



**PROLINTAS MANAGERS
SDN. BHD.**

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**WHISTLEBLOWING
POLICY**

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1.0 ABBREVIATIONS

BGRIC	Board Governance, Risk and Integrity Committee
BOD	Board of Directors
CCD	Corporate Communications Division
CEO	Chief Executive Office
CON	Contractors
EREQ	External Requestors
FIN	Finance Division
HCD	Human Capital Division
HOD	Head of Department
HODV	Head of Division
IAD	Internal Audit Department
IGD	Integrity & Governance Department
IO	Investigation Officer
LOA	Limit of Authority
RMCD	Risk Management & Compliance Department
IREQ	Internal Requester
SOP	Standard Operating Procedures
SUPP	Suppliers

2.0 DEFINITION

Whistleblowing is a disclosure by a person, usually an employee personnel to the public, or to those in authority either within the organization or at the discretion of the whistleblower to another enforcement agency, of mismanagement, corruption, illegality or other wrong doing carried out by an individual or group of individual(s) within the organization.

Whistleblower is any person who makes a disclosure of improper conduct to the Integrity & Governance Department or enforcement agency under section 6 Whistleblowing Protection Act 2010 (Act 711).

Confidential Information includes:

- (i) Information about the identity, occupation, residential address, work address or whereabouts of:
 - a. A whistleblower; and
 - b. A person against whom a whistleblower has made a disclosure of improper conduct;
- (ii) Information disclosed by a whistleblower; and
- (iii) Information that, if disclosed, may cause retaliation to any person.

Retaliation can be explained by:

- (i) Withholding of payment that is due and payable under a contract;
- (ii) Refusal to enter into a subsequent contract;
- (iii) Action causing injury, loss or damage;
- (iv) Intimidation or harassment;
- (v) Interference with the lawful employment or livelihood of the whistleblower, including discrimination, discharge, demotion, suspension, disadvantage, termination or adverse treatment in relation to the whistle-blower's employment, career, profession, trade or business or the taking of disciplinary action; and
- (vi) A threat to take any of the actions above.

An **Investigation Officer** (IO) of the Integrity & Governance Department will handle the investigation and inspection of any reported case involving allegations of bribery, corruption, false claims, or abuse of power.

3.0 INTRODUCTION

PMSB's Whistleblowing Policy has been established to ensure that a process is available to any individual who, in good faith, wishes to report a concern regarding any accounting, audit, procurement, contract or other violation of Code of Business Ethics and Conduct (CoBE) or other business practices that appears to be illegal, unethical or improper.

The whistleblower will be protected from any recrimination, retaliation or harassment, and that the report can be made on a completely confidential basis, submitted directly to IGD.

It is the responsibility of all PMSB staff to bring any illegal, unethical or improper practices to the attention of the management. If any of PMSB staff make a report in good faith, without malicious intent, that a breach may have occurred or may be about to occur, the staff will not be penalised or subject to any form of victimization or retaliatory action notwithstanding that, after investigation, it is shown that the accusation was fallacious.

4.0 PURPOSE

In line with the practice of good governance, PMSB encourages all personnel and stakeholders to raise concern about potential improprieties in business conducts and other malpractices in a confidential manner. The policy aims;

- (i) To encourage PMSB personnel and other parties to report unethical behavior, malpractices, wrongful conduct, violation of PMSB policies and procedures or infringement of the law or;
- (ii) To allow the organization to detect about possible improprieties and malpractice at the earliest opportunities;
- (iii) To build and strengthen a culture of transparency and accountability within the organization; and

- (iv) Provide a transparent and confidential process for dealing with any concerns in compliance with the Whistleblowers Protection Act 2010 (Act 711).

5.0 SCOPE

- (i) This policy is applicable to:
 - a. All PMSB personnel;
 - b. PMSB vendors (suppliers, consultants, contractors, etc.); and
 - c. PMSB stakeholders.
- (ii) The whistleblowing policy covers the following possible improprieties in relation to PMSB:
 - a. Fraud;
 - b. Corruption, bribery and blackmail;
 - c. Criminal offences;
 - d. Failure to comply with legal or regulatory obligations;
 - e. Miscarriage of justice;
 - f. Endangering the health and safety of an individual;
 - g. Endangering the environment; and
 - h. Concealment of any of the above.
- (iii) The whistleblowing policy does not cover grievance matters, matters pending in court, or matters undergoing domestic inquiry investigations or proceedings.

- (iv) Duty of Act

PMSB personnel are subject to disclose and whistle blow the potential and occurrence of the improprieties as mentioned in 5.0 (ii). As stipulated under Section 25 of MACC Act 2009, an offence is being committed if a person failed to report any given, promised, offered, obtained or attempt to obtain gratification and liable for penalty and/or imprisonment by the law.

6.0 REFERENCES

REFERENCE NUMBER/CODE	REFERENCES
Laws of Malaysia / ACT 694	Malaysian Anti-Corruption Commission Act 2009 - <i>Section 16, 17, 18, 23, 25</i>
Laws of Malaysia / ACT A1567	Malaysian Anti-Corruption Commission (Amendment) Act 2018 - <i>Section 17(A)</i>

7.0 WORK PROCEDURES

7.1. WHISTLEBLOWING POLICY

(i) Reporting and Investigation:

- (a) All whistleblowing reports will be channelled to IGD. The identity of the whistleblowers shall be kept confidential at all times.
- (b) All concerns raised via the whistleblowing channels will be investigated in a fair manner as per the procedures laid out in item 7.2.
- (c) If there is sufficient evidence to proceed with further investigation the IGD shall make a report to the MACC.

