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Ethics In Construction: Examples From Uganda

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ABSTRACT

Over the past ten years, the construction industry in Uganda has been characterized by a spate of fatal accidents on construction sites, and cases of defective designs that fail to preserve the environment. This unwelcome situation has largely been a result of professional negligence and poor construction practices. The industry has recorded cases of corruption especially in the building and road construction tendering process. This paper examines the ethical dilemmas that confront the construction industry in Uganda and makes proposals for improving ethical performance. The need to strengthen codes of professional ethics and to enforce the necessary safety and environmental regulations is recommended as a remedy to improve ethical performance. It is envisaged that the cultivation of ethics amongst construction practitioners has the potential to produce a coherent account of human well-being for guiding construction development policy and thinking.

Key words: Ethics, Professionalism, Ugandan Construction Industry.

1. INTRODUCTION

As stated by renowned ethicist Schopenhauer, "*preaching morality is easy but justifying morality is difficult*". Ethics most often refers to a domain of enquiry, a discipline, in which matters of right and wrong, good and evil, virtue and vice are systematically examined, and by contrast morality is most often used to refer not to a discipline but to patterns of thought and actions that are actually operative in everyday life (Brinkmann, 2001).

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Accordingly, it can be argued that morality is what the discipline of ethics is about. Ethics forms an integral part of any business and the consequences of any business actions should be beneficial to the personal well-being of the employees and the society that is affected by their actions. Ethics in construction business should be governed by "personal ethics" and there is a need to maintain a balance between the requirements of a client and the impact on the public (Vee and Skitmore, 2003). Indeed, in order to preserve the interests of the public, it is important to please the majority but also equally important not to disregard the minority, for example, the casual labourers on construction sites.

Over the past ten years, the construction industry in Uganda has been characterised by a spate of fatal accidents on construction sites and cases of defective designs that fail to preserve the environment. The industry has recorded cases of corruption especially in the building and road construction tendering process. The above anomalies have largely been a result of professional negligence and poor construction practices. Most industry actors are engaged in partnering relationships as a project delivery system, which requires high levels of trust and ethics. Based on empirical evidence from case-studies and a review of published data, this paper explores the ethical challenges that confront the construction industry in Uganda and makes proposals for improving ethical performance.

2. PROFESSIONAL NEGLIGENCE

According to the New Oxford Dictionary of English (1998), a "professional" is a person engaged in a profession and a "profession" is a paid up occupation especially one that involves prolonged training and a formal qualification. A professional should have appropriate knowledge and skill in a particular discipline and should use such expertise to render service to human kind (Code of Conduct Draft, 2006). Architects, Engineers, Quantity Surveyors, Facility managers and Project managers are professionals in the construction industry.

The construction industry in Uganda, and indeed in many other developing countries, faces a wide range of challenges, one of which is the frequent occurrence of accidents on construction sites. Lubega *et al*. (2000) identify the major causes of accidents on construction sites in Uganda as inadequate supervision, use of incompetent personnel, and use of inappropriate construction techniques. Similarly, Ransom (1987) observes that the causes of accidents in the construction industry are faulty design, poor execution of work, and poor use of construction materials. In brief, it is clear that all the cited causes of accidents are largely a result of professional negligence, an unethical professional conduct. Accidents on construction sites do not only lead to loss of lives, injury to persons, or damage to property, but also short and long-term effects due to other exposures on sites that affect the workers health and physical well-being

(Lubega *et al*., 2000). Additionally, accidents resulting in failed infrastructure mean loss of investment, and this is particularly visible in developing countries where a good portion of resources invested in public works (roads, school buildings, dams etc.) is borrowed money (Mwakali, 2006). Hence, the tax payer has to pay for what they have got no value in return and the lack of sufficient or postponed realisation of the same results in retarded economic growth (ibid). Mwakali (2006) observes that an accident prone economy is bad publicity for the country in general and the damage to tourism and infrastructural investment can be great. Accidents on construction sites also have environmental costs. Failed infrastructure often leads to environmental hazards such as unsightly rubble, dust, floods, toxic emissions/discharges and outbreaks of disease, amongst others (ibid).

