



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

Volume 11, Issue 2, 2022

URL: <http://jedep.spiruharet.ro>

e-mail: office_jedep@spiruharet.ro

AFFIRMATIVE ACTION'S MEDIATION ROLE ON THE IMPACT OF GLOBALISATION ON THE PROLETARIANS IN ZIMBABWE

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Abstract. *Globalisation debate in recent years is characterised with trade literature, growth and formation of multinational companies, the internationalisation motive, market liberalisation and the impact of these on nation states' labour markets (Giddens, 2004). Zimbabwe as a nation is not exempted from the impact of globalisation on its labour relations. Literature review identified that to curb the adverse effects of globalisation, Zimbabwe adopted the use of affirmative action policies, which were received with mixed feelings of criticisms and appreciations. This article sought to understand the impact of globalisation on affirmative action and establish the extent to which affirmative action policies ameliorate the negative effects of globalisation. A qualitative paradigm was adopted. Data was gathered through the use of interviews and participants memoirs. Results were analysed by using both Nvivo 10 and manual coding. Results showed that either globalisation has impact on affirmative action through inspiring the promulgation of policies or labour legislation that eradicates discrimination, or it can stifle some policies that deter globalisation. The article recommended that to ensure a fairer globalisation there is need to use affirmative action policies to ameliorate discriminations occasioned by globalisation on Zimbabwe's employment relations. Affirmative action policies need to be properly discussed and shared by all social partners to increase chance of success in its implementation. With openness and shared goals, affirmative action policies and laws can help to achieve a fairer globalisation.*

Keywords: Affirmative action, globalisation, indigenisation, employee share ownership, worker rights, workplace democracy

JEL Codes: P42

How to cite: Fore, C., & Ukpere, W. (2022). AFFIRMATIVE ACTION'S MEDIATION ROLE ON THE IMPACT OF GLOBALISATION ON THE PROLETARIANS IN ZIMBABWE. *Journal of Economic Development, Environment and People*, 11(2). doi:<http://dx.doi.org/10.26458/jedep.v11i2.758>

1. Introduction



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Journal of Economic Development, Environment and People

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Zimbabwe's labour relations are tinted with a history of high prevalence of discrimination, which dates back to the colonial era. The bigotry in Zimbabwe's labour relations manifests through, amongst others, racial, disability, gender, religious and tribal discrimination (Madhuku, 2015). According to Mahapa and Watadza (2015), these bias practices have in the past led to unequal treatment of employees, for example, white employees earned higher salaries than blacks in the same jobs. These prejudices extended to gender discrimination, as certain jobs were not permissible for either women or men, with women suffering the most, in terms of chauvinism (Bachalet, 2012).

Following independence, a new principle act, namely the Labour Relations Act (1985), replaced colonial labour laws (Industrial Conciliation Act, Employment Act, and the Minimum Wage Act) (Sachikonye, 1990). In a way to initiate affirmative action policy, government set minimum wages to close salary disparities, and in the process obliterated an old principle in industrial relations, which was to consider the employer's ability to pay and employees' right to collective bargaining (Shelton & Bingay, 1946). Conversely, both labour and business complained profusely, with the former unhappy with non-availability of collective bargaining rights, and the ability to contribute to employee welfare whilst the latter lamented government over involvement on workplace relations (Ncube, 2000).

The voices of discontent coincided with the globalisation pressure, which at the time, had gathered momentum in the late 1980s and early 1990s with calls to liberalise the labour market, recognition of worker rights and promotion of workplace democracy. The World Bank added the pressure with its Economic Structural Adjustment Program (ESAP), which it argued was a condition for economic funding, investors attraction and was posed to improve Zimbabwe's economy (Kanyenze, 2011). Government succumbed to the global pressure and went on full throttle labour liberalisation. Raftopolous (1995) noted that in as much as this phase brought in workplace democracy it occasioned new challenges to employees and unions like weakening of the union, unfair retrenchments, casual labour, unfair labour standards and an uneven employment relations where overnight employers became exceedingly powerful and government withdrew from direct involvement in workplace relations.

In this regard, Raftopoulos (1995, p. 12) aptly observes:



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“In the context of ESAP, labour is treated as a commodity and its market is treated the same way as commodity markets. Because of a changing work environment and influence of globalisation, employers applauded this approach as they desired to change the production process in line with the changing environment and at relatively little cost.”

The 1992 labour reforms had adverse effects on unions. The introduction of workplace negotiating forums (works councils) to negotiate conditions of service, company specific codes of conduct, and collective bargaining agreements (CBAs), usurped the power of unions, and, more often than not, workers' committees negotiated poor deals, reversing better CBAs that the trade unions had agreed on earlier (Muzulu, 1996). Added to the union challenge, was the creation of industry statutory boards, the National Employment Councils (NECs), which abolished a single trade union system, causing fragmentation of the union into several small, uncoordinated unions, operating through industry-based representation (Gwisai, 2006). The Zimbabwe Congress of Trade Unions called a nationwide strike against the labour reforms, and advocated review of the ESAP (Chiripanhura & Makwawarara, 2000).

