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1. OVERVIEW

This Whistleblowing Policy and Procedure is a framework for reporting of concerns about Improper Conduct within the Company's operations and to avert possible risks of loss or reputation damage to the Company. It encourages and facilitates Employees to disclose genuine concerns of Improper Conduct within the Company, whilst protecting the person making such disclosures from any reprisal action.

1.1 OBJECTIVES

The Policy's main objectives are:


- (i) To encourage and guide Employees and members of the public to communicate and disclose any Improper Conduct within the Company to the appropriate party within the Company in accordance with this Whistleblowing Policy and Procedure; and
- (ii) To clarify the protection accorded to Employees and members of the public who report allegations of any Improper Conduct;
- (iii) To ensure disclosures of improper Conduct is managed in an appropriate and timely manner.

1.2 SCOPE

The Policy applies to any Improper Conduct by any Employee of the Company that affects others, such as other Employees, consultants, vendors, contractors, outside agencies or Employees of such agencies, and/or any other parties which have a business relationship with the Company.

This Policy does not cover:

- (i) Complaints about the Company's works and/or services;
- (ii) Personal grievances concerning an individual's terms and conditions of employment or other aspects of the working relationship, such as complaints of bullying or harassment, which are to be dealt with under the Company's procedure on grievance management.

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1.3 APPLICABILITY

The provisions in this Policy and Procedure comply with the Whistleblower Protection Act 2010, Companies Act 2016, Malaysian Anti-Corruption Commission (MACC) Act 2009 and 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 laws shall prevail.

This Policy shall also be read together with the Company's Anti- Bribery & Corruption Policy and other related materials on disciplinary action under the custodian of the HR. Provisions in this Policy shall be reviewed and amended whenever necessary to ensure its effective implementation.

1.4 POLICY OWNER

The owner of this Policy is the Human Resources Department.


2. DEFINITIONS

“**Board**” means the Board of Directors of MMC Gamuda KVMRT (PDP SSP) Sdn Bhd and MMC Gamuda KVMRT (T) Sdn Bhd;

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

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

“**Enforcement Agencies**” means any unit or body set up or established by the government having investigative and enforcement powers;

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“**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.

“**Improper Conduct**” means any conduct, acts or omission which if proved, constitutes a disciplinary offence or a criminal offence under the relevant law in force and shall include but not limited to the following;

- (i) Criminal offence or unlawful act such as fraud, corruption/bribery, theft, embezzlement and blackmail; Forgery or alteration of any document or account belonging to company;
- (ii) Forgery or alteration of a cheque, bank draft, or any other financial document;
- (iii) Misappropriation of Company’s funds, securities, supplies, or other assets;
- (iv) Impropriety in the handling or reporting of money or financial transactions;
- (v) Profiteering as a result of insider knowledge of the Company’s activities;
- (vi) Any conduct which is an offence or a breach of law;
- (vii) Financial malpractice;
- (viii) Breach of the Company’s policies and guidelines;
- (ix) Improprieties of tender and procurement activities;
- (x) Abuse of power and position for personal gain;
- (xi) Any act that poses danger to health and safety;
- (xii) Any act that causes damage to environment;
- (xiii) Concealment of any of the above; and
- (xiv) Any misconduct as stated in any of the Company’s established policies and manuals.

“**Investigating Team**” means an independent party or committee, consisting of three (3) members who are Employees appointed by the Project Director to conduct investigations into the alleged Improper Conduct.

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

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“**Reprisal**” means disciplinary measures, demotion, suspension, termination of employment or service or any other retaliatory action;

“**Whistleblower**” is an individual who discloses any Improper Conduct within the Company in accordance with this Whistleblowing Policy and Procedure;

“**Whistleblowing**” is the act of disclosing any Improper Conduct.

3. MAKING A REPORT

3.1 Disclosure on any Improper Conduct that concerns the Company may be made to the HR via e-mail to:

- (i) hr.wpp@mgjv-kvmrt.com.my (for **MMC Gamuda KVMRT (PDP SSP) Sdn Bhd**); and
- (ii) hr_ug@kvmrt-ug.com.my (for **MMC Gamuda KVMRT (T) Sdn Bhd**).


Failure to do so will result in the Whistleblower not being accorded with the protection set out in this Policy.

