



POSTAL CORPORATION OF KENYA

WHISTLE BLOWING POLICY

MARCH 2022

NAME	FORMULATION & APPROVALS	SIGNATURE	DATE
	AGM/SECURITY & INVESTIGATIONS		
	AGM/INTERNAL AUDIT & RISK MNGT		
	APPROVAL BY POSTMASTER GENERAL		
	APPROVAL BY CHAIR OF PCK BOARD AUDIT COMMITTEE		
	APPROVAL BY CHAIR OF PCK BOARD		

DISCLAIMER

Any circulation of this policy document is guided by confidentiality. The content of this document should not be used for any means except for Postal Corporation Kenya purpose.

The document is not available for distribution or disposal to third party without prior written consent from Postal Corporation Kenya.

DOCUMENT CONTROL

Amendment of this policy in full or in-part shall be signed off and adopted for record as provided for by the Audit and Risk Committee of the Board of Postal Corporation Kenya.

Version	Date	Amendment description	Author	Reviewer	Approver
01	23 rd August 2021	Volume (i)	Alex Lumadede	CPA David Fundia	1. Dan Kagwe 2. Audit Committee Chair 3. Board Chair

DOCUMENT LOCATION

The whistle blowing policy will be published for employee reference on the PCK ISO Documents/PCK documents on the website

The policy will be available for public access on the PCK Website

DEFINITIONS

The following words will, unless the context requires otherwise have the meaning specifically assigned to them in this policy;

“Corporation” means the Postal Corporation of Kenya.

“Employee” means all persons employed by the Postal Corporation of Kenya.

“HR Policy” means rules and regulations governing the conduct of employees of the Postal Corporation of Kenya.

“Malpractice” means improper, illegal or negligent professional activity or treatment.

“Whistleblower” means a person who exposes any kind of information or activity that is deemed illegal, unethical or not correct within the Corporation.

“Wrong doing” means an illegal or dishonest behavior including fraud and corruption related matters or conduct.

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1.0 INTRODUCTION

- 1.1 The Postal Corporation of Kenya is committed to the highest possible standards of ethical, moral and legal conduct. This policy aims to provide an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for whistle blowing in good faith.
- 1.2 In formulating this policy, Postal Corporation of Kenya shows its commitment to listen to and address the concerns of its employees as one of the ways of mainstreaming integrity at the work place.
- 1.3 The Corporation will ensure that this policy is in tandem with the Witness Protection Act 2010.
- 1.4 Where this policy is in conflict with an Act of Parliament, then the Act will take precedence over the policy.

2.0 PURPOSE

- 2.1 The purpose of the Whistle Blowing Policy (“the policy”) is to promote responsible whistle blowing about issues where the interests of the Corporation or employees are at risk. Such issues include, but not limited to;

(a) Criminal offences

Fraud either actual or suspected

(b) Breach of legal obligation

(c) Miscarriage of justice

(d) Financial impropriety

(e) Deliberate covering up of wrong doing

Actual or suspected deficiencies in or non-compliance within the company’s internal controls and procedures

(f) Deliberate damage to environment, official property and assets

(g) Disregard for legislation and regulatory obligations

(h) Violation of Corporation’s standing rules, regulations, procedures and Policies.

Misrepresentation of financial, company reports or audit whether actual or suspected

Discrimination or physical abuse of any member of staff or service

Any conflict of interest actual or suspected

3.0 SCOPE

This Policy is derived not limited to Public Officers and Integrity Act 2003, Public Officers Ethics Act Cap 183, Leadership and Integrity Act Cap 182, provisions from Chapter 6 of the Kenya Constitution 2010.

This Policy applies to all staff of the Corporation including the Board, employees on Permanent, contract and casual terms of employment. It is also applicable to contractors, suppliers, customers and the public.

4.0 SAFETY AND SECURITY

4.1 An employee who makes a disclosure of a wrong doing must reasonably believe;
(a) That s/he is acting in the Corporation's interest (personal grievances and Complaints will not be covered by this policy).

(b) That the disclosure under this policy will accommodate past, present or likely future risks that employees, third party, customers and the public may express in exercising good faith.

