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The Effectiveness of the Zimbabwe's Retrenchment Regulatory Framework in Promoting Worker's Welfare: A Case Study of the Commercial Sector in Harare Central Business District.

By

Stella T Tapfumaneyi (B224594B**)**

Supervisor: Dr T.J Katsinde

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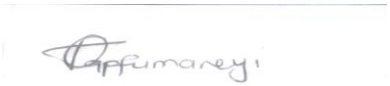
ABSTRACT

This study examined the effectiveness of Zimbabwe's retrenchment regulatory framework in protecting workers' welfare in the commercial sector of Harare's Central Business District, focusing on retail shops, hotels, restaurants, financial services and other service enterprises. The study was motivated by the continued complaints of unfair retrenchment procedures, delayed compensation and weak enforcement of labour laws despite several legal reforms introduced after the Zuva Petroleum judgment. The research sought to assess whether the current framework, particularly the Labour Amendment Act No. 11 of 2023 and Statutory Instrument 191 of 2024, has improved fairness, worker protection and industrial peace. A combination of questionnaires, interviews, focus groups and document analysis was used. Data was collected from retrenched workers, employers, labour officers and worker's representatives. The findings revealed that although most respondents were aware of the changes in retrenchment laws and acknowledged improvements in the legal framework, serious challenges remain in practice. Many workers reported lack of genuine consultation, delayed or inadequate compensation. The study also found that economic instability and weak institutional capacity continue to undermine the effectiveness of the retrenchment system. These shortcomings contribute to worker dissatisfaction, loss of trust in labour institutions and risks to industrial peace and social stability. The study concluded that while the current retrenchment framework is more protective than previous systems, its effectiveness is weakened by poor implementation and weak enforcement. The study recommends stronger monitoring mechanisms, increased awareness campaigns, improved employer compliance, faster dispute resolution processes and greater institutional support for retrenched workers.

DECLARATION

I, Stella T Tapfumaneyi (B224594B) do hereby declare that this dissertation is the result of my own investigation and research, except to the extent indicated in the Acknowledgements, References and by comments included in the body of the report and that it has not been submitted in part or in full for any other degree to any other university.

Student:  Date:28/08/26

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Chairperson: Date:

DEDICATION

I dedicate this work to my family who inspires me to give off my best and to my Supervisor who has immensely contributed toward making this a success continually reviewing my project and advising me accordingly.

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Firstly, l am thankful to God for allowing me to go thus far by giving me the strength and courage to carry on with my studies.

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Lastly I express my deepest gratitude to my family and friends for their honest support and encouragement during the study.

LIST OF ABBREVIATIONS AND ACRONYMS

CBD	Central Business District
HR	Human Resources
ILO	International Labour Organization
NEC	National Employment Council
NSSA	National Social Security Authority
S.I.	Statutory Instrument
ZCTU	Zimbabwe Congress of Trade Unions
GoZ	Government of Zimbabwe
CCZ	Constitutional Court of Zimbabwe
SC	Supreme Court
USD	United States Dollar
Act No.	Act Number
Ltd	Limited
Pvt	Private

ZI**MRA**	Zimbabwe Revenue Authority
NVivo	Non-Numerical Unstructured Data Indexing, Searching and Theorizing
OxHRH	Oxford Human Rights Hub
UN	United Nations
SME	Small and Medium Enterprise
vs / v	Versus

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CHAPTER ONE

1.0 INTRODUCTION

1.1 Background to the study

Retrenchment is not only a labour or economic issue, but also a matter of social stability, justice, and state legitimacy. When workers lose jobs without fair procedures or adequate compensation, it creates a sense of injustice and exclusion. This weakens trust in state institutions such as Parliament, the courts and regulatory bodies like the Retrenchment Board. This can reflect a gap between policy formulation and policy implementation which can undermine the credibility of the state. Retrenchment also has direct implications for peace at both household and community levels. Job loss leads to poverty, school dropouts, and psychological stress. These pressures can increase domestic conflict, crime and social unrest especially in urban areas like Harare's Central Business District where economic survival is already fragile. When large numbers of workers are retrenched at once as seen after the Nyamande and Another vs Zuva Petroleum ruling, the result is not just economic hardship but also collective grievances that may trigger protests or labour disputes, this is understood as a risk to negative peace (absence of violence) and positive peace (presence of justice and fairness).

Prior to 2015, Zimbabwe's retrenchment law required employers seeking to retrench five or more employees within a six-month period to follow a heavily regulated procedure under section 12C of the Labour Act [Chapter 28:01]. The process involved mandatory written notice to the works council, consultation aimed at exploring alternatives to retrenchment (such as short-

time work and shift systems) and critically, the approval of the Retrenchment Board before any terminations could take effect. The Retrenchment Board, a tripartite body comprising government, employer and worker representatives, held wide discretionary powers to approve, reject or modify proposed retrenchment packages. While this framework offered significant protection to workers, employers frequently complained that the process was excessively lengthy, bureaucratic and costly, with some retrenchment applications taking years to finalise. The absence of a statutorily defined minimum retrenchment package also meant that negotiations over compensation were protracted, unpredictable and prone to manipulation.

The watershed moment in Zimbabwe's modern retrenchment discourse came on 17 July 2015, when the Supreme Court, in the landmark case of Nyamande and Another v Zuva Petroleum (Pvt) Ltd SC 43/15, ruled that the common law right of an employer to terminate an employment contract on reasonable notice had not been abolished by section 12B of the Labour Act. Chief Justice Chidyausiku, writing for a unanimous five-member bench, held that section 12B, which regulates "dismissals," did not extend to termination on notice, which the Court characterised as a distinct mode of ending an employment relationship.

The practical effect of the Zuva judgment was devastating. Employers across the economy, many of whom had long sought to reduce bloated workforces but had been deterred by the cumbersome retrenchment procedure, seized on the ruling to terminate contracts en masse by simply giving three months' notice without any compensation beyond the notice period. Estimates vary, but credible reports suggest that in excess of 20,000 workers lost their jobs within the first three weeks following the judgment. The City of Harare alone reportedly terminated more than 3,000 employees, while the National Railways of Zimbabwe and numerous

private sector firms followed suit. The social and political fallout was immediate and intense, with the Zimbabwe Congress of Trade Unions (ZCTU) and other labour federations demanding urgent legislative intervention.

The Constitutional Court, in a subsequent application for urgent set-down of an appeal by the same Zuva Petroleum applicants (CCZ 8 of 2015), declined jurisdiction on the basis that the matter as determined by the Supreme Court did not raise a constitutional issue, and the appeal was dismissed as a nullity. This closure of the judicial avenue placed the burden of reform squarely on the legislature.

Parliament was recalled in emergency session, and the Labour Amendment Act No. 5 of 2015 was promulgated on 28 August 2015 with retrospective effect from 17 July 2015 the very date of the Zuva judgment. The Amendment introduced the new section 12(4a), which restricted an employer's right to terminate a contract of employment on notice to four specific scenarios termination in terms of an employment code, mutual written agreement, expiry of a fixed-term contract or completion of a specific service and retrenchment in accordance with section 12C. A new subsection 12(4b) further provided that where a permanent employee's contract was terminated on notice under section 12(4a), the compensation provisions of section 12C would apply. The Amendment also introduced a statutory minimum retrenchment package of one month's salary for every two years of service.

While the 2015 Amendment was generally welcomed by workers and unions, commentators identified several weaknesses. The simplified section 12C effectively stripped the Retrenchment Board of its approval powers, reducing it to a notification body. The minimum package of one month per two years of service (equivalent to two weeks per year) was regarded

by some as inadequate. The interplay between sections 12(4a) and 12C was criticised as poorly drafted, and the retrospective application of the Act raised concerns about legal certainty and the separation of powers, as the legislature had effectively reversed a binding Supreme Court judgment by statute.

The Labour Amendment Act No. 11 of 2023, gazetted on 14 July 2023, represented the next major phase of reform. Among its wide-ranging provisions, the Act overhauled section 12C to introduce a more structured and protective retrenchment framework. Key innovations included: the formal establishment of the Retrenchment Board as a dedicated oversight body with enhanced powers; the introduction of four categories of retrenchment packages (minimum, agreed, enhanced and reduced); mandatory procedural requirements including written notice, genuine consultation and exploration of alternatives; the power of employees or their unions to apply for an enhanced package where the employer has capacity to pay more; personal liability of directors under a new section 12CC for reckless, negligent or fraudulent conduct in relation to a retrenching company; and the right of employees to enforce retrenchment packages through the Labour Court using notification and non-compliance certificates as liquid documents.

However, a critical gap in the 2023 Amendment was its failure to define the quantum of the minimum retrenchment package, creating what legal commentators described as an interpretive vacuum. The old formula of one month per two years of service under the 2015 framework was impliedly repealed, but no new formula was provided. This lacuna generated significant legal uncertainty in practice.

The gap was filled on 6 December 2024 when the Minister of Public Service, Labour and Social Welfare promulgated the Labour (Retrenchment) Regulations, 2024 (Statutory Instrument

191 of 2024). The Regulations formally established the Retrenchment Board under section 3, defined the minimum retrenchment package as one month's salary for every year of service (a significant enhancement from the previous two-weeks-per-year equivalent under Act 5 of 2015), prescribed procedural forms (LRR1 and others) for the notification process, set timelines for the Board to issue notification certificates, and provided operational detail for the amended section 12C framework. The Regulations represent the most employee-protective position on retrenchment compensation in Zimbabwe's legislative history.

It is against this rich and evolving regulatory backdrop that this study assesses the effectiveness of Zimbabwe's current retrenchment framework constituted principally by section 12C of the Labour Act as amended, and S.I. 191 of 2024 in promoting the welfare of workers in the commercial sector in Harare.

1.2 Purpose of the study

The purpose of this study is to critically assess how effective Zimbabwe's current retrenchment regulatory framework has been in promoting and protecting the welfare of workers by examining both procedural fairness and the adequacy of compensation, identifying where the law works, where it fails and what that means for industrial peace and labour governance in Zimbabwe.

1.3 Statement of the problem

Zimbabwe has changed its retrenchment laws four times in ten years. Each change was supposed to fix the problems of the previous one. Yet retrenched workers in Harare's

commercial sector continue to report low or delayed payments, being left out of consultations, and having no real way to enforce their rights. Employers, especially in retail and hospitality, argue that the new minimum package of one month's salary per year of service is unaffordable and that the procedural requirements such as written notices, Retrenchment Board notifications, consultation periods are too burdensome for struggling businesses. The Retrenchment Board itself is still finding its feet, and many labour officers are overworked and under-resourced.This gap between what the law promises and what happens in practice is not just a legal technicality it is also a source of grievance. When workers feel the state's labour institutions cannot protect them, they may turn to strikes, protests or other forms of disruptive action. Employers who see the law as unreasonable may simply ignore it, pushing retrenchments into the informal shadows where workers have even less protection. The problem then is twofold that is the retrenchment framework may not be achieving its stated goal of worker protection and its failure could be undermining social stability and trust in governance institutions. This study seeks to investigate the size, shape, and causes of this implementation gap.

1.4 Research objectives

1) To trace the legal evolution of Zimbabwe's retrenchment framework, identifying the main legislative changes and their stated rationales.

2) To assess the extent to which the procedural requirements under the current framework regulations promote transparency and fairness in practice.

3) To examine the level of employer compliance with procedural requirements of the retrenchment framework in the Harare CBD commercial sector.

4) To assess the effectiveness of enforcement and dispute resolution mechanisms in protecting retrenched workers' rights such as shortcomings that affect labour peace and governance legitimacy.

1.5 Research questions

1) How has Zimbabwe's retrenchment legal framework evolved from the pre-2015 period to the current system under the amended Labour Act and S.I. 191 of 2024?

2) To what extent do the procedural requirements in the current retrenchment framework encourage fairness in actual retrenchment exercises?

