SUMMARY STATUS OF THE IMPACTS OF THE COVID-19 PANDEMIC ON THE MINING SECTOR IN THE DRC, “Case of the Provinces of Lualaba and Haut-Katanga”

ABOUT THE NEWSLETTER

The newsletter UKWELI aims to inform the population about the activities of mining companies in the DRC. This second issue aims to inform the public in a special way about the impacts of Covid-19 on the mining sector in the provinces of Lualaba and Haut-Katanga.

This special issue on Covid-19 was prepared by AFREWATCH with the contribution of local NGO partners and local committees based in the two provinces mentioned above.

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0. INTRODUCTION

AFREWATCH is a Congolese NGO specialized in the governance of natural resources. AFRWATCH promotes the responsible exploitation of natural resources by militating for the accountability of companies and the respect of the rights of local communities and populations.


During this period of lockdown that started in March 2020, AFRWATCH could not physically go on the field for data collection; rather it collaborated with 22 persons including 12 of its focal points and 10 persons who are members of civil society NGOs. These resource persons in turn exchanged with workers from different companies.

Following two alleged cases of Covid-19, the Governor of Haut-Katanga, Jacques KYABULA, decided to lockdown the city of Lubumbashi for two days on 23 and 24 March 2020. It is the first city in the country to be confined. The province of Lualaba did not remain indifferent to the alert given by Haut-Katanga, the Governor of the Province also placed the city of Kolwezi under confinement.

As the cases of contaminated persons and the number of deaths due to Covid-19 were only increasing in Kinshasa, the President of the Republic, on the basis of Article 85 of the Constitution of the DRC, declared a state of health emergency on 24 March 2020. The state of emergency implies the limitation of certain freedoms and rights, in particular freedom of movement and association. According to the President's order, the state of emergency concerns the entire national territory.

These exceptional measures taken by the Congolese political authorities have a direct impact on all sectors of human life, including the mining sector.

In the two provinces concerned, only one case of Covid-19 has been confirmed in Haut-Katanga.

This report is not intended to assess the economic impact of Covid-19 on the mining sector in the DRC. It focuses on the implementation by companies of the measures taken by the Congolese government, and the impact that this has on human rights, particularly workers' rights.

This report is structured around 5 main points: the contribution of mining companies to the efforts to respond to the threats of the virus and the reactions of the different mining companies, the impacts of reactions of the different measures on workers and the impact on the artisanal mining.

I. CONTRIBUTION OF MINING COMPANIES EFFORTS TO RESPOND TO THE THREATS OF THE VIRUS

I.1 Commitment of the public authorities to the effort

After the announcement of measures to manage the health crisis linked to the Covid-19 pandemic by the President of the Republic of the DRC⁵, the governors of various provinces relayed these measures with other measures prohibiting the gathering of populations above 20 people. All sectors of life are concerned. Thus, churches, schools, bars, etc. are affected by these measures.

The two provinces of Haut-Katanga and Lualaba have also relayed the measures relating to limiting the number of people on public transport and the strict observance of the rules issued by WHO and the Ministry of Health of the DRC⁶. In addition, as at the national level, the two provinces have respectively set up the solidarity fund to support the efforts to fight against Covid-19 in the provinces⁷.

In the case of Lualaba Province, special measures have been taken, including the partial leave of "non-essential" staff in order to reduce promiscuity and minimize the risk of contamination of the staff.

I.2 Commitment of mining companies to efforts to combat Covid-19

The actions of national and provincial governments have motivated officials or individual companies to reduce the number of workers. The number of employees in different companies has been reduced because some services would be considered as complementary in order to comply with the distancing measures. Others found it useful to confine workers to the sites by eliminating all staff transport activities.

In order to respond to the appeal launched by the provincial government of Lualaba on the creation of a support fund for the pandemic response plan, some mining companies have been able to pay or promise their financial contributions in addition to health equipment⁸:

<table>
<thead>
<tr>
<th>Company</th>
<th>Beneficiary</th>
<th>Contributed amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glencore group</td>
<td>Lualaba</td>
<td>750,000 USD</td>
</tr>
<tr>
<td>Tenke Fungurume Mining</td>
<td>Lualaba</td>
<td>400,000 USD</td>
</tr>
<tr>
<td>SICOMINES</td>
<td>Lualaba</td>
<td>600,000 USD</td>
</tr>
<tr>
<td>Union of Chinese mining companies⁹</td>
<td>Haut-Katanga</td>
<td>1,000,000 USD</td>
</tr>
<tr>
<td>MMG Kinsevere¹⁰</td>
<td>Haut-Katanga</td>
<td>100,000 USD</td>
</tr>
<tr>
<td>Union des Compagnies minieres de Kambove (UCMK)¹¹</td>
<td>Haut-Katanga</td>
<td>1,000,000USD</td>
</tr>
</tbody>
</table>

