

1932.

Kenya.

No. 18177

SUBJECT

C0533/425

Revised Rules for Staff Classified as Asians
employed by U. K. R.

Previous

17067/31.

Subsequent

3117/33.

Reply to notice the grievances of the K.U.R. Asian Union regarding leave & passage regulations.

There is nothing in this letter which has not already been brought to the notice of the Secretary of State.

The question of betterment in conditions of service for employees in the Kenya and Uganda Railways and Harbours is ^{held} ~~already~~ in abeyance pending ^{the decision of the question} ~~the decision~~ regarding the conditions of employment of locally recruited staff. In para. 1 of (2) on 17067/31, the Asian staff was informed generally that revision of the leave rules must be deferred until the financial condition improves, but that consideration would ^{if possible} be given to the Union's request in the matter of extraordinary leave without pay and religious holidays. Their desires in this direction have been met by the Local Authorities, and there appears to be nothing further that can be done ^{at present}. As regards the latter portion of the letter, the reasons for which the Railway Council is unable to recommend that the Asians in the Kenya-Uganda Railways should receive the same standard of service as that enjoyed by ^{British employees} ~~the~~ Kenya Government are clearly set out in para. 2 of (2) on 17067/31, and are briefly that the supply of labour is sufficient ^{under} the existing conditions of service, the extra cost of £30,000 a year would not be justified at present and the conditions of service in the Railway Administration are more favourable than those offered by private enterprises.

v. minute of 5.32 on 17067/31

revision of leave rules, etc. must be deferred till the financial condition improves. Add that it is the intention of the Secretary of State ^{to have} to give further consideration to the ~~various~~ conditions of employment of locally recruited staff, ~~as a whole~~ and that the present issue will be borne in mind when the larger question is being reviewed.

A.H. 2/2
6.6.52

Dr. Gant

I don't know how far it is commensurate desirable to encourage the Civil Service Commission to interest itself in the affairs of locally recruited staff in the Colonies. As they have already had a p.c. questionnaire should be clipped to put this by

J. H. 2/2
6/6

The only paper which can be prepared to give any guidance on this point is

It remains about a dozen representatives of the Staff side of the Natal Whitley Council. But it cannot be regarded as having any standing with the Colonial Service, & arguments to the contrary which might be based on the ~~recognition~~ position of the Nat. Fed. Assn. or the R.I.B.A. will not be substantial.

At the same time it is probably rather not to leave it with the p.c. acknowledgment only, & I should send a reply to say that the representation put forward by the K. & A. R. Action Union received careful consideration, & it is not possible to go further in the direction of meeting their requests.

W. Gant
10/6

to argue with them.

C. J. Jeffries
11.6.32

Mr Allen
11/6
at ease

2 To Civil Service Confederation - 1 amnd. - 17.6.32

Civil Service Confederation 14/6

Req. receipt of the 3. I ask for reasons why nothing can be done to meet the claims by the R.V.R. from Union.

Please see Mr Jeffries' minute

9/11/32 abm

Reply that the 3. I's must decline to discuss with the C.S. Confederation the question in regard to which the R.V.R. and Railway Union have full facilities for submitting their representations

H.S. Pons & Co
1.4.32

Recalls to
note this to
C.S. Confederation
Mr Allen

It for comon herewith

C. J. Jeffries
19.7.32.

4 To Civil Service Confederation (reinstated from
- 3 amnd. - ^{Col. Rep. 20/11}
22.7.32

Mr

5 Mr McEwen 21.5.32
26.9.32

40 yrs. Mr Ewen
The four points raised in Mr.

DESTROYED UNDER STATUTE

Mr Sinter's letter is identical with those put forward in the letter at 1. It is evident that the R.V.R. and Union are broadcasting their grievances. It seems unnecessary to do more than carry the point. Draft submitted.

H.S. Pons & Co
28/9/32

C. J. Jeffries
29

Mr Allen

C. J. Jeffries
30/9

20/9

20/9

H.S. Pons & Co

1st copy It seems unnecessary to send a copy of any of the correspondence to the A.C.

