

## **Gender Equality in the Oil Mining Industry: A Case of Lokichar in Turkana Kenya.**

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**ABSTRACT:** It is increasingly been accepted by various stakeholders in Kenya that women involvement in the Extractive industry (E.I) will speed up economic growth. One of the centerpiece of Sustainable Development Goals has been to achieve Gender Equality by empowering women and encouraging their participation in different development ventures. The general objective of this paper therefore was to establish the nature of hiring practices in the EI in relation to gender equality in Kenya. The paper capitalizes on the conflict theory using a feministic approach, gender relations theory and diffusion of innovation theory. Desk review and various studies done in Kenya on EI will inform this paper while anchoring on a recent study by the authors of this paper whose methodology is described later on this paper. The findings shows that there was a difference in hiring men and women and that gender roles have been transformed as a result of oil mining in Lokichar. The paper will inform stakeholders (government, oil companies) to craft policy responses to challenges that may likely emerge from E.I in Kenya. The paper recommends goodwill in implementing gender policies, monitoring and evaluation and quality assurance of policies set on the hiring practices.

**Key words:** Extractive Industry, Gender mainstreaming, Sustainable Development Goals. Affirmative Action, Gender Equality

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### **I. INTRODUCTION**

#### **Background of the Study**

The Extractive Industries (EI) present a catalytic opportunity for women's economic empowerment through enterprise development in and around the sector contributing greatly to more equitable growth in several African countries; this opportunity can be realized through the integration of gender equality into the policies, regulatory frameworks, programmes and discourse in both the public and private branches of the EI sectors (World Bank, 2002, 2008). Thus, the general objective of this paper is to establish the nature of hiring practices in the EI in relation to gender equality in Kenya. Specifically, the paper will;

- i. Determine whether the oil mining companies promote equal hiring practice of men and women in EI.
- ii. Evaluate what work policies contribute to gender equality.
- iii. Assess the affirmative action perception in the Extractive Industry.
- iv. Assess the transformation of gender roles due to working in Oil Company.

Thus some of the pertinent questions with respect to the nexus between gender equality and opportunities for women in the extractive Industry remain:

- i. Do oil mining companies promote equal hiring practices of men and women in EI?
- ii. What workplace policies contribute to gender equality?
- iii. What are the Affirmative action perceptions in relation to hiring man and women?
- iv. How have gender roles transformed due to oil mining?

To answer the foregoing questions the paper will adopt desk review and visit various studies done in Kenya on EI. In addition, the paper will also embark on the authors recent data findings on a study "*Change in Gender Roles as a Factor in Gender Participation and Empowerment in The Oil Mining Industry: A Case of Lokichar, Turkana County*". A feministic conflict theory approach is adopted in addition to gender relations theory and diffusion of innovation theory. The paper will then delve on policy formulation and the legal framework surrounding the Extractive Industry with emphasis on the constitution of Kenya 2010 narrowing to ownership, benefit and sharing of resources, transparency and environmental issues and lastly elaborate on the

opportunities that are available for women in the extractive industry and provide suggestions for improving the hiring practices in the mining industry with regards to gender equality.

## **II. PROBLEM STATEMENT**

Turkana County of Northern Kenya is predominantly a pastoralist community. Power structures in the community are predominantly patriarchal. Land related disputes and negotiations for example are dealt with by a council of elders comprised of men only. Women and youth are seldom involved in these meetings (Omolo, 2014). Women are restricted from participating in decision making which is predominantly done by chiefs (mostly male) and government officials (FAO, 2017). The mining sector is a key pillar of wealth among countries world over, and women make a tremendous contribution of the world's work force. Mining has empowered women by giving them an opportunity to improve their livelihoods through enterprise development even though various studies have reported that this sector is male dominated (Dlamini, 2018). It is for this reason the paper assesses what workplace policies contribute to gender equality.

Through increasing access to capacity building, removing discriminatory employment practices, funding and engaging women in community decisions helps in equipping them to exploit their economic potential in mining and value chain sectors (Eftimie, Heller & Strongman, 2009). Despite these opportunities, lack of robust data and knowledge on changes in gender roles and empowerment in extraction mining industries value chains in Kenya has hampered evidence-based policy dialogue on the gender equality impacts of the oil mining industry which has negatively impacted on the hiring practices in the EI in Kenya. This entails opportunities for women's economic empowerment by virtue of value addition within the industry, as well as spin-off economies resulting from mining industry activities and linkages to other sectors (Hinton, Veiga & Beinhoff, 2003). For instance, although the Mining Bill (2014) acknowledges use of natural resources for national development, it fails to highlight its effects particularly on gendered aspects of resource extraction and management of natural resources. This paper therefore determine whether the oil mining companies promote equal hiring practice of men and women in EI.

The discovery of oil mines in Turkana County, therefore, calls for a better understanding of the realities of the women and men whose lives are being impacted by such an important discovery. More so on the hiring practices. It has been noted that in the mining industry men are more advantaged due to the nature of work and compensation while costs, such as social disruption, and environmental degradation mainly affect women (Omia, 2015). It is, therefore, important to understand different gender roles and gender empowerment to understand how they are impacted by the mining industry to increase the effectiveness and sustainability of its operations. This can be well understood from a hiring perspective and understanding transformation of gender roles due to working in oil Company. Oil mining is a current development in Kenya and it has been under researched. The paper therefore assesses whether oil mining companies promote equal hiring practices of men and women in EI while getting the perceptions of the Affirmative Action. The paper seeks to provide some scholarly information on the topic of gender empowerment and gender roles in the wake of oil mining in Turkana County in Kenya by understanding the hiring practices in relation to gender equality.

