Conflict of Interest and Effective Human Resource Management Practices in Nigeria

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Abstract

This study investigated the effect of Conflict of Interest (COI) on Human resource Management practices in Nigeria. Five essential HRM practices namely: recruitment and selection, staff development, performance appraisal, compensation and remuneration, and Human resource planning were used in the study to evaluate the effects of COI on HRM practices. It focused on the possible institutional deficiencies that might give rise to COI in human resource management practices. The study identified favoritism, nepotism and tribalism as some of the challenges that have inhibited human resource management practices in Nigeria. The study discovered that restriction of competition, absence of fairness; equity and transparency in recruitment have serious impacts on the ability of the country to attract qualified and competent personnel, especially when the abilities and competencies sought are relatively scarce. Manipulating the recruitment procedure to discriminate against various groups has created social tension. The need to reflect federal character and quota system has not enabled most organizations in the country to select people with the right skills, knowledge and experience. Again, lack of valid screening procedures, devices, and transparency in selection criteria make placement decisions vulnerable to bias and favoritism. The study concluded that conflict of Interest has negative effect on organization and can lead to corrupt practices if not well managed and then suggested possible solutions.
Key Words: Human Resource Management, Conflict of Interest, HRM Practices,

Introduction

Human Resource Management (HRM) policies and practices are critical determinants of organization's performance. Research conducted by Guest et al (2000) shows a direct link between HRM practices, employee attitude and organizational performance. When effectively implemented, HRM practices will develop the human resource to meet the four basic requirements (valuable, rare, inimitable and non-substitutable) that make them strategically important and a source of sustained competitive advantage, Barney (1991).

While other resources like technology, finance, and material may be in abundant supply, they require the coordination of human being, who has the will, desire, and preferences to direct them to accomplish desired goals. They form the intellectual capital of the organization and hence can be used as a measure of the organization's knowledge base. Hence, there is need to have the right knowledge, techniques and skills and the right frame of mind and attitude to contribute optimally to organizational goals and objectives. If you want to plan forever, develop men because human capital is very important in the advancement of any organization.

According to Bontis et al (1999), human capital refers to the human elements in the organization that are capable of learning, changing, innovating and providing creative thrust which if properly motivated can ensure the long-term survival of the organization. As the prime asset of the organization, Armstrong (2006) noted that there is need to invest in them to ensure survival and growth of the organization. Sound HRM practices are a key strategy for retaining effective and efficient professionals in any organization. Since HRM practices can affect individual employee's skills and motivation, that is the total behavior of the employee, within organizations, it is expedient that HR professionals should ensure effective implementation of these practices.

In most developing countries such as Nigeria, Fajana et al (2011), noted that HRM practices have not been fully developed and therefore call on HR professionals to help shape and develop new directional focus that will ensure an efficient and effective HRM practices. They claim that socio-cultural diversity, unionism, and quota system are major influences on HRM practices in Nigeria. Okpara (2008) revealed that HRM practices including training, recruitment, compensation, performance appraisal and reward systems, are in place in Nigeria. However, he identified the need to address challenges of tribalism, AIDS, bribery and corruption, and resistance to change that impede their efficiency in Nigeria.

Since effective implementation of HRM practices is critical to organizational performance, there is need for in depth study of variables that affect them. Corruption for instance, have inhibited management and economic development in Nigeria and stained the country's image. Transparency international in 2002 rated Nigeria as one of the most corrupt countries due to unethical business practices. Just like left and right hand, corruption and conflict of interest have robbed most countries of their right to sustainable development. Conflict of interest promotes unethical practices in decision making that affect human resources in any organization. The desire to satisfy personal interest at the expense of organizational goal creates bias in decision making thereby making the system vulnerable to lack of trust.

Currently, there are very few studies demonstrating the effectiveness of human resource management practices in sub-Saharan countries like Nigeria. Though a lot of researches have been conducted on Conflict of Interest, none of them has identified its link with HRM practices. In other to fill this gap, this study investigates the relationship between HRM practices and COI, examines employee's awareness of its existence and determines practical ways to address it in order to improve performance of the employees, redesign and put in place appropriate laws and policies to guide their actions, enhance their trust in the system and encourage fair play.

