



Education  
**MALAYSIA**  
GLOBAL SERVICES

# **WHISTLEBLOWING POLICY**

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## 1.0 Introduction

- 1.1. In order to demonstrate its commitment towards integrity, openness and accountability in the conduct of its business and operations, EMGS has put in place a whistleblowing mechanism to allow its employees, counterparty, third parties and the general public to report actual or potential misconduct/malpractices in EMGS.
- 1.2. This document sets out the procedures involved in, and the relevant provisions for, whistle-blowing. The whistleblowing mechanism provides an avenue for concerned parties/stakeholders to raise their concerns in a confidential manner; and drives reporting to the appropriate channels for further actions to be deliberated (if any).
- 1.3. Your concerns/tipping should be send to EMGS's prescribed whistleblowing channels as follows:
  - Via email to Head of EMGS Integrity and Governance Unit("Head of EMGS IGU") at [whistleblowing@educationmalaysia.gov.my](mailto:whistleblowing@educationmalaysia.gov.my) or
  - Via sealed envelope addressed to the following: **Head of EMGS Integrity and Governance Unit, Suite A-21-1, Level 21, 157 Hampshire Place Office, 1, Jalan Mayang Sari, 50450 Kuala Lumpur.**

## 2.0 Scope of this policy

- 2.1. This document is designed to enable concerned parties/stakeholders to report any perceived act of malpractice/improper conduct through the designated EMGS whistleblowing channels. Such reports should not be based on mere speculation, rumors and gossip, but on knowledge of facts. Reportable malpractice/improper conduct covered under this policy include, but are not limited to:
  - All forms of financial malpractice or impropriety such as fraud against the company, fraud by the company, corruption, bribery, theft, embezzlement;
  - Financial reporting irregularities;
  - Failure to comply with legal and regulatory obligations;
  - Breach of contractual obligations to clients/suppliers;
  - Any form of criminal activity;
  - Misuse of Company's assets;
  - Abuse of power;
  - Non-disclosure/conflict of interest;
  - Discriminatory practices in relation to age, disability, national origin, race/color, religion, etc.;
  - Abuse of student visa program;
  - Actions detrimental to Health and Safety or the Environment; and
  - Violations of EMGS's Code of Business Conduct and Ethics(the "Code");
  - Non-Compliance towards EMGS's Anti-Bribery and Corruption Policy ("ABC Policy"), EMGS Gift Policy, and other EMGS policies and procedures including this Whistleblowing Policy; and
  - Attempt to conceal any of the above listed acts.
- 2.2. In reporting malpractice/improper conduct, the concerned parties/stakeholders should exercise sound discretion. Matters that can be resolved through normal channels such as, by carrying out internal discussions, reporting to the Head of Divisions such as International Student Management Services, etc., should be addressed via these channels in the first instance.
- 2.3. This whistleblowing mechanism should only be used to report matters that either cannot be escalated through the normal channels or where such escalation has failed to yield appropriate and adequate action. Notwithstanding, where the concerned

parties/stakeholders are in doubt, they should proceed to report through the prescribed whistleblowing channels.

### 3.0 Roles and responsibility

- 3.1 Head of EMGS Integrity and Governance Unit (“Head of EMGS IGU”)
  - 3.1.1. Head of EMGS IGU is an independent officer within EMGS and is functionally responsible to the EMGS’s Board.
  - 3.1.2. Head of EMGS IGU shall review and handle disclosures confidentially and promptly, and shall report summary of all disclosures to the Whistleblowing Committee (“WBCo”) / Audit Committee (“AC”) once a fortnight (or immediately as and when required), and follows up on investigations by WBCo/AC.
  - 3.1.3. Head of EMGS IGU alongside with EMGS IT personnel shall ensure that EMGS whistleblowing channel stipulated in this policy is made available to the public via EMGS website.
- 3.2 EMGS’s Whistleblowing Committee (“WBCo”) or Audit Committee (“AC”)
  - 3.2.1. WBCo/AC shall consist of independent non-executive director(s) of EMGS’s Board of Directors; and shall be headed by Chairman of EMGS’s Audit Committee. The composition of the WBCo/AC **shall inspire confidence and trust to EMGS stakeholders** that any concerns raised shall be investigated fairly and without fear or favor.
  - 3.2.2. WBCo/AC, after consulting Head of EMGS IGU, shall instruct one of (or more) designated member(s) of EMGS team or an external third party, whichever deemed appropriate by WBCo/AC; to carry out investigation into the disclosure. WBCo/AC must ensure that assigned member(s) of EMGS team or their subordinates are not implicated in the disclosure or tipping raised.
  - 3.2.3. WBCo/AC shall ensure that **investigations into disclosures are handled confidentially; and appropriately** (i.e. without fear and favor, nor give rise to perception of partiality or any other impropriety, and in a timely manner).
  - 3.2.4. WBCo/AC shall report results of the investigation to EMGS’s Board and recommend further action. WBCo/AC shall ensure that any corrective and disciplinary action stipulated by the Board are adhered by management of EMGS.

