

# A Study on Compliance with the Two-Thirds Gender Rule in Appointments and Promotions of Staff in Public Universities Elevated In 2012 And 2013

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**Abstract-** The study sought to analyze compliance with two-thirds gender rule in appointments and promotions of staff in new public universities chartered in 2012 and 2013. Specifically, the study determined the gender composition of staff appointed or promoted after the provision of the gender rule in the constitution. The study used the survey research design that had a population of 15 public universities elevated in 2012 and 2013 and a sample size of six. Interview schedules were used to collect data from the sampled universities. This data contained gender of staff per staff division and staff level in appointments and promotions made in 2011, 2012 and 2013 and were analyzed using percentages. The findings showed that in total, men largely dominated appointments at senior level (66% males to 34% females) but there was no big difference in appointments at the middle level (51.2% males to 48.8% females) and support staff level (56.6% males to 43.4% females). In the teaching staff, men were the majority (64.6% males and 35.4% females) while no major discrepancy was noted in the non teaching staff (56.8% males to 43.2% females). Overall, 59.8% males and 40.2% females were appointed in the five universities in 3 years. Just like in appointments, promotions of senior level staff were dominated by men (69.5% males to 30.5% females). Men equally featured in the promotions at the support staff level (76.5% males to 23.5% females). There were no major discrepancy in promotions at the middle level staff as 44.2% males and 55.8% females were promoted. Promotions in the teaching staff were skewed towards men at 70.9% males and 29.1% women while it was almost gender balanced in the non-teaching staff at 51% males and 49% females. Overall, 65.3% males and 34.7% females were promoted in the five universities in 3 years. In conclusion, the two-thirds gender rule is complied with in the consolidated appointments and promotions of staff in the five universities. However, when appointments and promotions are broken down into various units such as staff levels and divisions, non-adherence is observed. The study recommends that when appointing and promoting staff, the gender rule consideration should be done per section and units rather than for a whole unit.

**Index Terms-** Appointments, Promotions, Public Universities, Two-thirds gender rule

## I. INTRODUCTION

Public universities are institutions of higher learning chartered by the Commission for University Education. They are usually funded by the government and ran by government appointed personnel. These personnel draw their remuneration from the public coffers and as such they are expected to adhere to government regulations regarding public service. This also requires them to comply with various guidelines and laws that have been put in place in order to foster the expectations of both the public and the government. The government has several roles of which it uses public organizations and institutions to implement. Some of these roles include and not limited to enhancing gender equity in serving its citizen.

Gender equality has been an issue in many public and private institutions. Many a time, one gender –mostly the feminine gender has always felt discriminated, under-represented and dominated by the other-often the masculine gender (Herbling, 2013). This has triggered a lot of protest and activism to challenge the vice. Many conferences have been held where women were informed of their rights and encouraged to rise against the vice. Indeed it is from such workshops; activism and campaigns that women get the spirit to show their ability and also challenge the status quo. As noted by Onsongo (2006), women activism in the world all over, has been successful in creating the legal framework and constitutional changes that have enabled women to attain positions of power and leadership. Subsequently, this activism has seen some women being elevated to positions that were initially assumed as ‘men’s only Club’ jobs. Onsongo (2006) further says that the ‘women jobs’ were mostly perceived to be inferior, less prestigious besides being lowly paid. She says that this happened despite the woman having the same qualifications, skills and experience required in carrying out the tasks of the job. This encouraged further activism and gender diversity campaign to the current situation we are in, where legislation has been enacted to ensure gender representation and equity in the work place.

The constitution of Kenya recognizes gender representation as one of the values and principles of public service. Paragraph (i) of article 232 states, “the values and principles of public service include affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service, of- (i) Men and women, (ii) members of all ethnic

groups; (iii) and persons with disabilities” (Constitution of Kenya, 2010).

To this end, to satisfy part (i) above, all public organizations and institutions are expected to consider gender equality when making appointments and promotions among other personnel functions.

Gender representation is further enhanced by provision in the constitution of a gender diversity clause which states that no more than two-thirds of employees of any public organization should be of the same gender (Constitution of Kenya 2010, Article 27(8)). Although the two-thirds gender rule is silent on the beneficiaries of the clause, it is certain it benefits women most as they are the ones mainly underrepresented. The rule ensures their consideration in situations in which they would not have been considered was it not for the rule. This being part of the law; all appointing authorities in these organizations are expected to comply with the rule.

