



WEEKLY LABOUR BULLETIN

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ELIMINATING CHILD LABOUR

INTRODUCTION

In terms of the Constitution of Zimbabwe, 2013, which is the supreme law of the land, it prohibits exploitative and harmful child labour, and this has been provided for in Section 19 of the Constitution. The government in the Labour Act [Chapter 28:03] and the Children's Act [Chapter 5:06] stipulated the provisions for employing or not employing young people.

Internationally, our government ratified key international conventions on child labour to ensure that there is no child labour in Zimbabwe. Child labour has been classified as a criminal offence in section 11 (5) of the Labour Act. This article will look at the efforts that are being made to eliminate child labour, and to understand how and to understand why this is being done, one must first understand the statutory provisions.

STATUTORY PROVISIONS

THE CONSTITUTION OF ZIMBABWE

As the supreme law of the land, the Constitution in section 19 (3) provides that children (boy or girl under the age of 18) are not supposed to perform any work that is not appropriate for their age and directs that the State should ensure that children are protected in that regard through enacting measures and policies that protect children. The rights of children are expounded in section 81 of the Constitution. To give more flesh on the prohibition of child labour and comply with the direction of the constitution, the government promulgated the Labour Act and the Children's Act.

LABOUR ACT [CHAPTER 28:01]

The Labour Act in section 11 stipulates the age restrictions that constitute child labour being guided by the provisions of the constitution that no person under the age of 18 should perform any work that is not appropriate for their age particularly hazardous tasks. However, it provides that any person under the age of eighteen years but not younger than sixteen years may work in vocational or educational work provided that the parent or guardian of the minor has consented otherwise it will be void and unenforceable. The vocational or educational work given must not be hazardous, harmful to health, and must not interfere with their education. This therefore means that no employer can employ a child below the age of sixteen. Section 11 (5) stipulates that anyone who violates this provision of the Act shall be guilty of an offence and liable to a fine not exceeding level twelve (12) or imprisonment not exceeding ten (10) years or to both such fine and such imprisonment.

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CHILDREN'S ACT [CHAPTER 5:06]

The Children's Act stipulates that no child of school-going age shall be employed at a time when the child or young person might reasonably be expected to attend school; it is a punishable offence to employ such a child to dovetail with the provisions of the Constitution in section 19 (3) (b).

WHAT CONSTITUTES HAZARDOUS WORK

It is important for farmers to know what constitutes hazardous work.

Hazardous work includes:

1. Handling pesticides/fertilisers
2. Tobacco handling
3. Driving tractors or machinery
4. Heavy lifting
5. Working long hours or at night

Therefore, farmers cannot engage any child to do hazardous work.

EFFORTS TO ELIMINATE CHILD LABOUR

Despite the provisions made above, child labour has, in some instances, continued to be practised, and concerted efforts are being made to stop this practice.

The government ratified several key international conventions on child labour to ensure that we are compliant with international standards.

Convention	Ratification
ILO Convention. 138, Minimum Age	Yes
ILO Convention. 182, Worst Forms of Child Labor	Yes
UN Convention on the Rights of the Child (CRC)	Yes
UN CRC Optional Protocol on Armed Conflict	Yes
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	Yes
Palermo Protocol on Trafficking in Persons	Yes

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Statutory provisions promulgated have been made in line with the above conventions or have been so amended to be compliant.

The Ministry of Public Service, Labour, and Social Welfare (MoPSLSW), as the custodian of all the National Employment Councils (NECs), in its bid to combat the issue of child labour, has directed all NECs to include provisions for prohibiting child labour in their Collective Bargaining Agreements, which align with the Constitution, Labour Act and Children's Act.

In the tobacco industry, in response to concerns raised regarding child labour on the farms, an Agriculture Labour Program was drafted to ensure standardised operations on farms, which include zero tolerance for child labour. In this labour programme, both the farmers and the employees will be trained in this programme to ensure that everyone is aware of its provisions, thereby reducing and eliminating the occurrence of child labour in the future.

WHAT FARMERS MUST DO TO AVOID CHILD LABOUR

A farmer may create a checklist of what they need to do to ensure that there is no child labour on their farms, which may include:

- Verify age (ID/birth certificate)
- Keep employee records
- Do not allow children in work areas
- Train supervisors and foremen
- Monitor fields regularly (Because some parents may bring their children to assist them, especially during peak season)
- Enforce a zero-tolerance policy

CONCLUSION

Farmers are advised to adopt a zero-tolerance approach to child labour. No child under the age of 16 should be employed under any circumstances. Young persons between 16 and 18 years may only be engaged in light, non-hazardous work that does not interfere with their education or health. Produce from countries flagged for child labour will be blacklisted from trading on the international market. Therefore, it is important to adhere to the provisions in the Constitution, Labour Act, Children's Act, and the International Conventions to ensure that child labour is eliminated.

Disclaimer: This article is issued to serve as a general guide to farmers and does not substitute legal advice that may be required to address a particular situation with peculiar circumstances.



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