

**INFLUENCE OF HUMAN RESOURCE MANAGEMENT
PROFESSIONALS ACT (2012) ENFORCEMENT ON
PERFORMANCE OF THE HUMAN RESOURCE FUNCTION AT
MINISTRY OF HEALTH, KENYA**

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DECLARATION

This research project is my original work and has not been submitted for a degree ward in any other university. No part of this work should be reproduced without my consent or that of the University of Nairobi.

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Declaration by Supervisor

This research project has been submitted for examination with my approval as University of Nairobi supervisor.

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DEDICATION

I dedicate this project to my immediate family members, Relatives, University colleagues and friends for their love, support, care, encouragement and understanding during the entire study period.

ABSTRACT

Human Resources Management Professionals Act (2012) was enacted in January 2013 which was expected to govern practice by HRM professionals. Performance of the human resource function and the organization as a whole is expected to have improved with the implementation of the HRMP Act. The objective of this study was to analyze the influence of Human Resource Management Professionals Act (2012) enforcement on performance of the Human Resource Function at the Ministry of Health. The study was anchored on two theories i.e. the Kantian Theory and Resource based theory. Kantian theory explained that what is righteous for one is righteous for every person that's why there is need to embrace rules and regulations at the work place. The Resource Based Theory refers about organizations having strategic resources for which one correctly utilized would realize sustainable competitive advantages to rivals. The research study adopted descriptive research design. Data was collected using structured questionnaires. The target population constituted 136 employees working at Ministry of Health Headquarters in Nairobi; Human Resource department. Out of 136 employees 102 employees responded to the questionnaires. From the responses 6 questionnaires were not used in analysis because they had not been filled properly. Thus, analysis of the questionnaires was done using 96 questionnaires from 96 respondents who appropriately responded to the questions that were asked. The collected data was analyzed using frequencies, percentages, means, and standard deviations by use simple linear regression with help of SPSS software. The results were presented using tables. The coefficient of regression showed a good strength of the relationships between independent variable and the dependent variable. The coefficient of determination showed the predictive power of the model and in this case 64.4% of variations in performance of the HR function was explained by the independent variables. The results of the study showed that enforcement of HRMP Act, (2012) affects performance of the HR function in the ministry of health. Therefore the study will be important to the management at the ministry of health to embrace the HRMP Act, (2012) and formulate policies that shall simplify the content of the HRMP Act and enable them put into practice the provisions of the Act for the benefit of the ministry.

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LIST OF ABBREVIATIONS AND ACRONYMS

HR	Human Resource
HRMP Act	Human Resource Management Professionals Act
IHRM	Institute of Human Resource Management
HRD	Human Resource Department
CHRP	Certified Human Resource Professional
MOH	Ministry of Health
i.e.	That is
DOSH	Directorate of Occupational Safety and Health
SPSS	Statistical Package for Social Sciences

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

For organizations to effectively carry out their day to day roles towards achieving the set organizational goals they depend on well-established structures and systems among them functional units (Cole, 2002). Most companies are organized with functional departments for which each department has its own goals strategically planned to assist in achieving the overall goals of the organization. Among the core departments in organizations stand the Human Resources department through which the HR function is centered (Cole, 2002). The establishment and enactment of the Human Resource Management Professionals Act (2012) was expected to govern the competency and conduct of Human Resource Professionals. Human Resource departments benefit more from Human Resource Professionals who are knowledgeable and adhere to HR regulations as provided for in Employment Laws (Guest, 1989). Well governed Human Resource Professionals yields high standards of professionalism whereby enabling great improvement in the performance of the HR department (Guest, 1989).

The study was anchored on Kantian Theory and the Resource Based Theory. According to Kantian (1724 – 1804) he explained that what one does as he wishes rarely comes free. Freedom is achieved only if you do something reasonable. From the Kantian theory, that is righteous for one is righteous for every person that's why there is need to embrace rules and regulations at the work place.

The Resource Based Theory refers about organizations having strategic resources for which one correctly utilized shall realize sustainable competitive advantages to their rivals. In Resource Based Theory we focus on that specific resource that is strategic to the extent that it is valuable and rare for which when utilized it greatly improves the performance of the organization.

Ministry of Health falls under the public sector in Kenya and plays a significant role in the Kenyan health sector. The health sector in Kenya is one of the strategic and key sectors at the heart of the Government for a sustained health nation. Prosperity of the country is dependent on citizens who live a health life free from diseases among other health risks. The Kenyan health sector is at the center of developing policies and blue prints focusing on key health issues among them reduction in maternal death, child mortality, HIV pandemic, Malaria prevalence across the country.

This study was motivated by the consistent disagreements between employees from the Public Sector and their employer on various employment matters. Civil servants cry foul of their employer not honoring collective bargaining agreements, violation of basic employments rights, hash working conditions among others, where the Ministry of Health has in the recent past gone through similar issues with the employer. The Human Resource department at the Ministry of Health plays key role around the destabilization of the workforce in the Public Sector. Therefore there was need to address the issue by looking at the enforcement aspect of the HRMP Act, six years after its enactment.

1.1.1 The Human Resource Management Professionals Act, 2012

The Human Resource Management Professionals Act (2012) is an act of parliament providing the legal requirements for starting a human resource management institute and the Human Resource Management Professionals Board. The HRMP Act (2012) which was assented by the president on 31st December, 2012, is expected to monitor Human Resource professionals contact and registration. It also provides for disciplinary measures that HR professionals will be subjected to on the event that they neglect to behave in a professional manner (Kenya Gazette, 2013).

Under the Act, the Institute of Human Resource Management (IHRM) is established. This institute is a corporate body. It defines how individuals in the Human Resource profession can become members of the institution and how they will be subdivided into various categories as registered members. Key functions of the institute comprise; planning, organizing and implementing guiding principles of practitioners capabilities, register persons who are capable and have ethical values, follow up in finding new ideas and facts in the HR sector as well as passing on HR related information through books, internet etc. conduct assessments which will enable the institute realize the quality of HR practitioners among other functions (Kenya Gazette, 2013).

1.1.2 Performance of the Human Resource Function

Performance Management refers to the process by which employers and employees work together in planning, monitoring and reviewing of the employees work objective and overall commitment to the organization (Dessler, 2003). This is a great instrument for guaranteeing that organizations' key objectives are accomplished.

As indicated by (Armstrong, 2006) Performance Management is the continuous process of enhancing performance by; defining individual and group objectives, planning performance to achieve the goals and skills and abilities of people, developing the knowledge. Human Resource Management means managing people at work. It's the process which holds employees and employers together and helps both parties i.e. employees and companies achieve their goals. Variety of processes, policies and practices are developed to assist both employees and organizations to realize their goals (Guest, 1989).

There are various ways of measuring the general performance of the Human Resource department. To strategically evaluate the performance of the HR department one has to look at the key performance indicators of the HR department. Different scholars have come up with various performance indicators of the HR department. Iveta (2012), listed the key performance indicators of the HR department as labour costs, turnover rate, return on investment on trainings, succession planning, human capital, corporate social responsibility, and rewarding system. According to Ruben, (2017) there are seven human resource key performance indicators. They include talent retention, duration in position, rate of absenteeism, average time for recruitment, education and training, average time to achieve goals, and accidents in the work place. This study used the key performance indicators done by Ruben to measure the performance of the HR function (Ruben, 2017).

