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## **Code of Conduct and Ethics**

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**10<sup>TH</sup> JULY 2025**

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## **PART I: GENERAL**

### **Foreword**

I am pleased to present the Kenya Bureau of Standards Code of Conduct and Ethics which fully incorporates the requirements of the Kenya Constitution 2010, the Leadership and Integrity Act 2012 and the Public Officer Ethics Act (No. 4 of 2003). This document has been prepared by the Corruption Prevention Committee and circulated to staff to guide the conduct of KEBS officers.

This code contains rules of conduct and ethics to be observed so as to maintain the integrity and dignity of Kenya Bureau of Standards and the Government of Kenya and promotes the Principles of Leadership and Integrity as outlined in Chapter 6 of the constitution and the Values and Principles of Public Service as outlined in article 232 of the constitution.

The Code identifies core values on which KEBS Strategic Direction is based and summarizes broad ethical principles that reflect KEBS' core values while establishing a set of specific ethical standards that should be used to guide how KEBS officers should conduct themselves while carrying out their duties.

This Code is designed to help KEBS Officers identify relevant considerations when ethical uncertainties arise. The Code provides ethical standards to which the general public can hold the officer accountable and articulates standards that can be used to assess whether KEBS Officers have engaged in unethical conduct. In subscribing to this Code, KEBS Officers are required to cooperate in its implementation.

The Code offers a set of values, principles, and standards to guide decision making and conduct when ethical issues arise. It does not provide a set of rules that prescribe how KEBS Officers should act in all situations and therefore should be used together with other KEBS policies, regulations and procedures. Specific applications of the Code must take into account the context in which it is being considered.

Ethical decision making is a process. There are many instances where simple answers are not available to resolve complex ethical issues. KEBS Officers should take into consideration all the values, principles, and standards in this Code that are relevant to any situation in which ethical judgment is warranted. KEBS Officers' decisions and actions should be consistent with the spirit as well as the letter of this Code and those of any other written law that governs leadership, ethics and integrity.

KEBS Officers at all times should be aware of the impact of their conduct on their customers, members of the public and their own personal values and cultural and religious beliefs and practices. They should be aware of any conflicts between personal and professional values and deal with them responsibly. For additional guidance KEBS Officers should seek appropriate consultation from the KEBS Corruption Prevention Committee, other knowledgeable colleagues such as the Legal Department and even the EACC when faced with ethical dilemmas.

A code of ethics cannot guarantee ethical behavior. Moreover, a code of ethics cannot resolve all ethical issues or disputes or capture the richness and complexity involved in striving to make responsible choices within a moral community. Rather, a code of ethics sets forth values, ethical principles, and ethical standards to which KEBS employees aspire and by which their actions can be judged.

KEBS Officers' ethical behavior should result from their personal commitment to engage in ethical practice. The KEBS Code of Ethics reflects the commitment of all KEBS Officers to uphold National Values and principles of governance outlined in Article 10 of the Constitution and the KEBS Core Values. Principles and standards must be applied by all staff members who discern moral questions and, in good faith, seek to make reliable ethical judgments.

  
Esther Ngari

**MANAGING DIRECTOR**

## **PART I: GENERAL**

### **1. Mission, Vision and Core Values**

#### **1.1 Vision**

To be a global leader in standards- based solutions for trade and sustainable development.

#### **1.2 Mission**

To provide Standardization, Metrology, and Conformity Assessment Services that safeguard consumers and facilitate trade for a sustainable future.

#### **1.3 Core Values**

Our corporate culture is based on the following six core values. These are the fundamentals beliefs or principles that guide the behavior, actions and decisions of the organization.

- i. **Professionalism:** We uphold high levels of competence and diligence in our operations;
- ii. **Sustainability** – We undertake activities that promote economic and social development within and outside KEBS while ensuring protection of the environment;
- iii. **Customer Focus** – We listen to both our internal and external customers and deliver an ever-increasing value to them;
- iv. **Patriotism:** We undertake provision of our Standardization, Metrology, and Conformity Assessment services in ways that safeguard our country and consumers
- v. **Integrity:** We are accountable, honest, trustworthy, respectful, and ethical in our actions.
- vi. **Team Spirit:** All persons have a sense of belonging and work together towards a common goal.

## **2. Preliminary**

### **2.1 Citation**

- (1) This Code may be cited as the KEBS Code of Conduct and Ethics.

### **2.2 Definitions**

- (1) In this Code, unless the context otherwise requires-
- (a) "CPC" means KEBS Corruption Prevention Committee
  - (b) "EACC" means Ethics and Anti-Corruption Commission also referred to as Commission
  - (c) "KEBS" means Kenya Bureau of Standards
  - (d) "KEBS Officer" means any officer, employee or member including an unpaid part time or temporary officer, employee or member of Kenya Bureau of Standards.
  - (e) "Gift" means any item of value such as a gratuity, favor, discount, entertainment, hospitality, loan, or other benefits which may influence or appear to influence the recipient's decisions or actions in their professional role while executing KEBS mandate.

