



**PETRA**

**PETRA ENERGY BHD**

**WHISTLEBLOWING POLICY**



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 2 of 19

Rev. 02

AUG 2021

## DISTRIBUTION CONTROL

This procedure can be found electronically in PEB Intranet website. This procedure is uncontrolled when printed. Verify revision before use. Updating of this document is managed by the Document Custodian.

## REVISION RECORD

REV	REVISION DESCRIPTION	DATE
00	First Submission	21/11/2011
01	1) Add new terminology/definition 2) Policy applicable to employee, business associates and members of the public 3) Amendment to the procedure and process flow	21/11/2019
02	1) To include reference to ISO 37001:2016 Anti-bribery Management System (ABMS) manual 2) Amendment to the procedure and process flow 3) Add in investigation workflow in Appendix	24/08/2021



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 3 of 19

Rev. 02

AUG 2021

## TABLE OF CONTENTS

NO	CONTENTS	PAGES
1.0	CONTENTS, USE, MAINTENANCE AND CONTROL OF MANUAL	
1.1	PURPOSE	4
1.2	SCOPE	4
1.3	TERMINOLOGIES AND DEFINITIONS	6
1.4	DOCUMENT CONTROL	8
2.0	LAWS AND REGULATIONS	
2.1	THE WHISTLEBLOWER PROTECTION ACT 2010	9
2.2	SECTION 268B OF THE COMPANIES ACT 1965 (“THE ACT”)	8
2.3	ANTI-BRIBERY MANAGEMENT SYSTEM (ABMS)	8
2.4	OTHER REFERENCE POLICIES	8
3.0	QUALIFICATION	10
4.0	PROCESS AND PROCEDURE FLOW	10
5.0	INVESTIGATION STAGE	
5.1	PRELIMINARY INVESTIGATION	10
5.2	INVESTIGATION	11
6.0	PROTECTION	
6.1	DISCLOSURE OF IMPROPER CONDUCT	12
6.2	WHISTLEBLOWER PROTECTION	12
6.3	PROTECTION OF CONFIDENTIAL INFORMATION	13
6.4	REVOCAION OF WHISTLEBLOWER PROTECTION	13
7.0	DECISION	14
8.0	RETENTION OF DOCUMENTS	14
9.0	AMENDMENT AND REVIEW	14
10.0	APPENDIX 1 - WORKFLOW	15
	APPENDIX 2 – WHISTLEBLOWER REPORT FORM	17



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 4 of 19

Rev. 02

AUG 2021

## 1.0 CONTENTS, USE, MAINTENANCE AND CONTROL OF MANUAL

### 1.1. PURPOSE

The objectives of this policy are to:

- Provide a mechanism for Employees of Petra Energy Berhad (PEB) and all its Subsidiaries, its Business Associates and members of the public to disclose any improper conduct within PEB.
- To ensure that all parties covered under this policy are given an equal opportunity to exercise their rights and lodge a report with full responsibility, accountability and sense of awareness.
- Have an up-to-date reference available where there is doubt with regard to the application of procedures.
- Protect a Whistleblower from the retaliation as a direct consequence of making the disclosure and to safeguard such person's confidentiality.
- Address and take appropriate action on the report in a timely manner.

### 1.2. SCOPE

The procedures elaborated within this Policy are confined to those situations where an Employee, Business Associates or any member of the public may need to make the necessary Protected Disclosure. A disclosure may be made if it relates to one or more of the following Improper Conduct by anyone in dealing with the Company's or Group's activities such as, but not limited to:

- A criminal offence e.g., corruption, fraud, bribery, theft and blackmail;
- A breach of legal obligation;
- An abuse of authority;
- An act which may create a significant impact of danger to safety and lives of the public and environment;
- Violation of the Company's Code of Business Ethics; and
- Any concealments or attempts to conceal malpractices mentioned above.

This Policy shall not cover issues or concerns relating to the following:

- Issues which are malicious in nature;
- Issues raised from personal interest or ill will;
- Issues covered under another Company's procedure; and
- Issues pending or determined through any tribunal or authority or the court of law, arbitration or other similar proceedings.



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 5 of 19

Rev. 02

AUG 2021

This policy is applicable to PEB and its Subsidiaries, its Board of Directors, the respective Board of Subsidiaries and their respective directors, officers and Employees (“PEB Group”).