1.1.3 The Public Sector in Kenya

The Public Sector of Kenya compromises of Central government, County governments, Public corporations and development partners. Public Sector provides basic goods and

services that are either or can be provided efficiently by the private sector. Such basic goods and services include the military, police, infrastructure, public transit, and public education, alongside health care. Public Service Commission of Kenya manages the Kenya civil service human resource as mandated by the constitution (Constitution of Kenya, 2010).

The Kenya civil service has grown rapidly since Kenya's independence in 1963. It is the largest in East Africa by far. Kenya's economy dropped around 1980's leading to unsustainable large and inefficient public sector. The government had to come up with strategies to enable the civil service back to its feet again. This called for reforms. The reforms adopted included looking at their compensation and benefits. The draw backs that affected performance included lack of proper compensation and benefits, not putting in place proper structures and systems to manage operations, poor succession plans and poor leadership. It is important for the government to embrace recent management styles like; assessment of performance, planning of careers, and division of tasks to achieve efficiency gains in service delivery. The performance by civil servants is also another area that demand focus in putting proper systems. Employees in the public sector are supposed to be issued with job descriptions that best fit their roles and be assessed periodical. Appraisal shall determine and individual's contribution to the overall performance of the organization (Sheehan, 2014).

1.1.4 The Ministry of Health in Kenya

The Kenyan Ministry of health is located in Afya House in Nairobi. Health cabinet secretary is the head of the ministry. This Ministry has been there since colonial era. At

the beginning it was referred to as the Ministry of Health and Housing. In 2008, the Ministry was divided into two; Ministry of Public Health and Ministry of Medical Services. The new name did not stay for long, 4 years later the Ministry was renamed back to the Ministry of Health in 2013. Key roles of the Ministry of Health include health policies, HIV/AIDS programmes, sanitation policies, family planning, health education, food and food handling, public health services among others (Kenya Gazette, 2013).

The Ministry is divided into 6 functional units within the organization. Each department deals with matters pertaining to the respective sectors. All the 6 departments are supervised by the Medical Services Director, the Cabinet Secretary and Principal Secretary. The Human Resource function is managed by the Public Service Commission at the National level (Kenya Gazette, 2013). The HR department has total population of 136 employees. This comprises of 4 directors, 10 principal human resource managers, 10 chief human resource officers, 30 senior human resource officers, 15 human resource officer 1 and 67 clerical officers (Kenya Gazette, 2013).

1.2 Research Problem

Employment laws have a vital role in providing guidance to daily management of the Human Resource function across companies. These laws are of various kinds and all play key role to each specific Human Resource function they apply. A visionary management is one which provides opportunities and strategies to make Human Resource functions perform (Noe et al, 2004). The HRMP Act (2012) plays an important role in regulation of the Human Resource Practice in the country. It was designed to provide guiding principles to HR practitioners in terms of regulating the standards of professional

competencies and conduct. This would enable companies have competent HR practitioners to effectively manage the Human Resource Function. Since the enactment of the Human Resource Management Professionals Act (2012) about six years ago, it is felt that there is need to conduct study that would analyze the situation before and after the implementation of the HRMP Act on performance of the Human Resource function. Going by the recent unfolding employment issues across the country, there are possibilities that the law could just exist on paper due to lack of enforcement by concerned parties.

Common challenges that the Human Resource function faces at the Ministry of Health include lack of competitive compensation where by civil servants pays are not comparable to the private sector. This is a setback to performance and retention of competent public officers. Talented employees often move to private companies that compensate them well. Poor career planning has left public offices blotted with old lot of employees. Public servants overstay in employment beyond their retirement age indications of lack of proper succession plans. All these issues happening in the public sector affect the general performance of the HR function as evident in the recent unrest witnessed. There is need therefore to address the gap by looking at the enforcement aspect of the HRMP Act (2012) six years after its enactment.

Studies have been done in relation to regulating the Human Resource profession around the world as follows; Apel, (1989) studied the Rationale for Regulating HR Professionals in Ontario. The study found that professional regulations support the independency of HR professionals. Also the study revealed that in a unionized environment there would be

less need to regulate HR professionals because of the existence of grievance and arbitration procedure. A study by Rodriguez (2017) focusing on employment and work regulation: advances, tensions and later research guidelines in international and relative HRM; was conducted in Brampton west in Canada. The study found that more has to be done to explore beyond workplace regulation role catering for the diverse workforce and workplaces, and also how regulation is globally enjoined to manage workforce. Plimo (2016) carried out a study to determine the effective Human resource functions determinants in West Pokot County Government in Kenya. The study findings indicated that training and motivation influenced human resource devolution greatly while human resource planning had the least influence.

The studies above have not exhaustively researched on employment regulations enforcement relative to performance of Human Resource function in organizations. Since the enactment of the HRMP Act (2012) six years ago, it is felt that there is need to carry out a study that would analyze the situation before and after on the enforcement by IHRM on the performance of the Human Resource function. Until recently there has been a sharp increase in industrial unrest in the public sector, evident that a gap exists between HR regulations enforcement and Performance of HR function in the public sector. Therefore, for us to understand the current position about the HRMP Act (2012), we ask ourselves; what influence does HRM Professionals Act (2012) enforcement has on the performance of the Human Resource function at the Ministry of Health?

1.3 Research Objective

The main objective of the study was to determine the influence of Human Resource Management Professionals Act (2012) enforcement on performance of Human Resource Function at the Ministry of Health.

1.4 Value of the Study

The study will help the management at the Ministry of Health eliminate HR quacks from illegal performing HR roles and employ HR professionals correctly befitting their roles. Also in adherence to employment rules and regulations the organization shall be saved from the rising unrest by doctors and nurses as experienced in the recent past.

As a result the Ministry of Health shall streamline and be able to serve Kenyans more efficiently due to the well organized and competent HR practitioners they will onboard or groom at the Ministry. As a result the overall performance of the HR function at the Ministry of Health will be improved significantly.

The study will also aid other researchers who would want to conduct further research on the same topic. This study will equip them with the relevant knowledge on how to undertake future studies relative to employment regulations. The research shall provide a guide to future researchers on how to conduct similar research areas and learn the weaknesses of the existing research so that they overcome such weaknesses in their future areas of research. Future researchers shall have an opportunity to further expand on the existing research topic and make it more relevant to serve its intended purpose or they can use the existing research to come up with further research topics of interest.

Lastly the study will be utilized by policy makers in designing relevant proposals on formulation of employment policies relative to the general growth of the Human Resource function. Once the research is conducted it shall have findings and subsequently recommendations for which such recommendations can be adopted and implemented at the Ministry of Health or could be utilized by other stakeholders in the public sector on similar measures. The recommendations could be developed to useful policies that shall provide sustainable guidelines for future HR practice at the Ministry of Health of the public sector at large.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter highlighted a summary of literature available in relation to the variables under this study. It is important to understand theories of Employment Regulations in order to be able to explain why they exist. Although there are many theories of Employment Regulations no single one accounts for the enforcement towards realizing a performing Human Resource function. This study was anchored by the Kantian Theory and the Resource Based Theory as discussed below.

2.2.1 Kantian Theory

According to Kantian (1724 – 1804) activities coming about due to desires can't be free. Opportunity is to be discovered just in discerning activity. Besides, whatever is requested by reason must be requested of every rational being; hence, judicious activity can't be founded on single individual's personal desires, however should be action in accordance that it can be universally accepted (Legge, 1997). Kantian initially presented this thought as something acknowledged by our common morale consciousness and at exactly that point attempted to demonstrate that it is a basic component of any rational morality. He called any action in view of desires a speculative basic importance being reason of achieving a goal.