## **III. LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

### **Review of Empirical Literature**

#### **The Gendered Impacts of Extractive Industries**

When you educate a woman you are promoting economic growth because women have a way of stirring up development in whichever sector that they are involved in. Studies concerning women and assuring their participation in development is not only critical for their own personal development but also socio-economic development of their families and the society (World Bank, 2001). Exclusion of women in development leads to social economic crisis. Excluding them from health, education has ripple effects on the same sector and eventually to the economy. It is therefore imperative to include women on issues of gender empowerment and participation like educating them, effecting policies that promote gender equality and ensuring more organizations that are involved in gender empowerment. This can be greatly realized in the companies hiring practices more so in the oil mining sector. By doing this greater strides to economic growth will be realized.

#### **Conflict analysis and Gender in Extractive Industry**

There are many conflicts that are of gender origin in the extractive industry. Inter-communal conflicts can arise with the coming up of EI more so when it comes to sharing of resources. These intercommunal conflicts negatively affect women who are usually left to take care of homes. Devolution is another source of conflict and with the movement from centralized to devolved government this meant that some resources had to be taken to other counties and others had to lack. This has direct impact with gender equity since some counties benefited more than others on aspect of gender which was a source of conflict. When it comes to infrastructural

development in the EI poses conflicts that have greater impact especially to women. These issues deal with land, access and ownership, compensation, who benefits from new jobs and resources, revenue distribution. Environmental degradation more so affects agriculture which is at the core of income generation for women. Security also poses a greater conflict in the society.

### **The policy framework and its architect in Extractive Industry in Kenya Policies on Gender in Extractive Industry**

Gender equality embraces the use of gender policies which are designed to complement existing policies in Extractive Industry in a bid to address gender inequality. It is for this reason that gender policies embrace the use of affirmative action policies and other existing policies in place which includes international policies and decrees, regional level policies, government policies, sector policies and institutional policies; sadly, these policies are never enforced or are sparingly implemented. While the Mining Bill (2014) recognizes the use of natural resources as a pathway to national development, it does not highlight the gendered nature of such impacts at the resource extraction and management of natural resource wealth. The Mining Bill (2014) recognizes the utilization of natural resources as a pathway to national development and poor management of the same as bearing negative social impact; it does not highlight the gendered nature of such impacts at the resource extraction and management of natural resource wealth. It lacks in terms of having a legal framework, policies and programmes that consider their needs and protect women rights. This legal framework includes lack of a voice to stand and represent women, unfair legal redress and representation and lack of policies that protect women working in the mining sector. Women therefore have been disadvantaged due to limited access to resources; lack of a political voice; disproportionate power relations between the genders in households and communities.

In Kenya, most gender equality efforts are championed or seen to be in favour of women because of the various challenges that they face which put them at a disadvantaged position compared to the men. This is the reason why the gender one third rule is upheld in Kenya and is becoming a common practice. This is practiced to ensure that entry level, employment discrimination and other capacity building efforts geared towards improving employment hiring practices and are incorporated into policies and organizational practices which ensure there is a level ground for both male and female. Despite all efforts by Kenya as enshrined in the Kenyan constitution and international bodies to advocate for affirmative action, there is still so much that needs to be done at the policy level to ensure that women get fair representation on job opportunities in the mining sector as was also reflected on the mining Bill (2014) which lacks in terms of legal, policy and programme frameworks that strengthen gender equality.

Going by the Constitution of Kenya (2010), the most supreme law in Kenya's republic, oil and gas have been categorized as fossil fuels; meaning that they are natural resources that fall short of a direct statement concerning their ownership. However, this ownership is gotten from the constitution's definition of land. Under article 260, land is defined the land's surface and the sub-surface rock such that under the surface, marine water within the territorial seas and exclusive economic zones; natural resources are found under this surface; the air space is beyond the surface. The constitution identifies three forms of land ownership: private and public as spelt out under article 62 of the constitution that all minerals shall vest in and will be possessed by the national government through the people's trust and administered on by the National Land Commission on their behalf. The ownership of land is a major source of conflict in Kenya even between men and women. Land is where all economic activities are carried, mining notwithstanding.

The responsibility to share the gains got from natural resources is also provided under the Kenyan constitution (2010), which maintains that the state is responsible for ensuring a sustainable exploitation, use, management and conservation of the environment as well as natural resources. This is achieved by ensuring equal sharing of the accruing benefits. Additional obligation as indicated under article 202 needs equitable sharing of national revenues.

Article seventy one (71) of this constitution maintains that transactions must be ratified by Parliament especially if they entail giving a right on behalf of any individual including national government, to exploit natural resources in Kenya. Protection of the environment is provided for in article 42 of Kenya's constitution which explains that every individual has a right to stay in a clean and healthy environment; this includes the right to have a protected environment for future and present generations. The environment plays a major role in the livelihood of the different genders and impact differently to them.

### **Opportunities available for women in the extractive industry**

Omia (2015) posits that the extractive industries present a catalytic opportunity for women's economic empowerment through enterprise development in and around the sector ranging from exploration, contracting, licensing, extraction, value addition, tax and royalty collection, revenue distribution and management activities. This will contribute greatly to more equitable growth in several African countries. This opportunity can be

realized through the integration of gender equality into the policies, regulatory frameworks, programmes and discourse in both the public and private branches of the EI sectors.

#### **IV. REVIEW OF THEORETICAL LITERATURE**

##### **Feminist approach to conflict theory**

This theory assumes that; conflict results due to few resources and in the context of the Kenyan chapter this emanates from marginalisation of women; Power relations is another vital assumption that tries to assert power belonging to men in a paternalistic society and more so the reward system that tends to reward different genders differently due to the value and customs in that society; the social classes also play a big role in this feminist conflict approach (Coser, 1964). Conflict theory was also advanced by feminists to try and explain women's position in the society and how they have been marginalised and have been trying to get the equality status quo. This is an observation in Kenya from the traditional set up where men took up important positions and with the gender equality came battles in a quest to increase women in power and this is gradually being achieved in Kenya. More women have currently joined all walks of life in different sectors and this has come after a long battle of conflicts and advocacy. Feminism when viewed in the lens of conflict in the EI, issues dealing with job and resource allocation, negotiations, compensation, environmental degradation, gender based violence emanate. This in the Kenyan perspective which is African, is viewed to be paternalistic and mostly favours men.

