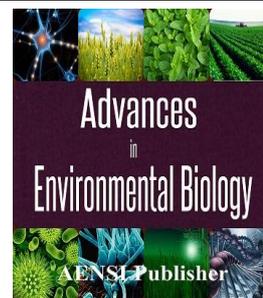




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### Preface: A Theory of Subcontractor Bullying in Construction Industry

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#### ABSTRACT

Over many decades ago, there were many studies that have undertaken to study workplace bullying. It was done particularly in various environments and industries. However, workplace bullying in construction organizations has not been examined. This study aims to explore the idea of workplace bullying in construction industry, especially in the perspective of subcontractor. Data has been gathered through literature reviews. From the analysis, there were seven type of subcontractor bullying have been identified; one, biased contractual clause; three, payment; four, total imbalance of power; five, blame for unfortunate events on site; six, long hour of working hours; seven, task ambiguity/ lack of information and eight, hostile environment.

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### INTRODUCTION

Workplace bullying is the repeated behavior of harassing, offending, or socially excluding a person and thus negatively affecting the person's work tasks [1]. Studies on workplace bullying have also focused on various environments and industries, such as health care [2,3]; education [4], public services [5]; and blue-collar professions [6]. However, no study has investigated construction organizations in particular even though the culture of the construction industry is prone to workplace bullying. In construction context the term bullying might be relatively different with definitions given by researchers previously because they have focused more on other fields but not construction. This is due to the nature of construction field is different with other fields that have been researched previously like education, healthcare, banking or public service. Construction is characterized as temporary in nature that acts in a project based which it will started when one project commenced and finished when one project completed. Thus, this study aims to explore the idea of workplace bullying in construction industry, especially in the perspective of subcontractor.

#### *Subcontractor bullying in the construction industry:*

The relationship between the main contractor and the subcontractor is not always in good term [7]. This is likely because they are often found to have a clash and different views on certain things and left subcontractor to the tense and pressures. Below are the potential aspects that have been gathered to be classified as subcontractor bullying:

##### *1. Payment:*

The payment of work done by subcontractor usually are been delayed and carried out to the next month and left the subcontractor with insufficient money to generate for the entire month. According to Sozen and Kucuk, the main contractor is always suppressed and withholds the payment for work done until the subcontractor appears due to the lack of money rounds [8]. This is likely a 'business' strategy by the main contractor to the subcontractor [9]. Experience shows that some main contractors do delay payment to subcontractor in order to improve their cash flow, especially when payments from the client are late and incomplete. Unscrupulous main contractors may take and advantage of smaller subcontractor by delaying or deducting payment without good reason [9]. According to Hurley, a number of small subcontractors complained about the dismal practices of main contractor toward them [10]. From the survey made by them, the result shown that 97% of 250

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subcontracting firms reported to have unfairly treatments by the main contractor and only 5% received their payment within stipulate date.

#### *2. Troublesome clause in contract:*

Even though, in the real practice, subcontractor will often directly proceed to do the job before signing the actual contract but merely just a simple issue of 'letter of intent' by main contractor [11]. The example of troublesome clause in subcontracting contract are usually a flow through clause, payment clause, indemnity, additional insured, no damage for delay, partial lien waiver and termination [11]. The main contractors usually are using this strategy to release or free him from any liability from the subcontractors. The subcontractor does not have the power to say "no" to the main contractor directions in the construction as they do not have the power to bargain the price and ultimately the contractors will take advantage of their weakness.

#### *3. Total imbalance of power:*

It has been alleged that main contractors have abused their dominant position in the contractual chain to withhold monies due to the sub-contractors by way of spurious abatements, set-offs and counter-claims, with the sole purpose of increasing their own profit margins [11]. Mostly, this happened due to biased clauses in the construction contract. For example the 'pay when paid' or 'pay if paid' clauses in the contract which left the subcontractors to follow the clauses mentioned in the contract. If they did not follow the clause, that means there is no job for them next time.

#### *4. Getting blame for unfortunate events:*

According to Hurley, subcontractor also would have been blamed by the main contractor of there is any unfortunate event happened on site [12]. This is likely due to the duties of subcontractor itself to maintain the safety in construction site [13]. However, it must also bear in mind that these are the share duties of main contractor and subcontractor. This is because main contractor should acted as the head of the project on site, thus giving them the highest authority towards maintaining a good and safe construction sites for their worker. Thomas suggested that main contractor should cultivate a positive self-reflection to the subcontractor regarding the importance of safety in construction site [14].

