

**FEDERATION OF WOMEN LAWYERS – KENYA**

**(FIDA KENYA)**

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**HUMAN RESOURCES POLICY AND PROCEDURES MANUAL**

Revised Version - 30<sup>th</sup> November 2016

## Introduction

FIDA Kenya  
HR Policy Manual

This Human Resources Policy Manual is provided as a central reference for all managers, Team Leaders and employees and applies to staff across all locations where the FIDA Kenya carries out its work.

The specific policies that follow promote the philosophy of FIDA Kenya with regard to standards of excellence; terms of employment; employee development; and employee services.

It may be necessary to change these policies from time to time to reflect changes in the workforce, employment trends, economic conditions and Kenyan legislation. However, any changes in policy will be consistent with the FIDA Kenya's approach to:

- Employing talented individuals whose creativity and imagination will support and contribute to achieving the FIDA Kenya's business objectives;
- Communicating FIDA Kenya standards and expectations in all aspects of employment including performance;
- Valuing diversity, and assure equal employment opportunity and a workplace where relationships are based on mutual respect;
- Treating all staff, workers, contractors and customers in a professional, non-discriminatory manner;
- providing safe, effective working conditions, and;
- providing competitive terms and conditions in our workplace market

Any Policy changes will be fully consulted on and communicated to all staff through normal communication channels. This Policy Manual will also be updated as necessary.

**Josephine Mong'are**

**Faith Mony**

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

**FIDA Chairperson**

**Secretary**

Dear Colleague

Welcome on Board!

Before we get started it is only fair that you have an understanding of who we are and what we stand for. Following is a brief history of FIDA Kenya, our Vision, Mission and Values.

### **Brief History:**

*Our history is the basis of our endurance in the struggle for women's rights*

FIDA Kenya was founded in 1985 following the 3rd United Nations Conference on Women. FIDA Kenya was officially registered on 11th March 1993 under the Non-Governmental Organizations Coordination Act. FIDA Kenya is a membership organisation which has gradually grown with a membership of over 1000 women lawyers and law students. As the oldest women's rights organization in Eastern Africa, FIDA Kenya has over the years carved a niche for itself as a fearless defender of women's human rights at the national, regional and international level, due to her commendable work advocating for women's rights. FIDA Kenya has attained recognition as a critical partner for government and civil society in ensuring policy, legislative and constitutional reforms. She has representation in various organizations, committees, local and international networks and boards which play a key role in overseeing the proper capture of women's needs and interests. FIDA Kenya continually seeks to establish and maintain strategic partnerships with several like-minded partners including development partners and institutions of higher learning among others.

### **Our Vision**

*A society that respects and upholds women's rights*

### **Our Mission**

*The promotion of women's individual and collective power to claim their rights in all spheres of life*

### **Our Values**

At FIDA Kenya we are conscious that in order to realize our Vision and Mission certain core values are central to guide our work as they set our institutional norms and guide our interventions in all our work.

**Women centered:** At FIDA Kenya, we work towards securing gender equality and thus prescribe to the principles of gender mainstreaming; we shall do this in a manner that expands rights and freedoms for women. In our gender equality work, FIDA-Kenya places the rights and interests of women first.

**Professional rigor:** At FIDA Kenya we aspire to offer our services in a professional and competent manner. We also consider client confidentiality, adherence to ethical standards, integrity and excellence as core components of our work. In our pursuit for excellence we aim and plan to match tasks with experience, expertise and competency. We shall consistently work to sustain a conducive working environment where fairness, respect and tolerance for each other are upheld. For us, professional rigor embraces key principles around internal governance, accountability mechanisms standards, rules and procedures that guide the management of the institution and thus we have prioritized this in the first phase of implementing this plan.

**Transparency and Accountability:** FIDA Kenya shall work to maintain transparency and accountability in its operations including the provision of timely, quality, and accurate information. As we embark on institution building we are committed to developing strong structures and to ensuring that the management of our association at all levels is done professionally with high levels of probity. We commit to walk the talk!

**Learning and promoting a culture of inquiry:** We are committed to institutionalize a culture of inquiry, mutual respect and constructive debate that leads to sound and shared decision making. We constantly seek more information, question assumptions and challenge conclusions to be able to advocate for solutions based analysis. As a result, we learn from our experiences and have organized ourselves to keep our ears on the ground and looking for innovative ways of improving our work.

**Respect for diversity:** At FIDA Kenya we are sensitive and respectful to all people and thus our respect for diversity includes: community; cultural; political; sexual; religious; class and privilege; nationality; gender; race; age and styles of leadership.

**Teamwork and collective good:** FIDA Kenya shall capitalize on its collective strength, complementarities, share successes and collectively address challenges.

### **FIDA Kenya Council**

FIDA Kenya activities are overseen by a Council that comprises of 9 members whose role is to:

- (a) make and oversee the implementation of the strategic plan and policy of FIDA Kenya;
- (b) appoint the Senior Management of FIDA Kenya Secretariat that comprises the roles of the Executive Director, the Deputy Executive Director, Finance Manager and Senior Programs Officers;
- (c) appraise and monitor the progress of the Secretariat including supervision and appraisal of the Executive Director;
- (d) be financially accountable to the members of FIDA Kenya and are the link between the members and the Secretariat;
- (e) Ensure sustainability of FIDA Kenya through resource mobilization, provide strategic direction and raise the profile of the Organisation.

### **FIDA Kenya Executive Council**

The Executive Council consists of the elected Chairperson, Vice Chairperson, Secretary and Treasurer. The Executive Council directly supports and ensures the smooth operation of the FIDA Kenya Secretariat.

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**SECTION 1 – EMPLOYING STAFF:** *Employing staff fairly and expertly, ensuring they are properly inducted, and ensuring they are aware of the required standards of business conduct including use of email and the internet.*

## **1. Recruitment and Selection**

### **1.1 FIDA Kenya's Statement of Commitment on Recruitment and Selection**

The success of the organization depends on the contribution of employees in achieving its organizational goals. FIDA Kenya recognizes that effective and fair employment policies are essential in achieving this success.

FIDA Kenya is, therefore, committed to hiring and retaining qualified and competent individuals that have actual and future potential to effectively and efficiently perform their duties and responsibilities in accordance with its mission and overall strategic objectives. In addition, FIDA Kenya is committed to hiring practices that are applied consistently and equitably, thereby demonstrating support for merit-based recruitment and selection.

### **1.2 Policy Definition**

The recruitment policy of FIDA shall be to contract staff members of the highest calibre appropriate to job requirements under employment terms and conditions as set out in the service regulations. Although FIDA Kenya is an equal opportunity employer, in recruitment the organization promotes the principles of affirmative action. The Executive Director's position shall be held by a woman.

The appointing department in conjunction with Human Resources department shall review vacant positions, identify essential job functions and knowledge, skills, abilities and other criteria required for successful job performance. Recruitment efforts shall be based on these factors and shall emphasise the ability to work successfully in a team oriented, diverse workforce.

### **1.3 Policy Objective**

The purpose of this policy is to ensure that:

- The FIDA Kenya Secretariat attracts, identifies and hires the most qualified applicants;
- Recruitment is carried out in accordance with provisions of FIDA Kenya staff rules and regulations;
- Appropriate funding levels are identified and approved for each position;
- Confidentiality is maintained in the recruitment process.

### **1.4 Procedure**

The following will need to be done before the recruitment process begins:

- Documentation of a job description for the role that has been approved by the respective Head of Programs (HOP) and Executive Director (ED). In drawing up the job description and conditions of service FIDA Kenya will ensure that no job applicant receives less favourable treatment than another on the grounds of disability, gender, race, religion, pregnancy, marital status, and health status, ethnic or social origin.
- A duly filled and approved staff requisition form for the category of staff required (office staff, volunteers, interns or pupils). This should be approved by the Executive Director.



## 1.5 Definition of Position Categories

1. **Office Staff** –These are employees who are on fixed period and renewable contracts as limited to respective project/ programme life. Contractual staffs are eligible to FIDA benefits as stipulated in the contractual agreement at the time of appointment. These are pensionable positions whose contracts (renewable) run between 1 and 2 years and are necessary to run the mandates of FIDA Kenya.
2. **Volunteers** – positions open to experts in various fields wishing to provide their services to FIDA Kenya and run for a maximum period of 6 months (1st contract three months and renewed once).
3. **Interns** – these are positions which are given at entry level to certain roles for the purpose of training and up-skilling applicants to enable them get exposure and practical experience as future pipeline employees for a maximum period of 6 months (1st contract three months and renewed once).
4. **Pupils** – FIDA Kenya provides opportunity to young advocates who require practical experience before being admitted to the bar. One year contracts shall be provided to candidates seeking this qualification under the access to justice team.
5. **Consultant** - A consultant engaged by FIDA is a specialist whose service to the organization is required on a special administrative officer basis. They are not eligible to FIDA benefits entitled to other staff.

## 1.6 Internal Recruitments

FIDA Kenya believes in offering employees a meaningful career progression. Whenever possible, vacancies arising shall be filled by the most suitably qualified people available from within the organization. This shall take place in the following scenarios:

- (a) Where the skill required could be identified within the organization and also not necessarily through the department where a vacancy has arisen. An internal job advertisement will be made by HR department and the recruitment process will follow to get the most suitable candidate. Applications from employees shall be sent to the Human Resources officer with following considerations:
  - i) All applicants must notify their immediate supervisor on their intentions to apply for the position.
  - ii) HR shall compile a list of the applicants and share them with the recruiting department for short listing to take place.
  - iii) HR shall formally communicate to all candidates as to whether they have made the shortlist or not for progression to interview stage.
  - iv) HR shall formally notify all candidates of the result of the interview.
- (b) In some instances, vacant positions may directly be filled through lateral transfer or promotion provided there are no multiple candidates suitable for the position. In such cases the HOP will forward their recommendation to the Executive Director for consideration.

Any transfers or consideration for promotions will depend on one's ability to perform the duties of the new position and will be on merit and suitability.

## 1.7 External Recruitments

In the event that a position cannot be filled internally due to either a lack of capacity or due to unusual requirements/competencies, then the vacant position shall be filled externally.

- (a) When a position falls vacant, the Team Leader/HOP will notify the Human Resources Department of the need to fill the position in writing in good time where possible facilitating the recruitment process.
- (b) An advertisement will be placed in the local dailies or any other medium including but not limited to recruiting agencies, social media, job boards/websites, by the Human Resource Department.
- (c) Selection for candidates to be interviewed will be made by the HR department in collaboration with the respective Team Leader/HOP.
- (d) A Panel comprised of the Head of Programs, Human Resource representative, a Team Leader as the case may be or their representatives will carry out the interviews. Notification for those to be interviewed will either be written or verbal. This will be within 30 days after the closing date of receiving the applications. All Senior Positions will include representatives from the Council members.
- (e) All original certificates and testimonials to be produced during face to face interview stage(s) and a note will be made that they have been produced and scrutinized.
- (f) All potential employees will be offered employment subject to a satisfactory medical examination (for positions that require confirmation) and to satisfactory references being received including certificates of service from previous employers.
- (g) The current employer will only be contacted for references once the candidate has accepted an offer of employment or has given her/his permission for her/his present employer to be approached.
- (h) The Organisation reserves the right NOT to confirm the offer of employment to an individual if the current employment references or the medical examination (for positions that require confirmation) are unsatisfactory notwithstanding that the individual has accepted the offer of employment.
- (i) Applicants will also be required to declare if they are related to any member of staff within the Organisation. Canvassing from members of the Organisation is not permitted. No panellist should be put into a position where s/he is asked to interview a person to whom they are related.

### Note

The selection and appointment of the Executive Director, Deputy Executive Director and Finance Manager will be made by members of the Council and the panel will be chaired by the Chair of the Council or Council assigned by the Chair.

All appointments will be made strictly on merit and related to the requirements of the job.

The Executive Director has delegated powers to make appointments to posts below F4 or equivalent.

All interviewed candidates will be notified of the outcome of the selection process as soon as possible, either by telephone, email or letter.

