

**A COMPARATIVE ANALYSIS OF FACTORS AFFECTING THE
IMPLEMENTATION OF ETHICAL CODE OF CONDUCT IN THE PUBLIC
SECTOR: THE CASE OF MALAWI**

MASTER OF PUBLIC ADMINISTRATION AND MANAGEMENT THESIS

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UNIVERSITY OF MALAWI

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MASTER OF PUBLIC ADMINISTRATION AND MANAGEMENT THESIS

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Submitted to the Department of Political Science and Administrative Studies, in
partial fulfilment of the requirements for the degree of Master of Public
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DECLARATION

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

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CERTIFICATION OF APPROVAL

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DEDICATION

This Dissertation is dedicated to Mr. Masauko George Katchule Medi, the Director General of the Department of Immigration and Citizenship Services in Malawi.

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ABSTRACT

This thesis intended to comparatively analyze the factors that affect the implementation of the ethical code of conduct in the public sector. The study was conducted in two government institutions which were purposively selected and the main focus was on how the code is implemented, its enforcement practices, the organizational (both internal and external) variables that affect its implementation and assessment of the possible solutions to address the impeding factors. This case study used Mixed Research Methods to collect, analyze and integrate quantitative and qualitative data. This involved analyzing and synthesizing similarities, differences, practices, procedures or patterns followed by these two organizations so as to provide an in-depth, multifaceted understanding of the issue in its real-life context. The successful implementation of a policy depends on the context in which it is implemented and the behavior of the implementers (actors) hence the study used the Normative Institutional Theory and Theory of Planned Behavior (TPB) respectively. The findings of the study showed that outdated code of conduct, unethical Leadership, poorly laid out procedures and structures, lack of Whistleblower Protection Law and political interference or influence were among the factors that negatively affect the implementation of the ethical code of conduct. The thesis suggested that having well-structured units and procedures for handling grievances, disciplinary actions and rewarding employees, making the code of conduct an integral part for employment contracts, establishing a clear demarcation of the roles of politicians and bureaucrats among others may lead to effective implementation of the Malawi Public Service code of conduct. The study proposed other areas of further study that require deeper investigation on how they impact on the implementation of the code of conduct for the public sector.

TABLE OF CONTENTS

ABSTRACT.....	vi
TABLE OF CONTENTS.....	vii
LIST OF TABLES.....	x
LIST OF FIGURES	xi
LIST OF APPENDICES.....	xii
LIST OF ABBREVIATIONS AND ACRONYMS	xiii
CHAPTER 1	1
INTRODUCTION	1
1.1 Introduction.....	1
1.2 Background	2
1.3 Problem Statement	5
1.4 Research Objectives	7
1.4.1 Main Research Objective	7
1.4.2 Specific Research Objectives.....	7
1.5 Research Questions	8
1.6 Significance of the Research.....	8
1.7 Organization of the Thesis	9
1.8 Chapter Summary.....	9
CHAPTER 2	10
LITERATURE REVIEW AND THEORETICAL FRAMEWORK.....	10
2.1 Introduction.....	10
2.2 Ethics.....	10
2.3 Code of Conduct and Ethics.....	11
2.3.1 Purposes of a code of conduct and ethics	11
2.3.2 Criticism of the code	13
2.4 Implementation	14
2.5 Factors that affect the implementation of the code of conduct	16
2.5.1 Establishment of a detailed, concise, and clear code of conduct.....	16
2.5.2 Embedding the ethical code of conduct into the organization culture	17
2.5.3 Enforcement of the code	21

2.5.4 Leadership	22
2.5.5 Whistleblowing or speak up obligations and mechanisms	23
2.5.6 Establishment of an ethics office and appointment of ethics officers.....	25
2.5.7 Giving the code a viable legal basis.....	26
2.5.8 Review and monitoring.....	27
2.6 Empirical studies in Africa.....	27
2.7 Empirical studies in Malawi.....	28
2.8 Theoretical Framework	30
2.9 Chapter summary	34
CHAPTER 3	35
METHODOLOGY	35
3.1 Introduction	35
3.2 Research Worldview	35
3.3 Research Design and Methods	36
3.3.1 Research design.....	36
3.3.2 Research method	37
3.4 Targeted Population, Sampling Methods and Sample	38
3.4.1 Population	38
3.4.2 Sampling method and justification	39
3.4.3 Sample	40
3.5 Data Collection Tools and Techniques	43
3.5.1 Questionnaire	43
3.5.2 Key informant interview guide	44
3.5.3 Desk research (document analysis).....	44
3.6 Data Analysis	46
3.7 Ethical Considerations	46
3.8 Limitations	47
3.9 Chapter Summary.....	48
CHAPTER 4	49
RESEARCH FINDINGS AND DISCUSSION.....	49
4.1 Introduction.....	49
4.2 Findings.....	49
4.2.1 Assessment of how the code of conduct is implemented.....	49

4.2.2 <i>Analyze enforcement procedures that are currently followed when an employee breaches the code of conduct or displays unethical behavior</i>	53
4.2.3: <i>Organizational and other variables that affect the implementation of the code of conduct</i>	59
4.4 Chapter Summary.....	77
CHAPTER FIVE	78
CONCLUSION AND RECOMMENDATIONS	78
5.1 Introduction	78
5.2 Summary of study Findings	78
5.2.1 <i>Implementation of the code of conduct</i>	78
5.2.2 <i>Enforcement of the code of conduct</i>	78
5.2.3 <i>Organizational and other factors that affect the implementation of the code</i>	80
5.3 Lessons for Malawi	84
5.4 Conclusion	85
5.5 Recommended areas of further study.....	86
5.6 Chapter Summary.....	86
REFERENCES	87
APPENDICES	98

LIST OF TABLES

Table 1: Number and Positions of the Population Sample Reached per region	42
Table 2: Interview Themes	50
Table 3: Employee's Perception on the code and its implementation	52
Table 4: Employees' Perception of Enforcement of the Code of Conduct.....	55
Table 5: Employee's perception of Leadership	60
Table 6: Employees Perception on Training.....	65
Table 7: Employees' perception of political interference or influence.....	67
Table 8: Employees' perception of the impact of organizational culture/practices.....	73

LIST OF FIGURES

Figure 1: Theory of Planned Behavior.....	32
Figure 2: Percentage of the Population Reached According to their Classification....	43

LIST OF APPENDICES

Appendix 1: Questionnaire	98
Appendix 2: Guiding questions for key informant interviews.....	102
Appendix 3: Permissions to Conduct the Study	104

LIST OF ABBREVIATIONS AND ACRONYMS

ACB	Anti-Corruption Bureau
AU	African Union
CCAB	Consultative Committee of Accountancy Bodies
CIMA	Chattered Institute for Management Accountants
COF	Certificate of Fitness
COVID-19	Corona Virus Disease -19
DRTSS	Directorate of Road Traffic and Safety Services
GoM	Government of Malawi
HIV	Human Immuno-Deficiency Virus
HR	Human Resources
IIC	Internal Integrity Committees
MDAs	Ministries, Departments, Agencies
MDICS	Malawi Department of Immigration and Citizenship Services
MEHN	Malawi Equity Health Network
MENA	Middle East and North Africa
MIM	Malawi Institute of Management
OECD	Organization for Economic Cooperation and Development
PHRMO	Principal Human Resources Management Officer
PS	Principal Secretary
TPB	Theory of Planned Behavior
RPU	Research and Planning Unit
SDI	Staff Development Institute
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme

CHAPTER 1

INTRODUCTION

1.1 Introduction

This study focused on the ethical codes of conduct, particularly the Malawi Public Service Code of Conduct and Ethics. The aim was to comparatively analyze the factors that positively or negatively affect the implementation of the code in public sector institutions in Malawi and possibly assess the strategies used for addressing the impeding factors.

Unethical behavior in the workplace is a widespread phenomenon (Kaptein, 2011). In the nineteenth century, the world witnessed a plethora of public and publicized ethical scandals in both public and private sector organizations (Hosseini and Mahesh, 2016; Lawton et al., 2013). In Europe, major changes in society such as those in economic systems, the shift towards democratic capitalist systems from communism, rapid modernizations, incomplete reforms and many cultural causes contributed to increased corruption and other unethical behaviors (Lynch and Lynch, 2019). Similarly, in the Middle East region the opportunity for corruption, unethical conduct and misuse of public office for personal profit was influenced by the increase in size and importance of the government bureaucracy (civil service) in many countries.

Likewise, in many African countries the struggle with corruption and unethical behavior was as a result of weak political and economic systems, weak institutional leadership to promote necessary positive ethical behavior within the institutions, and inadequate resources, among others (Lynch and Lynch, 2019). The public sector in South Africa was characterized by unprofessional or unethical conduct (Mle, 2012) and citizens were increasingly rating corruption as a major concern within the public sector (Manyaka and Nkuna, 2014).

Similarly, the public service machinery in Malawi had not been effective in recent years due to corruption, lack of ethics and poor accountability among other reasons (Dzimhiri, 2016; Tambulasi and Kayuni, in Patel and Svasand, 2013).

However, there are various tools that can be used to instill discipline and ethical behavior among employees in the public sector such as development of codes of conduct and ethics, service charters, establishment of investigating agencies or oversight bodies like Anti-Corruption Bureau (ACB), the office of the ombudsman, human rights bodies, enactment of different pieces of legislation related to employment e.g. Employment Act, Public Service Act, Procurement Act, among others.

The ethical code of conduct was selected because it is a document consisting of moral standards that intends to guide employees and improve corporate behavior based on general principles and has the potential of reducing the unethical behaviors in an organization (Giorgini et al., 2015; Lawton et al., 2013). In addition, the Malawi Public Service Code of Conduct and Ethics was specifically selected because it is a tool that stipulates the acceptable and unacceptable behaviors of the employees as individuals or groups, provides general guidance on what has to be done in situations of ethical dilemmas, guides on what actions can be taken in scenarios of breach of conduct, and also emphasizes adherence to other professional codes. Above all, it applies to all government Ministries, Departments and Agencies (MDAs). Unlike other strategies for instilling ethical behavior which deal with isolated cases like the Ombudsman or ACB, the Malawi Public Service Code of Conduct and Ethics deals with a broad range of misconduct on which the other ethical tools also build. However, it is not fully effective (Chikwembani, 2018).

1.2 Background

The public sector is the implementing agency of the state or it is an institution that is responsible for the delivery of goods and services by and for the state (Tambulasi and Kayuni in Patel and Svasand, 2013). In Malawi, the public sector is composed of the executive, the legislature, the judiciary and all the institutions that fall within these branches of government such as national state departments and ministries, local government authorities, public enterprises and regulatory departments (Kanyongolo et al. in Patel and Svasand, 2013; Dzimhiri, 2016; Mphepo and Muhanga, 2019).

The executive is responsible for formulation of policies and implementation of laws, the legislature is responsible for making laws, and the judiciary is responsible for interpreting the laws and resolving disputes that may arise among people and or institutions.

According to Kauzya (2005), citizens do not only appreciate the performance of the institutions in terms of quality, quantity and timeliness of the goods and services they provide alone but also in the manner in which the public servants carry themselves in their interaction with the public. This shows that public servants have the responsibility of inspiring citizens' trust in the public sector's service delivery. Public service delivery in many developing countries was falling due to factors such as political interference, faulty recruitment processes, employee's unwillingness to go the extra mile, employee's attitude, insufficient resources, poor salaries, poor infrastructure, and unethical behaviors, among others (OECD, 2000; MIM Report, 2014; Chilipunde and Kaima, 2015; Dzimbiri, 2016; Mphepo and Muhanga, 2019). This confirmed the observation of the United Nations Department of Economic and Social Affairs (2000) that the poor performance and service delivery in public institutions could be attributed to lack of or collapse of ethical or professional standards.

In response to what was considered a global problem, the international agencies like the Organization for Economic Cooperation Development (OECD), World Bank and the United Nations established a move worldwide to restore a measure of trust and integrity in public institutions and promote better governance (Lawton et al., 2013; Lynch and Lynch, 2019). To ensure the proper functioning of institutions and systems for promoting ethical conduct in the public service, the Organization for Economic Cooperation Development organized a convention in 1998 for Ministers of its member states. At this convention, they came up with principles of good governance (OECD, 1999).

The World Bank's governance and anticorruption strategy defined good governance as the manner in which public officials and institutions acquire and exercise authority to shape public policy and provide public goods and services (Kaufmann and Kraay, 1999). It urged civil service reforms to restore professional, accountable and well-motivated bureaucracy, have more transparent procedures, upgrade internal auditing

capacity and strengthen the supreme audit institution as some of the strategies for combating corruption in developing countries. The member states adopted the governance principles and incorporated them in their codes of conduct and ethics.

At the regional level, the response was due to the increased corrupt practices, lack of accountability, demands for civil society for greater enforcement of ethical standards and punishment for violators, a growing recognition of the consequences of unethical practices to the economic difficulties faced by many African countries and the pressure exerted by international donor agencies which require strict adherence to good governance (Lawton et al., 2013). In addition, Amundsen and Andrade (2008) highlighted that greater pressure on openness, more intensive media scrutiny of the public sector and willingness on the part of the general public to complain about poor quality of the services and goods were some of the factors that contributed to the regional response to the ethical problems in the public service.

In response to the problem in Africa, the UN Department of Economic and Social Affairs (UNDESA, 2001) launched a comparative study on public service ethics in ten African countries – Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa and Uganda – to have a regional picture of the state of public service ethics policies and programs. The outcome of the study was the development of two volumes of *Public Service Ethics in Africa*, which, among other things, cover issues of guidance and management of conduct, control of conduct, and roles of non-governmental actors in the public service (UNDESA, 2001). In addition, the African Union developed the “African Charter on Values and Principles of Public Service and Administration” and one of the objectives of this charter was to promote the moral values inherent in the activities of public service agents with a view of ensuring transparency in service delivery (AU, 2011).

At national level, Malawi as a member of the AU adopted the OECD recommendations, AU values and principles of public service as well as the principles of public service ethics in Africa by UNDESA and developed its own public sector code of conduct and ethics. The Malawi Public Service Code of Conduct and Ethics was launched in 2013 and guides the behavior of all public service employees including those in organizations under study

1.3 Problem Statement

Despite having the detailed public service code of conduct and ethics in Malawi, unethical behavior continues to exist in most public institutions. The public service machinery in Malawi has not been effective in the recent years due to unethical behavior, poor accountability, corruption, and rigidity, among other reasons (Dzimbiri, 2016; Tambulasi and Kayuni in Patel and Svasand, 2007). According to the Transparency International Corruption Perceptions Index, Malawi ranked high (123 out of 198 countries) on issues of corruption. The country's average score has been dropping since 1992, and it is currently below the average score of 32 (Transparency International Corruption Perceptions Index, 2019).

This confirmed the findings of a survey that was conducted by the Center for Social Research on governance and corruption in 2014, which revealed that worsening trends of corruption, dishonesty, lack of integrity and professionalism were most prevalent in some key government ministries and offices (Chinsinga et al., 2014). In a similar vein, a report from the Governance and Corruption Baseline Survey that was conducted in Malawi revealed that the quality of service, honesty and integrity of key public agencies was generally below expected standards (MIM, 2006).

In another report that was produced after training on ethics and integrity indicated that the Malawi public service was highly rated both in Africa and globally under the one party era of Kamuzu Banda but currently it is characterized by unethical behavior, erosion of moral values and greed that facilitate corrupt practices and incidents of neglect of duty, fraud, nepotism, theft and misappropriation of funds (MIM, 2014).

In addition, the Malawi Public Service Reforms Commission Final Report (2015) indicated that the public service had persistently experienced poor, declining performance in the delivery of the services and in the management of public agencies, a deterioration of work ethics, indiscipline and absenteeism, a proliferation of fraud, and corruption which have resulted in loss of public trust. The report further noted that a culture of indiscipline is entrenched in the public service due to the continued violation of set rules and regulations by the employees and that senior officers deliberately ignored the misconducts by not meting out sanctions as provided for in these regulations.

Further, Chilima (2019) bemoaned the complete decline in ethical standards in the public sector. He noted that the rights-enhancing institutions and laws that were meant for good have to some extent provided loopholes and breeding ground for moral decadence. In confirmation, the Anti-Corruption Bureau (ACB) claimed that many social ills including corrupt practices that were happening could be easily avoided but the decaying moral standards prompted Malawians to engage in despicable behavior (Kumwenda, 2019).

Codes of conduct and ethics are hypothesized to inhibit unethical behavior and promote ethical behaviors in an organization (Jamal and Bowie, 1995; Lawton et al., 2013). However, according to Lawton et al. (2013), publishing a code of ethics by itself achieves little and is not sufficient to influence the behavior of the employees. Instead, it should be linked to systematic practices and procedures based on legislation, backed by management leadership and high-level political commitment. It is therefore important for public functionaries to implement what is contained in the ethical codes, not only paying lip service to ethical conduct but ensuring that these are manifestly and undoubtedly seen to be done (Menyah, 2010). The code needs to be streamlined into the policies and activities of the organization so as to create an environment conducive for its implementation.

Many civil service codes of conduct and ethics set out broad high level principles such as integrity, accountability, responsibility, and trustworthiness, but pay little attention to how these principles are to be applied in specific circumstances (Lawton et al., 2013). This supported the prior observation of Nijhof et al. (2003) that much time and energy is usually spent fixing the contents of the code but many get stuck in the challenge of implementing and maintaining it. Similarly, Sakyi and Bawole (2009), also noted that it is the effective implementation of the codes of ethical conduct that secure genuine responsible behavior of the public officials than just putting in place the code of conduct.

In Malawi, there is a well detailed public service code of conduct and ethics that guides employees' conduct. However, an empirical study by Chikwembani (2018) on knowledge and attitudes towards the Malawi Public Service code of conduct and ethics among civil servants in selected ministries revealed that the code of conduct is not

effective due to lack of knowledge, negative attitude and poor implementation. Likewise, a study by Mphepo and Muhanga (2019) revealed that weaker structures for enforcement of the code of conduct, among other factors, contributes to misconducts within the public service. It was against this background that the study intended to critically examine and analyze the factors that affect the implementation of the code of conduct and ethics in Malawi's public sector.

1.4 Research Objectives

1.4.1 Main Research Objective

The main aim of this study was to comparatively analyze the factors that affect the effective implementation of the Malawi Public Service Code of Conduct and Ethics in public sector organizations.

The public sector was selected because it is the largest employer and has a large number of stakeholders (Tambulasi and Kayuni in Patel and Svasand, 2013). Specifically, the study was conducted in the Malawi Department of Immigration and Citizenship Services (MDICS) and the Directorate of Road Traffic and Safety Services (DRTSS). These two organizations were selected because they offer sensitive and secure documents (driving licenses, Certificates of Fitness for motor vehicles, passports, visas, residential permits) and other services which are always in high demand. In addition, due to the nature of their work, there is a lot of interaction between the employees and their clients at individual level, which exposes the employees to many ethical dilemmas, creates grounds for breeding corruption and other unethical behaviors like fraud, theft, etc. Further, these two organizations were classified as key government agencies (MIM, 2006) and they were ranked as the most corrupt government institutions in Malawi (ACB, 2019).

1.4.2 Specific Research Objectives

In order to achieve the main objective of the research the following were the specific research objectives:

- i. To assess how the code of conduct and ethics is implemented in these organizations.

- ii. To analyze the enforcement procedures which are currently followed when an employee breaches the code of conduct or displays unethical behavior.
- iii. To examine the organizational variables that affect the implementation of the code of conduct.

