



Professional Doctorate Researching Work (DProf)

The Impact of Corporate Social Responsibility on Construction Workers

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Abstract

The UK construction industry is one of the largest employers in the UK providing 8% of the national workforce in 2018 (Kotera et al, 2019), although a small number of those workers are employed directly. In the industry it is common for main contractors to be employed by the client, and then to subcontract out the work to a supply chain of subcontractors, who may further outsource the work to subbies and agency workers. This results in a fragmented employment structure with an indirect employment relationship between the contractor and workers on the construction sites.

Employees are considered to be a corporation's stakeholder and one of the key elements of corporate social responsibility. This study explores the impact of corporate social responsibility on construction workers who may not be considered employees as they are indirectly employed and resourced through the fragmented employment structure. This method of employment is also termed casual labour which for this study includes subcontractors, self-employment and agency workers.

The industry has been considered to be slow in embracing corporate social responsibility despite the industry's significant impact on society, and where contractors do adopt corporate social responsibility as a policy, they have often used different approaches and different terminology as demonstrated by the five largest contractors (in 2019). This makes it more complex to pass policies and standards down the supply chain who will often move from contractor to contractor for work.

This study is inclusive of primary data in the form of interviews which took place between 2017 and 2020, in addition to the research of secondary data sourced through the review of literature and documentary evidence. Participants for the interviews were identified as workers from each element of the supply chain from the client, client advisors, contractor, subcontractor and subbies to gain a view on the impact of corporate social responsibility on workers to compare and contrast with secondary data.

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Introduction

The nature of the construction industry necessitates the use of casual labour and subcontracting to be a normal method of procuring workers to work on construction sites, building homes and infrastructure such as roads and railways, and commercial buildings. This would include skilled and unskilled workers such as joiners, bricklayers and general labour on site through a supply chain, therefore many of the workers on site are not directly employed by the contractor. This raises the question of if a contractor's corporate social responsibility (CSR) is inclusive of workers who are not directly employed, and how CSR is successfully passed through the supply chain to workers. In addition, how do workers in the industry and stakeholders view CSR, its presence in their work and the effectiveness of CSR through the supply chain?

Having worked in the construction industry since 1998 starting out as a Personal Assistant to the Group Finance Director to being a Commercial and Finance Manager working on development and regeneration construction projects within the UK, the various roles have included reporting to the boards of directors of public and private partnerships during the bidding, procurement, construction and operational phase right up to point of asset sale. This has provided a good insight to how the industry is set up, and also to how CSR has been part of the industry. Reporting to the boards of directors has included health and safety matters on the construction sites, and KPIs (Key Performance Indicators) on social value as requested by the clients. More recently the bidding for public sector work has evolved to include sections on CSR, with a growing percentage of the overall score needed to win the work.

During the procurement stage my role has included the drafting of construction contracts, which will include the employer's health and safety policy, and any CSR policies forming part of the contractor's contract. This has formed my belief that there is a clear line of responsibility between the main contractor and employer, the client. Also having involvement in the strategy and implementation of corporate social responsibility more recently, it has become apparent that the CSR policies and activities of corporations have become more of a focus, in regards to their social responsibility and their impact on the places they work. But this has been critiqued in research as being purely window dressing and for public relations purposes to win work, a box ticking exercise. The maturity and implementation of CSR has also differed between clients, partnerships, departments and peoples job roles.

Through the study of working lives at London Metropolitan University, and the greater understanding of casual labour being largely used in construction, it felt that there was a disconnection between my own experience of working in the industry and the experience of workers on site, and the precarious nature of their work, often bringing little social protection, security of work or benefits. To understand this disconnection, this study analyses the views of workers and stakeholders at various levels and roles within the supply chain.

1.1 Research Aims and Rationale

The aim of this study is to complete a research project through analysis of primary and secondary data, of corporate social responsibility and the structure of employment within the UK construction industry, to understand if a contractor's corporate social responsibility policies and intentions are inclusive of all construction workers, particularly those workers who are indirectly employed through subcontracting, self-employment and job agencies. Being one of the largest industries in the UK, construction can also be considered one of the most dangerous industries to work in, accounting for 28% of all fatal accidents in the workplace during 2011/2012 (Sherratt et al (2013 p623) and therefore it would correlate that the contractors, which are in this study considered to be the main contractor who has overall responsibility of the construction site, would have policies and procedures to inclusively protect all workers on their sites.

Where contractors may have corporate social responsibility policies in place for training of employees, mental health and well-being, as well as diversity, inclusion and equality which are key elements of CSR, these can be just related to direct employees. If the contractor's policies are intended to be inclusive of casual labour working on their projects, as to how are they effectively passed down the supply chain is of question. These policies will not just set out the contractor's intentions to the supply chain but also to stakeholders, including clients and investors particularly on the stock market. This study considers the corporation's stakeholders, their influence and potential conflict of priority between profit and social responsibility, and if casual workers are considered to be stakeholders due to their influence on the success of the corporation. Evangelinos et al (2006) in their study of the status of corporate social responsibility in the UK construction industry consider stakeholder theory to be a conceptual underpinning of corporate social responsibility reporting. Current literature suggests that corporate social responsibility was considered as an emerging practice within the construction industry gaining momentum within the decade to 2006 (Jones et al). With CSR currently being voluntary

in the UK's construction industry, it is possible still today that not all construction companies have developed relevant and related policies although there are laws and regulations which need to be adhered to.

This study also considers the structure of construction roles and the employment status of construction workers, through subcontracting, self-employment and agencies, and sets out to understand the impact of subcontracting labour within the industry. Where the main contractor subcontracts portions of work to subcontractors who in turn may have their own subcontractors this naturally creates a contractual distance between the construction workers and the contractor. The precarious nature of employment in the industry for workers on site has also been critiqued in literature, suggesting that the structure of employment in the industry has been deliberately set up to enable the contractor to not have to be socially responsible to the workers on their construction sites as they are not considered employees. But this could be unintentional with workers being so disconnected and employed further down the supply chain unbeknown to the contractor. This study is structured to question the contractor, their supply chain and client advisors along with workers to understand their views on what the actual working processes are to establish if contractors do in practice behave socially responsible to people working on their sites.

If the contractor is considered by workers to be behaving socially responsible towards the workers, then corporate social responsibility can be inclusive of all construction workers, but if the contractor promotes that it intends to behave socially responsible but it does not, then could there be a way of improving the methods of communication and implementation of their intentions. Alternatively, are the contractors just using corporate social responsibility as window dressing as suggested by Lin (2010) or is it an actual structural change to the businesses processes. While this research could have been correct at that time, corporations and governance has evolved over the past ten years and this study considers if there has been an actual change to the corporation's priorities and the priorities of their stakeholders.

1.2 Research Questions

In order to understand the impact of corporate social responsibility on construction workers, the research questions are as follows : -

1. How has the construction industry changed in respect of protecting workers and health and safety, and how has this been influenced by regulation and law, reputation or stakeholders?
2. How is corporate social responsibility implemented and adopted through the supply chain by the subcontractors within the construction industry?
3. What is the method of employing workers in the construction industry, and to what extent is corporate social responsibility inclusive of workers on site?
4. What is corporate social responsibility and what role does it have in the construction industry?

The first question sets out to understand the history of construction and how the industry has changed. This is to appreciate the change in societal expectations, and standards within the industry to relate it to CSR in respect of protection and security of workers. It is also intended to understand the employment structures and how or if these have changed, or if there has been a consistent and historical disconnect between the contractor and the construction site workers which has just not been identified when applying CSR to the industry.

Question two seeks to understand how a contractor's corporate social responsibility can be adopted through the supply chain. It could be assumed that if the subcontractors adopt the policies and procedures of the contractor then there is a greater probability of this being passed down the subcontractors supply chain to the workers. How does the subcontractor manage and implement the different policies and procedures of each different contractor, and understanding the complexity are these in conflict with their own policies and procedures? Also how are they successfully passed down through their own supply chain?

Within question three, the employment status of construction workers and casual labour is considered in terms of both skilled or unskilled labour. Construction workers carrying out skilled and unskilled work have historically been employed on a precarious casual labour basis which is now being labelled the gig economy, simply by the nature of the work, and the necessity to move on from job to job. Casual labour is defined by Bernstein

(1986) as lacking in security of income and employment. This question seeks to understand the status of employment of workers on construction sites, if they are employed, self-employed or hired directly by the supply chain or agencies. This is to ascertain if as a consequence of their employment structure and status they are inclusive of the contractor's socially responsible policies and procedures.

Question four seeks to understand what corporate social responsibility is, why is it adopted by corporations, and how stakeholder theory is considered to underpin CSR and the influence stakeholder have. This question also considers whether it is a relatively new phenomenon, if it is new to the construction industry, and what role it has in the industry. The name itself would appear self-explanatory in that it is a corporation behaving in a socially responsible way, but there is no clear definition and each of the large contractors refer to it by a different name and elements. In this study it is referred to as both corporate social responsibility and CSR.

1.3 Research Structure

This study has been structured to clearly set out the research and analysis which has been completed. In Chapter two, literature reviewed to identify and inform the research questions is analysed and discussed. The literature review has been set out in four sections, each relating to each research question, construction industry, subcontracting, construction workers and corporate social responsibility. The corporate social responsibility section also considers stakeholder theory, analysing its relationship with corporate social responsibility, and the construction workers status or lack of status as a stakeholder. This chapter is concluded with a summary of the analysis of existing literature.

Chapter three is comprised of the research methods and methodology used to carry out this study, and these have been set out and analysed. Including the method of research and collation of primary and secondary data this chapter also sets out who the participants of this study are, their role within the construction industry, with the interview questions. The method of data coding and data analysis which has been used to draw together the analysis and conclusions of this study is also explained in this section.

In Chapter four the findings and data analysis have been set out into four separate sections relating to the four research questions, construction industry, subcontracting structure of the construction supply chain, construction workers and corporate social responsibility in

the construction industry. This is ordered in alignment with the literature review chapter. The findings and analysis are compiled of the primary data collected through semi-structured interviews from participants with a connection to the construction industry. Each section has its own summary of the findings, and data analysis. The chapter also includes documentary analysis of the construction industry.

Chapter five concludes this study with a summary of data analysis and findings in relation to the four research questions, against literature reviewed to identify themes and produce recommendations from the findings for identified improvements which could be made within the industry. This chapter also considers the limitations of this study and suggests future research to add to this study.

Chapter six sets out the bibliography of this study, including literature reviewed, documentary data and online references.

2. Literature Review

An initial review of existing literature has been completed to help frame the research questions for this study, and literature has been reviewed and analysed in detail in relation to the elements to understand and inform the questions. The literature reviewed has also helped structure the questions and format which has been used in semi-structure interviews throughout the various layers of the construction industry supply chain and stakeholders. As suggested by Creswell (2003, p27) a review of existing literature can help limit the scope of enquiry, and it also gave the ability to form a conceptual framework in order to determine the gap in literature using the visual model to understand what is out there to study including key factors and concepts (Maxwell, 2013). The key factors which have shaped the working lives, and protection of workers in the construction industry have been identified and focused on through the literature review include:-

1. Changing nature of the construction industry
2. Subcontracting in construction
3. Casualised labour
4. Corporate Social Responsibility (CSR)

There is a limited amount of literature focusing specifically on the construction industry structure of subcontracting and workers in relation to corporate social responsibility. Jones et al (2006) and Evangelinos et al (2006) provide a good insight into corporate social responsibility in the UK construction industry but do not focus on the issues around employment in the industry, but Forbes et al (2009) provide a comprehensive analysis from a 2002 survey of contractors to understand the purpose and reservations of using casual labour which gives a useful insight.

Research has been carried out into how the construction industry has evolved to give insight into how employment within the industry has changed over the years. There have been changes in employment protection and trade union support, and standards, while corporate policies and regulations have evolved in relation to social value and how the industry has adopted corporate social responsibility into its strategy. This is further researched through how subcontracting is structured in the construction industry, the purpose of subcontracting and finally the method of employing labour, which is in the form of direct employment and also the use of casual labour which includes

subcontracting, self-employment, bogus self-employment and employment of workers through job agencies.

As found in the literature, stakeholders can have a significant influence on corporate social responsibility, requirements and reporting, and employees are considered a stakeholder. There is a breakdown of this relationship for casual workers who may not be considered to be employees by a corporation, and it can be suggested that this the cause of the disconnection where corporate social responsibility may not be inclusive of casual workers as they are not considered stakeholders. Therefore, stakeholders have been a key element to the literature review for this study to understand the connection with CSR and the extent of the disconnect between the corporation and casual workers. Each of these elements are reviewed and discussed following chapters in relation to the research questions.

2.1 Changing nature of the construction industry

The construction industry has been considered slow to embrace CSR despite the industries' major impact on society (Murray and Dainty, 2009, p3) which is demonstrated by the size of the industries economic output. For example, it was reported that in 2002 the UK construction industry created £65bn of economic output by Adamson and Pollington (2006, p1), and this would appear to increase significantly in the following years. The House of Commons Research Briefings Paper stated that the UK construction industry contributed £103bn of economic output in 2014, equating to 6.5% of the total UK output, and creating 2.1 million jobs (Rhodes 2015). This totalled 6.2% of the total jobs in the UK. By 2018 this had increased to £150bn and 2.7 million jobs equating to 8% of the national workforce (Kotera et al, 2019), demonstrating the growth, size and importance of the industry for providing employment.

Protection of workers in construction is not a new concept and looking back at the history of the industry protection was emerging with systems forming as early as the middle ages. A system of Craft Guilds was developed which looked after matters such as acceptable rates of pay, workmanship and standards. Morton and Ross (2008 p61) describe how there was from a hierarchy of workers with masters who had particular skills, to apprentices who would learn a trade for at least seven years. Much like today, workers would travel from job to job and workers who are now known as craftsmen such as joiners

and brick layers, had historically been referred to as journeymen. Unlike today, the journeymen would be employed directly by the client and the Guilds were thought to have worked with local magistrates in determining fair wages in exchange for guaranteed quality. Although as it was found in 1563, the wage rates in certain areas were set by the local magistrates for a working day, for a day which could last from 5am to 10pm with the wage barely above subsistence level (Morton, 2008 p62). There is currently a minimum wage set by government, but this is for an hourly rate rather than a working day which is an improvement, but the minimum wage is only applicable to workers considered to be employees.

The Guilds lasted many centuries and Gosden (1961 p1) describes how friendly societies have been traced from as early as 1687 when the Friendly Benefit Society of Bethnal Green was founded, and developed between 1815 and 1875, being found to be still in existence in 1883. The friendly society was a provider of mutual support much like the old guilds from which they descended, helping unemployed widows and getting people into work (Morton, 2008 p62). In 1793 George Rose brought in an Act to formalised societies to reduce demand of relief for the poor, and then almost immediately following this Act, their wider recognition also brought about an exclusion from the ban on combinations in 1799. The exclusion would appear to have been brought in during the industrial revolution between around 1760 to 1840 where hand production methods were replaced by machines. Kingsford (1973, p1) refers the industrial revolution has having a great effect on demand for buildings as the rich and well-off people became richer, and with working classes migrating to new factory towns and needing homes. The building contractor suddenly became important part of society.

The latter part of the industrial revolution era also coincides with the development of friendly societies which could be considered a response to the growth of the industry to protect the workers and standards. The friendly societies have become more commonly known as trade unions and the union of National Federation of Building Trade Operatives (NFBTO) was formed in 1918 to form greater unity of all unions which was also the Governments wish to have one union for each trade. The federation confronted employers and started by a campaign for the 44-hour working week (Kingsford, 1973 p179). A century later the UCATT the construction union merged in January 2017 with Unite (Construction Manager, 2020) and was said to have one united powerful union on

their side, to combine resources, focus on ending bogus self-employment and to dramatically boost the number of proper apprenticeships.

The focus on apprenticeships in the industry was not new. In 1945 there was an enormous task of providing homes (Kingsford, 1973 p209) after the Second World War and the government introduced the construction apprenticeship scheme, intended to train 200,000 men for six months, which the unions agreed to but only on the condition that it was controlled by the apprenticeship committees. The Simon Report on 'The Placing and management of Building Contracts' which was published in 1944 to try to improve procurement in the construction industry, could be considered to have been written in order to prepare to efficiently rebuild UK communities after the war. The construction industry's traditional fragmented process was identified as needing improvement and has been well reported over the years, with the Emmerson report in 1962 and the Banwell report in 1964 both commenting on the need for change and highlighting participation of several specialists and functions being co-ordinated effectively (Cooper et al, 1998). The change brought by two reports could be considered to have been concluded by the UK Conservative Government launch of PFI (Private Finance Initiative) standard contracts in 1992 to encourage the private sector to get involved in public sector projects and provide value for money (Kirk and Wall, 2001). Akintoye et al (2003) set out how while the public sector clients must secure the value for money, the private sector would take on the projects risk which would appear to be a winning formula for the public sector. This initiative was further expanded under the Labour government from 1997 and provided a large pipeline of work for the construction industry, to build new public service facilities such as schools, roads, and NHS facilities.

During this time, Jones et al (2006) carried out research on CSR in the UK construction industry and found that the larger firms particularly were recognising their impact, and also keen to communicate their CSR commitments to their stakeholders and to government. It was questioned by Lin (2010) if CSR is just window dressing or an actual structural change to the businesses processes, while also recognising that CSR was itself a long process to implement rather than an overnight change to develop the initiatives (Lin, 2010, pg65), it could be that there was a connection to this period when a large volume of public sector projects and pipeline of work was available, and CSR policies and statements were written to enable the larger contractors to win work without the processes being fully developed.

At the beginning of this period of government projects, Michael Latham's report in 1994 identified 30 potential improvements to the construction industry processes, one of which was partnering with the client (constructingexcellence.org.uk/wp-content/uploads/2014/10/Constructing-the-team-TheLatham-Report). This was seen in the 1990's to resolve the fragmentation and lack of integration issues between the contractor and the client, to improve project performance, and also assist subcontractors through the supply chain to co-operate in a partnering manner, to work together and achieve the project objectives as a whole (Bresnen and Marshall (2000)). The Latham report sets out three types of construction, being 'Standard', 'Traditional' and 'Innovative'. Standard construction involves a limited range of processes and components best served by a design and build contract with a single point of responsibility and a transfer of risk from the client to the contractor who will be responsible for the whole project once it is on site, this type of contract is commonly used in the industry today. Whereby the traditional contracts were well used techniques with Standard Forms being used such as a JCT 80, was previously the most familiar process. Design would be completed up until the management (main) contractor mobilised a series of work contractors to build the project. Innovative Construction involves the client being hands on with a strong procurement system (Cahill and Puybaraud, 2008).

With the fragmentation and lack of integration issues being considered resolved in this period of the 1990's and the Latham report, it is a surprise that a significant change was made to public procurement of construction works when the PFI projects were dropped in 2010 under the new Coalition Government promising a reform (Government, 2011). The reform did not really materialise on the same scale and the construction industry pipeline of public sector work became less structured during the fall out of the 2008 financial downturn. As described by Whitla et al (2006) within their qualitative case study, construction industry customers (including the government and local authorities) are very cost conscious and the contracts may almost always be awarded to the lowest bidder. This single focus of the being lowest bidder to win contracts through public sector procurement may have taken precedence following this change to a structured process.

From an economic perspective globalisation has not helped in terms of the competition that the UK faces, especially in the Construction industry where contracts are being awarded to the lowest bidder, who may be an overseas contractor or contractor's

employing overseas workers at a cheaper rate. The globalisation phenomenon has created greater world-wide communication and cheaper methods of travel, giving workers more easily accessible work through internet agencies (Bust et al, 2008). While this can reduce labour costs using an arm's length recruitment process and make corporations more competitive, it is disconnecting the workers further from the contractor. LeBaron (2014) shares a deepening concern of how the risk of forced labour and slavery has rapidly grown in the era of globalisation, with 80 per cent of forced labour occurring in the private economy, and third party labour agencies sourcing workers from other countries. This disconnect from the contractor to the worker can enable gangmasters to use forced labour in the industry mostly undetected.

2.2 Subcontracting in construction

Subcontracting in the construction industry is a well-established structure for employing much of the necessary skilled and unskilled labour. Green (2006) describes the subcontracting structure as many managers managing the next level of manager, for example the contractor managing a subcontractor who may then have to further subcontract, which naturally creates a distance between them and the contractor. This was also described by Artditi and Chotibhongs (2005) as the practice of smaller firms contracting with a general contractor on a short-term basis and to perform specific tasks. They suggest that this practice often generates an efficient and cost-effective resource for the industry and Artditi's and Chotibhongs's research investigates issues within the subcontracting practices providing valuable insight. Harvey (2003) also focused on the cost-efficiency and estimated a saving of between 20 to 30 per cent on labour costs due to the practice of avoiding direct employment by contractors and subcontractors.

Strangleman and Warren (2008) wrote a comprehensive review on sociological approaches to work and society, and social change such as the re-emergent subcontractor structure which is suggested to be resulting from the need to be competitive, rather than the effectiveness for completing the job. This could be traced back to international competitive bidding for construction work being adopted by World Bank procurement processes in 1980, exhibiting a creation of value for the corporation out of labour. Cutting costs to be competitive by subcontracting out the work Quinlain (2015) considers to have a negative impact on health and safety at work, giving reference to multi-tiered subcontracting being associated with safety corner cutting and suggesting this was a

significant factor in numerous worldwide incidents resulting in fatalities. Forde et al (2009 p660) through their analysis found one of the greatest reservations towards using subcontractors was ‘The need to maintain control over health and safety considerations’, suggesting that the main contractor’s questioned considered this to be a risk rather than a benefit of being able to cut corners. Safety is a relatively untouched focus of CSR literature in the UK which could be due to there being laws which enforce the safety of workers rather than it being considered optional as a CSR policy. Gurmú (2019) adopted a mixed-method approach which also included qualitative data collected through interviews to review health and safety practices in Australia and found that the level of implementation of health and safety practices was directly associated with the company experience and size, and that it would increase with project costs. Sherratt et al (2013) focus solely on UK construction site safety, drawing their analysis from wider research on safety on large UK construction sites, although their focus is not in relation to CSR.

Sherratt et al (2013) consider the two most prominent discourses of safety on construction sites being found in enforcement and engagement, and the phenomenon of the high-risk contractors and operatives are willing to take to get the job done. This could be for security, production or money reasons but the responsibility and ownership of safety sits in the segregation of the main contractor and subcontractor roles. Ngai and Huilin (2010) concludes that this segregation creates a negative effect, with subcontracting of labour bringing consequences through a detachment of responsibility despite best intentions of the employer. Yung (2009) implies that a subcontracting structure can also increase the difficulty for the main contractor’s site management. This was also recognised by Sherratt et al (2013 p631) who found that aligning the main contractors supervisors onsite with the subcontractor’s supervisors onsite to manage safety can help develop collaborative associations, however there was also evidence of a main contractor and subcontractor divide within the management and enforcement of safety. This could create a further disconnect of the subcontractor workers from the main contractor’s corporate policies and culture by creating their own.

Green (2006) reviewed the management practices in construction projects, and provided a useful account of how management are generally involved in the subcontracting element of construction, rather than the construction itself. El-khalek et al (2019) also more recently found through research of construction companies that for many of them the contractors preferred to outsource project activities to subcontractors, and to just manage

the project financing, contract administration with clients and the procurement of equipment and materials. This can result in the contractor taking just a management role, with the subcontractors carrying out the work and implementing the client's requirements. Despite this key role of subcontractors in the industry, Hinze and Tracey (1994) found that the actual process of procuring subcontractors, and how they would often be required to take on more risk than which they would not usually assume to win work was not very publicised. Harvey (2003) also considered the benefit of offloading the risks of poor organisation to a subcontracted and casualised workforce.

The issue of subcontracting creating a culture of casual labour is studied within Bernstein's (1986) research in relation to the cleaning sector, and although a different sector to the focus of this study, the data collated is relevant in terms of the structure of labour within the subcontracting structure. Forde et al (2009) found the three forms of what they termed contingent labour (casual labour) to be subcontracting, self-employment and agency workers, and in the construction industry the use of subcontracted labour was the most dominant form. In their analysis of surveys completed by main contractors, the highest percentage of respondents citing their reason for using subcontracted labour was to meet peaks in demand (68.1%) and resource one-off tasks (70.1%), and just a low percentage (27.1%) cited that it was to reduce fixed wage costs. This does not align with the research of Green (2006) or Hinze and Tracey (1994) which cites the purpose of subcontracting is to be competitive and cut costs, although the transfer of risk was not one of the factors considered to lead main contractors to use subcontractors (Forde et al, 2009 p659).

The transfer of risk is further considered by LeBaron (2014) suggesting that a supply chain fragmentation through subcontracting is actually not an automatic process but an intentional corporate strategy to transfer the risk onto suppliers. To ensure economic success, those suppliers will further subcontract the work to distance themselves from labour. LeBaron questions if despite subcontracting not being illegal, is it unethical? LeBaron also shares that in 2014 the social audit industry and Non-Governmental Organisations (NGOs) were working with corporations through social or ethical auditing to "slavery proof" subcontracting supply chains by working with corporations to work against illegal practices through voluntary CSR. Voluntary is a key word as signing up to for example to support the Gangmasters and Labour Abuse Authority and complying with CSR standards is still voluntary and not a legal requirement for corporations, despite CSR

standards more recently being considered important for the public sector when bidding for work.

Lou et al (2011) consider a common standard of CSR to be essential, and their research includes the review of different recognised standards, with the SA8000 Social Accountability Standard being the most relevant to subcontracting and workers. SA8000 is a standard ‘based on international human rights norms and national labour law as that will protect and empower all personnel within a company’s scope of control and influence’. These included products or services provided for that company by ‘personnel employed by the company itself, as well as by its suppliers, subcontractors, sub-suppliers, and home workers’ (Lou et al, 2011 p676). It is therefore considered to be inclusive of all personnel who are influenced or controlled by the company, which should include casual labour. The standard is internationally recognised as standards of decent work protecting circa 2 million workers across the world in 57 different industries, but it is voluntary, and from the 24 companies signed up from the UK at the time of this study, none of which are contractors from the UK suggesting the standard has in the past ten years not been adopted by the industry (www.saasaccreditation.org), despite the focus of the social audit industry and NGOs (LeBaron 2014). But there has been the development and adoption of the Modern Slavery Act 2015 (www.legislation.gov.uk, 2015) which also looks to ‘slavery proof’ supply chains, and puts the reliance on the contractor and subcontractors.

As suggested by May and Saddiq (2006) the shift of the risk of non-payment of clients to subcontractors has resulted in a lack of protection for subcontractors and impacted on construction workers being paid. This was also highlighted over twenty years ago by Hinze and Tracey (1994) who found that problems with being paid was continuing for subcontractors, with it being accepted by subcontractors as being part of doing business. Based on their previous research, Ngai and Yi (2011) report that contractors and subcontractors have little influence over the large construction corporations and Larson (2014) also picked up in their research that late paycheques are becoming a popular topic of discussion among workers. There does not appear to be much support from the government, quite the opposite with the government being recently accused by Unite of selling out Carillion’s subcontractors by signing up to further contracts with Carillion despite knowing of their financial health. They were accused of knowing of the issues a month before Carillion went into liquidation that the subcontractors who signed up and

were owed money would only receive a penny in every pound they were owed (www.unitetheunion.org). This could be considered contradictory to the government introducing an Act to slavery proof supply chain, but then be party to situations where the supply chain is not being paid.

2.3 Casualised labour

The use of casual labour in the construction industry is common, with contractors using different forms of employment contract and status, all of which are considered indirect employment. As described by Forde et al (2009) casual forms of employment which they refer to as ‘contingent’ labour in their study, includes subcontracting, self-employment and agency work, and the growth of this form of labour had been of intense interest in the previous twenty years to 2009. The subcontracting element is reviewed in detail within Chapter 2.2. Forde et al (2009) consider casual labour to have been historically used to provide relatively cheap labour, due to the gap in the worker’s employment protection, which raises the question of if this is also a gap in how they are impacted by a contractor’s CSR if they are indirectly working for that contractor.

The nature of casual labour being used in the construction industry was found to have significantly changed since 1975 (Morton and Ross, 2008), whereby the number of self-employed workers was increased dramatically. Unions have argued that up to 75% of the construction workforce is to be self-employed with a mix of genuine tradesmen and bogus self-employed workers (Morton and Ross, 2008 pg67). The reason for this growth in self-employment was suggested to be due to a possible alternative for the decline in direct employment during the recessions of 1990, 1992, 2008 and 2012, although the growth was found to have slowed in 1997/1998 with new limitations being introduced (Behling and Harvey, 2015). As identified by Stocks et al (2011, p407), this growth has resulted in the UK having the highest proportion of construction workers who are self-employed within Europe (30% in 2000), with the Office for National Statistics reporting that 845,000 of construction workers to be self-employed in 2016 (Focus on Labour Exploitation, 2018). Although they also acknowledge that many of these workers are employed but classed as self-employed for tax purposes. This is described as bogus or false self-employment, of which Harvey (2001) explains how the tax incentives have stimulated this growth in construction, and that has led to a low cost, low skill and a low productivity industry.

The Office for National Statistics reported in 2016 there to be 200,000 construction workers who were assumed to be in false self-employment (Focus on Labour Exploitation, 2018). Behling and Harvey (2015) address the mass phenomenon of false self-employment of which they also refer to its purpose as being the reduced insurance cost and tax evasion, using the term false self-employment to describe workers who are not carrying out the normal activities of self-employed workers such as tendering for different contracts, but instead show more characteristics in line with direct employment:

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‘....substantial continuity of engagement with a single employer over many contracts, lack of control over working times, not supplying plant or materials, or obeying instructions in everyday routines.’ (Behling and Harvey (2015 p970).

Therefore, if they are acting as an employee they should instead be classed as an employee, have employment rights, be considered a stakeholder and be impacted by their employer’s CSR policies and procedures. The employment rights their self-employment status excludes them having through their self-employment status are described by Harvey (2001) as workers bearing the full risks for sickness, accidents, pensions in retirement and along with the loss of income during periods of inactivity. Clarification on employment relationships has also been set out by Burchell et al (1999) which includes not just the duty to obey orders amongst others but also to have entitlement to sick pay and holiday pay. It appears that the requirement of obeying orders is no longer offset with the benefit of the employer covering sick pay and holiday pay as this disappears for self-employed workers and the nature of this work is now more commonly known as the gig economy.

In 2018, the government promised an overhaul of employment rights for millions of workers including those in the gig economy in response to the Taylor Review. This was to include ‘stricter enforcement of holiday and sick pay rights and higher fines for firms that breach contracts or mistreat staff’, with Business Secretary Greg Clark stating that the measures would ‘address very clearly’ the rights of those in insecure and precarious work. Although the government did state that nearly all the recommendations of the Taylor review will be adopted, unions have said the plan will still leave 1.8 million workers without key rights” (www.bbc.co.uk, 2018). The construction industry workers

made up 18% of the 1.1 million gig economy workers estimated in 2017 as set out in the diagram below: -

Gig Economy workers (BBC News, 7 February 2018)



It is not clear how many construction workers carrying out skilled and unskilled work were already employed on a precarious basis which the gig economy is based, simply by the nature of the work, and the necessity to move on from job to job, but this is a significant number of workers who are expected to still be without key employment rights despite the government promise of an overhaul. This also suggests that there is still a loophole for employers and workers to use, whether that is due to the nature of the work, or to avoid paying taxes and thus saving costs as suggested by Harvey (2001). This was recently addressed by the Uber taxi drivers who won their case that due to Uber setting the fare for drivers, terms and conditions of using the service, and Uber having significant control over the way that drivers work including taking active steps to prevent them working independently. It was ruled by the Supreme Court that they were in fact employees and not self-employed. This therefore entitled the drivers to basic employment rights including paid holiday, rest breaks and a minimum wage (Personnel Today, February 2021). This could have a significant impact on the gig economy if workers in other industries were to take the same action against their employer. Although with the construction industry their employer can be ever changing making it more difficult and complex.

The ILO have also recognised that the extended contracting chains with subcontractors and self-employed workers can result in workers not being guaranteed a ‘fair, just, safe and healthy working environment’ and instead being denied access to certain benefits and rights (ILO 2017). Cotton et al, (2005) suggests that in the developing and the developed world, the construction industry is reported to be one of the largest employment providers. It is also considered by Cotton et al to be one of the least safe industries. Their research examines if International Labour Standards are adequately reflected in construction work contracts, and if they are not, how they could be improved through contract clauses and put into operation. Outcomes of their study suggests that it is important to implement existing labour standards prior to the consideration of creating new labour standards. The importance of implementation is key to this study, with consideration of a contractor’s CSR and how that is implemented or intended to be implemented to protect all workers on their construction sites in addition to any labour laws or construction work contracts.

Böheim and Muehlberger (2006) argue that under UK labour law self-employed workers not only lose their rights of social security protection, but they may also be without trade union protection and the ability to collectively bargain with other workers. Their research results had shown that this was concentrated in the construction and financial service sectors. This lack of protection can have an impact on the workers’ health, both mental and physical, particularly if they have a heightened fear of losing their job which is suggested to create a reluctance to report injuries. Also, without the entitlement of sick pay they would be more inclined to work with an injury (Underhill and Quinlain 2011). This was also a factor identified in the research carried out by Hanna and Markham (2019) that casual workers in the UK construction industry would not take time off or go to the doctors if they were unwell as they could not afford to being unentitled to sick pay. The desire to improve workforce health was by one of their participants was considered to be just a box ticking exercise, possibly just for insurance purposes. Hanna and Markham’s (2019) data analysis has similarities to this study, recognising the prevalence of subcontracting and there being a difference between large and small companies, while identifying the need for a focus around health and wellbeing in the industry.

