

Labour exploitation due to casualisation of Labour. Zimbabwe's Agricultural Sector experiences

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Abstract: This study sought to establish the nature and effects of casualization of labour on matters pertaining to employment and conditions of service in the agricultural sector in Zimbabwe. *The researchers were motivated by the worrisome rising cases of casualisation of labour in the agricultural sector yet Zimbabwe's labour laws were against and not fully recognizing that. The participants used in this study were drawn from officers employed in the responsible Ministry of Agriculture, Mechanisation and Irrigation Development, farm owners, farm managers and the casual workers drawn from six provinces in the country. The quota sampling technique was used in order to accommodate all the key players to constitute a representative group. Data was collected by using unstructured interviews and focus groups. Major findings were: casualization of labour was a form of exploitation of those engaged. Casual workers were not being given the same protection as permanent employees even though they work under the same conditions. Casualization of labour leads to poor working conditions, job insecurity, extended working hours, underpayment of wages and non-provision of employment benefits that are accorded to permanent employees. Under the current economic hardships in Zimbabwe, employers found casualization of labour as a panacea to counteract expensive market related salaries or wages, since casual workers were far much cheaper to employ compared to permanent employees. The study recommends that because of high unemployment in Zimbabwe and economic hardships being faced by majority of the populace, casualization of labour can be allowed albeit improving working conditions that should accommodate basic fundamental rights and fair labour standards as enshrined in the Labour Amendment Act 28:01 to minimize exploitation of casual workers, which was becoming rampant. The employment contract should be enforced so that both parties are clearly aware of each party's employment rights, obligations, responsibilities and duties. The employer should pay overtime for including weekends and public holidays in line with the relevant national employment council (NEC) rates.*

Key Words: Agricultural sector, Casualisation of labour, Casual worker, Labour exploitation, Employment security, Labour laws

Background of the study

This issue of casualisation of labour is prevalent across the world (Fashoyin, 2000). Makwavarara (2004) noted that in the past, casual work was required for seasonal work or work that arises periodically and continues for a relatively short period. However, casualization of labour had been taking a new dimension as both skilled and unskilled labour are engaged as casual workers in almost all the major sectors of the economy. In Southern Africa, casual workers were falling through the cracks of protection by labour laws and social protection (NALEDI, 2006). They occupied a precarious position in the working place and society and were effectively a new underclass in the modern capitalist economy. Trade unions were battling to organise and represent casual workers and fight for their rights (NALEDI, 2006). A new form of labour exploitation in Zimbabwe erupted as employers preferred to hire short-term contract workers to escape from the costs incurred by engaging permanent workers. Zimbabwe's crumbling economy and lack of investment had forced companies to downsize and retrench workers. Many are doing away with formal employment and instead offering contracts to workers as a way of avoiding provision of benefits such as medical aid, insurance, funeral policies and pensions (Chifamba, 2014).

Zimbabwe industries such as agriculture have always relied on casual workers and fixed term contracts. Workers are employed when seasonal demands dictate it such as planting, weeding or harvesting times (Newsday, 2018). There is no obligation to employ redundant employees and so employees are free to find other work after termination of fixed term contracts.

Casualisation is a process by which employment shifts from a preponderance (predominance) of full time and permanent positions to higher levels of temporal and informal positions (ILO, 2000). Okafor (2012) defined casual work as irregular employment or a part-time labour, including the labour of workers whose normal employment consist of a series of short time jobs. The Labour Amendment Act (28:01) of Zimbabwe defines casual work as work for which an employee is engaged by an employer for not more than a total of six weeks in any four consecutive months. Casual work has always existed for particular jobs, especially jobs that are routine in nature. Zimbabwe's economic situation represents a fragile state characterised by an unsustainably high external debt, massive deindustrialization, casualization (informalization) of employment (94, 5% according to the 2014 Labour Force Survey), and poor export performance and capital leakages. In Zimbabwe in the minds of many workers, casualization of labour is a term usually associated with work arrangements that are characterised by bad working conditions like job insecurity, low wages, and lack of employment benefits that accrue to regular employees as well as being denied the right to organise and collectively bargain (Sachikonye, 2001). In addition, workers in this form of work arrangement can be dismissed at any time usually without notice. Hence, it is an unprotected form of employment because it does not enjoy the statutory protection available to permanent employees as stated in Section 4 and Section 12 of the Labour Amendment Act [Chapter 28:01]. This emerging pattern of employment in Zimbabwe today of casualization of labour is fast becoming the dominant form of flexible work arrangement particularly in the

Agricultural Sector. Employers use casualization of the labour force as an effective means of reducing cost, maximising profit and de-unionising the work force.

