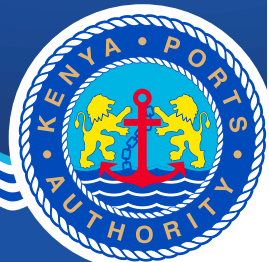


CODE OF ETHICS & CONDUCT

WE VALUE
DOING THINGS RIGHT



(UNCONTROLLED DOCUMENT)

**(THIS CODE OF ETHICS AND CONDUCT SHALL COME
INTO FORCE ON 10TH APRIL 2018)**

**FOR GUIDANCE AND ADHERENCE BY EMPLOYEES OF KENYA PORTS AUTHORITY
AND OTHER STAKEHOLDERS AND NOT FOR PUBLICATION**

**MADE PURSUANT TO THE LEADERSHIP AND INTEGRITY ACT 2012 AND
PUBLIC OFFICERS ETHICS ACT 2003, LAWS OF KENYA**

ISO 9001:2015 Certified

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FOREWORD

Ethics refers to standard behaviour which informs the manner in which people are expected to act in a number of situations through which they find themselves.

This Code of Ethics and Conduct outlines the standard of behaviour expected of Kenya Ports Authority employees. It is designed to assist employees in understanding their responsibilities and obligations, and provides guidance whenever they are faced with an ethical dilemma or conflict of interest. By virtue of their employment, employees are in a unique position of trust. They are therefore required to uphold standards of ethical behaviour that reflect stakeholders' expectations.

Unethical behaviour and corruption affects functions and operations of the Authority and have the effect of increasing the cost of doing business, occasioning poor service delivery, loss of business and adverse reputation. This negatively impacts on the successful realization of the Authority's vision.

The Authority has established key interventions to tackle the two vices. These include: establishment of the Ethics and Integrity Department; appointment and training of Departmental Integrity Assurance Officers with the mandate to create awareness and encourage reporting of the vice; formulation of Anti-Corruption policies and Code of Ethics; encouraging the reporting of corruption incidences through different channels, namely, suggestion boxes and Anti-Corruption email address (stopcorruption@kpa.co.ke); and automation of processes which in turn minimizes human intervention and increases transparency and accountability.

The Authority further commits itself to adherence to the National Anti-Corruption framework.

The entire workforce and Board of Directors are all committed to the full implementation of the Code of Ethics and Conduct and supports all measures necessary to ensure that it is enforced. Employees and stakeholders are expected to read and understand this Code of Ethics and Conduct, uphold the rules and standards established in it, comply with all applicable policies and procedures and ensure that they are aware, understand and adhere to them.

Failure to adhere to the Code of Ethics and Conduct attracts penalties in accordance with the Disciplinary Handbook, Human Resources Manual and relevant laws and regulations in the country.

DR. ARCH. DANIEL O. MANDUKU
MANAGING DIRECTOR

INTRODUCTION

Kenya Ports Authority (The Authority) is a statutory body under the Ministry of Transport and Infrastructure. It is established under Section 3 of the Kenya Ports Authority Act, Cap 391 of the Laws of Kenya.

The Authority is responsible for the construction, operation and management of seaports and inland waterways, the Inland Container Depots in Nairobi, Kisumu and Eldoret, and the Liaison offices in Kampala, Rwanda and Burundi.

Key Services Offered by the Authority

Among the main services offered by the Authority are marine services (comprising of pilotage, towage, mooring, dry-docking, navigational aids and maintenance of the tunnel and turning basin), stevedoring and shore handling services (comprising of Cargo handling services for containers, general cargo, dry bulk and bulk liquids), and reception of cruise vessels which entails facilitation of cruise tourism.

Objectives of the Code of Ethics and conduct

The Code seeks to create a culture where functions and operations of the Authority are performed ethically and with integrity. It provides guidelines for individual or collective behaviour and conduct, managerial decisions and protection of the organizational reputation.

KPA's VISION, VALUES AND ETHICAL PRINCIPLES

This Code of Ethics and Conduct outlines the standard of behaviour expected of employees and more specifically support the Authority's Vision and Mission by advocating for the creation of a corruption-free working environment.

KPA's Mandate

To maintain, operate, improve and regulate all scheduled Ports. In order to realize its mandate, the Authority strives to conduct its activities with the highest possible ethical standards.

KPA's VALUES

Customer focus

Honouring of commitments to one another, the community and customers. Service excellence is key to the Authority's operations. The Authority strive to provide outstanding service and value to each other and to its customers.

The AutIntegrity

Business is to be conducted with the highest ethical standards and fairness is to be upheld, as well as honesty, professionalism and transparency in all its undertakings.

Team work

The Authority embraces team spirit in all its undertakings. The employees are capable, high-performing people who appreciate the privilege of public service. They practice open communication, innovation, collaboration and transparency in all interactions.

