	1. Discrimination of women	-Attitude by employer	-Legal education, awareness on gender mainstreaming
	2. Sexual Harassment	-High unemployment rate; -Attitude by some bosses	-Comprehensive social protection; -Economic empowerment of women; -Education-Labour law; -Advocate for labour laws that address sexual harassment -Conscientisation of workers on sexual harassment

	<p>3. Lack of enforcement of maternity law & other maternity provisions</p> <p>4. Casualisation of Labour</p> <p>5. Few women holding key positions in decision making structures</p> <p>6. Gender Based Violence</p> <p>7. Lack/low academic education</p> <p>8. Ineffective and inconsistent implementation of national instruments on gender</p> <p>9. Non-recognition of workers with special needs</p>	<p>-Ignorance of the law by some employees</p> <p>-Gaps in the law -Neo-liberal economic policy</p> <p>-Cultural norms and attitudes</p> <p>-Economic situation -Attitudes</p> <p>-Poverty -Attitudes -Culture</p> <p>-Lack of political will</p> <p>-Cultural and Traditional norms -Attitudes -Absence of legal provision</p>	<p>-Legal Education</p> <p>-Advocate/lobby for amendment of labour laws -Advocate & agitate for pro-poor and inclusive economic policy</p> <p>-Education (skills in leadership); -Gender perspective education;</p> <p>-Legal education; -Economic empowerment; -Gender perspective education; -Advocate for creation of decent employment</p> <p>-Adult literacy; -Operationalisation of the National Education Policy; -Awareness on socio-economic rights</p> <p>-Campaign on Gender instruments -Implementation/ enforcement of instruments -Conscientisation of members</p> <p>-Gender perspective & legal education; -Advocacy for improvement of legislation</p>
Trade Unions	<p>1. Low participation</p> <p>2. Sexual harassment</p> <p>3. Discrimination</p> <p>4. Non-existence of gender policies in trade unions</p>	<p>-Attitude by both male & female members; -Ineffective communication; -Fear of repressive laws</p> <p>-Culture; -Social orientation -Attitude</p> <p>-Attitude; -Ignorance</p> <p>-Ignorance by leadership</p>	<p>-Gender perspective education -Advocacy</p> <p>-Comprehensive social protection; -Economic empowerment of women; -Education on labour laws; -Advocate for labour laws that address sexual harassment; -Conscientisation of workers on sexual harassment</p> <p>-Legal education; -Awareness on gender mainstreaming</p> <p>-Development of union based gender policy</p>

	<p>5. Non-recognition of national policy on gender and legal instruments</p> <p>6. Gender based violence</p> <p>7. Lack/low academic education</p> <p>8. Ineffective and inconsistent implementation of national instruments on gender</p> <p>9. Existence of non-organised women workers</p> <p>10. Inadequate funding</p> <p>11. Few women in decision making structures</p> <p>12. Violation of trade union rights</p>	<p>-Lack of political will; -Ignorance</p> <p>-Economic Situation; -Attitude</p> <p>-Poverty; -Culture -Attitude</p> <p>-Lack of political will -Attitude</p> <p>-Absence of organising plan; -Ownership of the organisation</p> <p>-Lack of prioritisation</p> <p>-Culture; -Attitudes; -Tradition</p> <p>-Misconception of Trade union agenda; -Ignorance of the law</p>	<p>-Awareness and education</p> <p>-Legal education; -Economic empowerment; -Gender perspective education; -Collective bargaining; -Advocate for employment creation</p> <p>-Adult literacy & awareness on socio-economic rights</p> <p>-Campaign on implementation & enforcement of gender instruments; -Conscientisation & awareness of members</p> <p>-Education on trade union administration; -Education on gender budgeting -Training on organising recruitment skills</p> <p>-Education</p> <p>-Domestication of international instruments</p> <p>-Legal Education -Domestication of International Treaties</p>
Society	<p>1. Low self esteem in women</p> <p>2. Lack/ low academic education</p> <p>3. Ineffective & inconsistent implementation of national policy on gender</p> <p>4. Non- implementation of regional & international instruments</p>	<p>-Lack of skills -Limited opportunities -Attitudes</p> <p>-Poverty -Attitude -Culture</p> <p>-Lack of political will -Attitude</p> <p>-Attitudes -Lack of political will</p>	<p>-Development of skills through training -Provision of opportunities -Gender perspective education</p> <p>-Adult literacy; -Operationalisation of the National Education policy; -Awareness on socio-economic rights</p> <p>-Legal education -Awareness on gender mainstreaming</p> <p>-Awareness and education</p>

