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THE STATUS OF WOMEN LEADERSHIP IN THE KENYA TEA DEVELOPMENT AGENCY HOLDINGS LIMITED (KTDA) (H)

Background

In 1964, the Kenya Tea Development Authority was established under the Agriculture Act (Cap 318) Section 91, Legal notice No. 42, replacing the Special Crops Development Authority. The Authority took over management of small holder tea from multinational tea companies, which had been formed by the white settlers to promote and assist smallholder tea growers in the processing and marketing of their tea. KTDA remained under the management of the Kenyan government until June 15th 2000 when it was incorporated, as a private company under CAP 486 of the Laws of Kenya.

KTDA is Kenya's leading tea producer by volume and export value. The Agency is responsible for over 600,000 small-scale farmers spread out in tea growing areas throughout Kenya, and manages about 69 tea factories, across 16 tea growing counties in Kenya.

Status of women participation in the KTDA leadership

Since its inception, the KTDA Board was dominated by men Directors, who made decisions on behalf of the smallholder tea farmers, majority of whom were women. However, 10 years on after the promulgation of the Constitution of Kenya, 2010, this narrative has ostensibly changed as more women have continually been integrated in the KTDA leadership and management structures, thus promoting gender parity. This has largely been attributed to compliance with Article 27 (8) which states that, "the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender."

For instance, in 2013, some 41 women were appointed to be Directors of KTDA Group and the then 35 tea factories for three years. The women Directors were in May 2016 selected for the third year in a row, after which other women from tea growing zones would be considered for appointment. Within this period, the leadership executed by these women proved to enhance the company's performance and were integral in addressing the emerging business challenges. This

compelled KTDA to embark on lobbying more tea factory companies to embrace the women Director concept.

Additionally, having women directors on KTDA and factory Boards was geared towards increasing employment opportunities for women hailing from tea growing communities to better their lifestyles. One of the criteria that has continually been used to pick the women has been based on whether they are tea growers or relatives of any of the 600,000 registered smallholder tea farmers (at the factories). With this formula, the women would not have needed to be registered growers to be eligible for appointments.

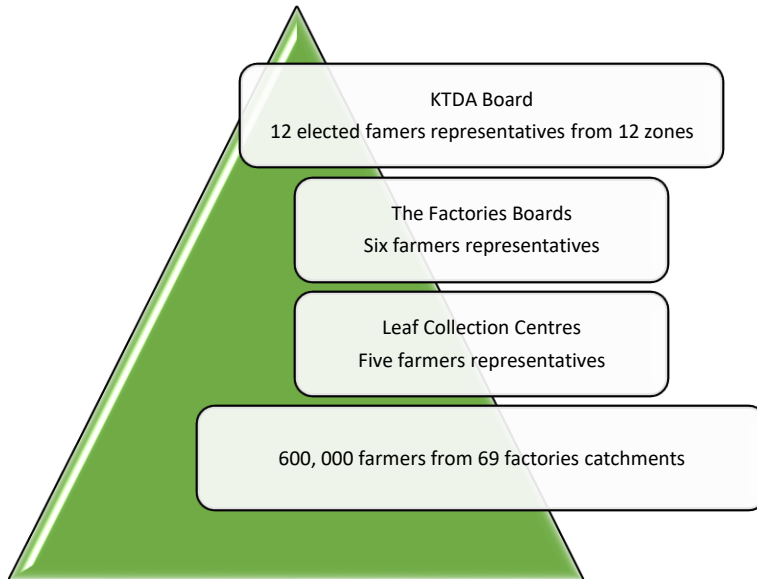
Moreover, the KTDA Group has embraced the women Director concept to encourage women in tea growing communities to seek elective positions, on a rotational basis, like their male counterparts. The majority of the members of the Tea Factory Boards comprise men, but the trend is now gradually changing for women. Smallholder tea farmers registered with tea factories like Nyankoba, Sanganyi, Gatunguru, Chebut, Kapsara, Gatunguru, and Kiegoi have elected women directors to the factory Boards, with Kiegoi being the first tea factory company under KTDA (H) Group to elect a female Director in 2000. In total, about 20 women have won the Directors position through the secret ballot paper voting system.

KTDA Group has also taken the lead in gender equality by appointing an independent lady Director to its Board, who at the same time has been named to chair the Risk Assurance and Governance Committee (Audit). Each of the independent woman directors at the KTDA Group and the Tea Factory Boards is appointed to oversee the operations of some sections of the company depending on their level of specific skills and competencies.

Available empirical evidence reveals that four years ago there were only two women on the KTDA factory boards. Today, 54 factories have female board members with two in the position of chairperson. This encouragingly demonstrates that women are now in positions to ensure that gender-related issues are taken seriously.

The KTDA Organization Structure

The Board of Directors is responsible and accountable for the governance of the company, and is mandated to conduct the business and operations of KTDA (H) with integrity and in accordance with the generally accepted corporate governance principles.



