

INDUSTRIAL RELATIONS

IN THE BUILDING INDUSTRY

IN KENYA

A Case Study of Construction Firms
Undertaking Public Projects

By

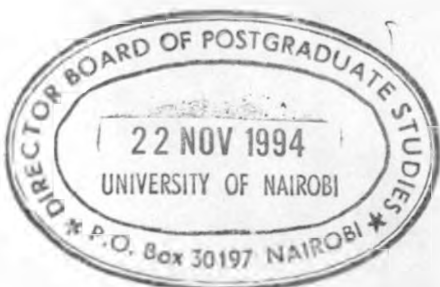
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A Thesis submitted in partial fulfilment for the degree of
Master of Arts (Building Management)
in the Department of
Building Economics and Management
University of Nairobi

N A I R O B I

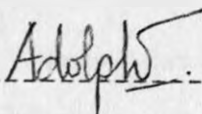
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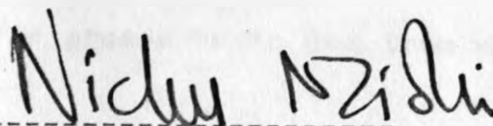
I, Adolph Ondieki Abuga, hereby declare that this thesis is my original work and has not been presented for a degree in any other University



signed

DECLARATION OF THE SUPERVISOR

This thesis has been submitted for examination with my approval as University Supervisor



Mr. N. M. Nzioki

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Special thanks to my wife and children for bravely withstanding my long absences from home, and for their support and encouragement.

Above all else praise be to God from whom all blessings flow.

DEDICATION

This work is dedicated to my children and to all those who value, love, and strive for good human relations...

This work is dedicated to my children and to all those who value, love, and strive for good human relations

Industrial relations... the role of the state... employer and employee... in every way...

Industrial relations... the employer-employee... relationship in the work place... important aspects... conditions of employment... building with... The state has the interest of not only protecting... the work in the industry but also of ensuring that some... condition of employment... the state... should be maintained...

ABSTRACT

This study is an attempt to impress on building contractors and all those involved in the implementation of building projects the relevance and importance of good industrial relations on building sites. This is achieved by establishing and effecting reasonable terms and conditions of employment which serve to motivate workers.

To achieve this aim, the study has examined the characteristics of work on building sites that emphasize the need for good industrial relations, the role of the state and the trade unions representing employers and employees respectively, and the role of contractors as the employers in fostering good industrial relations.

Industrial relations means the employer-employee relationship in the work place. Important aspects in industrial relations include the establishment of reasonable terms and conditions of employment. This involves individual and joint consultations between employers and employees on building sites and collective relations between employers and employees. The state has the interest of not only protecting the weak in the industry but also of ensuring that terms and conditions of employment are fair. Thus the state enacts laws and establishes the necessary enforcement machinery aimed at maintaining industrial harmony.

It is shown that attainment of good industrial relations is a reflection of effective management, which strikes a compromise between its objectives and those of its workers. This means that managers should not only be knowledgeable in management of organisations but should also focus on personnel management in order to achieve good industrial relations. Managers should aim for effective communication, boosting of morale, understanding work groups, causes and control of industrial conflicts, and ensuring employee participation in decision making. The thrust of personnel management should be the motivation of the workers. The personnel function is all about motivation.

Motivation of workers on building sites involve many factors. Among these are the level of wages, job security, working conditions, interpersonal relations, quality of supervision, work itself, achievement, recognition, responsibility, growth and advancement for all workers. The employers are urged to recognise and improve on these factors, thus enhancing terms and conditions of employment. In this way, the very source of industrial conflicts would be removed.

Research findings show that industrial relations on building sites in Kenya are poor. The employers not only failed to adhere to existing rules governing terms and conditions of employment but were generally unconcerned with the welfare of their employees and paid inadequate attention to them. The enforcement machinery set up by the state was inadequate.

A major conclusion of the study is that good industrial relations should be seen in the light of sound management on building sites. Good management enhances good industrial relations.

The recommendations offered aim at creating a situation which is conducive to attainment of good industrial relations and enhanced productivity on building sites.

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LIST OF ABBREVIATIONS

- BCCEAT** Building Construction, Civil Engineering, and Allied Trades Workers Union
- COTU** Central Organisation of Trade Unions
- FKE** Federation of Kenya Employers
- KABCEC** Kenya Association of Building and Civil Engineering Contractors
- KAWC** Kenya African Workers Congress
- KFL** Kenya Federation of Labour
- KFRTU** Kenya Federation of Registered Trade Unions
- KTUC** Kenya Trade Union Congress

CHAPTER ONE

THE PROBLEM STATEMENT AND ITS SETTING

Introduction

The construction industry is central in realising the social welfare and economic development in any country. 'construction' generally encompasses the creation of physical infrastructure, all buildings as well as the maintenance and repair of existing structures¹. The products of the construction industry are the physical foundations on which development efforts and improved living standards are established.

The construction industry produces two basic products, namely buildings and civil works such as roads, airports, and water supply among others. Typically buildings tend to account for around seventy percent by value of the construction works in both developed and developing countries².

The construction industry plays a vital role in the economy by contributing between three and five percent of Gross Domestic Product for developing countries. New construction accounts for between forty-five and sixty percent of Gross Fixed Capital Formation in a majority of countries³.

The process of construction contributes to employment. In 1985, about fifty thousand people were employed in the construction industry in Kenya, and this figure was projected to rise to sixty-eight thousand by 1988⁴. Estimates put the multiplier effect on the on-site construction activity at two to three times the net value of construction output. The linkages created to other sectors induce growth in gross domestic product and promote industrialization⁵.

The Problem Statement

In order for the construction industry to contribute its full share to the national economy, it is necessary that it be managed properly.

All, however, is not well with the public sector construction industry in Kenya. Projects are rarely completed on time and within budget.

Delays in the implementation of building projects occur during both the pre- and post-tender stages. Examples are many but five will suffice to show the extent of the problem:

- (i) When proposed in 1979, Pumwani Provincial Hospital - Nairobi, was estimated to cost Ksh. 144.6m. Detailed design work was started with consultancy fees estimated at Ksh. 40.7m. By November of the

same year, the cost escalated to Ksh. 222m. and reached Ksh. 261.2m. by December 1982, and Ksh. 345.8m. in November, 1982 when it was finally abandoned and hence never took off the ground. A total of Ksh. 27.2m was paid as consultancy fees⁶.

(ii) A Ksh. 35.2m. contract was awarded for the construction of administration offices and staff houses in Naivasha. The project cost has now escalated to Ksh. 231.7m. and it is yet to be completed⁷.

(iii) Construction of barracks, dining hall and a perimeter wall contract was awarded for Ksh. 105.7m. The cost has escalated to Ksh. 396.7m. with the project yet to be completed⁸.

(iv) Maralal Police Divisional Headquarters project was awarded at a contract sum of Ksh. 14.1m. and contract duration of 100 weeks. The project was completed 112 weeks behind schedule at a total cost of Ksh. 27.2m.⁹

(v) Mombasa New Court House contract was awarded at a cost of Ksh. 43m. with 86 weeks contract period. It was completed 44 weeks behind schedule at a cost of Ksh. 55.7m. Some claims have yet to be settled¹⁰.

From the above cases, it is obvious that the cost to the tax-payer due to delays in completing public projects is high

both in terms of extra funds needed to pay for the cost escalations, and the delays in having the completed project ready for use.

Many critical reports are carried by the local dailies decrying this poor implementation of public building projects. Calls have been made for the dismissal of inefficient civil servants, and de-registration of contractors who default on their contracts¹¹. Responsible officers in the project implementing ministries have been urged to be more vigilant, and defaulting contractors not awarded any more contracts¹². Contractors have also been advised not to take on too many contracts at a go¹³, nor tender for projects which they cannot handle competently¹⁴.

Some of the causes of delays and cost overruns in building contracts include¹⁵: inefficient technical and economic appraisal; poor estimates; lack of contract strategy; poorly written conditions of contract; poor assessment and inappropriate allocation of risk; wrong type of contracts; inadequate tender valuation; poor contract management; incompetent contractors and suppliers; poor inter-ministerial communications and rigorous government procedures; and, poor industrial relations.

Every building site has a combination of problems affecting it, leading to poor project performance. Many studies have been done on different aspects of the building industry in Kenya. One area which has not been studied is the state of industrial relations in the building industry.

This study proposes to identify and analyse the factors which affect the achievement and maintenance of good industrial relations between the contractors and their workers on building sites.

Definition of Industrial Relations

Industrial relations is a general term for the relations between management and employees associated in production work in a community. As used in this study the term is applied to the relationships between an individual employee (worker) and the employer (contractor or sub-contractor). The relationship is embodied in the contract of employment. This also applies to the relationship between workers who are organised in trade unions and act collectively as a group and their employers, who may also act in concert¹⁶.

The major aspect in industrial relations is the establishment of the terms and conditions of employment. Working conditions are not determined solely by direct relations between employers and employees; the state participates in the regulation of conditions in the industry and the prevention and settlement of industrial disputes.

Industrial relations therefore include individual relations and joint consultations between employers and employees at the place of work, collective relations between employers and their organisations and the trade unions, and the part played by the state in regulating these

relations¹⁷.

Building contractors and their workers who are the focus of this study do not work in isolation but are a part of the main building process which includes other participants such as the client, architects, quantity surveyors, engineers, suppliers and merchants.

If all the participants play their parts effectively the result will be an orderly building process experiencing few industrial disputes if any. Most unfortunately for the building industry in Kenya, not all participants to the building process play their parts effectively. The end result is the rise of industrial disputes which in some cases result in strikes on building sites. Reports of strikes in the local dailies are frequent, as illustrated herebelow:

"Over 300 workers of ... have gone on strike. The workers, who started their strike on Wednesday, are demanding, among other things, the reinstatement and compensation of eight of their colleagues who were sacked after demanding to be paid for the extra three hours they had worked on the previous day."¹⁸

Yet another report:

"Some 400 workers went on strike in ... because they had not been paid."¹⁹

The net effect of strikes is to disrupt the work on site with the resultant delays and cost overruns. Return to optimum building activity on sites after strikes occur takes a long time to achieve. According to Kenya's Ministry of Labour reports, the construction industry lost a total of 24,663 man days through strikes in the various parts of the country since 1981²⁰. This averages to a total of 3082 man days lost every year for the last eight years.

The causes of industrial disputes are not difficult to investigate. According to Ministry of labour reports covering eight years, a total of 352 industrial disputes were reported to the Minister for Labour to solve or else referred to the Industrial Court.

The points of dispute in the 352 reported disputes were:

- (i) Recognition of the workers union; failure to implement agreements; and refusal to renegotiate with workers unions - 110 cases.
- (ii) Termination of and dismissal from employment - 65 cases.
- (iii) Non-payment of overtime, house allowances, travelling and other allowances - 11 cases.
- (iv) Redundancy - 17 cases.
- (v) Particulars of terms of employment - 12 cases.

- (vi) Arrears, terminal benefits, wage increments, computation of wages and refusal to pay - 9 cases.
- (vii) Other issues incidental to working conditions on building sites - 28 cases.

Thus the main points upon which industrial disputes arise in building sites may be divided into four main groups.

These are:-

(a) Workers Union:

- (i) recognition
- (ii) negotiation
- (iii) implementation of agreements

(b) Job Security:

- (i) termination of employment
- (ii) dismissals
- (iii) redundancy

(c) Payments:

- (i) wage increases
- (ii) computation of wages
- (iii) arrears
- (iv) terminal benefits
- (v) allowances
- (vi) refusal to pay

(d) Conditions of employment

- (i) safety

- (ii) amenities and services
- (iii) physical working conditions
- (iv) supervision and interpersonal relations
- (v) others

Building Sites

The relations between contractors and their workers has to be understood in the context of what happens on building sites.

A building is a special product which is 'made' in the open air (the site) by a temporary team made up of designers, builders, and specialist contractors who may not have worked together before and who may not work together again in future²¹.

A building site is not like any other industrial place of production. The direct control over labour and production processes is not vested in any single management. Many autonomous firms may be involved on one site, all taking turns to execute work which has been contracted to them. Their relationship with the main contractor can vary from one of friendliness to the other extreme of resentment and open hostility²².

Work can at times be held up due to lack of detailed working drawings. This is brought about because of the separation of design and production. Contractors suffer most

because they are at the receiving end of the design line; For example, the roofing of Manderla Border Control Post was delayed because the design of the roof had to be changed to accomodate tiles instead of iron sheets²³. Work stoppages, whatever the causes, have the bitter effect of having to hire and fire workers at very short intervals. This affects industrial relations prevailing on sites. The optimal level of productivity already achieved is disrupted and takes time to rebuild after work resumes.

Casual Employment of Labour

The very nature of the building activity implies a sporadic and casual relationship between the professionals, the builder, sub-contractors, and operatives. Labour, in general, is hired for a specific job and laid off at the end of it.

This is not simply due to ruthlessness on the part of the contractor. He may be working in various parts of the country and thus finds it difficult to avoid a casual labour policy. Building workers, especially skilled workers will not wish to travel very far away from home in order to maintain continuity of employment with one firm. The non-skilled workers would rather look for employment elsewhere and travel only as a last resort.

By necessity, therefore, the contractors keep few key staff who may remain more continually in employment and hire

new workers for each major project. Such labour force will not remain stable even for the duration of a given project. Craftsmen will come and leave when their particular part of the job is done. Same with sub-contractors. Workers will also be sacked for one reason or another during the course of the job, or will leave on their own accord. The whole situation, therefore, is dynamic, making it almost impossible to ensure that one experienced contractor will be able to maintain relationships with all parties throughout the length of the job²⁴. Even if the contractor was able to overcome some of the difficulties prevalent in construction, he would still be dependent, among others, on the weather, timely payment for work already done, and normal supply of key materials such as cement and special steels for continuous site operations.

The adverse effects of inclement weather can vary between the stoppage of site work for a few hours due to heavy rain, and the extreme where a planned production schedule is completely disrupted due to severe flooding which shuts some sites and renders roads impassable. The job may have been carefully programmed with its various phases reaching target dates; an experienced labour force may have reached optimum productivity and all necessary materials delivered to the site - and then the sudden onset of bad weather completely closes down the site²⁵.

For the contractor, this situation over which he has no control is disastrous to his plans. He loses production time thus exposing the project to cost escalations due to

inflation etc. The phased building schedule is disorganised and the bulk of the labour force will start drifting into other jobs. The job will have to be rephased and possibly new arrangements made with sub-contractors. It may be months before the job again reaches optimum level of production.

The contractors cannot guarantee continuity of employment to their workers when, due to the vagaries of the tendering system and economic climate, they themselves have no guarantee of continuity of employment for their own capital resources. Industrial relations would tend to be poor in these circumstances.

The fundamental purpose of industrial relations is to facilitate production by securing harmonious working relations between the contractors and their employees. The problems that affect implementation of building projects such as inclement weather, supply of materials, the economic climate and the casual nature of employment, make the regulation of working conditions and better understanding between contractors and their operatives very difficult. Without good industrial relations prevailing on building sites, technical efficiency effective programming, and organization will accomplish little. Good industrial relations is equally important for success.

The important contribution of the construction industry to the economy, and therefore, the attendant need to streamline the operations of the industry to make it more efficient, justifies this study.

This research proposes to identify and analyse the factors which affect the achievement and maintenance of good industrial relations between the contractors and their workers on building sites.

The Sub-problems

1. The first sub-problem is to identify the factors which affect industrial relations on building sites.
2. The second sub-problem is to construct a model for industrial relations for gauging the state of current industrial relations.
3. The third sub-problem is to gather, analyse, and interpret the data so as to evaluate the state of industrial relations in the building industry in Kenya.

The Hypothesis

It is hypothesized that there is poor industrial relations in the construction industry in Kenya today.

Assumptions

1. Both the workers and employers desire to achieve and maintain harmonious working relationships for their own benefit.
2. Industrial peace is requisite for the development and growth of the building industry, the economy in general and the welfare of citizens.

The objectives of this study are:

- I To identify and analyse the factors which affect industrial relations in the building industry in Kenya and to highlight the problems.
- II To identify the contributions of the government legislation and trade unions to industrial relations in the construction industry in Kenya.

Study Methodology

To better understand the causes and history of industrial disputes in the building industry in Kenya, information was sought and received from the Ministry of Labour, and from the unions representing the interests of workers and contractors respectively. More information was got from texts, published and unpublished dissertations and

theses, journals, and other sources touching on the subject of industrial relations. This information was used to formulate a working industrial relations model for the building industry in Kenya and set the stage for the field survey which provided the primary data on the status of industrial relations in the building industry.

The first sub-problem was to identify the factors which affect industrial relations on building sites. The data required for this sub-problem was got from the Ministry of Labour (Industrial Relations Department) and trade unions.

As noted in the problem statement, the main factors identified as giving rise to industrial disputes touched on trade unionism, job security, wages, and conditions of employment.

The second sub-problem was to construct a working industrial relations model. The information required to construct this model was got from texts on management. Borrowing heavily from the dual-factor theory of motivation as expounded by Herzberg et al²⁶, a model for ideal industrial relations was constructed. This model is summarised below:

<u>Problem Factors</u>	<u>Model Solution</u>
1. Wages	- competitive rates - prompt payment
2. Job security	- secure jobs - retirement scheme
3. Working conditions	- attractive - safe - welfare facilities
4. Interpersonal relations	- good relations with workmates - good communications - sensitivity to workers grievances
5. Supervision	- impartial - fair discipline - liberal commendations - competent supervision
6. Work itself	- high teamwork spirit - recognition of good performance - instilled pride for work well done - encourage workers' suggestions

<u>Problem Factors</u>	<u>Model Solution</u>
7. Responsibility	- delegate work - promote workers
8. Recognition	- generous praise as due - feedback on performance
9. Achievement	- smooth operations with no avoidable disruption
10. Growth and advancement	- on-the-job training - recognise, compensate trade trained workers
11. Trade unions	- recognise - negotiate - honour agreements

The contractor has to plan and execute work on site giving due cognisance to the above factors. In this way, industrial disputes will be minimised if not precluded. Harmonious working relationship will prevail on site.

Sampling and Data Collection

The third sub-problem was gathering, analysing, and interpreting data. The required data was got from contractors and their employees on building sites. Two

different questionnaires were used, with the aim of establishing the current status of industrial relations in the building industry in Kenya.

Clerks of works on building sites provided useful information on the state of industrial relations on site. They also provided a breakdown of the various categories of workers employed on sites. (It may be noted that the clerk of works is not an employee of the contractor but oversees work on site on behalf of the client).

The 'casual' workers (help hands) on average made up sixty to seventy percent of all employees on site. The remainder was made up of the various categories of trades. The trades covered in this study are masons, carpenters and joiners, electricians, painters, plumbers, glaziers, steel fixers, stone dressers, store keepers, and foremen. This worker population is stratified by trades.

