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Causes of Gender Disparities in Kenyan Organizations and the Respective Trade Unions

Dr. Denis Muchangi

Senior Lecturer, Department of Business, Kirinyaga University, Kenya

Dr. David Kabata

Senior Lecturer, Department of Business, Kirinyaga University, Kenya

Abstract:

Gender disparities continue to be reported in various dimensions of industrial occupations in Kenya and other parts of the world. This is despite the efforts by various stakeholders, including the enactment of the various gender-responsive labour laws and the inclusion of the industrial relations provision in the Kenyan constitution. Currently, according to the Kenyan National Bureau of Statistics, women's representation in formal wage employment in Kenya is below 27 per cent. The aim of this study was to identify and analyze the institutional factors that influence gender disparities at selected organizations and the respective trade unions in Kenya. A descriptive survey research design was used to obtain data from selected companies in Kenya. Primary data were obtained using questionnaires and interviews, while secondary data was sourced from company records. The data collected were coded and converted to numerical codes, which represent the attributes of the various variables of the proposed study. Data were summarized using percentages, ratios, frequencies and the measures of central tendency. The study findings indicated that gender disparities continue to be experienced at the various levels of organizational and trade union hierarchies. Margins of gender disparities tended to be higher at the top management compared to the operational levels of the organizations. Disparities, too, tend to be higher in manufacturing organizations compared to service sector organizations. The institutional factors that were observed to cause gender disparities included the recruitment practices and procedures, lack of inspection by the ministry in charge of labour in Kenya, and lack of provisions for appeal in the recruitment and promotion policies of the studied organizations. In the light of these findings, the study recommended that there should be strict measures by the government to ensure the implementation of the two-thirds rule at all organizational levels. Both the government and the trade unions must engage in regular labour inspections as a way of enforcing labour laws.

Keywords: Gender disparities, industrial occupations, gender discrimination

1. Background Information

While several organizations and agencies, both local and international, have devoted substantial efforts to enhancing gender equality at work, including the formulation and enactment of gender policies, affirmative action and gender-based campaigns, studies continue to indicate that gender inequalities are persistent and have led to sexual division of labour and under-utilization of women's economic potential in organizations (Marara, 2003).

A report by the World Bank on the third Millennium Development Goal (MDG3) observes that sexual division of labour firmly favours men over women (World Bank, 2006). The report maintains that sexual division of labour has led to differences in both horizontal and vertical dimensions of organizational occupations. It defines vertical gender segregation as the tendency for women to be concentrated in the lower levels of the occupational hierarchy in terms of wages, status and authority, while horizontal gender segregation, according to Bilton et al. (2002), is the tendency for men and women to be separated into different types of jobs with women mainly in the personal service industries and men in the manufacturing and construction.

Further, much of the work performed by women is unpaid, which is an outcome of the traditional division of labour (IFPRI, 2008). A report by the United Nations (2008) observes that "no more than one-fifth of the world's wages accrue to women because fewer women than men work for wages are engaged in the low-paying sectors and even in these sectors, they are paid less than men doing the same job" (UN, 2008). Kimani (2006) observes that women tend to do more unpaid work while men do more paid work, leading to inequality in economic power between men and women in the family and the society as a whole. Even in agriculture, more women than men work in subsistence farming (IFPRI, 2008).

The current gender disparities in occupations can be traced to the early forms of economic production (McIntosh, 1997). According to Hall and Geiban (1992), some tasks were considered by the pre-industrial societies appropriate only for women, while others were exclusively for men. According to Nanda (1991), men were hunters while women were gatherers.

With industrialization, the division of labour was transferred from the family to the workplace (Foner, 1972). Women engaged in service sector occupations such as secretarial, nursing and teaching, while men were represented in

manufacturing-related occupations such as construction, crafts and engineering. Even more interestingly, differential wages emerged. Women were poorly paid, and according to Foner (1972), even the early trade unions in the USA could not permit women to be members because this would encourage employers to reduce the salaries of the male members.

At present, not much has changed from the early industrial revolution, with reports continuing to indicate experiences of gender disparities in various parts of the world (DeNavas-Walt et al., 2005). In the USA, women comprised less than 5% of senior executive positions in both corporate organizations and unions in 1998 (AJSS, 1999). By 2004, women's wages in the US were only 76.5% of that of men (DeNavas-Walt et al., 2005). By 2008, the median income of full-time yearly rate (FTYR) male workers in the US stood at \$40,798 compared to \$31,223 for female workers (US Labor Statistics, 2008).

In Africa, according to Jouthall (1988), formal wage labour was predominantly a male affair during the colonial period. When they worked, women were given unskilled and poorly paid jobs. They could easily be replaced by machines operated by men. Between 1900 and 1933, Mozambique's minimum wage law set women's wages at about 50% of male wages (Jouthall, 1988). In South Africa, female domestic workers usually received a third less than their male counterparts. After independence, the situation did not change much. By the 1970s, Ghana had only 10% female workers in wage employment while Zambia had 7%. More recent statistics indicate that gender disparities in wage employment in many African countries still persist. In Egypt, for instance, the Agency for Public Mobilization and Statistics (2010) records that by March 2010, women were only 23.6% of the labour force and 20.2% of the wage employment.

In Kenya, according to Marara (2003), the bulk of work done by women tends to take place in the home or in the informal sector, while men are mainly in the more economically viable sectors of employment. In wage employment, women tend to be concentrated in the sectors of social, personal and educational services, while the construction and manufacturing sectors are generally dominated by men (Mwambu et al., 2000; CBS, 2009). Reports by the Central Bureau of Statistics (CBS) indicate that the sectors that suffer the highest levels of gender disparities in wage employment in Kenya today are the building construction and manufacturing sectors. According to the Economic survey (2009), the manufacturing sector recorded 216,600 men compared to 47,500 women (17.9% women) in the year 2008.

A report by the World Bank observes that in Kenya and other parts of the world, gender disparities often start early before women join the labour market and keep women at a disadvantage throughout their lives (World Bank, 2006). In view of this, the study reports that girls are more likely than boys to drop out of school due to family discrimination, education expenses and household duties. Indeed, Kimani (2006) observes that in Kenya, gender disparities are low at junior educational levels but tend to increase with progression to higher educational levels and transition to occupational and trade union levels. More specifically, the Ministry in charge of Education reports that girls constituted 48.4% of the pupils in primary schools in 2005, with the percentage lowering to 45% at the secondary school level (CBS, 2007).

