



# People and Culture Policy Manual | 2024



# Table of Contents

INTRODUCTION.....	4
Mission and Core Values .....	4
Our Vision .....	4
Our Mission.....	4
Our Values .....	5
EMPLOYMENT WITH EVIDENCE ACTION [P&C. KE. NRS. 01] .....	6
EMPLOYMENT CONTRACTS AND AGREEMENTS .....	6
EMPLOYMENT CATEGORIES.....	6
COMPENSATION AND BENEFITS I P&C. KE. NRS. 02 J .....	9
COMPENSATION POLICY .....	9
STATUTORY & NON-STATUTORY DEDUCTIONS .....	9
STAFF ACCOUNTS [FOR IMPREST AND BUSINESS ADVANCES].....	10
STANDARD PAY RATES.....	10
SALARY ADVANCES.....	10
COST OF LIVING ADJUSTMENT .....	10
CELL/SMART PHONES.....	10
PENSION.....	10
END OF YEAR/ END OF CONTRACT GRATUITY .....	11
AGE OF RETIREMENT .....	11
INSURANCE.....	11
MEDICAL INSURANCE.....	11
GROUP PERSONAL ACCIDENT/ WIBA INSURANCE.....	12
EMPLOYMENT LIABILITY INSURANCE .....	12
PROFESSIONAL THIRD-PARTY LIABILITY INSURANCE.....	12
LAST EXPENSE BENEFIT .....	12
LEAVE [ PTO - PAID TIME OFF] [P&C. KE. NRS. 03].....	13
ANNUAL LEAVE .....	13
SICK LEAVE.....	14
PARENTAL AND ADOPTION LEAVE.....	14
MATERNITY LEAVE .....	15
PATERNITY LEAVE.....	15
BEREAVEMENT LEAVE.....	15

LEAVE TO ATTEND STUDIES .....	16
LEAVE WITHOUT PAY .....	16
ADDITIONAL LEAVE [CHRISTMAS TO NEW YEAR'S CLOSURE] .....	16
PUBLIC HOLIDAYS .....	16
WORK SCHEDULE [P&C. KE. NRS. 04 ].....	16
WORK HOURS.....	16
WORK DISRUPTIONS .....	17
FLEXIBLE WORK ARRANGEMENT .....	17
WORK ETHICS IP&C.KE.NRS.05 .....	17
WORK SPACE ENVIRONMENT .....	17
SEARCHES AND TESTING .....	17
PERSONAL PROPERTY .....	17
LANGUAGE OF BUSINESS .....	18
WORKPLACE SAFETY MANAGEMENT .....	18
DRESS CODE .....	18
REPRESENTING EVIDENCE ACTION AT EXTERNAL FUNCTIONS .....	18
BUSINESS ENTERTAINMENT .....	18
BUSINESS TRAVEL (P&C. GL. 10] .....	19
SEPARATION FROM EVIDENCE ACTION (P&C. KE. NRS. 06] .....	19
COMPLETION OF CONTRACT .....	19
RESIGNATION .....	19
REDUNDANCY .....	20
TERMINATION DUE TO UNSATISFACTORY PERFORMANCE AND/ OR INAPPROPRIATE CONDUCT .....	20
END OF EMPLOYMENT PROCEDURES .....	21
CLEARANCE FORM.....	21
No FURTHER CLAIMS FORM .....	21
EXIT INTERVIEWS .....	22
CERTIFICATE OF SERVICE.....	22
SOCIAL INCLUSION & DISCRIMINATION IN THE WORKPLACE [P&C.KE.NRS.07J .....	22
CHILD PROTECTION POLICY [P&C. KE. NRS. 08].....	23

# INTRODUCTION

People are the most important asset at Evidence Action. The purpose of Evidence Action People & Culture Policies and Procedures is to ensure that there is a uniform, fair, equitable, and objective way of managing People & Culture issues at Evidence Action.

Evidence Action People & Culture Policies and Procedures serve as a reference for employees for their responsibilities, rights, and obligations and as a guide for managers in the administration of People & Culture Management and Administration.

The provisions contained in these policies and procedures apply, in addition to the rules and regulations of applicable labor laws, with regards to the obligations and rights of employees. Any additions or modifications shall be subject to approval by the Evidence Action Executive Vice President in consultation with the Regional People & Culture Office.

These People & Culture Policies and Procedures, together with the Global People & Culture Policies, establish the terms and conditions of employment for Evidence Action personnel. They are aimed at achieving a balanced and cordial working environment for employees in order to maintain high levels of job productivity and satisfaction.

Where provisions of this Evidence Action People & Culture Policies and Procedures differ from those stated in Evidence Action employment agreements, the employment agreement shall prevail.

## **Mission and Core Values**

Our vision, mission, and values are the core tenets of Evidence Action. They were approved by resolution of the Board of Directors at their May 2017 meeting, and are the result of an extensive process of consultation among staff, leadership, and Board members. What we discovered through this exercise was a deep sense of alignment on the organization's purpose and the principles driving our work. These three components serve as the foundation for our organizational culture and strategy for the years ahead.

### **Our Vision**

Building a world where hundreds of millions of people in the poorest places have better opportunities and their lives are measurably improved.

### **Our Mission**

Evidence Action aims to be a world leader in scaling evidence-based and cost-effective programs to reduce the burden of poverty – defines how we contribute to that vision.

## Our Values

1. **Evidence first.** We are led by the facts. We go where the data takes us. Robust, rigorous evidence informs our choices and decisions.
2. **Think big, act urgently.** We are unrelenting in our pursuit of results at scale. We know that poverty does not wait. We act so that the best ideas deliver benefits to millions.
3. **Iterate, again.** We reflect constantly and adapt accordingly. We test, measure, and improve to ensure impact. If we can do something, we can do it better.
4. **Economize without compromise.** The biggest impact at the lowest cost is what we are after. We ensure value for money for all our stakeholders, but know there is no substitute for quality.
5. **Challenge convention.** We ask “why” and “why not” in equal measure. We are sincere in our skepticism and incessant in our search for solutions.
6. **Passion throughout.** We are driven to lessen inequality, to improve lives. We take action, converting impatience into impact.

The respective in-country Constitution and National Legislations (Acts) governing Employment and Labor matters shall guide the Evidence Action Africa Region People and Culture Policy framework. In the event of any conflict and or inconsistency in the interpretation of these policies, the National Legal Statutes shall take precedence.

The following specific Acts within the Kenyan laws shall apply for personnel based in Kenya:

a) **Employment Act, No.11 of 2007 (Revised Edition 2022)**

This Act repeals the previous Employment Act Cap 226 and it provides for the rights of employees and the basic conditions for employment.

b) **Labor Institutions Act, No. 12 of 2007**

This Act provides for the creation and strengthening of institutions which deal with labor administration and management like the National Labor Board, Wages Council, and provides for the functions and membership of these institutions. It also provides for dispute resolution mechanisms through the National Labor Court.

c) **Work Injury Benefits Act, No. 13 of 2007**

This Act repealed the Workmen's Compensation Act and extended insurance cover and adequate compensation for injury and work-related diseases.

d) **Labor Relations Act, No. 14 of 2007**

This Act repeals the Trade Disputes Act Cap 234 and provides for law relating to trade unions and disputes, their regulation and management, and promotion of the employee's freedom of association with such trade unions.

e) **Occupational Safety and Health Act, No. 15 of 2007**

This Act provides for the safety, health and welfare of employees at their place of employment and prevents the employment of children where their safety and health is at risk.

f) **Income Tax Act Cap 4 70**

g) **National Social Security Fund Act**

h) **Social Hospital Insurance Fund Act**

i) **Any other act or law that is enforced in the duration of the application of this policy document.**

## DEFINITIONS

Background Check - A process of confirming the appropriateness of a candidate for a position by verifying personal information such as academic credentials, credit history, or criminal records.

Immediate Family Member - An employee's mother, father, sibling, spouse or Evidence Action recognized domestic partner, child, or parents-in-law.