The questionnaire was administered by a separate, simple, random sample method on one out of four workers of the various trades employed and only one out of every ten help hands employed (see questionnaire in appendix C).

A questionnaire was also administered on the contractors. This was different in structure from the one administered on workers but also aimed at establishing the current status of industrial relations (see questionnaire in appendix D).

The data received from the responses to the questionnaire was manually analysed and tabulated by trade for each site. The results from all sites were then summarised and tabulated. Questionnaire responses from the contractors were summarised and tabulated.

The summarised and tabulated raw data responses were compared with the working industrial relations model and findings arrived at.

Area and Scope of Study

The central focus of this study was the industrial relations on building sites for new works. Maintenance and repair works were not covered. The study was confined to projects undertaken by the Central Government.

According to the records kept by the Forward Planning Group of the Ministry of Public Works, the number of on-going building projects countrywide in the 1987/88 financial year as of April, 1988 were one hundred and thirty-nine. These are further broken down by province as follows:

<u>Province</u>	<u>No. of Projects</u>
Nairobi	72
Central	16
Eastern	20
North Eastern	19
Coast	32
Rift Valley	43
Nyanza	15
Western	14

Except for Nairobi Province, projects in all provinces were scattered over the many districts comprising these provinces. This geographic scatter of projects over a large area made Nairobi Province the focus for this study. Being the smallest of the provinces, Nairobi not only offered the geographic convenience of having many projects in close proximity to each other, but also offered a variety of building projects ranging from a simple prison cell block, to housing estates, national monuments and complex office blocks. These projects, which were at various stages of implementation, availed the full range of workers of the various trades in the building industry.

Sampling

Seventy-two projects were on-going in Nairobi, of which nine were for repairs and renovations, and sixty-three were new works.

One out of every three projects were randomly selected, giving a total representative sample of twenty-one projects. The workers questionnaire was administered in the twenty-one selected sites. The questionnaire for employers was also given in the twenty-one selected sites and also mailed to ten of the other contractors in the remaining forty-two projects. This was undertaken because the test survey results showed that contractors were reluctant to respond to the questionnaire. Thus the need to broaden the raw data source area. Four responses were received from the ten questionnaires mailed out, and only fourteen responses from the twenty-one randomly selected contractors.

Delimitation

The Ministry of Public Works grades contractors into various categories ranging from Category A through H. Only contractors registered under Category A may tender for contracts whose estimated value exceeds Ksh 30m while the last grade, H, can only tender for projects with estimated value of up to Ksh 750,000. The tender ceilings for the other categories lie within this range. The study was not limited to any category of contractors: contractors of whatever category, Kenyan or otherwise, who had won contracts were covered, both main and sub-contractors. For the purposes of this study, main contractors and sub-contractors were treated as the employers of workers on construction sites.

This study was limited only to identifying factors which cause or lead to the development of poor industrial relations on building sites. No attempt was made to give any weights to the factors and hence ranking the factors in order of significance. This was due to time and budgetary constraints. Building sites were also treated equally irrespective of the scope of work undertaken. This is because management principles applicable in industrial relations are the same irrespective of the size of the project.

STUDY OUTLINE

Chapter one gave the problem statement and its setting. The study proposed to identify and analyse the factors which affect the achievement and maintenance of good industrial relations between the contractors and workers on building sites. A working industrial relations model was suggested. If the employers took cognisance of, and improved on, such factors as the level of wages and job security, working conditions, quality of supervision and interpersonal relations, trade unionism, and the workers perceived level of individual achievement, recognition, growth and advancement, industrial harmony would prevail.

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CHAPTER TWO

INDUSTRIAL HARMONY IN THE BUILDING INDUSTRY

Theoretical Background

Introduction

Industrial harmony in the building industry hinges squarely on the management capabilities of the contractors. They set the framework and execute the day to day running of the building activities on sites.

This chapter aims at highlighting the relevance of the general theory of management to the field of industrial relations in the building industry; it discusses the important role contractors have to play in order to attain and maintain a very high level of industrial harmony. If properly applied industrial disputes will be nipped in the bud because the causative factors will have been tamed.

Personnel management on building sites is geared towards getting the best performance out of every worker. This can be done by motivating the workers so as to get the best from

them. The key phrase here is motivation to work. Pinder defines work motivation as

"a set of energetic forces that originate both within as well as beyond an individuals's being, to initiate work-related behaviour and to determine its form, direction, intensity and duration."¹

The two-factor theory of motivation as expounded by Herzberg et al forms the basis of this chapter. This theory is part of the basic need theory of motivation which was deemed suitable for the building industry in Kenya because it addressed itself to the needs of individual workers which employers need to know in order to create harmonious working relations.

In a nutshell the two-factor theory proposes that human beings have two basic sets of needs that different elements of the work experience can serve to meet, needs for basic survival and needs for growth.

People relate better with those whom they see as a means of satisfying their own personal goals. Therefore, managers should understand what motivates their subordinates and how these motivations operate. The more the managers reflect this understanding in carrying out their managerial functions the more effectively will industrial harmony be fostered on building sites.

To understand what motivates workers, all building contractors need to know and practice the general management functions. Since all plans have to be implemented by human effort, personnel management assumes a very important role. Among the areas in personnel management which need to be understood fully are: the causes of industrial conflicts and the possible consequences, hence how to control the conflicts; the influence of work groups; communication; employee participation in decision making and morale.

Management Functions

The basic functions of managers can be grouped into six distinct areas namely planning, organising, staffing, leading, controlling and coordinating to achieve stated goals.²

Planning is decision making and involves selecting a course of action that a construction firm and every department of it, will follow. It is deciding in advance what to do, how to do it, when to do it and who is to do it. The setting of objectives to guide the firm is the core principle in Management by Objectives (MBO), which is a comprehensive managerial system that integrates key managerial activities in a formal manner, directed toward the effective and efficient achievement of organisational and individual objectives³. To be meaningful, objectives must be

verifiable although, at times, it is more difficult to state the results in verifiable terms. MBO results in much-improved managing. Objectives cannot be established without planning, and result-oriented planning makes sense, for it forces managers to think of planning for results rather than merely planning activities or work⁴. MBO encourages people to commit themselves to their goals. Since they took part in setting their objectives, and had an opportunity to put their ideas into planning programmes, they become enthusiastic implementers of the programmes. No longer are they passively doing work, following instructions, or waiting for guidance and decisions⁵. However, there is more to managing than goal-setting. While planning, all factors and constraints from within and without the firm, should be considered to avoid pitfalls during implementation. The application of MBO is most effective where objectives are easily quantified and verified.

To establish a good environment for performance, people should know the objectives, the tasks to be performed, and the guidelines to be followed on building sites. If group effort is to be effective, people must know what they are expected to accomplish.⁶

Organising involves establishing a structure of roles for people employed in a construction firm to fill. The organisation structure is to help in creating an environment for human performance. Although the structure must define and cover the tasks to be done, the roles so established must

also be structured in the light of the abilities of the people available.⁷

Staffing involves filling, and keeping filled, the positions provided for by the organisational structure. It involves setting requirements for the job to be done, and it includes listing, appraising, and selecting candidates for positions, compensating, training and developing workers to accomplish their tasks effectively.⁸

Leading is influencing people so that they will strive willingly and enthusiastically toward the achievement of organization and group goals. Managers' major problems arise from the desires, attitudes, and behaviour of workers as individuals and in groups. Leadership implies followership and people tend to follow those in whom they see a means of satisfying their own needs, wishes and desires. It follows that leading involves motivation, leadership styles and approaches and finally, communication.⁹

Controlling is the measuring and correcting of activities of subordinates to ensure that events conform to plans; it is a measurement of performance against goals and plans.

Compelling events to conform to plans means identifying people who are responsible for results that differ from planned action and taking the necessary action to improve performance. Thus things are controlled by controlling what

falls under the personnel department in most organisations. In reviewing personnel management attention is given to: causes, effects and control of industrial conflict, work groups, communications, employee participation in decision making and morale. Motivation and theories that try to explain it are also examined.

Personnel Management

Personnel management is concerned with people at work and with the relationships within an enterprise. Its purpose is to promote the productive efficiency of a firm by securing the best use of the workers. This is done by securing sound co-operative relations, and by cultivation of team spirit between workers and management and among workers themselves. The emphasis is on efficiency which may be achieved by securing the interest of workers and a recognition that their working conditions are fair. This involves understanding the workers' point of view, recognizing their individual personalities, and being willing to enter into consultations with them.

Contractors and workers are partners mutually dependent upon one another for employment and prosperity. They must meet the requirements of the client; that is, the project must be completed on time, within the budget, and in accordance with the brief. Hence absence of conflict between these partners will be of mutual benefit to them.¹¹

Personnel Management seeks to bring together workers and develop them into an effective organisation. Apart from enabling each to make his best contribution to its success, both as an individual and as a member of a working group, it seeks also to provide fair terms and conditions of employment and satisfying work. It is concerned with:¹⁵

- The human and social implications of work and organisation.
- Recruitment and selection of employees, their training, promotion, and development.
- Relations between employer and employee, management and trade unions, internal communications and consultation.
- Terms and conditions of employment, including wages and salaries.
- Health, safety, welfare and employee services.

In order to fulfil the foregoing objectives personnel policies should be clearly stipulated and made known to the workers. All management staff share in the responsibility for performance, discipline, training, and employee well-being.¹⁶

In small construction firms the contractor deals with all personnel matters though he may delegate part of the work to some members of his staff for the duration of the project¹⁷. It is, however, advantageous for large construction firms to employ a personnel officer. The

contractors are usually too busy with the technical side to give sufficient time to human aspects of production. Despite sufficient time, some contractors simply cannot obtain good results from workers. Even the naturally gifted leaders would not know all the specialised aspects of personnel relations as these demand continuous study and attention¹⁸.

Though most of the large firms do employ a personnel officer, their opportunities of using refined industrial relations techniques on building sites are poor due to unstable labour force, changing sites of production, and difficulty in creating lasting industrial relations unlike in the manufacturing industry.¹⁹

To establish and maintain good industrial relations on building sites, the personnel officer or whoever is in charge of personnel matters has to know and put into practice principles of personnel management. Specific areas relevant to industrial relations which have to be well known are: causes, effects and control of industrial conflict; work groups; communication; employee participation in decision making; and morale.

A. Causes of Industrial Conflict

Industrial conflict is human conflict²⁰. Conflict is a general concept in industrial relations; when it acquires a concrete and specific manifestation, it becomes an industrial

dispute. Industrial disputes are disagreements between management and labour with respect to wages, working conditions, union recognition or other employment matters²¹.

Sinha divides causes of industrial conflicts into four basic groups, but does not indicate their relative importance as causative factors²². These are:

- Economic

- (a) Division of the fruits of the industry
 - (i) Wage structure and demands for higher wages
 - (ii) Methods of job evaluation
 - (iii) Deductions from wages
 - (iv) Incentives
 - (v) Fringe benefits
- (b) Methods of production and physical working conditions
 - (i) Working conditions
 - (ii) Machinery
 - (iii) Layouts
 - (iv) Changes in products
- (c) Terms of employment
 - (i) Hours of work
 - (ii) Shift working
 - (iii) Promotion
 - (iv) Demotion
 - (v) Layoffs

- (vi) Retrenchment
- (vii) Dismissal
- (viii) Job security

- Institutional

- (i) Recognition of the union
- (ii) Membership of the union
- (iii) Subjects of collective bargaining
- (iv) Union security
- (v) Unfair practices

- Psychological

- (i) Clash of personalities
- (ii) Behavioural maladjustments
- (iii) Demands for recognition of the personality of workers
- (iv) Authoritarian administration
- (v) Lack of scope for self-expression and participation
- (vi) Undue emphasis on discipline

- Denial of legal and contractual rights

- (i) Non-implementation of labour laws and regulations, standing orders, adjudication awards etc
- (ii) Violation of collective agreements, wage boards recommendations, customary rights etc.

If industrial disputes were to be classified on the basis of causes and their relative importance, the relative importance would vary from country to country and in the same country from time to time. Industrial conflicts are the results of clashes in the goals and aspirations of workers and employers. The variation in the causes of conflicts indicate the changes in the pattern of workers' goals and aspirations.

Effects of Industrial Conflict

Conflicts have adverse effects on industrial production, efficiency, costs, quality, human satisfaction, discipline, technological and economic progress and the welfare of society. Even in the absence of open strikes where costs and losses are apparent, the corrosive effect of industrial conflict permeates far and wide. It should not be neglected²³.

Conflict Control

Conflict is part and parcel of every facet of human life, and one would therefore, not expect the industrial scene to be free of it. History and experience show that conflict can lead to desirable changes. It is only when it

gets out of control that it tends to be destructive and undesirable to society. The nature and intensity of industrial conflict depends on the prevailing situation. Because situational variables influence conflict, it is possible to modify conflict thereby contributing to its reduction.

Katz²¹ suggests three basic strategies for dealing with conflict:

- Making the system work
- Setting up machinery for handling industrial conflict
- Changing the organisational structure.

The strategy of trying to make the present system work relies on human relations skills in the improvement of interpersonal relations, while the development of machinery for dealing with conflicts rely on control rather than reduction. This is geared to containing the conflict before it can take root and spread. Provisions are made for resolution of conflicts at the point of origin; if not resolved at that level then the laid down procedures are applied at each higher step taken.

Changes in the structure of the organisation or part of it can in some circumstances, lead to reduction of conflict by creating conditions in which conflict is less likely to occur. Structural changes such as reduction of process specialization, decentralization, status symbols,

meaningful cycles of work, job enlargement to increase intrinsic job motivation, communication structure, and encouraging formation of informal groupings. Katz suggests that restructuring should be based on an appreciation of human behaviour including the role of motivation and perception in conflict situations.

B. Work Groups

Individuals may act on their own but the perceptions, values and attitudes that cause their behaviour are often a result of group interaction. This is mainly because people are influenced by those around them.

A group is a social unit consisting of two or more interdependent, interactive individuals who are striving to attain common goals²⁵. Many types of groups can be found in organisations and can be classified as either functional, project, or interest-friendship groups.

A functional group is composed of individuals performing the same tasks, in order to promote efficiency, for example masons. A project group consists of individuals from different areas or backgrounds whose job is to attain its objectives within predetermined time, cost, and quality limits after which it is disbanded. Project groups are

mainly used in producing various types of unique products as in building construction. An interest-friendship group is formed on the basis of common beliefs, concerns, or activities and have no defined boundaries²⁶.

People join or form groups in order to satisfy needs, due to proximity, common activities or interests.

As will be noted in greater detail later in this chapter, people are motivated by various needs - both physical and psychological. Between them are those needs that are satisfied through interpersonal relations, a blend of the physical and psychological. Without the physical presence of others, interpersonal relations cannot occur and unless they do, the individuals' psychological need to belong will not be satisfied.²⁷

Characteristics of groups:

Characteristics of groups include roles, norms, status and cohesiveness. A role is expected behaviour. In many firms, job descriptions provide the initial basis for determining one's role. Norms are behavioural rules of conduct by group members which dictate how each member ought to act. Norms are usually few in number and relate only to those areas that have significance for the group, such as output (how much one ought to produce), participation (whether or not to help slower workers) and communication with management (what to or not to tell the boss).²⁸

On building sites the pressure of the various groups upon their members can bring about behaviour that is compatible or incompatible with the goals of the firm. Differences in group behaviour stem basically from the nature of group goals. Where goals correspond with those of the management, the behaviour of the group will tend to contribute towards the objectives of the firm and vice versa. Although group behaviour stems from the motivation and behaviour of individuals, the mere fact of individuals being members of a group can bring about collective (group) behaviour that would not be characteristic of any single individual. Thus a mob may engage in violence that individuals in it would not otherwise carry out.²⁹

Status refers to the relative ranking of an individual in the firm or group. On the job, people can achieve status through positions they hold. Cohesiveness refers to the closeness or interpersonal attractions that exist among group members.

If cohesiveness is high, members will remain in the group and leave it if it is low. The potential effectiveness of a group within a firm to influence behaviour of individuals depends on group cohesiveness. The possibility that group influence will be contrary to the interests of management tends to make the management of some firms discourage the development of strong, cohesive groups.³⁰

C. Communication

Every construction manager must be able to communicate effectively. Ability to communicate information regarding work tasks and the objectives of the firm to the workers greatly influence construction productivity. The detailed and mostly non-repetitive type of work performed as part of a building process makes it necessary for the manager to continuously communicate with the workers during the building of a project.³¹

Communication is the process of transmitting ideas or thoughts from one person to another for the purpose of creating understanding in the person receiving it. The emphasis on understanding focuses attention on the effectiveness of communication rather than mechanics because the process of talking to unwilling ears or passing out information does not ensure that the message gets to its intended recipients.³²

The communication process includes both the sender and the receiver, the channel to be used and the type of symbols to be used. The sender is the person who has reasons for communicating with the aim of influencing the receiver; for example, the manager on realising the need for more cement to be brought in from the dealers, communicates with the truck driver and sends him along. In order to communicate, symbols are employed, for instance maps, plans, gestures or simply plain words. The problem with words is that they do not

necessarily have commonly understood meanings. Channels are used for communications, and can be classified as formal or informal, oral or written. Typical construction communication is downward in that management communicates with superintendents who in turn contact foremen and hence the workers at the lowest point. Formal communication is done in a structural manner using the established communication channels. Informal communication, on the other hand, exists due to group interests. For example, informal communication occurs when workers see the end of the project coming and start to discuss among themselves the possible laying off of workers.³³

Much of the communication that exists in the building processes is oral communication. Written communication is used when preparing contracts, orders, or where it is advantageous to put communication in writing. Oral communication is greatly used between manager, foreman and workers on sites. This has the advantage of encouraging asking of questions and giving of opinions by workers because of the face to face exchange. Its main disadvantage is that workers tend to go back on their words.

The construction manager should not make assumptions as to the level of understanding and experience of his workers. This is important because not all workers have the same level of experience or intelligence. Thus different workers will have different degrees of understanding a single instruction. Assuming all workers are at the same level of understanding

will not help either as this impedes communication. A building supervisor who 'talks down' to a rather informed worker will cause resentment from the worker.³⁴

There should be provision for communication feedback to enable the management evaluate the effectiveness of communication and make modifications where necessary. Even where communication is properly received and understood, the feedback channel can enable a worker to communicate a time-saving construction method which came to mind when informed of the current procedure to be followed. This type of feedback, in addition to being profitable to the management, very often would satisfy a worker's inner needs and serve as a production motivating force.

