

**Women on Corporate Boards:  
navigating gender hurdles to access corporate  
boards in Kenya**

Millicent Omukaga



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**Women on Corporate Boards:  
navigating gender hurdles to access corporate boards in Kenya**

**Vrouwen aan de top:  
gender-gerelateerde hindernissen die de toegang tot raden van  
bestuur in Kenia bemoeilijken**

Thesis

to obtain the degree of Doctor from the  
Erasmus University Rotterdam  
by command of the Rector Magnificus

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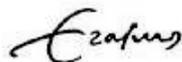
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*I dedicate this thesis to God and my late Grandma Francisca Aoko Olemba Nyaruoth Jaspot, who died while waiting to witness the successful end of this PhD journey.*

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## Acronyms

AGM	Annual General Meeting
CBK	Central Bank of Kenya
CEO	Chief Executive Officer
CMA	Capital Markets Authority
EPZ	Export Processing Zone
FGD	Focus Group Discussion
FKE	Federation of Kenyan Employers
ICPAK	Institute of Certified Accountants Kenya
ICPSK	Institute of Certified Public Secretaries, Kenya
IoDK	Institute of Directors, Kenya
IRA	Insurance Regulatory Authority
KEWOPA	Kenya Women Parliamentarians Association
KEWOSA	Kenya Women Senators Association
KIM	Kenya Institute of Management
LSK	Law Society of Kenya
MSK	Marketing Society of Kenya
NACOSTI	National Commission for Science and Technology
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organization
NSE	Nairobi Securities Exchange
RBA	Retirement Benefits Authority
RoA	Return on Assets
RoE	Return on Equity
ROSCA	Rotating Savings and Credit Association
WoB	Women on Board
WoBN	Women on Board Network



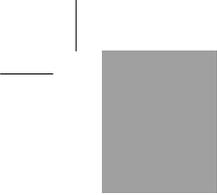
## Foreword



I'm finding my way through the impenetrable stifling undergrowth. I'm fighting through the very air that hangs heavy, soggy and silent. Hot climate and large trees overwhelm me. But I belong here and they must make way for me. I see the trees slant and the sun pass through to illuminate. So far I've been lucky. Though attacked and stung, I've crossed many rivers both wide and opaque to survive and now I produce this PhD. Every view of the jungle has been unique, highly competitive and risky. From what my grandmother said to what the Board Chair thinks. It's a jungle.

In a corner office of a successful middle-sized bank, I realize that despite all the institutional efforts in place, there is hardly a second female senior manager on this executive floor. It has been like this for the past two decades that I've been here; career-women are hardly present at the policy level of organizations. At the coffee corner I start the conversation that soon grants me an 'activist' tag, but this fact I cannot just dismiss; that there are hardly women at the top of several corporate organizations that I can recall, particularly at the board level.

This study is my way of refusing alliance with cultural norms where gender is seen as something to be minimized for one to be professional or sit on corporate boards. I am avoiding the trap where corporate women have to escape gender and engage as non-women so as to belong into the masculine network and sphere of corporate boards.

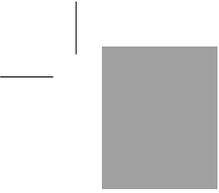


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## Abstract



This study investigates the struggles around women representation on corporate boards in Kenyan companies listed on the Nairobi Securities Exchange. The study views board representation in the light of gender equality in decision-making, using an institutional lens. Formal and informal institutions and practices that sustain female subordination and male dominance tend to privilege men in the gender order and leadership. Hence globally, women tend to be excluded from decision making, particularly on corporate boards. Lack of diverse voices that look at issues critically is a global concern and may imply that most critical issues are not raised nor discussed.

The study utilizes multiple methods, combining quantitative and qualitative approaches for a deep and broad investigation, considering the complex nature of women representation on corporate boards.

The study finds prevalence of existent social norms regarding women's trajectories to corporate board level, and brings out the interaction between formal and informal institutions in the professional development of women to the board level. This notwithstanding that Kenya is progressive in laws addressing gender equality. The study concludes that the institutional interaction that occurs from earlier stages of life and through all stages determine women board representation.

The study recommends negotiation with informal institutions in a manner that promotes gender inclusion and harmonious coexistence so as to increase WoB to critical mass. This is the first extensive study to examine the life trajectory of women joining corporate boards in Kenya. In addition, the findings advance the debate on gender equality and women representation on corporate boards in the region.

Key words: institutions, corporate governance, gender diversity, women on corporate boards

# **Vrouwen aan de top: gender-gerelateerde hindernissen die de toegang tot raden van bestuur in Kenia bemoeilijken**

## Samenvatting

Dit onderzoek gaat over de strijd rond de vertegenwoordiging van vrouwen in raden van bestuur van Keniaanse bedrijven die genoteerd zijn aan de effectenbeurs van Nairobi. Vertegenwoordiging in de bedrijfsleiding wordt in dit onderzoek met een institutionele lens bekeken in het licht van gendergelijkheid in de besluitvorming. Door formele en informele instellingen en gebruiken die ondergeschiktheid van vrouwen en mannelijke dominantie in stand houden, hebben mannen doorgaans een bevoorrechte positie in de genderhiërarchie en in leiderschap. Wereldwijd worden vrouwen dan ook vaak uitgesloten van de besluitvorming, vooral in raden van bestuur. Het ontbreken van verschillende stemmen die kritisch naar kwesties kijken is wereldwijd een onderwerp van zorg dat kan betekenen dat essentiële kwesties niet aan de orde gesteld en besproken worden.

In dit onderzoek wordt gebruikgemaakt van verschillende methoden. Een combinatie van kwantitatieve en kwalitatieve benaderingen maakt het mogelijk het complexe onderwerp van de vertegenwoordiging van vrouwen in raden van bestuur diepgaand te onderzoeken.

Uit de resultaten blijkt de gangbaarheid van bestaande sociale normen met betrekking tot de weg die vrouwen afleggen naar de top van het bedrijfsleven. Ook vestigt dit onderzoek de aandacht op de interactie tussen formele en informele instellingen in de professionele ontwikkeling van vrouwen tot het niveau van de raad van bestuur. Deze resultaten zijn verrassend gezien de progressieve wetgeving op het gebied van gendergelijkheid in Kenia. De conclusie van het onderzoek is dat de institutionele interactie die plaatsvindt in eerdere levensfasen en later bepalend is voor de vertegenwoordiging van vrouwen in raden van bestuur.

Uit dit onderzoek vloeit de aanbeveling voort om in onderhandeling met informele instellingen genderintegratie en harmonieuze co-existentie te bevorderen zodat het aantal vrouwen in raden van bestuur een kritische massa bereikt. Dit is het eerste uitgebreide onderzoek naar de weg die vrouwen bewandelen voor ze toetreden tot raden van bestuur in Kenia. Bovendien leveren de bevindingen een

bijdrage aan het debat over gendergelijkheid en vertegenwoordiging van vrouwen in raden van bestuur in de regio.

Trefwoorden: instellingen, corporate governance, genderdiversiteit, vrouwen in de raad van bestuur

## 1.1 Introduction

The marginalization of women is a ‘sensitive’ discussion at the top level of the corporate world. Yet, it is the reality the world over. Hillary Clinton once said, “in too many instances, the march to globalization has also meant the marginalization of women and girls, and that must change”<sup>1</sup>. I opted to use an institutional lens in this study, when taking into consideration that basic formal institutions like family, education, employment and governance have been found to influence women’s rise to boards and are common across countries. Informal institutions such as culture, norms and traditions, are however context specific.

This opening chapter presents a broad reflection on the limited representation of Women on Boards (WoB), the concept of institutions and institutional processes, and their interaction with agency to produce specific outcomes for WoB. The chapter provides background to the study, elaborating on what is known about the research problem through various dialogues on WoB, to give the reader an overview of what research has already been done. The chapter also outlines the research framework by highlighting the research problem, explaining gaps in earlier studies, which have not addressed the problem fully and the urgency with which the research problem should be addressed.

## 1.2 Background to the study

Scarcity of women occupying corporate leadership positions has persisted in many fields despite the fact that more girls and women are educated than ever before, and make up nearly half of the global workforce and more than half of the world’s university students (WDR, 2012). According to the International Labour Organisation (ILO) female labour force participation has increased globally to well over 50% (2010). The notable rise in the total number of female graduates with business relevant degrees has not necessarily translated into a proportional increase of female representation on boards and in senior management (Wirth 2001, Catalyst<sup>2</sup> 2011). Women continue to agitate for their equal and full participation in decision-making processes. In other cir-

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<sup>1</sup> <http://izquotes.com/quote/38735>

## 2 **Women on corporate boards: background and context**

cles, there are notable efforts recorded in academic analysis and feminist activities, international pledges and declarations of intention, increased prominence of women's issues in the dialogues of governmental and non-governmental organisations; in order to increase women representation in senior leadership positions. Despite these initiatives women representation in top leadership positions in business has remained low (Catalyst, 2012)<sup>3</sup>. Even with incremental progress, corporate boards remain male-dominated world-wide (Vinnicombe et al., 2008). While the WoB agenda has been recording positive but minimal progress in Europe and the USA, less progress has been reported in Africa, save for a small number of studies<sup>4</sup> that have incorporated South Africa and a few other countries.

Underrepresentation of women on boards cuts across disciplines<sup>5</sup>. Global board seats held by women and women chairs are few. Catalyst (2012) reports that Norway is leading at 40.1%, whilst others like the US are at 16.1% with the imbalances getting considerably greater, while several other countries having no single woman board member in corporate bodies. In Europe, women represent only 11.9% of board seats despite them being 45% of the labour force (Pande and Ford, 2011).

### **1.2.1 Women representation on Kenyan boards**

Data on the general representation of women on Kenyan boards is quite scant (Wachudi and Mboya, 2011) and not easy to put together. Media reports frequently mention low WoB but they have no access to this data. One can expect to obtain data on gender diversity in board composition from the Capital Markets Authority (CMA) but even this has yet to be streamlined. The

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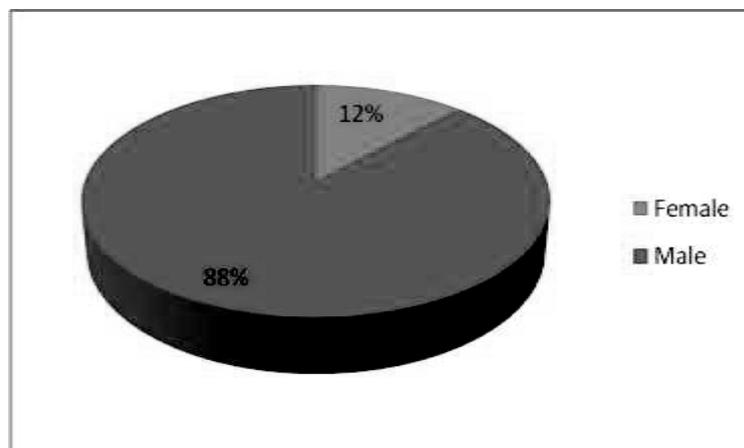
<sup>2</sup> Catalyst is a US based organization that specializes in research and advisory on women and business issues.

<sup>3</sup> 'Equal Futures Partnership' in the USA seeks to expand women political and economic participation. Several lobby initiatives have emerged to encourage inclusion of women on boards for instance the 'Pink Progress' by Kenya's pioneer women directors, 'New Faces New Voices' by Graca Machel of South Africa and 'Female Future' by the Federation of Kenyan Employers (FKE) among others.

<sup>4</sup> A study of public listed companies in South Africa (Williams 2001) found that the boards generally had only one or two female directors and that the number of companies with no female directors was higher than those in developed economies. In corporate South Africa, a study by the Business Women's Association, found an increase in women directorships from 10.7% in 2005 to 11.5% in 2006. In a follow-up study in 2011, Johannesburg Securities Exchange (JSE) had 4.4% women CEOs, 5.3% chairpersons on the JSE and 15.8% of all directorships at the JSE (Business Women Association 2006, 2011).

handbooks from the Nairobi Securities Exchange (NSE handbook 2012<sup>6</sup>) contain board data but no indication of the directors' gender or gender composition of the boards. The spread of NSE listed companies across sectors of the Kenyan economy provide a good basis for generalization of the empirical results.<sup>7</sup> For the purpose of this study, the initial analysis of the board gender composition for the companies in the sample is done from the companies' annual reports and their respective websites. Empirical data indicates 12% women representation on corporate boards for companies listed on the NSE as at June 2012 (Figure 1a). This is similar to the averages in Europe and the USA. At the same time, only two women served as chairpersons of their boards. A considerable number of Boards (22) had no women directors at all and only one company had a woman CEO.

*Figure 1a: Board gender composition for NSE listed companies in 2012*



Source: Adapted from *NSE Handbook 2012*, Companies websites and 2011 annual reports

<sup>5</sup> In academia, Onsongo (2004) found males dominated in the management of Kenyan universities. Likewise women are 'barred' from the Scientific Advisory Boards (SAB) in the USA (McCook 2013). A study by Grant Thornton International (2012) found that women held only 21% of senior management roles globally in both listed and privately held companies, a bare minimal improvement compared to the 19% in 2004.

<sup>6</sup> This is a handbook used by the NSE to consolidate the information submitted by the NSE listed companies as part of their annual reporting requirement.

<sup>7</sup> The NSE Handbook (2012) reported 51 listed companies in various sectors: Banking Sector-10, Agricultural sector-7, Manufacturing and Allied-7, Commercial and Service-7, Automobile and Accessories-4, Construction and Allied-5, Energy and Petroleum-4, Insurance-3, Telecommunication and Technology-2 and Investment-2.

**Women on corporate boards: background and context***Table 1a: Board gender composition- NSE listed companies*

Board seats	June 2012	June 2017
Listed companies	55	61
Woman chair	2 (4%)	4 (7%)
Total board seats	452	467
Occupied by women	54	98
% Representation	12%	21%

Source: KIM Board Leadership and Diversity Report, *NSE Handbook* and companies' websites

A survey by the Kenya Institute of Management (KIM) (Muturi, 2012) confirmed this finding and attributed low WoB to the interplay between historical and cultural factors. The KIM study, which was conducted in February 2012, using web content analysis, found the representation of women on boards at 20% in state corporations and 12% in the NSE listed companies. This is contrary to the requirement of Kenyan law, which according to the Constitution of Kenya 2010 states that not more than two-thirds of one gender shall occupy leadership positions. Measures required to enforce this equality promise are in nascent stages. The Kenyan Constitution stipulates that the measures will range from legislative to affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. CMA is therefore expected to spell out sanctions that are specific to boards of the companies they oversee in the Kenyan capital markets.

Follow-up research on the progress made (2017 KIM Leadership and Diversity Report) notes an increase in women representation in listed company boards at 21% in 2017, up from 18% in 2015 and 12% in 2012 when this study commenced. (See table 1a). This representation, although trailblazing in Africa and globally, is still lower than advanced markets like Finland and Norway, and much lower than the Constitutional threshold of 30%. Whilst growth of 75% within five years seems significant, little improvement is recorded in chairperson representation from 4% to 6% over the same period.

### **1.2.2 Recent trends in Kenya's corporate boards and gender scene**

In the recent past, there has been an increased focus on board diversity with respect to gender, age, tenure and emphasis on board evaluations. The absence of women directors in Kenya's corporate boardrooms has received increasing attention from the regulatory authorities<sup>8</sup> and the media. The CMA, which regulates and oversees corporate governance in public companies listed on the NSE, provides guidelines, which require the setting up of mandatory committees with HR and board nomination committee representation. The CMA has included board gender diversity requirements in its corporate governance guidelines and has set up a steering committee to look at the issue of gender diversity on boards of companies listed on the NSE among other corporate governance issues. Section 3.1.3 of the CMA's corporate governance guidelines states that: "The process of the appointment of directors should be sensitive to gender representation, national outlook and should not be perceived to represent single or narrow community interest". (CMA, 2014). The CMA has also published a 'Code of Corporate Governance Practices', based on an 'apply or explain' approach which requires companies to follow the code.

The Kenyan Constitution 2010 provides that not more than two-thirds of elective positions be held by either sex and this includes boards of directors; implying that WoB is a topical agenda issue in Kenya, and thus a study worth pursuing. Further, there are various institutions and professional associations that strive to improve corporate governance practices in Kenya, including the Centre for Corporate Governance (CCG), the Institute of Certified Public Accountants of Kenya (ICPAK), the Institute of Certified Public Secretaries in Kenya (ICPSK), Law Society of Kenya (LSK) and the Institute of Directors Kenya (IODK).

The struggle to increase women in leadership roles in Kenya has persisted since independence (Kamau 2010) and was prominent at the Beijing<sup>9</sup> Conference three decades ago. Advocacy and policy interventions, legal and regulatory frameworks are all at play in increasing gender diversity in top leadership. The problem, therefore, is that women would like to be on the boards and there is evidence that other market players support it, but looking at the numbers, the progress appears painfully slow. This begs the question, why is women representation on boards so low?

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<sup>8</sup> Regulatory and oversight bodies relevant to the research problem include CBK, CMA, RBA, IRA and SASRA, all of which play a critical role in ensuring corporate governance best practices. The regulatory bodies are however too many for an economy Kenya's size and will soon be merged if Cabinet approves the proposal thus harmonizing standards.

<sup>9</sup> The Beijing Platform for Action highlighted women underrepresentation in decision-making processes as one of the 12 critical issues in 1995

### 1.2.3 Board structure in Kenyan companies

The law governing establishment and operation of registered companies<sup>10</sup> in Kenya (Companies Act No. 17 of 2015) requires public companies to have a Board of directors with a minimum of two members. The government, through the CMA, regulates both private and publicly owned companies listed at the NSE and provides for a minimum of three directors, two of whom are natural<sup>11</sup> persons and one an independent non-executive. Ordinarily, the chief executive is part of the board but separate from the board chair. In regulated listed companies like commercial banks, the Chair of the Board is required to be non-executive and independent. In this one-tier Board<sup>12</sup>, Executive Directors come from within the company, as provided in the company's constitutive documents, while non-executive directors are 'outsiders'<sup>13</sup>. Together with the CEO, the Senior Managers in charge of key functions and who report directly to the CEO, make up the Executive Committee (Excom) and are possible appointees to the board as Executive Directors<sup>14</sup>. (See figure 1 b for a typical board structure). This structure may be different from other countries, like The Netherlands that have a two-tier governance model (Female Board Index 2011) of Executive Board and Supervisory Board. The difference between executive, non-executive and independent is illustrated in table 1.b

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<sup>10</sup> The Company law has since been revised to Companies Act 2015 and allows for one director, enabling women to register businesses without necessarily enjoining their spouses, brothers and fathers as has previously been the case.

<sup>11</sup> Company law recognizes two kinds of persons: natural person and corporate bodies registered with rights to transact, own property, sue and be sued among other characteristics, for example a limited liability company.

<sup>12</sup> One-tier Board makes all corporate decisions, with 'outsider' bringing in objectivity while 'insiders' representing stakeholders' interests.

<sup>13</sup> Outsiders are those proposed by the existing board members in consultation with the shareholders and the nomination approved at a general meeting of shareholders.

<sup>14</sup> Such executives could be Commercial, Operations and Finance Director. Company Secretaries are not usually part of the Board.

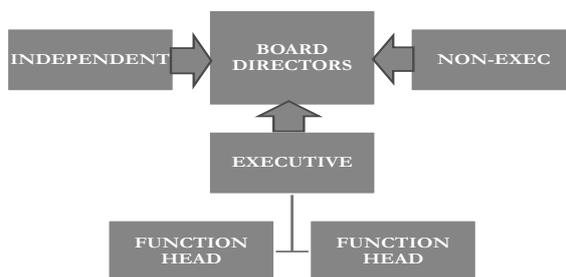
Table 1b: Board Structure in Kenya

Type of Director	Works in or for the company	Owens shares in the company or close relation
Executive	√	√
Non- executive	X	√
Independent	X	X

Source: Adapted from CMA and CBK guidelines

A typical link between the board and the organization is depicted in figure 1.3

Figure 1b: Typical organizational structure



Source: Author

Except for one, all other women directors in figure 1a are non-executive, meaning they are ‘outsiders’. Does this imply that women have not reached the senior management levels necessary to get appointed as Executive Directors? Shen and Cannella (2002) argue that insider Directors could have better firm-specific knowledge and are more likely to get the support of the executive team if elected to the Board. Following this argument, should it not be easier to have more women on boards as Executive Directors? Nevertheless, they are barely represented. Why is that?

### 1.3 Statement of the research problem

Various dialogues presented in the following section distinguish the problem that makes this inquiry necessary. The problem being investigated is that women struggle to get on boards despite their increasing professional qualifications, and gender equality laws and policies in Kenya. Women representation on boards does not reflect the progress made in gender equality in Kenya- why? Even though past studies (McKinsey, 2007, 2008, 2010 and 2012) have argued that women make better decisions, for the company as well as for women's interests in the boards; this descriptive representation study focuses on the number of women in boards, which expresses the agency and empowerment of women in society and assumes that a critical mass of women on boards will result in substantive representation and full participation in the board itself. A lack of diverse voices that look into issues critically at this high level in the decision making organ implies that critical issues don't get raised nor discussed.

In exploring the research problem of the struggle by women to access boards, this study aims to achieve the following objectives:

- i. To establish the general characteristics of board composition in publicly quoted companies in Kenya;
- ii. To explore the institutional factors that hinder women's access to boards in Kenya;
- iii. To examine how formal and informal institutions affect women's representation on boards in Kenya.

The central research question for the project is therefore: **How do formal institutions on the one hand interact with informal institutions on the other hand at the different levels of the professional life of a woman to impact the low representation of women on corporate boards?**

This study explores the low representation of women on boards with an interest in delving into the interconnection between rules of interaction and board representation.

In order to tackle this question exhaustively, the research question is broken down into the following sub-questions:

- i. What are the general characteristics of board composition in Kenya?
- ii. What institutional factors hinder women's access to boards?
- iii. How do formal and informal institutions interact in the representation of women on boards?

#### 1.4 Significance and scope of the study

The main contribution of this study is to assist policy makers, civil society and employing organizations to conceptualize the interaction between formal laws and regulations vis-à-vis gender norms as they formulate, implement and assess gender responsive labour policies within the broader policy framework. By discovering the influence of gender norms, traditions and practices on the appointment and representation of women directors, the study will complement the perspectives of corporate boards and gender dynamics thus encouraging employing organizations to extend their search for suitable female directors beyond their traditional networks.

This study focuses on women in corporate leadership rather than those in government and non-governmental positions. In examining women's path to the board, the study considers the corporate pipeline and not female entrepreneurship, hence the focus on promotions rather than the self-employment context. While WoB is a global discourse and uses comparative statistics, this study primarily focuses on Kenyan society and culture.

#### 1.5 Kenyan societal context

Gender diversity matters the world over, and the pains of inequality are universal. This study is situated in Kenya not merely because the researcher is Kenyan and familiar with the country but also due to the historical gender inequalities in business and politics. Kenya lived under colonial legislations and delayed constitutional review until 2010. Despite the existence of gender related laws and ratified conventions, women ascending to leadership is still make news in the media. Kenya has provided a base for multinationals in Sub-Saharan Africa that would benefit from good corporate governance practices. Progress in education and changes in legislations to increase gender equality are good attempts but are only recent happenings that will take time to show impact.

10 ***Women on corporate boards: background and context***

Kenya ranks 48 out of 145 countries in the Global Gender Gap Index<sup>15</sup>. While the index ranked Kenya at 63 with regards to participation of women in the labour force, the report indicates a significant wage inequality ranking Kenya 87 out of 145, with only 19.3% being salaried workers. In 2014, the UNDP Gender Inequality Index ranked Kenya 126 out of 155 countries due to maternal mortality, adolescent birth rates and exclusion in the economy where women continue to be marginalized and forced into the informal economy.

Kenya has made progress in providing access to education, especially with free primary education (FPE) in public schools. With the introduction of FPE, there was an upsurge in primary school enrolment, while completion rates also increased from 62.8% in 2003 to 76.2% in 2009 (Uwezo 2010).

Even though Kenya ratified various ILO conventions<sup>16</sup> that are relevant to equal opportunities for the female labour force, Besamusca & Tjzens (2012) found that labour force participation of women represent just 32% of non-agricultural employment. Kenya is also said to have prevalent patriarchal<sup>17</sup> norms that may be preventing women from accessing positions of power. The recent changes in the legal and regulatory environment also make Kenya an interesting case to study. Article 27 of the Kenyan Constitution 2010 entrenches the legal equality of men and women in Kenya. However, the relevant legislations to effect this equality is still a work-in-progress.

The Kenyan corporate sector has both local and multinational companies with cultures and business practices that are not necessarily local. Kenya's capital city of Nairobi is also a regional business hub where multinational businesses including Google Inc. and Toyota have set up their operational offices, which serve the rest of Africa. In addition some UN offices are located in Nairobi. Thus, the Kenyan case serves as a good representative of Sub-Saharan Africa.

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<sup>15</sup> Global Gender Gap Index measures women's participation in economic activities, education attainment, political empowerment, health and survival.

<sup>16</sup> The conventions are regarding forced labour and child labour, collective bargaining, non-discrimination, family formation and responsibilities, employment and governance, working conditions and migrant workers which are also covered in the Kenyan Constitution. Further details at [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103315](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103315)

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In conclusion, this chapter has presents a general background of the research problem and sets the stage for review of existing literature in the chapter that follows.

## 2.1 Introduction

This chapter presents and explains key concepts explored in the study. It examines concepts and themes from literature that have been used to position the study in context. The chapter presents in detail, theories that explain the research problem as explored. Such theories are also elaborated in terms of origin, proponents, application, relevance to this study and their limitations. Further, the chapter highlights which past studies on WoB and institutions were reviewed and findings evaluated, as well as identified gaps and non-conclusive areas that justify the need for this research. Thus, the approach taken in this study is not merely to describe WoB but to explore literature on the underlying factors using an elaborate analytical framework that links theories and concepts to address the research problem from the perspectives of corporate governance, business management and gender relations.

## 2.2 Theories and concepts

The theories and concepts reviewed are those that focus on how boards should be structured, what boards should focus on and the board behaviours and dynamics. The review then explores the conjunction between gender and the board theories and practices. From this discussion, there seems to be no straightforward theory on how corporate boards should run. Depending on the desired organizational outcome, the board model is context specific.

### 2.2.1 Theories on corporate boards

#### i. Agency theory

This is one of the earliest theories about boards and is concerned with how business is organized and property owned as well as accompanying power. The theory advocates for the separation of business control from those who own it, as organizations become commercially complex and increase in societal impact. Thus, a principal and agent relationship is assumed in this theory, where boards represent business owners through monitoring, while management acts on behalf of the boards. The theory assumes information asymmetry that enables performance monitoring and accountability. By diverting business control from the owners, Smith (2009) warns of an

agency problem where management may pursue their own interests and become less vigilant in administering resources not of their own, thus attracting agency cost. Under these circumstances, the board plays a monitoring role to ensure conformance as supported by processes such as reporting requirements and, internal and external audits. Adams and Ferreira (2009) however argue that by virtue of their outsider status, female and minority board directors may reduce the threat of self-serving managers thus reducing agency cost.

Agency theory has been criticized for downplaying variation in organizational life and maintains that what motivates individuals including management and the board can be complex. The view about human beings being self-centred has also been contested with Huse et al. (2009) questioning the possibility of contracting all stakeholders beforehand.

Critical board decisions such as strategy, risk and control, as well as CEO compensation can cause conflict between shareholders and management. However, agency theory and its impact on board composition, particularly with regards to gender and non-executive directors, remain unclear (Deutsch 2005).

Nevertheless, agency theory remains relevant to this study because of its emphasis on the compliance and monitoring role of the board. However, unless a positive impact on corporate performance resulting from board gender diversity can be demonstrated, shareholders may not be willing to incur the cost of doing the right thing.

## **ii. Stewardship theory**

This theory is concerned with the board and management working together on strategy development and performance monitoring. The theory assumes goal alignment and trust. Proponents of this theory challenge the rational maximization and belief of managers being self-centred (Davis 1997), and view the board as a partner and strategic asset to the business organization (Anderson et.al. 2007). In their view, this corporative tendency yields effective governance if investors increase their monitoring. Given the mixed empirical evidence in support of stewardship theory, the proponents (Davis et.al 1997) warn that its sole application can expose an organization to governance failure particularly in critical decisions around shareholder interests and executive compensation.

### **iii. Stakeholder theory**

The proponents of this theory (Blair 1995, Clarke 1998) posit that good corporate performance and accountability should focus beyond shareholder interest to key stakeholders, whose commitment determines value creation and sustainability of the organization. According to this theory, the organizational survival depends on the participation of key stakeholders including employees, customers, suppliers, government and community. The theory argues that stakeholder inclusion enables balancing of competing business priorities. Kaufman and Englander (2005) support this argument as they advocate for board directorship to be drawn from stakeholders who possess strategic information, assume risk and add value, in their 'team production model' of corporate governance. It can therefore be assumed that a gender diverse board could convey a credible signal to key stakeholders of good corporate conduct if women directors are selected for their board level skills.

### **iv. Resource dependency theory**

This theory is concerned with power distribution in organizations. Resource dependency theory acknowledges uncertainty in the external environment and the need to minimize dependence on outside organizations. As such, the board is assumed to belong to an external powerful network that the organization can leverage for its survival (Pfeffer and Salancik 2003), through information, advice, legitimacy and access to resources. While the board has a critical role internally with regards to strategy, oversight and performance monitoring, this theory seems overly externally focused. The theory appears blind to the exclusion of women on boards where such networks are male dominated and entrenched in society. Furthermore, the assumption that organizations comprise of internal and external coalitions reinforces the exclusionary power of prevalent male social networks formed to influence and control behaviour.

### **v. Institutional theory of organizations**

The theories in the foregoing discussion have tended to put efficiency and control at the core of organizations and generally assume that organizations operate in a vacuum. In reality however,

organizations must deal with external influences that determine how they are designed and conduct business. Such influences according to this theory are what constitute institutions. The institutions are understood as beliefs, rules and norms that shape formal organizational design and practices. The proponents of this theory (Berthod 2017) argue that when organizations comply with institutionalized prescriptions, it gains legitimacy, increases intelligibility and reduces uncertainty in its activities.

Institutional theory has been used to explore and explain the representation of women on boards in European countries, with evidence of a positive relationship between normative pressure and board gender diversity (Allemand et.al. 2014). This study will build on the institutional theory of organizations.

### 2.2.2 Key Concepts

*Institutions* are defined differently in various disciplines<sup>18</sup> of economics, sociology, political science and anthropology. In this study, institutions will mean rules and organizations. Agarwal (1994) defines *informal institutions* as the mechanisms, rules, and procedures that shape social interactions but do not pertain to the functioning of the state. OECD (2007) defines informal institutions as traditions, customs and social norms that hinder or allow formal institutions to operate efficiently. An interesting observation is that while North (1990) sees inefficiencies in the formal institutions, Agarwal (1994) sees a possibility of efficiency in informal institutions. However, despite the claim of ‘efficiency’, informal institutions that are ‘gendered’ tend to have different effects on the behaviour of men and women, and are mostly unequally (Folbre, 1994; van Staveren and Odebode, 2007). Rules and norms give certain actors power over others in shaping the distribution and exchange of authoritative resources. For instance household heads, tribal chiefs, company directors, organizational managers and community elites tend to be endowed with decision-making authority by their positioning within their context. Rules and norms can thus disable or enable social resources and even segregate the boundaries of choice for different categories of individuals.

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<sup>18</sup> Hodgson (2006) notes that the definition of the term institutions is in endless dispute but goes ahead to define it as systems of established and embedded social rules that structure social interactions. North (1990) defines institutions as rules but cautions that rules that exist without enforcement have little meaning because they fail to achieve the intended objectives to which he adds that institutions are meant to reduce uncertainty in interactions through stable but not necessarily efficient structure. Ostrom (2005) refers to institutions as rules of choice and generally defines institutions as prescriptions that human beings use to organize the various aspects of their lives.

This study borrows the definition of institutions as ‘rules’ so as to differentiate between formal and informal institutions. It refers to *formal institutions* where the rules are captured in formal structures like legal and regulatory systems, and refer to informal institutions where the rules are self-enforced like in cultural norms and values. *Norms* refer to forms of conduct that stem from beliefs that are socially shared and are enforced by informal<sup>19</sup> social endorsements (Kabeer, 1999). Norms have been found to govern social behaviour and tend to ensure that certain outcomes are reproduced even where actors have agency. In this study the general dimensions of institutions are viewed in the context of marriage and childbearing, the entire system of child-care, education, economic empowerment and political rights as it relates to boards of directors.

West and Zimmerman (1987) refer to the concept of *gender* as an everyday accomplishment that is entrenched in interactions between human beings, implying that gender is an activity and is socially dynamic. In this conceptualization, they differentiate gender from sex, which in their view is a way of applying socially agreed upon biological standards for classifying males and females. Studying informal institutions is therefore similar to exploring the ‘doing’ of gender play to exclude women from influential positions through gender stereotyping. Berk (2000) defines *gender stereotypes* as widely held beliefs about characteristics thought to be appropriate for males and females. *Gender roles* are the shared beliefs about the traits of men and women (Wood and Eagly 2012) as a reflection of gender stereotypes in everyday behaviour and often rooted in the family structure.

The old concept of *patriarchy* highlighted men’s control over women. However, patriarchy can be contradictory, and may not denote a simple pattern of power of men over women. Just like gender, patriarchy can be relational, interrogated and negotiated constantly by different social groupings of women (and men). Patriarchal values continue to perpetuate gender inequalities, as this study demonstrates. Various theoretical discussions (Pollert 1996, Walby 1990, 1997) indi-

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<sup>19</sup> Informality here has no direct relation with the informal sector of the economy like the slums and ‘jua kali’ (artisans in Swahili); neither does it imply informal organizations like self-help groups and ROSCAs commonly found in Kenya.

cate that patriarchy is complex, dynamic, hierarchical and not monolithic as it intersects with gender.

In the WoB discourse, patriarchy presents 'unseen' barriers that seem to prevent female executives from reaching top positions regardless of their qualifications or achievements (Federal Glass Ceiling Commission 1995b). WoB may face distinct 'rules of the game' and adopt different ways in dealing with male dominance as they bargain in different forms of patriarchal systems (Kandiyoti 1988). The politics of patriarchy cuts across gender hence persistence of patriarchal values and attitudes in, and its constraining effect on, the achievement of gender equity and equality is of great interest to this study.

It is not easy to define *family structure* from an African perspective because of extended relations and multiple households. However, earlier in history, Veblen (1931) referred to family as male-headed households even though households are not necessarily gendered by definition. Feminists perceive families as settings where all members should be respected irrespective of their sex. Some definitions refer to family by the idea of pooling economic resources (Wallersten and Smith, 1991), which may not hold in other settings. The family and household is used interchangeably in this study but with the same meaning as the place of a woman's up-bringing and of bringing up her own family, a concept that takes a heteronormative worldview in this study. Either way, family structure contributes to WoB through the development of human and/or social capital. The family context entails *childcare* which in this study covers both nurturing and providing for the young children requiring care.

To discharge their corporate responsibility board directors require both *human capital* defined by Becker (2009, p.16) as investment in education and training as well as social capital. Brass (2001) defines *social capital* as the relationships between people and the mutual obligations and support that these relationships create. Considering the emphasis on the value of social networks and relationships, reciprocity, trust, and shared social norms, having human and social capital may lead to the empowerment that women need to get on boards.

Literature reviewed on *women empowerment* focus mainly on poverty and uses the capability approach (Masbout, 1980; Sen, 1990, 1999; Narayan et al., 2000a, 2000b). These authors have varied definitions of women's empowerment, however, their viewpoints converge on the fact that

empowerment is a change process that enables people to gain power<sup>20</sup>. The description of power is important here because when women have power to, with or within, they have the inner purpose (agency) and can possibly frame positive 'rules of the game' and protect themselves or challenge the negative rules of the game that have been framed for them. Kabeer (1999) defines *agency* as the process by which one distinguishes between strategic life choices and less consequential choices, and makes a choice in either arena. She explains that strategic choices enable people to live the lives they want for example the kind of livelihood, marriage or even child bearing (Kabeer, 2010). Agency enables empowerment and expands women's ability to make strategic life choices in a context where this ability was previously denied to them, as seen in board participation (Kabeer 2006) and can enable women to go against the 'odds' of gender and discharge their corporate governance responsibility effectively.

Australian Standard (2003) defines *corporate governance* as the process by which organizations are directed, controlled and held to account. A more comprehensive and preferred definition for this study is by Kenya's Capital Markets Authority (CMA) which, defines corporate governance as

'... the process and structure used to direct and manage business affairs of the company towards enhancing prosperity and corporate accounting with the ultimate objective of realizing shareholders' long-term value while taking into account the interest of other stakeholders' (CGG, 2002).

The board of directors is often one of the three parties in corporate governance where the shareholders own the company, the directors guard the assets of the company for the owners and the managers administer the company assets. The term '*board*' in this study means the highest level of decision-making in organizations, including both executive and non-executive directors that constitute the boards. Using the definition of 'rules of the game', boards are treated as struc-

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<sup>20</sup> Power is classified in various levels including 'having power over another, which suggests an unequal relationship (power over); the ability to make decisions and find solutions (power to); social or political power, exerted by people on common ground (power with) and more relevant for this study, self-awareness and esteem which enables people to influence their own lives (power within)' (Rowlands, 1997; Veneklasen and Miller 2002).

tures within organizations that operate using ‘rules’ or processes to function. The rules can be formal like electoral process or informal like social networks.

Sen (1990) refers to *social networks* as the system of social relationships and bonds of cooperation for mutual benefit that shape one’s opportunities, information, social norms, and perceptions. The networks can be physical as well as virtual as in LinkedIn<sup>21</sup> and they are important for information sharing and building of social capital. For this study, *social networking* means the way in which corporate men and women connect with other individuals to increase their contacts and visibility both at social and business levels.

### 2.3 Past studies

This section also debates past studies on WoB in relation to business performance, board effectiveness and the supply of women for board positions.

#### 2.3.1 Women on boards and business performance

Various studies have argued in favour of WoB by linking to improved business performance<sup>22</sup> (McKinsey, 2007, 2008, 2010 and 2012) in terms of profitability and shareholder value. Further, those companies with women on their boards have claimed to better understand female customers (Daily et al., 1999) and have insights on consumer choices and economic behaviour to mirror the market, especially with the recent estimations that women control 70% of global consumer spending (O’Donnell and Kennedy, 2011). Studies<sup>23</sup> in European countries have consistently confirmed the ‘business case’ for including women on boards and top management.

If there is indeed a business case for including women on boards, why then do companies have a persistent low representation of women on their boards? Dezsó and Ross (2008) in ana-

<sup>21</sup> LinkedIn is an online professional networking forum.

<sup>22</sup> Traditionally, companies pursue diverse boards so as to create and preserve linkages to other businesses, government, and social organizations (Pfeffer, 1972, 1973).

<sup>23</sup> Luckerath-Rovers (2011) found that companies with women on their boards performed better than those without women, based on an examination between 2005-2007 of ninety nine companies listed on the Amsterdam Euronext. In Finland, listed companies with gender diverse boards or with a female CEO outperformed their counterparts (Pesonen et al. 2009). In France, Rerrary (2010) found that the financial crisis least affected the largest companies with gender diverse top management teams. Swedish listed companies with women on boards were found to report increased profitability higher than those without women on boards (Lonnquist et al. 2006). Even where firm characteristics and the Industry of causality were controlled like in Denmark, Smith et al. (2006) who studied 2500 of the largest companies found a positive impact on company performance and associated the improved performance with female managers and female board members. The finding in Spain where the stock market reacted positively to female board appointments (Campbell and Minguez-vera 2010) is also a pointer that women on boards make business sense. The ‘glass cliff’ phenomenon observed by Ryan and Haslam (2005) where women tend to be appointed in top positions when companies have problems might mean that women are better with turnaround strategies.

lysing the top 1500 US companies found that company performance is positively associated with female participation below the CEO level, particularly where the company is intensely pursuing innovation.

