

## ANATOMY OF UNETHICAL PRACTICES IN EMPLOYEE SELECTION: THE CASE OF UGANDA

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### ABSTRACT

*This paper examined ethical barriers to employee selection in Uganda. Basing on the extensive literature review, the paper set out to answer three questions, namely; a) what are the ethical barriers to the effective employee selection in organizations and how do they impact on organizational performance? b) What theoretical explanations underpin these ethical barriers? c) How can these ethical barriers be removed? The paper extensively discussed that employee selection is being affected by ethical barriers such as deception of job seekers, bribery, demanding sex in exchange for jobs and nepotism. It is recommended that deontological approach be embraced by employers because it advocates treating job candidates with dignity.*

**Key words:** Ethics, employee selection, deontology

### INTRODUCTION

Although Human Resource Management (HRM) text books are awash with employee selection criteria, (Byars, 2000; Mathis & Jackson, 2000; Breugh & Starke, 2000; Rudrabasavara, 2002; Bernardin, 2003; Armstrong, 2006), little attention has focused on unethical practices that continue to impend effective employee selection in both public and private organizations. Yet, failure to select suitable employees hinders organizational performance (Forth & Mason, 2006; Worsley, 2008; Walsh, 2009) and at worst, results into corporate scandals, such as Enron and WorldCom corporate scandals (Abdolmohammadi, Scarbrough & Read, 2003; Anderson & Brown, 2010), NSSF scandals in Uganda (Anyoli, 2008; Nshekanabo, 2009) and high labour turnover (Lwamafa, 2008). This paper examines ethical barriers to the employee selection and how they affect productivity.

### PROBLEM STATEMENT

Uganda has not been spared by corporate scandals arising from unethical practices in employee selection. Yet, little attention has focused on the discussion of these practices and how they affect employee performance. Some of the scandals include the mismanagement of Global Fund (Munaabi, 2006), the misappropriation of National Social Security Fund (NSSF) (Nshekanabo, 2009), and the recent scandals in the office of the prime minister. These scandals have occurred due to unethical practices emanating from either recruiters or job seekers (IGG report, 2007; Anyoli, 2008). Besides, there is an overwhelming evidence to prove that employee selection in Uganda is at times based on deception of both job seekers and employers (Turyahikayo, 2012), bribery (Mwanahebwa, 2006; Birabwa, 2008; Ocowun, 2010; Turyahikayo, 2012) nepotism (Muhumuza, 2009; Tusubira, 2010) and exchanging jobs for sex (Mugerwa, Gyezaho & Egadu, 2007). Literature about these unethical practices lacks a scientific rigour perhaps due to the fact that authors who have written about them come from non HRM traditions. Most of them are journalists. This paper bases on the scientific rigour to examine these ethical barriers and how they affect productivity.

## **RESEARCH QUESTIONS**

This paper has answered the following questions:

- a) What are unethical practices in employee selection in organizations and how do they impact on organizational performance?
- b) What theoretical explanations underpin these unethical practices?
- c) How can these unethical practices be removed?

## **METHODOLOGY**

In answering research questions, the paper relies on critical literature/document review to examine the link between the theory, unethical practices and employee selection. Literature review is the use of secondary data (Amin, 2004) to justify the particular approach to the topic, the selection of methods, and demonstration that this research contributes something new (Hart, 2001). The review of literature has been discovered to be reliable in conducting desk research which is central to this paper. Authors such as Onwuegbuzie, Leech & Collins (2012) have recently emphasized the importance of literature review. They consider it as the foundation and inspiration for substantial, useful research. In addition, Randolph (2009) adds that conducting a literature review is seen as a means of demonstrating the author's knowledge about a particular field of study, including vocabulary, theories, key variables and phenomena, and its methods and history. This implies that an academic discussion devoid of literature analysis is no more than personal impression, anecdote or conjecture.

The discussion identifies gaps in the existing literature review and evaluates possible alternatives to filling them. The approach is therefore fit for a theoretical paper such as this. The paper uses a deductive approach in which ethical barriers are discussed at global, regional and national level. This has been done because Uganda is part of a globalizing world. Unethical practices in employee selection in Uganda are influenced by what happens in other countries.

## **ETHICS AND ETHICAL BARRIERS**

Etymologically, ethics is derived from the Greek word *ethos* which means the established customs or habits of a social group. The term has its equivalent in Latin *Mores* which also means customs or habits of people (Fagothey, 1997). Simply defined, ethics is a set of rules that define right and wrong (Bonevac, 1999). As De George (1990) explains, ethics is a systematic attempt to make sense of our individual and social moral experience, in such a way as to determine the rules that ought to govern human conduct and the values worth pursuing. The definition by De George meets the purpose of this paper because it puts emphasis on rules that ought to govern human conduct. The definition renders credence to human values that are central to shaping ethical behaviour as explained later in the theoretical framework. Ethical barriers act as blockades to the effective employee selection. In this paper, these barriers discussed are deception of job seekers and employers, bribery, nepotism and exchanging jobs for sex.

