Kenya National Highways Authority

Quality Highways, Better Connections

# Whistleblower Policy

## KeNHA/11/PD/30

**JULY 2026**

www.kenha.co.ke

**Vision**

A quality National Trunk Road Network to all for prosperity.

**Mission**

To develop and manage resilient, safe. and adequate National Trunk Roads for sustainable development through innovation and optimal utilization of resources.

**Core Values**

Accountability
Sustainability
Innovation
Teamwork

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**Policy Approval**

The Policy has been approved and issued under the signature of.

**Ms. Winfrida Ngumi** ..... **Date:** .....

**Chairman, Board of Directors**

## FOREWORD

Whistleblowing enhances good corporate governance, and is one of the most effective tools for corruption detection and prevention. The country lacks a specific law on Whistleblower protection, although efforts are underway to enhance whistleblowing and ensure that whistleblowers are protected from reprisal. The proposals in the National Whistleblower Protection Bill, 2023 represents the best efforts to entrench whistleblowing in Kenya.

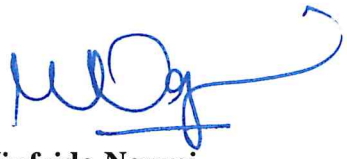
Further, the Anti-Corruption and Economic Crimes Act, 2023 provides guidelines on corruption prevention, while the Anti-Bribery Act, 2023 provides for the prevention, investigation, and punishment against bribery.

The Ethics and Anti-Corruption Commission, being the body established to coordinate the fight against corruption in Kenya, has stepped in and provided adequate and mandatory institutional guidelines meant to entrench whistleblowing in both public and private institutions in the country. It is pursuant to these guidelines that the Authority has developed this Whistleblowing Policy and herein commits to implement it in an effective manner.

This Policy ensures the entrenchment of ethical practices and reporting mechanisms for the Authority, thus promoting transparency and strengthening the confidence of the public in its operations.

The Board remains committed to strengthening corporate governance of the Authority, by creating a safe space for employees, consultants, contractors and other stakeholders to report corruption and other forms of malpractices affecting the Authority.

Further, the Board gives an undertaking to ensure that whistleblowers do not suffer any form of reprisals.



**Winfrida Ngumi**
**Chairman, Board of Directors**

## PREFACE

This Policy provides a safe, confidential, and structured mechanism for reporting unethical conduct thereby encouraging the public to report all form of unethical behaviour; corruption, abuse of office, abuse of power, and other forms of misconduct without fear of retaliation. It promotes transparency in governance and aligns the country with international best practices for good governance and anti-corruption efforts.

Management commits to implement this Policy so as to ensure transparency, accountability, and ethical conduct in all KeNHA operations thereby fostering a corruption-free work environment with its stakeholders including the public, contractors, consultants, financiers, and development partners. Further, the Policy will be reviewed periodically to ensure it remains relevant and responsive to evolving risks and unethical practices.

This Policy has been developed with a commitment to transparency, accountability, and protection of Whistleblowers with the aim to combat corruption, address ethical breaches promptly, and uphold the rule of law. It complies with all relevant national laws, regulations, and best practices relating to whistleblower protection, various existing frameworks, and anti-corruption standards. Further, it seeks to build trust by providing clear reporting channels and assures protection of Whistleblowers.

The development of this Whistleblower Policy has been made possible through the collective commitment and input of the Board of Directors, Management, and Staff. Their dedication to fostering a culture of transparency, accountability, and ethical conduct has helped shape a Policy that safeguards the rights of Whistleblowers, promotes integrity, and reinforces a shared responsibility that upholds the highest standards of governance.



