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THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT
(CAP. 414)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (CODE OF
CONDUCT) RULES, 2018

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THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT
(CAP. 414)

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(Made under section 40(1)(a))
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RULES

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THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (CODE OF
CONDUCT) RULES, 2018

PART I
PRELIMINARY PROVISIONS

Citation

1. These Rules may be cited as the Energy and Water Utilities Regulatory Authority (Code of Conduct)Rules, 2018.

Application

2. (1) These Rules shall apply to all members and employees during, and subject to sub paragraph (2), after their respective tenures of office.

(2) 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.

Interpretation
Cap.414

3. In these Rules, unless the context otherwise requires-

“Act” means the Energy and Water Utilities Regulatory Authority Act;

“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 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” means all relatives residing in the same household as a member or employee;

“licencee” means any person who holds a licence issued by the Authority;

“member” means a member of the Board of the Authority including the Chairman and the Director-General;

“Minister” means the Minister responsible for the Authority;

“pecuniary interest” means direct or beneficial ownership of financial interest such as shares, securities, debt obligations, and property or partnership interest;royalties,income, compensation or any other payments of any kind;

“person” means an individual, a corporation, a

partnership, a trust, an unincorporated organisation, a government or any agency;
“regulated sector” means electricity, petroleum, natural gas, water supply and sewerage services;
“regulated services” means any services supplied or offered for supply in a regulated sector and includes services which the Authority declares as such under section 40 of the Act;
“regulated supplier” means any person engaging in activities in or in connection with a regulated sector and includes any person whom the Authority declares under section 40 of the Act to be such a supplier;
“relative” means spouse, brother, sister, 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 these Rules.

PART II
INTERNAL MATTERS

Introduction

4. (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, 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, unethical or unprofessional conduct from others.

Reporting of unethical conducts

5. (1) Members and employees shall report suspected incidents of illegal, unethical, or unprofessional conduct through the following channels of communication-

(a) where the incident involves two members or an employee and the Director General, 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;

(d) where the incident involves two employees, communication shall be to the Director General; and

(e) employees shall communicate with their immediate supervisors or the Director General.

(2) When considering communication relating 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.

(3) Upon receiving the report for the purpose of this paragraph, the Minister, Chairman or Director General, as the case may be, shall investigate the matter and, upon affording an opportunity of being heard to any person concerned, advise the appointing authority to take appropriate action against such person.

Outside employment or engagement

6. (1) Members and employees are free to take part in any outside activity provided that such activity does not-

- (a) interfere with the performance of their duties at the Authority;
- (b) constitute a competitive advantage accruing to their position at the Authority;
- (c) bring themselves or the Authority into disrepute; or
- (d) negatively affect the carrying out of their duties at the Authority.

Requirements upon departure from office

7.-(1) For a period of eighteen months after departing from office, a member or employee shall not-

- (a) become an employee of, conduct a business activity with, or acquire a pecuniary interest in, any regulated supplier; or
- (b) disclose any confidential information acquired during employment with the Authority or 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 a relative of an employee shall not be employed by the Authority.

(4) Notwithstanding subrule (3), the Authority may employ a relative of a member or an employee where the Authority determines that neither member nor employee would be immediately in subordinate position to the other:

Provided that, where 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 III
CONFLICT OF INTEREST

Conflict of interest

8.-(1) A situation or circumstance that amount to

conflict of interest includes the following-

(a) a financial interest in or business activity with a regulated supplier;

(b) employment by a regulated supplier.

(2) The following standards and prohibitions are hereby adopted-

(a) a member or employee shall not acquire any pecuniary interest that conflicts or may conflict with the performance of his duties with the Authority;

(b) every member and employee shall declare any matter which he 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, contravenes these Rules.

(3) Where 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 these Rules 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 subrule (4), the supervisor or reporting officer shall refer the matter to the Director General for resolution.

(6) When a matter has been referred to the Director General for resolution, the Director General shall either-

(a) dispose of the matter; or

(b) refer the matter to the Board for resolution.

