

**Sarawak Energy Group
Whistleblower Policy**

ZERO TOLERANCE

of Fraud, Bribery & Corruption



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Policy Owner	Legal Division, Legal & Enterprise Risk Department, Sarawak Energy Berhad
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Intended Application	All Sarawak Energy Berhad Group companies, where Sarawak Energy holds 51% and above.

1. Introduction

In 2010, Malaysia enacted the Whistleblower Protection Act which seeks:

- (a) To combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector;
- (b) To protect persons making those disclosures from detrimental action; and
- (c) To provide for the matters disclosed to be investigated and dealt with.

2. Purpose

This policy is to provide protection to employees and members of the public who disclose to the Sarawak Energy Group allegations of improper conduct, in alignment with the objectives of the Act.

3. Definitions

“Act” means the Whistleblower Protection Act 2010;

“Conflict of Interest” is defined further in Clause 5.1 of Sarawak Energy Corporate Code of Ethics;

“Detrimental Action” includes actions causing injury, loss or damage, intimidation or harassment, or interference to a person’s employment or career, and threats to such actions;

“External parties dealing with Sarawak Energy Group” is described in Clause 4.2 of this Policy;

“Fraud” is defined in Clause 2.2 of Fraud Risk Management Framework Policy;

“Fraud Control Officer” is an officer described in Clause 9.0 of the Fraud Risk Management Framework Policy;

“Fraud Risk Management Framework Policy” is one of the documents listed in Sarawak Energy Policies and Procedures on prevention of fraud;

“Good Faith” means honestly and without malice;

“Group Chief Executive Officer” means the Group Chief Executive Officer of Sarawak Energy Group;

“HSSE” means Health, Safety, Security and Environment;

“MACC 2009” means Malaysian Anti-Corruption Commission Act 2009;

“Policy” means Sarawak Energy Group Whistleblower Policy, for the purpose of this document;

“Procurement Policies and Procedures” means Sarawak Energy Procurement Policies and Procedures;

“Sarawak Energy” means Sarawak Energy Berhad;

“Sarawak Energy Group” means Sarawak Energy Berhad and related or subsidiary companies of Sarawak Energy Berhad;

“Staff of Sarawak Energy Group” is described in Clause 4.1 of this Policy.

4. Applicability of this Policy

4.1 Staff of Sarawak Energy Group

All staff which shall include the directors, officers and employees of Sarawak Energy Group, whether employed on normal or fixed term or casual contracts of employment.

4.2 External parties dealing with Sarawak Energy Group

External parties such as representatives, agents, consultants, independent contractors, suppliers and any other person/organizations having business relationship with Sarawak Energy Group, if appropriate.

5. Scope of Sarawak Energy Whistleblower Policy

Sarawak Energy is committed to adhere to the highest standards of ethical, moral and legal conduct of all business operations. This Policy aims to provide an avenue for all parties described in Clause 4.1 and 4.2 of this Policy to disclose any misconduct, breach of policies and procedures and/or criminal offences which shall include (but not limited to):

- (a) Fraud;
- (b) Bribery and/or Corruption;
- (c) Abuse of power;
- (d) Conflict of Interest;

- (e) Health, Safety, Security and Environment (HSSE) offences;
- (f) Road Transport Act 1987 offences;
- (g) All other criminal conduct;
- (h) Non-compliance with Sarawak Energy policies and procedures on prevention detection and response of fraud;
- (i) Non-compliance with Procurement Policies and Procedures.

The above list is not exhaustive and includes any act or omissions, which if proven, will constitute an act of misconduct, breach of policies and procedures and/or criminal offences.

6. Reporting Responsibility

- 6.1 It is the responsibility of all the parties described in Clause 4.1 and 4.2 of this Policy to report and/or disclose any misconduct, breach of policies and procedures and/or criminal offences as highlighted in Clause 2.2 of this Policy.
- 6.2 The reporting and/or disclosure procedure is in accordance with Clause 6.3 and 6.4 of this Policy.
- 6.3 For disclosures by **Staff of Sarawak Energy Group**, the complaint shall be made to:
- (a) The Fraud Control Officer; or
 - (b) If the staff feels that due to the seriousness or sensitivity of the suspected fraud incident, he or she may report the matter directly to the Group Chief Executive Officer, and the Group Chief Executive Officer may be assisted by his designated officers or the Fraud Control Officer in receiving and recording the complaint as stated in the Fraud Risk Management Framework Policy; or
 - (c) Vice President (HSSE Department) for HSSE related offences and/or Road Transport Act 1987 offences; or
 - (d) Vice President (Retail Department) for the power theft offences.
- 6.4 For disclosures by **External Parties dealing with Sarawak Energy Group**, the complaint shall be made to Group Chief Executive Officer.

7. Failure to report

- 7.1 Failure to report instances of misconduct, breach of policies and procedures and/or criminal offences as provided in Clause 5 of this Policy may constitute an offence under MACC 2009. If you are unsure whether the incident you have seen or know about amounts to misconduct, breach policies and procedures and/or criminal offences as provided in Clause 5 of this Policy, you should report the incident anyway.
- 7.2 Failure to report may also result in disciplinary action and other forms of consequence management, should investigation reveal that you have participate in, helped cover up, or failed to report an incident that ought to have been reported.

8. Protection of Whistleblower

- 8.1 A Whistleblower will be accorded with protection of confidentiality of identity, to the extent reasonably practicable. In addition, employees who whistleblow internally will also be protected against any “Detrimental Action” for disclosing any improper conduct committed or about to be committed with Sarawak Energy Group, to the extent reasonably practicable, provided that the disclosure is made in good faith.
- 8.2 The Whistleblower will be protected even if the investigation later reveals that there is a mistake as to the facts and the rules/procedures involved, provided the disclosure is made in good faith.
- 8.3 Employees who take Detrimental Action against a Whistleblower may be subject to disciplinary action.

9. Disclosure Must be Made on Non-Anonymous Basis

- 9.1 Anonymous disclosures will not be entertained. The identity and contact information of the Whistleblower must be disclosed in order for Sarawak Energy to provide protection to the Whistleblower. Disclosures of identity is also taken into account in assessing whether such disclosure is made in good faith.
- 9.2 Sarawak Energy reserves its right to investigate into any anonymous disclosure.