

**Working Conditions and Labour Relations in the
Private Security Industry in Zimbabwe:
A Research Paper**

Tsitsi Mariwo

ILO Sub-Regional Office for Southern Africa

Harare, Zimbabwe

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Foreword

This study was undertaken at a time when the private security industry was facing numerous challenges relating to income insecurity, inadequate social security, poor working conditions, ambiguous employment relationships and multiple unions that were weakening the power of collective labour. The aim of this paper is to bring some of these challenges to the fore, in detail, as well as to propose solutions that could ensure the achievement of decent work in this sector.

The Government of Zimbabwe and Employers' and Employees' Organizations have adopted the 2005-2007 Decent Work Country Programme, which has the following key objectives of improving the implementation of fundamental principles and rights at work, improving the impact of standards, improving labour and social protection in all employment sectors, bringing about sustained social dialogue, combating HIV and AIDS in the world of work, bettering membership service in employers' and employees' organizations and generating quality jobs.

In addition to the Decent Work Country Programme, the government has ratified and domesticated key ILO Conventions that provide for democracy at the workplace and improve working conditions for men and women in the world of work. However, implementing these important provisions remained a major challenge, particularly in the private security sector. Thus, the need to come up with strategies that will put government commitments into practice cannot be over-emphasized. Nevertheless, appropriate strategies can only be formulated and implemented after a purposeful analysis of the situation 'on the ground'. Accordingly, this study sought to investigate and analyse the working conditions and labour relations prevailing in the private security industry in order to be able to recommend necessary interventions that could be adopted by the stakeholders involved so as to realize the goals of the Decent Work Agenda.

Tayo Fashoyin
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In addition, the supervisory role played by Limpho Mandoro, who ensured that there was an objective analysis of the issues under discussion in the final compilation, is also acknowledged with thanks. The useful comments, technical support and insights made by staff from the Labour and Economic Development Research Institute of Zimbabwe (LEDRI) and the Senior Designated Agent for the National Employment Council for the Commercial Sectors, Mr Chanda, are acknowledged.

List of Acronyms

CBA	Collective Bargaining Agreement
CWUZ	Commercial Workers' Union of Zimbabwe
DA	Designated Agent
FPL	Food Poverty Line
ILO	International Labour Organization
LEDRIZ	Labour and Economic Development Research Institute of Zimbabwe
LJC	Local Joint Committee
MPSLSW	Ministry of Public Service Labour and Social Welfare
NCEAZ	National Commercial Employers' Association of Zimbabwe
NEC	National Employment Council
NECCZ	National Employment Council for the Commercial Sectors of Zimbabwe
NSGU	National Security Guards' Union
NSSA	National Social Security Authority
NSWUZ	National Security Workers' Union of Zimbabwe
PDL	Poverty Datum Line
PSWU	Private Security Workers' Union
SAZ	Security Association of Zimbabwe
TNF	Tripartite Negotiating Forum
TPL	Total Poverty Line
ZINSA	Zimbabwe Indigenous Security Association
ZISEGU	Zimbabwe Security Guards' Union

1. Introduction

April to June 2007 witnessed an acute human resource crisis in Zimbabwe's private security industry. Massive resignations by employees and high incidences of absenteeism affected the industry to such an extent that companies found it difficult to supply the numbers of guards required by their clients. This situation forced employers' organizations in the security industry to flight press statements in the media justifying the causes of human resource shortage in their sector. These press statements highlighted the fact that basic necessities such as housing, transport and foodstuffs were now beyond the reach of lower-graded employees in all industrial sectors, private security firms included. They went further, pointing out that despite monthly salary increments, prices continued to rise and that employees continued to resign in droves.¹

In order to effectively respond to the above crisis, the ILO, in line with its mandate of promoting and ensuring peace and social justice in the world of work, sought to investigate and highlight the underlying issues behind the massive resignations and high incidences of absenteeism, with a view to bring them to the attention of stakeholders in the industry.

It is against this background that this paper analyses the pertinent working conditions and labour relations existing in the private security industry in Zimbabwe. In so doing, it examines the legal framework, the size of the industry, trade unions and employers' organizations, the collective bargaining and dispute resolution framework and the gender dimensions within the sector. It also explores the strengths and weaknesses of the current legal and institutional arrangements that regulate this industry.

Drawing from the findings of both desk and grounded research, this paper puts forward recommendations for improving working conditions and labour relations in the private security sector. It is important to note that this paper is by no means an exhaustive document, the research having been conducted over a short period of twenty-six days between 28 May and 22 June 2007. Despite this, it does aim to raise the significant labour issues confronting the private security industry and hopes to inform players in the sector as to the appropriate legal and institutional changes necessary for realizing the ILO agenda of decent work for all.

1.1 Research objectives

The study's Terms of Reference were provided by the objectives of the research which sought to:

1. Ascertain the size of the private security industry.
2. Analyze the legal framework that regulates the private security industry.
3. Identify the forms of employment and working conditions in this sector.
4. Analyze employment relations in the sector by highlighting related trade unions and employers' organizations.

¹ *Zimbabwe Independent*, 1 June 2007.

-
5. Highlight and assess the operations of the National Employment Council.
 6. Analyze the dispute resolution mechanism and the challenges it faces.
 7. Identify key collective bargaining agreements that have enhanced Decent Work.
 8. Analyze the industry's gender dimensions.

1.2 Methodological approach and research methods

In order to collect as much accurate information as possible, multiple methodologies and research methods were adopted. The grounded approach², legal pluralism³, gender analysis⁴ and human rights⁵ approaches were used as methodological frameworks. As a result, the research findings are not only based on observations, but also on the lived realities of private security workers, management and NEC officials. The literature review included ILO conventions, statutory law, previous research and the print media. The research methods used included questionnaires, observations and personal interviews with key informants such as employees and employers in the industry, government officials from the Ministry of Public Service, Labour and Social Welfare, National Social Security Authority, officials from the National Employment Council for the Commercial Sectors of Zimbabwe, trade unions, employers' associations and other organizations. Key informants were purposefully selected, taking into consideration the short period of the research.

Although workers were willing to share their experiences, some employers viewed the research as a 'fishing expedition', given the challenges the sector was facing. However, management staff from Securicor, Guardian, Cobra, Viking, Zimcan, Powerguard and Professional (which were on the list of companies to be sampled) were very cooperative. Due to security concerns, however, accurate data on the actual number of private security firms registered in Zimbabwe could not be obtained from the Ministry of Home Affairs. Instead, records held by the National Employment Council (NEC) were used as a viable substitute.

1.3 Sampling

Due to the limited period of the research, it was not possible to administer questionnaires to all companies and employees in the sector. Instead, a sample of ten female and ten male employees selected from established small- to medium-sized companies and newly established firms were interviewed. Thirteen security firms were approached in order to solicit management's views on the working conditions and labour relations in the industry. Unfortunately, only seven companies responded on time and their responses form the basis of the research findings.

1.4 Summary of research findings

Although the security industry has continued to expand over the last 20 years, this growth has not been matched with congruent quality working conditions or the remuneration

² The approach investigated the lived realities of those who are the subject of the research.

³ The approach took cognizance of the various legal and non-legal norms that regulate human behaviour in a particular situation.

⁴ It looked at the different roles of men and women and how the law and other norms impact on their lives.

⁵ This approach highlights the human rights entitlements of citizens and state obligations under international conventions and assesses the level of compliance or non-compliance.

required to give the workforce dignity at the workplace. In terms of the ILO Decent Work Agenda, the creation of new quality jobs must go hand in hand with guaranteed employment, an appropriate income and adequate security and representation.

The Decent Work Agenda aims to achieve decent work for all by promoting social dialogue, social protection, dignity and safety at the workplace⁶. However, the research found that these principles were largely absent in the private security sector. Among its deficiencies are jobs that are short-term or temporary, long and illegal working hours, poor remuneration, underpayment, non-payment, massive illegal dismissals, unhealthy working conditions, exploitation and sexual harassment.

Whilst respondents at management level acknowledged that wages were far below the monthly transport and housing needs of the security worker, they maintained that their workers' average educational levels did not warrant higher salaries. This argument is inaccurate as the research findings established that half of the interviewed private security workers had five or more passes at Ordinary level. Management also argued that private security workers demands were too high given that the May 2007 NEC minimum wages for Grade (a)⁷ and Grade (b)⁸ private security employees were \$100 000 higher than the salary of a trained primary school teacher. However, the real question was how many of the private security workers actually received the NEC's prescribed minimums? The research revealed that most private security firms were in fact paying wages below the NEC minimum.

As far as labour relations are concerned, worker unionization is a challenge, as many employees work in different establishments and half of them work at night. Furthermore, the presence of ambiguous or non-standard employment relationships which emerged from the research also present challenges in terms of trade union regulation and worker representation.

There was a general feeling among workers that management victimized and intimidated trade union members, thereby undermining an employee's right to organize. There was need, therefore, for a strong and dedicated union that can take on the large number of non-union members cannot be over-emphasized. Currently, the industry is subject to the phenomenon of multiple unions which have been unable to significantly transform the lives of private security workers through meaningful and effective collective bargaining. Employers in the industry have remained steadfast on the principle of 'united we stand and divided we fall', thereby being able to outwit workers' demands in the face of multiple and divided unions. Furthermore, the congestion and weak enforcement mechanisms that bedevil the resolution of labour disputes in the sector have made it difficult for workers to challenge unfair labour practices and poor working conditions. As a result, the private security sector is plagued by apparent decent work deficits that require immediate intervention from all stakeholders.

Despite the challenges mentioned above, the findings did reveal good practices in some private security firms. These include the introduction of non-wage benefits such as the provision of food during working hours⁹; adequate uniforms and work tools and NEC-

⁶ ILO (2005), *Rules of the game. A brief introduction to International Labour Standards*, p. 7.

⁷ A security worker who has worked for a period of less than two years.

⁸ A security worker who has worked for a period of two years or more.

⁹ Mine-Tech provides food for its employees. Companies such as Securicor, Fawcett, Guard have been consistent in providing adequate uniforms and paying NEC-prescribed minimum wages.

prescribed minimum wages and they must be commended. It is important that the negotiation of non-wage benefits be pursued at NEC level in order to cushion employees in an environment where wage-based benefits are being eroded by inflation.

