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ADMINISTRATIVE CIRCULAR LETTER NUMBER 22 OF 30 SEPTEMBER 2021

DISTRIBUTION

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SUBJECT: SENZENI NYATHI V ZIMTA & ORS HC 1141/21

1. INTRODUCTION

- 1.1. Following an urgent chamber application, filed at the High Court in Bulawayo by one Senzeni Nyathi on behalf of a minor child Amohelang Ulukile Dube of Mafuko School in Gwanda, the matter was heard on the 29th of August 2021 and a decision was made today the 30th of September 2021.
- 1.2. The Applicant in the matter sought a declaratory order to the effect that the alleged refusal to take up classes by ZIMTA members for reasons of their salary grievances or improved working conditions during school terms was unconstitutional, unlawful and illegal as it violated the rights of the children as enshrined in sections 75 and 81 of the Constitution of Zimbabwe (No.20) Act,2013.

2. OUTCOME OF THE URGENT CHAMBER APPLICATION

- 2.1. The High Court in Bulawayo dismissed the matter with costs on a higher scale. This means that ZIMTA's arguments that the right to job action as is enshrined in the Constitution of Zimbabwe cannot be abrogated or taken away and that Senzeni Nyathi had no right to represent the minor in question. ZIMTA therefore won the case against Senzeni Nyathi.

Chief Officers: Mr. R. Gundane (National President), Mrs. E. Mahiyana (National Deputy President), Mr. T. Muzondo (National Deputy President), Mr. G. Taderera (Acting National Secretary General), Mr. J. Mulilo (National Treasurer)

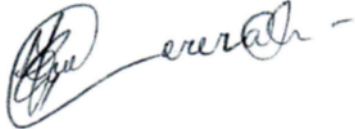
Secretariat: Dr. S. Ndlovu (Chief Executive Officer), Mr. P. Mazibuko (Chief Human Resources and Operations Officer) & Mr. L. Charumbuka (Chief Financial Officer)

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3. CONCLUSION

- 3.1. ZIMTA welcomes the High Court outcome as the outcome ensures that the right of teachers to take collective job action in pursuit of their rights to a living wage has been protected and we shall continue to protect our members' rights whenever they are threatened.

Sincerely yours



Mr Goodwill Taderera

ZIMTA NATIONAL SECRETARY GENERAL