

Gift Policy

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1.0 Introduction

- 1.1 Education Malaysia Global Services (“EMGS”) is a Company Limited by Guarantee which performs the following public functions:
 - Administer visa/iKad application and processing for international student;
 - Promote Malaysia as a global destination for education; and
 - Facilitate medical checkup and insurance coverage for international students in Malaysia.
- 1.2 In order to prevent the misuse of gift, hospitality and other benefits in fulfilling its public functions, EMGS has establish this Gift Policy.
- 1.3 This Gift policy should be read together with EMGS Code of Business Conduct and Ethics (the “Code”) and EMGS Anti-Bribery and Corruption Policy (“ABC Policy”). Any violation against this policy shall constitute violation of the Code; and must be immediately reported to the Head of EMGS IGU for further action.
- 1.4 You are not only required to stringently comply with EMGS Gift policy but are required to comply with Gift Policy/Code of Conduct of the person(s) you are dealing with. In the event of any conflict between both policies, the stricter would apply.
- 1.5 This Gift Policy excludes donation/aid and community sponsorship incurred by EMGS, which shall be governed by guidelines issued by EMGS’s Corporate Social Responsibility (“CSR”) personnel in accordance with the ABC Policy.
- 1.6 This Gift Policy covers EMGS’s employees and directors; and anyone acting for or on behalf of EMGS including EMGS’s counterparties and third parties. References to “you” in this policy refer to any person to whom this policy applies as stipulated here. Where more specific references are used (such as “employee” or “director”), the more specific reference shall apply”.
- 1.7 References to “gift(s)” in this Gift Policy refers to gift and/or hospitality and/or other benefits.

2.0 EMGS’s Gift Policy

- 2.1 You as EMGS employees, directors, agents, or your family members, acting for or on behalf of EMGS employees, directors or their family members are **prohibited** from, directly or indirectly, receiving and providing gifts when such gift given/accepted are in conjunction with your duties for or on behalf of EMGS.
- 2.2 Although the general principle is to immediately refuse or return such gift; accepting gifts is allowed in limited circumstance if refusing the gift is likely to offend or may sever EMGS business relationship with the giver.
- 2.3 In this limited circumstance, you are required to immediately declare the gift to Head of EMGS IGU; whom will then decide whether to allow the acceptance of the gift or require it to be returned. You shall abide by the decision made by Head of EMGS IGU.
- 2.4 The Head of EMGS IGU at his/her discretion may consult the Integrity Unit of the Ministry of Higher Education on the appropriateness of the gift received especially in respect of directors and key management personnel of EMGS.

3.0 Gifts provided/received in an unofficial capacity

- 3.1 As employees, directors or agents acting for or on behalf of EMGS, you may receive or provide gifts which are not in conjunction with your duties at/for EMGS from counterparties and third parties of EMGS. You must, however, adhere to the following:
- a) It shall not be above RM500 or $\frac{1}{4}$ of your gross salary, whichever lower; and
 - b) Declare the gift immediately to the Head of EMGS IGU and abide to the action plan prescribed on whether you are allowed to keep or return it to the giver.

4.0 Commemorative gifts and festive gifts

- 4.1 Commemorative gifts which consist of souvenir items and corporate merchandises are allowed provided that they meet the following criteria:
- a) The items are attached with the external party's company logo or EMGS logo;
 - b) The value of the item given and received are modest and does not give rise to perception of impropriety, and is in adherence to recipient's gift policy; and
 - c) Items are given at public and official events.
- 4.2 The acceptance and provision of festive gifts are allowed provided:
- a) Gifts given and received during festive seasons such as food basket/hamper which are perishable (i.e. food, flowers), modest, and to be distributed/shared with all employees.

5.0 Marketing gifts

- 5.1 Marketing gifts are gifts, hospitality and other benefits given during marketing, promotional and educational events by EMGS's Branding Division and International Marketing Division, in conjunction with EMGS's public mandate in promoting Malaysia as a global destination for education.
- 5.2 EMGS's Branding Division, International Marketing Division and Chief Executive Officer ("CEO") are allowed to only provide marketing gifts, provided that the giving conform to the test of appropriateness stipulated below:
- a. Bona fide - Clear nexus must be demonstrated with respect to EMGS functions in promoting Malaysia as global education destination, and should consist part of marketing initiatives by International Marketing Division and Branding Division. Prior approval must be obtained from the CEO and Head of EMGS Integrity and Governance Unit. In the case of CEO, approval/ratification must be obtained from Board of EMGS;
 - b. No obligation - it does not create any obligation on the recipient;
 - c. No undue influence - the expenditure is not seen as intended for, or capable of, achieving undue influence in relation to a business transaction;
 - d. Made openly - it is not performed in secret and undocumented. Recipients shall be clearly reflected in the gift register/proposal and monetary value accurately captured in the records;
 - e. Legality - it is compliant with local laws and regulations;
 - f. Accords with stakeholder perception - ethical and does not give rise to perception of impropriety from a bystander;
 - g. Proportionate - values and nature of gifts is not disproportionate to the occasion;
 - h. Conform to recipient's rules - gifts meet recipient's code of conduct/ gift policy;
 - i. Infrequent - Giving or receiving gifts is not overly frequent between giver and recipient;
 - j. Documented - Expense is fully documented including purpose, approval given and value. Potential recipient must be identified in marketing proposal; and list of recipient must be attached in post-mortem reports and submitted to EMGS Head of Integrity and Governance Unit; and

- k. Reviewed – proposals and actual report of marketing initiatives including list of names and designation of marketing gifts’ recipient are properly documented and subject to review by CEO of EMGS, Head of Integrity and Governance Unit, EMGS Internal Audit Function and EMGS’s Board.

