

**LABOUR TURNOVER IN THE PUBLIC SERVICE: THE CASE OF LAWYERS
IN THE MINISTRY OF JUSTICE IN MALAWI**

**M.A. (HUMAN RESOURCE MANAGEMENT AND INDUSTRIAL RELATIONS)
THESIS**

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**UNIVERSITY OF MALAWI
CHANCELLOR COLLEGE**

MAY, 2017

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THESIS**

By

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Submitted to the Department of Political and Administrative Studies, Faculty of
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Master of Arts (Human Resource Management and Industrial Relations)

**UNIVERSITY OF MALAWI
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MAY, 2017

DECLARATION

I, the undersigned, hereby declare that this thesis is my own original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used, acknowledgements have been made.

BERNARD FODDIE TEMBO

Signature

Date

CERTIFICATE OF APPROVAL

The undersigned certify that this thesis represents the student's own work and effort and has been submitted with my approval.

Signature: _____ **Date:** _____

Lewis B. Dzimbiri, PhD (Professor)

Supervisor

DEDICATION

To my beloved sons, late Charles and Dummie
May their souls rest in the Lord's eternal peace until we meet again in His glory.

ACKNOWLEDGEMENTS

Getting a finished thesis into the hands of the supervisor requires the input of so many people. The student does his or her part by developing a Research Proposal, an outline of how the study will be carried out, etcetera. But that only sets the ball rolling. A lot of other people contribute in one way or the other in the process of coming up with a finished thesis. For that reason, I am indebted to so many people, too numerous to mention them all, for their support, professional assistance and encouragement during the writing of this thesis. Their invaluable contribution can therefore not let go without being acknowledged.

First and foremost, I would like to extend my most sincere thanks to my supervisor, Professor Lewis B. Dzimbiri, for his able guidance and valuable comments during my writing of this thesis. He managed to spare some time within his busy schedules to painstakingly look at the drafts and make some valuable comments and suggestions for improvement. He deserves much of the credit for the improvements of this thesis which I believe are considerable. I cannot take this for granted. I say many thanks for his patience and precious time that he devoted to my thesis.

I am also grateful to the Malawi Government, through the Secretary for Human Resource Management and Development, for providing the financial support for my studies. Certainly, without the Government's financial support, it would not have been possible for me to pursue this programme.

At home, I again want to acknowledge the support and patience of my wife, Patricia. My children, Kondwani, Salomy and Sandra, certainly a source of enormous pride, were always in my thoughts as I worked on this thesis. My mother, Joyce, was always a great source of inspiration and moral support.

ABSTRACT

This study aimed at analysing labour turnover of lawyers in the Ministry of Justice with a view to: determine its magnitude; investigate its underlying causes; determine its effect on the Ministry's effective delivery of legal services to its clients; find out the retention approaches the Ministry is using to reduce it; and to identify implementation challenges of the retention approaches the Ministry is using to reduce it. The population for the study consisted of serving lawyers (40) and former lawyers (60). A sample of 50 participants (that is, 20 serving lawyers and 30 former lawyers), selected using a systematic sampling technique, was used in the study. Data were collected using questionnaires. The study covered a period of six consecutive years (that is, from 2010 to 2015). The study revealed that the Ministry's magnitude of turnover of lawyers was varying from year to year over the six years period studied with an average turnover rate of 10.9 %. It further found that the main causes of the lawyers' turnover include: lack of advancement opportunities; favouritism; poor working conditions; uncompetitive remuneration package; among others. Results also revealed that the labour turnover of lawyers has negatively affected the Ministry's effective delivery of legal services to its clients as there is decline and disruption in service delivery; reduction in quality of services delivered, among other effects. Additionally, the study also revealed that the Ministry has some retention approaches in place for reducing turnover of lawyers such as monthly payment of non-practicing allowance, newly recruited lawyers appointed direct into super scale, etcetera. On the other hand, the study also revealed that there are some implementation challenges of the retention initiatives the Ministry is using to reduce the lawyers' turnover such as inadequate and erratic monthly fundings from Treasury. Overall, the findings have shown that the Ministry's management should not rely only on extrinsic variables to influence the lawyers' decision to stay; rather, a combination of both extrinsic and intrinsic variables should be considered as an effective way of addressing the Ministry's problem of turnover of lawyers.

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LIST OF ABBREVIATIONS AND ACRONYMS

AG	Attorney General
AIDS	Acquired Immune Deficiency Syndrome
ACB	Anti-Corruption Bureau
DHRM&D	Department of Human Resource Management and Development
DPP	Director of Public Prosecutions
EHRP	Emergency Human Resource Programme
GoM	Government of Malawi
HIV	Human Immune Virus
HR	Human Resource
HRCC	Human Rights Consultative Committee
MGNTF	Malawi Government National Training Policy
MGSF	Malawi Government Scholarship Fund
MGDS II	Malawi Growth Development Strategy II (2011 – 2016)
MHRC	Malawi Human Rights Commission
MPSCR	Malawi Public Service Commission Regulations
MPSR	Malawi Public Service Regulations
MTPP	Medium Term Pay Policy
MoJ	Ministry of Justice
OPC	Office of the President and Cabinet
ORT	Other Recurrent Transactions
PAS	Political and Administrative Studies
PE	Personal Emoluments
PST&SSC	Public Service Training and Scholarship Selection Committee

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction

This chapter introduces the study. It presents the background to the study, problem statement, study objectives, research questions, scope of the study, significance of the study, definition of terms, organisation of the chapters and ends with a chapter summary.

1.2 Background to the Study

In Malawi, the Public Service includes the Civil Service, Parastatals, the Judicial Service, Parliamentary Service, public security organisations, Constitutional bodies (such as the Law Commission, Malawi Human Rights Commission, Office of the Ombudsman, etcetera), and other public institutions and agencies (Malawi Public Service Charter, 2013:4). The Ministry of Justice belongs to the Civil Service, and Civil Service is defined in the Malawi Public Service Regulations (MPSR, 1991) as employment of civil servants in the Public Service. The Malawi Civil Service, according to a Study Report on Impact Assessment of Workplace HIV/AIDS Support Programme in the Public Sector in Malawi (GoM, 2013:7), remains the largest single employer in the country with approximately 210,000 employees as at January, 2013. Its mandate is to deliver quality services to the public in an efficient, effective and responsive manner in order to satisfy national aspirations and promote the advancement of the people of Malawi (GoM, 2013:5).

The Ministry of Justice's mandate, on the other hand, is to promote the rule of law, human rights, justice and democracy in the country through the promotion of good governance, transparency and accountability within the framework of the Constitution of the Republic of Malawi, 1994 (GoM, 2011:19). Its core functions include: providing

legal advice and representation to all the three Branches of Government; directing and undertaking public prosecutions; preparing legislation and drafting legal instruments on behalf of Government; providing legal aid to members of the public who cannot afford private legal representation; registering and regulating charities and businesses organizations; and administering deceased estates (GoM, 2011:19). These core functions of the Ministry, according to the Legal Education and Legal Practitioners Act (Cap. 3:04) of the Laws of Malawi, are only performed by lawyers. It follows, therefore, that the Ministry's retention of lawyers in the right numbers with the right knowledge, skills and experience is a critical success factor for the Ministry, more so that it is also one of the Government's central agencies whose core mandates are to service all government institutions (GoM, 2016).

To the contrary, official records in the Ministry indicate that although the Ministry has all along been employing lawyers, its major challenge has for years been its inability to keep them for a long tenure (GoM, 2011). Research studies (GoM, 2014) as well as people working in the private and public sector organisations seem to agree with this statement. For example, while admitting that justice delayed is justice denied, the Ministry's spokesperson, in a response to a question from a local News Reporter as to why some criminal cases were taking too long to be concluded by the Ministry, confirmed that the Ministry was thin on the ground in terms of capacity (that is, lawyers) to timely prosecute all the cases that are before the courts. In part, this is what her response was:

"It's because at the moment we have a number of high profile cases including the Inquiry, the Chilumpha case and the July, 20 killings; so we are thin on the ground." (Daily Times, 3 May 2013:3).

The continued voluntary resignation of lawyers from the Ministry is, therefore, a great concern to the Government as can be deduced from the following Government sentiments:

“The Ministry is failing to build capacity as most of its lawyers are resigning... In the past four months, ten lawyers have resigned and eight have appeared for interviews at the National Assembly and Ombudsman Office, signaling imminent further resignations.” (MoJ File Reference Number C.383).

The accumulated knowledge in labour turnover studies, however, suggests that the leaving or staying of an employee in an organization is a multistage process (Herriot, Manning and Kid, 1997) which includes attitudinal, decisional and behavioural components (Lum *et al.*, 1998:305). Later studies on labour turnover by Boxall, Macky and Rasmussen (2003) also agree with this view. They too concluded that motivation for job change, amongst employees in an organisation, is multidimensional and that no single factor can explain it. Organisational managers are, therefore, required to take a step further whenever there is an unwanted resignation. They need to reflect on the causes, thinking about how things could have been made to turn out differently, and to adjust their practices so that the chances of its happening again are reduced instead of looking at employees as merely being disloyal to the organisation or that they are making a misjudgement in deciding to leave. In this connection, Mullins (2007) contends that it is a critical approach to a turnover problem for organisational managers to first take their time and reflect on causes of labour turnover before adjusting their practices because, unlike physical resources, people are not owned by the organisation. They are individuals who bring their own perceptions, feelings and attitudes towards the organisation, its systems and styles of management, their own duties and responsibilities, and the conditions under which they are working which finally have a bearing on their decision whether to stay or leave the organisation.

For Taylor (2008), such kind of an approach is crucial to organisations because particular professions have evolved their own labour market dynamics, with the result that the leaving behaviour displayed by one occupational group differs remarkably from that of other occupational groups. Moreover, Taylor (2008) argues that departures take different forms and occur in different patterns depending on the prevailing organisational

circumstances, for example, the organisational culture, management orientation and competitive position of the organisation.

Therefore, in the light of all these factors, it is useful for managers who seek to reduce turnover rates in their organisations to take the time and trouble to understand the real drivers of turnover in their respective organisations. Only then can effective, targeted interventions be developed that stand the best chance of success.

1.3 Problem Statement

Organisations recruit employees in the hope that they will stay with them for a rather longer tenure since recruitment process is not only a costly exercise to the organisations but also a time consuming process. Labour turnover related studies the world over have, however, consistently shown that employee turnover is an increasingly serious challenge for most organizations in the contemporary world of work (Srivastava and Bhatnagar, 2008:253). For example, research evidence has shown that employees in skilled trades and professions, on average, switch employers every six years (Stovel and Bontis, 2002) and when organisations account for real and opportunity costs, the cost of employee turnover is estimated to be up to 150 per cent of an individual employee's annual salary (Ramlall, 2003; Schlesinger *et al.*, 1991).

The Public Service in Malawi, as an employing organization, is not an exception to this challenge. Various labour turnover-related studies in Malawi (for example, GoM, 2014; Dzimbiri, 2008; and Mangham, 2007) have equally shown that the 21st century world of work is characterised by unprecedented levels of mobility of skilled employees as they seek to satisfy their own individual demands. This has led to a growing concern among organizations since people remain the most important asset that an organization will have (Mullins, 2007). Armstrong (1999) points out that effective management of workers is key to the success of any organization. Workers are, for example, instrumental to the implementation of strategic goals of the organisation and to the realisation of its vision and mission statement (Dzimbiri, 2015:18).

Against this background, employment records in the Ministry of Justice in Malawi indicate that since 1994, the human capital for the Ministry has been hit by mass exodus of lawyers to other organizations. This has inevitably created an acute shortage of lawyers in the Ministry, a development that has put a considerable strain on the Ministry's timely and efficient delivery of its legal services to Government and the citizenry at large. In this connection, a random study of the Ministerial employment records, such as the Ministry's Schedule of Established Offices for Lawyers, also indicates that in 1997, there were supposed to be 76 lawyers in post but only 30 were in post; in 1998, there were supposed to be 76 lawyers in post but only 26 were in post; in 2003, there were supposed to be 80 lawyers in post but only 20 were in post; in 2006, the Ministry recruited 32 new lawyers but out of this number, only 15 are still with the Ministry; and in 2007, the Ministry recruited 12 new lawyers but out of this number, only 5 are still with the Ministry.

The findings of a recent Comprehensive National Human Resource Survey (2014) in Malawi also portray the same picture. The survey, among other findings, found that nearly in all public or government sectors, for example, training and education, health, energy, mining, legal, etcetera, there are serious employment gaps of skilled employees which have been attributed mainly to voluntary resignations of employees to the private sector or relatively rich countries abroad for what they consider to be 'greener pastures' (GoM, 2014). The Survey Report cautions that public organizations in Malawi will continue to lose their valuable employees to competitor organizations in the private sector until they are able to identify and apply appropriate retention strategies that will help in reducing the turnover rate. Such appropriate and defensible retention strategies can only be realised through an empirical research like this one.

Additionally, official records in the Ministry of Justice as well as media reports indicate that prosecution of cases in the country's major financial scandal, the 'Capital Hill Cashgate,' in which MK24 billion is alleged to have been looted from government coffers between April and September, 2013, is currently staggering with only 15 of the 69

cases being actively pursued in courts, representing just about 22 per cent of the cases reported. The often cited reason for the low number of cases being actively pursued in courts is that the Ministry does not have enough lawyers to prosecute all the cases at the same time (Nation On Sunday, 12 April 2015:1-3).

Flowing from the discussion and the data provided in the preceding paragraphs, it can reasonably be argued that the voluntary departure of skilled employees that has hit most organisations worldwide has not spared the Public Service in Malawi and in particular, the Ministry of Justice. However, despite the Ministry's realization that the high rate of voluntary resignation of its lawyers remains its major strategic challenge and serious weakness, no formal investigative study has ever been initiated by the Ministry in this area to identify the real factors that are negatively affecting its ability to retain its lawyers. Even at macro-level, Government realizes and acknowledges that a successful implementation of its national development strategy, Malawi Growth Development Strategy II (MGDS II), depends much on the prevalence of Good Governance (MGDS, 2011 – 2016:59), a Thematic Area under which the Ministry of Justice falls. Despite such realization and acknowledgment by Government, no formal studies have ever been conducted or initiated by Government at that level in this area with a view to reversing the trend which would in turn strengthen the Ministry's capacity, thereby ensuring a successful implementation of its national development strategy. It follows, therefore, that the underlying causes of labour turnover of lawyers in the Ministry, until today, remain a mystery.

In cases where difficulties in retaining skilled employees are being experienced as is the case with the Ministry of Justice, Torrington, Hall and Taylor (2008:196) propose that the case for taking corrective action is imperative if the organisation is to survive and remain competitive. For Armstrong (1999: 354), the organization that is in such a situation requires to carry out a study of the factors that influence employees to leave the organization. In agreement with Armstrong's (1999:354) view, Taylor (2008:4) observes that success follows when managers refrain from making assumptions about the way

forward and instead try to find out what is actually causing people in the particular occupational group to leave. The approach to first find out what is actually causing people to leave instead of merely relying on assumptions has the advantage of ensuring that management initiatives aimed at improving the organisation's employee retention record are targeted carefully and precisely at the source of the problem as employees [including lawyers] will leave their organizations for a variety of reasons (Taylor, 2008).

Extensive literature review has, on the other hand, also revealed that a number of studies have previously been conducted world over in the area of labour turnover but there are varied arguments about factors influencing labour turnover in an organisation. For that reason, it has been consistently argued that despite the existence of some previous studies on labour turnover in organisations, still there is as yet no universally accepted account for why people choose to leave their organisations (Curran, 2012). In other words, there is yet no one size fits all factors influencing labour turnover in an organisation. Some research arguments, in this regard, have, for example, shown that while the search for 'greener pastures' cannot be ignored as an extrinsic motivation to leave (Herzberg, 1966), Armstrong (1988) argues that it is dangerously simplistic to adopt the old 'economic man' theory viz, that money is the only motivator, ignoring all other factors or reasons that can equally influence an employee's decision whether to stay or leave the organisation. Other research arguments suggest that when an employee makes a decision to leave an organization, the reason can rarely be attributed to one single factor such as a failure to be awarded a promotion or pay increase. More commonly, one event may act as a catalyst for the employee to leave, but the underlying reasons will be attributable to multiple events during the employee's time with the organization (Walker, 2001).

The researcher, therefore, believed that unless the problem of labour turnover of lawyers in the Ministry of Justice was subjected to a rigorous scientific scrutiny, our assumptions as well as those of policy makers in Government about the Ministry's failure to provide lasting solution(s) to the problem, remained little more than mere guesswork.

1.4 Objectives of the Study

1.4.1 General Objective of the Study

The overall objective of this study was to analyse labour turnover in the Public Service with particular focus on lawyers in the Ministry of Justice in Malawi.

1.4.2 Specific Objectives of the Study

In order to achieve the overall objective above, this study addressed the following specific objectives:

- (i) To determine the magnitude of labour turnover of lawyers in the Ministry of Justice;
- (ii) To investigate the underlying causes of labour turnover of lawyers in the Ministry of Justice;
- (iii) To determine the effect of labour turnover of lawyers on the Ministry's effectiveness in the delivery of legal services to its clients;
- (iv) To find out the retention approaches the Ministry of Justice is using to reduce labour turnover of lawyers; and
- (v) To identify challenges the Ministry of Justice is facing in using its existing retention approaches to reduce labour turnover of lawyers.

1.5 Research Questions

Flowing from the specific objectives highlighted above, the following fundamental research questions were formulated for the study:

- (i) What is the magnitude of labour turnover of lawyers in the Ministry of Justice?
- (ii) What are the underlying causes of labour turnover of lawyers in the Ministry of Justice?

- (iii) What effect does labour turnover of lawyers have on the Ministry's effectiveness in the delivery of legal services to its clients?
- (iv) What retention approaches is the Ministry of Justice using to reduce labour turnover of lawyers?
- (v) What challenges is the Ministry of Justice facing in using its existing retention approaches to reduce labour turnover of lawyers?

1.6 Scope of the Study

The scope of the study describes the 'boundary' to the study, that is, how broad the study will be in terms of geographical area, subject-matter content, time available for the study and categories or numbers of participants in the study (Amin, 2005).

1.6.1 The Subject-Matter Scope of the Study

This study was carried out with a broad objective of analysing labour turnover in the Public Service in Malawi with particular focus on lawyers in the Ministry of Justice. However, the subject of 'labour turnover' is too broad to be studied in a single study. Therefore, the subject-matter content of this study was limited to the following specific areas: magnitude of labour turnover of lawyers in the Ministry of Justice; causes of labour turnover of lawyers; its effect on the Ministry's effectiveness in the delivery of legal services to its clients; retention approaches the Ministry is using to reduce the labour turnover; and challenges the Ministry is facing in using its existing retention approaches.

1.6.2 Time Scope of the Study and Period Studied

In terms of time scope of the study, the study was conducted in two years, that is, from January, 2015 to December, 2016. As for the period of focus in the study, the research covered the period from 2010 to 2015 and this period of study was particularly chosen because employment records for those lawyers who were recruited during the period and for those who left the Ministry for other organisations during the same period were readily available which enabled the researcher to get the data required for the study.

Employment records for the years before 2010 were not readily available which could have effectively made data collection for the study difficult, if not impossible, thereby making the whole research process a non-starter.

1.7 Significance of the Study

Significance of a study attempts to show the relevance of the study at the material time and why it is worth conducting it (Amin, 2005). Against this background, Taylor (2008:8) argues that despite being given its significance in many organisations, labour turnover has, unfortunately, not been a well-researched topic. Shahzad *et al.* (2011), on the other hand, also observe that although a considerable amount of research has been conducted on labour turnover in developed countries, less attention has been paid to this aspect of human resource management in developing countries. This study was, therefore, particularly important for a number of reasons including the following:

First, in the academia, the research findings have not only enriched but have also extended the frontiers of the existing body of knowledge in relation to labour turnover in general and in particular, with regard to the legal profession as an occupational group, since what would influence employees in one occupational group (for example, lawyers) to either stay or leave an organisation may not necessarily be the same factors that would influence employees in the other occupational groups, for example, medical doctors, engineers, accountants, etcetera (Boxall *et al.*, 2003). Second, the findings of the study will provide practical and workable suggestions on how the Ministry's labour turnover record of lawyers could be improved over the long term. The findings are intended to give policy makers in Government the raw material needed to develop a strong case for investing time, effort and resources in tackling the Ministry's long time problem of high turnover of lawyers in the short-term as well as long term.

Third, the findings will further provide the Ministry's management with an insight of the main 'turnover drivers' that influence the lawyers' decision to leave the Ministry. In this regard, the findings would particularly help policy makers to start tackling the problem in

an effective and efficient manner for a sustained success because any contemplated initiatives towards reducing the Ministry's turnover problem would be research-evidence based unlike the previous initiatives which were largely based on either managerial intuitions or mere assumptions.

1.8 Definition of Terms

Civil Service is generally defined as a body of Government employees, other than the military, entrusted with the administration of the country and mandated to carry out the policies of the government of the day (Wade and Forsyth, 2004). Under the Malawi Public Service Regulations (MPSR, 1991), 'Civil Service' is defined as employment of a civil servant in the Public Service.

Default Judgment is a judgment of the court which a plaintiff may obtain against the defendant in default of acknowledgment of service of court process or of filing a defence within the prescribed period, usually fourteen days from the date of service of the court process on the defendant (Matenje and Forsyth, 2002).

Government Central Agencies refer to those civil service organisations whose core mandates are to service all government institutions (GoM, 2016:19). They consist of: the Office of the President and Cabinet (OPC) including Department of Human Resource Management and Development (DHRM&D); Ministry of Finance; Ministry responsible for Economic Planning and Development; and Ministry of Justice. Together, they play a key role in the successful formulation and implementation of government policies and programmes by overseeing inter-ministerial processes of information-sharing, consultation and coordination.

Labour turnover is the rotation of workers around the labour market, between firms, jobs and occupations and between the states of employment and unemployment (Abassi and Hollman, 2000). In that regard, the movement of workers is from one organisation to the other within the same country (Dzimhiri, 2008). However, if the employee movement

involves migration of highly educated and skilled professionals and technical manpower from developing countries to developed and developing countries, it is referred to as brain drain (Dzimhiri, 2008:69).

Organisational effectiveness is defined as the degree or extent to which an organisation attains or accomplishes its set goals since an organisation, by definition, exists to achieve a common goal or set of goals (Robbins and Barnwell, 2002).

Public Service refers to the Civil Service, Parastatals, the Judicial Service, Parliamentary Service, security organisations and constitutional bodies (such as the Law Commission, Malawi Human Rights Commission, Office of the Ombudsman, etcetera) and other public institutions and agencies (Malawi Public Service Charter, 2013:4).

Retention Approach/Initiative is a voluntary move by an organisation to create an environment which engages employees for a long term (Chaminade, 2007). It is a systematic effort by an organisation to create and foster an environment that encourages current employees to remain employed by establishing policies and practices that address their diverse needs. Its purpose is to prevent the loss of competent employees from the organisation (Chiboiwa, Samuel and Chipunza, 2010:2104).

Skilled Employees refer to those employees with special knowledge, skill or training in a job needing special ability or expertise (Hornby, 2006). In his definition of the concept 'brain drain,' Dzimhiri (2008:69) has referred to 'skilled employees' as highly educated and skilled professionals such as scientists, engineers, academics, doctors, lawyers, etcetera.

Turnover is simply defined as movement of employees out of the organisation (Grobler *et al.*, 2006:125). For Armstrong (2006:375), it is a process in which employees leave the organisation and have to be replaced.

1.9 Organisation of the Chapters

This thesis is divided into five chapters and is organized as follows:

Chapter One is an ‘Introduction to the Study.’ It starts with an introduction to the issues to be discussed in the chapter and proceeds to provide the background to the study, the problem statement, purpose of the study (that is, specific objectives of the study and research questions to be addressed), scope of the study, significance of the study, among other issues.

Chapter Two is ‘Literature Review’ and it provides a comprehensive review of related literature on the topic of study. It includes a literature review on the concept of labour turnover, methods of determining labour turnover magnitude in an organisation, causes of labour turnover in an organisation, its effect on an organisation’s effectiveness in the delivery of its service, retention approaches organisations use to reduce labour turnover of their employees, challenges organisations face in using their retention approaches, theoretical and conceptual frameworks for the study and ends with a chapter summary.

Chapter Three is ‘Methodology’ and it presents an overall framework of how the study was carried out. Specifically, the chapter highlights, *inter alia*, the study design, the study population and sample, sampling methods, data collection instruments and methods, validity of research instruments, response rate, how the data was analysed, ethical considerations and limitations of the study.

Chapter Four is about study ‘Findings and Analysis.’ The chapter presents and discusses the findings of the study with particular focus on specific research questions which the study sought to address, namely: What is the magnitude of labour turnover of lawyers in the Ministry of Justice? What are the underlying causes of labour turnover of lawyers in the Ministry of Justice? What impact does labour turnover of lawyers have on the Ministry’s effectiveness in the delivery of legal services to its clients? What approaches is the Ministry of Justice using to reduce labour turnover of lawyers? and What

challenges is the Ministry of Justice facing in using its existing approaches to reduce labour turnover of lawyers? Thus, the chapter presents, and discusses the empirical findings of the study.

Chapter Five is about ‘Conclusion and Recommendations of the Study.’ It provides the conclusion of the results of the study and further offers some recommendations for practice. The chapter also suggests areas of future research on the topic.

1.10 Chapter Summary

This chapter has provided the background information to the study of ‘Labour Turnover in the Public Service: The Case of Lawyers in the Ministry of Justice in Malawi.’ The need to understand the real drivers of turnover of lawyers in the Ministry of Justice before coming up with effective and targeted interventions that stand the best chance of success in reducing the labour turnover rate of lawyers necessitated this study. The chapter has, in addition to the background information, also presented the problem statement, specific research objectives and questions of the study, scope of the study, significance of the study and definitions of some key terms in the study, among other issues. The chapter ends with an outline of the organisation of the chapters. The next chapter is ‘Literature Review’ and it presents a comprehensive review of the related literature on the topic of study, and a brief discussion of the conceptual and theoretical frameworks of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter provides a review, evaluation and interpretation of some written works by other researchers, scholars and practitioners in the area of labour turnover. The chapter begins with a review of literature on conceptual framework for the study and then proceeds with a review of existing literature on methods organizations use in determining their labour turnover magnitude, causes of labour turnover in an organisation, effect of labour turnover on the organization's effectiveness, retention approaches organisations use to reduce labour turnover, challenges organisations face in using their retention approaches, theoretical framework for the study and ends with a chapter summary.

2.2 The Concept of Labour Turnover

Most human resource movement takes place through employee promotions and transfers. Another form of employee movement, however, involves turnover: the outflow of people from an organization, either voluntarily or involuntarily, and is often expressed as the proportion of people who leave the organization over a specific timescale, typically on a year-on-year basis (Armstrong, 2006). For Abassi and Hollman (2000), labour turnover is the rotation of workers around the labour market, between firms, jobs and occupations and between the states of employment and unemployment within the same country. However, if the employee movement involves migration of highly educated and skilled professionals and technical manpower from developing countries to developed and developing countries, it is referred to as brain drain (Dzimbiri, 2008:69). Grobler *et al.* (2006:125) observe that labour turnover, variously referred to as quits, attrition, exits,

mobility and migration, usually results from resignations, transfers out of organisational units, discharges, retirements, etcetera.

According to Samuel and Chipunza (2009), labour turnover occurs when employees leave their jobs and must be replaced because when they leave, they leave with their skills, knowledge, experience and expertise thereby creating an even more critical situation for the organisation (Abassi and Hollman, 2000). Empirical studies such as Fitzenz (1997) have shown that the average organisation loses approximately \$ 1 million with every 10 managerial and professional employees who leave the organisation. Mitchell, Holtom and Lee (2001), on the other hand, suggest that while total costs associated with turnover range from 90 to 200 per cent of annual salary, the direct replacement costs can reach as high as 50 to 60 per cent of an employee's annual salary. According to Samuel and Chipunza (2009), this situation demands that management should identify the reason(s) for the frequent change of employment by employees.