Since nothing else except for reason is left to decide the substance of the ethical law, basing the law on universality of principle and The supreme principle of Kant's ethics which is; "Act just on that maxim through which you can, in the same time it ought to end up as universal law ". in other words, the rightness of an activity relies upon whether it concurs with a rule regardless of its results (Legge, 1997).

From the Kantian Theory considered as a principle based system for Human Resource Management it very well may be induced that there are two principles; what is ideal for one individual is appropriate for everybody, so it is important to do unto other as you would be done by (Law of Universality and reversibility) and the principle of respect for people, in which they must be treated with as ends to themselves and not as means to an end (Legge, 1997). However the Kantian Theory has weaknesses for which other scholars have argued against it. Some philosophers believe that Kantian saying that moral agents must obey principles given in the categorical imperative contradicts each other. Is it realistic when one assumes freedom by obeying set down rules and regulations? Another challenge of the theory it doesn't emphasize on work to get return but rather acting merely out of duty. Finally Kantian tells people to respect others without emphasis on individual cases.

2.2.2 Resource Based Theory

Introduced by Barney (1991), Resource Based theory focused organizations attention to internal resources, strategically realigning those resources with view of obtaining competitive advantage to its rival firms. According to Barney, strategic resources of the firm for which have the potential to strategically place the organization at a competitive

advantage against its rivals must be rare, valuable, imperfectly imitable and not substitutable. The theory suggests that organizations must come up with unique means of having competitive edge. Though, the Resource Based Theory plays a significant approach to an effective Human Resources function. As suggested by the theory, competitive advantage lies at the heart of a company focusing on both strategic management and strategic marketing. (Hamel, 2012).

Critics of the theory argue that the theory fails to consider factors surrounding resources, that is, an assumption that they simply exist (Butler, 2001). Butler argues that the theory fails to address how the resources acquire key capabilities required or rather developed to enable the organization attain its competitive advantage. Nevertheless, the theory assumes that an organization can be profitable amidst competitive environment (Butler, 2001).

2.3 The Human Resource Management Professionals Act (2012)

Kenya Gazette Supplement No. 216 (Acts No. 52). The Act was assented by the President on 31st December, 2012 and became into force from 4th January, 2013. The main provisions of the Act include:-

This part discusses on matters around the formation and the functions of IHRM. It suggested that there be established an Institute of Human Resource Management which shall be a corporate body. It defines how individuals in the Human Resource profession can become members of the institute. The institute members shall be in various categories. The institute's main functions shall comprise the following; come up with professional competence standards, register persons meeting both professional and ethical

standards, advance research in Human Resource matters and also distribute books, diaries and articles, give medium to correspondence and trade of data, learning and so on. hold examinations and presents trial of competency proper to nature of participation and confirmation among other functions (Kenya Gazette, 2013).

Under the registration of HR professionals, it states there shall be put in place the registration committee and its roles highlighted. The Act states that, unless someone holds a valid practicing certificate, they will not be able to work as a human resource management professional. A man wishing to acquire a practicing certificate will apply to the enrollment panel. The practicing certificates shall attract prescribed fees. Requirements to be issued with a practicing certificate include, if one is registered under the HRMP Act (2012), meets such different prerequisites as might be endorsed. A practicing certificate issued will be valid except when the holder is expelled or suspended under section 34 of the Human Resource Management Professionals Act (2012) (Kenya Gazette, 2013).

A person who is enlisted under the HRMP Act might be guilty of professional misconduct if the individual purposely neglects to fall the employer's non compliance to HRM procedure or expertise. Other reason for one being guilty in the profession is when one engages himself in corruption activities or practices and when a person is liable of gross carelessness in the execution of their professional obligations. There will be a formed disciplinary committee which will comprise of five individuals delegated by the board from the individuals in the council. The disciplinary committee is vested with powers to deal with disciplinary matters on the registered members (Kenya Gazette, 2013).

2.4 Measures of Performance of HRM Function

The value of the Human Resources function is its ability to satisfy its job as the essential enabler for human capital improvement and manageability. For an organization to have a sustainable performance and maintain its market leadership it has to retain loyal, dedicated and motivated workers. Through this procedure the HR Department needs to understand the significance of effectively actualizing performance management instruments to screen key activities. For performance management to work ideally in the department its key functions and objectives ought to be distinguished in line with the organization's strategy (Cole, 2002).

There are various ways of measuring the general performance of the Human Resource department. To strategically evaluate the performance of the HR department one has to look at the key performance indicators of the HR department. Different scholars have come up with various performance indicators of the HR department. Iveta (2012), listed the key performance indicators of the HR department as labour costs, turnover rate, return on investment on trainings, succession planning, human capital, corporate social responsibility, and rewarding system. According to Ruben, (2017) performance indicators include talent retention, duration in position, rate of absenteeism, average time for recruitment, education and training, average time to achieve goals, and accidents in the work place. Jessee, (2018) has a total of forty two key performance indicators of the HR department. He has grouped them into various clusters across the human resource functions. He has clustered them according to compensation, culture, employment, and performance. This study adopted the key performance indicators done by Ruben to measure the performance of the HR function.

According to Ruben, (2017) retention of talent is a key indicator that indicates the job stability of the company. By looking at the retention aspect of the organization one learns about the average employee stay in the company. Retention is linked to remuneration of the labour market as a whole. According to Maiyer (2002) retention of employees is focused much on those employees who create value to the organization or rather contribute to achievement of the goals of the organization.

Duration in one's position tries to look at how much time one spends in a position. Employees sometimes have fears that they do not have chances of being promoted hence look for better opportunities elsewhere. Organizations that have put in place strategies on promotions motivate their employees hence realizing minimum movements of employees in and out of the company. Absenteeism measures the absent of employees due to delays, sick offs, or either permitted or unpermitted absenteeism. Absenteeism as an indicator helps predict the number one could be expecting for him to plan accordingly. Causes of absenteeism may include illness or injury, family care, bullying, mental distress, low morale, depression, job hunting and partially shifts. Cost associated with absenteeism include wages paid to absent employees, cost for replacements, reduced productivity, etc.

2.5 Empirical Review

A study was done by Mehmood et al, (2017), on the impact of HRM on firm performance at the Gift University in Gujranwala Pakistan. The study came up with suggestions suggested that management can extend commitment through proper policies and addressing working conditions. The conclusion stressed that companies should view

employees as strategic resources. Though the study focused on only one variable and left out key variables such as university culture, organizational climate, labor market etc.

A paper by Deakin, (2009), done in Geneva on Regulating Decent work; effects of labour and employment laws in modern social legislation. The study revealed that a developing intrigued in cross-national, comparative examination has provoked the development of modern information sources. These sources are within the frame of records of work directions and the utilization of factual strategies which can toss light on the nature of causal impacts running from the law to the economy. The research though addressed comparisons between natural causal effect law and regulated laws and how they influence the economy. It has not mentioned on the enforcement aspect of regulated laws and the influence on the economy.

Another study conducted at the University of California by Bernhardt, (2014), on Labour Standards and the Reorganization of work; Gaps in Data and Research argued that reorganization of work has contributed to the deterioration of labour standards in the US over the past four decades. The study intended to establish gaps in wage inequality, the findings stated that there was inequality in U.S.A In terms of rewards and benefits though the study did not establish the magnitude of growth in the inequality.