## **EMPLOYEE SELECTION AND HOW IT DIFFERS FROM RECRUITMENT**

Before defining employee selection, it is important to define the term 'selection.' Selection has been defined by Sally (2002) as the process of choosing somebody or something carefully from a group of people or things. Pfeffer and Veiga, (1990) defined selection as the process of choosing individuals who have relevant qualifications to fill jobs in an organization. Employee selection therefore means choosing a few people from a pool of applicants to work for the organization (Stone, 2005). Recruitment on the other hand is defined by Rana, Abbas, *et al*, (2008), as a set of activities and processes used to provide the organization with a sufficient pool of potentially qualified job candidates from which selection can be made to fill vacant positions. Thus, whereas employee selection involves choosing successful job applicants from a pool of applicants, recruitment involves all activities of job analysis, job advertisement, screening of applications and

short listing of applicants. These processes are aimed at enabling the organization attract competent work force who will maximize performance. However, when the processes are abused with unethical practices, incompetent workforce is selected and organizations are hurt due to reduced employee performance. The question of why unethical practices thrive in employee selection has been neglected by HRM scholars for a long time. This paper seeks to provide the answer basing on the theory of planned behaviour.

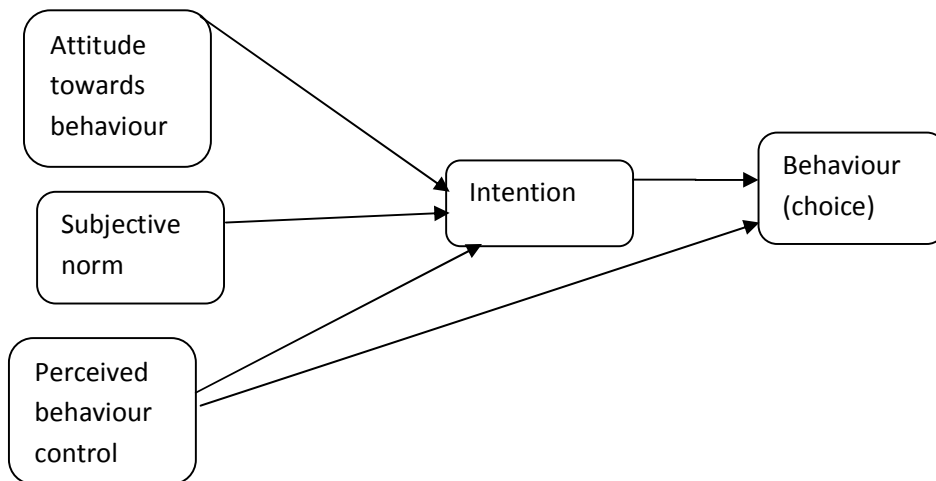
### THEORETICAL FRAMEWORK AND JUSTIFICATION FOR THE CHOICE OF THEORY

What theory explains the use of unethical practices in employee selection? The Theory of Planned Behaviour (TPB) (Ajzen, 1985) explains why and how people direct behaviour in organizations. The theory is therefore suitable in explaining why some organizations are likely to engage in unethical practices in employee selection.

The theory of planned behaviour was propounded by Ajzen, (1985) who contends that the intention to behave in a certain manner results from; a) an individuals' attitudes towards the behaviour, b) their subjective norms, c) and their perceived behavioural control over the outcome. Three constructs are important predictors of behaviour; that is, perceptions of social norms governing the behaviour, perceived ability to perform the behaviour, and perception of one's moral obligation to perform positive behaviours and avoid negative behaviours (Bandura, 1989).

Attitude and subjective norm are postulated as the outcomes of cognitive structures such as perceived consequences of the behaviour and normative structures, such as perceived approval by others. Perceived behavioural control is postulated to be an outcome of a control structure. Attitude and intention are functions of participants' beliefs, and they shape individual behaviours<sup>1</sup>. In addition, individual behaviour is influenced not only by belief but also by perceived control over one's own behavioural choices (Ajzen, 1991). The theory is summarized in Figure one below.

Fig.1. Summarized theory of planned behaviour



Source: Designed for this paper.

<sup>1</sup>The intention to solicit for bribes, deceive, subject the job applicant to sexual exploitation or employ an incompetent relative/friend is driven by attitude towards the act, the level of morality of the recruiting agents and how they perceive the outcome from such behaviour. This is also confirmed by Figure one above.

This theory has been used to explain reasoned behaviour towards actions in related contexts. For example, using the theory of planned behaviour, Beck and Ajzen (1991) found a significant correlation between examination malpractices, lying, and shoplifting. Powpaka (2002) used the theory to study behaviour of managers who engaged in bribery and found a close link between their attitudes, subjective norms and perceived behavioural control over the outcome. It was established that the intention to give bribe, while not a perfect surrogate for behaviour, correlated highly with bribe giving behaviour. Other scholars such as Passow, Mayhew, Finelli, Harding & Carpenter, (2006) used the theory of planned behaviour in studying people who engaged in workplace misconduct and who cheated on income taxes. They discovered that such people had also cheated in college examinations. Several related studies were satisfactorily replicated using the same theory (Fass, 1990).

Since TPB has been used extensively and successfully to predict and explain behavioural intention and actual behaviour in organizational studies, this paper being multi-disciplinary that is; it falls between human resource management and organizational behaviour, it is without doubt that the theory is relevant in discussing ethical barriers in employee selection. Unethical practices under discussion are; deception, bribery, exchanging jobs for sex and nepotism.

#### **HOW SOME JOB SEEKERS DUPE POTENTIAL EMPLOYERS USING FAKE ACADEMIC QUALIFICATIONS AND EMBELLISHED CURRICULUM VITAE**

In this section it is argued that some employers unknowingly may select unqualified job applicants on the basis of unethical job seekers who deliberately present forged qualifications. As a consequence, the employer reaps losses due to incompetence arising from forgery of the degree certificate, or forged working experience. Some job seekers include misleading information on their CVs claiming to have obtained qualifications and working experience (Sargent, 2010). Other job seekers might have indulged in examination malpractices while at university. The grades printed on their academic certificates do not reflect their level of intelligence and competence (Gesmer, 2006).

