

UNIVERSITY OF NAIROBI

FACULTY OF ARTS
DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK
M.A PROJECT PAPER

RESEARCH TOPIC:

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EMPLOYEES' PERCEPTION OF DISCIPLINARY
_A
PROCEDURES IN THE KENYA CIVIL SERVICE: A
STUDY OF SELECTED MINISTRIES

BY: MARY A. OWELE

REG. NO. C/50/P/8490/2000

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EAST AFRICANA COLLECTION

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Declaration

This research project is my original work and has never been presented for a degree award in any other university.

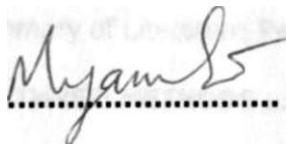
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List of Acronyms

- ACAS** - Advisory Conciliation and Arbitration Service
- DPM** - Directorate of Personnel Management
- ILO** - International Labour Organization
- PSC** - Public Service Commission

Dedication

I dedicate this research project to the memory of my father, the late Anthony Lawrence Gawo and to my mother, Mrs. Rose Angeline Gawo.

Acknowledgement

Whereas I reiterate that I am totally accountable for this work, I cannot omit to recognize the fact that left completely in isolation, I would not have accomplished it. In this regard therefore, I wish to extend grateful acknowledgement to the people who accorded me support in various ways.

First and foremost, I wish to express sincere gratitude to my supervisors Prof. Mauri Yambo and Mr. Beneah Mutsotso who provided their valuable advice and constructive criticism in the course of this project.

I am very grateful for the support of my family particularly my husband Mr. Benson Owele and children Lorraine, Neville, Lillian, Victor and Ingrid, not forgetting my nieces Beryl and Valerie.

My special appreciation goes to all the civil servants who sacrificed their time to avail the information that was highly crucial to this study and willingly undertook to fill the questionnaires. I wish to extend a special note of gratitude to Jane and Evelyne for their encouragement and support.

Over and above all, I wish to record my utmost gratitude to the Almighty God for strength and guidance that enabled me to complete this research project.

ABSTRACT

This study examined the disciplinary procedures in place in the Kenya civil service. Of particular concern was to find out the perception of the employees towards the existing disciplinary procedures in the Kenya civil service.

Over the years, it has been noted that despite the procedures being in place, low standard of employee discipline has persisted in the Kenya civil service resulting in poor service delivery and loss of confidence in it by the citizenry. The study was therefore, an attempt to determine the employees' perception regarding the challenges faced in enforcing employee discipline in the civil service and measures that would be useful for improvement.

The study had the objective of determining the perception of civil servants towards the disciplinary procedures and to find out the best strategies for improvement of the disciplinary mechanism in the Kenya civil service.

The study was carried out in three ministries which were composed of various departments and targeted 114 employees as respondents and 12 key informants. The latter comprised heads of discipline sections and some heads of departments. The methodology employed in this study was stratified random sampling in which the population was drawn from various departments. In each category, a sample was drawn by random sampling method so that all individuals in the target population had equal probability of being sampled to eliminate bias.

The results of this study indicate that most civil servants are not adequately aware of the procedures and view it negatively as only aimed at punishment. This is mainly brought about by lack of sensitization on rules and regulations and the poor way in which disciplinary cases are generally handled. The result is that the mechanism is viewed as encouraging corruption, vindictiveness and used by supervisors to settle personal scores. It is viewed as lacking in consistence, and when offenders are not disciplined, the disciplined staff feel demoralized and disenchanted. They regard the non performers as 'passengers' and it is them who carry the burden. This contributes to indifference and laxity even among the otherwise disciplined personnel. The process also appears bureaucratic and cumbersome to the majority civil servants who do not understand them, a fact that just promotes the negative image. The process is perceived to be too long and rigid leading to unnecessary delays which encourage corruption and other forms of bias and interference.

The majority of the respondents viewed the procedures as playing a crucial role in maintenance of order and enhancement of service delivery but they need periodic review to be in keeping with the changing times which are dynamic. Other recommendations include the need to adopt new ideas including information technology for fast and efficient flow of information. This is in line with ACAS (2004) recommendation that discipline cases should be concluded fast. Indeed, justice delayed is justice denied and the large amount of time expended on discipline cases affect other resources such as finance, time and personnel.

Many recommended the human resource management approach which is more proactive, participatory and flexible as compared to the personnel management style in use, which is seen as rigid and reactive. The former approach would encourage participatory management, two way communication, good motivation through better remuneration, work environment and upward mobility and, recognition for good performance through issue of rewards. The study findings have revealed that employees regard proper motivation as playing a very important role in promoting good performance and attainment of employee discipline in the Kenya civil service since employees would be encouraged to feel recognized as part of the system. This would also discourage indifference, laxity and even corruption.

Another major recommendation was that the human resource management units should be strengthened with adequate and skilled personnel of high integrity, and they be well facilitated with stationery and equipment. It was further recommended that, to reduce the workload at ministries' headquarters, the disciplinary process be decentralized to department and district levels for quick disposal and only appeals be handled at headquarters.

In conclusion, the study findings indicate that most employees regarded the disciplinary procedures as crucial for operations of the Kenya Civil Service but had also many inherent shortcomings that needed to be addressed for the intended objectives to be achieved. The findings further indicate that there is need for the disciplinary mechanism in the Kenya Civil Service to be reviewed every two years to be in keeping with the changing times both nationally and

internationally. Civil servants or their representatives, as major stakeholders should be involved in the review process. Finally, the disciplinary mechanism should be results oriented rather than have emphasis on process as is currently the case.

It was widely recommended that all civil servants be adequately sensitized regarding the disciplinary mechanism, other human resource management issues and, integrity. This would encourage consistency in handling of cases and reduce bias as recommended in the 'hot stove rule'. Motivation and fairness play very important roles in employee discipline and poorly handled discipline adversely affect employee performance and, this in turn similarly affects organization productivity.

CHAPTER ONE: INTRODUCTION

1.1 Background to the study

When Kenya attained her Independence in 1963, the Government took upon itself the task of providing basic needs and services in response to the needs and aspirations of its citizens. Consequently, apart from its traditional role of maintenance of law and order, the Public Service was given the following other responsibilities: coordination of national development; promotion of economic growth and development especially among the Africans; and managing industrial and commercial concerns where the Government had an interest. Accordingly, a larger and more pervasive public service was required to undertake the provision of services at the grassroots level and supervision and management of the industrial and commercial activities in which the Government was involved.

As there was already scarcity of management and entrepreneurial expertise, especially among the indigenous people, this led to several consequences. The capacity of the Service was overstretched resulting in poor performance and low productivity. The Report on the Impact Assessment of Staff Reduction in the Civil Service (Republic of Kenya, 1995: 4,15) indicate that employment in the Civil Service grew dramatically from 63,000 in 1963 to 158,883 in 1980, and 271,979 in 1990. This translates to an average annual growth rate of 9% and 7% respectively reaching the highest peak of 274, 628 civil servants by 1992. This was well above the growth rate of the economy at 6.6% from 1964 to 1973, 5.2% from 1974 to 1979, 4.1% from 1980 to

1989, 2.5% from 1990 to 1995, and 2% from 1996 to 2000 as reported in the National Development Plan 2002 - 2008 (Republic of Kenya, 2002:1).

According to the Report (Republic of Kenya, 1995:4), other factors that contributed to the rapid growth of the civil service included absorption of ex-local authority's health personnel, ex-East African Community employees, and works paid personnel. The slow pace of job creation by the private sector and freedom of ministries to hire personnel in Job Groups A to F further added to this growth. A large Civil Service that could not be easily managed emerged in the 1990s with over 70% of the national budget directed towards personal emoluments at the expense of other requirements, such as operations and maintenance for effectiveness of the service.

The deterioration of public administration in Africa has paralleled the deterioration of the economy and has been caused to a large extent by the same factors: the growth of the public sector in response to political demands for social services and development, the politicizing of both the civil service and macro-economic management under African socialism and the one party system, the growing public debt and the decline in budget revenues, among others. It was therefore, no accident that the economic crisis precipitated a public administration crisis, with both crises requiring emergency action. As part of the above, administration of the disciplinary procedures in the civil service deteriorated over the years (World Bank, 1997).

1.2 Problem Statement

The civil service is one of the largest employment sectors in Kenya and constitutes various departments in which the operational arm of the Government is included. The major objectives of the civil service are to enhance the economic growth, improve the standards of living, and ensure the prosperity of the nation. This arm of the government has over the years not lived up to the expectations of its citizens. The Public Service Integrity Steering Committee (2002:1) reports that there has been rampant lack of integrity, indiscipline, inefficient supervision, and weak management structures. This has resulted in low productivity, integrity, accountability, inefficiency and overall economic stagnation.

The Civil Service Disciplinary Procedures Review Committee (Republic of Kenya, 1987:12) observed that there was substantial evidence of low standard of discipline in the civil service. Cases of lateness, negligence of duty, desertion, misuse of public office, and resources had been identified but many times little was done to curb these malpractices. The Review Committee states that proper management of disciplinary control is essential for effective service and the inability to deal with cases at source tend to have disincentive effect on dedicated employees.

The Employment Act (1984:13) requires that when an employer and employee enter into a contract of service, they bind themselves to rights and obligations. However, as noted in Personnel General letters No. 44 of 1987 and of 17th August, 1999 (DPM, 1987; 1999), the processing of disciplinary cases in the Kenya civil service has been a subject of concern due to delays in

finalizing them and many times omission to follow the correct procedures. The affected officers are frustrated and the interest of justice and the desired effect of discipline, to maintain order, are defeated. The Government incurs losses and face budgetary inconveniences when employees who have been interdicted or suspended for even up to five years, are reinstated and paid large salary arrears for periods that they did not render any service.

Personnel General letter number 28 (DPM, 1999) states that the Government has often been sued over cases handled without due care and adherence to the prescribed procedures and, some based on victimization. It ends up paying enormous amounts in compensation and salary arrears when an employee is acquitted on a technicality. Delays cause waste of human resources since the knowledge and experience the employee would have used in serving the public is unutilized. Poorly handled disciplinary cases promote unfairness, leading to cynicism and a declining public confidence.

The Working Party on the National Code of Conduct (Republic of Kenya 1983:32, 37) reported that demand for "speed money" to expedite the process of movement of files and decision-making by some officers was one of the most serious causes of delay and inefficiency in public offices. It upheld the view that the collapse of financial discipline in project implementation had seriously undermined the capacity of the Government to plan and use the resources available in an efficient and effective manner. Personal commitment had been eroded and replaced by an attitude of disengagement resulting in neglect of Government facilities and structures, which were allowed to fall into disrepair. Such a state of affairs led to the

loss of confidence in the country by the international community, donor organizations and investors, thus promoting poverty and unemployment.

Most of the disciplinary cases within the Kenya civil service are related to absenteeism, theft, insubordination, negligence, and damage or loss of machinery. In the year 2001, the Ministerial Advisory Committees discussed a total of 1,442 cases out of which 770 employees were discharged from employment. In 2002, out of 1,102 cases, 569 employees were sacked (PSC Annual Reports, 2001, 2002), the trend indicating very high labor turnover. Although Government ministries are generalized as poor in handling disciplinary issues, a few are regarded as average and Ministry of Lands and Housing, better than the rest. The researcher has purposively identified it as well as the Ministries of Roads and Public Works and Health, for this study. The latter two are generally regarded as average and poor, respectively.