? 2nd copy

H.S. Ponsche
S. J. P.
C. H. P.

4. V. L. M. Entee 6 Jan 33.

Draws attention to the difference in conditions between Asiatic workers on the railways in T.T. & those in Kenya by means in respect of leave & retrenchment & suggests that if there is no reason for this differentiation the same terms should be extended to both sets of employees.

To V. L. M. Entee 6 Jan 33

DESTROYED UNDER STATUTE

The retrenchment conditions granted to Asia railway workers are shown in the memo to 3/11/33.

17/143/c/31. The leave granted was in accord with the terms of the agreement but in (9) a month's notice was given but it may not have been in addition to the leave.

The T. T. terms are very much superior - but it seems

Mr. M. Entee. That this is being done.

H.S. Ponsche

17/1/33

The 4. 17/143/c/31, 13. 10. 31, (3) in
retrenchment terms for Asians & were drawn
up so as to be similar as much as possible
as was possible (in view of existing differences
in general terms of service) with the conditions
for Asians in the service of the Kenya Govt.
and I used the same conditions for
17/143/c/31. When it was agreed that
general terms of service for
K. O. R. Asians to be stated as of the 1/1/33
D. M. P. T. T. and
approved by the Council of the
K. O. R. and the
K. O. R. and the

C. O.

Mr. Creasy 2/2/33

Mr. Byrd 3/1/33

Mr. Fessenden 2

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S

Partly U.S. of S.

Secretary of State.

DRAFT.

BRIGADIER-GENERAL
SIR JOSEPH BYRNE, K.C.M.G.,
K.B.E., C.B.

Fr. Mr. McEntee - 6th Jan.

(7)

To Mr. McEntee - 21st Jan.

(9)

Fr. Mr. McEntee - 26th Jan.

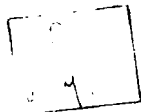
(10)

To Mr. McEntee - 8 Feb

(incl. 44.)

2 dfts.

12/1/32 Kenya.



Wts. for Sir C. Bottomley's signature.

8 February, 1933.

My dear Byrd

The S. of S. has asked me to forward to you the enclosed copies of correspondence with Mr. McEntee, D.P., on the question of the leave and retrenchment terms for Asians employed under the Kenya and Uganda Railways and Harbours Administration.

Yours sincerely,

(Signed) W. C. BOTTOMLEY.

S/S has seen 8/10
Crawley
2/11

R

RECEIVED
31 JAN 1933
COOL OFF

26th January 1933

Dear Sir Philip,

No 9

Answer 11

I am indebted to you for your letter, dated the 21st January, dealing with the question of the leave and retrenchment terms for Asians employed under the Kenya and Uganda Railways and Harbours. I note with pleasure that you do approve the principle that there should be uniformity in the treatment of these men, who work almost side by side and do precisely the same job. Unless you have uniformity you are bound to have discontent and I wonder therefore if you would be good enough to pass on, at all events to the Governments of Kenya and Uganda and to the Railway Board, the view that an effort should be made to reach uniformity. If this can be done then all the criticisms which I have ventured to put forward on behalf of these Asian employees would fall to the ground.

Copy to Sir P. C. Lister

I can assure you that your efforts in this direction would be beneficial because they would allay a good deal of bad feeling which exists.

Yours sincerely,
V. L. M. Maittee

The Rt. Hon. Sir Philip Cunliffe-Lister, G. B. E., M. P.,
Colonial Office, S.W.1.

C. O.

18177/32 Kenya.

1

Mr. Hart 12/1/33

Mr. Venning 12/1/33

Mr. Freeston 17

Mr. Parkinson Jeffries. 19

Mr. Tomlinson. 19.1

X Sir C. Bottomley. 20.1.33.

X Sir J. Shuckburgh. 21/1/33

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

DRAFT.