1.5 The socio-economic context

The hyperinflationary economic environment that prevailed during the time of the research has had a dramatic impact on the livelihoods of workers in the private security industry. The meagre wages and allowances failed and continue to be out of touch with the escalating cost of living, being well below the PDL and FPL which stood at Z\$2 596 773.60 and Z\$949 976.10 in April 2007 respectively.¹⁰ By this time, employees could no longer enjoy basic socio-economic rights such as the right to food, health, education, shelter, social security, decent work and affordable transport. An average family of five needed at least \$2 496 773 in April 2007 to purchase basic food and non-food commodities. This figure rose to \$5 500 000 in May 2007.¹¹ The year-on-year inflation for the month of April stood at 3 713.89%, climbing to 4 500% by the end of May 2007.

With rising price levels effectively eroding incomes, wage negotiations at NEC level have failed to keep abreast with the country's runaway inflation. Although the industry at NEC level took the initiative to link wages to the cost of consumer basket, the situation could not be improved because these figures were always announced in retrospect. Workers thus continue to bear a disproportionate brunt of the economic crisis, although the Tripartite Negotiating Forum agreed to link minimum wages to the PDL, taking cognizance of internal relativities¹².

Minimum wages in the sector have remained extremely low, with some employers failing to meet the stipulated base amounts. Studies on wages have shown that low incomes are associated with the adoption of survival strategies that undermine work ethics, commitment, production, profits and growth, resulting in absenteeism, high labour turnover, multiple jobbing, moonlighting, pilferage, corruption and theft. By contrast, good working conditions are associated with good work ethics, relative industrial peace, low turnover of employees, increased productivity, improved performance grounds and better profits.¹³ The former was confirmed by the human resources crisis that hit the industry during the time of the research.¹⁴ At that point, employee morale hit rock bottom and the media quoted one security industry executive as having stated that:

*'... The situation has deteriorated to a point where the cost of transport and housing alone now surpass the net salary of employees in the low-income groups. There have been mass resignations as a result and this is why private security companies are now failing to deploy fully to cover all posts.'*¹⁵

It is against this socio-economic background that the working conditions and labour relations in the security industry have been analyzed.

¹⁰ By the time of concluding the research, the Central Statistics Office had not published the PDL levels for May and June hence reference to April figures.

¹¹ According to the Consumer Council Report, May 2007.

¹² Article 6.0 of the Prices and Incomes Stabilization Protocol.

¹³ Kanyenze, G. (2007).

¹⁴ Press Statement made by the Security Association of Zimbabwe in the *Zimbabwe Independent*, 1-7 June 2007.

¹⁵ *Financial Gazette*, 31 May 2007.

2. The Size of the Private Security Industry

The security sub-sector is one of the largest sub-sectors within the commercial industry. It is basically a service sector, the employer selling a service directly relating to the protection of persons or property. It is labour-intensive, unlike many other commercial sub-sectors, where machines carry out the bulk of the work. Thus labour, as indicated by respondents at management level, is a 'huge cost' for any private security firm.

In terms of size, the NEC's records show that there are 338 private security firms employing a total of 57 431 individuals.¹⁶ However, this number represents only those companies that pay dues to the NEC. Interviews with NEC officials revealed that there could be about 100 more private security firms, with a grand total of 5 000 to 10 000 employees that have licenses to operate security firms in terms of the Private Investigators and Security Guards (Control) Act [Chapter 27:10] but remain outside the NEC's purview.¹⁷ It is therefore estimated that the sector currently comprises 438 companies and around 65 000 employees. These figures represent an industry growth of 4 555% since the previous survey of 1987 which sized the sector at 11 companies and 10 000 employees.¹⁸ Today, the labour force in the private security industry represents 8% of the total workforce in Zimbabwe's formal sector.

The remarkable growth of the industry, especially when compared with other sectors, can be attributed to the prevailing socio-economic environment where many people are coming up with 'new business ventures' that provide a ready market for its services. It can also be ascribed to the ongoing harsh economic conditions, which have led to high unemployment rates and a consequent rise in crime.¹⁹ Some individuals who have 'made it' economically have built luxurious homes in the exclusive suburbs of the main cities that require constant security protection. In addition, a number of families have migrated to other countries, leaving behind properties that also require the services of private security firms.

As a result, there has been a mushrooming of small private security firms providing both employment and security services. There are new operators with as few as three employees and established firms with as many as 5 000. The sector is also characterized by a considerable number of 'fly-by-night' operators operating without proper licenses. The majority of the latter charge rates that are below the stipulated tariffs in order to attract clients and as a result usually fail to pay their employees NEC-stipulated wages and allowances. They also lack fixed operating addresses and are difficult to trace in the event that an employee raises a complaint against them. Desperate employment-seekers have fallen prey to shady operators who offer no form of job or social protection.

It is important to highlight that whilst there has been some growth in the number of private security firms, there has also been an increase in the number of companies and

¹⁶ Details on the actual number of companies registered to operate could not be availed by the Ministry of Home Affairs for 'security reasons'.

¹⁷ As read with the Private Investigators and Security Guards (General) Regulations of 1978.

¹⁸ Nangati, F. (1987). *The Worker and the Private Security Industry in Zimbabwe*. Harare: Jongwe Printing and Publishing Co. (Pvt.) Ltd, p. 6.

¹⁹ The unemployment rate is estimated at 80%, LEDRIZ (2006).

organizations providing in-house or 'own' security services in a bid to cut down operational costs. Examples of these companies include some government departments, parastatals, the Zimbabwe Congress of Trade Unions and the Celebration Centre, just to name a few.

Owing to the fact that the security service providers operate under different regimes in terms of size and business experience, their employment relations are bound to differ, with some adhering to the collective bargaining agreements and others violating these arrangements.

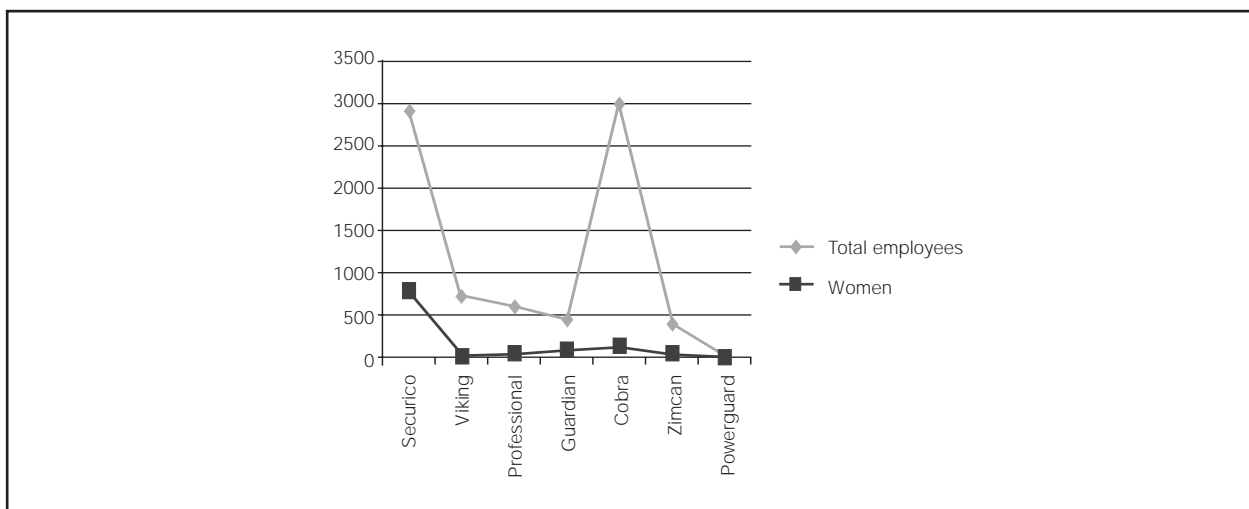
2.1 Percentage of female employees

The number of women joining private and public employment sectors has increased with the demand for female guards. Coupled with the shrinking of other sectors in the formal labour market, Zimbabwe's harsh economic environment has forced more women into the industry, despite existing decent work deficits. Previously, female guards were solely used for searching female employees or customers in shops during day shifts. This study has revealed that there has been a shift in this traditional approach, with more women now working night shifts guarding car parks, large private accommodation and business complexes. However, this shift has not seen any development of gender-sensitive policies that assist women in balancing their work and family responsibilities.

Although the security industry as a whole has grown in size, there has not been a growth of similar proportion in terms of the number of female employees. The research showed that 27.25% is the highest percentage of female security staff at any company and 2.21% the lowest. Using the statistics from the companies that were sampled, the average percentage of women workers in the sector is about 12% of the total labour force, this being a 10% increase from the 2% of 1987.²⁰

Figures 1 and 2 give an account of the total number of female employees in the companies that responded to the questionnaire. These were used to produce an estimated percentage of the women employed in the industry.

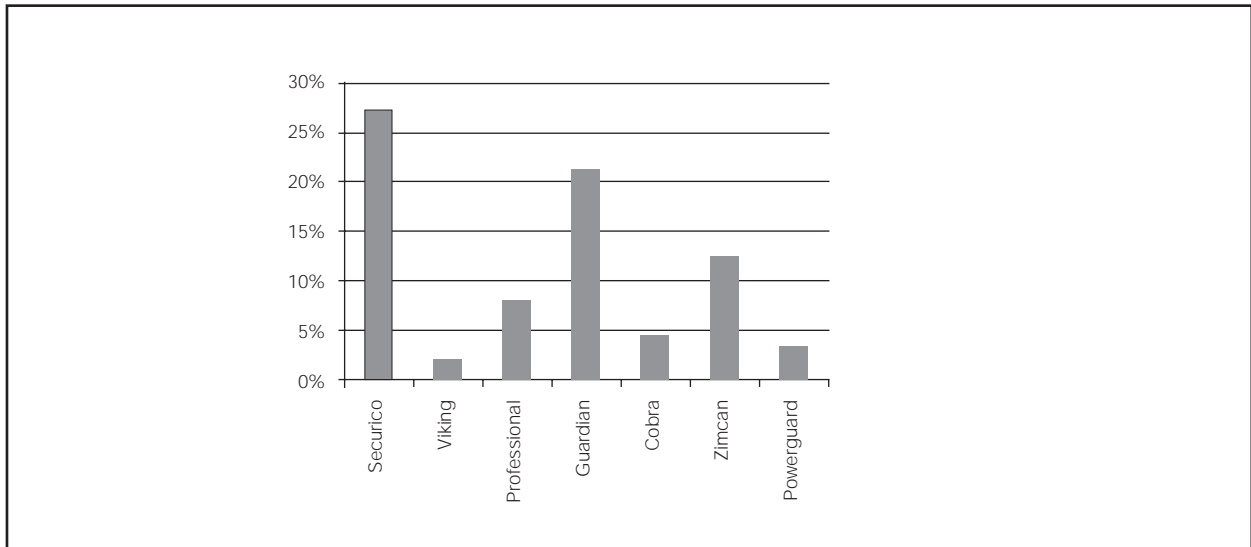
Figure 1. The number of female employees



Source: Research questionnaires completed by management staff, June 2007

²⁰ Ibid., p. 7.

