ISO 37001:2016
ANTI-BRIBERY MANAGEMENT SYSTEM (ABMS)

AN INITIATIVE TO STRENGTHEN THE CORPORATE INTEGRITY

FAUZIAH SULAIMAN
SIRIM QAS INTERNATIONAL SDN BHD

HOTEL ISTANA, KUALA LUMPUR
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OUTLINE

1. The Development of ISO 37001
2. What is ISO 37001?
3. ISO 37001 Requirements
4. Implementation Journey
5. Challenges & Benefits
6. The certification process
The Development of ISO 37001
Project Committee
ISO /PC 178

Published October 2016
New Paradigm in Management System Standard

Risk based thinking

Strategic thinking

Sustainable development

Improved alignment with other management systems standards
<table>
<thead>
<tr>
<th>Standard Code</th>
<th>Standard Code (Year)</th>
<th>System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISO 14001 : 2015</td>
<td>Environment Management Systems</td>
<td></td>
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<tr>
<td>ISO 45001 : 2018</td>
<td>Health &amp; Safety (OH&amp;S) Management Systems</td>
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<tr>
<td>ISO 37001 : 2016</td>
<td>Anti-Bribery Management Systems</td>
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<td>ISO 21001 : 2018</td>
<td>Education Management Systems</td>
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<td>ISO 22000 : 2018</td>
<td>Food Safety Management Systems</td>
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<td>ISO 50001 : 2018</td>
<td>Energy Management Systems</td>
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<td>ISO 20000-1 : 2018</td>
<td>IT Service Management Part 1</td>
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<td>ISO 39001 : 2012</td>
<td>Road Safety Management Systems</td>
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<td>ISO 27001 : 2013</td>
<td>Information Security Management Systems</td>
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<td>ISO 55001 : 2014</td>
<td>Asset Management Systems</td>
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All management systems supports sustainable development goals
THE ISO HIGH LEVEL STRUCTURE (HLS)

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<td>0. Introduction</td>
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<tr>
<td>3. Terms and definitions</td>
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</tbody>
</table>
The ISO 19600 standard (December 2014) is not certifiable but provides useful guidelines for a variety of compliance needs including anti-bribery, anti-money laundering, export control. The ISO 37001 standard (October 2016) is a certifiable standard, consistent with ISO 19600 and dedicated to Anti-Bribery Management Systems.
### CORPORATE INTEGRITY SYSTEM MALAYSIA (CISM) & ISO 37001 REQUIREMENTS

<table>
<thead>
<tr>
<th>CISM</th>
<th>ISO 37001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  • CODE OF ETHICS &amp; ANTI-BRIBERY POLICY</td>
<td>An anti-bribery policy, procedures, &amp; controls</td>
</tr>
<tr>
<td>2  • CONFLICT OF INTEREST DETERRENCE POLICY</td>
<td>Top management leadership, commitment &amp; responsibility</td>
</tr>
<tr>
<td>3  • WHISTLEBLOWING POLICY</td>
<td>Governing body Oversight</td>
</tr>
<tr>
<td>4  • REFERAL POLICY</td>
<td>Anti-bribery training and awareness</td>
</tr>
<tr>
<td>5  • CORRUPTION RISK MANAGEMENT</td>
<td>Risk assessment</td>
</tr>
<tr>
<td>6  • TRAINING ON ETHICS, EDUCATION &amp; COMMUNICATION</td>
<td>Due diligence on projects &amp; business associates</td>
</tr>
<tr>
<td>7  • COMPLIANCE PROGRAMME</td>
<td>Reporting, monitoring and investigation</td>
</tr>
<tr>
<td>8  • ANTI-CORRUPTION PREVENTION REPORTING</td>
<td>Management review, corrective action &amp; continual improvement</td>
</tr>
<tr>
<td>9  • LEADERSHIP</td>
<td></td>
</tr>
<tr>
<td>10 • CORPORATE SOCIAL RESPONSIBILITY</td>
<td></td>
</tr>
</tbody>
</table>
What is 37001?

Anti-Bribery Management System
WHAT IS ISO 37001?

• It is designed to help an organization establish, implement, maintain, and improve an anti-bribery compliance programme.

• It includes a series of measures and controls that represent global anti-bribery good practice.
WHAT IS ISO 37001?

- Helps to reduce bribery risks and demonstrate a culture of integrity, transparency, openness and compliance.
- Conformity to ISO 37001
  - cannot provide assurance that no bribery will occur as it is not possible to completely eliminate the risk of bribery.
  - helps organizations implement reasonable measures to prevent, detect and respond to bribery.
WHAT IS ISO 37001?

ISO 37001-ABMS: Series of measures to help organisation to

- Which include

1. An anti-bribery policy & objectives
2. Appointing a person(s) to oversee anti-bribery compliance
3. Training
4. Risk assessments & due diligence on projects & business associates
5. Implementing financial & commercial controls
6. Instituting reporting & investigation procedures
WHAT DOES ISO 37001 ADDRESS?

• Bribery by the organization, or by its personnel or business associates acting on the organization’s behalf or for its benefit.

• Bribery of the organization, or of its personnel or business associates in relation to the organization’s activities.
WHO CAN USE ISO 37001:2016?

