



UNIVERSITY OF KWAZULU-NATAL

**Factors Influencing the Reliability of Employment Reference Checking at Transnet National
Port Authority**

By

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Declaration

I, Nkosinathi Elton Ngcamu declare that:

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- (ii) This dissertation / thesis has not been submitted for any degree or examination at any other university.
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NE Ngcamu

Dedication

This dissertation is dedicated to:

- God for giving me a chance to live on this earth, for making me the person I am and for protecting me
- My Mother, Ms. Fikepi Florence Ngcamu for selfless and unconditional love, thank you Mom
- My late Grandmother, uMangwazini I know that you always watching me, thank you and may your soul rest in peace
- My late uncle Mr. Peni Nicholas “Five” Ngcamu, you taught me how to be a responsible man and to value other human being, thank you and may your soul rest in peace

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Abstract

Employment Reference Checking is used at Transnet National Port Authority (TNPA) to verify the accuracy of information provided by job applicants, such as work experience; knowledge; skill; behaviour, qualifications and criminal records. The reliability of information gathered during the employment reference verification is empirical to ensure TNPA employs competent and trustworthy candidates. The study intends to explore factors influencing the reliability of employment reference checking at TNPA in Durban. Recruiters at TNPA are of the opinion that the information obtained from employment reference checking might be unreliable. Therefore, this study will endeavour to explore and comprehend the extent of the hypothesis. Factors such as knowledge, skill, behaviour, the Protection of Personal Information Act (POPI) and Chapter 2 Section 14 (d) - Bill of Right underpin this study. The author's own compilation construct is used as a foundation for this study and supported by the theory of negligence hiring adopted from the work of (Stoll & Bushway, 2008)

This study will be of benefit to TNPA and other organisations that use employment reference verification, especially TNPA is striving to attract qualified and competent candidates who will contribute positively in order to deal with adverse economic challenges and cope in a global competitive environment. Reliable employment reference checking method is imperative for TNPA to select qualified and competent job applicants. The study will test the perception of whether there are factors influencing the reliability of employment reference checking or not.

The study adopted a qualitative research approach and used semi-structured interviews. The study proposed a sample of up to eight participants and the study site was TNPA in Durban.

The study found that factors such as the POPI Act; Ch. 2 S14 (d) - Bill of Right; using of third party to conduct reference checks; absence of reference checks questionnaire for each positions; conducting reference checks telephonically; refusal of referees to respond to reference checks request and acceptance of convenient referees other than previous immediate supervisors or managers, influence the reliability of employment reference checking. The extent of influence caused by these factors has a propensity to cause TNPA to employ applicants who do not meet job requirements and could have severe repercussions to the performance and productivity of TNPA. The study recommended a development of a vetting strategy for agencies conducting employment reference check for TNPA; to ensure agencies do what they are mandated to do in order to avoid making employment decisions based on unreliable information to avoid negligent hiring and the training of all recruitment officials to ensure a full understanding of all legislations influencing the recruitment process.

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List of Abbreviations

Ch. 2 S14 (d) Bill of Right:	Chapter 2 Section 14 (d) – Bill of Right
CV:	Curriculum Vitae
HMO:	Health Management Organization
HR:	Human Resources
MDS:	Market Demand Strategy
POPI ACT:	Protection of Personal Information Act
TNPA:	Transnet National Port Authority

Definition of Terms

Agent: a person who acts on behalf of another person, group, business government.

Behaviour: An employee's reaction to a particular situation at workplace.

Knowledge: Awareness or familiarity gained by experience of fact or situation.

Reference Checking: The act of contacting previous employers of a job applicant to determine his or her job history.

Reliability: The trustworthiness to do what the system is expected or designed to do.

Skill: The knowledge or ability to do something well.

Third Party: a separate individual or organisation other than the two principals involve

CHAPTER ONE

1.1 Introduction

Transnet National Port Authority (TNPA) is concerned with the reliability of employment reference checking, because of the factors that seem to influence the reference checking process. These factors are knowledge, skill & behaviour; the Protection of Personal Information Act (POPI) and Chapter 2 Section 14 (d) - Bill of Right (Ch. 2 S14 (d) –Bill of Right). Job-seekers conceal and misrepresent important information which leads to the employment of unsuitable candidates. Bernardin (2002) Affirms that reference checking is a good practice, considering research indicates that between 20 and 25 percent of job applicants include at least one major fabrication.

This study is informed by the need to establish whether or not and to what extent these factors influence the reliability of employment reference checking at TNPA. The population in which the sample was chosen for this study was Recruitment/Human Resources Practitioners and the Employment Agencies for TNPA. Findings will help to determine what types of interventions can be adopted to improve the employment reference checking process, contribute in the formulation of the recruitment strategy and also contribute to the body of knowledge for future studies relating to employment reference checking.

The researcher is of the view that it was imperative to conduct this study, as reliable reference verification method is critical during the recruitment and selection process; if the process of employee reference checking is not reliable it can have a direct impact in the quality of employees TNPA employs and can have negative impact on the organisation's performance. This study intends to evaluate whether or not these factors have a direct or indirect influence on the reliability of employment reference checking at TNPA.

1.2 Background

The unsatisfactory quality of information that recruiters obtain during the reference checking process to verify the factuality of information (knowledge, skill and behaviour) obtained from the candidates' Curriculum Vitae (CV) and interviews, raises concerns about the reliability of employment reference checking. Recruiters allege that jobseekers conceal and misrepresent important information which leads to the employment of unsuitable candidates. Kleiman (2003) states that background verification is sought to guard oneself against possible falsification by

applicants, given acute skill shortages and competitive poaching strategies of employers, it is possible for some of them to give a clean sheet to those whom they wish to get rid of and be unfair to those whom they are not prepared to lose.

These concerns are compounded by factors such as the Protection of Personal Information Act (POPI) and Ch. 2 S14 (d) – Bill of Rights, which give candidates some degree of protection. These factors seem to have an impact in the quality of data collected by recruiters for the purpose of verifying the suitability of job applicants.

If this study is conducted it will assist TNPA to determine what types of interventions can be put in place to improve the quality of employment reference checking process, serve as a guide in the formulation of the recruitment strategy and contribute in the body of knowledge for future studies relating to employment reference checking. However, if this study is not conducted, TNPA will be unable to ascertain what interventions needed to be devised to improve the reliability of employment reference checking. It is likely that TNPA might be exposed to recruiting unsuitable candidates and subsequently affect organisational performance.

1.3 Research Problem

This study is motivated by the need to research the reliability of employment reference checking at TNPA in Durban. Some job applicants conceal and misrepresent important information, which lead to the employment of unsuitable candidates. Recruiters cite knowledge, skill, behaviour, POPI and Ch. 2 S14 (d) – Bill of Rights as major factors influencing the reliability of employment reference checking. Some TNPA Recruiters reported that some employees pass the recruitment process including reference checking but unable to show competence in terms of knowledge, skill and behaviour required for the job, which lead to poor performance and failure to meet organisational objectives.

If this study is not conducted, TNPA will be unable to ascertain interventions needed to be implemented to improve the reliability of employment reference. TNPA might be exposed to recruiting unsuitable candidates who could have direct negative impact on the performance and efficiency of the organisation. Whereas if this study is conducted, findings will be used to craft interventions that will help to address the reliability of employment reference checking method, inform the recruitment strategy and serve as reference for future studies. The need to conduct this study arise at TNPA, however, there might be a possibility that other organisations have similar problems.

1.4 Aim of the Study

The aim of the study is to determine factors influencing the reliability of employment reference checking and the extent to which these factors influence the reliability of employment reference checking at TNPA. The study further aims to make recommendation in terms of what strategies TNPA can implement in order to improve the reliability of employment reference checking.

1.5 Research Objectives

The three research objectives are set out below:

- To determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA in Durban
- To establish the extent to which Ch. 2 S14 (d) –Bill of Right influences the reliability of employment referencing checking at TNPA in Durban
- To ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA in Durban.

1.6 Research Questions

The following three research questions have been constructed to address the research objectives:

- To which extent does the Protection of Personal Information Act (POPI) influences the reliability of reference checking at TNPA in Durban?
- To which extent does Ch. 2 S14 (d) - Bill of Right influences the reliability of reference checking at TNPA in Durban?
- What strategies that can be implemented to improve the reliability of reference checking at TNPA in Durban?

1.7 Significance of the Study

This study will endeavour to determine the extent of the reliability of information gathered from employment reference checking. This is empirical for TNPA as the result of the study will assist in the review & formulation of the employment reference check strategy that is reliable to recruit competent and trustworthy candidate. Recruitment of competent and trustworthy employees could have a positive spin off on the overall performance of TNPA.

1.8 Research Methodology

The study site is TNPA and the researcher selected recruitment practitioners and agencies as a target population for the study. The sample size is a maximum of eight participants. It is for this

reason the researcher chose a qualitative research approach and case study research design for this study. The purposive, non-probability sampling method and a semi-structured interview were used as a data collection method. Thematic analysis was also used in the study.

1.9 Delimitations of the Study

To control the study, the researcher sets some boundaries in order to have a clear scope and avoid confusion. Firstly, the researcher had an option of extending the study to the entire TNPA, but the researcher decided to limit the study at TNPA Durban where concerns were raised regarding the reliability of employment reference checking. Secondly, since TNPA is in three Provinces it would have been costly to conduct face to face interviews with participants and hence the scope was limited to Durban. Lastly, only recruitment practitioners and agencies were selected to participate in the study to provide relevant data.

1.10 Limitations of the Study

- The study was limited to TNPA in Durban only
- Out of eight participants selected for the study one participant pulled out due to family emergency
- Line managers and job applicants were excluded in this study and some relevant information might have been missed; which could have limited the findings for the study.

1.11 Justification/Rationale

If this study is not conducted and there are factors influencing the reliability of information obtained from employment reference checking, TNPA recruitment decisions might continue to be based on unreliable information. This could have a negative impact, such as employing unqualified & inexperienced candidates, and candidates with criminal records which can be viewed as negligent hiring and inability to meet the Market Demand Strategy (MDS).

1.12 Proposed Structure of Chapters

This dissertation is structured in six chapters. Each chapter comprises an introduction and conclusion. These chapters are set out as follows:

1.12.1 Chapter One

This chapter outlines the introduction into the study and present background to the study, research problem, aim of the study, research objectives; research question; significance of the study,

research methodology; delimitations of the study; limitations of the study; justification/rationale; proposed structure of chapters, hypothesis and ethical consideration. The goal of this chapter is to give a reader an understanding of what the study is all about.

1.12.2 Chapter Two

This chapter presents and discusses literature relevant to the factors influencing the reliability of employment reference checking. The construct and theory of negligent hiring which underpin the study guide a detailed discussion on literature review. It expand on element such as reference checks; importance of reference checks; knowledge; skills; behaviour; the POPI Act and CH. 2 S14 – Bill of Right. It also presents the theoretical framework.

1.12.3 Chapter Three

This chapter presents a research methodology used in the study. The study explains the research design; research approach; study site; target population; sampling; research strategy; sample size; sampling method; data collection method; data quality control and measurements.

1.12.4 Chapter Four

This chapter presents data collected from participants as proposed in the study. Presentation of data in this chapter sets a foundation for chapter five and six.

1.12.5 Chapter Five

This chapter presents the analysis and discussion of results. This chapter indicates whether the study has met the objectives and the question is answered.

1.12.6 Chapter Six

This chapter presents the summary; recommendations and suggestions for future research.

1.13 Hypothesis

If factors such as knowledge, skills, behaviours, the Protection of Personal Information Act (POPI) and Ch. 2 S14 (d) –Bill of Right influence the reliability of reference checking, it means the decision to employ external job applicants are based on unreliable information.

1.14 Ethical Consideration

Saunders, Lewis, Thornhill, & Wang (2009, p. 193) clarify that an informed consent can only be given by participants provided they have a holistic understanding of the nature of the study and full understanding of their requested contribution in the research project.