Literature Review

Generally speaking, Human Resource Management is the process involved in managing people in organizations. It is concerned with the management and development of people in the organization. Stoner et al (1995) defined HRM as a management function that deals with recruitment, placement, training and development of organization members. In other words, HRM is a staff function. A more concise definition is given by Armstrong (2006). According to him, HRM can be defined as a strategic and coherent approach to the management of an organization's most valued assets, which are the people working there, who contribute individually and collectively to the achievement of its objectives. By this definition, human resources are the most valued assets in any organization because without them, other resources may not be optimally utilized. They have the will and ability to drive other resources (material, money, and technology) objectively. Mathew (2007) defined HRM as a set of tools that helps to organize, plan, and implement activities in any organization. As a set of tools, Bechtel (2009) view HRM as that which makes it possible to undertake a search for the best possible assignment of people to the required tasks and a search for the best possible service delivery given the available human faculties. In their opinion, Fajana et al (2011) defined HRM as a distinctive approach to employment management which seeks to achieve competitive advantage through the strategic development of a highly committed and capable workforce using an integrated array of cultural, structural and personnel techniques.

From the foregoing, HRM deals with the development of the organization's most valued asset, which is the human capital, in other to achieve competitive advantage. Barney (1991), in his Resource based view of the firm noted that for an organization's resource to achieve sustainable competitive advantage they must be developed to be strategically important by making them valuable, rare, inimitable, and non-substitutable. By meeting these basic requirements human beings are seen as the organization's key resources and the organization's performance, therefore, depends largely on them. Primarily, HRM aims to ensure that organizations obtain and retain the skilled, committed, and well-motivate workforce that it needs. It ensures that the organization is supplied with the right people, in the right positions when they are needed. This is achieved using the two objects of human resource management- policies and practices.

HRM policies, as described by Armstrong (2006), are the continuing guidelines on the approach the organization intends to adopt in managing people. These policies define the philosophies and values of the organization on how people should be treated and HRM principles are derived from them. It serves as reference point in decision making that relates to the organizations workforce and provides equity in the way people are treated within the organization. The central objective of HRM policy is to ensure that the service is run by people whose training, experience, motivation, and mental state of mind are positively aligned to the needs and aspirations of the organization.

HRM practices are the functions or activities performed by HR professionals in line with the HR policies or principles to develop the human capital in the organization. Huselid (1995) contends that HRM practices influence employee skills, through the acquisition and development of a firm's human capital. HRM practices are processes employed to enhance employee productivity and the organization's ability to achieve their mission, goals and objectives. Stoner (1995) identified seven basic activities in the HRM process as planning, recruitment, selection, performance appraisal, socialization training and development, as well as promotion, separation, demotion and transfer. Other practices, identified by Delery and Doty (1996), include internal career opportunity, formal training systems, appraisal measures, employment security, and job definition. The ultimate success of organizations depends on a good combination of these practices.

A sound HR planning will enable the organization to identify areas in need of human capital and to draw up suitable job specification. Applying recruiting procedures that will provide a pool of qualified applicants paired with a reliable selection practice will enable the organization to appoint people with the relevant skill and attitude for the job. Providing proper orientation, formal and informal training, and management development will influence employee's skill on the job and encourage enthusiasm towards the job. Further on these practices, there is need for performance appraisal to assess individual or group performance followed closely by commensurate incentives or reward systems such as promotion, based on merit.

In most countries like Nigeria, human resource management lacks professionalism and specialization due to some inhibiting factors in its implementation. These factors include technology, competitive pressure, health, socio-cultural diversity, unionism, quota system, legal system, ethics, corruption, tribalism, nepotism, change management, government issues among others (Bawa et al 1999; Armstrong 2006; Okpara 2008; Fajana 2011). These factors act as mediators in the HRM –Performance relationship. The nature of the influence of these factors and the extent to which they affect HRM practices, are not well known.

