

## **WHISTLEBLOWING POLICY**

### **1.0 Introduction**

In line with good corporate governance practices and with the introduction of the Whistleblower Protection Act 2010, the Board of OMESTI Berhad (OMESTI and/or the Company) and its group of companies (the Group) encourage its employees and stakeholders to report any wrongdoing on the part of employees, management, Directors and vendor in particular with respect of their obligation to the Group's interests.

### **2.0 Objectives and Scope**

**2.1** The Whistleblowing Policy (Policy) affords an avenue to provide and facilitate a mechanism for any Whistleblower to report concerns about any suspected and/or known wrongdoing including but not limited to the following:

- fraud;
- misappropriation of assets;
- sexual harassment;
- criminal breach of trust;
- illicit and corrupt practices;
- questionable or improper accounting;
- misuse of confidential information;
- acts or omissions which are deemed to be against the interest of the Company, laws, regulations or public policies;
- miscarriages of justice;
- breach of Group policies; or
- the deliberate concealment of any of the above or other acts of misconduct, wrongdoing, corruption, fraud, waste and/or abuse.

**2.2** The above suspected and/or known wrongdoings are not exhaustive and include any other act or omission, which if proven, will constitute an act of misconduct pursuant to FRB's Code of Ethics and Conduct or pursuant to any criminal offence under the relevant law in force.

**2.3** The Policy also provides protection for Whistleblower who makes such disclosures or reports such allegations.

**2.4** The Policy reflects Malaysian law and shall apply to FRB Group.

**2.5** All confidential reporting or disclosures by a Whistleblower are to be directed to the designated person in accordance with the procedures under this Policy.

**2.6** The procedures outlined in this Policy are not intended to invalidate FRB's grievance procedures and/or disciplinary action processes and procedures and are therefore subject to the procedures and restrictions in force.

**2.7** FRB reserves the right to amend the Policy from time to time.



### **3.0 Policy and Protection**

#### **3.1 Anonymity**

It is the policy of the Company to allow the Whistleblower to either identify themselves or if they prefer, to remain anonymous when reporting suspected and/or known instances of wrongdoings.

#### **3.2 Assurance against reprisal and/or retaliation**

Where the Whistleblower has chosen to reveal his/her identity, it is the policy of the Company to provide assurance that the Whistleblower would be protected against reprisals and/or retaliation from his/her immediate superior or head of department / division.

In addition, the Company provides assurance that no disciplinary action can be taken against the Whistleblower as long as he/she does not provide false information in the report "*purposely, knowingly or recklessly*" i.e. the report is basically *malicious* in nature.

#### **3.3 Confidentiality**

The Company shall treat all reports or disclosures as sensitive and will only reveal information on a "need to know" basis or if required by law, court or authority.

The identity and particulars of the Whistleblower shall also be kept private and confidential unless the Whistleblower chose to reveal his/her identity.

Where the Whistleblower has chosen to reveal his/her identity when making such a report, written permission from the Whistleblower would be obtained before the information is released.

#### **3.4 Immunity**

All costs in relation to any legal liabilities or proceedings (whether criminal or civil) that may be brought against the Whistleblower shall be borne by the Company and the selection of the lawyer defending the legal action shall be made by the Company save and except if it falls under Section 3.7 below.

#### **3.5 Protection**

The Whistleblower shall also be protected against:

- (a) action causing injury, loss or damage;
- (b) intimidation or harassment;
- (c) interference with the lawful employment or livelihood of the Whistleblower, including discrimination, discharge, demotion, suspension, disadvantage, termination or adverse treatment in relation to the RP's employment, career, profession, trade or business or the taking of disciplinary action; and
- (d) a threat to take any of the actions referred to in paragraphs (a) to (c) above.

Where necessary, any person related or associated with the Whistleblower (e.g., immediate family members) shall be accorded with similar protection mentioned in this paragraph 3.5.



The protection conferred above is:

- (i) not limited or affected in the event that the disclosure does not lead to any disciplinary action or prosecution of the person whom the disclosure of the improper conduct, wrongdoings, corruption, fraud, waste, and/or abuse has been made;
- (ii) however restricted to the Whistleblower reporting the suspected and/or known misconduct, wrongdoings, corruption and instances of fraud, waste and/or abuse involving the Company's resources through the Company under this policy.