##### **Gender Relations Theory**

The theory asserts that gender roles are defined by the society largely through norms and values. The theory holds that a role is the expected behavior that is connected to a certain status- Social norms define the responsibilities and freedoms; it enables people to have a certain level of flexibility in their roles. However in times of rapid social change acceptable roles are often in a state of flux, producing uncertainty on the appropriate role of behaviour (Johansson, & Ringblom, 2017). Proponents of gender relations theory, such as (Dominelli, 2017) and Messerschmidt et al. (2018) argue that women have been relegated to performing reproductive and undervalued roles within the households. This theory explains the observed labor patterns between males and females in the society and its association of these roles with social status/ privileges in the society while alluding to cultural transmission of roles across generations even when they are found detrimental to the well-being of males and females. This theory is important in explaining the challenges faced by women workers in the context of oil mining (Banerjee, & Connell, 2018); more so in depicting the challenges that oil companies face in hiring enforcing their hiring practices.

##### **Diffusion of Innovations Theory**

According to Evans and Aceves (2016) diffusion entails communicating innovations to the members of social system through given channels over years. Based on the definition, it is evident that the main components of diffusion of innovation include time, communication channels, social systems, and innovation. As defined by Jewkes, Flood, and Lang, (2015), innovation refers to an idea perceived as new by an individual or a given institution of adoption. The author further explains that the adopting members perceive innovation as a new idea even if its invention may be years back. The steps of innovation process determine the extent to which innovation is perceived as new; the steps include knowledge, persuasion, and decision (Messerschmidt, & Tomsen, 2018). Communication is also an important aspect in diffusion of innovation.

Rogers likens diffusion as a form of communication, comprising two individuals, communication channels, and innovation. Success in diffusion of innovation is enhanced by the extent to which institutions change the attitude of individuals. Brisman, South, and White (2016) cites that most of behavioural researches ignore the time aspect of diffusion of innovation. The author further explains that the process of diffusion of innovation, rate of adoptions, and adopter categorization have a dimension of time. This theory fits well to the Turkana context as the coming of oil industry has brought many changes in the lives of the people of Turkana who were initially pastoralists. With industrialization and urbanization this has somehow led to changes in gender roles and livelihood which is forcing oil companies to adopt in their crafting of hiring practices to advocate for gender equality.

##### **Hypotheses Testing**

The following hypothesis were tested;

**H<sub>0</sub>:** There is no difference in hiring men and women in Lokichar.

**H<sub>1</sub>:** There is a difference in hiring men and women equally in Lokichar.

**H<sub>0</sub>:** Gender roles have not been transformed as a result of oil mining in Lokichar.

**H<sub>1</sub>:** Gender roles have been transformed as a result of oil mining in Lokichar.

### **Research Methodology**

This paper capitalizes on the findings from other studies and from a recent study done by the author which adopted the use of a descriptive survey design. The sample size for the study was 300 people. The study adopted Systematic random sampling in selecting the main respondents for interviewing in the survey. A listing of the population of 1350 people was prepared from which men and women were separated. Random numbers were generated for this listing, that is, from 1 to 1350. Considering systematic random sampling, Sampling fraction = Actual Sample Size /Total Population. This implied that the sampling fraction for this study was  $300/1350= 0.22$ . From this, every third person (homestead) from the starting point was interviewed beginning with the first person. This was done until the whole population was interviewed. Purposive sampling was used for focus group discussion and key informant interviews. Six key informant interviews were conducted and one focus group comprising of young men, young women elderly men and elderly women was done. With this regard Questionnaires, Key informant interviews and Focus Group Discussion guides were adopted as tools. Hypotheses were also tested. Chi Square test is common for parametric populations was used.

### **Equal Opportunities for both Genders**

Equal opportunities among the men and women working in the mining sector in Lokichar ought to be the standards. The study used a prompt to capture the perceptions on whether men and women have equal opportunities. The study established that 78.7% and 63.4% of females and males indicated that there were no equal employment opportunities for both men and women. There were about 27% of the respondents who felt that there was equal consideration for men and women. However, for both the genders, the special requirements for offering employment remained the same. One of the key informants noted that women and men hiring was not equal and that ladies came later to participate in aspects like catering. The key informants also noted that ladies were few in management.

The respondents gave reasons as to why they thought there was equal employment opportunity for both men and females in oil mining in Lokichar. The disparities in gender employment opportunities was attributed to factors such as the fact that most of the job opportunities available in the Oil Company require use of too much energy hence favoring men over the females. Another factor is that there was gender inequality in the hiring process where the hiring officers favor male over the female employees. One of the key informants pointed out that some women were forced to offer favors, including sexual favors, to get jobs thus exposing the challenges women faced in getting equal employment opportunities like discrimination. Another explanation given for the disparity in work/employment was that women had a lot of work to do in their homes and so found little time to commit to a fulltime job at the Oil Company.

Some of the positive reasons given by respondents on whether they thought men and women are given equal opportunities included; it is a requirement by Kenyan constitution to maintain gender equality, it is a requirement of the companies to practice gender equality. One of the key informant mentioned that the two are well stipulated but variations come with implementation of the policies and the dynamics in Turkana in terms of availability of skills from both genders. Additionally, the respondent gave negative reasons like lack of women empowerment, discrimination, corruption, nepotism, racism, work and life imbalance of responsibilities, stereotypes and culture as the reasons why these opportunities are not equal between men and women (Nayak & Mishra, 2005). Some of the needed information and documents for applying and getting employed in the oil companies included; National identification card and the Birth Certificate; National Hospital Insurance Fund Card; National Social Security Card; Educational qualifications for the O-level and Post-secondary education levels; Skills and experience working in the oil industry; Stable medical condition; Nearness to the location of the Oil Company; Ability to communicate effectively; and Commitment to the Oil Company. In some instances women were required not to be pregnant and a pregnancy test was conducted. In case one was found pregnant they would be denied the opportunity.