Reports by CBS (2008) indicate that at professional levels, the margin increases, with women constituting 29% of the wage employment and 10% at the management levels. At the trade union level, women form less than 1% of decision-making bodies of all the unions affiliated to ICFTU worldwide (ICFTU 2007). Of the forty registered trade unions in Kenya, none has a female chief executive officer (COTU, 2009). Hence, gender disparities are highest in trade unions in spite of trade unions being part of the tripartite committee of the ILO mandated with the role of ensuring fair work practices, including the elimination of gender inequality at work.

Trade unions in Kenya draw their members from the non-managerial (operational) levels of organizations, who are also elected into the management of the union (Labour Institutions Act 2007). While trade unions also recruit directly from the labour markets, the executive levels can only be filled through elections from the operational levels of the represented organizations. Disparities at the operational levels of the organizations are, therefore, likely to influence disparities at both the membership and executive levels of the trade unions. Hence, there are interconnected patterns of gender disparities across organizations and their trade unions. This study examined the determinants of gender disparities at the operational and management levels, specifically in the East Africa Portland Cement Company, Telkom Kenya and respective trade unions.

1.1. Statement of the Problem

Despite sustained efforts and some notable gains in achieving gender equality in Kenya, women's representation in wage employment is still proportionately very low, forming less than 30 per cent of wage employment in Kenya. Further, despite the constitutional requirement that no more than two-thirds of the same gender shall occupy a constitutional office, gender disparities continue to exist even in principal occupations. The same inequality is evident at operational, management, and trade union levels of the service and manufacturing sector organizations, which are the backbone of the economy and hire the largest proportion of wage earners in Kenya. This has led to poor utilization of the available human resources, which may lead to the slowdown of economic development, poverty and social ills such as prostitution. As observed in the background of the study, none of the trade unions in Kenya today has a female representation in the chief executive office, which is against the ILO recommendation that at least one-third of the trade union representation be members of the opposite gender. Trade unions are expected to play a critical role in fighting for workers' rights, including gender equality, yet disparities are highest within their structures.

1.2. Objectives of the Study

The overall objective of this study was to investigate the institutional determinants of gender disparities in the manufacturing, service and related trade unions in Kenya. The specific objectives were to:

- Investigate gender representation in the operational, management and trade union levels of Telkom Kenya, the EAPCC and the related trade unions.

- Investigate institutional determinants of gender disparities at the operational and management levels of Organizations and respective trade unions in Kenya.
- Propose strategies that may lead to reductions in gender disparities in organizations and trade unions in Kenya.

2. Theoretical Framework

The argument advanced in this study is that while men and women differ biologically in a number of respects, many of the differences in behaviour patterns between them are outcomes of social definitions and expectations and as such, the biological attributes of a woman do not disqualify her from occupying any office or from participating in any organizational or trade unions' activity. The structural-functional theory and the concept of division of labour were used in this study. Structural-functional theory examines the contributions that the various parts, structures, and systems of a society make towards the social needs of that society and how these structures and systems shape the behaviour of the individuals and groups within them. Structural Marxists argue that the decisions and behaviour of individuals and groups are fundamentally constrained by the structures in which they are located and which exert influence over social and economic processes (Alexander & Colomy, 1990; Maryanski & Turner, 1991; Ritzer, 1996(b)). Social structures guide organizational systems, policies and procedures, which determine the gender composition of the various occupations in organizations and trade unions.

According to structural Marxists, the actions of the individuals are, in turn, the outside manifestations of the underlying structural relationships and the structural constraints within the system. Social structures can be conceived to be both constraining and enabling. They become enabled when the changes in the occupational and organizational structures enable the entry of women into the labour force. This has been due to changes such as the growth of white-collar jobs, social service and welfare occupations such as nursing and teaching, and the development of technology, where manual operations have been replaced by automated production systems. Despite these developments, disparities still exist in the selection of careers. This study explores the concept of the duality of structures and agency as presented by the structuralism theory. In so doing, an attempt is made to identify the extent to which the organizational structures and systems (e.g. employment policies) on the one hand and the individual's (both women and men) actions on the other influence the current gender disparities in organizations.

The concept of division of labour was used to explain how social structures are used to maximize career opportunities for some social groups while restricting opportunities for other groups. All societies, according to Allen (1995), display some kind of specialization of tasks. It is one of the fundamental bases for social order. According to Rueschemeyer (1986), the specialization of tasks brings with it increased integration as different groups depend upon one another for the different and complementary skills and products which they provide. Rueschemeyer (1986) observes that the complex division of labour forms the basis of much of modern industrial production and has indeed resulted in vast increases in output and productivity.

In as much as it increases levels of cooperation, interdependence and subsequently productivity, Comte, Spencer, Durkheim (1933) and Cuff & Payne (1979) argue that it also leads to a state of misrepresentation where some groups and their views are not represented during decision making as is evident in trade unions and in many organizations today. It may lead to a state of alienation (Marx 1818-1883) or exploitation where individuals are prevented from fulfilling their true nature at work. It is the opinion of this study that the occupational division of labour is a human creation and a product of the intentions and actions of individuals as they organize their lives and those of others within the economic and social framework in which they operate. Sexual division of labour is essentially social in nature and does not automatically arise from biological differences.

3. Research Methodology

A descriptive survey research design was used. The study being mainly qualitative, the design allowed detailed descriptions of the disparities and the relationships. A stratified random sampling design was used to select a sample size of 360 respondents drawn from the employees, managers, and trade union officials. Both the primary and secondary data collection methods were used to obtain the data needed for the analysis. Self-administered questionnaires and interviews were used to collect Primary data, while the secondary data was sourced from the companies' policies, manuals, job descriptions, documents and records. Data were analyzed mainly using the qualitative data analysis methods supplemented with quantitative data analysis methods. Qualitative data from the field was cleaned and thematically organized according to the objectives of the study. Quantitative data was coded, entered into SPSS, cleaned and analyzed using descriptive statistics and presented using charts and tables as per research objectives.

