

1934

23279

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KENYA

C0533/451

Inspection of Native Labour.

Previous	Sgt. Tolson	22/10
	Sgt. Haffey	23/10
15/10/29	Mr. Woodhead	24/10
	Mr. Egan	/
	Sgt. 297	28/11
Subsequent	Mr. 298	
See 3809/1/1/1	Sgt. 297	2/12/29
	309	19/12
	R 297	
	R 298	
	R 299	
	Mr. Tolson	20/1
	Mr. Haffey	27/1
	S. C. Haffey	28/1
	R 297	
	R 298	
	R 297	2/12
	R 298	17/12
	R 299	18/12
	Mr. Tolson	12/1
	Mr. Haffey	15
	C. G. D.	1/1/10
	Mr. Haffey	15
	S. C. Haffey	19/12

C.S.
Native
Native Labour
Inspection.
Inspection of N.L.

1. Governor Byrne 1924 cont. 12 Sept 24
Propose to revert to former policy, & entrust the work of
native labour inspection to specialist officers, if this policy
was approved to strengthen the labour comm. by abpt. of addl. officers.
Consider host of Principal Insps. of labour need no longer be
filled by an offgr of Med. Dept. & propose to abpt. of p. det. Allen
trust as Principal Insps. or allowance of 1000/- per month of salary

N.B.
N.D. 18/11/24
lab.

The history of the former change of
policy is told in paras 2 & 3 of
the Memorandum. The Governor
has decided to revert to the
policy in force prior to 1929
i.e. that the work of labour
inspection should be entrusted
to specialist officers. He
points out that this has
not been that the Provincial
Administration has taken less
interest in the welfare of
Native labourers.

The arrangements made
at Fisher's retirement on medical
grounds - 2 August 1924 - were:-

- Dr V.W. Fisher Principal Inspector
of Labour (formerly a Senior
Medical Officer, & acted as post
of Prin. Insp. of Labour, in 1929)
Salary on retirement £1100 p/a
- Labour Office Allowance
- to Mr. Childs £425-6-72
- to Dr V. Allen "
- to H.A. Nichol "

The former proposal to
strengthen the labour inspection by

by the appt of an additional
Officer locally, and the appt
of Mr P. de V. Allen to act as
Principal Inspector, while
performing the duties of Labour
Officer in the Central Area,
with an allowance of £100 a year.
The saving effected by not paying
the Substantive post of Principal
Inspector will provide funds
for the salary of the new
Appointee.

? Approve the proposals by
telegraph.
C. H. Smith
28/9/34

I agree that the proposals are entirely
reasonable, as the assurance at the end of
para 6 can, if necessary, be quoted
in their defence. (See in this connection
the P.A. - including supplementary - in 25156)

? As proposed.
A. D. Smith
26

This is a curious reversal of form but
it was plainly foreshadowed in the despatch of
the 24th of October, 1931, on 15201/29. In
that despatch the Governor (Sir J. Byrne) said
that experience was showing that the technical
work of labour inspection was better done by
specialist

specialist officers than by leaving the work to the
general Administrative staff. Further experience has
only confirmed that impression and I think, therefore,
the reversion to former policy is quite sound. In
view of paragraph 6 I think we can agree that there is
no necessity any longer for there to be a
representative of the Medical Department attached to
the work of labour inspection. As the Governor
points out, advice can always be got on the technical
side, and really it is hard to reconcile the work of
a Labour Inspector with that of a Medical Officer.

Telegram herewith approving.

J. P. Lloyd
27.9

I am glad. Employer union -
Labour Inspector far more than an
adviser. I like that a better
thing T.P. will also change back.

Lloyd
28.9

2 20 hrs tel 231 Conf. (1 amid) 28 Sept 1934

3 20 hrs, Conf (1 amid) 3 OCT 1934

Note 20 hrs
A.A.
R. 295 1/2
- 11/2

H. Governor Bynona Conf/150 (Amend) 16 Oct. 34

Considers that a local candidate for post of Labour
Officer can be obtained locally on local C.S. terms viz
salary scale of 400, 500, 600 x 20. It has been reported that
he may be informed by tel whether there is any objection to
local recruitment.

