

**Migrant Worker Perceptions
of Life, Work, Health and Safety in Kuwait
– A Construction Industry Perspective**

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Abstract

Construction workers have experienced profound changes in working and living conditions over the past 30 years due to the rapid expansion of migrant labour, ineffective management, lax regulatory practices and business cycle downturns. These changes have impacted negatively on the Occupational Health and Safety (OHS) of workers and the construction industry is recognised as one of the most hazardous in the world. The extent to which construction workers' OHS has been compromised has particular relevance in Kuwait where, despite the ratification of 19 International Labour organisation (ILO) conventions, effective implementation of improvements has been lacking.

The goal of this thesis was to understand the experiences of vulnerable migrant workers in Kuwait from their own viewpoint. The primary research question was 'What are the OHS experiences of vulnerable migrant workers employed in the Kuwaiti construction industry?' An adaptation of the Sargeant and Tucker (2009) layers of vulnerability model was applied to address this question.

The findings revealed that cultural indifference leading to power and control abuses within the low-bid tendering system has severely compromised the OHS of migrant construction workers in Kuwait. Coercive practices, deception, dishonesty and cruelty resulted in high levels of depression, fear, anxiety and a sense of defeat, exacerbated by poor living conditions, inadequate diets and forced extension of working hours. Contractual obligations and financial commitments to deceptive and dishonest labour agents deepened workers' sense of helplessness and entrapment. This caused depression and suicide ideation. Their plight was compounded because they could never get permanent residency in Kuwait.

Abusive and negligent supervisory practices led to fatal and serious injuries and illness such as severe trauma, heart attacks, heat stroke, falls from height; all due to

unsafe construction methods. It was also found that workers were exposed to noise causing hearing impairment and to harmful contaminants like dust and carcinogenic chemicals which led to respiratory illness. Heavy physical labour in the summer heat caused cardiovascular and musculoskeletal health problems.

The results revealed that the root cause of compromised OHS practices is the policy of awarding major contracts to the lowest bidder. Although Project Management Consultants (PMCs) were concerned about the OHS of subcontracted labourers, they were prevented by project owners from intervening and implementing best practices. Consequently most workers were inadequately trained and were unaware of their right to protection and access to compensation. However workers' attitudes and commitment to working safely was not dependent on their educational level.

This research is distinctive because a fieldwork and analytical methodology was developed to investigate vulnerable workers in hard-to-reach, difficult and complex settings. The research further differentiates itself by the participation of a skilled interpreter throughout the data gathering process, revealing the subtleties and idiomatic nuances of the respondents' vernacular which enhanced the data derived from truth and meaning as perceived by workers themselves. The researcher has exposed the numerous issues faced by previously unreached and unheard subcontracted labourers, explored through their own perspectives and experiences. The development of such a methodology is a distinctive feat as few if any Western researchers have been able to reach these previously invisible groups of workers or to expose the depth of the problems they face and are helpless to address. Moreover, the researcher has developed a valuable set of tools that can be extrapolated and generally applied to further global research on the OHS of vulnerable expatriate workers.

Finally, the analysis revealed two over-riding themes. First cultural indifference leading to power and control mechanisms and their impact on vulnerable workers was

directly linked to hierarchical management systems, and second, the lowest bidder policy has led to profoundly negative outcomes and damage to the OHS of expatriate subcontracted workers.

Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), no material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning. The following publications and conference papers relate to work undertaken for this thesis.

Book Chapters

- Boocock, M., Hannif, Z., Jamieson, S., Lamare, J. Ryan., Lamm, F., Martin, C., McDonnell, M., Robertson, C., Schweder, P., & Shulruf, B. (2011). Occupational health and safety of migrant workers: An international concern. In M. Sargeant & Giavonnone, M. (Eds.). *Vulnerable Workers: Health, safety and wellbeing* (pp. 121-144). London, UK: Gower.
- Robertson, C. (2011). Occupational health and safety of contingent migrant labour in the Kuwait construction industry. In M. Sargeant & M. Giovannone (Eds.), *Vulnerable workers - safety, wellbeing and precarious work*, (pp. 243-260). Farnham, Surrey: Gower.

Conference Papers

- Robertson, C., & Lamm, F. (2008). Occupational health and safety in the Kuwait construction industry: The rationale for research. *Proceedings of the 13th Conference for Labour, Employment and Work, Victoria University, Wellington, New Zealand*. Retrieved from <https://ojs.victoria.ac.nz/LEW/article/view/1650/1493>

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Date _____

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Abbreviations

Abbreviations.

AUT Auckland University of Technology

AUTEC Auckland University of Technology Ethics Committee

GCC Gulf Cooperation Council

ILO International Labour Organisation

IT Information Technology

KPC Kuwait Petroleum Corporation. The holding company for Kuwait Oil Company (KOC), Kuwait National Petroleum Company (KNPC) and other oil-related operations.

MOSAL Ministry of Social Affairs and Labour (of Kuwait).

OHS Occupational Health and Safety.

PMC Project Management Consultancy

URL Uniform Resource Locator

Ethics Approval

Ethics Approval Number 10/313

Ethics Approval granted on 25 July 2011

Chapter 1 - Introduction

Introduction

Previous research has shown that worldwide there is strong evidence that the construction industry is one of the most hazardous occupational sectors due to the high rate of accidents and fatal injuries (Valcarel, 2004). Early studies on the global number of accidents conducted during 2003/2004 estimate that 60,000 accidents causing injury or fatality occurred annually in developed nations such as the United States, UK, France and Japan—however these figures were thought to be far fewer than those in developing countries (Valcarel, 2004, pp. 4-5). Because Occupational Health and Safety (OHS) programmes are primarily focused on the prevention of reportable accidents (lost time injuries, permanent injuries and fatalities), very little is known of the true extent of work-related occupational illnesses (Holmes, Lingard, Yesilyurt & de Munk, 1999; Quinlan & Bohle, 2004; Quinlan, Bohle & Lamm, 2010; Valcarel, 2004, p.6). Even in the absence of reliable statistical data, there is strong evidence that there has been a significant and steady rise in the incidence of construction related health risks including musculoskeletal, cardiovascular and respiratory illnesses, skin disorders, and depression (Valcarel, 2004; Quinlan et al, 2010).

Changes to the international labour market have been characterised by an increase in the numbers of migrant labourers seeking employment through short-term, flexible and insecure work arrangements, resulting in negative effects on their lives and OHS. Migrant workers, many of whom are poorly educated and illiterate, face constant uncertainty about their future, the terms and conditions of their work, their access to basic household needs, their access to compensation and their ability to provide for their families. These workers are increasingly vulnerable and their lives and OHS are therefore at risk (Hahamovitch, 2003; Quinlan et al, 2010; Sargeant & Tucker, 2009).

Notwithstanding the health risks for workers employed in the construction industry, it is widely recognised that the precise extent of occupational injury and disease is unknown (Quinlan et al., 2010; Quinlan & Bohle, 2004; Lamm, 2014).

The purpose of this research is to enhance our understanding of the experiences and perceptions of vulnerable subcontracted workers in relation to the quality of their lives and OHS. Applying the adapted Sargeant and Tucker (2009) model, this research focuses on the extent to which migrant workers are affected by their inclusion or exclusion from the Kuwait life and working environment; whether they had access to representation and regulatory protection; how the legal status of the roles of recruitment agencies and employers were reflected in their lives and OHS; their reasons for seeking work in Kuwait and how previous education, language levels and experience affected their attitudes towards OHS. These factors interlink with the way in which subcontracted workers are managed. The fundamental research question driving this study is therefore, “What are the OHS experiences of vulnerable migrant workers employed in the Kuwaiti construction industry?” The strength and flexibility of the adapted Sargeant and Tucker (2009) model provides a framework through which the secondary research questions were developed, thereby facilitating the analysis of the complexity of interrelated factors and their combined effect on worker OHS. These interlinking factors are explained in detail in Table 3.4 on pPage 99. The secondary research questions are:-

- How, and to what extent, is the health and safety of migrant workers affected by their inclusion/exclusion in the Kuwaiti life/work framework?
- What is the extent of worker access to representation and regulatory protection?
- How does the legal status of migrant workers affect their lives?
- How do the roles of recruitment agents and employers in the migration processes affect migrant OHS?

- What are the reasons for migration and how do these affect worker attitudes towards safety?
- What are the effects of migrant education, job type, language and training skills levels on their OHS
- What are the influences of OHS management systems on the lives, experiences and OHS of migrant workers?

Kuwait is a small country, 17,818 square kilometres in area, on the west shore of the Arabian Gulf. Formerly a British protectorate since 1899, it gained full independence in 1961 (CIA World Factbook, 2013). What makes Kuwait more than just another small country is that it ranks 6th in terms of the world's crude oil reserves with 104 billion barrels (Worldatlas, 2017).

... a small country in terms of land area, Kuwait holds more than a fair share of the world's petroleum oil reserves. Over 5 bbl (billion barrels) of reserves lie within the Saudi-Kuwaiti neutral zone which Kuwait shares with Saudi Arabia, while over 70 billion barrels of Kuwaiti oil are in the Burgan field, the second largest oil field in the world.

Kuwait is also the ninth largest producer of crude oil in the world averaging 2.5 million barrels per day with a potential to produce around 4 million barrels a day (Index Mundi, 2015). The oil industry is characterised by development – new parts of the oilfields are continually being developed as production falls off in the established wells; new gathering centres, pipelines and downstream processing plants are constructed and older ones expanded in capacity before they are eventually decommissioned.

Supporting infrastructure has to be continually developed both within and outside the oilfields and processing plants. Operations and maintenance staff are but few compared to the number of construction workers the majority of who are expatriates. In 2008, at the commencement of this research, of the total Kuwait population of 3,441,813, 68% were estimated to be expatriates (Gulf Research Center, n.d.). There is also evidence

that large numbers of expatriate labourers were employed by subcontractors in the construction industry (Al-Tabtabai, 2002; Kartam & Bouz, 1998). The limited research available on issues facing subcontracted workers in Kuwait reveals an exceptionally high number of accident and injury rates during the period 1994-1996, estimated to be 34% higher than available statistics show for the entire United States of America in 1993 (Kartam & Bouz, 1998). Since that period, however, very few depth studies have been conducted on the OHS of subcontracted labourers in Kuwait.

Why Was This Research Undertaken?

During my first week as a newcomer to Kuwait, I had stopped at a busy three-lane traffic intersection in the late afternoon, waiting for the lights to change. I observed a small open-backed pick-up truck directly in front of me in which around 20 expatriate labourers were being transported. They sat hunch-backed on the narrow benches which ran along and across the length and breadth of the truck, their eyes glazed and bloodshot, staring into space, looking exhausted and dehydrated. These men had obviously been working all day in the heat. The outside temperature gauge in my car showed 47 degrees Celsius. What struck me was that no-one else in the surrounding traffic seemed to be in the least concerned about these workers and their discomfort. This scenario became an all too common sight during my daily commute from work. I also observed men conducting repairs atop 10 metre floodlighting poles, wearing no safety harnesses, dressed in flowing cotton robes or other unsuitable attire and either barefoot or wearing open, slip-on sandals. I observed bricklayers, plasterers and stonemasons, standing on ladders crudely made from nailed-together pieces of wood, or working at height with no fall restraint on flimsy wooden scaffolding, the narrow cross-pieces bending under their weight. I wondered what underlying issues lay at the heart of these unsafe practices. More importantly, I wondered what these workers had

experienced, how they were managed and *how they felt* about these things. These observations and unanswered questions served as catalysts for my research into the factors affecting the OHS of subcontracted labourers.

An exploratory literature search revealed clear international evidence of health and safety concerns in the construction industry, which has long been considered as one of the most hazardous industries (Valcarel, 2004). Since the mid 1970's, competitiveness, privatisation of services and the growth of flexible human resource management strategies has occurred in tandem with volatile economic swings, resulting in the formation of a global industrial environment which has effectively negated the implicit agreements associated with standard employment relationships. (Lewchuk, de Wolff, King & Polanyi, 2003; Quinlan, Mayhew & Bohle, 2001; Sargeant & Tucker, 2009; Schenker, 2008; Valcarel, 2004).

International laws which regulate the relationship between worker and employer and are designed to support the standard employment relationship, such as the right to minimum labour standards, adequate compensation and the right to bargain, have become eroded (Lewchuk et al., 2003; Quinlan et al., 2001). In a growing number of countries there are concentrations of migrant workers in industries with a high dependence on foreign, disposable workers, so-called “perfect immigrants”—workers who are prepared to do the dirtiest and hardest work, whose home countries survive on the remittances of foreign workers (Hahamovitch, 2003, p. 4). Many workers face constant uncertainty about their future, the terms and conditions of their work, their access to basic household needs, access to compensation and their ability to provide for their families, a situation which has been compared by researchers to those which existed in the 19th and early 20th century (Quinlan, Bohle & Lamm, 2010; Sargeant & Tucker, 2009; Schenker, 2008).

Thus, the initial observations of the researcher, together with the information found in the exploratory review of available literature, clearly indicated the need for further research to be conducted in the Kuwait-specific context.

Significance of the Research

This research focuses on vulnerable workers specifically in the Kuwait construction industry; also included in the group of vulnerable workers are migrant workers from surrounding Arab countries. The qualitative research provides important insights into the experiences of subcontracted construction industry workers inter-relating the patterns of cultural indifference, labour stratification and the vested interests of the Kuwaiti authorities in maintaining tendering laws based on low-bid contract acceptance. This has led to the development of a pervasive culture of indifference, causing significant deterioration in the quality of lives and OHS of these workers. Low-bid preference has been cited as having negative effects on OHS (Johnstone, Mayhew & Quinlan, 2001; Quinlan, Mayhew & Bohle, 2001). A few local authors embarked upon the analysis of migrant worker OHS in Kuwait in the late 1990's and early 2000's (Al-Tabtabai, 2002; Kartam & Bouz, 1998; Kartam, Flood & Koushki, 2000; Kazemi & Ali, 2002; Koushki, Kartam & Al Mutairi, 2004). These authors provide some insights for the preparatory readings for this thesis, but their analyses are limited by a general reticence to heavily criticise the ruling authorities and the regulatory systems they have implemented. However since then, there is a conspicuous absence of Kuwaiti based literature regarding the topic of expatriate subcontracted worker OHS and, in particular, the OHS of sub-subcontracted migrant workers in the construction industry. Although all these studies are constrictive in that they have not been updated since the early 1900's and 2000's, they serve to initially contextualise the environment surrounding this research.

There is only limited literature on the analysis of the employer backlash after the implementation of labour law changes which attempted to eliminate the traditional *kafala* or sponsoring system, outwardly this purported to improve the lives of all expatriate workers but in reality it had the opposite effect of producing new discriminatory practices. Shah (2011) tentatively suggested that the elimination of the *kafala* system *may* reduce visa trading but that effective implementation of the law would not be easy (Shah, 2011, p. 339). However, her analysis neglected to make any reference to large numbers of arrests and expulsions of sub-subcontracted construction labourers in the construction industry, nor does it consider the effects which these expulsions may have had on the worker-sponsored families of expelled labourers, directly after the implementation of the new law.

This research is significant in that it reveals that these practices reflected an entrenched culture of discrimination produced through the historical practice of conducting large scale randomly executed expatriate deportations. Furthermore, this historical practice was aided and abetted by the tacit agreement of the surrounding Gulf Cooperation Council countries (GCC) countries, leading to the formalisation of government policies aimed at the ongoing restructuring of the demographic composition of Kuwait, underpinned and fuelled by Kuwaiti nationalism and anti-expatriate resentment.

This research has highlighted the negative OHS outcomes resulting from poor and repetitive accident reports, non-investigation of accidents, lack of qualitative studies involving the perceptions of the workers themselves, reactive approaches to safety planning and control, and the effect of a predominance of small subcontractors and sub-subcontractors. Exacerbating these problems is the continued existence of a decentralised, inconsistent and ineffective accident reporting system, the lack of

knowledge or research on the damage caused by poor supervision and training and, finally, the lack of safety culture displayed by project owners in relation to subcontracted and sub-subcontracted labourers.

Moreover, in bringing to light the wide-ranging and detrimental effects of the official low-bid tendering system on the OHS of subcontracted workers and their sub-subcontracted employees, this research validates the views of Quinlan and Bohle (2009, p. 6) who maintain that more qualitative studies on job insecurity as a result of underbidding are useful “as they are more likely to bring to light subtle processes” influencing worker OHS.

There has been a steady growth in the precarious nature of employment through short-term, flexible and insecure work arrangements which have produced a negative effect on the lives and OHS of workers, thereby increasing their vulnerability (Quinlan et al., 2010). The shift in employment arrangements has led to the global increase of migrant labour seeking employment.

The link between precarious work and inferior OHS outcomes is, however, poorly understood (Quinlan & Bohle, 2004, p. 88). Studies have shown that migrant workers are right at the end of an extensive chain of owners, contractors, subcontractors and sub-subcontractors. In this process the risk of injury and illness is transferred from employer to employee, thereby increasing worker vulnerability and limiting their ability to exert any influence on the decision making process (Dainty, Briscoe & Millett, 2001; Holmes et al., 1999; Lamm, 2014; Partrick, 2012; Quinlan & Bohle, 2004; Sargeant & Tucker, 2009). Moreover, there is growing evidence that health and safety problems do not merely arise from physical hazards in the workplace but are linked to a complex set of human decision making factors which occur within the context of the psychosocial working environment (Quinlan et al, 2010, p. xiii; Sargeant & Tucker, 2009). Existing

research has focused on quantitative methods of analysis. Qualitative studies have been useful in the analysis of the damage to workers' health caused by long working hours, work versus non-work conflicts, job insecurity, lack of knowledge of OHS regulatory systems or protection, and the quality of OHS training, particularly in the construction industry (Quinlan & Bohle, 2009).

The presence of large numbers of migrants from the GCC, many of whom are not counted in official census data, serves to prevent the establishment of reliable population data (Al Nakib, 2014; Al Qudsi & Shah, 1991; Kartam & Bouz, 1998; Kartam et al., 2000, Kazemi & Ali, 2002; Shah, 2014). A significant effort is made to rationalise and estimate the effect of the historical problem of lack of accurate statistical information, against the ongoing existence of covert and deliberate tactics by the Kuwaiti authorities aimed at obfuscating census data and population trends. These tactics serve to further increase the invisibility and consequently the vulnerability of expatriates including a large number of long-term Arab residents from outlying GCC states and also the stateless people (*badu*) within Kuwait, all of whom continue to be subject to diasporic and discriminatory practices (Al Nakib, 2014).

The quantity and quality of data produced reflected the successful development of the adapted Sargeant and Tucker (2009) model, demonstrating its flexibility in enabling the analysis of a broad range of factors both in the receiving country and the sending country, which affect the OHS of workers. In addition to producing deep and meaningful information, the success of the model has paved the way for future meta and mesa qualitative analyses to be applied to vulnerable groups of workers in Kuwait and internationally. The degree to which worker exploitation affects the lives of subcontracted construction industry workers is shown to have deep and insightful links

to all facets of OHS of expatriate subcontracted labourers in the Kuwaiti construction industry.

This research is the very first study of the Kuwaiti construction industry adopting a phenomenological approach in which workers' perceptions are explored through in-depth interviewing using a semi-structured format so as not to inhibit or interrupt the free flow of information elicited from the respondents. The research was additionally useful in demonstrating the value of interviewing techniques which included the use of an interpreter who was able to discern the subtleties of the idiomatic nuances of the respondents' vernacular at every stage of the research process. By applying a triangulated research approach, a comprehensive representation of the phenomena being explored was developed. Primary elements of the integrated literature review, interview data gathered from workers and stakeholders, material from contractor accident reports, statistics provided by project management consultants (PMCs) and newspaper reports were amalgamated to produce significant analyses which revealed the depth and extent of damage to the lives and OHS of expatriate construction labourers through power and control mechanisms. Adopting a triangulated approach compensates for the lack of available qualitative research on vulnerable subcontracted workers in Kuwait, strengthens the results and confirms the methodological rigour of the research.

Based on the initial literature, this thesis provides a compelling account of the factors influencing the OHS of subcontracted labourers in Kuwait. An overview of the thesis chapters follows.

Background. In Chapter 2 the researcher addresses the dearth of information and lack of in-depth analyses of the root causes of compromised OHS outcomes for vulnerable subcontracted and sub-subcontracted labourers. Population statistics are evaluated and the effects of ongoing demographic restructuring through deportations of

vulnerable expatriate labourers are considered. The stratification of population groups along geographical and social lines and the development of housing infrastructures are important causes of the social and political divides in Kuwait. The background chapter provides insight into the nature of relationships between foreigners and nationals contextually interwoven against historic, political, economic and legal infrastructures influencing the status of expatriate workers in Kuwait between August 2008 and 2012, the period during which the research was conducted and data were gathered. The works of earlier authors on Middle Eastern socio-political influences provides a theoretical background of the historical factors determining the socio-political and cultural development of Kuwaiti society (Crystal, 1990; Longva, 1997; Shah, 1986).

Finally, the characteristics of the construction industry as outlined in earlier studies of OHS in Kuwait are considered (Al-Tabtabai, 2002; Kartam & Bouz, 1998; Kartam et al., 2000; Kazemi & Ali, 2002; Koushki et al., 2004).

Literature review. In Chapter 3 the researcher undertakes a comprehensive review of the existing literature. Compensating for the lack of substantive information on the OHS effects of vulnerability of subcontracted workers in the Middle East construction industry, the work of pioneering authors on the topic of labour vulnerability in the context of subcontracted work provides valuable insights into factors affecting the health and wellbeing of expatriate labourers (Dainty et al., 2001; Holmes et al., 1999; Lamm, 2014; Partrick, 2012; Quinlan & Bohle, 2004; Sargeant & Tucker, 2009). The literature revealed profound changes to the international labour market during the past three decades.

However, analysing the inter-relatedness and complexity of these factors in Kuwait required the development of a suitable analytical model which would incorporate multi-faceted elements affecting the OHS of subcontracted workers whilst

accommodating regional and geographical contextual differences. Based on the literature review, a comparison of four key models of analysis was undertaken: the Pressures, Disorganisation, Regulatory failure (PDR) model of Quinlan and Bohle (2004, 2009) which relates OHS outcomes to economic, work environment and regulatory factors, the Lamm (2014) model of the five dimensions of worker precariousness, the worker-manager dynamics OHS model of Gravel et al. (2009) and the Sargeant and Tucker (2009) model. The chapter discusses the rationale for adapting the three-layer Sargeant and Tucker (2009) model. The final model developed and its four layers are discussed on page 88.

Finally, the literature review explores the relationship between layers of vulnerability and worker invisibility, linking key research questions to emerging themes.

Methodology. Supporting the decision to adopt a phenomenological research paradigm, the epistemological stance underpinning this perspective is discussed in Chapter 4 and the rationale for strengthening the research process through data triangulation is provided. The stages of the research process are outlined, emphasising the iterative nature of the qualitative research. *Stage 1* identifies the gaps and emergent themes devised through reviewing the literature, laying out the process of developing the research objectives and formulating the research questions using the adapted Sargeant and Tucker (2009) model.

Stage 2 details the data collection process, the conducting and the transcription of worker participant interviews, examining legal procedures and triangulating the information through conducting and transcribing stakeholder interviews, Stakeholders include owners, NGOs, specialist groups and media representatives.

Stage 3 details the data analysis stages, linking the outcomes to the literature review, thereby connecting the literature review, the data analysis and discussion chapters in an iterative process.

The value of interviewing techniques involving an interpreter in the entire data gathering, transcription and verification process and also the inclusion of a third verifier to strengthen the validity and reliability of the study, are presented and discussed.

Data analysis. The research findings are presented in a thematic manner in Chapters 5 and 6. Repeated statements corresponding with categories within the overarching themes are detailed and presented. The rich and meaningful data obtained through the assiduous application of the research methodology, are divided between the two chapters and analysed under the overarching themes of Power and Control and OHS outcomes. These overarching themes are shown to correspond with emergent themes identified during the early stages of thesis development. Details of the final data coding process are described and distributive weightings between the two data analysis chapters are developed. The final results produced by the data analysis chapters justify the methodological approach and research process.

Discussion.

Chapter 7 relates the important factors identified in the literature review to the key findings. Cultural distancing and social exclusion resulted in withdrawal and depression. Vulnerability was exacerbated by power and control mechanisms which affected the perceived status of workers and adversely impacted their conditions and their access to legal protection and compensation. Negative OHS outcomes including injuries, fatalities and poor health were related to the low-bid tender system which inhibited the implementation of best OHS management practices.

OHS consequences as a result of power and control mechanisms inherent in the socio-political milieu of Kuwait are discussed as reflective of two root causes, firstly, indifference towards sub and sub-sub contracted workers' OHS and secondly, the official low-bid acceptance law in Kuwait. This concept is discussed within the context of an entrenched victim blaming approach which forms the basis for discrimination and results in a cultural climate of fear. An evaluation of the effectiveness of the adapted Sargeant and Tucker (2009) model is presented. The chapter concludes with a discussion of the interconnected and multidisciplinary nature of the OHS of subcontracted migrant workers in the construction industry.

The research journey through which the experiences of migrant workers in the construction industry were explored and translated into OHS outcomes is outlined in Chapter 8. The concluding discussion progresses through the revelation of interrelated social patterns produced by cultural indifference and low-bid acceptance contracts which have resulted in a significant deterioration of the lives and safety of subcontracted expatriate workers in Kuwait. The researcher reflects on the entire research process by linking the chapters and laying out the value which the project has added to the research whilst achieving the research objectives. Obstacles preventing the development of strategies to improve the OHS of workers are outlined and solutions are suggested. A summary is made of the limitations and problems caused by indifference, the entrenched oil rentier welfare system and political inertia.

It is proposed, firstly, that directors of American PMCs have the power to wield some leverage as motivators of attitudinal changes towards expatriate subcontracted labourers as a result of the good relationship which the Kuwaiti authorities have fostered with America out of gratitude for coming to their rescue after the 1990 Iraq invasion.

The second leverage point for change arises from political influencers who have emerged from long standing residents of Kuwait who now form the majority opposition in Kuwait and originate from the so-called *badu* (Al Nakib, 2014; Ghabra, 2014) who have no rights to citizenship, residency or passports and yet have shown deep loyalty to the monarchy.

Limitations to the implementation of this research project were caused firstly by a lack of academic research on the OHS of subcontracted expatriate workers in Kuwait, which was overcome by the implementation of a robust methodology and the capturing of unstable URLs in pdf format as appendices to this thesis, thereby enabling the direct scrutiny of pivotal background data gathered from newspaper articles many of which had either been removed from public view, or had unstable URLs.

Secondly, a detailed account is provided on how the difficult task of maintaining researcher anonymity during the data gathering process was overcome within the tight time constraints allowed by the medical facility used as the research base.

In conclusion, avenues for future research are suggested, all of which are made possible as a result of the proven success of the adapted Sargeant and Tucker (2009) model.

Conclusion

The purpose of this Chapter was to explain the reasons for embarking on this research project and to lay out the significance of the results. The primary and secondary research questions were presented and an overview of the thesis chapters was developed. A brief background of the growth of subcontracted and precarious employment giving rise to the vulnerability of expatriate workers was provided, followed by the rationale for conducting the study. A brief summary of how the adapted Sargeant and Tucker (2009) model was especially valuable to the research was

presented. The value of the thematic outcomes of this research has demonstrated the power and theoretical significance inherent in this model.

Chapter 2 - Background

Introduction

The growth of migrant labour employed in the construction industry is closely associated with a corresponding international interest in worker vulnerability. In particular, the focus is on the health and welfare of the large numbers of available unskilled labourers in the Middle East, who work for low wages, and whose plight has attracted increased international scrutiny of associated health and safety implications presented by this scenario (Baldwin-Edwards, 2011, p. 16; Chalcraft, 2010; Kartam & Bouz, 1998; Kartam et al., 2000). However, the question is whether the literature on the Middle East has paid any attention or gives any insight to the nature of relationships between foreigners and nationals in the context of historical and prevailing political, economic and legal infrastructures in Kuwait, and how this might be related to the extent of discrimination against migrant workers. Indeed, as this research progressed, it became increasingly apparent that research literature and public information covering the subject of these relationships are sparse and incomplete as researchers are fearful of retribution and that official statistics are often misleading and abstruse. It is not the intention here to discuss the myriad of minutiae of Kuwaiti historical and current legal enactments as there are many existing texts which provide a detailed historical analysis of the entire political and legal history of Kuwait in relation to migration. See for example, Abdulla, (2012); Al Shehabi, (2012); Baldwin-Edwards, (2011); Chalcraft, (2010); Crystal, (1990); Farques, (2011); Longva, (1997); Longva, (2006); Shah, (2007); Shah, (2011).

Chalcraft (2010) maintains that migration patterns in the Middle East, including Kuwait, are rooted in discriminatory practices and the use of people as commodities. Migrant labourers are considered as dehumanised commodities, or *things* (Chalcraft,

2010, p.2), also referred to as “*stock*” (Shah, 2013, p. 36), kept by owners for use or sale (ILO, 2015, Shah, 2013, p.36). The use of the term *stock* with reference to migrants in the literature and in reports on human rights issues, implies that migrant labourers seeking employment are regarded as items in the labour market to be purchased in order to complete a project (and then discarded). Researchers on the vulnerability of expatriate workers in the construction industry agree unequivocally that these workers are subject to discriminatory practices (Abdul-Aziz, 2001; Amnesty International, 2015; Baram, 2009; Boocock et al., 2011; Bust, Gibb, Alistair & Pink, 2008; Choudhry, Rafiq & Fang, 2008; Hinze & Rinker, 2008; Kartam & Bouz, 1998; Lamm, 2014; Loh & Richardson, 2004; Masi & Cagno, 2015; Quinlan et al., 2010; Robertson, 2011; Sargeant & Tucker, 2009; Sonmez, Apostolopoulos, Tran & Rentrope, 2011; Takala, 2005; Toh & Quinlan, 2009; Xia, Lu & Liang, 2004). It is important to examine the root causes of discrimination in Kuwait since this research project relates to the lives and health of expatriate workers there.

The focus of this chapter is firstly, to discuss areas of influence inherent in the political background of Kuwait which have resulted in the official stratification of housing and infrastructure access based on the ethnicity of population groups and is compounded by the effect of the integration into and later exclusion of the Bedoon from Kuwaiti society. This process has developed a strong sense of Kuwaiti nationalism and has resulted in a managerial culture based on tribal values.

Secondly, the effects of changes regarding sponsorship and visas to the Kuwaiti labour law and their implementation on vulnerable expatriate labour in Kuwait are discussed. Discriminatory practices which occurred directly after the enactment of the law culminated in the formalisation of demographic restructuring policies which in turn resulted in increased levels of expatriate deportations. These effects are presented and

compared to similar practices applied in post-Persian Gulf War (Hereafter referred to as The Gulf War) expulsions, as noted by Saylor (2011).

Thirdly population trends and patterns in Kuwait are discussed and the problem of accessing related accurate statistics is outlined. It is argued that during the confusion following The Gulf War (1990-1991) discriminatory practices and government driven diasporic events were obfuscated by the exclusion of large numbers of the population from official statistics.

Finally, the characteristics of the construction industry in Kuwait are presented. The effects of rapid growth and later large scale redundancies of expatriate construction labour during the 2004 financial crisis are outlined. The resurgence of the construction industry after 2005 as a result of substantial financial boosting from the Public Housing Authority in Kuwait is also discussed. The likelihood that the industry's resurgence and renewed demand for labour will translate into increased quality of life and health for expatriate subcontracted labourers is questioned.

Political Overview

Pertinent to this study is the fact that the majority of the population of Kuwait are denied direct parliamentary representation or voice, thereby rendering them “invisible” (Lamm, 2014, p. 161). This includes all residents other than Kuwaiti citizens as well as foreign migrant workers from all parts of the world including Middle Eastern and Asian countries, large numbers of whom are employed in the subcontracted construction industry (Kartam et al., 2000).

The organisational and cultural factors which contribute to the discriminatory treatment of migrant workers in Kuwait are reflected in the political system and attitudes of governance. The political infrastructure in Kuwait is characterised by a strong monarchy which exists in parallel with a democratically elected parliament. The

monarchy has held power by engendering loyalty through the adoption of patrimonial politics with embedded cultural norms which focus on familial and tribal values (Al Nakib, 2014; Kartam et al., 2000; Kartam & Bouz, 1998; Kazemi & Ali, 2002; Koushki et al., 2004). A deeper analysis of the longevity of the monarchy, the complete history of the Bidoon and the effect on historic and present political systems in relation to expatriate vulnerability and the confusion surrounding Western-styled democratic initiatives in the Middle East is beyond the scope of this thesis. For further reading please refer to Al Nakib (2014); Crystal (1990); Herb (2004); Longva (2006); Sager (2007); Yom (2011); Yom and Gause (2012); Chalcraft (2010).

Loyalty to the monarchy takes primacy over ability and allocation of state resources and tender awards are largely familial and tribal based. Moreover, the formation of an entrenched rentier mentality exemplified by the governmental distribution of oil revenues to Kuwaiti citizens through blanket social welfare programs including regular cash payments, has served to entrench their sense of entitlement. Project owners within the monarchical hierarchy therefore exploit expatriate subcontractors in order to maximise their own profits (Al Nakib, 2014; Chalcraft, 2012). Thus, through the merging of citizenship with state welfare, the Kuwaiti population has been “homogenized” (Al Nakib, 2014, p. 11) into a manageable, dependent, loyal whole, leading to the stagnation of Kuwait’s political development and deeply entrenched racial stratification of the Kuwaiti population (Abdulla, 2012; Al Zumai, 2013; Ali & Camp, 2004; Al Shehabi, 2012; Chalcraft, 2010; Yom, 2011; Yom & Gause, 2012; Randeree, 2012; Takala, 2005). Amongst those who have been badly affected are the Bedoon of Kuwait, or so-called ‘*badu*’ (Al Nakib, 2014, p. 5).

The *badu* have arisen from nomadic origins and are regarded as being sociologically and culturally distinct from the ‘*hadar*’ (Al Nakib, 2014, p. 5), the settled

descendants of Kuwait city dwellers before the discovery of oil (Al Nakib, 2014). The distinction between these two groups still persists and is one of the outcomes of the nation-state building strategies implemented in the years following the discovery of oil. Citizenship, control of housing policies and infrastructure construction became the exclusive domain of the *hadar*.

Not only were the *hadar* and the *badu* socially distinct but they were also deliberately separated by the establishment of geographical boundaries. Despite the fact that the two groups are separate “ontological entities” (Al Nakib, 2014, p. 6), the terms are still in use today. Whilst the *badu* were socially excluded, they were politically integrated through the implementation of state policies during the 1950’s and 1980’s, which entitled them to a limited form of parliamentary participation. However, of more value to them were the social rights afforded them through “blind obedience towards the power holders, first and foremost the ruling family” (Longva, 2006, p. 173). Longva (1997) explains that the concept of “citizenship” (Longva, 1997, p. 46) as understood by Westerners (the democratic viewpoint) is a new concept in the Middle East. From a tribal viewpoint, citizenship versus non-citizenship is based on “the social privileges and material benefits it implied” (Longva, 1997, p. 47). Today any protest against the monarchy in Kuwait stems from these “long-running tensions between parliamentary factions and the ruling family” (Yom & Gause, 2012, p. 74) and is based on social inclusion or exclusion rather than any new political demands (Longva, 1997, p. 48). These patterns of relationships and forces therefore limit and control any potential forms of opposition. This manifests itself in the Kuwaiti attitude towards migrants and is directly related to thematic concepts of power and control as analysed in Chapters 5, 6 and 7. However, there are remaining unresolved and submerged tensions arising from the 1990 invasion of Kuwait.

The fear of invasion from its neighbouring countries further entrenches the strong Kuwaiti nationalistic culture and increases focus on internal dissent. Publicly and outwardly, Kuwait supports the United States and its allies—however, inwardly, Kuwaitis resent being dependent on Western cultures for their independence. This resentment has resulted in the development of a nationalistic and autocratic managerial culture and is characterised by the rejection of Westernisation and the resurgence of traditional cultural and tribal values based on social inclusion or exclusion (Chalcraft, 2012; International Labour Office, 2001; Metle, 2002). Furthermore, recent Middle Eastern demands for political reform and Western style democratisation have been confounded by regional sectarianism and social setbacks. According to Abdulla (2012), “the fruits of the first wave of political reform...have not been particularly appealing” (p. 115). The success of human rights agencies and advocates of democratic initiatives in Kuwait are therefore hindered by internally focused tribally based social complexities which reduces the urgency to deal with expatriate concerns. Moreover, the invisibility of expatriate workers is exacerbated through covert exclusion from protection through the fragmentation and dispersal of OHS regulatory systems amongst different ministries. It is thus important to present an overview of evolution of the labour law in Kuwait and its effect on the OHS of subcontracted migrant labourers.

Labour and OHS Law

Until 2010, Kuwaiti employment relations law was covered in three separate statutes. Kuwait Public Sector Law which applied only to Kuwaiti citizens, the Oil Sector Law which applied to Kuwaiti citizens as well as government approved gulf nationals employed in the oil sector; and the Law of Labour in the Private Sector.

On the 21st of February 2010, a new Law of Labour in the Private Sector was enacted, ostensibly to improve the working conditions for expatriate labour excepting

domestic workers and private Kuwaiti household male taxi drivers, the latter being covered by decree from the Minister of the Interior appointed by the Emir.

The changes in labour law were partly motivated by extensive external pressures on the Kuwaiti government from the ILO and human rights groups after it became evident that Kuwait's ratification of 19 ILO Conventions had not resulted in improved conditions for subcontracted workers, particularly in the construction industry (Robertson & Lamm, 2008). In addition, the adverse publicity by numerous newspaper and human rights articles and publications citing examples of human rights and labour malpractices, made it necessary for the Kuwaiti government to begin promoting a more positive image. The government went to great lengths to pronounce through elaborate diplomacy, ceremony and media exposure, that international concerns in terms of management and OHS were being met because of the 2010 law change (Held & Ulrichsen, 2012). In the context of profit-driven neoliberalism and the need to support the expensive welfare system it had created for Kuwaiti nationals, this made it difficult to change the overall approach to migrant labour, as the Kuwaiti government was heavily dependent on expatriate labour for the development and maintenance of its infrastructure and continued involvement in multi-billion construction projects (El-Katiri, Fattouh & Segal, 2012).

The New Law of Labour in the Private Sector

The new law applies to all employees working in the private sector, both Kuwaitis and non-Kuwaitis and to workers in the oil industry in cases where the new law is more advantageous to them than the Oil Sector Law. Civil Servants remain covered by the Public Sector law (ILO, 2010).

Although the new Private Sector Labour law was generally favourably received, employer associations were concerned about the long-term effect the revised law would

have on the supply of labour (Arab Times, 2013c, 2013d). In addition, they expressed doubts about the effective implementation of any changes, given the complex system of administration, lack of communication between ministries and history of suspected collusion between contract labour agents and employers (Shah, 2011; Shah & Farques, 2011).

The following aspects of the 2010 law change are pertinent to subcontracted construction workers during the period in which this research was conducted. Firstly, rules to regulate the sponsorship or '*kafala*' (Shah, 2011, p. 353) system, which had been an integral part of labour migration, were reviewed. Under the previous system, a non-Kuwaiti came to Kuwait either on a visit visa, a work visa, a student visa or a dependent visa, all of which required sponsorship by an individual or organisation '*kafeel*' (Shah, 2011, p. 353). The new law was introduced in an attempt to replace the *kafala* system with a centralised agency which controlled the hiring of all workers (Shah, 2011, p. 353). This did not allow for the fact that the practice of visa trading had become "deeply entrenched" (Shah, 2011, p. 355) and Shah warned of the possible problems arising from a reduction in demand for labour with a concurrent reduction in the issuing of work visas. However, this study was limited in that no consideration was given to the effects of these practices on the OHS of subcontracted workers in the Kuwaiti construction industry.

Stakeholder interviews and media reports revealed that in the aftermath of the law change the centralisation of control and the reduction in the number of work permits, resulted in many workers in the subcontracted construction industry and their families going into hiding but remaining loyal to their sponsors in the belief that they would be re-allocated new jobs on private construction sites. This rendered them even more "invisible" (Lamm, 2014, p. 161). In addition, there is a large amount of missing

information about occupational categories of workers in Kuwait (Shah, 2011, p. 349) and also a lack of knowledge of the psychological and physical health of migrant workers (Farques & Shah, 2012, p. 3). There is therefore a significant gap in current research on the impact of labour law changes in Kuwait and the effect of the simultaneous employer backlash in response to these more recent changes on the lives, health and safety of subcontracted construction workers.

Secondly, although the revised labour law did not specify a minimum wage, a decree was issued by the Minister of Social Affairs and Labour that employees in the private sector would be paid a minimum wage of 60KD (Shah, 2011). This change was advantageous to the majority of foreign workers. However, literature and media reports have revealed the reluctance of subcontractors to raise wages in the light of continued pressures to deliver projects within tight timeframes and contractual budgets which could not be adjusted to allow for statutory wage increases (Amnesty International, 2015; Arab Times, 2013d; Calderwood, 2011). In addition, although the revised law required that employees should not work longer than 48 hours per week and should receive overtime payment plus double pay for working on public holidays, the literature reveals that many private sector employers did not follow the rules for limited working hours, public holidays or overtime payment (Arab Times, 2013d; Calderwood, 2011; Shah, 2011). One contractor remarked that he would simply get labourers to work two shifts at night (Calderwood, 2011, p. 15).

Thirdly, Article 11 of Law No. 6 indicated that workers who wished to change to another position were permitted to do this on condition that they remained in the same industry or sector. No details were provided on procedures. Thus the law change made it impossible for non-skilled labourers who had been forced by their sponsors to accept

jobs for which they had neither training nor experience, to move to another sector in which they had gained previous experience.

Subcontracted workers in Kuwait are also separated from mainstream society generally being located in camps or remote areas and having no social interaction except with their peers. Farques (2011) refers to *de jure* as well as *de facto* separation of local and foreign nationals in the development of dual societies (Farques, 2011, p. 278). *De jure* separation is embodied in legal provisions which differentiate between nationals and foreigners (as in the separation of *badu* from *hadar*), discussed earlier in this chapter (Al Nakib, 2014, p. 5). *De facto* separation, according to Farques (2011), is embodied in severely limited interaction between nationals and non-nationals. Therefore, although the *provision* was made in the law that the transfer of expatriate labour was permitted within the same sector, the fact that most workers are illiterate, poorly remunerated and isolated makes it unlikely that they would be aware of the possibility of leaving their sponsor. Changing jobs would require them to show their passports to the new sponsor, but it is the norm that workers' passports are kept by the sponsors to prevent them absconding, and that further deters workers from taking advantage of the law changes. This thesis will therefore explore whether subcontracted workers were aware of law changes which were possibly beneficial to them, and whether they tried to change sectors or jobs.

Many declarations were made directly after the new law was enacted, which in effect altered it to benefit Kuwaiti citizens thus contradicting the officially stated intention that the changes were to improve the lives of *all* workers in Kuwait. Furthermore, these declarations served to obfuscate the fact that the implementation period would simultaneously provide the opportunity to demographically restructure Kuwait. Indeed the demographic restructuring was announced early in 2013 by MOSAL

(Kuwait Times, 2013a, 2013b). Table 2.1 below illustrates examples from major Kuwait newspapers (The Arab Times and The Kuwait Times) of the links between labour related discriminatory events and enactment of the revised Private Sector Labour Law No. 6 of February 2010 resulting in the private and public sector backlash after its implementation.

Table 2.1

Links Between Revised Private Sector Labour Law No. 6 of Feb 2010 and Labour Related Discriminatory Events

Element of Law Change or Declaration	Effect on labour market / construction projects	Related incident/practise
Abolishment of the <i>kafala</i> (sponsorship) system	Fear of job losses Increased illegal visa trading	Police investigation of complicity in Ministry of Social Affairs and Labour (MOSAL) with visa and people trafficking Criminalisation of unemployed workers – punishment not protection of victims of trafficking Withholding of worker passports by sponsors, when workers deported
Wage payments – working hours and overtime No enacted minimum wage rate. Informal MOSAL declaration setting minimum wage at 60KD per month Employers no longer permitted to delay wage payments Employees to be paid overtime after 48 hr per week and double pay for public holidays	Redundancies of construction project workers Simultaneous demand for contract completion within reduced time frame Bogus reports of absconding workers by sponsors Push by sponsors to fill 170 vacant positions at MOSAL, especially in labour sector	No expat bargaining rights Workers paid minimum wage rate even if lower than contracted rate July 2013 – 4200 official complaints submitted to MOSAL for delay or non-paid wages, job hazard allowances, overtime, workplace injury compensation, official and annual leave, end of contract payments Many low skilled workers forced to work continuous overtime at reduced or normal rates
Transfer of employment Workers not permitted to transfer from sector to another, only within one sector through release documents from current employer/sponsor	Contracted workers forced to accept contracts outside their skill parameters unable to transfer to sector in which they were trained No details provided by MOSAL on the process through which workers could transfer That work permits would be granted to employers on an equitable basis	Many sponsors demand extortionate fees from workers in return for release letters Covert MOSAL protection of sponsors – no reports of prosecutions due to bogus absconding reports or visa trafficking between sponsors from the date of enactment of Law No. 6 until early 2011

(Continued)

Table 2.1

Links Between Revised Private Sector Labour Law No. 6 of Feb 2010 and Labour Related Discriminatory Events (continued)

Element of Law Change or Declaration	Effect on labour market / construction projects	Related incident/practise
2013 MOSAL Declaration of demographic restructuring of Kuwait	Unannounced crackdown on expat community	Thousands of expat workers on illegal sponsor visas arrested and deported
MOSAL announcement expat labour to decrease by 100,000 per annum for 10 years	Project owners warning potential short supply of skilled labour for maintenance of Kuwaiti infrastructure	Covert discrimination – workers unable to visit hospitals due to working hours, fear of arrest
Draft law limiting expats to 124,000 per country	Kuwait Trade Union Federation warn that project costs would rise	
Health Ministry ban public hospital a.m. visits to all expats		
Declaration of intent to raise cost of drivers licences to 500KD for expats		Simultaneous deportation of thousands of expats for minor traffic incidents and expired drivers licences
		Simultaneous raids of public transport busses – many instant arrests and deportations without passports or chance to obtain proof of residence
		Arrests include people attempting to get to hospital and being transported by expat taxis

Note. Adapted from Arab Times (2012a); Arab Times (2012b); Arab Times (2013a); Arab Times (2013b); Arab Times (2013c); Arab Times (2013d); Arab Times (2013e); Bin Talal (1984); Calderwood (2011); Hellyer (2013); Jabr (2014); Kuwait Times (2013a); Kuwait Times (2013b); Sambidge (2013); Shah & Farques (2011); Shane (2013a); Shane (2013b); Trenwith (2013a); Trenwith (2013b); Trenwith (2013c); Trenwith(2013d);Trenwith (2014)

For ease of reference, and to view historically accessed electronic newspaper articles no longer available through the internet, PDF copies of all newspaper articles, whether electronically accessible or non-accessible, referred to in Chapter 2, are presented in the Electronic References E1 and E2 in Appendices 2 and 3.

Whilst it is not possible to include all information and incidents which occurred during 2010 and 2014, from the information contained in Table 2.1 it would appear that changes in the labour law in response to international calls for reform, were implemented at the same time as large scale deportations. Moreover, there are similar discriminatory patterns of behaviour on the part of Kuwaiti forces after Kuwait gained independence in 1961, then again during the demographic restructuring of Kuwait following the 1990 Gulf War (Rosen, 2012; Alnajjar, 2000), and after the demographic restructuring which coincided with the 2010 labour law backlash. This implies that deportations and demographic restructuring exercises as expressions of xenophobia towards migrant communities in Kuwait, had occurred regularly in the past when any particular racial group were seen as a threat to citizen jobs and security (Sargeant & Tucker; 2009). There are no available precise statistics for either period on how many deportations occurred. Neither are there any available statistics on the total number of migrant workers who have been employed in Kuwait at any time (Baldwin-Edwards, 2011). Kapiszewski (2006) comments on the paucity of information pertaining to the size of expatriate communities in the GCC, as follows:

...the exact size of foreign communities in the GCC states is, however, difficult to establish, as authorities usually do not reveal any information about them, thinking probably that it is better not to make foreign communities aware of their actual size (p. 10).

It is therefore important to examine population and migratory trends in Kuwait and to attempt to rationalise available population statistical data relating to demographic restructuring exercises which occurred during the period 1960-2010. The following section provides an explanation of the difficulties raised when analysing population and

migratory trends in Kuwait and how historical patterns of migration are relevant to the experiences of expatriate workers within the scope and time frame of this study.

Population Trends and Patterns of Migration

The question of presenting analyses on population trends in Kuwait presents a problem because of the historical lack of accurate statistical information on the demographic make-up of Kuwait available from the various state departments. This problem has been encountered by many researchers (Baldwin-Edwards, 2011; Chalcraft, 2010; ILO, 2015; Kapiszewski, 2006; Shah, 2011; Al Shehabi, 2012).

Shah (2014, pp. 3-6) provides a comprehensive analysis of the discrepancies between census and civil registration systems in Kuwait. She argues that since 1989, there have been two principal sources for obtaining data on population and labour force numbers. Firstly, periodical population censuses which were held every five years between 1965 and 1985 and sporadically thereafter, conducted by the Central Statistical Bureau of the Ministry of Planning (CSB) (Shah, 2014, p. 3).

Starting in 1989, the Public Authority for Civil Information (PACI) has developed an electronic database covering the civil identification for all residents of Kuwait. There were, however, large discrepancies between the two data sets (CSB and PACI), and concerns have arisen about their validity and reliability (Shah, 2014, p. 4). This poses a particular challenge for quantitative researchers who rely on the availability of accurate data. Moreover, irregular residents (migrants with expired or otherwise invalid residence permits or visitors' visas), migrants or residents living in remote areas and domestic workers, are likely not to have been included in the census (Shah, 2014, p. 5).

Of relevance in terms of this study is that the majority of people directly affected by the events outlined in Table 1 have been rendered officially invisible. Fig. 2.1 provides a graphical representation of historical population patterns and trends from

1960-2010 but does not and cannot include those rendered invisible. General explanatory notes follow on pages 15-16. A comprehensive description of the mathematical derivations applied to the population data in Figure 2.1 is presented in Appendix 1.

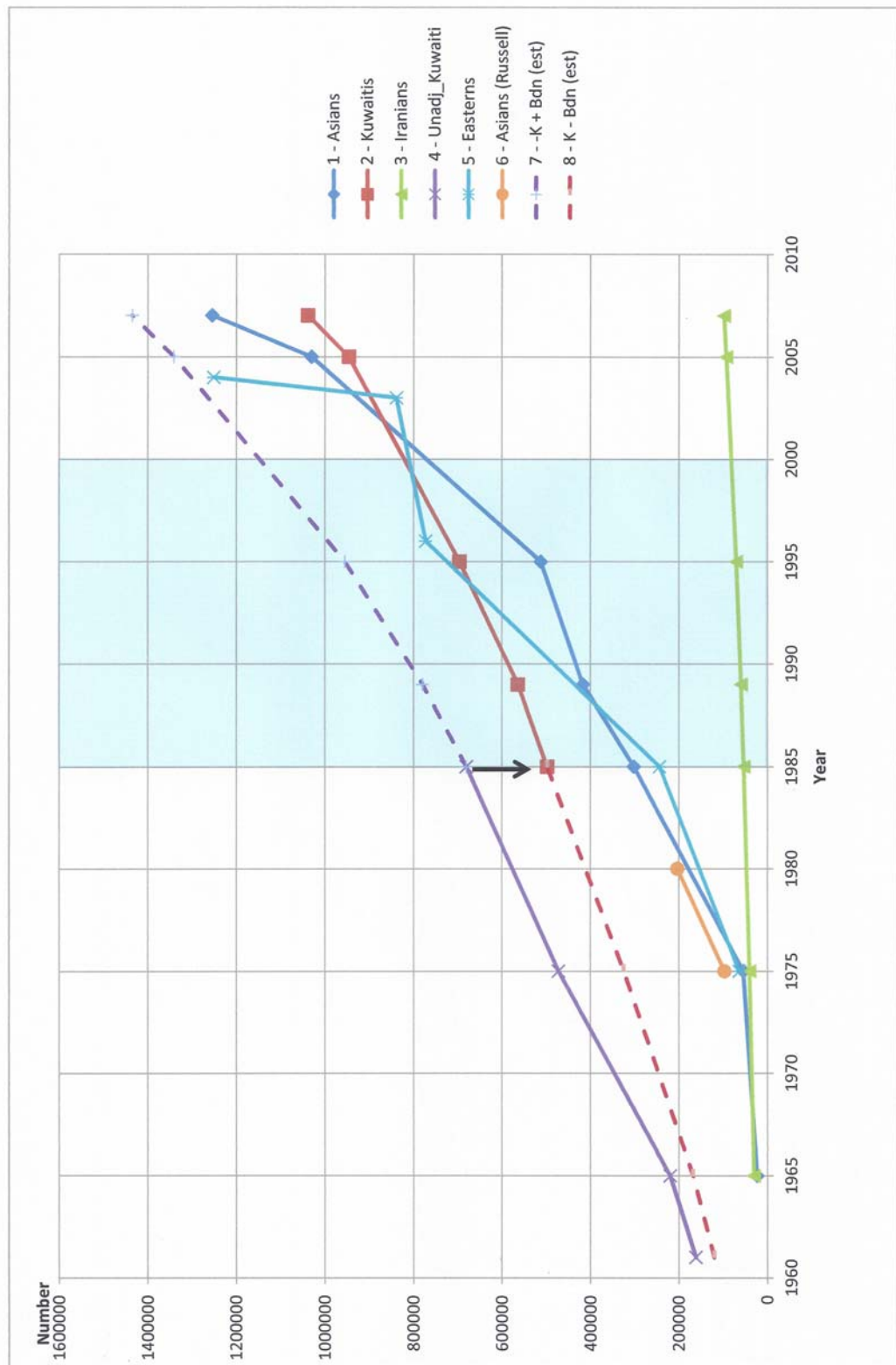
Figure 2.1 Kuwait Population Trends by Nationality

Figure 2.1. Population trends by nationality derived from census analyses by Kapiszewski (2006), Russell (1989) and Shah (2007). Dashed lines are extrapolations.

Figure 2.1 illustrates the confusion generated by the inaccuracy of officially available population statistics in developing a graphic representation of the period since Kuwait gained its independence. This is as a result of conflicting census numbers due to the inclusion of the Bedoon in the census prior to 1985, their exclusion from census numbers between 1985 and 2000 and their re-inclusion after 2001. Approximately 210,815 Bedoon were excluded from census data covering the period directly after the 1990 invasion of Kuwait. This exclusion would appear to have occurred during the same period as the deportation of approximately 200,000 Palestinians from Kuwait from March to September, 1991 (Rosen, 2012). Moreover, the precise numbers of Bedoon who were re-included cannot be determined as there is no corresponding upward step change in the Kuwaiti census numbers in 1985, as shown in Figure 2.1. This inconsistency has been offset by the application of a standard population growth formulae in order to extrapolate graph 4 (Original [*hadar*] Kuwaitis) and graph 7 (Kuwaitis plus [*badu*] Bedoon). However, this still does not explain where the deportations directly after 1990 are represented in available population statistics and the conclusion must therefore be reached that there is no manner in which accurate statistics on the dynamics of the demographic make-up of Kuwait during that period can be derived from the available statistical data. The period between 1985 and 2000 has therefore been highlighted on Figure 2.1 to show when these anomalies occurred.

The fluctuations in the graphs of estimated Asian numbers between 1990 and 1995 reflect further administrative disruptions as a result of the 1990 Gulf War. Based on the data in Shah (2007, pp. 13-15) Asians (including Iranians), Easterns (Asians minus Iranians) and Iranians are shown separately in Fig. 1 as graphs 1, 3 and 5 respectively. Graph 6 shows the estimated number of Asians between 1975 and 1980 as estimated by Russell (1989), which concurs with Kapiszewski's calculations (2006).

Conclusions drawn using assumed trends and estimates, when considered within the context of the literature on hegemony in the Arab peninsula during that period, are that the gulf crisis presented the ruling families with the opportunity to conduct mass deportations of expatriate Arab workers, including approximately 200,000 Palestinians (Chalcraft 2010, Rosen, 2012), without having to pay “pay lip service” (Chalcraft, 2010, p. 21) to pan-Arab ideals (Chalcraft, 2010). The Gulf War also provided the ruling families with the rationale policies of diversification so as to prevent any one group from controlling the labour market. This also enabled the government to redefine the demographic make-up of expatriates in Kuwait (Chalcraft, 2010; Russell & Al Ramadhan, 1994).

What is significant to this study is that many of the deportees were apparently subjected to abuse and discrimination during the process of expulsion, a scenario which is similar to the mass deportation events which occurred between 2010 and 2014 as summarised in Table 1. Discriminatory practices included instant dismissals, inability to renew motorcar licences, summary deportation and harassment at ubiquitous checkpoints (Arabian Business, 2015a, 2015b; Arab Times, 2012b, 2013a; Rosen, 2012).

The obfuscation of population and migration trends observed in Kuwait is common not only in the Middle East but also in many other countries, for example, the USA, Italy, Spain, Malaysia, Japan and the UK (Castles, 2013, p. 131). Central to this contradictory migration policy concept is that in order to placate local anti-migrant sentiments, state and market policy-makers officially seek to admit migrants who are regarded as economically productive. However, industry demands the availability of all types and skills levels. Therefore government officials use “crack-downs” (Castles, 2013, p.131) on irregular migrants in order to retain public support and minimise local

frustrations and fears of migrant dominance, whilst in reality, tacit permission is granted for irregular labour migration in order to meet economic demands. Countries providing employment to migrants therefore act in “the mind set of buyers in a buyer’s market” (Fergany, 2001, as cited in Kapiszewski, 2006, p. 8).

Exemplifying the contradictory migration policy during the period 2012-2013, wealthier countries in the GCC area, such as Kuwait, boosted housing construction in order to subdue political dissidents (IHS Economics, 2013). However, employers prefer to employ irregular migrants because they “lack rights, cannot explain to authorities or trade unions, and are therefore easily exploitable” (Castles, 2013, p. 131). Thus, a type of self-regulating market has been developed which is part of a global class hierarchy in which expatriate workers are discriminated against and controlled in a variety of ways. What is specific to this study, however, is the manner in which the crackdowns have been carried out in Kuwait, along with the gap in the literature in terms of how expatriate subcontracted workers in the Kuwaiti construction industry experienced and perceived these events.

Kuwait, in keeping with developments in the surrounding GCC countries, as outlined above, has targeted large construction projects, including real estate construction, as the primary means of promoting economic growth (Al Shehabi, 2012, p. 519). It is precisely in this area that many small businesses, subcontractors and expatriate labourers are employed (Al-Tabtabai, 2002; Holmes et al., 1999; Kartam et al., 2000; Kartam & Bouz, 1988; Koushki et al., 2004; Ringen & Stafford, 1996; Valcarel, 2004; Xia et al., 2004). As this study involves subcontracted and sub-subcontracted expatriates in the construction industry, it is relevant to provide an overview of the construction industry in Kuwait.

Characteristics of the Construction Industry in Kuwait

The construction industry in Kuwait is similar to that of the GCC region, in that it is heavily reliant on expatriate labour (Al Shehabi, 2012; Baram, 2009; Randeree, 2012; Robertson, 2011). In this section, an account of the ebbs and flows in international and GCC manpower statistics in the construction industry in response to the global economic environment, is provided. Global employment statistics are compared to official Kuwaiti statistics and it is shown that, in spite of the anomalies and inconsistencies embodied in official Kuwaiti statistical information, Kuwait is no different to other GCC countries with the construction industry being heavily reliant on expatriate migrant labour. Whilst the rest of the world has struggled to restore the construction industry to its previous levels following the global financial crisis of 2008, (IHS Economics, 2013), the industry in Kuwait has been bolstered by considerable government grants sourced from oil generated revenues (Oxford Business Group, 2015) and is therefore set to expand in the near future. However, the question is whether the benefits of this projected growth will be passed on to expatriate workers in Kuwait. In order to estimate the numbers of subcontracted labourers who are likely to be affected, an overview of global employment trends and available statistical data on subcontracted expatriate construction workers is presented and compared with trends in Kuwait. Finally, an overview of OHS in the Kuwaiti construction industry is provided.

Employment Statistics

The rapid international growth of expatriate migrants in the construction sector has been well documented (Abdul-Aziz, 2001; Buckley, 2012; Bust et al., 2008; Choudry et al., 2008; Quinlan et al., 2001; Valcarel, 2004; Xia et al., 2004). In Malaysia, the number of expatriate workers increased from 500,000 to approximately 2.4 million during the period 1986 to 1998, constituting an estimated 80% of the

number of manual workers employed in construction (Abdul-Aziz, 2001). There are no readily available statistics on the numbers of expatriate labourers employed by subcontractors in the Middle Eastern construction industry (IHS Economics Global Construction Outlook, personal communication, July 28, 2016). One of the reasons for the lack of comparative data available is that there is “no international agency with the primary objective of collecting, compiling, publishing and analysing migration dynamics in this region” (Shah, 2013, pp. 41-42).

Similarly, estimating the number of expatriate workers employed in the construction industry in the Arab states including in Kuwait, is an arduous task. Accurate statistics cannot be established, due to the “significant incidence of clandestine entry as well as the non-documentation of exit for regularized workers” (Abdul-Aziz, 2001, p. 789). Secondly, although the construction industry is identified as one of the major groups of economic activity in Kuwait in the annual official expatriate manpower statistics provided by the CSB (Central Statistical Bureau, Kuwait, 2010), there are no corresponding analyses of specific occupations in this sector (Shah, 2011). The only skilled labour trades mentioned in the numerical and percentage distribution of expatriate labour by occupation are painters, bricklayers and carpenters. No breakdown is given for other occupations normally included in construction, for example, plumbers, welders, sheetmetal workers, electricians, insulators, grinders, ironsmiths, lathe workers, masons, riggers, scaffolders and many others. Of note, according to the CSB (2010) statistics, 233,863 “loading and unloading workers” (CSB 2010 statistics, p.19) are listed as a single group, and labourers are loosely grouped with 564,127 “production and related workers, transport operators and labourers” (CSB 2010 statistics, p.19). It is therefore unclear whether, and where, expatriate workers and in particular, labourers employed by subcontractors, specific to the construction industry,

are categorised in official Kuwaiti manpower statistics. Notwithstanding these anomalies, it is clear that the construction industry in Kuwait, in keeping with trends in the GCC states, employs large numbers of expatriate labourers.

Estimates provided by Human Rights Watch (2006) show that the number of migrant workers in the UAE reached at least 600,000 during the period between 2004-2005, indicating that the construction industry in the Middle East was one of the largest and fastest growing markets in the world, so fuelling the growth of the economies in the entire GCC area.

The Economic Crisis in the Construction Sector.

2008 marked the beginning of an international crisis in the real estate and credit finance markets which caused the loss of over five million construction jobs (Buckley, 2012, p. 252). The number of temporary workers entering OECD countries declined by 4% in 2008 (OECD, 2010), and in the GCC area, including Kuwait, approximately 150,000 expatriate workers were released (ILO, 2009).

