

A Framework of Legal Factors for Human Resource Management

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Abstract— Legislative body and judicial ruling enrolls the law for human resource management, this law is generally refereed as legal context. It is quite comprehensive and complex context. It is applicable for handling the discrimination of employment and labours. This paper presents the detail of legal context of administration of law in the Jordan country . It also studies and compare law system with other countries. This research concentrates on the validity standards and laws which are used in legal context. Features of ethics and privacy related to the human resource management is discussed. Impact of Tax regulation and law are reviewed. Emergency issues which includes applicant and employee relations were studied. Ethics which deals with employee compensation is then discussed. Finally the influence of legal system on policies and practices of human resource management is analysed.

Keywords HRM legal, gender and religious discrimination, taxation and foreign investment, adverse effect, HRM training, HRM legal framework

1. Introduction

This research work review the relation between the human resource management and legal rules in organization. Department of Justice, and the Department of Labour and Equal Employment Opportunity Commission create and maintain the laws required for labour management. It establishes the law for workers which consist of minimum wages for employees with respect to time they work, Insurances and facilities must be provided to the employees along with the compensation given to workers and their families. It is also legalised the term for which this compensations are provided, like in case of medical illness, how many paid leaves can be opted and the medical cover which can be provided to them. It also covers the employment equality so that everyone should get equal opportunity. Legal also contributes to the rules for being in workers' unions and in workers classification based on the attributes. It provides a guidelines to distinguish employee form the independent workers and freelancers. Different

conditions and situations where employee cannot opt for the benefits were also mentioned. Like if there is any injury to the worker outside of work filed, then legally worker cannot opt any financial benefits. This research also briefly describes other works which were submitted with respect to legal factors for Human Resource.

Many research were reviewed the legal factors for Human Resource Management. Landy in his research reviewed the relations between employment litigation and social science. Paludi in his publish work suggested the analysis to understand and prevent the discrimination at workplace which includes practical concerns. Gutam in his research in 2010 explained the law which deals with the equally distributed employment opportunities. In this research few legal case were also described and suggested the advices for HRM team.

In 1970 the need of laws in Human management is observed. Many research including Bartlett, Holt, Russell introduces their thoughts on fair management for workers and to avoid the discriminating laws. Guerin & DelPo in 2011, proposed analysis for human management which provides a practical guidelines for federal employee. In recently released analysis many legal issues including wage and hour payment with equal rights to all. On the counterpart few analyst put their thought in opposite direction with opposing the legal of HRM, as it effects the business and according to this research removing the legal will provide more freedom to individuals. King in his research found some characteristics of law of Human resource management, this are 1) legal law of human management provides the benefits to workers 2) some of the sections and rules can be used falsely by workers.

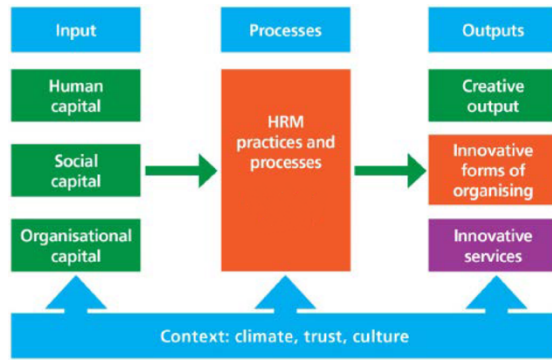


Figure 1: HRM and innovation

in this research analysis various legal accept of HRM in Jordan is described. this paper presents the historical overview, key factors determining HRM legal practices, issues in HRM practices , legal framework and its modelling is described. finally, challenge respect to legal HRM conclusion is discussed [21].

With respect to previous literatures, two theories can be proposed. First one is there are major concerns with respect to safety issues and discrimination which is injustice based on different categories. This discrimination is a big breach for the whole HRM legal framework. There are few topics which are not completely described and few concerns are not present in laws. The second one is fault compliances, Human resource management has grown drastically in past few decades, however there is still some loopholes in existing Human resource management legal framework.

2. Research Objective

The main purpose of the study was to identify the spread and importance of legal ethics in Human Resource Management.