D. Employee Participation in Decision Making

Employee participation in decision-making in a free atmosphere created by management helps boost motivation and serves to raise the workers' morale and productivity. Most workers in the centre of an operation have knowledge both of problems and of solutions to them. Consequently, the right kind of participation yields both motivation and knowledge that is valuable for the success of the firm. Participation in decision-making within an organisation can take place in various ways - both formal and informal. At the formal level the areas of co-operation planning are in accident prevention, elimination of waste and defective work,

furthering labour understanding of policies, attendance, quality control and job evaluation. At the informal level the employee participation occurs in unstructured ways such as interpersonal relations between management and workers at personal or group levels.³⁵

Motivation is the primary theme behind participation in decision-making. In normal circumstances people uphold decisions they made as individuals or in the making of which they participated. Participation does respond to a number of basic motivators. It is a means of recognition, appeals to the need for affiliation and acceptance and gives workers a sense of accomplishment. Massarik suggests that such increase in motivation may in turn lead to desirable outcomes such as a higher rate of output, better quality, reduction in labour turnover, absenteeism and lateness; reduction in the number of grievances and more peaceful industrial relations. The extent to which these possible benefits might accrue depends upon the interaction of a variety of conditions and situational variables which are found on building sites.

E. Morale

Singh³⁶ defines morale as readiness to cooperate in tasks and purposes of a given organisation. Morale is a state of discipline and confidence. To motivate is to provide an incentive which encourages or arouses a person to

act. When a motivator is met morale is boosted. Lyons asserts that the personnel function is really all about motivation.³⁷

Good morale is evidenced by employee enthusiasm, voluntary conformance with regulations and orders, high individual creativity and willingness to cooperate with others in accomplishment of organizational objectives.³⁸

Poor morale on the other hand is evidenced by bad temperament, insubordination, discouragement and dislike of the job, personal conflicts between superiors and subordinates, low production, restriction of output, strikes, absenteeism, lateness, sabotage, high labour turnover and apparent lack of pride in work.³⁹

The behaviour of workers is to a large extent explained by their motivation - that is their desire to fulfil certain needs. Thus the work behaviour of people, be it good, bad or indifferent, is to be viewed in part as the consequence of motivation of individuals in question.⁴⁰ Human motivation as related to work is however, very complex and highly individual.⁴¹

The main reason that impels management to be concerned about morale is its possible effect upon the smoothness and success of organizational operations. Kossen points out that employee morale is significantly influenced by the ways in which they perceive such factors as the organization of the

firm, their own activities both on and off the work sites, the nature of work, their peers and leaders, their self-concepts, and the satisfaction of their needs.¹²

Needs are the internal felt wants of individuals referred to as drives or desires. Incentives (goals) are external factors which the individual perceives, rightly or wrongly, as possible satisfiers of his felt needs. Thus hunger is a need and food is an incentive. Food (the incentive) satisfies hunger (the need). Incentives can be positive or negative. A positive incentive appeals to a person while a negative incentive is avoided. For instance, the prospect of a promotion drives an individual to work even harder. Another employee continues to work at an unfulfilling job for fear of loss of pay he would experience if he did not go to work.¹³

Given a particular need, there typically is a certain incentive that most logically fulfills that need. When it is not possible to achieve that particular incentive, or when its costs in terms of other satisfaction are excessive, a person might view some other goal as a substitute incentive. Further, there are instrumental incentives such as money, that may not satisfy needs directly, but rather facilitate the fulfilment of such needs. The nature and strength of specific needs are highly individualised matters, presumably the consequence of previous experience and learning.¹⁴ This may, in some cases, lead to positive resolution of the obstructive circumstance or may cause the

individual to divert energies into an entirely new activity, but one that is also constructive in nature.

On the other hand, frustration can generate various forms of non-constructive behaviour such as aggression, fixation, resignation, negativism, repression and withdrawal. In whatever form, reactions to frustration are efforts on the part of the individual to resolve the frustrating circumstances. This means that the way in which an individual behaves has implications in terms of his own personal adjustment. Additionally, it suggests that the behaviour of an individual with respect to frustration has implications relating to job performance. Supervisors can deal more effectively and constructively with individuals whose job performance under frustration is undesirable if they understand the underlying causes.¹⁵

THEORIES OF MOTIVATION

There are many theories of motivation which can be summarised into two basic groups: process and basic need theories.

The process theory as expounded by Vroom, Porter and Lawler, and others contends that people will be motivated to do things to achieve some goal, to the extent that they expect certain actions on their part will help them achieve

that goal. This theory is difficult to research and apply in practice.

This study is limited to the basic need theories of motivation which identify factors that motivate people to work. The contention is that a motivated worker is not likely to have major disputes with the management which may affect their relations. Thus, industrial harmony is high where worker motivation is equally high.

The main contributors to the basic need theories are Maslow, Alderfer, McClelland and Herzberg.

The Need Hierarchy Theory

Every person has needs. Less obvious is the types of need we all have. The need hierarchy model, developed by Abraham Maslow, suggests that human needs exist in a hierarchy of sorts, and that attempts by an individual to fulfil his needs generally follow the hierarchical sequence.¹⁶

According to Maslow, needs are innate to the individual and capable of being fulfilled to varying degrees. Furthermore a given need is not perceived by the individual until deprivation of the need has exceeded a threshold of

perception. At this point the need is said to be manifested as a want. For example, among our physiological needs is the need for water. Yet the need for water does not exist in the conscious mind as an omnipresent thirst, because thirst is not experienced until the body's water supply has fallen below a 'tolerable' level.

It follows that individuals are not motivated by their need until the various needs have gained recognition in the form of wants. A satisfied need is, as such, incapable of producing motivation. If a lower need is satisfied, a higher level need emerges. In this sense, humans are always wanting something.¹⁷

The various human needs can be categorised into five basic groups which are perceived in hierarchical sequence: physiological, safety, social, ego, and self-actualization.

The physiological level includes the universal needs for food, clothing and shelter. These needs must be met to a 'tolerable' degree before higher-level needs emerge.

The need for safety goes beyond care for freedom from physical harm. For instance, job security is also important. The importance of this need today, can be seen in the widespread emphasis on job tenure, savings accounts, and various types of insurance.¹⁸

The social level includes the need to belong; to be

accepted by others and to give and receive friendship and love.

The ego level involves the need to have a firm, stable and reasonably high evaluation of oneself. This level has both internal and external aspects. The internal aspect is a personal feeling of self-worth, an assurance of one's achievement, knowledge and competence. The external aspect involves receiving appreciation, recognition, and respect from others. At the social level of need, a person wants only to be accepted; at the ego level, a person wants to be admired or at least perceived as competent.

At the fifth and highest level, self-actualization, individuals are concerned with achieving their full potential through self-development, creativity, and psychological health⁴⁹.

Maslow felt that the basic human needs were all arranged in a hierarchical order, and argued that higher order needs would not become active until lower order needs could be satisfied. The strength of the theory lies in drawing attention to the variety of needs and motives which operate, but the evidence for the hierarchical notion is weak, and the need categories tend to be very general⁵⁰.

Alderfer takes the Maslow needs and groups them into three more basic categories - needs for existence, needs to relate to others, and needs for personal growth. This set of

categories has been most useful in a context that attempts to measure how much of each a given adult has at a given point in time. The approach acknowledges the possibility that not everyone has an equal amount of each of the basic needs, as Maslow's theory tends to imply⁵¹.

McClelland's theory of basic needs is probably most applicable to understanding the organizational careers of entrepreneurs and managers. He identifies three basic needs - need for achievement, power and affiliation. Each of us sometimes acts out of a need for affiliation, or for power or achievement; and the intensity of our need (and behaviour) will vary according to our situation. On the average, however, we are likely to have some bias toward either achievement, power, or affiliation. This theory explicitly postulates that motivation is changeable even in adulthood.⁵²

Herzberg's hygiene and motivational factors theory postulates that these needs are specifically job related and reflect some of the concrete things people want from their work. The problems of validating this theory have been considerable, however, because of the tendency of people to want different things at different times and to attach different meaning to given job values.⁵³

In summary, the various need theories have provided a useful set of categories for analyzing human motivation and have drawn attention to the fact that human needs may be hierarchically organised, though the hierarchy itself may

vary from person to person. However, such theories have not adequately dealt with individual differences, have not been sufficiently linked to models of adult development and have usually been stated at a level of generality.⁵⁴

Since this study has borrowed heavily from Herzberg's motivation-hygiene theory, a closer look at the theory is necessary.

The Motivation - Hygiene Theory

The 1959 finding by Herzberg and his friends that man has two sets of needs: need as an animal to avoid pain, and need as a human to grow psychologically, led to the 'dual factor' theory of motivation (the motivation-hygiene theory).

The dual factor theory of motivation was inferred from a study of need satisfactions and the reported motivation effects of these satisfactions on various categories of workers.

The subjects were first requested to recall a time when they had felt exceptionally good about their jobs. Further questioning sought to determine the reasons for their feelings of satisfaction, and whether their feelings of satisfaction had affected their performance, their personal

relationships, and their well-being. Finally, the sequence of events that served to return the workers' attitude to 'normal' was elicited.

In the second set of interviews, the same subjects were asked to describe incidents in which their feelings about their jobs were exceptionally negative - cases in which their negative feelings were related to some event in the job.⁵⁵

Herzberg and his associates concluded from their interviews that job satisfaction consisted of two independent dimensions. The first dimension was related to job satisfaction and the second to job dissatisfaction. These dimensions were not opposite ends of the same continuum. He argued that, given an individual operating from a neutral point, with neither negative nor positive attitudes towards his job, the satisfaction of the factors, which we may call the "satisfiers" would increase his job satisfaction beyond the neutral point. The absence of satisfaction to these factors would merely drop him to his neutral position but would not turn him into a dissatisfied employee. On the other hand, there should be a group of factors that would act as "dissatisfiers". Existence of these negative factors would lead to an unhappy employee. The satisfying of these factors, however, would not create a happy employee⁵⁶. The employee will only be "not dissatisfied" or "not unhappy".

Herzberg reports that when respondents reported feeling happy with their jobs, they most frequently described factors

related to their tasks, to events that indicated that they were successful in their work, and to the possibility of professional growth. Conversely when feelings of unhappiness were reported, they were not associated with the job itself but with the conditions that surrounded the doing of the job. These events suggest that the context in which he performs his work is unfair or disorganised; therefore it represents to him an unhealthy psychological work environment. Factors involved in this situation were named as factors of hygiene, for they act in a manner analogous to the principles of medical hygiene. Hygiene operates to remove health hazards from the environment of man. It is not curative; rather, it is preventive. Similarly, when there are deleterious factors in the context of the job, they serve to bring about poor job attitudes. Improvement in these factors of hygiene will serve to remove the impediments to positive job attitudes. Included among the factors of hygiene are company policy and administrative practices, supervision, physical working conditions, interpersonal relations, salary, benefits and job security.

When these factors deteriorate to a level below that which the employees consider acceptable, then the job dissatisfaction ensues. However, the reverse is not true. When the job context is characterized as optimal, there will be no dissatisfaction, but neither will there be much in the way of positive attributes.⁵⁷

According to the theory, the satisfiers are related to

the nature of the work itself and the rewards that flow directly from the performance of that work. The most potent of these are characteristics that foster the individual's needs for self-actualization in his work. These work-related or intrinsic factors are achievement, recognition, work itself, responsibility and advancement.

A sense of performing interesting and important work (work itself), job responsibility and advancement are the most important factors for a lasting attitude change. Achievement, more so than recognition, was frequently associated with the long-range factors or responsibility and the nature of the work itself. Recognition that produces good feelings about the job does not necessarily have to come from the supervisors; it might come from peers, customers, or subordinates. Where recognition is based on achievement, it provides more intense satisfaction.⁵⁹

Herzberg contends that something is either a hygiene factor or a motivator and that the two are independent of each other. Research, however, reveals that some people are indeed motivated by hygiene factors. For example, many people say that money is a motivator for them, while others report recognition and chance of advancement lead to dissatisfaction. For them these factors are not motivators. Researchers have also found that some factors are motivators some of the time and hygiene the rest of the time. For example, many people want a chance to achieve but not every minute of the day because if the chance is offered too often

they will be unhappy, believing that too much is expected of them.⁵⁹ Thus researchers are agreed as to the list of factors which comprise hygiene factors and motivators as being essential for the individual worker to increase productivity. What the researchers, however, do not agree on is the classification of these factors.

In this study all the factors comprising the hygiene and motivators are taken to be important without classifying them as such. They need to be known by the management and put into practice on building sites so that productivity can be increased and industrial relations maintained and strengthened.

Application in the Building Industry

The central objective of the personnel function is the promotion of effectiveness of the people employed in the organisation in the performance of their duties, by substitution of cooperation in the common task in place of the suspicion and hostility which have so long been characteristic of relations between employers and employed. In simpler terms the personnel function gets the best out of the people by winning and maintaining their whole-hearted collaboration.⁶⁰

There can be no doubt in the minds of the employers in the individual building firms that sound methods of site

organisation coupled with effective systems of planning and control are the means of contributing to effective manpower utilisation. The role of the human factor in management practice is one of organisation, method and planning, such that the individual operative, tradesman, technician or supervisor is able to put his best effort into the job, contribute to the overall high performance, productivity and profitability. The core of the human challenge to the employer in an operating situation is his ability to get high performance and productivity coupled with job satisfaction and contentment among workers under him.⁶¹ In order to meet this challenge the employer has to address himself to the following factors: wages, job security, working conditions, interpersonal relations, company policy and administration, supervision, work itself, advancement, responsibility and recognition of the workers.

Wages

Herzberg called money a hygiene factor and hastened to add that it is the most important of all the hygiene factors. At some point in time money is a motivator for everyone. Money is a symbol that represents different things to different people. For the very poor on the building sites money symbolises immediate satisfaction of the basic needs for food, shelter, clothing and health care. At a higher economic level money symbolises security, status, power and prestige⁶². In the building industry the earning factor is

of great significance because the casual nature of employment makes it difficult even for the most progressive contractors to provide amenities comparable to those in factory work situation. The workers in the building industry in Kenya today are poor, suffer hardships, having no other source of income. Those staying in urban areas live in rented houses which have to be paid for irrespective of whether or not the individual was lucky to have been employed. The struggle is usually for survival: just to get the basics of food, shelter, clothing and other necessary physiological needs. Most of them are not concerned about job security tomorrow because they are starving today. The one thing they are anxious to know from the very beginning is the pay rates and hence the probable carry-home pay. The contractor has therefore not only to see to it that the pay rates he offers are reasonable and competitive but also that payments are made promptly when due.

Job Security

There are two main facets to job security. The first one relates to security from physical injury at the place of work and the other is job security in the sense of continued employment at one place of work. The first aspect of job security is covered under working conditions.

Continued employment is rather evasive because of the nature of the building industry. The contractor is never

sure of winning the next contract so that he can be in a position to offer employment on a permanent basis. Even if he were to win the next contract, the site may be in a very distant geographic location which will make it uneconomical for him to take workmen there instead of using those already available in the new site.

Nevertheless it is generally agreed that building projects last for a fairly long time, some as long as three to five years. This is a reasonably long time within which to offer a worker a guarantee of continued employment so long as he works diligently. Of course, many workers of diverse crafts will work and leave the site once their piece of work is done. At least that period when particular crafts take their turn on site, the individual members of the teams should be assured of continued employment. The employers are, also, to contribute funds to the National Social Security Fund for all employees so that they can face the time of retirement with confidence. Guarantee of jobs on a permanent basis may, however, be unlikely.

Working Conditions

The physical working conditions include factors like illumination, noise, atmospheric conditions, hours of work, work schedules, rest periods and other temporal factors.

Admittedly, there are factors in working conditions

about which the construction firms can do very little. The building process takes place on a site; in the open where adverse weather conditions are unavoidable. However, there is a lot more that employers can do to make sites more safe and attractive to work in. It is not suggested that the employer should merely concern himself with a matter of appearance ; what is called for is systematic attention to the layout and organisation of the site so that the casual observer can appreciate the sound management underlying all operations. Safety and welfare of the workers on site should never be lost sight of.⁶³

The employers should supply all workers on site with the necessary protective aids such as helmets, handgloves, gum boots and dust coats or overalls and insist on usage of such aids so long as workers are on site. Welfare facilities such as bathrooms, safe rooms or lockers where workers can help keep their property while working, portable water and facilities for making and taking meals on site, and transportation of workers to and from the site are basic necessities.

It is a mark of good management to provide a safe, healthy, and as far as possible, congenial working environment for all employees. Whether there are legal requirements or not, all managements have a responsibility to provide a working environment at present-day standards.

Interpersonal Relations

Most workers will put forth a considerable amount of effort in order to win respect of their associates, that is, to maintain and improve their social status. To be held in high regard by one's fellow workers is a real incentive.

The interaction of people within a group has a powerful influence on the behaviour of individuals within the group. It is pointed out that a group can influence the behaviour of its members in various ways, such as by the practice of group restriction of output - the only part of the iceberg that is above the water. Much more important are the invisible, unwritten, informal restrictions decreed by the custom and practice of every site. The more positive effects of work group unity are revealed when feelings of group cohesiveness are high. This leads to a reduction in absenteeism, as group members will want to work together all the time, and an increase in work performance⁶¹.

Commitment to production goals, acceptance of leadership, satisfaction with work and effectiveness of performance all tend to depend on the relations of a worker with his immediate colleagues. Very little construction work is done by an individual in isolation. Usually several workers including more than one type of craft interact to perform work in the building process. Even if individuals are not mixed together on a given type of work, they still interact with fellow workers during breaks with the result

that groups of workers begin to share common goals and values.⁶⁵

If the goals of the groups are consistent with that of the firm, the firm will reap benefits. The employer has to see to it that workers in his group see the relationship between their personal objectives and the group goals. The employer has to integrate managerial activities in a manner directed toward the effective and efficient achievement of organisational and individual objectives⁶⁶. This not only calls for establishment of cordial relationship with the workers, but also the communication of the goals of the firm and an increased awareness to the grievances of the workers. This will result in higher productivity. Group values favouring higher productivity are likely to develop when workers understand goals of the firm, see the relationship between their objectives and that of the firm and find meaning and satisfaction in the work itself.⁶⁷

The building industry is rather unique in regard to the relationship between the individual worker and his employer. A given worker may work for one firm one day and yet another firm the following day. The end result is that it is difficult for the employer to get total cooperation and initiative of the worker with regard to the goals of the firm. This calls for strong leadership qualities. A construction manager who is incompetent in construction drawings, construction methods and work schedules will soon lose the respect of his workers. Even in the harsh and rough

environment of the building site, workers must have a degree of respect for their leader. Lack of respect leads to a relationship that is too casual which in turn can lead to less than desirable productivity. This calls for initiative and competent leadership⁶⁸.

Supervision

The personal relationship between an employee and his supervisor should be agreeable. Often it is possible to develop a friendliness and loyalty that is a strong influence in carrying out instructions enthusiastically. At the other extreme, personal friction may become so strong that the worker prefers not to carry out instructions merely because he has been instructed to do so by his supervisor. Personal likes and dislikes cannot be molded at will, but every supervisor should try to keep his relationships with subordinates as pleasant as possible, so that personal loyalty will be at his disposal as an incentive⁶⁹.