In Zimbabwe, casualisation of labour became more pronounced in the 1990s when the government introduced economic reforms in the form of the Economic Structural Adjustment Programme (ESAP). Sachikonye (2001) contended that the country's labour laws were too rigid and could not respond to the demands of the economic reforms. Employers were simply saying they needed flexibility in employment relations so that they could hire and fire employees whenever necessary in response to market demands. On the other hand, trade unions cried foul because such flexibility resulted in the loss of jobs and many would leave their employment empty handed. No, wonder why trade unionism became so popular in the early 1990s. Since then, the problem has continued and intensified but somehow seemed to go unnoticed. Sadly, it appeared in the form of unfair labour practice cases reported at the Labour Court. Casualization of labour has become a subject of great concern as more workers continue to groan under this strategy of cutting costs by employers (Benson, 2000). In an ever-changing market with fluctuating demands, a casualised workforce is seen to be ideal by employers. The expansion of flexibility in the workplace, which provides fertile ground for casualization of labour to thrive, can be considered a contributing factor to the intensification of casualization of labour. Formerly permanent jobs are being changed into casual jobs to increase production. In casual employment, casualised workers are often subject to worst conditions of employment than permanent employees. This gives room to firms to increase their capacity of their business according to the flows of the market at the expense of the welfare of their employees (Makwavarara, 2004). Casualization of labour has brought some dirty working environment where many potential employees in the labour market are willing to take any job because they have little option of getting employment. It has become a silent form of exploitation (Thompson, 2003).

Campbell (2004) postulated that casualised workers are deprived of their rights and benefits when compared with permanent employees. It is evident that casualised workers in general are more vulnerable to summary dismissal, sexual harassment and underpayment. Casualization of labour is viewed as not good because it lowers the wages and the working conditions even of those employed on a permanent basis. Mitlacher (2007) noted that, the income flowing for casual workers is uncertain, which in turn, means that the house hold relying on this income invariably experience financial problems. Moreover, the invariability of flexible work in some instances may be uncertain, so that the employees concerned suffer unpredictability, which affects negatively on how they should organize their lives. Employers also save generally yet they invest less in training of casual workers relative to permanent employees.

Casual employees are not privy to some entitlements as permanent employees (Mitlacher, 2007). The deregulation of the labour market makes it easier for employers to replace permanent employees with casuals or temporary employees. Makwavarara (2004) concurred that casualization of labour is mainly fueled by flexible labour markets and

employment practices. These practices are influenced by the economic environment and competitive pressures. Casualization of labour offers the employers the flexibility in the recruitment of labour and it enables them to get the labour they require when they need it. Fashoyin (2000) propounded that the increase in labour casualisation has made employers more flexible in the way they manage their labour force. This results in flexibility where the number of workers can be varied to meet the needs of the business without a hassle. Flexibility is particularly important in the Agricultural sector due to fluctuating labour requirements (Makwavarara, 2004).

Statement of the problem

In Zimbabwe, there is a growing concern that the use of casual workers in organisations is on the increase unabated particularly in the agricultural sector. There is a sharp rise on the number of casual workers filling positions that are supposedly to be permanent in nature, in what appears to be deliberate efforts by employers to cut their wage bills and other benefits such as social security payments. In contrast, casual workers are deprived of their rights and benefits as compared to permanent employees. Casualization of labour is increasingly becoming a silent form of exploitation and hence this is the major reason, which motivated the researchers to undertake this study, in order to have better insights of its scenario in the agricultural sector in Zimbabwe.

Research Questions

- (i) *What are the reasons for prevalence of casualization of labour in the agricultural sector in Zimbabwe?*
- (ii) *What are the causes of the casualization of labour in the agricultural sector in Zimbabwe?*
- (iii) *To what extent do casual workers and the employers comply with relevant labour policies?*
- (iv) *Which are the major the challenges arising from casualization of labour in the agricultural sector?*

Literature Review

The Numerical flexibility mode of casualisation

Whilst there are many types of flexibility, the researchers used the **numerical flexibility** mode of casualisation to underpin this study (Atkinson, 1984). He considered numerical flexibility as the freedom employers have by enjoying to either expand or contract their labour force as they want or engage workers on a temporary and casual basis. According to Treu (1992), numerical flexibility refers to the possibility of the organization to vary the number of its labour on short-notice, increasing or decreasing it as it sees fit. This enables a firm to adjust rapidly to changing levels of demands by increasing or decreasing the hours worked by its employees. Numerical flexibility aims at reducing this by using casualised workers for example, part-time workers or casual workers to meet periods of increased demand. As the case with casualisation of labour in the agricultural sector, numerical flexibility is used when the organization can reduce labour costs than hiring permanent

employees. Numerical flexibility is also often used in the pick seasons of agriculture. During this period, there is more demand for labour hence casuals are hired. Treu (1992) propounded that flexibility is needed simply because there is more work in summer than in winter, so one needs casual workers to supplement workers during the entire growing season.

