



Labour rights and corporate accountability in Zambia: Evidence from corporate governance practices

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ABSTRACT

This study examined the extent to which labour rights are integrated into corporate governance and business practices in Zambia, with particular attention paid to how organisational policy commitments translate into operational accountability. Guided by stakeholder theory and accountability theory, the study conceptualised labour rights as a core governance obligation rather than a discretionary corporate social responsibility function. The research was motivated by persistent labour rights violations in high-risk sectors, such as mining, agriculture, construction, and manufacturing, despite the existence of national labour legislation and international human rights frameworks. A convergent mixed-methods research design was employed. The target population consisted of employees and managers in medium-to-large enterprises operating within the identified sectors, as well as labour inspectors, trade union representatives, civil society actors, and government officials involved in labour governance. Quantitative data were collected through structured questionnaires administered to 336 employees and managers, selected using stratified random sampling based on sectoral representation. Qualitative data was generated from 32 purposefully selected key informants to capture institutional, regulatory, and experiential perspectives on labour rights enforcement. Quantitative data were analysed using descriptive statistics, Pearson correlation, and logistic regression in SPSS to assess the relationship between governance mechanisms and labour rights violations. Qualitative interview data was thematically analysed using NVivo, following an inductive coding approach. The findings revealed that only a minority of firms fully integrate labour rights into governance structures, with most demonstrating minimal to moderate integration. Qualitative results highlighted systemic challenges, including informal employment practices, weak enforcement capacity, limited rights awareness, a fear of retaliation, ineffective grievance mechanisms, and limited board-level oversight of labour issues. The study concludes that enforcement deficits and reliance on voluntary accountability frameworks, not policy gaps, drive labour rights failures in Zambia. It recommends mandatory human rights due diligence, strengthened labour inspection capacity, accessible grievance and remedy mechanisms, and the formalisation of employment relationships to enhance corporate accountability.

Keywords: Accountability, Corporate Governance, Due Diligence, Enforcement, Informality, Labour Rights

I. INTRODUCTION

Conversations around the globe relating to business and human rights started to include the idea that companies have responsibilities to the environments in which they operate and the fundamental labour rights. This was captured with the UN Guiding Principles on Business and Human Rights (UNGP) simply explaining that, while businesses respect human rights, States must enact and enforce laws that protect those rights (United Nations Human Rights Council, 2011). To Ruggie (2011), the United Nations Guiding Principles on Business and Human Rights (UNGPs) marked an important shift in the world from voluntary corporate social responsibility to mandatory accountability, while Chirwa (2020) shared the same sentiment, arguing that with the UNGP, companies could no longer rely on charitable activities to justify their social responsibility. Despite this, research showed that the direct incorporation of labour rights into the governance of corporations, especially in the Global South where there are more pronounced business regulatory capture and less regulatory scrutiny, is still shallow (Abe, 2022). This situation highlights the need for more in-depth, country-level research on the relationship between corporate governance and human rights.

In sub-Saharan Africa, countries whose economies are heavily reliant on natural resources observed an increased risk of corporate-related labour exploitations due to weak governance, and a foreign investment focus on the extractive economic sectors. It was within such a circumstance where Hamann et al (2020) described the tendency of

firms to adopt compliance corporate governance frameworks of a risk averse and siloed nature, only fitting labour rights within governance frameworks on the periphery of corporate risk. In the same line, Khojastehpour and Jamali (2020) argued that multinational enterprises working in emerging markets and disconnected from upper tier institutional investors, strategically complied with governance and human rights frameworks in what is called thin compliance, only to respond to institutional demands of the global market. These two perspectives cover the absence of corporate governance frameworks that incorporate labour rights and the indifferent arrangements of corporate policies relative to the rights of the employees.

In the work of Banerjee (2008), the exploitation of labour was framed within the ethical business discourse through the veil of corporate social responsibility. The tensions around exploitation and governance within the phrase “policy to practice” summarizes the unseen value of the work in the above writings. Zambia provides a compelling context to interrogate these questions. While the country also incorporated the Employment Code Act, the Human Rights Commission of Zambia notes continued investigations into sustained labour rights violations in the mining, agriculture, and construction sectors, identified nationally as high-risk sectors. Amnesty International (2023) stated there were statutory protections, but the continued environment of discrimination and unsafe conditions, along with the continued incidence of late payment of wages, indicated that the protections were ineffective. International Labour Organization, (2015) and Scherer & Palazzo, (2011) articulated the labour informalization by corporations as a strategy to evade full liability and to undermine workers' bargaining power. The International Trade Union Confederation [ITUC] (2024) also characterized the environment for labour governance in Zambia as poor in the scales of freedom of association and retaliation, and weak oversight, especially in enforcement, across the board. It was unsustainable to expect that the enforcement of the law would protect workers' rights when there was deficient corporate governance that neglected to integrate labour standards.

Publishing litigation documents and investigative articles pointed out even more failures in the governance of corporations. As an example, Business and Human Rights Resource Centre (2024) discussed the Kabwe mining companies' lack of proper environmental and social impact assessments, which led to severe exposure to lead toxicity for workers and surrounding communities. Companies' inadequate environmental and social impact assessments led to extreme lead toxicity risks for employees and the surrounding communities. Abe (2022) also notes that despite the presence of ESG (environmental, social and governance) reporting tools in Zambia, corporate performance is still inconsistent and unaccountable. Political economy perspectives have also attempted to address these gaps in compliance. Burgis (2015) offered an example of how Africa's multinational extractive corporations were politically shielded from the compliance obligations. Similarly, International Labour Organization, (2021) explained how agricultural firms avoided compliance with labour regulations by using informal contracts and verbal agreements. It was these governance gaps rather than missing regulations that caused the rights abuses.

Cross-border jurisprudence makes a stronger case for capitalism to 'include' labour rights vis-a-vis corporate governance. In *Lungowe v. Vedanta Resources plc*, the court held that a parent company could be liable for a human rights violation for a subsidiary company in Zambia (Abe, 2022). Choudhury (2023) suggests that, in this instance, the court acknowledged that, for a company violation of oversight, 'governance' failures are also applicable which expands the scope of due diligence a company is expected to take to mitigate the risk of labour and environmental abuse. Peters et al. (2020) argued that this and the similar cases constitute a legal evolution concerning the intersection of private and public law for corporate accountability and, thus, gives rise to the notion that, in cases of weak domestic enforcement, governance failures could be resolved through transnational litigation.