Cole (2004:45) concludes that organizational discipline is essential because of the interdependence of workers and management. The problem of discipline affects the performance of employees and the organization because of the time expended in resolving cases. In termination, the organization loses many experienced and trained employees. The researcher chose to study this topic because despite the crucial role discipline plays in sustaining organizations it is usually overlooked. As a civil servant, she was familiar with the organizations.

1.3 Objectives of the study

The broad objective of this study was to identify the challenges faced in enforcing discipline of employees in the civil service, and the perception of civil servants towards the procedures.

The study had the following specific objectives:

1. To determine the perception of civil servants towards the existing disciplinary procedures.
2. To find out the best strategies for improvement of the disciplinary mechanism in the Kenya civil service.

1.4 Scope and Limitations of Study

The scope of the study was confined to the headquarters of the Ministries of Health, Roads and Public Works and, Lands and Housing in Nairobi. It targeted all employees deployed at the headquarters of the named ministries. Although these were among the largest Ministries, the findings would not be adequate to generalize what went on in the whole civil service which had 27 Ministries with approximately 120,000 civil servants deployed all over the Republic.

CHAPTER TWO: LITERATURE REVIEW

2.1 Review of Empirical Literature

2.1.1. Institutional Framework

The Civil Service is the creation of the Colonial Government and has been undergoing fundamental changes since 1963, when the country attained political independence. This has been in terms of structure, staffing levels, integrity, efficiency, discipline, and general management of affairs.

As contained in Personnel Circular No.2/99 (DPM,1999:1) the broad functions of the Government include: promotion of statehood and nationhood; development and management of a patriotic and professional public service; agricultural and industrial growth; alleviation of poverty and unemployment; maintenance of security and rule of law; protection of freedom and democracy; sound monetary and fiscal policies and implementation; foreign policy, promotion and protection of Kenya's interest abroad; environmental management; physical infrastructure; basic services including education and health; and promotion of sports and cultural activities. Currently, the country has 27 Ministries and 6 departments that operate the above functions.

Although the focus of the Government to achieve greater levels of socio-economic development requires collaborative efforts of both the private and public sectors, the public sector provides the catalytic force to propel the rest of the economy towards socio-economic development. The Civil Service is responsible for the implementation of policies and programmes and is the

machinery through which the Government translates basic policy objectives into workable programmes for the benefit of society.

2.1.2 Legal Framework

The Public Service Commission was set up by the Colonial Government to manage human resources in the Public Service in 1954 and started operating legally on 14th January, 1955. It was established by the Service Commissions Act (Cap. 185) of the Laws of Kenya. On attainment of independence in 1963, it was incorporated in the new Kenya Constitution under Chapter VIII. Section 107 of the Constitution stipulates the mandate of the Commission as the power to appoint and discipline public officers. Section 9 of the Service Commission Act gives the Commission the mandate to delegate some of its powers to Authorized Officers who are the Permanent Secretaries, and Heads of Departments that are not under Ministries. The Authorized Officers exercise the delegated powers on advice of Ministerial Advisory Committees which are chaired by himself or his Deputy and were established by Personnel Circular No. 16 (DPM, 1971:1). In line with the paradigm shift regarding personnel issues, they are now called Ministerial Human Resource Management Advisory Committees as directed in Personnel General Letter No. 1 (DPM, 2003:1).

The Provincial and District Advisory Committees were set up under the provisions of Personnel Circular No. 2 (DPM, 1986:1) to process personnel functions at the Provincial /District levels under the District Focus for Rural Development. The functions of all the three Advisory Committees are purely advisory and have no legal authority. The final decision on all matters

delegated by the Public Service Commission still rests with the Authorized Officer. The other established personnel agents that implement the personnel functions in the civil service include the Directorate of Personnel Management which is the Principal Advisor to the Government on personnel practices, and Personnel Officers in the Ministries/Departments. The Medical Boards under Ministry of Health, in case of illness, determine whether or not an employee is fit for further service.

Besides the Public Service Commission Act, the Service regulations draw authority from the Constitution, the Employment Act Cap 226, the Pension Act Cap 189, the Public Officers and Ethics Act of 2004, and the NSSF Act Cap 258. These Acts of Parliament also form the basis on which the Code of Regulations, Personnel Circulars, Personnel General letters, and Treasury Circulars are issued and updated from time to time. The Public Service Commission has over the years reviewed and amended some of the regulations contained in the Service Commission Act. Cases delegated to Authorized officers as regards discipline pertain to officers of lower grades. They are allowed the rights of first and second appeals to the Commission within specified periods.

2.1.3. Disciplinary Procedures

Hackett (1979:269) states that disciplinary procedures are a means of enforcing specific rules and regulations. To Green (1994:183), disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and the conduct of industrial relations. While rules set

standards of conduct, procedures help ensure that the standards are adhered to and provide a fair method of dealing with alleged offences. Cole (1988:322) states that discipline is a form of control.

Pigors and Myers (1981:321) hold that if all employees at all times could be counted on to behave reasonably there would be no need for supervisors to take any disciplinary action. Further, if all supervisors could be counted on to be reasonable in administering corrective discipline, there would be no need to set up any procedure to implement the right of appeal. The co-authors state that mature persons, even before they start to work in an organization, have accepted the idea that following instructions and abiding by fair rules and conduct are the responsibilities of every member in an organization. Therefore, if the employment relationship is good in other respects, most employees can be counted upon to exercise a considerable degree of self-discipline in working towards organizational goals.

Unfortunately, in any large organization, there are likely to be some employees who, for various reasons, fail to observe established rules even after being informed of them. Consequently, disciplinary procedures have to be resorted to, when other measures aimed at the correction of behavior have failed. Disciplinary procedures are therefore, part of preventive management, which require planning for possible disciplinary action, and the place to start is at the level of policy. The co-authors hold that enlightened managers should see the primary purpose of discipline as being to supplement and strengthen discipline within work group through fostering high morale that makes for self-discipline. It should also be intended to

prevent undisciplined behavior by an unruly minority from exercising undue influence (Pigors and Myers, 1981:322).

All the writers agree that the management is responsible for ensuring that up to date rules and procedures are published, and available to all its employees who must understand them and the consequences of any deviation. They should be in conformity with the objectives and climate of the organization for if employees do not feel that a rule is necessary, they will be less inclined to obey it than when they clearly see its purpose. The writers and the Advisory Conciliation and Arbitration Service (2004:12) based in Britain agree that the management at all levels, employees or unions should be involved in formulation of the rules and procedures and the feedback, if they are to be accepted as reasonable by those to whom they apply and those who operate them. Pigors and Myers (1981:322), Armstrong (1996:905), Hackett (1979:269), and Green (1994:183).

Hackett (1989:270) adds that rules are a means of ensuring predictability of behavior and protects each employee from himself and other employees. They must be put into practice when necessity arises, for ignoring indiscipline among employees weakens the organization. Failure consistently to enforce a written rule has often been cited by offenders as justification for their offence. The management is taken to task on why it failed to take action on previous similar offences.

The most commonly used instruments to communicate rules are individual employment contracts, and company rule books for the more general rules. Pigors and Myers (1981:323) maintain that rules should be specified because without uniformity of definition, the same offence is almost certain to get different treatment at different times and in different parts of the organization but concede that no list of rules can be exhaustive. Hackett states that there is need to leave room for supervisors to make due allowance for extenuating circumstances and the standards all the employees are expected to meet should be summarized in a minimum of rules for efficiency, safety and good conduct. ACAS adds that "It is unlikely that any set of discipline rules can cover all the circumstances that may arise". I support this view since the rules required will vary according to the particular circumstances such as the type of working conditions and size of establishment.

2.1.4. The Employment Act Cap 226 of the Laws of Kenya

The Act (Republic of Kenya, 1984:15) indicates that the following may amount to gross misconduct to justify the summary dismissal of an employee for lawful cause: absence from duty without leave or other lawful cause; if during working hours, by becoming or being intoxicated, an employee renders himself unwilling or incapable to properly perform his work; willful neglect or careless and improper performance of work; an employee knowingly failing, or refusing to obey a lawful proper command issued by a person in authority over him; if an employee is lawfully arrested for a cognizable offence punishable by imprisonment and is not within ten days either released on bail, bond or otherwise lawfully set at liberty; and if an employee commits or on

reasonable and sufficient grounds is suspected of having committed a criminal offence against or to the substantial detriment of his employer or his employer's property. The Act further states that an employee must be paid all the moneys and allowances due to him up to the time of dismissal. He must be issued with a certificate of service unless the employment was for a period of less than four consecutive weeks.

2.1.5 Civil Service Disciplinary Procedures in Kenya and Other Countries

The Kenya civil service has its disciplinary procedures set out in the Public Service Commission Act (Republic of Kenya, 2005:236) and expounded in section G of the Code of Regulations (Republic of Kenya, 1992:14). A comparative study carried out by ILO (Aeberhard, 2000:31) indicates that disciplinary procedures in operation vary across countries of the world. Some countries such as Britain, Botswana and Dominica, have procedures largely similar to those in the Kenya civil service and they apply equally to all civil servants within them. In some such as Australia and Burkina Faso, an agency may establish different procedures for different categories of employees.

Most of the statutes examined by the ILO (Aeberhard, 2000:29) give actions regarded as offences in very general terms. The Dominican Public Service lists offences as, failure to perform duty in a proper manner; contravention of any provision of the Regulations; contravention of written law relating to the service and; behavior prejudicial to the efficient conduct of the service. The Bulgarian civil service lists non-performance of service duties or delay; non-respect, breach of obligations, being rude, bad mannered or disrespectful

towards citizens as misconduct, whereas in Mali it is defined simply as non-fulfillment of duties. In the Kenya civil service (Republic of Kenya, 1992:16) offences are more specific and notable ones include gross misconduct, negligence, absence without authority, theft, misuse of Government property, and insubordination.

Of the statutes examined by the ILO (Aeberhard, 2000:29), sanctions range from reprimand to termination of employment. In Mali, they are composed of warning, blame, lowering of a step, temporary exclusion, demotion, termination with pension rights, and termination with loss of pension rights. In Bulgaria they include remark, reproach, postponement of promotion to a higher rank for one year, reduction in rank for a period of 6 months, and dismissal. In Botswana and Dominica (Aeberhard, 2000:31) as in Kenya (Republic of Kenya, 2005:239) the sanctions include reprimand, warning, reduction of salary, reduction in rank, compulsory retirement, deferment, withholding and stoppage of increment, and dismissal. The Industrial Relations Charter (1980:4) states that employers should distinguish between misconduct justifying immediate dismissal and those where discharge must be preceded by a warning, suspension or other disciplinary action.

The study (Aeberhard, 2000:29) states that the new statutes such as in Dominica and Australia provide for discipline disputes to be heard by a standing body. Dominica has a Public Service Board of Arbitration, comprising equal numbers of representatives of personnel and management. In all the statutes examined including those for Bulgaria, Britain, Botswana, Mali, Dominica and Australia, as in Kenya (Republic of Kenya 2005:245), the public

officer must be given reasonable time to state his case. The ILO Convention No.58 (1985:164) emphasizes the need for the employee to be accorded an opportunity to defend himself against the allegations made.

