

Labour (Retrenchment) Regulations, 2024

IT is hereby notified that the Minister of Public Service, Labour and Social Welfare has, in terms of section 17 of the Labour Act [Chapter 28:01] made the following regulations: —

Title

1. These regulations may be cited as the Labour (Retrenchment) Regulations, 2024.

Interpretation

2. In these regulations —

“agreed retrenchment package” means a package referred to in section 12C(3) of the Labour Act [Chapter 28:01];

“enhanced retrenchment package” means a package referred to in section 12C(2) of the Labour Act [Chapter 28:01];

“retrenchment board” means the board established by section 3.

Retrenchment Board

3. (1) There is hereby established a board, to be known as the Retrenchment Board consisting of the following members to be appointed by the Minister —

- (a) three persons employed in the Ministry of Public Service Labour and Social Welfare, one of whom shall be designated by the Minister as the Chairperson of the Retrenchment Board; and
- (b) one person nominated by the Minister responsible for Finance; and
- (c) one person nominated by the Minister responsible for Industry and Commerce; and
- (d) two persons appointed from a list of not less than four names submitted by such employers’ organisations or federation of employers’ organisations as the Minister may recognise; and

- (e) two persons appointed from a list of not less than four names submitted by such trade unions or federation of trade unions as the Minister may recognise for the purpose of this paragraph.

(2) Members of the Retrenchment Board shall hold office for a term, not exceeding four years as the Minister may fix on their appointment. Upon completion of their term, they may be eligible for reappointment for one further term, subject to re-appointment.

(3) If at any meeting of the Retrenchment Board the chairperson is absent, members may nominate one of their members to preside at the meeting as chairperson.

(4) Five members of the retrenchment board shall constitute a quorum at any meeting of the Board.

(5) The Retrenchment Board's decisions on any matter, action or responsibility can be made by a simple majority vote during a meeting where a quorum is present.

(6) At all meetings of the Retrenchment Board, each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the Chairperson or person presiding shall have a casting vote.

(7) Except as otherwise provided in this section, the procedure for convening and conduct of meetings of the retrenchment board shall be as fixed from time to time by the Board.

(8) The Minister shall assign such officer in the Ministry as may be necessary to act as Secretariat of the Retrenchment Board to assist the Board in the performance of its functions.

Functions of the Retrenchment Board

4. The functions of the retrenchment board shall be—
- (a) to consider and resolve matters related to retrenchment referred to it in terms of section 12C, 12CC and 12D of the Labour Act [*Chapter 28:01*]; and
 - (b) to recommend solutions and policies relating to retrenchment.

Minimum package

5. Unless better terms are negotiated and agreed between the employer and the employee or employees concerned or their representatives, a minimum retrenchment package of one month's salary or wages for every year of service as an employee or the equivalent, lesser proportion of (one month's salary or wages for a lesser period of service) shall be paid as compensation for loss of employment.

Issuance of notices and forms

6. (1) An employer who intends to retrench an employee shall serve notice as prescribed in section 12C(3)(a)(ii) and the notification certificate shall be in form LRR1.

(2) No later than fourteen days (14) when an employee is retrenched, the Board shall issue to the employer a notification certificate for retrenchment which shall be in form LRR2.

(3) If there are allegations of non-compliance of payment in terms of section 12(c)(6), the Board if satisfied shall issue to the employer, a certificate of non-compliance in form LRR3.

Repeal

7. The Labour Relations (Retrenchment) Regulations, 2003, published in Statutory Instrument 186 of 2003, are repealed.

Labour (Retrenchment) Regulations, 2024

SCHEDULE

FORMS

Form LRR1



Zimbabwe

Ministry of Public Service, Labour and Social Welfare

Retrenchment Board

NOTICE OF INTENTION TO RETRENCH

TO:

(Insert name of works council/employment council/retrenchment board)

Kindly note that I/We*

(insert name of employer)

of

(insert address of employer)

Intend to retrench the employees whose names are listed in Annexure 1. My/
Our* reasons for the retrenchment are listed in Annexure 2 to this notice.

