

## 1. Introduction

This anti-bribery and corruption policy exists to set out the responsibilities of Tomcare and those who work for us in regards to observing and upholding our zero-tolerance position on bribery and corruption.

It also acts as a source of information and guidance for Tomcare's employees to recognise and deal with bribery and corruption issues, as well as understand their responsibilities.

## 2. Policy Statement

- 2.1. Tomcare is committed to conduct businesses in an ethical and honest manner, and is committed to implement and enforce systems that ensure bribery is prevented. Tomcare has zero-tolerance for bribery and corrupt activities. We are committed to act professionally, fairly, and with integrity in all business dealings and relationships.
- 2.2. We will constantly uphold all laws relating to anti-bribery and corruption in all the jurisdictions in which we operate. We understand that bribery and corruption are punishable by imprisonment and a fine and therefore will tarnish our company's reputation. It is with this in mind that we are committed to prevent bribery and corruption in all our businesses and take our legal responsibilities seriously.

## 3. Definition of Bribery

- 3.1. Bribery means the act of offering, giving, promising, asking, agreeing, receiving, accepting, or soliciting something of value or of an advantage so to induce or influence an action or decision.
- 3.2. A bribe refers to any inducement, reward or object/item of value offered to another individual in order to gain commercial, contractual, regulatory or personal advantage.
- 3.3. Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and they accept it, they are also breaking the law.
- 3.4. Bribery is illegal. Employees must not engage in any form of bribery, whether directly, passively (as described above) or through a third party (such as an agent or distributor). They must not accept bribes in any degree and if they are uncertain about if something is a bribe or a gift or act of hospitality, they must seek further advice from the company's top management.

#### 4. What is and What is NOT Acceptable

##### 4.1. Gifts and hospitality

Tomcare accepts normal and appropriate gestures of hospitality and goodwill (whether given to/received from third parties) so long as the giving or receiving of gifts meets the following requirements:

- a. It is not made with the intention of influencing the party to whom it is being given, to obtain or reward the retention of a business or a business advantage, or as an explicit or implicit exchange for favours or benefits. So, the intention behind a gift being given/received should always be considered. If there is any uncertainty, the advice of the top management should be sought. But as a good practice, gifts given or received should always be disclosed to the top management, especially gifts from suppliers
- b. It is not made with the suggestion that a return favour is expected and it is given in the Name of the Company, NOT in an individual's name
- c. It is in compliance with the law
- d. It does not include cash or a cash equivalent (e.g. a voucher or gift certificate) of above RM500.00 (Ringgit Malaysia : Five Hundred)
- e. It is of an appropriate value, type, time and circumstances, taking into account the reason for the gift (e.g. giving small gifts around festive seasons or as a small "Thank You" to a company for helping with a large project upon completion)
- f. It is given or received openly, not secretly
- g. It is not selectively given to a key, influential person, clearly with the intention of directly influencing them
- h. It is not offer to, or accepted from, a government official or representative or politician or political party, without the prior approval of the company's top management.
- i. Where it is inappropriate to decline the offer of a gift (i.e. when meeting with an individual of a certain religion or culture who may take offence), the gift may be accepted so long as it is declared to the top management, who will assess the circumstances.
- j. Tomcare recognises that the practice of giving and receiving business gifts varies between countries, regions, cultures and religions, so definitions of what is acceptable and not acceptable will inevitably differ for each.

#### 4.2. Facilitation Payments and Kickbacks

Tomcare does not accept and will not make any form of facilitation payments and kickbacks of any nature. We recognise that facilitation payments and kickbacks are a form of bribery that involves expediting or facilitating the performance of a public official for a routine governmental action. We recognise that they tend to be made by low level officials with the intention of securing or speeding up the performance of a certain duty or action or typically made in exchange for a business favour or advantage.

We understand that despite our strict policy on facilitation payments and kickbacks, employees may face a situation where avoiding a facilitation payment or kickback may put their/their family's personal security at risk. Under these circumstances, the following steps must be taken:

- a. Keep any amount to the minimum
- b. Ask for a receipt, detailing the amount and reason for the payment
- c. Create a record concerning the payment
- d. Report this incident to your Head of Department

#### 4.3. Political Contributions

Tomcare will not make donations, whether in cash, kind or by any other means, to support any political parties or candidates. We recognise this may be perceived as an attempt to gain an improper business advantage.

#### 4.4. Charitable Contributions

Tomcare accepts (and indeed encourages) the act of donating to charities, whether through services, knowledge, time, or direct financial contributions (cash or otherwise) and agrees to disclose all charitable contributions it makes.

Employees must be careful to ensure that charitable contributions are not used to facilitate and conceal acts of bribery.

We will ensure that all charitable donations made are legal and ethical under local laws and practices, and that donations are not offered or made without the approval of the top management.

