

**EWURA**  
**CODE OF CONDUCT**

(Made under Section 11 (1) of Cap. 414)

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**EWURA**  
**CODE OF CONDUCT**

**PART 1**

**STATEMENT OF PURPOSE**

(1) By establishing this Code of Conduct, the Energy and Water Utilities Regulatory Authority (EWURA) fulfills its legal obligation under the Act and demonstrates its commitment to serve the public. In accordance with its Vision and Mission Statement, EWURA is committed to carry out its mandate with honesty, integrity impartiality and professionalism.

(2) This Code of Conduct is intended to ensure that all Members and Employees perform, and from the perspective of the public, are seen to perform, their official duties professionally, impartially and solely and consistently in the public interest. It elaborates both prescribed and proscribed standards of conduct and responsibility.

(3) Every Member and Employee shall while discharging his duties, comply with all applicable laws, rules and regulations, both in letter and in spirit, in all areas he or she will be working.

**PART 2**

**GENERAL PROVISIONS**

**1. Citation**

This Code may be cited as the EWURA Code of Conduct, 2007.

**2. Application**

This Code shall apply to all Members and Employees during, and in some part after their respective tenures of office. For avoidance of doubt upon the expiration of their respective tenures, each Member and Employee shall continue to observe a conduct that complies with Section 15(8) of the Act in respect of contract of employment, providing goods and services to regulated suppliers and acquiring financial interests from regulated suppliers.

**3. Interpretation**

(1) Unless the context otherwise requires, in this Code, the following terms have the meanings as hereunder:

**“Act”** means the Energy and Water Utilities Regulatory Authority Act, Cap. 414;

**“Authority”** means the Energy and Water Utilities Regulatory Authority (EWURA) established under Section 4 of the Act;

**“Board”** means the Board of Directors of the Authority established under Section 8 of the Act;

**“Business Activity”** means the purchase, sale or rental of goods, works, services or real estate, or any interests therein;

**“Chairman”** means the Chairman of the Board;

**“Conflict of Interest”** means a situation or a circumstance where a Member or Employee has a private or Personal interest that is sufficient to appear to influence the objective and impartial exercise of his or her official duties;

**“Director- General”** means the Chief Executive Officer of the Authority;

**“Employee”** means any Person employed by the Authority, including the Director-General, Divisional Directors, managers, other officers and staff members, and consultants on temporary assignment or contract to the Authority;

**“Immediate Family”** mean all relatives residing in the same household as a Member or Employee;

**“Licencee”** means the holder of a licence issued by the Authority to any Person to supply Regulated Services;

**“Member”** means a member of the Board;

**“Minister”** means the Minister responsible for Water;

**“Pecuniary Interest”** means direct or beneficial ownership of any of the following financial interests: shares, securities, debt obligations, and proprietary or partnership interests; royalties, income, compensation or any other payments of any kind;

**“Person”** means an individual, a corporation, a partnership, a trust, an unincorporated organization, a government or any agency;

**“Primary Party of Interest”** means a Person subject to the regulatory jurisdiction of the Authority, it shall include, without limitation, a Licencee or a prospective licencee, or any other category of persons the Authority shall determine;

**“Regulated Services”** has the same meaning as provided in the Act;

**“Regulated Supplier”** has the same meaning as provided in the Act;

**“Relative”** means spouse(s), brother (s), sister (s), biological parents and children of a Member or an Employee; and

**“Reporting Officer”** means any employee appointed by the Authority to receive and take custody of all disclosures and reports as required by the Act and this Code.

(2) In this Code unless the context otherwise requires a reference to a Paragraph, Chapter or Schedule is to a Paragraph, Chapter or Schedule of this Code.

### **PART 3**

#### **INTERNAL MATTERS**

##### **4. Introduction**

(1) The principles of respect, openness and trust that the Authority is legally required to practice in its public service shall be reflected internally in its dealings with all Members and Employees.

(2) Members and Employees shall perform their duties and interact in the workplace with honesty, diligence and fairness and mutual respect.

(3) The Authority shall endeavor to continually make its Members and Employees aware of its mandate.

(4) Members and Employees shall support the Authority’s institutional goals and strategies developed to fulfill the Authority’s obligations and stated policies.

(5) Members and Employees shall:

- (a) recognize the proper authority of superiors;
- (b) provide truthful and accurate information and advice to each other; and
- (c) not engage in, or accept, illegal or unprofessional conduct from others.

## **5. Reporting of Unethical Conducts**

Members and Employees shall report suspected incidents of illegal, unethical, or unprofessional conduct through the channels of communication described in this Code.

## **6. Channels of Communication**

(1) Members and Employees shall employ the following channels of communication when reporting incidents of illegal, unethical or unprofessional conduct as described in Paragraph 5:

- (a) where the incident involves two Members, communication shall be to the Chairman;
- (b) where the incident involves a Member and an Employee, communication shall be to the Director-General;
- (c) where the incident involves a Member, and the Chairman, communication shall be to the Minister; and
- (e) Employees shall communicate with their immediate supervisors or the Director-General.