The Authority cares

The Authority cares for its staff and the communities around it, and is sensitive to the environment. The Authority embraces the richness of a diverse workplace and supports employee development. It encourage a healthy and diverse organization that enhances individual contributions locally and globally. It is a responsible steward of community resources and the environment. The Authority exercises care and wisdom in the use of both financial and natural resources.

TO WHOM THE AUTHORITY IS RESPONSIBLE

A successful business is measured by, amongst other things, its relationship with its shareholders, customers, employees, business partners and the community. The Authority aims to tap into the synergy of these relationships and to create a collectively beneficial business environment. Its responsibilities are identified as follows:-

Shareholders

To safeguard shareholders' investments and to create and add economic value.

Customers

To satisfy the unique needs of its customers by offering innovation, flexibility and service that creates value for their businesses as their commercial success is, in turn, our success.

Employees

To recognize that employees are the Authority's greatest asset and to ensure that they have a safe and conducive working environment with equitable and competitive terms and conditions of service. The Authority promotes a culture of trust and the development and best use of human talent and resources.

Business partners

To cultivate meaningful, mutually beneficial and successful long-term relationships with partners, suppliers and contractors based on trust and understanding.

Community

To be a responsible corporate citizen and conduct business in a manner that promotes sustainable development for both the Authority and the community. This involves full compliance with laws and regulatory authorities, respect for local culture, and giving due consideration to social and environmental issues in all commercial decisions.

THE AUTHORITY'S CODE OF ETHICS AND CONDUCT

The Code of Ethics and Conduct contains a set of policies that forms the basis through which the Authority should conduct its business. Employees, Board members, suppliers, Port users and stakeholders in general are encouraged to familiarize themselves with contents of the Human Resource Manual, Disciplinary Handbook, the Code of Ethics and Conduct and associated policies.

SECTION A:

DEFINITIONS AND GENERAL OBLIGATIONS

A.1 DEFINITIONS/DESCRIPTIONS/EXAMPLES

Benefits

In the context of corruption and unethical conduct refers to the illegitimate conferring to oneself, giving, receiving as an inducement or reward for the doing or not doing that which an individual is under a duty to do or avoid doing.

Conflict of Interest

Exists when an employee's duties conflict with his personal interest, or conduct is influenced, or could be influenced by personal interest.

Confidential Information

Is information which is not meant for publication without permission of the Authority and includes, without limitation to, any information in whatever form that is marked or classified as confidential. Examples include: internal memos, Board memos and resolutions, Tender Evaluations and processes, confidential Government Circulars, matters discussed during Executive meetings, Human Resource matters i.e. short listing of applicants for recruitment or promotion, disciplinary Committee reports, any matter not subject to public disclosure; privileged Advocate-Client communications; research and development reports; content of technology development plans; marketing research and report; contents of databases; inventions; research data and mechanisms; procedure manuals; engineering designs; purchasing requisitions and records; accounting details; sales data; inventory of customers; financial status unless published in the press by authorisation, and; employment contracts for employees.

Financial or Beneficial Interest

Includes any interest that an employee or Board Member may have in relation to: a creditor, debtor or ownership interest; any employee, consultant or partnership arrangement; any option to purchase real or personal property.

Harassment

Refers to unwelcomed behaviour that is offensive, debilitates morale, and interferes with effectiveness at work.

Relative

Includes an employee's spouse, parents, children, cousins, nieces, nephews, grandparents, grandchildren, in-laws, and any person with whom the employee has a relationship that is substantially equivalent to any of the above.

A.2 THE PURPOSE AND USE OF THIS CODE OF ETHICS AND CONDUCT

Code of Ethics and Conduct

This Code of Ethics and Conduct establishes standards of acceptable behaviour for employees, members of the Board, suppliers, Port users and stakeholders at large and provides for penalties in the event of breach. It is an important reference point at the work place and in their relationships amongst themselves, especially in the event that unethical issues emerge. This Code of Ethics and Conduct is made pursuant to Section 5 (1) of the Public Officer Ethics Act, 2003, the Leadership and Integrity Act Cap 182 and Chapter 6 of the Constitution of Kenya, 2010.

