

**IMPACT OF THE POLICY FOR PERSONS WITH DISABILITY ON INCLUSIVITY IN
PUBLIC SERVICE: A COMPARATIVE STUDY OF SERVICE COMMISSIONS IN KENYA**

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DECLARATION

This research project is my original work that has not been submitted to any other University for an academic award. No part of this project may be reproduced without the permission of the author and/or the University of Nairobi.

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DEDICATION

This project is dedicated to my loved ones; in particular, My Mum Mrs. Eunice Omino, My Dad Mr. Tobias Omino, My Cousin Rodafline Nyakeno, My Niece Juliette Okeyo, My Nephew Patrick Kipkemoi and my friend Solomon Asiyu. Am forever indebted to all of you for the incredible support you gave me, your understanding and constant motivation given to me throughout the duration of the study. Without your overwhelming Support I would have not managed to complete this project. To my lovely son who was born when I was just beginning my study I dedicate this work to you with a desire to see you grow up to become a champion of Inclusion in your own small and big ways. I recognize the reality that family is a strong pillar of support in everything an individual undertakes in life without which nothing much can be achieved in the study. I also appreciate the strong friendship ties which are of critical importance in both high and low moments.

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ACRONYMS

| | | |
|-------|---|--|
| CAJ | - | Commission on Administrative Justice |
| CRPD | - | Convention on the Rights of Persons with Disabilities |
| CV | - | Curriculum Vitae |
| DESA | - | Department of Economic and Social Affairs |
| DPOs | - | Disabled Persons Organizations |
| HR | - | Human Resources |
| IHRM | - | Institute of Human Resource Management |
| KNBS | - | Kenya National Bureau of Statistics |
| KNCHR | - | Kenya National Commission on Human Rights |
| OECD | - | Organization for Economic and Co-operation and Development |
| NCPWD | - | National Council for Persons with Disabilities |
| NGOs | - | Non Governmental Organizations |
| NPSC | - | National Police Service Commission |
| PPOA | - | Public Procurement Oversight Authority |
| PSC | - | Parliamentary Service Commission |
| PWDs | - | Persons with Disabilities |
| SRC | - | Salaries and Remuneration Commission |
| TSC | - | Teachers Service Commission |
| USA | - | United States of America |
| UK | - | United Kingdom |
| UN | - | United Nations |
| USP | - | Users and Survivors of Psychiatry |
| WHO | - | World Health Organization |

ABSTRACT

The aim of the study was to examine the effect of disabled people policies on inclusivity in Public Service. Particularly, the study assessed the impact of the said policies in five independent commissions namely TSC, PSC, SRC, NPSC and CAJ. It specifically sought to investigate the implementation strategies and challenges of recruitment policies as well as establishing the extent to which Kenyan public service has mainstreamed disabled Person's policies. The study was anchored on the hypotheses that there is inadequate awareness of disability policies which has led to low level of employment of disabled persons and that implementation of performance contracting enhances inclusivity whereas recruitment enhances socioeconomic integration of PWDs. The study adopted purposive sampling in determining sample elements from the sample frame obtained from the commissions. Interviews and fact sheet from authorized organization officials were used for collection of data. The presentation and analysis of data was done using SPSS and excel programs. The main study finding was that the policy for recruitment had enhanced inclusivity in public service. Specific findings on the other hand were that inadequate awareness of policies has contributed to under recruitment of persons with disabilities. Furthermore, the barriers such as inaccessible workplace, lack of facilitation of PWDs in workplace and inequalities in education opportunities affected inclusivity in Public service. The conclusion for this study is that performance contracting has enhanced inclusivity of PWDs through increased opportunities and socioeconomic integration of PWDs. The study recommended establishing proper mechanisms for ensuring that public service institutions implement performance contracts and further studies on impact of policy for disabled persons be conducted in Parastatals and County Governments.

CHAPTER ONE: INTRODUCTION

1.1 Study Background

Inclusivity in Public Service is one of the challenges which governments worldwide attempt to address as a means to tackling problems like increased gaps in income levels which undercut progress of the economy, which at times, disrupt the relationship between the state and citizens. Governments are persistently under pressure to develop strategies of sharing the gains of economic growth equitably to each and every group in society through recruitment in public service. Presumed bias in public sector often obstruct recruitment as well as career progression of citizens from marginalised groups based on ethnicity, religion, gender and disability (McCourt, 2008). Public Service Recruitment is one of the strategies that can be used to enhance inclusivity and ultimately address social and economic problems that advance inequality. A large proportion of people are employed by Public service in comparison with other economic sectors. Absorbing people with disabilities has therefore been one of the strategies of including them into the public service, hence enactment of particular policies to address the imbalance.

Several countries have implemented public policies on inclusivity of people with disabilities in the public service by adopting, incorporating and customizing applicable guidelines on disability, international conventions and resolutions from entities such as World Bank, World Health Organization(WHO) and other organizations as a way of addressing inclusivity with respect to PWDs. Nations have signed and ratified treaties and conventions that bind internationally to facilitate enactment and enforcement of policies on inclusivity. An example is the Convention on the Rights for Persons with Disabilities (CRPD) of 2006, a treaty that endeavours to advance inclusivity with respect to disabled persons using avenues like policy making, legislations as well as constitutional provisions among countries that are party to the treaty.

Approaches that have been incorporated worldwide for advancing inclusive recruitment with focus on disabled persons include job reservation quotas, vocational rehabilitation and training. In the past countries like Japan, Poland, France, Germany and South Korea have adopted the use of employment quotas as a strategy for inclusive recruitment(Lee & Lee, 2016). In Japan companies with more than 46 employees are legally required to ensure that 2.2% of their employees are persons with disabilities.

Those who don't meet the quota pay levy which is distributed to compliant companies to upgrade their facilities and infrastructure to be more inclusive to employees with disability(Inagaki, 2018).Poland require employers to ensure that 6% of their workforce are persons with disabilities. Companies which employ any person with severe disability are counted as having employed two people with disabilities, protected labour markets employ 40% disabled persons who cannot compete in open labour market. Companies exceeding 6% quota, benefit from tax breaks equal to share of PWDs while those with 50% PWDs get income tax exemption. Countries that do not meet the quota pay levy to the state fund of the rehabilitation of the disabled to support initiatives on employment of disabled people(Thornton, 1998).France enforces the obligation of companies with more than 20 employees to hire officially recognised disabled workers as 6% of their payroll and provides disabled compensation on individual's project as well as disabled adult allowance. Those who do not meet the quota pay a contribution equivalent to the cost of those they could have hired(Lewis et al., 2019). In Germany, Companies with more than 20 employees are required to employ 5% people with disabilities, those who do not meet the quota pay scaled compensatory levy to competence integration office. Government provide subsidies for disability barrier free workplace. In South Korea it is mandatory for companies with more than 50 employees to ensure 3.1% of the workforce are disabled persons failure to which penalties and levies are charged.

Various regions within the continents have used regional blocks and continental bodies, for example Southern African Development Community (SADC) and East African Community (EAC) to implement policies. Regional bodies have formulated and implemented policies through their partner states(Khandelwal, 2004). The Agenda 2063 of the Commission of African Union provides an avenue to formulate and implement policies through promoting holistic development policies that will put in place a structure for social and economic improvement in Africa in fifty years' time since adoption of the Agenda (Kiggundu & DeGhetto, 2015). SADC adopted The Charter for Fundamental Social Rights which mandates partner states to create enabling environment for persons with disabilities and establish concrete measures to foster their social and professional integration. The East African Community partner states adopted the disability policy in 2012 with an aim of provision of enabling environment by partner states for the empowerment of PWDs o facilitate their effective participation in development(Murungi et al., 2012).

Kenya has instituted several policies that promote inclusivity in public service in line with international best practices. These include: The bill of rights outlines the guidelines on inclusivity of PWDs through recruitment as stipulated in Article 54 of Kenyan constitution, moreover the disabled persons Act has put in place the Council for persons with disabilities mandated to develop, monitor and implement guidelines on disability mainstreaming in liaison with Performance Contract unit within ministry of devolution as well as any other suitable strategies. In order to promote inclusivity within public service, Vision 2030 delivery secretariat rolled out flagship projects like reservation of funds for enterprise development and social protection within the social pillar to address the wellbeing of underprivileged groups like disabled people. To this end Kenya has developed the Social Protection policy, National Youth Policy and empowered the Social Department units to administer the funds aiming at inclusion of vulnerable populations as outlined in sessional paper number 10 of 2012 (GOK, 2012).

1.2 Research Problem Statement

Approximately 2.2% Kenyans have some form of disability(KNBS, 2019), but this could be as high as 15%, according to WHO and World Bank, as such, approximately 7.05 million Kenyans may have some form of disability .Public Service comprises of employees of government from various sectors which include Ministries & State Departments, State Corporations and Semi-autonomous Government Agencies, Constitutional Commissions and Independent offices, Statutory Commissions& Authorities, Public Universities and any other public entity not excluded under article 234(3) of the constitution of Kenya. The British social policy which was in force in pre-independence period was silent on disability hence no clarity on persons with disability in public service. According to the report on Status of public service compliance with the values and principles in articles 10 and 232 of the constitution, the number of persons with disability in Public serve is 2,567 against a total workforce of 216,958

Various policy initiatives aiming at enhancing inclusivity of disabled persons in public service have been put in place during the post-independence period. The report of the Committee on care and rehabilitation of the disabled led by Ngala Mwendwa in 1964 highlighted the challenges faced by persons with disabilities in education, employment and rehabilitation. This led to development of social and rehabilitation policy for the disabled which initiated the process of establishment of special

schools, vocational institutions, sheltered workshops and culminating into a five years development plan as outlined in sessional paper 5 of 1968. This initiative was followed by the proclamation of the national year of individuals with disabilities in 1980 by Kenyan government ahead of the United Nations announcement of the international year of Disabled People in 1981. This instigated massive campaigns and disability sensitization as well as lobbying for collective effort under the framework of social and rehabilitation policy. The international year of the disabled saw increased enrolment of persons with disabilities in special schools, establishment of Kenya institute of special education, rehabilitation of the disabled and employment of persons with disabilities in sheltered workshops and other public service entities (Gebrekidan, 2012).

The entitlement to equal opportunities in employment and non-biased recruitment processes is guaranteed under the disabled persons act (Njogu, 2008). Thirdly, the Convention on the Rights of Persons with Disabilities (CRPD) was domesticated in Kenya in 2008 outlining a monitoring and evaluation framework of the country supported by action plans. Further, the adoption of the constitutional principle that at the minimum 5% of the elective and appointive opportunities shall constitute disabled persons as provided in article 54 of the Kenyan constitution of 2010 and subsequent establishment of a performance management unit to monitor disability mainstreaming in public institutions and upholding inclusivity as principle of good governance as outlined in article 10 and 234 of the constitution (Mbondenyei & Ambani, 2013). Fifth, was the policy on National Cohesion and Integration which sought to equitably distribute opportunities and allocate public resources with an emphasis on progressive reservation of five percent jobs to disabled persons to ensure cohesion and integration with a broad goal of enhancing inclusivity as outlined in sessional papers number 8 and 9 of 2013 (Kenya, 2013).

In spite of the policy initiatives and related strategies on enhancing inclusivity, the proportion of employees with disability in Kenyan public service is remarkably low. A status report on evaluation of compliance with values and principles in article 10 and 232 of the constitution of Kenya for the period 2018/2019 indicates that 2,567 persons, equivalent to 1.2 % of the employees in public service are persons with disabilities against a workforce of 216,958 (Public Service Commission of Kenya, 2019). The target expectation as per the constitutional threshold of 5% is that the ideal numbers of employees with disabilities in public service ought to be 10,848 thereby presenting a gap of 8,281 persons which is equivalent to a gap of 3.8% ,going by the total e public service workforce of 216,958

as per the survey. The Kenya National Survey on Persons with disabilities revealed that approximately, one third disabled people were employed on private family business, 16.3 percent were on paid employment, ten percent were home makers and about twenty four percent had no work (National Agency on Population and Development, 2007). The outcome revealed that about seventeen percent males had paid jobs, in comparison to 7.5 per cent for disabled women. This is an indication that 83.7 persons with disabilities are jobless and about ten percent of the employed could be in public service, implying that a vast majority are experiencing some level of socioeconomic exclusion. It is against this background that we sought to evaluate the impact of various recruitment policies for disabled persons on inclusivity in public service.

