Worker rights and social justice in Zimbabwe’s mining sector

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ABSTRACT

This paper is an overview of workers’ rights in Zimbabwe focusing on the abuse, exploitation of workers and the brutal attitudes displayed toward mine workers and trade union officials by mining companies and government authorities. Zimbabwe’s mining sector plays a major role in Zimbabwe’s export economy. While mining has transformed many economies, it has also impacted negatively on the environment and, to some extent, society. Zimbabwe’s mining sector, like many other mining sectors in the developing world, has workers’ right issues. Considerable attention has been given to the labour legislation by the government of Zimbabwe but there are still serious violations of workers’ rights in Zimbabwe. Mining firms involved in extracting the mineral wealth of the country are benefiting at the expense of workers. They are operating with little regard for the well-being of its employees. In light of this, the present study sought to highlight and synthesize workers’ rights issues in the Zimbabwe mining sector. The study was qualitative, and it used secondary qualitative data to achieve its objectives. The study showed that mining companies and the Zimbabwean government have consistently failed to meet their basic constitutional and legislative obligations to protect, respect and fulfill the rights of workers. The study also offered practical recommendations that could address the problems that mining workers are currently facing in Zimbabwe.

Introduction

Mining constitutes a significant part of Zimbabwe’s economy, and it has proved to be the critical driver of growth in Zimbabwe. The mining sector plays a major role in Zimbabwe’s export economy: the sector contributes about 10% to GDP and 60% of exports which is a very significant contribution to GDP (Government of Zimbabwe, 2017; Chivige and Nyamudzanga, 2020; Mukarati et al, 2021). The mining sector is Zimbabwe's largest foreign currency earner, accounting for 70 percent of the country's export receipts. Since 2009, export earnings have accounted for, on average, 61% of the country’s liquidity (KPMG, 2019; EUI, 2021). The mining industry serves as a pillar to several economies in the developing world. The development of mining industries impacts the resource acquisition potential and economic growth of a country. Mining plays a vital role in the economic development of many countries. In several low- and middle-income countries rich in non-fuel mineral resources, mining makes significant contributions to national economic development (Ericsson, 2019; Chan, 2022).

The mining and extractive sector has contributed and continues to contribute a significant share of Africa’s exports, revenue and GDP annually. Signe and Johnson (2021) argue that mineral resources contribute a significant amount of fiscal revenues, foreign currency reserves and employment to African countries. This shows that there is widespread agreement that rich mineral deposits provide developing countries with opportunities, which in some instances have been used wisely to promote development. The mining industry provides economies with economic growth and provides employment creation opportunities which then leads to more income and consequently poverty reduction (Mohsin et al., 2021). While it is clear that mining has transformed many economies, it has also impacted negatively on the environment and, to some extent, society. However, it must be noted that mining can also create problems that result in social and health problems to both mine workers and communities around mining companies.
In this regard, Freudenburg and Wilson (2002) and Hosseinpour et al. (2022) note that extractive industries such as logging and mining are generally expected to bring significant economic benefits, but a growing number of findings have now challenged that common expectation.

The International Council for Mining and Metals (2011), Stewart (2020) and Worlanyo and Jiangfeng (2020) supports this assertion and states that debates about the economic impacts of mining often take place in the absence of information on mining’s economic and social contribution and this result in the improper reflection of the full range of impacts and potential contributions from the mining sector. In Zimbabwe there has been reports of flagrant abuses of mining worker safety standards as well as human rights (Business & Human Rights Resource Centre, 2022). For instance, reports show that there is a systematic and widespread pattern of labour rights violations by Chinese companies and investors in the extractive sector (Bonness, 2019; ZELA, 2020; Institute of Security Studies, 2022; Majumdar, 2022). This reflects that Zimbabwe’s mining sector, like many other mining sectors in the developing world, has workers’ rights issues, including the right to occupational safety and health. Wright and Baboyan (2013) note that Zimbabwe’s mining sector has many workers’ rights issues, including freedom of association, the right to collective bargaining, occupational safety and health.

