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Influence of Legal Framework on Recruitment and Selection in Service State Corporations in Kenya

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Abstract

Retaining quality workers is challenging as a result of recent phenomena such as skills shortages, employee mobility and the expected retirement of baby boomers in the near future. These phenomena negatively affect organizations' ability to create and maintain their competitive advantage in the labour market. Hiring the right persons requires legislation like employment equity which must be fulfilled and the survival of an organization usually depends on the caliber of its employees. The purpose of this study was therefore to determine the influence legal framework has on recruitment and selection in service oriented State Corporation in Kenya. The study employed a descriptive cross sectional type of research design that enabled investigation of the various factors that influence recruitment and selection. The target sample was 154 executives of Service State Corporation in Kenya. A stratified random sampling technique was used to achieve desired representation. Data was collected using structured questionnaires. To analyze the collected data, descriptive and inferential statistics were used. Statistical software used was SPSS version 20. Regression analysis between legal framework and recruitment and selection revealed a coefficient of determination (R squared) of 0.733, implying that legal framework accounts for 73.3% of the variation in recruitment and selection of employees in Service State Corporation in Kenya. The findings also revealed a positive and significant relationship between legal framework and recruitment and selection in Service State Corporations in Kenya (β=.872, p=.000<.05). The study concludes that legal framework has significant positive influence on recruitment and selection, then proper measured should be put in place on improving legal framework for proper recruitment and selection process to take place. The study recommends that the Kenyan government should enact policies that promote recruitment and selection which would in turn promote employee retention. The policy makers should enact polices that promote talent management aspects in state corporations in Kenya in order to ensure sustainable employee retention a good leadership and competitive advantage.

Keywords: *Legal Framework, Government policy and practice, Rules and regulations, Acts of parliaments, Recruitment and selection.*

1.0 Introduction

Without a highly skilled and qualified labour force, an organization is destined to achieve mediocre performance. For this reason the recruitment and selection of human capital is a critical human resource function (Grobler, Wärnich, Carrell, Elbert & Hatfield, 2006). Human resource management, the overarching function of recruitment and selection, does not function in isolation as it did in the past but currently operates in conjunction with the management and decision processes within the economy (Van Rensburg, Basson & Carrim, 2011). As a result of human resource management's crucial role in an organization, the procurement of a suitable labour force has become part of an organization's business strategy (Grobler et al., 2006). The function of recruitment and selection involves a variety of human resource activities, including the analysis of the labour market, long-term planning, procurement, interviewing and testing. The recruitment and selection process is; however, not without problems. Retaining quality workers is challenging as a result of recent phenomena such as skills shortages, employee mobility and the expected retirement of baby boomers in the near future (Masibigiri & Nienaber, 2011). These phenomena negatively affect organizations' ability to create and maintain their competitive advantage in the labour market. This situation will worsen if organizations do not handle the aforementioned dilemmas properly (Masibigiri & Nienaber, 2011).

In European international managers may be judged not only by their culture sensitivity, the ability to understand the country and adapt their behavior as necessary but also their capacity to lead multinational teams. The selection process should aim to establish the extent to which candidates can exercise leadership in situations of cultural and ethnic diversity. Nyamnjoh (2011) remarked that the 'national cake' diminishes with the worsening economic crisis, corruption, mass misery and ethnicity, making it more elusive for the bulk of small people to claim the same benefits from their connections with the big or the not so big men and women of power, one can legitimately wonder just how much longer the system can continue to deflate the disaffected.

In Tanzania the institutions for carrying out recruitment and selection function of local staff have been changing from centralized to decentralized institutions. This alternation can be traced back from the time of independence when the government adopted centralized recruitment system through man power allocation committee which allocated graduates from universities and schools to different region of the country (Shangali, 2009). Tanzania centralized man power allocation committee did not deliver the expected results. Following its poor performance, in 1982 the recruitment function was shifted to local government service commission which was established in 1982 for the purpose of recruiting local civil servants (Munga *et al*. 2009).

In Rwanda, administrative positions at all levels are advertised externally although applicants are not discouraged. Measuring the results of recruiting efforts is therefore, the best way to determine the success of recruiting program, says Steve Lyle the Director of worldwide stuffing for Texas Instruments (TI). Not only does an organization track traditional measure such as hiring cycle time and cost-to hire, to ensure productivity, it also uses quality metrics to determine whether it is getting the right talent for the right job. Hiring the right person for example requires linking recruitment strategies to organizational needs (Hendon, 2010). The selection of employees is vital to the successful delivery of any organization's mandate.

