

Challenges Affecting the Implementation of Affirmative Action in the Recruitment and Placement of Secondary School Teachers in Kisumu West

Sub County, Kenya

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Abstract

Kenya has witnessed massive gender discrimination. Whether such discrimination lingers today is a central element of an analysis of affirmative action. The conclusion is clear: discrimination and exclusion remain all too common. There has been undeniable progress in many areas. Nevertheless, the evidence is overwhelming that the problems affirmative action seeks to address widespread discrimination and exclusion and their ripple effects continue to exist. Minorities and women remain economically disadvantaged. The female unemployment rate remains over twice the male unemployment. The study was on the challenges affecting the implementation of affirmative action in Human resource management in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County. Affirmative action was established as part of society's efforts to address continuing problems of discrimination. The objectives of the study were to determine whether academic qualification is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County; to investigate whether public perception is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County; to establish whether corruption is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County; and to find out whether ethnicity is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County. The study will benefit the Kisumu West Sub County to appreciate the importance of affirmative action. They will therefore be able to strengthen the affirmative action programmes. The researcher used simple random sampling and purposive sampling to sample. Questionnaires were the main tools of data collection. Data was analyzed using descriptive statistics. The findings were presented in tables, pie charts and graphs. From the findings of the study it can be concluded that academic qualification, cultural attitudes and bribery are challenges affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. However the majority disagreed that ethnicity is a challenge. The researcher would like to recommend to the government through the relevant ministries to offer bursaries and loans to the disadvantaged so that they can acquire the right qualifications and take advantage of the affirmative action. The public should also be educated so that they can change their cultural attitudes and accept that even the

disadvantaged groups can also lead and work. KACCA should also be vigilant and monitor education officials who are compromised through bribes. And finally the government should strengthen and implement according to the constitution that at least each ethnic group is equally represented in all ministries. The study was on the challenges affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Other researchers should do studies to determine the challenges affecting the implementation of affirmative action in the manufacturing sector.

Key Words: *Affirmative Action, Recruitment and Placement of Secondary School Teachers, Kisumu West Sub County*

1. INTRODUCTION

Affirmative action, which has been around for nearly thirty years, has done its job. It came about through the civil rights era and was to promote a more diversified educational experience for all ethnic groups, Selingo (2000). Thus allowing for minority students an opportunity to apply for and enter an institution of higher learning no matter what color skin they have. However, in the process of affirmative action to achieve its goals, it has created dependency and tension. Dependency has taken root on the part of minority groups and tension has arisen from those students who receive reverse discrimination. Affirmative action is longer needed for entrance to high learning. The goal of affirmative action was to help relieve "the past effects of discrimination by giving some form of preferential treatment to ethnic minorities and women" (The Concise Columbia Encyclopedia, 1995). The program helped to jumpstart our society by becoming more widely diversified and ethnically mixed in higher education. This has been achieved through opening doors that may not have been as accessible without affirmative action. Affirmative action, however, can be compared to that of "developing nation status". In economics, "developing nation status" is given to certain countries that are in their infancies and are not yet able to compete with others in the world market. Yet, problems arise when a particular country and/or industry, after competing in the world economy, still feels that it needs preferential treatment. How much time is sufficient?

The current scope of affirmative action programs is best understood as an outgrowth and continuation of our national effort to remedy subjugation of racial and ethnic minorities and of women -- subjugation in place at our nation's founding and still the law of the land within the lifetime of "baby-boomers.", Pilkington, (2003). Some affirmative action efforts began before the great burst of civil rights statutes in the 1950s and 1960s. But affirmative efforts did not truly take hold until it became clear that anti-discrimination statutes alone were not enough to break longstanding patterns of discrimination. For much of this century, racial and ethnic minorities and women have confronted legal and social exclusion. African Americans and Hispanic Americans were segregated into low wage jobs, usually agricultural. Asian Americans, who were forbidden by law from owning land, worked fields to which they could not hold title. Women were barred by laws in many states from entering entire occupations, such as mining, firefighting, bartending, law, and medicine, Shleifer (1993).