Nonetheless as noted by Onsongo (2006), it has been very difficult to achieve equity without direct intervention from the government, even where, as in the case of South Africa, the constitution and other regulations make provision for women to be given equal rights to job opportunities and positions of power. In other words, regulations and legislation does not imply direct implementation of gender equity. This means that despite the provision in our own constitution that no more than two-thirds of appointments shall be of the same gender, scrutiny of the public institutions may prove otherwise.

In closer look on implementation of the rule in some public sectors, non-compliance has greatly been noted. For example in elective positions where the rule was supposed to apply, it failed to work as was evidenced in the general elections held on 4<sup>th</sup> March 2013. Analysis from Independent Electoral and Boundaries Commission indicated that only 16 women were elected for the post of Member of The National Assembly compared to 274 men elected for the same positions. This put as a percentage, there was only 6% women elected as members of The National Assembly and 94% men elected to this position. The percentage is much below the two-thirds or 33% provision in the constitution. It is important to note that there was no woman elected for both the senatorial and the gubernatorial seats, (Esipisu, 2013). In the matter of the principle of Gender representation in the National Assembly and the Senate raised by the Attorney General (on behalf of the government of Kenya), to the Supreme Court for advisory the court observed that the two-thirds gender principle could not be immediately realized neither could it be enforceable in the two houses until August 2015 (Kenya Law Reports, 2012).

In the same vein, the County Representative contest displayed the same failure to meet the two-thirds gender threshold as only 77 women were elected (representing 6% ) compared to 1,393 men (94%) elected to the same position (Esipisu, 2013). This means that despite the legislation, it is still difficult to ensure gender representation in public organizations.

Looking at other findings of other public sectors, the same failure in gender representation appeared. According to Herbling (2013), the boards of Kenyan listed companies were out of step with the constitution requirement on gender.

Worse still, the report indicated that more than a third of the companies listed at the Nairobi Stock Exchange did not have

women directors by March 2013. The report further showed that only 20% of seats in the state-owned companies enlisted in the bourse were occupied by women. In a study report done in February 2013 and titled ‘Bringing the other half to the board’ Muturi (2013) as cited by Herbling (2013) said that there was no deliberate effort in gender consideration and that the process of appointment seemed to be gender blind. This is despite the government’s legislation on two-thirds gender rule.

Moving on to appointments made by the government especially the cabinet Secretaries, all was not lost as report showed that the president ensured the two-thirds threshold was met. However the appointment of the Principal Secretaries did not meet the constitutional provision on two-thirds gender rule (Burrows, 2013) and that of the media team was faulted by the Gender and Equality Commission which said that its composition was biased towards men (“Uhuru faulted”, 2013).

A few years ago, the government elevated technical colleges and campuses of universities to University Colleges and finally to full –fledged Universities. There are currently fifteen new public Universities that were approved by Commission for University Education and awarded charters in 2012 and 2013 (CUE Brochure, 2013). As a result of change of status, the Universities made many appointments and promotions in various positions. Most of these appointments were made after the promulgation of the constitution of Kenya (2010) which provided for the implementation of the two-thirds gender rule. This study wanted to know whether the findings on gender noted in the public sectors mentioned above were consistent with public universities’ staffing. The study therefore analyzed compliance with the two-thirds gender rule in appointments and promotions of staff in public universities chartered in 2012 and 2013 and determined the challenges the institutions faced in trying to implement the rule.

### **Legislation of Gender Rules and their Implementation**

Over the last several decades, a number of strategies have emerged and evolved to promote gender equity in development efforts (Bryan & Varat, 2008).

Due to the rampant gender imbalances existing in organizations as depicted above, many countries have come up with legislations and guidelines to help bring the underrepresented gender on board which many times as observed earlier is usually the feminine gender. Sometimes, resolutions, covenants and agreements on gender ratified by countries are the ones that give rise to formulation of these gender policies. Some of these measures have been made collectively by countries or by regions and others by individual countries.

One example of such law on gender is the two-thirds gender rule enshrined in Kenyan constitution. The constitution provides that “Not more than two-thirds of elective or appointive bodies shall be of the same gender in public sectors”, (Kenyan constitution Article 27(8), 2010). With this provision in place; it goes without saying that the law has been put so that no gender dominates the other in employment opportunities. The clause becomes strong when read together with Article 232(1) (i) of the constitution concerning the values and principles of public service. Part of the Article reads “The values and principles of public service include affording adequate and equal opportunities for appointment, training and advancement, at all levels of the

public service of-men and women;.....". These policies having been included in the constitution make it mandatory for all appointing and promoting bodies in public service to consider the rule in their future recruitments. The big challenge now rests on the government to enforce this gender rule.

