

## **Antecedents to Dissatisfaction with Compensation for Occupational Injuries among Employees of KTDA Managed Tea Factories in Nyamira County, Kenya.**

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### **Abstract**

*Employee compensation for occupational injuries is a no-fault compensation scheme that provides wage replacement and medical benefits to employees injured in the course of their employment. Although workers' compensation laws are comprehensive and detailed, there is an increase in the number of lawsuits filed by discontented workers against the management of tea factories concerning work injury compensation. The purpose of this study was to explore the determinants of dissatisfaction that compel injured workers to seek the adjudication of courts although there exists a state mandated compensation scheme. The choice of Nyamira County was due to a relatively high number of injured employees in its factories who seek the arbitration of courts concerning work injury recompense. This study specifically sought to: assess the influence of caps on value of various levels of disability on dissatisfaction with compensation for occupational injuries. The study adopted a cross sectional survey design. The study targeted 741 employees and managers of tea factories in Nyamira County. The sample size consisted of 254 respondents selected from the five KTDA factories in Nyamira County, determined according to Krejcie and Morgan (2006) tables of samples. To account for sub-group differences, proportionate stratified random sampling and purposive sampling were used to select the study sample. Data was collected by using questionnaires, interview schedules and focus group discussions. Quantitative data was analyzed using descriptive statistical methods such as means, frequency distribution tables and percentages. Chi-square test of independence was used to determine whether the study's categorical variables (that is, the dependent variable and the independent variables) are independent of each other. Qualitative data was analyzed by extracting themes and establishing patterns, trends and relationships from the information gathered. Data was presented by use of tables, pie charts, histograms, graphs and text. The study established that workers' dissatisfaction with work injury recompense is dependent on the magnitude of payment made for various levels of disablement.*

**Key words:** Antecedents to dissatisfaction, work injury compensation, no fault-compensation scheme, caps on value of disability.

### **1. Introduction**

#### **1.1 Literature Review**

Occupational injuries cause human suffering and are a substantial additional cost of doing business.

Armstrong (2005) notes that it is estimated by the Health and Safety Executive (HSE) that in the United Kingdom (UK) about 500 people are killed at work every year and several hundred thousands more are injured or suffer ill-health. It is also estimated that, apart from the misery and pain caused to those directly and indirectly concerned, the total cost to British employers of work-related injury and illness exceeds £4 billion a year. Ill-health and injuries inflicted by the system of work or working conditions cause suffering and loss to individuals and their dependents. In addition, accidents and absences through ill-health and injuries result in losses and damages for the organization.

The German workers' compensation law of 1884 which was initiated by Chancellor Otto Von Bismarck, passed only after three attempts, was the first of modern system of workers' compensation. The German compensation system has been taken as a model in many nations. The Sickness Insurance Law paid indemnity to wage earners and apprentices, including those who work in the agricultural and horticultural sectors and marine industries, family helpers and students with work-related injuries, for up to 13 weeks. Workers who were totally disabled got continued benefits at 67% after this 13-week period – paid by the accident funds, financed entirely by employers. (Wales and Ideson, 1977). Other western nations gradually began to accept the notion that modern industrial society required some form of mandated workers' insurance. The Prussian system has served as a basic model for the social insurance programs of a variety of countries including the United States. Today, the various workers' compensation statutes are all modeled loosely after the original Prussian system (Haller, 1988).

The amount of money paid out for injuries varies; injuries to different body parts are worth different amounts in various countries. Employees who contract various diseases are also paid different amounts of compensation. However, employees have complained that the amount of compensation granted is inadequate. Asfahl (1999) emphasizes that to most people, the various statutory compensation levels for various permanent injury types seem too low to compensate adequately for the permanent injury to the worker. Added to labour's dissatisfaction with the system is management's alarm over sharply rising costs of workers' compensation insurance premiums. Historical norms for workers' compensation premiums were around 4% to 5% of payroll until the end of the century. Recent figures are much higher with some industries in the area of 20% to 30% of payroll.