A study by Apwoka (2013) looked at the influence of the Human Resource Management Professional Act Human Resource function performance in Nakuru County. The research was conducted in selected sub-counties and it adopted a descriptive research design. Through Structured questionnaire the research findings were that Nakuru County Government employees are trained to execute their duties and tasks in accordance to a

formal procedures. Also the County Government has a training policy. It remains unclear though how the HRMP Act has been implemented in respect of training of HR practitioners against the training strategies as enshrined in the Act.

Chepkuto et al (2015), in their study mentioned that adaptation of national labour laws and controls is an imperative means of actualizing international labour standards. Generally organizations develop employee policy manual need to develop with the organization. Firms procure new workers and new directors, and that implies that they should focus on writing precisely how employees should be dealt with and the practices the organization won't endure. The research findings were international labour standards ought to be the reason for improvement of labour legislation in any nation. They suggested that perspectives of social partners ought to be taken into count while planning particular labour legislation of any nation since they encourage future application of such laws.

Table 2.1: Summary of studies done, findings and knowledge gaps

SOURCE	TOPIC	FINDINGS	KNOWLEDGE GAP
Mehmood et al, (2017)	Impact of Human Resource Management Practices on organizational performance.	Management increases level of commitment in the organization by improving satisfaction with compensation policies and work conditions.	The study focused on only one variable and left out key variables such as university culture, organizational climate, labor market etc.
Deakin, (2009)	Regulating Decent work; effects of labour and employment laws in modern social	The study revealed that a growing interest in cross-national, comparative analysis has prompted the emergence	The study does not mentioned on the enforcement aspect of regulated laws and the

	legislation.	of new data sources.	influence on the economy.
Bernhardt, (2014)	Labour Standards and the Reorganization of work; Gaps in Data and Research.	Over a long period of time there had been a dramatic shift against US workers, income inequality had grown, with differential wages and benefits.	It was not clear how much growth in inequality had been transmitted via the recognition of work.
Apwoka, (2013)	Influence of HRMP Act on performance of the Human Resource function in Nakuru County.	The County Government employees are trained to execute their duties and tasks in accordance to formal procedures.	It's unclear how the HRMP Act has been implemented in respect of training of HR practitioners against the training strategies as enshrined in the Act.
Paul Chepkuto et al, (2015)	Labour laws and regulatory practices in Kenya: an analysis of trends and dynamics.	International labour standards should be the basis for development of labour legislation in any country.	The research did not touch on the enforcement element of the law and for laws and regulations to be effective have to be enforced.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

The chapter gave an introduction to the methodology that were adopted and used in the study. It illustrated the study design, target population, data collection procedure and data analysis method. The study was concerned with influence of HRMP Act (2012) enforcement on performance of HR function at the Ministry of Health.

3.2 Research Design

Research design is the overall strategy used in selecting and analyzing data in order to test hypothesis. It is the master plan specifying the methods, framework or blueprint for the research (Zikmund, 2003). The research design states the research method to determine data needed and sampling method, sample size process of data analysis and measurement. The research was a descriptive form of research. Descriptive research refers to the process of data collection with the aim of answering questions in regard to the current status of the subject in study. It is a scientific method of investigation that involves collection and analysis of quantitative data in order to describe the phenomena in study (Mugenda, 2003).

3.3 Target Population

The target population for the study constituted employees attached to the HR department at the Ministry of Health, Headquarters in Nairobi. According to the organizational structure the HR department is under the ministry of public service commission. The HR department has total population of 136 employees. The target population comprised of 4

directors, 10 principal human resource managers, 10 chief human resource officers, 30 senior human resource officers, 15 human resource officer 1 and 67 clerical staff in the HR department. The research adopted the census method to collect data using the target population of 136 employees from the HR department at the Ministry of Health. The target population was as summarized in the Table 3.1

Table 3.1: Target population

Category	Population
Directors	4
Principal HR Managers	10
Chief HR Officers	10
Senior HR Officers	30
HR Officer 1	15
Clerical staff	67
Total	136

3.4 Data Collection Instruments

The study used Primary data collection methods. This was done through the provision of questionnaires (Appendix II) which enabled precise and accurate questions asked to the respondents. The questionnaires contained mainly closed ended questions. Part A of the questionnaire entailed general information where the respondents gave personal information about the company. Part B entailed questions relative to the provisions of the HRMP Act, 2012. The research focused on the general views of the respondents on status of the provisions of the HRMP Act. Part C entailed questions on the performance of the Human Resource function by looking at the key indicators of performance as defined by

Ruben (2017). The questionnaires were administered using drop and pick method since the respondents were at a proximity distance from the researcher.

3.5 Data Analysis

The data that was obtained was checked thoroughly for completeness. Then the researcher analyzed it using descriptive statistics, that is, both qualitative and quantitative data analysis which enabled the researcher draw conclusions from the results of the respondents. The research findings were then presented using tables in accordance to the objective of the study. The data was analyzed through the use of Statistical Package for Social Sciences (SPSS) software version (23). The findings that came from the analysis were used to compile a report.

The researcher used Simple regression analysis to determine the form of relationship between Dependent variable and the Independent variable. Below is the simple regression equation that was used.

$$Y = \alpha + \beta_1 X + \varepsilon$$

Where; Y = Performance of the HR function (Dependent variable)

 X = HRMP Act, 2012 enforcement (Independent variable)

α = Constant

β_1 = Coefficient of variation

ε = Error term

CHAPTER FOUR

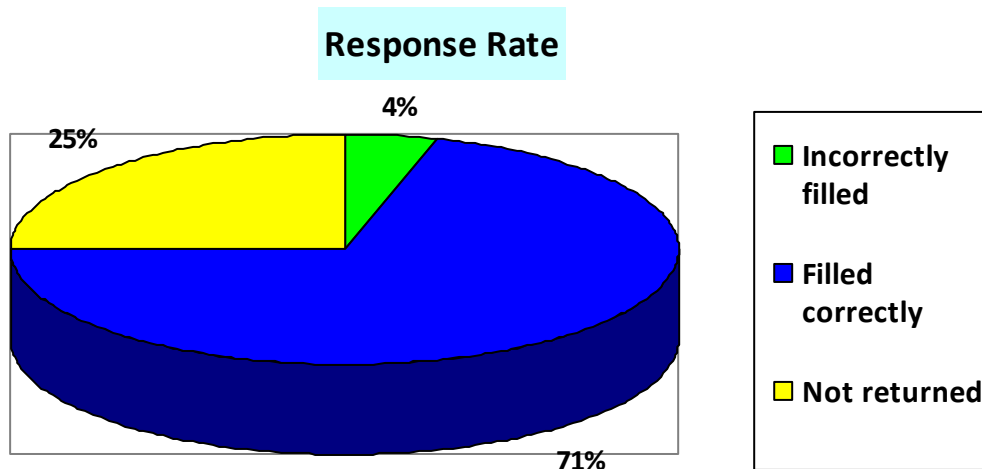
RESEARCH FINDINGS AND DISCUSSIONS

4.1 Introduction

The chapter provides a descriptive analysis of the collected data, interpretation and discussion of the findings. This followed analyzing the data and the findings are presented and discussed in line with the objective of the study which was to determine the influence of Human Resource Management Professionals Act (2012) enforcement on performance of Human Resource Function at the Ministry of Health.

4.2 Response Rate

The respondents were issued with 136 questionnaires. Out of 136 questionnaires that were issued, 102 of them were filled and returned. Of the returned questionnaires, 6 were incorrectly filled and thus were not used in the final analysis. Therefore, 96 were correctly filled and hence were used for analysis representing a response rate of 71%. The response missed the mark with 29%.



