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There has emerged an absurd and rather irresponsible use of the freedom of expression as recently depicted in the social media among some users. Cautionary notice is served that such freedom is constitutionally limited to its responsible usage.

There has been some unwarranted derisive attack on senior members of the Institute with sanctimonious tone that appears designed to disparage and cast aspersions to the credibility and professional conduct of these members in discharge of their mandate.

The office of Compliance and Quality Assurance wishes to register its great disappointment at the mode of delivery of some members’ alternative opinion on matters of policy and administration of the Institute. Such communication and or delivery, demonstrate lack of cogent facts on the side of the communicator and/or clarity as to the source of such concerns, however these users have perfected the art of documenting and passing conjecture as fact.

For avoidance of doubt, the Institute is required by law and Professional Ethics to engage in the highest standards of integrity, the pursuit of member’s interest and in the defense of the HRMP Act, No. 52 of 2012, rules and regulations emanating there from and the Professional Code of Ethics. This principle has been strictly and diligently enforced in the Institute’s engagement with its members and the public.

It is therefore unconscionable of any member to circumvent defined practice of consultation either between members and the Institute, HR Practitioners and their clients or at the very least, between members themselves

Given the very profound role of Compliance and Quality Assurance, this office would therefore wish to sternly warn any member who may engage in unprofessional and disrespectful utterances of dire legal and quasi-Judicial consequences as given to the Institute’s Disciplinary Committee and to other legal enforcement agencies.

In conclusion, therefore, I implore upon members considered use of moderate if not collegial tenor in their future engagements with the Institute, and any other office or individual not only in the social media but also rather in any other mode of communication.

Editor
The CJ Selection Process Was Below Standard

The recently concluded Judicial Service Commission interviews intended to identify the best candidate for the position of Kenya’s next Chief Justice were far below the professional HR selection threshold.

The selection panel once again seemed determined not only to demean but also discredit some candidates while giving others a good ride. How could they for instance convince a reasonable person in the street that they accorded all the twelve candidates among them the six (6) candidates they had earlier rejected fair treatment?

The general perception both in the street and the board room indicates that the six candidates who were forced down the throats of the Commission encountered hostility compared to the other six whom the Commission had shortlisted in the first instance. Take the case of Prof Makau Mutua and Prof Jackton Ojwang'.

The IHRM national chairman Mr. Elijah Sitimah had doubted the ensuing impartiality of the Commission when handling the two sets of interviewees. During a televised address by the IHRM Chairman on a local television station he wondered aloud as to how that could be possible, “Could it be possible to achieve the same quality of interview among the two sets of interviewees, bearing in mind that there is no known person with HR training and qualifications among the panellist which may expose their human side that of retaliation to the rejected individuals?”

Some reasons advanced for failure to shortlist other candidates were out rightly mischievous. For instance, Prof Makau Mutua, a US -based Professor missed the short list because he had not furnished the JSC with a certificate of good conduct from the Criminal Investigation Department. This act of insensitivity reminded many HR practitioners of the dark days of Personnel Management those of being insensitive and inconsiderate.

Despite Prof Mutua's concerted efforts to explain that the CID would not issue him with a certificate because they needed to first take his fingerprints that could not be done in a short span since he resides in the United States of America, the Commission proceeded to demonstrate during his interview that it was justified to lock him out of the short list by subjecting him to unfriendly questioning. Here, JSC acted capriciously just like the gods in Mount Olympus.

If you ask any HR professional or students of Employee Resource for that matter, they will tell you that Justice Smokin Wanjala was handled with baby gloves while his two colleagues Justice Roselyne Nambye and Justice Mboholi Msagha were literally dismissed. This was intended to show that the two had been given an opportunity just like their colleague Justice Wanjala. This manner of handling the learned Judges has shaped the general perception that Justice Wanjala performed better than his two colleagues.

The quality of some questions put before the candidates did not contribute to procuring a better person for the position of the CJ. The questions were farfetched from the guidelines stipulated in the JSC Act that seeks to measure among other qualities, aptitudes in communication and an individual’s temperament. The panellists targeted religious beliefs of an individual against clear provisions of the Constitution on freedom of worship. A case in point being that of Justice David Maraga, the Commission questioned the spirituality of Justice Maraga who professes the Seventh Day Adventist ideologies juxtaposing them with the call of duty during the Sabbath. In the same line of attack, JSC explored Prof Makau’s views on controversial subjects such as equality, non-discrimination in the context of sexuality rights and his religious believes.

By and large, the entire selection process like the previous one that brought Dr. Willy Mutunga to office was unprofessional and poorly structured. Having declined IHRM’s offer to professionalize the entire episode will remain to haunt the commission for a long time.

Editor
When Recruiting Expatriates, Thorough Vetting is Required

By Clement Wadegu

Given the important roles commonly assigned to expatriates, it is important that organisations take great care when selecting expatriates. To achieve this goal, it is necessary to evaluate the strength and weakness of an organisation before deciding whether to bring one on board. This evaluation should include among others; evaluating the net worth of investment, comparing and contrasting the expected verses actual out-put. In case of a multinational enterprise, the idea of engaging an expatriate becomes credible. In some cases however, donor funded projects normally have an agreement clause to have an expatriate project manager to oversee fund utilisation in a foreign country, this calls for a careful and planned management of resources as per the initial approved proposal.

Usually, predicting future performance potential when hiring or promoting staff is challenging at the best of times. However, operating in foreign environments certainly adds another level of uncertainty. Nevertheless, it is not automatic that hiring expatriate will automatically translate to high proceeds/ profits and for this reason; we take a critical look at criteria for expatriate selection. Firstly, we should consider the current debate surrounding expatriate non-performance.

Expatriate failure

There are three questions related to failure; its definition, the reasons of the phenomenon and the costs associated with failure. Failure of expatriates can be defined as inability to meet set targets. Conversely, like any other operational failure, expatriate failure represents a selection error, often compounded by ineffective expatriate management policies. An expatriate may be in effective and poorly adjusted and unable either to handle the new responsibilities or to adjust to the country of assignment thus diminishing his/her performance levels. However, if not recalled, the person will not be considered a failure and the effect will not be immediately apparent but can have long-term negative consequences in terms of subsidiary performance. On the other hand, if the expatriate remains for the duration of the assignment, for all intents and purposes, the assignment will have been considered a success.