In Kenya in 2007, a constitutional amendment that would have created 50 special seats in for women in parliament was thrown out due to lack of quorum to vote on it. The country came close to passing a law reserving positions for women at all levels of decision-making when such measures were included in a draft constitution drawn up by a National Constitutional Conference in 2003 and 2004. But the draft document was rejected in a 2005 referendum - due to widespread dissatisfaction with the Kibaki government of the time rather than specific opposition to the clauses

on women. While Kenya continues to perform dismally where increasing the number of women in key positions of leadership is concerned, neighbouring Uganda and Tanzania have made giant steps in this area.

Uganda's Kenyan authorities have reneged on their pledge to reserve quotas for women in the public service as well as parliament. A presidential declaration in 2006 that women would be allocated 30 percent of appointments in the public service has not materialized. Three years later, women leaders are accusing authorities of lacking commitment to achieving this figure. Their displeasure intensified following the appointment of a 12-member team to help resolve disputes that have engulfed the ruling coalition government. An all-male team was appointed by the president Jan. 15 to the chagrin of women leaders who complained of being marginalized. Two women have since been added to the list following public outcry. But there is dissatisfaction still, as this is way below the promised target of 30 percent. "There is need for the presidential directive to be translated into a law, and mechanisms for implementation clearly stipulated," said Professor Wanjiku Kabira, a gender consultant with the Nairobi-based Collaborative Centre for Gender and Development. "Until this happens, the appointment of women will depend on the goodwill of those in power. The number of women in cabinet speaks for itself," she added.

As debate on affirmative action for women heightens, it is becoming clearer that meeting MDG - Millennium Development Goals which stipulate gender quality in the political stratum may not be an easy task for Kenya. "With only a handful of women in politics, we have not made any progress in achieving MDG 3. It is a pity and it is shameful that we are lagging behind our neighbours, all who have made giant steps in this area," Monica Arnolo, executive director of the Kenya Women Shadow Parliament noted. The MDG in question is one of eight United Nations goals and seeks to promote gender equality and empowerment of women. Under this goal, countries are expected to formulate policies and legislation that ensure equal representation between men women in all decision making levels including politics. Some MPs as well as activists have stated that creating special seats for women in parliament does not comprehensively ensure political equality between genders, arguing that women must strive to win more elective positions. "Women must also be encouraged to seek elective posts even though they face serious challenges as compared to male politicians," Amolo said. But female candidates who have attempted this in Kenya, including Amolo, face a host of obstacles, not least a lack of campaign resources, and traditional views of women that make little allowance for activities outside of the domestic arena, Eunice Wanjiru,(2009).

2. STATEMENT OF THE PROBLEM

Affirmative action was established as part of society's efforts to address continuing problems of discrimination. Kenya has witnessed massive gender discrimination. Whether such discrimination lingers today is a central element of an analysis of affirmative action. The conclusion is clear: discrimination and exclusion remain all too common. There has been undeniable progress in many areas. Nevertheless, the evidence is overwhelming that the problems affirmative action seeks to address- widespread discrimination and exclusion and their ripple effects continue to exist. Minorities and women remain economically disadvantaged: the female unemployment rate remains over twice the male unemployment rate; 97 percent of senior managers in Fortune 1000 corporations are males. In 1992, 66.6 percent of lived in poverty, compared to 11.6 percent of whites. Women are half as likely as men to be managers or professionals. Only a small fraction of senior management positions in industrial and service industries are women. Blatant discrimination is a continuing problem in the labor market. Perhaps the most convincing evidence

comes from "audit" studies, in which female job seekers are given similar resumes and sent to the same set of firms to apply for a job. These studies often find that employers are less likely to interview or offer a job to female applicants.