Employee - Any member of Evidence Action's workforce who is identified as an employee, in accordance with applicable law, by Evidence Action's People & Culture department.

Leave Request - A request made to an employee's supervisor to take leave from work and made in the BambooHR system.

Leave Request System - a system in which an employee makes and supervisor approves/denies a leave request. The Leave Request System is the "Time Off" section of BambooHR.

Timesheet - An approved paper or electronic form used to document hours worked, paid leave time and other information used to compensate staff, record leave and allocate time.

Workday - Any day of the week, Monday through Saturday, in which an employee performs work at Evidence Action's request.

Redundancy - The involuntary loss of employment through structural changes, reduced funding, or unplanned project closure causing existing employment positions to be rendered no longer needed or inactive.

## EMPLOYMENT WITH EVIDENCE ACTION [P&C. KE. NRS. 01]

### EMPLOYMENT CONTRACTS AND AGREEMENTS

Employment contracts may be renewed based on availability of funds. The duration of an employment contract shall be dependent on the funding duration and or as approved by the hiring manager in consultation with the budget holder and People and Culture Lead (and Sub Regional Director for positions level 7 and above).

Regular employment contracts for staff who successfully complete probation period shall be valid from the actual start date of work. Regular employment contract agreements will be reviewed annually contingent upon successful job performance and funding availability.

### EMPLOYMENT CATEGORIES

#### a. Full time Employees

Employees with regular contracts exceeding six months fall under this category. All full-time employees shall receive confirmation letters upon successful completion of the probation period. Such contracts are subject to review based on the length of the contract after consultations between the supervisor, Budget holder and p&c. The decision to renew a contract shall be based on job performance and availability of funds. These employees are entitled to a full package of Evidence Action staff benefits and allowances as provided for in the People & Culture manual.

Employees whose contracts exceed a period of six (6) calendar months but are less than one (1) year fall within this category. Their benefits and allowances will be computed on a pro rata basis and paid accordingly upon expiry of the contract.

b. Temporary/Contract Employees

Temporary employees fall in the category of those whose contracts run for a period of between One (1) and Six (6) calendar months to perform specific work. Employees in this category are not entitled to a full package of Evidence Action staff benefits and allowances other than their gross salary.

c. Consultants / Subcontractors

Consultants and subcontractors are defined as individuals or teams hired to perform special assignments under written consultant and subcontractor agreements. The need for the consultant shall be determined by the functional Manager and approved by the Country Director /People Team and Sub Regional Director. The hiring of consultants will be based on a competitive hiring process

d. Interns

Interns are defined as graduate, under-graduate, diploma and or certificate-level students who join Evidence Action to gain practical experience in areas relevant to their chosen career on the basis of available opportunities, work demands and student interests. Interns may be compensated monthly with a pecuniary stipend as established by Evidence Action for the engaged period. Internship shall be for a period of six months, with provision to extend for a further up to six months with approval from the Head of Department, People & Culture office and the Budget holder.

Interns will be eligible for annual leave at 2 days per month on an accrual basis. Application for the leave will be via the internal People and Culture system and in accordance to annual leave policy contained herein.

## BACKGROUND CHECKS

Relevant background checks shall be conducted on successful applicants prior to making an employment offer. Credential checking may be conducted by the P&C office using an external specialist service provider.

i. The following background checks may be performed and include:

- ID verification
- Qualifications
- Criminal checks along with US Government requirements such as terrorist background check
- Credit checks (if applicable to the job)
- Driver's license (if applicable to the job)
- Salary slip/s (evidence of current pay) may be requested on a case-by-case basis

## FALSIFICATION OF INFORMATION AND RECORDS

False information supplied to Evidence Action, including, but not limited to, information supplied on CVs, application forms or during interviews relating to experience, education, credentials, past employment, salary history, job responsibilities or other personal information, is grounds for denial of or termination of employment.

It is a major offense to provide false information to Evidence Action. If it is discovered at any time that any information an employee has provided to Evidence Action concerning the employee is false, or the employee has knowingly omitted or concealed any relevant or material facts about his eligibility for employment, the employee will be liable to summary dismissal without notice.

## PROBATION PERIOD

In accordance with the Global P&C Policy, all newly contracted employees on contracts exceeding three months shall be required to serve a minimum of the initial three (3) calendar month probation period. During the probation period, the employee's supervisor will keenly observe and review the suitability of the new staff for the position. The employee shall accrue leave during the probation period but shall not be eligible to take it until the successful completion of the probation period

except in the case of extreme emergencies that shall be discussed and approved by the Supervisor in consultation with the P&C office.

Employees shall receive and accrue 100% of their salary and other entitlements as provided in their regular employment contract agreements during the probation period.

In cases of prolonged absence from work as a result of maternity, sick leave or bereavement leave, the probation period of an employee may be extended for a maximum period of three (3) calendar months. Any such exceptional extension will be reviewed by the P&C office in consultation with the immediate Supervisor and Department Lead.

During the probation period, either party may terminate the regular employment contract agreement by giving fourteen (14) calendar days advance written notice or by payment of fourteen (14) days of salary in lieu of written notice.

Before the end of the probation period, the employee's immediate supervisor shall conduct a performance appraisal of the employee and submit the Probation Assessment Form to the People & Culture office, Budget holder after discussion with the employee. A Confirmation Letter issued by the People and Culture Office will be provided to the employee if the Probation Assessment Form is approved accordingly.

In the event of unsatisfactory performance during probation, the Hiring Manager in consultation with the P&C office and discussion with the employee may extend the probation period for a period not exceeding ninety (90) calendar days along with a written and detailed improvement plan to define specific expectations for improvement. Consistent unsatisfactory performance during probation (especially after extensions) shall result in termination of the contract in line with the performance management policy and the disciplinary code procedures.

## **TIME SHEETS**

Approved and accurate timesheet reports are required for all Evidence Action employees. Timesheets record the number of hours worked and leave taken by employees during each pay period on the time management system. The purpose of timesheets is to accurately document all employee activities and charge them to the proper project or Evidence Action account. All employees are required to submit and have their timesheets approved by their supervisor on or before the last working day of every month. Failure to submit timesheets according to deadlines may result in appropriate disciplinary actions and employees not being paid as scheduled for the following month.

## **PEOPLE & CULTURE FILES**

Evidence Action establishes and maintains a personnel file for each employee. Its contents include documents related to employment and are considered and treated as highly confidential. Personnel files will be stored in both physical and electronic forms and will be serviced and updated by the P&C Department.

Upon request, and in the presence of the P&C lead and or his/her designate, respective supervisors may review personal files of employees who report to them directly. Unless otherwise authorized by the P&C lead, personal files must remain within the in-country head office at all times.

Any request for information from the personal files must be directed to the P&C lead. Disclosure of personal information to outside sources shall be limited. However, Evidence Action shall cooperate with requests from authorized law enforcement or government agencies conducting official investigations.

In order to keep personnel records updated, employees are required to notify the P&C office, in writing, of any changes in:

1. Name and marital status
2. Address and telephone number
3. Number of eligible dependents
4. Emergency contacts
5. Educational attainment
6. Bank details



# COMPENSATION AND BENEFITS | P&C. KE. NRS. 02 J

## COMPENSATION POLICY

Evidence Action maintains a salary structure that is both equitable and competitive. The difference in the rates of pay among job positions within Evidence Action shall consider the relative ranking among jobs in terms of skills and knowledge, efforts, and responsibility. The salary levels shall be competitive with the prevailing market rates given similar conditions and compatible with the fundamental values of Evidence Action.

### Salary Structure

- a. The salary structure provides for the minimum and maximum rate of pay for each position level.
- b. A compensation and benchmarking exercise and adjustments will be conducted every 2-3 years to ensure parity with similar INGOs and competitiveness of Evidence Action salary and benefits.
- c. Increases shall be determined on the basis of performance, adherence to organizational policies and procedures, and ability to meet or exceed duties per job description as well as the accomplishment of performance goals.
- d. Although Evidence Action's salary structure shall be adjusted periodically, management may grant other inflationary adjustments depending on the merit of the situation.