Costs of failure

Costs are both direct and indirect. Direct costs include airfares and associated relocation expenses, and salary and training. The precise amount varies according to the level of the position concerned, country of destination, exchange rates and whether the ‘failed’ manager is replaced by another expatriate. The ‘invisible’ or indirect costs are harder to quantify in monetary terms but can prove to be more expensive for the company. Many expatriate positions involve contact with host-government officials and key clients. The possible effect on local staff is also an indirect cost factor, since morale and productivity could suffer. The expatriate concerned, may lose self-esteem, self-confidence and prestige among peers. Future performance may be marked by decreased motivation, lack of promotional opportunities, or even increased productivity.
Leadership

it is difficult to define what comprises inter-cultural competence To compensate for the failure. Finally, the expatriate’s family relationships may be threatened. These are additional costs to organizations that are often overlooked. To mitigate costs associated with failure therefore, selection of employee need to be professionally thorough.

Selection Criteria

**Technical ability**

Naturally, a person's aptitude is an important consideration in the selection process. For successful selection of an expatriate therefore, both technical and managerial skills offer an essential criterion.

**Cross-cultural suitability**

The cultural environment in which expatriates operate is an important factor in determining successful performance. Apart from the obvious technical abilities and managerial skills, expatriates require emotional intelligence which will enable them adjust to new cultural realities that will enable them operate in these new environments.

There appears to be a consensus that desirable attributes should include cultural empathy, adaptability, diplomacy, language ability, positive attitude, emotional stability and maturity. In practice, while inter-cultural competence is recognized as important, it is difficult to precisely define what this comprises, let alone assess a candidate's suitability in this regard.

One has to take into consideration aspects such as the individual's personality, attitude to foreigners, ability to relate to people from another cultural group and so on.

**Family requirements**

The contribution that the family, particularly the spouse, makes to the success of the overseas assignment is now well documented. Its presence offers emotional stability and necessary support that an individual requires to perform.

Administrative requirement

Each country has its own culture and administrative requirement for instance, the Government of Kenya through the Ministry of Devolution and National Planning announced that it would henceforth issue work permits only to expatriates in circumstances where the country lacks the requisite skills and qualifications to undertake such jobs. In what appears to be a crackdown on foreign organizations, the government warned that it would no longer issue work permits to expatriates unless it is demonstrated that the country require their skills.

**Language**

The ability to speak the local language is an aspect often associated with cross-cultural suitability. However, we have chosen to stress language as a situation-determined in terms of its importance as a factor in the selection process. Language skills may be regarded as of critical importance for some expatriate positions, but lesser in others, though some would argue that knowledge of the host country’s language is an important aspect of expatriate performance, regardless of the level of position.

**Equal employment opportunity issues**

In the recruitment and selection process, multinationals must offer equal employment to the entire sundry. It should therefore be ready to present itself as an equal employer for everyone within the organization.

The expatriate contribution

Although a wide range of differing reasons and circumstances might necessitate the use of expatriate managers, a primary reason for expatriation is skill shortages, particularly in markets where there may be no concept of commercialization and/ or technology.

Organizations should therefore have long-term strategies to grow their own capacity through alliance building this can be achieved through preparing and developing the locals via ideological spread injected by expatriates.
The Role of HR When Dealing with Cancerous Employees

According to Kenya Cancer Network, Cancer is the third highest cause of morbidity in Kenya [7% of deaths per year], after infectious diseases and cardiovascular diseases an estimated 39,000 new cases are reported annually with more than 27,000 deaths per year (https://kenyacancernetwork.wordpress.com/kenya-cancer-facts/). With this statistics, therefore it means that organizations must be prepared to manage terminally ill patients in their respective places of work. It is said that nobody on his or her deathbed regrets not spending more time at work, but it seems this may no longer be true because more people now, more than ever are working through terminal illnesses, often to within days of their death.

Certainly, with the devolved health system in Kenya and the concerted efforts by the National and County Governments to equip hospitals and as the level of awareness increases, —adequate diagnostic facilities acquired, treatment facilities installed, government subsidies put in place and by tackling the high poverty index will mean rapid growth of the number of people working with terminal illness.

This will mean that on average people will live between four to eight years post diagnosis of ‘incurable’ cancer, and in some cases, these employees will want to work to help restore a sense of normality; while others, can’t afford not to work due to the cost of treatment.

Kenya’s poverty index being high it therefore means about, seven out of 10 cancer patient households will suffer a loss in income with an average fall in income of 50%. With a high number of people of working age projected to be diagnosed with cancer every year, this means that the HR departments must equip themselves with knowledge of how to deal with these incidents.

Kenya’s places of work are not set up for the very ill; this will leave HR feeling stumped on a number of issues. The length of time the person should be "allowed" to work, confidentiality, colleagues extra work and emotional distress!

Article 27 of the Constitution of Kenya prohibits any form of discrimination at places of work and therefore terminally ill persons may be considered ‘disabled’ and therefore constitutionally protected. In some isolated cases terminally ill employees can be difficult to handle because of their psychological status however, employers should first be mindful of the law and be humane.

This means employers are obliged to consider making reasonable adjustments, which can include flexible working arrangements, such as working from home, reducing working hours, allocating duties to other employees, allowing the employee time off for treatment and/or consider transferring them to another job but only with their consent.

The individual should be allowed to work as long as he/she wants, subject to medical advice and any concerns around health and safety. If in doubt, the employee should seek advice. Terminally ill people’s ability to work productively is often underestimated and they sometimes against all odds pull through.