3) What is the actual level of employer compliance with the substantive and procedural requirements of the retrenchment regulatory framework in the Harare CBD commercial sector?

4) How effective are the enforcement and dispute resolution mechanisms in protecting retrenched workers' rights, and what does any shortfall imply for industrial peace and governance in Zimbabwe?

1.6 Assumptions

- The researcher assumed that the retrenchment regulatory framework, if properly implemented, has the genuine capacity to promote fairness and protect workers' welfare during employment transitions.
- The researcher was also of the assumption that workers, employers and institutional stakeholders in Harare's commercial sector possess sufficient working knowledge of retrenchment law to provide informed perspectives on its effectiveness.
- The researcher assumed that non-compliance with retrenchment law contributes to workplace conflict, social instability, and the erosion of industrial peace, a matter of direct relevance to peace and governance scholarship.
- The fourth assumption is that the gap between the law on the books and the law in practice is a significant variable in determining the overall effectiveness of the retrenchment framework.

1.7 Significance of the study

- This study was important for several reasons in that it adds to the very small body of empirical research on how retrenchment law actually operates in Zimbabwe after the 2024 Regulations. because S.I. 191 of 2024 is so recent, almost nothing has been written about its early implementation. The findings can inform policy review by the Ministry of Public Service, Labour and Social Welfare, the Retrenchment Board, and other stakeholders.

- If the new minimum package is widely ignored or causing business closures, that is useful information for policymakers.
- The study offers practical guidance to commercial sector employers on what compliance looks like and to workers and their unions on how to exercise their rights effectively.
- For the academic community, the study contributes to broader discussions about labour law, economic governance, and social stability in developing economies.
- The study highlights how fair retrenchment practices can prevent conflict, strengthen state society relations and support peaceful economic adjustment. If retrenched workers believe the system is fair, they are less likely to take to the streets. That is a governance outcome worth understanding.

1.8 Delimitations of the Study

This study was limited to the commercial sector in Harare's Central Business District. "Commercial sector" here means retail shops, wholesale businesses, financial services, hotels and restaurants, and other service enterprises operating in the CBD. The study focused only on the effectiveness of the retrenchment regulatory framework as set out in the Labour Act [Chapter 28:01] as amended by Act 11 of 2023 and S.I. 191 of 2024. It did not cover other forms of employment termination, such as dismissal for misconduct, mutual separation, or expiry of fixed-term contracts. Because S.I. 191 of 2024 came into effect on 6 December 2024, the study assessed effectiveness within the early implementation period. The researcher recognized that long-term outcomes after the Board has more experience and after more test cases go through the

courts may differ. The study draws on the perspectives of workers, employers, legal practitioners and institutional stakeholders in Harare, it did not claim to provide a comprehensive national assessment.

1.9 Limitations of the Study

Several limitations are worth stating openly. The S.I. 191 of 2024 is very recent, measurable outcomes such as the number of retrenchments processed under the new minimum package, or the number of disputes resolved was limited at the time of data collection hence the researcher, made use of lawyers who had experience and have handled many cases of retrenchment of different companies to be able to get accurate data. Some retrenched were difficult to locate and the use of lawyers instead was very effective since many had left formal employment and moved into the informal economy or relocated to other towns or even emigrate. Employers were reluctant to share full information about their retrenchment practices however the researcher made them feel safe by assuring them that the research was sorely for academic purposes. Retrenchment is a legally sensitive area and some employers feared regulatory scrutiny or legal action.

The study's sectoral and geographic focus commercial sector in Harare CBD means that findings were not being generalizable to other sectors such as manufacturing, mining, or agriculture or to other provinces without further research. Participants' responses were affected by recall bias they could not remember exactly what happened, subjective interpretation of legal requirements, or apprehension about the consequences of speaking candidly so the use of legal representatives assisted a lot since they understand the processes better. The researcher attempted

to mitigate these limitations by using multiple data sources interviews, documents, case files also by targeting retrenched employee representatives to respond on behalf of retrenched that may be hard to access and by clearly distinguishing between what participants say and what official records show.

1.10 Definition of key terms

Retrenchment- refers to the termination of an employee's employment for the purpose of reducing expenditure or costs, adapting to technological change, reorganizing the undertaking in which the employee is employed, or for similar reasons, including closure of the enterprise (Section 2, Labour Act [Chapter 28:01]).

Employee- is any person who performs work or services for another person for remuneration or reward on terms and conditions agreed by the parties or as provided for in the Labour Act [Chapter 28:01] (Labour Act, 1985).

Minimum Retrenchment Package-Unless better terms are negotiated and agreed, a package of one month's salary or wages for every year of service as an employee, or the equivalent lesser

proportion for a shorter period, payable as compensation for loss of employment (Section 5, S.I. 191 of 2024).

Retrenchment Board -The board established under Section 3 of S.I. 191 of 2024, responsible for receiving retrenchment notifications, issuing notification certificates, adjudicating applications for exemption from the minimum package, and recommending retrenchment-related policies (Government of Zimbabwe, 2024).

Workers' Welfare-The material, procedural, and psychosocial well-being of employees, encompassing fair compensation, dignified treatment, procedural fairness, access to information, and effective remedies during and after retrenchment (adapted from Chigumba, 2021).

Social Unrest-A system of a sick society where they is a social glue where shared values , jobs, religion and laws shape governance leading to weak governance and clashes

Notification Certificate-A certificate issued by the Retrenchment Board confirming a retrenchment on the basis of either the minimum or an agreed retrenchment package, binding on both the employer and the retrenched employees (S.I. 191 of 2024, Section 7).

Governance- Governance refers to the formal and informal rules, institutions, and practices that shape how power is exercised and how disputes are resolved, particularly in the labour arena (adapted from Raftopoulos, 2020).

1.11 Dissertation outline

This dissertation is organized into five chapters.

Chapter One: Introduction

Introduction and Background to the Study provides the context for the research, states the problem, sets out the objectives and research questions, and explains the study's assumptions, significance, delimitations, and limitations. It also defines key terms and gives an outline of the entire dissertation.

Chapter Two: Literature Review and Theoretical Framework

Literature Review and Theoretical Framework examines existing scholarship on retrenchment law in Zimbabwe and other African countries, reviews the legal provisions in detail, and presents the theoretical framework. The framework draws on institutional theory (to understand how labour institutions function) and grievance theory (to link unfair retrenchment to conflict).

Chapter Three: Research Design and Methodology

Research Methodology describes the research design (qualitative case study), the study population and sampling methods, data collection instruments (semi-structured interviews and document analysis), data analysis procedures and ethical considerations.

Chapter Four: Data Presentation, Discussion and Analysis

Findings and Analysis presents the data gathered from retrenched workers, employers, labour officers, and legal practitioners in Harare's CBD. The findings are organised around the research questions and analysed thematically.

Chapter Five: Summary, Conclusions, Recommendations and Areas for Further Research

Discussion, Conclusions, and Recommendations interprets the findings in light of the literature and theoretical framework, draws conclusions about the effectiveness of the retrenchment framework, and makes practical recommendations for policy reform, employer compliance, and worker education. It also suggests directions for future research.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter reviews what other researchers have written about retrenchment and workers' welfare both internationally and in Zimbabwe. It sets out the theoretical lenses through which the researcher makes sense of the findings. The goal is to show that my study does not come from nowhere it is part of a longer conversation in labour law, social protection and governance studies. By looking at what is already known, where people disagree and what has been missed, the researcher can explain why the research on the commercial sector in Harare's CBD is worth doing. This researcher pays special attention to retrenchment laws and how well they are enforced, how they affect social stability, trust in state institutions and risk of conflict. A poorly handled retrenchment is not just an economic problem, it can become a grievance that fuels unrest. That connection is often overlooked in purely legal or economic studies and this chapter will show why it matters.

2.1 Theoretical Framework

2.1.1 Social Protection Theory

Social Protection Theory argues that societies have a responsibility to protect individuals from major economic risks including sudden job loss (Devereux & Sabates-Wheeler, 2004). Labour policies according to this theory are instruments for promoting social justice, preventing

poverty, and preserving human dignity (ILO, 2017). Zimbabwe's retrenchment reforms align with this perspective by ensuring workers receive compensation intended to cushion the effects of involuntary job loss (GoZ, 2015). Social Justice Theory emphasizes fairness, dignity and equitable treatment of individuals in systems of governance (Rawls, 1971). Applied to retrenchment, it argues that workers should not suffer undue harm during termination and should receive compensation that reflects fairness and equity. Zimbabwe's S.I 191 of 2024 aligns with this theory by outlining minimum packages and mandatory consultation procedures meant to avoid exploitation (GoZ, 2024). Social protection theory uses the decent work framework where the International Labour Organization (ILO)'s decent work framework promotes decent work as a key element of social justice, emphasizing fair income, safe working conditions and social protection for workers (ILO 1999). It also uses the capacity approach where the focuses is on enabling individuals to achieve their full potential and a dignified life. (Sen 1999) argues that development should be measured by the capabilities people have to pursue their goals.

2.1.2 Labour Relations Theory

Labour Relations Theory examines the dynamics between employers and employees, focusing on how power imbalances are managed (Grogan, 2007). It suggests that regulation is essential for maintaining fairness and preventing exploitation. The strengthened oversight mechanisms and mandatory compensation requirements introduced in Zimbabwe's new retrenchment law reflect an attempt to restore balance in decision-making and protect employees from unilateral employer actions (Chirisa & Muchineripi, 2020). Labour Relations Theory argues that formal rules and regulations governing employment relationships are essential for balancing employer and employee interests (Grogan, 2007). The theory posits that fair labour

laws promote organizational stability, reduce conflict and protect worker welfare. Retrenchment laws therefore play a central role in maintaining industrial harmony through clear guidelines on termination processes (Budeli, 2021).

2.2 International and Comparative Perspectives

The ILO Convention 158 (Termination of Employment Convention, 1982) requires employers to have valid reasons for termination (retrenchment) based on operational requirements, mandates procedures like notice periods, severance pay and consultation with workers' representatives, aims to protect workers from unfair dismissal and ensure fair treatment. ILO Recommendation 166 Provides guidelines for implementing Convention 158 including criteria for valid retrenchment, consultation processes, and compensation. South Africa (Labour Relations Act 66 of 1995, sections 189 and 189A) ensure that employers must consult with workers/unions on retrenchment reasons, alternatives and measures to mitigate effects, it requires notice periods and severance pay and regulates procedures for large-scale retrenchments. In Zambia employment Act (2010) regulates termination, including retrenchment, requires notice and severance pay based on length of service as well as emphasizes consultation with workers or unions. Botswana Employment Act regulates termination, including retrenchment requires notice periods and severance pay consultation with workers is expected but specifics can vary. Kenya Labour Relations Act (2007) and Employment Act (2012) regulate retrenchment, requires notice, consultation with unions/workers, and severance pay and outlines procedures for handling retrenchment.

All these countries have laws regulating retrenchment, emphasizing fairness, consultation, and compensation thus being a method of peacekeeping.

2.3 The Zimbabwean Legal Perspective

Zimbabwe's framework can be evaluated against these comparators for effectiveness in protecting workers' welfare. Section 12C has been amended several times, with the most recent changes introduced by the Labour Amendment Act 11 of 2023. This amendment provides clearer guidelines and protections for employees. The Labour (Retrenchment) Regulations, 2024 (SI 191 of 2024) further operationalize the retrenchment process whereby employers must give written notice of intention to retrench, providing details of affected employees and reasons for retrenchment. Minimum Retrenchment Package, one month's salary for every year of service, unless better terms are agreed upon. Retrenchment Board established to oversee retrenchment matters, resolve disputes and recommend policies

The Zuva Judgment and Its Aftermath where the Supreme Court's decision in Nyamande & Another v Zuva Petroleum (2015) reaffirmed an employer's common-law right to terminate employment on notice. This led to concerns about worker protections and prompted legislative amendments. The Retrenchment Board has a mandate to resolving disputes of retrenchment, recommending policies, approving or rejecting retrenchment proposals. The Four-Tier Package System which consists of the minimum package, agreed package and the enhanced package includes severance pay (1 month's salary per year of service), notice pay, gratuity, other benefits as agreed or stipulated to ensure peace within the people.