Gender Policies have also been made in other countries. According to GMI ratings (2013), in 2011, Italy passed legislation requiring its public companies' boards to be one-third female by 2015. This saw the percentage of female directors increase from 4.6% points in December 2011 before legislation to 8.2% in 2013 after the legislation, an increase of 3.7%. (*Governance Metrics International (GMI) -An independent corporate governance research firm. It does research on environmental, social and economical factors/issues affecting public companies*).

Another example drawn from the GMI ratings (2013) indicate that in January 2011, France National Assembly passed a law requiring French company boards to be 20% female in three years and 40% female in six years. As a result, GMI reports that female representation on the boards began to accelerate in anticipation of the laws adoption and rose to 9.3% in 2012 and to 18.3% the standing for 2013. Indeed the report indicated that the legislation led to recruitment of women who were highly qualified professionals, many of who were new to public board service in France.

Many other countries which were under the coverage of GMI had legislation ongoing for gender representation. For example, in Brazil, legislation is currently under consideration that by 2022 would mandate 40% female directors at companies where the government has a major ownership stake. In Canada the same legislation is being worked on and as this is happening, individual companies in the country have put up their own measures to ensure gender diversity. A similar initiative was being taken by India where legislation on having at least one female director in public companies was awaiting approval (GMI, 2013).

Therefore it is clear from the examples given that legislation on gender laws can help bring gender diversity in organizations. If the same implementation of legislations could be replicated in Kenyan public organizations, the country would reap the benefits of gender balance in the workplace.

However, it is important to note that legislation does not always guarantee gender diversity in organizations. Giving an example with Spain, the percentage of female directors as at 2013 was 9.5%, a decrease from the December 2011 percentage of 10.2%. This was despite the country legislating a requirement in 2007 to have at least 40% female in board membership in public companies (GMI, 2013). The same observations were made in UK. It was noted that despite the country targeting to achieve 25 percent female board representation in the listed companies by 2015, the percentage of women executive directors in 2013 was down from 6.6 percent in 2012 to 5.8 percent in 2013 (Maclead & Coffey, 2013). Therefore it means that it is possible to have laws in place but then fail to implement them. Another example is given by Kiamba (2008) where in South Africa there was a requirement of 30% representation of women in public service positions through a presidential decree which was never implemented.

In Australia, there was Equal Opportunity and Affirmative Action legislation in 1986. In spite of this, 12 years later, McCall et al. (2000) found out that women were still under-represented and tended to earn less than their male counterparts.

According to GMI (2013), one possible reason to why legislative actions have been less effective in some countries noted above such as Spain is lack of penalty for non-compliance by making gender diversity to be merely taken into account when public subsidies and state contracts are awarded.

From this discussion, it is true that legislation and effective implementation is a catalyst to gender diversity in organizations. This possibly explains why it has been observed that nations are becoming signatories of major laws, resolutions, declarations and other instruments that foster and provide for gender balance in the workplace and institutions. However, Maclead & Coffey (2013) in a report on an enquiry on executive women in the workplace in UK suggests that for maximum gender consideration, gender diversity should be owned and led by organizations themselves rather than mandated by government. This is because if the need for gender diversity arose from the organizations, it would be easier to have gender represented than when an organization would just be doing it to meet the laws of the land. Indeed as portrayed by West (2007), if gender balancing did not come from the organization itself and probably the law on gender done away with as it happened in California State, women would be on the receiving end on discrimination. She notes a situation in that state where voters in 1995 passed a proposition that forbid any state actor from giving "preferences" based on sex, race or ethnicity in making employment decisions, issuing contracts or providing any other state benefits. As a result of this abolition of affirmative action, there was increased discrimination on women at that University. She reports that the number of women new hires in the faculty fell by 10 points from 36% before the abolition of the affirmative action to 26% after the abolition and continued to decrease further. The worrying observations were made at one of the university's campus-University of California Davis Campus, which had previously shown gender consideration in new hires at 52%. Nevertheless, the figure dropped to 13% with the eradication of the affirmative action. This underlines Maclead's and Coffey's findings that gender considerations are best implemented when the need arises from the concerned organization rather than when it is a requirement by the government.