Some tips every employer should observe while managing a terminally ill employee:

a). Do not overestimate the risks of a terminally ill person returning to work or their potential for continued achievement;

b). Do not leave communication to chance agree a communication plan with the employee, including what information should and should not be shared;

c). If the employee remains adamant the illness is to be kept secret, you must respect this;

d). Terminal illness is a disability, so remember your legal obligations;

e). Consider a policy but be flexible terminal illness is unpredictable and every individual experiences it differently.
NEW SET OF LAWS REQUIRED TO CATER FOR INDEPENDENT WORKERS

By Wycliffe Nyakina

ew and emerging work relationships arising in the “online gig economy” do not fit the existing legal definitions of “employee” and “independent contractor” status. These definitions determine which workers are required to receive certain protections and benefits from their employers. Under the current Kenyan legal framework, the workers and intermediaries with whom they work in these emerging relationships face unnecessary and excessive legal uncertainty that creates inefficiencies for all parties concerned.
In addition, work-related benefits that could prove valuable to both workers and businesses such as intermediaries using their size and pooling advantages to purchase low-cost life insurance for the independent workers they engage are sometimes eschewed to reduce the risk that the law will impose on an employment relationship and the corresponding legal obligations because of the provision of these benefits.

As a result, the emergence of new forms of work that could benefit workers, businesses, and consumers could be slowed, or even stopped, by a legal regime for classifying workers that does not accommodate these innovative arrangements.

The online gig economy however represents a small but rapidly growing segment of Kenya’s workforce, especially in the ride sharing and food-delivery sectors. This new and emerging sector has the potential to provide many new opportunities for workers and customers but raises serious challenges to the administration of existing employment, labor, and tax law. In particular, the workers who utilize intermediaries to identify customers to deliver services, such as car rides, do not fit neatly into existing legal categories of independent contractors and employees as provided by the Kenya Labor Laws of 2007.

A further concern with the current legal framework is that companies working online and offline to match workers to final customers could organize work in such a way as to classify jobs that were traditionally performed by employees into independent contractor relationships to avoid providing employees with benefits that are a crucial part of the social compact.

Having been faced with these new problems, the HR profession in Kenya proposes a new legal category of workers, which we call “independent workers,” who occupy a middle ground between traditional employees and independent contractors. An archetypal example of independent workers is for-hire drivers who work on the recently launched Nairobi Uber platform of taxi services. We refer to these companies and others like them, as “intermediaries” because they are the intermediary between the independent worker and the ultimate customer. These independent worker arrangements bear some similarities to independent contractors and some similarities to traditional employees.

On the one hand, the drivers can choose when and whether to work, similar to independent contractors, but on the other hand, drivers face restrictions that are imposed by the intermediary on how much they charge customers. Technology is creating exciting new opportunities to link workers who provide services directly to customers, with potentially large gains in the quality, speed, and efficiency of service.

From an economic and societal perspective, however, it is important that, if these new intermediaries are to succeed and expand, it is a result of their superior technology, efficiency, or service, not because their technology or business model enables regulatory arbitrage. For instance, if an intermediary succeeds by displacing traditional employers who offer the same service because the intermediary gains a cost advantage by avoiding provision of certain legally mandated benefits and protections, then welfare is reduced by the innovation. Therefore, as we urge the HR professionals to comply with the law as it is, we strongly propose that the National Assembly and, where appropriate, the Senate and the State Law Office enact legislation to define and establish a third legal category of workers: independent workers.

This legislation would clearly define the protections and benefits that intermediaries would be required to provide to the workers with whom they conduct business. These protections and benefits would approximate the social compact guaranteed to employees, albeit with important differences that reflect the substantive distinctions between employment relationships and independent worker-intermediary relationships. In crafting this legislation, parliament should abide by a set of governing principles to identify these workers. The Institute of Human Resource Management is ready to describe those principles.
Distorted Origin of Concepts, Distorts Their Applicability

Human Resource Management, an African management model is falsely believed to be European

By Wycliffe Nyakina

The advent of the Institute of Human Resource Management (IHRM) in Kenya, a professional body that regulates the teaching and practice of the profession and one of its kind in the Eastern part of Africa must offer an opportunity of interrogating the actual origin and practice of the concept of Human resource management. It offers human resource management scholars, students and practitioners a chance to debate and strive to put straight what is twisted in the history and evolution of human resource management.

If the true history of human resource management and practice cannot be appreciated as, African then its modern application in people management will remain a mirage. Since a historical distortion of an idea can only, lead to a fallacious application. It is not a surprise therefore that some industrialists regard HR departments as cost centers. Proper history must be told. It tells us where we are coming from, to be able to know where we are and eventually where we are heading.

Africans in ancient Egypt practiced perfect Human Resource Management. This was three thousand six hundred (3,600) years ago, three thousand three hundred and twenty eight (3,328) years before the emergency of two famous European thinkers; Robert Owen and Charles Babbage “pioneers” of the industrial revolution’s 18th century human resource management. Errorously, they are regarded the fathers of HR.

Deir el Medina is the modern name of an ancient Egyptian village (set maat) (representing the modern state corporation) situated on the west bank of the Nile opposite Luxor, the site of ancient Thebes. Founded sometimes early in the 18th dynasty believed to be under the reign of Emperor Tuthmosis I was inhabited by workers responsible for the construction and decoration of the royal tombs from the New Kingdom. It was an epicenter of human resource management (HRM) in ancient Egypt.

The practices here comprised HR activities undertaken by our contemporary enterprises, as we know them today to ensure the effective utilization of employees toward the attainment of individual, group, and organizational goals. Through practice, Deir el Medina demonstrates that people were crucial to its success.

There were clearly designed jobs and visible organizational structures with unambiguous job descriptions for every worker. For instance, royal necropolis comprised of stoncutters, sculptors, drafts-men, painters, coppersmiths, carpenters, potters, basket makers, physicians, woodcutters, water carriers, fishermen, gardeners, washer men and flour grinders. The workers were divided into two gangs called the ‘Right Gang’ and the ‘Left Gang’. The size of each gang would vary depending on the point the construction had reached. The term ‘gang’ signified a military or naval unit.