Joint-venture companies or co-venture and associated companies in which PEB is non-controlling are required to adopt these or any similar principles which reasonably adequate. External services/goods providers and Business Associates are also expected to comply with this policy in relation to all work conducted with PEB, or on PEB’s behalf.



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 6 of 19

Rev. 02

AUG 2021

## TERMINOLOGIES AND DEFINITIONS

Terminology	Definition
<b>ABMS</b>	ISO 37001:2016 Anti-bribery Management System Manual
<b>Appointed Custodian</b>	Shall refer to the Integrity Officer.
<b>BOD</b>	Petra Energy Berhad's Board of Directors
<b>BRMC</b>	Board Risk Management Committee
<b>Business Associates</b>	An external party with whom PEB has, or plans to establish, any form of business relationship. This may include clients, customers, joint ventures, consortium, outsourcing providers, contractors, consultants and legal independent contractor (LIC), subcontractors, suppliers, vendors, advisers, agents, distributors, representatives, intermediaries and investors.
<b>Confidential Information</b>	Any information that is by its nature confidential or sensitive and/or not generally available to the public and in this Policy includes <ul style="list-style-type: none"> <li>a) Information about the identity, occupation, residential address or whereabouts of               <ul style="list-style-type: none"> <li>i) a Whistleblower; and</li> <li>ii) a person against whom a Whistleblower has made a disclosure of Improper Conduct</li> </ul> </li> <li>b) Information disclosed by a Whistleblower; and</li> <li>c) Information that, if disclosed, may cause detriment to any person.</li> </ul>
<b>Detrimental Action</b>	Includes:- <ul style="list-style-type: none"> <li>a) Action causing injury, loss or damage;</li> <li>b) Intimidation or harassment;</li> <li>c) Interference with the lawful employment or livelihood of any person, including discrimination,</li> </ul>



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 7 of 19

Rev. 02

AUG 2021

Terminology	Definition
	<p>discharge, demotion, suspension, disadvantage, termination or adverse treatment in relation to a person's employment, career, profession, trade or business or the taking of disciplinary action; and</p> <p>d) A threat to take any of the actions referred to in paragraphs (a) to (c).</p>
<b>Disciplinary Offence</b>	Any action or omission which constitutes a breach of discipline in a public body or private body as provided by law or in a code of conduct, a code of ethics or circulars or a contract of employment, as the case may be.
<b>Personnel/Employee</b>	Directors and members of the board including subsidiaries and all individuals directly contracted to the Company on an employment basis, including permanent and temporary employees. The directors refer herein shall include the definition in the Section 2 of the Companies Act 2016
<b>GHC</b>	Group Human Capital
<b>GLOA</b>	Group Limits of Authority
<b>HOD</b>	Head of Department
<b>Investigator</b>	Person(s) authorised, appointed, consulted or approached by the Board or BRMC which may include any third-party investigator appointed for specific purpose.
<b>Improper Conduct</b>	Any conduct which if proved, constitutes a disciplinary offence or criminal offence.
<b>IO</b>	Integrity Officer
<b>IU</b>	Integrity Unit
<b>PEB/PETRA</b>	Petra Energy Berhad and its Group of Companies.
<b>Protected Disclosure</b>	Any communication made in good faith that disclose or demonstrate information that may evidence malpractice



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 8 of 19

Rev. 02

AUG 2021

Terminology	Definition
	or unethical activity.
<b>Subject</b>	A person against or in relation to whom a Protected Disclosure has been made against or evidence gathered during the course of an investigation.
<b>Subsidiary/ Subsidiaries</b>	Shall refer to Section 4 of the Company Act 2016. Any company or other entity that directly or indirectly through one or more intermediary, controls or is controlled by or is under common control with a Party. "Control" means ownership of more than fifty percent (50%) of the voting stock of the controlled company or the direct or indirect right to determine its actions by contract or otherwise.
<b>Whistleblower</b>	<p>An Employee, member of public or any stakeholder making a Protected Disclosure under this Policy i.e. an individual alert a relevant party that there is a person or persons in the organisation that has committed an act of wrongdoing or is currently practicing Improper Conduct or wrongdoings.</p> <p>Any person who makes disclosure of improper conduct to the enforcement agency under Section 6 of this Policy.</p>
<b>Whistleblower Protection</b>	Protection conferred to a Whistleblower under Act 711 (Whistleblower Protection Act 2010) including any amendments and any re-enactment thereof.