	5. Ineffective participation	-No skills	-Gender perspective education
	6. Non recognition of people with special needs	-Cultural/tradition Norms -Attitudes	-Gender perspective education/awareness -Legal education
	7. Gender based violence	-Cultural beliefs and norms -Attitudes -Economic situation	-Legal education -Economic empowerment -Gender perspective education -Social Dialogue -Advocate for employment creation

ZCTU Initiatives:

Within the trade unions and at the workplace, the ZCTU has established the Women and Gender department and the Women’s Advisory Council (WAC) which is represented in the National Governing board of the ZCTU, the General Council. A young Workers Committee was also established as well as an adoption of the Young Workers Policy to promote participation of youths in all Trade Union activities.

The ZCTU still saw the need to formulate this Gender Policy to address the problems which have entrenched inequality in trade unions and the workplace.

In addressing the above problems, this policy adopts the two pronged approach to gender equality and equity, i.e.:

1. Gender specific interventions, targeting women, young workers, including all other workers with special needs exclusively.
2. Bringing gender issues into the mainstream in all policies, programmes and activities. Mainstreaming gender issues into all policies, programs and activities.

Therefore, the ZCTU commits itself to address gender inequality and inequity that exists in trade unions, workplace and society at large. Thus the development of this policy becomes critical to provide legal provisions, guidelines and strategies towards engendering all plans, programmes and activities of the national centre and its affiliates at all levels. The ZCTU intends to give high priority to gender equality and equity in order to be the most vibrant and progressive trade union federation in the field of gender equality.

“Promoting gender equality is not only the right thing to do, but the smart thing to do” Juan Somavia, ILO former Director, on International Women’s Day March 8, 1999.

DEFINITION OF TERMS:

Bigotry

Stubbornness, narrow mindedness and complete intolerance of any creed, belief, or opinion that differs from one's own.

Narrow mindedness

Decent Work

Means Opportunities for Women and Men to Obtain Productive Work in Conditions of Freedom, Equity, Security and Human Dignity.

Gender – socially constructed roles, responsibilities and activities associated with being a female or a male. These are learnt through socialisation processes. They are contextual, time-specific and changeable.

Gender Analysis

Gender analysis refers to the variety of methods used to understand the relationships between men and women, their access to resources, their activities, and the constraints they face relative to each other. Gender analysis provides information that recognizes that status is important in understanding the different patterns of involvement, behaviour and activities that women and men have in economic, social and legal structures.

Gender Budgeting

Gender budgeting refers to a gender-based analysis and an equality-oriented evaluation of the distribution of resources. These resources are mainly money, time as well as paid and/or unpaid work. It seeks to achieve a gender-equal distribution of resources. Gender budgeting is part of the gender mainstreaming strategy.

Gender-blind policy

It is a policy that ignores the different situations, roles, needs and interests of women, men, girls and boys.

Gender Discrimination

Gender discrimination, also known as sexual discrimination, is the practice of letting a person's sex unfairly become a factor when deciding who receives a job, promotion, or other employment benefits. It most often affects women who feel they have been unfairly discriminated against in favour of a man. But there have also been some cases where the reverse has occurred and males have been discriminated that is, the woman received unfairly favourable treatment at the expense of the man.

Gender Equality

It is the similarity of treatment of men and women as is legally, constitutionally and divinely given. It is a fundamental right to equal access & opportunities to socio-economic goods, services and resources in all spheres of life for both males and females.

Gender Equity:

A fair distribution of resources, opportunities and benefits according to a given framework.

Gender Mainstreaming:

It is a strategy to integrate or take care of women's and men's needs and experiences into the planning, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres. This ensures that women and men benefit equally and gender inequality is not perpetuated. Gender mainstreaming is a strategy to achieve and maintain gender equality.