## **1.8 Relevant Checks**

All offers of employment will be made conditional upon satisfactory results from the following:

- Three satisfactory references;
- Confirmation of the right to work in this country (if appropriate)
- Criminal Records Disclosure (if appropriate).

## **1.9 Re-Engagement**

Former employees of FIDA who apply for advertised positions and who left the organization may be re-considered for employment upon meeting the set requirements for the job applied for, and qualifying in the interview.

Any former employees who left the Organisation through summary dismissal or termination as a result of a disciplinary case or below standard performance shall not be eligible for re-employment.

## **1.10 Letter of Appointment**

All employees shall be issued with a letter of appointment from the first date of reporting for duty. The letter of appointment sets out the terms and conditions upon which an employee's employment contract is based. Details of the letter of appointment shall include;

- Personal details of the employee i.e. name, age, permanent address and sex of employee;
- Name of employer;
- The job description of the employment;
- Commencement of employment;
- Form and duration of contract;
- Place of work;
- Hours of work;
- Salary, leave entitlement, and the range of benefits to which an employee is entitled.

By accepting the appointment, the staff member acknowledges that they have read and accepted conditions laid down in the letter of appointment. Should there be any changes in terms and conditions of employment, the employee will be advised in writing.

## **1.11 Probationary Period**

All appointments for office staff into the organisation will be made subject to a probationary period of three months. After three months a review meeting will take place between the post holder and their line supervisor to discuss progress. At the end of the probationary period, and subject to a satisfactory report by the appropriate head of section, the employee will be notified in writing that s/he has successfully completed their probationary period. The probationary period can be extended by a further 3 months should the individual's line supervisor consider this appropriate.

## **2. Induction Policy**

### **2.1 Policy Definition**

First impressions have a profound influence in the way new employees support our mission, vision, and values. The FIDA Kenya induction process provides a dynamic and effective way to prepare the employee for work. During the orientation process, employees are introduced to essential information, including information on benefits that would continually assist them to integrate as members of the FIDA Kenya family and be productive in their roles.

Employees are our most important asset, and the ongoing success of the Organisation is dependent upon well-trained individuals being employed in every position. The Organisation makes a commitment at the time of employment to welcome, inform, and train new employees. Most of this responsibility rests with the Head of Program or Team Leader.

### **2.2 Policy Objective**

It is the policy of FIDA Kenya that all new employees are properly orientated in order to understand the technical and social aspects of their new role as well as conveying the organisation's culture and values.

An induction period is provided for all new employees. The process includes the following:

- Information on FIDA, its mission and values as well as its mandates.
- Information on the role and other role(s) within FIDA Kenya.
- Terms and conditions of employment.
- Employees are obliged to familiarize themselves with the policies and procedures of the Organisation and to sign up to codes of behaviour as set out.

### **2.3 Responsibilities**

Depending on the position being filled, the Executive Director, Human Resources & Administration Officer (HRO), Team Leader and members of the Executive Council can perform the induction.

HRO will coordinate the induction programme and will specifically ensure that a programme is availed at least one week before a new employee arrives. The HRO will then assemble an orientation package to reflect the type of appointment. The HRO will provide an overview with respect to FIDA Kenya values and philosophy acquaint them with the organizational structure, projects, activities, policies, procedures, rules and regulations.

All employees must report to the HR Office on the first day of work. This is to ensure that all personal details such as next of kin, bank account number, and home contacts are recorded in the Staff Personal History Form.

The HRO is responsible for ensuring that all new employees are introduced to other members of staff and ensuring that the new employee has a work station. New employees shall undergo, while on the job, training to enable them to make a contribution to the job in the shortest time possible. New employees are requested to consult the HRO/immediate Team Leader on any concerns or queries they may have.

The induction is designed to give a new employee an opportunity to learn not only about specific job duties and responsibilities, but also the way that job performance contributes to the overall success of the employee, the unit, the department, and the Organisation as a whole.

The FIDA Kenya Human Resources Department will:

- Issue guidelines to familiarise managers and staff with the induction process.
- Propose changes, maintain and update the Induction Policy.
- Provide a checklist for managers and staff to follow during the induction period.
- Ensure there is effective monitoring of the induction process particularly in the first three months.
- Deal with any problems promptly providing an efficient service for both managers and staff.
- Review all policy, procedure and guideline documents on a regular basis.
- Provide relevant formal training courses necessary to assist the induction process.

## 2.4 Completing the Induction Process

The formal induction process comes to an end when the individual is confirmed in to the position. New employees shall be provided the opportunity to ask questions several weeks into employment and follow up done by the respective supervisor and Human Resource Officer.

## 3. Standards of Business Conduct

### 3.1 Policy Definition

FIDA Kenya expects its staff (including temporary, agency, interim, contractor or consultant staff) to be scrupulously impartial and honest in all affairs relating to FIDA Kenya and their job within it. All staff bear a responsibility as employees to act as ambassadors for FIDA Kenya in terms of their general conduct both within and outside the organisation. This policy outlines the responsibilities of staff working for the FIDA Kenya.

The duties of an employee are embodied in various laws including Employment Act 2007, Labour Relations Act 2007, Occupational Safety and Health Act 2007, Work Injury Benefit Acts 2007, Anti-Corruption & Economic Crimes Act, 2003, Children's Act 2002 and Sexual Offences Act, 2006.

Employees are required:

- to be ready and willing to work;
- to offer their services personally: for example must not subcontract the work for which they are employed to do;
- to take reasonable care in the exercise of that service, including the duty to be competent at work and to take care of the FIDA Kenya's property;
- to not wilfully disrupt the FIDA Kenya's business;
- to obey reasonable orders as to the time, place, nature and method of service;
- to work only for the FIDA Kenya in the FIDA Kenya's time;
- to disclose information to the FIDA Kenya relevant to the FIDA Kenya's business: for example that they might know or discover;
- to hold solely for the FIDA Kenya the benefit of any invention relevant to the business on which the FIDA Kenya is engaged;
- to respect the FIDA Kenya's trade secrets;
- in general, to be of good faith and do nothing to destroy the trust and confidence necessary for employment;

- to account for all benefits – monetary or in kind - received in the course of employment.

### **3.2 Standard of Conduct Required by the FIDA Kenya**

As a non-Governmental Organization, FIDA Kenya has an obligation to uphold the public trust. Funds obtained will be utilized to support the existing programmes and not for personal gain. The term not for profit confers tax and other advantages; it also confers obligations that each employee shares the responsibility of maintain public trust by discharging their duties and affairs of FIDA Kenya in the best interest of FIDA Kenya and not in furtherance of his or her own interest. Employees should not use their position or information obtained for their own personal benefit. FIDA Kenya must therefore be fully informed and closely monitor transactions in which any person who is in a position to exercise substantial influence over FIDA Kenya affairs may have personal Interest. Staff shall ensure that in all activities they shall guard against real or perceived conflict of interest.

Examples of some of the activities that might be considered as conflict of interest are;

- Any practice which results in any personal financial enhancement of any related party.
- Accepting remuneration of any kind from any supplier, consultant, contractor or other person doing business with FIDA Kenya.
- Benefiting directly or indirectly from purchases by or sales to FIDA Kenya.

#### **3.2.1 Gifts and Hospitality**

In addition to the duties placed on employees by Law, FIDA Kenya requires its employees to ensure that gifts and hospitality offered by suppliers and potential suppliers of goods and services to the FIDA Kenya are declined. This applies whether the gifts or hospitality are offered within, or outside normal working hours. The only exceptions to this are trivial gifts with a nominal value such as a calendar, diary, chocolates or mugs which can be accepted but with the knowledge of the Team Leader. All other gifts must be politely refused or, if received through the post, returned to the donor with a suitably worded letter signed by the Team Leader. As a general rule, any officer who has any doubts about the wisdom of accepting any hospitality should decline the offer. Monetary gifts in form of any cash or financial benefit should not be accepted as this could be considered a bribe, which is an offence under the Anti-Corruption and Economic Crimes Act, 2003.

#### **3.2.2 Transaction of Private Business**

FIDA Kenya employees having official dealings with contractors and other suppliers of goods or services shall not transact or engage in any kind of private business with them by any means other than the FIDA Kenya's normal commercial channels. No favour or preferences as regards price, or otherwise, which is not generally available, should be sought or accepted.

#### **3.2.3 Visits to Conferences**

FIDA Kenya intends that when it is necessary for employees to visit conferences and similar occasions, that it is funding, shall bear the travelling and subsistence expenses itself except in cases where partner organisations have invited FIDA Kenya and expressly stated that they will bear the costs. Exceptions to this general rule will only be permitted with the approval of the Executive Director. Exceptions for approvals of the Executive Director and Deputy Executive Director shall be done by the Executive Council.

#### **3.2.4 Attendance at Luncheons, Receptions etc**

Where it is evident that the work of the FIDA Kenya will be facilitated, invitations to attend receptions, luncheons may be accepted. No employee may accept an invitation without first obtaining the approval of the Team Leader.

### **3.3 Confidentiality**

At all times confidentiality must be maintained. No information can be released to unauthorised persons or organisations. The Executive Director will inform employees of those authorised to release information. If doubt exists as to the validity of an organisation or individuals to receive information, this must be checked with a Senior Manager (Grade F4 and above).

It is only the Executive Council and Executive Director who have the mandates to give the official position of FIDA Kenya on an issue/FIDA Kenya's stand to the media. Employees are not authorised to speak to the media on behalf of FIDA Kenya unless in matters relating to a campaign or activity that is being carried out by FIDA Kenya. In the event of doubt, consult with your Team Leader for appropriate guidance.

FIDA Kenya deals with highly confidential documents. All the documents must be cleared and locked up by the end of the working day. No employee shall divulge any information that is confidential in nature to the general public without prior permission from the immediate Team Leader.

### **3.4 Personal Relationships**

If a personal relationship between two employees develops within the working environment, the onus is on the senior employee concerned to bring this to the attention of his or her Team Leader to confirm that there is no conflict of interest, nor will a conflict of interest arise. FIDA Kenya reserves the right to move one of the employees concerned if it deems it necessary to do so or where this is not possible and there is a conflict of interest situation ask that one of the parties involved resign.

### **3.5 Outside Interests and Employment**

FIDA Kenya employs staff on full time basis. FIDA Kenya recognises that there may be outside interests which include but are not limited to directorships, ownership, part ownership or material shareholdings in companies, business or consultancies likely to seek to do business with the FIDA Kenya. As a result FIDA Kenya shall exercise arm's length dealings with organisations where it is evident that a staff member has their own personal or professional interests, or those of relatives or friends. Where such a conflict occurs (or is perceived to occur), the interests of these should be declared to the Executive Director/Executive Council.

Employees should however avoid acquiring any business interest or participating in any activity outside FIDA Kenya that would create or appear to create:

- a. an excessive demand upon their time, attention and energy which would deprive FIDA Kenya of their best efforts while at work.
- b. a conflict of interest - that is, an obligation, interest or distraction which would interfere or appear to interfere with the independent exercise of judgment in best interest of FIDA Kenya.

Employees may not take up outside employment without notifying the organisation.

### **3.6 Political and Civic Activities**

We all share a responsibility to contribute to our local communities and FIDA Kenya encourages employees to participate in religious, charitable, educational and civic activities. It is not the intention of FIDA Kenya, or this policy, to dissuade employees from participating actively in public duties. It is important, however, that by doing so there is no suggestion to a third party that the

employee is acting on behalf of, or with the support of, FIDA Kenya. To avoid any misunderstanding, no FIDA Kenya employee should permit his or her FIDA Kenya affiliation to be noted in any outside organisation's materials or activities without the express written approval of Executive Director.

All invitations to employees to serve in community bodies and organizations in the capacity of members of the board or any other related positions should be authorized by Executive Director in consultation with the Council Members who will decide whether the acceptance of the invitation is in line with the organization's policy and duties performed by the employee.

Employees who hold, or have been invited to hold, outside directorships should take particular care to ensure compliance with all provisions of this policy. When outside business directorships are under consideration, prior written approval must be obtained from the Executive Director/Council Members.