Labour turnover that may occur in an organisation will either be voluntary or involuntary. Noe *et al.* (2006) describe voluntary labour turnover as the termination of employment that is initiated by the choice of the employee while involuntary labour turnover is seen as termination of employment in which the employee has no choice as it might be due to long term sickness or employer initiated termination. Organisations should therefore differentiate between voluntary and involuntary turnover and take appropriate actions on the one under their control. Voluntary turnovers are not under their control because they are caused by the employee out of his or her own choice while involuntary turnovers are under their control because they come about as a result of the decision of the organisation's management.

Research evidence has, on the other hand, also shown that the study of labour turnover has a rich theoretical history in which multiple models have been advanced to understand this complex decision (Hom and Griffeth, 1995). Most of these models are based on the understanding that if an individual is unhappy with his or her current job and finds

another, he or she is likely to leave the current job (Lee, Lee and Yoo, 2004). Thus the focus of most turnover models is on job attitudes (that is, job satisfaction or job commitment) as main drivers of turnover. Griffeth and Hom (2001) provide a simple framework of forms of labour turnover as represented in Figure 2.1 below.

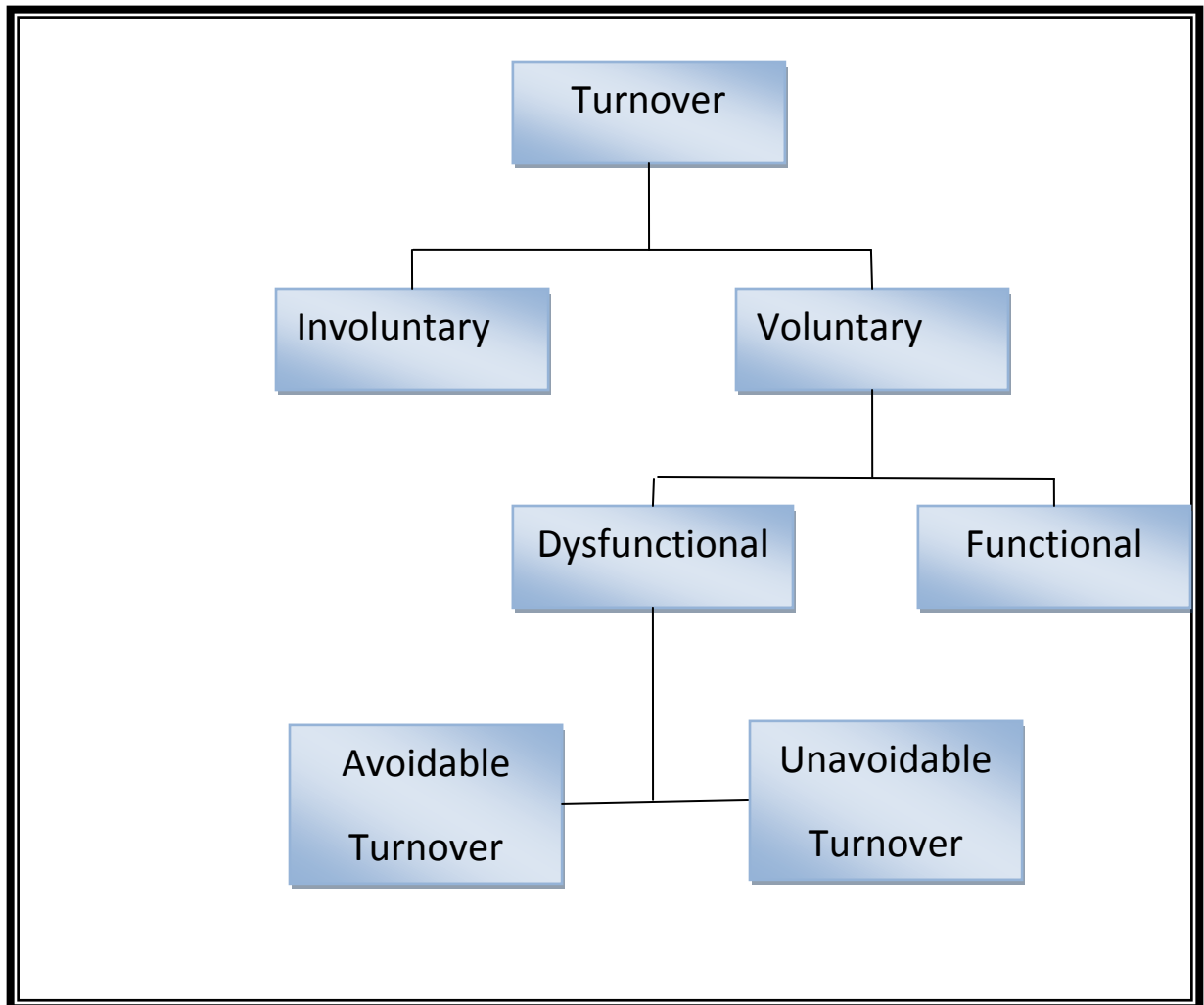


Figure 1: A Framework of Forms of Labour Turnover

Adapted from: Griffeth, R. and Hom, P. (2001), *Retaining Valued Employees*, Thousand Oaks, CA: Sage.

In Figure 2.1 above, turnover can either be voluntary or involuntary. Voluntary turnovers are further distinguished into functional and dysfunctional turnovers. Grobler *et al.*

(2006) view functional turnovers as the resignations of low performers while dysfunctional turnovers are seen as the exit of effective or high performers. While functional turnover (that is, bad performers leave while good performers stay) can help reduce sub-optimal organisational performance (Stovel and Bontis, 2002), high functional turnover can be detrimental to the organisation's productivity and can ultimately even jeopardise the realisation of the organisational goals (Samuel and Chipunza, 2009). However, between the two categories of turnover, dysfunctional turnover (that is, good performers leave while bad performers stay) remains of greatest concern to the organisation's management due to its serious negative impact on the organisation's general performance. Dysfunctional turnover is further classified into avoidable turnovers (caused, for example, by poor working conditions) and unavoidable turnovers (caused, for example, by relocations) over which the organisation has little or no control (Taylor, 2008).

2.3 Determination of Magnitude of Labour Turnover in an Organisation

The magnitude of labour turnover of an organization is viewed as a level or proportion of people who leave the organisation over a specific timescale, typically on a year-on-year basis (Armstrong, 2006). Literature provides a number of reasons why organisations are keen to know their labour turnover magnitude. First, *control* – the organisation must know current levels of labour turnover before it can decide whether steps need to be taken to reduce them; and, second, *forecasting* – if future staffing and recruitment needs are to be estimated reliably, account needs to be taken of past levels or trends of labour turnover.

Against this background, this section of the chapter proceeds by looking at some of the methods organisations use in determining their labour turnover magnitude. The discussion focuses on five methods, namely: Labour turnover index; Stability index; Survival rate; Half-life index; and Length of Service Analysis.

2.3.1 The Labour Turnover Index

The labour turnover index, also referred to as labour wastage index, is said to be the traditional formula and most usual way for measuring labour turnover or wastage (Armstrong, 2006:376). For Attwood and Dimmock (1996), labour turnover index is a measure of the number of leavers in a specified time period (usually one year) as a percentage of the average number of staff employed during the same period. This is usually expressed as follows:

$$\frac{\text{Number of leavers in a specified period (usually 1 year)}}{\text{Average number of staff employed during the same period}} \times 100$$

The average number of staff employed is usually taken to be the number working at the start of the period added to the number working at the end, the total then being divided by two. For example, if there are 100 workers at the start of the period being studied, and 150 at the end of the period, and that 25 workers leave during the period, then the labour turnover index is 20 per cent.

The labour turnover index, therefore, enables organizations to track their ‘overall’ turnover rates on a year by year or month by month basis. Literature claims that ‘overall’ turnover figures are often used in published surveys of labour turnover because they tend to be more readily available and can be useful as a basis for making comparisons with other organisations which will typically adopt this method (Armstrong, 2006:377). For Beardwell, Holden and Claydon (2004:164), this method is used most effectively on a comparative basis and frequently provides the basis for external and internal benchmarking.

Although labour turnover index is the most usual way for measuring labour turnover, scholars (for example, Armstrong, 2006:377; and Beardwell *et al.*, 2004:165) have described it as a relatively ‘crude measure’ because, among other reasons, it does not provide data on the reasons why people are leaving nor does it show particularly which

Department or Section of the organisation is most affected by the turnover since it only gives an overall figure or percentage of turnover.

2.3.2 The Employee Stability Index

Armstrong (2006:379) holds the view that many scholars consider employee stability index to be an improvement on the labour turnover index. While the labour turnover index focuses on leavers, Beardwell *et al.* (2004:165) argue, stability index focuses on the percentage of employees who have stayed throughout a particular period, often one year. The stability index, therefore, allows organisations to assess the extent to which labour turnover permeates the workforce and illustrates the extent to which the experienced workforce is being retained. Stability Index, according to Armstrong (2006:379), is calculated as follows:

$$\frac{\text{Number of employees with 1 year's service or more}}{\text{Number employed 1 year ago}} \times 100$$

For example, if 160 current workers have been employed for one year or longer, and the total number of workers a year ago was 250, the Stability Index, in that case, will be 64 per cent. Beardwell *et al.* (2004:165) argue that the stability index, can be a useful indicator of how effectively the organisation is retaining experienced staff, typically those with at least one year's service or more. Armstrong (2006:379), on the other hand, contends that this method, as a measure of labour turnover magnitude, can be misleading too as labour turnover index. He argues that, for example, the index ignores joiners through the year and does not reveal which Department or Section retains staff most as compared to other Departments or Sections.

2.3.3 The Survival Rate

Literature suggests that a method of analyzing turnover that is particularly useful for human resource planners is the survival rate. Beardwell *et al.* (2004:166) define survival rate as the proportion of employees recruited in a specific year who are still with the organisation at a certain later date. For Armstrong (2006:377), survival rate is the proportion of employees engaged within a certain period who remain with the

organization after so many months or years of service. It therefore calculates the proportion of staff recruited, for example in one year, which remains in post after a specific number of years. Thus, an analysis of a cohort of 60 graduate trainees might show that after five years, 30 remain with the organisation giving a survival rate of 50 per cent.

The distribution of losses for each entry group or cohort can be plotted in the form of a 'survival curve' as shown in Figure 2.2 below. Armstrong (2006:377) observes that the basic shape of this curve has been found to be similar in many situations, although researchers in some studies have observed that the peak of the curve may occur further along the time scale and /or may be lower when it relates to more highly skilled or trained entry cohorts. For Beardwell *et al.* (2004:166), survival rate, as a measure of labour turnover magnitude, can be used for identifying problem periods and for succession planning.

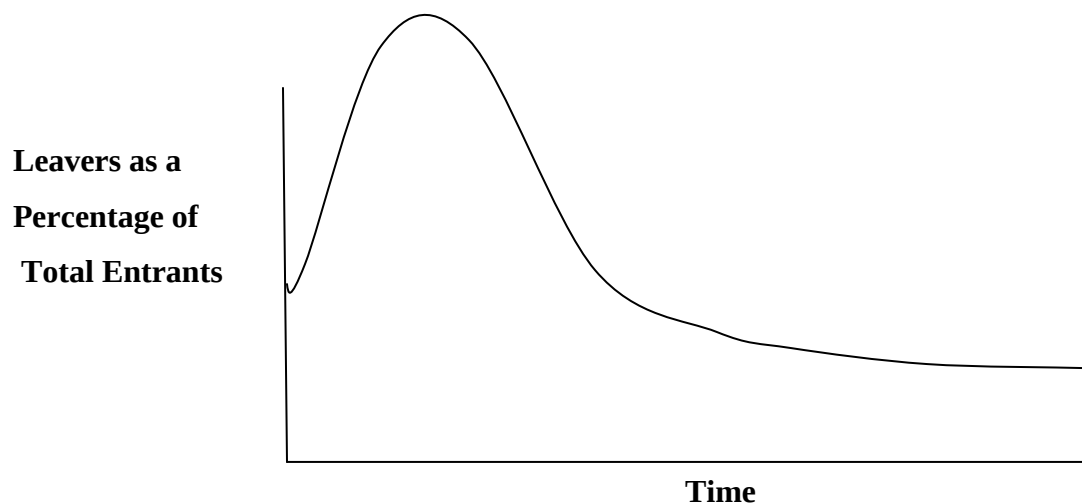


Figure 2: A Survival Curve

Source: Armstrong, M. (2006), *A Handbook of Human Resource Management Practice*, London: Kogan Page Limited.

2.3.4 The Half-life Index

Armstrong (2006:379) holds the view that half-life index is derived from survival rate analysis and defines it as the time taken for a group or cohort of starters to reduce to half its original size through wastage (five years in the above example). For Beardwell *et al.* (2004:166), half-life index measures the half-life of a cohort, that is, the time taken for the cohort to reduce to half its original size. Armstrong (2006) argues that after measuring the half-life of a first cohort, comparisons can be made for successive entry years or between different groups of employees, in order to show where action may have to be taken to counter undesirable wastage trends. Beardwell *et al.* (2004:166) observe that half-life index, as is the case with survival rate, can also be used for identifying problem periods and for succession planning purposes.

2.3.5 Length of Service Analysis

Attwood and Dimmock (1996) hold the view that the analysis of length of service of leavers also gives insights into the processes which underlie decisions by individuals to leave jobs or to stay in them. They contend that length of service has long been recognized as an influential factor in labour turnover and have, in this connection, identified three phases in labour turnover: induction crisis; differential transit; and settled connection.

According to Attwood and Dimmock (1996), soon after the day on which the individual joins the organisation, an *induction crisis* takes place. During this phase, they claim, the new employee has uncertainties about the decision to take the job as he or she is not sure whether the organisation will meet his or her expectations. Depending on a number of factors such as the availability of jobs elsewhere, Attwood and Dimmock (1996) caution, a decision to leave may occur. Induction crisis, they observe, occurs anything from one month to two years after engagement.

If there is no severance during the induction crisis phase, a period of mutual accommodation between the employee and the management exists as adjustments go on

(Attwood and Dimmock, 1996). Both management and the employee modify their expectations of the other. This period is referred to as '*differential transit.*' However, a second induction crisis may occur during this phase if the new employee still has feelings of concern. The new employee, for example, may have doubts about future job or career prospects or other aspects of work while management may have concerns about the new employee's performance. Attwood and Dimmock (1996) observe that this second induction crisis may occur from two to five years after the date of engagement. If the second induction crisis is contained, then the final period of '*settled connection*' takes place during which the employee is much less likely to leave (Attwood and Dimmock, 1996). Beardwell *et al.* (2004:165) conclude that people are more likely to leave during the first few months, as the relationship between the individual and the organisation is unsettled and insecure, and are less likely to leave the longer they are in the organisation.

The three phases in labour turnover discussed above are shown in Figure 2.3 below. Attwood and Dimmock (1996), however, note that similar-shaped curves are obtained for most jobs or organisations, although the exact positions of 'X' and 'Y' vary for particular organisations and jobs. Although length of service analysis, as a way of measuring labour turnover, can help to identify patterns of leavers and key risk periods, Armstrong (2006:379) argues that the method is still fairly crude because it deals only with those who leave. A more refined analysis, he contends, would compare for each service category the numbers leaving with the numbers employed.

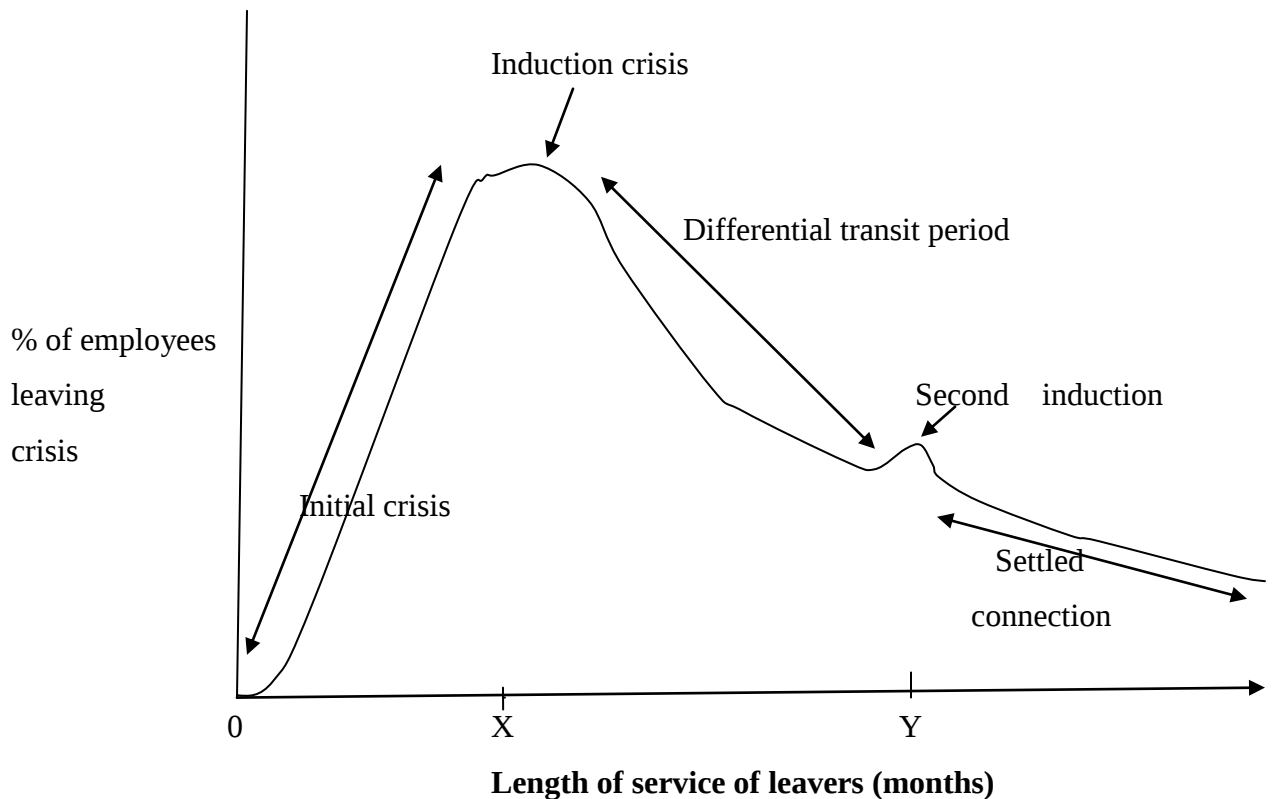


Figure 3: The Process of Labour Turnover

Source: Attwood, M. and Dimmock, S. (1996), *Personnel Management (3rd edn)*, Macmillan.

Thus Beardwell *et al.* (2004:166) conclude that there is no single method of determining labour turnover magnitude that is completely perfect as none of them, they argue, is able to provide information in itself on the reasons why people are leaving.

2.4 Causes of Labour Turnover in an Organisation

Causes of labour turnover, also referred to as ‘turnover drivers,’ are those factors that influence employees to leave an organisation. Individuals may choose to leave their jobs even for reasons which are wholly outside the power of the organisation to influence. In many cases, however, people leave for a mixture of reasons, certain factors weighing more highly in their minds than others. Against this background, Taylor (2008:62) has grouped the major causes of employee turnover into four categories: Pull-type Causes;

Push-type Causes; Unavoidable Causes; and Involuntary Causes. Taylor (2008), however, observes that each category identified is fundamentally different from the others and demands a different type of organizational response when it is identified as the major explanation for turnover among the employees. The four categories are briefly discussed below.

2.4.1 The Pull-Type Causes

Taylor (2008:62) opines that pull-type resignations occur when the major cause is the positive attraction of alternative employment. The employee concerned may be wholly satisfied with his or her existing organisation and happy in the job, but nonetheless decides to move on in search of something even better. For example, it may be a higher rate of pay, more job security, better long-term career opportunities, a shorter journey to commute or more convenient hours of work. Other studies have also suggested that people will also move in order to spend some time working for a high-profile or well-respected employer so as to build, over the years, a portfolio of such experience. Additionally, literature review has also shown that in the contemporary world of work, Curriculum Vitae - fashioning appears to be necessary in some professions as a means of getting on, there being a tendency for some employers to prefer candidates with a breadth of experience to those who have built their careers in just one organization.

Where pull factors are at work, Torrington *et al.* (2008:197) suggest that there are two main lines of attack for the employer. First, the employer needs to be aware of what other employers are offering and to ensure that as far as possible this is matched or at least that a broadly comparable package of pay and opportunities is offered. Second, management should try to ensure that employees appreciate what they are currently being given. The management's emphasis should be on effective communication of the extent to which opportunities comparable to those offered elsewhere are given. Taylor (2008:62), on the other hand, argues that an organisation seeking to reduce quit rates is likely to gain little if it seeks to enhance job satisfaction because this may delay the inevitable only for a few months, but will not in itself serve to deter resignations. He proposes that the organisation

should instead find out what employees really value, what they are looking for in their careers, and then enhance the organisation's ability to provide them.

2.4.2 The Push-Type Causes

By contrast, in the case of Push-type causes, Taylor (2008:63) observes that the major underlying cause of resignations is the perception that something is wrong with the existing employer. The employee concerned may move in order to secure a 'better job', but he or she is as likely to join another organisation without knowing a great deal about it just because he or she no longer enjoys the current one. In doing so, the employee hopes that working life will improve but there is no guarantee that it will. Taylor (2008:63) identifies a range of different push factors, ranging from a dislike of the prevailing organisational culture to disapproval of changed structures and straightforward personality clashes with colleagues. He however observes that perceptions of unfairness often underlie these types of departure but he argues that they can also occur simply because the employee is bored or generally fed up with the day-to-day work. The employee thus starts looking for something (or anything) different, and leaves on finding a suitable alternative. It is not uncommon that in the more extreme cases of dissatisfaction, people will leave the organisation even before they have secured another job. For Torrington *et al.* (2008:197), the problem in push factors is dissatisfaction with work or the organisation on the part of the employee, leading to unwanted turnover. A wide-range of issues has been cited as examples of push factors, including the following: insufficient development and career advancement opportunities, boredom, ineffective supervision, and poor levels of employee involvement in decision-making over issues that are likely to affect them.

Where push factors are pre-eminent, Taylor (2008:63) suggests that the required organizational response is to address the root causes of dissatisfaction. He proposes that that may mean selecting supervisors with greater care, providing them with better training, appraising them more effectively in terms of their supervisory skills, examining organisational policy with a view to improving the fairness of its operation, or it may

mean simply paying greater attention to enhancing the quality of working life. Above all, Taylor (2008) believes that it requires the creation of what Freeman and Medoff (1984) characterise as an employment relationship of ‘voice’ as opposed to one of ‘exit,’ that is to say, it requires providing a structure (both collective and individual) and a culture that encourage the resolution of disaffection internally before it generates unwelcome resignations. If people are given the opportunity to express their dissatisfaction or to air their grievances, and to have them heard, Taylor (2008) contends, they are less likely to consider ‘leaving’ as their first option. Torrington *et al.* (2008), on the other hand, hold the view that organisations can readily address all of these push-type causes if they can put in place mechanisms for picking up signs of dissatisfaction. In the absence of such mechanisms, they caution, employees who are unhappy will inevitably start looking elsewhere.

2.4.3 The Unavoidable Causes

According to Taylor (2008:64), unavoidable causes, which Torrington *et al.* (2008:197) call outside causes, comprise reasons for leaving which are wholly or mainly outside the control of the organisation. The resignation does not occur because of dissatisfaction with the job, or the perceived opportunities provided elsewhere, but for reasons that are unconnected to work in any direct sense. He gives examples of unavoidable causes which include: retirement, which affects almost everyone at some stage; illness which incapacitates either the employee or a relative for whom he or she has caring responsibilities; maternity in which women often prefer not to return to the same job after their leave (either to take a break from work altogether or in order to secure a job that makes it easier for them to combine work with childcare arrangements); relocation (usually in order to follow or join up with a spouse or partner); and finally, there is the desire to take a career break for a period in order, for example, to re-enter fulltime education or pursue some other interest. For Torrington *et al.* (2008), the most common instances of unavoidable causes include the wish to fulfil a long-term ambition to travel, pressures associated with juggling the needs of work and family, and illness.

In terms of mitigation for unavoidable causes, Taylor (2008:64) observes that organisations often conclude that nothing can be done to reduce turnover arising from such causes. He however argues that this is only partly true because in many situations the employee who leaves for an ‘unavoidable reason’ could choose to continue working in the same job if he or she really wanted to. He further argues that people choose to take a career break, not to return to work after maternity leave, and often choose to retire. This, in his view, suggests that if the job was more valued and attractive they might choose not to exercise the option of leaving. Torrington *et al.* (2008:197), on the other hand, hold the view that it is possible to reduce turnover arising from unavoidable causes through the provision of career breaks, forms of flexible working and /or childcare facilities.

2.4.4 The Involuntary Causes

Noe *et al.* (2006) describe involuntary turnover as termination of employment in which the employee has no choice in the termination as it is usually employer initiated. Involuntary turnovers are, therefore, under the organization’s control because they come about as a result of the decision of the organization’s management (for example, redundancies, short-term layoffs, ending of fixed term contracts and dismissals of one kind or another). Employees may, however, have their employment terminated for a wide range of reasons, including unsatisfactory job performance or inappropriate behaviour, often called counterproductive work behaviour (CWB) such as theft, fraud, sexual harassment, workplace bullying, absenteeism, substance abuse, workplace aggression or time-wasting. Taylor (2008), however, argues that many resignations are also in fact largely involuntary because people often prefer to ‘jump before they are pushed.’ Someone who knows that he or she will be made redundant in a few months will seek an alternative employment ahead of time, while a colleague who believes his or her employment will soon be terminated on grounds of poor performance will secure another job before being formally dismissed.

2.5 Effect of Labour Turnover on the Organization's Effectiveness

This section of the chapter reviews literature on impact of labour turnover on an organization's effectiveness. The review starts with a definition of organizational effectiveness and proceeds with a review of literature on effect of labour turnover on an organization's effectiveness.

Organisational effectiveness is defined as the degree or extent to which an organisation attains or accomplishes its set goals (Robbins and Barnwell, 2002). Literature suggests that labour turnover is a doubled-edged concept in that it has both negative and positive effects on an organisation's effectiveness. Scholars have, therefore, made a number of arguments both against high levels of labour turnover and for a certain amount of labour turnover in an organization.

2.5.1 The negative effect of labour turnover on an organization's effectiveness

On the negative side, arguments have been made on the basis of the negative impact high levels of labour turnover inflict on the organisation. First, it is the sheer costs associated with replacing people who have left, ranging from the cost of placing a recruitment advertisement through the time spent administering and conducting the selection process, to resources required for inducting and training new employees (Torrington *et al.* (2008:195). On top of these costs, Torrington *et al.* (2008:195) further observe, there are less easily measurable losses sustained as a result of poorer performance on the part of less experienced employees who might have remained with the organization. For Armstrong (2006:381), labour turnover can be costly when the following factors are taken into consideration: leaving costs (payroll costs and personnel administration of leaver); direct costs of recruiting replacements (advertising, interviewing, testing, etcetera), introducing them (induction course, etcetera), and in training them in necessary skills; opportunity costs of time spent by HR and line managers in recruitment, introducing new starters, and in providing training; loss of the input from those leaving before they are replaced in terms of output, customer satisfaction and support, etcetera;

and loss arising from reduced input from new starters until they are fully trained. Second, according to Torrington *et al.* (2008), high levels of labour turnover portray a poor image of the organisation. When employees are leaving an organization for other organizations, they observe, the departure sends a negative message to clients and helps create a poor image of the organization in the labour market, making it progressively harder for the organization to attract the right candidates in the future. For Taylor (2008), good employees generally occupy more highly skilled jobs and therefore, greater damage is done to the organization's image when they leave.

