

E-ISSN: 2469-4339

Management and Economics Research Journal, Vol. 3, Pages 91–97, 2017

Original Research Article

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Njeru et al.

HATASO, USA

An Assessment of the Influence of Disability Legislation Awareness on Employability of Persons with Disabilities in Post-Secondary Institutions in Kirinyaga County, Kenya

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Received: Sep 30, 2017; Accepted: Nov 21, 2017

Abstract

Globally, unemployment and underemployment of persons with disabilities is a major concern. A World Bank report shows that 20% of the world's poor are persons with disabilities, 60% of them living in developing countries, such as Kenya. Lack of inclusion, and not disability, contributes to this poverty. Despite the existence of several disability legislations, unemployment of persons with disabilities still remains a challenge. The objective of the study was to establish the extent to which disability legislation awareness influences employability of persons with disabilities in Post-Secondary institutions in Kirinyaga County, Kenya. The research used staff from five post-secondary institutions that were selected using proportionate stratified random sampling technique while five Human Resource Managers were selected using purposeful sampling. The study adopted descriptive research design. Questionnaires were used to collect data and Cronbach alpha coefficient employed to test reliability. Collected data were analyzed using Statistical Package for Social Science. The assessment of the influence of disability legislation awareness on employability of persons with disabilities was established through a multiple regression model. The study findings established that the organizations hardly conducted capacity building for staff on disability legislation, there was little or nonexistence of disability policies in the institutions. Moreover, respondents were unaware of how to handle persons with disabilities at workplace. The study concluded that legislation awareness influences employability of persons with disabilities positively because it assists employers develop compliance toward disability inclusion in workplace.

Keywords: Persons with disabilities; Disability legislation; Unemployment; Post-secondary institutions.

Abbreviation: PWDs Persons with Disabilities.

1. INTRODUCTION

According to the World Health Organization (WHO) and World Bank's report on disability (2011), there exist more than a billion people with disabilities globally. These people are more likely to experience poorer health, lower education achievement, fewer economic opportunities, and higher poverty rates than their nondisabled counterparts (WHO, 2011).

The American Disability Amendments Act (2008) and the United Kingdom (UK) Equality Act (2010) define disability as the physical or mental impairment that expressively limits one or major activities of an individual. These include the following: performing manual tasks, seeing, hearing, walking, standing, lifting, and speaking. These acts add that physical or mental abilities should not hinder a person's right to participate in all aspects of society. Whether an individual is considered disabled or not, however, depends on whether this condition restricts him or her from functioning or succeeding in what he or she aspires to do (Mintra, 2006).

A report by the National Coordinating Agency for Population Development (NCAPD) and Kenya National Bureau of Statistics (KNBS) (2008) reveals that the first Kenya National Survey for Persons with Disabilities was conducted in 2007 to fill a data gap or lack of relevant information, despite the government having carried out a national population census and used other tools to collect information. The survey aided in

estimating the number of persons with disabilities (PWDs) in the country. This report found out that 4.6%, or 1.7 million Kenyans, had different types of disabilities with former Central Province and Coast being the second highest in prevalence (5%) after Nyanza. Central Kenya also had the highest prevalence of physical impairments, standing at 39%, compared to other provinces (NCPDA & KNBS, 2008). This is alarming because physical impairment was the most prevalent form of disability compared to others, such as visual, hearing, and mental impairment. Kirinyaga County being in Central Kenya has been affected by these statistics and therefore lack of disability employment may affect the county's economy.

The Kirinyaga County Draft Development Plan (2013–2017) reports that Kirinyaga County has an estimated population of 528,054 persons with an annual growth rate of 1.5%, as per the 2009 Kenya Population and Housing Census. According to the report, the projected population for 2012 and 2017 stood at 552,359 and 595,379, respectively. Among this population, 2.8% comprises persons with disabilities. This report further says that persons with disabilities (PWDs) in the county have been discriminated against in economic development activities and this is aggravated further by the fact that the county has only one institution that trains persons with disabilities at primary school level but does not go to secondary or tertiary level. This is in spite of the school having started 44 years ago in 1973. This translates to students seeking further education in other counties (Kirinyaga County Draft Development Plan, 2013–2017), an issue that could hamper employability of PWDs in the county. Scanty information is however unavailable on how to enhance their employability in the county.