3. Literature Review

History of Legal regulation of human resource management is required to be reviewed before analysing the impact of its legal. In early 90's federal governments regulation in issues related to workplace were limited to the industry and business approach. Which includes regulating infrastructure and business impacts. With increased discrimination related to age , gender , child labouring , enforcing to work for extra hours was exceeding [1]. To avoid the major discrimination based on sex, race and religion new regulation or laws were implanted in the HRM legal framework

[7]. In 1964 Civil Rights Act were proposed to outlaws discrimination based on race, colour, religion, sex, or national origin. In 1967 Age Discrimination in Employment Act were proposed to avoid the age decimation and child labour. After that many laws enforcing to avoid Genetic discrimination were amended. In 2013 Aiken also describes the historical context of enforcement and structure of laws in Human resource management.

In 1996, Jordanian Labor Law No. 8 was introduced to avoid the age decimation. It also focuses on the improving the relation of employee and it also ensures safety to the workers. It involves approximately 40 articles to create a legal ethics for employee and industries relationship. In 1963 Jordan government made some amended to avoid the many Discrimination which used to occur in the workplace. This legal is called as ILO Discrimination Convention (Employment and Occupation). In 1966, ILO Equal Remuneration Convention, it was amended to introduces equal pay act, which enforces to pay equally without any Discrimination. Before the amendment of this law

Year	Name	Description
1996	Jordanian Labour Law No. (8)	The amended law introduces new provisions that will have a significant impact on the employment relationship.
1963	ILO Discrimination Convention (Employment and Occupation) NO. (100)	This amended was made to avoid the many Discrimination which used to occur in the workplace
1966	ILO Equal Remuneration Convention No. (111)	The amended law introduces equal pay act, which enforces to pay equally without any Discrimination
1996	Child labour law	This amended was made to avoid the child labour in the workplace. Minimum age is 2003 was modified to eighteen.

there was a discrimination in daily wages of the workers with respect to their age and gender [6]. This article was introduced avoid such issues in Jordan.

In past few year, many new concerns related to human resource management has emerged. Due to increased number of unions the management and equality of the workforce regarding the benefits is an issue. Along with this the clear distinction between various workers is one more issue [2]. It is not yet clear that workers like drivers and personal cook should be included in this scope or not. It is difficult to distinguish independent contractors and employees. Another aspect is the freelancer as they are not either categorised as independent contractors and employees. As this workers never joins the office physically , it is an open question to provide them an equal rights with the industries real resources.

Key Factors Determining HRM Legal Practices In Jordan

Legal factors determining the human resource management in Jordan is not yet completely dependable. Currently there are very few thesis in Jordan and it is not perfectly reliable to draw any current or future legal perspective of human resource management. Many international reports has stated the importance of the HRM practices and its future perspective with development of the country.

In thesis ‘Understating The Impact Of Employee Empowerment On Customer-Oriented Behaviour’ Melham introduced the practice of Human resource management and the way it has to grow for better stability [20]. Khaled, Ramudu Bhanugopan , Alan Fish in their research ‘Managing human resources in Jordanian organizations: challenges and prospects’ explains the legal issues which is being a resistance in organizational as well as employees growth [22]. Laws are not yet completely build in Arabic countries like Egypt, Oman, Jordan, Qatar and Saudi Arabia as compare to other country.

In 2010 Altarawneh reviewed the HRM polices and its effect in Jordanian hotel business, it is observed that the turnover of hotel business has grown up too much in recent year but the employee salaries were not hiked that much. It is also concluded that many employee were planning to leave the job because of less payment. In the survey they found that enhanced pay structure bonus, performance appraisal, rewards and incentive plans

can encourage the employee to work satisfactory in the workplace. Legal framework must provide all the knowledge to employee and management team of organization [8].

In literature review ‘Managing Human Resources in the Middle-East’ Mellahi and Budhwar demonstrates the asymmetry present in the industrial section in Jordan. Laws and Amendments should be made to keep the symmetry between different perspective of organization. Some laws which needs to be amended impacts on the cultural values of Jordan. Participation of Human resource managers were found to be less active in decision making for Jordanian public and private sectors[9]. Without the complete intervention of managers in the management proper strategy cannot be built. All organization and industries has special HR department, but they mostly concern about the administration control like hiring new employee and internal management [8].

