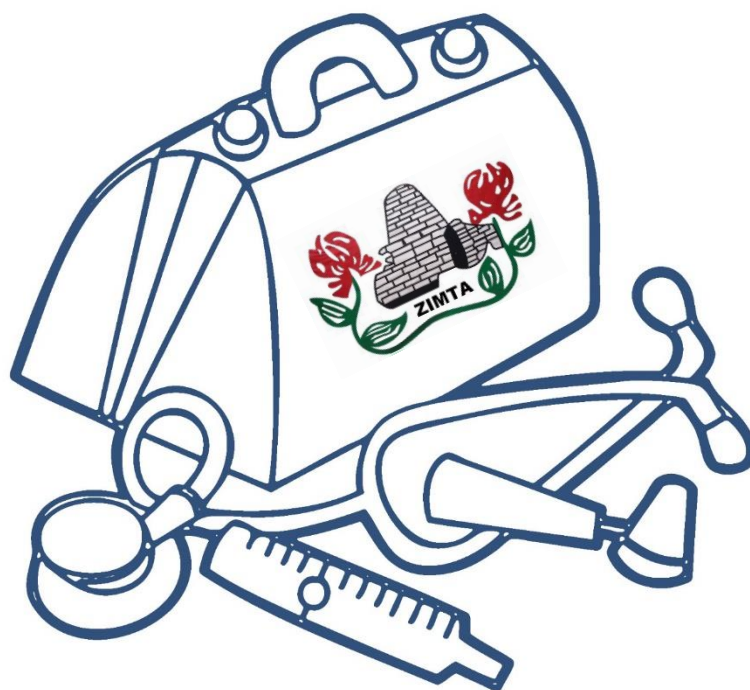




THE ZIMBABWE TEACHERS' ASSOCIATION (ZIMTA) MEMBER'S SURVIVAL KIT



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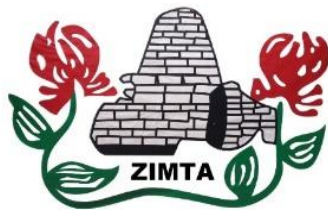


The ZIMTA Member's Survival Kit

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Matika, Adelino Jorigi, Angelina Lunga and Sifiso Ndlovu**

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Table of Contents

Acknowledgements	4
Preface	5
Who is a ZIMTA Member?	6
Know More About Your Leave	8
Acts of Misconduct	16
Procedure Before & Immediately Following Allegation of Misconduct	21
Human Rights Are Workers' Rights	25
Teachers as Citizens, Know Your Constitutional Rights	27
What Your Grade Says About Your Salary	30

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Angelina Lunga
TRAINING OFFICER

Preface

This Member's Survival Kit is intended to provide knowledge of union matters to ZIMTA members. It focuses on ZIMTA membership, conditions of service and workers' rights. It recognizes that education is a vital part of ZIMTA's strategic plan, because it encourages the involvement and it builds confidence of members to play a role in their union at the same time, strengthening professional growth.

This Survival Kit was produced in the context of the ZIMTA Lararförbundet, Retention, Recruitment, and Renewal Project. It will be used by all members as reference material to understand their rights and obligations as workers as provided for in the statutes, namely, the Statutory Instrument 1 of 2000, Public Service Regulations, the Zimbabwe Constitution and the International Labour Organisation. And their responsibilities as ZIMTA members as provided in the Constitution, Rules and By-laws of the Zimbabwe Teachers' Association.

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WHO IS A ZIMTA MEMBER?

There are three (3) types of ZIMTA members as provided in the ZIMTA Constitution (clause 3.1 through to 3.4):

- **Who qualifies to be a ZIMTA Member?**
 - One, who is a registered teacher, certificated or authorised to teach, including School Heads.
 - All student teachers on teaching practice for twelve (12) consecutive months.
 - College and University Lecturers in Zimbabwe.
 - Education Personnel in Administrative Posts.
 - Teachers on secondment and any such other as may take an active interest in Education who are acceptable to ZIMTA.
- **Who qualifies to be an Associate Member?**
 - Every student teacher on being accepted for entrance to a recognised teacher training institution within Zimbabwe who shall pay **NO** subscription.
 - Retired teachers who take an active interest in education and acceptable to the Union.
- **Who qualifies to be an Honorary Member?**
 - May be conferred on any person who has rendered outstanding service to the cause of the Union or Education.
- **Who qualifies to be an Honorary Life Member?**
 - Conferred for Life on any member for notable service and contribution to the Union.

Rights of ZIMTA Members

Rights are entitlements due to members as provided for in various pieces of legislation recognisable locally and internationally.