In Zimbabwe, workers’ freedom of association and right to collective bargaining is limited by the government’s power to veto agreements that are deemed harmful to the economy. Although workers have a constitutionally given right1 to strike, this right is often neglected by the judicial system especially where the owner of the mine is a huge political figure or has political connections with the government2. Corruption is one of the reasons that has made the rights of workers to be overridden by the will of the elite (Institute of Security studies, 2022). Corruption often means that officials turn a blind eye to regulations, such as those regarding worker rights. The Centre for Research and Development (2014), London School of Economics (2021) and Institute of Security studies (2022) concurs and asserts that the personalization of mining proceeds by company executives supported by powerful elites who sit on boards of government companies has increasingly made it difficult for the state to protect the rights of ordinary citizens (including the rights of workers3). Mutambara (2013) supports this and asserts that in African countries, most of the mining deals and operations are now opaque and detrimental to ordinary Africans.

The Centre for Research and Development (2014) further states that the Zimbabwean mining industry has policy inconsistencies that are fuelling corruption in government and aiding plundering of mineral resources by foreign companies. This has resulted in poor governmental management of natural resources and it has allowed control of some mines to fall in the hands of owners who do not care much about the well-being of mine workers. In Zimbabwe, mining companies are less inclined to treat their workers fairly, as local laborers often have no other choice of employer, and some mining companies are reluctant to apply labor laws (Nyoní, 2022). Although attention has been given to health and safety conditions by the government of Zimbabwe, there are still serious health and safety issues and workers rights issues in Zimbabwe. Mining firms are benefiting at the expense of workers. They are operating with little regard for the well-being of their employees. In light of this, the present study highlights and synthesizes workers’ rights issues in the Zimbabwe mining sector.

Literature Review

The purpose of this literature review is to lay down some theoretical and empirical arguments on the issue of worker rights and exploitation. A review of previous studies will be useful to derive some insight into the past and current state of worker treatment in developing countries. The first part of the literature review section reviews the theory that underpins this study and the second part reviews the empirical studies and newspapers4 that examined the state of worker rights, working conditions and state involvement in the labour market.

Theoretical literature

The theory underlying most interventions is that free labor markets are imperfect, and that employers abuse workers to maximise profits, leading to unfairness, worker rights abuses and consequently, exploitation of workers. This strand of literature is related to Marx’s Exploitation theory. The Exploitation theory posits that profits are a result of the exploitation of the workers, through unfair wages, by their employers. Marx argued that the ultimate source of profit, the driving force behind capitalist production, is the unpaid labour of workers. In the capitalist system, according to Marx, there are the haves (bourgeoisie), those who earn the means of production and the have-nots (workers/proletariat), those who sell their labour to those who have the means of production. Lapon (2011) notes that the working class people, who do not own the means to produce and sell commodities, have one commodity they can sell; their labour and their ability to work. The workers do not even control the going wage rate in order to survive” (Bojer, 2003).

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1 Section 65 (3) of the Zimbabwean Constitution states that every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and to take other similar concerted action.
2 This has happened in the case of Anjin, a diamond mine in Zimbabwe.
3 Authors own emphasis
4 Owing to the contemporary nature of the study, credible newspaper articles had to be consulted.
Marxist theory paints the entire capitalist class as highly exploitative and capitalism as a system based on labor exploitation. Workers are exploited because they are given less, as wages/salaries, than the value of what their labour produces. Worker exploitation has been a huge issue in Chinese mines in Zimbabwe (Chingono, 2014). Mining companies have been exploiting workers by giving them low wages and applying inhumane working conditions. In a way, mine workers have been and are still being exploited by being used unfairly and they are being compensated less than the value of what they are producing; they are just tools or instruments to the mine owners’ purposes (Chingono, 2014). Thus the present conditions that workers, working in harsh mining conditions and getting little in return, are currently facing fits in Marx’s theory of exploitation. Prychitko (2014) notes that, in Marx’s theory, in the end, workers become objects that have lost touch with human nature, that make decisions based on cold profit-and-loss considerations, with little concern for human worth and need.