### **In summary**

Legislation of laws on gender such as Equal Employment Opportunity (EEO) and Affirmative Action (AA) are important towards gender representation in organizations. Nonetheless these laws and constitutional provisions are only helpful if proper mechanisms are put to ensure implementation. Proper guidelines on implementation and follow up and reporting systems need to go alongside legislation. Support is also necessary in terms of resources. In reality in many organizations that had gender mainstreaming programmes, it was noted that most of the coordinators of the programme complained of lack of support from the organization as a whole, starting from the top management, unwillingness of the management to implement gender measures and also being treated as a peripheral body that did not need much consideration and emphasis. The above

observation concurs with Braithwaite and Bush (1998) who as cited by Noble and Mears (2000) says “Five years after introduction of EEO/AA in Australia, staff in the universities appeared confused, ignorant and disinterested in the legislations; managers did not seem to understand the legislation and many did not recognize gender inequality as a problem. Consequently, these coordinators of the gender programmes felt isolated, marginalized and unable to participate in, or influence decision bodies (Noble & Mears, 2000).

If care is not taken, laws on gender can have negative impacts where one gender feels that the other is being given preferential treatment.

Gender diversity is best achieved when it comes from within the organization. But this can only happen if the organization understands and appreciates the importance and benefits of gender representation in the organization. The management of an organization is key to having a gender sensitive environment. It was noted that firms and institutions that had women as the top managers were easier to have gender represents in their organizations unlike organizations that the male dominated the management.

Other things that can effectively contribute to gender representation in the organization are providing an enabling environment for all genders. For example, each gender should feel embraced in the organization and be equally treated. Each gender should be given equal access to personal and career development and actions that may be interpreted as discriminatory should be vehemently condemned, discouraged and avoided.

## II. METHODOLOGY

The study surveyed fully- fledged public universities formed after the enactment of the two-thirds gender law. This involved determining the gender composition of staff in these new universities to verify whether they had fully complied with the rule, partially complied or whether they were moving towards or away from compliance.

### Population of the Study

The population of the study was the 15 new public universities that were approved and chartered in the year 2012 and 2013 (CUE, 2013). These institutions of higher education were chosen because being new establishments; they have had high need for recruitment and promotion to fill old and newly created vacancies, unlike the old public universities which were already stable in terms of need for employees. In other words, recruitment and promotions in these new universities was guaranteed hence offered a rich source of data and information for the research.

### Sample and Sampling Procedures

The study used a sample size of six universities. The number represented the number of old public universities that gave rise to the new Universities.

The study identified the mother of each new university. Where a university had one constituent college, the new university was automatically included in the sample. However, if a university had several constituent colleges, simple random sampling method was used to select the sample. One university declined the researcher’s request to collect data from it hence the sample size ended up being five.

### Data Collection Procedures

The researcher used interview schedules in collecting the data for the study. The interview schedules had tables where data collected was filled in. Data collection involved personal interviews with the key informants (senior human resource officers in charge of recruitment and promotion of staff). The interview involved asking questions that would help know the number of employees and their gender appointed or promoted in the university in the period 2011, 2012 and 2013 and the challenges they faced in trying to implement the gender rule. The answers to the question were then filled in the tables provided (see appendix IV). The answers were supported by the staff records maintained by the personnel office.

To help answer the question regarding the challenges recruiters faced in attempt to adhere to two-thirds gender rule, a senior officer in the human resource department who is actively involved in appointment and promotions of staff at each university under study was required to fill a one question questionnaire.

## III. RESULTS AND DISCUSSION

### The Study Components

The study investigated the composition of gender of appointments and promotions done in 2011, 2012 and 2013 in five universities namely; Pwani University, University of Kabianga, Multimedia University of Kenya, Karatina University and Laikipia University. The study had two components:

1. Appointments
2. Promotions

Each component had two sub-components namely;

1. Analysis for appointments and promotions in individual universities
2. Analysis for consolidated appointments and promotions for all universities under study.

The results of the investigations were put in percentages and presented in tables.

**Table 1**  
*Consolidated appointments for 5 universities by gender per staff level per year*

Senior		Middle				Junior					
Males		Females		Males		Females		Males		Females	
F	%	F	%	F	%	F	%	F	%	F	%

2011	42	66.7	21	33.3	21	48.8	22	51.2	49	54.4	41	45.6
2012	78	66.1	40	33.9	18	52.9	16	47.1	28	63.6	16	36.4
2013	39	65	21	35	23	52.3	21	47.7	5	45.5	6	54.5
<b>Totals</b>	<b>159</b>	<b>66</b>	<b>82</b>	<b>34</b>	<b>62</b>	<b>51.2</b>	<b>59</b>	<b>48.8</b>	<b>82</b>	<b>56.6</b>	<b>63</b>	<b>43.4</b>

Source: Field data (2014)

The results of table 4.32 show that in 2011, the senior level positions had 63 appointments. Out of this, 42 (66.7%) were males while 21 (33.3%) were females. In the middle level appointments, a total of 43 appointments were made, where 21 (48.8%) were males and 22(51.2%) were females. The support staff level had 90 staff appointments with 49(54.4%) being males and 41 (45.6%) being females.