ZIMTA members are guaranteed equal rights to nominate candidates, vote in elections, and attend meetings from time to time subject to the rules and regulations provided for in the ZIMTA Constitution, Rules and By-laws.

As granted in the ILO Convention 87 and 98, and the Zimbabwe Constitution Section 65, ZIMTA Members have the right to meet and assemble freely, express any views, arguments or opinions; and as individuals at meetings express one's views on candidates in an election and any other business properly before the meeting's agenda subject to the standing orders.

ZIMTA members are obliged to accept ZIMTA as an institution, a legal persona and should therefore separate their opinions from the views of the Union.

ZIMTA Members must refrain from any acts that would tarnish the image and operations of the Organisation.

Freedom of speech can be expressed through oral statements, literature such as written flyers, leaflets, magazines, picketing, press statements and peaceful demonstrations.

The right to assemble protects ZIMTA Members' rights to hold meetings and to discuss Union matters of a social, economic, political and professional nature.

Membership Dues

Full ZIMTA Members have a responsibility to pay their monthly dues. Changes in membership dues can only be made through a National Conference Resolution and after notice to members has been given.

Representation

Delegates to Branch, District, provincial AGMs and National Conference can advance views, recommendations and vote on behalf of those they represent and not be limited to just their personal opinions.

Protection

ZIMTA protects its members against unfair labour practices and provides them the right to active participation in the Union's affairs without fear of reprisal.

2. Rights and Responsibilities of ZIMTA members

2.1 Rights

2.1.2 Right to join recognised Trade Unions or Organisations of one's choice.

2.1.3 Right to be protected from discrimination.

2.1.4 Right to a fair and just disciplinary process.

2.1.5 Right to be respected and not duly harassed.

2.1.6 Right to air out grievances.

2.1.7 Right to remuneration, pension benefits and other allowances.

2.1.8 *Right on transfer:*

2.1.8.1 Not to suffer reduction in pension

2.1.8.2 Be notified timeously and be furnished with information relating to the transfer.

2.1.8.3 To a planned transfer

2.1.8.4 Not to be transferred as a punitive measure.

2.1.8.5 Travel and Disturbance allowance.

2.1.9 *Right to rest and leave.*

2.1.10 Right to participate in collective job action.

2.1.11 Right to be protected against forced labour.

2.1.12 Right to be provided with actual work.

2.1.13 Right to work within prescribed working hours.

2.1.14 Right to safe and healthy working conditions.

2.1.15 Right to be represented in a dispute/hearing with the employer or their representatives.

2.1.16 Right to follow up issues to do with improvement of salaries and conditions of service.

2.2 Responsibilities

It is the responsibility of the member to liaise with their ZIMTA Union officials in order to be aware of relevant procedures and be conversant with the governing labour laws to enable them to identify and claim their rights.

KNOW MORE ABOUT YOUR LEAVE

ZIMTA members are advised that paid leave is not a privilege granted by the employer, it's a legal entitlement. It helps to keep you healthy by giving you a break in order to recharge your energy and spend time with friends and family.

Types of Leave

There are many types of leave provided under the Public service regulations. These include:

- Annual Leave
- Vacation Leave
- Sick Leave
- Maternity Leave
- Manpower Development Leave
- Special Leave.

1. Vacation Leave

- Accrues to a teacher at the rate of one twelfthth ($\frac{1}{12}$) of his qualifying service in each year subject to a maximum accrual of one hundred and twenty- three (123) days.
- A member may apply and be granted a portion of the total vacation leave which he/she may have accrued. The member may then apply and be granted the remaining portion at a later date, together with any further vacation leave which may have accrued at the date of application, without forfeiting any such accrued leave.
- A member who falls sick during the vacation leave period may cancel his/her vacation leave and apply for sick leave. Where a member has not accrued vacation leave, he may be granted vacation leave without pay.
- The cash equivalent of any vacation leave accrued to a member or reserved vacation leave standing to his/her credit shall be payable to a member or his estate in the event of the member's death or his/her retirement, resignation or discharge from Public Service.
- All weekends and public holidays falling within a period of vacation leave are counted as part of vacation leave.

2. Annual Leave

This may be granted by a head of Ministry or head of department during the calendar year in which it is accrued to enable members to take short breaks from work to attend to personal matters.



The number of annual leave days which may be granted each year to a member is twelve days. However, the Commission may, by notice or circular, provide that a member performing duties of a specified class or description be granted more or less than twelve days of annual leave each year.