The standard is flexible and can be adapted to a wide range of organizations, including:

- Large organizations
- Small & medium sized enterprises (SMEs)
- Public and private sector organizations
- Non-governmental organizations (NGOs)

The standard can be used by organizations in any country.
DOES THE STANDARD REQUIRE A STAND-ALONE MANAGEMENT SYSTEM?

• The measures required by ISO 37001 are designed to be integrated with existing management processes and controls.
• It follows the common high-level structure for ISO management system standards, for easy integration with, for example QMS, EMS, OSHMS, EnMS, ISMS, AMS.
DOES THE STANDARD DEFINE BRIBERY?

- Bribery is defined by law which varies between countries. Therefore the Standard provides a generic definition of bribery, but the actual definition will depend on the laws applicable to the organization.

- The Standard provides guidance on what is meant by bribery to help users understand the intention and scope of the Standard.
The standard does not specifically address:

- Fraud
- Cartels and other anti-trust/competition offences
- Money-laundering or
- Other activities related to corrupt practices

However an organization can choose to extend the scope of management system to include such activities.
ISO 37001:2016 ANTI-BRIBERY MANAGEMENT SYSTEMS REQUIREMENTS WITH GUIDANCE FOR USE
CLAUSE 4 : CONTEXT OF THE ORGANIZATION

4  Context of the organization

4.1  Understanding the organization and its context

4.2  Understanding the needs and expectation of stakeholders

4.3  Determining the scope of the anti-bribery management system

4.4  Anti-bribery management system

4.5  Bribery risk assessment
4.1 Understanding the organization and its context

The organization shall determine external & internal issues that are relevant to its purpose and that affect its ability to achieve the objectives of its anti-bribery management system.
4.1 Understanding the organization and its context

The issues will include (without limitation):

- Size, structure and delegation decision-making authority of the organization
- Locations and sectors in which the organization operates or anticipates operating
- Nature, scale and complexity of the organization’s activities and operations
- Organization’s business model
4.1 Understanding the organization and its context
The issues will include (without limitation)

- The entities over which the organization has control and entities which exercise control over the organization
- The organization’s business associates
- The nature and extend of interaction which public officials
- Applicable statutory, regulatory, contractual and Professional obligations and duties
4.1 CONTEXT OF ORGANISATION

Petronas Nasional Berhad (PETRONAS) established in 1974, is a fully integrated oil and gas multinational. As the custodian for Malaysia’s national oil and gas resources, PETRONAS explore, produce and deliver energy to meet society’s growing needs.

PETRONAS’ fully integrated value chain spans from exploration to marketing, logistics to technological infrastructures, with operations in over 50 countries with more than 50 thousand employees around the world. PETRONAS operates in sectors as illustrated below:
### 4.2 UNDERSTANDING THE NEEDS AND EXPECTATIONS OF STAKEHOLDERS

<table>
<thead>
<tr>
<th>STAKEHOLDERS</th>
<th>NEED &amp; EXPECTATIONS</th>
</tr>
</thead>
</table>
| Government, Local Authorities, Concessionaires, Utility Providers | Governance compliance  
Applicable laws (Construction & Building By Law)  
Industrial and workplace relation  
Environmental and safety management |
| Shareholders, JV Partners | Efficient operations – sustainable profitability  
Long term growth and stability  
Board governance sustainability |
| Employee | Organization’s growth, strategies and performance  
Employees safety and well-being  
Capability development  
Employee performance |
| Customers & Consumers | Standards of customer relations  
Safety and security  
Innovative and trend setting practices |
| Suppliers, Service Providers, Contractors, Consultant | Fair practices  
Transparent tender, procurement process  
Compliance with law and regulations |
| Community | Health and safety impact  
environmental impact  
Service delivery |
| Media | Operational issue and financial impact  
Corporate responsibility  
reputation |
4.3 (a) DETERMINING THE SCOPE OF THE ANTI-BRIBERY MANAGEMENT SYSTEM (INTERNAL- values, culture, performance & knowledge)

Factors that may impact level of integrity and exposure to bribery & corruption
4.3 (a) DETERMINING THE SCOPE OF THE ANTI-BRIBERY MANAGEMENT SYSTEM

(EXTERNAL-legal, technological, competitive, market, cultural, social and economic environments)

Factors that may impact level of integrity and exposure to bribery & corruption
### GUIDANCE FOR SAMPLING