(ii) Responsibility of the Whistleblower:

The responsibility of the whistleblower to address his/her concern is:

- (a) Lodge the report in accordance with SOPs and facts;
- (b) Keep all the record and present witnesses if;
- (c) Give cooperation throughout the entire investigation and inspection process;
- (d) Responsible with any information given to the IGD IO; and
- (e) Ensure the confidentiality of the information provided.

(iii) Confidential Information

All of the reports and information that are given by the whistleblower must be kept confidential. The whistleblower is responsible for any complaints and made by ensuring the following:

- (a) The staff should be confident that complaints or concern made are true;
- (b) The staff may not act maliciously or make false allegations; and
- (c) The staff is not allowed to lodge report for self-interest.

(iv) Types of Concern:

- (a) Conduct which is an offence or a breach of policies or laws;
- (b) Failure to comply with a legal obligation;
- (c) Disclosures related to miscarriage of justice;
- (d) Health and safety risks, including risks to the public as well as other employees;
- (e) Damage to the environment;
- (f) The unauthorized use of public funds;
- (g) Possible fraud and corruption;
- (h) Sexual, physical or other abuse of clients / vendors / suppliers;
- (i) Other unethical conduct; or
- (j) Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.

(v) Guarantee of Anonymity

- (a) If personal information, such as name and contact details, is provided by the whistleblower, only the following personnel are authorized to access the whistleblower reports:
 - i. BGRIC Chairman; and
 - ii. Investigation Officer.
- (b) Unless the whistleblower agrees otherwise in writing, all personal details of the whistleblower will be excluded from the report;
- (c) A whistleblower will be granted with protection from confidentiality of identity; and
- (d) Anyone who reveals the identity of a whistleblower will be subjected to disciplinary measures, including, but not limited to, the termination of a contract or removal of directorship. However, the exception is given where further investigation from an enforcement agency such as MACC.

(vi) False Claims

A whistleblower who makes a report that is not in good faith, i.e. was done primarily with malice to damage another person or the organization, may be subjected to disciplinary action, including termination of employment, working relationship, or other legal means to protect the reputation of PMSB, its directors and its employees.

(vii) Assurance and protection against retaliation

- (a) The whistleblower shall receive no retaliation for a report that was made in good faith i.e. was not done primarily with malice to damage another person or the organization;
- (b) Anyone who retaliates against a whistleblower will be subjected to disciplinary actions, including termination of employment, working relationship, or other legal means;
- (c) A whistleblower or any person related to, or associated with, the whistleblower, who fears, or has suffered detrimental action as a result of their whistleblowing action may:
 - i. Report the incident(s) to IGD; and
 - ii. Request for relocation of employment to another location.
The request should be made in writing to IGD
- (d) IGD shall report the request to the BGRIC Chairman, for their consideration. Provided the request is reasonable, the CEO will authorise the transfer at the earliest opportunity.

(viii) Obstruction of investigation

Any person who obstructs an investigation of a whistleblowing report may be subjected to disciplinary action, including, but not limited to, the termination of contract and removal of directorship.

7.2. WHISTLEBLOWING PROCEDURES

- (i) The informer may lodge a report by using any of whistleblowing channels that are stated in item 7.1;
- (ii) Upon receiving the report, IGD will send acknowledgement of receipt to the informer within three (3) working day. The acknowledgement of receipt also includes an anonymity and whistleblowing protection to the informer;
- (iii) The IGD will record the reported case, and conduct preliminary checks to determine if it is a corruption related incident (being a violation of Integrity Policies and Procedures), and if it affects PMSB interest;
- (iv) Non-corruption reports such as violations of operational policies and HCD policies/grievances will be passed to Internal Audit Department for further investigation. Subject to the result of the investigation, HCD should be notified for disciplinary action and personnel file update;
- (v) Where a corruption incident occurred, but without affecting PMSB interests, the IGD shall notify the BGRIC. The IGD will then update the file and inform the informer to make direct report to relevant enforcement agencies and keep in view with the report. If the identity of the whistleblower is known, IGD shall advice the whistleblower to report the matter directly to the MACC, to secure their own whistleblowing protection under the Whistleblowing Act 2010.
- (vi) For corruption-related reports which affects PMSB interests, the IGD shall inform the CEO and with the complete details of the report;
- (vii) The CEO shall then instruct the IGD, Internal Audit Department, or other appropriate personnel to perform a detailed investigation and the detailed investigation report will be presented to the BGRIC;
- (viii) If the incident is not proven, and the whistleblower's contact details are known, the IGD will initiate a domestic inquiry.
- (ix) During the course of the domestic inquiry procedure, the accused may be suspended pending further investigation;
- (x) The domestic inquiry committee will be provided with all necessary resources to conduct the inquiry, with help from the IGD, other departments and any external resources deemed necessary;
- (xi) The domestic inquiry committee shall compile a report detailing the case and make recommendations to the CEO on the next course of action, which may include:
 - (a) Involvement of external enforcement agencies such as MACC or police;
 - (b) Disciplinary actions in accordance with HCD procedures;
 - (c) Legal actions as deemed fit by PMSB; and
 - (d) No further action taken (if report if unsubstantiated).
- (xii) The domestic inquiry committee shall notify the CEO if the external authorities need to take action to the PMSB personnel beforehand; and

- (xiii) HCD shall assist CEO to enforce agreed sanctions. The IGD will then update the file and close it.

8.0 REVIEW AND INSPECTION

- (i) Quarterly, the IGD shall present a summary of whistleblowing reports received to BRIGC;
- (ii) Any new report shall be presented to BRIGC Chairman;
- (iii) Twice yearly, the summary of whistleblowing incidents will be reported to Agency Integrity Management Division (BPIA), MACC for notification; and
- (iv) The BRIGC will review the suitability and effectiveness of this policy in achieving its intended purpose.