Third, an excessive departure of employees to other organizations, according to Robbins and DeCenzo (2001:24), affects the remaining employees' performance and consequently causes loss of productivity or delayed production. As a result of the loss of skilled and experienced staff, the turnover brings about increased workload, interruptions in work schedules, increased production costs and scrap levels, risks of accidents to inexperienced workers, and low morale resulting into low productivity. The low productivity further results in deficits in meeting the clients' demand (Gardner, 2009:11). Fourth, high turnover rates in an organization, according to Armstrong (2006:376), demotivate those employees who attempt to maintain levels of service and output against a background of vacant posts, inexperienced staff and discontent. Fifth, high labour turnover in an organization, according to Abassi and Hollman (2000), also affects the organization's effectiveness through decreased innovation, delayed services, improper implementation of new programmes and productivity degeneration. Hinkin and Tracy (2000) argue that such damage to the organization can radically affect its ability to prosper in today's competitive economy, leaving even the most ambitious organizations unable to succeed since people who leave are usually those who are most talented as they are the ones likely to get an opportunity elsewhere.

It can thus be concluded that high turnover rates often become a 'vicious circle': low morale causes more workers to leave; increases the dissatisfaction of those who remain;

those who remained, because of the dissatisfaction, also leave; and so on. A fresh departure leads to a growing desire by the remaining staff to leave (Dzimbiri, 2008:80).

2.5.2 The positive effect of labour turnover on an organization's effectiveness

On the positive side, arguments for a certain amount of labour turnover have equally been forcefully made. A low level of employee turnover, according to Torrington *et al.* (2008:195), is acceptable in any occupation because it: offsets potential stagnancy; eliminates low performers; encourages innovation with the entry of new blood; and provides career development opportunities for existing workers. It is fair, Torrington *et al.* (2008:195) further observe, that organizations need to be rejuvenated with 'fresh blood' and new ideas from time to time if they are to avoid becoming stale and stunted or finding themselves turning into an ageing machine, unable to cope with change. This is particularly true at senior levels where new leadership is often required periodically to drive change forward. More generally, however, new faces bring new ideas and experiences which help make organizations more dynamic.

2.6 Retention Approaches Organisations use to reduce Labour Turnover

A retention approach to reduce labour turnover in an organisation is seen as a voluntary move by an organisation to create an environment which engages employees for a longer tenure (Chaminade, 2007). In this connection, Branch (1998) observes that the objective of an employee retention strategy is to identify and retain committed employees for as long as is profitable to the organisation and the employees. Michaels, Handfield-Jones and Axelrod (2001), however, warn that for organisations to be able to establish appropriate approaches for retaining their employees, they should recognize that power has shifted from organizations to people. They argue that the 'war for talent' is creating a new business reality. For example, the old reality was that '*jobs are scarce*' but the new reality is that '*talented people are scarce*;' and that '*machines, capital and geography*' were held to be '*competitive advantage*' for an organisation but the new reality is that '*talented people are the competitive advantage*.' Organizations, they propose, should

revisit their HR Strategies to be able to accommodate this shift and to gain competitive advantage.

A rigorous literature review has cumulatively shown that employers use a number of retention strategies in order to reduce labour turnover of their employees. Some of the retention strategies they use include the following:

2.6.1 Training and Development

According to Torrington *et al.* (2008:205), there are two widely expressed, but wholly opposed, perspectives on the link between training interventions and employee turnover. On the one hand is the argument that training opportunities enhance commitment to an employer on the part of individual employees, making them less likely to leave voluntarily than they would if no training were offered. The alternative view, they argue, holds that training makes people more employable and hence more likely to leave in order to develop their careers elsewhere. The argument is thus put that money spent on training is money wasted because it ultimately benefits other employers.

Armstrong (2009:331), on the other hand, holds the view that by developing career planning processes and providing facilities and opportunities for learning, an organisation will provide the employees with growth opportunities through development of their abilities and careers. He further argues that one of the benefits of training is that it brings about an increased job satisfaction and morale among employees which in turn reduces turnover rates. He claims that the opportunity to grow is a motivating factor that directly impacts on an employee's engagement to the organisation.

In this connection, Green *et al.* (2000:267), in their training and development studies, found that the type of training and the source of sponsorship were significant variables. In support of the findings by Green *et al.* (2000:267), Torrington *et al.* (2008) argue that training which is paid for by the employer is a good deal less likely to raise job mobility than that paid for by the employee or the Government. The Green *et al.* (2000:267)

studies further showed that firm-specific training was also associated with lower turnover than training which leads to the acquisition of transferable skills. Torrington *et al.* (2008), on the other hand, contend that where organisations pay for long-term courses of study for their employees, employees feel valued. The fact that leaving will also mean an end to the sponsorship for the course, they argue, provides a more direct incentive to remain with the sponsoring employer. Moncarz, Zhao and Kay (2009), on the other hand, observe that in organizations where employees receive proper training that is necessary to assume greater responsibilities, turnover rates are generally lower.

2.6.2 Employee Recognition by Management

Michaels *et al.* (2001:128) contend that people want to feel valued and if they are not, they become demoralized and are more likely to leave the organization. For Armstrong (2009:331), by making employees feel not like a mere number but that one in any kind of position above them listens to them or even knows they exist, they feel valued. He further contends that if employees work in an environment in which they are valued for what they are and what they do, they are more likely to be motivated to stay. This, however, entails paying attention to the basic need for recognition by, for example, developing reward systems which provide opportunities for both financial and non-financial rewards to recognise achievements. Levoy (2007), on the other hand, argues that employees tend to go an extra mile if they feel responsible for the results of their work, have a sense of worth in their jobs, believe their jobs make good use of their skills, and receive recognition for their contributions.

Research evidence has also suggested that it is important for employers to say “thank you” to employees for their efforts and find different ways to recognize them, for example, a personal congratulation of an employee in private for a good job, sending a hand written note or e-mail message to acknowledge something positive that is done by an employee. Even something as simple as a free lunch can go a long way towards making employees feel valued.

2.6.3 Family-Friendly HR Practices

One of the more significant reasons for voluntary resignations from jobs is the inability to juggle the demands of a job with those of the family, commonly referred to as work-life balance. Kodz, Harper and Dench (2002) contend that the principle of work-life balance is that there should be a balance between an individual's work and their life outside work, and that this balance should be healthy. Work Foundation (2003b), on the other hand, view work-life balance as being about employees achieving a satisfactory equilibrium between work and non-work activities. A Work-life Balance Survey conducted by DTI (2003) found that one of the benefits claimed from introducing work-life balance policies was reduced staff turnover and reduced casual absenteeism. For Armstrong (2009:978), work-life balance policies help to tackle the low morale and high degree of stress that can lead to retention problems as employees tire of juggling work and life responsibilities.

It is therefore, important to match work-life benefits to the needs of employees. Torrington *et al.* (2008:204), in this regard, suggest that employees, for example, women may be provided with more paid maternity leave and the right, where possible, for mothers to return to work on a part-time or job-share basis if they so wish. Career breaks may also be offered, allowing people to take a few months off without pay and subsequently to return to a similar job with the same organization. Research evidence has further shown that when work-life balance is structured properly, both the employee and employer come out ahead. For example, the employer will experience more productivity in the workplace because employees will be less stressed, healthier, and thus, more productive (Wingfield, 2009). Encouraging employees to set work-life goals (such as spending more time with their children) communicates that management really wants them to have a life outside of work and achieve a healthy work-life balance.

2.6.4 Induction

Induction, also known as orientation or socialization, is described as a process of integrating a new employee into the organisation and acquainting him or her with the details and requirements of the job (Grobler *et al.*, 2006:306). It can thus be regarded as a

process by which new employees are transformed from complete outsiders to participating and effective members of the organization. In this connection, Torrington *et al.* (2008:203) observe that another process in the HR functions that is often credited with reduction of turnover early in the employment relationship is the presence of an effective and timely induction. They further observe that it is very easy for organisations to overlook induction programmes in the rush to get people into key posts quickly, but it is essential, they contend, if avoidable early turnover is to be kept to a minimum since an effective induction programme reduces adjustment problems of new employees by creating a sense of security, confidence and belonging for them.

Literature review has shown that induction has a number of distinct purposes, all of which are concerned with preparing new employees to work as efficiently as possible and as soon as is possible in their new jobs. Some of the purposes, according to Torrington *et al.* (2008:203), include the following: First, it plays an important part in helping new starters to adjust emotionally to the new workplace (e.g. who to ask when unsure about what to do). Second, it provides a forum in which basic information about the organization can be transmitted (e.g. material about the organization's vision, mission statement and key issues it faces). Third, induction processes can be used to convey to new starters important cultural messages about what the organization expects and what employees can expect in return. Induction thus potentially forms an important stage in the establishment of the psychological contract, leaving new employees clear about what they need to do to advance their own prospects in the organization (Torrington *et al.* 2008:203).

For Jackson and Schuler (2000:352), an effective induction programme has the following benefits: higher job satisfaction; lower labour turnover; low absenteeism; and greater commitment to values and goals of the organisation.

2.6.5 Managing Expectations

For some years research evidence has strongly suggested that employers benefit from ensuring that potential employees gain a 'realistic job preview' before they take up a job offer. The purpose, Torrington *et al.* (2008:202) contend, is to make sure that new staff enter an organization with their eyes wide open and do not find that the job fails to meet their expectations. They further argue that a major cause of job dissatisfaction, and hence of high staff turnover, is the experience of having one's high hopes of new employment dashed by the realization that it is not going to be as enjoyable or stimulating as anticipated (Torrington *et al.*, 2008:202). Research studies (for example, by Wanous, 1992; Hom and Griffeth, 1995) have drawn attention to the importance of these processes in reducing high turnover during the early months of employment.

Torrington *et al.* (2008:202) propose that the need is to strike a balance at the recruitment stage between sending out messages which are entirely positive and sending out those which are realistic. In other words, it is important not to mislead candidates about the nature of the work that they will be doing. Realistic job previews are important when candidates, for whatever reasons, cannot know a great deal about the job for which they are applying.

2.6.6 Pay

Pay, also referred to as remuneration, is viewed as financial and non-financial extrinsic rewards that are provided by an employer for the time, skills and efforts made available by employees in the fulfillment of job requirements, which are aimed at organizational goals achievement (Swanepoel *et al.*, 2000:526). In this regard, Martocchio (1998) observes that if employees perceive that they are equitably treated or favourably treated when they compare their earnings with those of others in the same industry, the probability of their leaving decreases. On the other hand, if they perceive that they are being treated inequitably or unfavourably by the organization compared to their colleagues in the other organisations of the same industry, he warns, tension results as the

perception of inequity causes an unpleasant emotional state which causes employees to reduce their future efforts or opt to leave the organisation.

Torrington *et al.* (2008:201), however, hold the view that there is some debate in the retention literature about the extent to which raising pay levels reduces staff turnover. On the one hand, they argue, there is evidence to show that, on average, employers who offer the most attractive reward packages have lower attrition rates than those who pay poorly (Gomez-Mejia and Balkin, 1992:292), an assumption which leads many organizations to use pay rates as their prime weapon in retaining staff (Cappelli, 2000:105). On the other hand, there is also research evidence which suggests that pay is a good deal less important than other factors in decision to quit one's job (Hiltrop, 1999:424). The consensus among researchers specializing in retention issues is that pay has a role to play as a satisfier, but it will not usually have an effect when other factors are pushing an individual towards quitting. Raising pay levels may thus result in greater job satisfaction where people are already happy with their work, but it will not deter unhappy employees from leaving. Sturges and Guest (1999:19), in this regard, argue that while challenging work will compensate for pay, pay will never compensate for having to do boring, unstimulating work.

It has also been argued that it is important that employees do not perceive their employers to be treating them inequitably. Provided pay levels are not considerably lower than those paid by an organization's labour market competitors, Torrington *et al.* (2008:201) argue, other factors will usually be more important contributors towards high turnover levels. Research evidence has further shown that highly competitive wage systems promote employee commitment which results in retention of a superior workforce (Moncaz *et al.* 2009:441). For Noe *et al.* (2003:439), when it comes to retention, employees who are recruited from other organisations are often attracted with promises of higher salaries.

2.7 Retention Approaches: Administration and Implementation Challenges

A number of factors have been attributed to the increase in the level of employee turnover in organisations. However, effective and efficient implementation of employee retention strategies that are formulated by organisations in response to the high rate of employee turnover has become a daunting and highly challenging task for managers and Human Resources practitioners in the contemporary world of work (Chiboiwa *et al.* (2010). This section, therefore, discusses some of the challenges organisations face while implementing their retention strategies in an effort to reduce their labour turnover rates.

2.7.1 Employee Compensation Dissatisfaction

Provision of competitive remuneration with other financial related benefits to employees has been one of the most used retention strategies by organisations in an effort to reduce their high labour turnover rates. In support of this statement, Kinnear and Sutherland (2001:17) contend that managers should not be deceived that money no longer matters in reducing employee turnover in an organisation. In their studies, Kinnear and Sutherland (2001:17) found that money still matters in reducing an organisation's labour turnover because skilled employees are achievement-oriented and want their achievements rewarded with money. For Meudell and Rodham (1998:128), money can be considered to act as both a 'scorecard' which enables employees to assess the value the organisation places on them in comparison to others, and as a medium of exchange in that an individual can purchase whatever he or she needs.

Other studies have, however, shown that in organisations with high turnover, compensation or money has not remained as effective as it was in the past in reducing employee turnover (Amar (2004:96). Chiboiwa *et al.* (2010) observe that the efficiency of money, as a motivator of skilled employees not to leave, is considered to be quite low. In this connection, Hays (1999:46) argues that where managers reward performance with only money, in whatever manner, they lose the retention war because there are other more powerful ways of motivating quality employees to reduce their intention to leave such as freedom and flexibility in the organisation. Therefore, the use of money alone is

limited in its effectiveness in reducing labour turnover. To this end, Dess, Lumpkin and Eisner (2008:127) propose that money should not be the primary mechanism for reducing labour turnover because employees who come for money will leave for money.

Furthermore, Chiboiwa *et al.* (2010:2106) argue that while money, in a hyper inflationary environment, can be an effective and efficient retention strategy, in a non-inflationary environment it cannot motivate certain category of employees like those in managerial level. They further contend that where money is used as a mechanism for reducing labour turnover, there is always a desire for more which in most cases results in industrial disharmony in organisations with trade unions agitating for pay increases.

2.7.2 A Shift in Employee Perception of Job Security as a Retention Strategy

Provision of job security to employees has also been used by organisations as one of the retention initiatives for reducing their high labour turnover rates. In this connection, an empirical study by Samuel and Chipunza (2009) found a strong evidence of association between job security and employee retention. This is more in under-developed and developing economies where job security presents an important factor in employment decision making of individuals. Employees place great importance on their jobs because they provide them with the source of income with which socio-economic stability and psychological well-being are achieved (Chiboiwa *et al.*, 2010:2107).

Although job security has been used as a retention strategy by most organisations, existing literature, however, argues that job security at present has a different valence to different generations of employees (Chiboiwa *et al.*, 2010). Supporting this assertion, Amar (2004:97) posits that job security is not a retention antecedent for the new generation of skilled employees because their expectations in the organisations do not include long-term employment. They see job security as a positive feedback of their labour market worth and therefore, look for a daily proof that their work matters. In this way, skilled employees create for themselves a sense of security every day, meaning that, if they are doing a good job, they are secure, if not with their present employers, then with another one. This shift defeats the essence of job security as a crucial motivational

and retention driver (Samuel and Chipunza, 2009). Furthermore, from Amar's (2004:97) argument above, it means that job security, as a retention strategy, has a limited application as it cannot be applied to the new generation of skilled employees who see it not as a retention antecedent. This, therefore, poses a challenge to most organisations.

2.7.3 Employee Perception of being at Risk to Contract HIV and AIDS

The study by Muula and Maseko (2005) on 'Survival and Retention Strategies for Malawian Health Professionals' found that despite implementing a number of retention strategies such as improving the remuneration of health workers through salary supplementation with medical and professional allowances, there is a general perception among health professionals that they were at an increased risk of occupational exposure to HIV and other infectious diseases, for example, tuberculosis. In support of Muula and Maseko's (2005:9) finding, Shisana *et al.* (2004) reported that HIV prevalence among health workers in South Africa was 15.7%, with younger health workers (18 – 35 years) having a much higher prevalence of 20%. Harries *et al.* (1999) point out that tuberculosis infection rates among health workers in Malawi is higher than the general community.

The perception or apprehension by workers in the health profession of being at a high risk of getting an infection (for example, with HIV or tuberculosis) while working in the public health facilities has made some health workers in the Ministry of Health in Malawi to leave the health profession despite the implementation of a number of retention strategies by the Ministry with the assistance from some donor partners such as Sector Wide Approach Support Project (SWAP), Emergency Human Resource Programme (EHRP) and Global AIDS Interfaith Alliance (GAIA). For that reason, the acute shortage of health workers in the public sector persists despite existence of various retention practices, with the highest vacancy rates in rural public health facilities (Schmiedeknecht *et al.*, 2015).

2.7.4 Unethical Behaviour by Some Employees

The study by Muula and Maseko (2005) on ‘Survival and Retention Strategies for Malawian Health Professionals’ also revealed that despite implementing a number of retention initiatives in the Ministry of Health in Malawi such as provision of salary supplementation in form of medical and professional allowances, health workers have adopted various strategies, ranging from legal to unethical and criminal behaviours under the pretext of trying to survive from the poor working conditions and low pay the Government is offering them. Some of the unethical and criminal behaviours, as cited by Muula and Maseko (2005), include stealing drugs, treating private patients during normal working hours at their clinics, etcetera.

Muula and Maseko (2005:12) observe that significant quantities of drugs supplied to the public health sector end up being pilfered and sold. In agreement with Muula and Maseko’s (2005) view, Vidal (2015:7) observes that Malawi’s health sector continues to face enormous challenges beyond emigration as doctors and other hospital staff are often accused of stealing medicines because salaries, despite the 52 per cent increase through EHRP, remain insufficient. Vidal (2015) adds that wages are also often withheld for up to a month or more as funds are unavailable to pay medical staff at public hospitals and clinics, or depleted due to corruption. She concludes that retention of health workers remains a problem, not just from emigration, but also from personnel leaving the public sector to work elsewhere in Malawi as the day-to-day challenges in health care become too great. Yiwombe and Muula (2004), on the other hand, observe that health workers are reported to be involved in stealing drugs and selling them to drug vendors or private clinics to make ends meet. Ferrinho *et al.*, (2004) observe that the unethical behaviour of stealing drugs amongst health workers has been reported in many other African countries despite the workers being given financial incentives on top of their pay in form of allowances (for example, professional and medical allowances).

The other challenge related to unethical behaviour is the treating of private patients by health professionals at their clinics during normal working hours (that is, at the time they are supposed to be at work in a public health facility). In this connection, Muula and

Maseko (2005:15) observe that some health professionals who are fully employed in the public health sector treat private patients during work hours either at their private clinics or even within public health facilities. They add that patients are required to pay for services provided at the public health facility when in fact such services are supposed to be provided at no cost. The habit of treating private patients by health professionals during work hours at their private clinics, Muula and Maseko (2005) contend, has negatively affected the efficient delivery of health services in public health facilities and also increases absenteeisms or late reporting of duties in most public health facilities. Effectively, there is little commitment and loyalty amongst employees to the public service because of their divided time and attention which they are required to devote wholly to the public service as public servants.

2.7.5 Employee Perception of being Inequitably or Inadequately Rewarded

One of the traditional ways of managing employee retention and turnover is through organisational reward system. William and Werther (1996) look at reward system as what employees receive in exchange for their contributions to the organisation. This reward could come in the form of salary, promotion, bonuses and other incentives (Chiboiwa *et al.*, 2010).

The challenge with organisational reward system is, however, that if employees perceive that they are inequitably or inadequately rewarded, they often leave the organisation, and replacement can be costly and in most cases, not readily available (Chiboiwa *et al.*, 2010). Where the organisation fails to address the feeling of not being fairly rewarded amongst its employees, Hellriegel *et al.* (2008:276) argue that employees behave in ways that would harm the organisation. They observe that employees may, for example, quit, and when high performers leave, the organisation loses its productive talent and the capacity to gain competitive advantage. On the other hand, if dissatisfied employees stay, they may react by withholding effort in order to restrict output or lower output (Chiboiwa *et al.*, 2010). Chiboiwa *et al.* (2010) further contend that an under-rewarded employee tends to show feelings of hostility to the organisation and sometimes even to his or her

co-workers which often leads to reduced productivity. The withholding of effort would in turn impair the overall performance of the organisation especially when high performing employees are involved. However, literature suggests that coming up with an organisational reward system that is acceptable to all employees in the organisation is not easy especially in under-developed or developing economies in which the operating economic environment for both the public and private sector organisations is usually hostile or unfavourable (Chiboiwa *et al.*, 2010).

2.7.6 Late Payment of Financial Related Incentives

In her study on motivation, retention and commitment of Malawian primary school teachers in rural areas using rural allowances, Mononga (2012:47) found that primary school teachers do not get their rural allowances on time. From her findings, the reason for this is that every month, there is need to up-date a list of either primary schools which are eligible for rural allowances or a list of teachers who are entitled to rural allowances before payment is effected. The scrutinizing process of the list of eligible schools and teachers takes unduly long time before the allowances are processed and paid to the eligible teachers. This approach to the payment process has, unfortunately, resulted in accumulation of endless arrears in allowances which the Ministry of Education is struggling to clear due to inadequate monthly funding the Ministry receives from Treasury.

2.8 Theoretical Framework for the Study

Extant literature suggests that employee turnover and employee retention are two faces of the same coin. Practitioners and researchers alike argue that both concepts are inseparable and each, from the point of view of research, is impractical to study in isolation or independently. Against this background, many HR Managers have used some theories of motivation to deal with labour turnover problems. Some managers believe that only one motivational theory is enough to develop an employee's retention while others claim that no technique works because employees are born either achievers or loafers (Grobler *et al.*, 2006:216). Undoubtedly, no single theory will address all motivational problems.

Nevertheless, something can still be learnt from each theory. To this end, this study was modelled on two theories, namely: the Herzberg's Two-Factor Theory; and the Equity Theory.

2.8.1 The Herzberg's Two-Factor Theory

The Herzberg's Two-Factor Theory was propounded by Herzberg *et al.* (1959). According to this theory, there are some job factors that result in satisfaction and there are others that prevent dissatisfaction. In their studies, after asking a large number of Accountants and Engineers about their feelings towards their jobs, Herzberg *et al.* (1959) noticed that respondents identified different things as sources of work dissatisfaction and subsequently called them hygiene or maintenance factor while those that were sources of satisfaction, they called them motivators or growth factors. However, Mullins (2010:266) observes that hygiene factors can be related roughly to Maslow's lower-level needs (for example, physiological and safety needs which are achieved through organisational factors such as pay, pleasant working conditions, job security, safe working conditions, etcetera) and the motivators to Maslow's higher-level needs (for example, esteem and self-actualization needs which are achieved through organisational factors such as advancement in the organization, achievement in work, social recognition, etcetera). The hygiene factors and motivators of the Herzberg's Two-Factor Theory are briefly discussed below in that order.

2.8.1.1 The Hygiene Factors

These are job factors which are related to job context, and are concerned with job environment. They are said to be extrinsic to the job itself (Mullins, 2010:265). They are factors which, if absent, cause job dissatisfaction and stem from the individual's overriding need to avoid physical and social deprivation (Dzimhiri, 2015:78). Dzimhiri (2015:78) contends that hygiene factors serve to prevent alienation and dissatisfaction but do not increase motivation. He argues by analogy that the presence of a salary and status in a job, for example, do not add anything to motivation because they are supposed to be there. From literature review, pay or salary/wages is considered to be the first and

foremost hygiene factor because, Armstrong (2009:329) claims, it provides the carrot most people want. Other examples of hygiene factors include: fair organisation policies; safe physical working conditions; appropriate interpersonal relationships; job security to employees; level and quality of supervision, etcetera, (Grobler *et al.*, 2006).

2.8.1.2 The Motivator Factors

These factors stem from people's need to realise their human potential for perfection (Dzimbiri, 2015:79) and they yield positive satisfaction (Herzberg *et al.*, 1959). They are inherent to work and reflect the content of the job. According to Grobler *et al.*, (2006), no superior dispenses them to employees; each employee controls and administers them personally. The belief, for example, is that no one can give another person the satisfaction that comes from accomplishing a particularly challenging job. Motivator factors, therefore, serve to motivate the individual to a superior effort and performance, and an individual finds them intrinsically rewarding (Mullins, 2010:265). According to Dzimbiri (2015:79), some of the motivator factors include: recognition (that is, employees should be praised and recognised for their accomplishments by the managers); achievement (that is, employees must have a sense of achievement); responsibility (that is, employees must hold themselves responsible for the work); personal growth and advancement; and nature of the work itself (that is, it should be meaningful, interesting and challenging for the employees to perform and to get motivated). Motivators are those variables which actually motivate people.

2.8.1.3 An Evaluation of the Herzberg's Two-Factor Theory

Although Herzberg's two-factor theory has succeeded in contributing to motivation theories, his studies have not escaped criticisms from scholars. According to Mullins (2010:265), the theory has only limited application to 'manual' workers. It is often claimed that the theory applies least to people with largely unskilled jobs or whose work is uninteresting, repetitive and monotonous, and limited in scope. Yet these are the people who often present the biggest problem of motivation for managers (Dzimbiri, 2015:79). In spite of the weaknesses, the theory still serves a useful purpose where the focus of the

study is on people with skilled jobs. Armstrong (2009:329) observes that in spite of several criticisms (or perhaps because of them, as they are all from academics), the theory continues to thrive; partly because it is easy to understand and is based on 'real life' rather than academic abstractions. More importantly, Armstrong (2009:329) argues, the theory underpins the proposition that reward systems should provide for both financial and non-financial rewards.

2.8.2 The Equity Theory

Equity Theory is based on the principle that since there are no absolute criteria for fairness, individuals generally assess fairness by making comparison with others in similar situations (Beardwell *et al.*, 2004). The theory is, therefore, concerned with perceptions people have about how they are being treated compared with others (Armstrong, 2006:261). The theory, therefore, further recognises that individuals are concerned not only with the rewards or treatment they receive in an organisation for their efforts but also compare their rewards or treatment with what others receive.

According to Adams (1965), employees make comparisons of their job inputs and outcomes relative to those of others in a similar situation. The employee's inputs into work include: knowledge; experience; education; effort; skills; and commitment while as his/her expected outcomes include: salary; bonuses; praise; promotions; and recognition. If employees perceive their ratio to be equal to the relevant others with whom they compare themselves (that is, comparator), a state of equity is said to exist but if it is unequal, then inequity exists and the result might be lower or higher productivity, improved or reduced quality of output, increased absenteeism, or voluntary resignation (Robbins and Kotze, 1990:381).

2.9 The Conceptual Framework for the Study

Conceptual framework provides a model for linking categories of possible variables or concepts in a study as perceived by the researcher (Odiya, 2009:109). For Amin (2005, it presents the variables of the study and shows how they are connected. Figure 4 below presents some of the variables of the study based on the Herzberg's Two-Factor Theory and shows how they are connected.