Figure 2. The percentage of female employees per firm



Source: Research questionnaires completed by management staff, June 2007

The figures reveal that the industry is still a male domain. The small number of female employees indicates the difficulties that women face in negotiating the shifting and contested boundaries between public and private responsibilities. Women interviewed during the research highlighted this difficulty of working night shifts with having to perform domestic chores during the day. This work pattern leaves them with little time for sleep and, in turn, often leads to them falling asleep when back at work – a potential offence for dismissal, in terms of the commercial sector’s employment Code of Conduct.

It was also observed that very few women occupy management positions²¹, and that if they are, they tend to occupy jobs regarded as requiring ‘feminine characteristics’ – marketing managers, for example.²² According to Catherine Mackinnon (1980), countless studies have shown that ‘women are overwhelmingly in positions that other people (men) manage, supervise or administer. Women are considered to be men’s subordinates on the job and dependent upon men for economic security, hiring, retention and advancement.’ Feminist writer Simone de Beauvoir stated that women find themselves in these dependent situations by virtue of their ‘otherness’ or being the ‘second sex’.²³ This ‘otherness’ exists in the private security industry and is the root in cases of sexual harassment against female employees. It is therefore important that the steady growth in the number of female employees in the industry is matched by the introduction of gender-sensitive policies that look after their needs. It also raises the importance of the Zimbabwe’s government ratifying and domesticating ILO Convention 156 on Workers with Family Responsibilities.

²¹ Except for the Managing Director of Securico, Mrs Devine Ndhlukula, who managed to break the glass ceiling.

²² This job embodies the traditionally female behaviour, which centres on patience, sociability and submissiveness.

²³ de Beauvoir, S. (1997) *The Second Sex*, p. 16.

3. The Legal Framework

3.1 International labour standards

Zimbabwe is a signatory to 26 International Conventions administered by the ILO.²⁴ In addition, it also has an obligation to uphold the principles enshrined in the 1998 Declaration on Fundamental Principles and Rights at Work, which encourages ILO member states to respect the eight core Conventions, with or without ratification. ILO Conventions place an obligation on the government to respect, fulfil and refrain from violating the socio-economic rights of men and women in respect of decent and fair working conditions. The Conventions set minimum standards of application and governments are expected to report on the progress of their implementation.

Under Zimbabwean law, ILO Conventions do not automatically become part of the national law; for this to occur they have to be domesticated through an Act of Parliament.²⁵ However, these Conventions have had a significant influence on national labour legislation. The research revealed that although the government has ratified and domesticated some ILO Conventions, their implementation in the private security industry remains a major challenge. This will be discussed later, with particular focus on labour inspection, occupational safety and health, weekly rest, equality of treatment (for men and women in the sector in terms of promotion), payment of minimum wages and freedom of association.

The table below lists some of the Conventions ratified by the Government of Zimbabwe that have direct links to the private security industry:

Table 1. ILO Conventions ratified by Zimbabwe relating to the security industry

No.	Convention title	Date of ratification
a. (100)	– Equal Remuneration, 1951	14.12.1980
b. (14)	– Weekly Rest (Industry), 1921	06.06.1980
c. (19)	– Equality of Treatment (Accident Compensation), 1921	06.06.1980
d. (81)	– Labour Inspection (Industry and Commerce), 194	16.09.1993
e. (26)	– Minimum Wage Fixing Machinery, 1928	16.09.1993
f. (144)	– Tripartite Consultation, 1976	14.12.1989
g. (98)	– Right to Organize and Collectively Bargain,	27.08.1998
h. (105)	– Abolition of Forced Compulsory Labour, 1957	27.08.1998
i. (140)	– Paid Education Leave, 1974	27.08.1998
j. (135)	– Workers' Representatives, 1971	27.08.1998
k. (87)	– Freedom of Association, 1948	27.08.1998
l. (15)	– Occupational Safety and Health, 1981	09.04.2003
m. (11)	– Discrimination (employment and occupation), 1958	23.06.2000

Source: Gwisai, M. (2006)

²⁴ As at May 2007.

²⁵ Section 111B of the Zimbabwean Constitution.

3.2 Statutory law

Firstly, the Constitution of Zimbabwe, which is the supreme law of the land, does not expressly provide for the realization of socio-economic rights such as labour rights.²⁶ Labour and employment issues are only enshrined in various Acts of Parliament and are divided into the public sector²⁷, private sector²⁸ and export processing zones²⁹.

Working conditions and labour relations in the private security industry fall under the private sector and are regulated by the Labour Act [Chapter 28:01], as amended.³⁰ The Act declares and defines the fundamental rights of employees, general conditions of employment, trade union rights and registration of trade unions. It also upholds the principle of non-discrimination and provides for the establishment of institutions and actors responsible for collective bargaining and settlement of disputes, including Employment Councils, Advisory Councils and the Labour Court.

The Labour Act is the principal legislation governing the general aspects of the employment relationship in the private sector. Some aspects of the employment relationship are regulated by the National Social Security Act [Chapter 17:04], which allows for the establishment of social security schemes for the provision of benefits for employees and provide for the labour inspection framework.³¹

Specific and finer details on working conditions and labour relations are given in subsidiary legislation that conforms to the parameters of the Principal Act. Subsidiary legislation includes Statutory Instruments promulgated directly under the enabling Acts. Such Statutory Instruments include the Labour Relations (HIV and AIDS) Regulations of 1998. The regulation provides for non-discrimination of employees on the grounds of HIV and AIDS status alone. Statutory Instrument 68 of 1990, which provides for health and safety issues at the workplace, is part of the subsidiary legislation.³²

The Collective Bargaining Agreements (CBA), which are entered into by employer and employee parties in terms of the Labour Act, also form part of subsidiary legislation.³³ The CBA establishes the rights of employees relating to minimum wages payable, allowances, hours of work, provisions on protective clothing, leave entitlements and gratuity. It defines the obligations and rights of employers, which include payment of wages and respect for the organizational and collective bargaining rights of employees. Lastly, it sets the dispute resolution mechanism applicable in the sector in accordance with the Code of Conduct. The CBA binds all employers and employees in the security industry, whether or not they are party to the agreement.³⁴ However, the reality on the ground is far removed from the stipulation of the agreement which advocates for equal treatment.

²⁶ It does not have provisions that deal with labour issues in a direct sense, except that all related actions must be consistent with the Constitution in order to be valid.

²⁷ Public Service Act [Chapter 16:04].

²⁸ Labour Act [Chapter 28:01].

²⁹ Export Processing Zones Act [Chapter 14:07].

³⁰ The Labour Act was amended by the Criminal Penalties Amendment Act No. 22 of 2001, the Labour Relations Amendment Act No. 17 of 2002 and the Labour Amendment Act No. 7 of 2005.

³¹ See Section 39.

³² These also include the Labour Relations (General Conditions of Employment) (Termination of Employment) Regulations, S.I. 371 OF 1985, labour Relations (Settlement of Disputes) Regulations S.I 130 of 2003 and Labour Relations (Retrenchment) Regulations S.I. 404 of 1990.

³³ Section 25.

³⁴ Section 25(1).

4. Forms of Employment Relationships: Permanent versus Contract Employment

Whilst some well-established and a few small- to medium-sized firms consider skilful, committed and motivated personnel as a strategic resource, other firms view the labour force as an easily replaceable commodity and base their operations on contract employees.

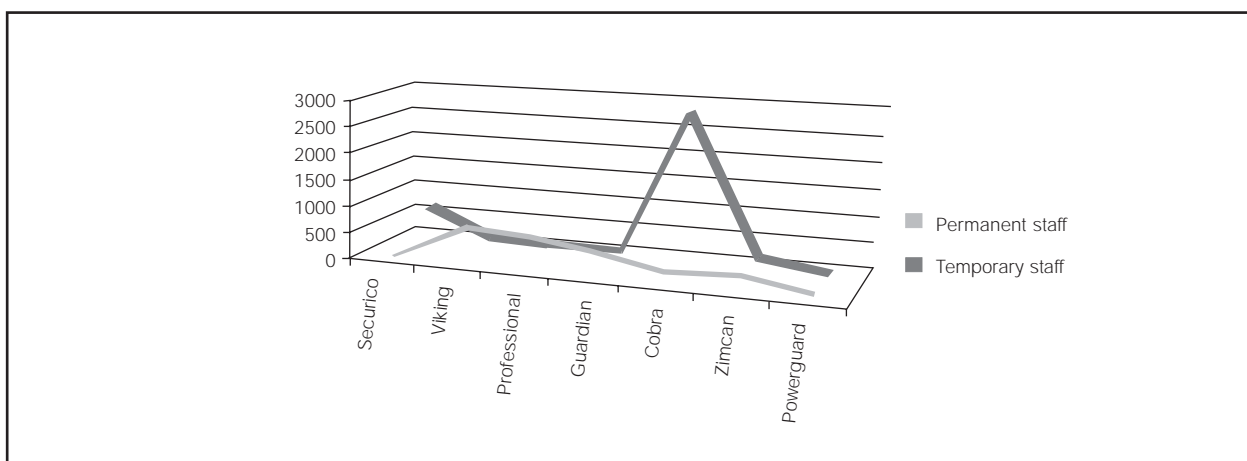
The predominant form of employment, particularly in newly established firms, is the fixed-term contract or ‘contract work’. There is also the open contract, which is commonly referred to as a ‘permanent contract’ and is prevalent in well-established security firms. One can remain a contract worker for as long as the contract is renewed. One male guard interviewed indicated that he has been on a three-month renewable contract for the last three years. This problem stems from the loopholes in the Labour Act which fails to provide a maximum time limit for fixed-term contracts. A cut-off point is needed in order to minimize the exploitation of workers.

Of the seven companies that returned the questionnaires, most had an average of about 79% of their employees as permanent staff. It is important to note that one company with a staff compliment of 3 000 employees had only 162 (5.4%) employees on their permanent staff enrolment.

According to the research findings highlighted in Figure 3, the general trend has been the use of temporary employees in providing security services.

In view of the above, it therefore follows that the majority of workers in the security industry are not entitled to quite a number of employment benefits. According to the CBA, contract, part-time and casual employees cannot enjoy paid maternity leave, sick leave benefits or social security benefits. The engagement of contract employees is therefore a way of reducing labour costs in order to maximize profits. Moreover, the lack of benefits such as paid maternity leave has had a big impact on the impoverishment of women in particular (Orr, 2000).