There is documentary evidence that deception by job seekers is rampant and employers have suffered losses due to this unethical behaviour. A meta-analysis conducted by Viswesvaran and Ones (1999) revealed that job candidates readily distorted their responses at a job interview, depicting themselves as erroneously desirable and competent for the job. A related study was conducted by Paulhus (2002) and Mahar (2006) who discovered that applicants had a tendency to portray themselves as similar to their perception of a typical employee in the job to which they were applying. Birkeland, Manson, *et al* (2006), also found that job applicants distorted their responses to align more closely with a typical incumbent.

There is evidence to confirm that the problem of embellishing CVs is grave across the globe. According to Bill Waite a CEO of The Risk Advisory Group (TRAG) in United Kingdom, a company that screens job seekers' CVs and verifies academic documents on behalf of its clients, a 65 per cent of CVs submitted in 2007 contained false information. TRAG reviewed over 3,000 candidate CVs and resume for discrepancies and discovered that job seekers misled firms over employment gaps and fraud committed against previous employers (Geoghegan, 2005). Victim organizations were reaping losses and incurring unnecessary costs as a result of these forgeries.

Unfortunately, data about job applicants who massage CVs in order to tell lies is unavailable in Uganda. The reason could be that no individual professional or organization has studied in depth the extent to which job seekers tend to behave unethically. However, what is known is that some job seekers hold academic certificates with grades obtained through examination malpractices. Some of the certificates are totally forged. This explains why some fake engineers cannot mix rightly cement-sand ratio, leading to collapsing buildings and losses to their clients. The media is always awash with news of people holding out as medical professionals yet they have never attended any medical school. If they did attend the school, they did not successfully obtain an academic qualification. It is therefore imperative to examine below the phenomenon of examination malpractices and forgery of academic qualifications.

## **EXAMINATION MALPRACTICES LEADING TO EXCELLENT GRADES AND HIRING WRONG PEOPLE**

Globally, evidence shows that some job seekers acquired good university grades through examination malpractices (Megha, 2010; Khattak, 2010). The World Bank report (2001) defines malpractice in examinations as “a deliberate act of wrongdoing contrary to official examination rules, and is designed to place a candidate at an unfair advantage.” The World Bank definition agrees with Wilayat (2009) who defines examination malpractice as a deliberate wrong doing contrary to official examination rules designed to place a candidate at an unfair advantage and to disadvantage honest candidates. In broad terms, examination malpractice is any illegal act committed by a student single handed or in collaboration with others like fellow students, parents, teachers, supervisors, invigilators, examination printing companies, and anybody or group of people before, during or after examination. Little attention has focussed on the extent of this phenomenon and how it affects employee selection. This paper fills the gap by discussing in depth the extent of examination malpractices and how it has impacted on the quality of workforce.

### **EXTENT OF EXAMINATION MALPRACTICES AND HOW IT AFFECTS EMPLOYEE SELECTION**

Examination malpractices are a global problem, implying that the quality of labour force is being threatened. Evidence shows that there are examination malpractices in Europe, (Walker, 1998; Underwood, 2006; Smithers, 2006). An analysis of literature from USA on examination malpractice reveals that the problem is growing steadily (Scheers&Dayton 1987; Karlins, & Podlogar, 1988; Whitley, 1998; Coverdale & Henning, 2000; Carroll& Appleton, 2001; McCabe & Trevino, 2001). In Asia, examination malpractices are rampant (Yu & Suen, 2005; Suen & Wu, 2006; Eisend & Schuchert, 2006; Baron & Wirzbicki, 2008; Bartzis & Hayner, 2008; OECD, 2009).

One major problem with examination malpractices as explained by Wilayat (2009) is that it decreases job efficiency. It also affects the general quality and standard of the workforce. This explains why 10% of the products produced annually across the globe are counterfeit (Shoemaker, 2010). If students obtain college grades by cheating the chances are high that they will keep stealing from the employers’ assets. If they are in hiring positions, they will recruit less qualified job candidates. It is also likely that they will offer fake services or produce fake items (Bylander& Wilkinson, 2007) either due to inadequate knowledge or dishonesty. The latter is common in China (Wang, 2006) where fake items such as rolex watches, coach handbags, nike shoes, as well as pirated DVDs and fake pharmaceutical products are manufactured and sold. The effects of counterfeit products include health and safety risks for consumers; reduced profits for legitimate companies; lower wages; loss of jobs and high unemployment costs (Orchard, 2007).

### **CONSEQUENCES OF EXAMINATION MALPRACTICES ON EMPLOYEE SELECTION IN AFRICA**

On the African continent, just like other continents, there is scanty literature about examination malpractices and how the problem affects employee selection. The available literature points to this malpractice in Nigeria, Kenya and Uganda. In Nigeria, Owolabi (2001), Kpangban and Umudhe (2008) and Adeyemi (2010) reveal the existence cheating in public examinations. Associated Press Agency (APA) (2010), cited Exam Ethics International, an NGO, which revealed that 429,000 examination results were cancelled yearly, an indication of increasing cases of malpractice in the conduct of examinations in Nigeria. Consequently, this would lead to criminalization of society, incompetent labour force and corrupt leadership.

In Kenya, examinations have been marred by cheating (Nyambala, 2002; Daily Nation, 2005). In 2007, Kenya National Examinations Council (KNEC) cancelled the results of more than 40,000 students who sat for their final secondary school examinations due to malpractices (Cheboi, 2010).