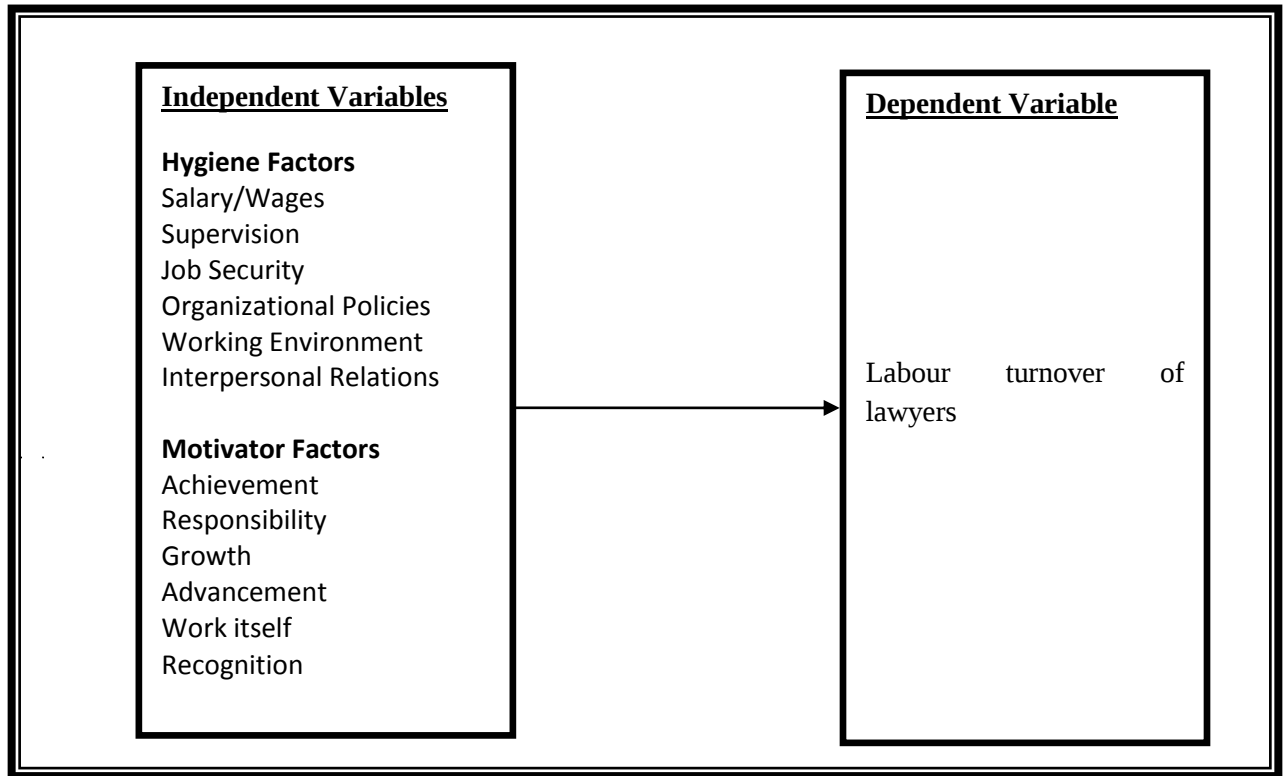


Figure 4: The Conceptual Framework for the Study showing Variables

Adapted from: Odiya, J.N. (2009), *Scholarly Writing: Research Proposals and Reports In APA or MLA Publication Style*, Kampala: Makerere University Printery.

In Figure 4 above, the words in the two inside boxes name and operationalise the study variables, and the straight single headed arrow pointing to the right shows direct causation and the link or relationships between the variables in the two inside boxes. The arrow further shows how the independent variables highlighted in the Hygiene and

Motivator Factors box on the left (for example, job security, organizational policies, achievement, growth, advancement, recognition, etcetera) will affect the dependent variable, labour turnover of lawyers, in the box on the right.

A variable, according to Odiya (2009:23), is any situation, number, or quantity that can vary with time or condition. It can be classified in a number of ways and in research terminology, change variables are called independent variables while as outcome/effect variables are called dependent variables. An independent variable, according to Odiya (2009:23), is a variable that is considered to cause or affect a dependent variable and therefore, it is said to be a presumed cause of some change to the dependent variable. It explains or accounts for variation(s) in the dependent variable(s). The dependent variable, on the other hand, is a variable that is considered to depend on, or to be caused or affected by, the independent variable in a study (Odiya, 2009:23). For Amin (2005:92), it is a variable of primary interest to the researcher. The Herzberg two-factor theory, on which the conceptual framework above is based, attempts to explain satisfaction and motivation in organisations by stating that satisfaction and dissatisfaction are driven by different factors, that is, motivation and hygiene factors respectively and that job satisfaction or dissatisfaction has long been recognised as a predictor of employee turnover (Chiboiwa *et al.*, 2010:2105).

2.10 Chapter Summary

This chapter has presented a comprehensive review of some written works by other researchers, scholars and practitioners in the area of labour turnover, the focus area of the study. The first part of the chapter has reviewed literature on concept of labour turnover. A review of literature on how labour turnover magnitude in an organisation can be determined, causes of labour turnover in an organisation and its effect on an organization's effectiveness in the delivery of its services has also been done. The chapter has further discussed some common approaches that organisations use to reduce labour turnover of their employees and has also looked at challenges organisations face in implementation of their retention approaches. It ends with a discussion of the theoretical

and conceptual frameworks for the study. The next chapter of the study is ‘Methodology’ which highlights the methodology that was adopted in conducting the study (that is, it highlights how the study was carried out). Specifically, the chapter discusses, *inter alia*, the study design, study population and sample, sampling methods, data collection methods, validity of research instruments, response rate, data analysis, ethical considerations and limitations of the study. It ends with a chapter summary.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter provides an overall framework of how the study was carried out including how the data for the study was collected and analysed. Specifically, the chapter describes, *inter alia*, the research design, study population and sample, sampling methods, data collection methods, validity of research instruments, respondents' response rate, data analysis employed in the study, ethical considerations and limitations of the study.

3.2 The Research Design

A research design, according to Welman and Kruger (2001:46), is a framework which describes how the research was carried out. It represents a structure that guided the execution of a research method and analysis of the data collected. Generally, there are two approaches to a research design that are commonly used by researchers, namely: quantitative research and qualitative research (Saunders, Lewis and Thornhill 2003:97). Quantitative research is viewed as an inquiry into an identified problem based on testing a theory, measured with numbers and analysed using statistical techniques (Sekaran, 2003:87). Qualitative research, on the other hand, involves studying things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them (Denzin and Lincoln, 1994:2). This part of the paper, therefore, discusses the research method used in the study and the rationale for choosing the particular research method.

3.2.1 The Research Method used in the Study

A research method is simply a technique for collecting data. In order to effectively address the objectives of the study, a mixed-methods approach was used. This approach uses both qualitative and quantitative methods within a single research project (Denscombe, 2008:107). For Saunders, Lewis and Thornhill (2009:152), it is a general term when both quantitative and qualitative data collection techniques and analysis procedures are used in a research design.

As a research method, quantitative research focuses its goal at the understanding of a social or human problem from multiple perspectives and therefore, uses numerical measurements and statistical analysis of measurements to examine a social phenomenon (Hussey and Collis, 2007:56). On the other hand, qualitative research, as a research method, deals with data that is less easily understood through numbers and statistics (Moore, 2006). It involves collecting, analyzing and interpreting data by observing what people do or say. It attempts to understand human behaviour and the reasons that govern such behaviour or to give reasons why the numbers tell us what they do.

3.2.2 The Rationale for Choosing a Mixed-Methods Approach

The rationale for using a mixed-methods approach in the study was that the objectives of the study were interested in both quantitative and qualitative issues. The study's objectives were interested in quantitative issues in order to determine, for example, the labour turnover magnitude of lawyers in the Ministry. In this case, the quantitative method helped to collect and evaluate data which consisted of numbers. The advantage of this method in that regard was that it provided data that was easily quantifiable. Additionally, this method affords the researcher to reduce results to statistics and interpret them in short statements (Saunders *et al.*, 2003:98). Although the quantitative method of analysing labour turnover was able to provide information on the magnitude of the labour turnover of lawyers in the Ministry, it, however, did not tell the whole story. For example, it gave no indication on the reasons why lawyers were leaving the Ministry or how the problem could have been addressed. Therefore, in order to understand "why

the numbers told us what they did,” or why lawyers were leaving the Ministry and how the problem could have been addressed, qualitative method was also used in the study. Consequently, some questionnaires were personally administered to the sampled respondents in order to collect both quantitative and qualitative data that would effectively address all the objectives of the study.

3.3 The Study Population

Researchers and scholars alike have described a ‘study population’ as the aggregate or totality of objects or individuals, having one or more characteristics in common that are of interest to the researcher and where inferences are to be made (Amin, 2005:235). For Burns (1997), it is the total number of potential units for observation or an entire group of people, objects, or events having at least one characteristic in common, for example, a profession, an economic activity, a residential area, etc.

Against this background, the study population of this research comprised 100 lawyers of which 40 were serving lawyers in the Ministry of Justice (that is, stayers) and 60 were accessible former lawyers of the Ministry who were either in private practice in their own legal firms or working with other organisations, private or public (that is, leavers). These two sub-groups of lawyers, which formed the study population, constituted the sampling frame from which samples of the study were drawn.

The study population of the 100 lawyers was drawn from the main commercial cities of Malawi, namely: Blantyre; Lilongwe; and Mzuzu. The three cities were particularly selected for the study because of their easy accessibility, and that it is only in these cities where the Ministry of Justice has some satellite offices. Additionally, it is in these cities where most private organisations, including private legal firms, also have their head or regional offices where lawyers find employment after quitting the Ministry. The selection of these cities was, therefore, not only cost effective but also convenient to the researcher in terms of data collection from potential participants in the study.

3.4 The Sampling Technique and Sample Size

Sampling is a process of extracting a portion of the study population from which generalization to the population can be made (Amin, 2005:236). It enables the researcher to study a relatively small number of individuals, units or objects in place of the entire study population, and to obtain data that are representative of the study population. A sample, on the other hand, is described as a selected group or portion (that is, a subset) of the population upon which a researcher carries out the study (Wisker, 2001:138). In this study, the size of the target population (especially for the former lawyers of the Ministry) was so broad and scattered that it was impractical and uneconomical to involve all members of the sub-population in the study hence data that was obtained from a sample of the accessible sub-population of leavers was relied upon.

3.4.1 The Sampling Technique

A sampling technique is a sampling procedure that a researcher uses to draw samples from a study population and there are a number of sampling techniques which have generally been classified as either probability sampling or non-probability sampling (Odiya, 2009:156). In this study, the population for the study consisted of all serving lawyers in the Ministry of Justice (that is, stayers) and all accessible former lawyers of the Ministry (that is, leavers). From each of the two sub-populations that collectively formed the study population, participants in the study were sampled through a probability sampling technique known as systematic sampling. Using this technique, members of the sampling population were listed randomly and a sample interval was found on the basis of the required sample size and the population size. In other words the researcher took a sample from each of the two sub-groups of the study population at equal or regular intervals. Every k^{th} element of the sampling frame (that is, on a list of names of lawyers), for example, was selected. To formalize the procedure, if 'N' was made to represent the population size while n was made to represent the sample size for each sub-group of the study population, and k, represented the number of intervals (that is, every k^{th} element of the sampling frame was to be selected), then $N = nk$.

3.4.2 The Sample Size

According to Dooley (1995), a sample refers to that portion of the population selected for a study. In that sense, it is considered as a subset of the population from which a generalization about the population is made. Dooley (1995) points out that the process of sampling starts with the preparation of sampling frame which, according to Odiya (2009:156), is the enumeration of the accessible population (for a small population) or the list of sub-groups of the population (for larger populations). On the other hand a sample size is the number of elements in the sample (Odiya, 2009).

Against this background, the number of elements (that is, lawyers) in each of the two sub-groups (that is, stayers and leavers) of the study population consisted of both senior and junior lawyers and was listed randomly in order to give guidance on how many participants were to be sampled from each sub-group. Therefore, using the formula $N = nk$ provided above, if a sub-population of stayers with $N = 40$ lawyers and a sample of size $n = 20$ was selected, then the size of interval was:

$$\frac{N}{n} = \frac{40}{20} = 2$$

Therefore, every 2nd lawyer of the sub-population of stayers was selected after randomly selecting the first one from the listed members of the sub-population; and the same sampling technique (that is, systematic sampling) was also used in the second sub-group of leavers. Therefore, if a sub-population of leavers with $N = 60$ lawyers and a sample of size $n = 30$ was selected, then the size of interval was:

$$\frac{N}{n} = \frac{60}{30} = 2$$

Therefore, every 2nd lawyer of the sub-population of leavers was also selected after randomly selecting the first one from the listed members of the sub-population.

Based on the calculations above, it meant that the sample size for the sub-population for ‘stayers’ was 20 and that of the ‘leavers’ was 30. In a probability sampling procedure like

this one (that is, systematic sampling), every element of the sampling population had an equal chance of being included in the sample as the elements were initially listed randomly and that the initial sampling point was also selected at random, and then the participants were selected at regular intervals (Odiya, 2009).

3.5 Data Collection Methods

These refer to instruments which the researcher used in collecting data for the study. The data needed for this study were mainly collected from serving lawyers in the Ministry of Justice and from former lawyers of the Ministry through use of self-completion questionnaires. According to Odiya (2009:188), a questionnaire is a device used for gathering facts, opinions, perceptions, attitudes and beliefs, among others, from participants in a study. The respondents gave their responses in writing in the spaces that were provided in the questionnaires with the guidance of the researcher's instructions. Questionnaires were particularly chosen over face-to-face interview method to avoid influence, potential or actual, of responses from the respondents.

The questionnaires were designed to provide primary information from participants. They comprised rating scale, open-ended and closed-ended questions, covering all the research questions to be answered. Particularly, the Likert Scale, which allows for the use of closed questions that require respondents to choose from a predetermined set of responses or scale points, was used to obtain data from the respondents concerning their judgements or perceptions on a series of statements. The response to each item was coded as 1 for Strongly Agree [SA], 2 for Agree [A], 3 for Neutral [N], 4 for Disagree [D], and 5 for Strongly Disagree [SD] for positive statements. The respondents were asked to indicate their levels of agreement or disagreement by marking at the appropriate point for each statement. The 5 point Likert Scale was chosen because it facilitates robust statistical analysis.

The following specific data collection instruments were, however, used in the study: Self-Completion Attitude Survey Questionnaires (attached as Appendix 1); and Post-Exit Interview Questionnaires (attached as Appendix 2).

3.5.1 Attitude Survey Questionnaires

The use of Attitude Survey Questionnaire was specifically chosen to serve as one of the revealing methods of finding out what serving lawyers in the Ministry of Justice perceive to be some of the turnover drivers that influence the lawyers' decision to leave the Ministry. Additionally, this method was particularly chosen because it had the advantage over Post-Exit Interview Questionnaires in that it could identify potential problems being experienced by serving lawyers rather than identifying problems for those who already decided to leave. This meant that any response could be proactive rather than reactive and therefore, it was a method that helped to identify the key 'push' factors within the Ministry. Serving lawyers were asked questions covering a whole range of work-related issues, including topics such as compensation and benefits, working conditions, organisational policies, etcetera. In this regard, data was collected through personal administration of questionnaires from a selected sample of twenty (20) serving lawyers in which the questionnaires, with appropriate explanation for their purpose, were given to individual participants who completed them individually.

3.5.2 Post-Exit Interview Questionnaires

Experience has shown that even when organizations are totally committed to making their environment good work places, employees still resign for one reason or the other. Although organisations cannot do much about an employee leaving, they can try and determine the real reasons for the decisions (Grobler *et al.*, 2006:242).

Against this background, the researcher, in this study, also used Post-Exit Interview Questionnaires. The method of post-exit questionnaires is used to ascertain labour turnover qualitatively (Beardwell *et al.*, 2004). It, therefore, helped the researcher to get

from the leavers full and accurate accounts of their reasons for leaving and to identify, for each respondent, at least a single ‘most salient’ reason to explain his or her departure.

3.6 Validity of Research Instruments

According to Blumberg, Cooper and Schindler (2005:56), validity refers to the extent to which a measuring instrument succeeds in measuring what it has set out to measure or the degree to which it satisfies the purpose for which it was constructed. Therefore, the validity of a research questionnaire is determined by the extent to which it is measuring what it intended to measure and whether the data collected by it honestly and accurately represent the respondents’ opinion (Saunders *et al.*, 2009:95).

While testing validity of the data collection instruments with experienced researchers, such as the students’ supervisors, is crucial, it is also important to pre-test the data collection instruments on potential respondents. Faux (2010) observes that the purpose of an effective and practical approach to pre-testing a questionnaire, as a data collection instrument, is to ensure that it is understood by participants. Faux (2010) adds that the other benefits of the approach are improved questionnaire reliability and planning which results in better response rates.

Therefore, a pre-test was carried out in this study with 10 potential respondents to firm up the data collection instruments before using them in the study. The respondents in the pre-test were not included in the final study sample. The feedback was used to improve the data collection instruments by removing any ambiguities and inadequate terms to improve clarity of the questionnaires thereby also increasing their strength and validity. Additionally, after the design, the questionnaires were also presented to my supervisor for his comments and suggestions in order to ensure refinement and content validity. Therefore, to ensure validity in this study, the researcher asked questions that were clear so that they conveyed the same meaning to all respondents (that is, questions that are not double-barreled).

3.7 Response Rate

Fifty respondents (that is, 20 stayers and 30 leavers) were targeted for the study hence the same number of questionnaires (that is, 50 questionnaires) were personally administered on the respondents by the researcher to maximize return rate and minimize errors in completion of the questionnaires. There was a 100 per cent response rate and none of the questionnaires was poorly or inappropriately completed largely because of the personal administration of questionnaires which facilitated immediate collection once completed.

3.8 Data Analysis

De Vos *et al.* (2007:169) describe data analysis as the process of bringing order, structure and meaning to the mass of collected data. The phrase ‘data analysis’ was perhaps more succinctly described by Bogdan and Biklen (1982:145) in their statement as meaning working with data, organizing it, breaking it into manageable units, synthesizing it, searching for patterns, discovering what is important and what is to be learned, and deciding what you will tell others.

In this study, completed questionnaires were collected from respondents and verified if all respondents had answered the questions and properly completed the questionnaires. They were thereafter sorted, coded and the data were captured in Microsoft Excel 2010 package on the computer in a manner that could be easily interpreted by the reader. The researcher used frequency distributions, tables, graphs and charts in the analysis and presentation of the collected data. Tables were particularly chosen as a tool for presenting data because they produce good summaries of sample data and make interpretation of the data easy (Cooksey, 1997). Additionally, tables provide an easy tabulation of respondents’ characteristics (for example, gender, age, etcetera) and frequencies of actual responses in studies involving surveys (Odiya, 2009:223). In some cases, graphical methods were also used to present the research information. Like tables, graphical methods also make interpretation of data easy and can also be used for both qualitative and quantitative data (Odiya, 2009:223). Statistical Package for Social Sciences (SPSS) version 20.0 software was also used to analyse the data and this software was

particularly chosen for the analysis of data for the study because it is user friendly and allows different analyses of data (Zakmund, 2010:499).

3.9 Ethical Considerations

According to Cohen and Manion (1994), research ethics are about regulatory codes of practice put in place by various professional organisations to guide researchers. In this study, four ethical considerations were made. This is because both the study method and the study condition did not pose any danger to the participants. First, the researcher sought an informed consent of every participant. Second, the researcher left every questionnaire anonymous to cater for privacy and confidentiality of sensitive information provided by respondents. Instead of names, identification numbers were used so that no information can be traced to any respondent. Third, before data collection exercise, the researcher sought permission from the Head of the Institution with the support of an 'Introduction Letter from the University of Malawi, Chancellor College (PAS Department)' attached as Appendix 3. This was done to cater for access and acceptance. Finally, participants were informed of their right to participate voluntarily, and of their freedom to withdraw from participation from the study. This was to cater for voluntary participation.

3.10 Limitations of the Study

Overall, the study went on well and the respondents were cooperative. However, as with most research, there were some limitations but this did not compromise the validity of the data collected since the researcher took necessary steps to address all the setbacks.

First, in the case of the Post-Exit Interview Questionnaires, some leavers were forthcoming with real reasons for their decision to leave the Ministry but others were not. For those who did not, they indicated that they were afraid that candid responses might hinder their chances of receiving favourable references, or might affect any future potential appointments to work for the Ministry again, especially at senior positions (that is, from Grade E/P4 and above). Consequently, some respondents preferred to give some

less contentious reasons for their departure. Second, there was also reluctance to participate in the study by some of the senior serving lawyers in the Ministry because of fear as well that adverse responses about the Ministry or its management might jeopardize their future promotion prospects. However, after some reassurance from the researcher of ‘anonymity and confidentiality’ of their responses which was backed by an ‘Introduction Letter’ from the Department of Political and Administrative Studies in Appendix 3, all potential participants (that is, serving lawyers) at senior level were more willing to complete the questionnaires and so were the leavers. This helped the researcher to collect the required data for the study from both leavers and stayers. Finally, as this was self-reported data by the respondents, the researcher had to take what participants filled in the questionnaires at face value thereby making the data collected not completely free from potential bias and prejudice of the participants. In this regard, the researcher assumed that this was normal in a research situation and therefore, its effects, if any, on the research results were considered to be normal as well but above all, it is a research situation that was beyond the researcher’s control.

3.11 Chapter Summary

This chapter has explained the research methodology that was used in conducting the study. A mixed-method approach was used in this study in order to effectively address all the research questions. Systematic sampling method was used to obtain the desired study sample from the population for the study. Sampling procedures, data collection and analysis methods have also been described in this chapter. The chapter ended with a presentation of some ethical considerations and limitations of the study. The next chapter presents and discusses the findings of the study.

CHAPTER FOUR

FINDINGS AND ANALYSIS

4.1 Introduction

This chapter presents and discusses the results of the study described in Chapter Three of this paper. It starts with the presentation and discussion of the demographic characteristics of the respondents in the study. Thereafter, it proceeds with presentation and discussion of the study results in relation to the following focus areas of the research: magnitude of labour turnover of lawyers in the Ministry of Justice; underlying causes of labour turnover of lawyers in the Ministry of Justice; effect of labour turnover on the Ministry's effectiveness in the delivery of legal services to its clients; approaches the Ministry is using to reduce labour turnover of lawyers; and challenges the Ministry is facing in using its existing approaches to reduce labour turnover of lawyers. The presentation and discussion of the research findings has been done by research objective or research question. When a first research question/objective is taken, the analysis of the data for answering it is done and presented in simplified summaries. This is immediately followed by interpretation and discussion of the data before proceeding to the next research question/objective. This approach was particularly adopted in the presentation of the study findings because it enhances a smooth flow of ideas right from the first research objective up to the last one in the order presented in Chapter One of this thesis.

4.2 Demographic Characteristics of Respondents

This part of the chapter presents and analyses the demographic characteristics of the respondents in the study in order to give readers an overview of what sort of respondents took part in the study in terms of their gender, age, level of education and length of service as this was likely to also have a bearing on the capacity of the respondents to

provide the data required for the study, for example, the respondent's level of education or length of service with the Ministry. The presentation and analysis start with demographic data in relation to distribution of respondents by gender and then proceed with distribution of respondents by age, level of education, and end with an analysis of demographic data of respondents by length of service.

4.2.1 Respondents by Gender

This section presents and analyses the demographic details of the respondents by gender. The researcher sought to determine the gender representation of respondents in the study.

Table 1: Respondents (Stayers and Leavers) by Gender

Gender	Stayers (n = 20)		Leavers (n = 30)		Total Respondents	Total Respondents
	Frequency	Percentage	Frequency	Percentage	(Frequency)	(Percentage)
Female	5	25	10	33.3	15	30
Male	15	75	20	66.7	35	70
Total	20	100	30	100	50	100

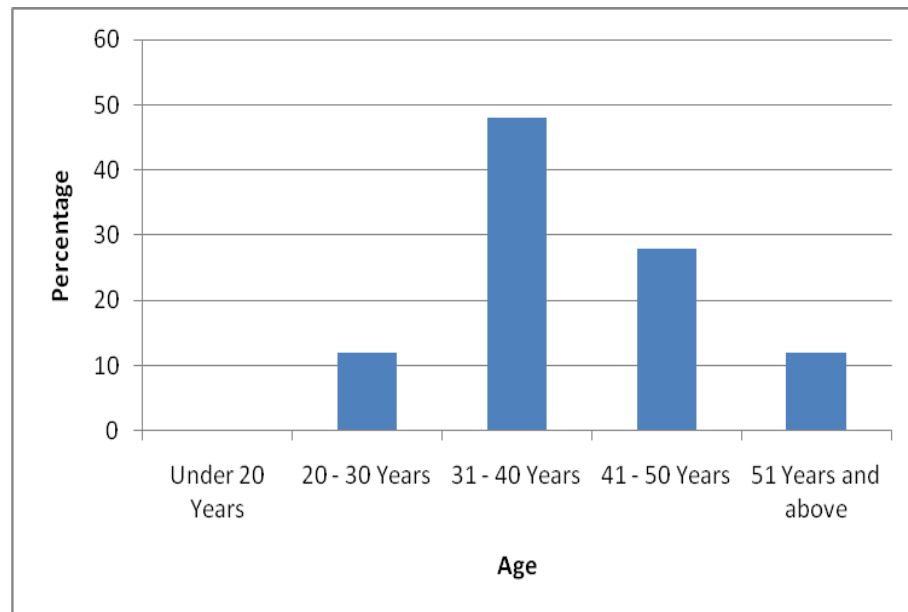
Source: Field Data (2016)

The results in Table 1 above reveal that 15 of the respondents were females, representing 30%, and that the remaining 35 were males, representing 70%. This, therefore, means that in terms of gender representation, there were more male respondents in the study than female respondents by 40 percentage points. This is because females are poorly represented in the legal profession.

4.2.2 Respondents by Age

In this section, presentation and analysis of demographic information of respondents by age category have been done and the researcher sought to establish the age categories of the respondents in the study.

Bar Graph 1: Respondents by Age



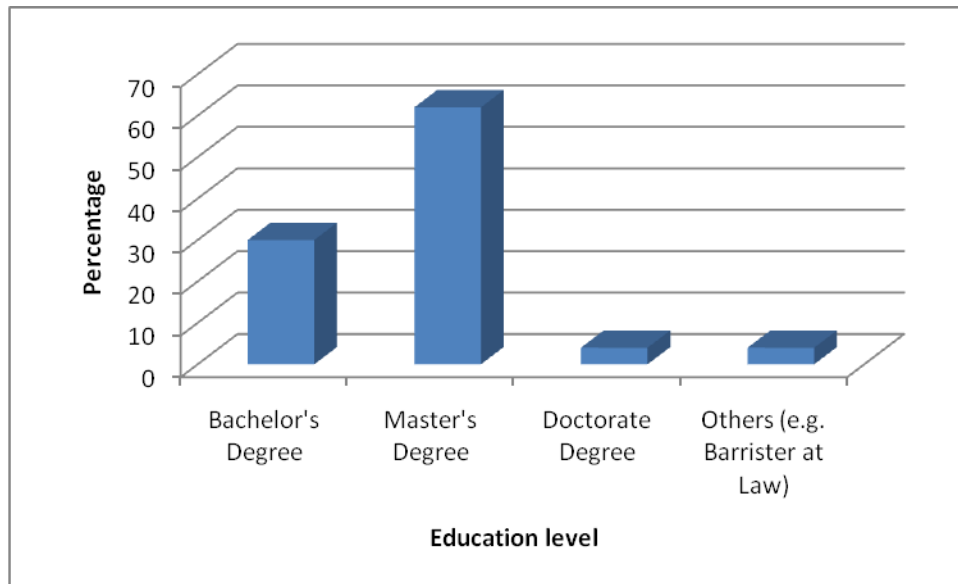
Source: Field Data (2016)

Bar Graph 1 above presents results of a distribution of total respondents in the study by age category. The findings show that the respondents in the study were in the 21 – 51 years and above age bracket and that the majority of them (48%), were aged 31 – 40 years. This means that the sample was composed mostly of middle-aged lawyers.

4.2.3 Respondents by Level of Education

This section presents respondents by their level of education. The purpose was to establish the education levels of the individual respondents who participated in the study.