### 1.3. DOCUMENT CONTROL

1.4.1 The Appointed Custodian of this document is the Integrity Officer who shall be responsible for incorporating any amendments and updates into this document, obtaining the approval of the BOD and BRMC for those amendments and updates and distributing the same to the relevant parties. Any inquiries related to this policy shall be addressed to the Appointed Custodian.





## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 9 of 19

Rev. 02

AUG 2021

1.4.2 The BOD and BRMC have overall responsibility for this Policy and shall oversee the implementation of this Policy.

1.4.3 The BOD and BRMC have delegated day to day responsibility for the administration and implementation of the Policy to the Integrity Officer (IO). The use and effectiveness of this Policy shall be regularly monitored and reviewed by the IO.

## 2.0 LAWS AND REGULATION

### 2.1 THE WHISTLEBLOWER PROTECTION ACT 2010

The Whistleblower Protection Act 2010 was passed by the Parliament in April 2010 in order to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to protect persons making those disclosures from detrimental action, to provide for the matters disclosed to be investigated and dealt with and to provide for other matters connected therewith.

### 2.2 SECTION 587 OF THE COMPANIES ACT 2016 (the Act 777)

The Act 777 provides protection to company officers or Employees who make disclosures on breach or non-observance of any requirement or provision of the Act 777 or any serious offence involving fraud and dishonesty.

### 2.3 ANTI-BRIBERY MANAGEMENT SYSTEM (ABMS)

To ensure the ABMS achieves its objectives, PEB has determined that any result of the whistleblowing will be evaluated, investigated and reported. IO shall ensure that the reporting mechanism is secured, confidential and accessible and provides adequate protections for people who makes report or any people who whistle-blow about any cases of bribery.

### 2.4 OTHER REFERENCE POLICIES

This Policy should also be cross-referenced with the following PEB policies:

- a) ISO 37001:2016 Anti-Bribery Management System Manual
- b) Anti-Bribery and Anti-Corruption Policy and Procedure
- c) PEB Employee Handbook
- d) Group Limits of Authority
- e) Group Supply Chain Management Policies and Procedure



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 10 of 19

Rev. 02

AUG 2021

### 3.0 QUALIFICATION

PEB shall ensure that genuine Whistleblowers are accorded complete protection from any kind of unfair treatment as herein set out. Any abuse of this protection can warrant disciplinary action under PEB Employee Handbook or under the law. Protection under this Policy will not mean protection from disciplinary action arising out of false or malicious allegations made by a Whistleblower knowingly or with a mala fide intention.

### 4.0 PROCEDURE AND PROCESS FLOW

All Protected Disclosure can be addressed either:

- i) directly to : -
  - the Chairman of BOD,
  - the BOD,
  - the Group CEO, or
  - the Integrity Officer (IO) of PEB ; or
- ii) email to PEB's Whistleblower account that is managed by the Integrity Unit at [whistleblower@penergy.com.my](mailto:whistleblower@penergy.com.my); or

### 5.0 INVESTIGATION STAGE

#### 5.1 PRELIMINARY INVESTIGATION

- 5.1.1 The IU upon receipt of the Protected Disclosure, shall assign a reference number and to register the Protected Disclosure in record.
- 5.1.2 IU shall examine the information and/or documents to ascertain the legitimacy of the information provided by the Whistleblower.
- 5.1.3 During the examination, the IU may obtain for further information either from the Whistleblower or from any other sources.
- 5.1.4 If the report is solely due to staff grievances, the case should be forwarded to HOD of GHC.
- 5.1.5 Upon examination of the Protected Disclosure, the IO may propose the following:
  - a) If the information is legitimate, to formally initiate an investigation.
  - b) If information is inadequate and the Whistle Blower is not reachable, the case is can be temporarily classified as "Keep-in-View" (under observation).
  - c) If the information is deemed illegitimate, "Close" the file.



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 11 of 19

Rev. 02

AUG 2021

5.1.6 Proposal to initiate an investigation should be submitted to BOD or BRMC. Since IU is reporting to the Compliance Department, the reporting shall be carried out via Compliance Department.

