

REVISED

ANTI-CORRUPTION POLICY

FOR

EXPORT PROMOTION COUNCIL

Prepared by:

The Export Promotion Council

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1.0 FOREWORD

This Anti-Corruption Policy has been developed in accordance with the *Guidelines for the Preparation of an Anti-Corruption Policy for Public Institutions* prepared by the Kenya Anti-Corruption Commission (KACC). It has also been developed in recognition of corruption as a risk in the Council and in acknowledgement that it can occur.

In recognition of the foregoing, Export Promotion Council has included transparency and accountability as part of the Council's Core Values in order to forestall and eradicate corruption and inculcate integrity in the conduct of EPC's business operations.

This Policy states what is expected of employees in a range of areas in the workplace. To be effective, these guidelines have been adopted by the Board of Directors and mandated for implementation by all Council officials and employees. This Policy further states with specificity the conduct that is prohibited, the means of seeking advice on interpretation, reporting of violations, and management's responsibility on receipt of an allegation. Whistleblower protection provisions have also been included, which prohibit retaliation against employees who make a complaint.

In addition to an effective anti-corruption policy, a Code of Conduct and Business Ethics has also been included to regulate the behaviour of Council staff members. Perhaps the most critical to the success of the Council's anti-corruption initiative is the visible and active commitment of the Chief Executive Officer and Senior Management of the Council. This has been marked by more than merely making corporate pronouncements or strong denunciations about corruption; but it is demonstrated by visible leadership, a single point of senior responsibility, accountability and allocation of resources in furtherance of the purposes of the policy.

The resources in terms of money and dedicated staff required to effectively implement anti-corruption programmes have been put in place. The Corruption Prevention /Integrity Committee has been constituted and has been charged with the responsibility to implement this policy by investigating allegations of violations and making recommendations to the Board of Directors so that the Chief Executive Officer and the management team can take necessary action to mitigate the risk of corruption.

Finally, it is my sincere wish that all Council staff should embrace this policy wholeheartedly and ensure its successful implementation.

RUTH MWANIKI
CHIEF EXECUTIVE
EXPORT PROMOTION COUNCIL

2.0 DEFINITIONS

In this policy, unless the context otherwise requires:

- (a) '*Board*' means the Board of Directors of the Council as constituted under the Council's *Memorandum and Articles of Association*. ***Board***
- (b) '*Chief Executive Officer*' means the officer of the Council who shall have the responsibility of coordinating and executing the policies of the Council and shall be accountable to the Board. ***Chief Executive Officer***
- (c) '*Code of Conduct and Ethics*' means, for a public officer, the Code of Conduct and Ethics established under the *Public Officer Ethics Act, 2003*. ***Code of Conduct and Ethics***
- (d) '*Council*' means Export Promotion Council. ***Council***
- (e) '*Complainant*' is a person who is subject to alleged violation of this policy or corrupt offences ***Complainant***
- (f) '*Corruption*' includes, but is not limited to, abuse of office; bribery; extortion; fraud; deception; collusion; dishonesty; embezzlement; tribalism, favouritism and nepotism amongst others. These will normally constitute criminal or civil offences and they are addressed under the *Anti Corruption and Economic Crimes Act of 2003* ***Corruption***
- (g) '*Effective date*' means the dated which the policy will come into force. ***Effective date***
- (h) Unless otherwise stated, words in the masculine gender include the feminine gender; words in the plural include the singular and words in the singular include the plural. ***Gender***

- (i) *'Head of Division'* means an officer for the time being performing the duties of: ***Head of Division***
- 1) General Manager, Export Market Development
 - 2) General Manager, Trade Information and Counseling Services
 - 3) General Manager, Small and Medium Enterprise Development
 - 4) General Manager, Research and Planning
 - 5) General Manager, Finance
 - 6) Any other Officer who the Board through the Chief Executive Officer may declare to have the status of a Head of Division.
- (j) *'Officer'* means any person employed by the Council for wages or salary on monthly rated terms or on contract other than on casual basis. ***Officer***
- (k) *'Respondent'* is a person whose alleged conduct is the subject of a complaint or report of alleged dishonest or related activities. ***Respondent***
- (l) *'Stakeholder'* means any of the following: ***Stakeholder***
Board, Client, Consultants, Government, Employees, Supplier, Contractor, and other service providers.
- (m) *Corruption* can be simply defined as dishonest behaviour where individuals or groups of people abuse public office for private profit. It is the abuse of power for personal gain or for the benefit of a group to which one owes allegiance. In essence, corrupt practices involve public officials acting in the interest of private concerns (their own or those of others) regardless of, or against, the public interest. ***Definition of Corruption***

For the purposes of this policy, corruption includes abuse of office; breach of trust; bribery; extortion; fraud; deception; breach of trust; secret inducements for advice; conflict of interest; collusion; embezzlement or misappropriation of public funds; tribalism, favouritism; nepotism including provisions of the *Anti-Corruption and Economic Crimes Act, 2003*. Corruption can also mean an offence involving dishonesty:

- In connection with any tax, rate or impost levied under any Act; or
- Under any written law relating to the elections of persons to public office.