Conflict of Interest as A Concept

Conflict of interest (COI) is an ethical issue that results from the rapidly changing socio-economic environment. Most literature has based its definition on public officials, politicians and procurement. This has made COI to be viewed more as political sin rather than the moral decadence that has rendered organizations' management vulnerable to lack of trust and standard. COI leads to decline in confidence in organizational principles. It also gives rise to personal bias among employees and management in decision-making. It involves the abuse of the trust people have in professionals.

The most widely accepted definition of COI is that given by the Organization for Economic Co-operation and Development and council of Europe. According to their definition, COI is a conflict between the public duties and the private interest of a public official, in which the public official has private capacity interests which could improperly influence the performance of their official duties and responsibilities. McDonald (2007), in his work "Ethics and Conflict of Interest" defined COI as a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties.

This definition brings to light three key elements (McDonald 2007; Gordon 2005; Genckaya 2009): the private or personal interest, scope of official duty, and the nature of interference with professional responsibilities. The personal or private interest can be either financial or non financial interest, tangible or intangible. Ordinarily, there is nothing wrong with pursuing private or personal interests such as recommending a relation for a job or promotion. The problem arises when this private interest does not align with the official duty. The second element of the definition, "official duty", literally refers to the individual's responsibility to the organization which the private interest is in conflict with. As a professional, an employee takes on certain official responsibilities, by which he/she acquires obligations to clients, employers or other stakeholders. Third is the nature of interference with professional responsibilities. Professional principles are the guiding rules and ethics applicable to the individual's official duty. Conflict of Interest interferes with professional responsibilities in a specific way, that is, by interfering with objective professional judgment. Employees are expected to be objective and independent in carrying out their official duties. Hence when private or personal interests interferes or appear likely to interfere with objectivity, it becomes a matter of genuine concern to those who rely on them.

Conflict of interest arises in any organization when an employee has to make decisions at work that may affect private interests. That is when an employee has competing interests or loyalties that either are or potentially can be at odds with each other. It makes an employee to experience a struggle between diverging interests, points of view or allegiances. This, Gordon (2005) claimed, makes the individual to be divided between duties or loyalty to two or more parties. In other words, COI can be referred to as conflict of roles or competition of interest.

Though COI is agreed to lead to corruption, studies have argued that in itself, COI is not corruption. For instance, an employee involved in making decisions in which he/she has a personal interest may act fairly and accordingly knowing that the result will be beneficial to him/her and consequently there is no corruption involved. On the other hand, an employee could take a bribe for making a decision he/she would have made anyway without any conflict of interest being involved in the action but there is corruption. Like corruption, COI is based on public loss for private gain. Therefore, when not properly managed, COI can lead to corruption.

IGI (2007) noted that HR planning, recruitment and selection, staff development, performance management, compensation, staff motivation are areas in HRM that are prone to corruption. Since COI is a type of corruption (Pairote 2005), it follows that these HRM areas or practices are susceptible to COI influence. COI can be as a result of any kind of personal bias based on personal relationships (family, friends, ethnic or religious associations), material interests (assets, income, gifts, benefits, debts, obligations), business interest, as well as professional, political or social alignments (Bertok 2007). These factors make up the five components – individual, social, economic, legal, and environment - that contribute to COI (Pairote 2005).

COI arises when the personal interests of the employee are not fully aligned with the organizational goals. This may take different forms as identified by Ken& Langford (1990; OECD report 2003; McDonald 2005), these include self dealing, accepting benefits, influence peddling, using confidential information for personal gain, post employment dealings, outside employment, and personal conduct. COI can be classified into two based on the nature of the personal interest as either Pecuniary or Non Pecuniary interest (ICAC 1996; OECD 2005). While pecuniary involves an actual or potential financial gain, non-pecuniary, on the other hand, does not involve a financial component.