(See No 3)

We have agreed to the Governor's
appointing a local candidate
to the new post mentioned in
para 5 of No 1.

The Governor now proposes that
the appointment should be made
on Local Civil Service terms.

I think this is a post which
might well be added to the
schedule of posts in the Local
Civil Service, with salary as suggested.

? Approve by telegram

A. F. F. Smith
13.10.34

W. H. P. W. W. W.
15
17/10/34

I am not altogether happy about
this. We have agreed to the appointment of
a local candidate but that is not quite the
same thing as putting the post of Labour
Inspector into the Local Civil Service. If
all Inspectors of Labour are to be recruited
from the local population, there is a faint
risk of their being too much what I might

call

call pro-settler. The idea of the Inspector of
Labour, as I understand it, is that he is a
sort of prowling watch-dog who goes about the
place to see that the black labourer gets a fair
deal. If the appointments are always to be filled
from local people there is at any rate some risk of
the settler view being a little too much stressed
while there may even be trouble over personal
connections. However, the Governor says that what
he contemplates is a candidate of mature years
with a knowledge of language and labour conditions,
who is interested in the welfare of the natives and
of other aspects and problems of native labour. If
he can find one on the cheap local service terms
then I should let him, though it might be as well
to point out by despatch that there is the objection
which I have set out above. I only do so in order
to save our faces if there is a row.

V. P. H. H. H.

18.10.34.

Si. G. Tomlinson.

You would see, as to making them
into local civil service posts in future.
but
becoming self-sufficient and
as not myself in any department.

Si. J. H. H.

On the principle of making local
posts to be filled within local, I think
that the Governor's point is just that
the Governor is a thinking of and for
local interest in practice as well
as the case in relation which in any
way

Quire 20
John

Letter for granted.

I should myself, resent any
such suggestion that there might
"for registration" in the case of
Kenya.

W.C.S.
19.10.34

I see no objection to these posts
being included in the Local Civil
Service.

R.J.P.P.
22.10.34

I agree. Being agreed to use as
type & to forward use of application
or can be taken. At all.

John
23/10/34

5 To Gov Tel No 257 Conf. 4. 24.10.34

W.C.S.

6. Civil Deputy Under Secy _____
State offt of M.A. & Shuller as Librarian Officer.
Antisocial threat will not be withheld.
(No 6 Telegram to PK 51708 E.A.)

AM

7 Extract from Kenya Gazette No. 62 of 10.12.35
attached in enc. with min. on 38040735.

Registered for record
Put by
C. G. Simmonds
15/1/36
at me

W.C.S.

23279/24

Extract from Office Gazette No. 62 d. 10.12.35

7

GOVERNMENT NOTICE No. 409

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by section 9 of the Courts Ordinance, 1931, His Excellency the Governor has been pleased to appoint the following to be a Labour Inspector:—

PHILIP FORSTER FOSTER,

and to be a Magistrate to hold a Subordinate Court of the Third Class in the Colony in respect only of matters arising out of the Employment of Natives Ordinance (Chapter 139 of the Revised Edition), the Resident Native Labourers Ordinance (No. 5 of 192), and the Native Registration Ordinance (Chapter 127 of the Revised Edition), and any amendments to the said Ordinances, and to exercise in respect of the said Ordinances all the powers of a Magistrate of the Third Class, save only that he shall not have power to try offences against any of the provisions of the said Ordinances.

By Order of His Excellency the Governor.

Nairobi,

This 5th day of December, 1935.

A. DE V. WADE,
Colonial Secretary.

23279/34

57

C. O.

Mr. *Goswami* 24/9/34
Mr. *Mehta* 24/9/34
Mr.

Codes & Sent
7.0 pm
24.10.34

Mr. Parkinson
Sir G. Tomlinson
Sir C. Bottomley
Sir J. Shackelton
Pres. U.S. of S.
Pres. U.S. of S.
Secretary of State.

O.D.
R-25 OCT
11 25

No. 257. Confidential,

You Confidential

4th Oct.
Despatch No. 153/20

No. objection to

~~Recruitment in
Local Civil Service
posts.~~

Seen.