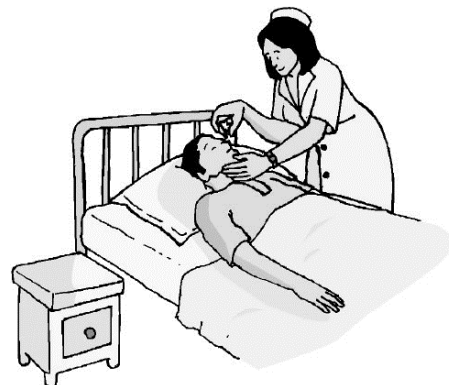
Annual leave may be granted at the discretion of the Head of Ministry or Head of department in conjunction with any other type of leave.

All Saturdays, Sundays and gazetted public holidays falling within a period of annual leave shall not count as part of such leave unless –

- (a) Such leave is taken in conjunction with vacation leave; or
- (b) Such leave exceeds a period of five working days.

3. Sick Leave

Granted to a member who is prevented from attending his/her duties because he/she is ill, injured or undergoing medical treatment which was not occasioned by his/her failure to take reasonable precautions.



During any one year of service a member shall, at the request, supported by a certificate signed by a registered medical practitioner grant up to 90 days' sick leave on full pay.

If, during any one year of service, the member has used up the maximum period of sick leave on full pay, the employer shall at the request of the member supported by a certificate signed by a registered medical practitioner, grant a further period of up to ninety (90) days' sick leave on half pay where it is probable that the member will be able to resume duty after such period of sick leave.

If, during any one year of service, the period/aggregate periods of sick leave exceed

- (a) 90 days on full pay or
- (b) Further 90 days' sick leave on half pay,

Then the employer may terminate the employment of the member concerned (on medical grounds)

A member who so wishes may be granted accrued vacation leave instead of sick leave on half pay.

Sick leave may be granted to a member who is prevented from attending his duties because he/she is ill or injured or undergoes medical treatment which was not occasioned by his/her failure to take reasonable precautions.

A Head of Department may grant sick leave not exceeding three days, or, in the case of a member stationed sixteen kilometers or more from the nearest medical practitioner, six days, without the production of a medical certificate.

A Head of Department may grant sick leave with pay for a continuous period not exceeding ninety days on production of a certificate in the prescribed form signed by a registered medical practitioner.

Provided that, if, in the opinion of the Head of Department, the illness is likely to exceed ninety days, the Head of Department concerned shall report the matter to the head of Ministry twenty-one days before the expiry of the leave in order to facilitate the convening of a medical board

Sick leave on half pay which extends beyond the period of sick leave on full pay may only be granted by the Head of Department if recommended by a medical board appointed by the Secretary for Health if, in the opinion of the medical board, it is probable that the member concerned will be able to resume duty after such further period of sick leave.

If a medical board has established that a member will be unable to resume duty because of illness or injury, the head of department shall take steps to have the member retired on the grounds of ill health.

If, when a medical board has been convened to examine a member who has been notified accordingly, such member fails without adequate excuse to attend that medical board, the Commission or the delegated authority may proceed to charge the member with misconduct.

A Head of Ministry may grant a member who is not eligible for sick leave on full pay or half pay, sick leave without pay for a period not exceeding forty-five days.

A Head of Department may grant an additional period of sick leave to a member to cover the period between the hearing of a medical board which recommends the member's retirement on ill health and the effective date of such retirement.

A member who so wishes may be granted accrued vacation leave or annual leave instead of sick leave on half pay or without pay.

A member who is injured on duty shall not be granted sick leave but may be granted compensatory sick leave in terms of the State Service (Disability Benefits) Act [Chapter 16:05].

4. Maternity Leave

Maternity leave under the Public Service Regulations is granted to employed women in the Public Service, including teachers for a duration of ninety days (90) on full pay. Unpaid maternity leave extending the normal duration of paid leave may be granted upon application.



In terms of the Public Service Regulations Act (SI 1 of 2000), such leave may only be granted upon production of a medical certificate, only three times for the same member and only once during a 24-month period calculated from the day when previous leave was granted.

Maternity leave is granted not earlier than the 45th day and at least 21 days before the expected date of delivery.

While on maternity leave, the member maintains her normal benefits and entitlements.

However, according to Section 65 (7) of the new Constitution, which is the supreme law of the land, women are guaranteed unlimited rights to maternity leave. It is explicitly stated that “Women have a right to fully paid maternity leave for a period of at least three months”.

It should therefore be noted that any law inconsistent with the Supreme Law (Constitution) is invalid and therefore null and void.

NB. Major violations on Maternity Leave include:

- That the member serves for twelve (12) months before qualifying for Maternity Leave.
- That a member is restricted to only three (3) periods of Maternity Leave in their entire working life.
- That a member may not apply for Maternity Leave within two (2) years.