Mental health and wellbeing is the focus in Campbell and Gunning’s (2020) recent study into construction workers in the UK, demonstrating that it has become a more recent focus of research. Stocks et al (2011) also found that labourers in the construction trades had significantly increased work-related ill-health with poor access to occupational health

services, which can be the consequence of workers not being directly employed, and suggest that the CSR of contractors who aim to protect their employees is exclusive of their casual workers, not inclusive. Stocks et al (2011) had thought matters may improve following high-profile construction projects such as the 2012 London Olympics, but it was not clear from their research if workers intentionally worked while in ill-health.

Jones et al (2006) also found in their research that occupational ill health was a major problem for workers in the construction industry. This has been identified under the UK Health and Safety Executive who state that work related reportable incidents must be reported for injuries, plus the number of non-reported incidents are also disclosed, although this is related to incidents rather than sickness, or workers continuing to work while unwell. In 2015 CDM regulations were introduced in the UK by the Health and Safety Executive. The regulations require the principal contractor to make and maintain arrangements to develop, promote and check the 'effectiveness of measures to ensure the health, safety and welfare of the workers', and in addition requiring workers to have relevant skills, knowledge, training and experience, or that they are provided with the training and supervision that enables them to do it safely and without risk to health (HSE, 2015). This was a significant change from just reporting incidents and does put in place regulation instead of it being just voluntary, but it perhaps does not include mental health and wellbeing which CSR is advertised to include. Kotera et al (2019) more recently reported that despite the number of deaths due to accidents on UK construction sites being reduced from 200 per year to 40 per year in the past 60 years, the number of suicides which were suggested to be caused by mental health issues had remained static. The mental health issues included anxiety, stress and depression with approximately 280 deaths per annum by construction workers, and a quarter of construction workers having considered suicide (Kotera et al, 2019 p136).

Mental health concerns could be partly related to the precarious nature of the work, due to the lack of security and protection. Ngai and Yi carried out primary research with workers within the construction industry, who described how the lack of contracts and culture of agency work make the workers feel far removed from the corporation which now appears to apply to the UK. Additionally, Underhill and Quinlain (2011) found in their research that 27% of hourly paid casual agency workers in Australia who formed part of five focus groups in 2003, had worked irregular hours without protection from arbitrary dismissal compared to the direct workers which can be considered a further form of stress and

anxiety. As with the increase in self-employed workers, agency labour has also been found by Forde et al (2008, p690) to have increased significantly in the five years prior to the period of their research. In their research responses from UK construction firms between the years of 2002 and 2004, it was identified that temporary agency labour was largely used for traditional reasons to resource high demand and to carry out particular tasks, and rather than for what they termed to be 'new' reasons to use agency labour such as to reduce wage costs. This suggests that the contractors either were not willing to state their reason for using agency labour was to cut costs, or that they were using it for the traditional reasons of being task specific and to resource a high demand in labour.

Sourcing labour through agencies has as identified by LeBaron (2014) become easier through globalisation with third party labour agencies being able to source workers from other countries to meet the contractor's requirements. With an increasingly flexible global labour market, the construction sector is considered to be popular for newly arrived low-skilled workers. Migrating mainly from the A8 countries which include what is considered to be the poor countries from Eastern Europe which includes Czech Republic, Poland, Lithuania, Latvia, Slovenia, Slovakia, Hungary and Estonia, the industry is particularly popular due to the low level of training required for casual labourers (Datta 2009). It was also identified by Bust et al (2008), that owing to the globalisation phenomenon and with international travel becoming cheaper and quicker, there is a greater number of non-English speaking migrant workers, and the language barrier can be ignored by corporations when communicating health and safety and management guidance. This can place workers at even greater risk if they cannot understand the health and safety procedures, in addition to potentially being without social security protection and it is assumed, trade union protection. Workers in this situation can also be at risk of forced labour of which the construction industry is found to be one of six sectors where people are subjected to forced labour (www.gla.gov.uk).

The structure of this is clearly set out by Cremers and Janssen (2006: p18) describing the labour supply being organised in a collective manner by an agency, or in some cases a gang master via informal advertising which has been more recently made easier through social media. They will then sit between the worker and the client providing cash in hand payments to the worker which is usually for temporary work using vulnerable low skilled workers. In these circumstances there will be no labour contract, no employment rights, and to the contractor's benefit no social security obligations, and therefore cheap labour.

Cockbain and Brayley-Morris (2017) describe how the construction industry was found in their research to be the primary labour market of which victims were exploited, with the male offenders role to include the arranging and facilitating of construction work in addition to over-charging clients, and charging to fix damage which they would deliberately cause. Responsibility for forced and compulsory labour is suggested to be at the fault of the complexity of subcontracting arrangements and creation of a fragmented supply chain (LeBaron, 2014), allowing it to be concealed and undetected in the industry.

Forced labour has been recognised as an significant issue, and in 2015 the Modern Slavery Act was introduced which ‘requires certain businesses to disclose what activity they are undertaking to eliminate slavery and trafficking from their supply chains and their own business (www.legislation.gov.uk/ukpga/2015/30/notes/division/2). This places the responsibility on the contractor for all of their workers within their supply chain, and not just direct employees. There is now a Gangmasters and Labour Abuse Authority (GLAA) which aims to prevent worker exploitation, protect vulnerable people and track unlicensed or criminal activity and ensure those licensed operate within the law. To the cynical eye, this could be construed as being an attempt by government to reduce social security tax evasion. Although as raised by Cockbain and Brayley-Morris (2017) literature on human trafficking has been undeveloped with a lack of scientific objectivity and therefore there is little academic evidence. But whatever the purpose of the GLAA they do appear to be achieving some good, for example in March 2018 an investigation after a London raid on a property in Croydon, where construction workers were found in squalid conditions and the offenders arrested.

Numerous construction companies are joining the GLAA including Morgan Sindall and Robert McAlpine, to help identify and gain persecution of gangmasters who are providing construction workers to the industry. Although this is at odds to claims made by Smith and Chamberlain (2015: p163) that Robert McAlpine had actually chaired the finance committee of The Consulting Association which was set up to blacklist workers who raised health and safety issues, rather than aiming to protect workers. Smith and Chamberlain (2015) gave in-depth examples of bad health and safety practices within the UK construction industry that put workers at risk. The book is critical towards construction corporations, based on accounts from the construction workers providing a non-academic assessment of their experiences working for contractors. High Court judgements in 2016 found a number of the contractors guilty. In 2013 the Welsh

Assembly took a lead in barring firms which blacklisted when recruiting workers due to their trade union membership or unionist work (www.bbc.co.uk/news/uk-wales). This is a very real impact to the contractor. One could therefore suggest that Robert McAlpine are either remorseful and a changed organisation in regard to their concern for the well-being of construction workers, or it could just be a PR exercise to demonstrate their concern for their workers to win work, which is as suggested by Frankental (2001) to be the whole purpose of CSR.

2.4 Corporate Social Responsibility (CSR)

Numerous books and articles have been written on CSR, on its origination, purpose, implementation and credibility, but what is it? To understand how corporate social responsibility is used in the construction industry and impacts on workers, this study considers how it is being defined by academics and businesses. By simply breaking it down the words, it could be defined as a corporate behaving in a socially responsible way, where social is considered the society which we live and work in. Yet it has been difficult if not impossible to find one simple definition, instead there is an abundance of definitions. This can prevent an effective development and implementation of the concept (Dahlsrud (2006), and thus interpretation has been mixed across different industries and corporations. According to World Bank CSR is an expectation of corporations to consider not just their profit line, but also the effect their profit making has on those around them. The World Bank's definition of CSR as:

“...the commitment of business to contribute to sustainable economic development-working with employees, their families, the local community, and society at large to improve the quality of life, in ways that are good for business and good for development.” (Jones et al 2006).

Sustainable economic development is a key factor of CSR, and this study focuses on the working with employee's element and relating it to the commitment to improve the quality of life of those employees. While this definition is clearly inclusive of employees, when relating the definition to the construction industry where there is a large percentage of indirect employees who are considered casual labour through subcontracting, self-employment and agency workers, it is uncertain if this is intended to include indirect employees as well as direct employees. This definition could also be interpreted that CSR

is intended to use employees in ways which are good for business rather than good for employees. Seeking clarity on the interpretation of CSR, Dahlsrud (2006) provides a very useful overview in his study from over a decade ago analysing 37 definitions of CSR which were gathered through an extensive literature review. These were used to try and establish an unbiased and clear definition of CSR through five dimensions which are described within Dahlsrud's study as:-

1. Environmental referring to the natural environment
2. Social referring to the relationship between society and business
3. Economic in terms of business operations and financial aspects
4. Stakeholder referring to stakeholder groups
5. Voluntariness referring to actions not prescribed by law.

The first dimension represents the increasing focus on a corporation's impact on the environment and so this element is becoming ever more relevant to businesses with some large contractors currently declaring their targets for net zero carbon construction to help combat the global climate change. The second dimension referring to the relationship between society and business suggests that society is a stakeholder in businesses as the relationship is important, and this is also becoming more of a focus in procurement, particularly with the introduction of the Social Value Act in 2012 (Government 'Social Value Act: Information and resources', May 2006). The Social Value Act forces any bids for public sector work to have a minimum weighting applied to social value of 10%, with the contractor being required to illustrate how they will bring value to the community they are working in, and this includes the securing of apprenticeships, and getting people into work. Clearly a government push on matters which have been considered by the trade unions and prior to that the friendly societies and Guilds over a number of centuries. Although the protection for those workers could be considered as additional the Act which focuses on getting people into work, and assuming this includes both direct and indirect employees.

The third dimension economic, relates to the terms of business operations and financial aspects sets out the corporations responsibility to its shareholders, to maximise returns for the shareholders and also maintain a profitable to business which in turn will secure employees jobs, although this is only relevant for direct employees as indirect employees do not have such security of future work. Friedman (2007) discusses the shareholders of

a corporation and their role, as where a corporation is not a person but an artificial entity, only people can have responsibilities including social responsibilities. Friedman suggests the increasing acceptance that “corporate officials and labor leaders have a social responsibility that goes beyond serving the interest of their stockholders or their members” is against the free economy nature of using its resources to increase its profits (without deception or fraud) which would conflict with Dahlsrud’s third dimension.

This conflict of interest is a common view, and Friedman makes reference to the Adam Smith’s invisible hand of promoting a socially responsible end which was not what was intended by a corporation. This socially responsible outcome is considered to be more effective when corporations purposely trade for public good through CSR activities rather than as a natural outcome through the provision of jobs and spend in the economy (Friedman, 2002: p133). Basing their research on the invisible hand being used to correct corporate social responsibility Shum and Yam (2011) seek to understand why and how profit motivated managers would voluntarily adopt corporate social responsibility. This was further researched by Maltz, Thompson and Jones-Ringold (2011) who suggested that businesses can rationalise the cost by estimating the shared value of each socially responsible initiative, which would reflect on Dahlsrud’s five dimensions of CSR, with one dimension potentially producing more value than another dimension.

The fourth dimension is key to this study, which considers workers to form part of a stakeholder group and thus fall into the fourth dimension relating to stakeholder groups which Dahlsrud is suggesting are a factor of CSR. Stakeholders may include the shareholders, government, clients, suppliers and employees, and as identified with shareholders being a key stakeholder there will be a conflict where shareholders profits are reduced or used for public good. The fifth and final dimension of Voluntariness refers to doing more than is required by law. What can a corporation add in value above what they legally are required to which this study considers may be applied to construction and indirect workers which by law are not entitled to occupational health support, sick pay or holiday pay but while there is still a gap in employment law and employment rights this could be addressed rather than used for the economic benefit of shareholders.

With the dimensions set out above being broad and wide in their description, Dahlsrud’s analysis also gives an insight to the complexity of CSR, referred to in other literature. Dahlsrud conclude that those definitions of CSR analysed in their research, were

principally consistent, but the definitions were failing to present any guidance on managing the challenges of CSR (Dahlsrud, 2006). This is a key factor as without understanding how to manage CSR within a corporation, how can it be measured as being effective or being implemented effectively, and how has it been effective historically? CSR as a concept in the UK is suggested by Smith (2003) to have been in existence as early as when social responsibility was embraced in the aftermath of the industrial revolution with factories such as Bourneville creating towns for the workers with housing and amenities in 1879 for social betterment, which could be related to the World Bank's definition of CSR as improving the community's quality of life.

This period is the focus of much research including Crane et al (2008: p21) who describes how the West Cork Railroad Company did try to provide protection for its worker's job losses in 1883, but they were refused by the Court to compensate its workers, and ordered instead to only spend their money to continue the business, suggesting an economic priority of profits over workers by the Court rather than the employer. In contrast in the same period a piano manufacturer was permitted to use land to build a school, church and library with the Court seeing the employee's welfare as being beneficial to the business. In this example despite Smith (2003) suggestion that a corporation's commitments to CSR is based on the individual organisation, historically it appears to have been the decision of the Courts to determine the commitment of the corporation to CSR in regards to employee welfare and payment rather than the corporation, which demonstrates the power and influence of law and Government over corporations at that time.

Later in the twentieth century following World War I greater equality and a rethinking of the social order was thought to have increased in momentum with the image of the capitalist being a war profiteer (Blowfield and Murray, 2011). This period was said to have been the era of when business views of philanthropy were being shaped, with philanthropy being considered an early form of CSR (Crane et al, 2008: p22). Philanthropy is referred to in Carroll's (1991) Pyramid of Corporate Social Responsibility which portrays four components of CSR, to be taken together to constitute the whole being and not mutually exclusive. The components in Carroll's research are put into order of priority and state economic and profits as the foundation, followed by legal responsibilities, ethical responsibility and finally corporate responsibility (Philanthropic) as being the last priority. But with the Social Value Act being introduced there is an

obligation to contribute resources to community and improve quality of life through social value, all four components are now required to succeed in the markets.

In recent years, with CSR being found to have become more of an identified concept despite being seemingly more complex to try to define and implement, there is debate as to when it became popular. Evangelinos et al (2016, p377) who explored corporate social responsibility in the UK construction industry state that the concept had over the past decade gained momentum, which adds to Jones et al (2006) suggestion that within the business community it has been gaining momentum since 1996. This is not surprising as Evangelinos et al cite Jones et al in their own study. Murray and Dainty (2008) found the first phase of reporting CSR was common even earlier than that, in the 1970's with actual social responsibility performance being reported in the 1980's. Their book gives great insight into the complexities CSR has within the construction industry based on personal experiences and research insights. They do not try to provide the reason for there being CSR discourse within the industry but instead try to understand the challenges. Lou et al (2011, pg674) who's research is based on the UK construction, also state that the term social responsibility came into widespread use in the early 1970's, and that the CSR acronym was described as the hot issue of the 2000's, while recognising that CSR means different things to different people.

With social responsibility being identified over the last five decades, it could be expected to have become better understood and defined, but it has instead grown in its complexity along with societal expectations. The focus of social responsibility is suggested by Harrington (2011) to have shifted more towards sustainable development and climate change, and that the ILO has had to adopt other instruments in order to address CSR and labour concerns. This was also previously identified by Utting (2007) that while CSR varies in its contribution to the different elements, labour and human rights were lagging behind the other elements with the well-being of workers being low on the agenda although there have been as identified further regulations being introduced since their research. There was a focus on working conditions in 2003 when the European Foundation for the Improvement of Living and Working Conditions produced a one-hundred-page report on corporate social responsibility and working conditions. Part of the report's focus was on CSR in the UK, where they also found there was no single definition of corporate social responsibility but the issues of subcontracting in regard to CSR figure little (Segal, Sobezak and Triomphe, 2003, p51).

There has also been a debate over the general role and the agenda behind CSR for businesses, and as was questioned by Lin (2010) if CSR is just window dressing or an actual structural change to the businesses processes. Lin concluded that ‘in developed countries many companies use CSR as a tool of public relations’, while recognising also that CSR was itself a long process to implement rather than an overnight change to develop the initiatives (Lin, 2010, pg65). Frankental (2001) also questioned the true meaning of adopting a CSR policy to which he offers a critical view and considers it to be a PR invention, suggesting that CSR can legitimately be branded as such. As a potential solution to this branding, Evangelinos et al (2006, p396) concluded that researchers should ‘shed light on the procedures and processes within a construction firm that pertain to the preparation of the CSR report and the issues that need to be resolved for effective accountability practices, beyond the scope of public relations and the pursue of reputational gains’. This would provide some insight to the CSR being implemented rather than just the PR of existing within the corporations, but with the wide range of definitions and different elements of CSR this would still be difficult to compare or contrast the processes, or to benchmark how effective they may be.

With CSR being in conflict of a corporation’s stakeholders with a shareholder’s expectation of their priority to be making profits and returns to the shareholder, if socially responsible behaviour does not feed into a company’s share price or its profits, what is the incentive for a company’s leaders to pursue socially responsible policies? CSR has been critiqued as only taking root when it is rewarded by the financial markets (Frankental 2001), and Campbell (2007) expands on this suggesting that it is down to the market in which the corporation is in and the competition faced. Where margins are narrow, a corporation may cut corners and behave socially irresponsible to survive, whereas under conditions where margins can be larger managers may become more concerned about their reputations to maintain their supply chain and customers. There is also the influence of the client, and the more recent focus on social value with the introduction of the Social Value Act 2012 for contractors bidding for work with the public sector. Where a contractor is required to demonstrate how they will deliver social value as part of their contract, this can convert the cost of social value into a financial reward for winning work. But there needs to be confidence in the public sector understanding social value, the contractor delivering what they promise to, and an ability to audit what is being delivered against what has been promised for it to make an impact.

The government has been the main driver of CSR in the UK according to Moon (2004), with the government seeing CSR in the private sector as being able to substitute or complement government efforts, and legitimise government policies within the private sector. The Public Sector as a whole is seen to be supporting CSR activity by providing an enabling environment, further described as “a policy environment that encourages (or mandates) business activity that minimizes environmental and/or social costs and impacts while at the same time maintaining or maximizing economic gains” (Fox et al, 2002). Rabet (2009) seemingly in agreement states that while governments have primary responsibility in enforcing human rights, corporations are expected to play an important role in this area. Although Rabet did conclude with a generic view that CSR cannot protect human rights without threatening a corporation’s profits, much aligned with Friedman’s view, suggesting that a corporation would not be willing to protect human rights if their shareholders are driving them to increase profits, and that casual labour is solving this conflict of recruiting workers without rights. The need for corporations to play an important role and to behave more like the public sector is indicated by Moon (2004) to be a result of historical failures of the UK government and particular to have been caused by Thatcher’s de-nationalisation of public services such as utilities and allowing the private sector corporations to fill the gaps in the market. This is perceived to be driving CSR with the government needing to encourage the private sector to have priorities other than just profits. The de-nationalisation of industry sectors has led to the direct decline in government responsibility of business providers although this is in contrast to the view that as a left-wing intervention, CSR is to disrupt market capitalism (Blowfield and Murray, 2011). McBarnet et al (2009: p251) also argue that Friedman’s arguments that the ‘social responsibility of a corporation is to increase its profits’ had won out during the Thatcher era.

In this context, should the UK government play a role in the enforcement of CSR? Williams and Aguilera (2008, p455) describe how when Tony Blair was Prime Minister there was an emphasis on promoting CSR, with regulations in 1996 being publicised and followed by countries in Europe, requiring the trustees of pension funds to adopt Statements of Investment Principles impacting on investment portfolios. Pension funds to take social and environmental information into account thus having an important effect on socially responsible investment. A year later McBarnet et al (2009) reported that despite CSR being voluntary in the UK construction industry, this is said to be becoming

less sustainable as social and market pressures grow. McBarnet et al offer a useful volume of information regarding CSR and its relationship with the Law. It provides key background data and understanding to this study which and is considered necessary to not only understand what CSR is and what is it intended to achieve, but also to provide empirical research into how CSR works in practice and how it overcomes what one could describe as a fragmented and indirect employment structure as is found in the construction industry.

Current literature is informative in its review of CSR and in their research of the UK construction industry, Jones et al (2006, pg140) highlight six principle headings used by construction companies to capture their corporate social responsibility: -

1. Environment
2. Health and safety
3. Human resources
4. Supply chain management
5. Customers and communities; and
6. Governance and ethics

Jones et al explore these principles in detail and explain how environment is a key focus of corporate responsibility in the construction industry, not least due to its operations having such a major impact on the environment and how this can also be driven by town planning. Health and safety is another key issue in construction, with the industry being considered dangerous to work in, although health and safety is not just a corporate responsibility but also covered by law and regulation. Customers and communities have become more of a focus following the introduction of the Social Value Act 2012 (www.gov.uk/government/publications/social-value-act-information-and-resources) requiring the public sector to not just consider the monetary gain in procurement of development in their communities, but also the social value to the community. Governance and ethics were found to be reported by only a minority of the companies included within their study. Not foregoing the importance of these other four principles, this study focuses on the impact corporate social responsibility has on workers which should relate to the human resources principle along with the supply chain principle. While Jones et al (2006, pg142) recognise that human resource is poorly developed in the industry due to the fragmentary structure, but they do solely focus on employees rather

than casual workers. Additionally, through the supply chain management principle Jones et al focus more on environmental management rather than management of workers through the supply chain.

In order to address social and economic issues as referred to in the dimensions and key principles of corporate social responsibility, companies are under increasing pressure to engage with their stakeholders, as identified by Spitzneck and Hanson (2010, pg24). Additionally, in their study of the status of corporate social responsibility in the UK construction industry, Evangelinos et al (2006) consider stakeholder theory to be a conceptual underpinning of corporate social responsibility, and suggest that stakeholder theory emphasises the relationship between a 'business organisation and the various social groups that influence and are influenced by.' (Evangelinos et al, 2006, pg381). Stakeholder theory has also been historically said to provide a framework to investigate the relationship between CSR performance and corporate financial performance, i.e. their profits, by Carroll (1979). The word stakeholder was first used in 1963, and stakeholder theory considers the individuals or groups who may benefit or be harmed by the actions of a corporation. It argues that corporations are as recently insisted by Freeman responsible for not just economic value to shareholders but also for stakeholder value (Crane et al 2008: p62).

Stakeholder theory is considered in this study to be relevant to corporate social responsibility and is specifically referred to by Dahlsrud (2006) as being one of the dimensions identified. It has been dissected by Mitchell et al (1997, pg855) to define not just who is a stakeholder, but also what is a stake. Their research defines the principle of who and what really counts, finding stakeholders to be persons, groups, neighbourhoods, organisations, institutions, societies and even the natural environment which is very prevalent in corporate social responsibility. Mitchell et al (1997) also refer to there being voluntary and involuntary stakeholders. Voluntary stakeholders having invested human or financial capital and bearing some form of risk, which could be considered employees fitting into in terms of human capital. Involuntary stakeholders were placed at risk by a firm's activities, and that without no risk there is no stake and in this sense a stake is only something which can be lost. They conclude that stakeholder theory must account for the power of stakeholders as well as them being legitimate stakeholders (Mitchell et al (1997, pg882). It is difficult to ascertain if casual labour would fit into being voluntary with the

investment of human capital, being their time working until they are paid, or involuntary with having the risk of not being paid for their work as their stake in the corporation.

Similarly, Campbell (2007) describes stakeholders as the “.... Individuals or groups with which the corporation interacts who have a stake or a vested interest in it, such as employees, consumers, suppliers, and local communities”. In slight contrast, Kornfeldova and Myskova (2012, pg189) refer to primary stakeholders with the greatest influence on everyday activities as being the employees, suppliers, shareholders or investors, but consider the government, local communities, non-profit organisations and lobbyist groups as secondary stakeholders. There is no mention here of the customer, although often in the construction industry this may be the government or local community. In contrast Spitzeck and Hanson (2010, pg6) do identify customers as a stakeholder group in their analysis of corporate responsibility on stakeholder engagement and governance, they also identify internal and external stakeholders with employees considered internal which again excludes casual workers.

Conflict of stakeholders can be as simple as being a corporation’s drive to pursue profits for their shareholders, and there being challenges faced on reducing those profits to invest in social initiatives voluntarily (Brown and Forster, 2012). It is said that for decades, scholars have discussed the relationship between business and society in the context of CSR and stakeholder theory (Brown and Forster 2012) and this is described by Branco and Rodrigues (2007, p5) who argue how when discussing and analysing CSR it has become inescapable to not consider the stakeholder perspective, although they also reflect on how CSR is increasingly analysed as a source of the competitive advantage suggesting that adversely CSR could help increase profits. Porter and Kramer (2006) recognise that stakeholders have significant influence on a corporation’s success and the perception and reality of an organisation’s performance on social responsibility can influence, among other things its competitive advanced, reputation, and attract and retain workers. Otherwise why would a corporation act in a socially responsible way given the incentives for maximising profits, as discussed by McBarnet et al (2009).

Aguilera et al (2005, p18) found that external stakeholders such as consumers would exercise their moral motives through purchasing power and boycotts which could also be related to clients appointing contractors. Being very relevant to this study, conflict between stakeholder’s priorities, such as the shareholders wishing to achieve profit and

the employees wanting fair conditions is referred to by Blowfield and Murray (2011: p4), who accuses CSR conscious managers of neglecting shareholder interests. One would hope that with the evolution of CSR along with the public sector support and push for CSR related policies that shareholders were supportive of CSR practices, but perhaps not in the construction industry where labour is subcontracted with no direct accountability for workers benefits.

2.5 Summary

The research questions of this study have been compiled from a conceptual mapping of current literature regarding corporate social responsibility in the construction industry and this identified a gap in the literature. While there was a plethora of research on the construction industry, corporate social responsibility, and construction workers particularly around health and safety, there is little linking these elements together. The research project title has been defined based on this initial research, and methods have been extensively researched to determine those most appropriate to help answer the research questions and ‘The Impact of Corporate Social Responsibility on Construction Workers’.

There has clearly been a focus over a number of centuries on the construction industry, and how it has evolved to have provided jobs for 8% of the national workforce by 2018 (Kotera et al, 2019). It is recognised through reports that the industry is fragmented and not without its issues, with efforts made to improve processes and integration between the public sector clients and the private sector contractor. There also appears to have been a historic focus on workers protection and wellbeing by Guilds from the 1500’s, which evolved into Friendly Societies with the first being formed in 1687, and further developed during the industrial revolution which could be connected with the need for construction expanding. These have since been replaced by trade unions who are still looking to protect workers and promote apprenticeships, particularly after the Second World War, and more recently following the impact of globalisation, where there is a more casualised workforce through employment agencies and the risk of forced labour.

There appears to be less research literature in regards to CSR and the impact subcontracting within the UK construction industry has on labour. But there is a common view that subcontracting enables the contractors to meet peaks in demand and complete

one-off tasks. Subcontracting also allows contractors to transfer risk to subcontractors, be more cost effective and in turn more competitive in the market. This benefit to contractors does bring its own risk which is identified in site management, and control over safety on site, and the assumed use of subcontracting for the cutting of corners in regards to safety.

It is considered that for the subcontractors the transfer of risk is deemed to be acceptable in order to win work but also there are also issues identified in the risk of non-payment by clients being shifted onto subcontractors being considered as just part of doing business, with May and Saddiq (2006). Examples of this being encouraged by the government were made by Unite in relation to the liquidation of Carillion. Where the transfer of risk onto suppliers is considered the key purpose of subcontracting this is questioned by LeBaron (2014), if subcontracting for this purpose is ethical and there has been focus over recent years by NGOs to 'slavery proof' supply chains. The introduction of the Modern Slavery Act 2015 addresses the issue of forced labour, which has been introduced co-incidentally the same time as the CDM regulations. Contractors have gone further by signing up to the GLAA which aims to prevent worker exploitation, protect vulnerable people and track unlicensed or criminal activity and ensure those licensed operate within the law. As identified this could be construed as being an attempt by government to reduce social security tax evasion, but literature on human trafficking has been undeveloped with a lack of scientific objectivity and therefore there is little academic evidence.

There is a clear view that casual labour in the form of self-employment and agency workers are is considered a cheap alternative to direct labour for contractors due to the lack of social security protection, and what is considered tax evasion, and has been growing in addition to the use of subcontractors. This is seemingly as a result of the economic recessions, and globalisation has helped fill these casual labour roles, particularly in the construction industry, with agencies recruiting labour from abroad. The nature of casual labour is precarious with no certainty of retaining their job, no sick pay, holiday pay or health benefits and as identified less access to occupational health support. With ill-health in the construction industry being such a focus and the new CDM regulations being introduced by the Health and Safety Executive in 2015 to require the contractor to have effective measures for the health, safety and welfare of works, it could be expected that the situation has improved, but without the protection of being paid workers may not take time off if they are unwell or injured. But there are significant

issues with mental health in the industry as well as physical health, which could be as a result of precarious nature of the work. The mental health and wellbeing of workers can be a focus of a contractor's CSR policies and procedures.

It has been difficult if not impossible to find one simple definition of CSR, and instead there is an abundance of definitions. This can prevent the development and implementation of the concept (Dahlsrud (2006), and thus interpretation has been mixed across different industries and corporations, despite it being found to have been in existence as early as when social responsibility was embraced in the aftermath of the industrial revolution in 1879. This is a key element explored through the research questions, the interpretation of CSR by workers in the industry, and their view on the implementation. Although CSR is thought to have increased momentum following World War 1 it still remains almost a misunderstood concept. To help understand the concept scholars have discussed the relationship between business and society in the context of CSR and stakeholder theory (Brown and Forster 2012) with there being increasing pressure on corporations from stakeholders. Stakeholder theory considers stakeholders as being identified as those who influence and those who can be influenced by a corporation's actions and activities (Evanglinos et al, 2006, pg381). In that context casual workers should be considered stakeholders. They are influenced by a contractor's actions and can also influence the success of construction projects through their own actions and behaviours, and this has been explored in the research questions.

Although conflict between stakeholder's priorities, such as the shareholders wishing to achieve profit and the employees wanting fair conditions has resulted in CSR conscious managers being accused of neglecting shareholder interests, one would hope that with the evolution of CSR along with the public sector support and push for CSR related policies that shareholders were supportive of CSR practices. But in the construction industry where labour is subcontracted with no direct accountability for workers, with the suggested purpose of cutting costs, and CSR has been branded as purely a PR exercise.

3. Research Methods and Methodology

3.1. Research Questions and structure

The presentation of the methods and methodology of this study has been structured with an initial summary on the method of data collection for each of the research questions which were compiled from the literature review. The research methods have been further presented summarising in tabular form and analysing in detailed narrative. This is followed by explanation of the data collection, processes and procedures, coding and analysis with further detail in regard to the sampling strategy, participants in the research and ethical considerations.

Creating an overall understanding the four key elements within the research project was required to be able to set out the line of enquiry required to help answer the research question. The four key elements identified are: -

1. The construction industry
2. The subcontracting structures which disconnect the contractor from the worker
3. The construction worker
4. Corporate Social Responsibility

The structure of the research has been formed around these four elements of the main question, applying qualitative techniques through research of both secondary and primary data. Individual questions have been designed and updated to help answer each question as summarised:-

1. How has the construction industry changed in respect of protecting workers and health and safety, and how has this been influenced by regulation and law, reputation or stakeholders?

A literature review of how the construction industry has evolved has been undertaken and followed up with interview questions asking participants their view on how the industry has changed, particularly around working practices, employment status of workers and safety on site to understand if there is an aligned view from people working in the industry

and academic literature. In addition, consideration has been given to the review of change in law and regulation and how this has also changed the construction industry.

2. How is corporate social responsibility implemented and adopted through the supply chain by the subcontractors within the construction industry?

Limited academic literature was available to research this question, but more in terms of subcontracting as a corporate procurement procedure. Contextual research was also carried out on the policies and strategies of the top UK construction companies to identify how they perceived their policies and strategies to be implemented and adopted through the supply chain. This was also a key element of the primary data collection to gain opinion and views of the interview participants at different levels of the construction supply chain.

3. What is the method of employing workers in the construction industry, and to what extent is corporate social responsibility inclusive of workers on site?

To understand this question, is to test the hypotheses that due to the subcontracting structure of the construction industry, it is difficult if sometimes not possible for a contractor's corporate social responsibility to be inclusive of casual labour. Contextual research of the contractor's corporate social responsibility policies and strategies has been reviewed to ascertain if their intentions are to include all workers on their sites and not just direct employees. In addition, literature has been reviewed regarding construction workers, and following this the participants interviewed have been asked their view on the inclusivity of casual labour and their experience.

4. What is corporate social responsibility and what role does it have in the construction industry?

To answer this question, what is corporate social responsibility was largely researched through secondary data in the form of literature review of existing academic literature to understand the structure of corporate social responsibility, the history and the discourse around it. Contextual research was also carried out on the policies and strategies of the top UK construction companies to also understand their interpretation and promotion of corporate social responsibility.

Methods used to carry out the research to answer these questions are documented in the following sections.

3.2. Methods of research and collation of data

A review of qualitative and quantitative methods of research have been considered, along with mixed methods. As it has been found, qualitative methods can be used to test or expand on theory or to understand a phenomenon of interest (Venkatesh et al, 2013) which corporate social responsibility is in some instances considered to be. In contrast to quantitative research, qualitative research is considered inductive, emphasizing words and meaning to link theory and research, from interpretation of social participants (Zou et al, 2014) from which the data is better gained from interviews. Qualitative methods also bring benefits of conveying rich and meaningful data from participants, through the descriptive way they can share their experience as well as the emotion embedded in their reflection of the subject matter, which was experienced within this study. A proportion of the participants' responses were given with passion, particularly from the workers, where a sense of anger, frustration and fear were given from reflection on employment conditions in the construction industry. This insight would not have been gained from the use of quantitative methods.

As described by Punch (1998, p247), using quantitative methods to facilitate qualitative research would help gain an understanding of the social structure of corporate social responsibility to then research the behavioural aspects. Initially this study included both survey research and qualitative interview methods of research comparing the implementation and interpretation of corporate social responsibility within different entities, but on reflection and in discussion with the university it was considered more appropriate and achievable to focus solely on qualitative research. This view is consistent with Zou et al (2014) who found that for example in relation to 88 articles on construction safety literature, only 9.1% had adopted a mixed methods approach, but as found many articles on the construction industry tend to focus on secondary data. More recently Gurmu (2019) adopted a mixed methods approach to identify health and safety practices through qualitative interviews with experts in construction projects and quantitative data from contractors involved in the delivery of construction projects. This was a similar mixed-method approach to the research carried out by the Focus on Labour Exploitation research (2018) into the construction industry where the use of qualitative interviews and an online survey to gather quantitative data was used.