Information and evidence from the study reflect that the incorporation of labour rights into corporate governance systems in Zambia remains incomplete and inconsistent. Within the quantitative survey data, only 21.3% of respondents stated that their organization, at least in part, fully integrated labour rights into governance structures, while 50.5% responded that it was at best only partially and minimally integrated. 32 qualitative key informant interviews that were treated as case studies specifically sought to understand the low level of integration. For many workers and civil society members describing corporate internal processes, it was as if there was only “paper compliance” and that “CSR was only a compliance formality.” Scherer and Palazzo (2011) critique that CSR has turned into a context of legitimacy for circulation, rather than a transformative instrument for internal organizational change. Adekola and Clelland (2020) also elucidate that community engagement and empowerment initiatives in form and substance, at best, resulted merely in symbolic shifts. Together, these findings highlight a governance and labour rights provision chasm.

1.1 Statement of the Problem

Even though Zambia has established corporate governance frameworks and comprehensive labour laws, labour rights breaches are nonetheless common, especially in high-risk industries including manufacturing, construction, mining, and agriculture. Unsafe working conditions, informal employment arrangements, unpaid or delayed wages, discrimination, and inadequate grievance procedures in corporate workplaces are still documented in reports by national

and international human rights organisations (Amnesty International, 2023; International Trade Union Confederation, 2024).

The failure to effectively incorporate labour rights into corporate governance and operational decision-making processes is the fundamental issue, not the lack of legal standards or corporate policy commitments. Instead of being enforceable governance duties subject to board monitoring, internal accountability mechanisms, and regulatory inspection, labour standards are often viewed in practice as peripheral compliance or reputational issues (Abe, 2022).

The effectiveness of current laws is further undermined by the prevalence of informal working agreements, weak labour inspection mechanisms, and worker fear of retaliation. Because of this governance vacuum, businesses are able to uphold their legal commitments to labour standards while continuing to engage in behaviours that expose workers to exploitation and prevent them from effectively accessing remedies. Voluntary corporate governance and CSR frameworks have not improved labour outcomes in the absence of strong enforcement and internal accountability mechanisms. Therefore, empirical, context-specific research is required to investigate how labour rights are integrated into corporate governance in Zambia, evaluate the efficacy of current governance mechanisms, and pinpoint institutional and structural obstacles that sustain labour rights violations.

1.2 Research Objectives

1. Assess the extent to which companies in Zambia integrate labour rights considerations into their corporate governance structures and operational decision-making processes.
2. Examine the effectiveness of existing corporate governance mechanisms in protecting labour rights within high-risk sectors such as mining, agriculture, construction, and manufacturing.
3. Analyse the role of enforcement institutions, including labour inspectorates and regulatory bodies, in ensuring corporate compliance with labour rights standards.

II. LITERATURE REVIEW

2.1 Theoretical Review

2.1.1 Stakeholder Theory and Accountability Theory

Stakeholder theory explains how firms' obligations concerning employee rights transcend the value of the shareholder. As the theory explains, corporations owe duties to their employees, the communities, the government, and society, all of whom are affected by the company (Freeman et al., 2020). This perspective considers employee rights as governance obligations that must be reflected in the course of decision-making. Newer works document that, in the absence of the means to impose and institutionalize governance in such a way that the interests of employees could affect the behaviour of the firm, stakeholder-governance makes sense. In many developing countries, employees are excluded from real participation in governance, thus the symbolic nature of stakeholder governance (Abe, 2022). In the case of accountability theory, the absence of enforcement makes the theory without virtue. While de Boer (2023) argues that accountability entails supervision, transparency, and punishment for the breaches, these are the features that the rules of the labour governance lack. In these of labour governance, the present thesis demonstrates that it only the absence of rules that makes the stakeholder and accountability theories of the reason the absence of sustained governance and corporate commitment that justifies the integration of employee rights.

The shift from voluntary corporate responsibility to coercive accountability can be attributed to business and human rights governance. The UN Guiding Principles on Business and Human Rights state that while corporations have the responsibility to mitigate the impact of business on human rights, it is the state that regulates and enforces such protections (United Nations Human Rights Council, 2011). With this standpoint, corporate responsibility transformed from self-governance to a governance mandate. In situations of weak state enforcement, Scherer and Palazzo (2011) argue this transformed corporations into political actors with quasi-governance powers. Critics, however, note that while this is a theoretically advanced position, firms often use the language of human rights without effecting the desired changes in the social relations of dominations and the subsequent organizational practices (Banerjee, 2008). In Choudhury's (2023) view, without any legislative backing, corporations may comply with governance requirements while keeping in place their lack of protection over their workers. In the theoretical context of this situation, the frontier of governance is the accountability of the framework, not the mere adoption. This study perceives the incorporation of labour rights as a governance outcome advanced by the enforcement, monitoring, and institutions, not merely the corporate discourse.

2.2 Empirical Review

Research from both developed and emerging economies demonstrates a lack of consistency in incorporating labour rights into corporate governance frameworks. After all, multinationals based in emerging economies tend to comply with labour guidelines, especially when patchy or no labour regulations are in place (Khojastehpour & Jamali,

2020). In the corporate governance frameworks in Africa, most of the time, the dominant concerns are risk management and investor relations, rather than the concern with the employees (Abe, 2022). In Southern Africa, the dominant narrative is that the CSR policies that firms adopt are primarily for market purposes rather than for the protection of employee rights (Hamann *et al.*, 2020). In Zambia, a similar scenario exists where there is a body of law that provides for a certain level of labour rights, but there is no enforcement of the law in most industries (Amnesty International, 2023). Given the above evidence, it is reasonable to conclude that governance systems continue to lock out labour rights from the core functions of the business and therefore, increase the distance between the normative promises and the actual conditions in the workplace. With respect to the above, the literature concurs that it is the absence of an internal system that holds actors accountable for compliance, rather than an absence of a system of regulations.

The role of informality in weakening labour governance can be shown through the study of labour-intensive and resource-dependent economies. Agricultural and mining firms, to cut costs and avoid oversight, use informal arrangements, sub-contracting, and temporary positions to avoid formal contracts (International Labour Organization, 2021). Despite the presence of codes of conduct, civil surveys in Zambian mining report informal employment and exploitative conditions (Jesuit Centre for Theological Reflection, 2021). International Labour Organization, (2015) and Scherer & Palazzo, (2011) states that informality in regions with inadequate enforcement of labour laws is primarily aimed at reducing legal exposure and weakening the bargaining power of employees. The unregulated environments that bordering economies provide, combined with the insufficiently staffed labour inspectorates, encourages firms to operate with a low level of compliance (International Labour Organization, 2019). Within governance research, the power asymmetry and positioning of the enterprise, labour, and state is what defines the scope of the articulation of labour rights. This underscores the need for governance and corporate accountability in Zambian workplaces.