COI can be actual, perceived or potential (ICAC 2004; OECD 2005; Bertok 2007). Actual COI occurs when an employee is in a position to be influenced by their private interest when carrying out their job. It is often referred to as Real Conflict Of Interest. A Potential COI exists where an employee has a private capacity interests that could cause a conflict of interest to arise in the future. Finally, Perceived COI is when an employee is in a position to appear to be influenced by his/her private interest when carrying out his/her job though there may not be such influence. Perceived COI is also known as Apparent COI. The perception of a conflict of interest can be as damaging as an actual conflict because it equally undermines stakeholder’s confidence in the integrity of the organization involved.

Conflict of Interest in Human Resource Management Framework

The following analysis focuses on the possible institutional deficiencies that may give rise to COI in human resource management practices. This analysis will be based on the HRM functions that are widely practiced by Nigerian HR professionals (Anakwe 2002; IGI 2007). These include: HR planning, recruitment and selection, performance management, staff development, and compensation.

HR Planning

The following criteria in most organizations in Nigeria lead to basing human resource decisions on subjective and non meritorious considerations.

- The absence of an HR plan for organizations, based on a sound procedure of needs assessment and analysis, linked to workload and performance requirements.
- The absence of systematic data on job classification, personnel, vacancies, etc covering various job groups, units, levels and employment conditions in the organization.

HR Planning deals with a forecast of the quantity and quality of human resources required by an organization within a specified period of time. COI can give rise to inappropriate HR planning which in turn leads to overstaffing in so many organizations. The issue of ghost-workers has been on the increase because employees are taken when and where they are not needed just to satisfy personal interests of the individuals concerned. Lacking a policy on the merit principle makes staffing practices vulnerable to political, administrative and personal favoritism and nepotism that lower professionalism and efficiency in Nigeria. It also lowers integrity and fairness.

Recruitment and Selection

The restriction of competition, absence of fairness, equity and transparency in recruitment has serious impacts on the ability of the organization to attract qualified and competent personnel, especially when the abilities and competencies sought are relatively scarce. Manipulating the recruitment procedure to discriminate against various groups has created social tension. The need to reflect federal character and quota system has not enabled most organizations in the country to select people with the right skills, knowledge and experience. Again, lack of valid screening procedures, devices, and transparency in selection criteria make placement decisions vulnerable to bias and favoritism. This mismanagement on an organization's employment scheme makes it lack competence and reputation. The most serious consequence is the undermined ability of organizations to attract and retain high caliber personnel that could contribute and assist the organizations to achieve their objectives. The resulting low levels of competence can lower service standards and reduce efficiency and effectiveness of the organization.

Performance Management

Performance management includes performance planning, task assignment, monitoring, measurement, evaluation, feedback, control and the application of associated incentives and rewards. The sum of these elements constitutes the accountability system to which employees are subjected in the execution of their jobs. The accountability component of performance management may fail or be less effective if any or most of these elements are missing, loose or not properly designed or enforced. Reward and sanctions are often not closely tied to performance and may be based on personal interest. This deficiency can lead to lack of ethics and accountability which results in stagnation in the overall organizational performance

Compensation and Remuneration

Obvious institutional deficiencies in this area of HRM include:

- Discrimination in compensation among employees on the basis of non–meritorious criteria (e.g. ethnic origin, nationality and sex) may create tensions and conflicts.
- The absence of adequate employment and wage controls.
- Emergence of "ghost workers" thereby, restricting the ability to adequately compensate those who actually carry out job responsibilities.

One of the most important control devices on ethical behavior is the remunerations. Because it is often not adequately controlled and administered, it adversely affects employee's competency and motivation. In most organizations in Nigeria, this has encouraged employees to seek supplementary sources of income by either engaging in small business activities, holding outside employment (moonlighting) which distracts from their primary duty and increase chances of conflict of interest.