The marked differences in economic status between men and women, clearly have social and economic causes in addition to discrimination. One respected method to isolate the prevalence of discrimination is to use random testing, in which individuals compete for the same job, apartment, or other goal. Researchers used matched resumes of men and women. In high priced eateries, men were more than twice as likely to receive an interview and five times as likely to receive a job offer as the women. Apart from the remediation of and bull work against discrimination, a second justification offered for continuing affirmative action in education, employment and contracting is the need to repair the mechanisms for including all Americans in the economic mainstream. There is ample evidence to conclude that the problems to which affirmative action was initially addressed remain serious, both for members of disadvantaged groups and for America as a whole. However, affirmative action has been criticized. Under strong preferential treatment, decisions are based solely or primarily on demographic status. For example, merit is not measured, an unqualified minority is selected, or the less qualified minority applicant is favored. Some authors refer to this condition as discrimination in reverse. In most cases quotas would fall in this category because they require the selection of a certain number or proportion of minorities regardless of qualifications. Under preferential treatment (neither weak nor strong), decisions are based on both merit and demographic status, with the relative weighting left unspecified. The preferred minority is not said to be unqualified. Under weak preferential treatment, decisions favor the more qualified applicant unless qualifications are equivalent, in which case the minority applicant is favored. Under merit, decisions are said to be based solely on merit, which presumably is an indication of the individual's ability to perform well. When procedures attempt to eliminate discrimination, they include actions designed to do away with existing barriers to success. Compensatory procedures include other actions designed to help minorities (e.g., training, career guidance), but decisions are based solely on merit. Diversity procedures include efforts to increase the diversity of the workforce (e.g., through recruitment), but decisions are based solely on merit. Affirmative action has therefore led to a situation where the disadvantaged groups end up getting preferential treatment in employment. However the implementation of affirmative action has faced certain challenges. The study investigated the challenges affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the BOG in Kisumu West Sub County.

3. OBJECTIVES

The general objective was to determine the challenges affecting the implementation on affirmative action in the recruitment and placement of secondary school teachers in Kisumu west sub County.

Specifically, the study sought:

- i. To determine whether academic qualification is a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary schools teachers in Kisumu West Sub County.
- ii. To investigate whether cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary school teachers in Kisumu West Sub County.

- iii. To establish whether bribery is a challenge affecting the implementation of affirmative action in the recruitment, and placement of secondary school teachers in Kisumu West Sub County.
- iv. To find out whether ethnicity is a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary school teachers in Kisumu West Sub County.

4. THEORETICAL FOUNDATION

Affirmative action is a good policy with its foundation on our constitution as well as the universal declaration on human rights. The policy originates from the application of the group theory of politics. The general purpose was to correct past racial and gender biases and in justices that were of practices in America society. However to be more effective the policy has to be more convincing. On its moral values than its forcefulness, on its legal ramification. Current data and discussions show that more could have been done to make this policy more efficient. Media and other civic or professional organizations should constitute the backbone of this policy by having more positively inclusive conciliating and educating. The effort needed should result in embarking everybody, in making the policy a basis in construction viable and long lasting positive relationship between all social groups in our society and not let its application surface other forms of social tensions or conflicts that diffuse the purpose of its existence.