5. Manpower Development Leave

This is leave granted to a member to engage in study or training through the medium of any of the following –



- (a) Work exchange programmes;
- (b) Work attachments;
- (c) Short courses;
- (d) Professional training;
- (e) Academic courses and examinations above the secondary level of education;
- (f) Training and development seminars, workshops and conferences; for the purposes of enhancing the efficiency, effectiveness and motivation of such members.

For the purposes of this section, every Head of Ministry and department shall submit for approval to the Commission each year by the 31st of October, a plan identifying its human resource development needs for the following year.

Subject to subsection (4) of the Public Service Regulations, Manpower Development Leave may be granted by the Commission or a delegated authority –

(a) in accordance with the criteria for eligibility for such leave set out in the Third Schedule; and

(b) to any member who –

- (i) is identified and recommended for such leave in a plan approved by the Commission in terms of subsection (2) provided that a member not so identified or recommended may apply for such leave to the Commission or delegated authority empowered to grant it; and
- (ii) If required to be bonded in terms of subsection (8), agrees to be so bonded and signs the bonding agreement before going on such leave.

Manpower development leave shall be granted:

- (a) by the commission in respect of:
 - (i) Courses at doctorate level;
 - (ii) Courses at Master's Degree level undertaken outside Zimbabwe;

- (iii) Courses of study or training of more than three months' duration undertaken outside Zimbabwe; and
- (b) By the Head of Ministry in other cases.
- (c) Subject to subsection (6), the salary and allowances of a member on manpower development leave shall, if the leave –
 - (a) Does not exceed three months, be paid in full;
 - (b) Exceeds three months but not twelve months, be paid at three-quarters of the full rate from the commencement of the leave;
 - (c) Exceeds twelve months be paid at half the full rate from the commencement of the leave.

A member who, due to inadequate performance, does not successfully complete a course of study or training undertaken in connection with manpower development leave, may be granted a further period of manpower development leave without pay.

A member may, at the discretion of the Commission or delegated authority, apply for and be granted unpaid manpower development leave.

Any member who goes on paid Manpower Development Leave, whether continuously or on a part-time basis, for a period –

- (a) Of three months or less, shall not be bonded unless the Commission considers this essential in the circumstances;
- (b) Exceeding three months but not exceeding one year, shall be bonded for one year;
- (c) Exceeding one year shall be bonded for a period equal to the period of manpower development leave. [Subsection amended by s.i. 58A of 2001]

A member may not accrue vacation leave during any period of Manpower Development Leave.

A member on Manpower Development Leave for a period in excess of three months shall not be considered for promotion during the period of such leave.

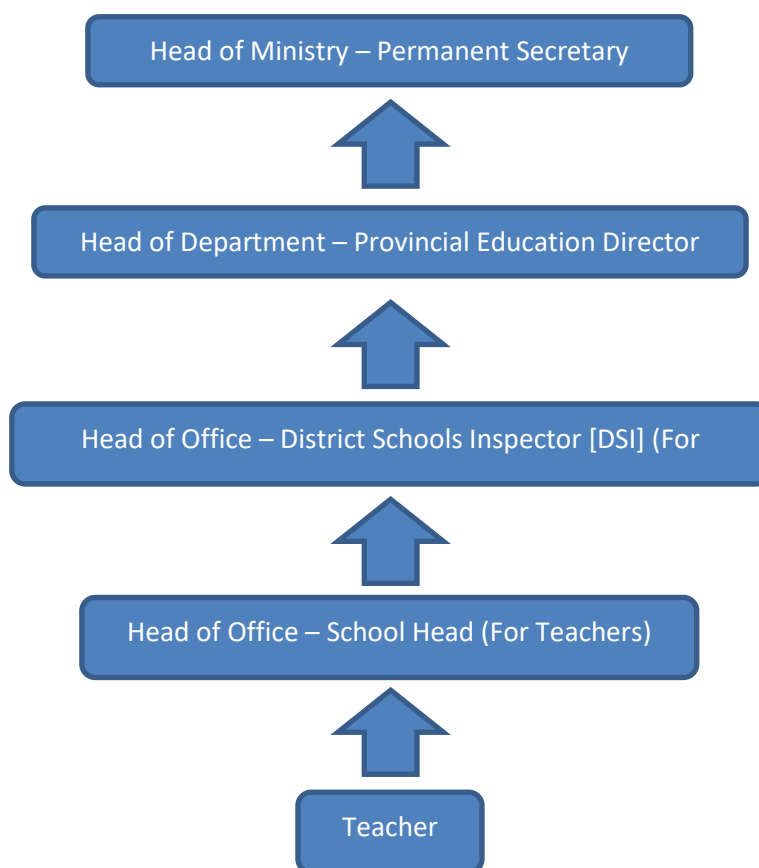
A member who applies unsuccessfully to a Head of Ministry for manpower development leave pursuant to the proviso to subparagraph (i) of paragraph (b) of subsection (3) may appeal against the decision of the Head of Ministry to the Commission.