### 4.0 Concerns involving board member

- 4.1 Where concerns raised might involve or implicate board members of EMGS (including WBCo/AC), the Head of EMGS IGU shall exercise his professional judgement in seeking out key management personnel of Ministry of Higher Education’s including but not limited to the Chief Secretary of Ministry of Higher Education or the Ministry’s Integrity Unit; to ensure the appropriate reporting and follow up to the concerns raised. No detail of the concerns raised including identity of the whistleblower will be given to the Board/Board Member(s) in question.

### 5.0 Actions by management

- 5.1 Where WBCo/AC has decided that it cannot perform the necessary investigation internally, due to technical limitations or independence issues; management shall facilitate appointment of an independent external party to conduct investigation as required by WBCo/AC.
- 5.2 EMGS’s Management shall cooperate with all investigations conducted, and comply with corrective or remedial actions stipulated by the WBCo/AC pertaining to the concerns raised.

## **6.0 Confidentiality**

- 6.1 All reported concerns will be treated in confidentiality and are to be kept protected against any unauthorised use and access, except where applicable laws require its disclosure or where consent has been given to the Whistleblower.

## **7.0 Anonymity of whistleblower**

- 7.1 Whistleblower may choose not to disclose his/her identity when reporting their concerns. However, in the course of any resultant investigation (and/or legal proceedings), the whistleblower may be requested to disclose his/her identity.
- 7.2 It should be noted that there will be situations in which further action (including investigation, disciplinary action and/or legal proceedings against the subjects of a complaint) may not be possible without knowing the identity of the whistleblower

## **8.0 No retaliation**

- 8.1 In line with Section 12.3 of EMGS Code of Business Conduct and Ethics (the "Code"), EMGS does not tolerate any retaliation or detrimental action such as termination, demotion or any termination of business relationship against any individual who discloses any misconducts or any other concern; provided it is done in good faith and as prescribed in this Whistleblowing Policy

## **9.0 Review**

- 9.1 The WBCo/AC shall review this policy periodically, or as and when he/she deems it necessary; and submit these changes (if any) to the EMGS's Board of Directors for approval.

## Appendix 1: Whistleblowing Governance Structure and Categories of Concern

### A) EMGS's Whistleblowing Committee ("WBCo")/Audit Committee ("AC"):

No.	Name	Position
1	Datuk Rosli Bin Yaakub	Chairman
2	Dato' Indera Khairul Dzaimie Bin Daud	Director
3	Datuk Mohd Syafiq Bin Abdullah	Director
4	Professor Datuk Dr. Chan Tuck Hong	Director

### B) EMGS Board of Directors ("EMGS Board"/"Board")

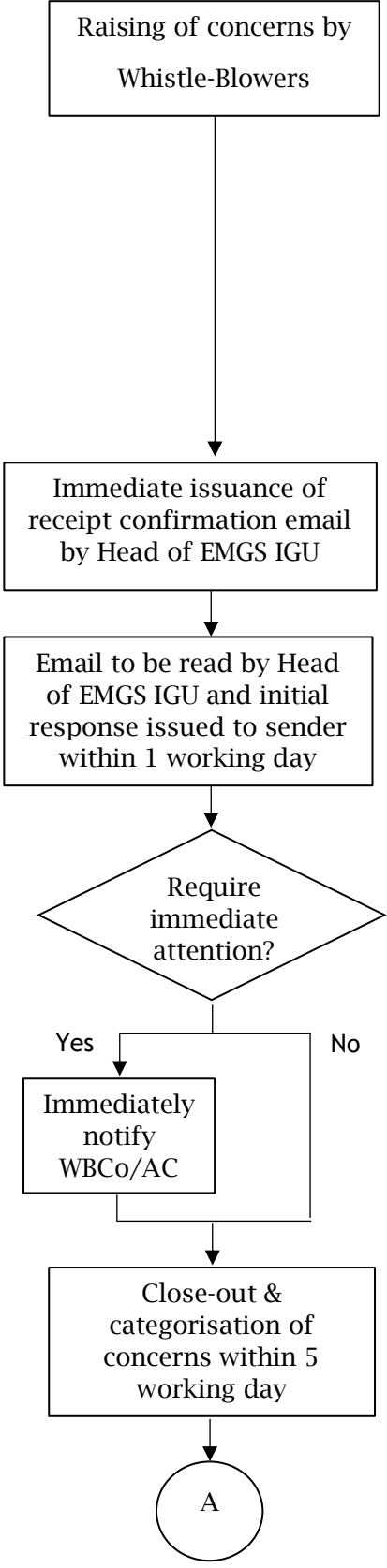
No.	Name	Position
1	Datuk Rosli Bin Yaakub	Chairman
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### C) Categories of Concern