The 25% percentage of respondents did not fill the questionnaires as expected due to various reasons which included failing to fill because they were on leave, others were out on official duties; others were away on sick leave. On the other hand the six respondents which comprise of the 4% failed to complete the questionnaires correctly. The response rate of 71% was considered sufficient to enable further analysis.

4.3 Respondents' Profile

The characteristics of the respondents were identified through profile describing those who took part in the study. The distribution of the respondents was done according to their gender, education, age bracket, job level and how long they had worked at the Ministry of Health. This aimed at checking between the variables under study and the respondent profile because previous studies have reported some relationship between these demographic factors and employee performance.

4.3.1 Gender

The study sought to establish the gender of the respondents in the study. The findings are shown in Table 4.1

Table 4.1: Gender

Gender	Frequency	Percentage
Male	70	72.92
Female	26	27.08
Total	96	100.00

Source: Research data (2018)

According to the findings in table 4.1, majority of the respondents were male (72.92%) while the female respondents were few (27.08%). From these findings we can deduce that there was gender disparity in public sector.

4.3.2 Age

The study then sought to establish the age groups of the respondents in the study. Table findings are illustrated in table 4.2.

Table 4. 2: Distribution of Respondents by Their Age

Age group	Frequency	Percentage
18 – 25 years	2	2.08
26 – 35 years	38	39.58
36 – 45 years	36	37.50
46 and above	20	21.94
Total	96	100.00

Source: Research data (2018)

Findings in table 4.2 shows majority of the respondents were of the age between 26 to 35 years (39.58%) while 2.08% were aged 18 to 25 years as the lowest group. From the findings the result showed the respondents were of age and understood the content of the research instrument hence gave credible information.

4.3.3 Educational Level distribution

The study I to establish the attained level of education of the respondents in the study. The findings are indicated in Table 4.3.

Table 4.3: Educational Level

Education level	Frequency	Percentage
High school	0	0
Certificate	8	8.33
Diploma	36	37.5
Degree	40	41.67
Masters	12	12.5
PH D	0	0
Total	96	100.00

Source: Research data (2018)

From Table 4.3, the study found that majority of the respondents (41.67%) had a university degree, this can be attributed to current trend in HR field today which has high preference for high requirements and the urge by HR practitioners to advance with the

profession. Also the education level indicated reliability of the respondents to answer questions correctly.

4.3.4 Job level of the Respondents

The researcher further wanted to establish the job level of the respondents. The findings of the relationship are as illustrated in Table 4.4.

Table 4.4: Job Levels Distribution

Job level	Frequency	Percentage
Senior Managers	2	2.18
Middle Level Managers	12	12.50
HR Officers / Supervision	32	33.34
Junior Staff	50	53.08
Total	96	100.00

Source: Research data (2018)

In terms of job level, most of the respondents (53.08%) were the junior staff. They comprised of the clerical staff which formed big part of the junior workers of the ministry.

4.3.5 Period of respondents working with the ministry

The researcher further wanted to establish how long the respondents had worked with the ministry. The findings of the relationship are as illustrated in Table 4.5.

Table 4.5: Length of service of respondents distribution

Job level	Frequency	Percentage
Less than 1 year	12	12.60
1 – 4 years	51	53.12
5 years and above	33	34.28
Total	96	100.00

Source: Research data (2018)

According to findings most respondents as per table 4.5 (53.12%) were between 1 to 4 years. This provided certainty of getting accurate and informed responses from the respondents since most of them had stayed with the ministry up to 4 years. They understood the operations and the systems so well to be able to give correct information.

4.4 Human Resource Management Professionals Act, (2012) Provisions

The HRMP Act, (2012) had the following provisions i.e. The Institute of Human Resource Management (IHRM), Registration of the Human Resource Management professionals, Practicing certificates and Disciplinary provisions. Each component had a set of five questions on Likert system asked through the questionnaires. Among the four components of HRMP Act, (2012) Disciplinary provisions had the highest influence with an aggregate mean of 3.58. The least component was the IHRM with an aggregate mean of 3.16.

4.4.1 Institute of Human Resource Management (IHRM)

The study sought the respondent's level of agreement with statements relating to institute of human resource management (IHRM). The findings are illustrated in Table 4.6

Table 4.6: Institute of human resource management (IHRM)

Statement	N	Mean	Std.dev.
The IHRM is well known by all HR practitioners at the Ministry of Health.	96	3.54	0.32
All HR practitioners at the Ministry know and full understand the roles of IHRM.	96	3.63	0.02
All employees in the HR department at the Ministry of Health are registered members with IHRM.	96	2.53	0.01
All registered members of the institute participate in electing the council mandated to run the affairs of the institute.	96	3.78	0.23
The HR Department has implemented and fully complied with the requirements of the HRMP Act (2012).	96	3.00	0.02
Aggregate mean	96	3.16	0.17

From findings in table 4.6 the respondents agreed that the institute of Human Resource Management contribute to the performance of the HR function with an aggregate mean of 3.16. The respondents strongly agreed that all registered members of the institute participate in electing the council mandated to run the affairs of the institute with a mean of 3.78. However the respondents disagreed that all employees in the HR department at the Ministry of Health are registered members with IHRM as shown with a mean of 2.53.

4.4.2 Registration of Human Resource Management Professionals

The study sought the respondent's level of agreement with statements related to registration of Human Resource Management Professionals. The findings are illustrated in Table 4.7.

Table 4.7: Registration of Human Resource Management Professionals

Statement	N	Mean	Std.dev.
The IHRM registration committee effectively monitor compliance for professional quality assurance to be observed by members.	96	3.51	0.03
The registration committee rightly advise the council on matters pertaining to the institute professional and other standards.	96	4.01	0.22
The institute through the registration committee has set achievable qualifications for HR practitioners to become members of IHRM.	96	3.79	0.33
All Human Resource Firms in Kenya are registered with IHRM.	96	2.57	0.22
The general register for IHRM members is up to date and properly maintained.	96	2.33	0.41
Aggregate Mean	96	3.24	0.24

According to the findings in table 4.7 the respondents agreed that the IHRM registration contribute to the performance of the HR function with an aggregate mean of 3.24. The registration committee rightly advise the council on matters pertaining to the institute professional and other standards as shown with a mean of 4.01. However the respondents disagreed that the general register for IHRM members is up to date and properly maintained with a mean of 2.33.

4.4.3 Practicing Certificate

The study sought the respondent's level of agreement with statements related to practicing certificate. The findings are illustrated in Table 4.8.

Table 4.8: Practicing Certificate

Statement	N	Mean	Std.dev.
All employees in the HR department at the Ministry of Health have done the CHRP course or have plans to do it sooner.	96	3.88	0.23
IHRM has been cancelling practicing certificates of those HR practitioners who have been implicated with malpractices while offering HR services either in their course of employment or as consultants.	96	4.00	0.43
The continuous professional development program (CPD) introduced by IHRM has improved performance of HR practitioners.	96	3.67	0.01
Training of HR practitioners have been strictly embarked on after the introduction of the HRMP Act (2012).	96	2.34	0.45
HR practitioners are conducting more research and publications on HR matters unlike before the introduction of the Act as insisted by IHRM.	96	3.98	0.02
Aggregate Mean	96	3.57	0.23

According to the findings in table 4.8 the respondents agreed that practicing certificates is one of the key components of the HRMP Act, (2012) influence on performance of the HR function with an aggregate mean of 3.57. IHRM has been cancelling practicing certificates of those HR practitioners who have been implicated with malpractices while offering HR services either in their course of employment or as consultants as shown with a mean of 4.00. However the respondents disagreed that training of HR practitioners have been strictly embarked on after the introduction of the HRMP Act (2012) as shown with a mean of 2.34.

