

## **INTEGRITY COMPLAINT POLICY**

### **1.0 Introduction**

- 1.1 Complaint management is one of the six functions that must be performed by the Integrity Unit.
- 1.2 Complaint management refers to the process of receiving, supervising, managing and recording the receipt of complaints or information about criminal misconduct, disciplinary offences or detrimental actions or violations of MICTH policies in the Integrity Complaint Form and action is taken accordingly.
- 1.3 Melaka ICT Holdings Sdn. Bhd. (MICTH) acknowledges the importance of integrity and transparency, and committed to achieve the highest ethical standards in its business practices.

### **2.0 Objectives**

- 2.1 To supervise, monitor and manage the receiving of information/complaints on misconducts of corruption, abuse of power and malpractice, as well as violation of MICTH policies.
- 2.2 To provide the adequate procedures that should be implemented to prevent the occurrence of corrupt practices in relation to MICTH business activities.

### **3.0 Scope**

- 3.1 This policy applies to all MICTH employees.
- 3.2 Any complaint made shall be reported through the Integrity Complaint Form available at [www.micth.com](http://www.micth.com)
- 3.3 Any terms or provision in this Policy which is invalid or unenforceable shall be ineffective to the extent of that term or provision only.
- 3.4 All appendices of this Policy shall be read and taken as an integral part of this Policy.
- 3.5 This Policy is applicable for Integrity complaints which refer to complaints of criminal misconduct as well as violations of MICTH's code of conduct and ethics including misconduct that violates work procedures, regulations and laws that are in force.

### **4.0 Right to Review**

- 4.1 MICTH reserves the right to review this Policy periodically or at least once in three years.

## 5.0 Definition

<b>Complainant</b>	(also known as whistleblower) means the person who complains or makes a disclosure of improper conduct, detrimental action or disciplinary offence of another person.
<b>Day(s)</b>	means working days and does not include Public Holidays of Malaysia.
<b>Detrimental action(s)</b>	means any act of harm, intimidation, harassment, discrimination, termination, suspension of work, threat or anything that causes damage by any person on the whistleblower.
<b>Disciplinary offence(s)</b>	means any action or omission which constitutes a breach of discipline of MICTH employment policies or contract of employment, as the case may be.
<b>Employee(s)</b>	means any individual working at any level or grade, including officers, executives, trainees, or interns of MICTH, whether full-time, part-time, permanent, fixed-term or temporary.
<b>Heads</b>	means in relation to an Employee, the Head of Department or Head of Unit, or any person within the Employee's reporting line.
<b>IAC</b>	means Internal Audit Committee as in Clause 11.0 of this Policy.
<b>IU</b>	means Integrity Unit of MICTH.
<b>Third Party(ies)</b>	includes anyone who at any time performs (or who is intended to perform) services for or on behalf of any entity in MICTH including anyone who is engaged (by contract or otherwise) or paid to represent any entity in MICTH such as suppliers, distributors, business contacts, agents, representatives, intermediaries, middlemen, introducers, sponsors, consultants, contractors, advisers and potentially Public Officials.

## 6.0 Details in Complaint

- (a) When the incident or offence happened.
- (b) Where the incident or offence was committed.
- (c) Why the incident or offence happened.
- (d) Who was involved in the incident or offence.
- (e) What was the incident or offence.
- (f) How the incident or offence was committed.

## **7.0 Method of Complaint**

7.1 Complaints can be made through the Integrity Complaint Form available at [www.micth.com](http://www.micth.com) (as also attached in **Appendix 1**) and: -

- (a) Email to [integriti@micth.com](mailto:integriti@micth.com); or
- (b) Send to Integrity Unit, Melaka ICT Holdings Sdn Bhd, Level 11, Menara MITC, Jalan Konvensyen, Kompleks MITC, Hang Tuah Jaya, 75450 Ayer Keroh, Melaka.

7.2 Any anonymous complaints will not be entertained. Any employee or third parties who wishes to report improper conduct is required to disclose their identity to MICTH in order for MICTH to accord the necessary protection to the complainant and investigate the complaint. Regardless, MICTH reserves its right to investigate into any anonymous disclosure.

## **8.0 Registration of Complaints**

8.1 Integrity Unit shall record all integrity complaints received in Complaints Records (as attached in **Appendix 2**).

8.2 Integrity Unit shall include the complaint in the Integrity Complaint File.

## **9.0 Acknowledgement of Receipt to the Complainant**

9.1 Integrity Unit shall acknowledge the acceptance of report by writing an acknowledgment letter (example as in **Appendix 3**) to the complainant.

## **10.0 Investigation of Complaint**

10.1 Integrity Unit to conduct investigation on the complaint by opening an investigation paper.

10.2 The investigation paper shall include, but not limited to: -

- (a) employee details of the person complained;
- (b) the policy or law breached by the person complained;
- (c) records of meetings or interviews; and
- (d) documents or pictures provided by the complainant or acquired during investigation (if any)

10.3 Integrity Unit may refer to the complainant if the complaint made is insufficient and need to get more information from the complainant if the complainant can be identified.