FIDA recognizes the right of all employees to exercise their political rights but it will not support or involve itself in any political views or beliefs of its employees. FIDA Kenya shall not be associated with political parties either by its own activities, activities of its employees or employees participating actively in political affairs including accepting office in a political organization. An employee aspiring to contest for a political seat must first tender in her/his resignation from the organization's service.

### **3.7 Bribery and Corruption**

The attention of the employee is drawn to the provisions of the Anti-Corruption & Economic Crimes Act (2003). Bribery occurs when you offer, pay or accept a payment, gift or favour to influence a business decision or outcome

FIDA Kenya will support employees who become aware of and are willing to report breaches of this policy or who genuinely believe that a breach is occurring, has occurred or is likely to occur within the business. Employees should raise the issue internally with their manager or in accordance with the FIDA Kenya's Policy on Disclosing Information ('Whistleblowing').

These standards of conduct are intended to underpin and clarify standards required by the FIDA Kenya of its employees and form a fundamental part of the employment contract. Staff who fail to comply with the guidance detailed in this Policy could be subject, following full investigation, to disciplinary action up to and including dismissal. If through their actions or omissions staff are found to be in contravention of either this Policy or, indeed, their legal responsibilities then the FIDA Kenya reserves the right to take legal action if it deems it to be necessary to do so.

## **4. Other Organisation Regulations and Guidelines**

### **4.1 Salary advance**

It is not the organization's policy to grant salary advance. However, in exceptional cases, a salary advance to a maximum of 1/3 of one month's salary may be granted and will be deducted from the next month's salary and has no existing advance outstanding.

This amount shall be granted at the discretion of the Executive Director in consultation with the Finance and HR Manager. Any amount payable for over three months is regarded as loan and will attract benefit taxes as prescribed by the Kenya Revenue Authority.



## **4.2 Business Allowances**

### **4.2.1 Travel allowance**

All employees on official travel are entitled to claim:-

- (i) Mileage when using personal cars, at the current Automobile Association (AA) rate, taxi fare and parking fees.
- (ii) Any other transportation expenses.
- (iii) Hotel accommodation, if not already arranged by the Organization.

### **4.2.2 Transfer allowance**

A one off transfer allowance shall be paid to employees who have been transferred by FIDA Kenya out of their work stations at a flat rate of 25,000/- which may be subject to review. This will be paid to all employees to cater for any inconvenience caused by the transfer. FIDA Kenya will pay transport expenses of household goods transported either by road or train. This allowance will not apply to employees initiating their transfer.

### **4.2.3 Out of Pocket Allowance**

According to established FIDA Kenya practice, the following out of pocket rates will apply:-

The organization will cater cost for staff willing to travel with their infants up to one year within Kenya. Any child above one year, the staff will cater for their cost. This benefit only exits for nursing mothers.

While traveling in Kenya

- a) FIDA Kenya Council members - Kshs.3,000/- per night
- b) Executive Director - Kshs.2,500/- per night
- c) Deputy Executive Director - Kshs.2,000/- per night
- d) All staff members - Kshs.1,500/- per night
- e) Temporary staff and interns - Kshs. 1,000/- per night
- f) For out of town day travel, subsistence allowance of ksh.500/- shall be provided for all cadres.

While traveling outside Kenya

- a) USD 125 per day shall be provided for travel outside Africa and additional USD 100 for meals per day
- b) USD 75 per day within East Africa and additional USD 50 for meals per day
- c) USD 100 per day within the rest of Africa and additional USD 75 for meals per day

These rates may be subject to review.

The above expenditure will be program based hence will be derived from specific grant budgets. The weight allocated to Breakfast will be 16%, Lunch 42% and Dinner 42%. No receipts will be required for meals and per diem.

This allowance will only apply if the sponsor or donor does not provide for a per diem. One will not be entitled to out of pocket allowance if they independently sourced to attend a training/workshop unless permitted by the Executive Director.

### **4.2.4 Time frame for Submission and Accounting of Requisition for Travel Advances**

Each staff member going on duty travel should submit his/her approved travel advance requisition to the Finance department at least 7(seven) working days before the date of travel to permit

processing in a timely manner. Late travel advance requests may not be processed or encounter delays in remitting of funds.

Accounting for travel advances shall be done and submitted to the Finance office within 2 working days of completion of the activity. Failure to submit the same shall lead to the money being recovered from your salary without further notice.

### **4.3 Transport Business Travel Policy**

#### **4.3.1 Organisation Motor Vehicles**

FIDA Kenya provides vehicles for the use of its operations. Employees are encouraged to exercise good judgment and maximum care while using the organization's vehicles. Vehicle accidents are costly to FIDA Kenya but more importantly they may result in injury to employees or others. It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. Use of FIDA Kenya registered vehicles is primarily for FIDA Kenya business.

FIDA Kenya approved travel is generally defined as transportation on official business in excess of one's normal commutes. Approved travel includes movement on official duty from home or normal place of employment to another destination, and return to home or normal place of employment. Approved travel does not include commuting between home and normal place of employment.

#### **4.3.2 Motor Vehicle Servicing**

FIDA Kenya shall ensure that all its motor vehicles are well maintained and serviced. FIDA Kenya therefore shall identify and contract reputable garage(s) for maintaining and servicing its vehicles. It is the responsibility of all office vehicle users to ensure that vehicles are serviced when due.

#### **4.3.3 Motor Vehicle Usage and Mileage Logbooks**

Employees making official journeys shall be required to fill out the transport book at least 24 hours prior to travel detailing the purpose of the journey, estimated number of kilometres to be covered and the date and time the vehicle is required. Fuelling vehicles will be made by the use of fuel cards. In this regard, FIDA Kenya shall identify a reputable fuel Organisation.

A Motor vehicle mileage logbook is used to record itineraries of drivers or employees driving FIDA Kenya vehicles. Each motor vehicle will have a mileage log book in it at all times. The driver or employee to whom the vehicle is assigned will be expected to enter the mileage in the logbook before and after the journey.

In event of a breakdown, the person in charge of the vehicle is encouraged not to leave the vehicle unattended to or without proper precautions to prevent further damage or loss.

- I. No staff member is allowed to drive the Organization's vehicle without authority from the Executive Director/HOP/Team Leader and must have a valid driving license with at least two years of driving experience.
- II. All staff must use safety belts and observe the speed limits as stipulated by laws of the land.
- III. The driver must check water, fuel, oil, road license, insurance, audible warning devices such as horns, side indicators, exterior lights, brake lights, windscreen wipers, rear view mirrors,

speedometer, headlights, dimming device and full beam tool kit, spare wheel , reflectors and, for emergency breakdown, check the first aid kit before embarking on a long journey.

- IV. All drivers must carry their current driving licenses whenever they are driving.
- V. FIDA Kenya prohibits drivers carrying unauthorized persons in its vehicles.
- VI. No driving under the influence of alcohol or any other intoxicating substance will be tolerated. This will result in a summary dismissal.
- VII. Over speeding fine, is the sole responsibility of the driver concerned, and is subject to a disciplinary action. Drivers of FIDA Kenya registered vehicles should be careful, alert and show courtesy to all road users as is required of any good driver at all times.
- VIII. When in the city, the driver should ensure s/he has parking fees to avoid any parking penalty. If the driver receives a parking penalty, s/he will be required to meet the expenses. Exception to this rule will only be accepted upon written explanation endorsed by the Finance Manager, Human Resource & Administration Officer or the Executive Director.
- IX. Any theft or damage to FIDA Kenya's vehicle due to the negligence of the driver is charged to the driver. All thefts must be reported police at the earliest possible opportunity.

#### **4.4.4 Vehicle Allocation**

The Executive Director and Deputy Executive Director are allocated a motor vehicle separate from the pool vehicles.

#### **4.4.5 Reporting of Motor Vehicle Accidents**

Should an authorized employee be involved in an accident whilst driving the Organization's vehicle, the following procedure should be adhered to:-

- I. Stop immediately and note details of the vehicle and driver of the vehicle involved in the accident. Such details will include name and address of the driver, driving license number, car registration number and name of the insurance Organization and policy number.
- II. Provide the same details if requested by the driver of the other vehicle.
- III. Do not accept liability for the accident.
- IV. Report the accident to the nearest police station and obtain a police abstract on the accident. However, do not remove the vehicle from the accident scene.
- V. Note name and number of police officer who records the accident and details of the police station where the accident report will be made.
- VI. Immediately report the accident to the Team Leader, HR Officer and Finance & Administration departments for further action.
- VII. Take note that unreported accidents that incur damages shall be recoverable from the staff member who last used the car.

#### **4.4.6 Use of Office Vehicle for Field trips**

- I. All staff should coordinate with other departments to ensure cost effectiveness. Tentative field trip requirements should be communicated to the Team Leader and HR Officer for co-ordination at least 7 days prior to the travel date. Emergency travel requests will be considered on a case by case basis.
- II. The Officer in charge should ensure that there is adequate security where vehicles are parked overnight.
- III. When on a field trip the Officer in Charge or the driver should make a point to communicate with the office, either by telephone or by whatever means possible.
- IV. For security reasons as much as possible FIDA Kenya vehicles should not be on the road after 7.00 pm.

- V. If you are not able to return to the office as scheduled, please find means of notifying the office giving the reasons.
- VI. Grievances/incidents during field trip should be communicated to the office as they occur or immediately after arrival.
- VII. FIDA Kenya will reimburse taxi fare to and from the office or employees home prior to and after a field trip as appropriate.

#### **4.4.7 Use of Taxi**

Staff shall be entitled to use the services of assigned taxi firms for official purposes.

Authorization through signing of a taxi work sheet form should be provided by the Team Leader before use of any taxi services.

Use of taxis by staff due to working after hours is discouraged unless a justification is provided and a final approval provided by the Team Leader.

## **5. Internet and Email Usage Policy and Guidelines**

### **5.1 Policy Definition**

This policy sets out the obligations and expectations on employees of the FIDA Kenya including contractors and temporary staff, who use the FIDA Kenya's IT facilities for internet and email purposes. IT facilities are provided to assist with day to day work. It is important that they are used responsibly, are not abused, and that individuals understand the legal professional and ethical obligations that apply to them.

All ICT facilities and services are the property of the Organisation and the Management has full access to these services and facilities at any time.

#### **5.1.1 Authorisation**

No unauthorised person shall use FIDA Kenya IT facilities. Authorisation shall be given by FIDA Kenya IT Department / Team Leader. Unauthorised access to IT facilities is prohibited and may result in either disciplinary action or criminal prosecution.

#### **5.1.2 Passwords**

Access to the computer network is only possible through a user having an assigned username and password. Users are solely responsible for actions committed using their own password accounts. Passwords are like keys to a safe hence users are required to observe the following standards of security: -

- No sharing of passwords.
- Password change whenever need arises or every 60days.
- No noting down of passwords in note books or other places for reference.
- In the event that you forgot your password, password has expired or your account has been locked, report to IT Support for assistance.
- For security reasons no user shall be allowed to operate the network servers or use administrative passwords without permission.
- Servers and other administrator passwords are under the IT Officer.
- In some exceptional circumstances, disclosure of one's password may be necessary. If the password is disclosed, the owner must ensure that her/his password is changed as soon as the task is completed.

### **5.1.3 Shared Folder**

Due to the integrated nature of our work, it is recommended that as much as possible FIDA Kenya work be stored under shared folders for ease of access and retrieval. Shared folders will have restricted access to users based on their area of work and as such shall be used to store files for work purposes only. Storage of other file types like executable files used to install programs, personal music, screensavers or photos is not recommended unless the photos are for work functions. Other guidelines for use of shared folders include but not limited to:

- Shared folders shall not be used by individuals to store personal or private information.
- Users shall be assigned rights to the shared folder by IT in line with their duties and responsibilities.
- Users who stores files infected with viruses, scripts or any other files which can cause damage to the server, network and devices will be subject to disciplinary action.
- It is the duty of the file owner to ensure that every 6 months; an assessment of what is stored under the shared folder has been reviewed such that dead files are deleted for efficient use of space.
- FIDA Kenya reserves all right to monitor the files stored in the Shared Folders in order to identify file types and usage patterns and to take appropriate actions as necessary.
- Any complaints related to security breach, unauthorized access and missing files should be directed to the IT Officer.
- Users shall be assigned rights to the shared folder by IT Officer in line with their duties and responsibilities.