### **Testing the Hypothesis on whether Oil Company hires Males and Females Equally**

Objective one was measured using the first hypothesis which sought to determine whether the oil mining companies in Lokichar hired men and women equally. The null and alternative hypothesis hypotheses were as follows;

**H<sub>0</sub>:** There is no difference in hiring men and women in Lokichar

**H<sub>1</sub>:** There is difference in hiring men and women in Lokichar.

The two hypotheses were subjected to statistical tests to test whether there were any significance correlation between the two variables and whether the means for the two were the same. In relation to the null hypothesis, it was stated that there is no difference in hiring men and women in Lokichar while the alternative hypothesis stated that there is difference in hiring men and women in Lokichar among the oil mining companies. The null hypothesis was tested using Pearson Chi-Square statistic. The Chi-Square test was preferred for the testing of

the hypothesis since it allows testing of categorical data (in this case for sex/gender, and a yes-no question on whether there was equal employment for the females and males in Lokichar in Turkana. The summary of the findings of the cross tabulation and chi square are depicted on table 1.1.

**Table 1.1 Cross-Tabulation and Chi Square Test for Gender and Equal Opportunity for Locals**

Gender	Do men and women have equal opportunity				Total	
	Yes		No		N	%
	N	%	N	%		
Male	41	36.6	71	63.4	112	100.0
Female	40	21.3	148	78.7	188	100.0
Total	81	27.0	219	73.0	300	100.0
<b>Chi-Square Tests</b>						
		Value	Df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	
Pearson Chi-Square		7.049a	1	0.008	0.009	

Most of the male respondents at 63.4% disagreed that there was equal opportunities as well as 78.7% of the women respondents. From the cross-tabulations, the total of those who agreed were 27% while those who disagreed were 73%. In the responses, it was observed that 36.6% for males compared to 21.3% for the females who participated in the question agreed. In order to test for this hypothesis, a Chi-square test was run to establish whether the two groups of gender (male and female) were given equal opportunities in their employment at oil mining industry in Lokichar. From the results presented, the significance for the Pearson Chi-square results was found at a p-value of 0.008, against an alpha value of 0.05. The interpretation of the results was that if the p-value is under 5% (0.05), then there is significant difference between the two variables thus the null hypothesis was rejected. It was thus concluded that there was a difference in hiring men and women in Lokichar. In support to the above decision on the hypothesis, it was observed that 28.1% of women as compared to 41.8% of men who indicated that they were involved in oil mining activities in Lokichar. This could be due to stereotypes that mining jobs are male dominated jobs, culture more so patriarchy, conflict of work and life chores and limited gender avenues of community sensitization on importance of gender equality. The higher percentage of men than women involved in oil mining led to the null hypothesis rejection thus concluding that there is a difference in hiring men and women in Lokichar which is supported by findings from this study. The findings were in relation to the expected findings where it was observed that governance factors and patriarchy were significant influencers of participation in mining, and were directly related to gender equality.

**Factors responsible for hiring staff in oil mining**

Four of the key informants and the members of three focus group discussions (FGD) pointed out that hiring was not equal for both women and men. It was observed that women came in later on during the drilling and mining phases. One of the key informants said, *“Women were not engaged at first, they were fearing to go and ask for jobs until they saw women from other parts of Kenya participating and went to seek for jobs.”* It was also viewed that most of the ladies in management were very few as another respondent indicated, *“Women leaders are mostly from Nairobi or wazungus (white persons) who are at the top positions and no local women has been hired for leadership.”* The assertions confirmed that participation in oil mining was mostly associated with power, education and other socio demographic factors that had the capacity to influence gender empowerment. Work was given to people, shared among the locals and the externals, including Kenyans and expatriates. Most of the educated persons, both men and women, were employed as VLOs (Village liaison officers) to mobilize and engage the locals. One of the respondents, who also doubled as the local pastor noted, *“Most of people hired mostly were men due to the heavy workload involved that does not favor women thus leading to few women being engaged.”* Women were also given other roles as CLOs (Community Liaison Officers) to help create awareness of the activities done in the society.

There were conditions for the locals and other potential staff at Tullow Oil required for employment. Medical examinations was required for the potential employees before being engaged at the company. Other requirements include identity cards (ID), and some positions require experience. Oil Company needs educated personnel who can influence the selection and employment of the locals. Technical position opportunities were less available requiring strict qualifications that most of the locals did not possess. One member noted, *“Most of the top management people were employed based on political influence and not qualifications.”* It was also observed that there was no openness in job openings, there was no recognition for the youths in giving them jobs, and that people who were settled near the oil mines were the first to be employed. It was also observed that there was an improvement in terms of employment fairness in Tullow Oil unlike before where few people from the locals were engaged in oil mining processes. The fairness was mentioned since most of the employees were not from the local communities but from other regions of Kenya, mostly shipped from Nairobi. One of the

unfairness mentioned was the little pay given to the semi-skilled locals. Based on the gender of the job-seeker, it was pronounced that many of those seeking jobs had to give favors to the bosses and other influential people. For women, it was observed that they were likely to offer sexual favors to be considered.