### Payment of Salaries

- a) All employees are paid in arrears such that employee salaries shall be banked in respective employee accounts on or before the last day of each month. In the event that the regularly scheduled payday falls on a weekend or holiday, employees shall receive pay the next day of operation or the day before or the weekend as the case may be.
- b) All errors in salary computation shall be corrected in the next month's pay. All errors in the salary shall be communicated to the concerned employee immediately upon detection.
- c) Pay slips shall be accessible to the employees; the latest date would be the last day of the month. In the pay slip, the calculation of the salary for the whole month shall be shown.

## STATUTORY & NON-STATUTORY DEDUCTIONS

The Finance Department will process and make both statutory and non - statutory deductions from the basic salary and all taxable benefits and allowances of respective employees and remit the same to respective government authorities and other organizations. This function could be outsourced together with the payroll management to an external firm.

The P&C department shall communicate to the finance department on leave-related, organizational damages or lost property recovery related deductions. Employees shall be notified by the People and Culture Department in writing in advance of the deduction being made.

Evidence Action shall make any other non-statutory monthly deductions for debts owed by respective employees as stipulated within its policy framework upon the advice of the employee and remit the same to requisite financial institutions. Such include; cooperative savings, bank loans, excess medical bills, insurance policies, voluntary contributions to pension schemes and similar funds accordingly.

All income of Kenyan employees, including certain entitlements provided during the period of employment, shall be subject to income tax in accordance with the laws of Kenya and/or tax laws. All taxation shall be effected at source. There is no exemption from the payment of statutory charges for all Kenya staff.

Short-term consultants shall be taxed at source in accordance with the current Kenya withholding tax rules and rates of taxation.

## **STAFF ACCOUNTS [FOR IMPREST AND BUSINESS ADVANCES]**

Finance will open a staff account for each employee that is directly linked to payroll whose main purpose shall be to process all financial liabilities that an employee may have with Evidence Action. Such liabilities include field travel expenses, medical excesses and related staff loans (such as HELB loans). The Finance Department shall notify the P&C department in advance of the payroll date for "debts owed" deductions for staff. In turn, the P&C department will notify the staff in writing of the deduction before the payroll date. The deduction may be made provided that the employee's net salary does not fall below 30% within the same month. The deductions shall take priority over any other employee-related obligations such as credit society shares and loans.

## **STANDARD PAY RATES**

Standard rates of pay will be based on the contracted pay week with a maximum 6 day weekly working period for a maximum of 22 working days per month, while the standard hourly rate will be based on 8 working hours per day.

## **SALARY ADVANCES**

The policy of Evidence Action is to pay employees' full salary in arrears at the end of every month worked. Salary advances are not provided as a general rule. The organization however, recognizes that there may arise truly exceptional situations which necessitate an employee to seek a salary advance. Any salary advance requested by an employee under extraordinary, special/emergency circumstances shall be in writing, accompanied by a supporting letter from the line manager, and must be approved by the line manager's supervisor, provided that the employee's net salary does not fall below 30% within the same month. Salary advance shall be recovered in one lump sum from the salary of the month in which the advance is taken, unless the new salary for the month falls below 30% in which case the recovery will be done over a maximum of 3 months.

## **COST OF LIVING ADJUSTMENT**

Evidence Action may make periodic COLA adjustments. Economic indicators within respective countries and the regional market, and organizational budget are taken under consideration. COLA adjustments shall affect staff paid in local currency within respective country programs in line with inflationary computed effects on the in-country cost of living dynamics. However, this adjustment is subject to the availability of the Budget.

Although Evidence Action's salary structure shall be adjusted periodically, management may grant "cost of living" increases depending on the merit of the situation and as provided under the Global Special Measures Policy.

## **CELL/SMART PHONES**

Evidence Action recognizes that employees use personal cell phones to conduct official business. Evidence Action will compensate employees for work-related calls, texts and/or emails. Specific Employees are expected to follow applicable local, state and federal laws and regulations regarding the use of electronic devices while driving. Any employee charged with traffic violations resulting from the use of their devices while driving will be solely responsible for all liabilities that result from such actions.

## **PENSION**

Evidence Action shall contribute the equivalent of 10% of the employee base salary as retirement benefits to the Evidence Action retirement benefits scheme.

Employees are required to match this contribution with 6% of their basic pay. Employees may voluntarily contribute more than 6% but Evidence Action's contribution will remain at 10% of the employee's basic salary.

For the purposes of this contribution, base pay shall include employees' basic pay, housing allowance (if any) and transport allowance (if any).

## **END OF YEAR/ END OF CONTRACT GRATUITY**

The gratuity benefit is paid out to all regular contract employees at a rate of 5% of their annual basic salaries at the end of every calendar year in December. For employees who join during the year, the gratuity will be prorated.

Employees who voluntarily leave the company, have their contract terminated by Evidence Action, or elect to not have their contracts renewed (where the contract expires before the payout period i.e December) will be paid their accrued gratuity on a pro rata basis.

## **AGE OF RETIREMENT**

The official retirement age shall be on the 60th birthday of Evidence Action employees. Employee access to insurance and pension benefits in the event that they are unable to work due to long-term illness or injury will be according to Kenya labor law and regulations.

## **INSURANCE**

### **MEDICAL INSURANCE**

Evidence Action will provide medical insurance for its employees on regular contracts of periods of not less than 6 months.

The employer will make all efforts to ensure that employees have the best comparative medical insurance product in the market, within the allocated budget, and will cover 100% of the premiums for enrollment.

The medical insurance will cover the following benefits within established cover limits;

- Inpatient Cover
- Outpatient cover
- Maternity cover (within inpatient limit)
- Dental cover
- Optical cover
- Last Expense

Medical insurance is renewed annually through a competitively selected medical provider.

### **Procedure**

Employees will be required to fill out an application form from the insurer upon renewal

Required documentation from the employee

Employee/Principal Member	Duly filled application form Copy of ID
Dependent spouse (One spouse only)	Copy of National ID
Dependent children up to the age of 25 years.	Birth notification / birth certificate/ adoption documents

Employees can add new dependents to their medical cover by notifying their in-country P&C representative and filling out the relevant application form.

New employees joining the company will be required to fill out a medical application form during their orientation period; they will immediately be added to the company health insurance scheme.

## GROUP PERSONAL ACCIDENT/ WIBA INSURANCE

WIBA Insurance covers all staff as part of statutory requirement by the Work Injury Benefits ACT. WIBA, together with the Group Personal Accident insurance covers employees for work related injuries leading to Time off work injuries, Partial/Total disability, illnesses and death of an employee.

The Country P&C Lead is responsible of alerting the Insurance provider whenever there are new employees

## EMPLOYMENT LIABILITY INSURANCE

Evidence Action shall ensure that employment liability insurance is in effect at all times per applicable in-country labor laws. Employees sustaining bodily injury by accident or disease arising out of or during the course of employment shall be compensated in accordance with the current rates and limits of the insurance scheme.

## PROFESSIONAL THIRD-PARTY LIABILITY INSURANCE

Professional third-party liability insurance protects staff and Evidence Action against professional negligence arising from the actions of staff during the course of their duties. This mainly relates to staff handling substances in the line of their duties that may have hazardous effects on the beneficiaries in the event of accidental misuse. Evidence Action shall ensure that this insurance scheme is in effect for staff who handle life threatening substances and or interact with clients through medical related situations.

## LAST EXPENSE BENEFIT

### Death of an Employee

Employees who pass away while employed at Evidence Action will be eligible for:

KES 200,000 (Funeral assistance) and 6 months' salary (up to a maximum of KES 1,000,000 payable in 3 installments) to be paid to staff's next of kin. This benefit will be administered through the Group Life Cover, or in absence of a cover, directly by Evidence Action.