It was concluded based on the review of the different methods that qualitative methods were considered the most appropriate to use. Using this method, semi-structured interview questions have been compiled using an exploratory pilot questionnaire to test the questions. A mix of closed and open-ended questions allowed the interview questions to be expanded during the interviews to capture new data and to be able to ask further questions during the interview based on the participant's experiences of their own work and their views and observations of workers around them. This would not have been possible using closed questions or a survey.

In addition to the literature review, secondary data has been researched and analysed within the findings and data analysis chapter four. This includes content analysis to frame and set out the context of the construction industry from a contractor's perspective, reviewing publicly available policies and strategies developed by construction companies. This sets out their commitment and intentions in regard to CSR and employees. In addition, Policy documents, including employment related Acts and policies have been researched including those from trade unions, the Internal Labour Organisation, Local Government Authorities and Agencies frame and set the context of the industry from an external perspective to the contractors.

A summary of research methods through secondary data sources and primary data sources using qualitative methods is within Table 1 below:-

Summary of research methods – Table 1

Summary of research methods	
Secondary Data Review	
Literature Review of academic work in relation to the research questions.	Review of literature to understand the social structures and discourse of CSR in the construction industry focusing on: - <ul style="list-style-type: none"> - Corporate Social Responsibility - Construction industry - Subcontracting - Construction workers
	Review of literature on research methodology and methods to set out the structure of the research
Content analysis included within the data analysis to frame and set the context of the industry	CSR policies and strategies developed by construction companies. These include publicly available material produced by companies in the UK (for example, company websites and policies)

Government policy and other research documents to form part of the findings and data analysis and to frame and set the context of the industry	Government documents from the UK; Trade unions; International Labour Organisation (ILO); Local Government Authorities (LGA); and Agencies
Primary Data collection and analysis	
Exploratory Pilot Questionnaire	Sent to project managers within the UK construction industry to test questions
Semi-structured interviews	Contractor participants <ul style="list-style-type: none"> ▪ Contractor clients and advisors acting on behalf of the client ▪ Contractor managers from different sizes of contractor
	Supply chain participants <ul style="list-style-type: none"> ▪ Subcontractor employees ▪ Subbies/workers
	Key informant participants <ul style="list-style-type: none"> ▪ Trade union official ▪ CSR Consultant to contractors

3.3. Research of secondary data

Literature review in relation to research methods and methodology

With the absence of a social science background but instead having trained to be a qualified Chartered Management Accountant there was an intense learning element to the research to understand the philosophy of social science in relation to employment and work. The various research methods and methodology were researched to appreciate how they would best relate to this study and enhance it

Initially a pragmatic approach formed part of the research design using mixed methods, focusing on what the research problem is using various methods to understand the problem rather than the method (Creswell, 2009 p10). This is a typical corporate approach, which was influenced by my own work experience of working for corporate entities throughout my career and within the construction industry. Throughout this research project there has been focus on keeping an unbiased view and not enabling my own employment with a large contractor to influence the research and analysis. Through the research process, my research methodology has evolved to use Critical Realism as a

research tool, where there is a research focus on the social realism structural element of rules, formal practices, and the whys, hows, laws and discourse, with also an agency focus on what are the norms, habits of workers and corporations. This change in research methodology illustrates how my general thinking has evolved also through the research process, with less questioning of ‘what’ and more questioning of ‘why’.

To understand the problem a comparative study was initially explored as it enables the researcher to study two contrasting cases using similar or the same methods to compare and which Bryman (2012, p72) suggests can be used to understand a social phenomenon which corporate social responsibility can be. An import-mirror view as defined by May (2001, p208) can be a worthwhile in comparative research in producing findings on the practices of different countries to allow us to reflect on social systems and behaviours, but according to Williams and Aguilera (2008), who also used a comparative study to research CSR, they are relatively rare. This study has instead focused on an exploratory research of the UK construction industry, the subcontracting structure of the industry and how this impact on workers in relation to corporate social responsibility, rather than just an understanding of corporate social responsibility within the industry.

Content analysis

Based on the focus of this study being on the construction industry, an exploration of the top five UK construction companies (2019) has been carried out regarding their corporate social responsibility statements shown on their websites, and how they set out their policies and values. This was through accessing the construction company websites and searching their CSR pages which are well established, to feed through to their policies. Understanding the descriptions of CSR used and terminology by each of the five companies has helped explain the complexity of CSR in the industry with there being significant differences in how each of the contractors refer to it and how they consider employees and supply chain. This is discussed in the findings and data analysis chapter.

There has been a large amount of work being done on corporate responsibility by my own employer, a UK construction company, and observations of how it flows down the

subcontracting structure at least from the client to the contractor has been informative to preparation of the research questions.

During the period of this study extensive changes have occurred in the industry, with the crash of Carillion being a good example as they formed one of the corporations to be included in the study and they are no longer in operation. In addition, the June 2017 Grenfell disaster has had an impact on the industry affecting fire regulations, along with Brexit and Covid-19, but this study does not focus on these matters as the research commenced prior to the impact of these being known or understood.

Policy and other related research

Research of secondary data using sources from UK government websites where available and International Labour Organisation (ILO) papers and regulations has been carried out in relation to the research questions particularly regarding employment regulation to understand the protection available to workers in different employment contracts to help define and set out the research questions and answers. This information was sourced through the internet and also referenced.

Research has also been carried out of regulations particularly around agency workers, and health and safety. A search has also been carried out to find relevant trade unions documentation regarding construction workers. To assist in understanding the employment rights of different types of workers, employment policies were researched as part of this study, agency websites focusing on the construction industry. In addition, several Government Acts have been introduced in recent years which the construction industry was impacted by and these were also researched through government websites.

These findings have helped inform the data analysis of the study and substantiate the interview participant's experiences working in the sector.

3.4. Sampling Strategy and Outcome

To understand the construction industry hierarchy of workers and the structure of the supply chain the interview participants were selected from various elements of the supply chain and advisors to the industry. Having worked in the construction industry for over twenty years I had many contacts but was conscious of my existing relationships with potential participants and was cautious to interview participants who may feel I had some

form of influence over their employment through our supply chains. Being conscious that I did not want to limit the data just to my own employment and the companies which we contracted with a search was made outside the company for contacts for varied data to analyse and identify themes.

The contractor can have a direct relationship with the client who may be a developer or for example a local authority (public sector). There are different sizes of main contractor businesses and many different roles within them, for which a variety of participants were chosen based on accessibility and relevance to produce a wide set of data. Subcontractors are employed by the main contractor and will also class themselves as a contractor as they employ another level of subcontractors. The main contractor will subcontract out each element of the work for the construction, and these participants were identified based on this level of the supply chain.

Gaining access to construction workers was the most challenging, both in terms of having the contacts without being introduced through my own work and gaining the trust of workers to talk candidly about their experience of work within the industry.

Details of participants are set out in the table below: -

Table of participants – Table 2

Table of Participants			
Person	Position	Relationship	Employment status
Contractor clients and advisors acting on behalf of the client			
Jane	Senior Commercial Manager	Working in the public sector for a Local Authority procuring contractors for developments	Self-employed consultant
Steve	Development Manager	Working in the private sector procuring contractors to develop buildings and managing the build	Full time permanent employee
Oliver	Director of Employers Agent consultancy	Acting on behalf of public and private sector clients to manage the build contract	Full time permanent employee
Jenny	QS employed by Employers Agent consultancy	Acting on behalf of public and private sector clients to manage the build contract and administer the contract on and off site	Full time permanent employee
Contractor managers			
Gary	Senior Commercial Manager	Working for a large contractor with the clients and subcontractors to set	Full time permanent employee

		up the construction contracts and subcontracts	
Peter	Project Manager	Working for a large contractor with the clients and subcontractors, managing the design consultancy team. Previously employed by a subcontractor within the supply chain	Full time permanent employee
Julie	Customer Manager	Working for a large contractor managing and liaising between the customer and site teams	Full time permanent employee
Barbara	Business Development	Working for a large contractor bidding for new business and managing the Corporate Social Responsibility activities	Part time permanent employee
Lee	Site Manager	Working for a medium size contractor	Full time permanent employee
Chris	Owner/site manager of small contractor	Working for himself with a small contracting business, managing and procuring the site teams	Self employed
Subcontractor employees			
Colin	Site Project Manager	Working for a Mechanical and Electrical subcontractor managing teams on site, health and safety, programme and procuring the site teams	Full time permanent employee
John	Site Project Manager	Working for an Architect subcontractor managing teams on site, health and safety, programme and procuring the site teams	Full time permanent employee
Matt	Project Manager	Working as a cladding subcontractor employed both by subcontractors and contractors, managing his own site teams and programme	Self employed
Subbies/workers			
Kev	Cladding labourer	Working for a cladding subcontractor for a couple of years having moved from Poland for work	Self employed
Keith	Cladding labourer	Working for a cladding subcontractor	Self employed
Jim	Cladding labourer	Working for a cladding subcontractor	Self employed
James	Cladding labourer	Working for a cladding subcontractor, previously worked in the industry for other subcontractors for over 30 years	Self employed
Ian	Groundworker	Working for medium sized contractors, but despite initial	Self employed

		discussions did not feel comfortable about giving an interview	
Key Informants			
Tony	Development Officer	Working for Unite the union as development officer, largely involved in construction industry training	Full time permanent employee
Frank	Founder/CEO	Founder/CEO of sustainability consultants advising large contractors and clients on changing business practices, CSR and sustainability strategies	Owner

There was also the possibility of an interview with a family member of a contact who was working on a zero-hour contract on construction sites and was struggling with having to be available all the time but not being given enough hours to work to be able to pay for his bills such as Council Tax. Unfortunately, he was not willing to take part in the interview, but the information did help to shape the interview questions, and I was able to follow up the subject around zero-hour contracts with participants.

A job agency who procures construction workers for subcontractors and contractors was contacted to participate in an interview, but this was declined but would have been a welcome addition to the data to obtain a view from their perspective which unfortunately had to be researched through publicly available information and the opinion of other participants.

All the interviews took place face to face except for Tony's interview which was not logistically possible to arrange in person and was by telephone.

3.5. Data collection instruments of primary data

Pilot Questionnaire

An initial pilot survey questionnaire was used to provide an exploration as suggested by Creswell (2003 p16) of the responses to the proposed questions and to determine how informative those responses were. The pilot questionnaire was issued using the software 'Zoho' and sent to project managers within my own employment to request feedback on the questions themselves. The questions being divided into three sections: -

1. The participant: to include their demographic data, type of employment and role in the construction business.
2. Their view on the construction industry
3. Employees and CSR, to research their knowledge and perception of CSR within the construction industry and employees.

Exploratory research can be used to explore a subject of study or phenomena which is relatively new (Babbie 2015, p90), and is able to address questions such as why, where, and what, which is considered to be appropriate research for reviewing corporate social responsibility within the construction industry, asking why participants consider it to be necessary, where it is most effective, and how far down the supply chain it is implemented. Also asked was what is corporate social responsibility by members of management and workers to understand if there is any alignment from the experiences of both the management level of the participants, their position in the supply chain as well as the employment status of the participants.

Primary data collated from the pilot questionnaire survey was analysed to identify strengths and weaknesses of the questions, and feedback was received on the type of questions, and ease of responding to the sub-questions. The design of the pilot questionnaire was updated to form semi-structured interview questions based on the outcome of the literature review and results of the pilot questionnaire, to gain data to help answer the research questions. It was decided that this form of survey questionnaire would not achieve sufficient responses to the questions, without a follow up interview to be able to delve deeper into the participants work experiences. On reflection this was the right decision and a more in-depth data collection was made through using interviews instead.

Semi-structured Interviews

Qualitative research has been carried out in the form of face to face semi-structured interviews, and one telephone interview, with many open-ended questions and some closed questions. Structured interviews, although informative and simpler to compare and analyse data collected, could be a missed opportunity having gained an interview with the participants and not following leads within their responses given. A good example of this is described by Vissak (2010) of how a CEO although when asked if there were any positive impacts of foreign ownership of his company including useful

technology and know-how, answered no, but when changing the question to if there had been any effect at all, he gave a positive response.

Construction industry workers were a key sample group for interviews to give a bottom up view on corporate social responsibility both by contractor employees and workers, as well as subcontractors who are essentially situated in the middle between the contractor and the workers (subbies). The interviews are as set out, to be semi-structured with a sequence of themes and suggested questions (Kvale, 1996), with further sub questions and prompts added, to give an opportunity to explore topics which arise from the discussion.

To help answer the research questions, the four elements identified within the question and researched through secondary data have been consistently continued through the sections of interview questions as: -

- Construction Industry
- Subcontracting
- Employees
- Corporate Social Responsibility

Through the interview process on review of each data set the interview questions have been refined and evolved to the final version as set out below: -

About you

1. What is your current employer's business, do you work for a Construction Company, Sub-contractor, developer, public sector or consultancy to the construction industry?
 - a. And what is your current job role?
 - b. Is your employment contract permanent, temporary or through an agency?
 - c. How long have you been working in the construction industry?
 - d. What is your normal day like?

This section was to set the scene of the participant, to place them within the construction industry stakeholders, and on what basis are their responses. A permanent employee can have a different view of employment protection than a temporary or self-employed worker. It was also useful to find out how long their experience of the industry was, to

position their views as being from a historical point factoring nostalgia, or from a more recent viewpoint.

Construction Industry

2. In your opinion has the construction industry changed in the past ten years?
3. In general, are safety standards on construction sites in the UK sufficient to prevent unnecessary accidents and injuries?
4. Is there a process which is in place on construction sites under your current employment to manage labour conditions on site, and do you consider it to be sufficient?

This section was set out to establish themes of how the industry has changed, and the participant's experiences or knowledge of conditions on site, procedures around safety. The primary data from these questions was helpful to assessing if there was an aligned view with the corporation's documentation and the literature reviewed. It also produced interesting data and enlightening perspectives of the industry and workers.

Subcontracting

5. Do you consider subcontracting of construction work normal practice in the UK?
 - a. What do you think the impact is of subcontracting construction work to the construction site workers, if any
6. Do you think that the Contractor's policies in regards to workers and working conditions on site are passed down to the subcontractors?
 - a. Would the policies also apply to workers on site being paid by the subcontractors or agencies?
 - b. The Modern Slavery Act was recently introduced, is looking for signs of slavery of construction workers something that is discussed?
 - c. How much control do you think a Contractor has over their subcontractors practices on the construction site and why?

This section was structured in a way that questions could be asked verbatim or changed as the responses to each question were given. A key section for the data collected and key themes formed but not considered entirely relevant for every participant.

Employees

7. In your opinion, would you consider construction workers employment contracts to be mainly permanent, temporary, through an agency or non-existent?
 - a. Who would be the main employer of construction workers on site, would it be the Main Contractor, Subcontractor, Agency or site manager?
 - b. And who would be responsible for construction workers?
8. Do you believe that all construction site workers are treated the same, regardless of their employment status i.e. permanent, agency?
9. Have there been any incidents in your experience which you could use as an example
10. What do you think of large construction corporations?

This section of the interviews was designed to gain participants views and experiences regarding the contractor's perceived responsibility of workers on the construction site. Analysis of the data was expected to find some correlation between the participant's employment status and their view on who is responsibility for employees for example.

Corporate Social Responsibility

11. Are you aware of the term Corporate Social Responsibility, and what it means?
12. Is Corporate Social Responsibility within your business?
13. Do you consider construction corporations to act responsibly to their construction workers?
 - a. In your opinion is Corporate Social Responsibility necessary in the construction industry?
 - b. And does it affect construction site workers?

c. Would you expect a subcontractor to adopt the contractor's policies?

14. Do you know if your employer/client has a Corporate Social Responsibility policy?

a. Are you made aware of their employee policies?

b. How is their policy communicated?

This section was more difficult to prepare as corporate social responsibility can be perceived to be different things to different participants. To assist, an explanation of what is denoted as corporate social responsibility was added to the introduction of the interview, but clearly some contractors were better at communicating the purpose of it than others, and in some interviews, there was a vague knowledge of what it was or what it was for. This section in particular was the most diverse in terms of being able to compare responses.

15. Is there anything else that you think I should have asked?

This final question was asked to allow participants to reflect on the interview and share any experience or knowledge which they felt relevant to this study but not asked. It produced interesting data and helped shape the next interviews in the process.

3.6. Data collection processes and procedures

The interviews were expected to take 20 – 40 minutes and were recorded for review and analysis afterwards, considering, the ease of the interview, questions answered and the effectiveness of the questions. An interview consent form was provided for signature prior to commencement.

Once the interviews were completed, they were transcribed and analysed using the same coding method as used for the secondary data to review against the research questions. The interview questions have been reviewed after each interview and revised to gain quality data relevant to the research. This analysis and data collection have also focused and expanded the literature review of this study which has evolved over the past few years to include a section on the history of construction, friendly societies and trade unions, and self-employment within the construction industry.

Questions had been prepared in order to carry out semi-structured qualitative research through using interview questions in relation to my research questions. This followed feedback from the pilot survey questionnaire. The interviews gradually became easier as experience brought the right questions to ask to bring out a greater depth of answer. There were time constraints fitting in the interviews around my own full time work which was not always easy to plan logistically around which office I would be in on which day, and what time work would finish to be able to meet to carry out the interviews, and so arrangements for the interviews would often be changed or last minute if working late that day.

Fourteen individual interviews were carried out with one focus group interview of five participants. Details of the interviews are set out in Appendix A, describing the participants, how they were contacted or already known, and the place of the interview. The time of each interview ranged from 19 minutes to 105 minutes. After transcribing the initial interviews, a new Dictaphone was invested in which had a slow playback to make this process easier.

3.7. Data coding and data analysis

Data coding and analysis has been a key factor to the outcome of this study. In order to set out the themes of primary data to be collected, secondary data has been reviewed and coded to create nodes as defined as ‘a collection of references about a specific theme, place, person or other area of interest’ (Bryman, 2012 p596). A broader colour coding of the key focus areas as identified in the conceptual framework. The software Nvivo had been originally selected to use to capture secondary data and the transcript of interviews but this was replaced by using excel to capture the data as a simplified approach. Still key themes have identified and then coded against these key themes using an excel table format to review existing literature against data collected in relation to the research question. This process has been quite circular as the research questions have been updated to reflect the evolving data reviewed and collected.

Data has been transcribed from the interviews by typing up recordings taken on the Dictaphone. These have then been individually saved, with names changed for anonymity and printed for review. Extensive review was carried out of the transcripts to establish common themes, and key data which further established the coding. Initial colour coding was used to define the sections the data fit into: -

1. Construction industry
2. Subcontracting
3. Workers
4. Corporate social responsibility
5. Health and safety

Health and safety formed its own colour within both the construction industry and workers sections as it was identified as a key theme relating to both these sections. Coloured tabs were then used to identify these sections of the transcripts. Further coding was used in conjunction with coding of the literature review to set out the themes identified within the sections, and this formed the structure of the data analysis as set out in Appendix B.

Data was copied from the transcripts into the excel spreadsheet, using a separate tab for each code, and a separate row for each extract of data, referencing the participant to whom the extract belonged to. These tabs were then printed and reviewed individually to further code themes within the codes using a simple 1 -10 numbering system, to form the discussion within the data analysis chapters. Consideration has been given through the data analysis to be a view on ways in which people consider relationships and events rather as suggested by May (2001, p145). Through the data collection process, review of the quantity of data collated has been conducted to consider if it is substantial enough to form comparative findings and discussed with the supervisory team.

At the outset it was not known what the study would identify as being the impact of workers in the construction industry regarding the contractor's CSR values and policies, and the chapter titles have been updated accordingly within the data analysis chapters.

3.8. Ethical Considerations

To address ethical considerations, this study has been conducted in accordance the London Metropolitan University Research Ethics Policy and Procedures and in conjunction with the University's Code of Good Research Practice and policy on research misconduct. This lays down the importance of a quality of research, protection of the rights and welfare of participants, protecting the welfare of the researcher, minimising the potential of any claims made against the University and ensuring the reputation of the University (LondonMet, 2014). The Research Ethics Framework (FRF) which was

revised in 2010 from the Research Ethics Framework (REF) lays down six principles including a high-quality design; the subjects being fully informed and aware of any risks; confidentiality; voluntary involvement; any harm must be avoided; and independence to be clear (Bryman 2012).

Confidentiality and independence have been especially paramount when interviewing subjects from my own employment organisation and there an ethic of care considered (Costley et al 2010). During the data collection there were potential conflicts of interest when questioning participants engaged within and in connection to my own employer, and therefore potential supply chain relationships were managed through identifying participants outside our own supply chain. Additionally, with my own experience within a large contractor organisation providing an informed perspective, care was taken to not inflict these views on the participant and to retain an open mind to their responses.

As my research went further down the supply chain there was awkwardness and distrust of what the data was being used for and care was taken to explain the purpose of the research, and how it was completely independent to my role within my own employment. This was also possible as my employer has not funded any part of the research or provided study support.

When approaching potential participants to discuss their work and the industry they work in anonymity was offered and given to all participants. Participants were treated with respect for what they felt they could or could not disclose, and no pressure was intended to make them feel uncomfortable or in a position. My purpose for contacting the participants for this study was given in an open manner so the potential participant has all the information required to make an informed decision on whether or not to take part in this proposed study. Consideration has been given to keeping information passed electronically to be outside of my own employment email systems, using a separate email address. Data analysis for review has also been passed through a separate email system to my employment email system.

An ethics consent form was developed and approved by the university, it was then shared and completed by participants prior to the interview taking place. Where interviews were to take place, a private environment was sought for confidentiality, but also to allow the participant to relax and feel at ease to be able to talk openly and honestly. Permission was sought from the participants to record the interview using a Dictaphone. Darlington and Scott (2002, p21) describe the ethical principles of conducting primary research as

being based on similar core principles as professional ethics which I personally uphold within my own profession. They suggest that doing the right thing by the research participants can coexist with a 'getting in, getting on and getting out' pragmatic process of the research setting, which I aimed to achieve, to avoid the participant feeling uncomfortable.

Assurance was given to participants that within the thesis, employer names and participant names have not been used where primary data is referenced. All data has been saved on a personal drive and backed up on a hard drive which is kept at home and cannot be accessed by any member of my organisation.

4. Findings and Data Analysis

Different components of corporate social responsibility have been identified through the literature review and this study is focused on the people element of Corporate Social Responsibility (CSR), which is found to have existed for centuries in many different forms, with historical writings of corporations behaving socially responsible towards their employees, in terms of working conditions, benefits, health and safety, and for their welfare. Through the data collected from participants, this has been analysed in conjunction with findings through content analysis in order to answer the research questions.

To understand how CSR is considered in the construction industry by contractors, documentary analysis of the top five UK construction companies of 2019 with a review of their advertised intentions through their CSR policies being shown on their websites has been conducted to identify their policies in regards to workers and understand if these are inclusive of casual labour. There is varying terminology used by contractors as explored below, not only when referring to CSR but also the title of the elements included within their CSR. The five companies analysed included Balfour Beatty Plc, Kier Group Plc, Galliford Try Plc, Morgan Sindall Group Plc and Interserve Plc.

Balfour Beatty set out their approach to CSR in their Sustainability Strategy which is titled 'Our Blueprint' in addition to their Code of Conduct. The Blueprint is aligned to a Build to Last business strategy and articulates how they will deliver long-term economic, social and environmental outcomes for their customers, society and their shareholders. The Blueprint has a framework of three pillars: -

- Profitable Markets (economic)
- Healthy Communities (social)
- Environmental Limits (environmental)

There is no reference to employees or workers in the Blueprint, but their Code of Conduct applies not just to their employees but also to temporary staff in all business locations. Although this does not clarify if the temporary staff are casual workers on site (rather than temporary full-time employees). Their stakeholders include but are not limited to, employees, customers, suppliers, contractors, and subcontractors but not workers. There

is reference in the Code of Conduct to respecting and protecting human rights and in this section, it includes the upholding of rights and the intention not to exploit anyone who works for or with them and this therefore can be assumed that it is intended to spread the net wider to include temporary and casual workers.

Kier who had a reported £4.523m of turnover in 2019 have over the past few years been very clear on their branding around what they term as Corporate Responsibility, a responsible business creating positive outcomes. This sets out five elements being: -

- Social Value
- Environment
- Corporate Responsibility Governance
- Our People
- Responsible Partnerships.

The focus on workers, 'Our People' sets a tone of workers employed directly by Kier and their values around Our People is directly in relation to people they attract and retain rather than people who work on their sites. There is an interesting focus within their strategy set out as a 2020 Roadmap in relation to the introduction of health risk surveillance and additional frontline manager training.

Galliford Try previously described the role of their people to be critical to the successful implementation of their strategy and their focus is on employee's development and retention but again does not mention casual labour. Their key initiatives focus on: -

- Embedding succession planning and talent management.
- Recruiting, retaining and rewarding the best people in the industry to give us a competitive advantage.
- Ensuring that our development initiatives support and underpin our people plans.
- Putting inclusion and diversity at the heart of our activities.

This has changed since 2017 and they now promote their Corporate Social Responsibility as sustainability which includes six fundamental areas of: -

- Health and safety
- Environment and climate change

- Our people
- Communities
- Clients
- Supply chain

These areas cover what they consider to be manufactured, intellectual, human, social and relationship and natural capitals. Much with Keir the reference to workers is 'Our people'. In addition, their Stakeholder Steering Committee reviews the interests of their employees, clients, shareholders, investors, suppliers and the communities they work in. All these interests exclude workers but do reference employees, and include their supplier and subcontractor interests through the following: -

- Health, safety and wellbeing.
- Pipeline of work.
- Fair treatment.
- Prompt payment.
- Collaborative relationships.
- Relationships.
- Access to training and learning opportunities.

Health, safety and wellbeing, fair treatment and prompt payment look to be a priority for Galliford Try regarding their supply chain, and these are reported on the website to be engaged through meetings, workshops, an Alignment Programme, toolbox talks, trade associations, a whistleblowing hotline, and contract negotiation and management which is a focus of this study to understand how the contractor information flows down the supply chain to the workers. There is a great amount of detail available setting out how they will engage with their supply chain. They also appear to have evolved their thinking over recent years.

Morgan Sindall refer to corporate social responsibility as their Responsible Business approach and their statement is about ethics, and acting economically, socially and environmentally being embedded into their culture and underpinning everything they do. The strategy is based on five Total Commitments to stakeholders being: -

- Protecting people
- Developing people

- Improving the environment
- Working together with our supply chain
- Enhancing communities

Working together with our supply chain suggests that this is where workers could be referenced but it refers to their trusted supply chain partners and the use of local resources. The Developing People commitment refers to an inclusive work environment but in relation to gaining skills to achieve personal ambitions which does suggest this just applies to direct employees of the business. Whereas the Protecting People commitment does state that their number one priority is to protect the health, safety and wellbeing of everyone connected to their business, which suggests that it is inclusive of casual workers.

For Interserve, corporate social responsibility is termed as sustainability and considered an integral part of their business, with focus on the impact they make both to society and the environment. This is to make a positive difference to their colleagues, customers, communities and ultimately their investors. To do this they share how they have developed an action plan called Sustainable which is aimed at delivering: -

- Places that benefit people
- Public service in the public interest
- More skills and more opportunities
- Positive environmental impact
- Sustainable growth

The relevant aim for workers is more skills and opportunities although this is not clear in the title. Their policy is intended to be binding on all persons working for the Interserve Group or on their behalf in any capacity and this includes not just employees but also workers, agency personnel, seconded personnel, agents, contractors, consultants and any person associated with them, wherever they are located. There is not a clear statement as such about employees, but there are several policies, and within their sustainability policy there is detail on the health and wellbeing of their employees. It is unclear if the policy aims are inclusive of all workers or just the requirements to adhere to the policy is inclusive of all workers and this ambiguity is the purpose of this study to understand how corporate social responsibility impacts on the workers.

Carillion was being reviewed being one of the top five contractors at the beginning of this study. During that time they had amended their corporate social responsibility statement on their website to include subcontractors and protection of their human rights within their policy, following news reports of the inhumane living conditions and wages being withheld from migrant workers of their subcontractors working on their construction sites in Qatar in 2014. Soon after in January 2018 Carillion went into administration, which had a big impact on the their supply chain, and their clients, and was a shock to the industry.

With so many variations and interpretations of CSR by the top contractors, it is difficult to analyse and conclude the industry's priorities, procedures and policies, which highlights the difficulty of passing CSR down the supply chain on a job by job basis.

4.1. Construction industry

The focus of this study is CSR in the construction industry and how it impacts on the workers. My hypothesis is that there is a disconnect between the construction corporation and the worker, and firstly to understand the impact, if any, from CSR in the industry, we must consider the structure of the construction industry. Also, with the hypothesis that CSR is a relatively new phenomenon, and understanding how the industry has changed in recent years during that supposed phenomenon helps us understand the impact it may have had.

The construction industry has been key to building homes, infrastructure and places of work for businesses for centuries, and primary data collected from interviews has given an insight into how the industry is perceived to have changed over the past twenty to thirty years. The industry is complex with large, medium and small sized organisations acting as the main contractor and through the supply chain of subcontractors and as came apparent from the views of the interview participants, each organisation is different but doing the same work in different ways, and with different management styles.

In terms of size, the current (2019) top five construction companies in the UK based on turnover are reported to be as follows (The construction index, 2019): -

Latest Rank By Turnover	Latest Rank By Profit	Company	Reporting Period	Latest Turnover (£m)	Previous Turnover (£m)	Change (%)	Latest Pre-tax Profit (£m)	Previous Pre-tax Profit (£m)	Change (%)
1	1	Balfour Beatty Plc	Dec-18	7,802.0	8,234.0	-5.2	181.0	165.0	9.7
2	4	Kier Group Plc	Jun-18	4,512.8	4,282.3	5.4	106.2	-14.2	847.9
3	99	Interserve Plc	Dec-18	3,225.7	3,666.9	-12.0	-111.3	-244.4	54.5
4	2	Galliford Try Plc	Jun-18	3,132.3	2,826.0	10.8	143.7	58.7	144.8
5	5	Morgan Sindall Group Plc	Dec-18	2,971.5	2,792.7	6.4	80.6	64.9	24.2

Figures are reported to be prior to Kier filing a pre-tax loss of £245m for the past year, which is significantly different to how it looked in 2016 before the collapse of Carillion (The construction index, 2016) in which they were reported to be the second largest construction company with an increase in turnover of 10.9%: -

Latest Rank By Turnover	Latest Rank By Profit	Company	Latest Turnover (£m)	Previous Turnover (£m)	Change (%)	Latest Pre-tax Profit (£m)	Previous Pre-tax Profit (£m)	Change (%)	Latest Margin	Previous Margin
1	100	Balfour Beatty	8,444	8,793	-4	-199	-304	N/A	N/A	N/A
2	1	Carillion	4,586.90	4,071.90	12.6	155.1	142.6	8.8	3.4	3.5
3	12	Kier Group	3,275.90	2,954.30	10.9	39.5	14.8	166.9	1.2	0.5
4	7	Interserve	3,204.60	2,913	10	79.5	61.9	28.4	2.5	2.1
5	35	Laing O'Rourke	3,127.40	3,574.30	-12.5	12.4	51.9	-76.1	0.4	1.5

This demonstrates how volatile the industry can be no matter what size the corporation is, and this was a consideration when analysing the data collected from participants through the supply chain from the client to the construction worker.

4.1.1 Perceived changes in the industry

One of the areas of question was the perception of the changes which may have occurred within the construction industry during the time that participants had been working in the industry. Several key themes emerged from the interviews which included Health and Safety and the role of the Contractor regarding the subcontracting structure. The importance of time and money, welfare of workers and general Corporate Social Responsibility were also key themes along with the type of employment contracts for workers in the industry.

Changes in Cost

Through the interview data collated and analysed, one of the key themes referred to is cost. This was relating the contractors focus on cost and mentioned by over a number of participants as having significantly changed in the construction industry. Lee, a project

manager of a medium sized construction company described how in his opinion cost was the biggest change of all. Lee explained how it was not just the cost of labour which had increased over the last twenty years, but also the cost of materials and the availability of material causing additional pressure on the contractors to maintain profit margins and remain competitive.

Competitiveness through the price of a contract can determine whether a contractor wins work or doesn't through demonstrating best value to the client. Tony described a slightly different view on contractors being competitive, as it being a race to the bottom for contractors to build at the cheapest cost to win the contracts, being achieved by the use of zero-hour contracts for workers. They are therefore not required to pay any benefits such as sick pay and holiday pay, and they can request workers to be on site for as many or as few hours as required. Agency labour Tony believed was also used to fill what he considered to be a massive skills gap, this was described as a jungle dynamic because cheap labour was where the savings were. This did not align with Lee's view that the cost of labour had increased.

One of the ways in which costs were being saved in small construction companies was considered to be through insurance. Chris described how health and safety had become more stringent, and small companies were not procuring the right level of insurance which made their tenders cheaper and more competitive. Chris explained how this made it harder for his own company to compete on price, and he had lost a lot of work to as he described them cowboys: -

“.....because there's so many people out there who aren't insuring themselves enough it's hard to compete on the price range. So you lose a lot of work and if you want to put it crudely the cowboys tend to get the work cos they're not paying out on the safety side of it.” (Interviewee Chris, Small Contractor)

This was also referred to by another interviewee, Matt who is a self-employed subcontractor. When questioned about change in the industry, Matt explained how he thought it had changed to be all about cost and cutting corners to save money by the contractor where it hadn't been before. This again raises the issue of cost, and the cost of health and safety. More alarmingly it refers to there being a lack of insurance for companies that are unwilling to pay for the insurance and raises the question of how that would affect the customer and the workers on those construction sites. Would the

contractor be sufficiently insured if there was an accident, and how would a worker or a customer know if a contractor bidding for a small project would have sufficient insurance? Details of the contractor's insurance can be requested by clients, but it can be assumed that workers would not request proof of insurance from the contractor.