Figure 3. Trends in permanent and temporary employment



Source: Research questionnaires completed by management staff, June 2007

The issue of job insecurity is clearly shown by Article 24 (5) of the CBA. This allows an employer to give an employee two weeks' notice of termination of employment in the case of a contract for a period of six weeks or less, or in the case of casual or seasonal work. The Labour Act perpetuates this insecurity by providing for one day's notice in the case of a contract for a period of less than three months, or in the case of casual or seasonal work.³⁵ Job insecurity and lack of benefits thus characterize temporary employment. The table below indicates the actual figures provided by the management of the companies sampled during the research.

Table 2. The total number of permanent and contract employees

Company	Permanent staff	Contract staff	Total
Securicor	2 300	624	2 924
Viking	610	119	729
Professional	570	39	609
Guardian	400	50	450
Cobra	162	2 865	3 000
Zimcan	200	200	400
Powerguard	11	19	30

With the exception of one company, the totals in Table 2 indicate that there are more permanent workers than contract employees; 17 of the private security workers interviewed indicated that they were employed on a contract basis. Data triangulation points to the fact that there are more temporary than permanent employees in the private security sector. This position is confirmed by the NEC records, which show that out of a total of 57 431 employees, 53 965 are Grade 1(a) employees who have worked for a period of less than two years.

The disparity shown by figures above may be explained by the small sample group used for field research. There is a real need for more detailed studies of the actual number of permanent and temporary employees in the private security sector.

³⁵ Section 12 (4) (e), Amendment No. 7 of 2005.

5. New Forms of Employment and Work in the Private Security Sector

In addition to the common forms of employment, the research noted the emergence of new and ambiguous forms of employment relationships in the private security industry. Fly-by-night security operators now engage the services of trained and untrained security guards as independent contractors (although this is not communicated to the employees, who normally regard the employment relationship as standard). As a result, these employees must provide their own clothing and tools and fund their own transport costs. Issues relating to weekly rest, breaks during shifts, sick leave and social security do not form part of this type of employment relationship. Such employees work seven days a week and sometimes two shifts per day (with minimum supervision from the firm's operator) and are only paid at the end of the month. Worse, those workers interviewed revealed that many employers fail to turn up with their monthly salaries.

The other employment relationship relates to security guards who seem to have two employers, that is, the private security firm and the client requiring security services. In such a scenario, the security worker is engaged by the private security firm and deployed to a workstation where they receive their monthly salary without necessarily going back to the security firm. They are supervised and given a work description, accommodation and food (at times) as well as a 'top-up' salary by the client. Other than the salary and schedule of the number of days worked, there is no communication from the private security firm in terms of work advancement, training, sick leave days, vacation and compassionate leave. Such security workers make their own arrangements for leave and 'off' days with the client, without necessarily informing the private security firm.

In addition, employees from the same company sub-contract each other in cases where they face family responsibilities or other challenges and employers are unwilling to grant compassionate leave. Instead of challenging their employers, private security workers have developed their own support mechanisms to deal with this problem. Payment in such an employment relationship is usually in kind – rendering reciprocal services in time of need – or occasionally in cash.

The development of these new or non-standard forms of employment bring with them a number of new risks and negative outcomes. These include the risk of future employment and earnings insecurity, limitations on human capital development and reduced rights and entitlements³⁶, particularly in the case of fly-by-night security operators.

It was also evident from the field research that the security worker's job description has gone far beyond simply providing security services. It was established that 99% perform more than three additional jobs/tasks during a single shift. These range from answering telephone calls, offloading the client's goods, preparing tea, delivering mail and filing paperwork. There are worse case scenarios where the guards have been 'asked' to be 'night-shift gardeners' and so water the client's gardens and lawns during the night. Any refusal to do so would result in the client laying false accusations against them with their

³⁶ Routledge, (2005). *Regulating new forms of employment relationships*.

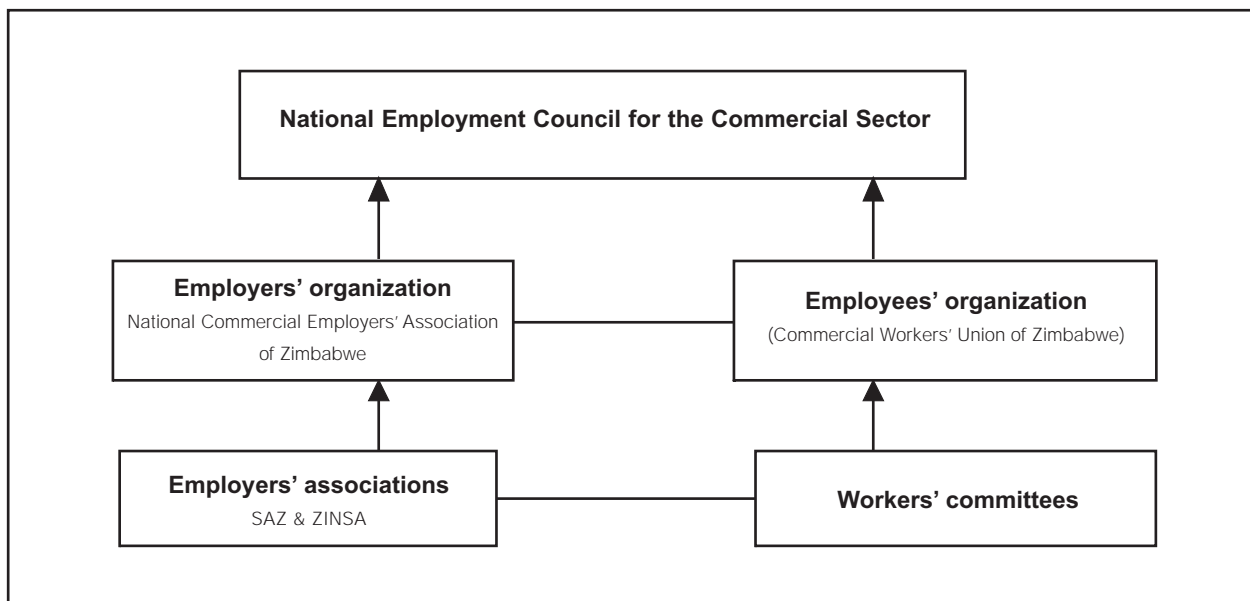
employer responding with a suspension or even dismissal. Thus, despite the reassurance of the private security firm's clear job description, security workers often find themselves performing unpaid tasks that are tantamount to exploitation.

Consequently, there is a need to develop appropriate regulatory frameworks that take into account these new forms of employment and appropriate remuneration packages that cater for the growing diversity of the work of the security guard in order to avoid their exploitation and impoverishment.

6. Structure of Labour Relations

As highlighted earlier, labour relations are regulated by different structures established according to the terms of the Labour Act. The diagram below indicates the structure of labour relations in the commercial sector, which includes private security firms and their employees.

Figure 4. The structure of labour relations in the commercial sector



Source: NEC records, June 2007

Basically, three structures deal with labour relations at different levels in the private security sector. These include the NEC, trade unions and employers' organizations. Only when these structures fail to address or deal with labour relations do the Labour Court and Supreme Court come into play. These structures will now be discussed in detail.

6.1 Employers' organizations

There is a single employer organization namely: the National Commercial Employers' Association of Zimbabwe (NCEAZ). It represents the interests of all employers in the commercial sector, ranging from retailing, auctioneers, building societies, debt collectors and estate agencies, irrespective of whether they are NEC members or not. Each sub-sector in the commercial sector is represented in the NEC's Joint Negotiating Committee. The Security Association of Zimbabwe (SAZ) represents the interests of employers in the private security sector. An affiliate to the NCEAZ, it represents 51 private security firms. It is clear from the numbers that SAZ is not a representative body as the input of more than 338 private security firms is excluded from discussions at NEC level.

In the main, the Security Association of Zimbabwe (SAZ) is made up of established private security firms and there are very few newly established companies. In addition to SAZ, there is the Zimbabwe Indigenous Security Association (ZINSA) which is largely

made up of small- to medium-sized security firms. Overall, it represents 55 security firms. Unlike SAZ, it does not send a representative to NCEAZ as it is not affiliated to the main employers' association. However, it appears its members are content with the representations made on their behalf by SAZ to NCEAZ as they have neither contested nor challenged the representations.

Parties representing workers (Commercial Workers' Union of Zimbabwe (CWUZ)) and employers (NCEAZ) in the security industry continue to resist the formation of an Employment Council that is specific to the private security sector. The two parties have argued that the interests of private security workers are being taken care of by the current institutional arrangement, despite the fact that CWUZ represents only 11 000 of the country's 60 000 private security workers and NCEAZ represents only 51 of the 438 private security firms. It is the researcher's view that, considering the size of the industry compared to other players in the commercial sector, the interests of the security worker would be best served by a separate and more specific Council or strong sub-sector within the current Council. The specific needs of private security workers in relation to grading and remuneration are currently being measured and compared with those of employees in other sub-sectors of the commercial sectors, which prejudices the genuine concerns and interests of private security workers.

6.2 Trade unions in the private security sector: Multiple unions

The sector is plagued by the phenomenon of multiple unions. There are currently 3 registered trade unions representing private security workers in Zimbabwe namely³⁷, the CWUZ, the Private Security Guards' Workers' Union (PSWU) and the Zimbabwe Security Guards' Union (ZISEGU). CWUZ and ZISEGU are affiliated to the ZCTU and the PSWU to the ZFTU. It emerged from the research that a fourth union – to be called the National Security Guards Union (NSGU) – has applied for accreditation with the Ministry of Public Service, Labour and Social Welfare. The existence of multiple unions in the sector indicates that the situation is out of control as far as labour relations are concerned. It is an indication that workers are not content with representations made by established trade unions. Moreover, multiple unions weaken the bargaining power of trade unions, thereby sacrificing the interests of workers.

The statistics in the table below which were provided by union officials show the number of unionized workers. . Their verification by the Ministry of Public Service, Labour and Social Welfare was not possible because the unions have yet to declare their current membership numbers.

Table 3. Minimum wages for the low-income bracket

Trade Union	Membership
CWUZ	+/- 11 000
ZISEGU	+/- 403
PSWU	+ 600

Source: Trade union officials, June 2007

³⁷ Registered in terms of Section 29 of the Labour Act.