DRAFT. *Del.*
Cote

Moran
Nairdi

FURTHER ACTION.

AIR MAIL

KENYA
No. 150

CONFIDENTIAL.



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
12 OCT 1934
O. O. REGY

11/10 October, 1934.

Sir,

Ab2
I have the honour to refer to your Confidential telegram No. 231 of the 28th September, on the subject of the strengthening of the Labour Section by the appointment of an additional Labour Officer.

B.A.S. 7084/34
2. As you are aware in his Confidential despatch of the 29th December, 1919, Mr. Amery approved the post of Labour Inspector being made pensionable and the three present holders of the post, Messrs. Shields, Allen and Misset, have already been admitted to pensionable status, but since the appointment of the three officers in question (two of whom were recruited locally while the third - Mr. Shields - was originally engaged for service in the Survey Department) conditions have changed and I do not anticipate any difficulty in obtaining, on Local Civil Service terms, a suitable candidate in this country, whose knowledge and experience of local conditions will be of more value than could be expected from a candidate recruited from overseas.

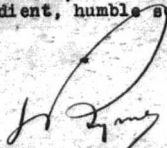
Moreover, the type of candidate I have in mind for this appointment is one of mature years with a knowledge of the language and labour conditions interested in the welfare of natives and in other aspects and problems of native labour.

3. I am satisfied that candidates of the right type and standing can be obtained in the Colony. The salary scale, I consider, should be 2400, 2400, 2500 x 20 x 2660 per

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWING STREET, LONDON S.W.

per annum, which is the same as the scale you have approved for Assistant Game Wardens, and I shall be glad to learn by telegram that you have no objection to local recruitment.

I have the honour to be,
Sir,
Your most obedient, humble servant,



BRIGADIER-GENERAL.
GOVERNOR.

C. O.

Mr. Flood. 27-9

Mr.

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley. 28-9 f

Sir J. Shackburgh

Presd. U.S. of S.

Presd. U.S. of S.

Secretary of State.

DRAFT.**KEITA.****CONFIDENTIAL.****GOVERNOR.****FURTHER ACTION.**

Downing Street,

~~September, 1934.~~

3 OCT 1934

Sir,

I have the honour to acknowledge the receipt of your Confidential despatch No.134 of the 12th of September, on the subject of the replacing of Dr. Fisher in the post of Principal Inspector of Labour. I note your opinion that it is desirable to revert to the former policy of having special labour inspection officers, and I have telegraphed to you accordingly approving the proposals contained in your despatch. I ^{also} note that it is proposed to appoint Mr. P. de V. Allen to act as Principal Inspector of Labour with an additional sitting allowance at the rate of £100 a year, and I should be glad to learn in due course the name of the additional officer

Approved by No. 10
on SLIP PE A.
Kwame, AM.

3

officer whom it is proposed to appoint
to the Department will, no doubt, be given

~~to~~ ~~understand~~ ~~that~~ ~~his~~ ~~appointment~~ ~~will~~
to understand that his appointment will
remain ~~temporarily~~ provisional until I
have had the opportunity to examine
his credentials which will presumably
be submitted in the usual way.

The Board
Added for review
after speaking to you
B.A.

(Sgd.) P CUNLIFFE-LISTER.

211

C. O.

*Order to send
8.0 pm
28.9.34
HW.*

Mr. Flood. *57*

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

7 Sir C. Bottomley *18 of home*

Sir J. Shackburgh

Permt. U.S. of S.

Partly. U.S. of S.

Secretary of State.

September, 1934.

No. 231 Confidential.

Your Confidential despatch of

12th September No. 134. Labour

Inspection proposals approved.

DRAFT. TELEGRAM (CODE).

GOVERNOR,

NAIROBI.

FURTHER ACTION.

AIR MAIL

KENYA
No. 134.



12 /
GOVERNMENT HOUSE
NAIROBI
KENYA

CONFIDENTIAL.

RECEIVED
21 SEP 1934
C. O. REGY

12th September, 1934.