2.3.1 Legal Protection in Employment

Labour legislation exists to regulate employer-employee relations and to prevent abuse of power. Effective legal protection typically includes clear regulations on termination, safeguards against arbitrary dismissal, fair compensation systems and accessible dispute-resolution mechanisms (Collins et al., 2019). Research shows that when labour laws are strong and consistently enforced, workers experience a greater sense of security (ILO, 2019). Conversely, weak enforcement or vague legislation exposes employees to unfair labour practices and sparks disputes(Budeli, 2021).

2.4 Conceptual Framework

Retrenchment generally refers to the termination of employment for operational reasons rather than for disciplinary causes. Scholars note that it is commonly linked to restructuring, technological changes, financial constraints, and redundancy (Armstrong & Taylor, 2020). Most literature emphasizes that retrenchment should be implemented cautiously and only after exploring alternatives, as it has significant economic and psychological effects on workers (Dessler, 2019). Fairness, consultation, and transparency are repeatedly highlighted as essential components of any retrenchment process (ILO, 2015).

Workers' welfare is a broad concept that encompasses employees' physical, social, economic, and emotional peace and well-being. Academic work on labour relations often ties welfare to factors such as job security, adequate remuneration, safe working conditions, access to

social protection and the presence of fair procedures in the workplace (Mayo, 2018). Scholars argue that strong welfare systems not only uphold workers' rights but also enhance productivity, strengthen morale, and promote stability within organizations (Kaufman, 2020).

2.4.1 Retrenchment Practices in the Commercial Sector

Research on the commercial sector suggests that businesses in this area operate in highly competitive and often unstable economic conditions (Kanyenze et al., 2017). As a result, restructuring and cost-cutting measures including retrenchment are relatively common (ZCTU, 2020). The sector has historically been characterized by rapid employer-initiated layoffs, often driven by declining revenues, rising costs, and fluctuating consumer demand (Chimhandamba, 2019).

Workers in the commercial sector typically rely heavily on their monthly income, making retrenchment especially disruptive (Magure, 2021). International studies indicate that commercial industries in developing economies tend to retrench more aggressively during economic downturns because labour represents a significant portion of their operating expenses (Sparreboom & Staneva, 2020). This makes the effectiveness of retrenchment laws particularly important for safeguarding workers' welfare (ILO, 2020).

2.5.1 Regional and African Studies

Across Africa, labour markets tend to share features such as informal employment, weak social security systems, and economic instability (Ayee, 2019). Research from several African countries reveals mixed results regarding retrenchment reforms. In some contexts, stronger

severance regulations improved worker welfare, while in others, poor enforcement or employer non-compliance limited the effectiveness of the laws (Budeli, 2021). These studies emphasize that the success of labour reforms depends heavily on the broader economic environment and the strength of institutions tasked with enforcement (ILO, 2020).

2.5 Empirical Literature Review

2.5.0 International Evidence

Studies from countries such as South Africa, Kenya, and India show that well-structured retrenchment laws can enhance workers' welfare, particularly when severance packages are adequate and enforcement mechanisms are strong (Bentley, 2017). Many researchers also highlight the role of trade unions and collective bargaining in improving outcomes during retrenchment (ILO, 2019). However, some studies caution that highly restrictive retrenchment legislation may discourage investment if employers perceive the labour environment as inflexible (World Bank, 2020).

2.5.2 Local Studies on Zimbabwe

Zimbabwean literature on retrenchment highlights both achievements and shortcomings of the reformed law (Kaduwo, 2018). Some studies acknowledge that the regulatory framework offers clearer guidelines and minimum compensation standards, giving workers a degree of protection that was previously lacking (Chirisa & Muchineripi, 2020). Yet concerns remain. Many workers argue that the compensation figures are too low to provide meaningful support,

especially in an economy characterized by high inflation and limited alternative employment opportunities (ZCTU, 2022).

Employers on the other hand, often argue that higher severance obligations increase financial strain, particularly during periods of economic instability (Magure, 2021). Local researchers also point out that enforcement remains inconsistent, and some companies still offer packages below recommended levels (Kanyenze et al., 2017). Workers in the commercial sector, who may be less unionised than those in other industries, are sometimes more vulnerable to these challenges (Chimhandamba, 2019).

2.6 Gaps identified in the Literature

The literature reveals several gaps that justify further investigation. First, there is limited research focusing specifically on the commercial sector in Harare's CBD, despite the significant economic activity in this area (ZCTU, 2022). Second, existing studies seldom explore workers' personal experiences and perceptions following retrenchment, yet these perspectives are crucial in assessing the real impact of the law (Magure, 2021). Third, few studies evaluate the long-term effectiveness of the retrenchment reforms introduced in 2015, especially in light of ongoing economic changes (Kaduwo, 2018). Finally, there is a lack of sector-specific recommendations tailored to the unique challenges faced by both employers and employees in the commercial industry (Chirisa & Muchineripi, 2020).

Transparent and fair retrenchment laws reduce conflict and protect worker welfare (ILO, 2020).Many African countries, including Zimbabwe, have historically struggled with enforcing retrenchment laws (Budeli, 2021).Workers suffer financial, emotional, and social consequences

when retrenchment is poorly managed (Bentley, 2017).Retrenchment regulatory framework such as S.I 191 of 2024 seeks to address these gaps through enhanced oversight, minimum compensation, and mandatory consultations (GoZ, 2024).Lack of clarity on minimum retrenchment package Before S.I. 191 of 2024, there was ambiguity on the minimum retrenchment package, leading to inconsistencies.

2.7 Summary

This chapter has explored key concepts, theories, and empirical findings related to retrenchment and workers' welfare (Kanyenze et al., 2017). It has examined Zimbabwe's retrenchment reforms within a broader global and regional context and identified the strengths and weaknesses noted in previous research (Chirisa & Muchineripi, 2020). The review also highlighted significant gaps relating to sector-specific evidence and workers' lived experiences (Magure, 2021). These gaps form the basis of the current study, which seeks to assess how effective the new retrenchment law has been in promoting workers' welfare in the commercial sector in Harare's CBD (ZCTU, 2022)

CHAPTER THREE

RESEARCH METHODOLOGY AND DESIGN

3.1 Introduction

This chapter describes the basic research plan the researcher used to investigate how effective Zimbabwe's retrenchment regulatory framework has been in promoting workers' welfare in the commercial sector of Harare's Central Business District. The chapter restates the purpose of the study to critically assess whether the reformed section 12C of the Labour Act and Statutory Instrument 191 of 2024 actually protect retrenched workers, and to understand any gaps between the law on paper and the law in practice. The researcher also pay attention to how unfair retrenchment might fuel grievances, erode trust in state institutions and potentially lead to industrial unrest. The methodology explained here is detailed enough to be replicated by another researcher and every choice is justified with reference to the research questions and the nature of the topic.

3.2 Research Philosophy

The researcher adopted a pragmatist research philosophy. Pragmatism does not force researcher to choose sides in old debate between positivism and interpretivism, instead it lets the researcher use whatever methods work best to answer research questions. On one hand, objective, measurable data for example, how many retrenched workers received the minimum package, or how many companies followed the consultation rules. That calls for a positivist

orientation counting, measuring, looking for patterns in numbers. On the other hand, the research also understood what retrenchment feels like to the people who lose their jobs. Those questions require an interpretivist approach, exploring subjective meanings and experiences. Pragmatism allows the research to combine both without contradiction, this dual approach is essential numbers can tell me how many disputes went to the Labour Court, but only qualitative stories can tell me whether people accepted those outcomes as legitimate and legitimacy is the bedrock of stable governance.

3.3 Research Methodology

The research used a mixed methods methodology in the research. The research proceeded in two connected phases one is quantitative, collected survey data from a larger number of workers and employers to get a broad picture of compliance levels, awareness of rights, and satisfaction with retrenchment processes. Phase two is qualitative where the researcher conducted interviews and focus groups with a smaller number of participants to explain why the numbers look the way they do for example percentages of retrenched workers who received the minimum package, the interviews helped me understand what went wrong employer ignorance, deliberate evasion, or institutional bottlenecks.

3.4 Research Design

Within the mixed methods methodology, the researcher chose a descriptive evaluative case study design. The case is the commercial sector in Harare's Central Business District

specifically retail shops, wholesale businesses, financial services, hotels, restaurants, and other service enterprises operating in that area. The design is descriptive because it painted a detailed, accurate picture of how retrenchment happens, under the new 2024 Regulations. It is evaluative because the researcher did not just describe but assessed the extent to which actual practices match the legal requirements, and assess the consequences for workers' welfare. This design was appropriate because retrenchment is a real-world phenomenon that cannot be studied properly in a laboratory. A case study let the researcher dig deep into a bounded system (the Harare CBD commercial sector) and produce rich empirical evidence. The case study design also helps uncover the kinds of procedural injustices that can accumulate into social conflict if left unaddressed.

3.5 Population and Sample

The study targeted several groups of people who have direct experience with or knowledge of retrenchment in Harare's commercial sector. These included the workers who have been retrenched in the last three years, workers currently employed in commercial enterprises that are undergoing or have recently undergone restructuring, human resources managers and officers from those enterprises, officials of the Retrenchment Board, legal practitioners who handle retrenchment cases, trade union representatives at sectoral or workplace level and labour officers from the Ministry of Public Service, Labour and Social Welfare.

The researcher aimed to reach a total of 50 or more participants, distributed as follows 40–50 questionnaire respondents drawn from workers retrenched or their representatives that is legal experts, workers committee, trade union , 10–15 key informant interviewees – including

HR officials, Retrenchment Board members, legal experts, and trade union leaders, 2 focus groups – each with 6–8 participants, consisting of workers and where possible, representatives who have represented interests of retrenched workers. The researcher managed to get responses from 39 questionnaires and 6 interviews and 1 focus group

·This sample size was sufficient for a qualitative-dominant mixed methods case study. It allowed the researcher to reach saturation the point where new interviews stop yielding new information while remaining manageable within the time and resources o dissertation.

3.6 Sampling Method

The researcher used different sampling techniques, each suited to a different participant group. Stratified purposive sampling for key informants. The researcher first divided the population of potential key informants into strata (HR officials, Board officials, legal practitioners, union leaders). Then, within each stratum, purposefully selected individuals who had direct, recent experience with retrenchment. This ensured that the researcher get knowledgeable informants from every relevant perspective.

For the larger survey, the researcher approached commercial enterprises in the Harare CBD that were accessible (i.e., where management gave permission or where workers could be reached outside the workplace) retail. The researcher then invited all available workers to complete the questionnaire. This is not a random sample, so the researcher cannot claim statistical representativeness, but the purpose of the survey was to identify patterns and generate descriptive statistics, not to make precise population inferences. From a governance perspective,

these sampling choices reflect the real-world difficulty of studying people who have been through a traumatic economic event or represented such.

3.7 Data Collection Methods

The researcher collected both primary and secondary data. Self-administered structured questionnaires on paper and online for workers and representatives. The questionnaire included closed-ended questions about demographics, retrenchment experience, consultation processes, package received, awareness of rights and whether they sought any assistance. Semi-structured interview guides for key informants. These guides had a core set of questions for HR officials, for Board officials, legal practitioners, workers committee and trade union representatives. The researcher made use of secondary or documentary data from The Labour Act [Chapter 28:01] and all amendments (especially Act 5 of 2015, Act 11 of 2023), Statutory Instrument 191 of 2024 (Labour Retrenchment Regulations), Supreme Court and Constitutional Court judgments, particularly Nyamande and Another v Zuva Petroleum SC 43/15 and CCZ 8/15 and Published academic articles, law journal commentaries and media reports on retrenchment in Zimbabwe. These multiple sources allowed the researcher to triangulate, compare what the law requires with what people report happening, and what official records show.