In the recent past, Uganda has witnessed a series of fatal accidents on construction sites and highlighted below are examples of the cases that have been reported during the period 1997-2006.

Table 2.1: Examples of Accidents on construction sites in Uganda

Date	Accident type
25th July 2006	The collapse of the walls of a trench to lay water pipes in Kansanga, Kampala city, killing two workers of Sogea Satom construction firm.
8th March 2006	The collapse of a church building in Kalerwe, a suburb to the north of Kampala city, killing 20 people and injuring dozens of others.
21st October 2004	The collapse of a storeyed building at Seguku, Kajjansi, Entebbe road trapping more than five workers in its rubble. The crush left the two-storey building flat on the ground.
31st August 2004	The collapse of a building at the proposed site for the five star J & M Airport Hotel Apartment and Leisure Centre at Bwebajja on Entebbe road killing 11people and injuring 26 others. An investigation report by the committee set up by the Ministry of Works, Housing, and Communications revealed that the accident was largely due to lack of approved building plans and weak concrete columns (see Mwakali, 2004).
2nd June 2000	The collapse of an excavation at a site on plot 19, William Street, Kampala, killing three workers while removing support bars of a reinforced concrete retaining wall.
14th November 1999	The collapse of the Uganda Muslim Supreme Council (UMSC) mosque in Mbarara killing four people and injuring more.
11th May 1999	The collapse of a building at a car mart adjacent to the former pulsations club in Kabalagala trading centre, Kampala-Ggaba road.
2nd November 1997	The collapse of a suspended floor slab of a two storied building at Buziga, 8 km along the Kampala-Ggaba road. The building which had reached roofing stage injured two workers.

31st October 1997	The collapse of a foundation trench at a site along Pilkington road, opposite National Insurance Corporation building and Uganda Electricity Board Kampala district offices killing four workers and injuring several others.

As documented elsewhere (for example, see Mwakali, 2006), the reporting rate of accidents is less than 40% and therefore the examples cited in Table 2.1 above are a tip of the iceberg. These examples show how the lives of innocent people are put at risk because of professional negligence.

3. THE ENVIRONMENT

The environment is that which surrounds us (The New Oxford Dictionary of English, 1998). It is as small as the immediate space that we currently occupy and as large as the entire biosphere which encapsulates the earth. It includes mountains and rivers, oceans and the sky, wilderness areas, urban development, people, plants, and animals. The environment is not merely something that we find ourselves in, for we cannot exist outside of it. It therefore includes us, as part of it.

It is a well-known fact that the construction industry operates in the natural environment and quite often the industry activities disrupt the environment. Many a time environmental issues are ignored when planning for residential, commercial, industrial, and other developments. This has been the case in Uganda where wetlands are under threat especially those located in towns and cities. In Uganda, wetlands cover some 30,000 km^2 or about 13% of the country (IUCN, 2003). However, over the past 15years, Uganda has entered a period of rapid economic growth, rehabilitation and urban expansion. Already, over 14% of the country's inhabitants live in cities, and urban populations are increasing at a rate of more than 5% per year-almost twice the average in rural areas (IUCN, 2003). There is a growing demand for housing and land for settlement, rapid construction is taking place, and industrial and commercial activities are increasing. To date, most of these developments have been implemented in the absence of proper planning and controls, and have involved wetland drainage and reclamation. Discussed below is the case of Nakivubo swamp in Kampala city.

3.1 CASE STUDY: NAKIVUBO SWAMP, KAMPALA CITY

Almost one sixth of Kampala city, or 31km^2, is covered by wetlands (Construction Review, 2001). These wetlands are, without exception, facing a serious threat of total destruction. It is estimated that about three-quarters have been affected by human and industrial activities and about 14% are seriously degraded (ibid). If current trends continue, there is a real danger that Kampala's wetlands will soon be modified and converted completely. Nakivubo swamp, the largest of the twelve main wetlands of the city with a

surface area of 5.29 km^2 and a total catchment of 40 km^2 has been severely encroached upon by settlement and industry (IUCN, 2003). Nakivubo functions as a buffer through which most of the city's industrial and urban waste-water passes before entering Lake Victoria. Nakivubo physically, chemically and biologically removes nutrients and pollution from these waste-waters (Construction Review, 2001). About one third of the wetland is used by up to 500 farmers for crop cultivation and nearly a tenth of the residents of the low cost settlements which surround Nakivubo engage in wetland-based resource utilisation (ibid).