Another factor of cost increase was considered by Colin to be the subcontractor structure, which was creating more cost by each role being separate and the workers not working together. Colin described this change: -

“When I started you'd have one company and he'd employ everyone, he'd have his own electricians his own plumbers, he'd have his own bricklayer, and everyone worked together. So if the plasterer see my wire stuck behind board he'd pull it through for me, but now it's all subcontractors he'd close it up, leave my wire there. So then I've got to cut the ceiling to get my wire out and he gets paid to do it again..... Then they can revisit everything..... You pay for it to get done once but everyone wants to get paid twice.” (Interviewee Colin, Subcontractor Site Manager)

Views seem to be conflicting across the industry, suggesting that while Contractors are trying to cut costs in a race to the bottom, allowing the possibility of the worst employers rising to the top and the best employers being undermined in terms of cost as explained by Tony and Chris, the subcontractors are in turn trying to make more money out of how the system is now set up.

Changes in Time

The change in the focus on time was identified on analysis of the interview data as a critical change in the industry. This was based on two different factors, the time of managing the changes in health and safety regulation and the time it took to construct a project, due to the construction process being sped up. Colin described how the UK are probably world leaders in health and safety, but it took up a lot of his time on site to manage: -

“Health and safety has definitely improved. No one likes change but it has got better, it has got better. We're probably the world leaders in it but it's very anal and it takes up a lot of my time.” (Interviewee Colin, Subcontractor Site Manager)

This suggested that health and safety was taken seriously on the sites which Colin worked on and despite the time it took to manage it, the standards were considered to be high. Although James who works as a self-employed subcontractor stated that sometimes health and safety is expensed in order to finish a job on time due to the number of penalties payable to the client if it is delivered late and it starts costing the contractor. Matt went further to describe the change he had experienced from working in the industry was that there was no time allowance to complete the work required: -

“money and time, time to finish a job, there is NO time, they want everything doing done and it’s ridiculous now.... There’s not enough time, years ago you used to go to a subbie and say I think there’s a problem with that, but now....”
(Interviewee Matt, Subcontractor Project Manager)

Suggesting that completion of the work on time is a greater priority than the quality of the work. John also felt that in the last thirty years the speed of construction has accelerated exponentially in terms of communications which used to take two weeks, and now it was instant, and also the expectation of the software meant that the expectations of clients were much higher. James had also found on several jobs on which he had worked managing the end product of cladding, that where there are problems and the contractor is not interested, they are not interested in the build-up, just the finished product to finish on time. This suggests an issue in the subcontracting structure where responsibility is spread between the workers and subcontractors, with a contractor focus on programme rather than product safety or quality. Five participants who all work on site were aligned in their view that the pressure on time had increased.

Changes in the construction contract

The contract structure was considered a change in the construction industry by some of the participants, regarding the design process and also the subcontracting structure. Peter felt that this was a significant change and that there had been a big shift on the contract route, in that

“...so when say 10 years ago I was probably working on 80% traditional contracts, whereas now you are probably on, it’s the nature of the business, 90-95% design and build..... As in the Architect has the hierarchy, everything is designed up front, so there is much more time put in up front from the design aspect, it should

be in essence 100% complete when that's tendered...." (Interviewee Peter, Construction Project Manager)

Peter described how the procurement of the contractor worked and clarifying their relationship with the supply chain regarding when they are brought into the development process and also how much influence they have over the building design and cost. Based on Peter's description, the contractor would have previously had little influence and would just be given the project to deliver it. But the change has brought the contractor in to the project and increased their level of influence.

Oliver also referred to the traditional route and how it had changed during his time in the industry, he explained how when he started in the industry design and build contracts probably did exist but nobody used design and build, they used the traditional route. The client would pay an architect to design the scheme and the quantity surveyor to measure the scheme with the bill of quantities which is now a thing of the past, and then the contractor would price the bill of quantities. This process still appears to exist though, as explained by John that in his current work the last five years the contractor had taken no design responsibility whatsoever and also by Jane who described how the public sector authority she was currently working for would create their design and then procure a contractor to build it for them. With there being a large difference in the clients approach to the work, different responsibilities and risks would need to be considered when procuring the supply chain, with the supply chain needing to adopt the responsibilities and risks for each project.

Changes in Employment

This change in contracts did not seem to make as much of an impact to other participants but employment through subcontracting was an identified a factor of change, with Colin describing how you would previously have one company and they would employ everyone. Lee felt that this was due to the way that contracting now is, where there is pressure on subcontractors and they'll just employ anyone who will turn up with a trowel to get the numbers on site. Lee also referred to the labour shortage and people having a go at being a bricklayer and still earning £200 a day at least, even though they were not skilled. This *laisse faire* approach to work and workers was also considered a factor of big change in the industry, particularly the change in workers contracts, how they are not

directly employed by the contractor, and in many cases not directly employed by the subcontractor either. This lack of direct employment was also described by Tony: -

“Many of the people have no real direct employment relationship with the person they are working for. And if you look at places in London you’ve got agencies like Hudson’s who move 35000 people a week in London alone and none of them have a direct employment relationships.” (Interviewee Tony, Trade Union Officer)

Hudsons who have been trading since 1996, boast on their website that they had 72,000 subbies engaged for the 2019 tax year providing casual labour for over 2,500 construction firms. They also guarantee construction firms that they eliminate the risk of self-employed subbies being reclassified as employees by HMRC (www.hudsoncontract.co.uk) which ensures that the contractors do not have to pay PAYE for the subbies, or provide employment benefits. Jane described this change in employment status as being worldwide where a worker does not have permanent employment and made reference to zero-hour contracts: -

“I think the world has changed from where our parents first got jobs, and had a job for life, I don’t think people even in their 40s expected a job for life.... But I think zero-hour contracts is an element of life that we have to accept... I don’t think it was ever envisaged around construction...” (Interviewee Jane, Local Authority consultant)

Accepting that it is a permanent change Jane suggests that the zero-hour contracts where workers sign up to be available for work but are not guaranteed work were not intended for the construction industry. This change in workers contracts has also changed the role of trade unions and the agencies are working to protect contractors. Hudsons also boast on their website that with the rise of the gig economy there is the risk of subbies taking a contractor to an employment tribunal to claim holiday pay or unfair dismissal, often backed by their union, and that Hudson can make the risk disappear by ensuring their contracts with Hudson have the right legal standing which has been a particular focus since the Pimlico Plumbers case. In June 2018 the Supreme Court delivered its ruling on the landmark Pimlico Plumbers case where it was considered that a self-employed

plumber was classified as a worker with employment rights such as holiday pay (www.employmentlawwatch.com/2018).

Hudsons claim to have formally responded to over 100 employment tribunal claims made against them of which none have been successful, which clearly demonstrates that at least 100 subbies have felt unfairly treated. This outlines how the industry has adapted to the general change in employment contracts to not protect workers but to protect employers against having to protect the workers. When asked about trade unions and how their influence in the construction industry had changed, Tony explained how the environment had changed with conditions becoming more difficult: -

“The unions have been around since the guild in the early turn of the 17th 18th century, so , you know, we’re basically reflecting a society and a workplace that is changing and being made more difficult for us, because you know in the old days as an official if I went into a workplace and there was 250 people there, now..... you can have you know 8 and 9 layers of different employment contracts and relationships. And so when we go in to try and recruit someone the problems become manifest because you’ve not got a direct employer to talk to.”
(Interviewee Tony, Trade Union Officer)

Tony considered the change in employment to have been brought in particularly under the conservative government who he felt saw the trade unions as the enemy within. Tony described the Thatcher period as the time of when there was a reduction in the amount of employment support and protection to workers and also that this suited employees, particularly in the modern workplace with more flexible working, and self-employment opportunities to be able to contract for work. Protection of workers has different connotations in the construction industry. Employment protection has changed adversely in respect of the worker, with contractors relying on agencies such as Hudsons to protect them against employees while health and safety protection has also changed for the same workers but for the better.

Summary

There have been four key changes in the industry identified in the participants responses, and these can all have a significant impact on the construction worker. The changes in cost and drive for cheap casual labour; the changes in time, and workers being put under pressure to work quicker; changes in contracts giving the contractor more influence; and

changes in employment, with agencies protecting the contractor from employees having rights, and the employment structure making it more difficult for trade unions to recruit members and provide support. The changes identified do have negative connotations, which can be addressed through the contractors CSR policies to protect workers and employees, but this may be in conflict with a contractors focus on cutting cost, and preventing workers from having rights.

4.1.2 Transformation of health and safety in the industry

The transformation of health and safety in the industry was clearly stated as being significant in the construction industry. This came across quite strongly and without hesitation from approximately many participants, although there were different viewpoints regarding regulations and the practicality of adhering to the regulations by smaller construction companies.

Reference to the change in health and safety was more prevalent in the responses from participants at managerial level as being a significant change in the industry, but not at the forefront of the mind of the construction workers interviewed. This suggested that health and safety is a managerial concern but not a worker's concern.

Changes in health and safety

Colin felt that health and safety had definitely improved and that it had got better than when he first started in the industry thirty years ago. Colin also felt that this was led by the legislation of health and safety and the threat of being liable for any incidents of which ending up in court could be a consequence which would harm the reputation of the company and also cost the company for any compensation. Colin explained:

“Safety, health and safety is much better now than what it used to be when I first started. I mean we had sites that ran before you do any work, you have to understand the work and if you work outside that boundary you are liable and likely to end up in court..... the biggest worry for me is that someone hasn't signed their RAMS (Risk Assessment Method Statement) and they're at work, and making everyone sign that's my job.” (Interviewee Colin, Subcontractor Site Manager)

This response raised a number of points to consider in addition to the threat of being taken to court, the relation raised between the positive consideration of the UK to be a world

leader in health and safety with the negative of the time it takes up, and the responsibility. Interestingly, Colin is a full-time employee and he considered the time it takes up rather than the cost, which was picked up earlier by the small sized company manager. Colin also shared how when he started on construction sites thirty years ago he would walk around in trainers on site and that now he walks around saying “where’s your safety glasses”, and generally checking worker’s PPE all day. This was also an experience of John, who explained how fifteen years ago he would go on the construction sites to work in a pair of Chelsea boots which would give little or no protection against dropping anything on your feet or walking on anything dangerous. This suggested there to be historically more of a carefree attitude to safety, either due to lack of concern or lack of regulation, or both.

Lee felt that although the industry standards had changed regarding health and safety, he did not consider there to now be less accidents than before and described how: -

“.... There’s people now who go to building sites and think they are immortal and think it’s a safe place to be, this is the whole problem. When I worked on sites when I was like 22, if you were coming out of a building that was under scaffold, you didn’t loiter around, you got out as quickly as possible so you didn’t get hit by something falling. So you were far more aware in the early days about the risk. Now because all the safety stuff is in place they think they are safer and suddenly common sense is out of the window. .” (Interviewee Lee, Construction Site Manager)

Lee considered there to be the same risks on site, but more procedures and aids in place to help people forget it’s a building site run by humans where errors can happen all the time. This was an interesting viewpoint regarding the human nature of health and safety rather than the regulation, and how an individual worker’s consideration of health and safety was perceived to have changed. It could be considered in this context that the regulations have increased the risks on site rather than reduced them? Tony explained how there had been a range of activities in and around some of the rules and regulations in construction particularly in the public sector and that this improvement around health and safety had actually seen accident and injury rates drop. Although Oliver wasn’t sure if statistically accidents on building sites had got better or worse and didn’t think it had changed much. With such different views from managers within the industry, this implied that not all accidents are being reported as they should be, and hence the official statistics

had improved. Another factor to consider is the variance between different parts of the country and different types of construction sites.

Both Jane and Chris shared their thoughts that health and safety had gone too far, with clarification on that view that you could not go too far when people's lives were at risk. Oliver an Employers Agent to clients also felt that although health and safety regulations had gone a bit far, it definitely had needed to improve, and Oliver explained the blame culture of the industry which Colin had referred to in terms of claims being a threat to the contractor: -

“Building sites were dangerous places, people kind of closed their eyes to the dangers but I think that it's going maybe a bit berserk because there's that blame claim culture now isn't there. If I was stupid to trip up on site because I wasn't paying attention the likelihood is I could actually make a claim as well.”
(Interviewee Oliver, Employers Agent Director)

This suggests that the risk of having a claim made against you as a contractor could actually be taking precedence over the risk of injuring your workers. John saw the main concern as being the threat of stopping work and had experienced an example of this in a situation years ago where the whole management chain from the shareholder to the lowest operative, including the site manager, would not want to follow health and safety procedures or shut down the site to deal with any issues. John did go on to explain how this attitude in his opinion had changed, and that he now had to attend hundreds of meetings where they talk about the importance of health and safety: -

“... take it absolutely as fundamentally its part of their mantra, and they absolutely all sing it and they all seem to mean it in terms of health and safety on site, the welfare facilities, the making sure everyone's warm and safe, making sure everyone gets home, it's absolutely everything they talk about, and then the job gets mentioned second.” (Interviewee John, Subcontractor Site Manager)

This seemed a positive way to behave as a contractor, and in Steve's experience, a development manager, he thought the increasing focus on health and safety year on year over the last six years of his time in the industry was also inclusive of the welfare of operatives. Jenny also felt that people now take health and safety regulations on site very seriously and that it was ever evolving and getting ever more stringent. Jane also shared that you can hear people grumbling that health and safety had gone mad but felt that it was necessary on site.

Drivers of change

Tony shared his view that the drive to make changes in health and safety was due to the sheer number of workers that the construction industry was killing, and that this could not continue. Tony also felt that the regulations are now more civilised due to the industry being dragged along by societal forces and expectations of work being a safe place. This is rather than an antidote of a back curve, with and the industry carrying out the changes because they consider them necessary.

One of the regulations which have been introduced is the Construction, Design and Management (CDM) regulations which were updated in 2015. Peter described how the CDM regulations were effectively health and safety regulations to monitor all projects which have more than five people working and also more than thirty-man days. Peter advised that they were set up to get the smaller companies to the level of the bigger companies as the bigger companies will already be carrying out the regulations. This was enlightening as to how the industry works in practice, and it was also suggested by Peter that by the time regulations came into force the bigger contractors were already behaving in that way. Suggesting that there could be a strong link between the large construction companies and the regulators of health and safety. This questions if the large construction companies be able to influence the regulators to adopt regulations which they can afford to carry out, or do the regulators have sole influence over the construction companies, and this is now being passed down to the smaller contractors?

Where the industry is invited to comment on government papers, how much influence does the construction industry does have and does one size fits all, or could smaller construction companies have a different set of regulations to adhere to. Chris who is a small construction company owner, he explained how they saw a change in the health and safety of the industry over the last twenty years was better but it was also hard to pass down the line: -

“...unfortunately it does pass a lot of extra cost onto people like me which is hard to pass down the line cos there’s so many people doing it and it’s very cut throat..... it’s been getting more and more over the years but in the last five to ten years its certainly gone up a noch. It’s definitely gone up a much more rapid pace than it was.” (Interviewee Chris, Small Contractor)

By passing down the line, this term was used in the context of their customers and how to remain competitive they would not be able to pass the cost on, and not be left behind

in respect of their health and safety standards. It is assumed to be unintentional and instead a consequence of the industry moving so quickly in terms of health and safety.

Summary

The experience of participants suggest that there are clearly improvements in the management of health and safety on construction sites, and a fear of reputation and the threat of ending up facing injury claims in court. The drivers of this change and improvement appear to be from regulation in acknowledgement of how dangerous the industry is, but the regulations could be influenced by the larger contractors. The identified drivers of change are linked to CSR in that the contractor has a responsibility to adhere to regulation to protect their workers, but this responsibility is not voluntary.

4.1.3 What is the role of the main contractor and the client?

One of the focuses of the interviews was around the main contractor and their role in the construction industry. Exploring what workers think the contractor's role is in the industry, as a direct employer, an indirect employer, for clients, or for consultants, to help establish if the various stakeholders had different views. This was considered to be an important factor in the effectiveness of any corporate responsibility, where the main contractor acts as the overall employer of workers and therefore any corporate social responsibility being considered to be their responsibility as is advertised on their websites and social media pages. Additionally, any CSR promised to the client by the contractor, would need to be passed down their supply chain to deliver.

Contractor management

With the contractor being considered to have responsibility of the construction sites, data analysed gave varying views from subcontractors and direct employees of contractors of the method of management and the effectiveness. Colin a subcontractor but also site manager for his team felt that the corporation was not aware of what happens on site and described it as: -

“They’re sitting in a nice office, they don’t have a clue really of what getting their hands dirty is. The nitty gritty of it is that, it’s all about money, making money.....” (Interviewee Colin, Subcontractor Site Manager)

Whereas Lee who is a project manager of construction sites, explained how when he goes on site, he knows the effective name of everyone, even the labourer for the dry liner,

and if they are not happy, they tell him. Likewise, Chris who runs a small construction company stated clearly how he would not work for a big contractor and described it as: -

“... cos of the agro involved, red tape, everything else and I’m too used to doing it on my own. I couldn’t take rules of someone being an arsehole.” (Interviewee Chris, Small Contractor)

Although this could be an opinion of any self-employed manager, Lee also did not think he could work for a large contractor. With some insight from her experience both on site and in the office, Jane suggested that if you spoke to a main contractor in their head office or their accounts office it was always cash based but felt it was different on site and more people based which suggested a separation of culture between managers in the office and managers on site. Tony felt that there was a whole host of nuance games being played by contractors and explained it as: -

“Sometimes you have decent management that are undermined by supervisors lower down the food chain, um so that’s often born out of prejudice, you know, worker can be a good worker but because they want to stand up for themselves or query something on health and safety or raise a risk assessment they can be targeted.....” (Interviewee Tony, Trade Union Officer)

Colin felt that all contractors were the same, corrupt, with some being more interested in health and safety than others, some contractors wanting to get the job done, and some who didn’t. Although Colin blamed the corporation rather than the corporation’s site manager. He went on to describe his experience of working for large contractors as a subcontractor, and how they would sell the job as the subcontractor having for example seven million pounds to complete the work but they will only actually give you two million pounds, and then kick your workers off site: -

“....what they wanna do is fine yeah, kick your blokes off site, red card them for everything so you can’t then replace them..... yeah they tie you up like that saying you’re delaying the programme. Cos you’re not delaying the programme but you’re officially delaying it cos they’ve red card your guy for silly reasons right I replace him then the next guy gets red carded and I have trouble replacing him again. And this all goes on..... I end up going to labour agencies for labour then which cost me twice much money and he ain’t as good. And that’s it (laughs) exactly how they work. They’re dirty, they’re dirty, the worse ones.” (Interviewee Colin, Subcontractor Site Manager)

Describing how this resulted in the subcontractor paying more for the labour and then the job being delayed allowing the contractor to charge penalty clauses, this was a rather condemnatory response, suggesting that the management culture on large construction sites was quite severe. Although Kev a self-employed construction worker shared how a large contractor they did work for had been brilliant which was refreshing to hear.

Focusing on directly employed workers, Gary raised the issue of there being a shortage of good contractors. Gary explained how people who are professional and want to work for someone who's credible, to make sure they had a future and longevity in their employment, basically to work for a decent employer which he felt was quite hard to achieve especially with the instability following the downfall of Carillion. This echoes the focus of main contractors on their websites of how employee's welfare and development is considered a priority, which could be construed as a form of window dressing but in this context not to attract clients but to attract decent employees and managers. This seems to be different for casual workers on site for whom Tony shared that the procurement process for bigger sites were often still done in a pub near the site describing how they were still carried out through word of mouth and processed in a way where an interview process like a traditional firm would. But they would also outsource that responsibility:-

“....they just go straight to an employment agency and the employment agency take on that responsibility so they outsource that responsibility. Then when they get on site, they'll red card, you know we call it don't come back Monday, you know and there's abbreviations of that.” (Interviewee Tony, Trade Union Officer)

This was a very similar view and experience which Colin had explained and seemed far removed from the direct employment recruitment process at managerial level which Gary referred to.

Contractor payments

Fights over payments was referred to by a few participants, particularly Matt who was a victim of non-payment at the time of the interview. Matt suggested that non-payment was common, referring to one of the biggest contractors in the country and how they work outside the contract so you are never going to get paid. Matt described how he was used to subbing to a contractor and having to borrow from family to pay his own subbies, in addition to HMRC owing him money from deducting 20% tax but taking a long time to repay it leaving a further cash shortfall. He was very passionate in describing how

“right they owe me thousands and thousands the HMRC. And another email on the day I was due to get paid from that company in Bristol, Wilmot Dixon job, they went bust on me, thirty-two grand, so I’m on holiday in Greece and I’m thinking what!!!! Oooohhh madness, and then I’m borrowing off me mates, ridiculous.” (Interviewee Matt, Subcontractor Project Manager)

The issues with paying subcontractors was suggested by Lee to be due to overheads being the biggest killer of every company, and so they must work just to keep the machine going and manage this through employing subcontractors who are the cheapest but with there being lots of extra costs at the end and fights over payments. This could be an explanation of why there is such a precarious employment process for workers on site, to reduce the responsibility of overheads, or as Lee describes it to keep the machine going. Working for a larger subcontractor, John has experienced similar issues with getting payment owed from contractors. John shared that in his opinion all contractors were within 20% of each other in terms of being the worst payer. He explained how:-

“I have had a lot of contractors all the same come up with a spurious list of claims that have never been mentioned before. Every hospital, every school I’ve done has done exactly the same thing.” (Interviewee John, Subcontractor Site Manager)

John went on to explain further how you would not see it happening until three months before the end of the job when you are submitting your invoice, and then the contractor would say ‘here’s a list of things we want to claim money for’, suggesting that it was purposely managed in that way. This was clearly an issue and raised the question of if this was known of by the client? Steve thought that as a developer acting as client to contractors, they would monitor progress on site not just in terms of number of bricks laid but also regarding any accidents, incidents and there would be a monthly update meeting. Perhaps this is where the client could have some influence over the contractor giving information about their payments to subcontractors through signing up to a client policy? Barbara considered the contractor to definitely be responsible for people on site and subcontractors, but this was regarding safety rather than payment. When asked, Steve admitted that he had not considered if construction workers on site were actually paid.

Role of the Client

When discussing the role of the Contractor, it felt that the role of the client should have an influence on the contractor’s behaviour and processes, at least in order to win work if nothing else. Tony felt that the payment issues which have been referred to in the last section should not be allowed to exist, particularly when he considered the government

to be the biggest construction client, and that we should not be in the situation where the administration of contracts allows that to happen.

Jane described how under public procurement you would have an Employers Agent to administer your contract and ensure it is adhered to, and Jenny who works as an Employers Agent agreed that they would be brought in to specifically to look after the client, to oversee the management of the contract when they go live on site, and throughout the life of the project prior to handing over to the client. The Employers Agent will also deal with the defects period, typically a 12-24 month period and would go on site to monthly management meetings. Both Jane and Jenny felt that this would have some overview of health and safety but did not mention payment processes and the Employers Agent's role in that on behalf of the client, which suggests that this was left unmonitored by the client.

Tony raised how Unite were signing construction charters with local authorities and organisations which guarantee or look to guarantee proper health and safety representation on site, and proper conditions, which you would expect in most workplaces. Tony felt that there was a rise in the influence of the local authorities and governmental contracts where they can sign into construction charters and make improvements, although he also accepted that many employers were yet to sign into them.

Summary

There were very different experiences of the management role of the contractor on construction sites, with penalties and payments being raised as key issues for subcontractors and workers. Working with the supply chain is one of the key elements of CSR, but it could be concluded that this may not always be done in a positive way. The role of the client could be expanded to monitor payment practices, but it is difficult to identify a way in which the client could influence day to day working practices on site.

4.1.4 Development of Corporate Social Responsibility in the industry

Corporate social responsibility was a theme referred to in various guises by participants as having developed in the construction industry.

How has it developed

Gary described how in his thirty years in the construction industry there had been a theme developed of contractual processes and corporate social responsibility. In his view they had been firmed up over the last ten years rather than changed with more of an established principle in his own employment's organisation whereby

“we kind of 10% did it but now we kind of 60% or 70% kind of do it” (Interviewee Gary, Construction Commercial Manager)

As an explanation of ‘what’ had been firmed up, as an example Gary felt that it was around the safety culture and care in the community and looking after the neighbours better, which was interesting that he had connected safety to processes and corporate social responsibility as well as care in the community.

John wasn't sure if it was a glass ceiling or a breakthrough moment, but he felt that people twenty years ago did not give a care about Corporate Social Responsibility, that it did not exist, but now it was fundamentally important. He considered whether it was a younger breed of people being brought up and being more socially aware, or if it was client driven, or just an evolution of human beings. Although Jane suggested that the industry itself had become more conscious about sustainability, about the impact it has not only on the place they are working but, in the world, Jane also suggested that that was a sign of the times as suggested by John.

This implies that safety is considered to be part of corporate social responsibility, or it may have been a reference considering they knew that the subject of questioning was in relation to corporate social responsibility.

Equality

As with health and safety, equality and diversity has also changed in the construction industry, with there being more regulation and data collected suggests that the overall culture has changed. There is a drive for women to work in construction, but historically this has not been the natural career path for women to take, in what has been considered a male dominated industry. Tony also felt that the regulations had become more civilised in the industry making an impact on issues such as sexual discrimination and race discrimination, but he did not think they had developed fast enough and instead the industry had been dragged into the 21st century in this aspect. Oliver explained his experience of how it was years ago on building sites saying that they were very dirty dangerous places to work, and how welfare facilities have definitely helped the working

environment on site. Oliver added that it is still not brilliant but it is not barbaric, although for females he felt it was even worse.

The welfare facilities on site of Company A were described by Julie as being a welfare container, like a shipping container split in half with one half forming a kitchenette with running water and the other half being effectively a gender neutral portaloo with some storage. Julie would choose not to use the container but instead would go to coffee shops nearby to use their facilities. Jane also described how when she started in the industry around twenty years ago, she and her boss were frequently the only females in the room, and it had become a bit less now. Jane also felt that like Tony this was due to the general changes and a sign of the times rather than it just being in the industry. She described her experience

“....when I first started in the industry I would go on site and I would be the only female and the female toilet that they had to have would have something like concrete stored in it you know and they really scrabbled to clean it out, and it’s become much more open and much more inclusive.... When I first started I think my boss and I were frequently the only females in the room, that is a little bit less now....” (Interviewee Jane, Local Authority consultant)

It was good to hear from a female that the industry had become more inclusive, even if this was as suggested by Tony, forced by society rather than desire to be inclusive. This was also mirrored by Jenny who worked on sites inspecting safety and explained how she not only felt comfortable being the only female on the site but also and how they were treated with respect by the other workers. Jenny expressed how she had not even considered that it would be an issue that she was female and on site, and she had never been treated differently to the men. Jenny had worked in the industry for just seven years and so this could be considered the experience of more recent times and change, which was acknowledged by Julie who explained how you would never hear one of her workers wolf whistle somebody while they were on site, and that her employer took it very seriously and the worker would be disciplined as that type of behaviour is just not acceptable anymore, and that attitudes had changed. This could be considered as a very positive impression for the industry, although this may not necessarily be the case for diversity.

Diversity and Foreign Workers

There were generic comments made regarding foreign workers from participants that there was a clear difference between the British construction worker and foreign construction worker, mainly focusing on how hard foreign workers work compared to the British workers. The response from Colin a site manager in London was very positive in terms of workers, and he explained how from thirty years ago workers would be mainly from Ireland, and then following those workers would be from Poland and they “would do a decent day’s work”. This suggests that nationalities are judged generically by how hard they work, and is further cemented by the same interviewee sharing how they were upset by their own workers being undercut by a new influx of Romanian workers who had appeared in on the employment market within the last five years, and how they were not highly rated as hard workers. But Jane felt that the industry in general had become more friendly to minorities:-

“..... It wasn’t very often that you saw any minorities working in the construction industry or the developer industry, um, but I think that’s a sign of the times rather than just in the industry maybe?” (Interviewee Jane, Local Authority consultant)

This suggested that there was more acceptance of minority workers due to the change in society, but also that perhaps it was not an industry which they had previously gone into, and this had also changed. Chris described his view of foreign workers within the industry as being a positive, and he also considered them to be hard working. This was similar to the view given by Gary who when asked if there was any issue with culture differences or language differences, responded that when they had experience of Indian workers laying concrete floors, they had in their opinion tended to listen to their supervisors better than some of the British workers in his opinion as they were not trying to rush a job to get down the pub quicker.

It could be considered from the data collected that even if you could look at any construction site and consider there to be a diverse workforce, the inclusion that diversity strives for is not there regarding foreign workers. They appear to be generically categorised into various countries of origin and referred to as either hard working or not, rather than one of the team, and it will be difficult for companies to bring that together to have a joined-up construction workforce, particularly where there is a language barrier. Kevin is of polish origin and has found a good boss to work for who protects and supports him who is British, and perhaps it is through the training of managers and employers

which is required to invest time and provide protection of their workforce on a more personal level. Although this is extremely difficult to do under the current employment structure where workers are contracted through agencies, and subcontractors working for different employers from job to job.

Summary

It is clear that CSR has developed within the industry from a management perspective, on a wider basis than just the protection and inclusivity of workers which this study is focusing on. In relation to diversity, inclusivity and equality, the data analysed suggests that the inclusivity of female workers has improved through the facilities provided and in some experiences being treated equally. But there is still a perception that foreign migrant workers are different, and they are therefore perhaps treated differently. It is also not clear if the diversity and equality policies of contractors would include workers who are not considered employees.

4.2 Subcontracting structure of the construction supply chain

Subcontracting is a key factor in the hypothesis of this study in that the contractor as the supplier to the client is directly responsible for delivering a project to the client, but as an employer of the supply chain delivering the project, the contractor is contractually disconnected from the workers on their construction sites through the construction industry subcontracting structure. The layering of contracts from the contractor through their supply chain to the subcontractor to a further subcontractor (subbie) or to an agency for casual labour means there is no direct employment for the worker, despite the worker often being branded in the contractor's logo and name while working on their site.

This structure creates a complexity to enabling the workers to be directly impacted by a contractor's corporate social responsibility policies and values. Subcontracting can be described as a company employing another company or person outside their own company to do work as part of a bigger project, and this was considered normal practice in the construction industry by all the interview participants.

4.2.1 Subcontracting in the industry

To consider the purpose and experience of subcontracting in the industry, data has been analysed in respect of if subcontracting was considered normal practice, the benefits and how it may have evolved.

Purpose of subcontracting

There was some contrast in responses relating to when subcontracting became normal practice. Peter shared that the principle of having a main contractor at the top of the structure managing other people underneath them had been around for centuries but in terms of when that had happened, he did not know, and suggested that even in Roman times they effectively had subcontractors. Peter explained:

“The names of things might not have been called the main contractor at the time, they may have been a master builder historically but the principle of having someone at the top and then a team of people underneath them doing different bits of build has been there for ages” (Interviewee Peter, Construction Project Manager)

Peter also felt that while subcontracting had not changed, it had evolved. Delving deeper into the need for subcontracting in the industry during the interview with Barbara, she explained how as a main contractor her employer was essentially managing construction consultants. In addition, Jane felt that it was very unusual to get a direct labour force in today's world, and that if there was a specialist job which needed doing, then you would get a subcontractor in to do it: -

“....um small projects maybe, but the problem is (pause) that general practice contractors, which are what contractors are, are just that general practice contractors. So, if you need something on site like glass installing or beams installing or a special thing you have to go to a subcontractor cos they are a specialist in what they do.... They are the expert in that field. it is massively unusual for a generalist contractor to have all those specialist cores it's just not cost effective”. (Interviewee Jane, Local Authority consultant)

Gary's response was in agreement that subcontracting made it easier for his employer (a main contractor), that they would buy in services from specialists who then undertake the works. Gary explained how if you had a project with over two hundred people working on it, you would need to know two hundred to able to start work at that time, and instead you can employ a management structure and buy in ten subcontractors and each one may have twenty people. Gary also suggested that subcontracting has been talked about being disbanded for years with suggestions of direct procurement and shared his view: -

“...that's how it used to be isn't it, going back to Salisbury cathedral the diasbry or whoever there would have been one Foreman and had have employed as many

people as he could stonemason wise and they would have been directly employed by him, it wouldn't have been [my chief exec] saying I'm going to go and employ one hundred floor layers and staff directly he would subcontract that out that's the nature of the management structure that we have." (Interviewee Gary, Construction Commercial Manager)

This suggested that while direct employment used to take place, maybe the reason as to why it did not so much now could be due to the need to build quicker and so more people were required at a time to be working on a project. Salisbury cathedral took thirty-eight years to build.

Although John shared how he was experiencing a direct employment structure in his current employment, and he explained how this was normal for his current employer but rare in the industry. John described how his employer had set it up in its 50-year history to give the client the full service and described it as the John Lewis of service of a design practice, with John Lewis being considered as being well known for its high level of all-round service. Frank also gave an example of Company F, a main contractor who directly employs all their labour, but he felt that this was possible due to their delivery being less complex. Frank considered their level of understanding to be better and their workforce to be aligned because of the workers being directly employed.