### **Policies contributing to gender equality**

#### **Gender based policies**

The study observed that 64.4% of the female and 49.5% for male respondents were aware of available workplace policies in the oil sector that were sensitive to women as mothers. A key informant mentioned that “Having workplace policies was associated with increased participation of women in oil mining activities as well as participation in workplace activities”. There were 41.5% of the respondents who felt that there were no workplace policies in the oil mining sector. Out of those who disagreed that there were workplace policies, 35.6% were women. Most respondents in the FGD however felt that these policies do not favour women work/home balance and expressed is the reason why women work up to second year and then the employee turnover rate continues to increase as years go by. It was more for women than men and this can be attributed to the lack of work/home balance as expressed by two of the Key Informants. This can be explained by the fact that oil mining is a new innovation in Turkana and as advanced by Messerschmidt, & Tomsen (2018) the steps of innovation process determine the extent to which innovation is perceived as new; the steps include knowledge, persuasion, and decision Communication is also an important aspect in diffusion of innovation. The rate of adoption of the new invention is also explained by the gender relations theory as advanced by Proponents such as Dominelli (2017) and Messerschmidt et al. (2018) who argue that women have been relegated to performing reproductive and undervalued roles within the households. This explains why they do not take up jobs that have no home- work balance and as suggested in one of the FGDs is the reason why implementation of the Affirmative Action policies is lacking.

#### **Clear Policies on Maternity of women**

Policies on maternity of women is one of the governance issues that empower women and allow them to be productive while taking care of the family issues. The study found out that about 91.9% female and 87.6% male respondents agreed that there was active policies on maternity of women at their workplaces. In total, there were 90.2% of the respondents who agreed to the statement that there were policies on maternity of women. Of those who agreed, 91.9% were women as shown on table 4.9 while about 87.6% were men. It was also observed that those who disagreed that there were no policies on maternity of women were relatively small at 9.8%. There were about 8.1% of women and 12.4% of men who indicated that there were no policies on maternity of women. Policies on maternity of women enables women, as well as men in practicing and providing strong support to their wives. It was observed that there was no strong support from the oil mining companies on having strong and active support for maternity of women. Support for maternity on women is crucial for improving participation as women who feel supported are likely to have higher contributions at the work (Atieno, 2006).

One of the motivations for women and men is providing paid weekly and/or paid leaves for the mothers working at the oil companies. The study found out that 97.5% females and 91.4% males agreed that there were paid for their maternity offs. In total, the study observed that 95.1% agreed that they were paid off for either weekly or periodical treatment during maternity. Only 4.9% of the respondents disagreed that there were paid off for their weekly treatments as indicated on table 47. From the focus group discussions, it was also observed that there were paid weekly or periodical treatments for the maternity depending on the nature of work contract.

#### **Challenges of implementing gender policies in Turkana**

Gender policies in Turkana, as well as other marginalized places in Kenya have experienced barriers in their implementations. All the Key Informants mentioned that there are fears that ladies can perform better than men thus making men to act as barriers to women empowerment. Gender policies both at work and in the society are likely to face cultural challenges. For instance, one of the ladies suggested that, “Women cannot perform traditional religion roles thus limiting them in their execution of their leadership roles.” It was viewed as a challenge when women were not able to offer leadership functions as it would be deemed right by the society”. A respondent supported by three others were of the opinion that women getting pregnant was likely to derail them from delivering their mandate. Additionally, they mentioned that the fear of competition between men and women making some members of the society not to implement gender policies. Another aspect mentioned by members of all the FGDs was lack of goodwill to implement the set policies and structures like Quality Assurance and monitoring and evaluation follow up for future improvement of the set policies.

## **Perception of Affirmative Action in the Extractive Industry**

### **Strength of agreement on perceived benefits of affirmative action**

The study found out that 78.8% and 62.3% of those who agreed that the affirmative action had some perceived benefits were male and females respectively. There were 6.1% and 5.2% of males and females respectively who disagreed that affirmative actions had perceived benefits. The Most of the respondents agreed at 69.9% that there were perceived benefits associated with affirmative actions as presented by the government of Kenya. A substantial number of respondents at 2.8% felt that there was no perceived benefits from the affirmative actions. The respondents in two of the FGDs and a key informants felt that there were more benefits accruing to women through the affirmative action. However, opponents of Affirmative Action view it as just but as a component of inclusivity and propose that a diverse workforce requires a shift from affirmative action to a market oriented debate (Dessler 2005). This was a heated discussion during the FGD as most men felt that Affirmative Action makes women lazy and the tendency of having an unqualified woman as opposed to a deserving qualified man for a top position are high.

### **Affirmative action as an ambitious attempt to correct past discrimination**

Governments have identified specific affirmative actions to correct gaps identified in gender roles among the labor sector. The gender relations theory has been important in explaining the societal norms and practices toward gender division of labor in the society (Booth & Erskine, 2016). The theory explains the connection between the men's dominance in extractive industries relative to women even in the context of oil extraction. From the study, it was established that more of females at 65.1% were in support of the fact that affirmative actions are done as a result previous discriminations. Those who strongly disagreed that the affirmative actions were actions to correct past mistakes were 9.3% men and 13.3% being women. In general, it was observed that 59.9% of the respondents agreed that the affirmative action was a mode of correcting the past discriminations done by previous governments on different genders. The results reflected the belief of Mahy (2012) who opined that employing the use of affirmative action led /to the belief that the actions are inspired to correct past mistakes. The study findings also relate with the concept and perceptions of the affirmative action for women as proposed by bodies like UN, the Constitution of Kenya 2010, and the Convention on the Elimination of All Forms of Racial Discrimination in article 2.2 (Heilman, Manzi, & Braun, 2015). The concept which proposes that Affirmative Action is designed to reduce past injustices against women. It is interesting to note that of those who agreed, the male were a higher percentage (65.1%) than their female counterparts (57.4%) and this could be attributed to the fact that as the KII respondent a chief expressed, without affirmative action past mistakes of gender inequality cannot be achieved. Contrary to this one woman respondent in the FGD felt that Affirmative Action is a right for women and this could explain why the women do not feel it is an act of correcting past mistakes.

