

Collective Bargaining Agreement: Tobacco (Miscellaneous Sector)
Industry

IT is hereby notified that the Minister of Public Service, Labour and Social Welfare has, in terms of section 80 of the Labour Act [*Chapter 28:01*], published the Collective Bargaining Agreement set out in the Schedule, which further amends the agreement published in Statutory Instrument 25 of 2018.

The agreement was registered in terms of section 79 of the Labour Act [*Chapter 28:01*].

SCHEDULE

NATIONAL EMPLOYMENT COUNCIL FOR THE TOBACCO
INDUSTRY

COLLECTIVE BARGAINING AGREEMENT:
MISCELLANEOUS SECTOR

PROHIBITION OF CHILD LABOUR AND SPECIFICATION OF
HAZARDOUS ACTIVITIES

This further agreement made and entered into in accordance with the provisions of the Labour Act [*Chapter 28:01*] between the Tobacco (Miscellaneous) Industry Employers' Association (hereinafter referred to as "the employers"), of the one part, and the Zimbabwe Tobacco Industrial Workers' Union (hereinafter referred to as the "employees" or "trade union"), of the other part, being parties to the National Employment Council for the Tobacco Industry.

This agreement shall be deemed to have come into effect on 1st June, 2022.

The Collective Bargaining Agreement for the Tobacco (Miscellaneous) Industry, published in Statutory Instrument 25 of 2018 (hereinafter referred to as "the principal agreement") is amended as follows—

- (a) section 3 is amended by the addition of the following definitions—

"child" means a person under 18 years of age;

"child labour" refers to work for which the child is either too young—work done below the required

Collective Bargaining Agreement: Tobacco (Miscellaneous Sector)
Industry

minimum age—or work which, because of its detrimental nature or conditions, is altogether considered unsuitable for children and is prohibited;

- (b) the principal agreement is amended by the insertion of a new section 34—

“Prohibition of child labour and the employment of young persons

34. (1)—

- (a) no employer engaged in the Tobacco (Miscellaneous Sector) Industry shall employ children;
- (b) every employer operating in the industry shall submit to council when called upon to do so, a schedule of all employees showing their names, age, gender and such other particulars as may be prescribed by council;

(c)—

- (i) if an employer is found to be in violation of the provisions of paragraphs (a) or (b) above, such an employer shall be guilty of an offence and liable to a fine not exceeding level 7 or to imprisonment not exceeding two years or to both such fine and such imprisonment in terms of section 11 of the Act;
- (ii) if an employer has failed to submit the schedule required to be submitted in terms of paragraph (b) above or has, without reasonable cause, submitted a schedule with incorrect information the employment council may order

such an employer to cease operations until such time that the employment council is satisfied that measures have been put in place to ensure compliance with the provisions of this section.

(2)—

- (a) no employer shall offer any work to any child under any circumstances whatsoever to be engaged in any of the activities listed in the Fourth Schedule or to be engaged in any activities which could be defined as child labour whether or not such activities are for gain;
- (b) the provisions of subsection 1(c) shall apply in relation to any employer who violates the provisions of this subsection and in addition, the employment council shall order such an employer to cease operations until such time that the employment council is sufficiently satisfied that the employer has put in place such measures as would ensure full compliance with the provisions of this section.

Declaration

The employer's association and the trade union, having arrived at the agreement set forth above, the undersigned hereby declare that the foregoing is the agreement arrived at and affix their signatures hereto.

Signed at Harare this 8th day of June, 2022.

Collective Bargaining Agreement: Tobacco (Miscellaneous Sector)
Industry

K. PISIRAI,
Chairperson of the Employers Association.

E. MARIRO,
General Secretary ZTIWU.

T. G. ZIMONDI,
Chairman of the Council.

FOURTH SCHEDULE (Section 34)

HAZARDOUS ACTIVITIES

Leaf Buying/Auction

Hazardous Activities	Hazard
Receiving	Use of machinery Heavy loads.
Laying bales on the floor	Involves handling tobacco. Heavy loads.
Grading/Classification	Involves handling tobacco. Dust.
Sales	Involves contact with tobacco.
Handling of rejected bales	Dust. Contact with tobacco.
Arbitration (TIMB)	Contact with tobacco.
Storage	Heavy loads. Hazardous Chemicals.
Pre-processing/Pre-blending	Dust. Contact with tobacco.
Bale Peeling	Use of Machinery. Contact with tobacco. Heavy loads.

Factory Process

Hazardous Activities	Hazard
Working on the Feeding Table	Use of machinery. Contact with tobacco.
Blending	Contact with tobacco. Hazardous Chemicals. Dust.
Tipping	Use of machinery. Dust.

S.I. 148 of 2022

Hazardous Activities	Hazard
Butts Primary Conditioning	High temperatures.
Tips Conditioning	High temperatures.
Classification and Screening	Contact with tobacco. Dust.
Threshing	Contact with tobacco.
Final Lamina Sieving	Dust.
Drying	High temperatures.
Cooling	Low temperatures.
Packing	Dust.
Dispatch	Heavy loads. Contact with tobacco.