Further turmoil was experienced in employment relations after the Supreme Court of Zimbabwe issued a radical judgement regarding termination of employment in the case of *Don Nyamande and Another v Zuva Petroleum (Pvt) Ltd* (2015). Employers were permitted to terminate permanent employment contracts by giving three months' notice (Uzhenyu, 2016). The Supreme Court Chief Justice (Malaba, 2017, p. 1) termed the job losses “*genocide of jobs,*” as over 6000 employees lost their jobs in a week, and an estimated 30,000 by the end of 2015. Employment relations were in tatters, and labour wrangles increased as never before imagine (Mucheche, 2017). The labour market depicted a perpetuated marginalisation of the proletariat as far back as 1992.

As resentment increased against government's labour market policies, the government would at each epoch come up with reactionary interventions to quench critiques and these would be done in form of affirmative action policies. For example, the country adopted aggressive affirmative action programmes such as employee economic empowerment (Bajaj, 2013). This triggered serious resistance from capitalists, prompting massive retrenchments, relocations and subcontracting (Chidede, 2016). The United Nations



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Journal of Economic Development, Environment and People

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(2014), in its review paper, concluded that these developments led to massive job losses in all sectors. By mid-2016, more than 229 companies had closed (Campbell, 2018). In 2015, the government reacted to termination of contracts of employment on three months' notice by promulgating Labour Amendment No. 5 that awarded retrenchment package in retrospect. At every turn, government suffered criticism from both employers, employees and the international community. This crisis prompted the need to understand this phenomenon and inspired the research problem and questions below.

1.1. Problem statement, research questions and objectives

The general assumption regarding use of affirmative action policy is their ability to address past discrimination and vanquish ongoing prejudice. In the case of Zimbabwe, the resistance against affirmative action policies and the collapse of some of the policies is worrying. Employment relations in Zimbabwe exhibit two composites, on one hand, employers yield far-reaching power with abilities to terminate employment contracts on notice without need to give reasons. At the other hand, the labour market depicts a perpetuated marginalisation of the proletariat as far back as 1992, a scenario that is still rising to unprecedented levels as government recently adopted the “*ease of doing business*” mantra. Yet, some of the affirmative action policies meant to address this bigotry are collapsing. Hence, this phenomenon requires probing in order to stand a chance towards attaining a fairer globalisation.

1.2. Research question

The above problem statement inspired the research questions below:

- What is the impact of globalisation on affirmative action in Zimbabwean labour relations?
- To what extent does affirmative action ameliorate the adverse effect of globalisation?

1.3. Research objective

The objectives of this article are:

- To understand the impact of globalisation on affirmative action in Zimbabwe's employment relations.



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- To establish the extent to which affirmative action policies have helped to ameliorate the adverse impact of globalisation on labour relations in Zimbabwe.

2. Literature Review

2.1. Globalisation and affirmative action in Zimbabwe

From time immemorial, the world of work has shown prevalence of discrimination (Hepple, 1997). Discrimination may be explained in the form of certain confinements, which are so glaring such that decisions like employee appointments or upward progression are inspired either by racial, tribal, gender, or by any other form of bias, creating a serious glass ceiling for those suffering from such prejudice. However, Fredman (2005) articulates that such disadvantages can be ameliorated using legislative interventions. Dupper (2008) concurs by noting that intervention policies should be crafted to ensure justifiable corrections, and that the intended beneficiaries then reshape the unsettled balance. In modern workplaces, the world over, globalisation has positively influenced affirmative action policies against workplace discrimination (Weisskopf, 2009). Global human rights groups and United Nations organs like the ILO have strongly castigated all kinds of workplace discrimination. As a member of the ILO, Zimbabwe enacted **workplace anti-discrimination laws**, which are discussed in the following section.

2.2. Labour Relations Act's Protection of employees against workplace discrimination

According to Macdonald (1997), global pressure advocating for fair and equal opportunities in workplaces, gathered momentum through promotion of legislative enactment and vigorous enforcement of anti-discrimination laws, driven predominately by the ILO and its Convention 87 as well as convention 98. As a result, many nations, including Zimbabwe, ratified these two conventions and enacted anti-workplace-discrimination laws in its Labour Act [Chapter 28:01].

2.2.1. Anti-workplace discrimination provisions in Zimbabwe



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Through its Labour Act [Chapter 28:01], Section 5 (1) and (2a), Zimbabwe promulgated provisions, which sought to vanquish workplace discrimination (see Table 3.1. below).

Table 3.1: Laws against discrimination in Zimbabwe

****5 Protection of employees against discrimination***

1) No employer shall discriminate against any employee or prospective employee on the grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or, subject to Disabled Persons Act [Chapter 17:01], any disability referred to in the definition of disabled person in that Act, in relation to: -

(a) The advertisement of employment; or

(b) The recruitment for employment; or

(c) The creation, classification or abolition of jobs or post; or

(d) The determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits; or

(e) The choice of persons for jobs or posts, training, advancement, apprenticeship, transfer, promotion or retrenchment; or

(f) The provision of facilities related to or connected with employment; or

(g) Any other matter related to employment

*2(a) No employer shall fail to pay equal remuneration to male and female employees for work of equal value**

Source: Labour Act [Chapter 28:01] Section 5 (a) (2a)

Current regulations against workplace discrimination are similar to provisions of the Labour Relations Act of 1985. Fobanjong (2001) mentions that soon after independence, the black majority government adopted



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the affirmative action policy of “black advancement,” which focused on correcting past discrimination that existed from the country’s colonial era. The 1985 Labour Relations Act was fashioned along America’s Civil Rights Act, Chapter 7, which prohibited workplace discrimination (Fabanjong, 2001).