### **3.6 Revocation of Policy and Protection**

The protection stated in section (3) above shall be revoked by the Company if:

- (a) the Whistleblower himself has participated in the improper conduct, wrongdoings, corruption, fraud, waste, and/or abuse;
- (b) the Whistleblower willfully or maliciously made his disclosure, knowing or believing the information is false or untrue;
- (c) the disclosure is frivolous or vexatious; or
- (d) the disclosure is made with the intention or motive to avoid dismissal or other disciplinary action.

### **3.7 Acting in Good Faith**

The Group expects the Whistleblower to act in good faith and have reasonable grounds when reporting a wrongdoing. If allegations are proven to be malicious, Whistleblower may be subject to appropriate action, up to and including legal action, where applicable.

### **4.0 Whistleblowing Procedure**

**4.1** Any person who has knowledge or is aware of any improper conduct within the Group is encouraged to make such disclosure in accordance with the procedures stated herein.

**A. In the case of FRB employees, any concern should be raised with his/her immediate superior, and in the case of FRB stakeholders, any concern should be raised with the immediate superior of the employee concerned.**

If for any reason, it is believed that this is not possible or appropriate, then the concern should be reported to the Chairman of FRB. Channel of reporting to the Chairman of FRB:

Name: Tan Sri Dato' Seri Megat Najmuddin Bin Datuk Seri Dr. Hj. Megat Khas  
Via Telephone: +603 20781522  
Via Email: [megnaj@yahoo.com](mailto:megnaj@yahoo.com)  
Via Mail: Marked "Strictly Confidential"

Formis Resources Berhad  
16<sup>th</sup> Floor, KH Tower  
8 Lorong P. Ramlee  
50250 Kuala Lumpur  
Attention: Chairman



**B. In the case where reporting to management is a concern, then the report should be made to the Chairman of Audit & Risk Management Committee.**

Channel of reporting to the Chairman of Audit & Risk Management Committee is:

Name: Mr Tai Keat Chai  
Via Telephone: +603 27321377  
Via Email: [kctai@fiscalcorp.com.my](mailto:kctai@fiscalcorp.com.my)  
Via Mail: Marked "Strictly Confidential"

Formis Resources Berhad  
16<sup>th</sup> Floor, KH Tower  
8 Lorong P. Ramlee  
50250 Kuala Lumpur  
Attention: Chairman of the Audit & Risk Management Committee

- 4.2** The Whistleblower is encouraged to make use the "Report of Wrongdoings" form provided in Appendix 1.
- 4.3** If the Whistleblower prefers to remain anonymous, the Whistleblower may call the Chairman of Audit and Risk Management Committee (*Name: Mr Tai Keat Chai*) at +603 27321377 approximately 14 days after the initial report. This enables the Chairman of Audit & Risk Management Committee to ask any follow-up questions that have arisen since the beginning of the investigation.
- 4.4** The Whistleblower will be notified on the outcome of the disclosure after investigation.
- 5.0 Procedure for handling Reports of Wrongdoings**
- 5.1** All reports will be investigated promptly by the person receiving the report who should promptly report to the Management, if appropriate. If required, he/she can obtain assistance from other resources within the Group (e.g. Group Human Resource Department, Group Legal Department, etc). The progress of investigation will be reported to the Audit and Risk Management Committee no later than at the next scheduled meeting.
- 5.2** Reports received anonymously will be treated as confidential.
- 5.3** The person making anonymous report will be advised that maintaining anonymity may hinder an investigation. Notwithstanding this, anonymity will be maintained as long as it is permitted by law or the person making the report indicates that he no longer wishes to remain anonymous.
- 5.4** Upon completion of investigation, appropriate course of action will be recommended to the Audit and Risk Management Committee for their deliberation. Decision taken by the Audit and Risk Management Committee will be implemented immediately.
- 5.5** Where possible, steps will be taken to prevent similar situation from arising again.



## Appendix I

### REPORT OF WRONGDOINGS

1.	<b>Date and Time of Report:</b>	
2.	<b>Details of Alleged Person</b>	
	Name of person alleged:	
	Company of person alleged:	
3.	<b>Details of incident</b>	
	Incident date and time:	
	Location of incident:	
	Details of allegation:	
4.	<b>Details of Reporting Party*</b>	
	Name:	
	Contact number:	
	Email address:	
	Company:	

\* we will not document information concerning your name if you wish to remain anonymous; however, if you do not want to be anonymous, please provide details as per item 4.

If you decide to remain anonymous, please contact us within 14 days of your report as we may need additional information concerning the alleged activities reported by you.