Other studies, like Shrader et al. (1997) did not find any significant relationship between corporate performance and governance practices. However in this case, the analysis only focused on the 200 largest firms in the US, using return on assets and return on equity as measures. This finding can therefore not be generalized to the wider community of boards of directors in firms of different sizes and different countries. The findings in Spain (Campbel and Minguéz-Vera 2008), using panel data analysis, where WoB had a positive effect on firm value but with insignificant causal relationship explains that correlation does not necessarily imply causation. In Kenya, Wachudi and Mboya (2011) found that WoB had no effect on firm performance. However, this study focused only on forty commercial banks, out of which twelve were eliminated due to incomplete data. This finding may not be generalized because of the limited scope and consequent methodological challenges, since Ongore (2015) found a positive relationship between gender diversity of boards and firm performance in Kenya. A study in Norway (Ahern and Dittmar, 2010) found negative impact on the bottom line when the quota law was introduced in 2002 but in a study on the same country a year later the impact was seen as positive (Nygaard, 2011). The negative market reaction was found to be as a result of information asymmetry where the market perceived quotas as ‘forced’ laws and reacted negatively initially. Such findings indicate that gender diversity on boards is about tapping board talent from women and men who contribute value to the board beyond sheer presence as ‘tokens’ (Kanter 1977). Negative investor reactions to announcements of top leadership is not unique to Norway because as Lee and James (2007) found similar reactions in the US by analysing such responses between 1990-2000. In Pakistan where a negative correlation was observed, Mirza et al. (2012) attributed the findings to investors’ and societies’ stereotypical perception about women and leadership. Even though the empirical evidence is yet to conclusively link women presence on boards and business performance, the findings point more to the positive side. However, this research does not intend to fol-

low the corporate performance argument since most of the female directors in Kenya's case fall under 'the only woman'. Konrad and Kramer (2006) reported that three women out of ten board members are important for an impact. As such it will not be possible to conclude whether one or two women on the board can impact company performance. Rather, the study inquires 'why' boards have low women representation.

### 2.3.2 Women on boards and board effectiveness

Another set of studies have found that gender diversity improves board effectiveness in delivering its mandate. Adams and Ferreira (2009) confirmed this by studying the meeting attendance and monitoring effort of boards in US firms. In addition to structural composition of size, skills, experience and performance, the 'soft', intangible<sup>24</sup> elements are now considered essential for the good functioning of boards (Van den Berghe and Levrau, 2004; Roberts et al., 2005).

The essence of corporate boards is governance and stewardship (Adams 2002). Ideally, business owners establish boards to manage the agency problem<sup>25</sup> (Shleifer and Vishny, 1997) by providing stakeholder protection through leadership and guiding corporate actions. Supporting the agency problem view, Carter et al. (2003) put forward that when boards are gender diverse, their ability to monitor top management is enhanced and further, that increasing the number of female directors may increase a board's independence since women tend to ask questions that male directors may not ask. In cases where the CEO is involved in board appointments, this argument raises the question of whether increased monitoring by the board would be a motivator to the CEO or not.

PwC (2011) identifies the following key concerns for corporate boards- strategy, risk and ethics, against which a board's effectiveness can be determined. These roles are supported in other studies particularly for non-executive directors (Weir and Lang, 2001 and Dixon et al., 2005) and summarized as performance monitoring, strategy development and conflict resolution. This explains Lord Davies' (2011) emphasis that boards should be made up of competent high-calibre individuals who together offer a mix of skills, experiences and backgrounds.

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<sup>24</sup> Intangible elements include quality of board meetings, information sharing, critical debates and interpersonal dynamics. These 'soft' elements are generally associated with women. How the directors interact is critical to the board's overall success just as the skills set the directors bring with them (Wallace and Zinkin 2005).

The Association of British Insurers, UK's leading shareholder group (ABI, 2011), has claimed that including women on boards is one of the three key issues that make an effective board in addition to succession planning and board evaluation. Similar studies in the UK have indicated that gender diverse boards pay more attention to risk management (TCAM 2009) and lowers a companies' risk of insolvency and bankruptcy (Wilson, 2009; Wilson & Ali, 2009). Gender balanced boards tend to have good governance behaviours where performance monitoring and evaluation are given priority, including non-financial measures (Brown<sup>26</sup> et al. 2002). Other authors (Turnbull, 2002; Currall & Epstein 2003), on analysing the scandals that befell Enron and WorldCom, opine that decisions were made without stakeholders' consultation, an aspect they argue women would have handled better while anticipating and managing the crises. Other researchers<sup>27</sup> and best practices in governance are also increasingly supporting gender diversity (Novak and Shoun 2012). Indeed, male CEOs also recognize the unique and positive contributions that female directors bring to the board (Burke 1994). If the argument of board effectiveness holds, why then do boards have low women representation?

### 2.3.3 The supply of women for board positions

Some studies have attributed low women representation on boards to a shortage of qualified women in terms of professional experience and education, a claim, which Singh et al. (2008a) terms a 'myth'. These human capital characteristics are highly valued in the corporate sector (Wambui, 2010). The United Nations identified political participation, employment and education as indicators in progress monitoring towards achieving the Sustainable Development Goal (SDG) of gender equality and women's empowerment. Sweetman (1996) observed that the number of qualified women for director positions was higher in the USA than was generally be-

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<sup>25</sup> Agency problem is defined in business as separation of ownership and control to ensure that managers, who are agents, act in the best interest of the owners.

<sup>26</sup> This study by Brown et al. (2002) reviewed the performance of 141 organizations both listed and privately held and found that female directors contribute to board unity and independence.

<sup>27</sup> Researchers in support of this view mention improved governance through board independence (Fondas & Salsalos 2000), quality of board meetings (Izraeli 2000), more strategic protocols and organization (Storvik and Teigen 2010), improved intra-board communication and overall management style (Terjesen and Singh 2008), ethics (Frank 1997, Campbell and Miguez-vera 2008) and reporting (Barako and Brown 2008).

lieved. Data on female workforce participation indicates a rising trend to 30% of total wage employment in the last three years (KNBS, 2010). Despite her observation of no gender gap in education in Kenya, Atieno (2010) found gender difference in accessing formal employment at senior levels. Increasing levels of female education and labour force participation is not being translated to women at the top. This observation contradicts the pipeline argument<sup>28</sup>. The gender gap at the top seems to go beyond economic incentives and is possibly rooted in some informality (OECD, 2004). The observation made in OECD countries, that are economically developed, points to the need for inquiry into why educated, professionally qualified and experienced women do not get onto boards in developing countries.

What about the boards that have at least one woman? They have had an opportunity to be the catalysts that could improve women's access to decision-making positions. Beaman et al. (2009) noted that communities more easily accepted female leaders where the appointments followed tenure of other female leaders. Another positive relationship between gender diversity in senior management teams and the presence of women was found on boards of Fortune 500 companies in the US from 1999 to 2000 (Bilimoria 2006).

On the demand side, Handy (1985) recommends that the optimal size for a group to allow for good participation is between five and seven members. Jensen (1993) cautions that even though larger boards tend to be more gender diverse, they are likely to be inefficient in their monitoring role when the number becomes too big. Empirical data from Kenyan companies listed at the NSE indicate that boards generally have more than seven members. Wachudi and Mboya (2011) estimate a typical size of boards in the Kenyan banking industry is eight members while Muturi (2012) found an increase to nine members on average. It is possible to argue that with only 59 nine companies listed at the NSE, there is a possibility of limited board opportunities in this target area. However, that is insufficient to explain the low representation of WoB.

The arguments found in the literature point to the fact that WoB makes a positive difference in business performance (McKinsey, 2007, 2008, 2010, 2012; Daily et al., 1999) and to the work of the boards (Carter et al., 2003; Huse, 2007; Adams and Ferreira, 2009) and that the number of

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<sup>28</sup> Pipeline argument states that 'representation at top levels of any field of work should grow with increased representation in the pipeline that leads to those top levels', in this case the board.

WoB has been consistently low (Wirth, 2001; Catalyst, 2011, 2012). Various factors emerge from the literature as reasons behind low WoB both in formal and informal structures (institutions). However, what these studies have not made clear is the interaction between formal and informal gendered institutions and how that interaction explains the research problem. Instead, the problem has been attributed either to individual women, the organizations or the state whether separately or collectively. In some of the past studies that have looked at the constraints to women accessing and succeeding at the board level, WoB issues are discussed only at the maturity stage while it is clear from literature that some of the hindrances run along the growth trajectory from female child development and human capital or lack of it in earlier stages of life (Becker, 2009). Some studies have explored social networking but even this is prevalent at the later stage of professional development of women. Therefore, this study fills the gap by reviewing literature on gendered interaction from those earlier stages of professional life as they impact on WoB as well as supporting aspects of informal institutions.

This study explores literature on the supporting side of informal institutions as well, especially where the formal institutions may be non-existent or ineffective. The understanding of these interactions between formal and informal institutions is important to various audiences to whom this study addresses. Individual directors, employing organizations and policymakers may distinguish between policies and practices that improve the general advancement of women to the board from those that are gendered and address them appropriately. This argument will be illustrated with a case study of corporate boards of companies listed on the Nairobi Securities Exchange (NSE) in Kenya.

One way to analyse the impact of institutions on WoB representation is to review how gendered informal institutions interact with formal institutions, in what Gherardi (1994) calls the 'doing' of gender. In fact, recent gender studies no longer use 'men' as a comparison group (Beckwith 2000) but rather masculinity, which is more delicate and complex to reflect upon in research. To do this requires this study to conceptualize intersectionality and the mutual reproduction of gender inequality in family structures and work organizations, or what Acker (2006)

terms ‘inequality regimes’. In the labour market, early scholars have tried to understand the inequalities between men and women by looking at how organizations and their practices are gendered (Kanter, 1997; Acker, 1990). Low WoB representation points to economic exclusion through gendered informal institutions thus calls for an intersectional approach to theorization, considering that women themselves are not a homogeneous group. More detailed theoretical literature reviewed enabled deeper interrogation of social norms, culture and heteronormative relationships of family structure and how they shape the structuring of gendered informal institutions that could be keeping women out of the boardrooms. The concept of intersectionality informs a gender and sexuality analysis framework that integrates aspects like age, ability, class, marital status, race or ethnicity in a mutually constitutive manner (Crenshaw 1991). Gendered inequalities thus intersect with other aspects of discrimination in a structural rather than individual manner to produce a unique collection of experiences.

#### 2.4 Literature on theories explored

At the international level there have been various initiatives aimed at increasing women participation in decision-making processes including the Beijing Platform for Action<sup>29</sup> in 1995, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>30</sup>, the UN Security Council’s Resolution 1325<sup>31</sup> on women, peace and security and affirmative action initiatives across various countries and the ILO conventions<sup>32</sup>. Non-governmental organizations (NGOs) actively involved in the WoB agenda include Catalyst in the USA and European Professional Women Network (PWN) based in Europe. Countries are approaching the WoB issue in different ways, for instance Norway enforced a quota law, while others like Finland introduced a corporate governance code with a ‘comply or explain’ requirement. Existing employment laws also try to reduce uncertainties in labour markets as translated in the companies’ human resources policies and practices. The policies generally govern recruitment and selection, compensation, performance appraisal, training and development, promotions, disciplinary and

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<sup>29</sup> Emphasis was put on women’s equal participation in decision making with two objectives: (i) access to and full participation in all power structures and decision-making; and (ii) to increase women’s capacity to participate in decision-making and leadership.

<sup>30</sup> Article 7, called upon state parties ‘to take all appropriate measures to eliminate discrimination against women in the political and public life of the country.’

<sup>31</sup> The importance of equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security, and the need to increase women’s role in decision-making was reaffirmed.

<sup>32</sup> ILO conventions that have particular reference to equal opportunities for women workers concern, formation of family, opportunities for employment, working conditions and the protection of migrant workers.

grievances, as well as exit. The laws when properly enforced are expected to ensure fair and standardized practices in the work place. Generally, labour unions can collectively address employees' labour issues but only at the shop floor level. Where employer organizations exist, like the Federation of Kenyan Employers (FKE), they can also contribute to standardization of labour practices.

It emerges from literature reviewed in the preceding sections that the interactions between formal and informal institutions determine women representation at the top leadership of organizations. This interplay occurs through the various stages of a woman's development from birth to her childhood, schooling, early career, senior management and board representation. However, the interactions are not in a mutually exclusive order and the extent of influence is embedded in the contexts of family or households and employment organizations. The interactions are explained in the sections that follow.

#### **2.4.1 Child development and socialization**

The family of upbringing exposes male and female children differently before they can even express their own preferences (Berk, 2000). The colour pink for girls and blue for boys is a common feature from the delivery room to dressing, expression and behaviour. The home of upbringing has been found to encourage gendered activities for children including the kind of toys they play with. Such experiences, Berk (2000) claims encourage assertiveness, exploration and emotional control in boys while promoting imitation, dependency and emotional sensitivity in girls. These traits, Berk refers to as stereotypically masculine or feminine. She however notes that in all-girl and all-boy households, children are more likely to be assigned "cross-gender" chores because no "gender-appropriate" child is available to do the job (Berk, 2000).

This observed tendency in children is well explained by the *socialization theories* put forward by Anthony Giddens and Simon Griffiths (2000, p.163<sup>33</sup>). Socialization theories try to explain why and how children develop the way they do as well as how they develop gender identities. Cognition theory of child development looks at children's thoughts about themselves and their environment while 'symbolic interactionism' focuses on symbols and the interpretation of meanings, implying that children develop by imitating what they see adults around them do. This theory of 'symbolic interactionism' was confirmed in a study of gender stereotyping in children aged three years and below in the USA by Fagot et al. (1992) who found that gender representation includes information that is metaphorically rather than literally associated with sex. Children who understood 'labels' for boys and girls also understood gender stereotypes more as endorsed by their mothers. The summary of these theories is that values learnt at this early stage gives the children a concept of fairness and equal participation that is critical in the WoB discourse.

Early childhood socialization like gender roles for boys and girls create masculinity and femininity and shapes the choices they make later in life whether in their career or as seen in the gender division of labour (Jenning, 1993). The role and behaviour continue to be reinforced by 'doing gender', a concept defined by West and Zimmerman (1987) as activities by men and women to legitimize and reinforce their masculinity or femininity. Witt (1997) agrees that households whether openly or unintentionally, influence gender role development through their own beliefs about gender. She observes that the way household tasks are assigned differently to girls and boys gives the children a definition of 'male and female roles', which may be carried on later to labour market settings.

Socialization theorists contend that cultural learning occurs intensely during childhood and they put forward that family is the primary agent or context during this phase. This explains why girls with less exposure to non-stereotyped models appear to have less of such cultural beliefs, for example where the mother is engaged in formal employment or the father does household chores. These children have been found to have higher levels of self-esteem and identity achievement (Berk, 2000 and Witt, 1997).

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<sup>33</sup> Giddens and Griffiths (2000) define socialization as the gradual process of infant self-awareness in a manner that allows for gender reproduction. They explain that in the early years of socialization, children pick norms and values from their elders and pass the same to the following generations.

A study carried out in Norway on the willingness to compete amongst adolescents (Almas et al., 2012) shows that family background influences children's willingness to compete. Children whose parents have a strong socio-economic standing are more willing to compete even though there is still a gender difference where boys are much more likely to compete than girls.

### 2.4.2 Human capital

Education and training has been considered an important attribute of corporate leadership, for instance Becker (1964, 2009) refers to such investment in education and training as 'human capital' in his extensively developed human capital theory. He positively relates the investment in human capital to economic progress of individuals by arguing that acquired knowledge and skills should result to increased labour productivity and income levels. Becker uses the term 'investment' while discussing human capital theory because he recognizes the financial cost of education and training. While the theory compares human capital to physical means of production, human capital is not transferrable. However, Becker<sup>34</sup> clarifies that it is substitutable without explaining what can replace human capital in the labour market. This perhaps is a gap for future research to explore.

The question that arises is whether the employers are responsible for educating and training employees, or whether employers should be getting qualified employees who are educated and trained already. Even though this theory has been criticized for its assumptions and for equating human capital to commodity, I find it useful in explaining the research problem because education is identified as a resource for women empowerment in addition to formal work and political participation. Kabeer (1999) and Becker (2009) also links investment in general purpose human capital to the influence of family. Parents' level of educational exposure and their economic ability can influence investments in children's education. Some subtle decisions by parents like relocation and neighbourhood may affect children's schooling. In some contexts, children have to

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<sup>34</sup> Becker's theory model, distinguishes between general purpose human capital and firm-specific human capital. Workers are responsible for their general purpose training while firm specific training can be shared with the employer.

juggle between schooling and domestic labour. Exposure to firm-specific training and development opportunities could also determine who gets to the top.

Where companies have formal recruitment policies, it can be expected that the vacancies are transparently announced and the candidates with the highest human capital get the job. However, the functioning of such labour policies may lie in some socially complex attributes that cannot match other institutions like culture (Barney, 1986a) and social norms (Nelson and Winter, 1982), that may cause hiring practices to rely on men's informal networks, including personal recommendations or head-hunting.

In the Human Capital approach Becker (1991) argues that there is a gap between women and men in how they invest in human capital. He notes that there is *role specialization* where one can invest in home production or market production, and this is based on various factors such as the level of an individual's productivity, skills and the returns they expect in each space. He states that this role specialization explains the gender wage gap, and consequently, time spent in paid work versus domestic work with a motive of reward maximization. The question that remains for Becker's (1991) argument, which is quite problematic, is that women are better suited to household production and therefore spend more time on housework as opposed to formal work. Although Becker's concept of human capital is referred to in this study, his model of the household is problematic as it actually ends up justifying the gendered division of labour in a manner that reinforces this cultural norm to the disadvantage of WoB.

### 2.4.3 Stereotyped labelling

Formal institutions from pre-school to college education include the school system and the curriculum. The school system can either have girls and boys in separate schools or co-education both girls and boys. In single sex schools, girls have been found to score higher grades compared to their counter parts in co-education. The school curriculum also provides for a choice between various science and non-science subjects. Recent studies have found that the selection of a broad range of non-science subjects is common with girls. Since such subjects are often considered of 'low status', they may present fewer employment and training opportunities for girls in the future. The low participation of girls in information technology related courses for instance excludes them from the information society and emerging employment opportunities.

Because of gendered beliefs and perceptions of what girls can and cannot do, various studies have found a dismal representation of women in the STEM (science, technology, engineering and mathematics) fields (Cacace, 2009; Burke and Mattis, 2007; Ceci and Williams, 2004). A good formal system can also be influenced by teacher interactions and attitudes towards girls.

The labelling of jobs as feminine or masculine has been found to create an image of entry barriers (Elson, 1999). This bias can later manifest itself in some sectors of the economy lacking WoB. Sectoral gender segregation in management was also found in developed countries with more men in construction, manufacturing and similar fields while women crowded the marketing and public relations fields (Davidson and Burke, 2012).

A study by Catalyst (2012) in Europe explored the barriers that women face in getting to the top and found that stereotypes and preconceptions of women's roles and abilities were the most prevalent obstacles women faced, closely followed by a lack of suitable female role models, a lack of relevant management experience, family commitments, and a lack of mentoring opportunities. The diverse issues in the pipeline identified by McKinsey and Company (2012) seem to point a finger at informal institutions. The issues identified include the sector's image at career entry level where businesses viewed as male-dominated tend to attract fewer women. Further up the career ladder, many talented women may leave a company when they decide to have children or take on other family commitments, while some may leave before that, having reached a conclusion that they will never be able to reconcile their personal and professional goals if they stay. Other women may get stuck on the ladder mostly when returning to work after having children or perhaps they decide to work part time, unable to see a clear route to advance despite their skills and potential, or having decided that a more junior role will give them a more balanced life. Higher up still, women may lack a network or sponsors to help build their standing. At each of these stages, women can encounter unhelpful attitudes held by men and women alike.

Studies indicate that young people project their future lives in terms of career and family roles by the time they are leaving college. Studies conducted on dynamic stereotypes show that society's belief about men and women relate to the roles they occupy through time (Dickman and

Eagly, 2000). The possible self, as influenced by stereotyped labelling of career and family described in this study, may determine representation of WoB generally and in specific sectors of the economy.

Indeed, the stereotype may be compounded and the perceived difficulty reinforced by the evident scarcity of women role models. As such, women with corporate experience can be overlooked for development opportunities in terms of mentorship and sponsorship. Bond (1996) found a negative tendency of discriminatory appointment and promotion, with male resistance to women leaders, an absence of gender diversity policies and legislations, and limited opportunities for training and mentorship. Even where these formal institutions exist, Dezso and Ross (2008) found that there may be a number of obstacles in how female managers are identified, attracted and developed. This perhaps contributed to Oakley's (2000) claim that women have inadequate human capital that keeps them outside the boards.

Due to stereotyping, conflicts can arise between the 'masculine' leadership behaviour of men and the expected 'feminine' social behaviour of women (Eagly et al., 1992, Eagly and Johannesen-Schmidt, 2007). Such barriers could include female managers shunning competitive environments (Niederle and Vesterlund 2007) or male managers simply resisting to work with female managers (Oakley, 2000 and Bond, 1996). These interactions can result in female employees not getting to the top because they lack line management competence and experience (Oakley, 2000). Competence in gendered organizations is not always about the individual woman's human capital (Singh et al., 2008a) but as 'judged' by those in authority who in most cases have a masculine orientation. In such situations, competence is associated with masculinity (Yancey Martin, 1996) and portrays women as deficient. Sing et al. (2008a) termed this stereotyping as a double standard on noticing that the newly appointed women directors on the FTSE 100 had better educational credentials than men, supporting earlier studies (Mattis, 1993; Burke, 1993) in the USA and Canada that found the qualifications of women directors to be exceptional.

#### **2.4.4 Glass ceiling and tokenism**

The concept of the 'glass ceiling' as used in the corporate career and gender discourse refers to some 'unseen' barriers that prevent female executives from reaching top positions even though they can see through that barrier. This is regardless of their qualifications or achievements (Fed-

eral Glass Ceiling Commission 1995b). Social role congruity is a theory of prejudice towards female leaders and can help in explaining the glass ceiling effect. The theory proposes that the perceived incongruity between the female gender role and leadership roles leads to prejudice where women are perceived and evaluated less favourably as leaders or potential leaders. The proponents of this theory (Eagly and Karau, 2002) argue that the role men and women tend to occupy in society creates gender differences in self-representation. For example, the division of labour that men and women anticipate to hold at different times can influence their possible selves or who they are likely to become. According to this theory, women are primarily responsible for family roles related to caring for children and domestic work (Binachi, 2000). Men and women internalize this social structure and in so doing, create a basis on which men and women try to normalize their behaviour (Wood and Eagly, 2012). The theory contends that there are rewards for congruity and punishment for role incongruity, and as such people generally experience social and personal benefit when they conform to their social roles.

Cotter et al. (2001) in applying data from a Panel Study of Income Dynamics in the USA found that the glass ceiling effect is different from other inequalities like race and has to do with gender. Studies by Daly (1999) and Catalyst (2010) found that in the USA, the 'glass ceiling', prevents female high performers from accessing the top, thus supporting Wirth's (2001) view that the glass gets thicker towards the top of the company. Smulders (1998) notes that when gender construction of dominance and subordination is taken to the workplace, the cultural view is that top positions are suitable for men relegates women to secondary roles. In corporate leadership, such attitudes can influence decisions about who will be hired, fired or promoted to a senior position in corporations. While there is no empirical evidence to suggest that women are less suited to managerial careers than men (Powell, 1999) they tend to hold support roles, rather than line management roles, which generally have a higher status than support roles (Vinnicombe et al., 2008). Other studies on management and gender diversity, including those of Baretto et al. (2009) and Thomas and Gabarro (1999) have found that the 'glass ceiling' is a hindrance to women's progression to top-level management. However, these two studies did not provide an

empirical demonstration of how gender affects the perception of women's leadership abilities. The glass ceiling theory assumes that the barriers are present only at the top of the corporate ladder while this study opines that the barriers are all around women.

At the board level, formal institutions identified in the literature concern the formal requirements for board appointment and the electoral system. Early theoretical efforts, like that of Kanter (1977), centred on examining gender stereotypes in the workplace through 'tokenism'. In order to look good or compliant, some companies may nominate women on board as 'tokens'. This compliance or 'legitimacy' mentality if well managed can work to the advantage of women. This means that a 'token' director can, in a way, influence human resource policies and practices that would see more women rise through the ranks. Bilimoria (2006) found a positive relationship between WoB and women senior officers. However, Erkut et al. (2008) warns of the dangers of tokenism and that women should not be brought on boards simply because they are women. To serve boards well, women need high-level corporate experience or the knowledge, skills, and abilities needed to contribute value to the company.

#### **2.4.5 Social capital and networks**

Social capital is significant when it comes to knowing about board vacancies, getting appointed to the boards or relating while at the board. Following on Brass' (2001) definition of social capital, in terms of relationships and obligations, the value of *social networks* in the WoB dialogue stands out. Requena (2003) found in Spain that social capital positively affects the quality of work environments. However, in what Kanter (1977) refers to as 'homosocial reproduction', she notes that men would traditionally want to work with other men in top positions because of their gender similarities and that members of a social network relate with others as 'in' the group or 'out' of the group. Social identity theory (Tajfel and Turner, 1986) supports this view of the exclusive power of networks by contending that group members tend to evaluate each other highly and make it difficult for those that are 'out' to join in. This trend in networking results in the '*old boys' network*', that encourages older board members to introduce or recommend their friends to the board before they retire. As long as groups like the 'old boys' network are male-dominated, the scarcity of WoB becomes a self-preserving series. Natividad (2006) found that

director recruitment, whilst meant to be handled by due process, in practice, directors refer each other through an 'old boys' network even when structures like Nomination Committees exist.

A study in New Zealand by Hawarden and Marsland (2011) found that women directors belong to a large connected network, further emphasizing the importance of social networks for WoBs. However, Huffman (2002) found that women tend to have smaller networks which are also more gender balanced than their male counterparts even on online professional networking platforms.

Kanter (1977) proposed that 'homosocial reproduction' can also work against female executives or lower level employees in cases where the grouping exerts pressure and a member is not able to 'leave' the group by moving upwards. Social networks are influenced by norms and values like trust and as such are gendered. Benschop's (2009) analysis of network processes and gendered practices in organizations suggests that it is possible to examine the combination of networking and gendering that contribute to changing the gender order. She suggests that networking does not necessarily reinforce gender. However, the 'white Dutch' male and female account managers that she observed can be considered professionals of the same rank or level in the organization, which is different from the networking relationship between existing board members and potential board members that have a high possibility of being 'gendered'.

From corporate governance perspective, business needs and priorities determine whether women are appointed on boards, in addition to company size and type. A company's priority in accessing new business, finances or new markets may shape what kind of a director is brought on board to meet the objective. Interdependencies and social relations with the external environment may force organizations to use board linkages to access external resources (Pfefer and Salancik, 2003). This piece of literature points to the possibility of having board directors who do not necessarily have the human capital but are strong on social capital. Hillman et al. (2002) using a sample of 89 white females and 99 white males in the USA found that female directors with non-business backgrounds were more likely to join subsequent Fortune 1000 boards.

The process of appointing directors to the boards is not usually the same as that of executives and managers, in terms of vacancy announcement and recruitment. Personal connections and recommendations by existing board members or CEOs have been found to be critical in getting board positions (Burke, 1997 and Mattis, 1993). Natividad (2006) agrees that the director recruitment process is still an informal referral system among male directors by virtue of tradition. Sometimes the discussion on upcoming board vacancies starts a long way before it is known outside the board. Doldor et al. (2012) found that during board appointments, the parties involved range from the potential candidate, Chair of the Nomination Committee, the Executive Search Firm (where it is used) or the CEO. In an interview on low women representation on Scientific Advisory Boards (SAB) in the USA, McCook (2013) notes that board membership tends to be by invitation only and women are simply not asked to join on boards partly because of the 'double role' assumption. Due to the restrictions of corporate elites to individuals they perceive as not fitting in, low WoB representation has persisted.

Some studies on corporate boards found that the boards tend to operate like an 'old boys' club (Kanter, 1977) characterized by casual associations. The board environments may also get confrontational and marred by politics (Singh, 2008), a situation that women may not keep up with. Eagly and Carli (2007) describe how these networks can isolate women through an exclusive gender culture.

Catalyst (2012) found that a lack of suitable female role models is a barrier for women in reaching the top of corporations in Europe. Beaman et al. (2009) note that female leaders were more likely to be accepted within the community if their appointment came after a period of tenure of other female leaders. For boards that have at least one woman, establishing role models has been found to have a positive impact with respect to changing the perception of stereotypes (Morrison et al., 1992).

Although gender imbalance on corporate boards is a global phenomenon, its domination varies across countries. Sealy et al. (2009b) in their examination of initiatives meant to increase gender diversity on boards in four countries (the UK, Norway, Spain and the Netherlands), observed and emphasized the importance of political and cultural contexts in the success of such initiatives.

### 2.4.6 Personal characteristics and ambitions

The literature reviewed indicates that the research problem can be attributed to women's low ambitions and career aspirations. A woman with educational qualifications and relevant experience may decline board appointments because of the foundation laid early in her life (Almas et.al. 2012). Female students go for 'easier' and general subjects whose range is not necessarily articulated.

Senior management rank has its unique challenges for female executives. Women have to show that they are 'much far better than men' to be appointed to executive positions (Eagly and Johannessen-Schmidt, 2001). This perception can contribute to women having inadequate confidence in their own abilities and may rate themselves lower than their male counterparts. A study by Hewlett and Packard (Dawson et al, 2012) found that when a professional vacancy arises, women wait to meet 100% of the minimum requirements before applying while men with only 60% attempt the same vacancy. Rowlands (1998) identifies core elements of self-empowerment as self-confidence, self-esteem, sense of agency and dignity. The observed low levels of confidence and ambition may contribute to the scarcity of women at board level.

### 2.4.7 Intra-household division of labour

Becker (2009) notes that in many traditional families, domestic labour is extensively divided between wives and husbands. Domestic labour and responsibilities can constrain women's careers especially because women are often responsible for household chores and childcare, resulting in the 'double burden syndrome'; a situation where women combine formal work with domestic responsibilities. In this study this will be referred to as the '*double role*' so as not to assume that work and family burdens women, rather that it is the juggling between the two roles that challenges their career advancement.

Exchange bargaining theory by Brines (1994) can help in explaining how women negotiate household work. The theory puts it that household labour is often regarded as unpleasant and more importantly not easily quantified in monetary value. Therefore, those who control the most resources, usually men, have higher bargaining power to get them out of this unpleasant work,

leaving it to women who control less resources and power hence will spend more time on domestic work (Brines, 1994). The argument is that women are resource challenged and have to contend with house-work (Brines, 1994), mostly cleaning and cooking. Following this argument, one would expect that an increase in women's earnings compared with their husbands may stabilize the division of household labour. What about when women's earnings grow and surpass that of their husbands? Can this reverse the gender division of labour and get husbands to spend more time in housework? Studies in bargaining and time spent on household work have found that for economically empowered women, their earnings reduce their own unpaid work but only when they contribute less than half of the family income, beyond which their unpaid work increases (Baxter and Hewitt 2013). Brines (1994) supports this argument and notes that the adoption of more traditional male tendency is meant to negate the 'gender abnormal' behaviour of not being the chief income earner, commonly referred to as the 'breadwinner'.

Even after excluding childcare and shopping in the US, Bianchi et al. (2007) analysed time-dairy data and found that married women spend double the time spent by their male counterparts on household chores. Data from other countries likewise indicate that women spend twice as much time doing domestic chores as men (Breen and Cooke, 2004). Starting a family can be taxing for women and may even be incompatible with the demands of a high profile leadership position.

Women also have to contend with *childcare*, which does not only cost money now but impact on potential income as well. Child rearing contributes to the gender wage gap in what Tijds and van Klaveren (2012) term as 'child penalty' on female wages and 'child premium' on male wages. Another cost is that women may forgo the opportunity for senior positions or take a career break to take care of young children. At this stage, the obstacles could be maternity leave and reduced mobility. The 'any time anywhere' work model (McKinsey & Co., 2010) does not recognize that women managers have a 'double role'. The effect of the double burden phenomenon on the pipeline of women directors is felt more particularly if the woman opts out of formal work to have or look after a family. Vinnicombe (2011) found that reconciling career and family remain a challenge for women getting to the top, supporting the findings of O'Neil and Bilimora (2005) that show only those women who pass the 'pragmatic endurance' stage get to the top. The perception that women have higher probabilities of leaving the labour market for child-

bearing or trade off working time for domestic responsibilities has been found to contribute to the gender wage gap (Iversen and Rosenbluth, 2003). Belief that a 'good mother' ought to stay at home with children has been found to create a conflict between women's career aspirations and family responsibilities (Gorman and Fritzsche, 2002). This belief has the potential to get employed mothers to opt out of work to stay with their young children and thus fail to reach the top (Bittman et al., 2001).

The ILO (2008) supports that women should have the freedom to choose work if they want to and have an equal chance as with men to work when they choose. However, *patriarchal ideologies* have been found to constrain women's agency because the freedom of choice and action is not always obvious for women (Malhotra, 2003) and disempowerment could be rooted at the household level. Veblen and Ardzrooni (1998) identified households as the bearer of gender, embedded in patriarchy when he referred to the 'home' as a male-headed household.

Studies from different parts of the world suggest that women's social obligations may have a negative impact on their career progression (Romanin and Over, 1993 in Australia; Moore, 1999 in Israel). In addition, Coleman (2002) found the same negative effect on women head teachers in the UK. In Romanin and Over's (1993) study, men and women who held a full time appointment at lecturer level and above in Australian universities in 1988 were compared in terms of the career paths they followed, geographic mobility, domestic responsibilities, work roles and levels of performance as academics. The women in this study often spent a period outside the workforce or in part-time employment due to childcare responsibilities. Smulders (1998) explored how culture tends to link gender to organizational structure through the social construction of gender. She attributes this link to the transfer of gender-based roles to the workplace, where actors subscribe to social and organizational reality. Emphasis is usually placed on women only as mothers, caregivers and nurturers; hence top management positions are viewed as being suitable for men while relegating women to secondary roles.

#### 2.4.8 Gender-role expectations

Biological differences between men and women are also responsible for 'gender specific roles'. Women are biologically assigned child bearing and infant nursing while men engage in certain heavy work because of their biological size and strength. Socialization however supports a division of labour based on these biological differences, in what Wood and Eagly (2012) term as 'biosocial construction' and argue that based on these biological activities, that society infers gender stereotypes termed as 'shared expectations that women and men are intrinsically different'.

Social stereotyping creates biased judgments about the competence and suitability of women for top leadership positions in both developed and developing economies (Catalyst, 2005), by portraying women poorly on the characteristics associated with leadership. Due to stereotyping, women can even doubt their own ability to combine traditional and executive roles as was found in Thailand (EMG 1996). *Gender-role expectations* that define leadership roles in masculine terms have been found to evaluate men more favourably and consistently than women in similar roles (Eagly, Karau and Makhijani, 1995). Consequently, if this gender-role expectation appears to be violated, bias against women increases (Powell and Butterfield, 2002). According to Powell and Butterfield (2002), men can be envisioned to have the right leadership attributes because of their high numbers in senior management while the low representation of women continues to reinforce the stereotype that women lack leadership qualities.

#### 2.4.9 Household dynamics and negotiations

In her book *A Home Divided*, Dwyer (1988) elaborates on negotiations that occur among members of a household unit through the eyes of adult women. The party to negotiate with is often the husband but in other cultural contexts, this negotiation may extend to in-laws or parents. As strategic actors women find themselves negotiating to defend or expand their own life processes (Kabeer 2000). In family structures with patriarchal ideologies, women may be confined to their reproductive and nurturing role at the expense of their career aspirations. In addition to reproductive and nurturing issues, women need to also negotiate for their freedom of movement and association. This age old tendency informs the emergence of household bargaining theories.

Gender has been found to be a fundamental perspective in the household division of labour, where men and women sustain their gender identity by demonstrating behaviour considered to be gender appropriate (West and Zimmermann 1987). Berk (1985) explains that housework produces gender when men and women in a marriage setting perform specific tasks, and terms the family as a “gender factory”. The gender display approach has influenced studies in the domestic division of labour and is supported by many findings (Brines 1994; Bittman et al., 2003; Gupta, 2007) although at varying levels. Brines (1994) for instance indicates that it is possible that in a house, the economic dependence of women is observed while display of gender by men is also evident in terms of time spent on housework. This implies that the housework is gendered as well as the processes that contribute to the variations in time spent on housework. Thus, bargaining power can have either a positive or negative effect on women’s agency. Iversen and Rosenbluth (2003) found that when women have formal employment options out of the home, they are able to reduce their share of household work.

Spousal interaction has featured in literature in relation to the gender division of household labour. Leonard’s (2001) study of women’s ‘double role’ in Australia found that the persistent traditional gendered division of labour, where men were not keen on sharing domestic work, had a negative impact on working women. To cope with this situation, the study indicates that women opted out to pursue part-time employment. The same does not apply to men, many of whom have become senior executives with fairly young families and whose wives are expected to not only support them, but also continue looking after the children. There is also the challenge of intimidation and insecurity when the woman’s new position is seen as higher than the man’s, a sentiment that many women around the world may identify with. Leonard (2001) notes in her research on women’s careers, that husbands may not support the idea of their partners pursuing higher degrees and taking higher positions. They can actually prove a bigger obstacle than children. She proposes that wives are more likely to support their husbands through the task of completing a doctorate degree than husbands, who may threaten or even ask for a divorce. In

Probert's (2005) study of women in academia in Australia, it emerged that a significant number of women had broken up with their marital partners while they were pursuing their PhDs.

In some instances, women have been found to support the informal institutions that may be working against them especially where sanctions may be strong or they have a weak fall-back position (Sen 1990). Social norms have also been found to affect household bargaining by setting limits on what women can bargain on. In other words, the norms direct the way of bargaining (Kabeer, 1999).

The *theory of structuration* displays the interaction explained in the conceptual framework in terms of displaying the context within which gender is 'done'. The contexts, referred to as structures are what Veblen and Ardzrooni (1998) call 'bearers of gender', in this case the family or household and the work organization.

Giddens (1984) defines structure as rules and resources, organized as properties of social systems and underscores the duality of structure and agency in his theory of 'structuration'. He elaborates the translation of structures into action and explores the relationship between individuals and society, and thus useful in understanding the influence of informal institutions on women board representation. This theory recognizes that a social phenomenon, like low women representation on boards, is a product of both agency and structure, hence the contention that structure and interaction are a mutually constitutive duality (agency and structure are inseparable).

In terms of agency, Kabeer (2008) evaluates a woman based on her sense of self-worth and social identity, whether she is willing and able to question her 'inferior' status, if she can exercise strategic control over her own existence. To her, a woman with agency should be able to relate at an equal level in the household and contribute on similar terms with men in reforming the structures in which she lives. While agents are bound in structures, Giddens (1984) suggests that they can use their knowledge of the structural context to support their actions, which can produce the desired structures and transform others through reflexive monitoring and rationalization.

## 2.5 In the context of developing economies

Although gender diversity in leadership is a topical policy issue in Kenya today, top corporate leadership remains a preserve of men, just as is the case in many parts of the world. Immense

evidence exists to support that having women on boards is good for business performance, ethics and the work of the board. The impact of women empowerment initiatives indicates positive indirect outcomes for female education and labour force participation. The paradox remains that these outcomes do not translate to the fair representation of women in decision-making processes and organs. The underlying issues cut across continents but their severity varies with context and time.

A study by the International Finance Corporation (IFC) (2011), that sampled prominent board chairpersons, CEOs and directors from both listed and non-listed companies across a range of countries and industry profiles, reported that all those profiled, strongly supported board gender diversity. Countries representing Africa in this study were Zambia, South Africa and Egypt. The objective of the study was to understand the obstacles preventing women from reaching the boards. Considering that the respondents in this study were all male, their perspectives may not give a fair picture of the obstacles if their perceptions about these obstacles are gendered.

Social networks emerge as important in developing countries as well. The networking can take a different shape where the directors have connections with the owners or key shareholders. A study in Jordan (Singh 2008) found that the female board members had some connections with the controlling shareholders of the organization on whose boards they served. Metcalfe (2006) in a Middle East study of gender and culture in management found that in countries like Jordan it was difficult for women to get to senior levels in the absence of family connections to powerful hierarchies.

