



MEDIVEST SDN BHD
ANTI-BRIBERY AND CORRUPTION (ABAC)
POLICY

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DEFINITIONS

Act	Malaysian Anti-Corruption Commission Act 2009
Amendment Act 2018	Malaysian Anti-Corruption Commission (Amendment) Act 2018
Business Associate	An external party with whom Medivest has, or plans to establish, some form of business relationship. This may include clients, customers, joint ventures, joint venture partners, consortium partners, outsourcing providers, contractors, consultants, subcontractors, suppliers, vendors, advisers, agents, distributors, representatives, intermediaries and investors.
Bribery & Corruption	<p>A bribe can be summarily described as an inducement or reward offered, promised and/or given with the intention of influencing behaviour and to induce a person to act contrary to principles of honesty and integrity, including but not limited to financial and/or sexual favours, in return for a commercial or personal benefit or advantage.</p> <p>The general definition for ‘corruption’ is the abuse of an office or position for personal gain. Bribery can therefore be broadly described as a subset of corruption.</p> <p>The Act defines ‘corruption’ by reference to the term ‘gratification’, and the Commission’s website has defined “corruption” as the “<i>act of giving or receiving any gratification or reward in the form of cash or in kind of high value for performing a task in relation to his/her job description.</i>” Notwithstanding this, Medivest treats the act of giving or receiving any gratification or reward in the form of cash or in kind of any value including sexual favours as tantamount to corruption.</p>
Commission or MACC	Malaysian Anti-Corruption Commission.
Conflict of Interest	When a person’s own interests either influence, have the potential to influence, or are perceived to influence their decision making at Medivest.
Corporate Gift	Something given from one organisation to another organisation or individuals, with the appointed representatives giving and accepting the gift. Gifts may also be promotional items given out equally to the general public at events, functions, trade shows and exhibitions as a part of building the company’s brand and include gifts from the company to its Employee in relation to an internally or externally recognised company’s events, functions or celebrations. The gifts are given transparently and

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openly, with the implicit or explicit approval of all parties involved. Gifts normally bear the company's name and logo.

CODE	Company's Code of Conduct.
Donation & Sponsorship	Charitable contributions and sponsorship payments made to support the community.
Employees or Employee	All or any employees of Medivest, whether engaged on a full-time, part-time or temporary basis, and of whatever designation or rank, including the Top Management.
Guidelines	Guidelines on Adequate Procedures Pursuant to Subsection (5) of Section 17A under the Malaysian Anti-Corruption Commission Act 2009 issued by the Prime Minister's Department.
Gratification¹	<ul style="list-style-type: none">(a) money, donation, gift, loan, fee, reward, valuable security, property or interest in property being property of any description whether movable or immovable, finance benefit, or any other similar advantage;(b) any office, dignity, employment, contract of employment or services and agreement of employment or render services in any capacity;(c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;(d) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;(e) any forbearance to demand any money or money's worth or valuable thing;(f) any other service or favour of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and/or(g) any offer, undertaking or promise, whether conditional or unconditional, of any Gratification within the meaning of any of the preceding paragraphs (a) to (f).

¹ At Section 3 of the Act.

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Hospitality	The considerate care of guests, which may include refreshments, accommodation and entertainment at a restaurant, hotel, club, resort, convention, concert, sporting event or other venue such as Medivest's offices, with or without the personal presence of the host. Provision of travel may also be included, as may other services such as provision of guides, attendants and escorts; use of facilities such as a spa, golf course or ski resort with equipment included
Person(s) Associated	Person described as such for the purposes of Section 17A of the Act, being a director, partner or an employee of Medivest or a person who performs services for and on behalf of Medivest.
Public Officials	<p>An officer to a public body, where a 'public body' in turn has been defined as including² amongst others, the Government of Malaysia, the Government of a State, the local authority and any other statutory authority, and any branch of a registered society established under section 12 of the Societies Act 1966. Hence the following categories of individuals would be considered a Public Official for the purposes of the Act and this ABAC Policy:</p> <ul style="list-style-type: none">(a) Any officer or Employee of any government agency, body, division or department or of any statutory entity;(b) Any member of the police, armed forces, customs and immigration; and(c) Family member of any of the above.
Top Management	Comprised of the Board of Directors of Medivest, C-Level and other committees appointed by the Board of Directors.

² Section 3 of the Act.

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INTRODUCTION

Medivest Sdn Bhd (“**Medivest**” or “**the Company**”) adopts a zero tolerance policy against all forms of bribery and corruption. This document, namely, Medivest’s Anti-Bribery and Corruption Policy (herein referred to the “**ABAC Policy**”) is intended to provide guidance to all Employees of, Business Associates and Person(s) Associated with Medivest, on how to determine, identify and deal with any improper solicitation, bribery or other corrupt incidences encountered during the course of its day to day operations and business activities.