In Uganda, it is evident that examination malpractices have adversely affected the quality of work force; for example, Birabwa (2008) notes that various forms of examination malpractice exists in the country. These

malpractices start at the primary school level (Kasasira, 2007; Kasozi, 2008). A report by the Inspector General of Government (IGG report, 2007), revealed that Makerere University students were involved in multiple examination malpractices including bribing university officials to get examination questions in advance. Another IGG report of (2010) revealed that many teachers were implicated in leakage of examinations. In 2010 alone, Makerere University Business School suspended 44 students for indulging in examination malpractices (Ahimbisibwe, 2010). Graduates who benefit from the examination malpractices are hired and placed in very senior positions. In the end, employers suffer the consequences arising from unqualified and incompetent employees. The IGG report (2010) warns that if the increasing cases of examination malpractices were not checked, the country was destined to get dishonest public servants who would practice theft. This is based on the notion that students who progress in their academic pursuits through cheating, will grow into corrupt adults even after studies. The aggregate of all this is a corrupt and incompetent workforce in the country. Perhaps this explains bribery practices rampant in Uganda's civil service such as in police, judiciary, local government and legislature.

Indeed, Uganda has already suffered due to the incompetent work force. For example, in the construction sector, the country continues to experience shoddy construction works brought about by incompetent architectural engineers. According to Ssempijja (2010) ten buildings in Kampala collapsed in five years leading to loss of millions of money and lives. As Katende (2008) reveals, the collapse of a dormitory building in 2008 at St. Peter's Naalya Secondary School was just one incident manifesting incompetent labour force in the construction industry. The collapse of a church in Kaleerwe in 2006 and Bwebajja hotel that partially collapsed in 2004 (Ssembatya, 2008) attest to the high level of incompetence among the architects in the country who cannot mix the right cement-sand ratios; and with poor supervisory and analysis skills in the construction industry (Namono, 2010). Although no scientific study has been conducted about the academic background of the employees involved in these shoddy constructions, several research studies elsewhere have linked poor employee performance to examination malpractices generally and unethical behaviour in particular (Beck & Ajzen, 1991; Finelli & Passow, 2003; EOCED, 2009; IGG report, 2010). It can therefore be inferred that the collapse of these buildings was due to dishonest and incompetent work force consisting of person who either cheated in examinations at college or presented forged academic documents for consideration at a job interview. But how these unethical employees were recruited remains a tantalizing question.

It has been argued above that some unscrupulous job seekers dupe potential employers by presenting fake CVs and concocted grades on their certificates. As explained by the theory of planned behaviour (Ajzen, 1991), job seekers who indulge in such a misconduct lack objective norms and anticipate a selfish outcome from their conduct. Consequently, organizations have made losses at the hands of these dishonest workers. However, in the subsequent discussions, the paper argues that there are unscrupulous employers or their representatives who engage in unethical practices during employee selection. Such practices are bribery, nepotism and exchanging jobs for sex. In the end, job seekers are exploited and some of them do not get jobs; or competent job seekers are denied jobs because they are not willing or able to submit to the employer's unethical demands.

### **BRIBERY IN EMPLOYEE SELECTION: SACRIFICING ETHICS AT THE ALTAR OF COMMERCE**

This section discusses deeply bribery as unethical practice in employee selection. A bribe is defined as a gift, money or object of value or merely a promise or undertaking to induce or influence the action of a person in an official or public capacity (Sung, 2005). Inspectorate of Government Report (IGG Report, 2008) defined bribery as the act of promise, offer or giving of any benefit that improperly affects the actions or decisions of a public official. In employee selection, bribery refers to selling an office or vacancy to the job candidate willing and able to pay for it (Kristiansen & Ramli, 2006). When employee selection is commercialized, knowledge, skills, abilities and attitudes of job candidates do not matter. Rather, the financial prowess and willingness to bribe is what matters. Bribes are gifts bestowed to influence the recipient's conduct (Sanyal & Samanta, 2004). This makes bribery immoral and illegal in all contemporary nations.

A bribe has an element of reciprocity. The recipient of a bribe tends to respond likewise towards the kind treatment by returning favours (Maréchal & Puppex, 2008). Bribes are given to public officials to make them change the rules

or break the laws that were made for the common good. As they neglect the common good for private benefit, they violate the public trust and become accomplices of the evils (Shahabuddin, 2002).

### **EXTENT OF BRIBERY IN EMPLOYEE SELECTION**

Bribery in employee selection is a global problem. According to a report of International Labour Organization (ILO, 2009) job seekers lose 21 billion US dollars annually through bribery. Construction workers, seasonal labourers and drivers are caught in a system of collusion between recruiters in sending countries and employers in destination countries who trick vulnerable migrants out of fair wages and employment conditions. After the job seekers have bribed their recruiters in home countries and find that their employers would not pay salaries as promised, they have no option but to accept to be subjected to forced labour. Although the ILO report does not discuss the problem in light of Uganda's labour market, the report acknowledges that exploited migrant workers come from developing countries of which Uganda is part.

More evidence of bribery in employee selection has been reported in Russia (Finn, 2008). In fact, job seekers in Russia believe that without bribery in employee selection, there is no employment (Gassner, 2007; Haaparanta & Juurikkala, 2007; Ledeneva, 2000). In some Asian countries, bribery is a common practice (Verhezen, 2005).