The attention given to a worker's grievances and needs, the manner of commendation and the fairness of disciplinary action can add much to the spirit that a subordinate applies to his job. Grievances should be settled promptly. The way should be open for a man to register complaints about his treatment and if he feels his immediate supervisor has been unfair, channels of appeal should be provided. These grievances, petty though they may appear to the

supervisor, should be examined promptly and the worker informed of the outcome. Unless these annoyances and feelings of mistreatment can be aired and adjusted, the worker will carry with him a gnawing discontent that may seriously detract from his enthusiasm for his job.⁷⁰

On the positive side, each employer or supervisor should take the initiative in seeing that his workers are well provided for. Diligent attention to such issues as working conditions, flow and quality of work and other points of concern to workers will avoid many grievances before they develop and will build loyalty on the part of the workers.⁷¹

The supervisor should use commendation to build cooperation among his subordinates. Outstanding performance should be recognised and praised in the presence of others, for this not only tells the worker of his supervisor's opinion, but also adds to the prestige of the man in the eyes of his fellow workers. The praise should be sincere and deserved. Reprimands also serve an important role in motivation. The supervisor should be quick in reprimanding only after he gets and weighs the relevant facts. The reprimand should be given in private, and the worker should have an opportunity to tell his own story.⁷²

The matter of impartiality is likewise important. Rules of desirable conduct and penalties for violation should be known in advance. Disciplinary action should be equitable between workers for unless consistency and fairness

characterize the action, its constructive influence will be lost.⁷³

In all this range of supervisory activities, opportunities arise either to create discontent or to build a co-operative spirit. Thus the supervisor should always remember that just and diligent supervision will contribute greatly to his success in getting plans carried out.

Work Itself

The work a man does and his attitude toward it, has significant bearing on the enthusiasm with which he carries out plans. When a man has a feeling of craftsmanship and takes real pride in the accomplishment of a job well done, his work can provide his basic satisfaction.

Some workers are usually late because they dread, either consciously or unconsciously, the work itself. They derive little satisfaction from their monotonous jobs unlike workers who like their jobs and tend to be more motivated.

It is difficult to address to the workers inner needs in building sites because of the type of work they perform and the environment in which they perform it. For example it may be difficult to initiate creativity or satisfy inner personal satisfaction to a worker whose main task is measuring and feeding concrete mixing machines with sand, cement and

ballast. On the other hand a creative supervisor may, among other things, instil such a degree of teamwork among the workers that the workers do indeed obtain personal satisfaction from their work. The techniques used by supervisors include good communication with the workers, instilling pride in work well done, keeping workers informed as to the firm's objectives, and recognising good performance, asking questions and encouraging workers to make suggestions in order to improve the work itself.⁷¹

Achievement

Achievement is the feeling of satisfaction a worker gets after accomplishing a goal. Various work situations in the building industry provide this feeling. For example, apart from being paid for the work done, a stoner-dresser or painter may get a feeling of satisfaction for having started and completed a job beautifully. This same feeling of achievement can also be experienced by a manual concrete mixer, a plant operator and all those involved directly in one way or another in putting up a national monument, a magnificent storey building or a simple prison cell block. This feeling of achievement cannot be put onto the worker by the employer directly but indirectly by having an organised site operation devoid of any avoidable disruptions.

Recognition

Recognition is appreciated by all employees in their own diverse ways. It gives the workers a feeling of worth and self-esteem. Being recognised as a good workman, whatever the type of work done, provides deep satisfaction. Workers also like to feel that they are important, first to their specific work groups and then to the firm in general, and like to feel that their contribution is important enough so that group action will not be the same without them.⁷⁵

When workers know how they are doing even when the results are not completely satisfactory, they know that their supervisor is concerned about them. There is a tendency for supervisors and foremen in building sites to overlook the need for giving workers feedback on their performance especially when the job has been done well. Employees need to be told how they perform and a generous measure of praise and recognition given where it is due.

Responsibility

Responsibility motivates. Even the behaviour of some trouble makers (so-called) in organisations have been modified after being given added responsibility.⁷⁶

It is essential that the supervisors delegate as much responsibility to the workers as possible. Though within

limits, responsibility can be delegated to lower level workers down to the point of the casual employee, who does whatever menial work he is directed to do. For example, instead of a foreman standing at a concrete mixing point all day seeing to it that the concrete is mixed properly and in proper proportions, one of the casuals, actually doing that work, can be duly instructed to take charge thus releasing the foreman to oversee other more demanding aspects of the building operation.

Delegating responsibility can be more effective if the management makes effort to get goal congruence between the workers' objectives and those of the firm. This enables the workers and the employer to appreciate each other and strive to attain common goals together. Added responsibility calls for more creativity on the part of workers so as to measure up to the new responsibilities⁷⁷. By enhancing the workers' opportunity to be responsible, the potential for the workers to satisfy their inner personal needs is provided for.

Growth and Advancement

Workers are usually concerned about opportunities for growth and advancement. Growth and advancement possibilities are great motivators⁷⁸. The building industry in Kenya is

recognised to be a poor promoter of growth and advancement for workers. As noted in chapter one, this arises because of the adverse economic realities the building industry faces - demand for buildings is derived demand and hence subject to fluctuations.

The building process and more especially the tendering procedure do not guarantee new building contracts to a construction firm. Thus continued employment in one firm over a long period of time is not guaranteed. Nevertheless, the contractor can do a lot to boost growth and advancement possibilities to the workers by training on the job casual workers in specific areas like masonry and glazing.

Admittedly, this is a rather difficult proposition for contractors because their main interest is to complete the project and move on to a new job in another site. The supply of workers being more than the demand for them in the building industry in Kenya today, the initiative to train workers and hence give them some hope for growth and advancement careers is low. Contractors may, however, contribute towards the establishment of institutions of technology which train workers before releasing them to the building industry.

The model industrial relations for the building industry can be summarised as follows.

<u>Problem Factors</u>	<u>Model Solution</u>
1. Wages	- competitive rates - prompt payment
2. Job security	- secure jobs - retirement scheme
3. Working conditions	- attractive - safe - welfare facilities
4. Interpersonal relations	- good relations with workmates - good communications - sensitivity to workers' grievances
5. Supervision	- impartial - fair discipline - liberal commendations - competent supervision
6. Work itself	- high teamwork spirit - recognition of good performance - instilled pride for work well done - encourage workers'

<u>Problem Factors</u>	<u>Model Solution</u>
	suggestions
7. Responsibility	<ul style="list-style-type: none"> - delegate work - promote workers
8. Recognition	<ul style="list-style-type: none"> - generous praise as due - feedback on performance
9. Achievement	<ul style="list-style-type: none"> - smooth operations with no avoidable disruption
10. Growth and advancement	<ul style="list-style-type: none"> - on-the-job training - recognise, compensate trade trained workers
11. Trade unions	<ul style="list-style-type: none"> - recognise - negotiate - honour agreements

Summary

In order to effectively execute their building plans the employers and the supervisors must understand what motivates the actions of workers under them.

Each worker has a variety of desires and beliefs that

shape his reactions to any particular instruction. It is the task of the employer to arrange the total work situation, and modify individual and group attitudes, so that each worker finds greater satisfaction in carrying out instructions than in following any of the number of alternatives open to him.

In building such an attitude in their workers, employers should consider a variety of measures. Important in this connection is the wages, job security, working conditions, interpersonal relations, quality of supervision, the work itself, achievement, recognition, responsibility, growth and advancement opportunities.

The application of these motivation-enhancing factors hinges very securely on the managerial ability of the contractor and all those who direct workers under them. Understanding the effects of these factors and knowing that they are all important, and striving to apply and uphold them will help the contractor to maintain industrial harmony on building sites. This study aimed at assessing, against the factors identified above, the existence of either poor or good industrial relations in various building sites.

The state and the trade unions play an important role in maintaining industrial harmony in the building industry and in the wider society. These roles are reviewed in chapter three.

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CHAPTER THREE

REVIEW OF INDUSTRIAL RELATIONS IN KENYA

Participants in Industrial Relations in Kenya

Introduction

The state and trade unions play an important role in maintaining industrial harmony in the building industry in Kenya. The state enacts the laws and establishes the enforcement machinery. The trade unions act as pressure groups for the benefit of their members, but their activities have to be within the provisions of the law. The building contractors, as employers, need to know the legal provisions within which they operate, as well the aims and interests of the trade unions representing workers and employers respectively. The roles played by the state and the trade unions in industrial relations are highlighted in this chapter.

The main- and sub-contractors are the employers on the building sites. They employ workers in order to fulfil their contractual obligations to their clients.

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The main- and sub-contractors are the employers on the building sites. They employ workers in order to fulfil their contractual obligations to their clients.

The employer sets the terms and conditions under which the workers are employed. The individual has no say in these matters. Trade Unions are organised to remedy this situation. Under the trade unions, workers can now collectively bargain for better terms and conditions of work. The employers also form their own trade unions to not only counter the workers trade union, but also to pursue their aspirations generally. Industrial action is usually employed to this end.

Workers may at times be unable to organise themselves into trade unions. This calls for state intervention to protect them. The state has a direct interest in securing standards of living and other conditions necessary for a healthy population. It is also interested in removal of hardships and privation thus diminishing the danger of social unrest.

To prevent industrial strife the state enacts laws which govern the conduct of industrial relations in the country. The laws touch on all aspects of employment and working conditions and stipulates procedures to be followed in case of industrial disputes.

TRADE UNIONS

Workers' Unions

The majority of men and women in an industrial community

are employed by others. The employer supplies most and in many cases, all the equipment necessary for work and the contribution of the worker is to supply labour. The terms and conditions on which the worker is employed constitute his contract of employment.¹

A contract of employment is negotiated between the employer and the employee. The employer is economically stronger than the individual employee. He is wealthier and when a worker goes to him for a job the employer can afford to haggle and to stand out for his price. The worker, on the other hand, is usually anxious to secure immediate employment and does not, therefore, insist on terms which the employer would not initially be prepared to accept. If a worker possesses a skill which is scarce he may, for a period, find himself able to move fairly freely between competing employers and to insist on better terms and conditions of employment. Even so, the standard by which his terms and conditions of employment will be judged will have largely been determined for him according to the industry and the locality in which he works.²

From the earliest days of industrial systems, workers felt the need to reduce the inequality of strength between themselves and their employers. This inequality was the result of poor terms and conditions under which they were employed. The one obvious way in which they could strengthen their claim for improvements was to join together and then ask collectively for better conditions. If their demands were rejected they could, as an ultimate measure, withdraw

their labour and by remaining together eliminate the competition among themselves which hitherto had enabled their employer to exploit them.³

Faced with a collective claim of this kind, backed if necessary by collective action, the employer might concede improved conditions; his main consideration being the profitable continuation of his business. Thus trade unionism came into being.

Trade unions are essentially associations formed to safeguard and improve the working conditions of their members and more generally to raise their status and promote their vocational interests. The structure, status, cohesion and strength of the movement depend partly on recognition of common interest by the workers and their determination to combine together to formulate and attain their objectives, and partly on the political, economic and social conditions of the country.⁵

The objectives of trade unions are: to redress the bargaining disadvantages of the individual worker, vis-a-vis the individual employer, by substituting collective action for individual action⁶; to secure the maximum 'real' wage for the workers⁷; to protect the worker and his job⁸; to secure improved working conditions by preventing the worker from being bullied or victimized⁹, and requiring that he be consulted where he thinks appropriate¹⁰; to promote the continuity and development of the trade union¹¹ and, to promote the interests of the working class as a whole, in

relation to other groups, in political, economic and social matters.

The unions have long been concerned with furthering the interests of the working-class on these matters. With the great growth in strength of the movement, the unions have become recognised centres of opinion which no government is likely to ignore, and their influence on policy has been considerable.¹²

In order to achieve the set objectives, both industrial and political action are essential to trade unionism. Industrial action is the staple of the movement, while the emphasis placed upon political action varies in different periods within a country. Industrial action leads to collective agreement while political action to legislation.¹³

Employers Unions

Employers' organizations consist of enterprises or groups of enterprises rather than individuals. Firms compete strongly against one another to win customers and gain a larger share of the market. In periods when labour is scarce they also compete for workers by offering higher wages or other inducement. It follows that this rivalry tends to keep firms, who are the direct employers of labour, from joining together in associations until they find it in their interest to unite so as to face attacks from trade unions.¹⁴

So long as employers have to deal only with their own workers in regulating wages and working conditions they have no need to form associations for mutual support. Employers are, however, faced with a very different situation when workers in a number of firms form a trade union and use the "strike in detail" method to argue their terms. That is, they try to gain their demands by going on strike against one employer at a time, the strikers being supported by contributions from the wages of union members at work in other firms. By this method a strike can be prolonged until the employer concerned is forced to give way. If the union attacks only those employers who have been competing unfairly by low wages and poor working conditions, the action of the union will be welcomed by the other employers, who will not interfere. Where, however, each employer may be attacked in turn, they have a powerful incentive to combine.¹⁵

Not all employers' organisations are formed because of trade union pressure. Sometimes government intervention in the regulation of working conditions is a reason.¹⁶

In general, employers' associations have six principal roles¹⁷: they represent the employers' interests in a collective manner by undertaking negotiation with trade unions on a national basis over the questions of wages and conditions of employment, and advise and assist individual member firms when dealing with their particular labour problems; they provide an information service which is related to companies' trade or commercial functions such as the impact of legislation upon the building industry, a wages

monitoring service, and encouragement of research and dissemination of technical information; they regulate and administer agreements reached on behalf of their members and generally provide facilities for the settlement of disputes between unions and individual managements; they seek to have their point of view known to the decision-makers, especially when seeking to amend specific legislation, and at a more general level, will attempt to become party to economic planning; they provide technical and commercial advisory services such as assistance in negotiating contractual conditions, legal advice, cost and estimating advice along with miscellaneous commercial advice for matters on which a small to medium-sized employer would not have in-house expertise; and, they improve the status of the employers and the performance standards in the country.

Most organisations accept large, medium and small-sized firms as members. The question of heterogeneity is not so important in industry federations; nonetheless, the presence of small and medium sized enterprises alongside large ones within the same organisation can be a source of difficulty. In wages negotiations, for example, the smaller units, less secure financially, may be reluctant to adopt as generous a position towards the trade unions as the larger firms. Furthermore, their priorities may not be the same in drawing on the service which the employers' organisation can provide and whose cost is likely to be borne mainly by the larger enterprises.¹⁸

Many of the small firms are reluctant to be members of

the employers' associations because they do not see their interests as identical with those of the larger firms. Moreover, since many of them do not negotiate with trade unions, they see no value in belonging to an employers' organisation.⁽¹⁹⁾ Others remain outside the organisation because they prefer to deal with unions independently and are opposed to standardisation of labour conditions. They may be small firms who wish to be free to pay lower wages than those fixed in collective agreements while some progressive firms remain outside because their wages and conditions are better than the agreed standards, and they do not, therefore, expect trouble with the unions.²⁰

Traditionally, employers' organisations had a defensive or reactive attitude reflected in ad hoc response to government or trade union initiatives perceived as a threat to their interests. The modern attitude puts the stress more on systematic, continuous and often institutionalised forms of action aimed at promoting employers' interests and viewpoints, and beyond that, on wider social objectives.²¹

THE ROLE OF THE STATE

In order to accomplish industrial growth, unstinted cooperation among workers and employers in industry is essential. Thus the prevention of industrial strife assumes

an important role in the national policy because the government can ill-afford to remain indifferent to industrial relations.²²

It was realised, even during the colonial days that there were sections of industry which, left to themselves, could not solve the many problems they faced and hence the need for state intervention to protect the weak. Apart from the humanitarian sympathies, the state has a direct interest in securing high standard of living and other conditions necessary for a healthy working population. Industrial conflicts bring hardship and misery not only to those directly involved but to the community as a whole.²³ Hobson observes that

"the absolute right to lockout or strike must go. It is unjust in that it is an appeal to force in a matter of disputed right; it is inhuman because of the misery it causes to workers; it is wasteful of the resources of capital and labour, it is wicked because it stirs up hate; it is anti-social in that it denies and disrupts the solidarity of the community."²⁴

Immense damage can be done to the industry and the economy in general by unhappy industrial relations with damage measured in direct losses sustained through the strike, lock-out or go slow and indirect side effects on the economy in general. Removal of hardships and privation can diminish the damage of social unrest occurring in the country.²⁵

In order to foster industrial harmony the state enacts rules to regulate the handling of disputes and for the general welfare of workers in the country. Acts of interest to this study are:

- Trade Unions Act. ²⁶
- factories Act (Building Operations and Works of Engineering Construction Rules) ²⁷
- Trade Disputes Act ²⁸
- Arbitration Act ²⁹
- Workmens' Compensation Act ³⁰

Trade Unions Act

A trade union is an association with the principal object of regulating relations between employees and employers, employers and employers, or between employees. ³¹

A trade union is formed when more than six employees or employers agree in writing to form a union. Trade unions so formed must apply for registration at the date of formation. The registrar may refuse to register any trade union if satisfied that: ³²

- any of the objects of the union is unlawful;
- the union is used for unlawful purpose;
- any other trade union already registered is sufficiently representative of the whole or substantial proportion of the interests in respect

- of which registration is sought;
- the principal purpose of the trade union seeking registration is not in accord with the meaning and purpose of a trade union;
 - the trade union is an organisation consisting of persons engaged in, or working at more than one trade and its constitution is incapable of adequately catering for the sectional industrial interests;
 - the funds of the union are being applied in unlawful manner;
 - the accounts are improperly kept, and,
 - the secretary or treasurer of the union is incapable or carrying out adequately the duties of his office by reason of not being sufficiently literate in English or Swahili language.

The registration of a union may be cancelled by the registrar at the request of the trade union upon its dissolution or if the registrar is satisfied that the trade union has ceased to exist.³³

Rights and Liabilities

The Act provides that suits or other legal proceedings cannot be taken in a civil court against a trade union in respect of any act done in contemplation or furtherance of a trade dispute to which a member of a trade union is a party

on the ground only that the act induces some other person to break a contract of employment, or that it is in interference with the trade.³⁴

A suit against a registered trade union or any of its officers in respect of any tortious act committed by or on behalf of the trade union cannot be entertained by any court³⁵. However, trade unions are liable on any contract legally entered into by it or its agent³⁶.

The objectives of a registered trade union can not by reason only that they are in restraint of trade be deemed to be unlawful so as to render any member of the trade union liable to criminal prosecution for conspiracy, or, to be lawful so as to render void or voidable any agreement or trust³⁷.

A trade union may sue or be sued under its registered name. A trade union whose registration is cancelled or suspended may also sue and be sued under the name by which it was registered.

An agreement by two or more people to do or cause to be done any act in contemplation or furtherance of a trade dispute cannot be punishable as a conspiracy if such act committed by one person would not be punishable as a crime. However, punishment can be meted to any person found guilty of a conspiracy for which a punishment is awarded by any other Act³⁸.