The ILO (1985:164) and the Industrial Relations Charter (Republic of Kenya, 1980:4) require the inclusion of the provision for appeal. The study (Aeberhard, 2000:30) indicate that this is adhered to in most countries. In Sri Lanka, there can be appeal after a formal inquiry or summary hearing. In Mali and Latin American countries such as Ecuador and Costa Rica, appeal is available in court. In Botswana the Public Service commission decision is final like in Kenya (Republic of Kenya, 2005:241). While some statutes such as those in Dominica emphasize quick disposal of disciplinary cases, in others such as Mali, they are more relaxed with a limit of 5 years that may be extended to 10 years in criminal cases. This implies that delays are condoned in the latter. In Kenya (Republic of Kenya, 1992:23), the regulations require that disciplinary cases be dealt with promptly and finalized within six months. However, from the various personnel circulars cited earlier on, it may be noted that this is rarely the case.

The ILO (Aeberhard 2000:32) adds that a new trend in disciplinary processes is the use of codes of conduct such as in Australia. Germany has a Federal Disciplinary Code whereas Britain has the Advisory Conciliation and Arbitration Service code of disciplinary practice and procedures. These codes also cover "whistle blowing" for those who report wrongdoers to enhance accountability in the public service.

It is noted however, that the ILO study just presented the facts as they exist without pointing out the problems with the current procedures and framework or providing suggestions on ways for improvement. Hong Kong is an example of a government that has taken initiative to streamline disciplinary procedures in its civil service. Chan (2000:1) explains how, in a bid to strengthen efficiency and honesty in its civil service, Hong Kong undertook to review the disciplinary mechanism as a major part of the civil service reform.

After wide consultations with departments and staff, it set up an independent secretariat to process disciplinary cases for civil servants. It further established a pool of potential inquiry officers for disciplinary hearings and set out deliberately to eliminate unnecessary repetitive steps and streamline cumbersome ones to avoid delays and frustrations for those involved. Chan (2000:2) states that, whereas previously the human resource staff had handled discipline cases as part of their duties among others, the disciplinary secretariat was set up to provide the answer to professionalism and expertise.

Chan (2000:3) explains that, although administratively a part of the civil service bureau, the secretariat is an independent set up and centrally processes cases on behalf of the departments for staff across the civil service. It is composed of a pool of dedicated and experienced officers of various ranks, specifically identified and trained to provide greater speed, fairness and efficiency. Each officer serves in the pool for three years. For the purpose of objectivity, an officer identified for a particular case is notified a few weeks in advance and then adequately briefed just before the hearing, to ensure that he has no prior knowledge of the case.

Apart from serving as a resource centre on precedent disciplinary cases, Chan (2000:3) explains that the secretariat also provides consistency across the civil service. It is intended to eliminate procrastination which usually complicate cases as a result of lapse of time and may even be construed as connivance. However, the Hong Kong initiative could be regarded as still being at experimental stage and the extent of its success is yet to be gauged conclusively for possible future emulation by other countries of the world.

2.1.6 The Advisory Conciliation and Arbitration Service Code of Disciplinary Practice and Procedures (2004)

Many writers including Hackett (1979:269) and Cole hold the view that the ACAS code provides the model for disciplinary practice and procedures. It states that a procedure should be: in writing; identify the categories of employees to whom it applies; offer provision for matters to be dealt with quickly; indicate the disciplinary actions which may be taken: specify the level of management, which has the authority to invoke particular penalties; provide for individuals to be informed of complaints against them and to be given an opportunity to state their case; give individuals the right, when stating their case to be accompanied by their union representative or a fellow employee of their choice; ensure that, except for gross misconduct, no employee is dismissed for first breach of discipline; ensure that disciplinary action is not taken until the case has been fully investigated; ensure that the individual is given an explanation for any penalty imposed; and provide for a right of appeal, specifying the procedure to be followed.

2.1.7 Disciplinary Procedures in Operation

Pigors and Myers (1981:327) maintain that most organizations have accepted the idea that the aim of disciplinary action should be education rather than punishment. To match a participative way of managing, a corrective process should begin with efforts to understand, to explain, and to re-orient anyone whose behavior does not measure up to organizational standards. Official reprimands and graduated penalties should be used only when educational efforts prove ineffectual.

The co-authors state that a progressive disciplinary process starts with getting the facts and the circumstances surrounding it. In a potentially explosive situation, suspension is recommended for avoidance of conflict and preservation of peace. In less serious offences, informal talk or counseling is recommended. If the offender persists, the next step should be oral reprimand or warning, and in case of further misconduct or serious offence, an official written warning. If he does not reform, then a final written warning by somebody more senior such as the manager will be necessary.

Hackett (1979:269) states that in the final step, if after the specified time lapse the employee is still breaking the rules, the specified penalty must be invoked for failure to do this will undermine the whole procedure. Such final sanctions can include dismissal, suspension without pay for a stated period or transfer to another station. The author adds that in the interest of justice and to avoid troublesome precedent authority to dismiss should be restricted to senior employees. Cole (1988:433) agrees with this and adds that an oral

warning should be issued by the immediate supervisor, a written one by the section manager, and the second or final by the site manager or director. In my view however, transfer of an employee on grounds of discipline is like transferring a problem from one station to another. A case should be finalised in the current station and thereafter, the employee be placed under observation for sometime. Suspension should be regarded as part of the procedure and not punishment.

ACAS and Hackett (1979:269) recommend that records of performance, attendance and other areas prone to offence should be maintained and preserved and employees' records must be kept up-to-date. Nzuve (1997:67) adds that, keeping records of what happened, the action taken and the person who effected it at each stage is important in case the organization is to justify the action at a future date. The records should be kept under confidential cover until the time they will no longer be required.

Enforcing discipline is generally not a pleasant task, for discipline is by nature painful. To reduce resentment, many writers including Hackett (1979:268) and Nzuve (1997:127) recommend the use of five basic rules referred to as the 'Red hot stove rule'. A red hot stove has the qualities of forewarning, immediacy, consistency and impersonality which are useful as guide for those in authority when taking disciplinary action. In organizational discipline, the forewarning of danger in a red and hot stove is exemplified in rules and regulations. As in the immediacy of the burn on touching a red-hot stove, the disciplinary process should commence immediately after the offence so that the offender can distinctly see both cause and effect.

Consistency here implies that action is not taken in a selective manner but uniformly applied. Pigors and Myers (1981:327) state that one of the quickest ways for a supervisor to lose the respect of his subordinates and lower morale is to impose discipline in a whimsical and inconsistent manner. When some rules are permitted to be ignored, employees may decide to ignore all the rules or may become confused of what is really required of them. However, Hackett (1979:267) states that consistency does not mean that the penalty should be determined entirely by the offence. Each case should be considered on its own merit, taking into account its seriousness, the past record of the employee the length of his service, and the usual management practice in similar cases. As regards impersonality, the supervisor should act in as impersonal way as possible just as a red-hot stove burns anybody who touches it in the same manner, whoever that person is. Discipline is effective and has the least negative effect on an individual, if he feels that his behavior at that particular moment is the only thing being criticized, not his personality. Nzuve (1997:68) adds that there should be no shift in attitude by the supervisor towards the disciplined person afterwards to avoid generating corresponding alterations in the subordinate's attitude.

2.2 Review of Theoretical Framework

2.2.1 Rationalization Theory

According to Max Weber (1948:49), the demise of primary groups and their replacement with secondary and impersonal ones marked the beginning of discipline in the modern society. To him bureaucracy, the rule of officials, is associated with the emergence of carefulness, precision and effectiveness. It

is an efficient form of social organization that human beings have devised and in which all tasks are regulated, based on strict rules of procedure. To Weber, "a bureaucracy is capable of attaining the highest degree of efficiency, and is in this sense formally the most rational known means of exercising authority over human beings. It is superior to any other form in precision, in stability, in the stringency of its discipline, and its reliability'.

Weber (1948:56) sees the development of modern society as a process of increasing rationalization and the growth of large-scale bureaucracy as a major part of this process. Rationalization is necessary in modern society, since we are more interdependent than ever and many of our requirements are catered for by others we have never met before. Consequently, a tremendous amount of coordination of activities, resources and discipline are needed. To Weber (1948:261), organizational discipline is founded upon a completely rational basis. Scientific management triumphs in the rational management of the worker whose profitability is calculated like other material means of production. The individual is shorn of his natural rhythm and his psycho-physical apparatus is adjusted to the demands of the outer world, the tools and machines. For Weber (1948:253), the blind obedience of subjects can be secured only by training them for submission under the disciplinary code. Discipline is impersonal and produces a conscious and rationally intended character.

Weber (1948:50) however, recognizes that modern rationalized and bureaucratized systems of laws have become incapable of dealing with individual particularities and are adverse to personal freedom. The

bureaucratization of the world has led to its depersonalization and oppressive routine that selects the narrowed professional who, ambitious and craving in security, is rewarded with honor and official status. This type of man is petty, not heroic, and lacks in human spontaneity and inventiveness. Therefore, "each man becomes a little cog in a machine and, aware of this, his preoccupation is whether he can become a bigger cog".

Weber's views (1948:49) about the inescapable rationalization and bureaucratization of the world have obvious similarities to Marx's (1946:323) notion of alienation. Both agree that modern methods of organization have tremendously increased the effectiveness and efficiency of production and organization and have allowed an unprecedented domination of man over the world of nature. They also agree that the new world of rationalized efficiency has turned to a monster that threatens to dehumanize its creators. Weber (1948:49) however, disagrees with Marx (1946:326) when the latter sees alienation as only a transitional stage on the road to man's true emancipation in socialism. To Weber (1948:50), the oppressive future is created by the people themselves and there is increasingly no hope of escape. To him socialism would instead lead to further bondage through the bureaucratic management of the state.

Weber's ideas are criticized by writers like Robert Michels who believe that bureaucracy is by nature undemocratic since specialized division of labor necessitates control and coordination from the top. The initiative of subordinates is crushed and individuality is suppressed as bureaucrats slavishly follow official procedures and regulations. Adherence to the rules

may lead to inflexibility as bureaucrats are afraid to improvise or innovate. Long procedures encourage delays and stand in the way of efficient service.

2.2.2 Surveillance Theory

Michel Foucault (1979:228), a French philosopher and historian, was interested in the rise of a distinctively modern form of disciplinary power. As a structuralist, he emphasized the importance of the structures of society such as economic and social institutions in creating the individual, and saw the emergence of the prison as marking the institutionalization of the power to punish. Here punishment has become more rationalized to punish better. He saw the prison as an administrative apparatus, a machine for altering the minds and therefore, makes individuals. He stated that the strategies of confinement in the modern prison eventually became the model for the modern society, based on the regime of observation, surveillance, classification, hierarchy, and discipline. Therefore, discipline pervades other organizations that came to the fore in the 19th century with capitalist industrialization such as schools, barracks, factories, offices, hospitals, and other places of work.

To Foucault (1979:298), this technology of power was "more numerous, bureaucratized, more efficient and more impersonal". It involved surveillance, not just of criminals in the penal institution but to the entire society. To him, the success of disciplinary power derives from the use of three instruments namely, hierarchical observation, normalizing judgment and the examination. Hierarchical observation is the ability of officials to see all they control with a

single gaze and surveillance forms part of it. Since to him, work in the industrial society such as filing and filling figures is repetitive, dull and drudgery, surveillance is necessary. Surveillance consists of direct and indirect supervision, the latter being through files, records, case studies and character assessment used to monitor behavior and assess recommendations.

To him, surveillance coordinates and regulates people's behavior. The result is a docile that does as ordered without question and makes the perfect fodder for capitalist production. Normalization indicates the extension of control and self regulation and discourses define what is normal and should be conformed with. To Foucault (1979:26) therefore, individuals and groups become "socially inscribed" and "normalized" through the routine aspects of the organizations. Bio-power operating through writing, debate and discussions, establish and define what is normal or abnormal, acceptable or socially deviant. It is targeted at society in general and thus controls us. At the level of the organization, once employees do this, they become self-disciplining and no longer require management to keep them under control, just as in the case of the inmates and the panopticon.