### **2.3 Application of Code**

- (1) This Code applies with respect to-
- (a) Officers and employees of KEBS serving on permanent and pensionable, contract or temporary terms of employment.
  - (b) Officers seconded to work at Kenya Bureau of standards.

## **PART II: LEADERSHIP AND INTEGRITY CODE AND CODE OF CONDUCT**

### **1. General Code**

- (1) This Part prescribes a general Leadership and Integrity Code for KEBS officers.
- (2) The provisions of Chapter Six of the Constitution shall form part of this Code.
- (3) Unless otherwise provided in this Code, the provisions of the Public Officer Ethics Act (No. 4 of 2003) shall form part of this Code
- (4) All policies approved by Kenya Bureau of Standards for use in governing the conduct of staff shall form part of this code.

### **2. Rule of law**

- (1) A KEBS officer shall respect and abide by the Constitution and the law.
- (2) A KEBS officer shall carry out the duties of the office in accordance with the law and more specifically the Standards Act Cap 496 Laws of Kenya.
- (3) In carrying out the duties of the office, a KEBS officer 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.

### **3. Public trust**

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

### **4. Responsibility and duties**

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

### **5. Performance of duties**

A KEBS officer shall, to the best of their ability—

- (a) carry out the duties of the office efficiently and honestly;
- (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 Kenya Bureau of Standards and as guided by the communication policy.

### **6. Professionalism**

A KEBS officer shall—

- (a) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;
- (b) treat fellow employees 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 KEBS officer 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 the Leadership and Integrity Act of 2012..

### **7. Financial integrity**

- (1) A KEBS officer shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person.
- (2) Subject to Article 76(2)(b) of the Constitution, a KEBS officer shall not accept a personal loan or benefit which may compromise the officer in carrying out the duties.

### **8. Moral and ethical requirements**

- (1) 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—
  - (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 KEBS officer'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).

## **9. Sexual Harassment**

- (1) A KEBS officer shall not sexually harass a member of the public or a fellow officer.
- (2) In subsection (1), "sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome-
  - (a) making a request or exerting pressure for sexual activity or favours;
  - (b) making intentional or careless physical contact that is sexual in nature; and
  - (c) making gestures, noises, jokes or comments, including innuendos, regarding another person's sexuality.

## **10. Gifts or benefits in kind**

- (1) A gift or donation given to a KEBS officer on a public or official occasion shall be treated as a gift or donation to KEBS.
- (2) Notwithstanding subsection (1), a KEBS officer may receive a gift given to the KEBS officer 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 such value as may be prescribed by EACC in the regulations.
- (3) Without limiting the generality of subsection (2), a KEBS officer 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 KEBS officer's duties;
    - (ii) carries on regulated activities with respect to which the KEBS has a role; or
    - (iii) has a contractual or legal relationship with Kenya Bureau of Standards;
  - (b) accept gifts of jewellery 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; or
  - (c) any other type of gift specified by EACC in the regulations.
- (4) A KEBS officer shall not receive a gift which is given with the intention of compromising the integrity, objectivity or impartiality of the KEBS officer.

- (5) Subject to subsection (2), a KEBS officer who receives a gift or donation shall declare the gift or donation in the Departmental Gift Registers specified in (6) below.
- (6) KEBS keeps registers of—
  - (a) gifts received by a KEBS officers and
  - (b) gifts given by KEBS to other State officers.

#### **11. Wrongful or unlawful acquisition of property**

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

#### **12. Conflict of interest**

- (1) A KEBS officer shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with official duties.
- (2) Without limiting the generality of subsection (1), a KEBS officer 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 KEBS officer's 's personal interests and the officer's official duties.
- (3) A KEBS officer whose personal interests conflict with their official duties shall declare the personal interests to KEBS or EACC.
- (4) EACC or KEBS may give direction on the appropriate action to be taken by the KEBS officer to avoid the conflict of interest and the KEBS officer shall—
  - (a) comply with the directions; and
  - (b) refrain from participating in any deliberations with respect to the matter.
- (5) Notwithstanding any directions to the contrary under subsection (4), a KEBS officer shall not award or influence the award of a contract to—
  - (a) himself or herself;
  - (b) the KEBS officer's 's 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.
- (6) In this section, "personal interest" includes the interest of a spouse, child, business associate or agent or any other matter in which the KEBS officer has a direct or indirect pecuniary or non-pecuniary interest.
- (7) Where a KEBS officer is present at a meeting, where an issue which is likely to result in a conflict of interest is to be discussed, the KEBS officer shall declare the interest at the beginning of the meeting or before the issue is deliberated upon.
- (8) A declaration of a conflict of interest under subsection (7) shall be recorded in the minutes of that meeting.
- (9) KEBS shall maintain an open register of conflicts of interest in the prescribed form in which an affected KEBS officer shall register the particulars of registrable interests set out in the Second Schedule of the Leadership and Integrity Act, stating the nature and extent of the conflict.

