



KENYA NATIONAL SHIPPING LINE LTD

WHISTLEBLOWER, INFORMANTS AND WITNESS PROTECTION POLICY

- *Foreword*

1.0 INTRODUCTION

The Kenya National Shipping Line Limited hereinafter the “Company” endeavours to foster a culture of integrity, responsibility, transparency and accountability in its operations.

This can only be achieved through instituting an enabling culture of disclosure of any incidents of bribery, corruption and other misconduct.

2.0 Policy Statement

The Company is committed to the protection of whistleblowers, informants and witnesses in its efforts to undertake its operations with integrity, transparency and accountability.

The development of this policy ensures that whistleblowers do not suffer any reprisals as a result of making disclosures of bribery, corruption and other malpractices provided such disclosures are:

- i) Made in good faith;
- ii) Of public interest; and
- iii) Not malicious.

3.0 Rationale

The fear of reprisals, adverse actions or inactions often lead to reluctance by staff and stakeholders to report bribery, corruption or malpractice encountered relating to the operations of the Company.

This calls for the need to put in place mechanisms to protect whistleblowers so as to ensure the disclosure of any suspected or witnessed misconduct.

4.0 Legal and Administrative Framework

This policy is guided by the relevant legal and policy frameworks, which include:

- i. Constitution of Kenya, 2010
- ii. Anti-Corruption and Economic Crimes Act, 2003
- iii. Commission on Administrative Justice Act, 2011
- iv. Ethics and Anti-Corruption Commission Act, 2011
- v. Fair Administrative Action Act, 2015
- vi. Leadership and Integrity Act, 2012
- vii. Bribery Act 2016
- viii. Official Secrets Act (Cap 187)
- ix. Witness Protection Act, 2006
- x. Public Officer Ethics Act, 2003

4.1 Other Policies

This policy may be used together with the following relevant policies:

- i. Anti-Corruption Policy
- ii. The Gift and Hospitality Policy
- iii. Conflict of interest policy
- iv. Mwongozo Code of Conduct
- v. Human Resource Manual
- vi. KNSL Code of Conduct and Ethics

5.0 Objectives

5.1 Overall Objective

The goal of this Policy is to create an enabling environment and a culture of disclosing

corruption or malpractice while at the same time offering protection to the whistleblower.

5.2 Specific Objectives

The specific objectives of this Policy are:

- i. To provide mechanisms for the protection of whistleblowers, informants and witnesses;
- ii. To provide procedures for whistleblower reporting;
- iii. To institutionalize the culture of transparency, accountability and enhanced public confidence; and
- iv. To put in place frameworks for sanctions against reports of whistleblower reprisals unfair treatment or other adverse actions for disclosures.

6.0 Scope

This Policy provides, among others, a comprehensive mechanism for protection, procedures for reporting and sanctions against reprisal or unfair treatment to whistleblowers, informants and witnesses.

This Policy applies to disclosures made by the Board, Management, Staff and stakeholders of the Company.

7.0 Guiding Principles

The following principles shall guide this Policy:

- i. Confidentiality: the Policy ensures confidentiality of the identity of the whistleblower, the nature of the report or information at all times.
- ii. Timeliness: Whistleblower reports shall be given priority and dispensed in a timely manner.
- iii. Key principles under Article 10 including of good governance, integrity, transparency and accountability, equality, equity, human rights and non-discrimination and rules of natural justice.

8.0 OBLIGATIONS FOR DISCLOSURE

Every staff, stakeholder and the public of the Company shall report any suspicion or encounter with bribery, corruption and other unethical practices using the various mechanisms.

9.0 FORMS OF MISCONDUCT

The following, among others, are the practices relating to bribery and corruption covered under this Policy:

- i. financial malpractice or impropriety, fraud, bribery, stealing and embezzlement;
- ii. irregularities in the hiring or promotion of staff;
- iii. use of fake or forged academic and professional certificates for employment and other benefits;
- iv. procurement irregularities;
- v. professional malpractice;
- vi. practicing of nepotism, tribalism, cronyism and other forms of favouritism;
- vii. sexual harassment;
- viii. infringement of fundamental rights and freedoms;
- ix. falsification of data or documents; and
- x. Any other malpractice and criminal conduct.

10.0 PROCEDURES OF HANDLING REPORTS

10.1 Designated Officer

The Chair of the CPC shall appoint a Designated Officer to receive, compile and keep records of whistleblower reports and submit to the CPC for deliberation and determination.

10.2 Procedure for reporting

A whistleblower, informant or witness can report acts of corruption or malpractice in person, through phone, reporting box, in writing, email, media or through anonymous web-based system. At all times, a whistleblower shall insist on anonymity and the Company shall assure the whistleblower of his or her anonymity.

Disclosure shall contain the following details:

- i. the alleged corruption or malpractice;
- ii. the identity of individuals involved;
- iii. significant dates;
- iv. locations or events; and
- v. any other relevant information.

