



KENYA TRANSPORTERS ASSOCIATION

CODE OF CONDUCT

Vision

A united association of global excellence in advancing sustainable and competitive road freight services



Mission

To strengthen and improve transportation by serving and leading its diverse membership through advocacy, innovation and information sharing.

TABLE OF CONTENTS

PREAMBLE	VII
1.0 Introduction	8
2.0 The Mandate of the Kenya Transporters Association.....	9
3.0 Purpose of the Code of Conduct	9
4.0 Objectives of the Code of Conduct	9
5.0 Individual Transporters Responsibilities	10
6.0 KTA Secretariat Responsibilities	10
7.0 Compliance with KTA constitution	10
8.0 Members subscription.....	10
9.0 Ethical principles.	11
9.1 Factual decision making.	11
9.2 Respect of others.	11
9.3 Honesty and Integrity.	11
9.4 Standard of performance	12
9.5 Accountability	12
9.6 Conflict of interest	12
9.7 Gifts and benefits.	12
9.8 Confidentiality	12
9.9 Workplace health and safety	13
9.10 Drugs, alcohol and substance abuse	13
9.11 Smoke-free workplace	13
9.12 Bullying, harassment, discrimination and inappropriate conduct at workplace	13
9.13 Corrupt conduct and public interest disclosures	14
9.14 Business ethics	14
10.0 Loading.....	14
11.0 Licensing and Conditions of Vehicles	15
12.0 Vetting of Drivers	15
13.0 Sub-Contracting	15
14.0 Participation	15
15.0 Welfare guidelines for drivers	15
16.0. Use of Technology for security enhancement	16
17.0. Training and capacity building.....	16
18.0. Safety and security of cargo on transit.....	16
19.0 Law	16
19.1 Classification of offences	16
19.1.1. Gross misconduct	16

19.1.2. Misconduct.....	16
19.1.3. Misdemeanour.....	16
19.2. Members responsibility.....	17
20.0. Enforcement of the code.....	17
21.0 Complaint procedure.....	17
22.0 Review of the code.....	17
23.0 Self Assessment.....	17
24.0 Referenced laws.....	18
25.0 Certification	19



MESSAGE FROM THE BOARD OF DIRECTORS

The Kenya Transporters Association (KTA) members are united by one common purpose; to deliver better transport services to their customers within and beyond the Kenya borders, while also contributing towards the realization of a safe, reliable, efficient, professional and environmentally friendly road freight industry in Kenya.

Our code of conduct was developed and has continually been reviewed to ensure that we have a unified and consistent standards of behavior expected of everyone who works in road freight transport sector.

The code of conduct applies to all the bona fide members, in all roles and at all levels of our association. We are all responsible for meeting the expectations outlined in the Code as we carry out our daily businesses in the transport industry.

The code of Conduct document provides all of us with an ethical framework to guide our actions and decisions. The document equally provides consistency in determining what is and what isn't acceptable behavior, while helping us to build a stronger and a more supportive association. We have to maintain our customers' confidence and trust in our ability to deliver efficient and effective transport services. It is equally essential that our people act with integrity when working with stakeholders and with each other as we move KTA to the desired levels.

We are passionate about working together to build a strong, values-based culture we can all be proud of as KTA family, so we ask you to join us in committing to the KTA Code of Conduct.

CHAIRMAN OF BOARD OF DIRECTORS



PREAMBLE

The KTA members who are the parties to this code of conduct,

BEING the key stakeholders in the road freight transport in Kenya,

AWARE that unethical practices in the road freight transport impact negatively to the entire business operation,

RECOGNIZING that national and regional legislation cannot entirely achieve required best practices in the road freight transport sector, but only provide legal framework for ethical practices,

BEING OF THE VIEW that effective code of conduct together with members constitution provide a good foundation for orderly operations by promoting good working practices,

CONVINCED that effective code of conduct is the basis of discipline and professionalism among the members,

CONSIDERING need of effective code of conduct to act as a benchmark of acceptable practices in the road freight transport sector,