V.L. McENTEE ESQ. M.P.

s.o. for the S/S's signature.

21 January, 1933.

leave to be granted (12)

I have looked into the

question of the leave and retrenchment terms for Asians employed under the Kenya and Uganda Railways and Harbours about which you wrote to me in your letter of the 6th January.

These terms, which were approved in 1931, were designed to ensure as great a measure of uniformity as possible with those applicable to Asians in the Kenya Civil Service.

I do not dissent from the

opinion that it is desirable to

for comment

between persons employed in different
Dependencies, but in fact circumstances
do vary, even in adjacent territories,
and it rests with the responsible
local authorities to devise the best
means of meeting their individual
problems. I am quite ready to intervene
in any case of injustice, but I am

~~certainly not prepared to insist that~~
~~something should be done for the Kenya~~
~~and Uganda Railway staff merely because~~
~~it is done for the Tanganyika staff~~
~~or vice versa.~~

Substitute for []
do not think I could
preside

substitute "I" per the High
Comm. for Transport, Kenya and
Uganda, to do something for his
railway staff because the Govt.
of Tanganyika does it for their
staff or vice versa

J. M. G.
G. J. H.
Lous.

6th January 1933

10
RM

OFFICE
COL OF

Dear Sir Philip,

NO 3

You will remember that in September last I took up with your Department complaints made by the Kenya and Uganda Railway, Asiatic Union that they did not enjoy the same privileges which were extended to their colleagues in Tanganyika. There were other grievances in addition, I admit, but for the moment I do not wish to stress these.

*Rebut (No 8)
Amul (No 9)
Copy to papers (12)*

There does seem to me, however, to be no reason whatever for differentiation in respect of leave and retrenchment between these Asiatic workers, on the railways in Tanganyika, and precisely similar workers on the railways in Kenya and Uganda. There is no question that Tanganyika is better off financially than Kenya or Uganda; there is no question that the work is different, that the type of employee is different, or that the wages generally are different.

There exists, however, very acute feeling that there should be equality of treatment of these men in adjacent districts, particularly when the railways are inter-connected, and although I know perfectly well that all the Colonies and Tanganyika have to retrench, I think it most unfortunate that the conditions of retrenchment and leave are made quite satisfactory in Tanganyika, while they are made most harsh and uncompromising in Kenya and Uganda.

There may, of course, be some reason for this differentiation, and if so perhaps you will let me know what it is, and if there is no such reason I do strongly suggest that the same terms on these two points should be extended to both sets of employees.

I send you a copy of the official notice issued in Dar es Salaam, as applying to the local Asiatic Railway workers. It is this statement of terms which I suggest should be extended to the corresponding workers in Kenya and Uganda.

Yours very faithfully,

M. Carter

Rt. Hon. Sir Philip Cunliffe-Lister,
GBE. MC. M.P.
Colonial Office,
S.W.1.

TERMS GRANTED ON RETRENCHMENT.

LONG NOTICES IN TANGANYIKA.

CONCESSIONS.

Dar es salaam (Mail)

The following Communique regarding terms granted to non-European officers in Government Service who have been retrenched has been received from the Press Liason Officers at the Secretariat:-

"As correspondence has appeared in the Press recently regard to the terms granted to non-European Officers who ~~regard to the terms~~ has been necessary to retrench for reasons of economy, it may interest you to know that instructions have been sent to Heads of Departments that as long notice as possible should be given in all cases where the appointments of officers are being terminated on the grounds of retrenchment. As regards the concessions to be granted to those officers, it has been decided that those serving on agreement and entitled to normally given passages to India, who are retrenched will be given the formal notice required by their agreements, which is one month, but will also be given full pay from the date of notice for a period of 4 months, including the voyage to Bombay in the case of those who are entitled to 3 months leave after 33 months service and for 3 months including the voyage to Bombay in the case of those serving on agreements applicable to the Artisan Class.