Recent empirical studies show limitations of voluntary governance. Firms are disclosing increasingly labour and human rights policies, but actual practices rarely match these policies (Hess, 2019). The first studies on the (possible) implementation of the European due diligence regulations show that once the frameworks are 'on the books', they stimulate firms to tackle the labour aspects of their supply chains (Koo, 2022). Still, in the case of the Global South, voluntary accountability frameworks are non-transparent and poorly enforced (de Boer, 2023). Research on Africa shows that corporate grievance procedures are generally lacking or ineffectual in reality, frequently compromised by employees' fear of reprisals and lax enforcement (Business & Human Rights Resource Centre, 2022; International Trade Union Confederation, 2021). All these studies illustrate the impact that lack of enforcement or regulation has on the outcomes in the world of work. Hence, this study positions the worker rights challenges in Zambia within the empirical discussions on governance-based accountability frameworks.

III. METHODOLOGY

3.1 Research Design

A convergent mixed-methods design was used in this study. As stated by Creswell and Plano Clark (2018), mixed-method designs can be used under complex situations when social phenomenon cannot be handled by a single method. This captured the integration of labour rights they lived experiences and the institutional contexts that explained the figures. As stated by Bryman (2016), the credibility of mixed-methods research lies in the diverse methods used to authenticate a dataset. This is a worthy asset and is reiterated by Denzin (2012) whereby methodological triangulation of different datasets improves a study's rigor by minimising the disadvantages of using mono-methods. Here, the quantitative data captured the several levels of integration of labour rights within the governance sectors, and the qualitative data described the governance frameworks that facilitated or impeded compliance. Hence, the primary objective of the study, and the convergence design were purposeful aligned, to assess the extent to which labour rights were incorporated into corporate governance and operational decision-making frameworks in Zambia. This enriched the qualitative and statistical data and confirmed the integration offered a strong explanatory foundation while improving the strength of inference. The design made it easier to collect data at the same time. This helped save time and improved the coherence across different strands of research.

3.2 Research Philosophy and Paradigm

In terms of research philosophy, the study was underpinned on pragmatism. Pragmatism emphasises flexibility and using whichever approaches that best respond to the research question. In a more recent work, Patton (2015) states that pragmatic research regards the outcome as a more important consideration than the engagement on theoretical purism. In addition, Kombo and Tromp (2006) also alluded that pragmatism is best suited when dealing with complicated and real-life problem situations as it encompasses the quantitative and qualitative aspects with equal relevance. The choice of pragmatism was informed on the study's focus on actionable knowledge as modelled to policy reform and practice within the private sector. This position is different from the stance of positivism which views reality to only observable and measurable variables and constructivism which majorly relies on subjective interpretations

(Miles & Huberman, 1994). The choice of pragmatism was an integrative position, which was required for the study on the domain of labour governance with respects to the inter-legal orders, organisational behaviour and the human element. This is the reason why the paradigm justified the surveys to assess the extent of the integration of labour rights and the interviews to portray the regulatory gaps and the power dynamics embedded in the firms. The paradigm achieved the aim of the article which was to provide empirical evidence for policy reform and practice on corporate accountability.

3.3 Study Population

Zambia's diverse governance of labour rights was illustrated using three main groups of participants. The survey spanned employees from the mining, agriculture, construction, and manufacturing sectors. These sectors are especially vulnerable to violations of labour rights as they are highly dependent on informal and subcontracted labour. These employees narrated their workplace environments, employment policies, and complaint/recourse mechanisms. The second group was comprised of labour inspectors and officials from the Ministry of Labour and Social Security, civil society, and trade union officials. These participants suggested the absence of a corporate labour rights enforcement and monitoring accountability prism from regulatory, enforcement, and advocacy. The last group was the participants from the Ministry of Labour and Social Security, Civil Society, and Trade Union officials. The participants of this group were highly relevant for the construction of the enforcement and advocacy confluence. The three groups created a prism to examine the Labour rights enforcement as experienced by the workers, the enforcement institutions, and the business decision makers on governance and compliance.

3.4 Sampling Strategy

Employing a multi-stage sampling approach, I first selected certain sectors which had reported violations of because of their high levels earned violations of labour rights. According to the latest report of the Human Rights Commission of Zambia, the mining, construction, agriculture and manufacturing sectors have persistent violations of labour rights. I intended to purposively sample the sectors to make sure I was carrying out the research in contexts where violations of labour rights were most probable. Within each sector I used a combination of stratified random sampling for the workers and purposive sampling for the institutional actors in each sector to choose the respondents. This was to ensure that the four sectors had equal representation while purposive selection guaranteed that the institutional participants had sufficient knowledge of the labour governance frameworks.

For the quantitative component, the sample size was determined using the Yamane formula:

$$n = \frac{N}{1 + Ne^2}$$

Where:

n = required sample size

N = estimated labour force within selected sectors (\approx 2,100 employees)

e = margin of error (0.05)

$$n = \frac{2100}{1 + 2100(0.05)^2}$$

$$n = \frac{2100}{1 + 5.25} \quad n = \frac{2100}{6.25} = 336$$

As per the planned sample size set at 336, we proportionately sampled employees from each of the sectors. Employees Across the sectors were randomly chosen to provide a balanced perspective on respondents' labour rights practices from a variety of sectors. Employees were randomly chosen from within their workstations, while the targeting of managers and governance compliance officials from the various stations was purposive to address the differentiated demands of their positions.

3.5 Data Collection Instruments

3.5.1 Questionnaire

Incorporating labour rights into business governance and operational practices is a key area of research. This was guided by the ILO (2022) recommendations for the use of structured measurement tools to assess the enforcement of labour rights. The instrument. Evaluated five dimensions: Statutory Labour Rights Compliance (Contracts, Wages, Working Hours). Health Safety Compliance. Grievance Mechanisms. Labour Rights Awareness. Corporate Governance and Reporting Standards. This data allowed for parametric statistical analysis, as respondents utilized a five– point Likert scale (1 = strongly disagree to 5 = strongly agree) to evaluate each statement.

