



# **HO WAH GENTING BERHAD**

*Company No.:199301018185 (272923-H)*

## **WHISTLEBLOWING POLICY AND PROCEDURE**

**30 MAY 2019**

*(Revised on 23 December 2021)*

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## **1. POLICY STATEMENT**

- i. The policy provides for a mechanism to enable staff and other members of the Company and third party who have dealings with the Company to voice their concerns over any wrongdoings or misconduct by any of the staff and member of the Company in a responsible and appropriate manner.
- ii. The policy is committed in promoting and maintaining transparency, accountability, ethics, integrity and impartiality of the Company and the conduct of its business and affairs.
- iii. The policy is designed to protect its staff and other members including third party making the disclosures about the possible improprieties or misconduct at the earliest opportunity without fear of reprisal or detrimental consequences.
- iv. The policy also sets out procedures to facilitate the disclosures of improper conduct without compromising the confidentiality of the matters and whistleblowers involved.
- v. The policy does not absolve staff and members of the Company from any statutory obligations contained in any law, Act or Regulation to report criminal offences or any breaches of law with the relevant enforcement Agency.
- vi. This policy is to be read together with the Company Employees Handbook, Conflict of Interest Policy, Corporate Disclosure Policy or any other Internal Circular Letters issued from time to time.

## **2. OBJECTIVES**

- i. The objectives of this Policy are as follows:
  - (a) to provide employees and third parties dealing with the Company and/or Group with defined procedures in disclosing cases of Improper Conduct (“Disclosure”);
  - (b) to manage the Disclosures appropriately and timely;
  - (c) to provide protection to whistleblowers from reprisal action resulting from the Disclosure; and
  - (d) to provide fair treatment to both the whistleblower and the alleged wrongdoer when a Disclosure is reported.

## **3. APPLICATION OF POLICY**

- i. This Policy applies to all employees and third parties who have become aware of or genuinely suspects on a reasonable belief that an employee of the Company or Group has engaged, is engaged or is preparing to engage in any Improper Conduct.
- ii. Any provision in any contract of employment which purports and/or intends to prevent the making of a disclosure of Improper Conduct shall be void to the extent that it purports and/or intends to prevent the making of the Disclosure or the implementation of any provision of this Policy.

#### **4. LIMITATIONS OF POLICY**

- i. This Policy does not however, cover any issues, complaints or concerns in relation to:
  - (a) matters of grievances in nature;
  - (b) matters which are trivial or frivolous in nature; or
  - (c) matters which are motivated by malice.
- ii. If an employee is unsure whether a particular act or omission constitutes an Improper Conduct under this Policy, the employee is encouraged to seek advice from his or her immediate superior or Head of Department or Human Resource Department (“HR”).

#### **5. WHO DOES THE POLICY APPLY TO**

- i. This Policy applies to the Company’s employees including employees on contract terms, temporary or short-term employees and employees on secondment within the Group.
- ii. To facilitate due and fair investigation process, any person who discovers or suspects any Improper Conduct within the Company and/or Group, should not attempt to conduct investigations personally but to immediately report the matter as per the Procedures stated in this Policy.

#### **6. IMPROPER CONDUCT**

Following are examples of Improper Conduct. However, the list is not exhaustive and may include other matter(s) the whistleblower has reasonable belief and confidence of the improper conduct:

- Failure to comply with legal obligations;
- Criminal offence;
- Corruption or fraud;
- Misuse or abuse of the Company’s or Group funds or assets;
- Gross mismanagement within the Company or Group;
- Serious financial irregularity or impropriety within the Company or Group;
- Repeated ill treatment of a client/customer/supplier despite a complaint being made;
- Serious breach of the Company’s Code of Conduct and Ethics or Conflict of Interest Policy for its employees and directors;
- Actions which endanger the health or safety of employees or the public;
- Failure to comply with the provisions of the Government Laws and Regulations where the wrongdoer, knowingly, disregards or does not comply with such provisions;
- Knowingly directing or advising a person to commit any of the above wrongdoings; and
- Any action which is intended to conceal any of the above.

#### **7. DISCLOSURE OF IMPROPER CONDUCT**

- i. An employee or third party who becomes aware of an alleged Improper Conduct is encouraged to make a Disclosure as soon as possible.
- ii. The whistleblower needs to demonstrate that he or she has reasonable belief of the Improper Conduct.

- iii. In order to give the Company an opportunity to investigate the alleged Improper Conduct and to take the necessary internal corrective actions, whistleblowers are encouraged to lodge a report by providing, to the extent that is possible, the following information:
  - (a) description of the Improper Conduct and the people/party (ies) that are involved (to state whether they are employees of the Company or external parties);
  - (b) details of the Improper Conduct, including the relevant dates of occurrence;
  - (c) particulars of witnesses, if any; and
  - (d) documentary evidence, if any.
- iv. A Disclosure of Improper Conduct may still be made, subject to Paragraph 7(ii), although the person making the Disclosure is not able to identify a particular person to which the Disclosure relates.
- v. When there is more than one Disclosure made at a time, the Disclosures may be prioritised according to the nature or gravity of the alleged Improper Conduct or reported risks and the magnitude of the repercussions.