Bar Graph 2: Respondents by Level of Education



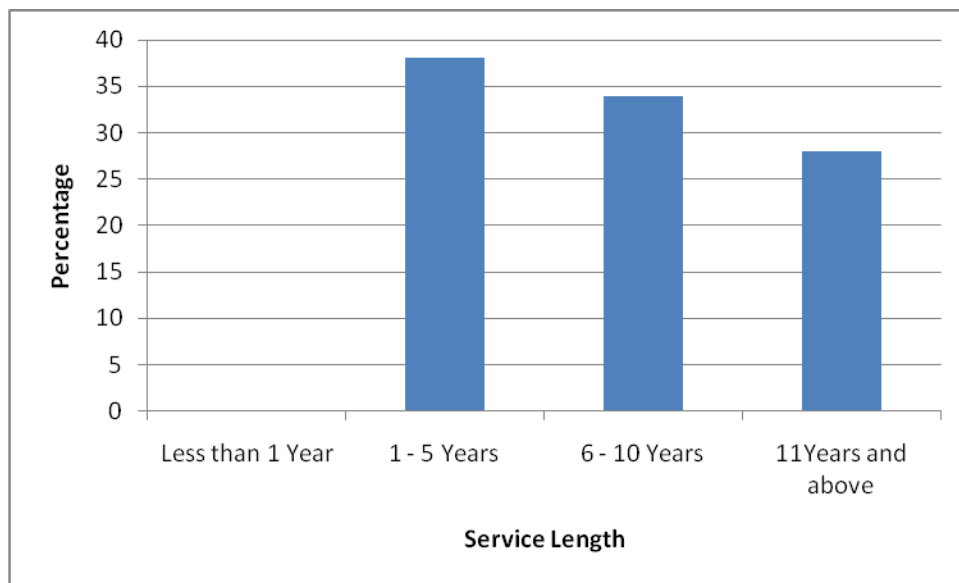
Source: Field Data (2016)

The results in Bar Graph 2 above show that most of the respondents (62%) in the study were holders of a Master's degree, an indication that the Ministry of Justice is at least offering some opportunities to its lawyers for further studies upon their engagement. Additionally, the results reveal that the sample size for the study consisted of respondents of at least all levels of educational qualifications, ranging from the minimum, Bachelor's degree (LLB) (Honours), to the highest, Doctorate degree (PhD), and strikingly, it even included participants with foreign legal qualifications such as Barrister at Law which is offered in the United Kingdom.

4.2.4 Respondents by Length of Service

This last section of the analysis of demographic characteristics of respondents presents the demographic information of the respondents by their length of service and was therefore aimed at establishing the period of service that respondents had worked for the Ministry.

Bar Graph 3: Respondents by Length of Service



Source: Field Data (2016)

Bar Graph 3 above presents results of a distribution of respondents by length of service. There was no respondent who had a length of service of less than one year. However, results illustrate that the majority of the respondents (38%) had a length of service of 1 – 5 years. However, results also show that the study sample was a combination of both fairly new lawyers and experienced lawyers of 11 years and above of length of service.

4.3 Magnitude of Labour Turnover of Lawyers

In order to determine the magnitude of labour turnover of lawyers in the Ministry, the researcher asked the HR Section of the Ministry to provide data in relation to: number of lawyers who were in post at the beginning of each year included in the study; number of lawyers who were still in post at the end of each year included in the study; and number of lawyers who left during each year included in the study. The data were provided and the researcher used labour turnover index (also known as employee or labour wastage index), in determining magnitude of labour turnover of lawyers in the Ministry. The labour turnover index was particularly selected for the purpose because it is easy to

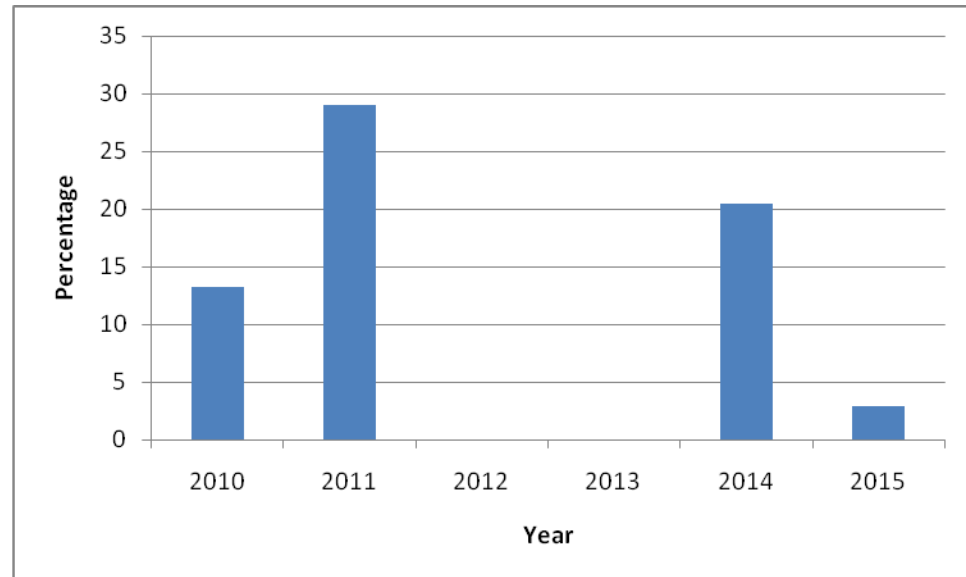
calculate, understand and that it is also useful in comparing one organization's labour turnover with that of other local employers or with the industry as whole. In the analysis of the data, tables and graphical methods were used as in Table 2 and Bar Graph 4 below.

Table 2: Yearly Magnitude of Labour Turnover of Lawyers

Year	Number of Lawyers in Post at the start of the Year	Number of Lawyers still in Post at the end of the Year	Number of Lawyers who left during the Year	Calculation of Magnitude of labour turnover	Magnitude of labour turnover each Year (%)
2015	35	34	1	$\frac{1 \times 100}{35}$	2.9
2014	42	35	8	$\frac{8 \times 100}{39}$	20.5
2013	28	28	0	0	0
2012	26	28	0	0	0
2011	35	26	9	$\frac{9 \times 100}{31}$	29.0
2010	40	35	5	$\frac{5 \times 100}{38}$	13.2

Source: Field Data (2016)

Bar Graph 4: Yearly Magnitude of Labour Turnover of Lawyers



Source: Field Data (2016)

Table 2 and Bar Graph 4 above present results of magnitude of labour turnover of lawyers in the Ministry of Justice over a period of six consecutive years, from 2010 to 2015. The yearly turnover rates encompass all leavers without distinction (that is, whether the turnover was voluntary or involuntary).

From the presentation of the results above, it can be stated that the labour turnover rate of lawyers in the Ministry over the six year period studied was varying from year to year with the Ministry registering the highest labour turnover rate of 29 per cent in 2011 and the lowest (that is, 2.9 per cent) in 2015. Furthermore, from the research results above, it means that the average labour turnover rate of lawyers in the Ministry over the six year period studied was approximately 10.9 per cent. The significance of labour turnover rates provided in Table 2 above is that they provide a graphic illustration of the turbulence within the organisation (IRS, 2000). As for the big variation in turnover rates from one year to the other in the results above, the reason could be that in some years such as 2012 and 2013, the country was going through challenging economic conditions. Literature

suggests that when a country is going through challenging economic conditions, turnover rates fall because it is not easy for people to secure desirable alternative employment. Conversely, when the country's economy is vibrant, literature suggests that turnover rates tend to go up because it is relatively easy for people to find desirable alternative employment (CIPD, 2013).

There is, however, still a debate amongst scholars about the level which labour turnover rates have to reach in order to inflict a measurable damage on an employer or to start to have a negative impact on an organisation's performance or effectiveness. Torrington *et al.* (2008:194) argue that the answer will vary from organisation to organisation and that much depends on the type of labour markets in which the organization competes. They contend that in some organisations, for example, where it is relatively easy to find and train new employees quickly and at reasonably low cost (for example, where the labour market is loose), it is possible to sustain high quality levels of service provision despite having a high turnover rate. By contrast, where skills are relatively scarce, recruitment is costly or where it takes some time to fill a vacancy (for example, where the labour market is tight), a turnover rate in excess of 10 per cent, Torrington *et al.* (2008) contend, is likely to be problematic for the organization.

From the study findings and discussion above, what is critical is perhaps the observation by Beardwell *et al.* (2004) that there is no universally 'acceptable' or single best level of labour turnover for an organization and therefore, what is required to be done is to establish the level of turnover of the organization so that changes can be measured and that external comparisons to gauge whether rates in the organisation are out of line with others in the same industry or sector can also be made. If turnover is significantly higher than in comparable organisations, Armstrong (2006:377) proposes, this should stimulate action to investigate why this is the case and to do something about it.

4.4 Underlying Causes of Labour Turnover of Lawyers

In order to investigate the underlying causes of labour turnover of lawyers in the Ministry, the researcher used two separate self-completion questionnaires, namely: attitude survey questionnaires for stayers and post-exit interview questionnaires for leavers. In both questionnaires, respondents were asked to indicate reasons why lawyers were leaving the Ministry of Justice. Respondents were also asked to state briefly if there were any other reasons which influenced the lawyers' decision to leave the Ministry. The researcher used tables in the presentation of analysed data in Table 3 below, which is about the factors that influenced the lawyers to leave the Ministry.

Table 3: Respondents by reasons that influence them to leave

Reasons ranking	Reasons	Frequency	Percentage
1	Lack of advancement opportunities.	42	84
	Favouritism	32	64
3	Poor working conditions.	31	62
4	Uncompetitive remuneration package	29	58
5	Nepotism	23	46
6	Non-recognition of achievements	17	34
7	Change of career	14	28
8	Lack of autonomy	13	26
9	Unfair organisational policies	10	20

Source: Field Data (2016)

Table 3 above shows that after ranking the nine factors, lack of personal growth and career advancement opportunities ranked first with 84% while organisational policies (not fair, consistent, etcetera) ranked last with 20%. However, apart from the

predetermined list of possible reasons why lawyers leave the Ministry presented in Table 3 above, respondents indicated that *'Lack of security of tenure for lawyers, especially those in senior positions; and contracting out of cases to private lawyers at exorbitant fees without following Government procurement procedures'* are also some of the reasons that influence the lawyers' decision to leave the Ministry. The identified factors are briefly discussed below as to how each one of them influences the lawyers' decision to leave.

4.4.1 Lack of Personal Growth and Advancement Opportunities

Respondents complained that there are no promotional or advancement opportunities in their career, resulting in them staying at one grade for many years when Government regulations (MPSR, 1991) in fact provide that a public officer is eligible for promotion to the next higher grade after serving for four years at his or her current grade. The respondents believed that their stagnation on the same positions for years was largely because the Ministry's Authorized Establishment for lawyers above the rank of Senior State Advocate (Grade H/P8), which is the entry point as well for lawyers in the Civil Service, is very narrow. Consequently, lawyers stay on the entry grade of P8 for years on end before they are considered for promotion to the next higher grade, for example, Grade G/P7.

Many career-minded professionals want to know that there is opportunity for advancement in the organisation they help build every day. Career advancement and promotion opportunities are therefore as important to ambitious employees as are opportunities for professional growth and development (Greenberg, 2015). An organisation that focuses on promotions and career advancement, therefore, instills employees with a sense of value from their organisation. The research findings in this study, however, seem to suggest that there is a significant gap between the lawyers' desire for career advancement and the actual opportunities they are afforded to them by the Ministry. Rogel (2016) observes that an employee's perception of internal growth and development opportunities is one of the critical predictors of employee engagement

because organisations which offer career advancement opportunities to their employees are able to retain top talent. He argues that with an employee-driven career advancement initiatives in place, he argues, valuable individuals are more likely to look within the organisation rather than elsewhere when they desire a job shift because employees feel much more supported by the organisation.

According to Mahapatro (2010:84), promotions help to build employee loyalty, morale and a sense of belongingness because employees see them as a recognition and reward for their efforts in the organisation. However, where such opportunities are not available, Mahapatro (2010:85) warns, it may lead to employee discontent and frustration which may culminate in a high rate of employee turnover. The literature reviewed in this thesis also found that where employees have doubts about future career prospects, a decision to leave the organisation may occur (that is, second induction crisis) although employees may have served for years (Attwood and Dimmock, 2006).

4.4.2 Favouritism

There is a perception amongst respondents that some lawyers in the Ministry receive undue preferential treatment from management over other lawyers. An example was given that whenever there are official foreign trips, the same lawyers in the Ministry are assigned such trips when other equally deserving serving lawyers are sidelined. In this connection, respondents further observed that lawyers working at the Ministry headquarters are more favoured in such trips than those working in regional offices, for example, Blantyre or Mzuzu Offices.

The term favouritism has been defined by Cambridge Advanced Learner's Dictionary (4th ed.) as unfair support shown to one person or group, especially by someone in authority. For Nadler and Schulman (2006), favouritism in a workplace refers to favouring a person not because he or she is doing the best job but rather because of extraneous feature-membership in a favoured group, personal likes and dislikes, etcetera. Abun (2014) claims that these definitions suggest existence of discrimination and he contends that

discrimination is illegal and immoral because it destroys the morale and motivation of employees to work. Nadler and Schulman (2006), on the other hand, hold the view that the appearance of favouritism weakens morale amongst employees and people's faith in the integrity of the organization.

Abun (2014) further describes favouritism as 'poison' to employees' morale. He argues that it creates terrible feelings towards the management and those employees who are treated favourably since employees, despite being professional, are human beings and therefore, susceptible to emotions. For Young (2008), employee favouritism is seen as employees' 'morale cancer' because it causes the sickness of the workplace environment as it breeds resentment, destroys employee morale and creates disincentives for good performance. Once employees see that benefits flow from being on the management's good side rather than from doing a great job, a feeling develops that there is no point in working hard or to continue working for the organisation. In agreement with Young's (2008) view, Abun (2014) observes that where favouritism exists, unfavoured workers feel that no matter how hard they work, it will not matter because favoured employees will always get better benefits, more attention and greater opportunities. If such a situation happens, then the working environment becomes not conducive for the unfavoured people to continue working for the organization (Abun, 2014).

In conclusion, Nadler and Schulman (2006) observe that one of the most basic themes of Government ethics is fairness, correctly stated by Aristotle in the following terms: *"Equals should be treated equally and unequals unequally."* In relation to employment practices, Abun (2014) argues that Aristotle's words quoted above suggest that employees who possess the same qualifications and perform the same or similar responsibilities should be treated the same. For that reason, he contends that favouritism interferes with fairness and justice because it gives undue advantage to someone who does not necessarily merit the preferential treatment. Some lawyers in the Ministry get preferential treatment from top management because of 'technical know who' and not 'technical know how.'

4.4.3 Poor Working Conditions

There is a perception amongst respondents that there are inadequate materials, resources and equipment (for example, computers) for an efficient and effective operation of the Ministry. For example, they indicated that the monthly funding from Treasury for the operations of the Ministry is usually low and not timely, resulting in some of the core activities of the Ministry not being undertaken as planned. For instance, respondents observed that due to limited financial resources the Ministry is not able to update its main library at the Ministry Headquarters with new legal text books and reference materials such as law reports, and to supply court dress (that is, wigs, gowns, winged collars, etcetera) to all its lawyers. This makes them feel frustrated because their needs and expectations to achieve some desired goals which provide fulfillment have failed to be realised. One of the respondents (MoJ-ST03, 2016) had this to say in this regard:

“The need to go around from one legal house to the other at the last minute to borrow court dress and find appropriate legal text books or law reports for reference has been a source of frustration for most lawyers.”

Where employees are happy with working conditions of the organisation, Crow and Hartman (2007:36) observe, they will be motivated to come to work every day. However, where the working conditions are not conducive to the employees' wellbeing and expectations, they caution, the situation can give rise to job dissatisfaction and employee turnover. For De Vita (2008), good working conditions at work pay because employees who are happy with working conditions are more likely to stay with their organization. Robbins, Odendaal and Roodt (2004:151), in their studies on employee wellbeing, observed that money is indeed important to motivate employees but they argue that more importantly from motivational perspective, are a sense of wellbeing and a sense of joy of life that the organisation instills in its employees through provision of good working conditions or environment.

Organizations should, therefore, ensure that working conditions are appealing to their employees (Branham, 2005) and that their employees are provided with adequate

resources (Deery, 2008:804) to increase their morale and motivation as adequate resources would facilitate smooth execution of their duties. Such a work environment would reduce employee frustrations which, according to Mullins (2010:258), can give rise to apathy amongst employees or a complete withdrawal from the organization (that is, leaving the organisation altogether).

4.4.4 Uncompetitive Remuneration Package

There is a perception amongst respondents that the lawyers' salaries in the Ministry are comparably much lower than those their fellow lawyers are getting not only in the private sector but also in some Government-run institutions such as Anti-Corruption Bureau (ACB), Office of the Ombudsman, Malawi Human Rights Commission (MHRC), Law Commission, Judiciary, National Assembly, etcetera. One of the respondents (MoJ-ST07, 2016) had this to say in this regard:

“Salaries for lawyers in the Ministry of Justice are ashamedly very low as compared to what colleagues receive in the commercial sector, private practice and in other Government-run institutions such as ACB, Law Commission, Parliament, Judiciary, etc, which paradoxically get their funding for salaries through voted money (tax payers) as we do.”

The feeling amongst most respondents was that they are not paid fairly in comparison with their colleagues doing similar work elsewhere in Government-run institutions. They felt that their remuneration is not competitive as compared to what their colleagues in other Government-run institutions are getting per annum. Table 4 below compares salaries per annum for lawyers working in the Ministry of Justice at Grades H/P8 and G/P7 with those of lawyers of equivalent grades but working in other public institutions.

Table 4: Salary Comparison: Lawyers in MoJ and those in other institutions

Grade of a lawyer	Civil Service (Salary Scale per annum) (MK)	Ombudsman (Salary Scale per annum) (MK)	Law Commission (Salary Scale per annum) (MK)	MHRC (Salary Scale per annum) (MK)	ACB (Salary Scale per annum) (MK)	Judiciary (Salary Scale per annum) (MK)	National Assembly (Salary Scale per annum) (MK)
Grade G/P7	2,809,020 to 3,326,580	2,809,020 to 3,326,604	3,865,812 to 4,065,396	3,781,404 to 4,009,956	6,348,124 to 7,103,664	5,148,552 to 5,927,712	5,497,236 to 5,746,776
Grade H/P8	2,588,964 to 2,801,964	2,581,452 to 2,801,964	3,430,608 to 3,634,140	2,935,380 to 3,128,148	5,944,380 to 6,336,012	4,916,964 to 5,038,068	4,975,884 to 5,361,444

Source: Government Administrative Circular Letter Ref. No. HRM/RS/01/62 dated 10th August, 2016.

A close examination of Table 4 above shows that lawyers at Grades H/P8 and G/P7 in the mainstream Civil Service and those employed in the Office of the Ombudsman receive the lowest salaries compared to their colleagues of equivalent grades working with the Law Commission, Malawi Human Rights Commission, Anti-Corruption Bureau, Judiciary and National Assembly. However, in terms of section 8 of the Public Service Act (Cap. 1:03), the basis for remuneration of public officers is equal pay for work of equal value without distinction or discrimination of any kind. Similar provisions have also been specifically included in sections 31(3) and 6 of the Constitution of the Republic of Malawi (1994) and Employment Act (Cap. 55:01) respectively. However, in practice, as evidenced by Table 4 above, the pay structure in the public service is diverse and not rationally determined as officers with similar qualifications and experience, serving in different public agencies or institutions are not remunerated equally, even where they are performing the same kind of work (i.e. performing work of equal value). Consequently, lawyers leave the Ministry for those public institutions which offer better remuneration packages than the Ministry. One of the respondents (MoJ-LE21, 2016) had this to say in this regard:

“The Ministry of Justice has reached a crisis with regard to retention of lawyers who are discontented with their substandard remuneration package. The conditions of service for Government lawyers are irrationally disproportionate to other lawyers in governance agencies and institutions hence Government lawyers are leaving the Ministry to seek employment with the governance institutions which offer attractive remuneration packages. This situation is forcing Government to outsource legal services from private lawyers which is very costly to Government.”

Risher (1997) defines compensation as all forms of financial returns and tangible services and benefits employees receive as part of an employment relationship. Armstrong (2006:267) argues that money, in the form of pay or some other sort of remuneration, is one of the most obvious extrinsic rewards since it provides the carrot that most employees want and therefore, when employees get an increase in pay, they feel good. Apart from the extra money, Armstrong (2006:267) contends, it is a highly tangible form

of recognition and an effective means of helping employees to feel that they are valued. For Nel *et al* (2004:375), poor remuneration is one of the causes of absenteeism and staff turnover because, they claim, if employees are not satisfied by what they are paid then they normally leave for other organizations which offer competitive and attractive remuneration.

The findings of the study in this respect therefore agree with the proposition of the Equity Theory (Adams, 1965) discussed under Literature Review Chapter of this thesis. Lawyers do not work in a vacuum and therefore, they make comparisons of how fairly they are being treated in comparison with the treatment their colleagues receive in other similar Government-run organisations. According to the theory, salary is one of the expected outcomes of an employee following his or her inputs (for example, skills, effort, experience, etcetera). Therefore, the motivation to stay or leave the organisation will be influenced by the individual's perception of whether the rewards are fair in comparison to those received by others (Beardwell *et al.* 2004:513). To assess fairness lawyers are likely to make a comparison between the level of inputs and outputs they are making compared to the level of input and output they consider the comparator(s) to be making. If they perceive their ratio to be unequal to the relevant others with whom they compare themselves as in Table 4, then inequity exists. Martocchio (1998) points out that where perception of inequity exists, it causes an unpleasant emotional state amongst employees which may result in increased absenteeism or employees leaving the organisation altogether. If the employment is perceived as 'poorly paid,' Armstrong (1999:659) concludes, the organisation will find it increasingly difficult to keep its employees. Valued staff may be lost to other organisations as they pursue elsewhere for better pay.

4.4.5 Nepotism

There is a perception amongst respondents that some lawyers in the Ministry receive some preferential treatment from management or Government over other lawyers because of their family connections with the ruling elite or because of their social or ethnic origin. An example was given that whenever there are opportunities for promotions or

appointments to senior positions from the rank of the equivalent of Deputy Secretary (Grade E/P4) and above whose appointing authority is the President in terms of section 6 of the Public Service Act (Cap. 1:03), preference is usually given to those lawyers who have some family connections or political affiliations with the ruling regime or come from the same region, district, village or area with some influential senior political leaders of the ruling regime at the time. The respondents' feelings were that most of such promotions or appointments are essentially not merit or performance based but are based on extraneous factors such as political affiliation, social origin or family connections with the ruling regime of the time. An article by Kneale (2013) from Forbes Magazine correctly described this in the following terms: *"There is no ladder to climb when the top rung is reserved for people with a certain name or connection."*

The term nepotism has been defined by Oxford Advanced Learner's Dictionary (7th ed.) as giving unfair advantage to one's own family relations if he or she is in a position of power, especially by giving them jobs. For Root (2014), nepotism in a workplace is the practice of hiring family members regardless of their qualifications. Darko (2002 cited in Dzimbiri, 2008:71) observes that political factors such as ridicule of democracy, disregard for meritocracy, nepotism, etcetera in the governance systems are what compromise the skill-retention capacity in most African countries. For example, in his studies about reasons for brain drain of professionals and skilled technicians in the Public Service in Lesotho, Wereko (1997) found that one of the main reasons for their resignation and subsequent migration was political meddling with appointments, promotions and transfers of people in the Public Service. For Abun (2014), one of the main problems with nepotism is the feeling of entitlement that employees hired under such circumstances have. He argues that because of their close relationship with the top management, they feel they deserve all the good things including promotions that should be reserved for more suitably qualified staff members. Besides the feeling of entitlement, he adds, such employees feel powerful and can influence even the top management. Additionally, employees who were engaged through nepotism, he contends, are feared by other employees and may create conflict in the workplace which usually results in low

work morale and loss of those suitably qualified and experienced employees who got the job because they had the necessary qualifications for it.

Young (2008) observes that there are different forms of nepotism that may occur in workplaces which include: patronage nepotism; relative nepotism; friend nepotism; and connection nepotism. Root (2014) explains that *patronage nepotism* occurs where the top management promotes employees it trusts into positions of management and then asks them to hire their family members or friends. On the other hand, Young (2008) describes *relative nepotism* as a practice to hire, save, prioritize and promote the relative first before anyone else; and that he looks at *friend nepotism* as a management behaviour that is giving special attention to friends. *Connection nepotism*, according to Young (2008), is a management practice of giving a special treatment to persons who have connections with the management, be it political connection or other forms of connections. In conclusion, Abu (2014) cautions that any display of nepotism or even its perception, destroys relationships, work morale and trust in a workplace and therefore, it must be avoided at all cost. According to the respondents' assessment, relative nepotism and connection nepotism are the common forms of nepotism that occur in the Ministry.

4.4.6 Non-recognition of Achievements or Accomplishments

There is a perception amongst respondents that there is no recognition of accomplishments or achievements by management however hard one may work and achieve the desired results. Harrison (2005) defines employee recognition as the timely, informal or formal acknowledgement of a person's or team's behaviour, effort or business result that supports the organization's goals and values, and which has clearly been beyond normal expectations. He notes that appreciation is a fundamental human need and for that reason, he argues, employees respond to appreciation expressed through recognition of their good work because it confirms that their work is valued. One of the benefits of employee recognition, Harrison (2005) observes, is that it lowers employee turnover and increases retention of quality employees because people want to be respected and valued for their contribution. Everyone, Harrison (2005) claims, feels the

need to be recognized as an individual or a member of a group and to feel a sense of achievement for a work well done. For Armstrong (2006:269), employees are more likely to be motivated if they work in an environment in which they are valued for what they are and for what they do or contribute to the organisation.

Crow and Hartman (2007:31), on the other hand, observe that good remuneration may attract people to the front door, but something else has to be done to keep them from leaving through the back door – they should feel valued for their input towards the organisation's success through recognition of their achievements. The proposition above was ably summarized by Kusin (2005:76) in the following words:

“Work is about letting people know they are important, their hard work and efforts matter, and they are doing a good job. And this kind of recognition, in fact, can sometimes be more important than money.”

For Hrebiniak (2005:200), what is absolutely critical, is that an organization should celebrate success. Those who perform, he argues, must be recognized and that their behaviour and its results must be reinforced. Therefore, apart from making work interesting and stimulating, workers' achievements should also be noticed and appreciated (Delfgaaw and Dur, 2006:1). People have a basic human need to feel recognized, appreciated and proud of their work (Gardner, 2009:107). When they do not feel recognized, valued or appreciated, Michaels *et al.* (2001:128) argue, they become frustrated and demoralized, and are more likely to leave the organization. The findings of the study in this regard seem to agree with literature review in Chapter Two that if employees work in an environment in which they are valued for what they are and what they do, they are more likely to be motivated to stay. However, if they work in an environment in which they feel not appreciated, they become demoralized and are more likely to leave (Michaels *et al.*, 2001:128).

4.4.7 Career Change

Respondents' feelings are that the Ministry is not doing enough to assist them realize their career expectations. Torrington *et al.* (2008:446) look at a career as the pattern or sequence of work roles of an individual and often apply to those occupying managerial and professional roles. Grobler *et al.* (2006:246) observe that the current generation of employees is very different from those of the past. They claim that the higher levels of education that employees possess today have raised career expectations and therefore, many workers hold their employers responsible for providing opportunities so that their expectations may be realized. Where such opportunities are not forthcoming, Grobler *et al.* (2006) point out that employees tend to leave the organization for another where they feel their career expectations or goals will be accomplished.

Therefore, organisations should always try to link their needs with individual career needs in a way that joins personal effectiveness and satisfaction of employees with the achievement of the organisation's strategic goals. If employees' perception is that their individual career needs are not being met by the organisations, they are likely to leave the organisation for other organizations in pursuit of career development opportunities as it is a rich Curriculum Vitae (that is, one which includes a variety of work and non-work activities) that counts to employees (Adamson, Doherty and Viney, 1998:256).

4.4.8 Lack of Autonomy

There is a perception amongst respondents that there is too little independence over the work largely because of political interference, especially in high profile cases involving senior Government officials or senior political party leaders of the ruling regime. The respondents maintained that this has been the trend since the advent of multiparty politics in Malawi in 1994. Respondents see political interference as an unethical conduct that undermines professionalism, resulting in many lawyers opting to leave the Ministry. One of the respondents (MoJ-ST11, 2016) had this to say in this regard:

“With passage of time, the Ministry has not escaped political interference especially in senior positions. There is therefore, compromise on professionalism that puts off people.”

The perceived political interference by respondents seems to find support in the sentiments of the Chairperson for Human Rights Consultative Committee (HRCC) and the United Nations (UN) Resident Coordinator in Malawi over the perceived selective prosecution of cases and inordinate delays in concluding some of the high profile cases of national interest by Government Prosecutorial Agencies, headed by the Ministry of Justice through the Office of the Director of Public Prosecutions. The Chairperson for Human Rights Consultative Committee (HRCC) in response to an interview with a local News Reporter with regard to delayed and selective justice, and the independence of Government Prosecutorial Agencies from political interference, had this to say:

“We have seen cases, just in a day or three, sentences being meted out. It is because they are ‘small guys’ in society. But the slow pace of these cases [Njauju and Chasowa] simply tell us that someone somewhere senior enough is part and parcel of these cases” (The Nation, 12 December, 2016:3).

