

The Impact of Business Forums on Construction Health and Safety (H&S) in South Africa

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Abstract:

The basis for the study is to investigate the impact of business forums on construction health and safety (H&S) in South Africa. It is notable that when coercive power is used by business forums to gain a stake in a project, H&S legislation and regulations are flouted. The goal of the study was to investigate the impact of business forums on construction projects, project cost escalation, project timelines, H&S, and the local economy. The study explored the regulatory tools that the industry must implement with a view to managing stakeholder involvement on construction projects. The study employed a quantitative paradigm, which entailed the use of a structured questionnaire to collect data in an endeavour to understand concepts, opinions, and experiences of the respondents. The sample population consisted of principal contractors, subcontractors, and communities surrounding projects and business forums who demand a stake from the project. The study determined that there was a lack of stakeholder engagement, limited law enforcement, and H&S non-compliance occurs. Conclusions include that there is a sense of entitlement among business forums, and business forums negatively impact the health and well-being of project stakeholders. The study recommends that the stakeholders should be managed, and stakeholder engagement should be regulated, which will contribute to projects running smoothly, being completed within the stipulated time, and within budget.

Keywords: Business forums, construction, health and safety, performance, projects

1 Introduction

Construction is a dynamic industry with an abundance of complex processes. It entails the successful coordination of numerous distinct business entities such as professionals, tradespeople, suppliers, trade unions, investors, local governments, experts, contractors, and other stakeholders. Due to construction projects having an impact on a country's economy, their successful completion often leads to wealth creation, socioeconomic expansion, and higher living standards (Sunjka & Jacob, 2013). The study was conducted to explore the impact of business forums on the health and safety in the South African construction industry. The anecdotal evidence indicates that when coercive power is used by business forums to gain a stake in projects, H&S legislation and regulations are flouted.

Construction projects are distinguished by a diversified array of stakeholders whose interests may be influenced favourable or unfavourable, by the project's outcome. The identification

of stakeholders and their role have attracted interest, and been widely researched (Eyiah-Botwe, *et al.*, 2016). Mok *et al.*, (2013) opine that a connection exists between the culture of a country and the construction industry setup, the national culture inevitably impacts on the stakeholder management process and the project outcome.

Ofori (2012) argues that for a variety of reasons, the nature and outcomes of a country's construction industry are important, with contributions to the nation's socioeconomic growth, supply of physical infrastructure for necessary production, housing, education, health, and civic responsibilities being some of the examples of these. The construction industry significantly contributes to a country's Gross Domestic Product (GDP). Without considering stakeholders, construction projects cannot be initiated, rolled out and benefits gained. The realisation of the strategic role of the construction sector in socio-economic growth in South Africa was a trigger or antecedent to the establishment of the Construction Industry Development Board (cidb) whose mandate is to regulate the industry and promote stakeholder collaboration. It is notable that meeting stakeholders' needs and satisfaction is a key project success measure (Project Management Institute (PMI), 2017).

The South African construction industry has been invaded by ostensibly community groups who demand a stake in construction projects throughout the country. This group is often colloquially referred to as business forums. These groups more often resort to violence or coercive power to achieve a stake in a project. Their expectations range from demanding the main contractor to spend 30% of the project budget with them, either using their workers or subcontractors, or through the procurement of building materials provided by them. Surprisingly, the supply cost through the business forums is uncompetitive, and often, at exorbitant rates (Pockok, 2018).

The community members that are followers of the business units consider them to be legitimate representatives of 'radical economic transformation' (RET). However, it is often challenging to draw a line between armed violence, and legitimate demands for access to economic opportunities (Donnelly, 2019). According to the South African Forum of Civil Engineering Contractors (SAFCEC), approximately R63 billion in projects have been obstructed by violent disturbances orchestrated by entities posing as members of the local community or business forums, demanding a 30 percent stake in construction projects. This has had a negative effect on both public and private sector projects.