In Egypt, Amira and Osama (2011) studied the impact of board gender diversity on corporate profitability and factors leading Egyptian companies to appoint female directors. The study found factors associated with nomination of women directors to include advanced education, a variety of work experience, involvement in professional organizations, having the right political and business connections and the ability to dedicate quality time for board matters.

The businesswomen association in South Africa (2011) looks at the status of women directors. The organization regularly conducts a census of businesswomen in corporate South Africa. This is a rare initiative in Africa but one that is keen to see women participating in the mainstream economy of South Africa. However, their approach is often descriptive and does not give insight into the gendered hindrances that exclude women from boards.

Wachudi and Mboya (2011) attribute the underrepresentation of women in the boards of Kenyan commercial banks to tokenism as explained by Kanter (1977) and the glass ceiling for internally raised directors. In this study, Wachudi and Mboya (2011) analysed the influence of board gender diversity on corporate performance between 1998 and 2009 and found that it was male-dominated even though their findings did not indicate a significant positive relationship. Using stepwise regression analysis, the study only focused on commercial banks in Kenya. Commercial banks are heavily regulated and 28 of them may not be representative of the rest of the NSE listed companies.

Muturi (2012), in a case study by the Kenyan Institute of Management (KIM) of listed companies and state corporations in Kenya, confirmed that boardrooms in Kenya were male-dominated and attributed the findings to the interplay between cultural and historical factors. The study however did not demonstrate this interplay and how it influences WoB representation hence participation. Further, significant perspectives and voices of the various parties were left out and the scope of the study was quite narrow. For instance, only fifteen interviews were conducted and that included directors, CEOs and company secretaries, raising doubts on the depth of the inquiry. This informs the need for this innovative approach to WoB research. Various factors found in the literature as hindrances are discussed in the sections that follow.

From school-going age, girls have been found to face bullying, discrimination, punishment, sexual harassment or other challenges at or on the way to school. Girls are also expected to perform both domestic work (e.g. fetching water or firewood) and schoolwork. This tendency of a dual role appears in later stages as working-women juggle between handling formal employment and household work. Gender preference can also come into play at this stage, particularly in the case of economic constraints that sometimes shift the focus to boy's education and girl's early marriage. Early marriage or forced weddings have been found to limit access to education and

professional development for women. Consequently, the gendered challenges in girls' education may manifest in a low talent pool for WoB.

The educational marginalization of girls in Kenya for instance has been attributed to socio-cultural constraints (Ngome, 1999) including forced and/or early marriage and early childbirth (Ngesu, 2010). Kamau (2010) records that in Kenya, historically when girls left home to go to school, it was perceived to spoil the good girls or at times it was seen as a way to help the girls get good suitors. This perception worked against girls schooling at the time while the same system demanded that every family 'donates' a boy child going to school. Kanogo (2005) notes that even the school curriculum seemed to encourage teaching domestic skills – such as in the subject 'Home Science' – offered to the girls in preparation for future roles as wives and mothers. In terms of teacher attitudes, male teachers have been found to trouble girls to psychological withdrawal and loss or injured self-esteem (Mugenda, 2001).

The school system can either have girls and boys in separate schools or co-education with both girls and boys mixed in a school. The school curriculum also provides for a choice between various science and non-science subjects. A good formal system can be influenced by teacher interaction and attitudes towards girls. The informal institutions that stand out in the literature seem to challenge the secondary school enrolment of girls.

Cultural factors tend to contribute to the social construction of gender. Culture also has been found to assign specific roles, responsibilities and expectations to men and women (Nzomo, 1995). Cultural practices like rites of passage in many African communities have good intentions for boys (adulthood) and 'bad' intention for girls like female genital mutilation. The preference of male to female children, as found in some African settings, is influenced by the cultural belief that the boy will stay in the family while the girl will soon leave to be married hence not worth the investment.

In a study of the widening participation in higher education, Morley (2010) tried to decipher the gendered communication schemes and the matrix of power relations in academia in Ghana

and Tanzania. She found that gendered power and privileges were endorsed in the usual social interactions in colleges and universities.

The 'glass ceiling' effect has been found in the African setting as well. In a study of Uganda's public service, van Staveren (2012) found a relationship between the glass ceiling effect and the gender wage gap. Simply put, the middle ranks have more women than men and the gender wage gap is lower than the top ranks that have few women but the gender wage gap remains wide. This negative relationship makes her put forward a possibility that women may be 'having to pay' for their upward movement as evidenced in the wide gender wage gap at the top. Even though the scope of this study does not allow for empirical inquiry into the gender wage gap, the findings point to the possibility that the 'price' keeps executive women out of the boardroom.

The responsibilities that women have outside work contribute to the attitudes of male managers, who brand women as 'lazy' or 'uncommitted to professional growth' (Kamau, 2002; 2007). In some contexts like Kenya, career women may give first priority to their families, not because they lack commitment to professional growth but because they have been socialized that a good woman thinks of her family first (Kanake, 1995; Onsongo, 2005; Maathai, 2006). In a study of senior university-employed women in Kenya, Kamau (2007) found that many women would rather wait until their children have matured before they consider making major career moves such as taking on doctoral studies. In corporate leadership, the situation seems similar, as many women managers would rather take on senior positions when their children have grown up since some of the promotions involve geographical relocation.

The division of household labour can constrain women's productivity in formal labour and reduce their mobility as was found in Nigeria (van Staveren and Odebode 2007). It can be expected that as women's incomes increase, men's contribution to household expenditure decrease (Hopkins et.al 1994). However, when market work and earnings are equal, the women's earnings do nothing to increase their husband's household work; hence women still do more household work especially if they have young children. Killewald (2010) observes that wives who earn more than their husbands in the labour market are considered gender-deviant and compensate by doing more housework. It can thus be said that for economically empowered women, their earnings reduce their own unpaid housework but only when they contribute less than half of their husband's income, beyond which their unpaid work increases. Kamau (2010) found that in

Kenya, such an imbalance in the distribution of housework remains, particularly where women are seen to be ‘overtaking’ their spouses.

*Household dynamics and interactions* especially between spouses are important for the WoB discourse. An interview with Kenyan women leaders (Kamau, 2010) confirms that the support of the husband is critical to the success of women’s leadership. The women in this study appreciated their husbands spending time with the children and providing financial support.

In relation, Njoya (2008) argues for influencing the way men are socialized so that they do not feel inferior or threatened when their wives professionally achieve more. Oya (2010) found that in some African countries, husbands and fathers prevented women from engaging in employment outside the home because they perceived that while being out the women were likely to interact with other men. In some instances, when a woman is economically empowered at the household level, more responsibilities are added to her load, which in turn affects her pursuit of interests outside the home. This contradicts the bargaining theory, where an increase in earnings is expected to increase women’s bargaining power at the household level and supports the notion that ‘gender trumps money’ (Bittman et al., 2001).

Lower ambitions have been found to contribute to low WoB representation but this could partly be attributed to discrimination and the hopelessness women face in their careers. A lack of confidence and self-esteem were found to prevent qualified women from ascending to top positions in Kenyan universities (Onsongo 2004). The observed low levels of confidence and ambition may contribute to the scarcity of women at the board level.

Studies from other African countries like Nigeria indicate that even though women receive help from other family members, they still do more unpaid work and childcare than men (van Staveren and Odebode 2007). This perhaps explains the current trend of “young women postponing marriage and child-bearing” (Comer et al., 1997). Mabsout and van Staveren (2009) have elaborated on bargaining power and extended the explanation to institutions, from the individual

and household levels<sup>35</sup>. Even though they use indirect measures of bargaining outcomes, their theoretical framework is useful in exploring the levels of household bargaining in this study. Outcomes can be categorized with their direct or indirect measures. Direct measures are concerned with women's decision-making power in the household (Furuta and Salway 2006) while indirect measures are concerned with her well-being (Panda and Agarwal 2005). This study focused on literature on direct bargaining outcomes because of their closer relationship with the research problem.

## 2.6 Conceptual framework

The concepts and theories introduced above and their interrelationships are presented in the conceptual framework in figure 2a. Rectangles in the middle represent the professional development process of a woman through various life stages. The stages are joined using the small upward arrows from childhood to board level. The circles on the outer extremes are the institutions influencing the development process from both sides as formal institutions (laws, regulations and policies) on one side and informal institutions (culture, traditions, norms and stereotypes) on the other. The side arrows show the impact of the institutions on the development process through the professional life stages. The side thick arrows represent international influence (causation) while the side narrow arrows represent local influence (causation). The base oval is the context within which the interaction occurs and is embedded, as shown by the broken double arrows.

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<sup>35</sup> Individual and household bargaining power tend to influence the sharing of household expenditures and wealth, differences in age, education, awareness of rights, and attitude towards wife beating and to female circumcision. Institutional bargaining power on the other hand influences group norms regarding the said rights and attitudes.

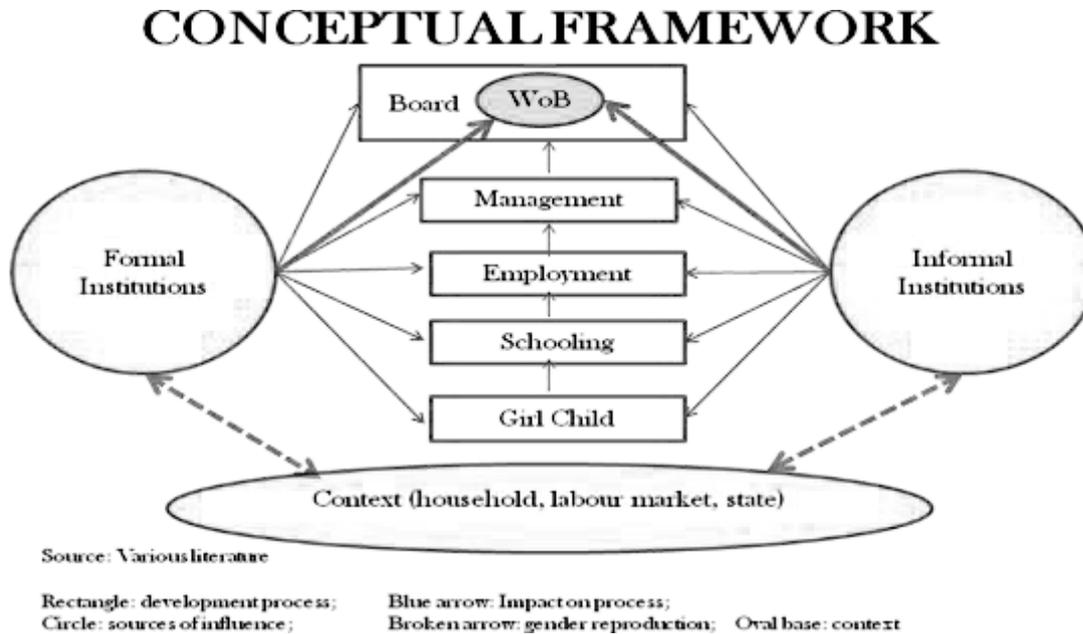


Figure 2a: Conceptual framework

The conceptual framework above presents formal institutions on one side and informal institutions on the other. The two sides are conceptualized as different types of influences at different levels of a woman's professional life in relation to family of upbringing, early education, higher education, employment and finally at the top in the board either as executive or non-executive board member. Some influences cut across the levels but what becomes clear is that the informal institutions influence the working of formal institutions, sometimes even in a subtle way.

### 2.7 Development viewpoint of this study

The development viewpoint of this study on WoB takes an interdisciplinary approach, cutting across sociology, corporate governance and management studies. This approach is preferred to traditional disciplinary research structures, which do not adequately present the study of women in corporate leadership. With the developments in formal logic and structures, studies show that

gender inequality in top corporate positions has persisted. Knowing that women live in a gender-discriminating society without interrogating the attitudes of the society towards these intersectionalities cannot sufficiently explain the cultural domination of women in corporate leadership positions. The fact that women are not a homogeneous group makes it important to understand how gender intersects with sexuality and economic class in producing and maintaining power structures within society, as represented in corporate leadership.

The study of WoB is about inclusive development and has wider implications beyond its contribution to development studies. From the business perspective, effective corporate governance supports creation of competitive business enterprises. Studies show that WoB has a positive correlation with improved business performance and effective corporate governance. When good governance produces accountability in these enterprises, investors, both foreign and local, will likely be attracted. When businesses thrive, wealth and employment levels increases, leading to more tax revenues for governments, lives are improved hence the development of the national economy. It is my aspiration that the outcome of this study will assist policymakers, civil society and employing organizations to conceptualize the interaction between formal and informal institutions as they formulate, implement and assess gender responsive labour policies within the broader policy framework.

### 3.1 Introduction

This chapter gives a detailed description of the design and techniques employed in conducting this study. It presents the research questions and the methodology used to answer each of the research questions and operationalization of the research themes. The chapter details the target population, sampling techniques used, what and how data was collected and how that raw data was transformed and analysed. The chapter also documents details of the instruments used in the study to collect, analyse and present data as well as the validity of those instruments. The following sections present an evaluation of the data collection process by taking stock of the collected data, assessing their quality and relevance, while assessing any possible remaining gaps. To conclude, the methodological approaches adopted for this fieldwork are accounted for. The section also presents some of the lessons learnt from the fieldwork experience.

### 3.2 Research question

The study investigated the problem of women's struggle to access corporate boards despite their increasing suitability and the gender equality laws and policies in Kenya. In essence, women representation on boards does not reflect the progress made in gender equality in Kenya.

The central research question for the project was: **How do formal institutions on the one hand interact with informal institutions on the other hand at the different levels of professional life of a woman to impact the low representation of women on corporate boards?**

To answer this question, the study examined the case of companies publicly listed on the Nairobi Securities Exchange in Kenya as at June 2012. The Kenyan case was selected due to historical gender inequalities in elective positions and the late constitutional review that only occurred in 2010. An initial literature and document review indicated that in Kenya, sufficient gender responsive laws have been in existence and gender relevant conventions have been ratified. The struggle of women accessing top leadership positions despite positive progress made in education and the recent changes in legislations made Kenya a viable case for this study.

### 3.2.1 Epistemological stance

This study assumed a participatory worldview, hoping that the outcome of this research brings some action agenda for the women who were found to be underrepresented in corporate boards. The study focus was on understanding and interpretation, hence the ontological view of interpretivism as the underlying issues of the research problem were multiple and relative. The same assumption informed the epistemological standpoint of interpretivism since the issues under inquiry depended on other systems for meaning and were difficult to interpret in a single structured way (Lincoln and Guba 1985) but rather through interpretations that are socially constructed and subjective (Carson et al 2001) hence the choice of a more flexible but robust research structure. The study sought to understand and interpret the meanings, motives and experiences which are specific to time and context. To do this effectively, multiple methods were used to collect and analyse data that then helped construct the value judgements found (Carson et al. 2001).

### 3.3 Methodology

Creswell and Clark (2007) define mixed methods as combining both qualitative and quantitative approaches to develop a distinct methodology of inquiry. 'Mixing' approaches in this study is not just a side-by-side use of qualitative and quantitative methods but different methods integrated into a single analysis (Caracelli and Greene 1997). Quantitative methods, when designed appropriately produce results that are not only quantifiable but also easier to generalize. However, quantitative methods have been found to have limited paradigmatic approach that focuses on the facts (Hennink et al. 2011) without necessarily considering the levels of meaning that give in-depth understanding of the research problem. Qualitative approaches have on the other hand been criticized for subjectivity. Tashakkori and Teddlie (2003) state that criticism of either approach has been beyond paradigm to study method, procedures, rigour and outcome validity. The research problem in this study required a confirmation of 'who' and 'what' as well as an explanation of 'why' and 'how'. Tashakkori and Teddlie (2003) record that mixed method research can verify and generate theory at the same time since it allows for confirmatory and exploratory questions to be answered simultaneously. Due to the complexity of the issue of gender and corporate leadership, this study adopted multiple methods to broaden the understanding of the issue

beyond determining the current status (Rossman and Wilson 1985). An overview of social regularities from the larger sample and a detailed study of the smaller samples fulfilled the dual purpose of the combination of methods used in this study as detailed in the design through in-depth understanding.

Scholars of leadership have recommended supplementing quantitative studies with qualitative research (Conger's 1998). Even though such supplementing does not amount to mixed methods, it justifies the use of multiple methods in leadership studies with a research problem such as the one in this study. Parry (1998) agrees that researchers are increasingly appreciating the importance of using both methods in leadership research. However, past WoB studies reviewed in Chapter 2, have not adopted multiple methods.

The complexity of studying gender and corporate leadership demanded that this study adopts multiple methods where both qualitative and quantitative approaches were intentionally mixed under a convergent design (Creswell and Clark 2011). Quantitative data was collected alongside qualitative data and results from both sources were compared. The comparison of quantitative data with qualitative data facilitated the highlighting of respondents voices and their understanding of WoB issues from their own perspectives. In the context of transformative emancipation (Mertens 2003), the multiple methods approach strengthened the conceptual framework towards social justice in WoB research. This perspective has been found useful in enacting positive social change for marginalized groups, as in the case of WoBs, where attention is largely on voice and power. The perspective resulted in a theoretical framework that involved a community of actors in that way connecting theory to data. The combination ran throughout the research design including theoretical framework, data collection and analysis, discussion of findings, as well as conclusions.

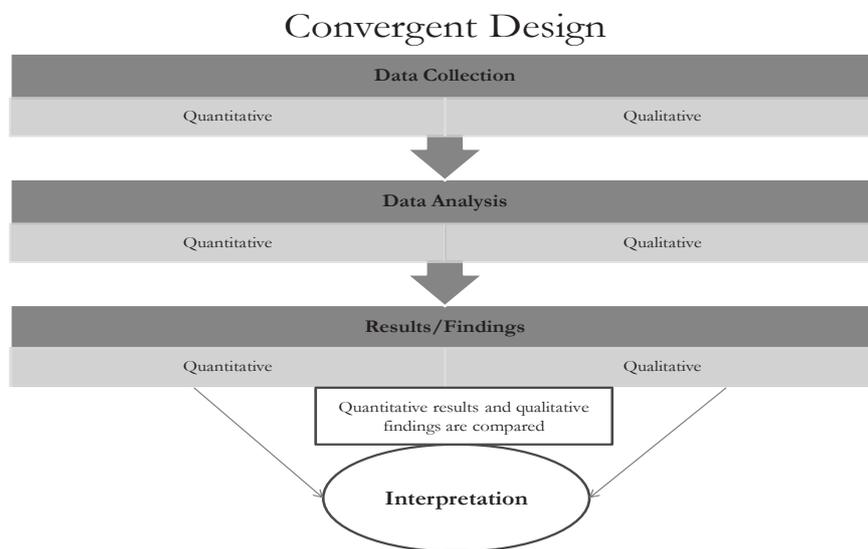
### **3.3.1 Triangulation of methods**

On one hand, the quantitative methods were used to gather individual director perceptions and insights on WoB, while analytical tools were used to analyse the collected detailed qualitative data. Burke (2003) notes that research on women directors has tended to be descriptive and

quantitative in nature. There was therefore a need for collecting detailed and more primary data (Huse, 2000) about women’s board experiences. At the same time, the qualitative research approach enabled a contextualization of the data and to gain a more comprehensive picture that interprets the WoB insights in a meaningful way (Denzin and Lincoln 2003).

The multiple methods design employed is depicted in figure 3a:

Figure 3a: Multiple methods approach



Source: Adapted from Creswell and Clark (2007)

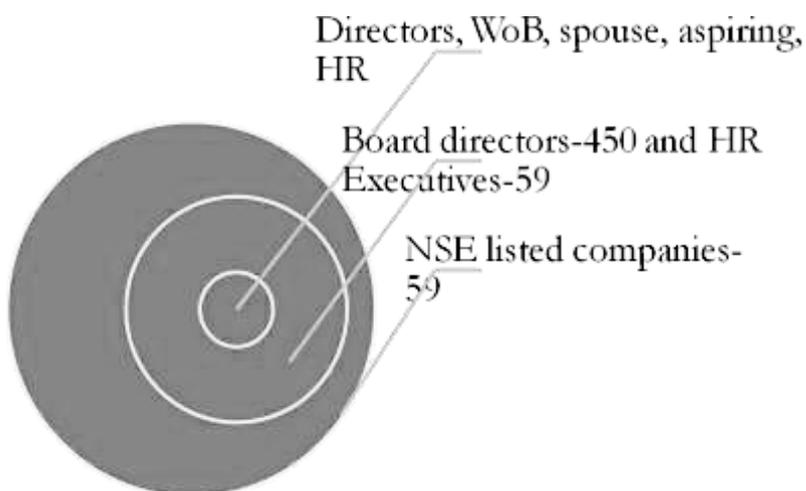
Following the interpretivist paradigm, triangulation of data sources, theory and methods were employed to enable in-depth understanding of the research findings. Data was collected using various methods and from different sources. Data from the various sources complemented each other at the interpretations stage and the use of simultaneous triangulation ensured limited interaction between the two sources of data during the data collection stage (Morse, 1991). Qualitative and quantitative data was collected concurrently and the findings from the two sources eventually integrated. The mixing became clearer in the discussion section of the research paper, after analysis and interpretation of findings, which were triangulated into a single framework.

The main challenge of multiple methods approach was the need for extensive data collection and analysing both text and numerical data (Bazely 2002, Creswell 2002).

### 3.4 Population and sampling

The study population was all companies publicly listed at the NSE, 59 in total as at June 2012. From these, views of all directors and CEOs, the views of HR executives and the views from a selected group of women, both in the board and at a level below, were collected. In addition, views of husbands of WoB were also obtained. A census was thus conducted of the board directors since the target population was considerably small. For the quantitative survey, all serving board directors were targeted, as well as executives in charge of HR in the same companies. Qualitative data collection used non-random techniques of purposive and snow ball sampling. The sampling procedure is depicted in figure 2.2.

Figure 2.2 Sampling procedure



Source: Author

Out of the study population of 59 companies listed at the NSE, the total directorship was 450 as per the NSE Handbook 2012. The population included CEOs, Board Chair and Board Directors. The directors' survey thus covered the entire population in the census. The NSE Handbook 2012 indicated that women held a total of 46 board positions in the 28 companies that had women in their boards, implying that some of these women served on multiple boards. The HR

executives' survey was also a census targeting the entire population of the 59 companies' executives in charge of HR functions who were all non-board directors. The data collected from various population groups aimed at answering the research questions are indicated in the section that follows.

### 3.4.1 Information sought

The various categories of respondents were engaged as follows:

- i. Male and female board directors, including CEOs, were asked through survey to share their views on key aspects of board processes and access to boards including: personal attributes of individual and potential directors; the push to have women on board (whether internal or external); attitudes towards gender inclusion; contribution of women on boards (whether actual or perceived); structural barriers in the board processes and socio-cultural barriers. The survey findings were cross checked against sector, gender, nationality, age, educational level, length of service on board and the role on board. Some of the survey highlights were followed up during in-depth interviews with women serving on boards.
- ii. Executives in charge of human resources were asked, through survey questionnaires, to provide an overview of the current corporate human resource policies and strategies that might groom the next generation of directors by recognizing women managerial styles and increasing the number of women in the pipeline.
- iii. Women serving as current directors were asked, through life story interviews, about their journeys onto the board and their experience at the board. The respondents shared experiences about their ambitions, family backgrounds, their existing network and family and spouse relations with regards to how such experiences shaped their being on the board.
- iv. Women executives below the CEO level gave insights into the severity of limitations in the pipeline through a focus group discussion. These were women in managerial roles that supervise other managers and led core business functions like production, finance, and commercial and non-support functions because it is from the core functions that they are likely to get to the top either as the next CEO or as Executive Director on the board.

- v. Spouses of the serving women directors were asked through a focus group discussion, to share their role in getting their women onto boards, the support given to the women and any changes in the household relations as relating to women being on boards.

### **3.4.2 Data collection approaches used**

Secondary data was collected through document reviews and literature review on institutions and women in leadership in Kenya. Particular focus was on existing documented formal and informal institutions that influence the professional advancement of women and their representation on boards. Analysis of formal institutions involved a review of formal laws, regulations and organizations whose activities relate to gender equality and women empowerment in line with the research problem. The institutions were both local Kenyan and international as applicable to Kenya and related to the conceptual framework. Primary data was collected first hand by the researcher.

The formulated research questions guided the determination of the appropriate techniques of inquiry. The study looked at the low women representation on boards and the questions of ‘why’ and ‘how’ necessitated the use of a contemporary method with no control of behavioural events.

### Survey

Two surveys were conducted; one for directors serving on boards and another for HR executives in the target population. Since the quantitative side of the study gathered data across board members and HR executives of the NSE listed companies in a ‘snap shot’, a cross-sectional survey was considered to be appropriate. More important consideration was the population census and size; therefore the survey assured efficiency in data collection. This approach was different from longitudinal surveys that observe the effects of variables over a period of time.

### Life story narrative technique

An in-depth study of the women on boards was conducted using the life story narrative technique to obtain stories about their lives as it relates to their journey to the board. Using life story narrative approach, the WoB were asked to share their ambitions, family backgrounds, their existing network, family and spouse relations with regards to how such experiences shaped their being on the boards. This technique enabled the study to capture the female director biographies in terms of family backgrounds, ambitions, journey to the board, and the impact of board participation on their lives including the support and bargaining issues at the household level. The information was then retold in a narrative chronology. This technique brought the advantage of preserving the respondents own words that can be used as a primary source document as well as a secondary research tool by other researchers. The approach began with recorded interviews that were transcribed and ended up with a flowing narrative in the words of the respondents. The proponent of this technique, Robert Atkinson (1998) claims that the technique provides a practical and broad introduction in collecting personal narratives while allowing for unanticipated turns in the conversation. Further, the importance of professional biographies as a theoretical approach has been acknowledged by Kelchtermans (1993).

Historically, this technique was used in the anthropological field to explore the influence of historical moments on individuals' lives (Erikson 1975), in order to understand personality development (Murray 1938, 1955) and to understand how people 'construct' their lives (Bruner 1986). This technique has been used in other disciplines like psychology, to understand development and personality (McAdams 1993) and in sociology to explore group interactions (Linde 1993). This technique therefore seems relevant in exploring the influence of informal institutions on the career development of women.

### Group Discussions

To gain insights of women's experience at the household level and how it impacts on their board participation, two group discussions were facilitated; one with aspiring WoB and another one with spouses of WoB.

Focus group discussions have been used in market research as a powerful means of evaluating current practice and testing new ideas. Some advantages of this technique include enabling a rep-

representative group of people to share ideas, allowing a wide range of in-depth information to be obtained, encouraging new ideas and perspectives through interaction between respondents and between respondents and moderator. In addition to its interactive nature, this technique is relatively quick and easy to perform. Special consideration was given to the purpose design, moderator's role and the interactive social space, to manage the general challenge of the difficulty in finding a suitable time for every respondent expected to attend the discussion.

In view of these considerations, an analytical template for focus group discussion by Lehoux et al. (2006) proved useful in contextualizing the group process and epistemological content.

### Document analysis

The formal institutions reviewed in this study are represented in the policies, laws, organizations and structures that address women's life cycle. The formal institutions range from access to education, ownership and use of property, entering the labour market, existence of incentives to work or return to work, family formation and responsibilities especially protection from sexual harassment and domestic violence, as well as access to courts of law in case of violation.

Organizational documents analysed included the annual NSE handbooks, web content, annual returns to the Registrar of companies, annual reports, archival records like organizational charts and list of names of past board members. In the initial stages, archival and historical data was gathered on board composition and women directors in the companies listed on the NSE from previous years. Analysis of documents involved interpreting the content and looking for statements that support or hinder, agree or disagree, have gaps or are silent on issues of women advancement in leadership. This technique was preferred because of the in-depth material and large amounts of data required and the sources mentioned were considerably reliable. Document analysis was also used to address the historical dimension of WoB that is critical to the research problem.

Document analysis was found to be an efficient and effective way of gathering qualitative data since the resources reviewed were manageable and practical. The technique was used in combi-

nation with other qualitative methods as a means of triangulation. The attraction of this technique was that the relevant documents being secondary data could be reviewed multiple times and remained unchanged in the research process since the documents are 'stable' data sources (Bowen 2009).

The first phase of fieldwork took a quantitative approach where data was collected through surveys and analysed using the statistical package SPSS. The second phase followed a qualitative approach where documents were analysed and data was collected through FGDs and life story interviews then analysed using the qualitative data analysis software atlas.ti.

Considering the large number of Board Directors and HR executives reached, the survey was found to be efficient for data collection. On one hand the use of SPSS made it easy to bring out relationships between the concepts and variables investigated, whilst on the other the interviews gathered detailed voices of the people and brought out their personal experiences. The use of atlas.ti helped build perspectives from the views of the respondents and not the researcher. Therefore, multiple methods was found to be a rigorous approach as it provided in-depth understandings of the complexity of WoB and brought the virtues but also the challenges of respecting numbers and peoples' voices at the same time. Whilst using multiple methods, the data collection instruments used had both open and close-ended questions to collect data in multiple forms thus drawing on all possibilities. The analysis of quantitative and qualitative data connected in such a way to determine impact within the sub-groups and across diversities. The main challenge was the web of analysis that involved checking the responses from the quantitative method against that of the qualitative and checking again with the subsequent methodologies for supporting, opposing and parallel voices. In reporting the results, interpretation often saw the findings with statistically significant deference with respect to gender while also focusing on power dynamics. In the end, the use of a multiple methods approach enabled inference from data from multiple sources in a manner that brought out the power dynamics while taking cognisance of the social and historical contexts of the research population. The implication of transformative emancipation is that significant social justice issues emerged in a manner that guided well the research process.

### 3.4.3 Summary of Methodological Tools Used

The following methodological approaches were used in tackling the research sub-questions:

Table 3a: Methodological approaches employed

	Research Sub-Question	Data Collected	Technique
1	What are the general characteristics of board composition in Kenya?	Board membership and processes	Survey
		Characteristics of respondents and companies	Survey
2	What institutional factors hinder women's access to boards?	Experiences of women just below the CEO	FGD
		Insights of HR Directors	Survey
3	How do formal and informal institutions interact in the representation and participation of women on board?	Life story of women directors	Life story narrative
		Perceptions of the spouses of WoB	FGD
		Directors' perceptions of WoB	Survey
		Life story of women directors	Life story narrative
		Experiences of women just below the CEO	FGD

### 3.4.4 Response rate achieved

Table 3b: Response rates achieved

	Population	Ex-	Actual	Response
1	Male and female directors in boards of NSE listed companies (Survey)	450	118	26%
2	Women serving on boards (Interview)	46	12	26%
3	Spouses of WoB (FGD)	46	11	24%
4	Executives in charge of HR (Survey)	59	46	78%
5	Women executives below the CEO	59	25	42%

### 3.4.5 Accessing the respondents

For survey respondents, I used my professional contacts, company secretaries who were always willing to help and professional associations. Company secretaries were also helpful in getting contact details of the respondents in the organizations whose boards they served, through formal introduction. I sent formal requests for interviews via email, and attached a signed introduction letter on the ISS official letter head plus other supporting documents and scheduled appointments based on the interviewees' availability. For the HR executives, I sometimes got contacts from the telephone directory and company websites, made a phone call, introduced myself and got through to the respondents.

For life story narratives, I had highly estimated the chances of access to these respondents because of the existing personal and professional contacts I had with some of the women directors targeted who were not many. Further, the known respondents gladly introduced me to the other WoB, through a 'snowballing' technique, which helped with building trust. Snowball sampling was mainly useful in recruiting women corporate director respondents since it was a fairly small population. Further, since the respondents were required to comment on rather sensitive topics touching on their board colleagues and family, there was a high possibility that they would be reluctant to commit to a person or project not recommended by somebody they are familiar with and trust.

For women directors getting their contact details and interviewing them was not enough. Basic interpersonal skills, professional appearance and good communication skills all seemed to have helped make the actual meeting successful. The respondents preferred to be addressed formally using their titles and surnames, which I quickly adopted. In most cases, I obtained their permission to audio-record the interviews although in two instances, the respondents allowed the interview to proceed only without audio recording so I took notes manually. The use of an audio recorder helped overcome reliance on my recollection of conversations especially crucial pauses, sighs and overlaps. After the interviews, I replayed the recording for later transcription. Usually within two days of the interview, I sent a formal thank you note via email to the interviewees with a promise to share with them a copy of the study result (report) at the end of the project. Later, I analysed the interview data to establish common themes and unique patterns. The fact that I could replay the audio files over time improved my data analysis from different perspectives.

The FGD with spouses of WoB was conducted at my residential house on a Sunday afternoon after a church service. The respondents were 11 men most of whom my husband and I have interacted with socially. Their wives served on boards and senior corporate leadership positions but not necessarily on companies listed at the Nairobi Securities Exchange. I intentionally let my husband coordinate this visit so the men would feel welcome.

### 3.5 Instruments used

#### **3.5.1 Survey questionnaires**

Quantitative data was collected using structured questionnaires administered to all directors and executives in charge of human resource management in the mentioned companies. The questionnaires had closed and open ended questions with the opportunity for comments to clarify responses. Questionnaires were considered an effective way of collecting information within a short time-span and at a lower cost when compared to other data collection methods, hence appropriate for a large number of respondents, as is the case in this study. Online administration of questionnaires was used, using the respondents' email addresses obtained from various sources including from the company secretaries.

For online surveys, emails were sent to respondents, directing them to a web link where the survey was found. The questionnaire was accompanied by a cover letter to introduce the study and the researcher. The cover letter explained the purpose of the study, the selection criteria for the respondents, the importance of responding and the manner of returning the completed questionnaire.

Both questionnaires were designed using NetQ software, which provides a web link that was then sent to respondents via email. The questionnaires had closed and open ended questions with spaces where respondents could give comments in addition to their responses. Questionnaires were considered for efficiency purposes. In two instances where the respondents had a technical problem with the email, a soft copy of the tool was sent to the company secretary who then printed and had the board members respond. I later filled in the responses myself into the NetQ software using different computers.

### 3.5.2 Interview protocols

Interviews with women directors were conducted using interview protocols with structured open-ended questions. This helped obtain their detailed insights and contextualized understanding of the research problem. In addition to obtaining detailed information, in-depth interviews seemed to make respondents comfortable as it was conducted in a more relaxed atmosphere. Interview protocols were thoroughly designed and the same thoroughness applied whilst conducting the interviews. In the study plan, ample time was allocated for transcribing and analysing the detailed data received. A set of interview protocols were also developed for women below the CEO level.

The venue and time of the interview was agreed upon with the respondents beforehand to ensure they were comfortable. Even though the interviews were scheduled to last an hour, it sometimes took close to two hours.

The interview guide covered six areas with a number of sub-questions in each. The general areas were:

- Journey to the first board
- Upbringing
- Early schooling experience
- Higher education
- Career path
- Career ambitions and relationships
- Household dynamics
- Role of work
- Experience with board processes
- Lessons learnt

Interviewees openly expressed their views, which resulted in critical reflections and high quality data with high levels of detail and depth. The information obtained was easily comparable across the respondents because I consistently used the interview guide. Transcriptions was also possible due to audio-recording of the interviews. The transcriptions were sent back to the inter-

viewees for their perusal as had been promised during the interview. On return of the transcripts, some interviewees amended or removed altogether some of the issues they considered quite sensitive. In such instances of amendments or deletion, I chose to present the issues myself as a researcher without tracing it to the respondent so that I respect their confidentiality. In any case, the respondents had been quite open with me during interviews and it's possible they realized they had disclosed too much to a third party.

### **3.5.3 Focus group discussions**

These were two separate discussions with spouses of WoB directors and another discussion with aspiring women directors. In both cases, the discussion was open and unstructured but facilitated.

The FGD with aspiring women directors was conducted at one of the business schools in Kenya, after a breakfast meeting on women in leadership which targeted potential women board directors. On this occasion, the invited guest speaker was a HR expert and director in various boards. The speaker accepted my request to facilitate the focus group discussion after the formal session so I could concentrate on observation and recording. The purpose of this FGD was explained to the group who were encouraged to share their experiences in trying to get to the top. 25 women agreed to join in this discussion as the rest had to attend to other engagements after the breakfast meeting. These ladies had a shared concern regarding their journey to the top. The topic was open 'please share the experiences of your career journey as a board aspirant'.

The FGD with spouses of WoB directors was conducted at my residential house on a Sunday afternoon after a church service. The respondents were 11 men most of whom my husband and I have worked together with on church activities. Their wives served on boards and in senior corporate leadership positions but not necessarily on companies listed at the Nairobi Securities Exchange. I intentionally let my husband coordinate this visit so the men would feel at ease. Even though the wives accompanied these men, they were not present during the FGD and did not participate in the discussion. I personally facilitated the discussion, letting my husband step

in every once in a while. Even though the discussion was lively, one of the men did not say anything at all while one other when asked to contribute, simply said 'pass'.

#### **3.5.4 Validity of instruments**

To validate the questionnaire it was pre-tested with two PhD colleagues and two WoB. After the pre-test, the feedback arising was taken into consideration in coming up with the final questionnaire. Two women directors currently serving on boards were identified for piloting the questionnaire. The draft survey questionnaires were also shared with non-directors for their comments on the questionnaire itself and their feedback was incorporated into the final revised version. The feedback received had to do with the questionnaire design, flow of questions and the length. All the other data collection instruments were pre-tested as well.

#### **3.5.5 Monitoring of the questionnaires**

Questionnaire returns were monitored from the day they were sent out to respondents. A report from NetQ software indicated the progress made at any given time. Follow up and reminders were sent to non-respondents after every two weeks initially and then at a weekly interval as well as through phone calls. Since many of the directors were accessed through the company secretaries, the company secretaries were also requested to remind the directors after their usual board meetings where possible. The response rate is elaborated later on in the findings section of this thesis.

### **3.6 Practical considerations made**

#### **3.6.1 Ethics**

In being aware of ethical issues in social science research like this one, respondents were allowed to make an informed decision regarding participation in the research and their consent was obtained. There were instances of women respondents getting emotional when sharing their life experiences either in speaking about aspirations or their experiences of serving on boards. Throughout the study, the aim, objectives of the study as well as procedures were made clear to each respondent; with a clarification that participation was voluntary, and that should the respondent for any reason want to withdraw from participating, they could do so at any time and that their privacy would be respected and confidentiality maintained.

Considering the large extent of the data collection involved in this study, some level of non-response occurred. In some cases, no contact was established at all even after trying the anticipated approaches. In other cases, the respondents were willing but were unable to participate for practical reasons like being away from the usual residence. None of the respondents contacted refused participation outright. Company secretaries were at times resistant to providing information due to confidentiality concerns until I gave assurance.

To encourage participation in the interviews and FGDs, I sponsored the meals and refreshments. For the surveys and interviews, I motivated the respondents to make their voices heard in the board diversity dialogue. For both director and HR executive surveys, I did not sample but conducted a census.

### **3.6.2 Confidentiality**

The respondents were assured of confidentiality and guaranteed that the information provided would not be attributed back to the respondents and that the readers of the study report would not be able to discover the survey respondents' identity. A confidentiality clause was included in the questionnaire; while for interviews the respondents were also verbally assured. The questionnaires did not indicate the names of the respondents. It was intended that, the qualitative research respondents and sites or organizations would be given pseudonyms. However, this seemed to create a potential research dilemma in balancing between publicizing the achievements and keeping secret the respondents' identity, notwithstanding their small number in the study population. On the other hand, the dilemma of using real names where private lives are discussed seemed to be uncomfortable to the respondents. Eventually, pseudonyms were used for interview respondents as well. The use of pseudonyms is necessary as the WoB whose life stories are recorded in this study are easily recognisable in Kenya.

### **3.6.3 Geographic location**

The interview setting was given due consideration to ensure convenience for the respondents but being cautious of the familiarity effect in interviews. In addition to office and residence, neu-

tral grounds were generally used but restaurants tended to be noisy and open. In all cases, interview venues were negotiated with the respondents in advance to be able to handle any anticipated challenges. The respondents had varied time preferences that I had to adapt to.

### 3.7 Lessons learnt from the field

**Planning:** As soon as I successfully defended my dissertation design, I got into detailed planning for my fieldwork, thinking through what information I would seek and from where. I made most appointments for interviews through company secretaries before I arrived in Kenya.

As soon as I received my approval to proceed to the field, I prepared a brief summary presentation of my PhD study covering the problem, questions, objectives, sponsor and supervisors. The second tool was an introduction letter signed by my supervisor, the third was a research permit from my country's authorities and the fourth asset was an introduction letter from the Institute of Directors in which I was already a member. These are the documents that I forwarded to my respondents via email with the survey link and also when setting up interviews.