To what extent have the policies fostered inclusivity? Have recruitment policies facilitated inclusivity of persons with disabilities in Kenya? What are the challenges that have hampered attaining inclusivity?

1.3 Research Questions

The research was set to respond to the research questions below:

- i.** How does awareness, managerial perceptions, self-esteem of disabled persons and workplace accessibility affect implementation of policies on recruitment for disabled persons?
- ii.** How does recruitment of Disabled People promote Inclusivity in Public Service?
- iii.** How has inclusivity in Kenyan Public Service improved by integration of PWD policies in Performance Contracts?

1.4 Research Objectives:

1.4.1 General Objective:

The research sought to assess the impact of policy implementation for disabled People as a mechanism of promoting inclusivity in Kenyan Public Service.

1.4.2 Specific Objectives:

The study intended to accomplish the objectives below:

- i.** To investigate implementation strategies of recruitment policies on Disabled Persons
- ii.** To examine the policy challenges on recruitment of Disabled People in Public Service.

- iii. To find out how disabled persons' policies have been operationalized in public service through performance contracts.

1.5 Significance of the Study:

The research will be appropriate to several actors such as, Non-state actors, developers of policies and Researchers. The research sought to promote the principles of theory of New Public Administration that presuppose that discrepancies occur due to limited attention by Public Administrators on social values of programs and policies developed by government and the cost effectiveness of implementation. The theory postulates that, conventional Public Administrators express neutrality in values subsequently isolating the under-privileged as well as vulnerable people in society. Advocates of the theory like Dwight Waldo and George Frederickson were interested in social inequalities, value system in public service and the neutral position taken by Public Administrators in resolving present day challenges in public service institutions (Bryson et al., 2015).

The theory presents a gap in defining mechanisms of promoting social equity, relevance and values in public service. Available research recommends the use of policies in advancing rights of people with disabilities and very few studies on how effective policies have been used in enhancing inclusivity of disabled persons. Quite a number of policy initiatives and legislations have been adopted in Kenya to advance inclusion of persons with disabilities dating from post-independence period. Examples include convention for the rights of disabled persons, social rehabilitation policy for disabled persons, Disability Act and Constitution of Kenya. The study will be useful to policymakers who will utilize the recommendations to deal with the discrepancies in policy implementation for policies on social protection and affirmative action and their effectiveness on holistic development. Forty six percent of Kenyans feel that inequities in allocation of resources and distribution of opportunities is the main cause of high poverty rate and discord in society as outlined in sessional paper number 8 and 9 of 2013 (Kenya., 2003).

The study investigated why existing policies on inclusivity are delaying in realizing expected outcomes. Policy makers would be apprised on optimal ways and best practises in meeting globally acceptable standards on inclusivity. The research will be important to Non-state actors who will obtain useful information for enriching their advocacy on implementation of public policies as a means of promoting inclusivity in public service.

1.6 Scope and Limitations:

Five independent commissions put in place by the constitution were involved in the study. They include TSC, NPSC, PSC, SRC and CAJ. The selected five commissions were chosen because of their significant representation of public sector by virtue of having diverse and significant number of employees which is representative of public service. Teachers Service Commission for instance is one of the oldest Commission that existed even before promulgation of the Constitution of Kenya in 2010 and is mandated to recruit all teachers in Kenya with over one million teachers in primary, secondary and tertiary institutions. The National Police Service Commission also represents a big percentage of Public Sector Workforce by virtue of being the employer of the entire Police force in the Country which includes the National Police Service, the Administration Police and the Department of criminal Investigation which has close to half a million employees. Parliamentary Service Commission on the other hand has employees in the Senate and Parliament which covers all the Constituencies in the Country. All the selected five commissions represent about eighty percent of human resource in Public Service therefore a reliable sample for the study.

In this study, Inclusivity was limited to the effort to bring on board persons with disabilities in public service through recruitment. Among the study limitations was the incapability to corroborate the data collected from interviewees, insufficient time and inadequate resources to conduct the research as well as the misconstrued role of activist by the researcher.

The investigator took her time clarify to the interviewees that the research was purely academic and the findings would be restricted to academic purposes and no other use.

Considerable financial and material resources were required for the study yet they were limited for extensive implementation of the study. Nevertheless, the available material and financial resources were optimally used during the study to mitigate the challenges. The researcher admitted that there was limited time to conduct the study and implement all the activities. The researcher ensured that the study was done within the time frame that was anticipated and completed in time.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

The aim of this chapter was to review affiliate studies with an intention to identify existing gaps that would be filled in by our study. The review is classified into themes as outlined by the objectives of our study. The themes were Factors influencing the application of policies on employment of disabled people, Recruitment of disabled people as a promoter of inclusion in public service and promoting public service inclusivity through mainstreaming disability in performance contracts.

2.2 Factors affecting Recruitment Policies Implementation for Disabled People:

Employers and employees gain from inclusive recruitment policies through diverse talents, innovations and maximum productivity which culminate into a more coherent and inclusive society.

An examination of the effect of laws that prohibit disability discrimination on employment procedures by employers was conducted in Britain and America. Two surveys were carried out concurrently among human resource practitioners associated with Society for Human Resource Management of USA and Chartered Institute of Personnel and Development of UK. More emphasis was put on the enforcement of the Americans with Disability Act of USA and Disability Discrimination Act of UK. The comparative study established that application of the two laws led to increased recruitment of disabled people in Britain as well as America. Moreover, more than eighty percent of respondents from the two countries stated that dedication of managers impacted on the outcome of law on employment of disabled people (Bruyere et al., 2000).

An investigation and analysis of public policies in Pakistan and their influence on employment of disabled people established that there were a number of guidelines and laws targeting empowerment of people with disabilities such as Disabled employment ordinance and Special Citizens Act. Some of the provisions of the two policies include two percent jobs quota allocation for disabled people with a penalty charge on non-conforming organizations equated to the cost of hiring a disabled person which was channelled to Disabled People Rehabilitation Fund. Findings indicated low impact of recruitment

policies of disabled people was occasioned by lack of mechanisms for enforcement and inadequate reliable data on involvement of disabled people in profitable activities as well as improper needs assessment on disability issues(Ahmed et al., 2011).

Cornell University conducted an assessment of factors that influence inclusive employment and reduce employment discrimination on disabled persons in government and non-governmental organizations in USA. The findings indicated policy awareness level, Managerial perceptions on hindrances to inclusive employment, Organization climate on disability perceptions as the factors that had led to poor implementation of recruitment policies on disabled persons. The minimal awareness on policies was due to lack of knowledge on targeted recruitment of PWDs, financing of reasonable accommodation and job application systems.Perceptions of Public service managers was that most disabled applicants for jobs were unqualified and high expenses related to reasonable accommodation and stereotypes directed to disabled people. Organization disability climate was associated with the push for legal compliance as opposed to genuine commitment on recruitment of PWDs as envisaged by management support, quality relationship with supervisor and suitability for job requirements (Erickson, 2013).

Public service commission of Canada conducted a review of literature on recruitment policies for disabled people from different countries which revealed some similarities in the nature of challenges experienced in USA, UK and Australia as well as other countries. The study pointed out hindrances to employment of disabled people and enlisted them as knowledge gaps on disability issues by employers, negative attitude, lack of resources for reasonable accommodation, inaccessible workplace, misconceptions on employment of PWDs and incapacity to design programs on employment of disabled people. The challenges experienced by developing countries were more pronounced compared to middle income countries and developed countries (Public Service Commission of Canada, 2011).

A research conducted in South India sought to examine the factors that affect recruitment and employability of disabled people in Information Technology entities. Key outcomes of the study highlighted absence of opportunities for training, low self-esteem among disabled people, communication barriers and disability discrimination as the main factors affecting policies on

employment of disabled people. A total of fifty-three Human Resource Managers in private companies and one hundred and forty-seven employees with disabilities were targeted by the study.

Seventy-five percent of the respondents identified inaccessible built environment as a major challenge, about four percent of employers were aware of disability recruitment policies, thirty percent stated that insufficient training on accessible technologies for PWDs was an issue whereas ninety percent of the respondents stated that discrimination and harassment at workplace was the main obstacle to recruitment policy enforcement for disabled persons. The study established that recruitment of persons who are disabled led to a workforce with high motivation, diversity of skills and better branding of institutions (Ramachandra et al., 2017).

A research carried out in East and West Malaysia examined the influence of organization commitment to recruitment and influence of policies and attitudes on employment opportunities for disabled people. Human resource professionals were targeted through a survey which established that most organizations lacked internal policies for recruiting disabled persons neither did they have units specifically mandated to handle disability. Perceived inexperience in disability management was identified as a challenge to recruitment of PWDs. In general the study found out that organization commitment to recruitment of PWDs was unfavourable, the attitude towards disabled employees was unfavourable and unfavourable recruitment policies for PWDs were the main causes of unfavourable recruitment opportunities for PWDs(See, 2011).

A study was conducted by Universiti-Sains Malaysia in four Northern states of Malaysia to assess the perspectives of employers on recruitment policies for disabled persons. Respondents from thirty-nine companies specialised in industrial, manufacturing, retail and service sectors were involved in the survey. Seventy-four percent of the respondents were positive on recruiting PWDs, about thirty-six percent were involved in practises to recruit PWDs, about twenty-three percent had sectors on disability, about twelve percent had recruitment policies on disability and twelve percent had accessible built environment. Lack of policies that facilitate recruitment for PWDs & sections to handle disability concerns at work stations, involvement in procedures for employment of disabled people and inaccessible built environment were identified as the main factors that hindered recruitment policies implementation on people with disabilities (Ta et al., 2011).

Human resource practises on inclusion of disabled people were evaluated in hospitality industry based in Brazil. The study outcome indicated that disabled persons were not facilitated to adapt to their workplace, there was disability stigma among employees and no common belief in employer/employee value. The study established that recruitment focused more on disability of the employee than their potential thereby limiting their career progression. (Sá et al., 2017).

An investigation of factors affecting recruitment of disabled persons was conducted among privately owned companies in manufacturing and financial sector in South Africa. The research findings revealed that absence of internal policies on recruitment of PWDs, ineffective implementation of policies, non-disclosure of disability status, limited disability knowledge and awareness by employers and negative attitude towards disabled persons were the main hindrances to effective enactment of policies on recruitment on disabled people (Maja et al., 2011).

A study conducted in Kenyan Public Universities to review and analyse the legal framework and enactment of diversity policies on human resources as a mechanism of promoting inclusivity whereby employment of disabled persons was evaluated alongside other indicators like gender and ethnicity. A sample of seven established public universities was considered among the twenty-two existing public universities at the time of the study. They include Masinde Muliro, Jomo Kenyatta, Egerton, Nairobi, Kenyatta, Moi and Maseno. The study findings highlighted a strong negative correlation between legal framework and enforcement of workforce diversity. There was minimal workforce diversity policies implementation owing to perception that they were complex and costly. Unclear disability inclusive recruitment policies and non-induction of Human Resource Managers on how to accommodate PWDs hindered effective implementation of the policies. Construed costs on infrastructure adjustment for improving accessibility, escalating health risk premiums were cited as possible barriers to implementation of recruitment policy on disabled persons (Kaimenyi et al., 2017).

The studies by Srikrishna et al and Cornell University cited minimal disability recruitment policy awareness and discrimination & harassment at work place as the obstacles to recruitment policies implementation for people who are disabled. Maja et al emphasised on the influence of internal policies on creating job opportunities for disabled people. The study carried out in Brazil only involved deaf employees therefore excluding other types of disabilities, ultimately not comprehensive

on all mechanisms of including disabled persons at workplace, therefore there is a need for a study that is detailed in terms of addressing all types of disabilities. The literature reviewed provides more insight on how internal organization policies and other factors affect recruitment of disabled persons in an attempt to promote inclusivity, however the studies do not provide an insight on how national policy framework is cascaded downwards to public institutions to enhance public sector inclusivity.

2.3 Recruitment of Disabled Persons and Inclusivity in Public Service:

An Inclusive Public Service brings together diverse workforce that is made up of a combination of people from different background and expertise to ensure productivity and guarantee professional needs of Public Sector. People with disabilities are also part of this diverse workforce. Promoting inclusivity in government helps in advancing public service ethics such as impartiality, transparency, fairness and representativeness(McGrandle, 2017).