The 1985 Labour Relations Act states that *“no employer shall discriminate against any employee on the grounds of race, tribe, place of origin, political opinion, creed or sex in relation to job advancements, recruitment, wages, salaries and benefits”* (Labour Relations Act, 1985). These provisions catapulted implementation of the black advancement policy, which facilitated the immediate appointment of blacks into senior government and private-public enterprise positions, leading to early retirement and the resignation of white employees. Sachikonye (1990) notes that the black advancement policy was widely supported by the British, the United States and the ILO, as it was designed according to the American model of human rights. Muzondidya (2010) declares that the British government assisted by promoting the early retirement of white employees through sponsoring attractive retirement packages in foreign currency. In this regard, it is axiomatic that the success of the black advancement policy was owing to the support that it received from the international community.

Conversely, Ndlovu-Gatsheni (2013) states that while the black advancement policy was a success, the affirmative action policy can also be considered as a failure at lesser extent. He contended that as a super-power and former colonial master, Britain interfered with the internal affairs of the new state of Zimbabwe by negotiating with the new government for retirement packages, in foreign currency. This package was only meant for the British descendants and the white minority in government to facilitate their smooth migration. The British government, therefore, caused serious attrition of essentially skilled experienced white employees. This move affected the operations of both government and public-private enterprises. According to Fobanjong (2001, p. 147), *“the mass attrition of whites from the Zimbabwean civil service can actually be seen as a backlash against affirmative action or the black advancement policy”*.

With these contrasting comments, it is debatable whether or not the black advancement policy succeeded. Although it is appreciated that positive and negative results are unavoidable in any policy implementation, the adjudication that a policy has succeeded is buttressed on the positives outweighing the negatives. The International Labour Organisation’s (2012) workplace discrimination survey showed that gender-based



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discrimination is still rife in modern workplaces, especially in Africa, the Caribbean, the Middle East and Latin America. In Zimbabwe, what is clearly noticeable regarding globalisation and affirmative action is that major forms of discrimination in the workplace are controlled by way of anti-discrimination laws modelled on international labour standards (Maruzani, 2013). It is imperative to be cognisant of the fact that, the promulgation of laws is a critical aspect, while the effective execution of the law is another thing.

Perhaps to judge Zimbabwe's inventiveness in dealing with issues of discrimination in the workplace, it is germane to have a look at more recently implemented affirmative action laws and policies with special reference to Labour Amendment Number 5 (2015).

2.2.2. Labour Amendment Number 5 and its implications

Zimbabwe passed the Labour Amendment Number 5 (2015), which prompted the application of retrospective action by the legislatures, who directed the compensation of workers whose employment contracts were stopped on three months' notice after the celebrated case of *Don Nyamande & Anor v Zuva Petroleum Pvt Limited SC 43/15 (2015)*. According to Uzhenyu (2016), the purpose of the Labour Amendment No 5 of 2015 was to achieve two things, namely (1) to correct the unfair termination of employment contracts by offering compensation to affected employees; and (2) to stop the existing inequality by stopping the termination of employment contracts on notice. Mucheche (2017) asserts that in order to correct the damage, all employers who had terminated employees after the July 2017 Don Nyamande judgement were ordered to compensate employees for the loss of employment by paying two weeks' pay for each year worked. Furthermore, the legislature sought to curb the right that employers wielded in the hiring and firing of employees at will.

The termination of jobs on notice by employers is a common law right, which provides employers with the prerogative to decide contractual terms with their employees, especially in choosing whether to continue with the employment relationship or to terminate it. It is a traditional British legal position that is globally acceptable in many nations' employment laws (Del-Bove and Francoz-Terminal 2015). The Zimbabwean law



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provided for this provision in the 1992 labour law reforms, yielded to global capitalism that advocated for flexible labour laws as a condition for the inward flow of FDI.

Mucheche (2017) notes that the employer's right to terminate employment on three months' notice remained unused since its inception in 1992 up until the Don Nyamande July 2015 case. The Zimbabwean Chief Justice, Malaba (2017), said that the effect that the Supreme Court judgement induced was that all employers who had slumbered blissfully over the years without utilizing this provision, retrenched employees immediately, by giving them three months' notice. The State was, therefore, correcting a surging evil in the labour market, whose footprints date back to 1992 labour law reforms, when globalisation forces convinced government to afford employers excessive powers to hire and fire.

Perhaps the backlash that followed the retrospective application of this affirmative action policy illuminates better the impact of globalisation on affirmative action. Seyani (2016) argues that pursuant to the retrospective action, legal battles emerged in the courts of law, namely the Labour Court, High Court, Supreme Court, and the Constitutional Court. Employer organisations castigated the amendment for lacking logic, being unconstitutional, working against public policy, and generally being unlawful, as it burdened employers with a heavy load to pay retrenchment packages when the law supported their actions at the time (Mucheche, 2017). In fact, in the case of *Zimind Publishers (Pvt) Ltd v Minister of Public Service, Labour and Social Welfare and Another*, HH 170/17 (2017), the court ruled in favour of employers. It held that whilst it is legal for the Legislature to pass a law, in retrospect such a law should not take away another's right, causing a burden, as this does not conform with basic legal principles.