These will normally constitute criminal or civil offences.

3.0 THE POLICY STATEMENT

It is the policy of the Council that corruption, fraud, theft, maladministration or any other dishonest activities of a similar nature as defined in 2 above will not be tolerated. In addition, such activities will be investigated and followed up by the application of all remedies available within the full extent of the law, as well as the application of appropriate prevention and detection controls. These prevention controls include the existing financial and other controls and checking mechanisms as prescribed in the prescripts relevant to the activities of the Council.

It is the responsibility of *any person including stakeholders* to report all incidents of corruption, fraud, theft and maladministration in the Council. All Heads of Division are responsible for the detection, prevention and investigation of all corruption, fraud, theft and maladministration.

The efficient application of Treasury regulations, *The Government Financial Management Act, 2004*, instructions contained in the codes of conduct and ethics, circulars and manuals of the Council as well as the Public Service in general, is one of the most important duties to be undertaken by every employee/official in the execution of their daily tasks and under no circumstances may there be a relaxation of the prescribed controls.

The plan of action to fight corruption in the Council will entail the following:

i) Administrative actions

The following administrative actions will be applied judiciously in relevant contexts and situations:

- (a) Enhancement of the internal control structure to prevent repeat violations;
- (b) Corporate announcements denouncing the practice of corruption and enhancing training of affected business units;
- (c) Disclosure of the matter to the Board of Directors;
- (d) Segregation of duties to avoid collusion by employees of the Council;
- (e) Transparency in the recruitment and selection of staff
- (f) Declaration of personal interest by directors and employees to avoid conflict of interest;
- (g) Publicity and advertisement of all Council events and activities;
- (h) Blacklisting of suppliers that are found corrupt in nature;
- (i) Regular review of HR policies.
- (j) Suspension, on half pay, upon being charged with a corruption offence or economic crime until the case is determined.
- (k) Upon being found guilty of an offence, the officer shall be suspended without pay from the date of conviction pending the outcome of any appeal that he may make.

- ii) Enhanced due diligence of local exporters; partners; consultants and business community

The Council will conduct enhanced due diligence of its actual or intended agents, joint venture partners or consultants to ensure its intended associations do not increase its risk of being involved in a corrupt act. Enhanced due diligence, which shall be done in-house, will involve:

- a. Examining the reputations, associations, activities, and ethics of potential partners, investors or key hires;
- b. Confirming or refuting allegations and rumours of criminal or questionable business practices;
- c. Identifying, early on in the deal process, any undisclosed liabilities or questionable financial reporting;
- d. Clarifying the nature of relationships between target companies and various individuals, including government officials.

4.0 LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS/CONTEXT

This policy is guided and implemented in accordance with the following legislative and administrative requirements:

- a) *The Anti-Corruption and Economic Crimes Act, 2003*
- b) *The Public Officer Ethics Act, 2003*
- c) *The Public Procurement and Disposal Act 2005*
- d) *The Government Financial Management Act, 2004*
- e) The Annual Performance Contract

5.0 SCOPE AND APPLICABILITY OF THE POLICY

This policy applies to all corruption, fraud, theft and maladministration or suspected irregularities of this nature involving the following persons or entities:

- a) Employees/officials of the Council;
- b) Consultants, suppliers, contractors and other providers of goods or services to the Council.
- c) Other stakeholders to the Council

6.0 BREAKDOWN OF CORRUPTION RISK AREAS AND CORRUPT PRACTICES IN THE COUNCIL

The Council operates under six (6) divisions including the Chief Executive's Office. The other divisions are:

- i. The Export Market Development Division
- ii. The Small and Medium Enterprises Division
- iii. The Research and Policy Division
- iv. The Trade Information and Business Counseling Services Division
- v. The Finance Division

The following are the potential corruption practices that are likely to face the Council during its course of business:

- i. Inflated overseas bills by EPC officers during trade exhibitions and fairs.
- ii. An officer submitting false invoices/ receipts for official travels.
- iii. Collusion and favouritism in the selection of targeted participants during trade fairs
- iv. Conflict of interest i.e. an EPC officer acting in his own interest by selecting a company to participate in international trade fairs at the expense of other qualified firms.
- v. Bribery involving an EPC officer accepting offers from exhibitors as an inducement to act against the prescribed standards.
- vi. Abuse of office by an employee of the Council by using his office to improperly award a benefit to himself/herself or another person
- vii. Misappropriation of funds by falsification of documents and/or forgery in signing of cheques.
- viii. Payroll abuses that yield substantial amounts to unscrupulous officials. A typical scenario is that personnel lists are inflated with the names of ghost workers. The salaries would go to officials' friends, relatives or fictitious names.
- ix. Embezzlement, theft and fraud. These offences involve theft of resources by officers entrusted with authority and control over the Council's property.
- x. Mismatch of employees with job specifications.
- xi. Favouritism, tribalism and nepotism in the selection, recruitment and promotion of staff or even in the training opportunities available.
- xii. Unofficial use of the Council's vehicles or other equipment by officers for personal gain.
- xiii. Acceptance of inferior, substandard or defective goods supplied to the Council
- xiv. Bid rigging by flouting procurement procedures as spelt out in the *Public Procurement and Disposal Act, 2005*.
- xv. Huge payments made without raising vouchers
- xvi. Variances between final accounts statements and source records
- xvii. Unexplained complete omission of entries and inaccurate accounts
- xviii. Incomplete keying in of a semi-computerized accounting system
- xix. Incorrect end of period adjustments and opening of accounts
- xx. Under-collection & surrender of Appropriation in Aid
- xxi. Avoidable compensation and ex-gratia payments
- xxii. Lack of administrative action in recovery of imprests
- xxiii. Irregular expenditures and payment for un-received goods and services
- xxiv. Expenditure on stalled and abandoned projects/vehicles/ equipment
- xxv. Inappropriate authorization processes
- xxvi. Ad hoc employment due without following the employment guidelines
- xxvii. Retention of employees in service beyond retirement age due to lack of succession plans.
- xxviii. Skills gaps leading to poor productivity.
- xxix. Interested parties being involved in the preparation of job requirements and at the selection stage
- xxx. Failure to advertise or limiting circulation of an ad

- xxxi. Placing employees in areas they are not qualified for
- xxxii. Deploying/transferring employees for personal interests or for punitive purposes.
- xxxiii. Ad hoc identification of persons to attend training not based on Training Needs Assessments and in the absence of Training Plans.
- xxxiv. Denying opportunities to deserving employees
- xxxv. Failure to set/agree on standards and targets hence exposing employees to subjective appraisal
- xxxvi. Rewarding and promoting non-performers.
- xxxvii. Using appraisals to settle scores.
- xxxviii. Arbitrary promotions due to absence of career progression guidelines.
- xxxix. Failure to adhere to guidelines where they exist
 - xl. Not undertaking review of schemes of service leading to stagnation, low morale and corruption.
 - xli. Disparities in pay structures and benefits
 - xlii. Discrimination and other forms of injustice in rewarding/sharing of benefits
 - xliii. Poor supervision and record keeping leading to payments of “Ghost Workers” and sometimes overpayment.
 - xliv. Failure to effect deductions where necessary
 - xlv. Non remittance of statutory deductions.
 - xlvi. Application of double standards in handling cases
 - xlvii. Deliberate delays in concluding cases
 - xlviii. Violation of laid down procedures.
 - xliv. Delays in payment of benefits:
 - l. Retention in service of employees beyond retirement age due to falsified records and abuse of discretion.
 - li. Specifications designed to favor a particular provider or vague specification (Lock- out).
 - lii. Bids submitted and accepted after the deadline
 - liii. Restricted advertising or insufficient notice (advertises on notice board) - especially on quotations
 - liv. Failure to respond to requests from suppliers/ contractors for clarifications in time
 - lv. Tender documents without vital information
 - lvi. Different location for receiving and opening bids, late bids accepted, security of bids documents
 - lvii. Overstated physical requirement
 - lviii. Exaggerated price projections
 - lix. Unnecessary procurement
 - lx. Splitting of orders to avoid appropriate method
 - lxi. Procurement initiated to favor previous suppliers/contractors
 - lxii. Advance release of bid documentation or relevant information to particular supplier
 - lxiii. Selection of uneconomic projects because of opportunities for financial kickbacks and political patronage
 - lxiv. Bribery of Stores staff by competing suppliers to reject goods from their business rivals
 - lxv. Goods or services not being used, or being used for purposes inconsistent with intended purposes.
 - lxvi. Diversion of goods for personal use or resale/ “sister projects”

