



## **REFERENCE POLICY TO AUTHORITIES**

## **CONTENTS**

|   |    |
|---|----|
| 1. INTRODUCTION .....   | 3  |
| 2. OBJECTIVE .....  | 3  |
| 3. SCOPE.....   | 4  |
| 4. DEFINITION.....  | 4  |
| 5. POLICY STATEMENT.....  | 5  |
| 6. MANAGEMENT OF MISCONDUCT .....   | 6  |
| 7. WHISTLEBLOWING PROCEDURE AND REFERENCE .....   | 7  |
| 8. ENQUIRIES AND REPORTING .....  | 10 |
| 9. CONCLUSION .....   | 10 |
| FLOW CHART - DISCLOSURE MANAGEMENT PROCEDURE UNDER REFERENCE POLICY<br>FOR AUTHORITIES..... | 11 |

## **1. INTRODUCTION**

- 1.1 Indah Water Konsortium Sdn Bhd (IWK) has introduced complaint channel such as the Whistle Blowing Channel to facilitate the submission of complaints by the public to IWK. It is IWK's responsibility and duty to report any violation of the law involving any staff / third party to the relevant authorities.
- 1.2 The public are encouraged to come forward as a whistleblower to report any misconduct/ *kelakuan tidak wajar* (KTW) that occurs in IWK. For that purpose, this Policy is designed to provide awareness and understanding of protection to whistleblowers and facilitate the process of making KTW disclosures to relevant enforcement agencies under the Whistleblower Protection Act 2010 (Act 711).
- 1.3 IWK is not an enforcement agency as it does not possess the function to conduct investigation and enforcement under written law. Thus, the protection of whistleblowers in IWK cannot be made in accordance with the provisions of law under Act 711 but made in accordance with the provisions of this Policy.

## **2. OBJECTIVE**

The objective of the development of this policy:

- 2.1 To ensure the organisation's commitment in the prevention of corruption and crimes is conveyed accurately and clearly to all employees/third parties.
- 2.2 To ease whistleblowing as soon as possible with full responsibility and in accordance with internal procedures.
- 2.3 To deal with a disclosure with an appropriate approach and time. These disclosures are prioritised and addressed according to the nature or seriousness of the misconduct or risk reported and the magnitude of the consequences or effects of this disclosure.
- 2.4 To be fair to whistleblowers and reported offenders. The Whistleblower will be notified of their disclosure status. The offender will also be informed of the charges against them and will be given the opportunity to respond to the allegations. The identity and personal information of the Whistleblower and

the offender will only be disclosed to those involved in the investigation only or any process as required on a "need-to-know" basis only.

- 2.5 To preserve the confidentiality of confidential information and facilitate whistleblowing reporting in making KTW disclosures to enforcement agencies.

### **3. SCOPE**

This Policy applies and is not limited to:

- i) All permanent IWK employees;
- ii) All temporary employees/trainees attached with IWK;
- iii) Contractor and sub-contractor;
- iv) Debt Collection Agency (DCA);
- v) Consultant;
- vi) Customers;
- vii) Suppliers; and
- viii) Any interested parties and the public

### **4. DEFINITION**

#### **Whistleblower**

Any person who makes disclosure of misconduct to the enforcement agency (refer to the definition of "enforcement agency" under Section 2, Act 711) including IWK employees.

#### **IWK Employees**

Officers and staff serving at IWK whether through permanent, temporary, trainee, loan, contract or part-time appointments including political appointments.

IWK employees also include board of directors or companies under IWK.

#### **Misconduct/ *Kelakuan tidak wajar* (KTW)**

Any conduct which, if proven, constitutes a disciplinary action (refer to the

interpretation of “disciplinary action” under Section 2, Act 711) or a criminal offence.

### **Confidential Information**

“Confidential Information” includes:

- i. information of identity, residential address, office address or current location of –
  - a. a whistleblower; and
  - b. a person whom the whistleblower has made disclosure of misconduct against;
- ii. information disclosed by a whistleblower; and
- iii. information by which, if disclosed, can cause harm to any parties.

### **Authorised Officers**

Any officer from any enforcement agencies and for the implementation purpose of this Policy the authorised officer is an officer from IWK Integrity & Governance Unit (IGU).

### **Board of Integrity & Governance Committee (BIGC)**

Board of Integrity & Governance Committee is a Committee Board wherein its members consist of IWK Board of Directors members to execute the functions outlined under the BIGC reference terms.

## **5. POLICY STATEMENT**

- 5.1 This policy only applies to KTW disclosure based on reasonable belief that any IWK employee has been implicated, is engaging in or is about to engage in KTW, which if proven is a criminal offence under the law.
- 5.2 This policy does not apply to KTW disclosure implicating any IWK employee, which if proven is a disciplinary action in IWK that is not a criminal offence.

## **6. MANAGEMENT OF MISCONDUCT**

### **6.1 Disciplinary Actions**

6.1.1 Whistleblowers who wish to report KTW disclosures related to disciplinary offences will be managed based on the IWK Whistleblowing Policy.