#### *5. Excessive workloads:*

This culture of working extra-long hours is normal and common in the construction sector [15]. Gunning and Cooke found that construction employees are exposed to working with impossible deadlines, unrealistic demands from clients, a lack of staff, working on multiple projects, and conflicts within the organization and thus suffer undue stress [16]. Excessive workload causes stress and anxiety due to the intensive working in a limited time period [17]. For instance, the UK construction team is always under increasing pressure from clients, both in the private and public sectors, to deliver projects faster, to better quality and lower cost [18].

#### *6. Ambiguities:*

The problem is construction project is aggravated by job/task ambiguity, in the form of unclear scoping and task objectives. According to Alinaitwe *et al*, most of the construction projects are interrupted by the incomplete specification of the drawing [19]. Unclear drawings provided by the main contractor may also contribute to the occurrence of an argument or problem between the subcontractor and the contractor [20]. The subcontractors will also develop unsatisfied feeling towards the main contractors under this circumstance [21].

#### *7. Hostile environment:*

The construction industry is also associated with a macho culture characterized by arguments, conflict, and crisis [21]. Michael Romans, a former president of the Chartered Institute of Building confirmed this observation and noted that the construction industry overtly adopts hostile language and behavior [22]. According to Alterman *et al*, the prevalence of workplace bullying is high due to its hostile environment. Workers or employees in this kind of environment are deemed to receive an unpleasant name-calling, constant yelling, threatening or verbal abuse [23].

#### *Discussion:*

Researchers has laid out several characteristic to describe a workplace bullying which are i) the ill nature of the acts involved; ii) the frequency and duration of the experience; iii) the reaction of the target; iv) the balance of power between the perpetrators [24]. From the findings gathered in the previous section, we identified seven potentials acts that can be associated with bullying in the construction field. From that, we tried to link this acts with the characteristic of workplace bullying to assume that there is 'bullying' treatment in construction industry. First, payment is one of major problems encountered by not only subcontractor but also main contractor. According to study made by researchers, payment problem showed that most of construction

disputes were mainly concerning about late payment [25]. In this context, the subcontractor is the lowest in the chain of construction businesses and it is likely to suffer the most due to non-payment. This is in line with the article made in the *The Star* that said subcontractor could not pay wages to the workers due to late payment [26]. Second, troublesome clause in contract is also can be a problem in construction industry. Previously, there is not subcontract to cater the agreement made by main-contractor and subcontractor, which most of the main contractor will used their own standard terms on their subcontractor [25]. According Murdoch and Hughes, these terms are usually one-sided that placed the subcontractor in disadvantage [25]. Third, total imbalance of power might be one of the reasons of bullying in construction. This is in line with the characteristic set out by Keashly previously. The total imbalance of power between the main contractor and subcontractor will left the subcontractor to follow the. Fourth, the subcontractor is getting blamed by main contractor if there is unfortunate happened. However, this potential act of bullying is still arbitrary because the duties and safeties on site is still the shared duty of main-contractor and subcontractor. Fifth, excessive workload is said to be normal part of construction industry. In fact, in construction workers have to work six days in a week and have to work extra hours to meet deadlines. This in line with the type of work harassment described by Egan which mentioned a typical situation of employers that bully their stuff into working long and exhausting hours in the situation where there are deadlines to meet and finally left the employee in a pressure state. Sixth, ambiguities always occurred in the construction project [17]. This agreed by study by Vartia that reported that poor information flow and lack of conversation about tasks and goals are associated with bullying to the staffs. Lastly, construction industry is prone to bullying because its involves around unpleasant acts of yelling, threatening and name-calling. This is agreed by Alterman et al, when they said the environment of construction will be one of the reasons of workplace bullying to occur [23].

#### *Conclusion:*

Even though there are many studies that have been made revolving around construction industry however none of them have personally linked these seven potential acts or risks with bullying. Our idea is to look beyond those measures. From the finding, we found that subcontractors often being 'teased' and 'bullied' as they usually consist of a small organization, thus is believed to have no rights or voice to argue. Most project managers or main contractors often make unreasonable request of which the subcontractors have no other choice but to follow it. With this in mind, we hope in the next study will provides a development of a strategic model of subcontractor bullying in construction industry in Malaysia.

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