

ERL Maintenance Support Sdn Bhd

Co. Reg. No. 199901023674 (498574-T)

MEMORANDUM

| | | |
|----------------------|-------------|------------------------|
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Reference Number:
OMG.STF.M11100.1002.ADate:
22 February 2021

Urgent Review Comment Reply Retain
 Action Info Note Call me Sign & Return

Attachment(s): None As listed below
Anti-Bribery & Corruption Policy and Whistle-blower Policy

Dear All,

Please find the attached ERL Group [ERLSB and E-MAS] Anti Bribery and Corruption Policy and Whistle-blower Policy.

Please take note that E-MAS is practicing a zero-tolerance policy against all forms of bribery and corruption. E-MAS encourage employees to raise genuine concerns, including the reporting of unlawful, unethical, or questionable practice.

All employees are responsible for ensuring compliance with all laws and regulations, particularly to the Malaysian Anti-Corruption Commission Act 2009.

Sincerely,

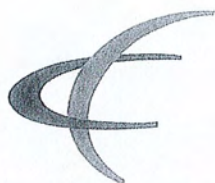


Thomas Baake
Chief Executive Officer

Attachments: 1- Anti-Corruption & Bribery Policy (ERL CEO 0114520 00)
Ref no : G00.OMG.M11400.QB.1006.A
2- Whistleblower Policy (ERL CEO 0120220 00)
Ref no : G00.OMG.M11400.QB.1007.A

cc: {none}

ERL Group



EXPRESS RAIL LINK



CEO OFFICE

Anti-Corruption & Bribery Policy

Doc. No. ERL-ERL-CEO-0114520-00

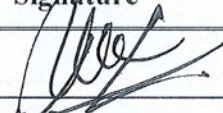
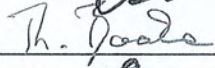


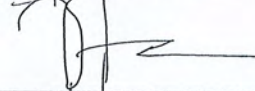

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Note : Reference ID – to register in DCS

Release

| | Name | Dept/Position | Date | Signature |
|------------------|-------------------|---------------------|------------|--|
| Released: | Noormah Mohd Noor | CEO | 9-02-2021 |  |
| Released: | Thomas Baake | CEO | 25.01.2021 |  |
| Checked: | Alex Tan Kok Fatt | QMR | 22-01-2021 |  |
| Checked: | Haryati Khalil | MR Q&E | 21.01.2021 |  |
| Checked: | Anita Razani | Document Controller | 21.01.2021 |  |
| Author: | Low Yoke San | Senior Executive | 21.01.2021 |  |

Note: * Released - Chief Executive Officer
 Checked - Head of Management
 Checked - Quality Management Representative (QMR)
 Checked - Document Controller
 Author - Procedure originator

** You are allowed to add rows on the above table if more than one HOM to check the said procedure

Any amendments or additions to this procedure must be indicated on the table below.

Change Record and Configuration Control

| Revision | Date | Modification | Name |
|----------|----------|---------------|--------------|
| 00 | 04-01-21 | New Procedure | Low Yoke San |
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1 Purpose

This Anti-Bribery & Corruption (ABC) Policy is to enforce ERL Group Code of Conduct & Business Ethics to ensure that employees understand their responsibilities in compliance with ERL Group's zero tolerance for anti-bribery and corruption within the organization.

2 Scope, Distribution & Access

Access to be given to all ERL Group employees.

3 Definition & Abbreviation

3.1 "Gratification" shall have the meaning defined in the Malaysian Anti-Corruption Commission Act 2009 which, includes but is not limited to anything of monetary and non-monetary value or benefit to the person. Gratification does not have to be directly given or received by an employee; but it can also be given or received by anyone related to the employee that is beneficial, of value or advantageous to the employee.

