

THE CODE OF CONDUCT AND
ETHICS FOR KENYA FILM
CLASSIFICATION BOARD



2018



SECTION 10: CODE OF CONDUCT

10.1 Introduction

- 10.1.1 This Section contains general rules of conduct to be observed by officers so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every officer occupies a special position in the Board and should ensure that his conduct both in public and in private life does not bring the Board into disrepute.
- 10.1.2 Regulations governing discipline in the Board and the procedure to be followed in cases of breach of discipline are contained in this manual.
- 10.1.3 In addition, an officer is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.
- 10.1.4 Officers are required to adhere to their respective professional codes of conduct. It is imperative that an officer adheres to these rules of conduct, and such other rules which may be introduced from time to time.
- 10.1.5 All employees shall be required to sign the code of conduct upon employment and they will be bound by any amendments to the code of conduct.

10.2 Office Hours

- 10.2.1 The official hours are as follows:

Nairobi and other Regions



Monday to Friday:

8.00 am to 1.00 pm

2.00pm to 5.00 pm

Mombasa and Northern Kenya

Monday to Friday

7.45am to 12.30pm

2.00pm to 4.30pm

10.2.2 Though the general office hours will be as stated herein, HoDs will not be restricted to utilize employees outside these hours, when there is any cause requiring their services either earlier or later, as long as the employees put up a maximum of 40 hours per week.

10.2.3 For the effective running of the Board, the employees should observe punctuality and regular work attendance. In case an employee is not in a position to report to work in the morning or is delayed, the head of the respective department should be notified before, as close to the regular starting time as possible. This should not be later than 12.00pm after which the employee will be considered absent.

10.2.4 Flexible working time

- i. Flexi working is a work arrangement that allows staff to schedule working hours such as shift working and flexibility in reporting/leaving time.
- ii. To ensure psychosocial well-being of staff and promote staffs' balance between work and personal life, the Board shall endeavor to allow interested staff flexibility in working hours subject to exigency of duties and concurrence with line managers.
- iii. Where applicable, staff shall also be scheduled into shift arrangements as shall be determined by Management from time to time.



- iv. Flexi hours shall not apply to staff working on shifts and to staff whose job is extraneous in nature.
- v. Regardless of flexi time arrangement, whenever required by duty, staff shall avail themselves between 8:00am to 5:00pm

10.3 Official Office Attire

- 10.3.1 The employees of KFCB are expected to dress in formal and acceptable office attire between Mondays and Thursdays.
- 10.3.2 Dress-down policy: staff members are free to dress down on Fridays. It should, however, be noted that the free manner of dressing should also be acceptable and decent as prescribed by the Board

10.4 Core Values, Guiding Values, Principles & Requirements

- 10.4.1 The employees of KFCB shall be guided by the national values and principles of governance in Article 10 of the Constitution; provisions of Chapter 6 of the Constitution on Leadership and Integrity; Part II of the Leadership and Integrity Act, 2012 as well as the Public officers Ethics Act, 2003 revised in 2009.
- 10.4.2 The employees of KFCB shall aspire to uphold the national values and principles of governance being ;
 - (i) Patriotism, national unity, the rule of law, democracy and participation of the people;
 - (ii) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
 - (iii) Good governance, integrity, transparency and accountability; and
 - (iv) Sustainable development.



10.5 Rule of Law

10.5.1 All employees shall carry out their duties in accordance with the law. In carrying out his duties, a public employee shall not violate the rights and freedoms of any person under Part V of the Constitution.

10.6 Conflict Of Interest

10.6.1 An employee shall declare to the CEO his personal interest (including the interest of a spouse, relative or business associate); where such interests are likely to interfere with official duties or affect personal judgment on official matters. According to the provisions of the Public Officer Ethics Act, 2003, an officer shall:

- (i) Use his best efforts to avoid being in a position in which his personal interests conflict with his official duties
- (ii) Not hold shares; corporate, partnership or of another body or through another person that would result to conflict of interest
- (iii) Declare personal interests to the CEO and comply with any directions to avoid the conflict and also refrain from participating in any deliberations where such interest would conflict official duties
- (iv) Not award a contract or influence the award of such a contract to himself, spouse, close relative, business associate, or a partnership or other body in which the employee has an interest.
- (v) Not use his office to improperly enrich himself or another person
- (vi) Not use or allow use of information acquired through his public office that is not public, for his own or other peoples' benefit.