3.5.2. Key Informant Interviews

Semi-structured interviews were conducted with 32 key informants, which included inspectors, union leaders and civil society organisations as well as government officials. Semi-structured interviews allow for a good balance of flexibility and specificity for examining a specific domain (Braun & Clarke, 2006). The interview guide focused on exploring: Enforcement practices, corporate behaviour regarding labour rights, Barriers to implementing rights in workplaces. This approach explained narratives relating to weak enforcement and fear of retaliation detailed in Chapter 5, as well as the challenges posed by inspections inadequately completed.

3.5.3 Document and Case Law Analysis

To assess the accountability of the corporation, reports and court litigation documents were reviewed. Chirwa (2020) argued the sideways evaluation of a court record helps in understanding the scope of potential rights claims. Relevant documents such as the report by Human Rights Watch in 2025 on lead poisoning in Kabwe and the landmark Lungowe v. Vedanta (2019) case which was the first to judicially enforce human rights due diligence. These also helped in empirical triangulation, highlighting the discord between legislation and practical protections.

3.6 Reliability and Validity

3.6.1 Reliability Analysis (SPSS)

Cronbach's alpha was used to check how reliable an instrument is. In 2011, Tavakol and Dennick discussed how to determine alpha, assess internal consistency, and check item congruence of a questionnaire. Results from the pilot study were analysed the responses in SPSS ($n = 30$):

$$\alpha = \frac{k}{k-1} \left(1 - \frac{\sum \sigma_i^2}{\sigma_t^2}\right)$$

Where:

k = number of items,

σ_i^2 = variance of each item,

σ_t^2 = total variance.

The reported value for the study was $\alpha = 0.842$ which reflects robust internal reliability that rest above the preferred value of 0.70 (Miles & Huberman, 1994).

3.6.2 Validity

Representatives from the Ministry of Labour and the union members reviewed and edited the record to verify precision and to account for any potential bias. Creswell & Plano Clark, (2018); Bryman, (2016) and Adom et al (2018) notes the importance of expert validation, whereby items are aligned to the theoretical constructs, thus improving credibility. Construct validity was further assessed through factor analysis.

3.7 Data Analysis Procedures

3.7.1 Quantitative Data Analysis

The analysis was conducted in SPSS, where the distribution and the integration of the remaining labour-rights data was captured through descriptive statistics. Inferential statistics was then applied: Analysing the association of the grievance mechanisms with the violations using Pearson correlation. Conducting logistic regression to analyse if grievance mechanisms predicted the violations of rights. Logistic regression model:

$$\ln\left(\frac{p}{1-p}\right) = \beta_0 + \beta_1 X$$

Where p = probability of labour-rights violation, X = presence of grievance mechanism.

Regression output:

$$r = -0.41 \text{ (} p < .01 \text{)}$$

$$\text{OR} = 0.68$$

An odds ratio (OR) of **0.68** means that companies with grievance mechanisms were **32% less likely** to experience labour-rights violations:

$$(1 - 0.68) \times 100 = 32\%$$

This confirmed the predictive value of grievance systems, aligning with the central objective.



3.7.2 Qualitative Data Analysis (NVivo)

Interview transcripts were analysed thematically using NVivo. Braun and Clarke (2006) described thematic analysis as suitable for interpreting patterned meaning across datasets. The study applied an inductive coding approach, generating: 57 codes, which were grouped into 11 categories, collapsed into 3 overarching themes: weak enforcement, informal labour, and low awareness.

3.8 Ethical Considerations

Ethical clearance was gotten from Zambia’s Ministry of Labour and one of the Ministry’s partnered academic ethics boards. "All research needs to protect the dignity and the autonomy of the participants". (Cornwall & Nyamu-Musembi, 2004). Participation was voluntary and triggers of anonymity were numeric identifiers. Written informed consent was also achieved. No organisation or individual respondent was named.

IV. FINDINGS & DISCUSSION

4.1 Findings

To evaluate how governance practices affect the defence of workers' rights, this section presents findings on the relationship between corporate governance mechanisms (independent variables) and labour rights outcomes (dependent variable) in Zambia using both quantitative and qualitative data.

4.1.1 To companies in Zambia integrate labour rights considerations into their corporate governance and business practices

Table 1

Reports & Case Laws on Corporate Governance & Human Rights in Zambia

Title / Source	Type	Key Findings & Relevance
<i>Poisonous Profit: Lead Waste Mining and Children’s Right to a Healthy Environment in Kabwe, Zambia</i> (Human Rights Watch, 2025)	Report	Found that mining companies in Kabwe allowed lead contamination to persist without full environmental impact assessments; weak compliance with environmental laws; lack of transparency; companies not engaging properly with communities.
<i>Environmental, Social & Governance Laws and Regulations Report 2025 Zambia</i> (ICLG)	Report	Reviews ESG regulatory context in Zambia; notes growing litigation risk for human rights & labour violations, but also gaps in corporate disclosure, transparency, enforcement, and corporate governance that integrates human rights.
<i>Corporate Governance Country Assessment: Zambia</i> (World Bank, 2012)	Report	Analysed corporate governance policy framework; noted poor minority shareholding protections, limited board oversight, weak stakeholder rights; suggested reforms to enhance transparency, board professionalism, and accountability to stakeholders (which could include human rights concerns).
<i>Living in a Parallel Universe: FQM versus Communities</i> (SARW / Civil Society report)	Report	Found that First Quantum Minerals’ Kansanshi mine CSR programmes had limited impact for the surrounding communities; communities felt excluded, CSR was superficial; meaning corporate governance practices did not meaningfully integrate human rights or community concerns.
<i>In Mind Enterprises Limited & Others v Stripes Zambia Limited and Another</i> [2013] ZMHC 37	Case Law	Involves a High Court application (commercial registry) concerning orders of committal; though more about commercial law and compliance, it touches on obligations companies had under contracts/rules; could show how courts enforce corporate legal obligations.
<i>Lungowe v Vedanta Resources plc</i> [2019] (Abe, 2022)	Case Law	A parent company in UK held to duty of care regarding environmental damage caused by its Zambian subsidiary; shows how corporate governance (via parent-subsidiary relationships, oversight, policies) can be held to human rights standards.
<i>Zambia: Court grants permission to appeal lead poisoning class action against Anglo American</i> (BHRC, 2024)	Legal Case / Litigation Update	Class action by Kabwe residents alleging lead poisoning; companies being held accountable in court for environmental harm; reflects increasing judicial pressure for companies to integrate human rights/environmental safeguards.)
<i>Submission on Zambia to the Committee on the Rights of the Child</i> (Human Rights Watch, 2021)	Report / UN Mechanism Submission	Focused on child rights and effects of mining operations (waste, pollution) in Kabwe; noted that legal requirements (EIA, community consultation) were not being fully met or implemented; companies had failed to properly communicate risks to affected communities.

