

Date: 21st May 2019

The Chairman,
Board of Directors,
Kenya Revenue Authority
P.O Box 48240 – 00100
Nairobi.

Dear Ambassador Muthaura,

RE: STAFF MEMORANDUM

We write to you as KRA members of staff, to bring to your attention various grievances that we have had for a while now, that have been exacerbated by the events of Friday the 10th of May, which are well within your knowledge. A good majority of us have been with the authority for at least a decade now and in this time, we have witnessed its steady decline from employer of choice, to an environment of extreme distress for employees. Specifically, we would like to highlight the following;

1. Ill treatment of staff

a.) Disciplinary matters

As KRA staff we are expected to uphold integrity at all times and carry out our responsibilities with this integrity intact. We understand this and we believe a good majority of us continue to embody integrity in performance of our duties. However, we admit that there are incidences of compromised integrity among staff members. We are governed by a code of conduct and we believe that this is where it should kick in. The code details very clearly the process to be followed where there's breach of its provisions. There is an internal mechanism to address these issues.

What we witnessed on Friday completely went against our expectation of fair administrative action from our employer. We were treated like terrorists and hardcore criminals. We come to work unarmed yet the officers who raided our offices were heavily armed as though they were confronting gun trotting gangsters. We believe this could have been handled much better, in a civilised manner without robbing employees of their dignity and terrorising every person who was at their work station in the affected stations.

We have witnessed the continued harassment of these members of staff since then. The prosecution asked to hold them for a further 21 days to conduct investigations, despite a statement released to the press by the Commissioner General that these investigations had been ongoing for four months. We also take note that even up to their release on Friday, a good majority were yet to record any statement and were not even aware what crimes they were charged with as no charges had been preferred against them. If there is no malice, why was there an application to hold the officers for 21 days, yet we were all made to believe that this investigation had been conducted over many months and the evidence against the officers was solid? Why do these members of staff not know what crimes they are being held for? We read complete ill motive into these actions as they are designed to impart maximum suffering on the affected employees and meet the threshold for summary dismissal as outlined in the Code of Conduct. We are however relieved that the High court granted bail for some of the staff though others are still in custody.

b.) Harassment and intimidation of staff

As KRA staff we are completely demoralized, and the recent happenings have made a bad situation worse. Officers everywhere are gripped by tension as well as anger and bitterness at the treatment meted to the staff as a result of management decisions. Intimidation of staff is rife, and we cannot speak out in peace because we are reminded at every turn that our activities and communication are being closely monitored.

We have witnessed unprecedented changes to the Code of Conduct designed to deprive us of our freedoms and rights. The Constitution guarantees Kenyans the right to privacy and specifically the right not to have the privacy of their communication infringed. The KRA code of conduct has always recognised this and in the version that has been in existence before the recent happenings, clause 6.2.1.7. characterised unauthorized tapping or eavesdropping on telephones or any other communication media, as gross misconduct and was prohibited. However, a revised Code of Conduct was circulated on Thursday 16th May and has notably expunged this article. It is anyone's guess why this has been done despite it being a clear violation of the Constitution and an infringement of our rights.

In an attempt to further infringe our rights, a new clause was introduced making it an offence *"to apply, collect or solicit from other employees or from the members of the public for subscription, donations or any other form of assistance for the benefit of self or another employee without the written authority of the Head of Human Resource/CG/authorized officer"*. We read this as an attempt to punish staff

who are actively involved in fundraising efforts for the legal fees and bail for our colleagues. The practice of coming together as KRA staff has been ongoing from time immemorial because we are a family that stands together through all times. This has not been a problem before and is only now proscribed to continue harassment and intimidation of staff. We also raise issue with the fact that revision of the Code of Conduct has been done in a rushed and unprocedural manner to suit the current situation. Being an ISO Certified organization, we are bound to follow the proper procedure when amending official documents. A good example is the Discipline and Grievance Management Policy which followed the proper document control procedure, but this was not done with the Code of Conduct. We read ill motive into the current revision of the Code of Conduct.