10.6.2 Any employee whose personal interests are potentially or actually in conflict with those of his duties shall declare the personal interests to his superior or the CEO in writing.

10.6.3 Other situations which constitute a conflict of interest;-



- (i) Soliciting for any help, funds, favours, gifts and sponsorship from persons or institutions associated with KFCB or using the name of the Board without the knowledge and approval of the Board.

10.7 Improper Enrichment or Receiving of Gifts

- 10.7.1 The Board employees shall not accept gifts, benefits or favors from a client where these may influence or may be seen to influence his decisions. Gifts exceeding a threshold of Kshs. 20,000.00 should not be accepted. Gifts in cash should not be accepted under any circumstance.
- 10.7.2 The Board employee (s) shall not use their office to improperly enrich themselves or others. In this regard, the Board employee shall not accept or request gifts or favours from a person who;-
 - (i) has an interest that may be affected by the carrying out, or not carrying out, of the public officer's duties;
 - (ii) Carries on regulated activities with respect to which the Board has a role; or
 - (iii) has a contractual or similar relationship with the Board;
 - (iv) Improperly uses their office to acquire properties for themselves or another person, whether or not the properties are paid for; or
 - (v) For their personal benefit or another, use or allow the use of information that is acquired in connection with the public employee's duties and that is not public.
- 10.7.3 Employees are prohibited from receiving valuable presents (other than gifts from personal friends and relatives) and/or other benefits and from giving such presents. This applies for example to Christmas presents or such kind of gifts.



- 10.7.4 This section applies not only to the employee himself, but also to his family. It is not intended to apply to cases of remuneration for special services rendered and paid for with the consent of the Board.
- 10.7.5 Presents from public personages which cannot be refused without being offensive will be handed over to the Board unless prior permission has been obtained from the CEO for the employee to retain the present.
- 10.7.6 When presents are exchanged between employees acting on behalf of the CEO in ceremonial occasions with other organizations or their representatives, the presents received will be handed over to the Board and any present in return will be given at the Board's expense.

10.8 Harambees

- 10.8.1 The Board employee shall not preside over a Harambee, play a central role in its organization or play the role of "guest of honour"; nor participate in a Harambee in such a way as to reflect adversely on their integrity or impartiality or to interfere with the performance of their official duties.

10.9 Declaration of Income, Assets & Liabilities

- 10.9.1 Every employee shall on first appointment and after every two years thereafter submit a declaration of income, assets and liabilities of himself, spouse(s) and dependent children less than eighteen (18) years to the Public Service Commission in accordance with the Public Officer Ethics Act, 2003. The appropriate form will be supplied annually as required.

10.10 Undue influence



10.10.1 Employees are warned that the practice of seeking the influence of Politicians or other persons in order to be considered for promotion or other favours is viewed with disapproval. Any such attempt to obtain such favours is considered irregular and will not be of advantage to the employee and on the other hand, may actually be detrimental to the employee's interests.

10.11 Professionalism and Integrity

10.11.1 All employees shall: -

- (i) Carry out their duties in a manner that treats the public and the fellow employees with courtesy and respect;
- (ii) Seek to improve the standards of performance and level of professionalism in the Board;
- (iii) Observe the ethical and professional requirements of a professional body of which they are members;
- (iv) Maintain an appropriate standard of dress and personal hygiene; and
- (v) Avoid practices that could lead an individual vulnerable to financial embarrassment.

10.12 Confidentiality and the Official Secrets Act, Cap 187

10.12.1 **Disclosure of Information:** An employee must not disclose any information concerning the affairs of the Board or its employees, or show or release any official document to any person not connected with the Board, or even insiders, unless he is required to do so in the course of his duties, or such disclosure as is authorized by the CEO. Individual invitations to give technical advice or present papers should be channeled through the CEO.