Experience of subcontracting

There are benefits and disadvantages of subcontracting, and positive experiences of Frank and John for a direct employment structure, but Lee shared a different experience and reason for subcontracting. Lee described how he had tried various methods to get works done on site, but when they had previously directly employed groundworkers, the issue was that if it rained they would have to pay them to sit inside not working, and if they made a mistake for example laying a drain, he would have to pay twice to get that fixed. He felt that directly employing ground workers was not cost effective: -

"..... cos they're on hourly pay there's no drive for them to do it quickly. Subcontractors they are driven to get it to work." (Interviewee Lee, Construction Site Manager)

This suggests that cost is a key driver for subcontracting work, and workers therefore do not get paid if it is raining? Or they will be driven to work in the rain to get paid if they are subcontracting, removing the benefits of being employed by the contractor. We could therefore assume that if they are not being paid to sit indoors when it rains, they are also

not being paid when they are sick and unable to work or on holiday. When asked about corporate social responsibility and if it would apply to the subcontractors and workers, Matt felt that it would just apply to the contractor's own office staff, and it would not filter down. Matt shared that as a subcontractor they were not considered employees but instead treated very differently: -

“You can get dropped can't you, they basically treat us like shit most of the time.”
(Interviewee Matt, Subcontractor Project Manager)

This was an interesting view from a subcontractor on how they considered to be treated. Keith a subbie shared that he felt that a contractor's CSR would cover the contractor's site managers and managers so therefore it could be considered to include the site itself, and work carried out on site, but he also felt that as a subbie he was considered by the contractor as:

“You're just labour, you just work for us.” (Interviewee Keith, Subcontractor Labourer)

This was also the view of James who is also a subbie to a subcontractor who shared that any CSR would not filter down to the subbies:

“You have to have it done (the job) in whatever time they want it, whatever way they want it.” (Interviewee James, Subcontractor Labourer)

Although James did not refer to any particular contractor or whether this was specifically better or worse however the size of the contractor, and it was quite a generic view. In contrast, Lee felt that his employer worked well with their subcontractors and when asked about how they manage their subcontractors, he explained how they had to all work together and would complete a pre-qualification questionnaire: -

“all subcontractors we tender to have to fill out first about health and safety, show us their accounts, have a list of their labour and what training they have, all this sort of thing. I mean we're quite unique in that we don't change subcontractors very often..... Our ethos for our company is.... We're not there to manage everyone, we're there to work with everyone to get to a goal.” (Interviewee Lee, Construction Site Manager)

Having a preferred supply chain of subcontractors who were not changed often Lee felt brought benefits in that they had worked together for many years, with each party knowing what to expect and what would be delivered, and that the cost would be correct.

Steve also believed that the main contractor which his company used would work from a short list or long list of subcontractors for each job, and similarly as Lee referred to, for a subcontractor to get onto that list they would need to demonstrate good working practices. Having a consistent supply chain of subcontractors on a short list or long list could suggest that there would be a form of relationship between the main contractor and subcontractor and this would make working together easier.

Communication through the supply chain

Gary described how subcontracting layered up the construction process and stated that this meant that the communication around safety, culture and society had to be effective. The effectiveness of this communication could be vital to a subcontractor keeping its contract by behaving as expected. Even if all of the main contractor's policies are in place, they still need to be communicated. Where Peter referred to his experience of subcontractors not performing, or not performing to the likes of who they are being employed by, and how they have had to leave the site, perhaps the lack of performance could be due to the communication of safety and culture rather than the behaviour of the subcontractor which could seem an unfair advantage to better known subcontractors who fully understand what is required and can behave appropriately. This can also be exasperated as suggested by Gary who raised the point that the business responsibility of subcontractors translates down the chain and its difficult where workers have one rule from one contractor and one rule from another, which is clearly demonstrated through the content analysis of the five top contractors and the varied language used in their CSR policies.

This can be further complicated with the speed of which workers are required to be deployed to a site and the pressure put on subcontractors to provide the workers required. As explained by Oliver, he found that the main contractor will have a subcontractor that he likes to use, he will give him all the work he has available, and because the subcontractor does not want to say no to the work, he will then have to find a bigger workforce very quickly. One of the places he will go to will be the agency and getting those bodies (his term for workers) to work for him and trying to manage those bodies, which has its own set of problems. They will be likely to be not used to working for the subcontractor and adhering to their own health and safety policies and procedures which not only adds pressure on the effectiveness of the communication but also on the management of those workers so that the subcontractor is not penalised by the contractor for their workers behaviour.

Summary

The purpose of subcontracting in the industry being to resource the work and bring in specialist subcontractors is not illogical, and although it is not a method used by all contractors, it is considered by participants to be normal. The experience of subcontracting in the industry does highlight the precarious nature of work which it creates through short term work for subcontractors, who are also expected to behave and deliver work in a way acceptable to the contractors, so they will be asked to work for them again. With policies and procedures being different from contractor to contractor, communication of their requirements needs to be efficient and effective. Subcontractors also do not feel like CSR is passed down to them and that they are just there to work and do as they are instructed.

4.2.2 Roles and responsibility in a subcontracting structure

Where work is shared among various subcontractors and in turn passed down to various workers through agencies, how are the roles and responsibility for the work managed and how do they work together collaboratively? Barbara's view was that on site or any given site the contractor is responsible, and further still the law as she understood it, and that her own employer a main contractor would be responsible for their own supply chain had an accident or were behaving irresponsibly.

Contractor Responsibility

Where the main contractor has full responsibility over their subcontractors, how do they control what happens on site? Gary felt it was controlled through inductions, and subcontractors being told the specific risks of a project, and shared how every member of their supply chain, and the subcontractors must conform to a basic standard otherwise they do not get employed, and that is based on the company not the individual. This must be difficult if a subcontractor further subcontracts work to subbies who are onsite working on a specific job for several weeks or months, and they do not have control over them. It could be a period into the job before the behaviour or under performance was picked up and they would be penalised for this. From experience a subcontractor who has design responsibility often must produce a twelve year warranty for their design, offering Professional Indemnity Insurance for that work, so the responsibility is not just while the work is being done but also a long time afterwards.

Gary described how a subcontractor firm must promise to deliver a safe method of working with their staff and their resources, but then it is the guy they send to site they have to make sure takes that seriously. When asked, Chris did not feel that as a (small) contractor he had control over how his subcontractors carried out their work, such as electricians and plumbers who have their own regulations: -

“..... the whole point of giving them that is cos I’m not registered to do their work and therefore I don’t know the rules to do their work therefore I do have to rely on them to do their own stuff..... I still have to make sure they’re safe, but the only control I really have over them is the fact that I’ve asked them to do a job and they tend to have their own trade and their own rules, which is why subcontracting is better than employing them, because you can leave it to them.”

(Interviewee Chris, Small Contractor)

This seemed to be less controlled than expected, but more of a responsibility. This was similar to Barbara’s response when asked if there was a process of managing working conditions on site with the subcontractors:

“.... In terms of protection they turn up with the right kit, we have it on site otherwise, glasses, ear defenders, sun screen we even provide in summer.....the um assessment process that we go through in the first place which is builders profile which is an online portal system so we approve effectively our supply chain through the system, we ask all sorts of questions that we answer, keep us up to date with in terms of their insurances, their policies and things like that.”

(Interviewee Barbara, Construction Business Development Manager)

This appeared to suggest that the contractor would be responsible for their protection on site. Steve had a view that in his experience of going on site, the site manager would be responsible for initiating all subcontractors onto site and laying out the ground rules clearly and what the minimum safety requirements are on site, and he felt that the contractor which his employer used, would replicate this nationally. This is a much larger contractor than the one which Chris is referring to and therefore could be considered similar throughout the industry. Although Jane had identified a potential impact of control through a subcontracting structure:-

“...cos it might be that you are working on a site that has a really good health and safety conscious main contractor on board and they really make sure their staff are looked after cos they will have staff on site, and it could be just say, the

subcontractor isn't particularly good. Now it is the main contractor's role to make sure the subbies are following the health and safety protocol but sometimes that's difficult particularly on larger sites!" (Interviewee Jane, Local Authority consultant)

This can have an impact on the contractor as they have ultimate responsibility of health and safety on a site, and if their processes and procedures are not being adhered to by subcontractors then they will be affected.

Allocation of risk

Where the contractor will set out the roles and responsibilities there will also be an allocation of risk between the parties. Peter explained how the new design and build type contract means the design is carried out prior to the contractor being involved but the contractor takes on the design responsibility, rather than the client under the more traditional type of contract. When asked if this gave more risk to the design consultant (which would include the Architect, Structural Engineer and Civil Engineer) under a design and build contract rather than a traditional contract and Peter responded:

"Under the D&B contract the client is transferring that risk to the contractor but the contractor still makes sure in their contracts are stacked up, uh so the contractor still makes sure that risk is passed back to the consultant." (Interviewee Peter, Construction Project Manager)

With the risk being passed down from the contractor the relationship between both the contractor and consultant is important to ensure that they can both work to the contract. This will not just be the owners of the subcontracting firm but also the workers they subcontract to as well. In addition to the design risk there is also risk around health and safety which seems to sit ultimately with the contractor. Jane shared how contractors have to report accidents and a health and safety executive will do an investigation to see who is responsible for it. Jane gave an example how Company C had a death on a site that they were building, the site steward died and the health and safety executive found Company C not to be at fault due to the individual being at fault and acting outside the regulations. Despite the contractor not being found to be at fault the investigation could be damaging to their reputation.

While the contractor has responsibility for workers in terms of health and safety, it was suggested by Colin that this had changed in that there was no responsibility for the workers personal health in the event of an accident or becoming ill through work. He

also believed that the subcontractor instead of having the role of a manager or a foreman, would now have their own business, and would price in an additional profit margin to the contractors profit margin to account for the risk that they are expected to take, which would be at a cost to the workers ultimately:-

“That’s basically how it works. Money to the governor not to the workers, the workers are worse off.you’re now working for the subcontractor,you won’t have the same package, you won’t have the same benefits..... He’s going to pay you so much an hour and that’s it, he’s going to pay you so much holiday if you’re lucky. That’s all your gonna get. You won’t get no sick pay..... In construction you don’t get nothing, if you’re off your off. Always been the same. You get holiday if you’re staff, if you’re self-employed you don’t.” (Interviewee Colin, Subcontractor Site Manager)

It could be considered therefore that workers will potentially work when they are not healthy to get paid and therefore making it unsafe to be on site, despite it being the contractor’s role to be responsible and take the risk for safety on site. This could be considered a conflict of interest of what is a priority for the workers and the contractor.

Summary

With the contractor having responsibility on a construction site, data analysed suggests that this can be controlled through inductions on site for workers, for which the site manager will have responsibility. There is also an allocation of risk between the subcontractor and contractor for the design and their workers adhering to the contractor’s policies and procedures to enable them to be given more work with the contractor. These risks are suggested to be priced by both the contractor and subcontractor profit margins. The workers do not appear to have any benefits through this process other than being paid, and potentially being paid less as there is a layer of business each adding profit margins.

4.2.3 Contractors control of subcontractors and workers

The questions to participants included asking what form of control a contractor may have over its subcontractors to manage health and safety standards and protection of workers. Especially where as set out above workers were potentially working if they were unfit to work to make sure they were paid.

Contractors protection of workers in their supply chain

With the introduction of the Modern Slavery Act, there is more responsibility on the contractor to ensure there are no victims of modern slavery throughout supply chain. This has added complexity through the subcontracting structure and the control that a contractor may have over the wellbeing of the workers on their construction site. Steve shared his view that although the contractor may have a procedure in place to make sure that everybody within that company is aware of the Modern Slavery Act, understands it and has a responsibility to report in the first instance if they think there may be in breach of the Act, whether the contractor passes that responsibility down to the subcontractor he did not know or even if it is passed down, how the contractor would police it.

Of course, the contractor could through their payment processes inadvertently create a slavery environment if they are not paying their supply chain what they are owed, which can have an indirect impact on the workers who are waiting for the supply chain to pay them. Frank felt that if the contractors paid their subcontractors on time then they would pay their subbies, and therefore assuming that the subcontractors would not withhold payment from their subbies, who would also be considered to be their workers. Frank suggested that Company C paid their subcontractors well, but that Company E would find any reason not to. There was no evidence for this, just his opinion, and he also recalled how twenty years ago a contractor would have to buy out the subcontractor if the subcontractor went bust through lack of payment, and the contractor would in that situation complete the job. If they had not bought them out, you could assume that the workers for that subcontractor would not be paid for the work that they had done. Jane also considered the lack of payment to the supply chain to vary from contractor to contractor, and suspected that the longer a contractor has been in business the better they probably are than those up and coming who may not have the experience.

Contractors control over health and safety on site

When asked about health and safety, control and responsibility, Colin explained how as a subcontractor to the contractor, that he would be responsible for the health and safety for his workers and this is controlled through RAMS and site inductions, but how also there was a split of responsibility:

“..... if my workers walking down a path and he falls down a manhole cover that’s not down to me, that’s the main contractor not putting a barrier around the manhole. If they’ve been working around the manhole and they’ve not got the right PPE on that’s me.” (Interviewee Colin, Subcontractor Site Manager)

With having the right PPE available, this requirement would need to be passed down the supply chain through the subcontracting levels. Oliver felt that the chain from contractor to worker diluted the message. With the contractor insisting it is provided from the first level of subcontractor who they are in direct contract with, the second level may ensure he provides his people with the same but as you go down the line it can be diluted as he explained:-

“I fear the more levels you go down the chain,it’s not less rights he’s got, but I think he’s not treated as well as people going up the chain. I think the subcontractor may have a good relationship, but then that subcontractor will subcontract and then that subcontractor will subcontract, and I think the further you go down that chain the more obscure it becomes and providing PPE and things like that. Abused isn’t the right word either, but taken advantage of..... It’s tougher for the individuals.” (Interviewee Oliver, Employers Agent Director)

This clearly makes it more difficult to control the workers safety wear and also the control down the chain, which could be suggested that it should be managed by a policy passed down the chain setting out standards, but the workers who can be gathered at short notice through agencies such as Hudsons may not be aware of the contracts or the policies, and not provided with the equipment required.

Control conflict

With both the contractor and the subcontractor having control over the workers on site, there can be a conflict of requirements, standards, and communication. In its most extreme sense Matt experienced a conflict between the contractor and subcontractor on a construction site where the agency workers employed by the subcontractor were not fit for the job:

“.....we’re subbing to a contractor that had six lads from this agency doing their work pre us,they sacked six of them cos they were really useless, they didn’t have a clue what they were doing right. But the next day the main contractor set [employed] the same six cos they want men on site, they want bodies on site, cos they’ll up against the uni [the client] the council god knows what, so they have to show they’re making progress any which way it’s possible..... It’s a joke” (Interviewee Matt, Subcontractor Project Manager)

This showed a different level of control over the workers as despite being sacked by the subcontractor they were reappointed by the contractor which suggests a complete

disregard for the quality of work. As a subcontractor to a contractor this was a completely different view from that of Gary who shared that the attitude of managers in contractor business was one of responsibility and he considered that attitude to translate down the chain but the issues he had experienced were:

“.....it’s only when you got to that point where you are subcontracting and you have one rule from one contractor and one rule from us that’s where the difficulties set in. They like working over there cos they can wear shorts and a t-shirt and no PPE..... And they are fairly safe, and they come and work for us and they have to wear everything and be really safe. If it’s a hot summer’s day, I don’t want to wear a hat and glasses and gloves and that I’d rather go over there and have the sun on my back...” (Interviewee Gary, Construction Commercial Manager)

Which brings its own issues if each contractor has different standards and requirements of their supply chain and for the supply chain to be able to comply with these. Jane felt that the key element of this relationship was around the contract and explained how the contract between the worker and the subcontractor could be considered the first contract, but the subcontractor and the main contractor had a completely separate contract which the main contractor may not adhere to and make payment when required, even if the subcontractor has to adhere to their contract with their worker and pay them and this could work in the opposite way around.

Control through penalties and payments

It has been identified through the research that control can also be exercised through the withholding of payments, and the issue of penalties. Colin described the penalty card system which was used to control workers on site, regarding health and safety and behaviour. This was based on the football system of a yellow card for a warning and a red card for a sending off. Colin explained the impact of a yellow warning card:

“If you get a yellow card, you get sent home, and you get to come back the next day and you get re-inducted..... You can use that to kill a firm, I’m a subcontractor, I’ve had that done to me..... If a man gets red carded, then the supervisor gets red carded too. Yeah. So if I have a team of 7 and there’s one supervisor in there, if the main contractor pulls a red card on one of the guys then the supervisor gets red carded as well cos he should have known better.” (Interviewee Colin, Subcontractor Site Manager)

This was an extremely insightful response and while demonstrating how a contractor may control its subcontractors, in what is described as a difficult situation to manage. It seemed to further create the issue where workers were procured on short notice from agencies due to the urgency and not fully committed to the subcontractors or the contractors requirements and procedures. Steve felt this process of procuring workers on short notice and being released is to save carrying a heavy wage bill:

“So they employ and release staff according to how much work they have going rather than carrying a heavy wage bill.... There tends to be a site manager employed by the main contractor so the main contractor would be in charge and responsible for them [the staff] if they are directly employed on a permanent contract or temporary basis!” (Interviewee Steve, Development Manager)

Steve referred to the directly employed staff which other participants did not refer to, which could be due to being a directly employed worker himself, but he also refers to the heavy wage bill of employing staff and this being the reason for staff being employed and released dependent on how much work they have on. This was consistent with the response from Chris who explained how his workers were not in contract with him as it was dependent on the amount of work they had on but he also explained how he had one person who he employed all the time and then they would just get people in as and when they need them but with no contracts:

“They are not on call out or anything like that, they’re on the understanding that if there’s work they work and if there isn’t they don’t. Because they’re self-employed they don’t get holiday, um so therefore you know they are purely there if you need them, and they work for other people as well.” (Interviewee Chris, Small Contractor)

This could be considered to exploit the fact that they do not get paid holiday and so they were essentially always available although Chris did not get paid holiday himself and would have to factor any time off into his income on the days he did work. This would be similar if he was sick and unable to work. Therefore, the control could be considered in this instance to be through being available to work and the work being available.

Summary

There is now a clear responsibility for contractors to adhere to the Modern Slavery Act through their supply chain, and also a responsibility for the workers on site. Although the risk of health and safety appears to be split between the contractor and the

subcontractor, the messaging does appear to be diluted through the supply chain. There is again an issue raised around the conflict of interest between the parties, and unclear messaging around different contractors policies and procedures as identified previously. The precarious nature of working in the industry is described by the contractor will have control over sending workers off site through a yellow and red card penalty system, with subcontractors also being on call for work as required.

4.2.4 Policies passed down to subcontractors and contracts

A method of controlling the behaviour and safe working practices of subcontractors could be to pass the main contractor's policies down to the subcontractor through the contract between the contractor and subcontractor, including policies being passed down from the client. This could be done through the employer's requirements within the contractor's building contract, which sets out the design of build and any planning requirements along with any employer requirements. The contract can have penalties within it, and these could be placed against the policies. But how many policies are passed down the supply chain to subcontractors and in turn to subbies and agency workers?

Policies issued through the supply chain

When asked if the policies of a contractor would be passed down the supply chain to the workers, Jane advised that any policy in her opinion would go from contractor to subcontractor. In Janes view, main contractors will have certain subcontractors and when you sign up work with them you have to adhere to all their health and safety policies as part of that sign up process and explained:

“there'll be one of ten being the same people to do wiring or to do windows and because they adhere to those health and safety contractual obligations and probably that you haven't had an accident.” (Interviewee Jane, Local Authority consultant)

Which suggests that there is a future pipeline of work if the policies of the contractor are adhered to, although Jane focused her answer particularly around health and safety. Another area of policy and behaviour on site which has recently been introduced is the Modern Slavery Act which formed part of the questions. Peter shared that in his work as a direct employee of a contractor, modern slavery was something which they had been made aware of through online workshops, and that it formed part of a company policy

which would be passed to the level of subcontractor, and it would also require the employees to keep a look out for any signs of slavery:

“It just raises awareness.....I don’t know if their employees are turning up to work and expected to work 15 hours a day whatever we don’t think they are going home, then they are bound by all these things that you see or read about..... We’ve got an approved supply chain..... So I guess what we do as a kind of bit of a whipping stick over some of the subcontractors is that if it turned out that they weren’t adhering then they’d be removed from the list Obviously is a way of ensuring they are respecting the policy.” (Interviewee Peter, Construction Project Manager)

This suggests and as Jane has referred to, there is a future pipeline of work by subcontractors adhering to a policy whether it be a Health and Safety policy or a Modern Slavery policy and they will remain on a list of a preferred supply chain which could be considered sufficient coercive control to get the subcontractors to work to the policies. In complete contrast when asked if he would expect a subcontractor to adopt the contractor’s policies, Frank responded that:

“As far as I am aware no policies flow down (the subcontracting chain) apart from in Company A.” (Interviewee Frank, CSR Consultant)

This statement around Company A was in line with Julie’s experience working for Company A and how it was the company’s responsibility to ensure that every policy is followed to the letter because when it all goes wrong it is that company’s name that’s all over the press. In Lee’s experience working for a smaller contractor, there were not policies passed down to their subcontractors. There were questions asked around health and safety in the pre-qualification questionnaire when they were appointed as explained previously but this did, as with Jane’s response, suggest that the only policy of interest was in regards to health and safety. Whereas Barbara described how her employer who is a large contractor would pass their company’s policies down to their subcontractors and these would include policies such as CASSE being Creating a Safe and Sustainable Environment which is also a course they run and expect their subcontractor supply chain to sign up to it along with signing up to a code of conduct.

Issues with Policies in the supply chain

There have been issues identified in passing the contractor’s policies down the supply chain, and Julie explained how it can be difficult if there is more than one company within

a partnership and shared how for the role she was in, there was a joint partnership of three companies with Company A being just one of them, and so their partners company's visions and policies may be different to that of Company A's. They were unable to feed that policy down to everyone only their own workers. When asked if the partnership had its own policy Julie thought they would have but didn't know for sure as her employment was with Company A and therefore everything she saw came from them. This helps collaborate the theory that each contractor behaves differently and therefore a subcontractor working for various contractors may have to work in a different way for each of them to adhere to their policies.

Working for a large contractor Peter believed that their policies would be passed down to subcontractors through their orders with them and so they would have to adhere to them, but also shared that this was only the case with their directly procured subcontractors rather than with the subcontractor's orders with subcontractors further down the chain sharing:

“....so you can't really control the next level, you have a contract with the first level obviously you can control that, what they actually include within any contract beyond that or what the agency terms are for them getting paid, or whatever that is, um you don't really know.” (Interviewee Peter, Construction Project Manager)

This raised the issue that there could be in fact a break in the chain of instructions or policies which could mean that despite the contractor having procedures and standards within their policies, these may not reach the subbies, and workers unless it is done through the induction process. Does this therefore make the policies ineffective if they are not followed right the way through the supply chain? Oliver shared that when a large contractor entered into contract with their trade contractors (subcontractors) then they will be signing up to for instance their wellbeing policy and they would be genuinely bought in to the idea, but there are issues further down the supply chain:

“.....it's the two or three levels down the line, because in fairness [the contractor] is only employing this person or this company and that, the expectation is that everyone in that company is doing the same as what you want them to and every time they sell it on the actual buy in gets less.” (Interviewee Oliver, Employers Agent Director)

This suggests that the buy in is watered down each time the subcontractor further subcontracts the work but also that the policies would be passed down the chain. In an alternative point of view, when asked if he would expect the subcontractor to take on the contractors' policies, Steve responded in particular reference to corporate social responsibility policies and felt that:

“.... The main contractor would be looking to make sure that their corporate social responsibility arrangements are not prejudiced by their subcontractor's policies”
(Interviewee Steve, Development Manager)

Suggesting that the policies would not be passed down to the subcontractor but instead the subcontractor policies would be reviewed to ensure they were sufficient. Again, if the subcontractor policies were accepted, if they are not passed further down the supply chain then there is the same issue of the supply chain not being held to complying with the policies and just having the induction process to rely on. So, do the policies just apply to the contractor rather than the supply chain? And if that is the reality, how would corporate social responsibility policies impact on the workers.

Summary

It is clear from the data analysed that there is an issue in the corporate social responsibility policies and values of the contractor being passed down the subcontracted supply chain. This is further complicated by the values and policies of the subcontractors potentially not aligning with the contractor's policies.

As described by Lee, the key elements can be picked up in a pre-qualification questionnaire and this can be mirrored by the requirements from the client to the contractor and therefore passed down the chain. But it does not appear that the contractor can be assured that the subcontractor is then passing this requirement down to their subbies, or further subcontracting levels.

4.3 Construction workers

As identified, there is a discourse of the subcontracting structure within the construction industry creating a disconnect between the contractor and the construction worker on site. This potentially creates a complexity to the contractor's CSR having an impact the workers, particularly regarding employment protection and payment. The situation has been addressed with various regulations but there remains a gap in the employment

statuses which relieves the contractor of responsibility, whether this is intentional or not, or is something the contractor is aware of has been researched through questions asked of the interview participants in this study.

In addition to the complexity of a subcontracting structure, as recognised the employment status of workers is not always straight forward and more often than not workers on a construction site have no direct employment protection from the contractor who has won the work with the client. The different types of employment status through the supply chain can include direct employment, subcontracting, self-employed workers who have their own limited company, those who do not have a limited company, and workers contracted through an agency to companies.

Analysis of data identified several key factors which were impacting on construction workers, and their working contracts, the subcontracting structure, employment protection, payment and health and safety.

4.3.1 Workers contracts and payment for work

Participants were questioned on how they considered the workers to be impacted by corporate social responsibility and analysis of the data identified the precarious nature of work in the industry. This has also been acknowledged by government with the rise of the gig economy which employs workers on short term contracts with no guarantee of hours or pay, and no employment protection rights other than health and safety and discrimination (publications.parliament.uk).

Flexible Work

Workers being employed on short term contracts, or casual labour, within the industry is an embedded method of recruitment for workers on building sites. The flexibility of zero hour and short term contracts can benefit both the employer and the worker due to the flexible nature of the work, and where most workers are not directly employed by the contractor. In terms of how many workers are employed on a casual basis, Gary considered there to be approximately 80% of the managers on a project employed directly, with 20% being directly employed on a temporary contract. The subcontractors would be directly employed the contractor but the workers for the subcontractors would be 50% directly employed and 50% self-employed. This was a different ratio to what was considered the norm by Barbara, who believed there to be a majority of full time and directly employed workers making up 65% of the subcontractor workers who were

employed by a large contractor. Barbara also acknowledged that there is a good number of agency or temporary workers (termed as flexible workers) on the construction sites, being basically self-employed ad hoc workers as identified in this study. This is higher percentage of full-time employees than expected, but still a high percentage of self-employed workers if there were for example 200 people working on a project.

When asked about workers contracts, Steve considered most workers who were managing a site of the contractor to be under permanent contracts and had always considered temporary contracts there for those roles that are less managerial for instance gate keepers. Steve considered the temporary workers to be employed by the subcontractor on an agency basis, and the temporary roles to be for bricklaying as there tends to be more agency staff involved rather than permanent staff just because that enables the subcontractor to manage their workload and their salary bills in an efficient way. This raised again the matter of economic benefit being a driver to employ agency workers.

Workers Protection and Employment Rights

When questioned if the type of contract affected how the workers were treated, Frank explained in terms of benefits there was a trend towards self-employed workers not being entitled to sick pay or holiday pay: -

“...like Company C are looking at not using a certain agency as they do not pay their workers sick pay or holiday pay. But not everyone can afford to do that.”
(Interviewee Frank, CSR Consultant)

Which demonstrated how a contractor may behave responsibly. So how would workers survive if they were sick or if they had an accident at work and were unable to work if they are not paid for sick days? Tony explained a two-year rule whereby you cannot fight for unfair dismissal or go for a tribunal unless in relatively extreme circumstances because workers must have two years' service. But you are unable to get two years' service when you are working for an agency, and if the employer has caused the injury or the accident you might then have to try and take the employer or the agency to court. Unless you are in a union that is almost financially impossible. Oliver described how workers can have the insurance to overcome that issue, and that there were options available to cover themselves for those eventualities, but at a cost.

Keith was clear in stating that as a subbie there is no avenue for getting any money for if he was off sick, and that as a self-employed worker you had to just put up with it. It again raises the possibility of workers turning up for work even if they are unwell or unfit to

work to ensure they were paid. Matt supported Keith's view, and he felt that even if you took insurance against being sick and unable to work, the insurances had numerous clauses to restrict receiving any claims, including the requirement to be for example hospitalised for twelve weeks to receive a payment from the policy. And James who had worked in the industry for thirty years stated that basically whatever insurance you took out to cover the loss of accident or sickness in the industry, you would be ripped off. This solution previously suggested by Gary did not seem to work in practice, leaving the workers in a precarious position.

Workers can have employment rights as set out in the Employment Rights Act 1996 (www.legislation.gov.uk, 1996) but to be protected under the Act workers cannot be working for their own limited company, and construction workers also known as 'subbies' or 'casual labourers' are often self-employed with their own limited company. This is a key factor in this study in that a large proportion of construction workers are not considered employees and are not entitled to employment rights. Workers are instead protected under the Agency Worker Regulations 2010 and Agency Workers have rights to equal treatment as permanent employees to use any shared facilities and services provided by the employer. Additionally, after 12 weeks in a job you qualify for the same rights as someone employed directly to include equal pay, automatic pension enrolment and paid annual leave (www.gov.uk/agency-workers-your-rights/your-rights-as-a-temporary-agency-worker). This does however enable contractors to recruit temporary agency workers on a constant turnover of less than twelve weeks and they will never need to provide them with employment rights.

Tony suggested that the unions were there for workers to understand their payment and benefit rights with union members usually being either agency workers or self-employed. He questioned why would an apprentice for example not become a union member but instead go to work on a construction site with no experience of working life: -

“.... You know nothing about employment law, you know nothing about health and safety, you probably can't even read your wage slip properly. Why would you not want an insurance policy, why would you not want support, why would you not wanna know where you can go for information to find some guidance?”
(Interviewee Tony, Trade Union Officer)

This was an additional view to other interviewees who interestingly had not mentioned trade union support other than Frank, who suggested that as part of this study a trade

union perspective would share what subbies are interested in, which in his view was their basic needs, being paid, being safe, job security and regular breaks rather than fluffy policies. So how are disputes around contracts dealt with? An extreme example which happened just recently in 2019 was given by both Matt and Tony of the worker who drove a digger into a Travelodge that he had worked on and not been paid for.

There have been tax improvements to capture workers with the employment status but that has been driven more by tax recovery from HMRC than employment rights under two new schemes, IR35 and CIS. The schemes identify through a number of measures any self-employed contractors who are in fact considered employees, but with the nature of the construction industry, workers are often working for different contractors and therefore avoid being considered employees, and not protected under employment rights. All workers are protected under the UK Human Rights Act 1998 ([www.legislation.gov.uk, 1998](http://www.legislation.gov.uk/ukhr/1998)) which prohibits slavery and forced labour, and this has further been enforced by the Modern Slavery Act 2015 ([www.legislation.gov.uk, 2015](http://www.legislation.gov.uk/ukhr/2015)) which places the responsibility on not just the employer but also the supply chain of the employer.

Workers Contracts

In terms of the roles which would be carried out by casual workers, Gary shared that they would be employed to carry out individual roles such as bricklaying but also the roles of decorators, and carpenters which were considered semi-skilled labour. When pressed for a view on if they casual workers on site were treated the same as the direct employees, Gary responded that he hoped so but probably not by the subcontractor employers and suggested that the contractor would treat them the same. Tony did not consider self-employment and agency work to be quite as straight forward and raised the issue of bogus self-employment. Tony explained how industry sectors were predicating their whole employment arrangements of construction projects on zero-hour contracts, bogus self-employment, false self-employment. He felt that agency workers were commonly used due to the employer not wanting to take on the responsibility for apprentices, or to take the responsibility for even national insurance contributions and that in some instances workers would in addition pay a £25 administration fee to actually get their wages. He described this situation as almost medieval feudalism. This suggests that it is an intentional employment structure created by the contractors or subcontractors to avoid responsibility, rather than a consequence of the nature of construction projects.

Colin had himself experienced working with workers on zero-hour contracts in the industry, but Jane didn't feel that the zero-rated contracts were designed for the construction industry sharing the view that:-

“It is very difficult cos it has all sorts of other implications around tax, benefits and around and I think it is a clumsy approach to an issue which is broadly very difficult to resolve and the way it's been handled. I don't think it was ever envisaged around construction I think it was envisaged around call centres um you know, amazon is busy 12 months a year, contractors aren't.” (Interviewee Jane, Local Authority consultant)

Zero hour contracts where workers would be contractually tied to an employer without the guarantee of more than a small number of hours work a week, but with minimum wages and holiday entitlement, is different to self-employed workers who by the nature of not being an employee under the Employment Rights Act 1996 are able to work for other employers and in theory have more flexibility. When asked about zero-hour contracts, Colin described them:-

“Ah, that's disgusting, how can you have a zero hour, you're not working for people are ya. It's ridiculous, how can you have a zero-hour contract, it's either part time, full time, or you don't work for them. Zero-hour contract, so you don't know you're gonna work next week. How can you buy a house, how can you rent, how can the government even allow it?” (Interviewee Colin, Subcontractor Site Manager)

A valid point is raised here about the nature of a zero-hour contract and its impact on workers ability to pay for living costs, despite them being guaranteed minimum wage for the hours they do work, which can be for the benefit of the employer to only pay for hours required. Interestingly Colin did not feel there were many zero-hour contracts in the building side of construction but more in the operation of the buildings such as facilities management of the buildings once they are built, although he did consider temporary work contracts to suit many workers. Colin believed that they just wanted to be paid and not worry about anything else, but he also raised the issue of the workers not being entitled to employer pension schemes or contribution, and how this would affect them when they retired. Workers would not have any pension other than the government pension, and that was only if they had paid their stamp and were entitled to it. This raises the question of

how workers retire and survive if they have not paid their stamp, and if this should be encouraged by employers as part of being a responsible employer.

Workers Payments

There is no such guaranteed minimum wage for self-employed workers and an analysis carried out by TUC in September 2018 showed that 49% (two million) of self-employed adults over the age of 25 were earning less than the minimum wage (www.tuc.org.uk/news/two-million-self-employed-adults-earn-less-minimum-wage). The data collated and analysed within this study identified that payment of subcontractors and subbies was a key issue, but it was in the context of receiving payment rather than the amount they were being paid. As a subbie, Keith shared how his employer who he was subcontracted to had been paying his wages when he hadn't himself been paid by the contractor and Keith suggested that this was very unusual. Keith described his employer who he termed as his 'boss' as being the best he had worked for, suggesting that other employers of subbies would not pay their workers if they had not been paid themselves.