(7) Where the Director General or the Board upon referral under subrule (6) 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 otherwise.

(8) Where a member or employee refuses or is unable to divest the interest identified in subrule (7), the Authority shall, after determining that no other remedial action will be consistent with section 12 of the Act and the requirements of these Rules-

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

Register of interest

9. The Authority shall designate an employee to be a reporting officer who shall maintain a Register of Interests and the register shall comprise of-

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

PART IV
PROFESSIONALISM AND STANDARDS

Professionalism

10. Members and employees of the Authority 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;

(f) refrain from taking part in any public service duty or transaction where they have, or may appear to have, conflict of interest;

(g) discharge their duties and serve the public with political neutrality; and

(h) dress in respectable attire and observe office etiquette.

Service quality standards

11.-(1) Members and employees shall deliver service that is timely, accessible, efficient, confidential and respectful of all persons involved.

(2) Where 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.

Protection of assets

12. 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 and 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 authorised.

PART V
CONFIDENTIAL INFORMATION

Security of information

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

Confidential information

14.-(1) For the purpose of these Rules, confidential information means 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) disclosure of which may adversely affect the competitive position of any regulated supplier; and

(d) is determined to be confidential under any applicable law.

(2) Members and employees shall not take advantage of or personally benefit from information obtained in the course of their official duties and responsibilities.

Prohibition

15. A member or employee shall not take advantage of or personally benefit from information obtained in the course of his official duties and responsibilities that is not generally available to the public.

PART VI GIFTS AND HOSPITALITY

Acceptance of
gifts and
hospitality

16.-(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) In determining whether to accept a gift or hospitality, the members and employees shall consider the following-

(a) event based hospitality that presents networking opportunities for the Authority and which informs or promotes the work of the Authority is generally acceptable;

(b) work-related hospitality from the regulated suppliers is acceptable where it can be clearly seen to be of value to the Authority;

(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 risk of perceived bias or malign comment.

(3) Where a member or employee in receipt of a gift considers that it is not possible to decline an unauthorised gift, hospitality or benefit, he 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 VII
PUBLIC INTERFACE

Conduct of
investigation

17.-(1) While discharging their respective duties, members and employees shall conduct investigations in such a way that all matters are investigated fairly, honestly and appropriately.

(2) A member or employee shall not obtain any information by way of deceit or trickery.

(3) During the course of investigation, the Authority's officers or appointees shall seek only the amount of information required to make an informed decision regarding the matter in question.

Media relations

18.-(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 authorised by the Authority.

(2) Members and employees of the Authority shall not be held liable 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 duties.

Attendance at
conferences and
stakeholders

19. Any invitation to a member or employee to attend or speak at an industry or stakeholders event shall

- events
- be communicated to the Director General who shall-
- (a) notify the respective member about such attendance or speaking; and
 - (b) give the authorisation to the respective employee for such attendance or speaking.

Annual report of Authority

20. The annual report of the Authority shall include a report on all instances of any conflict of interest on the part of any member or employee of the Authority.

PART VIII
MISCELLANEOUS PROVISIONS

- Proscribed activities
- 21.** A member or employee shall not-
- (a) engage in fraudulent, wasteful, abusive or corrupt activities or practices;
 - (b) use his position to obtain unwarranted privileges or personal benefits for which he 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 service; and
 - (f) solicit, request, suggest or recommend, directly or indirectly, to any regulated supplier the commencement or continuation of a business activity with any person that is related to a regulated service.

Penalties for violation of Rules

22. A member or employee who contravenes these Rules and no specific punishment is stated herein, the Authority shall, after determining that no other remedial action is appropriate-

- (a) in respect of an employee, terminate such

employee;

(b) in respect of a member, require the member to resign; and

(c) in respect of such member, advise the appointing authority to terminate such member.

Dodoma,
....., 2018

NZINYANGWA E. MCHANY
Director General