From the figures in Table 3, it is clear that out of a total workforce of about 65 000 only about 12 000 are trade union members. The participation of women in trade union activities is almost non-existent. Of the ten female employees interviewed, not one was a trade union member, but all raised concerns over the nature of trade union meetings that are often insensitive to women's needs. A union official from CWUZ estimated that women constitute only 3% of their total union membership.

Interviews with private security workers revealed that trade unions have been neither servicing membership nor running an intensive recruitment drive. The majority of private security workers are disappointed by this poor service and have withdrawn from or avoided joining a union.

Of the three registered trade unions, the CWUZ is the only one that is party to the National Employment Council for the Commercial Sectors. Although CWUZ has been facing problems caused by power struggles, there are indications that it does have the institutional capacity to represent the interests of workers, unlike the other two registered unions. Squabbles between union leadership have degenerated into fights and legal battles, at the expense of workers' interests. Under normal circumstances, and in terms of section 120 (1) of the Labour Act, the Ministry of Public Service, Labour and Social Welfare should have intervened. However, due to reasons best known to Ministry officials, it did not do so and workers thus remained at the mercy of a divided leadership.

Efforts by the other two registered unions to be part of the NEC have not yielded positive results. This is because the original parties to the voluntary NEC do not see the need for a separate Employment Council for the private security sector. The NEC also feels threatened by this move because if the private security sector – which forms a larger part of its membership and source of revenue – is taken out of their purview, there will be a loss of revenue and membership. The security industry generates a monthly revenue of about \$90 for the NEC and accounts for over 60 000 members.³⁸

Despite the above-mentioned challenges in terms of establishing an NEC specific to the private security sector, the PSWU and ZISEGU have continued to seek audience with the Registrar of Trade Unions³⁹, calling for the establishment of a Statutory National Employment Council for the private security sector. Unfortunately, officials from the Ministry of Labour indicated that a Statutory NEC could only be created if the two parties are present, namely, the employers and the employees. In this instance, the employer part is missing, as neither of the two employers' associations (SAZ and ZINSA) is willing to become part of the proposed NEC.

Challenges faced by trade unions

Union officials indicated that it is very difficult to organize in the private security sector due to the nature of the employers' records, power of control and the strict adherence to the principle of discipline. They also indicated that management is reluctant to recognize the organizational rights of employees at company level. Although workers' committees and Works Councils exist in the majority of the companies, they are not functional. Employers feel that they are obliged to negotiate with employee representatives at national rather than at shop-floor level as they regard shop-floor negotiations as a duplication of the collective bargaining process.

³⁸ NEC Records: May 2007.

³⁹ The last meeting was in May 2007.

According to the workers interviewed in companies where Works Councils are functional, these tend to be more of consultation forums where management representatives have no decision-making powers. In the case of functional workers' committees, there is rampant victimization by management. Some of the grievances relating to unfair dismissals emanate from the exercise of trade union rights. The absence of provisions guiding the activities of Works Councils in the CBA further supports this anti-union stance by management. These practices are clear violations of the provisions of ILO Conventions and statutory laws concerning the freedom of association and protection of the right to organize.

Furthermore, accurate membership record systems remain a problem with trade unions relying on employers' records for membership payments. There is also no sex-disaggregated data in terms of membership; the CWUZ could only estimate the percentage of female members. These circumstances make it difficult to accurately establish actual trade union membership by gender, a fact that could be used to develop solutions that are rooted in the reality on the ground.

The issue of representing workers in ambiguous employment relationships that are regulated neither by statutory law nor by the collective bargaining agreement is another major challenge for the trade union. As noted in the preceding paragraphs, these new forms of employment relationships present challenges not only in terms of regulation, but also in terms of the role of collective labour. It is important that these new forms of employment be further investigated so that their characteristics are better understood and are thus able to be regulated accordingly.

6.3 Structure of the National Employment Council

The NEC is made up of four structures namely: the Council, the Executive Committee, the Negotiating Committee and the Local Joint Committee. Key to these structures are Designated Agents (DA) and Arbitrators who are responsible for resolving disputes in terms of the Labour Act.

1. **The Council** – A national structure composed of Councillors who meet once a year at an Annual General Meeting. The council is the supreme policy and decision-making organ.
2. **Executive Committee** – A national structure whose role is to implement Council policies and receives monthly reports from NEC management.
3. **Negotiating Committee** – A national structure appointed by the Council to conclude or amend the Collective Bargaining Agreement on behalf of the Council. It deals with appeals from the Local Joint Committee.
4. **Local Joint Committees** – Regional structures appointed by the Council in any area within its jurisdiction. They consist of equal number of representatives from the employers' organization and the trade union. One DA in each region is responsible for conciliating disputes between employers.

Source: NEC Constitution.

7. Key Collective Bargaining Agreements

Collective bargaining in the private security sector takes place at NEC level and, in a few cases, at company level through functional Works Councils. The Negotiating Committee carries out collective bargaining at NEC level and Works Councils at company level. In terms of the Labour Act, workers are entitled to negotiate at company levels for specific benefits through Works Councils. However, as indicated in the preceding discussion, very few Works Councils are functional in the private security sector. Workers interviewed highlighted the problems of victimization and intimidation as the main causes of the non-functionality of Workers' Committees and Works Councils. A CBA may make provisions relating to rates of remuneration, benefits for employees and issues pertaining to overtime and safety.

According to the Commercial Workers Union of Zimbabwe (CWUZ), the key collective bargaining agreements that have contributed to the realization of decent work include the following:

7.1 Hours of work

The CBA subscribes to the ILO regulation of a 48-hour working week, and 12 hours in any period of 24 hours.⁴⁰ A security guard should work four days a week with three consecutive days as rest days. However, the lived realities of employees indicate that they work five days a week and are often asked to extend their shifts when replacements fail to turn up, which is normally due to the problem of high transport costs. Before this agreement, private security workers used to work 52-60 hours a week⁴¹, which was equivalent to five days a week. It is important to note that the CBA is silent on the issue of breaks after every five hours of work, as provided for under Convention 30 of the International Labour Organization concerning hours of work and weekly rest.

In cases of overtime, the agreement stipulates that the employer must give the employee 24 hours' notice.⁴² This means that working overtime is only by agreement unless there is an emergency and the employee has no reasonable excuse for refusing to work. However, the trend seems to be that security guards are actually forced to work overtime, regardless. In the majority of cases, such overtime goes unpaid. This is one of the major grievances raised by private security workers.

⁴⁰ Article 5(1) of the agreement.

⁴¹ Nangati, *op. cit.*

⁴² Article 7(1) of the agreement.

7.2 Grading system

The grading system in Table 3 determines the minimum wage, allowances and benefits payable to an employee. The higher the grade, the better the wages and allowances. It was noted during the research that very few private security workers make it to Grade 2 or above. Of the 57 431 employees registered with the NEC, Grade 1 employees account for 53 965 (93.5%). Those workers interviewed indicated that promotions are very hard to come by and largely depend on loyalty to management and the ‘who you know’ syndrome. Very few make it to the top ranks, either leaving due to frustration or being dismissed for petty offences prior to promotion.

Table 4. Grading systems

Category	Grade	Responsibility
Security Guard	1(a) & 1(b)	Guarding premises
Lance Corporal	2	Supervises security guards
Corporal	5	Supervises lance corporals
Sergeant	6	Supervises corporals
Sergeant Major	8	Supervises Sergeant
Security Officer	12	Supervises sergeant majors

Source: Collective Bargaining Agreement

Although minimum wages are pegged in accordance with the duties of the security worker as per grading system and nature of work, the practice on the ground shows that security guards do more than just providing security services (see Section 5). The begging question is: should private security workers remain in Grade 1 even though they carry out unpaid additional duties?

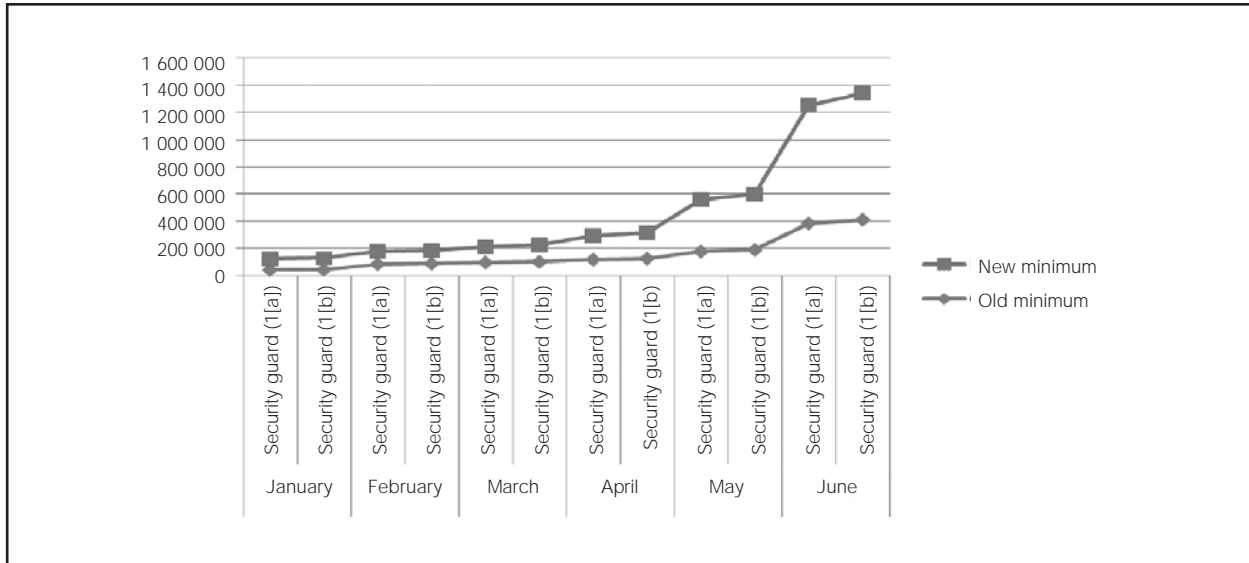
The morale of workers is always low as there is nothing to look forward to in terms of work and skill advancement, hence mass resignations characterizing the sector at the time of the research.

7.3 Minimum wages

Minimum wages in the commercial sector used to be negotiated quarterly, but, in an attempt to respond to the current hyperinflationary environment, wages have been determined monthly since January 2007. Beyond this, no real wage negotiations take place. Wages for private security workers range from Grade 1(a) to Grade 8. The lowest paid are in Grades 1(a) and 1(b).