1.5 Research Questions

In order to achieve the objectives above, the study was guided by the following research questions:

- i. How is the code of conduct and ethics implemented?
- ii. What enforcement procedures are currently followed when an employee breaches the code of conduct or displays unethical behavior?
- iii. Which organizational variables affect the implementation of the code of conduct?

1.6 Significance of the Research

A lot has been written concerning unethical behavior, ethics, codes of ethical conduct, their purposes, functions as well as benefits (Chikwembani, 2018) but not much has been written on the factors that facilitate or impede the effective implementation of a code of ethical conduct in the context of the Malawi public sector. As such, the study is significant in a several ways.

Firstly, the results of the study fill the existing knowledge gap in the field of ethics in academia by identifying and examining the factors that actually impede or facilitate the implementation of the code of conduct and ethics in the public sector, the reasons behind such factors and the level of their impact.

Secondly, the study re-activates the importance of the Malawi Public Service Code of Conduct and Ethics in a way that it will become the basis for decision making and actions taken in scenarios of ethical dilemmas by potential stakeholders. By being aware of their ethical limits as far as the operationalization of public institutions is concerned and the importance of adhering to those limits, the future public controlling officers and employees will be equipped with necessary skills for making informed

ethical decisions and professionally perform their duties, which will result in improved public service delivery.

Further, the study highlighted the loopholes in the strategies that were put in place to address the impeding factors to the implementation process of the code of conduct and ethics.

1.7 Organization of the Thesis

This thesis has five chapters. Chapter one introduced the topic of the study, stated the problem that required investigation, its objectives and significance. Chapter two presented the literature that was reviewed, the conceptual and theoretical framework guiding the research. Chapter three described the methodologies, designs and samples that were used. Chapter Four presented the findings of the study and their discussion. Chapter Five gave a summary of the research, major findings, possible areas of further study and conclusion.

1.8 Chapter Summary

This chapter started by introducing the topic under study, a detailed background of the unethical behaviors and its devised solutions. Then it discussed the problem statement, the main research objective as well as specific research objective. In addition, it highlighted the need to examine the factors that facilitate or impede the implementation of the code in Malawi's public sector. Further, it elaborated the significance of the study in academia, in both current and future working environments. Again, it provided empirical evidence on the existence of unethical behavior and how the Malawi Public Service Code of Conduct and Ethics was capable of addressing the problem. The chapter also explained how the thesis was organized.

CHAPTER 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter reviews what others have written on the subject at hand. It starts by looking at ethics; code of conduct and ethics; then it looks at literature relating to the implementation of a policy or an intervention in which a code of conduct and ethics is included. It also examines the organizational factors that facilitate or impede the implementation of the code. The chapter also outlines the empirical studies relating to the objectives of the study in Africa and Malawi. Further, the chapter describes the conceptual and theoretical frameworks that guided the study.

2.2 Ethics

The word Ethics originates from an Ancient Greek word ‘ethos’ which means nature, custom, habit, moral character or disposition and refers to the morals, values and beliefs of a person or an entire culture. Ethics is defined as a system that determines right and wrong in society and provides means by which individuals can behave accordingly (Frederickson and Ghere, 2013). Ethics is a complex area but may be regarded as an approach to understanding, analyzing and distinguishing matters of right and wrong, good and bad, admirable and deplorable in relation to the way people interact. Ethics, are important in a number of ways;

Firstly, ethics help employees understand why and how somethings happen in their organizations, the implications of such things and how those situations might be addressed. The employees are provided with an opportunity of knowing what is happening within the organization and how to react to such things (Lynch and Lynch, 2019).

Secondly, ethics help to improve decision making by providing managers with the appropriate knowledge and tools that allow them to correctly identify, diagnose and provide solutions to the ethical problem and dilemmas they are confronted with in their daily operations (Popescu, 2016, Singh and Prasad, 2017).

In addition, helps to build customer loyalty by considering the complexity and challenging ethical demands by stakeholders of the organizations, ethics improves human conditions by understanding these complex ethical demands and the challenges they pose as well as identifying the causes and consequences of malpractice (Popescu, 2016; Singh and Prasad, 2017).

Furthermore, ethics provides the ability to assess the benefits and problems associated with different ways of managing ethics in the organization. Ethics provides knowledge and skills which are helpful to understand modern societies in a more systematic way, which advances the ability of addressing real life situations far beyond the classroom or office desk (Popescu, 2016). However, the behaviors that considered to be acceptable in an organization are many so for easy access and reference they are compiled or coded. This is how a code of conduct and ethics is formed.

2.3 Code of Conduct and Ethics

A code of ethics is defined as a set of principles, values, standards or rules of behavior that guide the decisions, procedures and systems of an organization in a way that contributes to the welfare of its key stakeholders and respects the rights of all constituents affected by its operations (Popescu, 2016). A code of conduct and ethics is an important tool because it outlines all the rules and regulations that need to be followed as well as encourages discussion of ethics among employees to improve the way they deal with the ethical dilemmas or gray areas they encounter in their daily operations.

2.3.1 Purposes of a code of conduct and ethics

The code of conduct and ethics serves a number of purposes for the organization, individuals and the profession. According to Lawton et al. (2013) the code of conduct plays several aspirational, guidance and regulatory functions.

Firstly, the code of conduct performs aspirational functions which includes: promotion of public trust and confidence in the ethical performance of public officials, generating pride amongst staff, reaffirming the values of public service to existing public officials, inspiring new generation of public officials, and establishing external credibility and indicating that ethics are being taken seriously.

Secondly, the code of conduct gives guidance by offering a clear statement of values, roles and duties, rights and responsibilities. It clarifies the ethical behavior expected of public officials, acting as a set of guidelines in developing ethical conduct. It forms an independent, consistent and predetermined set of criteria for ethical conduct, and helps to resolve possible ethical dilemmas encountered by employees.

Thirdly, the code of conduct also plays regulatory functions such as clarifying procedures and sanctions to deal with misconduct, minimize ambiguity and reduce uncertainty, offering a coherent statement of ethical conduct by drawing together ethical statements which may be scattered throughout different pieces of legislation.

A code of ethics also serves as an evaluation tool (Popescu, 2016). The stakeholders, such as communities, government customers, financial institutions, suppliers, look at the organization's code of conduct and ethics to gather information and learn what it expects from its workforce so that they can make a decision on whether to associate with it or not, and also to judge if the organization is committed to the issues of their interests. By looking at the organization's ethical code of conduct, stakeholders become aware of how credible an organization is.

Further, the code of conduct and ethics has a legal mandate (Popescu, 2016; Singh and Prasad, 2017). It clarifies the procedures and sanctions to deal with misconduct. Some of the misconduct included in the ethical code have solutions that require the attention of the courts of law and are referred to such courts e.g. if an employee is involved in armed robbery or any act which is criminal in nature, the Malawi Public Service Code of Conduct and Ethics and the Malawi Public Service Regulations (MPSR) may be used as a justification in a criminal case to show that an employee had knowledge of a prohibited activity or action and that the organization involved was proactive in preventing it.

2.3.2 Criticism of the code

Implementation of code of conduct and ethics helps to constrain unethical behavior but it has its negative implications such as well. Popescu (2016) and Lawton et al. (2013), recognize that the codes cannot provide guidance in all situations. Principally the code does not effectively address the organizations specific characteristics and needs. Most of the times the codes are developed without taking onboard the different objectives, interests and culture of the government institutions and its implementation. For example, in organization 1 which as a security organization culturally, its employees are expected to be available for work for extended hours and even during public holidays without any compensation yet the public service code of conduct provides under the obligations of the government that employees are accorded rest and reasonable working hours. This affects their morale and compromise their integrity or lead to conflict of interest. Given the complexity of the government, it is difficult to construct a code that can be applied generally because some of the provisions of the code may not be relevant to certain industries within the public sector or some of the important points relevant to a particular industry might not be present in the code of conduct.

In addition, Lawton et al. (2013) observed that public officials may hide behind the codes and assume that an action that is not explicitly prohibited may be seen as acceptable this is an agreement with Singh and Prasad (2017), who observed that codes are often drafted to ensure that the members of an organization are treated equally, however, those in the upper-level management positions are given a bye at certain codes. This brings in conflict when an employee does unethical behavior that is not mentioned in the code or when the employees in lower ranks breaches the same codes as their superiors. This is supported by the findings of Tamunomiebi and Ehior (2019), that the code requires the comprehensive support of management to be effective and if members of the management team decides to apply their own version to the way they manage organizations, it causes confusion in the workplace.

Further, Lawton et al. (2013) realized that sometimes the duties of the public officials as outlined in the codes may conflict with their individual rights, and may also conflict with other rules and regulations or code do not clearly link to, align or contradict with the important objectives of the organization. When the code's provisions do not address

the major organizational activities it becomes difficult for the employees to understand whether their actions negatively or positively contribute to the integrity of the organization and becomes unenforceable (Singh and Prasad, 2017) this is because they don't see how the provisions fit in their operations and probably see no reason for abiding to the code. For example, one of the major activities for organization 1 is to be present when the Head of State is presiding over an event. Unfortunately, in Malawi it is difficult to differentiate between a political party function and a government function when it is presided over by the Head of State so the presence of public officers while using public resources at such events is regarded as contravening the code's provision of avoiding activities that impair or seem to impair political neutrality (political impartiality).

Furthermore, the code of conduct sets a wrong tone (it is too legalistic or too vague) Singh and Prasad (2017). If the provisions of code are too legalistic or too vague, employees do not know exactly what the code wants to advocate for. For example, the provision for acceptance of gifts and other benefits in Malawi public service code of conduct and ethics does not clearly state which other gifts public officers should not accept apart from free or less market value accommodation, entertainment, hospitality and travel. Similarly, the codes provide that the officers should strictly use public assets and facilities like transport, telephone allocated to them for official use only but does not provide for what happens if this is not the case.

Again, Tamunomiebi and Ehior (2019) observed that implementing a code of conduct can be expensive and time consuming as ethics policies need to be continually updated to reflect the changes in the workplace laws and in organization culture as the organization grows. Proper administration of an ethics programme requires the commitment of financial and personnel resources.

2.4 Implementation

Governments make decisions which affect the welfare of its citizens and these decisions are called public policy which are implemented in the form of laws, rules, regulations, executive orders, court decisions or government budget (Chinsinga in Patel and Svasand, 2013). Public policy is defined as a stable or purposeful course of action taken by the government or public actors in addressing a social problem (Hill and Hupe,

2014). Policy making passes through five stages (policy cycle); problem definition, agenda setting, policy formulation, policy implementation and policy termination or restatement. Policy implementation is the fourth stage in the policy making cycle which comes after the policy has been formulated and adopted and is understood as the carrying out of a policy decision; translating a policy decision into action (Mazimani and Sabatier, 1989). It is the execution of law in which various stakeholders and organizations work together with the use of procedures and techniques to put policies into effect to attain goals. However, Hudson et al. (2019) note that implementation of a policy sometimes fails due to overly optimistic expectations, implementation in dispersed governance, vagaries of the political cycle, poor planning, incompetent personnel, or lack or poor coordination among the actors, among other factors.

O'Toole (2000) notes that there has been more focus on policy creation and analysis than implementation. Khan and Khandaker (2016) observed that putting a policy into practice is problematic due to lack of proper direction and guidelines which are supposed to be derived from appropriate theories of policy implementation. In addition, there is consensus among scholars that policy implementation as a discipline in its infancy suffers from viable, valid and universally accepted imposing or good theories (Khan and Khandaker, 2016) unlike the implementation science field which has progressed towards increased use of theoretical approaches that provide better understanding and explanation of how and why implementation succeeds or fails (Nilsen, 2015).

However, in order to improve research within public administration in general, Van Der Wadht (2017) identifies and categorizes relevant theories for study and analysis of key domains in the field of public administration. Van Der Wadht (2017) recommended the use of these theories by researchers at various levels including post graduate candidates to explore the construct associated with their topic. He encouraged the researchers to determine whether theories listed under different domains may be useful for their studies by highlighting that disciplinary boundaries simply serve to demarcate the types and contexts of issues. The domains that were identified include; politics/administration dichotomy; historical; institutional (Bureaucratic); behavioral systems; public policy; Business Management; Comprehensive, convectional; politics and political economy; structural functional; generic administrative and legal.

2.5 Factors that affect the implementation of the code of conduct

The OECD Council (1999), MENA-OECD (2010) on the joint learning study on implementing codes of conduct in the public sector in Jordan, Consultative Committee of Accountancy Bodies (CCAB, 2014) and International Federation of Accountants (IFAC, 2007) are some of the bodies that provide international good practices for implementation of the code of conduct. Making use of the following recommended practices, the implementation of a code of conduct can bring about the desired results.

2.5.1 Establishment of a detailed, concise, and clear code of conduct

Effective implementation of the code starts with the development of the code itself. According to Lawton et al. (2013), the code of conduct and ethics must be clear, comprehensive and have a practical application. When formulating the code, implementation issues need to be considered and input from a range of stakeholders should be sought in order to make them part of the consultative process (CCAB, 2014; Doig as cited in Lawton, 2004). Involvement of stakeholders in the consultative process brings to light some ethical challenges that were not previously known to the other parts of the organization and encourages the potential users of the code to engage with its implementation. This is possible because they have a sense of ownership of the code and do not perceive that the code has been imposed on them.

In addition, the code of conduct should be clear, not vague, so that everybody who is involved should know why the code is important and why it ultimately contains the tenets that it does (CCAB, 2014; IFAC, 2007), and should be based on explicit ethical values that are translated into obligations of the organization's stakeholders (OECD, 1999). Knowledge and clear understanding of the contents of the code enables the employees to see how the provisions are relevant to the organization's values or goals and the applicability of these provisions in their daily operations and/or decision making in the workplace.

In agreement with the recommendations, a code of ethical conduct which is clear and includes input from its stakeholders facilitates its implementation in that the stakeholders become aware of their ethical limits, know exactly what they are supposed to do and the consequences or effects of their failure to do so. A code of ethical conduct that considers implementation issues during its formulation provides guidance to the

implementers on what actions to take for its success. Besides, it is difficult to implement something that you do not know or to impose sanctions on the people who are unaware of what is expected of them.

However, the development of the code of ethical conduct alone is not sufficient to facilitate ethical behavior and a code on the shelf cannot influence ethical behavior unless it is put to use by the people in authority (Lawton, 2004; Lawton et al., 2013). Agreeing with their stand, after successful development, the code needs to be mainstreamed into the organization's activities to make it an integral part of the organization.

2.5.2 Embedding the ethical code of conduct into the organization culture

According to Amah et al. (2013), corporate culture is a framework that guides day-to-day behavior and decision making of individuals in organizations and directs employees to reach an organization's goals. These are core rules of conduct, traditions and customs communicated to employees as the right or acceptable way of perception and attitudes to specific situations in the organization.

The international best practices indicate that the extent to which the code of conduct and ethics is embedded in the culture of the organization is important in determining the success of its implementation (CCAB, 2014). Agreeably, Amah et al. (2013) noted that an organization with a strong ethical culture tends to have employees who are more engaged, committed, feel less pressure to compromise company standards that enables the achievement of company goals, and if they observe a misconduct, they are likely to report it. However, Webley and Werner (2008) observe that even if an organization has a code of ethics that follows good practice in terms of development and design, a gap between the policy and its implementation arises if the code is not effectively communicated to the employees and embedded in the organization's practices. According to CIMA (2017), embedding of the code of ethics in organizational culture helps in its implementation and this can be achieved through a number of activities as follows:

2.5.2.1 Make the code of ethical conduct accessible

Accessibility of the code gives employees an opportunity to make reference when faced with ethical dilemmas and possibly come up with informed decisions or right actions. Organizations should be able to have proper channels in place that allow the employees to access the code so that they become familiar with its contents (Lawton et al., 2013). In addition, the organizations should give copies of the ethical code of conduct to all staff and make it the organization's requirement for the staff to sign a form or send an email in acknowledgement to say they have read and understood the code (CIMA, 2017). This is to show that they have agreed to abide by its contents and that they are ready to face the consequences if they breach the provisions contained in the code.

2.5.2.2 Communication

CIMA (2017) recommends that the code of ethical conduct should be communicated to the employees. The introduction of the code should highlight the benefits of having a code, how it enhances the reputation of the organization, how the code clarifies or promotes widely held values of the organization, and this should be ongoing. In agreement, Lawton et al. (2013) and CCAB (2014) suggest that members of staff should be made aware at an early stage who to contact on confidential basis if they have an ethical issue or any question on the code. It is further recommended that the code of conduct should be included in the communication plan of the organization such as: a special event to launch an ethics code, massive publicity campaigns, and radio, television or administrative announcements. This is intended to set everybody's mind at ease and show leadership commitment to keep ethics alive and vibrant. According to CCAB (2014), it is also necessary to introduce the code of conduct and ethics to the newly appointed or elected officials of the organization at all levels to demonstrate the value that the organization attaches to the code and adherence of acceptable standards of behavior.

Effective communication of the code facilitates the implementation of the code because the message about the importance and need for adherence of the code is emphasized. Communication fosters awareness of the code, the consequences of its violation and the commitment that management has towards its enforcement. Being ethically aware helps to maintain a positive corporate culture and to uphold a strong public image.

2.5.2.3 Training

Training is an important step in the implementation of the code of conduct and ethics as it explains the rationale behind the code. CIMA (2017), OECD (2010) and CCAB (2014) recommend the incorporation of the code of conduct into the education and training program of new employees or in professional development workshops for the organizations staff. Training is the acquisition of knowledge or a skill through study, experience or instruction and the training sessions provide an opportunity to test the code and identify any unnoticed flaws in the drafting of the code. Ethics training provides a chance for the employees to discuss and share ideas on the importance of ethics in their daily operations. This should commence as part of formal orientation for all new employees and be maintained through continuous interventions. Without implementation of ethical training, attempts to promote ethics in the organization will undoubtedly fail (Mey and Lloyd, 2016; Lawton et al., 2013).

However, since it is not possible to cover every situation in ethics training, employees are equipped with skills that enable them to recognize ethical situations and to reason ethically (Taylor, 2013). According to Webley and Werner (2008), ethics training is not a one-off exercise but it should become continuous learning in order to maintain ethical sensitivity and the further training sessions must be mandatory. This provides an opportunity to re-emphasize the importance of the codes to the organization, and employees acquire new or enhanced skills, while others refresh their understanding, interpretation and applicability of the codes.

The training is supposed to be more effective by incorporating practical examples in the form of case studies, illustration of the scenarios, or offering realistic business situations to the training participants for discussion and resolution (Theodore, 2013). This means that the employees should be exposed to ethical dilemmas they are likely to encounter in the line of duty and should be given the chance to voice out their opinions or suggestions on how the dilemmas can be resolved in order to exercise their decision-making ability. According to Theodore (2013), training can further be enhanced by organizing periodic seminars, on-line resources, e-learning modules, workshops and conferences. In this view, the code should be included in induction or orientation courses and other training sessions in the organization to make staff aware

of the relationship between the code and other existing integrity policies, programs and practices of the organization.

Training facilitates the implementation of the code in that employees and their management share the same platform on how to handle the ethical dilemmas they encounter. The ability to implement what the code advocates for at individual levels creates a climate that is ethically conducive.

2.5.2.4 Performance Appraisal

Performance appraisal is a formal system of review and evaluation of individual or team task performance (Armstrong, 2014). Performance appraisal is used to measure the performance of the employees against the set standards in the organization (Kulshrestha and Nangia, 2019). An organization's appraisal process provides an opportunity to review how an individual has lived up to the organizations values and demonstrated competence in ethical decision making (CCAB, 2014; CIMA, 2014). According to Sureshi (2011), ethics must be given proper preference and should be dealt with as basis of performance appraisal in order to get foolproof ethical results in performance review without affecting the performance.

