



HUMAN RESOURCE MANAGEMENT PROFESSIONALS ACT, 2026

**THE HUMAN RESOURCE MANAGEMENT PROFESSIONALS
(CODE OF ETHICS AND DISCIPLINARY PROCEDURES)
REGULATIONS, 2026**

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FIRST SCHEDULE

**CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR HUMAN RESOURCE
MANAGEMENT PROFESSIONALS**

HUMAN RESOURCE MANAGEMENT PROFESSIONALS ACT, 2026

IN EXERCISE of the powers conferred by sections 42, 43, 44, 45 and 46 of the Human Resource Management Professionals Act, 2025, the Cabinet Secretary makes the following Regulations—

THE HUMAN RESOURCE MANAGEMENT PROFESSIONALS (CODE OF ETHICS AND DISCIPLINARY PROCEDURES) REGULATIONS, 2026

Short Title	<p>1. These Regulations may be cited as the Human Resource Management Professionals (Code of Ethics and Disciplinary Procedures) Regulations, 2026.</p>
Interpretation	<p>2. In these Regulations, unless the context otherwise requires—</p> <p>“Act” means the Human Resource Management Professionals Act, 2025;</p> <p>“Committee” means the Disciplinary Committee established under section 43 of the Act;</p> <p>“complaint” means a written allegation of professional misconduct lodged under section 44 of the Act;</p> <p>“member” includes a practising certificate holder and an HR firm;</p> <p>“professional misconduct” has the meaning assigned under section 45 of the Act;</p> <p>“respondent” means a member against whom proceedings are instituted.</p>

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Application	3. These Regulations apply to all registered members, practising certificate holders and HR firms and shall also apply to former members in respect of conduct that occurred while they were subject to the Act.
Binding Nature of Code	4. The Code of Ethics set out in the First Schedule shall form an integral part of these Regulations and breach thereof shall constitute professional misconduct for purposes of section 45 of the Act.
PART II — PROFESSIONAL MISCONDUCT AND ETHICAL OBLIGATIONS	
Lodging of Complaint	5. (1) A complaint alleging professional misconduct shall be lodged in writing with the Registrar and shall contain sufficient particulars to enable the nature, context and substance of the allegations to be understood.
	(2) The complaint shall be accompanied by any documentary or other evidence upon which the complainant intends to rely.
	(3) Anonymous complaints may be considered where the information disclosed is credible, serious and capable of independent verification.
Preliminary Assessment	6. (1) Upon receipt of a complaint, the Registrar shall conduct a preliminary assessment to determine whether— (a) the complaint falls within the jurisdiction of the Institute; (b) the complaint discloses a prima facie case of professional misconduct; or (c) the complaint is frivolous, vexatious or an abuse of process.
	(2) Where a complaint is dismissed at the preliminary stage, written reasons shall be provided to the complainant.
	(3) Where a prima facie case is established, the matter shall be referred to the Committee for investigation.
PART III — INVESTIGATION AND INTERIM MEASURES	

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Investigation Powers	<p>7. For purposes of carrying out its functions under section 45 of the Act, the Committee may—</p> <ul style="list-style-type: none"> (a) require production of books, records and documents; (b) summon and examine witnesses; (c) obtain expert opinion; (d) administer oaths or affirmations; and (e) conduct interviews and site inspections where necessary.
Notice of Allegations	<p>8. (1) Where the Committee determines that sufficient grounds exist, the respondent shall be served with a written Notice of Allegations specifying—</p> <ul style="list-style-type: none"> (a) the factual basis of the complaint; (b) the provisions of the Act or Code alleged to have been breached; and (c) the right to respond within fourteen days. <p>(2) The respondent may submit a written response together with supporting documentation.</p>
Interim Measures	<p>9. (1) Where the Committee is satisfied that continued practice by the respondent poses a risk to the public interest, the administration of justice or the integrity of the profession, it may order interim suspension or impose interim conditions.</p> <p>(2) An interim suspension shall not exceed ninety days unless extended for good cause recorded in writing.</p> <p>(3) A substantive disciplinary hearing shall be convened within thirty days of the imposition of interim suspension.</p>
Framing of Charges	<p>10. Upon conclusion of investigation, the Committee shall frame formal charges clearly identifying the acts or omissions alleged and the specific provisions breached.</p>
PART IV — DISCIPLINARY HEARING	