<table>
<thead>
<tr>
<th><strong>INTERNAL ISSUES</strong></th>
<th><strong>EXTERNAL ISSUES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STRATEGY</strong></td>
<td>ECONOMY</td>
</tr>
<tr>
<td>overall performance of the organization</td>
<td>money exchange rates, economic situation, inflation forecast, credit availability;</td>
</tr>
<tr>
<td><strong>RESOURCE</strong></td>
<td>SOCIAL</td>
</tr>
<tr>
<td>as infrastructure (see ISO 9001:2015, 7.1.3), environment for the operation of the processes (see ISO 9001:2015, 7.1.4), organizational knowledge (see ISO 9001:2015, 7.1.6); 3) human aspects such as competence of persons, organizational behavior and culture, relationships with unions;</td>
<td>as local unemployment rates, safety perception, education levels, public holidays and working days</td>
</tr>
<tr>
<td><strong>PEOPLE</strong></td>
<td>POLITICAL</td>
</tr>
<tr>
<td>competence of persons, organizational behavior and culture, relationships with unions;</td>
<td>as political stability, public investments, local infrastructure, international trade agreements;</td>
</tr>
<tr>
<td><strong>OPERATIONAL</strong></td>
<td>TECHNOLOGY</td>
</tr>
<tr>
<td>process or production and service provision capabilities, performance of the quality management system, monitoring customer satisfaction</td>
<td>new sector technology, materials and equipment, patent expirations, professional code of ethics</td>
</tr>
<tr>
<td><strong>GOVERNANCE</strong></td>
<td>MARKET</td>
</tr>
<tr>
<td>rules and procedures for decision making or organizational structure.</td>
<td>competition, including the organization’s market share, similar products or services, market leader trends, customer growth trends, market stability, supply chain relationships;</td>
</tr>
<tr>
<td></td>
<td>STATUTORY &amp; REGULATORY</td>
</tr>
<tr>
<td>Internal Issues</td>
<td>External Issues</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bribery and corruption exposures within high risk operations are not adequately mitigated</td>
<td>Increasing political influence</td>
</tr>
<tr>
<td>Employees behavior and culture not fully support the substantive implementation of requisite Governance, Risk and Compliance culture</td>
<td>Increasing public awareness on the governing anti-corruption laws and regulations</td>
</tr>
<tr>
<td>Abuse of position, affecting important and strategic decision making</td>
<td>Economic slowdown compounded with the rising cost of living</td>
</tr>
<tr>
<td>Lack of competency/knowledge</td>
<td>Third party agreements are entered into with individuals/businesses via JV partnership etc who may have questionable ethics</td>
</tr>
<tr>
<td>Weak internal control, lack of enforcement</td>
<td>Gifts &amp; Entertainment occur throughout organization by third parties (suppliers, contractors, counterparts, top management) may influence decision making</td>
</tr>
<tr>
<td>Trust deficit/perception issues/complaint channel</td>
<td>Increasing imposition of guidelines or adequate procedures by anti-corruption laws and jurisdiction</td>
</tr>
<tr>
<td>Leadership crisis</td>
<td>Open</td>
</tr>
</tbody>
</table>
4.1 h - LAW REGULATIONS & OTHER REQUIREMENTS

- MACC Act 2009 (ACT 694)
- Whistleblower Protection Act 2010 (ACT 711)
  - Enforcement Agencies : SPRM, JPJ, JIM, PDRM, KASTAM, SSM, SC SIAP (Suruhanjaya Intergriti Agensi Penguatkuasa)

Related acts & documents:
- Private
  - Companies Act 1965 ~ 2016 (Act 777)
  - Securities Commission Act 1993 (Act 498)
  - Corporate Governance 2016 (Code of Conducts / Code of Business Ethics)
4.1 h ACT & RELATED DOCUMENTS

Government – Pekeliling & Arahan – Arahan

- Arahan Perbendaharaan
- Pekeliling Perkhidmatan Bil 3, 1998 – Garispanduan pemberian & penerimaan hadiah di dalam perkhidmatan awam
- Pekeliling Perkhidmatan Bil 6 Tahun 2013 – Penubuhan Unit Intergriti Di Semua Agensi Awam
- Peraturan pegawai awam (kelakuan dan tatatertib) 1993
4.1 h ACT & RELATED DOCUMENTS

Pekeliling Perkhidmatan Bil 6 Tahun 2011- Pindaan Tapisan Keselamatan Bagi Pegawai Yang Dilantik Dalam Perkhidmatan Awam

Manual Pengguna Sistem eVetting
ARAHAN YAB PERDANA MENTERI - NO.1 TAHUN 2014
Jun 2014

ARAHAN YAB PERDANA MENTERI - NO.1 TAHUN 2018
Jun 2018

Gerakan Pemantapan Governans, Intergriti dan Anti-Rasuah Dalam Pengurusan Pentadbiran Kerajaan Malaysia
ARAHAH YAB PERDANA MENTERI - NO.1 TAHUN 2014

KANDUNGAN

1. Pengenalan 1
2. Objektif 2
3. Tema Rujukan 3
4. Struktur dan Mekanisme 5
5. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Khas Kabinet Mengenai Keutuhan Pengurusan Kerajaan (JKKMKPJK)
6. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Integrasi dan Tadbir Urus (JITU) Peringkat Kebangsaan
7. Keanggotaan, Peranan dan Tanggungjawab Pasukan Khas Perunding Jawatankuasa Integrasi dan Tadbir Urus (PKP JITU)
8. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Integrasi dan Tadbir Urus (JITU) Peringkat Kementerian
11. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Integrasi dan Tadbir Urus (JITU) Peringkat Negeri

2. OBJEKTIIF

2.1 Objektif pemantapan keutuhan sistem pengurusan pentadbiran Kerajaan ialah:

i. Mewujudkan pentadbiran Kerajaan dan perkhidmatan awam yang cekap, berdisiplin serta mempunyai integriti yang tinggi melalui pembudayaan dan pengamalan nilai-nilai murni dan etika;

ii. Merancang dan melaksanakan tindakan-tindakan penoeahan dan pemulihan bagi mengatasi masalah-masalah dan kelemahan-kelemahan terutamanya dalam pengurusan kewangan Kerajaan, pentadbiran awam, pengendalian kes-kes tatatertib, rasuah, penyelundupan kuasa dan penyelidikag yang ditolak oleh agama serta perundangan dan peraturan; dan