This ABAC Policy is developed in conjunction with the Act, in particular the Guidelines of the Amendment Act 2018.

This ABAC Policy is intended to be a guide and a reminder for all Employees, Business Associates and Person(s) Associated, to practice the highest ethical and behavioural standards required by the Act and practised by Medivest. This ABAC Policy is effective from 1 June 2020.

Overview of the Act and Amendment Act 2018

The commission of an act of corruption and bribery is recognized as a serious criminal offence in Malaysia. The Act deals with anti-bribery and corruption and came into force on 1 January 2009. The intent of the Act is, amongst others, to:

- (a) promote the integrity and accountability of the public and private sectors by constituting an accountable anti-corruption body; and
- (b) to educate public authorities and members of the public about corruption and its detrimental effects.

The Act as it currently stands focuses only on the prosecution of individuals involved in corruption activities.

The Section 17A amendments were enacted pursuant to the Amendment Act 2018, whereby a statutory corporate liability offence was imposed on commercial organization. The principle of Section 17A is that a commercial organization commits an offence under the Act *if any person associated with the commercial organization (being any person performing works or services for and on behalf of the commercial organization) commits a corrupt act in order to obtain or retain business or an advantage in the conduct of business for the commercial organization*. Therefore, if an employee or any person associated with Medivest commits a corrupt act for the benefit of Medivest, then Medivest itself may be subject to legal action and be held liable for the corrupt offence.

The Amendment Act 2018 also introduces a parallel liability on the directors, officers, controllers, partners or any persons concerned with the management of the commercial organisation, who will be deemed to have committed the offence, unless it can be proven that it was committed without their consent or connivance and due diligence had been exercised to prevent the commission of the same.

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In the event that the Company is found to be in breach of Section 17A of the Act, it will upon conviction be liable to EITHER or BOTH of:

- (a) a fine of not less than 10 times the sum or value of the gratification or RM1,000,000, whichever is the higher; or
- (b) Imprisonment for a term not exceeding 20 years, for the officers of the Company concerned.

The Amendment Act 2018 provides a defence to corporate liability, if Medivest can prove that it had in place adequate procedures at the time of the commission of the offence. Whether or not the Company's procedures are adequate for this purpose shall be determined taking into account the ABAC principles expounded in the Guidelines.

Non-Compliance with the ABAC Policy

All Employees are required to comply with the provisions of this ABAC Policy. Failure to do so would amount to a serious misconduct and breach of the CODE, warranting disciplinary or other legal action being taken by the Company. Employee shall acknowledge the understanding and acceptance of the policies written in Acknowledgement Statement Form (Part A) MMS Form 863 as provided in the CODE.

All Business Associates and/or Persons Associated with Medivest are also required to comply with the provisions of this ABAC Policy. Any Business Associates and/or Persons Associated who fail to comply with any relevant provisions of this ABAC Policy will be subject to sanctions, penalties and/or other legal action that may properly and lawfully be taken by the Company. Where relevant and as further spelt out in this ABAC Policy, any Business Associates and/or Persons Associated is required to submit External Party ABAC Declaration MMS Form 864 prior to any business dealings with Medivest,

OBJECTIVE

- (a) We have a zero-tolerance position against all forms of bribery and corruption.
- (b) We are committed to dealing with business associates and government officials in a fair, transparent and ethical manner.
- (c) We shall conduct due diligence on Business Associates and/or Persons Associated or any external party involved in projects and business activities, in particular where there is significant exposure to bribery and corruption risk.
- (d) We shall declare conflicts of interest on a scheduled basis and where actual, potential or perceived conflicts arises.
- (e) We adopt a "No Gifts" policy, subject to certain limited exceptions.
- (f) We prohibit offering or accepting hospitality subject to certain limited exceptions.
- (g) We allow CSR, charitable donations and sponsorships for legitimate reasons and for the benefits of society at large.

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- (h) We strongly encourage reporting (whistleblowing) of real or suspected cases of bribery and corruption without fear of retaliation or reprisal.

SCOPE

- (a) This procedure is applicable to all Employee, Business Associates and Person(s) Associated and may be amended from time to time in line with laws and regulatory requirements.
- (b) All Business Associates and Person(s) Associated External Providers are required to comply with the provisions in this ABAC Policy in relation to all or any works and/or services conducted with Medivest, or on behalf of Medivest.

1.0 ANTI-BRIBERY AND CORRUPTION

1.1 The Act stipulates four (4) main offences of bribery and corruption:

- (a) Soliciting/receiving gratification³;
- (b) Offering/giving Gratification⁴;
- (c) Intending to deceive (false claim)⁵;
- (d) Using office or position for gratification⁶.