3.2 Whistleblowers are advised to provide sufficient details which include the following:

- (i) a description of the Improper Conduct and the people/parties who are involved;
- (ii) a background of the incident, including the relevant dates and location of occurrence;
- (iii) how the Improper Conduct was detected;
- (iv) reason(s) why the Whistleblower is particularly concerned about this (e.g. it may result in loss of the Company’s assets/funds); and
- (v) particulars or production of documentary evidence and witnesses, if any.

3.3 The Whistleblower may use the attached form as in Appendix 2 when making the disclosure.

3.4 A Whistleblower shall identify himself / herself when submitting a complaint / disclosure, which include name, contact details and department. An anonymous disclosure shall not be entertained and may result in the Whistleblower not being conferred protection under the Whistleblower Protection Act 2010.

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3.5 Although the Whistleblower is not expected to prove beyond reasonable doubt the truth of the disclosure, the Whistleblower shall need to demonstrate that there are reasonable grounds for his / her concern and provide sufficient information for the Company to take appropriate steps.

3.6 The Whistleblower shall not attempt to personally conduct any investigation, interview or interrogation related to the matter being disclosed.

4. PROTECTION OF THE WHISTLEBLOWER

4.1 A Whistleblower who is an Employee will be protected from any Reprisal as a consequence of the disclosure, subject to the conditions fulfilled as in paragraph 4.2. In the event that the alleged wrongdoing is not subsequently proven, the Whistleblower will also be protected from Reprisal subject to the conditions described in paragraph 4.2.


4.2 Protection to the Whistleblower will be accorded by the Company only when all the following conditions are met:

- (i) The disclosure is done in good faith, is not frivolous or vexatious or is not made with malicious intent or ulterior motive;
- (ii) The Whistleblower has not communicated the disclosure to any other party not related to the disclosure; and
- (iii) The disclosure made is not for personal gain or interest.

Upon making the disclosure through the proper channel as set out in Item 3.1 above, the Whistleblower's identity will be protected i.e. kept confidential unless otherwise required by law or for purposes of any proceedings by or against the Company.

4.3 Notwithstanding Item 4.2 above, the identity and personal information of the Whistleblower and the alleged wrongdoer may be revealed to the PD, HR and members of the Investigating Team or to such other person as may deem necessary and reasonable by the Investigating Team to facilitate the investigation process.


4.4 An Employee making allegations or reports that prove to have been made with bad faith will be subject to disciplinary action. In the case of customers, suppliers, subcontractors or consultants, continuity of business relationship shall be reviewed.

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- 4.5 Any form of retaliation by an Employee complained of against any Whistleblower for reporting any Improper Conduct is prohibited and considered to be in breach of the Company's Policy and Procedures. In such cases, disciplinary measures shall be taken against such Employee.
- 4.6 A Whistleblower who considers that he/she has been the victim of retaliation for reporting any Improper Conduct or has good reason to believe or fear that he/she is exposed to the risk of retaliation as a result of his/her reporting any Improper Conduct shall report the matter in accordance with Item 3.1 above and request that protective measures as may be appropriate be adopted. The protection against retaliation shall be extended to any other party associated with the Whistleblower.

5. MANAGING A WHISTLEBLOWER REPORT

- 5.1 Upon receiving a Whistleblower's report, the HR shall in consultation with the PD review and evaluate the Whistleblower's disclosure to determine whether it contains sufficient details as described in Item 3.2 above. If not, the case shall be closed and the Whistleblower shall be informed accordingly.
- 5.2 If the allegation is on any Employee, he/she shall automatically be recused and excluded from participating in the investigation and decision-making process pertaining to the allegation.
- 5.3 If the Whistleblower's report contains sufficient details as described in Item 3.2 above to be further investigated, an independent Investigating Team shall be formed to investigate the alleged Improper Conduct.
- 5.4 The Investigation Team shall carry out and complete its investigation and provide its findings in the form of a written report and submit the said report to the PD and HR within such reasonable time as determine by the Investigation Team.
- 5.5 The HR shall inform the Whistleblower of the Investigation Team's findings in accordance with either Item 5.1 or Item 5.4 above upon completion of the Investigation Team's written report.

