

## KENYA BUREAU OF STANDARDS

### WHISTLE BLOWER POLICY

March 2019

## PREAMBLE

KEBS conducts business based on the principles of fairness, honesty, openness, decency, integrity and respect. It is our commitment to support and encourage our employees and other interested parties to report and disclose any malpractices and to fully investigate the concerns.

KEBS management shall ensure that this policy is in tandem with the Witness Protection Act Cap 79 of 2012. Where this policy conflicts with an Act of parliament, that Act of parliament shall prevail.

This policy is intended to compliment other available KEBS policies and procedures and it policy will be implemented using the KEBS whistle blower procedure.

KEBS is committed to the highest standards of transparency, integrity and accountability. In line with this commitment, we encourage employees and other interested parties to report any concerns using the provided channels. All concerns raised shall be handled confidentially and whistle blowers shall be protected against victimization.



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**Ag. MANAGING DIRECTOR**

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## 1. INTRODUCTION

### 1.1 KEBS Overview

Kenya Bureau of Standards (KEBS) is a statutory body established under the Standards Act (Cap 496) of the laws of Kenya. KEBS commenced its operations in July 1974. KEBS is mandated to provide Standardization, Metrology and Conformity Assessment services through:

- Promotion of standardization in commerce and industry.
- Provision of testing and calibration facilities.
- Control of the use of standardization marks.
- Undertaking educational work in standardization.
- Facilitation of the implementation and practical application of standards.
- Maintenance and dissemination of the International System of Units (SI) of measurements.

1.1. **KEBS Mission:** To provide standards based solutions that promote innovation, trade and quality life.

1.3 **KEBS Vision:** To be a global leader in standards based solutions that deliver quality and confidence.

1.4 To accomplish its Mission and Vision, KEBS requires all employees to practice its core values: integrity, customer focus, excellence and sustainability.

## 2. PURPOSE

The purpose of this policy is to guide KEBS in handling concerns raised by whistle blowers and outline the responsibility of the whistle blowers.

## 3. SCOPE

3.1 The policy applies to all KEBS employees and interested parties.

3.2 This policy covers reportable incidences which include *inter alia*:

- a) Suspected fraud or corruption;
- b) Criminal offences that have or are likely to be committed;
- c) Breach of the KEBS Code of Conduct and Ethics;
- d) Damage, destruction or depletion of the environment;
- e) Misuse of KEBS property;
- f) Breach of rules and regulations governing financial management, recruitment and procurement.

3.3 The policy shall apply to situations where normal and/or regular channels of reporting are not appropriate, for instance;

- a) Where evidence may be concealed or destroyed;

- b) Where there has been previous disclosure of the same information, but there has been no evidence of action or the observed violation continues unabated.

## 4. ACRONYMS.AND DEFINITIONS

### 4.1 Acronyms

- 4.1.1 CAJ Commission on Administrative Justice  
4.1.2 DCI Directorate of Criminal investigations  
4.1.3 EACC Ethics and Anti-Corruption Commission  
4.1.4 KEBS Kenya Bureau of Standards  
4.1.5 NIS National Intelligence Service

### 4.2 Definitions

4.2.1 **Concerns** refers to any issues and/or reports raised relating to employee malpractices affecting the mandate of KEBS.

4.2.2 **Good Faith** - Good faith is evident when a report is made without malice or consideration of personal benefit and the employee and/or interested party has an honest belief that the report is true. However, a report does not have to be proved to be true in order for it to be made in good faith.

4.2.3 **Interested parties** - These are organizations, groups and individuals who have legitimate interest in KEBS in relation to the products and services it delivers and how it delivers them.

4.2.4 **Investigation** - A process designed to gather and analyze information in order to determine whether a malpractice has occurred and if so, the party or parties responsible

4.2.5 **Malpractice** - This includes, but not limited to, misconduct, fraud, violation of laws and regulations, violation of KEBS policies, unethical behavior or practices, endangerment to public health or safety and negligence of duty.

4.2.6 **Suspect** - Any person who is alleged to have committed a malpractice and is subject to investigation.

4.2.7 **Whistle blower** - A person who provides information that exposes any kind of activity that is deemed illegal, unethical and/or not correct within an organization.

4.2.8 **Victimization** - for the purposes of this policy, victimization shall mean *inter alia* dismissal, demotion, suspension, threat, harassment and discrimination.

## 5. LEGAL FRAMEWORK

This policy is premised on the following legal framework and administrative requirement, but not limited to:

- Constitution of Kenya, 2010
- Witness Protection Act, Cap 79 of 2012
- Standards Act Cap 496
- Labor Laws
- State Corporations Act
- Statutory Instruments Act
- Anti-Bribery Act, 2017

- Access to Information Act 2016
- Leadership and Integrity Act 2012
- Anticorruption and Economic Crimes Act 2003
- Public Officers Ethics Act 2003
- Penal Code, Cap 63
- Evidence Act, Cap 80
- Consumer protection Act
- KEBS Code of Conduct
- KEBS Information Management guidelines
- KEBS HR Policy
- KEBS ICT Policy

## **6. OBJECTIVES OF THIS POLICY.**

6.1 To provide avenues for employees and interested parties to raise concerns and define a way to handle these concerns.

6.2 To enable Management to be informed at an early stage about acts of misconduct and malpractices.

6.3. To reassure employees that they will be protected from punishment or unfair treatment for disclosing concerns in good faith and in accordance with this policy.