Staff Development

Staff development involves orientation and socialization, formal and informal training, and management development. Training is an important tool for the development of skills, knowledge and attitudes of employees so they can contribute to organizational effectiveness. While training is designed to improve skills in present job, development is designed to prepare employees for promotion. However, the process of allocation of training and development opportunities in most organization is often arbitrary and prone to abuse when COI exists. This is characterized by the following:

- Directing the training to areas from which benefits can be extracted by the training officers.
- Offering training contracts on a non-competitive basis to collect personal benefits.
- Giving training opportunities that involve benefits, travel or career advancement to select persons, based on distorted and non-meritorious criteria.
- Including questionable programs and activities for the implicit purpose of maximizing personal gains and the power of the training unit.

The five essential HRM practices namely: recruitment and selection, staff development, performance appraisal, compensation and remuneration, and Human resource planning have been used in the present study to evaluate the effect of COI on HRM practices. The significant relationship established in this study is supported by the study conducted by Okpara et al (2008) which identified favoritism, nepotism and tribalism as some of the challenges that has inhibited human resource management practices in Nigeria. There are traces of favoritism in personnel decision making which is not effectively checked by the existing policy. Ashour (2004) identified nepotism as a special kind of favoritism, which in itself is at the root of personal sentiments. In practice, employees tend to pursue personal interest at the expense of the interest of the organization in other to achieve self satisfaction. This act leads to the manipulation of authoritative power to intervene the decision making process.

Towards Effective Conflict Of Interest Management

In trying to combat conflict of interest in the functional areas of organizational management, various countries have implemented ethics programs. It is widely believed that good ethical conduct will prevent and totally eliminate COI. The OECD 1996 survey suggests two major approaches to COI management: integrity based approach and compliance based approach (Bertok 2007).

Integrity Based Approach

This approach also known as descriptive or principle based approach is concerned with the values that should be observed in carrying out official duties. It focuses on good and honest behavior rather than policing bad conduct and punishing error. It defines COI situations in general terms and provides employees with the general features of the phenomenon. In this approach, general principles play the primary role by stating what is expected of employees in general, while specific rules and procedures have complementary role. OECD postulates that this approach is best practiced within the context of result oriented environment. This approach enables the employee to make ethical decisions in their real – life working situations thereby promoting integrity in a proactive way.

Compliance Based Approach

This approach also known as prescriptive or rule based approach focuses on strict compliance with administrative procedures and detailed rules, which are often certified in legislation or formal regulations. This approach defines what the employee should do and how and what they should avoid. It involves detailed codes of conduct that focuse on what should not be done with emphasis on policing actions and punishing wrong doings. This code of conduct defines a range of specific situation that are considered incompatible with official responsibility or in conflict with the organizational interest and official duties. This approach provides employees with detailed enforceable standards that are generally in legal regulations. The rule-based approach is suitable in a rules oriented context.

Implication for HRM

No definitive conclusions can be drawn on the degree of success achieved by the approaches (OECD report 1997) because OECD in their study did not refer to the impact of the approaches on the functional subsystems of the organizations such as Human Resource, Procurement, and Financial Management etc. It is possible, however to draw conclusions about the suitability of COI reform approaches for professional HRM practice void of conflict of Interest in Nigeria:

i. For COI policy to be effective in HRM, they need to be consistent with the COI approach adopted by the organization.

ii. The risks of HRM practices in any organization will require compliance based codes of conduct to prohibit unethical practices. Though this codes of conduct may be implemented by elements of the integrity-based approach in other to strengthen professionalism among HR specialists.

iii. Since the COI approaches deal with human resource policies and practices, HR professionals should device best HR policies and practices suitable for an integrity-based approach or a rule-based approach.

Managing Conflict of Interest

Most of the response to the challenges of COI has focused on public officers in the government, with little emphasis on the private sector organizations. The event of COI cuts across every organizational level. Since COI can lead to corruption, regulating it will contribute immensely to the prevention and control of corruption. It will also build sustainable integrity and promote organizational growth and performance. Irrespective of the approach adopted by an organization in COI management, it is important to avoid the occurrence of COI entirely. This can be achieved in four ways postulated by ethics rule (Genckaya 2009):

i. Removal: this involves avoiding the occurrence of any form of COI. This is the best way to handle conflict of interest

ii. Disclosure: employees are expected to disclose their financial information and assets. Professionals are required either by rules related to their professional organization, or by statute, to disclose any actual or potential conflicts of interest. In some instances, the failure to provide full disclosure is a crime.

iii. Recusal: Those with a conflict of interest are expected to abstain themselves from decisions where such a conflict exists. The imperative for recusal varies depending upon the circumstance and profession, either as common sense ethics or codified ethics.

iv. Divestment and resignation: Employees who are shareholders or staff of other organizations that are in competition or may appear to be in competition with their present organization may have to withdraw their investment or resign in other to desist from acts that will lead to COI.