Fourteen member countries of OECD were examined to evaluate how they foster diversity with specific attention to the role of Public service inclusivity in developing a comprehensive workforce that uphold public sector values. The countries included Israel, Finland, Australia, Belgium, Ireland, Greece, Mexico, Netherlands, Korea, Japan, Switzerland, Norway, New Zealand and UK. The key outcome of the study was affirming the role of public service in attaining government objectives which include social and political objectives such as efficient delivery of service, social mobility and equity. Further it was revealed that good governance practises, relations building between citizens and government and equity are advanced through recruitment of disabled persons(Storz & Schäfer, 2011) Employment of disabled people was reported as a mechanism used by public institutions to enhance inclusivity by use of quotas on employment or setting targets on how disabled people are represented, the last option was the most preferred option by OECD member countries.

Department of Economic and Social Affairs in its working paper number ninety-eight on social policy examined the mechanisms of bringing together social and economic development to attain inclusivity in public service. The argument was that social wellbeing, inclusive societies and economic growth are core functions of public service. The inequalities that are experienced by persons with disabilities pose a limitation in their development. The status quo has influenced international agencies by changing trends in markets, uprising of activism by civil society and most importantly Human capital

investment on national policy agenda on recruitment of people who are disabled as a way of enhancing inclusivity in public service. Employment of persons with disabilities is considered by governments as way of reducing limitations that caused imbalanced development to underprivileged populations thereby enhancing socio-political stability by promoting inclusivity in public service(Grindle, 2010).

An examination of situation of social inclusion in Sustainable Development Goals focusing on “Leaving No One Behind “was conducted by DESA as outlined in working paper number one hundred and forty-four. United Nations member countries were urged to enforce the actual implication of social inclusion and mechanisms of effecting the same as enshrined in four of the SDGs namely goals eight, ten, eleven and sixteen. The challenge of inequitable sharing of income and perennial unemployment which unevenly and highly affect disabled persons was outlined in the paper making it inevitable for governments to embrace inclusive recruitment policies as a mechanism of promoting inclusivity in public service. Useful platforms for interaction and engagement of disabled persons that promote social economic and cultural inclusivity are provided through recruitment (Silver, 2015).

Economic Recovery Strategy Paper developed by the republic of Kenya in the year 2003 pointed out creation of employment as an efficient mechanism for countering poverty. In the strategy, the overall objectives of social sector was to minimise poverty and decrease disparities by creating jobs and scaling up ability to afford and access social services. It further asserted that disabled persons had highly limited employment opportunities which necessitated investment in human capital of the poor and vulnerable people as a way of advancing social inclusion and cohesion.

All studies, working papers and general literature reviewed in this section concur that development and application of policies on recruitment is a mechanism of enhancing inclusivity in public service through economic, social and cultural inclusivity within the public sector. The study conducted by Storz and Schafer on diversity in fourteen OECD member countries acknowledged that use of employment quotas and disabled Persons representation targets were the strategies on inclusivity in public sector. They established that setting limits on how disabled persons are represented in government was the more effective strategy in promoting inclusivity. The study gap presented in the literature is that it did not outline the mechanisms and approaches of attaining representation of PWDs in public sector hence a need for further research on the same.

Grindle's analysis on policies on social development by UN DESA identified investment in Human Capital Investment as a policy agenda on recruitment of PWDs at national level that provides a means of addressing social and political instability ultimately leading to inclusivity. The literature gap in the working paper is that it did not interrogate how recruitment enhances inclusivity of PWDs in public sector but rather presented it as a proposed way of enhancing inclusivity.

United Nation's DESA working paper number 144 on the context of Social Inclusion in SDGs acknowledged that African governments should consider addressing heavy income distribution inequalities and perennial unemployment of PWDs which necessitated prerequisite adoption of employment policies for PWDs for social, political and economic inclusivity in public sector. Like working paper number 98, Kenya Economic Recovery Strategy Paper and OECD study working paper number 144 makes policy proposal but presents a gap in policy implementation hence a need for further research focusing on policy implementation.

2.4 Performance Contracting and Inclusivity in Public Service

Excellent performance management practices lead to quality delivery of services which is based on good governance practises originating from public sector reforms. The implementation of performance contracts promotes delivery of services to citizens anchored on pre-set goals, objectives and standards coupled with public service that is driven by values which encourage participation and inclusion of all citizen in socioeconomic activities of developing the nation. People with disabilities are also involved in the process, as such inclusivity is enhanced in public service(Hope, 2013).

Mutinda postulates that performance contracting ensures adherence to policies therefore guaranteeing socioeconomic development which is anchored on good governance. In her review she asserts that policy changes that focus on socioeconomic performance are derived from better options made by management that advance inclusive participation in socioeconomic activities. Policy outcomes are determined by performance contracts which trigger better policy options triggering positive outcomes of the policies(Mutinda, 2017).

A study conducted by Mbua and Sarisar reviewed the concept of performance contracting in Kenya established that enrolment of performance contracts as a measurement of accountability in leadership of public institutions was aimed at ensuring competitive advantage by putting more emphasis on

outcomes and outputs. This ensured that value systems and ethics that embraced diversity in the nation and inclusion, patriotism, honesty and probity were inculcated (Mbua & Sarisar, 2013).

The approach of using performance contracts promotes management, measurement and monitoring of performance in institutions. The idea behind implementation of performance contracts is to ensure that there is sufficient dedication to high level service delivery and efficient use of public funds which include workforce that is composed of competent disabled persons (Obong'o, 2009).

A study conducted by Kobia and Mohamed concluded that performance contracting provides a way of enforcing the economic recovery strategy of 2003. The two recommended that legal and regulatory environment needs to be assessed to establish the rate at which performance contracting promotes or hinders socioeconomic development in Kenya (Kobia & Mohammed, 2006).

Targets and indicators on mainstreaming disability in operations of public institutions have been linked strategic plans, mission and objectives of public institutions as well as national policies with an overall goal of enhancing inclusivity in public service. The studies reviewed above have not adequately established how performance contracting has fostered disability mainstreaming and consequently public sector inclusivity in Kenya. An evaluation of the outcome of the target on employment of disabled persons and inclusivity in public service has not been adequately addressed by the studies, therefore making it necessary to evaluate the effectiveness of performance contracting in enhancing inclusivity with respect to persons with disabilities.

2.5 Research Hypotheses

The research was anchored on the hypotheses outlined below:

- i.** Insufficient awareness of recruitment policies on disability has led to under recruitment of disabled persons in Kenya's public service.
- ii.** Recruitment of Disabled Persons enhances inclusivity in the public service through socioeconomic integration.
- iii.** Implementation of Performance Contracting policy enhances inclusivity by progress review of mainstreaming disability in Kenyan Public service.

2.6. Theoretical Framework

The research was based on the theory of new institutionalism, in particular Sociological Institutionalism. The theory was postulated by Selznick, he emphasized that responsibilities of organizations progress over time as it experiences challenges and external constraints such as changes in human resource composition, stakes and casual relations (Sayre, 1949). Key proponents of the theory include Fredrickson, Pamela Tolbert, Lynne Zucker, Walter Powell and Paul DiMaggio. The theory postulates that organizations comprise of cultural way of thinking, elements that normalize and control organizations combined with related activities and resources offer firmness and value to social life (Scott, 2008). The theory has three basic assumptions which include the assumption that institutions are *rational actors* implying that institutional rules are contested that one group of political actors can gain leverage over another, secondly institutions are *cultural communities* in the sense that institutional rules, norms and structures are culturally constructed and therefore have social and cultural legitimacy of the organization and its participants and thirdly institutions are *historical* in the sense that institutional rules, constraints and responses to them over long term guide the behavior of actors in policy making process. (Carvalho et al., 2017).

The theory is applicable for this study because constitutionally established commissions are agencies of the government and are institutional actors therefore, operate under certain rules, norms and structures and are expected to advance specific values and principles as spelt out in the constitution of Kenya such as Inclusive public service. In this regard, Diversity Policy for Public service, 2016; Sessional paper number 8, 2013; Performance Contracting Guidelines, and The Constitution of Kenya, 2010 are firm on enforcement of inclusivity in public service as a value by public organizations. The assumption is that Human Resource Managers of the commissions who are key informants in the study are operating in line with the guidelines on inclusivity. Furthermore, disabled persons and other employees in the commissions are presumed to exhibit practices that are in agreement with set guidelines on inclusivity. The commissions are founded on constitutional guidelines and have similar structures and practices as outlined in their constitutional mandate. The assumption is that effective implementation of Recruitment policy by adhering to the existing policy and establishing monitoring and evaluation mechanisms like Performance Contracts increases the opportunities for recruitment of People with Disabilities through awareness, compliance and PWD tapping into employment thereby leading into an inclusive public sector in which at least 5% of the workforce are PWD and a socially integrated workforce.

2.8 Definition and Operationalization of Concepts:

The study adopted the use of the following concepts as indicated against each:

Impact Is the Productive and non-productive, basic and secondary perennial outcomes created by a development strategy, directly or indirectly, purposed or undesired (OECD, 2012). In this study Impact means the effects that policies have on employment to advance inclusivity.

Policy Implementation means enforcement of the law in which various actors, institutions, guidelines and methods work together to put policies into action with a view to achieving policy goals(Stewart, 2008). Implementation in this research means to effect a policy or a guideline adopted countrywide by independent public service commissions in Kenya.

Public Sector refers to the national, regional, and devolved entities plus organizational units managed by government units (United Nations, 2008). In this study public sector refers to organizations belonging and regulated by the state both in National Government and County Government. In Kenya Public sector includes Ministries and Departments, Constitutional Commissions, Semiautonomous Government Agencies, State Corporations and Public Universities.

Policy is guide to thinking action of those who take decisions (Koontz et al., 1982). In this research policy is a collection of procedures utilized by the state as a way of making decision.

Public Policy refers to that which a government opts to actualize or not(Dye, 1998).In this study, public policy is a combination of procedures and actions done by the republic to realize specific aims and purposes.

Inclusivity entails ensuring a conducive environment that permits persons with dissimilar origins, attributes, and ideologies, to work optimally as a team and maximize their capability and feel valued, heard and respected (Wallace & Pillans, 2016). In this study, inclusivity refers to the culture of including persons of all genders, races, class, sexuality, disability in Public Service.

Disability refers to a physical, sensory, mental or other anomaly, including any visual, hearing, learning or physical inability, that impacts adversely on social, economic or environmental involvement (KNCHR, 2003)

Mainstreaming is a structured thought of the variances between the non-identical circumstances, states and requirements of vulnerable people in all policies and programmes during organizing, actualizing, reviewing and assessment (Grech & Soldatic, 2016)

Public Service refers to service rendered by Public sector. In this study, Public entails the services offered by Ministries & Departments, Semi-Autonomous Government Agencies, Statutory Commissions, State Corporations and Independent Commissions(Public Service Commission of Kenya, 2019).

Persons with Disability refer to persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others' (UNCRP, 2006)

CHAPTER 3: METHODOLOGY

3.1 Introduction

This segment outlines the procedures of collecting data as outlined; research design, research methods target population, sampling procedures and sample size and data analysis.

3.2 Research Design

The research adopted the design of mixed method research which entails collecting, analysing and combining quantitative and qualitative research. The mixed research Method entailed the use of interview capture forms which were administered by the researcher to collect qualitative data and questionnaires administered to collect quantitative data. Sequential explanatory research design was used in the study where collection and analysis of quantitative data was effected, thereafter collection and analysis of qualitative data. The data was obtained cross-sectional whereby data of variables collected at one given time across a sample population was analysed, in this case the data was collected at one given time across the five independent commissions was obtained and analysed.

3.3 Research Methods

The research used both qualitative and quantitative research methodologies. Interview was used as a qualitative research method to enable the researcher get an in-depth understanding of the data from the respondents. Primary data was obtained from senior human resource officers from each of the sampled five commissions. They provided factual data as sought in a fact data sheet by virtue of being the officially authorized representatives for each commission. The data provided was complemented by official records as guided by the respective Head of Human Resources, where necessary to ensure clarity. Key informant interviews were conducted with key stakeholders who include heads of the Human Resource Units of the five selected commissions regarding their experience on the implementation of particular policies. Depending on the organization structure of the respective commissions, the Human Resource Officers referred the researcher to certain officers, for instance policy analysts, technical officers and legal officers depending on their areas of expertise regarding the requested data. Quantitative data was collected from the respondents as guided by the questions in the interview capture form.