There were supervisors for each of the gangs and the King’s representative - the Vizier, appointed them. The supervisor was at the top of the village hierarchy and next came the scribe of the tomb. The scribes job was to record the work done and absentees. They also distributed tools, materials and wages. Deputy supervisors, usually relatives of the supervisor, also supervised the distribution of supplies. Guardians of the tomb managed the royal storehouses and were assisted by door attendants who worked in shifts to guard the entrances to royal tombs. Madjay were police officers recruited from Nubia to guard the outlying areas and to preserve law and order in the village.
On welfare, the village had state-sponsored health care system the equivalent of our National Hospital Insurance Fund (NHIF) and there was always a part-time physician attending to medical concerns of all workers. The villages were supported by ‘servants of the tomb’ who lived outside of the village but were employed by the administration to supply the villages with their basic needs (such as water, firewood and food) this is what the modern day corporation offer its employees in terms of house help allowance. On what we refer to as house allowance, officials allotted houses but many were held on a hereditary basis through.

On employee compensation and motivation, the worker received a monthly ration of emmer wheat and barley regular payments of dates, cakes and (importantly) beer.

On special occasions, there may have been bonuses of salt and meat. It seems that there were usually enough supplies to use the surplus for bartering.

One of the major distinctions of human resource management from personnel management is its regard for gender sensitivity, in Deir-el medina women were thought to be literate and some held religious titles, such as chantress, singer or priestess, indicating their involvement in various cults. Their legal rights are evident in cases such as that of Naunakhe, the widow of the scribe Kenherkhepshef, whose willed goods to her sons during the reign of Ramesses V.

Leave and off-days were regarded necessary to workers. During the workers’ 10-day labor they rested returning to their homes for 2-day ‘week-ends’ and holidays. This gave 6 days off each month and they seem to have taken long weeks frequently and they had holidays and festivals. On their days off the villages might have worked on their own tombs. There was also a good trade in coffins and all types of funeral equipment. Some of the remainder of their free time seems to have been spent drinking and taking each other to court.

In Deir el Medina industrial relation was practiced. For instance during Ramesses III’s massive construction programme at Thebes an industrial strike took place. In the summer of Ramesses’ 29th year (c. 1165 BC), the scribe Amennakhte delivered a formal complaint about the situation to the Temple of Horemheb, part of the large administrative complex of Medinet Habu. The letter stated, ‘One and a half khar of grain (about 168lbs) have been taken from us ... we are dying, we cannot live.’ Although a payment was soon forthcoming, the poor conditions continued and later that same year the two gangs stopped work and marched to one of the royal mortuary temples where they staged what would now be called a sit-in. This action was repeated on the following day within the compound of another temple, until the complaints were recorded and sent to the administrators of Thebes.

All the above is a clear revelation that human resource management is indeed an African concept that needs to be appreciated and to juxtaposition it with other African ideologies to fortify its accomplishment in modern management practices.
Mentoring

By Lorraine Wambita

Introduction
In today’s dynamic working environment, it is important for organizations to engage employees both intellectually and emotionally. Through mentoring, employees identify themselves as a vital part of the organization while creating a heightened level of ownership. By improving employee engagement and retention along with other organization initiatives, mentoring helps the organization’s bottom line while also ensuring that employees feel committed to accomplishing their work in accordance to the vision of the organization.

The basic definition of mentoring is a relationship in which a more experienced or more knowledgeable person helps to guide a less experienced or less knowledgeable person. The mentor may be older or younger than the person being mentored, but she or he must have a certain area of expertise.

Mentoring greatly aids in shortening the learning curve, enhances employee productivity, and helps employees align to the organizational strategy. Mentoring can be used in the workplace using the following: employee career development, leadership development, diversity mentoring, reverse mentoring, and knowledge transfer.

Employee Career Development
To retain skilled employees and develop future leaders, it’s critical to understand employee career objectives and align them with organizational goals. Opportunity for learning and development is a top driver of engagement, and is more important than leadership, culture, and compensation.

By encouraging a learning culture through mentoring, organizations ensure that employees take an active role in spreading knowledge and best practices throughout their organization.

The collaborative nature of mentoring develops individuals and interpersonal links between individuals, which increases engagement. Mentoring at the workplace enables both career development and leadership development to help employees develop new skills and feel engaged within the organization.

Leadership Development
High potentials are an incredibly valuable asset to any company, but they’re often difficult to retain. With careful cultivation, companies can increase retention to ensure they’ll be able to appoint suitable leaders at the top when needed—which is crucial to the health and future of every organization.

However, because high potentials are so important, it’s imperative to engage them while also exposing them to different areas of the business, developing their leadership skills, and ensuring they’re learning what they need to excel in prospective new roles.

Professional mentoring programs are an effective strategy to reward high potentials with personal attention and guidance, which leads to nurturing an organization’s leadership chain. By connecting high potentials with leaders, top performers, and each other across the company, high potentials learn faster and are ready to take on leadership positions sooner. This results in improved engagement and a faster time to productivity, while leveraging internal resources, to keep costs to a minimum.

Diversity Mentoring
A diverse workforce is required to stimulate innovation, cultivate creativity, and steer organization strategies. Mentoring empowers a diverse range of employees to share their opinions, ideas, knowledge, and experiences on a level playing field.

Through diversity initiatives, employees learn cultural awareness to create an inclusive corporate culture and learn of their own importance to their company.

Mentoring creates an environment of trust, belonging, understanding, support, and encouragement for a diverse workforce. It gives
employees an opportunity to voice their concerns, overcome hurdles, and find solutions. As a result, it inspires employees to perform to their highest ability.

Mentoring not only helps organizations develop and retain diverse talent, but it also helps build a robust community of diverse talent for the future.

Reverse Mentoring
Popular among companies that believe everyone has something to bring to the table, reverse mentoring partners an older, more experienced employee with a younger, less experienced newcomer.

It differs from traditional mentoring because it’s the new employee who serves as the mentor, providing senior members of the organization with up-to-date information on the latest business technologies and workplace trends.

Reverse mentoring is generally a two-way street, with a partnership that provides the younger employee with a chance to see the larger picture as well as macro-level management issues.