A.3 APPLICATION OF THE CODE OF ETHICS AND CONDUCT

- a) The provisions of this Code of Ethics and Conduct applies to all employees.
- b) The Authority deals with the National Government, the County Government, suppliers and contractors, members of the public, port users and stakeholders. This Code of Ethics and Conduct sets out standards of conduct and ethical behaviour for its employees and members of the Board.
- c) The Code reflects the Authority's business principles and offers guidelines on what is expected of employees. It is essential that all employees have access to the Code, understand its contents, and comply with it at all times.
- d) The Code is neither exhaustive nor replaces other various policy guidelines dealing with issues of ethics and integrity. It is merely a reference guide in addition to other applicable policy guidelines.
- e) While this Code of Ethics and Conduct is focussed on employees, it also applies to contractors, consultants and others port users and stakeholders who may in one way or the other be involved with the Authority in supply or delivery of work or services.
- f) This Code of Ethics and Conduct is made available in printed and soft copies to all employees through their respective Heads of Departments, Departmental Administrators, and members of the Board of Directors.
- g) All employees are expected to acquaint themselves with and abide by the contents and, where necessary, seek guidance and explanation from their supervisors.
- h) Copies are also available to stakeholders, including consultants, suppliers and contractors who are also required and expected to acquaint themselves with and abide by the contents, and where necessary, to seek guidance and explanation on the same from the Managing Director.

Review of the Code of Ethics and Conduct will be done periodically with approval of the Board, approximately every three years followed by publication.

A.4. GENERAL PROVISIONS OF THE LEADERSHIP AND INTEGRITY CODE

This Code of Ethics and Conduct gives recognition to the general provisions of the Leadership and Integrity Code as provided for in Part 2 of the Leadership and Integrity Act, 2012 Section 52, which means that all members of staff of the Authority are also obligated to adhere to the general provisions of Leadership and Integrity Code while discharging their duties.

A.5 ETHICS AND INTEGRITY CODE

Employees, members of the Board or stakeholders, as the case may be;

- a) Are expected to respect and abide by this Code of Ethics and Conduct, the Constitution and the law, and to respect and honour the rights and fundamental freedoms of others in the discharge of their duties.
- b) Are to discharge their duties in the best interest of the Authority.
- c) Will, to the best of their ability:
 - (i) Carry out the duties of the office efficiently and honestly; and
 - (ii) Carry out the duties in a transparent and accountable manner.
- d) Are expected:
 - (i) To perform their duties in a manner that maintains confidence in the integrity of their office;
 - (ii) To treat members of the public and other public officers with courtesy and respect;
 - (iii) To be fair and impartial;
 - (iv) To maintain high standards of performance and professionalism; and
 - (v) To Avoid committing any offences, and in particular, any of the offences under Parts XV and XVI of the Penal Code (Cap. 63), the Sexual Offences Act (No. 3 of 2006), the Counter-Trafficking in Persons Act (No. 8 of 2010), and the Children Act (Cap. 141).

A.6. GIFTS AND DONATIONS

A gift or donation shall be treated as a gift or donation to the Authority under the provisions of the Leadership & Integrity Act as is applicable to gifts and shall apply as the case may be.

A.7. OTHER RELEVANT MATTERS

- a) An employee or Board member is not allowed to use the office to wrongfully or unlawfully influence the acquisition of property.
- b) The provision on Conflict of Interest is intended to:
 - (i) Guide employees to consistently conduct the Authority's business without

being influenced by considerations of personal advantage or gain.

- (ii) Help employees identify potential ethical concerns and conflicts of interest.
 - (iii) Require employees to disclose potential conflicts of interest and report potential policy violations.
- C) (i) Employees/Board members should avoid situations where personal interests conflicts with his/her official duties. Activities which are unrelated to their employment need to be separated from their official duties and should not be such as to compromise or conflict with their employment or adversely affect their employment with the Authority.
- (ii) In the event that personal interests conflicts with an employee's official duties, it is required that a declaration of personal interests be made to the Head of Ethics and Integrity of the Authority by the employee.

A.7.1. An employee/Board Member is not allowed to award or influence the award of a contract to the:

- (a) Self;
- (b) Spouse or child;
- (c) A business associate or agent; or
- (d) A corporation, private company, partnership or other body in which the officer has a substantial or controlling interest.

A.7.2. Subject to Article 76(2) of the Constitution or any other written law, an employee/Board member is not allowed to open or continue to operate a bank account outside Kenya without the knowledge and approval of the Ethics and Anti-Corruption Commission.

A.7.3. An employee/Board member is not allowed to be an agent of, or further the interests of a foreign government, organization or individual in a manner that may be detrimental to the security interests of the State and/or the business or commercial interest of the Authority, especially in matters involving international tenders.

A.7.4. An employee/Board member is required at all times to undertake the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2) (b) and 232 of the Constitution, and to refrain from practicing favouritism, nepotism, tribalism, cronyism, religious bias, or engage in corrupt or unethical practices.

A.7.5. An employee whose duty involves giving of advice to the Authority in an honest, accurate and impartial manner and without fear or favour, is expected to discharge that obligation as required and should not knowingly give false or misleading information to the Authority of any person.

A.7.6. An employee/Board member is expected to conduct private affairs in a manner that maintains public confidence in the integrity of his/her office.

A.7.7. An employee/Board member will have contravened the Code where he/she:

- (a) Causes anything to be done through another person that would constitute a contravention of the Code if done by the employee/Board; or
- (b) Allows or directs a person under their supervision or control to do anything that is in contravention of the Code.