To Foucault (1979:228), the drive to create disciplinary practices does not necessarily come from the organizations and intentions of specific individuals such as politicians or managers. For him, power is not equated with the domination of the powerful or the capitalist exploitation of the working class as Marx held. Foucault talks of people being trapped within a sort of web of power, which is constantly being created by them in an ongoing way. Individuals are both and simultaneously creators of that web and prisoners

within it. This has some likeness to Weber's "iron cage" of increasingly rational structures from which hope of escape lessens all the time. However, Foucault (1979:298) differs when he states that there is always resistance and the field of "force relations" is neither stable nor inevitable. It changes as points of resistance are encountered; fissures open up, old coalitions break up and new ones are formed. It is a shifting network of alliances, not only in organizations, but also in society in general.

Foucault uses the metaphor of the panopticon for his paradigm of disciplinary technology. The panopticon is a prison whose design allows all the inmates to be observed in their cells by one observer who remains unseen by them. The prisoners know that they cannot hide or escape from this surveillance, and they do not know exactly when they are being observed. Consequently, they behave as if they are being watched. They "self survey" and become obedient and compliant by self-disciplining themselves. Their behaviour is thus constantly controlled. Foucault argues therefore, that individuals are party to their own situation since to become subject to rules imposed by others implies an acceptance of them.

Critics of Foucault such as Ramazanoglu (1993:54) claimed that he carried the idea of struggling for an independent self too far, since to him, following any rule in society is submitting to the discipline of society. Subjection to regulations such as alarm, work to rigid routine, periodic examination and inspection is not the same thing as being in prison. Ramazanoglu supports the idea that the image Foucault provides is unbalanced and distorted as the image of modern society cannot adequately be compared to a gigantic prison.

Further, Foucault's broad use of the concept 'discipline' may serve to conceal the differences between disciplinary practices, or the differences between liberal democratic and fascist societies. To Giddens (1981:171), Foucault draws too close an association between the prison and the factory since work makes up only one sector of the daily life of individuals outside prisons. The worker is not forcibly incarcerated in the factory or office, but enters the gates of the work place as free labor with freedom of contract and choice to join labor movements.

2.2.3 Theory of Alienation

Marx (1946:330), like Foucault believes that work in the capitalist industrial society is repetitive, dull and a drudgery. This implies therefore, that disciplinary mechanism is a necessity for control. However, Marx has a pessimistic view of rationalization because to him, it is a form of domination of one class by another. To him the modern society is immoral, consisting of the capitalists who are the exploiters, and the exploited who are the workers.

Marx (1946:198) believed that people are productive by nature. They need to work in and with nature to produce food, clothing, tools, shelter and other necessities. Their productivity is a perfectly natural way by which they express their creative impulses. Since people are inherently social, they need to work together with other people to produce what they need to survive. Throughout history, this natural process has been subverted, at first by the mean conditions of primitive society and later by a variety of structural arrangements erected by societies in the course of history.

To Marx (1946:320), the capitalist industrialization is basically irrational and creates alienation, the breakdown of the natural inter-connection between people and what they produce, leading to distortions of human nature. Alienation occurs because capitalism has evolved into a two-class system in which a few capitalists own the production process, the products, and the labor time of those who work for them. Marx (1946:323) asserted that the workers are alienated from their productivity, as they do not work for themselves in order to satisfy their needs, but for the capitalists who pay them subsistence wage and use them the way they see fit.

The workers are also alienated from the products, which they cannot use to satisfy basic needs as these belong to the capitalists. They perform highly specialized and minute tasks and therefore, have little sense of their role in the total production. In capitalism, natural cooperation between fellow workers is interrupted since the nature of technology encourages isolation and, competition between workers even creates more alienation. Human potential is reduced as people work more like machines. Since the work is boring and a drudgery from which the worker is alienated, there is need for surveillance and disciplinary mechanisms (Marx, 1946:354). Weber (1948:68) agreed with most of this analysis, but countered with the observation that capitalism is the highest form of rational operation and separation from the means of work was an inescapable result of any system of rationalized and centrally coordinated production, rather than being a consequence of capitalism as such. The structuralists found Marx's historical analysis acceptable because it de-emphasized the power of the individual. According

to Marx, the individual was created by the dominant ideology of the day, which was itself created by the economic system.

2.2.4. Theory X and Y

To McGregor (1960:33), there are two contrasting sets of assumptions about people underlying managerial attitudes and behavior. Some managers are inclined to hold Theory X assumptions whereas others have a leaning towards Theory Y. Managers with Theory X assumptions, according to him, believe that the average human being has an inherent dislike of work and will avoid it if he can. Man wishes to avoid responsibility, has little ambition and prefers to be directed, wanting security above all. According to this theory, people must be coerced, controlled, directed and threatened with punishment for them to put in adequate effort. In contrast, theory Y assumptions (McGregor, 1960:46) holds that the expenditure of physical and mental effort in work is as natural as play or rest and man will exercise self-control in the service of objectives to which he is committed.

Theory X is akin to the traditional framework for management assumptions about human behavior and is task-centered. It can be grouped with the scientific management school of thought propounded by F. W. Taylor followed by others like Frank Gilbreth and Henry Gantt, and is related to Weber's ideas on bureaucracy. They perceived management on scientific lines dwelling on work concepts such as time study, motion study, work measurement, and payment by results. To them, bureaucracies are distinguished by the methodical way they distribute and define official duties stressing on

competence, job description, authority, sanctions, rewards, rules, and supervision of workers through the use of hierarchies of authority and close supervision. Contrary to theory Y, this school of thought maintains that the exercise of discipline rests solely with the management.

However, the psychology embedded in the "scientific managers" theoretical framework has been criticized by McGregor(1960:37), the neo- theorists and trade unions on humanitarian grounds as not giving the employee due consideration as a human being with a body, mind and soul and even aspirations, who also requires intrinsic motivation. It was regarded as crude and inadequate for achievement of human motivation and the right atmosphere of work. It disregarded the psychological needs and capabilities of workers, taking too simple an approach to productivity and morale. Taylor viewed workers as coin operated individuals and did not understand the significance of groups in organizations.

Theory Y fits in with the "New Theory" that finds its roots in more recently accumulated knowledge of human behavior. The Human Relations School emphasized people's social needs and believed that productivity was directly related to job satisfaction. The proponents of Human Resource Management comprising academics such as Storey (2000:28), advocate for an integrated and strategic approach to deployment of a highly committed and capable workforce. This, they maintain, is done through treating employees as assets to be invested in and gaining their commitment through motivation to the interests of the organization. Walton (1999:127) developed the concept of

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mutuality between management and workers in terms of goals, respect and responsibilities to elicit commitment.

In summary, the views held by neo-theorists would generally be considered preferable for modern management. However, McGregor (1960:46) asserts that many of the strategies of the human relations approach were naive since there is no answer in simple removal of control. He views it as abdication and not a workable alternative to authoritarianism. Moreover, as Graham and Bennett (1998:34) put it, some jobs are so closely limited, defined and integrated into complex production processes that opportunities to satisfy higher needs at work are completely absent. Workers in such jobs therefore, have to be coerced, and controlled in Theory X manner. Some employees do not expect to take responsibilities at work and avoid it if they can. To them therefore, management is at times justified in making Theory X assumptions about employees.

2.3 Theoretical Framework

Nzuve (1997:124) states that discipline is the force that prompts individuals or groups to observe rules, standards and procedures deemed necessary for any organization, and disciplinary action is penalty for violation of the rules. This study will be based on the various theories that dwell on means of achieving employee discipline in organizations. Singleton (1988:140) states that all empirical studies should be grounded on theory, a hypothetical construction that states a deductive relationship among hypotheses. Theory specifies the relationship between variables with the purpose of explaining the problem in question. To understand the factors that may influence the

variables therefore, a theoretical framework is necessary and three major theories will be utilized.

Weber's rationalization theory will assist us to gain insight into how employee discipline is both attained through and complicated by scientific management. Surveillance theory will assist us to understand how organizations seek to control the behavior of employees, and how the latter respond to different forms of surveillance and control. In addition, the theory of alienation will help us to understand how disciplinary mechanisms and employees responses to them, affect performance in organizations. Theory X and Y show how management assumptions about human behavior influence the choice of management style, whether oriented towards the scientific type with tight control or towards human relations approach which lays more emphasis on motivation and is less rigid.

2.4 Summary of Literature Review

The main objective of this chapter was to review the available literature and also attempt to broaden our understanding of disciplinary procedures in formal organizations. Under the title of institutional framework, an explanation was given how disciplinary procedures fit into the formal set up of the Kenya Civil Service. The legal framework was provided and the various instruments from which disciplinary procedures draw authority outlined. In the main body of the review, the researcher has explored how various writers view disciplinary procedures, the forms they should take, the role they play in organizations, and the way they should be implemented. A comparison made of civil service statutes of various countries revealed that there was no

standard disciplinary procedure and that each country formulated its procedures according to the values it perceived as most important. Whereas it was recognized that motivation plays a major role in influencing employee performance, the study focused on discipline which also has an important role to play regarding employee performance in an organization.

The literature review helped to elicit the following research questions, which the study sought to answer:

1. How do employees perceive the existing disciplinary procedures in the Kenya Civil Service, and what solutions do they offer?
2. Are the employees adequately aware of the existing disciplinary procedures in the Kenya civil service?

CHAPTER THREE: METHODS

Kerlinger (1964:275) defines a research design as "the plan, structure and strategy of investigation conceived so as to obtain answers to research questions and to control variance." A research design guides the research in collecting, analyzing and interpreting observed facts. This study adopted a descriptive research design, which allowed the collection and analysis of a large amount of qualitative data from the target ministries in the Kenya civil service.

3.1 Study Area

The study area was Nairobi, specifically the Kenya civil service, which had 34 Ministries with approximately 190,000 civil servants deployed all over the Republic. The study targeted three key ministries, all with headquarters located in Nairobi, namely: Health, Roads and Public works, and Lands. These ministries were selected because, besides being among the largest ministries in the Kenya civil service, they were generally considered to be dissimilar with regard to performance in handling disciplinary cases.

3.2 Target Population

According to Borg and Gall (1983:241), a target population refers to all the members of a real or hypothetical set of people, events or objects to which the researcher wish to generalize the results of the study. The target population for this study was all 3305 civil servants at the headquarters of the target ministries in Kenya civil service. The target ministries included; Health, Roads and Public works, and Lands. These ministries were selected because

they were the largest ministries in the Kenya civil service. However, the heads of disciplinary sections and some heads of departments in each of the target ministry were also interviewed. These acted as the key informants in the study. Singleton (1988) defines a key informant as a contact who helps a field researcher gain entry to, acceptance within, and information about the research setting.

3.3 Sample Design

According to Singleton (1988:137), sampling design is that part of the research plan that indicates how cases are to be selected for observation. In this study, stratified random sampling method and simple random sampling method were used. In stratified random sampling the populations (target ministries) were divided into various categories/departments. In each category, a sample was drawn by simple random sampling method. In simple random sampling all individuals in the target population had equal probability of being sampled, thus eliminating bias (Kothari, 1999:56).