Many critics of the California workers' compensation system argue that Permanent Partial Disability (PPD) payments in California provide insufficient benefits to injured workers. Mark et al. (1997) evaluated the adequacy of the three types of cash income received by workers with permanent partial disability claims, total disability claims and temporal disability in California. The researchers' measure of adequacy was the fraction of lost wages replaced by indemnity payments. The difference between what the worker would have received had he (she) not been injured and what the worker is able to receive constitutes wage loss. To estimate wage loss and to correct for missing wages during the time out of work, the researchers compared the wages of the injured worker to the wages of a control group. The control group was selected to match the characteristics of the injured worker. The researchers matched the PPD claimant to another worker who was working in the same industry in which the injured worker worked during the injury. They required that the matched worker be working at the same firm as well, and also that he or she was working when the injured worker was sustaining an injury. These conditions assured that the firm and industry conditions were held constant, and that the local economic conditions facing the control and the injured worker were also the same. Within the firm, the researchers required that the control group received wages that were similar to the wages received by the injured worker prior to injury (Mark et al., 1997).

The results of the wage loss studies suggested that by four years after the injury, half or less of disability-related wage loss is replaced by California workers' compensation benefits (Mark et al., 1997). If injury-related time out of work is included in the wage loss calculation, approximately half of wages were replaced after three years, and less than 40 percent were replaced after five years. This suggests that time out of work following initial return to work is a large problem in California. While not directly comparable, because the estimates were from a different time period and used different methods, their estimates were equal to or below the previous estimates of the wage replacement rate in California. Using data on PPD claimants from 1968, Berkowitz and Burton (1987) concluded that during the five years after an injury, 47 percent of lost wages were replaced. The California Workers' Compensation Institute (CWCI) (1984) wage loss study, using 1975-1976 data, found that the 49 percent of lifetime wage loss is compensated (a lifetime wage replacement that seems implausibly high based on the present analysis). Mark et al. (1997) reports that a conservative estimate of the replacement rate, which only accounts for wage loss while working, was 48.2 percent after five years.

However, if injury-related time out of work was included, the replacement rates after five years were approximately 38 percent, which is much lower than that found by Berkowitz and Burton (1987) and CWCI (1984). By the standard of two-thirds wage loss replaced, Mark et al. (1997) results suggest that California's work injury benefits are inadequate.

Mark et al. (1997) summarized the core observations generated by the qualitative interviews in their study. The interviewees noted that:

- The workers' compensation system is overwhelmed, with both claims and complicated paperwork. Participating groups complained that it was difficult to give individual cases fair attention. It was asserted that mistakes in procedures and in paperwork filing often occur out of misunderstanding, not malice.
- The current system for rating disability in California is suspect to many participating groups. Concern was expressed about the consistency, predictability, and validity of the rating schedule and rating process.
- Claims were difficult to process and close. Delays within the Workers Compensation Appeals Board, procedural variation between different boards, complex paperwork requirements, lengthy medical treatment, rating backlogs, system instability, and heavy caseloads were all identified as contributing to the sluggishness of the claims process.
- Transaction costs associated with processing claims were still high, particularly compared to benefits paid. Reducing the transaction costs attributed to litigation and to required paperwork was of highest priority to the insured, self-insured, and medical communities.
- Many groups were dissatisfied with the general quality of medical reports generated in the workers' compensation system, and with the presumption of correctness for the treating physician.

While the sources of discontent regarding workers' compensation laws are varied, there seems to be little question regarding the principal grievances. Here, too, it is instructive to examine the substantial body of testimony before the US National Commission of State Workers Compensation Laws (1972). By far the most commonly cited area of displeasure was the level of compensation available to injured workers. In most cases the immediate problem was the maximum imposed on indemnity payments to workers or eligible survivors. The extent to which this is the dominant problem in workers' compensation can be measured by examining the 19 recommendations which the US National Commission of State Workers Compensation designated as "fundamental." Nine of these deal only with the adequacy of cash benefits; six of the remaining ten deal expressly with the extension of coverage to all workers and also reflect the other concern most frequently expressed during the public hearings. The primary thrust for change largely relates to two somewhat non-revolutionary principles that an increasing proportion of workers be covered by existing laws, and that the size of benefits be increased (Barth, 1976).

### **1.3 Objective of the Study**

The study will specifically:

Assess the influence of caps on value of occupational disability on dissatisfaction with compensation for job-related injuries.