A.7.8. Shall not apply where anything is done without the employee's/Board Member's knowledge or consent or if the employee/Board Member has taken reasonable steps to prevent it.

- (a) An employee who acts under an unlawful direction shall be responsible for his or her action.
- (b) Should an employee/Board Member consider that anything required of them is in contravention of the Code or is otherwise improper or unethical, the employee/Board Member should report the matter to the Head of Ethics and Integrity or to the Ethics and Anti-Corruption Commission (EACC).

The report should be investigated and an appropriate action taken within a reasonable time.

- (i) In all transactions, employees shall ensure that business is conducted in the best interest of the Authority, having regard to the Authority's policies, rules, and legal requirements.
- (ii) Employees shall comply strictly with the laws governing public institutions, including human resource management, public procurement and supplies, safe working environment, the one third gender rule, national cohesion, public finance management, the public private partnership management, good corporate governance, and any other requirements.
- (iii) Controls to prevent fraud and losses, including controls to ensure compliance with prescribed procedures in relation to claiming expenses for business travel, will be observed at all times.
- (iv) In the event an employee is seconded to work in a different organization, or the employee retires or resigns, or secures employment elsewhere, the employee or former employee must avoid conflict of interest and should maintain confidentiality.
- (v) Employees shall abide by safety and health regulations as specified in the Authority's Health & Safety Policy.

Behaviour at Work

- (i) An employee shall report to work within the stipulated working hours, as required, and shall not absent himself from duty without proper approval. Employees are expected to make proper and optimal use of technology including the biometric clocking and Integrated Security System.
- (ii) An employee is required to act in a manner consistent with the proper performance of the function of his position, including refraining from conducts such as corruption, unethical behaviour, drug or substances abuse, or alcoholism.
- (iii) Discrimination should be avoided in all aspects of employment and should not be expressed in any form, including: communications; displaying material and documents in electronic form; recruitment; training; promotion; transfers

- and deployment, secondment; rewards and benefits; selective application of disciplinary actions; and all or any other forms of discrimination.
- (iv) Compliance with employment, equality and equal status legislation is mandatory, as well as the duty not to discriminate against colleagues on the basis of gender, age, tribe, race, marital status, family status and religious belief.
 - (v) Due care and attention should be exercised in the use of the Authority's property, premises, equipment, resources and funds. Employees should not cause or permit damage or defilement of Authority's property or its use for unauthorized purposes.
 - (vi) Employees should treat their co-workers with respect including, respect for their values and beliefs.
 - (vii) An employee's behaviour should not endanger or cause distress to their colleagues, or cause disruption at the workplace.
 - (viii) The policy against harassment, sexual harassment and bullying should be observed by all employees (see Section H on Harassment).
 - (ix) Employees are to ensure that they dress in a respectable and appropriate manner and personal appearance and grooming is appropriate to their work environment. Their dressing and appearance should show due consideration and respect for their colleagues.
 - (x) Employees are required to value and treat customers equally and to be committed to fairness in all business dealings.

NOTE: The above provisions are not intended to be exclusive or exhaustive and the Board may include any other requirements or obligation of the employees through a circular so as to form part of this Code.

SECTION B:

B.1 INTEGRITY

- a) All employees of the Authority are required to act with honesty and integrity in their dealings.
- b) Employees are not expected to engage in activities which would, in any way, impair their ability to perform their duties.
- c) The use of the Authority's resources or time for personal gain, for the benefit of persons/organizations unconnected with the Authority, or for the benefit of competitors is prohibited.
- d) An employee should not put to personal use or benefit the Authority's property, equipment, or facilities.
- e) An employee should not become personally or financially involved in any business which is in competition or in conflict with the interests of the Authority.
- f) It is the responsibility of every employee, at all levels, to disclose to the Managing Director any personal or private involvement which may constitute a conflict of interest, and to comply with any directive in relation to such involvement.
- g) An employee should declare, in writing, any potential conflict of interest that might affect his impartiality in carrying out his duties.
- h) An employee at any level in the Authority should not be involved in the deliberation, or making of a recommendation or decision on a transaction which could benefit or otherwise materially affect another party with whom a family relationship exists, or from which a financial benefit may accrue to the employee concerned, whether from investments or otherwise.
- i) An employee, particularly when in a position of authority or influence, should not use that position to obtain facilities or personal favours which he would not enjoy but for the said position of influence.
- j) Employees are to ensure that Authority's reports accurately reflect the business performance, and are not false, misleading, or designed to mislead.

NOTE: Confidential registers of such interests are maintained by the Divisional Corruption Prevention Secretariats.