Knowledge Transfer
Helping employees acquire necessary knowledge, skills, and expertise is essential for any organization. Mentoring is an effective approach to organize, create, capture, and distribute knowledge. It supports short- and longer-term situational as well as topical learning between individuals and groups. It also reduces the time required for knowledge transfer by providing direct access to a range of experts and peers who can share the required knowledge and skills in an environment that promotes rapid learning.

Mentoring empowers learning in ways that manuals, intranets, and training programs are not able to. In addition, knowledge transfer fuels succession planning, ensuring that once executives retire, someone with plenty of institutional memory will be ready to step into place.

Informal mentoring relationships may develop in the work setting when a more seasoned employee takes a new employee “under his/her wing.” Formal mentoring programs allow organizations to create and nurture those relationships by matching more experienced employees (mentors) with less experienced employees (mentees) to meet specific agency objectives while helping those individuals in the mentoring relationship to identify and develop their own talents.

Benefits to Mentees:

- Personal and professional growth
- Acquisition of new technical, interpersonal and/or leadership skills

Benefits to Mentors:

- One-on-one opportunities to know and understand the organization from the inside out
- Opportunity to mentor other employees in the future

Benefits to Mentors:

- Opportunities for mentors to hone their own coaching, counseling and leadership skills
- Development of new professional and organizational contacts
- Exposure to new ideas, technologies and perspectives through their relationship with mentees
- Personal satisfaction
- Expanded relationships built on mutual trust and shared learning

Qualities of successful mentors:

- Genuine interest
- Sensitivity to other’s needs and development
- Excellent listening skills
- Commitment
- Confidentiality
- Excellent coaching and feedback skills

Qualities of successful mentees:

- Genuine interest in personal growth and professional development
- Strong commitment to learning and acquiring new skills
- Receptive to honest, constructive feedback
- Willing to take risks as part of the learning process
- A sense of self and personal vision

Change Management
Change is a difficult but essential aspect of an organization’s growth, and employee reaction and acceptance can determine its success. Mentors can help an organization manage change by showing mentees how to adjust to new roles, leaders or expectations. Mentees can confidentially share concerns and questions about the transition with mentors and receive guidance about any new skills or training needed to succeed in the new company environment.

If an organization does not have a mentorship program in place, employees should be encouraged to identify persons in/out of the organization to be mentors. This should be included when one’s performance is being evaluated. This will encourage employees as they will understand the need of having mentor/s to aid them in their professional lives.

Lorraine Wambita is an Associate member of IHRM
Workplace conflict is a time-consuming and costly problem that can have a severe impact on the bottom line. Despite this, many top leaders lack the ability to confront softer issues such as employee relationships in their organisations.

Workplace relationship problems can arise as the result of clashing personalities, miscommunication, perceived backbiting, negative politics, or a perception of hidden agendas. These factors create bad relations between people, and are generally a result of not following proper communication channels, or of grudges built from the outset of a relationship where initial problems were not addressed.

Many leaders prefer to avoid relationship issues because they shy away from conflict, or they do not trust a model or process that will help confront issues. However, one of the toughest aspects of leadership is the ability to deal with people issues.

Conflict in the workplace is generally the result of serious disagreement over needs or goals, and can result in behaviours such as gossip, avoidance, verbal abuse, passive/aggressive communication, and hostility. This can in turn lead to a drop in productivity, a focus on problems rather than solutions, and a slump in creativity and innovation.

While tensions and misunderstandings are normal and inevitable, if left unresolved they result in hostility, stress and wasted resources.

A Nine-Step Process for Resolving Workplace Conflict

By William K Birech
Management of Conflict at Work Place:

1. Once you have been made aware of a relationship problem, call a meeting with the people concerned, and define the situation as factually as possible. At this initial stage, it is usually difficult to define facts, so keep things as simple as possible. Ensure that there is no judgment or emotion on your part. At all costs avoid the “this is absolute nonsense” approach, unless you have in fact implemented the process below and still there is no profitable movement forward.

2. Confront the possible negative issues in the relationship. Find out the problems and constraints the two people involved are dealing with. Let them list their problems, all the time emphasising that you are talking about “possible” negatives. Remember that people are scared of conflict in general and do not know how to handle it. Do not look for solutions at this stage.

3. Encourage both people to look at the possible positive sides to their relationship. People have a tendency to treat perceptions as reality. Try to persuade both of them to identify the constructive aspects of their daily dealings with one another. Ask them what works. If they do not process the negative aspects of the relationship, both parties will continue to fixate on them. By discussing the positives, you now move a few steps closer to finding out what they are looking for from the relationship. At this stage you can begin to look for possible solutions to their problems, but without asking for any form of commitment yet. Brainstorm the possibilities.

4. Once you have looked at various options, you can start gaining greater commitment from them. Look at generating and then integrating positive aspirations in order to begin creating motivation on their part. Ask them what they are ideally looking for in the relationship. What do they want? What would they commit to? Once they have articulated that, ask them why. In this way, you will be drilling down to what they are really seeking from the relationship, while gaining deeper insight into who they are.

5. It’s now time to generate direction (strategies) in order to achieve the listed aspirations.

List your combined plans, actions, objectives and supporting goals. Discuss how you are going to get there. Go back and address the negatives now that you know what the two people want. Encourage them to distinguish between real and perceived negatives. Move them from “you never listen to me” to “I know you do listen to me sometimes”. Put directions in place to address those attitudes. Help them to focus on the positives and commit to them.

6. Set up a supporting structure (resources, system) to accomplish the aspirations and selected direction. Without this structure no idea can move forward. This may simply be a regular scheduled meeting to follow up on actions.

7. Measure the cost of non-compliance (adherence). This means ensuring that they are aware of the cost of not following the solution(s) (direction and structure) to the problem, and consequently doing whatever is necessary to get the ship back on course. Ask them what course of action would be necessary should these cost factors arise. What would be the impact on the company if the current discussion does not solve any of the issues? Talk about negativity, loss of productivity, and the possible impact on the company if they do not resolve their dispute. They must own the possible positive outcome as well as the possible negative outcome, so let them do most of the talking.