3.2 Gratification can be subdivided into the following categories (without limitation to):-

| MONETARY | OF MONETARY VALUE | EMPLOYMENT | NON-MONETARY VALUE |
|--|---|---|---|
| <ul style="list-style-type: none"> ◦ Money ◦ Donation ◦ Gift ◦ Loan ◦ Fee ◦ Reward ◦ Financial benefit ◦ Valuable security | <ul style="list-style-type: none"> ◦ Property – can be movable or immovable. <p><i>Examples:</i></p> <ul style="list-style-type: none"> ◦ Immovable property: house, land ◦ Movable property: car, shares in a company | <ul style="list-style-type: none"> ◦ Office or position in an organisation that is lucrative. ◦ Dignity or title. ◦ Employment ◦ Contract for services ◦ Agreement to give employment or render services | <ul style="list-style-type: none"> ◦ Undertaking or promise to do or not to do something (whether orally or in writing, with conditions or without) ◦ Favours |

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| | |
|--------------------------------|---|
| ERL Group | Express Rail Link Sdn Bhd & ERL Maintenance Support Sdn Bhd |
| ABC | Anti-Bribery & Corruption |
| Executive Chairman/Director(s) | Express Rail Link Sdn Bhd & ERL Maintenance Support Sdn Bhd |
| HOD | Head of Department |

4 Procedure

4.1 Bribery and Implications

4.1.1 This ABC Policy shall apply to all Directors, HODs and employees of the ERL Group in dealing with external parties in the commercial context.

4.1.2 HODs and supervisors of all levels have additional responsibilities under the ABC Policy and are held to a higher standard of compliance. They are required to create and maintain an open environment that is comfortable for employees to ask questions, raise concerns and report misconduct.

4.1.3 All employees of the ERL Group must refrain from any acts of bribery which takes the form of offering, promising, giving, demanding or receiving anything of value to anyone in the form of bribes, kickbacks and/or any other improper gratification (including gifts, hospitality and entertainment) to improperly influence the outcome of any transaction, whether it is for their own personal benefit or for the benefit of the ERL Group.

4.1.4 ERL Group strictly does not tolerate any bribes given for purposes of obtaining or retaining business for ERL Group or provides an advantage to the businesses of ERL Group. ERL Group does not tolerate any such acts of bribery even in a personal capacity.

4.1.5 Any employee of ERL Group that breaches any of the ABC Policy may fall within the scope of serious misconduct; may be subjected to disciplinary action, up to and including dismissal, depending on the facts and circumstances of each case.

4.2 Public Officials & Government Dealings

4.2.1 ERL Group recognizes that the practice of giving and receiving gifts varies between countries, regions, cultures, and religions, so the definitions of what is acceptable and not acceptable will inevitably differ for each. When dealing with public officials, employees of ERL Group should ensure that any giving or receiving of gifts do not relate to, in any form whatsoever, the public official's official dealings or public duty. At all material times, employees of ERL Group are to ensure compliance with laws of their respective jurisdictions, and the higher

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standard will be applicable to all employees to avoid non-compliance of any laws on anti-bribery which may be applicable to ERL Group as a whole.

4.2.2 Any hospitality of public officials, subject to the approval of *CEO* for circumstances where it is to reasonably facilitate genuine promotional, business or educational meetings. Any hospitality provided must be without expectation of any influence exerted on the public official in exchange for any commercial outcome, and should always be at a reasonable and modest value.

4.3 Gifts, Hospitality and Entertainment

4.3.1 In respect of any gifts, hospitality and entertainment in the commercial context:-

- (a) The intention behind giving or receiving any gifts, hospitality or entertainment must always be considered first. It should never be for an improper motive to obtain or retain a business, or to obtain some form of benefit or advantage, whether it is for the business or for the individual employee;
- (b) If an employee is unsure of how to consider the intention behind any gifts, hospitality or entertainment offered, the employee must always disclose and refer the matter to the immediate supervisor or HOD to obtain advice and also approval before proceeding;
- (c) All employees of the ERL Group are not allowed to give or receive any gratification, gifts, hospitality or entertainment where it is for an improper purpose and can be deemed as a gratification, regardless of whether it is to benefit the employee individually or to benefit the business of the ERL Group;
- (d) An employee must obtain prior clearance and approval from the immediate supervisor and/or HOD before giving or receiving any gifts, hospitality or entertainment to or from any person who is not of any improper motive;
- (e) Where any gifts, hospitality or entertainment is not improper and received before prior approval can be obtained, an employee must always disclose such gifts to the immediate supervisor and/or HOD, regardless of its value;
- (f) Where it is difficult or inappropriate to decline the offer of a gift, hospitality or entertainment (i.e. when meeting with an individual of a certain religion/culture who may take offence), it may be accepted but it must be declared and/or surrendered to the employee's immediate supervisor and/or HOD, who will assess the relevant circumstances and take the necessary steps, including returning the gift on the employee's behalf, where appropriate or required to do so.