In addition, Armstrong (2014) argues that the performance reviews should not simply focus on outcomes but must also consider the behavioral aspects of how the work was carried out. This means that rewarding an employee for outstanding performance needs to take into consideration the employee's level of compliance with the ethical standards. Implementation of the code is facilitated by the outcomes or decisions of performance appraisals which either encourage or discourage the enforcement of sanctions and rewards as provided in the code of ethical conduct. Performance appraisals that incorporate elements of compliance as a measurable standard hold employees accountable for their ethical or unethical conduct. More to that, performance appraisal contributes positively to the implementation of the code in that it detects employee ethical deficiencies and suggests the corrective measures to be used. However, poorly conducted performance appraisals lead to lack of self-esteem and employee engagement, biased performance ratings, damaged relationships, increased legal risks, unclear reward system, wastage of money and time, among others. The performance

review is often a negative, disliked activity and one that seems to elude mastery (Singh and Twalo, 2014) because it is prone to bias as a result of rater errors (Halo effect).

Further, the idea of making the code of conduct and ethics an integral part of employment contract is supported as necessary in the implementation of the code of conduct because it places compliance to the code's provisions an important requirement to have a job (Armstrong, 2014). The employees become compelled to adhere to the code in order to get a job, safeguard their jobs, get promoted or be considered in other incentives such as promotions, career advancement, or other rewards.

2.5.3 Enforcement of the code

Enforcement refers to the imposition of penalties for undesired behavior and rewards for ethical behavior as well as the manner in which grievances are handled in the organization. Implementation of the code of ethics involves creating procedures for investigating allegations of misconduct, effective disciplinary processes and imposition of appropriate sanctions on those who violate the code (CCAB, 2014). It also involves having procedures in place for handling employees' complaints (Armstrong, 2014) and according to Remisova and Lassakova (2012), an effective reward and punishment system is an essential component for successful implementation of the code. A reward system for ethical behavior increases ethical behavior and influences ethical decision making in the organization (Greeta et al., 2016).

Rewarding employees for ethical behavior contributes to the implementation of the code in that the employees continue to comply and adhere to the acceptable standards of the organization and set a good example for their colleagues, which results in the reduced misconducts. Rewarding employees for outstanding behavior is the practical application of what the code advocates for.

According to OECD (2010), when a potential problem or allegation of improper action comes to the organization's attention, a fact finding investigation has to be made and the ethics officer needs to determine the appropriate tool to deal with the matter, whether with the code of conduct, criminal law, or at individual level. This process must follow the principles of natural justice. In addition, it is important to establish and maintain proper records concerning the nature of the event, the participants, and the

work environment. The written evidence is highly important if the event forms the basis for a grievance filed by the employee and forms a basic element of a well-organized disciplinary action program. Review the employee's file and performance records, prepare for the discussion with the employee, hold a meeting with the employee in private, state the objectives of the disciplinary action, ask for the employee's input, provide a copy of the disciplinary action to the employee, and then schedule a follow-up.

Likewise, an organization is supposed to have a well-articulated grievance handling procedure so that when employees are dissatisfied and have a feeling of injustice connected to their employment situation, they should be able to lodge their complaint. According to Manikandan and Gowsalya (2017), a typical grievance handling procedure includes acknowledgement of the dissatisfaction, definition of the problem, getting the facts, analyzing and deciding action, then making a follow-up.

2.5.4 Leadership

An organization's top management is expected to set a proper tone that creates a conducive environment for the implementation of the code of conduct and ethics (OECD, 1999; CCAB, 2014; CIMA, 2014). According to Sakyi and Bowole (2009, 2010), these leaders include elected and appointed members of an institution such as Heads of Ministries or Departments of Public Corporations or enterprises in which the state has controlling interests. In the context of this study, this refers to the attitude of Ministers, Principal Secretaries, Boards of Directors, Controlling Officers and other senior government officers in Malawi's public institutions.

An organization's tone at the top is determined by the top level management and it gives the right examples to their subordinates because they can influence the ethical mindfulness of the organizational members in a positive or negative direction (Lawton et al., 2013). They emphasized that the tone that is set by management will have a trickle-down effect on employees. This implies that if the managers set a tone that upholds ethics and integrity, the employees will follow suit, but if the top management is unconcerned with ethics and integrity or provides an opportunity for practices of unethical behavior, the employees will be more prone to commit misconducts because they perceive that ethics is not a priority or area of focus for the organization.

Setting the proper tone at the top requires ethical leadership, management commitment and support for compliance to ethical programs from both political and administrative leaders (Cooper and Menzel, 2013; Frederickson and Ghore, 2013; Lawton et al., 2013; CCAB, 2014). Ethical leadership is the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships as well as the promotion of such conduct to followers through two-way communication, reinforcement and decision making (Brown et al., 2005). Ethical leadership has the potential to influence organizational members' behavior through exemplification, equitable treatment of the members, and stimulation of a climate which affirms ethical behaviors (Mayer, Aquino, Greenbaum and Keunzi, 2012). Managers are supposed to demonstrate their awareness of the code's standards by modelling them in their own behavior and promoting ethical conduct not only of their fellow public servants but also of the political leaders and citizens (Lawton et al., 2013; Muel, 2008).

However, Remisova and Lassakova (2012) and Dzimbiri (2016) observe that most public institution's top management is usually elected by the reigning president and this means that managerial positions are occupied with people who might be accepted authorities in their specific fields, but usually have no sufficient economic, legal or leadership knowledge and skills. These type of appointments negatively affect the implementation of the ethical code of conduct in that the appointed officers fail to resist the pressure that is exerted on them by their appointers or other key people in the reigning government. In addition, Lynch and Lynch (2019) noted that too many leaders ignore the consequences of their non-actions, resulting in more serious ethical problems spreading throughout the organization.

2.5.5 Whistleblowing or speak up obligations and mechanisms

Whistleblowing is when a person closely associated with the organization, often an employee but also sometimes external stakeholders, observes behavior or other actions that they believe to be misconduct, criminal or not in line with the organization's code of conduct, and reports the suspicion (Keenan, 2000). It is when the organization's stakeholders disclose information on illegal and unethical practices within the organization to parties internal or external to the organization who can take action. It is good practice for an organization to create an open, transparent and safe working environment where workers feel free to speak up.

Effective implementation of the code of ethical conduct requires organizations to have formal whistleblowing or speak up mechanisms in place (OECD, 1999; Lawton, 2004; Sakyi and Bawole, 2009). In addition, Lawton et al. (2013) suggest that one way to help enforcement of the code is to have a formal complaints procedure for the organization's external stakeholders who have evidence that the organization's code of ethics is being violated and employees are also required to report any violations that they witness. All supervisors or managers who are informed about ethical violations must promptly review all reports of unlawful or unethical conduct.

Whistleblowing is important in the implementation of the code in that it acts as an internal control procedure against unethical behavior and an important mechanism for preventing and detecting organizational wrongdoing (Lavena, 2016). In addition, it is an essential source of information to uncover wrongdoing in the organization that helps to correct the ethical breaches privately, avoiding possible high costs and public scandal (Sampiao and Sobral, 2013). Taiwo (2015) examined the possible effects of whistleblowing practices on performance and discovered that there is a significant relationship between disclosure of unethical behavior and high performance.

Whistleblowing requires laws or policies that provide clear description of what types of perceived wrongdoing should be disclosed, to whom such disclosures should be made initially and subsequently (if the initial disclosure does not prompt an investigation), how and by whom the alleged wrongdoing should be investigated, the mechanism or procedures in place to encourage employees and external stakeholders to disclose wrongdoing while protecting them from adverse consequences of reporting the wrongdoing, and the steps taken if the adverse consequences appear to be imposed on the whistleblower (Moberly, 2014; Brown et al., 2014).

However, retaliation is a common risk for whistleblowers and results in psychological and work related problems such as depression, anxiety, suicidal thoughts, disengagement, demotivation, and distrust (Smith, 2014; Van Der Velden, Pecararo, Houwerzijl and Van Der Meulen, 2018; Bowman and West, 2015). Further, Zhang, Chiu and Wei (2009) observed that whistleblowing leads to a broken chain of command. They commented that when whistleblowers feel that their supervisors or other company leaders do not take their messages seriously they tend to bypass the

chain of command for fear of repercussions and go against the organization's protocols, which negatively affects the system of management and authority.

According to this study, whistleblowing is an important element in the implementation of the code of conduct in that it unveils the wrongdoings or unethical secrets that happen within these organizations and this provides an opportunity for the organizations to investigate the misconduct thoroughly and get enough evidence before any action is taken. It actually creates an opportunity for management to get an insight into how and why such misconducts happen, and to possibly come up with strategies for addressing them. This is in agreement with the observation of Call, Martin, Sharp and Wilde (2017) that whistleblower involvement is a key source of information for officials who investigate and prosecute wrongdoing.

2.5.6 Establishment of an ethics office and appointment of ethics officers

MENA-OECD (2010), CCAB (2014), and IIFAC (2007) also recommend that governments or organizations should establish an independent and stand-alone ethics office with broad investigative, prosecution and education powers at national level. The ethics office is responsible for: providing confidential, pragmatic ethics advice and guidance; promoting ethics awareness and education initiatives on ethics, values and standards; providing protection against retaliation and promoting whistleblowing; administering the Financial Disclosure Program and addressing conflicts of interest; and consulting on developing and clarifying standards, policies and principles. It is further recommended that organizations should choose an administrator of the code who will provide independent, consistent and confident guidance on ethics. In addition, CIMA (2014) organizations are supposed to have ethics audits which help to identify risks to the integrity of most important processes like recruitment, promotion, dismissal and discipline. These ethics audits help to instill public and employee trust that management acts in a fair manner. Gilman (2005), emphasizes that attention must be paid to the independence of the commission or agency in charge of implementing the code, though he notes that it is a tricky concept. The establishment of an ethics office and appointment of ethics officers in an organization or in government is essential in the implementation of the code of conduct because the roles this office is responsible for are part of the enforcement process of the code. The independence of the ethics office is important in the implementation of the code of ethical conduct because the decision on enforcement of the code is not interrupted by anyone, even when it is being

applied to a senior officer. However, this is somehow tricky because these ethics officers are appointed by their bosses and it is difficult for them to go against their commands and interests.

2.5.7 Giving the code a viable legal basis

To be implemented effectively, a code of conduct must be backed by a viable law (OECD, 2010; CIMA, 2017). Most of the codes for government officials in the world are established by an act of a legislature. For example, in Nigeria, Ghana and Gambia, their code of conduct is enshrined in their constitutions (Sakyi and Bawole, 2009). In agreement with this point, Lawton et al. (2013) contend that codes of conduct need to be in harmony with existing disciplinary procedures and legislation. This means codes of conduct need to talk the same language with other employment related legislations so that if an employee who is alleged to have committed a misconduct and is not satisfied with the outcome of a disciplinary process decides to appeal in court, the action that was taken by the administrators can be defended by such other pieces of legislation. This is supported by the position of Popescu (2016) who comments that a code of conduct may be used as evidence in a criminal case to show that an employee had knowledge of the prohibited activity and that the organization was proactive in preventing it.

However, Popescu (2016) points out that though the codes may be used as evidence in a court case, they are not binding in nature. These are just internal rules that have to be followed by the employees but when the government legislates the public service code of ethics in Parliament with its legal provisions on penalties for failure of its adherence, then the code can be implemented by bringing legal action in court (Akosa et al., 2020).

Having in place a code of ethical conduct that is legally binding contributes to its effective implementation because the employees do not want to be involved in unethical behavior for fear of being penalized by the law and the implementers become empowered to follow up issues of misconduct knowing that they will be finalized in a just manner unlike when that the decision based on the code of conduct and ethics can be challenged by the law.

2.5.8 Review and monitoring

Another contributing factor to the effective implementation of the code of ethics is how regularly is the code of conduct and ethics is monitored and reviewed by government and organizations (CIMA, 2017). At national level, the government can set up a monitoring department and the officers of this department will be responsible for regular monitoring and reviewing the implementation and relevance of the code in the organizations (Jalil et al., 2010). Regular monitoring and review of the code of conduct helps to accommodate emerging ethical dilemmas in the organization that come up due to changes in their operating environment. This facilitates the implementation of the code as it examines the deviations that happen in the process and make corrections.

2.6 Empirical studies in Africa

Implementation of the code of conduct faces a lot of challenges. A number of studies in Africa on the code of conduct for the civil service have revealed factors that affect its implementation process. An example is a study on the challenges faced in the implementation of the code of conduct within the public sector for civil servants in Anglophone West African countries (Sakyi and Bawole, 2009). The study aimed at getting the public managers' perception of the barriers to the implementation of the code of conduct in the public sector and it was carried out in five countries: Ghana, Nigeria, Gambia, Liberia and Sierra Leon. The study revealed that all these countries were making efforts at improving their public sector code of conduct but there was limited application of the code in public administration. The study identified deficiencies in code implementation, general weaknesses and lack of exemplary leadership, syndrome of leniency, ineffective reward and punishment system, unsupportive public service organizational culture, outdated codes and lack of knowledge about the code, weak enforcement, poor monitoring and undue societal pressure on bureaucrats, among others, as the factors constraining the implementation of the code. The respondents indicated that although every government verbally supported the inauguration of public service code of conduct, nobody seemed to bother about its successful institutionalization into public administration culture (Sakyi and Bawole, 2009).

Another study on the operationalization of Ghana's civil service code of conduct aimed at examining the internal and external challenges to the implementation of the code

using the deontological approach (Akosa et al. , 2020). The study found out that the main internal challenges to the implementation of the code include: immunity of employees from sanctions, nepotism and limited checks on enforcement and externally the code's implementation was challenged by difficulties in accessing the code of conduct, as well as ethnic and political interference. Although Ghana has a civil service code of conduct, its enforcement occurs in a non-uniform fashion with a few, lower-level staff who were not politically or managerially connected being used as scape-goats.

In addition, a related study on ethical leadership in South Africa and Botswana, Cheteni and Shindika (2017) revealed that lack of accountability, unethical behavior, corrupt practices and institutionalized norms of behavior in Africa have become so pervasive to the extent that can be described as a crisis of ethics in African public services attributed to unethical leadership which also affects the implementation of the code. Further a study by Nkyabonaki (2019), on effectiveness of public service code of ethics in controlling corrupt behavior in the public service in Tangoma ward in Tanzania revealed that the principles of public ethos are not adhered to due to ecology of public sector that includes under pay, weak monitoring and evaluation of performance and the culture of nepotism in the public sector.

2.7 Empirical studies in Malawi

The empirical studies that were carried out in Malawi did not directly focus on the implementation of the code of conduct but touched on some of the factors that facilitate or hinder the implementation process. An example is a study on effectiveness, fairness and consistency of disciplinary action and procedures in the civil service of Malawi (Dzimbiri, 2016). The study aimed at critically analyzing the civil servant's perception regarding disciplinary action and procedures. The study found out that the civil service disciplinary procedures face several challenges such as lack of expediency, inconsistencies in handling disciplinary issues, failure to keep disciplinary records, and favoritism. In general, the study revealed that civil servants are deprived of organizational justice due to weaknesses in disciplinary procedures but did not trace why there these weaknesses in disciplinary procedures and how they lead to poor implementation of the code of conduct.

Similarly, another study on politics and public service human resource management systems in Malawi which aimed at examining the role and impact of politics on human resource management systems in the public service (Dzimbiri, 2016) revealed that employees' commitment, motivation and productivity is affected by how they get recruited, selected, appointed, oriented, trained, promoted, rewarded or disciplined. The study also revealed that while at the formal level, ministers have no prominent role in recruitment, promotion, demotion or transfer of public servants in the ministry, the reality on the ground is that political interference in appointments, promotion, transfers and demotion of public servants is rampant. This study links these results with the provisions of the code of conduct and ethics and how it negatively affects its implementation.

Further, a study on knowledge and attitudes towards the Malawi public sector code of conduct and ethics among civil servants in selected ministries by Chikwembani (2018) which intended to establish the knowledge and attitudes that senior managers and junior officers have towards the code of conduct and ethics for the public sector using the foundationalist and virtue ethics theories. The findings of the study showed that lack of knowledge of the contents of the code, poor accessibility of the code, etc. leads to poor implementation and ineffectiveness of the code. The study revealed that the employees in public sector were aware of the presence of the code of conduct but were not well acquainted and familiar with its contents. This study identified employee's knowledge of the contents of the code as a factor that affect the codes implementation and this study intends to identify more factors.

Furthermore, a study by Mphepo and Muhanga (2020), on work and human ethics in public service in Malawi found out that most of the misconducts take place because of low salaries, lack of knowledge of the work ethics and code of conduct, shortage of staff, lack of resources in the government and also lack of proper channels for reporting unethical behavior. The study found out the reasons that contribute to unethical behavior of the employees but did not link these factors to how they may also affect the implementation of the code. Secondly, the study did not go deeper to analyze the reasons behind these contributing factors to ineffective implementation of the code.

2.8 Theoretical Framework

Basing on the categorization of relevant theories by Van der Wadht (2017), the study used Institutionalism Theoretical Framework, specifically the Sociological or Normative Institutionalism Theory by March and Oslen (1984) and The Theory of Planned Behavior by Ajzen (1985,1991) which originates from the Theory of Reasoned Action (TRA) by Fishbein and Ajzen. Normative Institutionalism theory considers processes by which structures including schemes, rules, norms and routines become established as authoritative guidelines for social behavior and provides strong arguments about how and why organizations do the things they do (Scott, 2013) while Theory of Planned Behaviour looks at what affects the intention of an individual to perform the targeted behavior.

These theories were selected because the successful implementation of a policy (in this context a code of conduct and ethics) depends on the context and the behavior of actors involved (Norris et al., 2014). As similarly viewed by Khan and Khandaker (2016) that implementation of a particular policy is very much context specific because it depends on the political, social, economic, organizational and attitudinal factors that influence how well or poorly a policy will be implemented. Further, they noted that policy implementation requires an enabling institutional environment for its formulation and implementation because institutions provide human and technical capabilities needed for effective implementation. In as much as the institutionalism states that institutions provide rules of the game and that implementation of a policy requires an enabling institution, the organizations under study are appropriate channels for the implementation of the public policy, in this context a code of ethical conduct.

According to Scott (2013), Frederickson et al. (2016) Institutionalism Theoretical Framework states that institutions provide for rules of the game and defines the available ways to operate by discouraging, constraining or encouraging given behavioral patterns. It has an impact in decision making processes by giving indications on what would be acceptable or not and determining individual socialization of the norms in a given society. In Agreement, Frederickson et al. (2016) state that the institutionalism considers structure (hierarchy); individual and group behavior in institutional contexts; the interaction of individuals, organizations and their wider

political, social and economic context; the influence of professional and cultural norms on the institutional behavior patterns, institutional longevity and productivity.

In addition, it focuses on how the structures and organizations shape the behavior of public actors, especially on decision making, programme implementation and outcomes. It also incorporates the ideas of performance, outcomes and purposeful decision making (Frederickson et al., 2016).

Further, Scott (2013) indicates that the theory has got three pillars: regulative, normative and cognitive. The regulative pillar stresses conformity to the legal systems as bases of legitimacy. These are policies and rules which are formal, legally codified and enforced so people comply because they have to even if they do not want. The normative pillar stresses moral and ethical systems as bases of legitimacy. These are the roles, norms or habits which are non-codified attitudes present in the societies, enforced by a shared sense of what is appropriate. Thus, people have sense of duty, moral obligation and feel that they ought to comply. The cognitive pillar is based on cultural systems as bases of legitimacy. These are beliefs, values and assumptions that people comply with because they want to although the regulative and normative pillars are not enforced.

