

TRANSPORT
(K.U.R.)

States that he has now authorized the Commission on the
Railway Staff Regulations, so as to provide that, e.g.
1.1.37, (a) Asian staff entitled to local leave may be
granted 14 days instead of 10, and (b) Asian staff entitled to overseas leave may be allowed to
accumulate such leave up to a maximum of 120 days
instead of 150, as at present.

This information might be
passed on to Mr. McAtee M.P.
in continuation of No 12 on
the 1936 file.

Staff Committee
A. J. Committee
1873/37

J. P. Committee
1873

Yes: it will please Mr. McAtee

11.0.37

1873-19.3.37

2. J. McAtee

as 19 March 37

Mc

R 208/2

5. McEntee
To Director
10/6/37
RESERVED UNDER STATUTE

East African Department.

Will you please advise as to the reply to be sent to the attached further letter from Mr. V. La T. McEntee, M.P., Labour.

C. Constant

10.6.1937.

It is somewhat disappointing to see that the Asian Union cannot find one word of appreciation of the concessions granted to the Asians of the Kenya and Uganda Railway on the 1st of January, 1937. These concessions, which are correctly stated in the first paragraph of Mr. McEntee's letter, were in fact a part of the general scale of improvement desired by the Union.

It is worth while examining the two general statements in Mr. McEntee's letter, first, that the terms desired by the Union are very largely analogous to the privileges already enjoyed by corresponding Asian grades in the Local Civil Service. But that is just exactly what they are not. The Union was asked in 1936 whether it was desirous of consideration being given to the adoption for the Asian staff of the Kenya and Uganda Railway, of the leave and passage conditions applicable under the Kenya Asian Local Civil Service scheme in their entirety. The Union's reply was "No, we have always asked for betterment of the existing terms." What they want, of course, is the leave privileges enjoyed by Asians on the permanent and pensionable establishment

to find Mr. McEntee
with a small 2, &
this is what they are
asking for. i.e. the
same leave as
Asians Civil Servants
have upon the Local
Civil Service.

J.P.

* See the memo for the
Railway Council entered
in No 11 on 28/7/37.

establishment of the Colony. This was all worked out and considered by the Railway Advisory Council when they had before them the Union's petition last year. It will be recalled that the Railway Advisory Council considered that the terms of service for railway Asian staff are not in any way connected with the terms of service adopted by the Government of Kenya. Mr. McEntee was informed of the fate of the petition in the letter dated the 18th of September (No. 12 on the 1936 file).

Mr. McEntee's second general point is whether it is not possible to supplement the promise held out by Lord Passfield when he was at the Colonial Office in 1931. That promise, if it can be called a promise, was contained in Lord Passfield's despatch No. 82 of the 6th of May, 1931, and read as follows:

"I do not consider that any alteration in general conditions of service involving appreciable extra expenditure can be contemplated at the present time. I am accordingly of opinion that in the circumstances the question of the general revision of the leave rules should be deferred until the financial condition improves, when it can be considered on its merits."

Since 1931, the Kenya Asian Local Civil Service has been established on terms which are admittedly less favourable than those in force prior to the creation of the Local Civil Service. It can be argued that

in offering the Asian Union the leave and passage terms of the Asian Local Civil Service, the General Manager of the Kenya and Uganda Railway was acting in the spirit of Lord Passfield's promise.

The brief answer to Mr. McEntee might be to the effect that the Secretary of State had assumed that the wishes of the Asian Union were as stated in their petition dated the 15th of May, 1936, about which the Secretary of State wrote to Mr. McEntee on the 18th of September. It might be pointed out that the Railway Union has rejected a suggestion that the leave and passage terms of the Asian employees in the Kenya and Uganda Railway should be assimilated to those of the Kenya Asian Local Civil Service. Add that it is disappointing that the Union is unable to appreciate the concessions granted from the 1st of January, 1937, and that the Secretary of State is sending a copy of the correspondence to the High Commissioner for Transport.

*C. G. Ross with
14/6/37*

I do not think that a reply on the lines suggested by Mr. Grossman is. In para 3 of No. 11 on -/36 the Genl. Manager is shown as realising that the concessions which have been made only meet the Union's wishes to a ^{minor} extent. They are in fact asking for considerably more than Asian Local Civil Service terms. And one of the reasons why they were not prepared to accept the offer of those terms in 1936 was that while they had been

*Entrusted to
No. 11/59179/6/36*

17067/31 No 2.

gained by the increase of main local
train to 18 days p.a. They wd. have
lost by the reduction of main "vacation"
train from 25 days p.a. to 22 days p.a.
& in various other respects - e.g. the
10 days voyage train each way.