### **Affirmative Action as an effort to promote diversity**

The study found out that there were 57.5% females and 65.1% males who agreed that affirmative actions were actions conducted by the government and firms to promote diversity. Those who disagreed More than half (at 60%) of the respondents agreed that affirmative actions as well as their implementation was an effort to promote diversity. About 4.5% of the respondents also felt that there was no promotion of diversity through implementing the affirmative action. Most of the respondents who agreed that the affirmative action was an effort to promote diversity were about 57.5% being females as shown on table 4.13. It was also observed from the qualitative data that most of the respondents in FGD viewed affirmative action as a way of promoting diversity. The findings were also in relation to the conclusions made by Jenkins (2017) who opined that the levels of depression among women were reducing as a result of affirmative actions by the governments since most interventions are geared towards reducing past injustices.

Gender diversity is requisite for the growth of of any organisation and as suggested by Ely & Meyerson (2010) a key challenge to promoting gender diversity to 50% women representation is the possibility of ignoring and compromising other diversity needs. The findings also relate to the gender relations theory that asserts that rapid social changes can bring diversity at workplace; however in times of rapid social change acceptable roles are often in a state of flux, producing uncertainty on the appropriate role of behaviour (Johansson, & Ringblom, 2017). Conversely, it is still interesting to note that more male at 65.1% than women at 57.5% believe this. This as was earlier mentioned that most women respondent had expressed during the FGD believed everything about Affirmative Action was their right and it should not even be a subject of discussion. This explains why the percentage for female is lower than male for those who agree.

### **Affirmative Action as a Motivation to both gender**

Motivation is experienced when the staff are given an ambient and favorable working environment. From the findings of the study, most of those who agreed that affirmative actions improved morale of the



workers were females at 52.2% while 5.4% of males disagreed. There were 84.5% of females as compared to 81.1% males who agreed that affirmative action was a motivation to both genders. The majority of the respondents at 42.5% were in support of the fact that affirmative action was made to motivate women as well as men. One of the key informant supported by three others were of the opinion that the affirmative action was necessary for enabling both gender to be actively involved in community building projects and have different ways of looking at a project bearing in mind gender diversity. The study findings also relates to theory of change where the introduction of affirmative action's lead to motivated and determined staff. A key informant having worked in the Human resource department mentioned that diversity is associated with the goodwill from the government and firms that leads to harmonized workforces and promotes gendered perspective of looking at issues in the organization. This is essential in ensuring all aspects of employment relating to different gender are factored. Trainings conducted by the oil mining companies have been associated with increased acceptance by the community that women, as well as men, can participate in menial labor in mining (Knoblock, 2013). The image presented by mining sector is that of "masculinity" where women feel sidelined. Mining companies should work to provide a competitive ground where women feel appreciated and embraced as other gender of men (Ely & Meyerson, 2010). This can then ensure there is quality in work and competition in the organisation in terms of gender equality.

### **Perceived Liabilities of Affirmative Action**

Affirmative actions have also been perceived to have liabilities through their implementations.

#### **Affirmative action hampers productivity for both males and females**

Affirmative actions are associated with activities that possibly cause an increase in working staff at an organization, or people of the other gender that is under-represented. The study found out that were 25.9% of females and 60.4% of males agreed that affirmative action was associated with hampering productivity for males. This is in agreement with what a Key Informant who had worked in the human resource department mentioned that majority of males feel that affirmative action favours women more than men hence hindering productivity. She went further and gave an example that if a man and a woman join the organization the same time; there are more avenues for scholarships and trainings available for the woman and hence she can raise faster in the employment ladder. There were 8.7% and 0% of females and males respectively who disagreed that affirmative action hampered productivity for males. There were also 65.8% of males and 55.8% of females who agreed that affirmative action was associated with hampering productivity for females. A key informant who was an employee of Tullow mentioned that nothing in affirmative action is associated with hampering productivity for either men or women since there are defined roles for the persons appointed but men feel that Affirmative Action favours women and this demotivates and hence hampering productivity. The statement pointed that affirmative action was associated with improved productivity in females but an interesting observation was 55.8% of females believed that Affirmative Action hampers productivity among women; this affirmed what a respondent in FGD mentioned that "women are their own enemy".

#### **Affirmative Action corruption**

The study found out that there were 81.8% of females as compared to 88.4% of males who disagreed that affirmative actions was associated with fostering corruption among the males. Those who agreed were only few females (4.4%) who indicated that affirmative actions fostered corruption in males. A respondent in the FGD mentioned that many men are giving kickbacks to be favoured for positions or opportunities intended for female. This is in line with the conflict theory where male and female compete for scarce opportunities. In total, 25.5% of the respondents indicated that designing and implementation of affirmative action was not fostering corruption among the males. 13.1% of the respondents who were not sure whether there or not there was corruption associated with implementing affirmative actions. It was a mere 3.0% who agreed that there was corruption associating males in Lokichar as a result of implementing the affirmative actions.

The total number of women who felt that affirmative action fostered corruption among women were 45.9% against 54.1% from men. Males at 14% as compared to 0.0% of females, strongly disagreed that affirmative actions fostered corruption among the females. Only 9.3% of males as compared to 0.0% agreed that affirmative action was associated with fostering corruption. In general, most of the respondents disagreed as shown by 65.8% for females and 79.1% for males who felt that affirmative actions were not associated with corruption. The same perception of corruption was felt by 7.6% of the respondents who disagreed that there was fostering of corruption cases in females as influenced by implementing of the affirmative action. About 22% of the respondents were not certain whether there were cases of corruption as a result of implementing the affirmative actions in females. Only 5% of the respondents were in agreement that affirmative action was associated with increased corruption in females. The results therefore disassociate corruption with implementation of the affirmative action.

