

KENYA RE-INSURANCE CORPORATION LTD
CODE OF CONDUCT AND ETHICS POLICY

KRC/HR/P14/18

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- iv) It serves as a tool to encourage discussion of ethics and to guide employees when dealing with ethical dilemmas, prejudices and grey areas that are encountered in everyday work and life encounters;
- v) It compliments standards, policies and rules of Kenya Reinsurance Corporation,
- vi) It helps create a positive institutional identity.

1.4 Scope /Applicability

This Code applies to all employees of Kenya Reinsurance Corporation Limited and its subsidiaries (permanent staff, contract and temporary).

PART 11 – REQUIREMENTS


2.0 Compliance with the Code

Employees of Kenya Reinsurance Corporation 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 (See annexures) and all the requirements in the General Leadership and Integrity Code set out in part II of the Leadership and Integrity Act, 2012 which also forms part of this Code.

A staff member shall be a person of integrity. He/she shall carry out his duties with honesty and impartiality.

Further a staff member shall respect and abide by the Constitution and the law. He/she shall carry out his duties in accordance with the law and in doing so shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

An employee of Kenya Re is in a position of public trust and the authority and responsibility vested in them shall be exercised by them in the best interest of the people of Kenya.

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Subject to the Constitution and any other law, a staff member shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

A staff member shall, to the best of their ability carry out the duties of the office efficiently and honestly; carry out the duties in a transparent and accountable manner; keep accurate records and documents relating to the functions of the office; and report truthfully on all matters of the organization which they represent.

2.1 Rule of law

Staff shall respect and abide by the Constitution and the law. They shall carry out the duties of the office in accordance with the law.

In carrying out the duties of the office, staff shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

2.2 Public trust

A State office is a position of public trust and the authority and responsibility vested in staff shall be exercised by them in the best interest of the people of Kenya.

2.3 Responsibility and duties

Subject to the Constitution and any other law, staff shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

2.4 Performance of duties

Staff shall, to the best of their ability

- (a) Carry out the duties of the office efficiently and honestly;



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- (b) Carry out the duties in a transparent and accountable manner;
- (c) Keep accurate records and documents relating to the functions of the office; and
- (d) Report truthfully on all matters of the organization which they represent.

2.5 Gifts, Benefits, Favors


A gift or donation given to a staff on a public or official occasion shall be treated as a gift or donation to the organization.

Notwithstanding the foregoing, a staff may receive a gift given to them in an official capacity, provided that:

- (a) The gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality;
- (b) The gift is **NOT** monetary; and
- (c) The gift does **NOT** exceed a value of **KES. 20,000**; such a gift shall be regarded as a gift to the staff members' organization. A provision on acceptable gifts shall be accompanied by a form or a register, which the staff is required to sign.

Without limiting the generality of the above, a staff shall not:

- (a) Accept or solicit gifts, hospitality or other benefits from a person who—
 - (i) Has an interest that may be achieved by the carrying out or not carrying out of the staff's duties;
 - (ii) Carries on regulated activities with respect to which the staff's organization has a role; or
 - (iii) has a contractual or legal relationship with the staff's Organization e.g. a contractor engaged by the company.
- (b) Accept gifts of jewelry or other gifts comprising of precious metal or Stones, ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

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(c) Any other type of gift specified by the Commission in the regulations.

A staff shall **NOT** receive a gift which is given with the intention of compromising their integrity, objectivity or impartiality.

A staff who receives a gift or donation shall declare the gift or donation to the organization and shall record it in the gift register which copies shall be submitted to the Ethics and Anti Corruption Commission (EACC).

The Corporation keeps a register of all gifts received by the staff and also gifts given by the organization to other state or public officers.


EACC shall make and publicize regulations regarding receipt and disposal of gifts under this section.

The general rule is that gifts should be declared. (See an example of a gift declaration form in the Appendices to these guidelines). A provision on acceptable gifts shall be accompanied by a form or a register, which the staff is required to sign.

One may however receive a gift from a relative or friend given on a special occasion recognized by custom, such as during wedding ceremonies. A staff member may also receive a gift from his or her children.

2.6 Conflict of Interest

A staff member **shall avoid** being in a position in which his/her personal interest conflict with his/her official duties. "Conflict of interest" arises from situations where an employee/chief executive of the organization have a private interest that could potentially influence or appear to influence, the impartial and objective performance of your official duties. Private interests include any advantage to you or your family, close relatives (spouse, child, parent or sibling) friends and persons or organizations with whom you have business or political relations.

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A staff member is required to declare his/her interest on a prescribed form. (See an example of such a form in the annexures).

Staff shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the State officer's or public officer's official duties.

Without limiting the generality of paragraph (1) under this subsection, a staff shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in a conflict of the staff personal interests and their official duties. Staff whose personal interests conflict with their official duties shall declare the personal interests to Kenya Re or EACC.