The 2012 appointments had 118 appointments in senior cadre of staff, of which 78 (66.1%) were males and 40(33.9%) were females. The middle level staff had 34 appointments, 18(52.9%) males and 16(47.1%) females. In the support staff level, 44 employees were appointed with 28(63.6%) being males and 16(36.4%) being females

In appointments of senior positions in 2013, there were 60 staff, 39(65%) males and 21(35%) females. The middle level staff had 44 appointees, 23(52.3%) males and 21(47.7%) females. The support level staff had 11 appointees of which 5(45.5 %) were males and 6(54.5%) were females.

The ratio of male to female appointments at the senior level was almost constant for the 3 years and averaged at 66% males to

34% females. Males always dominated the appointments and almost forming two-thirds of the total appointments. At the middle level, the total appointments for the 3 years were almost gender balanced and averaged at 51.2% males to 48.8% females. The average appointments at the support staff was at 56.6% male to 43.4% females. Comparing the 3 staff levels, gender bias was more pronounced at the senior staff level. In addition, men always dominated the appointments except the appointments in the middle level staff of 2011 and the support staff of 2013. The above findings are similar to finding by Onsongo (2006) that women are underrepresented in executive, management and technical positions. Women were found to be well represented in the middle and support cadre jobs, underlining findings by Onsongo (2006) and Kulis (1997) that women are locked out of jobs that are perceived to be prestigious and only given opportunities to the lowly valued, less prestigious and inferior jobs. Since decision making positions are found in the senior level jobs McCall et al (2000), it is true that women are underrepresented in the top management of the universities.

**Table 2**  
*Consolidated appointments for 5 universities by gender per staff division per year*

		2011		2012		2013		Total F	Total %
		F	%	F	%	F	%		
Teaching Staff	Males	23	59	72	67.3	29	63	124	64.6
	Females	16	41	35	32.7	17	37	68	35.4
Non-teaching staff	Males	89	56.7	52	58.4	38	55.1%	179	56.8
	Females	68	43.3	37	41.6	31	44.9%	136	43.2

Source: Field data (2014)

Table 4.33 shows that in 2011, there were 23(59%) males and 16(41%) female appointments, while in the non-teaching staff 89 (56.7%) males and 68(43.3%) females were appointed. In 2012, there were 72(67.3 %) males and 35(32.7%) females appointed in the academic staff while the non academic staff was made of 52(58.4 %) males and 37(41.6 %) females.

In 2013, a total of 46 academic staff were appointed with 29(63%) being males and 17(37 %) females. In the non teaching

staff, 38 staff was appointed, 38(55.1%) males and 31(44.9%) females.

Gender disparity was highest in appointments of the teaching staff, at an average of 64.6% males to 35.4% females. In the non-teaching staff, the average percentage of male and female appointments over the 3 years was 56.8% and 43.2% respectively.

**Table 3**  
*Consolidated appointments for 5 universities by gender per year*

Gender/year	2011		2012		2013		Totals	
	F	%	F	%	F	%	F	%
Males	112	57.1	124	63.3	67	58.3	303	59.8
Females	84	42.9	72	36.7	48	41.7	204	40.2
<b>Totals</b>	<b>196</b>	<b>100</b>	<b>196</b>	<b>100</b>	<b>115</b>	<b>100</b>	<b>507</b>	<b>100</b>

Source: Field data (2014)

From table 4.31, there were a total of 196 appointments made by the universities forming the research sample in 2011. Out of this, 112 (74.1 %) were males while 84 (42.9%) were females.

The total appointments made by the universities in 2012 were 196 composed of 124 (63.3%) and 72(36.7%) while those of 2013 were 115 made up of 67 (58.3%) males and 48(41.7%) females.

In total, over the 3 years under study 303(59.8%) males and 204(40.2%) females were appointed. The gender rule in overall appointments was complied with and males had the highest appointments. However, women were underrepresented in

overall appointments a confirmation that women are the ones usually affected by gender when it comes to employment. The findings concur with Kiamba (2008) as found in Gumbi (2006) that the leadership in higher education was still a man’s world. Trends in gender appointments across the 3 years shows that the percentage appointments of males to that of females was almost constant in each of the 3 years and averaged at 59.8% males and 40.2% females and though the gender rule is complied with, women are the minority. The findings on underrepresentation of women support Kiura (2010) that despite many efforts being made to promote gender equality, inequalities still exist.

