


	<b>Policies &amp; Procedures</b>	Page No	: Page 1 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
UG : MGKT-QSHE-PRO-0037			

## ANTI-BRIBERY AND CORRUPTION POLICY

	<b>Policies &amp; Procedures</b>	Page No	: Page 2 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012 UG : MGKT-QSHE-PRO-0037

## **CONTENTS**

1.	OVERVIEW	3
	1.1 OBJECTIVE	
	1.2 SCOPE	
	1.3 APPLICABILITY	
	1.4 POLICY OWNER	
2.	DEFINITIONS	3
3.	POLICY STANCE	7
	3.1 BRIBERY & CORRUPTION	
	3.2 CONFLICT OF INTEREST	
	3.3 GIFTS & BENEFITS	
	3.4 SUPPORT LETTERS	
4.	DEALING WITH PUBLIC OFFICIALS	9
5.	RESPONSIBILITY	9
	5.1 EMPLOYEE	
	5.2 BUSINESS ASSOCIATE	
6.	COMMUNICATION & AUTHORITY	10
7.	WHISTLEBLOWING	10
8.	CONSEQUENCES OF NON-COMPLIANCE	10
9.	ANTI BRIBERY AND CORRUPTION COMPLIANCE FUNCTION	10
10.	CONTINUOUS IMPROVEMENT	11
11.	REFERENCES	12

	Policies & Procedures	Page No	: Page 3 of 12	
		Edition No	: 00	
	ANTI-BRIBERY AND CORRUPTION POLICY	Issue Date	: 15 October 2020	
		Ref. No.	SSP: SSP-HR0012	
			UG : MGKT-QSHE-PRO-0037	

## 1. OVERVIEW

This Anti-Bribery and Corruption Policy (AB&C or “Policy”) aims to guide the Company to conduct its business in a law abiding, ethical and professional manner.

### 1.1 OBJECTIVE

This is to guide the Company’s Employees, Business Associates and associated parties in the proper conduct of our business dealings and to eliminate and prevent any form of corruption and bribery in the Company.

### 1.2 SCOPE

This Policy applies to all directors, Employees, Employees of Controlled Organisations and Business Associates acting on the Company’s behalf, within the Company’s internal dealings as well as the Company’s external dealings with other businesses, organisations, local authorities as well as government.

### 1.3 APPLICABILITY

We comply with all applicable laws and regulations in the countries where the Company operates. If there is a conflict between mandatory laws and the principles in this Policy and related policies, the law shall prevail.


### 1.4 POLICY OWNER

The owner of this Policy is the Risk Management Department.

## 2. DEFINITIONS

“**AB&C POLICY**” or “**Policy**” means the Company’s Anti-Bribery and Anti-Corruption Policy;

“**Bribery & Corruption**” means any action which would be considered an offence of giving or receiving **Gratification** under the Malaysian Anti-Corruption Commission Act 2009 (MACC Act).

	<b>Policies &amp; Procedures</b>	Page No	: Page 4 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

Bribery & Corruption may be ‘outbound’, where someone acting on behalf of the Company attempts to influence the actions of someone external, such as a Government official or client decision-maker. It may also be ‘inbound’, where an external party is attempting to influence someone within the Company such as a senior decision-maker or someone with access to confidential information.


“**Business Associate**” means an external party with whom the Company has, or plans to establish, some form of business relationship. This shall include clients, joint ventures, joint venture partners, consortium partners, outsourcing providers, contractors, consultants, subcontractors, suppliers, vendors, advisers, agents, distributors, representatives, intermediaries and investors.

“**Company**” means MMC Gamuda KVMRT (PDP SSP) Sdn Bhd and MMC Gamuda KVMRT (T) Sdn Bhd;

“**Conflict of Interest**” means when an Employee’s personal interests either influence, have the potential to influence or interfere with objectivity in performing his/her duties, exercising judgment or decision-making on behalf of the Company.

“**Controlled Organisation**” means an organization where the Company has the decision-making power over the organisation such that it has the right to appoint and remove the management. This would normally be where the Company has the controlling interest (>50% of the voting share ownership), but it could be where there is an agreement in place that the Company has the right to appoint the management, for example a joint venture where the Company has the largest (but still <50%) allocation of the voting shares;

“**Corporate Gifts**” means something given from one organisation to another, with the appointed representatives of each organisation giving and accepting the gift that normally bear the giver’s name and logo. If they are given out by the Company, they are given as a part of building the Company’s brand.

	<b>Policies &amp; Procedures</b>	Page No	: Page 5 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

“**Donation, Sponsorship & Contributions**” means charitable contributions and sponsorship payments made to support the community, organisation or individuals. Examples include sponsorship of educational events, supporting NGOs, and other social causes;


“**Employee**” means all individuals directly contracted to the Company on an employment basis, including permanent and temporary Employees, secondees, contract employees and expatriates.

“**Exposed Position**” means an Employee’s position identified as vulnerable to bribery through a risk assessment. Such positions may include any role involving: procurement or contract management; financial approvals; human resource; relations with government officials or government departments; sales; positions where negotiation with an external party is required; or other positions which the Company has identified as vulnerable to bribery;

“**Facilitation Payment**” means payment made to any official to expedite an administrative process. The purpose of the payment is to speed up the process of a service that the payer is entitled to receive.