Gender Relations

'Gender' is a relational term: it does not refer simply to women or men, but rather to the relationship between them. 'Gender relations' refer to the ways in which society defines Rights, responsibilities and identities of men and women in relation to one another.

Gender relations are unavoidable – as women and men interact in all spheres of life and they are therefore reflected in private, family, marriage, schools, labour market and in political life.

Gender Roles

The concept of '**gender roles**' denotes activities assigned to women and men on the basis of their perceived differences. Gender roles are socially determined, change over time or by location, and are influenced by the social, cultural and environmental factors characterising a certain society, community or historical period. Gender roles aim at setting boundaries between what is perceived as appropriate for women and for men in the society in relation to both the public and private domains.

Gender Responsive Budget

This refers to a budget that acknowledges the gender patterns in society or organisation and allocates money to implement policies and programmes that will change these patterns in a way that moves towards a more gender equal society or organisation.

Gender-Responsive / sensitive policy

Policy that considers and addresses the different situations, roles, needs and interest of women, men, girls and boys.

Patriarchal System

This is a system where men are considered superior to women and their interests dominate the norms and values of that society.

Sex – the biological differences between females and males.

Shopstewards – these are shop floor representatives who carry the responsibility of safeguarding rights and interests of workers, advising and linking the workers to their union.

Stereotypes & Myths

These are perceptions that influence the people's judgements and attitudes towards other people because of gender. These are influenced by the way someone was socialised or educated and the cultural beliefs and norms.

Workers with special needs

These are workers who are disadvantaged or marginalised due to historical vulnerability, and cultural norms and beliefs or due to their natural impairment or condition.

DRAFT

POLICY OBJECTIVES:

The objectives of this policy shall be to:

1. Promote, safeguard and obtain trade union rights and privileges; to generally strive for the improvement of working conditions and employment benefits for all workers in Zimbabwe and to ensure full recognition and advancement of the rights , interests and dignity of labour;
2. Protect and advance full social and economic rights and development of all workers in Zimbabwe within and beyond the trade unions, particularly those of vulnerable groups such as women and children.
3. Protect and defend workers against all forms of discrimination, exploitation and abuse, especially the disadvantaged
4. Advance educational, political and economic knowledge within trade unions in order to build their capacity to effectively defend their interests;
5. Promote equal access to resources and opportunities for all workers taking particular note of those workers with special needs.
6. Create an enabling environment, develop necessary skills and promote equality and equity in all trade union actions, collective bargaining and decision making for all female and male workers.
7. Advocate and lobby for international women’s day to be a public holiday in Zimbabwe;
8. Integrate gender concept in all policies, plans and programmes and invest in effective information dissemination and empowerment of all workers;
9. Increase effective participation of women and young workers at all levels of trade union structures including the decision making structures,
10. Advocate and lobby government to promote a coordinated response and participation by all stakeholders in the socio - economic development of the country to achieve a pro –poor and inclusive growth.
11. Advocate and lobby government to effect labour law reforms which include a more gender sensitive approach and to domesticate international instruments on gender.
12. Mobilise resources and ensure adequate funding for gender programmes.
13. Effectively participate in social dialogue at national level and promote gender mainstreaming in collective bargaining structures at workplace and sector level.
14. Advocate for the repeal of POSA, AIPPA, Criminal law Codification Act and all other repressive legislation.

PRINCIPLES OF THE GENDER POLICY

THE ZCTU Gender policy seeks to achieve gender justice through the following principles:

UNITY

One of the gender program activities shall be to mobilise and motivate all workers male or female to support and respect gender equality and equity and to have unity of purpose in implementing the programmes. This will promote the unity and solidarity of ZCTU and its affiliates and act as a collective voice for workers with special needs and to coordinate and intensify the cooperation of ZCTU and its affiliates in order to achieve gender equality and equity.