6. Special Leave

Special leave on full pay not exceeding twelve days in a calendar year may be granted by a Head of Department to a member –

- (a) To prepare for and sit an examination required for his/her advancement in the service or which his/her Head of Department considers will increase his/her value to the department; [Paragraph amended by s.i. 58A of 2001]
- (b) Who is required to be absent from duty on the instructions of a medical practitioner because of contact with an infectious disease;
- (c) Who is subpoenaed to attend any court in Zimbabwe as a witness?
- (d) Who is required to attend as a delegate or office bearer at a conference of a recognized association representing members;
- (e) Who is detained for questioning by the police;
- (f) On the death of a spouse, parent, child or legal dependant;
- (g) On any justifiable compassionate ground.

Explaining the Ministry Hierarchy



ACTS OF MISCONDUCT

The latin principle, *Ignorantia juris non excusat* which means Ignorance of the law is no defence motivates us to share these Acts of Misconduct as provided in the Public Service Regulations First Schedule, (Section 2). We advise members to keep in mind that one cannot purposefully avoid learning applicable laws and then take advantage of one's ignorance as a defence. Below is a list of Acts of Misconduct.

First Schedule (Section 2) *Acts of misconduct*

1. Absence from duty without good cause, including any abuse of sick leave.
2. Improper, negligent, inefficient or incompetent performance of duties.
3. Failure to perform any work or duty properly assigned, or failure to obey lawful instructions, including circulars, instructions or standing orders issued by the Commission, the Treasury or the Accounting Officer.
4. Improper, threatening, insubordinate or discourteous behaviour, including sexual harassment, during the course of duty towards any member of the Public Service or any member of the public.

5. Hindering or obstructing any member of the Public Service in the discharge of his duty.
6. Unbecoming or indecorous behaviour during the course of duty, including the consumption of intoxicating liquor or dangerous or prohibited drugs.
7. Unbecoming or indecorous behaviour, including the consumption of intoxicating liquor to excess or of dangerous or prohibited drugs, or improper association with minors, at any time or place in any manner or circumstances likely to bring the Public Service or any part thereof into disrespect or disrepute.
8. Theft of, or failure to take reasonable care of or to account for, or making improper or unauthorized use of, public moneys or the moneys of any statutory body, statutory fund or local authority.
9. Theft of, or failure to take reasonable care of, or making improper or unauthorized use of, State property or the property of any statutory body, statutory fund or local authority, including motor vehicles, or the failure to take adequate steps to ensure that reasonable care is taken of any such property, or failure to report at the earliest opportunity any loss thereof or damage thereto.
10. Failure to repay, within the stipulated period of repayment, any moneys advanced by the State or by any statutory body, statutory fund or local authority
11. Wilful damage to any State property or the property of any statutory body, statutory fund or local authority.
12. Unauthorized or improper disclosure or use of classified or confidential information.
13. Corruption or dishonesty, including –
 - (a) any contravention of the Prevention of Corruption Act [Chapter 9:16];
 - (b) making a false report, accusation, or statement against any member;
 - (c) wilfully giving false or incorrect evidence or information or failing to disclose material evidence or information in relation to any inspection, examination, investigation or inquiry in terms of these or other regulations made in terms of the Act;
 - (d) falsifying or attempting to falsify any document with fraudulent intent or uttering a forged document;

- (e) making any false claim or return, including any claim for travel or subsistence;
 - (f) failing to disclose material information, whether personal or otherwise, in any application for employment in the Public Service, or giving false information for the purpose of gaining employment in the Public Service.
- 14. Failure to report improper conduct on the part of any member of the Public Service.
- 15. Failure to disclose to a superior any conflict of interest or other personal information relevant to any matter connected with the discharge of the member's duties.
- 16. Contravention of section 29 (1) of the Act (prohibiting the cession by a member of his salary, allowances or other remuneration without the written consent of the Commission or his head of Ministry).
- 17. Except as a member, director or manager of any statutory body (not being a successor company to a statutory body), the control, direction or management, whether directly or indirectly of any business or, other income earning activity including appointment as a company director, without the written consent of the Commission. [substituted by s.i. 58A of 2001]
- 18. Undertaking or engaging in any other employment or service for remuneration without the written consent of the Commission.
- 19. Practicing nepotism or any other form of favouritism in making or recommending any appointment or promotion to any post or office.
- 20. Being a member who –
 - (a) holds a magisterial office; or
 - (b) presides over a community court; or
 - (c) is delegated by the Attorney-General to appear on his behalf as a prosecutor in any court, or
 - (d) is appointed for the purpose of giving legal advice to the Government; and holds office in or addresses any political party, organization or movement. [Paragraph substituted by s.i. 58A of 2001]