Since the date of d^r Pasfield's
promise that the condition of service of
this staff wd. be considered on their
merits when the financial condition
of the railway improved, the situation
in Kenya has been changed by
the inauguration of the Local Civil
Service. And, while it has been
consistently held that there is no
necessary connection between the
conditions of service of Rly employees &
civil servants, it is clearly
reasonable, in order to determine
whether conditions in the Rly are
reasonable, to have regard to the
conditions under which comparable
classes of persons are/working under
Govt; rather than to compare them
with the conditions applicable to certain
civil servants before the inauguration
of the Local Civil Service; especially
since, as reported in No 2 on -135,
the great majority of these people are
locally engaged.

This case is particularly
relevant to their content that

They do not put
quite in this way
but this is what
it comes to.
J.P.

Some doubt as to more frequent
than 7 years is necessary to the
that it is not so considered in terms of
the absence of any promise for "voyage
train" in the terms of the Local Civil Service.

It is however for the Rly authorities
to make out their case for not granting
any further concessions.

The reason given in No 11 on -136,
that the terms of service of Rly personnel
are not in any way connected with
the terms of service adopted by the Govt of
Kenya; and the fact that the Rly authorities
has seen its way to meet their claims
"to a minor extent"; are no substitute
for a resumed review of their claims
as promised by d^r Pasfield.

I shd. therefore suggest

Cf. No 6 on -136

1) Send a copy of Mr MacEntee's letter
to the H.C. ; remind him of d^r Pasfield's
dep.; & ask for a resumed review of
their claims on their merits; &

2) Tell Mr MacEntee that this is being
done.

J.P. Pasfield
15/6

The Union remarks will refer to the concessions given
are certainly.

3) Extension of annual leave from 10 to 14 days - do you
but all people get it so we don't think it an improvement.

2) allowed to accumulate up to 100 days of leave - that is no improvement because in order to earn leave to earn 100 days and then a lot of "let air" about health conditions.

As Mr. Packer points out what they are often are not Kenya Local Asian Civil Service terms - which are worse than what they get in some ways - but the terms applicable to Asians not in the "Local Civil Service" which terms apply to a gradually diminishing number.

I would send out to the K.U.R. as Mr. Packer suggests but it might be as well, in replying to Mr. McEntee, to say that Kenya has revised its general Asiatic terms for local Civil Service & that those terms are not acceptable to the Railway people who ask for the special terms applicable to those not in the local service, for which there is no case.

J.C.W. Hood
25.6.

(I kept this to read the book H.)

W.C.S.
29.6.

5 To V. La J. McEntee (transd) 30 June '37

6 To Mr. Transport - 63-192,375) Cons - 5/7/37

V. LA T. McEntee (S/O) 1.7.37.
Ack'd (5) with comment.

Put by
C. H. Gross with
12/7/37
at once.

DESTROYED UNDER STATUTE

8. The Transport 60 No. 9-37
Comments on points raised by Mr. McEntee
on the 20th Sept. The evidence is forthcoming
but increased leave is essential to the health
of the Asian Staff, further changes cannot be made.

This is pretty conclusive. I submit the draft of a
letter which the S. of S. might send to Mr. McEntee.

J.C.W. Hood
If he returns to the office it might be
well to send him the parallel statement.

W.C.S.
20/10/37

To V. La J. McEntee 11 Oct. 37

28.10.37
Mr. McEntee (V. La J. McEntee) 11.10.37
Act 9) + states he will submit the point of view made to
the Board UNDER STATUTE

? Put by
"Coke White" 18/10

J.P. Packer
18/10

11. High Comm. Transport 102 5.11.37.
Indicates, with comments & memoranda, modifications, which he has
recently approved, in conditions of service of Asiatic staff of K.U.R.

Two small concessions have been made to the
Asian staff - all but "purely mental grubs" an new
accumulable leave for overseas, and ^{leave on urgent private} leave on urgent private
affairs are to be granted subject to the strictest scrutiny.
Both seem to be reasonable changes, and may prove

to be useful ambassadors against Mr. Michale,
should he raise such questions again.

? No action required

Clonky White

22/11

No.

Put by

J. J. Cannon

22/11

at rule

TRANSPORT

KENYA-UGANDA

NO. 102

OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT.

GOVERNMENT HOUSE,

NAIROBI,

KENYA.

5HK November, 1937.

Sir,

8
In continuation of my despatch, Transport No.85 of the 14th September, I have the honour to inform you of the following minor modifications which I have recently approved, on the advice of Railway Advisory Council, in the conditions of service of Asiatic staff of this Administration.

2. The principle of accumulative leave previously applicable to all Asiatic staff in receipt of not less than Sh.140/- per month is being applied to all Asiatic staff, with the exception of watchmen, jemadars, sweepers, learners, and apprentices. An explanatory memorandum is enclosed. The General Manager has pointed out that this concession will tend to increase unduly the cost of certain types of work, but that the number of staff involved is small.

