

WESTSTAR WHISTLEBLOWING POLICY

(WASSB/P/WB/1/2016)



A. INTRODUCTION

- “Whistleblowing” is a form of disclosure i.e. informing or reporting to someone in authority to look into and address a concern at the earliest possible stage, about risks or information which the employees reasonably believes discloses a dishonest, wrongful or illegal activity.
- A person who whistleblows should and is to be provided with the protection of confidentiality of their identity and the information they disclose, in addition to other protection under any applicable laws e.g. securities or whistleblowing laws.
- The Whistleblowing Policy is established in line with:
 - The Whistleblower Protection Act 2010;
 - The Malaysian Code on Corporate Governance 2012;
 - The Companies Act 1965 (S. 174(8B), 368B(2) and 368B(3); and
 - The Capital Markets and Services Act 2007 (S. 320(2)).
- The Whistleblowing Policy is meant for serious and sensitive concerns that could have an adverse impact on Weststar Aviation Services Sdn. Bhd. (the “Company”) and designed to facilitate disclosures of improper conduct in or by the Company, and to protect the disclosing party from any detrimental action and to provide for investigations to be carried out. All concerns will be treated seriously and appropriately.

B. SCOPE

The Policy applies to all employees and stakeholders of / persons providing services to the Company, whether permanent, contract, temporary, seconded and / or transferred, its subsidiaries, affiliates and/or entities under its management control and/or consolidation.

C. DEFINITION

Abbreviation / Term	Definition / Meaning
“Integrity Officer”	Such officer as may be appointed by the Board of Directors from time to time. In the absence of such nominee / person at any time, the Head of Internal Audit shall undertake this function.
“Detrimental Action”	Any retaliation, threat, termination, suspension, disciplinary action, transfer, demotion, refusal of promotion, reprisal, action, inaction, omission or failure/neglect to act, causing injury, loss, damage, intimidation or harassment, interference with and / or any adverse treatment or action whether it is in employment, livelihood, trade, business or protection of a person and/or any direct or indirect use of authority to obstruct the Whistleblower’s rights, or any threat to take any of these actions because the Whistleblower has made a disclosure of improper conduct.
“Disclosure(s)”	Any lawful disclosure of information that the employee / applicant reasonably believes shows: <ul style="list-style-type: none"> • A violation of any law, rule or regulation • Gross mismanagement • Gross waste of funds • Abuse of authority or a substantial and specific danger to public health or safety
“Improper Conduct”	Any conduct, wrongdoing or misdeed which, if proved, constitutes an illegal conduct, malpractice, misdemeanor, disciplinary conduct or criminal offence, including but not limited to those listed in Appendix 1.

Abbreviation / Term	Definition / Meaning
“Protection”	All the protection, rights and remedies provided under Part F below.
“Report”	A written report or complaint of an Improper Conduct.
“Whistleblower”	Any person or disclosing party who makes a disclosure of Improper Conduct to the Compliance Officer based on his reasonable belief that any other person has engaged, is engaging or is preparing to engage, in Improper Conduct, provided that such disclosure is not specifically prohibited by any written law. ¹

D. POLICY STATEMENT

The Company, its shareholders, the Board of Directors and the management are committed to the highest standards of integrity, impartiality, openness and accountability in the conduct of its business and operations. In the aspiration to conduct its affairs in an ethical, responsible and transparent manner, this Policy supports the Company’s shared values and further strengthens the Company’s governance processes. The Policy provides the platform, mode and means for all employees to disclose any Improper Conduct to be reported without fear or favour, this facilitated through internal mechanisms of this Policy. This Policy provides an alternative route to raise concerns in the event that other prescribed processes are unavailable.

E. OBJECTIVE

- To ensure that a good early warning system is in place and to be alerted of any corruption, fraud, or other wrongdoings which may be taking place, by facilitating the making of Disclosure as early possible and in a responsible manner via these internal procedures and processes.
- Provides the Company with the opportunity to take steps to eradicate the illicit activity before any irreparable damage is caused to it by addressing a Disclosure in an appropriate and timely manner that may be prioritised according to the nature or gravity of the act and/or the magnitude of the repercussions.

3. To build employee's trust and confidence and to inculcate a corporate culture towards integrity, openness and transparency within the Company.
4. Protects a Whistleblower from reprisal or detrimental consequences as a direct consequence of making a Disclosure and to ensure confidentiality of the Whistleblower.
5. To treat both the Whistleblower and the alleged wrongdoer fairly. The Whistleblower shall be informed of the status of a Report and/or Disclosure. If the allegations are found to have basis, the alleged wrongdoer shall be given an opportunity to respond to the allegations.
6. Notwithstanding anything to the contrary, this Policy shall not interfere with any other established policies and procedures.
9. Each of the abovementioned forms of Protection is also extended to any person who is related to, or associated with, the Whistleblower.
10. The burden is on the employer to show that any Detrimental Action taken against a Whistleblower is not taken as a result of the Disclosure of Improper Conduct by the latter.
11. A person who commits a Detrimental Action against a Whistleblower or any person related to, or associated with, a Whistleblower in reprisal for a Disclosure of Improper Conduct can be held personally liable for damages or compensation.
12. The Whistleblower or any person related to, or associated with, him may, in certain circumstances, request to his employer for relocation of his place of employment.