- lxvii. Accept/receive less quantity or quality or type other than what was ordered
- lxviii. Partial delivery outside the contractual terms
- lxix. Delay in acceptance of goods
- lxx. Poor keeping of inventory records e.g. SIV, SRV, Requisition Notes, delivery note, stock cards, inventory registers and gate passes.
- lxxi. Delays in delivery or performance by suppliers/ contractors
- lxxii. Goods delivery at close of day to compromise verification and certification of quality and quantity
- lxxiii. Unjustified price variations and contract amendments “Lowball”
- lxxiv. Lack of evaluation criteria (Sec. 66(2, 3a)
- lxxv. Substitution of evaluation criteria
- lxxvi. Bid evaluation committee members not having the “technical expertise necessary” to properly evaluate bids.
- lxxvii. Substitution of evaluation members during evaluation process
- lxxviii. Entertainment of bidders and other intermediaries with vested interests during the evaluation process
- lxxix. Award of contracts before due diligence is carried out (brief case suppliers)
- lxxx. Awarding contracts to companies set by own staff
- lxxxi. Placing orders above tendered prices and quantities
- lxxxii. Interference (wheel dealers, politicians,top management)
- lxxxiii. Bid rigging ; substitution of documents, cover bidding, suppression, mkt subdivision and rotation
- lxxxiv. Information security
 - Manipulation of data – internal and ext.
 - Leakage of confidential information
 - Denial of service, malicious code
 - Abuse of trust
- lxxxv. Development and acquisition
 - Procurement of Hardware and software
 - IT project management.
 - SLA and licensing
- lxxxvi. Business continuity
 - Back up
- lxxxvii. Manipulation of the pre-qualification process where a supplier who wishes to be short listed pays a cash bribe to the procurement officer to ensure that key competitors are eliminated from the short-list on artificial grounds.
- lxxxviii. Breach of trust.
- lxxxix. Disclosing confidential or proprietary information to outside parties.
- xc. Irregularly accepting, requesting, offering or giving anything of material value to or from contractors, suppliers or other persons providing services/goods to the Council.
- xc. Irregular destruction, removal or abuse of records, furniture and equipment.
- xcii. Deliberately omitting or refusing to report or act upon reports of any such irregular or dishonest conduct.

7.0 STRUCTURES TO FIGHT CORRUPTION

The Council has or intends to put the following structures in place to prevent, detect, investigate and punish corrupt officers:

- (a) Corruption Prevention/Integrity Committee
- (b) Procurement Committees
- (c) ISO 9001:2008 Quality Management System
- (d) Budgetary Controls
- (e) Declaration of Wealth by employees
- (f) Code of Conduct and Ethics
- (g) Declaration of personal interest by directors and employees to avoid conflict of interest
- (h) Employee Motivation
- (i) Result Based Management
- (j) Formation of an Internal Audit Division/Business Unit in the medium to long term
- (k) Approved Salary and Benefits Structure
- (l) Installation of CCTV surveillance cameras.
- (m) Placement of Corruption reporting Boxes at Council Hqs and Regional Offices.
- (n) Circulation of corruption information materials and continuous trainings/awareness creation

The Council reserves the right to put in place any other structure that will aid and abet the fight against corruption.

8.0 COMPOSITION OF THE CORRUPTION PREVENTION COMMITTEE/ INTEGRITY COMMITTEE

The Council has established a Corruption Prevention/Integrity Committee which reports to the Board of Directors in accordance with the *Guidelines for the Preparation of an Anti-Corruption Policy for Public Institutions* prepared by the Kenya Anti-Corruption Commission (KACC). It comprises of the following Council Officers:

- | | | | |
|-----|--|---|-------------|
| 1. | The Chief Executive Officer | - | Chairperson |
| 2. | General Manager, Finance | - | Member |
| 3. | General Manager, EMAD | - | Member |
| 4. | General Manager, SMED | - | Member |
| 5. | General Manager, REAP | - | Member |
| 6. | General Manager, TIBS | - | member |
| 7. | Ag. Manager, HR & Administration | - | Member |
| 8. | Manager, Internal Audit | - | Member |
| 9. | Manager, ICT/E-Trade Services/ IAO | - | Member |
| 10. | Manager, REAP/Integrity Assurance Officer(IAO) | - | Secretary |
| 11. | Assistant Manager EMAD(Stella) | - | Member |
| 12. | Administrative Officer, Procurement | - | Member |
| 13. | Administrative Officer, Library Services | - | Member |

9.0 THE MANDATE AND OPERATIONS OF THE CORRUPTION PREVENTION/INTEGRITY COMMITTEE

All corruption prevention and integrity matters shall be referred to the Prevention/Integrity Committee, whose terms of reference shall be as follows:

1. Setting priorities in the prevention of corruption within the Council
2. Planning and coordinating corruption prevention strategies
3. Integrating all corruption prevention initiatives in the Council
4. Receiving and reviewing reports on corruption prevention initiatives and recommending appropriate action
5. Receiving and taking action on corruption reports made by staff and other stakeholders. Evidence of concrete measures taken must be made available and any referrals to other agencies well documented.
6. Spearheading anti-corruption campaigns within its jurisdiction
7. Monitoring and evaluating the impact of corruption prevention initiatives
8. Preparing and submitting quarterly progress reports to the Performance Contract Steering Committee.