**Gender composition and state of compliance with the gender rule in promotions made in 2011, 2012 and 2013 in the newly chartered public universities**

**Table 4**  
*Consolidated promotions for 5 universities by gender per staff level per year.*

	Senior		Middle				Junior					
	Males		Females		Males		Females		Males		Females	
	F	%	F	%	F	%	F	%	F	%	F	%
2011	32	64	18	36	0	0	2	100	27	81.8	6	18.2
2012	43	72.9	16	27.1	15	51.7	14	48.3	8	57.1	6	42.9
2013	32	71.1	13	28.9	8	38.1	13	61.9	4	100	0	0
<b>Totals</b>	<b>107</b>	<b>69.5</b>	<b>47</b>	<b>30.5</b>	<b>23</b>	<b>44.2</b>	<b>29</b>	<b>55.8</b>	<b>39</b>	<b>76.5</b>	<b>12</b>	<b>23.5</b>

Source: Field data (2014)

The results of table 4.36 shows in 2011, the five universities under study promoted 50 staff in the senior staff cadre, of which 32 (64%) were males and 18 (36%) were females. There were 2 promotions made in the middle level which were all females. 33 staff were promoted in the support level, of which 27(81.8%) were males and 6(18.2%) were females.

In 2012, 59 promotions were done in the senior level category of staff, made up of 43(72.9%) males and 16(27.1%) females. In the middle staff level, the males were 15(51.7%) and the females 14(48.3%). The support staff had 8(57.1%) males and 6(42.9%) females.

In 2013, promotions in the senior staff category had 45 employees, 32 (71.1%) males and 13(28.9%) females. In the middle category, there were 8(38.1%) male s and 13(61.9) females promoted. In the support staff 4(100%) males were promoted.

The promotions in both the senior and support staff were significantly dominated by men with 69.5% males to 30.5% females and 76.5% males to 23.5% females. In both, the gender rule requirement was not met. Women held the majority in total promotions in middle level staff of the 3 years.

**Table 5**  
*Consolidated promotions for 5 universities by gender per staff division per year*

		2011		2012		2013		Total F	Total %
		F	%	F	%	F	%		
Teaching Staff	Males	26	70.3	43	72.9	25	73.5	74	70.9
	Females	11	29.7	16	27.1	9	26.5	36	29.1
Non-teaching staff	Males	33	68.8	23	53.4	19	52.8	75	51.
	Females	15	31.2	20	46.6	17	41.2	72	49

Source: Field data (2014)

Table 4.35 shows that, there were a total of 37 promotions of teaching staff and 48 non-teaching staff done in the five universities under study in 2011. In the teaching staff, 26(70.3%) were males and 11(29.7%) were females. In the non-teaching staff, 33(68.8%) were males while 15(31.2%) were females.

In 2012, the five universities promoted 43(72.9%) males and 16(27.1%) females in the teaching staff division. In the non-academic staff, the males were 23(53.5%) while the females were 20(46.5%).

In 2013, 25(73.5%) males and 9(26.5%) females were promoted in the teaching staff while 19(52.8%) males and 17(47.2%) females were promoted in the non-teaching staff.

There was a significant bias in promotions done in the teaching staff, with the 3 years being dominated by men and

none of the years were women promotions more than 30% and the problems persists across the years. Though men dominate in the non-teaching promotions, the percentage women promoted improves progressively.

**Table 6**  
*Consolidated promotions for 5 universities by gender per year.*

Gender/year	2011		2012		2013		Totals	
	F	%	F	%	F	%	F	%
Males	59	69.4	66	64.7	44	61.1	169	65.3
Females	26	34.9	36	35.3	28	38.9	90	34.7
<b>Totals</b>	85	100	102	100	26	100	139	100

Source: Field data (2014)

In table 4.34, the five universities made 85 promotions. Out of this 59 (69.4%) were males and 26(30.6%) were females in 2011.

In 2012 the universities made a total of 102 promotions, made up of 66 (64.7%) males and 36 (34.3%) females while 2013 total promotions had 72, 44(61.1%) males and 28(38.9%) females.

The table above shows that the percentage of male to female promotions were almost constant across the 3 years with slight improvement in gender representation in 2013. The percentage women promotions progressively increased from 2011(34.9%) to 2013(38.9%).