A study done in Rwanda revealed that even when you recruit the right candidates, the organization's culture must be well managed to retain these workers and maintain a return on investment in their training and development (Tanov, 2013). Tanov (2013) noted that hiring the right persons requires legislation like employment equity which must be fulfilled. The profitability and survival of an organization usually depends on the caliber of its employees (Wickramasinghe, 2006). A study by Taylor (2015) defined recruitment as an activity which generates a pool of applicants wishing to be employed by an organization out of which suitable candidates are selected.

In Uganda local governments especially, "urban local governments" their regulations regarding recruitment and selection are followed in a right manner. However the compliance of Human resource related rules is actually shallow (Baguma & Rubare, 2014). Uganda government personnel selection board is organized and the regulated procedure of recruiting the regular staff is followed under the board, but the board members are not involved substantially in the actual selection judgment. All they do is sign the form prepared by the chief executive office. Usually, some applicants are not hired not because they do not qualified, as long as the applicants meet the required qualification, the decision is based on political factors rather than objective criteria (Bitarabeho, 2015).

In Kenya recruitment and selection is a core process in Human resource management as it serves to provide an organization with staff in sufficient numbers and with appropriate qualities. Employees are the greatest asset of any organization, for an organization to shine; it depends on the competence and professional attitude of the employees (Nzuve, 2010). Recruiting the right person for the right job is working whether private or public organization, thus recruitment and selection process becomes most integral, if done in an organized way it leads to selection of right candidates. This is not the case in Service State Corporation whereby recruitment and selection is influenced by political affiliation and leadership style. An applicants may have qualification but miss the appointment of the job due to unethical practices as well (ROK, 2015).

There are several factors which influence recruiting efforts like organizational reputation, attractiveness of the job, and cost of recruiting, recruiting goals and recruiting philosophy (Sims, 2012). Shandu (2006) stated that recruitment and malpractices have revealed the lack of detailed government policies and procedures to inform the objective, fair, equitable and responsible application of recruitment practices. The Service State Corporations have failed to consider what skills, competencies and traits are required of candidates for vacant posts before advertising.

State Corporation has various meanings as outlined in The State Corporations Act' Chapter 446 of the Laws of Kenya. First, it may be a corporate body established by or under an Act of parliament. Second, the president may by order establish a state corporation as a body corporate to perform the functions specified in the order. State corporations in Kenya have been classified in eight broad functional categories based on mandate and core functions. These are; Financial, Commercial/manufacturing, regulatory, public universities, training and research, service, regional development authorities, and tertiary education/training state corporations (ROK, 2015). According to Njiru (2014), the Kenya government forms state corporations to meet both commercial and social goals.

The role of state corporations in Kenya is to develop and maintain physical infrastructure for rapid and sustainable economic growth and poverty reduction; the delivery of government information, services, and processes that is integrated, accessible, and customized, creation of an enabling environment, development, promotion and diversification of high quality products and services; strengthening of tripartite mechanisms in industrial relations, empower all

Kenyans including the marginalized groups; and maintenance of sustainable industrial harmony and employment (Njiru, 2014). According to Kobia and Mohammend (2015), the Government of Kenya also developed and launched the Strategy for Performance Improvement in the Public Service in 2001 which sought to increase productivity and improve service delivery.

1.1 Statement of the Problem

In 2013, government of Kenya struggled to cut down the wage bill that takes 11 per cent of the gross domestic product (GDP) and 52 per cent of domestic revenues. For this reason, recruitment in the public service including all state corporations was frozen and new measures were announced to curtail spending. According to survey results released by Kenya Bureau of Statistics (ROK, 2015), the unemployment rate in Kenya stayed unchanged between 2010 (50%) and the corresponding quarter of 2012 (50.2%). Between 2013 to 2018 Public Service Commission (PSC) experienced a higher unemployment rate that increased from 56% to 70% leading to challenges in succession management as most senior employees are about to retire in public sectors. Some State Corporations especially service providers the unemployment rate is lower whilst it is higher in security, health and education (ROK, 2015).

Recruitment and selection in the Service State Corporation is done by board of directors headed by chairman and chief executive officer (CEO) is the secretary of the board. Whenever, the CEO is left alone to make decision on recruitment and selection as the chairman, it becomes difficult to distinguish between the management and boards' power thus negatively affect the Service State Corporations mandate (Cherono, 2015). For this reason, human resource selection committee is organized and regulated procedures of recruiting staff are followed under the policy, but the committee members are not involved substantially in the actual selection judgment. They only sign the forms prepared by the chief executive office, whereby some applicants are not hired not because they do not qualify, but the decision is based on political factors rather than objective criteria (Bitarabeho, 2015).

1.2 Research Objective

To establish how legal framework influence recruitment and selection in Service State Corporations in Kenya.