Elections criteria at KTDA

- Tea farmers who are the factory shareholders, elect one-third of KTDA directors who retire on rotation every year.
- Farmers from the select electoral areas of the KTDA MS managed tea factories are required to submit their applications for prequalification as candidates to participate in election of directors for their respective tea factory companies.
- This prequalification exercise follows a robust process where interested applicants are vetted through the laid down criteria, which includes an inbuilt appeals and dispute resolution mechanisms.
- Applicants are then cleared to compete in the electoral areas.
- In case of any appeals on decisions made by the verification committees, aggrieved candidates are required to petition within the stipulated timeframe in order to be cleared and have them in the prequalified list.
- Once each tea factory elects its director, a regional selection is conducted where the appointed tea factory directors, elect their regional representative from each of the 12 regions.
- The 12 appointed regional directors automatically qualify to seat in the KTDA National Board.

The Tea Act, No. 23 of 2020

This is AN ACT of Parliament to provide for the regulation, development and promotion of the tea industry, and for connected purposes. As such, the newly appointed board of directors list

demonstrates grievous infringements to sub section 7(1)(e) and (f) of The Tea Act as highlighted below

7. (1) The management of the Board shall vest in a Board of Directors consisting of —

(a) a chairperson appointed by the President by notice in the Gazette;

(b) the Principal Secretary responsible for agriculture or a representative nominated by the Principal Secretary in writing;

(c) the Principal Secretary responsible for trade or a representative nominated by the Principal Secretary in writing;

(d) the Principal Secretary responsible for National Treasury or a representative nominated by the Principal Secretary in writing;

(e) one person of either gender, who shall have knowledge and experience in the tea sector and be from either the East and West tea blocks, nominated alternately by the Council of Governors;

(f) four persons, two of either gender, representing and elected by small scale and medium scale tea growers from the East and West of the tea blocks: Provided that two persons shall be from each of the tea blocks:

(g) one person elected and representing large scale tea growers;

(h) one person elected and representing tea traders;

(i) a chief executive officer appointed in accordance with section 13 who shall be an ex-officio member of the Board. (2) The Cabinet Secretary shall appoint the members under subsection (1) (d), (e), (f) and (g) by notice in the Gazette.

(2) The Cabinet Secretary shall appoint the members under subsection (1) (d), (e), (f) and (g) by notice in the Gazette.

(3) The appointment of the chairperson or members of the Board under subsection (1) (a), (d), (e), (f) and (g) and shall take into account the gender, regional and other diversities of the people of Kenya.

(4) A person shall not be appointed to be a chairperson of the Board of Directors unless that person holds at least a degree or its equivalent in any discipline from an institution No. 23 Membership of Board. 274 No. 23 Tea 2020 recognized in Kenya and has relevant experience in the tea sector.

The 2021 KTDA Board of Directors Elections

The 2021 KTDA elections were convened following an Executive Order issued by President Uhuru Kenyatta on March 12, 2021 directing the Tea Board of Kenya to conduct elections in all tea-factories within 60 days. This consequently led to a change of guard as witnessed in the

recently concluded KTDA Extraordinary General Meeting convened by shareholders of Kenya Tea Development Holdings Limited held on 18th June upon which 12 directors were elected. And later inaugurated by the Agriculture Cabinet Secretary Peter Munya. Shockingly, there was no single female from the 12 newly elected directors.

This contravenes the provisions of the gender rule as envisaged in Article 81(b) on the not more than two-thirds of the members of elective public bodies shall be of the same gender.

Worse still, going by the 2021 list of prequalified candidates to vie for the Tea Factory Companies Directorship, there were only 6 women out of the 235 applicants cleared to compete in 108 electoral areas. This sort of disparity where women are always muzzled by men needs to be addressed forthwith. Women should therefore rise to the occasion and fight for their space.

Assumptions

- Promoting gender diversity in leadership is strategic for the success of any business. As such, the same should be inculcated in KTDA's management.
- When their decision-making ability is limited, women, who provide the highest labour in the tea sector, are more likely to continue working under deplorable conditions.
- If from the grassroots there is no woman elected by the farmers, the probability of a female director being elected is minimal.

Recommendations

- ENA shall write a petition letter to the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries requesting for gender compliance in reference to the list of the newly appointed directors.
- KTDA needs to embark on regular trainings on addressing emerging gender inequalities issues by targeting factory managers, supervisors, and general workers on social, gender, and contractual issues.
- There is need to create awareness and advocate for more women to take up senior job positions in KTDA. This will enable their representation and opportunities for progression.
- Women need to start showing interest in the leadership of tea factories.
- Proper gender representation needs to be an issue that the respective verification committees address during prequalification of candidates for the tea factory elections.

Conclusion

While there is a matter already in court challenging the legality of the newly elected KTDA Board of directors, Women and the citizenry must rise to counter any threats to claw back the gender gains realised thus far towards women's inclusion in the company's leadership structure. This also calls for advocacy towards demanding for more women seats in the KTDA Board as envisioned in the Tea Act No. 23 of 2020. More women should equally be encouraged to vie for these seats in order to increase their presence in leadership and managerial positions.