Despite minimum wages being very low, very few employees are paid the NEC-stipulated rates. This was revealed by the employees’ payslips and by the refusal of some management officials to disclose the current minimums they were paying. The poor levels of inspection by the NEC and trade unions further perpetuate such underpayments. According to NEC officials, the focus for inspection is to follow up on those companies that are not paying NEC levies rather than following up on those flouting the rules. As very few private security firms default on payment of levies, seldom is there any reason for inspection, resulting in underpayment issues going unnoticed and unchallenged.

Figure 5. Changes in minimum wages per month: 2007



Source: CBAs, January to June 2007

An analysis of Figure 5 shows that wage increases continue to race against runaway inflation. Workers receive exploitative and starvation wages that i) do not cover daily expenses, and ii) are well below the poverty datum line (which stood at more than Z\$2 596 773.60 in April 2007). Real average earnings across all sectors of the labour market have collapsed because wage increases have failed to match inflation, but it is private security workers that have been hit the hardest. Their minimum wages exclude government tax, which has remained at \$100 000, thus further eroding their disposable income. The table below indicates the minimum wages for low-income earners by month.

Table 5. Minimum wages for the low-income bracket: January to June, 2007

Month	Grade	Old minimum wage	New minimum wage	Percentage of increase
January	1(a)	\$43 000	\$85 300	67.50
	1(b)	\$45 000	\$89 000	
February	1(a)	\$85 000	\$97 000	10.25
	1(b)	\$89 000	\$101 800	
March	1(a)	\$97 500	\$119 000	65.00
	1(b)	\$101 800	\$127 000	
April	1(a)	\$119 000	\$178 000	37.00
	1(b)	\$127 000	\$190 000	
May	1(a)	\$178 000	\$384 569	87.00
	1(b)	\$190 000	\$410 495	
June	1(a)	\$384 000	\$868 741	94.425
	1(b)	\$410 493	\$927 308	

7.4 Allowances

Security workers receive allowances in addition to their minimum wage. These differ from one grade to the other and are peculiar to the security industry. They do not apply to other sectors under the NEC, which is a strong factor pointing to the need for establishing either a strong sub-sector or a separate NEC to cater for the specific needs of private security workers.

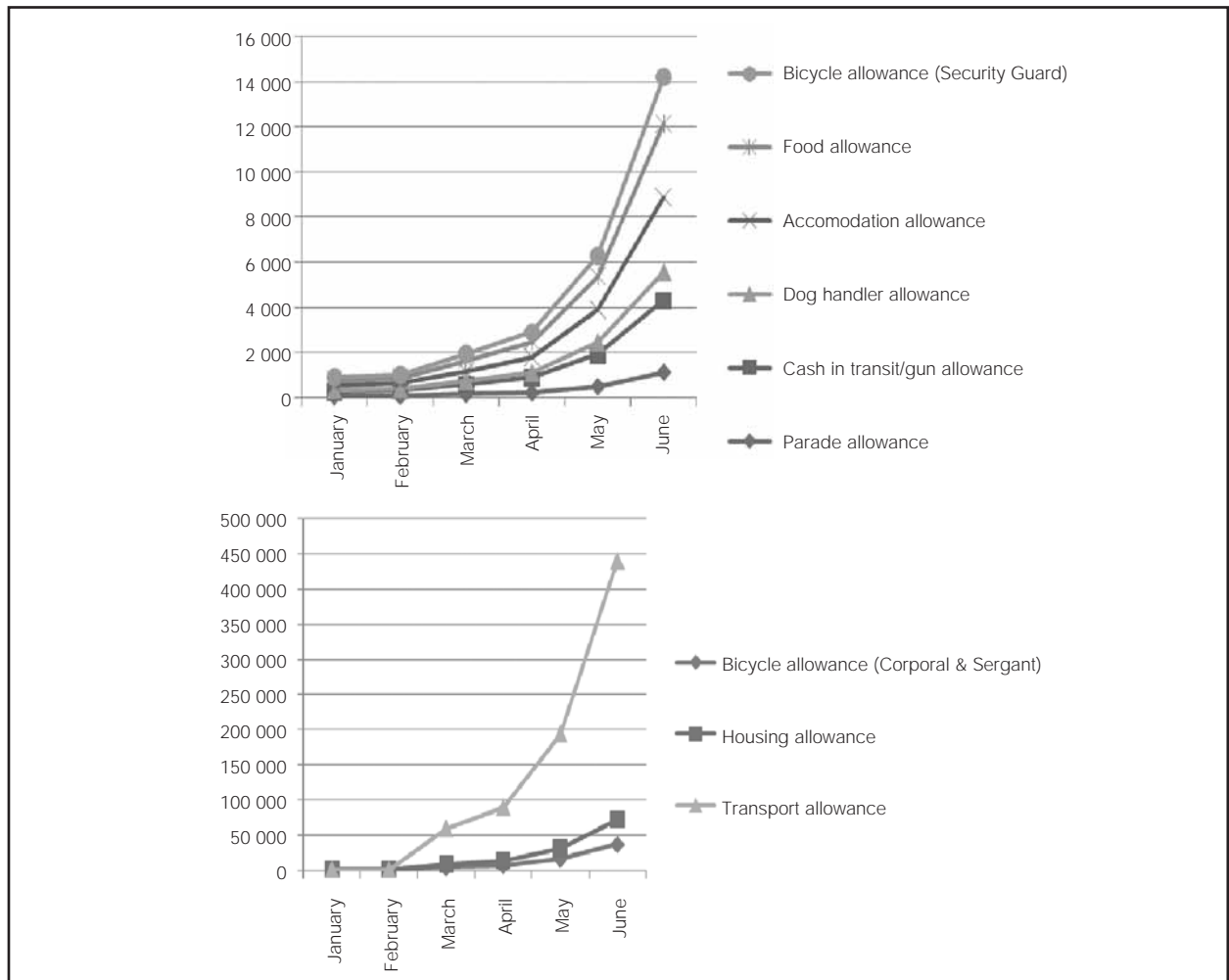
Table 6. Allowances by month

Month	January	February	March	April	May	June
Parade allowance	74	84	157	235	508	1 148
Cash in transit/Gun allowance	205	233	434	649	1402	3 167
Dog handler allowance	82	93	173	259	560	1 265
Accommodation allowance	213	242	451	674	1456	3 289
Food allowance	213	242	451	674	1456	3 289
Bicycle allowance (Security Guard)	131	149	278	416	899	2 031
Bicycle allowance (Corporal & Sergeant)	2 462	2 999	5 217	7 799	16 850	38 064
Housing allowance	2 000	2 000	10 000	15 000	32 000	73 210
Transport allowance	2 000	2 000	60 000	90 000	194 000	439 251

The transport allowance is but a drop in the ocean compared to the daily increases in already high transport costs. In June 2007 a one-day, two-way ticket cost \$200 000, making a mockery of that month’s transport allowance of \$439 257. The same applies to the housing allowance, which falls far short of the accommodation rates – around at \$1 000 000 per room in May 2007. Apart from being meagre, these allowances are not regularly paid out, a situation which worsens the plight of the security worker.

The graphs below illustrate the fact that although the allowances increased every month, they were still less than fair in the light of the country’s run-away inflation.

Figure 6. Allowances in Z\$ per month



Source: CBA, January-June 2007

The majority of workers, including women, indicated that they now walk to work because of the meagre transport allowance. Despite the challenges of working night shifts, some of the female employees interviewed preferred working at night as they considered it 'safe' to walk to and from work. One female employee stated that:

I prefer working the night shift because I can start my walking journey of 20 km to work from 3.00 p.m. and get to work before it is dark. After the shift I start my journey home from 7.00 a.m., unlike when you work the day shift you have to walk home from 7.00 p.m. That is if the next person on duty makes it on time, which is dangerous for a woman.'

The position on the ground is that private security workers are effectively subsidizing employers by having to meet their own transport costs and/or by walking in order to report for duty.

7.5 Overtime and night shift allowances

Whilst the CBA provides for payment of overtime equivalent to 1.5 times the normal hourly rate on a working day of the week, or double the time for a day when the employee concerned would normally be off, private security workers said such payments have been hard to come by.⁴³ It is also difficult for them to follow it up once they have raised the issue of non-payment.

The CBA is silent on the issue of guidelines for the payment of workers working on Sundays and on night-shift allowances. Those working between 18.00 hrs and 06.00 hrs do not get a night-shift allowance for the conditions under which they work, nor do they work reduced hours or have transport availed to them. In South Africa, workers who work on Sundays are paid twice or 1.5 times the normal wage or are given paid time off.⁴⁴

7.6 Provision of work clothing and equipment

Article 28 (1) of the CBA states that workers are entitled to work clothing and equipment. This must be supplied, gratis, by the employer to the worker, although employers may make deductions for damages and losses. Clothing includes the provision of a waterproof cap, overcoat or other suitable clothing, depending on the weather. In terms of the Private Investigators and Security Guards (Control) Act, work clothing and equipment must to be on offer at least twice a year.⁴⁵

Due to the harsh economic environment, some employers have been unable to supply full uniform to the employees. The practice of exchanging uniforms has become rife among some firms, exposing workers to health risks such as skin diseases. Some firms no longer provide workers with shoes, hats/caps and jerseys in winter and even penalize employees under the Code of Conduct for wearing their own jerseys during winter working hours. Women require special mention: some are not provided with trousers for the winter season even if they work night shifts. Others indicated that they contracted malaria because their night-shift clothing did not cover their legs.

⁴³ Article (2) of the agreement.

⁴⁴ South African Labour Act.

⁴⁵ [Chapter 27:10].

It was also found that some private security firms do not even provide their employees with communication devices, particularly during the night shift, which is essential for calling for back-up in cases of personal attacks by thieves.

7.7 Health and safety

The CBA stipulates that employers must adhere to the provisions of the health regulations under S.I.68 of 1990 that oblige employers to provide their workers with safe and healthy working environments. The above-mentioned exchanging of uniforms was one health and safety issue raised by the workers. In addition, the guards' inadequate winter uniforms make them susceptible to illness and/or disease. It also emerged that some companies do not provide their employees with batons and dogs as defensive tools, particularly for the night shift. Workers also indicated that they are often deployed at worksites without shelter, sitting facilities or toilets. Furthermore, 90% of the companies have no HIV and AIDS policy catering for their employees, particularly those who work at night.

7.8 Sick leave, vacations and compassionate leave

Employees can take up to 90 days' sick leave per year on full pay, although the employer may insist on proof of illness before paying out. The CBA provides that workers are entitled to 30 days' vacation leave and 12 days' compassionate leave per year. Quite often, employers are reluctant to release workers (they are even less likely to do so now, given the ongoing shortage of human resources). As workers are usually unaware of these entitlements, there is a need for worker education programmes in the private security sector.