The Confederation of Zimbabwean Industry, backed by international investors, has also challenged the Zimbabwean government strongly for its lack of respect for its own labour laws (Chidede, 2016). Matyszak (2016) shares this notion, highlighting that the inconsistency in terms of policy and labour laws in Zimbabwe has seriously affected Zimbabwe as a good country for investment. Due to these challenges, the retrospective policy remained unimplemented for two and a half years following its inception owing to increased global criticisms.



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Conversely, supporters of the retrospective application of Labour Amendment No. 5 argued that the affirmative action policy was an instrument of social justice, since it came as a direct remedy to unequal socio-economic relations between employers and employees (Mucheche, 2017). The Supreme Court Chief Justice, Malaba (2017), said that the amendment had an effect of not only correcting the inequality between employers and employees, but it had the good effect of ensuring that Zimbabwe honoured its international obligations as a member to the ILO after having ratified Convention No. 158 on the fair termination of employment contracts. He further argued that it is unreasonable to have a domestic law that defeats the objectives of international obligations, and pointed out that the retro-activity was in line with international best practices, and that the benefits of such actions clearly far outweighed the unfairness that it occasioned. The argument by Malaba (2017) justified that the affirmative action taken by Parliament was influenced by globalisation and the need to adhere to ILO global standards.

In the case of *Greatermans Private Limited t/a Thomas Meikles v (1) The Minister of Public Service, Labour and Social Welfare, and (2) The Attorney General CCZ 86/15 (2015)* on 28 March 2018, the Constitutional Court ruled that the employees terminated in July 2015 should be compensated in terms of Labour Amendment No. 5 (2015). The dispute was resolved after nearly 3 years of legal battles. However, the new hurdle rests on the ability of employers to pay the compensations, since the total compensation exceeded 1 million American dollars for some companies (Uzhenyu, 2016).

The above arguments highlight the existence of divergent views regarding affirmative action policies, which shows that although affirmative action policies are designed to restore dented human dignity, according to Papacostantis and Mushariwa (2016), they also occasion considerable controversies. Following this same line of argument, Hepple (1997) states that in the category of affirmative action policies, the most contentious form of affirmative action is **positive discrimination**, which is discussed in detail in the following section.

2.3. Zimbabwe indigenisation and empowerment policy at the dawn of globalisation

Developing from Hepple's (1997) argument above, perhaps what makes positive discrimination controversial rests in Jones' (1991) explanation that its assumptions are buttressed on perpetuating bias by



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creating a new form of discrimination. This refers to favouring previously or currently disadvantaged groups by ensuring that they receive a desirable lion's share in the distribution of scarce resources ahead of other group(s). Positive discrimination, therefore, aims to correct the negative long-term effects of past discrimination by creating a new form of policy-controlled discrimination. Marcela, Ashok, and Gerhard (2015) postulate that the implementation of positive discrimination is done by reserving a significant proportion of benefits or resources for a disadvantaged group, or through preferential treatment.

According to Hepple (1997), when affirmative action is implemented in the form of positive discrimination, it is usually too ambitious, and inadequate to effect change. McGregor (2013) highlights that the challenge associated with positive discrimination is that affirmative action policies modelled along these lines can be both under-inclusive and over-inclusive in their scope. For example, positive discrimination policies or laws can include all blacks; even those who are not disadvantaged and, in some cases, exclude those who should actually benefit (Simon, 2004).

The next section reviewed extant literature on Zimbabwean Employee Share Ownership Schemes and globalisation.

2.3.1. The indigenisation conundrum and employees' share ownership schemes

The Zimbabwean Indigenisation Act of (2007) defines an indigenous Zimbabwean to mean the following:

“Any person who, before 18 April 1980, was disadvantaged by unfair discrimination on the grounds of his or her race and any descendant of such person and includes any Company, association, syndicate or partnership of which indigenous Zimbabweans form the majority of members or hold the controlling interest” (Zimbabwe Indigenisation and Empowerment Act, 2007).

All black Zimbabweans fit into this definition above, including both the black aristocracy who are not in need of any assistance, and the lowest social class who is in grave need of help.

The Indigenisation and Empowerment Act [Chapter 14:33] of 2007, Section 14(a), describes the principle behind the Employee Share Ownership Scheme by explaining that:



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

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“The Purpose of the Employee Share Ownership Schemes shall be to ensure broad based economic empowerment by ensuring that the workers participate by way of having direct equity in the companies they are working for” (Zimbabwe Indigenisation and Empowerment Act, Section 14 (a), 2007).

This means that employees in Zimbabwe could directly participate in the employer’s business, not only as employees, but also as co-owners (Matyszak, 2016). Bendix (2007) argues that employee participatory programs of this nature help to enhance industrial democracy. Employee share ownership schemes bring the employee into corporate governance, and improves employee understanding of how the company for which they work operates, while it facilitates labour and management cooperation through breaking down the ‘them’ and ‘us’ syndrome (Marcela et al., 2015). Kazlowski (2014) concurs that employee share ownership promotes favourable attitudes amongst employees towards the organisation. Skorupinska (2014) claims that in an effort to repel pressure from unions, firms have defused unions’ power and influence by introducing direct employee participation to the business through employee share ownership. This concept is a globally acceptable way of improving employee participation within companies.