3. As foreshadowed in paragraph 2 (4) of my despatch under reference, the question of leave on urgent private affairs has also been reviewed by Railway Advisory Council. A memorandum circulated to Council is enclosed, and, on their advice, I have decided that the passage privileges applicable to leave on urgent private affairs which are now enjoyed by Asian staff of the Government of Kenya, serving on overseas service conditions, shall be extended to Asian staff of the Railway, on the understanding that the strictest scrutiny of all requests for such privileges will be exercised by the Administration.

I have the honour to be,

Sir,

Your most obedient, humble servant,

C. Brooks Vofham
HIGH COMMISSIONER

THE RIGHT HONOURABLE
W.G.A. ORMSBY GORE, M.P.,
SECRETARY OF STATE
FOR THE COLONIES.

MEMORANDUM FOR RAILWAY ADVISORY COUNCIL.

ASIAN SERVICE CONDITIONS.

A petition has been received from the lower grade Asian Firemen (Mechanical Department), the scale of whose salary is Shs.60-10-90 per month, asking that they be allowed to accumulate the non-accumulative leave allowable for two years, plus some leave without salary, in order to enable them to take leave overseas, at intervals.

For the information of Council, the present regulations provide that Asian servants, other than apprentices and learners whose salary is less than Shs.140/- per month, may only be granted leave not exceeding 21 days per annum, with or without salary, at the discretion of Heads of Departments. Such leave cannot be accumulated.

In addition to Firemen, a number of other lower grades of Asian Staff are concerned.

The list given below indicates the grades which at present either never become eligible for accumulative leave, and passage, or only receive these after extended periods of service. It will be seen from this list that there is a distinction under which men in a lower class of Firemen, Assistant Cooks, and Stewards never qualify for passage, while in the higher classes of the same grades they become eligible at some period. It is submitted that such distinction is not equitable bearing in mind the similar nature of duties.

	<u>Shs. per mensem.</u>	<u>Leave and passage after.</u>
1. Signaller (Port).	75-5-150	18 years service
2. Suncunnies, Lightkeepers) and Attendants (Port)	-do-	-do-
3. Greasers (Port).	-do-	-do-
4. Firemen, Class "A".	100-10-145	9 years service.
5. Firemen, Class "B".	60-10-90	Never become eligible.
6. Assistant Stewards and Cooks, Class I.	130-10-140	6 years service.
7. Assistant Stewards and Cooks, Class II.	110-10-120	Never become eligible.
8. Assistant Stewards and Cooks, Class III.	80-10-100	Never become eligible.
9. Cash Counters.	(50-10-90) (90-10-120)	-do-

In addition staff in the grades of :-

Jemadars	-	Scale Shs. 40-5-80.
(Machmen)	-	" " 20-5 40
Sweepers]		

never qualify for leave or passage but in view of these being purely menial grades, it is not proposed to include them in the present recommendations.

Staff shown at 1, 2, 3 and 4, are included in the list, as although their salary maximum is over Shs.140/- the period of service necessary to qualify for leave, is extended, especially as regards the first three grades.

It is suggested that the position should be met, by applying the principle of accumulative leave now applicable to all Asian Staff in receipt of not less than Shs.140/- per month, to all Asian staff, with the exception of Jemadars, Watchmen and Sweepers, Learners and Apprentices. This would allow the staff concerned, all of whom come under the designation of "Non-Clerical", 20 days accumulative leave, and 14 days non-accumulative leave per annum with passage and family passage allowance after 5 years service.

The number of staff involved in this proposal is 62, and the estimated extra cost to the Administration is £500 per annum.

Submitted for consideration of Council.

REF. NO. SPG.16/2.A.

GENERAL MANAGER'S OFFICE,
NAIROBI.

9th October, 1937.

MEMORANDUM FOR RAILWAY ADVISORY COUNCIL

LEAVE ON URGENT PRIVATE AFFAIRS -
ASIAN STAFF

Staff Regulations provide for a European officer desiring leave on grounds of urgent private affairs before completing a tour of residential service, in special cases, at the discretion of the High Commissioner, to be granted vacation leave, based on the number of months which he has completed, proportionate passage in both directions and leave with full salary for the period of the two voyages, any extension of such leave being without salary

2. This privilege, so far as passages and salary during the voyages are concerned, is not extended to Asian staff, who, if desiring leave on the ground of urgent private affairs, are granted such leave as they may have earned up to the date of departure, any additional leave required being without pay. Neither passages nor salary during the period of the voyages are granted.

3. These passage privileges applicable to leave on urgent private affairs enjoyed by European officers have been extended to Government Asian staff in Uganda and Tanganyika and to Asian staff in Kenya serving on "Overseas Service Conditions."

4. It is a matter for consideration whether this Administration should follow the lead of the two Governments in this matter.