For the United Nations Resident Coordinator in Malawi, Mia Seppo, this is what she said to the local News Reporter on the issue: *“Malawi needs strong legal frameworks to protect institutions to do their job independently and free from political interference.”* (The Nation, December 12, 2016:3).

Mullins (2010:287) looks at job autonomy as the extent to which a job provides freedom, independence and discretion in planning the work and determining how it should be done. Literature suggests that there is increased morale amongst employees who are given the autonomy to make their own decisions over their work because they feel trusted and their contributions are a direct factor in their organisation’s success. Conversely, its absence decreases employees’ morale which results in an unpleasant emotional state. In order to address the experience of unpleasant emotions, employees opt to leave the organisation for other organisations in pursuit of work that offers autonomy. For Ivancevich and Matteson (2004:343), when new employees join an organisation, they have expectations and such expectations include the opportunity of being provided with a reasonable degree of autonomy and scope for the use of their skills and abilities. When those expectations are not met, they argue, it becomes problematic and employees tend to leave the organisation for other organizations where they feel their expectations (i.e. reasonable autonomy) will be met and/or satisfied.

4.4.9 Unfair Organisational Policies

There is a perception amongst respondents that some of the Ministerial policies are not fair and that they are not consistent in some instances, The respondents cited a number of such policies or practices including the following: cost sharing of the court dress (gowns, wigs and flaps) that the Ministry purchases for its lawyers; appointment of non-career

civil servants at senior legal positions in the Ministry at the expense of equally deserving serving lawyers in the Ministry; and non-rotation of lawyers amongst the Ministry's legal Departments or Sections.

With regard to cost sharing of the professional dress which the Ministry purchases for its lawyers, respondents explained that upon purchase of the dress, lawyers are asked to contribute 50 % of the cost of the court dress. The respondents' view was that gowns, wigs and flaps are part of the court uniform for every lawyer because, in terms of the professional ethics, a lawyer cannot appear before the High Court or Supreme Court without being in such uniform. The respondents, therefore, held the view that the uniform, as are Acts of Parliament, Law Reports, Law Textbooks used in court, is part of the tools to be used in the performance of their duties as lawyers. For that reason, it was further their view that it was an unfair policy for them to be contributing 50% towards the cost of the uniform.

The other Ministerial policy which is perceived to be unfair by the respondents is the appointment of non-career civil servants (that is, appointment of lawyers from the private sector organisations) to senior positions graded P4 and above at the expense of equally qualifying and deserving serving lawyers in the Ministry who have remained loyal to the Ministry and dedicated to the service. The respondents' view was that section 6 of the Public Service Act (Cap. 1:03) which gives power to the President to appoint any person in the public service to a post above the rank of Under Secretary (Grade F/P5) should be amended so that such power should be vested in an Independent Appointments Committee or that appropriate guidelines/procedures be developed to allow for a more objective, transparent and merit-based appointment process. They further proposed that the correct way to proceed is that all appointments above the grade of Under Secretary (Grade F/P5) should be subjected to open and competitive appointment processes which assure that all eligible lawyers in the Ministry receive equal opportunity as required by section 4 of the Public Service Act (Cap. 1:03). With the current policy, respondents felt that even the succession planning in the Ministry for senior positions is almost non-

existent because even the Ministry's management remains clueless as to who the appointing authority may decide to appoint to fill any of the senior managerial positions in the Ministry since the appointing authority has an exclusive discretion to even appoint someone outside the Ministry.

Regulation 13 of the Malawi Public Service Commission Regulations (MPSCR, 1989), which provides for matters to be considered regarding appointments and promotions in the public service, specifically provides that where a serving officer is qualified and suitable to fill a vacancy, preference should be given to that officer over any other person not in the public service. The current practice of appointing non-career civil servants to senior positions in the Ministry at the expense of equally qualified serving lawyers is, therefore, not only perceived to be unfair by lawyers but it is also considered demotivating and demoralizing to them as people who have worked hard, remained loyal to the Ministry and wish to make a career in the civil service. The result is that such lawyers opt to leave the Ministry for other organizations as they feel that their future in terms of career advancement and promotions in the Ministry is not guaranteed or certain. Anyone from anywhere can be appointed to fill the higher senior positions in the hierarchy which they might have all along been aspiring or waiting for to occupy. One of the respondents (MoJ-ST09, 2016) had this to say in this regard:

“In most cases redeployment or appointment of officers from outside the mainstream civil service has caused frustrations among existing staff and has affected morale and organizational performance. This is particularly so where the general perception is that the appointed person does not bring any unique experience or skills to the Ministry and indeed where the position could have appropriately been filled internally by equally suitable and qualified serving officers.”

Accumulated knowledge in recruitment and selection studies suggest that although internal recruitment may have its own weaknesses, it nevertheless raises the morale of employees if they see promotions as rewards for loyalty and competency; and more importantly, it raises hope among employees of career advancement (DeCenzo and

Robbins, 2005). However, if the work policies provide no hope of promotional prospects, it can be a major cause of turnover and dissatisfaction in an organisation Grobler *et al.* (2006:161).

Respondents also felt that there is need for the Ministry to be rotating its lawyers from one job, Department or Section to another as part of the On-the-Job Training and to motivate them instead of maintaining the *status quo* for as long as a lawyer is with the Ministry. As part of the On-the-Job Training, job rotation involves moving employees from one job to another in an organisation at planned intervals in an effort to expand their skills, knowledge and abilities (DeCenzo and Robbins, 2005). Job rotation, therefore, represents an excellent method for broadening individual's experience to the organisation's operations and for turning specialists into generalists, especially with the problem of acute shortage of lawyers the Ministry is experiencing.

4.4.10 Job Insecurity for Senior Lawyers

There is a perception amongst respondents that there is political interference in appointments and termination of appointments of officers, especially in senior positions from the rank of Grade E/P4 and above, during regime change which has constantly put their job security under threat. Examples of such senior positions in the Ministry are the offices of the Attorney General (AG) and Director of Public Prosecutions (DPP). In this connection, concerns were expressed by most respondents that senior lawyers in the Ministry have sometimes been removed from office on flimsy reasons or for none at all, mostly whenever there is a change of Government. To make matters worse, as respondents observed, such terminations of employment have often been unprocedural. This kind of work environment has tended to make senior lawyers uncertain about their tenure. They expressed the feeling that all this is done largely because the security of tenure of the senior positions does not seem to be adequately protected under any law although the framers of the Constitution of the Republic of Malawi (1994), under section 31(1), might have introduced the concept of '*fair labour practice*' in our employment law to counter such abuse (that is, actual or potential). The objective of section 31(1) is not to

make an employee's position incapable of termination but to ensure that fairness attend all dealings between employer and employee. One of the respondents (MoJ-LE18, 2016) had this to say in this regard:

“The insecurity of tenure for lawyers in senior positions has a serious impact on the impartiality as well as professionalism of the incumbents in the discharge of their duties when in fact neutrality and impartiality of the public service lie at the heart of the public service in terms of section 193 of the Constitution of the Republic of Malawi, 1994. The environment of insecurity of tenure for lawyers in senior positions is further a fertile ground for abuse (potential or actual) as it favours the appointing authority, leaving the employee unprotected.”

Respondents observed that in some instances senior lawyers have been arbitrarily redeployed to non-legal positions in other Government Ministries, Departments or Agencies where there is hardly any work for them and mostly results in them being under-utilized or ‘warehoused’ or sometimes even being told to wait at home indefinitely until a further instruction is issued by Government regarding the status of their employment in the public service.

Lack of security of tenure, commonly referred to as ‘job insecurity,’ has been defined by Probst (2003) as the perceived stability and continuance of one's employment with an organisation. For Greenhalgh and Rosenblatt (1984:438), it is the employee's perceived powerlessness to maintain desired continuity in a threatened job situation. A potential job loss is an undesired event, especially because employment provides income and financial security. Besides this obvious function, Jahoda (1982) argues, employment also provides one with a time structure, social contacts, a collective purpose, a social identity, status and activities. For De Witte (1999), employment provides numerous sources of satisfaction such as economic stability, social contacts and self-efficacy. Job insecurity is therefore seen to be directly related to lowered job satisfaction (Ashford, Lee and Bobko, 1989) because it is considered by individual employees as threatening as it is an anticipation of an involuntary job change.

Taylor (2008) points out that in such situations, employees often prefer to ‘jump before they are pushed.’ They will look for an alternative employment ahead of time before they are formally or arbitrarily dismissed from their employment. Ironson (1992) concludes that the perception of having a job but not knowing it is secure has been classified as one of the more stressful burdens that an employee can shoulder. Consequently, an employee in such a situation is left with no choice but to leave the organisation to free herself or himself from the endless stressful burdens.

4.4.11 Unprocedural Procurement of Private Legal Services

There is a perception amongst respondents that there is no transparency on the part of the Ministry in the manner it procures private legal services from lawyers in the private practice for purposes of representing Government in some high profile or complex cases. Respondents feel that the identification of, or selection criteria used in choosing such lawyers is not quite transparent as there is no formal open tendering proceedings by the Ministry or Government as required by the Public Procurement Act (2003), yet Government pays a lot of money for such services.

Section 30 of the Public Procurement Act (2003) as read with the Schedule of Procurement Methods at the end of the Act specifically provides that public procurement of goods, works and services should be realized by means of ‘*open tendering proceedings*.’ Respondents believe that the absence of such open tendering by the Ministry or Government has given room to those in authority to contract out cases to private lawyers at exaggerated fees when a serving lawyer who has remained with the Ministry doing a similar case or the same case jointly with a hired private lawyer gets a very minimal allowance of only MK20, 000.00 per night if the case is being done outside his or her duty station and nothing at all if it is being done within his or her duty station. In one of the local newspapers, for example, it was reported that in one of the high profile treason cases against former cabinet ministers and top government officials, a private legal practitioner hired by the Government to be part of the prosecution team, was

demanding MK 6.3 million in legal fees for the professional services he provided on the preliminary issues of the case. The heading of the article was “*Taxpayers to cough millions for treason lawyers*” (Daily Times, 3 May 2013:1).

Respondents further cited an example of another treason case involving the former Vice President of the country in which a British lawyer, Antony Berry, was hired by Government to assist the local prosecution team. It was established that MK600 million has so far been paid to the British lawyer in legal fees (The Nation, 30 March 2017:2).

Such a deliberate flouting of the law or laid down procedures in the procurement of private legal services, without a plausible explanation from Government, is a fertile ground not only for abuse but also for speculations of possible shady deals. The elaborate procedure for procurement of such services was not included in the Public Procurement Act (Cap. 37:03) by mistake but by design and for a purpose. Therefore, the departure from the legally laid down procurement procedures by Government cannot be properly justified. The accompanying exorbitant legal fees that Government is paying out to private lawyers in one case influence serving lawyers’ decision to leave and work with the Ministry on contractual and consultancy basis whilst in the private sector. That way, they earn more money from Government on case by case basis which one could ordinarily not have earned from the same Government if he or she was on full employment with the Ministry.

Under Literature Review Chapter of this thesis, these causes of labour turnover have been categorized as either pull-type or push-type causes. ‘Pull-type causes’ relate to positive situations outside the employee’s organisation which motivate or attract him or her to join that other organization (Dzimbiri, 2008:70). ‘Push-type causes,’ on the other hand, are those causes which relate to situations within the employee’s organisation that prompt him or her to make a decision to leave the organization. Table 5 below grouped the identified causes of labour turnover of lawyers into push-type and pull-type causes as follows:

Table 5: Categorization of Identified Causes of Labour Turnover of Lawyers

Category of Identified Cause of Turnover	Identified Causes of Labour Turnover
Push – type causes	Lack of personal growth and advancement opportunities.
	Favouritism
	Poor working conditions
	Uncompetitive Remuneration
	Nepotism
	Non-recognition of achievements.
	Lack of autonomy.
	Unfair organisational policies.
	Job insecurity for senior lawyers
	Unprocedural procurement of private legal services.
Pull-type causes	Career change (the spirit of adventure).

Source: Field Data (2016)

From Table 5 above, it can reasonably be stated that the causes of labour turnover of lawyers in the Ministry of Justice comprise both push and pull-type causes. Literature review, however, suggests that push-type causes are more important determinants for labour turnover than the pull-type causes. The Ministry is, therefore, required to pay particular attention to push-type causes because, apart from them being critical determinants of labour turnover, they are under the Ministry's control unlike the pull-type causes. This, however, does not stop the Ministry from learning from the pull-type causes of other organisations with a view to making them available in the Ministry to counter the turnover. This is particularly important because the 'opposite' of each of the push-type causes, if it happens in another or other organisations, acts as a pull-type cause. Employees compare the situation in their organisations with the situation existing in others. For example, is favouritism worse or better in another comparable organisation?

4.5 Effect of Labour Turnover of Lawyers on the Ministry's Effectiveness

In order to determine the impact of labour turnover of lawyers on the Ministry's effectiveness in the delivery of legal services to its clients, the researcher administered self-completion questionnaires to the respondents. The questions addressing this particular research objective were structured according to a five point Likert-scale format. The relevant questions consisted of a series of mental belief statements in which respondents were asked to indicate, by marking at the appropriate point for each statement, the extent to which they agreed or disagreed with such statements. The levels of agreement or disagreement corresponding to the points were: Strongly Agree [SA], coded 1; Agree [A], coded 2; Neutral [N, coded 3]; Disagree [D], coded 4; and Strongly Disagree [SD], coded 5. The Likert-scale was particularly chosen to obtain data for this research objective because it allows for assessment of the extent to which participants in a study agree or disagree with a particular statement of attitude, belief, judgement or perception. Respondents were also asked to state briefly if there were any other negative impacts not included in the list but, in their belief, also impact negatively on the Ministry's effectiveness in the delivery of legal services to its clients. The data were collected and the researcher used tables in the analysis of the data.

The following mental belief statements about the impact of labour turnover of lawyers on the Ministry's effectiveness in the delivery of legal services were listed in the questionnaires: Remaining lawyers not able to meet deadlines in their work assignments; decline in service provision to clients; disruptions in consistent delivery of service to clients; wastage of resources as new lawyers settle in; demotivation of lawyers who attempt to maintain levels of service and output against background of vacant posts and inexperienced lawyers; loss of input from lawyers leaving the Ministry in terms of innovations and proper implementation of new programmes; and reduction in the quality of legal services delivered. Respondents indicated their levels of agreement or disagreement with the statements as presented in Tables 6 to 12 below. However, apart from these predetermined list of mental belief statements, respondents further identified the following negative impacts: Remaining lawyers are more pre-occupied with

defending cases than commencing legal actions on behalf of Government for breaches of contracts and other civil related wrongs against Government; High costs associated with payment for legal services provided by private legal practitioners on behalf of Government; and loss of Government scarce resources through default judgements. All the negative impacts above mentioned were analysed, presented and are discussed below, starting with the pre-determined list of mental belief statements and ending with those impacts identified by respondents.

In the interpretation and discussion of the study findings, strongly agreed and agreed responses were combined and the same was true with strongly disagreed and disagreed responses for the frequency and percentage distribution. This was so because the researcher wanted to establish the extent to which respondents agreed or disagreed with the pre-listed mental belief statements in so far as they relate to the effect of labour turnover on an organisation's effectiveness in the delivery of services to its clients.

4.5.1 Remaining Lawyers not Meeting Deadlines

Table 6 below analyses the distribution of respondents by their responses as to the extent to which they agreed or disagreed with the statement that high labour turnover of lawyers in the Ministry causes the remaining lawyers not to be able to meet deadlines in their work assignments.

Table 6: Respondents by remaining lawyers not able to meet deadlines

Extent of Agreement or Disagreement with the Statement	Frequency	Percentage (%)
Strongly Agree	17	34
Agree	19	38
Neutral	4	8
Disagree	7	14
Strongly Disagree	3	6
Total	50	100

Source: Field Data (2016)

Table 6 shows that most of the respondents (that is, 72%) agreed with the statement. The respondents observed that the loss of lawyers to other organizations causes increased workload for the very few lawyers who have remained in the Ministry. These findings agree with those of literature review in Chapter Two of this thesis. Literature review specifically found that an excessive departure of employees to other organizations affects the performance of the remaining employees in the organization as it causes increased workload and low morale amongst the remaining employees (Robbins and DeCenzo, 2001:24). For Armstrong (2006:381), the loss of input from those leaving before they are replaced, and the loss arising from reduced input from new starters until they are fully trained may cause the remaining staff not able to meet deadlines.

4.5.2 Decline in Service Delivery

Table 7 analyses distribution of respondents by their responses as to the level of their agreement or disagreement with the statement that high labour turnover of lawyers in the Ministry causes decline in service provision to clients.

Table 7: Respondents by decline in service delivery

Extent of Agreement or Disagreement with the Statement	Frequency	Percentage (%)
Strongly Agree	26	52
Agree	16	32
Neutral	6	12
Disagree	2	4
Strongly Disagree	0	0
Total	50	100

Source: Field Data (2016)

Table 7 shows that 84% (that is, 52 + 32) agreed with the statement while only 4% disagreed. The respondents reported that the loss of lawyers to other organizations causes the remaining lawyers to get overwhelmed with the work since all the work which was initially being handled by those lawyers who left needs to be re-distributed amongst the very few remaining lawyers. Consequently, there is increased workload which, in turn, causes a decline in service provision to the clients as the remaining lawyers fail to cope up with the demands of the Ministry's clients which remain the same or even increase despite that the lawyers' number to handle the demands is decreasing almost every other year as a result of the turnover.

These findings also agree with those of literature reviewed in this study thesis. Literature review found that an excessive departure of employees to other organizations causes delayed production. Robbins and DeCenzo (2001:24) argue that the excessive loss of staff causes low morale amongst the remaining staff which results into low productivity due to absenteeism or reduced effort. For Neo *et al.* (2006:289), organizations that do not retain a loyal base of employees, they constantly place an inexperienced group of non-cohesive units in the front lines of the organization which results into major delays in the

delivery of services to customers/clients. Cumulatively, this results in a decline in service provision to the customers/clients.

4.5.3 Disruption in Service Delivery

Table 8 below analyses distribution of respondents by their responses as to the extent to which they agreed or disagreed with the statement that high labour turnover of lawyers in the Ministry causes disruption in the consistent delivery of legal services to clients.

Table 8: Respondents by disruption in service delivery

Extent of Agreement or Disagreement with the Statement	Frequency		Percentage (%)
Strongly Agree	33		66
Agree	11		22
Neutral	2		4
Disagree	4		8
Strongly Disagree	0		0
Total	50		100

Source: Field Data (2016)

Table 8 indicates that 88% (that is, 66 + 22) agreed with the statement and only a small proportion of the respondents (8%) disagreed with it. Respondents observed that the loss of lawyers to other organizations brings about interruptions in work schedules which ultimately cause disruption in the consistent delivery of services to the clients as the remaining lawyers struggle to cope with increased workload arising from the re-distribution of the work left by those who left the Ministry.

The findings above agree with those of literature reviewed in this study thesis. Literature review found that an excessive departure of employees to other organizations causes disruptions in work schedules which results in low or delayed production (Robbins and DeCenzo, 2001:24). For Gardner (2009:11), low morale affects the organization's productivity and often results in deficits in meeting the clients' demand. Thus inconsistency in service delivery may result due to low or delayed productivity. Hopkins

(2005:25), on the other hand, observes that employees' disruptions in work schedules have a negative impact on service delivery. If all the required employees are not at work, he argues, the level of service provided will be lower than that which is provided when all employees are at work.

4.5.4 Resources Wastage as New Lawyers Settle In

Table 9 below analyses distribution of respondents by their responses as to the degree to which they agreed or disagreed with the statement that high labour turnover of lawyers in the Ministry causes wastage of resources as new lawyers settle in.

Table 9: Respondents by resources wastage as new lawyers settle in

Extent of Agreement or Disagreement with the Statement	Frequency	Percentage (%)
Strongly Agree	15	30
Agree	22	44
Neutral	9	18
Disagree	2	4
Strongly Disagree	2	4
Total	50	100

Source: Field Data (2016)

Table 9 shows that most of the respondents (74%) agreed with the statement and only a small proportion of respondents (8%) disagreed with it. Respondents said that when new lawyers are recruited there is usually an on-the-job training which involves, for example, attending court outside duty station in teams of four or five lawyers with at least one experienced lawyer in each team. New lawyers learn from experienced lawyers as they present the cases in court on behalf of the Government. This kind of training involves resources such as money for hotel accommodation and daily subsistence allowances

(DSA) for all the lawyers travelling when ordinarily such cases could have been handled by a single experienced lawyer. This kind of training continues to be conducted until the new lawyers are able to present the cases in court on their own.

The findings above also agree with those of literature reviewed in this study. Literature review found that there are a lot of costs associated with high rates of labour turnover which include costs in relation to resources required for inducting and training new employees (Torrington *et al.*, 2008:195). For Armstrong (2006:381), labour turnover can be costly when the following factors, among others, are taken into consideration: direct costs arising from orientation of new employees (induction course, etcetera) and from training them in necessary skills; and opportunity costs of time spent by HR and line managers in introducing new starters, and in providing training.

4.5.5 Demotivation of remaining lawyers against background of vacant posts

Table 10 below analyses distribution of respondents by their responses as to their level of agreement or disagreement with the statement that high labour turnover of lawyers in the Ministry demotivates the remaining lawyers who attempt to maintain levels of service and output against a background of vacant posts and inexperienced lawyers.

Table 10 : Respondents by demotivation of lawyers against vacant posts

Extent of Agreement or Disagreement with the Statement	Frequency	Percentage (%)
Strongly Agree	26	52
Agree	15	30
Neutral	5	10
Disagree	1	2
Strongly Disagree	3	6
Total	50	100

Source: Field Data (2016)

Table 10 reveals that most of the respondents (82%) agreed with the statement and only a small proportion of the respondents (8%) disagreed. Respondents pointed out that the loss of lawyers to other organizations results in increased workload and interruptions in work schedules which often bring about stress and feelings of frustration amongst remaining lawyers as they realise that they cannot continue to give of themselves or be as responsible for clients as they used be due to loss of input from those who left.

The findings of the study in this respect also agree with those of literature review in Chapter Two of this paper. Literature review found that high labour turnover rates in an organization bring about increased workload which places unnecessary pressure on staff members who remain with the organization (Robbins and DeCenzo, 2001:24). Those who have remained always work under pressure and for long hours to compensate for the work of those who resigned in order to cope up with the demands of the organisation's clients. The result, Govender and Grunding (1999) observe, is emotional exhaustion which may co-exist with feelings of discontent and tension (Wright and Cropanzano, 1998:486). Where low morale and feelings of discontent exist, demotivation amongst employees results which ultimately affects the organization's productivity (Gardner (2009:11).

4.5.6 Loss of Input from Lawyers Leaving the Ministry

Table 11 below analyses distribution of respondents by their responses as to their level of agreement or disagreement with the statement that high labour turnover of lawyers in the Ministry causes loss of input from those leaving in terms of increased innovations and proper implementation of new programmes.

Table 11: Respondents by loss of input from leavers

Extent of Agreement or Disagreement with the Statement	Frequency	Percentage (%)
Strongly Agree	27	54
Agree	11	22
Neutral	10	20
Disagree	0	0
Strongly Disagree	2	4
Total	50	100

Source: Field Data (2016)

Table 11 indicates that most of the respondents (76%) agreed with the statement and only a small proportion of respondents (4%) disagreed with it. This finding also agrees with those of literature review in Chapter Two of this paper. Literature review found that excessive departure of employees is more painful to the employer because precious accumulated knowledge is seen leaving through the front door with them as they leave (Taylor, 2008). There is, Taylor (2008) argues, loss of expertise and institutional memory of the organization in the process which in turn affects innovations and effective implementation of not only new but also continuing programmes in the organisation. For .Abassi and Hollman (2000), high level of employee turnover affects the organization's effectiveness through decreased innovation, delayed services, improper implementation of new programmes and productivity degeneration. Such damage to the organization, Hinkin and Tracy (2000) warn, can radically affect its ability to prosper in today's competitive economy, leaving even the most ambitious organizations unable to succeed since people who leave are usually those who are most talented as they are the ones likely to get an opportunity elsewhere.

4.5.7 Reduction in Quality of Services Delivered

Table 12 below analyses distribution of respondents by their responses as to the extent to which they agree or disagree with the statement that high labour turnover of lawyers in the Ministry causes reduction in the quality of legal services delivered to clients.

Table 12: Respondents by reduction in quality of services

Extent of Agreement or Disagreement with the Statement	Frequency	Percentage (%)
Strongly Agree	31	62
Agree	14	28
Neutral	2	4
Disagree	3	6
Strongly Disagree	0	0
Total	50	100

Source: Field Data (2016)

Table 12 reveals that most of the respondents (90%) agreed with the statement and only a small proportion of respondents (6%) disagreed with the statement. In this connection, respondents observed that quality of service is compromised due to poor preparation because the very few lawyers who remain with the Ministry get overwhelmed with increased workload from both the clients and outstanding work (for example, case files) left by those who left. One of the respondents (MoJ-ST14, 2016) had this to say in this regard:

“The pressure exerted on the very few remaining lawyers in the Ministry by the heavy workload from clients on many occasions results in poor preparation of cases, legal opinions and advice, and other legal work such as drafting of legislation, agreements and other legal instruments in order to meet various deadlines.”

According to Taylor (2007:56), an excessive departure of employees to other organizations causes the quality of service in an organisation to decrease due to loss of skilled and experienced staff. The clients' evaluation of service quality, he argues, is affected not only by the end service received but also by the service delivery process itself which includes waiting time. For Allen *et al.* (2007:45), dissatisfied employees will usually produce not only poor quality work but also less amount of work to the detriment of the organization and clients. In this connection, Russell and Bvuma (2001:43) observe that loss of staff from an organization to other organizations at any given time is most likely to affect the quantity and quality of service delivered if compared to the quantity and quality of service delivered when an organisation has all the staff it needs to meet its strategic objectives.

4.5.8 Remaining Lawyers Pre-occupied with Defending Cases

The majority of the respondents (84%) observed that due to increased workload arising from excessive departure of lawyers to other organizations, the remaining lawyers in the Ministry spend much of their time on defending cases at the expense of not taking up civil suits on behalf of Government against those who have also breached some contractual obligations or have committed some civil related wrongs against the Government. This has inevitably not only created a backlog of outstanding civil cases but has also made Government lose some revenue through non-commencement of legal actions against those who have breached contracts or committed some civil wrongs against Government.

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4.5.9 High Costs Payment for Private Legal Services.

A good number of respondents (64%) pointed out that due to inadequacy of lawyers in the Ministry arising from excessive departure of lawyers to other organizations, Government is hiring lawyers from the private practice, either from within or outside Malawi, to make up for the gap at exorbitant fees which indirectly drains a lot of taxpayers' money. For example, in one of the local newspapers, it was reported that in one of the high profile treason cases against former Cabinet Ministers and top government

officials, a private legal practitioner hired by the government to form part of the prosecution team, was demanding MK 6.3 million in legal fees. The heading of the article was “Taxpayers to cough millions for treason lawyers” and in part, it said:

“Private lawyers hired by the State to prosecute the high profile treason case against former cabinet ministers and top government officials have slapped government with a multi-million kwacha legal bill. One of the lawyers, former Director of Public Prosecutions (DPP) Fahad Assani, confirmed in an interview yesterday that he is asking government to pay K6.3 million for his service...” (The Daily Times, May 3, 2013:1).

This is just one of the cases where some huge sums of money are being claimed by private legal practitioners for the legal services provided on behalf of the Government which could have appropriately been used on other more critical social services such as health and education.