4. Research Findings and Discussion

4.1. Introduction

Based on the study objectives, the chapter presents the findings on the levels of gender representation in the studied organizations, and the organizational determinants of gender representation in the organizations studied.

4.2. Status of Gender Representation at Telkom Kenya

As shown in table 1, gender representation across levels of occupations in both the EAPCC and Telkom Kenya was not balanced. In Telkom Kenya, there was a 19 per cent women representation compared to 81 per cent male representation at the management level, while at the operation level, the female representation was at 47 per cent women

compared to 53 per cent male representation. The management comprised the directors, the company executives, the top management, the middle management and the lower-level management.

Within the management, gender disparities were lowest at the executive and at the top management levels, with 33 per cent women representation compared to 67 per cent male at the executive levels, and 30 per cent women at the top management compared with 70 per cent men at this level. Women's representation in middle management and lower management was at 20 per cent and 17 per cent, respectively. At the board of directors' level, the female representation was lowest, with only one woman compared to eight men at this level.

Industry	Gender	Management Category					Operational Workers	Total
		Board of Directors	Executive Management	Top Management	Middle Management	Lower Management	Employees	
Telkom	Female	11%	33%	30%	20%	17%	47%	40%
	Male	89%	67%	70.5	80%	83%	53%	60%

Table 1: Status of Gender Representation at Telkom

The data show that at Telkom Kenya, only the operational level, top management level, and executive management levels had met the minimum 30 per cent gender representation recommended by the law (The Employment Act 2007, The Kenya Constitution 2010). The highest disparities were at the Board of Directors' level, which is generally a non-professional level and consists mainly of elected/political positions, and this may have contributed to the high disparities.

Disparities were lowest at the operational level, which was the lowest professional level within Telkom Kenya and mainly consisted of direct customer services, which, according to Bilton et al. (2002), are closely associated with women. Bilton argues that women tend to be concentrated at the lower levels of the occupational hierarchy and usually tend to be in the administrative and customer services. In general, while the overall gender representation of employees at Telkom Kenya was 40 per cent women and 60 per cent men, which is above the minimum legal requirement, the disparities were higher at the management level compared to the operational levels.

4.3. Status of Gender Representation at the EAPCC

The margins of gender representation at the EAPCC, as shown in table 2, were much higher than those of the Kenya Telkom. Of all the levels examined, none had met the minimum recommended 30 per cent women representation except at lower management level. The general gender representation at the management level stood at 20 per cent female compared to 80 per cent male, while at the operational level, the representation was at 21 per cent women and 79 per cent men. The lowest levels of disparities were observed at the lower management level, which mainly constituted the junior administrative staff.

Similar to the telecommunication industry, the highest disparities were observed at the director level, where women did not have a single representation. The top management of the EAPCC was made up of 8 members consisting of the Managing Director, head of Internal Audit, head of Human Resources, Engineering Projects Manager, head of Finance, Head of Production, and the head of IT. However, of the top managers, only the finance manager was a female in a team of eight top managers.

Industry	Gender	Management Category				Operational Category	Total
		Board of Directors	Executive Management	Middle Management	Lower Management	Employees	
EAPCC	Female	0%	12%	35%	18%	21%	21%
	Male	100%	88%	64%	82%	79%	79%

Table 2: Status of Gender Representation in the EAPCC

This data indicates that at the EAPCC, which is in the manufacturing industry, women's representation was lower than at Telkom, which is within the service industry. It also indicates that, like Telkom Kenya, disparities increase as one goes up the organizational hierarchy, with the highest margins of disparities being experienced at the top management. These findings are consistent with the findings by Mwambu (2000) that margins of gender disparities are higher at the management levels compared to the operational levels. They are also in agreement with reports by Bilton et al. (2002) that gender disparities are higher in manufacturing sector organizations than in service sector organizations.

4.4. Status of Gender Representation at the Trade Unions

Data on gender representation at the union level were gathered to establish if there were gender disparities at this level and to establish if the margins of disparities at the trade unions compared to those at the respective organizations. The findings on gender representation at the trade union level are shown in table 3. The margins of gender representation

at the trade unions were just as high as those observed at the organizational level, with the highest levels being observed at the management level.

Industry	Gender	Executive	Officials	Members
Communications Workers Union	Female	0%	41%	9%
	Male	100%	59%	57.1%
Chemicals and Allied Workers Union	Female	13%	8%	6%
	Male	87%	92%	94%

Table 3: Status of Gender Representation at the COWU and the CAWU Trade Unions in Kenya

In Telkom Kenya's Union (CWU), as shown in table 3, there was no female representation at the executive level of the Communications Workers Union. Of the eight members of the CWU executive level of management, only one was a woman. However, 41 per cent and 42.9 per cent of female representation were observed in the officials and members category compared to 59 per cent and 57.1 per cent of the male representation, respectively. The average overall female representation at the CWU was 42.5 per cent. These findings indicate that the trends of gender representation at the CWU are similar to those of Telkom Kenya, where gender disparities are higher at the senior organizational levels than at the junior organizational levels.

At the Chemicals and Allied Workers' Union, women's representation was below 30 per cent in all levels, with an overall average women representation of 6 per cent compared to 94 per cent that of men. At the executive management level of the trade union, there was only one female member of staff compared to seven male members of staff, while at the union officials' level, there were only four females in a team of 34 officials. Of a total union membership of 732 people, women were only 45 compared to 687 men, making a percentage of 8 per cent and 92 per cent, respectively. Disparities were, therefore, highest at the trade union levels, which, according to Hassim (2003) and Ballington (2004), are because of the political nature of trade unions, where officials are selected through an election process.