“**Gratification**” is defined in the MACC Act 2009 to mean the following:

- (a) money, donation, gift, loan, fee, reward, valuable security, property or interest in property being property of any description whether movable or immovable, financial benefit, or any other similar advantage;
- (b) any office, dignity, employment, contract of employment or services, and agreement to give employment or render services in any capacity;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;
- (e) any forbearance to demand any money or money’s worth or valuable thing;
- (f) any other service or favour of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary,

	<b>Policies &amp; Procedures</b>	Page No	: Page 6 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

civil or criminal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and any offer, undertaking or promise, whether conditional or unconditional, of any Gratification within the meaning of any of the preceding paragraphs (a) to (f).


**“Hospitality”** means the considerate care of guests, which may include refreshments, accommodation and entertainment at a restaurant, hotel, club, resort, convention, concert, sporting event or other venue such as the Company’s offices, with or without the personal presence of the host. Provision of travel may also be included, as may other services such as provision of guides, attendants and escorts; use of facilities such as a spa, golf course or ski resort with equipment included.

**“HR”** means: (i) Head of Human Resources & Admin (HRA) department for MMC Gamuda KVMRT (PDP SSP) Sdn Bhd; or  
(ii) General Manager of Human Resources & Admin (HRA) department for MMC Gamuda KVMRT (T) Sdn Bhd  
as may be the case.

**“Kickback”** means any illegal payment, such as money, a gift, credit, or anything of value, as compensation for favourable treatment or other improper services. This can take the form of a percentage of income given to a person in a position of power or influence as payment for having made the income possible.

**“PD”** means the Project Director of the Company or where the PD is an interested party in the alleged wrongdoing, all references to PD shall mean Deputy Project Director.

**“Public Officials”** means a public or government official which includes, without limitation, candidates for public office, officials of any political party, and officials of state-owned enterprises.

	<b>Policies &amp; Procedures</b>	Page No	: Page 7 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

### 3. POLICY STANCE

#### 3.1 BRIBERY & CORRUPTION

The Company prohibits all acts of Bribery and Corruption in its business dealings. Directors of the Company, Employees, Employees of Controlled Organisations and its Business Associates shall not offer, give, receive or solicit any Gratification to illegally influence the other party to secure an illegal benefit or outcome either for the organisation or the person concerned. No Employee or external party shall suffer demotion, penalty or adverse consequences as retaliation for refusing to participate in such illicit behaviour.

#### 3.2 CONFLICT OF INTEREST

Employees should avoid situations in which personal interest could conflict with their professional obligations or duties. They must not use their positions, official working hours, Company's resources and asset, or information available to them for personal gain or to the Company's disadvantage. In situations where such a conflict occurs, the Employee shall declare the matter to the Human Resource Department.

#### 3.3 GIFTS & BENEFITS


The Company has implemented a "No Gifts" policy as set out in the HR policy and procedure ie "No Receiving of Gifts & Gratuities (SSP-HR007)", applicable to MMC Gamuda KVMRT (T) Sdn Bhd with effect from the date of publication of this Policy.

In addition, as a general rule, Directors of the Company, Employees, Employees of Controlled Organisations and Business Associates of the Company should not receive or provide the following to avoid Bribery and Corruption and Conflict of Interest or the appearance of such:-

- (i) Facilitation Payments and Kickbacks
- (ii) Hospitality (subject to Item 3.3.2 below)
- (iii) Donations, Sponsorship & Contributions (subject to Item 3.3.3 below)
- (iv) Corporate Gifts (subject to Item 3.3.4 below)

##### 3.3.1 Facilitation Payments & Kickbacks

The Company prohibits Facilitation Payments or Kickbacks in its business. If there is a situation where the safety and security of an Employee is at stake or the Employee has been

	<b>Policies &amp; Procedures</b>	Page No	: Page 8 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

coerced to make a payment, the Employee should immediately report such incident to the HR or PD.

### 3.3.2 Hospitality

The Company recognises that providing and receiving appropriate Hospitality in the normal course of a business is necessary and normal practice. However in doing so, Employees need to exercise proper care to protect the Company's reputation against any violations of Items 3.1 to 3.3 above.

### 3.3.3 Donations, Sponsorships & Contributions

It is the nature of our business that the Company gets requests to contribute to social investment activities in the areas where the Company operate. In principle subject to the Company's Board of Directors' approval, the Company may provide such assistance for legitimate and deserving cases in both financial and non-financial ways. However, care needs to be exercised that such Donations, Sponsorships & Contributions reach the legitimate beneficiaries, and comply with the relevant laws.

### 3.3.4 Corporate Gifts


Giving or receiving Corporate Gifts are permissible **IF** they are promotional items given out at events, trade shows and exhibitions and given out fairly, transparently and openly, with the implicit or explicit approval of all parties involved and limited to items such as diaries, table calendars, pens, notepads and plaques only.

