

MALAYSIAN INTEGRITY ACADEMY

Presents

MANAGING AN EFFECTIVE WHISTLEBLOWING COMMITTEE: AN OVERVIEW OF THE WHISTLEBLOWER PROTECTION ACT 2010

Training Date : 31 July 2018 (Tue), 9AM – 5PM
Training Venue : Empire Hotel, Subang Jaya, Selangor
Principal Trainer : Mr. Radhakrishnan, MACC Certified Integrity Officer (CeIO)

INTRODUCTION

Whistle-blowing is considered the most effective and practical fraud detection mechanism, provided an efficient reporting channel within an organization is in place and has already been systematically implemented. This mechanism when implemented will encourage and ensure that more people will come forward without fear or favour to report incidences of misconduct by the staff and others connected with them and subsequently refer them to the rightfully authority for further action to be taken. This will enable the organisation concerned to rectify the wrong doings by taking immediate and effective action thereby minimizing damages which will tarnish the name of the organisation and losses in the long run. An efficient corporate whistle-blowing management should ensure a safe and secured reporting channel to receive tip-offs from a minor to complex issues of misconduct including corporate-changing deeds of bad behaviour or leadership to uphold the core corporate principles such as accountability, responsibility, fairness and transparency of corporate governance in conducting business. The Whistleblower Protection Act 2010 in Malaysia is a law that empowers the employees from retaliatory action for voluntarily disclosing information about dishonest or unlawful activities occurring at a workplace/organization. The Act provides frameworks which are essential tools to help maintain a safe workplace and to inculcate a culture of integrity in order to uphold the core principles of an organization, towards the implementation of a good corporate governance culture.

COURSE OBJECTIVES

To comprehend, explain the concept, practical aspect and application process of the Whistleblower Protection Act 2010 in giving assurance and encouraging informers to come forward in making disclosures whereby their protection is guaranteed under the Act.

- To prepare a company to implement a highly effective Whistle-blowing policy.
- To assist companies to meet the Whistleblower compliance obligations.
- To understand the legal protection framework to Whistleblower.
- To understand modern fraud threats balanced with influences of whistle-blowing.
- To understand the powers of investigation and offences under the Act.
- To comply to the national standards in implementing a practical whistle-blowing policy.
- To implement an equally robust practice or the best practice Whistleblower Policy.

WHO SHOULD ATTEND

Chairman/Chairperson, Executive Directors and Non-Executive Directors, Whistle-blowing and Integrity Committee, Risk and Audit Management Committee, Tender Committee, Compliance Managers, Legal Managers, Accountants, Key Financial Personnel, Training Managers, Procurement Managers, Human Resource Managers, Investor Relations Managers, Company Secretaries, ISO Planners, and other Departmental Heads.

LEARNING METHODOLOGY

Participant will attend one day of lectures, group interactive discussion, Q&A.

COURSE OUTLINE

Module 1: Background of the Whistleblower Protection Act 2010

Module 2: Whistleblower and whistle-blowing

Module 3: Disclosure of improper conduct
What to disclose?
Anonymous and confidential information
Legal obligation to give information
Withdrawal of disclosure

Module 4: Whistleblower Protection
Protection to informer
Protection of confidential information
Condition of protection
Immunity from civil and criminal action
Protection against detrimental action
Revocation of protection

Module 5: Dealing with Disclosure of Improper Conduct
Investigation of Improper Conduct
Finding of the investigation

Module 6: Complaints of Detrimental Action
Remedies
Personal Liability
Action for injunction
Power of the Court
Relocation of place of employment

Module 7: Enforcement and Offences
Enforcement agency, public body and private body
Power of the enforcement agency
Power to investigate
Penalty for making false statement
Penalty for obstructing authorised officer
Penalty for destroying, falsifying, etc., documents
Offences under Whistleblower Protection Act 2010

- Module 8: General
 Referral Policy
 Rewards, Report to Minister
- Module 9: Comparison to Witness Protection Act 2009
 Why the Act is needed?
 Witness Protection Program (WPP)
 Witness Security Program (WITSEC)
 Protection of witness
 Type of protection
 Obstruction of investigation
 Termination of protection
 Offences for disclosure

PRINCIPAL TRAINER

MR. K.S.RADHAKRISHNAN, MACC Certified Integrity Officer (CeIO)

He has since 1977 served with the Anti-Corruption Agency (ACA) and National Bureau of Investigation (NBI) in the states of Kedah, Perlis, Melaka, Sandakan, Sabah, Kuala Lumpur, Putrajaya, Selangor and headquarters of the Malaysian Anti-Corruption Academy (MACA) in Kuala Lumpur. As an Investigation Officer (IO) he had carried out overt (open) and covert (closed) investigation into matters pertaining to corrupt practices, abuse of power, fraud and other prescribed offences under the Penal Code, Customs Act 1967 and Election Offences Act 1954.

When he was attached to the Intelligence Division Headquarters of MACC, he was tasked to meet and cultivate sources/informants/whistleblowers and gather discreet information on cases of corruption, malpractices, fraud and abuse of power. He has put up information and also carried out discreet enquiries to confirm the validity of the allegation and report accordingly to the unit head for further action to be taken. He has also served in the Prevention Wing of MACC for almost 11 years in the Community Education Division (PENMAS) giving lectures, conducting community and outreach program to combat corruption both in the government and private sector, Central Industrial Development Board, Corporate Directors' Training Program covering laws relating to MACC Act 2009, Whistleblower Act 2010, Witness Protection Act 2009, Penal Code, Criminal Procedure Code (CPC), Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Act 2001, Election Offences Act 1954, Mutual Assistance and Criminal Matters Act 2002 (MACMA), Customs Act 1967 and other related laws. Lectures cover areas such as the prevention of corruption, malpractices, false claims, fraud and abuse of power.

He was also attached to the Corporate Integrity Development Centre of Malaysia Anti-Corruption Academy for 4 years engaged in the area of conducting integrity courses for government, private sector both at the local and international level to train and prepare participants to set up and carry out duties as Certified Integrity Officers (CeIOs) in accordance with the Federal Government Executive Directive whereby all government and GLCs are required to set up integrity units in their respective units. He has also formulated customized integrity modules for government/GLCs, private sector, international anti-corruption agencies, enforcement agencies and corporate sectors to prepare them to set up integrity units. The modules cover the area of integrity, legal framework, compliance and monitoring, Corruption Risk Management (CRM) and the finale of the formulation of an integrity plan for their respective organisations or units.

Mr Radha is also an Accredited Certified Integrity Officer (CeIO), accredited by the Certified Integrity Officer Accreditation Board, Malaysian Anti-Corruption Academy and, a committee member of Malaysia Corruption Watch (MCW) and also a member of the Malaysian Anti-Corruption Foundation (YARM).

HRDF CLAIMABLE / REGISTRATION

- This is SBL-HRDF/PSMB claimable program
- Certificate of attendance will be awarded for those complete the course
- Registration is based on first come, first served.

THE ORGANIZER

Malaysian Integrity Academy
Call / WhatsApp : +6016 3456 560
Email : mia@integrity2u.my



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