4.5. Relationship between Disparities at the EAPCC, Telkom and the Trade Unions

As already mentioned, trade unions operate as the worker's representatives on industrial matters within the sector. They draw their membership from the organizations in the industry they represent, and for that reason, disparities at the organization level are likely to have an influence on the disparities at the trade union level. Indeed, gender distribution in the trade unions under study tended to have trends similar to those of the respective organizations. At the EAPCC, the directors' level had 9 representatives with no female representation, which was similar to its trade union, the CWU, which had 5 representatives at the executive level but similarly had no female representation at this level. The total average representation of women at the EAPCC stood at 21 per cent compared to 79 per cent of men, while at the trade unions level, total women representation was at 6 per cent compared with 94 per cent of men. This reflects a high margin of gender disparities at both the organizational and trade union levels, suggesting that disparities at the organizational level may influence disparities at the trade union level.

Similar disparities in Telkom Kenya and the respective trade union were also observed. The overall female representation at Telkom Kenya was at 40 per cent compared to the 60 per cent representation of males. This compared well with the representation at the CWU, where women's representation was at 42 per cent compared to 58 per cent of men in this trade union. This indicates that gender disparities at the Telkom Kenya (organizational level) have some influence on those at the trade union level.

An analysis of disparities between the organizations was also done, and as shown in tables 1, 2 and 3, margins of gender disparities at Telkom Kenya (41 per cent women compared to 59 per cent men) were much lower than at the EAPCC (26 per cent women and 74 per cent men). Likewise, between the trade unions, the margins of gender disparities at the CWU (42 per cent women compared to 58 per cent men) were much lower than at the CAWU (6 per cent women compared to 94 per cent men). These findings indicate that disparities at the EAPCC and CAWU (both of which are in the manufacturing sector) were higher than those at the Kenya Telkom Kenya and the CWU (which are in the service industry). These findings are in agreement with the assertion by DeNavas-Walt et al. (2005) that while men tend to be evenly distributed across all industries, women are less distributed in the manufacturing and construction industries.

The findings also revealed that in both the trade unions and the studied organizations, the margins of gender disparities were highest at the management and the executive levels but comparatively lower at the membership and operational levels. The findings are supported by the studies by (DeNavas-Walt et al., 2005; ICFTU, 2005; AJSS, 1999) that gender disparities continue to be experienced in various organizations and at various levels. The results imply that sexual division of labour and under-utilization of women's economic potential are still persistent in the Kenyan labour market.

4.6. Institutional Determinants of Gender Disparities

The second objective of this study was to investigate institutional determinants of gender disparities at Telkom Kenya, the EAPCC and the related trade unions, i.e. the CWU and the CAWU. The institutional factors that were investigated included policies and procedures on recruitment, promotion, and remuneration.

4.7. Recruitment Policies and Procedures at the EAPCC and Telkom

The information on the recruitment policies and procedures for both the EAPCC and Telkom Kenya was obtained from the HRM records and the procedure manuals. Both Telekom Kenya and the East Africa Portland Cement Company had a standard recruitment policy which, among other things, stated that recruitment should be on an equal employment opportunity basis. The data revealed that both EAPCC and Telkom Kenya had standard recruitment and selection procedures, which required that once a position fell vacant and the authorization had been done by the relevant managers, the procedures to be followed would include:

- Sourcing for applicants (through internal or external recruitment methods),
- Opening a databank of the application details,
- Shifting and shortlisting of the applications in terms of qualifications,
- Inviting the applicants for the interview test (for first entry position),
- Conducting the interview and ranking the interview results to identify the best candidates for the position.

Both organizations required that internal recruitment methods be given priority and that the external recruitment methods be considered only where the position could not be recruited from within the organization. Internal recruitment procedures were mainly through management referrals, the organizational internal publications and notice boards and were used for employees across the organizational hierarchy. The external recruitment methods used included advertising through the companies' websites, employee referrals, newspaper advertisements and use of employment agencies. The external recruitment procedures for senior positions were done through the companies' websites, newspapers, and the use of employment agencies, while the technical and manual positions were advertised mainly through management referrals and employee referrals. All these methods were considered equally accessible to both men and women and, therefore, not a source of disparities.

Once the applications were received, a database was opened in which the relevant details of all the applicants were entered. The database was developed and maintained by HRM departments of the two organizations. A review of the database was necessary for analyzing the gender composition of the applicants, which would be a determinant of the gender composition of the candidate recruited for the position. Although none of the organizations under study was willing to avail applicants' database for review due to the confidentiality of the applicant's details, the management revealed that the gender composition of the applicants was not a consideration in determining the gender proposition of the successful candidates.

Once the recruitment process had built up a sufficient database of potential candidates, the selection process would commence. At Telkom Kenya, the HRM department would carry out a shifting process before the data bank would be forwarded to the recruiting department for shortlisting. At the EAPCC, the list of applicants would be forwarded to the recruiting department without shifting. The shortlisting of the candidates in both organizations would involve the participation of both the HRM and recruiting departments. Both companies require that all positions be interviewed before the successful candidate is selected. The shortlisted candidates would, therefore, be invited for interviews, but unlike the EAPCC, Telkom Kenya required that the list first be approved by a selection board before the applicants could be called for the interviews. The interviews would then be conducted, and the results of the interviews would be reported in interview minutes. None of the minutes for the previous recruitment interview was, however, available for the study, and the gender representation of the panellist could, therefore, not be ascertained.

Both the policy and procedures for the two companies, however, lacked the involvement of the trade unions or a workers' representative in the recruitment process who would ensure that the process was fair and free from discrimination, including gender discrimination. Likewise, there were no provisions for appeal by a candidate or a stakeholder who felt that the process may have been unfair. The process also lacked a provision for external assessment of the procedure by an independent party such as the trade union or the Ministry for Labour. An appeal procedure would ensure that any candidate who felt dissatisfied with the process could request a review, while an independent external party such as a representative from the Ministry of Labour or the trade union would help reduce recruitment bias.

To assess if there were any forms of indirect discrimination in the recruitment process, recruitment documents, including the person specification, job description and job application forms, were examined. Both the job description and person specifications are drawn from the job analysis and, therefore, could give job requirements details. At Telkom Kenya, the documents were updated annually, while at the EAPCC, the update was on a demand basis, especially when there were changes in the job responsibilities. The documents would then be used for several purposes, including performance appraisals, disciplinary procedures, promotion and recruitment processes. During recruitment, the specific details would be posted in the job advertisements.