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⁵. [Link to RFI article](http://www.rfi.fr/fr/afrique/20200414-%C3%A9tat-durgence-sanitaire-en-rdc-que-comprendre-larr%C3%AAt-la-cour-constitutionnelle)

⁶. [Link to Radio Okapi article](https://www.radiookapi.net/2020/04/10/actualite/societe/haut-katanga-la-population-appelle-continuer-dobserver-les-mesures-de)


⁸. [Link to Google search for Sicomines contribution](https://www.google.com/search?rlz=1C1GGRV_enCD772CD772&sxsrf=ALeKkk00681UR6Y74EvNYPY-V52A0KXSkQ%3A1588187653778&ei=gc6pXtKLL-HYxOQb6GDgq&sa=X&ved=0ahUKEwiS0K7aq17pAhVhrHEKHQom5A-ID4dUDCAw&uact=5)

⁹. [Link to UCMK contribution](https://www.provinces26rdc.net/rdc-coronavirus-felix-tshisekedi-cre-un-fonds-national-de-solidarite-pour-la-lutte-contre-la-pandemie/)

¹⁰. [Link to Radio MWANGAZA article](https://www.politico.cd/encontinu/2020/04/19/lutte-contre-le-covid19-le-haut-katanga-beneficie-de-1)

¹¹. [Link to Radio MWANGAZA article](https://www.politico.cd/encontinu/2020/04/19/lutte-contre-le-covid19-le-haut-katanga-beneficie-de-1)
Contributions by mining companies to the efforts of two provinces can exceed US$3,850,000. However, in both provinces the management of this amount of money is not transparent. AFREWATCH encourages the two governments to set up joint management teams: government, mining companies and civil society to communicate on the matter.

II. REACTIONS OF DIFFERENT MINING COMPANIES

When measures to deal with Covid-19 were announced, mining companies reacted in various ways. AFREWATCH and its field focal points have collected information relative to measure that mining companies have taken; some of them are presented below per company.

II.1 For Société d’Exploitation de Kipoi, "SEK", located some seventy kilometres from the city of Lubumbashi, containment began in mid-March 2020 and its measures will last 60 days with the possibility of extending to 90 days in the event of a prolonged situation. Within this company, the containment is total and no employee is allowed to return home. The majority of the employees live in Lubumbashi Likasi; their families don’t welcome this measure.

II.2 At Komoa Kakula in the sector of Luilu, Lualaba Province, containment began more than 30 days ago. Some sub-contractors have stopped their activities; but the number of agents and sub-contractors impacted is not yet known. This decision was optional and the choice to stay on site or at home was left to the workers. But those who stay at home lose their pay because they are on technical leave. Except for women, who are also on technical leave and receive only basic salaries. Interviews with several workers and trade unionists who preferred to remain anonymous, dated 28 April 2020.

II.3. In Kamoto copper compagne (KCC), located between the cities of Luilu and Musonoi in the Lualaba province, the containment was decided in early April 2020 and is total to prevent against covid-19 because the agents are mainly either from Kolwezi, Likasi or Lubumbashi.

II.4. At the Chinese Sino-Congolese mining company (Sicomines) located in Kapata in the province of Haut-Katanga, the majority of Congolese workers left and refused to be confined to the site due to poor working conditions. According to the information in our possession, these workers will lose the social benefits linked to their employment contracts.

II.5. The Musonoi Mining Company (COMMUS) in the city of Kolwezi in the province of Lualaba, has suspended its contracts with all its subcontractors on an optional basis. Only those who have agreed to containment on the sites will have a 40% bonus (without notification).
until then) of their salaries. It should be pointed out that living conditions on the site are very poor as they sleep in containers, sometimes on the ground. If anyone falls ill, they are given urgent treatment and taken home until the official authorities lift the containment measure. Workers who have families in the city of Musonoie are provided with food by their family members (wives or children) on a daily basis by paying 2000 Congolese francs per day for transport by motorbike up to 5km.13

II.6. At Chemaf in Mutoshi in Kolwezi, more than 600 agents were dismissed by subcontractors. At its plant in Lubumbashi, located in Kampemba and Ruashi in the province of Haut-Katanga, the need for mass redundancies can be explained by the inadequacy of inputs such as reagents, which are often imported from Europe.