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Notice of Hearing	11. The respondent shall be served with written notice of the hearing specifying the date, venue and nature of proceedings not less than fourteen days prior to the hearing.
Rights of the Respondent	12. The respondent shall have the right to— (a) appear in person or be represented by an advocate; (b) call and examine witnesses; (c) cross-examine witnesses; (d) present documentary and oral evidence; and (e) make submissions.
Conduct of Proceedings	13. (1) The Committee shall not be bound by strict rules of evidence but shall observe fairness, relevance and procedural justice. (2) Proceedings shall ordinarily be conducted in private unless the Committee determines that public hearing is necessary in the public interest.
Standard and Burden of Proof	14. (1) The burden of proving professional misconduct shall lie with the complainant or the Institute. (2) The standard of proof shall be on a balance of probabilities, taking into account the seriousness of the allegations.
Determination	15. (1) The Committee shall deliberate in private and render a written decision containing findings of fact, conclusions and reasons. (2) The decision shall specify the sanction imposed, if any, and the right of review or appeal.
PART V — SANCTIONS	
Available Sanctions	16. Subject to section 45 of the Act, the Committee may impose one or more of the following sanctions— (a) caution or reprimand;

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	<ul style="list-style-type: none"> (b) fine not exceeding Five Hundred Thousand Shillings; (c) suspension of registration or practising certificate for a period not exceeding five years; (d) revocation of registration or licence; (e) imposition of conditions for continued practice; or (f) mandatory remedial training.
Factors in Determining Sanction	<p>17. In determining the appropriate sanction, the Committee shall consider—</p> <ul style="list-style-type: none"> (a) the gravity of the misconduct; (b) the extent of harm caused; (c) whether the misconduct was intentional or negligent; (d) previous disciplinary record; (e) aggravating and mitigating factors; and (f) the need to protect public confidence in the profession.
Enforcement of Fines	<p>18. A fine imposed under these Regulations shall be payable within the period specified in the decision and failure to pay may result in suspension until payment is made.</p>
Publication of Decisions	<p>19. Where a member is suspended or registration revoked, the Committee may publish the decision in the public interest, limited to information necessary to protect the public.</p>
PART VI — RESTORATION, REVIEW AND APPEAL	
Restoration After Suspension	<p>20. A member whose registration or licence has been suspended may apply for restoration upon expiry of the suspension period and shall demonstrate compliance with any conditions imposed.</p>
Restoration After Revocation	<p>21. A member whose registration has been revoked may apply for restoration in accordance with the Act and shall demonstrate rehabilitation, fitness to practise and compliance with any regulatory conditions.</p>

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Review by Committee	22. A respondent may apply for review of the Committee's decision within thirty days on grounds specified under section 46 of the Act.
Appeal	23. A person aggrieved by a decision of the Committee may appeal to the Council and thereafter to the High Court in accordance with section 46 of the Act.
Record, Service and Saving	24. (1) The Committee shall maintain proper records of proceedings and decisions.
	(2) Service of documents may be effected personally, by registered post or electronically.
	(3) Nothing in these Regulations limits the statutory powers of the Committee under the Act.

FIRST SCHEDULE

**CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR HUMAN RESOURCE
MANAGEMENT PROFESSIONALS**

(Regulation 4)

PART I — STATUS, OBJECT AND INTERPRETATION	
Status and Binding Effect of the Code	<p>1. (1) This Code of Ethics and Professional Conduct is prescribed pursuant to section 42 of the Act and shall be binding upon all registered members, practising certificate holders and registered human resource management firms.</p>
	<p>(2) A breach of any provision of this Code shall constitute professional misconduct within the meaning of section 45 of the Act and shall render a member liable to disciplinary proceedings under these Regulations.</p>
	<p>(3) The obligations contained in this Code shall apply not only to conduct undertaken in the course of formal employment or consultancy, but also to conduct which, although occurring outside the immediate scope of employment, adversely affects the integrity, dignity or public standing of the profession.</p>
Object and Purpose of the Code	<p>2. The object of this Code is to establish enforceable ethical standards governing the practice of human resource management in order to safeguard the public interest, promote confidence in the profession, ensure lawful and fair workplace governance and maintain the integrity and accountability of human resource management professionals.</p>
Principles of interpretation	<p>3. (1) This Code shall be interpreted in a manner that advances the dignity of the profession, protects the public interest and promotes lawful and fair workplace governance.</p>
	<p>(2) In interpreting this Code, regard shall be had to the Constitution, the Act, applicable labour and employment laws, data protection legislation and principles of natural justice.</p>