## 3.4 SUPPORT LETTERS

The Company may from time to time receive support letters from suppliers, vendors or business partners. As a rule, the Company shall make business decisions based on merit and prudence. If support letters are received as part of the submission of documents, the Company shall evaluate such documents, including support letters on the same basis of merit and prudence, and shall not be unduly influenced by such support letters.

Similarly, the Company may need to issue support letters for certain parties as part of its normal business operations. Such support letters shall be issued by qualified and authorised



	<b>Policies &amp; Procedures</b>	Page No	: Page 9 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

persons in the Company and shall be factual and true and reflect the competency/capability of the said party.

#### 4. DEALING WITH PUBLIC OFFICIALS

Other than Hospitality and Donations, Sponsorships & Contributions as per item 3.3.2 and 3.3.3, payments for any expenses related to a Public Officials and/or his family or associates are not permitted.

Guidance for dealing appropriately with Public Officials, including protocol, shall be sought from the PD and where relevant, Public Relations and Stakeholder Management, Human Resource department, among others.


#### 5. RESPONSIBILITY

##### 5.1 EMPLOYEE

- Familiarise himself/herself with the requirements of this Policy and communicate to others in the team.
- Ensure compliance to this Policy and all relevant transactions and payments are properly documented and reported
- Enquire from PD, Directors/HODs if clarity and guidance are needed on matters relating to this Policy
- Report violations or suspected violations through appropriate channels ie Whistleblowing Policy & Procedure.

##### 5.2 BUSINESS ASSOCIATE AND CONTROLLED ORGANIZATIONS

This Policy applies to and is binding on Directors of the Company, Employees, Business Associate, Controlled Organizations and Employees of Controlled Organisations.

	<b>Policies &amp; Procedures</b>	Page No	: Page 10 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

## 6. COMMUNICATION & AUTHORITY

Where there is any uncertainty on any practices which relate to AB&C Policy, the Employee must seek advice from the PD/Directors/HODs.

All relevant expenses, transactions or payment shall be documented and approved according to the Company's Financial Authority Limits.

Any non-compliance and any risk areas identified by the Risk Management and other means should be reported to the PD in a timely manner.

## 7. WHISTLEBLOWING

Employees and/ or external parties who, in the course of their duties at the Company, encounter actual or suspected violations of this Policy should report their concerns using the reporting channels stated in the Whistleblowing Policy and Procedure and be subjected to the terms and conditions therein.


## 8. CONSEQUENCES OF NON-COMPLIANCE

For the Employee, non-compliance may lead to disciplinary action according to the Company's HR policies, up to and including termination of employment.

For external parties, non-compliance may lead to penalties including termination of contract. Further legal action may also be taken in the event that the Company's interests have been harmed by the results of non-compliance by individuals and organisations.

## 9. ANTI-BRIBERY AND CORRUPTION COMPLIANCE FUNCTION

The Risk Management Department shall assist the Company on matters of integrity and ensuring good governance.

	<b>Policies &amp; Procedures</b>	Page No	: Page 11 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

As part of the Company structure, the Risk Management shall;

- provide clarification and guidance to Employees on issues relating to Bribery and Corruption
- ensure adequate monitoring, evaluation and implementation of the AB&C Policy
- report on need basis the performance of this Policy to the PD.

The Company's Risk Management (as defined below) is the responsibility of the Head of Risk Management Department, reporting to the PD who will in turn report to the Board of Directors of the Company.


Risk Management includes:

- addressing business risks and to ensure appropriate internal controls including compliance to anti-bribery and corruption laws by various business divisions/departments;
- conduct regular risk assessments to identify those in Exposed Position, bribery and corruption risks affecting the business;
- set anti-bribery and corruption objectives, and assess the effectiveness of the controls in achieving those objectives;

## 10. CONTINUOUS IMPROVEMENT


The Company shall monitor in the locations where it operates, legal and regulatory matters in relation to its business activities and risks, for improvement and updating of this Policy.

As well, assessments of this Policy, relevant manuals or trainings should be carried out on need basis to ensure its scope, policies, procedures and controls are adequate for the Bribery and Corruption risks faced by the Company.

	<b>Policies &amp; Procedures</b>	Page No	: Page 12 of 12
		Edition No	: 00
	<b>ANTI-BRIBERY AND CORRUPTION POLICY</b>	Issue Date	: 15 October 2020
		Ref. No.	SSP: SSP-HR0012
	UG : MGKT-QSHE-PRO-0037		

## 11. REFERENCES

1. MACC Act 2009
2. MACC Guideline on Adequate Procedures
3. Personal Data Protection Act 2010
4. Whistleblowing Policy and Procedure
5. Human Resource Policies & Procedures:
  - (a) Employee Handbook
  - (b) No Receiving of Gifts & Gratuities – SSP-HR007, applicable to MMC Gamuda KVMRT (T) Sdn Bhd with effect from the date of publication of this Policy.

This document is:-  1. Prepared by : Maggie Chong M.F / Ho Yim Cheng  2. Reviewed by : Victoria Ong Kim Buai	Approved by	
		
	Name :	Dato' Ir Wong Wai Ching
	Position :	Project Director