

Public Transport Code Of Conduct For Kenya



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DEFINITION OF TERMS

NTSA – National Transport Safety Authority

NMS – Nairobi Metropolitan Services

Sexual Harassment – Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature

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01.

INTRODUCTION

This Code of Conduct has been developed following a comprehensive stakeholder review of the challenges facing public transport in Nairobi, Kenya. Stakeholders who were consulted include Matatu owners, Sacco officials, crew (drivers and conductors), passengers and government officials.

A policy and legislative review looking at the Kenya Constitution and key legislative acts including the Traffic Act CAP 403, NTSA Act 2012 and subsequent regulations, Sexual Offences Amendment Act and the Employment Act 2012 was carried out. The pillars of a socially just public transport system were taken into account while developing this Code of Conduct. The pillars are: **Available, Inclusive, Sustainable, Accessible and Affordable, Human Rights** and Equity. These pillars provide guiding principles towards a vision of a socially just public transport system that we envision. Particular focus was given to evidence-based facts around sexual and physical harassment that have been rampant and reported within the public transport system. Both crew and passengers have been victims of this.

Codes of Conduct from different countries (case studies) were reviewed for their strengths, weaknesses and similarities to the current and foreseeable needs of the public transport sector in Kenya.

The public transport system in Kenya is very dynamic. It is dominated by the individually owned paratransit vehicles organized into SACCOs along different routes. However, there has also been the development of strong and much larger SACCOS like the Matatu Owners Association and 2NK alongside management companies like KBS Management. More recently, we have also experienced interest from government agencies/authorities like NYS, Kenya Railways and NAMATA. All these form part of the ecosystem of the public transport system in Kenya providing mobility services to citizens and both direct and indirect employment to thousands.

It is our belief that adherence to this Code of Conduct will take us several steps towards experiencing a socially just public transport system throughout the country.



Figure 1: Pillars of Socially Just Public Transport

1.1 Reference material for the code of conduct

1. Kenya Constitution,
2. Traffic Act CAP 403,
3. NTSA Act 2012 and subsequent regulations,
4. Sexual Offences Amendment Act,
5. Employment Act 2012.
6. Pillars of Socially Just Public Transport

1.2 Code of conduct development process

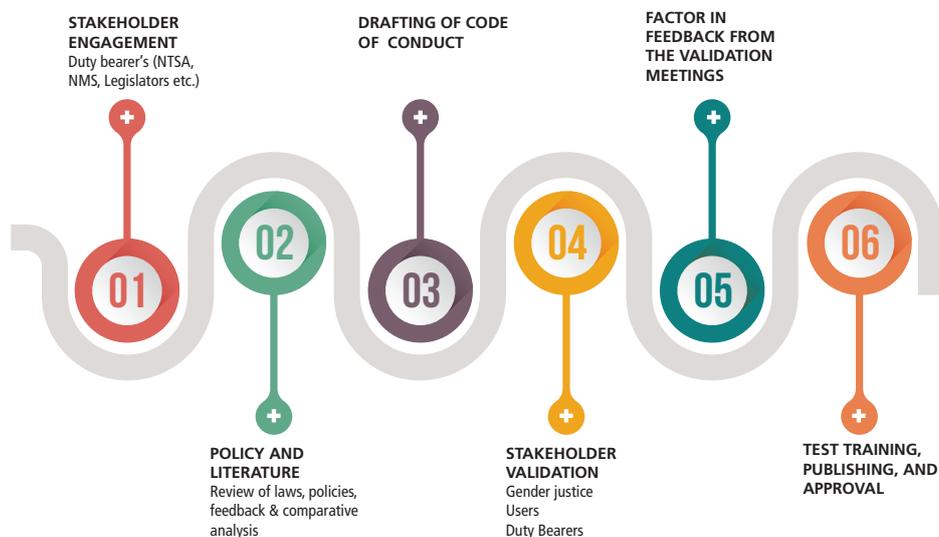


Figure 2: How did we develop this code of conduct?

1.3 Aims of the Code of Conduct

The Aims of this Code of Conduct are:

1. To uphold values, and set behavioral standards of the Sacco, its crew and partners in order to achieve a socially just public transport system
2. To define the fundamental principles for relations with customers, business partners, regulatory bodies, public and county institutions (their representatives), competitors, and crew of the Sacco.
3. To ensure that passengers use an affordable, safe and reliable service while using public transport.
4. To run a public transport system in a manner that will not bring it into any form of disrepute.
5. To ensure that the public transport system runs within the laws of the Republic of Kenya.
6. To promote the welfare and wellbeing of all stakeholders involved in public transport in the republic of Kenya.