The Authority has treated us as people undeserving of any rights. Our communication is intercepted at will and the Authority has been flooded with intelligence operatives, ostensibly to spy on us so that we uphold integrity. Currently the Intelligence and Strategic Operations department hires more police/security trained officers than technical officers (as illustrated on their advertisement for jobs.) We do not understand why the Authority's focus is internal cannibalisation as opposed to the bigger external threat of fraud. Staff that opt to resign from this toxic environment are victimised and harassed. The current level of intimidation has not been experienced before. This is surely not an environment where any meaningful work can be done, yet it is the reality we live with. The effect of this is clearly demonstrated by the revenue performance of the past few years. A toxic work environment fraught with threats and intimidation is not one where good performance can be realised.

c.) Carrying food to the office

Staff are barred from carrying food to the office in the name of security. For close to 6 years now this has been the situation. When this was first passed in 2013, staff tried to engage the Commissioner General but our memorandum despite having over 300 signatures was neither answered nor acknowledged. We have visited many offices and we are yet to find one where staff are barred from bringing their food or water into their workplace in the name of security. As you can well understand, many people would prefer to have home cooked meals which are healthier, more nutritious, and less likely to lead to food poisoning as compared to restaurant food. Exception from this bar to carry food is only granted where staff obtain letters from their doctors so that Security can issue a pass to access the building with food. This pass is renewable every three months. We do not understand the rationale behind this whole issue and seek your intervention on it.

d.) Transfer of staff

When working for an organization with offices in every corner of the country, one is prepared to work in any part of the country and KRA officers are no different. We reasonably expect that from time to time there shall be transfer and rotation of staff. However, we are greatly aggrieved by how this exercise is conducted. Often, it is done in a disruptive and unreasonable manner without due regard to the length of stay at a station away from one's family, frequency of transfers, medical issues, succession planning, fairness and gender balance among other concerns. KRA has put itself out as an organization that is family oriented and that promotes strong families, yet this is not reflected in the manner that transfers are conducted. Further to this, there hardly seems to be any fairness and balance in the conduct of transfers. We have people who stay in one station for over 15 years whilst others will be moved several times within a period of 3 or less years.

2. Management & Leadership

a.) Communication channels

In any organization there must be effective communication that flows two ways. KRA for a very long time has had an open communication culture. Staff interacted with each other at all levels in various events. Team spirit and cohesion was built through team building events and activities. Staff were able to talk to their team mates and their leadership in a relaxed atmosphere where issues were brought up and solutions sought. This contributed in a major way in fostering team spirit and a sense of family. This is however no more.

There was also the opportunity accorded to staff to interact with each other in their respective regions at the annual end of year parties. These parties over and above having a good time, demystified management for staff as they interacted freely with each other boosting morale and team spirit. Another avenue of communication was at Commissioners' conferences where the middle level managers, senior managers and top managers interacted, and staff issues were raised and addressed. Staff questioned management where they felt things were not moving in an acceptable direction and the same was resolved.

There has been systemic elimination of this structure of communication and interaction, which staff have read as a ploy by the top management to avoid scrutiny and probe by the rest of the staff, limiting accountability. It has led to a situation where control is centred in the hands of one or two people leading to disillusion and dissatisfaction of staff without avenues to channel their feedback on any matter. Ideally the issues raised in this memorandum to you Sir, would have been addressed at forums such as the ones illustrated above. We need a reinstatement of the open

communication culture that was healthy as demonstrated by among other things, past outstanding performance.

b.) Disjointed leadership

As KRA staff we have observed and taken note of the very obvious disjointed leadership. According to the structure the top management of KRA comprises of the Commissioner General, Commissioners and a few Deputy Commissioners. It is however very clear that some Commissioners are not trusted as was displayed by the operation carried out in their departments without recourse to them. It is a very sad state of affairs to have different layers of top management where some Commissioners are relegated to a lower level in decision making and consultation while others are elevated over them. There is no way KRA can move forward while we are all pulling in different directions. This disjointed leadership is bound to cascade down to staff and spreads confusion among the ranks. We need a top leadership that is pulling in the same direction in order to steer their departments and the organization as a whole towards prosperity and greater revenue collection.

3. Work Environment

Staff are not properly resourced to perform their duties. In many stations, staff have to contribute to buy basic amenities like printing paper and even printers. A good number of staff members have to use their personal laptops to perform their duties as the Authority does not provide sufficient computers. In this day and age, it is unacceptable for an organization like KRA to have a staff to computer ratio of less than 1:1. We are moving away from manual processes and yet officers still do not have enough computers, or proper internet connectivity. Basic amenities like furniture are also a challenge in many stations. Staff working in border offices and remote places have to contend with appalling working conditions while management continues to ignore their plight.