10.12.2 **Official Documents and Legal Proceedings:** An employee must not without permission make use of any official document which comes into his possession by virtue of his employment the subject of legal proceedings.



10.13 Rule of Law

10.13.1 Employees shall carry out their duties in accordance with the law. In carrying out one's duty, an employee shall not violate the rights and freedoms of any person as provided for in the Constitution.

10.14 Respect and Courtesy

10.14.1 All employees will be expected to portray utmost respect for one another, irrespective of seniority or personal status.

10.15 Discrimination

10.15.1 The Board is opposed to all forms of discrimination. Discrimination of any sort will be reported to the CEO so that the matter can be investigated and appropriate action taken. Any reported incidences of alleged discrimination will be treated in utmost confidence.

10.16 Confidentiality and Trust

10.16.1 While in the course of their duties, employees will be exposed to confidential information. In such cases, they will be expected to uphold strict standards in regard to confidentiality of information.

10.16.2 Disciplinary action will be taken against any employee proven to have divulged confidential information without the permission of the Board.

10.17 Care of Assets

10.17.1 Employees are expected to ensure that assets entrusted to them are adequately protected and not misused or misappropriated.

10.18 Media Interviews & Interactions with the Media



- 10.18.1 An employee shall not, under any circumstances, communicate with the media either in writing or otherwise, or make statements on matters affecting the Board's programs or policies without specific authority from the CEO.
- 10.18.2 An employee, whether on duty or on leave, shall not do the following without the permission of the CEO:-
- (i) Act as the editor of any newspaper or take part directly or indirectly in the management thereof; nor
 - (ii) Publish in any manner anything which may be reasonably regarded as of a political or administrative nature, whether under his own name, under a pseudonym or anonymously.
 - (iii) Allow himself to be interviewed on questions of public policy or on matters affecting the Board without the permission of the CEO.
- 10.18.3 While it is not desired to interfere with the liberty of free speech, any lack of discretion on the part of an employee in expressing an opinion that may embarrass the Board, may result in disciplinary action being taken against him
- 10.18.4 An employee may however, publish matters relating to other subjects.

10.19 Private Agencies

- 10.19.1 No employee may undertake any private commission in any matter connected with the exercise of his public duties. No employee shall in any manner that may be detrimental to the security interests of the Board and Kenya at large, be an agent for or further the interests of a foreign Government, organization or individual.



10.20 Political Views

- 10.20.1 Though an employee as a Kenyan is entitled to his own political views on political matters, he shall ensure that his utterances do not implicate or compromise the Board and the government at large.
- 10.20.2 An employee shall not, in connection with the performance of his duties, do the following:
- (i) Act as an agent for a political party or so as to further the interest of the party; or
 - (ii) Indicate support for or opposition to any political party or candidate in an election; or
 - (iii) Engage in political activity that may compromise or be seen to compromise the political neutrality of his office; or
 - (iv) Use his political stand to intimidate others perceived to be of a different view.

10.21 Trading

- 10.21.1 Trading at official premises is strictly forbidden except where official permission has been received.
- 10.21.2 Away from official premises no employee may act as an agent for the sale of any articles or merchandise whilst on duty or in uniform.

10.22 Borrowing and Lending Money

- 10.22.1 An employee is strictly forbidden:
- (i) To become an agent for a moneylender.
 - (ii) To borrow money from KFCB's stakeholders or members of staff of any Company doing business with KFCB, with whom his official duties bring him into contact.



- (iii) To accept premiums from other staff of the Board as consideration for instructing them on how to perform their duties.

10.23 Harassment

- 10.23.1 Harassment is generalized as insulting and degrading behavior or statements, which could be verbal, physical, deliberate, unsolicited and unwelcome.
- 10.23.2 Harassment in any form is prohibited. Examples of harassment include:-
 - (i) Verbal harassment in the form of derogatory comments or slurs.
 - (ii) Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature.
 - (iii) Physical harassment in the form of assault, impeding or blocking movement, any physical interference with normal work or movement.
 - (iv) Visual harassment through derogatory posters or drawings.
- 10.23.3 If an employee encounters such behaviour from anyone, including supervisors, fellow employees or other external parties, he should report the incident immediately to the supervisor or to the Manager, Human Resource and Administration.
- 10.23.4 If the harassment is from the Manager, Human Resource and Administration or from the CEO, an employee will be at liberty to report the incident directly to a member of the Board or to the Chairperson.