iii. Mengenali pasti dan menyelesaikan isu-isu semasa berimpak tinggi yang merentasi agensi secara proaktif melalui mekanisme musyawarah, permuafakatan dan tindakan segera untuk rakyat.
<table>
<thead>
<tr>
<th>KANDUNGAN</th>
<th>3. OBJEKTIF</th>
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</thead>
<tbody>
<tr>
<td>1. Tujuan</td>
<td>3.1 Objektif pemantapan governans, integriti dan anti-rasauh dalam sistem pengurusan pentadbiran Kerajaan ialah:</td>
</tr>
<tr>
<td>2. Latar Belakang</td>
<td>i. Memastikan kualiti sistem penyampaian perkhidmatan Kerajaan adalah bermudara kepada pentadbiran efektif, efisien, berintegriti, tiada karenah birokrasi dan terhindar daripada gejala rasauh;</td>
</tr>
<tr>
<td>3. Objektif</td>
<td>ii. Memastikan agenda pencergahan rasauh dilaksanakan di setiap peringkat pentadbiran Kerajaan bermuara kepada risiko-risiko yang dikenalpasti;</td>
</tr>
<tr>
<td>4. Dasar Anti-Rasauh Nasional</td>
<td>iii. Merancang dan melaksanakan tindakan-tindakan pencergahan dan pemulihan bagi mengatasi masalah-masalah dan kelemahan-kelemahan dalam governans, integriti dan anti-rasauh;</td>
</tr>
<tr>
<td>5. Terma Rujukan</td>
<td>iv. Mengenal pasti dan menyelesaikan isu-isu semasa yang berimpak tinggi yang merentasi agensi secara proaktif melalui mekanisme perumuafakatan dan tindakan segera untuk rakyat; dan</td>
</tr>
<tr>
<td>7. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Khas Kabinet Mengenai Anti-Rasauh (JKKMAR)</td>
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<tr>
<td>8. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Anti-Rasauh (JAR) Peringkat Kebangsaan</td>
<td></td>
</tr>
<tr>
<td>10. Keanggotaan, Peranan dan Tanggungjawab Jawatankuasa Anti-Rasauh (JAR) Peringkat Kerajaan Negeri</td>
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</tr>
<tr>
<td>12. Laporan Maklum Balas</td>
<td>16</td>
</tr>
<tr>
<td>13. Pelaksanaan Arahan</td>
<td>19</td>
</tr>
<tr>
<td>14. Perutup</td>
<td>20</td>
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<tr>
<td>15. Lampiran A - Struktur Aliran Pelaksanaan Jawatankuasa Khas Kabinet Mengenai Anti-Rasauh (JKKMAR) Dan Jawatankuasa Anti-Rasauh (JAR)</td>
<td>21</td>
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<tr>
<td>16. Lampiran B - Format Laporan Maklum Balas Jawatankuasa Anti-Rasauh (JAR)</td>
<td>22</td>
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**PP Bil 6/2013 : PENUBUHAN UNIT INTEGRITI AGENSI**

JPA(BP)(S)215/65/5 Jld.13 ( 8 )

No. Siri : __________

KERAJAAN MALAYSIA

PEKELILING PERKHIDMATAN BILANGAN 6 TAHUN 2013

PENUBUHAN UNIT INTEGRITI DI SEMUA AGENSI AWAM

**TUJUAN**

1. Pekelingan Perkhidmatan ini bertujuan untuk memaklumkan mengenai keputusan Kerajaan menubuhkan Unit Integriti sebagai *focal point* kepada pengurusan isu-isu berkaitan integriti di semua agensi awam.

**LATAR BELAKANG**

2. Sistem tadbir urus sektor awam yang terbaik dan budaya kerja berkualiti merupakan landasan penting dalam meningkatkan keyakinan rakyat terhadap kerajanaan Kerajaan melaksanakan dasar yang dimandatkan. Dalam hubungannya ini, Kerajaan akan terus mengambil langkah untuk memantapkan integriti bagi menentukan penjawat awam menjunjung dan menegakkan prinsip integriti serta aksuntabiliti ke arah mencapai sistem penyampaian awam yang lebih cemerlang.

**Penubuhan Unit Integriti** merupakan usaha kawalan dalaman oleh agensi untuk menguruskan integriti dalam organisasi. 6 fungsi teras seperti berikut:

- **a) Tadbir Urus**
  Memastikan tadbir urus yang terbaik dilaksanakan;

- **b) Pengukuhan Integriti**
  Memastikan pembudayaan, penginstitusian dan pelaksanaan integriti dalam organisasi;

- **c) Pengesanan dan Pengesahan**
  i) Mengesakan dan mengesahkan aduan salahaku jenayah serta pelanggaran tatakelakuan dan etika organisasi serta memastikan tindakan susulan yang sewajarnya diambil; dan
  ii) Melaporkan salahaku jenayah kepada agensi penguatkuasaan yang bertanggungjawab;

- **d) Pengurusan Aduan**
  Menerima dan mengambil tindakan ke atas semua aduan/maklumat mengenai salahaku jenayah serta pelanggaran tatakelakuan dan etika organisasi;

- **e) Pematuhan**
  Memastikan pematuhan terhadap undang-undang dan peraturan yang berkuatkuasa; dan

- **f) Tatatertib**
  Melaksanakan fungsi urus setia Lembaga Tatatertib.
SUMMARY ~ CLAUSE 4: CONTEXT OF ORGANISATION