For the interviews, I had an interview guide and an audio recorder. The interview guide had been developed with all the topical issues and related questions including early childhood, education, profession, social life, career advancement and board journey.

**Language:** It would have been easy to take for granted that the official language in Kenya is English. This kind of audience was quite sensitive to the standard and tone of communication. My dressing too had to be formal.

**Timing:** I conducted my fieldwork at a time when gender equality and inclusion was a topical debate in Kenya, especially following the promulgation of a new Constitution that provided for a two-thirds gender rule in the distribution of opportunities in public office. This meant that interest was quite high in my study.

#### 3.7.2 Reflection of my position and role as a researcher

As a banker and accountant, I had a professional interest in this study having oftentimes been the 'only woman' in the boardroom, through my two-decade corporate career working with and for boards of directors. It was this relation to the WoB community that largely informed my re-

search perspective of transformative emancipation. My cross-cutting experience in a large NSE-listed commercial bank (with state interest), a multinational consulting firm (also a recruitment agency), a family owned bank and a women-serving microfinance bank gave me a wide perspective in approaching this study. While I do not sit on the boards of any publicly listed companies, my experience as an independent director and advisor for other boards gave me a strong understanding of the WoB community and good connections that made fieldwork and reporting easier.

Having been born and raised in Kenya where the research project was located, I obviously considered myself an insider. However, the PhD study and degree being awarded by a foreign university brought in an outsider perspective. I was conscious of gender biases in Kenya where roles are generally gendered and a young woman is normally not expected to ask many questions particularly to men (in this case older men). In such circumstances, my insider position enabled me to navigate power tensions. Even though statistically most board directors were men, this was not a challenge because the questionnaires were administered online and followed up via email and phone, while the interviews were conducted with women directors only.

Sometimes I was concerned that my professional background and prior experiences with the research problem would colour my take on the issue of WoB. In such circumstances, I tried to focus on understanding and interpretation of the research underpinnings and tried to avoid colouring the stories from respondents with my own experiences even as I intentionally looked for patterns in the data that would enrich the interpretation.

I realize that through the study, I constantly drifted in and out of my position and sometimes occupied the space between insider and outsider. This study being centred on women issues and corporate boards, being an insider at times availed much benefit particularly in building trust and accessing the interviewees. My professional networks, that include membership at the Association of Women Accountants in Kenya, Institute of Directors and Institute of Certified Public Accountants in Kenya, gave me a great step ahead in accessing the respondents.

#### 4.1 Introduction

The analytical framework adopted in this study presents formal institutions on one side and informal institutions on the other side. The study views that formal laws and regulations affect women's prospects in business and employment and have different types of influences at different levels of women's professional lives in relation to family of upbringing, early education, higher education, employment and finally at the top in the board either as executive or non-executive board member. This study, thus reviews laws that address women's life cycle ranging from access to institutions including education, ownership and use of property, entering the job market, existence of incentives to work or return to work, family formation and responsibilities especially protection from sexual harassment and domestic violence, as well as access to courts of law in case of violation.

This chapter highlights the main findings from document reviews on institutions and women in leadership in Kenya. Particular focus is on existing documented formal and informal institutions that influence the professional advancement of women and their representation on boards. The institutions are both local Kenyan and international as applicable to Kenya.

Documents relating to formal laws and organizational policies are reviewed as they relate to the research question. The Kenyan Constitution 2010, labour laws, and family laws are some of the legal documents reviewed. Organizational documents reviewed include the past annual NSE handbooks, corporate governance guidelines, companies' websites and annual reports. Analysis involves interpreting the meanings of the various contents and by looking for statements that support or hamper, agree or disagree, have gaps or are silent on issues of women advancement into leadership as reflected in formal institutions. The analysis too follows the trajectory of women's professional lives as depicted in the conceptual framework. This technique of document analysis is preferred because of the in-depth material and is also expected to address the historical dimension of WoB that is critical to the research problem.

While investigating possible areas where the formal laws could be hindering women access to boards, the analysis recognizes that gender discrimination can take various forms. The first form

is inequality before the law, where the law is inherently discriminatory. Secondly, the law may accord unequal treatment on the basis of gender and other status. Thirdly, because of the limitation of equal treatment, there can be unequal impact resulting from policies and practices of following the law. This third dimension can be evidenced from the underrepresentation of women in formal employment and in decision-making positions. Thus, even if there were equality of formal laws and equal treatment, the disadvantage in outcomes would still need to be addressed. This may even require unequal treatment to achieve equal results. Employers for instance may have to institute affirmative action measures that specifically require women to be preferred, so as to correct historical imbalances and achieve genuine gender equality on boards. Gender discrimination in this analysis therefore looks beyond equal treatment to initiatives aimed at addressing patterns of disadvantage and gender inequality within and outside the workplace.

The analysis considers the impact of gender equality laws at different levels. First, the analysis inquires whether laws provide redress for affected employees and whether that redress is sufficient in terms of compliance and remedial measures. The second concern is whether the equality laws merely set general standards for employers and those responsible for gender equality without regarding whether the employers are aware of the standards including incentives and deterrent measures. Of particular interest is how fast and at what cost the enforcement mechanisms work; whether there is legal aid available for aspiring women; if women are protected against victimization; and finally what role the State and non-State bodies play.

The study finds that the extent of the application of gender discrimination laws is varied. Kenya for instance guarantees State action in its Constitution and has separate legislative provisions covering gender discrimination in both the private and public sphere. The legislations cover the labour market and other sectors such as health, education and other services.

This study proposes that gender discrimination in the labour market may be influenced by factors at play prior to entry into the labour market. Based on that, the analysis is not restricted to areas directly in paid employment but considers access to resources such as property and capacity to compete in the labour market. The analysis looks at the impact of education, personal security and family responsibilities for women corporate leaders. Gender dimensions in demo-

graphic and socio-economic change arising from women representation in decision-making processes highlight the importance of re-examining the legal institutions relating to family context where gender is played out.

#### 4.2 International Provisions

Several international and regional legal instruments exist that define and address gender discrimination and it has not been practical to deal with all of them within the scope of this document analysis. This review therefore considers 'Protocol to the African Charter on Human and People's Rights' (2003), CEDAW and ILO conventions to assess international laws and its application to the gender situation in Kenya. The African call is to have 50:50 gender representation. Within the ILO conventions, there are two separate standards. That is Convention 100 known as 'Equal Remuneration' and Convention 111 known as 'Discrimination in Employment and Occupation' both of which Kenya ratified in 2001. Convention 111 defines discrimination as follows:

For the purpose of this Convention the term *discrimination* includes:

- (a) Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

Article 11 of CEDAW requires freedom from discrimination in employment including the right to work, equality in employment processes and benefits, and maternity support. Articles 13 and 14 provides for gender equality in economic life and access to financial services. Article 15 of CEDAW demands gender equality before law, identical legal capacity with regards to contracts and property administration, and freedom of movement, choice of residence and domicile. Article 16 requires equality in marriage and family relationships, as well as property rights

Kenya's eighth periodic report to CEDAW (CEDAW/C/KEN/8, 2016) indicates that Kenya has made progress in addressing discrimination against women.<sup>36</sup> In the area of employment, there are legislations governing employment, labour relations, sexual harassment and maternity.

The ratification of anti-discrimination conventions<sup>37</sup> has been positively associated with a reduced gender employment gap and gender pay gap (OECD 2008) and was found to have significantly impacted labour market disparities. Kenya ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1972. However, the Kenyan Government placed a reservation on article 11 (2) on provision of paid maternity leave, arguing that the circumstances pertaining to Kenya at the time did not render necessary the imposition of those principles by the legislation. Even though the Employment Act of 2007 has since provided for paid maternity and maternity leave, there is no indication that Kenya has since withdrawn this reservation.

There is no specific study on Kenya assessing the impact of formal laws on gender equality in employment. Even though Kenya ratified various ILO conventions<sup>38</sup> that are relevant to equal opportunities for the female labour force, participation of women represents 35.7% of non-agricultural employment while women's ability to rise to enterprise leaders is at 4.85 out of 7 (HDR 2017), which makes apparent that this does not translate to significant WoB representation.

#### 4.3 Local Laws and Policies

Kenyan laws generally require non-discrimination and equality that applies to gender and other aspects like religion, race and ethnicity. The Constitution of Kenya 2010 is further explicit

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<sup>36</sup> CEDAW defines discrimination as "any distinction, exclusion or *restriction* made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

<sup>37</sup> ILO's Conventions on Equal Remuneration for Men and Women Workers for Work of Equal Value and on Discrimination in Respect of Employment and Occupation and CEDAW.

<sup>38</sup> The conventions relate to forced labour and child labour, collective bargaining, non-discrimination, family formation and responsibilities, employment and governance, working conditions and migrant workers which are also covered in the Kenyan Constitution. Key ILO gender equality conventions: i) C100 - Equal Remuneration Convention, 1951 (No.100); ii) C111 - Discrimination (Employment and Occupation) Convention, 1958 (No.111); iii) C156 - Workers with Family Responsibilities Convention, 1981 (No.156); iv) C183 - Maternity Protection Convention, 2000 (No.183) Further details at <https://www.ilo.org/dyn/normlex/en>

about gender representation at senior leadership levels. Kenya has put effort into establishing legislative frameworks that give impetus to the implementation of the Constitution on gender aspects. These laws have to do with family, education, employment, business and citizenship. There is no law restricting women's mobility in Kenya. This is significant, considering that travel requirements are common in board functions and retreats. Freedom of association is respected and various groups lobbying for increased women representation in leadership are many. Women and men enjoy equal rights to vote and be elected in any public office.

#### 4.3.1 The Kenyan Constitution

Kenya has been slow at Constitution making. The country lived with the same constitutional framework from independence, for close to fifty years. The Kenyan Constitution, which is the supreme law, was successfully reviewed and promulgated in August 2010. Despite their exclusion from decision-making processes, Kenyan women have continued to demonstrate that they have a significant part to play in economic and political decision-making. In the process of constitutional review, progressive women and like-minded men advocated for various provisions that would help rectify historical legacies and make significant gains in gender equality.

While guaranteeing women representation, the Constitution prohibits all forms of discrimination and violence against women, including traditional practices that perpetuate such violence. The Constitution promises beyond an equal treatment principle to address indirect historical gender inequalities. Gender equality is also explicit in marriage and parenting. Generally, throughout the Constitution, the principles of equality and non-discrimination are apparent.

The Constitution advances gender equality by recognizing the principles of social equity, parity and fair representation, and prohibits discrimination based on sex. The national values system of equity and non-discrimination in article 10 could accelerate gender equality at all levels of the nation. The principles of governance outlined in this article as 'human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized' is good for women at all societal levels while the principles of good governance, integrity, transparency and accountability are particularly applicable to board processes.

Equality and freedom from discrimination in article 27 opens the door to gender equality on boards as section three assures women of ‘equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres’. Section four prohibits discrimination on the grounds of marital status, sex and pregnancy, among others. Section eight promises ‘to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender’. However, the challenge appears to be in section six that puts the realization of this dream in the hands of a male-dominated legislative assembly. Further, the clause has been quickly re-named the ‘one-third rule for women’, implying that institutions may appoint women to make up one-third for the sake of compliance instead of addressing equality from the side of reducing men to two-thirds of the board composition. In the interest of the business corporations, the boards could consider incorporating women by reducing the number of male board members to a maximum of two-thirds as required by the law.

Article 29 explicitly prohibits violence against women and guarantees freedom and security in both public and private spheres. This assurance is important especially because of the negotiations that executive women go through at the household level that sometimes results in ‘secret’ violence. The article specifically protects women from being ‘treated or punished in a cruel, inhuman or degrading manner’.

Women can freely acquire and own property in any part of Kenya whether individually or collectively as espoused in articles 40, 60 and 68, which confirms that women can own and inherit land.

Women have the right to healthcare including reproductive health care services as stated in article 43, implying that women can plan their families in a manner that allows for their professional progression.

Article 45 on family matters restricts marriage to adults of 18 years and above, thus early marriage is prohibited, allowing girls to go through their education. This clause has defied several attempts by Parliament to reduce the age of consent to 16 years, a move that may see return of child marriages. Women have a choice on whom they marry and consent to freely, therefore forced marriages has no place in women’s lives. Equality is assured in marriage for both parties

in whatever system of marriage, as ‘parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage’. Traditional views about women’s role in marriage and women’s inability to inherit property forced many women to persevere in abusive marriage relationships (Nontando, 2009).

Article 53 on children guarantees equal responsibility for childcare, including those born out of wedlock, by ensuring the participation and contribution of the men involved. Parental care and protection ‘includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not’. This article appears limited in its provision for other needs and is mainly focused on monetary support. The provision may however enable WoB and aspirants to be more present in the public sphere and potentially on corporate boards. However, the article does promise effect on the traditional caring role of women which tends to relegate women to the private sphere of the home and thereby potential absence from corporate boards on one hand and a more masculine perspective of care by men on the other hand.

In addition to generally relieving mothers who are not wed to the fathers of their children the article also caters for teenage mothers who tend to be deserted by their male counterparts upon pregnancy.

Article 59 of the Constitution of Kenya, establishes key independent Commissions particularly the Kenya National Commission of Human Rights and the National Gender and Equality (KNCHRGE). Chapter 10 provides a robust and more independent Judiciary to oversee the protection of these rights and liberties. The extensive list of functions of the KNCHRGE include promotion of human rights and gender equality, monitoring and reporting, the power to receive and investigate individual complaints, undertake investigations on its own initiative and ensure compliance with obligations and treaties relating to human rights as the principle state organ.

Article 73 does away with these discriminatory traditional stereotypes as it advocates for good leadership and merit-based appointments thus addressing sexual harassment, violence and corruption that have been cited as key deterrents to women representation in public decision-making offices. The article also addresses the gender bias, that women are inherently incapable of leadership, and are ‘by nature’ followers of men.

Article 81 is on the general principles of the electoral system. Laws, regulations and codes of practice provide a formal framework within which boards operate. This article recognizes that

women representation and participation in decision-making organs is fundamental for gender equality. It spells out the principles that govern electoral processes and provides, among others, that ‘not more than two-thirds of the members of elective public bodies shall be of the same gender’. Board of directors being an appointive position, this clause would apply to NSE listed companies as they subject directors to election in a general meeting.

Other significant articles are 97, 98, 171 and 172. Even though these articles are specific to the legislature and the judiciary respectively, they help create a critical mass that could help change the culture and attitudes towards women leadership. Women representation at policy and judicial levels brings hope that gender equality gains will be followed through.

Article 232 and 250 promotes gender justice by affording equal opportunities in hiring and promotion of public servants and independent commissions. Certain provisions in the Kenyan Constitution discriminate against women and are incompatible with the spirit of gender equality. The Kadhi courts are established in the Constitution (sec 170) as a separate subsidiary court for the hearing of Muslim family law matters, including inheritance. The concern is that the provision for the Kadhi courts has exemptions from the constitutional equality provisions for instance in relation to arranged marriages, which generally tend to be forced upon girls or are conducted at an early age (Mutua 2007).

The new Constitution could possibly rectify gender roles in Kenya that is associated with the traditional social structure of patriarchy. The Constitution could also reform the structure of boards by requiring compliance with the ‘two-thirds gender rule’<sup>39</sup> which is seen as the first step in getting women to participate in decision-making.

Gender inequalities remain in Kenyan boards as well, despite Constitutional guarantees of equal rights that is supported by a strong legal environment and equally strong movements aimed at protecting women’s rights.

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<sup>39</sup> The Constitution of Kenya (2010) provides that not more than two-thirds of one gender shall occupy elective positions.

#### 4.3.2 Gender and education laws

The right to education is guaranteed by the Kenyan Constitution as a factor in the empowerment of women and girls. Chapter four of the Constitution under the 'Bill of Rights' provides that every child, whether girl or boy, has a right to free and compulsory education. The legislative framework includes the 'Basic Education Act' and the 'Universities Act'. The Universities Act of 2012 promotes gender balance and equal opportunity among students and employees as one of the objectives of university education. This law requires universities to be guided by the national values of equality and institutionalizes non-discriminatory practices.

Formal institutions from pre-school to college education include the education laws, school system and the curriculum. The school system in Kenya either has girls and boys in separate schools or co-education where girls and boys are mixed in a school. The school curriculum also provides for a choice between various science and non-science subjects. Kenya has made progress in providing access to education and the government provides free primary education (FPE), which is compulsory.

Kenya's Gender policy seeks to address matters such as disparities in enrolment, retention and transition rates, with a focus on girls drop out, gender stereotyping in learning material and actual teaching, negative socio-cultural practices and attitudes that impede access to schooling especially for girls. The Ministry of Education further implements various interventions including the readmission of girls after pregnancy, rescue centres for girls escaping early marriage, mobile schools, provision for sanitary towels, and lowering university entry points for girls among others.

Even though access to basic education may not be a topical issue in developed economies, developing countries still struggle to provide basic education. In rural Kenya for example, children travel quite a distance to get to school, the quality of learning in public schools is considerably lower than in private schools, which are mostly boarding and structured as boys-only or girls-only. In terms of higher education and professional training, Kenya has good learning facilities including those for part-time graduate and post-graduate education. There however remains a challenge of low capacity to finance education for many Kenyans. In the developed economies, most governments tend to subsidise the cost of higher education to its citizens, which was not

the case in Kenya until the recently constituted Government administration introduced free day secondary education and opened up financing for post-secondary education.

The education laws reviewed are geared towards promoting equitable quality education and reducing gender inequality. However, with traditional practices like the gendered intra-household division of labour already prevalent by school-going age, more girls are likely to drop out along the way. Many girls are still reported to be out of school for various reasons, largely due to customary practices like female genital mutilation that expose them to child pregnancies and early marriages (Wango et. al 2012). The enactment of the Children's Act of 2018 and Sexual Offences Act of 2006 is expected to promote girl participation in education. However, more could be done in the new education curriculum to address gender gaps beyond educational attainment to learning performance and the reduction of any unconscious gender bias in the curriculum. In this way, the education system may ensure gender responsive policies and strategies in school curricula that capture young minds from kindergarten. Society can also encourage girls to attain higher education to reach their full potential by exposing them to women in formal paid labour.

#### 4.3.3 Gender, family and property laws

Family is important in the discussion of women's careers and the law because this is where the concept of equality is first taught as well as how boys and girls should behave. A comprehensive legal framework that supports families can go a long way in achieving gender equality. Such laws generally cover responsibility over family conflict, property and children.

The Kenyan Constitution 2010 and the Marriage Act (2014) provide for equal rights in marriage and restricts marriage to adults of 18 years and above, thus prohibiting child marriage. Family headship is generally masculine even though it is common to find female-headed households. Kenyan society requires a married woman to obey her husband although this is not captured in law.

The gender asset gap has been found to undermine women's ability to engage in economic activities and their bargaining power (Deere and Leon 2003). In Kenya, men and women have an equal ownership right to immovable property and it is common to find women buying and own-

ing land and houses in their own names especially in urban areas. Surviving spouses whether male or female have equal rights to inherit family assets. Daughters and sons have equal rights to inherit parental assets. Recent court rulings have upheld this law showing that married women in Kenya can inherit their fathers' land although with criticism from a section of the public claiming that the rulings go against Kenyan customary laws and traditions<sup>40</sup>. When women have greater access to assets whether through purchase or inheritance, their control over assets can improve parental investments particularly in girls and daughters' education (Deininger et al 2014).

Kenyan law recognizes marriage under all systems including marriages conducted under customary laws and practices. This recognition is a reprieve to women whom hitherto were not deemed legally married unless their marriage is officiated by an authorized Government official or religious minister. Dowry or bride price payment has been made optional under the revised laws, implying that women may no longer be equated to property valued at the cost of dowry. The stipulated rights and responsibilities with regard to spouse maintenance and pledge of credit could also bring fairness in marriage.

Kenya has the Sexual Offenses Act of 2006 and Protection Against Domestic Violence Act of 2015 that prohibits sexual violence at family level, education and employment spaces. However, despite the existence of this progressive legal framework with provision for severe penalties for perpetrators, gender-based violence is still rampant in Kenya. With a high burden of proof placed on the victims who tend to be women, most perpetrators are acquitted on technicalities. Access to civil legal aid can reduce the prevalence of harmful traditional practices like early and forced marriage as well as domestic violence (Abel and Vignola 2010). However, gender norms and expectations can affect women's ability to use legal systems thus necessitating access to legal aid and related services that may improve the use of legal services and access to justice for women (Australia Law Reform Commission 1994).

#### 4.3.4 Gender and business laws

Kenya's Business Registration Service Act No. 15 of 2015 (revised in 2017) allows women to register businesses and legally pursue a trade, in the same way as men, without gender prohibition. There is no law restricting women from signing contracts or opening bank accounts for

<sup>40</sup> [www.allafrica.com/view/group/main/main/id/00066217.html](http://www.allafrica.com/view/group/main/main/id/00066217.html) accessed on 10.01.2019 and 06.02.2019

their businesses. The Companies Act No. 17 of 2015 requires public companies to have a board of directors and allows a single person to form a private or public company. The minimum number of directors is set at one for private and two for public companies without setting an upper limit thus allowing for the inclusion of more women directors. The single directorship thus accords more room for women-owned and led businesses.

Although this law requires directors to accept board appointments in writing, it does not require resignations to be in writing thus exposing women to possible ousting.

The director's age limit is set at a minimum of twenty-one years with a maximum of seventy years. The low minimum age presents an opportunity for young women to join boards. However, if male directors have not voluntarily retired from boards, the maximum age means that the women will have to wait for a while before the old men can exit boards and possibly create room.

For women in business, access to credit has remained a challenge (Manwari et. al 2017) despite Kenya being one of the highly banked countries in the region. However, there is a concerted effort in Kenya to address this situation by putting in place various funds and initiatives both from government and NGOs. The Government of Kenya has established various programs to help women overcome poverty through access to finance, entrepreneurship and leadership. The focus of such programmes is gender mainstreaming, affirmative action and gender responsive budgeting. There are special catalytic funds dedicated to women of various categories including poor, youth and disabled, for instance the Women Enterprise Fund, Youth Enterprise Fund, Uwezo Fund, Social Protection Fund and the Government Affirmative Action Fund. The funds are helpful as women struggle to access credit from commercial banks that require hard collateral, which the majority of women don't have. There exist credit reference bureaus that provide information on credit history in a manner that can enable women access to credit. The credit information sharing system and the association is consistently publishing its report to profile women with good metro scores as good credit clients. This trend may see more women access credit for business and mortgage funds for assets.

The government, through CMA, regulates both private and publicly owned companies whose stocks are quoted at the NSE. The CMA regulations provide for a minimum of three directors, two of whom are natural<sup>41</sup> person and one is independent non-executive. There is also the CMA corporate governance code for listed companies. The code spells out remuneration, age limit, term, and diversity requirements for board members<sup>42</sup>.

#### 4.3.5 Gender and employment laws

Women constitute a significantly low percentage of employed persons in Kenya, with 35.7% being the female share of paid employment in non-agriculture jobs (HDR 2017). Formal employment in Kenya is governed by the Employment Act of 2007 (Cap 226), which prohibits discrimination in employment (article 5) based on sex and other factors. The law also provides for equal opportunities ‘with respect to recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of employment’, while allowing employers to take affirmative action measures consistent with attaining equality in employment. In this equal opportunity clause, employee also includes job applicants while employer includes employment agency, thus protecting women from the recruitment through to the selection stage.

The law provides for equal remuneration for work of equal value in section 5 (5). This allows employers to reflect on employees’ level of responsibility, skills and training and thus avoid job segregation. Job segregation has been widely found in ‘women’s work’ like catering and clerical, which tends to be undervalued. The minimum wage law also has the potential to perpetuate job segregation.

The employment law prohibits sexual harassment at work as this may undermine women’s authority and reinforce gender stereotypes in a way that may adversely affect women’s career trajectories. Clause 6 on sexual harassment however leaves room for consultation with employees before an employer issues a policy on sexual harassment. In cases where employees are predominantly male and fail to accept the sexual harassment policy, female employees remain ex-

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<sup>41</sup> Company law recognizes two kinds of persons. A natural person is a living human being while an artificial person is a business organization that is registered with rights to transact, own property, sue and be sued among other characteristics, for example limited company.

<sup>42</sup> Recommended age is 70 years unless general meeting resolves to retain a director, term is limited to nine years, while diversity includes gender and requires that the appointment be gender sensitive and not represent a single group interest.

posed. Further, the policy statement on anti-sexual harassment is required only where the number of employees is twenty or more thus exposing employees working in small companies or in those with a small workforce.

In terms of rights and duties in employment, the law spells hours of work with one rest day and 21 leave days annually, provided for both male and female employees. For jobs that run through the night, the law does not prohibit women from working the same night hours as men, just as there's women who can work in the same industry and perform the same tasks as men. Freedom of movement has been found to be an important indicator of women's economic empowerment and linked with women's expanded agency (Nagaraja 2013).

Policies like parental leave have been positively associated with improved women employment even though the extended duration of such leave may contribute to gender wage gap (Ruhm 1998). Section 29 of the Employment Act guarantees women maternity leave of three months with full pay without forfeiting their entitlement of annual leave. Women also have the right to return to work after maternity leave and their employment contract cannot be terminated on the basis of pregnancy or related reasons. In this context, the Kenyan employment law recognizes that 'equal treatment' is not relevant in cases such as pregnancy and has adopted the principle of reasonable adjustment<sup>43</sup>. However, the law does not prohibit dismissal of pregnant workers and this gap can be exploited by an insensitive employer.

Male employees are entitled to two weeks paid paternity leave, however, this provision may give an impression that male partners have little role or care contribution in the early stage of childcare. If woman cannot afford to employ outside help then she has to combine her maternity recovery with intensive childcare. However, leave policies that heavily prioritize maternity over paternity effectively deny fathers the childcare opportunity and have the tendency of pushing mothers into the gendered role of primary caregiver. The duty to 'promote equality of opportunity in employment in order to eliminate discrimination in any employment policy or practice', (Employment Act of 2007 Cap 226) is placed on the minister, labour officers and employers.

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<sup>43</sup> According to the 'reasonable adjustment' principle, the status quo is discriminatory when reasonable adjustments have not been made to include a person at a disadvantage.

Support for nursing mothers has been found to improve the participation of women in the labour market for instance through the availability of childcare facilities and tax credits (Averett, et. al 2006). Although the Kenyan system of childcare provides for maternity leave and requires employers to pay for medical expenses related to childbirth, there have not been provisions for protecting pregnant women from harmful work; affording nursing breaks to new mothers or day care options for young mothers, except on private arrangement. However, a new law the Breast-feeding Mothers Act of 2017 has since been enacted and is yet to be effected in various workplaces. This new law provides for employers' obligation towards work arrangements for breast-feeding working-mothers in the workplace, including provision for baby changing facilities. Provision of such employer supported childcare services has been found to increase female employment significantly in Latin America (Reimo et al. 2017). Caution must however be taken to ensure that the cost of such provisions do not adversely affect employment opportunities for women.

Women who are not in formal employment have to make their own maternity care arrangements. This burden may however reduce with the promise from the Kenyan Government that maternity expenses in public hospitals will be taken care of by the Government. The Kenyan Employment Act does not consider it discriminatory to take 'affirmative action measures consistent with the promotion of equality or the elimination of discrimination in the workforce'.

#### 4.3.6 Gender and political leadership

Historically in Kenyan politics and government, gender equality has been a struggle. Even though women got the right to vote in 1919 (HDR, 2012<sup>44</sup>) and upon independence in 1963 they continued to have that right, there is little progress on women in political leadership. Kenya's record of female political leadership remained low since independence until post 2010 with the new Constitution. Kenya has a bicameral system made up of the National Assembly and the Senate. The quota system dubbed 'Women Representative' allowed 47 women, one from each county to be elected on reserved seats thus enhancing the gender composition of the National Assembly in 2013 and 2017 general elections. There has been improvement in the 2017 general

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<sup>44</sup> *The Human Development Report* (2012) indicates that women in parliament scored 0.11 and women in ministerial positions at 0.18. Kenya has not had a single female head of state in the last 50 years since independence.

elections compared to 2013<sup>45</sup>. In the 2013 general elections, Governors and Senators were all male with only 5.5% of female Members of Parliament and a total 20% female representation in the entire National Assembly and Senate. The landscape of women in political leadership appears to have improved in favour of the women during the ‘Jubilee’ administration of 2013-2017. The proportion of women cabinet ministers improved from one to five being in key ministries like public service, defence, water, devolution, planning, and environment. Women capacities, seen from these advances, unfortunately are not immediately replicated in the corporate world through board representation thus making Kenya an exciting site for studying gender and corporate boards. Further, women still face barriers that constrain their participation in political leadership including inadequate resources, violence meted on women candidates and cultural beliefs that undermine women leadership. In the pastoral communities for instance, the patriarchal practice of ‘negotiated democracy’<sup>46</sup> locks out women from competitive elective positions as the practices behold elders and local chiefs rather than the electorate.

#### 4.4 Public institutions addressing gender equality

The Government of Kenya has put in place various public institutions, which aim at implementing gender equality and freedom from gender discrimination. These institutions are expected to ensure that women are protected against gender discrimination and they include the state department of Gender under the Ministry of Public Works, Youth and Gender, the Kenya National Human Rights Commission (KNHRC) and the National Gender and Equality Commission (NGEC). Since 2011, there has been the establishment of the National Gender and Equality Commission (NGEC) whose functions are provided for in Section 8 of the NGEC Act 2011. Section 8 of the NGEC Act 2011 states that the Commission shall promote gender equality and

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<sup>45</sup> In the 2017 general elections, Kenya received its first female Governors 3 out of 47, female Members of Parliament elected 23 out of 210, Senators 5 out of 47 and 47 Women representatives. However, the current Parliament still falls short of the 30% requirement of women representation even with nominated seats. In the devolved governance structure, the county level was not any better, with 98 women being elected out of a possible 1450.

<sup>46</sup> A traditional mechanism commonly practised in Northern Kenya where the council of clan elders determine who gets nominated for political leadership and those left out are encouraged to support the elders’ choice.

freedom from discrimination in accordance with Article 27 of the Constitution, among other functions<sup>47</sup>.

As such the NGEK is expected to hasten the progress towards gender equality in Kenya. The High court of Kenya has a Family Division that provides special arbitration on gender and family cases as well as trains judiciary officers on gender-sensitivity.

At the legislative assembly, there are two parliamentary groups Kenya Women Parliamentarians Association (KEWOPA) and Kenya Women Senators Association (KEWOSA).

KEWOPA and KEWOSA that contribute to parliament's work of integrating gender into laws and policies. However, the delay in passing gender equality laws as provided for in the Constitution casts doubt on the effectiveness of these groups. Such an arrangement also sends a wrong signal that gender matters are women issues to be dealt with by women groups. It may be helpful then to have a gender mainstreaming mandate anchored in a specific parliamentary committee with proper terms of reference that goes beyond a discussion on budgets.

Kenya's development blueprint Vision 2030 envisions gender mainstreaming in all Government policies, plans and programmes to ensure that issues affecting women and girls are addressed. Equity in resource distribution and power between sexes has been prioritized in the social pillar of the plan. This focus on gender concerns aims at increasing the participation of women in decision-making processes and holistic opportunities.

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<sup>47</sup> monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions; act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities and children; co-ordinate and facilitate the mainstreaming of issues of gender, persons with disabilities and other marginalised groups in national development and to advise the Government on all aspects thereof; monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution; investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned; work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;

co-ordinate and advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination; conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution; receive and evaluate annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination; work with the Kenyan National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination; prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;

conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disabilities, women, youth and children; establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups; perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and perform such other functions as may be prescribed by the Constitution and any other written law.

Civil society organizations and the private sector are also contributing to gender equality progress. The Institute of Directors Kenya offers a range of programs, whilst the Women Directors Program equips potential and existing women directors with technical skills and knowledge on corporate governance, and financial and audit reporting. The Presidential Taskforce on Parastatal Reforms recommended that one of the requirements to qualify for Board directorship in State-owned Enterprises include membership of the Institute of Directors Kenya.

#### 4.5 Conclusion

Discriminatory political and legal institutions have been used and abused to perpetuate gender inequality particularly where women don't have the same legal rights as men (HDR 2016). A lack of enabling legislation may restrict women's freedom and representation in political spaces where policies and decisions are made, such as the board.

The result of this document review shows that Kenya has existing laws that largely support gender equality but contrary to the generally held belief, equality of formal laws and its equal treatment did not necessarily address the disadvantage in outcomes for WoBs. This review finds that although the law demands the equal treatment of men and women in the public and private sphere, enforcement of gender equality laws by the Government is limited. It concludes that getting women to the top at times requires unequal treatment in law to achieve equal results. This section is now supported by the empirical testing of the practice of the law as well as deeper insights on corporate human resource policies and practices from the surveys.

In conclusion, the chapter finds that despite historical marginalization, Kenya currently has a government mandate for WoB, particularly in state-owned enterprises. Likewise, the Kenyan private sector follows principles of corporate governance that integrate gender diversity on boards. These measures although recent and not yet fully implemented, present hope for an improved WoB situation in Kenya. Women's full participation in society leadership requires good laws that promote and protect equal rights while providing formal recourse.

*‘WoB is not just a gender number game. It’s about the richness of the board as a whole, the combined contribution of a group of people with different skills and perspectives to offer, different experiences, backgrounds and lifestyles and who together are more able to consider issues in a rounded holistic way’ Lord Davies of Abersoch (Women on Boards, 2011).*

Within the formal laws, the informal laws are equally ingrained in a manner that could impair positive outcomes for WoB. In order for women to assume leadership positions whether in the public or private sector, they must be able to participate fully in civic and political life. The gender norms that associate leadership with men contribute to an absence of women in decision-making and public spheres despite there being electoral laws and processes. Employment laws, conventions and employment structures are equally susceptible to gender biases that hinder women from participating in economic activities and accessing economic resources.

The previous chapter concluded that while men and women may be exposed to the same treatment under law, the treatment of these laws are strongly influenced by the context within which they are applied, whether in the household or in the labour market. While social norms may make the application of law discriminatory and exclusive, some may help promote gender inclusion and harmonious coexistence. The interaction between men and women results in socially constructed roles, learned behaviours and expectations, which thus make up gender.

### 5.1 Introduction

This chapter presents the main findings from the surveys with board directors and Human Resource (HR) executives. A total of 450 male and female board directors were asked through a survey to share their views on key aspects of board processes and women representation including: personal attributes of individual and potential directors; the push to have women on board (whether internal or external); attitudes towards gender inclusion; contribution of women on boards (whether actual or perceived); structural barriers in board processes, and socio-cultural barriers. The total responses from the directors survey was 118 (26%). The survey findings were cross-checked against sector, gender, nationality, age, educational level, length of service on board and role on the board. Some of the survey highlights were followed up on during the in-depth interviews with women who serve on boards.

Further, 59 executives in charge of human resources were asked, through survey questionnaires, to provide an overview of the current corporate human resource strategies that might groom the next generation of directors by recognizing women managerial styles and increasing the number of women in the pipeline. A total of 46 responded (78%).

Particular focus of the surveys is on emerging themes from the respondents on the professional advancement of women and their representation on boards as anticipated in the conceptual framework. The themes can be condensed into the institutionalization of patriarchy in informal (social-cultural) and formal (economic and political) systems. The common finding from the survey data sources indicates that the respondents strongly supported board gender diversity as an idea. Further, in understanding the obstacles preventing women from reaching boards, the findings of this study point to some 'unseen' barriers that have to do with gender attitudes and perceptions (Cotter et al. 2001) regardless of women's qualifications or achievements, even though they can see through that barrier (Federal Glass Ceiling Commission 1995b). The study finds that the nature and level of Kenyan women's representation on corporate boards is restricted by persistent patriarchal relations throughout their professional lives.

## 5.2. Characteristics of boards in Kenya

The study finds that board composition in Kenya's listed companies is male-dominated, as evidenced in Western countries. Male directors are generally much older than their female counterparts, perhaps an indication of the prevalence of the 'old boys' network in board membership. A similar relationship between gender and length of service in the board indicates that men have been serving much longer as board directors and WoB is indeed a recent phenomenon in Kenya.

The general characteristics of board composition are presented in Table 5.

Table 5: Survey Respondents Characteristics

Gender	14% were female while 86% were male
Nationality	Kenyans 92%, Other African Countries 1%, Other nationalities 7% (British, Asian, Spanish and French)
Age	Below 35 years 1%, 35– 54 years 37%, 55– 70 years 56% and above 70 years 6%
Academic Qualification	PhD 7%, Masters 44%, Post graduate qualification 6%, Bachelor's degree 35% and no academic degree 9%
Length of service	Less than 1 year 4%; 1– 3 years 22%; 3– 6 years 26%; Over 6 years 47%
Role	Board Chair 5%; Non– Executive Director 78%; Managing Director (MD) 13%; Executive Director (not MD) 6% Other- Vice chair
Time spent on board work	10 hrs or less 68%; 11–25 hrs 18%; 26–40 hrs 4%; More than 40 hrs 10%. (Time spent on board work is consistent with the majority of board directors being non- executive.)

Generally, WoB in Kenya have similar characteristics of having an advanced education, a variety of work experience, record of accomplishment, membership to a professional organization, having the right business or political connections, and young enough to devote time to board work. This finding was followed up with life story interviews that confirmed personality traits of the WoB ranging from having integrity and work ethics, determination, and persistence with career ambitions although not to the board level.

Some findings were unique to the Kenyan context such as the choice of prestigious schools from early childhood to university; girls combined school work with domestic chores and continued with the performance of household chores even when the family hired a domestic worker.

The figure 5a below breaks down the survey respondents into ten sectors devised by NSE, which reveals that the bulk of respondents, 51% were from the banking sector.

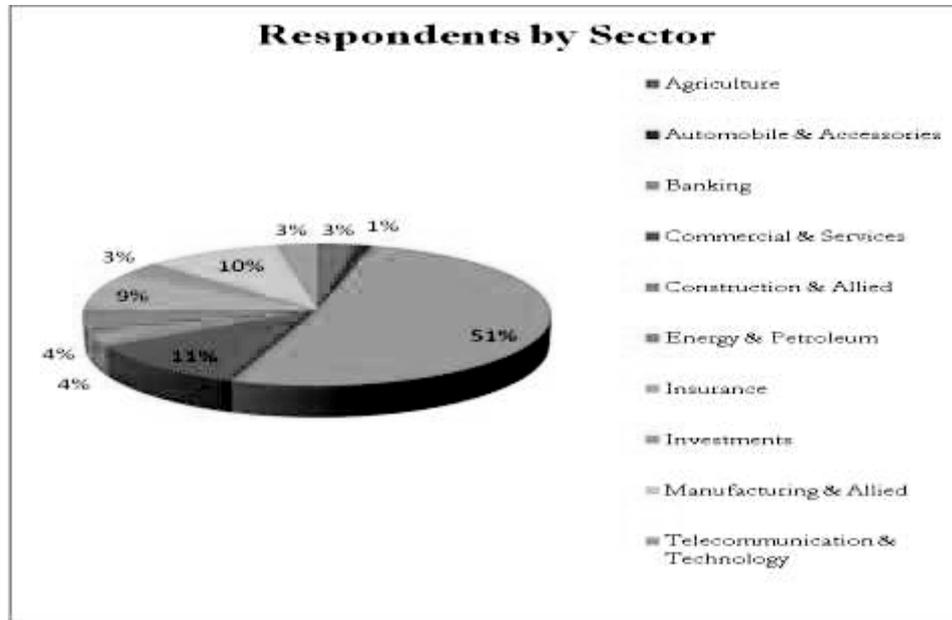


Figure 5a: Respondents by sector

When it comes to gender and nationality, a typical survey respondent was a Kenyan man. 16 women out of the possible 46 women directors (35%) took the directors survey. 62% of respondents were aged 55 years and above.

### 5.3 Social network and connection

Board service requires women to have high-level corporate experience, knowledge, skills, and abilities in order to contribute value to the company. Therefore, Erkut et al. (2008) warn on the dangers of tokenism, and caution that women should not be brought on boards simply because they are women.