1.4 To whom the Sacco is responsible?

As the old adage goes; customer is king/queen, a successful Sacco or business, among other things, is measured by its relationships to customers. How we treat our customers will determine whether we'll continue to be in business or not. However, we also have obligations to the following stakeholders:

1.5 Regulatory bodies

To carry out business that's in line with the laws and regulations that govern the sector and the nation at large.



1.5.1 Shareholders

To give value to our shareholders by carrying out ethical and progressive ideals in our operations



1.5.2 Employees

The backbone of our organization are the employees. Your welfare is important to us because the way we treat you is the way you'll treat our customers.



1.5.3 Business partners

To cultivate meaningful, mutually beneficial and successful long-term relationships with partners, suppliers and contractors based on trust and understanding.



1.5.4 Community

To be responsible stakeholders who practice sustainable business that is beneficial to the community. We will mind the environment, and positively contribute towards a socially just public transport.

1.6 Guiding Principles



1.6.1 Honesty and integrity

We each act with honesty and integrity.



1.6.2 Accountability

We each take responsibility for our own actions.



1.6.3 Respect

We each respect other individuals and treat them with dignity and thoughtfulness.

1.7 General Code

1. Littering is prohibited at stops and aboard all transit vehicles and facilities.
2. Willful spitting, defecating or creating unsanitary conditions by discharge of urine, faeces, vomit or other bodily fluids is prohibited.
3. Interfering with the provision of safe transportation services is prohibited.
4. Loud, unruly behavior and unwelcome physical or verbal contact with crew or passengers is strictly prohibited.
5. Willful bringing into the vehicle odors (except for sick people and those living with disabilities) which unreasonably disturb others or interfere with their use of the transit system -- whether odors arise from one's person, clothes, articles, accompanying animal or any other source -- is prohibited and you will be asked to vacate the vehicle.

1.8 Compliance with legal acts

Compliance with the legal acts is an absolute requirement applied to the Sacco and its crew and employees. Each crew or employee must be thoroughly aware of the legal acts regulating the performance of his/her working functions. The heads must provide their subordinates with all necessary explanations and advice in the field of application of the legal acts in performance of their working functions.

The Sacco is strictly committed to act in compliance with non-discriminatory and fair operational standards, protect environment and ensure safety and health of its employees.

1.9 Control

Where the employees fail to comply with the provisions of the Code of Conduct, the Sacco may apply disciplinary measures, including dismissal. Each crew member shall receive a copy of this Code of Conduct and shall acknowledge himself/herself with this Code of Conduct by signing it.

The Sacco management shall regularly monitor whether the Code of Conduct is pursued, and, if necessary, implement specific monitoring programs.



02.

OBLIGATIONS

2.1 Obligations for NTSA, Kenya Police and Other Authorities

1. Ensure this Code of Conduct is made available to, explained to and understood by owners, crew and passengers;
2. Ensure relevant third parties are aware of, and comply with, the standards, values and behaviors set out in this Code;
3. Monitor compliance with this Code of Conduct;
4. Promote the standards, values and behaviors set out in this Code of Conduct;

2.2 Obligations for Vehicle Owners, SACCO Officials and Management Companies

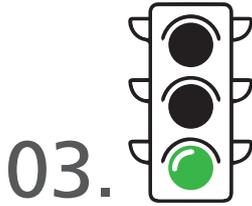
Vehicle Owners, SACCO Officials and Management Companies shall ensure that:

1. Vehicles are kept in a roadworthy condition.
2. Drivers, conductors and other crew are properly trained and licensed in accordance with NTSA regulations.
3. Passengers and potential passengers will be given accurate information whether through notices, advertisements, statements, documents or any other means.
4. Owners shall take out adequate passenger liability insurance.
5. Vehicles will follow the necessary guidelines concerning graffiti and other decorations.
6. Deal with complaints promptly, efficiently and courteously.
7. Provide adequate litter bins and first aid equipment in every vehicle
8. Avail the code of conduct to employees in their SACCOs upon recruitment, so that they are held accountable from the very beginning.
9. Carry out continuous training and sensitization to crew members about the code of conduct.
10. Avail to passengers, accurate information about their company and its operations, fare rates, state of vehicles etc., so that reference and follow up by passengers, in case of anything, becomes easy.
11. To promptly deal with passenger complaints.
12. To facilitate retraining and retesting costs for disciplinary cases against their crew members.