### **1.4 Research Hypothesis**

H<sub>0</sub>: Caps on value of occupational disability is not a significant determinant of dissatisfaction with compensation for occupational injuries.

### **1.5 Limitations of the Study**

The main limitation of this study was that it was confined to the tea factories in Nyamira County, yet workers compensation for work-related injuries in tea factories is a national issue and compensation issuers are the insurance companies: the determination of the level of compensation being done by the Director Occupational Safety and Health Services (OSHS). It would have been better if the study was conducted in all the 63 KTDA managed tea factories all over Kenya and a sample selected from across all the factories to increase its external validity. However, time and other resource constraints dictated a smaller sample. The localization of the study to the tea factories in Nyamira County could lower its applicability and generalizability to other tea factories as they were not covered in the study. Hence applicability of the study to other factories should be done with this limitation in mind.

## **2. Research Methodology**

### **2.1 Study Design**

This study adopted a cross sectional survey design. Cooper et al. (2003) state that cross sectional studies are carried out once and represent a snapshot of one point in time. The researcher, in this study, wanted to describe the antecedents to employee discontent with compensation for occupational injuries among employees of tea factories in Nyamira County, without manipulating variables. The fact that there was no manipulation of variables made survey the ideal design for this study. In this study, data was collected from the target population, once over a period of one month. That is, it was collected at one point in time.

### **2.2 Study Area**

The study area was Nyamira County which has five tea factories managed by Kenya Tea Development Authority (KTDA). Nyamira County was selected due to relatively high incidences of occupational injuries reported in its tea factories. Tea factories in the aforementioned County have reported a high number of employees seeking the arbitration of courts concerning work injury compensation compared to other regions. This scenario provides a ground for investigating the determinants of dissatisfaction with compensation for occupational injuries among employees of tea factories in Kenya.

### **2.3 Target Population**

This study targeted all the 741 employees of the five KTDA managed tea factories in Nyamira County (KTDA Monthly Returns, November 2011) and the Occupational Safety and Health Officer in charge of the area under study. The latter officer administers work injury compensation and enforces safety standards in the factories under study on behalf of the Director OSHS.

### **2.4 Sampling Techniques**

Proportionate stratified random sampling and purposive sampling were used to select the study sample. Stratified random sampling ensured tea factory employees of all the cadres, categories and departments were represented. Stratified sampling technique was used to divide the target population into different homogenous strata. Members represented in the sample from each stratum were proportionate to the total number of elements in the respective strata. Stratification was conducted on the basis of the company's established grade structures and sections (departments) where employees work. The Occupational Safety and Health Officer in charge of the area under study was purposively sampled. The officer enforces health and safety standards, conducts safety inspections, receives reports on industrial injuries in the area under study and administers compensation for job-related injuries on behalf of the Director Occupational Safety Health Services.

### **2.5 Sample Size**

The sample size consisted of 254 respondents selected from all the 5 KTDA managed tea factories in Nyamira County, determined according to Krejcie and Morgan (1970) tables of samples. The sample was distributed among the various cadres of employees and managers of KTDA factories in Nyamira County. Krejcie and Morgan (1970) recommend a sample of 254 for a population of 741 at 5% margin of error with 95% degree of confidence. However, only 230 respondents (90.55%) of those sampled were reached and actually responded.

### **2.6 Research Instruments**

Primary data was collected using questionnaires, interview schedules and focus group discussions. The study also involved collection of secondary data.

### **2.7 Data Sources**

Data was obtained from primary and secondary sources. Sekaran (2006) states that primary data refers to information obtained firsthand by the researcher on the variables of interest while secondary data refers to information gathered by someone other than the researcher conducting the study. In this study, the sources of primary data were tea factory employees of various cadres and the region's Occupational Safety and Health Officer. These employees provided information when they were interviewed or administered questionnaires. These employees included key informants (managers, supervisors, section heads and the Occupational Safety and Health Officer in charge of the study area); and main respondents (non-managerial factory workers).