10.4 Integrity Unit may request the Head of Department or Unit to prepare a report on violations of company policies such as loss of departmental assets, non-compliance of procedure or any other act of misconduct by the person complained.

- 10.5 Integrity Unit may take longer investigation time depending on the complexity of the case.
- 10.6 All MICTH employees shall give full cooperation with the investigation by the Integrity Unit.

### **11.0 Presentation to Internal Audit Committee**

- 11.1 Upon finishing the investigation, the Integrity Unit shall prepare an Investigation Report to be presented to the Internal Audit Committee which shall include, but not limited to:
- (a) Background of the case;
  - (b) Scope of investigation and issues that were explored;
  - (c) Evidence, findings and discussion;
  - (d) Timeline of the case;
  - (e) Conclusion or summary of findings; and
  - (f) Recommendation by Integrity Unit.

### **12.0 Internal Audit Committee (IAC)**

- 12.1 IAC shall decide on the action to be taken on the complaint/ information received by taking into account the following matters:
- (a) Whether the complaints/information contains elements of criminal misconduct or violations of the company policies;
  - (b) Whether action can be taken on the complaints/information; and
  - (c) Whether the person complained can be traced.
- 12.2 The IAC shall consist of:
- (a) At least three (3) Board of Members;
  - (b) Head of Integrity; and
  - (c) Any one (1) Heads not related to the person complained.

### **13.0 Decision by Internal Audit Committee**

#### **13.1 Take Further Action**

##### **(a) Report to Enforcement Agency**

- (i) Complaint or information that have elements of a criminal offense under any law in force in Malaysia should be directed to the related Enforcement Agency for appropriate action.
- (ii) Integrity Unit shall send a report on investigation result to the related enforcement agency.

**(b) Disciplinary Action**

Direct or handover the complaint to Human Resources Department (HR) to conduct disciplinary function as explained in their procedure for disciplinary action.

**13.2 No Further Action**

- (a) No further action shall be taken on the complaint or information.
- (b) IAC reserves the right to reject complaints submitted if: -
  - (i) the complainant refuses to provide correct and complete information; or
  - (ii) malicious complaints, in the form of threats and any complaints that use abusive and obscene language.

13.3 The decision made by IAC shall be binding and effective.

13.4 The decision by the IAC shall be recorded in Form of Action by IAC (as in **Appendix 4**) and acknowledged by the IAC.

**14.0 Actions After Decision by IAC**

**14.1 Report to Enforcement Agency**

- (a) Integrity Unit shall make a report to the relevant enforcement agency and give the related investigation result to the enforcement agency.
- (b) Integrity Unit shall follow up with the case and acquire the details of the case or charges.
- (c) Integrity Unit shall prepare a report of the case to the Board of Directors.

**14.2 Disciplinary Action**

- (a) Integrity Unit shall make a copy of the result of the investigation and give to the Human Resources Manager.
- (b) Human Resources shall proceed with the disciplinary action based on their procedure for disciplinary action:
  - (i) formation of Complaint Verification Committee to decide the type of misconduct and proceed accordingly; or
  - (ii) related procedure to terminate or suspend or any other actions the employee complained while the matter is under investigation with the enforcement agency or court procedures.
  - (iii) Any other action as approved by the top management.

**14.3 No Further Action**

- (a) Integrity Unit shall make a report to close the investigation.
- (b) Integrity Unit shall update and keep the related documents and Investigation Paper in the Integrity Complaint File.

#### **14.4 Notification to the Complainant**

The Complainant shall be informed of the result of any investigation and/or any action taken by MICTH in respect of the complaint after it is completed.

#### **15.0 Repetition of Complaints**

15.1 Repeated complaints refer to the following three situations: -

- (a) The same complaint from the same complainant who is not satisfied with the response that has been given.
- (b) The same complaint against the same person investigated by different complainants.
- (c) The same complaint against the service, operation or work conducted.

15.2 Actions to deal with the issue of repeated complaints by Integrity Unit: -

- (a) Attach the complaint with the similar complaint or information or investigation paper;
- (b) Re-investigation if there exist new information or proof;
- (c) Identify the main causes that lead to the complaint and determine the preventive actions that need to be taken;
- (d) Engagement session with the person being investigated;
- (e) Meeting sessions or interview with the complainant;
- (f) Verify the effectiveness of preventive measures. If preventive measures are found to be ineffective, Integrity Unit shall make or design new preventive measures to resolve complaints more effectively.