Jane considered the contractual set up of the entities employed down the supply chain to be a key factor in paying the supply chain, which could result in the contractor putting the subcontractor in breach of their further contracts down the supply chain if they did not pay them. Jane shared how she was aware that people have tried to address it but did not think it had been addressed successfully. Jane explained this as being a consequence of cash being king for the contractor with keeping cash in the bank for as long as possible, which had been the case for as long as she had worked in the construction industry, being approximately twenty years. There is a Prompt Payment Code which contractors sign up to demonstrate to clients their commitment to pay their supply chain, but when asked about this Jane described her view: -

“They might have signed up to prompt payments but has anyone ever seen a prompt payment, doubtful (laughs).” (Interviewee Jane, Local Authority consultant)

Interestingly, Gary felt that subcontractors and workers were being paid, otherwise they would not turn up for work the next day. This was an interesting viewpoint, which was not shared by Matt. Matt explained how he would often have to pay his workers when he hadn't been paid himself, particularly on the day when the interview was carried out, and exactly that had happened. He felt they would held to ransom to turn up the next day to carry on with the work despite not being paid, as he would never receive the money if

he didn't which is the opposite to what Gary had thought the case was. Chris shared that he often had to sub his subbies wages if he had not been paid by the client, but as a small contractor they worked together as a team and he treated them more like friends than employees.

Summary

Flexibility for workers and contractors can be beneficial in providing the roles as needed but do not give protection to the workers. There is clear evidence within the data that payment to workers is often not influenced by regulation and contractual obligation, but by the responsibility adopted for an employer whether they be a client, a contractor or a subcontractor for their supply chain. This corporate responsibility is clearly prevalent in the industry due to the fractured structure of the supply chain although it is still not conclusive if the industry has intentionally created the precarious nature of the employee contracts or if the employee contracts through self-employment and employment regulations have been established in response to the structure of the industry.

4.3.2 Working conditions and the peripatetic nature of the industry

Gathering data on the conditions of work on construction sites for workers helps build an understanding of how contractors may incorporate their CSR policies and commitments to impact the workers, which is made more difficult by the peripatetic nature of the industry.

Peripatetic nature of construction work

It is apparent from analysis of the data collated that it is not unusual for workers to have to travel for work, work long hours, and live away from home due to the peripatetic nature of the industry, which puts further pressure on workers to cashflow their accommodation and subsistence. Kev (a subbie himself) and Matt who sub contracts to Kev, described how they worked as a gang going around the country to follow the work. This highlighted a migration of workers across the UK in addition to workers from outside the UK. Matt explained how he could not find work near home which paid the same, and therefore he had to move with the work. Matt is from the north of the UK and working in the south and thought that his team's set up was unusual in that they all travelled and worked together on every project, rather than having a different team for each project. John also described how workers on the site he was currently working on, who were employed to run cabling through the building, worked long hours and away from home.

This raised not just the issue around working from home and being away from their family whilst working, but also the hours which were being worked. Tony also described issues they were experiencing in the construction industry with agencies and the allowances : -

“.....if if you’re working away you’ll get a premium because of travel, and you’ve now got um employers that are shortening shift periods, having the same time but instead of having it as one so you’ve got to pay an allowance they’ve split it in two.” (Interviewee Tony, Trade Union Officer)

This was to avoid paying the allowance for lodgings for peripatetic workers working away from home and appears that even if there is a contract in place to comply with any employment regulations, it is being manipulated by the agency to avoid making the payments and impacting negatively on the worker. The intention to reduce the rights of workers by agencies was clear on Hudson’s website as already identified. This is one area where it would appear that contractors are not behaving responsibly in the way that they are setting up agreements with the agencies and focusing on saving money rather than the conditions of the workers and paying their lodgings while working away from home, adding financial pressure particularly if this has to be cashflowed by the worker with the risk of non-payment for the work.

Working conditions

Conditions for workers were explored as part of the interviews, and several factors identified are considered to be relevant. Julie who manages customer services on site for a Company A considered the site teams she worked with to work incredibly long hours giving an example of how they had workers on jobs the previous week to the interview until 11pm or 12pm at night to deal with an issue, and that they were all young men with families at home. Despite the working hours being long and unsociable, Julie had also described this particular contractor as being a really good employer who treated the workers well and openly described the workers as being fantastic and working hard to earn their money.

In contrast Chris shared how he had seen some of the way people were being treated harshly when working on building sites for other employers, and when asked for further information he described: -

“Some of the big building firms, although they’re paying the minimum wage which they have to do, they are treating people quite harshly, in respect they have to do long hours they have to work out whatever the weather, certainly foreign

labour they make them work when really I wouldn't make my guys work you know. You get a quite heavy thunderstorm I say sit in the van until it's through, they wouldn't, they'd make them work right through. They don't care.”
(Interviewee Chris, Small Contractor)

An insightful view on how Chris considered working conditions to be harsh in terms of having to work in bad weather or for long hours and on a minimum wage and that he would not treat his own workers in this way. There are three factors which have been identified in this statement. The working conditions of working in bad weather can be dependent on the contractor and how he treats his workers, but it could also be considered as an expected condition of working outdoors on a construction site. Contractors can get an extension of time for adverse weather conditions agreed within their contracts with the client if the client is prepared to accept this, to cover the cost of delays, and having to stop work.

Another question regarding working conditions was if all workers on a construction site would be treated the same, regardless of who they are employed by or their employment status. On good construction sites it was considered by Jane that workers would be all treated the same: -

“if you go on a good construction site you will see everyone breaks at the same time. If you happen to go to say a hospital site at the wrong time, you will happen to see 250 workers waiting for the bus or all waiting to go to the canteen. It doesn't matter who you are employed by” (Interviewee Jane, Local Authority consultant)

With the emphasis on this occurring on a 'good' construction site, as identified previously this inferred that workers would all be treated the same. But the treatment does not include the employment protection and benefits such as holiday pay and sick pay. As already identified, self-employed workers may not even get the minimum wage which could be a factor to consider under the perception of if long hours were considered harsh working conditions. If a worker was being paid double or triple their usual hourly rate which is above minimum wage to work additional and long hours than this could be considered a benefit to earn an additional salary and an attractive incentive to workers.

From the conditions referred to in terms of long hours, working away from home and lack of employment protection, it raised the question of why people would work in construction as casual labour other than the flexibility it may bring. Oliver felt that people only work in construction as casual labourers because they are: -

“probably less fortunate or less educated maybe I don’t know, less fortunate, that’s not fair to say, they might not have had the breaks.....who would do it eh, I’m thinking of digging trenches you know for forty years and I might be making 70 to 80 pound a day, say 100 pound a day if I’m lucky.” (Interviewee Oliver, Employers Agent Director)

Being less fortunate may mean not just lack of education but also having less choices due to other circumstances, like for example having a criminal record blocking other work offers, having suffered an illness and being unable to work, or even as a result of an economic recession. As part of the social value aspect of CSR, contractors are encouraged to train and employ ex-offenders and people returning to work as this is considered to benefit the society they work in. This raises the question of how far responsibility for the workers goes if they are employing them through their supply chain but then for instance not paying them for lodgings or paying them on time as referenced above or providing any employment protection as they are not employed directly.

The precarious nature of construction work is not just regarding unskilled labour, but also skilled labour, and it is suggested by Lee that workers do not choose to work in the industry for any reason other than to earn a living. Lee explained a job such as bricklaying could be as higher paid job than that of a post graduate coming from university, with not even the requirement for GCSEs but despite the high payment there was nobody who wanted to do the job, and it was purely by demand that the earnings were so high. This was slightly in contrast to the view that construction was precarious hard work and workers received just a minimal wage, if that, but instead it could be precarious hard work but highly paid.

Summary

Despite the fragmented nature of the industry structure and varying employment status of workers it does seem possible for contractors to behave responsibly towards their workers and influence the conditions on site by the hours worked and conditions of work while the workers are on site. It is more difficult to directly manage the indirect employment terms of workers unless this is done through the supply chain contracts with the contractor. Working away from home was a factor identified, where the worker may have to pay for their own accommodation, with the risk of not being paid for the work.

4.3.3 Migrant workers in the industry

With what has been an increasingly flexible global labour market, and the construction industry as described above is often using flexible working practices, it is an industry which is popular for newly arrived migrant workers.

Hidden Costs and Benefits

The subject of foreign migrant labour was mentioned by a number of participants although this was not a focus of the interview questions, and as a percentage of workers on sites they are impacted by the corporate responsibility of the contractors and not necessarily in a positive way. As described by Tony, who felt that contractors were using migrant workers in a race to the bottom to cut the margins on costs which he considered to have a negative impact on workers:

“I think we’ve reached a stage and over the last 10 or 15 years has been impacted by the abuse of migrant labour and,the indigenous labour force was never particularly well treated but then when we’ve seen the accession countries come in and look the last fifteen years say of you know Poland and more recently around things like Romania and Bulgaria and the like we’ve seen this move towards migrant workers that race to the bottom.” (Interviewee Tony, Trade Union Officer)

The view that migrant workers was a method of having the cheapest cost was expanded on by Tony that he felt that it had been facilitated not just by bogus self-employment but by employment agencies where the workers have to pay the employer national insurance contributions. Matt also described agencies who were not above board and would bring in gangs of cheap labour just to put men on the site although this may not necessarily be foreign labour. There are two factors raised here which are considered relevant to this study, the impact of migrant labour and contractors using those workers as a way to cut costs, and again the involvement of self-employment and agencies. The use of workers to cut cost could be made possible if the agencies advise the workers to sign up as self-employed, so they are not entitled to minimum wage and are also not entitled to employment benefits as has already been identified. There is also the factor of health and safety cost, and Kev who is a subbie and has migrated from Poland to find work explained how there is no health and safety considerations in Poland and so he is willing to take more risk without the cost of protection: -

“.....for me that’s not a problem to climb anything by mast by anything to climb on but here you’ve got health and safety gone mental but as we are willing to work so hard, we are willing to work, we’ll do anything. That’s why there is so many eastern Europeans working on site as they will do anything.”
(Interviewee Kev, Subcontractor Labourer)

This view that migrant workers worked hard, and were willing to work and do anything in comparison to British workers was also shared by other participants. Chris felt that most companies would rather employ foreign labour than British labour on a casual basis because they work that much harder for less money, which based on Tony’s view on how migrant workers were employed to cut costs suggested that working for less money was not the choice of the worker, but the choice of the employer. Chris described how even a minimum wage was considered a good wage to migrant workers: -

“in all fairness the foreign labour tends to want to work more than the English casual labour, um the untrained labour more than anything.I’ve employed people before and they are hard grafters cos although they are on minimum wage it’s a good wage to them, but British people it’s not a good wage to them all they want is a bit of beer money and they can’t be arsed to get wet and dirty to do it.”
(Interviewee Chris, Small Contractor)

Clearly of the view that migrant workers were willing to accept not just less wages but also to work in worse weather conditions, and do anything asked as described by Kev. This is not an indication of all workers on site being treated the same, or contractors behaving responsibly towards all of their workers particularly if they are choosing migrant workers to purely work harder to earn less. This is also not included within the CSR policies as being normal business practice. Gary had a slightly different view and considered non-white British workers to work better, but not necessarily harder, describing how one of his projects had recently had some Indian floor layers who tended to listen to their supervisors better than some of the British workers in his opinion as they were not trying to rush a job to get down the pub quicker.

Stereotyping of foreign workers

Foreign migrant workers were generalised by some participants by the way that they work, by their country of origin. Colin a construction site manager in London was very explicit in his description of working in the industry for the past thirty years, and how

more recently a new influx of Romanian workers had in the past five years undercut workers from Poland (like Kev) who he considered to do a decent day's work. Colin explained the recruitment service, where the workers being paid ten pound a day in Romania would be offered fifty pounds a day and the cost of their flights to bring them to England to work but they had different standards of work:

“They build it, they get inside, and they nick it and wreck it, and that's exactly what they do, they build it, they shit in the fucking toilets when they're plumbed in, they nick the taps, they nick everything. A flat's signed off [having been built by the contractor], handed over, finished. You go in the next day, everything's been nicked, robbed, showers have been left on so it floods.” (Interviewee Colin, Subcontractor Site Manager)

When asked who employs them, it was suggested the agencies employ them. This was an interesting insight, but it is difficult to establish if the workers chose to behave that way or were told to, to get extra work or extra money to fix the issues. Tony shared that he felt that you had to regulate the industry in terms of the use of law and regulation particularly regarding employment contracts, where migrant workers are brought in to fill the skills gap across all trades. Although from Colin's experience the gap was not filled with skills but with shoddy workman.

Tony felt the demand for migrant workers was due to the reduction in the support of and spending on training and apprenticeships and how unfortunately that has had a ripple effect of creating the skill gaps. He felt that the shortest solution was to just get cheap labour whether it is indigenous labour or migrant labour. James's view aligned with Tony's in that he felt that foreign migrant workers were paid a lot less and that as a subbie he was competing against them for work, although James could compete through quality of the work. Lee considered 80% of people working on his own construction sites were non-UK residents, being a significantly large percentage of overall workers.

Impact on Construction Site Processes

Consideration is given to construction site processes, including the language barrier of migrant workers who have come to the UK from other countries and how this may impact on the workers understanding of their health and safety protection and how they are treated. When asked what the impact was of non-British labour on site, Oliver described how on some of his older sites the health and safety policy had been translated into Polish because the majority of the people on site were Polish, and there would be toolbox talks

that take place needing to be done in effectively two languages. Oliver also felt that now you would need to translate it into a lot more languages as if you just had two languages on site then you were probably doing well.

Oliver also raised a valid point in that where most sites managers will be asking workers if they spoke English, the workers will respond yes, but they may be sitting there not properly understanding the health and safety talks and then signing to say they had. This creates issues for the contractor to protect the workers when they do not understand the training given, but say that they have. Lee felt that on his construction sites, although workers would be given training cards, from the managers to the operatives, they chose to culturally ignore them, out of choice. The reason they were able to do this was because there would generally be non UK trained operatives managed by non UK trained managers who had been trained on a different set of rules.

Having the right paperwork in place was considered important by Oliver to be able to safeguard your position, and a CSCS card was mentioned by a few interviewees regarding migrant labour. CSCS cards are required by all workers to be able to work on UK construction sites and are provided at cost following a standard safety test. But there were suggestions that even those with a CSCS card did not know what they were doing. Matt described how an agency he was aware of was full of eastern European, Russian, and Romanian workers: -

“.....I don’t know how much they are paying these lads but certain firms are going to these agencies, are they agencies or are they getting blokes from abroad? You see them stood there, and they haven’t got a clue what they’re doing. So how the hell they’ve passed their CSCS day course, which is all in English by the way, not a screen test for 15 minutes, but a day course which is all in English.”
(Interviewee Matt, Subcontractor Project Manager)

This was a concern as where the site managers will be relying on the CSCS cards as workers having the minimal amount of knowledge for working on site, they may not have understood the course at all due to the language barrier, worse have not done the course but have been given a fake card. James also shared how the course which cost over a hundred pounds would have to be done every five years as health and safety was now a bigger industry than construction itself. This seemed an excessive amount of cost for all workers in the industry, which could explain Matts suggestion of fake CSCS cards being handed out, although he clarified that he was not suggesting that half of the people had

fake cards and that it was nowhere near half, but that there was a percentage of people on site who have never set foot on the CSCS course.

Summary

Steps have clearly been made to train construction workers in health and safety practices both prior to going on site by way of a CSCS course and also through training on site, but this seems to be an issue regarding casual foreign workers either through potentially fake cards being handed out or a language and cultural barrier during the onsite training. Whether this is a concern of the contractors is unclear, or if it is the workers who have any influence. With the key themes of contractors targeting migrant workers to cut costs and also increase the level of risk they are taking in the work they are expected to carry out, it escalates the need for the workers to receive proper training. CSCS training is difficult for contractors to influence with the suggested availability of fake cards and the cost for workers to carry out the correct training.

4.3.4 Health and Safety Regulation and Experiences

Health and Safety in the industry is a key focus for government regulation set out by the Health and Safety Executive (HSE) and is also a key focus in CSR and contractor's policies, particularly as construction has been considered the second most dangerous industry to work in and one of the largest industries of employment. Health and safety risk is generally taken very seriously by contractors, as having accidents on a construction site can impact on a contractor winning future work and also on their reputation in the industry.

Perceived importance of Health and Safety

Health and safety has been identified as having changed the most in the industry from participants responses. Tony felt that there had been a shift from being ruthless about health and safety to one that has been improved due to better health and safety laws and regulation. Peter who worked for a large contractor felt that people take it very seriously now: -

“....I would say you know its ever evolving and getting ever more stringent so probably from 20 years ago you know things would have been very different from how things are on site now and you hear people grumbling about them, you know

health and safety gone mad but its necessarily on site.....” (Interviewee Peter, Construction Project Manager)

Raising an interesting point that health and safety had improved to a stage that he was aware of people complaining about it. So, does this mean that health and safety is now taken seriously by everyone? Peter felt that it was, based on the company that he works for where health and safety is promoted from within the business, and also the result of a nationwide survey carried out by his employer as a staff review in 2018, 98% of staff agreed that the companies number one importance was health and safety above everything else. Although when asked Peter confirmed that this survey did not go to temporary workers and agency workers who worked for the company, but it did go to subcontractors. As identified by this study the workers can be considered a stakeholder and it would have been useful feedback from workers who were not directly employed by the contractor to provide a complete and unbiased view.

John who worked on site felt that the health and safety regulations for PPE (Personal Protective Equipment) in particular had made it more difficult for operatives to do their job, and explained how gas workers working in trenches in the summer were having to wear full fire proof kit which made it difficult to deal with fiddly bits of the building with a thick pair of gloves on, goggles, a hard hat, long sleeves and dungarees, and that it was not appreciated by the workers. But Gary suggested that the workers will only wear their PPE for example when the managers are around, and that in behaving this way they are more likely to be having an accident which was a different viewpoint to the same issues. Gary considered it to be a risk for the workers to remove their PPE but John a subcontractor raised the point of the PPE making it difficult to carry out the work.

As a subbie, Keith’s experience at the beginning of a job on site was the focus being all on health and safety along with the terms and conditions, and payment, but at the end of the job when a deadline had to be met it was just do what you needed to do to get the job done. Although in contrast Kev from Poland felt that the health and safety rules were in existence but not adhered to unless there was a visitor on site: -

“the health and safety rules were just there, and that in reality you just had to cover your eyes as nobody did it, but if somebody comes on site you knew about it and work is carried out properly.” (Interviewee Kev, Subcontractor Labourer)

It is strange to have two such conflicting experiences from two subbies, but there is a possibility that Kev is treated differently as he is considered a foreign migrant worker and

willing to do anything without such a consideration of risk. In addition, James who is also a subbie had the view that that health and safety would only be sacrificed and ignored if there was money involved and it had started costing the company in regard to it causing delays: -

“It can cost £100,000 a day penalty clause, you know what I mean, you’ve got to do everything on time, and then everything goes out of the window” (Interviewee James, Subcontractor Labourer)

Suggesting that cost is as Jane has previously stated is a priority with cash being king for contractors at the sacrifice of health and safety, but then health and safety is also considered a priority. Peter shared how he believed that from the top down there would definitely be a push to complete a project but never at the expense of health and safety, and that nobody would ever say to ignore health and safety but the drive to finish means people work quicker and under pressure which is generally when things can go wrong. In John’s experience of working on site, if there was the slightest hint of an accident on site they would actually stop work. On his site he was currently working on, 800 people stop work and listen to what had happened. Gary also had this view, in that the site manager would stop everyone working, take them back into the meeting room, basically reprogrammed, re-inducted, and for them to be told that tolerance levels are zero and they will be removed from the site if they do not adhere to the health and safety standards on site. He described how where the project is stopped to get it under control it would be a huge event. If you have a project billing 2 to 3 million pounds per month, that is potentially a lot of money and that is how important it is to get it right. With such different experiences it could be the contractor who determines the priority of health and safety or the site manager who manages the health and safety on site.

Approach to Health and Safety

From the data collected, there is some conflict between the view of workers on site who were subcontracting and the view of workers employed by a main contractor. Barbara felt that particularly where she currently worked, for a large contractor, safety is their number one priority absolutely in terms of the accidents. She described how they have what is called 100% safe which is a culture development programme which is rolled out to not only the all staff where they all have to attend a course, but it is also rolled out to the supply chain as well. This on the face of it seemed a great solution, but of course, if a large percentage of the supply chain are casual labourers through agencies and subbies, then it could be fair to assume they would not attend the course.

Jane explained she thought that on some of the smaller sites, maybe somebody has bought a house and is demolishing it to build four flats, that there would be almost no health and safety there, and it's a concern sometimes as you are more likely to get an accident. But Jane was unsure how the public or private sector could do anything to manage their practices, other than through regulation. This was echoed by Chris who believed that the big corporations were so big they had their own teams of people managing health and safety on their behalf but the smaller firms like his own struggled as it was just down to him to make sure it is managed properly, and because he was so hands on the tools, he did not have time to do both. But Oliver felt that everybody goes to work expecting to go home again at the end of it.

“No-one actually goes to work thinking I'm at risk today, or am I actually going to see the day through because of the work environment I'm working in”
(Interviewee Oliver, Employers Agent Director)

Oliver also reflected on there being some dangerous trades out there that people do not get paid a lot of money for, particularly scaffolding as they are assembling a structure to go around a structure for when it is built, scaffolders are very vulnerable until the next level is completed and the higher they go the bigger the fall. He described how they would need to be harnessed on but also how the worker would probably not do the harnessing to save time, get the job finished so they can move onto the next site as time is money. Oliver also referred to lack of training resulting in them exposing themselves to dangers which they shouldn't despite the paperwork stating that they have been provided with a harness. Although Gary had heard from a victim of working on a small site for a contractor who did not worry about safety, rather than the worker. He described the victims story during the interview of how he was a thirty year old roofer and was being told by his manager to work in an unsafe manner: -

“..... The management in his roofing firm was go and put a chimney pot on that roof, you don't need a harness or scaffolding it's always been done like that.....he fell down two storeys, broke his pelvis, and his back on a small wall between two porches, it was like a semi-detached house..... he hasn't been able to walk correctly since and he's permanently damaged, on medication, can't go to the loo himself he's knackered and he's thirty.” (Interviewee Gary, Construction Commercial Manager)

This was a graphic account of how cutting corners can have a detrimental impact on the worker for the rest of his life and as Tony believed also impacted on society having to pick up the cost for it as the companies do not. Tony questioned why a construction company who kills, maims or injures workers on a regular basis would not be fined or penalised. Instead the tax payers would have to pick up the cost, and the NHS system and he considered the companies to get away with murder:

“.....if you wanna murder someone then the best place to do it is in and on a construction site. Because you look at the fines for people being killed, it wasn’t that long ago that people physically got away with murder, because there were no risk assessments, there were really dangerous practices, and we didn’t jail directors of companies.” (Interviewee Tony, Trade Union Officer)

Identifying a different cost to society for accidents, Tony also highlighted how brutal the industry could be construed. But it is clearly not as simple as that, as described in the two examples given by Gary, the roofer who was refused scaffolding and a harness, and by Oliver, the scaffolder who potentially refuses to use the harness supplied. Both having the same possible outcome but from different reasons. This could be picked up in training and inductions and managed better and more support could be provided to smaller businesses to manage health and safety requirements, and also an awareness for clients paying for the work.

Mental Health in the Industry

Another factor which was raised by Tony, was the more recent focus around mental health. He advised that workers were ten times more likely to commit suicide and have mental problems in construction, that they would in many other industries due to, as he described, there being a multiplier effect of being treated like a second-class citizen:

“...no dignity, living away from home, working for employers that don’t invest in the workforce, often don’t provide you know the right equipment, don’t provide any support, don’t sign up to national agreements for you know accommodation and tools and that so it’s really no surprise that the problems in the industry are often self-generated by an industry that doesn’t police itself properly, doesn’t comply with regulations properly...” (Interviewee Tony, Trade Union Officer)

This was not a focus of other interview participants, but it has been a recent change in the industry to acknowledge mental health. Although Tony believed even the figures reported around mental health to be sometimes manipulated so many of those will not surface

because suicide is not an accident at work if it doesn't happen at work. Tony largely blamed the industry: -

“Yeah, I mean this isn't rocket science Andrea, you can get this right, this industry spends more time getting it wrong and society suffers from that. Not just the workforce, but you know you look at someone being killed at work, that has a ripple effect of its impact. You know we've got you may have seen in the press 10 people, 10 suicides in the first four months of 2019 down at Hinckley one of the biggest construction sites in Europe and talk of a mental health crisis at that site.” (Interviewee Tony, Trade Union Officer)

This is a staggering statistic, and more research has recently been carried out to understand the issue further. Matt a subbie who works for large contractors seemed to align with Tony's view that the contractor was causing the suicides, despite being seen to trying and address issues about mental health and wellbeing, and shared his feelings:

“thing is a laugh at the moment for me.... they're actually causing fucking breakdowns, they're causing suicides. I'd love to go into an office and say look I'm struggling, I'm struggling with my mental health, they'd say fuck off, that's what they'd say. It's bullshit, total bullshit.” (Interviewee Matt, Subcontractor Project Manager)

The response came across very passionate and full of frustration suggesting that the contractors were either genuinely concerned about their workers wellbeing or just wishing to be seen to be concerned, but this was not in Matt's experience actually having the impact on the worker, and instead causing more stress to the worker. Keith described how there would be texts and calls in regard to mental health, but perhaps felt that he couldn't actually respond with any personal issues. Mental health and wellbeing come under the umbrella of CSR and protecting employees, and the responsibility of this was certainly acknowledged by Lee who described how it was managed on his site:

“.....you have to put leaflets up that they have to speak to the site manager if they feel they've got mental problems or um any health issues or, some of those manager roles are becoming into a kind of social worker to help out...” (Interviewee Lee, Construction Site Manager).

Mental health and wellbeing is certainly a matter which is being talked about but not always for the right reasons. With the workers feeling that it is not genuine and the site managers feeling that they are taking on much more responsibility, there is a clear disconnect between the communication, or there is a big difference between how the contractors are managing the matter.

Summary

For a contractor to have an impact on workers with their CSR policies and commitments it is clear that they should at least comply with health and safety regulation, but also it seemed that more work needed to be done in the industry to make subbies aware that the contractor is committed to keeping them safe and ensuring this ethos is passed down to the site manager to implement on site. Having a CSR policy advertised which sets out good intentions of protecting workers health and safety but not keeping workers safe on the actual construction sites is ineffective and could be improved. Mental health of workers is also becoming a focus and is identified as being an issue in the industry which could be due to the precarious nature of the work. Participants views demonstrate the lack of implementation of the support by contractors for the workers.

4.3.5 The Importance of a good site manager and site inductions

In construction the overall site manager is often a permanent employee of the contractor, and they will have control over conditions and behaviour on the site, health and safety and training as well as working to deliver the building works on time and on budget.

Varied roles of the Site Manager

The site manager will be responsible for site inductions and should have full understanding of the contractor's CSR policies and commitments and is therefore a key factor to this study. Colin felt that the site manager would set the atmosphere and described his role as a site manager for a subcontractor:

“I normally I set the guys to work, make sure everything health and safety's good, make sure they've got the correct materials, make sure they've got the correct tools, I make sure they do the job well..... I run the guys, I don't just run one area I run loads..... (Interviewee Colin, Subcontractor Site Manager)

This describes how there would be a site manager for the subcontractors directly contracted to the contractor, and they would be overseen by the overall site manager who

is employed by the contractor. Jenny believed the quality of work also varied by region as well as very much on the site team that a contractor has in place rather than just the contractor. Barbara's response was aligned with this observation that the management style of a site is site dependent: -

“I thought that each site is different with certain site managers who really do hammer home the policies of the company and ethos, run the training courses and make sure that everyone on site is involved you know no matter who they are.”

(Interviewee Barbara, Construction Business Development Manager)

Barbara also described how the subcontractors would all get involved in their meetings including forums where they would be able to air their views on at least a weekly basis, although how confident a worker would feel to air their views is not known. Having the subcontractors involved in the site meetings is how it should be expected to work, with the site manager sharing the policies of the company and the ethos, and also being inclusive of all workers as that is how it is described on the top five contractor's websites regarding health and safety. But Barbara had also experienced different personalities of site managers, and described one who had come over from a competitor and was just concerned with getting the job done instead of the whole company ethos. This demonstrates the importance of the site manager adopting company ethos, for it to transfer onto the workers on site. In her role, Julie placed a lot of faith in the site managers and felt comfortable in reporting any issues to them of how workers behaved on site: -

“.....the site teams themselves they're fantastic, you have to sort of be a bit stiff with them, and you have to rule them with a bit of an iron rod out there because they will be cheeky and they will try and get away with things, but I get direct access to their site managers and their project manager so if I spot anything on site that I'm not happy with then I'll take it straight to their site manager or project manager. We're like the eyes and ears of the site really.” (Interviewee Julie, Construction Customer Manager)

Also raising the importance of the team around the site manager to keep them informed of any issues, Julie had a valid point. Steve had the view that the main contractor had full control through the procurement process, the inductions and the laying down of ground rules. As a site manager himself, Lee explained how they carry out toolbox talks all the time in health and safety on site, and they also make their subcontractors do toolbox talks as a form of controlling practices on site. Toolbox talks were also mentioned by Barbara,

Gary, Peter and Colin, although Lee did not feel that other sites actually carried them out, and suggested that they just tick a box to say they have done it, as it is something which people do not have time for so they do not do them.

Varied Site Management Styles

There is clearly a perception that the site manager has a lot of responsibility of the site. When asked how many sites Barbara considered to be good over bad she suggested that as a rough estimate 70% would be good with 30% being not so good. Not that they are negative, they just have different management techniques. Tony felt that there were a lot of nuance games being played by contractors, and sometimes you could have decent management that are undermined by supervisors lower down the food chain. When asked how you would be able to identify a good site from a bad site, Jenny who acts as an agent for the client described it:-

“I would say I can tell the biggest difference on site is how organised the site is, how clean the site is, how tidy it is, how many people are on site, what they’re doing, whether they are just sitting around, just kicking about or whether they are actually on a job methodically working through, um that’s probably what I would say makes the big difference to me.” (Interviewee Jenny, Employers Agent)

This gave a good idea of how badly run sites could be identified but not necessarily how they would be managed to turn them into good sites, or how you would avoid it happening again. Barbara thought it was definitely down to the personalities on site and that there were certain site managers out there that create buy in more than other site managers can. She felt that a lot of people focus on getting the job done, but also meeting all these other targets and objectives of the company equally, and those that realise its importance are the champs.

This aligned with Matt experience that he had of a site manager who would blow hot and cold in terms of the practices he will accept and described him as being awkward and moaning about the littlest things, but this could be the site manager just maintaining the contractor’s policies and ethos. Peter shared that by the time a contractor’s policy is fed down to the actual site manager that policy is translated into a series of types of control that the site manager has to use. This is another point of communication which is paramount for as Gary believes, the policies are being written by people who believe in them, and being implemented in the way in which they are intended.

Site Manager Inductions

Site inductions were mentioned by most interview participants and came across as a strong element of health and safety and how workers behaved and were treated on site. Colin a site manager who carried out site inductions considered the concept to have been introduced 10 to 15 years ago, 1997, 1998 which was also when you could not go on site without a CSCS card. Colin felt this was around the time we worked to EU regulations and explained the process which he now goes through when a new worker starts on site:

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“.....I will check out his CSCS card, and I will authenticate that. I’ll check him out on the website while his filling in his forms, who he is, yeah, and make sure he is who he says he is, check his photograph out. they get me first, they get a roster, and site induction and then that’s how you’re going to work, five point PPE.” (Interviewee Colin, Subcontractor Site Manager)

Also at this point, Colin explained how the worker’s hours are set out, and then the contractor induction will take place setting out the fire safety, first aid, site opening times, closing times, as well as rules on site and who is who. The process sounds thorough, and Colin explained how workers would arrive at 8am and be going through the entire induction process until 9.30am which also reflects the amount of time required to employ new workers to site. John expressed some frustration at how thorough it was explaining that he had been to many inductions on his sites, and inductions of the contract managers on his sites: -

“I’ve been to many many meetings, fucking hundreds of the fuckers, and it is written through everything they say, my current site managers. They take it absolutely as fundamentally its part of their mantra, and they absolutely all sing it and they all seem to mean it in terms of the health and safety on site, the welfare facilities, the making sure everyone’s warm and safe, making sure everyone gets home, it’s absolutely everything they talk about, and then the job gets mentioned second.” (Interviewee John, Subcontractor Site Manager)

Identifying how the attitude to health and safety and the number of meetings and inductions he had been to on his site despite his frustration, suggested that the site he worked on was being managed well. Barbara also shared that every visitor to the sites where she worked will also have an induction video and be given PPE etc, but she also felt that there needed to be a behavioural change, as despite having induction videos on

site the workers did not see the relevance to themselves. Lee explained how it worked on the sites which he managed: -

“We have a system that everything’s on a touch screen, its done with data protection so you put all your details in and it then automatically goes to our office and is secured in a drop box should we need it and the managers in the office and myself and x can look it up on a computer and say he’s been inducted.”
(Interviewee Lee, Construction Site Manager)

It was also explained how office admin would then check the induction forms further against their sign in forms so they know who has been inducted. This suggests that technology is improving the process and closing any loopholes of people avoiding inductions or managers not being diligent to carry out inductions. Gary described how workers on his own employer’s projects are inducted, they get told the specific risks of that project, they get told generally how to operate on a building site. This included every member of their supply chain, including subcontractors, who would have to conform to a basic standard otherwise the company do not get employed again. As a company they are promising to deliver a safe method of working with their staff and their resources, but then it is the representative that they actually send to site the main contractor has to make sure they are taking it seriously.