SECTION C:

GIFTS, BENEFITS AND FAVOURS

C.1 SOLICITATION OF GIFTS PROHIBITED

- a) Employees are not expected to receive, accept, take, seek, or solicit, directly or indirectly, any gift if it could be reasonably expected (or appear to a third party) that the gift would influence the action or judgment of the employee, or be considered as part of a reward for action or inaction.

C.2 GIFTS ACCEPTED ON BEHALF OF THE AUTHORITY

- a) An employee may accept a gift *of any value* as long as it is for, and on behalf of the Authority. Any gift so accepted shall become the property of the Authority and not of the employee. An employee is required to report the acceptance of any gift under this Section to the Managing Director within thirty (30) days of receipt.
- b) No employee should solicit or accept sponsorship or gifts on behalf of the Authority, or for events involving the Authority's employees where this could influence or otherwise compromise the Authority's decision relating to any transaction.
- c) Under no circumstances should an employee accept cash or cash vouchers where this could influence or otherwise compromise the Authority's decision relating to any transaction.

C.3 KSHS. 20,000.00 LIMIT ON GIFTS

- a) Even where the acceptance of the gift is not solicited and even where accepting the gift would not influence the employee's judgment in the performance of his duty, at any given time, the value of the gift which can be accepted on behalf of the Authority is limited to a value of KShs.20, 000.00. Thus, an employee should not accept a gift for his own benefit where the aggregate value exceeds KShs.20,000.00 from a single or related source in a calendar year.
- b) No single gift should be accepted which has been purchased by multiple sources whose value exceeds KShs. 20,000.00.

C.4 EXCEPTIONS TO KSHS. 20, 000.00 LIMIT ON GIFTS

- a) The following gifts may be accepted without regard to the KShs. 20, 000.00 limit. However, in the event that facts suggest that a gift could influence a decision, or create the appearance of influencing a decision, then the Authority may request the donor in writing that the offer be declined.
 - (i) Unsolicited flowers, plants and floral arrangements.
 - (ii) Unsolicited advertising or promotional items of nominal value, such as pens and note pads.

- (iii) Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no Financial or Beneficial Interest.
- (iv) Informational material, publications, or subscriptions related to the employee's performance of official duties.
- (v) Food and beverages consumed at hosted receptions where attendance is on account of official duties, including admission to, and the costs of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, provided that where the gift exceeds KShs. 20,000.00 on a single occasion, it is to be reported to the Managing Director.
- (vi) Unsolicited gifts from dignitaries from another state or a foreign country and intended to be of a personal nature.
- (vii) Occasional gifts in the form of food and beverage in the ordinary course of meals where attendance by the employee is related to the performance of official duties.

C.5 ITEMS NOT CONSIDERED GIFTS

The following items are excluded from the definition of gift and may be accepted by an employee or relative without constituting a violation of this Code:-

- (i) Items from family or friends where it is clear that the item was not given as part of any design to gain or maintain influence in the Authority.
- (ii) Items related to the business of the Authority's employee that are customary and not related to the employee's performance of his/her official duties
- (iii) Items exchanged among employees or between employees.
- (iv) Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in the employee's official capacity.
- (v) Items an employee is authorized by law to accept such as items accepted in accordance with the Authority's promotional activities.
- (vi) Payment of enrolment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or non-profit professional, educational, trade, or charitable association or institution.
- (vii) Items returned by the employee to the donor within thirty (30) days of receipt or donated to a charitable organization within thirty (30) days of receipt.
- (viii) Discounts available to an employee as a member of an employee group, occupation, or similar broad-based group.
- (ix) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item.

C.6. DECLARATION OF GIFTS

An Authority's officer who receives a gift or donation shall declare the gift or donation to the commission and the public entity which he/she represents. The Authority shall also keep a register of gifts received and gifts given by the Authority as provided for by the Leadership and Integrity Act, 2012.

C. 6.1. FORM OF DECLARATIONS OF GIFTS

The declarations shall be in the form(s) provided for in the relevant schedule of the Leadership and Integrity Act, 2012 and on page 26 of this Code.

SECTION D:

DECLARATIONS OF INCOME, ASSETS AND LIABILITIES

All Kenya Ports Authority staff are subjected to the provisions of Public Officer Ethics Act, 2003 and by extension, the Leadership and Integrity Act, 2012 which requires that every public officer shall, once every two years as prescribed by the Law, submit to the responsible Commission a declaration of income, assets and liabilities of himself/herself, his/her spouse and dependent children under the age of 18 years.