Current Status of the Kuwaiti Construction Industry

Since 2012, the Kuwaiti construction market, particularly in the residential construction area, has grown in response to public and private sector demands for housing. This demand has been supported by substantial financial backing from the Public Authority for Housing Welfare, the Kuwaiti Credit Bank and the Kuwait Investment Authority, and has increased the numbers of private sector real estate developers in Kuwait (Oxford Business Group, 2015, p. 1).

The main projects currently under development which directly affect subcontracted workers in residential construction projects include the Silk City project, the Pearl City, Jaber Al Ahmad, Al Mutlaa and Saad Al Abdullah residential cities. These projects collectively require the construction of approximately 120,000

residential and worker accommodation units (Oxford Business Group, 2015, p. 3).

However, due to a lack of infrastructure and because of their distance from Kuwait City, development has been delayed (Oxford Business Group, 2015). Another project, the planned South Al Jahra Labour City, which aims to provide “affordable housing for up to 20,000 male labourers” (Oxford Business Group, 2015, p. 3) will offer large construction project contract owners the opportunity to rent the land from the Kuwait Municipality for 40 years in return for the ability to “generate revenue by leasing out completed housing units” (Oxford Business Group, 2015, p. 3).

These projects may actually have an adverse effect on the labourers’ conditions as project owners are likely to recover increased project costs such as a 70% increase in construction material cost in the period from 2003-2013 as well as the initial cost involved in the compulsory low-bid preferential contract award system applied by the Kuwaiti government. Historically, project cost recovery has been accomplished through reducing the number of expatriate site workers, the lowering of accommodation costs to the contract owner by increasing the number of workers allocated to single housing units and by reducing the quality of food and sanitation which are obligatory contractual requirements (Abdul-Aziz, 2001; Farques, 2011; Lamm, 2014; Human Rights Watch, 2006; Mayhew & Quinlan, 2006; Sonmez et al., 2011). It is therefore important to research the effect of cost reduction initiatives on the OHS of subcontracted construction labourers.

OHS and the Kuwaiti Construction Industry

Initial themes developed by Al-Tabtabai (2002); Kartam and Bouz (1998); Kartam et al. (2000); Kazemi and Ali (2002), Koushki et al. (2004) and Al-Humaidi and Tan (2010) revealed that negative OHS outcomes result from poor and repetitive accident reports, non-investigation of accidents and the effect of a predominance of small

subcontractors and sub-subcontractors. Exacerbating the problem is the continued existence of a decentralised, inconsistent and ineffective accident reporting system, a reactive approach to safety planning and control and the lack of knowledge or research on the damage caused by poor supervision and training. These themes are discussed in detail in the critical analysis of OHS issues affecting vulnerable labourers in the Kuwaiti construction industry, pages 65 to 74 of the Literature Review.

Significant Factors

This chapter has exposed four factors of significance in the study of expatriate subcontracted labour in the construction industry of Kuwait. Firstly, the influences of the historical political background which have led to the official stratification of population groups along geographical and social lines has resulted in the development of housing and construction policies which reflect the social divides in Kuwait. The integration of the Bedoon *badu* into the social structure of Kuwait gave them limited parliamentary rights, leading to the development of a culture of blind obedience to the leading families of Kuwait. To the Bedoon, the value of being socially accepted, albeit in a limited manner, served to discourage any form of real protest, resulting in a period of political stagnation that enabled the ruling families to create a strong sense of Kuwaiti nationalism and so control any potential opposition (Chalcraft, 2010; Crystal, 1990). This in turn enhanced the pre-existing autocratic managerial culture founded on unlimited power and tribal values (Crystal, 1990; International Labour Office, 2001; Metle, 2002).

Secondly, changes in the labour law aimed at improving the lives of all workers in Kuwait and advantaging expatriate labourers, have had the opposite effect. An employer backlash in the form of new discriminatory practices gave rise to increased levels of deportation and expatriate labour invisibility, as presented in Table 2.1 on page

28. It is argued that the manner in which these deportations were managed bore a striking resemblance to large scale deportations carried out in the aftermath of The Gulf War (1991-2). Moreover, discriminatory practices during the aftermath were tacitly ignored by the Arab community in the Middle East, thereby providing the opportunity for Kuwait to formalise policies giving the government freedom to redefine the demographic make-up of Kuwait (Chalcraft, 2010; Crystal, 1990; Russel & Al Ramadan, 1994).

Thirdly, the problem of accessing accurate statistics on population trends in Kuwait was discussed. Figure 2.1 on page 33 presents a graphic representation of population trends and patterns based on official statistics from 1960 to 2010. It is argued that the confusion during the aftermath of The Gulf War gave rise to the concealment of discriminatory practices and Kuwaiti-driven diasporic initiatives, so increasing the invisibility of large numbers of expatriate workers. It has been argued that Kuwait is not alone in creating a self-regulatory migration system similar to that in many OECD countries, where the regular expulsion of migrants to placate anti-immigration sentiments is offset by tacit support for economically-driven construction projects to be given permission to hire expatriate labour. The relevance of this practice in the context of this research is focused on the *manner* in which the deportation of labour has been managed by the Kuwaiti authorities.

Finally, the characteristics of the construction industry in Kuwait were discussed in order to contextualise the environment in which this research was conducted. It was suggested that the rapid growth of employment opportunities for expatriate labour in the construction sector and the inaccuracy of available employment statistics were a hindrance to conducting quantitative research. The effect of the economic crisis on redundancies in the Middle Eastern construction industry during the period 2004-2005

was discussed in the light of the relative buoyancy of the Kuwaiti construction industry, boosted by substantial financial incentives from by the Kuwaiti Public Housing Authority. The speed of the resurgence of the Kuwaiti construction industry was a clear result. However the question has been raised as to whether this positive growth will translate into increased quality of life and health for expatriate subcontracted labourers.

Conclusion

It would appear that the efforts of human rights agencies and the international community to improve the plight of expatriate workers in Kuwait have had little effect on the elimination of discriminatory practices. As an example, in 2011, members of the Bidoon community demonstrated in protest against government restrictions imposed on freedom of expression. This culminated in the cabinet announcement of an “iron fist policy” (Amnesty USA, 2015, p.1) resulting in the closing of media outlets and the invoking of the nationality law to strip perceived critics of their citizenship.

Recent media reports reveal that the expulsion of expatriate labourers has not diminished since the revision of the labour law despite its intention to improve the quality of life of contracted workers. Approximately 21,000 expatriate labourers were summarily deported during 2015-2016 and Kuwaiti authorities have rejected Amnesty International criticisms of its human rights record (Arabian Business, 2015a, 2015b; Arabian Business 2016a, 2016b; Hamdan, 2015; The National, 2016). It is therefore important that the plight of expatriate migrant labour is explored through their eyes and perceptions in order to gain insights into underlying forces driving discriminatory practices in Kuwait, resulting in the reduction in the quality of the working lives and OHS of these workers.

The gaps in the research which this introductory chapter has revealed are further discussed in Chapter 3, the Literature Review, which covers the characteristics

determining migrant vulnerability, the characteristics of migrant worker OHS issues, key themes and debates on migrant workers and culminates in the presentation of an adapted analytical model based on the layers of vulnerability of migrant workers developed by Sargeant and Tucker (2009).

The examination of the context in which this research project was initiated, has therefore provided valuable data indicating the need for in-depth research on the plight of vulnerable workers in the Kuwaiti construction industry. Moreover, the inaccuracy and obfuscation surrounding available census and lack of OHS data on expatriates in Kuwait suggests that, in this study, any in-depth research on the effect of law changes and discriminatory practices involving expatriate subcontracted construction workers would be better explored using a qualitative research approach. Significant gaps in the knowledge of the plight of subcontracted migrant labourers in Kuwait are identified. Firstly, the employer backlash in response to the implementation of the new labour law and its effect on the lives and health of workers, their perceptions, experiences and knowledge of legal changes during this period, is unknown. Secondly, there is little first hand knowledge of the effects of discrimination against expatriate labour in the construction industry during that period. Thirdly, there is no documented evidence of the extent of awareness of subcontracted constructed workers in terms of possible benefits to them within the revised law. Finally, there are no available research papers detailing the effect of crackdowns and deportations on migrant workers.

Summarising, migrant labour is of paramount importance to the Kuwait economy but there are significant gaps in the knowledge of the plight of subcontracted migrant labour in Kuwait. Research literature and public information covering this subject are sparse and incomplete, official statistics are mostly misleading and abstruse. There is also a need for further research such as further qualitative analysis of the backlash to

Labour Law No 6 and the effects of deportations and crackdowns on illegal migrants.

These areas are addressed in this thesis.

Chapter 3 - Literature Review

Introduction

In the previous chapter, the political background, evolution of the labour law in Kuwait and patterns of migration leading to increased subcontracted worker vulnerability in the construction industry in Kuwait were discussed. The conclusion was reached that, despite the efforts of international human rights agencies to improve the quality of the lives of expatriate workers in Kuwait and to diminish their vulnerability, little has been achieved in terms of equivalence to Western levels of rights or full compliance with ILO OHS requirements.

It is therefore important to analyse more closely the nature, growth and characteristics of vulnerable migrant labour within the context of the Kuwaiti construction environment. In this chapter a critique of the literature concerning vulnerable workers and the nature of precarious employment leading to the compromised OHS outcomes is undertaken. Themes identified in the work researchers conducted during the 1990's and early 2000's are incorporated into a critical analysis of OHS issues affecting expatriate labourers in the Kuwaiti construction industry. Useful models through which the lives, health and safety of migrant labourers may be analysed are developed, followed by a discussion on the rationale for using the adapted Sargeant and Tucker (2009) model as an analytical framework for this thesis.

Gaps in previous research which were identified in Chapter 2 are elaborated in this chapter and listed within the relevant parameters of the adapted Sargeant and Tucker (2009) framework (Table 2.1). Finally, the key questions for this research are presented.

Migrant Labour Defined

Since this research focuses on migrant labour in Kuwait, it is necessary to examine the broader definitions of migrant labour in the literature and categorise these appropriately. The term *migrant worker* has been described as a person who is to be

engaged, is engaged or has been engaged in a remunerated activity in a country of which he or she is not a national, and who crosses the boundary of a “political or administrative” (Castles, 2000, p. 269; UNESCO, 2016) unit for a certain minimum period (Castles, 2000). The term has arisen as part of an international cultural environment which regards people who move from their country of birth to another country as deviants from the norm (Castles, 2000, p. 270). As an example of this perception, a migrant worker in Germany was called ‘*Fremdarbeiter*’ (Hahamovitch, 2003, p. 73), or *alien worker* and, more recently and less harshly, ‘*Gastarbeiter*’ (Hahamovitch, 2003, p. 70), or *guest worker*, which is still in current use (Toh & Quinlan, 2009). However, the German word *gast* can also mean ‘stranger’ with its underlying connotations of being outside the norm.

The term ‘migrant worker’ as defined above does not take into account the myriad of categorisations used to describe migrant labour. UNESCO (2016) developed three sub-categorisations of the term ‘migrant labour’. The first comprises temporary labour migrants (also known as guest workers or overseas contract workers) who migrate for a limited period to take up employment and, in most cases, send remittances home. The second category comprises those highly skilled or qualified and includes business migrants who seek long-term employment in professional and managerial occupations. In the third sub-category are the irregular or undocumented migrants who enter or remain in a country in search of employment without valid documents and permits.

The term Third Country National (TCN) is a human resource management concept widely used by construction industry managers of Western origin and is defined by Anders (2015) as “an alien a person who is not a national of a given State” (Anders, 2015, p. 24). The sense of this definition is that the Arab countries’ citizens are first country, there are defined countries denoted as Western (second country) and all other nationalities are considered as TCNs. In this thesis, the general definition of the

sub-category of migrant labour is: ‘A third country national who is employed as a temporary construction industry labourer and who is permitted entry by the Kuwaiti government on a fixed term contract.’

Having established some understanding of the term ‘migrant labourer’, and concluding that the term implies connotations of vulnerability, since migrant labourers remain employed at the “...whim of their employer or the government that sanctioned their stay” (Hahamovitch, 2003, p. 70), it is important to analyse the growth of migrant labour, to crystallise the elements contributing towards their vulnerability, and to contextualise these within an appropriate analytical framework. In so doing, consideration has been made of the motivational factors for expatriate workers, evidenced by the large numbers of expatriate workers seeking employment in the Kuwaiti construction industry.

However, when seeking to explore the feelings and experiences of migrant subcontracted workers about the exertion of power and privilege over them, consideration must be given to the fact that, since the discovery of oil, the Middle East has been (and continues to be) an important source of employment for migrant workers (Longva, 1997; 2006). The socio-economic conditions of Kuwait have historically been defined in terms of the creation of a segmented society in which Kuwaitis benefit from a rentier state which is supported by the labour and efforts of expatriates (Al Zumai, 2013; Chalcraft, 2010) and this leads to the isolation of the workforce. Subcontractors and sub-subcontractors in Kuwait are regarded as members of the lower class, and are relegated to the lower rung of the labour segmentation ladder (Chalcraft, 2010). This is characterised by a poorly educated workforce, employed in low paid jobs and subjected to high levels of power and control (Longva, 1997; Al Qudsi & Shah, 1991). Therefore, included in the proposed analytical framework of worker vulnerability, cognisance has been taken of the inherent tension created by the importance of the Middle East as a

valuable revenue source for migrant workers through job availability and worker vulnerability through isolation and segmentation.

Growth and Characteristics of Migrant Labour

There is a vast amount of empirical and theoretical literature on the causes of migration (Castles, 2000, p. 271) however, these are complex and are outside the scope of this research. (For further reading refer to Castles, 2013; De Haas, 2008; Hahamovitch, 2003; UNESCO, 2016). In the context of this thesis it is important to examine recent literature on the growth of migrant labour in order to develop an understanding of the factors leading to worker vulnerability.

Since the mid 1970's, labour markets of most industrialised countries have experienced significant changes. Many organisations decreased their numbers of permanent workers and increased numbers of migrant labour employed in temporary, part-time or casual contracts. Over the past 40 years such changes have resulted in the erosion of the labour market conditions which provided a reliable source of full-time work while offering employees security of employment (Quinlan et al., 2001). The reason for these changes has been attributed to global competitiveness, privatisation of services, just-in-time production, the growth of flexible human resource management strategies and the increased speed of worldwide interconnectedness (Castles, 2000; De Haas, 2008; Lewchuk et al., 2003; Quinlan et al., 2001; Sargeant & Tucker, 2009; Tucker, 2002).

All these changes have been characterised by a dramatic increase in the number of migrant job-seekers. In Canada, the number of migrant workers grew from 60,000 in 1980 to approximately 251,000 in 2008 (Sargeant & Tucker, 2009). According to Bust, Gibb and Pink (2008), in the period from 2007 to 2008, 50% of the construction labour force in the UK comprised migrant labourers. The situation is the same in other OECD countries. In 2005, foreign born workers made up 25% of the labour force in both

Australia and Switzerland, 20% in Canada, 15% in the USA, New Zealand and Germany, and approximately 12% in the remaining Western European countries (Castles, 2011, p.313). The ILO (2015), in an analysis of the distribution of migrant workers by broad sub-region, estimated that the Arab states employ approximately 16.4% or 24.6 million of the global total of 150.3 million migrant workers. However, unlike in Western states, the native population of Arab states is small compared with the number of migrant workers and the proportion of natives economically active is also comparatively small. International laws regulating the relationship between worker and employer, designed to support the worker, such as the right to minimum labour standards, adequate compensation and the right to bargain, have become eroded (Lewchuk et al, 2003). This situation has been exacerbated by the fact that contracted workers have no access to citizenship or permanent residence in Middle Eastern countries (ILO, 2015). There, the growth of available (and disposable) expatriate migrant labour has led to high concentrations of migrant workers in industries which depend on foreign migrant workers (Chalcraft, 2010; ILO, 2015).

Kuwait has an approximately 70% expatriate population (Shah, 2007; CIA World Factbook, 2013) this is a much larger proportion than in Western countries. Employers typically control migrants' work and living conditions and expect their workers to perform in hazardous conditions for meagre wages (Kartam et al., 2000). This scenario is described by Schenker (2008), as "a situation similar to that in Upton Sinclair's novel *The Jungle*, which exposed the horrific conditions under which immigrants in the Chicago stockyards were forced to work 100 years ago" (Schenker, 2008, p. 717). There is evidence that migrant TCN workers are engaged in precarious employment and are vulnerable (Abdul-Aziz, 2001; Hahamovitch, 2003; Lewchuck, De Wolff, King & Polanyi, 2003; Quinlan et al., 2010; Sargeant & Tucker, 2009; Quinlan & Bohle, 2004;

Hannif & Lamm, 2005) and as such it is necessary to examine more closely what the term ‘vulnerable worker’ means and what factors cause worker vulnerability.

Worker Vulnerability Factors

Leading authors on migrant labour describe a vulnerable worker as a person who experiences a sense of helplessness and fragility inherent within a working relationship over which he or she has limited or no control. Such workers are thus precariously employed (Amable & Benach, 2000; Baram, 2009; Castles, 2000; Eakin, 2010; Gravel, Rhéaume & Legendre, 2009; Lamm, 2014; Lewchuck et al., 2003; Mayhew & Quinlan, 1997; Porthe et al., 2010; Quinlan & Bohle, 2004; Quinlan et al., 2001; Sargeant & Tucker, 2009; Tucker, 2002).

Vulnerability is not an internal characteristic of a precariously employed worker *per se* but rather a condition which develops as a result of the circumstances surrounding the employment relationship in which that person is involved. Precarious employment “connotes the job and income insecurity inherent in many such arrangements” (Law Commission of Ontario, 2012, p. 1) and refers to the “situation facing them because they are engaged in precarious work” (Quinlan & Bohle, 2004, p. 81). This research specifically examines the characteristics of precarious employment and the development of vulnerability related to the Kuwaiti construction environment.

What is precarious work? From the late 1980’s onwards, as standard, permanent forms of employment became less common, a large number of people entered the labour market as contracted, subcontracted and casual workers. There has also been significant diaspora of workers many of whom are employed to undertake dirty, dangerous and demeaning jobs in particular sectors, such as construction, for higher remuneration. There are ample studies that show the precariousness of employment, together with poor wages and conditions and social isolation prevalent amongst migrant workers, have had a profound effect on the safety and health of these workers (Hannif & Lamm,

2005; ILO, 2004; Johnstone et al., 2001; Lamm, 2014; Quinlan & Bohle, 2004; Quinlan & Mayhew, 2001; Sargeant & Tucker, 2009; Tucker, 2002).

There has also been a growth in the number of small businesses. Research shows that small businesses typically operate on tight budgets and are characterised by shorter lines of communication, simple reporting structures and reliance on the employer's knowledge and experience (Lamm, 2014). Managerial ability thus becomes "critical to the survival of the business" (Lamm, 2014, p. 162). However, the research shows that in attempting to implement OHS measures in small businesses, the emphasis is on changing employee behaviour in order to prevent accidents, with a consequent shift to blaming the employee for any shortcomings which, if the employer took responsibility for, would lead to increased compensation costs (Lamm, 2014; Quinlan 1988). This shift in responsibility and blame to the employee increases the precarious nature of subcontracted employment.

Amable and Benach (2000) consider the term 'precariousness' (Amable & Benach, 2000, p. 418) as a description of current labour market conditions, viewed as a construct developed within the context of various unstable employment situations. The authors consider that job insecurity and its relation to health and safety is an issue which requires further research in order to expose the social invisibility of vulnerable employees (Amable & Benach, 2000, pp. 419-420). The temporary nature of work, the defencelessness of workers employed in the system and the helplessness of workers who are financially dependent and have no access to social security or legal representation all of which serve to increase alienation and suffering. The administrative obstacles to the enforcement of worker rights is therefore one of the key characteristics of migrant worker precariousness (Benach, Muntaner, Benavides, Amable & Jodar, 2002; Goldring, Berinstein & Bernhard, 2009; Porthe et al., 2010).

The determinants of precariousness discussed above are now examined within the specific context of the socio-economic and general working environment of the subcontracted construction industry in Kuwait.

Precarious status of subcontracted construction labourers in Kuwait. As noted in Chapter 2, the construction industry in Kuwait is characterised by its dependence on foreign workers who comprise the majority of the workforce. Furthermore, 60% of the workforce in the construction industry is employed by small, subcontracting firms. Typically, employers control not only migrant labourers' pay and conditions but also their living conditions and expect workers to work in hazardous conditions for meagre wages (Kartam et al., 2000, Abdul-Aziz, 2001).

Significantly higher rates of work-related injury and illness occur amongst migrant labour in Kuwait, compared to Kuwaiti nationals as a consequence of poor working and living conditions. In addition, migrant workers often suffer from psychosocial problems (Kartam et al., 2000). Kartam et al. (2000) claim that many of the injuries and fatalities of migrant construction workers in Kuwait are the result of poor communication, different labour cultures and traditions, lack of education and training, origins in poor communities and consequent willingness to work in hazardous conditions. Al-Humaidi and Tan (2010) claim that these factors produce an environment which are a "breeding ground for accidents" (Al-Humaidi & Tan, 2010, p. 21). Apart from these initial studies, very little research has been conducted in Kuwait on the nature and extent of occupational illness and injury of unskilled migrant construction labourers. The knowledge of issues facing migrant labour and the combined effect on their lives, health and safety is limited. Therefore there is a need to discuss in detail which factors contribute to the precarious status of subcontracted migrant labourers in the Kuwaiti construction industry, as identified in empirical research studies (Al-Humaidi & Tan, 2010; Baram, 2009; Farques, 2011; Holmes et al., 1999; Kartam &

Bouz, 1998; Kartam et al., 2000; Kazemi & Ali, 2002; McVittie, Banikin & Brocklebank, 1997; Quinlan & Bohle, 2004; Shah, 2011; Valcarel, 2004; Xia et al., 2004).

Contributing features identified were:

- Competitive tendering
- Blame the victim approach
- Labour market segmentation
- Willingness to work in hazardous occupations
- Low education and literacy levels
- Lack of legal protection
- Social exclusion and unhealthy working conditions.

Competitive tendering. The tendering system is a major underlying cause of workers' precariousness. In Kuwait the large construction projects are mainly for the oil and petrochemical industry and state-owned infrastructure. Under Kuwait Law No. 37, 1964 as modified by Law No. 18/70 and Law No. 81/77, the Central Tender Committee prescribes the terms and conditions under which contracts are managed. Tender documents for large projects can be purchased for bidding by contractors on a list approved by the project owners and the Central Tender Committee. The awards of major contracts are administered by the Central Tender Committee and, under Article 43, contracts are awarded to the cheapest bidder.

Although the appointed main contractors are legally required to subscribe to the safety protocols laid down by the oil and petrochemical companies (which comply with internationally recognised Health, Safety and Environmental (HSE) standards), portions of the major projects and smaller fixed price projects are often subcontracted and sub-subcontracted and smaller companies are therefore heavily involved in construction projects. Interviews with Project Management Consultant representatives confirmed that

the approval process for sub-subcontractors is not overseen or directly controlled and that prequalification for subcontract packages is often cursory or simply waived. The smaller companies generally have poor management skills resulting in a lack of awareness, knowledge and commitment to applying OHS practices and regulations (Kartam & Bouz 1998; Kartam et al., 2000). Many of the owner/managers of subcontracted firms have limited business acumen and underbid the work resulting in financial stress which further increases the likelihood of non-compliance with OHS regulatory standards (McVittie et al., 1997; Lamm, 2014).

These secondary subcontractors are short of working capital and under great pressure to cut costs at the expense of safety, and therefore do not invest money in health and safety training and equipment. In addition, they cannot afford, and more significantly, do not recognise the need for the services of safety specialists or instructors, resulting in a lack of safety culture either off or on site (Choudhry & Fang, 2008; Kartam et al., 2000; Al Kazemi & Ali, 2002; Koushki et al., 2004). The pressure to continually cut costs inherent in multi-layered subcontractor arrangements affects the employment relationship in various ways. Informal and indirect employment via foremen or intermediaries is common practice in the Kuwait construction industry. The fact that workers are itinerant and move from site to site significantly increases their vulnerability. This situation is exacerbated by language and literacy barriers, as migrant expatriate labourers in Kuwait are mostly uneducated and functionally illiterate and few if any, understand Arabic or English (Kartam & Bouz, 1998). The lack of a language common to the workers and employers and the transient nature of the work are often cited as root causes of many of the work-related injuries and fatalities that occur globally (Valcarel, 2004; Xia et al., 2004).

The problems with lives and safety emerge at this level as small private subcontractors instruct labour hire agents to recruit labourers who, after completion of

the contract for which they were recruited, are subsequently re-allocated to alternative private contracts. The labour agents extort money by charging workers a fee for subsequent or, in some cases, simultaneous employment on alternative contracts. This leads to the emotional vulnerability of workers as they are “working in unsecured conditions and not on their sponsor’s bail” (Kartam et al., 2000, p. 174).

Little is known about the day to day interactions between project owners and informal subcontractors and the effect which this has on the lives and health of labourers who work for them. This is an area which this research will address. The following are areas of concern when considering the vulnerability of expatriate workers.

Blame the victim approach. Another cause of worker precariousness is that traditionally, in the Middle East, worker behaviour has been regarded as the primary contribution to accident causation (Kartam & Bouz, 1998). Accidents are therefore “attributed to the workers’ fault” (Kartam et al., 2000, p. 171). Most accidents in Kuwait occur whilst work is being performed by subcontractors (Kartam & Bouz, 1998). The practice of blaming the victim and emphasising the characteristics and behaviour of workers as the root cause of injury and illness reflects the dominant view of industrial psychologists in early OHS studies, that accident causation is attributable to the worker. This “blame the victim” (Quinlan, 1988, p. 190) mentality has extended itself into the analysis of migrant OHS (Quinlan, 1988). Furthermore, Quinlan (1988), in his critical assessment of occupational health and safety research, argued that the dominance of industrial psychologists in conducting early OHS research, created a general propensity for subsequent OHS researchers to attribute accident causation to the individual person, who merely reacts to a given set of environmental factors in a manner determined by their own personal characteristics (Quinlan, 1988, p. 189). In addition, early studies of accident causation led to the growth of the study of ergonomics (Quinlan, 1988, pp. 190-191) which is primarily concerned with the relationship of the

worker with his or her physical working environment and how worker attitudes and behaviour within this environment can be changed through enforcement of desired behaviour by managers, through the application of hard law (Quinlan et al., 2010).

The approach in which the victim is blamed has extended itself into more recent Kuwaiti generated analyses of worker safety. The notion of emotional vulnerability of individual construction workers has been identified by Kartam et al. (2000) as a possible cause of unsafe behaviour and is a clear example of a victim blaming approach, possibly one in which the worker-victim *knows* that he will be blamed. This approach is described by Quinlan et al. (2010) as a “more subtle and apparently benevolent fashion of attributing, for example, migration strain, as a contributing factor to occupational illness” (Quinlan et al., 2010, p 177).

Labour market segmentation. Segmentation also contributes to worker precariousness. Subcontractors and sub-subcontractors in the construction industry are generally at the lower end of the organisational hierarchy in any construction project and their ability to exert influence on the decision making process concerning the living conditions, quality of life and health and safety standards, is limited (Holmes et al., 1999; Lamm, 2014; Quinlan et al., 2001; Quinlan & Bohle, 2004; Sargeant & Tucker, 2009; Yun, 2009). In addition, these firms operate within a multi-layered contracting system in which construction workers are recruited through main contractors, subcontractors and labour intermediaries. Yun (2009) refers to this process as “horizontal contracting out” (Yun, 2009, p. 2). This multi-layered system, in which the main construction company is hidden behind several layers of subcontractors, has, at the same time, given rise to layers of vulnerability in OHS for migrant workers as the process undermines the enforcement and implementation of labour regulations (Sargeant & Tucker, 2009; Yun, 2009).

As noted in Chapter 2, the labour market in Kuwait is further divided along the lines of ethnicity. Westerners tend to be employed in professional occupations, such as engineering, IT, logistics, human resources and education. The less skilled and manual occupations tend to be dominated by Egyptian and Asian workers (Al-Tabtabai, 2002). Although limited, government work-related injury and fatality statistics show that migrant labourers in the Kuwait construction industry are over represented. Al-Tabtabai (2002) claims that of the total workforce of 107,463 expatriates in the construction industry in 1999, 60.33% were unskilled labourers, and that the construction industry was responsible for 35.9% of total accidents in Kuwait. However, no information is given on how the number of accidents relate to the 60.33% of unskilled labourers compared to technicians and skilled labour, owing to the “absence of a reliable accident reporting and recording system” (Al-Tabtabai, 2002, p. 216). Moreover, there is no information in Kuwait regarding the extent of mental or physical occupational illness for expatriate subcontracted labourers and this is therefore an area which will be explored in this research.

In addition, most foreign workers come from a rural background and have little experience interacting with different ethnic or social groups. According to Abdul-Aziz (2001), this is another contributing factor to the unofficial stratification and segmentation of expatriate labourers by contractors, with a corresponding discrimination in wages between groups. Common criteria for contractors in determining wage segmentation are skills variation, docility, nationality and willingness to work in hazardous conditions. Several authors have rationalised the willingness of workers to accept lower wage rates based on nationality, claiming that wage structures reflect the willingness of nationalities to work for different wages (Wells, 1996). However, 57% of the workers surveyed by Abdul-Aziz (2001) thought that wage equality prevailed whilst 25% were uncertain. Therefore this research will address how

the stratification of wages and layering of expatriate labour social status according to nationality increases the precarious nature of their employment.

Willingness to work in hazardous occupations. Typically, those seeking employment in the construction industry are young, able-bodied, and in the most productive years of their lives. They also have the greatest chance of recouping the cost of payments made to labour agents (Abdul-Aziz, 2001; Schenker, 2008) and are therefore more willing to take risks. For example, in 1997, foreign male workers in Malaysia comprised 80% of the construction industry labour force of 130,000, compared with 60% in 1987 (Abdul-Aziz, 2001; Schenker, 2008). The Kuwaiti construction industry is similarly dominated by young males partly due to the heavy work involved (Kartam et al., 2000).

The results of the study by Abdul-Aziz (2001) of Malaysian, Indonesian and Bangladeshi workers in Malaysia's construction industry revealed that one of the main reasons for migration is that ethno-linguistic sub-groups are willing to take any number of risks because they regard migration as a valuable intrinsic process in attaining manhood. Other reasons given are parental pressure and the promise of abundant job opportunities (75%), better work offers, (20%), higher wages (6%). These percentages concur with a survey conducted by Kassim (1986), revealing that foreign workers seeking employment in Malaysia valued greater employment opportunities over higher wages by a margin of 75 percent. This has led to the employment of large numbers of foreign workers in the construction industry, along with corresponding higher risks of fatality. In addition, Abdul-Aziz's (2001) study found that subcontractors applied a rating scale to their workers in which the willingness to work long hours was rated top (86%), followed by obedience (74%) low wages (74%) and lack of fastidiousness (58%). A similar situation exists in the Kuwait construction industry (Kartam et al, 2000).

Low education and literacy levels. A common finding in the literature is that worker precariousness is a consequence of the low level of education and literacy of migrant construction workers (Abdul-Aziz, 2001; Kartam et al., 2000). This has a negative impact on worker ability to be trained or to understand written OHS instructions (Al-Tabtabai, 2002). In addition, the lack of ability to interact with contractors because of language differences leads to miscommunication, loneliness and depression (Abdul-Aziz, 2001; Kartam et al., 2000; Schenker, 2008).

Al-Tabtabai (2002) when analysing construction site accidents in Kuwait, noted that 55.8% of workers involved in accidents had less than 10 years of experience, 71% came from rural areas in their countries of origin. 45% of workers either were completely illiterate or possessed minimal reading and writing skills (Al-Tabtabai, 2002, p. 226). Moreover, Koushki et al. (2004), in a study of worker perceptions of noise pollution at construction sites in Kuwait, found that low levels of education amongst workers had a significant relationship with their perceived safety. 39.5% of these labourers did not regard noise as a problem, 37.8% did not think that noise affected their health; 58% thought that quality of work was not affected by noise and 57% did not link noise to accident rates. However it is noted that the statistics developed by Al-Tabtabai (2002) and Koushki et al. (2004) were derived through worker interviews conducted by their direct supervisors, which may have had an influence on the sincerity of responses due to fear of possible reprisals. Worker levels of education in relation to their perception of OHS and their response to potentially dangerous working practices will therefore be examined in this research.

Lack of legal protection. Complex legal structures surround accident reporting and workmen's compensation and how these are managed by Kuwaiti governmental bodies. Because health and safety strategies, processes and procedures *specifically* aimed at protecting subcontracted and sub-subcontracted non-skilled migrant workers in

the Kuwaiti construction industry are non-existent, a situation exacerbated by the fact that in Kuwait workers lack access to regulatory protection because of language and cultural differences, there is a need to analyse factors preventing precariously employed migrant workers from gaining access to legal protection. Also, an investigation should be made into how many cases involving precariously employed migrant workers are satisfactorily resolved, if and when cases are brought against contractors, and how such resolutions are affected by cultural suspicion of expatriates.

Moreover, according to Kartam et al. (2000), there is a notable absence of a unified set of safety regulations in Kuwait which raises the level of difficulty which workers have to overcome in order to bring a case to court. In 2000, the Ministry of Public Works developed a safety chapter in its manual for construction practices. The oil sector had its own manual based on international oil standards, and no safety manual existed at the Kuwait Municipality during the period in which this research was conducted. Additionally, as pointed out by Kartam (2000), international standards do not necessarily apply to the Kuwait working environment, since methods of practice in advanced countries differ from those in Kuwait. For example, there is no rule against using wooden scaffolding, secured with twine or rope of unspecified quality and often lacking the provision of adequate fall protection, in any of the local standards. This is yet another example of the unsafe and precarious environment for subcontracted labourers (Kartam et al., 2000, p. 173).

Social exclusion and unhealthy working/living conditions. The social exclusion of precarious migrant labour from mainstream society has been identified by OHS researchers as a strong predictor of increased levels of physical and mental illness contributing to precariousness of subcontracted expatriate labourers. Abdul-Aziz (2001) observed a strong cultural and linguistic divide and social exclusion produced by the strong demarcations dividing cultural groups amongst subcontracted construction site

labourers in living in so-called *kongsi*, slum areas which are characterised by dilapidated huts, minimal sleeping space and poor washing amenities. According to Lay, Nordt and Rössler (2007), this type of social exclusion was evident in Switzerland, where researchers were puzzled by low admission rates of migrants suffering from mental health problems. They attributed this to social exclusion, pointing to stronger social support as an important resource in preventing and dealing with mental health problems.

Wong, He, Leung, Lau and Chang (2008), found a strong link between migration stress and increased levels of mental disease in manual labourers in the construction industry in China, brought about by poor living conditions, general social exclusion, low social status and exclusion from medical benefits. Their study of psychiatric symptoms in migrant workers found that 25% of male migrant workers, who were married and under duress to provide for families in their place of origin, could be classified as mentally unhealthy. Symptoms included depression, increased interpersonal sensitivity and phobic anxiety.

Tinghög, Hemmingsson and Lundberg (2007) found that non-Scandinavians more frequently met the criteria for depression, attributing social causation as a potent explanation for mental illness.

Xia et al. (2004) claim that construction workers in China are exposed to dust, gases and fumes from combustion processes and large amounts of toxic chemicals. Noise is a particular hazard as are extreme heat, vibration, working with inflammable materials and with compressed air, all of which are comparable to conditions in the Kuwaiti construction environment. Moreover, Xia et al. (2004) claim that work-related morbidity rates are exacerbated by the stresses involved in site work such as poor working and living conditions, low pay, long working hours, unhygienic living conditions and poor quality of food and water (p. 8).

In Kuwait, the social exclusion of subcontracted construction labourers has been entrenched through the unofficial stratification of expatriate labour by occupation and the housing of migrant labour in compounds or accommodation either on site or in the isolation of outlying regions of Kuwait. This prevention of the labour force from interacting socially within Kuwaiti society, exacerbated by poor communication and language difficulties, has given rise to under-reporting of accidents (Al Kazemi & Ali, 2002; Al-Tabtabai, 2002; Kartam & Bouz, 1998).

Many site operatives in Kuwait live in self-contained areas close to the construction site. Alternatively, workers are transported to and from compounds or apartment blocks where sanitary conditions are unhealthy, leading to insect infestations which may be linked to a number of medical conditions. Anya (2007, p. 828) discusses the right to health care for vulnerable migrants and claims that, in Italy, 40% of migrant seasonal farm workers had developed various diseases including skin problems, intestinal parasites, mouth, throat and respiratory infections, within the first six months of employment.

Whilst irrefutable links between bedbugs, lice infestations and transmittable diseases such as human immunodeficiency virus (HIV) and hepatitis B virus (HBV) HBV have not been clinically established, long-term exposure to infestations of bedbugs has nevertheless been associated with an increase in acute allergic reactions, swelling of bite wounds and increased episodes of asthma and secondary skin disease (Salehzadeh, Tavacol & Mahjub, 2007; Moges et al., 2016).

Cockroach infestations increase the risk of parasitic infections developing as a result of contamination from polluted water, followed by hand-mouth contact (Cochrane, 1997). When exposed to human faecal matter, cockroaches play a supplementary role in the spread of diseases including diarrhoea, dysentery, cholera, leprosy, plague, typhoid fever and viral diseases such as poliomyelitis (Cochrane, 1997,

p. 292). The transmittal vector is parasitic worms and their eggs which host the bacterial pathogens present in cockroach excretions and regurgitations (Cochrane, 1997; Moges et al., 2016; Salehzadeh et al., 2007; Tatteng et al., 2005). The eggs of these parasitic worms also cause allergic reactions including dermatitis, swelling of the eyelids and more serious respiratory problems (Cochrane, 1997). It is therefore important for this research to analyse the extent and possible influences of insect infestations on the OHS of subcontracted construction industry labourers.

The congested and unhygienic nature of most expatriate labour accommodation, where up to 20 people are forced to live in one apartment with shared toilet facilities with other apartments in the same block, provides ideal conditions for the transmittal of disease and this exacerbates the stress levels caused by low pay, long hours, and poor quality of food and water. Isolation leads to the spread of diseases due to low resistance levels and made worse by heavy smoking and, in non-Muslim countries, heavy alcohol consumption (Anyia, 2007; Kartam & Bouz, 1998; Lay et al., 2007; Valcarel, 2004; Xia et al., 2004; Tinghög et al., 2007; Wong et al., 2008)

In the absence of any accurate illness or injury and death statistics for sub-subcontracted labourers in the Kuwaiti construction industry, this research will identify and analyse the multiple factors leading to their illness and occupational disease. In the following section, the following definitive areas in relation to specific OHS issues in Kuwait are discussed:- poor accident reporting systems, non-investigation of accidents, the effect of a predominance of small subcontractors, a reactive approach to safety planning and control, a decentralised accident reporting system, poor supervision and lack of training. These major factors relate to a wide range of OHS issues involving subcontracted construction industry labourers in Kuwait which have not hitherto been explored in depth and which are addressed in this thesis.

OHS Issues in the Subcontracted Kuwaiti Construction Industry.

Poor quality of accident reports. The investigation of OHS issues in Kuwait have mainly focused on mortality rates or lost time accidents with primacy given to the project costs arising from occupational accidents and not to the amount of damage to the OHS of the workers involved (Al-Tabtabai, 2002; Kartam et al., 2000; Kartam & Bouz, 1998). These initial studies also reveal that from 1992 to 1996, accident reports compiled by the Kuwaiti Municipality showed that the majority of safety engineers in Kuwait describe the accident, the name of the injured person and the name of the subcontractor concerned but fail to record any other personal information on the victim or what safety procedures were in place on site at the time of the accident (Kartam & Bouz, 1998, p. 807). This shows a gross lack of concern for the workers involved and an attempt to conceal lack of safety procedures from the authorities concerned. The accuracy and nature of accident reporting mechanisms relating to subcontracted workers in the period in which this research was conducted is therefore a prime area of investigation as are the effects of non-investigated accidents.

Non-investigation of accidents. The international OHS research community has widely acknowledged that, the OHS of vulnerable workers is seriously under-reported and there are “conspicuous errors” in officially provided statistics (Quinlan et al., 2010, p. 45). It has been estimated that in 2005 the global “burden of death” (Quinlan et al., 2010, p. 3) stood at 113,000 unreported work-related fatalities due to under-reporting alone (Concha-Barrientos, Nelson, Fingerhut, Driscoll & Leigh, 2005). Thus, the long-term effects arising from accidents and injuries are incomplete in their representation of the true dimensions of damage caused to the OHS of subcontracted and sub-subcontracted workers (Concha-Barrientos et al., 2005; Quinlan et al., 2010; Sargeant & Tucker, 2009). International studies show that long-term accident related occupational illnesses include musculoskeletal disorders and lower back pain, hypoxia, solvent

poisoning, chemically related skin diseases, cardiovascular disease and cardiac failure, spinal injuries, disorders due to vibration, heat exhaustion and heat stroke, respiratory diseases, asthma, various types of cancer, stress-related disorders and depression (Holmes et al., 1999; Quinlan et al., 2010; Valcarel, 2004; Xia et al., 2004).

However, although early research efforts by Kuwaiti authors have called for the deeper analysis of accident causation in the construction industry there is a paucity of information relating to wider health related issues. Al-Tabtabai (2002) briefly mentioned that 22.3% of expatriate workers suffered from diabetes, high blood pressure, heart related problems or “other diseases” (Al-Tabtabai, 2002, p. 227). Unfortunately this study used questionnaires completed under the supervision of the Kuwaiti managers of the respondents and therefore the results may not be a true reflection of their perceptions and experiences, as data discussed in Chapter 2 shows that expatriate workers in Kuwait are fearful of revealing any illness out of fear of deportation. It is therefore essential to conduct an in-depth examination of whether any deeper OHS issues affecting accident victims have been revealed in reported accidents in Kuwait. These issues also relate to the manner in which safety planning and control is approached.

Reactive approaches to safety planning and control. The construction industry has traditionally taken a reactive approach to safety planning with the result that little attention has been given to assessing the importance of human behaviour in the context of organisational safety programmes and accident prevention processes, with the result that the impact of occupational risk factors leading to accidents and occupational disease is “greatly underestimated” (Concha-Barrientos et al., 2005, p. 470), as confirmed by Albert, Hallowell and Kleiner (2014); Quinlan et al. (2010) and Wachter and Yorio (2014). Studies show that the quality of an accident investigation could be of more value than the length of time taken to investigate in contributing to the underlying

knowledge about accident causation and the reduction of injuries and illnesses.

Investigators should therefore approach accident reporting as a “research project, designed to extract as much information as possible” (Burgoyne, 1993, p. 402).

However, these processes are costly and investigators have to balance the need for in-depth evaluation of the deeper issues surrounding accidents against increasing pressures to produce zero incident projects (Albert et al., 2014, Burgoyne, 1993; Quinlan et al., 2010; Wachter & Yorio, 2014).

In the Kuwaiti context, the achievement of effective safety programmes faces several barriers. Firstly, migrant labourers in the construction industry are spread between different contracts and often work for subcontractors who are also employed at other sites. As a result, they are not included in any risk management programmes (Kartam et al., 2000). Secondly, project owners consider themselves to be in less vulnerable legal positions if they distance themselves from contractor safety programmes, protecting themselves by the inclusion of the so-called ‘hold harmless’ clause included in most safety contracts in Kuwait (Kartam et al., 2000, p. 179). This clause states that the contractor will obtain adequate insurance for damage, theft, personal injury, damages to property, its officers, agents and employees or any other person, arising from the contractor’s performance of the contract (US Embassy, 2017). Since the main contractor is covered by insurance, subcontractors and their labourers are not made aware of potential hazards, and their possible consequences (Albert et al., 2014). Thirdly, as a direct consequence, these workers underestimate the risk associated with projects and perceive a false level of security, thereby increasing the likelihood of accident occurrence. Kartam and Kartam (2001) confirm this notion. In their analysis of risk management from a contractor perspective, results indicated that “the application of formal risk analysis techniques in the Kuwaiti construction is limited” (Kartam & Kartam, 2001, p. 325). Moreover, they argue that contributions from the construction

industry for research are limited and, in tacit acknowledgement that concern for the OHS of contracted and subcontracted labour is also limited because of racial discrimination, they associate the lack of research into the construction industry with the fact that “almost all the workforce” (Kartam & Kartam, 2001, p. 325) in the construction industry “consists of non-Kuwaitis” (Kartam & Kartam, 2001, p. 326). It is therefore necessary for this research to examine the issues facing the large numbers of subcontracted workers who are employed by subcontractors in Kuwait.

Predominance of small subcontractors and sub-subcontractors. As previously outlined, the Kuwaiti construction industry is dominated by the existence of many small subcontracted firms. Little, however, is known about the OHS issues affecting the expatriates who are employed by them (Kartam & Bouz, 1998; Kartam et al., 2000). Pressures placed upon small operators through owner power wielding mechanisms are largely determined by their position in hierarchal managerial structures (Lloyd & James, 2008). As discussed in Chapter 2, subcontractors are dependent on the whims of their superiors in the supply chain who demand increased productivity for the same monetary output (Lloyd & James, 2008; Benach et al., 2002; Mayhew & Quinlan, 2006).

A parallel can be drawn between subcontracted construction workers in Kuwait and a survey conducted on the economic pressures facing long-haul truckers in Australia (Mayhew & Quinlan, 2006). These studies show that small subcontractors are placed under severe economic stress to continue producing, resulting in a tendency to continue working with minor and sometimes major injuries (Mayhew & Quinlan, 2006). Moreover, chronic illnesses are likely to develop from untreated injuries—however small subcontracting companies normalise these injuries because of financial pressures (Mayhew & Quinlan, 2006, p. 219), resulting in long-term physical, chemical, biological and psychological health problems as a result of exposure to poor working conditions, vibration, loud noises, hazardous products and repetitive tasks (Benach et

al., Lloyd & James, 2008; Underhill & Quinlan, 2011). Workers who are employed in construction related activities such as demolition, painting, welding, masonry, stonework, plastering and tile setting are at high risk of developing respiratory and lung illnesses, lung cancer being the largest single work-related cancer (Field & Withers, 2012; Quinlan et al., 2010). Quinlan notes that cancer globally accounts for 50% of all construction worker mortality (Quinlan et al., 2010).

Another under-researched, under-reported physical problem is hearing impairment. Damaged hearing is a widespread occupational hazard in the building and construction industry (Koushki, Kartam & Al Mutairi, 2004; Quinlan et al., 2010; Leensen, van Duivenbooden & Dreschler, 2011). Prolonged exposure to noise leading to hearing impairment affects OHS in several ways. Firstly, workers may be unable to hear shouted warnings or other sounds indicating danger; secondly, noise exposure leads to physiological stress; thirdly, prolonged exposure to noise can be psychologically stressful and negatively affect behaviour, which could lead to unsafe behaviours (Quinlan et al., 2010).

Of significance to this research is that subcontractors are less likely to seek medical treatment for injury, including serious injuries (Mayhew & Quinlan, 2006, p. 218), and that this is a factor essential to consider in the investigation of incidences of long-term chronic illnesses of subcontracted workers in the Kuwaiti construction industry resulting from power and control mechanisms imposed on them through economic and production related pressures. Subcontractors seeking to avoid reporting accidents or obtaining medical treatment for injuries and illnesses are implicitly supported in their intentions because of ineffective accident reporting systems in Kuwait.

Decentralised, inconsistent and ineffective accident reporting systems.

Empirical studies reveal that the increased growth in precarious labour, job insecurity

and subcontracting has, as previously discussed, produced a marked increase in the number of serious accidents involving contractors and a corresponding increase in the need for extra inspectorate involvement in their investigation (Quinlan et al., 2010, p. 374). The effective enforcement of reporting mechanisms has been weakened, producing the likelihood of a corresponding decrease in the number of subcontracted workers who have access to representation or compensation. Moreover, inspectors do not place any emphasis on worker participation in accident investigations (Quinlan et al., 2010, Johnstone, Quinlan & Walters, 2005).

In Kuwait this situation is further exacerbated by the exclusion of subcontractors and their staff from participation in accident investigation, the gross under-reporting of safety violations as a result of a multi-faceted and highly fragmented accident reporting system within a rigid and obsolete administrative framework (Kazemi & Ali, 2001), and the reluctance of Kuwaiti government officials to share information. A study of attitudes towards knowledge sharing in Kuwait found that 77% of government organisations guard their knowledge to protect their positions (Al Athari & Zairi, 2001). In addition, studies by Kartam et al. (2000) found that, out of the “thousands of safety violations” (Kartam et al., 2000, p. 166) followed by safety warnings issued by the Kuwaiti Municipality, a mere 100 safety related tickets and fines were issued between 1992 and 1995.

The accident reporting system in Kuwait is further complicated by the number of different ministries and departments which process accident reports. For example, the Kuwaiti Municipality, the Ministry of Public Works and the Ministry of Social affairs and Labour (MOSAL) and the High Committee for Safety and Security are cited as “a few examples” (Kartam & Bouz, 1998, p. 805) of the number of departments who process accident related information. To further confound the issue, Kuwaiti Municipality and the Ministry of Public Works are only concerned with accidents

occurring at construction sites, whilst MOSAL deals with accidents which occur in all industries. Whilst the aim of these overlapping layers of accident reporting mechanisms may serve as a blanket approach to ensure that all accidents are covered, the system increases the likelihood of repeated and therefore inaccurate accident reports seen from a number of different perspectives, all of which exclude detailed information about the victims themselves or type of safety procedures on site when the accident occurred (Kartam & Bouz, 1998, p. 807). In addition, inspectors available and qualified to conduct site visits are limited in terms of their numbers indicating that an independent review of a construction project and its safety plan would improve the situation (Kartam et al., 2000). Moreover, insurance officers who act on behalf of the contractor do not request any written proof of previous safety records, do not have a safety manual to follow and do not conduct site visits to clients to check whether safety procedures are in place. To compound the problem, safety records cannot be located if the contractor subsequently decides to insure with an alternative organisation (Kartam et al., 2000, p. 171).

The accuracy and nature of accident reporting systems and knowledge of any insurance benefits concerning accidents involving expatriate subcontracted labour is a area for further research investigation, as is the extent to which their knowledge is constricted because of poor supervisory practices.

Poor supervision and training. Firms in Kuwait operate within a multi-layered contracting system in which construction workers are recruited through main contractors, subcontractors and labour intermediaries. Smaller subcontracted and sub-subcontracted companies have limited or no management skills and are either impervious to, or have no awareness of, the deeper issues which affect the quality of the lives of migrant workers. This increases their vulnerability (Lamm, 2004; Mayhew & Quinlan, 1997; McVittie et al., 1997; Quinlan & Bohle, 2004).

In a study conducted by Abdul-Aziz (2001), 43% of Indonesian migrant workers surveyed had previously been occupied in farming, whilst only 12% had been employed in the construction industry. 46% of the Bangladeshis had no previous experience in construction. Thus it is important to determine prior migrant labourer levels of experience in the construction industry and whether the level and quality of training provided on site equips labourers to perform effectively on the job. The health and safety requirements for large projects in the Kuwaiti oil sector are stringent and care is taken to ensure that Project Management Consultants (PMCs) assume their contractual responsibility and accountability for ensuring that the workplace is safe for contracted workers, and therefore there should be no reason why subcontracted workers should not be widely included in training. However, this method of ensuring the working environment is safe becomes defective when a breakdown in the chain of command and control occurs as a result of contractors outsourcing the work to subcontractors who in turn appoint sub-subcontractors. The relationship between these layers of subcontractors and the loss of control of OHS policies and practices is an emerging area of research (Sargeant & Tucker, 2009), and is one of the areas of investigation. Moreover, project owners and their PMCs, have relinquished their responsibility for ensuring the OHS of subcontracted firms and their employees through the invocation of the “hold harmless” (Kartam et al., 2000, p. 179) clause in their contractual arrangements. Thus, notwithstanding the fact that health and safety requirements for large projects in the oil sector are stringent and care is taken to ensure that PMCs assume their responsibilities, the chain of command and therefore communication down the hierarchical line, stops at main contractor level.

In terms of supervision and training, the OHS of subcontracted workers is affected in several ways. Although weekly safety meetings are called for by PMCs, only representatives of main contractors are invited to attend. Any information in terms of

suspected hazards of risks which have been identified during the previous week is communicated at these meetings. However, initial interviews conducted with PMC stakeholders indicate that training of main contractors involved communicating with up to 23 nationalities involved on the project. The PMCs do try and have translators present but it is not always possible to communicate effectively to every contractor represented on site. The situation for subcontracted firms and their employees therefore becomes untenable as they and their workers are excluded from attending safety meetings and therefore do not receive any training. Al-Tabtabai (2002) posited that included in managerial issues related to accident causation were non-attendance at weekly safety meetings, no training programs for workers involved in the job, and no provision of written procedures for the assigned job (Al-Tabtabai, 2002, p. 222). In addition, given the fact that organisations have been shown to regard knowledge as something private, to be used to “protect their positions” (Al Athari & Zairi, 2001, p. 74), it is unlikely that managers would wish to communicate with subcontracted labourers to gain their input on improving safety issues, choosing instead to blame the subcontractor and his workers for any accidents on site, in order to protect themselves. In addition, workers may be further discouraged from imparting any information out of fear of reprisals (Quinlan & Bohle, 2004, p. 89).

In Kuwait, owners of smaller subcontracted companies and their labourers have limited educational and literacy levels and they are therefore ill-equipped to train their employees (Al-Tabtabai, 2002, Kartam & Bouz, 1998; Kartam et al., 2000). Al-Tabtabai (2002, p. 225) revealed that between April and August of 1999, 45% of workers who were injured were functionally illiterate or had, at best, received only a primary level of education. As these workers were all expatriates appointed on contract in Kuwait it is assumed that they had been educated in their sending countries. There is very little information provided in the literature on the way in which these sub-

subcontracted expatriate labourers were managed, the effect which this had on their OHS, whether any attention was given to ensuring their feedback on accidents and hazards and whether they received any assistance or information regarding injury compensation. The literature thus revealed a broad range of factors affecting the OHS of subcontracted expatriate construction labourers in Kuwait, one which required the application of a suitably broad and flexible model of data analysis. Therefore several models of analysis were considered.

Models of Analysis

As previously explained in this chapter, changes in the labour markets since the 1970's have meant that reliable sources of full-time work have diminished, leading to a significant increase in the employment of migrant labourers on temporary and part-time contracts. The earning capacity of these workers has declined, along with the benefits to which they had previously been entitled, such as the provision of adequate health and safety protection and their rights to legal representation and injury compensation (Castles, 2000; De Haas, 2008; Lamm, 2014; Lewchuk et al., 2003; Quinlan et al., 2001; Sargeant & Tucker, 2009; Tucker, 2002). The vulnerability of these workers is therefore encapsulated in the precarious nature of their employment (Quinlan & Mayhew, 2001; Sargeant & Tucker, 2009).

As outlined in chapter 2, the subject of vulnerable labourers and their OHS has hitherto been analysed across a broad spectrum of industries and occupations. Existing literature on the lives and health of precarious migrant workers is presently dispersed amongst *multiple discourses*, such as OHS, small business studies, construction, economics, law and sociology of work and international migration studies. Therefore this research seeks to narrow the spectrum of analysis by the development of a concise, yet sufficiently comprehensive analytical framework which has the capacity to be readily applied to the construction industry in Kuwait (Abdul-Aziz, 2001; Baram, 2009;

Dainty, Gibb, Bust & Goodier, 2007; Quinlan et al., 2001; Quinlan & Mayhew, 2001; Sargeant & Tucker, 2009; Schenker, 2008).

Recent literature suggests incorporating psychological, social and workplace inter-relational influences on management culture and practice in the analysis of how migrant workers perceive and respond to risks. (Hahamovitch, 2003; Holmes et al., 1999; Quinlan et al., 2010; Quinlan & Bohle, 2004; Quinlan & Mayhew, 2001; Sargeant & Tucker, 2009; Schenker, 2008). Relatively few studies have been conducted on the specific effects which these factors have had on the OHS of subcontracted workers in the global construction industry, and even fewer studies exist on their effects on the OHS of vulnerable subcontracted labour in Kuwait, including the influence of managerial practices affecting their working relationships (Robertson, 2011).

The working relationships of vulnerable migrant workers are generally hidden at the lower end of the subcontracting hierarchy in the construction industry. With the burden of risk shifting from employer to employee, worker ability to exert influence on the decision making process concerning health and safety standards is limited. In addition, these lower end firms operate within a multi-layered contracting system in which construction workers are recruited through main contractors, subcontractors and labour intermediaries. As the focus of this research is on migrant labourers, it was therefore important to develop an analytical model which was sufficiently broad to take into consideration those factors influencing migrant workers' quest for employment outside their home countries, the conditions in the countries which subsequently employ them and the cumulative effect on their OHS when applied in a Kuwaiti context (Dainty et al., 2007; Holmes et al., 1999; Quinlan et al., 2001; Robertson, 2011; Sargeant & Tucker, 2009).

Model development. In order to develop a suitable model to apply to this study, several factors were taken into consideration. Firstly, qualitative research studies on the

experiences of subcontracted construction industry labourers had never been previously conducted in Kuwait, and the few studies which were available were based on a positivist epistemological standpoint using quantitative surveys which were controlled by the managers. These studies failed to take into account the inner views and feelings of the workers concerned. There were therefore insufficient qualitative data available upon which a comprehensive, qualitative theoretical model could be built. Secondly, since this research focuses on workers employed by small subcontractors in the construction industry, it was necessary to find qualitative research literature concerning workers in small businesses which could be contextualised within the Kuwait subcontracted construction industry. Sourcing this literature presented a challenging task for the researcher because of the exceptionally limited number of qualitative studies investigating vulnerable workers in small businesses.

Obstacles to conducting empirical research on workers employed by small businesses can “test even the most competent researcher” (Lamm, 2014, p. 161). Small businesses are often located at the end of a complex supply chain (Dainty et al, 2001; Holmes et al., 1999) In addition, these firms operate within a multi-layered contracting system and are therefore “horizontally contracted out” (Yun, 2009, p. 2). Workers are recruited through a complex process involving main contractors, subcontractors and labour agents and are therefore difficult to locate (Lamm, 2014; Nossar et al., 2004; Sargeant & Tucker, 2009; Yun, 2009). Moreover, not only can researchers have difficulty locating participants, they are likely to lose them during the period of the study, particularly when adopting a longitudinal epistemological paradigm, for example, ethnography, which involves interviewing and observation activities over long periods (Anderson & Hatton, 2000; Gray, 2014). Compounding the problem is the fact that small businesses are increasingly being characterised by their cultural and ethnic diversity and that they often operate within the informal economy (Lamm, 2014, p.

161). These factors add to workers' vulnerability because they are increasingly being precariously employed in poorly paid occupations for which they are unqualified and untrained (Lamm, 2014; Quinlan et al., 2010; Sargeant & Tucker, 2009). Moreover, as these workers are generally poorly educated and often functionally illiterate, data analysis and interpretation presents a challenge (Gerrish, Chau, Sobowale & Birks, 2004; Temple, 2002; Temple & Edwards, 2002; Temple & Young, 2004). Therefore, prior to commencing the research process, it was essential to find and evaluate useful models in the qualitative research literature on migrant worker vulnerability and identify those aspects which were most likely to increase the breadth, depth and value of the research through their incorporation and adaptation into an integrated model of analysis.

A small number of pioneering researchers conducting studies on worker vulnerability have developed useful analytical models for the analysis of factors influencing the lives and OHS of precariously employed migrant labour. Four of these models were chosen because they were relevant to this research. Firstly, the Pressures, Disorganisation, Regulatory failure (PDR) model, developed by Quinlan and Bohle (2004, 2009), which explores *OHS outcomes as a result of economic pressures, work disorganisation and regulatory failure*, is presented. Secondly, based on the work of Tucker (2002), Lamm (2014) developed an analytical model based on five *indicators of precariousness*: Certainty of ongoing employment; degree of employee control; level of income; level of benefits, and degree of regulatory and trade union protection. Thirdly, Gravel, Rhéaume and Legendre (2009) focused on the elements of *worker-manager dynamics affecting safety management in small business*. Access to compensation, fear of reprisal, language and comprehension problems and reduced employee control over OHS management structures inter-relate and limit safety management. Fourthly, Sargeant and Tucker (2009) adopted a *three layered approach* involving receiving country factors, migration factors and migrant worker factors. These models are now

presented and an analysis is made of the manner in which each model added value and depth to this research.

The PDR model. As previously explained in this chapter, changes in the labour markets since the 1970's have meant that reliable sources of full-time work have become eroded, leading to a significant increase in the employment of migrant labourers on temporary and part-time contracts. Reliable sources of full-time work have become eroded, simultaneously increasing the risk factors for contracted workers.

Quinlan and Bohle (2004, 2009) developed an analytical model which assists in the investigation of the impact which refer to three sets of factors contributing to the deterioration of worker OHS. As outlined in Table 3.1 below, the PDR model divides the factors which produce negative OHS outcomes for precarious workers into three risk categories.

Table 3.1

Risk Categories Associated with the PDR Model

Economic & Employment Pressures	Disorganisation at the Industry & Workplace	Regulatory Failure
Insecure jobs (fear of losing job)	Short tenure, inexperience	Poor knowledge of legal rights, obligations
Contingent, irregular payment	Poor induction, training, and supervision	Limited access to OHS, workers' compensation rights
Long or irregular work hours	Ineffective procedures and communication	Fractured or disputed legal obligations
Multiple jobholding	Ineffective OHSMS /inability to organise	Non-compliance and regulatory oversight (stretched resources)

Note: Sourced from Quinlan, M., & Bohle, P. (2004); Quinlan, M. & Bohle, P. (2009) and Underhill, E., & Quinlan, M. (2011).

Precarious employment is associated with economic pressures on payment and reward systems for instance, underbidding and corner-cutting by subcontractors. These economic factors result in work intensification, thereby placing greater pressure on workers, reducing both their ability and their interest in participating in workplace safety initiatives. Economic and reward pressures additionally include reduction of wage payments and overtime rates in relation to work intensification and greater task loads or longer working hours (Quinlan & Bohle, 2009). This concept is helpful in the analysis of the changes in the economic conditions of workers in Kuwait as a result of the employer backlash after the implementation of the Kuwait Labour Law No. 6 which abolished the *kafala* (sponsorship) system. Although the new law did not formally set a minimum wage rate, it was proposed by MOSAL that a minimum wage rate of KD60 per month be set for expatriate labour. However, as shown in Table 2.1 on page 28, the wages of expatriate construction industry labourers were immediately cut and their workloads were significantly increased.

The second risk category is disorganisation, which relates to the “weakening of induction, training and supervisory regimens” (Quinlan & Bohle, 2009, p. 8) and the

breakdown of communication channels amongst workers, including information on OHS issues (Quinlan & Bohle, 2009). The value of this analytical concept in the Kuwaiti context has been shown through interviews conducted with PMC stakeholders and documentary evidence from project contractual arrangements, revealing that the project management hierarchy has no connection with the management and OHS training of smaller subcontractor firms and their labourers.

Regulatory failure is the third risk category of the PDR model and refers to the difficulty in maintaining labour standards and allocating employer responsibility through enforcement and monitoring of legislative requirements in a labour market characterised by a proliferation of small subcontracted firms. Al-Tabtabai (2002) showed that in 1999 an estimated 60% of the total workforce in Kuwait was employed by subcontracted firms, many of which are in the construction industry. Therefore the PDR model would be useful in analysing what labour standards are applied to the management and subsequent OHS of these workers.