"Those serving on agreement who are retrenched and are to remain in the Territory and those who are not entitled to normally given passages to India, will be given the formal notice required by their agreements, and will receive a full period of 3 months from the date of notice, (which may be the case of duty,) in the case of those entitled to 3 months leave after 33 months service, while those serving on agreements applicable to the Artisan class will be treated similarly except that the period of full pay will be limited to 2 months. Any leave which may have been earned will be included in the periods of full pay mentioned it will, of course, be granted. Employees who have been retrenched and have subsequently accepted employment at rates of pay will be paid a lump sum equivalent to 2 months full pay including pay for leave earned or the amount of pay for leave earned if that leave exceeds or is equal to 2 months.

"The foregoing arrangements will not apply to employees on daily rates of wages."

G. O.

Mr. Priestman. 29.9.

Mr. Freeston, 29

Mr. Allen. 29/9

Mr. Tomlinson

✓ Sir C. Balamley, 30/9

Sir J. Shickburgh

Permt. U.S. of S.

Early. U.S. of S.

Secretary of State.

For the S. of S's signature.

Downing Street.

September, 1932.

4 October,

Dear Sir

DRAFT.

Conson.

V. L. MCENIEE, ESQ., M.P.

I have now had an opportunity

of looking into the question of the representations made to you by the Kenya and Uganda Railway Asian Union mentioned in your letter of the 21st of September.

The Colonial Office is, as you suggest, fully familiar with the matters to which you refer. In fact they have recently come up again as a result of representations received from the ^{and} Service Confederation at the instance of the Asian Union. They had previously been submitted to the Secretary of State through *and Parsfield*

the proper channel, i.e., through
the High Commissioner for Transport in Kenya
and Uganda, and were fully considered. It
was decided that it was not possible to go
further in the matter of meeting the requests
of the Union and I am bound to say that I know
of no ground that would justify me in varying
that decision, especially at a time when the
financial position of the Transport Administration
calls for the exercise of the most rigid economy.

Yours sincerely,
(Sgd) P. GUNLIFFE-LISTER

the proper channel, i.e., through the High Commissioner for Transport in Kenya and Uganda, and were fully considered. It was decided that it was not possible to go further in the matter of meeting the requests of the Union and I am bound to say that I know of no ground that would justify me in varying that decision, especially at a time when the financial position of the Transport Administration calls for the exercise of the most rigid economy.

Yours sincerely,

(Sgd.) P. QUNLIFFE-LISTER

5 14
20st September 1932

Dear Sir Philip:

Will you permit me to bring to your notice for your consideration representations which have been made to me by the Kenya & Uganda Railway Asian Union, with respect to various disabilities under which its members suffer.

I have every reason to believe that your Department is quite familiar with the grievances of these employes - indeed, those concerned have been endeavouring for a long time to ventilate them through the accredited and prescribed channels. No success in the matters I mention below has attended their efforts, and therefore I am sure you will realise why my attention has been drawn to this issue.

These grievances can, I think, be fitly classified as:-

- (a) Overseas Leave;
- (b) Casual Leave;
- (c) Medical Leave; and
- (d) Passages Home.

With regard to Overseas Leave, the conditions for the Kenya and Uganda Railway service are inferior to conditions in respect of (a) European Civil Servants in Kenya; (b) Asian Civil Servants in Kenya, other than Railway employes; and (c) Asian Civil Servants in Tanganyika. Naturally, this discrimination, for which there is apparently no explanation, causes a good deal of bitterness among the Indian

Ackd. 26/9/32
Ans'd 4.10.32

Railway employes in Kenya. I believe that the reasonableness of the request that this discrimination should be removed will be recognised in view of the Duke of Devonshire's official statement in 1923, in which he concurred with the view that the Leave Conditions for the Railway and the Civil Service Asian staffs in the Colony should be the same.

