



ANTI-BRIBERY & ANTI-CORRUPTION (ABC)

1.0 INTRODUCTION

- 1.1 The provision of new section 17A under the MACC Act 2009 (revised 2018), establishes the principle of a **commercial organisation's** criminal liability (corporate liability) for the corrupt practices of its employees and/or any person(s) associated with the commercial organisation in cases where such corrupt practices are carry out for the organisation's benefit or advantage. The commercial organisation may be liable if its **top-level management** and/or representatives had actual knowledge of the corrupt acts of its employees and/or **associated persons**.

2.0 PURPOSE, SCOPE & IMPLICATION

- 2.1 If charged, it is a defence for the commercial organisation to prove that it had in place adequate procedures to prevent persons associated with the commercial organisation from undertaking such conduct.
- 2.2 This policy is applicable to anyone who is employed by or work at PKT Group (whether in Malaysia or outside Malaysia and whether permanent, fixed-term or temporary basis), directors (executive and non-executive), controllers, officers and business partners. It is also applicable to contractors, sub-contractors, consultants, agents, representatives and service providers of any kind performing work or services, for or on behalf of PKT Group.
- 2.3 Joint ventures and associated companies, is a non-controlling shareholders or partners are encouraged to adopt this policy for the similar principles and standards as part of their anti-corruption framework.
- 2.4 PKT Group strictly does not tolerate any bribes given, agrees to give, promises or offers to any person any gratification for the purposes of obtaining or retaining business or provides an advantage to the businesses of PKT Group.
- 2.5 PKT Group does not tolerate any such acts of bribery even in a personal capacity.
- a) Any employees that breaches any of the ABC Policy may fall within the scope of serious misconduct and may subject to disciplinary action, including dismissal or termination of employment, depending on the facts and circumstances of each case.
 - b) Any employees that actively (assisted or facilitated) or by way of negligence of omission, will also be deemed to have violated the ABC Policy.



ANTI-BRIBERY & ANTI-CORRUPTION (ABC)

- 2.6 Legal consequences of criminal conviction:
- a) A maximum fine of 10 times the sum of **gratification** involved, or RM1 million, whichever is higher;
 - b) A maximum jail term of 20 years; or
 - c) Both penalties of the fine and jail term.

3.0 **POLICY & PROCEDURES**

- 3.1 The five (5) guiding principles for our organisations to follow is to prevent the **offence** or bribery from occurring. They are important to identify risks, mitigating factors and for prevention measures.

Five Principles of T.R.U.S.T.:

- 3.1.1 **T** - Top Level Commitment / Tone from the Top
Ensure the organisation complies with the applicable anti-corruption rules and regulations.
- 3.1.2 **R** - Risk Assessment
- a) Conduct the risk assessments at regular intervals [at least once every three years] to identify evolving risks of corruption.
 - b) Review the findings regularly.
- 3.1.3 **U** - Undertake Control Measures
- a) Appropriate contingency measures, which includes ongoing **due diligence on third party** i.e. vendors, agents, contractors and sub-contractors acting on behalf.
 - b) Any contracts with third party must have anti-corruption clauses.
 - c) Conflict of Interest – when a person own interest (for personal gain) have a potential to influence the decision making of others may cause disadvantages to the Group.
 - d) Gift, Hospitality & Entertainment – any corporate events giving or receiving must be proportionate and reasonable.
 - e) Donation, Sponsor & Charity – any request for contributions must brought to the attention of the executive director(s).
 - f) Facilitation payments is a payment to induce public official to perform routine functions they are otherwise obligated to perform. It is illegal in Malaysia.



ANTI-BRIBERY & ANTI-CORRUPTION (ABC)

g) Stringent financial controls, is to address the corruption risks.

Particularly on the following:

- i) Promptly record all transactions and payments accurately and in reasonable details.
- ii) Always raise suspicious transactions to immediate superiors or head of department for guidance on next course of action.

3.1.4 S - Systematic Review, Monitoring and Enforcement

- a) Review and assess the effectiveness and efficiency of the ABC policy
- b) Take appropriate actions in the event of non-compliance of ABC policy.
 - i) For employees, may lead to disciplinary action and termination of employment.
 - ii) For business partner, may lead to termination of contract and claim for damages.

3.1.5 T - Training and Communication

- a) Disseminate the ABC policy internally (must be acknowledged by all employees) and externally (business partner).
- b) Anti-Corruption awareness programs.

4.0 RESPONSIBILITIES

- 5.1 Top-level management is responsible to have adequate procedures and controls in place to prevent any bribery from occurring.
- 5.2 All associates are responsible for understanding and complying the ABC Policy.
- 5.3 Promptly report violations or suspected violations through appropriate reporting channel.

Email to ethical@pktgroup.com

Mode: Violation of Unethical Conduct Form