### **Affirmative Action as a program of gender preference**

There was a need to see how the locals viewed the affirmative actions in terms of implementing the affirmative actions. The study observed that 26.5% of the female respondents indicated that affirmative action was a program or male gender preference while 62.3% of females agreed that affirmative actions were a female gender preference program. Those who disagreed that affirmative action was a program for male gender preference were 14.0% for males and 44.2% for females. The results indicate that the Affirmative Actions were made to mostly promote the female gender in promoting their participation and contribution to community development. Three key informants were in agreement with the statement that the affirmative action was made to promote and enhance contributions and participation by the female gender, as it has been underrepresented on matters of gender societal development.

### **Affirmative Action in reversing discrimination**

From the study those who felt that affirmative actions were associated with reversing discrimination, 44.2% of females disagreed while only 14% of males disagreed that Affirmative Action reverses discrimination among males. It was also noted that 30.9% of females agreed that affirmative actions reversed discrimination among male employees as compared to 60.6% of males who agreed to the statement. 69.1% of females and 65.1% of males agreed that affirmative actions reduced discrimination for females. In total, about 1.5% of the respondents disagreed that affirmative action was made to reverse discrimination among the males. About 64.6% strongly agreed that the affirmative actions were made to reverse discrimination among the female gender. The findings support the general view that the affirmative action was designed to reverse the discrimination against the female gender. This supports the conflict theory as Burrell (2017) posits, that the society always competes over scarce resources which is in agreement with gender relations theory as advanced by proponents such as Dominelli (2017) who argue that women have been relegated to performing undervalued roles. This Booth & Erskine (2016) observes that it explains the connection between men's' dominance in extractive industries relative to women and the need to reverse this discrimination.

### **Transformation of gender roles due to working in Oil Company**

#### **Traditional Roles for Men**

This study identified traditional roles for both men and women of the Lokichar community before the entry of Oil Company in the area. Traditional roles of men included herding the cattle, sheep and goats, protecting the homes, hunting and providing for their families. The FGD members also quoted that men were tasked with helping women where necessary to ensure their wives were not overwhelmed with the work they were doing. Men were also tasked with maintaining boundaries and ensuring there is peace and harmony within the community boundaries. Men also played important roles in community including circulating information gathered from the elders. It was a duty of the senior men to go and have elders' meeting to collect outside information then share it with their wives to help in making decisions. One of the respondents stated that, "Through having information, men were able to give directions and solutions to the issues affecting the community including the decisions to move animals to newer grazing lands."

#### **Changed roles for males due to oil mining**

The study also sought to seek the whether there were changed roles for males. It is expected that with new opportunities, people were likely to change and adapt new roles, making changes to the traditional roles perceived to be for men and for women. From the finding of the study 15.7% of males alluded to the fact that men changed their roles to CLOs, machine operators, supervision while 10.5% were involved in business. It was a mere 10.3% changed their roles to Security, cleaners, cooks and drivers. Contrary, their female counterparts mentioned that men changed their roles and were highly involved in business at 38.8%. This was followed by cooking and storekeeping at 14.6%. A key informant mentioned that upon joining the oil mining company, the males were engaged as engineers, machine operators, drivers, plumbing, field works, storekeepers, security, cleaning and cooking. Others were engaged as Supervisors and Managers. Some chose to do businesses that served those in the mining company. Men have been traditionally associated with manual work that needs to be accorded extra energy that make women feel sidelined. The focus group discussion (FGD) pointed out that men had changed to performing women-perceived chores including washing clothes, cooking and serving foods to the employees at Tullow Oil Company. It was observed that technical jobs required educated people and thus irrespective of gender, qualified persons were likely to be taken.

#### **Traditional Roles for Women**

Turkana women were charged with taking care of the homes and the children, doing household chores such as cleaning and cooking, collecting firewood, fetching water among other roles. Women in Turkana were

traditionally tasked with making animals' kraals. They also needed to dig seasonal water boreholes. Maintaining cleanliness at the homesteads was also women's affair. A key informant argued that women were managers of the households as they implemented the household works. Women also delegate works to other members of the family. They also do construct houses and repair them.

### **Changed Roles for Females due to oil mining**

From the study, females were majorly engaged in business at 24% and as the company cleaners and cooks. One of the key informants indicated that, "Women are driving big lorries but I have not yet witnessed any woman operating machines" in support of the fact that women have started doing the traditionally men chores. Women have also secured security jobs working as security guards manning gates of the oil mines, a work description traditionally spared for men. There were new jobs that women also joined making the change from the traditionally strict community to adapt to new changes. One of the respondents indicated, "There are women who are community liaison officer (CLO's) who create awareness to the community on what to be done." Women also started doing businesses where traditionally they were home attenders, indicating a shift from the traditionalism to modernism.

One of the respondents in FGD indicated, "Women can do what men do especially for single women who are forced to, due to their nature of needs, take care of their children and meet basic needs. Men do work together with women in order to achieve common goal of life. It was also observed that, "People working with Tullow Oil Company assume all roles regardless of gender as long as they have important skills of assuming the assigned roles." One of the challenges identified for women getting employment at the oil mining companies was the compromising needs for sexual favors by the senior people in management. All the six key informants indicated, "One is required to give some favors before they are employed especially women exchange sexual favors for jobs." Another one mentioned that it was not just sexual favors but also cash. The member indicated, "For someone to get employment they need to pay some cash (10k to 50k) or sexual favor." The senior personnel were the ones who were associated with soliciting for sexual favors in the oil mining companies. The findings on changes on gender roles support a study by Scanlan (2015), women were disadvantaged in getting employment especially in marginalized communities where illiteracy levels were high. He further adds that women need capacity building and support from management in order to ensure they were accorded equal treatment as men. It was noted that there were great changes in gender roles as influenced by the oil mining processes. FGD members unanimously agreed that "women can do what men do especially the single women." It was also observed that household roles have changed where men look after animals the ladies can also look after them, and in cases where women's roles were in the kitchen, men have also adopted the same roles as women. Men and women have increased their cooperation in delivering their chores thus improving synergy at homes and work place. Most of the older generation still abides by the traditional roles with high resistance to change.