F. THE CORPORATE DISCLOSURE POLICY

1. The Policy shall concur the following Protection:
 - (i) Protection of confidential information such as identity of the Whistleblower, occupation, address or whereabouts of the Whistleblower shall not be disclosed in internal proceedings and processes;
 - (ii) Immunity from disciplinary action for making a Disclosure of Improper Conduct (e.g. insubordination, breach of confidentiality, non-compliance with Corporate Disclosure Policy); and
 - (iii) Protection against Detrimental Action for the report of the Improper Conduct or Detrimental Action.
2. The Policy shall concur the following Protection:
 - (i) The exercise of any appeal, complaint or grievance right granted by the law, rule or regulation;
 - (ii) Testifying for or otherwise lawfully assisting any individual exercising whistleblower rights;
 - (iii) Cooperating with or disclosing information to the Integrity Officer in accordance with applicable provisions of this Policy;
 - (iv) Refusing to obey an order or instruction that would require the individual to violate a law;
 - (v) Whether the Disclosure was made in the normal course of duties;
 - (vi) Whether the Disclosure was made to a supervisor or to a person who participated in an activity that the employee or applicant reasonably believed to be covered;
 - (vii) Whether the Disclosure revealed information that had been previously disclosed; and
 - (viii) Whether the Disclosure was made while the employee was off duty or made orally.
3. The Protection applies:
 - (i) Regardless of the employee's or applicant's motive for making the Disclosure and regardless of the amount of time which has passed since the occurrence of the events described in the Disclosure; and
 - (ii) Even if it is later revealed that the Whistleblower is mistaken as to the facts and the rules and procedures involved.
4. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Integrity Officer unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.
5. A Whistleblower may not be discharged, demoted or otherwise discriminated against as a reprisal for a Disclosure.
6. Any anonymous Disclosure will not be entertained. However, the Integrity Officer reserves the right to investigate into any anonymous Disclosure.
7. The Policy empowers the Integrity Manager. to investigate into complaints of Detrimental Action and allows the Integrity Officer to recommend to the Chief Executive Officer and/or the Board of Directors any order or remedies against the party who makes the Detrimental Action.
8. The Disclosure made must not be prohibited by any written law.
13. The Policy, Report procedures, post-report procedures and FAQs may be found on the Company's website at weststar-aviation.aero.
14. The Policy shall be circulated to and signed by:
 - (i) All elected Board Members of the Company, its subsidiaries and affiliates;
 - (ii) All new recruits/hire together with their respective letters of offers; and
 - (iii) All existing employees, whether permanent or contract.
15. The Board of Directors may modify this Policy unilaterally at any time without notice. Such modification or revision of the Policy shall be effective upon the circulation of the Policy to all employees.

Approved by the Board of Directors of Weststar Aviation Services Sdn. Bhd. on **1st December 2016**.

APPENDIX 1

Improper Conduct means any conduct, wrongdoing or misdeed which, if proved, constitutes an illegal conduct, malpractice, misdemeanor, disciplinary conduct or criminal offence, including but not limited to those listed in this Appendix 1, including but not limited to:

A. General Misconduct

- (a) Use of derogatory, vulgar or abusive language/behavior against any employee, colleagues or a superior or any person or entity having business with the Company
- (b) Intentional insubordination or disobedience whether independently or collectively with others
- (c) Intentional delay or omission or disruption of work and/or causes or influence others to do so
- (d) Threats or use of violence or intimidation or oppression against another employee or person/entity
- (e) Use of Company's property or facilities for purpose of committing or attempting to commit a misconduct or Improper Conduct
- (f) Sexual harassment
- (g) Misuse of the Company's information
- (h) Any dishonest act
- (i) Any misleading act
- (j) Any act of conflict of interest with suppliers, vendors or contracts

B. Unlawful / Illegal Conduct

- (a) Incidents of fraud, corruption or bribery
- (b) Conduct or activity or non-compliance which breaches any law or regulatory obligation
- (c) Forgery or alteration of any document or account
- (d) Providing or accepting favours gifts or material value as prescribed under the Company's Integrity Policy or Anti-Corruption and Trade Compliance Policy or equivalent to or from customers, contractors, vendors, consultants or other persons doing or attempting to do business with the Company or its subsidiaries and / or affiliates that are intended to influence a business decision or selection process
- (e) Breach of law, rules or regulation

C. Non-Compliance

- (a) Destruction, removal or inappropriate use of the Company's record, furniture, fixtures and equipment
- (b) Breach of Company's policies, practices, procedures or other rules of conduct
- (c) Improprieties in matters of financial reporting
- (d) Situations which pose a danger to health, safety or any individual or significant danger to the environment
- (e) Any other detrimental wrongdoing as may be determined and / or prescribed by the Board

D. Conflict of Interest

- (a) Knowingly place him/herself in a position of conflict of interest or statutory duties
- (b) Any direct or indirect involvement in other employment

E. Unethical Conduct

- (a) Acts of management which cannot be reported using normal channels
- (b) Endangerment to environment, health and safety;
- (c) Disability, religious, racial or sexual discrimination
- (d) Serious non-professional or unethical behavior
- (e) Exposing an individual to health, safety or physical danger
- (f) Wastage and abuse which lead to unnecessary costs
- (g) Deliberate withholding of information or unauthorized sharing of information

THIS APPENDIX IS NOT EXHAUSTIVE AND INTENDED TO BE ILLUSTRATIONAL IN NATURE