Research conducted about bribery in employee selection in Africa is negligible. The available literature points to bribery in South Africa, Egypt and Uganda. According to Vuuren, (2004) bribery in employee selection in South Africa takes the form of money, favours and gifts. In the police force for example, bribery starts at recruitment and spreads in every aspect of the force. In Egypt, McGrath (2010) explains that government employees consider bribes as part of their income. The vice starts from recruitment and eats up the moral fabrics in government departments. Similar scenarios of bribery happen in Malawi (Hussein, 2005; Record, 2006; Booth, Cammack, *et al*, 2006). Job seekers with more money are able to secure high paying jobs. Job applicants with little money or unwilling to buy the job remain unemployed.

In Uganda, bribery in employee selection is on the increase (Fisman & Svensson, 2002; Mwanahabwa, 2006; Hunt, 2007). The country is today flooded with bribery in employee selection (IGG reports, 2007, 2008, 2009, 2010). It is common for job seekers to secure a bank loan to pay bribes for jobs. In Amuru district for example, civil servants have demanded bribes from job seekers (Ocowun, 2010). Job seekers are told to pay bribes equal to a three-month salary of a civil servant. In Kotido District Ocowun (2010) explains bribery practices are rampant in employee selection. Similar scenarios of bribery have happened in Ntungamo (Sempogo, 2009).

### **WHY HAS BRIBERY IN EMPLOYEE SELECTION CONTINUED TO THRIVE?**

Many times, most potential applicants are asked to pay bribes in exchange for jobs (Rezaul & Rumana, 2007; Bettio & Nandi, 2009). A few lucky ones get jobs after exploitation but are laid off in the short run, under the pretext of downsizing. The situation is made worse when a country lacks clear recruitment laws as is the case in most African countries. In the absence of strong labour unions and lack of equality in employment laws, job applicants have remained to burn with grief (Turyahikayo, 2010).

Job applicants in most cases have neither reported abuses faced at recruitment nor sought legal redress. According to Turyahikayo (2012), the following are the possible reasons why job seekers affected by exploitation have not sought legal redress.

- a) They hope that the selection team will recruit them, when another job opportunity arises in the same organization.
- b) Job applicants feel that reporting culprits would mean disclosing their own identity. This is likely to jeopardize them in the eyes of future employers.

c) Applicants at times do not have the evidence to pin-down culprits. In organizations where selection malpractices exist, the recruitment team is organised such that the tricks used to exploit job applicants leaves exploiters in a situation difficult to uncover. Moreover, a secretive transaction is difficult, if not impossible to detect (Uneke, 2010).

d) Job seekers/ applicants fear for their lives because of intimidation from the exploiters. Moreover, some of the members on the selection team are very powerful both politically and economically, such that it makes no sense to the poor job seekers to report them to relevant authorities.

e) Applicants think that it is the order of the day for most organizations to exploit job applicants. They feel that the practice is common to all organizations. In many countries, it is hard to convince fresh job seekers that one can get a job on merit. Believing in the 'backdoor' recruitment is becoming the norm.

f) In many countries, there is no law prohibiting discrimination at recruitment (Turyahikayo, 2010). Where the law is in place, implementation is lacking. It is hard for the victims to seek legal redress.

### **EFFECTS OF BRIBERY IN EMPLOYEE SELECTION ON EMPLOYEE PERFORMANCE**

This section stresses that when employee selection is based on monetary terms, the job seeker might suffer in the short run, but the devastating consequences have always been faced by the employer. Bribery in employee selection has hindered effective organizational performance (Verhezen, 2005).

Bribery in employee selection is the same as selling an office position to undeserved employees (Scott, 2002). This hurts the organization because competent job candidates are left out and incompetent ones recruited (Kristiansen & Ramli, 2006). One may argue that bribery cannot hurt performance if the job is sold to the most qualified candidates. It is important to note that bribery in employee selection has a multiplier effect. Once condoned, it spreads like wild fire to the entire organization. It should also be noted that bribery has an element of reciprocity in which case, the job candidate who gives bribes will engage in dubious practices so as to recover the money (Donaldson, 2001); and the bribe taker will not enforce fair performance management on the bribe giver for fear of exposing incompetence or unethical practices which the bribe taker is aware of. Moreover, research by Ryan (2006) on the extent of bribery in human resource management has indicated that managers who engage in bribery at recruitment will demand for bribes from employees so as to appraise them as excellent performers. Bribery in employee selection also means that jobs will remain a preserve of people who have the money, and are willing to buy offices (Swart, 2002). In the end, the organization fails to grow due to low productivity of the incompetent workforce (Peisakhin, 2012). There is evidence of some organizations which have collapsed due to bribery in employee selection. In Uganda, the defunct Front Page micro finance collapsed due to this unethical practice (Micro capital, 2007). But why should organizations tolerate bribery in employee selection yet the practice has devastating effects in organizational productivity? Some patients defy medical advice and end up dying earlier than they should have died. This happens to TB patients who are advised not to smoke or take alcoholic beverages. The same scenario may apply to organizations which are aware of the problem but allow it to persist.

### **STRATEGIES TO END BRIBERY IN EMPLOYEE SELECTION**

It is always important to act on the problem of bribery in recruitment as soon as the problem is identified. Making the recruitment process known to the public is fundamental to ensuring bribe free employee selection. In this regard, Wilkinson (2010) of Transparency International UK advises that an organization should conduct its recruitment practices in a way that is fair and transparent. This prevents distortions in the recruiting process that could lead to risks with unethical or unsuitable candidates being selected (Peisakhin, 2012). A fair and transparent recruiting process involves setting objective criteria for advertising and interviewing. There should be a documented application and selection process. This process should be known by all job applicants.