- Understand the organization (Refer A.13.1.3)
- Determine the scope of ABMS (Refer A.2)
- Conduct bribery risk assessment (Refer A.4)
  - ISO 31000:2009 Risk Management – Principles and guidelines

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<tbody>
<tr>
<td>Clause</td>
<td>Title</td>
<td>Clause</td>
</tr>
<tr>
<td>4.1</td>
<td>Understanding the organization and its context</td>
<td>5.3</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>Understanding the needs and expectations of interested parties</td>
<td>5.3</td>
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<tr>
<td>6.1</td>
<td>Actions to address risks and opportunities</td>
<td>5.4</td>
</tr>
<tr>
<td>7.4</td>
<td>Communication</td>
<td>5.3</td>
</tr>
<tr>
<td>9.1</td>
<td>Monitoring, measurement, analysis and evaluation</td>
<td>5.6</td>
</tr>
<tr>
<td>9.3</td>
<td>Management review</td>
<td>5.6</td>
</tr>
</tbody>
</table>

Principles (Clause 3)

- a. Creates value
- b. Integral part of organizational processes
- c. Part of decision making
- d. Explicitly addresses uncertainty
- e. Systematic, structured and timely
- f. Based on the best available information
- g. Tailored
- h. Takes human and cultural factors into account
- i. Transparent and inclusive
- j. Dynamic, iterative and responsible to change
- k. Facilities continual improvement and enhancement of the organization

Framework (Clause 4)

- Mandate and commitment (4.2)
- Design of framework for managing risk (4.3)
- Continual improvement of the framework (4.5)
- Implementing risk management (4.4)
- Monitoring and review of the framework (4.5)

Process (Clause 5)

- Establishing the context
- Risk Assessment
  - Risk Identification
  - Risk Analysis
  - Risk Evaluation
- Risk Treatment
- Monitoring and review
- Communication & Consultation

- Establishing the context (5.4)
- Communication & Consultation (6.2)
- Risk Assessment (6.4)
- Risk Identification (6.4.2)
- Risk Analysis (6.4.3)
- Risk Evaluation (6.4.4)
- Risk Treatment (6.5)
- Monitoring and review (5.6)
- 4.1 & 4.2
- 6.1.1
- 9.3.2 & 10.2.1
- 6.1.2 & 8.1

Legend:
- ISO 31000 clause
- ISO 9001/37001 clause
### HIGH RISK AREAS:

- Procurement
- Development Projects
- Enforcement
- Licensing/Permits
- Land Matters
- Revenue Collection
- Asset/Store Management
- Subsidies Management
- Human Resource
- Business Associates
CLAUSE 5 : LEADERSHIP

5 Leadership

5.1 Leadership and commitment
   5.1.1 Governing body
   5.1.2 Top management

5.2 Anti-bribery policy (a-i)

5.3 Organizational roles, responsibilities and authorities
   5.3.1 Roles and responsibilities
   5.3.2 Anti-bribery compliance function
   5.3.3 Delegated decision-making
5.1 LEADERSHIP AND COMMITMENT

5.1.1 GOVERNING BODY

a) Approving the organization’s anti bribery policy
b) Ensuring organization’s strategy and anti-bribery are aligned
c) At planned intervals, receiving and reviewing information (content & operation of ABMS)
d) Exercising reasonable oversight over implementation of organization’s ABMS
5.1 LEADERSHIP AND COMMITMENT

5.1.2 TOP MANAGEMENT

EVIDENCE/DIAGRAM/PROCEDURES

ORGANIZATIONAL STRUCTURE
BOARD PAPER/APPROVAL
MINUTES OF MEETING
ANNUAL REPORT
WEBSITE

UNIT/BHGN INTEGRITI

KSU

INTERNAL GOVERNING BODY-JAR
EXTERNAL -MACC

Open
5.3.2 ANTI-BRIBERY COMPLIANCE FUNCTION

- Competence
- Independence
- Adequately Resourced
- Status & Authority

EVIDENCE/DOCUMENT/PROCEDURES
APPOINTMENT LETTER
ORGANIZATIONAL STRUCTURE
JOB DESCRIPTION
KPICERTIFICATES I.E CEIO OR RELATED ANTI-CORRUPTION FIELD
5.1.1 a, b, c & d
GOVERNING BODY FOR MINISTRY

KETUA SETIAUSAHA NEGARA

PERDANA MENTERI

KETUA SETIAUSAHA KEMENTERIAN

MENTERI
5.1.1 a,b, c & d
GOVERNING BODY FOR STATE GOVERNMENT

MENTERI BESAR/KETUA MENTERI

SETIAUSAHA KERAJAAN NEGERI

MMKN/EXCO
5.1.1 a, b, c & d
GOVERNING BODY FOR LOCAL AUTHORITY

AHLI-AHLI MESYUARAT PENUH

PENGURUSAN TERTINGGI
### 5.1.1 e) REPORTING LINE

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5.2 ANTI-BRIBERY POLICY

The Anti-Bribery Framework; Setting, Reviewing & Achieving Anti-Bribery Objectives

- Authority and Independence of Compliance Function
- Commitment to Satisfy Requirements of Continual Improvement
- Consequences for Not Compliance

Fit to Purpose

Compliance with Applicable Laws

Commitment to ABMS & Anti-Bribery Objectives

Raising Concerns Without Fear

Consequences for Not Complying

Documented, Communicated & Available To All Stakeholders

Open Evidence/Document/Procedures

Website

Bunting

Annual Report

Employee Handbook

Tenders & Contracts

Evidence/Documents/Procedures

INTEGRITI

The Malaysian Institute of Integrity

INTEGRITI

5.2 ANTI-BRIBERY POLICY

The Malaysian Institute of Integrity
POLISI ANTI RASUAH

JABATAN IMIGRESEN

PENDAHULUAN


Bersesuaian dengan hala tuju Jabatan, polisi ini diwujudkan bagi memastikan segala ruang dan peluang rasuah, penyelewengan dan salahguna kuasa dapat ditangani dengan cekap dan berkesan.