Both the job description and person specification information used for this study were sourced from the recruitment documents, which were also posted on the companies' websites. The two documents were combined into one document in the job vacancy advertisements. An analysis of the two documents indicated that while there was no indication of gender discrimination in the administrative jobs, there were inherent job requirements in the technical jobs that demanded some specific working conditions that could indirectly favour one gender against the other. For instance, the job requirement in the job description of the position of manager IP and broadband at Telkom Kenya requires that the applicant must be able to work at heights, while the reliability and process engineers require the ability to work long hours. Such job descriptions may indirectly discriminate against women who may be unwilling to climb poles due to the social perception of such jobs and who may need to be with their children in the evenings. Indeed, a female respondent at the operational level of the EAPCC reported:

We (women) are not prevented from doing any job, but some jobs, such as climbing poles, which are meant for men and not for women. It is not the fact that women cannot climb poles, but what people will think. It is not within our culture for women to climb trees or work away from home. I would not apply for such a job.

This statement indicates that while women can perform jobs performed by men, social stereotypes and not the recruitment policies and procedures may discourage them from engaging in such jobs. Further, interviews conducted to reveal the extent to which the job conditions would influence gender disparities indicated that women were more selective than men in job choices. Sixty-five per cent of those who were interviewed indicated that they would avoid jobs that involved working long hours, transfers, and frequent travel because these would affect their family responsibilities and family relations. Of the 65 per cent who said that longer working hours would affect their family relations and responsibilities, 63 per cent were women, while only 37 per cent were men. These findings are consistent with findings by Longo (2001) and Cole (2002) that working conditions such as long working hours, working in night shifts, working at heights and frequent travelling may discriminate indirectly against women or employees with young families. However, given the possibility of indirect discrimination in recruitment, it was essential to examine the employees' opinions on the procedure. To determine the employees' attitude towards the recruitment process, the respondents were asked to indicate on a five-point Likert scale (Table 4) whether they consider the recruitment process fair.

		Recruitment in My Organization Is Free from Gender Bias				
		1 (Strongly Disagree)	2 (Disagree)	3 (Neutral)	4 (Agree)	5 (Strongly Agree)
TELKOM	Male		20%	50%	30%	
	Female		32%	40%	28%	
EAPCC	Male		26%	32%	42%	
	Female		42%	33%	25%	

Table 4: Employees' Opinions towards Fairness of the Recruitment Process at EAPCC and Telkom

While none of the respondents strongly disagreed with the assertion that the recruitment process was free from gender bias, more women than men indicated that the process was unfair. The biggest percentage of respondents who felt that the recruitment process in their organization was unfair came from the EAPCC, which is a manufacturing organization. The biggest disagreement was reported by the female respondents of the EAPCC. Generally, more women than men felt that the recruitment process was unfair, hence considering it a strong determinant of gender disparities in the organizations.

4.8. Recruitment Policies and Procedures at the Trade Unions

While recruitment at the EAPCC and Telkom Kenya was based on competitive selection and drew applicants from outside the organization, the recruitment process at the trade unions was non-competitive and was open for all workers below the position of supervisor. It was, however, limited to members from the organizations which had recognition agreements with the trade unions. Interviews with the trade union officials revealed that while neither of the studied trade unions had an organizational gender-based policy on member recruitment, there was a strict adherence to the Labour Institutional Act of 2007, which provided, among other things, that recruitment for the trade union members was voluntary and no member could be discriminated on the basis of their membership status. Members could join the unions by filling out the membership forms, which instructed the employers to pay a monthly subscription fee by check-off. Despite the open nature of membership, only 20% of the respondents in operational positions were members of the trade unions (Table 4). This could be due to the provision in the Labour Institutions Act that all workers would enjoy similar negotiated terms and conditions of employment regardless of their membership in the union.

Unlike the Employment Act (2007), the Labour Institutions Act (2007) had no provision for the two-third rule, and as already seen in table 3, gender disparities at the union membership level were very high, with the CAWU recording high margins of disparities of 6 per cent and 94 per cent for women and men respectively. The findings indicated that the recruitment of women in trade unions, both as members and as elected officials, was very weak. This poor representation mirrors the poor representation of women at the organizational levels from which the trade unions draw their members and officials.

Recruitment to the trade unions could be encouraged through coordinated efforts between the trade unions and the respective organizations. The organizations studied had policies and procedures on trade union recognition, collective bargaining and a check-off system. The closed-door system was, however, yet to be implemented in any of the organizations studied. More individualized initiatives would include regal representation of members in case of labour disputes, direct recruitment campaigns and take-up of workers' grievances by the trade unions. When asked if they felt that their organization had implemented policies and procedures to encourage women's recruitment in trade unions, the majority responded negatively, as shown in figure 1.

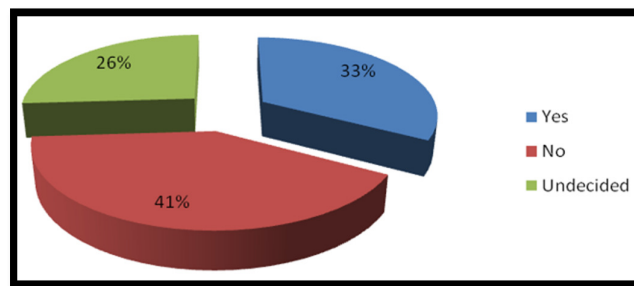


Figure 1: Respondents Opinion on Whether the Organizations Have Initiatives for Recruitment of Women to Trade Unions

Only 23 per cent of the respondents felt that the organizations had developed initiatives to encourage women's participation in trade unions. The initiatives created by the management were general and included creating awareness of trade unions, providing information on the advantages of being part of the trade unions and providing information on changes taking place in the unions.

Once members joined the union, they were required to pay a monthly subscription fee, which was deducted from their salaries through a check-off system. The contribution was considered minimal, and 40 per cent of the respondents felt that the amount paid was far below the benefits of being a member. They also felt that they could enjoy the benefits of trade unionism without necessarily being members because the terms and conditions negotiated by the unions were enjoyed by both the members and the non-members. This factor was, however, general for both men and women and, therefore, not a factor in consideration for gender representation in union membership.