3.2 THE NAKIVUBO CHANNEL REHABILITATION PROJECT

Between 1999 and 2004, Nakivubo channel, which traverses the Nakivubo wetland, was reconstructed. Nakivubo channel is 9km long with a catchment area of 27km^2, and its contents include flood or rain water, effluents and sewage from all parts of the city. Everyday the channel delivers waste water equivalent to raw sewage from 100,000 people (Kaheru, 2005). The last part of the channel passes through the Nakivubo wetland that connects to Lake Victoria where the foul water is emptied.

The Nakivubo channel rehabilitation project involved de-silting the channel and widening it to accommodate larger volumes of water to end flooding in the city (KCC, 1999). In addition, various portions of the channel were lined with stone masonry, stone-filled gabions and mattresses and reinforced concrete (ibid). However, the planning, design, and execution of civil works did not fully meet the requirements of environmental conservation and indeed, many flaws were identified during implementation. These environmental flaws can be categorised as the dumping of sludge in the wetland by contractors and the poor design of the channel's mouth.

Dumping sludge in the wetland posed two dangers. Firstly, it meant the destruction of the wetland. Secondly, it was a threat to Kampala sewerage system because three main sewer man holes lying adjacent to the wetland were covered. These man holes are critical in the smooth flow of sewerage between the city centre and the treatment plant operated by National Water and Sewerage Corporation (NWSC).

The poor design of the channel's mouth, defined by having a single final outlet, meant that foul water run directly into Lake Victoria without going through the wetland for natural purification. An alternative environmentally friendly design would have been to allow the channel to end like five digits of a hand. This would make it easier for water to settle in the swamp so that it takes longer to reach the lake. The increased pollution of the lake has much more devastating effects. Firstly, the lake is home to various species of fish and other marine life. Secondly, it is the only source of piped water for Kampala city. NWSC pumps water from Murchison Bay to its plant at Ggaba where the water is treated before it is distributed to the city for

consumption. Murchison Bay is very close to the mouth of Nakivubo channel and therefore a drained wetland or a poorly designed channel would mean dirtier water intake. This will require more chemicals for treatment, putting the health of consumers at risk while at the same time increasing water treatment costs and therefore higher water tariffs. A study by Kaheru (2005) revealed that effective media coverage of the above events caused government to act and in so doing prevented a possible catastrophe.

4. CORRUPTION

Corruption has no single or unique definition. Gildenhuys (1991) gives a public centred definition of corruption that stresses the fact that corruption occurs when the holder of authority is by monetary or other non-pecuniary rewards, not legally provided for, induced to actions, or not to take actions, for the benefit of those providing the rewards, and to the overall detriment of the public. Corruption manifests itself in different forms but it all depends on the value systems of different societies. Argandona (2001) lists the different forms as bribery, extortion, blackmail, abuse of insider information, nepotism, favouritism, mafias, protection rackets, siphoning of funds, and laundering illicit money. Corruption violates public order which promotes common interests over personal interests, and therefore a violation of common interests for personal advantage is being corrupt.

Corruption in Uganda is not cultural but a product of the type of political leadership the country has had, which resulted into both institutional breakdowns and a reduction in ethical values of the people (Matembe, 2003). The top leaders use their positions to reward their political cronies and this has degenerated into levels of nepotism unseen before. It is also common for civil servants to take bribes in order to survive due to the decline in real wages and purchasing power of the money earned (ibid). In the local construction industry, corruption is unfortunately practiced by many construction companies and professionals. Clearly evident have been the cases reported in the procurement of school buildings for the government programme on Universal Primary Education (UPE). A study by Reinikka and Svensson (2004) revealed that, on average, only 13% of the UPE capitation grants are received by the schools. Most schools receive nothing and the bulk of the school grant is embezzled by local officials and politicians (ibid). Incidences of corruption have also been witnessed in the Ministry of Agriculture, Animal Industry and Fisheries' project on the procurement of valley dams for provision of water in the cattle corridor. In most of the above cases, corruption is manifested in the form of ghosting, bid rigging, and delivery of low-quality services.

