



# EKOVEST BERHAD

(Company No. 132493-D)  
(Incorporated in Malaysia under the Companies Act, 1965)

## WHISTLEBLOWER PROTECTION POLICY

### 1. POLICY STATEMENT

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The establishment of the Whistleblower Protection Policy (hereinafter referred to as “the Policy”) is to reinforce the Company’s Core Values, Code of Conduct and Corporate Governance, and to strengthen accountability and transparency in the business affairs of the Company.

More specifically it:

- i. fosters an atmosphere of encouraging the exposition or disclosure of improper conduct and behaviour;
- ii. protects the disclosing individual from any form of victimization, harassment, demotion or suspension (hereinafter referred to as “Detrimental Actions); and
- iii. outlines the processes and procedures of reporting improper conduct and behaviour.

The Policy was drafted in tandem with the provisions of the Whistleblower Protection Act 2010 and in conformity with the spirit and objectives of other Acts of Parliament mandating disclosure of improper conduct.

### 2. SCOPE

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The Policy is intended to apply to all Employees of EkoVest Berhad and its subsidiaries (EkoVest Group). For clarity, this shall include Employees seconded and transferred to joint venture entities, subsidiaries and affiliates within the EkoVest Group, as well as Directors. Shareholders, Business partners, associates, consultants, vendors and suppliers are equally encouraged to adhere to the Policy (hereinafter referred to as the “**Disclosing Party**”).



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The expressions “the Company”, “EKOVEST” and “we” are used interchangeably to refer to EkoVest Group in general. The word “you” is used to refer to Employees (and where applicable, the Counterparts and Business Partners).

## 3. DEFINITIONS

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**“Whistleblowing”** means an act to disclose an improper conduct based on his/her reasonable belief that any person has engaged, is engaging or is preparing to engage in improper conduct;

**“Whistleblower”** means any person who makes a disclosure of improper conduct;

**“Improper Conduct”** means any conduct which if proven shall constitute a disciplinary or a criminal offence. Improper conduct includes, but are not limited to the following:-

- a) criminal offences, unlawful acts, fraud, corruption, bribery and blackmail;
- b) intentionally failing or omitting to adhere to legal and regulatory obligations;
- c) abuse or misuse of funds or assets;
- d) any act or omission creating danger to the health and safety of employees, the public or the environment;
- e) precarious work practices;



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**“Confidential Information”** means

- a) information about the identity, occupation, residential address, work address or whereabouts of the Disclosing Party(ies);
- b) information disclosed by the Disclosing Party(ies); and
- c) information if disclosed may cause detriment to any person.

**“Detrimental Action”** means action causing injury, loss or damage, intimidation or harassment, interference with the lawful or livelihood of any person including discrimination, discharge, demotion, termination or adverse treatment, suspension in relation to a person’s employment, career, profession, trade or business and a threat to take any of the above actions.

**“Disciplinary Offence”** means any action or omission which constitutes a breach of discipline in a public or private body as provided by law or in code of conduct, code of ethics or a contract of employment.

**“Whistleblow Officer”** means the Director(s) and/or Officers who have been designated to receive a report of improper conduct.

**“Whistleblower Protection”** means protection conferred to a Disclosing Party under this Policy and under the Whistleblower Protection Act.

**“Investigating Officer”** means the Director or the principal executive officer of the company who has been enjoined to carry out the investigation on the report made.



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### **4. GENERAL DUTY**

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1. A Disclosing Party may make a disclosure of improper conduct based on his/her reasonable belief that any person has engaged, is engaging or is preparing to engage in improper conduct.
2. A Disclosing Party may also make a disclosure of improper conduct notwithstanding:-
  - i. he/she is not able to identify the person who has perpetuated the improper conduct; or
  - ii. he/she is no longer employed or engaged in the organization but the information was acquired while he/she was an officer of the organization.
3. A Disclosing Party making an official report of improper conduct must furnish, to the extent possible, the ensuing information:-
  - i. sufficient facts or descriptions of the conduct and the perpetrator(s) (to state whether an employee or external party); and
  - ii. identity of witness(es) (if any); and
  - iii. particulars and copies of documentary evidence (if any).
4. In the case of a Disclosing Party making more than one disclosure at one time, the disclosure ought to be made in chronological manner in accordance with the sequence of occurrences.