The PDR model is particularly valuable when analysing the factors leading to the breakdown of bargaining rights of workers through the growth of subcontracted and outsourced labour in traditionally trade unionised countries. Previous research conducted by Quinlan et al. (2002) which preceded the development of the PDR model, exposed the negative OHS effects due to downsizing, growth of temporary employment, subcontracted and home-based work and the growth of small businesses. This led to the constriction of organised labour initiatives aimed at protecting the OHS of trade union members across a broad range of subcontracted industries and occupations (Quinlan & Bohle, 2009). The model can thus be usefully applied to many countries with a history of organised bargaining rights which have subsequently been reduced due to the growth of precarious labour.

In Kuwait, however, the situation is more complex in that all expatriates are, and always have been, denied the right to trade unionise (Kartam et al., 2000), and therefore their right to collectively bargain or participate in decision making has never existed. Their rights exist only in the context of their daily working relationships with managers and supervisors, where they are subject to fluctuating whims based on favouritism (Kazemi & Ali, 2002). The PDR model is restrictive in that it does not include specific parameters for the analysis of how the managerial and expatriate labour recruitment agent hierarchy in Kuwait deliberately exploits and entraps subcontracted workers within Kuwait, leading to severely compromised OHS outcomes. Moreover, it would be difficult to analyse the extent to which the impact of these practices affects the welfare of workers' immediate and extended families in their countries of origin. However, the PDR model is particularly useful in its consideration of aspects of regulatory failure.

The Lamm (2014) model. Based on the work of Tucker (2002), Lamm (2014) developed an analytical framework based on five dimensions of worker precariousness linking the fundamental characteristics of the employment relationship (Lamm, 2014, p. 164), as reproduced below in Table 3.2.

Table 3.2

Dimensions of worker precariousness.

1. Certainty of ongoing employment	<ul style="list-style-type: none"> • There are no short-term or long-term career prospects. • There is a high risk of job loss. • The job can be terminated with little or no prior notice by the employer. • There is no explicit or implicit contract for ongoing employment. • The earnings are uncertain or irregular.
2. Degree of employee control	<ul style="list-style-type: none"> • Employees have low level of control/ bargaining power over employment processes and working arrangements (wages, pace of work, working conditions). • Hours of work are uncertain or can be changed at will by the employer. • Functions of the job can be changed at will by the employer. • The task performed or the health and safety practices at the workplace make the job dangerous or unhealthy.
3. Level of income	<ul style="list-style-type: none"> • The job is low income – at or below the minimum wage. • The level of income is insufficient to maintain the wellbeing of workers and their dependents.
4. Level of Benefits	<ul style="list-style-type: none"> • There is little or no access to 'standard' non-wage employment benefits such as sick leave, domestic leave, bereavement leave, or parental leave. • There is limited or no opportunity to gain and retain skills through access to education and training.
5. Degree of regulatory and union protection	<ul style="list-style-type: none"> • There is, in practice, no protection against unjustifiable dismissal, discrimination, sexual harassment, unacceptable working practices, including hazardous conditions. • Union representation is non-existent or low and discouraged by the employer.

Note: Sourced from Lamm, (2014) and Tucker, (2002).

The first dimension concerns the degree of certainty of continuing employment. Precarious jobs are usually those of short or limited duration or there is a high risk of termination of employment. This bears relevance to the situation for subcontracted labourers in Kuwait because it allows for the expansion of initial themes developed in Chapter 2, Table 2.1 including fear of job loss, increased illegal visa trading and deportations without notice as a result of the abolishment of the *kafala* system. Although all expatriate workers of Asian origin initially arrive in Kuwait on fixed term contracts, those who became dependent on a *kafeel* often remain in Kuwait at the whim of their sponsors and are therefore unsure of their futures.

The second dimension concerns the degree of control which the worker has over working conditions, wage levels and of pace of work. The literature on construction safety has clearly shown that the degree of control which contracted workers in the construction industry have over their working arrangements, wages and of pace of work

is limited (Valcarel, 2004; Xia et al., 2004; Yun, 2009). In Kuwait this situation is compounded by the contractual and geographical distancing between project owners, PMCs and subcontracted labourers with severe consequences for their OHS (Al-Tabtabai, 2002; Kazemi & Ali, 2002). In this system, most employment contracts are negotiated between main contractors and the subcontracting firms and the project owners have no part in the process. Expatriate labourers, therefore, have very little control or bargaining power in terms of contract negotiation.

The third dimension is the question of whether the income earned by the worker is at or below the minimum wage rate is associated with the ability for the worker to maintain their own wellbeing as well as the wellbeing of their dependents and therefore adds value to the analysis of migration factors in the adapted Sargeant and Tucker (2009) model., a situation which was extrapolated by suspected complicity between MOSAL and visa traffickers.

The fourth dimension considers what benefits workers have, such as sick leave, domestic leave, bereavement or parental leave and the opportunity to gain skills through training. Law No. 6 stipulated that all employees were entitled to 30 days of annual leave, the right to take accumulated leave after two years with the consent of the employer, 15 days of paid sick leave with provision for an additional 15 days on pro-rata basis and 30 days without payment, and 3 days bereavement leave. In Kuwait, notwithstanding the provisions of the law, many illiterate expatriate subcontracted labourers were uninformed of the exact nature of any changes or their entitlements relying on either their sponsors or information from their colleagues. Evidence shown in Chapter 2, Table 2.1, page 28, reveals that expatriate labourers who remained illegally in Kuwait were forced to rely on the goodwill of their *kafeel* (sponsors), who took advantage of the situation to rid themselves of unwanted workers through submitting bogus reports of absconding workers, leading to their instant deportation. Moreover,

MOSAL covertly supported these sponsors and protected them from being prosecuted for bogus reports. The Lamm (2014) model therefore provides the parameters through which the extent of information and access to all the provisions made in Labour Law No. 6 was made known and subsequently applied by their managers. This adds further depth and value to the study of management and supervisory influences on subcontracted migrant worker vulnerability.

The fifth dimension of the Lamm (2014) model is concerned with the question of protection from discrimination, unfair dismissal, unacceptable working practices and hazardous working conditions, and the provision of social benefits which are afforded to workers. The Lamm (2014) model is relevant because it enables the analysis of the extent to which workers are protected, either by law, or through trade union representation, or through customary practice (Rodgers & Rodgers, 1989, p. 3). As previously explained, in Kuwait, expatriate workers are forbidden to trade unionise and have no access to the social benefits enjoyed by Kuwaiti citizens through the oil rentier system (Chalcraft, 2010). The enactment of Labour Law No. 6 was designed to provide access to legal representation for workers by submitting complaints to MOSAL. However, because of the geographical and social isolation of these workers, gaining access to MOSAL is difficult for the estimated 107,000 expatriate labourers in the construction industry, particularly for the 45% who are functionally illiterate or have received only basic education in the languages of their sending countries (Al-Tabtabai, 2002).

The Lamm (2014) model therefore provides the parameters for analysis of the extent of information and access to all the provisions made in Labour Law No. 6 in terms of overtime rates and hours of work, whether and how it was made known and subsequently applied, and whether workers were protected by their supervisors and managers from the effect of geographical and social isolation which lead to their lack of

knowledge in terms of their legal rights. The provisions for depth analysis provided in the Lamm (2014) model have therefore added specificity and contextual depth to the study of subcontracted worker OHS.

The Gravel, Rhéaume & Legendre (2009) model. The worker-management dynamics model of analysis proposed by Gravel et al. (2009) is based on indicators of barriers to the acceptance of the value of retaining and training migrant workers through the allocation of OHS resources in order to develop a safety culture. Small businesses focus on survival tactics, and economic factors outweigh any evidence that improved OHS would benefit their organisations (Gravel et al., 2009, p. 3). Small businesses therefore tend to focus on replacing injured workers and not on improving their OHS (Mayhew et al., 1997).

Gravel et al. (2009) further contend that unskilled and low skilled workers put little effort into OHS since they believe that they have nothing to gain, or indeed to lose because, unlike the workers in Kuwait, they are not at risk of deportation and destitution of their families. Moreover, they claim that the manner in which expatriate workers and managers comprehend OHS instructions and measures is determined by previous cultural experiences in business environments other than their host society (Gravel et al., 2009, p. 3; Lamm, 2014). The analytical model is reproduced in Fig. 3.1 below and focuses on worker-manager dynamics in the appropriation of safety management.

Figure 3.1 Analytical framework: Managing diversity in the implementation of occupational health and safety measures in small businesses with an immigrant workforce.

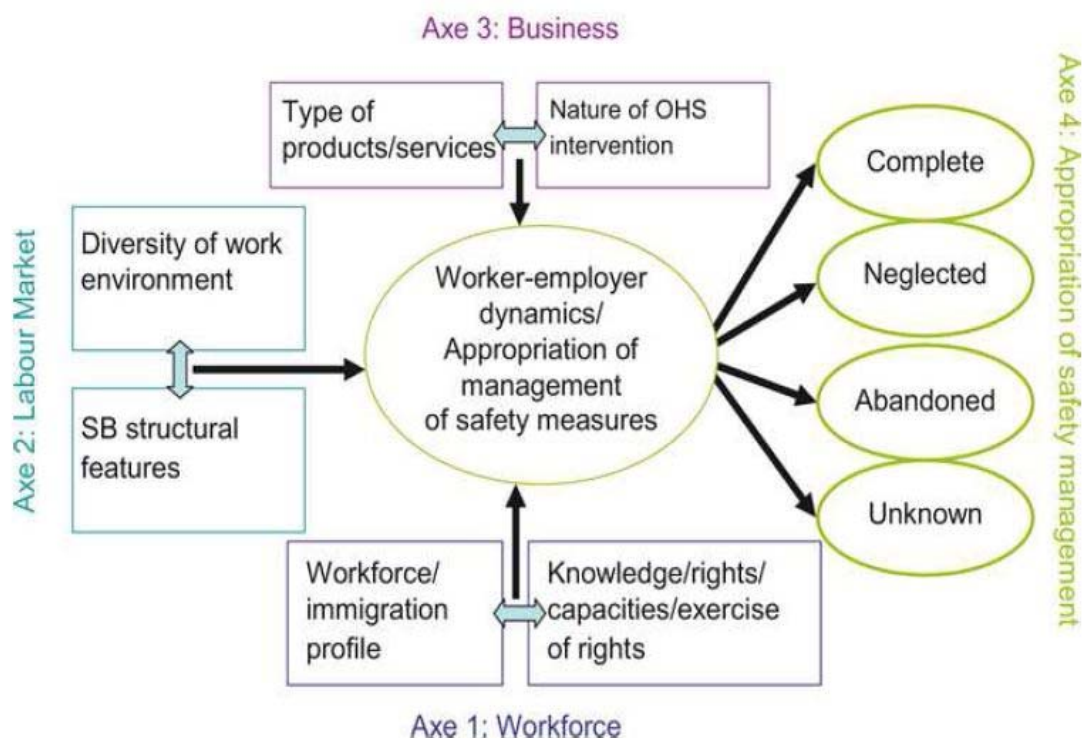


Figure 3.1 Sourced from Gravel, Rhéaume and Legendre, G. (2009).

The model is useful in that it enables the analysis of the effect on OHS of workers in small subcontracted firms of the reluctance on the part of managers and owners in this sector to appropriate the implementation and management of health and safety measures, in a work environment in which both managers and workers experience difficulty in “grasping the culture of OHS” (Gravel et al., 2009, p.2). In the Kuwaiti context, these concepts would add depth to the Sargeant and Tucker (2009) model by enabling the analysis of the extent of interest demonstrated by owners and supervisors of subcontracting firms towards their employees’ health and safety. An analysis of the level of communication and training and support provided to workers by their owners and supervisors demonstrates whether the firm concerned has completely appropriated the value of OHS; whether OHS is simply neglected because owners and managers do not have the level of understanding required to comprehend the value of OHS; whether

managers simply abandon the idea that ensuring the safety of workers is important for productivity; and whether they themselves have no comprehension, knowledge or willingness to be involved in health and safety because of their own cultural experiences. This applies to Kuwait where, as previously outlined in Chapter 2 and earlier in this chapter, expatriate workers have always been culturally regarded as disposable resources in a business environment which treats workers as objects (Afsar, 2009; Chalcraft, 2010; Crystal, 1990; Farques, 2011).

Secondly, applying this model of analysis would have to include exploring the perceptions of owners, managers and supervisors of subcontracting firms on the value of appropriating OHS. This concept is interesting in that it enables the development of a deeper understanding of why small subcontracted firms do not readily adopt health and safety measures in Kuwait. Although such a concept is beyond the scope of this research project it opens the opportunity for future research on this phenomenon in the future.

The Sargeant and Tucker (2009) model. Analysing the causes and extent of migrant vulnerability is a complex issue, one which requires the application of a comprehensive analytical model which is sufficiently broad to incorporate the diverse nature of migrant employment and simultaneously take into account the numerous factors in the host country and the country of origin affecting the lives and safety of workers (Boocock et al., 2011; Lamm, 2014; Quinlan & Bohle, 2004; Robertson, 2011). Sargeant and Tucker (2009) developed a framework applying a three layered approach which encapsulates the diverse factors affecting the vulnerability of migrant workers and recognising the heterogeneity of migrant work in different countries (p. 51).

Risk factors for workers are divided into three layers. Layer 1, includes receiving country factors such as socio-economic conditions in receiving country; employment sector in which labourers are employed; access to, and strength of regulatory or trade

union protection; and social inclusion or exclusion. In the absence of the ability for subcontracted workers to unionise in Kuwait, this layer enables the broad analysis of legal structures in Kuwait which influence the OHS of subcontracted workers. Layer 2, migrant security in receiving country includes the existence and nature of legal status; right to remain; roles of recruitment agents and employers; and treatment of migrants. In the Kuwaiti context, these elements facilitate the analysis of the broader issues which influence the decisions by labourers, in the absence of any hope of gaining citizenship in that country, to accept contracts which are tied to a particular employer, thereby rendering them highly vulnerable. Layer 3, migrant worker factors, determines the reasons for migrating; education, language and skills levels; and availability and access to decent work. This layer broadly examines the factors in subcontracted worker home countries which drive them to seek work in Kuwait, and contextualises these in terms of education, language and skills levels.

The adapted Sargeant and Tucker model. The order in which the layers have been presented in this study differs from that of the original Sargeant and Tucker (2009) model in that Receiving country factors are presented first, followed by Migration factors and thirdly, Migrant worker factors. This is due to the fact that it became clear from the outset of the data gathering process that receiving country factors were the dominant primary concept encapsulated in OHS related worker responses, from which migration factors and migrant worker factors such as security and legal status in receiving country and socio-economic conditions in the sending countries affected worker OHS, logically flowed.

The Sargeant and Tucker (2009) model is particularly useful in the analysis of the factors influencing subcontracted worker OHS. Firstly, it recognises the heterogeneous nature of migrant work and therefore enables the broad analysis of migrant populations most likely to be at risk (p. 51). Secondly, the model facilitates the comparative analysis

of the OHS of at-risk migrant populations across different countries including overlapping combinations of risk factors such as the impact of language differences and OHS issues. The model's strengths therefore lie in its ability to set the parameters for establishing broader political, economic and institutional influences on migrant worker OHS across countries, continents and groups of industries and is therefore is unquestionably the most appropriate model to serve as a platform for the analysis of subcontracted migrant labourers in Kuwait. In order to increase the depth of analysis of the Sargeant and Tucker (2009) model, and in keeping with the World Health Organisation EMCONET 2007 report, the model was adapted by the addition of an additional Layer 4, namely OHS management systems which was developed by incorporating concepts produced in the comparative models of Quinlan and Bohle (2009). Lamm (2014) and Gravel et al. (2009) referred to earlier in this chapter.

The Quinlan and Bohle (2009) PDR and Lamm (2014) models were influenced by the EMCONET (2007) report which included Occupational Health and Safety Management as an important concept demonstrating the interaction between key employment conditions and health inequalities. Insights from the PDR model are associated with economic pressures on payment and reward systems, disorganisation and the “weakening of induction training and supervisory regimens” (Quinlan & Bohle, 2009, p. 8). In addition, the concept that economic and reward pressure additionally includes wage payments and overtime rates in relation to work intensification, greater task loads or longer working hours (Quinlan & Bohle, 2009) is helpful in the analysis of the economic conditions of workers in Kuwait as a result of the employer backlash and its effect on the way in which workers were managed and supervised after the implementation of Labour Law No. 6 in Kuwait.

The Lamm (2014) model is very useful because it adds contextual depth and specificity to the analysis of migration factors outlined in the original Sargeant and

Tucker (2009) model, in that Lamm (2014) allows for the depth analysis of the *degree of control* which workers have on their working conditions, wage levels, pace of work, and capacity to maintain their own wellbeing as well as the wellbeing of their dependents. The question of whether the income earned by the worker is at or below the minimum wage rate is also associated with the way in which they were managed after the implementation of Labour Law No. 6. In addition, the model allows for the depth exploration of whether and to what extent, workers were protected by their supervisors and managers from the effect of geographical and social isolation leading to their lack of knowledge in terms of their legal rights. These factors are analysed within the parameters of Level 4 of the adapted Sargeant and Tucker model, OHS management systems.

Gravel et al. (2009) add contextual depth to the Sargeant and Tucker (2009) model by enabling the analysis of the extent to which worker OHS is influenced by the attitudes and willingness of managers to take on board measures to include health and safety training, safety communication and support, whether the owners of subcontracted companies have the level of understanding to comprehend the value of OHS, and whether owners and managers of these firms simply do not have any interest in workers other than to use them as disposable resources in the race for profits. These concepts are useful in the analysis of OHS management systems in the Kuwaiti construction industry, and their effect on subcontracted expatriate labourer OHS.

The insights encapsulated in the Quinlan and Bohle (2009), Lamm (2014) and Gravel et al. (2009) model have therefore provided a solid, in-depth facet to the analysis of subcontracted migrant workers in Kuwait through the incorporation of their wisdoms into the additional Layer 4, which is in keeping with the EMCONET (2007) parameters of fair employment. The addition of this layer has enabled the analysis of management and supervisory practices in Kuwait in the context of dimensions of decent work laid

out in the report. Freedom from coercion, job security and safe employment conditions, fair income, job protection, respect, non-discrimination and workplace participation are the key components defining what is considered to be a fair management culture as practiced within the employment relationship, all of which are shaped by the way in which expatriate workers are treated within the OHS hierarchical management system in Kuwait.

In terms of the existence of the provision of safe employment conditions, preparatory interviews with PMC stakeholders revealed that although project owners approve or disapprove of proposed employment contracts for senior project management staff, they prefer to distance themselves from low level appointments at semi-skilled and unskilled level, therefore expatriate workers are not afforded the opportunity to negotiate contracts which ensure that their jobs are secure, as preliminary literature has shown that many contracts are negotiated by labour agents in the sending countries who are in collusion with contractors in receiving countries (Afsar, 2009). Table 2.1 in Chapter 2 clearly shows the non-existence of expatriate bargaining rights. Apart from the fact that expatriates are not permitted trade union membership, even the limited bargaining power which they may have possessed prior to the employer backlash through being able to ask questions of the person signing their contract were eroded. Newspaper reports referred to in Table 2.1, page 28 document the fear created by simultaneously conducted and orchestrated deportations in Kuwait where unemployed workers who had been the victims of visa trafficking were subsequently dumped and labelled as criminals because of bogus reports by their erstwhile sponsors that they had absconded. It is therefore unlikely that any expatriate worker would risk the consequences of questioning the decisions or actions of their sponsors, supervisors or agents.

Preliminary literature reviewed also pointed towards lack of protection and discrimination during the period in which deportations occurred. Expatriate workers were unable to visit hospitals due to law changes prohibiting them from visiting during the morning. This meant that if they had been injured or were ill for any reason, and their job requirements were to work until 3 or 4 in the afternoon, they would be forced to travel to hospital at night using private transport, risking instant arrest and deportation for incidents such as minor traffic infringements and expired drivers' licences. Newspaper reports also confirmed that many people travelling to hospitals during the afternoon on public transport who did not have their proof of residence on their persons at the time, were instantly arrested and subsequently deported without their passports and without being given the chance to obtain proof of residency.

Thus, the lack of commitment within the employment relationship as defined by the EMCONET (2007) parameters of fair employment has been clearly demonstrated, and fully justifies the addition of the fourth layer incorporating insights from the Quinlan and Bohle (2009) PDR model, Lamm (2014) model and Gravel et al. (2009) models.

In summary, of the four conceptual frameworks which were considered in this thesis, the Sargeant and Tucker (2009) model is most useful in the analysis of factors influencing the OHS of subcontracted workers in Kuwait because of its ability to incorporate a broad analysis of all the factors which impact on migrant populations. Across borders, countries, continents and groups of industries, it "recognises the heterogeneity of migrant work and facilitates our ability to focus on those populations that are most likely to be at risk" (Sargeant & Tucker, 2009, p. 51), and includes factors in migrant worker countries of origin which affect their OHS in the countries to which they choose to emigrate. However, because migrant workers in Kuwait are additionally vulnerable in that they are not employed on permanent contracts and therefore have no

hope of ever achieving permanent resident or citizenship status, this added a whole dimension of factors which impact on their lives and OHS, and this is where concepts in the Quinlan and Bohle (2009) PDR model, the Lamm (2014) model and the Gravel et al. (2009) model enabled the creation of Layer 4 to address this shortcoming and augment existing concepts contained within the original three layers.

The Quinlan and Bohle (2009) PDR model enables the deeper analysis of what labour standards are applied by the OHS management hierarchy in Kuwait and its effect on the OHS of workers, particularly when considering aspects of regulatory failure in terms of the honouring of measures encapsulated in the New Labour Law No. 6, which was intended to protect all workers in the private sector, including migrant workers.

The Lamm (2014) model adds value to Layer 2, Migrant security, in that firstly allows for deeper analysis of the degree of control which workers in the Kuwaiti construction industry have over their working arrangements, which are effected by the roles of recruitment agents and employers in the development of their contracts of employment. The Lamm (2014) model additionally adds depth to the analysis of the degree of control which the worker has over working conditions, wage levels and pace of work, once that worker commences his employment, all of which are linked to OHS management systems, effectiveness of supervision, communication and training, analysed in the additional Layer 4 of the adapted Sargeant and Tucker (2009) model. The Lamm (2014) model enables analysis of whether wage levels earned by workers are sufficient to maintain their own wellbeing as well as that of their dependents, and whether conditions such as sick leave, domestic leave and bereavement leave are honoured within the employment relationship. Moreover, the model addresses the question of whether workers informed of, or given the opportunity to gain additional skills through training, and whether steps were taken to make up for their lack of

knowledge of their legal rights due to geographical and social isolation. All of these factors are linked to OHS management systems.

Finally, the Gravel et al. (2009) model is useful in the analysis of the effect on worker OHS in small subcontracted firms due to the reluctance on the part of managers and supervisors to appropriate the implementation of health and safety measures as part of their management systems, considered in Layer 4 of the adapted Sargeant and Tucker (2009) model.

The adapted Sargeant and Tucker (2009) model provides a comparative framework with the parameters and flexibility not only to compare the OHS issues of various clusters of migrants within any single country but to cross borders and be applied internationally to reflect the OHS issues in numerous countries and across all occupations. In addition, through its adaptation, the model enables the micro analysis of OHS management factors and how these impacted the health, safety and lives of subcontracted construction industry labourers in Kuwait.

Table 3.3 below presents the adapted and modified Sargeant and Tucker (2009) analytical framework which will be applied to this research.

Table 3.3

Layers of Vulnerability

Layer	Description
Layer 1 Receiving country factors	Socio-economic conditions Employment sector Regulatory protection /trade union role Social inclusion /exclusion
Layer 2 Migrant security – receiving country	Existence/nature of legal status / contract Right to remain Roles of recruitment agents / employers Treatment of migrants
Layer 3 Migrant Worker Factors	Reasons for migrating Education, language and skills levels Availability and access to decent work
Layer 4 OHS Management Systems	PMC / Subcontractor hierarchy Effectiveness of supervision Communication and training

Note: Adapted from Sargeant & Tucker (2009), EMCONET (2007), Quinlan & Bohle (2009), Lamm (2014) and Legendre et al. (2009).

Having presented the rationale and benefits of applying the adapted Sargeant and Tucker (2009) model to this thesis, the way in which workers are rendered invisible in Kuwait is now discussed.

Relationship between Layers of Vulnerability and Worker Invisibility. Figure 3.2 depicts the effect of pressure and power exerted on workers which renders them “invisible” (Eakin, 2010, p. 113) when management and OHS practices within the elements are detrimental to workers (Eakin, 2010). The degree to which workers become invisible will differ from country to country, depending on the degree to which they are subject to poor management practices. The concept of invisibility as presented in this thesis is based on the premise that workers have no real identity other than in their particular workplaces (Eakin, 2010, p. 116), and that if the OHS management systems within the employment relationship creates an environment which prevents workers ideas, opinions and beliefs from being heard in that workplace, the worker, his quality of health, his safety, and his concerns, his very existence, remains unseen (Eakin, 2010, p. 116). Chapter 2 revealed how, in Kuwait, the situation for invisible

workers has been exacerbated by the enactment of laws and policies aimed at the regular deportment of expatriate workers, in diasporic events reflecting a systemic denial that Kuwaiti society is heavily reliant on expatriate labour (Chalcraft, 2010; Randeree, 2012).

Figure 3.2 Relationship between Layers of Vulnerability and Worker Invisibility.

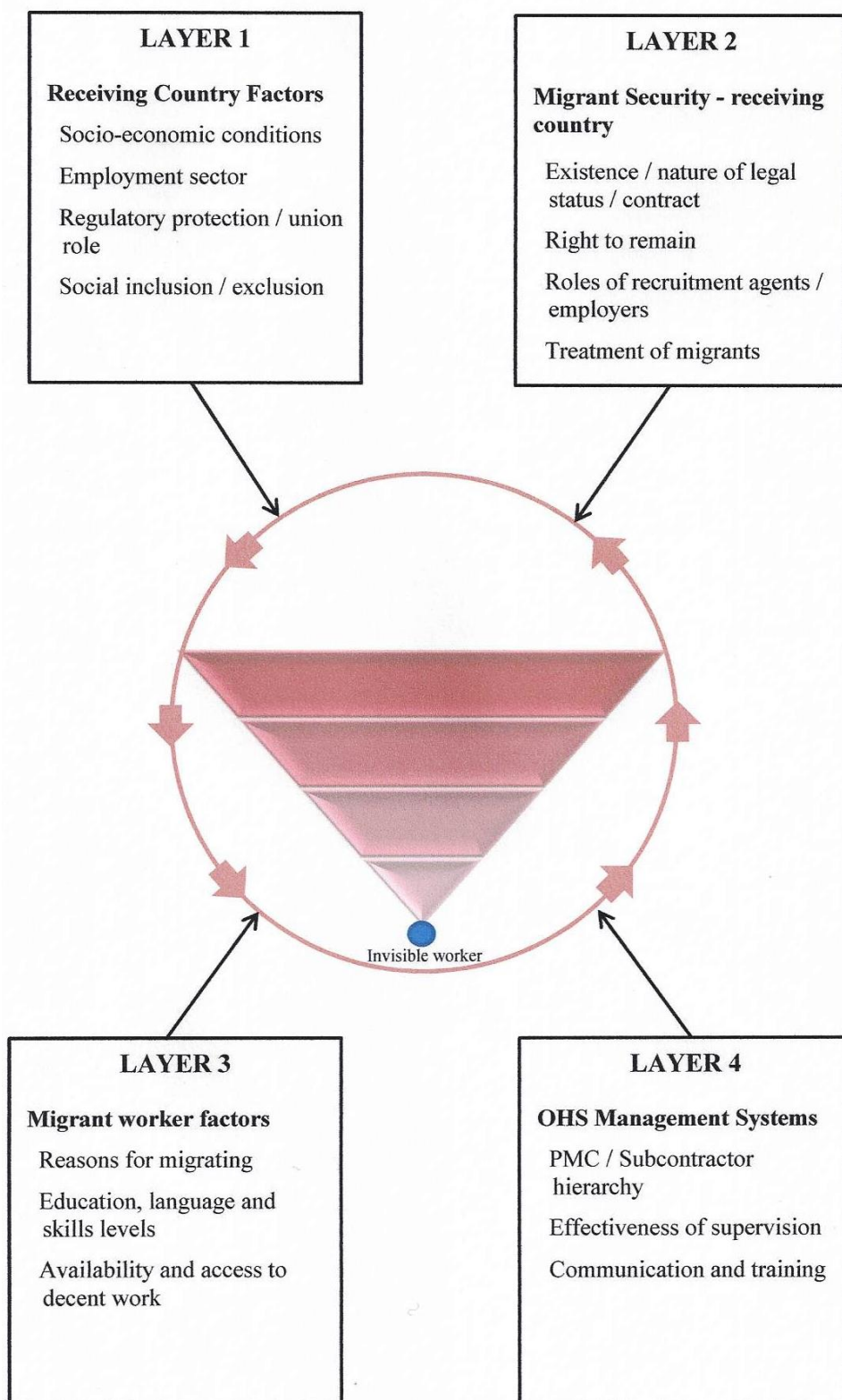


Figure 3.2. A representation of the forces rendering the worker invisible.

Following on from the analysis of the ways in which expatriate labourers are rendered invisible in the Kuwaiti context and the suitability of the adapted Sargeant and Tucker (2009) model through which these factors may be analysed, Table 3.4 links the adapted Sargeant and Tucker (2009) framework to key research questions, showing emergent themes which will be addressed by this research.

Table 3.4

Relationship between Layers of Vulnerability, Key Research Questions and Emergent Themes

Layers of Vulnerability	Key Research Questions/ Emergent Themes
<p>Layer 1</p> <p>Receiving country factors Socio-economic conditions Employment sector Regulatory protection/trade union role Social inclusion/exclusion</p>	<p>How, and to what extent, is the health and safety of migrant workers affected by their inclusion/exclusion in the Kuwaiti life/work framework?</p> <p><i>Emergent Themes</i></p> <p>Social exclusion Wage stratification No legal redress Employer backlash</p>
<p>Layer 2</p> <p>Migrant security – receiving country Existence/nature of legal status/contract Right to remain Roles of recruitment agents/employers Treatment of migrants</p>	<p>What is the extent of worker access to representation and regulatory protection?</p> <p>How does the legal status of migrant workers affect their lives?</p> <p>How do the roles of recruitment agents and employers in the migration processes affect migrant OHS?</p> <p><i>Emergent Themes</i></p> <p>Lack of OHS training Sub-standard accommodation Dishonest recruitment agents</p>
<p>Layer 3</p> <p>Migrant worker factors Reasons for migrating Education, language and skills levels Availability and access to decent work</p>	<p>What are the reasons for migration and how do these affect worker attitudes towards safety?</p> <p>What are the effects of migrant education, job type, language and training skills levels on their OHS?</p> <p><i>Emergent Themes</i></p> <p>Effect of levels of education and training on OHS</p> <p>Were subcontracted workers allocated the job and salary they were promised when employed</p> <p><i>(continued)</i></p>

Table 3.4

Relationship between Layers of Vulnerability, Key Research Questions and Emergent Themes (continued).

Layers of Vulnerability	Key Research Questions/ Emergent Themes
Layer 4	
OHS Management Systems	What are the influences of OHS management systems on the lives, experiences and OHS of migrant workers?
PMC/Subcontractor hierarchy	
Effectiveness of supervision	
Communication and training	
	<i>Emergent Themes</i>
	Effect of 'blame the victim' approach by management
	Relationship between subcontractor layers and OHS loss of control
	Extent of physical and mental illness in subcontracted labourers
	Effect of standard of building materials permitted

Note. Layers of Vulnerability adapted from Sargeant & Tucker (2009) and EMCONET (2007).

Conclusion

The aim of this chapter was to examine the nature, growth and characteristics of vulnerable migrant labourers in Kuwait. A critique was developed of the literature on vulnerable workers, determinants of precarious employment and the vulnerability of subcontracted labourers in the Kuwaiti construction industry, and the OHS of construction workers. Useful analytical models were explored and the rationale for the application of the adapted Sargeant and Tucker (2009) model was presented. Preliminary gaps in the research were identified and laid out in Table 2 as a precursor to the development of firm themes which will be explored in Chapters 5 and 6, Data Analysis and Findings.

The following Chapter 4, Methodology, provides a detailed analysis on the development of an effective epistemological and methodological platform for the further development of this research project.

Chapter 4 - Methodology

Introduction

The qualitative research community are currently seeking new ways in which to make sense of the deteriorating conditions that define the daily lives of vulnerable workers and to gain consensus on an effective epistemological and methodological platform for conducting further qualitative research of these workers (Denzin & Lincoln, 2011a, p. ix; Lamm, 2014; Leedy & Ormrod, 2010; Liamputtong, 2009; Taylor & Bogdan, 1998). Although there are those in the qualitative research community who question the need for the application of methodological theory to qualitative research (Avis, 2003; Schwandt, 1996), prominent qualitative researchers nevertheless argue that it is time to develop new methods and to explore new discourses to find new ways of “connecting persons and their personal troubles with social justice methodologies” (Denzin, 2011a, p ix).

As previously discussed, there are few studies on the lives health and safety of migrant construction workers in Kuwait, and most of these are from a singular perspective, such as medicine or engineering. Although the empirical study of migrant workers is increasing, it is nevertheless limited in terms of the effect of migratory and management practices in Kuwait on the lives and health and safety of subcontracted migrant workers employed in the construction industry. Health and safety strategies, processes and procedures specifically aimed at protecting migrant workers in the sub and sub-sub contracted construction industry are non-existent, a situation which is exacerbated by the limitation of worker access to regulatory protection in Kuwait. There is therefore the need for robust analysis of all the factors influencing migrant worker lives and safety.

The conceptual framework forming the experiential bedrock for this exploration is based upon the work of Sargeant and Tucker (2009), who developed a layered

framework for assessing the nature and the extent of the vulnerability of migrant workers. As outlined in Chapters 1 and 3, an adapted version of this basic framework has been considered as a platform for this research project, including an added layer which includes OHS management systems within the Project Management Consultancy and Subcontracted hierarchy. These layers include, firstly, the effect on migrants of socio-political conditions and regulatory protection within the receiving country, secondly, security status linked to employment contracts and thirdly, reasons for migration, such as the socio-economic conditions, levels of training and availability of decent work in migrant countries of origin. The added fourth layer outlines the effectiveness of managerial supervision, motivation, communication and training and the effect this had on OHS outcomes for subcontracted migrant labourers in the Kuwaiti construction industry. As outlined in Chapter 3, the fourth layer was added as a result of valuable insights from pioneering authors on vulnerable migrant labour, namely Quinlan and Bohle (2009), Lamm (2014) and Gravel et al. (2009), all of which contributed significantly to the depth of analysis provided for in the original Sargeant and Tucker (2009) model.

The adapted Sargeant & Tucker (2009) model is also useful because it provides a comparative framework in order to “better understand the salience of risk” (Lamm, 2014, p. 167), and as “the most effective rendering of the *extent* to which employment is precarious” (Lamm, 2014, p.164).

The stages of the research process are presented in Fig. 1, demonstrating the inductive nature of the research process which evolved over three stages, beginning with a review of the literature and identification of gaps, so enabling the research object to be established. Key research questions were formulated during the second stage. During the third stage, the data were analysed, conclusions were drawn and the literature review was revisited.

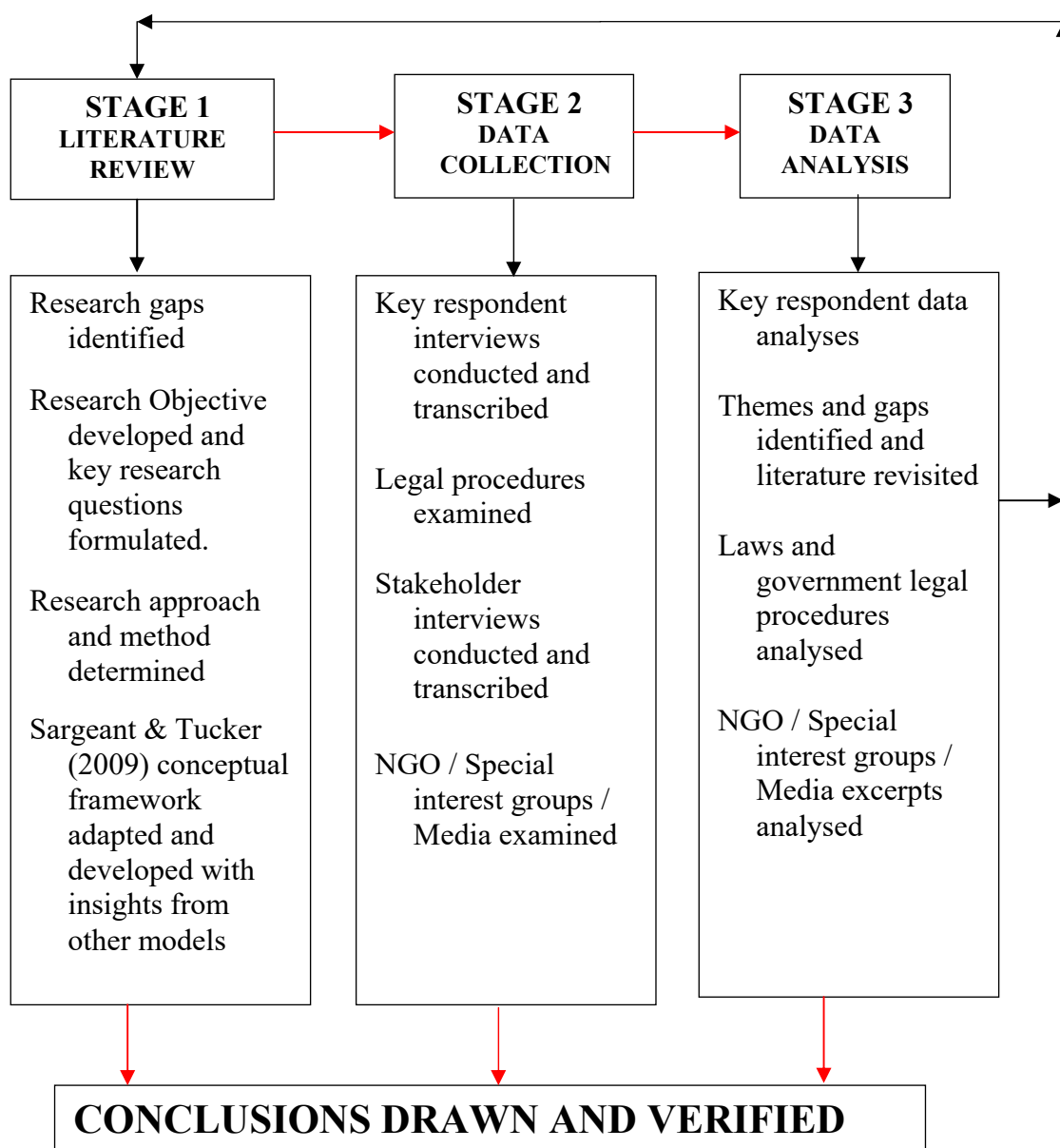
Figure 4.1 - Stages of the Research

Figure 4.1. Illustration of the iterative process by which the research was developed.

The purpose of this chapter is to outline an appropriate methodological research design which will facilitate answering key research questions as outlined in the Sargeant and Tucker (2009) layered approach. Firstly, the research approach is outlined, providing the rationale for the adoption of a phenomenological research paradigm. The epistemological stance supporting this theoretical perspective, strengthened by data triangulation, is provided, followed by the research design and the manner in which data are triangulated to produce a reliable and valid outcome.

In-depth-interviewing as the principal data gathering method is proposed. Due to the importance of gathering rich data within limited time and respondent accessibility, a detailed description of the interview process is provided. The role of an interpreter in the entire interview planning and data gathering process is outlined and the inclusion of the interpreter in ensuring the rigorous application of ethical protocols is explained.

Given that there are few ground rules for drawing and verifying conclusions in qualitative research (Patton, 2002), the process through which data were analysed is detailed. Data organisation, sorting, classification and development into themes is described.

Finally, the manner in which methodological rigour was attained is presented in tabulated format.

Research Approach

Conducting research on vulnerable migrant workers is a notoriously difficult undertaking (Lamm, 2014). As previously discussed, migrant construction industry workers are particularly vulnerable to abuse in the workplace, as they are generally at the lower end of the organisational hierarchy in any construction project and their ability to exert influence on decision making processes is limited (Holmes et al., 1999). Furthermore, these firms operate within a multi-layered contracting system in which construction workers are recruited through main contractors, subcontractors and labour

intermediaries, thus rendering low level workers at sub-sub contracted levels, invisible, and difficult to access. Thus, existing research at this level is limited. In particular, no research has been conducted on migrant workers in the subcontracted construction industry in Kuwait from a *worker viewpoint*. Empirical research on health and safety has been characterised by quantitative methodologies based on large sample, quantitative surveys such as questionnaires (for example, Ali & Azim, 1996; Choudry & Fang, 2008; Kartam & Bouz, 1998; Koushki et al., 2004). However, there are an increasing number of qualitative research projects which have been undertaken by prominent researchers in the health and safety discipline (Eakin, 2010; Lamm, 2014; Quinlan, Mayhew & Bohle, 2001; Quinlan & Mayhew, 2001). It was therefore considered appropriate to analyse and clarify the most suitable research approach to adopt in this particular study.

Prior to establishing the research method, some of the established epistemological arguments surrounding the differences between quantitative and qualitative methods were explored. Gray (2014, p. 191) maintains that the epistemological stance is the most serious issue which researchers need to consider when deciding on a relevant research method. Quantitative research is viewed, on the one hand, as emanating from an objectivist position on the part of the researcher, holding that reality exists independently of the researcher and should therefore be “investigated through the rigorous process of scientific enquiry” (Gray, 2014, p. 20). On the other hand, qualitative research is viewed to be more closely related to a constructivist paradigm which holds that truth and meaning is constructed and interpreted by individuals as a result of that person’s interactions with the world (Gray, 2014, p. 191). Because meaning is *constructed* and not *discovered* (Gray, 2014, p. 20), two people may attach their own meaning to the same phenomenon, and both interpretations are therefore correct in terms of the manner in which they are perceived.

Two primary epistemological positions in the context of qualitative versus qualitative standpoints were considered by the researcher, namely the relationship between researcher and respondents and secondly, the focus of the research.

Firstly, the relationship between researcher and respondents is approached differently depending on which philosophical stance is adopted. In quantitative research, researchers distance themselves from those they are researching, making use of structured questionnaires issued to large samples of people, whereas qualitative researchers involve themselves directly with respondents, identifying themselves with the people they study in order to understand how these people see and experience things (Denzin & Lincoln, 2011b; Gray, 2014; Taylor & Bogdan, 1998). In other words, quantitative researchers seek to verify theory, whilst qualitative researchers “seek to establish theory” (Gray, 2014, p. 192).

Secondly, the research focus will determine the philosophical stance to be applied. As Silverman (2000) maintains, “the choice between different research methods should depend on what you are trying to find out” (Silverman, 2000, p.1). In this instance, the research focused on establishing the truth and meaning of interactions within contextual influences on the lives and OHS of subcontracted workers *from their perspective*, constructed from their own perceived interactions with the world in which they live and work (Green & Thorogood, 2009; Lamm, 2014; Liamputtong, 2009; Patton, 2002; Taylor & Bogdan, 1998). The quantitative approach in conducting studies on OHS focuses on the collection of *facts* and comparing these to a pre-determined set of variables. These usually lie within a managerially determined framework seeking solutions to work-related injury rates and health problems, and therefore rooted in the administrative agenda in relation to the functions, responsibilities and accountabilities of managers in reducing workplace illness and accident rates (Eakin, 2010; Gray, 2014; Kazemi & Ali, 2002; Quinlan, 1988).

Thirdly, in choosing a qualitative approach, the researcher sought to develop a platform upon which a sufficiently integrative, rigorous and meaningful research design could be built in order to capture the “ethics of truth” (Denzin, Lincoln & Giardina, 2006, p. 770), a view which is also held by Liamputtong (2009); Patton (2002) and Taylor & Bogdan (1998).

Most of the worker respondents participating in this research were functionally illiterate, thus making it impossible to make use of structured questionnaires. In addition, as this study focuses on examining the *perceived* quality of the lives and health of workers from their own viewpoint, a qualitative approach would more effective. In this respect, the quality of the research is additionally enhanced by the extent to which the methodological approach and research design produces data which is rich, informative and trustworthy (Gray, 2014; Liamputtong, 2009; Mays & Pope, 2000; Patton, 2002; Taylor & Bogdan, 1998). Moreover, as discussed in Chapter 1, this research is unique in Kuwait in that no other studies have been conducted in that country which involved adopting a qualitative epistemological stance and applying this to the investigation of the perceptions of subcontracted workers in terms of their lives and OHS. This emphasises the need not only to obtain deep and insightful data but that the synthesis of thematic categories is demonstrably robust to unquestionably distinguish and establish the relevance of this study as opposed to existing quantitatively based studies of accident causation in Kuwait which do not take into account the broader impacts of OHS management systems on the overall OHS of workers in the subcontracted construction industry. Therefore it was decided that a qualitative approach would be more appropriate to this study.

The epistemological rationale supporting this choice is now outlined. This approach was strengthened by the rigorous manner in which the researcher applied a triangulated research design.

Methodological Approach and Conceptual Framework

Avis (2003) states that if researchers need methodological theory to conduct qualitative research they should provide a sound methodological justification for their choice. This view is echoed by Dew (2007), who claims that the principles underlying any particular choice of research approach should be regarded separately from a simple choice of “methods” (Dew, 2007, p. 433). In this way, the researcher creates a “methodologically convincing story” (Miller & Crabtree, 2005, p. 626). The rationale for adopting a phenomenological research approach which incorporates elements of symbolic interactionism follows.

Phenomenology. This constructivist perspective attempts to develop knowledge of the manner in which individuals have experienced and lived through events or circumstances, as described through the perceptions of individuals themselves (Liamputtong, 2009, p. 5; Patton, 2002, p. 69). Constructivism therefore posits that truth and meaning are created by the individual’s interactions with the world, and that meaning is therefore *constructed* as opposed to being discovered (Gray, 2014, p. 20). The phenomenological paradigm therefore stems from the individual’s experiences and understandings of social reality in a particular situation (Leedy & Ormrod, 2010, p. 141). As the most commonly used method of gaining insights into the phenomena being explored is through conducting interviews (Gray, 2014, pp. 24-25), during which the researcher gains insight through subtle expressions conveyed during the interview process, the “heart of the matter” (Leedy & Ormrod, 2010, p. 141) is made clearer, facilitating a deep and meaningful understanding of what experiences were like for participants. The researcher is able to understand social phenomena from a perspective that “the important reality is what people perceive it to be” (Taylor & Bogdan, 1998, p. 3).

The phenomenological approach, being inductive in nature, enables the development of insights from the data themselves as opposed to the application of single-method, survey-based statistical analyses based on large samples which, as discussed earlier in this chapter, are unlikely to generate data which is sufficiently rich to adequately represent perceived feelings and perceptions of respondents (Gray, 2014; Lamm, 2014; Leedy & Ormrod, 2010). The phenomenological approach gives voice to worker perceptions of social reality through the interpretations of experienced events (Gray, 2014, p. 24). This perspective lends itself to the incorporation of two elements of the interpretivist approach embodied in symbolic interactionism.

Firstly, perceptions that people construct through their own interpretation of meanings is attached to social interaction. People create shared meanings through their interactions, which “become their reality” (Patton, 2002, p.112). The perceptions of worker respondents in relation to their social interactions with peers, who are in some instances also their supervisors, is negatively influenced by the demographic stratification and geographical isolation of subcontracted migrant workers in Kuwait. Examining common patterns of perceived reality within this social structure strengthens the underlying roots of shared meaning in thematic development.

Secondly, “meanings are modified by an interactive process used by people in dealing with phenomena that are encountered” (Gray, 2014, p. 24). The inclusion of this element facilitates the deeper analysis of phenomena that workers have to deal with as a result of power and control mechanisms wielded through hierarchical management structures which negatively influence their lives, health and safety. These elements of symbolic interactionism have therefore been included in the phenomenological paradigm underpinning the proposed research design of this thesis.

The phenomenological paradigm thus matches the phenomena being explored and forms the basis upon which experiences of subcontracted worker respondents are

explored, resulting in the production of core, mutually understood meanings “through a phenomenon commonly experienced” (Patton, 2002, p. 106).

The phenomenological approach was strengthened by triangulating the data.

Triangulation. Triangulation has been suggested by qualitative researchers as a useful method by which the validity of qualitative studies can be enhanced. This method requires the incorporation of multiple sources of evidence converging on the same sets of findings, thereby substantiating the data. As this research concerns the manner in which stakeholder interactions within the workplace affects the health and safety of subcontracted construction workers, triangulation of the perceptions of all stakeholders who were interviewed, was included in the analysis. Through the formation and reflection on themes developed during the data gathering process, the phenomenon in question was rigorously analysed (Green & Thorogood, 2009; Liamputtong, 2009; Patton, 2002; Taylor & Bogdan, 1998). Triangulation in this research was achieved by, firstly, conducting in-depth interviews with construction industry worker participants. Interviews conducted with industry stakeholders, legal experts and PMCs formed the second source of data. Thirdly, data were retrieved from newspaper reports, archives and information disseminated from official sources such as the ILO, human rights groups and the OHS community. Material from newspapers provided an especially rich source of information but posed a difficulty in that the URLs linked to these articles were unstable and therefore unacceptable as thesis reference sources. In order to overcome this problem the researcher compiled an electronic reference system by making PDF copies of the actual newspaper reports, annotating and labelling them before scanning them in electronic format as Appendices 2 and 3, after which they were cited in the reference list.

Concepts, insights and understandings from patterns emerging from the collected data were developed into themes for discussion. Thus, through employing triangulation,

multiple perceptions of reality were incorporated, converging into focused themes which capture the essence of the research question, thereby justifying the rationale for adopting a phenomenological research paradigm.

When adopting a phenomenological philosophical paradigm, the researcher's own philosophical paradigm will affect the research (Patton, 2002, Liamputtong, 2009). Any pre-judgements on the part of the researcher are suspended through gaining an increased understanding of personal and intellectual biases through continued self-critical reflection during the data gathering and analysis process. However, these measures, as valuable as they are, may be insufficient to entirely reduce any influencing factors on the part of the researcher on the interviewee, and the following measures were taken in this project to minimise these as far as possible.

The first point for consideration is that the researcher will inevitably have a natural bias in favour of those being interviewed, in this case, vulnerable subcontracted labourers in a harsh management and working environment, especially if the researcher is conducting the research from a sociological perspective (Liamputtong, 2009; Leedy & Ormrod, 2010; Patton, 2002). Secondly, it is essential that the researcher should recognise at the outset, the likelihood of gathering biased data and take measures to ensure that any discrepancies or anomalies are noted and commented on when transcribing and verifying interviews (Leedy & Ormrod, 2010). Interview data limitations include the possibility of distorted responses due to personal bias, anger, lack of awareness or atypical respondent behaviour at the time of the interview, simply because the interviewee knows that he or she is under observation (Patton, 2002). In order to overcome these possible reactions, second and third party verification of the interview data was necessary, as discussed further below in Research Design of this chapter. In addition, through applying a variety of sources in a triangulated approach, verifying the interview data through two separate avenues and making notes of possibly

biased reactions by respondents, the researcher engaged in constant self-reflection along the continuum of the research project. Please refer to the interview process on pages 122 through 128 and Table 4.2 on page 133 for details on how this was achieved in a consistent and rigorous manner.

Thus, through adopting these measures, a sincere attempt was made in this research project to reduce bias due to interviewer effect. Having provided the rationale for the adoption of a phenomenological research paradigm, the research design is now considered.

Research Design

It has been posited by leading qualitative researchers that a robust research design is the key to the effective answering of the research questions in the context of the epistemological stance adopted by the researcher (Gray, 2014, p. 168). In addition, design issues such as sampling strategy, analytical approach and confidence in the findings all influence the ultimate value of the research project as a whole (Leedy & Ormrod, 2010; Patton, 2002). The following section thus outlines the data gathering method of depth interviewing, sample location and selection, respondent selection criteria, the rationale for selecting and training a suitable interpreter, the interview process, data analysis and means of assuring the methodological rigor of this study.

Data gathering method. It has been widely recommended by leading qualitative researchers that when the objective of the research is to examine feelings and attitudes from the viewpoint of the participant, interviewing is the best method to adopt (Gray, 2014; Green & Thorogood, 2009; Liamputtong, 2009; Patton, 2002). Furthermore, this approach is conducive to early thematic development, reflecting the inductive nature of the data gathering process which is itself reliant on the strength of contextual description and analysis (Gray, 2014; Green & Thorogood, 2009; Patton, 2002). The application of this approach allowed the researcher to probe for detailed answers, and

receive respondent clarifications on perceived meaning. Respondents were able to express feelings and discuss relationships, enabling early thematic development and expansion of the literature review to include any fresh themes developed during the interview process.

Secondly, in choosing depth interviewing as the most appropriate method of gathering information, several difficulties were encountered. Firstly, the fact that the respondents spoke a different language and were, in some cases, illiterate in their home language meant that a verbal exchange between researcher and respondent through an interpreter was required. Furthermore, it was necessary to gather worker respondent data within a restricted time frame as required by the participating facility, although adding to the complexity of issues facing the research, additionally served to strengthen the rationale for applying in-depth interviewing as the preferred data gathering method, as this method allows for early thematic development (Gray, 2014; Green & Thorogood, 2009; Liamputtong, 2009; Patton, 2002).

Semi-structured interview formats were developed which followed the themes outlined in the adapted Sargeant and Tucker (2009) framework, allowing for the exploration of respondent feelings and experiences whilst ensuring consistency in that the same fundamental lines of enquiry were followed in each interview. Question formats were developed for both for workers and for stake holders and the format templates are reproduced in Appendix 4. The use of semi-structured formats additionally served to ensure that worker respondents could respond at their own pace and feel free to express themselves, as opposed to the use of structured interview formats which, given the time constraints imposed by the participating facility, could have inhibited worker responses. Moreover, the adapted Sargeant and Tucker (2009) model is sufficiently flexible to allow changes in the order and nature of questions, depending on the direction the interview took. This additionally allowed for the

diversion of the interview into expansive, inductive pathways, leading to extended theme development, and gathering of rich, relevant data, thereby increasing the effectiveness of the research design as a pathway to meeting the research objective.

Industry stakeholder interviews were conducted using a separate interview schedule similarly designed around the levels of vulnerability, with the objective of obtaining stakeholder perceptions of legislation, living conditions, governmental agency involvement and general issues surrounding the management of migrant workers.

Sample location and selection. Purposeful sampling was chosen as the appropriate method to use in this study. Also referred to as “purposive, or judgment sampling” (Patton, 2002, p. 230), purposeful sampling enhances qualitative enquiry because what would be regarded in a quantitative study as bias in terms of the sample, becomes an intended focus and therefore a strength in that this approach produces information rich cases which elicit large amounts of data regarding issues which are centrally important to the purpose of the enquiry (Patton, 2002). Through studying information rich cases, an in-depth understanding of the problem is achieved. Purposeful sampling therefore effectively illuminates the questions under study (Green & Thorogood, 2009, Liamputtong, 2009; Morse, 1998; Patton, 2002; Teddlie & Yu, 2007). In adopting this approach, the researcher bore in mind that the broader scope of the research the longer it will take to reach the point at which no further relevant data can be obtained from respondents, also known as data saturation. Purposeful sampling was therefore selected as an appropriate method because of the short frame available for completing the project (Leedy & Ormrod, 2010, Morse, 2000, Patton, 2002).

Locating suitable respondents and gaining access to conduct research on vulnerable workers presents a number of challenges for the researcher. Vulnerable workers in the small business sector are notoriously difficult to research. They are transient, likely to work long hours and are often marginalised through physical and

social isolation which makes them ‘invisible’ (Lamm, 2014, p.161). Vulnerable workers in small firms, many of whom are illegally employed, often face work constraints and conditions of employment which do not allow them to be absent without permission from their direct supervisors, and are therefore unwilling to expose themselves to any form of investigation (Valcarel, 2004; Xia et al., 2004). Moreover, Eakin (2010) found that workers in small companies are largely accessible only through their owners, have no “collective presence” (Eakin, 2000, p. 116), and are therefore largely invisible. Anderson and Hatton (2000) stress that investigators may not only have difficulty locating these respondents, but bear the additional responsibility to prevent their attrition from the study (Anderson & Hatton, 2000, p. 245). This is relevant to this study in that the limited timeframe during which the study needed to be completed meant that particular attention needed to be paid to retaining potential respondents.

This situation was, additionally, relevant in Kuwait where workers are, firstly, largely unaware of their rights and, secondly, are reluctant to come forward or draw attention to themselves out of fear of management reprisals which could threaten their jobs (Kartam & Bouz, 1998; Lamm, 2014; Quinlan & Bohle, 2004; Robertson, 2011; Sargeant & Tucker, 2009). It was therefore essential that the researcher locate an organisation within Kuwait which was supportive and willing to protect the anonymity of the researcher and the respondents. This was successfully achieved, owing to the fact that the researcher had been a resident of Kuwait for several years and had established a network of supporters within the OHS environment who had the necessary authority and willingness to assist in the research.

Respondent selection criteria. The criteria for selection of respondents were that they were employed as workers on a construction site and had attended the clinic because they had sustained an injury or were experiencing ill health. It was anticipated that approximately 20 interviews would be conducted. Bearing in mind the fact that the

adapted Sargeant and Tucker (2009) framework of analysis involves a broad analysis of factors influencing migrant workers, the researcher anticipated that a second round of interviewing may be required prior to data saturation, and gained permission from the participating facility to return for a second round of interviewing in order to further explore emergent themes. This action was taken by the researcher to ensure that sufficient time be given towards gaining rich and deep data, thereby adding to the validity of the study.

Stakeholder respondents were selected from PMCs, private construction subcontractors and the legal profession.

Subcontractors' managers were explicitly excluded from the participant interview schedule. The most important reason for this was the fact that there was sufficient evidence produced in Chapters 2 and 3 to suggest that the future employment, and welfare of subcontracted labourers would be placed in jeopardy. Subcontractors could find ways to identify and dismiss or deport these workers and because they could perceive that the continuance of their contracts with clients could be compromised through worker disclosures. In addition, subcontractors' managers responses would be biased because they would be reluctant to admit that they had neglected their workers' OHS and, more importantly, that they had failed to report or had under-reported injuries and accidents. This would have the effect of compromising the data because of subcontractor bias.

Thus the researcher successfully secured the availability of a sample of informants with whom interviews could be conducted, whilst most rigorously protecting the anonymity of *any* individual person involved in the research. In order to ensure that the research was conducted in an ethically sound manner, Auckland University of Technology ethics approval was sought and granted prior to commencing the research. Due to the fact that a large number of subcontracted workers in the construction

industry have low education levels (Kartam & Bouz, 1998; Robertson, 2011; Valcarel, 2004; Xia et al., 2004), the researcher considered it highly likely that many of the respondents would be functionally illiterate in both Arabic and English. Therefore it became essential for the effective continuance of this research to enlist the services of an interpreter.

Interpreter selection and training. Few studies exist which discuss in detail the special importance which the role of interpreters plays in cross-cultural studies. Gerrish et al. (2004), in a study on the importance of the role of interpreters in primary care nursing, found that nurses who do not speak or understand the language of patients act as “gatekeepers to interpreting services” (Gerrish et al., 2004, p. 413) for non-English speakers, thereby disadvantaging their patients. Temple (2002) criticised the “fleeting and intangible end product” (Temple, 2002, p. 844) of most spoken exchanges between interpreters and respondents in research efforts which lose meaning and cultural significance in the “space between spoken otherness and written sameness” (Temple, 2002, p. 844) because interpreters are only employed for brief periods and are not included in the research process itself.

Although Patton (2002) claims that it is essential to fully understand and interpret respondent experiences, and therefore the onus is on the researcher to ensure the trustworthiness of the information gathered during data gathering, little comment is made on the role of the interpreter in this process. Similarly, Liamputtong (2009), whilst acknowledging that special consideration has to be given to conducting qualitative studies, allowing respondents to freely express their experiences in their own words, does not discuss the possible role of culturally aware interpreters in data gathering and analysis.

Temple and Edwards (2002) are critical of this shortcoming and claim that the lack of attention to the role of interpreters by authors on qualitative data analysis has

compromised research efforts by those researchers undertaking qualitative depth studies whilst having no knowledge or comprehension of the lexical meanings derived from cultural nuances by the interview respondents.

In contrast, Gerrish et al. (2004) and Green and Thorogood (2009) stress the important role which interpreters play, particularly when dealing with matters concerning their health. For effective interpretation to occur, they claim, it is essential that the interpreter possess an inherent knowledge of perceived meaning which respondents express within the emotional, cultural and lexical context of their responses. Interpreters play an especially important role in an interviewing process which requires simultaneous interpretation (Gerrish et al., 2004; Green & Thorogood, 2009; Temple, 2002; Temple & Edwards, 2002).

Temple and Young (2004) link effective interpretation to the epistemological position of the researcher, criticising researchers who regard respondents as if they “were fluent English speakers” (Temple & Young, 2004, p. 163), thereby treating their language as irrelevant. Furthermore, they posit that if researchers subscribe to an epistemology of constructivism in applying a phenomenological research design which acknowledges that respondents’ views are located in the context of the way in which they perceive social reality, then interpreters “*must* also form part of the process of knowledge production” (Temple & Young, 2004, p.164).

For effective interpretation to occur, it was therefore essential that the interpreter possess a thorough knowledge of the potential contextual influences of the emotional, cultural and lexical participant responses (Green & Thorogood, 2009; Temple, 2002; Temple & Edwards, 2002; Temple & Young, 2004). This necessitated the recruitment and careful screening of an interpreter who had gained experience and knowledge of the culture of migrant labourers of Indian origin who live and work in Kuwait, and who could simultaneously be relied upon to maintain the confidentiality of the research

project and the anonymity of respondents. The chosen translator's wife had previously been employed as a nurse at one of the private hospitals, and the interpreter, who is a trained counsellor, had made himself available for counselling any patients on her behalf. He was therefore familiar with local cultural norms and informal cross-cultural meaning within the Kuwaiti environment. Moreover, his wife's experience as a nurse meant that he was well acquainted with health issues related to expatriate workers. The inclusion into the data gathering and verification process of an interpreter who knew the cultural memory of workers in Kuwait, and therefore the inference and indirect meaning attached to participant responses, was therefore of vital importance to the project. Moreover, because the available interviewing time allocated by the participating facility was limited, it was essential that the research conduct the interviews effectively, as cross-cultural short-term interviewing is more vulnerable to miscommunication than traditional long-term anthropological fieldwork (Patton, 2002).

Prior to the commencement of interviewing, the researcher and interpreter conducted several meetings in order to discuss the manner in which each question would be posed, the possible interpretations of these questions by respondents and how to elicit information rich, valuable data through the use of open-ended questioning techniques. During this training process the importance of active listening and clarification during the course of the interview was emphasised by the researcher as a crucial facet of the interview process. Moreover, for ethical reasons, it was necessary to provide as much protection to respondents as possible. The following section explains the crucial role of the interpreter in ensuring that ethical protocols were honoured.