### Death of an Employee's Dependent

For the death of family members of staff, Evidence Action will participate indirectly through support of in-country staff welfare schemes by matching employee contributions.



## **Staff Welfare Scheme**

### **Eligibility**

All Evidence Action Kenya Employees are required to contribute and participate in the Kenya staff welfare scheme.

### **Benefit Details**

Evidence Action's contribution to the welfare schemes is dependent on the scheme meeting the below requirements.

1. Each in-country welfare scheme should be formalized - guided by an endorsed constitution or by-laws
2. Should have a membership of not less than 80% of active (current) employees
3. Should have officials in office as guided by the welfare constitution and clear guidelines on the selection of said officials
4. P&C will be in an ex-officio position as an official of each in-country welfare scheme
5. Periodic accountability (audit) of welfare funds

Evidence Action reserves the right to permanently or temporarily suspend its contributions to the scheme and institute disciplinary measures if any of the requirements stipulated above are not met or are violated. Should this happen, the schemes are free to continue their operations. Evidence Action participation in the schemes will however be suspended.

### **Contribution to the Welfare Scheme**

Evidence Action will complement the monthly contribution of employees to the welfare scheme as per stipulated guidelines.

Minimum contribution - USD 250

Maximum contribution - USD 500

Note: Internal monthly Evidence Action exchange rate will apply as will be guided by the Chief Finance Officer at any given time.

## **LEAVE [ PTO - PAID TIME OFF] [P&C. KE. NRS. 03]**

### **ANNUAL LEAVE**

Evidence Action employees will be entitled to 27 days of annual leave in each calendar year.

However, 3 out of the 27 days will be locked to the period between Christmas and New Year holidays and will not be paid to the employee when leaving Evidence Action. When a statutory Public Holiday falls within the leave period, this day will not be deducted from the employee's annual leave balance.

Departments with support from the in-country P&C rep are required to plan out all leave to ensure that it is utilized within the calendar year. Employees can be allowed to carry over up to a maximum of 5 days (including the 2 days earned at the end of December) and shall be applied for by the employee on Bamboo HR within the month of December and must be utilized before Jan 31st of the following year.

Unauthorized annual leave and/or absence from work shall be deducted from accrued annual leave and possible disciplinary actions shall be taken.

### **Procedure**

Annual Leave requests must be submitted via BambooHR at least two (2) weeks in advance for approval by their immediate supervisor unless it's an emergency.

Line managers must ensure that leave requests are approved/denied within 5 working days after the request is submitted ..

Additionally, approved annual leave should be coded on Timesheets as "PTO - Annual Leave".

## **SICK LEAVE**

Sick leave is defined as an absence from duty on account of illness.

In accordance with local labor laws, an employee shall be entitled to a maximum of seven (7) days of sick leave with full pay and an additional seven (7) days of sick leave with half pay, during each period of twelve (12) consecutive calendar months of service.

An additional consideration will be given for 30 days at full pay, 30 days at half pay in cases of short- or long-term disability due to illness or injury upon submission of verified medical records from a certified doctor.

Absence from duty without approval by the immediate supervisor shall result in either deduction of leave days, forfeiture of salary and/or other appropriate disciplinary actions.

In the event of constant sickness, the P&C office and/or the employee's immediate supervisor may request a medical report on the employee to determine the cause of sickness and agree on appropriate methods to manage the case. This must however not compromise the confidentiality of the employee's medical status.

### **Procedure**

The employee's immediate supervisor must be notified as soon as possible and within twenty-four (24) hours of the commencement of sick leave. Requests for Sick Leave shall be recorded through the Leave Request System on BambooHR and noted as appropriate on the Timesheet.

Leave requests for more than two (2) days must be supported by a medical certificate of incapacity to work from a registered medical practitioner to be presented to the People and Culture office when the employee returns to work.

## **PARENTAL AND ADOPTION LEAVE**

The purpose of the Parental Leave policy is to give parents additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations. This policy describes the circumstances in which Parental Leave may be taken, notice provisions, medical certification requirements, coordination with other types of leave, and other matters related to Parental Leave.

In the event of stillbirth or death of a child in infancy, an employee retains his/her entitlement to paid maternity/paternity leave. In these cases, a medical certificate from a qualified medical practitioner or midwife shall be submitted to the P&C Office. An employee who is legally adopting a child is entitled to leave with full pay similar to statutory parental leave. The child being adopted must be younger than 5 yrs. . The employee is required to provide documentation evidencing the intention of the adoption society to place the child in the employee's custody, including a custody agreement between the employee and the adoption society and an exit certificate (which is written authority given by the adoption society to the employee to take the child from the custody of the adoptive society).

## MATERNITY LEAVE

Evidence Action celebrates all new arrivals to the Evidence Action family. All female employees shall be entitled to maternity leave equivalent to ninety (90) calendar days per calendar year with full pay, in accordance with Kenyan law. Women who adopt children are entitled to one month's pre-adoptive leave with full pay from the date of the placement of the child. All employees will have their salary paid in full during maternity leave, and have the right to return to the job they held before taking leave. No female employee shall forfeit her annual leave on account of having taken her maternity leave.

### **Procedures;**

We ask that employees provide Evidence Action with 3 months' notice, and agree to train their temporary staff replacements (if needed).

Requests for Maternity Leave shall be recorded through the Leave Request System on BambooHR and noted as appropriate on the Timesheet.

Furthermore, we actively recommend that this leave period begins at least two (2) weeks before a due date. Managers are not permitted to deny a maternity leave start date within this two-week period.

## PATERNITY LEAVE

Male employees shall be entitled to paternity leave with full pay equivalent to fourteen (14) days per calendar year with full pay, in accordance with Kenyan law upon birth or adoption of a child.

Paternity leave may be taken continuously or incrementally but shall be completely used within three (3) calendar months of the delivery or adoption date of the child. No male employee shall forfeit his annual leave entitlement on account of having taken his paternity leave.

### **Procedures**

An employee shall submit a written request for parental leave to her immediate supervisor at least three (2) calendar months prior to the estimated delivery or adoption date of the child. Requests for Paternity Leave shall be recorded through the Leave Request System on BambooHR and noted as appropriate on the Timesheet.

## BEREAVEMENT LEAVE

This information provides the policy and procedures regarding the use of paid Bereavement Leave, a supplemental benefit provided for all Evidence Action Employees in the event of a death of an immediate family member (father, mother, spouse/recognized domestic partner, sibling, child and parents-in-law). Bereavement leave will be for a duration of 5 days per calendar year.

Bereavement Leave is in addition to Sick Leave and other forms of paid time off. During this period, Employees will continue to receive full salary, wages, benefits, and accrual of all benefits.

### **Procedures**

Requests for Bereavement leave should be requested via the Leave Request System. Employees and supervisors should be mindful of the impact upon other team members who are left to fulfill the duties for those who are out.

Additionally, approved bereavement leave should be coded on Timesheets as "PTO - Compassionate Leave".

## LEAVE TO ATTEND STUDIES

Evidence Action recognizes the importance of continuous learning and staff capacity development and wants to encourage those pursuits.

Staff pursuing long term courses (such as Certificate courses of 6 months and above; Diploma, Degree and Graduate level courses) may request for leave to pursue coursework or sit for examinations. Such leave shall be recovered from annual leave and therefore shall be requested as an annual leave request.

### Procedures

Annual Leave Requests shall be completed via the leave request system for all Evidence Action staff and submitted at least two (2) weeks in advance for approval by their immediate supervisor.

Line managers must ensure that leave applications are approved/denied within 5 working days after the application is made.

Additionally, approved annual (study) leave should be coded on Timesheets as "PTO - Annual Study Leave".

## LEAVE WITHOUT PAY

In rare circumstances, unpaid leave of not more than three calendar (3) months may be approved in writing by the Supervisor in consultation with the relevant country, subregional or regional departments and P & C on a case by case basis .