Scott (2013) contends that there are four types of institutionalism approaches namely; rational choice, Historical, Sociological or Normative and discursive institutionalisms. The study employed the Sociological or Normative Institutionalism which according to Peters (2017) suggests that the behavior of individuals is strongly shaped by the norms of the institutions. The theory underlies the role of values and logic of appropriateness in defining the institution, meaning that the institutions are considered to embed the rules and routines that define what constitute appropriate behavior. Bolfikova et al. (2012) also commented that the theory emphasizes on the relevance of norms and views institutions as tools that form the basic framework for individual action in the social process.

The Sociological or Normative institutionalism theory guided the study to understand how the acceptable norms, decisions, structures, behavior patterns, employee interactions with stakeholders, professional, cultural or political contexts facilitate or

impede the implementation of the code of conduct. In addition, the study was able to understand whether and how the organization's processes, practices and behavior patterns discourage or constrain unethical behavior or encourage acceptable (targeted) behavior (code of conduct). Further, the theory assisted in understanding how and why employees do what they do, like engaging in corruption and other unethical behaviors or why they fail to adhere to the code of conduct.

In addition, the study used the Theory of Planned Behavior (TPB) by Ajzen (1991) from the Theoretical Domains Framework which specifies the types of determinants that act as barriers and enablers that influence implementation outcomes. It touches on the factors that influences people whether to perform the targeted behavior or not. The Theory of Planned Behavior is based on the assumption that human behavior is guided by three kinds of consideration; Behavioral beliefs, Normative beliefs and Control beliefs which influences the intention to perform certain behaviors and practical performance of the behavior. Below is a diagram for Theory of Planned Behaviour by Ajzen (1991).

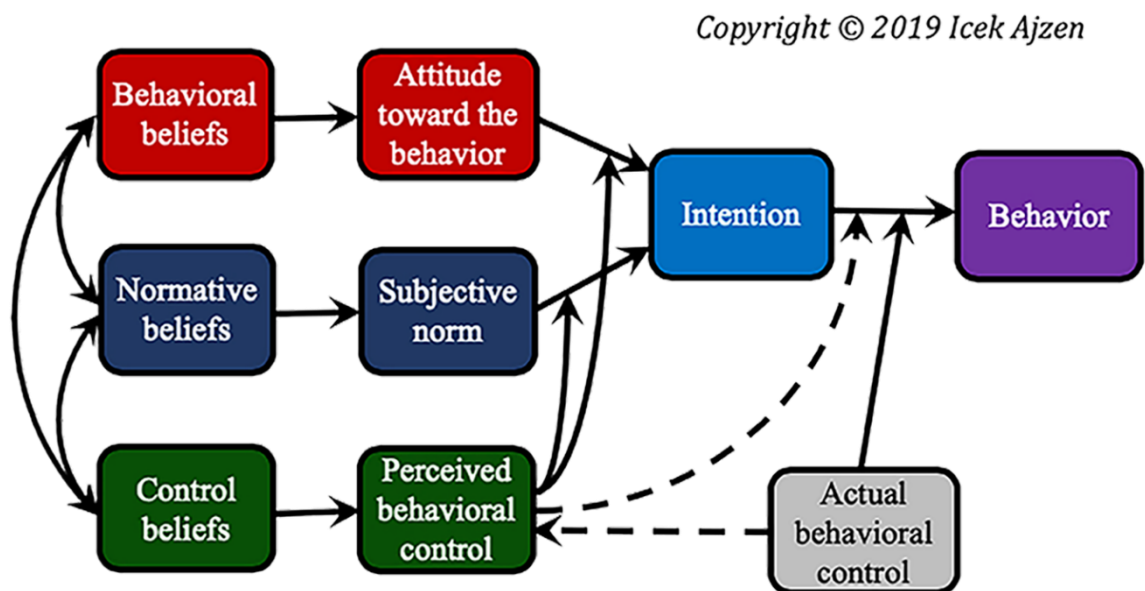


Figure 1: Theory of Planned Behavior

Behavioral beliefs refer to the motivational factors that influence a given behavior and has direct influence on people's attitude (Ajzen, 1991, 2012; Zhang, 2018). Attitude is comprised of beliefs, knowledge, values and a determination of whether the outcomes of the behavior are positive or negative. It influences one's intention to perform a targeted behavior and the actual performance of behavior thus if people have positive attitude towards the implementation of the code of conduct, their intention to perform such behavior is increased and the likelihood that the code will actually be implemented is also increased.

Normative beliefs refer to individual's perception about a particular behavior influenced by judgements of significant others e.g. parents, peers, superiors, friends, etc. (beliefs about the normative expectations of others) (Ajzen, 1991, 2012; Zhang, 2018). The judgement of significant others results in social pressure on people to perform a given behavior or not (social norms). An individual's perception of the judgements and expectations of the key people like the politicians, senior government officials combined with social pressure to perform certain behaviors will have an impact on one's intention to enforce the code of conduct for the public sector.

Control beliefs refers to people's perception of the presence of factors that facilitate or impede the adoption of a given behavior and results in an individual's perception of his or her ability to influence the execution of a targeted behavior (Ajzen, 1991; 2012; Zhang, 2018). These are individual's belief that they have relevant resources both internally and externally to engage in the behaviors (Kgathi and Pheko, 2014) about the presence of factors that may facilitate or impede performance of the behavior (Perceived Behavioral Control). The attitude, subjective norms and perceived behavioral controls together with behavioral controls produces an intention to perform and the actual performance of a given behavior.

The Theory of Planned Behavior (TPB) aided the study to examine motivational factors that influences the attitudes and intentions of the employees (both leaders and their subordinates) to actually do what the code of conduct provides for. In addition, the theory assisted in assessing the social and cultural pressures that the employees encounter from the significant others e.g. politicians, Senior Officers, families, Peers, societies, communities and how this affects the employee's attitudes and intentions to

enforce and implement the code of conduct and ethics. Further, the theory was used to assess the employee's capabilities to influence the implementation of the desired behavior for the public sector using the behavioral controls and resources available. The theory gave an insight into the motivational, societal and perceived control factors that positively or negatively affect the attitudes of both the implementers and employees towards the implementation of the code of conduct.

2.9 Chapter summary

This chapter has first discussed ethics, the code of conduct and its functions (benefits of having a code), and the concept of implementation. Secondly, it examined the organizational and other factors that facilitate or impede its effective implementation. In addition, the chapter looked at the problems that organization may face when implementing the code of conduct. Further, it has given some of the empirical findings of the studies that were conducted in Africa and Malawi to show the gap that necessitated the study. Lastly, it has discussed that the study was guided by Normative or Sociological institutionalism theory by March and Olsen (1984) and Theory of Planned Behavior (TPB) by Ajzen (1991).

CHAPTER 3

METHODOLOGY

3.1 Introduction

This chapter outlines the methodology that was employed in conducting the study. It starts by explaining the world view the study is based on and then describes the research design that was used, the research method, its targeted population, the sample and its sampling method, tools that were used to obtain data, data collection techniques, data analysis and the limitations that were encountered during the study period.

3.2 Research Worldview

The study was based on the pragmatic philosophical worldview. The pragmatic philosophical world view focuses its attention on the problem under investigation in social science research by using pluralistic approaches to derive knowledge about the problem and the applications that work to bring its solutions (Creswell, 2014). To identify and clearly understand the factors that affect the effective implementation of the codes, the researcher had to use multiple (Mixed) approaches to collect and analyze data. The researcher used two organizations, two theories, questionnaire, interviews and document analysis to collect data, SPSS and content This was very useful in the study because the researcher was able to see the problem from different angle and get a better understanding of the factors that affect implementation of the code and the extent of their impact. quantitative approach assisted the researcher to collect data which most of respondents were reluctant to provide for fear of being penalized due to the sensitivity of some of the variables while the qualitative approach helped to get clarification on the participants' responses or to explore further on the answers given and to acquire an insight of variables that affect the implementation process.

3.3 Research Design and Methods

3.3.1 Research design

Research design are plans and procedures for research that span the steps from broad assumptions to detailed methods of data collection, analysis and interpretation (Creswell and Creswell, 2018). According to Creswell (2014), Creswell and Creswell (2018), the major research designs are; Quantitative, Qualitative and Mixed Design.

Quantitative research is an approach for testing objective theories by examining relationships among variables in terms of numbers and statistical strategies to review the findings (Creswell and Creswell, 2018). Quantitative research approach allows one to reach a higher sample size, information can be collected quickly, it is possible to reuse the results and it focuses on facts. However, the method is expensive, does not consider the meaning behind social phenomena and it gives no access to specific feedback.

Qualitative research is an approach for exploring and understanding the meaning individuals and groups ascribe to a social or human problem which involves collecting and analyzing non-numerical data e.g. text, video or audio to understand concepts, opinions and experiences (Creswell and Creswell, 2018). Qualitative approach incorporates human experience, provides insights that are specific to an industry and offers predictive qualities. However, it relies upon the experience of the researcher, it can be difficult to replicate the results, it can create misleading conclusions, it creates data that is difficult to present and can be influenced by researcher bias.

Mixed research is an approach to inquiry involving collection of both quantitative and qualitative data, integrating the two forms of data and using distinct designs that may involve philosophical assumptions and theoretical framework (Creswell and Creswell, 2018). The method reflects participants point of view, helps in understanding contradictions between quantitative and qualitative findings, has great flexibility and are adaptable to many study designs and helps to collect rich and comprehensive data. However, mixed methods studies are complex to plan and conduct and requires increased resources. According to Creswell and Creswell (2014; 2018), there are three primary models the within mixed research approach; Convergent parallel, Explanatory Sequential and Exploratory Sequential mixed method.

The study used Mixed research design with an interpretivist-inductive approach in two organizations which were purposefully sampled. Specifically, the study employed convergent parallel mixed Design model (Creswell, 2014; Creswell and Creswell, 2018) whereby the researcher collected both qualitative and quantitative data at the same time or in parallel, after which the data was analyzed separately and the overall results were integrated, any contradictions or incongruent findings were explained or further probed. The convergent parallel mixed method helped to reduce the data collection period because both data sets were collected within the same phase. This also helped to minimize costs for accommodation and transport while ensuring that the data collected was comprehensive and adequate for the set objectives. While the participants were responding to the questionnaire, the researcher had ample time to conduct in depth interviews with the key informants and was able to collect data that was comprehensive. The collection of both data at the same time was also important considering the availability of the key informants who were to be interviewed and the movement restrictions that were put in place because of COVID-19 pandemic.

3.3.2 Research method

Research method refers to plans and procedures for research that span the steps from broad assumptions to detailed methods of data collection, analysis and interpretation (Creswell, 2014; Mac Nabb, 2013). According to Creswell and Creswell (2018), the three main methods of research are; Quantitative, Qualitative and Mixed research methods.

The study used a Mixed Research Method approach, which uses both qualitative and quantitative methods in order to combine the strengths of the two methods. This ensures that each method compensated for the other method's weaknesses and increases the validity as well as reliability of the research (Kabir, 2016). The Mixed Research Method was selected to provide a deeper understanding of the research problem and provide a better interpretation of the findings by merging or integrating the employee's perceptions which were quantitatively collected and the opinions of Key Informants (qualitative data) on the factors that affect the implementation of the code of conduct and ethics in their organizations.

The quantitative elements were used to assess the frequencies of employees' perception and views on the variables that affect the implementation of the code and to find out if the code is actually being implemented. In addition, the approach was used to collect more data that formed the basis for interpretation and provided evidence of the existence of the factors that affect the implementation of the code of conduct from a larger group. However, it was expensive and did not provide specific feedback.

The qualitative elements were also used to explore the manner in which the ethical code of conduct is implemented and enforced, to find out the factors that practically affect the effective implementation of the codes and to what extent. The approach was also used to gather information relating to the strategies that are currently put in place to address factors that impede operationalization of the code. However, the data collected was difficult to present and can lead to misleading conclusions.

Considering that the data was collected at the time when COVID-19 was wide spreading in other countries and in Malawi the preventive measures were already set, the researcher and the participants used face masks while others used face shields, washed hands before and after the interview, frequently used hand sanitizers during the process, observed a distance of 1.5 to 2m between them and did not shake hands to avoid contacting the disease.

3.4 Targeted Population, Sampling Methods and Sample

3.4.1 Population

The research population refers to a well-defined collection of individuals or objects known to have similar characteristics which researchers are interested in using to generalize the conclusions (Creswell, 2014; McNabb, 2013). The study took its samples from the civil service because government is the largest employer and has a large number of stakeholders. In addition, the public sector was selected due to the increased cases of theft, corruption, fraud and other unethical behaviors.

Specifically, this comparative study targeted employees in two government institutions. These organizations were purposively sampled because of the highest level of interaction between the employees and their clients at individual level which exposes them to increased ethical dilemmas. The selection of the organizations was also based

on the evidence of a high corruption rate for the two departments as revealed by Integrity Survey which was conducted by the Anti-Corruption Bureau (ACB, 2019).

3.4.2 Sampling method and justification

Sampling method refers to the way the sample units are selected from a parent population (McNabb, 2013). This study adopted Probability sampling method to collect quantitative data and Nonprobability sampling method to collect qualitative data.

Probability sampling method is one in which sample units have an equal chance of being selected (McNabb, 2013). The study specifically used Simple Random sampling without replacement for quantitative data whereby each element and each combination of the population have equal probability of being selected only once as part of the sample (Showkat and Parveen, 2017). This method was used to come up with a better representation of quantitative sample for the overall targeted population considering the work schedules that were devised as a measure to prevent the spread of COVID-19 Pandemic as also indicated by (Showkat and Parveen, 2017) that the method has high external validity and generalizability. The random sampling method also assisted the researcher to get adequate perceptions of employees of different positions (ranks), responsibilities and experiences and to avoid issues of bias.

Non probability sampling method is one in which chance selection techniques are not used (McNabb, 2013; Creswell and Creswell, 2018). The study specifically used Purposive sampling method for the qualitative data which involves identification and selection of individuals and groups of individuals that are proficient and well informed with the phenomenon of interest (Creswell and Clark, 2011). The study used this method to come up with a relevant sample for qualitative data collection taking into consideration their positions, experience and roles in the implementation of the code of conduct and ethics. Purposive sampling is less costly, more readily accessible and more convenient (Showkat and Parveen, 2017) which made it easy for the researcher to request for the availability of the selected participants on the proposed dates for interviews.

During data collection the researcher adhered to the set up COVID-19 protocols by wearing a mask or face shield, observing a social distance of 1.5 m, avoided

handshakes, frequently used hand sanitizers and washing of hands to avoid the spread of the pandemic.

3.4.3 Sample

A sample is a selection of a smaller or subgroup (instead of everyone) in the population that is statistically representative of the population (Schaefer, 2006; McNabb, 2013). Since it was impossible to conduct research on all the employees due to their work schedules, samples were used in order to address the issues of accuracy, time and costs as well as destructive nature of the measurement process (McNabb, 2013). The samples were both qualitative and quantitative.

In this study, interviews were conducted with 22 key informants who were purposively sampled to represent the qualitative sample. These 22 key Informants were; Controlling Officers, Deputy Director Generals, Principal Human Resource Management Officers (PHRMOs), Training Officers, Internal Integrity/Disciplinary Committee Chairpersons, Heads of Regional Offices and Head of Sections or Units. These were selected as key informants of the study because of their knowledge of the code and their roles as major implementers of the organization's policies and enforcers of the code. Further to this, they have the responsibility of giving direction to their subordinates and making sure that the code of conduct and ethics is embedded in the culture and activities of their organizations. As leaders of the organizations, their commitment and support towards the enforcement and implementation of the code of conduct and ethics enhances the employee' adherence to the requirements of the code. Based on their responsibilities, these key informants play different roles in the implementation of the code such as imparting knowledge, interpreting the code, making investigations of the alleged cases, and handling disciplinary hearings.

The quantitative sample for the study was drawn from both junior officers and senior officers (middle managers) in supervisory roles. The researcher administered 217 questionnaires to 73 middle managers (seniors) and 144 junior officers as follows; In organization 1 out of 730 junior officers 292 were randomly selected and 103 participated while in organization 2, from a total of 361 junior officers 133 were selected and 41 participated in the study. These junior officers were selected because they deal directly with the public and encounter a lot of ethical dilemmas which require

implementation of what the code provides for or facing the consequences of its violation. In addition, they were selected to relate their responses with information that was provided by the key Informants and also to check on how their leaders and acceptable practices in their organization affect the implementation of the code. On the part of supervisors, out of 196 senior officers in organization 1, 52 were selected and participated and in organization 2, 21 Senior officers from a total of 117 in organization 2 participated in the sample. These middle managers were selected because they work closely with the junior officers as Supervisors and are mostly the starting point for enforcement of the code.

The sample for the whole study was calculated based on Yamane's formula with an error of 5% and a confidence coefficient of 95% (Yamane, 1967). A total targeted population for the study was 1297 for both organizations (926 from organization 1 and 371 from Organization 2). A sample of 305 units, was targeted to be selected from the targeted population of 1297 but only 239 (78.36%) participated due to their unavailability at office as a result of other assignments and measures that were put in place to avoid the spread of COVID-19. From the 239 participants, 95 were senior officers while 144 were junior officers, representing 39.75 % and 60.25 % respectively.

The study was conducted in the Central, Southern, Eastern, and Northern regions of the country, as well as at the Headquarters for both organizations, where final decisions are made, in order to have a sample that fully represented the population of the organizations under study. Others were left out because they were not available during the data collection period.

Table 1 below shows the number and positions of the participants

Table 1: Number and Positions of the Population Sample Reached per region

POSITION	Organization 1					Organization 2				
	HQ	N	C	E	S	HQ	N	C	E	S
Director General	1					1				
Deputy Director General	1					1				
PHRMO/Administration officer	1					1				
Training Officer	1					1				
Discipline/Internal Integrity Committee Chairperson			1					1		
Head of Sections/Units	1			1	1	1		1		1
Regional Commanders		1	1	1	1			1	1	
Middle Managers	21	6	13	5	7	13		1	3	4
Junior Officers	57	11	19	7	9	25	2	4	3	7
TOTAL POPULATION REACHED	83	18	34	14	18	43	2	8	7	12

Source: Survey study data

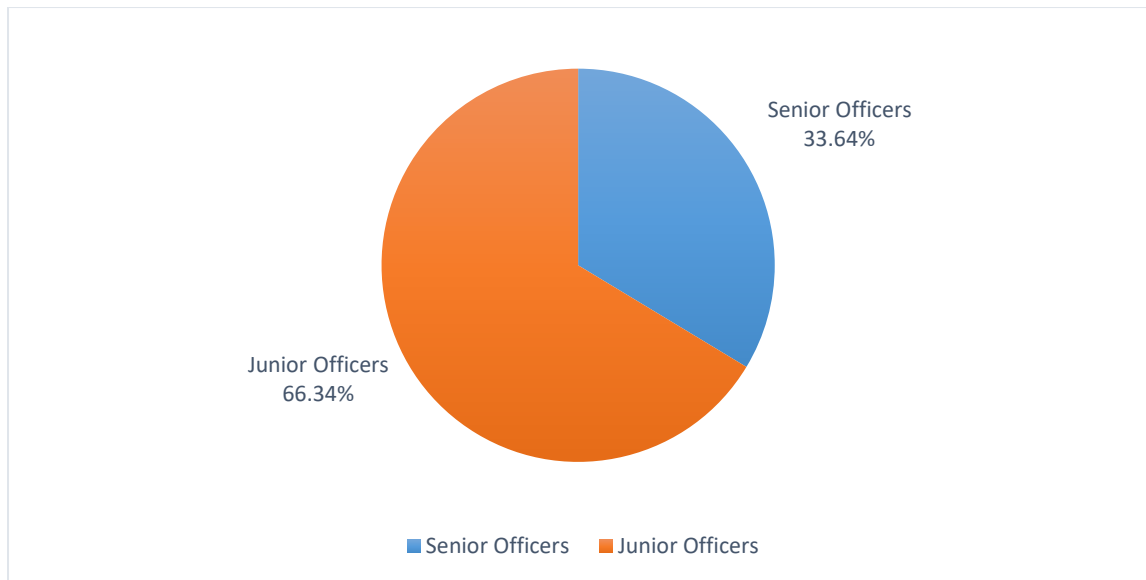


Figure 2: Percentage of the Population Reached According to their Classification. Source: Survey study data

3.5 Data Collection Tools and Techniques

Data collection is the process of gathering information on variables of interest in an established systematic fashion that enables one to answer stated research questions, test hypotheses and evaluate outcomes (Kabir, 2016). Since the study adopted the mixed research methods, data collection used both qualitative and quantitative tools and techniques. The study used questionnaires, key informant interview guides, and desk research (document analysis).