3.4 Target Population

The target population were the employees of five constitutionally established independent commissions; namely, National Police Service Commission, Parliamentary Service Commission, Salaries & Remuneration Commission, Commission on Administrative Justice and Teachers Service Commission. The five commissions were purposively selected due to: First, they were the largest employing agency of public servants in Kenya and represented 40% of the total number of public servants. For instance Teachers service commission is an employer to over 300,000 teachers in public school whereas police service commission is an employer to over 100,000 Police Officers in various ranks. Secondly, the selection of five commissions represented the diverse sectors of public service i.e. the police service, teachers' service, parliamentary service, salaries and remuneration and administrative justice.

3.5 Sampling Procedures and Sample Size

Purposive sampling was used in the study as the applicable sampling technique. Through the technique, the study sampled Heads of Human resource (for factual data and key informant interviews) and, legal officers, policy analysts, technical officers and program officers for key informant interviews from each of the five selected commissions. Furthermore, the commissions were intentionally selected as the unit of analysis of the sample as a representative of Public Sector.

Table 1: Sources of Factual data from the Commissions

| Study Site | Sample Population | Sampling Unit |
|------------------------------------|---|----------------------|
| Teachers Service Commission | Head of Human Resources and any other authorized relevant staff as per the structure of the commission as an official Representative of the Commission. | Commission |
| National Police Service Commission | Head of Human Resources and any other authorized relevant staff as per the structure of the commission as an official Representative of the Commission. | Commission |
| Parliamentary Service Commission | Head of Human Resources and any other authorized relevant staff as per the | Commission |

| | | |
|--------------------------------------|---|------------|
| | structure of the commission as an official Representative of the Commission. | |
| Commission on Administrative Justice | Head of Human Resources and any other authorized relevant staff as per the structure of the commission as an official Representative of the Commission. | Commission |
| Salaries & Remuneration Commission | Head of Human Resources and any other authorized relevant staff as per the structure of the commission as an official Representative of the Commission. | Commission |

Table 2: Summary of Key Informants

| | Key Informant | Commission |
|----|-------------------------|--------------------------------------|
| 1. | Human Resource Director | Teachers Service Commission |
| 2. | Human Resource Director | Police Service Commission |
| 3. | Human Resource Director | Salaries & Remuneration Commission |
| 4. | Human Resource Director | Commission on Administrative Justice |
| 5. | Human Resource Director | Parliamentary Service Commission |

3.6 Data Analysis

The study analysed both qualitative and quantitative data that was obtained from the interviewees into elaborate statements. Raw data obtained was put through data cleaning editing, collation, coding for credibility and analysis. Qualitative data collected was subjected to content analysis along specific themes of the study. The themes of the study were based on the hypothesis namely: Awareness of recruitment policies, socioeconomic integration of persons with disabilities and performance contracting. Qualitative data was collected through interviews and quantitative data was collected through factsheets, where the quantitative data was not adequate, qualitative data supplemented. Quantitative data was analysed through statistical measurement of central tendency (mean, median, and mode). This study fed coded data into computer program (statistical program for social sciences-SPSS) for processing. The findings of the research were presented through tables, graphs and charts.

3.7 Validity, Reliability and Ethical Considerations

Our study addressed validity, reliability and ethical considerations to ensure that the study outcome was valid, reliable and had no ethical issues.

The study addressed validity through triangulation of methodology whereby we adopted the use of both quantitative and qualitative research to ensure clarity. The study also adopted peer debriefing as a strategy of enhancing validity, a panel reviewed and approved the proposal and the findings and there were several consultations throughout the study. We also conducted member checking with the interviewees to ensure that what was captured in the interview capture forms is exactly what the interviewee intended.

To ensure reliability of the study, our study addressed potential participants and researcher biases and errors to ensure replicability of consistency. The strategies used to ensure reliability include scheduling the interviews at convenient time during morning hours and convenient location for key informants to minimise errors and bias arising out of fatigue and exposure due to lack of privacy in the interview location. The interviewer also conducted one interview per day to ensure fatigue that would compromise data did not arise.

To ensure that ethical considerations were met, we developed a consent form which was signed by the respondents and clarified that the study was conducted purely for academic reasons and would be treated as such. The research proposal was also supervised and approved as per University guidelines.

CHAPTER FOUR: DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction:

This chapter highlights analysis and outcomes of the research objectives as guided by respective research hypotheses. The following objectives guided the study: to investigate the mechanisms of implementing policies on recruitment of people who are disabled, to investigate the challenges to policy on recruitment of disabled persons in the public service and find out how policies for people who are disabled have been mainstreamed in public service.

4.2 Demographic Profile:

4.2.1 The Response Rate:

This study purposively adopted the use of key informants that were drawn from human resource representatives from the commission and any other relevant authorized staff of the commission as the target population. The total study sample size was five Key informants, each representing a Commission. Five interview capture forms were administered in each of the five commissions. This constituted a response rate of 100%.

Table 3: Details of Sample

| | Frequency | Percentage |
|--------------|-----------|------------|
| Distributed | 5 | 100 |
| Administered | 5 | 100 |
| Total | 10 | 100 |

Table 3 illustrates that the researcher administered 5 Interview capture forms within the five commissions with all the five commissions responding to the interview.

4.2.2 Organizations of Respondents:

Table 4: Respondents by Organization

| Commission | Representative of Human Resources | Frequency | Percentage |
|---|--|------------------|-------------------|
| Teachers Service Commission | 1 | 1 | 20 |
| Salaries And Remuneration Commission | 1 | 1 | 20 |
| Commission on Administrative Justice | 1 | 1 | 20 |
| National Police Service Commission | 1 | 1 | 20 |
| Parliamentary Service Commission | 1 | 1 | 20 |
| Frequency | 5 | 5 | 100 |
| Percentage | 100 | 100 | |

Table 4 indicate that the interviewees were drawn from five independent commissions represented by the key informants from Human Resource as outlined above. The key informants were representatives of Human Resource unit from each of the respective commissions. The Commissions represented in the study include: Teachers Service Commission (TSC), Salaries and Remuneration Commission, Commission on Administrative Justice, National Police Service Commission and Parliamentary Service Commission. This implies that the institutions had specific units tasked with the mandate of ensuring inclusivity.

The choice of human resource representatives from the commissions as the key informants was based on the fact that they are the custodians and implementers of human resource policies and procedures, therefore are responsible for managing human resource function from time to time. The study focused on recruitment which is a human resource function, therefore it was inevitable to have human resource officers as key informants.

4.2.3 Gender of Respondents:

Figure 1: Gender of Respondents

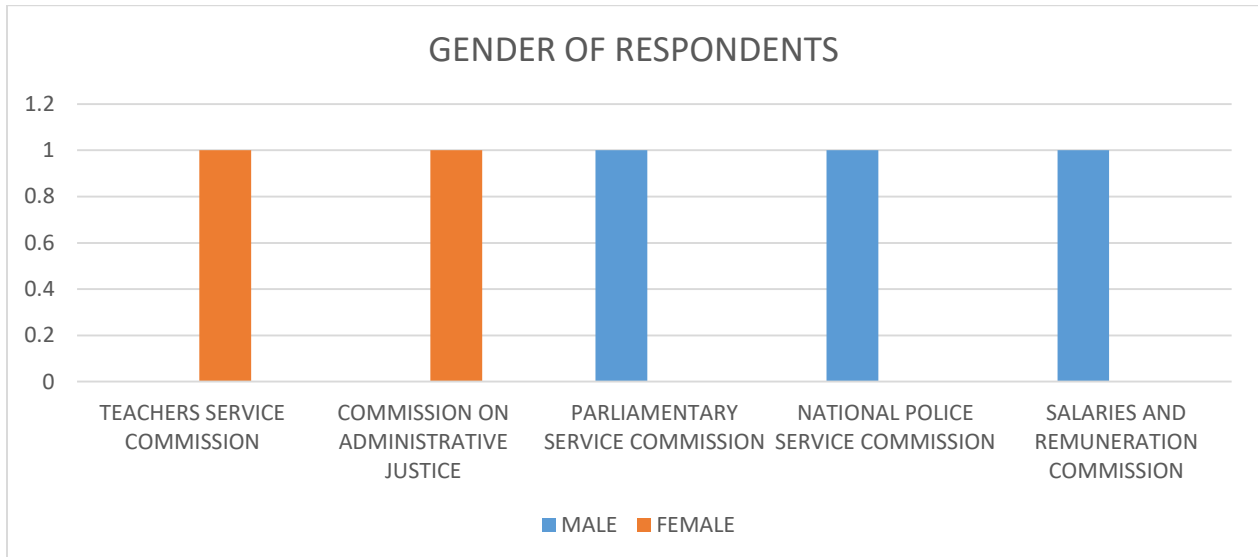


Figure 1 shows the distribution of respondents among the male and female genders across the different organizations. In general, the percentage of Male respondents was 60 % and that of female respondents was 40%.

4.2.4 Establishment and mandate of the commissions:

The five commissions were chosen as sampling units since they represent a substantial workforce in public service and reflect the diversity in public service. Teachers Service is responsible for recruitment of all Teachers in public primary, secondary and teachers training colleges. The National Police Service Commission is responsible for recruitment of all employees of Kenya National Police Service which includes the Kenya Police, Department of Criminal Investigation and the Administration Police. The Parliamentary service commission is responsible for recruitment of all employees of the two houses which include the National assembly and the Senate. Salaries and Remuneration Commission and Commission on Administrative Justice though not as big as the other commissions they represent the diversity in Public service and exercise constitutional mandate including implementation of values of Public Service. The table below outlines how each of the five commissions were established and their respective mandates.

Table 5: Establishment and Mandate of Commissions

| | Salaries and Remuneration Commission | National Police Service Commission | Parliamentary Service Commission | Commission on Administrative Justice | Teachers Service Commission |
|-------------------|--|--|--|--|---|
| Act | Salaries and Remuneration Commission Act of 2011 | National Police Service Commission Act of 2012 | Parliamentary Service Act of 2019 (Repealed the Act of 2000) | Commission on Administrative Justice Act of 2011 | Teachers Service Commission Act of 2012 |
| Assent date | July 27,2011 | Sept 30,2011 | Oct 16,2019 | Aug 27,2011 | Aug 24, 2012 |
| Commencement date | July 29,2011 | Oct 10,2011 | Oct 18,2019 | Sep 5,2011 | Aug 31,2012 |
| Core mandate | Inquire into and advise on the salaries and remuneration to be paid out of public funds. | Develop and keep under review all matters relating to human resources policies of members of the National Police Service | Direct and supervise the administration of the services and facilities and exercise control over the parliamentary service | Handling and resolving complaints from public institutions | Register and recruit trained teachers. Assign teachers employed by the Commission for service in any public school/ institution. Promote, transfer teachers and exercise disciplinary control over teachers |

4.3. Challenges of Policies on Recruitment of Disabled Persons in Public Service

This study sought to investigate the challenges of recruitment policies of disabled persons on Inclusivity in Public service. The study hypothesized that recruitment of disabled people enhances their socioeconomic integration and inclusivity in Public Service. The respondents were asked four questions to measure the above hypothesis. The four questions asked focused on representation of PWDs in various job cadres in the respective commissions from 2013 to 2019, mechanisms for

ensuring equal opportunity in employment, factors affecting recruitment of PWDs and policies on workplace inclusion and integration of commission employees. The year 2013 was selected as the baseline year since all the five commissions were fully established at the time. Further the principle of inclusivity was enforced in the Constitution of Kenya 2010 and the performance contracting guidelines of 2009 which were implemented in most public institutions by 2013.

4.3.1 Representation of persons with disabilities in the commissions from 2013 to 2019

The respondents were asked to provide factsheets on representation of persons with disabilities in various job cadres against the total work force in the respective commissions. Table 6 summarises the workforce representation of PWDs against the total workforce from the year 2013 to 2019. The following tables show the representation of PWDs in each of the five commissions:

Table 6: Representation of PWDs among National Police Service Commission Employees between 2013 and 2019

| Job cadre | Representation of Persons with Disabilities in NPSC from 2013 to 2019 | | | |
|-----------------------------------|---|----------------|---------------------------|------------|
| | Total Employees | | Employees with Disability | |
| | | Current | | Current |
| | 2013 | (2019) | 2013 | (2019) |
| Commissioners | 6 | 6 | 0 | 0 |
| Commission Secretariat | 52 | 160 | 4 | 11 |
| NPS Civilian Staff | 1,247 | 1,500 | 15 | 22 |
| Technical Staff (AP,DCI & NPS) | 75,325 | 101,288 | 215 | 376 |
| Total | 76,630 | 102,954 | 234 | 408 |

Source: NPSC

Table 6 shows the number of employees in National Police Service Commission between 2013 and 2019. In 2013, the commission had a total of 76,630 employees, among them 234 had were employees with disabilities. As at 2019 the total number of employees in the commission was 102,954 of which 408 had a disability.