Dube (2013) argues that the Zimbabwean indigenisation policy drew its inspiration from affirmative action success stories of a similar nature in the USA, France, Singapore, Taiwan, Italy and Austria. He further contends that the adoption of employee share ownership was in line with global best standards, acceptable internationally under the following provisions:

- The African Charter on Human and People’s Rights states: *“All people shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interests of the people. In no case shall a people be deprived of it”* (Article 21(1)); and
- International Covenant on Economic, Social and Cultural Rights provided that, *“...all citizens of a country must benefit from a state using its natural resources to guarantee socio-economic rights”* (Article 2).

The Zimbabwean employees’ share ownership program was arguably driven by a motive to eliminate the dominance of business on indigenous Zimbabweans by empowering them to own equity in foreign



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companies (Matyszak, 2016). Hence, companies found themselves in a situation where they had to comply with the indigenisation laws, which required them to cede 51% of their ownership to local Zimbabweans (Zikhali, Ncube, & Tshuma, 2014). To remain operational in Zimbabwe, and be competitive in the global market, instead of selling shares to private indigenous people, many transnational companies re-adjusted their operations and embraced the employees' share ownership scheme (Zikhali, Ncube, & Tshuma, 2014).

The drive towards black empowerment and particularly employee share ownership, as defined by the Indigenisation and Empowerment Act (2007), is rooted in the need to eradicate existing discrimination between business and the proletariats. Since the dawn of globalisation and liberalisation of the labour market through the 1992 labour reforms, the rift between businesses profiteering and proletariats' poverty has widened in Zimbabwe (Kanyenze, 2011). Business is capitalistic in nature, and the stronger party in an employment relationship.

Weisskopf (2009) expounds that once a stronger party in a society begins to take advantage of a weaker group through exploitation and limiting opportunities of the weaker group, discrimination is full-blown. This scenario has been prevalent in Zimbabwe's employment relations through the marginalisation of black employees (Gwisai, 2006). That pre-dates the term globalisation in its scholarly sense, as in the argument by Held (1999), globalisation is not purely a novel phenomenon, as its footprints backdate historical forms of globalisation like internationalisation, grabbing of colonies, political empire building, and early forms of international trade.

Consequently, it is also critical to examine in literature whether contemporary globalisation has exacerbated or restrained discrimination in labour relations. Weisskopf (2009) argues that owing to globalisation, workplace discrimination is unavoidable since globalisation brings people of diverse backgrounds together, leading to interactions of people of different ethnicity, race, colour, creed, social classes and power. Traces of the influence of globalisation on workplace discrimination in Zimbabwe is quite evident, and some Zimbabwean scholars trace this discrimination as far back as in the period of early forms of globalisation (Gwisai, 2006; Muzondidya, 2010). Held (1999) mentions that discrimination started as far back as the 18th century from slavery and grabbing of colonies by super-powers.



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To address these discriminations occasioned first by embryonic globalisation in the form of colonisation, later exacerbated by Held's (1999) contemporary globalisation, which had increased in extensity, intensity, velocity, and impact on humanity through institutionalised global networks, Zinyuke (2017) argues that the adoption of the employees' share ownership program by the Zimbabwean government was largely to ameliorate the inequality occasioned. It is worth noting that employee share ownership was not a new phenomenon peculiar to Zimbabwe, but an already existing practice the world-over.

However, transnational companies, investors and international monetary institutions with employer associations like the CZI criticised this policy, interpreting it as a ploy by government to seize foreign owned firms (Matyszak, 2016). According to Sandada, Basil, and Muposhi (2016), the employee's share ownership scheme failed owing to suspicions that it resulted in multinational companies threatening to leave Zimbabwe, as they viewed it as an impediment to investment. In view of this, Soroka *et al.* (2006) declares that the irony of globalisation is that it perpetrated discriminations in workplaces, motivated affirmative action policies to correct these discriminatory injustices, and paradoxically stifled national affirmative action policies viewed to be against the interests of global capitalists.

Skorupinska (2014) explains why this controversy exists by arguing that the forms of affirmative action policies promulgated and implemented at any given time depend heavily on power dynamics between social partners in labour relations. For example, African states gladly implemented, without hesitation, anti-discrimination laws against racial injustices, slavery, and ethical and religious biases because they suffered the most prejudice from such discriminations, while there was both political will and support from the ILO and the developed world to end these kinds of discrimination.

Consequently, developing from Skorupinska's (2014), one can argue that the new dimensions of globalisation, namely global market competition, increased employee participation, technological changes, and the internationalisation of markets affect the balance of power in contemporary national labour relations between social partners (state, trade unions and employers). Hence, the balance of power also dictates any kind of policy or law that the state may promulgate for the administration of workplace relations.



3. Research methodology

The article adopted a qualitative research approach, using a purposive sampling method and snowballing technique. Fourteen participants who had the requisite characteristics were identified, selected and interviewed to generate necessary primary data. Participants were given code names like “Simon” which were not their real names. The interviews were semi-structured and the participants were able to freely air their views. Out of the fourteen participants, two opted to write memoirs detailing their experiences with the phenomenon. Data gathered was analysed and presented through narrative discourse detailing the perceptions and views of the participants. Below is Figure 1 illustrating the methodological stages taken in collecting and analysing data.