### 5.2 INVESTIGATION

5.1.2 Examination of the Protected Disclosure has to be completed with proposal as the above mentioned in Clause 5.5 within 3 working days from the date of receiving the report. Any extension required is subjected to approval by the Head of Compliance.

5.1.3 A summary of the Whistleblower cases shall be presented by the Compliance Department on every quarter to the BOD and BRMC.

5.1.4 It is the sole prerogative of the BOD and BRMC on whether or not the Protected Disclosure received should be communicated to the senior personnel of the respective Subsidiaries. Reason being the report may implicate the involvement of the senior personnel of the Subsidiaries.

5.1.5 The conduct of an initial examination or investigation is by itself, not an accusation and is to be treated as a neutral fact-finding process. The outcome of the investigation may not support the conclusion of the Whistleblower that an Improper Conduct or unethical act has indeed been committed.

5.1.6 The authority to decide whether or not a Protected Disclosure should be further explored is vested within BOD and BRMC jurisdiction after the findings and conclusions of the investigations are tabled and discussed during the Committee's meetings.

5.1.7 BOD (including BRMC) shall have the rights to appoint an external investigator if deemed fit.

5.1.8 The identity of a Subject shall be kept confidential to the extent possible given the legitimate needs of law and the investigation.

5.1.9 The Subject shall be informed of the allegation at the outset of a formal investigation and have opportunities for providing their input during the investigation.

5.1.10 The Subject shall has a duty to co-operate with the Investigators during investigation process to the extent that such co-operation sought does not merely require them to admit guilt.

5.1.11 The Subject shall not interfere with the investigation process. Evidence shall not be withheld, destroyed or tampered with, and witnesses shall not be influenced, coached, threatened and/or intimidated.



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 12 of 19

Rev. 02

AUG 2021

5.1.12 Unless there are compelling reasons not to do so, the Subject will be given the opportunity to respond to the findings of the investigation. No allegation of wrongdoing against the Subject shall be considered as maintainable unless there is good evidence in support of the allegation.

5.1.13 The investigation shall be completed within 60 days from the day the decision is made to initiate investigation. Any extension required shall be subject to approval from the BOD.

5.1.14 It is the sole prerogative of the BOD on whether or not the investigation reports forwarded to the senior personnel of the respective Subsidiaries. Reason being the report may implicate the involvement of the senior personnel of the Subsidiaries.

## 6 PROTECTION

### 6.1 DISCLOSURE OF IMPROPER CONDUCT

A Whistleblower may make a disclosure of Improper Conduct to the company based on his/her reasonable belief that any personnel or any person related to the Business Associates, is engaging or is preparing to engage in an Improper Conduct;

- A disclosure of Improper Conduct under Clause 6.1.1 above can be made even if without the identity of the Subject or unable to identify the Subject;
- the name of person (the Subject) who committed the Improper Conduct;
- the timing of when the incident happened;
- accurate information such as the invoice number or amount;
- or any other fact that may be relevant to the disclosure.

### 6.2 WHISTLEBLOWER PROTECTION

6.2.1 A Whistleblower shall, upon receipt of the disclosure of Improper Conduct by the company, be conferred with Whistleblower protection under this Policy as follows:

- i) protection of confidential information;
- ii) subject to any provision under the law, immunity from civil and criminal action; and
- iii) protection against detrimental action,

6.2.2 A Whistleblower protection conferred under this section is not limited or affected in the event that the disclosure of Improper Conduct does not lead to any disciplinary action or prosecution of the Subject.

6.2.3 No person shall take detrimental action against a Whistleblower or any person related to or associated with the Whistleblower in reprisal for a disclosure of



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 13 of 19

Rev. 02

AUG 2021

improper conduct. A Whistleblower may make a complaint to the Company of any detrimental action committed by any person against the Whistleblower or any person related to or associated with the Whistleblower.

### 6.3 PROTECTION OF CONFIDENTIAL INFORMATION

Any person who makes or receives a disclosure of Improper Conduct or obtain confidential information in the course of investigation into such disclosure shall not disclose the confidential information or any part thereof.

Confidential information shall not be disclosed or be ordered or required to be disclosed in any civil, criminal or other proceedings in any court, tribunal or other authority unless being ordered by court, tribunal or government agency or authority.