4.4.4 Disciplinary provisions

The study sought the respondent's level of agreement with statements related to disciplinary provisions. The findings are illustrated in Table 4.9.

Table 4.9: Disciplinary provisions

Statement	N	Mean	Std.dev.
The HR department at the Ministry of Health has a policy that regulates the practice, competence and conduct of HR practitioners.	96	3.87	0.33
The HR department has a functional dispute resolution mechanism and disciplinary procedures known and adhered to by employees.	96	4.23	0.38
IHRM has zero tolerance to corruption for all members as they deliver their duties in their respective working places.	96	3.54	0.04
Since the introduction of the HRMP Act, 2012 more cases of malpractices done by HR professionals in their line of duty have been reported to IHRM and handled amicable.	96	3.63	0.01
Since the introduction of the HRMP Act, 2012 many HR quakes have been intersected and punished accordingly.	96	3.88	0.03
Aggregate Mean	96	3.83	0.33

From the findings the respondents agreed that Disciplinary provisions of the Act contribute to the performance of the HR function with an aggregate mean of 3.83. The HR department has a functional dispute resolution mechanism and disciplinary procedures known and adhered to by employees as shown with a mean of 4.23.

IHRM has zero tolerance to corruption for all members as they deliver their duties in their respective working places as shown with a mean of 3.54. Since the introduction of the HRMP Act, 2012 more cases of malpractices done by HR professionals in their line of duty have been reported to IHRM and handled amicable as shown with a mean of 3.63. Since the introduction of the HRMP Act, 2012 many HR quakes have been intersected and punished accordingly as shown with a mean of 3.88.

4.5 Performance of the Human Resource Function

Performance of the Human Resource Function had the following indicators i.e. Retention of talents, Duration in one's position, Rate of absenteeism and Cost of hire. Each indicator had a set of five Likert system questions asked through the questionnaires. Among the four indicators Rate of absenteeism had the highest indication with an aggregate mean of 4.27. The least indicator was the Duration in one's position with an aggregate mean of 3.67.

4.5.1 Retention of Talent

The study sought respondents level of agreements with statements related to retention of talents in regard to the performance of the HR function at the Ministry of Health. The findings are illustrated in table 4.10.

Table 4.10 Retention of Talent

Statement	N	Mean	Std dev.
The Ministry conducts periodic employee surveys to gain insights on motivation, engagement and satisfaction of their employees.	96	3.64	0.03
Using of exit interviews by the HR department has enabled the organization improve its retention strategy.	96	3.88	0.53
The Ministry has provided a conducive working environment that has enabled retain talented employees.	96	3.97	0.24
There is opportunity for growth at the ministry supported by the training and development strategy adopted.	96	3.74	0.34
The Ministry has a functional mentorship program and recognizes hard working employees.	96	4.00	0.11
Aggregate Mean	96	3.90	0.25

According to the findings in table 4.10, the respondents agreed that Retention of talents is one among the key indicators of a performing HR function with an aggregate mean of 3.90. Using of exit interviews by the HR department has enabled the organization

improve its retention strategy as shown with a mean of 3.88. The Ministry has provided a conducive working environment that has enabled retain talented employees as shown with a mean of 3.97. There is opportunity for growth at the ministry supported by the training and development strategy adopted as shown with a mean of 3.74. The Ministry has a functional mentorship program and recognizes hard working employees as shown with a mean of 4.00

4.5.2 Duration in one's position

The study sought respondents level of agreements with statements related to duration in one's position in regard to the performance of the HR function at the Ministry of Health.

The findings are illustrated in table 4.11

Table 4.11: Duration in ones position

Statement	N	Mean	Std dev.
The ministry has an effective promotion policy in place.	96	3.55	0.02
Employees do not stay longer than expected in their positions.	96	3.78	0.03
One reason why employees leave the ministry is that they feel they do not have chances of being promoted.	96	4.00	0.44
The ministry has created enough opportunities for individual growth within the ministry.	96	2.54	0.56
Training and development of employees is encouraged at the ministry.	96	4.45	0.32
Aggregate Mean	96	3.67	0.27

According to the findings in table 4.11, the respondents agreed that staying in one's position as an indicator for performance of the HR function has been proved by the respondents recording an aggregate mean of 3.67. Training and development of employees is encouraged at the ministry as shown with a mean of 4.45. The respondents

however disagreed that the ministry has created enough opportunities for individual growth within the ministry as shown with a mean of 2.54.

4.5.3 Rate of absenteeism

The study sought respondents level of agreements with statements related to rate of absenteeism in regard to the performance of the HR function at the Ministry of Health.

The findings are illustrated in table 4.12

Table 4.12 Rate of absenteeism

Statement	N	Mean	Std dev.
Bullying of new employees increase the rate of absenteeism at the ministry.	96	4.22	0.43
Employees are loaded with jobs at the ministry leading to fake sickness and attain false sick offs.	96	3.65	0.22
Employees are exposed to risk undertakings and environment at the workplace which leads to absenteeism due to injuries happening so often.	96	4.33	0.02
Some of the employees absent themselves from work for no good reasons.	96	4.55	0.33
Absenteeism affects employee performance / productivity at the workplace.	96	4.64	0.65
Aggregate Mean	96	4.27	0.33

According to the findings in table 4.12 the respondents agreed, that rate of absenteeism is a great indicator for performance of the HR function with an aggregate of .27. Bullying of new employees increases the rate of absenteeism at the ministry as shown with a mean of 4.22. Employees are loaded with jobs at the ministry leading to fake sickness and attain false sick offs as shown with a mean of 3.65. Some of the employees absent themselves from work for no good reasons as shown with a mean of 4.55. Absenteeism affects employee performance/productivity at the workplace as shown with a mean of 4.64. The

respondents agreed that employees are exposed to risk undertakings and environment at the workplace which leads to absenteeism due to injuries happening so often as shown with a mean of 4.33.

4.5.4 Cost to Hire

The study sought respondents level of agreements with statements related to cost to hire in regard to the performance of the HR function at the Ministry of Health. The findings are illustrated in table 4.13

Table 4.13 Cost to Hire

Statement	N	Mean	Std dev.
Vacant positions get filled within reasonable time.	96	3.76	0.23
There is a proper and clear policy on recruitment and selection.	96	4.00	0.34
Most employees successful recruited stay for long with the ministry.	96	3.98	0.22
Turnover rate of new hires is minimal.	96	3.55	0.31
The ministry uses internal sources of recruitment compared to external sources.	96	4.32	0.25
Aggregate Mean	96	3.96	0.27

According to the findings in table 4.13, the respondents agreed that cost of hire is another key indicator of a performing HR function with an aggregate mean of 3.96. Vacant positions get filled within reasonable time as shown with a mean of 3.76. There is a proper and clear policy on recruitment and selection as shown with a mean of 4.00. Most employees successful recruited stay for long with the ministry as shown with a mean of 3.98. The ministry uses internal sources of recruitment compared to external sources as shown with a mean of 4.32. Turnover rate of new hires is minimal as shown with a mean of 3.55.

4.6 Regression

Model Summary

The study used coefficient of determination to test the percentage of variations on dependent variable predicted by changes in independent variable. From the results the correlation coefficient was 0.803 an indication of strong positive correlation between the independent and dependent variables.