#### IV. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

##### Summary

This study was guided by the following objectives

1. To determine the gender composition and the status in compliance with the gender rule in appointments and promotions of staff in Public universities chartered in 2012 and 2013.
2. To determine the challenges which impede adherence of two-thirds gender rule in appointments and promotions of staff in public universities chartered in 2012 and 2013.

From the study the findings were as follows;

With regard to staff levels, males largely dominated the senior level in total appointments in the five universities and averaged at 66% males to 34% females. The appointments of the middle level staff were gender balanced and in some instances such as Pwani University, University of Kabianga and Multimedia University of Kenya, women were the majority in appointments. The findings confirm the views of one senior human resource manager at one of the universities who when reporting on challenges impeding the gender rule implementation noted that women usually have attractive presentation skills which give them an upper hand in the interview. In addition, at the middle level, men were said to be intimidated by the female gender, hence the tendency of women dominance in the level. There was no significant discrepancy in the total appointments at the support staff in the five universities.

Men noticeably dominated the total appointments of the teaching staff forming 64.6% of the total appointments in teaching staff. This amplifies findings by Kankakee (1997) as cited by Onsongo (2006) that women form a minority of university teachers. On the other side, there was no much discrepancy in total appointments in the non-teaching staff (56.8% males to 43.2% females). The overall percentage male to female appointments were almost constant across the three years and averaged at 59.8% males to 40.2% females. There was fair treatment of women at the middle level in both appointments and promotions at 48.8% and 55.8% respectively.

Just like in appointments, promotions in the senior and support staff failed to meet the two-thirds gender rule as 69.5% males to 30.5% females and 76.5% males to 23.5% females were promoted respectively. The middle level promotions met the gender rule requirements with 44.2% males and 55.5% females.

##### Conclusion

Most universities had complied with the gender rule in overall appointments and promotions. In addition, the two-thirds gender rule is complied with when the consolidated appointments and promotions for the five universities are considered. When broken down into various units such as staff levels and divisions, non-adherence to the rule is noted. In most cases, women are the ones underrepresented. It was difficult to know whether the gender rule in the constitution had an effect on appointments and promotions done after the law became into force.

Although the two-thirds gender rule had been met in most universities, women were still underrepresented in both appointments and promotions and gender balance is still far from realization. The inequalities exist despite the efforts by the government to promote gender equality through several ways such as enactment of laws, sensitization programmes and establishment of gender and equality agency.

Concerning the second objective, three major challenges identified were lack of adequate applicants from either gender, female gender particular with location and work environment and failure to meet the minimum requirements.

##### Recommendations

As non-compliance was found when appointments and promotions were broken into small units, appointing authorities should consider gender of employees per section and units rather than for a whole unit.

### Suggestions for further study

It was difficult to determine whether the gender rule in the constitution had any impact on appointments and promotions made after the law came into force, as the scope of the study did not go into appointments and promotions done before 2010; and was limited to appointments and promotions done after the two-thirds gender law came into force. Research should be done to determine status in appointments and promotions before the promulgation of the constitution. This will enable comparison of the appointments and promotions of the two periods.