1.3 Research Hypothesis

H_0: Legal framework has no statistically significant influence on recruitment and selection in Service State Corporations in Kenya.

2.0 Theoretical Review

Equity Approach Theory

For companies to strive to adapt their equal opportunity policies (EOP) to their recruitment and selection programs, Straw (2010) identified three levels of equal opportunity policies: Equal opportunity as equal chance (nondiscriminatory); Equal opportunity as equal access (fair procedures); Equal opportunity as an equal share (outcomes and positive action). Healy (2010) further provides a typology of organizations according to their approach to equal opportunity. Negative organizations are those that have no knowledge of EOP and also no knowledge of legislative requirements. This is based on the assumption that State Corporations do not discriminate whereas they might consciously discriminate.

Equal opportunity has a low priority or profile focus on informality as the method to management; complaint organizations take a more conscious and professional approach to EOP and fulfills legal obligations; comprehensive organizations have a dynamic approach to EOP

but will have more of the features of the complaint organizations. However, the expectation is that, this equity approach should be implemented in a way to promote the Service State Corporations by making it a desirable workplace for all future employees. This implies an appropriate application of the diversity policies.

The Chartered Institute of Personnel and Development (CIPD) (2011) factsheet on good employment practices and diversity management in the workplace argues that, Service State Corporations should ensure that recruitment and selection processes are fair and diversity friendly. They should be careful in drafting advertisements in a manner that will avoid discrimination and stereotyping through either language or images and should aim to attract candidates from diverse backgrounds. Organizations should strive to operate transparent and consistent appraisal and performance management processes. They should have clear career pathways including promotion and training opportunities for all categories of employees.

For this to be feasible, organizations should be able to create a culture of respect and dignity of all employees through effective implementation of well-designed policies and procedures which support both individual and business needs. The fostering of respect to realize different perspectives matter, and that diversity is everyone's responsibility. Service State Corporations should make the business case for diversity be seen as an opportunity and strength, rather than a threat. Furthermore, management should think inclusively when designing diversity policies and procedures to ensure they are transparent, fair and address different needs and also make sure that there are continuous checks to make sure that policies and practices are bias free and working across the Service State Corporations. This will help to enhance the effectiveness in the practice of such policies.

This theory supports the legal framework by ensuring that management should think inclusively when designing diversity policies and procedures to ensure they are transparent, fair and address different needs and also make sure that there are continuous checks to make sure that policies and practices are bias free and working across the Service State Corporations. This will help to enhance the effectiveness in the practice of such policies. As envisioned by Boxall and Purcell (2008), the fitness of HR strategies and the organization of work and handling workers in a proper way which is the basic premise in the best fit.

The Resource Based View Theory

The Resource Based View suggests that sustainable competitive advantage is attainable when firms have a human resource pool which cannot be imitated or substituted by rivals. According to the Resource Based View, firms should constantly evaluate their workforce to ensure that they have the right people with the right skills in the right places to ensure sustained competitive advantage, (Barney, 2011). Boxall (2009) reveals that firms which recruit and retain exceptional individuals have the capability of generating human capital advantage.

The former results from employing people with competitively valuable knowledge and skills, much of it tacit. The latter, however, follows from the establishment of difficult to imitate, highly evolved processes within the firm, such as cross-departmental cooperation and executive development. The use of the human resource management systems are necessary for firms to gain a competitive advantage as also argued by Sparrow *et al.*, (2002) that, technology and capital can be acquired by most firms any time, for a price, but it is not easy to acquire a ready pool of highly qualified and motivated employees.

Thus, in order to be differentiated, the companies need to be very careful with the recruitment and selection process. The Service State Corporations HR practices would therefore need to emphasize "selecting highly skilled individuals" but not be unethically practices. Corporations should consider recruitment as a key tool to achieve the overall business goal because according

to Boxall and Purcell (2014), the new employee is always active, ready to learn new things and easy to adapt to the new environment.

It is better for them to find the right person directly from the recruitment process than having them trained later because training and development can be quite costly. This is one case of how the HR strategy fits with the competitive strategy. Catanoet al., (2010) stress that, employers must aspire to hire applicants who possess the knowledge, skills, abilities or other attributes (KSAOs) required to successfully performing the job most effectively. This theory supports recruitment and selection variable by arguing that, recruitment, screening and selection procedures should yield the best qualified candidates within the context of agreed upon equity programs.

2.1 Conceptual Framework

A conceptual framework can be defined as a set of broad ideas and principles taken from relevant fields of enquiry and used to structure a subsequent presentation (Reichel & Ramey, 2015). A conceptual framework is a research tool intended to assist a researcher to develop awareness of understanding of the situation under scrutiny and to communicate this. This study will adopt the conceptual framework indicated in this figure 1.