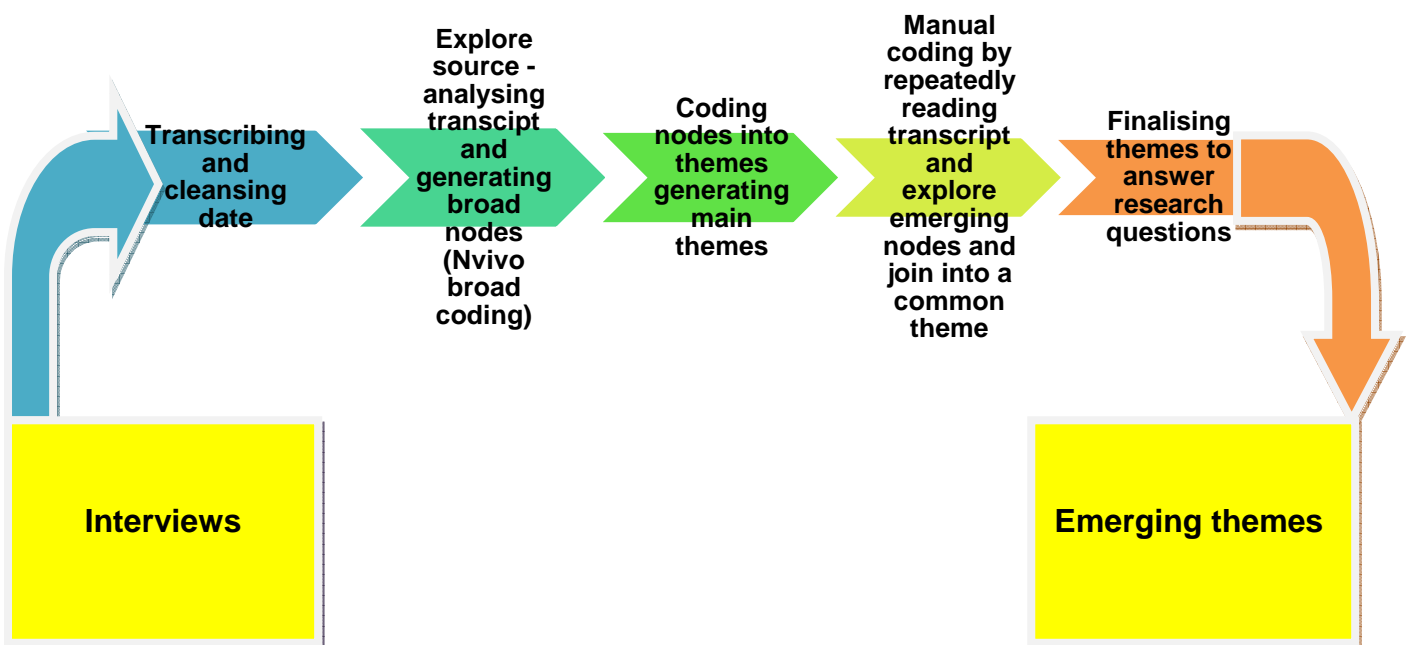


Fig. 1: Steps taken from data collection to analysis



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

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4. Data presentation

The article's objective was to understand the impact of globalisation on affirmative action policies in Zimbabwe's workplaces. The emerging theme from the findings is that, **globalisation has impact on affirmative action.**

4.1. Globalisation's impact on affirmative action

The findings indicate that globalisation has impacted affirmative action through anti-discrimination laws and the formulation of policies to stop past injustices. *"Affirmative action refers to policies that support a disadvantaged group looking at the past...we have countries that are now establishing protectionist policies"* (Mark, Transcript, 10 August 2019, p. 3). For example, multiple interviewees commented on anti-discrimination laws, indigenisation and empowerment programs, as well as employee share ownerships as affirmative action policies that were meant to protect and improve the lives of disadvantaged black Zimbabweans.

The interviewees noted that affirmative action accessioned the following:

- Led to eradication of discrimination by ensuring equal employment opportunities for males and females;
- Provided for equal wages for employees on similar grades;
- Necessitated any employee or person to pursue a career of their choice without fear or shame;
- Employee promotions became fair and based on merit;
- It broke glass ceilings - black employees and women could now rise to any senior position, and;

As a result, the following quotes are insightful in confirming the findings in this regard:

"Our society is paternal, and women were less respected especially at work as seen in different wages and glass ceiling in career path development and Zimbabwe only worked to standardise what the global community is also doing" (Ben, Transcript, 12 April 2019, p. 2)".



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

Volume 11, Issue 2, 2022

URL: <http://jedep.spiruharet.ro>

e-mail: office_jedep@spiruharet.ro

“Women were previously underrepresented in the corporate ladder. Due to globalisation, we have legislation that prohibits discrimination of women. We now have equal pay for equal work. Discrimination was prohibited. Now, there is increased diversity in the workplace due to equal opportunities despite race, colour, religion etc. Employees now have the opportunity to pursue careers they may never have considered without affirmative action policies. Stereotypes have been reduced ... (Lucia, 10 September 2019, p. 2).

Regarding **indigenisation and empowerment policy**, globalisation and affirmative action attracted mixed responses. The first view was that, the policy was taken as a political program: *“Let me make reference to affirmative action as a way of empowering the blacks. It is no longer existing, it is gone. The new dispensation (Government of President Mnangagwa) has shifted from the 51% black ownership of enterprises to nowhere”* (Kuda, Transcript, 12 June 2019, p. 3). In Sarah’s discourse, she mentioned that: *“Affirmative action policies in Zimbabwe have not been influenced by globalisation”* (Sarah, Memo, 15 September 2019 p. 2). Further, divergent views were also noted against indigenisation: *“I don’t think they are directly influenced by globalisation. I think they are more politically charged. Even the selections of beneficiaries of these policies were done on political patronage. The policies have failed to benefit the employees, economy and employers”* (Simon, Transcript, 12 May 2019, p. 3).