D. 1. FORM OF DECLARATION OF INCOMES, ASSETS AND LIABILITIES

The declaration shall be in the form set out in the schedule of the Public Officer Ethics Act, 2003 and page 26 of this Code

SECTION E:

CONFLICT OF INTEREST

E.1 CONFLICT OF INTEREST

- a) This provision is intended to:-
 - (i) Guide employees so that they consistently conduct the Authority's business without being influenced by considerations of personal advantage or gain.
 - (ii) Help employees identify potential ethical concerns and conflicts of interest.
 - (iii) Require employees to disclose potential conflicts of interest and report potential policy violations.
- b) Employees are required to use their best efforts to avoid being in a position in which personal interests conflicts with official duties. They are expected to serve the Authority with the highest standards of ethical conduct and to avoid situations that create a real or perceived "conflict of interest."
- c) Employees are to ensure that any activity that is not work-related or of personal interest is kept separate from official position at the Authority and does not influence decisions made while working at or for the Authority.

E.2 REAL OR PERCEIVED CONFLICTS OF INTEREST

- a) Employees are to avoid real or perceived conflicts of interest between private activities and official duties and responsibilities. At a minimum, potential conflicts should be reported so that the Authority may consider what, if any, actions should be taken to ensure that decisions are not influenced (or perceived to be influenced) by personal interests.

E.3 OBTAINING SPECIAL PRIVILEGES

Employees are not to use their employment to secure special privileges or exemptions for themselves, friends, or relatives.

E.4 CONFLICT OF INTEREST DECLARATIONS

The Authority shall maintain an open register of conflicts of interest in the prescribed form in which its affected officers shall register the particulars of registrable interests, stating the nature and extent of the conflict as applicable schedule of the Leadership and Integrity Act, 2012.

E.4.1. FORM OF DECLARATIONS OF CONFLICT OF INTEREST

The declarations shall be in the form(s) provided for in the relevant schedule of the Leadership and Integrity Act, 2012 and on page 26 of this Code.

E.5. CONFLICT OF INTEREST REGARDING EMPLOYEES ASSIGNED CONSULTANT DUTIES

GENERAL CONDUCT BY CONSULTANTS ENGAGED BY THE AUTHORITY

- (i) Consultants are expected to conduct the Authority's business without being influenced by considerations of personal advantage or gain.
- (ii) Consultants need to identify and disclose to the Managing Director potential unethical concerns and conflicts of interest that may arise in the course of the consultancy.
- (iii) Consultants are expected to report potential policy violations.
- (iv) Consultants are expected to conserve and responsibly use the resources owned by the Authority, to act in accordance with relevant applicable laws, and to conduct all business in a manner that reflects positively on the Authority, its employees and the general stakeholders.
- (v) Consultants are expected to serve the Authority with the highest standards of ethical conduct and to avoid situations that create a real or perceived conflict of interest.
- (vi) Consultants are to ensure that any outside activity or personal interest is kept separate from their position at the Authority and does not influence their business judgment.

SECTION F:

CONFIDENTIALITY

SAFE GUARDING CONFIDENTIAL INFORMATION

- a) Employees should not disclose confidential information.
- b) An employee of the Authority should not disclose confidential, personal, or commercially sensitive information (e.g. future plans, or details of major organizational, or other changes such as restructuring) obtained by her/him relating to the Authority's affairs.
- c) Confidential information should not be used by an employee in any manner that is detrimental to the Authority.
- d) Confidential information should not be used by an employee for personal benefit.
- e) Employees should not accept secondary employment or engage in business or professional activities which may compromise the obligation to keep confidential information secret.
- f) Unless authorised by the Managing Director, employees are not expected to give press statements or other interviews regarding the activities of the Authority.
- g) Employees are to ensure that when presenting papers to professional bodies, at conferences or anywhere, the image of the Authority is not portrayed in a negative light.
- h) Employees should not use or associate the name of the Authority with those of any acts or functions of; organization, society, club, or business except with the written permission of the Managing Director.

SECTION G:

ALCOHOL AND SUBSTANCE ABUSE

Employees should avoid being drunk while at work, and while on or off duty, should not be in possession of illegal drugs, (psycho tropic substances) or misused prescription medications, or other controlled substances.

SECTION H:

EQUALITY IN OPPORTUNITIES

H.1 THE PORT'S COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

- a) Discrimination of any kind at the workplace is not tolerated.
- b) No employee will discriminate against fellow employee on the basis of age, race, tribe, colour, nationality, religion, disability, pregnancy, sex/gender, whistle-blower status, or use of workers' compensation, political beliefs, or any other category of law.

H.2 COMMITMENT TO INCLUSION

- a) All employees are expected to be tolerant and accept individual differences. They should avoid personalizing issues and stereotyping others with whom they interact both at work and in the broader community.