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5.6 The Whistleblower shall refrain from the following:

- (i) Contact the Employee(s) or alleged wrongdoer in an effort to determine facts or demand restitution; and
- (ii) Discuss or share the case, facts, suspicions or allegations with anyone except in accordance with the process set out in Item 5.1 or Item 5.4 above.

6. CONDUCTING INVESTIGATION

6.1 The HR, PD and the Investigating Team shall maintain objectivity, impartiality and fairness throughout the process set out in Item 5.1 or Item 5.4 above and conduct their activities competently and with the highest levels of integrity. In particular, it shall perform its duties independently, free from improper influence and fear of retaliation from Employees suspected of the Improper Conduct.


6.2 The Whistleblower shall cooperate with the HR, PD and the Investigating Team. Meetings may be arranged off-site, to protect the confidentiality of the Whistleblower.

6.3 The HR, PD and the members of the Investigating Team shall have access to all relevant records. Documents provided for investigation purpose shall be acknowledged accordingly in the records.

6.4 Throughout the investigation process:

- (i) All Employees in the Company are expected to cooperate and provide the necessary assistance to the HR, PD and the Investigating Team. There should not be any attempt to deliberately destroy, alter, hide or remove any documentary information or any evidence.
- (ii) The HR, PD and the Investigating Team (as may be necessary) shall meet the Employee(s) under investigation to ascertain facts of his/her involvement in the Improper Conduct.

6.5 The HR, PD and the Investigating Team may schedule meetings with other persons suspected to have been involved or to have any knowledge of the alleged Improper Conduct. All such meetings shall be conducted confidentially, and all matters discussed shall be documented by the HR, Head of Risk, PD and the Investigating Team (as may be the case).

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6.6 In accordance with Item 5.4 above, the Investigating Team shall submit their findings to the PD and the HR and if the Improper Conduct is established/proven, the Investigating Team shall classify the Improper Conduct into two (2) broad categories as follows:

- (i) **Major:** any conduct, acts or omission contravening the law/legislation or having material impact on business governance, reputation, finances or operations;
- (ii) **Minor:** any other conduct, acts or omission which do not qualify as 'Major' above.

6.7 Upon receiving the findings from the Investigating Team, the HR shall commence the Domestic Inquiry process to decide/deliberate on the appropriate disciplinary action to be taken. Reference shall be made to the Human Resource policy and procedures or practices (which ever applicable) on the setting up of the Domestic Inquiry Panel (DI Panel) and disciplinary action taken thereafter.

6.8 Based on the findings of the Investigation Team, the Head of Risk of the Risk Management Department shall report any proven Major Improper Conduct to the relevant Enforcement Agencies.

6.9 The HR shall notify the Whistleblower on the outcome of the disciplinary action.

6.10 All records of disclosures, statements, evidence and findings shall be managed in compliance with the provisions of the Personal Data Protection Act 2010 and other applicable laws.


6.11 All the above investigation processes shall be properly reported and documented.

7. COMMUNICATION AND CONFIDENTIALITY

7.1 All reports and identity of the Whistleblower will be treated in a confidential and sensitive manner. Information relating to the report made by a Whistleblower shall be restricted only to those who need to know of the matter, i.e. on a need-to-know basis.


7.2 Any person involved shall be reminded to preserve the confidentiality of the matter.


7.3 Any announcement(s) as required by the regulatory authorities (e.g. Securities Commission) shall be made accordingly in compliance with the disclosure requirements of the relevant regulations.