3.5.1 Questionnaire

A questionnaire is a research instrument and a technique which consists of a series of questions for the purpose of gathering information from respondents. The study used a questionnaire that was self-administered, and it contained close-ended questions. Close-ended questions provide a number of possible answers for each question and the respondent chooses the answer that he/she feels fit for the question (Kabir, 2016; Hyman and Sierra, 2016; McNabb, 2013). The close-ended questionnaire was used to collect quantitative data from supervisors and junior officers in order to get more data and sensitive information anonymously, e.g. data concerning the behaviors of their leaders, political interference, etc. In addition, it is cost effective, less critical, provided

speedy responses and enabled the researcher to reduce the data collection period and adhere to the COVID-19 movement restrictions. However, the tool was poor at providing new insights to adequately understand some forms of data, especially on issues that required respondents' further explanation or clarification. The use of the questionnaire also did not fully reflect respondents' attitudes, as agreed by Kabir (2016).

3.5.2 Key informant interview guide

The researcher also used an interview guide to conduct face to face interviews with the 12 key informants in organization 1 and 10 interviews in organization 2. The guide contained open-ended questions. Open-ended questions are questions which give the respondents a chance to explain or express their opinions (McNabb, 2013). The researcher used the key informant guide to conduct face-to-face interviews with the seven key informants in organization 1 and fifteen key informants in organization 2 in order to collect qualitative data on how some practices such as human resource practices (training, recruitment, promotions, transfers, disciplinary actions), and political influence affect implementation of the ethical code of conduct. The interviews were also used to access in-depth knowledge on how the organizations implement and enforce the code. The guide was also used to conduct telephone interviews with other key informants, especially from the north where the researcher was unable to go due to the measures that were put in place to prevent the spread of COVID-19 pandemic and the existence of political demonstrations. During the face to face interviews, both parties observed a social distance of 2 meters, wore face shields others used face masks, avoided handshakes, frequently used hand sanitizers and washed hands before entry into the offices and on exit.

3.5.3 Desk research (document analysis)

The researcher used desk research as another tool and technique for collecting data on some of the factors that affect the implementation of the code, such as the composition of the public sector in Malawi, and disciplinary procedures. Desk information was used to compare what is provided for in the codes with what actually happens on the ground, such as, for example, the provisions and procedures for handling disciplinary actions and how they are actually handled.

In this study, the researcher employed a number of data collection tools, techniques and research methods for the purposes of triangulation. Triangulation is referred to as the process of using more than one method, theory, researcher, data collection method and technique to make the research findings more valid, reliable and generalizable (Honoreno, 2017). It is a practice of using multiple sources of data collection or methods in an investigation of the same phenomenon and the investigation results are then integrated to produce understanding of the problem.

In this study, the researcher collected data from two organizations which were purposefully selected, from both technical and support staff and from officers of different positions and ranks. Due to difficulties in movement resulting from political unrest the researcher conducted telephone interviews with participants from the north and face-to-face interviews with top management and administered a questionnaire to supervisors and junior officers in order to have a deeper understanding of the factors that affect the effective implementation of the code of conduct.

Triangulation was important in the study because it gave room for overcoming weaknesses or intrinsic biases and problems of using a single method. In addition, triangulation produced a more complete, holistic and contextual picture of how the code of conduct and ethics is implemented which also enabled the researcher to obtain a variety of data on the same issue and achieve a greater degree of validity and reliability as a result of minimized bias (Honoreno, 2017). Further, triangulation helped the researcher to collect data that was detailed and comprehensive because any inconsistencies in the data sets were more easily recognized and clarified using the alternative data collection technique. For example, on objective two, the qualitative data collection technique was used to obtain data on how the code is enforced and the quantitative techniques came in to inquire on whether the enforcement requirements are complied with and the manner in which the leaders enforce the code. The researcher linked the responses from the questionnaire with those of the key informants and got a better meaning or interpretation of the data i.e. it gave a deeper understanding on the manner in which the leaders actually perform their responsibilities in the enforcement of the code.

3.6 Data Analysis

Both open-ended and close-ended responses were coded and captured in a data file. The study used SPSS 16.0 version, a computer software that is able to analyze quantitative data, produce graphic displays such as tables, charts, processes a number of variables at a time for easy presentation, interpretation and understanding of the outcomes. Taking into consideration the different responses for each question on the questionnaire which were also in Likert scale and from a total of 217 respondents, SPSS made it easier for the researcher to come up with descriptive statistics that was easy to understand and interpret. The data was entered into a file for all variables specifying their type e.g. numeric, string, dot, comma, date, etc.; then their labels and values were set thus the values for categorical variables were assigned e.g. Gender (Male-2, female-1), Organizations (1 and 2), position (Senior officers-1, junior officers-2) as well as values for alphanumeric variables their and measurements. The data was then analyzed by selecting and grouping the variables that talked of the same variable and then selecting the summary statistics to be measured. The questions under each variable were also given codes e.g. C1, C2, OC1, OC2, PI1, PI2, etc. The responses in Likert scale questions were also assigned numbers such as 1 for “Strongly Disagree”, 2 for “Disagree”, 3 for “Agree” and 4 for “Strongly Agree”. The results were used to come up with the tables of results and chart for easy interpretation.

The qualitative data was analyzed using content analysis. This refers to the process of categorizing verbal or behavioral data to classify, summarize and tabulate the data (Mc Nabb,2013). The texts were read for a number of times to get the bottom line messages. Then a code book was opened to record and track the assigned codes. The codes were then broken into manageable code categories. Then themes were identified.

3.7 Ethical Considerations

The researcher sought permission from the controlling officers of the two organizations under study to carry out the research in their institutions through their Human Resource sections. The Human Resource sections later informed the employees of the study and why it was being conducted. The Principal Human Resource Management Officers introduced the researcher to all the key informants and arranged the times for the interviews and also allowed the researcher to personally administer the questionnaire.

The respondents were also informed of their voluntary participation and their freedom to withdraw when they felt like doing so.

3.8 Limitations

Some respondents, especially the key informants, were reluctant to be interviewed or give out information because they had doubts or felt that the researcher intended to expose the ethical scandals that happen in their organizations or that the researcher wanted to investigate their stand on political matters since the political climate in Malawi was volatile at that time. The researcher, with the help of the Principal Human Resources Management Officers for the organizations, had to convince the participants that the research was meant for academic purposes only and that no names or positions of the respondents would be mentioned.

Again, the study was conducted during a time of political unrest in Malawi. This was due to the nullification of the 2019 presidential elections by the Constitutional Court. Prior to the court verdict, there had been a series of demonstrations organized by the Human Rights Defenders Coalition (HRDC). These public demonstrations made movement of the researcher to the data collection sites difficult and the researcher had to wait.

In addition, the researcher faced limitations due to unavailability of some of the respondents who, due to the nature of their work, were mostly busy with other duties outside their work premises (such as manning roadblocks, weighbridges, or other kinds of fieldwork). This delayed the data collection process and extended the time that was allocated for the interviews. However, the researcher personally booked appointments with the respondents to be interviewed at places and times convenient to them.

In addition, the study was negatively affected by the global problem of Covid-19 which brought restrictions in movement and interaction due to lockdown of some services. These limitations had the potential of affecting the depth of the findings in that the researcher failed to physically collect data in some areas due to restricted movements during the data collection period. However, the researcher collected the data from the key informants through phone calls and finally 30% of the responses were collected,

which, according to Saunders, Lewis and Thornhill (2009) is reasonable and sufficient to draw meaningful conclusions.

3.9 Chapter Summary

This chapter has highlighted that the study employed pragmatic research worldview, then it discussed the mixed methods and research design that was used. The chapter also explained the targeted population and the reasons for its selection. The sampling methods used were explained and discussed how the sample was calculated using Yamane's formula. The study used questionnaire, face to face and telephone interviews to collect data, analysis for quantitative data was done using SPSS and content analysis method was used to analyze qualitative data, ethical considerations and the limitations that were faced during the research period have also been presented in the chapter. The next chapter presented the findings of the study and an identification of the mechanisms that can contribute to the effective implementation of the code of conduct and ethics in Malawi's public sector.

CHAPTER 4

RESEARCH FINDINGS AND DISCUSSION

4.1 Introduction

This chapter presents and analyzes the findings of the study. The study used mixed research methods such as a questionnaire, document analysis, telephone and face to face interviews to collect data. The main objective of the study was to comparatively analyze the factors that affect the implementation of the Malawi Public Service Code of Conduct and Ethics in the public sector. The chapter discusses the study findings for the three specific objectives which are; assessment of how the code of conduct is implemented, understanding the enforcement procedures that are currently followed when the code is breached and examination of the organizational factors (both internal and external) that facilitate or impede the implementation of the code of conduct and ethics. The data was analyzed using SPSS for quantitative data and content analysis for qualitative data.

4.2 Findings

4.2.1 Assessment of how the code of conduct is implemented

For a code of conduct to be implemented successfully it has to be detailed, accessible, well understood by those governed by it. The code should be monitored and reviewed regularly so that it meets the present environment or working conditions. Further a code of conduct can be easily implemented if its contents are relevant. All the responses for face to face interviews with the key Informants were based on the interview themes displayed in table 2 below.

Table 2: Interview Themes

Themes	Category	Question
Poor implementation	Code of conduct	➤ How relevant are the provisions of the code to the strategic and functional objectives of your organization? How is the code applied in your organization? ➤ What impact does the sanctions for breaching a code has on employee's behaviour? How regularly is the code of conduct reviewed?
Weak enforcement	Rewards and punishments	➤ How are rewards and punishments administered? Can you explain how effectively are the disciplinary procedures handled? Mention factors that affect disciplinary handling procedure?
Organizational and external factors	Variables	➤ How committed/ supportive are the leaders towards the implementation of the code and ethical programs? In what ways does leadership affect the implementation of the code? Explain how the leaders display ethical behaviour? ➤ What are the responsibilities of an ethics committee? How effective are they? ➤ What mechanisms are used to get information on witnessed misconducts? How effective are these mechanisms? Explain how the informants protected? ➤ How is the code of conduct embedded in your organizational culture? What do you think are the major factors that affect the implementation of the code? How does your organizational environment affect the implementation of the code? ➤ In what ways does political interference affect the implementation of the code? What impact does the performance appraisal system have on code's implementation? ➤ What strategies are used to encourage employees to discuss ethical issues? How effective are the strategies that were devised to address the impeding factors,

Source: Author's Own

Table 3 below shows data which was collected through a questionnaire to assess the employee's perception on the implementation of the code and it was the view of the majority of employees in both organizations, 91.61% in organization 1 and 77.42% in organization 2 that the code of conduct and ethics for the public sector is outdated. In addition, 87.74% of the employees in organization 1 were of the view that the code of conduct is less relevant to the present working conditions which was also the view of 53.23% of the participants in organization 2. This was possibly attributed to the existence of specific professional regulations that are mostly used in these organizations. Key informants 11, 12 and 13 from Organization 2 and key informants 10, 15 and 19 from organization 1 explained that they usually use the Acts that gives them their mandates and the regulations stated in those pieces of legislature and that the code of ethical conduct for the public sector is outdated. However, looking at the responses of the employees who disagreed that the code is less relevant in organization 2 (46.77%) is larger as compared to those in organization 2 (12.26%). This was likely contributed by the practices and procedures that are followed in organization 2 whereby the employees are oriented on the code as they join the organization.

In addition, the study realized a larger proportion of the employees in both organizations (87.10% in organization1 and 59.68% in organization 2) were of the view that the language used in the code is not easy to understand but looking at the percentage of employee's responses that perceived that the code can be easily understood is larger in organization 2 (40.32%) than in organization 1(12.90%). It was further realized that 87% of the employees in organization 1 perceived that the code was not easily accessed while in organization 2 only 12.91% were of the same view and 87.09% of the participant perceived that it was easy to access the code. This confirmed the findings of Chikwembani (2018) that government employees were not familiar with the contents of the code because it was not easily accessible. If the employees do not understand the contents of the code of conduct or do not have access to it, they are likely to behave adversely because they might not be aware of what is expected of them. This was similarly contributed by the practices mentioned above where the Human Resource Unit provides a code of conduct booklet to each employee and regularly conducts ethical programs in the organization.

Table 3: Employee's Perception on the code and its implementation

		Organization	1 f(%)	2 f(%)	3 f(%)	4 f(%)
C1	The Malawi service code of conduct is and ethics is outdated	1	2(1.29)	11(7.10)	43(27.74)	99(63.87)
		2	5(8.06)	9(14.52)	11(17.74)	37(59.68)
C2	The provisions of the code are not relevant to present working environment of the organization	1	6(3.87)	13(8.39)	82(52.90)	54(34.84)
		2	12(19.35)	17(27.42)	23(37.10)	10(16.13)
C3	The language used in the code is clear and easy to understand	1	56(36.13)	79(50.97)	17(10.97)	3(1.93)
		2	17(27.42)	20(32.26)	12(19.34)	13(20.98)
C4	Employees have easy access to the code	1	77(49.68)	51(32.90)	20(12.90)	7(4.52)
		2	3(4.84)	5(8.07)	15(24.19)	39(62.90)
C5	The code of conduct and ethics is not regularly monitored and reviewed	1	13(8.39)	24(15.48)	28(18.07)	90(58.06)
		2	4(6.45)	5(8.06)	14(22.58)	39(62.90)
C6	Code of conduct is just on paper	1	5(3.23)	17(10.97)	32(20.64)	101(65.15)
		2	13(20.97)	36(58.07)	8(12.90)	5(8.06)

Source: Survey study data

Furthermore, the study found out that 74.84% of the organization 1 participants and 85.48% of the participants in organization 2 perceived that the Malawi public service code of conduct was not regularly monitored and reviewed. Key informants 6, 11 and 13 from organization 2 stated that since its launch in 2013 they have never heard of it being reviewed which was in agreement with what the key informants 3 and 19 for organization 1 said. By not being regularly reviewed or monitored, it means that the code of conduct for the public sector was not capable of addressing the ethical dilemmas that emerged between its inception and the time the study was conducted. Regular monitoring and review of the code could have assisted in identifying the gaps that the code does not address and the diversions that happen in its implementation and possibly make corrections.

However, there was a difference again on the perceptions of the employees regarding the code being just on paper. In organization 1, 85.80% of the respondents viewed that the code was just on paper while the majority of employees in organization 2 (79.04%) viewed it otherwise. This could be due to the value that is placed on the code. It was realized that the management in organization 2 sets the right tone by committing resources, support and prioritize the code of conduct which according to key informants 1, 4, 11, 16 and 22 the employees are encouraged to read, understand and then sign a binding document that they are conversant with the contents of the code which was not the case in organization 1.

4.2.2 Analyze enforcement procedures that are currently followed when an employee breaches the code of conduct or displays unethical behavior

Successful implementation of the code of conduct includes the enforcement of its provisions. The responsibility of enforcing the code in Malawi's public sector lies in the hands of the supervisors and other senior officers through disciplinary committees. According to the key informants 3 and 19 in organization 1, when there is a misconduct a supervisor to the alleged officer is given the responsibility to investigate the truth of the matter and usually the alleged officer is instructed to submit a report which is forwarded to the Human Resource section. Depending on the magnitude of the matter, the Human Resource section arranges for a disciplinary hearing and forwards the outcome of the hearing with its recommendations to the controlling officer, or they just file the report in that officer's personal file. In contrast, according to key informant 13

and 22 in organization 2, when there is a misconduct, the supervisor has the responsibility of investigating whether the misconduct really happened. Depending on the evidence of the case, the supervisor either advises or warns the officer verbally. If the officer at fault has been warned for several times or the matter requires further investigation, it is referred to the integrity committee. If the integrity committee confirms that there was a misconduct, the case is referred to the disciplinary committee for a disciplinary hearing or action. The outcome of the disciplinary procedure and the recommendation of the disciplinary committee is communicated to the Controlling Officer who decides to forward these recommendations to the Appointments and Disciplinary Committee or Civil Service Commission according to the rank of the officer at fault. Table 4 below shows the respondents' perception of how the enforcement of the ethical code of conduct happens in their organizations. The data was collected using a questionnaire.

The majority of the respondents in both organizations were of the view that rewards and punishments were not practiced in an impartial manner. On the rewarding of ethical behavior, the statistics in the table showed that in organization 1, 79.88% of the respondents disagreed that ethical employees were rewarded similarly in organization 2, 64.52% disagreed on the same but a closer look at the statics showed that there was a narrow gap between those who agreed and disagreed in organization 2 unlike in organization 1.

Table 4: Employees' Perception of Enforcement of the Code of Conduct

	Enforcement	Organization	1 f(%)	2 f(%)	3 f(%)	4 f(%)
E1	Ethical behaviours are rewarded	1	10 (6.10)	114 (73.78)	30 (19.51)	1 (0.61)
		2	17 (27.42)	23 (37.10)	16(25.80)	6 (9.68)
E2	Unethical behaviours are punished	1	52 (33.54)	87 (56.10)	12 (7.93)	4 (2.43)
		2	4 (7.54)	6(9.43)	34 (54.73)	18(28.30)
E3	Reward and punishment systems are practiced in an impartial manner	1	146(94.51)	5 (3.05)	3 (1.83)	1 (0.61)
		2	6 (9.44)	28 (45.28)	21 (33.96)	7 (11.32)
E4	Lack of resources negatively impact on the enforcement of the code	1	9 (5.49)	17 (10.96)	49 (31.71)	80(51.84)
		2	3 (5.66)	5 (7.55)	10 (15.09)	44(71.70)
E5	Disciplinary hearing procedures are handled in a fair manner	1	114(73.71)	32 (20.73)	2 (1.22)	7 (4.88)
		2	24 (39.62)	22 (35.85)	11 (16.98)	5(7.55)

Source: Study survey data

Additionally, only 20.12% of employees in organization 1 agreed that rewards are given for behaving ethically unlike in organization 2 where 35.48% of the employees agreed on the same. This was an indication that some of the employees recognized that rewards were given but were not be clear on which basis and criteria. According to key informants in both organizations the rewards were biased. For example, key informant number 19 from organization 1 said “*ife sangatipatse ndife akumpoto*” (I cannot be rewarded because I am from the northern region) while informant number 13 from

organization 2 said “*zili ndi anthu ake omwe amapatsidwa*” (the rewards are meant for a specific class of people). However, there were a few officers who perceived that employees do receive rewards for behaving ethically. According to the explanation of key informants number 1,11 and 16 from organization 2 the rewarding of officers was mainly based on the reports from clients who witnessed the ethical or professional conduct or received a better service from a particular member of staff and also on the discretion of the Controlling Officer. This made the reward criteria to be biased and subjective. According to key informant 4 and 6 in organization 2, the clients were sometimes sent by the officers themselves for this purpose which gives a reason why some officers perceive the rewarding of employees as biased.