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## 5. REPORTING

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1. Managers, officers and employees in supervisory roles shall be reporting to person(s) as stated below on any allegations of suspected improper conduct or employment related concerns.
  - a) Improper activities or conduct including those relating to financial reporting, unethical or illegal conduct, shall be reported to the **Chairman of the Audit Committee**
  - b) Employment-related concerns shall be reported to:
    - i) **Managing Director** or
    - ii) **Head of Human Resource Department.**
2. Reporting of improper conduct under this policy shall be made in writing via the attached form as per Appendix 1 and addressed to the person(s).
3. A Disclosing Party must state his/her name in full, his/her address, designation and contact number.

## 6. VERIFICATION PROCESS

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1. In the case of disclosure of an improper conduct made by the Disclosing Party to the Whistleblow Officer, the officer concerned shall immediately have the same verified to ascertain whether the matters complained of fall within the ambit of the policy or vice versa.



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2. The Whistleblow Officer then shall, within 7 days from the report having been made, prepare an Assessment Report to the Chairman of the Audit Committee or the Managing Director or the Head of Human Resource Department as the case maybe informing him/her the result of the assessment and to recommend either to close the matter or to investigate further if there is a case of improper conduct perpetuated.
3. The Chairman of the Audit Committee, the Managing Director and the Head of Human Resource Department in the exercise of his duty under this Policy shall have the authority to make a final decision including, but not limited to, any of the following:
  - i. to refuse acceptance of the disclosure(s) either in part or in whole if it falls outside of this Policy; or
  - ii. to direct the matter(s) or any part thereof to be dealt with under other internal procedures such as disciplinary process; or
  - iii. to enjoin a full scale investigation be made on the disclosure(s) ; or
  - iv. to order for an appointment of external party to conduct further investigation on the matters complained of such as auditors or solicitors; or
  - v. to refer the matter(s) disclosed of to enforcement agencies such as PDRM, MACC, CCM and/or others.

### 7. CONDUCT OF INVESTIGATION

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1. Investigation of improper conduct under the instruction of the Chairman of the Audit Committee and the Managing Director shall be carried out by the Investigation Officer (hereinafter referred to as the “IO” appointed by the Company).



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2. The Chairman of the Audit Committee and the Managing Director may also direct for the appointment of external investigator(s) and/or experts if the matters complained of are complex or complicated in nature requiring the special expertise, skills and specific knowledge of such external investigator(s).
3. IO appointed by the Company must at least be among the Principal Executive Officers (Managers) or if the person(s) impugned with the improper conduct is/are Manager(s), the IO shall be appointed from the rank of Senior Principal Executive Officers.
4. The IO may conduct preliminary interviews with the Disclosing Party and use his/her best endeavours to take statements and collate all information, materials and evidential documents (including a list of witness(es), if any) pertaining to the commission of the improper conduct.
5. The result of the interviews with the Disclosing Party(s) or witness(es) in the course of the interrogation must be recorded and reduced into writing and properly filed.
6. The files containing the information and records must be marked and treated with full confidentiality and shall only be disclosed to the Management of the Company or any authorised person(s) with the prior consent of the Chairman of the Audit Committee and/or the Managing Director and/or the Head of Human Resource Department.
7. The IO shall have access to all records or storage facilities of the Company with the authority to obtain and make copies of all or any portion of the contents of the documents, files, books including statutory forms or registers for the purpose of facilitating a seamless investigation of improper conduct.