Some of the workers who have accepted on-site confinement have begun to return home, as the food supply is not regular. Despite the understaffing and lack of food, workers are expected to produce the same amount of work.14

II.7. The Générale des Carrières et des Mines (GCM), the west group based in Kolwezi in the province of Lualaba; this state-owned company does not already have any worker confinement but has just suspended contracts and activities with some workers who are already suffering from 2 months of wage arrears. Some consider it prudent to stay at home at the instead of exposing oneself by going to work without benefits.15

II.8. At Mutanda Mining (MUMI), a subsidiary of the Swiss multinational Glencore based in Lualaba province, more than 70% of jobs had already been suspended for almost six months for plant modernization, with the exception of some maintenance services for the processing units. The pandemic has further reduced the workforce in addition to the confinement of a few employees on duty.16

II.9. At Métalkol, a company belonging to ERG group, located in Manika, Dilala and Mutshatsha in the province of Lualaba, the workers are not yet under confinement and could be in the coming days. The workers still use buses to get to the work while staying in contact with other community members. This time, one bus carries a maximum of 10 people in order to respect social distancing measures. Unfortunately, some subcontracted workers have been sent on technical leave without receiving any compensation.17

II.10. At Tenke Fungurume Mining (TFM), located in Fungurume and Tenke in Lualaba Province, a large number of workers were placed on technical leave - a small number for some key services remained working in confinement at the sites. Among the temporarily dismissed workers, some have had their salaries and many others have to wait for the company's finalization and decision to have their salaries for example for March 2020.

13. Interview with a COMMUS worker who requested anonymity and is on the site, April 13, 2020
14. Interview with a COMMUS worker who requested anonymity and who is on the site, April 28, 2020
15. Interview with a CMG worker who requested anonymity and who is on the site, April 13, 2020
16. Interview with a MUMI worker who requested anonymity on the site, April 28, 2020
17. Interview with a Metalkol worker who requested anonymity and is on site, April 13, 2020
All contact between inside and outside the site has been prohibited for one month now and this measure concerns both direct contractors with TFM and subcontractors depending on the urgency of the services or production units.

II.11. Frontier sa
In this company based in the city of Sakania in the province of Haut-Katanga, more than half of the workers under contract with Frontier and the subcontracted companies are on technical leave, especially those working in production; only a small number have remained on duty and confined to the sites.

Two sites (the guest-house and the external camp) have been set up to accommodate the workers and a transport bus from these sites to the treatment units is organized. Only one person instead of 3 or 4 or even 5 per department is accepted to enter the site after control.

II.12. CDM
The company, located in the Kasapa district in Lubumbashi in the province of Haut-Katanga, has two mineral processing units and mine, and supplies itself with products from artisanal mining. Since 26 April 2020, it has also confined some of its workers to the sites. However, other workers remain at home and receive only their basic salaries. Housing and food conditions during this period remain very precarious. Workers sleep on the ground.

II.13. Ruashi Mining
In this company based in the commune of Ruashi in Haut-Katanga province, the workers of Ruashi Mining are not confined and work as before using the bus as a means of transport. Only that they are tested on entering and leaving the site by a health service with the obligation to wear masks both in the buses and on the mining sites.

II.14. MMG Kinsevere
In this company located in the annex district in the province of Haut-Katanga, the workers are not yet in confinement. Nevertheless, there has been a significant reduction in the number of workers. The few workers who have remained have not benefited from a special risk premium or a lower wage increase.

18. Interview with a TFM worker who requested anonymity and who is on the site, April 13, 2020
19. Interview conducted on April 15, 2020 with CDM workers who requested anonymity.
III. IMPACTS OF THE REACTIONS OF THE VARIOUS PARTIES ON THE WORKERS

III.1. Confinement of workers
Of the 14 companies in Lualaba and Haut-Katanga, 10 have taken the measure to confine workers and 4 have not yet done so, including METALKOL, GCM, MMG and Ruashi Mining. The latter companies are still organising the transport of their workers.

III.2. Non-compliance with working hours
Employees who agreed to get confined often work beyond 8 hours because of the permanent presence on the sites and the absence of any means of transporting personnel. It should be noted that all companies have adopted a common approach to the issue of whether or not to respect working hours, consisting of having employees present and confined to the site work continuously.

Of the 14 companies concerned, none of them respect the daily working time of 8 hours set by the Congolese legislation.
III.3. Working conditions
Workers are called upon to perform the same tasks even with a reduced number of staff. People have been confined with verbal promises to improve their salary. Already at the end of March 2020, some employees in some companies have not seen this improvement.
In relation to the working conditions of confined employees, one of the biggest problems is the working conditions at the various containment sites. 20

It should be noted in particular that the following problems related to working conditions were identified by workers in most companies: serious bedding problems, including ¼ mattresses shared by four people, meals that are inconsistent in quantity and quality, and working hours that are longer than eight hours a day. 21

In the second report, we will focus on the government’s efforts to address the poor working conditions during confinement.