In other instances, the main contractor may have already subcontracted 30% of the works to black emerging contractors in the community, if not more. Apart from legal options, another option is for construction companies or main contractors to withdraw as expenses rise and losses accumulate. According to Pockok (2018), the business forums method originates ostensibly in the provisions of the regulations revised recently in relation to the Preferential Procurement Policy Framework (PPPFA) Act 5 of 2000). The demands for a 30% cut in projects emanate from confusions in relation to the PPPFA and its associated regulations, promulgated in 2017. The revisions required bidders of projects valued at R30 million and above to subcontract at least 30% of the value of the contract to Qualifying Small Business Enterprises (QSEs) or Exempted Micro Enterprises (EMEs). Small business defined within the National Small Business Act (NSBA) No 102 of 1996 were also included in this requirement. The regulations were intended to promote the inclusion of designated groups in

government contracts, including black South Africans, females, and persons with disabilities, through subcontracting on government tenders. However, the business forums argument is flawed as the PPPFA applies to public enterprises only and remains not applicable to private business. This sentiment was long-established in several notices circulated by the Master Builders Association (MBA) to all its members in the Gauteng Province. Accordingly, there is no statutory requirement for private businesses to allocate 30% of their works to subcontractors from the local area (Pockok, 2018).

Conflict is inextricably linked to construction projects and gives the impression of problems including increasing project cost, project delays, reducing productivity, loss of profit, and damage to business relationships (Jaffar et al., 2011). Cheung and Yiu (2007) identified human behaviour sources of conflict as negotiators lacking experience, too many issues for discussion, both parties not being prepared for negotiations, both parties seeking to control proceedings, both parties not taking an interest in reaching a settlement, parties having unreasonable expectations, no leadership within project teams, no trust between the parties, and no trust in the mediator.

The predominant question is what steps can private businesses take to contest the onslaught of protests, whilst also safeguarding their commercial interests, and more importantly, the H&S of their employees? The paper seeks to examine the impact of business forums on construction H&S in South Africa with a view to designing a management framework to manage business forums, policy formulation and good project governance. It is notable that when coercive power is used by business forums to gain a stake in a project, and H&S legislation and regulations are flouted.

According to the cidb (2009), construction H&S is influenced by all project stakeholders across the project life cycle. Therefore, decisions made at a certain point in the life cycle have an impact on H&S at later phases. Clients, project managers, designers, quantity surveyors, and other stakeholders, including the surrounding community, all have an impact on H&S, and they all have H&S functions and roles. According to Masood et al. (2012), stakeholders' awareness of construction H&S culture is critical to making construction sites healthier and safer.

Sieberhagen, Rothman and Pienaar (2009) maintain that policy makers, politicians, labour unions, and employers still need to be convinced of the proportional relevance of H&S. Workers' H&S priorities, according to Rantanen et al. (2004), as cited in Sieberhagen et al. (2009), included stress, aging, the right to H&S information, informed consent, and transparency. The paper unpacks the steps that the client can take, and the policies, procedures, and regulations that the industry must implement with a view to managing stakeholder involvement on construction projects.

The objectives of the study are to determine: the impact of business forums on project cost, timelines, and the economic damage; the impact of business forums involvement on H&S compliance and the health and wellbeing of project stakeholders; if the involvement of business forums have an impact on subcontractor development and training; the level of stakeholder management and engagement needed to ensure smooth running of projects, and

which laws and regulations are already in place, and if they are enforced against the business forums.

2 Literature Review

Researchers and professional bodies do not have a common definition of stakeholders. Some argue that certain definitions are too confined, while others maintain that some of the definitions are too widespread (Molwus, 2013). The PMI define stakeholders as persons, groups, or entities who can influence and / or are influenced by a project resolution, task, or outcome.

Winch (2010) categorises stakeholders with regards to their characteristics and dispositions towards the project. Furthermore, he divides construction project stakeholders into two groups based on their affiliation with the client, namely internal stakeholders and external stakeholders. Internal stakeholders have legal contracts binding them to the client, whereas external stakeholders have a direct interest in the project but do not necessarily have direct contracts with the client. Other researchers define project stakeholders as groups or entities, persons with a stake in or expectations of the project's performance, such as clients, project managers, designers, contractors, subcontractors, suppliers, investors, users, and the community, who have power and are directly and indirectly affected by the development (Zanjirchi & Moradi, 2012).

According to Yang et al. (2011), construction has failed miserably in terms of effectively dealing with stakeholders over the last ten years. Studies have revealed that the challenges of managing stakeholders in construction projects' stakeholders were inadequate engagement of stakeholders, project managers with unclear stakeholder management objectives, difficulty identifying the 'invisible' stakeholder, and inadequate communication with stakeholders.