#### **16.0 Complaints Management Ethics**

16.1 Effective integrity complaint management shall be implemented based on the following ethics:

- (a) **Neutral.** Complaint management must be done without being influenced by any party and without any conflict of interest.
- (b) **Confidentiality.** Responsible for confidentiality and protection of information and identity.
- (c) **Transparency.** Shall not conceal any facts found or its sources.
- (d) **Professionalism.** Perform duties with full responsibility, practice values of honesty, sincerity and integrity in all matters, comply with the law and maintaining the confidentiality of complaints or information from being exposed to other party.

## 17.0 Protection to the Complainant

- 17.1 The Integrity Unit shall protect the confidentiality of the whistleblower's identity as well as the details of the complaint to the extent reasonably practicable.
- 17.2 Exceptions to the confidentiality principle are when it is required by law to disclose information to an external party who is legitimately authorized; or to parties involved in the investigation on a 'need to know' basis.
- 17.3 If a whistleblower reasonably believes that the whistleblower is being subjected to reprisal, including harassment and victimisation, as a consequence of whistleblowing, that whistleblower may consult or report to the Head of Integrity Unit. The same procedures of investigation shall be applied to any complaints of reprisal, including harassment and victimisation. If such complaints are proven to be due to the disclosure made or the whistleblowing action taken, the employee(s) involved shall be subject to disciplinary action.
- 17.4 Whistleblower protection will be revoked if the Head of Integrity Unit is of the opinion, based on its investigation or in the course of its investigation that: -
- (a) The complaint was not made in good faith;
  - (b) The whistleblower has participated in the complaint disclosed;
  - (c) The whistleblower wilfully made in the complaint a material statement which the whistleblower knew or believed to be false or did not believe to be true;
  - (d) The complaint is frivolous or vexatious;
  - (e) The complaint is made solely or substantially with the motive of avoiding dismissal or other disciplinary action; or
  - (f) The whistleblower breaches his/her obligations of confidentiality under this Policy.

## 18.0 Workflow of Complaints Management

No.	Action by	Workflow	Reference	Days of Action
1.	IU	<b>Receive complaint</b> through Integrity Complaint Form (Appendix 1).	Clause 7	NA
2.	IU	<b>Register the complaint:</b> 1) Register the complaint in Complaints Records (Appendix 2). (a) Create a complaint number; and (b) Fill in the details: Complainant's name, date of receiving complaint,	Clause 8	1

		<p>name of employee complained and type of complaint.</p> <p>2) Update the Complaints Records accordingly for:</p> <p>(a) IAC date and result;</p> <p>(b) Action taken by IU.</p> <p>3) Make a new section for that complaint in the Integrity Complaint File:</p> <p>(a) state the status of cases;</p> <p>(b) the documents must be arranged based on their transaction date.</p>		
3.	IU	<p><b>Acknowledgment of receipt:</b></p> <p>1) Write an acknowledgment letter (Appendix 3) to the complainant and send the letter or email it to the complainant.</p> <p>2) Save a copy of the Acknowledgment letter in the Integrity Complaint File.</p>	Clause 9	1
4.	IU	<p><b>Investigate the complaint</b> by opening an Investigation Paper:</p> <p>1) The Investigation paper includes:</p> <p>(a) employee details of the person complained</p> <p>(b) the policy or law breached by the person complained</p> <p>(c) records of meetings or interviews</p> <p>(d) documents or pictures provided by the complainant or acquired during investigation (if any)</p> <p>2) Refer to the complainant for more details.</p> <p>3) Request the Heads to prepare a report on violations of company policy by the person complained.</p>	Clause 10	14 or more
5.	IU	<p><b>Presentation to IAC</b> by preparing an Investigation Report which includes:</p> <p>1) Background of the case;</p> <p>2) Scope of investigation and issues that were explored;</p> <p>3) Evidence, findings and discussion;</p> <p>4) Timeline of the case;</p> <p>5) Conclusion or summary of findings; and</p> <p>6) Recommendation by Integrity Unit.</p>	Clause 11	3
6.	IAC	<p><b>Decision by IAC</b> (Appendix 4):</p> <p>1) Take further action</p> <p>(a) Report to enforcement agency</p>	Clause 13	1

		(b) Direct or handover to HR for disciplinary action 2) No further action		
7.	IU	<b>Actions after decision by IAC</b> 1) Report to Enforcement Agency (a) give the related investigation result to the enforcement agency. (b) follow up with the case and acquire the details of the case or charges. (c) prepare a report of the case to the Board of Directors. 2) Direct or handover to HR (a) Make a copy and give outcome of investigation to HR 3) No further action (a) Make a report to close the investigation. (b) Update and keep the documents in the Integrity Complaint File.	Clause 14.1  Clause 14.2  Clause 14.3	5 or more
8	IU	<b>Notify the complainant</b> of the outcome: 1) Write a letter to the complainant or email it to the complainant. 2) Save a copy of the notification to the complainant in the Integrity Complaint File.	Clause 14.4	1

*\*as illustrated in Appendix 5.*