Human Rights Watch noted that Kabwe businesses had ineffective human rights integration within their operations. Moreover, businesses within the mining sector had also been described as negligent in the management of lead poisoning, as well as in the public health and environmental consequences of their operations. Their conduct on corporate governance and public health may be described as apathetic. Such findings would indicate that the civil governance frameworks and structures the corporation has in place poorly decouples civil rights and civic health standards and, consequently, public governance and control systems within the governance of high civic impact systems.

As outlined in The Environmental, Social and Governance Laws and Regulations Report – Zambia (ICLG, 2025), there has been some understanding and integration of portions of the ESG by companies, particularly the social and governance aspects. However, the integration of labour rights within corporate governance remains, as described by corporate executives, patchy. In that regard, the governance and control frameworks have poorly integrated the enforcement rights and opt-out clauses within the Employment Relations Act (ELRA). The implication remains that there is a need for governance and control frameworks to move from the opt-out system and include the integration of labour rights.

The World Bank Corporate Governance Country Assessments of 2012 reported that Zambia's corporate governance system provided minimal safeguards for stakeholders. This also includes people impacted by corporate activities concerning work, working conditions, and the rights of workers. Governance frameworks seemed to lack the enforcement mechanisms necessary for corporate governance structures to guarantee that the needs of labour, and the rights of labour, were incorporated on an ongoing basis into corporate decision-making. The absence of these governance frameworks had an adverse corporate effect on the incorporation of the rights of labour.

In the SARW report on First Quantum Minerals' Kansanshi mine, the critique stated that the community concerns were not adequately addressed through the corporate social responsibility activities provided by the company. Internal governance structures of the company were said to have failed to meaningfully include communities on the human rights and stakeholder engagement continuum of the decision-making processes, leading the communities to regard CSR more as a PR exercise. This indicated that the CSR activities formalized in business documentation failed to include human rights in any meaningful way.

In *Mind Enterprises Ltd v Stripes Zambia Ltd* [2013] represents the first integrated corporate commercial litigation case in Zambia. Zambian courts begun the process of incorporating accountability within the corporate landscape in Zambia, and for the first time, the Zambian courts implied the existence of 'governance' within the corporate landscape. This was astonishing, in the absence of compelling and direct references in the case depicting the neglect of 'rights' within the corporate realm. Although the implied 'governance' within the corporate landscape is intellectually interesting, the intersection of the enforcement of corporate 'governance' and the 'neglected' enforcement of 'rights' within the case is legally applicable but underdeveloped.

In the landmark UK Supreme Court case *Lungowe v Vedanta Resources plc* [2019], the 'governance' dimension of the relationship between the corporate entity and its human rights obligations as part of corporate governance expanded and was defined by the peculiarities of the case's parent-subsidiary relationship. It was the first occasion a parent company was held liable for the environmental and human rights violations of its subsidiary. This illustrates that when local enforcement of human rights is lax or non-existent, a company is made to comply with international standards on human rights through litigation. In this case, the integration of international human rights enforcement into the company's governance paradigm is a niche case.

According to the Business & Human Rights Resource Centre (2024), the recent class action litigation brought on by the residents of Kabwe against Anglo American confirmed that litigation was one of the means for developing accountability for human rights violations. In this case, the corporate governance failure was rationally balancing the community health and environment protective business activities with the allegations of lead poisoning. This showed that the business had not fully integrated the rights, and the level of business practice then to the point where it necessitated judicial intervention to enforce it.



4.1.2 Employer has Integrated Rights related to Work into Business Practices

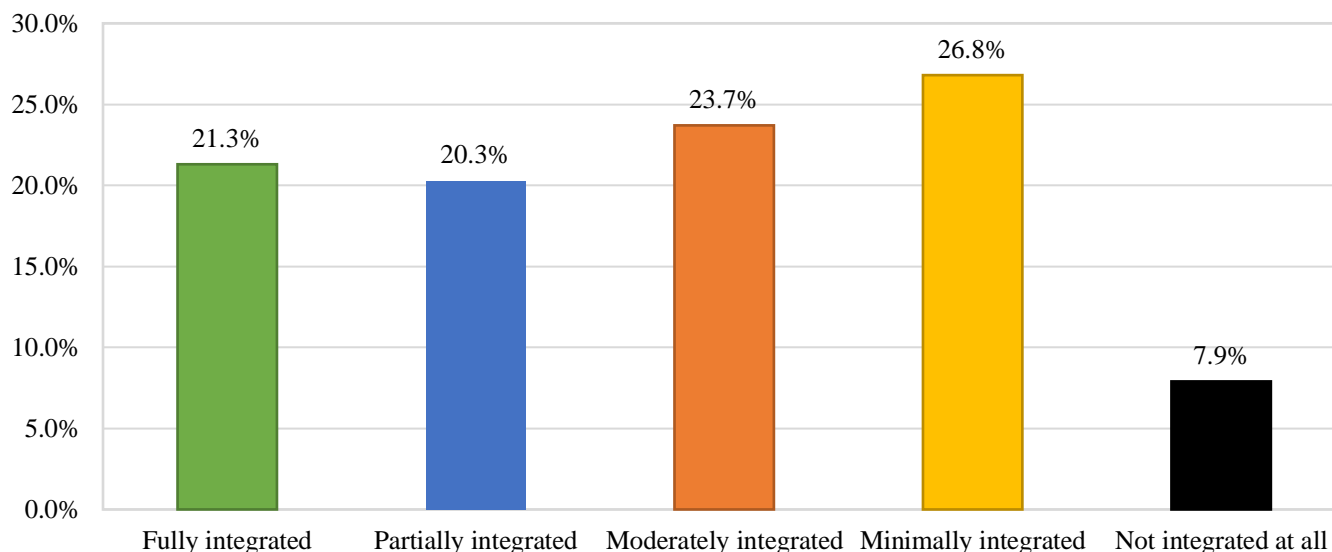


Figure 1
Companies Integrate Labour Rights Considerations into their Corporate Governance and Business Practices

These figures show that 26.8% of those questioned thought that the integration of labour rights into corporate governance and business practices in their field was 'very limited', suggesting that companies show little dedication to incorporating labour rights into their activities. 23.7% considered the integration to be 'moderately' incorporated. This suggests that some actions have been taken, but they are still far from complete. 21.3% of respondents perceived that companies have 'optimally' incorporated labour rights into their business practices, which indicates that some companies have taken considerable steps to achieve the target of convergence with labour rights. 20.3% of the respondents considered integration to be 'partially incorporated', and only 7.9% of respondents considered that there was 'no integration'. This illustrates that whilst there have been some advances, the gaps in the integration of labour rights into corporate governance and business practices persist within the sector.