1.1. Statement of the Problem

Although persons with disabilities often possess the ability and desire to work in order to be financially independent and participate in societal development, they are unable to secure sustainable employment (Bruce, 2006; Commonwealth Department of Social Services, 2011; Waterhouse *et al.*, 2010). A United Nations report (2011) confirms the existence of a vicious cycle between poverty and disability, not because of the disability itself but from barriers of exclusion from education and work, making such persons dependent rather than self-reliant. Studies carried out in Australia, Malaysia, and Zambia reveal a reluctance of employers to engage PWDs on the pretext that they are incompetent and cannot effectively contribute to economic development, making some turn to begging (Disability Rights and Defence Fund, 2010; Khor, 2002; Waterhouse *et al.*, 2010).

In addition, the establishment of the disability legislation in Kenya in 2003 and its enforcement in 2010 portrays a wide gap between the written law and what exists in the society (Masakhwe, 2009). According to the Kenya national survey of 2008, only 16% of PWDs in Kenya are in formal employment, 33% are engaged in family enterprises, while 25% are not engaged at all (Republic of Kenya, 2008). This is a clear indication that PWDs are discriminated against in employment; however, the survey does not assess the factors behind this exclusion, the gap the study sought to fill.

Kirinyaga County Draft Development Plan (2013–2017) report shows that 2.8% of the Kirinyaga County population comprises persons with disabilities, who are discriminated against in economic development activities—a situation worsened by lack of secondary or tertiary institutions in the county that can train persons with disabilities for the job market. This issue has hampered employability of PWDs in the county (Kirinyaga County Draft Development Plan, 2013–2017). Despite various studies being carried out, scanty information is available on the extent to which awareness of disability legislation affects employability of PWDs, hence the gap the current study sought to fill.

1.2. Objective of the Study

The objective of the study was to assess the influence of disability legislation awareness on employability of persons with disabilities in post-secondary institutions of Kirinyaga County, Kenya.

2. LITERATURE REVIEW

This section comprises theoretical and empirical framework relevant to the study.

2.1. Theoretical Review

2.1.1. Social Model of Disability

The social model of disability states that disability is not caused by a person's impairment or difference rather by the way society is organized (Oliver and Barnes, 2012). It supports the idea that the physical, attitudinal,

communication and social environment must change to enable persons with disabilities to equally participate in society in the same way as their able-bodied counterparts, and searches for ways of eliminating barriers that restrict disabled people from making life choices. Elimination of these barriers means that persons with disabilities can be independent and equal in society, with choice and control over their own lives (Oliver and Barnes, 2012). The model does not deny the reality of impairment or its impact on individuals but it supports the opinion that PWDs have a right to fully participate on equivalent basis with others. Under this model, for instance, a wheelchair user who wants to get access to a building will do so easily if a ramp was added at the entrance. A person with a visual impairment who wants to read some written material and share it with his or her sighted friends would also do so easily if there was a full-text audio recording available when the material is first published. This model originated from Oliver in 1990, though he is said to have invented it earlier in 1981 in the United States in order to challenge the medical and psychological theories about disability (Oliver and Barnes, 2012).

2.2. Empirical Review

2.2.1. Awareness of Disability Legislation

According to Kamundia (2010), there are no clear-cut policies and guidelines to employers concerning persons with disabilities. Employers are either unaware of provisions in disability legislations or are not willing to comply. She adds that the guidelines need to be very specific in such a way that employer can be accountable for noncompliance (Kamundia, 2010). In Kenya, there exist several legislations addressing disability issues that an employer is worth noting. These include Disability Act (2003), which is currently under review (Mudora, 2016), Constitution of Kenya (2010), Employment Act (2007)—which replaced the Employment Act and the Regulation of Wages and Conditions of Employment Act—Chapter 229 of the Laws of Kenya (Maina, 2012), and the National Gender and Equality Commission Act (2011), among others. All these legislations should assist employers to develop compliance and have policies that are geared toward disability inclusion in the workplace.