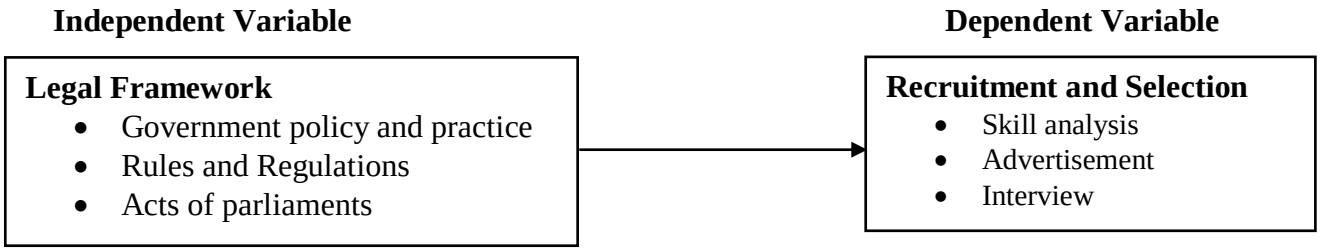

Figure 1: Conceptual Framework

Source: Researcher (2021)

According to Tanov (2015), hiring the right persons requires legislation like employment equity which must be fulfilled. The profitability and survival of an organization usually depends on the caliber of its employees (Wickramasinghe, 2014). Taylor (2015), defined recruitment as an activity which generates a pool of applicants wishing to be employed by an organization out of which suitable candidates are selected. There has been increase in the rate of Service State Corporations failure, closure and poor organizational performance due to hiring the wrong people or inability in Kenya. It is argued that in order for the organization to build and sustain the competitive advantage, proper staffing is critical (Djabatey, 2016).

Djabatey (2016) pointed out that traditional methods of recruitment and selection are being challenged by the need for organizations to address the increased complexity, greater ambiguity and rapid pace of change in the contemporary environment. There is key contemporary approaches to recruitment and selection, and examines the influence of external and internal factors on the process. After clarifying what we mean by recruitment and selection, we begin by describing the external context in which recruitment and selection occur, including government policy and legislation.

The study by Ballantyne (2015) inappropriate selection decisions reduce organizational effectiveness, invalidate reward and development strategies, are frequently unfair on the individual recruit and can be distressing for managers who have to deal with unsuitable employees. Better recruitment and selection strategies result in improved organizational outcomes like financial performance, quality of products and services, productivity, customer

satisfaction, employee satisfaction and retention of quality employees. The more effectively organizations recruit and select candidates, the more likely they are to hire and retain satisfied employees. The result of applicants' perception of unfairness in recruitment and selection process may be negative consequences for Service State Corporation, such a discrimination suits in a court of law (Peterson & Danehower, 1994).

According to Ekwoaba*et al* (2015) recruitment and selection have become essential in organizations because individuals need to be attracted on a timely basis, in sufficient numbers and with appropriate qualifications". The quality of employees you hire depends on an effective recruitment and selection strategy**.** Selection bias and discrimination based on age, sex, marital status, ethnic origin, religious preference, sexual preference or disabilities are also challenges facing organizations like Service State Corporation in obtaining adequate and trained staff.

Dressler (2015) found in his study that recruitment and selection forms a core part of the central activities underlying human resource management: namely, the acquisition, development and reward of the workers. It frequently forms an important part of the work of human resource managers or designated specialists within work organizations. However, and importantly, recruitment and selection decisions are often for good reason taken by non-specialists, by the line managers. Recruitment and selection also have an important role to play in ensuring worker performance and positive organizational outcomes. Recruitment and selection had the capacity to form a key part of the process of managing and leading people as a routine part of organizational life, it is suggested here that recruitment and selection has become ever more important as organizations increasingly regard their workforce as a source of competitive advantage. Of course, not all employers engage with this proposition even at the rhetorical level. However, there is evidence of increased interest in the utilization of employee selection methods which are valid, reliable and fair.

2.2 Empirical Review

Legal Framework

According to the mentioned regulations, employees within the organization have the right to be treated justly in all matters of employment. While principles of democracy require equality among the citizens, there is also a need to provide equal employment opportunity (EEO) and to undo the effects of past discrimination in employment (Orife & Chaubey 2001). Therefore, some larger companies develop a new trend which shows that they foster the equal employment opportunities by recognizing the importance of sustaining an Equal Opportunity culture as a competitive advantage. (Raghavi & Gopinathan, 2013).