(2) When considering communications related to unethical behavior, the Authority shall:

- (a) not assume wrongdoing on the part of any Person; and
- (b) fairly and expeditiously address or investigate all matters brought to its attention.

## **7. Outside Employment**

(1) Employees are prohibited from taking part in any outside work or business undertaking that:

- (a) interferes with the performance of their duties at the Authority;
- (b) constitutes a competitive advantage accruing to their position at the Authority; or
- (c) may negatively affect the carrying out of their duties at the Authority;

(2) Members are free to take part in any activity provided that such activity does not:

- (a) interfere with the performance of their duties at the Authority; or
- (b) negatively affect the carrying out of their duties at the Authority.

**8. Requirements upon Departure from Office**

- (1) For a period of eighteen (18) months after departing an office, no Member or Employee shall:
  - (a) become an employee of, conduct a business activity with, or acquire a Pecuniary Interest in, any Primary Party of Interest; and
  - (b) not disclose any confidential information acquired during employment with the Authority nor use such information for personal gain.
- (2) At no time after the termination or expiration of employment with the Authority shall any Member or Employee represent any Person before the Authority on any matter on which such Employee worked, or advised a Member or supervised other Employees who worked on such matter, while employed by the Authority.
- (3) A Relative of a Member or an Employee shall not be employed by the Authority.
- (4) Notwithstanding Paragraph 8 (3), the Authority may employ a Relative of a Member or an Employee if the Authority determines that neither Member nor Employee would be immediately in a subordinate position to the other provided that in the event that an Employee becomes a Relative while the Member or Employee are employed by the Authority, neither Member nor Employee shall be immediately subordinate to the other.

**PART 4**

**CONFLICT OF INTEREST**

**9. Conflict of Interest**

- (1) Conflicts of interest comprise, among others:
  - (a) a financial interest in or business activity with a Primary Party of Interest;
  - (b) employment by a Primary Party of Interest;
- (2) The following standards and prohibitions are hereby adopted:

- (a) No Member or Employee shall acquire any Pecuniary Interest that conflicts, or may conflict, with the performance of his or her duties at the Authority;
  - (b) Every Member and Employee shall declare any Conflict of Interest regarding any matter which he or she is dealing with at the Authority.
  - (c) Any Member or Employee who fails to declare a Conflict of Interest or who knowingly makes a false or misleading declaration regarding a material fact of a conflict of interest, shall be in breach of this Code;
- (3) In the event that a Member or an Employee identifies a Conflict of Interest regarding any matter that is before or may come before the Authority, such Member or Employee shall disclose it and thereafter refrain from taking part in its consideration or determination;
- (4) Subject to Section 12 of the Act, where an Employee is required by this Code to report a matter to the Authority, such Employee shall submit a written report to his supervisor or to the Reporting Officer who shall retain a permanent record of the report.
- (5) Upon receipt of the report under Paragraph 9 (4) the supervisor or Reporting Officer shall refer the matter to the Director-General for a resolution.
- (6) When a matter has been referred to the Director-General for resolution pursuant to Paragraph 9(5), the Director-General shall either:
- (a) dispose of the matter; or
  - (b) refer the matter to the Board for resolution.
- (7) In the event that the Director-General, or upon his or her referral under Paragraph 9(6), the Board finds that a matter requires remedial action, the Director-General or the Board (as the case may be) may require the Member or Employee:
- (a) to divest the conflicting interest; or
  - (b) to assign those duties that are in conflict to another Member or Employee where appropriate, either temporarily or permanently.
- (8) In the event that a Member or Employee refuses or is unable to divest the interest identified in Paragraph 9 (7), the Authority shall, after determining that no other remedial action will be consistent with Section 12 of the Act and the requirements of this Code:

- (a) in respect of an Employee, terminate such Employee; and
- (b) in respect of a Member, advise the appointing authority to terminate the Member.

#### **10. Register of Interests**

The Authority shall establish and the Reporting Officer shall maintain a Register of Interests, which shall comprise:

- (a) declarations of interest; and
- (b) acceptances of gifts and hospitalities.

### **PART 5**

#### **PROFESSIONALISM AND STANDARDS**

#### **11. Professionalism**

Members and Employees shall:

- (a) strive continually to improve their professional competence and their ability to serve the public interest;
- (b) offer professional service to all members of the public and treat all Persons making information requests with dignity, respect and with the intent to provide helpful information;
- (c) conduct themselves and their official duties with fairness, objectivity and integrity;
- (d) perform their official duties in a way that enhances public confidence in the Authority;
- (e) not engage in any form of discrimination, bias or harassment either within or outside the Authority; and
- (f) refrain from taking part in any public service duty or transaction where they have, or may appear to have, a conflict of interest.