The observed pattern correlates with documented evidence across the African continent that shows how, weak labour rights, tend to be treated more as managerial prerogatives than as legally binding elements of organisational governance (Abe, 2022). These findings also mirror the Zambian context, where legal protections are in place, yet violations are ongoing, in that empirical evidence suggests the complexity of turning legal frameworks into operational realities in workplaces (Amnesty International, 2023). Other studies, notably in Africa, Hamann et al, demonstrate that in resource rich regions, companies routinely adopt reputational and regulatory (i.e., risk) compliance approaches that are void of true responsibility to employees. The documented prevalence of minimal and partial integration in the findings correlates with the equally documented trend of informal employment as a means of reducing liability and diminishing employee voice (International Labour Organization, 2015; Scherer & Palazzo, 2011). International empirical studies in labour governance also characterise weak regulatory frameworks as typically reinforcing, where employers are left to sustain a state of ostensible compliance and avoid any meaningful change (ITUC, 2024). Collectively, these findings suggests that the problem in this case is not a lack of policies, but a lack of substantive integration of labour rights into the routines of organisational governance and the operational decision-making processes.

4.2 Qualitative Findings

Thirty-two key informants were conducted about experiences and perspectives concerning labour rights violations. This group included employees, labour union leaders, civil society, and government officials. The transcripts were coded and analysed using NVivo 12. Some of the participants most concerning issues included: enforcement, exploitation, informal labour, and lack of legal awareness. An inductive approach was applied, identifying emergent and closely related themes, and subsequently distilling them into broad descriptive categories that captured the essence across various sectors and groups. Data was extracted and analysed, using NVivo, the frequency of themes with matching sample quotations and analysed them through NVivo nodes.

Emergent Themes and Illustrative Quotes: From the interviews, three broad themes were created that encompassed the issues most significant to the participants. These were largely based on the feedback received from workers, inspectors, and civil society concerning the key and tangible issues surrounding enforcement of labour rights.



Theme: Low Awareness of Rights and Fear of Retaliation: Most participants discussed the relationship between the underreporting of violations and the lack of legal awareness and fear of dismissal and cited this as the reason most workers did not report violations. An NGO official from the Copperbelt (Interviewee 05, 14 March 2024) noted the following:

“Most workers don’t even know how to report abuse, and if they try, they get blacklisted.”

These themes help explain the patterns observed in the quantitative data as well as the patterns observed in the qualitative data.

4.2.1 Working Conditions and Rights Violations

Participants from all sectors mentioned exploitative working conditions. In the mining sector, sectorial respondents described lack of safety provisions and lack of basic safety equipment. One mining sector worker said: *“There are no helmets, no boots. If you complain, you lose your job.”* (Participant 07, 14 March 2024).

Conversations within these sectors showed the use of informal contracts, undocumented child labour, and informal contracts during harvest seasons. As one of the farm workers: *“We work on verbal agreements. Children also help during harvest.”* (Participant 12, 22 April 2024).

It’s not unusual for someone to not get paid on time or do irrelevant work. This was described by one construction labourer as simply:

“Sometimes we go months without pay, and there’s no one to report to.” (Participant 2, 21 April 2024).

Problems with working conditions and labour rights remain ongoing and vary by sector.

4.2.2 Perceptions of Legal Enforcement

During the interviews, some people questioned how effective the enforcement institutions really are. Some thought these institutions do not fulfil their responsibilities and are influenced by other people’s interests. One participant noted that:

“They just write reports. Nothing happens after inspections.” (Participant 8, 21 April 2024).

Another respondent stated:

“If the company has connections, no action is taken.” (Participant 10, 22 April 2024).

Other interviewees shared similar views regarding challenges that come with implementing labour standards based on the current enforcement strategies available.

4.2.3 Attitudes and Accountability of Corporations

A few of the people I interviewed mentioned that some businesses seem to prioritize profit over the protection of labour rights. A few of the interviewees from the same business entities described the disregard of legal and moral responsibilities as a combination of just disregarding financial overhead. One interview participant mentioned that: *“Companies know what’s right, but they do what suits their bottom line.”* (Participant 1, 21 April 2024).

Lately, some businesses have been adopting CSR policies. Policies that have been provided are, however, poorly implemented. *“Below the CSR policies, the efforts were seen to be shallow”* stated one participant: *“The policy is there, but on the ground, it’s different.”* (Participant 4, 21 April 2024).

These perspectives explain the fears people have on the gap between what businesses say and what happens within their work environment.

4.2.4 Systemic and Structural Gaps

As interviews were conducted, many participants pointed out the gaps in the legal awareness and legal protection gaps in the occupational world. Many respondents noted that workers did not seem to know their rights and were hesitant to speak up out of fear of reprisals. One stated that:

“Most workers don’t know their rights, and those who do are afraid to speak.” (Participant 11, 22 April 2024).

Some participants also mentioned the need for stronger institutional frameworks and more alignment between existing labour regulations and international standards. These issues were consistently raised through interviews with both workers and institutional stakeholders.

Table 2

Thematic Codebook from NVivo Analysis

Node (Theme)	Description
Weak Enforcement	Refers to inadequate follow-through on labour violations by inspectors and regulators.
Informal Labor	Covers practices such as lack of contracts, cash payments, and verbal agreements.
Lack of Awareness	Captures workers’ limited knowledge of their legal rights and complaint mechanisms.
Corporate Neglect	Addresses the failure of companies to implement internal Labour Rights compliance systems.

Table 3*Sample Coded Interview Quotes (NVivo Nodes)*

Interview ID	Theme (Node)	Quote
Interview_03	Weak Enforcement	“They only come to inspect after someone gets seriously hurt.”
Interview_07	Informal Labour	“I was hired without any contract; we just agreed verbally.”
Interview_10	Lack of Awareness	“I don’t know where to report when my rights are violated.”