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### **8. INVESTIGATION REPORT**

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1. Having completed the investigation, the IO shall submit an Investigation Report (hereinafter referred to as “IR”) containing the findings of the investigation to the Chairman of the Audit Committee, the Managing Director or the Head of Human Resource Department.
2. The IR shall contain the following:
  - a) the nature of the alleged improper conduct;
  - b) the detailed factual matrix of the commission of improper conduct with appended interview transcript of the Disclosing Party and witness(es), documentary evidences of any nature gathered by the IO during investigation; and
  - c) findings and recommendations.
3. Whenever and wherever applicable, the IR may include recommendations to the Company to be taken to forestall the occurrence of improper conduct in future.
4. The Disclosing Party may be notified of the result of any investigation that has been completed and action taken with regards to the report made within 14 days from the date of completion. However, the decision to notify or otherwise of the results of the outcome of the investigation resides with the Management.

### **9. CONFIDENTIALITY**

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1. Confidential Information of the Disclosing Party(ies) shall remain and be maintained confidential by the Company except:
  - a. the Disclosing Party(ies) had expressly agreed otherwise and had provided his/her agreement in writing; or
  - b. disclosure is statutorily required/obligated by the laws.





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2. A Disclosing Party(ies) or any other person(s) who is/are involved in the investigation of the improper conduct shall not disseminate to third parties information pertaining to the investigation or any part thereof , including the status of the IR and findings, except:-
  - a) to those who have been authorised under this Policy;
  - b) by lodging a report of improper conduct directly to the Enforcement Agencies delineated under the Whistleblower Protection Act or any other prevailing laws;
  - c) on a strictly confidential and private terms to engage advocates and solicitors or professional bodies for the purpose of professional advice.

### **11. PROTECTION AGAINST DETRIMENTAL ACTION**

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1. A Disclosing Party(ies) shall be protected and no action shall be taken against the Disclosing Part(ies) or any person related to or associated with the Disclosing Party(ies) in reprisal for disclosure of improper conduct.
2. A detrimental action is deemed to have been taken against a Disclosing Party(ies) as a result of:
  - a) a disclosure of improper conduct has been made;
  - b) a believe is inferred that the Disclosing Party(ies) has made or intends to make a disclosure of improper conduct.



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3. An Employee who has disclosed an act of improper conduct to his/her Employer or to any Enforcement Agencies shall:-
  - a) not have his/her contract of service terminated; or
  - b) not have his/her payment that is due and payable withheld.

### **10. REVOCATION OF PROTECTION**

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Whistleblower's protection rendered to a Disclosing Party(ies) shall be revoked if that in the course of investigation it is proven that:

- a) a Disclosing Party himself/herself has participated in the improper conduct;
- b) the Disclosing Party has made a material statement which he/she knew to be false or believe to be false;
- c) the disclosure is deemed frivolous or vexatious; or
- d) the disclosure of improper conduct is made solely or substantially with the motive to evade dismissal or disciplinary action.



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## 11. RECORD SAFEKEEPING

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1. Documents and records of each disclosure shall be marked “**CONFIDENTIAL**” and be stored and archived by the Human Resource Department for no more than 7 years, or as required by any law.
2. Documents and records shall be managed in accordance with the provisos of the Personal Data Protection Act 2010 or other applicable laws.

## 12. ADMINISTRATION

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1. The Managing Director and The Head of Human Resource Department shall be responsible for the interpretation and application of this Policy.
2. The Policy and the provisions delineated herein may be reviewed and amended from time to time to ensure effective implementation of this Policy within the EkoVest Group.



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## APPENDIX 1

WHISTLEBLOWING REPORT		
To :		
Incident Date & Time	Date :	Time :
Incident Location		
Name of alleged person / Div / Dept		
Description / Circumstances of Alleged incident (Please use attachment if necessary)	<ul style="list-style-type: none"><li>• What, Who, When, Where, How, Witness</li><li>• Please provide evidence to support the claim</li></ul>	
Signature :	_____	
Name :	_____	
Dept/Div/Co :	_____	
Telephone No :	_____	
Date :	_____	

*Note : It is necessary to provide your name and contact number so that we can contact you for additional information of the reported concern.*