21. Proceeding on any period of leave without having obtained the prior approval of the Commission, head of Ministry or head of department, as the case may be.
22. Becoming insolvent or assigning one's estate for the benefit of or compromising with one's creditor generally, or being issued with a writ of civil imprisonment, unless the member shows that his financial difficulties have been caused by circumstances beyond his control.
23. Engaging in collective job action, including –
[Paragraph amended by s.i. 58A of 2001]
 - (a) incitement of members to engage in such action;
 - (b) damaging Government property or forcibly disrupting public services in furtherance of such action;
 - (c) calling meetings of members at the work place or during working hours in furtherance of such action.
24. Any act or omission which is inconsistent with or prejudicial to the discharge of official duties, including the abuse of authority.

Disciplinary Committees

- (1) A disciplinary authority shall appoint a disciplinary committee to hear allegations of misconduct against members and make appropriate recommendations to the disciplinary authority.
- (2) A disciplinary committee appointed by –
 - (a) The Commission shall consist of –
 - (i) A chairman who shall be any head of Ministry appointed by the Commission; and
 - (ii) Two other members appointed by the Commission who are in a senior grade from any Ministry other than the one in which the allegation of misconduct arose.
[Paragraph substituted by s.i. 58A of 2001]

- (b) A head of Ministry shall consist of –
 - (i) A chairman who shall be the principal establishment officer of the Ministry or a member of equivalent rank; and
 - (ii) Two other members appointed by the head of Ministry who shall be confirmed members;
- (c) A head of department shall consist of –
 - (i) A chairman who shall be the deputy head of department or a member nominated by the deputy head of department to act on his behalf who is approved by the head of department; and
 - (ii) Two other members appointed by the head of department who shall be confirmed members.

SECTION 44 PROCEDURE BEFORE AND IMMEDIATELY FOLLOWING ALLEGATION OF MISCONDUCT

Please refer to infographic below:

Disciplinary Procedure



Member Suspected of Committing Misconduct

Misconduct is any violation of expected/stipulated standard of behaviour (as cited in paragraph 2 of SI 1 of 2000)



Investigations & Suspension (Investigations Report Compiled)

This is done by the Disciplinary Authority or any person so appointed. Suspension is done to ensure free and fair investigation and is valid for three (3) months unless extended by commission in writing.



Member's Response in Writing

- Should be within 14 days after receiving charge
- Should state Member's Defense
- Should be in Writing (No prescribed format)



Written Misconduct Charge Section 44 (2) (a) & (b) of SI 1 of 2000

- Should contain particulars of the misconduct
- Provide 14 days to respond in writing
- Within reasonable time after investigation
- Member should acknowledge exact date of receiving charge



Preparation of Misconduct Report by the Disciplinary Authority

- Not given to Member!
- Must be done within 7 Days of receiving Member's Report.



Setting or Appointing of Disciplinary Committee

- Done by the Disciplinary Authority.
- Committee must be neutral & senior to Member.



Hearing

- Disciplinary Committee must be NEUTRAL.
- Must respect Member's rights.
- Must be done in a fair way.
- Member must be allowed to present his/her case.
- Must be allowed legal representation (Lawyer or Union Rep).
- Must be allowed to lead his/her own evidence & call witnesses.
- Must be allowed to cross-examine other witnesses.
- Must NEVER WALK OUT OF A HEARING.
- Member must not feel intimidated or threatened to admit offenses.



Notice or Invitation to a Hearing

- Must give Member at least 7 days to attend hearing.
- Must give Date, Place, Time & Venue of hearing.
- Must give Member Names of Committee Members.
- Must give Member a summary of his/her rights.
- Member must advise ZIMTA of hearing date.



Determination of Misconduct

- Done by the Disciplinary Authority based on evidence from the Disciplinary Committee.
- Must be done within a reasonable timeframe.
- Member must be informed of the determination in writing.
- Member must be informed of his/her rights to appeal or seek review.

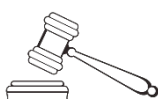


Appeal (Labour Court) Substantive Matters

- Must be done within 21 days of receiving determination.
- Must request hearing minutes.