It is always important to report officers who demand bribes in recruitment. For this to happen effectively, an environment for reporting unethical managers who solicit for bribes from job seekers should be put in place. This is



supported by the theory of planned behaviour (Ajzen, 1985) that if the environment within which behaviour is performed has social and deterrent norms, agents will perform good behaviour. Such environment should have vigilant and brave people willing to report culprits. However, this is not always the case (Vuuren, 2004). There is minimal reporting of bribery in employee selection in Africa generally and Uganda in particular. This is due to the difficulties involved in getting hard core evidence to pin suspects of bribery.

Commitment of the top management to the core values needs to be observed by all staff. In this regard, organizations should borrow from the former Chinese leader Wang An Shih (1021-1086). In his attempt to eliminate bribery, he explicitly specified 'bad laws' and 'bad men' as the two most persistent sources of bribery (Syed, 1999). He focused on two absolute prerequisites to guard against bribery. First, that power holders should be of high moral caliber; secondly, there should be rational and efficient laws in place. He believed that neither of the two could function without the other. However, identifying and placing people with high moral character remains a challenge. Nevertheless, this paper agrees with Syed that a combination of inadequate rules and regulations, and unethical workforce makes an organization susceptible to continuous unethical practices. Therefore, recruitment officers should be people of integrity who should be guided by rational organizational rules and regulations.

### **EXCHANGING JOBS FOR SEX: FROM THE BEDROOM TO THE BOARDROOM**

Exchanging jobs for sex is one of the unethical practices this paper addresses. It is best explained by the theory of planned behaviour (Ajzen, 1985). That is, recruitment managers develop attitudes to demand for sex in exchange for jobs as dictated by their unscrupulous conscience, subjective norms, and the poor ethical environment in which they operate.

Scenarios of recruitment managers who demand sex in exchange for jobs are numerous (Hughes, 2005). Unfortunately, due to cultural considerations in Africa, very little has been documented about this vice. In addition, victimization of job seekers who complain, and fear for rejection by potential employers play a role in keeping the vice away from the public eye. It is important to note also that complaints of sexual exploitation are hard to prove (Nassiri, 2010). That notwithstanding, the paper examines exchanging jobs for sex in light of the available literature about the vice.

### **HOW TO IDENTIFY AND AVOID A RECRUITMENT OFFICER WHO DEMANDS SEX IN RETURN FOR JOBS**

This section discusses signs of sexual exploitation of job seekers by the potential employers or their representatives.

### **UNWELCOME COMPLIMENTS**

A compliment is a remark that expresses praise or admiration of somebody (Oxford Advanced Learners Dictionary, 7<sup>th</sup> Edition, 2006). To compliment therefore is to say something to someone that expresses praise or admiration. There are cases in which potential employers or their representatives comment in admiration on how attractive job seekers look in their dress. In most cases these compliments are unsolicited. This paper is in agreement with Leder (2010) that when women are alone, they tend to feel vulnerable to such verbal unwanted compliments and suffer psychologically. In the case of *Stefanoni vs. Board of Chosen Freeholders of the County of Burlington*, Elizabeth Stefanoni's sexual harassment claims were based upon two instances of physical contact with Sheriff Daniels and five compliments from Sheriff Daniels on her hair and perfume over a twenty-two month span. Although court cases on sexual related compliments imply that the problem is more at the work place than at recruitment, (*Cush-Crawford v. Adchem Corp*). In this particular case, it can logically be inferred that intentions to make such compliments may be planned from the day an employee submits an application form. This affects the recruitment process.

## **MAKING FREQUENT UNSOLICITED TELEPHONE CALLS TO JOB APPLICANTS**

This is common especially with improved communication technology. Unethical recruitment officers tend to make romantic telephone calls to the job applicants. Besides, they bombard job applicants with text messages. In the sexual harassment case of *Tonia L. Cush-Crawford versus ADchem Corp, Docket Nos.00-7617, 00-7745, August term, 2000*, Mars who was the supervisor of Cush-Crawford, who also interviewed her for the job, kept calling her at home a week prior to the start of her employment. He called her several times at her home, saying that he was in Florida and asking her whether she was excited about starting the job. Within Cush-Crawford's first week on the job, Mars began to tell her that she looked beautiful and that he loved the dresses she wore. Such recruitment officers use this trick to force the job seekers into submission to sex.

## **UNWANTED BODY TOUCH**

Many people enjoy sexy and lovely touches especially from their dear ones. However, being touched by a potential employer or the representative of the potential employer without consent is a sign of sexual abuse. Touching is directed at some of the body parts such as ladies' breasts, thighs and buttocks. In the case of *Cheryl Bonenberger, Appellant, versus Plymouth Township; Joseph La Penta, Sergeant, Plymouth Township Police Department, 132 F.3d 20 (3rd Cir. 1997)*, during Bonenberger's employment, Sergeant Joseph La Penta regularly accosted her at work with obscene remarks and unwelcome sexual advances. La Penta frequently fondled her breasts and pinched her buttocks while she attempted to complete work assignments. Although Bonenberger consistently rejected La Penta's advances, the harassment persisted, driving her to resign her position as dispatcher. In the case of *Stefanoni versus Chosen Burlington (3rd Cir. 2003) 1997*, Sheriff Daniels and Elizabeth Stefanoni shared a hug in a courthouse conference room. After the hug, Sheriff Daniels opened the conference room door for Elizabeth Stefanoni and allegedly brushed his hand on her back with his fingers touching her upper buttocks area while she walked by. Unfortunately, she lost the appeal case on the ground that she did not reject unwanted touching.