1.2 Therefore all Employee, Business Associates and Person(s) Associated are reminded that, other than expressly provided herein the Definitions of this ABAC Policy:

- (a) Bribery & Corruption may be generally described as the offering, promising, giving, soliciting, receiving and/or accepting any gratification, benefit, personal gain or advantage (whether commercial, contractual or personal) as an inducement or reward for doing an act or taking a particular action.
- (b) Bribery & Corruption does not need to involve only cash, as gratification, but may include other non-cash forms for example gifts, votes, valuable information and other types of expense or rewards, or sexual favors.
- (c) A bribe does not have to be actually accepted in order to establish the commission of an offence; and
- (d) An offence may be established whether the corrupt act is conducted directly (e.g. where Employees, Business Associates and Person(s) Associated gives a bribe) or indirectly (e.g. where the Employees, Business Associates and Person(s) Associated directs someone other than himself to give a bribe).

1.3 No Employee or external party will suffer demotion, penalty or other adverse consequences in retaliation for refusing to pay or to receive bribes or to participate in other illicit behaviour.

³ Section 16 & 17(a) of the Act

⁴ Section 17(b) of the Act

⁵ Section 18 of the Act

⁶ Section 23 of the Act

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- 1.4 Obligation to Report by the Employee, Business Associates and Person(s) Associated:
- (a) Any Employee Business Associates and Person(s) Associated to whom any Gratification is given, promised, or offered shall report such gift, promise, or offer together with the name (if known) of the person who gave, promised, or offered such gratification to the Commission.
 - (b) Similarly, any Employee, Business Associates and Person(s) Associated from whom any Gratification has been solicited, or obtained or an attempt has been made to obtain such Gratification, shall at the earliest opportunity thereafter report such event to the Commission.
 - (c) A failure by any Employee, Business Associates and Person(s) Associated to comply with these statutory reporting obligations shall, in addition to warranting disciplinary proceedings and/or to suspend or terminate the business relation, by the company, also amount to an offence and be punishable under the Act.
 - (d) Therefore, all Any Employee Business Associates and Person(s) Associated of Medivest are required to submit a report in the event it encounters any of the above events, if it is aware of an act or suspected act of corruption being committed in the course of the Company's business operations.
 - (e) Reports can be made via whistleblowing email address: whistleblower@medivest.com.my in reference to Medivest's Whistleblower Procedure MSB/RMIA/SOP/02.

2.0 GIFT

2.1 General Principles on Gifts

- 2.1.1 Medivest adopts a "No Gift" Policy whereby all Employees are prohibited from, directly or indirectly, receiving or providing Gifts. All Employee are to abide by this Section 2.0 Gift of ABAC Policy to avoid conflict of interest or the appearance of conflict of interest for either party, in any on-going or potential business dealings between the same.
- 2.1.2 Employee are prohibited from directly, or indirectly, receiving or asking for (soliciting) for gifts which may include but not limited to cash or cash equivalent in the form of gift certificates, loans, commissions, coupons, discounts or any other related forms.
- 2.1.3 It is the responsibility of the Employee to inform any external parties involved in any business dealings with Medivest that Medivest practices a "No-Gift" policy and to request the external party's understanding to adhere to the said policy. Receipt of gifts is allowed only in the few limited circumstances set out herein.
- 2.1.4 The practice of giving gifts is permitted by Medivest, but is subject to strict limits, prerequisites and processes, as set out in herein:

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- (a) All Employee are required to consistently maintain the highest degree of ethics and integrity in the provisioning of gifts.
- (b) All Employee are expected to exercise prudent care and proper judgment in all gift giving activities, so as to eliminate any risk of the same appearing in bad faith, improper or be in any way perceived as amounting to corrupt acts.
- (c) All Employees are required to comply with the provisions set out below and in the Medivest's Gift Management MSB/CCD/SOP/06 in all gift giving and receiving activities.
- (d) Gifts given to and/or received by members of Employee' or external parties' families or close associates (as the case may be) is **PROHIBITED**.

2.2 Providing Gifts

2.2.1 Medivest acknowledges that the culture of exchanging gifts may be a part of accepted business etiquette. The giving of appropriate gifts can facilitate and promote good business relationships. Therefore, Employee are permitted to give gifts to external parties but **SUBJECT** to the following:

- (a) gifts may only be given if it is of the type, nature and value of gifts approved by Medivest and provided that the procedures and guidelines imposed by Medivest in Medivest's Gift Management MSB/CCD/SOP/06 are complied with;
- (b) Medivest must take into account and remain sensitive to the recipient company's own gifts policy (if any) when considering the provision of gifts;
- (c) Medivest must at all times avoid any possibility of conflicts of interest in the provisioning of gifts. Please see **Section 10** in respect of conflicts of interest;
- (d) Medivest's stance on anti-bribery and corruption shall be made known to all its business associates so that external parties are clear and in no doubt that any gifts from Medivest are given solely for the purposes of fostering good business relationships and not with the expectation of receiving any illegal benefit or advantage in return.