Ethical considerations. The researcher made every attempt to adhere to ethical principles laid down by AUTECH and based on the ethical guidelines provided by leading authors on qualitative research. Gray (2014) maintains that ethical issues are highly important "since confidentiality may be more difficult to maintain in an

interview than in other forms of data gathering” (Gray, 2014, p.408). The concept of informed consent is therefore a key consideration when planning to undertake a research involving interviewing of respondents, as was the case in this project (Gray, 2014, Green & Thorogood, 2009; Leedy & Ormrod, 2010; Liamputtong, 2009; Patton, 2002; Taylor & Bogdan, 1998).

The ethical requirements for this project stipulated that the researcher must ensure the anonymity of respondents, that workers are fully informed of the research process, the reasons for conducting the research, the need to maintain confidentiality for their own protection, and the understanding of what benefits the study would provide.

The researcher took every care to ensure that the principles of anonymity and protection of respondents as laid out by AUTECH were adhered to, and therefore had to pay most particular attention to the preservation of anonymity of participants, her translator and herself. Moreover, because the ethics approval process took almost a year, the available time in which to gather data was further compressed. This placed much greater stress on the importance of ensuring that respondents were, as stated by Anderson and Hatton (2000), retained, whilst simultaneously having to go to great lengths to protect them and their identities. The informed consent procedure is explained in detail later in this chapter; see the interview process on page 122.

Because many respondents were illiterate, it fell to the interpreter to explain to potential participants the contents of information sheets, consent forms and confidentiality agreements. These are reproduced in Appendices 5, 6 and 7.

Respondents were continually assured and reassured during this introductory phase that any detail through which they could possibly be identified would be expunged from the written research material, that they were free to withdraw from the interview at any stage and that the information they had provided would be destroyed. When respondents returned to be interviewed, the interpreter went through the entire information process

once again. It was only after the researcher, the interpreter and the worker respondent were satisfied that worker respondents fully understood all that the research entailed, that respondents were requested to signify their willingness to be interviewed. Further details of the informed consent process are provided in the section on access and selection of respondents outlined further in this chapter.

The role of the interpreter in this initial process was therefore crucial to the success of the entire project. Anderson and Hatton (2004) emphasised that owing to the difficulties posed by accessing vulnerable populations in qualitative studies, it is essential to ensure that once respondents have been located, they are not lost due to attrition. Rapport was immediately established with respondents because they were able to converse with someone in their own language who knew their cultural perspectives. It was this ability to establish initial rapport and trust with respondents which ensured that there were few withdrawals from the study. Moreover, the informed consent process included explaining to respondents that although they would not initially directly benefit from taking part in the research project, the outcomes of the research could be of benefit to other expatriate subcontracted labourers. From the level of participation and lack of attrition of respondents, it was evident that they felt strongly about the possibility of helping other labourers who were in the same position, in the future, as found by Anderson and Hatton (2004, p. 245). These responses demonstrate the crucial role played by the interpreter in sharing information relating to the project.

Secondly, the manner in which information was elicited from worker respondents during the interview further challenged the researcher and interpreter in terms of the conditions of approval laid down by AUTEK. These requirements stipulated that worker respondents were not to be asked direct questions in terms of any injury or medical condition which they had sustained, due to the New Zealand rules of privacy governing requests for details of medical or accident information. This requirement would have

severely compromised this research project if it were not for the training period undertaken between the researcher and the interpreter prior to the commencement of interviewing. By working through the interview protocols together as a team, the research questions, as explained later in this chapter, were laid out in a semi-structured format and manner in which general questions about worker perceptions of their lives and work in Kuwait were posed, allowing for respondents (having established high trust levels through the initial interpreter engagement), to engage in a free flow of information and experiences, during which any relevant information could be further probed. Furthermore, these steps additionally ensured that workers did not become distressed through the interview process, owing to the strong rapport which had been established through involving the interpreter. In addition, this assisted in overcoming the added dimension of difficulty posed by the need to conduct the research within a limited time frame in that if worker respondents became unduly distressed during the interview process they could withdraw, which could result in fewer responses and the danger of losing rich and informative data from which themes could be built.

The following section outlines the value of the interpreter involvement in the entire interview process.

Interview process. In choosing the in-depth interview as the appropriate data gathering method in this study, the researcher was cognisant of the possible difficulties that would need to be overcome. It has been recommended by leading qualitative researchers that prolonged engagement with respondents will reduce bias and the likelihood of participants withholding information, as it allows for a trusting relationship to develop between researcher and participant (Liamputtong, 2009; Taylor & Bogdan, 1998). However, prolonged engagement with a few respondents over a long period was impractical in this case, as it would compromise worker safety and anonymity through being observed to be continually attending the clinic. In addition, in

order to attend the clinic their employer was required to give them an entry slip granting permission to do so. Once the data had been gathered, and the researcher had departed from the country, it would be impossible to return for any length of time due to the strict constrictions on visa applications. The success of the entire research project therefore depended on ensuring that the interview process was carefully planned.

Interview planning. The quality of the interview process relies on the ability of the interviewer to enter the world of the person being interviewed (Patton, 2002). In planning the interviews, particular attention was paid to the manner in which the researcher would produce rich, informative and honest data based on the development of high trust levels with respondents. In addition, in keeping with the phenomenological approach adopted in this research project, the researcher planned to undertake more than one round of interviewing as part of an inductive process during which themes were developed and visited during the first round of interviewing, refined, new avenues of exploration determined and revisited during a second round of interviewing (Gray, 2014; Green & Thorogood, 2009; Liamputtong, 2009; Patton, 2002; Taylor & Bogdan, 1998). The interviews were conducted in three stages. Firstly, it was necessary to access a selection of worker respondents. Secondly, a detailed account of how interviews were conducted in order to produce rich data is provided. Finally, the manner in which interviews were transcribed and doubly validated, is presented.

Access and selection of respondents. The researcher and the interpreter travelled into the desert to the location of the research facility which was isolated from other buildings and from any construction sites. The researcher anticipated that their arrival would therefore attract immediate curiosity from bystanders and patients waiting to be consulted, presenting a challenge in terms of maintaining the confidentiality and anonymity of researchers and respondents whilst arriving and leaving the clinic. To overcome this obstacle the arrival and departure of the interview team was carefully

planned. The researcher and interpreter travelled by different taxis, both arriving separately as well as at different times. Interviews were rostered to be conducted on non-sequential days and rotated by interview week, to further reduce visibility. The facility provided a separate set of offices, away from the consulting rooms, but within the same building, as an interviewing venue. The facility director appointed the Head Nurse, a man of Indian origin, under the protocol of confidentiality signed by the facility, to identify potential participants from India or its close neighbours such as Pakistan or Bangladesh, who are often resident in India, by sight, but not by name. They were immediately directed to the interview office prior to registering at the clinic. As outlined earlier in this chapter for ethical reasons, participants were given time to consider their participation, having been fully informed through the interpreter, of the nature of the research, what it entailed in terms of their participation as respondents, the benefits to them of the research, the right to withdraw from the study at any time without providing a reason and that their confidentiality and the identity of their employer, should it arise during the interview, would not be divulged. In addition, the need for respondents to maintain confidentiality in terms of the interview, for their own protection, was stressed. Interviewees were asked to consider their participation and to return to the interview venue after their consultations had concluded, and participate if they wished to do so. Once they returned, all the information provided during the invitation to them to participate, was repeated. In this way, the researcher ensured that the process of full informed consent had been thoroughly adhered to, prior to conducting the interview.

Conducting interviews. The Interpreter, being a counsellor, was familiar with the protocols and behavioural norms in Kuwait and how to address the potential respondents in a non-threatening and culturally appropriate manner. In order to begin building rapport and trust with interviewees, the researcher and interpreter had prepared

the interview room seating arrangement with the participants seated at a round table, the researcher sitting in a non-dominant position slightly separated from, but facing the interpreter, whilst the interpreter and interviewee indirectly faced one another. This arrangement demonstrated respect of cultural etiquette within the target group which prohibits an unknown man to meet alone with a woman and respecting the social norm requiring that a male holds the authority in discussions involving women. The fact that the interpreter would explain and translate to the researcher during the course of the interview was therefore not regarded as any breach of cultural etiquette because the interpreter was perceived by respondents to be the leader of the interview process, whilst the researcher, sitting slightly apart and maintaining a non-dominant stance, was perceived to be in a socially appropriate hierarchical position both physically and attitudinally.

Prior to conducting interviews, respondents were asked by the interpreter whether they would object to observation notes being taken by the researcher. During the interviews the researcher remained cognisant of differing cultural values such as not making direct eye contact with respondents, and therefore held some eye contact with the interpreter, whilst occasionally nodding slightly. This non-verbal form of communication served the purpose of increasing the trust levels of the participants and re-enforcing the credibility of the researcher and interpreter in the participant's eyes (Eunson, 2005).

When applying a semi-structured approach, it is essential to ensure the accurate capturing of the words of respondents (Temple & Edwards, 2002). To maximise the effective capturing of data, the researcher remained cognisant that respondents were of a different nationality and therefore prone to misinterpreting questions, thereby possibly reducing the quality of the data gathered (Patton, 2002). The researcher clarified and re-clarified where necessary, through the interpreter, the perceived meaning and response

which participants attributed to questions, whilst interviews were in progress. This required close engagement and development of good rapport with respondents, conveying a sense of respect for the individual, their situation and their feelings and simultaneously remaining neutrally empathetic and non-judgemental, open, aware and fully mindful during the interview process (Patton, 2002). The importance of this step was vital to the success of the project as it was necessary to conclude the worker respondent interview process within a limited time frame.

Interviews were digitally recorded in conjunction with note-taking in order to clarify responses and ensure that all the data was collected. In addition, non-verbal respondent behaviour was carefully noted. This was necessary and important as the interaction between researcher, interpreter and respondents is a complex one which requires the researcher to focus on *all* aspects of the communication process in order to prevent any misunderstandings or misinterpretations of meaning, particularly at the commencement of the interviewing period (Gerrish et al., 2004; Liamputtong, 2009). For example, at the commencement of conducting interviews, the researcher would pose an open-ended question to the respondent via the interpreter and the respondent would give a yes or no answer. Through a series of subsequent questions the respondent would be asked to explain what they meant by their answer, therefore lengthening the time in which it took to conclude interviews. This problem was subsequently overcome through intensifying the detailed explanation of the information sheet to potential respondents, emphasising the value of their contribution to the research and expressing the gratitude of the research team for their potential participation, thereby establishing a rapport with them prior to the interview itself. Respondents were, in addition, repeatedly assured of their anonymity and confidentiality.

When conducting qualitative interviews, non-verbal signals are an important part of the data gathering process, at times revealing more of the inner feelings of

respondents than the words which they can express (Green & Thorogood, 2009; Liamputtong, 2009; Patton, 2002). In this case, respondents communicated in a cultural environment where “something as seemingly unambiguous as the flick of an eyelid” (Taylor & Bogdan, 1998, p. 12) is seen as entirely meaningful. Researcher and interpreter knowledge of subtle nuances and non-verbal language used in Kuwait was therefore important in assisting the researcher to apply appropriate interviewing techniques during the course of interviewing. Through probing and re-iterating questions in different ways, and maintaining a culturally appropriate position and attitude of humility during the interviewing process, these barriers were overcome. Often, raw emotions were displayed by respondents through body gestures, voice tones and crying. At other times, respondents found difficulty in expressing themselves and remained silent. According to Charmaz (2002), respondents’ silences could be intended or imposed as a result of awareness in people of the reality of their situation (Charmaz, 2002, p.303). Thus it was important to note the context in which silences occurred during the course of interviewing. The researcher was careful to remain silent when this occurred, allowing respondents time to respond and expand on their experiences, whilst remaining simultaneously cognisant of the importance of keeping the interview on track and continuing when it became evident that respondents had concluded their answers. Allowing respondents the time to tell and finish their stories is an essential part of the process because, however irrelevant their accounts may seem at the time, allowing the interview to flow as naturally as possible often leads to obtaining more relevant data later in the interview (Liamputtong, 2009).

Through developing rapport, being aware of cultural norms and lexical nuances, paying attention to non-verbal communication, ensuring that all data was captured and allowing respondents to tell their stories, the depth and relevance of the data were

maximised. Having concluded the interview process, the researcher commenced the process of interview transcription and validation.

Interview transcription and validation. As suggested by Liamputtong (2009) and Patton (2002), it is recommended that researchers transcribe their own interviews and do this as soon as possible after the interview takes place. Data were therefore transcribed immediately after interviews. This process was personally undertaken by the researcher in order to protect the anonymity of interview participants and details of the interview from being viewed, commented on or interpreted differently by any inexperienced third person. Secondly, as recommended by Patton (2002), personal transcription provided an opportunity to revisit the data and make note of any emerging insights and ensuring that notes taken during interviewing, general observations, voice tone, body language and displays of emotion observed during interviewing were not lost during transcription. Moreover, this process triggered the initial analysis of the meaning of data conveyed during the interview (Liamputtong, 2009).

Upon the conclusion of the interview process, the researcher involved the interpreter in validating the translated data and making further notes and amendments on interview transcripts. The interview process was thus collaborative in nature, thereby contributing to the reliability of the information gathered. In order to further validate the transcribed, translated data, the researcher recruited a third party, a suitably qualified, culturally experienced academic of professorial standing at a university within Kuwait and a personal colleague, of the same cultural origin as both participants and the translator, to verify that the transcriptions were a true interpretation and representation of recorded interviews.

Data analysis. Analysing qualitative data is essentially a process of noticing, collecting and thinking, in a non-linear, creative process which is intuitive as opposed to mechanical. Analysis encodes and transforms data into manageable elements which are

sorted, sifted and classified into patterns (Green & Thorogood, 2009; Seidel, 1998; Taylor & Bogdan, 1998). According to Patton (2002) there is no set formula for data coding. “The enquirer acts as catalyst on raw data, generating an interaction that synthesizes new substance born alive from the catalytic conversion” (Patton, 2002, p.32). This process begins, not after the data gathering stage, as in quantitative studies, but from the point where the researcher starts gathering data. The data analysis and the data collection process interact in a dynamic process of synergy which gives life to the research project (Patton, 2002).

However, Patton (2002) notes that “there are few agreed-on canons for qualitative data analysis, in the sense of ground rules for drawing and verifying conclusions” (p. 432). Notwithstanding the abundance of guidelines and, at times, quite bewildering number of approaches to data analysis (Gray, 2014; Patton, 2002), even the most experienced qualitative researchers are daunted by the process of reducing a large amount of data into manageable portions (Gray, 2014). It is the applied analytical procedure which defines the manner in which qualitative methodology produces knowledge about the world (Denzin & Lincoln, 2011b; Gray, 2014; Patton, 2002). Patton (2002) stresses that applying guidelines in qualitative research calls for judgement and creativity because each qualitative study is unique (p.433). Therefore it was necessary to establish appropriate organisational and analytical guidelines which were best suited for applying a triangulated approach to this study.

Wright (2006) maintains that qualitative researchers should bear in mind that at the present time there is a strong resurgence of positivist, government-backed intervention demanding evidence-based research from qualitative researchers. This view implies that a triangulated approach would strengthen the trustworthiness of this research because it provides multiple sources of evidence supporting the data findings. Patton (2002, p. 249) cites Denzin who suggests that sociologists apply a triangulated

perspective to their research and develop a strategy by which these methods are meaningfully combined in order to generate grounded and verified theory. Patton (2002) expands this concept in maintaining that triangulation strengthens a study by combining methods. Therefore, as valid as the counter-arguments against the application of mixed-methods may be, the purpose of applying a mixed method approach and developing theory within the flexibility provided by the Sargeant and Tucker (2002) framework, is supported by Denzin's so-called *final methodological rule* (Patton, 2002, p. 247) which states that multiple methods be used in every qualitative enquiry.

In order to prepare for data analysis, the data were divided into their triangulated sections, namely worker informant interviews, stakeholder interviews and written documentation. Secondly, commonality and dissimilarities between triangulated data sets were identified. Thirdly, themes, patterns and categories were developed from the data and, finally, integrated and explained within the context of the adapted Sargeant and Tucker (2009) framework.

Data organisation. Each worker interviewee was given a unique numerical identifier. Transcribed stakeholder interviews with PMCs, subcontractors, and an employment lawyer were organised in the same manner. The third source of data were organised into three sets, namely, newspaper articles, published legal documentation and human rights interest groups reports. This facilitated initial cross-scrutiny and preliminary theory development.

Commonality and dissimilarity. During this stage, the data gathered from the worker informants were analysed and notes made, comparing similarities and differences between individual cases in exploring the relationships to one another and developing themes. Transcribed stakeholder interviews were examined in a similar

manner, whilst continually comparing evolving themes to those developed from worker informant interviews, in a process of constant comparison (Taylor & Bogdan, 1998).

Documentary evidence in the form of newspaper articles were scanned and included as a separate PDF file in a unique referencing system which was developed to render them readily available to the reader in viewable format, thereby overcoming the problem of insecure or obsolete URL article locators. Documentary evidence is included as Appendices 2 and 3.

Development of themes, patterns and categories. Recurring patterns of data across the data sets were developed and arranged into themes. Interweaving with the literature throughout the process strengthened the theoretical background informing the analysis, exposing gaps in the literature, simultaneously facilitating the analysis of whether research findings were sufficiently innovative for the development of new theory (Patton, 2002)

Once thematic conclusions had been reached based on patterns and categories formed, themes were integrated into the adapted Sargeant and Tucker (2009) framework for discussion. As demonstrated in Table 4.1 below, the results of each data set were compared and analysed within the appropriate level of vulnerability.

Table 4.1

Relationship between Layers of Vulnerability, Key Research Questions and Data Analysis

Layers of Vulnerability	Key Research Questions	Data Analysis
Receiving country factors Socio-economic conditions Employment sectors Regulatory protection/representation/union role Social inclusion/exclusion	How, and to what extent, is the health and safety of migrant workers affected by their inclusion/exclusion in the Kuwaiti life/work framework?	Interview transcripts from Worker informants, Stakeholders and documentation from published material coded and classified.
Migrant security - receiving country Existence/nature of legal status Visa status Visa conditions – right to remain Roles of recruitment agents/employers Treatment of migrants	What is the extent of worker access to representation and regulatory protection? How does the legal status of migrant workers affect their lives? How do the roles of recruitment agents and employers in the migration processes affect migrant OHS?	Similar and dissimilar themes identified and analysed per triangulated section within corresponding layer of vulnerability.
Migrant worker factors Reasons for migrating/ home country socio-economic conditions Education, language and skills levels Availability of and access to decent work	What are the reasons for migration and how do these affect worker attitudes towards safety? What are the effects of migrant education, job type, language and training skills levels on their OHS?	
OHS Management Systems PMC/Subcontractor hierarchy Effectiveness of supervision Communication and training	What are the influences of OHS management systems on the lives, experiences and OHS of migrant workers?	Conclusions reached and summarised for discussion.

Note. Layers of Vulnerability adapted from Sargeant & Tucker (2009); EMCONET (2007)

Methodological Rigour

Morse, Barrett, Myan, Olson & Spiers (2002) argue that “reliability and validity remain appropriate concepts for attaining rigor in qualitative research” (Morse et al., 2002, p. 13). Moreover, they claim that qualitative researchers should apply verification strategies which are integral and self-correcting during the research process. Table 4.2 below outlines the methodological approaches which were undertaken towards ensuring the attainment of rigour, applying the concepts of reliability and validity as defined below, within each element of the research process.

Table 4.2

Methodological Approaches towards Rigour Attainment

	Reliability	Validity
Research Element	Quality of Data categorisation	Credible argument of truthfulness of findings
	Stability/trustworthiness of findings	Extent to which findings map the phenomenon
	Ethical standards of findings	Generalisability of findings
Phenomenological Research Design	Sound rationale for research approach	Effective mapping of problem
	Clear & succinct illumination of social concern	Generalisation enabled by applying S & T Model
	Openness and flexibility provided by S & T Model	Credible justification for triangulation to strengthen findings
Purposeful Sampling	Establishes closer fit between data and reality	Enables the gathering of rich, deep information

(Continued)

Table 4. 2

Approaches towards Rigour Attainment (continued)

	Reliability	Validity
Data Triangulation	Multiple data sources enhance credibility through generating increased evidence of key themes Inclusion of unique cases enables exploration of different participant and stakeholder perspectives	Extended themes developed through extension of worker informant interviews prior to data saturation Further validated by triangulation process
Reflexivity	Honest and critical researcher self-reflection	
Ethics	Successful application for Ethics Committee approval Adherence to Ethics guidelines	
Data Collection	Effective location and selection of respondents and stakeholders. Semi-structured interviews allows for deeper exploration of respondent feelings and experiences Skilled depth interviewing techniques increased participant respondent trust Careful and informed interpreter choice further enhanced respondent trust levels Interpreter training and inclusion as equal in the interview and data verification process	Embedding research questions in the S & T framework enables accurate mapping of phenomenon Stakeholder member checks further validates data Interpreted data validated by independent third party Increased participant trust through interpreter inclusion in research process Added data reliability through interpreter knowledge of cultural and lexical norms and nuances
<i>(continued)</i>		

Table 4. 2

Approaches towards Rigour Attainment (continued)

	Reliability	Validity
	Meticulous informed theme development deepens analysis	Increased internal validity through establishing clear link between themes and literature review
Data Analysis	Inclusion of negative cases further increases depth and strengthens researcher credibility	Enhanced external validity through development of a generalisable set of qualitative research criteria
		Strengthened internal validity by selective and minimal extension of research participants prior to data saturation

Note. Sourced and adapted from Denzin & Lincoln (2011a,b); Gray, 2014; Green & Thoroughgood, 2009; Leedy & Ormrod, 2010; Liamputtong, 2009; Morse et al, 2002; Patton, 2002; Silverman, 2000; Taylor & Bogdan, 1998;

In this thesis, therefore, rigour, neutrality and ethical values have been applied to the research process, as outlined in Table 4.2 above. Applying these standards when analysing the data within the flexibility of the adapted Sargeant and Tucker (2009) model, renders the study suitable for general research on the vulnerability of expatriate workers.

Conclusion

In developing the methodology, it has been attempted to develop strong links between the research process and achieving a high quality result which is representative of the truth. This has been achieved by reflecting on the way in which vulnerable workers perceive their situation, and balancing this with the reality of the issues which they face. The choice of a phenomenological research paradigm enabled the direct exploration of the experiences of subcontracted migrant workers from their own

viewpoint. Choosing a targeted group of workers with negative OHS outcomes and enabling the eliciting of rich, informative data expressed in their own words and idiomatic meaning represents a methodological breakthrough amidst the many quantitative studies in Kuwait based on management perspectives and reflecting management views which have neglected to take into account the experiences of subcontracted workers from their own perspective. The establishment of a unique research design, strengthened by data triangulation of these findings enabled the mapping of factors demonstrating a clear relationship between OHS outcomes and working and living conditions in the Kuwaiti working environment.

The way in which respondent trust levels were raised through the application of skilled depth interviewing techniques was significantly enhanced by the incorporation of an interpreter in the entire data gathering process and served to further differentiate this qualitative research methodology from prior quantitative studies of accident causation in Kuwait. Moreover, the inclusion of an interpreter in the entire data gathering process was crucial to maintaining ethical standards laid down by AUTEK. Furthermore, the ability to reach a group of respondents whose views had hitherto been unheard owing to their invisibility caused by the hierarchical management system in the Kuwait construction industry further emphasises the significance and unique nature of the ontological stance which informed this research project.

In the following chapter, the data gathered during the interview process will be developed into firm themes which include gaps identified in the Chapter 2, background, and Chapter 3, literature review.

Chapter 5 - Data Analysis and Findings Layers 1-2

Introduction

This chapter presents the data gathered from the interviews of workers and stakeholders analysed and the findings arranged into the themes developed within Layers 1 and 2 of the adapted Sargeant and Tucker (2009) model. The themes within Layers 3 and 4 are discussed in Chapter 6. As discussed in Chapter 4, twenty-five interviews were conducted with workers; three of these were abandoned because the participants wished to withdraw from the study. Fourteen stakeholder interviews were conducted. The accuracy of the response data was checked during the post data gathering validation process between the interpreter, researcher and the independent third party.

Using the research questions derived in chapter 4 as a basis for analysis, the research findings are structured in a thematic manner. The interview process produced sufficiently rich descriptions of workers' conditions and experiences to develop associations with known risk factors. Repeated statements reflecting the experiences of the migrant worker respondents were collated into categories within emergent themes and analysed within the layers of the adapted Sargeant and Tucker (2009) model.

The data gathered from these interviews correspond with emergent themes produced by recurring patterns identified during the early stages of the thesis and extrapolated during the process of data analysis. This emerging data led to the development of a second theme, namely OHS issues resulting from the abuse of power and control, as shown in Table 3.2, Chapter 3. This process is described by Patton, (2002) as an illustration of the "fluid and emergent nature of naturalistic enquiry" (p. 436).

In the course of gathering data, ideas about directions for analysis occur. Patterns take shape and possible themes emerge. Through following wherever the data lead, later stages moved towards confirmatory data collection—deepening insights into and confirming (or rejecting) patterns that have appeared (Patton, 2002, p.436).

The coding of data progressed through four stages. After transcribing the interviews, transcripts were read, often repeatedly whilst listening again to relevant parts of the recordings in order to gain insight to the nuances of the interviews. The initial codes shown in Table 5.1 below were generated by examining each line of text, identifying similar phrases and making notes about each code. Sub-categories were then developed by identifying clusters of codes and labelling each cluster with a description of their collective meaning. Clusters of collective meanings were then categorised. Finally, once all categories had been developed, these were separated into the two overarching themes of Power and Control Mechanisms and OHS Issues, as shown in Table 5.1 below. The findings generated from interview observations, worker respondent statements and stakeholder views made it clear that power and control mechanisms were linked to a wide range of occupational illness and negative OHS outcomes. The significance of these findings lies in the fact that for the first time ever, a qualitative approach has been applied to the analysis of factors affecting the lives of subcontracted workers in Kuwait as seen through their own perceptions and realities. This approach has reinforced the value of the adapted Sargeant and Tucker (2009) model due to its capacity to elicit sufficiently rich and informative data and to reveal unique themes and insights which demonstrate the depth and extent of damage inflicted on worker lives and OHS due to power and control mechanisms.

The data gathered from interviews were allocated within specific heading sequences in the layers, because responses were elicited through semi-structured

interviews and the interviewing technique was designed to obtain large amounts of free flowing, rich and informative data. There are many instances where thematic sections of the data overlap with others, for example, in Table 5.1 below, sleep deprivation caused by extended working hours is linked to cruelty caused by control mechanisms and also to depression which is related to psychological illness.

Table 5.1

Approaches to Themes - Layers 1 and 2

Theme: Power and Control Mechanisms		
Code	Sub-category	Category
Acquiescence Fear and Anxiety Self blame Sense of defeat	Coercion	Helplessness
Low self-esteem Feeling abandoned Feeling imprisoned Social exclusion Sadness	Alienation	
Corrupt labour agents Dishonoured contract agreement	Deception and dishonesty	No legal rights
Poor living conditions Food issues Extended working hours Physical assault	Cruelty	Controlling mechanisms
<i>(continued)</i>		

Table 5.1

Approaches to Themes - Layers 1 and 2 (continued)

Theme: Occupational Health and Safety Issues		
Grinding Dust storms	Dust exposure (concrete, marble, dust storms)	Respiratory Disease
Hoarseness / voice constriction Wheezing Coughing Grey Pallor Dizziness	Inadequate inhalation protection	
Nausea / vomiting Lack of stamina	Intestinal disorders	Physical injury / disease
Lice and cockroach infestations.	Skin and blood disorders	
Sleep deprivation Alcohol Abuse Suicide	Depression	Psychological illness

Layer 1 - Receiving Country Factors

The research questions related to this layer consider the theme of power and control mechanisms applied to the three receiving country factors, namely socio-economic conditions, available regulatory protection and roles of trade unions, and social inclusion or exclusion of workers. All respondents responding to the research questions were engaged in the construction sector, either directly contracted to government project owners or employed by subcontractors in construction and maintenance activities within the oil refineries or on oil extraction and pipeline projects. Seventy-two percent of the workers interviewed were employed by subcontractors; often they worked for extended hours, days and in some cases, weeks on end, in order to keep pace with the demands placed on them in order to reduce subcontractor costs and meet the timeline for project deliverables. Some of these same subcontractors were

also engaged by private companies owned or part owned by employees of the government project owners. These subcontracted labourers were forced to work extended hours often without compensation and have no access to legal recourse. In particular, the following section aims to answer the following question:

Research question one. How, and to what extent, is the health and safety of migrant workers affected by their inclusion/exclusion in the Kuwaiti life/work framework? This question is analysed in the context of socio-economic conditions in Kuwait, the regulatory/union protection afforded to workers, and their social inclusion or exclusion, as follows:

Socio-economic conditions. Socio-economic conditions have a significant influence on health and safety. The socio-economic conditions and class distinctions which labourers are subject to in Kuwait and elsewhere in the Middle East appear not to have had any significant effect on the number of workers from mainly Asian countries (but also from neighbouring countries) who seek employment in that region (Afsar, 2009). Examining the experiences of workers from their own view and interfacing these with stakeholder perceptions provides insights into the underlying reasons why subcontracted labourers continue to seek employment in Kuwait:

Worker comments regarding their own status revealed that the degree of perceived value which they attach to improving their socio-economic status is directly related to the extent to which their earning power improves the socio-economic status of their dependents in their home country. Their objective through seeking work in Kuwait is not as much, therefore, to compete with or compare themselves to Kuwaiti citizens, but to elevate their socio-economic status in their countries of origin:

My daughter has already passed 10th grade...As soon as I see that all my problems are finished and I have big money, then I will go to Pakistan, then I can see my future with my mother, my baby and my wife...I am trying to complete my house, then I will go back. (Worker respondents 2, 3 and 6).

Unskilled labourers who had experienced power and control mechanisms because of unfulfilled contractual promises reported feelings of loss of status both in Kuwait and in their countries of origin due to perceived inability to adequately provide for their families:

In India they told me that the contract would be for two years, but they have fixed it for one year. At home there is peace of mind, here there is no peace of mind. I feel forced to be here and I do not know what to do about it - the money is not enough for my family because they are poor. (Worker respondents 14, 15).

Participants who worked in supervisory positions, whilst acknowledging that although they were not dissatisfied with their job status and earning power in the Kuwaiti working environment, nevertheless attached a higher value to their own personal and family status in their countries of origin:

Here we are working only for money - nothing more. We are not with our families so we have nothing here. Better that we stay with our family. We just live to work and are only here for the job. I am sending money to my mother, my father, in our family I send money for 30 people. My two brothers also work, they are in India and they all send money back to the family. I earn more than everyone else, and I send the most money out of the three and therefore I am the leading brother. I will be a big man [in India] because I am the leader. (Worker respondent 11).

[My family] they were happy because ... the money will be coming and life will be better...but they love me. I send them 10,000 rupees monthly. Money is important, and just 4,000 rupees would be enough for them to have a good life (Worker respondent 13).

If I go home there is no money, what will I do? Everything needs money. And if there is no money we cannot buy anything (Worker respondent 15).

I am sending to my home country because I have 3 kids 2 my son and 1 my daughter....Because I am a worker. I am a hard worker. I don't want to feel my children's like me - wearing the coverall and everything. See? [pointing at his overalls and worn work boots and giving the interpreter a look of despair] So all my money I am spending in my country... [voice rising as he spoke] I have given 30 years to this country [Kuwait] - he says give, give, but I am nothing (Worker respondent 19).

The above workers therefore felt that they were trapped in a treadmill of dependency, and the only way in which they could justify the predicament they were in

was to rationalise their position through comforting themselves that they were improving the longevity and quality of lives of their dependents.

It was also apparent from stakeholder interviews that many expatriate PMCs and private building contractors are concerned about their own leadership roles. Their perceptions are that, by contributing to the welfare of subcontracted workers, they act as benevolent father figures, protecting and enabling workers to achieve status in their home countries by earning sufficient income to care for their families.

These gentlemen, they come over, they just want to be able to send money home to their families. (PMC Respondent 2).

A great place to work because the monetary gains are good. (PMC Respondent 4).

Stakeholder responses confirmed that workers' perceived status in Kuwait was directly related to the extent to which better remuneration gives expatriates the opportunity to provide for their families and improve their socio-economic status in their countries of origin.

It is too sad to see the way they live. I am very happy in this situation [because] I bring prosperity to these families and I am bringing happiness to these families - to me this is religious also, with my skills, I am managing 1,600 families and 8,000-9,000 people are eating because of us and sending their children to university. (Expatriate subcontractor respondent 1).

Regulatory protection/trade union role. As discussed in Chapters 2, and 3, no expatriate in Kuwait is permitted to join a trade union. Therefore the bargaining power of expatriate labourers is limited and they rely on contractors and supervisors to protect their rights. The worker interviews exposed the extent of efforts exerted by subcontractors to withhold information regarding workers' rights to regulatory protection, their knowledge of the existence of workman's compensation through contractor insurance and the process through which compensation would be granted. These perceptions therefore contradict the perceptions of some PMC respondents who regard themselves as protectors of the workers, this reflects the cultural distancing of

project owners and their main contractors from sub-subcontracted workers, an issue which is discussed in chapter 7 of this thesis. When questioned about rights to which they were entitled, most worker respondents demonstrated little or no knowledge of their right to legal redress or compensation for injury, let alone any other rights.

Worker responses typically revealed that they had received information relating to their right to injury compensation from co-workers or their elders who were housed with them in residences:

I know that if I have an accident I will not receive anything from the Company... Maybe the Contractor will get compensated from main company and I will get it from the contracting company...I know only that if I work unsafely I am responsible for my own accidents...I have heard from seniors, the older workers, that I will receive some money if I have an accident, that I would get leave at the end of the year...If you have an accident you are the one responsible so better take care. (Worker respondents 1, 4, 6 and 14).

Worker responses also revealed that they had feelings of anxiety and fear which prevented them from seeking legal redress for work-related issues. These responses also indicate that fear and anxiety are caused by supervisors by using covert means such as deducting money from any employee who takes time off to approach the employment court:

When we go to the labour lawyer at the court area - they will decide whether we have a case. They send 95% of the people back to the company. Just send back to the company, [so] no-one goes. We will go and complain but we will be sent back. If I can go I will go but I cannot go! - First they [the company] stop the salary and don't give you anything so we have to stay back in the camp - we do not want to go to the lawyer. (Worker respondent 19).

One worker respondent's feelings of fear and anxiety became reality when he was physically assaulted by his supervisors after he tried to ask for a better job:

I was beaten by the supervisors when I...asked to be transferred to another employer or job...I was beaten for half an hour by two supervisors...on the body [so that the bruises would not show] ... promised [threatened] with harsher punishment if I ever said [mentioned] this again (Worker respondent 9).

Respondent 9, who was still in his teens, showed considerable signs of distress when he spoke about being beaten; he hung his head as if ashamed, made cringing

motions and wiped his eyes several times. After the interview had ended the researcher asked the interpreter if he was of the opinion that there were signs that the respondent could also have been sexually assaulted—the interpreter said that according to the respondent's culture the young man would never divulge that information especially in front of a woman, but that the possibility could not be ruled out.

Physical assaults also happened to other respondents and their fellow workers. Worker respondent 10, an Indian, relates how Bangladeshis were telling the supervisors that he worked outside on additional jobs and the supervisors who were Egyptian beat him and his colleagues.

... sometimes [because] our salaries are so low so we like to go outside to work and then they will take us and beat us. They will take them and box them and hit them. And I have two friends who that has happened to. They took them and slapped them and also kicked them...for me on the thigh, but never on the face. No, I did not have bruises [said with head hanging, avoiding eye contact, mumbling, reticent, as if afraid to tell the truth]...they kicked me twice [on two occasions], but for the other people they gave it to them on the face and in the hair and they had bruises on their faces also. (Worker respondent 10)

The above responses are clear indications of the extent of covert cruelty which is directed against subcontracted labourers and that supervisors deliberately withheld any information of their right to protection under the law. For example, one worker respondent in a senior supervisory role had full knowledge of the legal and OHS rights of workers but chose to follow the practices of the main contractor rather than informing workers under his supervision of their rights to compensation and protection. This demonstrates the extent of influence imposed on him through power and control mechanisms.

We hammer them - with no salary, money to be cut, verbal and written warnings - they know they need to work safely. (Worker respondent 22)

Another respondent who was a stakeholder whose contract was coming to an end, after which he would retire, said at the commencement of his interview, that he had

often felt insecure as there was a blame culture in Kuwait and that although people were employed in senior positions, they could be terminated at any time at the whim of a manager regardless of their previous performance and length of service.

...their managers ... – they have a very interrogating type of attitude....If something goes wrong, it is basically the blame game. The blame comes on you. So, all the time we are scrambling in our day to day work, that – are we covered, are we doing the right thing, because if something goes wrong, then the blame is going to come onto you, fair and square.

[‘scramble’] *It means – really - work very very hard,. like Get, Get! Get! Get!*
[voice rising and becoming agitated] *Scramble means work very, very hard.*

You feel – you don’t feel good, because you know, you are doing your job and you are trying very hard, and then, in spite of your best efforts, you know, [voice rising, arm movements increasing, rocking back and forth] something has gone a little wrong, I mean, it is not as if I am completely guiltless or blameless, something got left out. [Facial expression reflects helplessness, shoulders shrug, body crouches into a subservient position] – so, for a trivial reason, you can be asked to leave – They are very powerful, of course, any time any ... manager calls our project manager, into his office and says – listen, I don’t want this guy – I want this guy out now. So next day, they will make out all your accounts, and the administration manager will come and escort you off the premises and out of the door! [Incredulous tone of voice, shoulders shrugging, voice quavers a little]
(PMC Respondent 4)

At the conclusion of this interview, PMC Respondent 4 suddenly confided in the researcher that he had, indeed been ordered off a project, and considered himself to be very lucky that the project manager who had been told to remove him had sufficient influence to have him transferred to another project, but that the incident had left him with a permanent sense of anxiety because, in terms of the conditions of contract which he had agreed to, he could be removed from the project at any time without reasons being given and therefore had no legal recourse. He had signed because he needed the money to educate his children. At the end of this conversation, PMC Respondent made the remark:

I’ve done my time....[spoken slowly, and sadly, but with a hint of pride in his voice tone, conveying an underlying sense of achievement that he had endured life in

Kuwait, and that upon his retirement, he was simultaneously being released from prison] (*PMC Respondent 4*).

It became was apparent from the interviews that labourers, even if they knew something about accident procedures, were generally unaware of their legal rights or of the very existence of employment lawyers:

I do not know [my rights] - I just go to duty and come back...[then he describes his understanding of accident procedure] When they filled the form [after the accident] they know that they have spoken to them, so that if something has happened, they will get some reward...once they have dismissed them [after an accident], many will fight but I will [would] not fight. They will just cancel the visa and deport them to that country after seven days, and tell them that it [is] their responsibility to ensure that they are safe (Worker respondent 21).

The only means employment lawyers had to communicate with labourers and inform them of their rights was by publishing information in newspapers in English as there are so many different languages in use. Only Arabic, English, French and Urdu language newspapers are available in Kuwait and English is common to many of those who are literate:

It is very rare that anyone will come to us - they do not appear to be aware of their rights, and as individuals, it is much more difficult for us to bring anything to court. As a law firm, we are trying to make them aware that they have their rights. We advertise in the newspapers, in English (General Stakeholder respondent 2).

Since most labourers are functionally illiterate in English (70% of the workers interviewed needed an interpreter), it is unlikely that they would be aware of the availability of any legal recourse.

Social inclusion/exclusion. According to Sargeant and Tucker (2009), social exclusion and isolation of workers could occur for a number of reasons, including geographical separation, segregation along racial lines and discrimination. As outlined in previous chapters, subcontracted migrant workers in Kuwait are subject to stratification and geographical distancing; for instance some are accommodated in suburbs such as Mangaf and Fahaheel (where there are luxury sea-view apartments on

the Coast road behind which are streets with old, run-down, crowded housing blocks forming one of the areas most densely populated by expatriate labourers), some in desert or site compounds, and others in sections or whole blocks of apartments far outside the city centre.

Through the demarcation of housing arrangements outside of mainstream Kuwaiti society, subcontracted migrant workers are therefore simultaneously segregated along racial lines and discriminated against by their exclusion from activities enjoyed by those considered to be of higher social standing.

The sentiments expressed by workers regarding their exclusion from Kuwaiti and general society were common themes throughout the interviews. Some participants became emotionally withdrawn and avoided any form of interaction or involvement with others, apart from receiving instructions from their supervisors, even when sharing accommodation with those of similar cultural backgrounds. Emotional withdrawal is also a symptom of depression (Kirmayer et al., 2011).

I just live here, work, go home, make something to eat, then I go to sleep. When I sleep I think....what to do? I wonder if my family have good food and if they have a good living place. (Worker respondent 13).

The life here is okay. It is ok [repeats] okay. [shrugs shoulders, implying that life is bearable] I just live here, work, go home, make something to eat, then I go to sleep (Worker respondent 13).

I am working with Keralites - their language is very hard do I cannot understand them (Worker respondent 2).

I go to site, come back, wash myself, eat, sleep. And sometimes I go to the city also. There is nothing to do in the city. Sometimes I feel like I want to cry. (Worker respondent 7).

I feel sad...have been working for six years and family is in Pakistan...not been able to see my family...never been able to have enough money to go home. (Worker respondent 8)

There are no social outings at all. We just work and go to the Fahaheel market but there are no other activities - there are no social activities laid on by the company. (Worker respondent 12).

In Kuwait there is nothing for entertainment especially for bachelors. From Friday, what can we do? Switch on TV, switch off TV. Khalas [Arabic for ‘that is finished’]. We cannot go to the beach, any place, or entertainment city which requires an entry fee of 3KD. That is one thousand rupees in Pakistan! I am only getting 50KD how can I go to anything. It all has a fee so I cannot go anywhere. (Worker respondent 2).

Some participants with perceptions of good working conditions and nutrition levels were more positive about their social inclusion. However, even when participants perceived that their food and living conditions were good, most felt excluded and had experienced peer group rejection and bullying from fellow Asians.

One time I went sick into the hostel but the Bangladeshis told the supervisor that I was looking for other work. So they cut my salary for 2 days without investigation. These people [the supervisors] who are so big they don’t know [what happens to them in the room]... I am with mixed Keralites and Tamils but they do not treat me well - they should put Hindi in one room and Tamil in another room... (Worker respondents 2, 10 and 16).

These reactions reflect observations by Paradies (2006) in that there is evidence to suggest that members of generally oppressed racial groups are likely to be particularly sensitive to negative behaviours towards them by their own racial group.

Stakeholder interviews conducted with PMC respondents confirmed that Kuwaiti contract owners distance themselves from the need to interact with labourers:

Now, if we are talking about the Kuwaiti supervisors, which is really not applicable as the Kuwaitis are in higher level management positions, say a person of authority, I would say that the treatment is not harsher, but that they would not deal directly with the labourers. The Kuwaitis treat the supervisors in the same way as the supervisors treat the workers so it’s a type of systemic domino effect. (PMC Respondent 3).

Stakeholder interviews also confirmed that in some cases, geographical distancing and social exclusion of labourers led to their gradual emotional withdrawal:

It was the closest thing I had seen to the walking dead. Zombie like figures, that were just battling away to keep going. (PMC Respondent 3).

Another stakeholder, had the opinion that it was the Kuwaiti culture which led to social exclusion and the lack of consideration of the need for entertainment:

They don't understand the word 'joy' – they understand the word 'pleasure'. In our civilisation, there are many words for joy – you enjoy music, you enjoy the life, but [for them] there is only one joy and that is sex. (Expatriate subcontractor respondent 2)

Summary

The above section has shown that expatriate labourers do not attach any deep sense of perceived value through their socio-economic status in Kuwait, and that their sense of status is directly related to the extent to which they are able to improve the socio-economic status of their home country dependents. In terms of seeking legal redress for work-related issues, it has been shown that labourers are not informed of their legal rights, are often abused, and that supervisors prefer to curry favour with their contractors through refraining from informing labourers under their control of their legal rights. Workers are also socially excluded through segregation from mainstream Kuwaiti society along geographical and racial lines, and by their exclusion from participating in social activities. In examining those factors affecting migrant security, the research now explores those factors affecting migrant security in Kuwait.

Layer 2 - Migrant Security - Receiving Country

This layer comprises worker perceptions of the existence and nature of contractual status; the right to remain; roles of recruitment agents and employers; and treatment of migrants. For the purpose of analysis, contractual status and roles of recruitment agents and employers have been combined as these are inexorably linked through the regulatory system governing recruitment and accommodation of construction industry workers in Kuwait. In particular, this section attempts to answer research questions 2, 3 and 4.

Research Questions two, three and four. What is the extent of worker access to representation and regulatory protection? How does the legal status of migrant workers

affect their lives? How do the roles of recruitment agents and employers in the migration processes affect migrant OHS?

Legal status. For the purposes of this analysis, employer roles are discussed under the section on treatment of migrants, for it is in this area that concerns emerge over the managerial influences affecting workers' OHS. The lack of right to remain or to gain permanent residency after a contract means that the worker who does not have a current visa becomes an illegal over-stayer a fact that is capitalised on by private Kuwaiti contractors who offer clandestine employment at low wages.

I have a two year contract. I think that if the company gives a release, I may find another job but the company keeps my passport (Worker respondent 6).

They are holding my passport...they told that the contract will be for two years, but they have fixed it for 1 year. And now it is not clear when my visa will be prepared. Now I'm sorry because everything is out of my hands and they have total control. It is not just me - everybody wants to run away (Worker respondent 14).

The Kuwaiti government deals with illegals by fining them (and each member of their family under their sponsorship) for every day they overstay beyond their visa renewal date. They are offered an annual amnesty whereby fines are waived for those workers who admit liability and agree to return to their countries of origin. However notwithstanding these measures there has been little effect on the large number of expatriate workers who continue to enter or to remain in Kuwait illegally.

Nature of contractual legal status/agent and employer role. The interviews conducted with workers revealed that fixed term contracts are usually honoured in terms of wages, job allocation and transport when they are signed directly by state project owner representatives who advertise positions and conduct interviews in labourers' countries of origin and then grant them resident visas in Kuwait for the duration of the contract. These labourers are subsequently directly housed in site compounds or allotted building complexes close to projects and they are provided with civil ID cards.

Deceptions and dishonesty mostly occur when labour agents in labourer countries of origin and in Kuwait recruit on behalf of Kuwaiti subcontractors and sub-subcontractors, private construction project developers, or for minor subcontractors on state projects.

Most worker respondents who had signed direct contracts with appointed representatives of Kuwaiti state project owners and major Kuwaiti subcontractors were in senior or supervisory roles. These contracts were negotiated through labour agents or senior contract supervisors in the workers' countries of origin. These workers had all been provided with resident visas upon entering Kuwait and promises regarding working conditions, job function, wages, accommodation and food had been honoured. Several manual labourers were also included in this category but are distinguishable from other workers because they, too, were interviewed directly by representatives of the Project owners.

Here work is good and salaries are much better... Four foremen and the supervisor from here went to India and I found out from the newspaper that the delegation is going to come and they are going to hire, and so I went and applied, and I was able to get the job contract. I attended the interview and got the job - I showed them that I can paint and so I got the job and [the Kuwaiti Project Owner] brought me here. (Worker respondents 2 and 7).

The degree to which contractual promises were broken was inversely related to subcontractor company size and its hierarchical level within the project. The working conditions of participants contracted by small subcontractors and sub-subcontractors were dishonoured and in one case, the worker had to pay the subcontractor the annual visa renewal fee. In two instances where contracts were dishonoured the contractor was a well-known member of a prominent family and employed over 700 people.

The agent said that we would be oil workers and when I told the contractor I was looking for a painting job he said no problem I would get a job as a painter - but that did not happen - I have to dig trenches... They told me in India that they will give me 100 KD [per month]. The labour contractor told me this, and when I came

here I did not get it. I signed the agreement in Kuwait for 75 KD and that is what I am getting. (Worker respondents 4 and 6).

He [the agent] was not honest. He lied to us. On the agreement we wrote one thing and here we were given another. (Worker respondent 10).

Another example of dishonoured contracts is where the salaries are paid late or not at all and the workers are forced to work extended hours.

...A contingent of Indian workers were tired of the amount of hours they had to work and they had never seen their salaries in a three month period. And they were made to work day and night shift and some of the men had to work the day shift extended into the night shift so they were tired and hungry. All they were asking for was some form of humane treatment – these men had not eaten properly and had been forced to work extended shifts late into the night (PMC Respondent 2).

A notable exception to this pattern was a skilled worker who had been appointed by a small subcontractor employing only three people. The interviewed worker perceived that promises made when signing his contract, had been fulfilled. On this occasion it was apparent that the contractor was highly dependent on the skill of the worker in order to fulfil his own contractual obligations within tight time and budgetary constraints:

I was paid 4.5KD per day. Sometimes [I worked for] 9 hours, up to 10 hours - I had more time to work in that company. I also had time to take lunch. This was a small company. Three persons were employed by this company, two masons and one labourer. (Worker respondent 8).

Notwithstanding worker perceptions of satisfaction or dissatisfaction with their working conditions, the question is whether they are able to find jobs at sufficiently high wages to fund their commitments.

Table 5.2 below illustrates the commitments of non-supervisory and skilled worker respondents in terms of the number of dependents supported in the home country, salaries earned and agency fees which have to be repaid from their earnings. Nearly 40% of the workers had paid an agency fee in order to gain a residency permit. There is a large variance in agency fees charged as a proportion of the annual salary. In

general, it can be said that the salaries earned, when considered against the agency fee and the number of dependents relying on them for their livelihoods, make it highly unlikely that any of these workers will be able to leave their jobs in Kuwait in the foreseeable future. They are thus trapped, dependent on their employers and are forced to accept whatever treatment is meted out to them. Fifty-four percent of workers expressed a reluctant acceptance of their conditions. However this resulted in high levels of anxiety and depression in an environment and workers are therefore forced to suppress their true feelings. This aspect is discussed in more detail in Chapter 6.

Table 5.2

Commitments of Non-Supervisory and Skilled Worker Respondents

Occupation	Number of Dependents	Annual Salary Kuwaiti Dinar	Subcontractor / Agency Fees Kuwaiti Dinar
Sandblaster	6	1080	1175
Steel Fitter/Rebar	3	900	410
Labourer/Digger 1	3	900	310
General Labourer	4	960	102
Construction Labourer	8	1296	1800
Labourer/Digger 2	2	720	52
Labourer/Digger 3	7	720	52
Stonemason	8	960	310
Carpenter	5	960	256
Labourer/Digger 4	10	1200	1200
Carpenter/Bolt-fixer	5	840	102
Plumber	3	960	256
Carpenter	8	900	256

Note: Subcontractor / Agency fees are in equivalent Kuwaiti Dinars at median 2012 exchange rates; (1 KWD = 195 INR; 1 KWD = 340 PKR).

Table 5.3 below shows that workers in managerial or supervisory roles or those with specialist skills who are direct hires or have family in Kuwait are in a better

position because they have no agency fees to repay and their salaries are generally higher, with fewer dependents to support. Notable exceptions to this are the pipe maintainer/insulator and TIG (Tungsten / Inert Gas) welder 2, both of whom are low paid, and a scaffolding supervisor who was responsible for supporting an extended family of 30 people. Table 5.3 also shows three instances, namely the sandblaster, construction labourer and labourer/digger 4, where the workers concerned were paying the equivalent, or higher amounts than their entire annual salaries, to agents, whilst at the same time having to support large numbers of dependents. This is the perfect example of the manner in which corrupt agents entrap workers into a never-ending treadmill of dependency from which there is little hope of escape. In these cases, the workers would also be placed in a desperate situation where they knew that they would be unable to provide for their families, which could lead to instances of suicide.

Table 5.3

Commitments of Managerial, Supervisory and Highly Skilled Worker Respondents

Occupation	Number of Dependents	Annual Salary Kuwaiti Dinar	Direct Hire Method (No Agency Fees)
Pipe Maintainer/Insulator	3	960	Project Owner direct hire
TIG Welder 1	4	1800	Brother arranged Kuwaiti Visa
Inspection Engineer	3	4200	Project Owner direct hire
Scaffolding Supervisor	30	4800	Project Owner direct hire
Civil Construction Supervisor	5	5400	Project Owner direct hire
TIG Welder 2	4	600	Father arranged Kuwaiti Visa
Auto Electrician	3	1560	Project Owner direct hire
Air Conditioning Foreman	3	2160	Project Owner direct hire
HSE Officer	3	3600	Brother arranged Kuwaiti Visa

Table 5.3 also illustrates that although many workers expressed positive feelings and a sense of good fortune because they did not have to pay agency fees, further in-depth analysis of the data revealed that only the senior engineering staff were comfortable with their working lives. Many respondents who were in supervisory, middle management, skilled technical and low skilled labouring jobs who were on very low incomes and who were supporting large numbers of family would need to be employed in Kuwait for many years before they could afford to go back to their home countries. Therefore, those workers who had paid agency fees suppressed their feelings

of resentment and fear resulting from the lack of power to resist or speak up, in order to survive. This type of situation produces an incompatibility between internal attitudes and behaviour, also known as cognitive dissonance, which, in essence, is the reflection of coping mechanisms used by individuals in order to rationalise the reality of the situation they are facing, which they inwardly need to avoid (Robbins, Judge, Millet & Boyle, 2011). This concept is discussed further in Chapter 7.

Tables 5.2 and 5.3 demonstrate that the majority of subcontracted labourers and supervisors are trapped in a ceaseless treadmill in the search for better work opportunities and higher incomes, prompted by the economic difficulties they face at home (Afsar, 2009, p. 10). Degorge (2006) describes this condition as that of modern day “wage slavery” (Degorge, 2006, p. 662), a situation where, although workers have freely sought work, once they have chosen their course, the “ability to make free choices and enjoy a degree of mobility is restricted and/or non-existent” (Degorge, 2006, p. 662). The degrading manner in which subcontracted migrant labourers are treated in Kuwait is clearly revealed when the data on the conditions under which they are forced to live is analysed.

Treatment of migrants. The adapted Sargeant and Tucker (2009) model concerns those workers who have the right to enter and work in any country as well as those who are working without legal authorisation. In other countries, for example Germany or Canada, even if a migrant has entered a country on a short-term contract or is working illegally, they may yet be able to gain the legal right to remain. Kuwait is different—both migrant workers who are illegal migrants (or over-stayers) and the construction workers who are legally in Kuwait have no hope of getting permanent residency which is ultimately the aim of every migrant worker seeking a better life for themselves and

their families (IHK Berlin, 2017). Some of the skilled workers come to Kuwait with the aim of accumulating enough money to be able to emigrate to a Western country.

I will try and go to Canada because [my] relatives are there...a trained carpenter will have more opportunity in Canada (Worker respondent 14).

If I have worked maybe in European country like Norway or Scandanavia, or America, I can better settle my family. So this is so many things I cannot explain, I cannot do anything (Worker respondent 19).

No expatriate living in Kuwait has the right to seek permanent residence or citizenship status even if they have been born there. According to Kuwaiti immigration regulations, work-related resident visas, or so-called *iqama* visas are granted for public and private sector employees and are all linked to Kuwaiti sponsorship (IRB, Canada, 2014). In the absence of hope for the achievement of permanent residency or citizenship, the quality of life and subsequent OHS of expatriate labourer workers in Kuwait is thus determined by the way they are treated once they set foot in Kuwait, as it is the only source of comfort to them.

Living conditions. In terms of the questions posed in Layer 2, workers' quality of life includes living conditions such as their accommodation, whether this is free of insect and other infestations, whether the environment is conducive to workers getting sufficient sleep, and the adequacy of their nutrition:

The workers should have rest, and rest is their right, but we are not receiving the rest that we need. We have to work overtime and we are not paid for that... We are always tired...I feel sad. Because of the house problems and other problems I am forced to stay here. I wish I have wings to fly and go home...[what sort of advice would he give any expatriate worker coming to Kuwait] I would advise people that whatever they are receiving [in the way of promises] here is lots of deception. We were told that everything would be provided by the company, transportation, board and lodging, but in the end we received nothing. Everything that we have been promised, we have not been receiving after that...The food stands for about 12 hours before we can eat it. If we cook our own food they will remove you from the hostel...our cabins are made of wood, and we cannot get them clean...(Worker respondents 6, 8, 9, 14).

This indicates that the way in which workers are treated through the living conditions imposed on them therefore significantly affects their lives and OHS:

Accommodation. Seventy-seven percent of the workers and supervisors interviewed shared varying types of accommodation with others. Eleven lived in company owned apartments within the so-called “refinery belt” area within 5-10 kilometres of oil and chemical processing plants in Kuwait (Al-Salem, 2008, p. 2), whilst six were accommodated either in desert camps close to the Saudi Arabian border or in cabins within the refineries themselves. Nine workers were housed in small double-bunked rooms designed for 4, 6 workers in treble-bunked rooms whilst the remaining 3 workers were housed in rooms within the refinery belt which were designed for between 8 and 10 people. One worker referred to larger rooms holding up to 25 people.

Insect infestations. Common issues included the presence of bedbugs, lice, cockroaches and other insect infestations. Twenty-seven percent of workers interviewed referred to the presence of bedbugs and cockroaches in their accommodation, although this figure is probably under-represented in terms of the overall results, as specific questions on the subject of bedbugs and cockroaches did not form part of the original questionnaire.

As further discussed in Chapter 6, workers accommodated within the refinery belt area are also exposed to high levels of particulate matter, leading to the possibility of acute asthmatic episodes and ischemic heart disease. What is important to note is that these workers complained of headaches and colds, they were observed to be wheezing during the course of the interviews. In light of the existing research on bedbug and cockroach related health effects, it is possible that the long-term presence of bedbug infestations in worker accommodation is likely to contribute even further to instances of asthmatic and ischemic episodes.

Significantly, all workers who had problems with bedbug and cockroach infestations also had limited washing facilities and were required to wash their own toilets using cleaning materials they purchased themselves. Some participants, in an attempt to clean their overalls, washed these in showers adjacent to clogged and dirty toilets. Research discussed in chapter 3 implies that this would actually increase the danger of re-infecting lice-related hives through skin contact with the newly-washed overalls. Worker respondent No. 14, who had attended the clinic because he was experiencing severe congestion, chest pain and difficulty in breathing, referred to the conditions in their ablution facilities:

We have to wash the bathrooms ourselves. They are so dirty because 11 people use one bathroom. The only time we have to clean the bathroom is on Fridays because they are not cleaned. We found that no-one else would clean them so we decided to try and clean it ourselves. We have two small toilets and one washbasin and two small showers [between the 11 people] in our bathroom and there is a larger bathroom for many other people [who share other apartments in at the same level]. We use the larger [uncleaned] bathroom to wash our clothes. We buy our own cleaning materials to wash our own showers. We are sleeping without bedsheets on the mattresses. (Worker respondents 14, 16, 17).

The presence of parasites and insects are clearly linked to overcrowding, as revealed by further comments by the same respondents:

They are full of bedbugs and they suck our blood at night. I don't know how to solve the problem.... We have insects that crawl up the walls, and a lot of the time we also have bugs in our beds... We always have bugs. It is very hard to tolerate - we do not know where [the bugs] are hiding. As soon as the light is off they start biting. (Worker respondents 14, 16, 17).

Stakeholder responses confirm the poor conditions of the worker housing in Kuwait, and provide the rationale for connecting crowded and unhygienic living conditions to sleep deprivation and gastrointestinal disease:

We have gone down to Mangaf [within the refinery belt area] where the subcontractors were housing their workers and the conditions were appalling. I was shocked at what I saw. They were putting 6 people to a room, so a room smaller than this one [4m x 5m]. It had six beds in it built bunk style, very cramped quarters. The little kitchen down in the bottom floor, because they fed everyone in the building as well, was absolutely disgusting. About as unhygienic as you can imagine. And although we did not actually see any rats, I can imagine

that they must be running around throughout that building. The windows were blocked off. They covered the window with magazines and newspapers. No curtains. Some people try and sleep during the day [especially during Ramadan, when workers often work through the night], so they tried to keep out the sun. There was no bathroom so they would have had to share a bathroom with the rest of the people on the floor. The worker was resting from an eye injury - that particular subcontractor had very similar eye injuries where when the workers were cutting or grinding, they were not enforcing the eye protection requirement. (Stakeholder respondent 2).

The recovery and rest of the worker referred to had been compromised, leading to sleep deprivation and fatigue which caused major problems for 36% of worker respondents, one of whom was depressed because he had been “feeling tired” for 4 years (worker respondent 1). That was the period during which he had paid off his agency loan, and he was concerned that he would be unable to continue at the same pace and save enough to make a better life for his family. Common themes expressed both by workers and by stakeholders confirm that fatigue has emerged as a major OHS issue. Additional stakeholder evidence shows that injured or sick workers were forced to return to work before they had adequately rested:

I have been to camps where the majority of the workers are from central south Asia and they are living in conditions that are ten men to a room. On one particular day several men came to me telling me that they had not been well and had not been able to work well because the kitchen facilities are in such dire conditions that there has been an epidemic of spoiled food and of course dysentery and all breaks out but what captures my mind is that when the men complained to their immediate supervisors there was nothing done about it and they are still expected to go to work. (PMC Respondent 3).

The above responses firmly establish a link between overcrowded and unhygienic living conditions and worker ill health, injury and diseases. In addition, interviews with worker respondents reveal the importance which they attach to the quality of food, the way in which food preparation and quality is neglected and how this results in compromised OHS including increased sleep deprivation. The quality of their lives and OHS is therefore additionally linked to nutritional aspects.

Poor nutrition. Worker responses reveal the importance of food in their lives.

Sixty-three percent of the workers who attached the most importance to the type of food they consumed were unskilled labourers. The workers earning the lowest salaries had either to eat the sub-standard food which the company prepared in basement kitchens (and to pay the company 10KD out of their meagre monthly salary), or to purchase and cook the food themselves, outside their normal working hours. Additionally, some workers who cooked for themselves took their own lunches to work and consumed these after 7 hours, during which time the food became spoiled. Workers were often not permitted to sit down and eat their lunches without being interrupted, thereby preventing their systems from fully absorbing the food (ILO 2005).

Egyptians were our supervisors, and we were not allowed to eat properly. While we were eating, the supervisors would shout: 'yella, yella' go now and do the work. Even if we went down to drink water, or go to the toilet, we were also rushing, fast. So in six years, because of poor diet, I feel not good. Most of the time we cook lentils and only sometimes we have vegetable and meat (Worker respondent 8).

Poor quality and rotten food provided to participants was a recurring theme, exacerbated by the fact that many respondents were threatened with pay cuts or deportation if they complained about food provided by the company:

We are given chicken, but I want to cook my own food because their food is no good. We have to eat their food in the building and we do not like the company food - they do not cook it properly. They cook rice in the afternoon and they will serve at night, and at night time they are cooking and serving that food on the next day. We are eating already rotten rice. If you try and cook or bring your own food they will remove you from the hostel - they threaten that the workers will be sent back straight away if they are not happy. If they don't send us back they will cut our salary for 10 days. They also threaten that if we resign we will not get anything from the company. (Worker respondent 14).

Other workers complained that they could not recognise what they were eating:

I don't know what food is cooking because when we get the food we cannot recognise what we are eating. We eat chipati [flat bread] in the morning and when we come back we eat rice and lentil. We never have fruit or fresh vegetables. (Worker respondent 16).