The coefficient of determination was $R^2 = 0.644$ shows the predictive power of the model and in this case 64.4% of variations in performance of the HR function is explained by the independent variables with adjusted coefficient of determination being 61.8%. This indicates that 61.8% of variations in Performance of the HR function are explained by the HRMP Act, (2012) enforcement.

Table 4.14: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.803(a)	.644	.618	.78381

Predictors: (Constant), HRMP Act, (2012) enforcement

Dependent Variable: Performance of the HR function

ANOVA Results

The study ANOVA results are as shown in Table 4.15 below.

Table 4.15 ANOVA

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	2.534	3	1.267	9.475	.0179 ^a
	Residual	9.307	92	2.327		
	Total	3.465	95			

The significance value is 0.0179 which is less than 0.05 thus the model is statistically significant in predicting how HRMP Act, (2012) enforcement influence performance of the HR function. At 5% level of significance, the F critical was 3.23 while the F calculated was 9.475. Therefore, the F calculated was greater than the F critical hence the overall model was significant.

A simple regression model was applied to determine the relationship between HRMP Act, (2012) enforcement (Independent variable) and Performance of the Human Resource Function (Dependent variable).

The regression model was as follows: $Y = \alpha + \beta_1 X + \varepsilon$

Using the values of the coefficients (β) from the regression coefficient table 4.16 the established simple linear regression equation takes the form of;

$$Y = 5.056 + 0.161X$$

Where;

Constant = 5.056; when value of the independent variables are zero, Performance of the HR function would take the value 5.056.

X= 0.161; one unit increase in HRMP Act, (2012) enforcement results in 0.161 units increase in Performance of the HR function.

Table 4. 16: Regression Coefficient

Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta	B	Std. Error
1	(Constant)	5.056	3.061		1.652	.104
	HRMP Act, 2012 enforcement	.161	.073	.204	2.221	.030

Dependent Variable: Performance of the HR function

4.7 Discussion of Findings

The findings indicated that the institute of Human Resource Management is well known by all HR practitioners at the Ministry of Health an indication that the HR majority of the HR practioners can easily register themselves and also seek relevant skills to comply with Human Resource Management Professionals Act, (2012) Provisions which culminates from advocacy and implementation of the legislations and this in turn influence the performance of HR Function. A practitioner who is aware of the existence of the HRM Act (2012) would be more vigilant in the execution of duties and responsibilities in the health ministry. The conflict and industrial action in health ministry that has been witnessed before the enactment of the Act could be attributed to lack of relevant

legislations that guided the HRM professionals and after the enactment of the Act the awareness and training have been producing positive results.

The findings also indicated that All HR practitioners at the Ministry know and full understand the roles of IHRM and that all registered members of the institute participate in electing the council mandated to run the affairs of the institute however there was still lapse in full compliance on implementation of the HRMP Act, (2012). The full compliance could also be attributed to the fact that all the HRM Practitioners have not finalized the relevant trainings and capacity to meet the standards set by IHRM.

On practicing certificate the findings indicated that *all* employees in the HR department at the Ministry of Health have done the CHRP course or have plans to do it sooner. This indicates that the certification process is still underway in the ministry of health which could improve the standards of performance in the HRM function. The training on HR practitioners need to be strictly embarked on HRMP Act (2012). The findings also indicate that HR practitioners are conducting more research and publications on HR matters unlike before the introduction of the Act as insisted by IHRM. This is an indication that the HR Function can be improved through adopting the recommendations from the research which would advice the HR practioners on new and efficient ways of HR Practice and hence improve the HR function.

On disiplinary provisions the findings indicated that the HR department at the Ministry of Health has a policy that regulates the practice, competence and conduct of HR practitioners. This implies that the HR function would be affected by failure or

adherence to the policies set at the ministry of health. The policy also sets dispute resolution mechanism and disciplinary procedures known and adhered to by employees. With Zero tolerance to corruption the findings indicated that dispute resolution mechanism and disciplinary procedures known and adhered to by employees and many HR quakes have been intersected and punished accordingly.

On retention of talent the findings indicated that the Ministry conducts periodic employee surveys to gain insights on motivation, engagement and satisfaction of their employees and through exit interviews the HR department is in a position to come up with strategies that guides the ministry to come up with the retention strategies. The ministry of health overtime witnessed brain drain as qualified and skilled employees look for greener pastures in other countries and as per the findings the Ministry is creating a conducive working environment that will aid in retention of talented employees. The findings also concur with study by Maiyer (2002) who argued that retention of employees is focused much on those employees who create value to the organization or rather contribute to achievement of the goals of the organization.

According to the findings the ministry has a role in reduction of rate of absenteeism through accidents which affects employee performance /productivity at the workplace. The findings concur with study by Ruben (2017) who argued that accidents rate measures the frequency of fatalities in an organization and come up with procedures to curb the accidents in a future date. The findings also indicate that through enforcement of IHRM Act (2012) the ministry is in a position to reduce costs of hiring new employees.

The vacant positions get filled within reasonable time and following policies clearly the turnover rates are minimal.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The objective of the study was to determine the influence of Human Resource Management Professionals Act (2012) enforcement on performance of Human Resource Function at the Ministry of Health. This gives a summary of the study and makes conclusion and recommendations based on the results. The chapter also presents implications of the study and suggestions for further research.

5.2 Summary of Findings

This study found the institute of Human Resource Management is well known by all HR practitioners at the Ministry of Health an indication that the HR majority of the HR practitioners can easily register themselves and also seek relevant skills to comply with Human Resource Management Professionals Act, (2012). The study found that All HR practitioners at the Ministry know and full understand the roles of IHRM and that all registered members of the institute participate in electing the council mandated to run the affairs of the institute however there was still lapse in full compliance on implementation of the HRM ACT (2012). The study also found all employees in the HR department at the Ministry of Health have done the CHRP course or have plans to do it sooner.

The study found the HR department at the Ministry of Health has a policy that regulates the practice, competence and conduct of HR practitioners. This implies that the HR function would be affected by failure or adherence to the policies set at the ministry of

health. The study also found that through enforcement of IHRM Act (2012) the ministry is in a position to reduce costs of hiring new employees. The vacant positions get filled within reasonable time and following policies clearly the turnover rates are minimal.

5.3 Conclusion

This study concludes that there has been knowledge about the existence of institute of Human Resource Management all HR practitioners should be registered. Through the registration it's possible to have well functioning HR department. This is possible because the practitioners will be subject to review of their capacities and the research conducted by the IHMR will be guiding the practitioners on new and emerging issues that will guide their HR practice and impact professionalism while carrying their duties and responsibilities.

The study also concludes that registered members at IHRM that all registered members of the institute participate in electing the council mandated to run the affairs of the institute. While the members of professional bodies participate in key decision making process like the election of governing council they feel they own the professional body and therefore easily comply with the directives given the professional body. The study also concludes that failure to adhere to HR policies can create gaps in the HR function of the ministry of health.

The study also concludes that through enforcement of IHRM Act (2012) the ministry is in a position to reduce costs of hiring new employees. The vacant positions get filled within reasonable time and following policies clearly the turnover rates are minimal. The

ministry is in a position to retain the employees. Satisfied work force will improve the performance of the organization since there will be few or no absenteeism.

5.4 Recommendations

The findings indicated that institute of Human Resource Management is known to all HR practitioners in the ministry of health. The study therefore recommends that the ministry of health should ensure all the employees working in the HR department are registered. This will enhance professionalism and hence the performance of HR Function. The study also found that all employees in the HR department at the Ministry of Health have done the CHRP course or have plans to do it sooner. This indicates that the certification process is still underway in the ministry of health.