According to Lowe (2009), many countries require employers to have labor agreements, enforceable by the local law, before they can start operations. Such laws include guaranteeing a safe working environment, nondiscrimination, equitable wages, limitations on hours of work, and right to engage in collective bargaining, among others. Employers should be cautious not to illegally discriminate against employees at every level of the hiring process, unless if affirmative action is being done to counter past discrimination of a particular job category or industry. Persons in charge of hiring staff therefore ought to be skilled on the type of questions to ask during selection to avoid those that could create legal problems for the employer (Business Legal Resources, 2017). According to Thibodeaux (2017), employment laws protect the employee and employer as well as the society at large. An employee, as a servant, is expected to discharge his or her duties under supervision and for the employer's benefit. However, some employers, if unmonitored, may abuse their power. Employment laws such as those dealing with nondiscrimination have an aim of balancing the master-servant relationship to prevent discrimination. For instance, such laws provide that employees get fair remuneration, equal employment opportunities, and a safe working environment. This minimizes conflicts and potential lawsuits as a result of adhering to the law. Employment laws enhance a healthy economy and guards the employers' rights to profit and employees' right to compensation (Thibodeaux, 2017).

2.2.2. Employability

Schreuder and Coetzee (2011) define employability as an individual's capacity and willingness to become and remain attractive in the labor market and also his or her ability to be successful in a variety of jobs. It is also termed as a graduate's ability to secure jobs in the labor market, being equipped with most of the skills visualized by the employer and being able to participate, contribute, and apply what was learned in his or her higher education to enhance his or her social status and the country's economy (Schreuder and Coetzee, 2011). According to Paadi (2014), career resilience plays a vital role in one's employability. Career resilience is the ability to adapt to changing circumstances, even when they are discouraging or disruptive. He adds that characteristics associated with those who are career resilient have a direct link with employability characteristics. These include team work, change adaptability, effective communication, willingness to take risks, having positive and flexible attitudes, commitment to personal excellence, and continuous learning, all of

which are connected with employability. The study therefore sought to assess the factors affecting employability of persons with disabilities in post-secondary institutions of Kirinyaga County.

3. METHODS

The study was carried out in Kirinyaga County, Central Kenya. Emphasis was on five post-secondary institutions that are registered with the ministry of education or agriculture. The target population of the study was 420, comprising the 415 general staff members and five human resource officers in the institutions. The sample size was selected through stratified random sampling. All the five human resource officers were purposively selected to be part of the respondents. The sources of the data for this study were from both primary and secondary sources. Primary data were received from questionnaires that were administered to the general staff of the institutions. Secondary data were obtained from the records in the office of the human resource manager. Two sets of questionnaires were administered: one to the general staff and the other to the human resource managers. Descriptive and inferential statistics were used to analyze the collected data. Tables, graphs, percentages, and frequencies were applied for descriptive statistics. Mean and standard deviation were also used as measures of central tendency. For employability analysis, this study applied one indicator to measure employability, that is, qualification.

The study used regression analysis to measure the objective. The simple regression model was applied. The method is applied to estimate the parameters of the relationship from the collected data. The model is expressed as

$$Y = \alpha + \beta_1 X_1 + \epsilon$$

where Y is the dependent variable (employability)

α is a constant; this represents dependent variable if there is no independent variable, that is, the independent variable (X_1) is Zero (0)

β_1 is a constant regression coefficient representing the condition of the independent variable to the dependent variable (or change induced by the independent variable (X_1))

X_1 is the disability legislation awareness

ϵ is the error of prediction

4. RESULTS

Based on the existing literature, the following hypothesis was formulated for testing.

H_{01} : Disability legislation awareness does not significantly influence employability of persons with disabilities in post-secondary institutions of Kirinyaga County.

The specific indicators of disability legislation awareness were knowledge of existence of laws on disability, capacity building for staff on disability legislation, existence of disability policy with the organization that has been communicated to staff, and sensitization by the organization on its staff on how to handle PWDs. Employability of PWDs indicator comprised qualifications. To address this hypothesis, influence of disability legislative awareness was tested on qualification as an indicator of employability of PWDs. Table 1 shows the regression results for the influence of disability legislative awareness on employability of persons with disabilities measured by qualifications.