Human resource management model in Jordan is based on social factor, business factor and its relation with HRM practices. This relation is illustrated in figure 1. HRM practices were influenced by many environmental and social factor like political culture and financial issues. In ‘An examination of human resource management practices in Iranian public sector’ Su and Yeganeh represent the Legal and its impact in large and state owned as well as private and small scale organization. It also demonstrated the labour, unemployment and business issues [10]. Many business factors like inter-organisational networks, corporate governance, leadership and business ethics also effects the organizational growth.

Human resource management in Jordan faces many issues which are based on the Jordan’s HRM key factors. In this section Issues specific to the factors affecting the performance were studied. This issues were mostly observed in Recruitment and selection, Training and development, performance appraisal, other benefits. Race and Age, Sex, Disability, Religion are few major factors which affects the HRM symmetry in Jordan.

H1 : There is a significance of adaption of Legal framework in Recruitment and selection procedure in Jordanian organization.

Recruitment and selection

Jordan has very competitive recruitment and selection procedure. Along with competitive environment, it is also required to follow the HRM legal and law suits. In many organization recruitment could lead into the partiality [4]. It could be based on the age, personal relationship, sex or any kind of race [7]. In some cases the job advertisement were never published in public and it result into a flaw of recruitment procedure [11]. In the Jordan based organization case study H El-Said and F McDonald found and described the problems in the Recruitment and selection procedure. From the research it is observed that some of the organization doesn't follow the rules and selection is not based on the ability and merits instead it is based on personal relation like friend, family relations or relatives [12]. Nepotism and tribe based recruitment were also observed in frequent cases [12]. Locally this black door entry is also called as "wasta" in Jordan. literal meaning of wasta is favouritism, which is an attempt to use the influence of relatives or acquaintances to achieve certain objectives. Hence many people term it was wasta or relation is more important than your Curriculum Vitae [19].

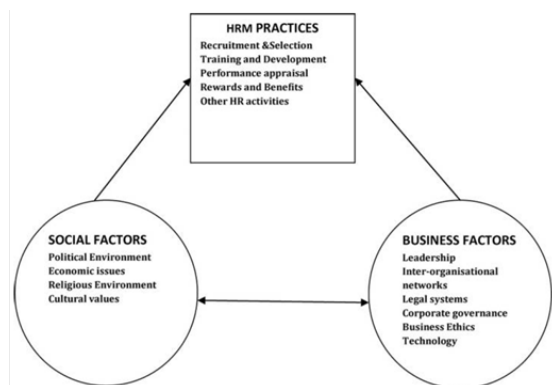


Figure 2 : HRM model in Jordan

H2 : Legal framework impacts on employee stratification in the form of Performance appraisal and bonus.

Performance appraisal and bonus

With increased the competitive environment, every organization wants to increase its quality and productivity [23]. For this purpose many organizations tries to make employees happy by providing them Performance appraisal and bonus. A performance appraisal is a regular review of an

employee's job performance and overall contribution to a company. In 'Desegregating HRM: A Review and Synthesis of Micro and Macro Human Resource Management Research' Wright analysed the impact of the performance appraisal. The failure of bonus and appraisals in few cases were also studied [17]. Many organization in Jordan doesn't follow the minimum appraisal which were suggested by the government. In 'The Dilemma of Performance Appraisal' Prowse describes the benefits and drawbacks of performance appraisals [18]. In Jordan appraisal procedure is conducted once in every year. In this process manager is responsible for giving a rating to the employees performance based on which promotion, lay off and bonuses were decided and Supply Chain Management [21]. In some cases manager put their weight to overrate some employees and under rate some based on personal relation, Race, Age, Sex, Disability and Religion [7]. A proper laws and a systematic and quantitative procedure should be able to track individual performance and respective appraisal and bonus. Currently there is no way to measure performance in quantitative manner which makes it further complicated.

H3 : Training and development has a strong correlation with skill development and literacy related to legal amendments.