4.3 Discussion

4.3.1 Interpretation of Quantitative Evidence on the Level of Integration of Labour Rights into Corporate Governance

The extent to which Zambian firms have adopted Labour Rights governance shows considerable inequity. Out of the firms in the sample, only 21.3% are categorised as having governance structures that fully incorporate labour rights, yet most respondents seemed to rate the labour rights governance frameworks as only somewhat or moderately inclusive. The stance seems to resonate with what Hess (2019) commented, where there exists a human rights policy framework, but the value remains useless without a genuine positive change since the firm only seeks to reputation launder. Choudhury (2023) remarked the same scenario with human rights due diligence, where firms manage and avoid risk leaving the unprotected worker. The Human Rights Commission of Zambia report in 2022 has identified ongoing labour rights abuses most recently in the extractive and agricultural industries. This, along with the above, portrays the operational rights un-integration, where the respondents seem to contrast the perception of operational un-integration with their policy commitment. This suggests a lack of substantive enforcement.

4.3.2 Superficial Corporate Social Responsibility and Limited Accountability

Some companies promote Corporate Social Responsibility (CSR) branding to cover their negligence of substantial labour-rights. Banerjee (2008) argues that in resource-dependent economies, CSR rhetoric can deflect attention without altering detrimental organisational practices. Hamann et al. (2020) express similar concerns based on their review of mining firms in Africa, where elite capture and managerial discretion operate primarily to the detriment of the community and workers. Methven O’Brien et al. (2016) also shows that voluntary CSR and community engagements, as well as initiatives, remains legally unaccountable and therefore, firms can pretend compliance without meaningful genuine structural changes. This scholarship supports the case study presented in the findings, where CSR practices in First Quantum Minerals’ operations were described as superficial and exclusionary. In this case, initiatives aimed at managing the company’s reputation cannot compensate for the absence of enforceable labour rights. This indicates that CSR, in the absence of legal obligations, will primarily be a superficial effort that provides no protection to workers.

4.3.3 Weak Enforcement and Regulatory Capacity Constraints

Some participants mentioned weak labour inspection systems are so poorly managed that no action is taken on violations. International Labour Organization, (2019) describes situations in South Africa where inspectors are so poorly resourced that they cannot enforce compliance with labour rights. The International Labour Organization (2020) describes weak labour inspection systems in Eastern and Southern Africa where shallow workplace monitoring is a consequence of insufficient staffing and limited logistical resources. In his 2011 work, De Jonge reinforces the claim by detailing how, during resource booms, the weakening of state protective frameworks occurs because the state shifts its focus from the rights of workers to the prioritization of garnering investments. Findings of the study identify the scant enforcement of laws as the source of impunity, thus confirming that the absence of legislation cannot be the only explanation for rights at work being unprotected. It is the inability to regulate that poses the greatest challenge.

4.3.4 Informal Labour Practices and Evasion of Corporate Accountability

Research from this study suggests that informal practices such as verbal contracts, withholding wages, and child labour within agriculture persist. Busquet et al (2021) recognize weak supply-chain oversight and informality as core drivers of labour abuse, especially seasonal labour. Likewise, International Labour Organization, 2015 and Scherer & Palazzo, (2011) claims that firms in African countries circumvent formal obligations and use informality as a means of cost reduction. Hilson and Laing (2021) point out that in Ghana, informality helps companies avoid compliance and relax accountability as a form of evasion. Order and linkage found within these pieces and the present work strongly implies that in Zambia, the informality within the system is a tactic of management aimed at obscuring the exposure of the labourers and avoiding accountability, rather than a response to market demands.

4.3.5 Fear of Retaliation and Workers' Silence

Some interviewees said abuse would not be reported because of psychological coercion, concern for dismissal, and being blacklisted. Kandilge et al. (2023) documented similar findings involving exploitation of migrant domestic workers and their employment. Morris and Rickard (2019) showed how silence on harassment in global supply chains can be attributed to fear of retaliation. In one of their psychological analyses on non-compliance of the law, Khan et al. (2024) showed how punitive legal structures shape people's disengagement. The Zambian findings reflect this literature. It appears workers, in the absence of structural protective measures, are prevented from exercising their legal rights in a meaningful way.

4.3.6 Ineffectiveness of Voluntary Corporate Accountability Mechanisms

This subsection looks at how labour rights outcomes, such as reporting violations and access to remedies, are impacted by the strength or lack of voluntary corporate accountability systems as a governance-related independent variable. There were some inaccessibility and distrust to grievance mechanisms suggested by respondents to dispute settlement. Utting (2012) states there are structural biases in fully voluntary grievance mechanisms as companies fully control designing and executing the whole process. Looking at Canada, Abuhadba (2022) explains the voluntary compliance models are weaker because there are no legal obligations to compel companies to stop vicious behaviours. Marquis and the Worker-Driven Social Responsibility (CSR) network (2023) demonstrated that, in contrast to corporate-driven CSR, worker-driven accountability mechanisms achieve tangible results in reducing rights violation. So, findings mirror an international pattern: without mechanisms to enforce oversight, voluntary systems are insufficient to protect labour rights.

4.3.7 Weak Integration of Human-Rights Due Diligence into Corporate Governance

Without due-diligence procedures being statutory, integrated governance with the labour rights framework remains weak. García-Sánchez et al (2025) states that only when there are legal obligations do multinational enterprises adopt rights-based governance. This is not done ethically. In Nolan (2016), statutory guidance is supplied which shows that facilitating compliance and relieving interpretative ambiguity are both possible. In Germany, empirical research by Kolev-Schaefer and Neligan (2024) demonstrated that with the introduction of the human rights due-diligence law, oversight on labour risks within supply chains skyrocketed. This shows that shadow legal norms are still effective. Therefore, this study supports the findings from comparative research which states that, in the absence of legal commitments, the balance of labour rights due diligence remains discretionary and inadequate.