EQUALITY AND EQUITY

ZCTU, affiliates and their structures recognise that gender equality and equity are prerequisites to development, therefore gender equality and equity should be promoted and shall ensure that women and men are guaranteed equality before the law. Policies and programmes should recognize structural gender inequality and inequity that exists in the organizations. Deliberate efforts should be made to address the gender imbalances in order to achieve gender equality and equity. All programmes should be effectively implemented to lead to equal access & opportunities to socio-economic rights, services & resources for both males and females

PARTICIPATION

Women and men shall be afforded equal opportunity to participate in all developmental activities that guarantee success of the transformation of society to promote democracy, equality and equity between men and women. Embark on specific activities for all workers with special needs to join and participate. Promote and give equal opportunity for men and women by ensuring that they participate in decision making structures.

SOLIDARITY

Gender activities shall focus on developing and building a spirit of collectivism in all male and female members. Solidarity is key to the success of gender issues as action is based on common cause, unity and total co-operation between trade union organizations that by their nature share the same objectives because they represent workers.

JUSTICE AND FAIRNESS

The implementation of all activities shall be done in a just and a fair manner. The ZCTU strives to oppose all kinds of gender prejudices at the workplace and society at large. The ZCTU will work with all the tripartite partners through its networks to enhance awareness of gender equality to dispel the stereotypes and myths, misunderstanding and misconceptions about gender equality and equity so that justice and fairness prevail in the implementation of the Gender policy.

DEMOCRACY

This policy shall promote and apply all principles of democracy majoring on full participation of all members. The ZCTU through this Gender Policy assures that gender issues will be dealt with in a democratic manner through involvement of all actors including those with special needs thus allowing all to take part in decision making processes.

INDEPENDENCE

Gender programs shall be determined and developed by the ZCTU General Council in consultation with the Women's Advisory Council and the Young Workers Committee. All programmes shall be implemented without interference from the state, employers or any other party not related to the organisation.

RESPECT OF HUMAN AND TRADE UNION RIGHTS

All workers are entitled to Human and Trade Union rights as enshrined in the legal instruments, nationally and internationally, in particular the Zimbabwe Constitution, Labour Act Chap.28:01, ILO Core Conventions , Convention on the Elimination of discrimination against Women (CEDAW) and the SADC Protocol on Gender and Development (2007), which protect and promote gender rights. Therefore activities related to gender equality and equity shall be in accordance with such provisions.

TRANSPARENCY AND ACCOUNTABILITY

In the process of implementing this gender policy, its programs and activities, the ZCTU will observe transparency and accountability. The principle of accountability holds that decisions and actions of the ZCTU and its affiliate's leadership whether elected or appointed are accountable to the membership.

TOLERANCE

The ZCTU through this gender policy shall promote within its affiliates, membership a fair objective and permissive attitude towards those whose opinions, practices, race, religion, nationality and beliefs differ from their own, freedom from bigotry.

To ensure that the promotion of interest of people with special needs their concerns, ideas, opinions and practices are taken on board from a liberal and undogmatic view point.

LEGAL FRAMEWORK

The effective and successful implementation of the ZCTU Gender policy is dependent on a number of factors, clarity in articulation, accountability of the process and policy distribution coverage and easy access by stakeholders.

The Legal and Institutional framework are very important in guiding policy development and implementation in any labour centre and trade unions.

The ZCTU gender policy will operate within a broader spectrum of national laws and policies which shall be cross referenced with regional, continental and international instruments.

NATIONAL LEGISLATION

The ZCTU undertakes to observe national laws and policies that are meant to eliminate gender disparity, protect and promote women's rights which includes;

- The Constitution of Zimbabwe – Amendment 20
- National Gender Policy, 2000
- The Labour Act Chapter 28.01
- Domestic Violence Act Chapter 5.16
- Sexual Offences Act Chapter 9.21
- Legal Age of Majority Act, No. 15 of 1982
- Disabled persons Act Chapter 17.01
- Maintenance Act Chapter 5.09
- Matrimonial Causes Act Chapter 5.13,
- Pensions and Providence Fund Act Chapter 24.09
- Pensions Act Chapter 30;
- Deceased Estates Succession Act Chapter 6.02
- Deceased Persons Family Maintenance Act Chapter 6.03
- Children's Act Chapter 5.06
- Wills Act Chapter 6.06

ORGANISATIONAL LEGAL FRAMEWORK

The ZCTU will observe its constitution and policies which intend to protect and promote the women and other vulnerable groups.