Table 7: Representation of PWDs among Parliamentary Service Commission Employees between 2013 and 2019

| Job cadre | Representation of Persons with Disabilities in Parliamentary Service Commission from 2013 to 2019 | | | |
|------------------------------------|---|----------------|---------------------------|----------------|
| | Total Employees | | Employees with Disability | |
| | 2013 | Current (2019) | 2013 | Current (2019) |
| Commissioners | 9 | 9 | 0 | 0 |
| Senior Management | 123 | 123 | 2 | 2 |
| Administrative and Technical Staff | 811 | 834 | 4 | 4 |
| Total | 943 | 966 | 6 | 6 |

Source: Parliamentary Service Commission

Table 7 indicate that the Parliamentary Service Commission had a total of 943 employees in the year 2013 among whom 6 had a disability. As at 2019, the Commission had a total of 966 employees, out of which 6 had some form of disability.

Table 8: Representation of PWDs among Commission on Administration Justice Employees between 2013 and 2019

| Job cadre | Representation of Persons with Disabilities in The Commission on Administrative Justice from 2013 to 2019 | | | |
|----------------------|---|----------------|---------------------------|----------------|
| | Total Employees | | Employees with Disability | |
| | 2013 | Current (2019) | 2013 | Current (2019) |
| Commissioners | 3 | 3 | 0 | 1 |
| Senior Management | 13 | 13 | 0 | 0 |
| Administrative Staff | 15 | 18 | 0 | 1 |
| Technical Staff | 16 | 47 | 0 | 1 |
| Others | 47 | 82 | 0 | 3 |
| Total | 94 | 163 | 0 | 6 |

Source: Commission on Administrative Justice

Table 8 shows that the in 2013 the Commission on Administrative Justice had a total of 94 employees and none had a disability. The total number of employees rose to 163 in 2019 out of which 6 had a disability. The Commission recruited one commissioner with disability in 2019.

Table 9: Representation of PWDs among Salaries and Remuneration Commission Employees between 2013 and 2019

| Job cadre | Representation of Persons with Disabilities in Salaries and Remuneration Commission from 2013 to 2019 | | | |
|----------------------|---|----------------|---------------------------|----------------|
| | Total Employees | | Employees with Disability | |
| | 2013 | Current (2019) | 2013 | Current (2019) |
| Commissioners | 13 | 10 | 0 | 0 |
| Senior Management | 5 | 3 | 1 | 0 |
| Administrative Staff | 25 | 40 | 0 | 0 |
| Technical Staff | 10 | 23 | 1 | 0 |
| Total | 53 | 76 | 2 | 0 |

Source: Salaries and Remuneration Commission

Table 9 indicate that SRC had a total of 53 employees in 2013 out of which two had a disability. As at 2019 the Commission had a total of 76 employees and none had a disability.

Table 10: Representation of PWDs among Teachers Service Commission Employees between 2013 and 2019

| Job cadre | Representation of Persons with Disabilities in Teachers Service Commission from 2013 to 2019 | | | |
|----------------------|--|----------------|---------------------------|----------------|
| | Total Employees | | Employees with Disability | |
| | 2013 | Current (2019) | 2013 | Current (2019) |
| Commissioners | 3 | 9 | 0 | 1 |
| Senior Management | 340 | 346 | 10 | 18 |
| Administrative Staff | 590 | 856 | 10 | 24 |
| Technical Staff | 1,356 | 1,800 | 20 | 60 |
| Teachers | 319,407 | 325,515 | 1,298 | 2,618 |

| Job cadre | Representation of Persons with Disabilities in Teachers Service Commission from 2013 to 2019 | | | |
|--------------|--|----------------|---------------------------|----------------|
| | Total Employees | | Employees with Disability | |
| | 2013 | Current (2019) | 2013 | Current (2019) |
| Total | 321,696 | 328,526 | 1,338 | 2,721 |

Source: Teachers Service Commission

In 2013, Teachers Service Commission had a total of 321,696 employees spread across different job cadres. Out of the 321,696 employees 1,338 were employees with disabilities. In 2019 the total number of employees increased to 328,526 with those having disabilities accounting for 2,721 employees.

Table 11: Representation of PWDs in the Commissions between 2013 and 2019

| Commission | 2013 | | 2019 | |
|------------|-----------------|---------------------------|-----------------|---------------------------|
| | Total Employees | Employees With Disability | Total Employees | Employees With Disability |
| TSC | 321,966 (100%) | 1,338 (0.42 %) | 328,526 (100%) | 2,721 (0.83%) |
| SRC | 53 (100%) | 2 (3.7%) | 76 (100%) | 0 (0%) |
| PSC | 943 (100%) | 6 (0.64 %) | 966 (100%) | 6 (0.62%) |
| CAJ | 94 (100%) | 0 (0%) | 163 (100%) | 6 (3.68 %) |
| NPSC | 76,630 (100%) | 234 (0.31%) | 102,954 (100%) | 408 (0.396%) |

Table 11 shows the overall representation of persons with disabilities against the total number of employees in the five commissions between 2013 and 2019. In 2013 TSC had a total of 1338 PWDs in a workforce of 321,966 while in 2019 they had a total of 2721 PWDs in a workforce of 328,526. SRC had a total of two PWDs in a workforce of 53 employees in 2013 and no PWD in 2019. In 2013 PSC had a total of 6 employees with disability in a workforce of 943 employees, the number of PWD employees remained the same in PSC in 2019 while the total workforce increased to 966. The Commission on Administrative Justice had a total of 53 employees in 2013, none was disabled. In 2019 the commission had 6 PWDs in a workforce of 163. The National Police Service Commission

had a workforce of 76,630 out of which 234 had disability. The numbers rose to 102,954 with PWDs rising to 408.

Figure 2: Representation of PWDs in the Commissions between 2013 and 2019

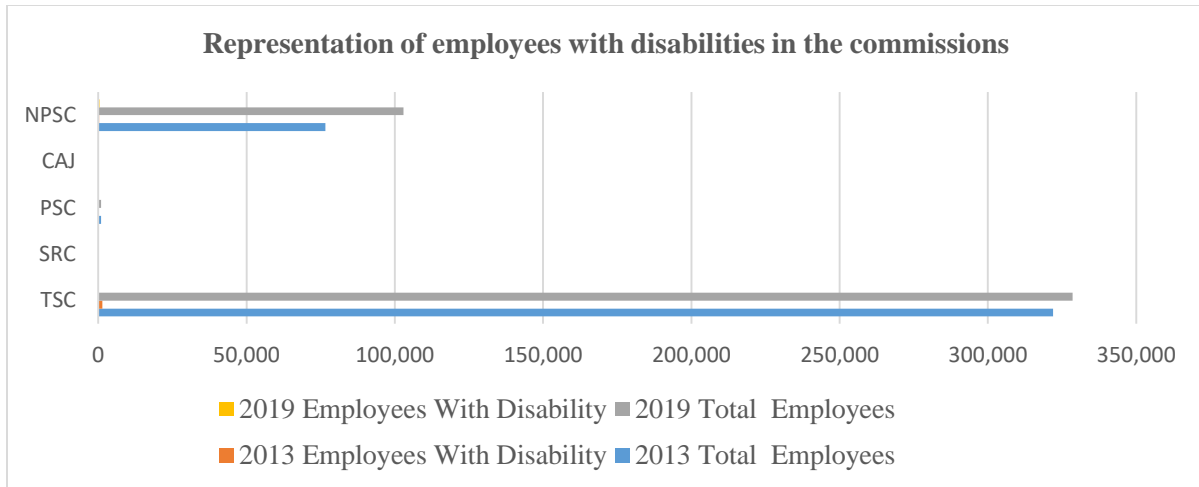


Figure 2 illustrates the representation of Persons with disabilities in the workforce within the five commissions between the year 2013 and 2019. The percentage of employees with disabilities in Teachers service commission rose to 0.83% in 2019 up from 0.42% in 2013. The representation of persons with disabilities in the workforce at Salaries and Remuneration Commission decline from 3.7% in 2013 to 0% in 2019. The Parliamentary Service Commission had a constant representation of Persons with disabilities between the year 2013 and 2019. The Commission on Administrative Justice had no representation of persons with disabilities in the workforce in 2013 and rose to 3.8% level of representation in 2019. Representation of PWDs in the NPSC rose to 0.4% in 2019 up from 0.3% in 2013. This finding indicates that all the five commissions are making very little progress toward the constitutional threshold of 5% persons with disabilities in appointive and elective positions in public service. Among the five commissions, only two commissions had representation of PWDs at the governing level which is Commissioners, these two commissions are Teachers Service Commission and Commission on Administrative Justice. This illustrates the struggle to implement recruitment policies as a way of enhancing inclusivity in public service. This is consistent with the findings of Kaimenyi, Kidombo and Senaji in 2017 in which they reviewed and analysed legal framework and implementation of workforce policies on diversity in Public Universities. They established that

perceptions on complexities and costs associated with legal requirements for workforce diversity reduced the extent to which public universities enforced human resource policies on diversity. Policies on persons with disabilities lacked clarity therefore preventing effective implementation. They further stated that employers may have not been sensitized on strategies of comprehensive inclusion of employees with disability. The scenario depicted by Kaimenyi, Senaji and Kidombo is replicated in the commissions whereby there is clear ineffectiveness in implementing diversity policies for persons with disabilities.

4.3.2 Mechanisms for ensuring equal opportunities in recruitment by the Commissions from 2013 to 2019:

Key informants from the five commissions were asked to state the mechanisms in place to ensure equal opportunities in recruitment. Table 12 illustrate the response from each of the commissions on the mechanisms used to ensure that recruitment processes guarantee equal opportunity in recruitment.

Table 12: Mechanisms for Equal Opportunities in Recruitment

| Commission | Mechanisms for ensuring equal opportunity in recruitment |
|--------------------------------------|--|
| Teachers Service Commission | <ul style="list-style-type: none"> i. Affirmative Action Clause on job adverts ii. Disability sensitization of key stakeholders in recruitment |
| Parliamentary Service Commission | Affirmative Action Clause on job adverts |
| National Police Service Commission | <ul style="list-style-type: none"> i. Human Capital Department monitors implementation of Affirmative action on recruitment of PWDs ii. Affirmative action clause |
| Commission on Administrative Justice | <ul style="list-style-type: none"> i. Affirmative action clause in job adverts ii. Sharing job opportunities with disabled persons organizations whenever there is a vacancy |
| Salaries and Remuneration Commission | Affirmative Action Clause on job adverts |

The affirmative action clause on equal opportunity employment is used by all the commissions to promote equal opportunity in employment. Teachers Service Commission introduced sensitization of the recruitment panel on disability inclusion as a mechanism for equal opportunity in recruitment in 2014. The National Police Service Commission uses the Human Capital Department to monitor

implementation of affirmative action on recruitment of PWDs .The Commission on Administrative Justice adopted a mechanism of sharing available job opportunities with association of persons with disabilities as an additional mechanism of ensuring equal opportunity in employment.

4.3.3 Inclusion and Social Integration of employees with disabilities in the workplace

This section presents the findings on various strategies adopted by the commissions to facilitate inclusion and social integration of employees with disabilities in the workplace between 2013 and 2019. The findings are recorded in Table 13 as shown below:

Table 13: Inclusion and Social Integration of PWDs

| Commission | Welfare | Work facilitation | Accessibility | Guides | Interpreters |
|------------|--|---|--|---|--|
| TSC | Tax exemption of gross income of up to Ksh. 150,000 pm since 2013. | Assistive devices provided on needs basis. Two wheelchairs available in customer service area | 3 Ramps constructed Four accessible washrooms constructed, lifts with braille buttons | Personal guide allowance paid to PWDs with guides since 2014 December | Interpreters available in customer service area, front office staff trained in basic sign language |
| PSC | Tax exemption of gross income of up to Ksh. 150,000 pm since 2013. | Assistive devices provided every five years as recommended by the Medical Committee. | Two Ramps, and two spacious toilets constructed since 2013. Three , disability friendly parking lots reserved for PWDs. | Provided by the commission on request | None |
| NPSC | Tax exemption of gross income of up to Ksh. 150,000 pm since 2013. | Provision of office equipment at convenience of PWDs | Lifts available, accessible office location, supportive work environment | None | None |

| | | | | | |
|-----|--|---------------------------------|-----------------------------------|--|------------------------|
| CAJ | Tax exemption of gross income of up to Ksh. 150,000 pm since 2013. | Braille provided on needs basis | Suitable work facilities for PWDs | Personal guide Allowance provided as per SRC rates | Provided during events |
| SRC | None | None | None | None | None |

The five commissions promoted social inclusion and integration of PWDs by supporting their welfare, facilitating them while at work, enhancing accessibility of facilities and provision of personal guides and sign language interpreters.