The coefficient of determination was 0.676, indicating that 67.6% of variation in employability of staff with disabilities was explained by disability legislative awareness. The remaining 32.4% was explained by factors other than the ones in the study. The p-value of the model was 0.000, which indicates a statistically significant model. This shows that disability legislation awareness have a significant influence on employability measured by qualification of staff with disability. The null hypothesis was thus rejected with respect to qualification. The beta coefficients were statistically significant (p-values < 0.05).

Table 1. Influence of Disability Legislation Awareness on Employability of Staff with Disabilities.

Model Summary						
Model	R	R square	Adjusted R square	Std. error of the estimate		
1	0.822 ^a	0.676	0.673	0.76947		
ANOVA						
Model		Sum of squares	df	Mean square	F	Sig.
1	Regression	110.051	1	110.051	185.869	0.000 ^b
	Residual	52.696	89	0.592	—	—
	Total	162.747	90	—	—	—
Coefficients		—	—	—	—	—
Model		Unstandardized coefficients		Standardized coefficients	t	Sig.
		B	Std. error	Beta		
1	(Constant)	0.119	0.271	—	0.440	0.661
	Legislation	0.959	0.070	0.822	13.633	0.000

^aDependent variable: employability.

^bPredictors: (constant), legislation.

The relationship in Table 1 was represented by the following equation:

$$\text{Employability} = 0.119 + 0.959\text{DL}$$

where DL = disability legislative awareness.

The above regression equation shows that for every unit change in disability legislation there is an increase of 0.959 units of employability measured by qualifications. This means post-secondary institutions should be concerned with disability legislation awareness as they positively influence employability of PWDs by qualifications.

5. DISCUSSION

The study established that although disability legislations in Kenya have been existing for several years, little implementation has taken place due to lack of follow-up from the law makers. Most respondents for instance had little or no knowledge of disability legislations, were not aware of existence of disability policies in their organizations, and had little knowledge on how to handle persons with various disabilities. This reflects organizations unpreparedness on embracing disability diversity, because there is a correlation between knowledge of disability legislation and employability. The findings further established that the organizations that had more disability legislation awareness had more disability responsive infrastructures and tended to be more responsive in recruitment of PWDs. These findings concur with Kamundia (2010) who says that disability legislations are supposed to assist employers develop compliance and have policies geared toward disability inclusion in workplace.

The results also established a statistically significant influence of disability legislation awareness on employability of PWDs in post-secondary institutions in Kirinyaga County. The hypothesis that disability

legislative awareness influences employability of PWDs in post-secondary institutions in Kirinyaga County was therefore confirmed with regard to employability measured by qualifications. The results indicate that post-secondary institutions should focus more on creating awareness of disability legislation in Kirinyaga County in order to improve on employability of PWDs.

These results concurred with Masakhwe (2009) who says that a wide gap exists between what is written in the law and what exists in society in that enforcement of disability legislation is minimal contributing to high rate of unemployment among PWDs.

6. CONCLUSION

The study results have established that disability legislation awareness influences employability of persons with disabilities in Post-Secondary institutions in Kirinyaga County. The study concludes that lack of sensitization on disability legislation among staff and lack of workable policies in organizations also play a key role that affects employability. Lack of implementation of disability legislation is as a result of noncommitment of the law makers to make specific guidelines that will make an employer to be accountable for noncompliance.

6.1. Recommendations

With reference to the findings of the study, the researcher recommends that the employers to be sensitized by law makers on ensuring that equal job opportunities are provided to persons with disabilities and that they give progress reports on their employment. There should be proper guidelines requiring employer to be accountable for noncompliance. This will increase the employment numbers of PWDs. The researcher also recommended that the general public to be sensitized on disability laws and be familiar with the disability concerns addressed by these legislations so as to improve society's perception toward persons with disabilities.

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Citation: Njeru LM, Gichuhi D, Ombaka B. 2017. An assessment of the influence of disability legislation awareness on employability of persons with disabilities in post-secondary institutions in Kirinyaga County, Kenya. *Management and Economics Research Journal* 3: 91-97.