3.4 Sample Size

Nachmias et al (1996:179) state that it is often impossible, impractical, or extremely expensive to collect data from all the potential units of analysis covered by a research problem. A sample which is a subset of the population accurately representing its relevant attributes can serve as the basis for generalization. Since the target population for this study was quite large, the sample consisted of 3% from the Ministry of Roads and Public Works and Ministry of Lands. In the Ministry of Health, 5% was sampled due to the small

size of the target population. The total sample size was 114 (31+40+43) as shown in the matrices in tables 3.1, 3.2 and 3.3.

Table 3.1: Ministry of Health (MOH) Sampling

Main Departments In MOH	Total Number of Employees at Headquarters	Sampling Percentage	Sample size
Finance and administration	483	5	24
Curative and Rehabilitation Health Services	81	5	4
Preventive and Promotive Health Services	38	5	2
Standards and Regulatory Services	4	5	1
Total	606		31

(Source: Researcher, 2007)

Table 3.2: Ministry of Roads and Public Works (MRPW) Sampling

Main Departments In (MRPW)	Number of Employees at Headquarters	Sampling Percentage (%)	Sample size
Administration and Planning	237	3	7
Kenya Institute of Highway and Building Technology	116	3	3
Materials	116	3	3
Supplies	61	3	2
Building and Electrical	433	3	13
Roads	414	3	12
TOTALS	1377		40

(Source: Researcher, 2007)

Table 3.3: Ministry of Lands (MLH) Sampling

Departments in MLH	Number of staff at headquarters'	Sampling Percentage	Sample size
Administration and planning	217	3	7
Lands Department	299	3	9
Physical Planning	74	3	3
Government Estates	67	3	2
Land Adjudication and Settlement	155	3	5
Surveys	458	3	14
Rent Restriction Tribunal	72	3	3
TOTAL	1322		43

(Source: Researcher, 2007)

The key informants were 12. Whereas 5 were drawn from Ministry of Lands, 4 and 3 were from Ministries of Public Works and Health, respectively.

Stratified Sampling Method

To capture the variability of the characteristics in the population under study, the sample size in each of the ministries was sub-divided according to departments. Simple random sampling was used to identify the specific respondents in each department.

3.5 Data Collection Procedure

The researcher approached Permanent Secretaries or their representatives in the three ministries who gave authority for the research to be carried out.

The heads of human resource management units were approached and gave guidance regarding the locations of various departments in the ministries. At every department where the research was carried out, permission was sought from the management prior to commencement.

Respondents were assured of confidentiality before the data collection commenced and this encouraged their honesty. The data collection exercise was carried out during official working hours which helped to increase the response rate. The researcher personally administered the interview schedules in all the selected sites and the respondents were given adequate time to fill them and respond freely before collection. This further elicited a high response.

3.6 Data Collection Instruments

The study relied upon primary data. This was collected through in-depth interviews with the employees of the target ministries. Two interview schedules were designed (one for employees and another for key informants) which contained questions covering issues on employees' perception of disciplinary procedures in the civil service. The interview schedules permitted free responses from the respondents and were used in all research sites to gather personal information, general information about disciplinary procedures, and respondents' recommendations on improvement (Copies of the two interview schedules are attached on the appendices).

3.7 Data Analysis

In this research the data collected was qualitative and interpreted to capture the emerging patterns. After all the data had been adequately checked for quality and completeness, the responses were coded. The coded data was analyzed using qualitative techniques. This entailed classifying information and organization of data according to research questions from which conclusions were drawn. Thereafter, the information was summarized by use of percentages, frequency distributions, tables, pie charts and, a graph.

According to Baker (1988:378), descriptive statistics refer to simple statistical methods which do not support or falsify relationships between variables but simply help in description of the data. Descriptive statistics were used to present the data obtained from the field.

EXPERIENCES AND PROBLEMS ENCOUNTERED IN THE FIELD

In each department where the study was conducted, the researcher approached the departmental head for authority before embarking on the exercise. While doing so the researcher made an introduction and explained the purpose of the research. This was also done to each respondent who was assured that the research was purely for educational purpose and had the approval of the relevant authorities. The researcher administered questionnaires to 114 respondents in their offices from which the same were collected on completion. The same was done with the 12 questionnaires for the key informants.

Despite much effort made to keep the research process smooth, some unavoidable problems and limitations were encountered. Some of the respondents were initially apprehensive about filling the questionnaires but later relaxed when the researcher explained the purpose of the research.

Following embargo for some years on recruitment in the civil service except in critical areas, offices in the civil service were generally understaffed. Consequently, most respondents were very busy and could ill afford to spend time reading the questions and writing answers. Moreover, given the nature of duties involved in the three ministries there was a lot of field work. In many instances, the researcher had to make several trips to collect questionnaires from respondents who had left for the field and had not returned to their offices.

Most professional and technical staff appeared to view the subject of discipline as a human resource management issue that should solely be handled by that department and in which they should not take keen interest. Many respondents therefore, raised the question why they were being asked to give views on an issue which they felt should be handled by the human resource management department.

ETHICAL CONSIDERATIONS

The researcher carefully observed ethical research practices throughout the study. Permission to carry out research within the three (3) ministries was sought from the office of each Permanent Secretary of the ministry. Confidentiality of the respondents' identity was observed by way of concealing

their names and recording only their station, designation, gender, age, educational qualifications and ranks. The interview schedules were distributed to officers in their offices and all the collected data from respondents were securely kept by the researcher who also assured them that the findings of the study would not be disclosed to any other person and that the information was purely for educational purposes.

CHAPTER FOUR: PRESENTATION AND ANALYSIS

The findings of the collected data are analyzed, interpreted, and discussed in this chapter. Based on the research objectives, the findings are presented in four main sections. These are background information, general information on disciplinary procedures in the Kenya civil service, challenges facing enforcement of the procedures and, respondents' recommendations for improvement.

All the collected data was first systematically arranged, and manually coded. The collected data was then subjected to mathematical calculations for the purpose of summarizing and presenting it in statistics such as percentages, frequency distribution, tables, pie charts and, a graph. The information was then tabulated, cleared and edited. Descriptive analyses and comparisons of responses from different respondents were then carried out. Where a respondent gave multiple responses for a question asked, only the first response was recorded for the purpose of the study.

4.1 BACKGROUND INFORMATION

In this section, information about respondents' ministries of deployment, gender, age, and level of education are collected and presented. The results are explained and presented in form of tables.

Table 4.1: Distribution of Respondents by Ministries

Target Ministries	Frequency	
	Number (n)	Percentage (%)
Lands	43	37.7
Ministry of Health	31	27.2
Roads and Public Works	40	35.1
Total	114	100.0

Source: Research findings

The study drew responses from a total of 114 respondents distributed in the target ministries namely; Lands (37.7%), Health (27.2%) and, Roads and Public Works (35.1%) as shown in table 1. The response rate was 100%. This formed the basis for the findings of the study.

Table 4.2: Distribution of Respondents by Age

Respondents' age Category	Frequency	
	Number (n)	Percentage (%)
21 to 25	2	1.8
26 to 35	16	14
36 to 45	41	36
Above 45	55	48.2
Total	114	100

Source: Research findings

Table 4.2 shows the age category of the respondents. Majority of the respondents (48.2%) were above 45 years old, (36%) were between 36-45 years old, 14 % of the respondents were between 26-35 years old while only 1.8 % of the respondents were below the age of 25 years, this shows that the majority of the respondents were above 45 years old, an indication of an ageing civil service. It is further shows that most respondents had been long serving civil servants with much experience in the service.

Table 4.3: Respondents' Gender Distribution

Sex	Frequency	
	Number (n)	Percentage
Male	97	85
Female	17	15
Total	114	100

Source: Research findings

Table 4.3 indicates that out of the 114 respondents, 97 (85 %) were male while 17(15%) were female. From the study findings therefore, it is revealed that there was a higher frequency of male officers than female officers who had attained at least 'O' level education to enable them read, understand the questions and respond to them in the questionnaires.

Table 4.4: Respondents' Level of Education

Level of Education	Frequency	
	Number (n)	Percentage (%)
'O' Levels	32	28.1
'A' Levels	3	2.6
Undergraduate	51	44.7
Postgraduate	28	24.6
Total	114	100

Source: Research findings

From the study findings as seen in table 4.4, it is revealed that most respondents had acquired undergraduate and postgraduate levels of education and accounted for 51 (44.7%) and 28 (24.6%), respectively. However, 'O' levels and 'A' levels education accounted for 32 (28.1%) and 3 (2.6 %), respectively. The results indicate that the respondents were learned with either postgraduate, undergraduate, forms six or four levels of education. Hence, they were able to understand and interpret the issues raised in the questionnaires and provide answers.

4.2 GENERAL INFORMATION REGARDING DISCIPLINARY PROCEDURES IN THE KENYA CIVIL SERVICE

The research findings presented in this section refer to the respondents' perception regarding the importance, appropriateness and adequacy of the procedures. It also gives their views on whether there is need for review, conditions most suitable for implementation, the challenges faced, impact and, their recommendations on strategies for improvement of the disciplinary mechanism in the Kenya civil service.

Table 4.5a: Employees' Perception of Disciplinary Procedures

Perception	Frequency	
	Number (n)	Percentage
Procedures put in place to ensure that rules and regulations are followed	82	72
Measures for streamlining the relationship between the employee and employer and to ensure maintenance of standards	7	6.2
Processes followed to maintain order	8	7
Punitive measures to reform errant employees	7	6.2
Forewarning against wrong doing	5	4.3
Missing	5	4.3
Total	114	100

Table 4.5b: Key Informants' Perception of Disciplinary Procedures

Perception	Frequency	
	Number (n)	Percentage
Enhances efficiency, effectiveness and commitment	4	33.4
Encourage responsibility and accountability	3	25
Act as guides to follow regulations	1	8.3
Help to maintain standards and norms	2	16.7
Help retention of personnel who are able to perform	1	8.3
Assist to uphold integrity	1	8.3
Total	12	100

Source: Research Findings

When interviewed about their perception of the disciplinary procedures, 82 respondents maintained that they were procedures put in place to ensure that rules and regulations were followed to maintain order, whereas 7 saw them as measures of streamlining the relationship between the employer and employee and to ensure required standards in operation. Some 6 of the respondents held that they were punitive measures to reform errant

employees, 5 perceived them as forewarning against wrongdoing, while 8 respondents stated that they were processes followed to maintain order. A small number comprising of 5 respondents did not provide any answer to the question. The findings therefore, indicate that the majority of respondents perceived the procedures as necessary for maintenance of order, ensuring standards and streamlining of relationships within the organization. As can be noted from table 4.5b, the key informants' responses were almost along the same lines with those of the employees' answers.

Table 4.6 : Respondents' Knowledge of the Steps in Disciplinary Procedures

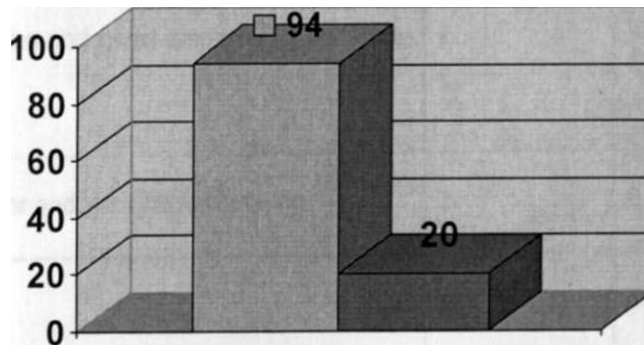
Level of Knowledge	Frequency	
	Number	%
Know all steps	30	26.3
Know half the steps	55	48.2
Do not know	21	18.4
Missing	8	7.1
Total	114	100

Source: Research findings

One of the research questions in the study was to determine whether the employees were adequately aware of what the procedures entailed. The findings reflected on table 6 indicate that 30 (26.3 %) of the respondents had knowledge of all the steps, 55 (48.2 %) knew approximately half of the steps

while 21 (18.4 %) declared that they did not know the steps involved in the disciplinary process. Out of the 114 respondents, 8 (7.1 %) did not provide any answer to the question. The study findings indicate that a small minority of the respondents had at least good knowledge of the disciplinary procedure while the majority had partial or no knowledge of the steps involved. This was an indication that most civil servants were not adequately aware of what the disciplinary procedures entailed.