Prabhu (2016) states that the following constitute the significant principles of stakeholder management: consultations with stakeholders at an early stage and regularly ; engaging with stakeholders in a thoughtful and respectful manner; be attentive to stakeholders' needs and requirements; satisfactory and well-timed planning of stakeholder management is vital; create an environment of trust and credibility within the project atmosphere; communication and feedback in a manner that all messages are understood by the intended audience and hence the feedback will be expressed; manage stakeholders as risk and opportunities, which have probabilities and impacts; sacrifice through the set of stakeholders differing requirements and needs; conduct an widespread inquiry to comprehend the importance of the project to the stakeholder, and take accountability of the whole project and process as project governance is vital to project success.

Community stakeholders, according to Ekung et al. (2014), are divided into three categories: Social group which are individual household groups that make up the majority of unskilled labour in the production environment; economic group who are community kingmakers with the authority to rally resources or halt the flow of resources into project organisation, and political groups who are the recognised agency of government in the communities, local

councillor's chambers, and youth organisations. Effective engagement of these groups is thus a vital element in securing successful project outcomes, given their uniqueness and the degree of opposition they provide to projects.

Mnaranara (2010) identifies three characteristics of communities: a community is a legally or illegally organised group structure in which members play roles that are amalgamated around objectives associated to the challenges that arise from the shared occupation and usage of occupied space; members of the community have some level of communal identification with the occupied space, and a community has an amount of indigenous sovereignty.

The South African government has incorporated policies, which ensure community participation on construction projects in the country. Some of those policies include the Expanded Public Works Programme (EPWP), which encourages public sector projects to be built using labour intensive methods, and political promises that 25% of any project implemented within a community must be unpacked for the community's small medium and micro enterprises (SMMEs) (Rathernam and Dabup, 2017).

According to Rathernam and Dabup (2017), it is sometimes challenging for a professional to participate in grassroot's involvement unless there are immediate political talks including local talks with structures over control concerns. The importance of community ownership in a project's success and acceptance cannot be overstated. According to Mitchel et al. (1997, cited in Mathebula, 2015), stakeholders are identified in terms of three features, namely power, legitimacy, and urgency. The example given was that where urgency and power characterise stakeholders who lack legitimacy, they would be coercive and possibly violent or dangerous to the project. Stakeholders who have power, legitimacy, and urgency, qualify as salient or definitive stakeholders.

According to Njobeni (2006), Minister Stella Sigcau announced the start of the development of a charter for the construction industry in October 2004. During April 2005, an Indaba was attended by many industry stakeholders to deliberate the structure and the scorecard requirements for a charter in a diverse and uncertain industry sector (Constructing a Charter, 2005). The intentions of the charter were to: achieve a considerable change in the racial and gender composition of ownership; address skills development; enhance entrepreneurial development; end the malpractice of fronting; encourage devotion to triple bottom-line accountability for labour practices and principles of good corporate governance, and lay the foundation for the integration of construction societies.

3 Research Method

3.1 Sample frame and method

The study employed the quantitative method, which entailed the use of a structured questionnaire to collect data in an endeavour to understand the concepts, opinions, and experiences of the respondents. According to Leedy & Ormrod (2010), the quantitative method is used to acquire data on some variables of interest to a problem. It also measures variables by commonly accepted statistics or measurement methods. The population included

multiple stakeholders which includes principal contractors, subcontractors, community representatives of communities surrounding projects and business forums who demand a stake from the project in South Africa in the Gauteng region. The use of a structured questionnaire was prompted by the advantages that they bring which are as follows: it is simple and straight forward to use; respondents have time to think about their responses; it is easy to direct and analyse, and discretion and anonymity is usually conserved. A population size of 60 respondents was targeted. Due to time constraints and thus a limited response time, exacerbated by the COVID-19 pandemic, a questionnaire consisting of demographic questions and sub-questions was administered to fifteen stakeholders. A link to a questionnaire was emailed to respondents. A total of eleven responses were received and included in the data analysis, which equates to a response rate of 73.3%. Responses were received from Construction Managers, Project Managers, Health and Safety Managers/Officers and community representatives.