EACC or Kenya Re may give direction on the appropriate action to be taken by the staff to avoid the conflict of interest and the State officer or public officer shall comply with the directions and refrain from participating in any deliberations with respect to the matter.

Notwithstanding any directions to the contrary under the above paragraph, a staff shall not award or influence the award of a contract to themselves, their spouse or child; a business associate or agent; or a corporation, private company, partnership or other body in which the officer has a substantial or controlling interest.

In the above paragraph, "personal interest" includes the interest of a spouse, child, business associate or agent or any other matter in which the staff has a direct or indirect pecuniary or non-pecuniary interest.

Where a staff is present at a meeting, where an issue which is likely to result in a conflict of interest is to be discussed, the staff shall declare the interest at the beginning of the meeting or before the issue is deliberated upon.

This declaration of a conflict of interest shall be recorded in the minutes of that meeting.

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The Corporation shall maintain an open register of conflicts of interest in the prescribed form in which an affected staff shall register the particulars of registrable interests, stating the nature and extent of the conflict. The registrable interests include the interests set out in paragraph 6 of this subsection.

The Corporation shall keep the register of conflicts of interest for five years after the last entry in each volume of the register.

It shall be the responsibility of the staff to ensure that an entry of registrable interests under subsection (11) is updated and to notify the public entity or the Commission of any changes in the registrable interests, within one month of each change occurring.


A staff is advised to declare his/her interest on a prescribed form. (See an example of such a form in the Appendices).

2.7 Participation in tenders

Staff shall not participate in a tender for the supply of goods or services to a public entity in which he or she is serving or is otherwise similarly associated, but the holding of shares by a staff in a company shall not be construed as participating in the tender of a public entity unless the staff has a controlling shareholding in the company.

2.8 Public collections

Staff shall not solicit for contributions from the public for a public purpose unless the President has, by notice in the Gazette, declared a national disaster and allowed a public collection for the purpose of the national disaster in accordance with the law. Staff shall also not participate in a public collection of funds in a way that reflects adversely on their integrity, impartiality or interferes with the performance of the official duties.

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2.9 Non-discrimination

A staff member shall not discriminate directly or indirectly individuals on the ground of age, gender, race, disability.

2.10 Impartiality

Staff shall, at all times, carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution and shall not practice favoritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

2.11 Political neutrality


Staff shall not, in the performance of their duties:-

- (a) act as an agent for, or further the interests of a political party or candidate in an election; or
- (b) manifest support for or opposition to any political party or candidate in an election.

Staff shall not engage in any political activity that may compromise or be seen to compromise the political neutrality of the office subject to any laws relating to elections.

Without prejudice to the generality of paragraph 2 of this subsection a public officer shall not—

- (a) Engage in the activities of any political party or candidate or act as an agent of a political party or a candidate in an election;
- (b) Publicly indicate support for or opposition against any political party or candidate participating in an election.

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2.12 Social Associations and Recreation

Some social associations might not be in keeping with the dignity of a public officer. E.g. company which may be conducive to corrupt practices. Staff members are advised to be selective in the company they keep or places they patronize.

2.13 Professionalism

A staff shall:-

- (a) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;
- (b) treat members of the public and other public officers with courtesy and respect;
- (c) not discriminate against any person, except as is expressly provided by the law;
- (d) to the extent appropriate to the office, maintain high standards of performance and level of professionalism within the organization; and
- (e) if the staff is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the Constitution or this Act.

2.14 Financial Integrity


Staff shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person.

Subject to Article 76(2) (b) of the Constitution, staff shall not accept a personal loan or benefit which may compromise them in carrying out the duties.

2.15 Tax, financial and legal obligations

- (1) A staff shall pay any taxes due from him or her within the prescribed period.
- (2) A staff shall not neglect their financial or legal obligations.

2.16 Wrongful or unlawful acquisition of property

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A State officer shall not use the office to wrongfully or unlawfully influence the acquisition of property.

2.17 Acting for foreigners

Staff shall not 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 Kenya, except when acting in the course of official duty.

For the purposes of this section—


- (a) an individual is a foreign individual if the individual is not a citizen of Kenya; and
- (b) an organization is a foreign organization if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

2.18 Care of property

- (1) Staff shall take all reasonable steps to ensure that public property in their custody, possession or control is taken care of and is in good repair and condition.
- (2) Staff shall not use public property, funds or services that are acquired in the course of or as a result of the official duties, for activities that are not related to their official work.
- (3) Staff shall return to the issuing authority all the public property in their custody, possession or control at the end of the appointment, or election term.
- (4) A staff who contravenes subsection (2) or (3) shall, in addition to any other penalties provided for under the Constitution, this Act or any other law be personally liable for any loss or damage to the public property.

2.19 Giving advice

A staff who has a duty to give advice shall give honest, accurate and impartial advice without fear or favor.

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2.20 Misleading the public

A staff shall not knowingly give false or misleading information to any person.

2.21 Falsification of records

A staff shall not falsify any records or misrepresent information to the public.