**Eng. Luka Kimeli**
**Director General**

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## LIST OF ACRONYMS AND ABBREVIATIONS

i. KeNHA – Kenya National Highways Authority
ii. EACC – Ethics and Anti-Corruption Commission
iii. DG – Director General
iv. PRC – Planning, Research and Compliance
v. HR – Human Resource
vi. DD – CC – Deputy Director – Corporate Communication
vii. CPC – Corruption Prevention Committee
viii. IAO – Integrity Assurance Officer
ix. BCRAMP – Bribery and Corruption Risk Assessment and Mitigation Plan

**DEFINITION OF TERMS**

| Ref | Word or Phrase | Meaning |
|---|---|---|
| 1. | **Authority** | The Kenya National Highways Authority as established under the Kenya Roads Act, No. 2 of 2007 |
| 2. | **Commission** | Ethics and Anti-Corruption Commission (EACC) |
| 3. | **Whistleblower** | Any person, employee, agent, or third party who volunteers information in connection to any wrongful act under this Policy, or the relevant laws stated under this Policy. |
| 4. | **Whistleblowing** | Deliberate and voluntary disclosure of individual or organizational wrongdoing by a person who has access to data, events, or information about an actual, suspected, or anticipated wrongdoing within the Authority. |
| 5. | **Whistleblower Protection** | Safety given to a Whistleblower. |
| 6. | **Accountability** | An assurance that an individual or the Authority will be evaluated on their performance or behaviour related to something for which they are responsible. |
| 7. | **Wrongful Act or Violation** | Unethical conduct as stipulated in the Constitution of Kenya, 2010 and subsequent legislations |
| 8. | **Reprisal** | (a) Action causing injury, loss or damage<br>(b) Intimidation, harassment, or bullying<br>(c) Interference with the lawful employment, livelihood, or freedom of any person, including discrimination, demotion, suspension, disadvantage, termination or other adverse treatment in relation to a person's employment, career, profession, trade or business or the taking of disciplinary action, or any other discriminatory action that would chill the exercise of rights protected by this Act; and<br>(d) A threat to take any of the actions referred to in paragraphs (a) to (c) above by any person, whether acting on their own or at the direction of any other person. |

| | | |
|---|---|---|
| **9.** | **Facilitator** | A person who assists in a reporting process and whose assistance may expose that person to retaliation. |
| **10.** | **Confidential Information** | The identity or location of: —<br>(a) A (i) Whistleblower<br>(ii) Person who is entitled to protection in accordance with this Policy<br>(iii) Person about whom a Whistleblower has made a disclosure of improper conduct, unless, and until the Authority has finally determined that the person actually engaged in improper conduct<br>(b) A report or information that, if disclosed, may compromise the security of any such persons |
| **11.** | **Malpractice** | Improper, illegal, or negligent professional activity or treatment |
| **12.** | **Suspect** | A person against whom a disclosure has been made. |
| **13.** | **Good Faith** | Making reports without malice or consideration of personal benefit with a reasonable basis to believe that the report is true. |
| **14.** | **Reportable wrong doing** | Categories of cases that can be reported under Whistleblowing Policy |
| **15.** | **Reasonable doubt** | A genuine, and rational uncertainty based on evidence that would make a reasonable person hesitate to believe a claim is true. |

## 1. INTRODUCTION

The Authority is committed to upholding the highest standards of integrity, ethics, and accountability in all its operations. In line with this commitment, management encourages employees and stakeholders to report any suspected wrongdoing or unethical conduct without fear of retaliation. KeNHA recognizes the vital role whistleblowers play in promoting good governance and is fully committed to protecting their identity and rights.

Effective implementation of whistleblowing mechanisms supports the Authority's broader objective of maintaining a corruption-free, ethical, and efficient work environment. This Policy provides a clear and confidential mechanism for reporting concerns and ensures protection for individuals who disclose such information in good faith.

The Policy fosters a culture of openness and accountability, where issues are raised and addressed promptly, professionally, and in accordance with the law. It, further, outlines measures that the Authority shall implement to promote a culture of integrity and rule of law, encourage timely and safe reporting of wrongdoing, ensure that individuals who come forward are effectively protected from retaliation, and that wrong doings are effectively addressed.