However, some economists and “classical liberals” have argued that these criticisms are grounded in a naïve understanding of global economics (Arnold and Hartman, 2006). Classical liberals are of the view that worker exploitation is inevitable and it is necessary for economic development. They argue that cheap labour makes it easy for developing countries to easily improve their economies. They further argue that most developed country labor standards are simply not feasible for many developing countries (Arnold and Hartman, 2006). This view may be the one that is accepted by the Chinese government. Research shows that China’s preferred understanding of human rights is that ‘universal’ human rights are goals to be attained on the path to development rather than binding legal obligations. This means that collective socio-economic or ‘survival’ rights are firmly prioritized over individual civil and political rights (Sceats & Breslin, 2021; ZELA, 2020). However, this view is not widely accepted because it does not take worker rights and welfare into consideration.

Empirical literature

International literature

According to many labor advocates, workers in many developing countries lack basic labor protections—such as the right to organize unions, and healthy and safe workplaces (The Levin Institute, 2015). Weak and poorly enforced labor standards in developing countries are still seen to be unjust to workers. In several African countries trade unions have to register with official organs implying possible government pressures to deny some trade unions’ existence (Alby, Azam and Rospabé, 2005). In addition to this workers generally confront gross human rights violations where the state itself persecutes and neglects trade union organizers or collective bargaining and strikes are outlawed. Workers’ freedom of association and collective bargaining is under sustained attack and African governments often fail their responsibility under international human rights standards to deter human rights abuse and protect workers’ rights. Studies have revealed that there right to strike and protest very often violated in practice in Sub-Sahara African countries (Alby et al. 2005). The most widely used tool by authorities is the use the state security forces to harass and torture those who lead strikes.

Hall and Leeson (2007) note that developing countries are home to the greatest labor rights abuses in the world. They have fewer laws against labor-related discrimination, lower minimum wages, and less overall protection of core standards than any other countries. For example, in Zambia, miners continued to face poor health and safety conditions and threats by managers if they tried to assert their rights. Safety equipment was a major issue. In addition many miners reported that they still faced pressure to work in unsafe areas – and regular verbal abuse (Zambia Weekly, 2013). Literature also shows that in developing countries enforcement of labor regulations is weak and evasion of the labor law is large (Golub, 1997; Schneider and Enste, 2000 and Botero et al., 2003, Zambia Weekly, 2013). A huge majority of African countries have ratified the International Labor Standard Conventions but implementation and enforcement of these conventions is weak. This shows that African countries have been slow to adopting core labor standards. The large gap between the regulations stated in the literature and their effective implementation is also a reflection of this.

In Zimbabwe working conditions have been falling and trade unions have been calling for drastic changes on labor policy direction by the government (NewZimbabwe, 2014). Zimbabwe generally has comprehensive and detailed labour laws. However, the problem lies in institutional capacities and the way the laws are implemented (Mapaure, 2014). A decade of economic turmoil has seen Zimbabwe failing to comply with labor regulations, seeing a number of its workers either unlawfully retrenched or going either unpaid or virtually unpaid for years (NewZimbabwe, 2014). Ndlovu (2014) cited in Chingono (2014) stresses that companies are taking advantage of the desperate local workforce; hence abusing them. Trade Unions have complained of unsafe working conditions and unfair labour practices by mines. For instance the Zimbabwe Congress of Trade unions (ZCTU) faced hurdles in dealing with the Chinese, as they were not forthcoming in dealing with labour matters at their workplace (Southern Eye, 2015). Chinese companies are breaching the country’s labour laws and the Zimbabwean government over-reliance on China had led to a soft approach in dealing with violations of workers’ rights by Chinese companies (Chingono, 2014). Instead of prioritising the safety of the workers, mining companies are treating workers harshly and they pay little regard to their rights. Muzulu (2014) concurs and asserts that that there have been massive accusations from employees at Chinese-owned companies especially construction sites about long working