- The researcher must ensure that a written permission from the selected organisation/company from which data will be collected is obtained. Taylor, Sinha, & Ghoshal (2011, p. 79) state that participants need assurance that the researcher will treat their information in confidence
- It is therefore important that the covering letter outlines the way that you will preserve confidentiality
- The researcher needs to ensure participants that no harm will be caused as a result of participating in the research project (Saunders et al., 2009, p. 194).

1.15 Conclusion

Chapter one presented the introduction, background to the study, research problem, aim of the study, research objectives, research question, significance of the study, research methodology, delimitations of the study, limitations of the study, proposed structure of chapters and hypothesis. The next chapter will present and discuss literature review informed by the aim and objectives of the study.

CHAPTER TWO

Literature Review

2.1 Introduction

Most companies always seek ways to enhance organisational performance effectiveness. Human Resources (HR) Department is expected to support this goal and is expected to have a sound recruitment and selection strategy. Employment reference checks/verification is an important pillar in the strategy. Every strategy is expected to be reliable in order to achieve a desired objective. Kleiman (2003, pp. 162-163) explains that “these investigations have traditionally been used for two purposes: (1) to screen applicants for positions in such occupations as law enforcement, private security, and nuclear power and (2) to screen candidates for “special duty of care” positions in order to satisfy the requirements imposed by negligent hiring law. The information gleaned from background investigations may yield important insights into the character or trustworthiness of an applicant”.

This chapter will review literature relevant to answer the research questions and an overview of reference checking will be presented with the purpose of investigating factors influencing its reliability. Comparisons of previous studies to determine similarities and gaps will be undertaken. A specific focus in this section will premise on the credibility of information collected to determine compatibility of applicants to the jobs and potential effects on the capabilities of new recruits in terms of knowledge, skill and behaviour, POPI and Ch. 2 S14 (d) –Bill of Right.

2.1.1 Employment Reference Checks

In this subsection, the review of why organisations conduct reference checking or verification will be discussed to provide further context to the study. It will entail a discussion on the purpose of background checking in terms of verifying capabilities and possible effects it may have on employees’ prospects of finding a job and whether it meet the desired outcomes of the reference process.

Kleiman (2003, p.163) states that “companies sometimes hire investigative agencies to conduct background investigations. Such agencies gather information through interviews and written or verbal communication with past employers, neighbours, relatives, and references. Additional information is gathered from law enforcement and agencies and credit bureaus. Firstly, it should be noted that if you want verbal communication to be reliable the referee should make a written

record of all released information. Secondly, reference information given by neighbours and relatives may not be relevant for employment verification as it may be prone to subjectivity”.

The high rate of unemployment increase competition for the scarce available employment. Applicants try every plan to stand a better chance of success, some even resorting to fraudulent practices. So, reference checks become very important during recruitment and selection process as a method of detecting these fraudulent activities. Kleiman (2003, p. 163) explains that reference checks serve two purposes. One is to verify information provided by applicants to ensure that they have not fabricated their qualifications and past work histories. Reference checks provide additional information about applicant, which may be predictive of job performance. For instance, an employer may ask references to discuss an applicant’s previous job behaviours in order to better assess their technical competence, honest, reliability, conscientiousness, and ability to get along with others. Using past job behaviour to predict future job behaviour is an effective selection strategy. Reference checking serves this strategy by obtaining such information from parties who had witnessed the applicant’s past behaviour first-hand.

According Kleiman (2003, p. 163) topics typically addressed during a reference check, include the follows:

- Dates of employment
- Job titles held
- Rate of pay
- Attendance
- Performance evaluations
- Disciplinary problems
- Character traits
- Ability to get along with others
- Strengths and weaknesses
- Overall opinion of candidate
- Person’s reason for leaving
- Willingness to rehire that person

The importance of ensuring the reliability of reference checking calls for a systematic process. It is for this reason why reference check has to be formalised in order to meet an intended objective. Below, set out guidelines one should follow to ensure that information provided is accurate and reliable.

Kleiman (2003, p. 163) goes on to provide guidelines for giving reference information, he says:

- Become familiar with applicable laws pertaining to defamation within your state
- Appoint a “reference czar” to handle all requests for information
- Use a “call-back” procedure to verify the legitimacy of the caller’s credentials. Is he or she an interested party with a need to know?
- Provide only the information requested
- Be truthful
- Report only fully documented and provable facts
- Avoid subjective statements
- When giving negative information, specify the reason or specific incidents that led you to that conclusion
- Avoid giving your overall opinion or stating whether you rehire the candidate
- Make a written record of all released information.

According to Bernardin (2002, p. 116) “the goal is to gain insight about the potential candidate from the people who have had previous experience with him or her. An important role of the background check is to simply verify the information provided by the applicant regarding previous employment and experience”. Bernardin (2002, p. 116) further states that “fear of negligent hiring lawsuits is a related reason employers do reference. One HMO was sued for \$10 million when a patient under the care of a psychologist was committed to a psychiatric ward and it was later revealed that the psychologist was unlicensed and lied about his previous experience”.

“Applicants for jobs are required to provide references from former employers or other knowledge sources (such as a college instructors or advisors) who know the applicants’ skills, abilities, and other personal characteristics” (George, 2011, p. 380). Job applicants often hand over their references without much thought about what happens behind the scenes. But references can be a make-or-break element of job searching, and it’s crucial to understand how they work (Green, Camilli, & Elmore, 2012, p. 1).

The review of whether a reference check is reliable or not is presented and a comparative investigation of the extent of reference checks reliability and unreliability are analysed. Slezak (2016, p. 6) “warns that you wouldn’t believe how many so called professional candidates out there will provide fake referees. When someone is desperate to get a new job, they’ll resort to anything”. This is one of a typical challenge encountered during reference process.

Kleiman (2003) states that “background verification is sought to guard oneself against possible falsification by applicants, but given acute skill shortages and competitive pirating strategies of employers it is possible for some of them to give a clean sheet to those whom they wish to get rid of and be unfair to those whom they are not prepared to lose”.

Green et al. (2012) advise that if you think the reference your boss is providing is factually inaccurate, bypass her and contact the previous company’s HR department. HR people are trained in this area, will be familiar with the potential for legal problems, and will probably speak to your old employer and put a stop to it. This extract depicts the likelihood of unreliable information. This statement raises a number of quality issues regarding information obtained from references, which no writer has specifically written about it.

The literature review discussed above point out various gaps and complication of information obtained during employment reference checking. Data collected from participants concur with the literature presented above; in that employment reference checking is a critical component of recruitment and selection process, however, there are loopholes that some unscrupulous job seekers exploit. Hence, Kleiman (2003, p. 164) goes on to put together a list of guidelines to be followed during employment reference checking, such as:

- Become familiar with applicable laws pertaining to defamation within your state
- Appoint a “reference czar” to handle all requests for information
- Use a “call-back” procedure to verify the legitimacy of the caller’s credentials. Is he or she an interested party with a need to know?
- Provide only the information requested
- Be truthful
- Report only fully documented and provable facts
- Avoid subjective statements
- When giving negative information, specify the reason or specific incidents that led you to that conclusion
- Avoid giving your overall opinion or stating whether you rehire the candidate
- Make a written record of all released information.

These guidelines indicate that it is imperative that recruiters understand the vetting process and the amount of risk the organisation can be exposed to if there are no sufficient and effective measures in place to meet legislative requirements and detect unscrupulous job applicants.

2.1.2 The Importance of Checking Reference

Traditionally references were provided in written form, but most employers have turned to phone enquiries as a more efficient means of obtaining information. In a written reference, the reader is provided with only what the author thinks is important. Thus, the reader is unable to draw certain conclusions for lack of information. In calling references, the evaluator has the opportunity to ask questions more directly related to job requirements and specific performances. Remember that reference checks take time. Unfortunately, many applicants are hired in a rush to fill an immediate vacancy. This results in overlooking some critical elements. There is a growing proliferation of resume credential fraud in the job market. Consequently, employers must be thorough in investigating potential employees (Wendover, 2007, p.154).

Figure 2.1 indicates the recruitment process. The cycle shows where employment reference checking fits in the recruitment process.

Figure 2.1: Recruitment Life Cycle



Source: Busavalla (2015)

2.1.3 Knowledge, Skill and Behaviour of the Applicant

In this subsection, a correlation between reference checks as a verification tool and capabilities (knowledge, skill and behaviour) will be given special attention. This is the crux of the study, verifying the quality of information provided by potential future employees in terms of job and culture fit.

Thite (2004, pp. 109-110) explains that “the terms skills and competencies are sometimes used interchangeable. Generally, skills are referred to as more in operational settings and competencies in knowledge based settings. It is argued that skills offer operational flexibility (breadth) whereas competencies offer strategic flexibility (depth). However, all job from the boardroom to the shop floor, require both breadth and depth of knowledge and therefore, overemphasising the distinction between skills and competencies is likely to result in preserving entrenched hierarchy and class system between blue-and white-collar jobs-the system we want to take a broader approach to the definition of competencies by including skills, knowledge and behaviour’ necessary for the successful performance of a task”.

“The purpose of background investigation is to gather additional information about the mental faculties, behaviour and physical health”(Ratnam & Srivastava, 1991, p. 87). There is a growing proliferation of resume and credential fraud in the job market (Wendover, 2007, p.170). If one of two reference checks is glowing and the other mediocre or even negative, you should try to conduct a third check just to ensure you iron out any disparity (Slezak, 2016, p. 6). According to Bernardin (2002, p. 116) “one problem is that they are almost always very positive with letters of reference”.

Wendover (2002, p. 170) states that “in few situations employers have been held liable for the action of an employee who was placed in the position of trust and did harm to other employees, customers, or the public; these so-called negligent hiring lawsuits were successful, at least in part, because the plaintiff demonstrated that the offender’s employer had not been diligent in checking the employee’s background and references prior hiring”.

Authors mentioned in the above literature review reveal that there are indeed problems associated with employment reference checking in general, this strengthens the concerns raised by recruiters regarding the reliability of referencing. Wendover (2002) indicates that some employers were held liable for negligent hiring. This study will help to provide more clarity on the issue of employment reference checking.

2.1.4 The POPI Act

Yet the fact that many former employers are reluctant to provide negative information in reference sometimes makes it difficult to interpret what a reference is really saying about an applicant. In fact, several recent lawsuits filed by applicants who felt that they were unfairly denigrated or had their privacy invaded by unfavourable reference from former employers have caused managers to be increasingly wary of providing any negative information in a reference, even if it is accurate (George, 2011, p. 380).

The above acts imply that certain precautions need to be placed when dealing with personal information; numerous writers have noted the fear of litigation by some companies to give reference checks. Wendover (2002, p. 170) says that “unfortunately employers have become increasingly resistant to providing reference on former personnel for the fear of litigation. Some companies have gone so far as to provide only the name, position held, and work dates of previous employees regardless of their performance on the job”.

It is apparent from the review above that there are grey areas in terms of how reference checking should be handled without infringing the POPI Act (2013) and on the other hand ensuring the reliability of reference checking.

The purpose of the act set out below gives a positive intention of how the POPI Act is supposed to protect the abuse of personal information. However, the actual application of the act seems to be tedious and complicated.

To gain a clear understanding of the POPI Act, it is important to reflect on its purpose. Below is the purpose of the POPI Act

2.1.4.1 Purpose

The purpose of the POPI Act is the following:

- To give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party

- To regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards that prescribe the minimum threshold requirements for the lawful processing of personal information
- To provide persons with rights and remedies to protect their personal information from processing that is not in accordance with the Act; and
- To establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by the Act.

2.1.4.2 What is meant by Personal Information?

Personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, and may include the following:

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person
- Information relating to the education or the medical, financial, criminal or employment history of the person
- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person
- The biometric information of the person.

2.1.4.3 Eight (8) Conditions of the POPI ACT

As POPI will not only impact your business from a legal perspective, but also from a business process perspective, we have identified a step by step solution that will not only assist with legal compliance, but will also aid your business in adjusting its current business policies and processes (POPI 360 solution). The following conditions are complicated to comply with and as a result restrict organisation to share information such as information required for reference checks. This is likely to influence the reliability of reference verifications.