5. Whilst applications for leave on urgent private affairs from European officers are rare (only one or two cases having occurred during the past ten years), it is anticipated that, with a staff of 1250 Asians who would be affected by any change in the Regulations, applications would be numerous, owing to reasons, such as marriage, marriage of children and business connected with property in India being put forward regularly as ground for leave on urgent private affairs. The acceptance of such reasons for the purpose of leave would undoubtedly lead to an increase in relieving staff and might, consequent upon the absence of Station staff particularly, also lead to serious inconvenience and extra cost.

6. Council's views on the matter are requested.

Ref. No. SPG.16/2/IV

General Manager's Office,
Nairobi.

25th August, 1937.

C. O.

DOWNING STREET.

Mr. Flood. 20.7.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley 1.10

Sir J. Simonds

Perms. U.S. of S.

Party. U.S. of S.

Secretary of State.

4th October, 1937.

Ames (10)

Dear McEntee,

In my letter of the 30th of

June I promised you that when I got a

reply from the High Commissioner for

Transport, Kenya and Uganda, about the

terms in force on the Railway for the

Asiatic staff, I would write to you

further. I have now received a reply,

the essential part of which comes to

this, that most of the Asiatic staff,

in fact practically the whole, has been

recruited locally, and that in future

recruitment of Asiatics will always be

so effected, so that the Asiatic staff

will mainly be composed of people who

have been born in the Colony and many

of whom have probably never been to India

at all; that the terms of service on the

Railway are definitely generous as

compared

DRAFT

V. La T. McENTEE, ESQ., M.P.

Copy to Mr. Simonds 10/10/37

FURTHER ACTION.

compared with the salaries and leave privileges granted by other employers, with the exception of some of the Government, ^{and that} employees who now form a diminishing class since the terms of service of the Asiatic employees of Government have recently been changed.

The High Commissioner points out that the only real arguments advanced in favour of ^{more generous} ~~improved~~ conditions are that Government servants receive better conditions than ^{that of} the Railway, but that in making this claim the Union fails to compare service conditions as a whole, since the staff of the Railway is more generously treated than Government servants in many directions.

The Railway administration is not prepared to accept the principle that its employees should be on the same terms as those of Government, and is ^{willing} ~~not prepared~~ to ^{ad} ~~advise~~ any further changes unless there is definite evidence that increased leave is necessary for the health of the Asiatic staff.

You will remember that the local leave of the Asiatic staff has been increased this year from

Mr.
Mr.
Mr.
Sir C. Parkinson.
Sir G. Tomlinson
Sir C. Bottomley
Sir J. Shuckburgh.
Permi. U.S. of S.
Parly. U.S. of S.
Secretary of State.

DRAFT.

~~From ten days to fourteen days a year.~~

In addition, like others, practically the whole of them receive five religious holidays a year in addition to the usual gazetted holidays with Christmas and Good Friday, while those who are employed at ports on Lake Victoria or up the Nile are given an additional four days a year, so as to allow of their having their fortnight clear in Kenya. As regards overseas leave, they have recently been permitted to accumulate leave up to 180 days a year, and the High Commissioner says that the suggestion that the prolonged service necessary to accumulate leave up to that amount may affect their health is a gross exaggeration.

FURTHER ACTION.

Generally speaking, the Asian ^{as} ~~appears~~ ^(existing) Union ^{is} ~~suggest~~ that the ^{is in} ~~Railway~~ staff should be ~~put~~ ^{put} on the conditions which ^{formerly} were in force under Government, prior to ~~and have since been abolished and replaced~~ the introduction of the Local Service, by the new "Local Civil Service" terms, which are less generous. There appears to be no good reason for this ~~rather~~ ^{and} ~~concerning~~ ^{and}

and that new entrants should be put on the same conditions as that Local Service. ~~This argument of itself implies that the existing conditions, which are better than those of the Government Local Service, are more generous than~~

~~is necessary.~~ As regards sick leave, the Asiatic staff may now get overseas sick leave of sixty days on full pay, with ^{eight} ~~sixteen~~ on half pay, subject to extension at the discretion of the General Manager. Such sick leave is in addition to any leave that may have been earned by service.

As regards passages to India for staff whose services are dispensed with, it is pointed out that the rule is that free passages are granted to India to any personnel who were engaged in that country, and those engaged in Kenya ^{can also} ~~could~~ be granted a free passage if they ^{have} ~~had~~ completed a full tour of duty. Since an increasing proportion of the staff are permanent residents in the Colony and practically the whole of them are recruited locally, there seems no reason to alter this ruling, which is indeed fairly generous.

can be taken as an argument that the old terms are more liberal than ~~the existing~~ on the Colonial side.

Mr.
Mr.
Mr.
Sir C. Parkinson.
Sir G. Tomlinson
Sir C. Bottomley
Sir J. Shuckburgh.
Permu. U.S. of S.
Parly. U.S. of S.
Secretary of State.