In Cameroon, the main employment protection legislation apparatus is the Cameroon Labor Code that is bound by law No. 92/007 of August, 1992. The principle of this law gives equal opportunity to access to employment to all Cameroonians of working age irrespective of gender, religion, and ethnicity and protect them in all labor matters (Campbell, 2006). The labor code also has no restrictions on foreigners in as much as they are able to comply with the laws and regulations in force. The labor code was introduced in the wake of harsh economic crisis plaguing the country. This was followed by the structural adjustment policies (SAP) which instituted trade liberalization as one of the solutions to the crisis.

An employment by a company that offers equal opportunities and fair treatment in the employment process to all people regardless of race, sex, religion, nationality, disability or political affiliation that is stated in the final part of the advertisements for new jobs as well as in the job description. It is a stipulation that all people should be treated similarly, unhampered by artificial barriers or prejudices or preferences, except when particular 'distinctions' can be explicitly justified (Raghavi & Gopinathan 2013). In addition, it is clear that legislation

regarding equal employment opportunities exists, but the question is whether it is regularly practiced in the everyday life.

In other words: Assuming the law is effective, we expect to see it change prevailing employment practices, given that employers wish to comply with the law to prevent sanctions, or merely are willing to adopt and apply newly enacted norms (Mundlak, 2009).However, when it comes to Macedonia, the question is if there are really equal opportunities for employment taking into account the fact that in many jobs advertisements the sex or age of the candidate has been stated. Even the legal provision of employing a certain percentage of the minorities in Macedonia is subjected to discussion when it comes to equal employment opportunities in the process of recruiting and selecting the staff. It is actually a conflict between two provisions.

On one hand, the discrimination by nationality in the employment process is protected by the law while on the other hand those regulations prevent some candidates from certain nations to take part in the further process of recruitment due to the legally determined percentage of jobs for people belonging to the minorities. Although in this study the regulation on discrimination in employment on different grounds as well as its influence in the process of generating equal opportunities in recruitment and selection of staff is reviewed, taking the fact that this legislation is in compliance with the EU standards, this research is primarily focused on the existing practices of latent discrimination (outside the legal framework) deprived from the stereotypical perceptions i.e. the social, mental models.

Recruitment and Selection

Smith *et al*, (2008) argued that the more effectively the recruitment stage is carried out, the less important the actual selection process becomes. When an organization makes the decision to fill an existing vacancy through recruitment, the first stage in the process involves conducting a comprehensive job analysis. This may already have been conducted through the human resource planning process, particularly where recruitment is a relatively frequent occurrence. Once a job analysis has been conducted, the organization has a clear indication of the particular requirements of the job, where that job fits into the overall organization structure, and can then begin the process of recruitment to attract suitable candidates for the particular vacancy.

A study by Johnston (2009) analyzed that for every job in the organization, a thorough job analysis, which includes the job description and job specification, is necessary and based on this, an appropriate selection criteria is vital. The job description provides indications of the duties to be undertaken, and the job specification usually prescribes relevant personal qualities and attitudes as well as skills and knowledge required for the job. Miyake (2002) indicated that while advertising for job vacancies, applicants were sometimes recruited by word of mouth, through existing employees. Besides being cheaper, the “grapevine” finds employees who stay longer (low voluntary turnover) and who are less likely to be dismissed (low involuntary turnover).

Miyake emphasized that people recruited by word of mouth stay longer because they have a clearer idea of what the job really involves. The study reviewed five studies in which average labor turnover of those recruited by advertising was 51 percent. The labor turnover for spontaneous applicants was 37 per cent and turnover for applicants recommended by existing employees was 30 percent. One hypothesis proposed to account for this was the “best information” hypothesis. It was argued that people who were suggested by other employees were better and more realistically informed about the job than those who applied through newspapers and agencies. Thus, they were in a better position to assess their own suitability.

Better informed candidates are likely to have a more realistic view of the job, culture of the organization and job prospects.

3.0 Research Methodology

The study employed descriptive research which was used to investigate the influence of legal framework on recruitment and selection in Service State Corporations. Kothari (2015) describes it as tool which is more than collection of data and it involves measure, classification, analysis and interpretation. Both qualitative and quantitative approaches was used to analyze data. This study adopted positivism philosophy to uncover the truth about how things are at least what we focus on. The positivism philosophy was preferred because, the study involved both quantitative and qualitative approach to investigate a phenomenon. The study targeted 250 executives of Service State Corporations who included chairmen of the board, board members, chief executives and human resource managers. According to ROK (2015) out of the total established State Corporations, 25 of them belong to the service based category. The Service oriented category of State Corporations was of interest to this study since locally and globally, organizations in service sectors tend to recruit more due to the expansion.