SECTION I:

HARASSMENT

I.1 THE AUTHORITY'S COMMITMENT

- a) The Authority is committed to providing a respectful, supportive and productive workplace free of verbal, physical and visual forms of harassment by taking disciplinary measures against offenders.
- b) One of the Authority's core values is treating co-workers, customers, contractors, vendors and community members with respect.
- c) Employees are not expected to harass their colleagues at the workplace by use of unwelcome verbal or physical conduct that is derogatory because of age, race, tribe, colour, nationality, origin, religion, disability, pregnancy, sex/gender, whistleblower status, and terms of employment, political beliefs, or any for any reason whatsoever.
- d) No employee is allowed to make unwelcome sexual advances, requests for sexual favours, or other visual, verbal, or physical conduct of a sexual nature when:-
 - (i) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, such as promotion, training, overtime assignment, or leave of absence.
 - (ii) Submission to, or rejection of, such conduct affects employment opportunities.
 - (iii) The conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.

I.2 ANTI-HARASSMENT

- a) Sexual harassment includes harassment based on another person's gender, gender identity, sexual orientation, or harassment based upon pregnancy, childbirth, or related medical conditions. It also can include harassment of another employee of the same gender and / or sexual orientation.
 - (i) An employee should not offer or condition an employment benefit, like a raise, a promotion, or a special job assignment, in exchange for sexual favours.
 - (ii) An employee should not threaten or take an adverse action against another for reason that sexual advance is unwelcome.
 - (iii) No employee should use sexually degrading words to describe another employee.
 - (iv) No employee shall make unwanted physical contact, including patting, pinching, shoulder rubs, brushing up against another person's body, or impeding or blocking movements of another employee.

SECTION J:

WORKPLACE VIOLENCE

J.1 WORKPLACE THREATS AND VIOLENCE WILL NOT BE TOLERATED

- a) Employees are prohibited from making threats or engaging in violent activities. The following behaviour, while not an exhaustive list, provides examples of conducts that are deemed violent:-
- (i) Causing physical injury to another person
 - (ii) Making threats
 - (iii) Aggressive or hostile behaviour that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
 - (iv) Intentionally damaging the Authority's property or property of another employee.
 - (v) Possession of ammunition, a firearm, weapon, or other item intended to be used as a weapon while on duty.

J.2 DUTY TO REPORT DANGEROUS SITUATIONS

- a) Employees are required to immediately report a dangerous situation to their supervisor or any other employee in a position of authority.
- b) While the Authority does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to make reports as soon as is practicable. Behaviour which needs to be reported includes:
- (i) A person displaying aggressive behaviour or hostility.
 - (ii) Displaying behaviour considered irrational or inappropriate.
 - (iii) Activities that may be related to terrorism and terrorists.
- c) The Authority believes that it is in its best interests to keep business and professional relationships separate from personal and family relationships at the work place or in work undertakings.
- (i) No employee is expected to directly supervise, appoint, or discipline a relative.
 - (ii) No employee is allowed to evaluate or audit the work of a relative and vice versa.
 - (iii) No employee or a consultant is allowed to approve payment for a relative.
 - (iv) No employee or a consultant is allowed to be involved in any way with a relative's candidacy for employment.
 - (v) No employee is allowed to interfere or exert influence over employment, compensation or working conditions of a relative.
 - (vi) No two employees, who become relatives subsequent to their employment, are allowed or expected to work in the same section or department, because it is assumed that their continued deployment in the same section or department may result to conflict of interest, favouritism, poor performance, among others.

SECTION K:

NEPOTISM

- a) An employee is:-
- (i) Not allowed to engage in political activities that may compromise the neutrality of his/her office.
 - (ii) Not allowed to act as an agent for, or so as to further the interest of, a political party, or
 - (iii) Publicly indicate and broadcast support for, or opposition to any political party or candidate in an election.
- i) Every employee of the Authority is expected to subscribe to this Code of Ethics by signing the integrity Form 1 (appendix 1) as an indication that he/she is bound by the requirements that he/she will not be involved in any unethical or corrupt behaviour while in the service of the Authority.
- ii) Every consultant, supplier, agent, contractor and any other stakeholder will be expected to subscribe to this Code of Ethics by signing the Integrity Form 2 (appendix 2) as an indication that he/she is bound by the requirement of the Code of Ethics and shall not be involved in any corrupt or fraudulent practice in contravention of this Code.
- iii) Each and every employee is required to sign the Integrity Pact Form available at the end of this document and return to the relevant supervisor, indicating that he/she has read, understood and agrees to comply with the Code. The signed acknowledgement form will be kept in the employee's personal file.

Kenya Ports Authority is committed to the creation of a culture of Ethics and Integrity in the Organization.