## ADDITIONAL LEAVE [CHRISTMAS TO NEW YEAR'S CLOSURE]

Kenya offices close between Christmas Day (25 December) and New Year's Day (1 January). Such leave shall not be counted against the annual leave entitlement.

## PUBLIC HOLIDAYS

Evidence Action shall observe all official gazetted public holidays recognized by the Kenya Employment Act.

## WORK SCHEDULE [P&C. KE. NRS. 04 I

### WORK HOURS

Evidence Action employees must approach the office as a professional workplace. Typical working hours are from 8.00am to 5.00pm, with a one-hour lunch break. After (07.00 pm), the office will be closed to provide a good time for employees to get to where they live safely. In special or extraordinary circumstances necessitating employees to work beyond 7:00 pm, employees will be facilitated with transport or escort to get home safely. The transport provisions for late hours working must be approved by the budget holder the taxi services are to be billed to.

Depending on the nature of work, employees may be required at times to work outside the official office hours. The maximum work week comprises six (6) days a week. Actual working days will be scheduled based on work demands and as per staff employment contracts.

Sundays and gazetted public holidays will be considered off-duty days. Notwithstanding the provisions of this clause, all employees shall be entitled to at least one (1) rest day in a week.



## WORK DISRUPTIONS

Evidence Action recognizes that from time to time, circumstances in the areas where we operate may arise that could create safety issues for employees. In these cases, office closures will be determined by the Country Director or his/her designee or appointed committee. Any decisions to close the office for days other than national holidays will be communicated by email and/or through the phone tree, as applicable. An employee must evaluate his or her own situation in determining whether it is safe to travel and is advised to communicate this with their supervisor. Consideration should also be given to whether certain work can be carried out remotely.

## FLEXIBLE WORK ARRANGEMENT

Given the nature of work some employees need to work late in the evening due to their nature of collaboration with team and external contacts based in different geographies. Hence, we recognize the need for flexible working hours. Flexi-time is allowed as long as staff work for at least the minimum number of hours required for each timesheet period. This will be based on the nature of the position and work. Flexi time will involve a working schedule of core hours falling between 10:00 am and 16:00 hours (04:00 pm). This is to enable optimal facetime for staff to meet and work collaboratively. Flexi working hours must be approved by the immediate Supervisor and should be pegged on actual and agreed upon deliverables between Supervisors and respective employees.

Formal meetings planned to happen earlier than 10:00 am must be attended by Staff. Work schedules that vary considerably from the official work schedule require prior approval from the employee's immediate supervisor.

## WORK ETHICS IP&C.KE.NRS.05

### WORK SPACE ENVIRONMENT

Good work habits and a neat work environment are essential for job safety, satisfaction and efficiency. All employees are expected to keep their work areas clean and organized. Common areas such as conference rooms or kitchens shall be kept free of clutter by those using them. Employees are expected to report anything that needs to be repaired or replaced to the appropriate staff member. As part of normal work, employees are expected to confer in groups of two or more. In case the consultation requires a long conversation, it is a good practice to step out of the group working space to cause minimal disruption to others working in the space.

## SEARCHES AND TESTING

To protect the health, safety, and welfare of its employees, Evidence Action reserves the right to require any employee to submit to a search when reasonable suspicion exists as to the possession and/or consumption of alcohol or another controlled or illegal substance.

Evidence Action reserves the right to require any suspect employee to submit to chemical and/or medical tests administered by a registered medical practitioner or laboratory chosen by Evidence Action. An employee's failure to comply with Evidence Action's request for a search and/or test may result in appropriate inferences being drawn and possible disciplinary action.

## PERSONAL PROPERTY

Employees are responsible for personal property brought to Evidence Action premises or taken on business trips and are expected to take appropriate precautions to safeguard both personal and Evidence Action property. Evidence Action shall not

be responsible for any loss of personal property. Any incidents involving theft of Evidence Action property shall be reported to the immediate supervisor and the Operations Lead .

## LANGUAGE OF BUSINESS

English shall be the official language in all Evidence Action correspondence and documentation. Employees are strongly discouraged from using their mother tongue languages during official working hours and or functions, especially in the presence of other staff who do not understand the said mother tongue and or local language

## WORKPLACE SAFETY MANAGEMENT

Evidence Action is committed to maintaining a safe and healthy workplace for its employees. The protection of employees and visitors is the primary objective in any life- threatening emergency situation. All emergencies, including security threats, accidents, fires and medical problems, shall be reported to the immediate supervisor, Operations Lead and the Country People and Culture office immediately.

Employees who violate health and safety standards, cause hazardous or dangerous situations, fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action.

## DRESS CODE

All staff represent Evidence Action with their appearance as well as with their actions, even when job responsibilities do not require direct contact with people from outside the organization. Employees are allowed to dress business casual at the office but are expected to dress appropriately according to the nature of the occasion or event and the type of work performed.

## REPRESENTING EVIDENCE ACTION AT EXTERNAL FUNCTIONS

Evidence Action employees are the organization's best ambassadors. At conferences, professional meetings and other external events, it is expected employees will hold true to the values and image of the organization.

If an employee is representing Evidence Action at an external activity where s/he may be called upon to discuss Evidence Action policy and activities, it is important that the employee be familiar with the current key messages to be conveyed about Evidence Action. These messages exist so that a consistent image of Evidence Action is maintained and to position Evidence Action in a way that has been determined optimal by the organization.

Supporting material is also available to all Evidence Action employees on the Communications intranet page. However, employees are requested to exercise reasonable and good judgment in use. A reminder that employees are **not permitted** to comment on sociopolitical, security, religious or public health matters on behalf of Evidence Action or whilst representing Evidence Action.

## BUSINESS ENTERTAINMENT

Business entertainment expenses may be incurred when Evidence Action employees entertain business associates, professional colleagues and others during which business discussions take place. Evidence Action expects necessary and appropriate business entertainment expenses to be consistent with circumstances and governed by good judgment and reasonable restraint. All expenses shall be itemized per event and supported by original receipts. Purchase of alcoholic beverages is not allowed by Evidence Action policy.

## COMPLAINTS AND FEEDBACK

All material on the Evidence Action [website](#) has been cleared for external audiences. As such, employees are permitted to refer to information on the website as part of engagements with relevant audiences. This includes using relevant data and language in presentations. However, all are reminded that material intended for an audience of 100 and above external persons is subject to approval by External Relations [as per policy](#).

In the event that Evidence Action employees receive disputes and advisory from partners about content on the [website](#), this feedback is to be brought to the attention of their immediate supervisor and Human Resources (HR) lead. The immediate supervisor is responsible for consultation with relevant internal departments to escalate and resolve the issue or provide clarity.

However, for matters requiring senior leadership attention, the partner raising the query shall forward it in writing to the Regional Director's office, who will determine how to handle the same in consultation with other senior leadership. Such matters may include (but are not limited to); questions related to potentially controversial subjects such as Evidence Action's policy on condoms, abortion, church/faith-based scandals, political discourse, or sexual orientation. Employees are not to discuss these matters with partners or represent Evidence Action's position on these matters.

All inquiries from organizations who want to establish links to their website from Evidence Action's and vice versa shall be directed to the Regional Director's office.

## BUSINESS TRAVEL (P&C. GL. 10]

From time to time, Evidence Action may request an employee to travel in relation to their work related duties. Please see Evidence Action's Travel Policy and the appropriate country's [Finance Policy](#) for further information on business travel.

## SEPARATION FROM EVIDENCE ACTION (P&C. KE. NRS. 06]

### COMPLETION OF CONTRACT

Contractual termination may be caused by lack of, or diminishing donor funds, Non-Fulfillment, and or End of Donor Contract. Unless otherwise specified in the employment contract agreement, Evidence Action shall, whenever possible, give the employee one (1) calendar months prior notice if termination of employment is due to lack of funds, non-fulfillment of contractual obligations by the donor or the donor contract is ending.

Employees in grade Level (5) and above shall be given at least two (2) calendar months' notice.