## 1. Definisi Rasuah

- 1.1. Rasuah bermaksud tindakan menawarkan, memberi, menjanjikan, bersetuju, menerima, atau meminta sesuatu yang bernilai atau berlebihan sehingga mendorong atau mempengaruhi tindakan atau keputusan seperti mendapatkan keuntungan komersial, kontrak atau manfaat peribadi.
- 1.2. Rasuah adalah salah di sisi undang-undang. Semua pekerja tidak boleh melakukan sebarang bentuk rasuah, sama ada secara langsung, pasif atau melalui pihak ketiga (seperti ejen atau pengedar). Jika pekerja tidak pasti sama ada sesuatu itu rasuah/hadiah/tindakan layanan baik, mereka perlu mendapatkan nasihat dari pihak pengurusan atasan.

## 2. Apa yang boleh dan Apa yang TIDAK boleh diterima

### 2.1. Hadiah dan layanan baik

Tomcare menyedari bahawa amalan memberi dan menerima hadiah perniagaan berbeza antara negara, wilayah, budaya dan agama, jadi definisi tentang apa yang dapat diterima/tidak dapat diterima pasti berbeza.

Pemberian/penerimaan hadiah, daripada pihak ketiga sebagai tanda muhibah dan layanan baik, boleh diberi/diterima jika memenuhi syarat berikut:

- a. Ia tidak bertujuan mempengaruhi pihak penerima untuk mendapatkan/ mengekalkan perniagaan/manfaat perniagaan/ sebagai pertukaran nikmat/ faedah secara eksplisit/tersirat. Oleh itu, niat di sebalik ganjaran yang diberikan/ diterima harus selalu dipertimbangkan. Tetapi sebagai satu amalan yang baik, ganjaran yang diberi atau diterima hendaklah sentiasa didedahkan kepada pihak pengurusan atasan, terutamanya hadiah daripada pembekal;
- b. Ia diberikan atas nama syarikat, BUKAN atas nama individu pekerja dan diberikan/diterima secara terbuka, bukan secara rahsia dan tidak diberikan secara selektif kepada orang penting/ berpengaruh yang jelas bertujuan mempengaruhi mereka secara langsung;
- c. Ia tidak termasuk wang tunai atau setara dengannya (contohnya baucar atau sijil hadiah) melebihi RM500.00 (Ringgit Malaysia: Lima Ratus)
- d. Perlu mempertimbangkan alasan pemberian dengan nilai, jenis, waktu dan keadaan yang sesuai (contohnya pemberian hadiah kecil di sekitar musim perayaan atau sebagai tanda "Terima Kasih" kepada syarikat kerana membantu dengan projek besar; selepas projek itu selesai)
- e. Sekiranya tidak wajar menolak tawaran hadiah (contohnya semasa bertemu dengan individu dari agama/budaya tertentu yang mungkin akan tersinggung), hadiah itu boleh diterima dengan melaporkan kepada pihak pengurusan atasan, yang akan menilai keadaan tersebut.

## 2.2. Pembayaran Fasilitasi dan Sogokan

Tomcare tidak menerima dan melakukan sebarang bentuk pembayaran fasilitasi dan sogokan kerana ia merupakan rasuah yang akan mempercepatkan atau memfasilitasi prestasi pegawai awam dalam tindakan rutin kerajaan. Kami menyedari situasi ini cenderung dilakukan oleh pegawai bawahan bagi menjamin/mempercepatkan pelaksanaan tugas/tindakan tertentu/sebagai pertukaran untuk manfaat/keuntungan perniagaan.

Kami memahami di sebalik dasar yang ketat mengenai pembayaran fasilitasi dan sogokan, pekerja mungkin menghadapi situasi di mana pengeluaran pembayaran fasilitasi/sogokan akan membahayakan keselamatan diri/keluarga mereka. Dalam keadaan seperti ini, langkah-langkah berikut mesti diambil:

- a. Pastikan amaun yang minimum;
- b. Minta resit dengan jumlah yang terperinci, tujuan pembayaran dan buat rekod mengenai pembayaran tersebut;
- c. Laporkan kejadian ini kepada Ketua Jabatan anda.

## 2.3. Sumbangan Politik

Tomcare tidak akan membuat sumbangan, sama ada secara tunai, ataupun dengan cara lain, untuk menyokong mana-mana calon/parti politik. Kami menyedari ini mungkin dianggap sebagai usaha untuk mendapatkan manfaat perniagaan secara tidak betul. Persetujuan pihak pengurusan atasan perlu diperolehi terlebih dahulu untuk pemberian/penerimaan dari pejabat/perwakilan kerajaan.

## 2.4. Sumbangan Amal

Tomcare mengamalkan (dan memang mendorong) tindakan menderma kepada badan amal, sama ada melalui perkhidmatan, pengetahuan, masa atau sumbangan kewangan langsung (wang tunai atau sebaliknya) dan bersetuju untuk mendedahkan semua sumbangan amal yang dibuat.

Pekerja harus berhati-hati untuk memastikan sumbangan amal tidak digunakan untuk memudahkan dan menyembunyikan tindakan rasuah. Semua sumbangan amal yang dibuat hendaklah sah dan beretika berdasarkan amalan dan undang-undang dan tidak ditawarkan/dibuat tanpa persetujuan pihak pengurusan atasan.