Semua warga JIM dan pihak-pihak yang terlibat secara langsung atau tidak langsung dalam urusan keimigresenan, termasuklah pekerja di mana-mana bahagian, negeri, cawangan atau manamana entiti yang dikawal oleh agensi, pekerja agensi sementara, ejen bukan pekerja yang bertindak bagi pihak agensi, dan pekerja secara kontrak, di mana sahaja lokasinya adalah tertakluk kepada polisi ini.

JIM tidak akan bertoleransi, membenar, melibatkan diri atau bertolak ansur terhadap amalan keimigresenan yang tidak mematuhi Polisi Anti Rasuah ini.
Appendix 3: MISC Anti-Bribery & Corruption Policy

THE MISC GROUP POLICY STATEMENT ON Anti-Bribery and Corruption

We at MISC Group (MISC) are committed to applying the highest standards of ethical conduct, integrity and accountability in all our business activities and operations. This Policy applies to all MISC business dealings and relationships.

MISC has a zero tolerance policy towards any form of bribery and corruption by, or of, its employees or any persons or companies acting for MISC or on its behalf. The MISC Code of Conduct and Business Ethics (MISC CoBE) and Anti-Bribery and Corruption Policy and Guidelines apply throughout the Group and reflect our commitment to fight any corrupt and unethical practices in the course of conducting business in the jurisdictions in which we operate.

The Board and management are committed to implementing and enforcing effective and robust policies and procedures to prevent, monitor and eliminate bribery and corruption, and to the continual improvement of MISC’s Anti-Bribery Management System (ABMS). A Compliance function is assigned with the responsibility and authority to oversee the implementation of MISC Compliance and Ethics Programme and the ABMS, with direct access to the Board and management for issues relating to bribery and corruption.

Employees and others acting for or on behalf of MISC are strictly prohibited from directly or indirectly soliciting, accepting or offering bribes in relation to MISC’s businesses and operations. Employees across MISC are expected to observe the MISC CoBE and uphold MISC’s zero tolerance towards bribery and corruption. Employees who fail to comply with the CoBE will be subject to the appropriate disciplinary measures.

MISC provides avenues for all employees and members of the public to disclose any improper conduct within MISC, which is governed by the MISC Whistleblowing Policy.
POLICIES AND GUIDELINES

- CODE OF CONDUCT & BUSINESS ETHIC
- DISCIPLINARY POLICY
- GIFT / NO GIFT POLICY
- WHISTLE-BLOWING POLICY
- CHARITABLE CONTRIBUTIONS/ SPONSORSHIP/DONATION POLICY
- FACILITATION PAYMENTS
- HOSPITALITY/ENTERTAINMENT EXPENSES
- CONFLICTS OF INTEREST
  and many others internal /external REFERAL POLICIES

- DO WE NEED A STATEMENT OF POLICY???
SUMMARY ~ CLAUSE 5: LEADERSHIP

- Governing Body
- Top management (Refer A.5)
- Anti-bribery Compliance Function (Refer A.6) – guidance ISO 19600
- Anti-bribery Policy (a-i)
CLAUSE 6 : PLANNING

6 Planning

6.1 Action to address risks and opportunities

6.2 Anti-bribery objectives and planning to achieve them

• Taking action from the risk assessment to achieve anti-bribery objectives
CLAUSE 7 : SUPPORT

7  Support

7.1  Resources (Refer A.7: Human, Physical, Financial)

7.2  Competence
   7.2.1  General
   7.2.2  Employment process (Refer A.8)

7.3  Awareness and training (Refer A.9)

7.4  Communication
7.2.2 EMPLOYMENT PROCESS

7 Support
7.2 Competence
7.2.2 Employment process

7.2.2.1 In relation to all of its personnel, the organization shall implement procedures such that:

a) conditions of employment require personnel to comply with the anti-bribery policy and antibribery management system, and give the organization the right to discipline personnel in the event of non-compliance;

b) within a reasonable period of their employment commencing, personnel receive a copy of, or are provided with access to, the anti-bribery policy and training in relation to that policy;

c) the organization has procedures which enable it to take appropriate disciplinary action against personnel who violate the anti-bribery policy and anti-bribery management system;

d) personnel will not suffer retaliation, discrimination, or disciplinary action (e.g. by threats, isolation, demotion, preventing advancement, transfer, dismissal, bullying, victimization, or other forms of harassment) for

1) refusing to participate in, or turning down, any activity in respect of which they have reasonably judged there to be a more than low risk of bribery that has not been mitigated by the organization; or