III.4. Wage reduction and suspension of contracts
To deal with Covid-19, all mining companies have used a combination of the following 3 techniques: - the reduction of wages especially in the subcontracting companies - the reduction of staff in the subcontracting companies and - the suspension of contracts with certain subcontracting companies. According to the results of interviews with workers in the various firms, in 14 firms the measures to reduce wages were taken in different ways. All the firms reduced wages.

Workers were free to accept confinement in order to keep their pay or to go on technical leave and lose some or all of their rights. These measures were felt most acutely in subcontracting companies. However, according to trade unionists in all these companies, it is the subcontracting companies that have more employees. Very often, more than 70% 22. In short, the

20. Interviews with 10 workers from 7 companies who requested anonymity from 24 to 26 April 2020.
21. Interview conducted on April 15, 2020 with CDM workers who requested anonymity.
22. Interviews with several workers and trade unionists who preferred to remain anonymous, dated 28 April 2020
workers had no choice but to be confined to keep their rights. In Kamoa, for example, women have not been confined with men. They have been put on technical leave, and therefore keep only their basic salaries 23. In Tenke Fungurume Mining 24, several subcontracting companies are not providing services, and workers are not yet paid for the month of March and don't know what is going to happen at the end of April 2020 25.

IV. IMPACT ON THE ARTISANAL MINING

At the trading market, several buyers for artisanal mining products (copper and cobalt) have closed, the few remaining have significantly reduced prices due to international financial crises. Most of the buyers are Chinese who say they no longer have the same opportunity to sell.

Nevertheless, Chinese houses take advantage of this to buy and stock up on products even if they are unable to evacuate them. This situation has also reduced the number of diggers in the different mines because the costs on the chain from the quarry to the counter are very high and without profit. Low grade products are almost not purchased because of the low price, sometimes refused at the counters while being produced and transported at good distances.

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23. Interview with 2 workers in Kamoa who requested anonymity, dated 28 April 2020
24. https://fr.wikipedia.org/wiki/Soci%C3%A9t%C3%A9_mini%C3%A8re_de_Tenke_Fungurume
25. Interviews conducted with several workers of the subcontracting companies currently on technical leave, dated April 20, 2020
V. CONCLUSION AND RECOMMENDATIONS

AFREWATCH carried out between mid-March and April 2020, a survey in the provinces of Haut-Katanga and Lualaba, two heavily mining areas of the DRC to describe the measures taken by mining companies to deal with Covid-19.

This report is not intended to provide an economic analysis of the impact of the pandemic in the mining sector, but to show the measures that companies have taken and their impact on their workers. It also addresses the issue of the contribution of mining companies to the response mechanisms put in place by national and provincial governments. The artisanal mining sector has not been left behind.

The survey was conducted among workers from 14 mining companies in Haut-Katanga and Lualaba provinces. 10 companies out of 14 have confined their workers, which represents 71%.

For confinement, the workers had two choices, either to stay at home on technical leave, sometimes early for some without the right to remuneration, or to accept the confinement and keep their rights whatever the conditions. Faced with this reality, they were forced to choose the second option, thus being confined. In some companies like KAMOA, women are not confined; they are on technical leave and are only entitled to the basic salary.

In addition to this bleak picture, there are also poor working conditions, particularly those identified in most companies: serious bedding problems, including a ¼ mattress shared by 4 people, inconsistent meals and working overtime, more than 8 hours a day.

The report notes that companies have contributed financially to the efforts of two provinces to combat Covid-19. According to information on the provisional amount collected by AFREWATCH, the two provinces received an amount of USD 3,800,290 million with USD 749,710 promised to Haut-Katanga.

Artisanal mining is not spared; several mineral trading posts are closed. Those who still buy have lowered prices and do not buy low-grade minerals. It is the artisanal miners who are directly impacted because for the moment the profit margin, which has always been small, is much smaller. As a result, some artisanal miners have reduced or temporarily stopped the activity, as have some traders.

In view of the above, AFREWATCH recommends:

- The provincial governments of Lualaba and Upper Katanga, to ensure that labour rights are respected and companies have improved the living and working conditions of their employees at the confinement sites. A transparent mechanism for the proper management of funds raised in the response to the pandemic should be put in place;
- Mining companies should comply with national labour laws and invest in improving living and working conditions of confined workers.