8. Decide when and how you are going to evaluate and re-evaluate the decisions taken and the progress that may or may not have been made. Hold them accountable.

9. Summarise your discussions up to this point. Reiterate the positive aspirations. Remind both parties what it is that they want, and what the company is expecting from them. In other words ensure that you end off on a positive note.

Conclusion

The ability to manage conflict is a critical skill in the workplace, and has been identified as a core competency for managers and leaders at all levels. It is ironic, therefore, that companies hesitate to invest time and money in improving employees’ conflict management abilities when the cost of conflict in financial and other terms can be enormous.
HRM as a Strategic Partner

The concept of having the Human Resource Manager as a strategic partner is gaining momentum as being one of the best ways yet of making human resources the most important assets in an organization. Being a ‘strategic partner’ is understood as a long-term relationship to achieve defined objectives common to all stakeholders. In the context of strategic human resource management, the HR function and activities are intended to ensure the organization’s financial success.

As partners, HR practitioners and other employees in the various departments within the organization should not get in each other’s way. Partners do not hinder each other; instead they support each other to achieve the overall objectives.

Implementation of HR strategic partnership is not easy. HR practitioners may at times act as a hindrance to the implementation process. Therefore, it is necessary to develop a strategic plan which ensures that people carry out their specific roles in their assigned area of operation. This is part of HR as a strategic partner plan. It incorporates the HR Mission that helps pull HR practitioners in the same direction.

Why Make the HR an Organizational Strategic Partner?

Is it necessary to have the HR as part and parcel of the organizations strategic plan? There are a number of reasons why it’s necessary:

- To increase productivity of the labor force and thus, profitability of the organization since the person directly in charge of personnel management is involved at all levels of decision making.
- Competency and talent management. The HR is in a better position to correctly assign and place workers depending on their competences.
- With the advances in information technology and the vast amount of information and knowledge available there is need for proper communication.
- With the changing business environment, organizations are becoming more dynamic by the day hence the need for synergy.
- Effects of globalization on the business landscape.

What is Required of the HR as a Strategic Partner?

It is necessary to identify human resource practices that make the HR a strategic partner that is serving the business needs of the organization. At the same time discard ineffective HR practices that do not contribute to the success of your organization. Some of the requirements include:
Effective leadership through appointment of the right HR Head.

Recruiting the right employees by aligning corporate values to your recruitment strategy.

Well-developed competencies of the workforce, and their relevance to organizational core business.

Participative culture where HR initiatives fully support the overall strategic plan.

Effective use of information technology.

It is through effective delivery of human resource services that organizations can make human resource managers strategic partners. Effective delivery could include simple approaches such as making effective use of technologies, which serve most of your customers or a particular sector exceptionally well.

All of us are aware that customers include both internal and external customers. Strive to serve both well. In the case of internal customers, concentrate on employees at the strategic and tactical levels. Make sure the HR is involved at both levels. If not, there is not much that HR can contribute towards improving organizational performance. That does not mean we ignore employees at the operational level, their contribution is crucial since they are involved in the day-to-day running of the organization. These are the employees whose activities generate revenue for the organization.

**How to Incorporate the HR into the Strategic Management Team**

You make the HRM a strategic partner when and if they spend more time in the organization’s planning, design and development. The HR must become part of the business team, involved in planning at the highest level. Changes in HR management are inevitable. HR Managers and HR professionals are in a strategic position of influence where they can provide leadership and transform the management of organizations. However, HR Managers are not without challenges. To enhance the position of the HR as a strategic partner it is necessary to enhance teamwork in the organization. Without teamwork plan no matter how well made are bound to fail.

Make effective use of Human Resource Information System (HRIS) to handle daily administrative HR tasks. Employees can make use of the self-service facility online. This saves time and reduces costs.

It is said that someone who is an expert in every aspect of the HR function will ‘fit the bill.’ But, you may not easily find someone of this caliber. You may have to identify someone from within your organization and groom them for this important role. In a knowledge economy, HR has an opportunity to become a strategic partner. Knowledge and information are required to formulate, implement and review strategies. Decide to become a knowledge organization.

Full participation of HR practitioners in strategy development and implementation ensures that the HR professionals contribute to business decisions, develop business acumen to understand how a profitable business is managed, are customer-oriented and learn how to link HR practices to the overall organizational business strategy.

**The Human Resource Function and Your Strategic Business Plan**

Studies have shown that there is a correlation between being a strategic business partner and the effectiveness of the HR manager. You require strategic HR management to ensure that the HR function can fully support the achievement of business objectives. Chief executives including general managers need to ensure that this is done. The administrative reactive approach in people management can no longer support your organization in an increasingly competitive business environment.

**Continuous Development**

HR management requires continuous improvement to ensure it retains its relevance. Capable and committed people are needed at every level in order for this to happen. Senior management support is crucial to ensure that human resource managers become strategic partners. It is said that nothing changes except change itself. Change is inevitable for the continued success of your organization manage it well to avoid or minimize disruption in your organization’s activities.

How do you measure whether the HRM is playing their role as a strategic partner? Implement a HR performance measurement mechanism such as the HR Scorecard. This can show whether the organization is well on track.

By doing these things, you can increase the competitive advantage of the organization through the alignment of human resource strategies to your overall business plan. This goes towards strengthening the position of a HRM as a strategic partner. It goes without saying that effective leadership skills at various levels in the organization, including HR, are vital to corporate success.

**Conclusion**

In order to ensure that human resource managers truly become strategic business partners, adequate financing is necessary. Take measures to ward off or minimize risks and ensure that the HRM is involved in making financial decisions. Making the HR a strategic partner is an indication that your organization will succeed in more ways than one.
The need for an informed and strategic approach to the development of a sector's workforce is now a well-acknowledged idea world over. What is often less clear is the best approach or approaches to this critical issue. It therefore, calls for in-depth discussions to inform the preferred best approaches.