From corporate governance perspective, business needs and priorities determine whether women are appointed on boards, in addition to company size and type. A company's priority in accessing new business, finances or new markets may shape what kind of a director is brought on board to meet the objective. From the literature and directors survey the following personal

attributes were found to be relevant: educational qualification, general professional experience, industry specific experience, past board experience, connection to an existing board member, connection to the business community, international experience and other attributes like availability and integrity.

However, there was a significant gender difference in the responses as to whether professional experience was an important attribute of a director (Table 5a), with more female directors strongly agreeing than male directors. This finding may imply that within the social network, men accessed board positions with less regard to professional experience.

*Table 5a: General professional experience*

			Strong -ly Agree	Agree	Disagree	Total
	Female	% within	75.0%	25.0%	0.0%	100%
	Male	% within	37.3%	61.8%	1.0%	100%
N=118		Total	42.4%	56.8%	0.8%	100%

The chi square test of  $0.017 < 0.05$  shows that the gender difference is statistically significant.

Further, while 75% of female directors disagreed that past board experience was critical, only 22% of male directors were of the same view (Table 5b). This is striking, since women have been historically excluded from boards, prioritizing past board experience may keep women out of boardrooms even more. Boardrooms are already male-dominated and it's the same male directors who prioritize past board experience.

*Table 5b: Past board experience*

			Strong -ly Agree	Agree	Dis- agree	Strongl y Disagree	
	Female	% within	6.3%	18.8%	75.0%	0.0%	100%
	Male	% within	39.2%	38.2%	21.6%	1.0%	100%
N=118		Total	34.7%	35.6%	28.8%	0.8%	100%

The chi square test of  $0.000 < 0.05$  shows that the gender difference is statistically significant.

Likewise, connection to an existing board member was rated more highly by the male respondents with 61.8% of male compared to 6.3% of female respondents agreeing while 93.8% of female compared to 38.2% disagreed on this view (Table 5c).

Table 5c: Connection to an existing board member

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	6.3%	0.0%	31.3%	62.5%	100%
	Male	% within	21.6%	40.2%	17.6%	20.6%	100%
N=118		Total	19.5%	34.7%	19.5%	26.3%	100%

The chi square test of  $0.000 < 0.05$  shows that the gender difference is statistically significant.

This finding was followed up on through life story interviews, which will be presented in more detail in Chapter 6. Briefly, most of the women interviewees said because their corporate executive roles afforded them visibility while for others, it was because of the prominent names of their fathers that they were noticed and approached for their first board positions. The subsequent board appointments they said were easier to come by since they were now in the network. Perhaps connection to existing board directors is critical but these women respondents did not have any hence their struggle to get board appointments. Indeed, from the directors' survey, 67% of the respondents said that women lack strong social support networks (see also Table 5l).

The study finds that WoB had no direct connections with the owners or key shareholders of the companies. In the directors' survey, 89% disagreed as to whether shareholders demanded to have WoB. Only 32% of the respondents said they represented a majority shareholder on the board. However, there was a significant gender difference in this response (Table 5d) indicating

that the category representing shareholders was largely male. Only 6% of female compared to 36% of male respondents represented a majority shareholder on the board.

*Table 5d: Representation of majority shareholder*

			No	Yes	
	Female	% within	93.8%	6.3%	100%
	Male	% within	64.4%	35.6%	100%
N=118		Total	68.4%	31.6%	100%

The chi square test of  $0.019 < 0.05$  shows that the gender difference is statistically significant.

This situation could possibly be a major obstacle in the Kenyan context where it may be difficult for women to get to senior levels in the absence of family connections to powerful hierarchies (Metcalf, 2006).

This aligns to Singh's (2008) finding in Jordan where female board members had some connections with the controlling shareholders of the organization on whose boards they served.

Despite the importance of social networks for WoB, this study found that women had smaller networks to draw upon, even though it appeared more gender balanced on online professional networking platforms.

#### 5.4 Formal education and human capital development

To discharge their corporate responsibility, board directors require proper education and training to build their human capital (Becker 2009). From the directors' survey, 90% of respondents agreed that educational qualification was an important attribute for potential board members. The findings of this study also show that education was not directly responsible for WoB status since respondent women had education levels of bachelor's degree and more. 88% of the survey respondents disagreed that there are no qualified women for board positions although there was a significant gender difference in this response (Table 5e) with women disagreeing more strongly than men.

Table 5: Availability of qualified women for board

			Strongly Agree	Agree	Dis-agree	Strongly Disagree	
	Female	% within	0.0%	6.3%	37.5%	56.3%	100%
	Male	% within	2.9%	11.8%	66.7%	18.6%	100%
N=118		Total	2.5%	11.0%	62.7%	23.7%	100%

The chi square test of  $0.012 < 0.05$  shows that the gender difference is statistically significant.

Indeed, only 9% of directors (all male) did not have an academic degree (Figure 5). This gender stereotyping is a double standard (Sing et al. 2008a) considering that the women respondents had better educational credentials than the men. The finding supports earlier studies (Mattis 1993; Burke 1993) in the US and Canada that found the qualifications of women directors to be exceptional. Indeed the WoB who were interviewed agreed that they had to be more accomplished than men to get invitations to boards.

Figure 5: Respondents' academic qualifications



From the directors' survey, in the personal attributes boards look for in a potential director, educational qualification was viewed as more important by 90% of the respondents while 10% said it was less important. Formal education also emerges as a resource for women empowerment in addition to formal work and political participation (Kabeer 1999).

### 5.5 Multiple roles and domestic labour

Reconciling career demands and family care appeared to be a challenge for women getting to the top (Vinnicombe 2011). In the board directors' survey respondents were asked for their views on barriers to women's career advancement that also affected their own journey to the board. The survey respondents agreed (66%) that women tended to succumb to work-family life pressure and opt out of careers thus impairing the pipeline of women directors. The findings support the view that only those women who pass the 'pragmatic endurance' stage get to the top (O'Neil and Bilimora 2005).

Juggling between formal work and domestic labour was evident from the board directors' survey, where 84% agreed that women combined formal work and domestic responsibilities while 88% said that women combined formal work and childcare responsibilities, consistent with the theory of social role congruity (Eagly and Karau 2002). This finding was later followed through the life story interview where the women interviewed indicated that they were primarily responsible for household responsibilities related to caring for children and domestic work (Binachi 2000). The responsibilities that women have outside work may contribute to the attitudes of male managers, which brand women as uncommitted to professional growth (Kamau 2002; 2007).

Indeed women in this study indicated that they were generally overwhelmed by their household responsibilities and lack of involvement of their spouses. This finding supports the argument that household labour constrains women's productivity in formal labour and reduces their mobility, as was found in Nigeria (van Staveren and Odebode 2007).

Leonard (2001) observed a negative impact on working women where men were not keen on sharing domestic work in a persistent traditional sexual division of labour. Such women opted out of a career to pursue part-time employment, as found in the survey where 66% agreed that women tended to succumb to work family life pressure and opt out of a career. When followed up in life story interviews (see chapter six), the women interviewees admitted that they shouldered household responsibilities even when they also shouldered full-time work. Internalizing this structure tended to create a basis on which men and women tried to normalize their behav-

our (Wood and Eagly 2012). This is perhaps to generally experience the social and personal benefit of fitting into their social roles including spousal interaction.

Differentiation in the role that men and women tend to occupy in society creates gender differences in self-representation, a patriarchal tendency that may lead to prejudice where women are perceived and evaluated less favourably as leaders or potential leaders (Eagly and Karau 2002).

The HR executives' responses indicated that in employing organizations there was equal treatment in remuneration levels- 81%, while 19% indicated that men were favoured. Equal treatment in remuneration without considering childcare costs and potential income in the form of 'child penalty' on female wages and 'child premium' on male wages could contribute to the gender wage gap (Tijdens and van Klaveren 2012). The 'child penalty' could be keeping women executives from the boardroom, as indeed a positive relationship was found between the glass ceiling effect and the gender wage gap in Uganda (van Staveren 2012). The price, together with the perception that 'nice girls' don't ask for more, lest they be seen as aggressive and selfish, unlike their ambitious male counterparts, systematically undervalues women's labour. In Kenya, Kabubo-Mariara (2003) found no evidence of discrimination in the gender wage gap study but found that the preference of men was prevalent in all sectors of the Kenyan economy.

With childcare comes maternity leave and reduced mobility, which is inconsistent with the 'any time anywhere' work model that does not recognize that women managers have a 'double role' (McKinsey & Co 2010). Indeed, the board directors survey respondents agreed that their work model, requiring full-time availability (68%) and the notion of mobility anytime (58%) was an obstacle to WoB, necessitating negotiation with the 'head of the family' for freedom of movement.

While workplaces and businesses are structured in a way that disadvantages women, it leaves male colleagues largely unaffected and perpetuates gender inequality on corporate boards.

## 5.6 Masculinity, perceptions and gender stereotyping

Traditional gender role expectations appeared prevalent in Kenya as evidenced by the 'house wife' and 'bread winner' phenomena. Even though there were reports of a significant number of homes headed by women, the male-headed household is still the norm. Strong patriarchal ideologies also dictated that male figures have a final say on what their women could or could not do.

From the directors' survey, 83% of the respondents agree that social norms do not associate women with leadership, while 78% of the respondents agree that social norms confine women to non-leadership roles. A similar patriarchal tendency was found in Nigerian culture (Fakeye et al. 2012), which did not allow women to lead whether at home or in the labour market. This finding was followed up through life story interviews where the WoB interviewees indicated that men were assumed competent until proven otherwise, while on the other hand, women are assumed incompetent until proven otherwise. The women reported to have been consistently interrupted while speaking as girls (see chapter six for details). In such situations, competence is associated with masculinity (Yancey 1996) and portrays women as deficient. Competence in gendered institutions is not always about the individual woman's human capital (Singh et al. 2008a) but as 'judged' by those in authority who in most cases have a masculine orientation.

When followed up in the life story interviews, all WoB interviewees indicated that they had to work very hard to get promotions. One respondent called herself a 'workaholic' when she says she used to work for 14-16 hours a day and even carry work home on her computer and that she had no social life, unlike her male counterparts (see chapter six for details).

The assumption of linear career progression where accountability and compensation increase in a predictable manner seems not to apply to women executives in this study. The women director interviewees reported that they started in the fast-lane in their careers just as their male counterparts but soon their aspirations diverged when the prospects of starting a family emerged. At this stage, the women indicated that they had to tactically negotiate with either spouses or would-be spouses.

The HR executive survey sought the views of HR executives based on their knowledge and experience in human resource management, specifically about whether their organization treated employees equally. Access to professional development opportunities scored low on equality,

with 56% of respondents indicating that such opportunities tended to favour male employees (Table 5f). When followed up with life story interviews, all the women director interviewees had taken trainings sponsored by their employers and found such initiatives useful for their career progression. However, the same WoB interviewees indicated that development opportunities like secondments went mostly afforded to their male colleagues.

*Table 5f: HR Practices and their treatment in organizations*

	Equal treatment	Favour men	Favour women
Recruitment practices	91%	9%	-
Remuneration levels	81%	19%	-
Performance appraisal	84%	14%	2%
Access to training opportunities	98%	2%	-
Access to development opportunities	42%	56%	2%
Promotion practices	44%	56%	-
Grievance and disciplinary practices	84%	7%	9%
Prevent employee exit	67%	19%	14%

N=46

This observation may be arising from a traditional gender belief that women with families find it more difficult than men with families to relocate or travel for extended periods. Women directors indicated in their life story interviews that some of the critical career moves they made early, included taking up challenging roles like setting up a new section, acting in higher responsibilities positions and secondment abroad away from home. Such rare moves, they said, set them apart as outstanding even though men were generally granted the opportunities whenever they arose.

Sectoral gender segregation (Davidson and Burke 2012) in management was observed in the board directors' survey with 78% agreeing that gender stereotyping of what women can do actu-

ally locks women out from boards. The finding supports other studies that found a dismal representation of women in Sciences, Technology, Mathematics and Engineering (Cacace 2009; Burke and Mattis 2007; Ceci and Williams 2004) because of gendered beliefs and perceptions of what girls can and cannot do. This bias appears to manifest in sectors like agriculture, automobile and construction that previously had few or no WoB. The banking sector had the highest female respondents at 50%, followed by ICT at 18.8% while other sectors like agriculture, automobile and construction had no women on boards (Table 5g).

Table 5g: Listed companies by sector

			Gender		
			F	M	To-
Sector in which company belongs	Agriculture	% of Total	0	3	3
	Automobile & Accessories	% of Total	0	1	1
	Banking	% of Total	7	44	51
	Commercial & Services	% of Total	1	10	11
	Construction & Allied	% of Total	0	4	4
	Energy & Petroleum	% of Total	1	3	4
	Insurance	% of Total	1	8	9
	Investments	% of Total	1	3	3
	Manufacturing & Allied	% of Total	1	9	10
	Telecommunication &	% of Total	3	1	3
Total	% of Total	14	86	100	

At  $p > 0.10$ , chi square test of  $0.072 < 0.10$  shows that the gender difference is statistically significant

The labelling of jobs as feminine or masculine has been found to create an image of entry barriers (Elson 1999). Stereotypes and preconceptions of women's roles and abilities remain among the prevalent obstacles women face, just as it was found in Europe (Catalyst 2012).

Stereotyping can lead to conflicts between the 'masculine' leadership behaviour of men and 'feminine' social behaviour expected of women (Eagly et al. 1992, Eagly and Johannessen-Schmidt 2007). Such barriers could include female managers shunning a competitive environment (Niederle and Vesterlund 2007) or male managers simply resisting to work with female managers (Oakley 2000 and Bond 1996) as was found in the HR executives' survey, where 86% of respondents agreed that managers were unwilling to take the risk on non-traditional candi-

dates in matters of career advancement. These interactions can result in female employees not getting to the top because they have lower line management competence and experience (Oakley, 2000).

### 5.7 Organizational policies and practices

Where companies have formal recruitment policies, it can be expected that the vacancies are transparently announced and the candidates with the highest human capital get the job. However, from the directors' survey, 52% agree that promotion practices ignore aspiring women. The functioning of such labour policies may lie in some socially complex attributes that cannot match informal institutions like culture (Barney 1986a) and norms (Nelson and Winter 1982). Indeed there was a statistically significant gender difference in the response of the directors surveyed. While almost 70% of the female directors agreed that current practices ignored aspiring women, just under 50% of male directors shared this view (Table 5h).

*Table 5h: Promotion practices ignore aspiring women*

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	18.8%	50.0%	31.3%	0.0%	100.0%
	Male	% within	3.9%	45.1%	40.2%	10.8%	100.0%
N=118		Total	5.9%	45.8%	39.0%	9.3%	100.0%

The chi square test of  $0.066 < 0.10$  shows that the gender difference is statistically significant (weak)

From the directors' survey, there was a statistically significant gender difference in the response as to whether a lack of pro-family policies and support services in organizations was a barrier to the career advancement of women. 51.3% of female compared to 27.4% of male respondents agreed with this view (Table 5i).

Table 5i: Organizations pro-family policies and support services

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	25.0%	31.3%	31.3%	12.5%	100%
	Male	% within	7.8%	19.6%	64.7%	7.8%	100%
N=118		Total	10.2%	21.2%	60.2%	8.5%	100%

The chi square test of  $0.050 < 0.1$  shows that the gender difference is statistically significant (weak)

From the HR survey on promotion practices- 44% agrees that equal treatment is practised while 56% said that promotion practices favoured men.

When this finding was followed up on through the FGD with aspiring women directors, it was clear that Kenyan labour laws may not be largely hindering the career development of women. The challenge appeared to be in the application of the law and the influence of cultural norms and practices that hindered women from rising to top positions. Kenyan laws were similar to those of South Africa, Namibia, Rwanda and Swaziland and those countries appeared to be doing better than Kenya in having more women in senior leadership positions. The participants in the group discussion who are aspiring WoBs agreed that Kenyan laws were suitable and encouraging but were a challenge in practice. In their view, a cultural upbringing that caps women empowerment should be eliminated to have more women getting into senior positions.

One woman director, who had her children while she was already holding a senior position, indicated in the life story interviews, that the HR provisions worked for her.

## 5.8 Social and informal networks

Social networks stand out in the WoB dialogue for building social capital in terms of relationships and mutual obligations (Brass 2001). On the positive side, this study associates social networks with support cohesion because that is good for group functioning, such as on the board, as well as improving the quality of the work environment (Requena 2003). Considering the emphasis on the value of social networks and relationships, reciprocity, trust, and shared social norms, having human and social capital may lead to the empowerment that women need to get on boards. The social networking effect seems stronger in Kenya possibly because of the culture but also from a historical perspective of colonization. From the 'boys' who fought for independ-

ence, the ‘boys’ were first in formal education to the ‘boys’ who took over power from the colonialists.

However, in what Kanter (1977) referred to as ‘homosocial reproduction’, she notes that men would traditionally want to work with other men in top positions because of their gender similarities and that members of a social network relate with others as ‘in’ the group or ‘out’ of the group, a situation that works against WoB. Indeed from the directors’ survey, 86% of the respondents agree that board members’ networks were not accessible to women. A further 86% of the respondents said that qualified women were not found within traditional networks even though there was a significant gender difference in this response (Table 5j).

*Table 5j: Qualified women and traditional networks*

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	31.3%	43.8%	6.3%	18.8%	100%
	Male	% within	42.2%	46.1%	9.8%	2.0%	100%
N=118		Total	40.7%	45.8%	9.3%	4.2%	100%

The chi square test of  $0.020 < 0.05$  shows that the gender difference is statistically significant.

According to social identity theory the exclusive power of networks force group members to evaluate each other highly and make it difficult for those that are ‘out’ to join ‘in’, (Tajfel and Turner 1986). As long as these informal networks are male-dominated, scarcity of WoB becomes a self-preserving cycle as the networks can isolate women through an exclusive gender culture (Eagly and Carli 2007) and make it difficult for women to develop the trust needed to effectively contribute on boards.

In emphasizing the importance of social networks for WoB, a study in New Zealand by Hawarden and Marsland (2011) found that women directors also belong to a large connected network. Huffman (2002) found that women tend to have smaller networks which are also more gender balanced than their male counterparts even on online professional networking platforms.

From the directors' survey, 74% of the respondents agree that women tend to network less effectively.

Kanter (1977) proposes that 'homosocial reproduction' can also work against female executives or lower level employees in cases where the grouping exerts pressure and a member is not able to 'leave' the group by moving upwards.

Even though 72% of survey respondents agreed that board recruitment processes close out women, there was a statistically significant gender difference in the responses. 87.5% of female compared to 69.6% of male respondents agreed with this view (Table 5k).

Table 5k: WoB and recruitment processes

		Strongly Agree	Agree	Disagree	Strongly Disagree		
	Female	50.0%	37.5%	6.3%	6.3%	100.0%	
	Male	19.6%	50.0%	18.6%	11.8%	100.0%	
N=118		Total	23.7%	48.3%	16.9%	11.0%	100.0%

At  $p > 10$ , chi square test of  $0.059 < 0.10$  shows that the gender difference is statistically significant.

Indeed the women directors interviewed all agreed that board recruitment processes close out women when they reflected on how they got into the positions they held (see chapter 6). Before they could fill in the relevant papers as a formality, their names had been recommended by some senior men who previously knew them. They also agreed that qualified women will likely not be found within the traditional networks of men because of their different lifestyles as one puts it that *'if you look at how men operate, you've got to belong to a club, play golf, being out in the bars with them which I don't do. I don't play golf. Because of that, I knew clearly that it was never going to be possible to be in a corporate board'* (Diana).

There was a significant relationship between gender and the number of boards the respondents served on, an indication that the same WoB were serving on multiple boards. All the women director interviewees served on multiple boards even though not all of these are companies listed at the NSE. The respondents also felt that the same few women were being 'recycled'

in several boards when Kenya has many suitable women for boards. These suitable women may not be famous or related to famous Kenyan elites and as such the boards must find ways of getting these women on-board. The respondents indicated that they were aware of the formal board requirements and regulations issued by Kenya's Capital Markets Authority and some of their boards were yet to internalize some of the requirements, for instance the board charter.

Women director interviewees indicated that the boards they served on had formal regulations and requirements that governed board functioning. The interviewees all agreed that board recruitment was still through informal networks made up especially of men who went to high school or university together or came from the same village.

From the directors' survey, 91% of the respondents said they served on a board committee, with 29% serving in HR and the Nomination Committee of the Board. The directors' survey asked board directors if they felt that board positions should be advertised and applied for like any other job (yes/no). 34% of the respondents said yes, while 66% of the respondents said no. Earlier on, there was overwhelming response that board processes should be expanded. Now only 34% of the respondents agree with advertising board openings. However, there was a significant relationship between gender and the view on advertisement (Table 5), the finding could indicate that women prefer that board vacancies be advertised and applied for. At the same time however, some women interviewees felt that women would still not apply for advertised board vacancies unless someone encouraged them to do so.

*Table 5: Board positions and advertisement*

			Yes	No	
	Female	% within	81.3%	18.8%	100.0%
	Male	% within	26.5%	73.5%	100.0%
N=118		Total	33.9%	66.1%	100.0%

The chi square test of  $0.000 < 0.05$  shows that the gender difference is statistically significant.

Women director interviewees disagreed with advertising board vacancies even though they lamented at the closed ‘old boys’ network, saying the truly talented women would not come forward. This advertisement of board positions was not necessarily in the sense of paid media adverts even though that would still be a step in the right direction. Advances in ICT have brought new possibilities for democratic governance. Through social media for instance, a board vacancy can be communicated.

Board evaluation was rare, except in boards of regulated companies like commercial banks. Even where they exist, respondents questioned their effectiveness on board performance and gender diversity.

#### 5.9 Career ambitions and relationships

From the board directors’ survey, 60% of the respondents agreed that women tend to have lower career ambitions, while 68% said women tend to have lower professional ambitions. This finding was then followed up on through the life story interviews, where women directors agreed to this, indicating that they did not have ambitions to get to the top or to sit on boards until they were approached. In most cases they were quite hesitant to accept despite their educational qualifications and relevant experience because of the foundation laid in their early life. This confirms earlier findings from a study in Norway (Almas et al. 2012). These observed low levels of confidence and ambition may be contributing to the scarcity of women at board level.

However, 59% of the respondents disagreed that qualified women were not interested in board positions, thus confirming women’s interest in boards despite the structural challenges.

Women have to show that they are ‘far much better than men’ to be appointed to executive positions (Eagly and Johannessen - Schmidt 2001). This perception can contribute to women having lower confidence in their own abilities and may rate themselves lower than their male counterparts. A study by Hewlett and Packard (CSRI 2012) found that when a professional vacancy arises, women wait to meet 100% of the minimum requirements before they apply while men meeting only 60% of the requirements risk applying for the same vacancy. This finding was followed up on in the life story interviews and the women attributed their accessing of the board to success in executive careers either as chief executives or senior corporate managers. Even

though these WoBs indicated that their parents influenced them to work hard and be successful, none of them had the ambition of serving on boards, a position they thought was a preserve of ‘old elite men’. It emerges that it was these so called ‘old elite men’ who recommended the women to their first board appointments, with some women directors even associating such occurrence with ‘political appointment’. Lower ambitions appear to have contributed to low WoB but this could partly be attributed to discrimination and hopelessness that women face in their careers. Further, a lack of confidence and self-esteem arising from life experiences were found to prevent qualified women from ascending to top positions in Kenyan universities (Onsongo 2004).

#### 5.10 Board directors’ age

Older board members tend to introduce or recommend their friends from the ‘old boys’ network’ to the board before they retire (Natividad 2006). Indeed there was a statistically significant relationship between the gender and age of the director survey respondents, indicating that the male respondents were indeed ‘old boys’ not just by their connection to each other but by age as well (Table 5m). Unlike the 7% of male respondents, none of the female respondents were aged above 70. Further, 56.3% of female compared to 35% of male respondents were aged 54 years and below, indicating that indeed women directors were younger than their male counterparts.

*Table 5m: Directors and Age*

			Below 35 years	35- 54 Years	55- 70 Years	Above 70 years	Total
	Female	% within	6.3%	50.0%	43.8%	0.0%	100.0%
	Male	% within	0.0%	35.3%	57.8%	6.9%	100.0%
N=118		Total	0.8%	37.3%	55.9%	5.9%	100.0%

The chi square test of  $0.033 < 0.05$  shows that the gender difference is statistically significant.

When followed up with life story interviews, the early entry of women into boardrooms seems related to their appointment as company executives. All the WoBs indicated that they had been successful executives in their careers, reaching up to CEO level. The ageing profile presents an opportunity for WoB should the appointing authorities opt to replace the retiring male directors with female ones. A similar relationship between gender and length of service in the board indicates that men have been serving much longer as board directors and WoB is indeed a recent phenomenon in Kenya.

Personal connection and recommendation by an existing board member or CEO has been found to be critical in getting board positions elsewhere (Burke 1997, Mattis 1993). In addition, Natividad (2006) agrees that director recruitment is still conducted through an informal referral system among male directors by virtue of tradition. Sometimes the discussion on an upcoming board vacancy starts a long way before it is known outside the board. Indeed, 65% of the board directors' survey respondents indicated that they got to the board through personal connection with a friend or an existing director. However, there was a significant gender difference in the response as to whether general professional experience was a key personal attribute to look for in a potential director (Table 5n). Even though only 7% of the respondents said they were recommended by a professional association and 6% by a recruitment agency, there was a significant gender difference in the responses. More female (25%) compared to male respondents agreed to have been approached by recruitment agencies for board positions. The WoB situation is likely to improve with the continued involvement of recruitment agencies for board position vacancies.

*Table 5n Director Recruitment through professional agencies*

			No	Yes	
	Female	% within	75.0%	25.0%	100%
	Male	% within	97.0%	3.0%	100%
N=118		Total	94.0%	6.0%	100%

The chi square test of  $0.007 < 0.05$  shows that the gender difference is statistically significant.

### 5.11 Role models

As to whether the absence of women role models in board positions posed a barrier to women’s career advancement and getting to the board, 73% of the respondents disagreed while 27% of the respondents agreed with this view. Further, there was a statistically significant gender difference in the respondents’ views with 50.1% female compared to 23.5% male appreciating the presence of women role models for board positions as a catalyst for the career advancement of women (Table 5o). Male respondents didn’t seem to believe that they could offer the much needed mentorship and role modelling for WoB or perhaps they held the patriarchal view that this was a women issue that should be modelled only by other female directors.

*Table 5o: Availability of role models in board positions*

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	18.8%	31.3%	37.5%	12.5%	100%
	Male	% within	3.9%	19.6%	73.5%	2.9%	100%
N=118		Total	5.9%	21.2%	68.6%	4.2%	100%

The chi square test of  $0.009 < 0.05$  shows that the gender difference is statistically significant

When followed up on through the life story interviews, none of the respondents indicated having other women role models at the board level and even questioned whether the models had to be women and not just men who already had board positions. Of course, there were hardly any WoB in the recent past who could have been role models, hence the need for male directors to play this role.

The finding also supports the Catalyst report (2012), which found that the lack of suitable female role models was a barrier for women to the top in Europe. According to this report, boards that had at least one woman established role models and were found to have a positive impact with respect to changing the perception of stereotypes (Morrison et al. 1992). Beaman et al. (2009)

noted that female leaders were more likely to be accepted within the community if their appointment came after a period of tenure of other female leaders. The argument further supports the view that women in influential positions can serve as important role models for younger women who have been traditionally lowly represented at the board and senior management level in corporations.

#### 5.12 Women contribution while on boards

The importance of the Board of Directors in the governance framework of businesses and indeed their contribution to strategy and oversight form the background of this study. The study acknowledges the positive relationship between business performance and board gender diversity without pursuing it further. In response to arguments put forward that having women on boards makes business sense, 84% of the directors' survey respondents agreed. There was however a statistically significant gender difference in this response as an argument for having WoB. While female respondents fully agreed (100%) that WoB makes good business sense this dropped to 92% for male respondents (Table 5p). From the interviews, WoB further agreed to the business argument and attributed their board representation to their skills and not just the fact that they were women.

*Table 5p: Women on board and business case*

			Strongly Agree	Agree	Dis-agree	Strongly Disagree	
	Female	% within	75.0%	25.0%	0.0%	0.0%	100%
	Male	% within	14.7%	67.6%	15.7%	2.0%	100%
N=118	Total		22.9%	61.9%	13.6%	1.7%	100%

The chi square test of  $0.000 < 0.05$  shows that the gender difference is statistically significant.

The survey of HR executives asked whether there were women directors on the board of their company (yes/no). 74% of the respondents said yes, while 26% of the respondents said no.

For those who said that they had women directors on the board of their company, they were asked to describe how they felt the women had influenced human resource policies and practices in their organization. Most respondents agreed with their contribution both individually and col-

lectively, even though some HR executives could not attribute HR policies directly to women board directors. Respondents gave examples of how WoB sends signals that gender diversity is valued, as well as indicating that there are women mentors and role models at the top. Some of the examples cited included encouraging women employees, the recruitment of more women to senior positions, bringing about a gender-responsive work environment, policies on sexual harassment and parental leave, diversity, equal employment opportunities and compliance or improvement of the same policies.

One respondent of the HR executives' survey commented, *'We've always had women on board but not at senior management. Let's just say they encourage other women employees'*.

The director survey respondents agreed (90%) that women prepare in detail for board meetings as evidence of their contribution to boards. Indeed there was a statistically significant relationship between gender and time spent on board work, with 44% female directors spending over 10 hours in board preparation, as compared to the 31% of male directors spending a similar amount of time (Table 5q).

Table 5q: Gender and hours spent in a week in the role of director

		Hours spent in a week in the role of director					
			10 or less	11-25	26-40 h	Over 40	Total
	Female	%	56	44	0	0	100
		% of Total	8	6	0	0	14
	Male	%	69	14	5	12	100
		% of Total	60	12	4	10	86
N=118		% of Total	68	18	4	10	100

The chi square test of  $0.0193 < 0.05$  shows that the gender difference is statistically significant

When followed up on through the life story interviews, WoB reported no challenges with the timing, length and frequency of board meetings and indicated that their voices were being heard at the board. In some instances, the board environment was confrontational and politically

charged, hence some women saying they had to be aggressive to get a chance to contribute. Board chairmen and male directors were also reported to be uncomfortable with women who openly shared their views on board matters. The feeling expressed in the interviews was that these women enjoyed being on the board (even from their body language) and are contributing. They are happy that they are not tokens but have been recruited for their contribution and expertise. This observation was indeed an indication of the agency of the WoBs.

These findings also support the view that the manner of questioning and solving problems could make boards with women operate differently; with 70% of respondents agreeing that WoB enhances board independence. If board members allow constructive dissent, the quality of board decisions could improve. However, there was a significant gender difference in this response (Table 5r) with 50% of female compared to 13.7% of male respondents strongly agreeing.

*Table 5r: Women and board independence*

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	50.0%	37.5%	12.5%	0.0%	100%
	Male	% within	13.7%	50.7%	31.5%	4.1%	100%
N=118		Total	20.2%	48.3%	28.1%	3.4%	100%

The chi square test of  $0.010 < 0.05$  shows that the gender difference is statistically significant.

Although most of the WoB respondents served in the Audit Committee (79%), a good proportion also served in the HR and Nomination Committee (43%) indicating power in the hands of the WoB to influence change. It could therefore be concluded that the women in the Board Nomination Committee may not be doing enough to get other women on boards. Perhaps the WoB face opposition from male members on the committee when they propose a woman to be appointed.

On further contribution, 70% of the respondents agreed that WoB bring improved communication within the board and this response too had a significant gender difference with 12.3% of male compared to 6.3% of female respondents disagreeing with this view (Table 5s).

Table 5s: Women and communication within the board

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	56.3%	37.5%	6.3%	0.0%	100%
	Male	% within	20.5%	67.1%	8.2%	4.1%	100%
N=118		Total	27.0%	61.8%	7.9%	3.4%	100%

The chi square test of  $0.032 < 0.05$  shows that the gender difference is statistically significant.

The theories that support board gender diversity put fairness as the morally correct outcome and 72% of the survey respondents here agreed that having WoB fulfils a companies' moral obligation. 69% of the director survey respondents agreed that it is a global trend for companies to have WoB although with a significant gender difference in the response (Table 5t).

Table 5t: Women on board and global trend

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	31.3%	62.5%	6.3%	0.0%	100%
	Male	% within	8.8%	55.9%	32.4%	2.9%	100%
N=118		Total	11.9%	56.8%	28.8%	2.5%	100%

The chi square test of  $0.021 < 0.05$  shows that the gender difference is statistically significant.

Although 76% of the respondents disagreed as to whether women on boards attract institutional investors, there was a significant gender difference in the responses. 80.4% of male compared to 62.5% of female respondents disagreed, indicating that institutional capacity to attract investors was based on other aspects other than WoB (Table 5u).

Table 5u: Women on boards and institutional investors

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	6.3%	31.3%	37.5%	25.0%	100%
	Male	% within	1.0%	20.6%	69.6%	8.8%	100%
N=118		Total	1.7%	22.0%	65.3%	11.0%	100%

The chi square test of  $0.038 < 0.05$  shows that the gender difference is statistically significant.

Respondents overwhelmingly supported a social justice argument for affirmative action with 89% of respondents agreeing with steps to include women having been historically excluded from the boardroom being the right thing to do. However, there was a significant gender difference in this response. Male respondents overwhelmingly supported this view at 91.2% with only 8.2% disagreeing, as compared to 25% of female respondents indicating that WoB did not fully support affirmative action (Table 5v). The argument, based on fairness, did not appeal to female respondents. Indeed the women interviewees emphasized the need to have women contributing and not just for statistics and this could be understood since WoBs would earn respect if they are not seen as ‘tokens’.

Table 5v: Women on boards and affirmative action requirement

			Strongly Agree	Agree	Disagree	Strongly Disagree	
	Female	% within	31.3%	43.8%	25.0%	0.0%	100.0%
	Male	% within	40.2%	51.0%	4.9%	3.9%	100.0%
N=118		Total	39.0%	50.0%	7.6%	3.4%	100.0%

The chi square test of  $0.039 < 0.05$  shows that the gender difference is statistically significant.

Even though only 8% of the boards had achieved the critical mass of 30% WoB, it was striking that 31.3% of female compared to 15.7% of male respondents felt that there was gender balance in their boards.

### 5.13 Conclusion

This chapter brings out the importance of access to social support and information. Social capital as demonstrated in networks, mentors and role models seem to hold promise especially when

complimented with human capital. Further, there is evidence from these surveys on time use constraints as evidenced in the gendered division of labour, indicating that women need to free a significant amount of time in order to participate in career and board work. Considering the social norms and stereotypes that shape the terms of female labour force participation and access to boards, measures are thus required to recognize, reduce and redistribute unpaid labour for women. The survey with HR executives found the existence of labour market policies and practices aimed at ensuring equal employment opportunities. In their implementation however, such policies could seek to positively influence decisions on women labour force participation devoid of gender bias and stereotypes in order to groom the next generation of board directors in the pipeline.

As we see progress in numbers, boards must make women numbers count by moving from diversity to inclusion. Inclusion implies overcoming dysfunctional board dynamics beyond acquiring women talent. Even though the empirical findings indicate a traditional male-dominated board composition with gender unresponsive board practices in Kenya, there is societal pressure for women directorship, as already presented in the preceding chapter. This chapter concludes that the maintenance of formal institutions in board processes, though well-intended may be hindering WoB progress and calls for the de-institutionalization of prevailing traditions, gender norms and attitudes as expounded in the chapter that follows.

*Because I’m a woman, I must make unusual effort to succeed. If I fail, no one will say ‘she doesn’t have what it takes.’ They will say, ‘women don’t have what it takes.’ - Clare Booth Luce*

### 6.1 Introduction

This chapter presents the voices component of the research design as gathered through life story interviews and group discussions. Particular attention is paid to the emerging themes from the respondents on the professional advancement of women and their representation on boards as anticipated in the conceptual framework. The themes can be condensed into the institutionalization of patriarchy in informal (social-cultural) and formal (written laws and policies) institutions. The emphasis of this part of analysis is on informal institutions as they affect a woman's life from childhood onwards to the board.

The life story interviews were conducted with 12 individual corporate directors currently serving on corporate boards of companies listed at the NSE. The respondents shared experiences about their ambitions, family background, and their existing network and family/spouse relations, with regards to how such experiences shaped their journeys and being on the board.

The common findings across the data sources indicate that women and men strongly support board gender diversity as a good idea. Further, in understanding the obstacles preventing women from reaching the boards, the findings of this study point to some ‘unseen’ barriers that have to do with gender attitudes and perceptions (Cotter et al., 2001) regardless of women’s qualifications or achievements even though they can see through that barrier (Federal Glass Ceiling Commission 1995b). Kenyan women have to contend with the glass surrounding the trajectory of their professional life. Daly (1999) and Catalyst (2010) found that in the US, the ‘glass ceiling’, prevents female high-performers from accessing the top, thus supporting Wirth’s (2001) view that the glass gets thicker towards the top of the company, i.e. the board. The findings support Muturi’s (2012) case study of listed companies and state corporations in Kenya, which reported

that boardrooms in Kenya are male-dominated and attributed the findings to the interplay between cultural and historical factors. The following section shows selected transcripts of those women whose life stories were distinct yet representing the voices of the sample.

## 6.2 Narratives of Women on Board

The WoB respondents had varied life experiences from childhood to the board. However, the experience of marginalization and having to excel to be noticed stands out across the responses. The selected narratives are a general representation of the rest of the WoB interviews. The three life stories that are selected and presented fully in this chapter, each represent a characteristic that typifies the general trajectory of those women reaching the board level. Already touched on in the previous chapter these characteristics point to the importance of family background and networks a woman is situated in.

### 6.2.1. Prominence and upbringing at play

The respondent Anne<sup>48</sup> is 60 years old and has already served on 8 boards, both corporate and non-corporate, in the manufacturing, energy, financial services, education, hospitality industries and NGO sector. The first two were companies listed at the Nairobi Securities Exchange, which are part of the study sample.

When asked about her journey to the board, Anne didn't hesitate to narrate her story. According to her, networks and prominence in career and political circles contributed greatly towards her getting the powerful board appointments that had traditionally been a preserve of old elite and well-known men folk:

It started with my corporate career where I excelled and got promoted to a leadership position. I got *publicity* on that excelling, and then people started looking towards me, wanting to take that success for themselves. In the board of a national oil refinery or-

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<sup>48</sup> Anne is not her real name. A pseudonym is preferred as agreed upon during fieldwork to protect the privacy of the respondents.

ganization, I was appointed by virtue as the Managing Director (MD) of a state owned Oil Company. Likewise, all the others came while I was in the same MD position. So perhaps in reflection when I come to think of it, it was *my work* and my *prominence* at the Oil Company that brought all these board positions. I had a career in the oil industry for over 25 years, first at a private oil company then I formed the Petroleum Institute where I was the General Manager and it's from that *prominence* and the work we did at the Petroleum Institute, which is an NGO, that I was appointed by the Minister to a state-owned oil company. I had an in-house career within the oil industry, but when I transitioned now to public service, once I had been known in the industry from an oil perspective making comments as a petroleum lady, I was on television shows. Really, when I went to the state-owned oil company that's when I became much more *prominent*. I'm not surprised people think of me more of the state-owned oil company, while I think my success was at the Petroleum Institute where I actually founded an institution that is major, it's growing, it's huge. But people don't know that, they always remember aah the state-owned oil company. So it is that *success* and that *turning around*, that performance in the state-owned oil company, that *going on the press* to talk about things, being seen in the *media*. When the government started this performance contracting we were number four. We won the prize number four, being on the top ten. All that *turning around* from six stations, two were closed and leaving an organization that had 48 service stations. After I left the guy I had put as my successor from Finance took over. I think he left after his term was over with, I think 68 or 70 [service] stations. The current lady who *was also one of my recruits* and *I mentored her*, she is now the current Managing Director with over 120 service stations. To me I would say that was the turning point because *I was called to join* another board in the housing and construction sector when I was still at the state-owned oil company. I was *invited*. Aah another college of professional studies, yes Board Chairman was a *personal friend* of mine when I was at the state-owned oil company. Aah and then the board of an international humanitarian organization, I was *also invited* when I was at the state-owned oil company. To my recollection I can say most of those appointments came when I was at the state-owned oil company. So there is something to be said when people have *success* they're given more. You know how money begets money. The rich get

richer. I think when you have more positions, people give you more. It is not a nice view of the world but it is the reality. He who has more, more is expected of him.