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	(3) Where doubt arises as to the ethical propriety of particular conduct, a member shall adopt the interpretation that best protects the public interest and the reputation of the profession.
PART II — FUNDAMENTAL PROFESSIONAL OBLIGATIONS	
Integrity and Honesty	<p>4. (1) A member shall at all times act with honesty, candour and integrity in all professional and related activities and shall not knowingly make any false, misleading or deceptive statement in connection with recruitment, performance evaluation, disciplinary processes, industrial relations negotiations or any other HR function.</p>
	(2) A member shall not falsify, manipulate or improperly alter employment records, personnel files, investigation findings, payroll records or organisational reports for personal, political or institutional advantage.
	(3) Where a member becomes aware that inaccurate or misleading information has been provided under their authority, the member shall take reasonable steps to correct such information promptly and transparently.
Compliance with the Law and Constitutional Principles	<p>5. (1) A member shall discharge professional duties in strict compliance with the Constitution and all applicable laws governing labour relations, employment standards, equality, occupational safety, data protection and administrative fairness.</p>
	(2) A member shall not implement or endorse a directive that is manifestly unlawful, discriminatory or contrary to statutory protections afforded to employees or employers.
	(3) Where a member receives instructions that appear to contravene the law, the member shall advise the instructing authority of the legal risk and shall decline to participate in unlawful conduct.
Professional Competence and Due Care	<p>6. (1) A member shall undertake only those assignments for which the member possesses the necessary professional competence, skill and experience and shall exercise due care, diligence and sound professional judgment in the performance of all functions.</p>

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	(2) A member shall maintain and enhance professional knowledge and competence through continuous professional development and shall ensure that advice given reflects current legal and professional standards.
	(3) A member who lacks expertise in a specialised matter shall seek appropriate expert guidance or decline the assignment where competence cannot reasonably be achieved.
Independence and Conflict of Interest	7. (1) A member shall avoid any situation in which personal, financial, political or relational interests may improperly influence professional judgment or create a perception of bias.
	(2) A member shall disclose, in writing and without delay, any actual or potential conflict of interest to the relevant authority or client and shall take appropriate steps, including recusal where necessary, to ensure impartiality is preserved.
	(3) Participation in recruitment, promotion, disciplinary or procurement processes involving relatives, close associates or personal interests without disclosure shall constitute professional misconduct.
Confidentiality and Protection of Information	8. (1) A member shall safeguard confidential information obtained in the course of professional duties and shall not disclose such information except where disclosure is authorised by law or expressly permitted by the data subject.
	(2) A member shall implement reasonable safeguards to ensure the secure storage, transmission and destruction of employee and applicant data.
	(3) The duty of confidentiality shall continue after cessation of employment or membership.
PART III — ETHICAL STANDARDS IN CORE HR FUNCTIONS	
Recruitment and Selection	9. (1) A member shall ensure that recruitment and selection processes are transparent, merit-based, objective and free from unlawful discrimination.

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	(2) A member shall ensure that selection criteria are documented, consistently applied and defensible in law.
	(3) A member shall not manipulate recruitment outcomes, engage in nepotism or permit external interference that undermines fairness and integrity.
Workplace Investigations and Disciplinary Processes	10. (1) A member responsible for workplace investigations shall conduct such investigations impartially, thoroughly and in accordance with the principles of natural justice.
	(2) A member shall ensure that persons subject to disciplinary proceedings are afforded fair hearing, access to evidence and opportunity to respond.
	(3) A member shall not intimidate, coerce or improperly influence witnesses or complainants.
Industrial Relations and Collective Bargaining	11. (1) A member engaged in industrial relations shall act in good faith and shall respect lawful employee representation structures.
	(2) A member shall not deliberately undermine lawful trade union activity or frustrate collective bargaining processes in bad faith.
	(3) A member shall ensure compliance with statutory procedures governing industrial action and dispute resolution.
Performance Management and Termination	12. (1) A member shall ensure that performance appraisal systems are objective, documented and applied consistently.
	(2) A member shall not use performance management processes as instruments of retaliation or discrimination.
	(3) In cases of termination, retrenchment or redundancy, a member shall ensure lawful compliance, objective selection criteria and humane treatment of affected employees.

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Workplace Equality, Dignity and Inclusion	<p>13. (1) A member shall actively promote equality, diversity and inclusion within the workplace.</p> <p>(2) A member shall not engage in, condone or tolerate harassment, bullying, sexual harassment or discriminatory conduct.</p> <p>(3) A member shall ensure that appropriate reporting and redress mechanisms are implemented and accessible.</p>
Ethical Use of Technology and Artificial Intelligence	<p>14. (1) A member shall ensure that digital HR systems, analytics tools and artificial intelligence technologies are deployed responsibly and without unlawful bias.</p> <p>(2) A member shall ensure meaningful human oversight over automated employment decisions.</p> <p>(3) A member shall ensure transparency in the use of automated systems affecting recruitment, promotion or termination decisions.</p>
PART IV — RESPONSIBILITIES OF HR FIRMS, PROFESSIONAL ACCOUNTABILITY AND ENFORCEMENT	
Supervision and Internal Controls	<p>15. A HR firm shall ensure that its professional services are rendered under the supervision of a practising certificate holder and shall implement internal governance, compliance and ethical oversight mechanisms adequate to prevent misconduct.</p>
Marketing and Public Representation	<p>16. A HR firm shall ensure that all marketing, promotional or public statements are accurate, truthful and not misleading and shall not imply endorsement by the Institute unless expressly authorised.</p>
Duty to Report Serious Misconduct	<p>17. A member who becomes aware of serious professional misconduct shall, in good faith and without unreasonable delay, report the matter to the Institute or other appropriate authority.</p>