Review by Civil Service Commission (Procedural matters)



Appeal Labour Court



Supreme Court

50. *Imposition of penalty by disciplinary authority*

- (1) where a disciplinary authority determines that a member is guilty of misconduct the disciplinary authority may impose any one or more of the following penalties:
- (a) discharge the member from the Public Service;
 - (b) call upon the member to resign with effect from a specified date, failing which the member shall be deemed to have been discharged as from that date;
 - (c) reduce the salary or the grade or the salary and the grade of the member;
 - (d) direct that the member not be considered for promotion for a specified period;
 - (e) fine the member an amount not exceeding the equivalent of two months of his salary, which fine may be recovered by deductions from the salary of the member;
 - (f) direct that the member's performance award be withheld for a specified period;
 - (g) direct that the full amount of any remuneration paid to the member since the misconduct, or such part of that amount as the disciplinary authority may determine, be recovered from him;
 - (h) direct that the full amount of any allowance paid to the member in terms of subsection (2) of section 49, or such part of that amount as the disciplinary authority may determine, be recovered from him;
 - (i) transfer the member to another department within the same Ministry at such grade and on such salary as the disciplinary authority may determine;
 - (j) if the disciplinary authority is the Commission, transfer the member to another Ministry at such grade and on such salary as the disciplinary authority may determine;

- (k) if the member was responsible for any deficiency in or improper payment from or loss or destruction of public moneys or the moneys of any statutory body, statutory fund or local authority, raise a surcharge against the member in respect of such deficiency, improper payment, loss or destruction, as the case may be –
 - (i) as may be fixed by the disciplinary authority; or
 - (ii) as may be fixed by the Minister responsible for finance or the Comptroller and Auditor-General;
 - (l) if the member was responsible for any deficiency in or destruction of or damage to State property or the property of any statutory body, statutory fund or local authority, make an order against the member requiring him to pay an amount equal to the cost of replacement of or repairs to the property concerned, as the case may be, or such portion of that cost as the disciplinary authority considers to be equitable in the circumstances;
 - (m) Reprimand the member.
- (2) [Subsection repealed by s.i. 58A of 2001]
- (3) Sections 10, 11, 13, 21 and 48 of the Audit and Exchequer Act [*Chapter 22:03*] shall, *mutatis mutandis*, apply in relation to the powers conferred upon a disciplinary authority in terms of paragraph (k) or (l) of subsection (1), and any reference in those provisions of that Act to the Comptroller and Auditor-General or the Minister responsible for finance, as the case may be, shall, for the purposes of these regulations, be read and construed as a reference to the appropriate disciplinary authority
- (4) where a disciplinary authority determines that member is guilty of misconduct and discharges a member from the Public Service, the disciplinary authority may direct that the payment of any terminal benefits to him shall be withheld until the extent of any deficiency destruction, loss or damage referred in paragraph (k) or (l) of subsection 1 has been determined in terms of the Audit and Exchequer Act [*chapter22:03*] or in accordance with these regulations

51. *Appeals to labour relations tribunal and reviews by Commission*

- (1) a member who is aggrieved by –
 - (a) a determination by a disciplinary authority other than the Commission that he is guilty of misconduct in terms of section 46;
 - (b) any penalty imposed upon him in terms of section 50 by a disciplinary authority other than the Commission; may, within twenty-one days from the date on which the disciplinary authority informs the member of the determination or penalty, either appeal against the determination or penalty to the Labour Relations Tribunal or request the Commission, in writing through the disciplinary authority, to review the determination or penalty in terms of this section.
- (2) The disciplinary authority shall forward the request for review and all relevant papers to the Commission within fourteen days of receiving the request.
- (3) On reviewing the determination or penalty concerned the Commission may confirm the determination or penalty or refer the matter back to the disciplinary authority for –
 - a) re-determination in terms of section 46
 - b) further hearing in terms of section 45
 - c) further investigation in terms of v section 44 [subsection substituted by s.i. 58Aof 2001]

52. *Appeals to Labour Relations Tribunal from decisions of Commission*

A member who is aggrieved by a determination made or penalty imposed by the Commission as a disciplinary authority or by a decision of the Commission on review in terms of section 51 may, within twenty-one days of being notified of such decision, appeal against the decision to the Labour Relations Tribunal.

HUMAN RIGHTS ARE WORKERS' RIGHTS

Universal declaration of human rights

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time of the penal offence was committed

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

TEACHERS AS CITIZENS, KNOW YOUR CONSTITUTIONAL RIGHTS!

Zimbabwe Constitution Chapter 4 contains the declaration of rights to which all citizens, including teachers have a right. Below are your rights. Claim them.