## RESIGNATION

Voluntary resignation is a willful and deliberate decision by the employee to leave employment with or without explanation. Unless otherwise specified in the employment contract agreement, either of the parties may terminate the employment contract by giving at least one (1) calendar month prior notice in writing to the other or by payment of the equivalent salary /wages of the period.

Employees in grade Level (5) and above shall give at least two (2) calendar months' notice.

Employees who resign voluntarily shall meet with the Evidence Action People & Culture to discuss the reason for resignation, mutually agreed last work day, and the clearance and handover process. The P&C lead shall acknowledge the resignation in writing indicating the last work day and the end of employment procedures.

Employees suspended for Gross Misconduct who, on completion of the investigation it is found that gross misconduct has occurred, shall not be offered the opportunity to resign voluntarily.

## REDUNDANCY

Evidence Action may terminate the employment of an employee if his or her position becomes redundant due to changes in relation to Evidence Action's objectives such as:

- Changes in strategy;
- Organizational changes to improve operational or functional efficiency;
- A specific position is no longer required or revised to such an extent the employee no longer meets the qualifications/requirements; or
- Reduction in funding.

In the event of redundancy, Evidence Action shall notify affected employees in writing including the reasons and conditions for the separation.

Staff members who separate due to redundancy may be entitled to payment of the following entitlements according to respective and appropriate in-country labor laws and regulations (local legal counsel should be consulted):

- Salary in lieu of notices excluding entitlements.
- Salary and entitlements for any days worked up to the last work day.
- Salary and entitlements in lieu of any leave earned but not taken.
- Severance pay at the rate of not less than fifteen days' pay for each completed year of service.
- Any other ex-gratia payments at the discretion of Evidence Action.

## TERMINATION DUE TO UNSATISFACTORY PERFORMANCE AND/OR INAPPROPRIATE CONDUCT

Evidence Action may implement involuntary termination for reasons of unsatisfactory performance and/or inappropriate conduct.

- a. If an employee's performance is considered unsatisfactory, he or she will be subject to a Performance Improvement Plan (PIP) for a maximum period 3 months twice upto 6 months. If there are no signs of significant improvements during this period, Evidence Action may decide to terminate employment.
- b. If it has been determined that an employee has committed a serious breach of the Code of Conduct or other Evidence Action policies, an employee's employment may be terminated as outlined under:

Unless otherwise specified in the employment contract agreement, Evidence Action shall, whenever possible, give the employee one or two calendar months', as per stipulated in the staff's contract, if termination of employment is due unsatisfactory performance or conduct except in the case of Gross Misconduct.

Employees in grade Level (5) and above shall be given at least two (2) calendar months' notice.



All employees subject to dismissal for unsatisfactory performance or conduct shall be offered the opportunity to resign except in the case of Gross Misconduct. The local or in-country legal counsel shall be notified of all dismissals.

## RETIREMENT

Employees shall retire at an age prescribed in their local labor laws. People and Culture will issue notice of retirement 6 months before the employee's retirement date. The final salary and benefits shall be paid to the staff including all insurance pension benefits. The usual clearance process shall be followed by retiring staff.

## DEATH

In the event of the death of an employee, the final salary and benefits shall be paid to his/her appointed legal representative or next of kin. Insurance and pension benefits will be paid to the nominated beneficiaries.

## END OF EMPLOYMENT PROCEDURES

When separating from Evidence Action, out-going employees are required to submit a written Hand-over report describing all pending work to their immediate supervisor. The People and Culture Office may request a copy of the report for confirmation.

Before any termination entitlements can be released to the employee, s/he shall be required to return all equipment, assets and any other Evidence Action property to the People & Culture office. Before final entitlements are issued, the out-going employee is required to complete and sign the following forms:

1. Clearance Form
2. No Further Claims Form
3. Exit Interview (optional, may be done in writing or in person)

## CLEARANCE FORM

Out-going employees are required to complete a Clearance Form that shall be signed by his/her immediate Supervisor, Program/Department Manager, and an People and Culture representative.

During the clearance process, the People & Culture Department will remind the employee to return any equipment that was issued to them and settle any outstanding obligations with the Finance Department as required. The People & Culture office shall advise the Finance Department when the necessary forms have been completed and give approval to release any final payments. Final payments made to out-going employees shall be net of all liabilities including statutory deductions when applicable. Net payments shall be made separately from payroll by either check or Electronic Fund Transfer (EFT).

In the event that an outgoing employee has not completed laid down procedures i.e. signing of the clearance and no further claims forms, People & Culture will require the supervisor to outline efforts made to get the employee to clear with the organization before exit. This will be captured through the employee non clearance notification form.

## NO FURTHER CLAIMS FORM

No Further Claims Forms shall be prepared by the Finance Department and reviewed by the People and Culture Office. After an employee submits their completed Clearance Form, the People & Culture Office presents the No Further Claims Form to the out-going employee for review, verification, and signature. Out-going employees are required to sign this as a verification of the final dues owed to them. The original form is filed in the employee's personnel file. A copy is filed in payroll files.

## EXIT INTERVIEWS

Evidence Action employees who are dismissed, resign, or retire are requested to participate in a voluntary exit interview with the People & Culture office. If the employee chooses to participate, the People & Culture office shall keep a copy of the exit interview on file.

## CERTIFICATE OF SERVICE

An employee shall be issued a Certificate of Service upon leaving employment provided s/he has served for a continuous period of not less than six (6) calendar months. The Certificate of Service shall only be issued to an employee who completed and submitted the Clearance Form and No Further Claim Form.

The Certificate of Service shall contain the following details:

- i. Name of employer and office location
- ii. Name of employee
- iii. Date when employment commenced
- iv. Nature and usual place of employment
- v. Date when employment ended
- vi. Any other details that may be deemed relevant

## SOCIAL INCLUSION & DISCRIMINATION IN THE WORKPLACE [P&C.KE.NRS.07J]

We believe that a diverse team allows us to achieve a well--rounded balance of ideas and opinions that ultimately results in better decisions.

To this end, we actively promote diversity in the workplace, and our recruitment practices encourage employees from various backgrounds

Employee background will never, ever be an influencing factor of any professional development, promotions, compensations, benefits or any other People & Culture policy or procedure.

As stipulated in the Kenya Employment ACT Evidence Action will not practice or tolerate discrimination on grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, marital status or HIV status.

We will treat all cases of staff discrimination against others extremely seriously. Any employee who feels that Evidence Action or another member of staff is breaching this policy against them or anyone else, should contact the People & Culture department as soon as possible.

# CHILD PROTECTION POLICY [P&C. KE. NRS. 08]

The Evidence Action Child Protection policy has been developed in line with International Standards relating to the UN Convention on the Rights of the Child and A common approach to child protection for International NGOs. These standards include the guidance that all NGOs working internationally should have a child protection policy if its direct or indirect beneficiaries include individuals under the age of 18.

Evidence Action employees do come into contact with children aged below 18 years on a regular basis during their program/project and field/office activities. Evidence Action's child protection policy, procedures and practices will also be informed by the Kenyan legal framework and Constitutional (2010) dispensation.

**Scope of the Policy:** This policy applies to all Evidence Action employees and representatives of partner agencies who have a formal relationship with Evidence Action.

**Definitions:** According to Kenyan law, a child is defined as anyone under the age of 18 years who is NOT in the possession of a valid National Identification (ID) card.

**Abuse:** A deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well being, dignity and development into adulthood. Abuse includes all forms of physical, sexual, psychological or emotional ill treatment. It also consists of anything individuals, institutions or processes do or fail to do which directly or indirectly harms children or damages their prospects of self and healthy development into adulthood.

**Sexual exploitation and harassment** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation and or harassment of another.

**Protection:** Measures and structures to prevent and respond to abuse affecting children. It includes a set of policies, procedures and practices that we employ to ensure that Evidence Action itself is a child safe workplace.