(i) Accountability:

Ensure that all the principles contained in POPI and all the measures that give effect to these principles are complied with.

- Who will be tasked with the responsibility of compliance in your organisation? This individual will be held liable for non-compliance in certain situations
- How will this individual ensure the organisation is POPI compliant?

(ii) Processing Limitation:

Personal information may only be processed in a fair and lawful manner and only with the consent of the data subject.

- From whom may you collect a data subject's personal information?
- When may you process personal information?

(iii) Purpose Specification:

Personal information may only be processed for specific, explicitly defined and legitimate reasons.

- Are you familiar with the various laws that allow for the collection of personal information?
- Can you link all personal information collected to legitimate reasons for collecting?
- For what time period may you retain personal information?
- How must personal information be destroyed?

(iv) Further Processing Limitation:

Personal information may not be processed for a secondary purpose unless that processing is compatible with the original purpose.

- Does your business process personal information again after it have been collected?
- Is the secondary processing aligned with the original intent and how do you ensure that it is?

(v) Information Quality:

How do you ensure accuracy of personal information?

- How do you ensure that personal information is reliable and accurate at all times?
- What processes do you have in place to allow data subjects, such as customers and employees, to update their personal information?

(vi) Openness:

The data subject whose information you are collecting must be aware that you are collecting such personal information.

- What evidence do you have that your customers and/or employees consented to the collection of their personal information?
- How do you inform your customers of their right to lodge a complaint with the Information Regulator?

(vii) Security Safeguards:

Personal information must be kept secure against the risk of loss, unauthorised access, interference, modification, destruction and disclosure.

- How do you determine which employees are permitted access to what personal information?
- How would you be alerted when personal information is accessed or modified without authorisation?

(viii) Data Subject Participation:

Data subjects may request whether their personal information is held, as well as the correction and/or deletion of any personal information held about them

- What processes do you have in place to ensure such a request from a customer and/or employee is adhered to?
- Does your current system allow for customer and/or employee information to be deleted?

2.1.5 Ch. 2 S14 (d) –Bill of Right

Ch. 2 S14 (d) –Bill of Right state that everyone has the right to privacy, which includes the right not to have – (d) the privacy of their communications infringed. The purpose of this Act is to give effect to constitutional right to privacy, by safeguarding personal information when processed by the responsible party, subject to justifiable limitations.

By reading the purpose of this act one can see that the act affect the collection and dissemination of information and companies new to pay a particular attention in order to comply.

2.1.5.1 Rights

- This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
- The state must respect, protect, promote and fulfil the rights in the Bill of Rights.
- The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

2.1.5.2 Application

- The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.
- A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.
- When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court \hat{A} -
 - a) in order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and
 - b) May develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36(1).
- A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person.

2.1.5.3 Privacy

Section 14 - everyone has the right to privacy, which includes the right not to have \hat{A} -

- a) Their person or home searched;
- b) Their property searched;
- c) Their possessions seized; or
- d) The privacy of their communications infringed.

2.1.6 Theoretical or Conceptual Framework

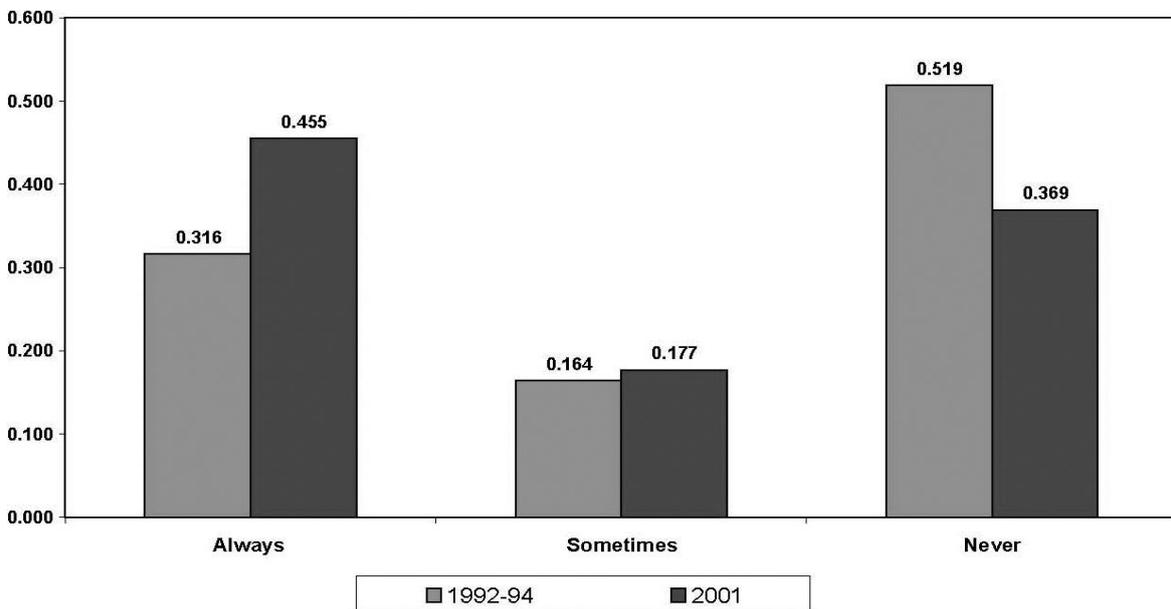
The theory of negligence hiring was adopted as the theoretical framework underpinning this study. “Under the theory of negligent hiring, employers may be liable for the risk created by exposing the

public and their employees to potentially dangerous individuals” (Stoll & Bushway, 2008, p. 374). This theory of negligent hiring indicates the importance of the reliability of employment reference checking to ensure TNPA hires competent and trustworthy candidates.

The theory of negligent hiring is supported by Kleiman (2003, p. 158) who explains that negligent hiring refers to situation in which employers hire an applicant who is somehow unfit for the and, because of this unfitness, commits an act that causes harm to another. And individual would be considered unfit in a negligent hiring case if he or she lacked the necessary training and experience, had physical or mental infirmity, was frequently intoxicated, experience constant forgetfulness, liked to engage in horseplay, or was reckless and malicious.

An employer can be found guilty of negligent hiring if it had failed to conduct a necessary background investigation of the applicant, when such investigation would have uncovered the problem that led to harmful act. For example, Avis was found guilty of negligent hiring when a co-worker raped a female employee; the co-worker had a conviction record involving violent acts, BU Avis made no attempt to uncover this information. The female employee was awarded \$750,000. The employer’s obligation is inquire into someone’s fitness varies, depending on the nature of the job in question. The obligation is heaviest for jobs classified as “special duty of care,”

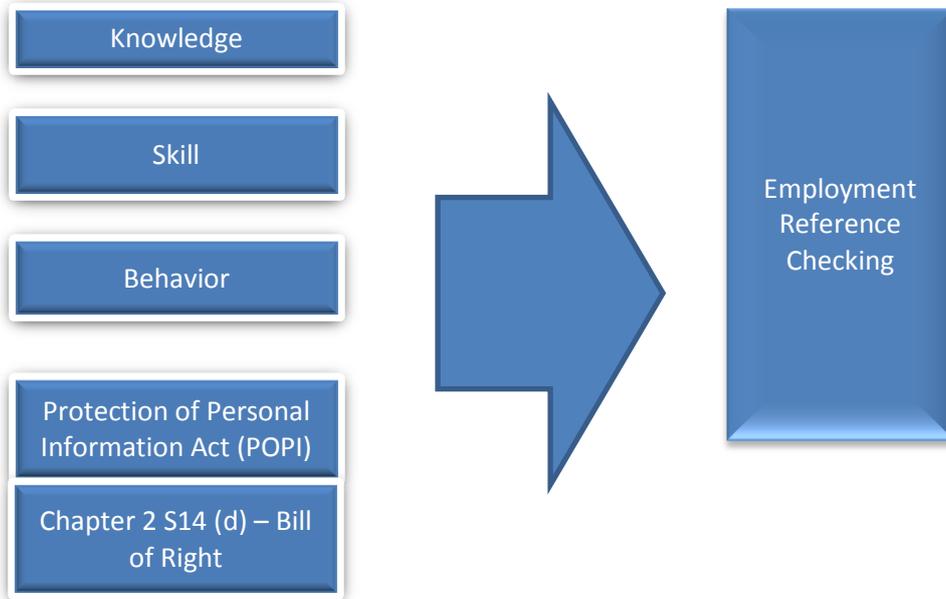
Figure 2.2: Proportion of Firms that Checks Background, 1992-1994 and 2001



Source: 1992–1994 data from Hozer et al. (2007a).

TNPA uses employment reference checks to confirm the authenticity of information provided by applicants in their CV and the interview. This research used five factors such as knowledge; skill; behaviour; POPI and Ch. 2 S14 (d) –Bill of Right to investigate the reliability of reference checking currently used at TNPA.

Figure 2.3: Reference Checking Construct



Source: Author's own Compilation

2.1.7 Conclusion

The literature review above points out the following fundamental issues;

1. The protection of personal information informed by the Bill of Right Chapter 2 Section 14(d) and the POPI Act
2. The propensity of job seekers to fabricate their experience and criminal status
3. The risk of not conducting proper background checks of potential job applicants
4. The risk of mishandling personal information for job applicants.

Literature review together with data collected for the study will assist in meeting the following research objectives.

- To determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA in Durban
- To establish the extent to which Ch. 2 S14 (d) –Bill of Right influences the reliability of employment referencing checking at TNPA in Durban
- To ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA in Durban.

The next chapter three presents a research methodology that was used to collect data for this study.

CHAPTER THREE

Research Methodology

3.1 Introduction

This chapter will outline the research method adopted in this study. According to Creswell (2013, p.31) the research approach are plans and the procedures for research that span the steps from broad assumptions to detailed methods of data collection, analysis, and interpretation. The overall decision involves which approach should be used to study a topic. Informing this decision should be the philosophical assumptions the researcher brings to the study; procedures of inquiry (called research designs); and specific research methods of data collection, analysis, and interpretation. The selection of a research approach is also based on the nature of the research problem or issue being addressed and the researchers 'personal experiences.

3.2 Research Design

To fulfil the objectives of this research, a case study method was selected. This method is suitable for this study as it allows for an in-depth investigation of a problem in one or more real life settings. It provides a wide range of interaction between participants and the researcher increasing the probability of collected sufficient data. Bhattacharjee (2012, p.113) states that a comprehensive plan for data collection in an empirical research project is a research design; it is a "blueprint" for empirical research aimed at testing specific hypothesis or, answering specific research and must specify at least three processes; the sampling process, the instrument development process, and the data collection process. The following table illustrates alternative research designs methods a researcher can choose from depending on a type of research approach.

