

COMPLAINTS MECHANISM

SG/E/2025/07

REGIONAL MOMBASA PORT ACCESS ROAD (KENYA)

CONCLUSIONS REPORT

08 OCTOBER 2025



SG/E/2025/07

Regional Mombasa Port Access Road (Kenya)

Conclusions report

Complaint confidential: No

External distribution

Complainant

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Management Committee
Secretary General
Inspector General
Relevant EIB services

Disclaimer

The conclusions presented in this report are based on the information available to the EIB Group Complaints Mechanism up to 15 September 2025.

Instead of issuing an initial assessment report, the Complaints Mechanism hereby closes the complaint with this conclusions report, on the basis of paragraph 2.3.3 of the EIB Group Complaints Mechanism Procedures.

The EIB Group Complaints Mechanism

The EIB Group Complaints Mechanism (Complaints Mechanism) is a tool enabling the resolution of disputes if any member of the public feels that the European Investment Bank (EIB) might have done something wrong, i.e. if it has committed an act of maladministration. The Complaints Mechanism is not a legal enforcement mechanism and will not substitute the judgment of competent judicial authorities.

Maladministration means poor or failed administration. It occurs when the EIB fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures. The concept of maladministration includes failure by the EIB to comply with human rights, applicable law or the principles of good administration. Maladministration may relate to the EIB Group's decisions, actions or omissions and this may include the environmental or social impact of the EIB's projects and operations.

One of the main objectives of the Complaints Mechanism is to ensure the right to be heard and the right to complain. The mandate of the Complaints Mechanism includes the resolution of problems raised by complainants in cooperation with relevant internal and external stakeholders. Where possible, the Complaints Mechanism also actively promotes and supports local resolution efforts (e.g. through project-level grievance mechanisms). For more information on the Complaints Mechanism please visit: <https://www.eib.org/en/about/accountability/complaints/index.htm>.

Complainants that are not satisfied with the EIB's response to their complaint may file a complaint of maladministration against the EIB with the European Ombudsman.¹

¹ Available at: <https://www.ombudsman.europa.eu/en/home>. For more information see [EIB Group Complaints Mechanism policy dated November 2018](#), section 4.5.

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EXECUTIVE SUMMARY

The Complaints Mechanism received a complaint from a worker affected by the Regional Mombasa Port Access Road project. The complainant, his employer and the roads department responsible addressed all the concerns raised during the initial assessment phase of the complaint to the satisfaction of the involved parties. These collaborative efforts enabled the promoter to better understand how to enforce and comply with labour standards and to pursue the monitoring of its contractors.

This report marks the closure of the complaint. It provides the complainant, the EIB and interested members of the public with information about the general outcome of the process. It also describes the complaint received and the work carried out by the Complaints Mechanism.

1 PROJECT

- 1.1 On 21 July 2015, the EIB Board of Directors approved financing of up to €250 million for the Regional Mombasa Port Access Road in Kenya (the **project**).² The borrower is the Republic of Kenya, and the project is being developed and implemented by the Kenya National Highways Authority (the **promoter**). The project is co-financed by the African Development Bank (AfDB) and the German development bank, Kreditanstalt für Wiederaufbau (KfW).
- 1.2 The project involves widening approximately 41 km of the existing road between the Mombasa Port and the town of Mariakani in south-east Kenya. The construction works are expected to be finalised in January 2026.

2 COMPLAINT

- 2.1 On 14 May 2025, the Complaints Mechanism received a complaint from an individual (the **complainant**) who worked for one of the promoter's contractors on the project.
- 2.2 The complainant alleged unlawful salary deductions, improper contract termination without compensation and a failure by the contractor to take appropriate disciplinary action against another employee who physically assaulted the complainant. The complainant acknowledged that a grievance redress process had been followed, which concluded with a decision by the Sub-County Grievance Redress Committee headed by the Deputy County Commissioner. In mid-April 2025, the Committee assessed the situation and made recommendations to the contractor. While the complainant agreed with the findings and recommendations, he was concerned that the contractor would not implement them.
- 2.3 The complainant also raised broader concerns about the working conditions of other workers, including the availability of drinking water and toilets on site, the provision of payslips for workers' reference and record-keeping, the existence of fair disciplinary procedures and the provision of copies of warning letters to workers.
- 2.4 The complainant requested that the EIB intervene with the objective of finding an amicable solution.

3 WORK PERFORMED

- 3.1 The complaint raised concerns regarding the social impacts of an EIB-financed operation.³ The work of the Complaints Mechanism in such cases begins with an initial assessment. From the outset, both the complainant and the promoter expressed a willingness to reach an amicable solution. The Complaints Mechanism therefore facilitated a prompt resolution of the concerns raised.
- 3.2 The Complaints Mechanism took several steps to facilitate resolution: (i) it held meetings with the EIB project team; (ii) it reviewed relevant internal and external documents related to the project and the complaint; and (iii) it conducted numerous calls and written exchanges with the complainant, the promoter and its consultant. Employing a shuttle diplomacy approach, the Complaints Mechanism and the EIB project team fostered communication and negotiation

² More information on the project can be found at: [Regional Mombasa Port Access Road](#).

³ Standard 8 on Labour Standards, Environmental and Social Handbook of the EIB, version in force in 2017. Since this version is no longer available online, references are made to version 10.0 dated 8 October 2018 of the [EIB's environmental and social standards](#), which is available online and similar to the version in force in 2017, except for a few changes made to Standard 3.

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between the complainant and the promoter, enabling them to express their views and explore potential solutions while working towards a resolution.

- 3.3 In July 2025, the complainant and the promoter confirmed that the contractor had implemented the recommendations of the Sub-County Grievance Redress Committee headed by the Deputy County Commissioner and that the complainant had received compensation. The promoter and the contractor also met and discussed the issues raised by the complainant concerning the working conditions of other workers (see paragraph 2.3). On 3 September 2025, the complainant informed the Complaints Mechanism that he had received payment of the compensation and was satisfied with how his concerns regarding the working conditions of other workers were being addressed.

4 OUTCOMES

- 4.1 Thanks to the collaborative efforts of the complainant, the promoter, the consultant and the EIB project team, facilitated by the Complaints Mechanism, the concerns raised could all be addressed during the initial assessment phase of the complaint to the satisfaction of the involved parties. As a result, no further action is needed.
- 4.2 In line with paragraph 2.3.3 of the EIB Group Complaints Mechanism Procedures, the initial assessment phase and the complaint are hereby closed with the issuance of this conclusions report.