

14 hours **ZOOM & PHYSICAL** Program

# Anti-Bribery and Corruption - S. 17A Corporate Liability Perspective



## COURSE OBJECTIVES:

By the end of the course you will be able to:

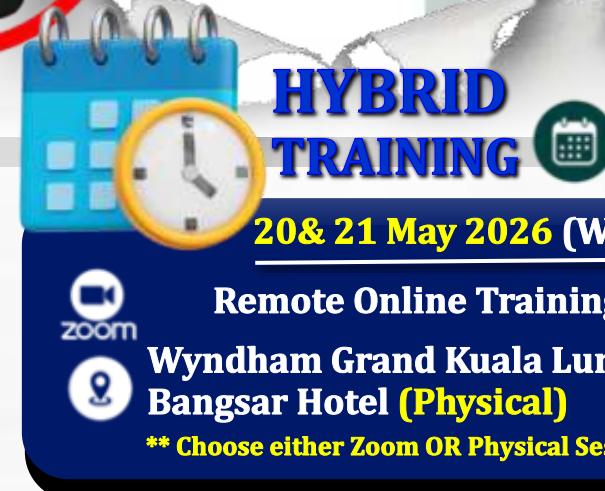
- Understand background, structure and intent of Malaysian Anti-Corruption Act 2009 and Amendment Act 2018 (S. 17A)
- Interpret the requirements for 'adequate procedures' as per MACC Act 2009 based on the principles of T.R.U.S.T
- Understand and learn methods of conducting due diligence within the parameters of legal provisions
- Ability to identify existing / potential ethical conduct within the organization or emanating from 3<sup>rd</sup> party engagement, which may have an impact on Business Continuity activities
- Legal Impact(s) due to ineffective management of unethical business conduct.
- Define malpractices & Spotting The Red Flags during the course of hiring, sourcing and contract management and also Account Payables
- Describe the Plan-Do-Check-Act management system and how it relates Adequate Procedures
- Understand about Pre-Employment Screening & Whistle-Blowing
- Understand Malpractices Detection & Profile Auditing
- Obtaining, collation and preservation of Digital Evidence

## WHO SHOULD ATTEND:

- Anyone involved in managing corporate governance and integrity practices of the organisation
- Anyone involved in contracting of any kind, especially holding a portfolio for evaluating and sourcing for suppliers, contractors, etc. Whether a team member, project manager, or executive.

## DURATION:

– 14 Hours / 2 days



## COURSE OVERVIEW

### Course Description

This programme is designed to give participants a solid understanding in bribery and corruption detection and prevention in Malaysia in accordance to the **Malaysian Anti-Corruption Commission Act 2009 & 2018 (Amendment Act)** and other relevant Laws in Malaysia and its application within the organization and the related industries & trade.

Effective **1<sup>st</sup> June 2020**, **Section 17A of MACC Act 2009** enables prosecution of commercial organizations involved in corruption activities unless these commercial organizations can establish the defense of.... **NO CONSENT & ADEQUATE PROCEDURES**

This session shall focus on, methods of establishing these defenses.

### Training Methodology will be based on the following

- Highly Interactive Session, with a bilateral approach to the subject matter allowing participants to share incidences at respective work locations.
- Virtual Learning / Classroom Face To Face Session
- Case Studies on various reported Cases
- Ice Breaking / Monotony Breaking Sessions – Purpose of rejuvenating the mind

**\*\* Digital Certificate of attendance will be awarded for those who completed the course.**



## COURSE CONTENT

### Fundamentals on MACC Act 2009 – Strategic Values

- **Laws and Standards governing Ethics, Bribery & Corruption**

- MACC Act 2009
  - Evidence Act 1950
  - Employment Act 1955
  - Contracts Act 1950

- **Definition Bribery & Corruption**

- **Definition of Asset Misappropriation**

- **Investigation Process and Procedures**

- Reporting
  - Initiating and investigation
  - Evidence ( Verbal, Documentary, CCTV, Digital, Email, Eyewitness)
  - Domestic Inquiry and Prosecution

***Case Studies***

- **Risk and Corporate Governance**

- Fundamentals
  - Processes & SOPs
  - Ingredients
  - Environment, People and Opportunity
  - Dominant factor
  - Corporate governance in jeopardy
  - Generic reasons for bribery and Corruption
  - Risk (Reality vs Myth)
  - The risk domains in an organisation
  - Red Flags of Bribery & Corruption

### Guideline and Implementation of No Consent Requirement & Adequate Procedures To Support MACC Act 2009 & 2018 (S. 17A & 17B)

- **No Consent**

- Definition
  - How does a corporation show / prove no consent

- **Adequate Procedures Encompass The Following**

- Principles of T.R.U.S.T
  - IT and Physical Security
  - HR Processes & Procedures
  - Finance Processes (Accounts Receivable and Accounts Payable)
  - Claims Management
  - Inventory management
  - Zero Balancing - Record keeping and reporting
  - Credit Note Management
  - Disposal of obsolete and damaged goods – Scrapping Process, Writing Off Process

- **Developing and Implementing Anti Bribery and Compliance Programme**

- Top Down Exercise – Management Support
  - Due Diligence and Risk Management
  - Policy – Content Framework
  - Detailed policies for particular risk areas
  - 3<sup>rd</sup> Party communication & management
  - Internal Controls and documentation
  - Communication and training
  - Promoting and incentivizing ethics and compliance
  - Seeking guidance – Detecting and reporting violations addressing violations
  - Periodic reviews and evaluation of the anti-corruption programme

## COURSE CONTENT

- **Due Diligence**

- Financial Records
- Methods of Conducting Due Diligence in the hiring process (Human Resources)
- Methods of Conducting Due Diligence in the sourcing and engagement of 3<sup>rd</sup> parties process (Procurement / Purchasing / Vendor Management)
- Laws governing Personal Data and Financial Records Searches (PDPA 2010, FSA 2013) and how to manage searches within the ambit of the law
- Best practices
- Maintaining Records for Due Diligence
- Chain of Custody of records and evidence of Due Diligence
- Digital and Manual Records – Evidential Weightage
- Usage of 3<sup>rd</sup> Parties to conduct Due Diligence – Cogency and Integrity of Data
- Evidential Burden

- **Improving Ethical Behavior in Business**

- 3 Key Elements that Influences Ethical / Unethical Decisions in an Organisation
  - ⇒ Individual Standards & Values
  - ⇒ Managers & Co- Workers Influence
  - ⇒ Opportunity (Codes & Compliance Requirements)
- Corporate Governance (Organisational Policy)
- HR Policies (Employee Relations & Code of Ethics)
- Whistleblowing ( Whistle-blower Protection Act 2010)
- Standard Operating Procedures (SOP) Compliance in line with Business Ethics and Key Risk Indicators (KRI)
- Joint Responsibility Approach
- Compliance to related regulations, laws and standards.

- **Selection & Performance Management of Suppliers**

- Methodology
- Reporting
- Escalation Path