REALIZING that sustainable best practices by the members can best be assured by a common and agreeable code of conduct,

CONSCIOUS that the code of conduct will be the cornerstone of ethical practices,

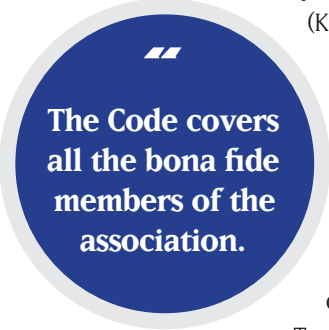
NOTING that the code of conduct supplements the member constitution and other legal regulations,

We, the members of Kenya Transporters Association collectively and individually commit to adhere to the code of conduct.

1.0 INTRODUCTION

The Kenya Transporters Association (KTA) was registered as a limited company in 2011 under the Societies Act in the Kenyan laws as an association of road transporters whose broad objective is to provide a common voice to articulate business constraints facing its members, while also contributing towards the realization of a safe, reliable, efficient, professional and environmentally friendly road freight industry in

Kenya. KTA was formed in 1982 having taken over from Kenya African Road Transporters Association (KARTA) which was first registered as a common voice of transporters in 1969.



**The Code covers
all the bona fide
members of the
association.**

The Code of Conduct outlines the standards of behavior expected of members of the KTA family and will help us build a values-based association that ensures insofar as reasonably practicable that our vision promotes and maintains stakeholders confidence and trust in our operations. The Code covers all the bona fide members of the association.

The Code provides a framework for appropriate behavior amongst members and during interactions with customers, stakeholders, and outlines the standards required to guide decision making process, actions and ethical behavior in the road freight transport business.

To meet these expectations we are all responsible for understanding the requirements of the Code of Conduct which must be read in combination with various national and regional transport regulations, policies, procedures and industrial instruments. We are all accountable for our actions, behaviours and omissions. You are required to seek guidance from KTA secretariat if there is need for further clarification, or if you find yourself in a position where you are unsure how to act.

2.0 THE MANDATE OF KENYA TRANSPORTERS ASSOCIATION

Kenya Transporters Association aims to lead the development of efficient integrated transport services by providing access to multi-disciplinary information, and creating a framework of sustainable policies and regulations.

To realize this, the Kenya Transporters Association is mandated to, among others:

- i. To establish an organisation fully representative of Road Transport operators in the Republic of Kenya.
- ii. To co-ordinate and encourage, promote and protect the interests of Members and to take all steps as may be considered expedient for that purpose.
- iii. To establish and maintain tariff guidelines within the transport industry.
- iv. To discourage unfair competition without however interfering with initiative and enterprise based on fair trading.
- v. To consider and report and advise or make representations on existing or contemplated legislation or such other measures which might affect the interest of the Association or its members and in furtherance thereof generally to promote, support or oppose such legislation or measures.
- vi. Bring together in conference representatives of the transport stakeholders, Government departments, statutory authorities and individuals;
- vii. To promote respect of rights and duties, entitlements and obligations of fellow members and stake holders in the transport industry.
- viii. To inform members of any developments in the legislative and policy developments affecting the transport industry.

3.0 PURPOSE OF THE CODE OF CONDUCT

The code has been designed to enhance ethical conduct and practises of members of the association and by extension their employees in the cargo transportation sector. The association expects her members and employees who carry out work for the association to observe high standards of conduct.

4.0 OBJECTIVES OF THE CODE OF CONDUCT

The objectives of this Code are to:

- i. Ensure uniformity of conduct amongst the members of the association;
- ii. Ensure that members carry out their business in an ethical manner while observing fairness, impartiality and honesty;
- iii. Serve customers in a timely manner and in accordance with the laws and regulations which govern the cargo transport industry;
- iv. Foster and maintain stakeholders trust and confidence in KTA membership; and
- v. Act as a reference point for the Association and stakeholders with whom the members have dealings from time to time.