Table 3.1: Alternative Research Designs

Quantitative	Qualitative	Mixed Methods
<ul style="list-style-type: none">• Experimental designs• Nonexperimental designs, such as surveys	<ul style="list-style-type: none">• Narrative research• Phenomenology• Grounded theory• Ethnographies• Case study	<ul style="list-style-type: none">• Convergent• Explanatory sequential• Exploratory sequential• Transformative, embedded, or multiphase

Source: Creswell (2014, p. 41)

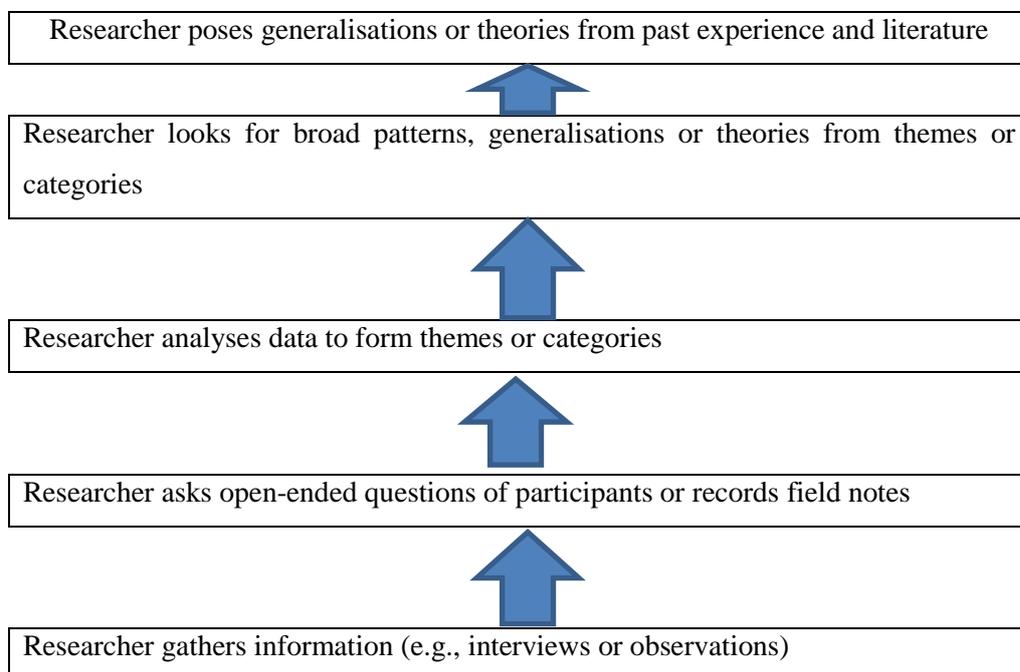
TNPA was selected as a case study in line with the proposed research topic. The hypothesis for the study seeks to investigate factors influencing the reliability of reference checking at TNPA. Data can be collected using a combination of interviews, personal observations, and internal or external documents (Bhattacharjee, 2012, p. 113). In this study, semi-structured interviews will be used to collect data.

3.3 Research Approach

The researcher's aim was to study factors influencing the reliability of employment reference checking at TNPA in Durban. The qualitative research approach was selected as the most suitable method for the study. Creswell (2013, p. 32) explains that qualitative research is an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem. The process of research involves:

- Emerging questions and procedures
- Data typically collected in the participant's setting
- Data analysis inductively building from particulars to general themes
- The researcher making interpretations of the meaning of the data.

Figure 3.1: The Inductive Logic of Research in a Qualitative Study



Source: Creswell (2014, p. 99)

This study was conducted using a qualitative research methodology. Qualitative research is concerned with developing explanations of social phenomena (Hancock, Ockleford, & Windridge, 1998, p. 41). According to Saunders et al. (2009, p. 546) in qualitative research, meanings are principally derived from words not numbers, it is necessary to explore and clarify these with great care, since words may have multiple meaning as well as unclear meaning. To take heed of what Saunders says above, data collection method selected for this study wanted to explore and clarify research questions as set out in this study. The main characteristics of qualitative research is that by using this up-close method the researcher gets to gather information by actually having direct conversation with people and observe how they act and behave inside their working place (Creswell, 2013, p. 32).

This study was conducted at TNPA in Durban. The sample of participants was selected from Recruitment Practitioners, Human Resources Practitioners, and Employment Agencies to participate in the study. To ensure validity, the researcher selected participants who are involved in employment reference checking to ensure the study instrument measure what it purport to measure. This study will address the question of reliability and attempt to guide the study to produce the same outcome on different scenarios.

3.4 Study Site

The study was conducted at TNPA. Units from Recruitment Practitioners, Human Resources Practitioners, and Employment Agent for TNPA were selected to participate in the study to represent the sample. The reason for choosing TNPA as a study site was because the problem for the study existed at TNPA.

3.5 Target Population

The target population for the study are Recruitment Practitioners, Human Resources Practitioners and the Employment Agents for TNPA. Hungler & Polit (1999) distinguish between the target population and the accessible population. The target population includes all cases about which the researcher would like to make generalisations. The population accessible are reachable to the researcher as a pool of subjects for a study and comprises all the cases that conform to the designated criteria.

The target population was chosen because there are participate in the recruitment and selection process at TNPA. The selected target population have relevant data required for the study, since employment reference checking forms part of the recruitment and selection process.

3.6 Sampling Strategies

A sample is smaller but hopefully a representative collection of units from a population (Saunders, 2012). Since this is a qualitative study, to achieve the study objectives a non-probability sampling method will be utilised. In non-probability samples, units are intentionally nominated to reflect specific types of or groups within the experimented population. This method allows a researcher to decide on what types of units should participate or represent the sample, because the aim is not to simplify the result of the study to the population from which the sample is chosen.

3.7 Sample Size

Eight units were purposefully selected to represent the sample. The researcher aimed for a sample size of maximum eight and minimum five participants. This sample size is informed by the belief that all selected participants are well experienced in recruitment and selection process, they are expected to provide quality data for the purpose of this study. Sample size is a subset of the entire population from which data is collected for a research study (Punch, 2003, p. 37). Basically, this is where size really matter. The sample size represents the population randomly selected, regardless of the size of the population it is drawn from (Bryman & Bell, 2011, p. 202).

The following participants were deliberately selected based on their experience in recruitment and selection. The researcher believes that a sample size of between five and eight is sufficient for this study as seven participants provided the researcher to with adequate quality and sufficient information.

Table 3.2: Participants Size

PARTICIPANT	SAMPLE ORIGIN	DATE OF INTERVIEW
Participant 1	TNPA	13-Oct-2017
Participant 2	TNPA	13-Oct-2017
Participant 3	TNPA	18-Oct-2017
Participant 4	TNPA	18-Oct-2017
Participant 5	RECRUITMENT AGENT	24-Oct-2017
Participant 6	TNPA	25-Oct-2017
Participant 7	TNPA	26-Oct-2017
Participant 8	TNPA	Pulled Out – family emergency

Source: Author's Own Compilation

3.8 Sampling Method

The purposive, non-probability sampling method was used in the study. Participants are deliberately selected as the researcher believes there are likely to give relevant data required for the study. The sample covered the specific group the researcher is interested in and with credible information. The criterion used to select participants was that the participants must have at least a minimum of three years' experience involved in the recruitment and selection.

The following sample size represents the criterion. It is only feasible sampling method for attaining the type of data that is needed from particular pockets of people who hold the required proofs and can give the information required (Sekaran & Bougie, 2003, p. 50).

3.9 Data Collection Method

Data collection is the method in which data is collected from units nominated to contribute in the research. A semi-structured interview was used to collect and compile data to fulfil the objectives of this research. "Primary or secondary information" can be collected from various sources. "Primary data" refers to information obtained first hand by the researcher on the variables of interest for the specific purpose of the study. Secondary data refer to information gathered from existing sources (Sekaran & Bougie, 2003, p. 50).

Rich and more detailed information can be compiled by using semi-structured interview and provides quality context of the study (Rule & John, 2011, p. 35). Myers and Newman (2007, p. 297) state that "empirical qualitative information is collected using face to face interviews because it is flexible, in-depth interviews give good understanding for identifying, exploring as well as understanding attitudes and point of views". They afford better control over the interview situations, sequence of questions can be an example. Opportunities for creating explanations and gathering complementary information are provided (Walsham, 1995, p. 74). Eight semi-structured in-depth interviews with purposefully selected sample will be conducted at TNPA.

Table 3.3 below is an indication of how the data collection techniques used was beneficial in collecting primary data to help achieve the research objectives.

Table 3.3: Linking Objectives and Data Collection Techniques for Primary Data

RESEARCH OBJECTIVES	DATA COLLECTION TECHNIQUE ADDRESSING THE OBJECTIVE
To determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA in Durban	This objective will be addressed by using a qualitative investigation which consists of in-depth semi-structured interviews
To establish the extent to which Ch. 2 S14 (d) – Bill of Right influences the reliability of employment referencing checking at TNPA in Durban	This objective will be addressed by using a qualitative investigation which consists of in-depth semi-structured interviews
To ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA in Durban.	This objective will be addressed by using a qualitative investigation which consists of in-depth semi-structured interviews

Source: Authors’ Own Compilation

3.10 Data Quality Control

Data quality control is imperative when scientific research is undertaken. It guides the researcher in ensuring that all data collection instruments used measure what they are supposed to measure consistently throughout the study. In this study, the following data control quality control will be implemented:

a) Dependability

Dependability of the data refers to stability of findings over time (Cohen, Manion, & Morrison, 2013, p. 57). Due to different views and interpretations, researchers are required to support their findings and acknowledge sources of different authors. It is for this reason researchers are required to account for the changing context where the study is conducted. The organisational setting changes are inevitable; that is why any change that might have affected the way in which the research was tackled need to be highlighted. Audit trail will be used to record all information used in this particular study, considering that in-depth interviews will be used to collect data, which requires recordings, notes taking and data analysis.

b) Credibility

The credibility of the research is very important in that sources need to be verifiable and/or auditable. Credibility discourages the researchers not to fabricate the study. Readers can have a sense of belief that the researcher invested some effort in studying the phenomenon. It provides readers with an opportunity to ascertain whether findings of the research are a true reflection of data presented and original views of the researcher.

c) Transferability

Transferability refers to the degree to which the study outcomes can be generalised to other sceneries. This study was conducted at TNPA and findings cannot be generalised to other settings, however other researchers can use the results for this study as point of reference.

d) Confirmability

According to Anney (2014, p. 63) confirmability refers to the degree to which the results of the research could be confirmed or corroborated by others. It is provided that this can be established through audit trail as well; therefore the researcher affirms that this study can be confirmed.

e) Measurements

The researcher used interview schedules and checklist to track the progress and success of the study. Interview schedule assist the researcher to complete the study within a specified timeframe outlined in the research timetable. While the checklist indicates the participants participated in the study as allocated in interview timetable.

f) Reliability

Reliability of a research instrument helps to ensure consistency or repeatability of the measurement of a phenomenon. The following three major components of reliability are critical in data quality control:

- **Parallel forms of reliability** are a measure of equivalence and it involves administering two different forms of measurements to the same group of participants and obtaining a positive correlation between the two forms.
- **Test-retest reliability** essentially involves administering the same research instrument at two different points in time to the same research subjects and obtaining a correlation between the two sets of responses.
- **Inter-rater reliability** is a measure of homogeneity. With inter-rater reliability one measures the amount of agreement between two people who rate a behaviour, object or phenomenon.

g) Validity

Validity helps to check whether the researcher is actually measuring what is supposed to be measured. Below, are the four types of validity can be used depending on the research instrument the researcher has chosen.

- **Face validity** requires the research instrument to be relevant to participants in the study. Face validity can be established by asking friends, colleagues and individuals from the target population to comment on the relevance, balance and adequacy of the research instrument in relation to the research objectives.
- **Content validity** is similar to face validity except that the researcher must seek the opinion of experts in the field on the adequacy of his/her research instrument.
- **Criterion validity** has two distinct forms of validity associated with it. Predictive validity refers to the capacity of a respondent's ratings and responses to items on the instrument to predict behaviour outside the immediate framework of the research instrument.
- **Concurrent validity** indicates whether the level of responses to items on the research instrument is parallel to other facets of the respondent's overall behaviour.

Table 3.4: Interview Timetable

PARTICIPANT	SAMPLE ORIGIN	DATE OF INTERVIEW	TIME		DONE
Participant 1	TNPA	13-Oct-2017	14:00	14:45	Yes
Participant 2	TNPA	17-Oct-2017	15:00	15:45	Yes
Participant 3	TNPA	18-Oct-2017	14:00	14:45	Yes
Participant 4	TNPA	18-Oct-2017	15:00	15:45	Yes
Participant 5	AGENT	24-Oct-2017	09:00	09:45	Yes
Participant 6	TNPA	25-Oct-2017	14:00	14:45	Yes
Participant 7	TNPA	26-Oct-2017	10:00	10:45	Yes
Participant 8	TNPA	Pulled Out – family emergency			No

Source: Author's Own Compilation

3.11 Data Analysis

Bhattacharjee (2012, p. 113) explains that qualitative analysis is the examination of qualitative data such as text data from interview transcripts, the emphasis in qualitative analysis is sense making” or understanding a phenomenon, rather than predicting or explaining. To analyse collected data, thematic data analysis method was used. Braun and Clarke (2006, p. 77) define thematic analysis as a method of identifying, analysing, interpreting and reporting significant patterns or themes within data where a theme captures something relevant about data which is related to the research question and represents some level of relationships or meanings within the data.