4.3.8 Governance Structures, Board Oversight and Stakeholder Accountability

Survey responses indicated a lack of focus and scrutiny regarding overseers and the acknowledgment of the rights of the employees. As Keay (2010) states, the exclusion of the worker from the pillar corporate governance problem is a direct result of the legal framework of corporate governance which views profit maximization as the be-all and end-all of corporate activity. Aluchna and Roszkowska Menkes (2019) hold that the convergence of CSR and governance on the Board as the Bring Governance Convergence works to the enhancement of accountability to non-shareholder stakeholders. According to Ciravegna & Nieri (2022), the obligation of due-diligence compelled the board to understand and assess the risks of labour which in-turn prompted the board to shift to a stakeholder governance perspective. To summarize, the lack of alignment of the frameworks of the corporate boards to the representation of issues of workers' rights serves as evidence that the governance is still encased in a focus of shareholders.

4.3.9 Transparency, Disclosure, and the Accountability Gap

Regulators and civil society organizations defending the rights of the civil society organizations point out the limited scope of disclosure regarding the safety of employees, credit wage compliance, and contracts. Hess (2019) observes that in the case of human rights and sustainability, disclosure becomes a "transparency trap" where companies disclose some information while strategically hiding relevant risk information. Deegan and Rankin (1997) describe the symbolic nature of disclosures in the corporate world, which serve more as a guise for reputation management rather than honest accountability. Advanced governance structures make Torelli et al. (2025) better positioned predictors of human rights disclosure and accountability which suggests the opacity is driven primarily by not having mandatory disclosure. For companies in Zambia, selective and incomplete disclosure appears to be the standard.

4.3.10 Judicial Accountability and Pressure from International Litigation

The study pointed out the increasing judicial accountability within the area of accountability when the domestic system is inadequate. As stated by Chirwa (2020), via transnational litigation, a court in a foreign jurisdiction can make a ruling against a multinational and make it accountable for the abuses happening in Africa. For Ruggie, (2013), he also argues that extraterritorial litigation enhances access to remedy and compels corporations to tighten control within the

borders to evade reputational risks. In the case of Total Uganda, Deegan and Rankin (1997) showed that home-country courts can enforce corporations' obligations of compliance to due-diligence. The current study also pointed to increased litigation directed against mining companies, which is a clear indication that the courts, local and foreign, can influence governance reform when companies refuse to comply.

4.3.11 Global Regulatory Developments and Implications for Zambia

The new approach to accountability in human rights and business relations moving from non-binding to binding is evident from the March 2023 draft directive from the EU and ongoing preliminary talks in the EU. As noted by Federal Ministry of Labour and Social Affairs [BMAS] (2023) the German Supply Chain Due Diligence Act expects companies to assess, mitigate, and document the impact risks, including adverse human rights impacts, in their supply chains in Germany. As noted by the OHCHR (2024) legally mandated and required due diligence is now moving across Asia. Zambian firms that are global players in the supply chains will face non-voluntary and less selective due diligence.

4.3.12 Structural Implications for Zambia's Corporate Governance Environment

Interviews indicate that non-compliance with labour rights standards can be attributed to structural power differences, informality and weak oversight, and silence from the workforce. In developing economies, governance outcomes, according to (Hale et al, 2013), depends on the institutional enforcement systems' strength, not on and the legal provisions. Peters et al. (2020) argues that the absence of oversight and governance constitutes a failure to address human rights, and the weak enforcement of the oversight system is the primary mechanism through which legal compliance is undermined. Backer (2020) argues that achieving corporate governance compliance with human rights requires systematic alignment of law and enforcement mechanisms. For Zambia, this implies not a lack of legislation, but weak institutions; the enforcement of labour rights will require strengthening the enforcement framework rather than broadening the policy rhetoric Chirwa (2020)

V. CONCLUSION & RECOMMENDATIONS

5.1 Conclusion

This research examined the integration of labour rights by Zambian corporate governance and business practices, particularly in concern with accountability in practice and not just policy. There are legal frameworks and corporate policies governing labour rights; however, implementation is unequal and in many cases absent. Governance systems tend to favour 'box ticking' over the protection of workers in the most vulnerable sectors, mining, agriculture, construction and manufacturing. It was noted that corporate governance systems, in principle, do not provide for internal mechanisms to ensure that labour standards are integrated in day-to-day operational decisions. Weakly structured corporate accountability systems incorporate labour rights.

The report explains the gaps in enforcement and organisational systems lacking the protection of workers within the context of the abuse of labour rights in Zambia. Both quantitative and qualitative analysis revealed that there was a very small proportion of businesses that could be said to fully integrate the rights of labour with their governance systems, while most others were identified as having a very low to moderate level of commitment. Structures of informal employment, ineffective grievance mechanisms, and the absence of concern for labour issues at the level of the board all impair accountability. These conditions together create underpayment, poor and unsafe working conditions and the fear of asserting rights.

The study states that frameworks of corporate social responsibility and ESG have not led to better labour outcomes. These frameworks can be reputational instead of being accountability frameworks. Without proper enforcement and weak government compliance, companies can keep their symbolic compliance while not improving the treatment of workers. The Zambian case demonstrates that the protection of workers' rights relies on governance frameworks that are directly enforceable, with business responsibility linked to protective governance, rather than relying on voluntary frameworks.

5.2 Recommendations

Given the gaps in governance and enforcement in this study, Zambia should introduce mandatory human rights due diligence for medium and large firms, particularly in labour-intensive sectors. Companies ought to be responsible for the identification, prevention, and management of risks to rights in the work and supply chains. This would mean due diligence would unilaterally make employment rights non-negotiable for corporations, and would instead acknowledge employees as rights holders, as opposed to beneficiaries of goodwill. More clarity would also help regulators assess whether companies are complying with their duties.

While the report has rightly suggested bolstering the capacity, autonomy, and scope of the labour inspectorate, it should also be reiterated that inspectors ought to be sufficiently resourced, trained, and given the authority to follow

up on and penalise breaches. The use of remote reporting and decentralised inspection units should be employed to improve coverage of remote and under-served areas in mining and agriculture. The more the enforcement mechanisms are strengthened, the more it will be evident that the labour laws are not being broken, and the more the cost of non-compliance will be for the employers.

The report also supports accountability systems centered on workers, where workers themselves are empowered to assess and report on the conditions of their own work. Unions and civil society actors would support the development of such reporting systems from workers, which may decrease the chances of retaliation and improve the chances of remedy. Lastly, safe, independent, and dependable channels where workers can report violations are needed, and that means that businesses must work to establish their grievance mechanisms. More formalized employment relationships, contract transparency, and punctual wage payments would improve labour protection. These suggestions present a realistic approach to transforming the corporate governance of Zambia into a governance system that protects the rights of workers.

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