Factories Act

The relevant part of this Act is the factories (building operations and works of engineering construction) rules of 1984. Building operations refer to the construction, structural alterations, repair or maintenance of a building. They also include demolition, and the preparation for laying of the foundations of the intended building³⁹.

The act requires every contractor to comply with the requirements of these rules which are designed to ensure the health, safety and welfare of all people engaged in construction operations of whatever nature⁴⁰.

Parts of the factories rules of immediate relevance to this study are those dealing with:

- Safety measures
- Excavation, shafts and tunnels
- Control of dangerous and unhealthy atmospheres
- Scaffolds and other working places
- Lifting operations
- Health and Welfare
- Transport
- Demolitions
- Records, certificates and other documents

Safety Measures

The contractor is to notify the Chief Inspector of factories within a week of commencing work on site giving all necessary details of the works being undertaken.¹¹

Every contractor who employs more than twenty people is to appoint a safety supervisor for every site on which he is the contractor. The safety supervisor supervises and ensures observance of safety, health and welfare requirement and generally promotes the safe conduct of work on the sites.¹²

All flywheels, moving parts of any prime mover, parts of transmission machinery, and dangerous parts of other machinery are to be securely fenced to eliminate danger or injury to any worker. Any live electric cable or apparatus at a site which may be a source of danger to workers has to be made safe or be rendered electrically dead.¹³

The contractor has to take necessary measures to prevent steam, smoke or other vapour generated at a site from obscuring any part of the work, scaffolding, machinery, plant or equipment. Adequate steps are to be taken to prevent people on site and within precinct of site from being struck by falling objects.¹⁴

Adequate and suitable lighting is to be provided in all working places and their approaches, as well as all openings which are dangerous to workers, and at every place where raising and lowering operations with the use of lifting

appliances are in progress.¹⁵

Workers are not to lift, carry, or move a load so heavy as to be likely to cause injury. No timber or material with projecting nails is to be placed or allowed to remain in any place where it can be a source of danger to workers.¹⁶

Excavations

The walls and roofs of any excavations, shaft, or earthwork deeper than 1.2 metres ;is to be reinforced with a suitable material to prevent danger or injury resulting from a fall or dislodgement of earth, rock or other matter from the wallso or roof to workers. A safety supervisor is to make daily inspection before and after work is done to ensure safe working conditions.¹⁷ Excavations likely to reduce the stability or security of any part of a structure thereby endangering workers shall not commence until adequate steps are taken to prevent the danger. Excavation pits more than two metres deep are to be securely covered or fenced when access byworkers, plant and equipment is not necessary. No plant or equipment liely to cause a collapse of the side of an excavation is to be placed or moved near the edge of the excavation.¹⁸

Dangerous and Unhealthy Atmosphere

A safety supervisor with adequate knowledge of the dangers related to the use of explosives is to supervise and

directly control the handling and use of explosives. He is to ensure that when a charge is fixed, workers are in positions of safety.

In a building operation where dust or fumes likely to be injurious to health of workers are emitted, all reasonable measures are to be taken to prevent inhalation by ensuring adequate ventilation or providing suitable respirators. Similarly, there should be adequate ventilation in every working place in any excavation, pit, hole etc. and in any enclosed or confined space. An atmosphere fit for respiration is to be maintained without any fumes, dust or other impurities in the atmosphere which may be dangerous or injurious to health. No worker is to be allowed to work in a place where the atmosphere is poisonous or asphyxiating until it is rendered harmless. No stationary internal combustion engine is to be used unless provision is made for conducting the exhaust gases into the open air.⁴⁹

Scaffolds

A suitable and sufficiently safe and properly maintained access to, and egress from, every place of work should be provided. The place of work itself has to be kept safe; and properly fixed and maintained scaffolds, ladders, or other means of support be provided.⁵⁰ Erection of scaffolds is to be done under supervision of the safety supervisor to ensure all parts are properly fixed to prevent accidental displacement.⁵¹

Where a scaffold is to be used by or on behalf of an employer for whose workers it was first erected, the employer or his safety supervisor has to take steps to satisfy himself that the scaffold is stable, materials sound and all safeguards are in position.⁵²

Where used, all stairs, gangways or ramps have to be provided with handrails throughout their length to prevent workers from falling. Every platform, gangway, run or stair has to be kept from unnecessary obstruction and free from rubbish and projecting nails. In case any becomes slippery, appropriate steps have to be taken by way of sanding, cleaning etc to remedy the dangerous condition.

Scaffolds are not to be overloaded and loads on them have to be distributed evenly.⁵³

Lifting Operations

Every lifting appliance and every part including all working gear and all equipment used for anchoring the appliance has to be of good mechanical construction, sound material, adequate strength and free from latent defects. They have to be properly maintained, and be inspected by a competent person at least once a week. Lifting appliances have to be adequately and securely supported. On every stage where a lifting appliance having a travelling motion is in use, an unobstructed passageway has to be maintained between the travelling part of the appliance and the guard-rails, fencing or other nearby fixtures.⁵⁴

Every crane, crab and winch has to be provided with efficient brakes or other safety devices which will prevent the fall of the load when suspended, and by which the load can be effectively controlled while being lowered.⁵⁵ Nobody is to use a crane which has any timber structural member.⁵⁶

The safe working load and the means of identification have to be plainly marked on every lifting appliance and this load must not be exceeded except for the purpose of making tests.⁵⁷

All access points to the hoistway or at points at which people are liable to be struck by any moving part of the hoist have to be protected.⁵⁸

No person is to be raised, lowered or carried by a power driven lifting appliance unless on the driver's platform in the case of a crane, or on hoist, or an approved suspended scaffold. The hoist shall not carry any person unless it is provided with a case so constructed as to prevent a person from falling or being trapped between the cage and the fixed structure or being struck by falling objects when its gates are shut. The gate has to be opened only at landing points and not while the hoist is in motion.⁵⁹

Health and Welfare

Contractors with more than five workers are to provide well equipped first-aid kits which are to be located at convenient locations. A person qualified in first-aid has

to be in attendance in any one site where more than fifty people are employed.

A contractor with more than twenty-five workers has to notify a medical officer of health where the site is situated within a day giving full details as required. He should maintain a suitable number of stretchers on site, and appoint a reasonable person who shall always be readily available during working hours and whose main duty is to summon an ambulance in case of an accident or illness. In case ambulances are not readily available, the contractor shall at all times keep a vehicle on site capable of accommodating a person on a stretcher. Where more than fifty workers are employed, the contractor is to provide a first-aid room which is properly constructed and adequately equipped.⁶⁰

Contractors are to provide at, or in the immediate vicinity of every site, adequate accommodation for workers to shelter in during bad weather, and to deposit clothing and personal effects not used during working hours. A store shall be provided for protective clothing used on site, reasonable arrangements being made for drying the clothing when wet. The accommodation should include sufficient tables and seats for taking meals, with facilities for warming up, boiling water and heating food. Potable drinking water at convenient drawing points shall be provided. Contractors shall provide the workers with suitable facilities for washing, including troughs or basins, soap and towels and warm water. Toilet facilities properly maintained shall be provided at the rate of one facility for twenty-five workers up to one hundred

workers and thereafter one facility for every thirty-five workers.⁶¹

Every contractor has to provide adequate and suitable protective clothing for all workers. Safety helmets have to be given and worn by all people entering the site - be they workers or not.⁶²

Transport

All types of vehicles used in connection with building operations are to be in good working condition. They should not be overloaded as this may interfere with the safe driving or operation of the vehicle. Nobody is to ride or be required or permitted to ride on the buffer, running board or any other insecure position. Nobody is to remain on the vehicle when it is being loaded with loose material if there is risk of harm. In case the vehicle is used for tipping materials into an excavation, pit, edge of an embankment or earthwork, adequate measures are to be taken to prevent the vehicle from over-running and falling in.⁶³

Demolitions

All necessary precautions have to be taken before and during demolitions, to prevent the risk of fire or explosion through leakage or accumulation of gas, vapour, or flooding. During demolition, no part of a building is to be so

overloaded with debris, materials or people as to render it unsafe to the workers. In any case, immediate supervision and direction of work by the safety supervisor is to be provided during the actual demolition. All necessary precautions to ensure the safety of workers are to be taken.⁶⁴

Records

Records of all reports are to be kept in the contractors office on or off site depending on the duration of the building contract. These should include:⁶⁵

- Abstract of the factories rules.
- General register for building operations and works of engineering construction.
- Register and certificate of shared welfare arrangements.
- Records of inspection, examination and special tests of scaffolding, excavations, lifting appliances, cranes, automatic safe load indicators and hoists used for carrying people.
- Records of reports on all lifting appliances; notice of building construction or works of engineering construction and notice of accidents or dangerous occurrences of building operations.

The Factories Inspectorate Department in the Ministry of Labour was formed in response to the Factories Act. The

objective of the department is to ensure the promotion and maintenance of good health, safety and welfare of workers in industries by enforcing the Factories Act. This objective is achieved by carrying out the following functions:

- Inspecting industrial workplaces to ensure compliance with the requirements of the Act.
- Investigating industrial accidents and incidences of diseases so as to establish their causes and hence prevent their recurrence, and secondly, to apportion legal blame.
- Advising industrial employers, employees and their respective representatives on the best ways and means of securing health, safety, and welfare at work.
- Identifying environmental factors which may affect the health of the workers.
- Carrying out medical examination on employees who are suffering or are suspected of suffering from occupational diseases so as to determine their health status and suitability for employment.
- Undertaking research projects into industrial technologies to establish their suitability for use and implications on health and safety of the workers.

The Ministry of Labour has offices in all districts in the country. Lack of qualified personnel and other necessary resources to effectively implement the objectives of the department are a major drawback in its operations.

Trade Disputes Act

This Act provides for the settlement of trade disputes. A trade dispute is a difference between employers and employees or between employees themselves in connection with terms and conditions of employment, which include such issues as dismissals, suspensions, redundancies, allocation of work and recognition of agreements.⁶⁶

The parts of the Act which are of interest to this study include:

- Reporting, conciliation and investigation of disputes
- Registration of collective agreements
- Adherence to agreements and awards.

Disputes

All disputes are to be reported to the Minister of Labour in the prescribed form. Disputes involving the dismissal of workers or termination of contracts of employment have to be made to the Minister within twenty-eight days of the dismissal or termination.⁶⁷

On receiving a trade dispute report the Minister consults a tripartite committee (which consists of a Minister's representative and two other members representing employees and employers interests respectively) after which

he may take any of the following courses of action:⁶⁸

- Inform the parties that any of the matters over which the dispute has arisen is not suitable to be dealt under this section;
- Refuse to accept the report where he is of the opinion that any matter in dispute is barred from negotiation under the terms of a recognition or collective agreement in force between any of the parties to the dispute;
- Inform the parties that he accepts or rejects the report of the dispute, having regard to the sufficiency and nature of the report or to the endeavours made by any of the parties to achieve a settlement;
- Refer the matter back to the parties and if necessary make proposals to the parties upon which settlement of the dispute may be negotiated;
- Endeavour to effect reconciliation of the parties;
- Cause an investigation of the trade dispute, or any matter connected with it, to be made.
- Recommend to the parties that the trade dispute be referred to the Industrial Court.

Where a trade dispute involves an issue concerning a recognition agreement, the Minister, after satisfying himself that a trade union has in its membership a simple majority of employees and that there is no rival trade union claiming to represent such employees, may order the employer to accord recognition to that union.⁶⁹

In endeavouring to secure the settlement of a trade dispute by conciliation of the parties, the Minister may make such use of any arrangement for the settlement of disputes which exists by virtue of any agreement between the parties to the dispute or between their respective organisations. He may also appoint a conciliator or a conciliation panel consisting of an independent chairman, employers and employees representatives.⁷⁰

Where the Minister is satisfied that a trade dispute exists, he may, whether or not the dispute has been reported to him, investigate any matter relevant to the dispute. He may also appoint an investigator or an investigation committee for the same purpose.⁷¹

A dispute which has not been settled may be referred to the Industrial Court by the Minister if an appeal has not been lodged already.

Registration of Agreements

Every employer or his organisation, that has entered into a collective agreement has to furnish a copy of such an agreement with the Minister who in turn furnishes the same to the Industrial Court together with such information and comments as considered necessary. In case the Minister objects to registration of any collective agreement he has to indicate his reasons to the Industrial Court.

Collective agreements take effect when they are accepted for registration by the Industrial Court which also maintains a register of all registered agreements. The agreements registered by the court have to comply with directives and guidelines issued by the Minister for Finance.⁷²

In any case, where the industrial court determines that an employee has been wrongfully dismissed by his employer, the court may order for reinstatement of the employee, and in addition to or instead of ordering for reinstatement, award compensation to the employee. The decision of the Industrial Court is final.⁷³

Adherence to Agreements

Strikes and lockouts are unlawful unless three weeks have elapsed after the trade disputes are reported to the Minister of Labour and the period of notice specified in any registered collective agreements relevant to the trade disputes has expired.⁷⁴

A strike is the cessation of work by employees in an industry, acting in concerted refusal to continue to work and includes any interruption or slowing down of work. Lock-out is the closing of a place of employment, or suspension or refusal by an employer to continue employing any number of workers in consequence of a dispute. This is done with a view to compelling workers or to aid another employer in compelling workers to accept terms and conditions of employment.

Where there is actual or threatened strike or lock-out arising out of a trade dispute, and there exists machinery for voluntary settlement of disputes which have been exhausted and which a substantial proportion of employees and employers are party to, the Minister may declare any strike or lock-out in that industry unlawful and order the parties to the dispute to make use of that machinery. The Minister may also require the parties to a dispute to comply with the agreement or award if an actual or threatened strike or lock-out relates to matters that have been settled by an agreement or award.⁷⁶ The Minister can also prohibit sympathetic strikes and lock-outs. On appeal, the Industrial Court may confirm, vary or revoke the order of the Minister.⁷⁷

The Arbitration Act

This act makes provision for the settlement of differences through arbitration. Arbitration agreement is a written agreement to refer present or future differences to arbitration.⁷⁸

The parts of this Act which are reviewed are:

- Arbitration
- Arbitrators and umpires
- Awards and enforcement of awards.

Arbitration

The authority of an arbitrator or umpire appointed by virtue of an arbitration agreement is irrevocable except by leave of the High Court. An arbitration agreement is not ended by the death of any party to it but is enforceable by or against the personal representative of the deceased.⁷⁹

If a party to an arbitration agreement commences any legal proceedings against any other party to the agreement in respect of a matter agreed to be referred, any party to those proceedings may, after appearance in court, and before taking any other steps in the proceedings, apply to the court to stay the proceedings.⁸⁰

Umpires

Every arbitration agreement in which no other mode of reference is provided is deemed to include a provision for a single arbitrator. Where an arbitration agreement provides that reference shall be to two arbitrators, one to be appointed by each party, and one party fails to appoint an arbitrator, the one appointed acts as a sole arbitrator and his award is binding to both parties.⁸¹²

Where arbitration agreement provides for two arbitrators, unless a contrary intention is expressed, the agreement is deemed to include a provision that the two arbitrators appoint an umpire after they are themselves

appointed. In case the arbitration agreement provides for three arbitrators with the third arbitrator being appointed by the two appointed by the parties, the agreement has effect as if it provided for the appointment of an umpire.⁸²

Awards

An arbitrator or umpire may make an award at any time. The High Court may, on application of any party to a reference, remove an arbitrator or umpire who fails to proceed with the reference and make an award. Unless contrary intention is expressed, every arbitration agreement is deemed to provide for an interim award by the arbitrator or umpire. The agreement is also deemed to contain a provision for the umpire or arbitrator to order specific performance of a contract.⁸³ The award made is final and binding on all parties.⁸⁴

An award in an arbitration agreement may, by leave of the High Court, be enforced in the same manner as a decree or order to the same effect, and where leave is so given, judgement shall be entered in terms of the award together with the costs of the application.⁸⁵

Workmen's Compensation Act

This Act provides for compensation to workmen for injuries suffered in the course of their employment. The parts of the Act reviewed here are:

- Compensation for injury
- Medical aid
- Occupational diseases

A workman is a person who works under a contract of service or apprenticeship with an employer such as a mason, painter, or plumber.⁸⁶

Compensation for Injury

The employer is to pay compensation to a worker who is injured in the course of employment even when the worker was at the time of the accident acting in contravention of any statutory or other regulation applicable to his employment. No compensation can, however, be paid in respect of any incapacity or death resulting from a deliberate self-injury.

In case a worker dies leaving dependants wholly dependent on his earnings, the amount of compensation is equivalent to forty-one months' earnings or twenty-nine thousand shillings whichever is less. In case the worker had no dependants the employer pays for the burial expenses to a maximum of five thousand shillings.⁸⁹

Proceedings for compensation can only be made within six months of the time the worker was injured and the accident reported, and before voluntarily leaving the employment in which he was injured.

The employer is to report the death of his worker as soon as he learns of it, stating the circumstances of the death.⁸⁹

As soon as the workman gives notice of an accident the employer is to arrange to have him medically examined and treated.⁹⁰

In case the final assessment of disability made by a medical practitioner is disputed by another medical practitioner, the Labour Commissioner refers the issue to a Medical Board for determination, and the decision of the Board is final.⁹¹

Medical Aid

The employer is to defray all reasonable expenses incurred by a workman as a result of an accident which would entitle him to compensation. The costs to be covered include medical, surgical, skilled nursing services and supply of medicines; supply, maintenance, and renewal of any artificial appliances and all reasonable transport charges.⁹²

Occupational Diseases

A workman or his dependants if he is deceased, is entitled to claim compensation where a medical practitioner certifies that the worker suffered from a scheduled disease

which caused disablement or death contracted within two years as a result of the nature of employment.⁹³

Compensation is payable by the employer who last employed the workman during the period of two years referred to unless that employer proves that the disease was not contracted while the workman was in his employment.⁹⁴

The provisions in the Act are exhaustive and cover the basic issues upon which industrial strife thrives. The Industrial Relations Department in the Ministry of Labour concerns itself with the improvement of the standards of living and welfare of the workers. The department has Labour Officers in all districts in Kenya who help to settle industrial disputes as they arise on building sites and other industrial establishments. Cases which cannot be settled at lower levels are referred to higher levels with the Industrial Court being the final point. The department is however unable to discharge its functions fully owing to lack of qualified staff and the necessary resources.

DEVELOPMENT OF TRADE UNIONISM IN KENYA

When British rule began in the last decade of the 19th Century, Kenya, or the part of Africa which comprises Kenya today, was divided into two parts. One part of Kenya was the coastal strip. Its African population was under Arab rule. The social and economic structure of its society was based on slavery and domination of Africans by Arabs. The other part of Kenya consisted of a number of territories occupied by Africans of various tribes. The political, social, and economic structure of the society in each territory was based on common protection of land, self-help, mutual aid and traditional division of labour with allotment, ownership, or occupation of land for family use. Work was mostly collective and generally there was no master and servant relationship.⁹⁵

The British declared the country a protectorate and the native land 'Crown Land'. They built the railway to effectively occupy the country and subdue its people, with the choice land given to white settlers. The natives were now turned out of their land and compelled to become wage-labourers or squatters who worked for their white masters.