2) concerns raised or reports made in good faith, or on the basis of a reasonable belief, of attempted, actual or suspected bribery or violation of the anti-bribery policy or the antibribery management system (except where the individual participated in the violation).
7.2.2.1 IN RELATION TO ALL OF ITS PERSONNEL, THE ORGANIZATION SHALL IMPLEMENT PROCEDURES SUCH THAT:

a) conditions of employment require personnel to comply with the anti-bribery policy and anti-bribery management system, and give the organization the right to discipline personnel in the event of non-compliance

Organization should have Anti-bribery Policy (refer to 5.2 Anti-bribery Policy and 4.4 Anti-bribery management system). Organization must provide sufficient awareness / training to all employees.

b) within a reasonable period of their employment commencing, personnel receive a copy of, or are provided with access to, the anti-bribery policy and training in relation to that policy;

Integrity pledge signed by CEO/GM/Mayor/YDP to show Top Management commitment. All employees sign Integrity Pledge. Evidence: Employees attendance list during the awareness / training. The pledge signed by employees. Publish in website, intranet internal circulation (memo or email).
c) the organization has procedures which enable it to take appropriate disciplinary action against personnel who violate the anti-bribery policy and anti-bribery management system;

d) personnel will not suffer retaliation, discrimination, or disciplinary action (e.g. by threats, isolation, demotion, preventing advancement, transfer, dismissal, bullying, victimization, or other forms of harassment) for

1) refusing to participate in, or turning down, any activity in respect of which they have reasonably judged there to be a more than low risk of bribery that has not been mitigated by the organization; or

Organization should have sufficient Procedures to address ie Procedure related to Jawatankuasa Tatatertib or refer to General Order or SOP on Domestic Inquiry etc

2) concerns raised or reports made in good faith, or on the basis of a reasonable belief, of attempted, actual or suspected bribery or violation of the anti-bribery policy or the anti-bribery management system (except where the individual participated in the violation).

**Whistle Blowing Policy**
7.2.2 EMPLOYMENT PROCESS

7 Support
7.2 Competence

7.2.2 Employment process

7.2.2.2 In relation to all positions which are exposed to more than a low bribery risk, as determined in the bribery risk assessment (see 4.5), and to the anti-bribery compliance function, the organization shall implement procedure which provide that:

a) due diligence (see 8.2) is conducted on persons before they are employed, and on personnel before they are transferred or promoted by the organization, to ascertain as far as is reasonable that it is appropriate to employ or redeploy them and that it is reasonable to believe that they will comply with the anti-bribery policy and anti-bribery management system requirements;

b) performance bonuses, performance targets and other incentivizing elements of remuneration are reviewed periodically to verify that there are reasonable safeguards in place to prevent them from encouraging bribery;

c) such personnel, top management, and the governing body (if any), file a declaration at reasonable intervals proportionate with the identified bribery risk, confirming their compliance with the anti-bribery policy.

NOTE 1 The anti-bribery compliance declaration can stand alone or be a component of a broader compliance declaration process.

NOTE 2 See Clause A.8 for guidance.
7.2.2 Employment process

7.2.2.2 In relation to all positions which are exposed to more than a low bribery risk, as determined in the bribery risk assessment (see 4.5), and to the anti-bribery compliance function, the organization shall implement procedure which provide that:

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NOTE 1 The anti-bribery compliance declaration can stand alone or be a component of a broader compliance declaration process.

NOTE 2 See Clause A.8 for guidance.

Due diligence through Tapisan Keselamatan (e-vetting) by CGSO
Pekeliling Perkhidmatan Bil 6 Tahun 2011
MANUAL PENGGUNA SISTEM e-VETTING 2.0
7.4 COMMUNICATION

• JABATAN IMIGRESEN
CLAUSE 7 : SUPPORT

7 Support

7.5 Documented information (Refer A.17)
7.5.1 General
7.5.2 Creating and updating
7.5.3 Control of documented information
CLAUSE 8 : OPERATION

8  Operation

8.1 Operational planning and control

8.2 Due diligence

8.3 Financial Control

8.4 Non-financial control
8 Operation

8.5 Implementation of anti-bribery controls by controlled organizations and by business associates

8.6 Anti-bribery commitments

3.26 Business Associates:
External party with whom the organization (3.2) has, or plans to establish, some form of business relationships.

Business associates includes but not limited to clients, customers, joint ventures, joint venture partners, consortium partners, outsourcing providers, contractors, consultants, subcontractors, suppliers, vendors, advisors, agents, distributors, representatives, intermediaries and investors.
CLAUSE 8 : OPERATION

8 Operation

8.7 Gifts, hospitality, donations and similar benefits

8.8 Managing inadequacy of anti-bribery controls

8.9 Raising concerns

8.10 Investigating and dealing with bribery
GARIS PANDUAN PENGURUSAN ADUAN DIBAWAH
AKTA PERLINDUNGAN PEMBERI MAKLUMAT

• JABATAN IMIGRESEN
FLOWCHART PROCESS OF MAKING DISCLOSURE FOR WHISTLEBLOWER

WHISTLEBLOWER makes the disclosure via one of the reporting channels

WHISTLEBLOWING SECRETARIAT Administers, classifies and evaluates disclosure

WHISTLEBLOWING COMMITTEE (WBC) Deliberates on the disclosure and decides on the next course of action