Importance the Procedures



• Yes	94
• No	20

Source: Study findings

Table 4.7: Key Informants' Perception of Importance of Disciplinary Procedures

Importance	Frequency	
	Number (n)	Percentage (0/0)
Enhances performance of employees	4	33.3
Help maintain standards and enhance productivity when applied correctly	3	25
Help maintain integrity of the organization	2	16.7
Assists in rehabilitation and gives employee opportunity to defend himself	2	16.7
Help contain behavior and provide fair hearing	1	8.3
Total	12	100

Source: Research Findings

The study sought to establish whether the respondents perceived the disciplinary procedures as important for the operations of the Kenya civil service. As shown in the above graph, the respondent employees perceived disciplinary mechanism in place to be very important as attested to by 94 (82.5%) of the responses.

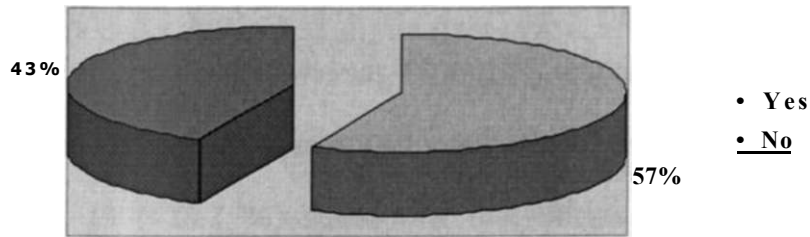
According to these respondents, the disciplinary procedures were important to maintain law and order, enhance efficiency, ensure service delivery, guide and

control employees' behavior, check, and punish undesirable behavior, and to promote fair deliberation.

The study findings indicate that disciplinary measures were important to instill discipline among employees and create harmony in the civil service. These respondents held views to the effect that in any setup, group or organization, there must be rules to govern, control the system and, to uphold the corporate image and integrity. However, 20 (17.5%) who were a minority, stated that much was not being achieved through the procedures since they were too long and at times vindictive. There was no consistency as some wrong doers were not being disciplined leaving the disciplined and hardworking employees demoralized. There were no rewards for disciplined officers who often stagnated in grades and felt demoralized. However, as noted in table 4.7 the key informants perceived the procedures as positive and important.

The study findings therefore, indicate that the disciplinary procedures were important for operations of the Kenya civil service but there were also shortcomings that needed to be addressed so that the objective for which they were put in place could be achieved.

Appropriateness of Disciplinary Procedures



Source: Research findings on Employees' views

Table 4.8: Key Informants' views on appropriateness of procedures

Appropriateness	Frequency	
	Number (n)	Percentage
The process is too long and bureaucratic	2	16.7
Should be revised to embrace new approaches such as HRM and recognition of union body	2	16.7
They are appropriate since employees are given the chance to defend themselves	2	16.7
Process too slow and not always for corrective measures	3	25
Process should be more flexible	2	16.7
Process should recognize motivation	1	8.2
Total	12	100

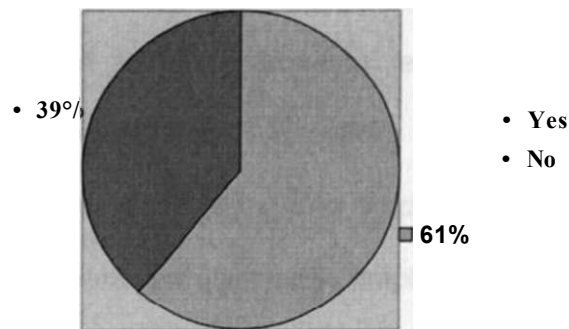
Source: Research findings

The study sought to find out whether employees perceived the disciplinary procedures in place as appropriate. As reflected on the pie chart above, the findings show that 58 (50.9%) of the respondents perceived the existing procedures as appropriate whereas 56(49.1%) respondents perceived them as inappropriate and inadequate. Of those seeing them as inappropriate and inadequate, 19 (16.7 %) stated that the officers charged with various responsibilities of enforcing discipline and processing cases lacked objectivity due to reasons such as corruption, vindictiveness, settling of personal scores, favoritism or inconsistency when some offenders went free while some innocent officers were disciplined.

Some respondents, 14 (12.3%) perceived the process as too long and slow, resulting in stress for the affected officer and failing in its objective to achieve fairness. Others, 6 (5.3%) stated that the procedures were too punitive, stiff, lacking in flexibility, objectivity and therefore, counter productive. Other respondents 14 (12.3%) stated that there was need for review of the mechanism to be in keeping with changing times and incorporate other elements and new approaches. Some 3 (2.6 %) respondents held the view that the procedures were not understood by most civil servants, including those in supervisory positions. This led to delays due to wrong actions resulting in much correspondence when clarifications and guidance are being sought. As may be noted in table 8, only 2 (16.7%) key informants perceived the procedures as appropriate while 5 (41.7%) saw the process as too slow and bureaucratic. Some key informants, 5 (41.7%) recommended review to include motivation, more flexibility, recognition of union and adoption of

human resource management approach as opposed to the existing personnel management approach. From the findings therefore, it can be adduced that the majority in both groups perceived the procedures as mainly appropriate.

Whether the Process Should be Reviewed



Source: Research findings on Employees' views

The study sought to find out the respondents' views on whether there was need to review the existing disciplinary processes in the civil service. From pie chart above, it may be noted that 44 (38.6 %) respondents held the view that the existing disciplinary processes were adequate and need not be reviewed. The majority 70 (61.4%) respondents however, stated that there was need to review the process giving various reasons. Of these respondents 24 (21.1%) held that the process was too long and cumbersome, thus encouraging delays and corruption. It was widely suggested that the process be shortened and time frame given for each step and the whole process.

Of the respondents recommending review, 23 (20.2%) suggested that it be done periodically to be in keeping with changing times and that civil servants as stakeholders, be involved. A few respondents, 4 (3.6 %) respondents maintained that, in view of the paradigm shift from personnel management

which is reactive and considered rigid, the human resource management approach which is viewed as proactive and more flexible be adopted. The accused should be given a chance to appear in person to defend himself before the advisory committee.

Other 4 (3.6%) respondents recommended decentralization of the process, for cases to be finalized at the departmental level with only appeals being handled at Ministry headquarters. According to some respondents, the procedures should be reviewed taking into account the recently recognized Kenya union of civil servants for unionisable employees. Some respondents, 2 (1.8%) recommended the review to include introduction of an independent body to solely deal with discipline in the civil service while 3 (2.6%) respondents recommended the introduction of rewards for exemplary performers. Other 3 (2.6%) respondents recommended that guidance and counseling be included as a step whereas one held that a monitoring mechanism to ensure fairness should be put in place. The findings indicate that the majority felt that the procedures, though important, required revision and thereafter, periodic review to keep up with national and global changes.

Table 4.9 (a): Employees' Views Regarding Conditions Necessary for Effective Enforcement

Condition	Frequency	
	Number	%
When finalized speedily without bias, and due Process is followed	38	33.1
When all parties understand the process and it is followed well	20	17.6
When employees are well motivated through remuneration and conducive environment	22	19.3
If disposed of speedily without unnecessary red tape	14	12.3
If there is good two way communication through participatory management	4	3.6
When there is continuous performance appraisal based on agreed on and achievable targets	3	2.6
If used as corrective and not punitive measures and employees are appreciated	7	6.2
Missing	6	5.3
Total	114	100

Source: Research findings

Table 4.9 (b): Key Informants' views on conditions necessary for enforcement

Condition	Frequency	
	Number (n)	Percentage
A conducive environment where the employee is regarded as an important resource and is well motivated	3	25
If the employees are well versed with the procedures and code of conduct	4	33.3
Where the procedure is not too bureaucratic and long	1	8.3
When the objective is to reform and not to punish	2	16.7
Nil Answer	2	16.7
Total	12	100

Source: Research findings

The study sought to establish the conditions under which disciplinary procedures would be most effective in the attainment of employee discipline in the Kenya civil service. As reflected in table 4.9 (a), some 20 (17.6 %) respondents held that it was most effective when well understood by all and followed correctly, whereas 14 (12.3%) respondents stated that this was when cases were disposed of speedily without hindrance by too much bureaucracy. Other 38 (33.1%) respondents maintained that they were most effective when done fairly without any form of discrimination and handled by skilled personnel, that due process should be followed and the accused given the opportunity to present his defense. According to 4 (3.6 %) respondents,

sufficient two way communication between the supervisors and the supervised was necessary while 7 (6.2 %) stated that the procedure should be used as a corrective but not a punitive tool, and that employees should feel appreciated as part of the system. Other respondents, 22 (19.3 %) respondents held that a necessary condition was when civil servants were well motivated through good remuneration and a conducive work environment. Other 3 (2.6 %) respondents maintained that the condition was good when there was continuous performance appraisal based on agreed achievable targets which had been agreed upon.

From the findings, it may be inferred that the conditions necessary for effective enforcement of the procedures were when they were finalized speedily with due process followed, when all parties understood the process and, when employees were well motivated through adequate remuneration and deserved promotion, while serving in a good work environment. From table 4.9 (b), it may be noted that the key informants mainly hold the conditions required to be along similar lines. The findings imply that motivation helps to reduce employee indiscipline.

Table 4.10 (a): Major Challenges Facing Enforcement of Discipline

Challenges	Frequency	
	Number(n)	Percentage (0/0)
External interference especially political	17	14.9
Bias due to patronage, tribalism, nepotism, corruption, negative peer influence , poor organization culture	42	36.8
Bureaucracy which cause delays	22	19.3
Laxity and poor supervision resulting poor communication, transferring, offenders to other areas instead of disciplining them, when offenders are not reported leave disciplined employees feeling cheated	7	6.1
Poor knowledge of procedures by most supervisors, human resource management operatives and other civil servants.	12	10.5
Inadequate information	6	5.3
Poor remuneration and low morale	6	5.3
Too heavy workload at headquarters for available human resource operatives	2	1.8
Total	114	100

Source: Research findings

Table 4.10 (b): Key Informants' views regarding major challenges Facing Enforcement

Major Challenges	Frequency	
	Number (n)	Percentage
Poor remuneration, terms and conditions of service	5	41.8
Lack of adequate training	2	16.7
Fear or lack of initiative by supervisors to report indiscipline	1	8.3
Poor supervision and communication	2	16.7
Peer influence and poor organization culture	2	16.7
Total	12	100

Source: Research findings

The broad objective of this study was to identify the challenges faced in enforcing discipline among employees in the civil service. The respondents gave what they perceived as the major challenges regarding enforcement as noted on table 4.10 (a). A large number of respondents, 42 (36.8 %) gave lack of objectivity and fairness due to patronage, tribalism, nepotism, corruption, negative peer influence and poor organization culture whereas 17 (14.9 %) cited external influence, especially political as some of the major challenges.