In the coastal areas, there was no need for the white masters to use new forms of compulsion because after the abolition of slavery, the ex-slaves preferred the new forced labour system, considering it a lesser evil than slavery. In the interior, the choice placed before the local people was

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either to live in complete subservience to the colonial rulers, or die as a result of punitive expeditions organised by the colonial rulers⁹⁶.

The settlers had their organisation, the Convention of Association, to fight for continuation of the white man's rule and to establish a settlers' government in Kenya. The Convention was also an employers' organisation whose duty was to deal with questions of labour and wages. The Indians had the East Africa Indian National Congress to fight for equal rights on the basis of a common roll for all. In 1919, the Kikuyu Association was formed and was renamed Young Kikuyu Association in 1921. This was the first African industrial/political organisation. Most of its activities were of industrial nature with the political tone increasing as time went by. In the same year (1921), the Kavirondo Association was formed at Luanda-Gem in Nyanza. This Association concerned itself basically with issues affecting the welfare of workers⁹⁷.

During this time, the Europeans saw their qualities, ideals, and institutions as superior to those of the natives and believed that they were performing a service to humanity by replacing them. Doubt rarely disturbed this self-confidence.⁹⁸

In order to get more labour from government sources, the settlers argued that the government had arrived before them, and had encouraged them to settle in the territory and join the white civilizing mission. It therefore lay with the

government to ensure that they did not fail through want of labour. Labour, they claimed, would teach the native that idleness was wrong and work was the basis of prosperity; that he would learn new skills in working and anyway he had nothing else to do since tribal warfare had ended and work should be his thanks to the British for this blessing. The settlers of Boer origin mostly took the South African view that the native was intended by the Almighty to work for the white man, and if he did not work, almost any disciplinary measure was justified; if a thrashing resulted in death the only reaction was likely to be that there appeared to be many more Africans and perhaps the victim was due to die anyway.⁹⁹

This settler attitude was counteracted in great part through workers organisations with aims partly political and partly industrial.¹⁰⁰

The 1930s saw the rise of radical trade unionism among the Asian artisans in the building trades. In 1934 Markhan Singh formed the Labour Trade Union and called strikes against Asian, and later, European contractors.¹⁰¹

During this period the employers were not organised into any cohesive organisation; they preferred to work individually and privately because the government was pressuring them to improve working conditions and raise workers salaries hence going it alone allowed them to defy government directives with impunity.

In 1937 the Trade Union Ordinance was passed which

guaranteed a registered trade union against action on grounds of conspiracy (when the objects were not criminal), and stated that a union was not criminal simply because it might act in restraint of trade, but this provided unions with only a vague defence against actions in tort. Unregistered trade unions enjoyed no protection and members were liable for prosecution under the ordinance. In 1939 the government introduced the Trade Disputes (Arbitration and Inquiry) Bill which provided for the creation of arbitration tribunals for a particular dispute subject to the consent of both parties, and for boards of inquiry which the governor could appoint without such consent.¹⁰²

The Trade Unions and Trade Disputes Ordinance was passed in 1943 and replaced that of 1937. Under this ordinance trade unions were not liable to actions of tort and conspiracy provided the activities were not criminal. Peaceful picketing was allowed and it provided for appeals against refusal of registration to the Supreme Court.¹⁰³

After the Second World War it was not possible for many Africans to accept that politics and industrial relations could exist in two separate compartments. Those who disliked colonial rule protested against the manifestation of such rule, notably low wages and the colour bar. This made them both politicians and trade union leaders. Nevertheless non-political trade unionism began to emerge in this period, with unions dominated by their professional members rather than by the mass of semi-skilled workers.¹⁰⁴

The African Painters Association, the forerunner of the Building and Construction Workers Union was formed in 1944. Although it inspired several strikes in 1948, it was unable to decide during this period whether it wished to be an association of sub-contractors or of workers, and as a consequence was not particularly successful.¹⁰⁵

A formal federation of trade unions was suggested by union leaders in early 1950 and realised on the first of May the same year. It was called the East African Trade Union Congress and was initially made up of nine different unions. Its life was short and stormy. The organisation of the Congress was vague. Formally it was composed of five representatives from each union. The Congress, however, did not operate for long because its active leaders were arrested and jailed.¹⁰⁶

The Regulation of Wages and Conditions of Employment Ordinance was passed in 1951 and the Trade Unions Ordinance in 1952. Despite criticism from some African nationalists and from some European employers, these two ordinances became the legislative basis for government policy for the remainder of the decade.¹⁰⁷

As the emergency began to fade the old leadership of the unions re-emerged and urged their unions forward, though in more subtle ways. In Kenya as in most other African countries the first generation union leaders were also politicians. The achievement of independence as a goal to be

sought by the union was inseparable from the winning of better wages and working conditions.¹⁰⁹

The nature of union leadership has inevitably changed overtime. With the recognition of unions, the building up of a structural system of industrial relations, and the change in political context brought about by the attainment of independence, the function and pattern of leadership has altered. The present generation of union leaders is compelled by contemporary circumstances to pay more attention to union administration and industrial negotiation than its predecessor. Unions are expected to support governments in power, and not to exert such pressure as to create economic and political instability. To this extent, union leaders continue to have an important political role to play, but it is very different from that which they played during colonial days.¹⁰⁹

The Kenya Federation of Registered Trade Unions (KFRTU), later renamed Kenya Federation of Labour (KFL) was formed in 1950. In 1959 a splinter group left the KFL and formed the Kenya Trade Union Congress (KTUC) and continued in opposition to the KFL until 1961 when it was disbanded.¹¹⁰

A landmark in Kenya industrial relations was the promulgation of the Industrial Relation Charter (see appendix B) in 1962 by representatives of the KFL, the Federation of Kenya Employers and the Government. The Charter sorted out the responsibilities of management and unions and provided procedures for the recognition of unions, for joint disputes

commissions for employment policy, strikes and lockouts, and for joint consultation. Its theme was cooperation.

In 1965, the Kenya Federation of Labour (KFL) and Kenya African Workers Congress (KAWC) registered earlier the same year were disbanded and a single organisation called the Central Organisation of Trade Unions COTU (K) was formed.¹¹¹

Building Construction, Civil Engineering and Allied Trades Workers Union (BCCEAT) represents the interests of workers in the construction industry in Kenya today. The head office, located in Nairobi, handles only policy matters and negotiates at national level with the Kenya Federation of Employers Union. Branch offices are maintained in all major towns in Kenya.

The number of registered union members as of end of 1987 was sixteen thousand and covered all aspects of building and civil engineering works.¹¹² Registration is very low considering that in the same year (1987) some sixty thousand workers were employed in the construction industry in the country. This low registration of union membership reduces the effectiveness of the union in its efforts to realise its objectives for the workers.

The employers association is called the Kenya Association of Building and Civil Engineering Contractors (KABCEC). Membership as of April, 1988 was two hundred and sixty-eight, or seventeen per cent of the one thousand six hundred firms registered as contractors with the Ministry of

Public Works. 113

The composition of the registered members is as follows¹¹⁴:

<u>Name</u>	<u>Number</u>
General builders and contractors	130
Civil Engineering and Roads Contractors	39
Electrical Contractors	19
Plumbing and Mechanical Services	17
Roofing Contractors	9
Flooring Contractors	9
Painting and decorating contractors	6
Labour sub-contractors	16
Structural Engineers	10
Electrical Equipment	3
Prefabricated Buildings and Joinery	1
Acoustic Ceilings Contractors	2
Water filtration Contractor	1
Water Supply Engineers	3
Steel Erection Sub-Contractors	3
Total	268

All corporations and firms who engage either exclusively or otherwise in the execution of works of building and civil engineering construction and individuals carrying on business as aforesaid within Kenya may be elected as members, whether they be general contractors, sub-contractors or employers of other crafts.¹¹⁵

The KABCEC has only one central office in Nairobi. The members communicate directly with the head office. The association does not seek strict control over the activities of its members. Even with regard to wages negotiation, it seeks to establish a basic wage above which building workers should not fall and individual employers and trade unions are free to negotiate supplements to these basic terms and conditions agreed at national level.

The impact KABCEC has in influencing the industrial harmony in the building industry in Kenya today is severely limited because of the low registered membership compared with the total number of firms operating in the country. Thus the majority of the construction firms (83%) work independently of the union and hence, to a large extent, the collective action to counter the workers trade union is non-existent.

The KABCEC is one of the seventeen associations which together make up the Federation of Kenya Employers. The federation membership covers the entire spectrum of the economy, excluding only the civil service, and is by far the largest grouping of enterprises in Kenya. Membership of the federation comprises direct members and affiliated trade associations.¹¹⁶

Summary

The chapter has dealt with the objectives of the three parties to industrial relations in Kenya, namely the state, the workers and employers and their respective trade unions.

The state formulates regulations which are aimed at securing industrial harmony in all sectors of the economy. Five of these regulations were highlighted in great detail. The employers should obey the laws in order to enhance the working conditions, and by extension, industrial relations on building sites.

The objectives of the trade unions were reviewed and this was followed by the development of trade unionism in Kenya.

The next Chapter presents the findings of this study.

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CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

Research findings are presented and discussed under the headings of: trade unionism, wages, job security, working conditions, interpersonal relations, supervision, work itself, achievement, recognition, responsibility, and growth and advancement.

The categories of workers covered are masons, carpenters, electricians, painters, plumbers, glaziers, foremen, steel fixers, stone dressers, store-keepers and casual workers. This covered the major workers' groupings on building sites.

Trade Unionism

In only seven of the twenty-one sites surveyed (33%) were workers members of the trade union which represents their interests in the building industry. This was a rather sad situation because individual workers were at the mercy of the employer. There was no collective voice to speak on behalf of the workers. The employers exploited this state of affairs by underpaying the workers as will be noted, and generally having their way in all personnel matters.

The survey indicated that four strikes which occurred in different sites were staged to protest the poor working conditions. These strikes occurred in sites where workers were unionised. The strikes resulted from delays in payment, low pay rates, dismissal of fellow workers, accidents on sites, harsh supervision, and deplorable conditions on site. Go-slow protests were reported in six of the sites surveyed.

Employers in non-unionised sites dismissed agitators before they could do harm. Workers alleged that the employers had an unwritten policy of not employing unionised workers.

Building sites which were putting up national monuments never experienced any industrial action at all basically due to prompt payment of wages when due.

Wages

All workers surveyed were dissatisfied with the wages they were paid. Wage rates paid were low compared with union rates and the minimum legal rates. All the categories of workers surveyed suffered wage underpayment ranging between twenty percent to thirty percent. Only foremen in eleven of the sites surveyed were paid higher rates than those applicable in the industry.

As noted in chapter two, money is an important factor which represents different things to different workers, which

includes among others, food, shelter, clothing and health care.

Table 4.1 shows a comparison between the wages paid to the various categories of workers on a daily basis and the minimum of what they ought to have been paid as per the standing memorandum of agreement between the Kenya Association of Building and Civil Engineering Contractors (KABCEC) and Kenya Building, Construction, Civil Engineering and Allied Trades Workers Union (KBCCEAT). The agreement covered a two year period between 1991 to 1992 and the Regulation of Wages (Building and Construction Industry) Order, 1991.

The union agreement as well as the Legal Notice both stipulated that workers who were not provided with reasonable free housing accommodation by the employer were entitled, in addition to the basic rate of wages, to a housing allowance. Workers employed for a period of less than one calendar month were to be paid a daily rate for housing allowance.

Some categories of workers such as stone dressers, masons, carpenters and painters were paid piece rates by some contractors. This enabled them to aim at finishing the pieces of work allocated to them at the shortest time possible so that they could get more work and hence more pay. They could also opt to look for work elsewhere, depending on whether they liked piece rates paid as compared to the quality of finish demanded of them.

Table 4:1 Wages in the Building Industry in Shillings

<u>Category of workers</u>	<u>Legal rate</u>	<u>Union rate</u>	<u>Actual rate</u>
1. Casual labourers	64.95	69.10	35 - 50
2. General trades	70.35	74.35	45 - 60
3. Ungraded tradesmen	74.50	79.40	55 - 60
4. Grade III Trade Tested	80.75	80.35	65 - 70
5. Grade II Trade Tested	89.30	86.40	65 - 80
6. Grade I Trade Tested	106.80	114.20	70 - 90
7. Foreman (per month)	3335.00	3572.00	1800 - 4000
8. Records Clerk/Store-keepers (per month)	2289.50	2445.50	1100 - 1950

Source: Memorandum of Agreement, and the Wages Order, 1991

All the employers surveyed indicated that delays in wage payment were caused primarily by clients delaying payment for work already done and for materials procured. This gave employers cash flow problems as most of their capital was tied up in the form of materials and machinery.

Delays in payment varied from site to site. Save for the projects of immediate national importance which were given special attention (these were the national monuments built to commemorate twenty-five years of Kenya's independence), all the other sites experienced delays in paying workers; these varied from a few weeks to months.

Employees worked overtime in the monument projects and were paid for it. These projects had strict time limits and special national significance. No overtime work was done on the other sites.

Workers were not paid for public holidays which fell within the contract period. Work was simply brought to an end on the eve of the public holiday and resumed after the holiday was over. If a weekend was following immediately after the public holiday, then work was begun on the site on the following new week. In this way, the employers avoided to pay for days workers did not actually work, or when pay rates would have been higher than ordinary. No employees other than foremen were paid at rates equal to or higher than those agreed on by trade unions or as stipulated by law.

All contractors, nevertheless, paid their workers the day's wages when bad weather led to stoppage of work before working hours were over. No contractor paid workers when, due to bad weather, or when basic building materials were in short supply, work had to stop temporarily for a few days with the exception of record clerks/storemen and foremen. Workers were not hired on such days.

Job Security

Job security is very elusive in the building industry. Most workers, particularly the help hands and the non-graded tradesmen, indicated that prospects for steady work were poor and given a chance they would opt to work in other industries. The graded tradesmen preferred to remain in the building industry.

A feeling of job insecurity is not surprising because, as noted elsewhere, workers are not only paid low wages and rarely paid promptly, but are also exposed to high risks of injury and only work when the weather and availability of building materials, among others, allow it.

Job insecurity made it impossible for most workers to work on one site long enough to establish cordial working relationship with management which is essential for maintenance of good industrial relations. All the employers surveyed indicated that it was not possible to give secure jobs to workers. The vagaries of the tender system, availability of key materials, and irregular payments by clients, among others, ruled out the possibility of assuring workers jobs.

Only workers in the seven unionised sites of those surveyed contributed towards the National Social Security Fund in order to cater for their latter-day needs. This assured the workers that their financial needs after retirement would be catered for. The majority of workers did

not have this security offered them. The employers stated that, due to the short-term nature of some jobs, they could not involve workers in retirement schemes.

Working Conditions

Good working conditions go a long way in fostering good industrial relations. Working conditions includes not only the physical conditions on site but also the welfare services provided for the worker. The two basic aspects covered were safety and welfare.

Safety:

Safety measures undertaken on most sites were inadequate. Workers were not provided with protective clothing in all sites surveyed. Adequate precautions against falls from heights by workers were inadequate. Such included stairs without guard rails (33%), scaffolds without security netting (all sites), improperly fenced excavations (67%), and poorly made and maintained ladders (20%). Warning notices on dangerous points were absent in eight sites(40%), and in 11 sites (55%), building materials were poorly handled and stored, with nails and other protruding sharp objects being a constant source of injury to the workers.

No workers were wearing any protective clothing and none was offered to visitors. Workers unloaded various reinforcement bars with bare hands and carried the same to

the stores or where required. The Factories Act stipulates that protective clothing must be provided and used on site both by workers and visitors.

Perhaps one of the most pitiful sights the researcher met was to see workers laying reinforcement bars on a floor without as much as gum boots and handgloves. Clad in slippers, sandals and shoes with worn out soles, workers carried reinforcement bars and put the same into place and in the process suffered untold injuries to the hands, legs and feet.

Hazards in the building sites included falling objects, falls, false formwork and shuttering, protruding sharp objects, dangerous structures, mobile cranes and excavations. All sites surveyed had reports of injuries. Table 4.2 gives a breakdown of causes of injuries on the sites surveyed and the number of workers affected.

The workers who suffered serious injuries lost their jobs without being paid compensation. Some were, however, given medical care at the expense of the employer (38 cases). Most of the other injured workers were rushed to government hospitals. Subsequently, they took care of themselves.

Three workers were reported killed. One had his head smashed by a falling object; another one fell from a false scaffold; the third was smashed by a reversing vehicle on site. The deaths occurred in different sites.

Table 4.2: Causes of Injury and Number Injured.

<u>Cause of Injury</u>	<u>Number Injured</u>	<u>Fatal Injuries</u>
Sharp objects	136	-
Falls	29	1
Falling objects	42	1
Electric shocks	7	-
Dangerous structures	12	-
Excavations	11	-
Vehicle/machinery accidents	-	1
	237	3

Source: field survey ,1991

All the employers surveyed indicated that workers got injured on site, with some of them (3 cases) fatal.

The high number of workers injured in the building sites surveyed reflects the general picture of the accidents in the building industry in Kenya.

Table 4.3 shows a sad reflection on the building industry's safety record. Indeed, it is even more so when it

is considered that these are only reported accidents. The situation is worse than the figures reflect because the existing accident reporting procedure is not accurate. Not all accidents are reported.

Table 4.3: Accidents in Factories, Buildings and Docks

Year	Factory Acc.		Building Acc.		Dock Accidents	
	Non-fatal	Fatal	Non-fatal	Fatal	Non-Fatal	Fatal
1978	1949	15	268	9	159	6
1979	2234	19	248	12	149	2
1980	1839	21	63	5	62	3
1981	1944	28	293	11	7	-
1982	1667	15	510	26	19	-
1983	1188	8	346	14	35	-
1984	1300	3	274	35	40	-
1985	1084	2	391	15	24	1
1986	1300	10	319	16	17	-
1987	1553	6	225	12	39	2
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Total	16058	127	2937	155	551	14

Source: Factories Inspectorate - Ministry of Labour,
Kenya (1978 - 1987)

Building work is inherently dangerous and penalties for a moment's thoughtlessness when working are high. When a fatal accident occurs, the site may close down for the

remainder of the day or longer, and the effect on site morale is depressing. Unsafe working conditions do not foster good industrial relations.

Welfare:

Welfare facilities contribute to the well-being of workers on sites. Those considered here are: first-aid facilities, potable water, transportation, hours of work, cooking and eating facilities, lockers, and lavatories and bathrooms.

First-aid facilities: First-aid boxes were available in only four of the sites surveyed. When available, first aid boxes were poorly equipped. No person qualified in first-aid measures was employed in any of the sites surveyed. These factors rendered building sites unable to provide basic help to injured workers before they could be taken for proper medical attention in hospitals. The category of workers most affected by injuries included the casual workers, masons, carpenters, plant operators, electricians, painters and plumbers. Lack of first-aid facilities is a major shortcoming by management and in no way helps to foster good working relations.