4.2 An employee raising a concern will not be expected to produce unquestionable evidence to support the case as this will be the responsibility of the Corporation to investigate once it has been alerted to a potential risk.

4.3 An employee making a disclosure must have a genuine doubt in the matter and should do so in the interest of the Corporation and in good faith.

4.4 The Corporation will receive and investigate all disclosed suspicions at the earliest possible opportunity.

4.5 The Corporation will consider anonymous reports provided they offer valid ground for further investigations and demonstrate a proof for the risk area raised through the policy.

5.0 ROLES AND RESPONSIBILITIES

5.1 All employees are responsible for compliance with operational controls, policies, procedures and guidelines guiding their day – to – day activities and are encouraged to report any form of wrong doing by fellow employees, customers or stakeholders.

- 5.2 Where an employee becomes aware of any wrong doing, it is his/her duty to immediately report such activity in accordance with the standing procedures as long as the disclosure has been done in good faith with the true belief that a wrong doing has occurred.
- 5.3 Employees are obliged to assist with any enquiries and investigations pertaining to wrong doing disclosures made within the Corporation.

6.0 CONFIDENTIALITY

- 6.1 All disclosures made to the Corporation will be treated with utmost confidentiality, fairly and promptly.
- 6.2 The Corporation shall not tolerate any form of harassment, retaliation or victimization against any one raising a genuine concern and any person who feels so due to a disclosure made should report the same to the Postmaster General.
- 6.3 An employee who makes a disclosure will retain his/her anonymity unless s/he agrees otherwise or compelled by law to do so.

7.0 INVESTIGATIONS

- 7.1 All disclosure of wrong doings will be investigated objectively, fairly and promptly.
- 7.2 The substance of an investigation including the identities of the parties to it will remain confidential.
- 7.3 All disclosures should contain as much information as possible to allow credible assessment of the same.
- 7.4 All disclosures will be considered based on seriousness of the issue raised, credibility of the concern and likely of confirming the allegation from the attributable source.

8.0 FALSE/ UNTRUE ALLEGATIONS

8.1 All complaints raised should be factual rather than speculative or conclusory.

8.2 Appropriate disciplinary action will be taken against employees who make allegations frivolously, maliciously or for private gain in line with the Corporation's Human Resource Disciplinary policy.

9.0 REPORTING

9.1 Internal Reporting

Employees shall report suspected cases of wrong doings to;

- (a) Postmaster General, or
- (b) Head of Security & Investigations

9.1.1 All employees are encouraged to report any form of malpractice, unethical behavior or violation of Corporation's Code of Ethics & Conduct.

9.1.2 All reports should provide a background and history of the concern area (providing relevant dates and, the reason why they are concerned about the situation.

9.1.3 The Board Audit Committee shall receive quarterly reports on complaints/corruption cases.

9.1.4 Reporting channels include;

- (a) E-mail: integrityreporting@posta.co.ke
- (b) Corrupting reporting boxes
- (c) Telephone : 0719 07 2807 | 2817
- (d) Postal address : P. O. Box 47472 – 00100 Nairobi

9.2 External Reporting

Employees who are unsatisfied with the internal reporting mechanism and/ or written response are entitled to channel their concern to other relevant state agencies, which include;

- (a) Ethics and Anti-Corruption Commission (EACC)
- (b) Office of The Auditor General (OAG)
- (c) Directorate of Criminal Investigations (DCI)

- (d) Commission of Administrative Justice (CAJ)/ Office of the Ombudsman
- (e) Any other Government Agency.

9. 3 Procedure for receiving and handling reported complaints

- a) There are designated officers from Investigation, HR, Audit and Compliance. At least the Four people are responsible for opening complaint/corruption reporting boxes.
- b) The boxes are opened at least once in a week.
- c) The Integrity officers record the complaints in the complaints record book and escalate to the Head Security & Investigations who evaluates and escalates further to the PMG.
- d) The complaints are recorded and archived serially in a complaint register.
- e) The complaint is handled and responded back within a period of two weeks.

9.4 Feedback to complaints

The PMG/CEO, AGM/Security & Investigations or any other respective designated whistle blower focal points shall acknowledge all the complaints received where possible within seven (7) days depending on the avenue used.