5.0 INDIVIDUAL TRANSPORTERS RESPONSIBILITIES

The individual transporters conduct business with efficiency, fairness, impartiality and integrity. The transporters responsibilities include but are not limited to:


- i. Facilitating adequate understanding of this Code of Conduct by providing appropriate training and clarification as required to the employees;
- ii. Providing access to relevant policies and procedures that are required to comply with other regulatory bodies;
- iii. Providing avenues to raise concerns in relation to breaches of this Code of Conduct without any victimization;
- iv. Ensuring the general conduct and management of functions and activities of the transporter are in accordance with KTA values and this Code of Conduct;
- v. ^{and} Facilitating the implementation of policies and programmes to create a safe work environment for employees.

6.0 KTA SECRETARIAT RESPONSIBILITIES

The KTA staff members need to be aware that the reputation of the member companies and that of KTA can be affected by their actions and omissions.

The secretariat shall:

- i. raise awareness with the members on relevant policies and procedures;
- ii. inform members of their duties, responsibilities and expected performance standards;
- iii. implement the resolutions of the Board of directors;
- iv. treat members fairly, consistently and with respect;
- v. behave in a lawful, professional and reasonable manner and always act in the best interest of the members; and
- vi. maintain confidentiality and security of association's information.



**The KTA
secretariat shall
have delegated
authority for
enforcement of the
code of conduct.**

7.0 COMPLIANCE WITH KTA CONSTITUTION

All the members are expected to abide by the constitution as it relates to membership and requirements of the road freight industry.

8.0 MEMBERS SUBSCRIPTION

KTA members shall ensure timely contribution of the annual subscription fees for all the fleet trucks owned by the individual members.

9.0 ETHICAL PRINCIPLES

This Code of Conduct has been developed in accordance with the principles of ethical and responsible decision-making and embodies the following values:

9.1 Factual decision making

Members shall uphold the Laws of Kenya and of other jurisdictions in which they shall operate from at all times in the discharge of their mandate. They shall keep up to date with all legislative and policy changes affecting their work. Members must ensure that decisions:

- i. are made lawfully, ethically and impartially;
- ii. promote member companies' values;
- iii. align with overall KTA objectives; and
- iv. are in the customers and stakeholders interest.

9.2 Respect of others

Members shall:

- i. treat fellow members, the public and all stakeholders in the industry with courtesy and respect; and
- ii. at all times respect the rights, entitlements, duties and obligation of all stakeholders in the Road Transport Industry.

9.3 Honesty and Integrity

Members shall not place themselves in situations where their honesty and integrity may be questioned in all their dealings and should on all occasions avoid the manifestation of such behavior.

9.4 Standard of performance

Members shall exercise due care and always strive for the highest standard of performance and service to customers and keep accurate records. The members shall endeavor to always keep the industry's best practices. Members shall not bring KTA into disrepute.

Further, members are required to make every effort to ensure that accurate information is provided to enable customers to exercise an informed judgment regarding their transport/logistics requirements.

9.5 Accountability

Members shall be held accountable for their functions and the manner in which they carry out their responsibilities and should co-operate fully with any scrutiny appropriate to their particular operation.

9.6 Conflict of interest

Members shall;

- i. not at any time put themselves in a conflict or a potential conflict position through a range of personal interests or connections including family, friends and associates, or as a result of financial, employment and/or community or political interests or activities.
- ii. be responsible for identifying, disclosing or managing such conflicts in a transparent manner.
- iii. be under an obligation to inform the KTA Secretariat of such situation of conflict of interest.

9.7 Gifts and benefits

Members shall not ask for gifts, benefits or hospitality for themselves or anyone else in connection with KTA or individual transport companies

Members should refer to the KTA Conflicts of Interest Policy and individual transporters procedures for specific information on accepting gifts and benefits.

9.8 Confidentiality

Members shall treat all transactions and communications with the customers confidential. In case of a dispute with a customer, they shall make every reasonable effort to reach a speedy resolution that shall not get to the general public.

9.9 Workplace health and safety



Members shall ensure that they have occupational safety and health policy as provided for by Occupational Safety and Health Act 2007 and comply with relevant health and safety legislation to ensure that the health and safety of employees is not put at risk from the company members work.