6.4. To foster a culture of openness, accountability and integrity.

6.5. It acts as a clear statement that employees and interested parties who are aware of possible wrongdoing within the organization have a responsibility to disclose that information to appropriate parties inside the organization.

6.6. To establish a fair and impartial investigative process.

6.7. To eradicate unethical behavior in the workplace.

## **7. ROLES AND RESPONSIBILITIES.**

7.1 Whistleblowers should act in good faith and should not make false accusations when reporting a malpractice by KEBS employees and interested parties.

7.2 Suspects have a duty to cooperate with investigators while their identity remains confidential and/or is guaranteed.

7.3 All persons with concerns have a responsibility to ensure that the highest possible duty of care is exercised with regard to raising concern (whistle blowing) under this policy. In particular, the following needs to be observed:

- a) Legitimacy of the concern and good faith: All concerns should demonstrate accuracy and backed up by reasonable evidence. They should also be driven by utmost good faith and should not have malicious intent.

- b) Use of appropriate channels: Reporting is through any of the channels outlined in clause 7 below.
- c) All concerns should contain as much information as possible to allow for assessment.

**7.4** The Managing Director through the designate office is responsible for implementation of this policy. All employees and interested parties have a responsibility to report cases of malpractice and other unethical behavior. The designated office is required to observe confidentiality.

## **8. REPORTING CHANNELS**

**8.1** Staff and interested parties are encouraged to report incidences of malpractice through the following channels:

- The Managing Director
- The Head of Internal Audit

**8.2** Where the whistle blower feels uncomfortable to report their concern through any of the above channels, then he/she should report to:

- A member of the National Standards Council (NSC)
- Relevant channels provided by law
- Anonymous channels – Telephone, email, visit, website.

## **9. PRINCIPLES OF KEBS WHISTLE BLOWING POLICY.**

This policy is guided by five key principles:

- a) **Fairness:** Fairness and appropriateness of response to complaints on fraudulent or improper conduct.
- b) **Protection:** Freedom to raise genuine concern without fear of harassment, discrimination and victimization.
- c) **Confidentiality:** Information on any individual making a disclosure will be kept in confidence unless he/she agrees otherwise.
- d) **Transparency and feedback towards the person raising the Concern:** KEBS will ensure that any individual raising a concern is aware of who is handling the matter and that feedback is provided accordingly.
- e) **Legitimacy of concern:** This policy supports all genuine concerns but does not cover issues that are raised maliciously and are vexatious.

## **10. HANDLING OF RECEIVED WHISTLE BLOWER REPORT/ CONCERN**

All reports will be handled as per the KEBS whistle blower procedure QMP XXX

## **11. PROTECTION**

**11.1** KEBS will protect whistle blowers who raise concerns in good faith and ensure no victimization of any employee or interested party who provides information to the authorities regarding any form of malpractice.



- 11.2 Where the whistle blower is required to give evidence in criminal or disciplinary proceedings, KEBS will accordingly arrange for the Whistle Blower to receive the relevant legal advice about the procedure and other related support.
- 11.3 A whistle blower may report any unfair treatment in line with the reporting channels. The identity of the whistle blower shall be kept confidential as is provided for under the Witness Protection Act.
- 11.4 An employee and/or interested party assisting in investigations shall be protected to the same extent as the Whistle Blower.

## 12. ELIGIBILITY FOR PROTECTION

The policy offers protection against punitive measures to employees and interested parties who raise concerns. The concerns shall be in relation to matters concerning KEBS.

No action will be taken against an employee or interested party who raises concerns in good faith even if it does not stand after subsequent investigations.

## 13. DISQUALIFICATION OF PROTECTION

If an employee and/or interested party raises concerns which are false, malicious, vexatious or for personal gain, or if he/she persists in making them, disciplinary or other appropriate actions may be taken.

## 14. CONFIDENTIALITY AND ANONYMITY

14.1 KEBS will protect the confidentiality of all matters raised by the Whistle Blower. In case of any breach of confidentiality by any of the persons named in clause 7 the Whistle Blower may take action as provided for by the procedures/law.

14.2 All information received through the whistle blowing process shall be treated as confidential, whether the whistle blower wishes to remain anonymous or not.

14.3 The substance of an investigation including the identities of the parties to it will remain confidential and may only be disclosed with the consent of the whistle blower.

## 15. ANONYMOUS REPORTING

Anonymous information may be reported through the following channels:

- a) email: [whistleblower@kebs.org](mailto:whistleblower@kebs.org)
- b) By post –The Managing Director, Kenya Bureau of Standards. P.O Box 54974 -00200 Nairobi.