### **5.1.2 Responsibilities**

All Users are expected to act in a manner that will not cause damage to IT facilities or disrupt IT services. Any accidental damage or disruption must be reported to IT / Team Leader as soon as possible after the incident has occurred. Users are responsible for any IT activity which is initiated under their username.

## **5.2 Use of the Internet**

Use of the Internet by employees is encouraged where such use is consistent with their work and with the goals and objectives of the FIDA Kenya in mind. Reasonable personal use is permissible subject to the following:

- Users must not participate in any online activities that are likely to bring the FIDA Kenya into disrepute, create or transmit material that might be defamatory or incur liability on the part of the FIDA Kenya, or adversely impact on the image of the FIDA Kenya.
- Users must not visit, view or download any material from an internet site which contains illegal or inappropriate material. This includes, but is not limited to, pornography (including child pornography), obscene matter, race, hate material, violence condoning messages, criminal skills, terrorism, cults, gambling and illegal drugs.
- Users must not knowingly introduce any form of computer virus into the FIDA Kenya's computer network.
- Personal use of the internet must not cause an increase for significant resource demand, e.g. storage, capacity, speed or degrade system performance.
- Users must not "hack into" unauthorised areas.
- Users must not download commercial software or any copyrighted materials belonging to third parties, unless such downloads are covered or permitted under a commercial agreement or other such licence.

- Users must not use the internet for personal financial gain. Use of gambling sites, online auction sites and social networking sites is **not** permissible.
- Users must not use the Internet for illegal or criminal activities, such as, but not limited to, software and music piracy, terrorism, fraud, or the sale of illegal drugs.
- Users must not use the internet to send offensive or harassing material to other users.
- Staff may face disciplinary action or other sanctions (see below) if they breach this policy and/or bring embarrassment on the FIDA Kenya or bring it into disrepute.

### 5.3 Use of Email

Emails sent or received on the email system form part of the official records of the FIDA Kenya; they are not private property. FIDA Kenya does not recognise any right of employees to impose restrictions on disclosure of emails within FIDA Kenya. Emails may be disclosed as part of disciplinary proceedings. Users are responsible for all actions relating to their email account/pc username and should therefore make every effort to ensure no other person has access to their account.

When using FIDA Kenya email, users must:

- ensure they do not disrupt the FIDA Kenya’s wider IT systems or cause an increase for significant resource demand in storage, capacity, speed or system performance e.g. by sending large attachment to a large number of internal recipients;
- ensure they do not harm the FIDA Kenya’s reputation, bring it into disrepute, incur liability on the part of the FIDA Kenya, or adversely impact on its image;
- not seek to gain access to restricted areas of the network or other “hacking activities” is strictly forbidden;
- must not use email for the creation, retention or distribution of disruptive or offensive messages, images, materials or software that include offensive or abusive comments about ethnicity or nationality, gender, disabilities, age, sexual orientation, appearance, religious beliefs and practices, political beliefs or social background. Employees who receive emails with this content from other employees of FIDA Kenya should report the matter to their line manager;
- not send email messages that might reasonably be considered by recipients to be bullying, harassing, abusive, malicious, discriminatory, defamatory, and libellous or contain illegal or offensive material, or foul language;
- not upload, download, use, retain, distribute, or disseminate any images, text, materials, or software which might reasonably be considered indecent, obscene, pornographic, or illegal;
- not send chain letters or joke emails from a FIDA Kenya account;
- not engage in any activity that is likely to
  - Corrupt or destroy other users’ data or disrupt the work of other users.
  - Waste staff effort or FIDA Kenya resources, or engage in activities that serve to deny service to other users.
  - Be outside of the scope of normal work-related duties – for example, unauthorised selling/advertising of goods and services.
  - Affect or have the potential to affect the performance of damage or overload the FIDA Kenya system, network, and/or external communications in any way.
  - Be a breach of copyright or license provision with respect to both programs and data, including intellectual property rights.
  - Personal use of the FIDA Kenya email should be kept to a minimal use.

Staffs, who receive improper email from individuals inside or outside FIDA Kenya, should report the matter in the first instance for relevant action to Team Leader or HR Officer.

### 5.3.1 Email Good Practice

- FIDA Kenya has good practice guidelines for dealing with email when staffs are out of the office. When activating the "out of office" facility messages should name an alternative member of staff for correspondents to contact if necessary. This will ensure that any important messages are picked up and dealt with within required timescales.
- During periods of absence when highly important emails are anticipated, the employee (or manager) should make arrangements for notification and access by another appropriate member of staff.
- Where sensitive and confidential information needs to be sent via email for practical reasons, please be aware that email is essentially a non-confidential means of communication. Emails can easily be forwarded or archived without the original sender's knowledge. They may be read by persons other than those they are intended for.
- Users must exercise due care when writing emails to avoid being rude or unnecessarily terse. Emails sent from the FIDA Kenya may be interpreted by others as FIDA Kenya statements. Users are responsible for ensuring that their content and tone is appropriate. Emails often need to be as formal and business-like as other forms of written correspondence.
- Users should delete all personal emails and attachments when they have been read and should also delete all unsolicited junk mail. In the process of archiving emails, users should ensure inappropriate material is not archived
- FIDA Kenya provides a current and up to date automatic virus checker on all networked computers. However, caution should be used when opening any attachments or emails from unknown senders. Users must best endeavour to ensure that any file downloaded from the internet is done so from a reliable source. It is a disciplinary offence to disable the virus checker. Any concerns about external emails, including files containing attachments, should be discussed with the IT / Team Leader.

### 5.4 Remote Users

Users may sometimes need to use FIDA Kenya equipment and access the FIDA Kenya network while working remotely, whether from home or while travelling. The standards set out in this document apply whether or not FIDA Kenya equipment and resources are being used.

### 5.5 Monitoring

All resources of the FIDA Kenya, including computers, email, and voicemail are provided for legitimate use. If there are occasions where it is deemed necessary to examine data beyond that of the normal business activity of the FIDA Kenya then, at any time and without prior notice, FIDA Kenya maintains the right to examine any systems and inspect and review all data recorded in those systems. This will be undertaken by authorised staff only. Any information stored on a computer, whether the information is contained on a hard drive, USB pen or in any other manner may be subject to scrutiny by the FIDA Kenya. This examination helps ensure compliance with internal policies and the law. It supports the performance of internal investigations and assists in the management of information systems.

### 5.6 Penalties for Improper Use

- **Withdrawal of facilities.** Users in breach of these regulations may have access to FIDA Kenya IT facilities restricted or withdrawn.
- **Disciplinary Action.** Breaches of these regulations may be dealt with under the FIDA Kenya's disciplinary procedures. It may lead to termination of employment from the FIDA Kenya.
- **Breaches of the law.** Where appropriate, breaches of the law will be reported to the police.

**SECTION 2 – MANAGING EMPLOYEE PERFORMANCE: SETTING OBJECTIVES, ASSESSING AND MANAGING EMPLOYEE PERFORMANCE INCLUDING ABSENCES, MISCONDUCT AND CAPABILITY ISSUES**



## **6. Performance Appraisal Policy**

### **6.1 Policy Definition**

FIDA Kenya recognizes its staff as the organization's most valuable resource. In order to properly plan each staff's development, valid and reliable information is needed on the individual's work performance in the current job and potential for further development. Since the employee also needs feedback on her/him performance and future prospects, there is need to involve her/his in the process of performance assessment and preparation of plans for training and development. Such consultation and involvement is essential for greater commitment of employees to their work. FIDA Kenya's performance appraisal policy aims at obtaining relevant information on each employee through systematic evaluation of the individual's work performance and potential and then using the information for determining reward and development plans.

### **6.2 Policy Objectives**

The performance appraisal policy supports the performance appraisal scheme. The scheme is a formal process centred on an annual meeting of each employee and their Team Leader to discuss the individual's work performance. The purpose of the meeting is to review the previous year's achievements and to set objectives for the following year. These should align individual employees' goals and objectives with organisational goals and objectives.

1. The appraisal process aims to improve the effectiveness of the organisation by contributing to achieving a well-motivated and competent workforce.
2. Appraisal is an ongoing process with an annual formal meeting to review progress.
3. The appraisal discussion is a two way communication exercise to ensure that both the needs of the individual and of the organisation are being met, and will be met in the next year.
4. The appraisal discussion will review the previous year's achievement, and will set an agreed Personal Development Plan for the coming year for each member of staff.
5. All directly employed employees who have completed their probationary period are required to participate in the appraisal process.
6. The appraisal process will be used to identify the individual's development needs and support the objectives of the Training and Development Policy.
7. All staff will receive appraisal training as an appraisee, and where appropriate as an appraiser.
8. The appraisal process will provide management with valuable data to assist succession planning.
9. The appraisal process will be a fair and equitable process.

### **6.3 Performance Appraisal Implementation**

All the employees of FIDA Kenya will be evaluated. The Executive Director is evaluated by the Chair of the Council. The implementation of the system will require coordinated effort between the Human Resources Department and Team Leaders who shall be responsible for conducting the appraisals.

The Human Resources Department will be responsible for:

- a) Designing the formal appraisal system and selecting the methods and forms to be used for appraising members of staff.
- b) Facilitating training of Team Leaders and other staff in conducting appraisals.
- c) Maintaining a reporting system to ensure that appraisals are conducted in accordance with the laid down time table.

- d) Maintaining performance appraisal records for all employees.
- e) Ensuring integrity of the system and facilitate moderation procedures where there are disagreements.

The responsibility of the Team Leaders will be to:

- a) Objectively evaluate the performance of employees through:
  - Discussing and agreeing the job, tasks and responsibilities with the employee.
  - Determining and agreeing on the specific objectives/targets for the next review period.
  - Discussing the appraisal with the employee.
  - Agreeing on the training and development needs of each employee.
- b) Complete the appraisal form and return them to the human resources department.
- c) Review appraisal with the employees.

The responsibility of the employee will be to:

- a) Complete the self-appraisal form in preparation of the review process.
- b) Actively participate in the appraisal.
- c) Agree on the training and development needs.

Performance appraisal discussions will be held over a designated 4 week period on an annual basis. They will be arranged by the appraisee's Team Leader following official communication on the opening of the process. Team Leaders are encouraged to provide the opportunity for an additional 6 month formal mid-year appraisal and other informal reviews as necessary throughout the year.

#### **6.4 The Appraisal Discussion**

- a) The appraisal discussion will allow an opportunity for both the appraisee and the appraiser to reflect and comment on the previous year's achievements.
- b) The appraiser is accountable for giving the employee constructive, timely and an honest appraisal of their performance, which should take into account both the goals of the organisation and that of the individual.
- c) The discussion should be a positive dialogue, and should focus on assisting the appraisee to acquire relevant knowledge, skills and competencies to perform her/his current role to the best of her/his abilities.
- d) The appropriate forms will be completed and signed by both parties. The appraisee will be given the opportunity to note any comments that he/she does not agree with and complete a self-assessment.
- e) The appraisee and Team Leader should agree on a Personal Development plan for the appraisee for the following year. This will reflect the appraisee's aspirations and the organisation's requirements, and should align personal and organisational goals. The organisation and the Team Leader will support the individual to achieve these goals during the forthcoming year.
- f) Any training needs, future training requirements, planned qualifications, development opportunities and career planning should be discussed in the light of the Personal Development Plan.

## **7 LEAVE POLICY**

### **7.1 Policy Definition**

FIDA Kenya recognizes the importance of rest for its employees to avoid burnout and to enhance their performance at the work place. The Leave policy provides a guide line on leave eligibility and administration within FIDA Kenya. Managers shall be responsible for leave management within their areas of work/operation. FIDA Kenya encourages all employees to take leave when appropriate. As this is a service Organization, our commitment to our clients always takes first priority. Requests for leave will be considered in this context.

### **7.2 Policy Objective**

It is imperative that proper leave records are maintained. Employees are therefore required to fill in leave requests online via the ERP system at all times for the different leave types taken. The onus for applying and getting approval for the leave rests with the employee.