Feedback to the whistle blower or informer will indicate how PCK intends to deal with the matter and the estimated time it will take to conclude the probe.

Feedback from an investigation may be limited especially if disclosing certain information in anyway may jeopardise the on-going investigation.

9.5 Protection of whistle-blowers

Timely and effective whistle blowing and corruption reporting in PCK is supported by a strong policy on protection of whistle blowers and informants.

PCK shall protect identity of persons making corruption disclosures. Information that may identify persons disclosing corrupt activities shall not be made public. However, if it becomes necessary, the same shall be discussed with the person making the disclosures. The Board shall not tolerate any attempt on the part of an employee, stakeholder or contractor (suppliers, external consultants etc) to apply any pressure, sanction, harassment or victimization on any whistle blower or informant.

All employees of the Corporation and other stakeholders are eligible to make protected disclosures under this Policy. The protected disclosures may be in relation to matters concerning the Corporation.

While under this Policy, genuine whistle-blowers or informants are accorded complete protection from any kind of unfair treatment, harassment, discrimination or victimization, as set out herein, any abuse of this protection will warrant disciplinary action for members of staff and as appropriate for other stakeholders.

Protection under this Policy does not confer protection from disciplinary action arising out of false or malicious allegations made by a whistle-blower knowing it to be false or with a malicious (*mala fide*) intent.

Whistle-blowers and informers, who make any protected disclosures, which have been subsequently found to be *mala fide* or malicious and whistle-blowers or informants who make three (3) or more protected disclosures, which have been subsequently found to be frivolous, baseless or reported otherwise than in good faith, will be disqualified from protection under this Policy.

A whistle blower or an informer is protected from victimization/threat/harm if he/she is:

- 9.5.1 A staff;
- 9.5.2 Customer, member, employer, service provider, or any other stakeholder;
- 9.5.3 Revealing information of the right type by making what is known as a 'qualifying disclosure; and
- 9.5.4 Revealing it to the right person, in the right way and making it 'protected disclosure'.

To be protected, one needs to reasonably believe that a malpractice in the work place is happening, has happened or will happen. One needs also to make a disclosure in the right way. One may not be protected if they break another law in blowing the whistle.

In order for a disclosure to a 'prescribed person' to be protected, you must fulfill the following requirements:-

- 9.5.5 Make the disclosure in good faith;
- 9.5.6 Reasonably believe that the information is substantially true; and
- 9.5.7 Reasonably believe you are making the disclosure to the right 'prescribed person'.

The Corporation shall not allow any retaliation or discrimination of any kind from its employees against any employee and stakeholders who has submitted a complaint in good faith and has reasonable grounds for believing a malpractice has taken place.

The Corporation shall not discharge, demote, suspend, threaten, harass, dismiss, reduce salary, delay or deny promotion, redress, punitive transfer (or to unfavorable location) or in any other manner discriminate or retaliate against an employee or stakeholder (supplier, consultant) who lawfully provides information to the authorities regarding any conduct which the employee reasonably believes constitutes a malpractice in PCK or violation of the laws of Kenya which may lead to damage of the Corporation.

The Corporation is committed to providing support to whistle blowers and informants in case their lives are threatened due to disclosures they have provided to the Corporation. Malicious allegations are forbidden and shall be punished by the Board and Management to deter such behavior.

Allegations made in good faith but not proven by investigation will not warrant disciplinary measure against the whistle blower or informant.

Where necessary, to protect the identity of the whistle blower, use of pseudonym names or serial number shall be used.

PCK shall reward and or give letters of commendation to whistle blowers and informants as shall be found appropriate.

A strong room is available to store sensitive information and documents provided by the whistle blower.

Minimization of the number of persons who may encounter the whistle blower or informant shall be observed to protect the information and the identity of the whistle blower.

Where a whistle blower or informant is a witness in court and is threatened, the matter shall be referred to the Kenya Witness Protection Agency (KWPA) for appropriate action

10.0 POLICY REVIEW

This policy is subject to monitoring and evaluation and shall be reviewed at least once within 3 years.