Some respondents 22 (19.3 %) stated that the procedures and processes were too bureaucratic leading to delays and frustrations for the accused.

Others, 7 (6.1 %) cited poor supervision translating to poor communication between the supervisors and supervised, transfer of offenders to other areas without taking the necessary disciplinary action against them, and indisciplined officers not being reported leaving the disciplined workers disgruntled. Another major challenge cited by 12 (10.5%) respondents was that the supervisors and supervised lacked adequate knowledge of the procedures leading to delays and improper action which resulted in unfairness and at times court cases.

Some 6 (5.3 %) respondents quoted poor mode of communication as causing delays while another 6 (5.3 %) quoted poor motivation and low morale as contributing to indifference and corruption. Some respondents 2 (1.8 %) held that there were too few human resource operatives handling the heavy workload from all over the country at the headquarters. As may be noted in table 4.10 (b), the key informants regarded inadequate motivation 5 (41.8%), lack of adequate training 2(16.7%). Poor supervision and communication, 3 (25%) and, peer influence and poor organization culture as the major challenges.

From the findings therefore, lack of objectivity caused by a number of factors cited, delays created by bureaucracy, poor motivation and knowledge of the process by civil servants are the major challenges to efficient, effective and fair implementation of the process.

Table 4.11: The Impact of the Procedures on Employees

Impact	Frequency	
	Number	%
Promote order and streamline operations thus improving service delivery	46	40.1
Provide guidance and uniformity in handling discipline across the civil service	4	3.6
Counter productive when used to promote corruption witch-hunting, favoritism and when the innocent are punished	9	7.9
Counter productive and diluted when there are delays which are demoralizing and stressing to an officer	25	21.9
Cause fear to employees who do not understand them and to whom they appear mysterious and punitive	10	8.8
Many times, procedures are ignored and inaction on non performers demoralize disciplined personnel	7	6.2
The process considered colonial, rigid and process oriented rather than results oriented	9	7.9
Missing	4	3.6
Total	114	100

Source: Research findings

The study sought to establish the employees' perception regarding the impact of the procedures on employees' discipline. As reflected on table 4.11, some respondents, and 46 (40.1 %) held that they were positively effective in that they promoted order by making employees adhere to rules and regulations. In this regard, they assisted to streamline operations, acted as a deterrent to

indiscipline and through this, improved service delivery. Other 4 (3.6 %) respondents felt that the procedures provided guidance and uniformity in handling employee discipline across the entire civil service.

However, 25 (21.9 %) respondents maintained that the impact of the procedures was not entirely positive since they did not always promote productivity and fairness when there were delays. Of the respondents, 9 (7.9 %) felt that the impact was negative when used to promote vindictiveness, witch hunting, favoritism and when the innocent were punished while errant employees went free. 10 (8.8 %) respondents felt that employees regard them with fear because they did not understand them and believed that they were punitive and used to settle personal scores. Another 9 (7.9 %) respondents held that the process was colonial and rigid and should be reviewed to keep up with changing times since they were not results oriented but process oriented. 7 (6.2 %) respondents stated that the procedures were ignored most times and inaction on non performers demoralized hardworking and disciplined employees.

The findings indicate that the majority of the respondents 50 (43.4 %) regarded the procedures as having positive impact on performance through its regulatory role. However, others felt that this had been diluted or made negative due to various weaknesses in the system which needed to be addressed.

Table 4.12(a): Strategies Recommended by Employees for Improvement

Recommendation	Frequency	
	Adequate sensitization for all civil servants to understand the procedures	29
Shorten the procedure to reduce red tape and delays	28	24.6
Give clear time frame for each step and the whole process	10	8.8
Review the procedure and involve civil servants	15	13.3
Review the disciplinary procedure every two years to be in keeping with changing times and introduce a monitoring mechanism	5	4.4
Include guidance and counseling as part of procedure	12	10.5
Decentralize to be finalized at departmental level and only appeals be sent to ministry headquarters	9	7.9
Introduce rewards for exemplary performers	4	3.6
The accused employee be allowed to defend himself before disciplinary committee	2	1.8
Total	114	100

Source: Research findings

Table 4.12 (b) : Key Informants' Recommendations for Improvement

Recommendation	Frequency	
	Number (n)	Percentage
Shorten procedures and set time limit for each step	4	33.4
Decentralize	2	16.7
Provide well trained personnel and adequate stationery for Human Resource Management units	3	25
Review procedures to be in keeping with the changing times	1	8.3
Introduce rewards for disciplined personnel	1	8.3
Should be fair without bias and employees be trained on attitude change	1	8.3
Total	12	100

Source: Research findings

The study, having recorded the employees' perceptions regarding the procedures, sought the respondents' recommendations on ways in which the disciplinary process in the civil service could be improved. As table 4.12(a) reflects, 29 (25.1 %) respondents suggested that all civil servants should be adequately sensitized to understand the procedures, whereas 28 (24.6%) felt that there was need to shorten the process to reduce delays. The findings show that 10 (8.8 %) respondents felt that one of the ways to reduce delays was for the bureaucracy in place to be shortened and, each of the remaining steps be allotted clear time frame. Some respondents held that the process should be reviewed and the suggested changes included that they be proactive rather than reactive, corrective and rehabilitative rather than

punitive and to adopt the human resource management approach. Of the respondents 15 (13.3 %) respondents held that the reviews should involve all major stakeholders including civil servants and 5 (4.4%) suggested that they should be done every two years to be in keeping with the changing times and a monitoring mechanism be introduced.

Some 12 (10.5 %) respondents stated that the changes should include introduction of guidance and counseling, creation of an independent unit composed of officers of high integrity to solely deal with disciplinary cases and, the introduction of information technology for easy and efficient communication. Others, 9 (7.9 %) stated that the process should be decentralized so that cases can be concluded at departmental level and only appeals be handled at ministry headquarters to avoid delays and overload of work at headquarters. It was held by 4 (3.6 %) respondents that rewards for exemplary performance should be introduced to encourage discipline and that adequate motivation through remuneration, good work environment, two way communication, and deserved upward mobility for employees was a necessity. Of the employee respondents, 2 (1.8%) stated that the accused be allowed to give his defense before the advisory committee. As may be noted in table 4.12 (b), the key informants gave answers along similar lines with those of employees. Both groups recommended shortening of the procedures, fairness, and introduction of rewards for exemplary performers and, decentralization. Some key informants also recommended adequate staff and equipment for human resource management units.

4.5 SUMMARY

The study findings indicate that the majority of civil servants view disciplinary procedures in place as necessary and crucial for the operations of the civil service stating that they promote order by encouraging adherence to the rules and regulations. It was held that they provide guidance and uniformity in handling the discipline of employees across the entire civil service. They not only enhance a sense of responsibility, but also help to maintain standards and norms, thereby playing an important role in improvement of service delivery and corporate image. Many respondents appreciate that in any society, there are difficult people and there is need for deterrent and corrective measures to discourage indiscipline. However, this notwithstanding, a large number of respondents felt that there was need to have the disciplinary mechanism reviewed to be in tandem with the changing times and to rectify a number of problems that plague the system.

Many respondents maintain that most civil servants, including those holding supervisory positions are not adequately familiar with the procedures and view them generally with trepidation as measures in place meant only to punish. Since many supervisors do not have adequate knowledge of the procedures, their supervision is seen as poor since they handle cases with inconsistency leading to the widely held view that they are biased. The generally inept way of handling of cases, which include incorrect charging lead to much correspondence that result in delays.

Regarding the appropriateness and adequacy of the process, the majority agreed that they were, but the remaining respondents maintained that they had various shortcomings such as delays which encouraged corruption and external interference. A number of respondents maintained that the procedure was marred by inordinate delays. It was too long, bureaucratic, time consuming and, cumbersome with too many authorities to pass through. The delays led to a lot of inconveniences and stress for the accused person and, justice delayed is justice denied. According to ACAS recommendation which I support, the process should be quick.

A large number of respondents stated that there was need to review the disciplinary mechanism as the existing procedures are stiff and still pegged on the colonial system which was bureaucratic. Since the process was not well understood by many, it was perceived as emphasizing the punitive aspect as opposed to corrective and rehabilitation. Many held that the discipline mechanism should be reviewed periodically to be in keeping with the changing times and the employees as stakeholders, be involved in the process. Suggestions were made that guidance and counseling, rewards for exemplary performance, a monitoring mechanism to ensure fairness be introduced and information technology be part of the system for fast and efficient flow of information. It was further suggested that, in line with the paradigm shift, the human resource management approach, which is proactive and flexible as opposed to personnel management approach which is reactive and relatively rigid be adopted. It was further suggested that in

view of the recognition of the Kenya Civil Servants' Union the procedures be reviewed to incorporate the related issues.

Regarding conditions necessary for effective enforcement of the procedures, a large number of respondents held that they were most effective when all parties adequately understood it, due process followed and when cases were finalized speedily without unnecessary red tape. A number of respondents maintained that another important condition was when employees were well motivated through adequate remuneration, conducive work environment and deserved promotions. Some respondents cited other conditions such as the need for two way communication as part of participatory management and emphasis being not on punishment but on the correctional, and that employees should be appreciated and made to feel part of the system. This was an indication that the respondents viewed motivation as playing an important role in employee discipline. Another condition cited as necessary was that there should be an effective continuous performance appraisal system based on achievable targets which had been agreed upon.

Many respondents felt that the impact of the procedures was not always positive and were in fact counterproductive and diluted when there were delays which were demoralizing and stressing to the officer being disciplined. Others felt that the process was colonial, rigid and process oriented, not always achieving the objective that had been intended. Since most civil servants do not understand them, they are perceived negatively with fear as mysterious and regarded as just meant to be punitive. Some respondents stated that there was inconsistency since many times, the procedures were

ignored and inaction on the indisciplined employees was demoralizing to the disciplined employees. They were also perceived as promoting corruption, witch hunting, favoritism and unfair when the innocent were punished whereas the indisciplined were left free. According to the 'hot stove rule' immediacy, consistency and impartiality are important for enforcement of discipline to be seen as fair and acceptable.

On factors contributing to frequent failures to follow procedures, most respondents cited ignorance of the procedures by civil servants including supervisors. The process was also seen as too bureaucratic, cumbersome, causing delays and making it susceptible to corruption and external interference. Others cited poor communication system, missing files at the ministry headquarters, and shortage of tools and equipment for operatives. Others expressed concern about poor remuneration and stagnation in grades leading to low morale which encouraged laxity and indifference, whereas some cited centralization of finalization of cases at the headquarters leading to heavy work load and delays. According to most respondents, the main challenges encountered in handling of discipline cases in the civil service were patronage, tribalism, nepotism, corruption, settling personal scores, vindictiveness, negative peer influence and poor organization culture. Another challenge widely cited was external interference, especially political. Due to poor supervision, at times offenders were merely transferred to other areas and not disciplined leading to the disciplined officers feeling cheated.

Respondents gave various suggestions for the improvement of disciplinary process in the Kenya Civil Service. Majority of the respondents suggested that

civil servants be adequately sensitized on the procedures. Many others cited the need for reduction of bureaucracy and that clear time frame be given for each step and, the whole process to curb delays. Others suggested that the review process should be Human Resource Management oriented and be proactive and flexible rather than reactive and less flexible as in the personnel management approach. It was suggested that the process be made to be corrective and rehabilitative rather than punitive. Many respondents recommended review every two years in keeping with changing times with involvement of stakeholders in formulation. Other suggestions made included introduction of a monitoring mechanism, guidance and counseling, ICT, two way communication and, decentralization for cases to be finalized at departmental level. Other respondents recommended the creation of an independent unit composed of people of high integrity to deal solely with employee discipline in the civil service.