4.5.10 Loss of Government Resources through Default Judgments

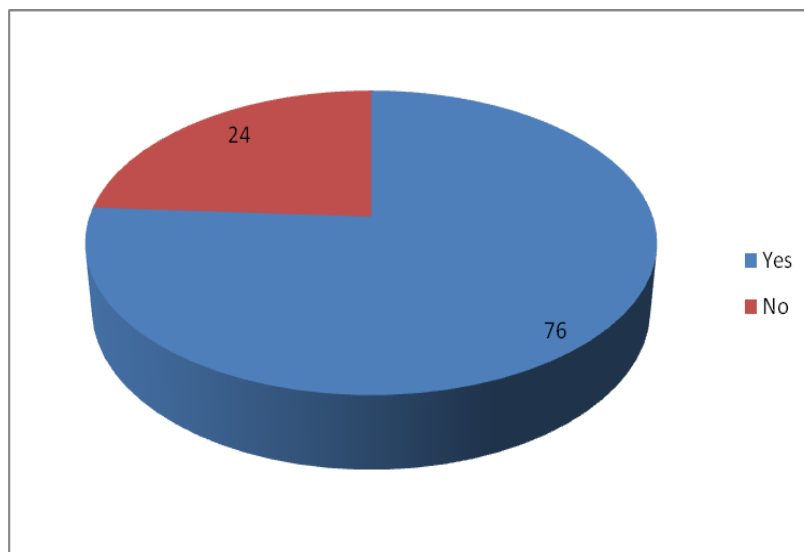
Most respondents (90%) reported that due to inadequacy of lawyers in the Ministry arising from excessive departure of lawyers to other organizations, there are heavy financial budgetary losses (tax payers money) being incurred by Government through undefended civil litigation cases due to non-attendance of court by the few remaining lawyers in the Ministry. Due to acute shortage of lawyers in the Ministry, sometimes some claims against the Government have been awarded to the claimants undefended, not that the Government had a bad case, but that there was no lawyer who could attend court on the appointed date. Such money, which is ‘wasted’ on bogus or exaggerated claims for being awarded uncontested, could properly have been used on other essential social services, such as health and education services, which could benefit a lot of poor Malawians. One example of a case in which damages were awarded uncontested is that of *Tereza Manjolo versus Attorney General, Civil Cause Number PR 1394/2009*. In that case a sum of MK 4,127,228 - 81 was awarded to the plaintiff, Tereza Manjolo, in the

absence of the Attorney General or his/her representative. This is just an example of one such case but the respondents indicated that there are many of such cases which cumulatively could have a direct devastating effect not only on the Government's resource envelop but also on the ailing economy of the country as whole.

4.6 Ministry's Retention Approaches to Reduce Turnover of Lawyers

In order to find out the approaches the Ministry of Justice is using to reduce its turnover of lawyers, the researcher asked respondents to indicate, from their own knowledge, whether or not the Ministry is implementing any approaches or initiatives in an effort to reduce labour turnover of lawyers, and if the answer from the individual respondent was in the affirmative, he or she was further asked to highlight any such approaches or initiatives in the spaces that were provided in the questionnaire.

Pie Chart 1: Respondents by knowledge of existence of retention approaches



Source: Field Data (2016)

Pie Chart 1 present results of a distribution of respondents by knowledge of the existence of some approaches in the Ministry of Justice which it uses in a bid to reduce its turnover of lawyers. The results show that most of the respondents (76%) answered in the

affirmative that they knew about the existence of some retention approaches in the Ministry. However, those who answered in the affirmative were further asked to provide a list of the approaches they knew to have been deliberately put in place by the Ministry or Government in a move to reduce labour turnover of lawyers. The approaches were individually listed by respondents and are presented in Table 13 below.

Table 13: Respondents by Ministry’s retention approaches to reduce turnover

Existing Retention Initiatives in the Ministry	Frequency	Percentage
Monthly payment of Non-Practicing Allowance of MK150,000.00	31	81.6
New lawyers appointed direct into super scale	14	36.8
Provision of transport to and from office	12	31.6
Provision of short and long term training	8	21.0
Lawyers at Director level and above self-drive their official vehicles	4	10.5
Monthly provision of airtime	4	10.5
Provision of loan facilities	4	10.5

Source: Field Data (2016)

Table 13 shows that the respondents identified seven retention approaches that the Ministry used to reduce labour turnover of lawyers. It also indicates that payment of non-practicing allowance of MK150,000.00 to each Ministry lawyer on top of his or her monthly salary was mentioned by the largest percentage of the respondents (81.6%) followed by appointment of new lawyers direct into super scale which was mentioned by 36.8% of the respondents. The retention approaches are discussed below in the order they are presented in Table 13 above.

4.6.1 Monthly Payment of Non-Practicing Allowance

When the Ministry of Justice realized that it was experiencing a great exodus of its lawyers to other organisations, it approached Government, through a letter Reference Number C.169 dated 11th June, 2013, with a request that Government increases salaries

for lawyers in the Ministry in recognition of their enormous role in the promotion of good governance and as a way of inducing them to stay in the Ministry. Considering that the Ministry is part of the broader Civil Service, it was not possible for Government to only increase salaries for lawyers in the Ministry of Justice. One of the respondents (MoJ-STI5, 2016) had this to say in this regard:

“I am aware of the budgetary constraints on the part of the Government and the need not to look at the issues of remuneration in the public service in isolation but rather holistically across the board. But I maintain that the ideal situation is that lawyers should have a salary structure unique to themselves. Their services are in great demand and in keeping with the economic principles of demand and supply, they cannot be expected to be paid the same salary as other Civil Servants whose services are not as in high demand as those of lawyers.”

Government, therefore, directed, through its letter Reference Number HRM/SC/09 dated 17th July, 2013, that lawyers in the Ministry of Justice should instead be receiving a monthly non-practicing allowance of MK150, 000.00 (tax free) over and above their monthly salaries with effect from 1st July, 2013. This directive ensured that salaries for lawyers remain within the Public Service Medium Term Pay Policy (MTPP) without making them appear to be any more important than other Civil Servants. This approach was also consistent with the existing Government practice of paying some retention allowances, instead of increasing salaries for individual professions in the Civil Service whose services are in high demand in the labour market, for example, health workers and teachers in the Ministries of Health and Education respectively.

Government further directed that the non-practicing allowance in the Ministry of Justice should be payable to all lawyers regardless of grade and that it should be payable from Other Recurrent Transactions (ORT) provision for the financial year. Therefore, the non-practicing allowance does not form part and parcel of Personal Emolument (PE) for the Ministry. Respondents, however, observed that since its introduction in 2013, the allowance has never been reviewed in response to movements in the cost of living or

general market rates. They argued that the allowance is not as meaningful as it was at the time it was being introduced in 2013.

The objectives of offering cash benefits to employees such as the ones discussed above, Armstrong (2006:728) argues, are to provide for the personal needs of employees, and to increase the commitment of employees to the organization. Incentives like these, he observes, can create more favourable attitudes of employees towards the organization which can in turn improve commitment and organisational performance in the longer term. For Kramar (1997:451), organizations seek to attain various goals in return for the cash benefits offered to its employees over and above their salaries which include: increasing employee job satisfaction and morale; reducing employee turnover; and gaining the longer term commitment of employees to the organisations. Ivancevich (2004:359), however, observes that some organizations provide such cash benefits to their employees for labour market reasons, that is, to keep the organisation competitive in retaining competent employees.

4.6.2 New Lawyers Appointed direct into Super Scale

Ordinarily, under regulation MPSR 1:305 of the MPSR (1991), an officer with a recognized professional degree shall enter the Civil Service as a Professional Officer (Grade I/PO) in the Professional Service category. However, as one of the approaches or initiatives to reduce labour turn of lawyers in the Ministry of Justice, Government, in 1999, directed that entry grade for newly employed lawyers in the Ministry should be changed from Professional Officer (Grade I/PO) to Senior State Advocate/ Senior Legal Aid Advocate (Grade H/P8). This approach enabled newly recruited lawyers in the Ministry to enter the Civil Service directly into the super scale with at least a higher salary than what they could have ordinarily been entitled to if they joined the Ministry at Professional Officer (Grade I/PO) level. Additionally, such a change in the entry grade represented a remarkable improvement in the conditions of service for lawyers given that it takes a minimum of at least four years of service for a Civil Servant at Grade I/PO to reach the super scale, for example, Grade H/P8 (MPSR, 1991).

Table 14 below compares salaries per annum of lawyers in the Ministry of Justice who join the Civil Service directly at Grade H/P8 with those of other graduates who join the Civil Service as Professional Officers (Grade I/PO) in the Professional Service Category.

Table 14: Salary Comparison: Lawyers (Grade H) and other officers (Grade I)

Grade	Entry Salary per annum (MK)	Maximum Salary per annum (MK)
Grade H/P8	2,588,964.00	2,801,964.00
Grade I/PO	2,221,188.00	2,571,708.00

Source: Government Administrative Circular Letter Ref. No. HRM/RS/01/62 dated 10th August, 2016.

From Table 14 above, it can be seen that the entry salary per annum for a lawyer at Grade H/P8 is higher than that of a graduate in other professions who joins the Civil Service at Grade I/PO by MK367, 776.00 per annum. It is this difference of MK367, 776.00 per annum which the Ministry is effectively offering to the lawyers over and above the salary they could ordinarily have been entitled to if they were taken into the Civil Service at Grade I/PO in terms of MPSR1:305 of the MPSR (1991). Although the respondents were appreciative of the Ministry's initiative in this regard, they were, however, quick to observe that the difference in salary between that of Grade H/P8 and Grade I/PO (that is, MK30, 648.00 per month) is so small that it does not have any meaningful impact on their wellbeing, especially if one takes into account the rising cost of living or the movements in the general market rates as well as what fellow lawyers in other organisations of the same industry are earning. An example was given of ACB. In terms of Table 4 on page 104, a lawyer working at ACB at Grade H/P8 earns MK5, 944,380.00 per annum on first appointment while a lawyer in the Ministry of Justice at the same Grade H/P8 earns MK2, 588,964.00 per annum, giving a difference of MK3, 355,416.00 per annum. Effectively, this means that a lawyer at Grade H/P8 at ACB earns more than

twice the salary per annum of a lawyer working in the Ministry of Justice at the same grade (that is, Grade H/P8).

The proposition of the Equity Theory (Adams, 1965) discussed under literature review in this thesis suggests that if employees perceive that they are being treated inequitably or unfavourably by the organization compared to their colleagues in the other organisations of the same industry, tension results. This is due to the fact that the perception of inequity causes an unpleasant emotional state amongst employees which in turn causes them either to reduce their future efforts or to leave the organisation altogether. However, if they perceive that they are equitably treated or favourably treated when they compare their earnings with those of others in the same industry, Martocchio (1998) observes, the probability of their leaving decreases.

4.6.3 Provision of Transport to and from Office

Lawyers, regardless of grade, are provided with transport to and from office during working days, a facility that is ordinarily not available to employees below the rank of Director (Grade D/P2) in the Civil Service in terms of Government Administrative Circular Letter Reference Number PSM/CIR/O1 dated 11th April, 2014.

Globler (2002:423) observes that higher transport costs have, in most organisations, caused employers to consider methods of helping their employees to get to work. Many alternatives in this regard, he claims, have been made available to employees by organisations which include paying a transport allowance to employees, motor vehicle financing schemes for all employees, company cars for certain grades of employees and use of a company bus. To this end, the provision of transport to lawyers to and from office during working days does not only facilitate punctuality of lawyers at work but it also helps in cutting down transport costs on their part. The provision of transport to employees makes them feel valued by the organisation and therefore be induced to be loyal to the organisation.

4.6.4 Provision of Short and Long Term Training

Training in the Civil Service is guided by the *Malawi Government National Training Policy* (GoM, 1996) which specifically provides that the role of the Malawi Government in training is to provide opportunities for training and development for its employees in accordance with the demands of the task assigned to them in the course of their careers. As an operational strategy to put in action the Malawi Government National Training Policy (MGNTP) objectives and strategies for human resource development, DHRM&D was mandated to manage the Malawi Government Scholarship Fund (MGSF) which was set up to facilitate internal and external training in critical priority areas of the Government and was further mandated to develop operational guidelines and procedures for the implementation of the policy.

In 2013, some training guidelines and procedures, referred to as “*Training Guidelines and Procedures for the Public Service, 2013*” (GoM, 2013), were developed by DHRM&D to enhance transparency and accountability in the management of the training and staff development function in the public service. In terms of the Training Guidelines and Procedures (GoM, 2013:10), identification of training beneficiaries is based on a systematic Training Needs Analysis (TNA) to ensure return on investment in training and staff development. The training itself is categorized as either short-term or long-term. Unless otherwise stipulated, short-term training is defined as training whose duration is less than six months while as long-term training is any training whose duration is six months and above (GoM, 2013:13). Each category has, however, its own selection criteria. In a short-term training, for example, an employee is required to satisfy the following criteria, among other conditions: the training programme should be relevant to the employee’s field of work; placement of employees should be made only at reputable and Government accredited or recognized training institutions; an employee must not, at the same time, be undergoing long-term training programme; and that priority is given to employees who have not attended any course during the previous year in order to ensure that more employees benefit. For long-term training, selection of employees shall be based on priority training and staff development needs of the Ministry, employees to be

considered for the training must not be more than 50 years of age, they should be confirmed in their appointments, and that their selection for training shall be based on interviews conducted by the Public Service Training and Scholarship Selection Committee (PST&SSC).

However, all employees undergoing Government or donor sponsored long-term training, either locally or abroad, are required to enter into a formal Training Bond/Scholarship Contract and an undertaking binding them to continue and remain in the service of the Government for a specified minimum period from the date of completion of their training. The Training Bond/Scholarship Contract period is applied as per the levels of academic or professional qualifications presented in Table 15 below:

Table 15: Training Bond in the Civil Service

Level of qualification	Minimum period of service after completion of training
Certificate level	2 years
Diploma/Advanced Diploma level	3 years
Bachelor's Degree	4 years
Professional level	5 years
Post-graduate level	5 years
Bachelor's Degree to Master's Degree	6 years
Master's Degree leading to a PhD	6 years

Source: GoM (2013), *Training Guidelines and Procedures for the Public Service*, Department of Human Resource Management and Development.

4.6.5 Lawyers at Director level and above self-drive their Official Vehicles

Through Government Administrative Circular Letter Reference Number PSM/CIR/O1 dated 11th April, 2014, Government directed that all officers at the position of Director (Grade D/P2) and other senior officers of equivalent grade, apart from those at Principal Secretary (Grade C) level, should be allowed to self-drive their official vehicles on official duties.

According to Armstrong (2006:730), company cars and petrol allocated to employees are still a much appreciated benefit in spite of the fact that cars are now more heavily taxed. The provision of an official car by the employer to an employee is a strong extrinsic motivating factor to induce an employee to stay with the organisation since a company car is seen as a cherished symbol of power, status and prestige by many employees. For Torrington, Hall and Taylor (1995:409), the official car that an employee drives says more about him/her than the cut of his/her suit. Therefore, to retain its employees, an organisation may consider developing deliberate policies which reward seniority (e.g. by giving the management team of the organization some company cars) so as to provide incentive for employees to stay when they might otherwise have been contemplating to look for alternative employment (Torrington, Hall and Taylor, 2008:640).

4.6.6 Monthly Provision of Airtime

Through Government Administrative Circular Letter Reference Number HRM/CIR/O6/133 dated 29th October, 2012, Government directed that all officers in the positions of Principal Secretary (Grade C), Directors and Deputy Directors (Grades D and E respectively) and Officers at Grade F and below (as authorized by the Chief Secretary) be provided with Mobile Phone Airtime monthly with effect from 1st November, 2012 at the rates provided in Table 4.20 below. The Government further directed that the Mobile Phone Airtime should be provided to employees from monthly fundings of the Ministry or Department for Other Recurrent Transactions (ORT).

Table 16: Mobile Phone Airtime Entitlements

Serial No.	Position of the Officer	Grade	Airtime Rate payable per month (MK)
1	Principal Secretary	C	35,000.00
2	Director and Deputy Director	D/E	25,000.00
3	Officers at Grade F and below (as authorized by the Chief Secretary)	F and below	15,000.00

Source: Government Administrative Circular Letter Ref. No. HRM/CIR/06/133 dated 29th October, 2016.

4.6.7 Provision of Loan Facilities

In the Civil Service there are a number of loan facilities that are available to Government employees [including lawyers in the Ministry of Justice]. All loans, except Education Loan, carry an interest rate determined by the Secretary to the Treasury from time to time. Repayment of loans is regularly deducted from an employee's salary or terminal benefits if the employee is retiring before full repayment of his or her loan. In terms of Chapter VIII of the Malawi Public Service Regulations (MPSR, 1991), there are five types of loans available to the Civil Servants [including lawyers in the Ministry of Justice] and these are: Education Advance; Emergency Advance; Bicycle Advance; Motor Vehicle Advance; and General Purpose Advance. The loans and their purposes are briefly discussed in the paragraphs that follow.

4.6.7.1 Education Advance

In terms of regulation MPSR 1:710(1) of the MPSR (1991), a loan may be granted to an officer to meet the cost of tuition fees, text-books and examination fees associated with his/her programme of study for a higher academic or professional qualification relevant to his or her duties. The loan is granted in anticipation that when the officer completes his or

her programme of study, the training is going to increase his or her efficiency and usefulness in the Civil Service.

To be eligible for the loan, an officer must have served for at least six months. The maximum period for repayment of the loan is 48 months and the loan, if granted, does not attract any interest. It is intended to encourage employees to be upgrading themselves academically and professionally without necessarily having to wait for a Government scholarship which is not available to undergraduates.

4.6.7.2 Emergency Advance

In terms of regulation MPSR 1:718 of the MPSR (1991), a loan may be granted to an officer to assist coping with unforeseeable occurrence that has resulted in serious financial hardship to the officer. The amount of the loan may not exceed a level equivalent to three months of an employee's gross salary. If the loan exceeds the officer's three month's gross pay, a special authority needs to be sought from the Secretary to the Treasury. There is no specific period for which the officer is required to serve before he or she could be eligible for the loan but he/she is required to serve for a period of at least six months. The loan is repayable with interest by monthly installments over a fixed period of time.

4.6.7.3 Bicycle Advance

In terms of regulation MPSR 1:725 of the MPSR (1991), a loan may be granted to an officer for the purchase of a bicycle for the purpose of carrying out his or her official duties. To be eligible for the loan, an officer must have served for at least one year. The maximum period for repayment of the loan is 48 months and the loan, if granted, is repayable with interest by monthly installments.

4.6.7.4 Motor Vehicle Advance

In terms of regulation MPSR 1:733 of the MPSR (1991), a loan may be granted to an officer for the purchase of a motor vehicle including a motor cycle to facilitate the officer's efficient performance of his or her official duties. To be eligible for the loan, an officer must be confirmed in his or her appointment. The maximum period for repayment of the loan is 78 months and the loan, if granted, is repayable with interest by monthly installments.

4.6.7.5 General Purpose Advance

In terms of MPSR (1991), a loan may be granted to an officer for the purpose of meeting the cost of: school fees for secondary schools and above; house furniture and electrical appliances; clearing the personal effects of returning officers from training abroad; and hospitalization costs within and outside of the country.

To be eligible for the loan, an officer must be confirmed in his or her appointment. The maximum period for repayment of the loan is 72 months and the loan, if granted, is repayable with interest by monthly installments.

4.6.7.6 Home Ownership Scheme

Through section 3 of the Public Service Home Ownership Fund Order, 1994, Government established the Public Service Home Ownership Fund to finance a home ownership scheme for public officers under which they are entitled to obtain loans out of the Fund to purchase or build residential houses principally for their own occupation as homes.

To access the loan, the public officer is required to make a formal written application to the Public Service Home Ownership Committee through the Secretary for Lands, Housing and Physical Planning who serves as Secretariat of the Committee. In terms of section 11 of the Public Service Home Ownership Fund Order, 1994, some of the minimum terms and conditions of the loan are that: the maximum loan an officer can get is an amount equal to ten times his/her annual salary at the time of the application for the

loan; and that he/she shall be required to make contributions to the Fund of one per cent of his/her monthly salary.

To be eligible for the loan, in terms of section 14 of the Public Service Home Ownership Fund Order, 1994, an officer must be confirmed in his or her appointment. The maximum period for repayment of the loan is twenty years. It is repayable with interest at the fixed rate as follow: six and half per cent per annum if the officer resides in the house purchased or built with the loan; and ten per cent per annum if the officer does not reside in the house purchased or built with the loan.

4.6.7.7 Civil Servants Bank Loan Scheme

Through a Government Administrative Circular Letter Reference Number ST/1/87 dated 24th September, 2009 Government announced the introduction of Civil Servants Bank Loan Scheme to enable Civil Servants [including lawyers in the Ministry] access loans and advances from some specific Commercial Banks in Malawi with effect from 1st October, 2009.

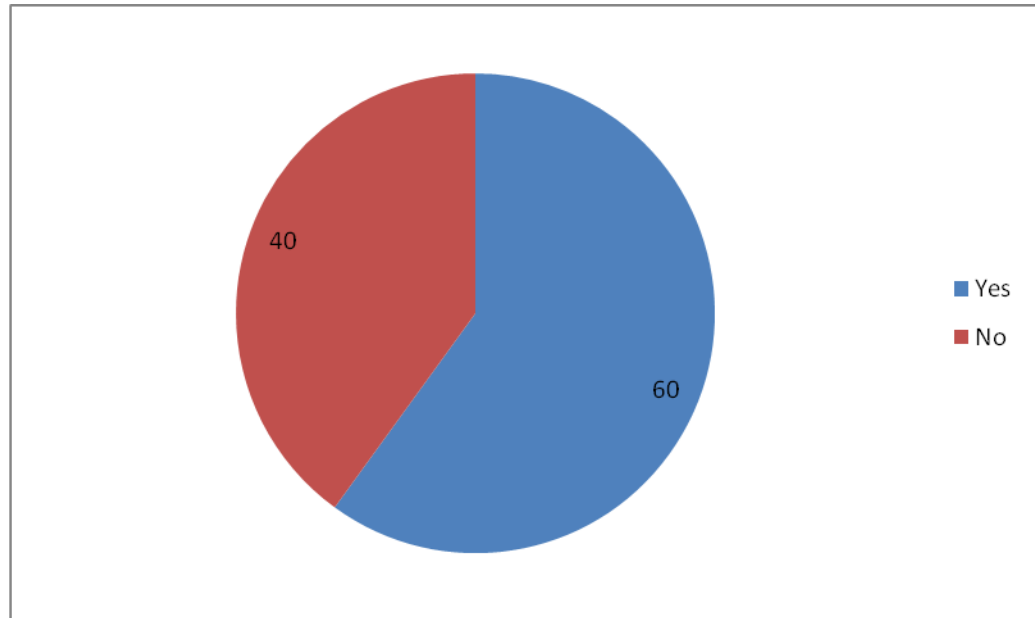
This scheme was introduced to address a few specific problems that were observed by Government in the existing system of granting Government advances and loans discussed in the preceding paragraphs. Some of the problems the Government intended to address include: the inequitable access to the Government advances and loans facility by all Civil Servants; and the resource constraints on the part of the Government in the face of a growing demand for advances and loans by Civil Servants. The scheme covers at least all forms of Government advances and loans currently available to the Civil Servants, for example, the Motor Vehicle Advance, General Purpose Advance, Emergency Advance, Education Advance, etcetera. The Civil Servants Bank Loan facility could be accessed from the following commercial banks: National Bank of Malawi (that is, for officers at Grade G/P7 and above); Standard Bank; Malawi Savings Bank (MSB), Ecobank; First Merchant Bank (FBM) and FDH Bank (that is, for officers from Grade I/PO and above).

The interest payable is at 10% per annum on reducing balance. The Government bears the cost of the difference between the commercial rate of interest and the 10% applicable on the loan scheme. The maximum recovery period is 60 months in the case of Motor Vehicle Loans and 48 months for all other loans.

The retention approaches discussed above have collectively been described by Chaminade (2007) as a voluntary move by an organization to create an environment which engages employees for a long term. Therefore, the phrase ‘retention approaches’ includes all initiatives the Ministry of Justice is doing to ensure that its lawyers continue to work for the Ministry.

4.7 Implementation Challenges of the Retention Approaches

In order to identify challenges the Ministry of Justice is facing in using its existing approaches to reduce its turnover of lawyers, the researcher asked respondents to indicate, from their own knowledge, whether or not the Ministry is experiencing any challenges in using the retention initiative(s) currently in place to mitigate the high rate of turnover of lawyers. If the answer from the individual respondent was in the affirmative, he/she was further asked to highlight any such challenge(s). Pie Chart 2 shows the results.



Pie Chart 2: Respondents by knowledge of implementation challenges of retention approaches

Source: Field Data (2016)

Pie Chart 2 shows that 60% of the respondents said that they knew about the existence of some challenges that the Ministry is experiencing in the implementation of the existing retention approaches aimed at reducing labour turnover of lawyers while the remaining 40% did not know. Those who said they knew were further asked to provide a list of the challenges which they knew were being experienced by the Ministry in the implementation of the existing retention approaches. Table 17 shows the challenges the respondents identified.

Table 17: Respondents by Implementation Challenges of the Retention Approaches

Implementation Challenges of the Retention Approaches	Frequency	Percentage
Inadequate and erratic monthly funding.	25	83.3
Breach of training bonds	2	6.7
Inaccessibility of certain retention approaches	2	6.7

Source: Field Data (2016)

Table 17 above indicates that the 30 respondents who answered in the affirmative that they knew about the existence of some retention approaches that the Ministry is using in a bid to reduce labour turnover of lawyers, mentioned only three challenges. ‘Inadequate and erratic monthly funding for the effective implementation of the retention approaches,’ was mentioned by most of the respondents (83.3%). The identified challenges allegedly being experienced by the Ministry in using its existing retention approaches are discussed below in the order they are presented in Table 17 above.

4.7.1 Inadequate and Erratic Monthly Funding

Due to inadequate and erratic monthly fundings from the Ministry of Finance (Treasury), respondents observed that the Ministry has sometimes not been able to pay the non-practicing allowances to the lawyers when they are due. This has unfortunately led to accumulation of arrears in allowances in some instances. Official records in the Ministry, for example, show that between November, 2013 and July, 2014 the Ministry accumulated some arrears in non-practicing allowance for the lawyers to the tune of MK23, 975,000.00 and as a result of the non-payment of the allowances on time, the Ministry lost eleven lawyers during the period (MoJ File Ref. No. MJ/ADM/002).

Respondents further observed that the monthly fundings from Treasury are not only inadequate but are also most of the times inconsistent and not timely which in turn makes payment of non-practicing allowances as well as provision of mobile phone airtime and fuel for picking lawyers to and from office difficult as all these retention approaches are supposed to be paid from the same ORT monthly fundings. It follows therefore that the

availability of all these retention approaches to the lawyers in a particular month will largely depend on how much funding the Ministry has received in the particular month.

Torrington *et al.* (2008:641) observe that the absolute level of monthly or weekly earnings determine the standard of living of the recipient, and will therefore be the most important consideration for most employees. Therefore, although money does not result in lasting satisfaction (Herzberg *et al.*, 1957), it is necessary for preventing dissatisfaction amongst employees because, Armstrong (2006:247) argues, it is linked directly or indirectly to the satisfaction of many needs of an employee, for example, self-esteem (that is, it is a visible mark of appreciation) and therefore, the more reason that it should be paid when it is due.

4.7.2 Breach of Training Bonds upon completion of Training

Research results have further revealed that breach of Training Bonds/Scholarship Contracts by most lawyers upon completion of the training is one of the challenges experienced by the Ministry in using its existing retention approaches to reduce labour turnover of lawyers. In terms of the Training Guidelines and Procedures for the Public Service (GoM, 2013:25), every public officer [including lawyers] proceeding on a training that is Government or donor sponsored signs a Training Bond/Scholarship Contract and an Undertaking with Government, agreeing that he/she will return home and to the service of the Government at the end of his/her training; and that any failure to honour the bond on return, constitutes a breach of the bond and the officer is liable to a legal action.