It is important that individuals disclose information at the earliest opportunity.

10.3 Action following disclosure

Upon receipt of whistleblower reports, the Designated Officer shall:

- i. receive and acknowledge receipt of the reports within 7 days;
- ii. analyze the reports and forward to CPC for deliberation and investigations;
- iii. the CPC shall recommend appropriate action in line with Company policy;
- iv. If the whistleblower report falls outside the mandate of the CPC, referral shall be made to relevant agencies; and
- v. The Designated Officer shall notify the whistleblower about the action taken within 30 days.

10.4 External Disclosures

If the whistleblower is not satisfied with the Company's response, he/she is at liberty to report to appropriate agencies established by law such as:

- i. Ethics and Anti- Corruption Commission.
- ii. Commission on Administrative Justice; and
- iii. Kenya National Commission on Human Rights.

11.0 ANONYMOUS REPORTING

Anonymous reporting is encouraged to protect the whistleblowers, informants or witnesses. The Company will take every reasonable measure to keep the report and the identity of the whistleblower confidential.

The Company shall put in place Anonymous Reporting mechanisms while taking into account the following factors:

- i. Seriousness of the issues raised; and
- ii. Previous experience of reprisals and harm.

The Anonymous Reporting mechanisms may be web-based or a general assurance by the Company that the anonymity of the disclosure shall be guaranteed.

12.0 CONFIDENTIALITY

Any disclosures made to the Company under this Policy shall be treated with utmost confidentiality. The subject matter of a report including the identities of the parties shall remain confidential and may only be disclosed in the following manner:

- i. Where the law requires disclosure;
- ii. The whistleblower has waived his/her right of confidentiality;
- iii. The identity of the whistleblower or subject matter of the disclosure is already publicly known; and
- iv. The information is disclosed on strictly confidential basis for the purpose of obtaining professional advice and opinion.

13.0 PROTECTION FOR WHISTLEBLOWERS

It is an offense to intimidate, harass, harm or otherwise subject a Whistleblower to ill treatment on account of disclosures made under this Policy, the Bribery Act, 2016 and other relevant laws.

The Company shall make reasonable measures to protect whistleblowers, informants and witnesses including liaising with relevant Agencies.

Internally, if a member of staff makes a disclosure in accordance with this Policy, the member shall not:

- i. be dismissed or in any manner discharged from employment;
- ii. have employment related opportunities or benefits withheld;
- iii. be reassigned or transferred;
- iv. be denied a promotion that the employee otherwise would have received;
- v. be demoted or salary decreased; and
- vi. be subjected to any other form of ill treatment.

14.0 SANCTIONS FOR VIOLATION OF POLICY

Any member of the Company who takes adverse action(s) in Section 13.0 above against a whistleblower will be subject to disciplinary actions in accordance with the HR Manual. Such action shall be construed as gross misconduct and the sanctions may include termination of service.

15.0 REVOCATION OF PROTECTION

The Company may revoke the whistleblower protection under this Policy if it proves, based on its investigations that:

- i. the whistleblower willfully made a report which he or she knew or believed to be false;
- ii. the disclosure of bribery and corruption or malpractice is malicious; and

- iii. the whistleblower has participated in the bribery and corruption or malpractice disclosed.

If the whistleblower protection has been withdrawn the Designated Officer will give a written notification to that effect to the whistleblower immediately.

16.0 REWARDS FOR WHISTLEBLOWERS, INFORMANTS AND WITNESSES

The Company may put in place a mechanism for rewarding a whistleblower by giving:

- i. Non-monetary awards;
- ii. Letters of commendation; and
- iii. Nomination for State Commendations.

17.0 ENFORCEMENT

- i. Disciplinary action shall be taken against any person who condones bribery and corruption or malpractice through willful suppression or concealment of relevant information or interferes with the investigation in accordance with provisions of the HR Manual.
- ii. A breach against the provisions of this Policy shall be handled in accordance with this policy and other relevant laws.

18.0 COMMITMENT

The Board and Management of the Company is committed to the implementation of this policy. Towards this end, the Company shall:

- i. Ensure that the principles of natural justice apply to all investigations of matters covered under the Policy to ensure fairness for both the discloser and the person who is subject to the disclosure;
- ii. Allocate the necessary resources for the implementation of this Policy and its related programmes;

- iii. Ensure that the constitutional rights of the whistleblower are protected;
- iv. Protect the interests of the whistleblower against reprisals or retaliatory action;
- v. Promote an environment of openness, transparency and accountability; and
- vi. Periodically sensitize the staff on this policy.

19.0 POLICY IMPLEMENTATION

The Managing Director shall be responsible for the implementation of this Policy.

20.0 POLICY REVIEW

This policy will be reviewed after every three (3) years or on need basis.

21.0 EFFECTIVE DATE

This Policy comes into effect on:

Signed on this... 08 day of... December 2022



MANAGING DIRECTOR



CHAIRPERSON, BOARD