Teachers Service Commission granted tax exemption to employees with disabilities for gross income of 150,000 and below, they provided assistive devices to disabled employees and availed wheelchairs at customer service area. Between years 2013 and 2019 the Commission had constructed three ramps and four accessible washrooms, fitted braille buttons on the elevators, redeployed two sign language interpreters at the customer service area and trained all front office staff in basic sign language.

Parliamentary Service Commission facilitates employees with disabilities with assistive devices such as wheelchairs, prosthesis, crutches once in every five years based on the recommendation of the medical committee. The policy on support of disabled employees was adopted by the commission in 2013. Further the commission enhances accessibility through provision of ramps, spacious toilets, disability friendly parking lots while and provision of personal guides to staff with disabilities upon request. The commission, however does not cater for sign language interpretation services.

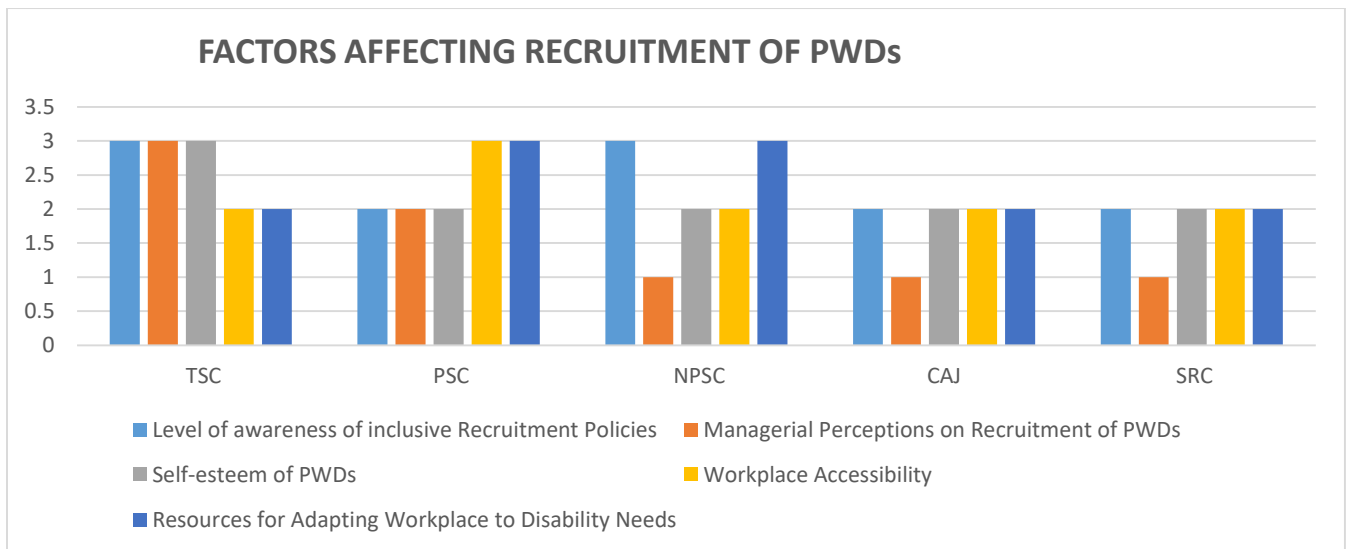
National Police Service Commission implements the policy on tax exemption to employees with disabilities for a gross income of 150,000 shillings per month and below, provide office equipment at convenience of PWDs and enhance accessibility through functional lifts and accessible office location. Commission on Administrative Justice promoted inclusion and integration of PWDs in the workplace through suitable work facilities, provision of sign language interpretation during events and plan to develop a policy on disability mainstreaming in future. Recruitment of persons with disabilities promotes their social and economic integration through improved livelihood. Persons with disabilities

who are in employment are recognized and consulted on social and economic issues, in addition to their choices are respected, they make decisions, which is not always the case for unemployed persons with disabilities ,especially those with psychosocial disabilities more so those with higher support needs in terms of self-care among other basic needs. There are disparities in social and economic integration of employed disabled people and non-employed disabled people.

4.3.4 Factors Affecting Recruitment of PWDs

Key informants were asked about the factors that affect recruitment of Persons with disabilities in the respective commissions. Four factors, namely Managerial perceptions, level of policy awareness, self-esteem of PWDs, workplace accessibility and resources for workplace adaption were assessed in the five commissions and their effects on recruitment of Persons with disabilities. The factors were rated on a scale of 0 to 3 where 0 represented I don't know, 1 represented Does Not Affect ,2 represented affects and 3 represented highly affects. The response is shown in the figure below:

Figure 3: Factors Affecting People with Disabilities in the Five Commissions



The study established that awareness level on recruitment policies, managerial perceptions on recruitment of Persons with Disabilities, self-esteem of Persons with Disabilities, workplace accessibility and availability of finances for adapting the workplace to disability needs affect recruitment of persons with disabilities, though at different rates as represented above.

The study findings indicate that the three factors that highly affect recruitment of persons with disabilities are Availability of resources to adapt the workplace to disability needs, Level of awareness of inclusive recruitment policies and accessibility of workplace. Three Commissions namely NPSC, CAJ and SRC reported that managerial perceptions on recruitment of persons with disabilities does not affect recruitment of persons with disabilities. Organizations and prospective employers have scanty or limited knowledge on issues disability, Persons with disabilities at times create a negative perception that being provided with a job is a favour given to them other than showcasing their capability.

The feedback from the commissions indicate that lack of adequate resources to make the workplace disability friendly affects inclusion of disabled persons in workplace. Persons with disabilities need more sensitization and more awareness needs to achieve full implementation of recruitment policies. The challenges highlighted in this section, i.e. inaccessibility of workplace, inadequate resources for adapting the workplace to be suitable for PWDs, low self-esteem of PWDs, poor managerial perception on disability and low level of policy awareness would determine the ability of the organizations to attract and retain employees with disabilities and at the same time would determine the job seeking behaviour of PWDs. The challenges are a barrier to recruitment and subsequently a hindrance to inclusivity in workplace. The study findings are consistent with the findings of Ramachandra et al 2017 in which low self-esteem of PWDs, lack of physical accessibility, information barriers, and lack of resources for adapting the built environment to the needs of PWDs were identified as factors affecting recruitment of PWDs.

4.4 Awareness of disability inclusive recruitment Policies:

The study sought to examine the level of awareness of disability inclusive recruitment policies and their implementation strategies between the year 2013 and year 2019. The study hypothesized that inadequate awareness of disability inclusive employment policies has led to under recruitment of PWDs in Public Service. The respondents were asked four questions to ascertain policy implementation strategies. The questions asked focused on existence and implementation of polices, monitoring and evaluation of policies, strategies for sensitization on recruitment and dissemination of policies. The responses obtained were summarized and presented below:

4.4.1 Summary of Existing Policies on Recruitment within the Commissions since 2013:

The respondents stated that since 2013 the commissions have put in place recruitments policies as outlined in the table below

Table 14: Recruitment Policies and Implementation Strategies since 2013

| Commission | Recruitment Policies | Implementation Strategies |
|-------------------|---|---|
| TSC | <ol style="list-style-type: none"> 1. Recruitment Guidelines 2. Policy on Teacher Recruitment and Selection 3. Guidelines for Recruitment of Post Primary Teachers – 2019 4. TSC Act – 2012 5. Teacher Registration Policy | <ol style="list-style-type: none"> 1. Flexible interview locations for prospective Teachers with disabilities in the Counties. 2. Affirmative clause “PWDs are encouraged to apply” 3. Aggressive sensitization on disability for key stakeholders in recruitment. 4. Separate score sheet for candidates with disability during interviews. 5. Existence of Gender, Administration and Disability Directorate |
| PSC | Human Resources Manual | <ol style="list-style-type: none"> 1. Equal opportunity in employment 2. Provision of assistive devices to employees with disability every five years. |
| NPSC | NPSC Human Resources Manual | <ol style="list-style-type: none"> 1. Compliance unit in place to monitor progressive recruitment of PWDs. 2. Affirmative clause “PWDs are encouraged to apply” |
| CAJ | Human Resource Policy & Procedures Manual | <ol style="list-style-type: none"> 1. Affirmative clause “The commission is an equal opportunity employer” |
| SRC | <ol style="list-style-type: none"> 1. SRC HR Policy Manual 2013 2. Public Service Commission HR Manual - 2016 | <ol style="list-style-type: none"> 1. Affirmative clause “The Commission is an equal opportunity employer” |

The table above indicates that there exist several policies on recruitment in the respective commissions. Each of the five Commissions has a Human Resource Policy/manual/guidelines. All the five commissions have aligned their recruitment policies to Public Service Commission Human

Resource Policies and procedures manual of 2016 and the Constitution of Kenya 2010. Common among all the Commissions is the use of affirmative clause on equal opportunity in employment to affirm non-discrimination in recruitment process as a way of enhancing inclusivity within the commissions.

Teachers Service Commission has in place additional guidelines on inclusive recruitment which include flexible interview locations for recruitment of Teachers with disability at County level, aggressive sensitization of key stakeholders in recruitment, use of separate score sheet for PWDs during interviews and existence of Gender, Disability and Administrative Services Directorate to oversee inclusivity in the Commission. National Police Service Commission adopted the use of compliance unit to monitor conformity with inclusivity policies within the commission whereas the Parliamentary service commission provides for assistive devices to employees with disability recruited by the commission under recommendation of the Medical Committee every five years. Commission on Administrative Justice and SRC did not have any additional guidelines on recruitment of PWDs other than the affirmative action clause.

TSC has five more strategies for affirmative action other than the affirmative clause, these strategies include disability friendly recruitment process which entails conducting recruitment of Teachers in centres that are convenient to PWDs, separate score sheets for PWDs during interviews, aggressive disability sensitization of stakeholders involved in the recruitment process and deliberate targeting of PWDs in recruitment. The CAJ adopted the strategy of soliciting for CVs for persons with disabilities from Associations for PWDs and circulating their job adverts to these associations in addition to the affirmative clause.

The study established that Teachers Service Commission had the best systems in place for recruitment of PWDs as compared to the other four commissions, therefore had more employees with disabilities in their workforce compared to the other four commissions.

4.4.2 Monitoring and evaluation of implementation of recruitment policies in the Commissions from 2013 to date.

The study sought to establish the strategies that the five commissions have been using to monitor and evaluate the implementation of recruitment policies for persons with disabilities. The key informants

were asked the mechanisms in place for ensuring the recruitment policies for persons with disabilities are implemented. The table below shows the response from the five commissions.

Table 15: Mechanisms for Monitoring Evaluation of Policies

| Commission | Mechanism for monitoring & evaluating implementation of recruitment policies |
|-------------------|---|
| TSC | <ul style="list-style-type: none"> i. Disability Mainstreaming Committee ii. Child Protection, Gender & Disability Regional Coordinators iii. Quality Assurance Department iv. Vetting of Teacher Recruitment Results |
| PSC | <ul style="list-style-type: none"> i. Medical Committee in place to review PWDs for provision of assistive devices ii. Internal audit reviews policy implementation |
| NPSC | <ul style="list-style-type: none"> i. Parliamentary quarterly reports on inclusivity ii. Compliance unit iii. Human Capital Department iv. Internal audit |
| CAJ | <ul style="list-style-type: none"> i. Monitoring and Evaluation Unit ii. Internal Audit Unit iii. External Audit |
| SRC | HR Policy Implementation Audits conducted by Internal Audit unit |

Table 15 outlines various mechanisms used by each of the five commissions in monitoring and evaluating implementation of the existing recruitment policies. The study established that the Commissions had different mechanisms for monitoring and evaluating implementation of recruitment policies. The most common mechanisms used across the organizations include internal and external audits reviews. This mechanism was common across the three commissions, namely CAJ, SRC and NPSC.