The findings further indicated that in all the organizations analyzed, gender issues had never been a focus of trade union campaigns in the last three years. Additionally, reports from the top management's interviews indicated that none of the trade unions had held an industrial action in demand for gender equality or other gender-related matters. "The main focuses of the trade union actions were related to the terms and conditions of employment with no reference to gender equality. In summary, therefore, while the trade unions adhered to the recruitment policies provided by the labour laws (the Labour Institutions Act, 2007), they failed to institute organization-based policies and procedures which would encourage gender equality and discourage the huge margins of gender disparities in their membership. To determine the employees' attitude towards the recruitment process, the respondents were asked to indicate on a five-point Likert scale (Table 5) whether they consider the recruitment process fair.

		Recruitment in My Organization Is Free from Gender Bias				
		1 (Strongly Disagree)	2 (Disagree)	3 (Neutral)	4 (Agree)	5 (Strongly Agree)
CWU	Male			22%	78%	
	Female		13%	30%	57%	
CAWU	Male			28%	50%	22%
	Female		20%	25%	55%	

Table 5: Employees' Attitude towards the Recruitment Process

Unlike the findings on the attitude of the employees at the EAPCC and Telkom Kenya towards the recruitment process, where more women than men felt that the process was biased, at the trade unions, the majority of both men and women felt that the process was fair. This was mainly because the recruitment process at the trade unions was either through voluntary membership or by an election process, which was perceived by the interviewed respondents to be unbiased. The recruitment process at the trade union level was not cited as a factor contributing to gender disparities.

4.9. Promotion Procedures at the EAPCC and Telkom

The aim of this section was to identify if the organizations under study had any promotion policies and whether these policies were implemented without favouring one gender at the expense of the other. According to the available HR manuals and interviews with the management staff, promotions in both EAPCC and Telkom Kenya were based on self-improvement (such as academic achievements), job performance and the availability of a vacant position within the promotion hierarchy. Promotion was mainly in the form of more responsibilities, more authority, upward mobility along the organizational hierarchy, better pay or an upgrade to a higher job grade. Workers who acquired academic and technical qualifications within specified relevant areas got automatic promotions regardless of their gender. For instance, workers in management or technical areas with bachelor's degrees in the relevant areas could automatically move to the next job grade and/or get a pay rise upon presenting their academic certifications.

Both organizations had a succession plan in place where each manager had several well-qualified juniors who could replace him/her in case of exit. As indicated earlier, promotion was mainly through internal recruitment methods, which included job inventory analysis, management referrals and direct appointments by the CEO and the senior management. While there were minimum qualifications for each position, many workers in most job categories had the

minimum required qualifications for the next higher office, and therefore, the promotion methods described mainly depended on the managers' opinions.

To determine gender preference in promotion, respondents were asked if they had been promoted in their current organization in the last five years, and as shown in table 6, the majority of the employees responded in the affirmative. At the operational level, a bigger percentage of women (30%) reported to have been promoted compared to men (10%). At the management level, however, a bigger percentage of male respondents (66.7%) reported having been promoted than the 28.6 percentage of women who reported having been promoted.

		Have You Been Promoted in the Last Five Years?		Total
		Yes	No	
Management	Male	66.7%	33.3%	100.0%
	Female	28.6%	71.4%	100.0%
Operational workers	Male	10.0%	90.0%	100.0%
	Female	30.0%	70.0%	100.0%

Table 6: Rate of Promotion by Gender

These findings indicate that since promotion is based on performance and self-improvement, women at the operational level were able to perform better than or were preferred to men. At the management levels, more men than women were promoted, indicating that more men were perceived to perform better or were preferred to women.

When asked for their opinions on whether the promotions in their organizations were based on performance and other job-related achievements, the responses were as shown in figure 2.

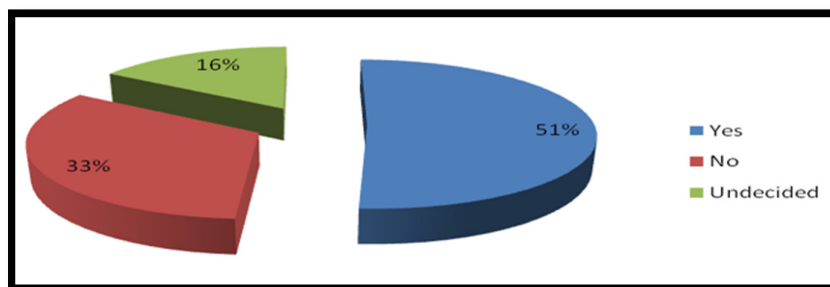


Figure 2: The Respondents' Opinions on Whether the Promotion Process Was Fair

As shown in figure 2, about 51 per cent of the respondents agreed that promotion is based on merit, while 33 per cent disagreed. Surprisingly, these findings indicate that although more women than men were promoted at the operational level and more men than women were promoted at the management level, both men and women expressed that the promotion processes were fair and non-discriminatory on any of the genders. It is clear from the findings on promotion (Table 6) that the process favoured women at the lower organizational levels while favouring men at the management levels. Therefore, it is consistent with the findings that more men than women occupied management positions. Armstrong (2004) argues that merits in performance are not the only consideration for promotion. Promotion is also based on other job-related and job-unrelated factors such as personality, loyalty and personal achievements. Just like recruitment, fairness in promotion can also be affected by indirect discrimination when factors such as long working hours and frequent travel, which indirectly discriminate against women, are put into consideration as requirements for promotion (Longo, 2001; Cole, 2002).

4.9.1. Role of Promotion Policies and Procedures at the Trade Unions

The Labour Institutions Act (2007) requires that all trade union officials be drawn from the trade union members who are, in turn, drawn from the recognized organizations. While promotion at the organizational level was based on the management's decision on the workers' performance, promotion at the trade unions was a member's decision and was based on the election process. Any member willing to rise up the union hierarchy could only do so by seeking the mandates of other members through an election process which followed an election cycle of one year. Officials were elected into office for a period of one year and had to maintain the position until the end of the one year before seeking the same or a higher position. Election to the higher position was based on performance, where performance was seen to refer to the ability to champion better terms and conditions of employment for the workers. Much of the trade union activities focused on campaigning for better pay and better conditions of employment but failed to focus on gender issues.