10.0 INTERNAL AUDIT REVIEWS

The Internal Audit Division/Business unit shall be responsible for providing institutionalized mechanism for the supervision; control and review of operational systems, assessing the nature and extent of any fraud and corruption risk and ensuring effective internal control systems are in place. Its major responsibilities will include but not be limited to:

- a) Reviewing and advising management on internal systems for effective controls;
- b) Examining accounting records for accurate reports;
- c) Verifying assets and liabilities to confirm existence;
- d) Conducting analytical reviews for decision making;
- e) Liaising with external auditors for objective audit of the organization;
- f) Verifying payroll transactions to confirm accuracy

11.0 HOW TO REPORT CORRUPTION INTERNALLY AND EXTERNALLY

The employees and officials of the Council shall make use of the following facilities in reporting corruption and related activities to the Corruption Prevention/Integrity Committee:

1. Confidential telephone calls using designated telephone lines as hotlines by employees to make anonymous or confidential complaints of corporate wrongdoing;
2. Confidential emails made specifically to the Corruption Prevention/Integrity Committee at integrity@epc.or.ke;
3. Use of corruption reporting boxes which shall be conspicuously placed on each floor of the Council's premises;
4. Direct personal submissions to the Corruption Prevention/Integrity Committee in writing.

An employee of the Council also has an option of reporting directly to the Kenya Anti Corruption Commission (KACC) or any other law enforcement agencies through either of the above means or any suitable method preferable by him/her.

12.0 HANDLING OF CORRUPTION CASES

The Export Promotion Council is committed to maintaining a positive working environment. The Council therefore does not condone acts of bribery, fraud, embezzlement or misappropriation of public funds, abuse of the office, breach of trust or offences involving dishonesty. In pursuit of these goals, the Council will handle corruption cases fairly, promptly, expeditiously and within the law.

a) Obligation to Report

In order to take appropriate corrective action, the Council must be aware of corrupt prone or related activities. Therefore, anyone who believes that she/he has experienced or witnessed suspected dishonest or related activities should promptly report such behavior to the Council Corruption Prevention/Integrity Committee or any supervisor (see section B Below).

b) Supervisor's Obligation to Report

Any supervisor who experiences, witnesses or receives a written or oral report or complaint of suspected dishonest or related activity shall promptly report it to the Council Corruption Prevention/Integrity Committee. This section of the Policy does not obligate a supervisor who is required by the supervisor's profession and Council responsibilities to keep certain communications confidential (e.g., a professional counselor) to report confidential communications received while performing those Council responsibilities.

c) Investigation Process

1. Reports or complaints under this Policy shall be addressed and resolved as promptly as practicable after the complaint or report is made. Ordinarily, investigations shall be concluded and reports submitted to the Corruption Prevention/Integrity Committee no later than 90 days following the receipt of a complaint. Ordinarily, the final report shall be sent to the Chief Executive Officer no later than 30 days after the committee's receipt of the draft report of the investigation. It is the responsibility of the Integrity Assurance officer to determine the most appropriate means for addressing the report or complaint. Options include:
 - (a) Investigating the report or complaint in accordance with paragraph C.3. below
 - (b) Determining that the facts of the complaint or report, even if true, would not constitute a violation of this Policy. The Council Corruption Prevention/Integrity Committee may designate another individual (either from within the Council, including an administrator, or from outside the Council) to conduct or assist with the investigation. Outside investigators shall have training, qualifications and experience as will, in

the judgment of the Integrity Assurance Officer, facilitate the investigation. Anyone designated to address an allegation must adhere to the requirements of this Policy.