This was possibly because there were no clearly laid down criteria and procedures in the public sector for identifying or rewarding ethical employees, or even the type of rewards to be granted to the identified employees as is the case with private sector institutions. In addition, some of the employees did not have an interest in being ethical, professional or to be engaged because they did not know what it takes for one to be rewarded. As indicated by key informants 8 and 18 in organization 1, they did not understand why others were rewarded and they were not aware of the criteria that management used to reward such officers. Rewarding of employees attracts talented individuals, motivates them and retains those that have a better fit with the organization (Santos and Mejia, 2015).

The study also found out that 89.64% percentage of the participants in organization 1 disagreed that unethical behaviors led to punishment unlike in organization 2 where 82.62% agreed that punishments were given to the violators of the code. In agreement with this view, key informants 4 and 11 in organization 2 explained that the process was sometimes negatively affected by instructions from above. According to these key informants, this was as a result of the strong informal relationships that exist between the most senior officers and the junior officers. This was also contributed by the spirit of nepotism as earlier indicated above by key informants 19 from organization 1 and 13 from organization 2. It was further realized that in organization 1 a lot of officers that were recently recruited were related to most senior officers in the organization and to political figures in the country so the enforcers of the code were lenient to punish them or deliberately ignored their misconduct for fear of being mistreated. This practice

leads to nepotism and favoritism which in turn affects the way the code of conduct is implemented because it erodes confidence in the manager as well as in values and decisions of the organization (Vveinhardt and Sroka, 2020).

In addition, the study also found out that the reward and punishment system was not practiced in an impartial and equitable manner in both organizations. In organization 1, 97.56% of the participants disagreed that the system was impartial which was a similar to the view of 54.72% employees in organization 2. This showed that the reward system is selective because the implementers of the code of conduct employ favoritism in choosing or deciding who or whether to reward, sanction or not. Basically, this was influenced by the expectations of the significant or key people to the enforcers who are related to the alleged officers and is against the best practices which encourage equal treatment of employees as well as impartial practices. However, in organization 2 about 45.28% of the respondents were of the view that the systems are impartial and this was possibly because they are either the beneficiaries of the reward or it applies to those that are not related to people that matter in society.

Further, the respondents in both organizations indicated that lack of sufficient resources also had a negative impact on the manner in which enforcement of the code was carried out. It was realized that 83.55% of the respondents in organization 1 agreed that insufficient resources that are allocated to the organization negatively affect the implementation of the code. Similarly, 86.79% of the respondents in organization 2 agreed on the same. Key informants number 2, 3, 8, 10 and 19 in organization 1 explained that when a misconduct happens at district level, it required movement of some officers from their headquarters to conduct the disciplinary hearing of the case. They further explained that this happens because of lack of human resources to handle the case at district or regional level, lack of financial resources to meet the costs associated with such movements and poor organizational structures for handling disciplinary matters. It was found that the structural arrangement for disciplinary hearing in organization 1 does not provide room for appeal as a result the alleged officers opt to appeal in court resulting in loss of government funds. To avoid this, such cases of misconduct are left unattended to and finally become a condition (part of life).

Furthermore, it was realized that 94.44% of the respondents in organization 1 disagreed that disciplinary hearing procedures were handled in a fair manner likewise in organization 2, whereby 75.47% disagreed on the same. In addition, key informants number 9,10, 15 and 19 from organization 1 and 11,16, 20,21,22 from organization 2 who were also members of the disciplinary or integrity committees explained that the disciplinary hearings were actually conducted but not in a proper manner as laid out in the Malawi Public Service Regulations (MPSR) which is recommended by the code of conduct and ethics. In their explanation, the key informants said this was another challenge that disciplinary committees encounter and it greatly affects the way they enforce or implement the ethical code of conduct. Key informants 20 and 22 from organization 2 commented that the disciplinary hearings were greatly affected by the discretionary powers of management and sometimes political influence (orders from above). Key informant number 19 in organization 1 gave an example of two officers were on interdiction for almost two years for a misconduct that was not properly handled and were later reinstated following the decision of the court.

In another example, in organization 1 a senior officer at the corporate level of management and a junior officer committed similar offences, but management instructed that the junior officer should be called for hearing while the senior officer was left free. This was similar to the finding of Akosa et al. (2020) that the code of conduct affects only lower and middle level staff, whereas the top level officials go unpunished when they violate rules and regulations spelt out in the code of conduct.

In a similar scenario, key informant number 16 in organization 2 gave an example of a senior officer who together with the junior officer committed misconduct and behaved unethically outside working hours and office premises but under instructions from a political figure, the case has not been heard up to now. These practices weaken the efforts of the controlling officers and managers to enforce the code and sets bad precedents in the organization. This was attributed to weak enforcement strategies, lack of empowerment on the part of managers, bias and long processes to reach a final decision or to take disciplinary action. It was revealed that due to the discretionary powers that the supervisors had, other issues of misconduct were escalated to higher authorities for further investigation and disciplinary procedures/action while others were not escalated and died naturally. This was in agreement with the observations of

the Civil Service Commission, which noted that there are “buddy-buddy” relationships that exist between the senior government officials and their juniors, which is responsible for a state of mental siege on the part of senior government officials and paralyses them into inaction (Dzimbiri, 2016).

The study also found out that some of the disciplinary hearings were conducted without following the principles of natural justice. According to the perception of Michel and Hargis (2017), unfair treatment in organizational policies and procedures may lead employees to violate significant organizational norms discretionally. In addition, key informants number 10, 15 and 19 in organization 1 explained that this led to the institution’s loss of the appealed cases in court of law and loss of government money through fines or compensations.

Effective enforcement of the code creates an environment where the code of conduct is respected, and its adherence is given a high value. This is a regulative element which discourages unethical behavior and government institutions are supposed to follow the procedures for enforcing the code as provided for by the code for it to be effectively implemented. This confirmed the contents of the MIM Report (2014) which stated that the Malawian public service was highly rated during the Kamuzu era because there was consistence in enforcement of rules, procedures and regulations.

4.2.3: Organizational and other variables that affect the implementation of the code of conduct

4.2.3.1. Leadership

Ethical leadership is another factor that contributes to the effective implementation of the code of conduct. Table 5 below shows how the participants perceived the leadership of their organizations in relation to how the public service code of ethical conduct is implemented.

The data in the table below shows that 76.83% of the respondents in organization 1 perceived that their leaders employed favoritism while in organization 2, 77.36% of the respondents had a similar perception. According to the findings of Sakyi and Bawole (2009, 2010) this was also a case in some African countries. In support of this stance,

key informants 15 and 19 in organization 1 said “*ndi akwao*”, meaning they originate from the same area. As indicated earlier on, these key informants said, some cases of misconduct were not escalated for further investigation because “*ndi ana amabwana* (they are children of the bosses/politicians)”. This problem was ascribed to the political influence or interference that affected the recruitment process, which resulted in selection and final appointment of children or relatives of politicians and senior government officials, which was also the case in organization 2. This also contributes to the gap that exists between what the leaders and other enforcers know about the code of conduct in relation to their responsibilities and what they actually do. The expectations of the key people in society paralyses the supervisor’s perceived intention to influence the enforcement of the code. The cognitive pillar of the institutional theory where the employees are supposed to comply because they want to even without being pushed is poorly affected.

Table 5: Employee’s perception of Leadership

	Leadership	Organization	1 f (%)	2 f (%)	3 f (%)	4 f (%)
L1	Leaders employ favouritism	1	9 (5.49)	27 (17.68)	82 (53.05)	37 (23.78)
		2	8(13.21)	6(9.43)	26 41.51)	22 (35.85)
L2	There is weak supervision on the part of middle managers	1	4 (2.44)	14 (9.15)	88(56.71)	49 (31.70)
		2	19 (32.08)	25 (39.62)	11 (16.98)	7(11.32)
L3	Leaders are committed towards ethical programmes	1	23 (14.63)	105(68.3 0)	23(14.63)	4 (2.44)
		2	10(15.09)	11 (16.98)	33(54.72)	8 (13.21)
L4	Leaders are exemplary in their behaviour	1	56 (35.98)	91 (59.15)	5 (3.05)	3 (1.82)
		2	9 (15.09)	26 (41.51)	15 (24.53)	12 (18.87)

Source: Survey study data

Again, 82.92% of the respondents in organization 1 perceived that their leaders were not fully committed to implementing the public service code of ethical conduct. This was confirmed by key informants number 3 and 5 but key informants number 15 and 19 who are also members of the disciplinary committee commented that their leaders were committed and willing to implement the code but their efforts in delivering ethical programs do not cater for the whole organization due to lack of material resources, human resources and insufficient funding that is allocated to the institution. In contrast, in organization 2, 67.93% of the respondents agreed that their leaders were committed towards ethical programs and key informants number 4, 6 and 12 confirmed this position by explaining that they do have ethical workshops conducted in their organization in each quarter of the year, they discuss issues of ethical behaviors during meetings, the leaders made sure that everybody who joined the organization at any level was given a copy of the public service code of conduct and ethics and were oriented on the same. This was in line with the recommendations of CCAB (2014) and contributes to the effective implementation of the code because the new employees become aware of the acceptable norms/behavior of the organization and what is expected of them. For the old employees, the workshops refresh their knowledge on the unethical behavior and its consequences.

In addition, the study found out that 88.41% of the participants acknowledged that there was weak supervision on the part of middle managers in organization 1 and 28.30% of the respondents in organization 2 were of the same view but 71.70% of the respondents in organization 2 had different stance. According to the explanations of key informants 10 and 19 in organization 1, showed that the issue of informal relationships that existed between the subordinates and officers of higher authority as well as political figures in society was significant. This confirmed sentiments of the Civil Service Commission that there was fear by the senior government officials of their juniors as well as lack of respect by junior staff for their superiors (Dzimbiri, 2016). This affects supervisors' intention to implement the code because according to GoM (2014) senior officers are empowered to enforce the rules and regulations of the public service in their Ministries, Departments and Agencies. Key informants number 7, 10, 17 and 19 from organization 1 explained that it was difficult to enforce the code on someone who is in a love relationship with your boss, and that even the bosses themselves fail to discipline their girlfriends and the girlfriends' close friends. This confirmed the earlier findings of

Bhebhe and Hove (2016) that Workplace romance is a reality in many organizations both at global scale and in Zimbabwe. In addition, Verhoef and Terblanche (2015) observed that workplace romance is an increasing widespread phenomenon in work organizations and has become quite common in recent years. This climate does not only hinder the implementation of the code but creates an environment conducive for breeding of misconduct. However, a great number of the respondents in organization 2 were of the view that there was no weak supervision on the part of middle managers which according to key informants 20 and 21 the supervisors practically performs their roles in accordance what is expected of them in the implementation of the code but when the matters were referred to higher authorities they were not given the necessary attention.

Further, it was revealed that organization 1 recently recruited university graduates and the entry point for these graduates in the civil service was Grade I which is a supervisory position. Unfortunately, as explained by key informants number 9,10,15 *“these people are given the higher positions before they gain adequate experience and are not able to follow the appropriate laid out procedures resulting in the death of institutional knowledge (memory) which was paramount during the Kamuzu (one party era)”*. As explained by the key informants, *“In some cases these graduates are placed under their juniors due to lack of their capabilities and experience and this contravenes the organizational ethics of observing seniority and brings in chaos especially in areas of performance appraisal, supervision”* This practice meant that the juniors were supervising their bosses and were supposed to assess their performance which was a total contradiction of the provisions of the code of conduct for the public sector. However, it was realized in organization 1 that sometimes middle managers who tried to fully enforce the rules and regulations were mistreated. In confirmation, key informants number 5, 18 and 19 who are supervisors commented that whatever the junior officers do, does not affect them personally but the job and those that are involved in the misconduct. Key informant 19 said *“If I don’t act on them, I will lose nothing but if I do and they report to their relatives, I will be sent to the outskirts of Malawi and it is my family that will be suffering”*. This meant that the supervisors do not own the code of conduct or are not empowered to perform their task and they do not care about the implications of the unattended indiscipline on the organization’s performance and reputation.

Furthermore, the findings of the study also showed that 95.13% of the respondents in organization 1 strongly indicated that their leader's behavior was not exemplary and 56.60% of the respondents in organization 2 were of a similar perception. According to key informants 5, 9, 10, 14, 18 and 19 from organization 1 and 11, 13, 16 and 21 in organization 2, some of the leaders behaved unethically or unprofessionally, some influenced their juniors to behave unethically so that they share the benefits from such acts, some leaders did the misconduct in the presence of or even together with their juniors while others just created a climate that breeds unethical behaviors. This was in agreement with the seven points identified by Lasakova and Remisova (2015) that characterize unethical leadership which include: display of behaviors that violate ethical principles, instillation of processes and practices in the work environment that support or enable unethical behavior, deliberate failure to manage of ethics at the workplace, prioritizing personal gain and profit, failure to uphold rules and processes in an organization and hindering of the attainment of organization goals due to the leaders' lack of professional abilities and skills. However, statistics in the table above show that 44.40% of the respondents in organization 2 were of the view that their leaders were exemplary and this according to key informant 21 and 22 was because most of the times these leaders do not get directly involved in the misconduct they just create a climate conducive for their subordinates to misbehave. All this showed that the behavior of the leaders influenced the employees' perceptions of the code of ethics within the organization.

The observations above indicate that the leaders are not ethical. Unethical leadership contributes to poor implementation of the code of conduct because the leaders who are supposed to give ethical direction do not follow ethical principles. In some organizations like the police service, when an officer is promoted, he or she goes for a promotion or refresher course to be equipped with new knowledge and the expected conduct necessary for the new rank (position). In so doing, the new leaders become aware of the boundaries that exist between them and their juniors and avoid to cross such boundaries.

4.2.3.2 Training

Training is one of the variables that contributes to successful implementation of the code of conduct. Training on ethics helps the employees to be equipped with knowledge of what is expected of them. The effective implementation of the code requires the employees to be inducted or oriented in the acceptable norms as they join their organizations (CIMA, 2014).

Table 6 exhibits the participants' perception on the importance and how the training on the code is conducted in their respective organizations. The statistics portrays that none of the respondents in both organizations disagreed that training on the code is important. This was also supported by the majority of the key informants (16) who were of the view that training on the code is very important and needs to be regularly conducted. Ethics training enhances ethical behavior in an organization (CCAB, 2014).

In addition, the figures in the table 6 below show that 98.17% of the respondents in organization 1 indicated that the public service code of conduct and ethics does not form part of the syllabus during the initial or other trainings that are conducted in the organization. This, according key informants 1, 2, 3, 9, 17 and 19 was attributed to the attention that management fixes on the pieces of legislation specific to their mandates which also provides guidance on how to handle misconducts done by employees. Conversely, 81.13% of the respondents in organization 2 agreed that the public service code of conduct does form part of the syllabus. This was confirmed by key informants 1, 4, 6, 11, 13, 16 and 21 in organization 2 who explained that as a practice and procedure, when the officers are recruited they are oriented on the code of conduct for the public sector even officers that joins the organization from other institutions. These officers are each given a code to read and sign that they have understood its contents and will adhere to it. Meyer and Lloyd (2016) found out that ethics training provides an opportunity for employees to discuss and exchange views on the importance of ethics in daily work issues and stressed that without implementation of ethical training, attempts to promote ethics in the organization will undoubtedly fail. Training on the public service code of conduct opens the minds of the employees and ethics encompasses other important areas in service delivery that are not covered by those acts

or regulations such as the guidance on gifts and use of government resources, among others.

Table 6: Employees Perception on Training

	TRAINING	Organization	1 <i>f (%)</i>	2 <i>f (%)</i>	3 <i>f (%)</i>	4 <i>f (%)</i>
T1	Training on code not important	1	0 (0)	3 (1.83)	54 (32.93)	107 (65.24)
		2	0 (0)	2 (3.77)	20 (37.74)	31 (58.49)
T2	Public service code of conduct and ethics is part of the syllabus	1	133(81.10)	28(17.07)	3 (1.83)	0 (0)
		2	3 (5.66)	7 (13.21)	15 (28.30)	28 (52.83)
T3	Trainings on ethics are conducted regularly	1	126(76.83)	33 (20.12)	5 (3.05)	0 (0)
		2	3 (5.66)	5 (9.44)	11 (20.75)	34 (64.15)

Source: Survey study data

Further, 96.95% of the respondents in organization 1 strongly agreed that ethics trainings are not regularly conducted and key informants 2, 3 and 5 confirmed this by explaining that it is as a result of insufficient resources that are allocated to the institution. In contrast, 84.90% of the respondents in organization 2 indicated that ethics trainings and programs are regularly conducted in their organization. On this, key informants 1, 4, 11, and 16 in organization 2 shed more light that though the resources are limited, the leaders prioritize these trainings and they are conducted once in every quarter of the year. They further explained that their Human Resources Unit invites human resource consultants or professionals, especially from the Department of Human Resource Management Department (DHRMD) to provide training on the code both during the initial training and when the organization arranges an ethics workshop.

4.2.3.3 Political Interference/ Influence

Political interference/influence is another factor that affects the implementation of the code. The study sought to find out the impact of political interference or influence on the implementation of the code. Table 7 below displays the respondents' perception on

how political interference or influence affects the implementation of the Malawi Public Service Code of Conduct and Ethics in their organizations.

The statistics in the table below give a clear picture that the implementation of the Malawi Public Service Code of Conduct and Ethics is to a great extent affected by political interference or influence. Basing on the data in Table 7 below, 96.95% of the respondents in organization 1 agreed that the implementation of the code of conduct for the public sector is negatively affected by the political appointments of the Ministers, Principal Secretaries and Controlling Officers which was a similar view of 84.90% of the respondents in organization 2. In addition, key informants 2, 7, 5, 9,10,17 and 19 in organization 1 and 6, 11, 12, 1 and 22 from organization 2 agreed that political appointments of the institutions' controlling officers bring chaos in the procedures, behaviors and norms of the organizations. This is because the President is invested with discretionary powers to appoint or remove Ministers, PSs and Controlling Officers for public institutions which makes these positions unstable. The employees in these leadership positions are expected by their employers to act in a manner that supports their (employers') interests.

This is in agreement with the findings of Dzimbiri (2016) who found out that political interference exists in appointment and termination of employment contracts in senior public offices especially during regime change. He noted that when a new government comes in, a new Chief Secretary, Ministers, PSs, Controlling Officers, and senior officer of the public institutions are ushered in and others are transferred elsewhere or forced to retire. In confirmation, key informant 5 indicated that these positions are politically sensitive and have strings attached while Informant 22 said, *"If you act against the interests of the political party in power you may be transferred to another government institution or your contract cannot be renewed"*. In support of this assertion, key informant 19 cited cases of a senior officers in politically appointed positions who were removed from organization 1 to Ministry of Education, another to the National Registration Bureau, and another one whose employment contract was not renewed because there was a change in government's leadership.