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8 Anjin Investment, a Chinese owned mining company in Zimbabwe, dismissed a total of 1 500 workers in a day after the workers engaged in a legal strike for higher pay and better working conditions in its Diamond mine. The dismissal shocked the workers and other interested groups and made many headlines (Guma, 2012).
hours, poor working conditions, arbitrary dismissals, beatings at the workplace and low wages. The issue of unfair labour practices and use of violence by Chinese nationals in the mining sector has been topical. On 21st June 2020, Wendy Chikwaira and Kennedy Tachiona were shot by their Chinese Mine employer at Reden Mine in Gweru for allegedly demanding their unpaid salaries (Chingono, 2020; ZELA, 2020). This incident also highlighted the continuation of environmental practices and labour abuses that have long shadowed the Chinese involved in Zimbabwe’s minerals industry. In 2022, the Zimbabwe Diamond and Allied Minerals Workers Union (ZDAMWU) appealed to the Chinese embassy in Zimbabwe on September 19 to take action and to make sure Chinese investors abide by local laws (Business & Human Rights Resource Centre, 2022). Unions say the Zimbabwean government often looks the other way when they report Chinese employers for violation of labour laws (Nyathi, 2021).

Assessment of literature

An analysis of the empirical literature showed that while there are many provisions, in African countries and other developing countries like Zimbabwe, laws to protect workers, the actions of companies and government institutions undermine such rights and that there is often very little done to uphold workers’ rights. Employers discriminate against disadvantaged groups, underpay workers, fire workers who then need to be supported by the state, force employees to work more than they wish under the threat of dismissal. This noncompliance with labor regulations mainly affects low-wage workers. Furthermore, it distorts the allocation of resources because it provides an unfair advantage to firms that evade regulations.

Methodology

The methodology of this study is largely based on desktop research. Secondary data from Zimbabwean human rights mechanisms, workers’ unions, newspapers, and academic sources were used to gather information. Most of the information from these sources was not written with a view to research. Bryman (2012) argues that because they (secondary information/data) have not been created specifically for the purposes of research, possibility of a reactive effect can be largely discounted as a limitation on the validity of the data. However, de Vos (2011) is quick to point out that when studied and analysed for the purpose of research, data from secondary documents as a data collection method becomes operative. This study did a comprehensive process of desktop research to gather, consolidate and draw conclusions from existing information that had been generated on workers’ rights and working conditions in Zimbabwe’s mining sector.

An analysis of desktop review was followed by a qualitative method of inquiry through key informant interviews. According to Parsons (2008) key informant interviews are in depth interviews of a select group of experts who are most knowledgeable of the issue at hand. Only three key informants from the Public Service Commission and Ministry of Mines were informally interviewed for their views on the working conditions and rights of mine workers in Zimbabwe. The informal interviews were conducted online. The key informants were informally interviewed on Facebook and Whatsapp. As a result, the online exchange was conducted entirely in a textual context (Bryman, 2012). A judgmental and a key informant sampling technique was used to select inspection officers from the Public service Commission and government officials from the Ministry of Mines. This type of sampling technique relies on the people in organisations or communities identified as experts in the particular field of interest (Marlow, 2005) and judgemental sampling is done by conducting interviews to individuals by carefully selecting those who can provide insight about the phenomenon being studied.

Interviews with key informants were conducted in order to verify and compare the information from secondary sources with those of mine inspection officers from the government. Babbie and Mouton (2001) recommend the verification of secondary data by interviewing other informants or persons knowledgeable on the subject or persons who were personally involved in the event. Interviews with key informants were also done to test if the information (gathered from secondary sources) was free from error and distortion and also to test the accuracy, reliability, the degree of ‘biasness/unbiasness’ of information (information gathered from secondary documents). There was a need to “ascertain whether the data was collected and reported (secondary data) with care and precision” (Struwig and Stead, 2001). In this study informal interviews were used to confirm that tentative themes identified in secondary sources. In other words, informal interviews with key informants were used to contrast the data and validate the data as it yielded similar results. Elliot and Timulak (2005) notes that validation by research participants is done in order to obtain feedback and correction. No trade union representatives were selected for the research. However a literature review was undertaken to establish the trade unions view to worker rights and issues in Zimbabwe.