2.2.2 Permitted Gifts (Exception to the No Gift Policy)

- (a) Exchange of gifts at company-to-company level, including Corporate Gifts;
- (b) Gifts from Medivest to external parties comprising of institutions or individuals given in conjunction with the company's official functions, events and celebrations, including Corporate Gifts (e.g. commemorative gifts or door gifts offered to all guests attending the event);
- (c) Gifts from Medivest to any Employee in relation to the Company functions, events and celebrations (e.g. gifts in recognition of an Employee's service to the Company);

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- (d) Gifts to clients, Business Associates and/or Person(s) Associated that are customarily given during festivities or special occasions, which is not more than RM500 per unit and which take the form of flowers, fruit and/or hampers that mostly consist of food items;
- (e) Modest entertainment and hospitality expenses that is reasonable and customary in the industry taking into consideration the scope of works and participants/recipients of such expenses (e.g. hosting a lunch with business associates during a conference or workshop organised by Medivest).

2.2.3 Prohibited Gifts

- (a) Gifts in the form of cash or cash equivalent (e.g. vouchers) **ARE PROHIBITED**;
- (b) Gifts which are lavish, excessive, extravagant or which may in any way be considered disproportionate taking into account all circumstances.
- (c) Gifts, hospitality and/or entertainment that are inappropriate or indecent by the standards of any culture, religion, and/or laws;
- (d) Gifts that may in any way suggest an inducement to obtain any kind of benefit or advantage whether to the relevant Employees or to Medivest;
- (e) Employee who wish to recommend any types of gifts not mentioned above to an external party for the purposes of fostering good business relationships may refer to the procedures in Medivest's Gift Management MSB/CCD/SOP/06;
- (f) If the proposed recipients involve Public Officials, such gifts must be in compliance with the relevant and applicable governmental regulations, guidelines, or policies issued and in force from time to time; and
- (g) Details of all gift giving activities and expenses incurred therefrom must be properly and sufficiently documented and recorded for audit purposes. Details recorded shall include particulars as to the type, value, nature, purpose and recipients of the gifts.

2.3 Receiving or Accepting Gifts

2.3.1 Receiving gifts from any external parties may be seen as an inducement by such external party to obtain a benefit or advantage from Medivest. Any Employee must refrained from receiving or accepting any gifts from external parties.

2.3.2 In the event that the external party insists of giving the gift, Employee are first required to attempt to decline or return any gifts received in a polite and respectful manner.

2.3.3 Although the general principle is to immediately refuse or return such gifts, receiving or accepting a gift on behalf of Medivest is allowed only in very limited circumstances, particularly when refusing the gift is likely to seriously offend and may sever Medivest' business relationship with the external party. The gift shall be accepted (provided

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always that the gift is of the type permitted by Medivest) but shall be subjected to the procedures set out in Gift Management MSB/CCD/SOP/06, which includes processes on how the gift is to be dealt with, as well as requirements to record the same in a Gift Declaration MMS Form 865.

- 2.3.4 If there is a conflict of interest situation (e.g. bidding is in progress and the company that gave the gift is one of the bidders), the gift must be politely returned with a note of explanation about the Company's "No Gift" policy.
- 2.3.5 Accordingly, in adherence to the Gift Management MSB/CCD/SOP/06, if the head of department approves the acceptance of the gift, he/she must ensure the acceptance of the gift is based on business culture/nature and shall determine the treatment of the gift whether to:
- (a) Donate the gift to charity; or
 - (b) Hold it for departmental display; and/or
 - (c) Share with other employees in the department.
- 2.3.6 The value of the gift shall not more than RM500 and must at all times remain in a no-cash as particularly spelt out in Item 2.2.2(d) of this ABAC Policy.
- 2.3.7 The Employees are advised to exercise proper care and judgment at all times in order to safeguard the Company's reputation and to prevent any allegations of impropriety or misconduct.

3.0 ENTERTAINMENT AND CORPORATE HOSPITALITY

3.1 Entertainment and Corporate Hospitality Principle

Medivest recognises that modest provision of entertainment and corporate hospitality ("ECH") is necessary to build and foster legitimate business relationships. Therefore, Medivest adopts that ECH expenses and activities are only permitted for identified types of ECH that are within budgets allocated and approved by the relevant authorities under the Company's Limit of Authority. All ECH must also be carried out in accordance with the procedures and guidelines imposed by Medivest in Entertainment and Corporate Hospitality MSB/HRA/SOP/03.

3.2 Providing Entertainment and Corporate Hospitality

- 3.2.1 The provision of ECH that is excessively lavish, illegal or inappropriate to any external parties or that which is made in anticipation of obtaining a favourable business decision, reward or advantage for Medivest is **PROHIBITED**.