The promotion process at the trade union level was, therefore, similar to the recruitment process where trade union officials and executives were elected from existing members and ran the office for a period of one year and could only seek higher positions after the expiry of the period. These included the full-time officials and the shop stewards. Shop stewards were employees in the respective organizations but also held an elected trade union position as workers' representatives at the workplace. The election procedures were the same for both male and female aspirants, with the interested parties required to register their interest with the trade union, and after a period of campaigns, all members

would meet to vote for the preferred candidates. Through this process, no indirect forms of gender discrimination could be identified from the study. Margins of gender equality were generally very high at the executive levels, with no woman representation at the CWU and one woman representation at the CAWU. Asked to comment on the high margins, an executive from the Communications Workers Unions commented:

... women are not willing to come out and participate in the running of the union, and there is nothing we can do about it. Fighting with the employers for the employees' rights is not an easy job, and many (women) are not willing to resign their organizational positions for this (union executive positions).

This statement indicates that trade union jobs are perceived to be confrontational and that women generally want to remain in the less confrontational organizational jobs. According to the trade union structures availed for analysis by the two trade unions, there were no positions through which women could gain direct entrance to the trade union executive positions by affirmative action. Likewise, there were no positions reserved specifically for women for the purpose of gender equality in the two trade unions studied. Indeed, the Labour Institutional Act (2007) did not provide a clear direction on how gender equality can be achieved in trade unions.

4.9.2. Role of Training Policies and Procedures at the EAPCC and Telkom

The human resource departments of the studied organizations had a human resource training and development policy, which was entrenched within the human resource management manuals. While the policy document for Telkom Kenya could be availed through the HR department, the EAPCC could only be availed through the annual reports. The training and development policy for the selected companies began by expressing the organizations' commitment to the training and development of their staff but further stated that all training was to be conducted on the basis of the training needs assessment. The EAPCC had a policy for continuous training in which the company facilitates on-the-job training and higher education for supervisors and managers in local institutions. However, none of the organizations had a training needs assessment criterion, and therefore, the training needs assessments were conducted through the immediate manager's recommendation. The gender representation criterion and the fairness of the process could not be ascertained.

When asked if there were circumstances that discouraged gender participation in training, a majority of the respondents from the two companies who responded answered negatively. As indicated in figure 3, the majority of the workers felt that the training policies and procedures affected both genders equally when it came to training. While most of the respondents felt that the training opportunities were based on training needs assessment and skills gap, some respondents felt that non-organization-based factors such as family responsibilities affected women differently from men for the off-the-job training.

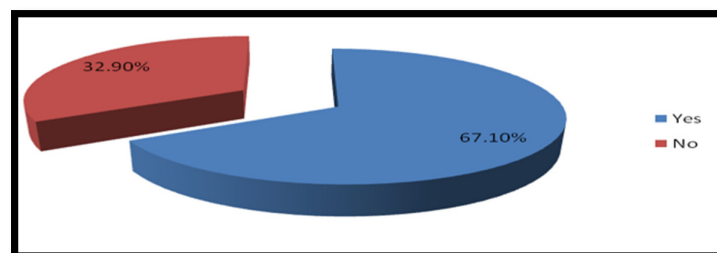


Figure 3: Respondents' Opinions on Whether the Training Process at the EAPCC and Telkom Was Fair

Asked to explain some explained that much of the off-the-job training took place in the evenings when women with young families have the responsibility of being with their children. Others felt that although organization-based training was equally offered to the two genders, men were more available than women to attend off-the-job sponsored training, workshops and seminars than would be women. However, when asked if any of them had missed an organization-sponsored training due to family responsibility or because it had been offered in the evening or away from the office, none answered in the affirmative.

This finding indicates that although the training policies and practices in the organizations (especially for the off-the-job training) may have offered more challenges to women than to men, none of the challenges was sufficient enough to discourage women from participating in the sponsored training. This meant that both men and women had equal opportunities for professional development and equal opportunity to rise to the ranks of the studied organizations.

4.9.3. Role of Training Policies and Procedures at the Trade Union

At the union level, an interview with the management revealed that neither the CAWU nor the CWU had a written policy statement on training. The two trade unions also lacked clear human resource development procedures to guide the training process and other human resource development activities. As already mentioned, there was neither an established human resource management office nor a specialized office responsible for human resource management development. The training was treated as part of the general administration function, and cases were treated as isolated activities with no standard procedure.

Training at the CAWU and CWU was mainly through workshops and seminars and was mainly in the form of off-the-job training. None of the unions had a provision for sponsoring staff members for further education. Consequently,

training was not a basis for promotion, pay increase, or employment status. This was because officials and members were expected to maintain the same status until the next election period. For these reasons, training was not a motivation for the trade union officials, as reported by one of the officials:

We do not train for promotion or pay rise, but we enjoy it because the workshops are done away from the offices in retreat centres and big hotels. It is usually a break from the monotony of work. The training can, however, give you skills to serve the members better.

The officials do not associate the training with any financial benefits of career growth. The absence of direct financial benefits or career growth associated with the training also meant that the training had no implication on gender representation at the various levels of organizational hierarchy and, therefore, was not a determinant of gender disparities in the trade unions.

While the EAPCC and Telkom Kenya have standard recruitment, training and promotion policies and procedures, the trade unions do not. This study recommends that trade unions have well-documented policies on recruitment, training, and promotion, which should be followed by clear and well-documented procedures guided by labour laws and entrenched in the CBAs. Any deviations from the laid down procedures must be within the peripheries of the labour laws.

4.10. Labour Inspection in Organizations

Labour inspection is the process by which labour inspectors from the labour inspectorate division of the Ministry of Labour visit the organizations and inspect both labour documents and work processes to ensure that organizations comply with the statutory labour standards. Labour inspection is an important procedure for ensuring not just gender representation at the workplace but also a generally good working environment as it relates to matters such as the fair treatment of workers and health and safety, among other factors. Labour inspection was cited as an important factor in gender equality. The study examined gender inspection at two points of delivery: that by the Ministry for Labour and by the trade unions.