When asked whether these multiple board appointments had to do with her own *ambitions* and always wanting to be at the top, she had this to say:

No! No nothing at all. Not at all. I think I am a little unusual in being what people see as forthright, aggressive or open, talkative and extrovert. I think because of *my upbringing*. My parents divorced very early, when we were still very young. I went to boarding school at the age of six, at standard two and I never came back home during the school term. We lived with my father who was very aggressive and *treated all of us equally*. My sister is another successful woman who owns a media house so it never felt that we could not do anything the boys could. So I have always been more open and quite aggressive. Abrasive, no I don't see it. And I think that quality of being open and speaking in board meetings and saying my voice, my point, and not actually understanding there is opposition there, I am just kind of *aggressive*. I think that kind of *male tendency* that I got from my father in pushing us and treating us all the same and being very tough in *education*. I think those are qualities that people would say aah oops! You know. So in a way we have been *lucky that there have not been many women* so we are picked more. But I think as more women come there should be space for everybody. You can see even from politics there has not been that many women around. You look at these Boards you know and the Commissions and you get the same names *being recycled*. I think for me one of the difficult things and what I have a passion for is *exposing more women* so that people know there are more, there are so *many qualified women* but people tend to see just a few. If you still ask and you see the way they appoint women on boards, same ten fifteen names.

As to whether there was anyone in particular who influenced her career move up to the board, whether she was looking up or listening to somebody in particular, Anne does not confirm. She says:

I don't think so. No, I just had from my father I think and from my upbringing either through the school nuns at Limuru Girls and all those, I have a very strong *work ethic*, you know. My father was a workaholic, though I didn't like it when I was young, I think I have taken the same traits. I'm a workaholic, I love work, I don't have hobbies I don't go to gym, I don't have any sport, I just enjoy work and it defines me. I'm really trying to balance my life because it is not balanced though it's much better now. When I was in *London as an expatriate*, I was known. They would ask, how do you send emails at midnight? I can't sleep long. My house help would tell you. Even the support staff would wonder 'mama analala?' (Mum is asleep?). So the long hours make me *accomplish more, research more and look more knowledgeable*. Now because of that *aggression it brings results and people want you* in their team because you seem to know. So when one person knows, they make them the dictionary, their thesaurus, to ask. And that gives you *power because you know*. So when you go to an organization and you get to understand the company policies and rules people say, what do we do? They ask you, how do we handle this? As you keep on, they are giving you power. To me that's a lesson. Wow! If you don't know, *you know someone* who knows. I can tell you OK I don't know but ask so and so. You saw the way I told you already various people with interest in your area of study? I think that is one of the things that has propelled me. But of course *I have had people* through my life who have *recommended me* for positions, who have pulled me into these things and that is a very huge mileage, in that if it is going to the board in the housing and construction sector, I'm sure the Chairman recommended me there and *probably an old classmate* who was the HR Director. I think they were looking for women in leadership and she may have mentioned my name, I don't know. But once I got there and the Chairman recognized my strengths, he *recommended me* to the board of a group of hotels where I'm Chairman, you see. Aah mmh, for the board of national revenue authority, the current CEO *asked me* and said I would like you to sit on my board. See, he is a *former classmate*, a man. And because I knew the Treasury Permanent Secretary that time, I had worked with him. So when *my name was recommended*, it was accepted and then he goes right up to the ranks to the top because I had a track record through the oil company, I was accepted. You see, mmh. If it's the board of a company in grain processing, the Managing Director, whom *I was in school with*

*his sister* and whom *I know from my days* at KTN Television, interviewing him and *we knew each other* and by the time he was looking for a woman he thought of me and *he called me and asked me to join his board*. That's another man. Do you see? But there was a *connection*, I was in school with his sister so *he knows me*, he knows my sister, he knows what I am capable of doing probably he has been reading about me. He *recommended me*. But because of *my CV* and at the Board Nomination Committee was a *friend of mine* who was with me on a task force called the Maritime Laws Review Task Force and I did very well facilitating that task force so he said yes. He even called me and said heheheh I have seen your name here of course and *he recommended me*. So if you have a *reputation* and you have done something or you know people, the *connections and the reputation*, when your name comes up, there are other men who are reviewing. If you have that *connection* it continues and it strengthens instead of somebody saying: Millicent, who is she? What position has she held, where? Which company is that? As opposed to yes yes ooh KWFT General Manager, my wife actually got a loan from there and they are very good. Yeah I know her I was in school with her husband. Those things are the ones that matter, but you must have the *first catalyst*, the person who *recommends you*. In the oil company, I don't know *who recommended me* but I guess it was the former Prime Minister or maybe the then Head of the Petroleum Unit who said I was good or maybe the Minister for Energy.

Anne narrated her educational life as follows:

Aah, like I told you I was thrown out to boarding school at the age of six in a convent school with nuns in a very cold place...I love cold places...in Molo. And I think that very English or Scottish *kind of upbringing* made me talkative and articulate. I was very active; I participated a lot in things like poetry, Scottish dancing and various competitions. I enjoyed them and I think they must have developed me. I was in Limuru Girls High School from form one to form six, again a very small private school much different from what it is today. And I think *the school you go to* it is very important. *The upbringing you have is critical*. I think there is nothing like school. My parents gave up a lot for us. In fact we

were just remembering yesterday was the third anniversary of my father's death, so my sister sent a text asking us what was the one thing that we remember most. One of my brothers wrote back and said, he really worked hard to give us this life because we had boys in Lenana School and Limuru Girls and it wasn't easy. Now we realize, oh my goodness, paying for six children's school fees. And that made a tremendous influence on me, because it was very British, very, very British. British teachers, British curriculum, British manners and I think for me honestly I look back, that was a step up.

Having experienced British lifestyle in school, the question of a favourite subject came up, which she responded as follows:

Yes, English. I was very good in English even though the English teacher was not my favourite teacher. No, *I just liked English*; I don't remember having any favourite teacher. I loved English as a good subject. *I loved reading*, I was a bookworm. I used to finish reading all the books at home. We had a *big library at home* and I remember I was the one who used to recommend to everybody which book to read. I'm neat so I like organizing things, you know. I will go and before you know it you can't recognize the bookshelf. Those are the things I enjoyed, reading.

The contribution of parents in terms of paying school fees was important. Parents had a further influence on your general educational experience:

Yeah there was so much. *Mostly my father* because I hardly ever saw my mother until the court allowed us to meet or be with her when we were much older in high school, form two. With my father there was no debate about education, education and 'Mwalimu' (teacher). If you don't do what the teacher said, please don't come home. Performance reports were taken seriously. We used to sit all of us and everybody reads a report and you read each other's reports in a circle and you comment. So for me was that attitude that there is no debate, you must read and you must work hard. My father used to say, 'Work Hard!' I can still hear his voice. He worked all days including Saturday and Sunday. He was in the state-owned national railways company for thirty-five years at very senior positions. On Sundays he could work until lunchtime, come home and sleep and

then he will take us out. So we just got that thing that life is about working hard. He was in the famous Alliance School with many of the *big names in this country*. Work hard, read hard. He made very clear that the things we had were his own, not ours. It was my car, my house so if you want yours, you work hard, get out and go buy yours. So there was that strong influence.

Anne had the advantage of having sat on boards both as executive and non-executive director. Most of the other WoB respondents only had experience on the one side, whilst some of the non-executive directors had not been Chief Executive or Managing Director before. For her, it was a unique experience. Listen to her career moves:

Honestly there weren't any moves for me, I didn't even know, *it was unexpected*. I got tired, I had worked for seventeen years I was tired of the multinational world. I was tired of having to break in a new MD and show them in, because we were all the senior managers together. So when my employer bought another oil company in 1996–97, I was getting out but the MD of Mobil asked me to wait till the company re-brands and re-launches. So I stayed on for a year and left to become an entrepreneur. I started my business but also started a forum to discuss oil issues with the Government including safety standards and regulations. Every country had an association and the company I had worked for helped. I got hold of *my networks*, the Institute of Petroleum in the UK which is now called the Energy Institute and the American Petroleum Institute that supported us with putting documentation in place and forming the association. We actually blended both technical and lobbying aspects and formed the Petroleum Institute of East Africa. I sat with the CEOs, who were mostly foreigners but supported this establishment. Shell was very good as they would give me their offices. A state-owned petroleum distributor was supportive with their MD giving us the first cheque to form the organization, which we gave to the lawyers and registry. Everybody had agreed, we agreed what kind of money each organization would pay. I was able to lobby and have the former Prime Minister launch the association that henceforth provided an industry forum. I did that for

four years and I was quite happy, I enjoyed it. We started participating in law reviews of the oil sector, updating standards, talking to government because now we could do, not as competitors but on technical issues. It's during that time; I never thought I would be *invited to be the CEO* of a state owned oil company. Actually I was *a bit reluctant* because this oil company was 'dead' or a sleeping giant at best. There are three or six oil stations, which are moribund, they are old, and what are they really doing. So I was a bit reluctant but it was a political appointment that's all I would say. *I was lucky*. I happened to be there and *somebody thought I could do the job*. The Permanent Secretary (PS) told me to call the Minister for Energy who wanted to see me, of course I didn't call and I was panicking saying do I really want to do this job. Anyway after the PS *called me a second time I accepted*. Everybody said go go go and I took it. To me actually it turned out to be the best decision and a beautiful challenge. At times working for government is very frustrating but also exhilarating; you get to see public policy at the top level. I have visited more countries than I had ever visited on various presidential delegations. I mean you really see the world, what other countries are doing, you get to understand the impact of energy and what we should be thinking and doing. I mean it's big. Working for Government I think is an honour and a pleasure but you need the heart for it because *there is also war in there*. Some people want things done this way, others are just difficult people trying to pass policy for the same people who don't want you to pass it yet you can't understand why, you know.

In the journey to the top, even before CEO or Board appointment, being prominent by making a mark and getting noticed was important, as Anne explained:

I *made a mark* through the Petroleum Institute it was my biggest accomplishment because I really had this idea that we must form an institute. We must have a forum. I got hold of a group of Kenyans together and we said we must form an institute. So I started co-ordinating the whole thing out of my own company business. This was the small company I had formed and I wanted to be an entrepreneur but it collapsed. They said Anne; you have been forming this thing *why don't you be the General Manager*. Even though they had already advertised the General Manager position but then I said ok fine I will do

it. Since I'm the one who had thought about it, set it up, called this team together. The CEOs supported it and that was so good because they were contributing now to the organization. The lady who runs it as the General Manager was my protégé. I *developed her*, I *nurtured her*. To me that's my greatest accomplishment because the Petroleum Institute has done a lot of work. And because of that, because of the *prominence* of the work I was doing then I was seen. And then the Minister made the appointment, you see. So sometimes in a way, it's the things that you do. I never thought of any reward, I was just doing it because I thought we must have an institute, we must have a forum, and we must train young Kenyans joining the oil and gas industry. Because previously many people used to be sent abroad by the multinationals but as they left Kenya most of them went away. So we needed a training and library facility and the Petroleum Institute was born.

The journey to the top was not devoid of challenges, as she narrates. She had to do so much in a short period, hiring and retaining good people and political interference. These challenges however, she said had nothing to do with her being a woman.

Seeing that Anne had a family and children, I asked how her love life and career ambitions had worked out:

Oh it didn't work because I started focusing on family life at thirty-eight. I'd been so glued to my career and rising.

In terms of balancing family and career life she explained:

It's hard and I think I succeeded more than most women because I didn't have a family until I was very senior. I had my first child when I was very senior. I had the second child when I was setting up the Petroleum Institute as a General Manger. I was senior enough to be able to afford a good driver and a very good house help. I always tell women when I'm talking to them that there is no way you're going to rise without *good home support*. We have to invest in the right staff, the people we hire, and we must pay

them. Stop trying to argue about this small money, it will cost more money so pay them and treat them like a family because you need them. So I'm very lucky the driver I had from when I returned from the UK, I had him for 11 years. He saw all my children born, he carried them from hospital and served me until I left. But he still visits the children just as part of the family. My house help here has been with us for the last eight or nine years. She is the General Manager of this house. Of course I had a mother who *stayed with the kids whenever I travelled*. So if you have the benefit of having a mother, it's even better. Or I'd send them to my sister's house. You must have a very *good home support system*. For me the staff is number one and if you have a mother or a sister, they can also keep an eye on the kids while you are away in case something happens. Otherwise if you don't have those sincerely, you will not succeed. Your staff has to go to the kids' school for prize giving, sports day, take pictures and cheer the children up. It's very important.

Like most girls, she too had some life lessons she learnt as a girl.

The only one we always laugh, even today, my father was adamant that girls were not sent to the kiosk. Those days we were young in school. Anybody could cross those gates but not the girls. We were never allowed to the kiosk. And then in the holidays he'd send the houseboy out and then *my sister and I are the ones to cook and clean* on alternate days. Then there was a time we used to fight a lot because *boys were given permission to beat the girls*. That was horrible. So yes these are things that I still rebel against. But that thing of girls going out or even when we started getting bigger, now high school, we would be invited by a neighbour for a party, my father would say yes, the boys can go but not the girls. Yes mmh. So I grew up knowing that *girls need to be protected* a little more. They shouldn't go out. Looking at the world today, I think there was a reason for it. Though even boys are nowadays molested and beaten. So to me those were all. Otherwise, anything else, reading or work, my father was very clear. You are the same.

The role of work in a woman's life:

Now that I'm older and wiser, I actually think that work is whatever you do. Work is that purpose that God has put in you, for you to have value and show fruit. All of us are

like Christian soldiers but camouflaged as directors, as mothers, as singers, doing that work. So I think that it is important that people find out what it is that they're good at. Us women we *identify with a role*, I'm a wife and then, when the husband dies what do you do? Do you die also, because your role is finished?

On the impact of organizational HR policies and practices during the child-bearing phase as a senior executive, she remarked:

Luckily, like I said, I was very senior. My first child I was in the first employer which was an international oil company so pretty much I got 3 months *maternity leave*. The organization was good to me as a senior manager. So there was no problem. Because *I lived very near my work place*, literally 5 minutes drive, I could go home earlier. *Being a manager, I could decide* I'm coming two hours later and sometimes as workaholic work late. I could take work home and continue on my computer. When I had my second baby I was at the Petroleum Institute and I was the organization. I went on *bed rest just like the first pregnancy*. But I think that many companies don't have really those opportunities to allow women to have it. They say two or three months leave but you really need to have more. Like I saw in the United Nations even if you get 2 or 3 months maternity leave, you still have *nursing time*. So you come to work like half day for at least six months. They had those provisions. When I went to the state-owned oil company, I ensured that nursing mothers had flexi-time and I was very firm maybe because I was a woman. I told the HR Manager, so we put it as a policy that nursing mothers when they come back, they still have one year when they can leave early or take longer lunch breaks. I know it was quite long because the *men executives were a bit annoyed*. This is important. People think that you come from maternity two or three months and that's it. It's not. The baby is tiny, small and you need to get home in good time. If you leave work at 5pm with the heavy Nairobi traffic, you get at home at 8pm or so. *I didn't see and experience hardship personally* but I've tried where I have been Executive Director to make it bearable. Unfortunately, I don't think yet in my boards I've ever asked about women policies and this is something I need to

correct myself. I've never asked about *policies on pregnant women*, but I know I should. Let me see your HR manual. When I was an Executive Director I did but now as a non-executive board member, you've just reminded me, I have never really asked what women policies are in place. I was reading something the other day in Sheryl Sandberg's book (titled Lean In) saying when she was pregnant, she had to walk so far finding a parking. Then she realized oh my God, pregnant women should have a car parking reserved for them near their office. She had to be pregnant to actually get to realise that this was important. Maybe these are some of the things I need to ask.

I have never asked the *family health questions* while I sit on a food manufacturing company board. I should ask those pregnant questions that men would not ask. I know I have been wanting to and I told the MD the other day. This was just my second board meeting. I said that I want to meet different managers and HR team, and I want them to come and present to the board the HR policies. You know you can come in to the board level and always just discussing the issues and the agenda is financial accounts, investments and off you go. So I have said I really need to start meeting the different key people and get to know the organisation. Just going to a board meeting and discussing what's in the agenda doesn't teach you about the organization. I would like presentations by different people/departments. I haven't even met them. I haven't met the HR and Marketing. I just met the Marketing department this Friday. Otherwise, we just see whoever comes to the board. I think sometimes management tries to keep the board members away. That's what I came to realize because there are so many companies run badly. Much more that I interact at board level in the various companies. You are bogged with paper and numbers and then the board meeting is finished. You don't get to really ask the questions. So I have said, me I have got to have less numbers, so I told the CEO after the Audit Meeting this week, as we prepare for the next meeting, I mentioned I want to meet these people actually the next board meetings, please bring these people in. I want to know the products because when I see rows and columns of financial statements, I don't see the heart of the business.

Anne also commented on board processes:

The way people are appointed to the board, it is full of *old boys club*. Even now I have been asked to *recommend somebody*, for a board vacancy. It's those 'old boys' *networks* or old girls' and boys' *networks*. The only thing is I'm not sure where the solution is because you can't advertise it either. I don't believe in advertising for a lot of things. The real people will never come forward. Even if you advertise for CEO or Marketing Manager, the truly talented people will not come forward. You've got to *head-bunt*.

I think there should be *criteria* that are decided before by the board. For instance if you are a manufacturing organization you can say, we need somebody with these talents, who is engineering, who understand this business, who has been in business, who really knows us. Maybe, one or two to keep an eye on management. If it's an oil company, they understand oil, if it's milling, they understand milling. Then you say communication, we need somebody who understands communication. We have so much to do with communication because of the public interest or stock exchange, in the media, we have to answer questions. Like the national revenue board, there is even someone who understands media at the board. You have to handle issues. Maybe you are a people-centred service-oriented organization, we need HR skills, like Kenya Airways, you must have someone in service and HR who understands about motivating people because you not running a plant. Then you say we need may be a lawyer because this organization has a lot of litigation issues. Maybe we need a finance expert who understands investment planning because we are always playing with stocks. So you come up with criteria of the kind of people you need in the board and you can even start describing them including the required experience. You build the skills set required. And then every time you fill them, you tick that and see what is missing. So that when the next board vacancy arises and selection is coming, you know what skills we need to fill.

We actually know even the age, gender and disposition. We may need somebody who is an extrovert because all these board members are introverts. We may now say we need an extrovert, deliberately. Otherwise you find boards replicating themselves. Have

you not seen organizations where people are all quiet? We need a thinker, or somebody who is quiet and understands what's going on or may be a peace-maker.

You look at what skills are lacking because if you have a board where everybody is talking like Anne, who'll listen. You need somebody who'll say guys, let's listen to what that presentation is all about. Who'll come up and say no, you people didn't hear, that person said this and that. So make sure you have those *skills sets*.

Then for me, you go to *professional head-hunters* and *recruitment agencies* who understand board functioning. I'm sure that talent will arise just as we have companies who head hunt for CEOs, we can get companies who head hunt for boards. Because they understand, they have *networks* and they *network* with others. Then they can bring those names to the nomination committee. But now they are asking the Nomination Committee, made of three or four people, whose circles are probably very limited to hire and they'll just hire the *people they know*.

Anne had these lessons to aspiring women directors.

Don't be afraid to say you want to be on a board and to approach somebody in a position to help. Look at your *contacts* and you'll see some senior industry people. They can even put you on a wait list because they know your interest. Please start *networking* even as you indicate your interest to people. When you get there, *please talk*. Don't keep quiet even if everybody else seems to know. Ask questions even if it looks ignorant. (September 12, 2013)

### 6.2.2 Social connection and sponsorship matter

This respondent Betty<sup>49</sup> is 68 and had never thought about being on a board, neither was she at the top of her career when she got her first board appointment. According to her, the first board appointment is where many women struggle. Thereafter it may be different or even much easier. Here is her story:

<sup>49</sup> Betty is not her real name. A pseudonym is preferred as agreed upon during fieldwork to protect the privacy of the respondents.

Like most women, I was reluctant to join boards on the perception that boards are a place of politics and for people who are retired just to relax, sit and count their days. It's not something I had thought about, not that I had always wanted to be a director, no. So when I was first asked to join the bank board, which was my first board appointment by the way, you know I had to go through the Annual General Meeting (AGM) for election. I was *reluctant* so I told them that first of all I was not interested and I didn't want to be involved in *corporate politics*. You know how the Bank<sup>50</sup> was at that time. I just felt it was not a place for me. But the National Treasury insisted. I was not even in the country and I was called while I was overseas and *encouraged* to give it a try and I accepted reluctantly.

Then I also didn't have board experience. I was working at another state-owned bank as a Senior Manager but I never interacted with the board. My perception was that it was a place with a lot of corporate politics.

I asked how the National Treasury knew Betty or her board competence:

Treasury approached me and I think it was about those *networking* things. Some people in Treasury who knew me and knew that I'd just left the bank at a senior level. So they were just looking at potential candidates and I was not the only one. At that state-owned bank I worked as the manager in charge of international business but retired as a Branch Manager.

On the initial steps, Betty says:

When I went through the AGM and sailed through successfully to the board but I was not happy, I didn't like it because it was so *full of acrimony*. It was a bad board, not functional in any way. There was *no induction*, I was just thrown into the deep end. For a while I even thought of quitting but I stayed on, hoping that things would improve. At the point they appointed me Chair, it was even a more difficult decision for me to make.

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<sup>50</sup> This is a commercial bank listed at the NSE with state ownership. At the time of this appointment, the bank was dogged with several issues around governance, capital and operational efficiency.

With a dysfunctional board and a dwindling business coupled with *self-doubt whether I would make it*. Of course I was the *first and only woman* appointed as board chair of a NSE listed company. So that was also an issue but luckily with my appointment came excitement in the board and that encouraged me. People felt they got somebody different, a woman without other interests. That helped because we then started looking at what work needed to be done rather than spending time on other issues but bringing the bank out of the woods. Maybe if I joined the board when things were good it would be different. It was a big challenge on how we were going to restructure and rebrand the bank. The calling was enormous.

This experience influenced my further board appointments because my tenure at the bank was *quite successful* and by then *people saw* that women can be effective directors. In this board I *later had two other women* who were quite powerful and whose presence made other boards feel that maybe they should also bring women on their boards.

The main challenge when I joined this board for the first time, the atmosphere was very hostile, the bank's reputation was very bad. I once met a former colleague who was disappointed that I joined this board. She asked 'What are you doing with those *old men* who just sit and watch the bank collapsing?' There were major issues to do with reputation, performance, relationship, especially between the board and management. The relationship was so bad that the Managing Director had to leave.

Asked whether this success had to do with her upbringing, Betty says:

I don't know. Maybe. I think I was brought up to do the best I can in any situation. What I remember about growing up is that I was brought up where we were both given *equal opportunities*, girls and boys. My parents greatly influenced this stage of my life. My father and mother did not allow that because you are a girl you performed less. That I think in a way worked for me. I never sat down to say I cannot do something because I am a woman. Unless somebody else is inhibiting me but not coming from inside of me.

In her early schooling experience, Betty says she got the best education in the best schools of her time:

My schooling experience also contributed because I got the best education one would want to have during my time. I went to a very *prominent* primary boarding school in standard five around age ten, run by Christian missionaries and it was just a perfect school to be in. The staff were very caring and taught us everything. It was girls only. Of course if you didn't go to that school as a girl then you hadn't gone to school. It was quite a competitive school with very high standards. We did all sorts of extracurricular activities. We were well looked after and *taught how to behave*. I later joined Alliance Girls High School, another *prestigious girls only* school. That foundation helped build our character and determination because of the *competitive way of upbringing*. I was not a leader in primary school. However, in Alliance *I was a prefect*, just one of the prefects, not a head prefect.

I liked English language and literature, chemistry also and I did well in form four. We had also very good teachers. At primary we mainly had female teachers and few male teachers, all were very good. We mostly interacted with female ones. I had no issues with teachers. I was always on the good side.

From Alliance I went to the University of Nairobi, did a Bachelor of Arts (BA) in Literature with Education option as my first degree. This is however, not what I wanted to do; it was *my father's choice* so I followed him. He was a teacher and believed that everybody should be a teacher. I taught for two years then abandoned that to do banking. Even though my father wanted me to be a teacher, I wanted to be a lawyer, which never happened. While waiting to go to college, I worked at the bank's Computer Centre doing data entry. This was my first exposure to a banking environment.

At university, the *education faculty attracted more women* than men just like in certain other courses. The year before us, there were only 2 women in the Bachelor of Commerce course that year. Later on it improved. Every year there was an improvement.

Betty was quite emphatic on the role of education in women's professional lives:

Women need to go to school. Women should be given a chance to try out some of these areas considered male domains. During our university selection, some girls who

passed very well were not allowed to join certain faculties while *men found it easier to even change faculties*. For a time, there was a *perception that women were either not serious with education or not strong enough* for some courses like Engineering. I had a friend in my class who was very good in sciences and qualified for Engineering but she was influenced to pursue education because there was a *feeling that Engineering was too much for her* even though she had the brains. So she had to change her line of profession. But given a chance I mean that when names are being considered, it should be on merit, not gender.

On marriage and career focus, Betty seemed to have succumbed to love pressure and got married while still at University, although she defends her action. Even her last child, she bore while on study leave doing her Master's degree. She also had to juggle between work, childcare and study so one of them gave way:

The love side was there but I knew there is a time for everything. By the way I got married while I was at university, which was quite early. Luckily I had a lot of *support from my family* members including my husband. I remember when I was appointed the Board Chair of a state-owned bank, on the night before the first AGM, *he encouraged me* into addressing the crowd. He even came for the AGM for *moral support*. After that, the subsequent AGMs were easy to handle.

Marriage at that time was *my choice* and the man to marry was also my choice. I continued with personal development and my education till I finished University. I went to teach and taught for two years then left to join the bank. I realized I needed to have some training in business courses so I took a career break in the form of study leave and went back to University to do my MBA, since that time one could only study for MBA full time. It lasted about 18 months to 2 years.

There were children already by then. *Balancing children*, work, school was tough but that time it was still easy to get reliable house help, traffic jam was bearable, not like it is now. I could go to the library, work, and go back to the house.

Regarding my professional ambition and having children, the choice was mostly mine than my husband. I had my last born while doing my MBA. Since I was on leave and considering the tight schedule in the bank, I thought that was appropriate time to have a

baby. Organizational HR practices to assist women manage child rearing while working did not exist in our days. Those are recent occurrences. Unpaid maternity leave and flexi-hours were taken at your own risk.

In terms of dynamics at home, Betty seemed to have balanced things well even with little support from her husband:

My husband had his own professional career and was just happy for me to succeed and advance in my career. He was not threatened by my progress and I was lucky in that respect. I did not earn higher than my husband at any point.

As a *woman of the house*, I took responsibility even though we always had a house help who still had to be supervised. In my absence, my husband supervised even though with less enjoyment. I knew it was *my responsibility* because that was the *social set up* I was brought up in, even him. It was the *woman's responsibility* to ensure the house is clean, there's food in the house and the home is running well, children go to school.

These lessons I was *taught as a girl*, some you were not even told, you see and do it. The girl was to cook, clean the house, the boy was to look after the cows. Of course now it's changing. My husband also gets concerned about what we'll eat, clothes that need to be cleaned. After a while, my husband gets involved and sometimes decides to go shopping for us whatever is missing in the house. It's not all left to me alone. When he does that, I feel very happy that we complement each other. *I wish he could do it more often.*

Betty says that board work sometimes requires travel so she has people working for her in the house and she has trained them on how to work, so things run smoothly in her absence. The requirements are there and everything is in place. Unless there is an emergency situation that requires her husband's attention then he'd have to step in:

Even during my employment at the bank I used to travel a lot but I'd like to have peace of mind that things are in order while I'm away. I would not like to inconvenience my children and make them feel that my job is not good for their welfare. I did not

doubt that my husband would take charge and he did take charge but I felt I should do my part, be able to *manage my official responsibilities and my family* without compromising. I don't want to say for example that I'm off to New York for three weeks so you people take care of yourselves. I would settle quickly when I know that things are well at home.

In terms of setting priorities between career success and family, Betty says that family is definitely priority:

At the end of the day, you have to come back to your family, whatever you do. Work to me is for self-satisfaction. Maybe if I did not have a family to be responsible to, I could be doing something else, probably working out of Nairobi. It's all intertwined. *Family responsibilities always compete with career for women* so I had to juggle.

Some employers don't promote ladies to certain positions on the claim that they would not relocate geographically because of family ties. Family is the heart of the society so where that's the case, the ladies should not be punished but should be compensated in other ways. Those with families may not just pack their bags and go.

I would not be fine without work. Work gives me an opportunity to give back to society in a meaningful way, to a level where my skills are being applied in whatever way. Traditionally, women did not just sit down throughout the day. When men went hunting, women went to the 'shamba' (farm), came back and fed the children. That way they were very useful.

I asked what being on the Board means for Betty as a woman:

I enjoy the board processes, meetings and retreats. There is always learning in all these. I don't struggle nor negotiate to be away at board functions. My family realized that this is my cup of tea and they let me go whenever required. I know and feel my voice is being heard in the board because when I contribute, members take notice of what I'm saying and I'm heard. I feel board members have *supported me as a member and as a chair*. I also gave them my ears, listened to all the directors, their opinions then we agreed on how best to address arising issues. Of course there were moments of dissent and I can't say that it was all rosy.

Betty had some lessons for existing and aspiring women board members in accessing and contributing at boards:

I think the biggest shortcoming for women is that we don't *network* widely. For board positions that come up, information about board positions is circulated within cliques and women don't socialize a lot, whether single or married women. Men have an advantage that they do meet and get to know what's going on in corporate circles. A man may not be the one who wants the job or may not be qualified for that position but if he hears about it, he'll share with other men friends who he thinks may fit the position. Hence women are disadvantaged in that *networking* respect.

Women are also *shy to seek out information* and find out what's going on. If you're a good Accountant or Auditor for example and want to be on a board, you should talk with the people in that area. Be *persistent* because it may take some time even a year or two. Talk and express your interest so that when a vacancy arises, they have you in mind.

When it comes to actual board contributions, women sometimes when they come on board, they are *afraid* that they may say the wrong things. This goes away with experience. Me, for instance, having been on boards for about 10 years, I can dare speak my mind on boards. It's not only on boards that *women hold back*. Even in a general forum where people come together to talk on general subjects, when it comes to a time of discussion, men quickly put up their hands even if they say some very ridiculous things but they are not *afraid to talk*. However, women will not talk for fear of being embarrassed. In some boards that I sit, women wait to hear what others are saying first. Women generally fear making mistakes but men also make mistakes and get away with it. This is however changing with the *younger generation of women*, now join boards who are *daring, brave and courageous*. They want to speak their minds because that's how they have been brought up. These ladies have grown up together with these boys where they argue at the same level.

In my time we were made to believe that if you were too smart, then you are like a boy and may be you'll *not get a husband*. No husband wants a wife who'll challenge him. In instances where only women were found home, it was said that no one was home. This is now dying and in the next 5 or 10 years, perhaps it's the boys who'll have these challenges. Girls have become very smart and realized that *leadership is their birth-right* and in any case they are the major consumers globally. The girls need to come out and find out where these opportunities are, get *mentors to hold* their hands and encourage them and lead them to where they could get access to these board positions.

How do the girls get mentors? I asked:

The ladies must take initiative. For the women who are shy to step out, there are lots of opportunities and initiatives encouraging women to take up leadership at all levels. There are seminars by Strathmore University called Women in Leadership (WILs), KIM runs a programme called Management on Heels, there's also 30% Club by MSK. At Pink Progress, we try to identify and approach the women for *mentorship* ourselves. We are working on a possible *partnership* with an institution to actualize this.

The demand for women directors is increasing as companies seek board diversity including gender. As an experienced board member I get several invitations to join other boards and I *try to recommend other suitable women* since I'm already much occupied in several boards. However, my suggestions have been rejected because it's me they really wanted on board. Like now we have 6 women chairing the boards, from one at the beginning of the year. Let's keep on because the more we talk about women on board, the more progress we'll see. (July 16, 2013)

### 6.2.3 Ambition and agency versus upbringing

This respondent Cate<sup>51</sup> is 38 and a good demonstration that women with agency can overcome a difficult upbringing to get to the board level. Besides sitting on a board, Cate led Trade Finance, a key function in one of the largest commercial banks in the country. Here's her story:

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<sup>51</sup> Cate is not her real name. A pseudonym is preferred as agreed upon during fieldwork to protect the privacy of the respondents.

My experience started way back in 1994, where I joined a state-owned commercial bank as a clerical officer and worked in the branch network from 1995 to 1998, and of course *gained much experience*. In 1998 to 2001 I moved to the Trade Finance Section in the Head Office for centralization and automation of processes, then moved briefly *to set up* the Asset Finance function then back to Trade Finance in 2003 because that is where I felt my call was, and I did not see new opportunities in Asset Finance. So I was moving back to Trade Finance because I thought there would be more opportunities and more openings. All this time I stayed in the grade without promotion. I found this challenging because when I finished my Masters degree, I anticipated promotion within one or two years, and I really started being uneasy about the whole thing. At one point I wrote to the Managing Director (MD) enquiring promotion criteria and got a backlash for not having written through my direct supervisor who I was sure did not believe in women's competence. Instead I got a commendation letter for the job that I had done in terms of process automation, developing new products and business units. At the end of 2003, some opportunity again arose for Training Manager at the bank, which I applied for, and when I went for the interviews, the panel was very impressed by my qualifications and presentation. I succeeded but again it brought a bit of controversy. I got the letter, yes, but I was told this position was managerial grade; I would be placed on administrative grade to progress gradually. I got the appointment letter in the morning and unfortunately by the afternoon the same had been revoked due to politics. I didn't take it kindly and I wrote to HR, we had exchanges here and there, and from there on I contemplated leaving the bank, or moving out of Trade Finance because politics were actually emanating from my very boss because he felt why should I be going to gather even a bigger grade, almost bigger than his grade, yet I have been his staff. Again they felt I was a young woman so age also did not work for me. Come 2004, another opportunity arose in Audit for Auditor so I applied, knowing it was managerial grade and I was administrative. Again I was successful at the interview and got the job this time. I worked in Audit for one year and started facing *challenges of being a mother, a wife, and a manager* especially because I had to

work out of town, far away from home for two to three weeks, or even a month. As a mother, it was difficult and being a wife, it was even worse because my husband would not understand - how can you possibly be out of home for a whole month? And there was *a lot of pressure* from both the children, my husband, to really look for opportunities where I'd come back to Nairobi so that I can be with the family. So I had to look for job openings that would bring me back to Nairobi. Of course I kept on talking to my Head of Audit to see if I can only stick in Nairobi, but of course my male colleagues would not take it kindly. Luckily, a job advert by a different bank appeared, seeking a Trade Sales Manager and this for me was a God sent opportunity. With my background in Trade Finance, I was interviewed successfully and got the job where I am currently. With less gender politics, within the first year, *I performed very well* in my job. I doubled the sales turnover and got my promotion within Trade Sales and I continued growing the department. Within two years I had more than made it ten times, so I got more staff to join me in the department. I had to fight by giving results, numbers, figures, because figures don't lie. And this is how I ended up becoming the Head of Trade Finance at this Bank because they needed now to grow the department, we needed to grow the sales, so I needed to have people under me whom I'd guided, directed and gave a vision of where we wanted to go as Trade Finance. And here I am.

Amidst all these challenges, I enquired whether Cate had a mentor or even a role model to which she said not a consistent one:

I've had a mentor on and off. Sometimes when they move you have to look for someone else who you can easily reach out to. I wouldn't say a consistent person for a period of 10 years. The maximum period has been maybe two years.

Having a mentor has been great especially the person I am having currently. It has been quite enormous because sometimes we sit down and really discuss my progress, and the encouragement to move up, the encouragement to think in a different way.

Cate has faced diverse challenges including work life balance, family and spouse, and competition in the office. Office politics to her was the greatest challenge because according to her, managers want to give reward based on *gender and shared background*:

The example of *gender bias* in my promotion was because I worked with a gentleman whom they felt should lead the department. Unfortunately, he could not cope beyond a certain point. When we were to deliver results, I say numbers don't lie, when you come and compare these results, I was always on top. But they still felt I could not top the gentlemen. It's unfortunate really; even when I had to be given this position, this person moved to our Sudan office. So for me it has been a mixture of family, politics and gender to a great extent.

In terms of choosing a career path, I asked how Cate ended up in the banking industry:

It came by default, because I started university with Building Engineering, which I did for one-year then my parents could not support my studies in terms of school fees and upkeep, so I had to drop the Building Engineering course to find a job. This is the time I came across an advert where the bank required clerical people and I put in the application that got me into the banking sector. Once in the banking sector it's been hard to move out, because of specialized experience which might not be used elsewhere. Three years ago I tried an opportunity at Export Processing Zones (EPZ), unsuccessfully, because of my restrictive banking experience. If I was not a banker, I would have been somewhere in building and construction because I excelled in Sciences. And given a chance today, oh yes, I would go back to Engineering.

About university education:

Most of the studies I did when I had children and had to really balance a lot of things. I'd allocate little time to family, little time to study and some little time to work. So I had to balance the three, I was doing the three of them at the same time. So for me it was not easy, but somehow I managed to come out with quite good grades.

Education opens our eyes. It gives a new way of doing things, a completely different perspective of dealing with society. You become independent to some extent, you make

contribution even in your own family, and in your own house you can make decisions without feeling intimidated. As long as you have substance, then you can be able to share it out. So at least it gives me some opportunity to become a decision-maker, of getting involved in projects, even sharing my thoughts.

Sometimes, I look at how society treats a woman, by relegating her home keeper, doing home life things. But even as a home keeper with education, you become a partner in your marriage relationship as opposed to just being an object. You're able to share your thoughts without husband intimidation. In a patriarchal society like ours, without education I'm not expected to contribute except to listen and take orders.

Reflecting on her early education before university gives a different story of even more difficulties. A life of outright gender discrimination but full of hope, as Cate narrates:

I come from a very humble background first of all. And brought up in a family of eight children and life was not easy. Coming from a peasant family, I mean my parents were peasant farmers and the fact that even one of the parents is physically disabled, because he's visually impaired. So my mum had to do most of the things. She had to really work on where do we get school fees, how do we eat and all that. Of course my dad would do what he could do, in his visually impaired status, but of course my mum had to struggle more because now she had to prove to the world that you can still have this situation and move on. I worked in people's farms to earn a few coins, and also sought bursaries for my school fees, which were not reliable. For me it was a struggle, it was not easy. In primary education, I was in a mixed school and *competed well* with the boys. From class one to seven, I was always top, either number one or two and when I was not number one, it was a boy.

In high school, I was in a girls only school where *competition was less*. Mathematics was my favourite subject in secondary school although I struggled in early primary. I had a good relationship with all teachers, apart from one teacher who I'd confronted for having a love affair with a student and I was Head Prefect.

Regarding parental influence on a child's education and upbringing, Cate had this to say:

I kept telling myself as I grew up and through my education, I always prayed for God to help me to get a good job so that I can help my parents who really struggled to get me through a difficult upbringing. And because of the status we were living, I'd tell God: God I'd like to live in a better way than this. And my mum would always remind me even when I went to school - my daughter please study very hard, so that you can get us out of this difficult situation. And that was my biggest motivation. And I always prayed for God to shield me from such a vicious situation. I still feel it's horrifying that one can get back to such poverty. So I've always worked very hard so that I can really run away from that kind of a situation.

For my dad, really, I would say it was more of a pity, *boy preference*. Severally when I talked to my dad, of course he would also encourage me to study hard, and having come from a central Kenyan community, of course he favoured my brother more to study. And I remember he'd think I'd rather invest in this boy than this girl. And my mum would really work hard and fees would come out at some point.

On the role of work in a woman's life, Cate had this to say:

The first thing, I provide for myself and family. That is the most basic, then exposure and experience. You're able to improve your living conditions, raise your living standards and it encourages you, it pushes you to higher grounds always, to always want to do things better. In terms of priority, family comes first for me so nowadays I try as much as possible to work within the time I'm supposed to work, and to stay with my family as long as I am able to give quality time to my family.