Until fairly recently, workforce development was often equated with professional development and focused on the needs and development of the individual worker. Increasingly, contemporary research and policies also recognize the need to focus on the organizational and strategic systems levels as well.

Workforce Development as a critical aspect of human capital development has emerged to describe a relatively wide range of activities, policies, and programs. The term often becomes a proxy for career and technical education but the spread of the term to replace the previous conceptualization of 'skills shortage' signals a growing awareness that previous approaches in this area are inadequate to address emerging challenges in the face of demand surges and changing demographics.

Workforce Development can be seen as a combination of managing the size and composition of the workforce, retaining and managing that workforce, and skilling that workforce.

One of the important conceptual leaps involved in a workforce development approach is the shift to 'systems thinking.' This is fundamental to grasping what workforce development is all about. While education and training can be part of a workforce development perspective, they essentially focus on the individual learners or workers.

The deficit requiring rectification (through training) is seen to lie with that individual. No further consideration is given to the organizational context in which that person operates or the wider system at large which may ultimately determine whether specific policies or practices can be put in place.

FACTORS IMPACTING ON WORKFORCE DEVELOPMENT - SYSTEM PERSPECTIVE

Workforce Development, when conceptualized from a systems perspective, includes the following factors:

» Relevant legislation;
» Policy;
» Funding;
» Recruitment and retention;
» Resources;
» Support mechanisms; and
» Incentives

MODELS OF WORKFORCE DEVELOPMENT

A model can be defined as a framework or approach towards implementation of a strategy and in this case workforce development. The following models of workforce development are briefly described below:

MODEL 1 - A ‘FIVE LEVELS’ APPROACH

**Strategy 1:** Reduce the mismatch of skills to jobs through planned and deliberate training and development.

**Strategy 2:** Use a business demand-driven approach to workforce development. In other words, develop workforce for the business needs.

**Strategy 3:** Seek innovative ways to address the needs of the employees by encouraging a culture of competency and personal development.

**Strategy 4:** Increase the effectiveness of workforce programs through relevant professional institutes so as to enhance best practice techniques.

**Strategy 5:** Avail appropriate funding to prepare workforce for future business needs.

MODEL 2 - A ‘THREE LEVELS’ APPROACH

This model clusters inter-related strategies at three levels of activity:

1. Systems
2. Organizational
3. Team/individual

These levels of strategies include the following:
workforce development is a component of organizational capacity building

1. Systems Strategies:
   » Ensuring adequate funding arrangements and resources
   » Development and revision of workforce development policies to ensure effective and efficient functioning of organizations
   » Development and review of reward and compensation structures to ensure fair and adequate pay
   » Provision of workforce development grants and scholarships

2. Organizational Strategies
   » Develop and implement workforce development policies
   » Provision of supervision and mentoring programs
   » Provision of professional development opportunities
   » Ensuring adequate rewards and recognition
   » Negotiation of job redesign and job enrichment with workers
   » Provision of a healthy, safe and pleasant working environment

3. Team-Individual Strategies
   » Identification of professional development needs/priorities
   » Proactive development of mentoring relationships
   » Provision of support, guidance and encouragement to colleagues
   » Openness to change and innovation in work practices

MODEL 3 - WORKFORCE DEVELOPMENT AS A COMPONENT OF CAPACITY BUILDING.

The term ‘capacity building’ is sometimes used interchangeably with ‘workforce development’ but can be distinguished by the emphasis of capacity building on the structural levels of development. In other words, workforce development is a component of organizational capacity building. The interchangeable use of the terms nevertheless reflects the interdependence of all systems within organizations.

The organizational capacity building components of workforce development often include two broad categories a) workforce sustainability and b) management and supervision.

WORKFORCE SUSTAINABILITY
   » Recruitment
   » Motivation
   » Stress and Burnout
   » Job satisfaction
   » Career Paths
   » Turnover
   » Job Design

MANAGEMENT AND SUPERVISION
   » Supervision
   » Coaching and Mentoring
   » Management Development and Support

The capacity building approach identifies five key areas of activity.
   » Skills Enhancement - Enhancing workers’ skills and knowledge by increasing opportunities for participation in workforce development activities.
   » Flexibility and Innovation - Creating opportunities for the design and implementation of flexible, innovative and multi-disciplinary workforce and management development strategies and projects.
   » Leadership and Support - Providing leadership and support for the development and implementation of workforce development policies and practices at system and organizational levels.
   » Evaluation and Evidence - Building evidence and promoting innovation in workforce development practice.
   » Timeline Planning – being pro-active as opposed of being reactive.
The nature of employment contracts at the workplace is essential to drive performance.

Not many of us have been privileged to be engaged as HR specialists in a completely new business set up where you become the pioneer of a senior management team heading the HR team in which you are expected to start a department, develop a system, process, plans, procedures, practices, structures, polices and programmes.

At the boardroom level where you are the HR specialists you are required to advice, contribute, share and explain or even defend to the board or senior management staff the types of employment that would be ideal for a new organization or a transforming organization. One requires an understanding of what is suitable for the organization given the nature of the business, size, its approach, product, vision, mission, ownership and the prevailing business model and organization structure.

Differences Between Contract of Service and Contract for Services

It is essential to differentiate between contract of service and contract for services in which the former means that when you engage an employee (in this case a person employed for wages or a salary and this includes an apprentice and indentured learners) he or she would work under a contract of services. He or she is employed as part of the business and does his/her job as an integral part of the business. Contract of service defines the relationship of employee/employer and also imposes the rights and duties on each party.

On the other hand contract for services refers to a person who works for payment but in this situation he/she or the agency is not an employee. He is offered a contract for services required to be rendered and is essentially a self employed person or institution. He is his/her own boss but offers services to others for payment. Sometimes this is referred to an independent contractor/Agency.

What one charges would depend on the type of job, time required for completion, skills required, value attached to the job, costs, efficiency, level of supervision etc.

The Major Types of Employment Practiced Often in Kenya

As a human resource specialist, you are in charge of advising the management team on the types of engagements available and what each means
to both the company (employer) and the individual (employee). Where a legal officer exists in the company he/she may also play a critical role so that an organization adopts the right contracts, structure and content.