Training and development

Training is an essential part in skill development. After the selection process, employee should provide proper training to improve their skill [13]. Lack of training creates an unproductive task force also it hammers the individual growth in particular section. Mann studied the training procedure of Jordan organization, it is observed that, training material and guide is well sufficient to improve the skills respective to that area [14]. However there are few International research according to which the amount and time which spent on training could be utilised in production, and it yield a better results [15]. In 2002 Zairi and Al-Athari carried out a study in middle east organization and come up with similar result [16]. Abu-Doleh and Weir analysed the training procedure in 28 organization and it is observed that the quality of training is good however it is not given to all ,or few organization doesn't provide training at all. Few organization mentions that the training is treated as

vacations by employee and it only becomes a financial loss to companies. Altarawneh also reviewed the percentage of training provided in organization. Many organization doesn't follow the mandatory training rules which is proposed by government and hence a proper laws and article mentioning this training with all the details should be amended [8]. This missing transparency in training is one more issue in HRM legal practices.

4. Case Study And Data Analysis

Survey questionnaires is used to collect data. Instead of long question , short one is asked to make it quantitative instead of descriptive (Brayman & Bell, 2007). This data was extensively collected primary and secondary source. Primary stands for the department which handles the administration this includes HR level employees and employees. While secondary source includes journal and other survey thesis. Data were collected from different manufacturing organizations of Jordan. This survey is intended for the hypothesis testing as described in previous section. Survey was made simple with multiple choice answer and provided section for description. A simple survey in designed for the simplicity so the many employee can participate in the survey.

Population

Total 53,267 employees were contributed in this survey, this includes ground level staff to Mangers and administration teams. Survey was conducted using different medium like websites and other media to simply this procedure. Participants were contributed in this survey with their own will and comfort to avoid any noisy data.

R programming language has different mathematical library to analysis and visualize the collected data in the simplified and quantitative manner.

Population classes

This data is collected from the employs and the gender classification contains around 62.87% of male employees while 37.2% employees were female employee. This proves that in the manufacturing organization males employees count is higher than female employees, but there is still a significant female employees working in Jordanian

manufacturing area. With respect to age group, there exist 42% employees from 25 to 40 age group, 22% employees were from 40 to 50% age group, trainees and employees with 20 to 25 age group is 16%, while there were few case study in which age was not mentioned for personal reasons. In education wise analysis very few employees were PhD holder , which is around 1.3%, master degree holders were 5.3%, 78.45% employees were having bachelor degree and other has under graduation level of degree. This survey was conducted throughout the country and 27% of data is collected form Amman, 17% and 12% is from Zarqa and Irbid respectively, along with this data were collected throughout all other cities too.

H1 : There is a significance of adaption of Legal framework in Recruitment and selection procedure in Jordanian organization.

Mode	Age discrimination	Degree discrimination	Gender discrimination	Region Based discrimination	Personal relation
Job Notifications	4.6%	0.6%	0.32%	6.3%	12%
Recruitment procedure	13.7%	32.5%	12.4%	21.45%	45.56%
Selection	3.5%	2.4%	6.35%	32.65%	12.56 %
Salary and benefits	4.5%	36.89%	0.21%	0.11%	2.45%
Trainee program	8.7%	3.5%	0.153%	0.23%	4.7%
Bond and restrictions	0.67%	0.12%	0.02%	0.12%	0.23 %

From this hypothesis test it is observed that Job notification has no issues in Jordan, except for some old aged people who doesn't have access to technologies. Recruitment procedure has some discrimination towards the education instead of knowledge, but it was also observed that experience has more importance than both which is an ideal condition in many countries. Same kind of discriminations were also observed in salary structure and joining benefits. However there is very few employees feels the discriminations in Trainee program and Bond and restrictions.

H2 : Legal framework impacts on employee stratification in the form of Performance appraisal and bonus.

Mode	Degree discrimination	Religious discrimination	Personal relation	Gender discrimination
Yearly appraisal	32.45%	13.45%	49.87%	0.345%
Bonus	12.45%	6.88%	17.67%	2.34%
Retirement benefits	0.23%	1.24%	1.3%	0.45%
Promotions	23.56%	12.45%	67.45%	2.34%
Transport Allowance	0.34%	0.34%	0.34%	0.34%
Medical Allowance	0.34%	0.35%	0.34%	0.35%

It is observed that the standard benefits like transport allowance and medical allowances has no impact on any kind of discrimination. However employees feels major discrimination in Yearly appraisal, Bonus and Promotions with personal relation with management, which is not healthy environment. Few employees also found religious discrimination in promotions and yearly appraisals. The positive outcome observed in this hypothesis is lack of any major discrimination respect to gender in appraisal and bonus.