Cate seemed to have done well with raising her children while also moving up the career ladder. I asked how she managed this and whether her employing organization offered support:

Not much support came from the organization except salary, but money cannot take care of the children. In terms of organizational HR practices or policies that support

working mothers, there was *no flexi-time*. What we had was three months *maternity leave*. In terms of flexi-time, discuss with your boss and request to leave early, but there was no policy that really guides you to that. It's only a local arrangement you have to make either with your boss, again depending on which department you are, because if you are in a back office, in the operations department, it becomes very hard. But in a front office, you can organize and create flexi-time for yourself. I remember when I was raising my first two children, I was in the back office and at one point I left the office at three in the morning. We were working on a system and my baby was six months old and the only question my husband asked me that day, must you really work? And sometimes it can get very difficult and you have now to really fight and try to explain all that. In all these, I've not had to take a career break.

Cate seemed to have succumbed to love pressure even though now balancing work and career ambition, but how was the experience?

I got married at a very young age. When I said I was doing my Engineering study, I'd already met my husband. Of course then, we were just friends and I remember during that time I would share my challenges with him, and especially the challenges of fees and general upkeep. He encouraged me not to worry, God will provide a way. In fact, he's the one who got me the job advert for the bank and asked me to try and I got it. Afterwards we got married, by then I had worked for one-year at the bank. He has been *very encouraging*, and after working for four years at the bank he actually encouraged me to enhance my education. Whenever an opportunity arose and he saw an opportunity in the newspapers, he would encourage me to consider. He's been very *encouraging and supportive*, I don't regret marrying him.

I got married at 20 when I had just abandoned university, and started working at the bank and one thing led to the other. I had been posted away from town, and my husband was in Nairobi. For him I think he wanted to hurry things, because maybe he did not want me to be snatched by anyone else. For me, I think it is the marriage bells that were ringing. There was no pressure to marry. It was my choice and the man too was my choice. In fact, no one would have thought I'd get married at that early age. Even my

own parents did not imagine. When they started doing the customary things, I remember when they first went home. My parents asked me, are you sure? Are you sure this is what you want to do? Yes, so society had not started pushing me because it was still early.

After marriage, we never discussed the issue of children, and when I got my first born then my second born came so soon. First of all I was depressed, and I didn't know what to do. So for me I thought I had closed the chapter. But he kept on wanting other children, and I was not ready for any other child. And it actually took me 13 years to make the decision to get another baby because I didn't want to. And that's the pressure that took me back; otherwise for me I had closed the baby chapter.

Referring to husband support, my husband sometimes feels I have over stayed even in one grade. And he'd push me: are you not able to move here? What are the challenges, why can't you move? And to me that really becomes yes, I really need to move. Other times he gets opportunities, even in the newspaper and comes and brings them to me to apply. When I was doing my MBA, we actually did it together. We were in the same class together, and I remember he was there, even when I thought children would pull me back he would still hold my hand and encourage me. We went to class together and home together. So that's how he has been supportive.

Balancing work and household responsibilities has not been easy for Cate as she narrates here:

It gets challenging and you have to get someone to help, like we have house help that support a lot. But they can only do that up to a certain extent. There are things you really want to do yourself, so I personally delegate what I feel the house help can easily do. But things that I feel I'm the only person who can do, I still have to do them. There are things I will do and I will not delegate as a woman. There's food I will want to cook and I will not want her to cook. There are those I will guide her and tell her but there's that particular dish I really feel I have to make myself. So I still have to do the domestic work at some point. I cannot delegate everything, I cannot push everything. Cooking some particular dishes and cleaning my bedroom I might not be able to delegate.

I don't think my husband cares what happens with domestic work. If today a house girl leaves, he will leave you there to work out your way. So I wouldn't say he considers that his work. Because even when the house girl is not there, him he will actually imagine or think, he will carry on like nothing has happened. You are expected to do everything.

The decision about domestic responsibilities has to do with our traditions and history. That's what I found my mother doing. When I was getting married, I remember those are some of the things my aunties told me and also other women, during my bridal shower. They keep reminding you, that housework is your responsibility. Clearly that is kind of implanted in us or imprinted in us, as what we are supposed to do. So you believe and you continue doing those things. The only things maybe the man can do are things like fixing the bulbs, things like taking care of the compound, or any pets if you have dogs, but not housework.

Other than the lesson that domestic responsibilities and that housework is mine, I was also taught that as a woman, you are to obey your husband. You have to listen to him, all those things we were taught. Today, if I was to teach my children, I would teach them otherwise and I have continued to teach them otherwise. My son, even as little as he is, I have started teaching him how to cook. As for me, I feel there is so much that is laid on a woman that can change to make things much better, and bearable.

In terms of the relationship with her husband, Cate has to negotiate to be away for work related functions or at least inform the husband and get his consent:

I have to inform him before time that I'm leaving for this, I'm going out for some time, and I will be away. I have to inform him. I have to negotiate when working late. The last one-year has been very dramatic I would say. Because I've been saying I want to quit my job and he doesn't understand why and what I want to do. Even up to this morning, we discussed that subject and he cannot understand why I want to quit. When I'm going away on a trip, I really have to be very sure what kind of house help I'm leaving behind. I have to leave someone very responsible or I have to call in my sister. Not because he cannot do it, but sometimes you feel your children might be safer that way. I think it's something that's a perception. He does not have time to clean and iron and take

the children to school. Him, he will wake up, do his things and leave the house. Even when I'm away, I've to remind him to give the house girl money to buy milk and groceries. Or maybe it's just a perception, which I have, but actually when I'm away, sometimes I ask, what are you guys cooking? Have you been given money? Are you having A B C D.? You still are doing those things when you are out there or away. For my career aspirations now from the head of this big department in a bank, I want to run my own business. I want to direct it; I want to give it the shape it requires. And currently I'm doing the board thing more seriously and wouldn't mind sitting on more boards.

Talking about sitting on boards, Cate shares her first experience being a board member:

First, I was recommended to this board of a state corporation. When I went to that board, four of us were new board members plus the chairman and we found four continuing members. When you go in, first of all, for me it was my first time, you look at the older people and you're like everybody might be realizing I'm the only new person here. So you want to look at them, and you want to watch. First of all, the first two meetings you really want to learn, and to listen. And if you're not careful, you can easily get intimidated so you have to be alert, you have to be assertive. And you have to also let them know that you have something of substance, and there's something new you're bringing on board. I've settled and now I feel my contribution.

Regarding women's leadership abilities:

I think they can be better than men. What has not been there really is they have not been given the opportunity. But given the opportunities, given the resources, women can do better than men on boards. Women are more committed by far, because when you listen to them you hear their passion. You know, when a woman loves anything, may it be family or work, when a woman loves, when she gets a passion for something, it is

really deep. And she'll not stop at anything until it works. So I feel they are really committed.

Cate had the following to say about lessons for aspiring WoBs?

I want women to be more assertive. I want women to be educated to the highest level they can get to. I want women not to feel intimidated by anything. I want them to have a vision, even in their own personal lives, they must have a vision, and they must have objectives for their own lives because without that you get swayed by many things along the way. So the focus is very important. I want them to be very good at what they are doing, whatever you've laid your hand, be the best at that. And know it and know it well, in and out, and that way, no one will beat you.

Women are capable in corporate work or even better and should be given the opportunity no matter what. And they must fight for it. They will not be given; you have to fight for it. (July 19, 2013)

#### 6.2.4 From the personal journeys

The narratives of the three WoB presented in the preceding section represents generally the situation of WoB in Kenya. These sampled narratives of WoB serving as current directors present the challenging journey to and at the board as shaped by their experiences, ambitions, family backgrounds, networks and family or spouse relations. The strong influence of their spouses is seen in the role played in drawing their attention to opportunities, support and encouragement given, as well as household relations. The influence is subsequently supported by the outcome of the focus group discussion with spouses of WoB. Indeed the provisions of human resource policies and practices were barely supportive in the Kenyan environment at the time, according to these life stories.

The sampled narratives generally show that WoB held managerial roles that supervised other managers and led core business functions like finance, commercial and non-support functions. Therefore, it was from the core functions that they get to the top, then to the boards but with a lot of struggles. The focus group discussion with women executives below the CEO level actu-

ally confirmed the struggles by giving insights into the severity of limitations in the WoB pipeline.

Women's experiences at the boards, from the sampled narratives, brings out an emphasis on the personal attributes of individual and potential directors; the push to have women on board (whether internal or external); attitudes towards gender inclusion; contribution of women on boards (whether actual or perceived); structural barriers in board processes and socio-cultural barriers. Indeed the same perspectives came from male and female board directors who took the survey and shared their views on key aspects of board processes and women representation.

The narrative analysis of the three selected life stories is strengthened with the analysis of the rest of the 12 WoB respondents together with findings from multiple sources, checked against the conceptual framework and presented in the chapter that follows.

## 7

**Chapter 7: Voices Behind the Figures****7.1 Introduction**

This chapter presents the voices gathered through 12 life story interviews and two group discussions. Particular attention is paid to the emerging themes from the respondents on the professional advancement of women and their representation on boards as anticipated in the conceptual framework. The themes can be condensed into the institutionalization of patriarchy in informal (social-cultural) and formal (written laws and policies) institutions. The emphasis of this part of the analysis is on the informal institutions as they affect a woman's life from childhood onwards to the board.

The chapter strengthens the narrative analysis of the three selected life stories presented in the previous chapter. The chapter also presents a review of the conceptual framework and links the study findings from the life story interviews and group discussions to the framework and the literature reviewed. The life story interviews were conducted with 12 individual corporate directors currently serving on corporate boards of companies listed at the NSE. Next, the chapter reports results of the two group discussions. The first group discussion was conducted with 25 aspiring WoB who shared the experiences of their career journeys as board aspirants. The second group discussion was conducted with 11 spouses of WoBs who shared their views on WoB, their roles in getting their wives onto boards, the support given to the women and any changes in the household relations as it relates to women on boards.

**7.2 Discussion of findings**

Empirical evidence reveals the interaction between formal and informal institutions and how the interaction influences the professional development of a woman, starting from birth, to access and contribute to boards, as earlier illustrated in the conceptual framework. The general dimensions of institutions are viewed in the context of marriage and childbearing, the entire system of childcare, education, economic empowerment and political rights as it relates to boards of directors. The study found that Kenya has an existing legal framework that largely supports gender

equality, revealing that equality of formal laws and its equal treatment did not necessarily address the disadvantage in outcomes for women in employment and on boards. The findings point that while men and women may be exposed to the same treatment under formal institutions, the effectiveness of these formal institutions is strongly influenced by the informal institutions in the context within which they are applied, particularly in the household and labour market. The findings are elaborated in the section that follows.

### 7.2.1 Childhood stage

The childhood stage is where the female child is under the care of immediate family, mostly parents and siblings. Formal institutions found at this stage include *laws and policies relating to family formation and child protection*. Legal provisions anticipate equal responsibility for childcare, including those born out of wedlock by ensuring participation and contribution of the women and men involved. This could ease the work of childcare that has historically been the responsibility of women. The WoB however narrated that childcare was left to the women with the support of relatives or house help. Much of the *gender learning*<sup>52</sup> occurred through seeing what went on around and hearing what was talked about the girl, an exposure that influenced later stages of life.

In their childhood stage while under the care of immediate family, mostly parents and siblings, the respondents began active gender negotiation within the hierarchy of *masculinity*. A stereotypical model seemed strong in Kenya where formal work was mostly associated with fathers while mothers historically watched over children and worked in the rural farms or urban informal economy. Over the years however, the study finds that both parents tended to engage in formal employment. All 12 WoB interviewed except Cate, related their experiences to their upbringing with *fathers heading their families* and making critical decisions. Where fathers were involved in childcare, the positive *male parental involvement* seemed to have given the WoB a flexible

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<sup>52</sup> Gender learning is a highly active process in which both boys and girls seek and process cultural information about gender and gender equality (Bandura 1977).

view of gender equality. The WoB respondents indicated that their parents attempted to treat them equally with their male siblings and mostly remembered their parents pushing for hard work from a very tender age. However, the WoB pointed clear and important differences in socialization, for instance being consistently interrupted while speaking as girls. In such situations, they interpreted that competence was associated with masculinity hence portrayed girls and women as deficient.

It was at times however, frustrating for the girls to appreciate gender equality, knowing that they had to adapt to various kinds of vulnerability. In many places, the girls did not feel safe. Neither could they engage in certain activities like walking along park paths, to the river or just jogging in the evening. Some respondents despite reporting gender equality at home, observed different gender treatment, for instance where the girls were not allowed to go past the home gate alone while their brothers went out freely and even attended parties in the neighbourhood. In hard economic times with a shortage of school fees, boys got preference in education.

Although the respondents learned some of the gender roles in their childhood, not all were imposed on them. Instead, they indicated to have incorporated gender images in their social relations by observing particularly the intra-household division of labour. Roles were gendered in these homes. One WoB respondent remembered that while her brothers went out, she and her sister had to cook and clean on alternate days. Yet another interview respondent stated the following on *gendered roles* for instance: *'I'd been given responsibilities from an early age, from around ten years old I served my older brothers. I packed their lunch, prepared and served their breakfast, made sure they were washed, sew their clothes, did the shopping, you name it'* (Diana).

*"That's what I found my mother doing. When I was getting married, I remember those are some of the things my aunts told me and also other women, during my bridal shower. They keep reminding you, that housework is your responsibility"* (Cate).

Girls were perceived to like or be better at domestic chores while boys enjoyed the privilege of being served, implying autonomy for boys and power relations that played out between boys and girls in the same household.

### 7.2.2 Schooling stage

During the schooling stage, professional development was guided by formal institutions including the *schooling system, education system, teaching system and curriculum*. The study finds that despite the formal institutions in place at this stage, ambitions and personality characteristics were shaped by a definition of roles in gender terms, and the perceptions and attitudes of people around, including teachers.

The Kenyan school curriculum did not discriminate against girls, although some subjects like Home Science taken by both girls and boys were *labelled* female while others, like Physical Science was *labelled* male. Such labelling in the school curriculum seemed to encourage domestic skills for girls' future roles as wives and mothers. *Stereotypical attitudes* also made girls less motivated to pursue studies in science, technology and mathematics leading to lower achievements in those subjects compared to boys.

The study observes that, gender inequalities were entrenched in the organizational structure of schools. Inequalities were found in the *division of labour among staff*, the curriculum, physical education programmes and dress codes, as well as in practices related to sexual harassment within schools. Male teachers taught sciences while female teachers mostly taught humanities.

The WoB respondents pursued humanities despite their efforts to take science courses. This emanated from stereotypical advice from the men in their lives. The WoB observed that girls were less motivated hence underrepresented in STEM<sup>53</sup> courses. English came out as the favourite subject of all the interviewees while one respondent said she did not like Mathematics at all. Moreover, they had been warned that being 'too smart' would lower their chances of getting husbands.

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<sup>53</sup> Women underrepresentation in Sciences, Technology, Engineering and Mathematics courses (STEM) have been attributed to stereotypical ideas of capabilities hence gender segregation in careers.

### 7.2.3 Employment stage

The employment stage ran from entry into the job market and early career based on the human capital developed in the earlier stage. The study recognized that women's full participation in employment and leadership requires *good laws that promote and protect equal rights* while providing formal recourse. Formal institutions highlighted at this stage include *labour laws, policy documents and contracts, and organizational structure*. Documents relating to formal laws and organizational policies were reviewed as they relate to the research question. The study found that Kenya ratified various ILO conventions<sup>54</sup> relevant to equal opportunities for the female labour force.

#### i. Recruitment and Selection

Where companies had formal recruitment policies, it was expected that the vacancies were transparently announced and the candidates with the highest human capital got the job. However, this study pointed to recruitment policies not being gender neutral. Further, regarding choice of career field and sector, female employees seemed to make choices in line with gender stereotypes and their role socialization as girls as well as the expectations of their parents and peers. Employment in Kenya being *characteristic of manhood* saw stereotypical employers subtly preferring male candidates. The study observes that male managers questioned both the role and managerial competences of women while at the same time, the women managers had to deal with family formation. Interestingly, none of the WoB respondents had the ambition of sitting on boards, terming it men's territory until they were asked by a friend or 'big brother'<sup>55</sup>.

WoBs likewise indicated that they did not have ambitions to get to the top or to sit on boards until they were approached. In most cases they were quite hesitant to accept despite their educational qualifications and relevant experience because of the foundation laid in her early life. This observed *low level of confidence and ambition* may be contributing to the scarcity of women at board level. Despite the observed low ambition, 59% of the directors' survey respondents disagree that qualified women are not interested in board positions.

Jobs in the sectors under this study were open to both men and women. However, the study observed sectoral gender segregation in management, with 78% of the respondents agreeing that

<sup>54</sup> The conventions cover forced labour and child labour, collective bargaining, non-discrimination, family formation and responsibilities, employment and governance, working conditions and migrant workers which are also covered in the Kenyan Constitution. Further details at [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103315](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103315)

<sup>55</sup> Big brother in the sense of minister, politician or some other prominent male figure.

*gender stereotyping of what women can do* actually locks women out of boardrooms. The bias appears to manifest in this study with the banking sector recording the highest female respondents at 50%, followed by ICT at 18.8% while other sectors like agriculture, automobile, and construction had no women on boards.

The discussion as to whether labour laws were to blame for hindering women to access top positions ensued. There was an overwhelming awareness of labour laws and the equal application in the workplace. However, the respondents perceived unequal outcomes especially considering that labour policies tended to be gender neutral. Women's mind-sets of subordination and culture were seen to be a challenge as the following quotes illustrate.

*'I work in HR and we have good policies, consistent with labour laws that promise equal opportunities but we still lack women at the top. However, I tend to think there is something wrong with the practice but I'm unable to put my finger on it. There must be something that labour laws have not done to help the women to get to the top. The laws look good and I don't know whether it is the practice or how much can we blame the law for the absence of women.'* (Alice)

*'The labour laws in this country (Kenya) are not any different from those in other countries like South Africa or Namibia or Swaziland where I have interacted at executive level. Yet when you look at countries like South Africa, women are really up there. It's not the law; it is the practice and yes are we ready?'* (Emmy)

*'Let me say, how much can we blame the cultural mind? And how much can we blame ourselves as women for not putting ourselves, for not making ourselves ready for that opportunity. That's why I keep saying, train yourself, improve yourself, network, get better than you were last year.'* (Debbie)

*'How much can we blame the law in Kenya? I don't think so. How much can we blame practice? Are we ready for boards as women? Are we in the right networks?'* (Debbie)

*Rwanda, their labour laws are worse than ours, yet do they have women at the top? Of course they do. Do you understand? So, labour laws, no. We have ourselves to blame and our culture around us that we need to uproot. Thank God you are all bringing up sons, daughters, cousins, nieces and nephews so we have a chance to have a generation that is actually able to see the value of having more women in leadership positions. (chorus yeah, yeah!) It's no longer a luxury, no longer a 'feel good' thing, it's a necessity.'* (Emmy)

## ii. Training and Development

All the WoB respondents had taken *formal trainings* sponsored by their employers although development opportunities like secondments went mostly to men. This was confirmed in the HR executive survey that sought the perception of HR Executives based on their experience in human resource management and asked whether their organization treated employees equally. Women directors indicated that some of the critical career moves they made early on included taking up challenging roles like setting up a new section, acting in higher responsibilities and secondments abroad. Such moves, they said, set them apart as outstanding even though men were generally granted whenever opportunities arose.

## iii. Promotions

Despite their organizations having established *promotion policies*, the WoB had to work very hard to get promoted. One respondent called herself a 'workaholic' when she says she used to work for 14-16 hours a day and even carry work home on her computer and that she had no social life, unlike her male counterparts. Although line management and competence is required for promotion, the HR Executives survey found that 86% of managers were unwilling to take risks on non-traditional candidates in matters of career advancement.

Competence in such gendered institutions is not always about the individual woman's human capital but as 'judged' by those in authorities who in most cases associated leadership with masculinity. Indeed, the WoB interviewees indicated that men were assumed competent until proven otherwise while women are assumed incompetent until proven otherwise. Group interview with women board aspirants found that women had to show that they are 'far much better than men' to be appointed to executive positions. This perception could also contribute to women having lower confidence in their own abilities and may rate themselves lower than their male counter-

parts. 83% of respondents in the board director's survey also found that *social norms* did not associate women with leadership and 78% confined women's roles to non-leadership positions.

The group interview with aspiring women directors, found that Kenyan labour laws did not hinder the career development of women and that the challenge was more *culturally propagated*. There were good laws that were consistent with the Constitution including the two-thirds gender rule. However, *traditional culture and beliefs* hindered women from rising to top positions. The women mind-set should be challenged to allow an open approach in accessing boards and other senior positions. Group interview respondents agreed that Kenyan laws were suitable and encouraging but the cultural norms and practices remained a challenge. They felt that the cultural upbringing that caps women empowerment should be eliminated to have more women getting senior positions.

The assumption of linear career progression where accountability and compensation increase in a predictable manner seems not to apply to many women executives. The WoB respondents reported that they started in the fast lane in their careers just as their male counterparts but soon their aspirations diverged when the prospects of starting a family emerged. At this stage, the women indicated that they had to tactically negotiate with either spouses or would-be spouses. Women reported delaying child-bearing whether consciously or unconsciously and others returned to work after maternity leave as a sign that they took their career seriously. From the FGD with spouses of women directors, one respondent says: *'When the issue of PhD came up, we discussed again, wondering whether we should first establish a family or consider further education first. So we agreed she pursues her PhD first'* (Bob).

From the group interview with aspiring women directors, most of the respondents agreed that *likeability* is important in senior management positions even though the main focus should be delivering the mandate of the organization and not entertaining others to like you. Although respondents indicated that the perception of not appreciating likeability is common at lower positions at work, most respondents agreed that rising to senior positions comes with the ability to

create strong *business networks* and this indicates the need for likeability. Women need to be tough but in different ways without being rough. Being rough is associated with men and it works well for men but not very well for senior women leaders. Respondents agreed that the perception of rough women leaders may not create the power needed when handling junior staff. For women to nurture the perspective of likeability there should be emotional intelligence, self-awareness, self-regulation, and managing relationships well. There should be discernment like knowing when and what to say to which people.

The discussion around the ‘glass-ceiling’ seemed to portray that the girls grew up smoothly and faced challenges only at the top. There were however dissenting voices that the clear glass-ceiling was around women at all stages of professional life. So, it was more of a jungle or maze than a ladder. The ‘jungle’ was said to be emanating from stereotypical perceptions of what women could or could not do as well as how they should behave. Women had to behave in a ‘likeable’ manner as the following quotes elaborate.

*‘My experience is that this struggle has something to do with being liked or not. I come from the school of thought that at the work place, I don’t really have to be liked. I came to work and not to be liked. I’ve read about Haiti and Howard story that women who are successful are less liked by colleagues. I wonder how important the discussion around being liked is.’ (Jane)*

*‘At the lower levels you can reason like that but as you get to the top, I think liking has a meaning and especially with the concept of networking in upper ranks like it was already mentioned. I would not want to say I’m here to work and it’s work alone. At certain levels as you get to the top likeability indeed matters.’ (Emma)*

*‘I think differently that as you rise up, one should work less at being a people pleaser but somebody who can have hard conversations as required. So somebody who can make decisions, some which may be unpopular. Developing the ability to hold hard conversations with people around performance or issues affecting the organization health is more important. So in a way yes you can say that we are here to work because really the organization comes first, rather than am I pleasing people, do they like me, is there any emotional attachment to me.’ (Wairimu)*

*'This likeability is something men get away with. People expect some level of likeability in women. You can be tough but it has to be in a different way. Men can get away with being rough. (Yeah, yeah from the audience). Rather people expect that for women, even if it's being hard, you've got to mind that you cannot deliver it like a man. It can even determine whether you get promoted or included in important company discussions.'* (Emma)

The women director interviewees saw the role of work in a woman's life as very important, mostly as a show of value to life and society. They said that women should work, even if it's not in a formal office environment. However, they all agreed that family upkeep is priority and working women must find a way to juggle these two. In some cases, the women said that companies had *flexible work practices* to support women in balancing work and childcare while in other cases, especially the older women, said these did not exist in their time. They had to find ways of balancing work and family life which sometimes included a career break: *'I took a career break in the form of study leave and went back to university to do my masters (MBA), since that time one could only study for MBA full time. It lasted about 18 months to 2 years. Balancing children, work, school was tough but that time it was still easy to get reliable house help, traffic jams in many cities was bearable, not like it is now. I could go to the library, do my school work, and go back to the house.'* (Betty)

From the group interview with aspiring women directors, all respondents agreed that women have to prepare to handle *multiple roles* even when in board and senior management levels. Caring for family, children, husband, and career development should be balanced. The mind-set is the biggest asset that should be engaged by women to balance the multiple roles. To achieve this balance, respondents suggested that spouses need to support their working wives on family matters especially caring for children.

In terms of career progression, the group interview respondents agreed at having started out as taking charge of their career direction and doing what it takes to succeed. However, the outgoing character of women seemed to diminish with the coming of marriage, children and other so-

cietal responsibilities. The 'losing of self' was attributed first to the mind-set of women themselves, then to the surrounding environment. Respondents appreciated the joy of marriage and motherhood while also highlighting it as a major challenge in career management:

*'Personally, I think the biggest issue that we have in venturing out is also about our mind-set. I look back at when I was a single girl, I was very assertive. But as soon as I got married, I started thinking OK, I need to get permission and consent from my husband or approval to do this and that. In the process when the children come then the focus and attention shift to the children.'* (Jane)

*'But no one tells us to step down. We do it ourselves. So I think it is about realizing that first is you. This is also something I learnt from a course I went through with Emmy about the price for life that gave me a turn-around about myself. That topic on the family, children, career when to slow down, you will get a lot of insight when you read this book by the COO of Face book, Sheryl Sanderberg. She's been there, she's done that and has examples of when do you take this step and say ok and when do you decline.'* (Agnes)

*'We sort of like lose ourselves when we get married. That's the biggest problem we encounter as women when we get to wife and motherhood. I think it's just good to realize that we have a role to play as a mother or as a wife but then also you have a role to play as yourself. If you don't then years later no one will be responsible, not even your husband who has no time to say thank you for all those things you did.'* (Clara)

*'Well, I have a man mentor in my group of mentors. Sometimes he gets a bit tough, a bit hard and at some point I feel probably he does not understand what it means to be a mother of four children. He has never been a mother. I am a mother of four children ages twenty, nineteen, sixteen and ten. Now, those first three alone are thunder bolts, opinionated, new ideas, different ideas, name it.'* (Emma)

Support from home was found to be crucial. For these women to be involved in employment or even advanced studies, they relied on family support. They also engaged the services of house help who they argue must be respected and paid well. Surprisingly though was the assertion that even the support system was made up of women- mother and sister, *'You must have a very good home support system. For me the staff is number one and if you have a mother or a sister, they can also keep an*

*eye on the kids while you are away in case something happens. Otherwise if you don't have those sincerely, you will not succeed. You will not.'* (Anne)

In all these except one case, the house help happened to be women, a tendency that appeared to reinforce or perpetuate gendered roles. Only one woman director had employed a house boy. The transfer of housework and childcare to other women tended to maintain stereotypes and gender roles at home.

Even with the house help, the women indicated that domestic responsibilities were their own responsibility as women. None of them agreed that they allow their husbands to even supervise domestic work unless they were away from home. This indicates that housework and time spent thereon are gendered. This, they say, was taught to them by their parents and they also observed it in society where family became a 'gender factory' (Berk 1985) and housework producing gender when men and women in a marriage set and perform specific tasks. *Culture* has also been found to allot women and men explicit role expectations (Nzomo, 1995). Indeed both the WoB and aspiring directors had to contend with the cultural norm of male 'breadwinner' and female 'homemaker'. Cultural practices like rites of passage in many African communities have good intentions for boys (adulthood) and 'bad' intentions for girls like female genital mutilation.

Domestic work seemed fairly affordable in Kenya and easily available. However, the women interviewees admitted that they shouldered home responsibilities even when they returned to full time work, perhaps to experience the social and personal benefit of fitting in to their social roles including spousal interaction. The women in this study could afford a domestic worker and the relevant home appliances, but had been socialized to internalize this structure hence creating a basis for normalizing their behaviour. In a gendered division of labour where men are not keen on sharing domestic work, 66% of the board director survey respondents indicated that women tended to succumb to work-family life pressure and opt out of a career.

The above finding, when followed up on through life story interviews and FGDs reveals that while men are supporting their wives in further studies or looking for upward mobility, none of

them did a household chore, leaving it to their wives to sort out. Not one. As long as this attitude in the house does not change, the attitudes outside the house may also not change.

With childcare came maternity leave and reduced mobility, inconsistent with the 'anytime anywhere' work model that did not recognize that women managers have a 'double role' (McKinsey & Co 2010).

This study found that the responsibility for the household can constrain women's productivity in formal labour and reduce their mobility. Indeed, the board director survey respondents agreed that the work model requiring full time availability (68%) and mobility anytime (58%) was an obstacle to WoB, necessitating negotiation with the *'head of the family'* for freedom of movement and association. Freedom of movement has been found to be an important indicator of women economic empowerment in India and linked with women expanded agency (Nagaraja 2013). Negotiation extends to the male boss of the department in order to request flexi-time. Unless household bargaining works for women, aspiring WoBs may be confined to their reproductive and nurturing roles at the expense of their own career aspirations.

Perhaps responsibilities that women have outside work may contribute to their being viewed as less ambitious or uncommitted to professional growth. Both WoB and aspirants indicated that they were primarily responsible for family roles related to caring for children and domestic work.

Juggling between formal work and domestic labour was evident from the survey where 84% agreed that women combined formal work and domestic responsibilities, while 88% said that women combined formal work and child care responsibilities.

Indeed women in this study were generally overwhelmed by their household responsibilities and the lack of involvement of their spouses.

Most of the WoB reported having grown up in the hands of both mother and father hence watched how their parents related. There were, however, two respondents who lived with their father alone. In one case the parents had divorced while in another case, the parents lived separately, in the city and the countryside. It was the mother that lived in the countryside. Surprisingly, both of these respondents had strong views of what women should do in the house and that women should take care of household responsibilities even if they engage house help.

#### 7.2.4 Management stage

At senior management levels, the aspiring WoB respondents were in continuous attempts to get to the top while forces from different quarters won't let progress happen easily. The need for *social networking and mentoring* was eminent and the performance of near double as that of men demanded of women, notwithstanding the demands at family level and the negotiation that the women had to master.

For the respondents, a *home support system* was equally essential at this stage, in enabling WoB and aspirants to get through the trajectory of their professional lives, be it parents, spouse, nanny, house help, driver or having a residence near the office. They were somewhat free, secure and accessing economic opportunities because of the sacrifices and support of their family. WoB received *family support* during child bearing, and had someone to provide childcare especially when travelling for work. Maternity leave from work was available although for a limited time. Their spouses also respected decisions regarding family size and the spacing of children. The support was appreciated even if by encouragement and room for personal development. Those who received *spousal support* counted themselves lucky because their counterparts were threatened with divorce. At senior management levels, there were continuous attempts to get to the top amidst various constraints.

WoB respondents indicated not having other women role models as a challenge and even questioned whether the models could just be men who already had board positions. Of course there were hardly WoB at those early times who could have played the mentorship role: *No. I don't think there is a particular person, but I know I've had very many mentors, surprisingly older men and I would like to thank them all. I always wondered why they gave me so much of their time and so much of their support. There weren't many women at that time anyway so I can't say I would not have had women mentors if it was today but certainly at that time you know many mentors were older men and very supportive with a lot of advice (Maggie).*

The director survey found that a *lack of role models in board positions* posed a barrier to women's career advancement and getting to the board.

Board directors felt that *domestic labour and responsibilities* constrained women's careers, where women were responsible for household chores and childcare. Survey respondents supported the view that women combining work and child care responsibilities (88% agreed) and also combining work and domestic responsibilities (84% agreed) is a barrier to women's career advancement. Further, from the FGD with spouses of women directors, the husbands responded with joy that their wives still cooked and served them food, pointing to the entrenched culture of women subordination.

Gender role expectation appeared prevalent in Kenya as evidenced by the *'house wife' and 'bread winner' traditions*. Even though there were reports of a significant number of homes headed by females, the male-headed household was still the norm. Strong *patriarchal ideologies* also dictated that male figures had a final say on what the women could or could not do. Even though the role expectation produced a gendered division of labour, women in Kenya could still go around the 'double role' by staying with a member of the extended family or employing a domestic worker, which is still considerably affordable. Gender role expectations also influenced household dynamics and negotiation between spouses as demonstrated in the FGD with spouses.

#### 7.2.5 Senior management stage

The study finds lower women representation at the senior management level despite the existence of HR policies. The narrowing pipeline eventually ends up with few or no women at the top. Having *human capital* may lead to the empowerment women need to get on boards. However, there is considerable emphasis on the value of *social networks and relationships*, reciprocity, trust, and shared social norms at this stage. The social networking effect seems stronger in Kenya possibly because of culture but also from a historical perspective of colonization. From the 'boys' who fought for independence, the 'boys' were first in formal education, to the 'boys' who took over power from the colonialists.

In what Kanter (1977) referred to as 'homosocial reproduction', she notes that men would traditionally want to work with other men in top positions because of their gender similarities and that members of a *social network* relate with others as 'in' the group or 'out' of the group, a situation that works against WoB. Indeed from the director survey, 85% of the respondents

agreed that the board member networks were not accessible to women. A further 86% of the respondents said that qualified women were not found within traditional networks even though there was a significant gender difference in this response as indicated in Table 51.

According to social identity theory the exclusive power of networks force group members to evaluate each other highly and make it difficult for those who are 'out' to join 'in' (Tajfel and Turner 1986). As long as these informal networks are male-dominated, scarcity of WoB becomes a self-preserving cycle as the networks can isolate women through an exclusive gender culture (Eagly and Carli, 2007) and make it difficult for women to develop the trust needed to effectively contribute on boards.

The study finds that WoB had no direct connections with the owners or key shareholders of the companies. In the director survey 89% disagreed as to whether shareholders demanded to have WoB. 32% of the respondents said they represented a majority shareholder on the board. However, there was a significant gender difference in this response indicating that the category representing shareholders was largely male. Only 6% of female compared to 36% of male respondents represented a majority shareholder on the board.

This situation could possibly be a major obstacle in the Kenyan context where it may be difficult for women to get to senior levels in the absence of family connections to powerful hierarchies (Metcalf, 2006). This aligns to Singh's (2008) finding in Jordan where female board members had some connections with the controlling shareholders of the organization on whose boards they served.

Despite the importance of social networks for WoB, this study found that women had smaller networks which appeared more gender balanced even on online professional networking platforms, denying the WoB opportunities to gather important board support and information. In the director survey 74% of the respondents both male (72%) and female (81%) agreed that women tend to network less effectively. A follow up with group interviews and life story interviews with WoBs confirmed that the kind of networking did not support women's multiple role expectations. Such a condition restricting WoB access to contacts and information seemed to embed the stereotype that 'women don't ask'.

Socio-economic class seemed to interplay with social networks. WoB had fathers who had been political leaders and whose names were already *prominent*. Some of the fathers had schooled at the same time with the now elite old men on boards and could easily recognize and have these women get on boards, for instance the ‘Big Brothers’ who proposed the names and asked the women to join boards. The women interviewees also added that because of their success as corporate executives, they were noticed and approached for their first board position. The subsequent board appointments, they said, were easier to come by. However, they recall quite some challenges during their executive careers, which were both explicit and subtle like requests for sexual favours from superiors and lack of functional support to voice important work-related issues unless they behaved in a certain way.

All the women director interviewees served on multiple boards even though not all these are companies listed at the NSE. The respondents also felt that the same few women were being recycled in several boards while Kenya had many suitable women for boards. The suitable women may not be famous or related to famous Kenyan elites and the boards must find ways of getting these women on-board. The respondents indicated that they were aware of the formal board requirements and regulations issued by Kenya’s Capital Markets Authority and some of their boards were yet to internalize some of the requirements for instance the board charter.

Women directors’ interview respondents indicated that there were formal regulations and requirements that governed board functioning. The interviewees all agreed that board recruitment was still through informal networks made especially of men who went to high school or university together or came from the same village.

#### 7.2.6 Board stage

##### i. Preparing for a Board Position

From the discussion as to whether women were ready for board positions, there were arguments for enhancing the competence of women through training. Aspiring WoB were keen to know some of the training opportunities they could take up in readiness for board participation since most boards were indicated to look for certain technical skills in potential board members including law, human resources, finance and strategy:

*'I agree we need technical competence but we do need to understand the business framework and should be able to argue our case for or against issues on the table. Remember that right now board members are fully liable for the mess that happened with boards, isn't it? We have seen board members being lined up in court. The guys we are used to seeing on TV looking swag. The next moment we see them in handcuffs going to the lower chambers, we have seen that. Now because of that, you also need to be very careful selecting the boards they will select you but you who have a role to say this board, no. This one will get me to the lower chambers with one shoe, do we understand?' (Mwangi)*

*'It's a complex set of skills that I think women must invest in. So we must get the skills, get the network.'*  
(Jane)

*'Training, yes but on relevant areas because it can be expensive. (Wairimu)*

*Yes. Various institutions like Strathmore have such training programmes with board related and effective directorship content. (Emmy)*

Other skills like judgement and relational were said to be critical for board contribution and women were encouraged to acquire these skills. It was also emphasized that training in the core business of the company once on the board was important:

*'One this is a good board and am able to sit on it but the decisions we are making here could actually get me into the cells therefore let me keep my eyes open and not just be a blonde on the board table, let me keep my eyes open. When it's clear that this decision being made is a decision that goes against ethics, goes against statutory requirements, goes against policy, make sure you voice it and it's recorded in the minutes that I did not support the decision of the board to pay out this amount of money to do this and that, do you understand? (Debbie)*

Aspiring women in the FGD had various perspectives on how to enhance the delivery framework for educational institutions to help young women take up leadership positions:

*'One of the things I have seen some schools do is to ensure that they have integrated within their curricular, mentorship sessions and they tap into the alumni of their students. So many of us are being asked now, let's go*

*back to our old schools but we have no time. So who's going to inspire those young girls and young men? So may be the first thing is include mentorship in curriculum but also to see on how the parents can get involved in some way.'* (Catherine)

*Young men too need mentorship. Our experience here in university when we are recruiting and those of you who are recruiters, you know what we are seeing with young men in terms of confidence and the ability to communicate and being able to do the job. So there we have a role.* (Emmy.)

ii. Confidence and ambitions

The respondents admitted severally during the discussion that women had themselves to partly blame for their struggles to reach the top. They tended to let the external environment define who they become, hence the need for self-awareness, self-regulation and relationship management.

Even though parents influenced these women to work hard and be successful, some of the interviewees had no ambitions of getting to serve on boards, a position they thought was a preserve of old elite men. It emerges that it was the same 'old men' who recommended the women to their first boards, some even terming it 'political appointment'.

A section of respondents argued that the Kenyan girls were increasingly appearing more confident than the boys. In fact, girls were said to be performing better in school as well as in recruitment interviews. However, the girls seemed to drop off along the way and only a few reached the top.

*Our experience here in university, when we are recruiting and those of you who are recruiters, you know what we are seeing with young men in terms of confidence and the inability to communicate and being unable to do the job.* (Emmy.)

*I hear from the floor that girls now are not the disadvantaged ones. It is the boys. Am I hearing right?* (Debbie) (Chorus murmur from the floor: *Oh yes. So true*)

*When we do university recruitment, it is almost disheartening when you see the difference in confidence levels, ability to speak, ability to step up to the challenges between boys and girls. Almost from the same homes, same*

*family backgrounds. But when they get to the recruiting table out of a hundred, honestly, almost seventy percent women get through. So head start, we are starting ahead but something happens along the way where we drop off. Girls and women, we are starting ahead, but something goes wrong along the way and the numbers start dwindling. (Emmy)*

The confidence to speak up was a key strength for board participation. Respondents agreed that women must learn to speak and make themselves heard at the board. This way, they can demonstrate that they understand the business. However, the tendency to speak less was largely due to the scrutiny women faced rather than a demonstration of low confidence.