Sir,

I have the honour to refer to Sir Jacob Barth's Confidential despatch of the 30th March, 1929, on the subject of labour inspection, to Mr. Amery's Confidential despatch of the 22nd May, 1929, and to my reply thereto of the 24th October, 1931, and also to my Confidential telegram No. 149 of the 2nd July, 1934, on the subject of a successor to Dr. Fisher in the post of Principal Inspector of Labour.

No 1
15701/29.

No 2
15701/29.

No 4
15701/29.

No 34
24034/1/34

in enc. copy
below

2. In the first of the three despatches above referred to, Sir Jacob Barth explained that it was the intention of this Government that the Provincial Administration should become in an increasing degree responsible for the inspection of native labour, that the posts of Labour Inspectors should be deleted from the Estimates, and that while it was proposed to retain the services of the three existing specialist officers -- Messrs. Shields, Allen and Nisbet -- the appointment of further Labour Inspectors was not contemplated, the intention being that in due course they would be replaced by officers of the Provincial Administration.

3. In his reply to that despatch, Mr. Amery approved the proposal but asked for a report on its working when the new system had been in force for twelve months.

4. In fact no reply was sent until my despatch referred to above. In Paragraph 4 of that despatch it

No 2
15701/29.

No 4
15701/29.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP GUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

was

Amery (3)
Amery (2)

was explained that in the opinion of the Provincial Commissioners and of the Acting Chief Native Commissioner, experience had shown that the technical work of labour inspection can be better and more thoroughly done by specialist officers whose time is given to that work and nothing else. Nearly three years have passed since that despatch was written, and further experience has confirmed the opinion therein expressed. I propose, therefore, with your agreement to revert to the former policy and entrust the work of labour inspection to specialist officers as before. This does not mean that the Provincial Administration will take less interest in the welfare of native labourers, but that the Provincial Administration will have the services of wholtime officers trained and experienced in that particular work to help them, and in particular, the Chief Native Commissioner will be able through these Labour Officers to make himself acquainted with all the details of labour conditions, a duty which is among the most important of those pertaining to his office.

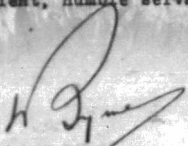
5. If this reversion to former policy is approved, I propose to strengthen the labour section by the appointment of an additional officer, as I am quite satisfied that the three existing officers referred to above cannot by themselves satisfactorily do the work of the whole Colony, particularly in view of their increasing responsibilities in connection with mining development. I am confident that a suitable officer can be obtained locally.

6. In connection with the appointment of a
successor

successor to Dr. Fisher, I am satisfied that there is no longer any necessity for this post to be filled by an officer of the Medical Department. Now that full information on the care of labour from medical and sanitary standpoints is available, I see no advantage in the holder of the post possessing medical qualifications, especially when it is remembered that advice on technical matters of health and hygiene can be obtained from officers of the Medical Department. In view of the urgent necessity for the strictest economy, I do not propose at present to appoint an officer to fill the substantive post, but I propose to appoint one of the existing Labour Officers - Mr. P. de V. Allen - to act as Principal Inspector of Labour while performing the duties of Labour Officer in the Central Area, with his headquarters at Nairobi, and to give him while so acting an allowance of £100 a year. Mr. Allen throughout his nine years' service has shown conspicuous zeal and ability in dealing with labour matters and has won for himself the regard of native employees no less than the esteem and respect of their employers. This proposal, if accepted, will set free a sum of money saved upon the salary of the substantive officer and allow the appointment of the additional officer referred to in Paragraph 3 above. The Acting Principal Inspector of Labour will be in the closest touch with the Chief Native Commissioner, and I see no reason whatever to fear that the work of labour inspection or care of native labourers will in any way suffer; on the contrary, the increase in the staff of specialists in labour work should ensure that the necessary work can be done more thoroughly.

7. I shall be glad to receive a telegram in reply to the proposals contained in this despatch.

I have the honour to be,
Sir,
Your most obedient, humble servant,



BRIGADIER-GENERAL
GOVERNOR.

STANDARD
PRINTING
WORKS

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