## **VULGAR LANGUAGE**

Job seekers should not expect profane words from potential employers whether it is the army, police or an electricity company. If job seekers conduct an informal background survey on the organization and realize that such a language is used, this is a proper manifestation of the likely sex for jobs recruitment. But how can the job seeker find out this? There are served court cases which can act as better sources of information about the organization. For example in *Karen A. Kunin, versus Sears Roebuck and Co., 175 F.3d 289 (3<sup>rd</sup> Circuit.1999)*, Sears transferred Kunin its employee, at her request, to its division 26/46, major appliances. Approximately one month later, Lodato her work mate began to work in the same department, where Kunin was the only woman. Kunin quickly began to experience problems working with Lodato because of his regular use of profanity, which included directing vulgar language at her. She testified at trial that Lodato used vulgar language on every occasion that she worked with him and was unresponsive to her requests to stop his offensive conduct. Kunin's fellow employees confirmed at trial that Lodato regularly used profanity, and that they had witnessed him direct the profanity. This case may present an isolated incidence in an organization. It does not represent the entire company. However, a job seeker has an obligation to ascertain whether such behaviour has vanished before picking interest to apply for a job.

## **PORNOGRAPHY IN THE OFFICE**

Some employers or their representatives decorate their offices with pornography and other related materials. Such pictures are meant to communicate directly to the jobseeker the work behaviour. The pictures embarrass, humiliate and harass job seekers or newly recruited employees. For example in *Priscilla Kelsey Andrews and Debra Ann Conn, appellants in no. 89-1302, versus city of Philadelphia and others, 895 f.2d 1469, United States court of appeals, third circuit, decided Feb. 8, 1990*. The administration of police department placed nude pictures that made the working environment hostile. Identifying such an environment in the premises of the potential employer is indicative of the likely habit of exchanging sex for jobs.

Demanding sex in exchange for jobs is dehumanizing and scandalous in employee selection. It is obvious that a subordinate before whom you undressed for sex will hardly render you respect. The dignity of job seekers who have

been practically stripped naked by forcing them into having sex against their wish cannot be easily regained. Treating job applicants as an end in themselves renders credence to the value of employee selection in organizations.

### **EMPLOYEE SELECTION BASED ON NEPOTISM**

The term 'nepotism' is derived from a Latin word '*nepos*,' meaning nephew. It was coined to describe Pope Calixtus III's (1378-1458) appointment of his young nephews as cardinals (White, 2000) and the creation of Papal dynasties (Jackson & Rotondi, 2009). Applied in employee selection, nepotism is the use of a powerful and influential position in an organization to obtain good jobs or unfair advantages for members of one's family (Kristiansen & Ramli, 2006). The common denominator in the definition of nepotism in employee selection is that it involves favouritism during the hiring process toward relatives or spouses of current employees in organization (Padgett & Kathryn, 2005) without due regard to merit (Nelton, 1998; Scoppa 2009). Section 15 of the Uganda's Leadership Code Act 2002, defines nepotism in ambiguous manner, combining nepotism with tribalism. It states; "a leader is said to practice favouritism or nepotism by giving preferential treatment to any person for personal advantage or gain for himself or herself, that of his or her relation, friend or agent, ethnic grouping or area of origin." Whereas nepotism is practiced through favouritism, favouritism provides a path for other forms of discrimination in employee selection. These include sectarianism, tribalism/ racism, age discrimination, sex discrimination, and political discrimination. Failure to put a clear boundary around the definition of nepotism makes it hard to fight the vice in any country.

Nepotism in employee selection is the least studied and most poorly understood human resource malpractice, yet its impact on employee selection is immense (Vinton, 1998). Moreover, it conflicts so fundamentally with basic values of egalitarianism and merit (Miller, 2008). One of the concerns of this paper is to discuss nepotism, how it is practiced during employee selection, how it hinders employee productivity and strategies for its mitigation.

### **EXTENT OF NEPOTISM IN EMPLOYEE SELECTION: A GLOBAL ANALYSIS**

An examination of literature across the globe reveals a greater extent of nepotism being practiced in employee selection (Ford & McLaughlin, 1986; Bauers, 2010). Nepotism in employee selection has been reported in Europe (Moore, 2008) and in Asian countries (Hall & Hall 1978; Redding, 1982).

### **NEPOTISM IN EMPLOYEE SELECTION IN AFRICA**

In some African countries nepotism in employee selection is on the increase. For example in Kenya, close relatives of cabinet ministers are always appointed as ambassadors and high commissioners (Leftie, 2009). Similar cases have been reported in Swaziland (Sibanda, 2008). In Nigeria, hopes and dreams of graduates are meeting the sharp rocks of disappointment posed by nepotism in government (Ayaga, 2010). In North Africa (Ghilès, 2009) reveals that nepotism in employee selection is on the increase. Surprisingly, in spite of the fact that nepotism is eating up African organizations; no regional or continental bodies have come up to condemn the demeaning hiring practice.

In Uganda, nepotism has always been cited in organizations (Muhumuza, 2009). Senior government officials influence the appointment of their sons and daughters to public offices without the required qualifications (Buregyeya, 2007). There are many examples where a husband, wife, daughter, brother, sister, son or other kindred of whatever description are working in the same organization (The Independent, 2009; Tsubira, 2010). This has hindered increased productivity in organizations.