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8. REFERENCE

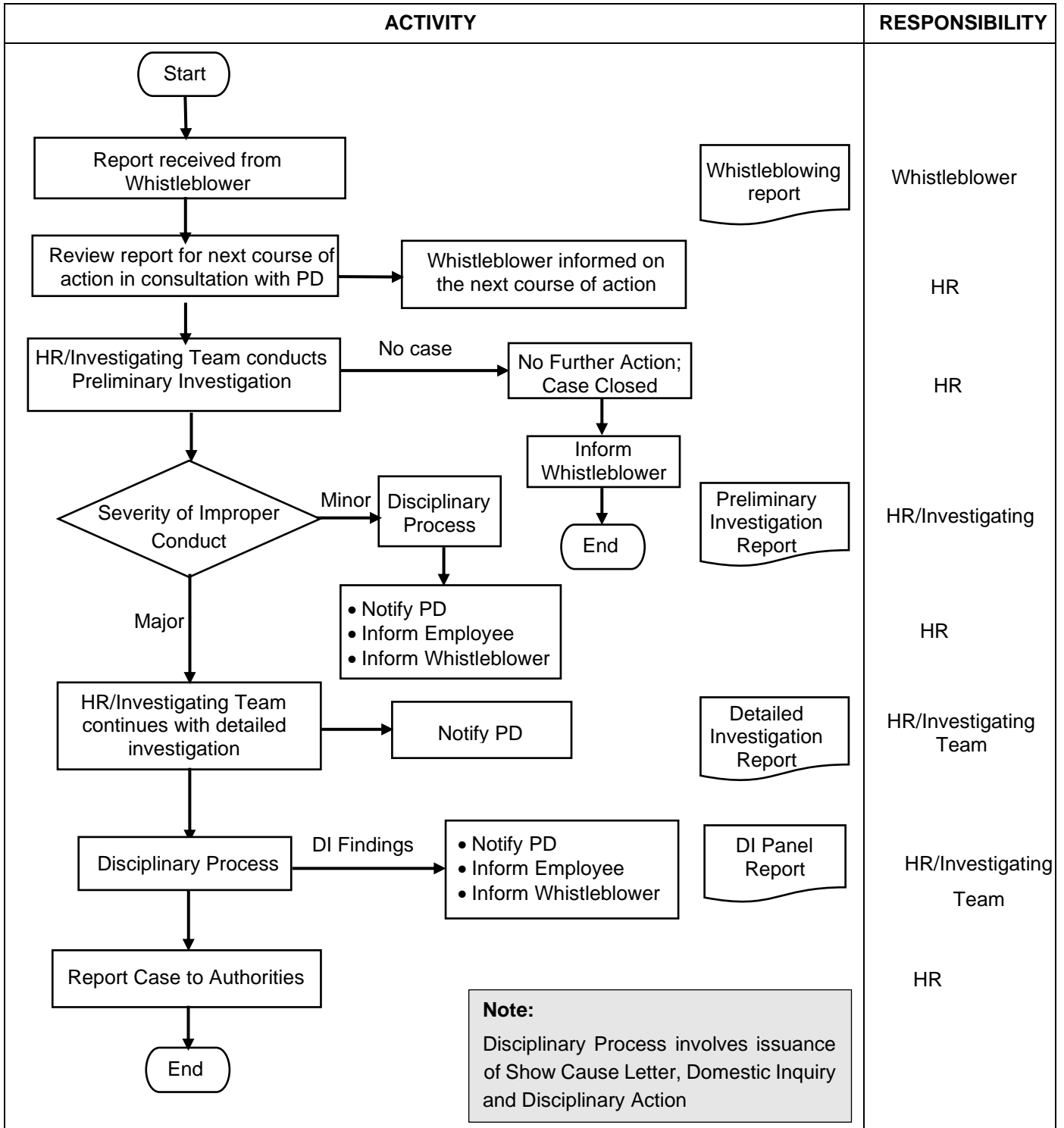
1. Whistleblower Protection Act 2010
2. Companies Act 2016
3. MACC Act 2009
4. Personal Data Protection Act 2010
5. MACC Guideline on Adequate Procedures
6. Anti-Bribery and Corruption (AB&C) Policy
7. Human Resource Policies & Procedures:
 - (i) Employee Handbook
 - (ii) No Receiving of Gifts & Gratuities – 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	
		
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	Position :	Project Director

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Appendix 1

WHISTLEBLOWING PROCESS FLOW



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Appendix 2

WHISTLEBLOWING REPORTING FORM

Name:		NRIC No.:	
Phone No.:		Email Address:	
Employee No.:		Department:	
Details of Allegation			
Person(s) Involved: Location: Date and Time: Incident/Details of Allegation: How Incident Was Detected: Evidence Available: Concern and/or Potential Impact of Allegation:			
Declaration:			
<p>I hereby declare that the information provided herein is true to the best of my knowledge and belief and I have made this disclosure voluntarily. I understand that MMC Gamuda KVMRT (PDP SSP) Sdn Bhd/MMC Gamuda KVMRT (T) Sdn Bhd; will use the information provided for the investigation process.</p> <p>.....</p> <p>Name:</p> <p>Date:</p>			