It was generally observed that there was change in gender roles with men and women performing roles that were previously dedicated for men. A respondent indicated that, "Education has changed things with women being able to contest as men. Women can perform their roles as managers as well as take leading roles in their organizations." It was observed that women had taken up roles of plant operators and drivers, a feat not seen before oil mining in Lokichar and in Turkana. Men also took up new roles as cooks and waiters, serving food to staff at Tullow Oil. Women have also served as security officers in Turkana leading to an increase in perception of gender empowered society. More women at 64.6% pointed out that women were mostly affected with only 35.4% of them feeling that men were most affected. The study revealed that women were the most affected group at 72.7% while only 27.3% of the respondents said that it was the men who are mostly affected by the changes. The study findings also support the findings by Keenan and Kemp (2014) where they indicated that women were beneficiaries of oil mining establishments especially in remote areas where a sizeable number of them get jobs and others experience changes in livelihoods. The study also pointed that the adverse effects also affected women, and to some extent, indirectly affected children.

### **Hypothesis Testing on Transformation of Gender Roles**

This was done by a cross tabulation on whether traditional gender roles have changed vs the gender. The introduction of economic activities in Lokichar was expected to bring about changes in the traditional gender of the locals. When asked if the mining of oil in the area has changed the traditional gender roles of the locals, 47.3% (males) and 61.9% (females) of the respondents agreed while 52.7% (males) and 38.1% (females) disagreed. The high degree of respondents at 56% agreeing that they had experienced changes in gender roles could be attributed to the changes in income earned by the locals, the changes in the area infrastructure, and the changes in gender roles as associated with increased goods and services on offer for the locals for consumption. Establishment of an economic activity within the locality is expected to change the livelihoods of the locals. The findings of the study were similar to the findings by Fatusin, Afolabi, and Adetula, (2010) who pointed out that

community where a large-scale project was based, and where locals were able to participate, there was a significant change on the livelihood of the locals. The community was likely to benefit from large scale projects due to investments in the local areas, benefits from the corporate social responsibilities (CSRs) from the companies, and businesses growing and increasing income for the locals. The hypothesis for testing whether there was any gender transformation among the locals was tested using the chi-square tests to establish the p-value of the results.

**H<sub>0</sub>:** Gender roles have not been transformed as a result of oil mining in Lokichar.

**H<sub>1</sub>:** Gender roles have been transformed as a result of oil mining in Lokichar.

To ascertain the association above, a chi-square test was done to determine whether the respondents involvement in oil mining had transformed their gender roles. The tests were carried out with a confidence level of 95% ( $\alpha=0.05$ ). The summary of the cross tabulations and the chi-square are depicted on tables 1.2;

**Table 1.2 Cross Tabulation and Chi Square Test Results for Traditional transformation of Gender Roles vs Gender**

Have traditional gender roles changed	Respondent gender				Total	
	Male		Female		N	%
	N	%	N	%		
Yes	52	47.3	109	61.9	161	56.3
No	58	52.7	67	38.1	125	43.7
<b>Totals</b>	<b>110</b>	<b>100.0</b>	<b>176</b>	<b>100.0</b>	<b>286</b>	<b>100.0</b>
<b>Chi- Square Tests</b>						
Statistics		Value		Df	Asymp. Sig. (2-sided)	
Pearson Chi-Square		5.845a		1	0.016	

The difference between the two values show that gender roles have been transformed as a result of mining. Therefore, we rejected the null hypothesis and accepted the alternative hypothesis that Gender roles have been transformed as a result of oil mining in Lokichar. More women are predicted to take up more skilled and semi-skilled roles in the oil company just like the male companions. The findings are in relation with the conceptual framework where the members of the community felt that with time, the oil mining will lead to changes in their traditional gender roles. The members also expected that with time, there will be gender empowerment where both females and males would be involved in formal work in the oil mining, thus leading to improved economic situation.

## V. CONCLUSION

EI has contributed to development worldwide and is growing at a faster pace in Kenya and hence the need to involve more women. Gender equity and women’s empowerment must be promoted in the mining context at work places since men and women experience it differently. It is therefore imperative for communities, governments, and Extractive companies to respond and act appropriately when integrating gender into community work in this industry so as to address inequalities by developing specific activities or targeted programmes for individuals who have been denied opportunities or access to resources. The study recommendations provides stakeholders with issues to take into account when crafting policy responses to challenges that may likely emerge in this industry. Oil companies are able to adopt gender-sensitive policies that will help improve workforce efficiency and steer Kenya to realize its full economic potential which is in line with Vision 2030 theme of transforming Kenya as a pathway to equity and national unity.

### **Recommendations for promoting gender equality in the Extractive Industry with regards to hiring practices in oil companies**

The study recommends the following;

- i. Men and women should be informed of their rights with regards to hiring practices in companies with more Affirmative Action ventures towards women education.
- ii. It is important to incorporate policy and legal issues into the hiring practices of the oil mining companies which in turn will improve gender equality.
- iii. More gender empowerment ventures more so promoting women should be instituted in institutions of learning and employment and geared towards balancing work and life environment. Oil companies should endeavor to understand gender conflicts which will in turn inform them in designing policies to strengthen the hiring practices.
- iv. Sensitization of local content and compensation issues with regards to EI should be crafted so that the public is knowledgeable.
- v. Advisory teams and advocacy bodies should be devolved so that issues relating to gender equality in the EI

can be addressed at work places.

- vi. Platforms for information management systems should be instituted where monitoring and evaluation information is fed promptly through the ministries concerned with gender issues emanating from EI companies. This will ensure that gendered data is available and crafting and implementation of the same policies is possible.
- vii. Implementation of government and work policies should be emphasized with great emphasis on not only Monitoring and Evaluation but also Quality assurance. Quality Assurance will ensure that policies are implemented to the later and room is created on improvement where found lacking.

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