For the purpose of this study, the data was grouped together according to the following themes.

- The POPI Act
- Limits or enhances
- Advantages and disadvantages
- CH. 2 S14 (D) - Bill of Right
- Other factors
- Strategies

The researcher followed the following four key stages in a thematic analysis:

- **Read and annotate transcripts:**

This is the most basic stage. Here you do not provide an overview of the data, but make preliminary observations. This is particularly useful with the first few transcripts, where you are still trying to get a feel for the data.

- **Identify themes:**

The next step is to start looking in detail at the data to start identifying themes, summaries of ‘what is going on here’. In the margins of each transcript or set of notes, start to note what the interviewee is referring to. Try to make these as abstract as possible. This means not just summarising the text, but trying to think what the text is an example of.

- **Developing a coding scheme**

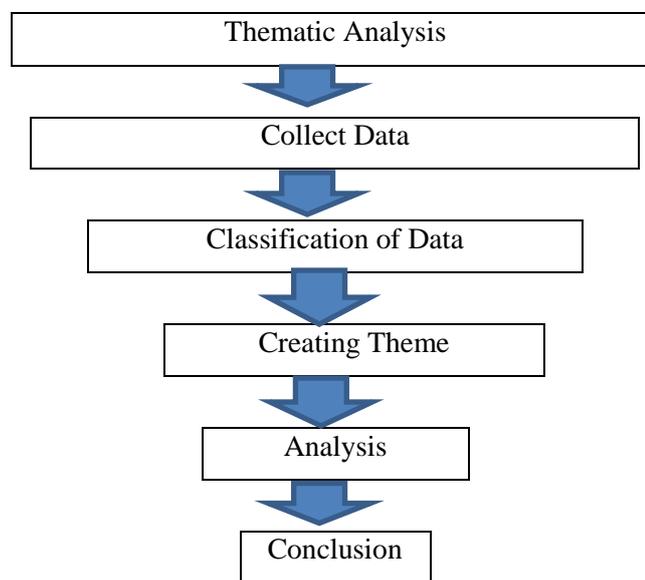
These initial themes can now be gathered together to begin to develop a coding scheme. This is a list of all the themes, and the ‘codes’ that we will apply to the data.

- **Coding the data**

The next step is to start applying these codes to the whole set of data, by either writing codes on the margins of transcripts or notes or (if using computer software) marking the text on line.

Thematic analysis method was used in this study. Recorded data was transcribed to derive meaning required for the study. Thematic analysis is a method for systematically identifying, organising, and offering insight into patterns of meaning (themes) across a data set. Through focusing on meaning across a data set, thematic analysis allows the researcher to make sense (Clarke, 2012, p.57). Table 3.5 illustrates a thematic data analysis process.

Table 3.5: Thematic Analysis Flow Chart



The researcher sent the consent form to all participants before the interview meeting. This was to allow the participants to have sufficient time to read and understand their right in order to be able to make an informed decision whether they want to participate in the study or not. Before the start of the interview, the researcher asked the participants if they wanted more information and requested them to sign the consent form. All participants showed interest to the study and requested access when it is completed.

3.12 Summary

This chapter highlighted a detailed research methodology adopted for the study. In line with the University of KwaZulu Natal ethical requirement, a gatekeeper’s letter and ethical clearance obtained from the research ethical committee. All participants were requested to sign a consent form in order to comply with ethical requirement.

CHAPTER FOUR

Data Presentation

4.1 Introduction

The purpose of this chapter is to present data collected from participants and it will be followed by chapter five which will present analysis and discussion of findings. The research methodology detailed in the previous chapter guided the collection of data in this study. Data presentation is critical since it serves as a yardstick of whether or not the research question had been answered. Presentation of data is categorised in themes emanating from the research objectives; research questions and interview guide.

This research looks into factors influencing the reliability of employment reference checking at TNPA in Durban. In relation to this study, the following three objectives were generated to fulfil the goal of the study:

- To determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA
- To establish the extent to which Ch. 2 S14 (d) –Bill of Right influences the reliability of employment referencing checking at TNPA.
- To ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA.

Data is presented in four main sections, with the first two main sections comprising of two subsections. The following table 4.1 is an illustration of themes and sub-themes established in order to fulfil the objectives of the study and answer the research questions.

Table 4.1 Themes and Sub-themes

No.	MAIN THEMES	No.	SUB-THEMES
1.	The POPI Act	1.1	Limits or enhances
		1.2	Advantages and disadvantages
2	CH. 2 S14 (D) - BILL OF RIGHT	2.1	Limits or enhances
		2.2	Advantages and disadvantages
3	Other Factors		
4	Strategies		

4.2 Main Theme 1: The POPI Act

Questions in this section and subsections premised around the POPI Act as a factor that influences the reliability of employment reference checking. So, in effect the collection of information for the purpose of employment reference checking must comply with the conditions set out in the POPI act, namely, accountability; processing limitation; purpose specification; further processing limitation; information quality; openness; security safeguards and data subject participation.

All participants responded positively to the following question - to which extent does the POPI Act influence the reliability of employment reference checking at TNPA? The majority of respondents indicated that the POPI Act does influence the reliability of employment reference checking at TNPA.

One respondent stated the following:

People are afraid to say what they think or know especially about external checks because we know there is a legislation that regulates the handling of information; we need to be very careful. We got cases where a person resigned to avoid disciplinary process, but they are not allowed to tell you that (participant 1, 2017).

Another candidate responded as follows:

It seems like it protects the candidate when recruiting, in a way that a person can submit a referee who is a relative or a friend. If you feel these referees are not adequate you can't just call the line manager, you need to request or obtain consent from the applicant (participant 2, 2017).

The following responded argued that:

Recruitment checks is an imperative vetting process we got to investigate how long the applicant has been doing the job, attendance and disciplinary records. The POPI Act was designed to protect both the applicant and the company (participant 3, 2017)

Another respondent said:

Our policies are in line with the POPI Act and therefore we obliged to adhere to the Act in relation to the policies. With reference checking, I don't know to which extent it influences the reliability of employment reference checking. I haven't drilled into the Act to understand that (participant 4, 2017).

This respondent explained that even though the POPI Act was intended to protect the handling of information for both employers and employees, it seems like most employers do not understand or misunderstand the Act.

Referees are reluctant to provide information; in most cases they will tell you that their company policies do not allowed them to disclose certain information. I think that it is because most recruiters do not understand the POPI Act, it is better to say nothing to protect oneself (participant 5, 2017).

Another respondent said:

I think the POPI Act does influence the reliability of employment reference checks to a great extent, sometimes I will get calls from potential employers wanting to verify certain information about one of our employees and I will sometimes think twice or select my words in responding to those calls, so it does. I am aware that there is information that you cannot just divulge as an employer, so the POPI Act does influence the reliability of information during employment reference checking at TNPA (participant 6, 2017).

The following responded stated the following:

Currently TNPA uses a third party, now already the fact that there is a third party that is doing investigation on behalf of TNPA will already tell you that the information is unreliable and possible being bias. We might end up hiring wrong employees (participant 7, 2017).

Respondents indicate that the POPI act influences the reliability of information gathered during employment reference checking.

4.2.1 Sub-section Theme 1.1: Limits or Enhances

Respondents were asked based on their responses to the previous question - do you think the POPI Act limits or enhances the reliability of information gathered (with reference to skill, knowledge and behaviour verification) during employee reference checking? Most respondent revealed that the POPI Act limits information sharing during employment reference checking to a great extent that they rely on consent and disclosure clauses required to be signed by applicants. Up until the applicant gives consent to the recruiter, referees cannot be contacted.

This respondent shared the following answer:

I think it limits the reliability of employment reference checking, because you do not get the information you want and you need to be careful whether the information is objective or subjective. Especially, with disciplinary cases you are not entitled to that information. You can read between the lines but that is also dangerous (participant 1, 2017).

Another respondent raised a similar view and said:

The candidate gave us consent to ask for references from the company she currently works for, but the company refused, stating their policy does not allow them. They suggested we use a performance appraisal which we must get from the candidate herself. It raised concerns, where would the candidate get the performance appraisal? It could be fabricated and it cannot be trusted (participant 2, 2017).

Another respondent said:

That can be seen in two ways in that during interviews we urge for applicants to declare and divulge as much they can. You find candidate do not disclose, sometimes you get at a later stage that they withheld some pertinent information. Referees are reluctant to share pertinent information citing their policies limits them, which I guess the POPI Act informs the policies. But 80% if not 85 % of the time it enhances the reliability information gathered during employment reference checks applicants are transparent (participant 3, 2017).

The following respondent was unsure whether the POPI Act limits or enhances the reliability of employment reference checking and thus shared a different view to all other participants.

I do not think POPI limits or enhances the reliability of employment reference checking. I think it will be more factual base and it will be subjective in terms of opinions. For example, when you do a character reference check, a referee is more likely to give you an honest answer based on their experience with the person, so you will take it as credible from that perspective (participant 4, 2017).

This respondent shared the following:

A good approximately 30-40 percent of people we seek reference from, they would tell you they do not do employment reference checking, there is a company policy restricting them (participant 5, 2017).

The next respondent mentioned that:

POPI limits the reliability of employment reference checking, with reference to skills you will see from their response that they are trying to get rid of the candidate or they are just being polite. They select what they say and are evasive in answering specific questions (participant 6, 2017).

The following respondent indicated that:

POPI limits us in terms of getting the right character and the right person for the job fit. Companies have policies limiting passing of information to a third party or prospective employer. I think companies are scared that they might infringe the POPI Act (participant 7, 2017).

The afore-mentioned responses present a general notion that the POPI Act seem to yield unintended result in the employment reference process. Most referees or companies prefer to just refrain from doing reference checking or only give calculated information which in most cases does not help the prospective employer to make an informed decision about the applicant.

4.2.2 Sub-section Theme 1.2: Advantages and Disadvantages

Information gathered in this subsection suggests that the POPI Act have both advantages and disadvantages during employment reference checking at TNPA. The advantage is that the legislation allows you to obtain specific information as long as the subject is made aware and give consent. The disadvantage seems to be a growing reluctance of referees and employers to respond to request of employment reference check. They either refuse or give selected information which does not suffice the requirement of the prospective employer. The question was - what are the advantages and disadvantages of POPI during employment reference checking?

The first participant said:

The advantage is you are entitled to some sort of information; you can contact one or three references to verify information. In terms of verifying certifications or qualification and criminal records, that is quite important because sometimes you find people have bought certificates. The disadvantage is that not all information you can be able to check, you might not get the information that you looking for, people are too scared to be taken to task by an individual (participant 1, 2017).

Another responded said:

The person is protected by the act and the company is prevented by the act to disclose certain information, cannot force them to do what I want. Knowing in the marine environment it is difficult to find people with qualification it put me at a disadvantage if the referee refuses to give me information about the applicant (participant 2, 2017).

The following respondent mentioned that:

POPI's advantage allows companies to have a uniform the system. The disadvantage is that it is difficult to verify skill and knowledge from previous line managers as they withhold information, especially adverse information about the applicant (participant 5, 2017).

Another respondent said:

I think the POPI Act limits previous employers from giving correct information; you end up recruiting into the organisation someone who does not have the right characters because certain information is not being disclosed about the candidate, so that is a disadvantage.

Advantage, I do believe that there is information that must remain private about the person. It is just that people sometimes they take it too far. Certain information must be kept confidential not disclosed to anybody. Because you may never know it might be utilised in a wrong way. Whoever discloses that information might be in trouble (participant 6, 2017).

