

## **ANTI-CORRUPTION POLICY (“ABC Policy”)**

Toshiba Tec Malaysia Sdn. Bhd. and its subsidiaries (“**Toshiba Tec Malaysia Group**”) are strong advocates of fairness, integrity and transparency in the conduct of our businesses. Toshiba Tec Malaysia Group acknowledges that all corporates have responsibility to prioritise the battle against corruption. Our commitment derives from Top Management leadership to confront corruption and ensuring the proper implementation, compliance of this ABC Policy. We do not condone any form of corruption. ***You Offer, We Report!***

### **PART 1**

#### **1.0 PURPOSE**

1.1 This ABC Policy is intended to:

- (a) set out the obligations of Toshiba Tec Malaysia Group and all parties working for/with/on behalf of Toshiba Tec Malaysia Group (“**Parties**”) in observing and upholding our anti-corruption commitment which is an integral part of our business ethics and Group Standards of Conduct;
- (b) set out guidance to all Parties in detecting potential corruption activities and to curb corruption practices; and
- (c) to promote better corporate governance culture and ethical behavior amongst Toshiba Tec Malaysia Group Directors and employees.

1.2 This ABC Policy may not provide definite answers to cover all situations. As such, we encourage you to reach out to us immediately when in doubt vide [Whistleblower Hotline](#).

#### **WARNING!!**

**WHEN IN DOUBT ASK, DO NOT TAKE CHANCES.**

**Corruption is a severe offence. Company/Individual may face jail sentences and/or hefty fines.**

## 2.0 DEFINITION

- 2.1 **Corruption** is a malpractice (wrongdoing) on the part of an authoritative party through illicit, dishonest and unethical means to obtain benefits or personal gains. Corruption activities includes soliciting, offering, receiving gratification in the form of cash, goods, services, personal favour directly or indirectly to influence decision and/or obtain an intended/ desirable outcome.
- 2.2 **Bribery** is an act of offering, giving, receiving or soliciting any gratification as an inducement or a reward for authoritative party to show favour or disfavour or to perform or to abstain from performing or to aid in procuring, expediting, delaying, hindering or preventing the performance of any official duties. Bribery is essentially a form of corruption.
- 2.3 **Gratification** is defined in the Malaysian Anti-Corruption Commission (“**MACC**”) Act 2009 and summarized as *money, donation, gift, loan, fee, reward, valuable security, property or interest in property whether movable or immovable, finance benefit, employment, agreement to provide employment, release, discharge of obligation or liability, forbearance to demand, service or favour of any description like protection or forbearance to charge, any forms undertaking, promise, rebate, discount, or any other similar advantage which are done/given/received corruptly.*

## 3.0 APPLICATION

- 3.1 This ABC Policy is intended to apply to:
- (a) All Toshiba Tec Malaysia Group’s Directors and employees (including but not limited to part time, full time, contractual, permanent or probationers, interns, trainees, trainers); and
  - (b) All Toshiba Tec Malaysia Group’s Business Partners (anyone whom Toshiba Tec Malaysia Group has or intend to have business relationship or in any way associated with Toshiba Tec Malaysia Group including but not limited to vendors, suppliers, contractors, sub-contractors, agents, customers etc.)

## PART 2

**THIS ABC POLICY** covers the following areas:

- A. Corporate Social Responsibility;
- B. Donations and Sponsorship;
- C. Gifts;
- D. Hospitality;
- E. Political Contributions; and
- F. Facilitation Payment.

### 4.0 CORPORATE SOCIAL RESPONSIBILITY

4.1 As a socially responsible company, Toshiba Tec Malaysia Group is passionately involved in Corporate Social Responsibility (“**CSR**”) activities which unavoidably may involve contribution whether in the form of cash and/or goods and/or services.

4.2 In an effort to prevent any corrupt activities, Toshiba Tec Malaysia Group undertakes the following measures:

#### 4.2.1 Screening on Potential Recipients/Risk assessment

- (a) Whether the Potential Recipient is a legitimate body;
- (b) Whether the Potential Recipient based in high risk country;
- (c) Whether the Potential Recipient is associated/affiliated to any Public Official;
- (d) Proper due diligence on the background of the Potential Recipient must be carried out;
- (e) Take note of any negative rumors pertaining to the integrity of the Potential Recipient.

#### 4.2.2 The Value or Form of CSR

- (a) The type of CSR activities must be stated clearly and any value that exceed the cap value stated in the guidelines is only allowed provided necessary internal approval has been obtained.
- (b) The Potential Recipient **shall not state** their expectation on the contribution made by Toshiba Tec Malaysia Group.

#### 4.2.3 The Purpose of CSR

- (a) The intention of CSR must be genuine and must not in any way capable of being interpreted as to obtain unmerited favour/advantage.