6.1.2 The investigating officer involved in the investigation is responsible for keeping confidentiality and providing information protection obtained in the performance of duties. They can be subjected to disciplinary action if they are found to have leaked the details of the complaint and the results of the investigation to a third party.

### **6.2 Criminal Offence**

6.2.1 Whistleblowers who wish to make KTW disclosures related to criminal offences will be managed based on this Policy. The whistleblower can inform the officers of IWK IGU through the channel provided in Section 8 Enquiries and Reporting:

6.2.2 In the event of KTW disclosure, the IGU officer must inform the whistleblower regarding legal provisions including protection under Act 711.

6.2.3 If the whistleblower agrees to make the KTW disclosure, the IGU officer will facilitate the KTW disclosure by referring the whistleblower to the relevant enforcement agency.

6.2.4 The KTW disclosure may be made orally or in writing provided that the officer of the IGU, upon receipt of any disclosure made orally, shall as soon as possible, convert it into written form.

6.2.5 If the KTW disclosure has been made to an IGU officer, then the authorised officer also receives confidential information protection under Act 711.

## **7. WHISTLEBLOWING PROCEDURE AND REFERENCE**

- 7.1 In general, all Disclosures in accordance with this Policy should be made to the IGU Officer (refer to Flow Chart in Table 1). The IGU Officer is the Investigating Officer (Complaint Management and Detective & Verification Section) of the IGU, IWK.
- 7.2 Preliminary Disclosure
- 7.2.1 Preliminary disclosure can be channelled through Whistle Blowing Channel as per item 6.2.1.
- 7.2.2 For complaints made in person, the IGU Officer will write the Disclosure made orally and the Whistleblower will confirm it. To the extent practicable, such Disclosure will be made at any location deemed appropriate and safe by the IGU Officer.
- 7.2.3 For Disclosures made by e-mail, the Integrity & Governance complaint system and letters, handling of and access to such information shall be handled only by the IGU Officer.
- 7.2.4 A Disclosure needs to contain at least information of the Whistleblower as follows:
- (a) IWK employee: name, designation, current address and contact number;
  - (b) Non-IWK employee: name, name of employer/place of work, designation, current address and contact number.
- 7.2.5 Reasonable charges for reporting purposes should include as much information as possible, for example, type of offence, date, time and location of occurrence and identity of the offender;
- 7.2.6 Witness' information (if any); and
- 7.2.7 Information or by showing proof of document (if any).
- 7.3 The Whistleblower may be requested to come forward face-to-face or be contacted (as appropriate) to gather further information or explanation if the Disclosure provided by them need to be further investigated.
- 7.4 Preliminary Screening and Evaluation
- 7.4.1 The IGU Officer will filter and evaluate the information / Disclosure to

ensure that the information / Disclosure received is complete and substantial as in paragraphs 7.2.4, 7.2.5, 7.2.6 and 7.2.7 and related to offences / misconduct.

7.4.2 Furthermore, the IGU Officer will prepare a preliminary report for the evaluation of the Evaluation Committee/ Head of IGU within one (1) month from the date the IGU Officer receives the information / Disclosure.

7.4.3 A Disclosure may be made directly to the Head of IGU in any of the following two situations:

- a. Whenever the Disclosure involves offences / misconduct by an IGU Officer ; or
- b. Whenever the Disclosure does not implicates the IGU Officer but the Whistleblower believes that the IGU Officer has a personal interest with any person implicated in the offence / misconduct in the disclosure.
- c. In any of the above two situations, the Head of IGU may relieve the IGU Officer from handling the Disclosure and appoint any officer deemed appropriate and qualified as a Special Investigating Unit Officer to handle the Disclosure and protect the Whistleblower under this Policy.

7.4.4 If the Disclosure implicates the Head of IGU, the Whistleblower may channel the information to the IGU Officer and the IGU Officer shall relay the information / Disclosure to the Chairman of IWK BIGC, without having to refer to the Head of IGU first. Furthermore, the IWK BIGC Chairman may direct the IGU Officer to take action as provided in paragraph 7.4.2; and

7.4.5 Completely exclude the Head of IGU in all such processes until the Disclosure is decided by the BIGC (until completed).

## 7.5 Reference to BIGC

7.5.1 Following paragraph 7.4.2 above, the disclosure included with the initial report will be referred by the IGU Officer to the Head of IGU. The Head of IGU can disclose the preliminary report to the BIGC if necessary. The BIGC comprises of selected members of the Board



of Directors, Chief Executive Officer and Head of IGU leading four (4) Core Functions (Governance, Integrity Enhancement, Complaint Management, and Detection & Verification) within the IGU. The BIGC has the authority to make final decisions including but not limited to the following:

- a. Disclosure is rejected because it is baseless, contains false information or insufficient information;
- b. Disclosure undergoes deliberation for action under any other internal procedures deemed appropriate;
- c. Resolution/decision based on preliminary report by the IGU Officer in paragraph 7.4.2 above without the need for further investigation;
- d. Directing a further investigation into the Disclosure;
- e. Decide on administrative remedial or preventive action to be taken against the IWK employee, whereby the punishment to be meted out includes disciplinary action, warning or formal reprimand, demotion, change of placement or suspension or termination of service from IWK or other types of punishment including financial form;
- f. Refer to the police or any relevant authority. For consideration under this paragraph –
  - i. If the BIGC is satisfied and decides that the Disclosure / information received is a criminal offence, the BIGC shall refer the Disclosure and all relevant information to any relevant authority such as the PDRM / MACC / SPAN and others; or
  - ii. Other actions deemed reasonable and appropriate by the BIGC. For example, decisions regarding the Disclosure / information implicating the management of IWK.