9.10 Drugs, alcohol and substance abuse

Members shall formulate their individual drug, alcohol and substance policy and ensure that employees have access to relevant legislation.

Members shall sensitize employees on the dangers of drug, alcohol and substance abuse.

9.11 Smoke-free workplace

Members shall ensure that there are designated smoking zones in their premises.

9.12 Bullying, harassment, discrimination and inappropriate conduct at workplace

Member shall formulate relevant policies on prevention and management of discrimination, bullying and harassment.

Members should ensure that their staff treat all colleagues, customers and members of the public fairly, with dignity and respect.

9.13 Corrupt conduct and public interest disclosures

Members shall comply with chapter six (6) of the Kenyan constitution on integrity and leadership.

Members must report if they know about or have reasonable grounds to suspect any unethical, dishonest or corrupt conduct.



Members shall comply with chapter six (6) of the Kenyan constitution on integrity and leadership.

9.14 Business ethics

Members shall strive to carry out their business in ethical manner.

10.0 LOADING

Members shall:

- i. refrain from loading their vehicles in contravention of the Laws of Kenya and East Africa Community and shall follow the gross vehicle weight rating (GVWR) limit set for such vehicles by the Government(s) from time to time;
- ii. ensure that their drivers present vehicle of a gross vehicle weight of 3, 500 kilograms or more for weighing at every weighing station that is situated along the Regional Trunk Road Network or that is designated for this purpose by a national roads authority.
- iii. obtain a special permit for transportation of abnormal, awkward, hazardous and or unstable loads;
- iv. Ensure that any driver in their employment at all times maintain the designated speed limits on the road while conveying any cargo;
- v. at all time take measures to secure the conveyance and cargo against pilferage, siphoning and willful exposure to adverse conditions; and
- vi. report any incident of overloading by any stakeholder or member to the KTA Secretariat.

11.0 LICENSING AND CONDITIONS OF VEHICLES

Members shall:

- i. ensure that all their vehicles are duly licensed with the requisite Government departments to be used as commercial road transport vehicles;
- ii. ensure that all vehicles owned, leased, hired or subcontracted by Members shall be roadworthy;
- iii. ensure that breakdowns of vehicles are attended to in the shortest possible time; and
- i. have adequate physical infrastructure to manage their fleet.

12.0 VETTING OF DRIVERS

All drivers employed by Members shall be vetted by KTA to ensure that they are competent and qualified to handle their responsibilities and that they hold all requisite legal documentation such as valid driving license, a certificate from a recognized driver training institution, certificate of good conduct from Kenya Police, and certificate of medical fitness from a recognized Medical Practitioner.

13.0 SUB-CONTRACTING

KTA Members shall only subcontract cargo to other transporters who are already members of KTA and party to this Code of Conduct.

14.0 PARTICIPATION

Members shall participate in the activities of KTA through their appointments in various sub-committees that shall be formed by the Executive Committee from time to time.

15.0 WELFARE GUIDELINES FOR DRIVERS

KTA shall develop and continually review a Health, Safety, Security and Environment Standards(HSSES) to be complied with by all its Members. The same shall provide for, inter-alia,

- i. Rest Periods for drivers.
- ii. Accommodation and meal allowances for drivers when on duty.

All Members shall provide the KTA Secretariat with a list of their drivers' details including all requirements set out in clause 9.0 above.

16.0. USE OF TECHNOLOGY FOR SECURITY ENHANCEMENT

Members shall:

- i. Strive to adopt and use information technology in fleet management and enhance security of the fleets
- ii. enhance integrated paperless operations
- iii. Training and capacity building

KTA shall facilitate continuous training and capacity building for its members and persons employed by its members in all areas touching on their operations and any updates in law, including customs laws and regulation governing licensing of transit vehicles and transporters.

17.0. TRAINING AND CAPACITY BUILDING

KTA shall facilitate continuous training and capacity building for its members and persons employed by its members in all areas touching on their operations and any updates in law, including customs laws and regulation governing licensing of transit vehicles and transporters.