The second view that emerged from the findings was that affirmative action policies, namely indigenisation and employee empowerment, and employee share ownerships were necessitated by the need to improve the lives of disadvantaged black people who had been disadvantaged by the effects of globalisation. Multiple interviewees shared similar sentiments, as shown below.

“I would say affirmative action was influenced primarily by globalisation. You would find out that in 1992 ESAP came about and the country wanted to fit in the economic aspect of capitalism. At independence, the leadership of the country focused on socialism. Now because of the impact of capitalism at the global stage the country introduced ESAP as a way of



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

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accommodating capitalism. That is the trend now that capitalism is now dominant. In terms of affirmative action, there was land redistribution in 2000 and after that there was a vision to emancipate employees through giving employees shares in companies through Indigenisation and Empowerment. Employees were given shares in companies as a form of equity in distribution of wealth. I am sure Zimbabwe was coping from the Ujamaa Concept in Tanzania” (Patience, Transcript, 8 May 2019, p. 3).

Most notably, interviewees agreed that indigenisation and empowerment policies had failed to give employees and indigenous black people 51% ownership shares of foreign companies. The failure of these affirmative action policies was attributed to the effects of globalisation. Several outcomes were apparent during the interviews:

- The new administration of President Mnangagwa reversed the 51% local ownership of foreign companies, as it deterred investment. *“The new dispensation shifted from the 51% black ownership of enterprises”* (Kuda, Transcript, 12 June 2019, p. 3);
- Investors stopped investing, forcing government to review its policies. *“They simply did not invest and as a result government is now relaxing on this affirmative action policies”* (Mark, Transcript, 10 August 2019 p. 4); and
- *“Investors resisted the policy, and it failed”* (Simba, Transcript, 7 August 2019, p. 3).

The third view arising from the findings was that globalisation influenced affirmative action policies, and the creation of indigenous informal businesses. One interviewee said: *“I have a divergent view on that one. Indigenisation and employee empowerment promoted creation of informal traders who operate outside the Labour Act. ... This has complicated employment relations in Zimbabwe”* (Ray, Transcript, 14 July 2019, p. 3). Further findings showed that globalisation inspired the formation of affirmative action groups, which lobbied government to form policies in order to compensate employees who had lost jobs owing to



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retrenchments, and disadvantaged black people by forming cooperatives, informal businesses and community trusts, and buying shares into companies.

When asked how workplace relations have been impacted by the combined effect of globalisation and affirmative action policies, multiple interviewees' discourses showed that the influence is negative. Simon's discourse elucidates the findings:

Interviewer: How have workplace relations been affected by the combined effects of globalisation and affirmative action policies?

Simon

I do not think for employees, there are no benefits that have come to employees. I will start with affirmative action policies. When you look at employees working in the formal sector they have been affected by the informal sector. You find the government has made policies that have given rise to unregistered small companies, cooperatives and SMEs exempted from taxes to operate and compete with registered formal companies who are made to shoulder all the burden of high taxation.

Interviewer: Are employees who work in small SMEs, the informal sector and cooperatives covered by the labour legislation?

Simon

No. not at all. They are not covered by any law, not registered and thus not protected by the Labour Act. Look at the Chinese backyard companies that are here in Zimbabwe. No employee is given protective clothing, they do not have pension schemes, medical services and National Social Security Service is not there. The employees are not protected and their contract of employment is not known. There are no inspections done on such work sites, they are not involved in collective bargaining, the employer pays the way he feels. They do not have trade unions or worker's committees to represent their interests. Employees are exposed to hazards and disadvantages.

Simon's discourse on globalisation and affirmative action



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

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Source: Author's fieldwork (Simon, Transcript, 12 May 2019, p. 2)

5. Discussion of findings

The objective of this study was to establish the extent to which affirmative action policies were influenced by globalisation and ascertain the role they played to undo some toxic effects of globalisation on employment relations. A majority of the study's participants agreed that globalisation had a great impact on affirmative action policies, which helped to address some disparities occasioned by globalisation. Guan (2005) separated affirmative action into two composites, namely elimination of ongoing discrimination, and positive discrimination, involving favouring previously disadvantaged group(s) to correct past discrimination.

This position in literature supported the study's research findings wherein, firstly, participants reported the prevalence of the elimination of past discrimination through promulgation of anti-discrimination laws, provision of employee rights, recognition of women who were marginalised previously, removal of stereotypes, and eradication of glass ceilings in career path growth. One participant, a workers' representative, noted the following in this regard:

"There are quite a number (affirmative action laws), there is one on maternity leave, discrimination against disabilities, HIV/AIDS and abuse against women... Our society is paternal, women were previously less respected especially at work as seen in different wages and glass ceiling in career path development, and Zimbabwe only worked to standardise what the global community is also doing by removing these discriminations" (Ben Transcript, 12 April 2019, p. 2).

Another participant, a human resources manager, shared a similar view, noting:

"In Zimbabwe, we have come up with indigenisation and empowerment act, land redistribution and employee share ownerships as affirmative action policies to improve the lives of the disadvantaged black people" (Takunda Transcript, 14 November 2018, p. 3).