## 2. POLICY OBJECTIVES

The key objective of this Policy is to provide clear guideline for reporting unethical practices such as corruption, fraud, and violations of the Authority Code of Conduct and Ethics. The specific objectives seek to:

a. Reinforce transparency, accountability, and public trust by recognizing whistleblowers as actors in the fight against corruption in the Authority.
b. Provide a clear process for reporting suspected misconduct or unethical behaviour.
c. Protect whistleblowers from retaliation, victimisation, or reprisal.
d. Ensure timely and thorough investigation of all genuine concerns.

## 3. SCOPE OF THE POLICY

This Policy applies to:

a) Board of Directors
b) Permanent, and temporary employees
c) Interns, apprentices, trainees, and volunteers
d) Former employees
e) Job Applicants
f) Customers
g) Outsourced services such as cleaners, security
h) Contractors, consultants, suppliers and anyone working under their supervision

## 4. POLICY STATEMENT

### 4.1 General

This Policy:

4.1.1 Fosters an enabling environment and institutional culture that encourages good faith disclosure of unethical practices.

4.1.2 Provides adequate protection for whistleblowers against retaliation, victimization, or discrimination.

4.1.3 Establishes a structured framework for reporting matters of public interest.

4.1.4 Provides **incentives** for reporting corruption and **sanctions** for false allegations.

### 4.2 Commitment to ethical conduct

The Authority is committed to operate with integrity, transparency, and accountability. It recognizes the importance of detecting and addressing unethical or illegal conduct at the earliest opportunity.

### 4.3 Right to report unethical behaviour

Board Members, Staff, Contractors, and other stakeholders have the right and responsibility to report any suspected fraud, abuse of office, corruption or other unethical behaviour without fear of retaliation or victimization.

### 4.4 Protection from retaliation

Any person who reports concerns in good faith shall not suffer harassment, retaliation, or adverse consequences for their actions. Any acts of reprisal against a whistleblower will result in disciplinary action, including possible termination or legal action.

### 4.5 Inclusion of third parties

This Policy will provide protection to individuals close to whistleblowers such as family members, close colleagues, former employees, facilitators, or legal entities that may be representing them, all of who may risk retaliation. Protection afforded to whistleblowers equally apply to the mentioned third parties who may suffer retaliation.

### 4.6 Encourage reporting in good faith

Reports made in good faith will be taken seriously and investigated promptly, fairly, and confidentially, regardless of whether they are ultimately substantiated.

### 4.7 Zero tolerance for false reporting

Genuine concerns are welcomed. However, any deliberate misuse of this Policy, including deliberate malicious or false reporting, will be considered Gross Misconduct and subjected to appropriate disciplinary measures.

### 4.8 Clear and accessible reporting mechanism

The Authority has established and maintains multiple, accessible, and confidential channels through which whistleblowing disclosures can be made, including anonymous options.

### 4.9 Compliance with legal and regulatory frameworks

This Policy complies with relevant national laws, regulations, various existing frameworks, anti-corruption standards, and best practices relating to whistleblower protection.

## 5. CATEGORIES OF REPORTABLE WRONGDOINGS

5.1 Reportable wrong doings include, but are not limited to:

5.1.1 Health and safety risks

5.1.2 Corruptions, fraud, and bribery

5.1.3 Violations related to financial services

5.1.4 Miscarriages of justice or abuse of authority

5.1.5 Breaches of legal, and regulatory frameworks

5.1.6 Environmental harm or breaches of environmental laws

5.1.7 Violations of professional or ethical standards posing risks to the public

5.1.8 Gross mismanagement, waste of public and private resources, or serious maladministration

5.1.9 Attempts to conceal or suppress any of the Above

## 6. CONFIDENTIALITY AND ANONYMITY

6.1 All information regarding corrupt practices, reported to the Authority in good faith, shall be handled in confidentiality.

## 7. POLICY PRINCIPLES

### 7.1 Handling of Corruption Cases

7.1.1 All corruption cases reported to the Authority, in good faith, will be handled promptly and confidentially in the manner outlined under the Ethics and Integrity Policy of the Authority.

