

The Effect of Legislation on Ethical Performance of Employees in Local Governments in Africa

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Abstract

This article is a constituent of a study which focused on the Contribution of Legislation to Ethical Performance of Employees in Africa with specific reference to Uganda. The article presents the effect of legislation on ethical performance of employees in Uganda as a case study. The hypothesis of the study stated that “There is no significant effect of Legislation on Ethical Performance of Employees”.

Several writers (Fuller 1964; Allen 1968; Weber 1968; Lloyds 1985; Ateenyi 1991; and Glanville 2002) understood law as a set of rules, regulations or principles used for governing human conduct at any given time. From the above observation, it can be noted that legislation is considered as a basis for ethical performance. However, for public administration, a lot more is expected beyond legislation especially as far as the ethical performance and conduct of Employees is concerned. In this study the relationship between legislation and ethical performance was investigated. This investigation was motivated by the fact that the Employees are expected to provide accurate accountability, distribute resources to the public, make decision based on merit, participate in the resourcing of the district, manage district budgets, receive and control public funds (Government of Uganda 1997, 2000 and 2005).

However, the challenge is that legislation qua legislation has not made Employees exhibit unquestionable ethical standards in their performance of official duties. The implication of this is that legislation may not be sufficient to lead the Employees carry out their official roles ethically. This is the gap that the current study seeks to establish and close or fill. This study was premised on the fact that there were intense complaints about unethical behaviours among Employees in Uganda. The unethical behaviour abounds in spite of the numerous laws that were enacted emphasising several moral virtues including accountability, transparency and integrity among others. These laws are purposed to guide and control the official conduct of Employees in the country.

The study design was a cross-sectional survey since the data were collected from a cross-section of selected Employees at one point in time. A total of 226 Employees who participated in the study was selected through a stratified sampling. Several methods were used to collect data: self-administered questionnaires; interviews; review of primary documents and secondary literature. Findings revealed that legislation had a moderately positive significant relationship ($r(226) = .629, p < 0.01$) between legislation and ethical performance of Employees. It was further revealed that legislation is a significant predictor of ethical performance of Employees.

Given the above results, it is true to say that legislation significantly contributes to ethical performance (63%). So the theory that emerges from this is that legislation is a major contributor to ethical performance. People act in the right way because the law compels them to do so! Other factors that lead people to act ethically contribute only 37%. Usually, the state and district concentrate more on legislation, yet what is legal is not necessarily ethical and vice versa. Furthermore when a group of people like Employees for fear of the law perform in a way that appears to be ethical, it does not necessarily imply that those Employees are ethical. This is because law compels them and when they act under the law, they act involuntarily. Involuntary actions are outside the ambit of ethical discourses. It is only when people (Employees) act voluntarily that their actions or performance can be brought in the arena of ethical debate. So the best thing would have been for Employees to have virtues so that they can have a natural proclivity to act ethically. This means that if laws outweigh virtues, Employees will appear to act ethically but at the same time there will be instances of unethical behaviour.

It was concluded that legislation is relevant to the performance of Employees. However ethical performance of Employees is based on fear of the law which means that Employees do not perform ethically as required by the laws. This means that there is still need to inculcate moral virtues among Employees through training.

This study therefore recommends training in moral virtues which can help the Employees to acquire and retain relevant moral virtues like full accountability, transparency and integrity. Specific methods are recommended for the training: lectures, case studies, role play, simulation and group discussion. The combination of legislation and training of Employees in moral virtues will enhance them to become more ethical in the execution of their Employment duties.

Key words: Legislation, Ethical Performance, Employees,

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