2. All reports or complaints shall be made as promptly as feasible after the occurrence. (A delay in reporting may be reasonable under some circumstances, as determined on a case-by-case basis. An unreasonable delay in reporting, however, is an appropriate consideration in evaluating the merits of a complaint or report.)
3. If an investigation is conducted: The complainant and the respondent shall have the right to:
 - (a) Receive written notice of the report or complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by law;
 - (b) Present relevant information to the investigator(s);
 - (c) Receive, at the conclusion of the investigation and appropriate review, a copy of the investigator's report, to the extent permitted by law.
4. The Chief Executive Officer and the respondent's supervisor shall be notified that an investigation is taking place. The Integrity Assurance officer shall advise the respondent's supervisor whether the respondent should be relieved of any supervisory or evaluative authority during the investigation and review?. If the respondent's supervisor declines to follow the recommendation of the Integrity Assurance officer, she/he shall send a letter explaining the decision to the Chief Executive Officer with a copy to the Integrity Assurance officer.
5. At the conclusion of an investigation, the investigator shall prepare a written report which shall include a statement of factual findings and a determination of whether this Policy has been violated. The report shall be presented for review to the Corruption Prevention/Integrity Committee designated by the Chief Executive Officer.
6. The Corruption Prevention/Integrity committee may consult with the investigator, consult with the parties, request that further investigation be done by the same or another investigator, or request that the investigation be conducted again by another investigator. The Corruption Prevention/Integrity committee may adopt the investigator's report as its own or may prepare a separate report based on the findings of the investigation. The Corruption Prevention/Integrity committee may not, however, conduct its own investigation or hearing. Once the standing review committee has completed its review, the report(s) shall be sent to the Council Integrity Assurance officer(s), the complainant and the respondent, to the extent permitted by law. The report shall also be sent to the Chief Executive Officer. If the Chief Executive Officer is the respondent or complainant, the report shall be sent to the Chairman of the Board.

d) Reporting Process

1.
 - (a) If a Policy violation is found, the report(s) shall be sent to the individual found to have violated the Policy, and the HOD must initiate a disciplinary process against that individual. The HOD shall have access to the records of the investigation. If disciplinary action is not taken, the Chief Executive Officer shall be notified accordingly.
 - (b) Following a finding of violation of the Policy, the HOD shall forward to the Integrity Assurance officer and to the Chief Executive Officer, a statement of the action taken against an individual for violation of this Policy.
 - (c) If a Policy violation is not found, the Chief Executive Officer shall be notified accordingly.
2. The Integrity Assurance officer shall advise the complainant and respondent of the resolution of any investigation conducted under this Policy.
3. A copy of the investigator's written report as approved by the Corruption Prevention/Integrity Committee shall be provided to:
 - i. The complainant
 - ii. The respondent
 - iii. The respondent's appointing authority.
4. In all cases, the Integrity Assurance officer shall retain the investigator's report, as approved by the standing review committee, for a minimum of three (3) years or for as long as any administrative or legal action arising out of the complaint is pending.
5. All records of violation of this policy and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

e) Complaints by and against Council Employees arising in an Affiliated Entity

Council employees sometimes work at the worksite or programme of another organization affiliated with the Council. When a Policy violation is alleged by or against Council employees in those circumstances, the complaint shall be handled as provided in the affiliation agreement between the Council and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the Council may, in its discretion, choose to:

- (a) conduct its own investigation
- (b) conduct a joint investigation with the affiliated entity
- (c) defer to the findings of an investigation by the affiliated entity where the Council has reviewed the investigation process and is satisfied that it was fairly conducted
- (d) use the investigation and findings of the affiliated entity as a basis for further investigation.

f) No Limitations on Existing Authority

No provision of this Policy shall be construed as a limitation on the authority of a HOD under applicable policies and procedures to initiate disciplinary action. If an individual is disciplined for conduct that also violates this Policy, the conduct and the discipline imposed shall be reported to a Council Integrity Assurance officer. If an investigation is conducted under this Policy and no Policy violation is found, that fact does not prevent discipline of the respondent for inappropriate or unprofessional conduct under other applicable policies and procedures.

g) Information and Education

1. The Chief Executive Officer's office shall provide an annual report documenting:
 - (a) the number of reports or complaints of Policy violations;
 - (b) the categories (i.e. employee, or other) and nature of the violations reported;
 - (c) the number of Policy violations found;
 - (d) examples of sanctions imposed for Policy violations.
2. Each HOD shall broadly disseminate this Policy, distribute a list of resources available in the Council to respond to concerns of dishonest and related activities, maintain the Council appendix to the Anti-corruption policy, and develop and present appropriate training programmes. Each division shall maintain information about these efforts, including a record of how the Policy is distributed and the names of individuals attending training programmes.

13.0 PROTECTION OF WHISTLE BLOWERS

An employee/official or any other stakeholder, who suspects or reports suspected dishonest activity or any such activity that he/she has witnessed, may remain anonymous should he/she so wish.

Allegations made by employees/officials which are false and made with malicious intent, should be discouraged by Heads of Division. Where such malicious or false allegations are discovered, the person who made the allegations must be subjected to firm disciplinary action.

There will be no reprisal by management against an employee/official who in good faith reported a violation or suspected violation.

Any employee/official who reports any corrupt activity within the Council will be protected within the provisions of the Witness Protection Act, 2006.