### **7.3 Types of Leave**

FIDA (Kenya) recognizes the following types of leave:

#### **7.3.1 Annual Leave**

- a) Annual leave shall be earned in arrears as per an employee's contract of employment. Every member of staff is entitled to annual leave of twenty (25) working days per year on a pro rata basis. This excludes public holidays and weekends.
- b) Application for annual leave should be submitted to the Team Leader at least seven days (7) days prior to the commencement of leave. Approval for leave is at the discretion of the respective Team Leader. A comprehensive hand over report should be compiled before authorization by the Team Leader.
- c) In the event that leave is not utilized within the current year then it can be carried forward up to March the following year. No employee however will be allowed to carry forward leave days in excess of five (5) days without written authority from the Executive Director. The excess days need to be taken on or before the 31<sup>st</sup> of March of the following year.
- d) FIDA Kenya may with the consent of the employee divide her/his annual leave entitlement into parts to be taken at different intervals, but will ensure that one of the parts to be taken consists of two (2) uninterrupted working weeks.
- e) In case of termination or non-renewal of contract, all accumulated leave must, where possible, be taken within the period of notice of such termination or non-renewal except in cases of summary dismissal where the employee shall be paid for accrued leave.
- f) The Team Leader shall maintain an annual leave roster for her/his team. The roster shall contain the proposed dates when staff intend to take leave. Leave plans for the year must be completed by all departments before the end of January every year.
- g) In the event that a public holiday is declared when a staff member is on annual leave, the staff member will be required to report back to work as per scheduled return date or as discussed

with Team Leader. If the agreement is that the employee shall return as per scheduled date, this leave day(s) shall accrue and be utilised at a later date.

### **7.3.2 Compassionate Leave**

An employee shall be granted compassionate leave, at the organization's discretion that will not be recovered from annual leave. Compassionate leave shall be granted on the following grounds:-

- I. Death of a family member. Family member is defined as spouse/partner, sibling, parent or child.
- II. Critical illness of a spouse/partner or child.

The employee may in accordance with the terms and conditions prescribed, be granted up to a maximum of ten (10) days compassionate leave with full pay in a year. This leave shall be subject to approval by the Executive Director. Each case shall be considered on its own merit.

### **7.3.3 Sick Leave**

- a) After two consecutive months of service, an employee shall be entitled to sick leave as follows:
  - I. up to a maximum of thirty (30) calendar days sick leave with full pay and thereafter;
  - II. up to thirty (30) days sick leave with half pay, and thereafter;
  - III. up to fifteen (15) calendar day's sick leave without pay.

The above applies in each period of twelve (12) months continuous service and does not apply to injuries covered under WIBA 2007, Act No. 13

- b) The number of sick leave entitlement days mentioned above shall be inclusive of Gazetted Public Holidays, week-ends and rostered days off.
- c) Where an employee remains unfit for duty after the expiry of the maximum sick leave entitlement due, the organisation may offset any annual leave entitlement against the continuing absence from duty, and where the employee continues to be absent after exhausting all annual leave entitlement, the Organisation shall be entitled to terminate the employment of the employee, on the advice of Organisation's doctor.
- d) Sick leave shall not apply to self-inflicted injuries or incapacity due to gross neglect on the part of the employee.
- e) Sick leave shall be recognised on provision of a valid sick sheet. It is the responsibility of the employee to ensure that they have informed their immediate Team Leader or HR Office in the event they are not able to report on duty as soon as possible but no later than 24 hrs.

### **7.3.4 Maternity Leave**

- a) A female employee shall be entitled to three months (90 calendar days) of maternity leave with full pay. The employee shall give not less than seven (7) days' notice of her intention to proceed on maternity leave on a specific date and to return to work thereafter. An employee who takes maternity leave shall be entitled to their annual leave of 25 days in each calendar year as may be accruing at the time of taking maternity leave.
- b) After resumption from maternity leave, an employee will be entitled to two and a half hours off duty each working day, for a period of two (2) months, to enable the employee have enough time to nurse her baby. However the hours to be taken as off shall be discussed and agreed upon with her immediate Team Leader, and scheduled in such a way that it will not interrupt the

work schedule. The flexi-time can alternatively be converted into days (13 days) following consultations with the employee.

### **7.3.5 Paternity Leave**

A male employee shall be entitled to two weeks (14 consecutive days) paternity leave with full pay once a year for a legally married spouse as per Human Resource records. Subject to:

- (a) Provision of birth notification indicating employee as the father.
- (b) Adequate notice of the intention to proceed on paternity leave on a specific date to return on a specific date must be given to the Team Leader at least 10 days in advance (Notice shall be guided by the Expected Date of Delivery as given by the Obstetrician).

### **7.3.6 Unpaid Leave**

In exceptional circumstances, the Executive Director, may grant a staff member at her/his request, unpaid leave for reasons of personal convenience or other important reasons for a period not exceeding one month and on such terms as the Executive Director shall prescribe. Requests for the Executive Director and Deputy Executive Director shall be approved by the Executive Council.

## **7.4 Time Off duty**

If an employee is on official duty on a Saturday or a Sunday then she/he is entitled to one day off duty during the week at the discretion of the Team Leader. Time off will should be taken immediately where possible but no later than 5 days after entitlement. Time off shall not be accrued nor carried forward to later months within the year.

## **7.5 Educational Support: Study Leave/Sabbatical**

FIDA Kenya recognises the need for personal advancement and will as much as reasonably possible, support employees of all levels with regard to their educational efforts provided:

- The training or course is relevant to FIDA Kenya's work and areas of interest.
- The course shall improve the employee's work performance and enhance her/his potential for additional responsibilities.
- The qualifications of the employee are good in every respect.
- The staff may be engaged in FIDA Kenya assignments while on this leave to ensure continuity of roles.
- The period remaining on the contract of the employee is reasonable.
- All staff who benefit from full time study program support agree to be bonded. The period of bonding is determined by Management and ranges from 6 months to a maximum of 2 years. This would be advised by reasons including relevant staff contract and/or Job group.

The overall period taken by any employee with regards to any training attended should not exceed one year. For courses that run for over a year, the staff member will be required to resign and re-apply for their job subject to availability of the position.

All cadres of office staff shall be considered for educational support provided they have rendered a high level of performance for a minimum period of one year for short trainings of one to three months and three years for one year trainings. Staff on probation may also be considered for short trainings when it is considered extremely necessary to attend the training as part of the employees' orientation into the Organisation. This will however have to be approved by the Executive Director

on a case by case basis. Any requests for the Executive Director and Deputy Executive Director shall be approved by the Executive Council.

Employees on other types of contracts will not be eligible for educational support.

#### **7.5.1 Part Time Study Programs**

Refers to study that does not require the staff to be out of their work station. An employee attending a part time course that is in line with her/his duties shall be granted time off to attend her/his course until completion. Employees are however advised to enrol for courses outside of FIDA Kenya's official working hours.

Authorization of this off shall be granted by the Executive Director and any time taken off shall be compensated with the consent of the Executive Director.

An employee may further be granted fourteen (14) days paid leave annually to sit for examinations for courses that have prior approval of FIDA Kenya. The leave shall be granted subject to the production of the exam timetable. A comprehensive hand over report shall be prepared before authorization.

#### **7.5.2 Full Time Study Programs**

Refers to study that would require the Staff to be out of their work station for a period of more than 1 month to a maximum of 1 year and will necessitate a temporary appointment whilst one is away. A staff member will be required to apply for sabbatical leave that will apply in the following cases:

- a. Where the program has been sponsored by FIDA Kenya: – This applies where the Organisation identifies and nominates a staff member to be trained in a given area. The staff shall be entitled to receive their full pay and will also enjoy all the other benefits as prescribed in their employment contract.
- b. Self-Sponsored program: – This applies where a staff member identifies the training. The staff member will be required to make a formal application to the Executive Director who shall be guided by the principles enshrined within this policy to grant the leave.

FIDA Kenya shall require the employee on full time study program in any institution to submit progress reports and provisional transcripts on their training. The frequency of such reports shall depend on the individual courses undertaken.

Please take note that owing to the nature of the full time study programme, the organisation will be in a position to only grant one (1) such application each year.

#### **7.5.3 Training Bond**

Employees who are nominated/given approval to attend courses and new recruits who are appointed to posts which involve the attendance of courses in institutions will be required to enter into formal agreements and bonds

The agreement and bond will be for binding them to remain in the service of FIDA Kenya following the completion of their courses or reimburse the money that has been paid for the training by the Organisation if one resigns or is dismissed from the service of the Organisation within 6 months from the date of completion of the training.

An employee released to attend a course lasting one year, either abroad or in a local Institution, shall be required to sign a service bond before departure, for an amount equal to 50% of her/his

gross salary due to the employee for the duration of the course and direct expenses as will be incurred on the employee by the Organisation during and in relation to her or his absence.

The employee shall be required to serve the Commission for at least two (2) years after the date of completion of the course.

In case of default over the service bond, legal action shall be taken against the defaulting employee to make good the bond amount, which shall be paid on the un-expired period on a pro-rata basis.

## **8. Disciplinary Policy**

### **8.1 Policy Definition**

The FIDA Kenya Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

An employee can discuss any part of this policy with the HR Officer or their Team Leader/HOP. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.

### **8.2 Policy Objective**

FIDA Kenya shall be fair and firm in handling disciplinary matters and ensure that all disciplinary matters are dispensed with expeditiously in consultation with the Human Resource Department. It is the responsibility of all employees to maintain discipline

FIDA Kenya believes in a participatory approach to management. Internal democracy will be practiced. FIDA Kenya employees should be self-directing and striving for the highest standards of performance and behaviour in line with FIDA Kenya's mission and philosophy.

The image of FIDA Kenya is of utmost importance. Every employee must show the highest standards of professionalism and integrity.

- i) To ensure fair treatment of employees who become liable to disciplinary action.
- ii) To institute discipline in the workplace.
- iii) To correct unacceptable behaviour.

### **8.3 Policy Principles**

FIDA Kenya disciplinary policies are founded on the principles of natural justice. FIDA Kenya defines natural justice in the handling of disciplinary matters as follows:

- The employee should know the expected standards of performance, behaviour and rules that govern their employment contract.
- The employee should be given a clear indication of where s/he is failing, or the rules s/he has broken.
- Except in cases of gross misconduct, or criminal offences, the employee should be given the opportunity to improve before the Organisation takes disciplinary action against him/her.

The Organisation believes that the following principles should govern the manner in which disciplinary cases are handled.

- The employee must know the exact nature of the accusation against him/her.
- The employee must be given an opportunity to state her/his case.
- The disciplinary authority must act in good faith.
- There should be a right of appeal to higher authority open to employees.

All cases shall be dealt with in their own merit and due care shall be taken to ensure that cases are investigated and concluded within the shortest time possible and no more than a month except in exceptional cases.

## **8.4 Disciplinary Procedure**

This process will apply if it has been identified that an employee may have failed to meet the expected standards of integrity, conduct, performance or attendance or such employee is suspected to have been involved in fraud or truancy. Time is of essence and Team Leaders are expected to immediately bring this to the attention of HR Officer as soon as a lapse/gap is experienced.

### **8.4.1 Informal Stage**

#### **Counselling**

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct or performance
- the time scales for improvement that may be immediate, monitored weekly or monthly
- when this will be reviewed though no review period should be longer than 3 months
- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employees file.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

#### **Handling Attendance/ Performance development Concerns**

When a concern arises about an employee's attendance record or her/his capability to perform their role, the team leader will usually set a time-bound action plan that should not be longer than 3 months and share this with the employee. The employee will be required to accept the plan after discussion with her/his manager.

It is the team leader's responsibility to inform the employee where her/his performance/attendance:

- does not meet the Organisation's required standards;
- the expectations in terms of improvement; and
- offer appropriate support to assist the employee.



The team leader will document all discussions, the agreed objectives and the review period for the plan. The team leader will then make the employee aware of the potential outcome if such employee still fails to meet the required standards set out in the action plan i.e. the employee may be invited to attend a Formal Disciplinary Hearing.