Secondary data was obtained through perusal of recorded or published information. Secondary data sources included journals, industry analyses, data stored by factories to support their operations such as annual reports and monthly returns, newsletters and reports of committees or task forces

## 2.8 Data Collection Procedures

The study used questionnaires, interview schedules and focus group discussions to collect primary data from employees of tea factories in Nyamira County. An interview schedule was used to obtain data from the key informants. In each factory, a focus group panel comprising six respondents was constituted. It was led by a facilitator who guided the group in exchange of ideas and experiences on determinants of dissatisfaction with employee compensation for occupational injuries. The facilitator introduced the topic and encouraged members of the panel to discuss it among themselves.

## 2.9 Methods of Data Analysis

Data was collected, edited, coded, tabulated and analyzed. Descriptive statistical methods and inferential statistics were used to analyze quantitative data. Data analysis entailed separation of data into its constituent parts or elements in order to describe the component parts separately and also in relation to the whole (Oso & Onen, 2009). Data was analyzed using percentages, frequencies and chi-square techniques. The formula for Chi-square:

$$\chi^2 = \sum \frac{O_i - E_i}{E_i}, \text{ Where } \chi^2 = \text{Chi square}$$

$O_i$  = Observed frequency,  $E_i$  = Expected frequency **Source: Kothari (1990)**

To determine whether the study's categorical variables are independent of each other, the researcher used chi-square test of independence. The study determined whether employee dissatisfaction with injury compensation (DV) is affected by, or related to caps on value of disability from work injuries (IV). The researcher tested the null hypothesis that:

H<sub>0</sub>: Employees' dissatisfaction with work injury compensation is not dependent on caps on value of disability for work injury compensation used in KTDA factories in Nyamira County.

The expected frequencies were calculated and the value of  $\chi_o^2$  worked out. Where the calculated value of chi-square ( $\chi_o^2$ ) was less than the chi-table value ( $\chi_c^2$ ), at 5 per cent level of significance for given degrees of freedom, it was concluded that the null hypothesis stands. That is, the attributes are independent or not associated (in this case dissatisfaction with work injury compensation is not dependent on one of the IVs). In case the calculated value of  $\chi_o^2$  was found to be greater than its table value, the researcher's inference would be that the null hypothesis does not hold good which means that the two variables are associated and the association exists in reality (Kothari, 1990). That is, the difference between the observed and expected frequencies would be taken to be significant. Where the table value ( $\chi_c^2$ ) was found to be more than the calculated value ( $\chi_o^2$ ), then the difference would be considered as insignificant (that is, considered to have arisen as a result of chance) and as such should be ignored.

## 3. Data Analysis, Findings and Discussion

### 3.1 Distribution of Respondents by Sector

Data was collected from respondents by sectors in each factory in the 5 KTDA factories in Nyamira County. It was necessary to capture the views of employees per section to make the report representative of the employees in all the factory sections. The respondents were asked to indicate their sectors and they responded as summarized in Table 4.1.3.

The study had sampled 254 respondents in proportions of the sizes of each sector, but only 230 (90.55%) of those sampled were reached and actually responded. The respondents were a direct reflection of their sizes in the population, and the 90.55% response rate that provided data was higher than the 70.0% response return rates recommended by Amin (2005). These results were therefore trusted to provide fair representation of the employees in the KTDA factories in Nyamira County.

### 3.2 Study Findings

The objective of this study was to determine the relationship between caps on disability for work injury compensation and employees' dissatisfaction with work injury compensation in KTDA factories in Nyamira County. Data on caps on value of disabilities was collected on the amount of money paid to employees who sustained injuries and had no disability, partial disability, permanent disability, and death. Data concerning caps on disabilities were scored on a range of 4-20 (or 20%-100%) and rated such that scores of between 20.0% - 46.0% were rated as poor and coded 3, scores of between 47.0% - 73.0% were rated as moderate and coded 2, while scores of more than 74.0% were rated as good and coded 1. The average dissatisfactions of employees who rated caps on disability for work injury compensation as good, moderate or poor were compared as summarized in Table 4.2.13.