- 4.3 All Toshiba Tec Malaysia Group's Directors and employees must be meticulous in assessing potential recipients and exercise sound judgment in detecting any potential forms of corruption. All red flags must be brought to Top Management's attention and adequately justified and concurrence must be obtained before proceeding with CSR activities.
- 4.4 Reasonable effort shall be exercised to ensure CSR contribution (whether services/goods) reach the intended recipients.
- 4.5 All Directors and Employees are urged to seek clarification and/or clearance from Toshiba Tec Malaysia Group Legal & Compliance Department when in doubt to minimize risk/appearance of corruption when making CSR contribution.

## 5.0 DONATIONS AND SPONSORSHIPS

- 5.1 Definition:
- (a) Donation: shall refer to charitable contribution/humanitarian aid whether in the form of cash/cash equivalent/goods made out of care and concern for social causes.
  - (b) Sponsorship: shall refer to contribution of any kind in the form of services, monies, goods to support an event or organisation made to promote/enhance/strengthen business relationships.
- 5.2 Toshiba Tec Malaysia Group adopts the measures and standards stated in Clause 4.2 and Clause 4.3 to ensure all donations and sponsorships made are in compliance with the laws of Malaysia.
- 5.3 Acceptance of sponsorships is only permissible for Toshiba Tec Malaysia Group corporate events. However, sponsorships must be refused if acceptance could give rise to appearance/inference of corruption or association with illegal activities. All acceptance of sponsorships must be reported to Management and must be recorded accordingly.

## WARNING!!

***All CSR contributions, donations and sponsorships must be made in absolute transparency and shall not in any way be related to Toshiba Tec Malaysia Group's business ordeal.***

## 6.0 GIFTS

- 6.1 Toshiba Tec Malaysia Group strives to achieve the highest standard of integrity in the conduct of our business. As such, our Directors and employees (including their family members) are prohibited from directly or indirectly offering, accepting or soliciting for gifts whether in the form of monetary form (cash or cash equivalent) or in the form of discount, rebate or any other related matters to avoid bribery/conflict of interest as well as appearance of the same in all existing and potential business dealings which may be in violation of MACC Act 2009 and has detrimental effect on our corporate image.
- 6.2 We impose responsibility on our Directors and employees to achieve common understanding with our Business Partners and to ensure adherence in this regard.

### 6.2.1 Receiving Gifts

- 6.2.1.1 Toshiba Tec Malaysia Group acknowledges that gift-giving is a common business etiquette which denotes friendliness and respect. Therefore, it is no surprise that third parties may still persist in giving gifts (whether to individual Directors or employees) and rejection of the same will be construed as insensible or culturally deemed offensive.
- 6.2.1.2 When such situation arises, the individual Directors or employees are allowed to accept the gifts. However, all gifts received **MUST** be surrendered and declared to the management **IMMEDIATELY** where the management is expected to deal with the gifts in accordance with Toshiba Tec Malaysia Group's internal guidelines.
- 6.2.1.3 In principle, all gifts shall be **rejected** and if received, must be **returned** especially in the following circumstances:-
- (a) gifts received during **sensitive periods** such as tender or bidding exercise and related situations;
  - (b) gifts are given with the intention of causing undue influence to decision makers or appearance of the same;
  - (c) gifts are given with the expectation of gaining a return personal/corporate favour from the recipient;
  - (d) gifts are provided secretly or provided through third parties such as family members/friends of directors or employees; and/or
  - (e) acceptance of gifts under the circumstances is prohibited under any laws in Malaysia.

### 6.2.2 Providing Gifts

- 6.2.2.1 Toshiba Tec Malaysia Group do not allow our Directors and employees (including their family members) to offer gifts to our Business Partners whether it is on behalf of Toshiba Tec Malaysia Group or in their own personal capacities.

6.3 For avoidance of all doubts, kindly take note of the following:-

- (a) any premium/novelty items which carry company name, company logo or other relevant details printed on it which are given out equally to members of public or any third parties and serve as advertising or promotional purposes **shall not** constitute “gift”.
- (b) the practice of providing and receiving gifts differ among countries, regions, cultures and religions. As such, the degree of acceptability varies on a case-to-case basis and shall be subject to internal approvals.

## 7.0 HOSPITALITY

7.1 Toshiba Tec Malaysia Group recognises the act of providing hospitality to our stakeholders is an acceptable social practice to promote and maintain cordial business relationship.

7.2 Hospitality is only regarded as improper/illegitimate if any of the following occurs:-

- (a) to cause undue influence to decision makers; and/or
- (b) done with the expectation of gaining a return personal/corporate favour from the recipient of hospitality; and/or
- (c) the recognition of the fact that the act of offering and accepting would be improper under the circumstance such as the hospitality is also provided to family members of the Director or employee, or includes a vacation package etc.; and/or
- (d) it is provided secretly; and/or
- (e) it is prohibited under any laws in Malaysia; and/or
- (f) the hospitality is considered lavish under reasonable social norm standard.

