

YU CAI FOUNDATION

WHISTLEBLOWING POLICY

Abstract:	Yu Cai Foundation Whistleblowing Policy
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Superseded documents

Version history

Version	Date	Comments
1.0	August 2021	Approved by Board of Trustees
1.1	August 2022	Refinement to Clause 2.3 – Update on the Whistleblowing Channel

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1. Whistleblowing Policy

In this Policy, a “**Whistleblower**” refers to any person who reports an actual, suspected or anticipated improper conduct (constituting a disciplinary or criminal offence) against or involving the Foundation, or its trustees (“**Trustees**”), employees (“**Employees**”), contractors or vendors (“**Reportable Conduct**”), which shall include but not limited to the following:

- dishonest, fraudulent, corrupt or illegal actions, conducts or activities (including theft, drug sales/use, violence or threatened violence and criminal damage against the Foundation’s property);
- misleading or deceptive conduct, including practices or representations which amount to improper or misleading accounting or financial reporting practices;
- actions, conducts or activities which are or may be in breach of any applicable law or the Foundation’s codes, rules and policies;
- unethical or improper behaviour (this may represent a breach or suspected breach of the Foundation’s Code of Conduct and Ethics by its Trustees or Employees or the Third Party Code of Conduct by third parties who have any dealings with the Foundation or otherwise unethical or improper behaviour generally); and
- wilful actions or omissions which (i) may give rise to health and safety risks, including risks to the public as well as other Employee or Trustee deliberately; (ii) is likely to cause financial or non-financial loss to the Foundation; or (iii) is detrimental to the interests of the Foundation.

2. Purpose and Reporting

2.1 The Foundation relies on its Employees, Trustees and any third parties to help maintain and grow its culture of honest and ethical behaviour. It believes that whistleblowing is an important means of uncovering and discouraging unlawful acts, misconduct or other acts that may be detrimental to the Foundation or its reputation or the reputation of its Trustees or Employees. Recognising that Whistleblowers can be exposed to substantial risks while acting in good faith for the good of the Foundation, the Foundation strongly encourages any Employee, Trustee or third party who (i) becomes aware of a Reportable Conduct; or (ii) may have suffered any Detrimental Action in reprisal against a disclosure of Reportable Conduct under this Policy, makes a report (“**Report**”).

2.2 For the purposes of this Policy, “**Detrimental Action**” includes:

- (a) intimidation or harassment;
- (b) interference with the lawful employment or livelihood of any person, including discrimination, discharge, demotion, suspension, disadvantage, unlawful termination or adverse treatment in relation to the Whistleblower's employment, career, profession or relationship with the Foundation; and
- (c) a threat to take any of the actions referred to in paragraphs 2.2(a) and 2.2(b).

2.3 It is very important that a Whistleblower who makes a Report does so in good faith and with reasonable grounds for suspecting that a Reportable Conduct or a Detrimental Action, as the case may be, has occurred. The Foundation takes very seriously all Reports made under this Policy and if a Whistleblower makes a false Report maliciously, with an unlawful or improper motive, or for personal gain, the Foundation reserves the right to take appropriate disciplinary action against that Whistleblower including but not limited to a termination of employment, appointment, service or relationship .

All Reports must be made in writing and submitted to this email address: ethics.ycf@ut.com.my or submit a hard copy of the report to the designated mailbox labelled **WB** at Level 37 of Menara Maxis. All Reports should be marked "**Strictly Private and Confidential and to be opened by the Addressee only**".

In the case of a Reportable Conduct or Detrimental Action, where applicable, involving any trustees (other than the Chairman of the Board), such report should be sent directly to the following:

Chairman of the Board of Trustees of Yu Cai Foundation
Level 37, Menara Maxis
50088 Kuala Lumpur

3. Whistleblower Confidentiality and Protection

3.1 The Foundation will treat with utmost confidentiality all information received from a Whistleblower. Particular care shall be taken to keep confidential the identity of a Whistleblower who requests anonymity. If a situation arises where it is not possible to resolve the matter without revealing the identity of the Whistleblower, the Whistleblower shall be informed and consulted before any further action is taken. Anonymity however can be excluded if the identity of the Whistleblower is lawfully required to be disclosed.

3.2 Similarly, the Whistleblower shall not comment on, disclose or discuss any information or allegations made in his/her Report with any third party.

3.3 While the protections under the Whistleblower Protection Act 2010 may not apply to a Whistleblower making a Report to the Committee, the Foundation shall confer similar protections to Whistleblower who has submitted a Report to the Committee (“**Whistleblower Protection**”) as follows:

- (a) protection of confidential information unless disclosure is required by law;
- (b) immunity from civil and disciplinary action by the Foundation; and
- (c) protection against Detrimental Action.

3.4 The Foundation shall revoke the Whistleblower Protection if it is of the opinion, based on the Committee’s investigation that:

- (a) the Whistleblower has participated in the Reportable Conduct disclosed;
- (b) the Whistleblower wilfully made a false Report;
- (c) the disclosure of the Reportable Conduct is frivolous or vexatious;
- (d) the disclosure of the Reportable Conduct principally involves questioning the merits of any Foundation policy;
- (e) the disclosure of the Reportable Conduct is made solely or substantially with the motive of avoiding a lawful termination of relationship with the Foundation or dismissal or other disciplinary action; or
- (f) the Whistleblower, in the course of making the disclosure or providing further information, fails to comply with paragraph 3.2.

3.5 Any revocation of the Whistleblower Protection shall be notified to the Whistleblower.

4. Dealing with Reports

4.1 All Reports are to be dealt with by the Committee or in the case of a Report involving any Committee member, the Report shall be submitted directly to the Chairman of the Board of Trustees of the Foundation (“**Chairman**”). All Reports should be investigated within a reasonable time but not later than 2 months from the date of receipt of such Reports, unless extended by the Chairman.

4.2 If the investigation reveals that any complaint made under this Policy constitute a disciplinary or criminal offence, the Foundation will be entitled to:

- (a) in the case of a disciplinary offence, take the appropriate disciplinary action (including immediate dismissal); or
- (b) in the case of a criminal offence, take such steps as it deems appropriate (including but not limited to making a police report),

against the person who has committed the relevant offence.