REGIONAL INSTRUMENTS

The ZCTU will observe regional instruments as Zimbabwe is a SADC member state which intends to protect and promote women's rights that include;

- SADC Protocol on Gender and Development (2007)
- Charter of Fundamental and Social Rights in SADC (2009)

CONTINENTAL INSTRUMENTS

The ZCTU will observe continental instruments as Zimbabwe is a member of the African Union which intent to protect and promote women's rights that is;

- African (Banjul) Charter on Human & People's rights, 1981;
- African Charter's Principles and Guidelines on Socio-economic rights, 1981

INTERNATIONAL INSTRUMENTS

The ZCTU will observe international instruments which seek to protect and promote women's rights and these are,

- Universal Declaration on human rights (UDHR) 1948;
- UN Convention on the Elimination of Discrimination against Women (CEDAW) 1981;
- International Covenant on Civil and Political Rights (ICCPR) 1966;
- Principles of the Beijing Platform for Action

ILO Conventions:

- C087 – Freedom of Association and the Right to Organise Convention 1948
- C098 – Right to Organise and Collective Bargaining 1949
- C029 – Forced Labour Convention 1930
- C105 – Abolition of Labour Convention 1957
- C100 - Equal remuneration convention 1951
- C111 - Discrimination in Employment convention 1958
- C138 - Minimum Age convention 1973
- C156 - Workers with family Responsibilities 1981
- C182 - Worst Forms of Child Labour convention 1999
- C183 – Maternity Protection Convention, 2000
- C189 – Decent Work for Domestic Workers Convention 2011

Millennium Development Goals

- Millennium Development Goal No.3 on Gender
- Millennium Development Goal No.1 On poverty alleviation
- Millennium Development Goal no 6 on HIV & AIDS

ISSUES FOR THE GENDER POLICY

The ZCTU through this Gender policy shall continue to recognize that the empowerment of women and equal opportunity and treatment between women and men are prerequisite for achieving conducive and sustainable political, social, cultural and economic security among workers of Zimbabwe.

To that, effect the labour movement shall thrive to attain gender equality and equity through;

EDUCATION

Education in the labour movement is a basic human right especially trade union members regardless of gender. The development and sustainability of any trade union organization is based mostly on the level of education and training of its members which is free from gender biased stereotype references and illustrations of all levels of education. Therefore the **ZCTU gender policy on education outlines that;**

- There shall be legal education on the legislation which protect and promote the rights and interests of female and male workers as provided for under national, regional, continental and international instruments.
- There shall be a mandatory budget for education and training on gender activities for the ZCTU and its affiliates.
- There shall be education on socio economic rights as enshrined under the national and international instruments that is the African Charter of Human and Peoples' Rights, UN International Covenant on Economic, Social and Cultural Rights and the Zimbabwe Constitution.
- there shall be education on civic matters so that workers (male and female) can participate in activities held in the community
- There shall be education on Gender mainstreaming so that male and female workers are integrated into developmental programmes and plans, that all programmes serve to promote equality, incorporate women workers into policy making machinery.

TRAINING

Through this gender policy the ZCTU shall develop comprehensive equality and equity training programs to develop skills in the following areas;

- Leadership training to capacitate women with necessary skills so that they can be mainstreamed in to the decision making process.
- Ensure that there shall be training on Trade union administration that will address gender development.
- Organizing and recruitment
- Collective bargaining - inclusion of both women and men in bargaining teams
- Capacitate gender structures in collective bargaining.

- Shopstewards –the ZCTU and its affiliates should ensure that male and female shop floor representatives are trained in a conducive environment to accommodate workers with special needs
- Effective participation—that this gender policy shall incorporate gender dimensions to encourage effective participation by women workers, young workers and other workers with special needs.

AWARENESS

The ZCTU shall sensitise workers on the following instruments:

- ZCTU instruments on gender
- National instruments on gender
- Regional instruments on gender
- Continental instruments on gender
- International Instruments on gender
- Sexual harassment
- Beyond the Enclave
- Anti – Corruption Act Chapter 6.06

ADVOCACY

The ZCTU and Its Affiliates Shall Advocate For:

- Domestication of International Instruments
- Pro-poor and Inclusive economic policy
- Trade Union gender policy
- Creation of decent employment
- Comprehensive Social Protection
- International Women’s day to become a holiday
- Government policies to address issues for people with special needs e.g. workers with family responsibilities and people with disabilities
- Repeal of repressive legislation
- Ratification of C189 &183

CAMPAIGN:

The ZCTU and its Affiliates shall campaign for:

- The Implementation and enforcement of Gender Instruments.