7.9 Maternity leave

The Fourth Schedule to the CBA provides for the right of women to go on maternity leave, on condition that they have worked for that employer for at least a year. Women workers in the sector are entitled to 90 days' maternity leave once in every 24 months, with the employer being obliged to grant three periods of maternity leave. As the majority of female private security workers are contract employees, this benefit does not apply. An analysis of the collective bargaining agreement indicates that it is *ultra vires* as the principal Act as it provides for a lesser period of maternity leave of 90 days, whereas the Labour Act stipulates 98 days. There is therefore a strong need to update the CBA. Working mothers with unweaned children are allotted one-hour periods during normal working hours for breastfeeding. However, this one-hour break is difficult to exercise, given that women have to start their walking journey to work early because of inadequate transport allowances.

7.10 Social security

For the private security sector, the issue of social security is awkward. Other than the National Social Security Authority (NSSA), no other form of social security exists to cushion these employees against social risks. The NEC intended to establish a pension fund for the private security sector but was advised that this could be risky in a hyperinflationary environment. Workers therefore rely on insufficient NSSA payouts that continue to be eroded by inflation. Employees currently receive 3% of their insurable

earnings. For a Grade 1 (a) security guard this amounted to Z\$333 000 in April 2007, which was well below the food poverty line of \$947 000 for that same month. The medical benefit of \$25 000 in May 2007 was nowhere near real medical costs: a basic consultation cost \$2 000 000 at that time. Workers were of the opinion that NSSA should be scrapped as it responds inadequately to their immediate and future social risks.

7.11 Gratuity benefits

Permanent employees enjoy a gratuity benefit after ten years of service. From interviews, it became clear that few private security workers ever become eligible for this benefit, principally because of the conditions highlighted above.

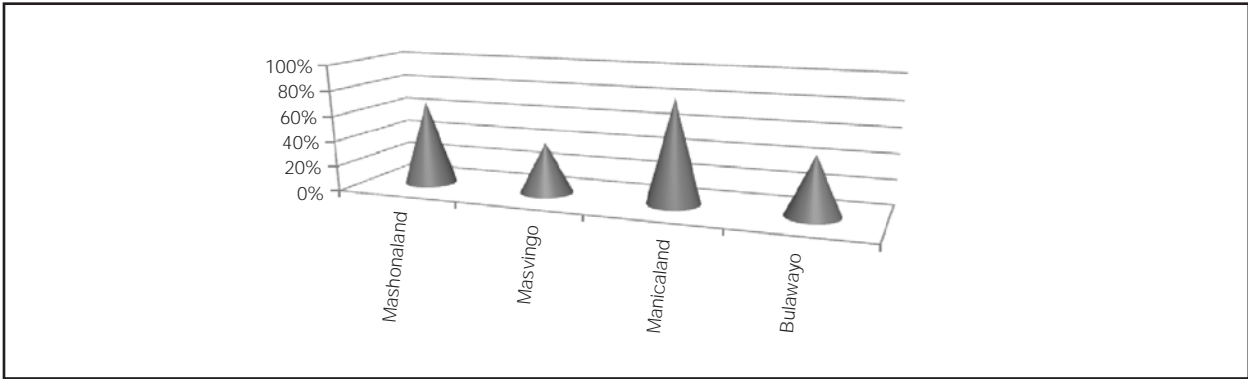
7.12 Sexual harassment

Sexual harassment was declared an unfair labour practice under the Principal Act, and an offence warranting automatic dismissal under the Code of Conduct. Despite this, three of the women interviewed indicated that cases of sexual harassment by their male workmates, particularly supervisors, are rife. The weakness is that the Labour Act and the CBA do not provide specific guidelines for dealing with instances of sexual harassment which makes it difficult for women to report their cases.

8. The Nature of Grievances in the Private Security Sector

Labour relations in the private security sector are far from pleasing. This is perhaps due to the labour-intensive nature of the sector or a confirmation of their poor working conditions.

Figure 7. The percentage of grievances, per region, for the month of April 2007



Source: Monthly reports from regional designated agents

As the above graph shows, more than 50% of the complaints handled by the NEC emanate from the private security sector. This being the case, it was expected that they would receive due attention in terms of inspections. In fact, the NEC has done very little to intensify labour inspections in order to address some of these problems, including underpayment, at company level.

NEC officials acknowledged this anomaly but stated that they have to remain viable in these harsh economic conditions. This, as already mentioned, has resulted in the NEC concentrating on inspecting companies that default in payment of union dues. To illustrate this point, in May 2007 alone, the Designated Agent in Mashonaland region inspected 48 establishments of which only six were in the private security sector. In the Midlands region there were 23 inspections, none of which were in the private security sector. The same applied to Manicaland, which conducted 42 non-security inspections. The number of security sector labour inspections by the NEC and trade unions must increase in order to ensure that workers are not disadvantaged.

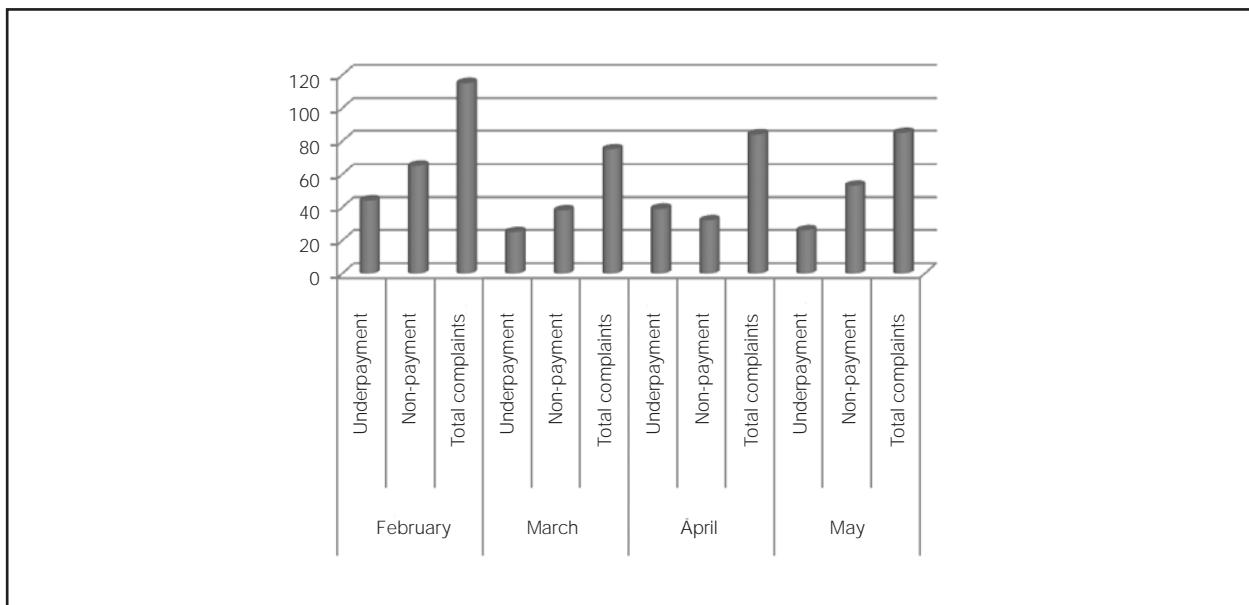
9. Common Grievances

While common grievances relate to underpayment and non-payment, other complaints include illegal deductions, non-payment of overtime and the non-provision of adequate clothing and work tools. In addition, in order to keep their jobs – the industry is characterized by a high rate of unfair dismissals with employees forced to endure long shifts and/or unreasonable working hours. The tables below, which form part of the monthly report compiled by regional designated agents, illustrate the total number of complaints brought by security guards, vis-à-vis, the total number of complaints for the commercial sector.

Table 7. Common grievances within the private security industry

Month	Type of grievance	Security
February	Underpayment	44
	Non-payment	65
	Total complaints	115
March	Underpayment	25
	Non-payment	38
	Total complaints	75
April	Underpayment	39
	Non-payment	32
	Total complaints	84
May	Underpayment	26
	Non-payment	53
	Total complaints	85

Figure 8. The total number of grievances

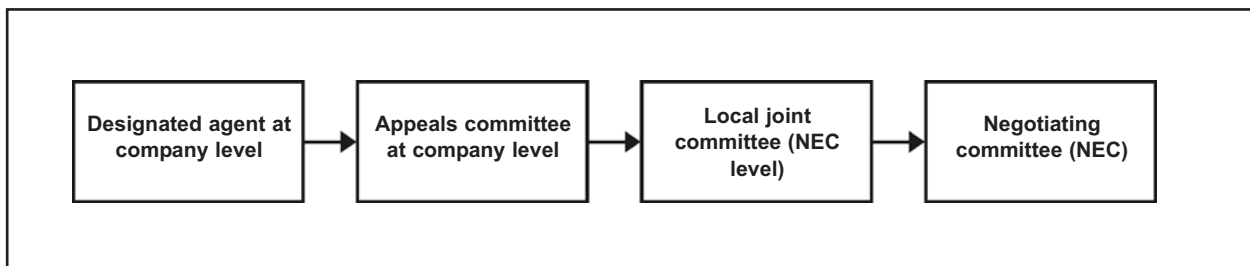


These grievances normally arise from the Code of Conduct which specifies offences with penalties resulting in underpayments, deductions, dismissals and suspensions. As Nangati (1987) rightly observed, offences under the Code of Conduct are difficult to avoid due to the nature of working conditions. They are also directly linked to problems arising from overwork, lack of rest and exhaustion. Inadequate transport allowances usually result in employees being late for work and falling asleep on duty due to exhaustion because of the long distances they have to walk to and from work.