4. Staff Recruitment, Career progression & Staff motivation

a.) Recruitment

Over time we have witnessed the death of the Graduate Trainee program which was invaluable in recruitment of staff for the revenue departments. This has therefore led to a glaring gap in succession planning. The revenue departments have a dire shortage of well-trained staff. We have seen a growth of employment of entry level staff on contract basis. This trend is a potential risk for the Authority as we handle sensitive taxpayer information and hence, we have short term employment handling very sensitive information. As a Revenue Authority that aims to be world-class, we need to embrace international best practice on staff matters starting from recruitment and engagement of staff.

b.) Promotions and career progression:

Officers have been known to spend over 10 years in the same grade especially the technical staff. Promotions are hardly conducted (except for very senior staff) and over the last three years alone we have observed promotions across the departments except for DTD and Customs and Border Control. These two are the heart of the Authority as they are the revenue departments, yet staff motivation is lowest in these departments. For progression one has to apply for positions in the support departments which seem to promote staff more frequently. Further to this, we take note that there is a bias in terms when hiring externally. Staff come in at very high grades while we are still slogging away at low grades many years later, yet we have built up technical expertise that can hardly be obtained from any other employer especially on tax matters.

Staff are also subjected to long acting periods that go contrary to the Authority's policy. We currently have staff who were appointed to act in positions in 2017 and are still performing those roles to date, without renewal of this appointment that expired after 6 months. In essence, staff are allocated higher responsibility that goes unremunerated. It remains a mystery why these vacancies have not been filled two years later.

c.) Remuneration & Benefits

The last time there was a review and increment of our basic salary was in 2009. In that time the cost of living has shot through the roof, yet we earn the same amount. There is an annual inflation adjustment at the beginning of each financial year but for most people it translates to below 5,000 shillings after tax. This annual increment is not commensurate with the increase in cost of living. We have also seen benefits like mortgage almost disappear because the Authority has no funds. The queue of people who've applied for mortgages and are waiting is testament to this. The benefits that accompanied working for the Authority have been significantly eroded.

5. Integrity

This is a major issue and to a large extent what has brought us to this place that would be seen as a breaking point for staff. We support the call to uphold integrity in our daily endeavours as KRA employees. We agree that there can be no compromise on this, and it behoves all of us to uphold integrity in our work in every way and in every area. In this regard, we support the fight on corruption. However, we feel that this fight has not been a genuine fight. We feel that there are targeted attacks on low cadre staff and yet there are glaring integrity issues right at the heart of management and helm of the Authority.

We are all privy to the recent issues regarding the recruitment of both the DTD and Customs commissioners. The opacity and intrigues of this process played out in the public gallery, yet this does not seem to be an issue for the management. We have seen flawed recruitment processes especially in the appointment of the ISO commissioner which we are well aware is an issue raised by our external auditors.

As members of staff, we are privy to all this and all the surrounding theatrics and we are convinced that any fight to uphold integrity driven by a department whose very existence defies that integrity, lacks genuineness. If we are to fight for integrity, the same must be demonstrated from the very top to the bottom. It cannot be that we use different yard sticks to measure integrity depending on whose actions are being examined. While we support the fight against corruption and the need to ensure that integrity is upheld by every member of staff, we aver that this fight must be conducted in a manner that respects employees' constitutional and human rights.

Taxpayers confidence in KRA staff has been significantly eroded as we have been portrayed by our employer as completely corrupt and untrustworthy. Even the simple act of coming together to support our colleagues is being portrayed in the press and in court as an attempt at sabotage. Despite being on the platform and monitoring the communication while sending veiled threats to people who seem outspoken on the group, the management has taken to the media to accuse us of planning sabotage. How do we abandon our brothers and sisters in their hour of need when we are not even sure when this mistreatment shall be turned on the rest of us? Why have we no right to speak out in one voice? How is helping to raise funds for their monumental legal fees sabotage of operations? This demonization of staff we feel is self-defeating and it makes it impossible to bridge our current revenue shortfalls. We are a revenue collection agency and the staff feel that we have lost focus and understanding of what our mandate entails. The fact that we have missed our targets year in year out for a while now is testament that we are headed in the wrong direction.

Conclusion

Sir, we need to pull in the same direction as KRA due to the very important responsibility placed on our shoulders. For any meaningful development to be realised in this country, KRA must play its role as a revenue collector to ensure the government is well financed to meet its development agenda for the people. At the very core of the Authority is its workforce. A happy workforce that operates with the support of the management will ensure a very prosperous KRA. We are ready to work towards greater prosperity of the Authority, but we ask that we be treated with

dignity and be provided with a conducive environment to work devoid of threats and intimidation.

We have full confidence in your board, and this is why we have chosen to address our grievances to you, albeit in a clandestine manner because we fear individual victimization. We have suffered in silence for a long time. Often, staff are victimized, and we are silent, so this practice has continued unabated. Now we can no longer stay silent. We implore you and your board to look into the grievances, many of which are within your knowledge from the meetings you held with staff around the country. We look forward to your action on our grievances and continued wise stewardship of KRA.

God Bless you and God Bless KRA.

Sincerely,

KRA STAFF