ORGANIZING

The ZCTU and its affiliates shall develop dynamic organizing strategies. Organizing strategies will take into account the specific conditions of workers with special needs.

The strength of any trade union organization depends on its membership and the success of the Union’s membership recruitment depends entirely on its recruitment policy. It is against this background that the ZCTU policy on recruitment states that;

- Gender perspective teams be established at both the ZCTU national level and its structures for the facilitation of dynamic organizing within the affiliates.
- Gender perspective teams shall be responsible for implementation, monitoring and evaluation of gender mainstreaming processes at sector level and the workplace.
- ZCTU and its affiliates shall strive to ensure gender balance in all decision making structures of the union and labour movement in general.
- ZCTU and its affiliates shall strive to ensure the elimination of discrimination in employment, recruitment and enhance equal opportunities in employment.
- Organizing strategies will need to take into account the specific conditions of workers, and particularly women workers and vulnerable groups.

COLLECTIVE BARGAINING & SOCIAL DIALOGUE

- It is in accordance with the ILO Convention No 98 and Labour Act Chapter 28:01 that every registered union has the right to collective bargaining to improve conditions of work .The collective bargaining process has been male dominated hence the need for gender balance. There is need for unions to consult and include gender issues in their collective bargaining agreements.
- The ZCTU and its affiliates shall enforce legislation which prohibit all forms of Gender based violence and ensure that all such acts committed at the workplace and sector level are tried by a competent court.
- ZCTU and its affiliates shall ensure that issues to do with socio-economic rights and social protection and security are included on the TNF agenda.
- The ZCTU and its affiliates shall ensure that industry and workplace develop gender policies through their CBAs in order to cab gender imbalances in the field of employment.

INFORMATION DISSEMINATION

- The ZCTU and its affiliates through their structures shall disseminate information on the protection and promotion of gender activities in order to achieve effective participation of male and female workers.
- The ZCTU through this gender policy will put in place adequate plans, strategies to curb corrupt activities such as bribery, sending the wrong candidates and non-members during the implementation of the programs. There shall be transparency and accountability in the whole process

RESOURCE MOBILIZATION

- The ZCTU and its affiliates shall ensure that adequate funds are channelled towards gender activities and programmes so that they are implemented in a fair and just manner.

IMPLEMENTATION OF THE POLICY

In developing strategies and institutional mechanism for the implementation, monitoring and evaluation of the gender policy in the ZCTU and its affiliates, the starting point is that gender equality is a trade union issue. The trade unions are agents of change in society and should be on the forefront of the struggle for gender equality. ZCTU and its affiliates are important agents of change at the work place and the rest of society.

The strategies for implementation are informed by the mission, vision and values of the ZCTU. Given the importance of the National Centre and its affiliates, the successful implementation of gender-related policies is not only a success for the organisation but also for the workers and the entire society.

IMPLEMENTING STRUCTURES

Implementing structures are overall ZCTU committees and its affiliates. The structures will be responsible for promotion and attainment of gender equality at the national centre, affiliates and at the workplace. The structures are:

- a) The General council;
- b) The National Executive;
- c) The General Council sub- committee on gender;
- d) The General Council Sub-committee on education and training;
- e) The women advisory Council (WAC);
- f) The Regional councils;
- g) The District councils ;
- h) Affiliates;
- i) Young Workers Committee;
- j) Working group on Gender;

The Role of the General Council shall be to:

- Supervise the implementation of the gender policy;
- Monitor the implementation of resolutions and the gender policy, through detailed reports provided by the Secretary General;
- Ensure the affiliates abide by the policy and implement the plan of action, by providing the following support where required; advice, setting up of targets, provision of financial and human assistance.
- Link the Gender Plan of Action into the ZCTU Strategic gender Plan;
- Ensure provision of budget that is adequate for successful implementation of the gender plan as determined by the Gender Committee;
- Encourage the mainstreaming of gender into the work of ZCTU affiliates and;
- Incorporate the gender issues in the Secretary General's periodic reports.