2.3 Obligations for Passengers

1. Pay fare accordingly.
2. Not to physically harm any crew or fellow passengers.
3. Shall not make any sexual advances to crew or fellow passengers in accordance with the sexual offences act.
4. Will not force or coerce the crew to go against any laws and regulations.
5. Will protect fellow passengers and vehicle crew and report any cases of physical or sexual abuse within the vehicle or in the environment of the vehicle to the local police.
6. Refrain from drinking alcoholic beverages or smoking while using a public transport vehicle.
7. Will not carry illegal or dangerous and unlicensed objects while using a public service vehicle.
8. Not extending anything out of windows or doors of moving vehicles.





ETHICS AND INTEGRITY CODE FOR THE SACCO

1. All drivers and crew shall display a high standard of professionalism, commitment to care for themselves, their vehicles, passengers and other road users.
2. Place the safety and welfare of stakeholders above other considerations.
3. Adhere to the Traffic Act, or any other legislation that may repeal or replace the Act, and that drivers in particular adhere to those regulations relating to speed, overloading of vehicles, following distances and overtaking (Obeying traffic rules and regulations).
4. Honor their commitments to customers by applying sound business principles. Not hiking fares due to rain, traffic congestion or mid-journey.
5. Complete journeys as per the stated agreement between crew and passengers.
6. Make an extra effort to assist and protect elderly passengers, passengers with disabilities and children.
7. Attend ethics and compliance training as per the guidelines provided attached to this Code of Conduct.
8. Deal with complaints promptly, efficiently and courteously.
9. Have routine checks to ensure the matatu is mechanically sound, properly insured and licensed before starting a journey.
10. Not drive if medically unfit.



3.1 Alcohol and Substance Abuse

Drivers and conductors should not work under the influence of alcohol and other psychotropic substances. Responsible consumption of alcohol is encouraged when off duty. Drivers and conductors should not be in possession of illegal drugs, or misused prescription medications, or other controlled substances.



3.2 Equality in Opportunities

The Sacco's commitment to equal employment opportunity

1. Discrimination of any kind against passengers or fellow crew members is not acceptable.
2. No crew will discriminate against fellow crew member or passengers on the basis of age, race, tribe, color, nationality, religion, disability, pregnancy, sex/gender, political beliefs, or any other category of law.



3.3 Commitment to inclusion

All crew members ought to be tolerant, accept individual differences and avoid stereotyping others with whom they interact both in line of duty and in the broader community.



3.4 Harassment

The Sacco is committed to providing a respectful, supportive and productive workplace free of verbal, physical and visual forms of harassment by taking disciplinary measures against offenders. No crew or employee is allowed to make unwelcome sexual advances, requests for sexual favours, or other visual, verbal, or physical conduct of a sexual nature to fellow employees or to passengers.

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Examples of sexually harassing behaviour include:

- unwelcome touching;
- staring or leering;
- suggestive comments or jokes;
- sexually explicit pictures or posters;
- unwanted invitations to go out on dates;
- requests for sex;
- intrusive questions about a person's private life or body;
- unnecessary familiarity, such as deliberately brushing up against a person;
- insults or taunts based on sex;
- sexually explicit physical contact; and
- sexually explicit emails or SMS text messages.



3.5 Anti-harassment

Our Sacco is committed to peaceful coexistence and resolving any dispute through laid down internal and external procedures.



3.6. Workplace violence

Employees are strictly prohibited from making threats or engaging in violent activities that's targeted to fellow crew members, employees, passengers, law enforcement officers, and staff of competitors.

The following examples, while not exhaustive provides a guideline to conducts deemed violent:

1. Causing physical injury to another person
2. Not attaching oneself to the exterior of a vehicle while it is moving or stationary.
3. Making verbal, physical or technology medium based threats
4. Forcing passengers to board your vehicle by holding, dragging or verbally abuse them with a view to cause shame thereby making them submit.
5. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
6. Intentionally damaging the Sacco's property or property of another employee or property of a competitor.
7. Possession of ammunition, a firearm, weapon, or other item intended to be used as a weapon while on duty.



3.7 Environmental preservation

All crew are required to keep the vehicles free of litter by ensuring that provided litter bins are used.

Regulate sound in compliance with environmental laws and NTSA's regulations

Don't hang on the matatu while its moving because it endangers you're life and that of other road users.

I/We the undersigned agree to adhere to the above Code of Conduct.

NOTE: This Code of Conduct has been reviewed for adoption by (Insert name of the Sacco).....Sacco

On this _____ Day of _____ 2021

SIGNED BY :-

NAME: _____

SACCO DIRECTOR: _____

WITNESSED BY: _____