Before full data collection, the researcher pretested the structured questionnaire with 5workers from a commercial enterprise that was not included in the final sample. The purpose was to identify confusing wording, ambiguous response options, or questions that made participants uncomfortable. After the pre-test, the researcher made several changes where they were necessary simplified the language of two questions, also piloted the semi-structured interview guides with two HR professionals (not from the target sample) and one labour lawyer.

The pre-test phase confirmed that the instruments would collect appropriate and relevant to the research objectives, and no instrument collected data that did not map onto at least one research question.

3.8 Validity and Reliability

To ensure that my findings are trustworthy and credible, the researcher used triangulation of methods and sources. Researcher examined the research questions using questionnaires, interviews, and documents. The researcher also collected data from different kinds of participants (workers, employers, legal officials). When multiple methods and sources point to the same conclusion, confidence in that conclusion increases.

Clear audit trail where the researcher kept all raw data anonymized questionnaires, interview transcripts, field notes, in a secure folder. The researcher also documented every major methodological decision why the researcher chose a particular sampling method, how the researcher derived themes, why the research excluded certain data so that another researcher could, in principle, replicate my steps.

3.9 Data Presentation and Analysis

The researcher used tables, pie charts and graphs interchangeably to present the data. The analysis used was descriptive statistics frequencies, percentages. Results were presented as tables, bar charts, and brief narrative summaries.

Qualitative data (from interviews and focus groups) was used. Transcription were done (to ensure familiarity with the data) and checked by a second person for a random 10% of

recordings. The data was then coded using thematic analysis following the six-phase procedure of Braun and Clarke (2006). Presented data and made an analysis, the interpretation of findings below the tables and pie charts.The researcher first presented the quantitative patterns, then used the qualitative data to explain, confirm or challenge those patterns.

The results were interpreted through the lens of my theoretical framework that is institutional theory and grievance theory. The researcher paid special attention to whether perceived injustices in retrenchment are associated with self-reported conflict behaviours, joining a protest, filing a grievance, withdrawing trust in the state. The implications for labour policy and social stability were discussed.

3.10 Ethical Considerations

The researcher sought permission from each participating commercial enterprise through the office of the HR and from the Retrenchment Board, Ministry of Public Service Labour and Social Welfare, recorded them after seeking their approval and made no mention of names but rather company name.

All participants received a participant information sheet explaining the purpose of the study, what their participation involves, how data will be used, and their rights. The researcher obtained informed consent in writing (for questionnaires and interviews) or verbally (for focus groups, with a witness present). Participants were told that they could withdraw at any time without giving a reason and without any negative consequences.

The researcher ensured confidentiality and anonymity. In the dissertation and any publications, no participant will be identifiable.

Honesty in reporting was key during my research, the researcher presented findings truthfully, even when they contradict my own expectations or are critical of employers, trade unions, or government institutions.

Ethical research is not an add on, it is a model of good governance. Treating participants with respect, protecting their privacy and being transparent about methods demonstrates the same principles of fairness and accountability that the researcher evaluated in Zimbabwe's retrenchment system.

3.11 Summary

This chapter has set out a complete, replicable research methodology. The researcher adopted a pragmatist philosophy and a mixed methods methodology (sequential explanatory design). The descriptive evaluative case study design focuses on the commercial sector of Harare's CBD. The researcher targeted a population of retrenched workers, HR officials, Retrenchment Board officials, legal practitioners, and trade union representatives, with a sample of 39+ participants. Sampling used stratified purposive, snowball, and convenience techniques. Data collection included questionnaires, semi-structured interviews, focus groups, and documentary review. The researcher pilot-tested the questionnaire, ensured validity through triangulation, member checking, and an audit trail, and will analyzed quantitative data with descriptive statistics and qualitative data with thematic analysis (NVivo, following Braun & Clarke, 2006). Ethical considerations informed consent, confidentiality, anonymity, harm prevention, honest reporting are fully addressed. The methodology was detailed enough for another researcher to replicate, and it was specifically designed to produce evidence that can

inform labour governance and conflict prevention, in line with the values of peace and governance scholarship.

CHAPTER FOUR

PRESENTATION, ANALYSIS, AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter presents, analyses and discusses the findings obtained from the study on the effectiveness of Zimbabwe's retrenchment regulatory framework in promoting workers' welfare in the commercial sector of Harare Central Business District. The chapter is organised according to the study objectives, namely: examining awareness of the legal evolution of the retrenchment framework, assessing procedural fairness during retrenchment processes, evaluating employer compliance with retrenchment regulations, and assessing the effectiveness of enforcement and dispute-resolution mechanisms. Quantitative findings are presented using tables and figures, while qualitative findings from interviews and focus group discussions are used to support and explain the statistical results.

4.2 Demographic Information

This section outlines the demographic profile of the study participants. Key characteristics include gender, age, employment status, years in the commercial sector, and participant category. Such information helps identify patterns and trends among different groups.

4.2.1 Gender No. (39)

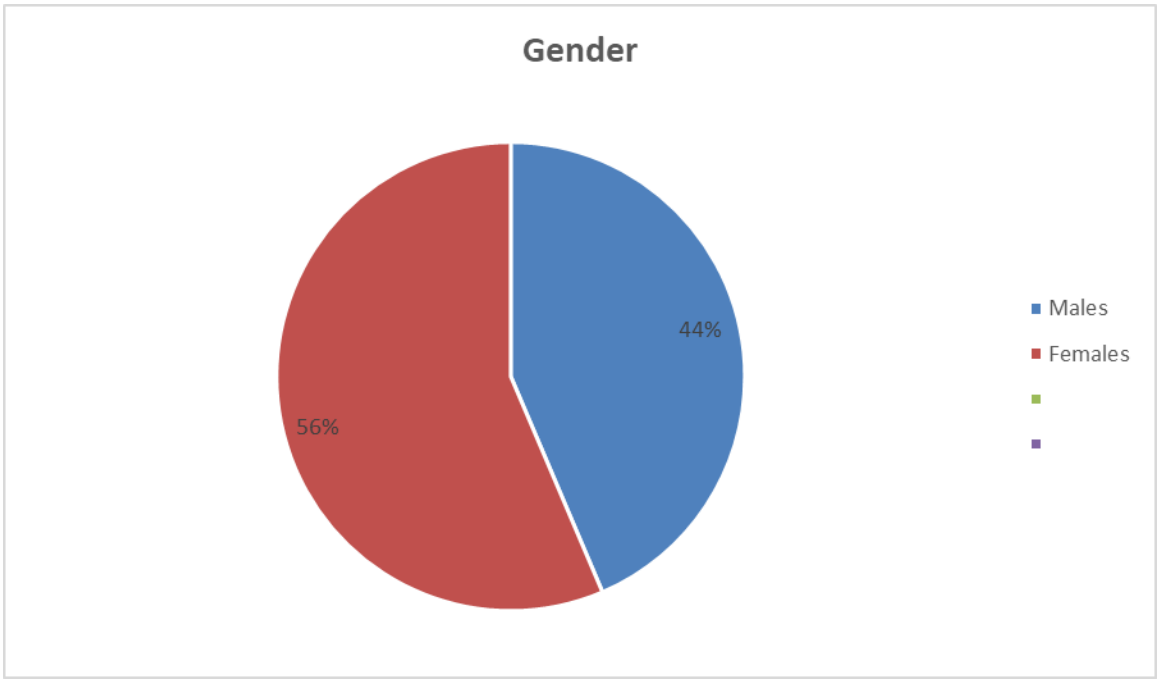

Fig 4.1 Gender

Figure 4.1 shows that female respondents constituted 56% (22) of the study participants, while male respondents accounted for 44% (17). The distribution demonstrates that both genders were adequately represented in the study, thereby providing diverse perspectives on the effectiveness of the retrenchment regulatory framework. The findings merely reflect the composition of the study participants and do not necessarily imply gender-based differences in retrenchment experiences.

4.2.2 Age

Table 4.1: Age No. (39)

Age group in years	Frequency	Percentage

18-25	9	23
26-35	15	39
36-45	11	28
46+	4	10

The results indicate that respondents aged between 26 and 35 years constituted the largest category, representing 39% of the sample. This was followed by respondents aged 36–45 years (28%), those aged 18–25 years (23%), and those aged above 46 years (10%). The findings suggest that most participants were within the economically active age groups and were therefore likely to possess relevant knowledge and experiences regarding employment and retrenchment processes within the commercial sector.

4.2.3 Employment status No. (39)

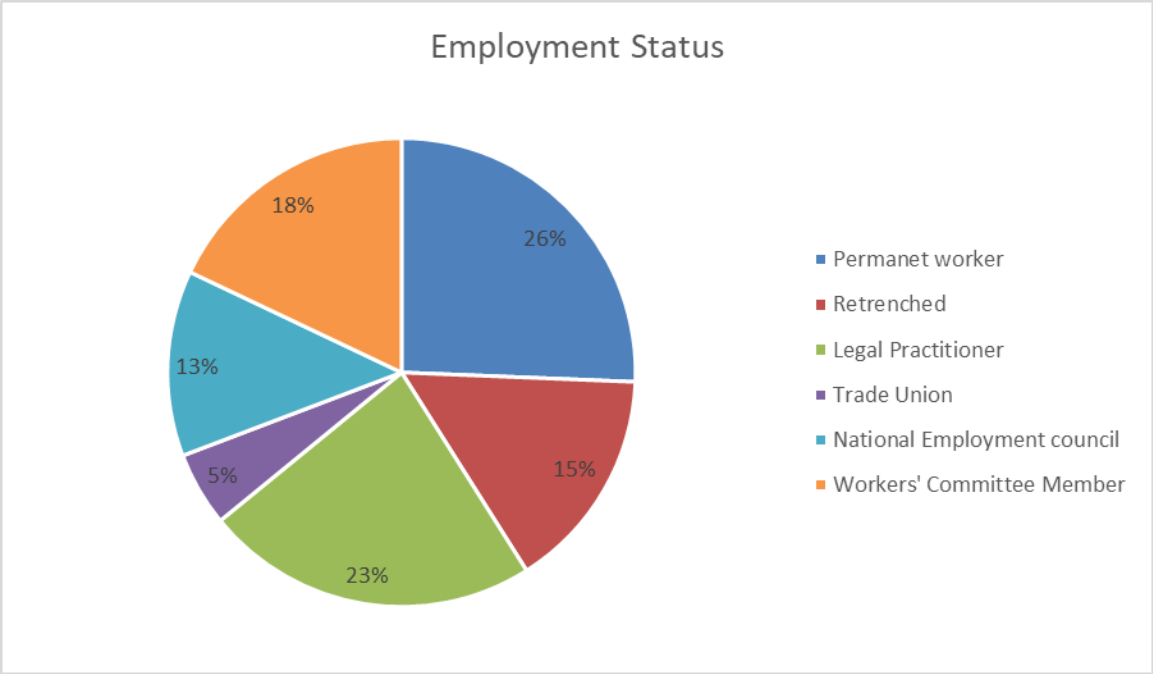

Fig 4.2 Employment status

The findings indicate that respondents were drawn from different stakeholder groups, including permanent employees, retrenched workers, employers, labour representatives and trade union officials. The diversity of participants enhanced the credibility of the study by ensuring that findings reflected perspectives from various actors involved in retrenchment processes. The inclusion of multiple stakeholder groups also enabled the researcher to obtain a comprehensive understanding of the implementation of retrenchment regulations within the commercial sector.