I may add that I am satisfied from the despatch that the High Commissioner has gone into the matter with great care, like his predecessor, and that the terms of service accorded to the Asiatic staff of the Railway are not in the least harsh, and indeed in some ways are on the generous side.

DRAFT.

W. Cranby Gore

FURTHER ACTION.



14
8

TRANSPORT

KENYA-UGANDA

NO. 86

OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT,
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
21 SEP 1937
C. O. REGY

11th September, 1937.

Sir,

38179/6/37

1. I have the honour to acknowledge the receipt of your despatch, No.63 of the 5th July, enclosing copies of correspondence between yourself and Mr. V. La T. McEntee, M.P., on the subject of leave conditions of Asiatic staff of this Administration.

2. Full information in regard to the claims put forward by the Asian Union was communicated to you in Sir Joseph Byrne's despatch, No.60 of the 24th July, 1936, and earlier correspondence. I have the honour to make the following comments upon the various points raised in Mr. McEntee's letter of the 9th June:-

(1) Eighteen days' local leave With effect from the 1st January, 1937, local leave to this Administration's Asian staff was, as a result of representations from the Asian Union, extended from ten days to fourteen days per annum. Asian staff who are employed at ports on Lakes Kioga, Kwania, Albert; on the River Nile, and at Masindi, are granted an additional four days per annum to ensure their being able to enjoy a fortnight's holiday in Kenya, whilst staff employed at ports on Lake Victoria are, for similar reasons, granted extra leave for the period of the journey from the port at which the servant is stationed to Kisumu. Practically the whole of the Asian staff also receive, in common with Government servants, five religious holidays per annum, making a total of nineteen days in Kenya, in addition to the usual gazetted holidays including the Christian religious holidays of Christmas and Good Friday.

It is considered neither necessary nor desirable to increase/

THE RIGHT HONOURABLE
W. G. A. ORMSBY GORE, M.P.,
SECRETARY OF STATE FOR THE COLONIES,

Copy to H.B. Simpson (at 10/9/37)

11 on 19/4/37

increase further the Asian local leave conditions of these services. Leaving apart the financial effect of such an increase, it can fairly be claimed that the reasons which led to the grant of eighteen days' local leave to the European staff do not apply in the case of Asian staff.

The Union, so far, has put forward no sound reasons for the extension of local leave; its claim being based purely on the argument that Government servants receive eighteen days' leave.

(2) Overseas leave As you were informed in the High Commissioner's despatch No. 21 of the 19th February, the Railway Staff Regulations have been so amended, with effect from the 1st January, 1957, as to provide that Asian staff entitled to overseas leave may accumulate such leave up to a maximum of one hundred and eighty days.

With regard to note "B" in Mr. McEntee's letter of the 9th June, 1957, the concession permitting leave to be accumulated up to one hundred and eighty days was granted as a result of representations from the Union. The statement that the prolonged service necessary to accumulate one hundred and eighty days' leave is likely to seriously affect a servant's health is grossly exaggerated.

It will be observed from the comparative statement attached that the Union has misinformed Mr. McEntee in regard to Government conditions as regards overseas leave, in that Government Asian servants of the Overseas service now receive thirty days' leave for each year's service.

The comparative statement enclosed herewith shows:-

- (a) Kenya Government old terms of service.
- (b) Kenya Government Local Civil Service terms.
- (c) Kenya and Uganda Railways and Harbours' terms of service.

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No convincing arguments have yet been put forward to support the claim that this Administration should adopt Government terms of service. While at the present time there are, with minor distinctions, two main categories employed by Government, viz.:-

Category "A" - Officers who, in 1955, had ^{already} been admitted to the permanent and pensionable establishment, and

Category "B" - Members of the Local Civil Service, both of which grant entirely different conditions, this Administration has only one category which, while being somewhat less favourable in some respects than Category "A", is more favourable than conditions under Category "B".

Government local service conditions were introduced in 1955, primarily as an economy measure designed to reduce the somewhat over-generous terms (both in respect of pensions and overseas leave) granted to Government Asian employees, and will, I am advised, in time result in practically the whole of the Government Asian staff being subject to "local service" conditions.

It follows, therefore, that in any comparison which may be made between Asian employees of Government and this Administration, the relative terms and conditions of employment which will ultimately apply to all Government Asian servants must be kept in mind in considering the claims put forward by the Asian Union.

The Asian Union in its demands suggested that Government service conditions operative prior to the introduction of the Local Service be applied to all existing Railways and Harbours Asian staff, and that new entrants to the service be subject to the Civil Service leave and passage conditions. The Union's suggestion in regard to new entrants implies its admission that this Administration's existing leave and passage conditions are

are more generous than necessary, and tends to support the view, held in many quarters, that leave in India for health recuperative purposes is not essential to Asian staff employed in Kenya. In this connexion your attention is invited to page 6, paragraph (iii) - Passages - of the Report published in 1952 of the Committee appointed by the Government of Kenya to report upon a local Asiatic Civil Service.