Category	Descriptions
Fraudulent Acts	<ul style="list-style-type: none"><li>• Corrupt practices</li><li>• Anti-Competitive Agreements</li><li>• Embezzlement Schemes</li><li>• Conflict of Interest</li></ul>
Non-Compliance to Law and Regulations	<ul style="list-style-type: none"><li>• Companies Act (including accounting irregularities)</li><li>• Criminal Laws</li><li>• Employment Act</li><li>• Health, Safety and Environmental Regulations</li><li>• Contractual Obligations to Clients/Suppliers</li><li>• Relevant Accounting &amp; Tax Regulations</li></ul>
Breach of Company's Policies	<ul style="list-style-type: none"><li>• Human Resource &amp; Code of Conduct</li><li>• Information Technologies Policies</li><li>• Discriminating Practices</li><li>• Staff Harassment</li></ul>
Others	<ul style="list-style-type: none"><li>• Concerns not falling into one of the above categories</li></ul>

*Please note that the list of categories above are not exhaustive and a single complaint may fall under one or more categories.*

## Appendix 2: Whistleblowing Procedures

Process	Narration
 <pre> graph TD     A[Raising of concerns by Whistle-Blowers] --&gt; B[Immediate issuance of receipt confirmation email by Head of EMGS IGU]     B --&gt; C[Email to be read by Head of EMGS IGU and initial response issued to sender within 1 working day]     C --&gt; D{Require immediate attention?}     D -- Yes --&gt; E[Immediately notify WBCo/AC]     D -- No --&gt; E     E --&gt; F[Close-out &amp; categorisation of concerns within 5 working day]     F --&gt; G((A))           </pre> <p>The flowchart details the process from raising concerns to the final categorization and closure of the matter, including a decision point on whether immediate attention is required.</p>	<p>Whistleblower are to raise concerns to the Head of EMGS Integrity and Governance Unit (“Head of EMGS IGU”) at his designated email or via a sealed envelope addressed to the Head of EMGS IGU.</p> <p>The concerns should be clearly presented and contain the following details:</p> <ul style="list-style-type: none"> <li>• Background/Description of the incident;</li> <li>• Time and date of the incident;</li> <li>• Location of the incident;</li> <li>• The person(s) involved;</li> <li>• Reason for believing the reported incident to be an issue; and</li> <li>• Whistleblower’s contact details.</li> </ul> <p>Head of EMGS IGU shall, on the receipt of the email, immediately issue a receipt confirmation email to indicate that the email/sealed envelope has been received, and was not lost in transit etc.</p> <p>Head of EMGS IGU shall, within 1 working day of the receipt of the email, read and issue an initial response to the sender.</p> <p>Upon initial investigation and where the matter requires immediate attention, Head of EMGS IGU shall highlight the concerns/tipping received to the WBCo/AC for the next course of action.</p> <p>Head of EMGS IGU shall close out the concerns with the Whistle-Blower within reasonable time but not more than 5 working days (subject to Whistle-Blower’s availability and co-operation). Once the concern is finalised, Head of EMGS IGU shall categorise the concern/tipping according to categorisation in Appendix 1.</p>

**Appendix 2: Whistleblowing Procedure (Cont'd)**

Process	Narration						
<pre> graph TD     A((A)) --&gt; B[Submission of Whistleblowing Log]     B --&gt; C{Require further action?}     C -- Yes --&gt; D[Initiate further action/investigation]     C -- No --&gt; E([End])     D --&gt; E         </pre>	<p>Head of EMGS IGU shall submit a summary of concerns raised (“whistleblowing log”), with categorisation and status to the following parties and according to the timeline set out below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #800000; color: white;">Group</th> <th style="background-color: #800000; color: white;">Parties reported to</th> <th style="background-color: #800000; color: white;">Frequency</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td>WBCo/AC; and where board members might be implicated: appropriate member of Ministry of Higher Education.</td> <td>Once a fortnight or as and when necessary.</td> </tr> </tbody> </table> <p>The WBCo/AC shall engage in deliberation on the need for further actions, e.g.: investigations legal actions, process improvement, disciplinary measures etc. Head of EMGS IGU will provide its recommendations on further action and may be consulted upon by WBCo.</p> <p>To carry out the further actions internally or externally, depending on factors such as technical capabilities, appropriateness such as independence and confidentiality, etc. WBCo/AC shall endeavour to complete investigation within reasonable time and endeavour to provide written notification (where practical) to the whistle-blower on the outcome of the investigations.</p> <p>WBCo/AC shall submit results of the investigation to the Board upon its completion.</p>	Group	Parties reported to	Frequency	A	WBCo/AC; and where board members might be implicated: appropriate member of Ministry of Higher Education.	Once a fortnight or as and when necessary.
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