4.3.2. Any gifts, hospitality or entertainment provided by the ERL Group must always be of moderate and reasonable value and should never be given:

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(a) With an intention to exert improper influence or create a perception of expectation for certain outcomes beneficial to the business of the ERL Group; or

(b) Where it causes a conflict of interest.

4.3.3 All employees of the ERL Group should not give any gratification, gifts, hospitality or entertainment to persons for improper purposes related to the ERL Group's business in their personal capacity.

4.4 Facilitation Payments

4.4.1. Facilitation payments (also known as grease payments) are payments made for certain government services or to accelerate certain government processes that are otherwise legally entitled by the person without making any payments. Employees should ensure that these facilitation payments are not paid.

4.5 Donations, Sponsorships & Charitable Contributions

4.5.1 Any donations, sponsorships and charitable contributions by the ERL Group must be made with the approval of the *CEO*, and it must be done transparently for social and moral responsibility.

4.5.2. It should never be paid in exchange for any business implications to the ERL Group, whether it is to obtain a business, or to obtain some form of advantage of the business of the ERL Group.

4.5.3. Employees are encouraged to make donations and charitable contributions in their personal capacity, but it should never be in exchange for any improper purposes that affect the business of the ERL Group.

4.5.4. All employees of the ERL Group should not agree or promise to provide any form of political donation or support particularly where it is to obtain any business or advantage to the ERL Group. Any requests for political donations should be brought to the attention of the Executive Chairman/Director(s), immediately.

4.6 Tender Process

4.6.1. Any tender processes participated by any company under the ERL Group should be done transparently in the bidding process.

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4.7 Record-Keeping & Training

- 4.7.1. All employees of the ERL Group are required to complete and undertake all relevant documentations and processes; particularly where it relates to anti-bribery and corruption initiatives.
- 4.7.2. Any failure to do so will impact the individual employee's performance review and, where it is a severe non-compliance, an employee may be subject to further disciplinary action/s. Where the facts and circumstances require, repeated failure to undertake proper record keeping or undergoing compulsory trainings may warrant the dismissal of an employee from the ERL Group.

4.8 Compliance with the Law

- 4.8.1. All employees of the ERL Group and its affiliates are responsible in ensuring that they always comply with all laws and regulations, in particular, to the Malaysian Anti-Corruption Commission Act 2009. No excuses or exceptions will be acceptable for non-compliance of any domiciled laws and regulations where the ERL Group conducts its businesses.

4.9 Third Parties & Agencies

- 4.9.1. The ERL Group requires that all employees conduct the requisite due diligence of third parties that the ERL Group contracts with or hires to carry out any external functions on behalf of the ERL Group, which includes without limitation to agents, consultants, contractors, subcontractors, resellers, customs brokers, business contacts, professional advisors, joint venture partners and any other parties supplying goods and services to the ERL Group (collectively referred to as "Other Applicable Person(s)").
- 4.9.2. Where reimbursements are paid to Other Applicable Persons, employees of ERL Group are to ensure that such payments made are for proper reimbursements and not for reimbursements that can be tied to giving any form of gratification for improper purposes.
- 4.9.3. The ERL Group expects all Other Applicable Persons to comply the Malaysian Anti-Corruption Commission Act within their organization or part of their work ethos which are consistent with this ABC Policy.
- 4.9.4. The ERL Group has zero-tolerance of Other Applicable Persons who do not conduct themselves in accordance the principles of the ABC Policy where it brings disrepute or legal implications to ERL Group. Any non-compliance with the principles of the ABC Policy by Other Applicable Persons may lead to the review and/or termination of any agreement with such parties.

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4.10 Violation of the ABC Policy

4.10.1 Any violation of the ABC Policy by employees of ERL Group will result in serious repercussions and disciplinary action after due inquiry. Where there is strong evidence of bribery and corruption committed by any employee of ERL Group, the employee can be summarily dismissed.

4.10.2 Employees who are found to have assisted or facilitated the violation of the ABC Policy, whether actively or by way of negligence or omission, will also be deemed to have violated the ABC Policy and committed misconduct that is liable for dismissal from their employment with ERL Group.