(5) Sick Leave I have already approved overseas sick leave being granted to Asian staff, in conjunction with local sick leave, sixty days of which will be allowed on full pay, and sixty on half pay, any extension being granted on either full, half, or without pay, at the discretion of the General Manager. If overseas sick leave is granted, accumulative leave earned is, of course, also granted. It is considered that this sick leave, as now extended, is adequate.

(4) Leave on urgent private affairs The question as to whether proportionate passages and salary during the period of the voyages should be granted to Asian staff who desire leave on account of urgent private affairs is being submitted to Railway Advisory Council at its forthcoming meeting.

(5) Free passages for staff retrenched or whose services are dispensed with The question of passages to retrenched staff was put forward by the Union in 1952, and the Union was advised by my predecessor that free passages were granted to India to Asians who were engaged in India, and that those who were engaged locally were granted a passage if they had completed a full tour of duty. No change in this decision is warranted, since practically the whole of the staff are recruited locally, and many are

permanent residents in the Colony.

(6) Differentiation between clerical and non-clerical grades to be removed It has always been

recognized that the nature of the work carried out by non-clerical staff is less deleterious to health than that carried out by clerical grades, in that the work of non-clerical staff is invariably performed in out-of-door conditions, and does not call for that mental exertion required in the case of clerical work. This principle is accepted generally elsewhere.

3. Finally, I would recommend that Mr. McEntee be advised that practically the whole of this Administration's staff was recruited locally; that, in future, recruitment will continue to be effected locally, principally from Asians who were born in the Colony (many of whom it is not unlikely have never been to India), and that, compared with conditions of salary and leave privileges granted by employers other than Government, our terms of service are definitely generous. Neither in equity nor on the grounds of necessity is there any reason why the existing terms should be in any way extended.

4. Throughout the petitions put forward by the Railway Asian Union the only arguments put forward for extended leave terms are on the grounds that Government servants receive better conditions, but, in making this claim, the Union fails to make comparisons with service conditions as a whole. This Administration's staff is more generously treated than Government servants in many directions, e.g. free travel in these territories, concessions on overseas railways, housing to an extent and under conditions Government has, so far, been unable to provide, reduced catering charges when travelling on duty, and very generous treatment in connexion with clubs

and/

-6-

and institutes all over the system for purposes of recreation - amenities which are provided and maintained at considerable cost to this Administration, but at negligible cost to the staff.

5. This Administration has been unable to accept the principle of parity with Government conditions of service, and until definite evidence is forthcoming that increased leave is essential to the health of the Asian staff, and to the interests of the Administration, I am unable to recommend any further major changes.

6. The principle that there is no analogy necessarily between the conditions applicable to servants on the Kenya and Uganda Railways and Harbours and servants under the Kenya Government in a civil capacity received your endorsement in the second paragraph of your despatch, Transport No. 90, of the 21st September, 1936. It is interesting to observe that emphatic support is lent to that principle, on pages 50 - 53 of their Report by the recent Special Commission which you appointed to advise upon the Transport system of Ceylon.

I have the honour to be,

Sir,

Your most obedient, humble servant,

D. Brocke - Popham

HIGH COMMISSIONER

GOVERNMENT LOCAL CIVIL SERVICE TERMS.

R.S.I.C.S.I.

RAILWAY PRIVILEGES SINCE SANCTIONED.

SALARIES PER ANNUM.

£385
£228-12-300
£168- 9-216
£126- 6-162
£ 90 - 4/10-120

Special - £318 - 18 - 372 - Efficiency bar - 18 - 408.
Grade I - £252 - 12 - 300
Grade II - £ 90 - 8 - 144 - Efficiency bar subject to passing an examination - 12 - 230 & 10 - 240.

Clerk Special Class
" Class I - £264 upwards
" Class II - £248 - 12 - 268
" Class III - £216 - 12 - 240
" Class IV - £186 - 12 - 210
" Class V - £ 90 - 8 - 144

Senior Clerk Special Class - £300 upwards.
Senior Clerk - £284-12-268.
Same as before.
Clerk Class V - £ 65- 9-144.

annum (non-accumulative).

18 days per annum (non-accumulative)
(Except that it may be added to Vacation Leave in any year in which Vacation Leave is taken).

Clerical & non-Clerical.

10 days per annum (non-accumulative) 14 days per annum (non-accumulative).

ON).

annum (Tour 33 months)
(Tour 43 "

22 days per annum (5 1/2 days pro rata for each 3 months' service).
No specified tour - can accumulate up to 160 days.

Clerical - 25 days per annum (Tour 4 years)
Non-Clerical - 20 days per annum (Tour 5 years)
(accumulation up to 160 days).