“The person that actually does it, the floor layer will come into our office and be inducted by our site manager, so it doesn’t matter which layer they are at the person coming in will be told the operating procedures for that particular project. It’s about being safe and respectful to those around yourself, your employers your neighbours.” (Interviewee Gary, Construction Commercial Manager)

In contrast, Keith who worked on sites was told during the induction for his current job at the time that the site manager would go around and if he didn’t find at least three problems and give out three warnings a day he was not doing his job. This was not mentioned by any of the site managers interviewed and could just be specific to the site manager on that project.

When questioned, Gary also explained how they managed the recently introduced Modern Slavery Act, and that if a van full of people turned up and bundled out to start working on their site then they would question who they were. They would not be able to work on the site without going through the normal safety process and CSCS card. But there was an element of the inductions which Julie felt was missing, which she had

experienced in other industries, of safeguarding and trafficking and also radicalisation. Julie was astonished that they were working on large ministry of defence projects and railways and there was no discussion at all around training to recognise somebody who may be at risk of radicalisation and this was the only reference to it through the data analysed.

Summary

There was a clear consensus that each site is different and that this can be dependent on the contractor, and particularly the site manager, who would be key to the effectiveness of how the contractor's policies and ethos are passed down. Could the solution of running a good site and the CSR commitments of a contractor be in a general standard of training for site managers, much like there is a general training for workers under CSCS. It is also now ever more important that the site manager is trained to identify signs of modern slavery.

4.4 Corporate Social Responsibility in the industry

The structure of workers employed in the construction industry as identified in this study is complex, with the main contractor (construction company) subcontracting different aspects of the work and there being a further supply chain of subcontractors from the main subcontractors, to agency workers and self-employed workers. This fragmented structure of employment through the supply chain can make it difficult for a contractor to behave socially responsible to workers when they are not direct employees, that is assuming that the contractor does behave in a socially responsible manner.

4.4.1 CSR as a priority for Contractors

As part of this study, to understand the impact of CSR on workers in the industry, it was deemed essential to understand how much CSR as a whole was considered a priority for contractors, particularly as the time and cost of advertising CSR on their websites appeared to be quite substantial as a key focal point. Therefore, the question was asked of if the participants considered CSR to be a priority to contractors during the interviews to understand the participants views and ascertain how well the contractors CSR intentions were shared through the industry. There was a mixture of responses which was construed as being affected by their position of employment within the supply chain.

Perceived Economic Benefit of CSR

One of the key reasons given by participants for CSR being a priority for contractors was due to the potential economic benefit for their own businesses, which was largely in relation to winning work from the clients. This came across very strongly from Colin who believed that CSR was only actually necessary to win work from clients, and that was how they would get the job, he explained that: -

“Yeah, that’s how they get the jobs, they give it all the biggen, like they give it all the oh we do this, we buy the kids a new playground and all of this, just to get the job..... if they didn’t have to do it they wouldn’t do it. So Company B, he’ll get the job, They’ll sub out, they’re trusted guys I suppose, they get three different companies to price every aspect of the job and then they just claim it.”
(Interviewee Colin, Subcontractor Site Manager).

This also gave reference to how CSR fits into the structure of the industry, where the contractor will make commitments to the client to win work, subcontract out the work and then take the credit for the work, which suggests that it is imperative for the subcontractors to have a clear communication of requirements in relation to CSR. Colin’s response also advocates the discourse that companies will just pay lip service to the client to win work which aligns with literature around CSR being just window dressing. Barbara also had a similar view that CSR was all about back scratching and winning work, but when asked further if companies would have CSR as a priority anyway if it didn’t win work, Barbara provided a thoughtful response as: -

“.....that’s an awful question. I think there’s companies out there that would do it whatever they would put emphasis and focus on companies getting involved in CSR and I think that I work for a company that would do that but I do think that in recent times a lot of it could be yeah it’s about saving face a lot of time or creating the right impression.” (Interviewee Barbara, Construction Business Development Manager)

As an employee of a large contractor Barbara had a positive view on her employer having a genuine focus on CSR rather than it just being about winning work for economic benefit, and could propose that it is possible for large contractors to genuinely consider CSR to be a priority. Or at least for their employees to believe that, demonstrating either a positive level of communication or alternatively a culture of behaving responsibly.

Another aspect which was considered regarding the economic impact of CSR was the cost to a business to have the processes in place. Tony believed that historically the procurement process of winning work was not very transparent but as it becomes more so then CSR becomes a greater requirement to win work: -

“.. you know it wasn’t that long ago that all of the construction companies, some of them had a monopoly, so they would agree what kind of prices they were putting in. so it rigged the procurement process, as that becomes more transparent and it becomes more on line and there’s greater requirement for things like corporate social responsibility, then it shifts the focus about where those companies can save money and that’s often with workers.” (Interviewee Tony, Trade Union Officer)

Which suggests that although economic gain may be the basis of a contractor’s priority being CSR, actually the cost of CSR had to be found from somewhere and that it was often with the workers, and this came across very strongly in the interview. This could be influenced by Tony’s position in the supply chain of being part of a union for construction workers. In contrast Frank shared how it was reported that Carillion had saved £25m through CSR through reuse of materials, recycling and a reduction in waste, but there can be little trust in these figures, since the recent collapse of Carillion found there to be doubt on their figures in general. Frank went on to explain how best practice in the industry had actually now become a license to operate as a business rather than something nice to do, but he also considered it to be for the economic benefit to win work. In contrast, Julie who works for a large contractor (Company A) felt that they were fantastic at CSR and was in no doubt that it was a priority to them as a business.

“..... Company A in particular is a fantastically ethical company to work for, they’re a very green company, amazingly ethical, so they’ll pride themselves on inclusivity, and you know, including everybody. All their um you know the um benefits that you get with the job is excellent, you know you get shares in the company, you get share option scheme, the pays good, 33 days a year holiday, you know you don’t get that many places.” (Interviewee Julie, Construction Customer Manager)

There were two elements raised here, the view that the contractor prided themselves on inclusivity which in Julie's view included everybody, and the benefits which employees were entitled to. Julie had been employed there for less than a year and was already entitled to more days holiday than was statutorily required, and shares in the company. These were positive responses and demonstrated a variance in the opinion of participants for different companies, suggesting that not all large contractors could be considered to behave the same way.

CSR Constraints

Data analysed from questions asked on the priority of CSR for contractors also identified a divergence between large contractors and smaller contractors. As an employee of a medium sized contractor Lee provided a different focus of response, which shared a view that CSR was the general responsibility of everybody on a personal basis as well as corporately in regards to recycling and general waste management: -

“We'll have a responsibility anyway, you know, you know we've said we'll empty our skips and do all sort of thing, the waste management side yeah..... Well you know in this day and age we have a responsibility not to just chuck everything in one big heap and put it in landfill ... No I think everyone has a responsibility personally, corporately.....” (Interviewee Lee, Construction Site Manager)

Suggesting a morale responsibility as an individual and as well as contractor, corporate entity and an employer was an interesting view on CSR as a whole. Corporations are not able to behave responsibly as they are not people, but they are run by people who can implement responsible policies and behaviour. This is particularly relevant in the case for Chris who is a self-employed small contractor. Chris described how it was harder for them to have the same level of CSR as larger contractors and that it should be scaled down for different size businesses, but also his opinion of CSR in practice was not a positive one: -

“.....personally I don't think its [CSR] worth the paper it's written on, cos I think whatever happens, if there was a bad accident on my site, it would come back to me whatever. And yes ok if I'd done everything I should have done then I should be covered by rights, but I have seen people who have done everything they thought they should have done and they're not covered. Um, maybe there should be more help out there for small businesses so they're knowledgeable enough to know what they should and shouldn't do.” (Interviewee Chris, Small Contractor)

There are a number of relevant factors to this study which were raised in Chris's statement. Health and safety and the responsibility for that Chris felt was completely his own on his own site regardless of the measures he had put in place. When questioned further during the interview it was apparent that Chris did indeed look after his workers and have a genuine sense of corporate responsibility, rather than perhaps a different motive of economic benefit. Jane also considered CSR to be relevant to how you treated your workers as a business, whether they be staff that are subcontracted, consultants or permanent employees. Jenny also believed that the businesses she had been involved in as an employer's agent took CSR very seriously, and that it was normal practice. When questioned further to establish what Jenny considered CSR to include, she shared: -

“Well, environmental issues possibility, things like equality, diversity, um that sort of thing, and then just sort of their own objectives I suppose, is that about right?” (Interviewee Jenny, Employers Agent)

This is a valid observation, and with such a large scale of issues for CSR to cover, this does suggest how differently it can be viewed for each aspect, but also how these can be in turn be different priorities for each of the stakeholders. Although Oliver also felt that in terms of environmental issues and sustainability, CSR did not actually have any substance:

“That's cos I'm an old cynic.... Building a building that is gonna be you know, works efficiently, so carbon footprint and all those sort of things that everyone worries about.” (Interviewee Oliver, Employers Agent Director)

This was referring to the climate emergency which is becoming a high priority in the construction industry along with others, and the impact of building on the environment, but also gave the distinct view that it was up to the larger contractors.

Importance of Corporate Reputation

The reputation factor of CSR is becoming ever so more important and Julie proposed that CSR is a priority for the industry to protect their reputation. Julie explained how where there are young workers who are prepared to cut corners, it is the company's responsibility to ensure that every policy is followed to the letter as if something goes wrong it will be the company's name all over the press and not that workers name. Which

aligned with the view of Barbara that CSR being seen to treat it as a priority for contractors was about saving face. The reputational factor could have an economic impact on winning work if a contractor received a bad reputation on how they treated their workers, or how they behaved in the communities. When asked specifically about workers and the impact of CSR, Jenny considered CSR to include their workers and employees due to the reputational risk: -

“Yeah, Yeah, that’s why I say that these things must all be considered and managed cos like you said the possible damage, the risk to their reputation is so huge, yeah I wouldn’t have um, I wouldn’t have thought they’d leave it to chance”
(Interviewee Jenny, Employers Agent)

Linking CSR to a company’s workers and their reputation was an interesting view, especially with the power of social media making it easy for workers to complain publicly. Jane felt that contractors had become more aware of the significant impact they have on a community, and they had recognised that they needed to do something about it. This was also highlighted when the Social Value Act 2012 was introduced which required those who commissioned public services to also ‘think about how they can also secure wider social, economic and environmental benefits.’ Or at least as suggested by Barbara and Jenny, contractors were to be seen to do something about it. An interesting point was raised by Jane who felt that it was not right to always put the obligation of corporate social responsibility being implemented effectively on the contractor: -

“.... Cos I think a lot of them try really hard but you know if they are not then asked and asked and asked then it kind of falls by the wayside cos it’s not part of actually building the building and ensuring that they have that to you on time and to budget is more important.” (Interviewee Jane, Local Authority consultant)

So, does the demands of a client once on site take precedence over demands of the client during the contractor procurement process? This was an interesting consideration that demands by the client to complete a building on budget and on time could be at the detriment of behaving in a corporately social responsibly way. Oliver felt that there was more opportunity for large corporates to make a difference in terms of CSR than smaller companies and that the larger contractors had to be at the forefront, so perhaps they should be pushing back on the client to allow time and budget to be able to behave in a responsible manner.

Summary

There is certainly a varying opinion from participants in if or why they consider CSR to be a priority for contractors, with some participants referring it to be a priority to just win work, and others considering it to be an embedded element of the construction industry. This was expected from different representatives of the supply chain who had different exposure and it did identify that not only is the CSR terminology varied between the top five contractors, but also how it is communicated and implemented across the business, to the employees, and to smaller businesses and the overall supply chain through training and information on what needed to be done. This could also be tailored for different size contractors which is a very valid point to consider in how matters in the industry could be improved.

4.4.2 CSR Policy and the Modern Slavery Act

One way of demonstrating a contractor or subcontractor's corporate social responsibility agenda is by way of a policy which can be shared with all the corporation's stakeholders, to not only demonstrate how socially responsible they are, but also to communicate their intentions to employees and suppliers for them to comply with. The policy may be just one which covers all aspects of CSR or there may be numerous policies with each being specific to each element of CSR.

Modern Slavery Act

Participants of the interviews were asked about CSR policies and in particular in regards to the Modern Slavery Act which came into force in 2015 to support the government's objectives to eradicate human trafficking and modern slavery, and for which large businesses were required by law to disclose each year what action they had taken to ensure that there was no modern slavery in their business or their supply chain. This was a particular change for the construction industry as their supply chain has so many layers, and annual statements must be made by each large contractor to report on the steps they have taken to prevent Modern Slavery. The area of interest for this study was to see how the corporations who are obliged to ensure there is no modern slavery within their supply chain would communicate this through the supply chain, and how participants who were interviewed perceived it. When asked if Modern Slavery was ever discussed at work and

if it was considered to be relevant in the industry, Jane responded that it was more relevant with Brexit and explained:

“.....so you are talking about an industry that employs hundreds of thousands of people legitimately, but it also employs I would say, hundreds of thousands of people cash in hand. And how do you police that? It is incredibly difficult..... They [the public sector] already ask you if you’ve signed up to the Modern Slavery Act, where’s your statement, where’s your policy, and because it’s not been around too long they haven’t done anyone yet. But I suspect in a year or so time it will come out with a question of ‘have you ever been taken to court for modern slavery’. But you have to let those things mature.....” (Interviewee Jane, Local Authority consultant)

Jane does not work on site and this was a perception from a client viewpoint, which was interesting point raised that there were many workers who were not employed by way of contract either through an agency, or a subcontractor but instead worked cash in hand. As Jane points out this would make it extremely difficult to manage their employment terms and conditions. But Tony believed that although construction companies were required to have anti-slavery statements the industry did not actually want it to be policed or checked:

“...but you know, then you look at, scratch the surface a bit more and it’s just pious words on pious bits of a paper. But all of that must be checked, monitored, evaluated, risk assessed, and policed and the industry often doesn’t want it to happen. It talks a good case, the front of the shop window looks fantastic but when you scratch the surface it’s just a jungle out there.....” (Interviewee Tony, Trade Union Officer)

This refers to the concept that CSR can be just window dressing or a PR exercise, and that the industry was not leading the way as Oliver had identified it needed to but rather it was not wanting it to change, or to be checked and monitored on its procedures to ensure that Modern Slavery was not found within the supply chain.

The Modern Slavery Act is designed to help manage workers who are not necessarily employed in a correct way by expecting the contractor to take responsibility for the entire supply chain. The other relevant point raised is the factor of timing, how new the Act is

and how it would take several years for there to be ramifications of not complying with the Act in relation to winning work. This matter of time for it to take effect was also revealed in Colin's perspective of modern slavery, he shared his thoughts that he considered the Modern Slavery Act to not even apply to the projects he worked on, even though he worked for a large subcontractor to a contractor:

“Yeah with mental health and loads of shit you have to look out for..... But it doesn't really apply to us, as long as they do their job they get paid. It's not one of them construction sites, the sites that I work on it's..... The guy works for an agency... it's not like building roads where they've got someone locked up in their garage I don't know, I don't know how it works this modern slavery, basically I don't come across it.” (Interviewee Colin, Subcontractor Site Manager)

What seemed a very clear view that modern slavery would not be relevant to the sites Colin worked on. When questioned further as to how Colin would be aware if there were any issues with workers, and what made him so certain that it did not occur on his sites to which he shared how they check the workers passports, and check they are able to work in the UK and on the site: -

“....we do all those types of checks when they start, when they're inducted. Lots of construction where I work in London, you can't get away with that in London, no way can a guy rock up on my site, not have a CSCS card, not be registered, not be who he is. That don't happen in London, if it is happening I don't know how they're doing it.” (Interviewee Colin, Subcontractor Site Manager)

This suggested that on the large sites in London which Colin worked on it was not possible to have an illegal workforce. He also confirmed that his company had made a statement regarding modern slavery and that he had been made aware of it which showed a positive process of communication within that company and that there were procedures in place to not employ illegal or undocumented workers which may not be incorporated by other contractors. Oliver did not consider it to be an issue in his work either, and despite being sure that his company (an advisor to the clients and contractors) had a modern slavery statement, and was pretty sure they had a policy on it, but he also did not consider it to be at the forefront of the business: -

“It’s probably why I remember it as because obviously we’ve had a policy come out in the last probably couple of three years whatever it’s been, and I’ve probably read it and then just put it to one side cos thought well ok it’s not an issue to me. Maybe I should revisit it then ... [laughs].. Maybe it’s an issue [laughs].”
(Interviewee Oliver, Employers Agent Director)

It is enlightening that Oliver did not think it was an issue to him as an employee of an advisor to the client, and therefore not something he was looking out for on construction sites where he should be an independent agent and would have access to look for signs. The reason for this lack of concern maybe a factor of it being a rather recent Act which has been brought in this instance there was more which needed to be done to raise awareness than just producing a policy. In contrast, Lee who works for a medium size contractor advised that the company did not have to write out a statement on modern slavery or have a policy because they thought it wasn’t applicable to them, as they knew everyone they employed as subcontractors or they were employed through connections. Lee explained that they would never employ for instance a site manager through an agency and they are a tight knit construction company so they only deal with people they know unless very rarely when things go wrong. Lee also felt that other contractors may employ the cheapest people and they could be from further away and not known, with cost being the priority in that situation.

CSR Policies

The view on CSR policies within the industry has been mixed. James a subbie considered CSR policies to only affect the industry when it suited the contractor, suggesting it to be optional rather than ingrained through the industry and also very dependent on the contractor to implement those intentions. This was similar to the view of Steve, who worked for a developer and was a client to contractors, who believed that:

“..all businesses have a duty to provide some code of corporate social responsibility to um both the people that work who work for them and their customers. I think where you have multiple layers of contractual arrangements as you do working on a site the emphasis is still there it needs to be what you form part of what you do it’s just that it’s a bit more complicated to enforce given that actually along with a number of different contracts and contractual organisations you might well have a number of different perhaps non

complimentary corporate social responsibility statements.” (Interviewee Steve, Development Manager)

Steve highlights the issue of CSR being difficult to enforce among different contracts and different organisations, which Steve did not expect their policies to be in conflict with each other but also acknowledged that they would not necessarily all be aligned. This again highlights the issues raised around subcontracting in general and how there can be a difference of culture, expectations and policy through the supply chain. Gary shared that his employer a large contractor made their employees aware of their CSR policies, their values and the Modern Slavery Act through regular portal training, a general understanding of where the documents lie, and general statements on the notice boards in offices and on site. Good practices like Gary had experienced would be useful for sharing information in other businesses, although it could be another factor of Gary working for a large business which has the resources to manage CSR and the communication of it.

Contractual requirements are one method of pushing policies and requirements down the supply chain, which Peter also raised as being a way to impart your policy through your contract with your subcontractor, but he did also consider the understanding of the policy to be more difficult to impart and further still it could get lost in translation down the supply chain which was a very valid point. There is also a potential difference in understanding of a policy and control once it reaches the site manager, unless the site manager is directly employed by the contractor and fully trained in understanding the policies and the requirements of the policies.

Paying workers is a large factor in the industry where workers can be found to work for less than the minimum wage, or for no wage at all. Paying workers can also be an issue generally in construction and therefore there is a Prompt Payment Code which contractors sign up to be seen to pay their supply chain. When asked if subcontractors would sign up to policies particularly around prompt payment which is a key part of managing the supply chain, Matt a subbie responded that he didn’t think that signing up to policies meant anything. And Keith’s response agreed with this that the policies were just empty words:

“that’s just like empty words they write down, whatever, that’s just there to look good”. (Interviewee Keith, Subcontractor Labourer).

Reflective of other data collated and analysed, Keith considered CSR to purely be there to look good, and Keith and Matt were both animated and almost angry when they talked about CSR. This could be partly due to the experience which Matt had explained previously that he would not always be paid by the contractor on time but had to pay his subbies regardless. As Jane suggested, policies must mean something because if you go around a building site you never see the subcontractors' names on the hoarding, you see for instance Company A, or Company B, the main contractor of the project. Jane felt that it was important to their profiles to ensure their policies were met, and also important to employees and workers morale to get the job done:

“.....I have been involved in a project where a delivery driver was killed delivering something and they were on the way to site and we all heard about it and it was massively demoralising so actually you need to ensure that staff morale is massively important cos that's how construction sites work. And so to ensure its safe you have to make sure those policies are relevant and adhered to.”
(Interviewee Jane, Local Authority consultant)

Jane also went on to explain how a contractor could write a 'fancy' policy and say that is how they look after their employees but actually it becomes quite obvious quite soon how well sites are run: -

“Actually its simple things, like how clean is your site, do you have good site canteen, do you have enough rest areas for your workers? All of that stuff becomes fairly obvious really quickly. So I think yeah, it's easy to spot people who are faking it.” (Interviewee Jane, Local Authority consultant).

This would be relevant to employees, direct and indirect (being subcontractors, self-employed workers and agency workers) welfare and was an interesting point about how visitors to construction sites would be able to visibly identify if they were well managed, which can give the clients and client advisors an ability to see how well the site is managed. Although it would not be as obvious if subcontractors and subbies were being paid on time. Payment could also be held back as an incentive to finish the work and perhaps do more work to receive the monies owed to the workers.

Summary

There has been a shift change in the industry with the introduction of the Modern Slavery Act, binding large contractors to ensuring that not just them, but also that nobody in their supply chain is a victim of modern slavery. As identified one method of ensuring workers are legitimate and identified is through the induction process, but it was also noted that those carrying out the inductions did not believe it to be relevant to them. There is also the issue of effectively communicating policies through the supply chain to subcontractors on site, and also how the policies may conflict with their own policies. From the data analysed, the workers do not believe the policies to be of substance.

4.4.3 CSR and the perception of workers

With the issues raised above regarding policies related to CSR being passed down the supply chain, interview questions were asked regarding how employees and workers were made aware of a contractor, or subcontractors CSR and the impact it may have on them.

Perception of Workers

Colin shared that he thought that his company he worked for were really good at sharing their policies, and that they had an employee's handbook which explained what they were expected to do as employees and his company he considered to be really good:

“What we don't do, I am personally, my company I work for are really really good, the best company I've worked for. They outline what they expect from yah, and what they don't want you to do as well.....” (Interviewee Colin, Subcontractor Site Manager)

Working as a permanent employee for a subcontractor Colin's response was very positive in terms of the engagement and communication from his employer in regard to their policies. And as described by Tony, you could have a project value of thirty million pounds, but that building company who had won the project may only directly employ eighteen people but have a workforce of maybe eighteen hundred workers, so the contractor's story of their CSR effectively equates to just eighteen people, or 1%. Tony explained how contractors could take on CSR actions in terms of procurement and tenders and make a commitment to the client, but it would not necessarily be easy to deliver:-

“....what they do is they take on corporate social responsibility actions in terms of procurement and tenders, make all sorts of promises to the client like local authorities.....they often fail, not because of any fault other than the resource and support isn't there, and, nobody wants real responsibility for a lot of corporate social responsibility, that's the contradiction, so it's a tick box exercise at procurement level to say yes we'll do this, we'll you know sign up to everything to get the contract....” (Interviewee Tony, Trade Union Officer).

Raising a relevant point on the process of CSR being delivered, this was a strong viewpoint from a trade union employee of how the process can fail but also how it was considered a tick box exercise. Although Tony did believe that regulations were now more civilised in the industry in terms of workers and discrimination, equality, rather than this being driven by the industry leaders, he believed that instead it was driven by societal forces, and despite the regulations not always being developed quickly enough, they were dragging the unwilling industry into the 21st century.

Kev's views as a worker who worked for a subbie aligned with Tony's in that CSR was there to pull the wool over your eyes, to make sure it was there in existence but actually nobody carried it out. He considered CSR to be just there in case it was looked for, but more worryingly his experience was that it was the same for health and safety and that the behaviour and standards on site would improve if someone was there inspecting it. Tony felt that corporate social responsibility should be a win win for the workers, the company and the clients, and most importantly to the beneficiary's and also to the local communities. But he also pointed out that it came at a cost and this cost would also impact on the workers:

“.....if you cost corporate social responsibility, if you look at social value, increasingly now that's becoming a higher and higher percentage of procurement and tendering contracts so if it started off at 5% and now it's gone up to 20% or 30%..... that means someone's losing out, that means there's got to be a reduction in profit, where does that profit come from?They're not cutting the dividends to shareholders their cutting the salaries to workers.” (Interviewee Tony, Trade Union Officer)

This was a stark view of how CSR could be impacting on workers in a negative way rather than in the intended positive way. Although Tony was referring to all elements of CSR, particularly Social Value which is becoming ever so more of a priority to contractors to win work since the Social Value Act 2012 was introduced. Despite this, it was not a good view of CSR progress. In contrast, instead of a large contractor who may have the resource to manage the process, it was also described to have little effect by Matt who shared how he felt that the client (being the contractor) or the authority really didn't have a care for the workers:

“The client, authority, they really don't give a shit about us.... Like all the directors at Carillion, two of them are on yachts.” (Interviewee Matt, Subcontractor Project Manager)

Matt was referring to the recent collapse of Carillion where the Board members were found to have taken large bonuses prior to the collapse. This could just be one rogue contractor though rather than a reflection of the entire industry. But does not explain the view of Matt who works for a number of different contractors. James's view reflected a similar opinion and shared his thoughts about the management of contractors, and the authority:

“They don't see the actual men whose done all the work... its sad, cos they don't stick up for the normal person at work.” (Interviewee James, Subcontractor Labourer)

Suggesting that the worker was not actually visible, and therefore not considered, which were concerns raised in this study. When Oliver was asked how CSR was passed down to the workers, and he felt that it was diluted down the supply chain through the different layers of contractor, subcontractor, subbie. This aligned with the data collected, and explained how as an Employer's Agent, from a health and safety perspective they had a duty of care, but he has also wrongly accepted conditions which are not necessarily providing workers with the comfortable environment to work in even if it is safe:

“Health and safety side of things every time, yeah, doesn't matter.. even if I go on site now and it's not my site we all have that duty of care to, if that scaffold isn't tagged probably or that excavations open we all have that obligation,if there

wasn't hot running water in the toilets I probably wouldn't bat an eyelid at that that's kind of what I get to expect." (Interviewee Oliver, Employers Agent Director)

And when asked for clarity if a worker's wellbeing would be considered different to health and safety Oliver considered (and admitted wrongly considered) that he would accept that as a building site there would be no soap to wash your hands with or no towels to dry them for you to clean up to eat lunch. Hygiene and cleanliness has become a priority in the recent months due to Covid-19 and the government guidelines to wash your hands and sanitize regularly to avoid spreading the virus. This is a focus which contractors are coming under greater scrutiny to comply with the Site Operating Procedures of which version 5 was issued on 4 July 2020. It would be interesting to carry out further research to establish if these requirements have actually been implemented or if they are effectively getting away with it. But that is not a CSR policy but regulation which has been issued.

Perception of Employers

Where the employers are responsible not just to comply with CSR policy but also as a business in general, Gary considered this engagement between an employer, and a contractor and his employees was critical to business:

"If we aren't responsible to our people, our staff our subcontractors, co-workers, um we are not responsible for those people um we won't have much of a business because people won't want to work for us and people won't want to employ us and our colleagues won't want to support us in the business that we provide, it will unravel people won't want to put up with working in poor conditions" (Interviewee Gary, Construction Commercial Manager)

This was an extreme view that workers would turn down work from rogue employers, which does not align with the workers view. Would workers stop work and demand their employment rights instead? This was discussed in regards to workers strikes, but with permanent employment being uncommon for construction workers, it is difficult to understand how construction workers would be able to collectively bargain for better working rights if they are brought in on a temporary, job by job basis. Lee believed that

everyone had a responsibility this day and age, at home and at work regardless, to the point of looking after their workers' health: -

“For instance, putting up signs in the toilets for men to look at what colour their urine is to see if they are dehydrated and stuff.... You know, we have a social responsibility to tell these people they may be dehydrated. Which is one thing I have a real issue with is suddenly like with health and safety, we're taking the responsibility away from the people that's common sense. So they do not go home and see their urine is dehydrated why do they have to come to work for us to tell them.” (Interviewee Lee, Construction Site Manager)

This was a very positive response to how CSR can impact on the workers directly, by the site manager having a responsibility to provide support for all workers. Although Lee the site manager was referring to a medium sized contractor's site and it would be easier to manage with less workers. But Lee also expressed frustration at how that responsibility was put on him, and how it almost took any responsibility from the worker themselves, and gave a further example of how a worker's lack of responsibility or dishonesty can effect the contractor:

“.....we had a ground worker who didn't declare he had epilepsy..... he was appointed to drive the dumper on these sites and he could have had a fit, they could have mounted a kerb, killed kids, all sorts and he was negligent and didn't tell us. And would that come back to us for not doing some medical grounds check we don't know, and when he wasn't in his dumper he had an epileptic fit, no-one knew what was wrong with this man.....” (Interviewee Lee, Construction Site Manager)

In this instance the worker had been dishonest in order to be able to work, and they had to stop him working on their sites. But as Lee acknowledged, he was probably working on someone else's sites right now with the same issues. But then empathy is also there for a worker who is perhaps not entitled to sick pay, but cannot afford not to work, and is therefore putting himself and in turn his fellow workers and the contractor at risk both physically from him perhaps having an accident and also reputationally. Chris also shared his concerns about not the cost of CSR, but the amount of time that it took which actually

took his time away from looking after his workers despite with computers and templates making life easier:

“.....I don’t have time every morning to make sure my guys are checking everything and ticking things off on certain items of plant, whether they’re minding, I just don’t have time to do that every day, by the time I get on site they’re driving diggers and dumpers and when I say have you checked them, they say well no, I didn’t have time you know and I just can’t keep on top of it.”
(Interviewee Chris, Small Contractor)

This suggested that the additional paperwork required to demonstrate how CSR was being implemented could also have a negative effect on workers in smaller companies where there isn’t the budget to employ the level of resource required to manage the process.

Summary

Correlation was identified in the data gained from subbies and Tony a trade union employee in that CSR was not considered to actually have an impact on workers or exist in reality, more in a tick box exercise to appear to have it in place, particularly where Lee as a site manager was actually making the changes and felt the weight of the responsibility, but the subbies considered it to be farcical. There is clearly a disconnect to participants’ individual experiences, and this can be a result of different contractors having different approaches, or the communication and requirements not being passed down the supply chain.

4.4.4 What can be improved?

Initially the interview question around what could be improved was to understand if there were any improvements which each level of the supply chain considered possible, but based on the responses this question became increasingly important to understand how the participants felt they could improve what they were experiencing in the industry, and to help shape the recommendations of this study.

CSR Reputation over Profit

With so much emphasis on profit and cash being the driver of any contractor decision there does also seem to be a conflicting driver of reputation when it comes to winning

work, how construction sites are managed, and a contractor's CSR approach. As Frank suggested, the top 20 contractors act partly on reputation now as to what the customer demand is, being often the public sector, but not so much for the small and medium contractors and so it could just be a driver for the large contractors. Reputation being used to win the next role, could also mean that CSR becomes the tick box exercise which it has been considered previously. But as Jane has suggested, the companies that had always incorporated CSR well were now talking about it:-

“I think those that have always done it well have always done it that are now talking about it. And there are those who don't do it but think they do! Or think they'd like to. Or sometimes they think they are doing it but they are not, and they talk about it, and you've got those who do the minimum to get the next role.”
(Interviewee Jane, Local Authority consultant)

Again, Jane picks up on the importance to the contractor of getting the next role, or the next job. If this is the only driver, then perhaps it is down to the client to set the requirements and to audit them being delivered. But where profit and cash is a contractor's priority, rather than reputation, Tony felt that this could have a negative effect on a contractor's CSR priorities, but also had thoughts on how to make improvements;

“We have a phrase Andrea that's basically when the circus comes to town, which is the construction company, the meters already running cos they're on penalties if they don't deliver. So, they'll cut the margins back as much as possible to get the biggest profit margin in the shortest amount of time and then there's no legacy or proper investment and then the circus up sticks and moves on to the next time.”
(Interviewee Tony, Trade Union Officer)

This suggested very short-term impact being considered, and the impact being just the margins and profit above anything else, and that this was common practice. Colin also shared his thoughts that the industry's priority was all about money, and that was the only priority. Therefore, the target should be perhaps the money, and as suggested above, a driver for the client to set out the requirements. Tony felt that there was a need for local government level and at national government level a proper link between perifocal and industrial strategy. This has been addressed by the Social Value Act requiring authorities to procure to have an impact not just on the building constructed but also on the

community in which they are building in, which is now being seen in bidding requirements set out by local authorities which include a section on social value and sustainability. Peter had recognised this influence which the client had on the contractor regarding the priority of CSR:-

“..... it’s a business so you have to make profit and money, so anything that’s kind of client based that’s about getting work but I guess that’s where it creeps in on the second tier of kind of importance.....There’s always people that want it but for the company it’s got to be right for the top and it has to be their key driver”
(Interviewee Peter, Construction Project Manager)

Again, this references the client and the influence they have on how important CSR is, and where the client is the local authority or public sector, then this can be driven by government. Jane’s response was also that the public sector played a large part in CSR, the contractor’s addressing it and actually carrying it out. While Jane felt that CSR was definitely required and had a part to play in the industry, she also believed that the public sector should be better at policing it. For a corporation’s reputation, this would take the tick box exercise away from just winning work, but also impact on how they deliver their CSR promises. Jane recommended that the public sector employ economic teams to ensure they follow up with the contractors to confirm that they have done what they said they would do. This was a good recommendation for making improvements, through the public sector monitoring.