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- 3.2.2 All provision of ECH must be made in an open manner and without any undue influence, is reasonable in value and frequency, and justified as an act of hospitality and goodwill in networking activities.
- 3.2.3 ECH expenses and activities must also be commensurate with the intended purpose, recipient, and/or function.
- 3.2.4 ECH expenses must not exceed the prescribed limits/budgets for the relevant division or type of activity. Any expenses not budgeted for must first be approved in accordance with the Company's Limits of Authority.
- 3.2.5 The ECH must also be in compliance with any applicable and relevant governmental regulations, guidelines, or policies. Careful consideration will have to be given if the proposed recipient involves any Public Official.
- 3.2.6 Employee must not directly or indirectly provide or offer to provide entertainment with a view to cause undue influence or in exchange for favours or advantages. Such acts are considered corruption.
- 3.2.7 All expenses incurred in ECH activities must be properly documented and recorded for audit purposes.

3.3 Receiving Entertainment and Corporate Hospitality

- 3.3.1 Medivest strongly discourages Employee from receiving any form of ECH. However, occasional and reasonable ECH in the usual course of business (for example simple refreshments as part of business courtesy) has been recognized by Medivest to be acceptable and conducive to establishing or cementing business relations. Therefore, Employee may receive ECH from Business Associates and/or Person(s) Associated, provided that the procedures in Entertainment and Corporate Hospitality MSB/HRA/SOP/03 are complied with.
- 3.3.2 The participation in or receipt of any ECH activity or expense by any Employee during a tender bidding exercise is **PROHIBITED**.
- 3.3.3 The acceptance of ECH must also commensurate with the relevant purpose, event and/or occasion taking into consideration all circumstances of each case.
- 3.3.4 The Employees are advised to exercise proper care and judgement before accepting any ECH. below are some of the examples of prohibited EHC:

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- (a) acceptance of regular or frequent ECH from the same business associate or its persons connected is not permitted and should be politely and respectfully declined; and
- (b) Any ECH which bears any semblance of a subterfuge for corruption, namely which can be perceived as given in expectation of a return of favour or benefit from Medivest, should also be firmly declined. Employee faced with offers of such ECH are also obligated to make a report of the event. Should any dispute or uncertainty arise, Employees are required to seek directions from the Human Resource & Administration Department.

3.3.5 Particulars of ECH received must be periodically declared and reported for audit purposes.

4.0 CORPORATE SOCIAL RESPONSIBILITY/ SPONSORSHIP/ DONATION AND OTHER DISBURSEMENT

4.1 Corporate Social Responsibility/ Sponsorships/ Donations Principle

As part of its business, Medivest contributes to causes that support its stance on corporate social responsibility (“**CSR**”), in particular the promotion of sustainable development of health and welfare of the society. The Company’s Corporate Social Responsibility/ Sponsorship/ Donation MSB/CCD/SOP/01 is aimed at assisting Medivest to carry out its CSR activities in a transparent and accountable manner, and to curb the risk of any CSR being used or exploited as a conduit or guise for Bribery & Corruption.

4.2 Providing CSR/ Sponsorships/ Donations

4.2.1 All CSR contributions, donations and sponsorships must be carried out in line with pre-approved budgetary limits and in compliance with procedures laid out in Corporate Social Responsibility/ Sponsorship/Donation MSB/CCD/SOP/01. Documents and reports relating to all CSR programmes carried out must be recorded and filed accordingly.

4.2.2 Proposed recipients of CSR must be organisations lawfully incorporated with purposes in line with Medivest’s CSR objectives, and shall not be driven by an intent to improperly influence a business outcome.

4.2.3 Any requests for CSR contributions, donations and sponsorships made by external parties to Medivest shall also be carefully pre-assessed to ensure that they meet the pre-requisites set out above and in the Medivest’s Corporate Social Responsibility/Sponsorship/Donation MSB/CCD/SOP/01 procedure before a proposal is submitted for approval. All employees are encouraged to politely decline any

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requests made by external parties for any CSR contribution, donations and sponsorships which do not meet the aforementioned pre-requisites or which do not garner the necessary approvals.

4.2.4 Any form of CSR contributions, donations and sponsorships may not be made to Public Officials save only as expressly permitted under this ABAC Policy and Provided That the necessary approvals have been obtained as per the Limits of Authority and due process are carried out in accordance with the requirements of Medivest's Corporate Social Responsibility/Sponsorship/ Donation MSB/CCD/SOP/01 procedure.

4.2.5 The Employees are required to seek further directions from Corporate Communications Department in the event of any uncertainty or dispute arising.

5.0 DEALING WITH PUBLIC OFFICIALS

- 5.1 Due to the nature of their position, any dealings with Public Officials have been recognized under the Guidelines as posing a higher risk of corruption, and may amount to an offence under the Act⁷. Therefore, all Employees are called upon to take extra care and judgment in all dealings with Public Officials.
- 5.2 Payments or gratification given to Public Officials with the intention of influencing a favourable decision or advantage for Medivest is **PROHIBITED**.
- 5.3 Any payments, contributions or gratification in any form whatsoever made to Public Officials as per in Section 4.3 of this ABAC Policy must be made in accordance with documented and established rules and guidelines of the relevant public body⁸ and must be made only for specific and legitimate purposes. All Employees are further required to obtain the necessary approval according to the Limits of Authority prior to making any payments. Applications for approvals shall be accompanied at the minimum with:
- (a) Purpose of payment;
 - (b) Type and amount of payment;
 - (c) Recipient of the payment; and
 - (d) The relevant documented rule or guideline providing the basis of the payment.