2.22 Misuse of official information

A staff shall not directly or indirectly use or allow any person under their authority to use any information obtained through or in connection with their office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise. The foregoing provisions shall not apply where the information is to be used for the purposes of furthering the interests of the Act or for educational, research, literary, scientific or other purposes not prohibited by law.

Staff members will not during their engagement disclose any confidential matters of the Corporation to anyone not authorized or entitled to receive them. (Refer to the Secrecy Clause in the Appendices)

2.23 Acting through others

- (1) Staff contravene the Code if they—
 - a) cause anything to be done through another person that would constitute a contravention of the Code if done by the staff themselves; or
 - b) allows or directs a person under their supervision or control to do anything that is in contravention of the Code.
- (2) Subsection (1) (b) shall not apply where anything is done without the staff's knowledge or consent or if the staff has taken reasonable steps to prevent it.
- (3) A staff who acts under an unlawful direction shall be responsible for his or her action.

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2.24 Reporting improper orders

- (1) If a staff considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, they shall report the matter to the Commission.
- (2) The Commission shall investigate the report and take appropriate action within ninety days of receiving the report.

2.25 Bullying

A staff shall not bully any person. In this case "bullying" includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

2.26 Sexual Harassment

Staff members shall not sexually harass members of the public or fellow employees (Refer to the Sexual Harassment Policy in the Appendices)

2.27 Moral and ethical requirements

(For the purposes of Articles 99(1)(b) and 193(1)(b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements—



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- (a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);
- (b) not to engage in activities that amount to abuse of office;
- (c) accurately and honestly represent information to the public;
- (d) not engage in wrongful conduct in furtherance of personal benefit;
- (e) not misuse public resources;
- (f) not discriminate against any person, except as expressly provided for under the law;
- (g) not falsify any records;
- (h) not engage in actions which would lead to the staff's removal from the membership of a professional body in accordance with the law; and
- (i) not commit 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).

2.28 Conduct of Private Affairs


Staff shall conduct private affairs in a manner that maintains public confidence in the integrity of the office.

2.29 Dress Code

The Corporation's dress code is formal. The objective in establishing a formal dress code is to enable our employees to project the professional image that is in keeping with the needs of the clients and customers. (Refer to the Dress Code Policy in the Appendices)

2.30 Gainful employment

Staff that are serving on a full time basis shall not participate in any other gainful employment. In this section, "gainful employment" means work that a person can pursue and perform for money or other form of compensation or remuneration which is inherently incompatible with the responsibilities of the staff or which results in the

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impairment of the judgement of the staff in the execution of the functions of the office or results in a conflict of interest in terms of the section on Conflict of interest described in this document.

2.31 Offers of future employment

(1) A staff shall not allow himself or herself to be influenced in the performance of their duties by plans or expectations for or offers of future employment or benefits.

(2) A staff shall disclose, in writing, to the public entity and the Commission, all offers of future employment or benefits that could place them in a situation of conflict of interest.

2.32 Declaration of Income, Assets and Liabilities

Every staff shall, once every two years submit to the responsible Commission for the public officer a declaration of the income, assets and liabilities of himself, his spouse or spouses and his dependent children under the age of 18 years.


The declaration shall be in the form set out in the Schedule and shall include the information required by the form.

The statement date of an annual declaration under subsection (1) shall be the first day of November of the year in which the declaration is required.

Within thirty days after becoming an employee, the staff shall submit an initial declaration.

The statement date of an initial declaration under subsection shall be the date they were employed.

Within thirty days after ceasing to be an employee, the former staff shall submit a final declaration.

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The statement date of a final declaration under subsection shall be the date they ceased to be a member of staff.

2.33 Disciplinary Measures

The Staff Committee will deliberate and investigate matters related to a breach of the code and it will be at liberty to prescribe the disciplinary action to be taken against the employee(s) concerned. A breach of the code of ethics will result in penalties. Penalty may include suspension, dismissal, reprimand etc.

2.34 Enforcement of the Code

The management through the staff committee will be responsible for the enforcement of this Code of Conduct and Ethics for the Corporation.

2.35 Review

This policy document shall be reviewed every two years or when necessary.



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ANNEXURES

REPORT OF GIFTS RECEIVED

(Form A)

REGISTER OF GIFTS RECEIVED

Name of Entity:.....

Serial No.	Name of the officer receiving the gift	ID/PP No	Name of entity and officer giving the gift	Description of the gift	Estimated market value of the gift	Date of receipt the gift	Occasion or function in which the gift is offered	Date of declaration of the gift	Date of surrender of the gift to the public entity (where applicable)	Any other relevant information
1.										
2.										



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(Form B)

REGISTER OF GIFTS GIVEN

Name of Entity:.....

Item No.	Name of the officer giving the gift on behalf of the entity	Name of officer given the gift	Designation of the officer given the gift	Description of the gift	Estimated market value of the gift	Date of giving the gift	Occasion or function in which the gift is given	Any other relevant information
1.								
2.								



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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/Department