The next respondent said:

We got better business management system when using the POPI Act, because it gives us distinct method of how to manage ourselves in terms of the various data we have in the system. The disadvantage is that we are using a third party to conduct employment reference checks, the internet hacking is quite common, what guarantee can a third party give us TNPA that their particular system cannot be hacked and personal information taken out (participant 7, 2017)

4.3 Main Theme 2: Ch. 2 S14 (D) - Bill of Right

Ch. 2 S14 (d) - Bill of Right states that everyone has the right to privacy, which includes the right not to have – the privacy of their communications infringed (Chapter 2 Bill of Right, 1996:07). In this section, the question asked was - to which extent does Chapter 2 Section 14(d) of the Bill of Right influence the reliability of employment reference checking at TNPA? The majority of participants responded that Ch. 2 S14 (d) - Bill of Right influences the reliability of employment reference checking at TNPA. This believe was supported as by participants as presented below.

The following respondent stated that:

You will find people on their CV do not put critical information, because is about individual things you want people to see, it is like you selling yourself. You can only yet again, work with that limited information. If you want further information, you must get consent from the applicant (participant 1, 2017).

This respondent concurred with the previous respondent and said:

The act binds you, the information you get from the individual you are not allowed to pass it on whether a person had committed some crime you supposed to keep that information confidential. It is for this reason I believe the act influences the reliability of employment reference checking (participant 2, 2017).

Two respondents believed that Ch. 2 S14 (d) –Bill of Right does not influence the reliability of employment reference checks, they indicated that:

Transnet policies and regulations are derived from legislations that guide employment practices (respondents 3&4, 2017)

Another respondent agreed with the other five respondents that Ch. 2 S14 (d) –Bill of Right influences the reliability of employment reference checking, in that:

The act somehow affects the quality of information gathered. I was made aware a while ago that a good chunk of applicants will put misleading information on their CV, they blatantly lie. The study was done sometimes ago, the more you stay out of the job the more it is tempting to put misleading information. Some applicants are dangerous; some of them are people that can cause harm. Who wrote such crap reference for me, why? I gave you five years of my life and I even cleaned toilets and you say this to me (participant 5, 2017).

This respondent concurred with the previous respondent, by saying:

Ch. 2 S14 (d) - Bill of Right influences the reliability of employment reference checking in our company. I can make an example in a case where we are recruiting a manager who will be dealing with people and that person has had a previous record of sexual harassment, you would rather have that information known so that you know who you dealing with (participant 6, 2017).

4.3.1 Sub-section Theme 2.1: Limits or Enhances

The question in this subsection was - based on your response, do you think Ch. 2 S14 (d) –Bill of Right limits or enhances the reliability of information gathered during employee employment reference checking at TNPA in Durban? Most respondents stated that it limits the reliability of information gathered. Even though the act seek to bring parity, but the majority of participants pointed out that it has the limiting impact. This was supported by the first respondent as follows:

You can see the applicant worked for a specific company for years ago, but you cannot just without his permission phone the company. You are limited in terms of what you can do in terms of reference checking (participant 1, 2017).

Another respondent concurred with the previous respondent:

The act does limit the reliability of employment reference checking. In terms of not infringing ones communication, one can find herself in a compromising position if the recruiter becomes aware of information she feels she should pass on such as fraudulent qualification; ID or ITC, but you are unable to do so because of the Act (participant 2, 2017).

The following two respondents differ with five respondents, they concluded that:

They do not think Ch. 2 S14 (d) - Bill of Right limits the reliability of employment reference checking. If the controls are in place it is an enhancement tool to ensure the credibility of information (participant 3&4, 2017).

Another responded said:

It limits the reliability of employment reference checking, because referees are uncertain whether what they say might be against the Act and in most cases it is better to say less or nothing about the candidate, especially if it is negative information (participant 6, 2017).

In summary, it seems like there is a common experience about the belief that referees either withhold or sift information they give about candidate. The suspicion is they are cautious to safeguard themselves against possible infringement of the Act.

4.3.2 Sub-section Theme 2.2: Advantages and Disadvantages

The subsection question posed to participants was - what are the advantages and disadvantages of Ch. 2 S14 (d) –Bill of Right during employment reference checking at TNPA in Durban? The majority of participants reckoned Ch. 2 S14 (d) - Bill of Right is a good piece of legislation with positive intentions. However, the belief is that when it comes to the reference checking process it is more on the side of applicants and disadvantages prospective employers. One respondent said:

One can only use information the applicant has given you consent for. It is then up to you to analyse and make interpretation based on that available information. It is disadvantaging because sometimes you can see that there are suspicious gaps in the information provided by the applicant, but the acts such as the POPI Act and Ch. 2 S14 (d) - Bill of Right limits you in terms of what you can or cannot do with the information in your disposal, that is a setback on the side of the prospective employer.

The advantage is you have to try to ask the right questions to get what you looking for, knowing full well that the referee has been put there for the benefit of the individual (participant 1, 2017).

The next respondent agreed with the previous respondent:

The Bill protects the candidate; you cannot communicate sensitive information shared by the applicant with you unless you are given consent even if you think that the line manager deserves to know, but you can't (participant2, 2017).

Two respondents shared similar views, they said:

The advantage is that we are protected by the legislation in terms of privacy. If consent is not given in accordance with what we require, then the Bill protects the individual.

The following participant indicated that referees are expected to disclose information that might have a material effect on a relationship between the prospective employer and employee.

The disadvantage is that you might end up employing someone who might bring bad things into your company if you do not have access to certain information about the candidate. It is better to have that information disclosed to you during the reference checks process (participant 6, 2017).

The other two respondents believe that Ch. 2 S14 (d) - Bill of Right has the same advantages and disadvantages as the POPI Act.

4.4 Main Theme 3: Other Factors

In this section, the participants were asked - are there any other factors that influence the reliability of employment reference checking at TNPA in Durban? Most participants believe that using a third party to conduct reference is another factor that influence the reliability of employment reference checking at TNPA. The first participant said:

We use agencies and we are depending on a third party to get information from the sources and putting it in a format for you, you trust the agent to get the right information and you also hope they source information from the correct sources (participant 1, 2017).

Another participant added the same concern and said:

For instance at TNPA the reference checks are done by a third party, there are not done by the HR Officers themselves of which I have a concern if I do not see a signature of the person who has done references. Is this information reliable? From our side we sign the consent form that the candidate has given permission to conduct references, but when they give feedback they do not sign to say they have obtain information from the reliable sources (participant 2, 2017).

The following candidate said:

At this point in time with the reference checks that we do, I have not foreseen any negative impact on the process of reference checks other than getting reliable information in black and white from various sources. The agency that we use, there is a criteria of checklist that we provide them with which to ensure that they scrutinise things like, as I mentioned disciplinary actions (participant 3, 2017).

Six participants consistently mentioned the use of third party as a possible factor that influences the reliability of employment reference checking. The following participant conquered with the other participant and said:

For us as a business our reliance is on the Agent that the person they say they speaking to is indeed that person in the reference. The participant further said, the subjectivity when you do a telephonic reference checks and we are vulnerable to the fact that candidate could put an incorrect person as a reference (participant 4, 2017).

It was noted that recruiters are aware and deal with this factors almost on a daily basis, but they feel as it is not within the range of their control to seek interventions to deal with this factors they think it influence the reliability of employment reference checking. A response from another participant was:

Time consideration for referees is another factor, these guys are really busy. Those who respond, I do not know if they give due consideration when answering reference questions or they just answer just to get it out of the way. The respondent further said there is a discrepancy between TNPA and the Agent. There are no specific sets of questions that TNPA gives to the Agent to say for this candidate, here are the questions to ask for reference checks. There is a lack of reference questionnaires, currently it looks like one size fits all (participant 5, 2017).

It was quite informative to discover that recruiters come across different experiences during employment reference checking. The following participant said:

The person or referee the candidate might choose is someone close to them in the previous employer or someone they know would say good things about them just to get them in to get the job. I've experience that myself. I've a friend a former colleague who gave the company my name as a reference and obviously they called me, and I said all the good things about her and she was offered a job. So, that can also influence the reliability of employment reference checking. You are not restricted to choose your previous line manager, someone that would give correct information about your character, knowledge and skill (participant 6, 2017).

Another respondent said:

We cannot guarantee the reliability of information received from the third party, whether they have actually contacted the reference and what is on the report they give us is correct. We are not sure if there is a vetting method used to ensure that the agents comply with what we require and source information without breaking the laws such as the POPI act and other legislations that guide the employment practices (participant 7, 2017).

In view of the responses from participants, it is quite evident that besides the POPI Act and Ch. S14 (d) - Bill of Right, there are a number of other factors influencing the reliability of employment reference checking at TNPA.

4.5 Main Theme 4: Strategies

The question asked to the participants was - in your opinion, which strategies can be implemented to improve the reliability of employment reference checking at TNPA? Data collected indicate that participants believe there are a number of strategies that can be implemented to improve the reliability of employment reference checking at TNPA. The next participant supported this notion and said:

We need to look at the questionnaires, target questioning if you want to get the right information; if the background check was done seven months ago, the new one need to be done, because a lot of things could have changed. Thoroughly investigate the information that you get, don't say the person has a criminal record, some people have a criminal record that goes back to 20 years and not aware that they are entitled to take it out of their criminal record (participant 1, 2017).

Another respondent mentioned that:

The manner in which we do employment reference checking need to change, we as employees supposed to do it by ourselves not the third party (participant 2, 2017).

Most responded seem mention the use of third party as something that TNPA need to consider carefully. This was backed up by the next participant, who said:

Currently, reference checks are done by outsources agent, which is the third party to the process and they follow their own standard of checks. However, you find out as HR personnel there is certain stuff that you want to find out more about the individual. So, recruitment officers should also be given the leverage to be part of conducting reference checks, because there are certain loopholes that you find when these checks are conducted by the independent consultant other than being done by the recruitment official of Transnet (participant 3, 2017).

The following participant said that:

My strong suggestion will be to get a signed consent or character reference. The person signing consent to say it is a true reflection of the working knowledge, skill with the person and the personality that was shown or demonstrated in different projects (participants 4, 2017).

Another respondent said:

There has to be an inclusive process between TNPA and the Agent where a specific questionnaire will be compiled, set of questions for every job (participant 5, 2017).

Most participants revealed that a number of applicants put names of friends or convenient referees, instead of supervisors who have a better understand of their knowledge, skills and behaviour. It is therefore for this reason the following respondent suggested the following:

The company must be specific in that you should give your line manager as a referee, you cannot give us your peer or friend. They need to limit it to your immediate line manager (participant 6, 2017).

This participant shares similar views with the first participant, in that:

I think TNPA should actually write a questionnaire that is available recruiters. The questionnaire should be sent to the agent to ask references on your behalf (participant 7, 2017).

The issue of third party conducting reference checks on behalf of TNPA recruitment specialist seen to be a concerning factors that most recruiters think it influence the reliability of employment reference checking.

4.6 Conclusion

Chapter four presented the interpretation of data gathered in line with the research methodology outlined in chapter three. Data presentation was sequenced according to interview guide section and subsection. Questions in the interview guide had four sections, with question one and two having subsections. Themes such as POPI Act; Ch. 2 S14 (d) - Bill of Right; limits or enhances; advantages and disadvantages and strategies were informed by the objectives and questions of the study. The next chapter five will present analysis and discussion of findings

CHAPTER FIVE

Analysis and Discussion of Findings

5.1 Introduction

The purpose of this chapter is to present the analysis and discussion of data presented in the previous chapter. This will be achieved by analysing and discussing each question and participants' responses and where applicable support it with the existing scientific studies discussed in the literature review in chapter two.

5.2 Recapping on the Aim of the Study

The researcher's aim of the study was to determine factors influencing the reliability of employment reference checking and the extent to which these factors influence the reliability of employment reference checking at TNPA. The study further aims to make recommendation in terms of what strategies TNPA can implement in order to improve the reliability of employment reference checking. The analysis and discussion of findings will indicate whether the objectives of the study were met or not.

5.2.1 The Main Research Objectives

- To determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA in Durban
- To establish the extent to which Ch. 2 S14 (d) –Bill of Right influences the reliability of employment referencing checking at TNPA
- To ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA in Durban.