Table 4.2.13 shows that employees who rated caps on disability for work injury compensation as poor had a high degree of dissatisfaction (64.07%; stdv = 14.44) than employees who rated caps on disability for work injury compensation as moderate (63.52%; stdv = 14.51), and employees who rated caps on disability for work injury compensation as good (61.68%; stdv = 17.34). Further, Table 4.2.13 also shows that majority (65.96%) of respondents rated the caps on disability for work injury compensation as poor while 23.43% of respondents rated the caps on disability for work injury compensation as good. But 10.41% of the respondents rated the caps on disability for work injury compensation as moderate. The information in Table 4.2.13 suggests that employee' dissatisfaction with work injury compensation is dependent on the caps on disability for work injury compensation since there is increasing dissatisfaction as the rating of caps on disability for work injury compensation changes from poor to moderate to good. Hence it can be deduced from these results that employee discontentment with work injury benefits is dependent on caps on disability for work injury compensation, and that the better the employee views the caps on disability for work injury compensation, the lower his (her) dissatisfaction.

The number of employees with different degrees of dissatisfaction was compared against the number of employees who rated the caps on disability for work injury compensation as poor, moderate or poor. The results of the analysis are summarized in Table 4.2.14.

Table 4.2.14 shows that 46 (20.0%) of the respondents rated the caps on disability for work injury compensation as poor and had low levels of dissatisfaction with compensation for work injuries while 24 (10.4%) of the respondents who rated the caps on disability for work injury compensation as good had high dissatisfaction with compensation for work injuries. However, 14 (6.1%) of the respondents who rated caps on disability for work injury compensation as good had low dissatisfaction with compensation for work injuries, while 12 (5.2%) of the respondents who rated the caps on disability for work injury compensation as good had high dissatisfaction with compensation for work injuries. The results in Table 4.2.14 seems to contradict the findings in Table 4.2.13 since most people who rated caps on disability for work injury compensation as poor had low dissatisfaction, yet it was expected that low rating for caps on disability for work injury compensation be accompanied by low dissatisfaction and vice versa. But this does not seem to be the case from these results.

The data in Table 4.2.14 was further tested using chi square to determine if there was a significant relationship between caps on disability for work injury compensation and employees' dissatisfaction with work injury compensation in KTDA factories in Nyamira County. The data was tested under the hypothesis that employees' dissatisfaction with work injury compensation is independent of caps on disability.

$H_{03}$ : Employees' dissatisfaction with work injury compensation is independent of caps on disability for work injury compensation used in KTDA factories in Nyamira County.

The results of the analysis are summarized in Table 4.13.

Table 4.13 shows that there is a significant difference in the number of employees with different degrees of dissatisfaction based on different rating of caps on disability. In fact,  $\chi_o^2 = 20.350 > \chi_c^2 = 9.488$ ; and  $\alpha = .053 < .05$ . These led to the rejection of the null hypothesis. The study therefore established that employees' dissatisfaction with work injury compensation is dependent on caps on disability for work injury compensation used in KTDA factories in Nyamira County.

Thus caps on disability for work injury compensation is one of the factors that cause dissatisfaction with work injury compensation among the employees of KTDA factories in Nyamira County. Therefore employees of KTDA are concerned about the magnitude (level) of payment made to them in case of occupational injuries with no disability, or in case of partial disability, and in case of permanent disability, or even death.

### **3.3 Discussion**

The study established that employee dissatisfaction with work injury reparation is dependent on caps on value of occupational disablement. Therefore employees at KTDA factories are concerned with the magnitude or level of compensation granted for various degrees of incapacity sustained due to occupational injuries. Majority of the respondents (65.96%) of the respondents rated caps on disability for work injury compensation as poor. Only 23.43% of the respondents rated the caps on disability for occupational injury compensation as good. Qualitative data obtained from interviewees indicated that employees appreciate the existence of a compensation system that provides benefits to victims of workplace injuries. However, the adequacy of the premium (payment) attached to varying degrees of disablement was an issue of major concern to the study participants. This concurs with Asfahl (1999)'s assertion that '... the various statutory compensation levels for various permanent injury types seem too low to compensate adequately for the permanent injury to the worker. The study's revelation is also in agreement with Mark et al. (1997)'s evaluation of the adequacy of the three types of cash income received by Californian workers with permanent disability claims, total disability claims and temporal disability. Mark et al. (1997) concluded that California's work injury benefits are inadequate and do not adequately replace lost wages occasioned by occupational disablement.