**12. Service Quality Standards**

- (1) Members and Employees shall deliver service that is timely, accessible, efficient, confidential and respectful of all Persons involved.
- (2) In the event that the Authority determines that a matter is more appropriate for resolution by another institution or agency, the Authority's referral to such other institution or agency together with the reason for such referral, shall be clearly communicated in a timely manner.

**13. Protection of Assets**

The Members and Employees shall not misuse, for personal gain or otherwise, the assets of the Authority, including tangible assets such as equipment and machinery, systems, facilities, materials, resources as well as intangible assets such as proprietary information, relationships with Regulated Suppliers and shall employ them for the purposes of conducting the business for which they are duly authorized.

**PART 6**

**CONFIDENTIAL INFORMATION**

**14. Security of Information**

Members and Employees shall ensure the security of printed and electronic information in their possession.

**15. Confidential information**

- (1) Confidential Information is any information in the Authority's possession that:
  - (a) has been declared "confidential" by the Authority;
  - (b) is technically or commercially sensitive and not already lawfully in the public domain;
  - (c) the disclosure of which might adversely affect the competitive position of any regulated supplier; and
  - (d) where any information is determined to be confidential under any applicable law.

- (2) Members and Employees are bound by Section 25 of the Act in respect of confidential information.

## **16. Prohibition**

No Member or Employee shall take advantage of or personally benefit from information obtained in the course of his or her official duties and responsibilities that is not generally available to the public.

## **PART 7**

### **GIFTS AND HOSPITALITY**

## **17. Acceptance of Gifts and Hospitality**

(1) In order to avoid compromising the Authority's corporate values, Members and Employees shall exercise due care in accepting gifts and hospitality from Regulated Suppliers.

(2) On reaching a decision whether to accept a gift or hospitality the Members and Employees should consider the following guidelines:

- (a) Event based hospitality that present networking opportunities for the Authority and which might inform or promote the work of the Authority is generally acceptable.

*Illustration: Attending an industry awards dinner.*

- (b) Work-related hospitality from the Regulated Suppliers is acceptable where it can be clearly seen to be of value to the Authority's work.

*Illustration: A working lunch or dinner is an example.*

- (c) Hospitality that benefits the recipient personally should be avoided if it is difficult to justify as being of benefit to the Authority, or if there is a risk of perceived bias or malign comment.

*Illustration: an offer of air-tickets for a holiday.*

(3) Where a Member or Employee in receipt of a gift considers that it is not possible to decline an unauthorized gift, hospitality or benefit, he or she shall:

- (a) in the case of an Employee, immediately report the matter to the Director-General; and

- (b) in the case of the Director-General, the Chairman, or a Member, report the matter to the Board.

## **PART 8**

### **PUBLIC INTERFACE**

#### **18. Conduct of Investigations**

- (1) While discharging their respective duties the Members and Employees shall conduct investigations in such a way that all matters are investigated fairly, honestly and appropriately.
- (2) No Member or Employee shall obtain any information by way of deceit or trickery.
- (3) During the course of investigations, the Authority's officers or appointees shall seek only the amount of information required to make an informed decision regarding the matter in question.

#### **19. Media Relations**

- (1) The Authority shall communicate with the public on any issue relating to it through:
  - (a) the Chairman;
  - (b) the Director-General; or
  - (c) any person duly authorized by the Authority.

- (2) The Authority shall hold Members and Employees harmless for any liability such Member or Employee incurs in respect of any statement made to the media, provided that such Member or Employee acted in good faith and within the scope of his or her duties.

#### **20. Attendance at Conferences and Stakeholder Events**

Any invitation to a Member or Employee to attend or speak at an industry or stakeholder event shall be communicated to the Director-General who shall:

- (a) notify the respective Member about such attendance or speaking; and
- (b) give the authorization to the respective Employee for such attendance or speaking.

**21. Annual Report of the Authority**

The Annual Report of the Authority shall, *inter alia*, include a report on all instances of any conflict of interest on the part of any Member or Employee of the Authority.

**PART 9**

**MISCELLANEOUS**

**22. Proscribed Activities**

No Member or Employee shall:

- (a) engage in fraudulent, wasteful, abusive or corrupt activities or practices;
- (b) use his or her position to obtain unwarranted privileges or personal benefits for which he or she would otherwise be ineligible;
- (c) solicit or accept, directly or indirectly, bribes from any Person;
- (d) make any decision based upon any hope or expectation of future employment with any Regulated Supplier;
- (e) acquire any direct financial interest, in any Regulated Supplier; and
- (f) solicit, request, suggest or recommend, directly or indirectly, to any Primary Party of Interest the commencement or continuation of a Business Activity with any Person that is related to a Regulated Service.

**23. Amendment**

The provisions of this Code can be amended and modified by the Authority from time to time and all such amendments and modifications shall take effect from the date stated therein.