### **DANGERS OF NEPOTISM IN EMPLOYEE SELECTION**

Although nepotism has been found to promote family integrity (Kaydo, 1998), encouraging early retirement of the aging public servants (Jackson & Rotondi, 2009) and motivating dual career couples (Werbal & Hames, 1996). Nepotism is imminently embarrassing to everyone, including the beneficiary. Sometimes supervisors find

themselves managing their bosses' daughter or supervising their spouses. This has put some managers in a total dilemma. Moreover, public offices should be freed from family patronage, and no recruitment practice should stand in the way of merit. Even some family owned organizations have collapsed due to nepotism. It is likely that public sectors where nepotism is practiced are limping due to the vice.

An examination of nepotism in employee selection in various countries reveals that employee selection based on nepotism has resulted into problems in organizations. For example, Lines Brothers in Britain (Lines, 1958), once a highly successful maker of Triang toys, was rendered worthless in just a few years by its second generation of leadership (Brown, 2005). Yale Express, a U.S. delivery company, was bankrupt within five years of the second generation. The Great Atlantic and Pacific Tea Company (2009) was once the largest supermarket chain in the United States but went bankrupt under its heir due to nepotism. Yet, these were family owned organizations with less complex management styles compared to government bureaucracy.

Nepotism has been the major source of organizational conflicts. For example, employers have always found it impossible to create a compensation scenario that pleases every family member (Stringer, 1981). Some employees will always believe they are being paid less than they deserve. Moreover, having relatives working in an organization has revealed incredible evils. Relatives are more likely to be associated with personal, family or lifestyle dreams than with objective business projections. This breeds problems and failures, minimal financial rewards, disruption to family and community life, and privacy issues (Smith, 1998). This may cause high labour turnover especially by managers with integrity in nepotic organizations who may leave to join merit oriented organizations (Poza, 2004; Sameer & Liu, 2005; Smith, 2005).

Nepotism is like a double edged sword. It hurts not only the non-family employees, but even the beneficiaries themselves. Research conducted by Block and Lucas (1992) shows that women who benefited from nepotism came to view themselves and their abilities more negatively. They took on less difficult tasks and were hesitant to remain in leadership roles. Another research by Heilman, Block and Lucas (1992) suggests that not only do female beneficiaries of preferential selection view themselves more negatively, but that subordinates and co-workers may also view a woman more negatively if they perceive her to have been hired because of her close connection with the employer. Padgett and Morris (2000) also found in their studies about nepotism that subordinates expressed less liking for a new supervisor and possessed less organizational commitment when the new supervisor was believed to have been hired because of nepotism other than merit. If other employees develop less favourable perceptions of those who are perceived to benefit from preferential selection, this may make it more difficult for those individuals to be effective in their positions.

Nepotism gives incompetent relatives benefiting from it, a false sense of success (Truett, 2008). There is a tendency for them not to be reprimanded by the blood-connected supervisors even when they deserve to. They can be falsely appraised as excellent performers. Sometimes it is their elder brothers, sister, uncle or father evaluating them. They never get corrected or challenged and this makes them think that they are excellent performers. This false image of themselves denies them chance to develop their skills further.

### **DESISTING FROM EMPLOYEE SELECTION BASED ON NEPOTISM**

Desisting from nepotism in employee selection comes along with costs. The cost is that employers have to risk losing friendships or family support by refusing to select employees basing on such friendships or family ties. Sometimes it is the employer's son or daughter who has to miss the job opportunity in the interest of recruiting high quality man power. But employers ought to know that quality is remembered long after the price is forgotten. It can be very expensive for some employers to desist from nepotism in the short run but brings everlasting benefits to the organizations.

## Conclusion

This paper set out to examine ethical barriers to employee selection in Uganda. It discussed four major ethical barriers to employee selection that is; deception of job applicants who present fake and embellished academic documents for consideration at job interviews, selling job vacancies, exchanging jobs for sex and offering jobs to relatives and friends. Although each barrier was discussed in light of its magnitude, effect on employee selection and organizational performance, and how it can be resolved, the need for a comprehensive approach to mitigate these malpractices seems urgent.

One approach this paper emphasizes is deontology. It is built on duty, dignity and respect for people (Tabarcea, 2012). Deontological approach holds that good actions are considered inherently good and bad actions are considered inherently bad (Flew, 1979). Examples of bad actions include dishonesty exhibited in telling lies on the curriculum vitae (CV), advertising the position which does not exist in the organization, coercing job applicants into sex, selling interview questions to job candidates, short-listing people who did not apply for jobs and leaving out those who applied, selling jobs or any other inhuman act in employee selection. No matter how much good comes from these unethical practices in employee selection, they will never be right (Gregor, 1963). One of the philosophers at the centre of deontology is Immanuel Kant (1724-1804).

Kant called his moral law the categorical imperative (Gaus, 2001). A command that holds 'no matter what the circumstances, people should act only in accordance with that maxim through which they at the same time will that it becomes a universal law (Feldman 1978; Schroeder, 2005. It commands us to exercise our will in a particular way, not to perform some action or other (Schroeder, 2007). It is 'categorical' in virtue of applying to us unconditionally, or simply because we possess a rational will, without reference to any end that we might or might not have (Sullivan, 1989). That is; it does not apply to us on the condition that we have antecedently adopted some goal for ourselves (Schneewind, 1996).

Deontology has been recommended in this paper following the appreciation of its values by Tabarcea, (2012) in human resource management. It is built on the premise that every normal human being has a conscience which differentiates right from wrong. As explained by the theory of planned behaviour, (Ajzen, 1991), attitudes, subjective norms and perception of behavioural control reside in the conscience. It should be incumbent upon top management in organizations to inculcate the values propagated by deontology so as to direct employee behaviour positively. This includes living by example, creating policy environment that fosters ethics, and handling unethical behaviour expeditiously.

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