I used to live in a desert camp and they are not liveable. The food is not good. They do give food, but there needs to be a little bit of food which is good for us. (Worker respondent 22).

They promised that they would provide the food. I could not even eat the food. I chose to leave [the desert camp] and live separately so that we could at least eat food which does not make us sick. (Worker respondent 19)

From the above evidence, it is clear that the question of the relationship between overcrowded and unhygienic living conditions, the presence of lice, insects and intestinal parasites, all negatively impact the OHS of workers. Information from stakeholders confirmed that workers are given insufficient time in which to recover from illnesses, increasing the likelihood of on-the-job fatigue and increasing the risk of work-related injuries (Quinlan et al., 2010).

Others identified regularly working 12 hour days, excluding travel time, as a cause of severe fatigue. Furthermore, some workers had been forced to work overtime and then had to cook for themselves outside of working hours. This required them firstly to purchase their own food and then to cook it, causing the growth of layer upon layer of fatigue, leaving them exhausted. Their distress deepened when they were not paid for the overtime they had worked:

The workers should have rest, and rest is our right, but we are not receiving the rest that we need. And we have to work overtime and they are also not paying for that. Give us our rights and pay us for overtime - we are working during our rest hours but now they have stopped [paying the workers]. (Worker respondent 6).

One worker stated that although the company supplied transport, this only added to worker levels of fatigue as it meant that, in order to reach the pick-up point on time, their resting hours were further reduced, further depriving them of their rest which exacerbated their exhaustion:

At 2 a.m. we get up and we go to bed at 9 at night. The whole day work[ing] the body is so exhausting. It is very hard to get up at 2 a.m in the morning. At 4.30 we start, we finish at 12 o'clock, we rest [on site] till 3 p.m. and then we go back and work till 7 p.m. When we rest they close down the air conditioning in the room where we are supposed to rest and then we have to go back into the [unventilated] pit for the rest of the day. When I have to carry a heavy load I feel that I will

collapse. We cannot sleep. At 9 we sleep because we have to get up at 2. But it is not exactly at 9 that we can sleep. We first have to cook food and eat. If we do not get up early then we will not be in time to catch the bus because we have to walk to where the bus picks us up, and it takes time to try and get to the bathrooms to wash. So we just try and get to bed as early as possible so that we can have as many hours as possible to sleep. Then we cannot sleep [properly] - the bugs are biting and disturbing our sleep. (Worker respondent 14).

All these workers had attended the clinic regularly for health related issues including dermatitis, heart pain, asthma, stomach disorders, difficulty in breathing and general weakness. From the above it is clear that for many workers there is a steady build-up of layer upon layer of fatigue resulting in exhaustion creating a significant risk of injury, as observed by one stakeholder regarding an accident involving a driver who fell asleep, lost control of his vehicle and was fatally injured.

The above analysis links fatigue to workplace accidents and disease. In addition, there is a growing body of evidence that insomnia is an independent risk factor for mental illness, with the strongest risk ratio for depressive illness (McCall & Black, 2013, p. 389). Depressive illness could result in suicidal ideation which, according to McCall and Black (2013) is defined as a desire to die, or at least an indifference towards living (McCall & Black, p. 389). An example of this indifference is reflected in the response from Worker respondent 15, who confided that he worries at night, cannot sleep and feels imprisoned:

Here there no peace of mind. I feel forced to live here and I do not know what to do about it. I do not know what I would do if I ever had an accident. I cannot do anything. If they take me to the hospital and I die, that is okay, and if I do not, that is also okay. (Worker respondent 15).

Regarding suicide, worker respondent 19 expressed disgust at the fact that supervisors would go out of their way in order to ensure that any worker was too afraid of deportation voice their opinion upon the death of a colleague or to attempt to make an insurance claim for injury. This related to a case discussed in Chapter 6 where a worker was fatally injured when loading concrete and the company paid compensation

to his relatives by forcing the victim's colleagues to take a pay cut, to fund the compensation:

So we had money taken off our salary - they get the workers to give the money to give to these people [the relatives]. So they are breaking the law. According to the law, the government cares, but they do not care too much. (Worker respondent 19).

Worker respondent 19 further reveals that he had witnessed suicides in the camp:

I have seen more than 3 people commit suicide in the camp. The company say that they drank too much and that was why they hung themselves. (Worker respondent 19).

The above analyses reveal that there is alcohol available for workers to consume and is a factor in depressive illness and suicides. This became evident after interviewing worker respondents 11 and 12, who both made reference to freely available alcohol in various forms notwithstanding the fact that the sale and consumption of alcohol in Kuwait is strictly forbidden by law:

When someone comes from India my advice is don't drink whiskey and don't smoke. I have not seen where they get it from... Sometimes they drink whiskey and then they go and fight. I do not know where they get the drink but they are getting drink. So even in Kuwait they are getting what they want. All sorts of hard drinks are available and easily. (Worker respondents 11, 12).

Respondent No. 19, when asked to reveal why he felt the workers had committed suicide, gave the following response:

They were frustrated. When these people came they paid 60,000 [Rupees] to the Asians [labour agents]. They are all poor people. The people [in their home country] expected many things. They see what is going on when they come to Kuwait. So they try and go back to their country. The company [subcontractor] brings big problems for these people because the company will not pay or allow them to go back. The workers smoke too much, drink katchera [locally sold home brewed alcohol]. I have seen this because the company does not give compensation. Nothing. So they drink too much. There are no comforts. They were between 30 and 50 years old and had been in Kuwait for about one or two years. They were expecting good salaries but [salaries were not honoured] and there was no hope of paying the money [agent fees] and the living situation was too bad. If the Kuwaiti nationals became involved then it would be better but they do not involve with non-nationals. [Project owners distance themselves from subcontractors]. (Worker respondent 19)

It is probable that alcohol related suicides are more common in Kuwait than has been officially reported. The unwillingness to discuss alcohol dependency is, in part, due to the fact that alcohol is illegal in Kuwait.

Conclusion

Research findings in this study covering Layers 1 and 2 of the adapted Sargeant and Tucker (2009) analytical framework have shown that socio-economic factors which exist in the home countries of workers, is the principal driver of the constant supply of subcontracted construction industry expatriate labour in Kuwait. The degree of perceived value which workers attach to gaining socio-economic status is therefore directly related to the improved status, life style and improved longevity of families at home.

Worker knowledge of their status in terms of their right to seek legal recourse is vague. Subcontractors are reluctant to inform workers of their right to injury compensation, and workers are therefore forced to glean whatever information they can from older workers and colleagues.

Through the official stratification of housing arrangements, workers are forced to live in areas which are separate from mainstream Kuwaiti society, thus ensuring their social exclusion. Kuwaiti contract owners physically and culturally distance themselves from labourers, leaving their management to subcontractors who, constrained by time and budgetary issues as a result of the official low-bid tender acceptance in Kuwait, further offload the responsibility of health and safety onto sub-subcontractors, producing negative OHS outcomes.

The contract status of subcontracted workers in the construction industry is also negatively influenced by the use of labour agents by subcontractors. This has a profound effect on workers who are trapped in a cycle of poverty rendering them unable

to fulfil their family obligations and leads to occupational illness and depression.

Inhumane living conditions and insect infestations further raise the level of occupational illness. Deepened depression, exacerbated by extreme fatigue and poor nutrition, are associated with alcohol abuse and mental disorders including suicidal behaviour.

Having analysed Layers 1 and 2 within the Sargeant and Tucker (2009) framework within Chapter 5 above, Layers 3 and 4 are discussed in the following Chapter 6 which covers the reasons why migrant workers seek employment in Kuwait, and the impact of OHS management systems on their lives, experiences and OHS of subcontracted construction industry workers.

Chapter 6 - Data Analysis and Findings Layers 3-4

Introduction

This chapter presents the data gathered from the interviews of workers and stakeholders analysed and the findings arranged into the themes developed within Layers 3 and 4 of the adapted Sargeant and Tucker (2009) model. Migrant worker factors and their reasons for migrating are addressed; these are influenced by education, language and skills levels and by the availability and access to decent work in their countries of origin. OHS management systems within the project management consultancy and their relationship to the subcontractor hierarchy are discussed. The effectiveness of supervision, communication and training of subcontracted migrant labourers conclude the analysis.

The examination of the underlying reasons for the unabated continuance of migrant labourers who compete for employment in the subcontracted Kuwaiti construction industry has exposed the dire circumstances which they face. Continuing from Chapter 5, the discussion and findings reveal migrant worker factors and OHS issues.

Table 6.1 illustrates how the overarching themes apply to Layers 3 and 4 of the adapted Sargeant and Tucker (2009) framework. Control mechanisms leading to helplessness are linked to coercion, acts of cruelty and the abuse of power. OHS issues such as respiratory disease is associated with dust exposure, inadequate respiratory protection and exposure to high risk chemicals. Physical injury includes musculoskeletal disorders as well as heat exposure, cardiovascular issues, skin disorders and trauma. Ineffective OHS training is linked to barriers caused by language differences and problems in comprehension.

Table 6.1

Approaches to Themes - Layers 3 and 4

Theme: Power and Control Mechanisms		
Code	Sub-category	Category
Acquiescence Fear and Anxiety	Coercion	Helplessness
Low self-esteem Feeling abandoned Feeling imprisoned	Depression	
Betrayal	Power abuse	Controlling mechanisms
Unachievable tasks Verbal and physical abuse Extended working hours	Cruelty	
Theme: Occupational Health and Safety Issues		
Code	Sub-category	Category
Grinding Dust storms	Dust exposure (concrete, marble, dust storms)	Respiratory disease
Hoarseness / voice constriction Wheezing Coughing Grey Pallor Dizziness	Inadequate respiratory protection	
Welding fumes Inadequate confined space ventilation	High risk chemical exposure	
Hands shaking Neck pain Back pain Heavy lifting	Musculoskeletal disorders	Physical injury / disease
Vomiting Breathlessness General weakness Dehydration Inappropriate / inadequate clothing	Heat exposure	
Hearing difficulty	Noise exposure	Noise induced hearing loss
(continued)		

(continued)

Table 6.1

Approaches to Themes - Layers 3 and 4 (continued)

Theme: Occupational Health and Safety Issues		
Code	Sub-category	Category
Chest pain	Cardiovascular issues	Physical injury / disease
Loss of pigmentation	Skin disorder	
Crushed limbs / body Nausea / vomiting	Trauma injury	
Heart attack/Stroke Acute trauma	Fatality	
Language barriers Comprehension	Lack of or ineffective training	OHS Training

Layer 3 - Migrant Worker Factors

This layer relates to reasons why workers choose to migrate and includes the influences of education, language and skills levels on their perceived inability to access decent work opportunities in their countries of origin. These factors have a major impact on their ability to provide for their families. In particular, this section aims to answer the following research questions:

Research questions five and six.

What are the reasons for migration and how do these affect worker attitudes towards safety? What are the effects of migrant education, job type, language and training skills levels on their OHS?

Reasons for migration. In terms of availability and access to decent work in their countries of origin, worker respondents were unanimous in stating that they had accepted work in Kuwait because they had large families to support and either could not find employment in their countries of origin, or, when such work was available, salaries were insufficient to lift them from the cycle of poverty in which they existed. Sixty-four

percent of respondents could not find employment in their home countries, whilst 36% moved to Kuwait because salaries in their home country were too low. Of those respondents who could not find employment in their home country, five (23%) were technically skilled but nevertheless could not find employment. Two cited class discrimination as the perceived reason for failing to gain meaningful employment. Forty-one percent of worker respondents were poorly educated and were unable to secure employment in their countries of origin:

I am forced. I am poor, so I have to come and work here. (Worker respondent 1).

I feel very bad to be away from my family - I cannot fulfil the needs of my family, so I am not happy. My mother is always sick. (Worker respondent 10).

Others with a low education level were frustrated because they were caught up in a never-ending cycle of poverty because the salary they received in Kuwait was not enough for them to save sufficient funds to achieve their goals:

Here is the problem. There I have family, here I am receiving 100 KD but I have to keep 50 KD for myself [to pay for the agent loan securing the position] and that money is not enough for my family and they are poor and so I worry each night when I go to sleep and cannot sleep properly. These things rob my sleep. I think that if I go home it will be better but then my children will have no support because I will not have work at all. (Worker respondent 4).

Difficulty is my family is big, so I help them but all my hard work is not helping them and my mother is sick. I want to help but cannot help. [Respondent is crying as he speaks, looks away, head down, looking ashamed.] My heart is very painful... There is nothing. There is not anything good about this work. (Worker respondent 10)

The ability to ensure the longevity of family members by arranging marriages, to raise their community profile in the country of origin and to contribute to the education of children and extended family were key reasons why workers wanted to work in Kuwait:

My daughter has done 10th grade already..... I will stay for 2-3 years then I will go to India because I want to help with the marriage....in our family I send money for 30 people. We are three brothers and we all send money back to the family. I send money to friends also, if this or that one needs help. I earn more than

everyone else, therefore I am the leading brother. (Worker respondents 2, 7 and 11).

...My son is only 21 and 23 and my daughter is only 20...So I have to pay so much for the family so that they can become educated. As soon as my sons have completed education and get some job then I will go back (Worker respondent 19).

Stakeholders themselves also had similar reasons for migration as the workers:

Okay I said that I basically had no choice ...[I went to Kuwait] because my kids were just about to go to college at that time – they had just graduated from high school, so it was very important for me to keep the money going in the house. (PMC Respondent 4)

Having established the reasons why the workers interviewed sought employment in Kuwait, the links between education, job type, language and skills levels on worker health and commitment towards safety are now examined.

Safety commitment. Worker responses revealed that 95% of workers were committed to trying to maintain their own safety to avoid injury, regardless of their levels of education and skill levels. However, on closer examination, patterns of self-preservation of subcontracted worker respondents employed in supervisory and managerial positions reveal a generally callous attitude towards the safety of workers under their control. This is further evidence that coercion and power are embedded in the OHS culture in Kuwait.

The findings show that is a clear link between the drivers determining worker attitudes to their socio-economic status and their commitment to working safely. As outlined in Chapter 5, the value which workers attach to gaining socio-economic status in Kuwait is directly related to the extent to which this gives them the opportunity to improve their socio-economic status in their countries of origin. There is compelling evidence that these factors correspond with worker commitment to safety because they strive to prevent being injured so that they can continue to be send money to their families at home.

Organisational safety culture. As Hopkins (2006) has argued, every organisation has a culture (or perhaps a series of subcultures) and that culture can be expected to impact on safety (Hopkins, 2006, p. 875). This is a reflection of the organisational culture and the way in which OHS management systems in Kuwait shift the responsibility for safety onto the workers themselves. Focusing on the personal characteristics of individual labourers, such as carelessness or ignorance, conveniently shifts the responsibility of ensuring safety away from project owners to subcontractors and the workers themselves. The effects of this approach on the lives, experiences and safety of subcontracted workers is analysed in detail in Layer 4 of this chapter.

Worker respondent 5, a qualified mechanical inspection engineer employed by a large subcontracting company, stated emphatically that he controlled all the sub-subcontractors on his site to achieve compliance with OHS standards. He further claimed that full training was provided to supervisors under his control, both during induction and also during safety talks. However, the respondent had no knowledge of whether the supervisors had understood the training and he had no means of establishing the quality or clarity of the information they passed on to the labourers under their control. When asked whether the supervisors had received training in their own languages, he avoided answering the question. His responses provide strong evidence that there are few if any monitoring systems in place to measure the quality of information passed on to labourers by their supervisors.

Since I [have started] working, sometimes they [the supervisors] are called to the safety department, to get some induction training programmes for working safely inside the refinery. And also some safety talks. We cannot monitor them [workers]. Whenever we observe anything abnormal, we give some notification [to the supervisors] that these are the things that they should take care of. We are controlling them to comply to our safety requirements. (Worker respondent 5).

When asked how he approached the supervisors in order to get them to agree to working standards, or how he would explain to, for example, a Nepalese worker, how he should be working, he responded as follows:

This is difficult also, because maybe we cannot monitor them because whenever we are there they will be working to those requirements. (Worker respondent 5).

When asked how the supervisors behaved in the absence of the inspection engineers, he replied, with a tone of disdain, as if the researcher had missed the point:

[it is] with the contractor. It is HIS responsibility for making sure these people are safe. (Worker respondent 5).

The researcher then probed and asked whether the respondent knew whether the contractor trained the workers or not, and he replied:

Actually, the contractor which we are selecting [aligning himself with the project owner] depends on their safety ranking also. So obviously they will be professional vendors, and complying to those requirements. (Worker respondent 5).

When asked whether anyone has checked this, his response was that he was sure that this occurred, his tone implied that, being the project owners, they must surely do so, implying that the integrity of the project owner should not be questioned. In stark contradiction to what he had just said, he immediately referred to a hydro test injury which had recently occurred:

Not on my site, but I heard about this. I have heard - we were doing the hydro connection, something failed and the person was [fatally] injured who was arranging for the pigging [a heavy cylinder is pushed using hydraulic or pneumatic pressure to scrape and clear a pipeline of debris] of the line. (Worker respondent 5).

Details of accident data gathered through interviews conducted with workers and stakeholders are discussed later in this chapter under Layer 4, OHS management systems. Furthermore, the data gathered from worker respondent 5 implies that there is no direct control or interest on the part of project supervisors and managers concerning the ability of workers to ensure their own safety. Evidence of this is also contained in

worker responses. In some cases, workers were prevented from being able to care for themselves, even though they expressed the desire to do so:

I have learned that safety depends on myself. I have to take responsibility for my own safety - if I have an accident, I am the one responsible, so I better take care. I have not had any training. I have to take care of myself. They are treating the workers like animals.. Sometimes we have to hammer large nails. When we are inside [the holding area for the shutters] we cannot breathe... So I went to the main office and they told me if I did not like the work I could just go home. They said if I cannot breathe, drink water and sit down. Then when I sit down, someone else comes to shout at me for sitting down and tells me that I must go back to work. We wear the full safety gear - sometimes there are masks available, sometimes not and [then] we try to use a cloth over the face when it is very hot. (Worker respondent 14).

One notable exception to the above was the reaction of Worker respondent 3 whose wife, child and mother had been granted residence in Kuwait under the conditions of his work visa. He stated that his wife and mother were Filipina, his child had been born in Kuwait and that he wished to take his family back to Pakistan. Despite working for a high salary for a subcontractor employed on the site of a project owner, the respondent nevertheless placed himself and the security of his whole family at risk by undertaking clandestine work outside his normal working hours to increase his disposable income. He failed to wear any personal protection for this clandestine work and seemed to be oblivious to the fact that, not only was he placing himself at high risk of injury but also, if he were to be discovered, he and his whole family faced instant deportation:

When I am finished, I do other work. I only have [KD]150 per month. Outside I get an extra 200, maybe 300. So I go and work on other sites. And there I am working without anything [protection]. If the company sees me then big problems for me and my family [so] outside I am not wearing safety. (Worker respondent 3).

Thus the risk he was taking put himself in and his entire family in danger. That suggests that this worker was in a state of cognitive dissonance, failing to acknowledge the possible severe consequences of his actions.

Stakeholder interviews revealed that distancing themselves from workers was common practice amongst subcontractor supervisors and this had a demoralising effect on workers which, in his view, had a detrimental effect on their attitudes towards working safely:

A little bit of respect goes a long way. The opportunity to be treated with just a little bit of humanity goes a long way. I recall being out on site and I remembered the name of one of the workers, and I would stop and say - how are you, are you getting enough water - are you working safe - ask about their concerns, ask how work is going - are you being treated the right way - it is funny because one of the supervisors took me to task and accused me of treating the workers the wrong way - 'don't talk to these people - don't treat them nicely - they are not used to it'. (PMC Respondent 3).

Having discussed the reasons for migrating, the availability and access to decent work in their countries of origin, and how these affected worker attitudes and commitment to OHS, it now remains to examine OHS management systems in Kuwait and their effect on the OHS of worker respondents in this study.

Layer 4 - OHS Management Systems.

The influences of OHS management systems within a hierarchical management system which is steeped in a culture which distances managers from subcontracted workers who are trapped in the treadmill of survival, produces profoundly negative influences on their OHS. These concepts are now expanded to demonstrate how OHS management systems in Kuwait affect the health and safety of subcontracted workers.

It was strongly evident from worker participant responses that power and control mechanisms such as helplessness through coercive practices led to a sense of betrayal and erosion of legal rights of workers through extortion, deception and dishonesty. Controlling mechanisms such as abuse of power leading to betrayal and discrimination and acts of cruelty and abuse, are associated with a range of occupational injury and illness issues such as psychological illness, respiratory disease, musculoskeletal issues and heat related disorders. This section answers the following research question:

Research Question Seven. What are the influences of OHS management systems on the lives, experiences and OHS of migrant workers?

PMC/Subcontractor hierarchy. The hierarchical structuring of OHS management systems in Kuwait begins when projects are sent out for bidding to an approved list of contractors who are appointed by the project owners. These principal subcontracting companies appoint secondary subcontractors who are not overseen by the project owners. These secondary subcontractors are usually short of capital, are under pressure to cut costs at the expense of safety and consequently do not invest in health and safety training and equipment. In addition, they cannot afford the services of safety specialists or instructors; this results in a lack of safety culture both off and on site (Kartam et al., 2000). The PMCs form the interface between project owners and contractors and they have the responsibility for ensuring that contractors abide by prescribed health and safety standards. As discussed in Chapter 5, from the outset, project owners distance themselves from any direct contact with subcontractors and the labourers they employ.

Comments made by stakeholders support worker claims of the use of controlling mechanisms, abuse of power and acts of cruelty by supervisors are linked to being given unachievable tasks which required completion within tight deadlines, leading to extended working hours, further compromising worker health and safety. PMC

Stakeholder 3 illustrated a typical example of this:

Well, what is the contractor doing? They are not telling the client that they are having to have their crew stay there for 24 hours, working. All they do is send them to another site, have them shave, wet their hair as if they had been rested, and then they come back to the job so that the engineers can see them as having 'rested' and are fresh, but they know very well and can see that these people have not rested. No human being can produce beyond 8-10 hours in a physically demanding job. (PMC Respondent 3).

As shown above, the manner in which the PMC/Subcontractor hierarchy is structured demonstrates the importance of the role of supervisors in ensuring the wellbeing and OHS of subcontracted labourers through the quality of their supervision.

Effectiveness of supervision. It is at this level that the true picture of the issues compromising and negatively affecting the OHS of subcontracted workers emerge. The disregard for human life made evident by the abuse of power and control mechanisms is made clear in evidence gathered from worker interviews revealing deliberate acts of cruelty. These include betrayal, unachievable tasks and extended working hours, verbal and physical abuse.

Themes produced by worker responses reveal a cascading ripple of abuse beginning with a strong sense of betrayal and job insecurity which spills over into all aspects of the quality of their lives, resulting in devastating health and safety outcomes. Moreover, although there are inconsistencies in some cases, most data from studies of the link between health and behaviour indicate that psychological processes linked with emotional states influence the etiology and progression of disease and contribute to overall host resistance or vulnerability to illness (Baum & Posluszny, 1999, p. 139).

Worker responses reveal a sense of betrayal in terms of transactional and relational psychological contracts and confirm the link between betrayal and aggression.

Forty-five percent of workers expressed feelings of betrayal and fear:

I have been here for 16 months. My medical has been done but I am still waiting for my fingerprints to be approved. I am sad. No-one will tell me what progress [he has made] and I am also fearful that my visa will be taken away from me. (Worker respondent 4).

One time I went sick to the hostel [stayed in the hostel because he was not well] and the Bangladeshis told the supervisor that I was looking for other work. So they cut my salary for two days KD10 without investigation. (Worker respondent 10).

The ripple effect of the betrayal syndrome through power and control mechanisms within OHS management systems in Kuwait therefore produces dire consequences for the health and safety of subcontracted workers.

Worker participant responses indicate that power and control mechanisms such as helplessness through coercive practices, lack of legal rights through extortion, deception and dishonesty, abuse of power leading to betrayal, discrimination and acts of cruelty and abuse, may be associated with a wide range of OHS outcomes such as respiratory, musculoskeletal and heat related issues.

Psychological illness. The link between helplessness as a result of the abuse of power and control mechanisms and the occurrence of psychological illness is clearly reflected in worker participant responses. The following worker participant reactions show that whilst there was a reluctant acceptance of the conditions under which they were forced to work, the sense of helplessness, anxiety and stress caused by this acquiescence and associated suppression of their feelings was strongly correlated with symptoms of depression. Out of 22 worker participants, 16 (72%) expressed feelings of anxiety, sadness, and varying degrees of depression. Although these participants are sad because they live away from their families at home, it is the way in which power and control mechanisms affect their lives in terms of the way they are treated which produce stronger feelings of depression. In addition, these workers had come to a clinic because they were also feeling ill for varying health related issues. The significance of depression related to acquiescence lies in the cumulative effect of interrelated power and control mechanisms influencing worker quality of life:

I have to get up very early and work longer and harder than I did before. I am always worried that I will be able to work enough to cover their [his family's] needs and worried about what or how they will eat. [He coughs, covers face, shows signs of distress, blows nose] I am thinking of my wife and child, my family and that I have been tired for four years. (Worker respondent 1).

There, at home [in his home country], there is peace of mind. Here is no peace of mind. I feel forced to live here and I do not know what to do about it. If I have an accident I cannot do anything. If they take me to the hospital and I die, that is ok, and if I do not die, that is also ok. (Worker respondent 15).

*I feel that when I talk to them [family] that at **once**, at **once**, I want to go back. I feel that I must go back at once. I feel that I am forced, I cannot do anything, I have to pay money all the time - I feel all the responsibilities are here with me. I have to fulfil them. (Worker respondent 6).*

Wherever I get a job I will do it [as a general labourer and painter]. I will do any job. Sometimes I feel like I want to cry. I am lonely, I want to cry. I cry. But when I am at work there is no problem but in the room I feel bad. I do not find anything good here [in Kuwait]. (Worker respondent 7).

I feel sad... Every day [he thinks about his problems]. It is as if I am in prison - we are bearing all the problems and tolerating them - we all have the same problems. (Worker respondent 8).

We have no hope. [of leaving] (Worker respondent 9).

These findings concur with international research indicating that work-related stress, depression and compromised health and safety issues are strongly associated with poor working conditions (Baum, 1990; Quinlan & Bohle, 2004; Quinlan et al., 2010; Ramos et al., 2016; Wong et al., 2008). The above cases indicate that through acquiescence, the feelings of worker respondents were suppressed, resulting in the development of depression, compounded by feeling ill and having to receive medical attention.

PMC Respondent 3 referred to his experience of people who had suffered from harsh treatment and the way it affected their mental health:

My first project in Kuwait was in north Kuwait, in the oil fields, about 20 km from the Iraqi/Kuwait border, and the reason why I am telling you this, is that we measure temperatures in different areas as if it is the same climate. If in Kuwait City the climate was 47-48°C, in Northern Kuwait it was 4-5 degrees higher. At the time there was no ministerial order to cease any work in direct sunlight during summertime. This was in 2000. Workers were working all day in direct sunlight. It amazed and horrified me and I said something about it and I was told to turn the other way because there was no law that prevented this type of harsh work. I will never forget a contingent of civil carpenters who were building the foundations of this very large plant in north Kuwait. I remember the looks on their faces. Their lips were swollen, they had a glassy look to their eyes - not only had their fluids already dissipated, it also seemed as if their spirits were dissipated. It horrified

me and will never leave me because I remember seeing the men in the winter months when we started the project, and the work was difficult with the long days etc. but to see the same men again in the summertime, they were not men any more. (PMC Respondent 3)

The above experience highlights the fact that it is only due to legislative restrictions that supervisors adhered to the new directive forbidding working in direct sunlight between 11am and 4pm during June, July and August. In addition, it reveals that project owners and supervisors do not actually care about the individual worker. As PMC Respondent 2 put it:

We had people working at height without fall protection, it only takes one small step and you have a serious injury if not death, we had seen people working on excavations and the excavations had not been protected from caving - so many violations. So we went to the meeting and put it on the table and said 'you know if you guys don't get your act together, we are going to have a serious injury or fatality on this project' - and the project manager, and he wasn't trying to be funny, it was the way he felt, looked at us and said - 'well, that is why we have insurance'. That was his response. He was not concerned at all about the safety of the workers. So, is the worker valued? No. He is just a number. If he is not around today, we will find someone else. (PMC Respondent 2).

Respiratory issues. Respiratory disease is a major area of concern, particularly for subcontracted construction labourers working on private construction sites and as labourers within the various refineries in Kuwait. Interview observations and common themes derived from worker interviews confirmed that respiratory issues are an ongoing concern for construction workers. Fifty percent of the total number of worker respondents complained about breathing problems, or were observed to show signs of coughing, wheezing, paleness and shakiness which, according to Quinlan et al. (2010) could be indicators of the existence of respiratory illness. There are numerous additional interrelated factors affecting the possible development of respiratory diseases including dust exposure from general atmospheric matter, working with concrete and marble, inadequate inhalation protection and risk of being exposed to harmful chemicals.

Worker respondent No. 3, a welder, perceived that he had respiratory problems as a result of dust storms. He also stated that he undertakes clandestine work from

numerous private building contractors, where he is employed in a variety of roles including carpark construction, rebar welding and general building construction. While performing this clandestine work he does not wear the personal protection equipment which his company provides out of fear of discovery. Moreover, when performing his official duties, he is engaged in welding operations at various oilfields and refineries and therefore runs the risk of long-term exposure to low levels of hydrogen sulphide (H₂S) which have the potential to cause asthma (U.S. Department of Labor [USDOL], 2002). In addition, welding fumes and gases have the potential after prolonged exposure to cause lung damage and various types of cancer including lung, larynx and urinary tract (USDOL, 2002).

If comes the dust, I have two, maybe three days in the hospital. If I am at home, there is no problem. But as soon as there is a dust storm and I am at work, I have to come here for my medication.... [I am working] in some Kuwaiti houses, maybe making carparks, building houses, making welding. I am just wearing safety glasses..[unclear who provides these or what they are made of - the researcher had observed many outdoor welders working in nothing but loosely wrapped cotton clothing, no protective footwear, or open sandals, and wearing ordinary sunglasses as eye protection]... (Worker respondent 3).

Respondent 12, a stonemason, had been working on buildings in Dubai for 6 years prior to accepting his current position in Kuwait. In both positions he worked mainly on placing heavy ceramic tiles onto the outside of multi-storeyed buildings. He explained that he wears safety protection only when there is a need to grind the ceramic tiles to alter their dimensions, otherwise he will not. This means that he would be exposed to intermittent periods of ceramic dust inhalation when he takes off his protective equipment, as the work does not proceed consecutively by first placing tiles needing grinding and then placing tiles which do not, but a combination of both, throughout the working day. Moreover, the respondent gave no indication that he needed to wear protective equipment because of health implications but implied that the motivation for wearing protective equipment was simply that the organisation required it because it

was a large company. This would indicate that the respondent had not been informed of the risks associated with ceramic dust:

If the stone is not okay, then we need to cut and grind it. If the tile is okay, we will not. When I have to grind, I wear masks and glasses. I wear the gear because it is the big company and they ask for the safety equipment. (Worker respondent 12).

The above response indicates that worker 12 was not aware of the possible consequences to his health through inhaling silica dust and would indicate that he had received insufficient OHS training on the underlying reasons for always having to wear inhalation protective equipment whilst working with ceramic materials and cement. In addition, it is widely acknowledged that exposure to silica dust is positively linked to lung cancer (Field & Withers, 2012), and that symptoms of cancer may only become evident years after exposure (Quinlan et al., 2010). Because this respondent suffered from long-term exposure to silica, the possibility exists that he will have already developed cancerous cells (Field & Withers, 2012; Quinlan et al., 2010). It is also clear that workers residing in these areas are ill informed of the possible risks to their health due to the existence of concentrated pockets of particulate matter.

As found by Al-Salem (2008, pp. 1-5), flying ashes and other solid particles emitted from the refineries, factories and the Greater Burgan field to the south, known as the 'refinery belt', were exacerbated by background concentrations of primary gaseous pollutants from these sources, result in significantly increased air particulate levels. These were measured at $797\mu\text{gm}^{-3}$ in Fahaheel during 2004 in the summer season, exceeding the Kuwait Environment Public Authority's suggested annual exposure concentration of $90\mu\text{gm}^{-3}$ by a margin of $707\mu\text{gm}^{-3}$, which is nearly 9 times the recommended level. This would imply that residents within the Fahaheel/Mangaf area are repeatedly exposed to particularly high levels of noxious air pollution which could affect their respiratory systems. As discussed in Chapter 5, 86% of workers

involved in this project reside in the Fahaheel/Mangaf area and work within the refinery belt. Concerns over dust and air pollution were common themes amongst workers who resided in this area:

One problem here, dust and chemicals are floating in the area [air]. I am suffering from respiratory diseases. I am using medicine from the [medical] centre, but I am not satisfied. I will ask for medicine in India. There my health was good but since I am working here, I get hot, and also dust, so I have respiratory problems...here is too much smoke from the refinery. (Worker respondent 12).

There is a lot of dirt and I just get a cough all the time. [respondent was coughing continually, wheezing slightly, his face had a grey pallor and his hands were shaking]if comes the dust, I have two, maybe three days in the hospital...If I am at home [indoors at residence] there is no problem but as soon as there is a dust storm and I am at work, I have to come to the hospital for my medication...when we go onto site it is very hot weather most of the time [and] I suffer from allergies from the dust. (Worker respondents 1, 3).

Respondent No. 4 had been exposed to silica and dust storms for a considerable length of time, having worked in Kuwait for 16 months and also previously in Dubai. He sounded hoarse and made wheezing chest sounds as he spoke; his face was pale and perspiring:

When I was working in Dubai there was so much dust, we became white with dust. The dust was so much that it covered us at work. (Worker respondent 4).

Worker Respondent 5, employed as a Refinery Inspection Engineer on a four year contract had reported regularly to the clinic because of respiratory issues, showing symptoms of asthma. In addition, he had regular problems with his uric acid levels being out of balance:

Yes, the weather definitely affects my work. When we go onto site it is very hot weather most of the time and [his general health] and it is worse. I suffer from allergies from the dust. Sometimes my uric acid levels are not in balance and that gives me problems. (Worker respondent 5).

Although there were no instances where stakeholders directly discussed specific cases arising from dust exposure, general reference to the failure of subcontractors to take into account the environmental hazards because of the low-bid contract award

system, which results in the provision of inadequate protection against environmental hazards:

*So what we end up getting is the lowest bidder, and oftentimes, he had underbid everyone else by quite a bit, and one of the first things to be sacrificed is safety because buying appropriate PPE [Personal Protective Equipment] costs money, and because he is the lowest bidder he is looking at any way he can cut costs to turn a profit. So safety definitely suffers.....we have injuries - people are grinding away [on concrete and marble blocks, and therefore inhaling dust] without proper eye protection [implying that they were not wearing any appropriate protection]. I mean, many times in order to cut costs, they are being told to **not** work with the proper protective equipment or safety tools in place. (PMC Respondent 2).*

I see time and time again workers that have safety shoes that are so dilapidated that not even their shoelaces hold it together. Some of them have had their shoes for 8-10 years. They do not know that they have the right to protest to their employer for safety equipment. That proves that they have not been informed of their rights, because they value shoes. (PMC Respondent 3).

Another factor in respiratory disease in addition to dust is exposure to chemical dusts and fumes. Common themes expressed by workers exposed the fact that although contract owners provided protection against the inhalation of harmful chemicals during the course of working activities, there were signs that these provisions did not fully protect workers. Worker respondent 2 was directly employed as a Pipe Maintainer-Insulator by one of the large refineries in the repair and insulation of cracks in crude oil pipelines within the refinery:

I do pipework where I insulate the pipes and put medicine [solvent solution] on them. There is first the cleaner and then the developer. If there are any cracks that can still be seen, we have to do it again. I wear hand gloves and masks and a uniform. The medicine which we are using can be [is] harmful to our breathing. We have dizziness, cannot breathe properly and feel that we are going to faint. Then the supervisor rushes us to the clinic, gives us a little oxygen, then we are alright - we go straight back to work again. Most of us have coughs because we are working with the medicine, and also then we are working in the dust and in and out of air conditioned buildings. If we have a cold, we take the medicine [which the clinic gives them] and then we are fine. (Worker respondent 2).

Worker respondent No. 2 showed clear signs of respiratory illness. His face had a pale, leaden hue and he spoke with a wheezing, constricted sound, coughing intermittently. Moreover, his hands had been stripped of their pigmentation up to

beyond the second joint of the fingers. This is also one of the symptoms of long-term exposure to epoxy resin (Fick, 2015; Anderson & Meade, 2014).

There are further linkages between inadequate inhalation protection and respiratory issues. Respondent No. 19, a welder, complained that he worked for 8 to 10 hours per day, welding either in excavated pits, on projects within the refinery or on external oil tanks. Although the contract owner provided protective clothing including masks, at times the welders were exposed to hazardous chemicals and oil spillages during periods when they were not wearing the masks.

Oil and gas is very dangerous gas because of the tanks and here in Kuwait we are doing 8 to 10 hours. We have so many garbage. So many oils on the floor. I slip often. H₂S is very dangerous [500ppm causes death instantly]. So many gases - when you enter the refinery you can smell them. Hydrogen sulphide. These are inside. Some areas, for example, when they shut down, they open the flanges, the pipes, and there are gases which come out. (Worker respondent 19).

It is worth noting that in this case, the respondent did not refer to gases produced by the welding process itself, which could indicate that he had received insufficient training on the dangers of exposure to gas whilst welding. He had received training from an Italian consortium in his home country prior to coming to Kuwait—however there was no indication that he received any training after that period and may therefore not be familiar with safe welding processes on the different types of metal used in the transportation of different types of oil, as observed by PMC Respondent 3:

Education should start with training. Take it to the workers level in their own language! Teach them! A lot of times the supervisors are not very good because they don't know how to manage the people under them. And it's not until you take them to the side that you find out that they are not really transmitting to their workers what they want. The key is the lowest bid. Training is overhead. Safety is overhead. So what's the first thing to suffer? Safety. Even though welders may be trained in a certain type of metal, he is not necessarily a trained welder in the different types of metals that are going to be welded on this project. (PMC Respondent 3).

PMC Respondent 2 confirmed that worker respondent 19 was likely to have been exposed to noxious gases. Furthermore, the worker should have been wearing a

protective mask for the duration of the time he was inside the refinery. It also confirms that the worker concerned must have been inside one of the older refinery sites where equipment and pipelines may have become hazardous to operate and maintain.

When H₂S is generated from hydrocarbons it is often present when you open a pipe. In fact, if it is a high enough concentration, one breath can be fatal. If the alarm goes off that there is any H₂S in any of the [modern] plants under our control we use escape masks to get off the premises. But these only allow for 13 minutes, just to escape. You have to monitor the level and change the filters after 30 minutes because the liquid changes. (PMC Respondent 2).

Musculoskeletal issues. The causes of symptoms of musculoskeletal injuries amongst workers became clear as interviews progressed. Many activities were named which involved lifting, twisting and working with heavy weights.

The experiences of a carpenter (Worker respondent No. 14), a stonemason (Worker respondent No. 12) and a general labourer/digger (Worker respondent No. 15) reveal a number of factors indicating that extended working hours, pressure to work quickly with heavy weights and bending and stretching quickly involving repeated movements with heavy weights are imposed on construction workers in Kuwait:

2 a.m. I get up and go to bed at 9 at night. The whole day work the body is so exhausting so it is very hard to get up at 2 a.m. in the morning. 4.30 in the morning we start. We finish at 12 midday and then we go back and work from 3 till 7 p.m. 12 o'clock they close down the air conditioning in the room where we must rest so we have to work for the rest of the day in the [unventilated] pit. I am preparing the shutter with the wood in the refinery - there is a hole in the ground and we have to hammer big nails into the wood to put everything together in the pit. Then I hold it and the crane lifts the load up to where they are building. Sometimes I cannot breathe. I went to the office and threatened to resign. They [the supervisors] threatened me so I went to the main office and they told me if I did not like the work I could just go home. (Worker respondent 14).

I have to pick up very heavy tiles and put them onto the outside of the building. We have to put the 20 to 25 kg. When these are small and I have to put it low down [in the building] it is okay but when it gets higher then we use the crane to lift ourselves up. There are two of us. The one hands it up and I put it on the wall [this involves bending, lifting and then stretching whilst bearing the weight]. Sometimes we put 150, sometimes 100 per shift. (Worker respondent 12).

I am a digger. I shovel and dig holes at the construction site. I have to dig 5 to 6 metres every day. The trenches are 2m deep and about 1½m wide. I am working in

the heat and there is no shade. I use only the shovel. I feel pain after digging for the day and that is why I have come to the clinic. (Worker respondent 15).

Reinforcing iron and rebar workers are also sometimes referred to as *Rod busters* (Choi, Yuan & Borchardt, 2016, p. 26). They position and secure steel bars or mesh in concrete forms and lift and carry heavy loads, work in severely awkward, kneeling positions in confined spaces, as experienced by the Worker respondent No. 14.

Moreover, Respondent No. 14 also revealed that he was forced to endure a strenuous workload over extended hours. The health related problems created by this situation were compounded by supervisor harassment:

[The supervisor] said: 'If you cannot breathe, drink some water and sit down.' Then when I sit down another supervisor shouts at me and tells me that I must go back to work: 'go! Why are you sitting here?' When comes the heavy weight, there is lots of pressure and my chest is very [emphatic, stressing the word very] painful. They asked me whether I had a good heart. I told them I don't know, all I know is that it is painful to carry a heavy weight and I feel that I will collapse. (Worker respondent 14).

Respondent 14 then approached the safety supervisor on site, who had previously told him that he would assist him with any problem:

So yesterday, I went to that man to say that I was not well, and that I felt as if I was going to die, that he was unhappy with his work and wanted to leave. It was then that the supervisor told me okay then run away - don't talk like this, shouting. And he sent me back to the job. He did not send me to the hospital, he said 'go back and just do your work.' So I went to the private hospital and paid 4KD and got the report. (Worker respondent 14).

The above response by Worker 14 could mean that he was at high risk of contracting cardiovascular disease, as suggested by Petersen et al. (2012), who found that occupational heavy lifting is a risk factor for ischemic heart disease amongst men. The responses by Worker 14 also reveal the possibility that the abuse of power and control mechanisms associated with unachievable tasks and verbal and physical abuse are connected to the possible existence of ischemic heart disease. Although Respondent 14 complained of chest pains at work, his supervisors did not give him permission to leave the job to attend the clinic. He subsequently deliberately stayed off work the

following day and paid a private clinic to examine him. It was only when he presented the supervisor with a medical letter from the private clinic the following day, that he was given permission to attend the clinic. However, his perception of the treatment he received at the clinic was that the doctor who saw him was not interested in checking whether his chest pain was related to cardiovascular issues:

Maybe [he will need to go back again], but today they gave me a nebuliser, checked my eyesight and my hearing. I told the doctor about my problem and the doctor did not listen, and just gave me some medicine while I was in the room. (Worker respondent 14).

Whilst relating all the above experiences, it was observed that the respondent's facial expressions, voice quality and body language fluctuated from clasping his face in despair to pitching his voice from high to low and exhibiting anger because he perceived that no-one in the supervisory or medical system cared about him.

The response by the doctor represents a diagnosis that the chest pains experienced by this worker were solely due to the existence of severe asthma related to heat exposure and the inhalation of fine particulate matter. However, medical research has shown that pulmonary function studies are indispensable in the diagnosis of occupational asthma (Bardana, 2008, p. S410). Limiting the analysis of the complaint presented by worker 14 to the possible existence of asthma is an example of indifference and lack of empathy by the clinic staff, who neither reassured the anxious worker through an explanation of the nature or extent of his illness, nor sought to determine whether his chest pains were related to pulmonary and/or to cardiovascular issues.

PMC Respondent 5 referred to instances where, workers had to work through the summer months without air conditioning whilst carrying heavy weights up and down multiple flights of stairs:

Without air conditioning they may have to carry mixing materials up three flights of stairs etc. I am sure it happens on our sites. (PMC Respondent 5).

In these cases, workers not only have to bend and twist in order to carry sacks of cement on their shoulders but also continually put pressure on their spines and joints which in the long term, leads to permanent damage of muscles, tendons, ligaments, bones, joints, blood vessels and nerves (Choi et al, 2016).

The above analysis of workers supported by stakeholder response indicates that worker respondents 12 and 14 who had been employed by sub-subcontractors in Kuwait for a number of years were likely to have suffered permanent damage to their musculoskeletal systems.

Noise induced hearing loss. Exposure to noise is an important and widespread occupational hazard in the construction industry (Leensen et al., 2011; Koushki et al., 2004). The noise exposure of construction workers frequently exceeds 80dB(A), which is defined as lower action level (Leensen et al., 2011). In Kuwait there is ample evidence that large numbers of construction workers are often exposed to excessively high noise levels, placing them at risk for developing hearing impairment (Koushki et al., 2004, p. 127). However, they found that only a small percentage of people employed in the construction industry considered that noise was either contributing factor to accidents at work or that noise induced hearing loss was an important issue (Koushki et al., 2004). Notwithstanding these perceptions, several interviewees remarked that they did not always understand instructions because they did not hear properly. The tone of their responses indicated that they considered this to be a normal everyday occupational occurrence and did not link this impairment to accident prevention or to the development of illness. Nevertheless, five respondents had difficulty in hearing the questions and the researcher had to repeat them several times although the interpreter spoke quite clearly. One respondent (worker respondent 8), who

had been punished by his supervisor for resting during the day, and had been forced to operate a pneumatic drill without protective equipment, temporarily lost his hearing and is therefore likely to have some degree of permanent hearing loss; see page 193 below.

Heat related issues. The environmental conditions in the Gulf States are amongst the harshest in the world (Bates & Schneider, 2008, p. 1), particularly in the summer months, when temperatures often exceed 50°C. Workers may become exposed to a wide range of heat related illnesses including heat exhaustion, cramps and heatstroke (Quinlan et al., 2010). Worker and stakeholder responses show that in Kuwait, the problems which many workers face in dealing with heat issues are exacerbated by cruel acts levelled against them, resulting in episodes of increased dehydration, vomiting, breathlessness and general weakness amongst others. Seventy-two percent of interviewed workers had been exposed to working in excessive heat. Many of the workers had been sent to desert sites where, in some places, temperatures exceed 50°C. According to the revised labour law, no worker would be expected to work in temperatures exceeding 50°C. However, worker responses would indicate that this rule is not always honoured by contract owners and supervisors.

Worker 6, a labourer-digger, was responsible for digging trenches. He remarked that no-one else wanted the job because it was so demanding, but because the promise made by labour agents that he would be employed as a carpenter did not materialise, he agreed to do the job because he had to keep sending money to his family in India. Whilst digging trenches in the desert he was also treated cruelly by his supervisor and physically punished for complaining. In addition, he was forced at times to continue working until 3.00 p.m., having started work at 3.00 a.m. On some occasions, he was required to work overtime without extra money, for up to seven days a week:

I feel that I was forced - I could not do anything about the situation. I had to pay money and all the responsibilities are here with me. When I was in the trench,

working in the blazing heat, if I worked a little bit slowly, the supervisor would come and stamp on my head [with his feet] and get angry, so I would have to complete the work which was very hard for me. When I became hot, my heartbeat became very fast and sometimes I felt as if I was going to fall. Then I would drink some water.... There [in India] I had lots of stamina, but here, I am always breathing fast and hard. (Worker respondent 6).

Worker 8, worked as a trench digger near the Saudi border in north Kuwait:

From early morning 4.a.m. we would travel for one and a half hours to the place where we were working. We reached there at 4 a.m. We were dropped in the desert. We dug trenches about 5 metres long by one metre down, deep. There was only one cooler bottle of water between us for the whole day [two diggers]. We were left there for the day out in the open air. The temperatures were very high - around 55 degrees. We had to work for 8 hours in the sun with a 30 minute break - but we had no shelter - just in the open. Usually we got a pain in the neck, nausea and vomiting, then we would call the supervisor by radio and he would come and fetch us [it took half an hour for the supervisor to reach their position]. (Worker respondent 8).

In addition, as shown by Quinlan et al. (2010), heat exposure was additionally related to incidents of skin disorders and dermatitis, as further explained by Worker respondent 8:

From two of us they wanted a kilometre in 8 hours and most of the time we could not finish that. We had to work in this uniform, it was silky, like a parachute, and when it was hot, we became very, very hot, and it made us sick. We used to get rashes over our body and our necks became burned as if we had been near a fire. (Worker respondent 8)

Worker 14 was employed as a carpenter making wooden shutters to be hoisted up to whichever floor of a privately owned high-rise building was being constructed:

We work in a hole in the ground [adjacent to the building structure] which is about 12 feet tall. There is no air conditioning down there. We start at 4.30 in the morning, finish at 12 midday, then rest till 3 and then go back down from 3p.m. to 7.p.m. At 12 midday they close down the air conditioning in the room where we must rest till 3p.m. so we have our lunch with no air conditioning and have to go back and work for the rest of the day in the [unventilated] pit. (Worker respondent 14).

PMC Respondent 1 referred to the construction of a basement kitchen designed to expand an existing basement kitchen used to prepare food products for distribution to a chain of food outlets:

The people there are working below ground level in sub-human conditions without ventilation. There is a building code but they do not adhere to it. When I first started they installed a red pipe going vertically into the ceiling [indicating that the air was being ventilated] and then it stopped. They got a pipe in, painted it red to fool the inspector who they also paid by paper envelope to sign off the building certificate of compliance. When I asked for a fire safety certificate and licence for the building, to check the compliance requirements, there were quite a few things missing from the list. We had ducting people come in and they put an extraction hood right next to the air conditioning unit in a way that the airflow of the unit was sucking in all the exhaust fumes from the other kitchen's ducting so there were cross ventilation issues. And people have to work in these [elevated] temperatures - the labourers had to work in well above 50 degrees because the owner would not provide enough ventilation. (PMC Respondent 1).

PMC Stakeholder 3 remarked on the manner in which supervisors treated the issue of exposing workers to excess heat, as follows:

Here is a man who is working in over 50 degree weather, I assume trying to make a better living for himself and his family wherever he is from, and here is someone else, who is not far from where the worker comes from - telling me that I should treat them harshly... I don't accept that. (PMC Respondent 3).

An example of the type of harsh treatment in relation to heat exposure was referred to by PMC Respondent 3, a general labourer who had been forced to dig trenches in the desert for extended periods with insufficient supplies of water to last the day. The worker revealed that the supervisor (of the same nationality) would come and check to see how much work had been done, explaining that sometimes they needed to rest because of the palpitations caused by the heat, and therefore could often not accomplish the unachievable task which they had been set:

*The supervisor would say 'why - look at the time that has passed and still you have not finished your work!'. He would deliberately choose only **that** time towards the middle of the day when he knew we would be resting and tired. One time, he was getting so angry with us that he gave us [other] work to do using a drill [pneumatic drill, without wearing any ear or body protection]. The drill weighed 20-30 kg and the supervisor had to come and help me because my body was aching, my ribs, my whole body. I could not hear. When we complained he said 'if you don't want to work, then go home' [implying that he would be deported]. (Worker respondent 8).*

PMC Stakeholder 2 referred to a death of a subcontracted labourer which had occurred on a construction site, demonstrating that the labour law ruling in terms of working outdoors in the heat, was not always being honoured:

I would say that it has not yet been fully implemented. For example, a gentleman who fell from a height, he was working out in the heat, it was during a time of day when he should not have been working outside up at a height, and due to heat stress, they suspect that he lost consciousness, but the person did not survive the fall so we will never know exactly what did happen. With such weak governmental intervention I guess, people have a choice - either do it the way the company wants or they get sent home. (PMC Respondent 2).

The above analysis demonstrates the relationship between musculoskeletal disorders and heat exposure which leads to a wide range of injury and illnesses which are additionally linked to the abuse of power and cruelty inflicted on expatriate subcontracted labourers by their direct supervisors. These factors are additionally linked to a wide range of trauma injuries, as outlined below.

Trauma injuries. Trauma injuries include minor injuries such as sprains, cuts and bruises, severe injuries which cause prolonged or permanent disability and acute injuries resulting in fatality. As an example, worker respondent 21 had suffered a severe trauma which is described in the exchange between the researcher and the respondent, outlined below:

I have had a personal accident. I fell down and had a big operation.

How did that happen?

I was taking the measurement and suddenly had a blackout and fell. I could not understand what went wrong [he had been outside, in the sun, on a ladder, working on an air conditioning unit].

How long ago?

Five months back. I damaged my head and needed a big operation, the operation was done in [redacted] Hospital.

Had you been working for a long time on the day before you had the accident?

I cannot remember.

Have you had any compensation for this?

I do not know about compensation. I have been told that my paper is in progress and even the company is saying that the paper is still under way for some compensation but I will go back to India next month and so I do not know whether I will receive any money. God will know that.

Have you had any side effects?

Nothing that I can tell you.

What did they do when they operated on you?

[I] was in ICU [Intensive Care Unit] and I was in a coma so people came and they prayed

Does he know what they did in the operation?

When I fell I vomited and afterwards my clothes became dirty [he became incontinent] and they took me to hospital and they operated. I was 25 days in the hospital.

How many stitches did you have?

Around 32 stitches [At this point the respondent took off his cap and slowly turned the back of his head to show the researcher and interpreter – the stitches were clearly visible all around the back of his head – he appeared to have had some of his skull cut away and the skin was stretched over a large dent in his skull].

They are taking a new project - now I cannot work as I used to do so I must go back to India.

I am 100% weaker because I am not fit like before. I was fast at walking, and now I have become slow. I will go to the side and hold the stair railing so that I can climb the stairs - I do not want to tell anyone that I have had an accident. I do not want to disturb [upset] anyone and cause trouble - I will not complain [to his managers]. God has saved me and will take care of me. (Worker respondent 21).

The fact that this worker had spoken for a long time before revealing the accident which lead to the brain surgery, is a clear example of the recommendation made by Liamputtong (2009) that researchers allow the interview to flow as naturally as possible, and that, although the respondent may provide responses which at first seem to bear no relationship to the question, that more relevant responses may follow (Liamputtong, 2009, p. 53). The interview had almost concluded when these revelations were made. The degree of mental anguish which respondent 21 had endured was made further evident by the conveyance of a sense of total acquiescence, which he

rationalised by stating, in a sad and resigned tone of voice, that he was now resigned to his fate and was now in God's hands. Right at the end of his working life and even in the face of the possibility of receiving almost no compensation for his injury, he, a broken man because of the lack of care of his supervisors, blamed himself for the accident.

Table 6.2 below illustrates the number and type of accidents which were revealed during worker, subcontractor and stakeholder interviews, and are therefore not official accident reports. The descriptions nevertheless provide a broad picture of the types of accidents which typically occur on construction sites.

Table 6.2

Accidents and Injuries

Class of accident	Description
Fatality	<p>Heart Attack/Stroke</p> <p>Stonemason (60 years old) worked outdoors placing bricks and heavy tiles for extended periods in the heat. He came in out of the heat to go to the toilet. When he sat down he suddenly collapsed after experiencing extreme dizziness. Died after being taken to hospital.</p>
Fatality	<p>Crushed by concrete loading bucket</p> <p>Worker killed by the crane driver mistakenly releasing a concrete bucket whilst the worker was in the process of loading it.</p>
Fatality	<p>Fall from height due to heat stress</p> <p>A worker was working out in the heat when he should not have been working outside at height [without fall restraint]. Due to the intense heat he lost consciousness and fell backwards. He did not survive the fall.</p>
Fatality	<p>Fall from height due to improper procedure</p> <p>A worker was working on assembling ladder sections on a crane. Instead of climbing the ladder sections already fixed, he rode with the new section as the crane lifted it and had his safety harness attached to it. Near the top, the new ladder section slipped and fell approximately 18 metres with the worker attached.</p>
Fatality	<p>Hit by falling object</p> <p>A mixer driver was discharging a load of cement near to the building and the main contractor's cleaning staff were removing debris from the upper floors. Their technique for getting the debris to the ground was pushing it off the slab edge. A concrete block hit the drum of the mixer, bounced off and hit the driver on the head and he was killed instantly.</p>
Fatality	<p>Crushed by collapsing wall</p> <p>The contractor was building a temporary percolating pitch for sewage discharge for the offices and they built a three sided wall which was unstable, as a four sided wall is needed for stability. They instructed the labourer to go down into the centre of the structure while they back filled the walls. When they back filled them, the walls collapsed, killing the labourer.</p>

(Continued)

Table 6.2

Accidents and Injuries (continued)

Class of accident	Description
Fatality	<p>Crushed by concrete mixer</p> <p>The driver of a concrete mixer truck fell asleep, and he went off the road. By the time he woke up he was already on soft sand and he could not control the vehicle. With several tons of concrete in the mixer he tried to climb out as the mixer was tilting and he was crushed under it.</p>
Fatality	<p>Crushed by heavy object</p> <p>Incorrect procedure during pipeline pigging. A newly completed pipeline section was being cleaned by passing a series of 'pigs' (cylindrical-shaped scrapers) through it using pneumatic pressure. One pig stuck in the receiver and had to be winched out; the pipeline had not been completely depressurised and the following pig (weighing nearly a ton) shot out of the receiver and crushed the winch operator.</p>
Permanent injury	<p>Fall from roof</p> <p>Worker fell off the roof, fractured two vertebrae in his back and broke his leg. He was given a settlement by the insurance company to cover his injuries but a year after his fall he was back at work and will walk with a limp for the rest of his life.</p>
Permanent injury	<p>Fall from ladder - permanent disability</p> <p>Worker was on a ladder taking measurements for an air conditioning unit. He had been working in the direct sun for some time. He suddenly had a blackout and fell and landed on his back and vomited, falling into a coma. He was taken to hospital where he had extensive brain surgery requiring 32 stitches and the partial removal of his skull. He could no longer climb stairs or walk for any distance without support and his short-term memory had been damaged. He had ongoing problems with eye infections and body rashes. Worker was due to be deported at the end of that month but at the time of the interview still did not know whether he would be paid compensation or how much he would receive.</p>
Temporary injury	<p>Heart attack</p> <p>Friend of a worker respondent was employed pasting advertising stickers onto billboards, requiring him to work in direct sunlight on a ladder for extended hours, had suffered a heart attack.</p>
Near miss injury	<p>Near miss shuttle crushing incident</p> <p>Worker had not fully attached shuttle hook to fit steel rebar frame to the lifting crane and the shuttle fell and bent, almost crushing him. Worker's salary cut for five days.</p>

Note. Classifications adapted from *Reporting Accidents and Incidents at Work*, (2013) Health and Safety Executive, UK.

The following redacted summary from a formal fatality accident report developed by one of the smaller PMC provides some insight into factors hindering accident prevention in Kuwait:

No entry and exit checkpoints had been put in place and people therefore had free access to a dangerous area. The operator's line of sight was obstructed because of uncleared litter from the site. There was no evidence to validate the clearance of the site inspection report by the authorities. The operator did not follow safe practices as laid out in the site procedures manual. The contractor had no safety training programme in place for operators. The operator was left to control the site alone during supervisor absence. (PMC Respondent 5).

A redacted summary of an interview conducted with a witness to a serious accident on another construction site provides further insight into the way in which labourers are left to cope with accidents in the absence of supervisors and the difficulty with which they are able to respond to questions when interviewed. In this particular case, a PMC interpreter translated the questions:

What activities were you involved in prior to the accident?

Everything

Who was your supervisor?

[Name redacted] he was not there

Who is in charge when he is not there?

Labourers

What did you do?

Took victim to hospital in company car and took taxi home

Do you know what to do if you have an accident?

No.

HSE induction. Have you had it?

No

Any safety training?

No

The above replies reveal the lack of supervisory effectiveness through miscommunication and lack of training. It is therefore important to examine how communication and training affected subcontracted workers in this study.

Communication and training. Common themes from workers and stakeholders revealed the lack of training of subcontracted workers, particularly those with little or no education working as labourers. Lack of effective communication and training of migrant workers has been the subject of much discussion by analysts of OHS in vulnerable populations.

Worker responses reveal that the majority of those involved in the study had received little or no induction or on-the-job training, with the exception of sandblasters and welders who, although they received basic induction in terms of what safety equipment they should use when working, were not provided with in-depth training in the hazards inherent in gases, dust, chemicals and the possible short and long-term consequences in terms of their health and safety. Furthermore, supervisor aggression was a theme which ran through all the responses. Many workers made references to being shouted at and threatened as a form of verbal communication and, as discussed earlier, fear is a recurring theme throughout this thesis, at numerous levels. All these factors contributed to their overall vulnerability and it is clear that there was little or no concern for workers as individuals, especially in the case of unskilled subcontracted labourers.

Stakeholder responses support the notion of the inadequacy of health and safety training, ability of supervisors to communicate effectively and the lack of interest displayed in the health and safety of workers:

Poor education for the workers - we have eye injuries - people are grinding away without proper eye protection and getting foreign objects into the eye. There is ignorance - they don't recognise the risk, and that's where a good safety team should be able to convey the risks to the worker before they even begin, but these

*workers just want to be able to send money home to their families and so a lot of times they don't recognise the risk they are taking. Unfortunately many times, in order to cut costs, they are being told to **not** work with the proper protective equipment or proper safety tools in place. (PMC Respondent 2)*

It is a philosophy that should start primarily with education. Introducing a culture of good work conditions, communication, humane treatment one to another - until you get this you will always have this continuance of a philosophy of harsh treatment of others, lack of safety, lack of authority. Once you start introducing this type of education, you need to continuously reinforce it but you also need to let each of the supervisors start buying into the philosophy and start transmitting it down the line. [at the moment] there is no supervisory training. (PMC Respondent 2)

We have toolbox meetings on our jobs every week or two weeks but we can't be sure what the result of those are. Not everyone attends. Then there is the language barrier. We have Indians, Sri Lankans, Bangladeshis, Pakistanis, Arabs, Filipinos but these people are more at the supervisory level than at the worker level. Workers [sometimes] hear by word of mouth or will call the nearest supervisor who will inform them but generally they have to rely on what they hear from their elders or colleagues in the complexes in which they live, so they are probably in the dark. (PMC Respondent 5)

The lack of concern for workers either as individuals or in terms of training to improve workmanship and therefore the quality and safety of buildings, is demonstrated by the following PMC comments:

We realised that there were bigger issues than those we had first imagined. When you are concerned with OHS it is hard to detach yourself from the quality of workmanship which you observe. We used to walk around the building and noticed that the workmanship was horrific. We had one contract manager on the project and only two safety inspectors. When we realised that they were not going to buy into safety we pulled out of the project. We were later asked to go back and take care of the safety. That was a nightmare. (PMC Respondent 2)

We used to say that the workmanship is terrible and really needs improving. We would say you cannot pour concrete in 48 degrees - the concrete will not set correctly. I mentioned it to the project engineer and he said 'you are not here for quality issues. Your job is to inspect for safety those other issues on not your concern'. (PMC Respondent 5)

I was called out one day when workers were on the roof. I said you cannot have people on the roof without proper belts. I told the contractor and he said - if you want your job you will do as I say and get that roof finished. Because of his influence (wasta) in the Kuwaiti parliament he felt that he was untouchable. The whole system of influence and lack of government regulations in Kuwait's is a huge obstacle to the implementation of OHS. (PMC Respondent 3)

Documentation provided by one of the project management consultancy

companies revealed that OHS compliance measures were not being met:

Numerous workers were found on site without approved standard safety helmets and were not inducted on site. Workers were excavating without wearing high visibility jackets and were not making use of flags to control operations. Workers continue to carry out jobs under poor to no lighting. Brick cutters were not using ear or eye protection. (Extract from daily safety report).