The study used Yamane's formula of sample size with a margin error of 5% and confidence coefficient of 95%, the calculation from a population of 250 executives of Service State Corporations came up with 154 executives from all the 25 Service State Corporations.The study used questionnaire to collect primary data. The questionnaire contained both closed-ended and open-ended questions where the respondents had alternative answers to choose from. The questionnaires were administered through drop off and pick up later method (DOPU), this technique was an effective means to reduce potential no-response bias through increased response rate. The data was coded and entered into a spread sheet and was analyzed using quantitate techniques so as to gather as much information as possible regarding recruitment and selection. The data was then be presented using tables and charts. Descriptive statistics specifically measures of central tendency (percentages and frequencies) was analyzed using the aid of Statistical Package for Social Science (26.0 version). This offers extensive data handling capabilities and numerous statistical analysis routines that can analyze small to very large amounts of data statistics (Obure, 2012). Data analysis involves uncovering underlying structures, extracting important variables, detecting any anomalies and testing any underlying assumptions.

4.0 Findings and Discussion

The response rate for the study was established in order to ascertain the representation and the quality of responses for conclusion of the study. A total of one hundred and fifty four (154) questionnaires were distributed to the sampled 154 respondents made up of chairmen of board, board members, chief executive officers and Human resource managers. Out of these, one hundred thirty three (133) questionnaires were dully filled and returned translating to a response rate of 86.4%. This response rate was way above the conventionally acceptable rate for surveys. In earlier studies such as Baruch and Holtom (2008) stated that the average response rate for empirical studies is 65% of the sample.

Respondent demographic characteristics results revealed that majority of the respondents were of age between 51-60 years old who accounted for 50% of the respondents, 35% of the respondent were of aged between 41-50 years with only 15% of the respondents indicating that they were aged below 40 years. Majority (56.39%) of the respondents were male, while the rest (43.61%) were females, implying that most of the employees of Service State Corporation in Kenya are males. Though the employees in the Service State Corporation are skewed to

males, it does not violate the gender based policy enshrined in the constitution which stipulates that none of the gender should be more than one third.

In terms of work experience, majority (48.9%) of the respondents had worked for the Service State Corporation for a period of between of 6-10 years, it was also established that 1.5% of the respondents had worked for more than 30 years within the selected State Corporations in Kenya. The study established that majority of the respondents (80%) had degree level of education, 17% had certificates/diploma and only 3% had others as level of education. This implies that the state corporation had a homogenous pool of staff though skewed towards bachelor holders. Most (53%) of the Service State Corporations were found to have been established between 1931-1960, the study found that 38% of the corporations were established between the years of 1961 and 1990, while 9% of the corporations were found to have been established after 1990. The results imply that most of the service corporations in Kenya were established way before independence. Finally, the study found that more than half (55%) of the Service State Corporations had between 0-1000 employees.

4.1 Descriptive Results

Legal Framework

The study established how legal framework influence recruitment and selection in Service State Corporations in Kenya. The descriptive statistics on legal framework are presented in Table 1.

Table 1: Descriptive Statistics of Legal Framework

Statement	ED	D	DK	A	EA	Mean	Std. Dev
Government policies and practices are measures used in recruitment and selection process in service state corporations.	8%	8%	56%	20%	8%	3.42	0.923
Acts of parliament influence recruitment and selection process in service state corporations	0%	17%	16%	61%	7%	3. 58	0.846
Government rules and regulations affect recruitment and selection process in service state corporations	3%	12%	23%	55%	8%	3. 59	0.798
Standardized tests are used during recruitment and selection process.	16%	47%	22%	16%	0%	2. 38	0.934
Human resource policies and practices are followed in selection process.	7%	71%	8%	15%	0%	2. 31	0.809
Service state corporations follow selection systems keenly.	23%	62%	11%	4%	0%	1. 95	0.706
There is no laid down policy on recruitment and selection in service state corporations.	25%	35%	11%	26%	4%	2. 37	1.145
Average						**2.80**	**0.880**

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Based on the results in Table 1, the respondents differed on government policies and practices are measures used in recruitment and selection process in service state corporations by a standard deviation of 0.923 but on average majority (mean =3.42≈3.00) don't know. This was accounted by majority of about 56% who did know that situational leaders depend on the environment to utilize their style of leadership. Moreover, majority 61% of the respondents agreed Acts of parliament influence recruitment and selection process in service state corporations. It was important to note that Government rules and regulations affect recruitment and selection process in service state corporations since majority (mean =3.59≈4.00) agreed.