18.0. SAFETY AND SECURITY OF CARGO ON TRANSIT

The individual members shall be responsible for the safety and security of the cargo within their yards and will engage the approved security and insurance providers to ensure safety of cargo on transit.

19.0 LAW

19.1 Classification of offences

19.1.1. Gross misconduct

Gross misconduct is the commission of a serious offence in breach of set rules and regulations e.g., but not limited to carrying of excess load.

19.1.2. Misconduct

Misconduct is the commission of a less serious offence(s) which could be punished through disciplinary action e.g., undue delays in delivery of cargo or occurrence of several avoidable breakdowns

19.1.3. Misdemeanour

Misdemeanour is a minor transgression which may be punished through a warning. E.g., failure to keep the customer informed or respond to their queries.

19.2. Members responsibility

Members shall uphold and follow all laws and regulations put in place from time to time by the Government of Kenya including but not limited to those regulating the Road Transport Industry and Customs issues.

20.0. ENFORCEMENT OF THE CODE

The Board of directors shall oversee the enforcement of the code of conduct.

The KTA secretariat shall have delegated authority for enforcement of the code of conduct.

Should a member fail to observe the provisions of the code, directly or indirectly, an appropriate action shall be taken by the Membership and Publicity Committee.

The individual cases will be evaluated on their own merit by the membership and Publicity Committee and disciplinary action taken where necessary.

During the pendency of the proceedings in a disciplinary case, such a member shall be suspended from the membership of KTA until the case is determined. The verdict shall be communicated to the affected member in writing by the committee.

A member shall appeal to the chairman of board of directors within a period of fourteen days after the determination of the case.

21.0 COMPLAINT PROCEDURE

A member or a stakeholder shall report in writing to the KTA secretariat any breach of the provisions of the code.

The report shall specify the nature, the place, date and all parties involved by making use of the KTA complaint form.

22.0 REVIEW OF THE CODE

The Code shall be reviewed by the Advocacy and Legal Affairs Committee based on advice of the Board of Directors and KTA secretariat.

23.0 SELF ASSESSMENT

If faced with difficult situation in the course of work as a member, the following questions may assist members in coming up with a decision consistent with the spirit and intention of the Code of Conduct.

- i. Is the decision lawful?
- ii. Is the decision consistent with the spirit and intention of the Code of Conduct?
- iii. Is the decision consistent with the spirit and intention of the Kenya Transporters Association (KTA)?
- iv. What are the consequences of the decision on fellow KTA Members or the transport industry as a whole?

24.0 REFERENCED LAWS

The Code of Conduct should jointly be read by the following laws:

- i. The Constitution of Kenya, 2010
- ii. The East African Community Vehicle Load Control Act, 2016
- iii. East African Community One Stop Border Posts Act, 2016
- iv. The National Transport Safety and Authority Act, 2012
- v. The Traffic Act Cap 403
- vi. East African Community Customs Management Act, 2004 (Revised 2009)
- vii. Employment Act, 2007
- viii. Industrial Training Act
- ix. Labor Institutions Act, 2007
- x. Labor Relations Act, 2007
- xi. National Social Security Fund Act, 2013
- xii. Occupational Safety and Health Act, 2007
- xiii. The Restrictive Trade Practices, Monopolies and Price Control Act
- xiv. The Work Injury Benefits Act, 2007
- xv. The Tobacco Control Act, 2007
- xvi. Insurance Act, 2015
- xvii. Police Act

25.0 CERTIFICATION

I/WE, of

Hereby state that I/WE have read and agree to abide by this KTA Code of Conduct.

I/WE understand that any breach of this Code may result in KTA suspending or revoking our Membership to the Kenya Transport Association.

Director(s) Name(s)

Signature(s)

.....
.....
.....
.....

Witness: KTA—C.E.O/ExecutiveOfficer

Date:





TRADE
MARK
EAST AFRICA

Growing Prosperity Through Trade

The development of this code of conduct was graciously funded by Trade Mark East Africa. (TMEA)