H3 : Training and development has a strong correlation with skill development and literacy related to legal amendments.

Mode	Trainee	Employee	Managers	Local Administrator
Training availability	85.23%	93.45%	92.56%	68.65%
Training material	89.78%	89.78%	89.76%	88.56%
Management decision awareness	56.56%	78.67%	96.67%	64.56%
Administration interaction	78.56%	93.56%	98.56%	91.56%

From the above observation it is clear that Training is provided in all the respective category of employees, and the quality of training material is equal for all levels of organization hierarchy. However there is some discrimination in awareness of management level decision, trainee employees were provided with less privilege and that is expected till some extend as there is always some confidential data. In Jordan region the administrative interaction found to managed as all level of employee were involve and notified.

5. Recommendation

The legal framework for the human resource management is based on the legal structure of countries legal structure, its impact and general jurisdiction. For defining the legal framework legal component, its impact and practical guidelines were analysed. Legal component introduces the component which acts as a modal in framework. Impact is also a factor considered in the framework design. It contributes to the possible impact of the legal components. IT specifies the effect of regulations, rules and legal laws on Human resource management. Jurisdiction is also an major concern in the legal framework. Courts has a rights to subdivide legal for local governments based on states, which again creates a patchwork of jurisdiction. For example for same case a laws for Amman can be different and for the same Zarqa can have different laws. Like fair labour laws are

defined in interstate levels. Coverage is also important factor in the legal framework. It involves the distinguish of laws or rules based on organization level. Based on the manufacturing product, number of workers and revenue, organization has different laws, so that it can improve the profit margin and grow in the initial phase. Along with that private and public employee has different ethics and regulation. Public employees has more benefits towards the states assets as compare to the private employees. Coverage has also the dependency of employee type like wheatear it's a full time employee, part time employee or just a trainee. Coverage is an important factor which along the HRM legal functions irrespective of employee position and employees class. For the more transparency in legal framework , training related to the legal ethics were also provided in many situations so that the employees should have all the knowledge about the legal of Human resource management.

This clearly indicates that the HRM legal framework cannot be monolith , and it should consider all the factors which may occur at state level, or organization level. According to this any specific organization may or may not has to follow the specific legal, regulation , this is entirely depend on the size, operation's nature and location.

6. Modelling Legal Framework

From the above analysis it is observed that the legal concerns around the workplace is unsymmetrical and not balanced , in practice many employee still faces legal issues against the organization. A comprehensive framework to cover all the possible issues which could occur at workplace must be included in the legalistic view. A comprehensive framework can guide the educators to prepare the employees in with all the knowledge base, in case of any disrupt between organization employees can refer to the framework to avoid unnecessary risk at organization.

To handle this issue a standard framework to balance the legal issues for management of human resources is required. This framework should have explain the standards of practice, relative risk and liability. Mandatory training is one of the component of the framework. It provides a complete knowledge about the legal, and any kind of failure to provide training shall be punishable.

Requirement for all training should be gathered and provided. Employee should be provide with minimum operating situation, like they must have tools to contact others in emergency situations. Minimum organization and Structure is also an important pillar in legal framework. The minimum requirement of employee and maximum work hours , this things must be followed according to law present in Jordan civil law. Legal credit training involves the basic ethics of workplace like taking a strict action against sexual harassment [7]. Educating with regards to employee and organization level tax can help employee to understand the government and organization level deduction from their pay.

Fair employment is also an vital factor in HRM legal framework. It involves many issues like a fair salary oat, fair requirement procedure for employee as well as trainee workers. The risk in this is a treatment based on the person because of emotional attachment, to spread false laws and encourage to break the ethics and laws, discrimination based on the individuals religion or disabilities. To avoid such situation employees or trainees should be trained with HRM protocols, and they should know their rights. On the counterpart person who is encouraging this, should get high level of punishments. Compensation is the also an important factor of HRM legal framework. It involves Recovery and Proper payment. Employees should get at least minimum wage and the maximum working hour rule should be applied with all the benefits of overtime. For future security, organization should take some efforts for providing proper investment ideas and pension schemes. Negligence indicates the failure to take care. It may be organization level or government level. This involves Malpractice, Negligent training, Workers' compensation and Due diligence. To avoid such situation employees or trainees should be aware of their benefits from government as well as organization. The practical solution for this issue could be audit in organizational level training and monitoring the benefits provided to the employees.