The study findings indicate that the premium (payment) attached to the varying degrees of incapacity is inadequate. In Kenya, Compensation given to the injured employee or his dependents hinges on two considerations: the earnings of the workman and the level of incapacity caused by the injury (Workman's Compensation Act, 1988). According to some key informants, the extent of coverage of compensation partly accounted for the inadequacy of the compensation package. They reported that the determination of work injury benefits did not take into consideration the medical expenses victims incur, the lifelong wage losses and the enduring disability caused by occupational injuries. Thus, compensation does not fully restore the workers' loss of earnings and the physical impairment.

### **3.4 Recommendations of the Study**

The Directorate of Occupational Safety and Health Services, KTDA and the management of tea factories should increase the amount of compensation paid to employees of all cadres in order to contain discontentment with the compensation system. This implies raising the amount of money compensable for various degrees of disability and increasing the maximum premium attached to various ranks of employees for personal injuries by accidents. The level of compensation was noted to be one of the main determinants of discontent with work injury reparation. Although this will add to the escalating costs of compensating injured workers, it will minimize cases of employees seeking legal redress. This will reduce litigation costs borne by the company. It will also enhance satisfaction among injured workers who will eventually be more productive when they return to work.

### **3.5 Significance of the Study**

Occupational injuries cause human suffering and misery. The affected workers receive mandatory cash benefits from the employer's insurer as mandated by legislation. The financial costs of work-related injuries are passed on to the consumers in the form of higher prices. Thus everyone is affected either directly or indirectly by occupational injuries. This study may provide knowledge required by manufacturing firms and the Director OSHS, to understand the antecedents to employee discontentment with compensation for work-related injuries. Its findings may be useful to employers in tea factories who will utilize it to understand the causes of discontentment with compensation system among victims of workplace injuries. The employers can undertake measures to minimize disputes arising from workers dissatisfaction. This could reduce litigation costs that add to the escalating direct and indirect costs of occupational injuries which will ultimately benefit the consumer of tea in form of lower prices. It was also hoped that the study findings could benefit KTDA and the management of tea factories by reducing the costs of occupational injuries.

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## Tables

**Table 4.1.1: Distribution of respondents by sector**

Sector	
	Management
	Supervision
	Heads
	OHS
	Green Leaf
	Withering
	CTC
	Fermenting
	Drying
	Sorting
	Packaging /Dispatch
	Mechanics
	Biller House
	Total
f	9 10 8 1 16 15 14 36 25 32 25 12 27 230
p	3.9 4.3 3.5 0.4 7.0 6.5 6.1 15.7 10.9 13.9 10.9 5.2 11.7 100.

Note. f is frequency of respondents; p is percentage of respondents.

**Table 4.2.2: Dissatisfaction with Injuries' Compensation based on Caps on Disability**

		Mean Dissatisfaction (%)	N	Percent - N	Stdv.
Caps on Disability	Poor	64.07	152	65.96	14.44
	Moderate	66.52	24	10.41	14.51
	Good	61.68	54	23.43	17.34
	Total	63.45	230	100.00	15.14

Note. N = number of employee; stdv = standard deviation.

**Table 4.2.3: Distribution of Employees by Caps on Disability and Degree of Dissatisfaction**

			Degree of Dissatisfaction			Total
			High	Moderate	Low	
Caps on Disability	Poor	f	24	82	46	152
		p	10.4	35.7	20.0	66.1
	Moderate	f	3	15	6	24
		p	1.3	6.5	2.6	10.4
	Good	f	12	28	14	54
		p	5.2	12.2	6.1	23.5
Total	f	39	125	66	230	
	p	17.0	54.3	28.7	100.0	

Note. f = number of respondents; p = percentage of respondents.

**Table 4.13: Chi Square results for Dissatisfaction with Work Injury Compensation and Caps on Disability**

Variable	N	df	$\chi_o^2$	$\chi_c^2$	$\alpha$	Decision
Caps on Disability and Dissatisfaction	230	4	20.350	9.488	.025	Reject H <sub>o</sub>

Note. N = number of respondents; df = degrees of freedom;  $\alpha$  = probability;  $\chi_o^2$  = calculated chi value;  $\chi_c^2$  = table chi value.