As an organization that respects the rule of law and tenets of good practices, Evidence Action will aim to ensure that its staff and formal partners are aware of and respond appropriately to issues of child abuse and the sexual harassment and or exploitation of children. This policy forms the basis by which the Evidence Action Senior Leadership Team will ensure that anyone who represents our organization behaves appropriately towards children and does NOT abuse the position of trust that comes with being a part of Evidence Action.

## Guiding Principles

This policy is based on the following principles:

1. The Constitutional rights of ALL children as enshrined in the Kenyan Constitution of 2010
2. All children have a right to protection.
3. The welfare of children is paramount.

Evidence Action will aim to achieve the foregoing through:

Preventing abuse of children where possible by setting in place and implementing systems, policies and procedures to protect children through best recruitment practices, effective staff induction and training, creating an open and conscious corporate culture, assigning clear management responsibilities and involving children appropriately in their own protection.

In the event of disclosure or discovery of abuse; setting in place clear guidelines and procedures for reporting and reacting, dealing promptly and properly with incidents, supporting victims and holding perpetrators to account.

All those who come into contact with children and mothers in their everyday work have a duty to safeguard and promote the welfare of children. Confidentiality will be maintained in dealing with allegations of child abuse by Evidence Action staff or partners.

All representatives of Evidence Action must demonstrate the highest standards of behavior towards children both in their private and professional lives. They must not abuse the position of trust that comes with being a part of Evidence Action.

### **Procedure**

The following procedure shall be followed:

Ensure that all Evidence Action employees, partners and other representatives are aware of the problem of child abuse and sexual exploitation and the risks to children. Children and their families will be made aware of the standards of behavior they can expect from our representatives and of how they can raise a concern.

Ensure that all staff, partners and other representatives minimize risks and prevent harm to children.

Staff and managers will create an environment where children's rights are respected and child abuse and sexual exploitation and or harassment of children is prevented.

Ensure that all staff, partners and other representatives are clear as to when to report concerns and what steps to take where concerns arise regarding the abuse or exploitation of children. Ensure that action is taken to respond by supporting, safeguarding and protecting children where concerns arise regarding their possible abuse and exploitation.

As part of the Evidence Action Child Protection Policy, employees with a baby (babies) who are six (6) months and below will be allowed to bring the young baby(ies) and their nanny on official trips. Evidence Action will not bear the cost of the child or nanny. Costs associated with their travel shall be borne by the employee. This arrangement shall be subject to approval by the department Lead in consultation with the People and Culture Lead and will be made with the immediate Supervisor.

Evidence Action staff are instructed to conduct themselves appropriately and adhere to the protocols in place at the field sites and facilities when interacting with children. All Evidence Action employees have a duty to act if children are not being protected and must respond to:

- i. A child who says either they or another child is/are being abused;
- ii. Allegations against a member of staff/volunteer or another young person; and
- iii. Concerns about a child's welfare where there is no specific disclosure/allegation.

If an Evidence Action staff member suspects any misconduct on behalf of another Evidence Action staff member, parent, or guardian, they must report it to the appropriate authorities. Site staff will be equipped with the necessary information for referrals to community services, including local child protection services.

Employees, partners and other representatives must never:

- I. Hit or otherwise physically assault or physically abuse children.
- II. Engage in sexual activity or have a sexual relationship with anyone under the age of 18 years regardless of the age of majority/consent or custom locally. Mistaken belief in the age of a child is not a defense.
- III. Develop relationships with children which could in any way be deemed exploitative or abusive.
- IV. Act in ways that may be abusive in any way or may place a child at risk of abuse.
- V. Use language, make suggestions or offer advice which is inappropriate, offensive or abusive.
- VI. Behave physically in a manner which is inappropriate or sexually provocative.
- VII. Have a child/children with whom they are working to stay overnight at their home unsupervised unless exceptional circumstances apply and previous permission has been obtained from their hiring manager.
- vii. Sleep in the same bed as a child with whom they are working.
- viii. Sleep in the same room as a child with whom they are working unless exceptional circumstances apply and previous permission has been obtained from the Regional Director and or his/her designate.
- ix. Do things for children of a personal nature that they can do themselves.
- x. Condone, or participate in, behaviors involving children which is illegal, unsafe or abusive.
- xi. Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.



- xii. Discriminate against, show unfair differential treatment or favor to particular children to the exclusion of others.
- xiii. Spend excessive time alone with children away from others.
- xiv. Place themselves in a position where they are made vulnerable to allegations of misconduct.

The above is not an exhaustive or exclusive list. Staff, partners and other representatives should at all times avoid actions or behavior which may allow behavior to be misrepresented, constitute poor practice or potentially abusive behavior.

#### Dealing with allegations of child abuse

If an allegation is made against a member of staff, volunteer, partner or visitor, the following must take place:

- I. Treat the allegation seriously and report it to the relevant authorities e.g. Program Lead, Coordinator or management of the health facility.
- II. Record all the details in a written report, stating as well how you become aware and any other relevant details, omitting any personal opinions or judgments. m.
- III. Do not attempt to judge or investigate allegations yourself. 1v.
- IV. Confidentiality must be maintained at all times.
- V. Find an opportunity to de-brief if necessary to keep self-safe.

#### Consequences for non-compliance

If an employee fails to comply with the Child Protection Policy and the code of Conduct, corrective action will be taken in accordance with Evidence Action's Disciplinary Policy and Procedures. In serious situations concerning child abuse, the respective country Laws shall take precedence.

## DISCIPLINARY PROCEDURES

Disciplinary procedures are a formal system for addressing violations of standards of conduct by an employee. Any breach of staff regulations, professional misconduct, or negligence on the part of the employee in his/her duties or negligence in a common work/living Evidence Action compound, may lead to disciplinary measures.

### Categories of Disciplinary Offenses

Disciplinary offenses are classified as either Misconduct or Gross Misconduct; as explained below.

### Misconduct

Misconduct includes failure by employees to comply with Evidence Action's Code of Conduct, People & Culture policies and guidelines, breach of any terms and conditions of employment, or any other act or omission specified in the policy as misconduct. Misconduct excludes acts or omissions singled out as gross misconduct.

Misconduct includes but is not limited to actions such as: -

- Lateness, early departure or absence from work without approval from supervisor;
- Misuse of resources e.g. telephone, social media, email;
- Failure to account for Evidence Action's funds such as imprest / other resources advanced within specified time limit;
- Deliberate damage to Evidence Action's equipment or property or to another employee within Evidence Action's premises;
- Negligence that may pose danger, harm or loss to Evidence Action, its employees and the general public;
- Negligence of duty;
- Unauthorized movement of property out of Evidence Action's premises;
- Racial or other arbitrary discrimination;

- Making disparaging comments on Evidence Action or its employees;
- Breach of any policies or rules communicated by Evidence Action from time to time;
- Financial embarrassment; and
- Abetting misconduct.

## Gross Misconduct

Gross misconduct includes but is not limited to: -

- Insubordination;
- Use of abusive language;
- Unauthorized release of Evidence Action's document / information that is not publicly available;
- Intoxication rendering employee unwilling or incapable to perform duties/work mates;
- Vacation of office without leave or other lawful cause;
- Willful negligence to perform any work that is the employee's duty to perform under contract; or improperly and/ or carelessly performing such duties;
- Failure to obey a lawful and proper instructions which is in the employee's scope to obey issued by Evidence Action or a person placed in authority by Evidence Action;
- Corrupt practices and breach of integrity including fraud, forgery, taking/giving bribes, misappropriation of funds, theft, undue influence, falsification of documents etc.;
- Physical assault, threats or bullying to other staff or the general public within Evidence Action's premises;
- Sexual and Physical harassment;
- Intentional damage to or tampering with Evidence Action's property, documents or information;
- Breach of confidentiality, unauthorized sharing of document or information to external persons; and unauthorized media representation or communication with the public;
- When an employee commits, or on reasonable and sufficient grounds is suspected of having committed, a criminal offense against or to the substantial detriment of his employer or his employer's property.
- Repeated misconduct or one that has been determined to be severe will be considered as gross misconduct; and
- Any behavior identified as gross misconduct in the Employment Law currently in force.