As regards Casual Leave, on the recommendations of the Civil Service Commission such leave of ten days previously allowed to all staff, Europeans or Asians, was increased to 14 days. Not only did the Commission recommend these extra days, but they also emphasized that the staff should be required to take this leave annually, it will be remarked that, under the new rules, only 10 days are allowed to Asians. While new staff are not allowed the privilege for the first year. These restrictions do not apply to the European staff, who continue to get 14 days Local Leave, per annum, and so also Civil Servants, both in Kenya and Uganda. In the case of Railway Asian staff stationed at Lake Victoria ports and Kampala, the leave is considered far more inadequate in view of the unhealthy nature of those places. Recently Government have enacted a Law known as the Shop Hours Act under which staff are required to be allowed 12 days leave per annum, whereas in the Railway Service where many of the staff are required to work long hours with irregularity in meals and sleep, only 10 days leave is granted.

As regards Medical Leave the present rules do not provide, so far as Asian employes on the Railway are concerned, for such Leave out of the Colony, to be paid for either at full rates or at half rates. Yet, in the Civil Service Medical

16

Leave is sanctioned to the extent of three months in India on full pay, and a further three months on half pay. No reason is assigned for this discrimination.

The fourth grievance affects passages home. It would appear that the Railway Asian staff is being granted deck passages whilst proceeding on leave until in receipt of a salary of Shs. 250/- per mensem, which one can only stand a chance of obtaining after 10 years service, while clerks in the Civil Service doing far less important work and in the first period of work are granted 2nd class Ocean Passages. Moreover, this grievance has been more acutely felt as staff with a number of years service to their credit who were once allowed 2nd class passages in 1920 under the revised conditions of service were subsequently granted deck passages only, owing to the change in the Leave Rules in 1922; and by a further change in 1924, and in view of the reduction of salaries and the lowering of the grades by 1/6th, senior staff on a salary of Shs. 300/- were allowed deck passages while staff junior to them in receipt of salary of Shs. 250/- were granted 2nd class passages.

I have set out these grievances at length even though the Department may be familiar with them in detail because it may be helpful to give the point of view of those concerned, who are, I can assure you, labouring under a strong sense of injustice.

Perhaps you will let me hear from you in due course.

Yours faithfully,

V. L. M. G. Tee

Rt. Hon. Sir Philip
Cunliffe-Lister, G.B.E., M.P.
Colonial Office, S.W.1.

18177/32

17
41
10

Kenya

C.F.
R. 20 JUL 32
D

C.O.

Mr. Kiffin 19.7.32

Mr. Freeman 19

Mr. Parkinson

Mr. Tomlinson 20/7/32

Sir C. Ballantyne

Sir J. Shuckburgh

Perms. U.S. of S.

Early. U.S. of S.

Secretary of State

for Consular
DRAFT.

(3)

22 July 1932

Sir

I am directed to ack. the receipt of your letter of the 14th of July on the subject of certain requests made by the Kenya and Uganda Railway Asian Union.

The Hon. Gen. Sec.
Civil Service Confederation.

2. The matters to which you refer have already been submitted to the S. of S. through the proper channel, i.e. through the H. C. for Transport in Kenya and Uganda, and have been fully considered.

If the persons concerned

CP Rep 199-203
(To be considered in relevant context)

open to them to do so, in accordance with the provisions of the relevant Colonial Regulations, copies of which are enclosed. But the questions at issue are ^{primarily} ~~essentially~~ matters for negotiation between the employees and the local authorities, and it is not considered that any useful purpose can be served by ~~any~~ discussion of them between your Federation and this Department.

(Signed) L. B. FREESTON

CIVIL SERVICE CONFEDERATION ³

President:
GEORGE CHASE, A.M.I.M.A.

Honorary General Secretary:
P. H. HOBY.

Additional Secretary:
HERBERT BRYAN.

Honorary Treasurer:
C. A. W. SANDERS,
46, St. James's Road,
Wandsworth Common,
S.W. 17

Parliament Mansions
(Orchard Street).

Victoria Street,
London, S.W. 1.

Telephone: Victoria 3000

14th July 1932.