Although two interview schedules were designed (one for employees and another for key informants), perusal of the answers indicated that there was not much difference between the answers given by the two groups since they cut across and followed a similar pattern. They raised similar concerns and made recommendations along similar lines. The findings have indicated that employees in the civil service are not adequately aware of what the disciplinary procedures entail.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

In this chapter, a summary of the key findings of the study is given, conclusions drawn from the findings presented and recommendations drawn from the conclusions are presented. Areas identified for further research and suggestions for policy changes are provided at the end of the chapter. The findings were received from one hundred and fourteen (114) employees and twelve (12) key informants in the three target ministries.

5.1 SUMMARY OF FINDINGS

From the study findings, it is noted that many respondents held disciplinary procedures as necessary in that they were crucial for operations and promoted order by encouraging adherence to rules and regulations. They enhanced uniformity across the entire civil service by encouraging a sense of responsibility and helping to maintain standards and norms. They were also perceived as deterrent to wrong behavior and as providing corrective measures against misconduct.

However, despite being perceived as fitting in the above roles many respondents gave various views to the effect that the disciplinary mechanism in place had a lot of shortcomings which needed to be addressed for it to be fair, efficient and effective. From the answers given, there was a large number of respondents who indicated that the process should be reviewed periodically, preferably every two years to keep up with the changing times

and civil servants as stakeholders should be involved. When employees are involved they get to own the system, making it easier to implement. A large number of respondents stated that many civil servants are not conversant with the procedures and needed to be educated regarding them to be more enlightened and not to observe them with fear, as meant only to punish and not to rehabilitate. With adequate knowledge the supervisors would enforce the actions with more consistency and uniformity. Many respondents also stated that there was need to adequately sensitize civil servants on integrity to curb corruption and other vices which result in bias.

The majority of the respondents felt that the manner of enforcement of discipline should be transparent and fair. The accused should be given adequate chance to present his defense, which should be given due consideration and mechanisms should be put in place to monitor for speedy and fair implementation. Many also stated that the Human Management Units should be strengthened with adequate, skilled personnel of integrity and provision of adequate stationery and equipment. Information technology should be introduced as part of the system for fast and efficient flow of information. It would replace personal files which can be tampered with or at times get "lost" when required. The general view was that disciplinary cases should not delay but be finalized quickly.

Many respondents held the view that the disciplinary process should be shortened to make it less bureaucratic and cumbersome to curb delays which encourage corruption and external interference, and are frustrating to the affected employee. Many suggested that the mechanism should be reviewed

to be more proactive and flexible and adopt the human resource management approach as opposed to the personnel management approach which is in operation but seen as too bureaucratic and rigid. It should also be results oriented rather than process oriented. The findings indicate that employees would prefer adoption of modern methods of managing discipline which are more flexible and take into consideration humanitarian aspects such as involvement of employees, participative management, and motivation. This is as opposed to the traditional scientific management which is task centered and maintains that discipline rests solely with management.

Respondents gave various recommendations to assist in improvement of disciplinary mechanisms. These included embracing relatively modern management practices such as guidance and counseling, rewards for good performance, fair and effective performance appraisal system, participatory management and, two way communications. It was felt that motivation in terms of remuneration; work environment and upward mobility so that employees feel valued and part of system was important and would help reduce laxity and indifference. In view of the recent recognition of the Kenya Union of Civil Servants, it was recommended that reviews should be made to include in the system.

Some respondents felt that there was need for decentralization of the process to district and departmental levels. This would help in reduction of work load at Ministries head quarters since only appeals would be sent to headquarters. Others suggested that a unit composed of officers with high integrity be formed to handle discipline in the entire civil service as in the case of Hong

Kong. The findings indicate that employees perceive expeditious and quick conclusions of cases as very essential and disciplinary action should be taken as a last resort when other measures have failed. Further, proper motivation and fair handling of cases are essential for maintenance of employee discipline which affect productivity. The findings further indicate that employees are not adequately aware of the rules and regulations. They therefore, require adequate training and when adequately informed, this will form part of motivation as they will feel part of the system.

5.2 CONCLUSIONS

According to the study findings, the majority of respondents maintained that disciplinary procedures play an important role in maintenance of order, standards and enhancement of service delivery. The findings indicate that the measures were important for instilling discipline among employees and creating harmony in the civil service. Some respondents held the view that in any set up, there must be rules to govern, control the system, and to uphold the corporate image and integrity. It may also be noted that a large number of respondents held the view that despite the crucial role they play, the majority of civil servants have poor knowledge of the process in place. This has led to it being perceived negatively as mysterious and punitive. Poor knowledge especially in the case of supervisors has led to wrong handling of discipline which leads to inconsistency in enforcement and unnecessary delays.

Most respondents perceived the procedures as unnecessarily long, bureaucratic and cumbersome thus encouraging corruption, external

interference and delays. The findings further reveal that the process is perceived as colonial and rigid, and should be reviewed to adopt suitable modern management practices including human resource management approach and information technology. This approach would encourage involvement, employee participation in decision making, good work environment and adequate remuneration.

The findings indicate that the employees are not adequately aware of the rules including disciplinary procedures and should be trained on them. All the foregoing are part of employee motivation which is essential for effective service delivery. From the findings, it has been noted that employee motivation affects discipline and poorly handled discipline results in disenchantment, laxity and indifference. When employees are well informed, they are encouraged to feel part of the organization. The disciplinary mechanism should be subjected to periodic review, preferably every two years to be in keeping with the changing times at national and global level and employees as major stakeholders should be involved in the process.

5.3 POLICY RECOMMENDATIONS

All civil servants should be educated on the disciplinary process. This should not be confined to disciplinary matters but embrace other Human Resource Management issues. There should also be periodic training regarding integrity to curb corruption and other forms of biases.

Human Resource Management plays a crucial role in any organization since it is the manpower that manages the other resources such as finance and

materials. It should therefore, be given the much attention it deserves and adequately facilitated with skilled personnel of integrity, stationery and equipment. The personnel in these units should not be allowed to stay in one Ministry for more than three years to discourage formation of cartels which promote corruption and other vices.

Modern management practices should be adopted for Human Resource Management to include flatter structures and reduction of bureaucracy, decentralization of functions, participatory management, two way communication and computerization of systems. The disciplinary mechanism should be results oriented rather than emphasis being laid on process. The disciplinary mechanism in the civil service should be reviewed periodically, preferably every two years to update them and keep up with the changing times. Civil servants as major stakeholders should be involved in the formulation and the reviews should address the problem of unnecessary red tape and delays.

5.4 AREAS RECOMMENDED FOR FURTHER STUDY

A more extensive study should be conducted to cover the whole of Kenya Civil Service. In the study, all stakeholders, including the Kenya Union of Civil Servants should be involved.

The study findings indicate that a number of respondents suggested formation of a special unit composed of people of integrity to handle disciplinary matters for the entire civil service. This would be a structure similar to the independent secretariat established by the Hong Kong civil

service which has been discussed in the literature review. Whereas the human resource management personnel continued to handle discipline cases as part of their duties among others, the secretariat was set up to provide the answer to professionalism and expertise. It dealt solely with cases of discipline. A further study could be made on this idea for consideration.

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Appendix 1: Interview Schedule for Employees

Serial No

This interview schedule is meant to collect information on "The role and impact of disciplinary procedures on the operations of the Kenya civil service: A case study of Ministries of Health, Roads and Public Works, and Lands and Housing". The information you give will be used strictly for academic purposes and will be treated as strictly confidential and at no time will your name be mentioned in this study.

SECTION ONE: PERSONAL INFORMATION

- 1. Ministry
- 2. Department where the respondent works
- 3. Job Title
- 4. Age (in years)
- 5. Duration of working in the Civil service (in years)
- 6. Gender
 - 1) Male
 - 2) Female
- 7. Level of education
- 8. Are you proud of working as a Kenya civil servant?
 - Yes
 - No

Give reason(s) for your answer

**SECTION TWO: DISCIPLINARY ACTIONS AND
PROCESSES**

9. What do you understand by the term disciplinary procedures?

10. Which steps in discipline are currently in use in the Kenya civil service?

- | | |
|----|----|
| a) | e) |
| b) | f) |
| c) | g) |
| d) | h) |

11. In your own opinion, do you think disciplinary actions and processes are important for the operations of the Kenya civil service?

Yes 1 No 1

Give reasons for your answer

12. In your view, do you find disciplinary procedures in the civil service appropriate and adequate?

Yes No

Give reasons for your response above

13. Is there need for review or removal of any of the existing steps or overhaul of the whole process?

Yes

No

Explain

14. In your opinion, which are the main factors that contribute towards delays in finalization of discipline in your organization?

Explain

15. How can these problems be addressed for improvement?

16. Which do you think are the main factors that contribute towards frequent failure to follow the correct procedures in your organization?

Explain

- 17.** How can the problems be addressed for improvement?
- 18.** Under what conditions do you think the disciplinary processes are most effective in the attainment of employee discipline?
- 19.** Which do you think are the main challenges encountered in the enforcement of the discipline procedures in the Kenya civil service?
- 20.** In your own opinion, what impact do you think the existing disciplinary processes have on the operations of the Kenya civil service?

21. What recommendations can you make regarding disciplinary processes for the improvement of the Kenya civil service?

THANK YOU FOR YOUR ANSWERS

Appendix 2: Interview Schedule for key Informants

Serial No

This interview schedule is meant to collect information on "The role and impact of disciplinary procedures on the operations of the Kenya civil service: A case study of Ministries of Health, Roads and Public Works, and Lands and Housing". The information you give will be used strictly for academic purposes and will be treated as strictly confidential and at no time will your name be mentioned in this study.

Section one: Background Information

1. Ministry
2. Department
3. Job Title t
4. Age (in years)
5. Duration of working in the Civil service (in years)
6. Gender

1) Male 1 2) Female CH^

7. Level of education

Section Two: Information on Discipline in Kenya civil service

8. In your own opinion, what do you think is the importance of disciplinary actions and processes in the Kenya civil service?

9. What role do they play towards the achievement of the objectives of the Kenya civil service?

10. Do you think the existing procedures suit the present prevailing conditions in the Kenya civil service?

Yes 1 No 1

11. Please explain your answer

12. Under what conditions do you think the disciplinary procedures are most effective in attainment of employee discipline?

13. Which do you think are the major factors that contribute to employee indiscipline in the Kenya civil service?

14. In your view, do you think the disciplinary procedures in the civil service appropriate and adequate?

Yes , No 1

Please explain your answer

15. Do you think there is need to review, or remove any step or overhaul the process of discipline currently in use in the Kenya civil service?

Yes No i

If yes, please specify, giving reasons and alternative where applicable?

16. Which do you think are the main factors that contribute towards frequent failures to follow the laid down procedures in your organization?

Explain

17. How can these problems be addressed for improvement?

18. In your own opinion, which are the main factors that contribute towards delays in finalization of disciplinary cases in your organization?

19. How can these problems be addressed for improvement?

20. What recommendations can you make regarding disciplinary processes in the Kenya civil service towards achievement of efficiency and fairness?

THANK YOU FOR YOUR ANSWERS

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