## Obligation of Management

It is critical that Evidence Action maintains a professional work environment. Unacceptable conduct is not tolerated and management has an obligation to react to violations of Evidence Action policies. In cases of employee misconduct, the line manager is responsible for defining an appropriate response. This must be based on an investigation clarifying responsibility and reason for the misconduct.

Management should always react to any violation of the terms of employment contract, Evidence Action Code of Conduct, or the JD. Any breach of staff regulations, violation of Evidence Action policies, professional misconduct, misconduct (at work or outside work) or any negligence on the part of the employee will lead to disciplinary measures.

# Types of Disciplinary Instruments

Depending on the nature of misconduct, management may use the following instruments (the list is however not exhaustive):

## I. Guidance/ Verbal Warning

Not all performance or behavioral problems require formal action. Managers are encouraged to utilize the guidance approach for cases of minor misconduct. In this case, the manager shall have a conversation with the employee outlining the nature of the problem and providing a suggested approach to prevent its recurrence. The purpose is to provide guidance on expected performance or conduct, and agree on a timeframe for expected changes. The conversation must take place immediately after the offense.

Even though these corrections are regarded as informal, the manager documents the conversation and agreed action points.

While these informal corrections are reserved for those situations deemed to be clear misunderstanding or mistakes, failure to respond appropriately or repetition of the same mistake will inevitably result in more serious disciplinary actions.

## II. Official Warnings

An official warning is formal and is used for misconduct that constitutes a problem that Evidence Action cannot accept. The purpose of official warning is to stop the misconduct and inform the employee that continued violation or poor performance will have consequences for continued employment with Evidence Action.

When an employee commits a misconduct, the manager is responsible to define an appropriate response. The manager notifies and consults with People and Culture to confirm whether the misconduct warrants an official warning as the appropriate response.

The manager must hold a conversation with the employee to inform him/her that the misconduct is unacceptable, after giving the employee an opportunity to explain himself (in writing). If the employee's explanation is unsatisfactory, the manager informs the employee that an official warning will be issued.

The warning letter is drafted by People & Culture in consultation with the line manager and endorsed by the Country Director. Once reviewed, the manager signs the warning letter and calls for a face-to-face meeting with the employee to issue the warning letter. A People and Culture representative must be present in the meeting. The employee is expected to sign the warning letter within 72 hours, a signed copy is kept in his/her personnel file.

An official warning letter is void after a period of one year provided the employee does not commit further misconduct. If an employee who has already received two warnings commits a third misconduct, he shall be liable to summary dismissal which shall be carried out in accordance with the stipulated procedure.

## Content of Official Warning

An official warning must contain the following

- The nature of violation i.e. the specific rule violated or performance problem;
- Reference to the conversation meeting with the employee, including any statements made by the employee during the meeting;
- Statement on what management expects on the employee's behavior or performance;
- Timeframe for achieving the expected improvement or changes;

- Follow-up meeting to review progress;
- Any support (where relevant) that Evidence Action will provide to assist the employee;
- Statement that repeated misconduct or poor performance will result in further disciplinary action including termination of contract;

The fact that the employee does not have the same understanding as his/her manager on their performance or misconduct has no effect on the validity of the warning. The employee signs the warning letter to acknowledge receipt. If the employee disagrees, s/he is still required to sign the warning letter and attach a response on the areas of disagreement within 72 hours upon receipt of the warning letter. If the employee declines to sign the warning letter, the person issuing it should endorse this on the letter and sign it.

The secondary line manager is responsible to call a hearing meeting with both parties to resolve the issue by reviewing the facts of the case and the written response provided by the employee. If the matter is not resolved, the Country Director will call a final meeting to review the case and give a final determination. The final decision and all related documentation including the employees' response and signed warning letter will be filled in his/her personnel file.

### III. Temporary Suspension

A temporary suspension is an administrative procedure which may last up two months, and may be extended for valid reasons. An employee may be temporarily suspended to permit for an effective investigation. Such suspension will be on 50% pay. Where the investigation and findings does not lead to disciplinary action, the employee will be reinstated to his/her position and any retained salary/benefit will be paid. In case of unclean discharge, the employee will be dismissed effective immediately.

### IV. Termination and summary dismissal process

In exceptional cases where the misconduct or violation is considered as serious or gross, an employee will be terminated with notice or summarily dismissed without any prior official warning. Termination and Dismissal must be discussed and approved by the Country Director/ EVP. The employee will be entitled to salary and benefits up to the date of termination or dismissal. Evidence Action may witness the employees packing of his/her desk/room, and the employee may be escorted off the premises.

- After conducting investigations and confirming that there is evidence of culpability on the part of the employee, the employee will, at a meeting conducted by the Line Manager, be given an explanation of the reason why Evidence Action is considering demotion, surcharge, terminating or summarily dismissing them. The employee shall be entitled to have an Employee representative present during the explanation;
- At the end of the meeting, the employee shall be issued with a written notice to show cause containing the allegations and requesting the employee to respond to the allegations within three (3) working days. Copies of the available evidence, including statements, shall be given to the employee;
- Upon review of the response, the employee will be advised whether or not the response is satisfactory or whether they are required to attend a disciplinary hearing.
- The letter inviting the employee for the disciplinary hearing shall contain details of the date, time and venue of the disciplinary hearing. The employee shall also be advised of their right to be accompanied to the disciplinary hearing by an Employee representative;
- The employee shall be given at least three (3) working days prior notice of the holding of a disciplinary hearing;
- The disciplinary panel shall comprise of, at a minimum, an independent chairperson, a representative of People and Culture who shall also take the minutes of the hearing/organize for the session to be recorded, and the employee's Line Manager.
- The employee shall be required to notify Evidence Action of any witnesses they will be calling at least one day before the disciplinary hearing;

- The purpose of the disciplinary hearing is for the employee and the Employee Representative, if any, to make representations on the allegations. An Employee Representative has the right to: -
  - Explain and sum up the employee's case;
  - Respond to any views expressed at the hearing; and
  - Confer with the employee during the hearing.

An Employee Representative may not: -

- Answer questions on behalf of an employee;
  - Address the hearing if the employee does not wish the representative to do so; or
  - Prevent the employee from asking or answering any questions or giving any explanation during the hearing.
- At the end of the hearing, the employee will be notified of the date when the disciplinary decision will be communicated;
- The minutes or recording of the proceedings will be circulated immediately after the hearing;
- After the hearing, the disciplinary panel will review the case and take a decision on whether or not the case against the employee has been established and, if so, the disciplinary penalty.
- The decision shall thereafter be communicated to the employee in writing.


## Appeals

Where an Employee is aggrieved by the disciplinary action taken against them, they may appeal against the decision;

- Appeals shall be lodged within five (5) working days of the decision and shall be concluded within thirty (30) days of being lodged, except for valid reasons;
- The employee shall clearly set out their grounds of appeal in writing, based on item (d) below.
- The mandate of the panel/person hearing the appeal is not to re-hear the disciplinary case but rather to consider whether: -
  - The procedure that was followed in the disciplinary proceedings was wrong or unfair;
  - The penalty is too severe;
  - There are valid reasons for the disciplinary decision;
  - The appeal raises any new issues or new information that could not have been raised or that was not available during the initial proceedings;
  - There are any representations or submissions which were made before the initial panel (as captured in the minutes) which were not taken into consideration by the initial panel.
  - The appeal will be determined by the Country Director or EVP, whose decision will be final and binding.
- The panel/person hearing the appeal will determine whether to conduct an oral hearing of the appeal or whether to determine the appeal through review of documents.

Reviewed By

Name: Wilbrodah Nekesa Title: Associate Manager, People & Culture

Sign: ...  .....

Date: 17.05.2024

Approved by:

Name: Chrispin Owaga Title: Country Director

Sign: ...  .....

Date: 17.05.2024