4.3 Awareness and knowledge of Legal Evolution of the Retrenchment Framework

Theme	Key Finding	Percentage

		(%)
Awareness of the Zuva Judgment	Respondents who acknowledged that the Zuva judgment significantly influenced retrenchment practices in Zimbabwe	97
Understanding of Current Retrenchment Laws	Respondents who believed that current retrenchment laws are clearer than the pre-2015 framework	92
Knowledge of the Minimum Retrenchment Package	Respondents who were aware that the minimum retrenchment package is one month's salary for every year of service	100
Perceived Effectiveness of the 2015 Labour Reforms	Respondents who believed that the 2015 amendments strengthened worker protection	100
Perceptions of Dispute Resolution Efficiency	Respondents who believed that disputes are resolved faster under the current legal framework	92
Awareness of Retrenchment Package Categories under S.I. 191 of 2024	Respondents who were aware of the retrenchment package categories provided under the regulations	87
Overall Awareness Level	Average positive responses across all awareness indicators	**95**

The findings demonstrate a high level of awareness regarding the evolution of Zimbabwe's retrenchment regulatory framework. Overall, 95% of respondents exhibited knowledge of major legal developments affecting retrenchment. Awareness was highest

regarding the minimum retrenchment package and the protective reforms introduced by the Labour Amendment Act. Respondents also demonstrated strong knowledge of the Zuva judgment and its impact on labour relations in Zimbabwe. Although awareness of the retrenchment package categories introduced by Statutory Instrument 191 of 2024 was slightly lower than other indicators, the majority of participants still demonstrated familiarity with the provisions. These findings suggest that stakeholders in the commercial sector possess substantial knowledge of retrenchment legislation, which may contribute to improved compliance and protection of workers' rights.

4.4 Zuva Judgement

4.4.1 Awareness of the Zuva Judgment

Awareness and knowledge of the legal evolution of retrenchment indicates respondents who knew about the Zuva Judgment upto the S.I 191 of 2024. An HR manager recalled its impact, "*When the Zuva judgment came down in July 2015, within two weeks our head office terminated over 170 employees by giving three months' notice. No consultation, no severance beyond notice pay. It was chaos.*

Madzingira (2015) observed that the Zuva Judgment caused severe social and economic disruption, with more than 10,000 workers losing their jobs within weeks. Mucheche (2017) similarly noted that the judgment created a legal void that Parliament had to fill through urgent legislation. The high level of awareness reflects the disruptive nature of the ruling.

4.4.2 Limited awareness of S.I. 191 of 2024

Only 36% of respondents were aware of S.I. 191 of 2024, enacted in December 2024. A trade union representative commented, "*The new regulations are good on paper, but workers don't know their rights. Employers take advantage of this ignorance*."This shows that the limited awareness of the S.I 191 of 2024 can lead employers to be reluctant and to violate the retrenchment laws. This finding echoes Budeli (2021), who noted that many African countries have progressive labour laws but fail to disseminate them effectively, leaving workers uninformed and unprotected.

4.4.3 Perceived improvement over previous regimes

Although awareness of the current framework was low, those familiar with it rated it substantially better than the Zuva regime. The mean score for S.I. 191 of 2024 was 3.9 out of 5, compared to only 1.1 for the Zuva regime. A legal practitioner stated, "*The current framework is the most employee-protective in Zimbabwe's history. One month per year of service is a significant enhancement from the previous two weeks per year*." This shows that the laws are trying to carter for the needs of the workers where necessary

4.5 Procedural Adherence and Fairness

Procedural Fairness Indicator	Positive Responses (%)	Negative Responses (%)

Exploration of alternatives before retrenchment	69	31
Notification of employees regarding retrenchment	100	0
Opportunity to appeal retrenchment decisions	64	36
Conduct of hearings or consultation meetings	69	31
Overall Procedural Compliance	76	**24**

The findings indicate that procedural fairness was generally observed during retrenchment exercises, with an overall compliance level of 76%. Employee notification recorded the highest compliance rate, as all respondents indicated that affected workers were informed of retrenchment decisions. Similarly, the majority of respondents reported that consultation meetings were conducted and that alternatives to retrenchment were considered before termination decisions were implemented.

However, notable procedural shortcomings remain. Approximately 36% of respondents indicated that they were not provided with an opportunity to appeal retrenchment decisions, while 31% reported that alternatives to retrenchment were not adequately explored. These findings suggest that although employers generally comply with basic procedural requirements,

important elements of meaningful consultation and employee participation are not consistently implemented. Consequently, procedural fairness under the current retrenchment framework can be regarded as moderate rather than fully effective.

4.5.1 Absence of genuine consultation

Only 19% of retrenched workers reported experiencing genuine consultation. A focus group participant described:

"*I worked for the company for 12 years. One morning my manager handed me a letter. No warning. No consultation. They told me to go home and that they would call me to discuss the package."*Retrenchment Board official outlined the legally required consultation steps that employers should follow: "*First, tell folks early issue a written notice to the affected employees and their union or workers' committee, laying out why the company is looking at cuts, how many jobs, and the timing.consult in good faith meet with affected employees to hear their ideas and alternatives like short time or shift work, and address any objections. Then, pick fairly use agreed or objective criteria without discrimination. Fourth, after consultation, give termination notices and pay one month's salary per year served plus all statutory requirements.*"

However, an HR consultant admitted*, "Many companies see retrenchment as a first resort, not a last resort."*

Grogan (2007) argues that consultation is fundamental to fair labour practice. The failure to consult violates both the Labour Act and S.I. 191 of 2024. According to the ILO (2015),

exploring alternatives is a mandatory step before any retrenchment. The findings indicate widespread disregard for this requirement.

4.5.2 Neglect of alternatives to retrenchment

Just 13% of respondents said their employers explored alternatives such as reduced hours or job sharing. An HR consultant admitted, "*Many companies see retrenchment as a first resort, not a last resort."* Just 13% of respondents said their employers explored alternatives such as reduced hours or job sharing. An HR manager from the hospitality sector explained how responsible employers should approach the process, "*At our organization, retrenchment is treated strictly as a last resort. The process begins with an internal business assessment to establish the operational or financial necessity. We then engage in consultations with affected employees and, where applicable, works councils and trade unions. Upon reaching preliminary consensus, a formal retrenchment application is submitted to the Retrenchment Board in accordance with the Labour Act. Throughout the process, we ensure transparency, fair selection criteria, and timely communication", this* shows that some employers comply with the retrenchment laws in that they treat retrenchment as a last resort after exploring measures to avoid retrenchment

Despite this best-practice example, most respondents reported that such thorough processes were the exception rather than the rule. According to the ILO (2015), exploring alternatives is a mandatory step before any retrenchment. The findings indicate widespread disregard for this requirement.

4.5.3 Lack of awareness of rights before signing

Seventy-five percent of retrenched workers did not understand their legal rights before signing termination papers. One worker recounted:

"They put a document in front of me and said, 'Sign here.' Nobody explained the benefits and how they got to the amount"

Collins et al. (2019) note that information asymmetry between employers and workers often leads to exploitation, a pattern confirmed here.

4.6 Adequacy of Compensation

Table 4.4: Respondents' Perceptions of the Adequacy of Retrenchment Compensation (n = 39)

Compensation Indicator	Positive Responses (%)	Negative Responses (%)
Compensation sufficient to provide financial support after job loss	10	90
Compensation fairly reflected years of service and contribution	26	74
Satisfaction with the timeliness of compensation	26	74

payment		
Understanding of compensation calculation procedures	87	13
Satisfaction with the overall compensation process	62	38
Overall Assessment of Compensation Adequacy	**42**	**58**

Source: Field Data (2025)

The findings reveal that respondents were generally dissatisfied with the adequacy of retrenchment compensation. Overall, 42% of responses were positive, while 58% were negative, indicating that compensation arrangements did not adequately meet the expectations and welfare needs of most retrenched employees.

The greatest concern related to the ability of compensation packages to provide financial support after job loss. Only 10% of respondents indicated that the compensation received was sufficient to sustain them financially following retrenchment, while 90% reported that it was inadequate. Similarly, only 26% believed that the compensation fairly reflected their years of service and contribution to the organisation, whereas 74% disagreed. The same proportion expressed dissatisfaction with the time taken to receive compensation payments.

Despite these concerns, a substantial majority of respondents (87%) indicated that they clearly understood how their retrenchment packages were calculated, suggesting that the problem was not a lack of procedural clarity but rather dissatisfaction with the value and effectiveness of

the compensation itself. Furthermore, 62% reported satisfaction with the compensation process, indicating that administrative procedures were generally followed even though the outcomes were perceived as inadequate.

These findings suggest that while the retrenchment framework provides a structured method for determining compensation, the actual packages often fail to provide meaningful financial protection to affected workers. The results therefore point to the need for stronger enforcement of compensation provisions and periodic review of minimum retrenchment package requirements to ensure that they remain responsive to prevailing economic conditions.

4.6.1 Low receipt of the statutory minimum

Low receipt of the minimum package by the employers to be able to pay the package all at once is a challenge since employers see it as too much *"Only few of the retrenched workers received the full statutory minimum of one month's salary per year of service in full"*. An HR manager explained the challenge, *"Paying one month per year for a worker who has been there 10 years means 10 months' salary. For a company retrenching 50 workers, that could be USD $200,000. Many companies cannot afford it right there and there.*

Kanyenze et al. (2017) have noted that Zimbabwe's economic instability makes compliance difficult for many employers.

4.6.2 Perceived inadequacy despite full payment

Even among those who received the full package, only 13% felt it was adequate,a permanent employee narrated.

"*One month per year sounds fair on paper. But in Zimbabwe, prices double every few months. By the time you reach month 4, that money has lost half its value".*

This finding challenges Social Protection Theory (Devereux & Sabates-Wheeler, 2004), which assumes that severance payments effectively cushion job loss. In Zimbabwe's inflationary environment, lump-sum payments quickly lose value.

Table 4.5: Employer Compliance with Retrenchment Regulations (n = 39)

Compliance Indicator	Positive Responses (%)	Negative Responses (%)
Employer complied with retrenchment regulations	82	18
No disputes between employer and employee during retrenchment	38	62
Employer provided post-retrenchment support	5	95
Compliance with agreed retrenchment terms	64	36
Overall Compliance Level	**47**	**53**

Source: Field Data (2025)

The findings indicate that overall employer compliance with retrenchment regulations was relatively low, with positive responses accounting for 47% and negative responses

accounting for 53%. This suggests that despite the existence of a legal framework governing retrenchment processes, implementation challenges continue to affect compliance within the commercial sector. The results point to a gap between legal requirements and actual workplace practices.

A large majority of respondents (82%) indicated that employers complied with the basic retrenchment regulations. However, compliance was less evident in other important areas. For instance, 62% of respondents reported that there were disagreements between employers and employees during the retrenchment process, suggesting that disputes remain common despite the existence of regulatory procedures. These findings may reflect differing expectations regarding compensation, consultation and the implementation of retrenchment agreements.

The most significant area of non-compliance related to post-retrenchment support. Only 5% of respondents indicated that employers provided any form of support after retrenchment, while 95% reported receiving no such assistance. This demonstrates that post-retrenchment welfare measures are virtually absent within the commercial sector. The lack of support services such as counselling, job placement assistance and skills development programmes may increase the social and economic challenges experienced by retrenched workers.

The findings further reveal that 64% of respondents believed that employers complied with the agreed terms of retrenchment, while 36% indicated that employers failed to honour their commitments. Although the majority reported compliance, the proportion reporting non-compliance remains significant and raises concerns regarding trust, accountability and the effective enforcement of retrenchment agreements.

Overall, the findings suggest that while employers generally comply with the procedural aspects of retrenchment regulations, weaknesses remain in the implementation of agreed commitments and the provision of post-retrenchment support. The results therefore indicate that the effectiveness of Zimbabwe's retrenchment regulatory framework is constrained not only by the content of the law but also by challenges associated with enforcement, monitoring and employer commitment to worker welfare.