⁷ Section 21 of the Act

⁸ In particular Pekeliling Perkhidmatan 'Bil 3 Tahun 1998 Garispanduan Pemberian dan Penerimaan Hadiah Di Dalam Perkhidmatan Awam

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- 5.4 Employee are further required to immediately report any requests made by Public Officials which are not in line with documented rules, guidelines or procedures, or which the Employee has reason to believe is a request for gratification.
- 5.5 Reports can be made to the Risk Management Internal Audit (RMIA) Department or otherwise in reference to Medivest's Whistleblower MSB/RMIA/SOP/02 procedure.

6.0 FACILITATION PAYMENTS

6.1 Facilitation Payments

- 6.1.1 Facilitation payments are payments made to secure or expedite the performance of a routine government function, and are usually given to Public Officials. An example of a facilitation payment is a payment requested by and made to an administrative staff of a Public Body in order to secure or hasten the process for licences, permits and/or approvals. Employees are to note that forms of payments are not just limited to cash, but will also include any other non-monetary form of gratification, contribution or advantage given with the intention to influence the Public Official in the performance of his duties.
- 6.1.2 Medivest adopts a stance that all forms of offering, promising or accepting requests for facilitation payments (whether directly or indirectly) are **PROHIBITED**. If so faced with a request, the Employees are advised to:
- (a) query the basis for making the requested payment;
 - (b) request for supporting documentation evidencing the basis of the payment, for example the applicable rule, regulation or directive necessitating the payment;
 - (c) make separate enquiries or checks to verify the legitimacy of the payment;
 - (d) decline or resist at first instance all requests for facilitation payments;
 - (e) insist on an official receipt for the payment;
 - (f) request to liaise with the requesting Public Official's superior or head; and
 - (g) convey the company's stance on anti-corruption and bribery.
- 6.1.3 Employees are further required to immediately record and report any requests or offers for any payments that are suspicious or out of the ordinary having regard to the nature of the particular transaction, or which may be tantamount to facilitation payments.

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7.0 PARTICIPATION IN TENDER EXERCISE FOR OTHER BUSINESSES BY BUSINESS DEVELOPMENT DEPARTMENT

- 7.1 Medivest **PROHIBITS** any act of solicitation for payments, gifts, hospitality, entertainment and/or any other forms of gratification surrounding the circumstances of any tender bidding exercise participated by Medivest, in its business expansion plan.
- 7.2 Any Employee who are involved in tender bidding exercise are also **PROHIBITED** from entertaining or acting upon any request made by external parties for any payments, gifts, hospitality, entertainment and/or any other forms of gratification, in exchange for a favourable decision or advantage towards Medivest.
- 7.3 All Employee are required and expected to practice the highest ethical and behavioural standards in any participation and/or involvement in tender bidding process, when sourcing for new businesses.
- 7.4 It is mandatory for all Employee to immediately report any incidence of corruption or suspected corruption arising from any tender bidding process, where Medivest is participating in.
- 7.5 Any Employee who are involved in tender bidding processes are required to make a formal disclosure and declaration of any actual or potential conflict of interests (if any) by completing the prescribed Acknowledgement Statement Form (Part B) MMS Form 863 in the CODE.
- 7.6 Any Employee, particular those from the Business Development Department is required to maintain adequate records to ensure all tender bidding exercises which Medivest have participated in are executed with the appropriate authorizations and in accordance with the procedures specified in Medivest's Tender Bidding for Non-Concession and Private Companies MSB/BD/SOP/01 procedure. Any supporting documents such as invoices, and other records evidencing all payments made as part of the tender bidding exercise must be prepared and maintained with accuracy for audit purposes.

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**8.0 TENDER BIDDING PROCESS BY PROCUREMENT AND SUPPLY CHAIN (PSC)
DEPARTMENT**