Labour exploitation

Labour exploitation refers to working situations where people are coerced to work for little or no remuneration, often under threat of punishment or under unconducive working conditions (Beels, 2017). There are a number of means through which a person can be coerced, including the use of violence or intimidation. Casualisation has been classified as a form of Labour exploitation (Mollo and Emuze, 2017). According to Scott (2017), labour exploration consists of following characteristics:

- Live in groups in the same place where they work and leave those premises infrequently, if at all.
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings.
- Have no access to their earnings.
- Have no labour contracts.
- Work excessively long hours without proper compensation.
- Paid less than he/she should be paid according to the law and collective agreement.
- The worker does not get days off.

Casualisation in Zimbabwe

Sachikonye (2001) noted that casual work in addition to providing cheap labour to the benefits of the employers, is also a violation of labour regulations in that casual workers are hired for longer periods than the period stipulated as indicated in Section 12 (3) of the Labour Amendment Act [Chapter 28:01] which says

“a contract of employment that does not specify its duration or date of termination, other than a contract for casual work or seasonal work or for the performance of some specific service, shall be deemed to be a contract without limit of time ,provided that a casual worker shall be deemed to have become an employee on a contract of employment without limit of time on the day that his period of engagement with a particular employer exceeds a total of six weeks in any four consecutive months”.

According to Sachikonye (2001), the increase in casualisation of labour in Zimbabwe has been pathetic and this is largely attributed to the government policy of outsourcing. This has resulted in the abolition of some jobs and services in the public sector, and that has been emulated by the private sector organizations, which in turn, engage workers to perform the jobs often on a temporary basis with uncertain wages and without job security. This, according to the government, is to promote public-private partnership, which in turn is expected to induce efficiency in the economy. The use of casual workers allows employers greater flexibility in hiring and firing and adjusting to swings in production. For

the employer, it is less costly to employ casual labour and thereby enabling the maximisation of profits.

Historically, casualisation of labour was meant to deal with seasonal fluctuations. This is the case even today in Zimbabwe, where casual workers are hired during the peak season in the agricultural sector. Casual workers will be called to supplement full time workers in times of high business activity. In Zimbabwe, they are usually hired for planting, weeding and harvesting the crops. Mills (2004) noted that many casual workers are subjected to appalling conditions of work such as no guaranteed hours of work and do not get paid if they go on sick leave. Campbell (2004) proclaimed that casualised workers are deprived of their rights and benefits when compared with permanent employees. It is evident that casualised workers in general are more vulnerable to summary dismissal, sexual harassment and underpayment (Mills, 2004). The income flowing for casual workers is uncertain, which in turn, means that any house hold relying on this income, invariably experiences financial problems (Thompson, 2003). Moreover, Thompson (2003) notes that the invariability of flexible work in some instances may be uncertain, so that the employees concerned suffer unpredictability, which influences negatively on organizing their lives. Example of this unpredictability can be seen in the agricultural sector, for instance, where casual workers are often expected to work over weekends, and in some cases, they are not paid overtime. Instead, they are given off days during the week. Casualisation of labour is associated with many types of labour insecurity and it makes work less attractive and secure (Armstrong, 2010). As more technology is adopted by many organizations, the unskilled workers become more disadvantaged (Campbell and Brosnan, 1999). The impact of technology alone is not enough to explain the existence of this situation of workers. Mills (2004) concludes that, casualisation of labour is therefore part of managing workforce in the new era.

ESAP was implemented in 1991 at the behest of the International Monetary Fund (IMF) and the World Bank, to foster economic growth and development (Kanyeze, 1993). It was intended to raise investment levels, thereby facilitating higher growth rates, employment creation and uplifting the standard of living of the majority of the people (Government of Zimbabwe, 1991; Kanyeze, 1993). It was suggested by Sachikonye (2001) that the country's labour laws were too rigid and could not respond to the demands of the economic reforms. In other words, the employers were simply saying they needed flexibility in employment relations so that they could hire and fire employees whenever necessary to respond to the market demands. The coming of ESAP culminated in retrenchments, proliferation of the Informal sector and the growth of various types of employment such as vending in streets and casual employment. Labour market liberalization has been one aspect of market liberalization under ESAP.