4.11 Reporting for Violations of Policy & Whistleblower Rights

4.11.1 Where there are reasonable grounds and genuine reasons to suspect that there is a violation of the ABC policy, employees of the ERL Group and Other Applicable Persons are required to report the particulars of such suspicions to the ERL Group's dedicated channel for reporting. Any such reports will be read and addressed by a dedicated compliance team in the ERL Group. Please refer to Whistleblower Policy for more information.

4.11.2 Any concerns, questions or reports should be addressed to firstly, their immediate supervisor or HOD, or where that is not possible, to other functions such as the Human Resource Department and Internal Audit.

4.11.3 Any reports made for violation of the ABC Policy will be treated very seriously and accordingly, employees are responsible to ensure that:-

(a) They exercise sound judgment that it is a genuine threat and violation of the ABC Policy;

(b) They have evidence to support their allegations of any violations of the ABC Policy;

(c) They are available to provide evidence in any inquiry of such violations; and

(d) They are not frivolous reports with the motive to scandalize.

4.11.4 The ERL Group ensures that there will be no retaliation or repercussions on the employee for making genuine reports on violation of the ABC Policy. Any genuine reports made will be kept strictly confidential and only informed to persons on a need-to-know basis to safeguard the interests of the ERL Group and also to ensure that any processes undertaken will not be compromised.

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5 Summary

- 5.1 The ERL Group and its Board of Directors will be monitoring compliance with the ABC Policy. There is no tolerance or excuse for non-compliance with the ABC Policy.
- 5.2 Where there is any uncertainty for any practices which relate to the ABC Policy, employees must always seek the advice of their supervisor or HOD. Where there is still uncertainty, they should direct their concerns to the Human Resource Department, or Internal Audit.
- 5.3 The ABC Policy will be reviewed from time-to-time, and at least once every three years to ensure that it continues to remain relevant, appropriate and effective in the enforcement of the principles herein and to ensure continued compliance with the prevailing law.
- 5.4 All employees of the ERL Group are responsible to complete all training modules of the ABC Policy <https://erlemas.frog.courses/> and keep themselves up-to-date with the ERL Group and their employer's latest policies and processes, in particular, this ABC Policy and ensure that the highest standards of compliance are followed.

Appendices

NIL



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CEO OFFICE

Whistleblower Policy

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Release

| | Name | Dept/Position | Date | Signature |
|------------------|---------------------|---------------------|------------|--|
| Released: | * Noormah Mohd Noor | CEO | 4-02-2021 |  |
| Released: | Thomas Baake | CEO | 25.01.2021 |  |
| Checked: | Alex Tan Kok Fatt | QMR | 22-01-2021 |  |
| Checked: | Haryati Khalil | MR Q&E | 21.01.2021 |  |
| Checked: | Anita Razani | Document Controller | 21.01.2021 |  |
| Author: | Low Yoke San | CSM | 21.01.2021 |  |

Note: * Released - Chief Executive Officer
 Checked - Head of Management
 Checked - Quality Management Representative (QMR)
 Checked - Document Controller
 Author - Procedure originator

** You are allowed to add rows on the above table if more than one HOM to check the said procedure

Any amendments or additions to this procedure must be indicated on the table below.

Change Record and Configuration Control

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| 00 | 4-01-21 | New Procedure | Low Yoke San |
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1 Purpose

This Whistleblower Policy is to enforce ERL Group Code of Conduct & Business Ethics to ensure that employees understand their responsibilities in compliance with ERLSB Group's zero tolerance for anti-bribery and corruption within the organization.

2 Scope, Distribution & Access

Access is given to all ERL Group employees.

3 Definition & Abbreviation

A whistleblower is a person who exposes secretive information or activity within a private or public organization that is deemed illegal, unethical, or not correct. The information of alleged wrongdoing can be classified in many ways: violation of company policy/rules, law, regulation, or threat to public interest/national security, as well as fraud, and corruption.

| | |
|-------------|---|
| ABC | Anti-Bribery & Corruption |
| ERLSB Group | Express Rail Link Sdn Bhd & ERL Maintenance Support Sdn Bhd |
| HOD | Head of Department |

4 Procedure

4.1 The Company encourages employees to raise genuine concerns, including the reporting of unlawful, unethical or questionable, in confidence and without risk of reprisal.

4.2 Individual companies within the ERL Group may have more specific policies, but in general, the policy for whistleblowing is set out in this section, which allows the ERL Group to investigate and address any legitimate concerns raised objectively.