WOMEN ADVISORY COUNCIL (WAC)

WAC is a structure linked to the General Council that will play a key role in the implementation, monitoring and evaluation of this policy. The WAC will liaise with the General Council Sub-committee on Gender and co-ordinate with all affiliates gender committees. Its responsibilities are to:

- Develop a detailed and target – based plan of action for implementation;
- Develop the practical strategies for implementation;
- Identify and allocate human resources to implement various activities; and
- Undertake routine monitoring and evaluation of the implementation of the Gender Policy.

GENERAL COUNCIL SUB-COMMITTEE ON GENDER

The General Council Sub-committee on Gender shall be a catalyst for gender mainstreaming. The sub- committee shall be the driving force in developing strategies for implementation of this policy. It shall adopt hands on approach on implementation of the policy, and shall therefore:

- Have the power to take initiatives and should have a direct input into decision –making processes relating to gender issues;
- Co-ordinate the development of further policies(where there are gaps);
- Co-ordinate the implementation of other national or sectorial policies through a gender analysis approach;
- Monitor and evaluate progress with regard to the implementation of the plan of action in the promotion of gender equality;
- Develop priorities and targets which are to be incorporated into the ZCTU Gender plan of action;
- Ensure that the plan of action also incorporates a monitoring and evaluation component;
- Serve as an advisory group for the successful implementation of this policy; and
- Assess the plan of action and take corrective measures.

GENERAL COUNCIL SUB COMMITTEE ON EDUCATION AND TRAINING

The General Council subcommittee on Education and training shall ensure mainstreaming of gender in all education and training programmes through:

- equal representation in all activities and programmes;
- Implementation, monitoring and evaluation with regard to planning in order to achieve gender equality;
- Prioritising implementation of activities with gender components;

THE ZCTU REGIONAL AND DISTRICT COUNCILS

The regional and district structures of the congress in designated areas shall ensure:

- The fulfilment of aims and objectives of the congress on gender mainstreaming.
- Gender balanced organisation of regional and district events and solidarity activities with regards to Trade Union education, training, information sharing, and dissemination of information, organising and recruitment of members.

Working Group on Gender

The ZCTU Affiliates Gender Focal persons shall constitute the ZCTU Working Group on Gender which shall be coordinated by the ZCTU Gender Focal Person. Their Terms of Reference shall be as follows:

- Liaise and Collaborate with ZCTU Gender Focal Department to ensure that gender is mainstreamed in all activities of ZCTU and its Affiliates;
- Assess and review the workplace conditions in their industries in relation to gender discrimination and sexual harassment;
- Ensure that funding is secured for implementation of the planned activities at their respective affiliate unions;
- Set realistic targets for achieving gender needs;
- Meet at least twice a year to monitor and evaluate operational activities on gender;
- Produce gender disaggregated data of their respective affiliate union activities;
- Ensure that gender education and training is provided to both men and women to achieve gender balance in the work of the organisation;
- Establish and maintain links with ZCTU Gender Focal department, Labour Service Organisations, Women's Organisations and other related institutions as a strategy to accomplish practical and strategic gender needs;

WOMEN AND GENDER DEPARTMENT

The department plays a central role in implementation of policy and plans of action.

The role of the Women & Gender department is to:

- Ensure implementation of the Congress resolutions through a day - to - day work process;
- Liaise with other departments to ensure that gender is mainstreamed in all activities of ZCTU;
- Ensure that funding is secured for implementation of the planned activities;
- Set realistic targets for achieving gender needs;
- Monitor evaluate the operational activities;
- Produce gender disaggregated data of ZCTU activities
- Ensure that gender education and training is provided to both men and women to achieve gender balance in the work of the organisation;

- Establish and maintain links with affiliates Gender Focal departments Labour Service Organisations, Women’s Organisations and other related institutions as a strategy to accomplish practical and strategic gender needs; and
- Mobilise continuous research about the position of women not only within the trade union movement but also in society.