## **8. PROCEDURES IN DISCLOSING AND HANDLING WHISTLEBLOWING OF WRONGDOINGS**

- i. When an employee is of the opinion that a specific misconduct falls within the scope of this Policy and cannot be solved through existing procedures, he or she can choose to make a report in writing and submit it to his/her **Head of Department or HR**.
  - (a) The whistleblower should provide all details of his or her concerns as reasonably possible, including:
    - 1) Nature of wrongdoing;
    - 2) The date of incidence;
    - 3) Time and place of its occurrence;
    - 4) The identity of the alleged wrongdoer;
    - 5) Particulars of witnesses, if any;
    - 6) Particulars or production of documentary evidence, if any.
- ii. The employee can also directly contact the Group Chief Executive Office when he or she has a reasonable belief that there is serious malpractice relating to any of the wrongdoings specified in Paragraph 6 and it would not be properly dealt with by reporting to his/her **Head of Department or HR**.
- iii. The whistleblower is required to disclose his or her particulars including, name, designation, current address and contact numbers. Anonymous complaints would not be entertained and covered by this Policy.
- iv. The whistleblower may be asked to provide further clarifications and information from time to time, for example, if an investigation is conducted.
- v. In respect of an employee who reports a suspected violation in good faith and is not engaged in questionable conduct, the Company will attempt to keep its discussions and actions confidential to the greatest extent possible.
- vi. However, there may be circumstances where the employee may be needed as a witness. Should this be the case, the Company will discuss the matter with the employee at the earliest opportunity. In addition, in the course of investigation, the Company may need to share information with others on a "need to know" basis.

- vii. For Disclosure concerning the Company's Management and/or Senior Management/Directors, the reporting shall be directly to Senior Independent Non-Executive Director at the following email address:

Name: Ms. Elaine Tan Ai Lin

Email Address: [whistleblower@hwgenting.com.my](mailto:whistleblower@hwgenting.com.my)

The Senior Independent Non-Executive Director will deliberate the concern with the Board to decide on appropriate course of action.

- viii. Reporting Form

A Whistleblowing Form is attached herein as Annexure "A".

## **9. PROTECTION**

- i. Upon making a Disclosure in good faith, based on reasonable grounds and in accordance with the procedures pursuant to this Policy:
- (a) 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 and/or Group.
  - (b) the whistleblower will be protected from harassment or victimisation within the Company and/or Group as a direct consequence of his or her Disclosure.
- ii. The Company and/or Group will not tolerate punishment or unfair treatment when misconducts are raised in good faith. Any employee who reports a contravention or a misconduct will be given protection and shall in no way be put at a disadvantage as a result of his or her Disclosure.
- iii. Where it is determined that there is a prima facie case that the whistleblower has suffered adverse treatment, harassment or victimisation as a result of his or her Disclosure, a further investigation may take place and disciplinary action may be taken against the perpetrator(s) in accordance with the relevant procedure in this Policy and/or the Disciplinary Action under the Company Employee's Handbook.
- iv. If the complaint was made by the whistleblower otherwise than in good faith and based on reasonable grounds, the whistleblower will automatically lose the protections as stated in **Paragraph 9 (i)**. In addition, the Company will determine the action to be taken which may include disciplinary measures, formal warning or reprimand, demotion, suspension or termination of employment or services with the Company in accordance with Disciplinary Action of the Company Employee's Handbook.

This Whistleblower Policy had been approved by the Board of Directors on 30 May 2019. Any changes to this Policy must be approved by the Board prior to adoption.

This Whistleblower Policy was reviewed on 23 December 2021.



**HO WAH GENTING BERHAD**  
(Company No. 272923-H)

**WHISTLEBLOWING FORM**

**STRICTLY CONFIDENTIAL**

(\* Denotes mandatory)

**1. Contact Information of Whistleblower**

Name \*

NRIC Number \*

Phone Number \* Office  Mobile

Email Address \*

Employment Details \*  
**(for employees only)** \_\_\_\_\_  
Division, Department, Position \_\_\_\_\_  
**(for 3<sup>rd</sup> parties, please state company name and business relation with the Company or Group)**

**2. Details of Concern \***

Please indicate here, a summary of your concern. You should include details of what your concern is; who is / are involved; why you are concerned; when did the concern arise; if there are other people who can verify your concern. (Use additional sheets if needed).

\_\_\_\_\_  
\_\_\_\_\_

**3. Evidence\***

Please state the supporting documents, witnesses or evidence to substantiate your disclosure (if any) to facilitate investigation. You may also attach the relevant documents. (Use additional sheets if needed).

\_\_\_\_\_  
\_\_\_\_\_

**4. Declaration\***

I hereby declare that all the information given herein are made voluntarily and are true to the best of my knowledge and I will ensure that my participation in this matter will be kept confidential. I do understand that the Company will use the information and material provided throughout the investigation process.

\_\_\_\_\_  
(Signature)

Name:

Date:

**Instruction to Whistleblower**

If you are an employee, you should send this form to your immediate superior, unless he / she is the subject of complaint, then it should be passed to the Head of HR, Group Chief Executive Officer or the Senior Independent Non-Executive Director.

If you are not an employee, please send this form to the Senior Independent Non-Executive Director.

You will be contacted by a senior member of staff, who will confirm the process to be followed and agree how you are to be contacted in future. Whilst we shall try to keep your name as confidential as possible, please be aware that it may well be necessary to reveal it as part of the investigation process.

Received by: \_\_\_\_\_

Date: \_\_\_\_\_