4.1 Ghosting:

Ghosting refers to receiving payment for services not actually delivered. Many construction companies collude with government officials not to deliver services (e.g. construct roads or buildings) for which they have received payment. This unethical conduct has quite often resulted in loss of huge amounts of money by the client organisation.

4.2 Bid Rigging:

The practice of rigging bids is common in construction procurement especially amongst the building contractors. Potential contractors agree before hand amongst themselves on the bid winner and the winning price. Other contractors submit non-competitive bids at much higher prices just for the show. This conspiracy increases the profits of the contractor at the expense of the client organisation and is therefore an unethical practice. The challenge of bid rigging in Uganda has been exacerbated by an inefficient public procurement system marked by the absence of well-trained procurement professionals and the lack of clear procurement procedures. The procurement system is segmented, with functions and decisions decentralised, and with differing rules applying to various entities (Wittig, 1999). There is no single unit with the responsibility to issue, update, educate and monitor compliance with public procurement guidelines (ibid).

4.3 Delivering Low-Quality Services:

The construction Industry is also characterised by delivery of low-quality services, lower than the specified quality in the contract. The higher contract prices for higher quality services are being paid for by low quality services worth much less. The construction party who delivers services of lower quality than the specified quality in the contract profits at the expense of the client organisation.

5. PARTNERING

Partnering is a project delivery strategy that is increasingly being used on construction projects in Uganda and elsewhere. Partnering involves two or more organisations working together to improve performance through agreeing on mutual objectives, devising a way for resolving any disputes and committing themselves to continuous improvement, measuring progress and sharing the gains (Egan, 1998). Latham (1994) asserts that partners on construction projects work together in a relationship of trust to

achieve specific primary objectives by maximising the effectiveness of each participant's resources and expertise. The partnering relationship is based upon trust, dedication to common goals, and an understanding of each other's individual expectations and values.

The construction industry has a reputation of poor quality work and time keeping, broken promises, sharp practice, deception, and corruption. Wood *et al.* (2002) argue that engaging in trust based partnering encourages parties to adopt higher ethical standards, and achieve improved ethical performance in all their business dealings. Trust based partnering has a potential to produce an improvement in the ethical climate of the construction industry (ibid). Trust always involves an element of risk and quite often partners in the construction industry abuse the trust placed in them. Wood *et al.* (2002) citing Brenkert (1998) observe that trust is said not only to reduce transaction costs, make possible the sharing of sensitive information, permit joint projects of various kinds, but also provide a basis for expanded moral relations in business.

Partnering in the construction industry is ethical partnering because trust demands high ethical standards. However, it can be argued that developing trust is not a guarantee that ethical purposes are being pursued. An example that may be cited is that of criminal groups who develop high levels of trust, but they are not ethical, since criminal behaviour is regarded as unethical as well as illegal. Partnering relationships in the construction industry require open and honest communication and therefore it is important that ethical conduct is maintained in communication especially in the accuracy of the information which the partners share. A common practice of dishonesty arises when construction partners deceive on information regarding income and expenditure. Partnering relationships involve shared or common interests. However, being commercial relationships, self-interests exist. Therefore to be ethical, partners should not promote self-interests at the expense of shared or common interests. Partnering in the construction industry should exhibit a high level of virtual ethics and to that effect partners should look beyond their financial objectives and exercise virtues of honesty, fairness, benevolence, integrity, reliability, reputation, commitment, and trust.