The following excerpts from general safety reports from three of the medium to small sized PMC is now presented in redacted format, and provides a typical example of the extent to which communication and training of subcontracted labourers fails to take place in Kuwait:

Numerous workers not wearing approved standard safety helmets and had not been inducted on site

Bricklayer and cutter not using ear and eye protection

Numerous workers in construction area not wearing safety helmets

Workers continue to work with poor to no lighting

Supervisor allowed labourer to ride the scaffolding outside the building in order to move from window to window

Workers working on scaffolds that have been labelled unsafe for use

Subcontractor workers working at height without PPE. No fall protection, no safety helmets and had no induction training

Labourer riding on concrete bucket without fall protection

Subcontractor foreman and labourers working at height together without any PPE or fall protection

Damaged ladder used horizontally as a work platform

Air conditioning ducts used as walk over and work platform supports

Subcontractor engineer not wearing safety shoes on site

The following excerpt from an interview with one of the PMCs revealed the extent to which contractors will go in order to conceal accidents to obtain prestige and monetary rewards via zero accident reports to project owners:

This project used a tower crane opposed to a mobile crane to lift materials to the correct height for construction. When the building had reached second level construction they needed to raise the crane blow to levels. We worked from 7 a.m. and the accident happened at 6:05 a.m. prior to our arrival on site. I don't think that was by accident. The contractor realised that we are strong on safety and could make things difficult. And so the tower crane company was ordered to arrive on site early with the intention of adding the sections required.

When you first add a section someone has to bolt that section in. The worker, instead of climbing up the interior ladder up into the tower crane decided to ride the exterior ladder as the crane lifted it to the top. He had worn a safety harness but he clipped it to the exterior ladder as the crane lifted the section, when it got right near the top where it is was supposed to be bolted in, the ladder carrying the worker slipped and fell approximately 18 metres to the ground and landed on the counterweights. Initially he did not die but he had suffered many internal injuries. Instead of taking him right across the road to the company hospital where his chances of survival would have been increased, they transported him about 20 minutes down the road to a hospital which was further away. We did not find out about it until about 10 a.m. after our arrival, that he had passed away in that hospital. So it was obvious to me that they were trying to hide the accident and would never have told anyone about it unless the worker had not passed away... (PMC Respondent 3)

The above clearly demonstrates that most injuries are outcomes of causal processes (Quinlan et al., 2010), and in this case, the result of the deliberate breakdown in communication between a subcontractor and the PMC, concealment in order to avoid reporting an accident in order to gain a zero accident rating to appease project owners. Significantly, the data also shows that the contract owners themselves are responsible for condoning, and, indeed, encouraging the non-reporting of accidents:

PMC Respondent 2 referred to the fact that the value of projects in Kuwait is based on the number of safe man hours worked, and that this has led to the under-disclosure of accidents:

There is a push by project owners. Once a company reaches one million man hours without injuries, and 5 million, 10 million, there is a lot of recognition. So companies tend to hide their injuries and accidents. We had one contractor who claimed and celebrated 46 million man hours without a lost time injury, and I can tell you that here in Kuwait a lot of the safety people move from project to project. Some of the safety guys that were on the previous project, and were on this current project, told me directly that they had had accidents on that project, but that they had hidden them from the owner. I mean, on the [redacted] project, our company had 11 officially reported accidents out of the 12 that were reported by other PMCs. Of the remaining PMCs a figure of zero accidents were reported, so

[indignantly and with a sense of frustration and contempt] *because we honestly declared, we were labelled as having a poor safety record. They are getting the accolades and we get hit over the head because we are honestly trying to do the right thing. Of course we do not have proof, but I suspect it is the same contractors that they work with that have been involved in some of the accidents that we have had. You cannot convince me that they act differently on those projects than on ours. It's the same people. However, it is also the environment within the project owning company that promotes the cover up of accidents. They will throw huge parties for these companies to recognise the success of the project and I doubt very highly that any project here in Kuwait can reach that level. Just to achieve 1 million accident free hours is an accomplishment. (PMC Respondent 2).*

Conclusion

The evidence produced in this chapter has demonstrated the depth and extent of destructive forces brought to bear on subcontracted workers in the Kuwaiti construction industry. The combination of these pressures has rendered these workers invisible and trapped in a never-ending cycle of dependency and helplessness in which they continue to struggle to honour cultural and social responsibilities in their countries of origin.

The results produce compelling evidence that these workers are committed to maintaining their own safety due to OHS managerial commitment to shifting the responsibility for safety onto the workers themselves in the development of a victim blaming managerial culture (Quinlan, 1988, p. 192) which is strongly reflected in OHS management systems.

Power and control mechanisms such as helplessness through coercion, lack of information and training on worker rights, betrayal and acts of cruelty were shown to be connected to a range of adverse occupational injury and illness issues, the roots of which lie in the hierarchical structuring of OHS management systems which are constrained by a legally entrenched low-bid acceptance policy. Consequently, subcontractors cut costs at the expense of investing in health and safety training and the provision of adequate personal protection equipment. Contract owners were shown to

distance themselves from the need to interact with labourers, thereby further reinforcing a culture which renders workers invisible.

The culture of victim blaming and distancing is strongly reflected in the quality of supervision and it has been shown that it is at this level that the full extent of the ‘blame the victim’ culture is revealed. Workers felt a strong sense of betrayal at transactional and relational levels (Burch et al., 2015), leading to a range of psychological outcomes such as depression, helplessness, anxiety and stress. These in turn were connected to cardiovascular episodes, exacerbated by the high level of respiratory disease as a result of primary and secondary dust and low level hydrogen sulphide exposure, particularly for workers residing in the refinery belt who worked in older processing plants in an environment in which inadequate respiratory protection was a common problem.

Musculoskeletal injuries were of major concern, particularly when associated with working for extended hours in the summer heat in temperatures in excess of 50°C, leading to episodes of nausea, vomiting and chest pain associated with ischemic heart disease.

A summary was made of accidents which had been witnessed by workers and stakeholders. The number of fatalities and permanent injuries observed are a testament to the lack of communication, induction and safety training and indifference towards workers which permeates all aspects of subcontracted worker health and safety in Kuwait. These factors are exacerbated by high levels of aggression displayed by supervisors, often of the same nationality as the victims.

Finally, redacted excerpts from stakeholder accident and site safety inspection reports reveal a gross lack of concern for subcontracted construction workers which is rooted in a complex, interrelated web of power and control which renders them helpless and invisible. In addition, the encouragement of the non-reporting of accidents by

project owners exacerbates this situation. Thus, answering the research questions in the context of developed themes has resulted in a complex interweaving of factors affecting subcontracted worker health, safety and wellbeing. These are discussed in depth in the following chapters.

Chapter 7 – Discussion: Conceptual Evaluation - Analytical Framework

Introduction

The results shown in the previous chapters have exposed the OHS consequences brought about by power and control mechanisms inherent in the socio-political milieu of Kuwait. What is now required is the development of a conceptual discussion which reaches into the core of these patterns of findings and explores the deepest origins responsible for exposing the nature and extent of vulnerability in expatriate subcontracted labourers in the Kuwaiti construction industry. As stated at the beginning of this thesis, the primary research question was to examine migrant worker perceptions of life, work, health and safety from a construction industry perspective.

Applying the adapted Sargeant and Tucker (2009) framework, the key research questions were:

- How, and to what extent, is the health and safety of migrant workers affected by their inclusion/exclusion in the Kuwaiti life/work framework?
- What is the extent of worker access to representation and regulatory protection?
- How does the legal status of migrant workers affect their lives?
- How do the roles of recruitment agents and employers in the migration processes affect migrant OHS?
- What are the reasons for migration and how do these affect worker attitudes towards safety?
- What are the effects of migrant education, job type, language and training skills levels on their OHS
- What are the influences of OHS management systems on the lives, experiences and OHS of migrant workers?

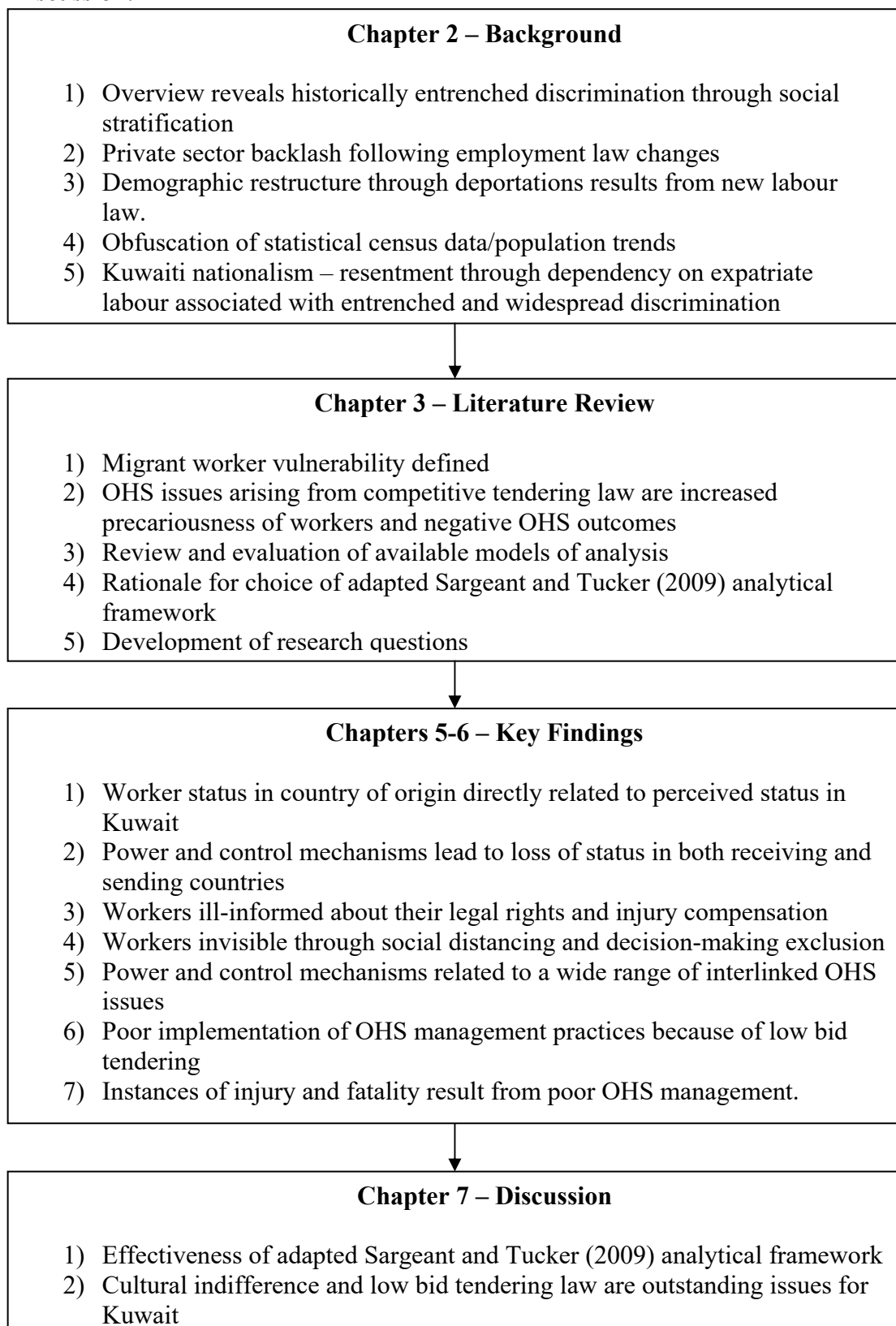
The purpose of this discussion chapter is to evaluate the two major themes arising from the data findings, to evaluate the effectiveness of the adapted Sargeant and Tucker (2009) model in providing analytical rigour to the analysis, and to examine possible solutions to OHS concerns revealed in the findings. Firstly, indifference towards

subcontracted worker health and safety is thematically manifested in firmly rooted traditional lines of racial separation and a strong sense of Kuwaiti nationalistic ideology which passes responsibility for ensuring worker OHS on to PMCs and subcontractors within a pervasive “victim-blaming” culture (Quinlan, 1998, p. 189). This tendency to blame the victim serves as a basis for “discriminatory employment practices” (Quinlan et al., 2010, p. 176) within a climate of fear created by power and control mechanisms in the PMC management hierarchy.

The second theme is the legally entrenched low-bid tendering system in Kuwait. This system has caused subcontracting firms to cut manpower levels to a minimum and load the responsibility of timely project delivery onto sub-subcontracted labourers with dire OHS outcomes. As one stakeholder expressed it:

That is the issue - when [the project owner] automatically gives the contract to the lowest bidder, he is going to try and cut corners and hire people willing to work for the least amount of money to maximise his profits. The workmanship shows all round and it impacts on safety. Most contractors in my experience regard safety as a nuisance. They will not invest in heavy duty scaffolding because of the cost. Their project managers see health and safety as a thorn in their side. (PMC Respondent 2).

Fig. 7.1 below outlines the links between the literature review chapters, key findings and areas of significance in this discussion.

Figure 7.1. Links between Background, Literature Review, Findings and**Discussion.***Figure 7.1. Illustrating the structural relationships of this thesis.*

Theoretical Significance of Findings.

In order to contextualise this analytical discussion, a short background into the conceptual insights applied to the development and layering of the adapted Sargeant and Tucker (2009) model and the rationale for weighting Layers 2 and 4 (migrant security in the receiving country and OHS management systems) is now presented.

Conceptual insights - framework development. As described in the literature review, the original Sargeant and Tucker (2009) “Layers of OSH vulnerability” (Sargeant & Tucker, 2009, p.53), was developed in order to “compare the situation of at-risk migrant workers in Canada and the UK” (Sargeant & Tucker, 2009, p. 51). This layered approach included “factors that bring together the political, economic and institutional influences” (Lamm, 2014, p. 161) on the OHS of migrant workers. The addition of a fourth layer within the framework facilitated the inclusion of OHS management systems and their influences and enhanced the flexibility of the Sargeant and Tucker (2009) model as a tool for the comparative analysis of risk factors facing migrant workers. See for example, Lamm (2014).

The adaptation of the Sargeant and Tucker (2009) model as applied to this research project pivoted on two principal concepts. The first concerned a restructuring and division of the existing three layers into four, namely receiving country factors, migrant security, receiving country, migrant workers and OHS management systems. The second was to develop the system in such a way that the weighting of analysed data fell into Layers 2 and 4. The rationale for adopting this approach is now presented.

Layering rationale. Sargeant and Tucker (2009) define the term ‘migrant workers’ as “workers who have migrated to another country to take up work but who currently do not have a permanent status in the receiving country” (Sargeant & Tucker, 2009, p. 52). The limitation of this definition lies in the fact that, in some countries,

temporary migrant workers may be able to obtain immigrant status “at some point in the future” (Sargeant & Tucker, 2009, p. 52). Included in this migrant category are those foreign workers “whose right to work is time-limited from the outset, as well as foreign workers who have a more open-ended right to remain but have not yet obtained permanent status” (Sargeant & Tucker, 2009, p. 52). As previously outlined in Chapter 3, a paradoxical situation exists in Kuwait, where migrant workers have found ways and means to extend their work through the so-called *kafala*, or sponsorship system, for many years, without any such open-ended hope of gaining permanent status, and therefore remain at the lowest end of the socio-economic scale in Kuwait. Whilst the Kuwaiti authorities have acknowledged that the *kafala* system needs to be revoked (Al Nakib, 2014; Al Shehabi, 2012; Shah, 2011), no protection or legal rights exist for migrant workers who are trapped in the system. This is a result of the method of revoking the *kafala* system in Kuwait and the mass deportations of illegal migrant labourers who remain in Kuwait because they remain convinced that they are protected by their sponsors. These workers therefore suffer an increased level of socially and geographically isolation (Alnajjar, 2000; Al Shehabi, 2012; Chalcraft, 2012). Consequently, the vulnerability of the subcontracted labourers whose quality of life is dependent on their *kafael* increases over time.

The layers were therefore arranged in order to lend weight to Layers 2 and 4, Migrant Security and OHS Management Systems as those areas which held the potential to generate the most relevant data representing life and work as experienced by subcontracted migrant construction labourers. Layers 1 and 3 provided the contextual milieu encompassing the social exclusion facing migrant subcontracted labourers who seek work in Kuwait. The pressures placed upon these workers in their home countries to seek a better future for the welfare and longevity of their families

increases their insecurity and exposure to possible abuse within the OHS managerial hierarchy in Kuwait.

The addition of the element ‘treatment of migrants’ into Layer 2 enabled the capturing of essential data which demonstrated that the abuse of migrant expatriate labour in Kuwait begins from the moment the labourers set foot on Kuwaiti soil. The question, however, is how effective was this approach in answering the research questions. Therefore an evaluation of the model’s effectiveness in the context of the key research questions, follows.

Analytical Evaluation - Key Research Questions

Layer No. 1. Question 1: How, and to what extent is the health and safety of subcontracted migrant workers affected by inclusion/exclusion in the Kuwaiti life/work environment?

As outlined in the background and literature review (Chapters 2 & 3), the official stratification of housing arrangements forced workers to live away from mainstream Kuwaiti society and entrenched their cultural distancing on the part of Kuwaiti contract owners. In addition, it was suggested that the legally and historically entrenched low-bid tendering system resulted in the offloading of the responsibility of worker health and safety onto sub-subcontractors, which led to the development of negative OHS outcomes.

The findings in this section confirm that subcontracted migrant workers are isolated from the general community from the onset of their contract duration. Moreover, this separation is based on traditional and tribal lines and the creation of a strong sense of nationality, superiority and entitlement on the part of Kuwaiti citizens.

This notion is confirmed by Farques (2011) who claims that “the exceptional demography of the Gulf States is not explained by an exceptional level of immigration

as much as by an exceptional closure of local societies” (Farques, 2011, p. 273). The data has shown that this societal closure has led to the development of a culture of indifference towards the OHS of migrant labour.

As explained in Chapter 2, the culture of exclusion has been irrevocably fostered through the application of a rentier system which purchases the loyalty of Kuwaiti citizens through the creation of a welfare state which grants them a significant range of entitlements, beginning with the removal of taxes on the domestic economy in the 1950’s (El-Kateri, Fattouh, & Segal, 2011, p. 4). This has culminated in the creation of an economically inefficient and institutionalised welfare state resulting in misallocation of resources, a highly segmented labour market and an uncompetitive business environment (El-Kateri et al., 2011, p. 1). Kuwaiti citizens are provided with free healthcare, education, social security and ad-hoc gifts bestowed upon them from time to time by the government (El-Kateri et al., 2011, p. 1). The fact that Kuwait is an imposed welfare state in which “individuals have actually gained, or better, have been granted, social rights before their entitlement of political rights” (Khalaf & Hammoud, 1987, p. 355), demonstrates that the evolution of the welfare state in Kuwait took an historical course which was “in some ways a reversal of the socio-historical development of Western welfare societies” (Khalaf & Hammoud, 1987, p. 355) and in which individuals earn civil and political rights during a “lengthy evolutionary process” (Khalaf & Hammoud, 1987, p. 355). Thus it can be said that the level of loyalty which the citizens of Kuwait demonstrate towards their leaders is positively related to their dependence on the rentier economy which has been imposed upon them and not gained through the normal western style socio-political development (Al Nakib, 2014; Al Shehabi, 2012; Al Zumai, 2013; Ali & Azim, 1996; Chalcraft, 2010, 2012; Farques, 2011; Partrick, 2012; Randeree, 2012). The relevance of social exclusion caused by the

creation of a rentier economy in terms of OHS revealed by the data gathered from subcontracted labourers is now discussed.

The data revealed that OHS issues relating to socio-economic conditions and social exclusion which were exposed at Layer 1 of the adapted Sargeant and Tucker (2009) framework include emotional withdrawal and depression. The effects of social exclusion are made worse when workers, who have no trade union representation and are completely reliant on their employers and sponsors, are forced to work long hours often without compensation whilst simultaneously being isolated from the society which regulated their working environment. These additional pressures are potentially harmful to their health and safety (Al-Tabtabai, 2002; Kartam et al., 2000; Kartam & Bouz, 1998; Kazemi & Ali, 2002; Loh & Richardson, 2014; Mayhew & Quinlan, 2006; Quinlan et al., 2010). The culture of exclusion pervading the workplace clearly manifested itself within worker residencies through the distancing of racial groups from each other, resulting in the development of a bullying culture amongst the workers themselves. Thus, as unequivocally shown in the depth and quality of data obtained through first hand experiences of expatriate labourers, the cultural distancing of migrant labour is one of the root causes of psychological illness which is reflected in the domino effect of a bullying culture which begins at project owner level and ultimately crushes the spirit of subcontracted labourers.

Moreover, the data has shown that the creation of a rentier economy is the primary cause of social exclusion because it has produced a sense of entitlement by Kuwaiti citizens which, when juxta-positioned with Kuwait's reliance on foreign labourers to build and maintain its infrastructure, causes resentment and frustration which in turn leads to the development of indifference towards occupational illness and injuries

amongst migrant labourers. This concept is expanded in the discussion on Layer 2, as these attitudes fundamentally affect the treatment of migrants.

Layer No. 2. Questions 2, 3 and 4. What is the extent of worker access to representation/regulatory protection? How does the legal status of migrant workers affect their lives? How do the roles of recruitment agents and employers in migration processes affect migrant OHS?

The significance of the data gathered within this layer lies in the strength of evidence that worker knowledge of their rights to regulatory protection is severely limited. This confirms the concept that subcontracted workers lack the knowledge or access to legal protection as discussed in the literature review. The data clearly exposed the degree to which contractual promises made by agents and private Kuwaiti contractors dealing in the *kafala* system were broken. Furthermore, the data gathered added depth and breadth to these claims by revealing that private Kuwaiti contractors and project owners are very well aware of the numbers of migrant sub-subcontracted workers with illegal status, resulting in the overt and covert collusion with labour agents in order to further capitalise on illegal workers, thereby trapping them in a permanent treadmill of dependency and indefinite source of illicit income in a desperate attempt to honour family obligations in their countries of origin and to pay back agency hire fees. Furthermore, notwithstanding the fact that several unskilled labourers had not been required to pay any agency fee, in most cases the level of payment which they actually received precluded them from ever freeing themselves from the cycle of indebtedness.

As the data discussed in Chapters 5 and 6 shows, this leads to manifestations of cognitive dissonance. Harmon-Jones, E; Harmon-Jones, C and Levy (2015) refer to “effort-justification paradigm” (Harmon-Jones et al., p.185), in which dissonance results from the inconsistency between “unpleasant effort an individual exerts and the

desire not to exert effort” (Harmon-Jones et al., p.185). However, it is worth noting that even in those cases where workers in supervisory and highly skilled positions had not paid agency fees, 77% nevertheless also experienced feelings of cognitive dissonance. Cognitive dissonance was also exhibited by worker respondent No 3 discussed in chapter 6 on page 175 and relevant to organisational safety culture who, despite being relatively well paid, took the risk of both doing extra work outside the terms of his employment and not using safety gear. He rationalised the true nature of his situation in his attempt to reduce the incompatibility between what was actually possible and his internal desire, in this particular case, to take his whole family back to Pakistan. The seemingly irresponsible behaviour on the part of this worker could reflect the suggestion by Eunson (2005), that in a state of cognitive dissonance people can “act as if they do believe in the most absurd and dangerous things” (Eunson, 2005, p. 388). Whilst cognitive dissonance has been proposed as a possible explanation of the inconsistency between how workers felt and the behaviour which they exhibited, the topic is too vast for in-depth discussion within the context of this research. For further reading refer to Harmon-Jones et al (2015); Jarco, Berkman and Lieberman (2011); Jonas et al. (2014); Robbins et al. (2011).

The high quality and depth of the data obtained on OHS effects as a result of the roles of labour agents and indebtedness to both labour agents and project owners has revealed two important factors.

Firstly, it justifies and confirms the importance attached to the addition of the term ‘treatment of migrants’ to Layer 2, receiving country factors. The inclusion of this additional analytical element compensates for the fact that the Sargeant and Tucker (2009) analytical model concerns workers “who have obtained a legal right to enter and work in any particular country as well as those who have entered and are working

without legal authorisation” (Sargeant & Tucker, 2009, p. 52). The unspoken implication is that, notwithstanding their status upon entering any country, once migrant workers have actually entered the country, *the possibility, of ultimately gaining permanent employment, however remote that hope may be, exists*. In Kuwait there is no such hope because it is impossible for any expatriate worker to gain either permanent resident or citizenship status. Therefore the security and ultimately the OHS of these labourers is dependent on the manner in which they are treated from the moment they enter Kuwait, justifying the addition of this additional element.

Secondly, through the process of rigorous data analysis, the roots of the abusive treatment of subcontracted migrant labour have been shown to begin from the day they enter into the employment agreement and accept the terms and conditions stipulating the type of accommodation and conditions of employment. It is well-known that contracted workers in the construction industry worldwide are forced to live in sub-standard and “often inhumane” (Sonmez et al., 2011, p. 20) conditions (Sonmez et al., 2011; Xia et al., 2004;). However, as discussed in Chapter 3, little research has been conducted in the Middle East which directly links compromised living conditions imposed on subcontracted workers in the construction industry to specific OHS outcomes (Sonmez et al., 2011, p. 18). Acceptance of the conditions of employment is the defining point at which the labourers are ‘purchased’ in the labour market, stratified and categorised as wage slaves from thereon. This culture of stratification, categorisation and subjugation has its roots in the history of Kuwait prior to the discovery of oil. Khalaf and Hammoud (1987) refer to the economic exploitation of the pearl divers in Kuwait. In a similar situation to the one which exists in Kuwait today, where poor and dependent expatriate labourers form the majority of people residing in Kuwait, and are exploited by project owners and contractors, the poorer people, the

Bedoon (*badu*) were also the largest the largest social class in Kuwaiti society and the “largest number of labourers who were able to earn subsistence level wages” (Khalaf & Hammoud, 1987, p. 346). The result is described by them as follows:

The subsistence wages earned by these proletarian labourers were calculated *according to the division of labor* performed on board the ships, with the ship owners and pearl merchants (often the same men) reaping the bulk of the profits. This proletarianisation process brought systematic forms of exploitation of the labourers. This in turn was manifested in the harsh life conditions and perpetual poverty to which these labourers were subjected (Khalaf & Hammoud, 1987, p. 346).

Khalaf and Hammoud (1987) continue and state that at the end of the pearling season the labourers “ended up with having nothing but crumbs” (Khalaf & Hammoud, 1987, p. 346) to feed themselves and their dependents.

The data further revealed that OHS consequences as a result of contractual and stratification processes include the development of asthmatic and ischemic episodes, sleeplessness and fatigue, leading to long-term sleep deprivation, aggravated gastrointestinal diseases, depression, alcohol abuse and poor illness recovery as a result of prolonged malnutrition due to ingesting sub-standard food and interrupted mealtimes.

Chronic fatigue and poor nutrition was a recurrent issue in worker responses. According to Quinlan et al. (2010), severe fatigue has been associated with risk of injury (Quinlan et al., 2010, p. 297). Disturbance of sleep length and quality is a major element of poorer subjective health (Quinlan et al., 2010, p. 297). Furthermore increased levels of fatigue could result in episodes of falling asleep at work and complaints from sleepiness (Quinlan et al., 2010, p. 297). Sleep disturbances contribute to poor health, and fatigue related illness is re-emerging as a “major OHS issue”

(Quinlan et al., 2010, p. 34). Moreover, there is growing evidence that fatigue is related to gastrointestinal disease. This indicates that the diarrhoea experienced by workers could in part also be attributed to their sleeplessness, exacerbating the effects of overcrowding and insect infestations and increasing the intensity of the downward spiral of poor health. Fatigue has been recently linked to gastrointestinal disease (Quinlan et al., 2010, p. 285). This suggests that long-term insomnia would aggravate gastrointestinal disease. Common themes expressed by worker participants in terms of their relationship with food are now discussed. Sonmez et al. (2011) encapsulate the link between living conditions, nutrition and OHS of migrant workers, as follows:

While laws are in place to address many issues, they are not enforced. Urgent action is needed to ensure basic human rights for migrant labourers who are entrapped by inhumane conditions, deprived of basic nourishment, susceptible to injuries and accidents, vulnerable to multiple types of abuse, and deprived of basic health care. (p. 18).

It has been shown that malnutrition is the primary cause of immunodeficiency worldwide (Goldstein, Katona & Katona-Apte, 2008, p. 1582). Furthermore, levels of malnutrition caused by parasitic infections are not known although it has been established that intestinal parasites are associated with a reduction in food intake, malabsorption, endogenous nutrient loss and anaemia (Goldstein et al., 2008, p. 1585). In the absence of published research specifically examining the nutritional levels of subcontracted labourers in Kuwait, the evidence of the workers themselves suggest that insect and parasitic infestations combined with malnutrition have a negative effect on the OHS of workers.

A pervading sense of fear of deportation also led to exhausted states and a high prevalence of depression including suicidal ideation, particularly amongst those workers

who earned the least. The literature reviewed referred to increased levels of mental disease in manual labourers in the construction industry attributable to poor living conditions, general social exclusion, low social status and exclusion from medical benefits (Wong et al., 2008). The literature also shows that there are large numbers of deaths attributable to overwork and suicides which are not included in official health and safety reports (Cooper, 2013). The data obtained confirmed this, revealing the existence of work-related suicide attempts attributable to these very factors. However, in a clear example of the victim blaming culture, these suicides were officially attributed by the supervisors concerned to alcohol consumption. Al Kandary and Al Waheeb (2015) acknowledge this in their analysis of accidental deaths in Kuwait during the period 2003 to 2009. In 2006, alcohol related deaths accounted for 17.97% of the total number of accidental deaths in that year (Al Kandary & Al Waheeb, 2015, p. 302). It is unclear whether these figures include unskilled expatriate subcontracted labourers, however, the fact that the topic of alcohol consumption is being discussed at all sets a precedent for the analysis of alcohol consumption in Kuwait.

The dearth of academic research specifically addressing the underlying causes of alcoholism in relation to labourers employed in the subcontracted construction industry is, in addition, symptomatic of the unwillingness on the part of Kuwaiti authorities to acknowledge their reliance on large numbers of non-skilled labour to continue to build and maintain the Kuwaiti infrastructure. This underpins the notion that ‘undesirable’ elements can simply be removed by demographic restructuring and deportations (Al Shehabi, 2012; Baldwin-Edwards, 2011; Chalcraft, 2010; ILO, 2015; Kapiszewski, 2006; Shah, 2011). Thus the data has provided strong evidence of the official under-reporting of the full extent of work-related injuries and deaths amongst sub-subcontracted construction industry workers, providing further justification for the

modification of the pre-existing Sargeant and Tucker (2009) model to include a section on treatment of migrants into Layer 3.

These results demonstrate the historically rooted indifference towards the OHS of subcontracted migrant labour in the Kuwaiti construction industry which is exacerbated by the official low-bid tendering system, compounding the pressures brought to bear on contractors to deliver projects under conditions which are impossible to achieve.

Layer No. 3. Questions 5 and 6. What are the reasons for migration and how do these affect worker attitudes and commitment towards OHS? What are the effects of migrant education, job type, language and training skills levels on their OHS?

The literature discusses the fact that expatriate labourers seek work outside their countries of origin in order to upgrade the quality of life and social standing of their families. The depth and quality of the data revealed that lack of opportunities prevented expatriate labour in their home countries either to access decent work or to be adequately remunerated if they had. These factors acted as catalysts for their continued struggle to provide their children with opportunities to advance their lives and education by migration as part of a desperate struggle for survival in which the cost of losing their jobs in the sending country is perceived as outweighing the opportunities presented to them in the receiving country. The question is whether they will, through obtaining work in Kuwait, be able to overcome poverty in their sending country, thus enabling the honouring of cultural and social responsibility for ensuring family longevity through the improved education of their children (Adhikary, Keen & Van Teijlingen, 2011; Afsar, 2009; Castles, 2000; Castles, 2013; Quinlan et al., 2010; Sargeant & Tucker, 2009; Shah & Farques, 2011). Compelling evidence is provided that these workers are conscious of the need to maintain their own safety, simply in order to survive, and is a clear case of a victim blaming culture, as described by Kartam et al. (2000). This victim

blaming culture (Quinlan, 1988, p. 192) of creating and re-enforcing fear of injury and self-blame into the mind-sets of subcontracted workers through coercive supervisory measures has therefore become embedded in OHS management culture in Kuwait (Quinlan, 1988; Quinlan et al., 2010; Hopkins, 2006). This is evidenced by the fact that workers, especially those with low education levels employed at the sub-subcontractor levels, *know* that they will be blamed for having accidents – a prime example of the traditional Middle Eastern propensity to regard workers as accident prone (Kartam & Bouz, 1998). Worker responses revealed that even those with low education levels perceived that they had a good awareness of OHS and wished to keep themselves safe primarily so that they could continue to support their dependents in their home country.

However, ironically, in spite of the fact that workers wish to keep themselves safe, the data revealed that they are prevented from doing so because of the low-bid tendering system which causes subcontractors to cut costs and provide neither safety equipment nor training for their subcontracted labourers. Indeed, strong evidence was produced in the data that subcontractors themselves are in many instances just as ignorant as their labourers of both the law and the safety requirements. Thus the very reasons why subcontracted workers seek work in Kuwait also keep them trapped in a slave-like situation through the “bureaucratic apparatus” (Khalaf & Hammoud, 1987, p. 350) which is indifferent to the fate of those responsible for delivering the projects, thereby suffocating effective OHS management systems and the ability of the PMC to effectively perform their responsibility to ensure that OHS is maintained through all levels of any given project. These factors lend additional weight and justification for the addition of the fourth layer, OHS Management Systems, which is discussed below.

Layer No. 4. Question 7. What are the influences of OHS management systems on the lives, experiences and OHS of migrant workers?

The full extent of paralysing influences brought to bear on the OHS of subcontracted labourers is revealed in this layer. Whilst, as outlined in Chapter 3, it is generally recognised in the literature that subcontractors are poorly trained with a lack of safety culture, resulting in the failure to invest in health and safety equipment or training (Kartam & Bouz, 1998; Kartam et al., 2000), the literature concerning these concepts in Kuwait was sparse. The research findings encapsulated in this thesis have compensated for the lack of literature concerning the lives of subcontracted expatriate labourers. The results add considerable weight to the value and relevance of the study, whilst simultaneously exposing the root cause of many of the OHS problems in Kuwait which are outlined in the concluding chapter.

Moreover, more recent literature on Kuwait has failed to link OHS with the power and control mechanisms created by the inbred and institutionalised cultural distancing of Kuwaiti citizens from expatriate contractors and subcontractors which in turn is a consequence of the rentier system developed by the Kuwaiti authorities. Qualitative research involving the OHS of subcontracted labourers as a consequence of this milieu is lacking. The addition of the fourth layer, OHS management systems, and its influences on the health, safety and lives of subcontracted workers has revealed compelling evidence of the damage which OHS management systems in Kuwait has brought to bear on the health of subcontracted workers.

These factors were also related to the development of musculoskeletal disorders, cardiovascular disease, asthmatic conditions, skin disorders and chronic, long-term fatigue, resulting in trauma injuries. Harsh treatment by supervisors during the summer months resulted in excessive heat exposure which added to the risk of ischemic heart disease. The data revealed that many of the illnesses and injuries were directly

attributable to ineffective supervision resulting from informal labour recruitment pathways.

As identified in the literature review, competitive tendering in Kuwait has led to the practice of informal and indirect employment via foremen or intermediaries within the project hierarchy in order to reduce cost. This was confirmed by data gathered from PMCs who claimed that the pre-approval process for subcontractors is not overseen or directly controlled by project owners and is therefore often cursory or simply waived. Furthermore, as also discussed in the literature review, subcontracted firms underbid contracts. This results in financial stress which increases the likelihood of non-compliance with OHS regulatory standards (McVittie et al., 1997; Lamm, 2014). In Kuwait the situation is made worse because of the legal entrenchment of the low-bid preference when allocating contractors, who subsequently appoint subcontracted firms who are focused on survival and have neither the expertise nor the moral will to effectively supervise or train their labourers. Quinlan et al. (2010), whilst conceding that literacy levels of vulnerable workers is generally a problem, the role of poor language skills should not be exaggerated to the exclusion of other factors such as poor training, induction and supervision (Quinlan et al., 2010, p. 43). Nevertheless, O'Connor, Loomis, Runyan, Abboud dal Santo and Schulman (2005), in a study of young Latino migrant construction workers, referred to the need for increased bilingual services not only in worker safety training programs but also in medical clinics and emergency rooms that treat workers (O'Connor et al., p. 272). Bust et al. (2008) argue that it is crucial to identify effective ways to communicate with construction workers employed in multicultural environments (Bust et al., 2008, p. 601). De Jesus-Rivas, Conlon and Burns (2016) concur with these views, and comment that non-English-speaking workers are at a disadvantage in understanding and learning safety concepts

(De Jesus-Rivas et al., p. 24). The key factor, however, in conveying safety messages and ensuring robust training of workers remains firmly in the realm of the quality of supervision and management in determining the quality of communication, induction and on-the-job training (Quinlan et al., 2010). The data has thus unequivocally confirmed that this situation has led to poor or non-existent OHS training and the development of a brutal and ineffective supervisory system which renders workers invisible and helpless, as illustrated in Figure 3.1.

The effective gathering of qualitative data from previously silent and invisible workers through the application of a unique methodology, interviewing techniques involving an experienced interviewer and a culturally sensitive interpreter, has exposed the true extent of damage to the OHS of workers through ineffective supervision. This further justifies the addition of the fourth layer to the Sargeant and Tucker (2009) model, thereby enabling the analysis of the quality of supervision of these workers.

Expanding on the concept that a pervading culture of indifference within the low-bid tendering system has been shown to lie at the root of many of the issues facing subcontracted labourers in the construction industry, the effects of this phenomenon are now discussed.

Cultural Indifference and Low-Bid Preference

Culture of indifference. As suggested in the literature review, and confirmed through the qualitative data about the first hand experiences of workers themselves, a pervading culture of indifference towards subcontracted migrant labourers in Kuwait is the root cause of power and control mechanisms imposed on these workers from the onset of their contracts. Thematic development revealed a sense of helplessness in workers, brought about by coercive practices, deception and dishonesty and cruel acts resulting in high levels of depression, fear, anxiety and a sense of defeat which were

exacerbated by poor living conditions, inadequate diets and extended working hours. These conditions additionally lower the perceived status of labourers in Kuwait and concurs with the finding that, because of these power and control mechanisms, the only sense of status open to subcontracted labourers is the extent to which they can improve the status of their dependents in their countries of origin. In many instances it was found that workers developed a sense of helplessness because they were trapped in a system from which there was no escape and in which they could not meet their family obligations because contractual conditions were dishonoured and their financial commitments to deceptive and dishonest labour agents.

The OHS outcomes of cultural indifference included respiratory diseases, physical injuries and occupational diseases and psychological illness including suicides which go unreported as they are not categorised as work-related issues (Cooper, 2013). The data revealed that many workers suffered respiratory disease through dust exposure, compounded by the provision of inadequate or non-existing respiratory protection and exceptionally high levels of air particulate matter. Exposure to dust, inadequate inhalation protection and high risk chemical exposure are all influential in the development of respiratory diseases (Al-Dousari, Aba, Al-Awadhi, Ahmed & Al-Dousari, 2016).

There is widespread acknowledgement that dust is associated with negative health effects, especially for those who reside in desert areas. It has also been suggested that ultra-fine particles are able to provoke lung inflammation and increase blood coagulation, thus also explaining the observed increases in cardiovascular deaths associated with urban pollution episodes (Seaton & Macnee, 1995, p 1). Moreover, there are clear links between long-term exposure to air pollution, pulmonary stress and ischemic heart conditions, as explored by Arden Pope III et al, 2004, who found that

short-term particulate exposure contributed to acute coronary events, especially in patients with underlying coronary artery disease (Arden Pope III et al., 2004, p. 2443). In Kuwait there are several factors which compound the risk of respiratory disease from dust exposure.

Crystalline silica has been classified as a human lung carcinogen and is a basic component of soil, sand and granite. Respirable sized particles are released during construction related activities, for example cutting or drilling of various rock formations and removal of paint and rust from bridges, tanks and other surfaces. Abrasive sandblasting causes the most severe exposure to crystalline silica. Damage occurs when respirable silica dust enters the lungs, causing formation of scar tissue and reducing oxygen intake. Moreover, the condition may take as long as two years to diagnose and there is no cure for the disease (U.S. Department of Labor, 2002, pp.1-2). Al-Dousari et al (2016), in a special study of the predominance of dust in Kuwait, found that rising dust or dust storms are experienced for 255.4 days per annum (p.95). In addition, the average values of particulate matter in the Middle Eastern region are much higher than the World Health Organisation 2006 guidelines (Nasser, Salameh, Nasser, Abou Abbas, Elias & Leveque, 2015, p. 641).

Between January, 2004 and December, 2005, Al-Salem (2008) conducted a study of pollution problems in Fahaheel, including vehicle emissions (Al-Salem, 2008, pp. 1-2). The Fahaheel/Mangaf areas in Kuwait house approximately 100,000 subcontracted expatriate workers and are situated in the so-called refinery belt, within the governance area of Al Ahmadi, close to the largest and oldest refineries (Al-Salem, 2008, p. 2). These refineries are located south of the suburb's main shopping area and also within close proximity to cement, ceramic and stone factories (Al-Salem, 2008, p. 2) which further compounds the problem. Elevated serum uric acid and the attendant risk of

respiratory disease is increasingly being linked to the inhalation of fine particulate matter (Horsfall, Nazareth & Petersen, 2014). An example is worker respondent No. 5 who lived within the refinery belt and was also exposed to high levels of fine particulate matter in addition to the dust he inhaled on site; his asthma and high uric acid level highlights the need for more research to fully understand the impact of multiple of inter-relational factors and lung disease, as outlined by Speizer (2000).

Whether they are mixtures of multiple dusts, particles, and gases; allergens and nonallergic materials; or specific chemical forms or elements of environmental and occupational agents, “we must improve our understanding of the pathophysiologic mechanisms of disease development...we should be able to develop strategies by which mechanisms can be identified and explored” (Speizer, 2000, pp. 603-604).

The data has also revealed that high levels of psychological illness are prevalent in migrant workers in Kuwait. Workers’ spirits are steadily reduced by unachievable tasks, extended working hours, and verbal and physical abuse. (Quinlan et al., 2010; Quinlan & Bohle, 2004) Robinson and Rousseau (1994) refer to promised and reciprocal obligations between employee and employer as psychological contracts (Robinson & Rousseau, 1994, p. 245) which, when broken, generate distrust and dissatisfaction. Burch, Bachelor, Burch and Heller (2015) claim that the psychological expectations of employees are embodied in transactional contracts, namely compensation and job expectations, and relational contracts through effective supervision, job security and personal growth. Furthermore, Quinlan and Bohle (2004) suggest that the notion of psychological contracts could relate to safety effects of contingent work (Quinlan & Bohle, 2004, p. 88). In addition, Quinlan et al. (2010) refer to the possible existence of occupational violence through broken psychological contracts, including verbal abuse, threats and physical violence, all of which cause fear in the victim and could lead to

stress or avoidance behaviour (Quinlan et al., 2010, p. 30). Neuman & Baron (1998), furthermore, suggested that breaching the psychological contract may be connected to increased workplace aggression (Neuman & Baron, 1998, p. 391). The findings of this research confirmed that verbal abuse, threats and physical violence were endured by many of the worker respondents.

Low-bid preference. As discussed above, the officially entrenched lowest-bid tendering system impacts heavily on workers in Kuwait. Subcontracted labourers who try and survive at the very lowest rung of the hierarchical ladder created by this system are neglected because of time and budget constraints. The entrenched culture of indifference creates power and abuse through the low-bid system which impacts on the supervisory relationship manifest in the betrayal of workers through abuse by supervisors, resulting in un-kept promises, setting of unachievable tasks, unreasonably extended working hours with resultant OHS outcomes for instance, the high levels of respiratory disease through unreasonable exposure to dust, inadequate respiratory protection and exposure to high risk chemicals to name but a few.

Thus, subcontracted workers in the Kuwaiti construction industry suffer doubly. In a global environment where subcontracting and outsourcing has led to underbidding on contracts (Quinlan et al., 2010), the legalisation of this practice in Kuwait serves to exacerbate their treatment to the point where survival within the never-ending poverty and dependence cycle, is limited.

Thus, the discussion surrounding indifference and low-bid tendering leads to the development of two important aspects of this discussion. Firstly, what is the likelihood that the Kuwaiti government will change the official low-bid tendering law, and secondly, what steps can be taken to overcome the pervading culture of indifference towards expatriate subcontracted labourers, which has created this system.

Solutions to Cultural Indifference and Low-Bid System

Political inertia. The results of the data have shown that there are deeply entrenched origins which have created a cultural and legally entrenched milieu in Kuwait which separates and distances mainstream society from expatriate labour. Kuwait has set an example to the rest of the GCC countries in terms of the development of a distinctive semi-democratic political system which allows participation by opposition groups through the 50 member National Assembly, which comprises elected members from the opposition and from groups loyal to the government and includes some independents. However, there is constant conflict between the stronger, appointed government and any group which threatens the power of the Emir. As shown in the background and literature review chapters of this thesis, the government has cracked down on any dissent by using various mechanisms including imprisonment and withdrawal of citizenship, for example, the imprisonment in 2015 of the political activist Musallam Al-Barak for openly criticising the government. This situation has arisen because opposition groups have no formal laws which govern their roles or their rights. Thus, although general civil society has begun to evolve in Kuwait, “governing political structures have not” (Ghabra, 2014, p. 8). In addition, because of the rentier system imposed in Kuwait, a strategy for economic diversification has not been forthcoming in a situation in which Kuwait spends “60 percent of its income and 80 percent of its annual budget on government salaries” (Ghabra, 2014, p.10). This is partly due to the fact that the Kuwaiti bureaucracy has placed restrictions on the private sector which is dependent on the government for contracts and projects, many of which “are determined by political connections” (Ghabra, 2014, p. 10).

It is significant to note that nowhere in the politically related literature by Kuwaiti authors are the rights of expatriate labourers mentioned. Indeed, in Ghabra’s paper, the

Kuwaiti government was praised for the lenience shown towards protesters by showing restraint by simply beating protesters, causing injuries but causing no deaths (Ghabra, 2014, p. 15). This reflects the problems which authors in Kuwait face in the socio-political milieu. Amnesty International (2015) refers to the so-called Iron Fist Policy implemented by the government from 2011 in a series of steps which seriously limit freedom of expression. People accused of any offence detailed in the myriad of laws used to prosecute critics and opponents of the government, face a maximum 10 year term of imprisonment. This includes the new Electronic Crimes law, which took effect on the 12th January, 2016 which criminalises online criticism of the government, religious figureheads or regional governments.

The above analyses therefore leads to the conclusion that there is little hope of repealing the low-bid preferential law in a political environment which “suffers from frequent paralysis, as a parliament with no responsibility to govern, blocks the unelected cabinet from effectively governing” (Herb, 2016, p. 23). Secondly, the Kuwaiti government is clearly interested mainly in maintaining power whilst balancing local tribal interests. As a result, the expatriate community’s needs are not a priority.

Commercial factors. Owing to the efforts of human rights agencies and the ILO, there may be informal means which could bring leverage to bear on the way in which the human rights of subcontracted labourers may be improved. The primary route to attaining the interest of Kuwaiti leaders in the welfare of subcontracted workers lies in the commercial relationship which Kuwait holds with the rest of the world. At the heart of this relationship is the oil industry and the continuing need to extract oil in order to support the rentier system. There are two avenues open to exploration. Firstly, the role of the major bidders for contracts in Kuwait and secondly, the irrepressible push for

increased freedom of expression for the citizens and non-citizens brought about by the emergence of Musallam Al-Barak as a highly influential politician.

The major PMCs involved in the bid for large contracts in Kuwait are required to present the project owners with their best practice standards upon submitting their tender documents. However, what constitutes best practice and what the PMC actually encounter when awarded a contract, is defined by the unwillingness on the part of project owners to implement these recommendations. As a result, The PMCs are placed under a great deal of pressure because they are ultimately held responsible for ensuring the health and safety of contracted on-site personnel and do not have the resources or power to investigate human rights abuses and the OHS of sub-sub contracted workers who are brought onto site by contractors. A possible avenue for leverage lies in American political connections through PMCs as there are only a few institutions globally who have the capacity to bid on such large projects, four of which are American based. The ruling family have always maintained good relationships with the Americans and continue to this day to be thankful in the role which America played in coming to their defence during the 1990 Gulf War. The ILO and other human rights agencies could be influential in lobbying these major players to negotiate greater allowance for the improvement of facilities, working conditions and training of subcontractors and supervisors. This is a difficult task because of language differences. As one stakeholder explained:

There are a multitude of languages. We have identified up to 23 nationalities on our projects. When we do training we try and have a translator, but that is not always possible. When we see a worker working unsafely we try to make sure that the contractor safety personnel are with us as witnesses, but even they have difficulty in understanding the workers. They will call a translator to explain to the workers but it remains a challenge. (Stakeholder respondent 2).

To enable these matters to be considered would require intervention from the government, which hitherto, whilst outwardly ratifying ILO conventions, has not been

proven to actively promote their implementation. However, recently there have been significant changes in the Kuwaiti socio-political arena in the form of rising opposition questioning the views of the ruling authorities.

Rising political opposition. In 2012, Musallam Al-Barak challenged the commercial elite who operate through the project owner hierarchy. Al-Barak is a “combination of a trade unionist, charismatic nationalist leader and politician whose aim is to change peacefully the elite politics of Kuwait into a more democratic, inclusive and open structure” (Ghabra, 2014, p. 14). In a now-famous speech, he appealed to the Emir, stating “Your Highness, in the name of the nation we shall not allow you to engage in autocratic rulehow do you want to go down in history? Do you want it to be recorded that under the rule of Sheikh[name omitted for ethical reasons], opinion formers were imprisoned?” (Amnesty International, 2015, p. 11). Setting the historical precedent through directly challenging the authority of the Emir acted as a catalyst for demand of change, especially amongst the young people of Kuwait, and reflected deep changes in Kuwaiti society. Al-Barak emerged from the tribal majority and is therefore one of the few people with the credibility to negotiate with the ruling family. Although Barak was imprisoned for two years for his role in the 2012-2013 protests, a situation has been created in which the government is at a crossroad with a “clear choice between allowing the country to slide into deeper repression or taking urgent steps to prove that its public commitments to human rights are more than just hollow promises” (Amnesty International, 2015, p. 1). Barak was released on the 22nd April, 2017 and remains in Kuwait, a potentially powerful leader because of his opposition to government corruption and unfair human rights practices, fuelled by his commitment to gaining citizenship rights for long standing residents of *badu* origins.

The government is therefore at a stage where it will be necessary to negotiate and enter into dialogue with internal and external forces in order to maintain power. If Barak achieves success and the Bedoon (*badu*) are granted citizenship rights, the precedent will have been set for further negotiations for the increased rights of sub-sub contracted workers in the construction industry, including minor changes to the lowest bidder law to include allowance for the closer supervision of the working conditions of sub-sub contracted labourers, employed either on official contracts or private construction contracts, which, as the data revealed, are often managed by members of the project owner hierarchy.

Conclusion

The intent to provide a novel approach towards workers' OHS in the subcontracted construction industry in Kuwait has been the driving force of this study. This approach has demonstrated the value of qualitative research in a unique research design through which the experiences of subcontracted labourers could best be documented, evaluated and applied to improve the OHS of expatriate labourers not only in Kuwait but internationally. Therefore this chapter has discussed conceptual ideas which, it is hoped, will act as a catalyst for the enhancement of the lives and OHS of these workers. The chapter sets out the links between the previously reviewed literature and the data gathered in a conceptual discussion emphasising the value of the adapted Sargeant and Tucker (2009) model as an analytical platform through which more effective ways may be devised to address the ongoing issues of power and control which has been demonstrated in this project to be the root cause of indifference towards expatriate labour in Kuwait. The links between the lowest-bid law and the need to revise the existing economical philosophy of ruthless exploitation of contractors have been examined.

Having analysed primary issues arising from the data and the inter-relationships between data themes and the literature review, it now remains to reflect on how the research progressed through each chapter, the way in which limitations and obstacles were overcome, the contributions which this thesis has made to the body of research on vulnerable migrant workers and identifying areas for future research. Finally, the researcher will reflect on the personal growth experienced through this process, and whether the original catalyst for beginning this research was realised.

Chapter 8 - Conclusion

Introduction

The primary aim of this research was to examine by qualitative analysis the lives of subcontracted construction industry workers *through their own perceptions and experiences*. In meeting this objective, the research has revealed intricate, interrelated patterns produced by cultural indifference and contract bidding laws which have manifested themselves in the significant deterioration of the quality of the lives and OHS of these workers.

This conclusion reflects on the research processes and evolving patterns linking the thesis chapters, by laying out the value which this project has added to the existing research. The capacity of the distinctively adapted Sargeant and Tucker (2009) model has facilitated the gathering of significantly valuable data on vulnerable subcontracted expatriate workers in Kuwait.

The obstacles which prevent the development of strategies to improve the OHS of subcontracted labourers are outlined, solutions are suggested and a summary is made of the manner in which limitations and problems posed by the research have been addressed.

Finally, avenues for future research are recommended.

Reflection and Chapter Linkages

Chapter 1. In Chapter 1 the researcher described the catalyst for embarking upon this research project. Preparatory reading for this thesis revealed strong international evidence of the hazardous and precarious nature of work in the construction industry, as outlined by Valcarel (2004); Holmes et al. (1999) and Quinlan et al. (2010). The characteristics of the Kuwaiti construction industry as outlined by a handful of pioneering Kuwaiti authors, were examined. These characteristics included a

predominance of small subcontractors, non-investigation of accidents, a lack of safety culture and a decentralised, fragmented and flawed accident reporting system. Although these studies of the OHS of workers in the construction industry were limited and ceased almost altogether after 1994, they nevertheless provided a firm basis for the literature review on the OHS of subcontracted workers in Kuwait.

Examining the background against which the study was conducted, the researcher firstly outlined how historic, political, economic and legal infrastructures led to the obfuscation of population data. The researcher rationalised all available sources of data, in a graphic representation of the extent to which data had been manipulated to hide diasporic events and the ill treatment of vulnerable expatriates in Kuwait. Secondly, the effects of the unexpected employer backlash in response to the enactment of a new labour law in 2010 were analysed, revealing that, far from improving the lot of all workers, the opposite occurred. The authorities in Kuwait either failed, or were reluctant to acknowledge that in attempting to eliminate the *kafeel* or sponsorship system mainly resulted in further discriminatory practices against expatriate subcontracted labourers.

It was posited that the limitations posed by a dearth of peer reviewed research literature on issues facing subcontracted workers in the Kuwaiti construction industry created the need for the development of an effective analytical methodology.

After conducting a comparative analysis of different models of analysis the researcher outlined the rationale behind the choice of the Sargeant and Tucker (2009) model and its adaptation upon which to build the thesis. Using a qualitative and triangulated research approach and design, the researcher described how the inclusion of OHS management factors to the existing model lent breadth and depth to the research. Moreover, the flexibility of the adapted Sargeant and Tucker (2009) model

demonstrated its ability to analyse a wide range of factors related to the sending and receiving countries.

The suitability of the adapted Sargeant and Tucker (2009) model was further justified by outlining how, by successfully answering the research questions, insights gained through exploring the experiences of subcontracted workers through their own perceptions and in their home language has added a significant contribution to the limited body of research about their OHS issues in Kuwait.

The research findings were presented in a thematic manner in the data analysis chapters. OHS outcomes corresponded with emergent themes contained in the background of the study.

The final results justified the methodological approach by successfully answering the research questions and revealing that power and control mechanisms included coercion by OHS managers and supervisors, which caused wide-reaching compromises to the OHS of subcontracted workers.

Chapter 2. Balancing international research concerning worker vulnerability against the scarcity of available literature on the nature of relationships between vulnerable expatriate labour and nationals in Kuwait is considered. In addition, comparisons were developed to compare historical and modern population trends in Kuwait. These comparisons revealed that the Kuwaiti authorities continue to deliberately obfuscate statistical data in order to conceal from public view the ongoing mass deportations of expatriate labourers. This is an indication that there is little or no change to the ingrained cultural tendency to dehumanise expatriate workers and treat them as neutral “*things*” (Chalcraft, 2010, p. 2) to be bargained for in the same manner as cattle being sold at auction.

Owing to the lack of accurate and consistent statistical data, there was a need to develop some indication of the similarities between historical diasporic events and the impact on the lives and health of expatriate labourers resulting from the Kuwaiti private sector backlash in response to the enactment of the new labour law. This law, which outwardly purported to improve the lives of all expatriate workers, in reality increased their vulnerability and invisibility and resulted in deportations, the implementation of immediate and concurrent large scale redundancies, increased hours of work, wage reductions and reduced and unpaid overtime.

Chapter 3. Having established the rationale for this thesis, an iterative literature review was developed. Firstly, the nature, growth and characteristics of vulnerable migrant labour were defined, discussed and contextualised within the Kuwaiti construction environment. Four models of analysis were critically evaluated. Firstly, the PDR model of analysis developed by Quinlan and Bohle (2004, 2009), enabled the exploration of OHS outcomes resulting from economic pressures, work disorganisation and regulatory failure. Secondly, Lamm (2014) developed five indicators of precariousness, namely certainty of ongoing employment; degree of employee control; level of income; level of benefits and degree of regulatory and trade union protection. Thirdly, elements of worker-manager dynamics as outlined by Gravel, Rhéaume and Legendre (2009) focused on worker-manager dynamics affecting safety management. Finally, the addition of the fourth layer to the Sargeant and Tucker (2009) framework incorporating features of the other models is considered and the rationale for using it is stated.

It was concluded that the adapted Sargeant and Tucker (2009) model of analysis was sufficiently flexible and inclusive to account for the negative effects on the project management hierarchy of competitive tendering, labour market segmentation, lack of

appropriate or effective supervision and the increased propensity to blame workers for poor OHS outcomes. Moreover, the adapted Sargeant and Tucker (2009) model enabled the analysis of the paralysing effect on workers' OHS caused by the complexity of decentralised and fragmented accident and workmen's compensation reporting systems. In addition, applying the adapted Sargeant and Tucker (2009) model enhanced the researcher's ability to identify specific OHS outcomes during the data collection and analysis stages of the research and incorporate these into the literature review in an iterative process.

The key results of this research therefore demonstrate the effectiveness of applying a qualitative research approach to, firstly, compensate for the lack of available data or robust qualitative literature on the plight of subcontracted labourers in Kuwait, and, secondly, to contribute to the body of qualitative research on vulnerable expatriate labour by robust thematic development through the adapted Sargeant and Tucker (2009) model.

Chapter 4. The stages of the research were presented in Chapter 4, the methodology. In adopting a phenomenological approach, the research focused on analysing the OHS of workers from their own viewpoint, using qualitative interviewing techniques never before applied in the Kuwaiti environment. The phenomenological method chosen was to form an integrated, team approach to the research of illiterate subcontracted labourers through the inclusion of a professionally qualified interpreter *throughout the entire data gathering and verification process, and, thereafter, having the data verified once again by an independent third party*, thereby trebly validating the data. The interpreter therefore played a pivotal role in the success of this research project. In the methodology, the crucial role that interpreters play when engaging in qualitative studies involving depth interviewing techniques is discussed. This crucial

role has generally been neglected by authors on qualitative studies and the qualitative research literature has paid scant attention to the crucial role of the interpreter as part of the research team when illiterate respondents are concerned.

A critique was made of the propensity of many authors of qualitative methods to underestimate the role of qualified interpreters in qualitative studies involving respondents of a different language and culture to that of the researcher, and that the inclusion of an interpreter in the process of data gathering and analysis has added weight and credence to this research project. It was argued that by involving a professionally qualified interpreter with knowledge and experience of the language and cultural lexical inferences expressed by worker respondents, this research has contributed to furthering the knowledge of the relationship between OHS management and compromised OHS and medical outcomes.

The researcher's commitment to the gathering of rich and meaningful data through the application of semi-structured and free flowing interviewing techniques was therefore demonstrated by providing a detailed account of the interview process clarifying the role of the researcher and interpreter during interviews. In this way the data gathered were sufficiently deep and broad to substantially reduce research bias and to enable the drawing of meaningful conclusions whilst simultaneously adding a significant amount of new research on the role of interpreters in qualitative research where the respondents do not speak or understand the researcher's language.

In order to strengthen the phenomenological paradigm, the data were triangulated to incorporate the experiences of owners, PMCs, building contractors, supervisors and also the documentary evidence contained in accident and safety reports and newspaper articles. This evidence confirmed emergent themes discussed in chapter 2 which showed that the abolishment of the sponsorship system was associated with large scale

redundancies, abandonment of sponsored expatriate labourers, unannounced police crackdowns on the expatriate community, project cost increases and schedule over-runs. Significantly, themes drawn from the triangulated data confirmed the linkages between power and control mechanisms and compromised OHS outcomes.

A detailed justification for the way in which data were analysed was discussed. In the absence of set formula for data coding (Patton, 2002), thematic development continued through all stages of the research process. Emergent themes explored in the background and literature review chapters included the negative effects of the employer backlash following the enactment of the new labour law of 2010. The compromised OHS outcomes of subcontracted workers as a result of the low-bid acceptance law, their continued acquiescence demonstrated by their willingness to undertake any task, their low education and literacy levels, their poor supervision, social exclusion and racial stratification and their unhealthy working and living conditions, all concurred with initial findings. The research was therefore strengthened by the continual, iterative verification and confirmation of thematic outcomes which had been initiated and developed throughout the research process.

Consideration of the detailed factors of reliability and validity relating to each element and stage of the research process demonstrated the researcher's commitment towards enhancing the rigour of this study. Reflecting on the way in which subcontracted workers perceive their situation and balancing these with the reality of the issues they face, enabled the identification and development of emergent themes *directly from the data* rather than from existing Kuwaiti-related theories. This overcame the difficulty posed by the paucity of literature exploring the deeper issues in determining subcontracted labour vulnerability in Kuwait.

Chapters 5 and 6. By examining the results of the combined data analyses encompassed in Chapters 5 and 6, it was demonstrated that, through applying the chosen methodology and analysing the data within the adapted Sargeant and Tucker (2009) model, cultural indifference leading to abusive power and control mechanisms in Kuwait are indubitably associated with a wide range of OHS issues. The findings provide compelling evidence of the depth and extent of damage these factors have had on the OHS of workers, issues that were in some instances witnessed in the extreme. For example, the eight fatalities listed in Table 6.2 on page 197 were all caused by sheer indifference to the fate of the workers concerned. One of these instances describes how an elderly stonemason was forced to work outdoors carrying heavy bricks and ceramic tiles for extended periods in the summer heat which caused his death.

Furthermore, coercion, deception and dishonesty on the part of labour agents and subcontractor employers alike, led to long standing depression and suicides as a result of low self-esteem, feelings of abandonment and of imprisonment as a result of social exclusion. Poor living conditions and exhaustion as a result of extended working hours was linked to inherent cruelty amongst both supervisors and peers, reflecting the insidious ripple effect of a culture of indifference and strict adherence to the lowest bidder system in Kuwait.