#### **8.4.2 Formal Disciplinary Hearing**

The Formal Disciplinary Process shall be initiated where:

1. The employee's team leader believes that the employee's integrity, conduct, performance or attendance falls below acceptable standards;
2. The employee is a repeat offender and no improvements have been noted despite various discussions being held with her/him;
3. Investigations have revealed that the employee has been involved or is reasonably suspected to be involved in any unacceptable behaviour in the Organisation;
4. The employee is charged and/or convicted for the commission of a criminal offence; by a court of law;
5. The employee's actions are considered detrimental to the Organisation's image and reputation.

#### **8.5 Disciplinary Process**

- (a) Before or during imposition of any discipline, an employee shall be issued with a show cause letter to provide her/him an opportunity to relate their version of the incident or problem at hand and provide any explanation or justification they consider relevant in writing within specified period. This letter must be responded to within 48 hours. Where the employee fails to submit written explanation or justification within the period, the Organisation's opinion may be accepted as sufficient proof.
- (b) Disciplinary procedures can be activated directly as a result of an employee's actions or can be a progression resulting from the implementation of another policy e.g. Performance Appraisal, Code of Conduct etc.
- (c) Disciplinary action should be taken as soon as practicable after the occasion or referral, which makes it necessary but no later than 48 hours.
- (d) This policy will be applied equally to all employees in accordance with the laid down rules and regulations.
- (e) Employees will be allowed an opportunity to appeal at any stage of the disciplinary procedure and a hearing with the relevant parties arranged, on request.
- (f) At the hearing, the Employee may be accompanied at all stages by a work colleague.
- (g) An employee may also wish to consult with Human Resources Department.
- (h) The HR Department shall co-ordinate all disciplinary sessions.
- (i) Employees and their representative may be given copies of documentation relevant to the allegation made against them.
- (j) If, after being given adequate notice, the employee fails to attend the hearing/appeal meeting without prior notification or a valid reason, the hearing will proceed in any case and the decision made final. It may, under exceptional circumstances and by prior agreement, be possible for the employee to arrange to be represented. In this case whatever decision made shall be binding.
- (k) Employees shall be advised, as soon as possible of the outcome of a disciplinary hearing but no later than 24 hours after the decision has been taken.

#### **8.6 Suspension**

Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example,

to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Head of Program in charge of that individual has the authority to suspend an individual in consultation with the Executive Director/Deputy Executive Director.

An employee suspended from duty will receive written confirmation within three days of:

- the reason for the suspension.
- the date and time from which the suspension will operate.
- the timescale of the ongoing investigation.
- the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 day.
- No employee shall be suspended for more than 14 days.

## **8.7 Disciplinary Sanction**

If, as a result of the disciplinary meeting, it is found that an employee's integrity, conduct, performance or attendance, falls below the expected standards, a disciplinary sanction may be applied and this will be confirmed to the employee in writing. The level of disciplinary sanction applied by the Organisation will reflect the gravity of the issue and the existence of any previous warnings the employee may already have. The findings or recommendations of the disciplinary committee shall be considered when determining the disciplinary sanction. There are three main options of formal disciplinary sanction:

- (a) Written warning;
- (b) Final written warning; and
- (c) Dismissal/Termination.

### **8.7.1 Verbal Warning**

A Verbal Warning is appropriate when it is necessary for the manager in charge to take action against an employee for any minor failing or minor misconduct.

### **8.7.2 First Written Warning**

A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

### **8.7.3 Final Written Warning**

A Final Written Warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal.
- an employee persists in the misconduct which previously warranted a lesser warning.

### **8.7.4 Time Scales for the expiry of Warnings**

Warnings issued to employees shall be deemed to have expired after the following periods of time.

- \* First written warning: 6 months
- \* Second written Warning: 6 months
- \* Final written Warning: 6 months

These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

#### **8.7.5 Examples of Minor Misconduct**

Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor time-keeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation that is more of one-off instances.
- Smoking within unauthorised areas.
- Failure to work in accordance with prescribed procedures.
- Incompetence.
- Unreasonable standards of dress or personal hygiene.
- Failure to observe FIDA Kenya regulations and procedures.

#### **8.7.6 Examples of Gross – Misconduct**

Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Engaging in conduct likely to bring the Organisation into disrepute.
- Absenteeism without leave or lawful cause.
- Intoxication during working hours, rendering employee incapable to perform her/his work properly.
- An employee wilfully neglects to perform her/his duties as listed on her/his job description of her/his employment contract.
- An employee uses abusive or insulting language, or behaves in an insulting manner; to her/his employer or a person placed in authority over him by his employer.
- An employee knowingly fails or refuses to obey a lawful and proper command which was within the scope of his duty to obey, issued by his employer or a person placed in authority over him by his employer.
- An employee commits or on reasonable and sufficient grounds is suspected of having committed, a criminal offence against or to the substantial detriment of his employer or his employer's property.
- Divulging official and confidential information of the organization to the public.
- Interview any member of the public, grant any press interview or give any lecture regarding official matters without consent from the Executive Director.
- Participation in a go-slow, illegal strike, obstruction of work or destruction of the organization property. Misappropriation of organization funds, misuse of, or theft of organization's property or involvement in criminal activities.
- Signing, executing or purporting to convey any authority whatsoever by use of name, signature or mark without the authority of the Executive Director.
- Allowing the use of own Staff Identity Card by an outsider to access organization premises, property etc.
- Involvement in sexual harassment acts.
- Poor performance.

### **8.7.7 Downgrading or Transfer to another Post**

This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- an employee is considered by the Team Leader to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

### **8.7.8 Termination/Dismissal**

Dismissal is appropriate when

- an employee's behaviour is considered to be Gross Misconduct.
- an employee's misconduct has persisted, exhausting all other lines of disciplinary procedure.

## **8.9 Appeals**

Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that the FIDA Kenya's' Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action has arisen

An appeal should be put in writing to the Executive Director. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal will be arranged within 20 working days of receipt of the appeal letter.

### **8.9.1 Appeals against Warnings**

- In the case of warnings, the appeal will be heard by the supervisor next in line to the one who issued the warning.

### **8.9.2 Appeals against Downgrading, Final Warnings and Dismissal**

- The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Senior Manager. They may also involve another Director not previously involved with the case. In the case of a Director, appeals shall be heard by Council Members.
- When dealing with an appeal against a Final Warning or Dismissal, written statements of case may be submitted no later than 2 days prior to the date of Appeal Hearing. No additional written evidence will be admitted by the Appeal Committee on the date of the Hearing.
- Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.
- It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

## **8.10 Disciplinary Process Expectations**

### **8.10.1 Disciplinary Committee**

- The Disciplinary Committee will comprise of the employee's team leader and a representative from Human Resources who acts as the facilitator. Depending on the subject matter of the disciplinary hearing, representatives from other relevant functions may participate in the disciplinary hearing.

### **8.10.2 Of formal Disciplinary and Appeal meetings**

- The meetings will be organised for a time convenient for the business;
- An employee will be given at least 48 hours advance notice of any meetings;
- An employee will have the right to be accompanied to a disciplinary meeting by a work colleague;
- At the disciplinary meeting the employee will be given the opportunity to put forward her/his evidence and perspective for consideration;
- The proceedings may be recorded in such format as shall allow minutes to be produced as a means of verifying the proceedings
- During the disciplinary process, proceedings may be adjourned to allow the disciplinary committee to review additional evidence, carry out additional fact-finding and make recommendations;
- At the end of formal disciplinary process, the line manager in the presence of Human Resources will explain the decision, sanction and rationale for the decision. The decision will be confirmed to the employee in writing.

### **8.10.3 Absence Due to Illness during the Disciplinary Process**

If an employee is away from the office due to illness and is unable to attend a disciplinary meeting he/she will need to present a doctor's note to the Human Resources facilitator giving reason for absence. The hearing will be rescheduled once a valid sick sheet is provided. In the event the employee receives more than 1 notification to attend a disciplinary hearing and such employee has not provided a sick off sheet showing that the employee is unable to attend such hearing, then the Disciplinary Committee shall have the mandate to determine the appropriate sanction for the employee.

### **8.10.4 If an employee is suspected of Having Committed a Criminal Offence**

- The Organisation will refer any suspected criminal offences affecting the organisation, its customers or employees, to the relevant law enforcement agents.
- The Organisation's internal fact-finding, and any resulting disciplinary sanction, may continue independently from any action taken by the law enforcement agents and will not be dependent upon the police investigation, or any decision to prosecute.
- Further to the above, where any reported criminal matter (in which the employee is named as the accused or as an accomplice) comes to the attention of the Organisation and the Organisation in its sole discretion determines that the charges or penalty imposed may bring the Organisation into disrepute, then the Organisation will initiate the disciplinary process against the employee. In such circumstances, any disciplinary action will await the final determination of the criminal proceedings, except where it is considered that by awaiting the final determination of the criminal proceedings, then further negative attention shall be drawn towards the Organisation.

### **8.10.5 If an Employee is Asked to Accompany a Colleague**

If an employee is asked by a colleague to accompany the colleague to a disciplinary hearing to provide moral support, or as a witness, then the support employee will need to fully understand the

requirements of this Policy and the different stages in the disciplinary procedure. The support employee's role is then to provide her/his colleague with appropriate advice and support or if as a witness during the fact-finding process, the employee will be asked for an accurate picture of what s/he has witnessed. No employee shall be victimised for accompanying, providing evidence, advising or supporting a colleague facing a disciplinary process.

### **8.11 Roles and Responsibilities during the Disciplinary Process**

**Employees** are responsible for:

- Taking personal responsibility for meeting the standards of integrity, conduct and performance that the Organisation expects;
- Fully understanding the requirements of this Policy and the different stages in the disciplinary procedure. Ignorance of any clause is no defence;
- Arranging to be accompanied by a colleague to a disciplinary hearing if they so wish.

**Team Leaders** are responsible for ensuring that:

- They have an understanding of the standards of integrity, conduct, performance and attendance that the Organisation expects of the Line Manager and her/his staff;
- Matter in question has been fully investigated and relevant information and documentation has been provided in support of the case.
- They have access to a copy of this Policy and are aware of the different stages in the procedure;
- The disciplinary procedure is effectively and consistently applied.

**HR** is responsible for ensuring that:

- The disciplinary procedure is effectively and consistently applied;
- Set up the disciplinary hearing meetings and ensuring that all parties are present/aware;
- Facilitating the session;
- Taken a record of the minutes of the hearing;
- Confirmed to the employee in writing on the outcome/sanction of the disciplinary hearing;
- All the documentation related to the hearing has been compiled and filed in the employee staff file.

The Management reserves the right to initiate disciplinary procedure at any stage depending on the severity or frequency (repetition) of the offence.

This Policy should be read in conjunction with the Organisation's code of conduct and governing policies and employee guide.

**SECTION 3 - DEALING WITH EMPLOYEE CONCERNS:** *Hearing Grievances, Dealing with Bullying & Harassment, and making provisions for “Whistleblowing”*

## **9. Grievance Procedure**

### **9.1 Policy Definition**

The grievance procedure is intended as the tool by which a member of staff may formally have a grievance, regarding any condition of their employment, heard by the management of the FIDA Kenya. The aggrieved employee has the right to representation by a work colleague

### **9.2 Policy Objective**

In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve the FIDA Kenya's employees. Seven (7) days have been fixed to ensure that grievances are dealt with quickly, however these may be extended if it is agreed upon by both parties.

This procedure is not intended to deal with:

1. Dismissal or disciplinary matters which are dealt with in a separate procedure.
2. Disputes, which are of a collective nature.

### **9.3 Procedure**

#### **9.3.1 General**

- (a) The procedure will be activated by the employee directly as a result of her/his grievance.
- (b) An employee is entitled to seek the advice of their Team Leader or the Human Resources Department, at any stage in the operation of this procedure.
- (c) Employees have the right to take a grievance to all stages of this procedure.
- (d) Time limits may be extended only with the agreement of both parties.

#### **9.3.2 Informal**

- (a) Employees willing to raise any matter concerned with their employment with management, will do so in the first instance through their immediate Team Leader who will make an effort to resolve the problem as soon as possible.
- (b) The Team Leader will take all necessary steps to resolve the issue within seven (7) days.
- (c) If the Team Leader is unable to resolve it, the issue will be escalated to the next level of management.