Table 7: Employees' perception of political interference or influence. Source:

	Political interference/influence	Organization	1 f (%)	2 f (%)	3 f (%)	4 f (%)
PI1	Political appointments promote the interests of ruling political parties	1	2 (1.22)	3 (1.83)	81 (52.44)	69 (44.51)
		2	3 (5.66)	7 (11.32)	23 (35.85)	29 (47.17)
PI2	Political leaders have insufficient knowledge of the code of conduct	1	5 (3.05)	4 (2.44)	81 (52.44)	65 (42.07)
		2	4 (5.66)	8(13.21)	35 (56.61)	15 (24.52)
P3	Political leaders do not observe their ethical limits in public institutions	1	3 (1.83)	7 (4.27)	52 (33.54)	93 (60.36)
		2	1 (1.89)	9 (15.09)	27 (43.40)	25 (39.62)
P4	Political interference negatively affects human resource practices	1	1 (0.61)	8(1.83)	35 (22.62)	111 (71.34)
		2	2 (3.77)	5(7.55)	26 (41.51)	29 (47.17)
P5	Political instructions affect management's decisions/actions	1	2 (1.22)	3 (1.83)	37 (23.78)	113 (73.17)
		2	5 (7.55)	8 (13.20)	27 (43.39)	22 (35.85)

Survey study data

According to Dzimbiri (2016), the employees in these politically appointed positions tend to act in a manner that is professionally and ethically improper as long as they satisfy the interests of their employers and secure their jobs. By doing this they set bad examples to their subordinates and it becomes difficult for them to correct similar unethical behaviors done by other officers. For example, officers are pressurized to release government resources such as officers and motor vehicles for use at the ruling party's political rallies. This is against what the codes provide for and it is almost impossible to enforce the code in such scenarios.

In addition, the study revealed that politicians do not have sufficient knowledge of the code of conduct and ethics for the public sector and they are not subjected to it. From the statistics above, 96.95% of the respondents in organization 1 and 81.13% of the respondents in organization 2 agreed that the politicians are not fully aware of or conversant with the contents of the ethical code of conduct that regulates the behavior of the employees under their jurisdiction or in public institutions. This was confirmed by about 13 out of the 22 the key informants, who felt that politicians pressurize public officers to do things that are professionally wrong. Key informant 22 said *“Had it been that these politicians know our obligations towards the government and clients as stipulated in the Malawi Public Service Code of Conduct and Ethics and the importance of us adhering or complying to those provisions, they would have known the ethical dilemmas they put us into and possibly avoid such tendencies”*. This suggests that there is a knowledge gap on the part of the politicians on what regulates the behavior of the appointed administrative officers.

Further, the table above shows that 93.90% of the respondents in organization 1 agreed that political leaders do not observe their ethical limits in the operationalization of the public institutions which was also the case in organization 2 where 83.02% of the respondents agreed on the same. According to the key informants 3, 9,15,17 and 18 from organization 1 and 4, 11, 12, 16,20 and 21 this was attributed to the powers invested in them as heads of Ministries or as Members of Parliament, the non-existence of regulations that clearly state their involvement limits in the operationalization of the public institutions, poor adherence to or lack of knowledge of the codes (if any) that regulate their behavior in relation to how the public institutions operate and possibly lack of orientation on how they are supposed to carry themselves in matters that concern the operations of the public organizations.

Furthermore, the study established that in both organizations, political interference/influence negatively affects Human Resources practices of the public institutions to the greatest extent which makes the implementation of the ethical code of conduct for the public sector ineffective. Statistics in Table 6 above, shows that 93.96% of the respondents in organization 1 agreed that political interference affects the human resource practices in their organization. Similarly, in organization 2, 88.68% agreed on the same. This confirms the findings of Dzimbiri (2016) that issues of

recruitment, selection, appointment transfers, discipline, promotions and demotions are greatly affected by politicians. It was also confirmed by key informants 2,3, 5, 6, 10,13, 16, 11, 14, 17, 19, 21, 1, 15, 4 and 22 who said, *“when this organization is about to recruit new staff, Members of Parliament, Ministers, PSs even senior officers within the organization bring a list of people to be recruited and most of those on list are not qualified for the position but they still get employed”*. Similarly, key informant 5, 10 and 19 in organization 1 explained that management agreed to recruit only those people who got six credits in their Malawi School Certificate Examinations (MSCE) but the people that were actually recruited did not possess those qualifications, yet other people who had the qualifications were left out because they had no relations in power or they were not related to the senior officers in the Department.

In a similar vein, key informant 15 commented that, *“for one to be recommended for promotion it depends on the political party he/she is affiliated to or the district that a person is originally coming from”*. This creates an environment of favoritism and nepotism, which is not conducive for the implementation of the code because it leads to unequal handling of the reward and punishment system. For instance, informant 14 in organization 2 explained of a scenario where the IIC and disciplinary committees forwarded a recommendation for dismissal of 10 employees who had issues of misconduct, the controlling officer failed to sign the recommendations for their dismissal because the employees were related to politicians and other senior officers at the Ministry and within the organization. The controlling officer’s intention to finalize the sanctioning of the employees who breached the code was affected negatively by the expectations of the people that matter in society and actually impeding the implementation of the code.

Politicians also interfere with or influence the manner in which transfers are conducted in public institutions, which affects the implementation of the code in a negative way. According to the key informant 1, 5 and 19 a number of employees have been transferred to other stations for being suspected to work against the political party in power. Key informant 19 said, *“as a supervisor you may use other strategies to professionally pass on information to your subordinates not knowing that you are contradicting with the interests of the ruling political party”*. He cited a case in which senior officers at one of the work stations were transferred because of leakage in

information that negatively impacted on the political party in power. Similarly, key informant 5 cited a case where some officers were transferred to remote areas because they were suspected of being in support of the opposition political parties. The Human Resources Units in both organizations were not consulted for advice and did not have the evidence on these allegations but were instructed to transfer these people immediately. According to the informant, this affects the implementation of the code because there are laid down procedures for handling transfers which are not respected and this makes employees to avoid such transfers by conducting their duties unprofessionally to serve the interests of the political party in power. Key informant 1 commented that *“it becomes impossible to enforce the code on an officer who acted unethically under pressure from a politician”*.

The other disturbance in the implementation of the code of conduct and ethics for the public sector in Malawi comes in from the instructions that the politicians give concerning a professional decision or action to be taken by administrative officers. The officer might be aware that the instruction given by the elected officers is professionally unethical, but due to political pressure, the administrative officer performs according to the instruction. From the statistics in the table above, 23.78% of the respondents in organization 1 agreed that following politicians' instructions in the line of duty affects decision making and 73.17% strongly agreed on the same. Likewise, in organization 2, 43.39% of the respondents agreed and 35.85% strongly agreed on the same.

As noted earlier, political appointees try to please their masters and, in some cases, ignore the prescribed procedures or end up operating in an unprofessional manner to please their political bosses (Dzimbiri, 2016; Magaya and Chidhawu, 2016). Key informant 1 in organization 2 gave an example of a number of officers who were taken to task to explain why they allowed trucks which were overloaded to pass on a weighbridge without meeting the required charges and it was later evidenced that these officers acted under the instructions of the owners of those vehicles who were politicians. The enforcers felt they were not empowered to do their work because they knew their efforts would be in vain.

In a similar scenario, key informant 9 in organization 1 said, “*following a Ministerial instruction, senior officers advised an airline company not to carry or to deny a certain traveler to board a plane coming to Malawi despite his relatives obtaining a court injunction. This was in contempt of court on the part of the officers but they had to do it*”. This decision or action was taken due to the subjective norms of the people that are important in their job though it was against what the public service code of ethical conduct stipulates and their professional conduct.

4.2.3.4. Organizational culture/ practices

The study examined some of the organizational practices or culture that forms part of the implementation of the ethical code of conduct. Successful implementation of a code of conduct depends on the context. e.g. the environment, acceptable norms, practices, beliefs, structures and the behavior of the actors. Table 8 below shows the responses of the participants on how their organization’s culture and practices affect the implementation of the code.

The study found out that the majority of the respondents in these organizations showed that their organizational work climate encourages adherence to the code. Based on the statistics in the table below, 39.02% of the respondents in organization 1 agreed and 43.30% strongly agreed while 20.75% of the respondents in organization 2 agreed and 60.38% strongly agreed on the existence of this element. However, one would wonder why then there are more issues of corruption which is unethical behavior. Key informant 19 said “*kunena ndiye amanena ndithu koma zimangothera pomwepo*” meaning the superiors do talk about ethics but no action is taken. This implies that the talk of ethics is mere lip service: practically nothing much is being done on the ground. In contrast, in organization 2 measures are there to encourage adherence to the code but other factors like infrastructure and presence of informal middlemen (Dobadobas) defeat these measures.

This confirms the findings of the integrity survey conducted by the ACB, which revealed that one of the contributing factors to ineffective implementation of the code is the presence of informal agents who act between employees and the clients (ACB, 2019). This affects the implementation of the code because it becomes more difficult to connect the misconduct to the officer. The misconduct is done by these informal

middle men in connection with an officer who does not personally meet the client and the middleman involved, is not subjected to the Malawi Public Service Code of Conduct and Ethics. In addition, despite having service charters in these organizations, it seems clients are not aware of the procedures or how long it takes for a service they are seeking to be completed. According to key informant 20, the informal middlemen (*dobadobas*) take advantage of the client's ignorance of the steps to follow to access the service and create room for getting bribes on behalf of the officers. This knowledge gap on the part of clients can be attributed to insufficient resources necessary to facilitate the awareness campaigns and access of the service charters by the clients. This is also attributed to having inactive channels in place where clients can easily or successfully lodge their complaints and be able to get assistance.

**Table 8: Employees' perception of the impact of organizational culture/
practices**

	Practices	Organization	1 <i>f (%)</i>	2 <i>f (%)</i>	3 <i>f (%)</i>	4 <i>f (%)</i>
OC1	Environment encourages adherence to the code	1	0 (0)	27 (17.68)	61(39.02)	67 (43.30)
		2	1 (1.89)	11 (16.98)	13 (20.75)	37 (60.38)
OC2	Employees are encouraged to report witnessed misconducts	1	0 (0)	10(6.71)	93 (59.76)	52(33.53)
		2	6 (9.43)	10 (16.98)	30 (41.51)	16(15.09)
OC3	Organizations make follow-ups on reported misconducts	1	54 (34.76)	72(46.34)	22 (14.02)	7 (4.88)
		2	16 (26.42)	27 (43.4)	13 (20.75)	6 (9.43)
OC4	Performance appraisal system includes adherence to the code	1	9 (5.49)	11 (7.32)	76 (50.00)	57 (37.10)
		2	5 (7.55)	8 (13.20)	27 (43.40)	22 (35.85)
OC5	Ethical issues are freely discussed among employees	1	43 (28.05)	92 (59.14)	14 (9.15)	6 (3.66)
		2	2 (3.77)	7 (11.32)	27 (43.40)	26 (41.51)
OC6	Organization has an ethics committee	1	33 (21.34)	84 (54.27)	13 (8.54)	25 (15.85)
		2	2 (3.77)	5 (7.55)	26 (41.51)	29 (47.17)
OC7	Code of conduct is an integral part of employment contract	1	44 (28.66)	96 (61.59)	12 (7.92)	3 (1.83)
		2	2 (3.77)	11 (16.98)	27 (43.30)	22 (35.95)
OC8	Recruitment is based on merit	1	105(67.74)	35(22.58)	8(5.16)	7(4.52)
		2	36(58.07)	14(22.58)	7(11.29)	5(8.07)

Source: Survey study data

The study also found out that 33.53% of the respondents in organization 1 strongly agreed while 59.76% agreed that whistleblowing is encouraged in their organizations. Whereas 41.51% of the respondents in organization 2 agreed and 15.09 % strongly agreed that whistle blowing is encouraged in the institution. According to the key informants 1, 4 and 7 in organization 2, there are mechanisms put in place for receiving such information e.g. complaint or suggestion boxes that are placed on the counters and in toilets so that the whistleblowers can drop their information easily and anonymously, there are two call lines in each region and headquarters specifically for this purpose and people are also encouraged to come in person to report the matters of concern.

However, the majority of the respondents 81.10% in organization 1 and 69.76% in organization 2 indicated that there is no proper follow up on the issues that are reported through the boxes or call lines. This was confirmed by key informants 18, 2, 3, 8, 9, 19 and 17 who said “*we do have the mechanisms in place but they are not active because the people responsible to open the boxes do not do so*”. It was revealed that these mechanisms are just on paper. This was confirmed by Key informants 17 and 18 who explained that they used to have suggestion boxes on the counters but they no longer see them. This affects the implementation of the code especially where the enforcement of the code was necessary. In addition, the study found out that the officers do not report misconducts of fellow officers for fear of retaliation especially because of the possibility that the management is part of the game. This agrees with the observation of Chilipunde and Kaima (2015) who noted that people do not report the unethical conduct of other colleagues to relevant authorities because they (the authorities) also get involved in such practices. As a result, the misconduct is regarded as an acceptable norm or practice.

The effective implementation of the code also requires adherence to the code's provisions to be part of the performance assessment of the employees (OECD, 1999). From table above, 37.10% strongly agreed and 50.00% agreed that compliance to the code is part of the performance assessment criteria in organization 1. Likewise, in organization 2, 35.835% of the respondents strongly agreed and 43.40% agreed on the same. In spite of this, the key informants 3, 7, 17, 19, 11, 16, 21 and 22 explained that the tool that is used for assessing an employee's performance is complicated and the people responsible for assessing employee's performance lacks the capacity to use it.

As a result, the performance assessments or appraisals are not done or are poorly done. In other words, the performance appraisal system that is being used in government institutions is ineffective and inactive. This was also attributed to the attitude of heads of sections who actually felt that it is the responsibility of the Human Resource function to conduct appraisals for staff, despite the fact that they are the ones on the ground who observe how their subordinates behave and are in a better position to assess if the subordinate's behavior complies with the provisions of the code of conduct and possibly take corrective measures.

Additionally, the successful implementation of the code encourages employees to have ethics discussions as they chat, interact or when they are in meetings (CCAB, 2014). The table above shows that in organization 1, 28.05% strongly disagree and 59.14% disagree that ethics discussions are encouraged. On the contrary, 43.40% of the respondents in organization 2 strongly agree and 41.51% agree that discussion of ethical issues is encouraged in their organization. Key informants, 3, 14, 15, 18, 5, 8 and 19 in organization 1 explained that these issues are mostly discussed when there is a case to be investigated and basically among those that have a role to play on the matter because the ethical issues are regarded as the responsibility of the Human Resources function. Conversely, in organization 2, key informants 13, 16, 11, 4 and 1 commented that most of the times the Principal Human Resource Management Officer raises the issues of ethics during management meetings and encourages the heads of other sections to do the same in their sectional meetings. However, the key informant disclosed that the heads of other section do not talk of the ethical issues at sectional level meetings as they regard it as the role of the Human Resource section. Discussion of ethical issues in meetings is one of the strategies that can be used to bring awareness of the code's provisions to the officers and improves the ethical culture of the organization.

Further, it is recommended that an organization is supposed to establish an ethics office or committee that will be responsible for giving ethical advice to employees who seek guidance and who need ethical clarifications, to look into integrity issues and other ethical matters (CCAB, 2014). In this study, 21.34% of the respondents in organization 1 strongly disagreed and 54.24% disagreed that there is an ethics office or Internal Integrity Committee in their organization but in organization 2, 47.17% of the participants strongly agreed and 41.51% agreed that they have an ethics committee.

In organization 1, key informants 2, 3, 5 and 17 and who are part of the IIC agreed on having this committee in place but said it is not active. The study revealed that the composition of the ethics or integrity committee is the same as a disciplinary hearing committee. Some of the key informants were aware of both committees but were unable to differentiate their responsibilities and tasks while others said that this committee is just on paper. It was revealed that in Organization 1, the head of ethics committee is also the head of disciplinary hearing and also a commander at regional level. This means that one person is heading three big, important and busy positions which leaves some of the responsibilities unattended to. This confirms the findings of an integrity survey that was conducted by ACB in 2019 in which 66.00% of the service providers in organization 1 indicated that they have not heard about integrity committees at their own organization. An integrity committee looks into issues of integrity and ethics in its entirety, unlike the disciplinary committee which handles isolated matters of discipline like disciplinary hearings. In contrast, the study found out that in organization 2 these committees are available and active. However, as per the recommendations of CCAB (2014), this means that the employees in organization 1 do not know where to lodge their ethical problems, where to get clarification, guidance and advice on matters to do with ethics or where to appeal if need be.

Furthermore, successful implementation of the code of conduct requires making the adherence to the code part of the employment contract. The table above shows that in organization 1, 28.66% strongly disagreed and 61.59 % disagreed that the employment contract includes adherence to the public service code of conduct as a condition for getting employment. This gives a reason why the newly recruited staff are not inducted on the code but in organization 2, 28.30% agreed and 50.95% strongly agreed that the adherence to the code of ethical conduct forms a part of the employment contract. Key informants 22,16, 12, 21, 11, 6 and 1 in organization 2 confirmed that the potential employees in are given a copy of the code to read and understand what is expected of them as civil servants and they are requested to sign after going through it to show their acceptance to abide by its provisions. The employees, including those that are coming from other institutions, are also oriented on the acceptable norms of the organization as they join the organization.

The study also found out that the two institutions under study devised strategies for addressing some of impeding factors to the implementation process, e.g. the existence of middlemen (*dobadobas*) and delays in service delivery. Both organizations introduced electronic systems for issuing documents which were meant to speed up the process and bar middlemen's access to the processes of their services. However, according to the key informants 1, 6, 2, 8, 19, 21, 20, 17, 4, 11 and 9 the organizations still faces challenges in terms of poor internet facility which contributes to delayed services. This delay in service delivery offers the middlemen an opportunity to fit in to the system and creates an environment for breeding unethical behaviors. According to the key informants, these systems are in their early stages and have the capabilities of blocking the middlemen. However, according to respondents, 17, 11, 8 and 19, the systems are not fully installed and there are poor internet facilities. As a result, the officers prefer to still use the manual way of processing the applications which provides room for corruption and other unethical behaviors.

4.4 Chapter Summary

The chapter has presented and analyzed the findings of the study on the factors that affect the implementation of the code of conduct and ethics. First the chapter assessed the employee's perception on the relevance of the code of conduct in the present working conditions and environment. This was to confirm if the code of conduct for Malawi public service has the capacity to address the emerging ethical dilemmas in the current working environments. Second, the chapter analyzed the enforcement procedures that are currently followed when one breaches the code or displays unethical behavior. To understand the strengths and weaknesses in those practices and procedures as well as their impact on implementation and adherence of the code. Third, the chapter examined organizational practices, culture and other related variables external to the organization that affect the implementation of the code. This was done to understand their contribution in the implementation of the code and the extent of their impact. The next chapter will summarize these findings.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter gives a summary of the major findings of the study and their possible solutions, conclusion, proposed areas for further study.

5.2 Summary of study Findings

5.2.1 Implementation of the code of conduct

The study revealed that the code of conduct is outdated and is not regularly reviewed which makes it to be less relevant in the present working conditions. In addition, most of the employees are not oriented on the code. Public institutions should make sure all the employees are oriented on the code as it is the case with Tanzania. Public institutions should be encouraged to utilize the training opportunities that are offered at Staff Development Institute (SDI).

5.2.2 Enforcement of the code of conduct

The study revealed that the reward and punishment system that is currently practiced in the public service is biased and unfair because there are no clear criteria for identifying ethical employees or the type of incentives to be offered. Currently the rewards that are given depend on the discretion of the controlling officers. The government should consider having a detailed reward scheme just as it is with the punishment scheme and all these should be included in the public service code of conduct so that the employees will be able to understand why and how one gets a reward.

The study has also revealed that the leaders employ favoritism when it comes to enforcement of the code. Employees who misbehaves but have strong relationships with the senior officers, Ministers, Principal Secretaries, politicians or people that matter in society are spared of the disciplinary actions. This sets precedents that it becomes difficult to enforce the code when other employees breaches the code. On the

same, the disciplinary handling process for the public sector is long, final decisions or actions on disciplinary matters take a long time to be completed hence it weakens the efforts of the disciplinary committees and enforcers. The whole process is regarded as powerless and its impact is not strong enough to regulate the behavior of employees. Further, the code should be applicable to all government employees despite their personal relationships or positions. The government should also decide to include in the code the criteria for rewarding or recognizing ethical employees and make sure that it is actually fulfilled.