10.24 Nepotism

- 10.24.1 An officer shall not practice undue favoritism to their relations and close relatives at the expense of the service.



10.25 Acting through others

- 10.25.1 An officer contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the officer, or allows or directs a person under their supervision or control to do anything that is in contravention of the code.
- 10.25.2 Contravention shall not apply where anything is done without the officer's knowledge or consent or if the officer has taken reasonable steps to prevent it.
- 10.25.3 An officer who acts under unlawful direction shall be responsible for his action.

10.26 Absence from Duty

- 10.26.1 An employee shall not absent himself from duty during working hours, leave his appointed place of work or proceed to a place other than which he is usually employed, without due permission of his immediate supervisor.
- 10.26.2 An employee who absents himself from duty due to ill health shall be required to produce within forty-eight (48) hours a medical certificate signed by a certified Medical Officer. If such a certificate is not forthcoming, the employee will be regarded as having been absent from duty without leave and may be liable to disciplinary action, which may include summary dismissal, with loss of all benefits.
- 10.26.3 Where an officer is absent from duty without leave or reasonable or lawful cause for a period exceeding Forty Eight (48) hours, and is not traced within a period of seven (7) days from the commencement of such absence, the officer's salary shall be stopped and action to dismiss the officer initiated.



- 10.26.4 An employee who, without leave or reasonable cause, absents himself from duty for more than seven (7) days shall be regarded as having vacated his office and is liable to summary dismissal.

10.27 Newspapers and Publications

- 10.27.1 An employee must not, except with the express written permission of the Board, act as an editor of any newspaper, or take part directly or indirectly in the management thereof, nor publish in any manner anything which may reasonably be regarded as being of a political or administrative nature, whether under his own name, under a pseudonym or anonymously.
- 10.27.2 An employee may, however, publish in his own name, matters relating to subjects of professional or general interests not involving public matters, politics, the Board or Government affairs.
- 10.27.3 An employee who wishes to publish an article or deliver a speech, the substance of which may subsequently be published, or the substance of which may reasonably be regarded as being of political or administrative nature, shall seek permission to do so from the CEO and a draft of the proposed article or speech submitted for approval.

10.28 Pecuniary Embarrassment

- 10.28.1 Pecuniary embarrassment from whatever cause will be regarded as impairing the efficiency of the employee and may render him liable to disciplinary action.
- 10.28.2 Employees who may be in financial difficulty will be given assistance to extricate themselves from their problems. However, there is a limit beyond which an employee may be assisted and it may be necessary to terminate the services of anyone who is persistently in financial difficulties to the extent that he either



becomes a risk to the Board or is unable to carry out his duties effectively.

10.29 Defense of Officers in Criminal and Civil Suits

- 10.29.1 When criminal or civil proceedings are instituted against an officer as a result of an act of omission by him in the course of his official duties, he may apply to the CEO for assistance in his defense. If the latter is satisfied that the officer acted in good faith in the execution of his official duties and that it is in the public interest that the officer should be defended, the CEO shall immediately report the matter to the Board, who will decide whether or not the officer should be defended.
- 10.29.2 Unless the proper procedure is followed, the Attorney General may decline to provide support to the officer. It is further emphasized that speed is of essence in reporting such cases to the Attorney General.

10.30 Civil Proceedings by Officers for Defamation

- 10.30.1 Where an officer has been defamed in respect of matters arising out of his official position, e.g. in the press or at a political meeting, it may be that the Government Authority is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer may apply for legal aid through the CEO to the Attorney General. Legal aid will not be granted unless:
- a.) The Government has a substantial interest in seeing that the defamatory statement is repudiated;
 - b.) There is, in the opinion of the Attorney General, a good prospect of success in the action; and
 - c.) The consent of the Attorney General shall be obtained before proceedings are commenced.