4 Findings and Discussion

Data analysis comprised of the calculation of descriptive statistics to illustrate the frequency distribution and central tendency of responses to response questions to determine the extent of agreement with the statements. Close ended questions with five-point Likert scales, which included an ‘unsure’ response option were used. Mean scores (MSs) were calculated as follows:

$$MS = \frac{1n_1 + 2n_2 + 3n_3 + 4n_4 + 5n_5}{(n_0 + n_1 + n_2 + n_3 + n_4 + n_5) - n_0}$$

Table 1: Definition of Likert scale points and related variables

Code	Likert scale point	Variable
U	Unsure	n_0
SD	Strongly disagree	n_1
D	Disagree	n_2
N	Neutral	n_3
A	Agree	n_4
SA	Strongly agree	n_5

Table 2 below shows the extent to which respondents agree with twenty-three statements relative to construction H&S in terms of percentage responses to a scale of strongly disagree to strongly agree, and mean scores (MSs) between 1.00 and 5.00. Notably most of the statements have MSs > 3.00, which shows that in general, the respondents concurred with the statements. It is notable that the MSs of 5 / 28 (17.9%) statements are $> 4.20 \leq 5.00$, which shows that the concurrence is between agree to strongly agree / strongly agree. In summary: effective communication is a pre-requisite for healthy and safe workplaces; stakeholder engagement is a pre-requisite for successful projects; clients provide project specific H&S specifications, and inadequate stakeholder engagement and H&S affects the other project parameters such as the environment, productivity, quality, cost, and project schedule.

Table 2. Degree of concurrence relative to twenty-three statements

Statement	Response (%)						MS
	U	SD	D	N	A	SA	
Effective communication is a pre-requisite for a healthy and safe workplace	0.0	0.0	0.0	0.0	33.3	66.7	4.67
Poor stakeholder management results in project delays and possible project stoppages	0.0	0.0	8.3	0.0	16.7	75.0	4.58
Clients provide project specific H&S Specifications that inform contractors with respect to H&S	0.0	0.0	0.0	8.3	33.3	58.3	4.50
Inadequate H&S negatively affects other project parameters such as the environment, productivity, quality, cost, and schedule	0.0	0.0	0.0	8.3	50.0	41.7	4.33
Stakeholder engagement in the construction industry enables the understanding of the complex business environment, including market developments, and the identification of new strategic opportunities	0.0	0.0	0.0	16.7	41.7	41.7	4.25
No contract is commenced unless all the H&S requirements have been complied with	0.0	8.3	8.3	0.0	25.0	58.3	4.17
Stakeholder engagement in the construction industry nurtures the relation of trust amongst stakeholders	0.0	0.0	8.3	16.7	50.0	25.0	3.92
Clients consider H&S when deciding upon project duration	0.0	0.0	16.7	25.0	25.0	33.3	3.75
Meeting stakeholder satisfaction and needs on construction projects are a key project performance measure	0.0	8.3	0.0	16.7	58.3	16.7	3.75
Stakeholder engagement in the construction industry enables better management of risk and reputation	0.0	8.3	16.7	0.0	50.0	25.0	3.67
Law enforcement agencies are reluctant to prosecute business forums	16.7	0.0	0.0	8.3	33.3	41.7	3.67
Business forums impact negatively on the health and well-being of other project stakeholders	8.3	0.0	0.0	16.7	66.7	8.3	3.58
Clients ensure that contractors have made adequate financial provision for H&S	0.0	0.0	33.3	16.7	33.3	16.7	3.33
Clients facilitate financial provision for H&S in tender documentation without consideration of business forums	0.0	8.3	16.7	33.3	16.7	25.0	3.33
Stakeholders' needs from the project are properly explored before commencement of the project	8.3	0.0	25.0	8.3	33.3	25.0	3.33
Stakeholder engagement on construction projects allow for the pooling of resources to solve problems and reach objectives that cannot be reached by a single organisation	0.0	16.7	8.3	16.7	41.7	16.7	3.33
Potential conflicts and coalition among stakeholders are analysed and addressed timeously	0.0	8.3	25.0	16.7	33.3	16.7	3.25
Project stakeholders are familiar with the H&S roles and responsibilities accruing from their appointment	0.0	25.0	8.3	8.3	41.7	16.7	3.17
Project stakeholders are properly identified in terms of power, legitimacy, and urgency	0.0	8.3	16.7	33.3	33.3	8.3	3.17
There is open communication between the client and the project stakeholders	0.0	16.7	25.0	8.3	25.0	25.0	3.17
Business forum's involvement on construction projects is purely for economic transformation	0.0	16.7	16.7	33.3	8.3	25.0	3.08
Business forums have the interest of the community at heart when they approach construction projects	0.0	33.3	8.3	16.7	25.0	16.7	2.83
Business forums understand the importance of H&S on construction projects	16.7	25.0	16.7	16.7	25.0	0.0	2.08
Business forums are competent in terms of the construction process and its activities	0.0	33.3	33.3	25.0	8.3	0.0	2.08
Business forums have a history of involvement in the construction industry	8.3	41.7	16.7	16.7	16.7	0.0	1.92
Business forums are committed to H&S on construction projects	8.3	33.3	33.3	16.7	8.3	0.0	1.83
Business forums have awareness in terms of project H&S	0.0	58.3	8.3	33.3	0.0	0.0	1.75
H&S is not of value on construction projects	0.0	83.3	16.7	0.0	0.0	0.0	1.17