4.7 Low notification to the Retrenchment Board

Only 18% of enterprises notified the Retrenchment Board before carrying out layoffs. A Board official explained,

"Employers notify us after the fact, or not at all. We have a small secretariat so far retrenchment is done only at headquarters to cover the whole country."

Budeli (2021) found that weak enforcement capacity is a systemic problem across African labour law systems, and this case confirms that pattern.

4.7.1 Differences across sectors

The study revealed sectoral disparities, financial services showed the highest compliance (50% for minimum package), while hospitality had the lowest (0% Board notification). A legal practitioner commented,

"Banks have in-house legal departments. Retailers are barely surviving. The law applies equally, but the practical reality is different."

4.7.2 Confusion among employers about procedures

An HR consultant expressed uncertainty about certain procedural requirements:

"What does 'notification to NECs' mean? Sometimes worker's committee representatives feel they have the power to stop processes."

This suggests that ambiguous wording in the regulations contributes to non-compliance.

4.8 Enforcement

Table 4.8 enforcement

Table 4.6: Accessibility and Utilisation of Retrenchment Dispute Resolution Mechanisms (n = 39)

Access to Dispute Resolution Indicator	Positive Responses (%)	Negative Responses (%)
Appealed for a package better than the minimum package	13	87
Sought assistance after retrenchment	31	69
Experienced difficulties when seeking assistance	26	74
Overall Utilisation of Assistance Mechanisms	**23**	**77**

Source: Field Data (2026)

The findings indicate low utilisation of available dispute-resolution and support mechanisms following retrenchment. Overall, only 23% of responses were positive, while 77% were negative, suggesting that most retrenched workers neither appealed for improved retrenchment packages nor sought assistance from relevant institutions. This finding raises concerns regarding the accessibility, effectiveness and perceived credibility of existing labour dispute-resolution mechanisms.

Only 13% of respondents reported appealing for a package better than the statutory minimum, while 87% did not pursue such appeals. Similarly, only 31% sought assistance after retrenchment, whereas 69% indicated that they did not seek any form of support. These findings suggest that many workers either lacked confidence in the available institutions or were unaware of the remedies available to them.

The results further show that 26% of respondents experienced difficulties when attempting to obtain assistance, while 74% did not report such challenges. Although the majority did not experience difficulties, this figure should be interpreted cautiously because most respondents did not seek assistance in the first place. Consequently, the low utilisation of support mechanisms appears to be a more significant concern than procedural barriers alone.

Overall, the findings suggest that workers have limited engagement with the institutions established to protect their rights during retrenchment. This may be attributed to limited awareness, lack of trust in dispute-resolution processes, fear of costs associated with legal action, or concerns regarding the likelihood of obtaining favourable outcomes.

4.8.1 Disputes Resolved in Favour of Workers by Institution

Table 4.7: Disputes Resolved in Favour of Workers by Institution

Institution	Cases Resolved in Favour of Workers (%)
Labour Officer	2
Retrenchment Board	5
Trade Union	2
Labour Court	1
Total	**10**

Source: Field Data (2026)

Table 4.8.1 presents the proportion of disputes reportedly resolved in favour of workers by various labour dispute-resolution institutions. The findings indicate that the Retrenchment Board accounted for the highest proportion of favourable outcomes (5%), followed by Labour Officers (2%) and Trade Unions (2%). The Labour Court recorded the lowest proportion of successful cases at 1%.

The results suggest that administrative and alternative dispute-resolution mechanisms may be more accessible to workers than formal court processes. The low proportion of favourable Labour Court outcomes may reflect the costs, complexity and time associated with litigation, which often discourage retrenched workers from pursuing legal action.

Although the Retrenchment Board recorded the highest proportion of successful outcomes, the overall number of cases resolved in favour of workers remains relatively low. This suggests that enforcement and dispute-resolution institutions are not yet providing the level of protection required to fully safeguard worker welfare during retrenchment processes.

These findings support concerns that institutional capacity constraints and limited utilisation of available mechanisms continue to undermine effective worker protection. As noted by Chirisa and Muchineripi (2020), under-resourced labour institutions often struggle to provide timely and effective remedies, thereby weakening the practical enforcement of labour rights.

4.8.2 Retrenchment Board: promising but underutilized

The Retrenchment Board resolved 5% of cases in workers' favour, with an average turnaround of 2.5 months faster than the Labour Court. A Board official explained: When asked about enforcement powers and their sufficiency, a Board official stated*, "Our powers include rejecting applications, ordering reinstatement, referring for prosecution, and imposing fines. But these are not sufficient. Fines are too low compared to the wage bill saved. We have no power to freeze assets to secure packages. We need the power to issue compliance certificates before ZIMRA or Tax clearance is granted.*"

Regarding limitations in ensuring compliance and protecting welfare, the official added:

"There are delays in Labour Court enforcement of Board orders. Employers liquidate or change names to avoid payment. Workers lack funds to pursue appeals; unions are stretched. There is no real-time link with NSSA or pensions to verify contributions were paid pre-retrenchment."

Chirisa and Muchineripi (2020) have noted that under-resourcing of labour institutions undermines worker protection, a finding strongly supported here.

A legal practitioner described the types of retrenchment cases typically handled, "*Sector-wide downsizing in manufacturing, agriculture, and retail. Company closures and insolvency-linked retrenchments, for example in the catering industry like Tsebo Zimbabwe. Technology driven redundancy, especially in banking and telecoms. And 'restructuring' cases where selection criteria are disputed."*

On changes in case numbers since new regulations, the same practitioner noted,

"There has been a 40-60% increase in applications since Amendment Act No. 11 of 2023 clarified procedures. Complexity is up more legal representation, more disputes over 'fair selection' and package calculation. Employers now file 'defensive' applications earlier to avoid penalties."

"We can only act on cases that are notified to us. With only 18% of enterprises notifying, most cases never reach us."

This shows that employers are manipulating the workers and making the law to work in favour whilst ignoring the needs of workers and also the board can only act on cases brought to them so it means if the retrenchment did not reach the retrenchment board they cannot act to ensure justice to the case

4.8.3 Labour Court: effective but inaccessible

The Labour Court had the highest success rate (50%) but was used by only 14.3% of workers due to cost and complexity. A legal practitioner observed:

"The Labour Court takes 8.5 months on average. Most workers cannot afford a lawyer or wait that long without income."

This just means that people will not opt for courts because they fear the prolonged processes thus they just let go and justice will not be served

4.8.4 Stakeholder recommendations for improvement

The recommendations from stakeholders were that the government increases efficiency and speed as well as awareness that the people are made aware and get knowledge of the current laws

An HR consultant proposed, *"Automation of these processes to increase efficiency and speed. Education and capacity building, and make use of technology."*

A Retrenchment Board official added, *"We need a ring-fenced Retrenchment Relief Fund, fast-track arbitration with a 30-day limit, and compulsory skills retooling for retrenches.* This means they need to be an improvement in terms of the service delivery for the protection of the workers

4.9 Summary of the Chapter

In summary, this chapter presented findings on the effectiveness of Zimbabwe's retrenchment regulatory framework in Harare's commercial sector across five objectives. The legal evolution objective scored 95% positive, indicating strong awareness of the Zuva Judgment and recognition of improvement under S.I. 191 of 2024. Procedural adherence scored 76% positive overall, but specific practices such as genuine consultation (19%) and rights awareness (13%) remained very low. Compensation adequacy scored 66% positive, yet only 25% received

the statutory minimum, and most considered the package insufficient due to inflation. Employer compliance scored 40% positive, with particularly weak performance on Board notification (18%) and consultation (23%). Enforcement effectiveness scored 23% positive, with labour officers resolving only 14% of cases and the Labour Court being too slow and expensive for most workers. The data came from diverse participants, and all findings are supported by existing literature in labour law and social protection.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of the main findings of the study, the conclusions drawn from those findings and the recommendations. The study focused on how effective Zimbabwe's retrenchment framework is in protecting workers in the commercial sector in Harare. The chapter also explains how retrenchment practices affect peace and governance especially in terms of fairness, justice and stability in the workplace and society. This chapter brings together the main issues discussed in the previous chapters and shows how the findings answer the research objectives stated in Chapter One. It highlights the key results from the data and explains what they mean for workers, employers and policy makers. This chapter is important because retrenchment is not only about loss of jobs but also about how people are treated during difficult economic times. When workers are treated unfairly it can lead to frustration, conflict and lack of trust in institutions. On the other hand, when laws are followed properly and workers are protected, it helps to promote peace, respect, and stability in both the workplace and the wider community. The chapter also looks at how effective governance plays a role in labour relations. Good governance requires that laws are clear, fairly applied, and properly enforced. Where there is weak enforcement or low compliance, workers may feel unprotected and this can weaken confidence in the system. This shows that labour issues like retrenchment are closely linked to

governance, accountability and the rule of law. Furthermore, the chapter provides practical recommendations that aim to improve the retrenchment framework so that it supports fairness and reduces conflict. These recommendations are meant to strengthen institutions, improve compliance and ensure that workers' rights are respected. It also points out areas that need further research in order to better understand the relationship between retrenchment, worker welfare and peace and governance in Zimbabwe.

5.2 Summary

5.2.1 Summary of the whole project

Chapter One introduced the study by explaining the background of retrenchment in Zimbabwe and how it affects workers' welfare, peace, and governance. The chapter highlighted that unfair retrenchment practices create poverty, stress, conflict, and loss of trust in state institutions. It also presented the problem statement, research objectives, research questions, assumptions, significance of the study, delimitations, and limitations. The chapter further explained important concepts such as retrenchment, workers' welfare, and governance, while showing how labour issues are linked to social justice, accountability, and industrial peace.

Chapter Two reviewed literature on retrenchment and workers' welfare from international, regional, and Zimbabwean perspectives. The chapter discussed how labour reforms and retrenchment practices affect workers, businesses, and social stability. It also examined different theories such as Social Protection Theory, Labour Relations Theory, Institutional Theory, Procedural Justice Theory, and Grievance Theory to explain how unfair retrenchment can lead to conflict and loss of trust in institutions. The chapter identified gaps in previous

studies, especially the lack of research focusing on workers' lived experiences and the commercial sector in Harare CBD.

Chapter Three explained the research methodology used in the study. The chapter described the pragmatist philosophy and mixed methods approach that combined quantitative and qualitative methods. It outlined the research design, target population, sample size, sampling techniques, data collection methods, and ethical considerations. The chapter also explained how questionnaires, interviews, focus groups, and documentary analysis were used to gather information from retrenched workers, employers, labour officers, and legal practitioners. The methodology focused on producing findings that contribute to labour governance, fairness, and conflict prevention.

Chapter Four presented and analysed the findings of the study according to the five research objectives. The chapter showed that respondents had strong awareness of retrenchment laws and legal reforms, especially after the Zuva Judgment and the introduction of S.I. 191 of 2024. However, the findings also revealed weak consultation, inadequate compensation, poor employer compliance, and limited effectiveness of enforcement institutions. The chapter demonstrated that many workers experienced unfair treatment during retrenchment, while labour institutions faced challenges such as under-resourcing and delays. The findings highlighted the connection between unfair labour practices, worker dissatisfaction, and threats to industrial peace and governance legitimacy.

Chapter Five summarized the study, drew conclusions, and provided recommendations. The chapter explained how retrenchment affects not only employment but also fairness, social justice, trust in institutions, and peace in society. It concluded that although Zimbabwe's

retrenchment framework has improved legally, implementation remains weak due to poor enforcement, economic instability, and lack of institutional capacity. The chapter also recommended stronger enforcement systems, worker education, improved employer compliance, and institutional reforms to promote worker welfare, accountability, and social stability.