The most essential requirement in managing COI is disclosure of interests and assets by employees. This disclosure is reviewed to ensure existence of COI and the stakeholders involved are notified of the nature of the COI as well as the action taken to manage, reduce or eliminate it. In other to efficiently avoid COI, there is need for organizations to establish a disclosure procedure, adopt specific management or elimination plan, train employees and adopt a company- wide COI policy.

A practical conflict of interest policy should have the following objectives (OECD 2003):

i. To prevent COI situations arising, to the extent that this is possible and practical.

ii. To establish rules that address COI situations when they arise

iii. To provide guidance to employees and enable them to protect themselves more easily.

These objectives can be achieved by designing and implementing COI policies based on these four core principles (OECD 2003):

i. **Serving organizational interest**: decision making should be geared towards satisfying the organizational interest without regard for personal gain. Decision maker's personal preferences should not affect the integrity of the official decision making. Employees should desist from using "inside information" that has not been publicized, obtained in the course of official duty for their personal benefit. Employees should not use their office or official resources for private gain.

ii. **Supporting transparency and scrutiny**: employees should ensure consistency and openness in resolving or managing COI situations. Organizations should promote scrutiny of their management of such situations by involving stakeholders in review of existing COI policies.

iii. **Promoting individual responsibility and personal example:** managers should balance the organization's interests, individual and the public when dealing with individual cases. Employees should accept responsibility for arranging their private affairs so as to prevent COI. Managers should act in a manner that demonstrates integrity at all times and hence serve as an example to other officials.

iv. **Creating an organizational culture:** organizations should create an organizational culture that does not tolerate COI. This can be achieved by publishing the COI policy, giving regular reminders, developing learning tools to help employees apply and integrate the policy. Organizational practices should also encourage employees to disclose and discuss real, apparent, and potential COI cases; and provide reasonable measures to protect them from retaliation. Organizations should develop and sustain a culture of open communication and dialogue to promote integrity, while providing guidance and training to promote understanding.

Conclusion

The study has shown that Human Resource Management (HRM) policies and practices are critical to organization's performance and achievement of objectives. Organizations should identify and define situations that could give rise to Conflict of Interest in Human Resource Management. This should be communicated to the employees through the use of frequent reminders and training in other to enhance their awareness. The employees should be encouraged to disclose potential Conflict of Interest situations. Possibly, organizations should attach rewards to encourage ethical behavior especially among the Human Resource managers.

Individuals who will be responsible for Conflict of Interest situations should be appointed. These individuals should be able to receive and review disclosures. They should create the COI management plan, manage and enforce the plan. The organization must review the disclosures, determine whether there is a conflict and, if so, manage, reduce, or eliminate it. The management procedure must be disclosed to concerned stakeholders.

It is imperative to develop effective policies in other to check the occurrence of Conflict of Interest situation in HRM as prevention is better than cure. Relevant stakeholders should participate in developing this strategic plan and policy. The policy makers should establish mechanism for monitoring and ensuring compliance with the values and code of conducts. Reforming HRM in the afore-mentioned direction will improve the chances for building and strengthening integrity, efficiency and effectiveness in Human Resource Management.

Human Resource management practices and policies require overall reform because they all suffer from most of the misconduct identified in this study though employees may seem not to be aware. The relevant policies have not been integrated to strengthen the immunity of HRM against lucrative and self and personal benefiting opportunities. HRM is at risk to nepotism, favoritism, and weak organizational ethics that influence decisions and practices.

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