FOR PASS DAYS.

(Tour 33 months)
(Tour 43 "

Above leave is inclusive of voyage days.
22 days per annum.

10 days in each direction.

No Change.

CLASS).

not less than
or month
staff - salary
than Shs. 250 per
End Class.
Deck.

Not stated - evidently as under Col. 2.

Salary Shs. 250 or over per month - Second Class
" less than Shs. 250 per " - Deck

No Change.

FOR.

months' tour.

Earns 16 2/3% of cost, up to maximum of one full passage, for each completed year of service - passage after 6 years' tour.

Clerical = 4 years.
Non-clerical - 5 "

ALLOWANCE.

33 to 43 months
tour.

£8.10.0 each way } during period of 6 1/2 years service
£3.10.0 " " } (inclusive of vacation leave) provided
attained 25 years of age at date passage
is taken.

Staff entitled to 2nd class passage - £8.10.0 } 4 or
each way } 5 year
" " " deck passage - £3.10.0 each } tour.
way.

No Change.

allowance - 15% of
initial or fixed salary
of scale - minimum
Sh. 35 per month for
unmarried servants.
Sh. 65 per month for
married servants.

No free quarters.
Rentals charged for Government quarters, varying from 5% to 10% of actual salary.

Free quarters, or allowance - 15% of initial or fixed salary of scale - minimum Sh. 40 per month.

No Change.

PRIVATE AFFAIRS.

as per terms.

No sick leave with pay - Overseas.
50 days on full pay - Locally.
60 days on half pay - Locally.
Any sick leave in excess of this period whether full or half pay or no pay at the discretion of General Manager.

Either locally or overseas up to a maximum of 120 days on full or half pay in any one year.
Any extension over this period on full or half or no pay at the discretion of General Manager.

Under consideration

- NIL -

Under consideration.

OLD TERMS:

ARMY LOCAL CIVIL SERVICE

RAILWAY

RAILWAY PRIVILEGES SINCE 1917

5 days per annum.

4 days per annum.

5 days per annum.

ON GROUNDS:

Free passage.

No passage was granted

Free passages since granted on
Medical Board's recommendations.

NOTE.

Unions request
regarding removal
of distinction
between clerical
& non-clerical
grades has not
previously been
put forward.

6

E. O.

38179/8/37

Mr. Flood. 24.4

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley 24.6.37

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Ans'd 8

DOWNING STREET.

5 July 1937.

St

DRAFT.

17/11

TRANSPORT
KENYA - UGANDA
HIGH COMMISSIONER
No 63

Sir,

With reference to your despatch No.21 of the 19th of February I now have the honour to enclose copies of correspondence which has passed between myself and Mr. V. La T. McEntee on the subject of the leave conditions of the Asiatic staff on the Kenya-Uganda Railway. You will observe that reference is made to the promise contained in Lord Passfield's despatch No.52 of the 5th of May, 1931, which, however was only to the effect that the general provision of leave rules should be considered on its merits when the financial position had improved.

M.A.

19 March
2 9 June
3

FURTHER ACTION.

8th month
(17067/31)
No 2

E. In view of these further representations

representations I request that you will

furnish me with a ^{comprehensive} ~~reason~~ review of the

claims put forward by the Asiatic staff

which I may be in a position to communicate

to Mr. McEntee should he pursue the matter

further.

I have, etc.

(Signed) W. GIMSBY GORE

G. O.

30179/8/37.

Mr. Flood: 29.6

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley 29.6

Sir J. Shackleton
Mr. Cribbins 29/6/37 fs

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

DOWNING STREET.

30th June, 1937.

Dear Madam,

AS I promised you in my letter of the 10th of June, I have now gone further into the leave conditions of the Asiatic staff of the Kenya-Uganda Railway. I have sent a copy of the correspondence to the High Commissioner for Transport and asked him for a review of the position, as it is somewhat difficult for me to take up such points here, and I will write further when I receive replies.

I think it as well, however, to tell you that, since the date on which Lord Passfield sent his despatch saying that leave conditions could be reviewed on their merits when the financial position improved, the Government of Kenya has reviewed its conditions

FURTHER ACTION:

Copy to Mr. Cribbins

conditions of service for its locally engaged employees, European and Asiatic alike. The leave conditions which have now been approved and which are in force for the local Asiatic Service, are, in point of fact, less favourable in many respects than those which the Railway staff now enjoy, and as a result the Railway staff refused to ^{accept} adopt the conditions applicable to the ^{local} local Civil Service ~~scheme for the Asiatic staff.~~ when they were offered ~~these conditions~~ in 1936. It appears, therefore, that what they now ask for are not the terms ^(now) applicable to the local Civil Service, but the terms which used to be applicable before the present rules were instituted, and which still apply to some Asiatic staff which is not regarded as being ^{in the} ~~under the~~ ^(Asian) local Civil Service. I will, however, write further when I receive a reply, which may take some time, as I have asked the High Commissioner to give me a full review of the facts.