5.2.2 Summary of research findings

The first objective was to trace the legal evolution of Zimbabwe's retrenchment framework, identifying the main legislative changes and their stated rationales. The researched showed that The retrenchment framework has evolved into a legally robust instrument that is well understood by commercial sector stakeholders, however, legal clarity alone does not translate into worker protection. The high level of awareness coupled with low practical receipt of benefits demonstrates that Zimbabwe has solved the problem of legal drafting but not the problem of legal enforcement.

The second objective was to assess the extent to which the procedural requirements under the current framework regulations promote transparency and fairness in practice. The research proved that procedural requirements under S.I. 191 of 2024 encourage fairness on paper, but in practice consultation is often absent or pro forma. The finding that only few of workers experienced genuine consultation indicates that procedural justice principles (voice, respect, transparency) are routinely violated. This matters for governance because workers who are treated without dignity are more likely to perceive the state as illegitimate.

The third objective was to evaluate whether the minimum retrenchment package of one month's salary per year of service provides meaningful compensation to retrenched workers in the commercial sector and it was proven by the research that the minimum package of one month per year of service is inadequate in Zimbabwe's inflationary economy. Even full recipients rated it insufficient. Severance payments that lose value within months do not function as social protection. The current formula assumes economic stability that does not exist.

The forth objective examine the level of employer compliance with procedural requirements of the retrenchment framework in the Harare CBD commercial sector. The research showed that Employer compliance is lowest where oversight is weakest. Notification to the Retrenchment Board and consultation with worker representatives are systematically ignored. Non-compliance has become normalized because the perceived probability of sanction is near zero.

The fifth objective was to assess the effectiveness of enforcement and dispute resolution mechanisms in protecting retrenched workers' rights such as shortcomings that affect labour peace and governance legitimacy. Research proved that enforcement mechanisms are under-resourced, slow, and inaccessible. Labour officers are overworked, the Retrenchment Board lacks geographic reach, and the Labour Court is too expensive and slow for most workers. This creates a two-tier system, workers with resources can access justice and workers without resources cannot.

The study found such a wide implementation gap because three plausible reasons emerged from the data. First, institutional under-resourcing was repeatedly cited. The labour officers are overworked, the Ministry of Labour lacks outreach capacity. Without resources,

enforcement is impossible regardless of legal quality. Secondly, sectoral characteristics explain variation. The commercial sector (retail, hospitality) has thin profit margins, high informality, and low unionization. Unlike manufacturing or mining, where unions are strong, commercial workers are individually vulnerable. Employers calculate that non-compliance carries minimal risk because collective action is unlikely. Thirdly, economic instability undermines both compliance and perceived adequacy. Employers genuinely cannot afford the minimum package for long-serving workers. Workers find that even full payment loses value quickly. Both sides see the law as disconnected from economic reality, which reduces commitment to compliance from employers and trust from workers.

The findings strongly support Procedural Justice Theory (Tyler, 2006). Workers who experienced unfair procedures expressed deep grievance and loss of trust, even when outcomes were not catastrophic. This confirms that process matters independently of outcome.

The findings partially challenge Social Protection Theory (Devereux & Sabates-Wheeler, 2004) in one respect: the theory assumes that severance payments effectively cushion job loss. In Zimbabwe's high-inflation environment, lump sums do not provide meaningful protection. The theory must be adapted for unstable macroeconomic contexts, emphasizing payment structure (e.g., inflation-indexed instalments) and complementary support (retraining, placement) rather than a single lump sum.

The findings confirm Labour Relations Theory's core insight that power asymmetry between employer and employee is the central problem that labour law must correct. The data show that even well-designed law fails when enforcement capacity is insufficient to rebalance that asymmetry.

The findings demonstrate that amending legislation without investing in enforcement capacity is ineffective. Policymakers should shift focus from further legal reform to strengthening the Retrenchment Board, simplifying procedures for small enterprises, and creating financial mechanisms (such as the Relief Fund) that make compliance realistic.

Practice implications for employers Good practice exists, as shown by the financial services subsector where compliance was highest. Employers who consult genuinely, document alternatives, and communicate transparently experience fewer disputes. The data suggest that procedural fairness reduces worker grievances even when job loss occurs.

5.3 Conclusions

The first objective was to trace the legal evolution of Zimbabwe's retrenchment framework, identifying the main legislative changes and their stated rationalesand the study concluded that Zimbabwe's retrenchment framework has changed significantly over the years and is now legally stronger than previous systems. The introduction of the Labour Amendment Act No. 11 of 2023 and S.I. 191 of 2024 improved legal clarity and increased worker protection on paper. However, the study also concluded that legal reforms alone are not enough to guarantee justice for workers because many workers still fail to receive full protection in practice. From a peace and governance perspective, this shows that effective governance is not only about creating laws but also about ensuring that those laws are fairly implemented. When workers see laws that are not properly enforced, trust in government institutions weakens and grievances increase.

The second objective was to assess the extent to which the procedural requirements under the current framework regulations promote transparency and fairness in practice, study

concluded that procedural fairness remains weak despite legal requirements for consultation and transparency. Many workers reported that they were not genuinely consulted before retrenchment and were not fully informed about their rights or compensation processes. This lack of participation created feelings of disrespect, exclusion, and injustice among workers. From a peace and governance perspective, procedural unfairness damages the legitimacy of labour institutions because workers feel their voices are ignored. The study therefore concludes that transparent consultation and respectful treatment are essential for maintaining industrial peace, reducing conflict, and strengthening confidence in governance systems.

The third objective was to evaluate whether the minimum retrenchment package of one month's salary per year of service provides meaningful compensation to retrenched workers in the commercial sector. The study concluded that the minimum retrenchment package of one month's salary per year of service is not fully adequate in Zimbabwe's unstable economic environment. Even workers who received the full package stated that inflation and rising living costs quickly reduced the value of the compensation. As a result, many retrenched workers struggled to meet basic needs, support families, and maintain their livelihoods. From a peace and governance perspective, inadequate compensation increases poverty, frustration, and social insecurity, which may contribute to labour unrest and community instability. The study therefore concludes that compensation systems should reflect economic realities in order to protect human dignity and promote social justice.

Forth objective examined the level of employer compliance with procedural requirements of the retrenchment framework in the Harare CBD commercial sector. The study concluded that employer compliance with retrenchment procedures remains low, especially in areas such as

consultation and notification to the Retrenchment Board. Many employers ignored legal requirements because enforcement systems were weak and penalties were not strict enough. The study also found that some employers viewed compliance as costly and difficult due to economic challenges facing businesses. From a peace and governance perspective, poor compliance weakens the rule of law and creates unequal power relations between employers and workers. This increases worker vulnerability and reduces public trust in labour governance institutions. The study concludes that stronger monitoring and accountability systems are necessary to improve compliance and protect workers' rights.

The last objective was to assess the effectiveness of enforcement and dispute resolution mechanisms in protecting retrenched workers' rights such as shortcomings that affect labour peace and governance legitimacy. The study concluded that enforcement and dispute resolution mechanisms are not fully effective in protecting retrenched workers. Labour officers, the Retrenchment Board, and the Labour Court all faced challenges such as lack of resources, delays, high costs, and limited accessibility. Many workers failed to seek justice because they could not afford legal processes or lacked knowledge of available remedies. The study therefore concluded that weak enforcement creates inequality because only workers with financial resources are able to pursue justice effectively. From a peace and governance perspective, weak dispute resolution systems reduce public confidence in institutions and may increase frustration, conflict, and social instability. Strengthening labour institutions is therefore important for promoting fairness, accountability, and long-term industrial peace in Zimbabwe.

5.4 Recommendations

i. Results of research proved that, to deal with non-compliance of employers the government and labour organizations should educate workers about retrenchment laws, especially new ones. This will help workers understand their rights and reduce exploitation. Employers should involve workers in real discussions before retrenchment decisions are made. This can reduce conflict and improve trust. The government should ensure that employers follow the law. Penalties for non-compliance should be applied where necessary.

ii. To make sure that the issue of adequacy of the retrenchment package s addressed the payments of packages should also be made on time and in full. The company should be part of an instance where the employee to be retrenched has a loan to assist by any means necessary.

iii. The problem of poor employer compliance and weak implementation of retrenchment laws identified in the study can be addressed through strengthening enforcement and monitoring systems. Improved enforcement will help ensure that employers follow legal procedures and respect workers' rights during retrenchment processes.

iv. The problem of delays, under-resourcing, and limited accessibility within labour institutions and dispute resolution mechanisms can be addressed through strengthening labour institutions and dispute resolution mechanisms. Strengthening these institutions can improve access to justice, enhance public trust in governance systems, and support peaceful resolution of labour disputes.

5.5 Areas for Further Research

The future researchers should also research on the role of labour laws in promoting peace and the link between unemployment and social conflict.

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APPENDICES

QUESTIONNAIRE GUIDE

My name is Stella Tapfumaneyi I am a fourth-year student at Bindura University of Science Education, pursuing a Bachelor of Science Honors Degree in Peace and Governance. As part of the requirements for completing my final year, I am conducting a research on the topic, The Effectiveness of Retrenchment Laws in promoting Workers' Welfare: A Case of the Harare Commercial Sector

I kindly request your assistance and contribution by providing relevant information for this study. The purpose is to assess whether retrenchment laws help cushion the negative impacts of job loss on workers.

All information collected will be treated with strict confidentiality and used solely for academic purposes.

SECTION A – DEMOGRAPHICS

INSTRUCTION

Please place a tick [✓] where appropriate:

NB They are questions where it is written you/they it simply means you (retrenched)or the retrenched that is represented.

1.AGE GROUP

18-25 Years	
26-35 Years	
36-45 Years	
46+ Years	

2.GENDER

Male	Female

3.EDUCATIONAL LEVEL

No Formal Education	
Primary	
Secondary	
Advanced level	
Diploma	
Bachelor's Degree	
Master's Degree	
Doctorate	

4.YEARS OF SERVICE

1-5(years)	6-10(years)	10+(years)

5.RESPONDENT CATEGORY

Permanent worker(Employed)	

Retrenched employee	
Legal Representative	
Workers' Committee member	
National Employment Council Representative	
Trade Union Representative	

SECTION B: AWARENESS AND KNOWLEDGE

A=Agree SA=Strongly Agree NS Not sure DA =Disagree SDA=strongly Disagree

QUESTION	**A**	**SA**	**NS**	**DA**	**SDA**
7. The Zuva judgment significantly impacted retrenchment practices in Zimbabwe.					
8.Current retrenchment laws are clearer than pre-2015?					
9. I am aware that the minimum retrenchment package is now one month's salary per every year of service					
10. The 2015 Labour Act amendments strengthened					

retrenchment protections for workers.					
11. I am of the fact that disputes resolved faster under current laws?					
12. I am aware of the three types of packages in the S.I 191 of 2024					

SECTION C: PROCEDURAL EXPERIMENT

QUESTION	YES	NO
13. Has your company ever undergone retrenchment?		
14. Have you been part of a retrenchment proceedings?		
15. Were alternatives explored before retrenchment was done at your company/company you represent?		
16. Were the employees that went through retrenchment notified?		
17. Was the Retrenchment Board involved in the cases of retrenchment?		
18. Were they /you given an opportunity to appeal the retrenchment decision?		

19. Was the retrenchment package calculated according to the Statutory Instrument 191 of 2024?		
20. Were hearings or meetings held to discuss the retrenchment?		
21. Did they/you receive any intimidation during the retrenchment process?		
22. Did you/they receive your retrenchment package in time ?		
23. Was the retrenchment process transparent to you?		
24. Were they any other benefits besides the minimum retrenchment package		
25. Did they/you sign a memorandum of agreement to agree with the terms of retrenchment?		
26. Did the retrenchment board verify the MOU with them/ you before issuing a notification certificate for due diligence purposes?		

VF=Very fair F=Fair UF=Unfair VUF=Very unfair

QUESTION	VF	F	UF	VUF
27. How would you rate the fairness of the retrenchment process?				
28. How fair were the communications of the retrenchment decision?				
29. How would you rate your/their total retrenchment package?				