14.0 DISCIPLINARY MEASURES

This section sets out procedures to follow when a member of the Council community is believed to have violated this Policy. It is also a violation of this Policy for anyone acting knowingly and recklessly either to make a false allegation of corruption or to provide false information regarding suspected dishonest activity. It is intended that individuals who violate this Policy be disciplined or subjected to corrective action, up to and including termination of contract.

15.0 TRAINING

The Council's management is committed to providing opportunities for the sensitization and training of staff members on matters of ethics and integrity so as to ensure effective anti-corruption control. All employees shall be trained and sensitized on ethics integrity and the Council's Anti-Corruption policy. The training will be conducted on an annual basis and employees shall certify in writing that they have received the training and understand the policy.

16.0 MANAGEMENT/IMPLEMENTATION AUTHORITY

It is the responsibility of the Chief Executive Officer to oversee the successful implementation of this policy document.

17.0 REVIEW

This Anti Corruption Policy document shall be reviewed every two years and/or when deemed necessary by the Corruption/ Integrity Committee.

18.0 EFFECTIVE DATE

This policy will come into effect from 10th February, 2011.

Issued this _____ day of _____ 2011

RUTH MWANIKI
CHIEF EXECUTIVE

CODE OF ETHICS AND BUSINESS CONDUCT

PART I – PRELIMINARY

1. This Code may be cited as the Code of Conduct and Ethics for staff of the Export Promotion Council (EPC)
2. In this Code unless the context otherwise requires:
“The Act” means *The Public Officer Ethics Act, 2003*
“Staff” means an employee of the Export Promotion Council
“Public officer” means as defined in Section 2 of the *Public Officer Ethics Act, 2003*
3. This Code applies to staff of Export Promotion Council.

1.0 Goals of this code

The following are the goals of this Code:

- To serve as a brief description of the Council's core values;
- To provide a framework for identifying conduct that is ethical and acceptable for the employees and officials of the Council who, effectively, act as its agents at all levels;
- To create the context for the ethical use of authority; and
- To support all efforts aimed at curbing moral degeneration.

2.0 Scope of this Code

This Code of Ethics and Business Conduct applies to the following persons:

- (a) All officials/employees or entities involved in the business of the Council, including but not limited to:
 - i. Employees/officials of the Council;
 - ii. Consultants, suppliers, contractors and other providers of goods and/or services to the Council.

3.0 Ethics

The Council has established ethical standards for the following purposes:

- 1) To ensure that all stakeholders within the Council are aware of the basic values cherished by the Council, its employees (including management) and officials; and
- 2) To ensure accountability within the Council in terms of fundamental ethical values and value systems.

The Council cherishes the following values as ideals:

- 1) Absolute integrity;
- 2) A culture of honesty;
- 3) Loyalty;

- 4) Professionalism;
- 5) Acceptance of responsibility and accountability;
- 6) A positive public image
- 7) Confidence from the public;
- 8) Striving for and maintaining credibility;
- 9) High standards of service delivery;
- 10) A sense of pride in being employed by the Council;
- 11) Sanctioning bad and rewarding good behaviour; and
- 12) All other positive attributes contributing toward sound ethical standards.

PART II – REQUIREMENTS

The following are the specific requirements of the Code:

1. *Compliance with the Code*

Staff of Export Promotion Council shall comply with all the requirements in the general Code of Conduct and Ethics set out in part III of the Public Officer Ethics Act, 2003 which shall form part of this Code.

2. *Integrity*

A Public Officer of EPC shall be a person of integrity. He/she shall carry out his duties with honesty and impartiality. He/she should not deliberately omit or refuse to report or act upon reports of any such irregular or dishonest conduct or irregular destruction, removal or abuse of records, furniture and equipment or any similar or related irregularity.

3. *Gifts, Benefits, Favours*

A public officer should not accept gifts, benefits or favours where these may influence or may be seen to influence his or her decisions for instance accepting a gift from the exporter selected for participation in an exhibition/trade fair by the organization.

There is a provision on acceptable gifts that should accompanied by a form or a register which the officer is required to sign. (see attached form)

4. *Conflict of Interest*

A public officer shall use his best efforts to avoid positioning in which his/her personal interest conflict with his/her official duties. An Officer may be advised to declare his/her interest on a prescribed form. (See attached form)

5. *Nepotism/Favouritism*

A public officer shall not favour relatives, friends or associates in decision making or provision of services.

6. *Outside Employment/Business*

A public officer shall not engage in any other business or part-time employment which is in conflict with his/her employment.

7. *Conduct in Public*

A public officer shall conduct himself/herself with dignity both in public and private.