Exposure to dust, silicates and harmful chemicals were associated with inadequate inhalation protection lack of training and indifference to the placement of workers in highly polluted residential areas where the air far exceeded the recommended and approved particulate air levels, all of which were correlated with a wide range of respiratory diseases and additionally linked with ischemic heart disease. Other physical symptoms such as shaking hands, neck pain, back pain, vomiting, general weaknesses through heat exposure and dehydration were indicative of a wide range of

musculoskeletal disorders and respiratory and heart disease arising from exposure to excessive pollution.

The links shown between project hierarchical structure and poor supervision infused with a culture of indifference clearly demonstrate how substantive laws outwardly designed to improve the lives of subcontracted labourers have actually had a crippling effect on their OHS because of procedural paralysis. This was clearly demonstrated in the depth and quality of data obtained from stakeholders which revealed wide-ranging corruption, ignorance and non-implementation of OHS laws leading to a high level of accidents and injuries amongst subcontracted labourers.

A significant finding of this research was the clear link between the drivers determining worker attitudes to their socio-economic status and their positive commitment to working safely. Furthermore, it was found that workers' own perception of the importance of OHS was not linked to their educational level or linguistic skill although their actual understanding of the mechanisms of OHS may have been limited.

In summary, the data analysis chapters have contributed to the research on the plight of vulnerable labour in two significant ways. Firstly, the depth and extent of destructive forces brought to bear on subcontracted labourers in the Kuwaiti construction industry has been demonstrated and verified through the triangulation process, further justifying the adoption of a phenomenological approach to the research design. Secondly, the inter-relatedness of factors contributing to negative OHS outcomes linking the prevalence of disease to working conditions and living conditions has been unequivocally established.

Chapter 7. The purpose of the discussion chapter was to consider the alignment of the results with the theoretical aspects of the adapted Sargeant and Tucker (2009)

model and to provide the rationale for the layering of this model by showing that it identified the key issues of cultural indifference and the low-bid tendering law.

Insights from data analysis results were discussed within the context of key research questions as they occurred in the layers. The data revealed that OHS issues relating to social exclusion included emotional withdrawal and depression as a result of the distancing of subcontracted workers from project owners and managers, compounded by the existence of a bullying culture and distancing of racial groups from each other within worker residencies.

The root cause of social exclusion was shown to be produced by the imposition of a rentier economy as discussed in Chapter 2, which provides a sense of entitlement amongst Kuwaiti citizens. When juxtapositioned with their simultaneous reliance on expatriate labour to build and maintain its infrastructure the result is resentment and frustration, leading to indifference towards worker OHS.

The data revealed that the lack of workers' knowledge of their rights to regulatory protection or injury compensation and exploitation by labour agents, caused their ultimate entrapment within a permanent treadmill of dependency. This justified the addition of the additional analytical element, namely 'treatment of migrants' in Layer 2 of the adapted Sargeant and Tucker (2009) model. Compelling evidence was produced that subcontracted workers are driven to maintain their own safety in order to survive in this treadmill and provided a clear example of the pervading victim blaming culture amongst Kuwaiti project owners and their OHS supervisors. Moreover, workers were put at risk because the entrenched lowest-bid tendering system led to cost cutting and non-provision of safety protection equipment and safety training. The full extent of the paralysing influence of the lowest-bid tendering system was demonstrated by the

damaging influences of poor OHS management systems on the OHS of subcontracted labourers, as outlined in the data analysis.

In the discussion chapter it was concluded that indifference towards expatriate subcontracted labour and the entrenchment of the low-bid tendering system in Kuwait resulted in the encapsulation of power and control mechanisms in the project management hierarchy. Exclusion of expatriate subcontracted labour from knowledge of regulatory protection and injury compensation, compounded through social and cultural distancing and exclusion from decision making processes are linked to the slow but steady deterioration of the OHS of subcontracted workers linked to a wide range of OHS issues.

Obstacles to the Development of Solutions for OHS Problems

Kuwait has set an example to the rest of the GCC countries in terms of the development of a unique, semi-democratic political system which allows participation by opposition parties. However, this system is in a state of political inertia which is directly related to the historical social and cultural values which have extended themselves into the present. The results of the data have shown that a cultural and legally entrenched milieu has been created in Kuwait which separates and distances mainstream society from the expatriate labour upon which it is dependent. This has resulted in a hardening of Kuwaiti resentment and continued indifference and resentment towards expatriate labour.

The creation of a rentier system in which these very ‘citizens’ are held dependent by the government has heightened their sense of resentment. They are trapped in a system of benevolent paralysis imposed upon them by the government, caused by dependency and resultant helplessness. The roots of these forces lie firmly in the hands of the government which needs its citizens to remain in Kuwait in a situation of

entrenched dependency in order to maintain its powerful control of everyone in Kuwait, including those influenced by and benefitting from the official low-bid tendering laws. Migrant labourers are crushed into invisibility because of their inability to directly oppose these trebly powerful forces which impact on their lives, health and safety.

The juxtapositioning of numerous opposing forces, has created political, social and developmental inertia beginning at governmental level. Galvanised by the need to maintain absolute power, as shown in the background and literature review chapters of this thesis, the government has therefore cracked down on any dissent by using various mechanisms including imprisonment and withdrawal of citizenship, for example, the imprisonment in 2015 of the political activist Musallam Al-Barak for openly criticising the government. Another example discussed in Chapter 7 on page 230 is the praise for “lenience” in the treatment of protesters and reluctance to personally condemn the government (Ghabra, 2014, p. 15). This reflects the ongoing dilemma which authors in Kuwait face in the socio-political milieu in order to survive. Amnesty International (2015) refers to policies implemented by the government from 2011 onwards in a series of steps which seriously limit freedom of expression. People accused of any offence detailed in the myriad of laws used to prosecute critics and opponents of the government, face a maximum 10 year term of imprisonment. This includes the new Electronic Crimes law, which took effect on the 12th January 2016, and which criminalises online criticism of the government, religious figureheads or regional governments.

This is because there are no formal conventions which govern the roles or rights of opposition groups. Thus, although the general society in Kuwait is making attempts to evolve, “governing political structures have not” (Ghabra, 2014, p. 8). In addition, because of the rentier system, a strategy for economic diversification has not been

forthcoming largely because Kuwait spends “60 percent of its income and 80 percent of its annual budget on government salaries” (Ghabra, 2014, p. 10). Additionally, the Kuwaiti bureaucracy has placed restrictions on the private sector which is dependent on the government for contracts and projects, many of which are awarded through political connection.

thIt appears that there is little hope of changing the low-bid preferential law in a political environment which “suffers from frequent paralysis, as a parliament with no responsibility to govern, blocks the unelected cabinet from effectively governing” (Herb, 2016, p. 23). The Kuwaiti government is clearly interested mainly in maintaining such power because it directly controls the oil and gas holding company (KPC) and therefore has a vested interest in maintaining the low-bid system. Many of the parliamentary members are also private construction developers. As a result, the needs of expatriates are not considered.

Proposed Solutions

The primary route to attaining the interest of Kuwaiti leaders in the welfare of subcontracted workers lies in the political relationship of Kuwait with the rest of the world. At the heart of this relationship is the oil industry and the continuing need to extract and process oil and gas in order to support the rentier system. There are two avenues for possible change which were investigated. Firstly, PMCs should be allowed to implement preferred practices for major project contracts in Kuwait and secondly, through encouraging the irrepressible push for increased freedom of expression for the citizens and non-citizens brought about by the emergence of the *badu* as political influencers.

Project management role. The major PMCs involved in the bid for managing major projects contracts in Kuwait are required in their tenders to present the project

owners with their best practice. However, what constitutes best practice differs from what the project management consultancies actually encounter when awarded a contract, namely the unwillingness on the part of project owners to implement these best practice recommendations. As a result, the PMCs are placed under a great deal of pressure because they are ultimately held responsible for ensuring the health and safety of contracted on-site personnel and they neither have, nor are permitted to have, the resources or power to investigate human rights abuses and the OHS of sub-contracted workers brought onto sites by contractors.

A possible avenue for leverage lies in American political connections as there are only a few major companies globally who have the capacity to bid on managing such large projects, four of which are American based. The ruling family have always maintained good relationships with the Americans and continue to this day to be thankful in the role which America played in coming to their defence during the 1990 Gulf War. Once avenues for discussion have been opened, work can begin on creating a centralised OHS Ministry in Kuwait whose sole purpose would be to adopt a multidisciplinary approach to OHS which incorporates the considerations of PMCs and OHS advisory groups such as the American Society of Safety Engineers (ASSE) and National Institute for Occupational Health and Safety (NIOSH) in the development of a unified set of OHS standards to ensure that best practice principles are applied throughout Kuwait, and which ensures that all the issues facing subcontracted workers are addressed through enactment of legislation which is included in tender documentation and acceptance considerations. The ILO, Human Rights Watch, World Health Organisation, and other human rights agencies could also be more influential in lobbying these major players to negotiate greater allowance for the improvement of facilities and working conditions of subcontracted workers and to ensure that the

ratification of ILO conventions is honoured in the field. Consideration of these matters would require intervention from the Kuwaiti government, which hitherto, whilst outwardly ratifying ILO conventions, has not been proven to actively promote their implementation.

However, as noted in Chapter 7 page 233 recently there have been significant changes in the Kuwaiti socio-political arena, in the success of Musallam Al-Barak in mounting a challenge to the status quo. If he succeeds, a precedent will have been set for further negotiations for increasing the rights of sub-subcontracted workers in the construction industry, by making changes to the lowest bidder law to include allowance for the closer supervision of the working conditions of sub-subcontracted labourers, whether employed on government contracts or private construction contracts.

Once avenues for discussion have been opened, work could begin on creating a centralised OHS Ministry in Kuwait whose sole purpose would be to adopt a multidisciplinary approach to OHS to ensure that best international practice principles are applied throughout Kuwait, including the issues facing subcontracted workers. An important role of the re-established Ministry would be to include representatives from established OHS organisations in Kuwait, for example the American Association of Safety Engineers in Kuwait who, although recognised as experts on OHS in the GCC states, do not have the power to enforce any of their recommendations. Their involvement in the negotiation of best practice systems and costing implications through the official tender approval process, followed up by a close liaison with appointed PMCs to ensure their implementation would enhance strategies for the on-site management of OHS and, ultimately, alleviate the plight of unskilled subcontracted labourers.

In conclusion, the hopes for the future of the rights of vulnerable expatriate construction industry labourers are both pessimistic and optimistic. The pervading culture of indifference to the rights of expatriate workers, when set against the abilities of larger corporations and pressure groups to enforce programs of social responsibility produce a choice between the potential to either continue to compromise the rights and OHS of expatriate workers or to progress in a positive way, to the benefit of all participants in the construction project management hierarchy. It is hoped that the results of this study will contribute towards the adoption of the latter course.

Research Limitations

Dearth of academic literature. When this research project commenced in 2008 there were only a handful of academic papers on OHS in Kuwait. Moreover, no literature at all was available on the plight of illiterate subcontracted workers in the Kuwaiti construction industry, a situation which still exists today, making the rationale for conducting this research as relevant now as it was then. Repeated attempts by the researcher to extend the literature review by interviewing one of the authors of those originally cited papers, who was still resident in Kuwait, were ignored and later aggressively rebuffed. It was only in late 2010 and in 2012 that a limited amount of literature on the plight and movement of migrant workers in the GCC states began to emerge (Abdulla, 2012; Al Shehabi, 2012; Baldwin-Edwards, 2011; Chalcraft, 2010). In order to overcome this obstacle, it was necessary for the researcher to develop a sufficiently robust methodology to ensure the eliciting of rich, valuable data with the potential to add to the body of research on vulnerable expatriate labour in the GCC. This included capturing current newspaper articles with unstable URLs and making a commented permanent record of them (Appendices 2 &3).

Maintaining researcher anonymity. In Kuwait, anyone wishing to access official records or interview members of the various ministries is always asked the reason why they wish to obtain such information. Indeed, when the researcher attempted to gain access to one of the ministers, she was treated in a highly interrogatory manner. This posed a problem for the researcher because, according to ethical principles, any information which held the potential of harming respondents to the study should be discarded. This thesis also held the potential to pose a threat to Kuwaiti authorities if discussed with any member of any ministry, and could possibly have led to the deportation of the researcher. This problem was overcome through obtaining a written agreement of anonymity from the medical professional (an expatriate) who agreed to the use of his medical clinic facility to conduct interviews, backed by an expatriate official of the Ministry of Health who gave the required official stamp of approval under the same agreement of anonymity.

The anonymity of the researcher was further maintained by avoiding attention drawing behaviour such as being seen in the company of the interpreter, changing interview times in an ad-hoc manner, dressing modestly in neutral colours and arriving and departing from the medical facility before workers arrived and after the clinic had closed for the day.

Time constraints. In order to gain resident status in Kuwait, the researcher had taken up employment as a lecturer at a local educational institute. However, as has been demonstrated in this research project, employees are under constant surveillance and the researcher was required to check in and out of the premises through official security points. Obtaining time off to attend conferences or conduct research ran against the employment contract, which was to lecture 3 up to 6 contact hours per day and to remain available both during and after working hours and also over weekends where

necessary, in order to participate in whatever activities the institution demanded. It took six months for the institution to consider whether or not it would be appropriate for the researcher to attend an OHS conference even though the researcher was a lecturer in that subject. It was only through the intervention of the expatriate Academic Director that permission was eventually obtained, however the period away from work was taken off the annual leave of the researcher.

Fortuitously it was at this conference that the researcher met the expatriate medical practitioner who indicated his willingness to engage in research on subcontracted workers. Thus, through adopting a tenacious approach to obtain time off in order to interview workers enabled the removal of the remaining obstacle to the progress of this project. The researcher was given permission by the expatriate Academic Director to take up to four or five hours off, as long as the prerequisite number of teaching hours and extra-mural activities had been completed. At the same time, the researcher had to work within the hours in which the director of the medical facility had provided for the research and the hours the interpreter could be available, having to co-ordinate the arrival and departure of various taxis in order that they were not visible from the medical centre.

It was crucial for the researcher, once having succeeded in the delicate act of bringing together all the parties, to ensure that the interviews were conducted effectively as there was no margin for error. Interviews with the various stakeholders were conducted after hours or during weekends. The research was hampered by ethics requirements – once the research structure had been decided and set up, there was only a short window of opportunity and the start of field work for data gathering was delayed for almost a year by the ethics approval process.

Areas for Future Research

Meso and macro level studies in Kuwait and the GCC. The results of this project in justifying the value of applying the adapted Sargeant and Tucker (2009) model of analysis paves the way for conducting further meso level studies into the plight of domestic, agricultural, hospitality and retail workers in Kuwait and macro level studies on rapidly developing global trends. Recent global developments as a result of the rapid expansion of numbers of expatriates seeking employment and refuge in the UK and Europe would imply that the vulnerability and invisibility of expatriate workers is increasing at an unprecedented rate. Further research is needed to determine ways in which the rights of refugees and expatriate employment seekers may be preserved without compromising the security of receiving countries.

A significant aspect of the Gravel et al. (2009) model is that it examines how to improve the appropriation of OHS measures by small subcontracting firms, albeit in a first world context. Although it is beyond the scope of this research to include an analysis of all the variables which influence the non-uptake of OHS by small subcontractors worldwide, the Gravel et al. (2009) model may be valuable when conducting future research on factors influencing the OHS appropriation in small businesses in Kuwait as the research data clearly demonstrate that in Kuwait the subcontractors, foremen and workers are the ‘meat in the sandwich’ between PMCs and project owners, and their only consideration is delivering the project at lowest cost.

There is a need to explore further the effects that the employer backlash in response to declaration and implementation of Law No. 6 has had on the lives and health of expatriate subcontracted construction workers as a result of discriminatory practices. It is uncertain whether subcontracted construction workers were aware of the implications and possible benefits afforded them through the revised labour law.

There is, in addition, a need to gain first hand knowledge regarding the perception of workers themselves of the effects of discrimination against expatriate labour in the construction industry. The discrimination is a result of management practices, rooted in cultural norms, in which the concept of residency or citizenship is linked to social exclusion or inclusion.

Finally, there are no documented qualitative research papers detailing the effects of the manner in which deportations and crackdowns on allegedly illegal migrants were carried out in Kuwait as perceived and experienced by the migrants involved. The methodology developed specifically for this research provides the flexibility and analytical depth required for the development of such studies.

Conclusion

This research journey was triggered by the observation of the indifference to the plight of unskilled subcontracted labourers in Kuwait. The results have indeed demonstrated that indifference towards expatriate labour in that country has grown from historical roots which have been steeped in slavery for hundreds of years and has now extended itself into the mistreatment of expatriate labour. A statement by one of the stakeholders in this research provides a snapshot of these roots:

*I arrived at the point where a crane was lifting the vehicle and there he was..... crushed with lacerations, blood, and his organs were starting to pierce out of his body. I was not prepared for that...it made me think about how many difficulties there are in this industry and in this part of the world, and how many laws and regulations are needed to be able to protect those men. **If it was not for them, none of this would have been built. They are the true heroes.** (PMC Respondent 2).*

The manner in which this research has been undertaken represents a significant contribution to the international body of work on vulnerable labour because the researcher applied a unique analytical model and, by including an interpreter in the research team, was able to reach people whose voice has hitherto not been heard.

Moreover, the researcher has developed a robust set of research tools that can be applied in the field, a distinctive feat in that it was required to adhere to OECD based ethical standards in a research environment where the on-ground conditions were not known to the ethics approval committee. This research therefore stands alone, because few if any Western researchers have been able to reach this previously invisible group of workers directly or to expose the depth of the problems they face and are helpless to address.

It is the fervent hope of the researcher that this project will act as an ice-breaker, cutting through the wastes of exploitation affecting the OHS of subcontracted workers and exposing common factors linking their lives, work, health and safety – factors which have hitherto been hidden beneath thick layers of icy indifference.

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Appendix 1- Derivation of Kuwait Population Trends by Nationality

Since 1985 the number of non-citizens resident in Kuwait has not been itemised by nationality or ethnicity. This coupled with the uncertainty and incompleteness of the raw data made available results in conflicting analyses and conclusions. In Figure 2.1, some of the population trends are analysed and were derived as follows. Based on Shah (2007), Table A1 Total Population and Nationality Distribution in Kuwait, 1957 – 2007, numbers and annual rate of population growth can be derived from the total population and the Kuwaiti and non-Kuwaiti percentages.

Table A1
Kuwaiti population % annual growth
(Derived from Shah, Table 1)

Year	Kwt nos	Non Kwt nos	Annual growth Kwt Nos	Kwt % annual growth
1957	113563	92916		
1961	161775	159846	12053	9.25
1965	220117	247222	14585	8.00
1975	472548	522289	25243	7.94
1985	680618	1016683	20807	3.72
1989	563958	1450177	-29165	-4.59
1995	696063	1185188	22017	3.57
2005	946073	1920815	25001	3.12
2007	1038378	2289758	46153	4.76

Population annual % growth is found by calculating the annual fractional growth and converting it to a percentage.

As an example, the average fractional annual growth rate of Kuwaitis from 1989 to 2007 is $1038378 \div 563958 = 1.841$ fractional growth over 18 years. To derive the annual growth Ga , the 18th root is calculated.

$$Ga = \sqrt[18]{1.841} = 1.0345 \text{ or } 3.45\% \text{ per annum } ((100 \times Ga) - 100) \quad (1)$$

Kuwaiti numbers in the census up to 1985 included Bidoon and the revised 1985 census removed 210,815 Bidoon (indicated by the black arrow on the chart). Since 2001 Bidoon have been readmitted to Kuwaiti status however the precise number cannot be

deduced from the official figures as there is no means of determining the real extent of the readmission. There is no corresponding upward step change in the Kuwaiti census numbers in 2005 to match the downward step change after 1985 which suggests that the rate of readmission is very slow.

The post 1985 population of Kuwaitis including Bidoon is estimated by assuming the Bidoon had the same average annual growth rate of 3.45% as the Kuwaitis from 1989 to 2007. For example, the estimated figure for 2005 of Kuwaitis plus Bidoon using this growth rate is the 1985 population of 680,618 $\times 1.0345^{20} = 1,341,124$. Between 2005 and 2007 the annual growth rate increases to 4.8% which is very likely a reflection of the partial re-inclusion of the Bidoon. The Kuwaiti population minus Bidoon can be estimated from 1985 back to 1965 by linear interpolation of the 0.33% (8% in 24 years) annual decline in Kuwaitis from 36% to 28% (noted by Shah, 2007, pp. 2-3) and extrapolated back to 1961 by adding 0.33% for 4 years (37.3%).

For example, the Kuwaiti minus Bidoon population in 1989 is 563,958 (28% of the total population from Shah, N. (2007) p.13 Table 1). In 1975, the calculated % Kuwaitis is 32.7% (36 % in 1965 minus 10 years at 0.33% decline annually) of 994,837 = 324,980.

By deriving the pre 1985 Kuwaiti only population (minus Bidoon) and the post 1985 Kuwaiti plus Bidoon population as described above, a comparison can be made of the ratio of total Kuwaitis plus Bidoon to Kuwaitis. This varies between 1.3 and 1.45 based on solid census based curves and the dashed line extrapolations. The true number is likely to lie within the bounds defined by the census figures and the calculated extrapolations. That is the error may be around 11 % and could be higher due to errors in the census figures.

The calculated figures are summarised in Table A2

Table A2

*Kuwaiti population plus Bidoon vs minus Bidoon.
(Calculated values are italic red)*

Year	Kwt nos	K +Bdn	K% with Bdn	K nos minus Bdn	Difference Fraction (K+B/K-B)
1957	113563	113563			
1961	161775	161775	<i>37.3</i>	<i>120072</i>	1.347
1965	220117	220117	<i>36.0</i>	<i>168242</i>	1.308
1975	472548	472548	<i>32.7</i>	<i>324980</i>	1.454
1985	680618	680618	<i>29.3</i>	<i>497875</i>	1.367
1989	563958	<i>779500</i>	28.0	563958	1.382
1995	696063	<i>955402</i>	37.0	696063	1.373
2005	946073	<i>1341124</i>	33.0	946073	1.418
2007	1038378	<i>1435243</i>	31.2	1038378	1.382

Calculating the number of Asians of Eastern origin is confounded by the inclusion of the Iranians as Asians (Shah, N. (2007), p. 15, Table 4). The Iranian population figures can be estimated by calculating the annual growth rate using Equation (1) and by assuming the Iranian annual growth rate (in 10 years from 30,903 to 40,709

$Ga = \sqrt[10]{1.318} = 1.028 = 2.8\%/annum$) from 1965 to 1975 is applicable to the period from 1975 onwards. This leads to an estimate or 2007 of 98,635 which conflicts with the CIA Wold Factbook (2004 – 2008) estimate of Iranians being 4% of the total population or 133,125 in 2008. This implies the growth rate of Iranians is higher (40,709 to 133,125 in 33 years $Ga = \sqrt[33]{3.268} = 1.038 = 3.8\%/a$).

The true figure likely lies somewhere in between and the error could be as much as $\pm 15\%$. However, since the calculated proportion of Iranians to non-Kuwaitis is around 10%, the error is less significant when considering the number of non-Iranian Asians. The number of Eastern Asians is shown in Table A3 and was deduced by subtracting the calculated number of Iranians from the number of Asians derived from the % Asians in the non-Kuwaiti population figures.

The graph of estimated Eastern numbers in Figure 2.1 shows the fluctuations in Eastern Asian population due to the Gulf war and to a lesser extent the Iraq invasion of 2003.

Table A3
Estimate of Eastern Asian population
(Calculated values are italic red)

Year	Asian % Non K	Asian Nos	Est No. Iranians	Eastern Asians
1965	22.0	54389	30903	23486
1975	18.3	95579	40739	54840
1985	35.0	355839	<i>53705</i>	<i>302134</i>
1989	32.9	477108	<i>59981</i>	<i>417127</i>
1995	49.2	583112	<i>70798</i>	<i>512314</i>
2005	58.5	1123677	<i>93332</i>	<i>1030345</i>
2007	59.1	1353247	<i>98635</i>	<i>1254612</i>

A Note on the Reliability of the Analyses.

Analyses are only as good as the raw data from which they are derived. Data sets which are inconsistent or ultimately based on the same source can generate widely differing analytical conclusions. Such is the case with the Kuwait migrant population figures. Firstly, the data basis is the Kuwait census surveys where not all of the raw data is available. Secondly, the processed data are not presented in a consistent format so conclusions have to be drawn using assumed trends and estimates. Thirdly, the inclusion and subsequent exclusion and partial re-inclusion of the Bidoon from the census data and changes to the norms further confounds the analyses. Finally, factors such as the unknown but significant number of illegal residents and the loose relationship between sponsors and migrants adds further uncertainty to divining the real situation.

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Kuwait Sets Minimum Wage

KUWAIT CITY, April 14, (Agencies): Minister of Social Affairs and Labor Mohammad Al-Afasi issued Wednesday a decision to set minimum wage salaries for employees of the private sector.

A ministerial statement said that the decision states that no employee of the private sector will be hired below the KD 60 wage.

The decision reflects the continuous cooperation between the legislative and executive authorities, said the statement.

Meanwhile, the Kuwait Chamber of Commerce and Industry (KCCI) has urged the Ministry of Social Affairs and Labor to provide solutions and alternatives for processing the transactions of employers and workers, in light of the increased problems being faced under the automated system, reports Al-Rai daily.

The ministry recently implemented the automated system to process transactions, but there have been reports about its malfunctioning.

KCCI reportedly suggested that the old system be reactivated temporarily to overcome the current problems for "delays prove financially costly to employers as they are fined for delaying in renewing residences and other transactions."

Sources say work has come to a halt in a number of labor departments across the country due to technical faults in the system and "it necessitates re-studying the system."

5 In other developments, the ministry will start checking all absconding reports submitted by employers against expatriate employees in the private sector as it has been proved that many of these reports are bogus, malicious and not legal, sources told Al-Jarida daily.

Sources say the old system which required the employer to publish an advertisement on absconders in newspapers will be re-activated and added that "as per the law, a person is considered absconding after 15 days of publishing the advertisement."

However, 'absconding reports' about people in respected professions such as journalists, doctors, legal consultants, store supervisors and the like will be rejected, state sources.

The system is applied in all GCC countries, they said, adding "malicious absconding reports undermine the image of Kuwait in the eyes of international human rights organizations as the employee is seen as a fugitive criminal despite the fact that the whole issue may be a dispute between the employer and the worker. Also, the system is in line with plans to establish a public authority to bring expatriate workers."

The absconder will be punished after checking with all concerned authorities, such as the Interior Ministry, note sources.

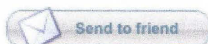
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Jahra Road Project 14 Pct Completed - Some Phases Of The Project Under Construction.

Majority Of Expats Oppose MoI Proposal For New Fees

Govt Urged To Provide Alternative Before Implementing New System

KUWAIT CITY, June 29: There have been varied reactions following the Interior Ministry's decision to implement a new fee structure whereby expatriates have to pay KD 500 for the first issuance of driver licenses and KD 50 for each subsequent renewal.

Furthermore, they will charge KD 300 for the issuance of the vehicle registration book and KD 100 as annual fees for renewal.

Majority of the expatriates are against the decision, claiming that it indicates a distinct racial discrimination between the citizens and expatriates by the government. Furthermore, it also casts a heavy burden on expatriates whose monthly incomes barely cover their needs.

They stressed that the decision to give up owning a vehicle should be taken voluntarily by expatriates and should not be forced upon them through such exaggerated terms, adding that the country should provide humane and practical alternatives especially considering the high temperatures and unpredictable weather of the country.

They added that such difficult terms hinder many of the expatriates to reach work on time especially when they are unable to use public transportations. Women and children will experience more difficulty than men when it comes to commuting by public transportations due to the conditions of public vehicles and their unavailability in residential areas.

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Majority of expats oppose MoI proposal for new fees

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On the other hand, the expatriates who support the decision said it would reduce the traffic problems in the country through which several people experience many difficulties on road and often reach their workplaces late.

They claimed that it is not necessary for many expatriates to own cars especially when they can commute without one, adding that imposing such terms would solve the country's traffic problems.

Mohammad Lutfi, a resident in Kuwait, said he would give up his vehicle only if the country provides better alternatives such as a metro system or other means that would help him to reach his workplace quicker than by road.

He also said he is obliged to use his car at every occasion, as he is unable to do anything without it, adding that the density of the population in the country causes the traffic problem.

He emphasized that imposing such terms on expatriates would negatively affect the wheel of development in the country because it would force an expatriate to find lesser comfortable means to reach his workplace, which could tire him and hinder his ability to work hard at his job.

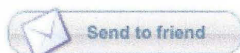
Meanwhile, a Kuwaiti citizen Marsi Abdul Wahid said he supports the decision to increase the fees of driver licenses and vehicles because in Kuwait, every person owns a vehicle even though they do not require one.

He stressed that some people buy very cheap cars that often break down in the middle of the roads and causes traffic jams and inconvenience to other road users.

He suggested expatriates with limited income to use public transportations to save money, adding that most public transportations have air conditioning systems and are comfortable.

Talal Amin, a Kuwaiti citizen, said the fees should not be more than KD 50, adding that expatriates with limited income would be affected even if the fee is KD 50 and at the same time, the country can benefit from the revenues obtained from it.

By: Najeh Bilal Special to the Arab Times



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Totally Inhuman And Cruel Treatment Of Expats

Ahmed Suleiman | 7/1/2012 10:35:26 AM

I, along with all expatriates strongly oppose and condemn the proposal by the MOI to impose exorbitant fees on the expatriate community for issuance of drivers licenses and for the registration of their vehicles. Why are the Kuwaiti people so against and prejudiced against the expatriates? Aren't we humans like them? Weren't we brought here in order to serve the interests of Kuwaitis to help them in their businesses and to make them richer? Aren't we being civilized and respecting law and order till date? Would any government support a new law such as this one that is imposed only on one group of people and not on all, which is purely discriminative, inhuman and far below Kuwaiti standards of equality and tolerance. This idea that is proposed by MOI looks like they are imposing a fine upon every innocent expatriate who has the need to take a silly driver's license. Doesn't the MOI realize that a drivers license is not only taken by an expatriate so that he can buy a car; but more importantly so that he can serve the company that he is working for as his company requires him to have a drivers license. If this law comes to pass, then how will you expect employees who are required to have drivers licenses fulfill their job requirements? On the matter of maintaining the normalcy of road traffic, till date it has always been the Kuwaitis who commit all

Several expats admit being

Media campaign planned to

Interior to relax conditions fo

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Commercial to work visa for

Halt in issuance of new visa

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traffic violations, road accidents, deaths, street racing, wreckless driving, driving under the influence of alcohol and drugs, using vehicles for the trafficking of drugs and alcohol, etc.. Every Kuwaiti family has a minimum of 5-6 cars while an expat family has only 1 car. Expats only take their cars out for necessary purposes like going to work, buying items for the house or going to the hospital. Whereas Kuwaitis are always out on the streets 24 hours a day unnecessarily just to roam the streets, burn cheap petrol and to make trouble for other drivers by their fast, careless, mobile in hand, wreckless an

Kuwaiti Citizen Marsi Abdul Wahid....

mubeen moin | 7/1/2012 7:43:01 AM

with respect to Mr. MARSİ ABDUL WAHİD for what purpose does he use his car?

Advice That... What You Do

Phoenix | 6/30/2012 4:42:15 PM

Total agree with u brother. They should consider what situation we expats r going thru. If thr should b any such law it should b for all including citizens. Let the country make money this way by charging both expats and citizens. As per islamic point of view we expats fall under the responsibility of the Govt. Running the country and our rights should be respected

Kuwaiti Citizen Marsi Abdul Wahid..

Superman | 6/30/2012 11:59:14 AM

may be this guy has never seen the condition of the Local Buses, the condition of the buses apart, may be he has not seen the behaviour of "Arab Boys" occupying the back seats of the buses and misbehaving with the expats =@ he just turned a blind eye on this issue, all these people who advice to travel by buses turn blind on this issue... These boys literally hit us expats wid their shoes and what ever they have in the hands in the sake of "FUN"... what a stupid statement to make TRAVEL BY BUSES AS THEIR CONDITIONS IS GOOD.... ok we will travel by buses, get rid of those mischievers..they make a bad image of Kuwait and its residents to the expatriates..... and why does not Mr. Marsi Abdul Wahid give up his vehicle and travel by bus...we'd appreciate his decision... he will know what we expats face when travelling in a bus, from nowhere a big stone comes and breaks the glass of the moving bus Also in the sake of "FUN"...it injures us expats who is going to think about it?????? so please as per Nabi Kareem (S.A.W) Hadith "ADVICE THAT WHAT YOU DO YOURSELF AS WELL" .. PEACE OUT..

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KUWAIT TO BAR EXPATS FROM MORNING TREATMENT Hold that cough until after sundown - Sun sets on morning care in Jahra

KUWAIT CITY, May 16, (AFP): Kuwait is to bar foreigners from attending public hospitals in the mornings, local media reported on Thursday, in a decision activists labelled as "racist". The decision comes after complaints in parliament of Kuwaiti patients having to wait for treatment at public health facilities because of the large number of expatriates. Health Minister Mohammad al-Haifi, who is also a surgeon, ordered that the outpatient clinics at the public hospital in Jahra, west of Kuwait City, will only receive Kuwaiti patients in the morning from June 1.

Foreign residents will be able to receive treatment in the evenings, said the decision published in Kuwaiti media on Thursday. Kuwait is home to 2.6 million foreigners, mostly from India, Pakistan, Bangladesh, the Philippines, Egypt and Syria, and 1.2 million native Kuwaitis.

The new system will be applied at the clinics at Jahra hospital for six months on a "trial basis before its application at other (government) hospitals". Kuwait provides free medical services to citizens but expats must pay an annual fee of \$175 each besides paying reduced charges for certain procedures like x-ray.

Activists in the oil-rich Gulf state condemned the move, and opposition lawyer and writer Mohammad Abdulqader al- Jassem described it as "racial segregation" on Twitter. Similar restrictions are in place at other government agencies such as the traffic department, which handles applications from Kuwaitis only in the morning.

'Don't build hospitals for expats' 'Approval of proposal will tarnish Kuwait's image'

KUWAIT CITY, Nov 9: The Kuwait Doctors Union has warned against the approval of the proposed establishment of health insurance hospitals for expatriates, asserting this might have a negative impact on the image of Kuwait in the international medical and humanitarian fields, reports Al-Qabas daily.

In a recent press statement, the union explained the stipulations of the bill are not in line with the agreements, which Kuwait had

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Kuwait Keen On Protecting Rights Of Foreign Workers, Says Minister**Al-Rashidi Attends ILO Conference**

GENEVA, June 13, (KUNA): Kuwaiti Minister of Social Affairs and Labor Thikra Ayed Al-Rashidi highlighted here on Thursday importance of clarifying the Kuwaiti measures and steps for protecting rights of foreign workers.

She added in remarks to KUNA on the sidelines of the annual conference of International Labor Organization (ILO), late on Wednesday, that the Kuwaiti government works hard to improve and enhance all regulations related to the worker's rights, side by side with the other Gulf Cooperation Council (GCC) countries, that are keen on coping with relevant international standards.

The Gulf region is witnessing continuous economic growth and various developmental projects which greatly attract a large number of foreign workers, she affirmed.

This requires coping with the capabilities of countries exporting foreign manpower and looking after measures to deal with such countries that might have their own conditions and criteria related to this issue, Al-Rashidi added.

In the speech of Kuwait in front of the International Labour Conference, Al-Rashidi stressed on Kuwait's keenness on protecting the rights of foreign workers, noting that it guarantees a decent treatment for them, which includes offering appropriate conditions in the work place, means of transport, and standards for healthy work conditions, in accordance with the international standards.

Kuwait, with its vital economic activities turned to an attracting labor market for a large number of foreign workers, which obliged the cabinet to offer them the best protection, especially by offering them medical treatment in governmental clinics and hospitals, besides obliging the employers to offer foreign workers in the private sector free medical treatment, she stated. ???

Kuwait is a pioneer in achieving the goals of the ILO, and implementing the decisions resulting from the annual meetings of the organization, which ends all doubts related to existence of any form of exploiting the foreign manpower in Kuwait, Law number 109 for the year 2013 was set to establish the Public Authority for Manpower as an independent body under the supervision of minister of social affairs and labor, she said.

This authority undertakes the responsibilities of the labor ministry in supervising the employment of expatriates in the private and oil sectors, bringing and recruiting foreign labor on behalf of employers. Kuwait is working hard to offer new job opportunities as the implementation of projects expands in the country, offering new jobs for both men and women, she added.

In order to preserve social justice, and in protection of workers during their abnormality of work, law number 101 for the year 2013 was issued, for insurance

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Refer to report on 30-8-13 that there is another crackdown imminent, straight after the expulsion from the system of foreign expats who have worked for a long time in medical health services

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Kuwait's only treated in the mornings - expats will need to go in the afternoon or at night

when they don't have transport or risk being arrested for being on the streets at night

Kuwait keen on protecting rights of foreign workers, says minister

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against unemployment, offering social security for employees in the private and oil sectors in case of their dismissal.

A governmental financed fund of protection against unemployment was established for that matter, she said.

Such new laws and regulations come within the framework of regulating the labor market in Kuwait, coping with the international related measures, which protect the worker from mistreatment, extortion, or forced labor.

Law number 6 for the year 2010 related to working in the private sector guaranteed for the employee a three-month warning in advance for dismissal from work, after it was only 15 days, she explained.

This law increases rates of financial benefits for workers and obliges the employers to be committed to paying salaries according to contracts and transfer wages to the employees' bank accounts, she added.

Kuwait exerts all possible efforts to protect the rights of the foreign manpower. The Gulf state advocates equality between men and women, reflected greatly in the labor market, considering the remarkable parliamentary participation of women.

The ILO annual conference is held between April 5-20, with participation of 5,000 figures including ministers, representatives of labor syndicates, worker unions, and employers' unions, to discuss issues in the field at the regional and international levels.

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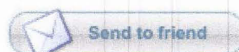
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The Illegal Expats Arrested In Mangaf & Alrai During Security Raids

Kuwait's Victim Protection Measures Remain Weak: US

Sponsorship System Cited

KUWAIT CITY, June 20, (Agencies): Men and women migrate from a number of countries to work in Kuwait, mainly in the domestic service, construction and sanitation sectors, the US State Department said in its 2013 Trafficking in Persons (TIP) Report released Wednesday.

According to the report, most migrant workers enter Kuwait voluntarily but the sponsors and labor agents subject some of them to conditions of forced labor, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the work place and the withholding of passports.

Many of these workers report work conditions that are substantially different from those described in the employment contract, and some never see the contract at all. Although the government of Kuwait enacted an anti-trafficking law in March 2013, there was no lead national anti-trafficking coordinating body, and the government did not systematically monitor anti-trafficking efforts.

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Arab Times E1 2013

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Following is the US State Department's Trafficking In Persons (TIP) Report on Kuwait for 2013. Kuwait has been placed on Tier 3 for a seventh consecutive year. Countries placed on Tier 3 are those whose governments do not fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards and are not making significant efforts to do so. Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions whereby the US government may withhold or withdraw non-humanitarian, non-trade-related foreign assistance. - Editor

WASHINGTON, June 20, (Agencies): Kuwait is a destination country for men and women who are subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, Ethiopia, Ghana, and Iraq to work in Kuwait, mainly in the domestic service, construction, and sanitation sectors.

Although most of these migrants enter Kuwait voluntarily, upon arrival their sponsors and labor agents subject some migrants to conditions of forced labor, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports.

While Kuwait requires a standard contract for domestic workers delineating some basic rights, many workers report work conditions that are substantially different from those described in the contract; some workers never see the contract at all. According to the Kuwaiti government, between September 2011 to April 2012 the Filipino and Ethiopian domestic worker population increased dramatically, accounting for 86 percent of the total increase in Kuwait's domestic worker population over the same period. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries or are coerced into paying labor broker fees in Kuwait that, by Kuwaiti law, should be paid by the employer — a practice that makes workers highly vulnerable to forced labor, including debt bondage, once in Kuwait. The media reported that Kuwaiti employers brought unskilled workers into Kuwait on "commercial" visas without providing them with work permits; this left workers unprotected under labor regulations and vulnerable to abuse, including conditions of forced labor. Kuwait's sponsorship law restricts workers' movements and penalizes them for "running away" from abusive workplaces; as a result, domestic workers are particularly vulnerable to forced labor inside private homes. In addition, media sources report that runaway domestic workers fall prey to forced prostitution by agents or criminals who exploit their illegal status.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. Although the government enacted an antitrafficking law in March 2013, the government did not demonstrate significant efforts to prosecute and convict trafficking offenders using previously existing laws. There was no lead national anti-trafficking coordinating body, and the government did not systematically monitor its anti-trafficking efforts. The government's victim protection measures remained weak, particularly due to the lack of proactive victim identification and referral procedures and continued reliance on the sponsorship system, which inherently punishes, rather than protects, trafficking victims for immigration violations.

The government continued to operate a temporary shelter for runaway female domestic workers, though it offered no shelter for male victims of trafficking. The government also did not fulfill other commitments made since 2007, such as enacting a law to provide domestic workers with the same rights as other workers and opening a large-capacity permanent shelter for victims of trafficking.

The government similarly continued to make insufficient efforts to prevent trafficking during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a seventh consecutive year. Recommendations for Kuwait: Implement the 2013 antitrafficking law by investigating and prosecuting trafficking offenses, and convicting and punishing offenders — particularly sponsors — who subject domestic workers to involuntary servitude; enact and enforce the draft domestic workers bill to provide domestic workers with the same rights as other workers; establish procedures to proactively identify all victims of human trafficking,

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especially among the female domestic worker population; open the large-scale shelter for all trafficking victims and provide relevant training to shelter staff; amend the sponsorship law to protect foreign workers, including domestic workers, from abuse; enforce existing laws against sponsors and employers who illegally hold migrant workers' passports; provide additional anti-trafficking training to law enforcement and judicial officials; and significantly increase efforts to prevent trafficking.

Prosecution

The government made limited anti-trafficking law enforcement efforts during the reporting period. It enacted comprehensive anti-trafficking legislation in March 2013. The government failed to prosecute and convict trafficking offenders using previously existing laws. Kuwait prohibits all forms of trafficking through its new anti-trafficking law. The new law prescribes penalties ranging from 15 years' to life imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Before February 2013, the government could have prosecuted and punished many trafficking offenses under the Kuwaiti criminal code, but there was little evidence it did so.

For example, the criminal code prohibits some forms of transnational slavery in Article 185, which prescribes a maximum penalty of five years' imprisonment. In addition, Law 16/1960 criminalizes forced labor or exploitation, while maltreatment that leads to death is considered first-degree murder. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years' if the victim is under the age of 18. These prescribed penalties also are sufficiently stringent and commensurate with those prescribed for other serious offenses. During the reporting period, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers for either forced labor or sex trafficking.

Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remains common among sponsors and employers of foreign workers, and the government demonstrated no genuine efforts to enforce this prohibition. Almost none of the domestic workers who took refuge in their homecountry embassy shelters had passports in their possession. The government remained reluctant to prosecute Kuwaiti citizens for trafficking offenses.

When Kuwaiti nationals were investigated for trafficking offenses, they tended to receive less scrutiny than foreigners. Kuwaiti law enforcement generally treated cases of forced labor as administrative labor infractions, for which punishment was limited to assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay backwages.

The government did not conduct anti-trafficking trainings for government officials during the reporting period.

Protection

During the year, the government made inadequate efforts to protect victims of trafficking. Victims of trafficking were frequently arrested, detained, and deported. Despite several years of this Report's recommending the government develop and implement formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution, it did not do so; nor did it develop and implement a referral mechanism to provide adequate protection services to victims.

The 2013 anti-trafficking legislation did not provide protection from prosecution for victims who fled abusive employers. Furthermore, Kuwait's migrant sponsorship law effectively dissuades foreign workers from reporting abuses committed by their employers to government authorities. Workers who left their employer's residences without permission faced criminal and financial penalties of up to six months' imprisonment, the equivalent of over approximately \$2,000 in fines, and deportation, even if they were fleeing from an abusive sponsor.

The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and from obtaining adequate legal redress for their exploitation. Nonetheless, some foreign victims of trafficking received monetary settlements from their employers; however, the government did not bring trafficking-related charges against such employers. Moreover, victims were not offered legal aid by the government. Anecdotaly, NGO sources reported

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that in this reporting period, police conducted raids on 2,000 migrant workers and detained them in a deportation center where some languished for as long as six months. There was no indication that police implemented measures to identify trafficking victims among this population or provide protective services to migrants who may have experienced conditions of human trafficking.

The Ministry of Social Affairs and Labor (MOSAL) continued to operate a short-term shelter for runaway domestic workers with a maximum capacity of 40; however, the shelter detained victims involuntarily until their legal or immigration cases were resolved. The government continued to fail to report the number of trafficking victims assisted at this shelter during the reporting period. It is unclear whether victims of forced prostitution could access this temporary shelter, and there continued to be no shelter or other protective services afforded for male victims of trafficking. In 2007, the government announced it would open a high-capacity shelter for runaway domestic workers; this shelter was still not operational at the end of the reporting period. Many domestic workers continued to seek assistance at their embassies in Kuwait; some source-country embassies reported that 450-600 domestic workers ran away from their employers each month.

The government provided some source countries with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies in Kuwait. The government did not provide funding to domestic NGOs or international organizations that provide direct services to trafficking victims. The government did not encourage victims of trafficking to assist in the investigation and prosecution of trafficking cases, and it did not offer foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution.

Prevention

The government made no discernible progress in preventing trafficking in persons during the reporting period. The government does not have a national coordinating body responsible for anti-trafficking efforts and the government did not conduct anti-trafficking public awareness campaigns. Source-country embassies reported the Kuwaiti government failed to investigate, penalize, or blacklist a company for its reported labor violations, including withholding workers' passports and unsanitary working conditions. The National Assembly voted on the first of two required readings in favor of legislation to create a General Authority for Manpower, as required by the 2010 Private Sector Labor Law.

The draft legislation, which was not enacted at the end of the reporting period, would mark a significant step forward in replacing the current sponsorship system. In January 2013, the media reported that police investigated alleged complicity of government officials within MOSAL for illegally selling visas under the sponsorship system; the investigation was ongoing at the end of the reporting period. As in previous years, the Ministry of Awqaf and Islamic Affairs made a nationwide effort to reduce overseas child sex tourism by requiring some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations.

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Social Affairs Dept Received 4,200 Complaints From Workers In July

'Some Groups Planning To Use Media To Attack Labor Minister'

KUWAIT CITY, Aug 16: The Labor Relations Department at the Ministry of Social Affairs and Labor (MoSAL) received 4,200 complaints from workers in July.

Sources from the ministry disclosed the complaints were on the non-payments of 395 job hazard allowances, 671 wages, 616 delayed payment of salaries, 454 overtime, 403 injuries at work, 421 official holidays, 386 annual leave, 377 end-of-contract and 477 other complaints. (10)

Sources said 959 complaints were received in the Capital Governorate, 640 in the headquarters, 652 in Ahmadi, 654 in Hawally, 660 in Farwaniya and 635 in Jahra.

Meanwhile, speculations are rife that some groups at Kuwait Chamber of Commerce and Industry (KCCI) are using a section of the media to attack Minister of Social Affairs and Labor Thikra Al-Rashidi in order to force her to succumb to pressure from influential elements, reports Al-Shahed daily quoting sources. Sources said the reformative steps taken by the minister have negatively affected the interests of the tycoons, so they are determined to blackmail her and force her to rescind the decisions.

Sources disclosed the drastic steps taken by the minister include the formation of the Public Authority for Manpower, restructuring the expatriate labor force and the all-out war against visa trading. Sources pointed out these steps had jolted the owners of bogus companies who have filled the country with marginal workers.

Sources added the ministry has about 170 vacant senior positions to be filled, such as seven assistant undersecretaries, directors and several other important positions. Sources reiterated the concerned persons want to force the minister to fill those vacancies with their cohorts, especially in the labor sector to enable them to

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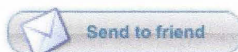
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Social Affairs dept received 4,200 complaints from workers in July

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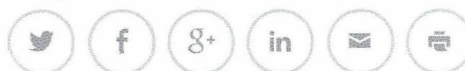
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Kuwait criticised for failing to implement heat ban

James Calderwood

August 13, 2011



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KUWAIT CITY // With searing temperatures coinciding with the Ramadan fast in August, Kuwait's army of foreign labourers face a double-barrelled challenge to staying healthy in the summer heat.

In theory, a government ban on outdoor work between 11am and 4pm from June to August should protect the country's street cleaners, gardeners and builders from the potentially deadly effects of working in direct sunlight during the hottest part of the day when temperatures reach above 45 degrees. But critics say the ministry of social affairs and labour's failure to implement the ban is allowing companies to put manual labourers at risk.

"In the last two years there were no fines, but this year seven companies got fined," said Meqdad Jumah, 36, an engineer at the ministry's labour inspection department during a recent visit to a building site in the suburb of Bayan. The ministry - which has set up a hotline for residents to report violations - had received a tip-off that labourers were toiling under the sun.

On reaching the site at around 12.30pm, the inspectors found several Asians constructing a new bank building and issued a warning to the contractor. Inspectors said the company would face fines of up to 200 Kuwaiti dinars (Dh2,685) for each employee discovered outside in a return inspection in three days.

Hussein Al Mutairi, 41, a supervisor of the inspection team, said the ministry "closes the file" of fined companies to prevent them from receiving new visas until they pay up. He said the enforcement effort means fewer companies are forcing their employees to work outside.

Mr Jumah said: "Some of the workers say it's all right to work outside because they're Christian or Hindu and they can eat and drink during Ramadan, but I tell them it's still a problem. It's too hot, there's so much sun."

The rules allow for some types of outdoor work, such as refilling cars at petrol stations, when employees can carry out their duties in the shade, he explained.

"If the manager says work, I work; If he says don't work, I don't work," said one of the Asian labourers at the building site, shocked by the sudden attention from the Kuwaiti authorities. His foreman said the labourers were working during the hottest part of the day to finish the building as soon as possible.

"Most of the companies are cooperating," said Sultan Hassan, the controller of labour inspection at the ministry's headquarters in Dajeej. "The bigger companies are following the law; they do most of their work at night."

Mr Hassan said the team's 18 inspectors discovered 1,543 workers violating the ban at 1,431 different locations during the six weeks of the summer. The dangers of working in Kuwait's heat came to public attention in June, when the local media reported that a labourer fell to his death from a communications tower after suffering heatstroke. After the incident, a Kuwaiti human-rights organisation urged the ministry to revise their strategy to ensure companies are following the rules.

Calderwood 2011

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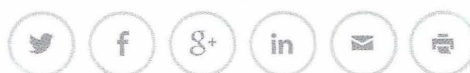
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"We have many complaints from migrant workers and we have said to the ministry we have a big problem but we're not finding real action," said Abdulrahman Al Ghanim, the head of migrant labour at Kuwait Trade Union Federation. "They don't inspect. We find nothing on the ground. They just sit in their offices."

At the building site in Bayan, Mohamed Saffan, the manager, was not too perturbed by the unannounced visit from the Kuwaiti authorities. After a discussion with the inspectors he said: "From tomorrow nobody is going to be working in the sun. It's a fair decision."

The visit from the ministry caused the company to adjust its schedule to finish the bank by the end of September, he said. "I'll get them to work two shifts at night," Mr Saffan said.

jcalderwood@thenational.ae



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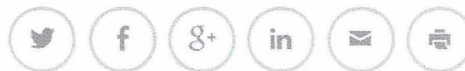
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The National Opinion

Deportation for minor road offences cannot be justified

Peter Hellyer

May 28, 2013



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'A safe attitude is critical', UAE driving instructors say

Last weekend, I was driving sedately through Abu Dhabi when a minibus, loaded with passengers, raced past at great speed and proceeded to jump a red light.

It's not the first time I have witnessed such irresponsible driving. I wondered whether the minibus would reach its destination safely, or whether I would read the next day of yet another horrific traffic accident. I didn't, so presumably it arrived without any mishaps.

What, though, can be done to curb lunatic drivers more effectively? Take away their licences? Make it plain to employers of such minibus drivers that they should dismiss anyone found driving in such a manner, even if their driving does not cause accidents or casualties as they endanger not only their passengers but the general public?

In Kuwait, the interior ministry has recently begun to implement a new policy: expatriates guilty of certain types of traffic violation are to be promptly deported. Deportable offences include driving without a licence, using their cars to carry paying passengers, jumping a red light for the second time or breaking the speed limit by more than 40kph. Over 1,200 people have been deported over the last month or so. Kuwaiti citizens, meanwhile, have their cars impounded - a somewhat lesser penalty.

I'm all in favour of clobbering really bad drivers. This approach, however, seems to be rather haphazard. What about drivers who cause death on the road? Or people who are driving vehicles under the influence of drink or drugs? Serious offences that warrant a prison sentence could be added to the list, which now includes, for the most part, relatively minor breaches of regulations. Adding deportation to a prison sentence for a particularly serious offence would seem more defensible than imposing deportation on someone who has jumped a red light for the second time, without causing any accident.

Not surprisingly, the Kuwait Society for Human Rights has commented that "the oppressive measures against expatriates ... violate the basic principles of human rights."

Perhaps the real reason for this somewhat controversial move is to be found in a statement by the country's minister of social affairs and labour last month that there is a plan to deport 100,000 foreigners every year for the next decade - yes, that's a million people - to reduce the percentage of expatriates in the population.

Using minor traffic offences seems to have been selected as one way of achieving this target, however unrealistic it may be.

I appreciate the concerns that Kuwaiti citizens may have about the percentage of expatriates in the country. How could anyone in the UAE, where the percentage of Emiratis is now hovering just above the 11 per cent mark, according to official statistics, not recognise that there is a real issue that needs to be addressed? How one tackles the issue is another matter, of course. But what is effectively forced deportation is a very unsatisfactory approach. The issue is far too complex to be tackled by setting a quota for deportations, and then finding reasons, or excuses, to try to fill that quota.

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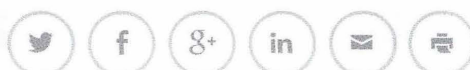
Deporting expatriates who have committed "real" crimes - whether against other individuals, or against society, or against the state - can be justifiable. Rapists, murderers, or those who, through corruption or other means, steal large sums of money might be suitable candidates. Lock them up, then, if they are expatriates, deport them. But someone who has driven a car without a valid driving licence?

The issue of what is, somewhat carefully, called the "demographic imbalance" in Kuwait, and the UAE for that matter, is not something that can be addressed effectively - if it can be addressed at all - by raising relatively minor infractions of the law into offences that lead to deportation. Social and economic factors have created the imbalance. Here, for example, the UAE's economic growth over the past four decades has caused the inflow of so many expatriates.

Our own Ministry of Interior, I'm glad to say, adopts a far more realistic and sensible approach.

I wouldn't object too much if some of the more lunatic minibus drivers on our streets, most of whom are expatriates, were to be given a mandatory one-way ticket home. But deportation for minor traffic offences cannot be justified.

Peter Hellyer is a consultant specialising in the UAE's history and culture



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Quotas Mulled For Expatriates

KUWAIT: Kuwait plans to organize the entry of foreign labor forces through a new system that sets specific quotas for every expatriate community in the state, a senior government official said recently. The announcement, made by Minister of Social Affairs and Labor Hind Al-Subaih, answers questions about the plan to address the demographic imbalance in a country where approximately two thirds of the population are foreigners. Since entering the Cabinet early January, Subaih has launched efforts to prosecute owners of fake companies who are seen as a major contributor to the influx of foreigners living illegally in Kuwait.

Licenses of fake companies are used to issue work visas, which are then sold to labor forces looking for a chance to work in the oil-rich Gulf region, or those who are already living in Kuwait, albeit illegally. The practice is known locally as 'visa trafficking', and the workers brought in illegally are internationally recognized as human trafficking victims.

The road to demographic balance

The recent efforts - in which hundreds of fake companies were referred to the Public Prosecution or Criminal Investigations Department at the Interior Ministry - were announced as part of a 'reformist bid' and steps that add to Kuwait's efforts to improve its human rights record. In addition to that, the efforts can also be ranked as an attempt to adjust the state's demographic structure by targeting the approximate 120,000 illegal expatriates. Kuwait is home to 2.7 million expatriates who account for around 68 percent of the country's nearly 4 million population.

The widening gap between the growth rate of the Kuwaiti and expatriate populations is seen as a major cause of concern for the country's demographic structure and cultural identity as well as efforts to address lingering issues impacting the Gulf state such as increasing pressure on public services and unemployment. Many proposals have been made in recent years on the political, economic and social scenes to address this issue.

Last year, then Minister of Social Affairs and Labor Thekra Al-Rashidi announced a plan to deport 100,000 foreigners every year as part of a scheme to cut the country's expatriate population by one million within a decade. No further details or actual procedures were made, but police crackdowns that launched simultaneously and saw thousands of illegals being arrested and deported were seen as an unannounced step in that direction.

Nevertheless, several proposals were made in the parliament since then to address the demographic imbalance, including one announced by MP Khalil Abdullah last week that calls for reducing expatriates by 1,100,000 within five years, which means deporting an average of 280,000 expatriates every year, so that the number of foreigners can drop below that of Kuwaitis.

The action

In what can be considered as the clearest statement from a government official on plans to address the demographic imbalance since Rashidi announced her plan in March 2013, Subaih announced that a committee will be formed in order to provide statistics of the expatriate labor forces in Kuwait, with the main objective being "organizing entry through a system that sets quotas for each nationality". "The maximum quota will be subjected to the labor market's need, workers' academic qualifications and culture, in addition to their qualification to work in Kuwait," Subaih said in statements published by Al-Jarida daily on Tuesday. "The goal is to avoid crowding the market with unqualified marginal labor forces," she added, "who are considered a main target for visa traffickers."

And while confirming that "readjusting the demographic structure in Kuwait" would be the committee's main objective, Subaih said that the panel members will be selected from several state departments, including the Supreme Council for Planning and Development and the Central Statistical Bureau in addition to the labor and interior ministries.

Time and effect

Currently, there is no clear date for when the ministry will start adopting the quota system, or how it will impact the entry procedures for citizens of countries with large communities in Kuwait such as India and Egypt. These two countries have over 706,000 and 493,000 residents in the state respectively, according to the latest official Interior Ministry statistics as of June 30, 2012.

Social affairs and labor ministry officials are also scrambling to finalize readjustments to the labor department's database system before opening recruitment in the private sector. Hiring and transferring visit visas to work permits was closed over a month ago in order to introduce better procedures to ensure that the employer adheres to labor regulations. Subaih also noted last week that work continues to prepare the Public Labor Authority for an official launch sometime this summer. Once established, the state-run body will replace the flawed sponsorship or 'kafala' system in handling the affairs of Kuwait's expatriate population.

By Ahmad Jabr

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Transcript

Quotas Mulled for Expatriates - Kuwait Times

Ahmad Jabr

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And while confirming that "readjusting the demographic structure in Kuwait would be the committee's main objective, Subaih said that the panel members will be selected from several state departments, including the Supreme Council for Planning and Development and the Central Statistical Bureau in addition to the labour and interior ministries.

Time and effect

Currently, there is no clear date for when the ministry will start adopting the quota system, or how it will impact the entry procedures for citizens of countries with large communities in Kuwait, such as India and Egypt. These two countries have over 706,000 and 493,000 residents in the state respectively, according to the latest official Interior Ministry Statistics as of June 30th, 2012.

Social affairs and labour ministry officials are also scrambling to finalize readjustments in the labour department's database system before opening recruitment in the private sector. Hiring and transferring visit visas to work permit was closed over a month ago in order to introduce better procedures to ensure that the employer adheres to labour regulations. Subaih also noted last week that work continues to prepare the Public Labour Authority for an official launch sometime this summer. Once established, the state-run body will replace the flawed sponsorship of Kafala system in handling the affairs of Kuwait's expatriate population.

By Ahmad Jabr

Jabr 2014

E1 (20)

Minister defends 'right to balance population' - 'Visas to work permit' transfers suspe... Page 1 of 1

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Minister defends 'right to balance population' - 'Visas to work permit' transfers suspended

KUWAIT: Kuwait has suspended transactions for transferring commercial visas into work permits in the private sector except under strict conditions as the first step in the Gulf state's efforts to organize the labor market and address the demographic imbalance, a senior government official said in a recent statement. Minister of Social Affairs and Labor Thekra Al-Rashidi further defended Kuwait's "right as a state to maintain the demographic structure and address any flaws in this regard," and indicated that "several other steps [in that regard] will be taken in the next few days."

Regarding deportations carried out in recent weeks, Minister Al-Rashidi said that her ministry does not have the authority to issue deportation orders. "Deporting expatriate labor forces who are in violation of residency regulations is the job of other state departments, and the Ministry of Social Affairs and Labor seeks only to regulate the labor market," she said. Last March, Al-Rashidi announced a plan to deport 100,000 foreigners every year as part of a strategy to cut the Gulf state's expatriate community by one million in ten years.

Criticism sparked by the lack of details about the proposed plan prompted the minister to later clarify that the plan targets illegal residents who comprise up to 93,000 people as of official statistics released last year. Kuwait is home to 2.6 million expatriates, who account for 68 percent of the country's 3.8 million population. Minister Al-Rashidi made her latest observations at the opening of the new main 'cooperative society' supermarket in Al-Andalus Sunday night. She also defended a new law introduced for the co-operative societies "that introduces more controls to improve the co-operative work and provide better protection for shareholders' money." The new law, which the parliament passed in its first hearing, includes tougher penalties against violators as well as new standards for running for co-ops boards. Meanwhile, minister Al-Rashidi commented on recent developments regarding a decision to suspend social security allowances paid to Kuwaiti women married to non-Kuwaitis unless they provided medical certificate proving that the husband was unable to work.

On that issue, the minister clarified that this stipulation was included in the law in its original form since its promulgation in 2011, adding that all efforts to amend it in the parliament and remove this condition have failed. She added that she will continue efforts to "amend the law in order to help the Kuwaiti women, including women married to non-Kuwaitis." —Agencies

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This article was published on 05/06/2013

Kuwait Times
2013a
E1 (21)

Kuwait Times 5/6/2013

Transcript

Minister defends 'right to balance population' - 'Visas to work permit' transfers suspended

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Kuwait Times
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Kuwait Times
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Expats deportations hurts Kuwait labor
08 May 2013 market - visa trafficking flourishing

KUWAIT: The announcement of a government plan to deport 100,000 expatriate laborers annually has negatively impacted the labor market as the cost of recruitment has gone up while visa trafficking has increased, a top unionist said in a recent statement.

(2012) Minister of Social Affairs and Labor Thekra Al-Rashidi had announced in last March her plan aimed at restoring Kuwait's demographic balance. Kuwait is home to around 2.6 million expatriates who make up nearly two thirds of the state's total population of 3.8 million, according to official statistics.

The announcement had since garnered widespread criticism focusing mostly on the plan being described as 'impractical', and sometimes even as 'inhuman' by rights groups.