The MSs of 7 / 28 (25.0%) of the statements are $> 3.40 \leq 4.20$, which shows that the concurrence is between neutral to agree / agree. In summary: clients consider H&S when deciding upon project duration and before awarding contracts; stakeholder engagement nurtures trust on projects and enables better management of risk and reputation; business forums impact negatively on the health and wellbeing of other project stakeholders and meeting stakeholder satisfaction; meeting stakeholder satisfaction and needs is a key project performance measure, and law enforcement agencies being reluctant to prosecute business forums.

It is notable that the MSs of 10 / 28 (35.7%) of the statements are $> 2.60 \leq 3.40$, which indicates that the concurrence is between disagree to neutral / neutral. In summary: clients ensure that contractors have made adequate financial provision for H&S; business forums are not flagged in H&S documentation; stakeholder engagement is initiated early during projects and is effective in terms of investigating available resources; business forums involvement on construction projects is purely for economic transformation; business forums have the interests of the community at heart when they approach construction projects; project stakeholders are properly identified in terms of power, legitimacy, and urgency.

The MSs of 4 / 28 (14.3%) of the statements are $> 1.80 \leq 2.60$, which indicates that the concurrence is between strongly disagree to disagree / disagree. In summary, business forums understand the importance of H&S on construction projects, are competent in terms of the construction process and its activities, have a history of involvement in the construction industry, and are committed to H&S on construction projects. The concurrence relative to these statements confirms the negative connotations attached to business forums. The MSs of 2 / 28 (7.2%) of the statements are $\leq 1.00 \leq 1.80$, which indicates that the concurrence is between strongly disagree to disagree. In summary, business forums are aware in terms of project H&S, and H&S is not of value on construction projects. The former constitutes a further indictment of business forums, and the latter is supported by a range of literature, which documents the synergistic benefits of H&S on projects.

5 Conclusions and Recommendations

It can be concluded that projects must be adequately scoped in terms of identifying the stakeholders in a broad sense. Stakeholders vary during the project implementation phase, changing the stakeholders' interests. Conflicting priorities, political and stakeholder relationships can influence project performance if not managed. The importance and influence levels of these stakeholders should be evaluated, and therefore strategies should be developed to manage stakeholders' expectations from a project. Although the local community is considered a stakeholder of a project, minimal consideration and engagement is given to the local community as a stakeholder, and therefore there is a need to consider and consult the local community relative to a pending project. Since communities are complex, the consultation process should be undertaken through a legal or local authority, or selected community representatives.

Respondents agree that business forums have contributed to the 'brain drain' in the construction industry, with professionals opting to rather move overseas where there is a

healthier and safer work environment. They are believed to have a negative impact on construction sites, and have led to many sites being closed, damage to property, threat to the H&S and security of workers, and job losses to the local community.

It is recommended that the South African government, as well as other associations and boards regulating the construction industry such as the cidb, join forces and ensure that the involvement of business forums in the industry is managed through project stakeholder management and engagement, as this is a structured process incorporating arrangements to negotiate, negotiation standards, and reaching a negotiated agreement. Due to the small sample size, the results cannot be deemed representative of the industry's perceptions, but indicative, and therefore further research into the topic is required.

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