According to the Labour Institutions Act Cap 2007, the Ministry of Labour, through the labour officers, has the mandate to conduct regular inspections. However, the management and the workers of the organizations under review reported that they had never been visited by a labour inspector at their place of work in the past ten years. Section 30 of the Labour Institutions Act provides for the appointment of a labour officer who has the power to enter any premises or place where 'persons are, or maybe, employed' and for the purpose of monitoring or enforcing compliance with any labour law, require the production of employment records examine, either alone or in the presence of any other person, whom the labour officer has reasonable cause to believe to be or to have been an employee to whom a wages order applies. In part, it provides that the officer may, at all reasonable times, enter, inspect and examine any land or building, other structure, book, documents and records and institute proceedings in respect of any contravention of any provision of any labour law (including contravention of gender-related discrimination laws).

The government is the watchdog of the citizens and is mandated to ensure fair work practices, observation of the labour laws and fair labour practices, including fair gender representation. Lack of labour inspection by the government through the Ministry of Labour is a key determinant of gender disparities as it may influence both organizational policies and practices.

The majority of the respondents from the EAPCC and Telkom Kenya indicated that inspection by the ministry would encourage the implementation of labour-responsive policies and, hence, ensure gender equality. On the contrary, the majority of the respondents from the CWU and the CAWU indicated that inspection by the ministry would not ensure gender equality in the trade unions. Asked to explain, a respondent from the CWU explained:

Gender composition at the trade unions is influenced by the members through the voting process, and the Ministry of Labour cannot dictate to the members whom to vote for. The only body that can influence the voting procedure is Parliament by amending the Labour Institutions Act.

As with the Ministry of Labour, trade unions are mandated to ensure fair working conditions for their members, including the elimination of discrimination of all kinds. The primary role of labour unions is to fight for better rights, wages and benefits for workers. Trade union's role has been to protect jobs and real earnings, secure better conditions of work and life, and fight against exploitation and arbitrariness to ensure fairness and equity in employment contexts. While the unions reported that they had the mandate to inspect the workplaces and have actually done so, the workers and management respondents reported that gender issues have never been a focus of any such inspections. The trade union executives interviewed reported that inspections at the workplace were only done on demand and focused on specific areas of employee complaints. This would mainly happen when the workers complained of poor working conditions that needed investigation. However, according to the ten interviewed executives, none of the inspections was on gender equality. Critical to this, too, was the observation that the trade unions were never represented in any of the companies in the recruitment and selection process either through the national officials or through the shop stewards.

5. Conclusions and Recommendations

This section presents the conclusions and recommendations of this study. It provides general information on the determinants of gender disparities in industrial occupations in Kenya by using a case of the East Africa Portland Cement Company, Telkom Kenya, and their respective Trade Unions.

5.1. Conclusions

The study concluded that gender disparities continue to exist in manufacturing, industrial and trade union sectors. The disparities tend to favour men over women at all organizational levels. The disparities are higher at the management

levels compared to the operational levels of the organizational hierarchies. They also tend to be higher at the trade union level compared to the organizational level. Disparities at the manufacturing organization are also higher than at the Service organization.

The disparities are attributed to both institutional and socio-cultural factors. The institutional factors include the organizational policies and procedures on recruitment, promotion and training and the failure of the institutions to implement the gender-responsive provisions of the new labour laws. These include poor recruitment, training and promotion policies and procedures at both organizational and respective trade union levels, disclosure of sex in the recruitment documents, and indirect gender discrimination for certain technical jobs.

Disparities will also be caused by poor implementation of the two-thirds rule of gender representation and failure by both the trade unions and the ministry in charge of labour to inspect the workplace on issues relating to gender equality and failure by the trade unions to focus their campaigns on gender issues.

5.2. Key Recommendations

It is evident from this study that gender disparities continue to persist at the operational, management and trade union levels of organizations in Kenya. The disparities can only be reduced if tight measures are taken, including the formulation of gender-responsive policies at the organizational level, implementation of gender-responsive practices, proper implementation of the new labour laws and implementation of gender-responsive working conditions in organizations. Specifically, the study proposes the following strategies, which may lead to reductions in gender disparities in organizations and the respective trade unions in Kenya.

- From the findings, it is clear that while the organizations were keen to observe the two-thirds rule at the overall organizational level, gender representation at the various levels of the organizational hierarchy, especially at the top management level, falls below the requirements of this rule. The two-thirds gender representation rule should be implemented at all levels of organizational hierarchy, including the various operational, management, and trade union levels.
- The findings revealed that some employment documents, including the job description and the person specifications, have clauses which may lead to indirect gender discrimination. As seen in the analysis, some technical jobs tend to favour men against women, while some administrative jobs tend to favour women against men. It is the recommendation of this study that any job requirement that, due to the nature of the tasks, potentially causes indirect gender discrimination should be reported to and approved by relevant organizational committees and the ministry in charge of labour before any such requirement is published in the job description or other employment documents or before any such requirement is implemented. Organizations should also introduce technologies that encourage women to undertake technical responsibilities similar to men's. These should then be reflected in the job descriptions and person specifications. This would help in reducing indirect gender discrimination, especially for technical jobs.
- As seen in the findings and as supported by literature (ICFTU 2006), trade unions have the highest margins of gender disparities, especially at the executive level. Trade union officials and executive positions are filled through the elective process. While the trade unions themselves may not influence the election process, they should introduce the nomination process where officials may be nominated to ensure gender representation. There should be an appeal system in which the unsuccessful candidates during recruitment, training, and promotion may dispute the outcomes of the process if they feel that the exercise was not fair. This policy has been implemented by the public sector organizations such as the Teachers Service Commission (TSC) (TSC Act 2009) but not by the private sector organizations in Kenya.
- The findings revealed that organizations under study are not regularly inspected by the labour inspectorate division of the Ministry of Labour. There should be regular labour inspections by both the government, through the labour inspectorate division of the Ministry of Labour, and the trade unions. The inspections should be made mandatory during the process of recruitment, training assessment and promotion. The labour inspectorate division of the Ministry of Labour should be empowered through more budgetary allocation, decentralization and recruitment of more and better-trained labour inspectors.

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