Therefore the study recommends that the ministry should facilitate the HRM certification through financial arrangement with the practitioners which will ensure that all the HRM professionals are registered and have acquired the relevant training and certified. The study also found that through enforcement of IHRM Act (2012) the ministry is in a position to reduce costs of hiring new employees the study therefore recommends that there should be regular reviews and trainings on the IHRM Act (2012) and the ministry should do benchmarking with other bodies with good ratings in the compliance with the Act.

5.5 Implications of the study

The results of the study show that enforcement of HRMP Act, (2012) affects performance of the HR function in the ministry of health. It's therefore a wakeup call on the

management to formulate policies on areas where there are gaps in the enforcement of the Act. The ministry of health needs to have guidelines that will simplify the content of the HRMP Act, (2012) which will enable the employees also to understand their duties, responsibilities and obligations under the Act. The Ministry has to conduct period reviews on the enforcement of the Act and come up with corrective measures on the gaps that could be existing and which affect the HR function.

5.7 Limitations of the Study

The study was confined to determine the influence of Human Resource Management Professionals Act (2012) enforcement on performance of Human Resource Function at the Ministry of Health. Some of the respondents were hesitant to give information which they considered confidential the researcher had to put a lot of effort in convincing the respondents on the importance of academic information and it was not meant for any other purpose apart from academics. The results of the study may not be applicable to other sectors in developed countries since the enforcement of the laws could be different depending on judicial systems and resources to keep check on adherence to regulations never the less, the study gives a good basis for enhancement of the HR function.

5.8 Suggestions for Further Research

This study finds the need for similar studies to be carried out targeting other sectors. At the same time, there is need to undertake studies on other legislation that have direct effect on the HR functions in private sector as well.

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APPENDICES

APPENDIX I: INTRODUCTION LETTER

The Director,
Human Resources and Administration,
Ministry of Health,
P.o. Box 30016-00100
Nairobi-Kenya

Dear Sir/Madam,

SUB: AUTHORITY TO CARRY OUT RESEARCH STUDY

I am a Masters Student at pursuing Master of Science in Human Resource Management at the University of Nairobi. As part of fulfilment of the course, one is required to write a research project in his or her field of study.

I intend to carry out a research on the influence of Human Resource Management Professionals Act (2012) enforcement on the performance of Human Resource Function in your esteemed organization.

I hereby request you to provide your opinion based on the attached questionnaire. The information provided is meant for academics purposes only with gurantee of confidentiality.

Yours sincerely,

Jackson K. Mweni
STUDENT

APPENDIX II: QUESTIONNAIRE

General Information

The questionnaire is based on short and direct approach to the information required.

SECTION A

Personal Information

1. Sex: Male Female

2. Age: 18-25yrs 26-35yrs
 36-45yrs 46 and above years

3. Highest education level:
 High School: Certificate: Diploma:
 Degree: Masters: PH D:

4. What is your job level:
 Senior Manager: Middle level Manager:
 HR Officer: Junior staff:

5. For how long have you been working with the Ministry of Health?
 Less than 1 year: 1-4 years: 5 years and above:

SECTION B: Human Resource Management Professionals Act, (2012) Provisions

On a rating scale of 1-5, please tick the appropriate box indicating the extent, to which you agree with these statements, in regard to the provisions of the HRMP Act, (2012) where:

1= Strongly disagree 2= Disagree 3= Undecided 4= Agree 5= Strongly Agree

S/No.	STATEMENT	1	2	3	4	5
	Institute of Human Resource Management (IHRM)					

1	The IHRM is well known by all HR practitioners at the Ministry of Health.					
2	All HR practitioners at the Ministry know and full understand the roles of IHRM.					
3	All employees in the HR department at the Ministry of Health are registered members with IHRM.					
4	All registered members of the institute participate in electing the council mandated to run the affairs of the institute.					
5	The HR Department has implemented and fully complied with the requirements of the HRMP Act (2012).					
	Registration of HRM Professionals					
6	The IHRM registration committee effective monitor compliance for professional quality assurance to be observed by members.					
7	The registration committee rightly advice the council on matters pertaining to the institute professional and other standards.					
8	The institute through the registration committee has set achievable qualifications for HR practitioners to become members of IHRM.					
9	All Human Resource Firms in Kenya are registered with IHRM.					
10	The general register for IHRM members is up to date and properly maintained.					
	Practicing Certificate					
11	All employees in the HR department at the Ministry of Health have done the CHRP course or have plans to do it sooner.					
12	IHRM has been cancelling practicing certificates of those HR practitioners who have been implicated with malpractices while offering HR services either in their course of employment or as consultants.					
13	The continuous professional development program (CPD) introduced by IHRM has improved performance of HR practitioners.					
14	Training of HR practitioners have been strictly embarked on after the introduction of the HRMP Act (2012).					
15	HR practitioners are conducting more research and publications on HR matters unlike before the introduction of the Act as insisted by IHRM.					

	Disciplinary Provisions					
16	The HR department at the Ministry of Health has a policy that regulates the practice, competence and conduct of HR practitioners.					
17	The HR department has a functional dispute resolution mechanism and disciplinary procedures known and adhered to by employees.					
18	IHRM has zero tolerance to corruption for all members as they deliver their duties in their respective working places.					
19	Since the introduction of the HRMP Act, 2012 more cases of malpractices done by HR professionals in their line of duty have been reported to IHRM and handled amicably.					
20	Since the introduction of the HRMP Act, 2012 many HR quakes have been intersected and punished accordingly.					

SECTION C: Performance of the Human Resource Function

On a rating scale of 1-5, please tick the appropriate box indicating the extent, to which you agree with these statements, in regard to the performance of the HR function at the Ministry of Health where:

1= Strongly Disagree 2= Disagree 3= Undecided 4= Agree 5= Strongly Agree

S/No.	STATEMENT	1	2	3	4	5
	Retention of talent					
1	The Ministry conducts periodic employee surveys to gain insights on motivation, engagement and satisfaction of their employees.					
2	Using of exit interviews by the HR department has enabled the organization improve its retention strategy.					
3	The Ministry has provided a conducive working environment that has enabled retain talented employees.					
4	There is opportunity for growth at the ministry supported by the training and development strategy adopted.					
5	The Ministry has a functional mentorship program					

	and recognizes hard working employees.					
	Duration in one's position					
6	The ministry has an effective promotion policy in place.					
7	Employees do not stay longer than expected in their positions.					
8	One reason why employees leave the ministry is that they feel they do not have chances of being promoted.					
9	The ministry has created enough opportunities for individual growth within the ministry.					
10	Training and development of employees is encouraged at the ministry.					
	Rate of absenteeism					
11	Bullying of new employees increase the rate of absenteeism at the ministry.					
12	Employees are loaded with jobs at the ministry leading to fake sickness and attain false sick offs.					
13	Employees are exposed to risk undertakings and environment at the workplace which leads to absenteeism due to injuries happening so often.					
14	Some of the employees absent themselves from work for no good reasons.					
15	Absenteeism affects employee performance / productivity at the workplace.					
	Cost to hire					
16	Vacant positions get filled within reasonable time.					
17	There is a proper and clear policy on recruitment and selection.					
18	Most employees successful recruited stay for long with the ministry.					
19	Turnover rate of new hires is minimal.					
20	The ministry uses internal sources of recruitment compared to external sources.					

Thank you for your co-operation.