(10) KEBS shall keep the register of conflicts of interest for five years after the last entry in each volume of the register.

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

### **13. Participation in tenders**

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

### **14. Public collections (Harambees)**

(1) A KEBS officer 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.

(2) A KEBS officer shall not participate in a public collection of funds in a way that reflects adversely on the officer's integrity, impartiality or interferes with the performance of the official duties.

### **15. Bank accounts outside Kenya**

(1) Subject to Article 76(2) of the Constitution or any other written law, a KEBS officer shall not open or continue to operate a bank account outside Kenya without the approval of EACC.

(2) A KEBS officer who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to EACC for approval to open or operate a bank account.

(3) A KEBS officer who operates or controls the operation of a bank account outside Kenya shall submit Statements of the account annually to EACC and shall authorize EACC to verify the Statements and any other relevant information from the foreign financial institution in which the account is held.

(4) Subject to subsections (1) and (2), upon the commencement of the Leadership and integrity Act, a serving KEBS officer who operates a bank account outside Kenya shall close the account forthwith.

(5) A KEBS officer who fails to declare operation or control of a bank account outside Kenya commits an offence under the Leadership and Integrity Act and shall, upon conviction, be liable to imprisonment for a term not exceeding five years, or a fine not exceeding five million shillings, or both.

### **16. Acting for foreigners**

(1) A KEBS officer 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.

(2) 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, organisation or individual.

### **17. Care of property**

(1) A KEBS officer shall take all reasonable steps to ensure that public property in the officer's custody, possession or control is taken care of and is in good repair and condition.

- (2) A KEBS officer 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 the official work of the KEBS officer.
- (3) A KEBS officer shall return to the issuing authority all the public property in their custody, possession or control at the end of the appointment.
- (4) A KEBS officer who contravenes subsection (2) or (3) shall, in addition to any other penalties provided for under the Constitution, Leadership and Integrity Act of 2012.. or any other law be personally liable for any loss or damage to the public property.

#### **18. Misuse of official information**

- (1) A KEBS officer shall not directly or indirectly use or allow any person under the officer's authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise.
- (2) The provisions of subsection (1), shall not apply where the information is to be used for the purposes of—
  - (a) furthering the interests of Leadership and Integrity Act of 2012; or
  - (3) educational, research, literary, scientific or other purposes not prohibited by law.

#### **19. Political neutrality**

- (1) A KEBS officer 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.
- (2) A KEBS officer 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.
- (3) Without prejudice to the generality of subsection (2) 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.

#### **20. Impartiality**

A KEBS officer 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.

#### **21. Giving advice**

A KEBS officer who has a duty to give advice shall give honest, accurate and impartial advice without fear or favour.

#### **22. Gainful employment**

- (1) Subject to subsection (2), a KEBS officer who is serving on a full time basis shall not participate in any other gainful employment.
- (2) 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 KEBS office or which results in the impairment of the judgement of the KEBS officer in the execution of the functions of the KEBS office or results in a conflict of interest.

### **23. Offers of future employment**

- (1) A KEBS officer 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 KEBS officer shall disclose, in writing, to KEBS and EACC, all offers of future employment or benefits that could place the KEBS officer in a situation of conflict of interest.

### **24. Former KEBS officer acting in a Government or public entity matter**

A former KEBS officer shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a KEBS officer, for at least two years after leaving the KEBS office.

### **25. Misleading the public**

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

### **26. Falsification of records**

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

### **27. Citizenship**

- (1) Subject to Article 78(3) of the Constitution, a KEBS officer who acquires dual citizenship shall lose his or her position as a KEBS officer.
- (2) A person who holds dual citizenship shall, upon appointment to KEBS, not take office before officially renouncing their other citizenship in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011, (No. 12 of 2011.)

### **28. Conduct of private affairs**

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

### **29. Tax, financial and legal obligations**

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

### **30. Bullying**

- (1) A KEBS officer shall not bully any person.
- (2) For purposes of subsection (1), “bullying” includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

### **31. Acting through others**

- (1) A KEBS officer contravenes the Code if the officer—
  - (a) causes anything to be done through another person that would constitute a contravention of the Code if done by the KEBS officer; 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 KEBS officer's knowledge or consent or if the KEBS officer has taken reasonable steps to prevent it.

(3) A KEBS officer who acts under an unlawful direction shall be responsible for his or her action.

### **32. Reporting improper orders**

(1) If a KEBS officer considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, the KEBS officer shall report the matter to EACC.

(2) EACC shall investigate the report and take appropriate action within ninety days of receiving the report.

## **PART III: DECLARATION**

I have read and understood the contents of this Code and promise to abide by it.

Name: ..... HR.NO: .....Signature: .....

Dated .....the day of .....20.....

### **Witness**

Name.....

Signature.....

Date.....