Teachers Service Commission had mechanisms like vetting of teacher recruitment results, existence of Disability Mainstreaming Committee, Child Protection, Gender and Disability Coordinators and quality assurance department to ensure compliance with inclusivity in recruitment. National police service commission on the other hand has in place a Human Capital Department and a Compliance

Unit mandated to conduct Human Resource analysis and identify gaps and compliance issues for management action as well as parliamentary quarterly reports on inclusivity.

Besides conducting internal and external audits, CAJ has in place a monitoring and evaluation unit tasked with monitoring policy implementation. Parliamentary Service Committee has in place a Medical Committee with an oversight role in issuance of assistive devices. The best practices in monitoring and evaluation of policies were exhibited by Teachers Service Commission and National Police Service Commission. Salaries and Remuneration Commission, Commission on Administrative Justice and Public Service Commission had in place the basic provisions in monitoring and evaluation. This is demonstrated by the ability of the two commissions to attract people with disabilities in the workforce through better working conditions and subsequently better outputs. The study established that the commissions with sound monitoring and evaluation systems performed better in inclusivity.

4.4.3 Sensitization of public and employees on recruitment of Persons with disabilities since 2013:

The study examined how the commissions sensitized the Public, employees and persons with disabilities on recruitment. Key informants were asked about the strategies used to sensitize the public, employees with disabilities and all employees on recruitment policies for persons with disabilities.

The table below shows the mechanisms in place in each of the five commissions for sensitizing the public, Persons with disabilities and employees on recruitment policies for persons with disabilities.

Table 16: Strategies for Sensitization on Recruitment of Public, Persons with disabilities and the public

| Commission | Public Sensitization | Sensitization of employees with disability | Sensitization of other Employees |
|-------------------|---|---|--|
| TSC | Champions Website Circulars Print media TSC County Directors Parents meetings Talking walls(posters) Skits, Drama, Sports, Music | Website Training manuals Memos Notice board TSC Heads of Directorates | Payslips Partnerships Memos Notice board Gender and Administration Directorate Section Heads Trainings and workshops |
| PSC | No strategy in place | No strategy in place | No strategy in place |
| NPSC | Equal opportunity disclaimer in adverts | Website Digital platforms Print media Word of mouth | Integration awards meetings Word of mouth Interdepartmental meetings |
| CAJ | No strategy in place | No strategy in place | No strategy in place |
| SRC | No strategy in place | No strategy in place | No strategy in place |

Three of the Commissions namely SRC, PSC and CAJ did not conduct sensitization on recruitment of PWDs to the employees with disability, other employees and the public.

Teachers Service Commission conducted quarterly Sensitization to the Public using; Champions, Website, Circulars, the Print media, TSC County Directors, Parents meetings, Talking walls(posters) as well as Skits, Drama, Sports and Music. Sensitization to the Employees with disability was through; Website, Training manuals, Memos, Notice board and the TSC Heads of Directorates. The Other employees were sensitized through; Payslips, Partnerships, Memos, Notice board, Gender and Administration Directorate, through Section Heads as well as Trainings and workshops

According to the findings the Parliamentary Service Commission: had no strategy in place for sensitization on recruitment of PWDs, same case applied to Commission on Administrative Justice and Salaries & Remuneration Commission

National Police Service Commission, sensitization was done to the Public through Equal opportunity disclaimer in adverts while to the Employees with disability it was through; website, Digital platforms, Print media, Word of mouth and for the other employees it was through; Integration awards and inter-departmental meetings. The different methods used by various organization in sensitizing the public and employees had an implication on recruitment of disabled people. It was revealed that organizations which sensitized the employees and the public had recruited more PWDs as compared to those who did not. The commissions with better strategies for sensitization on recruitment of persons with disabilities were able to bring on board more employees with disabilities and provide for conducive work environment for people with disabilities.

4.4.4 Dissemination of Recruitment Policies since 2013:

The study sought to investigate the modes the commissions adopted for dissemination of recruitment policies since 2013. The study hypothesised that inadequate awareness of recruitment policies has led to under recruitment of PWDs in Public Service.

Table 17: Mechanisms for Dissemination of Policies in the five commissions

| Commission | Mode of Dissemination of Recruitment Policies |
|-------------------|--|
| TSC | <ul style="list-style-type: none"> i. Website ii. Memos iii. Notice boards iv. Circulars v. Image magazines vi. Bulletins vii. Policy handbooks |
| PSC | Distribution of policies to new staff during induction and probation |
| NPSC | <ul style="list-style-type: none"> i. Memos to staff ii. Website ii. Human Capital Management Bulletins |
| CAJ | Distribution of policies to new staff during induction and training |
| SRC | <ul style="list-style-type: none"> i. Memos ii. Circulars and letters iii. Gazette notices |

Table 17 illustrates that TSC used Website, Memos, Notice boards, Circulars, Image magazines, Bulletins and Policy handbooks, the Parliamentary Service Commission (PSC) distributed policies to new staff during induction and probation while the National Police Service Commission (NPSC) issued Memos to staff, Website and Human Capital Management Department to disseminate the policies.

The Commission on Administrative Justice (CAJ) and Parliamentary Service Commission (PSC) disseminated policies to new staff during induction, probation and training. The Salaries and Remuneration Commission (SRC) used Memos, Circulars and letters and Gazette notices and Website. The five commissions were tasked to indicate the frequency of dissemination of recruitment policies within the respective commissions to establish how often the policies are disseminated. The outcomes are summarised in Table 4.8

Table 18: Frequency of Dissemination of Policies in the Commissions

| Commission | Frequency Of Dissemination of Policies | | | | |
|-------------|--|------------|----------|--|------------|
| | Quarterly | Biannually | Annually | Other | Don't Know |
| TSC | √ | | | 1. During induction of new staff 2. Website updates | |
| PSC | | | | During induction of new staff | |
| NPSC | √ | √ | √ | During induction of new staff | |
| CAJ | | | | During induction of new staff | |
| SRC | | | | During induction of new staff | |

Table 18 illustrates that all the five commissions disseminate the policies to new staff during induction, training and probation. Besides the dissemination of policies during induction, TSC indicated that they disseminate their policies on a quarterly basis whereas NPSC disseminates their policies quarterly, biannually and annually. The level of policy awareness is based on the frequency of dissemination and sensitization done to staff. Dissemination of policies during induction should be accompanied with regular sensitization to raise awareness on policy. The commissions which disseminated their recruitment policies regularly were able to create more awareness on disability, adopt and implement inclusive recruitment policies resulting from the experienced gained over time.

4.5 Performance Contracting and disability inclusion

This study sought to establish how persons with disability policies have been mainstreamed in public service. The study hypothesized that implementation of recruitment policy enhances inclusivity in Public Service. The respondents were asked three questions to establish how performance contracting supports inclusivity in public service. The three questions focused on how interests of PWDS have been captured by performance contracts, targets/attributes of persons with disabilities captured in performance contracts and how performance contracts have helped in promoting inclusion of PWDS in the workforce. The responses obtained were summarized and presented in 4.11, table 4.12 and table 4.13 as outlined in section 4.5.1 to section 4.5.3.

4.5.1 Disability Mainstreaming and Performance Contracting:

Table 19: Disability Mainstreaming and Performance Contracting

| Commission | How Interests of PWDs have been Captured In Performance Contracts |
|-------------------|---|
| TSC | Through implementation of disability mainstreaming guidelines in the operations of the commission as provided by the government through NCPWD |
| PSC | Commission not involved in performance contracting |
| NPSC | Commission not involved in performance contracting |
| CAJ | Commission not involved in performance contracting |
| SRC | Commission not involved in performance contracting |

Table 19 illustrate that out of the five commissions, only Teachers Service Commission is involved in performance contracting. The Commission signed annual performance contracts with the performance contract secretariat and respective government agencies. The Commission signs annual performance contract with the National Council for Persons with Disabilities to ensure disability mainstreaming. According to Teachers Service Commission Performance has ensured that the interests of Persons with disability have been captured in the following areas represented in the annual performance contracts:

- i. Adherence to Disability Mainstreaming Guidelines released by the government through National Council for Persons with Disabilities

- ii. Tax exemption to PWDs up to employment income of up to Ksh 150,000 per month
- iii. Extension of retirement age by five years (retirement age of PWDs is 65 for commission employees)
- iv. Access to government procurement Opportunities (At least 2% of the 30% tenders are reserved for PWDs)

4.5.2 Disability Mainstreaming Targets in Performance Contract:

Table 20: Performance Targets/Indicators

| Commission | Disability Mainstreaming Targets |
|------------|---|
| TSC | <ul style="list-style-type: none"> i. Sensitize 1000 secretariat staff on disability ii. Ensure qualified teachers are given equal opportunity during teacher recruitment at county and school levels – Review Teacher Recruitment Policy and guidelines to provide for affirmative action iii. Carry out usability and accessibility audit for PWDs in 3 counties (Nairobi, Machakos and Kisumu). iv. Ensure improvement of access to TSC services by PWDs through procurement of antiskid mats for ground floor reception area at TSC Headquarters. |
| PSC | No set Targets |
| NPSC | No set Targets |
| CAJ | No set Targets |
| SRC | No set Targets |

Table 20 indicates that among the five commissions only TSC had set targets on disability mainstreaming. The commission has implemented According to the study findings the organisations have implemented targets on disability mainstreaming since the promulgation of the new constitution 2010.

In the fiscal year 2019/2020 the commission undertook to sensitize 1000 secretariat staff on disability, review the recruitment policy and guideline to provide for affirmative action on recruitment of PWDs, conduct accessibility and usability audit for PWDs in three counties and procure anti-skid mats in the TSC Headquarter reception area.

The Commission has already begun implementing the targets for the fiscal year 2019/2020 and developed a work plan for implementation. For instance, the review of recruitment policy has been done and the strategies for affirmative action on recruitment circulated to all directorates and key stakeholders in recruitment. This makes the commission stand out among the others.

4.5.3 How Performance Contracts Promote Inclusion in Public Service

Table 21: Performance Contracting and Inclusivity

| COMMISSION | HOW PERFORMANCE CONTRACTING PROMOTES INCLUSION OF PWDs |
|------------|--|
| TSC | By aligning organization operations and strategy to the needs of PWDs and ultimately improving service delivery to PWDs and attracting more PWDs to be part of the Commission. |
| PSC | Commission not involved in performance contracting |
| NPSC | Commission not involved in performance contracting |
| CAJ | Commission not involved in performance contracting |
| SRC | Commission not involved in performance contracting |

Table 21 outlines the response from Teachers Service Commission on how performance Contracting promotes inclusion of PWDs. The other four commissions did not respond to the question since they are not involved in performance contracting. The Commission affirmed that Performance contracting has helped in promoting inclusion of people with disabilities through improvement of service delivery and reiterated that disability is now a priority in service delivery and that due to the reporting need to various government agencies the commission is regularly reminded of being inclusive of people with disabilities hence the commitment to recruitment as the main entry point to the commission.

The commission highlighted that there is need for aligning national policies and organization policies to disability specific needs. For instance, the commission’s recruitment policy provides for the maximum recruitment age for teachers at forty-five years while other commissions do not have such a Policy. This limits people with disabilities from accessing employment since majority of them acquire education qualifications late compared to non-disabled people owing to disability related challenges. Further, there is need for gender mainstreaming in disability owing to the fact that more men with disabilities were recruited in the commission compared to women with disability.

While there exists a policy on progressive recruitment of persons with disabilities to at least five percent in appointive and elective positions its evident that the progress is rather too slow. Disability mainstreaming indicator is meant to steer disability inclusion, however there is need to complement the efforts of performance contracting with overall inclusive policies across the institutions. For instance it would be prudent to have policies that support inclusive education of persons with disabilities to enable them acquire education qualifications, policies on health and rehabilitation to enable persons with disabilities get medical intervention to ensure they don't miss out while seeking education and health interventions as they seek career progression. As girls with disabilities strive to be visible in the work place, it is important to take cognisance of the double stigma they experience on grounds of gender and disability and the impact of the stigma on inclusivity, therefore the inclusive policies should respond to their plight.

CHAPTER FIVE:

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter outlines a summary of the key outcomes of the research and how the results were interpreted. The chapter goes on to present the conclusions that were made from the findings of the study as well as recommendations for improvement and proposals for more research. The outline of this chapter is as follows: summary of findings, conclusions, recommendations and areas for further research.