*'Are you able to question rationally the figures that are being brought to the board? Are you able to do strategy because it is the board's role to strategize? Even when managers draw the strategy, it belongs to the board. We must speak up.'* (Jane)

*Mentorship* was seen as critical both by WoB and aspiring women directors. WoB indicated to have mentored their successors. Aspiring directors agreed that they needed to take charge of their career growth and direction as well as have mentors both men and women. The multifaceted nature of women in career necessitated the need for a group of mentors. Further, there was a general appreciation on the role of men in helping or propelling women to those positions. Respondents agreed that they needed the support of other women who would help them link career growth with the growth of the family. On the other hand the need for a 'tough' person who drives the women to take up opportunities was emphasized hence the need for both men and women mentors. This wish for someone to be tough, and therefore, the need for male mentors appear biased as it reinforces the attitude of likeability for women and only men being allowed to be rough.

*'My opinion or myself, I can say the key thing is to have as Millicent said, a board of mentors. In this group of mentors it's important we have both women and men. Men will see what we may not see as women. Women will see life probably from our own perspective and are able to push us depending on our own perspective.'* (Mary)

Mentorship could start early in life without waiting until women are preparing for boards.

*'One of the things I have seen some schools do is to ensure that they have integrated within their curriculum, mentorship sessions and they tap into the alumni of their students. So many of us are being asked now, let's go back to our old schools but we have no time. So who's going to inspire those young girls and young men? So maybe the first thing is include mentorship in curriculum but also to see on how the parents can get involved in some way.'*  
(Catherine)

From the FGD with aspiring women directors, all respondents agreed on the importance of having mentors including male mentors. Both genders were needed for an effective mentorship process. There were differences between men and women mentors where men favoured rough and tough choices as opposed to women. All respondents agreed to have men mentors at some point and it added to their management skills, pointing that both genders can bring different perspectives and experiences and that an experienced senior manager was likely to be appointed in many board positions.

This finding supports the view that women in influential positions can serve as important role models for younger women who have been traditionally underrepresented at the board and senior management level in corporations. The finding also supports the Catalyst Report (2012), which found that a lack of suitable female role models was a barrier for women to reach the top in Europe. According to this report, perceptions of gender stereotypes changed in boards that had at least one woman as a role model. Morrison et al., (1992) and Beaman et al. (2009) note that female leaders were more likely to be accepted within the community if their appointment came after a period of tenure of other female leaders.

### iii. Board Processes

The formal institutions in the corporate governance framework include *laws, regulations, codes of practice, contracts and structures like a Board Nomination Committee*. In Kenya, the operating legal framework includes the Companies Act, regulations promulgated by the CMA, contractual obligations in the NSE listing agreements, code of practice by directors, accounting standards and corporate social responsibility. Some of the multinationals like Barclays Bank were also subjected

to the US Sarbanes-Oxley Act. Kenya's Companies Act was revised in 2015, placing more duties on board directors and is the framework that should generally guide board processes.

iv. Board Recruitment and Selection

Director recruitment should generally take due process as guided by the *Board Nomination Policy*. Indeed, WoB interviews as well as the director survey indicated that there existed *Board Recruitment policies* in their organizations. The study however found an informal referral system among male directors through *personal connections* and *recommendations by existing board members* or CEOs; a tradition that WoB have to navigate. Directors referred each other through an '*old boys*' network even where *Board Nomination Committees* existed. The study confirmed that indeed the board committees existed in all boards surveyed. From the director survey, 91% of the respondents said they served in a board committee, with 29% serving in HR and the Nomination Committee of the board.

Older board members tended to introduce or recommend their friends from the '*old boys*' network to the board. The WoB interviewed said that in their tenure, board recruitment was by referral to the Nomination Committee, which then recommended the names to the full board for approval. 72% of the director survey respondents agreed that board recruitment processes were closed out to women. Indeed when asked how they accessed the boards, the respondents indicated that they were mostly recommended by an existing director or a friend in the board. 7% of the respondents said that they were recommended by a professional association and 6% by a recruitment agency, all were female.

*Networking* and *social connection* was essential both for information sharing and support. Information on board vacancies was shared within the limited circles of existing directors who preferred to nominate the people they already knew. The respondents all indicated to have been invited or recommended to the board by someone who knew them from their networks. Networking was so strong that recommendations outside the networks were declined and with the same women being recycled on boards. Being known in the elite circles or bearing the name

of a *prominent* person counted much. Prominence could also be related to the ‘old boys’ who schooled together in post-independence Kenya and later the schools that these WoB attended that were famous and prestigious at the time. Media played a role in featuring the success of women CEOs and directors with *reputation*. The WoB received *publicity* when they were successful and excelled in their roles, particularly with turnaround strategies.

Aspiring women voiced their concern that despite the right qualifications and technical skills held, women still had difficulties accessing board positions. It was generally acknowledged that being part of both formal and informal networks was important:

*‘Are we ready for boards as women? Are we in the right networks?’ (Debbie)*

*‘Yes, social intelligence- which men tend to have more of to a certain extent. As you saw in the beginning the kind of social intelligence you showed when you were networking and connecting. That’s an ability to do that which many times we underplay.’ (Emmy)*

*‘When I was being interviewed before two of the boards that I sit on, I sit on a number of boards. Two of them interviewed me. The others just picked me from you know I know her; she is from another network of someone who knows her. Remember those networks? However, two interviewed me. One of the boards, I would say is the largest company in Rwanda. They didn’t know much about me, but they were referred so they wanted to know me clearly.’ (Debbie)*

*‘So get the skills, get the network. Don’t have the skills and then sit pretty on a wall. Why wait to be picked by the next board, no. Network and show your interest and enthusiasm in serving on board.’ (Debbie)*

*‘At the lower levels you can reason like that but as you get to the top, I think liking has a meaning and especially with the concept of networking in upper ranks like it was already mentioned. Likeability can even determine whether you get promoted or included in important company discussions.’ (Emma)*

*‘It’s a complex set of skills that I think women must invest in. So we must get the skills, get the network.’ (Jane)*

*'So you have an opportunity to say, you know what I want to actually up skill. Get on to that flight. You have a chance to network. The church has a great network. So many churches have now ventured into the space of taking the family agenda to the next level and being able to ensure that not only church services or mass which is very important but we are trying now to ensure that we get speakers and experts to speak on several topical issues like women and leadership. (Emmy)*

Sometimes the discussion on upcoming board vacancies starts long before it is known outside the board. Before the prospective directors can fill in the relevant papers as a formality, their names have already been recommended by some senior men who knew them from somewhere. The WoB also agree that qualified women will likely not be found within the traditional networks of men because of their different lifestyles as one puts it that *'if you look at how men operate, you've got to belong to a club, play golf, being out in the bars with them which I don't do. I don't play golf. Because of that, I knew clearly that it was never going to be possible to be in a corporate board.'* (Diana)

The women recognized that they cannot keep up with this kind of networking because of their multiple identities and roles.

The study found that formal initiatives like *advertising board vacancies* may not work on their own. The WoB felt that women would still not apply for advertised board vacancies unless someone encouraged them to do so. The WoB disagreed with advertising board vacancies despite lamenting over the closed 'old boys' network, saying the truly talented women would not come forward.

Advertisement was proposed as a way of increasing transparency of the board recruitment process and should not necessarily be paid advertisement. Advances in ICT have brought new possibilities for democratic governance. Through social media for instance a board vacancy can be communicated.

There were generally no formal *induction programmes* to induct new board members.

Board evaluation was rare except in boards of regulated companies like banks. Even where they exist, respondents questioned their effectiveness in the absence of feedback to directors.

v. General Contribution while on boards

The WoB expressed that they enjoyed being on board (even from their body language) and were contributing. They were happy to have been recruited for their contribution and expertise. As mostly non-executive directors, the women reported that they received limelight from their executive career either as chief executives or senior corporate managers. Social capital and household bargaining seemed important in enabling access to boards and contribution while at the board, where the power of networking and negotiation came out strongly.

Director survey respondents agreed (90%) that women prepared in detail for board meetings and spent a greater amount of time spent on board work. The WoB respondents reported no challenges with the timing, length and frequency of board meetings and indicated that their voices were being heard at the board. In some instances, the board environment was confrontational and politically charged hence some women saying they had to be aggressive to get a chance to contribute. Chairmen and male directors were also reported to be uncomfortable with women who openly shared their views on board matters. *Me and my fellow woman colleague were called on the phone afterwards by a male member who was surprised at our participation in this first meeting and indicated that the chair was very uncomfortable' (Cate).*

In contrast 70% of the survey respondents agreed that WoB enhanced board independence and brought about improved communication within the board. From the interviews, WoB attributed their contributions to their skills and not the fact that they were women. *"If you ask me why I would sit on the board then it's because I am bringing something to the table. I have an expertise here that nobody else has that I can then feed into the whole process."* (Sheila).

Most HR executives agreed with WoB contributions both individually and collectively, even though some HR executives could not attribute HR policies directly to women board directors. Respondents gave examples of how WoB sent signals that gender diversity was valued as well as indicating that there were women mentors and role models at the top. Some of the examples of the positive influence of WoB cited by HR executives included encouraging women employees, recruitment of more women to senior positions, bringing about a gender-responsive work envi-

ronment, policies on sexual harassment and parental leave, diversity, equal employment opportunities and compliance or improvement of the same policies.

Respondents overwhelmingly supported a social justice argument for taking on affirmative action, with 89% of respondents agreeing with steps to include women having been historically excluded from the boardroom being the right thing to do. Indeed the women interviewees emphasized the need to have women contributing and not just for statistics.

### 7.3 Gender and Intersectionalities

The WoB study finds that women are not a homogeneous group and that various intersectionalities may work to produce and maintain power structures within society as demonstrated in corporate boards in Kenya.

#### 7.3.1 Gender and class

Class structures seemed to play a part in defining WoB experiences with regards to education, employment, housing or even wealth. Education, whether acquired locally or abroad was common in all the respondents, implying that the board was not a place for less educated women. From the director survey, 90% of respondents agreed that educational qualifications are an important attribute for potential board members. WoB survey respondents all had education levels of bachelor's degree and more. The WoB respondents generally had been employed and had successful careers that ended up in senior corporate positions. Even though subsequent WoB appointments appeared easier, WoB interviewees reported that their first appointments would not have been possible without their success as corporate executives that got them noticed and invited. The WoB respondents indicated to have lived in decent housing and this was indeed confirmed where some interviews were conducted in the WoB homes. Indeed, one of the respondents indicated that she easily moved her residence close to her office after child delivery so she could comfortably commute to work.

The study finds that corporate boards in Kenya are largely elitist where being known in the elite circles or bearing the name of a prominent person counted for much. Prominence also ap-

peared to be related to the 'old boys' club who schooled together in post-independence Kenya and later the schools that WoBs attended that were famous and prestigious at the time.

### **7.3.2 Gender and ethnicity**

The relationship between ethnicity and governance is a complex one as it can be manipulated to discriminate against a particular ethnic group. Ethnicity is commonly used in determining various positions in Kenya. Aspirants generally appeal to their tribes for support and bargain for favours and leadership positions. However, this did not seem to determine women getting on boards. In fact the names mentioned by the women as those who supported and or proposed their names for nomination to boards were mostly from different ethnic communities.

### **Conclusion**

This chapter brings forth a contrast between women's and men's views with regards to struggles in the board journey. In terms of career ambitions, both male and female respondents were determined to succeed but with women waiting for board opportunities to be offered to them. Spousal relations also shaped board journeys differently for men as it did for women. While husbands indicated support for their wives' professional advancement, the women had to ensure their houses are well managed in addition to careful negotiation with their husbands for professional engagements.

From this chapter, it can be concluded that women may not as easily access boards as their male counterparts for the belief that such a responsibility would require the women to compromise other important family related goals in life.

### 8.1 Introduction

The aim of this WoB study was to investigate the low representation of women on boards in Kenya with an interest in exploring the interconnection between rules of interaction and board representation. The study sought to answer the question of how formal institutions on the one hand interact with informal institutions on the other hand at different life stages of a woman to perpetuate the low representation of women on boards in Kenya.

The first research objective was to establish the general characteristics of board composition in publicly quoted companies in Kenya. This study established that Kenyan corporate boards are largely male-dominated with a minority having one WoB and most having none at all. Board members are generally native Kenyan, male, above 55 years and significantly older than their female counterparts. Academic qualifications of bachelor's degree and above are a requirement for serving on boards and most directors have served in their current board positions for at least three years. This observation led this study to deduce that the WoB situation in Kenya is not different from other more advanced countries (Catalyst 2012). However, the changes in the recent figures from 12% in 2012 to 21% in 2017 suggest that some African countries are catching up faster than Western countries. Whether the trend will be sustained remains a matter of further investigation.

The second objective was to explore the institutional factors that hinder women's participation on boards in Kenya. The study observed a myriad of entrenched institutions both formal and informal at play around the WoB issue. The formal institutions include laws, conventions and organizational policies while informal institutions include cultural norms, beliefs, traditions and gender stereotypes. The institutions have both local and international influence.

The third objective was to examine how formal and informal institutions interact to affect women's representation on boards in Kenya. The study observed that the nature and level of women's representation on boards is restricted by persistent patriarchal relations throughout the professional life of Kenyan women. From the diverse perspectives sought, analysed and triangulated, it is clear that the obstacles and even perceptions about these obstacles tended to be 'gen-

dered'. Despite the structural limitations, this study finds that women with agency have used their knowledge of the structural context to support their actions, which have tended to produce the desired outcomes for the women who succeeded. Indeed the realities point to the need to navigate and challenge the stereotypical and traditional conceptions of gender as this concluding chapter will expose.

The study employed a multiple methods approach to broaden the understanding of WoB beyond determining the current status. The study combined both qualitative and quantitative methodologies in equal weight, which brought the virtues but also the challenges of respecting numbers and peoples voices at the same time. Consequently, the use of a multiple methods approach enabled inference from data from multiple sources in a manner that brought out the gender power dynamics while taking cognisance of the social and historical contexts of the research population.

This final chapter now provides conclusions from this dissertation and recommendations for the improved inclusion of women in the boards of Kenyan companies listed on the NSE. This chapter also presents a summary of each of the preceding chapters and demonstrates how this study contributes to WoB literature and policy regarding women efforts to access power. The chapter finally highlights outstanding gaps that future research could address. Recommendations are categorized to various players identified in the conceptual framework as 'bearers of gender' which include the women themselves, spouses, aspiring women, employing organizations, policy and regulatory institutions.

Chapter one introduced and provided a background to the study, set the research objectives and highlighted the research problem that necessitates the study. The societal context was explored where gender diversity and particularly the WoB dialogue was perceived as 'sensitive' and a women's issue.

Chapter two introduced key concepts relevant to the study, presented existing literature from a developed and developing markets context, culminating in a conceptual framework that guided the rest of the study.

Chapter three introduced the research methodology adopted for this study, highlighting the research questions, adoption of multiple methods and instruments used to gather the required

empirical data. The chapter also highlighted practical considerations made and lessons learnt in fieldwork.

Chapter four presented the findings from formal institutions as coded in laws, conventions and organizational policies. Public institutions addressing gender inequality in Kenya were also highlighted. The chapter concluded that well intended formal institutions tend to perpetuate the marginalization of women when influenced by embedded informal institutions like cultural norms and traditional practices.

Chapter five presented findings from surveys conducted with board directors and HR executives. The findings highlighted gender differences in perceptions among the sitting directors and HR executives, with men showing far less understanding of the problem than women.

Chapters six and seven presented the voices of the aspiring women directors, WoB and the spouses of WoB. The chapters brought out the hurdles that women have to negotiate in their career and board journeys, and the contrast of views between men and women. The chapters concluded that success does not imply the absence of hurdles but the result of women's ability to recognize the hurdles and negotiate at every level of their professional lives.

## 8.2 Key messages from empirical data

It emerges from the empirical data that the interactions between formal and informal institutions, that affect women representation and participation at the top leadership of corporate organizations, is complex and contextual. This interplay occurs through the various stages of a woman's development from birth, in her childhood, schooling, early in career, senior management and board representation. However, the interactions are not in a mutually exclusive order and the extent of influence is embedded in the contexts of family or households, the employment organizations, society, and the structures generally termed 'bearers of gender'.

From the empirical findings, there are key messages that point to the importance of mentorship for WoB and particularly attributing the WoB issue to the lack of role models at almost each and every stage of the board journey. However, there are also paradoxes that remain unresolved in this study. The paradoxes are with regard to spousal support and male figure-heads, intra

household division of labour, and mentorship and sponsorship as depicted in the section that follows.

### 8.2.1 Spousal support and male figure-head

This study finds support of the husband being critical to the success of women leadership, requiring either a fully supportive husband or no husband at all. WoB interviewees confirmed that receiving spousal support was vital for their career progression including for sitting on boards. Indeed, the husbands while pursuing their own professional careers were happy for WoB wives advancing in their careers and confirmed this support through moral and financial means. However, the support was evidently lacking where it was required most; in household chores and childcare. This study did not find examples of husbands who gave ‘moral’ support and also did household chores. WoB indicated that they did the majority of the housework even when they worked full-time. The double standard of this spousal support is an issue that this study did not unearth. Aspiring WoB on the other hand blamed their career struggle on a lack of spousal support or having to seek spousal consent for career moves as a way on negotiating the board journey.

The study thus views spousal support as critical in freeing the women to pursue career and board work. WoB require husbands that support them fully. Supportive husbands, in this study, are helpful on the women's career side but turn a blind eye to the burden of women's household work. Husbands sharing in household tasks and childcare remain elusive in Kenya.

### 8.2.2 Intra household division of labour and bargaining

The spouses of WoB radiated joy that their wives still cooked and served them at home. WoB didn't think their husbands cared what happens with domestic work. The WoB continued taking household work responsibility even where house help was engaged and continued the same upon the exit of house help.

Women in Kenya largely have hired house help but still feel very responsible for household and childcare through the internalization of the gendered social norm that women remain solely responsible for the household work even when there is hired help. Women continue to instruct and control the help as well as choose to cook certain dishes even though the help could do it or

the husband could learn to do it. In Kenya, WoBs can afford house help and most children attend day school in early education hence spouses can share household work evenly. This situation however seemed to free the husbands even more from household work. Persistence of gendered roles in Kenya seemed to be perpetuated not only by men but also by the women themselves, perhaps to experience the social and personal benefit of fitting in to their social roles and spousal interaction. Social capital in the family was further evidenced by women who have to rely on others, like house help to rise to the top and their mothers, who also have to share in the 'penalty' of childcare as a way of negotiating the board journey.

### 8.2.3 The role of mentorship

This study finds that aspiring WoB had to opt out of their careers during child bearing to focus on motherhood and further studies. There is a clear message from this study that career women need mentors, family connections and relevant networks to provide motivation and support throughout their career. A more inclusive 'old girls network' might be one possible vehicle but without the exclusionary tendencies so as to allow access to all women of all kinds who are or aspire to be on corporate boards. But rather than serving as a platform to distribute top positions, an old girls network would rather provide mentoring for younger women, coaching them to access board positions on their own behalf. Organizations can help women find mentors or a board of mentors both within and outside the organization. Such mentors could provide formal support for women career advancement whether through executive on-boarding, coaching and special training for significant career transitions. Mentorship for career transition is especially important during a career break or moving to a part-time less demanding career track, usually because of maternity, childcare, care of elders and likewise when the women are ready to return to work in a more traditional career path. Mentors should be leaders who have followed both traditional and non-traditional career paths because this study observed that at times a simple career ladder does not work for women but rather a portfolio that allows a broader view of competencies through lateral moves to broaden experience.

The HR executives survey results showed the importance of mentorship for WoB where organizations established consistent, enterprise-wide processes for identifying high potential women and monitored emerging women talent. Even though the survey indicated that leadership development and training opportunities favoured men, the WoB benefited from short international assignments early in their careers before they became restricted by family commitments. This emphasizes the need for accelerated mentorship and development programmes that focus on networking and risk-taking skills, using peer feedback to build self-awareness and include training on personal branding.

#### 8.2.4 Beyond mentorship to sponsorship

This study, having looked at the life trajectory of WoB deduces that women need exposure and experiences that propel them to senior executive positions and boards. This will require cross-company high-level advocacy that transcends traditional mentoring programs. The study observes that Kenyan women even with clear leadership competences had to be urged to join boards. At the same time WoB are given the signal that they are less competent leaders than the men and expected to speak out less at board meetings. Most interesting is that the male board members hope to vicariously benefit from the women's skills and contribution without having to acknowledge the source of those skills. Competence in such gendered board dynamics did not appear about the individual woman's human capital but as perceived by the appointing authorities and existing board members who were largely men. It is perhaps this perception that contributes to women having lower confidence in their own abilities and not outrightly pursuing board positions. This paradox calls for sponsorship beyond mentorship and advocacy beyond guidance as a way of negotiating the board journey.

Mentorship may not overcome the 'unintended hurdles' that are abounding to protect the status quo thus marginalizing women in senior leadership. In an environment with severe historical marginalization like Kenya, sponsorship portends a greater impact on advancing women into boards. While mentoring was seen to provide coaching and support for the development of personal leadership qualities, sponsorship by assigning specific accountability to serving board members for the advancement of aspiring WoB is recommended, in deliberate and intentional ways that get women to access and serve on boards.

Since sponsorship tends to be aligned with the changing career and professional needs of the women, sponsors can help ensure women enter and remain in the relevant informal networks. Unlike mentors who are often outside the individual reporting relationship so that it's easier to share personal development challenges, sponsors should be WoBs and appointing persons in the same or related organizational units so that they are well positioned to identify developmental and promotional opportunities for the high potential women.

### 8.3 Conclusions

The study extensively observes that power imbalance between males and females is displayed both in personal and institutional spaces and reinforced by the legislations meant to address the WoB issue especially through traditional beliefs, gender stereotypes and cultural norms. There is empirical evidence that Kenya is putting effort into addressing gender inequality on corporate boards as demonstrated by the various interventions, laws and policies. However, the stereotyped structures and behaviours of both men and women seem to continue in Kenya. The following are indications of the remaining challenges in addressing gender equality on corporate boards.

#### **a. Historical gender inequality**

In Kenya, leadership has historically been perceived as masculine. There is a tendency of leadership falling in the network of the 'boys' who fought for independence, the 'boys' who were first in formal education, to the 'boys' who took over power from the colonialists. Indeed the study findings reveal that social norms do not associate women with leadership in Kenya. The social networking effect seems stronger in Kenya partly because of culture but also from a historical perspective of colonization.

#### **b. Low awareness of gender diversity**

Appointing authorities and existing board directors appeared to have low appreciation for gender diversity and how they could possibly contribute to the debate. From the director survey, the respondents indicated to have gender diverse boards even though in the immediate question they

indicated that there were no female directors in the same boards. The survey with human resource executives equally indicated equal treatment with regards to HR practices even where the outcomes favoured male employees. This low awareness has the tendency of having a negative impact, especially on board gender diversity that may be seen as a non-issue or at best, a women's issue.

### **c. Scarce sex disaggregated data**

At the time of this study, there was hardly any sex-disaggregated data on board diversity that is documented in a systematic way. The NSE listed companies, which this study targets, were not required to disclose gender metrics in their board composition as part of their reporting requirements. The absence of such data implies that the magnitude of gender disparity on corporate boards could be underrated, resulting in few programmes addressing the situation in Kenya.

### **d. Legislation**

The Kenyan laws reviewed in this study generally addresses non-discrimination and equality, which applies to many other aspects, not just gender. The only law that was found explicitly about gender representation at senior and board levels is the Constitution of Kenya which goes further to provide for gender diversity and inclusion up to a maximum of two-thirds.

While Kenya has put efforts into establishing mechanisms and support structures, including a ministry and a commission dealing with gender matters, increased compliance and enforcement of gender legislation would be helpful in ensuring the successful implementation of gender equality policies.

### **e. Slow domestication of international gender responsive models**

It appears from this study that the ratification of international laws and conventions do not necessarily result in implementation and when implemented, the monitoring of laws appears to be limited. The gains of implementation in enhancing gender equality policies can therefore not be realized.

Discussing WoB is more difficult in developing countries where tracking has not been the normal practice, thus this study tries to provide a framework from which other studies can be conducted and theories developed or tested in Kenya.

From the literature review, past studies and now empirical data, the type of interactions between formal and informal institutions, differs according to actors involved, the methods used to

get women on boards, how board functions are organized and what it means to a woman being on a board. This study concludes that gender inequality in boards is visible and severe notwithstanding that Kenyan women have the relevant education and professional experience, and are thus ready to serve on boards.

Achieving gender equality and women representation on boards remains a complex issue. Historical disparities, cultural biases, patriarchal mind-sets and traditions and gender stereotypes are abound in the informal institutions discussed in this study. These institutions obstruct the structures that are meant to ensure gender equality on boards. The challenge is to sustain concurrent efforts in maintaining conducive formal conditions while addressing informal institutions like cultural norms and gender biases. While Kenya widens spaces to increase female labour force participation, employing organizations both public and private, must be pro-active in granting opportunities that allow women to advance into leadership positions.

#### 8.4 Recommendations

The key insight from this study is that Kenya does not need more formal institutions of laws, policies and rules. But rather a change of ingrained thought patterns of informal institutions in all stages of a woman's life and career as well as in the corporate governance processes of companies. This study therefore recommends a shift of focus from formal institutions to informal institutions in the support of women on boards in the context of Kenya. It suggests negotiation with informal institutions in a manner that promotes gender inclusion and harmonious coexistence so as to increase women on boards to a critical mass. Of critical importance is the widespread availability of role models to increase the acceptance by both men and women that different norms and roles are actually quite normal. Specific recommendations and actions are elaborated in the sections that follow.

##### **8.4.1 Balance the responsibility for care work in the household.**

This study recommends that boys and men intentionally get involved in supporting WoB by getting household work done. When the spouses of WoB share household chores and make de-

decisions as a team of true marriage partners and women are involved in business, economic benefits are set to accrue to the family. WoB may see it as normal when someone else shoulders household responsibilities when their male counterparts support this view. This requires role models among business and political leaders who are taking part in running their homes. Perhaps the next generation in Kenya could sustain gender equality if children see their fathers doing housework and mothers pursuing career and leadership roles in equal measure. A government campaign widely broadcasting such visible and acceptable role models could cause a shift in traditional role-patterns. Showcasing role models is not confined to government alone. The corporate world plays an important role as well. Commercials for consumer goods could portray family life with fathers doing household chores and mothers engaged in work outside the house. Civil society and lobby groups could openly challenge gender role expectations and concepts like “housewife” and “breadwinner” to weaken their role in public discourse and profile female-headed households.

Ultimately such a combined effort may help create an environment where husbands share in the household work without waiting to be urged nor wives shying from asking for their spouses’ participation in housework.

#### **8.4.2 Support for girls doing business and leadership oriented school subjects**

Mentorship in schools, when implemented, support with encouraging girls to take leadership positions in school and later in life. In co-education schools, it can be expected that class leaders who are girls will aspire at being leaders in society later. Thus, in addition to role models for younger girls, experience with leadership at an early age could prepare women for boards.

The Government through the Ministry of Education can run campaigns aimed at encouraging girls’ participation in business and leadership courses. The current free primary and day secondary education in Kenya, as well as the plan by the Government to offer free meals could go a long way to encourage parents to send their daughters to school and to pursue technical subjects. In addition to technical expertise, women may be trained, encouraged and mentored on how to be ready for boards.

Employing organizations while addressing stereotypes embedded in HR policy and practice may challenge the stereotypical narrative of women and ambition through affirmative action initia-

tives geared towards potential female candidates. For the women who have had some leadership experience, regular performance feedback and direct involvement with WoB aspirants may increase their self-belief and systematic career moves that lead to the board. Further, the study recommends the engagement of HR executives in identifying gaps and lobbying for more gender equality in company labour policies, regulations and practice.

#### **8.4.3 Training on gender and developing board attributes**

Empirical evidence on gender stereotypes in this study indicate that being female has a negative impact on attitudes towards leadership, hence women are at a disadvantage navigating these stereotypes. The study, thus recommends that aspiring WoB highlight, develop, refine and promote their most suitable personality for the board in an authentic and impressive manner. This requires formal training and exposure to development environments where these personalities are weak or lacking. Gender trainings could be offered by professional organizations and perhaps even be required by the NSE for every board member.

Education and professional development alone has been found insufficient to improve WoB representation. This study found a clear gap in the presence of women in the right networks. Whereas access to such 'right networks' is not easy, networking skills are critical. WoB could seek training on how to network and make themselves seen and noted outside their inner circles. Equipping women with the skills to improve impact and be more influential will increase their confidence in talking about and promoting themselves.

Training on gender, interpersonal skills, professional appearance and good communication skills may prove important personal attributes. It should be a deliberate HR policy of the employing organizations to develop some of these attributes through mentorship and female talent pools. Such policy could include internship stints serving on the board of a subsidiary or a small non-competing company even if for charity.

Professional networks have to become proactive in campaigning for WoB and actively take steps to ensure more WoB. One such step could be establishing a Women's Register for pur-

poses of board appointment including women in non-traditional professions and industries. The Women's Register may then be supported and promoted by the Government.

#### **8.4.4 Monitoring women's representation in boards and the level below**

Integration of gender diversity into principles of good corporate governance in Kenya is a good step in the right direction as it will enable the availability of sex-disaggregated data. Thus, Regulatory Authorities and the Registrar of Companies should begin to collect and share with the public baseline data on gender composition of the boards of the organizations that they regulate. This may make the listed companies accountable and help with tracking progress on gender inclusion as well as address any setbacks. At the same time such a register could highlight the position that women already play in boards and thus serve as role models for aspiring girls and women. In particular, the CMA may require all companies listed at the NSE as part of the reporting requirement to disclose gender diversity in board composition. The regulation on reporting should require a 'comply or explain' aspect, together with the relevant sanctions. In fact, CMA could consider introducing gender equality as part of the listing requirement for new companies seeking approval to join the NSE.

In monitoring progress on compliance with the Constitution, the NGEC may consider collecting and sharing with the public, data on the number of men and women appointed to positions in public boards and commissions. Beyond the publication of names, the NGEC may implement purposeful publicity campaigns for WoB role models. Further, the Government may require of NGEC to account to the public on the discharge of its functions as spelt out in section 8 of the NGEC Act.

Civil society, including professional associations in Kenya, may seek and lobby for board vacancies since they have records of their women members who are ready to join boards as well as a growing database of qualified women trained in corporate governance, with integrity and competence.

Various initiatives could help boards and management build consensus around accountability for gender inclusion include sharing research results on the value of inclusion and confronting gender metrics through transparent reports on diversity in human resource practices such as hiring, compensation and promotion. Boards can require HR executives using technology and data

to identify gender patterns and measure progress of gender diversity and inclusion as well as monitoring women's representation on boards and the level below. Organizations can consider budgetary provision for such tools or even start by using those available freely online.

#### **8.4.5 Networking beyond specific women's forum**

Networking opportunities need to involve men as much as women, especially given the role most men play in recommending people of their network for board appointments. Active participation of women in networking could change the paradigm within which women are viewed. The Government and civil society can host networking events with a focus to generate board development opportunities and connect women to boards and mentors.

As this study confirms, most board appointments in Kenya continue to be made largely through informal referral processes where existing directors depend on their circles, making it difficult for 'strangers' to enter the boardroom. Even where companies chose formal processes, only those familiar women with highly visible roles are appointed hence the need for networking. The WoB, just as the aspiring WoB, require improving their networks to draw the attention of boards and gain access to business leaders' circles. While at the board, networking should continue since some pertinent discussions tend to occur informally before board meetings.

WoB aspirants may invest in social capital through networking both physically and virtually. The other aspect of social capital that seems beneficial is WoB relying on others like house help and mothers or sisters to rise to the top. Quality of baby minder and house help is thus an important consideration for WoB.

Although the WoB aspirants may generally not fit in the typical venues and events for male networking, bonding sessions can be made more gender neutral. Such sessions need to be deliberate and scheduled for establishing and maintaining personal relationships with colleagues and associates. Professional and business networks are equally important for generating goodwill with stakeholders as well as gaining political power and influence, necessary for gaining board appointments. Where WoB aspirants have joined the relevant professional associations and deposited their updated resumes for possible board vacancies in the industry, the professional associa-

tions could increase visibility and reduce the gap between WoB aspirants and employing organizations.

Social media may also play an important role in raising awareness and providing board vacancy information and professional development opportunities. Professionals, particularly women are increasingly using social media platforms, like LinkedIn to network and communicate, thus transcending boundaries of traditional media through online media platforms.

Following on the strong and exclusionary power of networks observed in Kenya, WoB requires sponsorship to boards by appointing authorities and existing directors. The sponsorship should go beyond board entry to building the standing and confidence while on boards. The WoB therefore have an opportunity to be the catalysts that could improve aspiring women's access to boards. Kenyan WoBs could thus actively encourage and be involved as prime networkers who alert aspiring women to board opportunities and campaign in the boards for the appointment of such aspiring women.

#### **8.4.6 Engendering board processes**

This study recommends professionalized board electoral processes that create a favourable environment for women to compete fairly. Such efforts include collaboration with recruitment agencies and professional associations to provide suitably qualified candidates and a rich talent pool for WoB. This may help reduce reliance on personal connection and recommendation of directors by existing board members or CEOs in Kenya. Past board experience should not be prioritised as a major consideration on women who are qualified with the right abilities and skills. This is due to Kenyan women previously having been historically excluded from the board. Gender biases found to impair transparency in the board nomination process, including the information on board vacancies, seemed to allow boards in Kenya to heavily rely on the 'old boys' network of friends and existing board directors. Initiatives like formal recruitment policies may afford both male and female candidates equal opportunities to apply and be selected for board positions. The minimal directors' appreciation of the role of recruitment agencies and professional associations in board recruitment limits their use in accessing a wide pool of female talents for boards.

The company secretaries can ensure formal board induction programmes to bring on-board new members. With the culture of exclusive male networking, the women joining boards re-

ported difficulties in developing the trust needed to effectively operate on boards in Kenya. This study recommends that organizations establish board policies that include gender inclusion, properly implement follow ups with suitable board induction, development and performance evaluations where they're non-existent.

Aspiring WoBs are encouraged to negotiate the gender hurdles, be determined to progress in their education and professional endeavours without allowing the conflicting demand of work and home to derail them. This requires support from the family without undue pressure to get married and have children early. Even when marriage and children arrive, investment in support structures is important for childcare, errands and household work. Without a proper support structure, it is not easy to have a fulfilling career and be a mother and wife. Aspiring WoBs should thus counter narratives that require them to be superwomen, excelling in career, motherhood and housework all at the same time.

The HR executives should adequately institute corporate human resource strategies that groom the next generation of WoB, by recognizing women's managerial styles and putting in effort to increase the number of women in the board pipeline. Where such diversity strategies exist, they should be driven by the CEO and the Board and not abdicated to the HR office. Such processes could eliminate unconscious bias in the organizations by focusing on data, transparency and accountability. In order to close the gap between what is said and what actually shows impact, the CEO should own and drive accountability among organizational leadership at all levels. Where the board and CEO commit and implement a comprehensive gender diversity and inclusion strategy gender diversity may weave into various aspects of the talent life cycle. Such a strategy becomes corporate infrastructure practised by everyone and owned by all line leaders as a business responsibility beyond the HR department, in a manner that increases employee commitment, presenting a better brand, and thus driving performance. A personal commitment to gender balance by those who can influence the appointment of women to boards and leadership positions is therefore recommended.

### 8.5 Contribution to literature

The findings of this study add to the existing literature on gender diversity on boards by exploring how formal institutions on the one hand interact with informal institutions on the other hand at different levels of the professional lives of women to affect the low representation of women on corporate boards. The findings are important as they provide empirical support for the need to address structural barriers that limit the representation of women on corporate boards. As discussed in this report, despite the availability of formal institutions of gender equality laws, policies and practices, informal institutions influence the outcome of their application at all levels and in all directions. The study also contributes to the understanding of gender legal equality as it relates to women's agency and empowerment in a manner relevant to the ongoing constitutional implementation efforts around the 'two thirds gender rule'.

The study contributes to on-going debates on social justice in the case of gender diversity in corporate boards, affirmative action and gender quotas as well as tokenism versus critical mass. Further, and considering the changing corporate legal and regulatory framework in Kenya, this study contributes to the debate on gendering corporate governance and the requirement to 'comply or explain' in gender audits.

The foregoing analyses highlight the importance of considering contextual factors when studying the low representation of women on boards. Past studies and existing literature on WoB are largely on Western developed economies, sampling large firms with a collection of historical data. Such studies have tended to bench-mark and track the progress of WoB. This study in Kenya has gone beyond describing the WoB status to exploring literature on the underlying factors using an elaborate analytical framework that links theories and concepts to address the research problem. The study contributes to WoB literature from an emerging economy perspective unlike most of the past studies that have tended to use data only from more mature economies. Even where there is a focus on developing regions like the World Bank studies, the literature has mostly adopted a poverty approach and not so much focus on the middle to high-income women which this study targeted in Kenya. The study has the potential to fill a gap in the literature given its focus on the representation of women in corporate boards in Kenya, which has not received as much attention as for instance the issue of political representation of women.

Earlier studies attribute the WoB challenge to the individual women, the organizations or the state whether separately or collectively. This study has clarified the interaction between formal and informal gendered institutions. By combining qualitative and quantitative research methods, this study makes a methodological contribution that broadens the understanding of the WoB issue beyond determining the current status.

Past studies that have looked at the constraints to women accessing and succeeding at the board, have only discussed WoB issues at the maturity stage. It is however clear from this Kenyan study that some of the hindrances emanate from female child development and human capital or lack of it in earlier stages of life. Other studies have explored social networking but even then, focused on the later stage of the professional development of women. Therefore, this study fills the literature gap by highlighting the gendered interaction from those earlier stages through the trajectory of professional life as they impact on WoB.

Finally this study contributes to literature on corporate governance by studying the link between informal institutions to successful women representation on boards. Other studies on the impact of informal institutions have focused on the constraining side only. This study brings out the supporting side of informal institutions as a result of bargaining and negotiation, especially where the formal institutions may be non-existent or ineffective. The understanding of these interactions between formal and informal institutions is important to various audiences including individual directors, employing organizations and policymakers, who may distinguish between policies and practices that improve the general advancement of women to the board from those that are gendered and address them appropriately.

#### 8.6 Areas of further inquiry

This study has explored how informal institutions interact with formal institutions to influence women representation on boards. However, it may be useful that future research assess how women's access to board positions influences gender inequality among subordinates in Kenya. Such a study could help answer the question of aspiring women struggling to access top

positions even where there are already some women in their boards. Findings of such a study could help determine whether WoB are catalysts for change or a demonstration of institutionalized gender inequality.

Listed companies that formed the population of this study are bigger and structured. To get a different perspective on the interaction between formal and informal institutions as it affects WoBs, another study could explore whether similar gender dynamics are experienced in smaller and family-owned Kenyan businesses.

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**Millicent Omukaga Curriculum Vitae**

Millicent Omukaga was admitted to the PhD Program at the ISS, Erasmus University, Rotterdam, The Netherlands in July 2012. She has masters in Business Administration (MBA) and Bachelor of Commerce degree (first class honours) both from the University of Nairobi. She obtained her MBA at age 27, making her one of the youngest MBA graduates of her time. She is a certified Banker and Certified Public Accountant of Kenya. She has presented widely in the area of development and inclusive finance, including AfDB Annual Meetings on rural and agrifinance 2017, 2018, Ag-revolution Forums (AGRF), AFRACA policy dialogues, High Level Ministerial Dialogue in Agrifinance in Abidjan 2017, Fin4Ag in Kenya 2014, Development Dialogue on Bridging Voices, The Netherlands in 2013, Microfinance and Capital Markets Conference, WWB, New York, USA in 2012, Banking on Women and the Most Vulnerable, AFRACA Conference, Uganda in 2010.

Millicent has extensive development experience in Kenya and Africa (21 years). With a strong focus on financial services and inclusive finance in Africa, she has worked for several financial institutions and advised development and implementing agencies in Kenya. Drawing on her PhD research on corporate governance and gender, Millicent steered the transformation of financial institutions, working successfully across institutional boundaries. She has also set and led high level policy dialogues including ministerial round tables for development, rural and agricultural finance in the region. In public service, Millicent steered operationalization of the National Research Fund (NRF) for Kenya in 2014. She was a Commissioner for University Education in Kenya where she championed financial prudence, regulations and standards in universities. Millicent has served in various corporate and NGO boards as a director and advisor and currently chairs Women Economic Empowerment Committee in Kenya's Gender Sector Working Group.

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