### 6.4 REVOCATION OF WHISTLEBLOWER PROTECTION

6.4.1 Subject to the written consent by the BOD, the company shall revoke the Whistleblower protection if it is of the opinion, based on its investigation or in the course of its investigation that:

- i) there is evidence where the Whistleblower himself has participated in the improper conduct disclosed;
- ii) the Whistleblower wilfully made in his disclosure of improper conduct a material statement which he knew or believed to be false or did not believe to be true;
- iii) the disclosure of improper conduct is frivolous;
- iv) the disclosure of improper conduct is made solely or substantially with the motive of avoiding dismissal or other disciplinary action; or
- v) the Whistleblower, in the course of making the disclosure or providing further information, commits an offence under the Whistleblower Protection Act 2010.

6.4.2 If the Whistleblower protection has been revoked, the company shall give a written notice to that effect to the Whistleblower.

6.4.3 Any person aggrieved by the decision of the company in respect of the revocation of protection may refer the decision of the company to the court for determination.



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 14 of 19

Rev. 02

AUG 2021

### 7.0 DECISION

If an investigation concludes that an Improper Conduct has been committed, the matter should be handled in accordance with the existing Disciplinary Management Procedures.

The actions to be taken against the Subject will be determined by the decision of the BOD., which may include disciplinary measures, formal warning or reprimand, demotion, suspension or termination of employment or services with the Company or other forms of punishment through normal Human Resource Domestic Inquiry process and procedures. BOD decision herein may include any corrective action to be recommended to the management.

### 8.0 RETENTION OF DOCUMENTS

All Protected Disclosures along with the results of investigation relating thereto shall be retained by the company for a minimum period of seven (7) years or in accordance with the applicable legal requirements.

### 9.0 AMENDMENT AND REVIEW

The company reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever. However, no such amendment or modification will be binding on the Employees unless the same is notified to the Employees in writing.

This policy shall be updated from time to time in ensuring that future related issues and treatment are incorporated into this Policy. Amendments and revision of this Policy or any part thereof shall be subjected to the written approval of the BOD.



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 15 of 19

Rev. 02

AUG 2021

APPENDIX 1



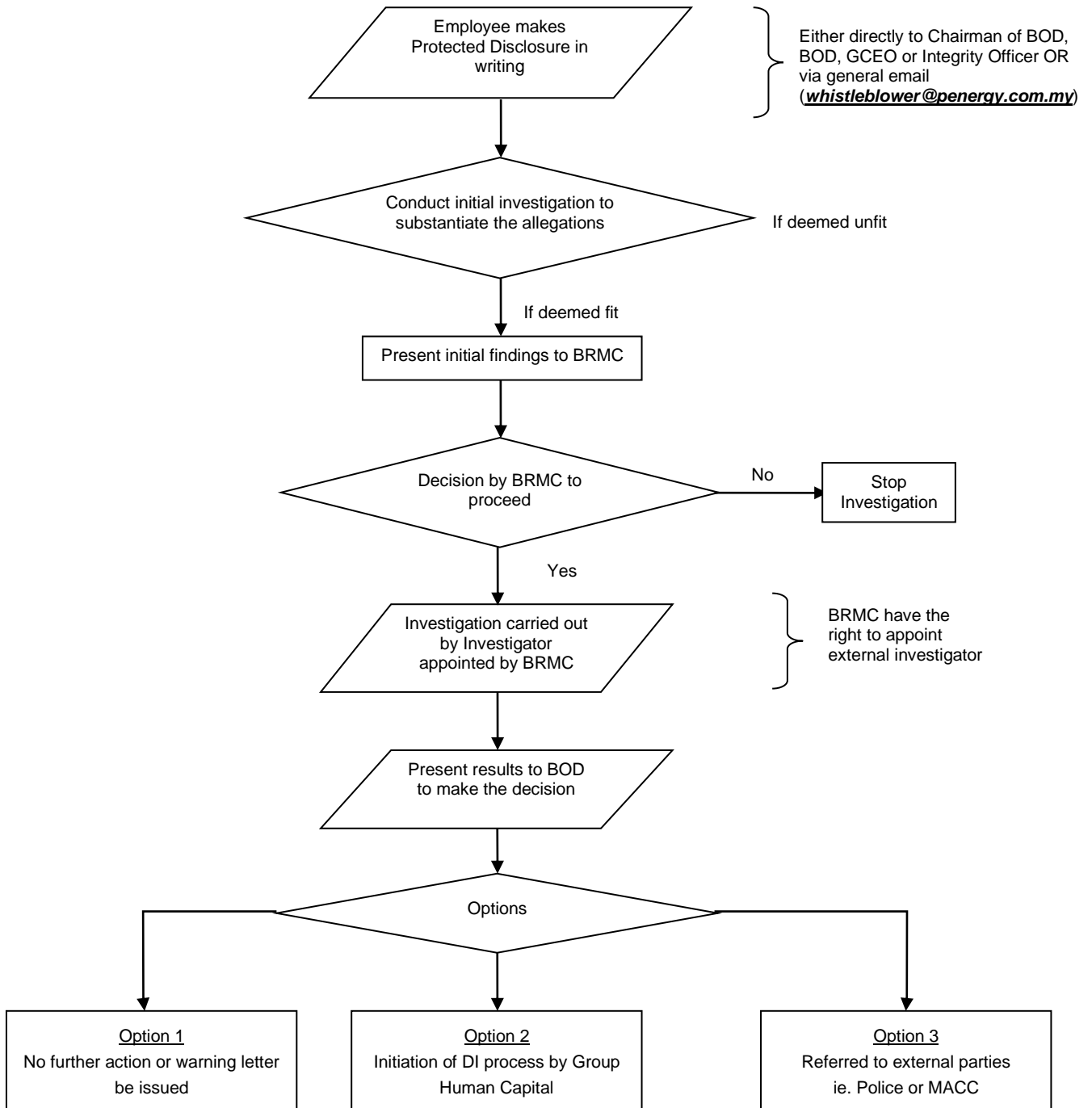
# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 16 of 19