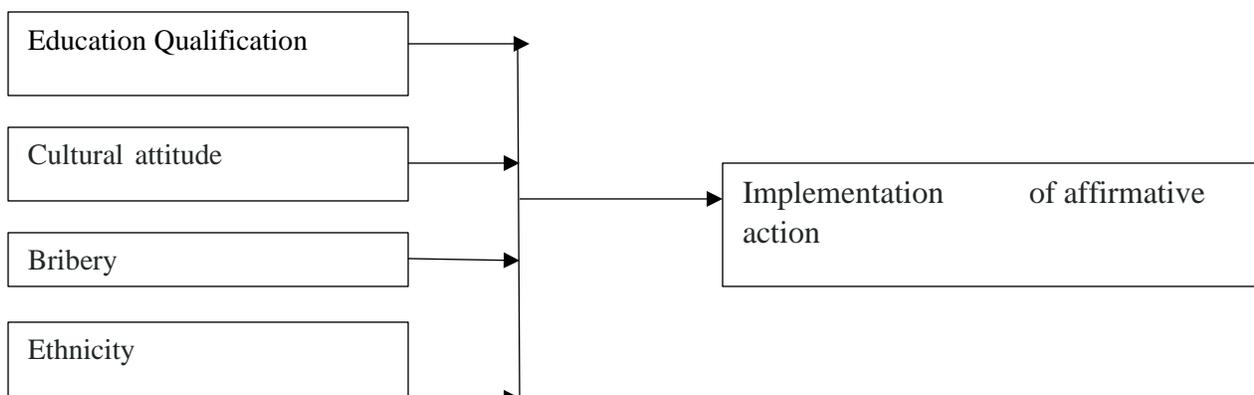
Affirmative action policy is derivative of the struggle of minority groups to fully integrate American social structure. The struggle comes because of the negative, reference in racial inequality and gender differences in all aspects of American social structure. Thus affirmative action issue is defined in the setting of group theory of politics. According to this theory public policy is the product of the group struggle and that interaction and struggle among groups are central facts of political life (Aderson 2006). It's within this landscape of this consideration that the affirmative action policy has to be analyzed. The main problem is that the social structure of the country does not work as a system that is equally inclusive of all social groups. People of color and women were deprived of their basic civil rights. Just like affirmative policy the signature by the president, Obama (January 29, 2009) into law of the lily led better wage bill to end payroll discrimination is another sign that proves that our society system was not exclusive. Women were unfairly compensated at work place. The law is a major step forward for, pay equity between men and women.

The existence of these laws and policies is an indication that minority group members are fighting together as a group to pursued elected official of their cause and guarantee that their common voice is heard and rights protected. By their common action as a group their rationality demonstrates the existence of a public interest for specific common problem that needs government solution. The solution is given in the form of policy and regulation. In this case the group struggle, the minority struggle to economically social and politically integrate and serve in American social structure has led the government taking many actions and issuing multiple policies that intent to suppress racial inequality and the gender bias that exist in American society. The assumption of group theory is that it includes the interest of all group members. All people of color, minority, and women in this case. These members have an opportunity to express their view within the respective groups and different civic associations. These associations give a positive perception to their members that they're heard and their view are taken into consideration. They strengthen cohesion of all group members who fight for the same goals and objectives. They make group members commit to the success of the policy statement. In response to the group struggle in applying the letter of

constitution, the government has issued a mixture of legislative executive judicial action and policies to end racial discrimination in education employment and business contracts. The measures produced effects that were the basis of civil rights Acts (CRA) of 1964 and 1965. The civil rights acts state discrimination was outlawed in hiring practices in places of public accommodation and in any program receiving federal assistance. In addition the equal employment opportunity commission was established to enforce (CRA). The CRA were amended in 1972 to strengthen the authority of EEOC by including state and local governments' labor organizations within purview (Hird *et al*, 2004).

5. CONCEPTUAL FRAMEWORK

The conceptual framework shows the relationship between the independent variables, and the dependent variables. The independent variables are educational qualifications, public perception, corruption and ethnicity. The dependent variable is the implementation of affirmative action.



6. RESEARCH METHODOLOGY

The study was conducted through descriptive survey design. Survey is a self-report study which requires the collection of quantifiable information from the sample in order to analyze and discover occurrences. The research targeted the 42 registered public secondary schools in Kisumu west Sub County. The target population of the study was composed of principals, deputy principals at least one head of department and a BOG chairperson per school of the 42 schools. The total number of respondents per school was therefore 4. The total population for the 42 schools was therefore 168. It also included the district HR officer. The total population was therefore 169. The choice of Kisumu west Sub County was for the reason that it is convenient for the researcher in terms of distance and proximity.

The study employed purposive sampling to interview the respondents. A sample of 81 respondents was picked purposefully to take part in the study. It was composed of 1 principal, 1 deputy principle, at least one head of department per school and 1 BOG chairman per school. The total sample from the 20 schools was therefore 80. It also included the district HR officer. The total sample was therefore 81. Purposive sampling is where the researcher knowingly picks only specific people because they are the only ones who can provide the required information. In this case the researcher only interviewed the principals, deputy principals, heads of departments BOG chairmen and the District HR officer because they are included in the interview panels in the selection of teachers. The principals and deputy principals are also members of the Board of Governors.