Other causes of casualization of labour

The root causes of casualisation emanate from poverty, globalization, technological change and abundance of labour. Employment has greatly shifted from permanent employment to contract employment, part-time employment and casual labour (TUC Guide, 2012).

Benson (2000) argued that, casual workers offer enhanced flexibility to employers. Many individual employers champion casual work, and many vigorously introduce casuals into their workplaces, sometimes building almost the entire workforce. In response to increasing competition ushered in by trade liberalization, companies have decided to focus on flexibility of production and employment to enhance profit margins.

Methodology

Research paradigm. The study was qualitative since it sought to capture issues or sentiments raised by experienced different participants in detail (Peterson, 2019)

Research design. This was a case study of the agricultural sector only which means findings apply to that sector only (Thomas, 2021).

Sampling procedure: Participants were selected based on quota sampling technique in order to accommodate various groups or stakeholders for inclusivity (Mishra and Alok, 2022).

Data collection methods: 1. *Unstructured interviews* were used because of flexibility as they do not have a set pattern and questions are not arranged in advance (Patten and Newhart, 2017). These were conducted with agriculture senior ministry officers, farm owners (farm management) and labour officers. 2. *Focus group discussions* were used to collect data from casualised employees since they were from similar backgrounds or experiences together to discuss a specific topic of interest (Gammie, Hamilton and Gilchrist, 2017).

Data analysis: Data was analysed using the thematic analysis based on summarisation of key findings and selected narrative statements of participants (Jackson and Bazeley, 2019).

Research ethics; These were observed and included *Informed consent, honesty, Integrity, Privacy and confidentiality* of participants

Major findings

• Purpose of casualization

- Casualised employees were needed in the agriculture sector for short period, which is during the peak of the season for planting, applying fertilizer, applying herbicides, weeding, harvesting and shelling. Employers prefer casualization since it reduced labour costs by engaging casualised workers who are cheap to employ compared to permanent employees. Casualisation of labour in the Agricultural sector was no longer seasonal but ongoing as a cost cutting measure.

• Causes of casualization

- (i) The high unemployment rate in the country contributes to labour casualization.
- (ii) The flexibility in terms of Working conditions and no special follow up of Labour laws makes companies recruit more Casual Workers.
- (iii) Employers argue that these kinds of working arrangements and contracts are necessary to give them the flexibility they need.
- (iv) Lack of Budgetary support also promotes casualization.
- (v) School dropouts. A sizeable number of casuals are mostly children who drop from school since their parents may not afford tuition fees.

(vi) In Zimbabwe, a considerable number of organisations have either been liquidated or restructuring (downsizing or retrenching) due to underperformance of the economy exacerbated by the adverse effects of the covid-19 pandemic which caused serious business disruptions due to lockdown restrictions.

An elderly woman (Key informant 10) had this to say, *“We do not have many options to find alternative employment because of our inferior educational background and upbringing”*

- **Working conditions**

(i) Casualisation of labour is characterized by poor working conditions such as employment insecurity, working for extended hours, low wages and an absence of permanent employment benefits.

(ii) Casuals could be used to work over the weekends and holidays without employers observing labour law provisions.

(iii) Poor working conditions were compounded by the lack of proper safety clothing and equipment. As a result, Occupational Safety and Health (OSH) remains a challenge in the agriculture sector and yet the sector has higher risks for workplace hazards through chemical use and machinery. Employers were failing to provide adequate personal protective clothing and equipment, exposing workers to safety and health risks, diseases and illness.

(iv) Casual workers are vulnerable to exploitation by employers and do not exercise their right to associate or collectively bargain because they are deemed unskilled.

(v) Given the paltry wages that casual workers earn, most workers cannot afford to take family members to government clinics or hospitals. They resort to traditional medicines, traditional healers and prophets, which can further expose them to more health complications and risks.

One young female (Key informant 3) said, *“There are many cases of sexual harassment committed by foremen and supervisors yet management was doing nothing about that”*.

A young man (Key informant v8) had this to say *“The work environment is not very conducive and at times we work under dirty areas without protective clothing”*.

One male said (Key informant 2) *“when the management is distributing protective clothing, they will give preference to permanent employees and then we casualised workers later that is if there are still available”*.