30. How fair was the selection process for retrenchment?				
31. How was the treatment you/they received from the employer during retrenchment?				

SECTION D: COMPENSATION

QUESTION	**YES**	**NO**
32. Did you/they receive the total retrenchment package as per the retrenchment Regulatory framework?		
33. Was the retrenchment package calculated based on the years of service?		
34. Did you/they receive the retrenchment package in time ?		
35. Did you/they receive a detailed breakdown of the retrenchment package ?		
36. Did you/they receive any additional compensation besides the minimum retrenchment package?		
37.Were the tax exemptions applied in the case?		

VC=Very Clear SC=Somewhat clear C=Clear NC=Not Clear

QUESTION	VC	SC	C	NC
38. How would you rate the clarity of the retrenchment package calculations?				

BTE=Better Than Expected AE=As Expected WTE=Worse Than Expected

QUESTION	BTE	AE	WTE
39.How did your retrenchment package compare to your/their Expectations?			

SECTION E-COMPLIANCE

QUESTION	YES	NO
40. Did the employer comply with the retrenchment regulations?		
41. Were they any issues that the employer and employee could not agree on?		
42. Did the company promise an post retrenchment support?		

43. Was they compliance in terms of the agreed terms of retrenchment?		

QUESTION	**YES**	**NO**
44. Have you/they started any income generating project?		
45. Do you/they feel supported by the network/community?		
46. Are you/they using savings to cover life expenses?		
47. Are you/they accessing government support services?		

Question	**employed**	**unemployed**	**Self employed**
48.What is your/their current employment status?			

SECTION F: ENFORCEMENT

QUESTION	**YES**	**NO**
49.Did you/they appeal for a package better than the minimum package?		
50. Did you/they seek help after retrenchment?		

51. Did you/they face problems trying to get help?		

LC=Labour Court **MOL=Ministry Of Labour** **UNION=Union**

LAWYER=Lawyer **RB=Retrenchment Board**

QUESTION	**LC**	**MOL**	**UNION**	**LAWYER**	**RB**
54. Where did you/they seek help?					

FC=Financial Constraints **LOI=Lack of information** **FOE=Fear of employer**

QUESTION	**FC**	**LOI**	**FOE**
55. What barriers did you/they face in getting help?			

SEMI STRUCTURED INTERVIEW GUIDE

EMPLOYERS /HR MANAGERS

UNDERSTANDING RETRENCHMENT PROCEDURES

1.Can you walk me through your company's process for retrenching employees?

2.How do you ensure that you are following the Retrenchment Board's guidelines?

EXPERIENCE WITH THE RETRENCHMENT BOARD

3.Have you dealt with the Retrenchment Board, how was your experience?

4.How would you describe the Board's efficiency in handling retrenchment cases?

CHALLENGES ON COMPLIANCE

5.What are some of the challenges you face when complying with the retrenchment regulatory framework?

6.Have you encountered any issues with interpreting and implementing the regulations?

IMPACT ON THE BUSINESS OPERATIONS

7.How have the retrenchment regulations affected your business

8.Have you changed any HR policies or practices as a result

MINIMUM PACKAGE ADEQUACY

9. Do you think the minimum retrenchment package is fair for employers?

10. Has it affected your staffing decisions. If so how?

11.Can you give an example of the challenges you have faced during retrenchment?

12. How do you think the retrenchment board or regulatory framework should improve its services?

13. What could make it easier for you to comply with the regulatory framework?

LEGAL PRACTITIONERS

ASSESSMENT OF LEGAL FRAMEWORK

1. How would you evaluate the clarity and effectiveness of Zimbabwe's retrenchment laws in Protecting workers' welfare?

2. Are there any provisions you find challenging?

COMMON COMPLIANCE FAILURES

3. What mistakes do employers commonly make when retrenching employees?

4. Are these failures due to ignorance, negligence or systemic issues?

LABOUR COURT EFFECTIVENESS

5.How effective is the Labour Court in enforcing retrenchment packages and protecting workers' rights

6. Have you noticed any trends in Court decisions that impact your advice to clients?

PRE-2024 COMPARISON

7. How does the current retrenchment framework compare to the previous one?

8. Have the changes improved or worsened the promotion of workers' welfare?

GAPS AND RECOMMENDATIONS

9. What gaps exist in the current legal framework?

10. What changes would you recommend to improve the retrenchment process and promote Workers' welfare

11.Can you give an example of a problematic provision in the current laws?

12. How do you think the Labour Court could improve its enforcement of retrenchment Compliance.

13.What specific changes would you recommend to better protect workers' welfare?

RETRENCHMENT BOARD OFFICIALS/LABOUR OFFICERS

OPERATIONAL CHALLENGES

1.What are the main challenges you face in processing retrenchment cases?

2.How do you handle incomplete or disputed documentation?

CAPACITY CONSTRAINTS

3. Do you have sufficient resources (staff, funding, expertise) to handle your workload?

4. How does case volume impact your efficiency?

CASE VOLUME AND NATURE

5. What types of retrenchment cases do you typically handle?

6. Have you seen changes in case numbers or complexity since the new regulations?

COMPLIANCE PATTERNS

7. How would you describe employer compliance with retrenchment procedures?

8. Are there sectors or types of employers with higher non-compliance rates?

ENFORCEMENT POWERS

9. What enforcement powers do you have, and are they sufficient?

10.What limitations do you face in ensuring compliance and protecting workers' welfare?

PRE-2024 COMPARISON

11. How does the current retrenchment framework compare to the previous one?

12. Have the changes improved or worsened the promotion of workers' welfare?

TRADE UNION REPRESENTATIVES

FRAMEWORK EFFECTIVENESS

1.How effective is the retrenchment framework in protecting workers' rights and promoting their welfare?

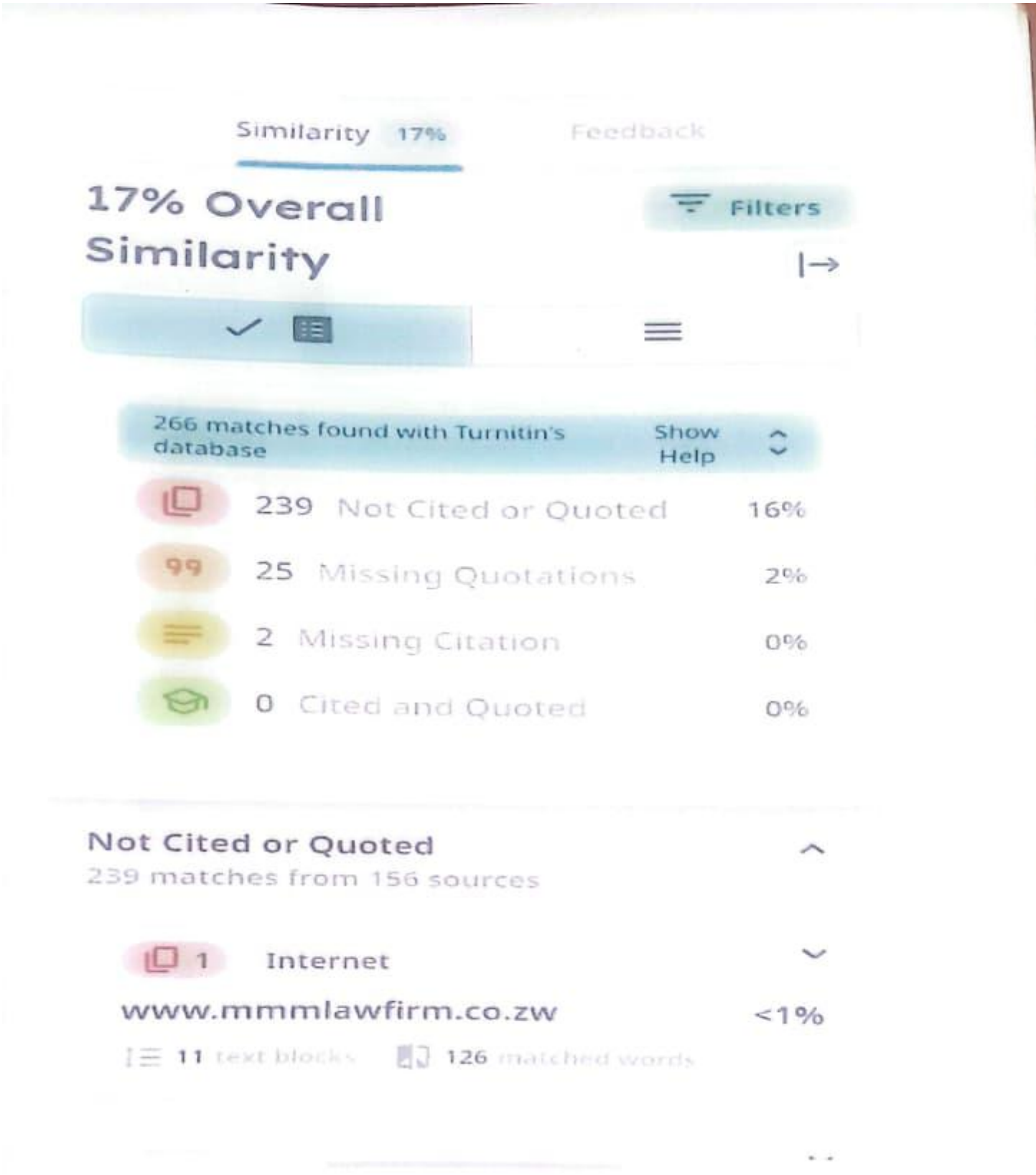
2.Are there aspects you find particularly positive or negative?

PRE-2024 COMPARISON

3. How does the current retrenchment framework compare to the previous one?

4. Have the changes improved or worsened the promotion of workers' welfare?

SIMILARITY REPORT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BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF SOCIAL SCIENCES AND HUMANITIES

DEPARTMENT OF PEACE AND GOVERNANCE

16 March 2026

TO WHOM IT MAY CONCERN

RE: REQUEST TO UNDERTAKE RESEARCH IN YOUR ORGANISATION

This serves to introduce the bearer, _____ student Registration Number B224594B who is a HBSC PEACE AND GOVERNANCE student at Bindura University of Science Education and is carrying out a research project in your area/institution.

May you please assist the student to access data relevant to the study, and where possible, conduct interviews as part of a data collection process.

Yours respectfully

J.Kurebwa (DR)
Chairperson

BINDURA UNIVERSITY OF SCIENCE EDUCATION
FACULTY OF SOCIAL SCIENCES & HUMANITIES
PRIVATE BAG 1020, BINDURA, ZIMBABWE
17 MAR 2026
DEPARTMENT OF PEACE AND GOVERNANCE

MIN. OF LABOUR & SOCIAL WELFARE
DEPT OF LABOUR ADMINISTRATION
LABOUR RELATIONS
01 APR 2026
P.O. ASTLEY 7707, CAUSEWAY

CamScanner

Telegrams "SECLAB"
Private
Bag 7707/7750,
Causeway

ZIMBABWE

MINISTRY OF PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE
Compensation House
Cor Fourth Street and Central Avenue
HARARE

1 April 2020

[illegible]
Department of Peace and Governance
P. Bag [illegible]
Bindura

Re: REQUEST TO UNDERTAKE RESEARCH IN OUR ORGANISATION

Reference is made on the above subject.

Your request has been granted, and we expect you to treat any information obtained during research with utmost confidentiality. The information should be for academic purposes, and our organization will not be held accountable for any other purposes.

We wish you success in your studies

Yours faithfully,

[illegible]
DEPT OF LABOUR
01 [illegible]
P.O. BOX CY 7707, CAUSEWAY

[illegible]
G. Kanyayi
For: Secretary for Public Service, Labour and Social Welfare

CamScanner