6.0 Bribery

- 6.1 Gift(s) regardless of the amount or whether it is declared or not is an offence and considered as bribery if they are given or received with intent to secure a business or personal advantage and/or to influence decision making of the recipient.

7.0 Head of EMGS Integrity and Governance Unit (“Head of EMGS IGU”)

- 7.1 The Head of EMGS IGU shall be the custodian of this Gift Policy and from time to time shall issue additional advisory or guidelines pertaining receiving and providing gift(s).
- 7.2 The Head of EMGS IGU alongside with EMGS’s IT personnel may create a Google Form or other digital means to enable easy declaration of gifts. Heads of Divisions at EMGS shall facilitate this declaration in accordance with provisions stipulated in this Gift Policy. The prescribed Gift Declaration Form shall include, but not limited to the following:
- Name, designation and organisation of giver/recipient;
 - Address and organisation of giver/recipient;
 - Date received;
 - Nature of relationship with EMGS’s employee/director/agent or their family members;
 - Value or estimated value of the gift received/given; and
 - Circumstances of the gift received/given.
- 7.3 Head of EMGS IGU shall ensure that records of gift declaration (to be known as “Gift Registry”) are kept for at least 7 years.
- 7.4 Head of EMGS IGU shall ensure periodic audits is performed to ensure compliance with this Gift Policy.
- 7.5 Head of EMGS IGU shall review this policy alongside with Head of Divisions and EMGS CEO at least once in two years or as and when required by board or top management of EMGS.

8.0 Definition

Terms	Description
Bribery	Offering, promising, giving, accepting or soliciting something of value, directly or indirectly, and irrespective of location(s) to illicitly or corruptly: <ul style="list-style-type: none"> • influence the decisions or actions of a person of position of trust within an organisation or a function that is expected to be performed impartially or in good faith; and/or • obtain or retain commercial/personal advantage or other improper favours <p>Bribery is a criminal offence under numerous anti-corruption legislations around the world including, the Malaysian Anti-Corruption Commission Act 2009 (“MACC Act 2009”).</p>
Director(s)	Voting Members of Board.
Employee(s)	Employees shall encompass all personnel including senior management, managers, executives and non-executive whom are employed by EMGS. This also covers temporary staff, contractual staff,

Terms	Description
	interns and those seconded from other government agencies and ministry.
Family member(s)	<p>"Family member(s)", in relation to a person, includes:</p> <ul style="list-style-type: none"> a) a spouse of the person; b) a brother or sister of the person; c) a brother or sister of the spouse of the person; d) a lineal ascendant or descendant of the person; e) a lineal ascendant or descendant of a spouse of the person; f) a lineal descendant of a person referred to in paragraph (b); g) the uncle, aunt or cousin of the person; or h) the son-in-law or daughter-in-law of the person. <p>It also includes adopted family members and anyone else that has close ties and considered as family by the person.</p>
Gift(s)	Includes but not limited to cash money, discounts, rebates vouchers, free fares, shares, lottery tickets, travelling facilities, entertainment expenses, meals or refreshments, club membership, any form of commission or incentives, hampers, jewelry, decorative items; and any other goods or services of value that is given/provided.
Hospitality(ies)	Includes but not limited to meals, receptions, tickets to entertainment, social or sports events. Hospitality requires the host to be present; if not, the said expenditure is a gift.
Malaysian Education Institutions	<p>For the purpose of this policy, Malaysian Education Institutions refers to education institutions that have obtain valid approval from the Malaysian Ministry of Home Affairs ("MOHA") to enroll international students in Malaysia.</p> <p>MOHA has stipulated the following criteria in processing application by education institutions to enroll international students in Malaysia. They are:</p> <ul style="list-style-type: none"> • The registration of education institutions are still valid; • Meet the conditions stipulated by agencies concerned; • Courses certified by National Accreditation Board (LAN); • Has never contravene the Immigration Act 1959/1963 (Act 155) and Immigration Rules 1963; and <p>Capable of providing facilities, teaching infrastructure and best learning process based on certification of government agency concerned and/or random inspections by MOHA and Malaysian Immigration Department.</p>
Other Benefits	These are provision of benefits received/provided by EMGS or anyone acting for or on its behalf in relation to travel, lodging and other expenses incurred from/by representatives (and family member) from Malaysian Education Institutions; vendors, business partners, agents, public officials, representative of public bodies in Malaysia and abroad, and other counterparties and third parties of EMGS.
Third-Party(ies)	Third-parties are parties such as individuals and corporate entities whom does not have or yet to have any direct connection with any transaction with EMGS directly but might be affected by it.
Vendors	<p>Person/Organisation acting for or on behalf of EMGS in the provision of goods and services. Include, but not limited to the following :</p> <ul style="list-style-type: none"> • Suppliers of goods and services; • Marketing/Promotional & Advertising agents; and • Event Agents. <p>Vendors may refer to potential vendors whom quotation was sourced and potential bidders if a tender is issued.</p>