5.2.2 The Main Research Questions

- To which extent does the Protection of Personal Information Act (POPI) influences the reliability of reference checking at TNPA in Durban?
- To which extent does Ch. 2 S14 (d) - Bill of Right influences the reliability of reference checking at TNPA in Durban?
- What strategies that can be implemented to improve the reliability of reference checking at TNPA in Durban?

The researcher used a thematic data analysis method; figure 5.1 below is an illustration of themes and sub-themes based on thematic data analysis used in this study.

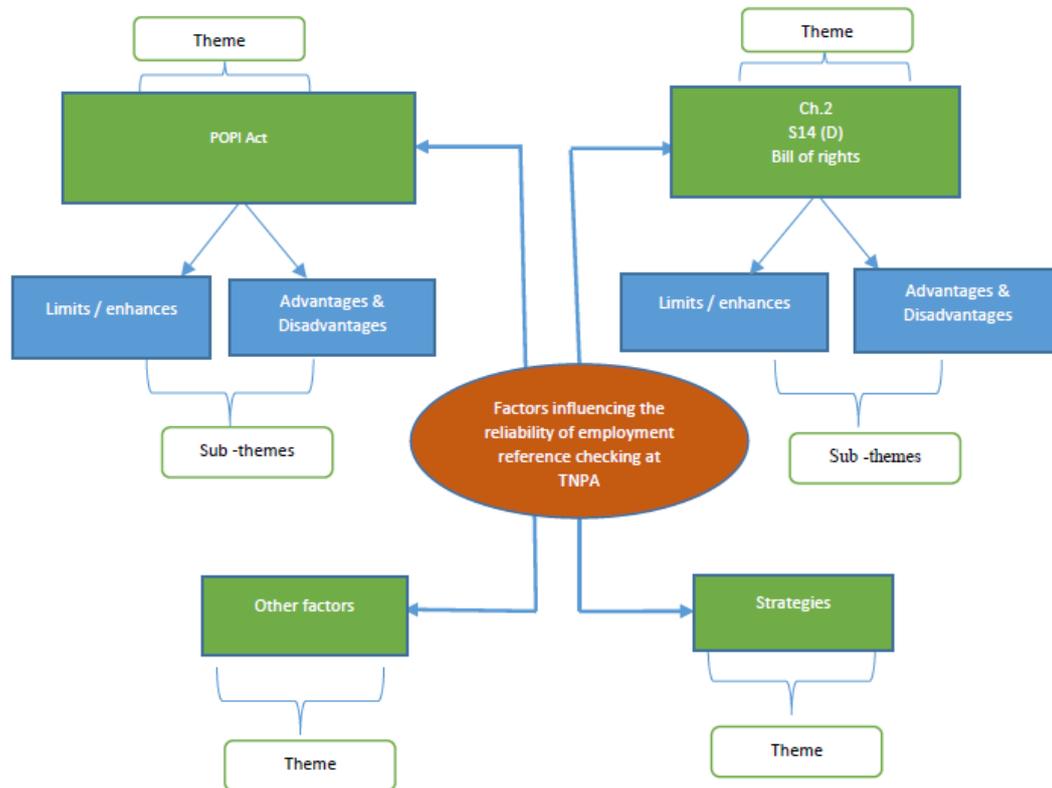


Figure 5.1: Themes and Sub-themes Emanating from Thematic Data analysis

5.3 Main Theme 1: The POPI Act

The study found overwhelming responses suggesting that the POPI Act influences the reliability of employment reference checking at TNPA in Durban. Referees know that the POPI Act regulates the handling of information and some companies have revised their employment policies to safeguard handling of information with respect to reference checks. This makes referees to be more cautious when handling reference queries or sometimes prefer to say not as much of or nothing. These concerns are supported by George (2011, p.380) who state that, yet the fact that many former employers are reluctant to provide negative information in reference sometimes makes it difficult to interpret what a reference is really saying about an applicant. In fact, several recent lawsuits filed by applicants who felt that they were unfairly denigrated or had their privacy invaded by unfavourable reference from former employers have caused managers to be increasingly wary of providing any negative information in a reference, even if it is accurate.

So, the afore-mentioned narrative confirms that the POPI Act influences the reliability of employment reference checking even though it was enacted for a good reason. The employment reference checks is an imperative component of the recruitment cycle, if it is flawed it could have a detrimental effect on the calibre of new recruits at TNPA in Durban. Thite (2004) advises that recruiters need to attract and select people with the competencies and capabilities that really drive the business performance of the organisation.

5.3.1 Subsection Theme 1.1: Limits or Enhances

The study found that the majority of participants believe the POPI Act limits the reliability of employment reference checking more than it enhances it. The findings suggest that even though you may obtain consent from the prospective candidate to conduct reference checks, but still you are unable to get certain information you want as the POPI Act lays down conditions in terms of what you can or cannot do with the information in your disposal. For instance, condition eight in the act talks about data subject participation.

Condition eight makes referees reluctant to be objective when responding to reference requests as negative information can cause the candidate not to be considered for the job. This could cause animosity between the referee and the applicant. It is for this reason George (2011, p. 380) stated that several recent lawsuits filed by applicants who felt that they were unfairly denigrated or had their privacy invaded by unfavourable references from former employers have caused managers to be increasingly wary of providing any negative information in a reference, even if it is accurate.

The study found that employers have policies in place that prevent line managers and HR practitioners to disclose certain information they think is sensitive and could trigger litigation if disclosed, especially information that talks to the conduct of employees such as performance and disciplinary records. This is supported by Wendover (2002) who says unfortunately employers have become increasingly resistant to providing references on former personnel for fear of litigation. In summary, to a greater extent the POPI Act does limit and it is one of the factors influencing the reliability of employment reference checking at TNPA in Durban.

The study further found that recruiters understand that the POPI Act was enacted to promote the protection of personal information processed by public and private bodies, but in practice it limits the circulation of objective information when it comes to employment reference checking.

5.3.2 Subsection Theme 1.2: Advantages and Disadvantages

The findings revealed that recruiters at TNPA recognise that POPI has both advantages and disadvantages. However, the participant placed emphasis on disadvantages. Assumptions drawn from participants' responses point out that conditions set out in the POPI Act create difficulties to source certain information from job applicants. Unless you get consent from the candidate, this means recruiters have to be very careful how they ask questions and refrain to ask for information not outlined in the consent form whether wilfully or negligently.

With regard to POPI advantages, recruiters are allowed to conduct reference checks and entitled to some sort of information to verify data provided by the applicant on the CV and in the interview. But recruiters need to ensure they meet all the conditions set out in the POPI Act such as accountability; processing limitation; purpose specification; further processing limitation; information quality; openness; security safeguards and data subject participation. The other advantage is that POPI's conditions are clear to guide the organisation to put in place better data management systems to ensure compliance.

In terms of disadvantages, the study found that not all information can be sourced easily during employment reference checking, due to the growing reluctance of referees to provide objective information about the job applicants, especially adverse information. The shortage of objective information from references puts recruiters at risk of recruiting candidates who do not meet all prerequisites of jobs they employed for. These situations pose a threat to the productive performance of TNPA. Wendover (2002) testifies that in few situations employers have been held liable for the action of an employee who was placed in the position of trust and did harm to other employees, customers, or the public; these so-called negligent hiring lawsuits were successful, at least in part, because the plaintiff demonstrated that the offender's employer had not been diligent in checking the employee's background and references prior hiring. This is a testament indicating the importance of conducting reliable reference checks before making a hiring decision.

5.4 Main Theme 2: Ch. 2 S14 (D) - Bill of Right

The findings in this section of the study suggest that Ch. 2 S14 (d) - Bill of Right influences the reliability of employment reference checking and has similar influence as POPI. The information obtained from the job applicants cannot be communicated to a third party without the express consent of the job applicant. Most employers do not disclose conduct information about the

candidates, such as disciplinary and other pertinent information. They believe disclosure of such data is an invasion of privacy and confidentiality must be maintained between the employee and the employer.

5.4.1 Subsection theme 2.1: Limits or Enhances

The study found that the Ch. 2 S14 (d) –Bill of Right has a positive intention, but in practice it has a limiting effect on the reliability of information gathered during employment reference checks. Job applicants sometimes deliberately put misleading information in their CV. This is supported by Bernardin (2002) who affirms that reference checking is a good practice, considering research indicates that between 20 and 25 percent of job applicants include at least one major fabrication. In spite of this research, recruiters cannot just call anyone to verify information without the applicant's consent or permission.

The study further discovered that most referees rather prefer to say less or nothing. The study results indicated that fear of being found on the wrong side of the act is a factor that limits the reliability of employment reference checking at TNPA. This statement is supported by Wendover (2007) who says unfortunately employers have become increasingly resistant to providing reference on former personnel for fear of litigation. Some companies have gone so far as to provide only the name, position held, and work dates of previous employees regardless of their performance on the job.

5.4.2 Subsection 2.2: Advantages and Disadvantages

The results of this study indicated that even though the objective of Ch. 2 S14 (d) –Bill of Right has a good intention, but it has both advantages and disadvantages. The advantage is the protection of the candidate's privacy and the right to have the candidate communication not infringed. To prevent abuse of candidate information, considering there is a lot of information piracy.

On the other side, the disadvantage was the limitation in terms of information flow with respect to reference checking. In that, applicants withhold certain information if it is seen as negative and will make the prospective employer regret the applicant. The need to obtain applicant's permission or consent before communicating his/her information was seen as a daunting task, in situations where the recruiter can see suspicious gaps and more information is required to clarify those gaps.

5.5 Main Theme 3: Other Factors

The study found that other factors raised by participants have a significant influence in the reliability of employment reference checking at TNPA in Durban. The results indicate that the use of third party (agent) to conduct employment reference checking raises concerns. The absence of signature on the reference feedback report and declaration that the agent obtained the information from the intended source raised suspicion on the reliability of employment reference checking.

Another factor raised was the subjectivity of telephonic reference checks. The information obtained telephonically is not reliable. Since the referee might denied or forget what was discussed telephonically, should the need to make reference arise at a later stage. The use of random references instead of immediate supervisors or managers is another factor influencing the reliability of employment reference checks.

The study further found that the lack of reference questionnaire for each position in line with job competency requirement is also a factor that influences the reliability of information gathered during employment reference checks.

5.6 Main Theme 4: Strategies

The study found that there are number of strategies which can be implemented to improve the reliability of employment reference checking at TNPA in Durban. A specific questionnaire designed by both TNPA and the Agent is seen as one of the strategy that can be considered. This questionnaire must be job specific and not one size fits all. Kleiman (2003, p. 163) states that companies sometimes hire investigative agencies to conduct background investigations. Such agencies gather information through interviews and written or verbal communication with past employers, neighbours, relatives, and references

The study found that another possible strategy would be to allow TNPA recruiters to conduct reference checking to obtain adequate reference information, especially in cases where the agent provides inadequate reference feedback. This can assist the organisation to select applicants based on reliable and satisfactory information.

The study further indicated that if TNPA continues to use third parties to conduct reference checks, it must ensure that reference checks feedbacks from agents are signed by the agent who collected

information. This strategy will compel the agents to ensure that they collect information from the correct source and within the ambits of the laws.

Lastly, the study found that immediate supervisor or managers must be a prerequisite for reference checking to ensure the correct reference information is obtained. According to Kleiman (2003, p. 163) reference checking serves this strategy by obtaining such information from parties who had witnessed the applicant's past behaviour first-hand. It is a common understanding that immediate supervisors or managers stand a better position to know the candidate in terms of performance; skills; knowledge and conduct.

5.7 Conclusion

This chapter presented analysis and discussion of the study. The study found that factors influencing the reliability of employment reference checking exist. These factors limit and enhance the reliability of employment checks, and also have advantages and disadvantages.

The results further illustrated that beside factors mentioned in the construct, namely knowledge; skill; behaviour; the POPI Act and Ch. 2 S14 (d) - Bill of Right there are other factors that influences the reliability of employment reference checking such as the use of agents; absence of signature on the reference feedback; telephonic reference checks, acceptance of random references other than immediate supervisors and the absence of job specific questionnaires.