TARGETS SETTING AND PRIORITIES

The gender plan of action shall be integrated to the overall organisational five year strategic plan. It is important to prioritise activities and allocate adequate resources to achieve the organisation’s mission, vision and objectives. The plan must also determine capacity building mechanisms including building partnership with Labour Service Organisations and other Women’s Organisations local, regional and international.

DRAFT

MONITORING AND EVALUATION

Monitoring and evaluation are measures that are very often forgotten in terms of implementing plans of actions. Effective monitoring and evaluation serves as the basis for assessing progress or lack of progress and as such could determine corrective measures in time.

Monitoring and evaluation consists of continuous follow up through setting gender sensitive indicators. Gender sensitive indicators will depend on the context and the plan of action. This role of monitoring should be the task of the General Council sub-committee on gender.

Evaluation will be in the form of;

- questionnaires,
- surveys,
- verbal,(face to face interviews)
- written reports which will be tabled before the General Council and other constitutional structures which will contain the following information;
- Gender disaggregated data.
- Reports from all structures and affiliates with a gender disaggregated data, on human and financial resources, targets and quotas.
- The reports would also contain the external and internal constraints encountered by implementers of the programme.

Conclusion

This gender policy is intended to assist ZCTU and its affiliates to achieve gender equality and equity in the trade unions, workplace, home and the rest of the society in pursuit of socio – economic justice. ZCTU and its affiliates shall adhere to this policy and ensure effective implementation.

ACRONYMS

- ZCTU – Zimbabwe Congress of Trade Unions
- ILO – International Labour Organisation
- SADC - Southern African Development Committee
- POSA - Public Order & Security Act Chapter 11:07
- AIPPA - Access to Information & Protection of Privacy Act
- MDG - Millennium Development Goals
- UN - United Nations

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8. www.ilo.org
9. www.unwomen.org
10. Beyond ESAP phase 1
11. Training for Transformation Handbook for Community Workers – Anne Hope
12. ZCTU Strategic Plan
13. Zimbabwe Decent Work Country Programme
- 14. Statutes / Legal Instruments**

International instruments:

- Universal Declaration on human rights (UDHR) 1948;
- UN Convention on the Elimination of Discrimination against Women (CEDAW) 1981;
- International Covenant on Civil and Political Rights (ICCPR) 1966;

ILO Conventions:

- C087 – Freedom of Association and the Right to Organise Convention 1948
- C098 – Right to Organise and Collective Bargaining 1949
- C029 – Forced Labour Convention 1930
- C105 – Abolition of Labour Convention 1957
- C100 - Equal remuneration convention 1951
- C111 - Discrimination in Employment convention 1958
- C138 - Minimum Age convention 1973
- C156 - Workers with family Responsibilities 1981
- C182 - Worst Forms of Child Labour convention 1999
- C183 – Maternity Protection Convention 2000
- C189 - Decent Work for domestic workers 2011

Millennium Development Goals

- Millennium Development Goal No.3 on Gender
- Millennium Development Goal No.1 On poverty alleviation
- Millennium Development Goal no 6 on HIV & AIDS

Continental Instruments/ Institutions:

- African (Banjul) Charter on Human & People's rights, 1981;
- African Charter's Principles and Guidelines on Socio-economic rights, 1981
- African Commission on Human and Peoples' Rights (**ACHPR**) – established 1987;

Regional Instruments:

- SADC Protocol on Gender & Development (2007)
- Charter of Fundamental and Social Rights in SADC (2009)

National Instruments -

- The Constitution of Zimbabwe – Amendment 20
- National Gender Policy , 2000
- The Labour Act Chapter 28.01
- Domestic Violence Act Chapter 5.16
- Sexual Offences Act Chapter 9.21
- Legal Age of Majority Act, No. 15 of 1982
- Disabled persons Act Chapter 17.01
- Maintenance Act Chapter 5.09
- Matrimonial Causes Act Chapter 5.13,
- Pensions and Providence Fund Act Chapter 24.09
- Pensions Act Chapter 30;
- Deceased Estates Succession Act Chapter 6.02
- Deceased Persons Family Maintenance Act Chapter 6.03
- Children's Act Chapter 5.06
- Wills Act Chapter 6.06