4.3 The whistleblowing policy covers conduct which includes, but is not limited to:

- (a) Abuse of power;
- (b) Bribery and corruption;
- (c) Breach of law and statutory requirements;
- (d) Criminal activity;

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- (e) Conflict of interest;
- (f) Danger to health and safety or the environment;
- (g) Sexual harassment;
- (h) Fraud ;
- (i) Unauthorized and intentional overpayment to suppliers or under any contract;
- (j) Misuse of any property belonging to the ERL Group;
- (k) Gross negligence;
- (l) Theft or embezzlement; and/or
- (m) Non-compliance with ERL Group policies, including the cover-up of any of the above in the workplace.

(Collectively referred to as “**Improper Conducts**”)

4.4 In particular, where there are reasonable grounds and genuine reasons to suspect that there is an Improper Conduct committed as referred to above, including but not limited to policies relating to bribery and corruption, employees are required to report the particulars of such suspicions to the ERL Group’s dedicated channel for reporting. All such reports will be read and addressed by a dedicated compliance team in the ERL Group.

4.5 If any employee has concerns about any Improper Conducts or that the integrity of the ERL Group is being compromised in any other way, the employee can bring this to the attention of the higher management in the following **Whistleblowing Channels**:-

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| Who to Report | Circumstances | Contact |
|---------------------------------------|---|--|
| Immediate superior /supervisor | <p>If you are concerned with any form of malpractice, you should first raise the issue with your HOD. There is no special procedure for doing this. You can tell the person about the problem or put it in writing if you prefer.</p> <p>HOD should have the discretion to distinguish between general performance management issue (to be managed in line with Operational or HR procedures) or an act that falls within the remit of the policy (and inform your Human Resources). If the HOD is not sure, write to Internal Audit below.</p> | Your HOD's email address or in person. |
| HR Department | <p>If you feel that you are unable to tell your HOD (for whatever reasons), or no action has been taken by them to address the concern, please raise it with your Human Resource Manager or forward your concerns to the general Human Resources email.</p> | ABCChr@kلياekspres.com |
| Internal Audit | <p>If you think that your HOD or Human Resource Department is not suitable to receive these reports (for whatever reasons), write to the internal audit team.</p> | ABCaudit@kلياekspres.com |

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4.5.1 For any whistleblowing report made for any Improper Conduct, such reports will be treated very seriously. All employees of the ERL Group are to ensure that:

4.5.2 They exercise sound judgment that it is a genuine threat and violation of the Company policies;

4.5.3 They have evidence to support their allegations of any violations or Improper Conduct(s) committed;

4.5.4 They are available to provide evidence in any inquiry of such Improper Conduct(s); and

4.5.5 They are not frivolous reports with the motive to scandalize

4.6 If any employee is unsure on whether there is a need to escalate such concerns, the employee should consider the following:-

- a) Is the action or conduct legal?
- b) Does it comply with the policies of the ERL Group??
- c) Can the concerns be dealt with by other procedures within ERL Group

If the answer to the above is no, or if the employee is still unsure, the employee should escalate the concern in line with this whistleblowing policy.

4.7 The ERL Group ensures that there will be no retaliation or repercussions on the employee for making genuine reports on any Improper Conduct. Any reports made will be kept confidential and only informed to persons on a need-to-know basis to safeguard the interests of the ERL Group and also to ensure that any processes undertaken will not be compromised.

4.8 Any such reports on Improper Conduct(s) made to the Whistleblowing Channel shall include the following particulars to enable prompt and proper investigation:-

- a) The time and date that such Improper Conduct was committed;
- b) The other persons involved and/or affected by the Improper Conduct;
- c) The particulars of the incident; and
- d) Attach any documentary or photographic evidence of such Improper Conduct.

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4.9 Any employee making such reports to the Whistleblowing Channel or employees who may be related to such reports may be required to attend an interview as part of the investigation process. There should be no attempts to influence or threaten, whether directly or indirectly, any employee from giving any statement or evidence. All unrelated employees should not interfere, discuss or do any such acts that may affect the outcome of the investigation.

4.10 All employees are reminded that the Whistleblowing Channel is not a forum for any personal grievances, appeals against any disciplinary actions or a disciplinary grievance channel.

5 Summary

Nil

Appendices

Nil

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