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Volume 11, Issue 2, 2022

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The above view was endorsed further with Lucia's memoir statement:

“Due to globalisation, we have legislation that prohibits discrimination... We now have equal pay for equal work. Now, there is increased diversity in the workplace as there are equal opportunities despite race, colour, religion etc. Employees now have the opportunity to pursue careers they may never have considered without affirmative action policies. Affirmative action policies helped to break glass ceiling and stereotypes” (Lucia memoir, 10 September 2019, p.2).

Furthermore, evidence from the research study's findings showed that formulation of affirmative policies was also done through promulgation of labour legislation in which the government complied with the ILO's affirmative action-oriented conventions of anti-discrimination and employee rights, as noted by one participant, who said: *“I would like to believe so. If you check ILO standards, employers should not discriminate employees in terms of gender, sex or religion”* (Takunda Transcript, 14 November 2018, p. 3). In fact, Fredman (2005) noted that workplace discriminations could be addressed through legislative and policy intervention.

Secondly, in terms of the concept of positive discrimination, Jones (1991) contends that this form of affirmative action is highly controversial. Evidence from the current study established both the existence of positive affirmative action in the Zimbabwean labour market, and traces of the controversy and subsequent failure of such policies, as explained by one of the research participants:

“Literally when you look at youth empowerment, indigenisation and compulsory ceding of 51% shares to locals and employees, such a policy was aimed at addressing injustice. Such discriminations were put in place to address past unfair treatment on indigenous black people.



(online) = ISSN 2285 – 3642

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However, indigenisation and empowerment laws failed....” (Simba Transcript, 07 August 2019, p.3).

Another participant noted the following:

“Of course, they (indigenisation and empowerment policy) have failed because; initially they could not attract investment in the first place. The investor has his own conditions, which benefits him/her from his/her investment. They simply did not invest and as a result government is now relaxing on these affirmative action policies” (Mark Transcript, 10 August 2019, p. 4).

The fact that these practices were indeed controversial is supported by Matyszak (2016) who explains that foreign companies were sceptical and accused government of masterminding the beginning of a process to seize foreign companies. Kamidza (2017) states that Zimbabwe attracted a backlash from Europe and the United States through economic sanctions. Perhaps the pressure from the global community, with its sanctions on Zimbabwe and resistance from investors, exerted pressure on the Mnangangwa administration to recede from the Mugabe government’s overtures and reversed the country’s indigenisation and empowerment laws. The Zimbabwean government rescinding of these policies is an example of the contemporaneous impact of globalisation, and its ability to suffocate local affirmative policies that are antagonistic towards it. This resonates well with Soroka *et al.* (2006) who argue that globalisation is a serious deterrent of national policy.

Subsequently, it is arguable that globalisation impacted on affirmative action in two ways, namely (1) inspiring formulation of affirmative action policies and laws that eradicated all kinds of discrimination; and (2) globalisation suffocated controversial affirmative action policies and vehemently opposed them leading to the collapse of such policies in Zimbabwe.



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

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5. Recommendations

It is the duty of nation states to ensure practical, feasible and friendly accommodative affirmative action policies to ensure sound employment relations in the workplace. Ukpere (2011, p. 93) suggests that there is a need to move *“towards building of a more inclusive and fairer globalisation that could ameliorate the plight of global workers, while promoting industrial democracy for the benefit of humanity.”* The following recommendations are necessary in ensuring successful use of affirmative action policies as intervention to attain a fair globalisation.

5.1 There should be willingness to put globalisation dynamics into context

The Zimbabwean government needs to contextualise changes coming from globalisation and engage employers and unions in order to come up with tailor made interventions that ensure achievement of a fairer globalisation. Rushed policies are likely to face the wrath of globalisation’s resistance and results in controversy and collapse.

5.2 A need to align labour laws with emerging global concepts

Zimbabwe as a country should not blindly implement recommendations coming from the globalisers or reactionary and emotionally respond to global pressures like sanctions without projecting possible impact on labour relations and perhaps the misalignment of such new prescriptions to the Zimbabwean Labour Act. A good example is the establishment forced shared ownership schemes, which this study’s findings observed to have led to closure of companies and is not supported in the Labour Act.

There is need to work towards ensuring that current employees in the Zimbabwean labour market who are not covered by the bulk of the provisions in the Labour Act are incorporated through crafting of new proviso that cover employees in informal business.

6 Conclusion



(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

Journal of Economic Development, Environment and People

Volume 11, Issue 2, 2022

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In conclusion, it is observed that affirmative action policies and laws have great potential and ability to necessitate a fair globalisation and has a power to mitigate the adverse impact of globalisation. The current nature of affirmative action policies in Zimbabwean employment relations have done tremendously well in eradicating workplace discriminations. However, the economic based affirmative action policies like employee share ownerships are facing resistance. Perhaps a more focussed and shared policy by government, union and business may attain desired results as compared to use of a forced policy not supported by the labour legislation. In as much as globalisation is instrumental in advancing affirmative action policy, it also has the power to suffocate them if such policies are not well thought. This article identified challenges of globalisation and affirmative action and recommended a shared formulation and ownership of policy between government, business and labour to eradicate controversy in order to achieve a fairer globalisation in employment relations.

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ISSN-L = 2285 – 3642

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(online) = ISSN 2285 – 3642

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(online) = ISSN 2285 – 3642

ISSN-L = 2285 – 3642

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Volume 11, Issue 2, 2022

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