.....

Employer

**delete inapplicable*

NOTES:

1. The name of every employee whom the employer seeks to retrench must be listed on a separate sheet of paper which should be marked "Annexure 1*" and attached to this notice.
2. The reasons for retrenchment must be stated on a separate sheet of paper which should be marked "Annexure 2" and attached to this notice.



Zimbabwe

Ministry of Public Service, Labour and Social Welfare

Retrenchment Board

CERTIFICATE OF RETRENCHMENT

The Retrenchment Board hereby certifies that:

.....
.....
.....
.....

(insert name and address of employer to whom notification is issued)

has retrenched the employee(s) whose name(s) are listed in Annexure 1. The retrenchment is with effect from.

.....

(insert date on which retrenchment took effect)

Subject to the terms and conditions which are listed in Annexure 2.

.....

Secretary

.....

Chairperson



Zimbabwe

Ministry of Public Service, Labour and Social Welfare

Retrenchment Board

NON-COMPLIANCY CERTIFICATE

The Retrenchment Board hereby issues:.....

.....

.....

.....

.....

(insert name and address of employer to whom non-compliance certificate is issued)

A non-compliance certificate in terms of section 12C(6) of the Labour Act [Chapter 28:01].

.....

(insert date on which non-compliance certificate was issued)

Subject to the extent of non-compliance as per attached Annexure

.....

Secretary

.....

Chairperson



Zimbabwe

Ministry of Public Service, Labour and Social Welfare

Retrenchment Board

PROSECUTION FORM

Ref No.

Case number:

Date:

The Officer in Charge
Zimbabwe Republic Police

**Re: PROSECUTION REQUEST: IN RESPECT OF VIOLATION OF
RETRENCHMENT LAWS IN TERMS OF SECTION 12C(12) OF THE
LABOUR ACT [CHAPTER 28:01]**

Having been referred or brought to the attention of the Retrenchment Board, a violation of the Labour Act [*Chapter 28:01*] is noted.

..... being
(Name of Officer)

..... stationed at
(Designation)

Head Office: Compensation House, hereby refer for prosecution

.....
(Name of accused)

.....
(Physical Address and phone number)

If found guilty of an indictable offence by act/omission in contravention of the Labour Act [*Chapter 28:01*] as detailed in the attached indictment report.

FOR: RETRENCHMENT BOARD

INDICTMENT REPORT IN TERMS OF SECTION 12C(12) OF LABOUR ACT [CHAPTER 28:01] IN RESPECT OF VIOLATION OF RETRENCHMENT LAW BY THE HEREIN ACCUSED

The Retrenchment Board attaches the indictment report in respect of the above for disposal in terms of section 12C(5) of the Labour Act [*Chapter 28:01*]

Name, designation and address of officer making the report.

.....

Names and addresses of the parties to the matter in dispute.

Employee(s) name

Address

vs

Employer's name

Address

List of offences

The Employer is hereby accused of retrenching Employees without giving notice of retrenchment to the Retrenchment Board in accordance with section 12C(5) of the Labour Act [*Chapter 28:01*].

Indictment

The Employer is being accused of contravening Section 12C(5) of the Labour Act [*Chapter 28:01*] by failing to give notice of retrenchment to the Retrenchment Board in accordance with Section 12C(5) of the Labour Act [*Chapter 28:01*].

Statements

- (a) I, declare that I am fully employed by the Ministry of Public Service, Labour and Social Welfare as Secretariat to the Retrenchment Board.
- (b) I know the accused only in terms of being the former Employer of the Employee(s).
- (c) The accused is bound by the provisions of Section 12C(5) of the Labour Act [*Chapter 28:01*] to give notice of retrenchment to the Retrenchment Board.
- (d) The Employer is a (first/second +) offender.

- (e) I hereby refer this case to this honourable court for action and the prayer is for
-

Yours Faithfully

.....
FOR: RETRENCHMENT BOARD.