## 8. PROTECTION FROM REPRISAL AND RETALIATION

8.1 A Whistleblower, under this Policy, is entitled to:

8.1.1 Protection against reprisal.

8.1.2 Protection of confidential information.

8.1.3 Immunity from civil and criminal liability arising from the reporting.

8.2 For the purpose of paragraph **8.1,** the protection shall be extended to any person who may need protection by the Commission:

8.2.1 By the virtue of being related to a Whistleblower.

8.2.2 On account of evidence given by a Whistleblower.

8.2.3 For any other reason which the Commission may consider sufficient.

8.3 No employer, person acting on behalf of an employer, or any other person, may discharge, demote, suspend, transfer, threaten, or harass, directly or indirectly, or in any other manner, act adversely against a person, in the terms and conditions of employment, because the person provided information in accordance with this Policy.

8.4 Any Whistleblower entitled to protection, who believes that he or she is the subject of any form of retaliation or reprisal for such participation, should immediately report the same as a violation of, and in accordance with this Policy.

8.5 Any person within the Authority who retaliates against an individual who has reported a violation in good faith or who, in good faith, has cooperated in the investigation of a violation is subject to disciplinary action.

8.6 A person shall be guilty of reprisal unless the person demonstrates. by clear and convincing evidence. that they would have reasonably taken the same action in the absence of the real or perceived disclosure.

## 9. UNTRUE ALLEGATIONS

9.1 Disciplinary action shall be taken against any person who makes an allegation frivolously, maliciously, or for personal gain.

## 10. REPORTING MECHANISM

### 10.1 Duty to Report

A person to whom this Policy applies is required to whistleblow to the Authority or the Commission any knowledge or suspicion of corruption.

### 10.2 To whom reports are made

A whistleblowing report is made to the Commission, or to the Authority in the office of the Director General or an officer designated by the Director General for that purpose.

### 10.3 Reporting channels

The Authority encourages anonymous reporting. Such reporting can be done through an anonymous link provided across the Authority digital platforms or corruption reporting boxes provided across all KeNHA offices. Further, the following channels have been provided for whistleblowing:

**Email:** integrity@kenha.co.ke
dg@kenha.co.ke
complaints@kenha.co.ke

**Toll free line.** 0800211244

**Telephone:** 020-4954000
020-2989000

**KeNHA Social media**
**Facebook:** Kenya National Highways Authority
**Instagram:** @kenha_kenya
**X:** @kenha_kenya
**Tiktok:** @kenhaofficial
**LinkedIn:** Kenya National Highways Authority
**You-tube:** KeNHATV
**Website:** www.kenha.co.ke

Reports may also be made to the Internal Audit

**10.4 Recording of reports**

All reports received are recorded and serialized sequentially for effective processing and ease of retrieval.

**10.5 Management of Reports**

The Authority ensures that all whistleblowing cases are received and analysed for further action by a sub-committee of CPC within seven (7) working days.

The Authority ensures that all whistleblowing cases received openly are acknowledged within two (2) working days. The cases shall further be analysed for further action by a Sub-Committee of CPC within seven (7) working days

**10.6 Acknowledgement and feedback**

The Authority, where applicable, acknowledges and gives feedback on reports received and processed.

## 11. DISCIPLINARY MEASURES

11.1 Any person or entity found to be in violation of this Policy will be subject to the disciplinary measures outlined in the Authority Human Resources Procedures Manual, disciplinary measures set by the Commission, or any of the relevant and applicable laws of the country.

## 12. ROLES AND RESPONSIBILITIES

**12.1 Board of Directors**

The Board of Directors shall:

12.1.1 Approve and offer oversight in the implementation of the Policy.

12.1.2 Review the Policy implementation reports.

12.1.3 Provide resources for implementation.

**12.2 Director General**

The Director General shall:

12.2.1 Provide leadership in the implementation of this Policy.

12.2.2 Protect whistleblowers, informants, or witnesses against any victimization, reprisal, intimidation, harassment, or any form of detrimental action.