Rev. 02

AUG 2021







## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 17 of 19

Rev. 02

AUG 2021

APPENDIX 2



# WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 18 of 19

Rev. 02

AUG 2021

## WHISTLEBLOWER REPORT FORM

Please provide the following details for any suspected serious misconduct, breach to our Anti-Bribery and Anti-Corruption Policy, Employee Handbook and/or other suspected breach of law or regulation that you are concerned may adversely impact our organisation.

*Note: Please follow the guidelines as laid out in the Whistleblowing Policy*

<b>WHISTLEBLOWER'S CONTACT INFORMATION</b> (This section may be left blank if the reporter wishes to remain anonymous)	
NAME	
DESIGNATION	
DEPARTMENT/COMPANY	
CONTACT NUMBER	
E-MAIL ADDRESS *	
<b>SUSPECT'S INFORMATION</b>	
NAME	
DESIGNATION	
DEPARTMENT/COMPANY	
CONTACT NUMBER	
E-MAIL ADDRESS	
<b>WITNESSES'S INFORMATION (if any)</b>	
NAME	
DESIGNATION	
DEPARTMENT/AGENCY	
CONTACT NUMBER	
E-MAIL ADDRESS	
<b>COMPLAINT:</b> Briefly describe the improper conduct and how you know about it. Specify what, who, when, where and how. If there is more than one allegation, number each allegation and use as many pages as necessary.	
1. What misconduct / improper activity occurred? *	
2. Who committed the misconduct / improper activity? *	
3. When did it happen and when did you notice it? *	
4. Where did it happen? *	



## WHISTLEBLOWING POLICY

Doc No : PEB-QMS-L2-RM07

Page No. : Page 19 of 19

Rev. 02

AUG 2021

5. Is there any evidence that you could provide us?

6. Are there any other parties involved other than the suspect stated above?

7. Do you have any other details or information which would assist us in the investigation?

8. Are you personally affected by the improper conduct?

9. Any other comments?

### DECLARATION

I declare that all information provided in this Form is true, correct and complete to the best of my knowledge.

I have read and understand Petra Energy Berhad's Whistleblowing Policy

Date:

Signature:

**NOTE: It is your right to remain anonymous and our organisation respects and protects this right of yours to protect your anonymity. However, we encourage you to share your identify (or personal e-mail address at the very least) so that we can keep you updated on the status of your report as well as follow up with you should we require additional information.**