#### **9.3.3 Formal**

- (a) The employee will submit details of the grievance to the immediate Team Leader in writing, who will consider, investigate and take the necessary steps to resolve the matter. A copy will be sent to the Human Resource department.
- (b) If required, a meeting will be convened by the Team Leader with the employee, and the HR representative. The employee has the right to be accompanied by a fellow employee of her or his own choice. Efforts will be made to resolve the matter within 10 working days and a reply to the employee verbally and in writing.

#### **9.3.4 Appeal**

- (a) If the employee is dissatisfied with the decision made by their Team Leader, or the Team Leader has not made a decision within the time limit, the employee has the right to appeal



to a member of management who is more senior than the one who initially heard the grievance.

- (b) The request for such hearing will be made in writing within 7 days of receiving a reply on the grievance decision from the Team Leader. A hearing will be made within 10 working days on receipt of the request.

#### **9.4 Appeal Hearing Guidelines**

- (a) Upon request of the aggrieved party, the HR Department will arrange for an exchange of information meeting to establish points of common ground.
- (b) The HR Officer, in concert with the Executive Director, shall appoint a Senior Manager (Grade F4 and above) as an Investigator. The Investigator shall review the case based on all facts presented by both parties and, if deemed necessary, may call witnesses.
- (c) The aggrieved party or her/his representative and the superior of the aggrieved party will be given the opportunity to clarify any matter or question with the Investigator.
- (d) The Investigator shall hear witnesses referred to by the aggrieved party or her/his representative and by the Team Leader (of the aggrieved party).
- (e) The Investigator shall give her/his decision verbally and confirm this in writing to both parties.
- (f) In the event that parties are not satisfied with the decision, s/he will put the request for a hearing with the Executive Director whose decision will be final.
- (g) For grievances against the Executive Director, this shall be done through the Chair of the Council.

### **10. Prevention of Bullying and Harassment at Work**

#### **10.1 Policy Definition**

FIDA Kenya is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the FIDA Kenya and those who have dealings with the FIDA Kenya has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by the Employment Act 2007, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.

#### **10.2 Policy Objective**

The FIDA Kenya's policy applies to all staff working within the organisation and to all employees working off the premises. It extends to include non-permanent workers such as clients, service providers, secondees, contractors, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.

The FIDA Kenya has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

### **10.3 Key Principles**

The FIDA Kenya will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the FIDA Kenya must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic, sexual orientation, marital status, religion or belief, age, or any other personal characteristic.

Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Harassment may be defined as any conduct which is :-

- unwanted by the recipient
- is considered objectionable
- causes humiliation, offence, distress or other detrimental effect.

Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals.

Bullying on the other hand is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening;
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues;
- Humiliating an individual in front of colleagues;
- Picking on one person when there is a common problem;
- Shouting at an individual to get things done;
- Consistently undermining someone and their ability to do the job;
- Setting unrealistic targets or excessive workloads;
- “cyber bullying” i.e. bullying via e-mail;
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

### **10.4 Types of Harassment**

For purposes of this policy the types of harassments include but are not limited to:

- Sexual Harassment
- Racial/Tribal Harassment
- Disability Harassment
- Physical Harassment
- Position based harassment (abuse of office)

#### **10.4.1 Sexual Harassment**

Every employee is entitled to a work environment that is free of sexual harassment and FIDA Kenya is committed to ensuring that no employee is subjected to sexual harassment.

Sexual harassment is defined as unwelcome and unreciprocated sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature which results in the individual feeling threatened, disadvantaged, or compromised in any way. Some examples include:

1. Making direct or indirect request or exerting pressure for sexual activity or favours. For example requests for dates that are turned down or unwanted flirting with or without:
  - Promise of preferential treatment in employment;
  - Threat of detrimental treatment in employment;
  - Threat about the present or future employment status of the employee.
2. Making intentional or careless physical contact that is sexual in nature or any other bodily contact such as scratching, rubbing or patting a co-worker's back, grabbing an employee around the waist, or interfering with an employee's ability to move.
3. Uses language whether written or spoken of a sexual nature; making unwanted jokes, gestures, offensive words on clothing, and unwelcome comments of a sexual nature.
4. Shows physical behaviour of a sexual nature which directly or indirectly subjects an employee to behaviour that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on the employee's employment, job performance or job satisfaction.
5. Transmitting or posting emails or pictures of a sexual harassment related nature.
6. Displaying sexually suggestive objects, pictures or posters.
7. Indecent Exposure.

#### **10.4.2 Racial/Tribal Harassment**

This is defined as making "derogatory remarks," explicit statements, jokes, stereotyping, or any other action of a racist /tribal nature which is directed at any individual/groups from a different ethnic background which results in the individual(s) feeling threatened, disadvantaged or compromised. Some examples include:

1. Tribal/ Racial comments abuse or offensive jokes;
2. Threats based on tribal racial remarks;
3. Offensive gestures and facial expressions that can be interpreted to be tribal or racial based;
4. Offensive publications, letters, memos or emails that are of racist or tribal nature.

#### **10.4.3 Disability Harassment**

Disability harassment is defined as making "derogatory" remarks, mimicking, invasive personal questions, ostracizing, or patronizing behaviour which is directed at an individual with a disability, or group of disabled people which results in the individual(s) feeling threatened, disadvantaged or compromised. Some examples include:

1. Making fun of a disability;
2. Mimicking a speech impairment;
3. Inappropriate questions or comments regarding the disability;
4. Patronizing comments or nicknames;
5. Mimicking disability movements and gestures.

#### **10.4.4 Physical Harassment**

Physical harassment is any unacceptable behaviour which includes but is not limited to bullying, physical intimidation, unwelcome touching, threatening behaviour, assault of other employees which results in the individual(s) feeling threatened, disadvantaged or compromised.

It is worth noting that certain situations and circumstances in the work place may require physical contact to execute a learning initiative, address emergency situations or corporate objectives e.g. first aid training etc. This policy precludes the aforementioned elements.

#### **10.4.5 Position Based Harassment**

This is defined as the use of position, status, and or resources assigned to intimidate staff or to get them to perform duties or favours that are not in any way related to the achievement of corporate objectives and/or assigned responsibilities in their jobs.

### **10.5 Confidentiality of the Process**

All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, team leaders are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

### **10.6 Resolution Mechanisms**

#### **10.6.1 Informal Resolution**

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.

Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that her/his actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague, could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to Human Resources.

An individual who is made aware that their behaviour is unacceptable should:-

- Listen carefully to the complaints and the particular concerns raised;
- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
- Agree the aspects of behaviour that will change;
- Review their general conduct/behaviour at work and with workplace colleagues.

### **10.6.2 Formal Resolution**

If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the employer.

Normally, the employer's representative will be the employee's team leader. However, if the employee feels unable to do this they should submit the complaint in writing to a more senior manager within their Department. In exceptional circumstances, allegations may be raised directly with the relevant Director, who will with other appropriate senior managers, arrange for the matter to be progressed in accordance with this policy and procedure.

When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant manager should:

- a Take full details of the incidents in writing from the complainant and their representative (if appropriate);
- b Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour;
- c Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them;
- d Keep all parties informed of expected timescales;
- e Inform all parties in writing of the outcome and any action that may be required.

If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the inquiry to another Department.

Should there be a case to answer against the alleged harasser, the team leader who has dealt with the complaint will forward the case to HR for the formal disciplinary process to be initiated as per the disciplinary policy.

### **10.7 False/Malicious Allegations**

With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the FIDA Kenya's Disciplinary Policy.

### **10.8 Appeals**

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:-

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Grievance Policy.

## 10.9 Records

- Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- Following formal investigation, where the complaint is not substantiated, no records will be retained.
- Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.
- Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

## 11. "Whistleblowing" Policy

### 11.1 Policy Definition

FIDA Kenya is committed to the highest standards of openness, integrity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the FIDA Kenya to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve her or his employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the FIDA Kenya nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside FIDA Kenya.

### 11.2. Policy Objective

This policy is designed to enable employees of the FIDA Kenya to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity

- Improper conduct or unethical behaviour of Senior Management (Grade F4 and above)
- Attempts to conceal any of the above

### **11.3 Safeguards**

#### **11.3.1 Protection**

This policy is designed to offer protection to those employees of the FIDA Kenya who disclose such concerns provided the disclosure is made:

- in good faith; If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

#### **11.3.2 Confidentiality**

The FIDA Kenya will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

#### **11.3.3 Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the FIDA Kenya.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

### **11.4 Reporting Procedure for Making a Disclosure**

FIDA Kenya has provided a whistleblower e-mail hotline under [fida.whistleblower@fidakenya.org](mailto:fidawhistleblower@fidakenya.org). This e-mail hotline is accessed by the FIDA Council Chair who on receipt of a complaint of malpractice, takes note of the complaint, and pass this information as soon as is reasonably possible, to a designated investigating officer.

If there is evidence of criminal activity then the Chair of the Council will make the decision on involving external stakeholders such as the police. FIDA Kenya will ensure that any internal investigation does not hinder a formal police investigation.

## **11.5 Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. However the Organisation will take reasonable steps towards speedy resolution. The FIDA Kenya staff investigating the matter should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

A written acknowledgement as be sent as soon as practically possible of the concern to the complainant indicating receipt and providing assurance that it is being acted upon. All responses to the complainant shall be in writing and sent to their email address.

## **11.6 Investigating Procedure**

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer shall inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
- The allegations shall be fully investigated by the investigating officer with the assistance where appropriate, of other individuals.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair of the Council.
- The Chair of the Council will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate FIDA Kenya procedures.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the FIDA Kenya recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons.



**SECTION 4 – SUPPORTING OUR STAFF IN THE WORKPLACE:** *By ensuring Equality and Fairness in all aspects of Employment; dealing with Alcohol and Drug issues, and ensuring their Health & Safety is properly guarded.*

## **12. Health and Safety Policy**

### **12.1 Policy Definition**

FIDA Kenya is committed, as far as practicable, to providing a safe work environment for the health, safety and welfare of our employees, contractors, visitors and members of the public who may be affected by our work. In this regard, FIDA Kenya regularly carries out a risk assessment of health and safety of persons employed and based on the results, formulates preventive and protective measures to ensure that all working conditions comply with the requirements of the Occupational Safety and Health Act 2007.

The Health and Safety at Work Act requires each employee 'to take reasonable care for the Health and Safety of himself and of other persons who may be affected by their acts and omissions' and co-operate with management to enable management to carry out their responsibilities under the Act. Employees have equal responsibility with FIDA Kenya for Health and Safety at Work.

The refusal of any employee to meet their obligations will be regarded as a matter to be dealt with under the Disciplinary Procedure. In normal circumstances counselling of the employee should be sufficient. With a continuing problem, or where an employee leaves themselves or other employees open to risk or injury, it may be necessary to implement the formal stages of the Disciplinary Procedure.

### **12.2 Policy Objective**

To do this, FIDA Kenya will:

- develop and maintain safe systems of work, and a safe working environment;
- provide information and training for employees to promote safe work practices;
- remove unacceptable risks to safety;
- provide employees and contractors with adequate facilities (such as clean toilets, clean drinking water, and hygienic eating areas);
- maintain equipment to ensure safety of all employees.

Ultimately, everyone at the workplace is responsible for ensuring health and safety at the workplace.

All persons responsible for the work activities of other employees are accountable for:

- identifying practices and conditions that could injure employees, clients, members of the public or the environment;
- controlling such situations or removing the risk to safety. If unable to control such practices and conditions, report these to their manager.

FIDA Kenya demands a positive, proactive attitude and performance with respect to protecting health, safety and the environment by all employees, irrespective of their position.

The following safeguards must be observed at all times.

1. Keep aisles and walkways open and free of equipment, cables and electrical cords, especially at designated fire exits. Never circumvent safety features.
2. Use step stools or ladders to reach articles above shoulder height. Ask for help with heavy or bulky articles and particularly where there can be potential injury.