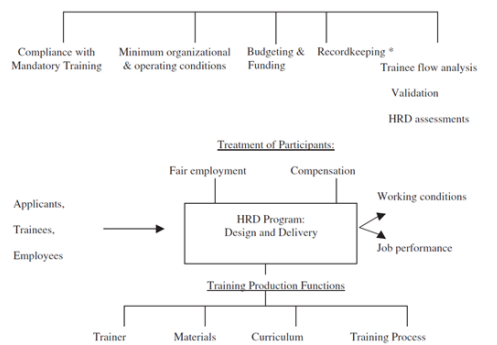


Figure 3 : Modelling Legal Framework

Figure 3 illustrates the modelling of legal framework. Even though this framework and component cannot completely illuminate the issues in Human resource management, this can help the management to take necessary action required for HR management. In this model, functions are open that means it can interact with organisation as well as employee and other component. The primary input into the system is an employee or trainee. When a new employee joins an organization laws for everyone should be same and the salary structure must be aligned. This first element focuses on the training the employee with laws. The second element is training function which involves things like guide, legal content and instruction manual. Third element in HRM legal framework is administration. Many employees must be trained with the guidelines of Human resource management this includes consumption of specific drugs at workplace and safety measure around premises. Any kind of failure in providing the training to employee and administrator could result in negligence issues and violation of laws and regulations. Administration is required to structure compliance related to the required training. Administration should monitor the employee trainee program and its creditability. It should also advice on the fund management of the employee and the provident funds.

6.11 Challenges And Suggestions

Jordan industrial stability is an important factor to consider. Employees performance and satisfaction indirectly enhances the productivity of organization a proper framework towards building a legal suits for HRM could result in strong national economy. Gender is defining factor in Jordanian culture and it propagates towards the industry too. Even if the laws were present for Equal human rights , many developing countries are facing this inequality

issues like less pay to female employees. Jordan is not an exception for this. As selection and management procedure are depending on individual organizations and its need, legal cannot completely eliminate this inequality. So it is always better to provide an equality in job selection and salary methodology where ever possible.

In the developed region HRM laws are strictly followed but in some poor region religious things still matters, and it leads to the partiality among the selection and other industrial procedures [2]. There exists laws to avoid this discrimination however still in small and poor workplace , religious discrimination is still present. Education is the key to this type of discrimination. If the importance of the skills are explained to managers and owners , then this issue can be resolved.

Better investment opportunity should be provided to the domestic as well as international investor. Laws and taxation should be in proper way so that many investor will invest in Jordanian organization.

Along with religious and Gender inequality, there are some other issues like Age, Disability and race [3]. This kind of discrimination must be avoided. There are certain jobs where age of the person matters, however it is not applicable to all the jobs hence this type of discrimination must be avoided. Same scenario is applicable to personal Disability. Race is an existing issue in almost all the developed and developing countries. Researches are going on in international level to tackle such situation.

7. Conclusion

Law system respect to Human resource management has not received a major attention in Jordan. HRM teams are not providing sufficient training to the employees. There is not enough budget assigned for the training and extra curriculum activities. In job selection process and appraisal process age, gender, race and religious discrimination is present in the small scale companies.

In this research a model of the Jordan human management system is described and the legal framework for HRM is proposed consisting social and business factors and its relationship with HRM legal. This research also suggest to enhance the

taxation and laws to attract more investor. The research recommends a link between three decision levels (strategic planning and operational levels) of supply chain management with human resource management.

The issues related to the Recruitment-selection, Training and Performance appraisal were discussed and the challenge with respect to the international level were briefly explained. A complete and proper laws and the responsible HRM teams can increase the skill set of employees. Employee should be encouraged by providing the appraisal and bonus as per their performance .it will indirectly effect the profit margins of the industries.

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