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PREVENTING SEXUAL HARASSMENT IN THE WORKPLACE

INTRODUCTION

The workplace should be a place of dignity, safety, and mutual respect. The Labour Act, as amended by Amendment Act, No. 11 of 2023, strengthened the protection of employees by prohibiting violence and harassment in the world of work, including sexual harassment and gender-based violence.

Sexual harassment refers to any unwelcome conduct of a sexual nature that creates an intimidating, hostile, humiliating, or offensive work environment. Such conduct may occur between employees, supervisors and subordinates, or even involve third parties interacting with employees in the course of their work.

Examples of sexual harassment include:

- Unwanted touching, hugging, or physical contact.
- Requests or demands for sexual favours.
- Sexual comments, jokes, or gestures.
- Sending inappropriate messages, photographs, or videos.
- Persistent and unwelcome advances.
- Promising employment benefits or threatening adverse action in exchange for sexual favours.

Employers are reminded that the "world of work" extends beyond the physical workplace and may include employer-provided accommodation, transport, work-related travel, training sessions, meetings, social events, and electronic communications connected to employment.

EMPLOYER RESPONSIBILITIES

Employers should take proactive measures to prevent sexual harassment by:

- Adopting and communicating a Sexual Harassment Policy.
- Training managers, supervisors, and employees on acceptable workplace conduct.
- Establishing confidential and accessible reporting mechanisms.
- Investigating complaints promptly, fairly, and impartially.
- Taking corrective and disciplinary action where allegations are substantiated.
- Protecting complainants and witnesses from victimisation or retaliation.

CONSEQUENCES OF SEXUAL HARASSMENT

The Labour Act, in section 6 (3) as amended, sanctions severe penalties for perpetrators of violence and harassment in the workplace. Employees found guilty of sexual harassment may face:

- Dismissal from employment following due disciplinary procedures.
- Criminal prosecution.
- Imprisonment for a period of up to ten (10) years upon conviction by a competent court.
- Additional civil or criminal liability where the circumstances warrant.

Employers who fail to address complaints of sexual harassment risk workplace conflict, reduced productivity, reputational damage, and potential legal consequences.

A SHARED RESPONSIBILITY

Preventing sexual harassment is not solely the responsibility of management; every employee has a duty to contribute to a respectful and professional workplace. This is why it is important for employers to ensure that employees are trained in this regard. Employees are encouraged to report incidents promptly and to support a culture where inappropriate conduct is neither tolerated nor ignored.

CONCLUSION

Sexual harassment is not merely misconduct; it is a serious offence under Zimbabwean law. Every employee has the right to work in an environment free from violence, harassment, intimidation, and abuse. The employer must therefore ensure that the workplace environment is free from incidents of sexual harassment.

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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