Data was collected using self-administered questionnaires. A structured questionnaire was developed to collect quantitative data pertaining to the dimensions of affirmative action. These questionnaires were filled in the presence of the researcher. Use of questionnaires is justified in the sense that; a lot of data is collected, it allows for clarification, it is a fast method, and has a very high response rate. The researcher used descriptive statistics to analyze the data. The researcher used frequencies and percentages. The completed questionnaires were carefully scrutinized to ensure that the data was accurate and consistent with other facts gathered, uniformly entered, as complete as possible and was well arranged to facilitate coding and tabulation. Data analysis commenced with the onset of data collection. Data collected was analyzed using quantitative analysis technique. The researcher used tables to present his data.

7. RESEARCH FINDINGS

The first objective of the study was to find out whether academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.

Table 1: Academic qualification as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

Response	Frequency	Percent
Agree	65	80.30%
Neither	6	6.40%
Disagree	10	12.30%
Total	81	100%

The findings indicate that 80.3% of the respondents agreed that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7, 4% of the respondents were non-committal while 12.3% of the respondents disagreed to the statement. It can therefore be concluded that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were for this argued that much as the authorities try to implement affirmative action, fewer of the minority groups have the required qualifications.

The second objective of the study was to find out whether cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.

Table 2: Cultural attitude as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

Response	Frequency	Percent
Agree	75	92.60%
Neither	0	0.00%
Disagree	6	7.40%
Total	81	100%

The findings revealed that 92.6% of the respondents agreed that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County while 7.4% of the respondents disagreed to the statement. It can therefore be concluded that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. When asked for illustrations, most of the respondents said that there is a feeling that women cannot hold leadership positions in the sub county.

The third objective of the study was to find out whether bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.

Table 3: Bribery as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

Response	Frequency	Percent
Agree	40	49.40%
Neither	7	8.60%
Disagree	34	42.00%
Total	81	100%

The findings indicate that 49.4 % of the respondents agreed that bribery is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 8.6% of the respondents were non-committal while 42% of the respondents disagreed to the statement. However those who agreed that bribery is a challenge did not have any evidence apart from hearsay. Only a simple majority agreed to the statement. When asked for clarification most of them claimed that education officials are compromised with gifts and favor those who offer them at the expense of the disadvantaged. It can therefore be concluded that bribery is a challenge.

The last objective of the study was to find out whether ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.

Table 4: Ethnicity as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

Response	Frequency	Percent
Agree	10	12.30%
Neither	6	7.40%
Disagree	65	80.30%
Total	81	100%

The findings were that 12.3% of the respondents agreed that ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7.4% of the respondents were non-committal while the majority that is 80.3% of the respondents disagreed to the statement. It can therefore be concluded that ethnicity is not a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were against the statement said that the current constitution has rectified this though it was a challenge in the past.

8. CONCLUSIONS

From the findings of the study it can be concluded that academic qualification is a challenge affecting the implementation of affirmative action in recruitment, selection and placement-of secondary school teachers in Kisumu West Sub County. Those who were for this argued that affirmative action fewer-of the minority groups have the required qualifications. It was also be concluded that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. When asked for illustrations, most-of the respondents said that there is a feeling that women cannot hold leadership positions in the sub county. It can also be concluded that bribery is a challenge. Ethnicity is not a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were against the statement said that the current constitution has rectified this though it was a challenge in the past.

9. RECOMMENDATIONS

The researcher would like to recommend to the government through the relevant ministries to offer bursaries and loans to the disadvantaged so that they can acquire the right qualifications and take advantage of the affirmative action. The public should also be educated so that their can change their cultural attitudes and accept that even the disadvantaged groups can also lead and work. KACCA should also be vigilant and monitor education officials who are compromised through

bribes. And finally the government should strengthen and implement according to the constitution that at least each ethnic group is equally represented in all ministries.

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