Qualitative textual and content analysis

Qualitative textual and content analysis were used in this study. “The qualitative researcher has no system for precoding, therefore a method of identifying and labeling or coding data needs to be developed that is bespoke for each research – which is called content analysis” (Shafeek, 2009). The data was analysed using qualitative content analysis. Emerging themes were retrieved from the data and taken through a rigorous process of categorisation. This allowed the study to make interpretations of the working conditions and experience of mine workers in Zimbabwe’s mine industry. Bailey (1994), cited in de Vos et al. (2011) notes that the reliability of documents (gathered from secondary sources) may be checked by analyst reliability which involves the comparison of results with those of two or more researchers at the same point in time. Tashakkori and Teddlie (2003) also argued that researchers using documents as their primary sources of evidence must substantiate their findings with some form of external support. In this regard, the findings of this study were compared with the findings of other studies.
Presentation of findings

After the major topics that emerged from secondary documents and key informant interviews had been identified, the findings were arranged according to topics. The findings are presented below.

Government inefficiency and corruption: Company mining operations are not thoroughly inspected for compliance with labour standards related to working conditions.

The government, through the Ministry of Labour, the Ministry of Mines and Mining Development’s Mining Engineering Department and the National Social Security Administration are, by law, required to carry out regular inspections of mine work sites and monitor the working conditions. However, this study established that the enforcement of this requirement is very weak; government rarely conduct inspection at mining sites. The Zimbabwean government has the statutory power to shut down work sites for labour violations but has reportedly never done so. Government officials often take bribes from mining companies in order to keep the mines operating even though they have poor working conditions. Corruption makes mining companies operate even though they pay little regards to the working conditions of the workers. The extractive industry has been tainted with incidents of bribery (Nkomo, 2012; Mtondoro et al. 2013; The Source, 2014 and Bonga, 2015).

Section 9 of the Constitution of Zimbabwe places the state under an obligation to take all necessary measures to eliminate corruption. However, corruption and political vendettas have taken precedence over the execution of justice in Zimbabwe. As a result of this, corruption seems to be an acceptable as a way of life (Bonga et al. 2015). Some mining companies offer to bribe inspectors and government officials accept the bribes. Mining operations are, then, not charged for non-compliance with labour standards related to working conditions because of corruption. Money skews governance and consequently the process of fulfilling and promoting workers’ rights. For this reason, Fedotov cited in Bonga et al (2015) argues that corruption aggravates inequality and injustice.

Labour contracts are done on a diktat basis (take it or leave it)

There is little mutuality when signing labour contracts; the worker gains little, and the contract negates a worker’s interests and his/her rights (Boness, 2019). The economic miasma that Zimbabwe is currently under makes mining companies dictate salary conditions and offer little or no room for salary negotiations. Unemployment is distressingly high; it, currently, stands at 80%. With Zimbabwe’s 80% unemployment rate, landing a job is hard and getting a job would be a lifesaver. This leaves workers in a vulnerable situation where they have two options: either to take the job or to remain jobless. In some cases, mine workers can even go for months without receiving their salaries. Employers take advantage of the vulnerability of the workers and exploit them at will. “Employees were retrenched, suspended or dismissed with little or no protection from the law” (Tarugarira, 2011). Ndlouvu (2014) cited in Chingono (2014) further stresses that companies are taking advantage of the desperate local workforce; hence abusing them. Workers are motivated by the expectation of getting their salaries in the future and also by other fringe benefits such as free accommodation, free access to health care facilities and free education for their children. This finding concurs with Shoniwa et al. (2013) who observed that it is rather pointless for them (mine workers at Shabanie Mine in Zimbabwe) to leave the mine because there are very limited job opportunities in Zimbabwe, hence even if they leave the mine the situation will even be worse as they would have foregone free accommodation, medical care and other benefits.

The authoritarian nature of mining companies also extends to the working conditions. Workers are subject to excessive working hours and their work is not compensated for overtime work. Excessive working hours have been associated with getting injured at the mine. This finding is consistent with Chimamise et al. (2010) finding that, in some Zimbabwean mines, working for more than 8 hours per shift resulted in a 61% increased risk for occupational injuries. Mining workers generally force employees to work more than they wish under the threat of dismissal. A decade of economic turmoil has seen Zimbabwe failing to comply with international labor regulations, seeing a number of its workers either unlawfully retrenched or going either unpaid or virtually unpaid for years (NewZimbabwe, 2014). In 2013, Hwange Colliery suspended 520 workers over salary disputes and alleged breach of the company’s code of conduct. The workers had gone on strike over outstanding employee share option schemes which had not been honoured to them by the company (Guma, 2013). Tarugarira (2011) notes that ZCTU argued that, in Zimbabwe, the employer was more powerful than the employee.