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Protection of Whistleblowers	18. Retaliation against a person who reports misconduct in good faith shall constitute professional misconduct and shall attract disciplinary sanction.
Categorisation of Misconduct	19. For purposes of sanction, misconduct may be categorised as minor, serious or gross, having regard to intent, harm caused, repetition and impact on public confidence.
Aggravating and Mitigating Factors	20. In assessing breach of this Code, regard shall be had to aggravating factors, including dishonesty, abuse of authority and repeated violations, and mitigating factors, including cooperation, remorse and remedial action.

ZERO DRAFT

EXPLANATORY MEMORANDUM

THE HUMAN RESOURCE MANAGEMENT PROFESSIONALS (CODE OF ETHICS AND DISCIPLINARY PROCEDURES) REGULATIONS, 2026

1. Statutory Basis

These Regulations are made pursuant to sections 42, 43, 44, 45 and 46 of the Human Resource Management Professionals Act, 2025.

The Act establishes the framework for professional regulation, prescribes disciplinary powers of the Disciplinary Committee and provides for appeals and review mechanisms. These Regulations operationalise those provisions.

2. Purpose of the Regulations

The purpose of these Regulations is to—

- Prescribe a binding Code of Ethics for members of the profession;
- Establish procedures for lodging, screening and investigating complaints;
- Regulate disciplinary hearings and sanctions;
- Provide for interim protective measures;
- Prescribe structured sanctioning principles including fine ceilings;
- Provide restoration and appeal mechanisms consistent with section 46 of the Act.

The Regulations strengthen professional accountability and safeguard public interest.

3. Structure of the Regulations

The Regulations are structured into six Parts and one Schedule.

PART I — Preliminary

Provides citation, interpretation, scope of application and confirms the binding nature of the Code prescribed in the Schedule.

PART II — Initiation and Screening of Complaints

Establishes the procedure for lodging complaints and provides for preliminary assessment to determine jurisdiction, prima facie threshold and dismissal of frivolous complaints.

PART III — Investigation and Interim Measures

Confers investigation powers on the Disciplinary Committee, including summoning witnesses and production of documents.

Provides for interim suspension or conditional practice where necessary to protect the public interest, subject to safeguards and expedited hearing timelines.

PART IV — Disciplinary Hearing

Prescribes procedural safeguards including—

- Notice requirements;
- Right to representation;
- Fair hearing standards;
- Standard and burden of proof;
- Requirement for reasoned written decisions.

This Part ensures compliance with Articles 47 and 50 of the Constitution.

PART V — Sanctions

Prescribes available sanctions under section 45 of the Act including—

- Caution or reprimand;
- Monetary fine capped at Kenya Shillings Five Hundred Thousand (KES 500,000);
- Suspension for up to five years;
- Revocation of registration or licence;
- Conditions for continued practice;
- Mandatory remedial training.

The Part also provides structured factors to guide proportional sanctioning and public interest publication of serious disciplinary outcomes.

PART VI — Restoration, Review and Appeal

Provides for—

- Restoration following suspension;
- Restoration following revocation;
- Review by the Committee;
- Appeal to the Council and thereafter to the High Court in accordance with section 46 of the Act; and
- Maintenance of records and service of documents.

4. The First Schedule — Code of Ethics

The First Schedule prescribes a comprehensive and enforceable Code of Ethics governing—

- Integrity and honesty;
- Compliance with law;
- Professional competence;
- Conflict of interest;
- Confidentiality;
- Recruitment ethics;
- Workplace investigations;
- Industrial relations;
- Performance management;
- Diversity and inclusion;
- Ethical use of HR technology and artificial intelligence;
- Firm-level responsibilities;
- Whistleblower protection.

Breach of any provision of the Code constitutes professional misconduct under section 45 of the Act.

5. Regulatory Impact

The Regulations—

- Enhance public protection;
- Promote lawful and ethical workplace governance;
- Strengthen accountability within HR practice;
- Introduce proportionate but firm enforcement mechanisms;
- Align disciplinary procedure with constitutional standards.

The monetary fine ceiling ensures deterrence while maintaining proportionality.

6. Constitutional Compliance

The Regulations—

- Comply with Article 47 (fair administrative action);
- Comply with Article 50 (fair hearing);

- Embed proportionality principles in sanctioning; and
- Provide structured review and appeal safeguards.

7. Conclusion

These Regulations are necessary to give full effect to the disciplinary and ethical provisions of the Human Resource Management Professionals Act and to ensure the profession operates within a structured, accountable and legally sound regulatory framework.

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