(a) Permanent employment
This type of employment gives an employee an option to work until retirement age which may range from 50 years, 60 years or 75 years depending on the company policy. Upon retirement the individual is entitled to a retirement package which may include a pension, gratuity, provident fund, annuity etc. This is one of the most popular types of employment in Kenya. It’s recommended if the nature of the job is permanent and is critical to the organization. However it is often very challenging to the company in the event business is winding up or not performing and when time comes to terminate such services, individual resistance is often very high amongst the employees & unions.

(b) Temporary employment
As the term suggest its temporary in nature and may apply for a short period which may be prompted by someone on annual leave, study leave, maternity leave, sick leave or a short venture whose vacancy may require replacement. It is popular in jobs that last for a short period of time. Such short engagements lasting for less than two months may not qualify for leave or sick leave or even allowance.

(c) Casual Employment
This is one other type of employment that is very popular & familiar with many employees especially in the manufacturing, processing, construction and civil engineering, agricultural, domestic, cleaning and washing services, security, transport and “jua kali” sectors. It is preferred because it’s highly productive, simple to engage and has very little logistical requirements such as issuance of letters of appointment etc. It simply requires you to engage someone for a task and upon completion of the said task he/she is paid on that day.

The Employment Act 2007 define a casual employee as a person the terms of whose engagement provide for payment at the end of each day and who is not engaged for a longer period than twenty four hours at a time. Regrettably, most individual and corporate organizations do not observe this definition.

(d) Piece Rate Employment
This type of employment provides for payment based on the job/ task done as opposed to payment on account of time to perform the job. It is practical and applied in set ups like in Agriculture (weeding and harvesting) finished goods (loading), manufacturing, domestic sectors, security, transport and “jua kali” sectors.

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**Distinction Between an Employee and an Independent Contractor**

<table>
<thead>
<tr>
<th>EMPLOYEE</th>
<th>INDEPENDENT CONTRACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engaged under a contract of service e.g. chauffer</td>
<td>Engaged under a contract for service e.g. taxi driver</td>
</tr>
<tr>
<td>Employer provides the tools of trade</td>
<td>Uses his own tools of trade.</td>
</tr>
<tr>
<td>Remuneration is subjected to PAYE Deductions must be made at payroll level</td>
<td>Remuneration is not subjected to PAYE. Pay is gross. Sometimes with VAT if one is registered.</td>
</tr>
<tr>
<td>Is under the supervision of the employer</td>
<td>Is not under the supervision of the employer.</td>
</tr>
<tr>
<td>Employer may terminate contract of service. One ceases being an employee</td>
<td>Not subject to hire and fire, status of contractor remains even after termination of services.</td>
</tr>
<tr>
<td>Enjoys several rights under the contract of engagement e.g. sick leave, annual leave</td>
<td>Does not enjoy rights like sick leave, annual leave, maternity leave</td>
</tr>
<tr>
<td>Enjoys protection of several laws</td>
<td>Does not enjoy benefits conferred by employment rights and relations legislations</td>
</tr>
</tbody>
</table>
carpentry and wood works, workshops (mechanics).

Work done is referred to piece rate and payment is agreed based on the task or job to be done. It’s also a highly productive & quality driven system and requires little supervision.

**(e) Part-time employment**

As the term suggests, this is another type of employment where parties agree to work for only part of the normal working period and it may be for a week, month, term or a year. What is fundamental here to note is that the employee may be a professional or skilled staff engaged elsewhere but at their own free time, they may render their services to any other employer. This is very common to health and education institutions. With the growth of private universities, hospitals, and colleges, many professionals render certain services to these institutions on part-time basis, either very early in the morning, lunch time, evenings or even weekends depending on their arrangements with their existing employers or are simply self employed. Such professionals are paid per hour, per subject taught, consulting or even sheets marked.

**(f) Probationary Employment**

A probationary employee is one who is considered as a "transition employee" whose status may be confirmed or not. He/she is under observation or trial to check or confirm if he/she is suitable for the job or not should he/she be discharged. Should the trial period end and further observation is required, this can be extended for a further period of 6 months. Probationary period is an ideal time for an employee to learn the organization during the induction process.

**(g) Apprenticeships**

An apprenticeship is both an employee and at the same time a trainee, usually both at the workplace or an institution offering the training, mainly technical skills such as engineering, electrical, woodworks, tailoring etc.

The apprentice enjoys all the rights and benefits of an employee subject to the terms of the employment contract. However, his/her status as employee will depend on his successful performance and completion of the course he/she is undertaking at both workplace and the training institution. It takes the form of a probationary employee but he/she is under training and closely being monitored for his success.

**(h) Contract or ‘Fixed’ Employment**

As defined earlier, ideally every employee is engaged in a contract of service, whether written or verbal. However, the term refers to employees employed on a ‘fixed’ term of contract of service say 3 months, 6 months, 1 year, 2-3 years or even 5 years. This is in contrast to an open ended contract. The term is decided by the employer, but this can either be renewed by either the employee or the employer. Fixed contracts are mainly applied in many international organizations, senior staff in the parastatals, few civil servants, expatriates & private companies.

**Critics of contract employment and contracting**

For unclear reasons, most unions criticize contract employment with really no justifiable reasons. The concept was and is still being misunderstood by virtually those involved, unions, and employees in both private and public sector and even the policy implementers themselves for fear of loss of employment.

It has since faced stiff resistance from virtually all corners of the society. The intention of the government was to re-introduce performance management system (plus) and link this to their contracts of employment as a basis to improve performance in the service.

**Conclusion**

The type of contract employment systems in place (workplace) has a lot to do with the organization’s results. However, contract Employment does not work in isolation from other Human resource tools in place. I am an advocate of fixed contract which if well executed can be very ideal in managing performance. However all players in employment relationship from the managers, employees and unions all need to read from the same script and the same be executed in a professional and fair manner with a process that is well communicated and understood.
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