7.3 Examples of hospitality permissible by Toshiba Tec Malaysia Group:-

- (a) casual lunch meetings;
- (b) accommodation/transportation for corporate meetings;
- (c) corporate activities such as annual dinner, customer appreciation dinner, product launching events.

7.4 Toshiba Tec Malaysia Group prohibits all Directors and employees (including their family members) from offering, accepting and soliciting hospitality inappropriately and/or excessively from any third parties (including our Business Partners) which potentially cause undue influence in their decision making process especially during **sensitive periods**.

7.5 All hospitality received and offered must be declared by our Directors and employees and to be documented in accordance to Toshiba Tec Malaysia Group internal guidelines.

7.6 Prior to offering hospitality, approval must be obtained internally (which necessitate the performance of risk assessment, value threshold, frequency and obtaining approval mandate set out in Toshiba Tec Malaysia Group internal guidelines).

## 8.0 POLITICAL CONTRIBUTIONS

- 8.1 Toshiba Tec Malaysia Group will not make any contribution whether in the form of cash/cash equivalent, services and/or goods to any political parties for campaigns and routine activities.
- 8.2 In any event that any gift/sponsorship/donation is made to any political parties (who are our Customers) pursuant to Part 2 Clause 4, Clause 5 and Clause 6, it shall not be construed/implied as an indication of Toshiba Tec Malaysia Group's support to that political party's ideology and/or an attempt to obtain any business/personal benefits.

## 9.0 FACILITATION PAYMENT

- 9.1 Toshiba Tec Malaysia Group implements a strict "**No Facilitation Payment**" policy. Facilitation payment is a payment made to authoritative personnel as an incentive/encouragement to complete some process or work speedily and efficiently.
- 9.2 Facilitation payment is only permissible in extreme circumstances where Toshiba Tec Malaysia Group's employees' safety is at stake and such payment is mandatory to ensure the safety of our employees. Upon occurrence of such incident, declaration of facilitation payment made must be declared to the Top Management and to be recorded in accordance to Toshiba Tec Malaysia Group internal guidelines.

## PART 3

### 10.0 EMPLOYEES' & DIRECTORS' DECLARATION

10.1 All Toshiba Tec Malaysia Group Directors and employees (existing/new recruits) shall undergo training and complete assessment on ABC Policy. It is mandatory for all Toshiba Tec Malaysia Group Directors and employees to periodically declare strict compliance of this ABC Policy in the course of their employment/service.

### 11.0 MONITORING

11.1 Toshiba Tec Malaysia Group shall conduct periodic audit/review to ensure compliance of this ABC Policy. The audit exercises may be conducted by Toshiba Tec Malaysia Group's Compliance officers or external consultants.

11.2 Non-compliance of this ABC Policy is equated to violation of the MACC Act 2009. Toshiba Tec Malaysia Group adopt a stringent approach towards any misconduct in view of the seriousness of this matter. Any misconduct shall have the following consequences (whichever applicable):-

- (a) Employees : immediate suspension pending investigation, if found guilty, outright dismissal.
- (b) Directors : immediate suspension pending investigation at Group level, if found guilty, termination of directorship.
- (c) Business Partners : immediate suspension of all obligations under the contract. If found true, termination of contract.

### 12.0 WHISTLEBLOWER POLICY

12.1 Toshiba Tec Malaysia Group is committed to the values of accountability, transparency and impartiality in the conduct of our business and affairs. Toshiba Tec Malaysia Group subscribes to open door policy for anyone to share concerns through appropriate means. In line with this, Toshiba Tec Malaysia Group implements this "**Whistleblower Policy**" to encourage any parties to report any misconduct through this platform.

12.2 Toshiba Tec Malaysia Group has adopted the highest professional standard of confidentiality and protection measures to ensure strict confidence of a whistleblower's information and immunity against any forms of intimidation/harassment and/or detrimental actions taken against the whistleblower.

12.3 The information of alleged wrongdoing can be classified in many ways: violation of Toshiba Tec Malaysia Group policy/rules, regulation or threat to public interest/national security, as well as fraud and corruption.



- 12.4 All reports/complaints made in good faith shall be dealt with in a prompt manner, unescorted by fear of reprisal regardless of the outcome of the investigation.

We encourage all whistleblowers to provide information/suspicion of misconduct through Toshiba Tec Malaysia Group's [Whistleblower Hotline](#).

E-mail: [whistleblowerhotline@toshibatec.com.my](mailto:whistleblowerhotline@toshibatec.com.my)

### **13.0 CONTINUOUS ENHANCEMENT**

- 13.1 Toshiba Tec Malaysia Group is cognizant of the importance to combat corruption and is resolute to continually enhance this ABC Policy to ensure its efficacy and effectiveness is maintained. Toshiba Tec Malaysia Group may consider obtaining certification/recognition of our anti-bribery control models in the near future.