Respondents observed that despite the heavy investment in training and the signing of the Training Bond, most lawyers leave the Ministry before completion of their bonding periods which essentially constitutes a breach of terms of the bond. Respondents further observed that the problem is compounded by the fact that lawyers will rarely disclose the details of their new employer(s) when they are leaving the Ministry and therefore, it becomes extremely difficult to enforce the bonding period, for example, to effect

recovery of the total training costs or part thereof if the breach of the Training Bond/Scholarship Contract is partial. With such enforcement weaknesses of the Training Bonds, the Ministry only ends up being a ‘training ground’ for lawyers and loses them to either the private sector or public agencies/institutions, especially the governance institutions, such as the Law Commission, MHRC, Office of the Ombudsman, ACB, etcetera. For Torrington *et al.* (2008), employees who leave the organization after being trained represent a lost resource in whom the organization has invested time and money.

The distribution of respondents (that is, leavers only) in Table 18 below by their level of education seems to support the respondents’ view that the Ministry is only a ‘training ground’ for lawyers.

Table 18: Respondents (leavers only) by Level of Education

Educational Level	Frequency	Percentage (%)
Bachelor’s degree (LLB) (Hons)	7	23.3
Masters degree (LLM)	19	63.3
Doctorate degree (PhD)	2	6.7
Others (e.g. Barrister at Law)	2	6.7
Total	30	100

Source: Field Data (2016)

The results in Table 18 above show that most of the leavers (63.3%) had Masters degrees. All these leavers are holders of Masters degree were sent for training abroad on either a Government or donor sponsored scholarship whilst working in the Ministry of Justice. Some 70% (that is, 63.3% + 6.7%) had post graduate qualifications.

It is therefore important that Government, through DHRM&D, should develop its own monitoring and tracking system of its students sent on training, within or outside Malawi, on Government or donor sponsored scholarships so that it is able to detect any breaches of the Training Bonds/Scholarship Contracts on its own and take appropriate remedial action as provided for by the Training Guidelines and Procedures for the Public Service (GoM, 2013). The results above on breach of training bonds, therefore, at variance with the findings in the Literature Review Chapter of this study which seem to suggest that where organisations pay for long-term courses of study for their employees, it provides a more direct incentive to employees to remain with the sponsoring employer (Torrington, Hall and Taylor (2008). To the contrary, lawyers are leaving the Ministry soon after training and obtaining their Master's degrees, sometimes even before completion of their bonding periods.

4.7.3 Inaccessibility of Certain Retention Approaches

Inaccessibility of some of the retention approaches, such as loan facilities, by newly recruited lawyers until they are confirmed in their appointments after serving for two years was the last challenge identified by respondents in the implementation of the existing retention approaches by the Ministry to reduce its high turnover rates of lawyers. Respondents observed that such retention approaches mainly relate to loan facilities which include: General Purpose Advance; Motor Vehicle Advance and Home Ownership Scheme. In this regard, respondents explained that although the Civil Service's Terms and Conditions of Service provide for some retention benefits for public officers [including lawyers], such benefits are not readily accessible.

Respondents argued that the limited accessibility of some of the retention benefits, such as loans, by newly employed lawyers until they are confirmed in their appointments frustrates them. Firstly, because the probationary period is unduly long and inconsistent with the provisions of section 26 of the Employment Act (Cap. 55:01) which specifically provides that the probationary period for an employee shall not, in any event, exceed twelve (12) months. Second, the respondents' view was that when a person has just been

employed, that is the time one needs the loans most to assist him or her settle down quickly and concentrate on the work. The respondents argued that it is, for example, a professional requirement that when a lawyer is appearing before the High Court or Supreme Court, he is required to be in a decent suit with a white shirt. This means that if a lawyer does not have a suit, that will obviously affect his or her court attendance and consequently, his or her work morale too. For these reasons, lawyers opt to leave the Ministry for other organizations where the probationary period is shorter and consistent with the provisions of the Employment Act which in turn enables them to access the loans being denied of at the Ministry of Justice within a short period of time after their engagement.

Employee benefits have generally been defined as those cash, near cash and deferred cash rewards, apart from pay and pay related amounts such as bonuses and incentives, provided to employees in return for their membership in the organisation (Kramar 1997:451). Against this background, Nealey (1963:17) claims that to the average worker, employee benefits, such as loans, are a concrete and visible evidence of good life and the employee tends to perceive them as a means of security. For DeCenzo and Robbins (1996:282), employee benefits were once perceived as an added feature for an organisation to provide its employees but today, they argue, workers expect more than just wages or salary from their employer - they want additional consideration that will enrich their lives. This, therefore, means that it is high time organisations realized that benefits given to employees have an influence on their decision whether to continue to work for the organisation or leave because employee benefits have become a necessary component of an effectively functioning compensation programme (Armstrong, 2006:728).

4.8 Chapter Summary

This chapter has presented, interpreted and discussed the results of the study. It starts with demographic characteristics of the respondents in the study and proceeds with the study results in relation to the following focus areas of the research: magnitude of turnover of lawyers in the Ministry of Justice; its underlying causes; its effect on the Ministry's effectiveness in the delivery of legal services; retention approaches the Ministry is using to reduce turnover of lawyers; and implementation challenges of the retention approaches. The next chapter presents the conclusion and recommendations.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents conclusion and recommendations drawn from the study results, and has further offered recommendations for future research on the topic. To this end, the chapter starts with a summary of the study and proceeds with recommendations arising from the study findings and ends with recommendations for future research on the topic.

5.2 Summary of the Study

The purpose of this study was to analyze labour turnover of lawyers in the Ministry of Justice with a view to: determine its magnitude; investigate its underlying causes; determine its effect on the Ministry's effectiveness in the delivery of legal services to its clients; find out the retention approaches the Ministry is using to reduce it; and to identify challenges the Ministry is facing in using its existing retention initiatives to reduce it.

Despite being given some significance in many organisations, literature suggests that labour turnover has not been a well-researched topic. Literature further indicates that although a considerable amount of research has been conducted on labour turnover in developed countries, less attention has been paid to this aspect of human resource management in developing countries. This study was, therefore, particularly important because in the academia, the research findings have not only enriched but have also extended the frontiers of the existing body of knowledge in relation to 'labour turnover' in general and in particular, with regard to the legal profession as an occupational group. What would influence employees in one occupational group (that is, lawyers) to either stay or leave an organisation may not necessarily be the same factors that would

influence employees in the other occupational groups, for example, medical doctors, engineers, etcetera.

In general, every research aims at producing results that are both beneficial and valuable, for example, in terms of knowledge gained and applications in solving real life problems. To this end, research findings in this study have provided practical and workable suggestions on how the Ministry's labour turnover record of lawyers could be improved over the long term. The findings have provided policy makers in Government the raw material needed to develop a strong case for investing time, effort and resources in tackling the Ministry's long time problem of high turnover of lawyers in the short-term as well as long-term. The findings have further provided the Ministry's management with an insight of the main 'turnover drivers' that influence the lawyers' decision to leave the Ministry. In this regard, the findings would particularly help policy makers to start tackling the problem in an effective and efficient manner for a sustained success because any contemplated initiatives towards reducing the Ministry's turnover problem would be research-evidence based unlike the previous initiatives which were largely based on try and error or unfounded management's assumptions.

Therefore, from the study results presented and discussed in the preceding chapter, it can reasonably be concluded that the Ministry's magnitude of turnover of lawyers was varying from year to year over the six years period studied (that is, from 2010 to 2015) with an average turnover rate of approximately 10.9 %. However, literature points out that a turnover rate in excess of 10% is likely to be problematic for an organization especially where such an organization is in a professional service. It can further be concluded from the study results that certain variables are more crucial than others in influencing the lawyers' decision to either leave or remain with the Ministry. Such variables include lack of personal growth and career advancement opportunities, favouritism, poor working conditions, and uncompetitive compensation/remuneration package, among others. The consequence of this has been that work deadlines are not met, resources are wasted as new lawyers settle in, and Government resources are lost

through default judgements, among others. It can further be concluded that although the Ministry has some retention approaches to reduce turnover of lawyers such as monthly payment of non-practicing allowance, there are also some challenges which the Ministry is experiencing in its effective implementation of the retention initiatives which include inadequate and erratic monthly funding from Treasury. Finally, in relation to the conceptual framework, the results have shown that some variables influence employees' decision to leave more than others and that such variables are both intrinsic (for example, advancement or promotion opportunities) and extrinsic (for example, competitive salary). This implies that policy makers in the Ministry of Justice should not rely only on intrinsic variables to influence the lawyers' decision to stay, but should rather combine both intrinsic and extrinsic variables when formulating retention policies.

5.3 Recommendations

An understanding of the underlying causes of labour turnover of lawyers is a critical step to offering defensible solutions to the problem that stand the best chance to succeed because they are research-evidence based. To this end, the researcher has made the following recommendations for consideration and possible implementation by the Ministry's management and policy makers in Government:

First, the Ministry should provide appropriate levels of remuneration to the lawyers that are competitive and matching with what other lawyers are getting in other comparable or similar organisations. To this end, salaries for Government lawyers need to be revised and aligned with other government-run institutions including governance agencies or institutions. Government should essentially harmonise salaries for all Government-run institutions including governance agencies or institutions in compliance with section 31(3) of the Constitution of the Republic of Malawi (1994) as read with sections 6 and 8 of the Employment Act, 2000 (Act No. 6 of 2000) and Public Service Act (Cap. 1:03) respectively, which specifically provide that every person shall be entitled to fair wages and equal remuneration for work of equal value, without distinction or discrimination of any kind.

Second, the Ministry should ensure that security of tenure for lawyers in senior positions in the Ministry is specifically and expressly protected under an appropriate legal framework [for example, the Public Service Act (Cap. 1:03)] to avert their unprocedural or arbitrary removal from office. The tenure of Judges of the High Court and Supreme Court of Appeal is, for example, specifically and expressly protected under section 119 of the Constitution of the Republic of Malawi (1994) with elaborate reasons and procedure for their removal from office. In the current arrangement, the continued occupation of certain senior positions in the Ministry by lawyers remains at the mercy of the appointing authority.

Third, the Ministry should consider that appointment of lawyers to the rank of Grade E/P4 and above in the Ministry should be on the recommendation of the Civil Service Commission after a fair and open competition which assures that all eligible lawyers in the Ministry receive equal opportunity. In the alternative, appropriate guidelines or procedures should be developed to allow for a more objective, transparent and merit-based appointment process. This is how even the Supreme Court and High Court Judges who are also appointed by the President in the Judiciary in terms of section 111 of the Constitution of the Republic of Malawi (1994) is done. Except the Chief Justice, all other judges are appointed by the President but on the recommendation of the Judicial Service Commission. It is a common knowledge that power, if in excess, deforms and Lord Acton had this to say: *“Power tends to corrupt and absolute power tends to corrupt absolutely.”*

Fourth, the Ministry should ensure that procurement of specialized legal services from local or foreign lawyers in the private practice to represent Government in high profile or complex cases should be done through formal open tendering proceedings as required by the Public Procurement Act, 2003. Section 30 of the Public Procurement Act, 2003 as read with the Schedule of Procurement Methods at the end of the Act specifically provides that public procurement of goods, works and services shall be realized by means of open tendering proceedings. This enhances transparency and public confidence (including the confidence of serving lawyers in the Ministry) in the manner the Ministry

or Government identifies or selects lawyers from the private practice to provide specialized legal services to Government.

Fifth, the Ministry should call for a comprehensive Functional Review of the Ministry so that an improved functional organizational structure, and a revised and improved grade structure that will open up for career advancement opportunities for lawyers is developed. A comprehensive Functional Review of the Ministry will not only improve the organizational structure of the organisation but will also create a suitable grading system that will help to eliminate bottlenecks within the Ministry's current establishment which are making lawyers over-stay at one grade for years. Related to this, it is further recommended that the Ministry should also develop a Staff Training Plan based on clearly identified training needs which are linked to the key objectives and priorities of the Ministry. Implementation of such a training plan will not only provide employees with career development opportunities in the new organisational structure but will also ensure that the Ministry's lawyers maintain leading-edge skills at all times.

Sixth, the Ministry should be regularly reviewing the retention approaches currently being used by the Ministry to assess their effectiveness, the extent to which they are adding value and their relevance to the present and future needs of both the Ministry and the lawyers themselves. The non-practicing allowance of MK150, 000.00, for example, has never been revised since its introduction in July, 2013 despite the movements in the cost of living or general market rates. Regular reviews of the allowance will help maintain the purchasing power of the lawyers' pay package by compensating for increases in the cost of living. Related to this, it is further recommended that the non-practicing allowance should be made part and parcel of the lawyers' salaries (that is, Personal Emoluments) instead of it being paid from ORT funding for the Ministry. That way, monthly accessibility of the allowance will be guaranteed, that is, lawyers will be able to access their allowance as and when it is due because it will be part of their salary. In the current arrangement, payment of the allowance is dependent on how adequately the Ministry is funded by Treasury on its ORT in the particular month. If it is lowly funded,

lawyers will not be able to access their allowance in that month which results not only in denying them their legitimate allowance but it also results in accumulation of arrears in allowances which could have been avoided if the allowance was made part and parcel of the lawyers' Personal Emoluments (PE).

Seventh, the Ministry's management should develop a deliberate policy of recognizing staff accomplishments and achievements. That way, lawyers in the Ministry will feel recognized, valued and appreciated. Management should therefore ensure that the Performance Management System (PMS) provides for some rewards to be tied to staff accomplishments and achievements. Related to this, management should also take time to celebrate with its lawyers on achievements and look for opportunities to recognise good work and say 'thank you.' This could be facilitated through holding of regular and informal staff functions with an aim to recognise achievements or accomplishments by some individual staff members in a particular important assignment.

Eighth, the Ministry should reduce the probationary period for lawyers from the current two years to a maximum of one (1) year in conformity with the Employment Act (2000). Government should consider reducing the probationary period for lawyers so that it is in line with the provisions of section 26 of the Employment Act, 2000. Section 26 of the Act provides that the parties to a contract of employment in respect of a skilled worker may agree on the duration of the probationary period provided that such a period does not, in any event, exceed twelve months. Therefore, the proposed reduction in the probationary period for lawyers will not only conform to the law which is supreme to the MPSR (1991) but will also enable lawyers access certain types of loans or advances as soon as they join the Ministry without having to wait for two years when they will get confirmed in their appointments.

Ninth, the Ministry should endeavour to formulate organisational policies and practices that will ensure fairness and equity in the Ministry which will help to address issues of favouritism and nepotism which interfere with justice and fairness in an employment set

up because they give undue advantage or preferential treatment to someone who does not necessarily merit the advantage or preferential treatment. Equals should be treated equally and unequals unequally.

5.4 Areas of Future Research on the Topic

In this study, the term labour turnover has been used in its broadest sense and encompasses all lawyers who left the Ministry either voluntarily or involuntarily, and therefore, more accurately this might be described as ‘overall’ labour turnover of lawyers. Consequently, although the results in this study are able to indicate that the Ministry has a problem of turnover of lawyers, they give no indication about the locations of leavers within the Ministry and neither do they provide more specific breakdowns of turnover data, for example, for retirement-related turnover (that is, planned turnover) or for resignation-related turnover (that is, unplanned and often unpredicted turnover). Therefore, future studies may be conducted on the topic in the following areas:

First, identification of locations of leavers within the Ministry primarily affected by the high turnover; second, analysis of the labour turnover of lawyers to obtain more specific breakdowns of turnover data, for example, for retirement-related turnover or for resignation-related turnover with the latter particularly useful for the Ministry’s management to be able to assess the effectiveness of people management in the Ministry rather than simply focusing on ‘headline’ figures of turnover; and third, other scholars may consider analysing the labour turnover problem in other public institutions in the same sector/industry (that is, Justice Sector) to make a comparative analysis. This would be particularly useful as it will enable the Ministry’s management know the pull factors existing in the other organizations in the sector and make them available in the Ministry to counter the turnover.

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APPENDICES

Appendix 1: Questionnaire 1

ATTITUDE SURVEY QUESTIONNAIRE (FOR SERVING LAWYERS IN THE MINISTRY)

My name is Bernard Foddie Tembo, a Master of Arts (HRM & IR) student at Chancellor College, Zomba, conducting an academic research on *“Labour Turnover in the Public Service: The Case of Lawyers in the Ministry of Justice & Constitutional Affairs in Malawi.”*

This Questionnaire asks for your views about the topic in some specific areas and I would value it highly if you would kindly participate by filling it in. Let me assure you that the Questionnaire is administered purely for academic purposes and therefore, any valuable information given will be treated with the utmost confidentiality and will be used strictly for the declared purpose. For purposes of maintaining anonymity and confidentiality of the information, please **do not** write your name on any part of this Questionnaire. However, should you have any question(s) regarding the Questionnaire, please do not hesitate to call me on **0999-205-224** any time.

Instructions for the Questionnaire

- (i) Please kindly attempt to answer all the Questionnaire items except for Question IB which will be completed separately by Head of HR Section in the Ministry.
- (ii) Please indicate your answers in the spaces provided against each Question.

SECTION A: DEMOGRAPHIC INFORMATION

1A. What is your gender? (Tick as appropriate)	Female ☐ Male ☐
2A. What is your age range? (Tick as appropriate)	1. Under 20 Years ☐

	2. 20 to 30 Years ☐ 3. 31 to 40 Years ☐ 4. 41 to 50 Years ☐ 5. 51 Years and above ☐
3A. What is your highest educational/professional qualification? (Tick/indicate as appropriate)	Bachelors Degree ☐ Masters Degree ☐ Doctorate Degree ☐ Others _____
4A. How long have you been working with the Ministry of Justice? (Tick as appropriate)	1. Less than 1 Year ☐ 2. 1 – 5 Years ☐ 3. 6 – 10 Years ☐ 4. 11 Years and above ☐

SECTION B: DETERMINATION OF MAGNITUDE OF LABOUR TURNOVER OF LAWYERS IN THE MINISTRY OF JUSTICE (To be completed by Head of HR Section in the Ministry)

1B. Please indicate number of lawyers against each year in the table below who were in post at the beginning of the year, those who were still in post at the end of the year (i.e. **Stayers**) and those who left during the year (i.e. **Leavers**).

Year	Number of Lawyers in Post at the Beginning of the Year	Number of Lawyers still in Post at the End of the Year (Stayers)	Number of Lawyers who left During the Year (Leavers)
2015			
2014			
2013			
2012			
2011			
2010			

SECTION C: REASONS WHICH CONTRIBUTE TO THE LAWYERS' DECISION TO LEAVE THE MINISTRY OF JUSTICE FOR OTHER ORGANIZATIONS

1C. Please indicate reason(s) below which in your opinion contribute to the lawyers' decisions to leave the Ministry of Justice for other organizations? **(Tick as per your opinion or belief)**

☐ Poor working conditions/environment	☐ Lack of recognition for accomplishments.
☐ Compensation/Remuneration not competitive	☐ Change of career
☐ Lack of autonomy and responsibility over the work (too little independence on the job)	☐ Favouritism (the act of unfairly treating one person better than others because you like her/him better).
☐ Lack of personal growth and career advancement opportunities.	☐ Nepotism (favouritism shown to relatives, especially in appointments to desirable or senior positions).
☐ Organisational Policies (not fair, clear or consistent)	☐ Others (include them under Question 2C below)

2C. Apart from the reasons listed in Question 1C above, are there other reasons which you think, in your opinion, also contribute to the lawyers' decisions to leave the Ministry of Justice for other organizations?

Yes ☐ No ☐

If yes, please provide the reasons in the spaces below:

SECTION D: IMPACT OF TURNOVER OF LAWYERS ON THE MINISTRY'S EFFECTIVENESS IN THE DELIVERY OF LEGAL SERVICES TO ITS CLIENTS.

1D. To what extent do you agree or disagree with the following statements in relation to impact of labour turnover of lawyers on the Ministry's effectiveness in the delivery of legal services to its clients? **(Circle one number for each item)**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
High turnover of lawyers causes the remaining lawyers not meet deadlines in their work.	1	2	3	4	5
High turnover of lawyers causes a decline in service provision to clients.	1	2	3	4	5
High turnover of lawyers causes disruptions in consistent delivery	1	2	3	4	5

of service to clients.					
High turnover of lawyers causes wastage of resources when new lawyers settle in.	1	2	3	4	5
High turnover rates demotivate those lawyers who attempt to maintain levels of service and output against a background of vacant posts and inexperienced lawyers.	1	2	3	4	5
High turnover of lawyers causes loss of input from those leaving in terms of increased innovations and proper implementation of new programmes.	1	2	3	4	5
High turnover of lawyers causes reduction in the quality of legal services delivered.					

2D. Based on your working experience in the Ministry of Justice, are there other negative impacts of turnover of lawyers on the Ministry's effectiveness in the delivery of legal services to its clients? Yes ☐ No ☐

If yes, please provide the negative impacts in the spaces below:

SECTION E: RETENTION APPROACHES THAT THE MINISTRY OF JUSTICE IS USING IN A MOVE TO REDUCE LABOUR TURNOVER OF LAWYERS

1E. Does the Ministry of Justice have in place any retention initiatives in a move to reduce labour turnover of lawyers? Yes ☐ No ☐

If yes, please briefly highlight the retention initiatives in the spaces provided below:

SECTION F: CHALLENGES BEING EXPERIENCED BY THE MINISTRY OF JUSTICE IN USING ANY OF ITS RETENTION APPROACHES IN A MOVE TO REDUCE LABOUR TURNOVER OF LAWYERS.

2F. If the Ministry of Justice has some retention initiatives in place in a move to reduce labour turnover of lawyers, are there any challenges being experienced by the Ministry in using such initiatives? Yes ☐ No ☐

If yes, please briefly highlight the challenges in the spaces provided below:

THIS COMPLETES THE QUESTIONNAIRE INTERVIEW. I THANK YOU MOST SINCERELY FOR TAKING YOUR TIME TO COMPLETE THIS QUESTIONNAIRE. THERE IS NO REPLACEMENT FOR YOUR PERSPECTIVE.

Appendix 2: Questionnaire 2

POST – EXIT INTERVIEW QUESTIONNAIRE

My name is Bernard Foddie Tembo, a Master of Arts (HRM & IR) student at Chancellor College, Zomba, conducting an academic research on *“Labour Turnover in the Public Service: The Case of Lawyers in the Ministry of Justice & Constitutional Affairs in Malawi.”*

This Questionnaire asks for your views about the topic in some specific areas and I would value it highly if you would kindly participate by filling it in. Let me assure you that the Questionnaire is administered purely for academic purposes and therefore, any valuable information given will be treated with the utmost confidentiality and will be used strictly for the declared purpose. For purposes of maintaining anonymity and confidentiality of the information, please **do not** write your name on any part of this Questionnaire. However, should you have any question(s) regarding the Questionnaire, please do not hesitate to call me on **0999-205-224** any time.

Instructions for the Questionnaire

- (i) Please kindly attempt to answer all the Questionnaire items.
- (ii) Please indicate your answers in the spaces provided against each Question.

SECTION A: DEMOGRAPHIC INFORMATION

1A. What is your gender? (Tick as appropriate)	Female ☐ Male ☐
2A. What is your age range? (Tick as appropriate)	6. Under 20 Years ☐ 7. 20 to 30 Years ☐ 8. 31 to 40 Years ☐ 9. 41 to 50 Years ☐

	10. 51Years and above ☐
3A. What is your highest educational/professional qualification? (Tick/indicate as appropriate)	Bachelors Degree ☐
	Masters Degree ☐
	Doctorate Degree ☐
	Others_____
4A. How long had you been with the Ministry of Justice at the time of leaving/separation?	5. Less than 1 Year ☐
	6. 1 – 5 Years ☐
	7. 6 – 10 Years ☐
	8. 11 Years and above ☐

SECTION B: REASONS WHICH CONTRIBUTED TO YOUR DECISION TO LEAVE THE MINISTRY OF JUSTICE.

1B. Please indicate reason(s) below which contributed to your decision to leave the Ministry of Justice? **(Tick as it applies to you)**

☐ Poor working conditions/environment	☐ Lack of recognition for accomplishments.
☐ Compensation/Remuneration not competitive	☐ Change of career
☐ Lack of autonomy and responsibility over work (too little independence on the job).	☐ Favouritism (the act of unfairly treating one person better than others because you like her/him better).
☐ Lack of personal growth and career advancement opportunities.	☐ Nepotism (favouritism shown to relatives, especially in appointments to desirable or senior positions).
☐ Organisational Policies (not fair, clear or consistent)	☐ Others (include them under Question 2B below).

2B. Apart from the reasons listed in Question 1B above, are there other reasons which contributed to your decision to leave the Ministry of Justice?

Yes ☐ No ☐

If yes, please provide the reasons in the spaces below:

SECTION C: IMPACT OF TURNOVER OF LAWYERS ON THE MINISTRY'S EFFECTIVENESS IN THE DELIVERY OF LEGAL SERVICES TO ITS CLIENTS.

1C. To what extent do you agree or disagree with the following statements in relation to impact of labour turnover of lawyers on the Ministry's effectiveness in the delivery of legal services to its clients? **(Circle one number for each item)**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
High turnover of lawyers causes the remaining lawyers not meet deadlines in their work.	1	2	3	4	5
High turnover of lawyers causes a decline in service provision to clients.	1	2	3	4	5
High turnover of lawyers causes disruptions in	1	2	3	4	5

consistent delivery of service to clients.					
High turnover of lawyers causes wastage of resources when new lawyers settle in.	1	2	3	4	5
High turnover rates demotivate those lawyers who attempt to maintain levels of service and output against a background of vacant posts and inexperienced lawyers.	1	2	3	4	5
High turnover of lawyers causes loss of input from those leaving in terms of increased innovations and proper implementation of new programmes.	1	2	3	4	5
High turnover of lawyers causes reduction in the quality of legal services delivered.	1	2	3	4	5

2C. Based on your working experience in the Ministry of Justice, are there other negative impacts of turnover of lawyers on the Ministry's effectiveness in the delivery of legal services to its clients? ☐ Yes ☐ No

If yes, please provide the negative impacts in the spaces below:

SECTION D: RETENTION APPROACHES THAT THE MINISTRY OF JUSTICE IS USING IN A MOVE TO REDUCE LABOUR TURNOVER OF LAWYERS.

1D. When you were working with Ministry of Justice, did the Ministry have any retention strategies in place in a move to reduce labour turnover of lawyers? Yes ☐ No ☐

If yes, please briefly highlight the retention strategies in the spaces provided below:

SECTION E: CHALLENGES BEING EXPERIENCED BY THE MINISTRY OF JUSTICE IN USING ANY OF ITS RETENTION APPROACHES IN A MOVE TO REDUCE LABOUR TURNOVER OF LAWYERS.

1E. If the Ministry of Justice had some retention approaches in place at the time you were working for the Ministry in a move to reduce labour turnover of lawyers, were there any challenges experienced by the Ministry in using such approaches? Yes ☐ No ☐

If yes, please briefly highlight the challenges in the spaces provided below:

THIS COMPLETES THE POST-EXIT QUESTIONNAIRE INTERVIEW.

I THANK YOU SO MUCH FOR TAKING YOUR TIME TO COMPLETE THIS QUESTIONNAIRE. THERE IS NO REPLACEMENT FOR YOUR PERSPECTIVE.

Appendix 3: Introduction Letter from the University of Malawi for Data Collection Exercise



PRINCIPAL
Assoc. Prof. Richard Tambulasi., BA.(Pub Admin), BPA (Hons), MPA., Ph.D.
Our Ref: PA/1/1

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Department of Political and Administrative Studies

TO WHOM IT MAY CONCERN

25th July 2016

Dear Sir/Madam,

INTRODUCING OUR MASTER STUDENT ON DATA COLLECTION EXERCISE

The above captioned matter refers. I write to certify that the bearer of this letter **Tembo Bernard Foddie, MA/HRMIR/12/13** is our Master of Arts in Human Resources Management and Industrial Relations student and is currently writing a supervised dissertation centered on a research proposal that the department approved. Consequently, I write to ask you to provide him with all the support that he may need.

All students from our department are required to write a dissertation, based on empirical data, in partial fulfillment of their degree requirements. The above named student is currently collecting the said data and has identified specific institutions/individuals for the said exercise. Please note that the data collected is purely for academic purposes hence will be treated with highest level of confidentiality.

If you need more information please contact the undersigned.

Yours faithfully,

H.M. Kayuni
(0882436251/0999078766)



Associate Professor & Head of PAS Dept.