- 8.1 Medivest **PROHIBITS** any act of solicitation for payments, gifts, hospitality, entertainment and/or any other forms of gratification surrounding the circumstances of tender bidding processes conducted by Procurement and Supply Chain Department ("PSC").
- 8.2 Employee who are involved in tender bidding processes are also **PROHIBITED** from entertaining or accepting any offer made by external parties for any payments, gifts, hospitality, entertainment and/or any other forms of gratification, in exchange for a favourable decision or advantage given by Medivest to any prospective Business Associates or Person(s) Associated.
- 8.3 The Employee of PSC are also required to actively disseminate Medivest's stance on anti-bribery and corruption to the prospective Business Associates or Person(s) Associated and ensure as far as possible that these values are shared by all the external parties engaged with or by Medivest.
- 8.4 Appropriate and comprehensive due diligence must be conducted prior to any appointment to ascertain the standards of ethics and integrity practiced by prospective Business Associates or Person(s) Associated. No proposal or recommendation shall be made to enter into business dealings with any Business Associates or Person(s) Associated reasonably suspected of engaging or having engaged in bribery and improper business practices.
- 8.5 Tender bidding processes shall be carried out in accordance with Medivest's Tender Process MSB/PSC/SOP/02 procedure. It is mandatory for PSC's personnel to report to the Top Management of any suspicious incidences arising from the tender bidding process, such as:
- (a) irregular/complicated payment channels e.g. payments channelled through external party's account(s);
 - (b) failure or reluctance by Business Associates or Person(s) Associated to comply with policies and procedures as imposed by Medivest;
 - (c) offers to pay a commission or fee payment before committing to sign a contract with Medivest; and/or
 - (d) refusal or apparent reluctance to divulge adequate information during the due diligence process.

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9.0 DEALINGS WITH EXTERNAL PARTIES

- 9.1 The external party in Medivest's business relationship chain are including but not limited to its Business Associates or Person(s) Associated. For the purpose of this ABAC Policy, the external party shall also include all legitimate business entities ranging from public limited companies and private limited companies to partnership and sole proprietorships.
- 9.2 All Business Associates or Person(s) Associated or other external parties engaged by or with Medivest are expected to adopt its values and principles on anti-bribery and corruption. For this reason all Medivest is expected to engage only with Business Associates or Person(s) Associated or other external parties that practice the highest standards of integrity in the conduct of its business. Therefore, Medivest is obligated to conduct appropriate due diligence to understand the business and background of the prospective business counterparties before entering into any arrangements with them.

9.3 Requirement for Due Diligence

- 9.3.1 To ensure the effectiveness of this Policy, all Employee are required to exercise the following:-
- (a) conduct the due diligence exercise to assess the integrity of the said Business Associates or Person(s) Associated or other external parties. The due diligence exercise to be carried out as per the Vendor Registration Application MMS Form 1330.
 - (b) the Business Associates or Person(s) Associated or other external parties to be made aware of the CODE, Whistle Blower Policy and ABAC Policy. A copy of the above policies to be emailed to external party and acknowledgement on the content of the policies to be recorded in External Party ABAC Declaration MMS Form 864. The employees to take note that the due diligence requirement in Vendor Registration Application MMS Form 1330 is non-exhaustive and is strongly encouraged to add own measures into the checklist for a meaningful and thorough assessment on the external party.
 - (c) All Business Associates or Person(s) Associated or other external parties must sign External Party ABAC Declaration MMS Form 864 which states that:
 - (i) They understand and will comply with all applicable laws and regulations relating to code of conduct, anti-fraud, integrity, anti-corruption, and whistleblowing. They must also be ready to commit to the anti-corruption principles which includes promoting values of integrity, transparency, accountability and good corporate governance, prevention of corruption, fighting any form of corrupt practice, as well as supporting anti-corruption initiatives led by the government and the local authorities (hereinafter collectively referred to as "the requirements").

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- (ii) They have not been convicted nor subject to any investigation, inquiry or enforcement proceedings by the relevant authorities of any actual or suspected breach and will report any actual or suspected breach as soon as reasonably practicable and to the extent permitted by the law, to Medivest.
- (iii) They undertake to promptly inform Medivest of any breach and/ or alleged/ suspected breach of the requirements and cooperate with Medivest in any investigation of such breach involving Medivest's Employees.
- (iv) They acknowledge that the provisions set out in the declaration form shall form part of the terms and conditions of their appointment and/ or contract of service.
- (v) They further acknowledge that Medivest has the right to suspend or terminate their contract/ agreement/ job and disqualify them.

Note: For the purpose of the External Party ABAC Declaration, it is applicable to Medivest's Business Associates or Person(s) Associated or other external parties with contract/ agreement/ job value of more than RM10, 000.

9.3.2 Medivest may also engage with online vendors/service providers such as for the purchase of air flight tickets, travel insurance, train ticket, hotel booking and etc. Such vendors are excluded from the requirement to sign the External Party ABAC Declaration MMS Form 864. Nevertheless, the Employee are still required to ensure reasonable due care is exercised to protect the Company's interest at all times.

9.3.3 Business transactions with Business Associates or Person(s) Associated or other external parties that have known or suspected involvement in Bribery & Corruption activities, or who are engaged in improper business practices are **PROHIBITED**.