3. In the event of an alarm sounding evacuate the office promptly whether you think it is a drill or a real situation. In the event of a fire or other emergency, and when the fire alarm sounds, all staff should move quickly to the nearest exit without stopping to gather personal belongings and assemble at the designated assembly point. Fire extinguishers shall be strategically located within the premises. Employees should note the nearest exit to their work station and understand how to use the fire extinguishers.
4. Turn off kitchen appliances after use and guard against hot surfaces, steaming water and sharp objects.
5. Turn off power source prior to opening any equipment for repair. Do not open equipment unless you have been trained to do so.
6. Beware of your surrounding at all times.
7. In event of a work related injury, please report it immediately to the Human Resource Officer. An emergency First Aid kit is available at all work sites.

It is the duty of every employee to safeguard themselves and others while at work and if any hazard is encountered, report the same to the Human Resources & Administration Officer or your Team Leader immediately.

### **12.3 Securing of FIDA Kenya premises**

FIDA Kenya takes a number of measures to maintain adequate security at the offices. It is the duty of every employee to help in maintaining the general security of the offices. Each employee must ensure they shut and lock up windows and doors to their offices before leaving at the end of the day.

The main door is locked at the end of each working day and not every member of staff has keys to this door. The HR & Administration Officer shall keep a record of all the office keys issued to the staff members. There will be a security guard at the main gate of all the three offices of FIDA Kenya for 24 hours all days of the week and s/he will clear every visitor to the offices. Employees should respect the security regulations and report any violations promptly.

### **12.4 Health Insurance Policy**

#### **12.4.1 Health Services**

FIDA Kenya shall provide a limited inpatient and outpatient medical cover operated by a reputable Health Medical Organization (HMO). The cover benefits office employees, spouse and a maximum of two dependants. The insurance organization will issue a medical card to all beneficiaries of the scheme and they are required to carry it, during all their visits to a medical provider.

#### **12.4.2 Vaccinations**

An employee travelling on office business and requires vaccination as part of the travel requirements, shall be vaccinated and the cost be borne by FIDA Kenya.

#### **12.4.3 Membership with the National Hospital Insurance Fund (NHIF)**

All employers are required by law to register their employees under NHIF. FIDA Kenya shall deduct and remit contributions as set by NHIF on a monthly basis. It is the employee's responsibility to ensure that they have provided their card numbers and updated dependant details. FIDA Kenya shall facilitate entry in to the scheme for new staff members who do not have a card.

#### **12.4.4 Group Life Cover**

All FIDA Kenya office employees are covered under a Group Life Assurance policy. Group Life policy is an assurance policy that is designed to compensate the beneficiaries of an employee in the event of death of the insured employee. It should be noted that the policy does not provide for death resulting from intentionally self-inflicted injuries. The underwriter has the right to independently investigate circumstances leading to the death of the insured employee before compensating the authorized beneficiaries.

#### **12.4.5 GPA & WIBA Policy**

FIDA Kenya has ensured that office staff are provided with an insurance cover against injury/death resulting from accidents. The objective of the cover is to ensure that staff have adequate cover against loss occasioned by injury during and out of the official working period.

This benefit is managed by Human Resources through an appointed provider.

- The benefit is provided to staff upon employment. Human Resources will furnish the insurer with the name and details of the staff member's remuneration and occupation.
- The benefit covers staff on a 24hr basis and it is applicable when staff are on leave or any other approved vacation from work.
- Insurance premiums for this benefit are paid for by FIDA Kenya.

#### **Responsibility**

##### **Staff**

- Report the matter to the organization through the Team Leader/Human Resources Department.
- Provide the documentation required to process the claim within the stipulated timelines.

##### **Human Resource Office**

- Review the documentation provided for completeness.
- Forward the claim for processing.
- Provide feedback to affected parties.

#### **12.5 Records, Statistics and Monitoring**

The FIDA Kenya will operate systems for recording, analysis and presentation of information about accidents, hazard situations and untoward occurrences. This will be done by the HR & Administration Officer. Information obtained from the analysis of accident statistics must be acted upon.

#### **12.6 People Working at FIDA Kenya Premises But Not as its Employees**

Persons working in FIDA Kenya premises who are employed by other organisations are expected to follow FIDA Kenya Health and Safety Policies with regard to the safety of FIDA Kenya employees, their own personal safety (and that of other parties such as the general public if appropriate) and their method of work. This responsibility will be included in contracts or working arrangements. Similarly FIDA Kenya employees working in other host premises will be expected to follow the host employers Health and Safety Policy.

## **12.8 Visitors and Members of the Public**

FIDA Kenya wishes to ensure that as far as is reasonably practicable, the Health, Safety and Welfare of visitors to FIDA Kenya establishments will be of the highest standard.

Any member of staff who notices persons acting in a way which would endanger other staff, should inform their Head of Program. If the danger is immediate, common sense must be used to give warning, call for assistance or give aid as necessary. It is equally important not to over-react to a situation.

## **12.9 Contractors**

FIDA Kenya wishes to ensure that as far as is reasonably practicable, the health, safety and welfare of Contractors working in FIDA Kenya's establishments will be of the highest standards. In addition, Contractors and their employees have an obligation so far as is reasonably practicable to ensure all equipment, materials and premises under their control are safe and without risks to health.

## **13. Drug and Alcohol Abuse Policy**

### **13.1 Policy Definition**

FIDA Kenya has the right to protect co-workers, customers and organisation property from dangers and risks caused by the use of alcohol and /or unauthorized drugs.

### **13.2 Policy Objective**

This policy is being implemented because employee involvement with alcohol and other drugs can be very disruptive; adversely affect work performance, productivity and morale; and pose serious health and safety risks, not only to those who abuse alcohol and other drugs, but also to their co-workers.

Ensure employees report to work free from the effects of the use of alcohol and /or unauthorized drugs.

FIDA Kenya recognises that alcohol and drug abuse related problems are an area of health and social concern. It also recognises that a member of staff with such problems needs help and support.

FIDA Kenya also recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour. FIDA Kenya has a responsibility to its employees and customers to ensure that this risk is minimised.

Accordingly, FIDA Kenya policy involves two approaches

- Providing reasonable assistance as afforded by the existing medical cover to the member of staff with an alcohol or drug abuse problem who is willing to co-operate in treatment for that problem.
- Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work, and where either (1) an alcohol or drug dependency problem does not exist or (2) where treatment is not possible or has not succeeded.

FIDA Kenya does not have the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by hospitals and other agencies.

### **13.3 Smoking**

As part of the health and safety of other workers, FIDA Kenya Secretariat is a No-Smoking Zone. Smoking is also not permitted in any FIDA Kenya vehicle. This policy is in effect at all times including after regular office hours. The overall aim is to reduce smoking and so save life, reduce risk of fire, prevent unnecessary illness and chronic disability.

### **13.4 Policy Application**

Violation of this policy will lead to disciplinary action, up to discharge from employment.

## **14. Child Protection Policy**

### **14.1 Policy Definition**

For the purpose of this policy, a child will be considered to be a person under the age of 18 years. Protecting children from harm is the responsibility of all those who participate in the work of FIDA Kenya. This policy applies both during and outside regular working hours to:

- all staff;
- all volunteers, interns and pupils;
- all contractors, sub-contractors, partners and consultants;
- FIDA Kenya members;
- all board and council members;
- all partner organisations and associates; and
- clients.

Each person is responsible for adhering to the policy by having a thorough knowledge of it and the procedures set out below, acting in accordance with the policy and complying with the FIDA Kenya Child Protection Code of Conduct. Breach of this policy or the Child Protection Code of Conduct constitutes an act of misconduct and is grounds for disciplinary action up to and including termination of employment/engagement.

### **14.2 Policy Objective**

This policy is informed by a set of principles that derive from the Constitution of Kenya, the Children's Act 2002, on the Rights of the Child and other relevant laws and international obligations, that partly state:

- All children have equal rights to protection from abuse and exploitation.
- All children should be encouraged to fulfil their potential and inequalities should be challenged.
- Everybody has a responsibility to support the care and protection of children.
- FIDA Kenya has a duty of care to children with whom we work with and with whom our representatives work with.
- FIDA Kenya's partners have a responsibility to meet minimum standards of protection for the children in their programs.
- Zero tolerance of child exploitation and abuse.

- Recognition of the best interest of the child.
- Risk management approach.
- Children's right is a human right.

### **14.3 Statement of responsibility**

This policy statement affirms FIDA Kenya's commitment to the welfare and rights of children and their protection from abuse and exploitation.

FIDA Kenya recognises that the abuse and exploitation of children happens in all countries and societies across the world. All child abuse involves the violation of children's rights and human rights.

Child abuse is not acceptable and a commitment to children's rights in general also means a commitment to safeguard the children with whom FIDA Kenya is in contact.

FIDA Kenya will not permit a person to work with children if that person poses an unacceptable risk to children's safety or wellbeing.

Management are responsible for the implementation of this policy and ensuring that all parties comply with the Child Protection Code of Conduct.

## **15 Staff Welfare**

### **15.1 Policy Definition**

FIDA Kenya recognizes their employees to be the most valuable resource and the health and welfare of all employees is essential in achieving the Organisation's mission. The well-being of all employees is of a primary concern and by investing in the health and welfare of employees FIDA Kenya is investing in the efficiency and effectiveness of the organization. FIDA Kenya is committed to producing a caring and supportive working environment which is conducive to the welfare of all employees, and one which enables them to develop towards their full potential. FIDA Kenya has therefore supported the formation of a welfare scheme to oversee welfare concerns driven by staff whose officials are elected by staff governed under a separate constitution.

### **15.2 Policy Objective**

To provide a framework for the provision of staff welfare support.

### **15.3 Areas Covered Under Staff Welfare**

#### **15.3.1 Supply of Drinking Water**

FIDA Kenya shall provide and maintain adequate supply of clean drinking water in suitable vessels at a point that is conveniently accessible to all employees and shall be kept in clean and orderly conditions.

#### **15.3.2 Facilities for Sitting**

FIDA Kenya shall provide and maintain for the use of its employees a safe and comfortable work station.

### **15.3.3 First Aid Kit**

FIDA (K) shall provide and maintain a First Aid Kit that should be readily accessible and replenished for the use of its employees. Further, FIDA Kenya shall ensure it has some of its employees who are well trained in First Aid.

### **15.3.4 Food**

FIDA (K) provides food to willing members of staff at subsidized rates which are deducted from their salaries at the end of each month. It also provides sufficient utensils and means of cooking at its own expense. The team leaders, who have responsibility for food acquisition, storage, processing and serving, are responsible for ensuring that these functions are undertaken to the necessary legal standards. Any suspected outbreak of food poisoning or other unexplained and possibly food related incidents must be reported to the HR & Administration Officer.

### **15.3.5 Maternity**

On resumption of duty from maternity leave a female employee will be entitled to two and a half (2½) hours off duty, each working day for a period of two (2) months from the day of resumption to enable the employee have enough time to nurse her baby and where possible make provisions for a nursing room for the mothers. The hours to be taken off should be discussed and agreed upon with her immediate Team Leader and scheduled in a way that it will not interrupt office work. The hours can also be converted to working days.

Reasonable efforts shall also be made to provide lactating mothers with a private space for their use.

### **15.3.6 Bereavement**

#### **Death of a Serving Employee**

When services of an employee are terminated by reason of death, appropriate terminal benefits and belongings shall be released to the next of kin. Terminal benefits and payments shall be subject to all statutory and other necessary deductions. The following payments shall be made:-

- Death benefit under Group Life Assurance Cover
- Salary for days worked up to the date of death
- Accrued annual leave days
- Pension fund contributions in accordance with the rules of the scheme.

FIDA Kenya will make a contribution of Kshs. 40,000/- to the family towards the funeral expenses of a deceased employee, and in addition provide a van for the transportation of its staff representatives to attend the funeral.

#### **Death of an Employee's Nuclear Family Member**

FIDA Kenya will make a contribution of Kshs. 30,000/- towards funeral expenses of any of the employee's nuclear family (an employee's spouse, child or parent) and in addition will provide for the transportation of its staff representatives to attend the funeral.