There is no respect of the rule of law

Zimbabwean courts, including labour courts, have been ineffective in delivering justice due to their failure and partial application of legal principles such as the rule of law. The Zimbabwean courts, through the influence of politicians and senior state officials, have disregarded the rule of law principle in matters that rope in politicians and senior government officials (London School of Economics, 2021). This has impacted negatively on workers as they are looked down upon when they have their disputes against mining companies (that have links with senior government officials) brought before the courts. As a result, the law has been applied in a

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6 Section 9 (1) (b) of the Zimbabwean Constitution states that measures must be taken to expose, combat and eradicate all forms of corruption and abuse of power by those holding political and public offices.
biased, discriminatory and unfair way with perpetrators being left unpunished. Judges and some magistrates budge to the wills of the politicians particularly those who own or indirectly control mining companies.

Judicial officers are believed to be having partisan attitudes when they deal with matters that involve politicians and senior government officials. This has undermined the courts’ jurisdiction and authority and resulted in discrimination in the application of the law. This has also allowed government officials to use the police to act with impunity in violating workers’ right to strike, collective bargaining and protest. This failure to follow the principle of the rule of law has led to workers being robbed of their rights and work in poor working conditions with no legal redress. Direct and indirect control of the judicial system has also meant that the independence and neutrality of key institutions such as the police, Attorney General’s office and the judiciary has often been hindered (Zimbabwe Human Rights NGO Forum, 2001; Chimhga, 2014, Madhuku, 2014).

The partial application of the rule of law has resulted in some mining owners boasting that they are immune to prosecution because of their strong links with government and political figures. This has given mines the “power” to threaten workers, who strike or protest, with dismissal and has resulted in workers, trade unions and the general Zimbabwean populace losing faith in the Zimbabwean judicial system. Rent seeking and political vendettas have taken preeminence over the execution of justice. Corruption of any sort reduces the effectiveness of the legal system. Judges and magistrates are free from political direction and control, but this is undermined by executive actions on judicial independence. Corruption, Political patronage and clientism buys people out of punishment and this is an incentive for people to act illegally. This has been the case in Zimbabwe and as a result of this Zimbabwe has been ranked as one of the world’s worst performers in upholding the rule of law (Gubbay, 2009; Nleya, 2012).

Workers’ rights are limited by government’s power to use the state security to prohibit strikes

Violations of the rights to strike, protest and freedom of assembly have been a source of concern to both mine workers and their representatives (trade unions). Although workers are allowed to strike, this right is limited (not by the Constitution but by state securities). Workers face severe sanctions for exercising the right to strike (Mtongwiza, 2019). The dreaded Public Order and Security Act (POSA) is a huge obstacle to the realisation of workers’ rights to strike and to the right of freedom of association and assembly. A Report, by Amnesty International and several other human rights organisations, to the African Commission on Human and Peoples’ Rights (2007) asserts that a combination of excessive use of force by the police and repressive legislation such as the Public Order and Safety Act (POSA) has been employed to silence dissent. “Although strikes are allowed in all but essential industries, they require onerous notification and arbitration procedures and are often declared illegal.” (Social Accountability International, 2013). The exercise of the right to strike and freedom of association, by workers and their trade union representatives, has often resulted in arbitrary arrests, harassment by state security agents and unlawful detentions. The state security forces are also gender blind as they often violently torture and mishandle women, who demonstrate on behalf and in support of their husbands. The beating and mishandling of wives who protested on behalf of their husbands in Hwange7 and Reco8 mines is an indication of the failure by the state security to respect the rights of women and mining workers at large. The ZCTU condemned the police brutality towards the striking Hwange Mine workers’ wives (Guma, 2013) and called the police action “shameful”. These events show that some mining companies in Zimbabwe appear to be protected by the Zimbabwean government.