Another male said (Key informant 5) *“there is no specific day for payment of wages and we are constantly threatened with dismissal if we ask anything in line with our pay dates and even other working conditions”*

- **Compliance with labour laws**

- (i) Non-availability of contracts of employment. There was almost unanimous agreement by participants (key informants) that these were never in place. Therefore, it implies that there was no written agreement between an employer and an employee (casual) to spell out clearly both parties' employment rights, obligations, responsibilities and duties.
- (ii) Casual workers have less favourable terms of employment than permanent employees performing the same work, as well as, less security of employment. They often do not receive benefits such as medical aid, insurance cover, and pension benefits. There is lack of rights and minimal legal status of casual workers. This threatens access to resources and entitlements, as well as, self-ego. This scenario is a serious threat to social protection.
- (iii) Although the workers can be affiliated to their trade union, the General and Agriculture Plantation Workers Union of Zimbabwe (GAPWUZ), an affiliate of the Zimbabwe Congress of Trade Unions (ZCTU), its union membership has been on the decline especially after the Land agrarian reforms of around 2002 when mostly indigenous farmers, of which most of them lacked business skills and the recent covi-19 pandemic, invaded commercial farms. The lack of a vibrant voice often leads to intimidation and victimisation of casual workers.
- (iv) Both workers and casual workers were ignorant about the policies and laws pertaining to employment of casual workers and not aware of the provisions of the labour laws including the Labour Act 28: 01 amended 2016.

One of the women (Key informant 7) said, *“Management does not pay attention to our grievances. At times, we are asked to work extended hours, work over the weekends and holidays and we are not paid but you are asked to be compensated by taking some off days especially when it is not a busy period”*.

One young woman (Key informant 3) said, *“We are missing opportunities to get loans from banks because we are not given pay slips which are normally a basic requirement when you want to apply a loan from a bank”*.

Another female said (Key informant 4) *“we did not sign any contract with the employee and we have no idea about the status of our contract, hence it becomes very difficult to plan for the future”*.

A log serving male (Key informant 12) casual worker at one commercial farm said *“I have been here for 12 years now. I am now tired of asking them when they should employ me full time, so it appears they do not have intentions of filling vacant posts of permanent employees”*.

- **Challenges with casualization**

- (i) Provision of adequate housing or decent accommodation remains a huge challenge for agriculture casual

workers. Casual workers are at a higher risk of not getting housing allowances even if they stay outside the farm. Despite many casual workers being really in need of decent housing, because of the low wages they earn, most of them end up building houses from mud and poles, and in many cases, the roof is simply grass. For those who have provision of houses, most of the houses are dilapidated and require proper maintenance more often to avert disasters.

A school dropout boy (Key informant 2) had this to say, *“We are not recognized or appreciated by the farm owner, and hence our engagement and loyalty is not much”*.

Conclusion

Casualisation of labour was the most used alternative form of employment in the Agricultural sector in Zimbabwe as employers wanted to save costs because they pay low wages, there are no costs related to social protection and security. There is non-compliance with the country’s labour laws and other statutory requirements, resulting in the violation of workers fundamental rights and entitlement to fair labour practices. Casualisation of labour was therefore causing many adverse effects although it was acting as a stopgap measure to address high unemployment in the country.

Recommendations

- **Employment contracts**

The employer must come up with a contract, which is clear on the nature of work to be done, and the hours to be worked with remuneration modalities clearly stated. Both parties must sign the contract.

- **Awareness campaigns**

The National Employment Council (NEC) for Agriculture should conduct awareness campaigns among casualised workers with regard to their rights and working conditions. In addition, the labour laws must compel employers to train casualised workers and educate them so that they have knowledge of labour issues and policies.

- **Representation of casual workers**

Trade unions must represent both permanent employees and casualised workers to avoid discrimination

- **Amendment of the major administrative labor legislation**

The Labour Amendment Act [Chapter 28:01] should not be silent about casualised workers. It only defines casual work. The Act must also define casualised worker and protect him/her from abuse by employers and the practice should be abolished.

- **Payslips**

Casualised workers should be provided with pay slips so that they can have access to other avenues e.g. accessing bank loans. In addition, the employer must also supply the information pertaining/regarding the pay dates.

- **Work scheduling**

Supervisors and management must come up with proper shifts and duty roaster for those who work during weekends and public holidays, so that there is transparency and to control burnout and fatigue.

- **Overtime payment**

In line with best practice, the employers must pay overtime for the extended hours worked including weekends and public holidays in line with set NEC rates.

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