The study further suggested that there are possible strategies that can be implemented to improve the reliability of employment reference checking at TNPA. The results indicated that these factors have an impact on quality of employees employed by TNPA.

CHAPTER SIX

Summary, Recommendations and Suggestions for Future Research

6.1 Introduction

This chapter presents conclusion; recommendations, limitations and suggestions for future studies informed by the findings of the study. The three main objectives of this study is to determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA in Durban; to establish the extent to which Ch. 2 S14 (d) –Bill of Right influences the reliability of employment referencing checking at TNPA in Durban and to ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA in Durban.

6.2 Reflecting on the Aim of the Study

The aim of this research was to study factors influencing the reliability of employment reference checking at TNPA in Durban. To fulfil this goal, the following objectives and questions were proposed in the study:

6.2.1 The Main Research Objectives

- To determine the extent to which the Protection of Personal Information Act (POPI) influences the reliability of employment reference checking at TNPA in Durban
- To establish the extent to which Ch. 2 S14 (d) –Bill of Right influences the reliability of employment referencing checking at TNPA
- To ascertain strategies that can be implemented to improve the reliability of employment reference checking at TNPA in Durban.

6.2.2 The Main Research Questions

- To which extent does the Protection of Personal Information Act (POPI) influences the reliability of reference checking at TNPA in Durban?
- To which extent does Ch. 2 S14 (d) - Bill of Right influences the reliability of reference checking at TNPA in Durban?
- What strategies that can be implemented to improve the reliability of reference checking at TNPA in Durban?

6.3 Objective One: The POPI Act

The study found that the POPI Act influences the reliability of employment reference checking at TNPA in Durban. To the extent that the conditions set out in the POPI Act cause recruiters to be more reluctant to provide objective information about the candidate. This practice compromises TNPA to end up employing job applicants who they do not have sufficient reliable reference checks that attest to the candidate experience in terms of knowledge; skills and behaviour. Ratnam & Srivastava (1991, p. 87) explain that the purpose of background investigation is to gather additional information about the mental faculties, behaviour and physical health. If recruiters are unable to obtain reference information, TNPA might employ applicants who do meet the job requirement. This might have a detrimental effect in productivity and risk of negligent hiring.

The study further found that when the candidate gives consent, the recruitment officials handling reference checks information are required to comply with all eight conditions set out in the POPI Act such as accountability; processing limitation; purpose specification; further processing limitation; information quality; openness; security safeguards and data subject participation. Job applicants can challenge information if they feel that it has been unfairly handled and prejudiced their chance of getting the job. George (2011, p. 380) confirms that there are several recent lawsuits filed by applicants who felt that they were unfairly denigrated or had their privacy invaded by unfavourable reference from former employers.

6.4 Objective Two: Ch. 2 S14 (D) - Bill of Right

The study found that Ch. 2 S14 (d) - Bill of Right influences the reliability of employment reference checking. The extent to which it influences the reliability is considerable. The study found that most employers refrain from responding to employment reference checking requests to avoid possible infringement of the act. The abstinence of referees to provide information on candidates has a negative influence in the reference process for TNPA in Durban.

The study confirmed that Ch. 2 S14 (d) –Bill of Right provides protections to everyone in terms of privacy and ensuring that one's communication is not infringed. However, it seems like most employers do not understand the act or they just play safe. This practice prejudice TNPA and other prospective employers who want to obtain reliable reference information in order to make an informed hiring decision.

The study further discovered that the following factors influence the reliability of employment reference checking:

- Using of agencies to conduct employment reference check at TNPA creates uncertainty in terms of reliability of reference checks, in that TNPA recruiters are not sure whether the agent sources information from the right reference person and within the premise of employment legislations
- The absence of signature on the reference feedback is a concern as TNPA cannot identify who conducted the checks
- Telephonic reference checks is another problem as the referee can easily forget or deny the information provided telephonically
- Acceptance of random references other than immediate supervisors or manager
- The absence of job specific questionnaires is another concern for reliable of reference information. Wendover (2008) advises that questions should be developed around what you need to know about the applicant's performance. There must be job related.

6.5 Objective Three: Strategies

The study found that TNPA can implement strategies to improve the reliability employment reference checking. It is suggested that TNPA work together with the agent to design reference checks questionnaire for each position, to ensure that the agent does use its questionnaire that does not address TNPA reference checks requirements.

It is further suggested that TNPA recruitment consulted should be given a permission to conduct further reference checks if they believe references from the agent do not provide sufficient and reliable information. This practice can minimise the risk of negligent hiring. According to Stoll & Bushway (2008, p. 374) under the theory of negligent hiring, employers may be liable for the risk created by exposing the public and their employees to potentially dangerous individuals.

The study also found that unsigned reference checks are not reliable because it could be a challenge to identify the source in case the content is a disputed. It is also preferable to only accept immediate previous managers or supervisors' reference checks to ensure the authenticity and reliability of data collected for employment reference checking purposes.

6.6 Recommendations

The findings and conclusion of the study suggest that factors influencing the reliability of employment reference checking at TNPA could be managed through implementation of various strategies. Arthur (2001, p. 161) advises that before exploring various recruitment sources or interviewing candidates. Employers are urged to establish a solid pre-recruitment foundation. This means evaluating the specifications of a job every time it becomes available by reviewing the position's responsibilities, requirements, reporting relationships, environmental factors, exemption and union status, salary, benefits, and growth opportunities. The study indicates that TNPA should consider implementation of the following recommendations:

- Consider to design a comprehensive reference checks consent form, that specify exactly what information is required from referees such as performance history; disciplinary records and types of skills and knowledge the applicant has displayed over the years. The consent form must outline that TNPA will treat reference checks information confidentially and in line with the POPI Act; Ch. 2 S14 (d) - Bill of Right and all other employment guidelines legislations
- TNPA and the Agent should jointly design employment reference checks questionnaire for each position in order to get reliable information
- Allow recruitment consultant to request additional reference in case the agent provide insufficient or suspicious reference feedback
- Telephone reference checks must be backed up by a written signed reference statement
- Should the referee refuse to provide reference checks information for the applicant, TNPA must consider asking the applicant to request from the former employer performance appraisal for past three years
- Only immediate line supervisor or manager should be requested to provide references for applicants to ensure relevant and reliable references is obtained
- Develop a vetting strategy for the Agents conducting employment reference check on behalf of TNPA to ensure that the agent do what they mandated to do. In order to avoid basing employment decision on unreliable information and avoid negligent hiring
- Training of all recruitment officials to ensure full understanding of all legislations influencing the recruitment process.

6.6.1 Suggested Stages of Implementing Recommendations

Stage 1	Employment Reference Check/Vetting Strategy
Stage 2	Training of Recruitment Officials
Stage 3	Compilation of Employment Reference check forms
Stage 4	Implementation
Stage 5	Review Employment Reference Check/Vetting Strategy

This process should ideally be driven by TNPA with agencies providing input as main stakeholders.

6.7 Suggestion for Future Research

The study focused on factors influencing the reliability of employment reference checking at TNPA in Durban.

- It is suggested that future research might need to consider involving line managers; job applicants, referees and other Transnet divisions in a sample
- Considering the extent of employers' reluctance to respond to reference check request, future researchers might even consider to study alternative employment reference strategies.

6.8 Conclusion

The goal of this research was to study factors influencing the reliability of employment reference checking at TNPA in Durban. The study found that the following factors influence the reliability of employment reference at TNPA.

- The POPI Act
- Ch. 2 S14 (d) - Bill of Right
- Using third party to conduct reference
- Absence of reference checks questionnaire for each positions
- Conducting reference checks telephonically
- Refusal of referees to respond to reference checks request
- Acceptance of convenient referees other than previous immediate supervisors or managers.

The extent of influence caused by these factors has a propensity to cause TNPA to employ applicants who do not meet job requirements and could have severe repercussions to the performance and productivity of TNPA if it is not addressed.

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Appendix A: Gatekeeper Letter



22 May 2017

The Research Committee
School of Management, IT and Governance
College of Law and Management Studies
University of KwaZulu-Natal (Westville Campus)

Dear Sir/Madam

Re: Permission to Conduct Research

This letter serves to confirm that Nkosinathi E. Ngcamu (student number: 21 607 5195) has been given permission to conduct a study on a topic called, Factors Influencing the Reliability of Employment Reference Checking at Transnet National Port Authority in Durban.

Should you have any queries, please do not hesitate to contact me.

Kind regards

Carl Gabriel
Executive Manager
Transnet National Ports Authority
Dredging Services

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BG Stagman GJ Pita* (Chief Financial Officer)

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Group Company Secretary: NE Khumalo

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Appendix B: Ethical Clearance Letter

 UNIVERSITY OF
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INYUVESI
YAKWAZULU-NATALI

18 September 2017

Mr Nkosinathi Ngcamu (216075195)
School of Management, IT & Governance
Westville Campus

Dear Mr Ngcamu,

Protocol reference number: HSS/1539/017M
Project title: Factors influencing the reliability of Employment Reference Checking at Transnet National Port Authority

Approval Notification – Expedited Application

In response to your application received on 28 August 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

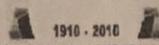
Yours faithfully


.....
Dr. Shenuka Singh (Chair)

/ms

Cc Supervisor: Mrs J Ramasamy-Gurayah
Cc Academic Leader Research: Professor Isabel Martins
Cc School Administrator: Ms Angela Pearce

Humanities & Social Sciences Research Ethics Committee
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Appendix C: Informed Consent Form

CONSENT TO PARTICIPATE

I, _____, have been informed about the study entitled, factors influencing the reliability of employment reference checking at TNPA in Durban by Nkosinathi Elton Ngcamu.

I understand the purpose and procedures of the study.

I have been given an opportunity to ask questions about the study and have had answers to my satisfaction.

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at 072 6106 414/063 2570 090.

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

Mrs Mariette Snyman
Humanities and Social Science Ethics (HSSREC) Research Office,
Govan Mbeki Building, Westville Campus, Private Bag X54001, DURBAN 4000
Tel: 031 260 8350 Snymanm@ukzn.ac.za
Researcher: Nkosinathi Elton Ngcamu (0726106414 or 0632570090)
Supervisor: Mrs. Jayrusha Ramasamy-Gurayah (+2731 260 8713)

Additional consent, where applicable

I hereby provide consent to:

Audio-record my interview / focus group discussion	YES / NO
Video-record my interview / focus group discussion	YES / NO
Use of my photographs for research purposes	YES / NO

Signature of Participant

Date

Signature of Witness
(Where applicable)

Date

Signature of Translator
(Where applicable)

Date

Appendix D: Interview Guide

INTERVIEW GUIDE

The participant will be asked to introduce him/herself, stating:

- Role in the company
- Years of service.

The rights, confidentiality and the purpose of the study / research will be explained to the participant before commencing the interview.

QUESTIONS

1. To which extent does the Protection of Personal Information Act (POPI) influence the reliability of employment reference checking at TNPA?
 - 1.1 Based on your response, do you think POPI limits or enhances the reliability of information gathered (with reference to skill, knowledge and behaviour verification) during employment reference checking?
 - 1.2 What are the advantages and disadvantages of POPI during employment reference checking?
2. To which extent does Chapter 2 Section 14(d) of the Bill of Right influence the reliability of employment reference checking at TNPA?
 - 2.1 Based on your response, do you think Chapter 2 Section 14(d) limits or enhances the reliability of information gathered during employment reference checking?
 - 2.2 What are the advantages and disadvantages of Chapter 2 Section 14(d) during employment reference checking?
3. Are there any other factors that influence the reliability of employment reference checking at TNPA?
4. In your opinion, which strategies can be implemented to improve the reliability of employment reference checking at TNPA?

Appendix E: Turnitin Report

Turnitin Originality Report

Factors Influencing the Reliability of Employment Reference Checking at Transnet National Ports

Authority by Nkosinathi Ngcamu

From Research Dissertation (2017 Westville HRM/IR Dissertations)

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