10. Dispute Settlement Mechanisms

There are two dispute settlement mechanisms in the private security sector. One relates to disputes arising from the Code of Conduct and the other from disputes of interests. The NEC's Employment Code of Conduct and Grievance Procedures provides for the following procedures for resolving disputes:

Figure 9. Dispute settlements under terms of the Code of Conduct

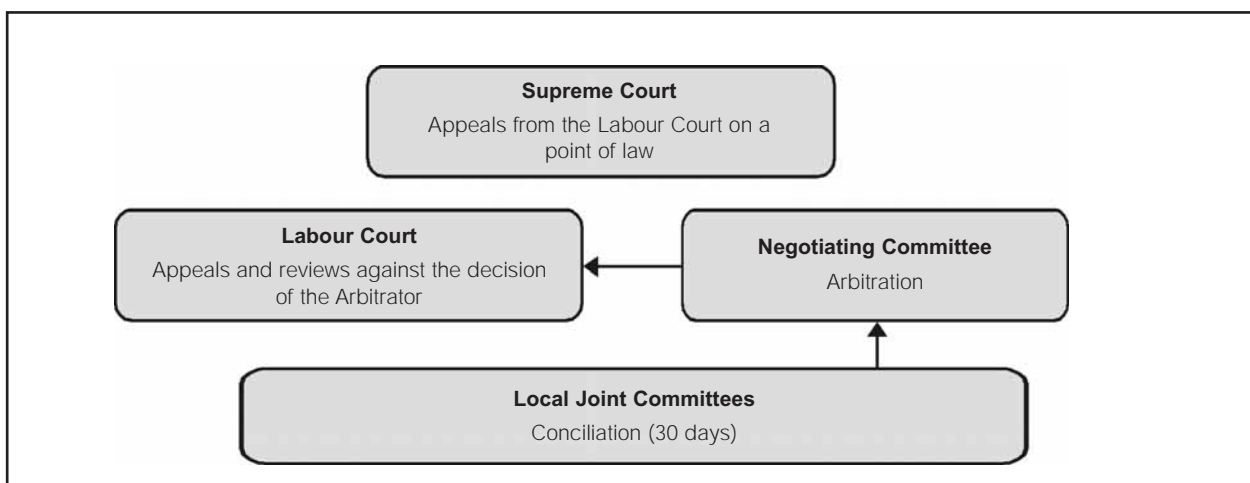


Source: NEC Code of Conduct

In the event of a dispute – within the purview of the Code of Conduct – arising between the employee and employer, the Designated Agent appointed in consultation with the Works Council investigates the issue and makes a decision. If one of the parties is not content with the DA's decision, they can appeal to the Company Appeals Committee (CAC), then the Local Joint Committee and finally the Negotiating Committee, which is the last appeals structure under the Code of Conduct. Beyond this, any aggrieved person may then appeal to the Labour Court.

Employees are highly sceptical about the efficacy of the CAC's dispute procedure. They see it as a waste of time as management does not respect its decisions because once management has made a decision to suspend or dismiss an employee, they seldom backtrack. Appealing to the LJC simply prolongs the dispute settlement process. Figure 10 illustrates the dispute settlement mechanism, and its processes, under the Code of Conduct.

Figure 10. Disputes outside the Code of Conduct



Source: CBA, January-June 2007

In cases where a dispute of interest arises outside the Code of Conduct, either of the two parties can refer the dispute to a DA under the LJC for conciliation. The parties then have 30 days to agree or disagree on the issue. If the parties come to an agreement, a certificate of settlement is issued stating its terms. However, these certificates of settlement are difficult to enforce. If the parties fail to agree, the DA will issue a certificate of no settlement and refer the dispute for compulsory arbitration. The DA, in consultation with the Senior DA, will then appoint an arbitrator. The Council has three arbitrators, one of which is a woman. The Arbitrators and DAs are overwhelmed by work emerging from the commercial sector, with the result that disputes take a long time to resolve.

In addition, there is an anomaly within the current dispute settlement procedure for the private security sector. Although the private security sector is not part of the essential services, there has been a mixing of dispute resolution processes when handling their cases.⁴⁶ The DA refers unresolved disputes for compulsory arbitration when they should in fact be referred for voluntary arbitration. Moreover, disputes of rights are referred for conciliation rather than simply being enforced at NEC level or by the Labour Court.

⁴⁶ Statutory Instrument 137 of 2003.

11. Weaknesses of the Dispute Settlement Mechanism

11.1 Delays in dispute resolution

This is mainly due to the limited number of DAs and Arbitrators within NEC structures. This is also true of the Labour Court stage, where cases take more than four years to be concluded. At the moment, the Labour Court is still dealing with 2004's cases, which means that 2007 cases might only be concluded in 2010. Despite the decentralization of the Labour Court, backlogs have not improved.

11.2 Lack of respect for NEC decisions

Few employers respect the decisions made by Appeals Committees at shop floor or NEC level or by the Negotiating Committee. With employers appealing to the Labour Court, the employee's efforts are further frustrated, as it may then take another 2-3 years to get a judgment from the Labour Court. As far as the employee is concerned, the dispute settlement mechanisms are not effective. A direct consequence is that most private security workers seeking redress give up after the first hurdle.

11.3 Cumbersome enforcement procedures

It is difficult to put into effect decisions made at NEC level due to the lack of enforcement powers under the Labour Act. The NEC uses cumbersome criminal procedures. It would be ideal if all labour decisions were enforced by the Labour Court. Furthermore, decisions made by Arbitrators have to be registered with the courts for them to be enforceable.

11.4 Low penalties

Fines for non-compliance are unrealistically low. Currently, an employer can only be fined a paltry \$40 000 for failing to comply with an NEC decision.

12. Good Practice in the Private Security Sector

Although the research revealed a number of decent work deficits, good practices were observed and these must be acknowledged.

Some employers have introduced non-wage benefits such as the provision of transport and food to their employees. This may seem inadequate as far as solving the problems faced by the average security worker, but it does herald the dawn of a new era in terms of negotiating non-wage benefits that are ideal in a hyperinflationary economic environment. Such non-wage benefits could be extended to medical benefits, which are critical to these employees given their meagre salaries.

Other companies have been consistent in providing their employees with adequate uniforms for different weather conditions. These same employers have also managed to maintain their standard of providing communication tools, dogs and other work tools necessary for their different job descriptions.

It is important to note that some of the private security workers interviewed indicated that they are provided with opportunities to attend refresher training courses.

A few of the companies have also adhered to NEC-prescribed minimum wages, which is commendable despite the wages falling way below the poverty datum line.

13. Recommendations

The foregoing discussion has raised a number of issues about the nature of working conditions and labour relations in the security industry. It has been noted that there are many decent work deficits ranging from income insecurity, inadequate social security, poor remuneration, ambiguous employment relationships and unhealthy working conditions. This research paper puts forward the following recommendations relating to policy, legal and institutional reforms as a way to improving the working conditions of private security workers.

13.1 Government – Legal and policy reforms

There is a need for legal provisions that specify a time limit for fixed-term contracts and regulate identified new forms of employment relationships in order to curtail prevailing exploitative practices in the security industry. This should be coupled with provisions that prescribe stiffer penalties for violating provisions of the Labour Act. Furthermore, the legislator should come up with a comprehensive and effective framework for enforcing NEC decisions so as to avoid the current situation where employers simply ignore them. It is also recommended that income tax thresholds be frequently reviewed in order to increase the disposable income of those who are poorly paid, security guards included.

Due to the income insecurity that is endemic in the private security industry, it is important that policy-makers come up with a social security scheme that is in line with inflationary trends in order to address the specific social risks faced by private security workers. This too will involve a regular review of the social security benefits paid by NSSA. The absence of a sector-specific pension scheme for private security workers means that most are destined for destitution upon retirement. This will put further pressure on the Department of Social Welfare and its already limited resources. The Ministry of Public Service, Labour and Social Welfare should seriously consider setting up a National Health Scheme to cater for such employees. The government should also allocate more resources to build the capacity of labour inspectors and improve their efficiency at company level.

And, in light of the backlog of cases, it is recommended that both the Ministry of Public Service, Labour and Social Welfare and the Judicial Service Commission appoint more arbitrators and Judges respectively, and equip them with the necessary material needs required to enable them to be efficient in their work.

13.2 Action by the NEC

The NEC needs to review the grading system to avoid lumping the majority of private security workers in two (2) grades. This simple division is no longer feasible given that private security workers are burdened with tasks that are not part of their job description nor remuneration. The current scales of remuneration need to be revamped so that the workers can receive PDL-linked wages. The collective bargaining agreement needs to provide for working breaks or a break allowance during the day and night shifts. A mechanism must be introduced at NEC level to provide special allowances for night duty and holiday work.

The NEC should also seriously consider the establishment of a social security scheme specific for its industry in order to cater for the social risks that confront workers in the private security industry. In addition, it should strongly consider negotiating for non-wage benefits such as medical benefits and the payment of children's school fees, for example. The need to intensify NEC labour inspections cannot be over-emphasized if there is to be compliance with national legislation and collective bargaining agreements.

Finally, the NEC should contemplate establishing a strong sub-sector for the security industry.

13.3 Action by trade unions

For trade unions to be more visible and involved in the cause of the workers, they should embark on a membership service and recruitment drive. Membership recruitment would indeed be more effective if the various unions were to amalgamate and consolidate their efforts to advance workers' rights. It is also important that trade unions conduct intensive labour inspections to ensure that employers are respecting labour standards. Trade unions also need to improve membership records that provide sex-disaggregated data so that a relevant database is available and accessible. Finally, trade unions should seriously push for the establishment of a strong sub-sector or, alternatively, a separate NEC for private security workers.

13.4 Action by employers

Employers need to develop HIV and AIDS workplace policies in order to meet the challenges that are seriously threatening service delivery. The importance of developing gender-sensitive policies and working hours cannot be over-emphasized. In view of the challenge of uniforms highlighted in this paper, it is crucial that employers provide adequate and suitable uniforms for all seasons and work situations. It is also proposed that employers provide non-wage benefits such as food, actual transport allowances and medical benefits as a way of improving social security for the workforce. To be able to keep abreast with developments in the labour market, employers should respect workers' labour and organizational rights and pay stipulated minimum wages timeously.

Defaulting employers should learn from other firms that adhere to labour laws relating to the above. Lastly, employers should reconsider the proposal to set up an NEC specific for the sector. Doing so will address the issues affecting the industry from a more practical and needs-specific perspective.

14. Conclusions

From the foregoing, it is evident that working conditions and labour relations in the security sector leave much to be desired. The decent work deficits highlighted in this paper –underpayment, non-payment, long working hours and poor working conditions – require the urgent attention of the social partners if the broad objectives of the Decent Work Country Programme are to be achieved. Furthermore, labour inspection within this sector has to be enhanced in order to curtail the number of disputes that bedevil it. Government needs to more closely monitor security companies' operations and stamp out the fly-by-night companies that are major culprits when it comes to failure to pay workers. Despite the challenges this sector faces, there are clear instances of good practice in a handful of security firms that must be commended. Realizing the need to subsidize their employees given the meagre salaries they receive, some of these companies now provide transport from the city to duty stations. Others provide food for employees working night shifts and morning shifts. However, the scope of these good practices still has much room for improvement, particularly in terms of the provision of medical benefits, fair remuneration and transport allowances to make the security industry a decent sector.

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