In addition, majority 47% disagreed that Standardized tests are used during recruitment and selection process while 71 % disagreed that Human resource policies and practices are followed in selection process. Moreover, the findings revealed that majority 62% disagreed that the service state corporations follow selection systems keenly. Though, the respondents differed on the statement that there is no laid down policy on recruitment and selection in service state corporations accounted for by standard deviation of 1.145majority disagreed on the same (mean =2.37≈2.00). On overall majority (mean = 2.8, standard deviation = 0.88) of the respondents didn't know that legal framework had effect on recruitment and selection at state corporations in Kenya.

In addition to the above likert statements, the respondents were asked to indicate if the act of parliament was influencing recruitment and selection in the organization. Their responses were captured and presented in Figure 4.10. Based on the results, majority (84.21%) of the respondents agreed that the act of parliament had influence on the recruitment and selection in the organizations, while 15.79% of the respondents felt otherwise. The results imply that the act of parliament actually has influence on recruitment and selection of employees in state corporations in Kenya.

Recruitment and Selection

The dependent variable of the study was recruitment and selection. The descriptive statistics on recruitment and selection are presented in Table 2.

Table 2: Descriptive Statistics on Recruitment and Selection

Statement	ED	D	DK	A	EA	Mean	Std. Dev.
Comprehensive job analysis is the first stage in recruitment and selection process in service state corporation.	5%	46%	42%	0%	8%	3.02	1.170
Service State Corporations find it necessary to analysis the job before filling an existing vacancy.	5%	34%	22%	33%	6%	3.01	1.067
Job analysis includes the job description and job specification that fit the overall organizational structure.	2%	10%	22%	56%	11%	3.62	0.884
Service State Corporations advertise for job vacancies through newspapers and agencies to attract many applicants	5%	44%	28%	17%	6%	2.752	1.003
Sometimes applicants are recruitment by word mouth	0%	43%	19%	23%	15%	3.105	1.123

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through existing employees in Service State Corporations.							
Service State Corporations conduct interviews to pick the best candidates for the job.	5%	60%	20%	4%	12%	2.586	1.067
Interviews test applicants' competence and personalities.	20%	31%	0%	46%	4%	2.835	1.298
Average						**2.99**	**1.087**

Source: Field Data, 2021

As depicted in Table 2, the respondents differed on comprehensive job analysis is the first stage in recruitment and selection process in service state corporation by a standard deviation of 1.170 but on average majority (mean =3.02≈3.00) disagreed. This was accounted by majority of about 46% who disagreed that comprehensive job analysis is the first stage in recruitment and selection process in Service State Corporation. Moreover, majority 34% of the respondents disagreed that Service State Corporations find it necessary to analysis the job before filling an existing vacancy. It was important to note that Job analysis includes the job description and job specification that fit the overall organizational structure since majority (mean =3.62≈4.00) agreed.

In addition, majority 44 % disagreed that Service State Corporations advertise for job vacancies through newspapers and agencies to attract many applicants while 43 % disagreed that Sometimes applicants are recruitment by word mouth through existing employees in Service State Corporations. Moreover, the findings revealed that majority 60% disagreed that Service State Corporations conduct interviews to pick the best candidates for the job. Though, the respondents differed on statement that Interviews test applicants competence and personalities accounted for by standard deviation of 1.298 majority did not know on the same (mean =2.835≈3.00). On overall majority (mean = 2.99, standard deviation = 1.087) of the respondents didn't know the practice of this statements by state corporation during recruitment and selection.

The respondents were also asked to indicate the extent to which they believed job analysis was able to determine human resource planning process, particularly where recruitment and selection was a relatively frequent occurrence in the organization. Their responses were presented in Figure 4.13. The results show that 39.10% of the respondents believed it was to a high extent, another 39.10% of the respondents believed the job analysis was able to determine human resource planning process to moderate extent, while 21.8% of the respondents were of the opinion that job analysis was able to determine human resource planning process to a low extent.

4.2 Correlation Analysis

Correlation analysis was conducted to ascertain the association between legal frame work and recruitment and selection. The results for the correlation in the study are as presented on Table 3.

Table 3: Correlation Matrix

		Recruitment and Selection	Legal Framework
Recruitment and Selection	Pearson Correlation	1.000	
	Sig. (2-tailed)		
Legal Framework	Pearson Correlation	.856**	1.000
	Sig. (2-tailed)	0.000	

** Correlation is significant at the 0.01 level (2-tailed).

Source: Field Data, 2021

The results in Table 3 show that that there was a strong positive and significant association between legal framework and recruitment and selection of employees in Service State Corporation in Kenya ($r=0.856$, $p<0.05$). The findings are also corroborated by the assertions by Shandu (2006) that recruitment and malpractices have revealed the lack of detailed government policies and procedures to inform the objective, fair, equitable and responsible application of recruitment practices.