Sections 58 and 59 of the Zimbabwean Constitution guarantee workers the right to freedom of assembly and association, freedom to demonstration and petition, respectively. However, these basic workers’ rights have been violated in Zimbabwe. At times mining workers are threatened with dismissal if they persisted with the strike. The labor laws in the country are too prohibitive for workers to protest without risking dismissal, or legal action (Shoko, quoted in CrisisZimbabwe, 2013; Mugwira quoted in Moyo, 2014).

Trade Unions violations still persist

Trade union rights violations still persist in Zimbabwe despite the new Constitution which was drafted and adopted by the leading political parties in Zimbabwe (NEHAWU, 2022). Section 65, which falls under Chapter 4 of the Zimbabwean Constitution, establishes workers’ rights and section 44 creates an obligation on the Zimbabwean government to respect, protect, promote, and fulfill the rights set out in Chapter 4. Section 11 places an obligation on the state to take all practical measures to protect the fundamental rights and freedom enshrined in Chapter 4. Despite this, the government of Zimbabwe has repetitively and still violates trade union rights to freedom of association and assembly. This has also been found by Tarusenga (2012) and the Irish Congress of Trade Unions (2014). Members of the Zimbabwe Congress of Trade Unions (ZCTU) still face harassment at the hands of the police, ZANU-PF youths and the Central Intelligence Organisation (Irish Congress of Trade Unions, 2014). Tarusenga (2012) also noted the violation of workers and trade union rights through arrests and banning of trade union activities in Zimbabwe.

Since 2000, it has become more and more difficult for workers in Zimbabwe to carry out legitimate organization and representation activities without police interference. This is largely due to the government’s belief that labours activists from the Zimbabwe Congress of Trade Unions (ZCTU) and other unions have been working with political parties in order to unseat the government.

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7 Hwange Mine workers’ wives were beaten by riot police for conducting a peaceful protest demanding that the Hwange Colliery Company Limited pay their husbands salaries owed over 5 months (Guma, 2013.)
8 Renco Mine workers’ wives staged a demonstration at the mine to demand their husbands’ annual bonuses, better working conditions and an increase in their salaries above poverty datum line
Trade unionists have long been among the main targets of government attempts to repress freedom of association and assembly. The work of trade unions is held with high political suspicion by the government (Tarusenga, 2012)

**Conclusion**

This study showed that mining can bring economic and social benefits to communities, through local job creation and resource revenues, but it can also create problems. The mining sector in Zimbabwe has been plagued by human rights abuses of mine workers. It is clear that the mining companies and the Zimbabwean government have consistently failed to meet their basic constitutional and legislative obligations to protect, respect and fulfill the rights of workers. The Zimbabwean government is therefore flouting the Constitution and seems to be unwilling to comply with it. The judiciary system has been ineffective and impartial and this has resulted in the rights of ordinary workers being violated without any legal redress. The constitution and other legislations have become useless as they are ignored in order to serve the interests of politicians and the elite.

The paper makes a number of practical recommendations aimed at improving the way workers are treated in Zimbabwean mines. Government should monitor mining companies’ operations to ensure that they do not trample on the rights of workers. The government should respect workers' right to embark on industrial action as a part of the bargaining process and should bar politicians from interfering in labour issues. Rather than intimidating workers, the government should respect, protect and fulfill workers’ rights. Section 11 places an obligation on the state to take all practical measures to protect the fundamental rights and freedoms enshrined in Chapter 4. The implication is that the government must act to protect, enhance and realize the enjoyment of workers’ rights and other rights listed in Chapter 4 of the Zimbabwean Constitution. The government bears the primary responsibility for making human rights a reality. The government must respect people’s rights- they must not violate these rights. They must protect these rights by ensuring that other people or bodies do not abuse these rights. The government must ensure that there is fulfillment of workers’ rights by creating an enabling environment that allows workers to exercise and enjoy their rights. The government should also not discriminate in their laws and policies. When mining companies impair the exercise of human rights, state institutions (courts and security forces) must step in to protect those rights. When mines violate the rights of workers the government is obligated to step in and protect their constitutional rights. Lastly, political leaders should refrain from using state security to interfere in labour issues. The police and other state security agents should only interfere with labour issues only when they are told by the courts to do so.

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