WHISTLEBLOWER Notified on the outcome of disclosure

HRM takes necessary action e.g. disciplinary action and etc

INVESTIGATION TEAM Conducts investigation

EVIDENCE/DOCUMENT/PROCEDURES
SOP
TOR WB COMMITTEE
POLICY-Managing concerns relating to bribery (reporting, investigating, protect those making report
Resources (Human, Physical, Financial)
Competency
Awareness and Training
Communication-PORTAL, EFORM, REPORTING CHANNELS
SUMMARY ~ CLAUSE 8: OPERATION

- Control of operations to reduce bribery risks (gifts, hospitality, donations policy/procedures) (Refer A.15)
- Due diligence required for operations that is above low bribery risk (Refer A.10)
- Financial (Refer A.11) & Non-Financial Control (Refer A.12)
- Control of business associates to reduce bribery risks to the organization (Refer A.13 & Refer A.14)
- Managing concerns relating to bribery (reporting, investigating, protect those making report) (Refer A.18)
- Managing non-compliance of controls
CLAUSE 9 : PERFORMANCE EVALUATION

9  Performance evaluation

9.1 Monitoring, measurement, analysis and evaluation

9.2 Internal audit

9.3 Management review
   9.3.1 Top management review
   9.3.2 Governing body review

9.4 Review by anti-bribery compliance function
### 9.3 Management Review
#### REPORTING LINE

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SUMMARY ~ CLAUSE 9: PERFORMANCE EVALUATION

- Monitoring and evaluate anti-bribery performance
  - (Refer A.19)
- Internal Audit (Refer A.16)
- Review by Anti-bribery compliance function
- Review by Top Management
- Review by Governing Body
10 Improvement

10.1 Nonconformity and corrective action

- Responding to non-conformities (React, Evaluate, Implement and Review Action)
- Refer A.20

10.2 Continual improvement
A.1 General
A.2 Scope of the anti-bribery management system
   A.2.1 Stand-alone or integrated anti-bribery management system
   A.2.2 Facilitation and extortion payments
A.3 Reasonable and proportionate
A.4 Bribery risk assessment
A.5 Roles and responsibilities of governing body and top management
A.6 Anti-bribery compliance function

A.7 Resources

A.8 Employment procedure
   A.8.1 Due diligence on personnel
   A.8.2 Performance bonuses
   A.8.3 Conflicts of interest
   A.8.4 Bribery to the organization’s personnel
   A.8.5 Temporary staff or workers

A.9 Awareness and training
A.10 Due diligence
A.11 Financial controls
A.12 Non-financial controls
A.13 Implementation of the anti-bribery management system by controlled organizations and by business associates
  A.13.1 General
  A.13.2 Controlled organizations
  A.13.3 Non-controlled business associates
A.14 Anti-bribery commitments
A.15 Gifts, hospitality, donations and similar benefits
A.16 Internal audit
A.17 Documented information
A.18 Investigating and dealing with bribery
A.19 Monitoring
A.20 Planning and implementing changes to the anti-bribery management system

A.21 Public officials

A.22 Anti-bribery initiatives
Implementation Journey
THE JOURNEY

01. Get top management approval
02. Form a Taskforce
03. Study the standard and identify the gaps
04. Conduct risk assessment
05. Establish the relevant documented information
06. Form Internal audit team
07. Carry out management review
08. Certification audit

Certified ISO 37001
Challenges & Benefits
CHALLENGES

• To get appointment to interview the members of the Board
• Lack of understanding of ABMS by the governing body and top management
• Scope of certification is minimal (activities covered by the ABMS is limited).
• Unfamiliar with bribery risk assessment (identify, analysis and evaluate bribery risks).
• Unable to access initial investigation records on bribery complaints/incidences.
CHALLENGES - ORGANIZATION

• System too dependent on Integrity Department / Integrity Officer
• Getting the buy-in from all levels of the organizations.
• Lack of budget and resources allocated to implement and maintain the system.
BENEFITS

• Establish a culture of integrity, transparency, openness and compliance.
• Assist organization to avoid or mitigate the costs, risks and damage due to bribery
• Promote trust and confidence in business
• Enhance reputation and improve employee morale
• Reduce cost of operation
• Have better financial standing
• Competitive advantage at national & international markets
• Comply to acts/regulations/code of practice related to integrity/corruption
• Create awareness to the public that the organization is implementing anti-bribery practices
• Encourage and enable persons (personnel and public) to report any attempted, suspected and actual bribery incidences. The persons are protected.
Certification Process
CERTIFICATION PROCESS

Application → Stage 1 Audit → Stage 2 Audit → Certification

Once a Year
Surveillance Audit

Certificate valid for three (3) years
THE CERTIFICATE

CERTIFICATE

SIRIM QAS International hereby certifies that

XXXX SDN. BHD.
JALAN XXX
TAMAN XXX
40000 SHAH ALAM
SELANGOR DARUL EHSAN
MALAYSIA

has implemented an Anti-Bribery Management System complying with

ISO 37001: 2016

MSSISO 37001: 2016

ANTIBRIBERY MANAGEMENT SYSTEMS - Requirements with Guidance for use

Scope of Certification

ANTI-BRIBERY MANAGEMENT SYSTEM FOR XXXXXXXXXX000000000000

Issue date 03 November 2017
Validity period 03 November 2017 - 02 November 2020

Certification No. ABMS XXXXX
CERTIFICATION MARK

ANTI-BRIBERY

SIRIM

CERTIFIED TO ISO 37001:YYYY
CERT. NO. : XXXXXX
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