Potable water: This was available on all sites surveyed. Potable water was not a problem in Nairobi because of the availability of reliable piped water supplied by the local authority. Water thus supplied was potable.

Water points were conveniently located. The managements in all the twenty-one sites surveyed did not, however, provide cups which could be used, say for drinking water. Workers had therefore to drink from their palms or from hosepipes. This procedure required workers to first wash their hands which was made difficult because soap was not supplied. Maintenance of hosepipes was poor. They were dirty with mud and concrete.

Transportation: Fifty percent of the building contractors surveyed provided transportation to and from the site. Others did not offer such service.

Workers were picked up at agreed times and from specific points and returned there after work. Vehicles used were inappropriate, being either tippers or open lorries. Workers were therefore not protected from bad weather, for example, during the rainy season, and were very uncomfortable. But since workers with this service are from low income groups and distances to be covered are usually long or do not fall within scheduled bus routes, this mode of transport, though poor, is welcome.

Contractors who never provided transport services for their workers only opened gates into the sites at given times during reporting time, breaks and departure in the evening. It was up to the workers to make their way home on their own and report back punctually as required, otherwise risk losing their jobs.

Hours of work: In those sites where transport service was provided, the management was responsible for the time workers reported on duty. But for sites starting work at 7.30 a.m. in the morning and not providing transport service, workers were usually late and generally not happy with the arrangement. Relations with the management was strained because of the constant late-coming. Table 4.4 shows the working hours for the sites surveyed.

Table 4.4: Hours of Work

Number of sites	first session	lunch break	last session
9	8.00 am-1.00 pm	30 min	1.30 pm-5.00 pm
6	8.00 am-1.00 pm	45 min	1.45 pm-5.00 pm
6	7.30 am-1.00 pm	45 min	1.45 pm-4.30 pm

Source: field survey, 1991

Cooking and eating facilities: No site provided any facility for preparation and taking of meals. During lunch breaks workers usually stretched out in the open and had nothing for lunch because they never carried packed lunch with them. Those with money went for maize meal popularly known as "githeri" or "nyoyo" which is a mixture of maize and beans. This meal was sold in or near building sites by mobile traders, mainly women. Workers' common rooms were not provided.

Lockers: In all the sites surveyed, workers were not provided with lockers or any other suitable equivalent for keeping their private property while working.

The provision of lockers is vital to workers because they would be assured of safety of their personal effects such as own clothing where working clothing is provided or owned. This meant workers had to keep checking lest their property got stolen.

Lavatories and bathrooms: Bathrooms were not provided in any site surveyed. Lavatories provided were inadequate and of poor construction and maintenance.

The Factories Act stipulates that toilet facilities have to be provided at the rate of one facility for every twenty-five workers up to one hundred workers, and thereafter one facility for every thirty-five workers. There was only one toilet facility constructed over a mains sewer manhole at the Uhuru Park Monument site which catered for eighty-nine workers.

Since shower rooms were not provided, in the few sites where workers bathed, they used makeshift shelters. In most sites workers went home with all the dust and dirt. This was uncomfortable and inconvenient especially where such workers were to share transport home and other facilities with the rest of the public.

The condition of the lavatories on building sites left a

lot to be desired. Sites near public toilets used them (such as the Extensions to the Ceremonial Dais at Uhuru Park project in Nairobi). Such sites were few. In all the other sites, shallow pits were dug and temporary structures put up over them to serve as lavatories. Construction of such structures was poor and not conducive to proper maintenance. Such facilities were not adequate to serve the working population on site, save for the management who had separate and well maintained lavatories. As a result, workers resorted to making short calls in the blind corners of the site.

Interpersonal Relations

All workers valued relations with their peers but related with superiors with caution.

Interpersonal relations with workmates is important in the building sites because work is carried out in teams. Different categories of workers appreciated relations with peers though some, such as stone dressers, who, most times work alone and on piece rates basis, did not put a very high value on peer relations.

All workers surveyed indicated varied relationships with superiors. Their feelings range from caution to indifference. The supervisor was looked upon with suspicion for he was the task overseer. He was the one who approved the work and set the tempo of activity on site. Workers would

obviously like to work in a relaxed atmosphere, doing the work at their own pace. The superiors were not easily reached to facilitate the establishment of a meaningful relations. They were always giving orders and rarely listening to those under them. The relations could at best be summed up as one of suspicion.

The employers responded that they generally related well with their workers though they at times had trouble with a few trouble makers in some gangs.

The workers tended to be suspicious and to fear their superiors. The channel of communication was only downward. The superior gave orders as to what was to be done and how, and the workers were to do the job without questions or giving alternative suggestions. In all the sites surveyed, the superiors knew their work well but the heavy hand of supervision was overbearing on the workers. This led to an uneasy working relationship.

Although workers valued relations with their peers, they still absented themselves from duty or looked for a job elsewhere. All the employers responded that labour turnover was high, especially among the help hands and the non-graded trades like masons and stone dressers.

Supervision

The relationship between the supervision and the workers

was, as already noted above, one of caution. Instructions were only obeyed because of fear of dismissal. Even stone-dressers who worked without the need for ever-present supervision indicated that their working relationship with supervisors was one of caution. One never knew how the supervisor was going to react to any given situation.

Attention given to workers' grievances varied. If any complaint was reported which was critical of the management, the reaction was swift dismissal which was carried out either on the spot or at the end of the day (50 cases). All workers perceived by management to be troublesome were dismissed. Supervisors showed favouritism and were partial. Workers in sixteen of the sites surveyed indicated favouritism was practiced by tribe and also on the basis of who knows who. The employers indicated that they were receptive to workers grievances and encouraged dialogue with workers union representatives. They, however, never tolerated workers bent on causing problems and disrupting the work flow on site.

Supervisors commended their workers for work well done in forty percent of the sites surveyed. All the other supervisors urged their workers to work harder without expressing appreciation for the work already done. Supervisors were, however, very vocal when work done was below their expectations. Terrazo layers, painters and glaziers, were the few often who got commendations.

There was no formally established channel to be followed by workers when airing their complaints in fifty-four percent

of the sites surveyed. The seven sites with union shopstewards, and three sites without union representation, had formally established channels for workers' grievances. Complaints which had financial implications for the management, such as requests for protective clothing were received by the employers but took long to solve. The employers on their part indicated that they had limited resources to enable them to effectively resolve all grievances having financial implications. Furthermore, some of the demands made by workers, such as provision for the elaborate welfare facilities as stipulated in the Factories Act, were not included in the bill of quantities. Hence they could not provide a service for which they were not compensated.

Personnel policies formulated by the management, if any, were unknown to workers in fifty-four percent of the sites surveyed. All that the workers seemed to know were the working hours and the pay rates.

Work Itself

All help hands and non-graded trades in sixty-four percent of the sites surveyed did not enjoy their work. With the exception of graded trades, workers indicated that if they had a choice they would not work in the building industry. They found more satisfaction in things they did in

their spare time like playing cards, soccer, other communal activities or simply relaxing at home and planning where next to look for a job.

All the employers responded that building works could not be compared to factory working conditions. In as much as the work flow planning could be improved, work took place in an open site, and was subject to the vagaries of the weather, which the contractors could do little about. It was up to the workers to like their work.

Many factors combine to make work either interesting or not. The morale of the workers is of central importance. Other factors which combine to make work interesting include job security, wages, relations with peers and supervisors, feeling of achievement or having achieved something in the job being done, recognition, responsibility, growth and advancement.

Workers generally took it easy on their work and only pretended to make extra effort when the supervisors were around. Machinery on site, such as concrete mixers and cranes, were sabotaged and brought to a halt in twenty percent, and materials were handled carelessly in eighty percent, of the sites surveyed.

When workers do not enjoy their work, they tend to relate poorly with management. The management needs to act and boost their morale.

Achievement

Masons, carpenters, stone-dressers, painters and foremen had a feeling of achievement and satisfaction derived from the work they performed on previous and present building sites. Reasons for this feeling of achievement ranged from having been associated with the building of a major project which was admired by all (such as a national monument or high rise blocks). Others saw their contribution in terms of such factors as nicely dressed quarry stones which were mostly used as a point of reference when seeking for a job in a new site.

It is not surprising that the help hands and ungraded tradesmen had no feeling of achievement and satisfaction because they had expressed their dislike for work in the building industry. They would rather work elsewhere. This seems to result from the relative disadvantages in the building industry compared with the other sectors of the economy.

Responsibility

Responsibility for work done on building sites was basically shouldered by the foremen who were in charge of the different workgroups. Workers being overseen by such foremen were not responsible for the work done by the group. If a worker did not work in accordance with the requirements of a particular trade and the foreman in charge failed to detect

the mistake, then in the final analysis it was foremen who would be answerable to the management if the mistake was discovered. Lower than the level of foreman, very little delegation of responsibility was done in all the sites surveyed.

Some categories of workers such as glaziers, stone-dressers and painters who worked independently most of the time had the responsibility of seeing to it that their work was done within acceptable time, quality and quantity limits. This responsibility gave them self-satisfaction when the work was well done.

Growth and Advancement

Growth and advancement for workers in the building industry was limited. Virtually all workers employed on sites were on temporary terms. They lost their jobs either at the end of the building project or when their specific portion of work was completed or when dismissed for other reasons. Growth and advancement were thus unimaginable in such situation. No wonder some workers indicated a desire for a job in another occupation unrelated to building.

Only two of the employers surveyed were workers in the building industry before setting up their own construction firms. By employing help hands and non-graded trades, the employers accorded workers an opportunity for growth and advancement.

The employers paid a training levy to be used by the government in developing the relevant institutions of technology. These institutions train workers in different trades before releasing them to the job market.

Summary

This chapter has presented data on the state of industrial relations in the building sites in Kenya. The eleven factors used to measure the state of industrial relations were : wages, job security, working conditions, interpersonal relations, supervision, work itself, trade unionism, achievement, recognition, responsibility, growth and advancement.

Data analysis showed that there was likely to be poor industrial relations in the building sites in Kenya.

Chapter five represents a summary of the report, conclusions, recommendations and suggestions for further research.

CHAPTER FIVE

SUMMARY CONCLUSIONS AND RECOMMENDATIONS

Summary

In this final chapter, the study findings will be used to make conclusions as to whether the study objectives and the hypothesis were achieved, and, to offer recommendations on the basis of the findings.

The subject of this study was industrial relations on building sites. The main contractors and sub-contractors were the employers who hired and fired various categories of employees. The relations between the employers and employees on building sites raised many industrial disputes. Disputes arose as a result of issues touching on job security, wages, conditions of employment, and trade unionism.

The objectives of the study were to identify and analyse the factors which affected industrial relations on building sites and, to identify the contribution of the state and trade unions to industrial relations in the construction industry in Kenya.

If unchecked, industrial disputes can inflict immense damage on the building industry and the economy in general. When disputes arise, building projects are delayed leading to

time and cost overruns. All economic uses to which the project was to be put are delayed. On the other hand, good industrial relations facilitates timely completion of projects. An atmosphere of tolerance is created which encourages dialogue rather than animosity.

The objectives of trade unions were to redress the bargaining power of individual members by substituting collective action for individual action, and, to raise the status and promote the interests of their respective members.

The main interest of the state is prevention of industrial strife. And apart from humanitarian interests of protecting workers, the state has a direct interest in securing high standards of living and other conditions necessary for a healthy working population. Towards this end the Government of Kenya has enacted laws which, among others, regulate the terms and conditions of employment and settlement of industrial disputes.

Motivation of all workers is essential for the achievement and maintenance of good industrial relations on building sites. Employers therefore, need to, not only know, but also practise the management functions of planning, organising, staffing, leading, controlling and coordination in order to have activities on building sites going on smoothly. Personnel management descends from the general functions of management and is concerned with people at work and with the relationships within an enterprise.

All the facets of personnel management have to be

understood by the management, for the central aim is to boost the workers morale by motivating them to work. Motivation boosts morale.

This study found that there was poor industrial relations on building sites in Kenya.

Conclusions

The following are the conclusions from the study.

- Fostering of good industrial relations was not a priority with the management as evidenced by poor personnel management on sites. The level of wages, safety and welfare of the workers, among others, were very poor.
- The factory inspectorate unit which was responsible for enforcing compliance of legal requirements on building sites was barely effective. As a result, safety and welfare, among others, were to a large extent, compromised in the various sites surveyed.
- The level of trade unionism was fairly low on most building sites surveyed. This denied the workers the power of the collective voice and instead exposed them to the employers who were free to deal

with individual workers as they pleased. The employers did not provide terms and conditions of employment as legally required or as agreed between the trade unions.

The foregoing factors, on the whole, influenced fairly negatively the status of industrial relations on building sites in Kenya.

The main conclusion is that there was hardly any evidence of good industrial relations on the building sites surveyed. The employers' focus and attention was, therefore, found to be hardly geared to achieve and maintain good personnel management on building sites.

From the conclusions, the hypothesis that there was poor industrial relations in the building industry in Kenya is accepted.

Recommendations

From the study findings, it is now possible to make recommendations necessary for the achievement and maintenance of good industrial relations on building sites:

- Contractors have to learn and practise principles of management generally and personnel management in particular. This can be done through seminars and

short courses organised by the state or trade unions. Industrial harmony is a happy by-product of sound management on building sites. All legal requirements and trade union agreements should be complied with.

- As the client for over one half of the building projects, the state should meet all its financial obligations to the contractors to enable them, in return, to pay their employees promptly.
- The Industrial Relations Department and the Factories Inspectorate Unit of Kenya's Ministry of Labour should be well staffed and given adequate resources to enable them to perform their duties effectively.
- Trade Union which caters for workers in the building industry has to be more active in its operations. Recruitment drives have to be done more vigorously on building sites. All collective agreements have to be enforced.
- Workers have to be enlightened as to their rights and obligations. This can be done through the respective trade union or by the state.
- The provisions of the Factories Act relevant to the building industry should be incorporated in bills of quantities.

Areas for Further Research

This research has not covered the entire scope of industrial relations in the building industry. It has only looked at industrial relations between the contractors and their employees on building sites. Future effort should be directed to the following areas:

- How to improve safety and health on building sites.
- How to incorporate contractors' views during the design stage so that work continues on site even though some final working drawings may not be ready.
- How to manage the trade union representing workers in the construction industry to make it more effective.
- How to provide workers on building sites with retirement programmes to cater for their old age or in case of incapacitation to work.
- How to measure the exact contribution of industrial relations in the implementation of building projects.

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magazine

Nairobi Times, Nairobi, forerunner of Kenya
Times

APPENDIX 'A'

PROJECTS COVERED BY THE SURVEY

PROJECT DESCRIPTION	CONTRACT SUM (£)	DURATION (WEEKS)	% COMPLETE	NO. OF WORKERS
1. Nairobi West Government Pool Housing	2,018,067	72	65	165
2. Mitihani Office Complex	1,244,630	190	12	97
3. Uhuru Park : Extensions to Ceremonial Dais	236,933	17	40	131
4. Pumwani Nyayo Wards	850,000	58	45	60
5. Uhuru Gardens - Langata : Silver Jubilee Monument	768,677	17	25	89
6. Central Park-Nairobi Nyayo Monument	914,998	17	30	79
7. Kenya Institute of Mass Communication	1,143,730	80	54	104

PROJECT	CONTRACT	DURATION	%	NO. OF
<u>DESCRIPTION</u>	<u>SUM (£)</u>	<u>(WEEKS)</u>	<u>COMPLETE</u>	<u>WORKERS</u>
8. Parklands: Presi- dential Escort Unit Flats.	1,989,255	104	67	169
9. Jomo Kenyatta College	1,160,618	56	60	79
10. Meteorological Department Library	270,000	40	95	42
11. Extensions to Government Press	3,485,000	78	85	122
12. Muguga Social Forestry Centre: Staff Houses	250,748	25	70	69
13. Ruaraka Workshop for City Buses	1,752,551	60	86	440
14. Kamiti Prison : Cell block	344,885	36	8	33
15. Ruaraka : Housing/Phase II	13,983,807	156	35	233
16. Ruaraka : Housing, Central Workshop	8,766,000	78	28	342

PROJECT <u>DESCRIPTION</u>	CONTRACT <u>SUM (£)</u>	DURATION <u>(WEEKS)</u>	% <u>COMPLETE</u>	NO. OF <u>WORKERS</u>
17. State House Flats	3,834,753	150	20	166
18. Gigiri Divisional Police H/q	1,600,350	140	60	135
19. Kasarani Divisional Police H/q	2,918,319	120	90	81
20. Belle-Vue: Classrooms, Workshops, Store and Offices.	355,213	72	95	36
21. Gymnasium : Kasarani Sports Complex	2,500,000	133	40	94

APPENDIX 'B'

INDUSTRIAL RELATIONS CHARTER

NAIROBI

15th October, 1962

PREAMBLE

The Government of Kenya, the Federation of Kenya Employers, the Kenya Federation of Labour:

1. Considering that at their Conference held in Nairobi on Tuesday, the 3rd and Thursday, the 5th July, 1962, convened by and under the Chairmanship of the Minister of Labour, the Hon. T.J. Mboya, M.I.C., agreed to endeavour to prepare an Industrial Relations Charter;
2. Realising that it is in the National interest for the Government, Management and Workers to recognise that Consultation and Co-operation on a basis of mutual understanding render an essential contribution to the efficiency and productivity of an undertaking and that progress can only be made on a foundation of good terms and conditions of employment which include security of service and income, also the improvement of Workers' conditions of service;

3. Desiring to make the greatest possible contribution to the success and prosperity of Kenya;

Agree upon the following Charter of Industrial Relations.

1. Agreed Responsibilities of Management and Unions

- (i) that the existing machinery for settlement of disputes should be utilised as quickly as possible;
- (ii) that both sides undertake to settle any or all industrial disputes at the appropriate level and according to the procedure laid down hereafter;
- (iii) that affirming their faith in democratic principles, they agree to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration or strikes or lock-outs as a last resort;
- (iv) that there should be no strike or lock-out without notice;
- (v) that neither party will have recourse to intimidation or victimisation or conduct contrary to the spirit of this Charter;

- (vi) that they undertake to promote maximum co-operation in the interests of good industrial relations between their representatives at all levels and abide by the spirit of agreements mutually entered into;
- (vii) that they will undertake to observe strictly the grievance procedure outlines in the Recognition Agreement which will ensure a speedy and full investigation leading to settlement;
- (viii) that they will educate the Management Personnel and Employees regarding their obligations to each other for the purpose of good industrial relations;
- (ix) that they respect each other's right to freedom of association;
- (x) that they will deal promptly with all correspondence that arises between them.