4.3 Regression Analysis

Influence of Legal Framework on Recruitment and Selection

A regression analysis was conducted determine the statistical influence of legal framework on recruitment and selection and also the relationship between legal framework and recruitment and selection. The regression summary model on legal framework and recruitment and selection is presented in Table 4.

Table 4: Model Summary for Legal Framework

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.856a	0.733	0.731	0.29137

a Predictors: (Constant), Legal Framework

Source: Field Data, 2021

The results show that the coefficient of determination (R squared) is 0.733 and adjusted R squared of 0.731 at 95% significance level. The R squared of 0.733 implies that legal framework as a variable explains 73.3% of the variation in recruitment and selection of employees in Service State Corporation in Kenya. The adjusted R squared of 0.731 depicts that legal framework in exclusion of the constant variable explains the variation in recruitment and selection by 73.1% .The remaining 26.7% of the variation in the dependent variable can be explained by other factors which were not part of the current study. In Table 5, ANOVA results are presented.

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Table 5: ANOVA for Legal Framework

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	27.773	1	27.773	327.145	.000[b]
	Residual	10.103	119	0.085		
	Total	37.876	120			

a. Dependent Variable: Recruitment and Selection
b. Predictors: (Constant), Legal Framework

Source: Field Data, 2021

ANOVA results in Table 5 show that the model was statistically significant in explaining the influence of legal framework on recruitment and selection of employees in Service State Corporation in Kenya as indicated by a p-value of 0.000<0.05. In Table 6, the regression coefficient results are presented.

Table 6: Regression Coefficients for Legal Framework

Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta		
1	(Constant)	0.735	0.208		3.536	0.001
	Legal Framework	0.872	0.048	0.856	18.087	0.000

a. Dependent Variable: Recruitment and Selection

Source: Field Data, 2021

Y= 0.735+ 0.872X

Where

Y= Recruitment and Selection

X=Legal Framework

The regression coefficient results show that there was a positive and statistically significant relationship between legal framework and recruitment and selection of employees in Service State Corporation in Kenya (β=.872, p=.000<.05), implying that a unit change in legal framework results into an improvement in recruitment and selection of employees in Service State Corporation in Kenya by 0.872 units.

4.4 Hypothesis Testing

H_0: *Legal framework has no statistically significant influence on recruitment and selection in Service State Corporations in Kenya*.

The hypothesis was tested by using a multiple linear regression and determined using p-value and t-statistic. The acceptance/rejection criterion was that, if the p-value is less than .05, H_0 is rejected; however, if p > 0.05, then H_0 is not rejected, hence adopted. So the null hypothesis was that legal framework has no statistically significant influence on recruitment and selection in Service State Corporations in Kenya. Results showed that the p-value was less than 0.05. This was supported by a calculated t-statistic of 7.674 which was greater than the critical t-statistic of 1.96. The null hypothesis was therefore rejected and alternative hypothesis adopted that, legal framework has significant influence on recruitment and selection in service state corporations in Kenya.

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5.0 Conclusion

The study concludes that legal framework positively and significantly influences recruitment and selection of employees in Service State Corporation in Kenya. An employment by a company that offers equal opportunities and fair treatment in the employment process to all people regardless of race, sex, religion, nationality, disability or political affiliation that is stated in the final part of the advertisements for new jobs as well as in the job description. It is a stipulation that all people should be treated similarly, unhampered by artificial barriers or prejudices or preferences, except when particular 'distinctions' can be explicitly justified. In addition, it is clear that legislation regarding equal employment opportunities exists, but the question is whether it is regularly practiced in the everyday life.

The study also concludes that the laws governing discrimination play an important role at every stage of the recruitment and selection process therefore employers should judge job applicants against a range of objective criteria, e.g. skills, knowledge and experience and not on personal factors. Employers also need to be aware of other legal requirements, such as legislation on criminal records, the need to check that the selected candidate has the right to work in the organization, and case law on references for those selected for appointment.

6.0 Recommendation

The study recommends that the Kenyan government should enact policies that promote recruitment and selection which will in turn promote employee retention. The policy makers should enact polices that promote talent management aspects in state corporations in Kenya in order to ensure sustainable employee retention a good leadership, and competitive advantage. From the literature reviewed, the consensus is that there is a shortage of the workforce and organizations will have to actively carryout proper recruitment and selection to get right skills in the state corporation through looking at academic qualification, following proper procedures as stated in some legal publications. There is also a concern on some of the employees not knowing the influence of legal framework and organization culture on recruitment and selection and thus recommend proper training of these employees on this issues. From the study it is recommended that scholars and practitioners should actively engage in joint research that will be used to assist the national government and other players in determining more effective ways to identify and improve the antecedents of recruitment and selection in service oriented State Corporation in Kenya.

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