6. PROPOSALS FOR IMPROVING ETHICAL PERFORMANCE IN THE CONSTRUCTION INDUSTRY

6.1 IMPROVING SAFETY AND HEALTH STANDARDS

To improve safety and health standards on construction sites, the construction industry should promote professionalism and ensure compliance with the building and safety regulations. The industry should engage competent personnel, and construction sites should be properly supervised. Construction parties should undertake the necessary insurance

covers and all equipment should be properly maintained and regularly serviced. Construction sites should be properly organised with sanitation, health and first aid facilities. The construction industry professionals have a moral responsibility to inform the public, employers, and employees, the impact of their work and potential adverse effects.

6.2 TAKING CARE OF THE ENVIRONMENT

In order to take proper care of the environment, the construction industry should develop codes of environmental ethics for construction professionals. The codes of environmental ethics will guide the professionals on the choice of construction methods, raw materials, and energy plan that protect the environment. The construction professionals should adopt building designs that minimise the production of waste and any waste should be recycled into the construction process. Construction materials such as asbestos sheets that have adverse effects on the environment should be avoided.

The construction professionals need to develop an ethical conduct of caring for the environment even for cases where the Environmental Impact Assessment (EIA) has specified otherwise. This is a challenging task that requires the professionals to put the interests of the community above their personal interests. The construction professionals should develop an environmental ethic where they see themselves as part of the environment and therefore exercise enough care to protect it.

6.3 CURBING CORRUPTION

Codes of professional ethics and other codes of conduct together with other rules and regulations in the private and public sector can go a long way in curbing corruption in the construction industry. However this may not be enough, there is a need to avoid fighting corruption at a superficial level i.e. only fighting the effects or symptoms and not causes. Fighting corruption requires a change of heart, habits, and view of life. There is a need of a fundamental change, a revolution on how construction parties view people, partners, money, and the urge to maximise profits. In brief, the argument is about the need to strengthen the moral consciousness of construction parties. Education efforts through events such as conferences or seminars and continuous professional development through training can serve to instil in the construction professionals the level of commitment and discipline needed to curb corruption.

6.4 IMPROVING TRUST BASED PARTNERING RELATIONSHIPS

Partnering relationships in the construction industry depend on trust, and therefore to improve the relationships it is necessary to move from a base where trust and ethical standards are low to one where trust and ethical standards are high. Partners need to develop an ethic of honesty and openness in communication and a discipline of keeping promises. Partners should exercise a high level of integrity, avoid telling lies, and they should never promise what they cannot deliver. Construction parties should avoid engaging in multiple partnering relationships that surpass their resource capacity. This will help the partners to meet the project objectives in terms of time, cost, scope, and quality, and also lead to high levels of client satisfaction. The construction parties should exercise enough care in the selection of partners in a partnership relationship, and therefore the party's record of past business ethical values should be a major consideration in the selection of an appropriate partner.

6.5 MORALLY SENSITIVE AFFIRMATIVE ACTION

"Affirmative action can be defined as a temporary intervention to rectify the consequences of discrimination in order to enable people to compete as equals for opportunities" (Rossouw, 2002:96). Affirmative action is a major consideration in the construction industry today. The industry is largely gender insensitive with more males than females and therefore, in order to increase the number of females in the male dominated construction professions, there is a need to provide incentives for female training. This strategic approach has been tried in Uganda where female students are awarded an extra 1.5 points to improve their chances of admission to tertiary education institutions. Parents should change their attitude towards the education of the girl child and they should encourage the girl child to study science subjects. Teachers should explore the talents of the girl child and provide proper career guidance.

7. CONCLUSIONS

This paper has discussed the application of ethics in the construction industry with particular focus on Uganda. A number of outstanding ethical dilemmas have been identified including professional negligence, failure to take proper care of the environment, the challenge of improving trust in partnering relationships, corruption, and morally insensitive affirmative action. The purpose of this paper has not been to provide a checklist of the applications of ethics in the construction industry as such a list would never contain all the ethical dilemmas that face the industry. However, the

discussion and proposals put forward should serve as a tool for improving the ethical climate in the construction industry. The need to strengthen codes of professional ethics and to enforce the necessary safety and environmental regulations is recommended as a remedy to improve ethical performance. In this paper, it has been argued that the Ugandan construction industry needs a fundamental change that raises the need to strengthen the moral consciousness of construction professionals.

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