**12.3 Management**

The Management shall:

12.3.1 Ensure the staff are sensitized on the Policy.

12.3.2 Enforce adherence to the Policy by all staff under them.

12.3.3 Provide feedback to CPC on the effectiveness of the Policy.

12.3.4 Establish appropriate mechanisms to promote ethical practices within their areas of control

12.3.5 Ensure implementation of recommendations by CPC/Audit and any other authorised Government Agency.

12.3.6 Create a conducive environment for staff to report any suspected unethical behaviour or acts within their areas of control.

**12.4 Deputy Director - Corporate Communication**

The DD – CC shall:

12.4.1 Implement the Policy.

12.4.2 Sensitize all stakeholders on this Policy.

12.4.3 Submit quarterly reports to IAOs and CPC for further processing.

12.4.4 Ensure that reporting platforms are available, accessible, confidential, and operational.

12.4.5 Coordinate the preparation of reports to management on the implementation of this Policy.

**12.5 Corruption Prevention Committee**

The Corruption Prevention Committee shall:

12.5.1 Monitor and evaluate effective implementation of the Policy.

12.5.2 Ensure that statutory reports are filed with the relevant authorities.

12.5.3 Prioritise implementation of the Policy strategies and review their impact.

12.5.4 Enhance reporting channels

12.5.5 Lead in the investigations of reported cases and recommend corrective actions.

12.5.6 Hold quarterly meetings to deliberate on corruption prevention related matters.

**12.6 Integrity Assurance Officers**

The IAOs shall:

12.6.1 Submit a quarterly report to CPC.
12.6.2 Ensure that statutory reports are filed with the relevant authorities.
12.6.3 Create awareness of the Policy in their respective functional areas.
12.6.4 Hold quarterly meetings to deliberate on corruption prevention related matters.
12.6.5 Receive and record reported cases for onward transmission to CPC for further processing.

**12.7 Employees**

The employees shall:

12.7.1 Uphold high ethical standards.
12.7.2 Report unethical behaviour to the appropriate office in, good faith.

**12.8 Whistle blower**

The Whistleblower shall:

12.8.1 Uphold confidentiality while reporting unethical behaviour.
12.8.2 Provide accurate and reliable information through the channels provided.

**12.9 Third party under the scope**

12.9.1 Obligation to report
12.9.2 Compliance with the underlying policies
12.9.3 Non-retaliation as both a right and a duty
12.9.4 Confidentiality
12.9.5 Cooperation with investigation
12.9.6 Flow-down to their own subcontractors/employees
12.9.7 No obligation to investigate

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## 13. ACTIONS TO ADDRESS RISKS AND RESPONSIBILITIES

To ensure mitigation of risks during the implementation of this Policy document, all potential risks have been identified and mapped in the Corporate Communication Risk and Opportunities Register.

## 14. MONITORING AND EVALUATION

Monitoring of this Policy shall be done quarterly and evaluated bi-annually

Monitoring of this Policy is done quarterly. Therefore 4 reports will be submitted to the management every financial year. At the end of the second quarter and fourth quarter the DD-CC shall consolidate the Quarterly Reports into an Bi-Annual Whistle Blower Policy Evaluation Report, submitted to Management and the Board.

## 15. POLICY REVIEW

This Policy shall be reviewed from time to time as necessary within periods not exceeding three (3) years from the date it comes into effect.

## 16. LEGISLATIVE AND ADMINISTRATIVE FRAMEWORK

i. The Constitution of Kenya, 2010
ii. Employment Act, 2007
iii. Anti-Bribery Act, 2023
iv. Conflict of Interest Act, 2025
v. Public Officers Ethics Act, 2023
vi. Leadership and Integrity Act, 2012
vii. Public Finance Management Act, 2012
viii. KeNHA Ethics and Integrity Policy, 2022
ix. Witness Protection (Amendment) Act, 2010
x. Anti-Corruption and Economic Crimes Act, 2023
xi. Public Procurement and Asset Disposal Act, 2015
xii. Ethics and Anti-Corruption Commission Act, 2011
xiii. Proceeds of Crime and Anti-Money Laundering Act, 2009
xiv. KeNHA Human Resource Policies and Procedures Manual (2017)
xv. KeNHA Procedures for Prevention of Bribery and Corruption, 2025