8. *Respect*
A public officer will treat his/her fellow officers and the public with courtesy, professionalism, and respect.
9. *Non-discrimination*
A public officer shall not discriminate individuals on the ground of age, gender, race or disability.
10. *Sexual Harassment*
A public officer shall not sexually harass a member of the public or a fellow public officer as stipulated in the EPC HR Policy and Procedures Manual 2007.
11. *Workplace Harassment*
A public officer shall avoid unwelcome, abusive, belittling or threatening behaviour to his/her fellow employees
12. *Confidentiality*
The Code defines the following as areas of confidentiality:
 - a. Non disclosing of confidential or proprietary information to outside parties
 - b. Personnel files.
13. *Dress Code*
EPC staff is expected to dress in a business-like manner. Staff dressed inappropriately will not be allowed into the Council. We should strive to always maintain an atmosphere conducive to work. The dress code helps us reinforce through personal grooming and attire, the atmosphere of decency, simplicity, modesty and appropriateness that has always been associated with our organization.

For Ladies

- 1) No low necklines
- 2) Hemline on skirts must cover the knees
- 3) Shirts, blouses and top gear must cover the waist area at all times and must have sleeves
- 4) Fitting should be loose, not clinging to the body
- 5) Fabric of clothing must not be sheer/flimsy
- 6) Design must not include foul language or graphics
- 7) Jeans, track suits and shorts are not allowed
- 8) Ladies may wear footwear of choice except rubber shoes and slippers.

For Gentlemen

- 1) Shirts must cover the torso at all times and must have sleeves
- 2) Trousers must reach the ankle
- 3) Design must not include foul language or graphics
- 4) Fabric should be loose, not clinging to the body
- 5) Fabric of clothing must not be sheer/flimsy
- 6) Gents may wear footwear of choice except rubber shoes and slippers.
- 7) Jeans, track suits, shorts and studs/earrings are not allowed

This list is not meant to be exhaustive but rather to be a guide on what is appropriate.

14. *Political Associations*

A public officer shall have a right to vote during the general elections or any elections held by the state but should not engage in political affiliations that may compromise the neutrality of his/her office.

15. *Social Associations and Recreation*

A public officer will disassociate with some social association which do not keep with the dignity of a public officer e.g. companies which may be vulnerable to corrupt practices e.g. irregularly accepting, requesting, offering or giving anything of material value to or from exporters, suppliers or other persons providing services/goods to the Council.

16. *Reporting*

The Code provides the following structure for reporting to work

Reporting time (morning)	-	8.00 a.m.
Lunch break	-	1.00 p.m. - 2.00 p.m.
Departure (evening)	-	5.00 p.m.

17. *Penalty*

Penalty may include but not limited to reprimand/rebuke, warning, suspension and dismissal.

18. *Enforcement of the Code*

The Chief Executive will be responsible for enforcement of the Code. He can also delegate as appropriate to the disciplinary committee and/or MHRA.

19. *Review*

The Code shall be reviewed after every three (3) years or when deemed necessary.

(Form A)
Part A - Report of Gifts Received

To: (approving Authority):

Description of Offeror:

Name and title:

Company: Relationship (Business/personal):

Occasion on which the gift was/is to be received:

Description and (assessed) value of gift:

Suggested Method of Disposal

- Retained by receiving staff
- Retained for display/as a souvenir in the office
- Shared among the officers
- Reserve as luck draw prize at staff function
- Donate to charitable organization
- Return to offeror
- Others (please specify)

Date-----

Name of receiving staff -----

Title/Department -----

Part B – Acknowledgement (to be completed by approving authority)

To (receiving staff) _____

The recommended method of disposal is *Approved/Not Approved

The gift(s) concerned should be disposed of by way of: _____

Date

Name of approving Authority
Title/division

**please delete as appropriate*

(Form B)

Declaration of conflict of interest

Part A – Declaration (to be completed by declaring staff)

To: (Approving Authority)

I would like to report the following existing/potential* conflict of interest situation arising during the discharge of my official duties:

Persons/companies with whom/which I have official dealings and / or personal interest

- 1. _____
- 2. _____
- 3. _____

Brief description of my duties which involve the persons/companies mentioned above and these are the areas of real/possible conflict of interest.

- 1. _____
- 2. _____
- 3. _____

Date

*Name of declaring staff
Title/division*

Part B – acknowledgement (to be completed by approving authority)

To: declaring staff

The information contained in your declaration for _____ is noted. It has been decided that:

You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to conflict of interest. You should continue to handle the work as described in Part A, provided that there is no change in the information declared above. Other conditions (please specify):

Date -----

*Name of approving authority
Title/division*

EFFECTIVE DATE

This policy document shall come into effect starting 10th February, 2011

Issued this _____ day of _____ 2011

RUTH MWANIKI
CHIEF EXECUTIVE