2. Management Agree

- (i) to recognise the Union appropriate to its particular industry and to accord reasonable facilities for the normal functioning of the Union in the undertaking;

- (ii) to discourage such practices as (a) interference with the rights of employees to enrol or continue as Union members (b) discrimination, restraint or coercion against any employee because of recognised activity of trade unions (c) victimisation of any employee and abuse of authority in any form (d) abusive or intemperate language; and (e) generally to respect the provisions of the I.L.O. Convention No. 98.
- (iii) to take action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders, as speedily as possible;
- (iv) in cases of misconduct to distinguish between misdemeanours justifying immediate dismissal and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action should be subject to appeal;
- (v) that every employee has the right to approach Management on personal problems and agree always to make accredited representatives available to listen to the day-to-day problems of employees;
- (vi) to impress upon their staffs the contents of

- this Charter and to take appropriate action where Management inquiries reveal that the spirit or contents of this Charter have been contravened and to give full publicity on their Notice Boards to this Charter;
- (vii) to discourage any breach of the peace or civil commotion by Employers or their Agents;
3. Union(s) Agree
- (i) not to engage in any activities which are contrary to the spirit of this Charter;
- (ii) to discourage any breach of the peace or civil commotion by Union members;
- (iii) that their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law or by agreement;
- (iv) to discourage such practices as (a) negligence of duty (b) careless operation (c) damage to property (d) interference with or disturbance to normal work (e) insubordination (f) abusive or intemperate language, and generally to respect the provisions of I.L.O. Convention No. 98;

- (v) to take action to implement awards, agreements, settlements and decisions as speedily as possible;
- (vi) that where strike or lock-out action occurs essential services (the cessation of which would cause injury to humans or animals) shall be maintained, but the employees concerned shall not be called upon to perform any other duties that the maintenance of the service concerned;
- (vii) to display in conspicuous places in the union offices the provisions of this Code and to impress upon their officers and members the contents of this Charter and to take appropriate action where union inquiries reveal that the spirit or contents of this Charter have been contravened.

RECOGNITION

It is agreed in principle that the Model Recognition Agreement as appendix 'A' is hereby accepted as a guide to

* The model recognition agreement is subject to many variations and appendix "A" is therefore not included.

parties in all future agreements and that the following principles should apply

- (i) that provision by the Registrar of Trade Unions to F.K.E. or to the employer of a certificate that the union is properly registered and exists effectively to represent the particular employees should decide the question of recognition and negotiations should then commence based on the Model Recognition Agreement and for the eventual setting up of Joint Machinery as may be appropriate to the particular Industry or undertaking;
- (ii) that minor breaches or agreements by either party shall not give justification for withdrawing recognition but shall be processed as "disputes";
- (iii) that these principles be brought to the notice of parties who are not affiliated to F.K.E. or K.F.L.

JOINT K.F.L./ F.K.E. DISPUTES COMMISSIONS

Machinery exists at industrial level as provided for in the Recognition Agreement for dealing with disputes that may arise from time to time, firstly through the local or district negotiating committee or through the joint Industrial Councils. That machinery is not intended to be

superseded in any way by the procedure or the Joint Disputes Commissions, and it is agreed that both sides will wherever possible endeavour to settle disputes, using the machinery provided in the negotiated agreements.

The specific object of the Joint Disputes Commissions is to prevent disputes involving loss of time and money to all concerned, and to deal immediately and effectively with disagreements, in order to prevent any unnecessary stoppage of work. The use of the Commissions is entirely voluntary and is not intended to prevent parties who so wish utilising the processes provided under the terms of the Trade Disputes (Arbitration and Inquiry) Ordinance.

It is agreed that, on receipt of recommendations from a Joint Disputes Commission, both parties to the dispute should indicate acceptance or rejection of the Commission's recommendations on the matters referred to it, within a period of seven days from the receipt of the Commission's report or such longer period as the Commission shall decide.

REDUNDANCY

In the event of redundancy, the following principles will apply:

- (i) the Union concerned shall be informed of the reasons for and the extent of intended redundancy;

- (ii) the principle should be adopted of "Last in, First out" in the particular category of employees affected subject to all other factors such as skill, relative merit, ability and reliability being equal;
- (iii) the redundant employee will be entitled to the appropriate period of notice or pay in lieu. The principle of severance pay is agreed but the form and amount of such pay shall be subject to joint negotiation.

EMPLOYMENT POLICY

The provisions of the I.L.O. Convention adopted June, 1962, Article 14, shall apply as follows:

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of:

- (a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the country;

- (b) admission to public or private employment;
- (c) conditions of engagement and promotion;
- (d) opportunities for vocational training;
- (e) conditions of work;
- (f) health, safety and welfare measures;
- (g) discipline;
- (h) participation in the negotiation of collective agreements;
- (i) wages rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking.

2. All practicable measures shall be taken to abolish, by raising the rates applicable to the low-paid workers, any existing differences in wages rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

3. Workers from one country engaged for employment in another country may be granted, in addition to their wages, benefits in cash or in kind to meet any reasonable personal or family expenses

resulting from employment away from their homes. This is to apply in cases of special skills not available locally.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safe-guarding of motherhood and for ensuring the health, safety and welfare of women workers.

STRIKES AND LOCK-OUTS

It is agreed that in future the Federation of Kenya Employers on the one hand, and the Kenya Federation of Labour, on the other hand, shall discourage and seek to bring to an end any strike or lock-out which may arise from or be caused by any question, difference or dispute, contention, grievance or complaint with respect to work, wages or any other matter, unless and until the following steps have been taken and these shall have failed to settle such question of difference, etc.,

- (i) the matter in dispute shall first of all be considered by the appropriate machinery
- (ii) failing settlement at Joint Industrial Council, such dispute shall be reported forthwith by the

parties concerned therein to their representative National Officials and be immediately jointly Dispute Commission procedure or by reference to the Chief Labour Officer.

INTIMIDATION

It is hereby agreed that employees and management shall enjoy adequate protection against any acts of interference by each other or members. Such protection shall apply more particularly in respect of such acts as :

- (a) will make the employment of an individual employee subject to the condition that he shall or shall not join a union;
- (b) the dismissal of an employee by reason of union membership or acts of participation in union activities outside working hours or with the consent of the employer within the working hours;
- (c) the drawing up, issuing or publication of discriminatory lists or any action which will prevent a supervisor or shop steward from carrying out his functions.

JOINT CONSULTATION

Management and employees recognise that consultation and co-operation on the basis of mutual confidence render an essential contribution to the efficiency and productivity of an undertaking and also contributes to the social and economic well-being of all.

It is therefore agreed that :

- (i) full support will be given by both parties to the constitution and the regulations of the National Joint Consultative Council and to all other freely negotiated joint machinery set up under the Recognition Agreement in the various industries throughout Kenya;
- (ii) encouragement shall be given to voluntary agreements between the parties;
- (iii) management shall take appropriate measures to facilitate the proper functioning of joint machinery by making available facilities for meetings and, in appropriate cases, the staff essential thereto. It shall also allow representatives of the employees the necessary time within reason to attend such meetings without loss of pay;

(iv) it is clearly understood, however, that the employees' representatives, not being full-time paid officials of the union, are first and foremost employees of industry and as such their first and prime responsibility is to carry out the duties assigned to them as employees of their employer company during working hours;

(v) (a) that means should be readily available whereby any questions which may arise, affecting all employees or any category of employees, covered by the Agreement can be fully and promptly considered with a view to satisfactory settlement;

(b) that the recognised procedure covering negotiations and discussions between both parties should be so far as is practicable fully known and understood by the employees and by all members of Management;

(c) that an essential factor in successful negotiations and discussions is the clear statement or report of the issues involved and of the resulting decision after mutual agreement between the parties.

PRESS STATEMENTS

That during negotiations the Kenya Federation of Labour and the Federation of Kenya Employers agree to recommend to their affiliates that statements to the Press and the Kenya Broadcasting Corporation should be jointly made although the right of either party to communicate individually is accepted.

The Federations will also recommend that letters be not normally copied to the Press or to the Ministry of Labour.

CONCLUSION

Both the Federation of Kenya Employers and the Kenya Federation of Labour agree to observe and abide by this Charter of Industrial Relations.

SIGNED :

for and on behalf of the Federation of Kenya
Employers.

for and on behalf of the Kenya Federation of
Labour.

Minister for Labour.

Appendix 'C'

Questionnaire A

1. This Questionnaire is answered by man/woman?
2. How old are you?
3. What work do you do? (any casual work, mason, carpenter, plumber, painter, glazier, electrician, foreman) please specify.
4. Are you trade tested? Yes/No. If yes then which grade are you? (I/ II/ III)
5. For how long have you worked in the building industry?
6. For how long have you worked where you are currently employed?
7. On what terms are you employed? (permanent/ contract/ temporary)
8. Who is your employer? Main contractor/sub-contractor.
9. Do you always report for duty on time?
10. Is transport to and from the building site provided by the employer? (Yes/ No)
If yes, is it adequate?

11. Bathrooms, portable water, facilities for making and taking meals, lavatories, lockers are available on site. (Please check those provided)
12. Are adequate tools provided to enable you to work properly and efficiently? (Yes/ No)
13. In your opinion, what has to be provided on site in order to improve your performance?
14. How are the physical working conditions on site? (This includes, noise, lighting, temperatures, ventilation and general appearance) (good/ average/ bad)
15. How do you find the amount of work you do per day? (excessive/ normal/ low)
16. How do you regard safety conditions on site generally? (good/ fair/ bad)
17. Are all dangerous points (e.g. open trenches, unguarded stairs, scaffolding, power lines and points crances, car cages etc.) marked out and warning posters clearly displayed?
18. Check the working aids availed on site and add if the list is inadequate. Dust coats, gum boots, helmets, hand gloves, protective goggles, safety belts, air masks. Others:
19. Did your superior instruct you about safety measures to be observed while on site? (Yes/ No)

20. Is first-aid kit available on site? Yes/No/do not know.
21. Have you or your workmates ever been injured while working here? (Yes/ No)
- If yes, list the causes of injuries:
22. Of those injured
- (i) How many died?
- (ii) How many were badly injured and maimed for life?
- (iii) How many were slightly injured?
23. What in your opinion endangers safety in your work place?
24. Is insurance cover given to all workers on site?
- (Yes/ No/ do not know)
25. Are you paid per piece rate or general rate per day?
26. How much are you paid per day?
27. How do you compare your wages with your peers in other sectors? (Higher/ same/ lower)
28. Are you paid promptly at specified time and place?
- (Yes/ No)
- How long do delays in payment last? (days/weeks/months)
29. The wage rates paid is (high/ adequate/ low)
30. Are you paid more than normal pay rates for any overtime work done? (Yes/ No)
31. Are your pay rates same as those recommended by the

Union? (Yes/ No/ do not know)

32. Are you paid for public holidays that fall during the construction period? (Yes/ No)
33. Are you paid for days when work is interrupted by bad weather, shortage of materials etc? (Yes/ No)
34. Does the employer inform you in advance in case of delays in payment?
35. Does the employer contribute to the National Social Security Fund (NSSF) for your latter day welfare? (Yes/ No)
36. What do you think your prospects for steady work here are? (good/ average/ poor)
37. Are there prospects for promotion where you are employed?
38. Do you work alone and therefore answerable for your own work or in a group with other workers?
39. Do you plan the work you are supposed to do with your supervisor? (Yes/ No)
40. Does your supervisor show favouritism?
41. How do you feel towards your immediate supervisor? (friendly/ unfriendly/ no feelings/ do not know)
42. Does your supervisor show appreciation and commend you

for work well done?

43. Do you feel that you are an important part of the work team? (Yes/ No)
44. Does the management provide a working environment that is open and encourage new ideas from workers? (Yes/ No)
45. Are all the terms and conditions of employment known to you or easily ascertained? (Yes/ No/ do not know)
46. Do you think it would make any difference to your employers if you failed to turn up for work one day? (Yes/ No/ do not know)
47. Would you say that absence from duty and lateness are common practices among fellow workmates? (Yes/ No/ do not know)
48. To what extent would you say your relationship with your fellow-workers make your work interesting?
(very great/ little effect/ no effect/ do not know)
49. In your opinion are you highly motivated toward to job performance as you should be? (Yes/ No)
50. Have you/your workmates been on strike? (Yes/ No)
What of go slow in work? (Yes/ No)
51. Has the employer ever locked you out of the site due to misunderstandings? (Yes/ No)
If yes, then what was the cause?

52. What was the cause of the strikes and go-slow at work?
53. How long did the strike(s) last?
54. Did you attain what you wanted by staging strikes and/or go-slow? (Yes/ No/ do not know)
55. Is there clearly laid out channel and procedure of directing your problems and grievances to your superiors? (Yes/ No/ do not know)
56. Is the management quick in responding to workers' problems and grievances brought to its attention? (Yes/ No/ do not know)
57. Does the management make it easier for you to express your complaints without fear? (Yes/ No)
58. Does your supervisor give a sympathetic hearing to your personal problems?
59. Does the management involve workers in finding solutions to their problems? (Yes/ No)
60. Are you a member of a trade union representing workers in the building industry? (Yes/ No)
61. If you are a trade union member, how do you consider the role of the trade union in promoting your interests in your work place? (active/ passive/ dormant/ do not know)
62. If non-member, what keeps you from joining the union?

63. Do you feel you are getting considerate treatment here?
(Yes/ No)
64. Do you feel a sense of pride and achievement for the part you have played in the present site and any other sites you worked before? (Yes/ No)
65. If you have your choice of all jobs, which would you choose?
- (a) Your present job
 - (b) Another job in the same occupation
 - (c) Another job in another occupation
 - (d) Do not know
66. Which gives you more satisfaction?
- (a) Your job
 - (b) Things you do in your spare time
 - (c) Both (a) and (b)
67. Give your reason for the response you gave in 66 above
68. Have you ever quarrelled with your Supervisor on site?
(Yes/ No)
If yes then what was the cause?
69. Have you ever quarrelled with your fellow worker(s) on this site? (Yes/ No)
If yes, then what was the cause?
70. Have you ever been involved in a physical confrontation (fight) with your Supervisor (Yes/ No)
What of your workmates? (Yes/ No)
If yes then what was the cause?

71. In the place you are currently employed and wherever you worked before on building sites: Would you say that

(i) the management discriminates against unionised workers? (Yes/ No/ do not know)

INDUSTRIAL RELATIONS ON CONSTRUCTION SITES

(ii) the management encourages workers to join a relevant trade union to fight for their interests?

(Yes/ No)

(iii) the management is keen on improving the welfare of workers? (Yes/ No)

(iv) the management appreciates having good working relations with the workers and employs all its efforts to achieve harmonious working relationship?

(Yes/ No)

Please give reasons for your response:

Appendix 'D'

Questionnaire B

INDUSTRIAL RELATIONS ON CONSTRUCTION SITES

KINDLY ANSWER ALL QUESTIONS.

YOUR RESPONSES WILL BE HANDLED IN CONFIDENCE.

Name of the firm:

1. How many construction sites are you currently engaged in?
2. How many workers, by categories, are currently employed on each site?
3. How many workers, by categories, are on permanent employment on each site?
4. Do you recognise and honour terms and conditions of service as negotiated with the workers' trade union?
(Yes/ No/ Do not know)
5. How are your terms and conditions of service compared with those negotiated by the workers' trade unions?
(Better/ Same/ Not the same)
6. Do you employ workers on the basis of whether or not they are members of a trade union? (Yes/ No)

In which districts are sites with non-unionised workers?

6. Does the workers' trade union play a major role in maintaining industrial harmony in your building sites?

(Yes/ No/ Do not know)

7. Do you pay workers promptly at a specified time and place? (Yes/ No)

If not, why?

8. Are workers paid for public holidays that fall during the construction period? (Yes/ No)

Are workers paid when work is interrupted by bad weather? (Yes/ No)

What rates do you pay for overtime?

9. Do you grant workers annual leave? (Yes/ No)

How many days annually?

10. Do you employ as skilled artisans, workers who have learnt the skills on the job but lack formal training?

(Yes/ No)

11. What do you do on sites to minimise disruptive industrial actions?

12. Do you provide protective clothing for workers while on site and insist on its use? (Yes / no)

Are first-aid kits provided on all sites? (Yes/ No)

13. Workers get injured while working. How many workers have been injured due to:

falls . . . falling objects . . . sharp objects . . .
 cuts . . . electric shock . . . asphyxia
 (suffocation). . . knockdowns by machinery/vehicles . . .
 others (specify)

14. What caused the injuries? Pick the causes:

- a) negligence of workers;
- b) lack or non-use of protective aids;
- c) machinery/vehicle failure;
- d) others (please specify)

15. Of those injured (please provide a breakdown per site)

- a) How many died?
- b) How many were badly injured or maimed (lost limbs)
 for life?
- c) How many were slightly injured?

16. How many of the injured workers have been compensated
 under the Workmen's Compensation Act?

17. In how many sites have workers gone on strike?

Which categories of workers were involved?

In how many sites have workers been on go-slow?

Which categories of workers were involved?

What caused the strikes and go-slows?

18. In how many sites have you locked-out workers?

Which categories of workers were locked out?

What caused the lock-outs?

19. Have you experienced sabotage on your sites? (Yes/ No)
 (Sabotage is wilful destruction of materials/machinery)
 If yes, in what forms?
20. Do you have a clearly laid out channel for workers wishing to express their grievances?
 (Yes/ No/ Do not know)
 What are the grievances of your workers?
21. Do you involve workers and/or their representatives in finding solutions to their problems?
 (Yes/ No/ Do not know)
22. What time does the working day start and end?
 From . . . to . . .
 How long is the lunch break?
 (None/ 30 min/ 45 min/ 1 hr)
23. Where do workers keep their personal effects while working?
24. Is potable water provided on site?
 (Yes/ No/ Do not know)
 Are cooking and eating facilities provided?
 (Yes/ No/ Do not know)
 Are toilet facilities provided? (Yes/ No/ Do not know)
25. Is absence from duty and lateness common among workers?
 (Yes/ No/ Do not know)
 If yes: what are the causes?
 How do you handle this situation?

26. Do foremen and all those in charge of operations consult with the workers over work to be done?
(Yes / No)
Do you encourage work-related discussion with your workers? (Yes/ No)
If yes, on which issues?
27. Do you provide transport for workers to and from site?
(Yes / No)
28. What are the long term prospects of steady work for workers? a) Very good . (b) Good (c) Bad (d) Poor
Why?
29. Please give a breakdown of daily wage rates paid to various categories of workers in your employ indicating other allowances paid.
30. Please list the labour problems you experience on sites.
31. How do you motivate your workers for top performance?
32. Do you promote workers from within the labour-force you have instead of hiring from outside? (Yes/ No)
If yes, which categories of workers?
33. What non-contractual awards, if any, do you give as a gesture of appreciation?
34. Did you (or the partners in the firm) work in the building industry as artisans/casuals before becoming a contractor? (Yes/ No)

35. In which circumstances, if any, do workers show pride and contentment while effectively carrying out their assigned daily tasks?