9.3.4 Any areas or concern or 'red flags' identified during the due diligence process must be further investigated, mitigated and resolved, before a proposal can be made to pursue business relations with the external party concerned. Examples of such 'red flags' include:

- (a) the proposed Business Associates or Person(s) Associated or other external parties is from a recognized high risk category for example a Public Officials or Public Body or family members or persons connected with a Public Official or Public Body;
- (b) background checks on the Business Associates or Person(s) Associated or other external parties reveal a history of involvement or association with incidents of corruption;
- (c) requests are made for payments to be made or channelled *via* unconventional or out of ordinary arrangements;

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- (d) requests for payments to be made in cash and or bank cheque under individual name;
- (e) an unwillingness to provide full and complete disclosure of information or to give undertakings.

9.4 Effectiveness of Due Diligence

- 9.4.1 The purpose of due diligence is to serve as a guide in making a decision whether to continue the relationship with the said Business Associates or Person(s) Associated or other external parties. Any unsatisfactory information from the Vendor Registration Application MMS Form 1330 shall be treated as red flags by the Employee, other than those highlighted in Item 9.3 of this ABAC Policy. If all identified red flags are sufficiently mitigated, then the Employee could proceed with the relationship. Similarly, if no red flags have been identified, then the Employee can proceed with the engagement (having satisfied that reasonable steps have been taken to address the corruption risk of the external party).
- 9.4.2 If red flags have been identified but not sufficiently mitigated, it is critical that further investigation by the Employee is undertaken prior to Medivest entering into any contract or relationship. All red flags will need to be resolved or mitigated prior to any appointment or contractual relationship.
- 9.4.3 Where the department/division finds that the red flags still could not be mitigated or resolved despite all active actions taken, the Employee or the relevant division/department shall not proceed with the relationship with the said Business Associates or Person(s) Associated or other external parties.
- 9.4.4 The Employee are requested at all times to exercise good judgement and common sense when making assessments pursuant to due diligence exercises. The Employees should seek advice from their respective head of department whenever particular questions arise relating to Business Associates or Person(s) Associated or other external parties that the Company is considering for appointment.

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10.0 CONFLICTS OF INTEREST

- 10.1 Medivest takes a serious view of conflicts of interest as it undermines and jeopardizes the duties of good faith, diligence and integrity that is expected of Employee in the performance of their duties and obligations in the Company.
- 10.2 A conflict of interest is where an Employee has an interest or duty or commitment which conflicts with his interest or duties to the Company. A conflict of interest situation will arise when the Employee is in position to take advantage of his position in Medivest for his own personal benefit or that of his family, friends or close associates.
- 10.3 Employee are strictly prohibited from acting in a manner inconsistent with their duty to the Company, in favour of another person or entity, and wherever possible shall abstain from making any decision on any matter in which he has a conflict of interest.
- 10.4 In the event where the Employee is in the conflict of interest situation, the Employee is required to make the necessary disclosure to their head of department immediately upon becoming aware of any potential conflict arising. Such disclosure to be made in Acknowledgement Statement (Part B) MMS Form 863 in the CODE.
- 10.5 Upon such disclosure, the head of department with recommendation from the higher level shall take the necessary action to prevent further conflict of interest including but not limiting to excluding the said employee from involvement in the particular task, where the conflict of interests arises, or to limit the involvement of the Employee in the said task.

11.0 WHISTLEBLOWER

- 11.1 Medivest recognizes the importance of a culture of integrity and accountability within the Company. Part of this objective strives for the need for prompt action being taken to address and mitigate any potential commercial or reputation loss that may be suffered by the Company as a result of Bribery & Corruption.
- 11.2 It is every Employee's duty to raise concerns, highlight issues and report any incidences of Bribery & Corruption, when they become aware of or suspected the occurrence of any such incidences.
- 11.3 Medivest has set up a secure whistleblowing medium that is accessible to all Employee and Business Associates or Person(s) Associated or other external parties, to report incidences of Bribery & Corruption and/or other misconduct.
- 11.4 All reports of Bribery & Corruption and/or other misconduct as provided under this ABAC Policy is to be made by email to whistleblower@medivest.com.my. Sufficient information

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must be provided in order to enable investigations to be carried out. Hence the following information should, wherever possible, be provided:-

- (a) Identity of the persons involved;
- (b) Type of the wrongdoing with detailed and factual particulars, e.g. type and value of gratification, benefit or reward expected;
- (c) Date, time and place of the incident

11.5 Employees and Business Associates or Person(s) Associated or other external parties are requested to refer to Medivest's Whistleblower MSB/RMIA/SOP/02 procedure for further information.

12.0 CONTINUOUS IMPROVEMENT

In maintaining this ABAC Policy, Medivest shall ensure that the requirements set out in the Act, Guidelines and amendments thereto are strictly complied with. Any further revisions that impacted the Medivest's business environment and any Bribery & Corruption risks once identified will be incorporated for this ABAC Policy's improvement. Medivest strives to in delivering positive influence in the business environment where it operate, in its aim to uphold integrity.

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