Section 55: Freedom from forced or compulsory labour

No person may be made to perform forced or compulsory labour



Section 56: Equality and non-discrimination

- (1) All persons are equal before the law and have the right to equal protection and benefit of the law
- (2) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres
- (3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status or whether they were born in or out of wedlock
- (4) A person is treated in a discriminatory manner for the purpose of subsection (3) if-
 - (a) they are subjected directly or indirectly to a condition, restriction or disability to which other people are not subject; or
 - (b) other people are accorded directly or indirectly a privilege or advantage which they are not accorded
- (5) Discrimination on any of the grounds listed in subsection (3) it's unfair unless it is established that the discrimination is fair, reasonable and justifiable in a democratic society based on openness justice, human dignity, equality and freedom
- (6) the state must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination, and
 - (a) such measures must be taken to redress circumstances of genuine need
 - (b) no such measure is to be regarded as unfair for the purposes of subsection (3)

Section 58: Freedom of assembly and association

- (1) Every person has the right to freedom of assembly and association and the right not to assemble or associate with others

- (2) No person may be compelled to belong to an association or to attend a meeting or gathering

Section 59: Freedom to demonstrate and petition

Every person has the right to demonstrate and to present petitions, but these rights must be exercised peacefully

Section 62: Access to information

- (1) Every Zimbabwean citizen or permanent resident, including juristic persons has the right of access to any information held by the state or by any institution or agency of government at every level, in so far as the information is required in the interest of public accountability
- (2) Every person, including the Zimbabwean media, has the right to access to any information held by any person, including the state, in so far as the information is required for the exercise or protection of a right
- (3) Every person has the right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the state or an institution or agency of the government at any level, and which relates to that person
- (4) Legislation must be enacted to give effect to this right, but may restrict access to information in the interest of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based openness, justice, human dignity, equality and freedom

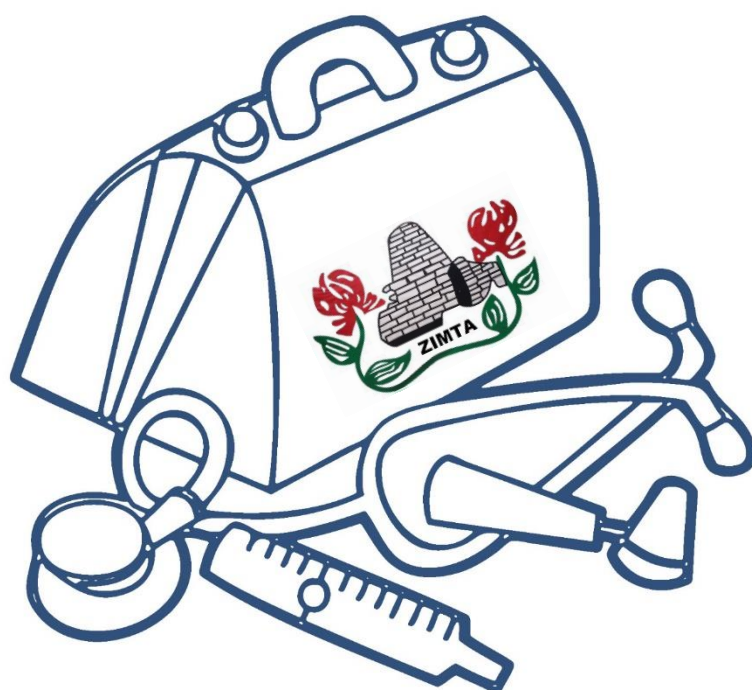
Section 65: Labour rights

- (1) Every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage
- (2) Except for members of the security services, every person has the right to form and join trade unions and employee and employers' organisations of their choice and to participate in the lawful activities of those unions and organisation

- (3) Except for members of the security service, every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and take other similar concerted action, but a law may restrict the exercise of this right in order to maintain essential services.
- (4) Every employee is entitled to just, equitable and satisfactory conditions of work
- (5) Except for members of the security services, every employee, employer, trade union and employee or employer's organisation has the right to:
 - (a) engage in collective bargaining;
 - (b) organize; and
 - (c) form and join federations of such unions and organisations.
- (6) Women and men have the right to equal remuneration for similar work
- (7) Women employees have the right to fully paid maternity leave for a period of at least three months.

KNOW WHAT YOUR GRADE SAYS ABOUT YOUR SALARY

GRADE	JOB TITLE	SALARY RANGE/ANNUM wef 01/01/2014
D1	Teacher 1 Non Graduate Diploma Holder	3408-3456
D2	Teacher 11 Non Graduate Diploma Holder	3468-3516
D3	Teacher 1 Graduate and Deputy Head Non Graduate	3576-3624
D4	Teacher 11 Graduate and Deputy Head Non Graduate	3636-3684
D5	Deputy Head Non Graduate Senior Teacher Graduate	3720-3768
E1	Head Non Graduate, Head and EO Graduate	3780-3828
E2	District Schools Inspector and Head Graduate	3900-3948
E3	Inspector and Head	4068-4116
E4	District Schools Inspector (DSI)	4224-4272
E5	Provincial Education Director (PED)	4380-4428



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