5.2 Summary of Findings

The study sought to examine the impact of recruitment policies of disabled persons as a way of promoting Inclusivity in the Public Service in Kenya. The specific goals were to investigate the implementation strategies of recruitment policies on people who have disability in public service, to investigate the challenges to policy on employment of disabled people in Public service and to find out how policies for disabled people have been operationalized in public service. The summary of findings under each objective are outlined below:

5.2.1 Recruitment Policies Implementation Strategies:

The first objective of the study was to examine the implementation strategies of recruitment policies on Persons with Disabilities. The study hypothesized that insufficient awareness of inclusive recruitment policies is the main cause of under recruitment of persons with disability in Kenyan Public service.

The study findings indicate that there existed policies on recruitment in the respective commissions which were aligned to the constitution and the Public Service Commission Human Resource Manual. Some of the best practises noted in TSC policies include disability sensitization of recruitment stakeholders and flexible interview location for teachers in the Counties. The common strategy for monitoring and evaluation in the commissions was the use of internal audit department, NPSC used the Human Capital Department to monitor implementation whereas TSC used the quality assurance unit and conducted vetting of Teacher Recruitment results. All the commissions adopted the use of

affirmative clause as a strategy for affirmative action except the additional strategies adopted by TSC mentioned above. Only two commissions conducted sensitization on recruitment of PWDs i.e. NPSC and TSC whereas policies were disseminated using memos, website, policy handbooks and Human capital management bulletins at NPSC. Dissemination was mostly done during induction of new employees with only TSC and NPSC having a practice of regular policy dissemination.

5.2.2 Challenges to policies on recruitment of Persons with Disabilities

The second objective of the study was to investigate the challenges to policy on recruitment of disabled people in Public service. The study hypothesized that recruitment of PWDs enhances socioeconomic integration of PWDs within the Public Service leading to inclusivity. The study established that recruitment of PWDs led to improved welfare of Persons with disabilities through achieving a more integrated and inclusive public service. The study established that major challenges to recruitment include level of policy awareness, low self-esteem, lack of resources for workplace adaption to disability needs and accessibility. In general, there is low representation of PWDs in the commissions with TSC having representation of disabled persons in all job cadres, PSC & NPSC had representation of PWDs in two job cadres, CAJ in one job cadre while SRC lacked representation of PWDs in all job cadres. There were no other strategies for equal opportunity employment effected by the commissions other than affirmative clause whereas PWDs were included and integrated through provision of tax exemption, provision of guides and interpreters on a needs basis in some commissions, or by payment of personal guide allowances in some instances and deployment of the guides and interpreters in customer service areas as practised by Teachers Service Commission.

5.2.3 Performance Contracting and Inclusion of Persons with Disabilities

The study sought to find out how policies for people with disabilities were operationalized in public service. The study hypothesized that implementation of performance contracting policy enhances inclusivity by reviewing progress of disability mainstreaming in public service and ensuring that disability mainstreaming targets are implemented. The study established that among the five commissions involved in the study, only Teachers Service Commission had signed performance contract with a commitment to mainstream disability as a cross cutting issue. The other four commissions were not involved in Performance contracting hence did not implement mainstreaming

of Disability as indicators in their performance contract. The study established that Performance targets on Disability Mainstreaming assisted TSC in enhancing inclusivity of People with disability by ensuring accessibility and usability of facilities to persons with disabilities, developing affirmative action strategies in the recruitment policies and continuous sensitization on disabilities all of which have enhanced inclusivity of PWDs in Teachers Service Commission.

5.3 Conclusion

The study concluded that implementation of recruitment policies for disabled people has promoted inclusivity of persons with disabilities in Kenyan Public service to a small extent with all the five commissions having slight increment in numbers of employees with disabilities. Teachers Service Commission attracts more persons with disabilities in the workforce due to implementation of performance contract targets on disability mainstreaming. There is evidence of improved service delivery with an outcome of increased socioeconomic engagement of disabled persons in public service as demonstrated by Teachers Service Commission between 2013 and 2019. Lack of clear policy implementation strategies has led to under recruitment of disabled persons in public service, this is demonstrated through limited awareness of policies which trigger more barriers to inclusivity with respect to persons with disabilities. With majority of the commissions in the study adapting the affirmative action clause as a strategy of inclusivity in recruitment there is no tangible outcome on inclusivity based on the strategy.

5.4 Recommendations

5.4.1 Recommendations for policy and practice

The study proposes that the government should initiate mechanisms to ensure that public organizations implement performance contracts with clear targets and indicators that enhance inclusivity in public service with respect to disabled people and in line with their mandate and operations. The experience of Teachers Service Commission outline how Performance contracting has aided the realignment and review of the commission's policies to address the concerns of persons with disabilities which ultimately has made the commission more inclusive and continuously addressing the gaps to inclusivity of persons with disabilities.

5.4.2 Recommendations for Further Research

The study proposes that more research should be conducted on evaluating the influence of enforcement of policies for disabled people as a way of promoting inclusivity in other areas of public service, in particular other Parastatals and county governments since this study was based on select commissions.

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APPENDICES

APPENDIX A: KEY INFORMANT INTERVIEW GUIDE

Student Name: Mildred Adhiambo Omino

Student Number: C51/83189/2015

I, the above named student in the department of Political Science and Public Administration, University of Nairobi. I am carrying out a study on the topic: Impact of the policy for Persons with Disability on inclusivity in Public Service: A comparative study of service Commissions in Kenya as a requirement for the award of the degree of Master of Public Administration of the University of Nairobi. The research is purely for academic work and the responses will be treated with utmost confidentiality, kindly feel free to give any information that will make the study a success. Please tick (√) in the appropriate box.

Thank you in advance.

ADMINISTERING THE KEY INFORMANT INTERVIEW

The interviewer will read and explain the introduction section to each participant at the beginning of the interview and ask them to sign an informed consent form. The interviewer will ask the questions and record the responses. The interviewer will check the relevant box for each answer, read, complete the rating scales and obtain an answer from the respondents where such is used. Additional probing questions will be asked if needed and where indicated.

APPENDIX B: INTERVIEW CAPTURE FORM

| Interviewee | Date (DD/MM/YY) | Interview number |
|-------------|--------------------|---------------------|
| | | |

To be completed by the interviewer

1. Introduction

This interview aims to assess the impact of policy for persons with disabilities on inclusivity in public service. In particular, it will focus on the awareness of disability inclusive policies on recruitment, barriers or challenges that affect implementation of the policies and impact of implementation of the policies in enhancing inclusivity of persons with disabilities in public service.

1.1 What is your current position/role in the organization/commission? (WRITE THE RESPONSE BELOW)

1.2 What is your gender?

- 1. Male
- 2. Female

1.3 What is your age bracket?

- 1. Below 25 years
- 2. 25-35 years
- 3. Above 35 years

1.4 Organization/Commission: (READ THE RESPONSES BELOW AND CHECK ALL THAT APPLY)

- 1. Teachers Service Commission

- 2. National Police Service Commission
- 3. Parliamentary Service Commission
- 4. Commission on Administrative Justice
- 5. Salaries & Remuneration Commission

2. Awareness of Disability Inclusive Recruitment Policies

2.1 What are the existing policies on recruitment implemented in your organization since 2013?

2.2 Which mechanisms are in place for monitoring and evaluating the policies mentioned in 2.1 above?

2.3 How is sensitization on recruitment of persons with disabilities done to the following since 2013?

a) Members of the public

b) Employees

2.4 Which mode does your organization use to disseminate the existing recruitment policies since 2013?

2.5 How often does your organization disseminate the existing recruitment policies?

- 1. Quarterly
- 2. Biannually
- 3. Annually
- 4. Other

3. Socioeconomic Integration of Persons with Disability

3.1 What is the representation of persons with disabilities at various positions against total number of staff in the same category since 2013 to date?

| Job cadre | Representation of Persons with Disabilities | | | |
|--------------------------|---|----------------|---------------------------|----------------|
| | Total Employees | | Employees with Disability | |
| | 2013 | Current (2020) | 2013 | Current (2020) |
| Senior management | | | | |
| Administrative assistant | | | | |
| Technical staff | | | | |
| Others | | | | |

3.2 What mechanisms are in place to ensure that recruitment of employees guarantees equal opportunities for everyone including persons with disabilities? Explain briefly

3.3 How does your organization facilitate policies on inclusion and social integration of employees with disabilities in the workplace? Please fill in the table below

| Parameter | Means of enhancement |
|--|-----------------------------|
| Welfare of employees with disability | |
| Facilitation for work performance(e.g. assistive devices, adaptive technology) | |
| Workplace accessibility | |
| personal guides | |
| Sign language interpreters | |
| Others | |

3.4 In your opinion, to what extent does the following factors affect recruitment of persons with disabilities?

| Factor | Effect on recruitment of persons with Disabilities | | |
|--|---|--------------|---------------------|
| | Does not affect 1 | Affects 2 | Highly affects 3 |
| 1. Level of awareness of disability inclusive recruitment policies | | | |
| 2. Managerial perceptions about barriers on recruitment of persons with disabilities | | | |
| 3. Low self-esteem among persons with disabilities | | | |
| 4. Workplace accessibility | | | |
| 5. Availability of resources for adapting workplace to disability needs | | | |

3.5 Briefly comment on your rating above

4. Performance Contracting and Disability Mainstreaming

4.1 How has the interest of persons with disabilities been captured by performance contracts since 2013? Briefly explain

4.2 For how long has the organization implemented targets on disability mainstreaming under performance contracting since 2013? List the targets/attributes of persons with disabilities captured in performance contracts

4.3 Has performance contracting helped in promoting inclusion of people with disabilities in the workforce since 2013? Explain briefly

4.4 Any additional comment

Thank you!

APPENDIX C: DATA COLLECTION CONSENT FORM

TITLE OF STUDY:

Impact of the policy for Persons with Disability on inclusivity in Public Service: A comparative study of service Commissions in Kenya.

PRINCIPAL INVESTIGATOR

Name: Mildred Adhiambo Omino

University of Nairobi

Department: Political Science and Public Administration

Phone: +254728178048

Email: mildredomino@gmail.com

PURPOSE OF STUDY

This study will be carried out with a purpose of understanding the impact of public policy implementation in enhancing inclusivity in public service in Kenya. The researcher therefore looks forward to use the study to create an understanding of implementation of recruitment policies for persons with disabilities. The researcher will refer to the findings of the study to share findings with relevant policy making bodies and disability rights advocates to understand the implementation of policies and their overall impact in inclusive development.

STUDY PROCEDURES

The study will employ two procedures, the use of structured interview guide and collection of secondary data. The researcher will take time to clarify to the respondents about the questions in the interview guide. The respondents will give responses to be filled in the interview guide, in case of any additional aspect to the procedures, there will be prior communication.

BENEFITS

Study will be beneficial in that, public sector employers, policy makers, disability rights' activists and social workers may borrow ideas on how to advocate for the inclusive employment through policy implementation. The respondents will be able to ask questions during the study and this will help them to understand the context of the study.

CONFIDENTIALITY

The responses to this study and information provided will be purely used for academic purposes i.e. For the study and nothing else.

CONTACT INFORMATION

In case the respondents may have any questions for clarification during the study, they will be free to contact the researcher in the process of the study.

CONSENT

If the respondent has read and understood the consent form and asked any question for clarification, then they will be required to sign and get a copy of the consent form.

Participant's signature/Name:

Date:

Investigator's signature:

Date:

APPENDIX D: FIELD RESEARCH INTRODUCTION LETTER



University of Nairobi
COLLEGE OF HUMANITIES AND SOCIAL SCIENCES
Department of Political Science & Public Administration

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Nairobi, Kenya.

22 July 2019

TO WHOM IT MAY CONCERN

FIELD RESEARCH MILDRED OMINO- (C01/83189/2015)

The above named is a registered student at the Department of Political Science & Public Administration, University of Nairobi Pursuing a Master of Arts Degree in Public Administration.

She has successfully completed the first part of her studies (Coursework) and is hereby authorized to undertake field research.

It is against this background that I request you sincerely to enable her collect relevant academic data for her studies.

Ms. Omino is writing on **"Impact of the Policy for Persons with Disability on Inclusivity in Public Service: A Comparative Study of Service Commissions"**.

The information she collects will be purely used for academic purposes. The student is also expected during the course of her research to abide by your regulations and rules.

In case of further clarification, feel free to contact the undersigned.

Thank you for your support.


Prof. Fred Jonyo (PhD)
Chairman, Department of Political Science and Public Administration