Yours sincerely,
W. A. G. Gore

1) Ed
page 1111

3

RECEIVED
15 JUL 1937
C. O.

9th June,

Dear Ormsby-Gore,

2

You were good enough to write to me on the 19th March on the question of improving the leave conditions of the Asiatic staff of the Kenya & Uganda Railway.

In that letter you were good enough to inform me that the Railway Staff Regulations have been amended so as to provide that, with effect from the 1st January, 1937:-

- (a) Asian staff entitled to local leave to be granted 14 days local leave per annum instead of 10 days as hitherto;
- (b) Asian staff entitled to special leave to be granted to a maximum of 100 days per annum.

(D)

Copy to Mr. Ormsby-Gore - C

10
Railway Staff Regulations

"Asian Staff. The Union is unable to claim this concession or improvement in Local Leave. Moreover, this was promised by the Hon'ble the Acting General Manager, if it could be proved that the cost would not exceed Rs. 60, which the Union did substantiate."

"The permission to accumulate Overseas Leave up to 180 days instead of 150 days, is merely a concession or an improvement of terms. In order to accumulate 180 days leave, an employee would have to put in more than seven years service in the case of Clerical Staff and nine years service in the case of Non-Clerical Staff. The very fact that there should be any desire to accumulate leave up to 180 days, is conclusive proof that it is not merely a matter of cost, but a matter of privilege and benefit."

10 days Local Leave.
15 days Overseas Leave

10 days Local Leave.

15 days Overseas Leave

months' service, to be accumulated up to six months. A tour of service is to be of four years.

3 months' sick leave in the Colony with full pay in each 12 months' service and further 3 months on half pay, same as Civil Servants and Railway Europeans and European Civil Servants.

Sick leave out of the Colony - Same as in para. 7.

Leave on urgent private affairs. Proportionate leave earned and passed on to be allowed in the ratio of complete months to the period in a tour of 4 years.

Staff retrenched or services dispensed with at the request of the Administration to be allowed free passages out of the Colony.

Difference between Clerical and Non-Clerical ~~to be removed~~

Perhaps you would not mind, therefore, seeing whether it is not possible to supplement the promise held out by Lord Passfield when he was at the Colonial Office in 1931.

Yours sincerely,

T. L. M. G. Ince

The Rt. Hon. I
W. Ormsby-Gore, M.P.
Colonial Office,
Downing Street,
S.W.1.

30/19/5/37

C. O.

Mr. Grossmith.

Mr. *Parkin*

Mr. *Flood* 18.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley, 19.3.

Sir J. Shuckburgh
Perm. U.S. of S. 19/3 fs.

Parly. U.S. of S.

Secretary of State.

For the Secretary of State's signature.

19th March, 1937.

Dear McKintee
Dear McKintee,

DRAFT.

B. La T. MCKINTEE, ESQ., M.P.

Copies to Mr. La T. M.P. (6)

You will remember that in my letter of the 18th of September last I mentioned that the question of improving the leave conditions of the Asiatic staff of the Kenya-Uganda Railway would be taken up and considered in connection with the preparation of the Railway Estimates for 1937. *You will now be glad to* I am now in a position to let you know that the Railway Staff Regulations have been amended so as to provide that, with effect from the 1st of January, 1937:-

- (a) Asian staff entitled to local leave may be granted 14 days local leave per annum instead of 10

FURTHER ACTION.

Page no. 11/12/1945, 322

(b) Asian staff entitled to
overseas leave may be allowed to
accumulate such leave up to a maximum
of 180 days instead of 150 days.

Yours sincerely,

This seems to give them what they asked for
and I am ^{very} glad that it has been found possible
to do it.

Yours sincerely

W. Arundell Gore

TRANSPORT

KENYA-UGANDA

NO. 21

RECEIVED

15 MAR 1937

OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT,
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

19th February, 1937.

Sir,

(B) on 38179/8/36 With reference to your Transport despatch No.90 of the 21st September, 1936, and previous correspondence, regarding the leave conditions applicable to Asian servants of this Administration, I have the honour to inform you that, acting on advice received from Railway Advisory Council, I have now authorized the amendment of the Railway Staff Regulations so as to provide that, with effect from the 1st January, 1937, (a) Asian staff entitled to local leave may be granted fourteen days' local leave per annum instead of ten days, as hitherto; and (b) Asian staff entitled to overseas leave may be allowed to accumulate such leave up to a maximum of one hundred and eighty days instead of one hundred and fifty days, as at present.

I have the honour to be,

Sir,

Your most obedient, humble servant,

L. B. Franklin
for HIGH COMMISSIONER

THE RIGHT HONOURABLE
W. G. A. ORMSBY GORE, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, S.W.1.