## 7.6 Investigation Process and Disclosure Decision by Whistleblower

7.6.1 The Whistleblower and the person implicated in the Disclosure shall be required to provide full cooperation at any stage of the investigation and other processes implemented in accordance with this Policy to complete the fact-finding process to assist the BIGC in the decision-making process.

7.6.2 The Whistleblower may also be informed of the action taken and the status of the Disclosure made.

## 8. ENQUIRIES AND REPORTING

Any enquiries or reports on violation of this Policy may be submitted through the reporting channels as follows:

### Whistle Blowing Channel

- i) Telephone : 03-2780 1295
- ii) Email : [whistle@iwk.com.my](mailto:whistle@iwk.com.my)
- iii) Send the Whistleblower Form to the Head of Integrity & Governance Unit
- iv) Send the Whistleblower Form through <https://www.iwk.com.my> or IWK Mobile App
- v) Attend and meet at :  
Integrity & Governance Unit  
Indah Water Konsortium Sdn Bhd  
No. 1, Jalan Damansara  
60000 Kuala Lumpur

## 9. CONCLUSION

The Reference Policy to Authorities proves that IWK is always committed, transparent and will not compromise with any criminal conduct besides reflecting IWK's transparency to strengthen the delivery of sewerage services in Malaysia.

IGU is allowed to make appropriate guidelines for the good purpose of managing this policy.

**TABLE 1**

**FLOW CHART - DISCLOSURE MANAGEMENT PROCEDURE UNDER REFERENCE POLICY FOR AUTHORITIES**

| Activity  | Responsibility   | Record   |
|---|--|--|
| <pre> graph TD     START([START]) --&gt; A[1. IGU officer receive Disclosure]     A --&gt; B{2. Present?}     B -- NO --&gt; B2a[2a. Contact Whistleblower to come forward/ for appointment]     B -- YES --&gt; B2b[2b. Record the disclosure in writing and provide a reference number (Whistleblower gets protection)]     B2a --&gt; C{3. Identify and determine that Disclosure falls under IWK's jurisdiction?}     B2b --&gt; C     C -- NO --&gt; C3a[3a. Out of IWK's jurisdiction, refer Whistleblower to relevant Department]     C -- YES --&gt; D{Assessment?}     D -- Without Merit --&gt; E[5. Inform Whistleblower]     D -- With Merit --&gt; F[3b. Conduct internal/ regular investigations &amp; prepare report with recommendations]     F --&gt; G[Report to JMM &amp; BIGC]     G --&gt; H{4. Decision?}     H -- Without Merit --&gt; E     H -- With Merit --&gt; I4a[4a. Disciplinary Action for staff – Refer to HCAD]     H -- With Merit --&gt; I4b[4b. Criminal Offence – Refer to PDRM]     H -- With Merit --&gt; I4c[4c. Corruption Charges – Refer to MACC]     I4a --&gt; E     I4b --&gt; E     I4c --&gt; E     E --&gt; END([END])     </pre> | <p>IGU officer</p> <p>IGU Officer</p> <p>Information Evaluation Committee (JMM)</p> <p>Investigation Officer</p> <p>Information Evaluation Committee (JMM)</p> | <p>1. The whistle blower makes a disclosure through:</p> <ul style="list-style-type: none"> <li>i. Email to whistle@iwk.com.my ;</li> <li>ii. Whistle Blowing Form (Online or Offline); or</li> <li>iii. Phone at 03-27801295</li> <li>iv. Present.</li> </ul> <p>IGU officers register the Whistle blowing record.</p> <p>2a. IGU officer contact the whistle blower to come forward and inform whistle blower of status.</p> <p>2b. IGU officer meet whistle blower to record and provide complaint reference number.</p> <p>3. JMM IGU determines whether the disclosure are under IWK's jurisdiction.</p> <p>3a. If it is found that it is not under IWK jurisdiction, it is referred to relating department to reply and inform the whistleblower.</p> <p>3b. If it is found that it is related to IWK's then an investigation, will be carried out by the investigator and report to JMM, BIGC and inform the whistleblower.</p> <p>4. Based on result of investigation the JMM will then decide on the recommendation with the following option:</p> <ul style="list-style-type: none"> <li>4a. Staff who are implicated will be referred to HCAD</li> <li>4b. Any Criminal Offence will be referred</li> </ul> |

| Activity | Responsibility | Record   |
|----------|----------------|--|
|          | IGU Officer    | to PDRM. Make Police Report.<br>4c. Any Corruption Charges will be referred to MACC<br><br>5. IGU will inform status to Whistle blower |