Contractor size and resource

The impact of a Contractor’s size and available resource on their CSR processes and implementation has been a key factor identified in this study. John felt where the contractor was bigger it became easier with the value of the project determining the value of social etiquette which was an interesting point. John considered larger contractors to have CSR policies and procedures in place and for smaller contractors not to:

“....maybe that’s my experience of moving from smaller to bigger contractors their level of, their ability to resource undertaking of social responsibility becomes easier and easier,.....we employ someone full time to do that for us, we

employ a team, we have a whole department.” (Interviewee John, Subcontractor Site Manager)

This reflected the other participant’s views around the benefits of a larger contractor having the resource and budget to manage their CSR processes and expectations. Jane also felt that the large contractors still had to improve, particularly on where they sourced their materials from, with the cheapest not always being the best. The sustainability of materials bought can impact the environment, but also may be using cheap or forced labour to produce the materials, and this would make them cheaper to buy. Also, the size of the construction site can effect the management of terms and conditions for workers;

“.... If you look at a large construction site you can have up to 1200 people working there at any one time, how do you ensure that they are all there in good terms? I don’t know it’s difficult. The main contractor should be doing something about it. I think probably on the main sites it’s a bit different when you start talking about the small and medium sites its very very difficult to police I think.” (Interviewee Jane, Local Authority consultant)

This suggested that a larger site would be policed better, and Peter believed that construction health and safety is always driven by the large contractors. From a financial point of view Peter shared that the large contractors would be doing 60 – 70% of the total construction industry’s work, but actual the number of projects they are doing is quite a small fraction of the total construction nationwide. This means that the majority of projects is being carried out by smaller contractors who may not have the resource to set out, implement and manage CSR policy and procedure.

Again, the question of resource for smaller contractors was raised, and how they would manage health and safety. Chris’s view agreed with this and he was quite passionate with his view on how it impacted on his own business and the help that he would need to be able to implement it fully as he did not have the financial resource or time to manage it. Chris believed that large contractors would have their own teams of ten people who manage their CSR on a day to day basis, and with their own health and safety managers which he could not afford to have, despite his company being obliged to adhere to the same rules. His view on how this could be improved was: -

“I just think it should be tiered more for the size of business. If you employ over so many people on a regular basis then yes the CSR should go up. You’ve always got to have that CSR but the paperwork side of it and the... if you put it harshly, the cover my arse policy which is basically what it’s all about, um so basically it gives the small business a bit more of a chance to compete.smaller business do get a harsh time of it.” (Interviewee Chris, Small Contractor)

There was a clear message from this interview that a smaller contractor will struggle with the level of resource required, and an interesting point around there being more help for small businesses to train them in what they should and shouldn’t do to improve the current situation, and to scale the level of requirements to the size of the business. There was also a focus on accidents on site, which was a common response to the questions around CSR and looking after the workers, although accidents on site is the one element of the workers which is analysed and captured.

Impact of Industry Culture and Communication on CSR

The impact of a corporation’s culture and communication has been identified as a factor affecting the effectiveness of their CSR policies and procedures. Jane felt that the culture of a contractor or a developer and their way of working could take years to change, which suggests that bringing out a policy affecting how a corporation behaves would not have an immediate effect. Jane had experience of working for Company E where from 2007 to 2014 the culture was to look after workers as if they were family, with everyone working together to get good results. When this changed through a change of management, it actually took years to become more of a corporate business, and this was summarised:

“Policy is something written on a wall, culture is how you behave every day!”
(Interviewee Jane, Local Authority consultant)

This was an interesting point around the culture of a business and the time it took to change the culture, and how that culture of staff being treated well could actually bring profits as the staff worked together to make it work. The same could be applied to construction sites and all workers working well together to achieve an aligned goal. People bringing the profit rather than profit bringing the people. Effective communication is also key to the industry with the structure of the supply chain and

employment. Frank reflected on the communication of the Modern Slavery Act, and how this needed to be communicated and shared in a much more effective way. His experience of working with employees of a contractor who were on a training session with him was:

“.....only one person out of 17 put their hand up when asked if they knew what the Modern Slavery Act was, and then the person that did said that they were just scratching their face.” (Interviewee Frank, CSR Consultant)

This was a poor reflection on how the Act had been communicated within that business, and communication is paramount when expecting your managers and employees to recognise and raise issues not just on site but also down the supply chain. This was also clear when John was asked about the Modern Slavery Act and how CSR was passed down the supply chain to the workers on site. In his years of working in the industry he had never been asked on the matter, and on reflection shared his view on how CSR policy and procedure and Modern Slavery could be communicated and monitored;

“It has never come up, in my career as a direct question to me before tonight..... why are you researching something that’s never been asked of me before in my career?..... you can give it to a suit who works for the contractor, it doesn’t mean anything, it’s the bloke with the rigger boots on who’s drinking the same decaff coffee that they’re drinking, that’s the person who’ll see it.” (Interviewee John, Subcontractor Site Manager)

This suggested that it was in fact the site manager, or workers on the site who would be able to identify any issues rather than the management of the company who were not integrated within the construction works on site. But when asked if managing the supply chain could be improved by the site manager Oliver responded that he didn’t think that it was possible unless contractors were going to change the culture of subcontracting and start employing workers directly;

“.... The three or four sub sub subcontractors are going to be a one-man band just worrying about himself, just worrying about his next week’s work. I mean that’s kind of how those people work I think, its week on week, you’re not thinking about a career or where you’re going to be in ten years’ time, it’s where am I working next week.” (Interviewee Oliver, Employers Agent Director)

This was an interesting view on how to improve the industry and protect the workers, as they are considered to be just worrying about this week, rather than long term training, sickness cover or benefits. This conflicted with Tony's view of the industry, that actually the long term training and direct employment of workers was required to improve the industry to provide training for apprentices and reduce the skills gaps and the rogue elements of the way the industry is organised, particularly for public contracts. Tony believes that the contractor should be obligated to double the apprentice levy to leave a legacy when taking on public contracts of apprentice jobs over the period of the build.

Summary

There is a clear disconnect between not just workers and the contractor as hypothesised in this study, but also between the processes, and effectiveness of CSR, between different large contractors, but also between different sized contractors. Regulation would even that out if there was a move to make CSR a requirement not just by the client which is gradually happening, but by government regulation. This is already taking place by the recent introduction of the Modern Slavery Act, Social Value Act and Agency Workers Regulation which is step in the right direction, but as Chris highlights more help is needed for smaller businesses to adhere to the regulations.

5. Thesis Summary and Conclusions

This study explores, ‘The impact of Corporate Social Responsibility on construction workers?’, with a hypothesis was that there is a disconnect between the contractor and the worker, due to the subcontracting structure of the construction industry. Although the top contractors advertise their CSR policies and commitments to behaving responsibly there is an added complexity of having an impact on workers due to the majority of workers on a construction site not being directly employed. It is believed that it can be intentional to disconnect the workers from having employment protection by contractors in the industry to save money, but from primary data as analysed many managers are not aware of it being an issue.

It has been difficult if not impossible to find one simple definition of corporate social responsibility to understand what this means, and instead there is an abundance of definitions. This can create a mixed interpretation across different industries and corporations and prevent the successful development and implementation of CSR. This study concludes that it is corporations behaving in a responsible manner towards society as a whole, to not just look to make as much profit as possible for shareholders, but also to consider the priorities and impact of their actions on all of their stakeholders. This study also concludes that casual labourers within the construction industry are a stakeholder, due to their having influence on the profits through the standard of their work, but also due to their being impacted by the actions of the contractor. The impact of corporate social responsibility on construction workers, this study concludes that often it does not pass down to workers in terms of benefits for health, and sickness pay, and that this can be intentional that corporate social responsibility just impacts on direct employees and direct subcontractors, or it could be due to the structure of the industry. For a corporation to behave socially responsible it should protect and be responsible for all stakeholders including casual workers.

Particularly for the construction industry I would suggest that corporate social responsibility should be a priority, as with 8% of the national workforce being employed by the industry in various guises, their impact is significant. Large contractors have the ability to lead the way in every aspect of CSR, to include not just the protection of workers, but also their impact on the environment, the communities they work in, and how they manage their supply chain through the transfer of risk and prompt payment. The key issue from literature reviewed and findings from primary data, is that CSR is

considered a priority just to win work, but clearly there are employees who passionately believe in CSR, and the impact it can have. Findings also demonstrate a clear disconnect from the contractor and the workers, which has accelerated through the increase of self-employed workers, bogus self-employment and agency workers, removing them further from the responsibility of the contractor.

From data analysed it appears that the role of the subcontractors and agencies to provide temporary workers for construction sites has either been hidden from the contractors view, with managers having little or no knowledge of the precarious nature of work which is largely contracted through self-employment, and bogus self-employment which with it brings no security or employment benefits for the worker, or that the contractors have intentionally created a contractual disconnect from workers so it does not impact on their business or affect their reputation. Recently Unite have combined forces with the construction union UCATT to focus on ending bogus self-employment and increase the numbers of apprenticeships. Apprenticeships and training have also been raised as an issue, as workers are not on any one job long enough to carry out a full apprenticeship, and there is a recognised skill gap growing.

There is also a gap identified between the employment protection of casual workers who are working self-employed under their own limited company and contracted for work directly to contractors and subcontractors without an agency. There have been amendments to capture workers with this employment status but that has been driven more by tax recovery from HMRC than employment rights under two new schemes, IR35 and CIS. With the nature of the construction industry, workers are often working for different contractors and therefore avoid ever being considered employees and are not protected with employment rights. This would logically make the corporate social responsibility to those workers even more important rather than removing the responsibility. That responsibility is not just around the PPE which workers are wearing, but also around if they are being paid, if they can take time off if they are sick, and if they can have sufficient support and certainty to be able to pay their bills, and pay for food each week.

As identified in this study, mental health and wellbeing is also becoming a key consideration in the industry, which may be the outcome of the precarious nature of the work and lack of employment protection, in addition to the often-dangerous nature of the work, and this can be compounded in difficult times, such as a global pandemic, or an

economic recession. The data from participants highlights how the workers are not convinced by a contractor's mental health support with some being too afraid to raise any mental health issues for fear of losing the job, and in other circumstances the site managers find mental health policies arduous to implement and manage. This suggests that the communication around any mental health and wellbeing policy is not effective. Policies may be set out by the Human Resources function of the business who are far removed from the workers and may just be concerned about the direct employees. Alternatively, it could be just a tick box policy to be seen to look after the workers to protect a corporation's reputation, which would align with the number of worker suicides in the industry. The support of employee's wellbeing can also disappear when profits are threatened, which was found to be the situation by participants when time or cost was at risk.

The construction industry's traditional fragmented process was identified as needing improvement and has been well reported over the years, with the Emmerson reporting in 1962, the Banwell report in 1964 both commenting on the need for change (Cooper et al, 1998). But the protection of workers has different connotations in the construction industry. Employment protection has changed adversely in respect of the worker, with contractors now relying on agencies such as Hudsons to protect them against employees, and the agencies openly advertising this service. The idea of being protected against employees is an issue in itself. In 2018, the government promised an overhaul of employment rights for millions of workers including those in the gig economy in response to the Taylor Review to include 'stricter enforcement of holiday and sick pay rights and higher fines for firms that breach contracts or mistreat staff' which has positive intentions as without the entitlement of sick pay, workers would be more inclined to work with an injury or with sickness. But without the contractor's support and without the contractor taking responsibility for the majority of their workforce, this can have little effect, and can result in corporate social responsibility being considered just window dressing in respect of their workers.

5.1 Summary of Findings and Data Analysis

In order to complete this study and answer the four research questions, the data collated has been analysed with a number of common themes established. Each participant provided an in-depth of insight into the construction industry and how it works. The findings and data analysis have been formed around the research questions.

1. How has the construction industry changed in respect of protecting workers and health and safety, and how has this been influenced by regulation and law, reputation or stakeholders?

There were several factors which have been identified in the findings as having changed in the construction industry over the last few decades. Cost and time were a key factor with the cost of labour increasing but also the cost of materials and availability causing additional pressure on contractors to remain competitive. Although this was argued by Tony that the competitiveness was creating a race to the bottom, for contractors to tender the cheapest cost to win contracts which were being made possible through either cutting corners or employing cheap labour. It was also argued that the speed of work has changed in the industry, through technology and tighter deadlines, and the constant threat of penalties for delays, sometimes resulting in shoddy work. This was raised as a particular issue where subcontractors are carrying out a small piece of work one after the other without a care for the standard of the previous bit of work, but a focus instead on cost and time.

Improvement in health and safety has also been identified as a key change in the industry, particularly around procedures and protection on site brought in through regulation and change in law. The reputation of companies impacting on winning future work was also raised as a reason for improving health and safety and investing in it. Although participants have expressed concern that some contractors are targeting migrant workers to cut costs and increase the level of risk they are taking in the work they are expected to carry out. This escalates the need for the workers to receive proper training to carry out their work safely on site, for which steps have clearly been made by way of CSCS training, and the requirement to have a valid CSCS card now to be able to work on site. But it has been raised as an issue regarding foreign workers gaining access to site through fake cards being handed out by agencies, in addition to there being a language and cultural barrier during the onsite training further increasing the risk.

There was also said to have been a change in workers employment, where historically one company would employ everyone they needed, but now there were employment agencies who would move people around and manage any employment issues to completely disconnect the worker from the contractor. There has also been a rise of the gig economy almost validating precarious work with a rise in self-employment and bogus self-employment, resulting in many construction workers having little or no employment rights, making the industry even more fragmented, and difficult for employers to protect the workers. The Modern Slavery Act has been introduced to force employers to consider forced labour, trafficking and modern slavery throughout their supply chain, which training is important for the contractor site managers as they are the direct conduit between the contractor and the workers on site.

While it was suggested in the findings that it is possible for the next generation to drive the change in terms of CSR and how it impacts on the workers, with such a fragmented supply chain it is difficult to see how this can happen, and it is possible that they will just focus on social value and the environmental elements of CSR particularly in light of the climate emergency.

2. How is corporate social responsibility implemented and adopted through the supply chain by the subcontractors within the construction industry?

It is clear from the data analysed that there is an issue of the CSR policies and values of the contractor being efficiently passed down the subcontracted supply chain. This was identified as further complicated by the values and policies of the subcontractors potentially not aligning with the contractor's policies, and so how can the contractor be assured that the subcontractor is then passing this requirement down to their subcontractors, or agency and self-employed workers. Data from the participants also suggests that any policy or ethos of a contractor would not be passed down further than the subcontractor which they are directly in contract with, creating a clear disconnect.

There is also an issue which is raised in the findings of subcontractors being paid on time by the contractors and being able to pay their own supply chain. In an industry where 'cash is king' this places incredible pressure on their supply chain. Evidence within the data suggests that payment to workers is often not influenced by regulation and contractual obligation, but by the responsibility adopted for an employer whether they be

a client, a contractor or a subcontractor for their supply chain, and this could be improved across the industry to ensure workers are paid when and what they are supposed to be paid.

Where subcontracting layers up the construction supply chain, the communication around safety and the contractor's culture it was suggested that the communication must be effective to enable the supply chain to behave as expected, and this can also be exasperated where workers have one rule from one contractor and one rule from another. This can be further complicated with the speed of which workers were said to be required to be deployed to a site and the pressure put on subcontractors to provide the workers and one of the places he will go to will be the agency and getting those workers. This adds pressure on the effectiveness of the induction but also on the management of those workers so that the subcontractors are not penalised by the contractor for their workers behaviour.

From the data analysed, there was a clear consensus that each site is different and that this can be dependent on the contractor, and particularly the site manager. This also affects how the policies of the contractor are passed down through site manager and implemented. The site manager is the one direct link between the contractor and the worker.

3. What is the method of employing workers in the construction industry, and to what extent is corporate social responsibility inclusive of workers on site?

Correlation was identified in the data gained from workers and Tony a trade union employee in that CSR as not considered to actually have an impact on indirect employees or exist in reality, more in a tick box exercise to appear to have it in place. This was particularly around mental health where Lee as a site manager was actually making the changes and felt the weight of that responsibility, but the workers considered it to be farcical. There is clearly a disconnect to participants individual experiences, and this can be a result of different contractors having different approaches, or the communication and requirements not being passed down the supply chain or to the site manager. This would be an area to focus on to improve the impact of a contractor's corporate social responsibility on workers, as despite the fragmented nature of the industry structure and varying employment status of workers it does seem possible for contractors to behave responsibly towards their workers and influence the conditions on site, as the hours

worked and conditions of work are managed by the contractor's site manager while the workers are on site.

While health and safety on a construction site is considered inclusive of everyone on the site, it was also suggested by a number of participants to be over the top, and in fact making the job more difficult. It was also argued that in some participant's experience to be taken into consideration and adhered to when there were visitors on site. This responsibility must sit directly with the site manager and how they are controlling and managing the site. Another area of focus would be the process of yellow and red carding workers as identified by Tony and Colin, causing huge disruption and cost to the supply chain. This process does seem to be a license to penalise the supply chain, and while bad conduct on a construction site needs to be managed, it does need to be a fair system. Interestingly this was not a factor picked up by participants working for a main contractor, so it may be that they are unaware of it, or that not every contractor uses this process.

It was also recognised that it is difficult to directly manage the indirect employment terms of workers unless this is done through the supply chain contracts. This has recently been addressed by Uber workers which the Court determined to be employees due to their conditions of contract, but it is more difficult in the construction industry where a worker will have many different employers. The lack of simple rights such as sick pay and holiday pay place further risk on the worker as they may work when sick to get paid, and this is more of an issue to the contractor if there is an accident as a result of this. There is insurance available at a premium but this does not cover them for the first twelve weeks of sick leave and is considered virtually useless by the workers.

As identified, the site manager is a key link between the contractor and the workers on site and able to pass down the intentions within the CSR policies and provide training and protection on site. The training of site managers should be paramount to ensuring the contractors CSR has an impact on workers on site. The other point to note is that despite CSR being voluntary for corporations, government is driving it in the UK through Acts such as the Social Value Act following the privatisation of many services, and the request of the CSR elements when the private corporations bid for Public Sector work, although this does not focus on the workers.

4. What is corporate social responsibility and what role does it have in the construction industry?

There is increasing pressure on corporations from stakeholders to behave socially responsible, or at least be seen to behave socially responsible, particularly in the construction industry where the majority of work is procured by the public sector. Construction is one of the largest industries of employment in the UK and it has a reputation of being a dirty place to work, with historic issues in regards to health and safety. There is certainly a varying opinion from participants in if or why they consider CSR to be a priority for contractors, with some participants referring it to be a priority to just win work, and others considering it to be an embedded element of the construction industry. This was expected from different representatives of the supply chain who had different exposure to CSR, but it was also clear how CSR is communicated and implemented completely differently across different businesses and to the employees and casual workers. Additionally the documentary analysis carried out identified that the CSR terminology adopted by the top five contractors varied greatly with different elements and focus resulting in a rather confusing industry message, to be able to compare as a client or to pass down the supply chain.

There is a clear of perception from participants in the difference between the processes, and effectiveness of CSR not just between different large contractors, but also between different sized contractors and if one size fits all on the regulations, or if smaller construction companies should have a different set of regulations to adhere to. There has been a recent introduction of the Modern Slavery Act, Social Value Act and Agency Workers Regulation which is step in the right direction, but it was clear that more help and support is needed for smaller businesses to adhere to the regulations, and for the impact of these Act's to flow down the supply chain.

Mental health and wellbeing also come under the umbrella of CSR, but it more work needs to be done in the industry as the workers interviewed did not feel that it was a genuine concern and site managers interviewed considered looking after workers wellbeing to be time consuming and a chore. It was expressed by participants that even where the contractor is committed to keeping workers safe they should ensure this ethos is passed down to the site manager to make them also aware and to create a culture on site so that workers are not scared to talk about it or raise issues. Having a CSR policy advertised which sets out good intentions of protecting workers health and safety but not keeping workers safe on the actual construction sites is ineffective and collaborates Frankental's (2001) view that CSR is a PR invention for this aspect.

5.2 Recommendations from findings

Following the review of existing literature, documentary analysis and an extensive analysis of the data collected from participants, there are a number of issues within the construction industry which make the ability for the contractor to behave in a socially responsible way towards the workers complex. The following recommendations through participants data and the themes and issues identified as creating the disconnect between the contractor and the worker.

1. Health and safety for smaller businesses. To remain competitive smaller contractors would not be able to pass the cost of health and safety practices on, but can also not be left behind in respect of their health and safety standards. It is assumed to be unintentional and instead a consequence of the industry moving so quickly in terms of health and safety. A solution could be more support of smaller contractors to adhere to policies created for larger contractors.
2. Based on the data analysed, corporate social responsibility in the industry would be much more effective if there was a simple description and an alignment of the interpretation of it by various contractors. It is confusing for workers and subcontractors to adopt each contractors' requirements, policies, terminology and codes of conduct. Standardising of corporate social responsibility and policies would simplify the implementation and make adhering to the requirements much more effective. Although it may diminish the competitive advantage of contractors in that they all have the same offering to clients.
3. Policies and values of the contractor being passed down the supply chain are further complicated by the values and policies of the subcontractors not aligning. One solution is that the contractor requirements can be set out in the contract with the subcontractor to pass down their requirements through the supply chain. The difficulty is in there being a conflict with the subcontractors policies and monitoring of the supply chain adhering to the policies. Therefore, it puts the obligation onto the client to review the requirements and set Key Performance Indicators (KPIs) for contractors and subcontractors to adhere to, with a regular audit by clients. This can require additional resource and cost.

4. Regarding the hours worked, there could be a requirement for extra pay to be provided for extra hours within the subcontractor contracts for workers they employ. Stopping work when the weather conditions are not acceptable is another way to protect workers, as well as ensuring the contracts they set up with the agencies enable workers to pay for lodgings where they must travel for work. Contractors may also be able to encourage workers to become union members to provide support in managing their employment contract terms and encourage workers to pay their stamp to future protect them in retirement. Unfortunately, all these elements identified are at a cost to the contractor.
5. CSCS training is difficult for contractors to influence with the suggested availability of fake cards and the cost for workers to carry out the correct training, but time could be given to train workers once they are on site, and perhaps a system set up where the large contracting companies fund the cost of casual labourers to carry out their CSCS training. This would encourage workers to take part in the training and reduce the risk to the contractor of accidents on site. CSCS training could also be offered in different languages if it is not already, to help with understanding.
6. Mental health and wellbeing is clearly an issue as shown by the number of suicides in the industry each year. It has been identified through the findings that more work is needed to be done in the industry to make subbies and workers aware that the contractor is committed to keeping them safe particularly in regards to mental health and wellbeing and ensuring this ethos is passed down to the site manager to implement on site. Effective training of the site manager is key managing this, but also of the Human Resources team to not just consider direct employees, but also to include the mental health and wellbeing of indirect employees on site and to understand the precarious nature of their work to enable them to address how the communication and training is managed, and provide a way for workers to feel that they may raise issues without fear of losing the job which was a key matter in the blacklisting scandal. In addition, including workers in the contractor's assessment of stakeholders will also assist in making all workers inclusive within the policies created.
7. The precarious nature of the work can have an impact on workers, but also the behaviour of the site manager and team. The site manager is as identified, the key conduit between the contractor and the workers, with them being on site every day,

managing the inductions, allocating the workforce and reporting back to the team in the office. The mixed reflections on site managers from participants in this study demonstrates that there can be good or bad examples, regardless of if the corporation is good or bad, and this can severely impact on the management and welfare of the workers. The training of site managers is essential, in addition to effective reporting to management, and monitoring by management and clients to give feedback to address any issues.

8. It would be beneficial to introduce a protection regarding sick pay to improve on the current situation where the subbies believe there is only insurance available at a premium and this does not cover them for the first twelve weeks. As a solution, the large contractors could offer this insurance as a collective group, as workers are likely to go from one of them to another and it would be beneficial for those workers to be well and healthy, rather than hiding injuries and illness, which increases the risk onsite.
9. There is an element of the inductions which Julie felt was missing, which she had experienced in other industries. She had raised the issue of safeguarding, trafficking as well as modern slavery, and was astonished that they were working on large ministry of defence projects and railways and there was no discussion at all around training to recognise somebody who may be at risk of radicalisation. This could be a good addition to the inductions and training of site managers.
10. As identified, visitors can notice how well a site is managed, and this can indicate the welfare of workers on site. Client advisors could therefore not just visit the site but as part of their remit be asked to report to the client the conditions on site, not just when there may be a financial cost at risk.

5.3 Limitations of the Research

Although my own experiences of working in the industry helped frame the research and provide access to potential interview participants, eliminating my day to day experiences did place limitations on the outcomes. Access to workers was difficult due to there being a general feeling of mistrust and a fear of workers losing their jobs from talking about employers.

The greatest limitation though was the time available to carry out the research, and interviews, in addition to working full time without study support from work. Although the consequence of this was needing to extend a year, it also enabled the research to remain impartial and unbiased to my own work, which is hoped comes across clearly.

Additionally, the construction industry changed quite significantly following the tragic events at Grenfell, and the world pandemic of Covid-19 which brought the precarious nature of construction workers employment rights to the forefront of the news. Due to timing, the research had already been carried out for this study and therefore it was not appropriate to include these events, but research has since been published on these events.

5.4 Future Research

This study aims to add to existing literature and provide guidance to the industry. There is a clear disconnect between the contractor and the worker. Additionally, the events which have occurred in the industry since this study commenced have paved the way for future studies to understand how Grenfell has affected the allocation of risk down the supply chain, and if this is better managed.

Further research would also be worthwhile to understand how Covid-19 has impacted on workers with the additional safety, space, and cleanliness requirements. This may also have impacted on the recruitment of workers due to the government track and trace system, and the payment of workers as the economy is facing difficulties. Although with the government 'build, build, build' intentions the construction industry could be thought to be in a good position to pick up further public sector work, and this could be the opportunity to bring in additional considerations for the workers.

Considering Brexit there is a potential impact on migrant workers, but also the cost of labour, further study after Brexit and how it has impacted on the contractors and their relationship with their workers would be of interest. There is also the mental health and wellbeing issue being prevalent with a number of suicides and talk of a mental health crisis. It would be good to understand how this is managed from a contractor perspective based on findings from this study suggesting that those workers are not considered stakeholders and therefore not given consideration. The construction industry is complex with many challenges, and there is a clear disconnect between the contractor and the worker.

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Appendix A

Description of Participants

Peter, I have known for just a couple of years through work and I considered his role was key to understanding the supply chain from a contractor's perspective. Peter kindly agreed to take part in an interview, and we arranged to carry it out over lunch. The interview took place in a local café, which provided a cover for us being able to meet up without him having to share that he was contributing to my research. The first part of the interview was quite awkward as it was an odd situation for us to be in, and Peter was very aware of the Dictaphone being on the table, but he soon got into a flow and answered the questions quite freely. The interview took just under an hour.

Gary and I met through work several years ago and he kindly agreed to take part in my research and be interviewed. The interview took place over breakfast at my home to enable Gary to be open and meet with me anonymously. We had breakfast first and had a general chat about work, as I felt I had to ask obvious questions to which I had my own view on, but it also created much greater insight to his role and the contractor role as we had an easy rapport and an immediate trust which had formed during our previous work. The interview overall was extremely informative not just about the industry but work practices from a hands-on management view point and it also helped revise my semi-structured interview questions for future interviews. The answers were provided with barely any hesitation and information offered freely, with what seemed to be a great knowledge. The interview took 52 minutes.

Barbara was an early interview in the process and gave in my view a good corporate view of the construction industry, having worked in the industry around 11 years. Barbara gets involved in corporate social responsibility as part of the role at work and as part of general marketing and work winning for the company. We have not previously worked together but had met on many social occasions and built up more of a personal relationship. The interview took place in a local café one evening to fit around her childcare and despite there being background music we were able to capture the whole conversation on the Dictaphone, which Barbara wasn't concerned about. The interview took around 40 minutes.

Steve, I have known for several years through work and he kindly agreed to be interviewed for my research. This was the first interview which was carried out, and it did feel strange. It took place in my work office after work one evening. It started with

an explanation of my research and discussion around confidentiality. Answers were not very forthcoming, but they did provide a corporate view of the questions. The interview took 38 minutes.

Frank and I met briefly through work as he was an advisor to our company of corporate social responsibility practices and implementation, and he seemed to be the perfect interview participant. Frank kindly agreed to assist in my research and be interviewed. We met in a coffee shop/bar in London which was quite noisy, and as this was early on in my research, I did not feel comfortable to use the Dictaphone, also with it being too noisy. The interview took 45 minutes, and I instead took extensive notes which captured the key themes of the interview.

Kev, Keith, Jim, James and Matt formed a focus group of workers who I met in a pub which is known for builders to drink in after work. The group drank in the pub every night and when I approached them, they agreed to take part in an interview for my research. Having determined that I was not reporting to the press we arranged to all meet in the pub the following evening. They were not comfortable being interviewed individually and therefore they were interviewed as a group. The group had worked and travelled together for several years. The interview took 49 minutes. I shared my interview questions by email in advance and they all signed the ethical consent form. This interview was quite different in that I did not know them and had no preconception of what data they would be providing.

Chris is a good friend who I have known for several years, he has his own small construction business. We have often discussed construction work, and this would normally take place in the pub which is where he agreed to do a quick interview, in his local. Chris's down time is precious to him, and so he would only spare a short amount of time for the interview, so it was a bit rushed, but I did gain a great amount of information from it. We used the Dictaphone and the interview took just 19 minutes.

Contact with **Oliver** was made through a colleague, I had not worked with his company or him before and so there was no preconception of the data which would be gathered. Oliver kindly met me in his office's meeting room and was happy to give up his time to take part in my research. We met on a work day and it did feel very business-like in comparison to my other interviews. The interview took an hour, providing an insightful view into the industry as an Employers Agent to the client.

Jenny worked for the same company as Oliver and kindly agreed to take part in my research and be interviewed. It also took part in the office and was in the same business environment. Jenny and I before so it a quite formal to begin with. The interview lasted 47 minutes, giving a different perspective to Oliver as Jenny gave a female view and was new to the business. She had also worked in the industry just 7 years.

Jane and I have worked together previously in the private sector, and she is a good friend who was aware of my research and keen to be interviewed and participate. Jane had recently moved to work in the public sector which I thought would be of interest of how the public and private sector compared but also her reflection having left the private sector. We have often discussed working in the construction industry over a glass or two of wine, and so it seemed the most natural thing to meet in a wine bar to hold the interview. Fortunately, all our conversation was picked up on the Dictaphone, and we soon forgot it was there. The interview lasted two hours and Jane had a lot of information and experience to share.

Julie has been part of our friends' group for over 10 years and while we do not see much of each other she was keen to help with my research and be interviewed. I was aware she had recently taken a job with a construction company and was interested to hear her thoughts. We met in an Italian restaurant one afternoon, and we sat outside and had some snacks, and managed to complete the interview with little interruption. It was a bit awkward at first as we were used to socialising at parties rather than discussing work, especially using the Dictaphone but we soon got into the swing of things and Julie was very eloquent and informative in her responses. The interview took an hour and 20 minutes.

Lee was in contact with me through my work, although at the time of the interview not directly, and he agreed to take part. As a construction site manager for a medium sized contractor Lee's input was different to what I expected. We met in a Thai restaurant and chatted over dinner. It was quite busy in the restaurant, but the Dictaphone picked up the conversation and we were able to talk freely which was really important. The conversation was easier in a relaxed setting, and the interview lasted an hour, providing a valuable insight into the construction industry as a medium sized contractor.

Colin and I have known each other for several years, he was a regular in a local pub, and we would have interesting discussions about construction on the odd occasion. Colin kindly agreed to be part of my research but was concerned about his employer finding out that he had taken part and also what he had said. Colin had a real fear that the information

he was giving could get him sacked from his job and stop him getting another one, risking him losing his house. Reassurance was given before, during and after the interview that it would remain anonymous. We met in a non-descript station pub in London after work one evening, where it was busy, and nobody would take any notice. We used the Dictaphone which was able to pick up the entire interview which took an hour and a half.

John is part of a group of friends who we have known for over ten years and we do not usually talk about work when we meet up. The first interview with John had been delayed due to logistics of setting up the interview. I had previously made contact with John on a work project indirectly and thought his experience as a subcontractor to the main contractor to be valuable to this study. The interview took place at home in a separate room while our friends were staying with us for a few days and would have been in a very relaxed atmosphere, but John did seem to feel very conscious of the Dictaphone on the table. This was not our usual conversation. The interview took 49 minutes.

I was fortunate to meet **Tony** at a University of Westminster symposium on the Built Environment. Tony kindly agreed to participate in my research to provide the union viewpoint within the construction industry. Tony explained how they received thousands of requests for interviews for research every month and that was why I had not received a response from previous attempts of reaching out to them. Due to logistics of where we both worked and lived, the interview took place over the phone, and took just over an hour and was recorded on the Dictaphone providing strong data from a union perspective.

Ian has been included in the list of interviewees to reflect on how difficult it is for workers to share their experiences. We had discussed the construction industry on the odd occasion in a social setting and when I suggested that he participated in my research he was open to sharing his experiences, once I had explained that it would be completely in confidence and anonymous. We set up a meeting for the follow week in his local to meet and carry out the interview. Ian is a ground worker and seemed to have a generally poor opinion of contractors and would possibly have provided some important data. He seemed willing to share his views but when the day of the interview arrived, we received a message to say that he would not be able to make it as he did not think he had anything of interest to say. I suspect that he was worried about his views getting back to his employer.

Appendix B

Data Coding

Section	Colour
Construction industry	Blue
Subcontracting	Green
Workers	Pink
Corporate social responsibility	Purple
Health and Safety	Yellow

Section	Colour	Code	Theme
Construction industry	Blue	1.1	Perceived changed
		1.2	Main contractors
		1.3	Health and safety
		1.4	Equality and diversity
		1.5	Client
Subcontracting	Green	2.1	Subcontracting
		2.2	Supply chain
		2.3	Policies passed to subcontractors
Workers	Pink	3.1	Workers in the industry
		3.2	Site inductions
		3.3	Health and safety
		3.4	Workers contracts
		3.5	Globalisation and migrant workers
		3.6	Importance of a good site manager
Corporate social responsibility	Purple	4.1	CSR as a priority
		4.2	CSR and workers
		4.3	What can be improved