

A construction worker in a brown uniform is working on a steel structure against a blue sky. The worker is positioned in the upper right quadrant of the frame, leaning forward and working on a horizontal beam. The background is a clear blue sky with some faint, thin lines of steel structure visible.

OHS in the Kuwait Construction Industry – the Rationale for research

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Overview of Presentation

- The presentation outlines the rationale for the proposed study. It also highlights the characteristics of the Kuwaiti construction industry and a profile of migrant construction workers. The paper identifies the primary research questions driving the research, such as: what are the OHS experiences of migrant construction workers in Kuwait. Finally, the paper presents a tentative outline of the methodology to be used in this proposed study.

Rationale for the Study

- 66% of the population of 2.9M is comprised of expatriate, multi-cultural workers, most of whom will be employed by subcontracting firms.
- Some evidence that the practice of employing illegal migrant labour in the Kuwaiti construction industry is rife.
- There are disturbing indications that injury and illness rates amongst construction workers are extremely high.
- However, there are only a few studies on the OHS of migrant construction workers in Kuwait.

Rationale for the Study

- There is an urgent need for:
 - a multidisciplinary research, as advocated by Quinlan, et al, (2009), in order to capture the multifaceted nature of Kuwaiti OHS policy and practice;
 - to better understand why and how migrant workers are employed; and
 - what can be done to improve the situation.

Focus of analysis: Contingent Workers in Kuwait

“Contracted, sub-contracted and leased labour without the conventional protections of Workers’ compensation, caused by a deterioration in OHS standards and an increase in non-reported injury and illness”

(Quinlan and Mayhew, 2001)

Global Expatriate Labour Characteristics

- Age – Young, male
- Reasons for seeking employment
 - Job opportunities
 - Better work offers
 - Higher wages (although not the singular reason)
- Most will work for a small subcontracting firm, often in hazardous conditions for low pay

Global Expatriate Labour Characteristics

- Employability criteria by contractors
 - Willingness to work long hours in hazardous conditions (86%)
 - Obedience (74%)
 - Willingness to work for low wages (74%)
 - Lack of fastidiousness (58%)

(Abdul-Aziz 2001)

Global Expatriate Labour Characteristics

- Ethnic and Social Origins
 - Rural background
 - No intercultural experience
 - Leads to unofficial stratification by ethnicity corresponding with wage discrimination
- Previous Work Experience
 - Only 12% of the people surveyed by Abdul-Aziz's had previous construction experience

Global Expatriate Labour Characteristics

■ Education and Language

- Low educational and literacy skills
- Miscommunication, loneliness, depression

■ Alienation

- Self contained areas close to construction sites
- Crowded
- Disease, heavy smoking and alcohol consumption in non-Muslim countries

Global Expatriate Labour Characteristics

- Informal and Precarious Employment
 - Multi-layered subcontractor arrangements
 - Corresponding layers of vulnerability
 - Informal, indirect employment by sub and sub-sub contractors
 - Minimal contract owner liability
 - Itinerant nature of work increases vulnerability
 - Exacerbated by language and literacy barriers (workers are not aware of their rights)

Accident Causation

- Managerial problems are highlighted as the main cause of accidents in Kuwait.
Influenced by:
 - Traditional Kuwaiti management practices
 - Institutionalised Social and Cultural Norms
 - Three distinct and separate Labour laws

Kuwaiti Management Characteristics

- Active discouragement of initiative and encouragement of conformity and subjugation
- Primacy of personal relationships vs work relationships
- Favouritism, nepotism & workplace cliques
- Unwillingness to shoulder responsibility
- Multiplicity of rules and regulations
- Rigid and obsolete administrative systems

Instituted Cultural and Social Norms

- Patriarchal family the strongest State Institution.
- Resources based on group and tribal considerations and fear of powerful neighbouring countries.
- Focus on strengthening of conformity to traditional customs.

Three Labour Laws

- Government employees - (Kuwaiti citizens guaranteed positions in this sector)
- Oil Sector – protects Kuwaitis and government approved Gulf nationals employed in the oil sector but excludes contractors and sub-contractors who fall under the Private Sector Labour Law
- Private Sector – governs employment conditions in private enterprise
- Note: Domestic servants, persons on temporary contracts of less than 6 months are excluded from the scope of the Private Sector Law and may lay a charge under the general civil law

Causes of Non-reporting of Accidents

- Multi-layered contracting system
- Worker unawareness of existing legislation and their rights due to informal employment relationships
- Worker illiteracy
- Fear of job loss
- Sub-contracted Project Managers hide negligence
- Minor injuries not reported to protect personal injury status (lost time incident)
- Few established policies and procedures for accident investigation and reporting in smaller sub-contracting companies
- Loss of production time
- Workers perception that accidents are due to their own negligence

(Kartam & Bouz, 1998, Yun 2007)

Literature Review – OHS & Contingent Workers

- Kuwaiti problems reflected in empirical studies
- Globally high accident rates
- Construction safety highest priority for multinational policies and programmes
- Specific, multidisciplinary approach needed for OHS in the Construction Industry as a result of the exponential growth of temporary workplaces and contingent, precariously employed labour.

(Quinlan 2002; Quinlan & Mayhew 2001; Lopez-Valcarel 2004; Xia, Lu and Liang 2004; Lingard 1999; Ringen & Stafford 1996; Lamm 2008; Jaselskis et al 2008; Schubert & Dijkstra 2008)

Research Design

- Multidisciplinary, triangulated approach collecting qualitative and quantitative data
- Research methods are drawn from:
 - Occupational health and safety;
 - Employment relations;
 - Sociological; and
 - Cultural studies
- But the research design is still evolving.

Research Questions

- What are the working and OHS experiences of contingent, migrant workers and their employers in the Kuwait construction industry?
- How is OHS practiced within the Kuwaiti construction industry and what are the key OHS issues facing both migrant worker and employer

Research Questions

- How do the OHS regulatory institutions operate and how does the OHS regulatory framework fit within the complex Kuwaiti legal, political and social system.
- What impact does each of these inter-related systems have on the OHS of migrant workers
- What is the role of non-governmental international and local agencies, such as Human Rights Watch and the ILO, in improving OHS standards in Kuwait?

Pray for the Labourer

God bless the labourers-creators of wealth

Grant them safety in the desert storms

Grant them honest managers

Save them from greed and deception

Lead them to a safer place on earth

Thank you