Most recently, a senior official at the Kuwait Trade Union Federation indicated that private companies raised costs after workers' daily wage increased from KD8 to KD15 following the announcement of the plan. "The state is looking to construct mega projects which require thousands of technical labor forces; an important asset which will be in short supply should the government go ahead with the annual deportation plan," said Abdurrahman Al-Ghanim, who is the President of the Expatriate Labor Forces Office in the KTUF.

Details of the plan, by which the government looks to deport a million foreigners in ten years, are yet to be revealed, but Al-Rashidi had previously hinted that individuals to be targeted will mainly be 'marginal labor forces' or workers who usually accept to do menial labor and often live without valid visas. "Canceling the sponsorship system is the only solution for the country's demographic imbalance problem besides stopping visa trafficking," Al-Ghanim further told Al-Jarida, and added that the ministry has no legal right to cancel contracts signed between workers and employers.

The sponsorship or 'kafala' system contains loopholes that are often exploited by visa traffickers to release work permits in the name of fake companies or non-existent job openings which are then sold to unskilled labor forces looking for a chance to work in the oil-rich Gulf region.

It has thus been the subject of regular criticism by international organizations for human right violations recorded in Kuwait and the entire region.

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Meanwhile, Al-Jarida reported that directors of labor departments expressed disapproval about the workers' reduction mechanism discussed during a meeting held by minister Al-Rashidi recently which was also attended by Undersecretary Abdulmuhsin Al-Mutairi.

According to sources with knowledge of the case, the officials believe that Kuwait is 'in need' of the workers that the plan targets to ensure that the country can carry out construction projects effectively. "Kuwaitis do not

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(24)

accept working in a majority of technical and construction works that these workers perform," said the sources who requested anonymity to speak.

According to the same sources, the proposed strategy consists of steps that include suspending work visas; either issuing new ones or transferring commercial and family visas to working ones, as well as suspending the transfer of article 20 visas issued to domestic workers to article 18 visas which is issued to private sector labor forces. "The directors told the minister during the meeting that such steps contradict with the state's development plan which needs nearly two million expatriate labor forces of different specialties to finish planning and infrastructure works," the sources said.

They also suggested that the strategy should be to instead focus on visa traffickers "by introducing tougher penalties and more effective prosecution steps." In the meantime, the sources revealed that the Labor Public Authority, a proposed body to replace the sponsorship system in handling expatriate labor recruiting duties, is expected to be announced in two months "as its executive regulations have already been finalized."

In other news, Al-Jarida reported that at least 1,000 expatriates with article 18 and 20 visas were issued smart civil IDs in the first 48 hours since the Public Authority of Civil Information started releasing them last Sunday, as per estimates by a PACI employee who did not wish to be named.

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directors told the minister during the meeting that such steps contradict with the state's development plan which needs nearly two million expatriate labor forces of different specialties to finish planning and infrastructure works," the sources said.

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The announcement of a government plan to deport 100,000 expatriate laborers annually has negatively impacted the labor market as the cost of recruitment has gone up while visa trafficking has increased, a top unionist said in a recent statement. <http://mybloogle.com/kuwait-expat-affairs-expat-expulsion>

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Mol 'deports' 1,285 expats for serious traffic violations

KUWAIT CITY, May 18: Assistant Undersecretary for Traffic Affairs at the Ministry of Interior Major General Abdul Fattah Al-Ali announced that the General Traffic Department deported 1,285 expatriates in the last few weeks for committing serious traffic violations, reports Al-Anba daily.

He said the department received instructions from the Deputy Premier and Minister of Interior Sheikh Ahmad Al-Humoud to deport expatriates who commit several serious traffic violations. He revealed that 1,005 vehicles, most of which were of models prior to 1985, were referred to scrap as they were not considered safe for driving.

Current situation of expats in Kuwait similar to scary movie 'Phenomenon' instills fear

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E12013 b (27)



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Kuwait to start medical care segregation on June 1

By [Andy Sambidge](#)

• Friday, 17 May 2013 11:52 AM

Retrieved
4-7-2016



Kuwait is to bar foreigners from attending public hospitals in the mornings from June 1, local media have reported.

Health Minister Mohammad al-Haifi, who is also a surgeon, ordered that the outpatient clinics at the public hospital in Jahra, west of Kuwait City, will only receive Kuwaiti patients in the morning from next month.

The new system will be applied at the clinics at Jahra hospital for six months on a "trial basis" before its application at other (government) hospitals", local papers said.

The decision comes after complaints in parliament of Kuwaiti patients having to wait for treatment at public health facilities because of the large number of expatriates.

Under the change, Kuwaitis will be given priority for medical checkups at public hospitals and clinics during the morning, with foreigners only able to access doctors in the afternoon, unless it is an emergency.

Last month, it was reported that staff also will be segregated according to their nationality, with Kuwaitis working in the morning and expat doctors in the afternoon.

The move is seen as favourable to Kuwaitis while reducing the level of care given to expats, who make up about two-thirds of the Gulf state's population but would have fewer hours they could seek medical attention.

Kuwait is home to 2.6 million foreigners, mostly from India, Pakistan, Bangladesh, the Philippines, Egypt and Syria, and 1.2 million native Kuwaitis.

Kuwait provides free medical services to citizens but expats must pay an annual fee of \$175 each besides paying reduced charges for certain procedures like x-ray.

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Kuwait says deported 18,000 expats in two years

By [Daniel Shane](#)

• Sunday, 7 April 2013 9:28 AM



Kuwait has deported close to 18,000 expats over the last two years, according to local media in the country.

English language Kuwait Times reported that the oil-rich Gulf state had expelled 9,300 women and 8,500 men, citing a top official from the Ministry of Interior.

The official did not specify the precise reason for the deportations above stating that they had broken the country's laws.

In recent months authorities in Kuwait have taken measures to introduce tough new regulations for foreign workers, which make up about two-thirds of the country's 3m population.

In March, Minister of Social Affairs and Labour Thekra Al-Rasheedi said that the country would seek to reduce its number of expats by 1m over the next decade. About 100,000 would be culled each year, she said.

Other proposals that have been tabled in the country's parliament include policies that would mean expats could only use medical services at certain times of the day and a required minimum salary in order to obtain a driving licence.

The country also last week gave the green light to a plan to bailout citizens' personal debt at a cost of around \$2.6bn.

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Kuwait hurt by expat deportations, says union

By [Daniel Shane](#)

• Thursday, 9 May 2013 2:52 PM



The Kuwait government's decision to deport 100,000 expatriate workers per year has led to soaring recruitment costs and increases in visa trafficking, according to a labour union.

In March this year the country's labour minister said Thekra Al-Rasheedi said that the Gulf state would seek to deport 1m overseas residents between now and 2023 in order to readdress Kuwait's demographic balance. Approximately 2.6m of the Gulf state's total 3.8m population are non-Kuwaiti.

The plan has been criticised by a prominent workers' union. "The state is looking to construct mega projects which require thousands of technical labour forces; an important asset which will be in short supply should the government go ahead with the annual deportation plan," said Abdurrahman Al-Ghanim, President of the Expatriate Labour Forces Office in the Kuwait Trade Union Federation.

Precise details of how Kuwait's plans to implement the proposal have yet to be disclosed, but Al-Ghanim said that rather than targeting expat workers, the government should instead seek to close loopholes in the country's sponsorship system that he claimed led to people trafficking.

"Cancelling the sponsorship system is the only solution for the country's demographic imbalance problem besides stopping visa trafficking," Al-Ghanim said. He added that the Kuwait's sponsorship, or 'kafala', scheme allows traffickers to create work permits in the name of fake companies, which are then sold onto workers.

As well as taking measures to limit expat workers, Kuwait's government has also recently pushed ahead with other punitive policies against overseas nationals in the country, including scrapping of some subsidies and segregated healthcare.

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Kuwait's traffic chief defends expat deportations

By [Courtney Tremwith](#)

• Wednesday, 1 May 2013 9:34 AM



The head of Kuwait's traffic directorate has defended the recent deportation of scores of expats over traffic violations by comparing running a red light to premeditated or attempted murder.

Major General Abdul Fattah Al-Ali on Tuesday confirmed 213 expats had been removed from the country in the past week under a crackdown on repeat traffic offenders.

Defending the decision, he said using a private vehicle as a taxi violated labour and residency laws, while driving without a licence was equal to working without a permit.

The deportations have been criticised by the Kuwait Labour Union and former MP Abdullah Al-Turaiji, who claim they are a violation of human rights and are illegal.

Head of Kuwait Labour Union's expatriate office Abdulrahman Al- Ghanem said in a statement it would have economic and social consequences for the country, which should instead be focusing its attention on punishing visa traders.

Traffic offences should be dealt with through fines or license suspensions, he said.

Al-Ghanem claimed the government was blaming expats for the country's demographic imbalance and had resorted to oppressive measures against them.

The Kuwaiti Ministry of Social Affairs has announced it plans to cut expat numbers by 100,000 each of the next 10 years. Expats make-up about two-thirds of the country's population of 3.8 million and relied on for menial work as well as high level expertise.

Many in the country's private sector fear the oil-rich nation - in which about 90 percent of national workers are employed by the bloated public sector - is not prepared for self-sufficiency.

However, Al-Ali said the law allowed for deporting expats on the basis of repeat traffic offences.

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"According to our criminal and penal laws, penalties for such violations include deportation," he said, according to Kuwait Times.

"The law also authorizes the MOI [Ministry of Interior] to deport expats in [the] public interest in case they commit repeated crimes or violations."

He said citizens also were severely punished for repeat traffic offences, citing the case of a national who was recently jailed for three months.

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Kuwaiti MP calls for rethink on citizenship rules

By [Courtney Trenwith](#)

• Wednesday, 8 May 2013 9:32 AM

Retrieved
4-7-2016



A Kuwaiti lawmaker is attempting to remove a "racist" clause in the country's citizenship law that allows only Muslims to be granted citizenship.

MP Khalil Al-Saleh, who submitted a draft law to parliament on Tuesday, said the Muslim-only religious precondition was discriminatory and contradicted the freedom of belief and faith that was enshrined in the Kuwaiti constitution.

"This condition involves a hated discriminatory factor that we never experienced," Al-Saleh, a Shiite Muslim and former Kuwait Airways pilot, told Kuwait Times.

Nearly all Kuwaiti citizens are officially Muslim, although there are a handful of Christians whose families date back centuries.

Across the entire population of an estimated 3.8 million – of which two-thirds are expats – about 85 percent are Muslim.

According to Al-Saleh, the religious condition was added to the Kuwaiti nationality law in 1982, requiring foreigners to be Muslim by birth or have embraced Islam for at least five years in order to be granted citizenship.

Previously, it is believed they only had to be living legally in Kuwait, having a steady source of income and have a good knowledge of Arabic. In 1966, a clause requiring professional competence was added to the conditions.

Kuwait, like other GCC countries, rarely issues new citizenships.

The expat-reliant country has announced plans to cut the number of expats by 100,000 annually for the next 10 years.

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Kuwait deports 1,258 expats in a month

By [Courtney Trenwith](#)

• Sunday, 19 May 2013 12:08 PM



Retrieved
4-7-16

Kuwait has deported 1,258 expats for traffic violations in the past month, a senior government official has told local Arabic media.

The Gulf country launched a crackdown on repeat or serious traffic offenders four weeks ago, including returning more than 200 people home within the first few days.

Thousands of vehicles also have been seized, while 1005 have been taken to a scrapheap to be destroyed, Interior Ministry undersecretary assistant for traffic affairs Major General Abdulfattah Al-Ali told Al-Anba newspaper.

The deportations have been criticised by the Kuwait Labour Union and former MP Abdullah Al-Turaiji, who claim they are a violation of human rights and are illegal.

However, Al-Ali has defended the program by comparing running a red light to premeditated or attempted murder and claiming that using a private vehicle as a taxi violated labour and residency laws, while driving without a license was equal to working without a permit.

The offences targeted by the traffic department include driving without a license, running a red light, illegally carrying passengers and exceeding the speed limit by more than 40km/h.

Al-Ali said the vehicles to be destroyed were a 1985 model or earlier and failed to meet safety standards.

He said numerous fake driver's licences also had been discovered and legal action would be taken against those who had them or had issued them.

Fake licences are relatively common in Kuwait, where foreigners must meet strict conditions to obtain a valid driver's license, including having a university degree, a minimum monthly salary of KD400.

The oil-rich country has been accused of targeting expats in recent times as it seeks to rebalance the population of 3.8m, of which about two-thirds are foreigners.

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The Kuwaiti Ministry of Social Affairs has announced it plans to cut expat numbers by 100,000 each of the next 10 years.

It also confirmed on Saturday it would begin its segregation of expats and nationals at public medical clinics and hospitals on June 1.

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Kuwait minister defends right to cut expat numbers

By [Courtney Tremwith](#)

• Wednesday, 5 June 2013 9:37 AM

Retrieved
4-7-2016



A senior Kuwaiti minister has defended the country's right to rebalance its demographics by culling thousands of expatriates.

It is Kuwait's "right as a state to maintain the demographic structure and address any flaws in this regard," Minister of Social Affairs and Labour Thekra Al-Rashidi said in a statement on Tuesday.

"Several other steps [to reduce the number of expats] will be taken in the next few days."

The statement did not make it clear whether those steps will target the deportation of expats already in the country or include new measures to make it more difficult for new workers to arrive.

Al-Rashidi earlier this year announced the Gulf state would cut the number of foreigners, who make up about two-thirds of the population, by 1m over 10 years.

"It's part of the ministry's efforts to regulate the labor market, curb the phenomenon of marginal labor and restore the demographic equilibrium of the country," she said at the time.

Al-Rashidi said on Tuesday there were 93,000 illegal residents in Kuwait as of last week.

About 1,300 foreigners were deported last month over traffic violations, while authorities have cracked down on incorrect visas.

A freeze was put on issuing new work permits from April 1, with companies only allowed to hire nationals. The decision has been criticised by the private sector because there are fewer than 1m nationals of working age.

The country also is trialling segregation in public health services, banning expats from attending public hospitals in the morning unless it is an emergency. The first hospital implemented the change on Sunday.

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Lawmakers also have called for large subsidies for services such as water, electricity and gas to be scrapped for expats, which could push up monthly bills beyond the average salary.

Kuwait was named as one of the world's least friendly countries towards tourists in a global travel and tourism competitiveness survey by the World Economic Forum released this week.

It was ranked 137 out of 140 countries for friendliness.

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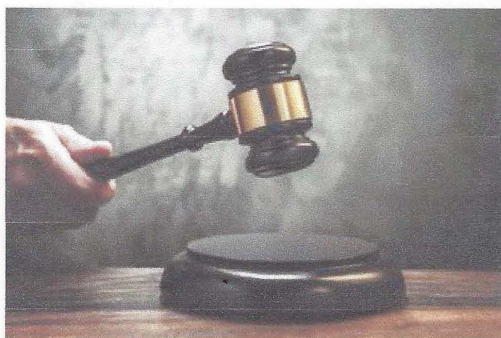
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Proposed law in Kuwait cuts expats to 124,000 per country

By [Courtney Trenwith](#)

• Thursday, 30 January 2014 2:08 PM



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An independent Kuwaiti MP has lodged a draft law with parliament calling for a five-year limit on expatriates' residence in the Gulf state and cutting the number of foreigners to a maximum of 124,000 per country.

The draft bill, which is highly unlikely to be adopted, is the latest sensationalist proposal by a Kuwaiti MP to reduce the oil-rich country's dependence on foreign workers.

About two-thirds of Kuwait's total population of less than 4 million are expats.

More than 90 percent of citizens who work are employed in the severely bloated public sector, while foreigners fill many of the unskilled positions as well as expert roles in the private sector.

Independent Shia MP Abudllah Al Tameemi's plan targets low and medium qualified workers – those often in lowly paid jobs that Kuwaiti nationals have been reluctant to take up themselves. It does not include specialist doctors, lawyers and judges and advisors in the Amiri Diwan.

The proposal also is racist, excluding workers from the US, the European Union and GCC states, as well as the husbands of Kuwaiti women and their children, who in most cases are not eligible for citizenship.

In an attempt to discourage expats from establishing themselves in Kuwait, those granted the five-year visa would not be allowed to sponsor their family members or bring them to the country on a visit visa.

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The draft law states that those who already have lived in the country for more five years and qualify under the criteria would be forced out within three months of the law being implemented – which would see a mass exodus of at least an estimated 1 million workers.

Firms that employ residents past their five-year visa would be fined KD10,000 and owners would face two years' jail.

Tameemi defended his proposed law on Twitter, saying it would prevent foreigners from settling in Kuwait and would help young Kuwaiti graduates having difficulty finding suitable work, as well as reducing pressure on the country's services and traffic.

He said it was "no longer acceptable" that Kuwait had allowed the Indian community to reach 730,000 – more than half the number of Kuwaitis, while there was half-a-million Egyptians.

Kuwait Minister of Social Affairs and Labor Thekra Al-Rasheedi has announced numerous tough policies targeting expatriates in the past year under her plan to reduce the number by 1m in 10 years.

In March she announced a freeze on issuing new work permits, although it is not clear whether this has been implemented.

The state's top traffic cop also has announced the deportation of tens of thousands of foreigners accused of repeat traffic offences.

Other GCC states also attempting to reduce their expatriate numbers, with various measures announced to make it more difficult for foreigners to remain in the country.

More than 1 million foreigners left Saudi Arabia last year under a seven-month amnesty on illegal workers, which opponents criticised for being too implemented without warning and causing a shortfall of workers.

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Kuwait departs 20,000 expats in 9 months

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Kuwait departs 20,000 expats in 9 months

2015 October 19

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Kuwait has deported 20,000 expatriates in the first nine months of the year for breaching residency or labour laws, Arabic daily [Al Seyassah](#) reported.

Another 7,000 are being held in custody, to be sent home "within days", on tickets paid for by their sponsors, a security source reportedly told the newspaper.

"Those who were expelled from the country are from various nationalities and included expatriates without jobs or doing odd jobs, beggars and people implicated in the selling of alcoholic beverages, managing flats for suspicious activities or engaging in immoral acts," the source said.

"The public order department has pledged a zero-tolerance towards all violations of the law and involvement in illegal or immoral activities."



There were calls for authorities to also crackdown on visa traders who helped expats work illegally in the country.

About two-thirds of Kuwait's population of 3.5 million are expats.

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By [Reuters](#)

• Friday, 18 December 2015 12:59 AM



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Kuwait rejects Amnesty criticism of human rights record

2015, December 18

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Kuwait has dismissed criticism by Amnesty International that human rights have been eroding in the country since the Arab Spring protests erupted across the region four years ago and said it remained an open society based on the rule of law.

In a report published on Wednesday, Amnesty accused the Gulf Arab state of using a "web of vague and overly broad defamation laws" to crack down on freedom of expression, of shutting media outlets and stripping some critics of their citizenship.

The rights group also said there had been an increase in prosecutions over comments deemed "offensive" to the emir.

"Kuwait enjoys an open and democratic society where over two dozen independent newspapers and television channels host lively debates on Kuwaiti politics on a daily basis," said Information Ministry Undersecretary Tareq Al-Mezrem in a statement.

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"No crime is charged, or penalty imposed, except through the virtues of the law ... The ministry confirms adherence to the principle of freedom of expression, that is guaranteed by the Kuwaiti constitution and Kuwaiti law," he added.

Mezrem said Kuwait was preparing a new media law that would "adhere to the constitution", without giving further details.

Kuwait, a Western-allied oil exporter, avoided large-scale protests during the Arab Spring when some rulers in the region were overthrown, but citizens held large street protests in 2012 over changes to the electoral law.

While Kuwait allows more freedom of speech than some other Gulf Arab states, the emir has the last say in state affairs and the country has been cracking down on people suspected of trying to "undermine stability". The government has said it would strike with an "iron fist" against dissent.

Earlier this year, a court sentenced a human rights activist to three years in jail on charges of insulting the ruler.

Musallam al-Barrak, a former member of parliament, this year began serving a two-year term for a 2012 speech criticising an election law which he and other opposition politicians said was intended to prevent them getting power.

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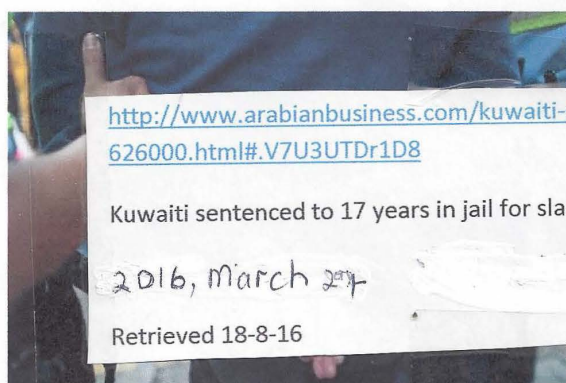
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Kuwaiti sentenced to 17 years in jail for slandering Emir

By *Staff writer*

• Thursday, 24 March 2016 1:36 PM



(Image for illustrative purpose only - Getty Images)

Kuwait's criminal court on Wednesday sentenced a local citizen to 17 years in jail.

The man, who was extradited back to Kuwait after escaping to Qatar, was accused of slandering the country's Emir.

Two other suspects were also sentenced to 10 years in prison for assisting the man's escape to Qatar by forging official papers.

The man reportedly made offensive remarks about Kuwait's ruler in a video, which was later uploaded onto social media, [the Kuwait Times reported](#).



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Kuwait jails three royals for insulting emir, judiciary

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Kuwait jails three royals for insulting emir, judiciary

2016, May 30

Retrieved 18-8-16

A Kuwaiti court sentenced three members of the country's ruling family to five years in jail on Monday for insulting the Gulf state's ruler and judiciary on an internet messaging service, a defendant in the case said, confirming local media reports.

The court handed out jail terms to three other men as well as to the three royals, the defendant, one of seven people acquitted in the case, told Reuters. The defendants convicted intend to appeal their sentences, he added.

The defendant declined to be named because the case is ongoing. Kuwaiti courts do not speak to the media and the government does not comment on ongoing court cases unless it is directly involved.

One of the convicted men is Sheikh Athbi al-Fahad al-Sabah, a former intelligence chief and brother of influential sports power broker Sheikh Ahmad al-Fahad al-Sabah, the defendant said. Sheikh Athbi is also a nephew of Kuwait's emir, Sheikh Sabah al-Ahmad al-Sabah.



Reuters was unable to reach Sheikh Athbi or his lawyer for comment on Monday.

All but one of the convicted men were found guilty of sending the insulting messages on a Whatsapp group. The court judged this a public space and its contents therefore punishable by law, the defendant said.

Kuwait has one of the most open political systems in the Gulf and elected lawmakers and media commentators often attack the government and senior ruling family members over policy.

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Kuwait jails three royals for insulting emir, judiciary - Culture & Society - ArabianBu... Page 3 of 9

But the emir has the final say in political matters and criticising him is forbidden. Dozens of Kuwaitis have been jailed for comments made in public and online that the courts deemed insulting.

It is not the first time that ruling family members have been prosecuted for sensitive remarks. Sheikh Ahmad al-Fahad was given a suspended prison sentence and a fine in December 2015 for quoting remarks by the emir without permission.

In 2012 police released a ruling family member after holding him for several days over remarks on Twitter in which he accused the authorities of corruption and called for political reforms.

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By [Staff Writer](#)

• Sunday, 19 June 2016 2:53 PM

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Kuwait arrests 800 expats for residency, labour violations

2016 June 19

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Authorities in Kuwait have arrested 800 expats for violating residency and labour laws during a security crackdown.

Police also arrested three defendants linked to a drugs case in Hawalli, reported [The Times Kuwait](#).

They also registered five drugs and alcohol cases in Farwaniya and took two others into custody following reports of absconding.

In the first three months of this year, 47,000 expats were arrested as part of a crackdown on labour law violators.



Expats account for 70 percent of Kuwait's population.

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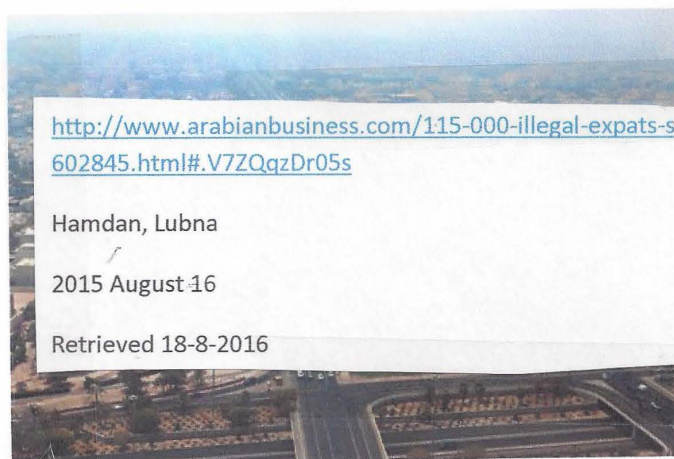
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Hamdan, Lubna

2015 August 16

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A general view shows the King Faisal Highway (Getty Images)

There are 115,000 expatriates living in Kuwait without a valid visa and 5,000 existing on an expired one, announced the country's Interior Ministry.

Of the 5,000, most are Syrian and Iraqi nationals who have been illegally living in Kuwait for three years or more, according to a [report by Kuwait Times newspaper](#).

According to officials, the high number of visa violators is due to unpaid, accumulated fines and strict visa renewal policies.

The Interior Ministry's General Department of Residency Affairs halted dependency visa renewals for expatriates' sons who aged 15 year or more.

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Since there are few job opportunities for those under 18 years old, the sons have remained in the country on an expired visa.

This further created problems for the sponsors of illegal expatriates.

The investigations division at the Ministry has placed restrictions on sponsors preventing them from renewing their own visas until the illegal expatriates' issues have been resolved.

In 2011, the Kuwaiti government issued a four-month amnesty period for 42,000 illegals expatriates.

So far, no such decision has been made regarding the cases.

Kuwait's 2.9 million expatriates make up 69 percent of its 4.2 million population.

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Kuwait steps up deportations of expat workers

April 29, 2016 Updated: April 29, 2016 02:48 PM



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KUWAIT CITY // Kuwait has stepped up deportations of expatriate workers this year, with most expelled for outstaying their residency permits but others sent home for traffic offences.

In the first four months of the year, authorities have deported 14,400 expats, compared with 26,600 in the whole of 2015, Kuwait's *Al Anba* newspaper reported on Friday.

Expatriates make up some 70 per cent of Kuwait's 4.3 million population.

In April 2013, Thekra Al Rashidi, then labour minister, announced plans to deport around 100,000 expatriates each year for the next decade to reduce the number of foreigners living in the emirate by one million.

The government also made a string of traffic offences punishable by deportation, including skipping red lights and driving without a licence, a document difficult for many expats to obtain.

Al Anba said most of the deportations were carried out without trial, using controversial powers given to senior interior ministry officials that have drawn criticism.

* Associated Press

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With the state planning to develop new rail links and upgrade its roads, seaports and airports, construction is set to surge in Kuwait over the coming years. Plans to deliver hundreds of thousands of government-funded residential units by 2020 will also keep the sector on a growth path, despite challenges presented by reduced oil revenues and the rising cost of raw materials.

The country's infrastructure sector is forecast to grow by 15-20% this year, according to investment bank Alpen Capital, with projects aimed at greater GCC integration and economic diversification also serving as key growth drivers.

The region's broader economic strategy is expected to bolster this trend. The GCC plans to boost investment in the construction sector by showcasing the region as a tourist and investment destination, helping to increase the industry's value from \$91.5bn to \$126.2bn in the three years to 2016, according to Alpen Capital's June "GCC Construction Industry" report.

Infrastructure and housing in the driver's seat

Kuwait's construction industry is forging ahead with several large infrastructure projects, with planned developments worth an estimated \$123.6bn, according to MEED, outpacing Qatar (\$113.8bn), Oman (\$29.6bn) and Bahrain (\$25bn). In an analysis of the 100 largest construction contracts in the GCC in 2014, Kuwait came in third after the UAE and Saudi Arabia, based on the combined value of projects in the pipeline.

Progress has been promising to date. In June, Cairo-based Arab Contractors said the \$855.7m Al Jahra road project – a 142-km highway connecting the industrial area of Shuwaikh to Kuwait City – was on track to be completed in 2016. The project is one of a number of planned infrastructure upgrades, along with the \$2.6bn Sheikh Jaber Causeway, which will link Kuwait to Silk City, and the \$7bn Kuwait City Metro, scheduled for completion in 2018 and 2019, respectively.

At the same time, rising demand for public housing is expected to drive long-term residential construction growth, with the Public Authority for Housing and Welfare announcing plans to build 174,000 housing units by 2020. Private contractors will be able to bid on a raft of developments, including the Mutiah Residential Project, Al Subiyah Residential City and Sabah Al Ahmad township, that together should help to reduce the waiting list for public housing, which currently ranges from 15 to 20 years.

The Kuwaiti government also plans to employ a public-private partnership model to deliver public housing, including 11,000 units under the Sabah Al Ahmad project, which will house up to 100,000 people upon completion.

Building blocks

Although the industry is poised for significant growth in the long run, contractors will nonetheless be faced with the rising cost of materials, while falling oil prices could curtail state spending. Consolidated revenues at state-owned Kuwait Petroleum Corporation are expected to fall by 36% year-on-year in FY 2015/16, according to statements made in June by Adnan Abdulsamad, chairman of the National Assembly's Budget and Final Account Committee.

The rising cost of construction materials within the GCC also poses a significant problem. The region is facing an acute shortage of primary building materials, such as limestone, gabbro, cement and steel, as a result of huge anticipated demand through to 2022. Alpen Capital reported that the GCC's construction cost index

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rose 57.5% to 156.4 in the decade to 2013, while raw materials prices are projected to increase by 4-5% over the short to medium term, exacerbated by supply bottlenecks.

On the decade preceding - costs have risen by 70%. This with
 Kuwait saw the second-largest increase in the region, with its cost index up 70% over the same period, to 170. The impact is already being felt, with reports that an additional KD800m (\$2.6bn) was needed for the Al Zour refinery upgrade, already budgeted at \$4bn, due to rising construction costs.

With some big-ticket projects facing delays – including a national railway which will connect to the 2177-km GCC rail network and a planned second terminal at Kuwait International Airport – falling energy revenues and rising input costs could dampen prospects for timely delivery. While these are perhaps the most significant medium-term challenges for the industry, the pace of development is likely to preserve the sector's long-term growth trajectory.

See also: Kuwait Petroleum Corporation, GCC, Alpen Capital

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The tendering process is undergoing reforms but is also split between two agencies. The Central Tenders Committee (CTC) comes under the purview of the minister of economy and finance, and is responsible for awarding tenders and auctions for government entities. However, the Kuwait Ports Authority, the PAHW, Kuwait University, Ministry of Defence and the Ministry of Interior are allowed to manage their own bids and tenders. The CTC is responsible for the tender auctions until the project is awarded. As well as construction projects, the committee manages the procurement and distribution of subsidised food for citizens.

The Partnerships Technical Bureau (PTB) currently manages government projects that are implemented under PPPs. The agency was established in 2008 to encourage greater private sector participation in the government's development programme. The PTB is being phased out and replaced by a new formal government entity called the Kuwait Authority for Partnership Projects (KAPP) under the new PPP Law of 2014, but the reform process is still under way. Until the new authority is fully operational, the PTB will continue identifying potential development projects, conducting project evaluations, managing the procurement process and monitoring project implementation.

Steering Committee

A high-level steering committee, formally known as the High Committee for Projects on State-owned Real Estate, which was established under the 2008 PPP Law, oversees national policy related to PPP contracts and is the ultimate authority for all such projects. The committee refers projects to the PTB for study, approving them before they can be advertised. It also selects the relevant entity to participate in the project and sign the PPP contract. The committee has the authority to terminate a PPP contract if doing so is determined to be in the public interest. Construction companies, suppliers and real estate developers operate within this structure. The country is home to major construction companies, some of which have become regional as well as global players. Three Kuwaiti firms made the list of the top-10 publicly traded construction companies in the GCC region in 2013, according to Construction Weekly.

The construction industry saw significant growth in 2014, with a substantial increase in the number of projects awarded. Kuwait awarded contracts worth a total of KD7.3bn (\$25.1bn) as part of its development plan in 2014. This represented growth of almost 400% over the previous year, according to a March 2015 report from the National Bank of Kuwait (NBK). The boost to the projects market points to the successful implementation of the wider reform agenda, enabling the government to move forward on strategic projects.

Looking ahead, the total value of Kuwait's pipeline of planned and active projects is estimated to be in the range of KD64bn (\$220.5bn), according to NBK and business intelligence publication *MEED*. This represents an 8% increase from a year ago, when *MEED* estimated the total value of projects planned or under way in Kuwait at \$202bn. The pipeline is likely to remain strong, as the government is close to approving projects worth an estimated KD14bn (\$48.2bn) in 2015 alone.

Reform

There was some uncertainty surrounding Kuwait's construction industry prior to 2014. Many of the projects in the government's 2010-14 development plan were not approved and those that were approved ended up delayed. However, key political developments in 2013 alongside reforms that were set into motion between 2013 and 2014 have helped to inject the sector with a sense of optimism. For example, the passing of the new Foreign Direct Investment Law in 2013 and the new PPP Law in 2014 paved the way for the launch of a range of projects in 2014 and these are likely to be among the major drivers of sector growth, particularly in the non-oil segment.

As well as attracting private funding into its projects market, PPPs are important to Kuwait's development strategy because the private sector has the necessary technical expertise to develop and manage complex infrastructure projects. Unlike its regional counterparts, Kuwait has not yet undertaken many projects on a PPP basis. One of the few examples to date is the \$377m Sulaibiya wastewater treatment and reclamation project, which was structured as a build-operate-transfer (BOT) PPP project in 2002. The government has primarily used internal engineering, procurement and construction (EPC) contracts to develop its infrastructure, despite previous efforts to encourage PPPs.

The government issued its first PPP law in 2008 with the goal of developing projects by leveraging local and international private investors. The programme did not have as great an impact as hoped, as overly complex institutional arrangements as well as risk allocation concerns deterred potential private partners.

New PPP Law

In early 2014, however, PTB reached financial close on the KD2.4bn (\$8.2bn) Al Zour North Independent Water and Power Project (IWPP) phase one project, one of the largest projects to be structured as a PPP in Kuwait. A consortium led by ENGIE (previously known as GDF Suez) in partnership with Sumitomo and

(14)

Abdullah Hamad Al Sager & Brothers won the BOT contract for the IWPP. The success of the PPP is attributed to a number of factors that have since been used to form the basis for the new PPP Law of 2014.

According to the old law, the shareholder arrangements under the PPP transaction were structured through a public joint stock company that was established for the project. For projects that were larger than KD250m (\$861.3m), 50% of the company shares were required to be placed for subscription by local Kuwaitis through an initial public offering on the Kuwait Stock Exchange. This added a layer of complexity for the project investors, as they could not rely on a specific share price. Under the Al Zour IWPP, and going forward under the new PPP law, the PTB will hold the 50% public allocation until the plant begins operations.

The limit on the concession period has also been extended to 50 years from the previous maximum of 40, which gives the private participants a bigger window for recouping their costs. Furthermore, the joint stock project company can now include all non-land assets as part of its security package. These reforms within the PPP law were a direct consequence of the successful IWPP development and will help make PPP projects more attractive to private financiers.

Going forward, the PTB will transition into KAPP, which is expected to help expedite procurement and other processes. Construction of the IWPP plant is reported to be progressing quickly, with an expected construction completion date of November 2016. A partnership of Spain's Sidem and Korea's Hyundai Heavy Industries won the \$437m construction contract for the desalination plant and the power station, respectively. When complete, the plant will produce 107m imperial gallons per day of drinking water and 1500 MW of power, roughly equivalent to 20% of Kuwait's water and 10% of the country's electricity needs, respectively.

Power & Water

Building on the success of the Al Zour IWPP, the government will initiate other power and water projects. It has already awarded contracts worth an estimated KD283m (\$975m) within the power sector in 2014, according to NBK. A joint venture between the Ministry of Electricity and Water and the Kuwait Institute for Scientific Research awarded a KD13m (\$44.8m) contract for phase one of the Shagaya Renewable Energy Complex. The planned complex is expected to support the country's goal of diversifying its energy base by testing the efficacy of different renewable energy technologies in Kuwait. The plant will eventually generate a total of 70 MW of electricity, including 50 MW from a thermosolar plant, 10 MW from solar photovoltaic cells and 10 MW from wind power.

As for water, the government awarded KD79m (\$272.2m) worth of projects in 2014, according to NBK, with plans to award the KD442m (\$1.5bn) Umm Al Hamyan Wastewater Treatment Plant in late 2015.

Housing

The PAHW is one of the largest clients in Kuwait's construction sector, with the agency implementing plans to construct residential townships that are expected to provide housing for Kuwait's citizens and expatriate labour force. The PAHW constructed a total of 1263 housing units across its developments in 2014, with a broader aim of completing 1200 units per year for the next 10 years. These figures do not include the public buildings, retail spaces and utilities required for the residential developments.

The PAHW's housing developments are generally greenfield projects located in remote areas of the country that may not attract private sector developers. Townships can range from a collection of under a hundred residential units to towns with space and infrastructure for thousands of residents and workers. The PAHW recently completed construction of the Saad Al Abdullah Township and has a number of other projects under development or in the planning and design stage. The completed township was constructed at a total cost of \$700m, covers an area of 514 ha and includes 3576 residential units that are expected to support a population of over 30,000 residents.

Other major PAHW projects currently under construction include the Jaber Al Ahmed Residential City. The new district will eventually have around 6649 residential units that will support a population of an estimated 100,000 people. The \$2.5bn construction project is being built on 1245 ha with EPC contracts awarded to Al Ahmadiyah Contracting and Trading Company for the residential units and to Mohammed Abdulmohsin Al Kharafi & Sons (MAK Group) for the infrastructure.

MAK Group has also won a number of EPC contracts for the construction of Sabah Al Ahmad Township. The \$6.2bn development is expected to house over 110,000 residents in 11,000 units. Other companies involved in constructing the new seaside city include the Al Tawbad General Trading and Contracting Company, which won a \$159m contract to build residences in 2012, and the United Gulf Construction Company, which won a \$465m contract to build infrastructure works and a \$441m contract for residences in 2010. Construction of the project is expected to conclude in 2015.

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Urban Reclamation

The PAHW's biggest construction project, however, is the ongoing construction of housing at the \$15bn Al Khairan Residential City, which is part of a much larger urban reclamation project known as the Sabah Al Ahmed Sea City. The PAHW's role is to develop more than 30,000 residential units as part of the larger urban development that is expected to eventually house half a million residents.

When complete, the Sabah Al Ahmed Sea City will be one of the larger urban developments in Kuwait. The city will occupy an area of around 6700 ha, much of which consists of low-lying salt-encrusted land that is being reclaimed to develop the city. Public sector investment into infrastructure and land preparation is starting to attract interest from private developers.

For example, Kuwait's Tamdeen Group launched its Al Khairan project in March 2015. The new \$700m mixed-use development will be spread across 350,000 sq metres of waterfront property that is part of the reclaimed land. According to Tamdeen, the site will eventually include the construction of Kuwait's first outlet mall, two high-rise residential towers, one furnished apartment tower and a marina with capacity for more than 900 boats. The 75,000-sq-metre outlet mall will cater to Kuwait's growing presence of luxury brands. Tamdeen also has plans to build a five-star hotel and a large central garden space for public use.

Affordable Housing

In addition to residential areas for Kuwaiti citizens, the PAHW is also in the process of building the South Al Jahra Labour City, which will eventually include 20,000 affordable housing units for low-income expatriate labourers. The South Al Jahra Labour City project is structured as a BOT scheme and is set to cover 100 ha and include entertainment facilities, along with the necessary public utilities.

While the majority of PAHW construction projects are implemented through separate EPC contracts for infrastructure and housing units, the public authority is increasingly turning towards PPP models to help finance and build infrastructure and housing units. Indeed, in March 2013 the PAHW issued requests for project proposals, including the Al Khairan and Al Jahra Labour City residential developments.

Transport Links

The transport infrastructure segment also saw significant activity in 2014, with the NBK reporting that the government awarded contracts worth KD267m (\$920m). These included the delayed KD169m (\$582.2m) Doha link, which will eventually connect Doha port to the Sheikh Jaber Al Ahmad Causeway. The project was awarded to GS Engineering & Construction, a Korean company, with construction of the project expected to be completed in four years, according to the Kuwait News Agency. The Doha link will consist of a marine bridge that will connect the main \$2.6bn causeway project, which was awarded in October 2012, with the **Doha motorway**.

OIL & GAS: Kuwait's oil and gas sector was a major beneficiary of the country's resurgence in construction projects. Oil and gas projects awarded in 2014 represented more than 60% of the KD7.3bn (\$25.1bn) awarded through the year, according to NBK. Major contributors to this total included some of the contracts for the new refinery at Al Zour, which is set to cost a total of KD4bn (\$13.8bn), and the Kuwait Clean Fuels project, which will have a final price tag of KD4.6bn (\$15.8bn).

On the refinery side, the Kuwait National Petroleum Corporation (KNPC) awarded a \$679m dredging contract to Dutch company Van Oord in 2014, to reclaim land for the 615,000-barrels-per-day facility. **Van Oord's mandate under the contract includes the reclamation of about 65m cu metres of sand and the construction of a jetty, a barge dock and roads.** The contract is the first to be awarded out of KNPC's investment programme for the refinery. KNPC also signed three contracts with consortiums led by JGC Corporation, Petrofac and Fluor Corporation in April 2014. These included a \$3.4bn contract to design, construct and commission the Mina Abdullah Package 2 of the Clean Fuels Project, a \$3.7bn contract for related work at the Mina Abdullah and Shuaiba refineries, and a \$4.9bn EPC contract for work at Mina Al Ahmadi.

Outlook

After a challenging few years due to political and institutional complexities, 2014 saw the end of that cycle, with a record number of large-scale projects awarded to developers and companies across all major sectors. All indicators suggest that the government will continue to implement planned projects. NBK's estimates suggest that the total outlay for the projects market could top \$50bn in 2015. Around \$7.2bn of this will be directly for construction, while the remainder will be help lay the groundwork for future projects.

"In recent years some plans for major infrastructure and development projects have failed but 2014 was a good year for the construction industry, with positive results for the government as well," Haitham Al Refaei,

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CEO of Insha'a Holding, told OBG. "It has set the base for a solid 2015 and the sector has the potential to continue building up in the upcoming years." PPP programmes in the utilities and transport sector look to be moving smoothly, which should lead to construction contracts to build the accompanying infrastructure in the near future. While there are fears that contracts awarded may not result in project execution, progress made throughout 2014 points to a sustained period of growth for Kuwait's construction sector.

See also: [National Petroleum Corporation, GCC](#)

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The New Arab

Kuwait arrests 800 expats in security crackdown

Expats make up 70 percent of Kuwait's population [AFP]

Date of publication: 20 June, 2016



Retrieved on 18-8-16

Hundreds have been arrested for various violations in Kuwait's latest drive against offenders and absconders.

Kuwaiti authorities have arrested 800 people for violating labour and residency laws.

In this latest security crackdown that took place in all six of the country's governorates, **Read More**

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police also arrested people in relation to drugs, alcohol and caught individuals who had received sentences in absentia or were reported absconding by their sponsors, the *Times Kuwait* reported on Saturday.

These arrests add to the huge number of foreign nationals who have been arrested this year in relation to labour law violations.

Expats account for 70 percent of Kuwait's population of around 3.7 million, with of whom hail from the Indian Subcontinent.

Earlier this month, Kuwaiti authorities warned that expatriates caught begging during the Muslim holy month of Ramadan would be subjected to immediate deportation.

The move was announced in a statement by the country's Ministry of Interior, who said that it was part of an effort to crack down on panhandlers who frequent mosques, shopping centres and certain neighbourhoods.

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Female migrant workers lured to the Gulf with promises of higher salaries are finding themselves working in slave-like conditions, an Indian state minister has said.

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Kuwait bans driver's licences for multi-worded job titles

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By [Courtney Trenwith](#)

• Tuesday, 15 July 2014 1:38 PM

<http://www.arabianbusiness.com/kuwait-bans-driver-s-licences-for-multi-worded-job-titles-557873.html#.V7VKvDDr1D8>

Courtney Trenwith 2014, July 15

Kuwait bans driver's licences for multi-worded job titles

Retrieved 18-8-16

In a further clampdown on the issuing of driver's licences in Kuwait, the General Traffic Department has announced that employees with multi-worded titles will not be exempt from tougher criteria introduced earlier this year.

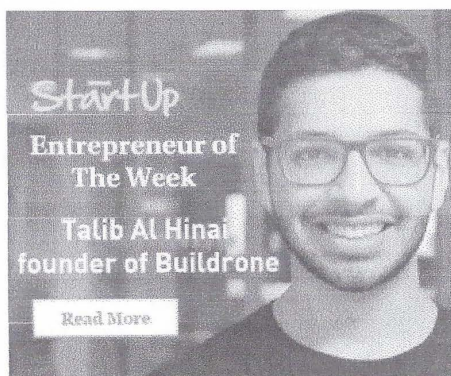
Expats must have a minimum monthly wage of KD400 (\$1,418) and a university degree to qualify to apply for a driver's licence.

The new measures were brought in last year in a bid to reduce traffic congestion, which is significant in Kuwait City, where there has been an influx of foreign workers but little new roadworks.

Applicants can be exempt from the criteria if they have a visa specifically to work as a household driver.

Trenwith 2014 b

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But some employers were fabricating employees' job titles or adding additional words in a bid to make them appear eligible for the exemption, [Kuwait Times reported](#).

Examples include "sales manager", which implied the worker was required to drive daily, and managers with additional descriptions, such as financial manager or labour affairs manager.

In response, the traffic department said it would not exempt such job titles.

The crackdown follows a temporary ban on issuing new driver's licences to expats and the deportation of more than 12,000 expats based on traffic infringements incurred in recent years.

It was reported in April that the department also was investigating an increase in fake university degrees used in driver's licence applications.

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Appendix 4 – Interview Question Formats

INDICATIVE INTERVIEW QUESTIONS - WORKER PARTICIPANTS

CATHY ROBERTSON

Thesis Title: Migrant worker perceptions of life, work and health in Kuwait - a construction industry perspective

Layer 1 - Receiving Country Factors

1. Please describe in detail what sort of work do you do
2. How long have you worked in Kuwait
3. Have you ever received any training for your work
4. What clothes do you wear at work
5. What equipment do you use at work
6. Explain what rights you have as a worker
7. Explain in detail your accommodation and living conditions
8. How do you purchase and prepare your food
9. What is life like for you in Kuwait
10. What things would you like changed to make life better for you in Kuwait

Layer 2 - Migrant Security

1. What kind of residence permit do you have
2. How did you obtain your residence permit
3. Have you ever been asked to sign a contract
4. Describe how the terms and conditions of your contract were explained to you
5. Do you know what workmens compensation is
6. How often do you visit your family
7. How does it feel to be away from your family
8. Do you feel safe working in Kuwait

Layer 3 - Migrant Worker Factors

1. Describe why you looked for work outside your country
2. Did you ever go to school
3. How many languages do you understand
4. What work did you do before you came to Kuwait
5. What sort of training for your work did you receive before coming to Kuwait
6. Does the weather in Kuwait affect the way you work
7. What things would you change to improve your work in Kuwait
8. Has your health changed since you came to Kuwait

Layer 4 - Management Systems

1. Describe how you are managed by your supervisor
2. Do you enjoy the type of work that you do?
5. Do you know what to do if something goes wrong at work?
6. What are the best things that you have experienced in your work
7. What are the worst things that you have experienced yourself or seen others to have experienced at work

INDICATIVE INTERVIEW QUESTIONS - STAKEHOLDERS

CATHY ROBERTSON

Thesis Title: Migrant worker perceptions of life, work and health in Kuwait - a construction industry perspective

General Legislation

1. What are the laws or regulations that most affect migrant workers?
2. Which ones are the most difficult to understand and to deal with?
3. What impact do you think the laws have had on Kuwaiti businesses?
4. What impact have employment regulations, such as the employment, the health and safety, and the workers' compensation regulations had on Kuwaiti businesses?
5. Which of the employment regulations have been the most difficult to manage?
6. Do you think that legislation in Kuwait has been effective and if so or if not why?

Life, work and health

1. What do you think are the main issues for migrant workers in Kuwait?
2. What do you think are the main risks involved for migrant workers?
3. What do you think should be done to minimise them?
4. Describe the health and safety systems you have seen that work well and systems that have not worked well?
5. Have you had any direct experience of managing migrant workers? If so please explain?
6. What are the key issues around the general health and lives of migrant workers?

Government Agencies

1. Do you know which government department looks after occupational health and safety? And if so which is it?
2. Has a health and safety inspector visited your organisation or business, and if so, when was the last time and what was the outcome?
3. Have you ever phoned a government department regarding an OHS issue? If so, what was the outcome?
4. Have you or any of your employees applied for workers' compensation and if so what was the outcome?
5. Do you have anything else to add?

Section F: General

1. Have you found other employer organisations or associations (e.g. Trade/Industry or Chamber of Commerce, etc.) or other organisations or people helpful to you regarding managing your migrant workers?
2. What are major employment relations difficulties for you as a business owner/manager or organisation and how do you think these can be improved?
3. Do you have anything else to add?

Appendix 5 – Information Sheets

Participant Information Sheet Workers



Project Title

Migrant Worker Perceptions of Life, Work and Health in Kuwait - a Construction Industry Perspective.

An Invitation

My name is Cathy Robertson. I am a Doctoral student at AUT University in New Zealand. I invite you to participate in this research. The research will form the basis for my PhD Thesis. Your participation in this research is entirely voluntary and you are at liberty to withdraw at any time.

What is the purpose of this research?

This research forms the basis of my Doctor of Philosophy degree. The purpose of the research is to learn about how workers feel about their lives, work and health in Kuwait. It is hoped that the recommendations of the study will improve the working lives of migrant workers in Kuwait.

How was I chosen for this invitation?

You have been chosen because you are a migrant worker who is working in Kuwait. The facility has sent you to me as a possible participant. I will not tell the head of the facility or anyone else who you are, or the company you work for, or whether I have actually chosen you as a participant, so this information is known to the researcher and no-one else except the researcher.

What will happen in this research?

I would like to interview you as part of my research project. The research will involve about two hours of your time. The questions will ask you to talk about your experiences as a migrant worker in Kuwait.

With your agreement I would like to audio-tape the interview. You may decline to be audio-taped prior to the interview and you may also ask for the audio-taping to be stopped at any time, without providing a reason. If you choose to withdraw from the research the tape will be destroyed. All information given as a result of this interview will be transcribed and analysed only by the researcher. After that time the information will be available as a finished Doctoral thesis.

What are the discomforts and risks?

You may feel stressed during the course of the interview when recalling experiences. The recorded material may identify some things about you and your home country, food or customs, or mention another person's name. During the interview an interpreter will be present. There is a risk that if you talk to outside parties about this research, and your name is mentioned to those other parties, in that you have discussed anything about your work with that person, you may face the situation that your employer threatens you with deportation. It is therefore very important to maintain confidentiality and that you do not talk about this research to anyone. The researcher will protect you because your name, the name of your organisation, the job you do, the country from which you come, will not be mentioned at any time. Any information which could result in your identification will be removed from the interview transcript. Therefore it is in your own interest to maintain confidentiality.

How will these discomforts and risks be alleviated and how will my privacy be protected.

If you feel stressed during the interview about any question you may refuse to answer the question and ask the interviewer to stop the interview. If you still feel stressed, the researcher will immediately stop the interview and you may choose to go to the head of the facility for counselling. You have the right to withdraw any information that you provide without giving any reason. The interpreter will not know who you are. The interpreter does not come from the clinic. The interpreter does not have access to any information and only the researcher keeps details of the interview and what has been discussed. The interpreter does not know anyone at the clinic and has no contacts with any employer or labour agent.

The only people with access to the actual interview data after the interview (i.e. the audio tape or transcription of the audio tape) will be my supervisor (Associate Professor Felicity Lamm, in New Zealand). Your name, the name of your company and who your managers are will not be revealed and no-one except the researcher and the researcher's supervisor will know this information. The interview data will be used for the purpose of this research, and the writing of my Doctoral thesis. The results of the data analysis will be used for any academic publications that may arise from this research. The data will be kept in a secure location in New Zealand for 10 years and will then be destroyed. No-one at the facility will know that you have participated in this research and all information will be sent to New Zealand where it will be kept in a locked place which can only be seen by the researcher's supervisor. The laws of New Zealand do not allow any other person to be able to locate the information so that all your information is kept a secret. You are protected by the New Zealand law. Please be aware that the head of the facility will not be involved in the research in any way except that he has organised that you are sent to me as a potential participant. Therefore no-one at the facility is aware that you personally are involved in research, the nature of the research or the contents of any forms, interviews, transcripts or any information which could threaten your anonymity.

What are the benefits?

This research will add valuable knowledge about the experiences of migrant workers in Kuwait. The benefit is also that through your participation there is a possibility that we can improve the workers lives in Kuwait.

What are the costs of participating in this research?

The only cost of participating in this research is the time you will give to the interview.

What opportunity do I have to consider this invitation?

You will be personally verbally invited to participate by the researcher, who will visit the facility and will have an office there. The contents of this information sheet and the way the interview will be conducted will be carefully explained to you in your own language by the researcher through the interpreter. You will be given the opportunity to ask any questions. After that you will be given time to consider this invitation to be interviewed. When you return to be interviewed you will once again be explained all the contents and once again be given the opportunity to ask questions and to confirm whether you wish to be interviewed. The interview will take approximately two hours.

How do I agree to participate in this research

Accompanying this Information Sheet is a research Consent Form. I will ask you to sign this form before our interview takes place.

Will I receive feedback on the results of this research?

You will be given the opportunity to hear the recording at the end of the interview. At this time you may request that sections of the recordings be removed, or choose to withdraw if you wish and all interview material will immediately be destroyed.

What do I do if I have concerns or require any further information about this research?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, Dr Felicity Lamm, felicity.lamm@aut.ac.nz, telephone 0064 921 9999 ext 5906

Concerns regarding the conduct of the research should be notified to the Executive Secretary, ATEC, Madeline Banda, *madeline.banda@aut.ac.nz* , telephone 0064 921 9999 ext 8044.

Approved by the Auckland University of Technology Ethics Committee on: 5/7/2011. ATEC Reference number: 10/313

Participant Information Sheet Stakeholders



Project Title

Migrant worker perceptions of life, work and health in Kuwait - a construction industry perspective

An Invitation

My name is Cathy Robertson. I am a Doctoral student at AUT University in New Zealand. I invite you to participate in this research. The research will form the basis for my PhD Thesis. Your participation in this research is entirely voluntary and you are at liberty to withdraw at any time.

What is the purpose of this research?

This research forms the basis of my Doctor of Philosophy degree. The purpose of the research is to learn about the experiences of migrant workers in Kuwait, from the worker point of view. It is hoped that the recommendations of the study will influence managerial practices in Kuwait.

How was I chosen for this invitation?

You have been chosen because you are involved in managing migrant workers in Kuwait and our knowledge and experience will be a valuable input into this research.

What will happen in this research?

Given your knowledge in this area, I would like to interview you as part of my research project. The research will involve about an hour and a half of your time, on an occasion that is convenient to you. The nature of the questions will require you to reflect on the effectiveness of management practice in Kuwait, and the policies needed to best improve the lives and wellbeing of migrant workers.

With your agreement I would like to record the interview on a digital recorder. You may decline to be recorded and you may also ask for the recording to be stopped at any time, without providing a reason. If you choose to withdraw from the research the recording will be destroyed. All information given as a result of this interview will be transcribed and analysed by myself. A transcription of the transcript will be provided you to amend or correct within two weeks of the interview taking place. After that time the information will be available as a finished Doctoral thesis.

What are the discomforts and risks?

Minimal discomfort or risk is anticipated for any participant. However the interview may be about things that you are concerned about.

How will these discomforts and risks be alleviated?

You may at any time decline to answer any of the questions in the interview and ask the researcher to stop audio-taping or terminate the interview. You also have the right to withdraw any information that you provide, without giving any reason. All existing data will be destroyed if you should decide to withdraw from the study.

What are the benefits?

This research will add valuable knowledge about the experiences of migrant workers in Kuwait. Through your participation there is a possibility that the lives of migrant workers in Kuwait will improve.

How will my privacy be protected?

The only people with access to the actual interview data (i.e. the audio tape or transcription of the audio tape) will be my supervisor (Associate Professor Felicity Lamm, in New Zealand). Your name, the name of your company and any other individuals or organisations or any information which could lead to your identification will not be included in the interview transcript or in the final report. The original recordings will be kept in a secure place by my supervisors, at the Auckland University of Technology. The interview data will be used for the purpose of this research, and the writing of my Doctoral thesis. The results of the data analysis will be used for any academic publications that may arise from this research. The data will be kept in a secure location in New Zealand for 10 years and will then be destroyed.

What are the costs of participating in this research?

The only cost of participating in this research is the time you have given to the interview.

What opportunity do I have to consider this invitation?

You will be invited to participate by being contacted in order to set a meeting at a secure venue where you will be handed the Information sheet and given a week to consider this invitation to be interviewed. At the end of this week, the researcher will contact you by telephone to see if you wish to proceed with the interview.

How do I agree to participate in this research?

Accompanying this Information Sheet is a research Consent Form. I will ask you to sign this form before our interview takes place.

Will I receive feedback on the results of this research?

You will be given the opportunity to review and edit transcripts of your recordings if requested for one month following the interview. You will be provided with a copy of the finished research if you wish.

What do I do if I have concerns about this research?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, Dr Felicity Lamm, felicity.lamm@aut.ac.nz, phone 921 9999

Concerns regarding the conduct of the research should be notified to the Executive Secretary, AUTECH, Madeline Banda, madeline.banda@aut.ac.nz 921 9999 ext 8044.

Whom do I contact for further information about this research?**Researcher Contact Details:**

Cathy Robertson, C/O Associate Professor Felicity Lamm, Faculty of Employment Relations and Law, AUT University, Private 92006, Auckland.

Project Supervisor Contact Details:

Dr Felicity Lamm, felicity.lamm@aut.ac.nz, phone 09 921 9999 ext 5906

Approved by the Auckland University of Technology Ethics Committee on: 5/7/2011. Reference Number 10/313

Appendix 6 – Consent Forms

Consent Form - Worker Participants



Project title: ***"Migrant Worker Perceptions of life, work and health in Kuwait - a construction industry perspective"***

Project Supervisor: ***Dr Felicity Lamm***

Researcher: ***Cathy Robertson***

- I have listened to the translator and have understood the information provided about this research project in the Information Sheet.
- I have had an opportunity to ask questions and to have them answered, on two occasions, one when I was invited to participate, and one prior to the actual interview.
- I understand that no-one at the clinic will know about this research except [name redacted to ensure anonymity] who has signed a Memorandum of Confidentiality Agreement and who will not be aware of who was chosen to be interviewed. I understand that this was the only time in which [name redacted to ensure anonymity] will be involved in the research and will not be shown or given any further information to do with either my own identity or anything to do with the research.
- I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.
- I understand that the interview will be translated by a translator. I also understand that I will be given the opportunity to hear my responses to the interview questions.
- I understand that the translator has been trained in the interview process and is fully aware and has signed a confidentiality agreement in which the translator agrees that all information discussed during the course of the interview is confidential and that at no time will the translator have access to any of the information.
- I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- If I withdraw, I understand that all relevant information including tapes and transcripts, or parts thereof, will be destroyed. I also understand that any information which could threaten my anonymity will be removed from the interview transcription and that the original recordings will be sent to New Zealand just as soon as they have been transcribed and encoded, for safekeeping in a secure place at the Auckland University of Technology, and that I am protected by New Zealand law which demands that my information is not divulged to any other person than the researcher and the researcher's supervisors.
- I agree to take part in this research.

Participant's signature:.....Participant's name.....

Date :

Approved by the Auckland University of Technology Ethics Committee on 5/11/2011, AUTEK Reference number 10/313

Consent Form - Stakeholders



Project title: *Migrant Worker Perceptions of life, work and health in Kuwait - a Construction Industry perspective*

Project Supervisor: *Dr Felicity Lamm*

Researcher: *Cathy Robertson*

- I have read and understood the information provided about this research project in the Information Sheet.
- I have had an opportunity to ask questions and to have them answered.
- I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.
- I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- If I withdraw, I understand that all relevant information including tapes and transcripts, or parts thereof, will be destroyed.
- I agree to take part in this research.
- I agree that my or my organisation's name will not be identified in the finished thesis and any resulting publications.
- I wish to receive a copy of the report from the research (please tick one): Yes ☐ No ☐

Participant's signature:

.....

Participant's name:

.....

Participant's Contact Details (if appropriate):

.....

.....

.....

Date:

Appendix 7 – Confidentiality Agreements

Confidentiality Agreement - Interview Interpreter



Project title: *Migrant Worker perceptions of life, work and health in Kuwait - a construction industry perspective.*

Project Supervisor: *Associate Professor Felicity Lamm*

Researcher: *Cathy Robertson*

- ☐ I understand that the interviews meetings or material I will be asked to translate is confidential.
- ☐ I understand that the content of the interviews meetings or material can only be discussed with the researchers and that any material which is given to me will be handed back to the researcher after reading under the supervision of the researcher, in order to protect my own anonymity and the anonymity of the participants.
- ☐ I will not keep any copies of the translations nor allow third parties access to them. Translation will take place during the course of the interviews only.
- ☐ I hereby signify that I do not have any management contacts in either the medical field or construction industry.
- ☐ I agree that I have been fully trained by the researcher in terms of the Interview Protocol, I have been shown the questions and information sheets, research protocols and coached in semi-structured interviewing techniques and agree that I will protect the anonymity of the participants. I agree that I will arrive at the clinic separately from the researcher and will dress in clothes that will not draw any attention to myself.

Translator's signature:

Translator's name:

Translator's Contact Details (if appropriate):

.....
.....

Date:

Project Supervisor's Contact Details (if appropriate):

Dr. Felicity Lamm, Auckland University of Technology

006499219999 x 5906 email address felicity.lamm@aut.ac.nz

Approved by the Auckland University of Technology Ethics Committee on 5/7/2011

AUTEC Reference number 10/313

Note: The Translator should retain a copy of this form.



Validation Translator Confidentiality Agreement - and Validation

Project title: **Migrant Worker Perceptions of Life, Work and Health in Kuwait - a Construction industry perspective**

Project Supervisor: **Associate Professor Felicity Lamm**

Researcher: **Cathy Robertson**

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- ☐ I understand that the interviews meetings or material I have been asked to validate is confidential and that meetings have taken place at a secure venue.
 - ☐ I understand that the content of the interviews meetings or material can only be discussed with the researcher.
 - ☐ I will not keep any copies of the translations nor allow third parties access to them. Translation has taken place during the course of an interview with the researcher and the researcher has controlled all the material which is under discussion, retaining the material at the conclusion of the interview.
 - ☐ I verify that I have listened to the worker interview interpreted conversations and that the interpretation has been broadly correct and conducted in an honest manner and with good intent.

Verifying Translator's signature:

Translator's name:

Translator's Contact Details:

.....

.....

Date:

Project Supervisor's Contact Details:

Dr. Felicity Lamm

Auckland University of Technology, Wakefield Street, Auckland.

Tel 0064992999x5906

Approved by the Auckland University of Technology Ethics Committee on 5 July 2011

AUTEC Reference number 10/313

Note: The Translator should retain a copy of this form.