### REFERENCES

- [1] Ambok, E. (2013, November 5). Safaricom first-half profit surges as data share grows. Standard Digital News.
- [2] Bryan, E and Varat, J (Eds.) (2008). Strategies for promoting gender equity in developing countries: lessons, challenges and opportunities. [Electronic version]. Washington, DC: Woodrow Wilson international center for Scholars.
- [3] Burrows, O. (2013, April 26). Uhuru scores on women cabinet nominees. Capital news.
- [4] Burrows, O. (2013, June 7). Uhuru nominates 26 Principal Secretaries. Capital news.
- [5] Chesterman, C. and Ross-Smith, A. (2006). "Not tokens: reaching a 'critical Mass' of Senior Women Managers", *Employee Relations*, 28(6), pp 540-552.
- [6] Davidoff, M.S. (2013, April 5). From New York to Nairobi: Why few women get executive jobs. Daily Nation.
- [7] Esipisu, I. (2013, April 18). Voters gave both genders equal chances, so why are more women not vying for office? Daily Nation.
- [8] Gebiremichael, F.M.(2010).Revisiting affirmative action in Ethiopia : Towards gender equity and the anti-discrimination approach: The South African experience [Electronic Version].Unpublished Master's thesis, Central European University, Budapest Hungary.
- [9] Government of Kenya (2007).Employment Act, 2007. Nairobi: Government Printer.
- [10] Government of Kenya (2010).Constitution of Kenya. Nairobi: Government Printer.
- [11] Governance Metrics International Ratings (2010).Female Directors in the FTSE MIB. "(On-line). Available:" [www.gmiratings.com](http://www.gmiratings.com)
- [12] Governance Metrics International Ratings (2013).Women on Boards Survey. "(On-line).Available:" [www.gmiratings.com](http://www.gmiratings.com)
- [13] Herbling, D. (2013, April 5).Most companies are on the wrong side of the law on gender parity. Daily Nation.
- [14] International labour Organization (2009). Resolutions adopted by the international Labour Conference at its 98th Session. [Electronic Version].
- [15] International labour Organization (2012).Strategy for Gender Mainstreaming in the Employment Sector 2010-15.Geneva.
- [16] Internal Labour Organization Action Plan for Gender Equality 2010-15. Retrieved on August 8, 2013. <http://www.ilo.org/gender/information/resources>.
- [17] Kenya's vision 2030 (2013).An Audit from an Income and Gender Inequalities Perspective. Society for International Development [Electronic Version].Government printer. Nairobi.
- [18] Kiamba, J.M. (2008).Women and Leadership positions: Social and Cultural Barriers to Success (Electronic Version).Special Issue.
- [19] Kulis, S. (1997).Gender Segregation among College and University Employees. *Sociology of Education* 70(2) 151-173.Retrieved September 12, 2013
- [20] Macleod, M and Coffey, T. (2013).Executive Women in the Workplace Inquiry: Building the Executive Pipeline of Talent [Electronic].Conservative Women's Forum
- [21] McCall, L., Liddell, M., O'Neil, J. and Codman, G. (2000).Strategies to increase the representation of women on the Academic staff of the Faculty of Medicine at Monish University Higher Education,39(2) pp 131-149.Retrieved September 12, 2013
- [22] Mikkola, A. and Miles, C.A. (2007).Development and Gender Equity. Consequences: Cause, Challenges and Cares [Electronic version].Helsinki Center of Economic Research .Discussion No 159.
- [23] Minnesota Advocates for Human Rights (2009).Summary of the Beijing Declaration and Platform for Action.Minneapolis.[www.mnadvocates.org](http://www.mnadvocates.org)
- [24] Noble, C. and Mears, J. (2000).The Impact of Affirmative Action Legislation on Women Working in higher Education in Australia: Progress or Procrastination? *Women in Management Review* 15(8) pp 404-414 MCB University Press.
- [25] O'Connor, P. (2012).Irish Universities: Male-dominated? Limits and Possibilities for change? *Equality, Diversity and Inclusion*, 31(1) pp.83-96.Retrieved [www.emeraldinsight.com/2040-7149.htm](http://www.emeraldinsight.com/2040-7149.htm)
- [26] Onsongo, J. (2006).Gender Inequalities in Universities. In C. Creighton, F. Yieke, J. Okely, I. Mareri and C. Wafula (Eds), *Gender Inequalities in Kenya* (pp 31-48) UNESCO
- [27] Perrons, D (2009).Women and Gender Equity in Employment [Electronic Version].IES Working Paper: WP 23 Patterns, Progress and Challenges.
- [28] Uhuru faulted on line-up of press unit (2013, July 16).Daily Nation
- [29] United Nations (1981) .Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).Retrieved September 12, 2013
- [30] United Nations (1996). Beijing Declaration and Platform for Action. As available at <http://www.un.org/womenwatch/daw/beijing/platform>
- [31] Sunday, F. (2012, December 23).The missing half in Kenyan's corporate boardrooms. Standard Digital News.
- [32] Wahome, M. (2013, October 11).Nation Media Group listed among best firms to work for.pp.31
- [33] West M.S (2007).Unprecedented Urgency: Gender Discrimination in Faculty Hiring at the University of California. *NWSA Journal* 19(3).Retrieved September 12, 2013
- [34] World Bank (2005).Evaluating a Decade of World Bank Gender Policy: 1990-1999 "(On-line).Available:" [www.worldbank.org](http://www.worldbank.org)
- [35] World Bank (2013). Opening Doors: Gender Equality and Development in the Middle East and North Africa. "(On-line).Available" [www.worldbank.org/do:10.1596/978-0.8213-9763-3.pdf](http://www.worldbank.org/do:10.1596/978-0.8213-9763-3.pdf)
- [36] World Health Organization (2003). 'Engendering' the Millennium Development Goals (MDGs) in [Electronic version].

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