Again, it was realized that there are no properly laid out grievance handling procedures to be followed in public institutions as it is the case with the disciplinary procedures. This results in compilation of unresolved complaints which may be expressed in a form of a misconduct. The government should enshrine the grievance handling procedure in the code and the institutions should devise mechanisms for handling employee's grievances in a conclusive manner.

Furthermore, it was revealed that some of the disciplinary actions taken by the administrative Officers do not comply with the rules of natural justice mostly due to instructions from above. As a result, such decisions get defeated in court of law leading to loss of government money. The Administrative officers need to be oriented on the code and be familiar with all the procedures enshrined in the code and their employment contract document should contain a phrase that if they act against what the code stipulates when handling disciplinary matters, they will be personally responsible for the consequences and penalties charged.

However, the study also realized that some of the leaders have the interest to implement the code but lack of sufficient resources negatively affects their intentions to actually perform their assigned responsibilities. Government should allocate a certain percentage of the funds allocated to the institutions for conducting ethical programs as it is the case with HIV and Aids programs with properly laid out guidelines for its use.

5.2.3 Organizational and other factors that affect the implementation of the code

5.2.3.1 Leadership

The study revealed that supervisors have powers to choose the issues which require to be reported or forwarded for further investigation and which ones not to. These powers make the supervisors to ignore some misconducts due to nepotism and favoritism which in turn creates a breeding ground unethical behavior (unethical culture).

In addition, the study revealed that there is weak supervision on the part of the middle managers due to lack of empowerment and support of the corporate level managers, fear of being mistreated but also lack of interest in the code or a feeling that this is a Human Resource function which contributes to its poor implementation. Management is supposed to empower the supervisors so that they become motivated by their perceived control and effort to enforce the code. |

Again, as earlier found out by Chikwembani (2018), poor knowledge of the codes content affects the implementation of the code. Government should consider making the code of ethics part of the syllabus from the early stages of school and making it an integral part of the employment contract. By doing this, the potential employees and other stakeholders will be equipped with knowledge of ethics, positive attitude towards the code and be able to adhere to its provisions whenever they are interacting.

In addition, it was revealed that political appointments of controlling officers also affect the implementation of the code in a negative way in that the appointed officers fail to effectively enforce the code by taking into consideration the subjective norms of their appointers.

Further, in organization 1 some of the employees are in supervisory positions based on merit but are inexperienced as a result they breach the acceptable norms, procedures and rules. In trying to address the matter, such officers were placed under their juniors who have adequate experience and this demotivates the senior officers especially in times of performance appraisal. It is helpful to send the said officers for a special training on ethics or conducting regular ethical programs within the organization

Furthermore, the study found out leader's behaviors were not exemplary especially in organization 1 and had a trickle-down effect on the employees. This was evidenced by some leaders who were involved in unethical behaviors with their juniors, others facilitated for the junior officers to behave unethically for their benefit while others just set the unethical environment and this lack of ethical leadership impedes the implementation of the code.

5.2.3.2 Training

The study revealed that training on the code of conduct and ethics is important. Training on the code contributes to its successful implementation because the employees are knowledgeable of the ethical behavior expected of them and the consequences attached to its violation, they are likely to avoid such consequences by behaving ethically. Even though it was recognized that training on the code is important, it was realized that organization 1 does not incorporate the public service code of conduct in its syllabus at initial or other trainings.

The study also realized that in organization 2 ethical trainings are conducted regularly as compared to organization 1 where no programs on ethics are arranged or conducted. Regular training on the codes helps to remind the employees of their ethical responsibilities in their day to day operations and employees share ideas on ethics and gets encouraged to comply to the code thereby contributing to successful implementation of the ethical code of conduct.

5.2.3.3 Political interference or influence

The study revealed that political interference or influence is the greatest impeding factor in the implementation of the code of conduct. The study found that the appointments of the controlling officers and other senior officers in public institutions are politically influenced and mostly they are not on merit. These appointees try their best to appease their appointers as a result they succumb to the interests of their appointers and end up behaving unprofessionally and unethically (Dzimhiri, 2016). This is done to secure their jobs and reputation which produces undesirable precedents as it is almost impossible for them to enforce the code on fellow employees who performs unethically. Additionally, the instructions that leaders of the organization receive from these political figures affect their professionalism and ethical decision making e.g. on

recommendations for promotion, transfers, disciplinary processes, and many more. This is because the politicians do not have sufficient knowledge of the code that governs the public servants, do not know their ethical limits or extent of their involvement in the operationalization of public institutions and the spirit that they are above the bureaucrats (usurpation of power). This is due to lack of regulations that guide their (politician's) behavior or limits their involvement in the actual implementation of public policies in accordance their responsibility as formulators of the policies (Dulani in Patel and Svasand, 2013; Dzimbiri, 2016)

5.2.3.4 Ethics committees and ethical officers

The study revealed that in organization 1 ethics discussions among employees are very rare as compared to organization 2 and the tone set by the leaders in the organization 1 puts little value on the ethical issues unlike in organization 2. This could possibly be a reason why in organization 1 there are many cases of different unethical behaviors e.g. theft, misappropriation of funds, forgery, etc. than in organization 2.

In addition, the study revealed that the organizations under study do have ethics or integrity committees but their composition is not different from the disciplinary committees as well as the responsibilities. Further, in organization 1 this committee is just on paper unlike in organization 2 though there is no proper follow up on the reports or complaints that are received through these mechanisms.

5.2.3.5 Whistleblowing

The study revealed that in organization 2 there are different speak up mechanisms in place which are active unlike in organization 1 where these mechanisms are mentioned on paper but not in practice. It also found out that the employees in both organizations are not willing to report the misconducts that happens because it is perceived to be normal way of life and for fear of retaliation. Further the study found that there is no whistle blower protection Law in Malawi as it is the case with the United States of America that covers the whistleblowers or provides support in case of retaliation and other consequences of whistleblowing. This is in agreement with the contents of a report on ethics and integrity which states that non-compliance of the rules, regulations and procedures are not readily reported due to the reasons of fear of

victimization/retribution, dismissal, demotion, peer pressure, lack of protection and a perception that nothing will be done even after reporting (MIM, 2014).

5.2.3.6 Performance appraisal

The performance appraisal system in Malawi public service encourages adherence of the code but the study revealed that the tool used to assess the employee's performance is complicated and as a result performance appraisals are poorly done especially in organization 2 while in organization 1, performance appraisals are not done at all.

Further, the study revealed that the ethical code of conduct is no longer an integral part in many employment contracts or one of the entry conditions into the civil service as it used to be during the Kamuzu era.

5.2.3.7 Organizational climate/ environment

The study found out that the climate in these organizations encourage adherence of the code of conduct but the presence of informal middlemen (*dobadobas*) impedes its effective implementation. The organizations under study came up with strategies of addressing the problem of informal middle men and delays in service delivery by automating the processes for issuing their documents. However, it was revealed that these systems face challenges of internet hiccups resulting in delayed service delivery and creation of an access path for the informal middle men.

The study also found out that the code of conduct has not been reviewed since its adoption in 2013 as a result some of its contents are outdated and do collide with the provisions of other legislation like the labour laws.

5.2.3.8 Legal Backing

The study revealed that the provisions of the code are not legally binding but some of the provisions are enshrined in other employment legislations such as Employment Act, Labor Law, and other regulations supporting the code of conduct, etc.

5.3 Lessons for Malawi

From the study the following are perceived best practices to learn from. First, the public service code of conduct needs to have a sound legal backing e.g. in the constitution as it is the case with Nigeria, Ghana and Gambia (Sakyi and Bawole, 2009). This empowers the controlling officers to enforce the code bearing in mind that they have a sound justification and legal backing for their actions.

Secondly, Malawi needs to develop a whistleblower protection law so as to encourage genuine whistleblowers to bring out issues that need to be investigated and also make a provision in the code assuring the whistleblowers protection.

Third, Malawi has to borrow a leaf and develop a code of conduct for the parliamentarians and Ministers as it is with the case with South Africa, Trinidad and Tobago, Uganda, etc. This will help them to understand and observe their ethical limits in the institutions under their jurisdiction.

Fourth, adherence of the code of conduct and ethics should be made an integral part in employment contracts, be signed for by the potential employees and the performance appraisal needs to be revised so that it encourages adherence of the code.

In addition, Malawi should also consider having explanatory manual on the code of conduct for the public service which explains fully the contents of the code to make it more understandable by the public servants as it is the case in South Africa and Tanzania.

The study has added knowledge in the academia field that context i.e. structures, practices, rules, culture of an organization plays an important role in the successful implementation of a policy (in this case a code of conduct). In organization 2, other unethical behaviors were at a minimum possibly because of the practices, norms and procedures that are deemed to be acceptable and institutionalized unlike in organization 1 where there were many cases of unethical behaviors including corruption. Malawi needs to create proper structures for handling ethical issues such as how the integrity and disciplinary committees should be structured, having committees where employees who are not satisfied with the recommendations or outcomes of the disciplinary

committee can appeal, having clearly laid out procedures for handling employees grievances, including sanctions for breach of the code in the code of conduct.

In addition, the study has brought to light the main factors that affect the attitude, intentions and capacity of public service employees towards adherence, enforcement and implementation of the code such as the expectations and social pressures they get from the key and influential people in society.

5.4 Conclusion

This study aimed at comparatively analyzing the factors that affect the effective implementation of the Malawi Public Service Code of Conduct and Ethics in public sector institutions. The study focused on assessing the relevance of the code, analyzing the enforcement procedures that are currently followed when an employee breaches the code of conduct, the examination of other factors that facilitate or impede the implementation of the code of conduct and ethics in an organization and also assessed the effectiveness of the mechanisms that are used to address some the impeding factors. It was found that the code of conduct is outdated, the enforcement procedures (the rewards and punishment system) in the public sector has no clearly laid out procedures as a result it is practiced in unfair and biased manner that does not conform with the provisions of the code of conduct and ethics for the public sector. In addition, other factors such as; lack of whistleblower's protection law, informal relationships, political interference /influence, presence of informal middlemen (*dobadobas*) are some of the factors that negatively affect the implementation of the code to the larger extent. The strategies for addressing the issue of informal middlemen need to be revisited and there is a need to devise strategies that will limit political interference in the implementation of public policies. The study revealed that successful implementation of a policy indeed depends on the practices, norms, procedures (context) as well as attitude, and intentions (behavior) of the implementers. The findings of the study revealed that procedures, practices, norms and structures in organization 2 encouraged and prioritized the implementation of the code of conduct unlike in organization1 and this was evidenced by increased cases of other misconducts apart from corruption such as theft, forgery, misappropriation of funds, etc. in organization 1

5.5 Recommended areas of further study

The study has found that the main hindering factor in the implementation of the code is political interference or influence and recommends for a further study on the regulations that guide the behavior of politicians or limit political interference in the operationalization of public institutions.

Apart from political interference or Influence, the issues of middlemen (*dobadobas*) need to be further investigated to find better ways of completely removing them from the public institutions and bar their access in public service delivery processes.

This study compared two organizations only but if it was done in more government institutions, using data collection methods like focus groups or conducting the study using quantitative research methods only and analyzing the data using more statistical tests so that the results can be generalized.

In addition, Malawi should consider including the code of conduct and ethics for public sector in educational syllabus starting from primary school the way it does with Life Skills, Social Studies, etc. to tertiary education.

Further, Malawi should reactivate the services of staff Development Institute and encourage government institutions to send employees to the institution for capacity building, refresher courses and ethics trainings the way it used to be during the one party regime.

5.6 Chapter Summary

This chapter has provided a summary of the study findings, possible solutions to the identified impeding factors and has also assessed the effectiveness of devised mechanisms in the organizations for deterring middlemen. In addition, the chapter has highlighted lessons learnt from the best practices for Malawi and other African countries. Then a conclusion and recommended areas for further studies have been presented.

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APPENDICES

Appendix 1: Questionnaire

COMPARATIVE ANALYSIS OF THE FACTORS THAT AFFECT THE IMPLEMENTATION OF THE CODE OF CONDUCT IN PUBLIC SECTOR. THE CASE OF MALAWI

This questionnaire was self-administered to collect and analyze data relating to employee's perception on the implementation of the code, enforcement, organization and other factors that affect it.

SECTION A: This section intends to capture personal information and no names will be used but numbers for coding purposes.

		CODE
Q1.	Position of respondent	
	Senior Officer –Technical	1
	Support Staff	2
	Junior Officers- Technical	1
	Support Staff	2
Q2.	Organization	
	MDICS (Immigration)	1
	DRTSS (Road Traffic)	2
Q3.	Gender	
	Female	1
	Male	2
Q4.	What is your highest qualification	
	Malawi School Certificate of Education	1
	Diploma	2
	Bachelor's Degree	3
	Master's Degree	4
	PhD	5
Q5.	How long have you been working?	
	Less than 5 years	1
	6 - 10 years	2
	11- 20 years	3
	21 – 30 years	4
	31 - 40 years	5
Q6.	Age	
	Below 30 years	1
	31 – 40 years	2

41 – 50 years

3

51 – 60 years

4

SECTION B: This section seeks to examine the variables that affect the implementation of the code of conduct and ethics in an organization. Please tick your answers.

1= strongly disagree 2= disagree 3= Agree 4=strongly agree

		1	2	3	4
Q.7	Codes:				
	• The Malawi Service Code of conduct and Ethics are outdated				
	• The provisions of the Codes are not relevant to the present working environment of the organization.				
	• The language used in the code is clear and easy to understand				
	• Employees have easy access to the code.				
	• The Malawi Public Code of Conduct and Ethics is not regularly monitored and reviewed.				
Q.8	• Code of conduct is just on paper				
	Enforcement:				
	• Recruitment, selection, promotion is based on merit				
	• Ethical behaviours are rewarded.				
	• Rewards system is practiced in an equitable manner.				
	• Violation of ethical behaviours is punished.				
	• Disciplinary actions are handled in an impartial manner.				

	• Lack of resources negatively impact on enforcement Disciplinary actions are politically.				
Q.9	Leadership • Leaders in our organisation employ favouritism.				
	• There is weak supervision and monitoring on the part of the leaders.				
	• The behaviour of the leaders is consistent with the stated ethics and values of the organization.				
	• Leaders show their commitment in the implementation process.				
	• Leaders are exemplary in their behaviours				
Q.10	Training: • Public Service Code of ethics forms part of initial training for the new employees.				
	• Ethical trainings are conducted regularly for old employees to refresh their knowledge of the code of conduct.				
Q.11	Political interference: • Appointments in managerial positions are associated with the interests of the political parties and affects the way the code is implemented.				
	• Political leaders do not have the knowledge of the contents of the codes.				
	• Political leaders do not observe their ethical limits in the operationalization of the institutions.				

	Human resource practices e.g. recruitment, promotion, disciplinary hearing are negatively affected by political interference				
Q. 12	Organizational culture Organizational climate encourages adherence of the codes of conduct.				
	Employees are encouraged to report unethical practices they have observed.				
	Organization makes a follow up on the reported unethical behaviours.				
	Performance appraisal system includes adherence to the set ethical standards.				
	Ethical issues are discussed in employee meetings.				
	Employees are provided with guidance or advice on ethical issues.				
	Adherence of the code forms the integral part of the employment contracts				

Thank you very much for sparing your precious time to participate in this assessment

Appendix 2: Guiding questions for key informant interviews

Category: Senior/Middle Manager

Questionnaire No.

Organization: 1/2

Date of Interview

SECTION A: Questions to assess the employee's knowledge on how the code of conduct for the public sector is implemented.

1. Do you have a copy of the Malawi Public Service Code of Conduct?
2. Have you ever been oriented on the code of conduct and ethics?
3. How relevant are the provisions of the code to the strategic and functional objectives of your organization?
4. How relevant are the sanctions or penalties of the code to the present working environment?
5. What roles do you actually play in the implementation of the code of conduct and ethics?

SECTION B: Questions to analyze the procedures that are currently followed to enforce the code.

6. (a) Are ethical behaviours recognised or rewarded?
(b) If yes, how? If no, why?
(c) Are unethical behaviours punished?
7. What happens when an employee violates or breaches the code or commits a misconduct?
8. What methods are used to ensure that the reward and punishment system is practiced impartially equally and fairly?
9. What mechanisms are put in place to ensure that enforcement of the code is not affected by political interference or influence?

SECTION C: Question to assess the organizational and other variables that affect the implementation of the code.

10. How do the members of staff access the code of conduct?
11. (a) How are the new employees informed of the contents of the code
(b) How are the old employees reminded of the contents of the code and its importance?
13. (a) Do you have an ethical Office or committee?
(b) If yes, what is the composition of the committee?
(c) What are the responsibilities of the committee?
(d) If No, why?
14. (a) What mechanisms are used to get information from the members of staff or other external stakeholders (whistle blowing) concerning the misconducts that happen in the organization?

(b) How do these mechanisms operate?
(c) How are the informants protected?
15. How is the code embedded in the culture of the organization e.g. performance Appraisal, Employment contract?
16. What do you think are the factors that promote the effective implementation of the code?
17. What do you think are the factors that hinder the effective implementation of the code?
18. Which strategies can be used to mitigate the effects of these factors?

Thank you for sparing your precious time to respond to the questions.

Appendix 3: Permissions to Conduct the Study

Telegraphic Address: CHIEFIM, Blantyre
Telex: 4102
Telephone: Blantyre 01 823 777
Fax: 01 823 065

All correspondence should be addressed to:
The Director General
E-mail: immigrationmw.com



In reply please quote No.

MALAWI DEPARTMENT OF IMMIGRATION
IMMIGRATION HEADQUARTERS
P.O. BOX 331
BLANTYRE
MALAWI

07th February 2020

Ref.No.IM/PF/267

To : **Mrs. Gloria N. Mtande**
Department of Immigration & Citizenship Services
P. O. Box 331
Blantyre.

Dear Madam,

REQUEST TO CONDUCT AN ACADEMIC RESEARCH IN THE DEPARTMENT

Reference is made to your letter dated 24th January 2020 in which you requested this office to allow you conduct academic research in the department for your dissertation as part of the requirements to be awarded Master of Public Administration and Management. Am glad to let you know that permission has been granted and am wishing you all the best in your studies.

L. Minjale

For: **DIRECTOR GENERAL OF IMMIGRATION SERVICES**

Telephone: +265 1 756 138/8010
Fax: +265 1 755 985



MINISTRY OF TRANSPORT
AND PUBLIC WORKS,
OFFICE OF THE DIRECTOR
OF ROAD TRAFFIC,
PRIVATE BAG 257,
LILONGWE,
MALAWI.

Ref. No RT/AD/39

27th February, 2020

Gloria Apouzer Gundo
C/O P.O Box 331,
Blantyre.

**REQUEST FOR PERMISSION TO CONDUCT AN ACADEMIC RESEARCH
IN THE DIRECTORATE**

Reference is made to your letter dated 05th February, 2020 in which you requested for permission to conduct a research in fulfillment of your award of your degree.

I am pleased to inform you that permission has been granted for you to conduct your research with this department.

However, may you please indicate your areas of concentration and interest of your research through phone or email, so that the right contact people are advised accordingly.

Looking forward to hear from you soonest that your request is facilitated.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'Bright. S. Kazembe'.

Bright. S. Kazembe

For: **DIRECTOR FOR ROAD TRAFFIC AND SAFETY SERVICES**