NOTE: This Code of Conduct and Ethics has been reviewed for adoption by Kenya Ports Authority

SECTION M: INTEGRITY PACTS
SECTION N: DECLARATION
SECTION O: ADOPTION
SECTION P: POLITICAL ACTIVITIES

On this _____ Day of _____ 2018

SIGNED UNDER SEAL BY:-
THE MANAGING DIRECTOR: _____

THE GENERAL MANAGER:-
(BOARD & LEGAL SERVICES): _____

**KPA-FORMS C.6.1: DECLARATION OF GIFTS FORM
FORM A (r.5 (6))**

(To be submitted in DUPLICATE - (Attach relevant information or documentation relating to the gift))

Recipient's name: _____

Recipient's designation: _____

Recipient's employer: _____

Name of the donor institution: _____

Name and title of the presenter: _____

Description of the gift: _____

Estimated value of the gift: _____

Current location of the gift: _____

Date of receipt/issuance of the gift: _____

Date of declaration of the gift: _____

Date the gift was surrendered: _____

Function at which the gift was received/issued: _____

Signature of declarant: _____

Remarks of the Authorized Officer

Name of the Authorized officer

Signature and Date

KPA-FORM D.1: DECLARATIONS OF INCOME, ASSETS AND LIABILITIES SCHEDULE

(Section 26.)

DECLARATION OF INCOME, ASSETS AND LIABILITIES

1. Name of public officer:
(Surname) (First name) (Other names)

2. Birth information:
(a) Date of birth _____

(b) Place of birth _____

3. Marital status _____

4. Address:
(a) Postal address _____

(b) Physical address _____

5. Employment information:
(a) Designation _____

(b) Name of employer _____

(c) Nature of employment (permanent, temporary, contract, etc.)

(b) Income, including emoluments, for periods from _____
to _____

6. Names of spouse or spouses:
(Surname) (First name) (Other names)

7. Names of dependent children under the age of 18 years:
(Surname) (First name) (Other names)

8. Financial statement for _____

(A separate statement is required for the officer and each spouse and dependent child under the age of 18 years. Additional sheets should be added as required.)

(a) Statement date _____

(b) Income, including emoluments, for periods from _____

to _____

(Including, but not limited to salary and emoluments and income from investments. The period is from the previous statement date to the current statement date. For initial declaration, the period is the year ending on the statement date.)

(c) Assets (as the statement date) _____

(Including, but not limited to, land, buildings, vehicles, investments, and financial obligations owed to the person for whom the statement is made.)

Description approximate amount: _____

Description: _____

Approximate value: _____

(include location of asset where applicable)

(d) Liabilities (as of the statement date)

Description: _____

Approximate amount: _____

9. Other information that may be useful or relevant:

I solemnly declare that the information I have given in this declaration is, to the best of my knowledge, true and complete.

Signature of officer: _____

Date: _____

WITNESS:

Signature: _____

Name: _____

Address: _____

KPA FORM E.4.1: DECLARATION OF CONFLICT OF INTEREST

FORM D (r.11 (1))

(To be submitted in DUPLICATE to Appointing Authority)

Name of state officer or public officer: _____

Designation of the officer: _____

Description of the Conflict of Interest

Name and Address of the person with whom the officer has an interest

Nature of interest: _____

Estimated value of the interest: _____

Date the interest was acquired: _____

Date the interest ceased (if applicable): _____

Remarks (if any): _____

I, _____ the undersigned, holding the position
of _____ at _____

ID No _____ being
aware of the provisions of 46 (1) (d) and 46 (2) of the Leadership and Integrity Act,
2012 declare the above information to be true to the best of my knowledge.

Signature of the officer: _____

Date: _____

Submitted to _____

Designation of the person submitted to: _____

Signature: _____ Date: _____

**KPA – INTEGRITY PACT FORM 2
KENYA PORTS AUTHORITY**

I _____

of Post Office Box _____
undertake to abide by the Authority's Code of Ethics and Conduct to ensure the integrity of my office, and in particular that I shall not be involved in any corrupt or fraudulent practice in contravention of my employment terms, Code of Ethics, Human Resource Manual, disciplinary handbook and all other enabling rules and regulations during my employment with the Authority.
Contravention of this integrity pact will render me liable to disciplinary action as stipulated in the Disciplinary Handbook.

Name of the employee: _____

Designation: _____

Date: _____

**KPA –INTEGRITY PACT FORM 2
KENYA PORTS AUTHORITY**

I _____

of Post Office Box _____
undertake to abide by the Authority's Code of Ethics and Conduct to ensure the integrity of my person and the services I provide to the Authority. I shall not be involved in any corrupt or fraudulent practice in contravention of my contract with the Authority. I will observe the terms of the Code of Ethics by disclosing any unethical malpractices that I encounter when in contact with the Authority's employees.
Contravention of this pact will render my contract or services terminated.
Name of the authorized officer/agent of tenderer/ contractor/ supplier:

Designation of the authorized officer _____

Signed by the authorized officer _____

Date: _____

Official Stamp/ Seal

We Value Doing Things Right



KENYA PORTS AUTHORITY

Administration Block, Kipevu

P. O. Box 95009-80104 Mombasa

Telephone +254-412112999, +254-412113999

Mobile: +254-709092999, +254-709093999, +254-730653999

website: www.kpa.co.ke