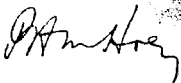
PH/W
Ref: O.6.
Your Ref: 18177/32.

Sir,

Key
I have to acknowledge receipt of your letter of the 17th June in which you state it is not possible to go further in the matter of meeting the requests made by the Kenya and Uganda Railway Asian Union.

It is noted that you did not state that the claims are without foundation, or comment in any way on them, and under these circumstances I shall be glad if you will inform me the reasons which have led to a decision that nothing can be done to meet the claims.

Yours faithfully,


Honorary General Secretary.

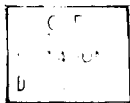
Harold F. Allen Esq.,
Colonial Office,
Downing Street,
S. W. 1.

Recd. 22 7. 32

C. O.

Mr. ~~Reid~~ (3.6.52)
Mr. ~~Schepherd~~ 14/6

Handwritten initials and scribbles.



- Mr. Parkinson.
- Mr. Tomlinson
- Sir C. Bottomley
- Mr. J. Shuckburgh
- Perm. U.S. of S.
- Party U.S. of S.
- Secretary of State.

June 1952

DRAFT.

Mr. General Secretary
Civil Service Confederation

50
I am re. to ack the receipt of
~~with ref. to your letter of~~
(Ref 0.5)
the 2nd June relation to certain

~~gratuitous~~ ~~alleged~~ by the Kenya
and Uganda Railway Beas

Union in respect of head and
and
Manager ~~of~~ etc. to inform

you that the representations
put forward by the ~~Confederation~~
have received careful consideration
and it is as far as possible to

Kenya Uganda
Rly Asian Union

M. Cant

? Any note of
Federal intervention
by the "couped"?
(Please note this)

M. Cant

2/6

M. Cant

I think this
body is the old Civil
Service Alliance. Please
see volume 44042/20 Smith
attached

RF 8/6

CIVIL SERVICE CONFEDERATION

President:
GEORGE CHASE, AMENGA.

Honorary General Secretary:
P. H. AL HDEY.

Additional Secretary:
HERBERT BRYAN.

Honorary Treasurer:
C. A. W. SANDERS,
48, St. James's Road,
Wandsworth Common,
S.W. 17.

Parliament Mansions
(Orchard Street),

Victoria Street,
London, S.W. 1.

Telephone: Victoria 3000.

2nd June 1932.

HB/W
Ref: O.5.

Sir,

The Civil Service Confederation has been requested by one of its constituent organisations, the Kenya and Uganda Railway Asian Union, to bring to the notice of the Secretary of State for the Colonies the desire of the members of the above mentioned Association for the redress of certain grievances which are keenly felt.

The matters referred to come under the headings of:

- (a) Overseas Leave;
- (b) Casual Leave;
- (c) Medical Leave; and
- (d) Passages Home;

and the relevant considerations were set out in detail in a memorandum, with a covering letter, forwarded to the Secretary of State for the Colonies by the Kenya and Uganda Railway Asian Union on the 18th June 1930.

With regard to two of the matters referred to in the memorandum, i.e. Extraordinary Leave with Pay and Religious Holidays, the desires of the Union have since been satisfied, but the requests put forward with regard to the remaining four matters are still unsatisfied.

In brief it may be said that it is the desire of the Asian Staff of the Railways and Harbours in Kenya and Uganda organised in the Kenya and Uganda Railway Asian Union to receive similar privileges in respect of Leave and Passages Home as are accorded to the other officers in the Government service in Kenya. It is strongly felt that there

Handwritten: PC 2/6/32
RECEIVED
3 JUN 1932
OOFC OFFICE

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Furthent
1932

End

is no equitable reason for the present discrimination in these matters against the Asian Staff of the Railways and Harbours, and I am accordingly to ask that the Secretary of State may give sympathetic and favourable consideration to the request now made.

Yours faithfully,



Honorary General Secretary.

The Secretary of State,
Colonial Office,
Downing Street,
S. W. 1.