

Hong Kong Productivity Council

Whistle Blowing Policy

1. Introduction

The Hong Kong Productivity Council is committed to achieving and maintaining a high standard of openness, probity, accountability and fair play. The Council endeavours to maintain a high standard of corporate governance and put in place pertinent systems and measures to sustain employees' vigilance to corporate governance at all time. Employees at all levels are expected to conduct themselves with professionalism, integrity, impartiality and honesty. It is every employee's responsibility and in all interest of the Council to ensure that any undue behaviour that compromise the interest of the stakeholders, business partners, customers and the general public does not occur.

2. Purpose

The Council has established procedures for handling staff members' reports on irregularities found at work, such being considered unauthorised or unacceptable under the prevailing rules, guidelines and policies of the Council. The purpose of the Whistle Blowing Policy is to provide the wider public with reporting channels and guidance on whistleblowing. The term "whistleblowing" refers to a situation where a person decides to report serious concerns about any suspected irregularity, misconduct or malpractice which he/she has become aware of or genuinely suspects that any members of staff of the Council have been or may become involved in. It is not designed to further any personal disputes, question any business decisions taken by the Council nor should it be used to reconsider any issues which have already been addressed under the Council's policies and procedures.

3. Protection to Whistleblowers

Persons (“Whistleblowers”) making appropriate complaints under this policy is assured of protection against unfair dismissal, victimisation or unwarranted disciplinary action even if the concerns turn out to be unsubstantiated. Any other person assisting in the said investigation shall also be protected to the same extent as the Whistleblower. The protection is available provided that:

- The communication / disclosure is made in good faith;
- He/ She reasonably believes that information, and any allegations contained in it, are substantially true; and
- He/ She is not acting for personal gain.

HKPC will not tolerate the harassment or victimisation of anyone raising a genuine concern. Where it is determined that there is a prima facie case that an individual has suffered adverse treatment, harassment or victimisation as a result of his or her disclosure, a further investigation may take place and disciplinary action may be taken against the perpetrator.

Person who does not act in good faith or make an allegation without having reasonable grounds for believing it to be substantially true, or make it for purposes of personal gain, or make it maliciously knowing it to be untrue may be subject to disciplinary actions.

4. Confidentiality

Persons making complaints under this policy are assured of strict confidence where only the persons who are designated to handle the complaint or have a need to know to have access to the complaint particulars.

5. Procedure

A. Reporting Channel

Persons who have a legitimate concern about irregularity, misconduct or malpractice of the Council or any staff member may raise the matter directly to the Audit Committee (“AC”) Chairman of the Council. The AC Chairman will review the complaint and decide how it should be addressed. Depending on the circumstances, the AC Chairman may consider nominating an appropriate investigating officer such as a Council member, the Executive Director, a Director of the Council, the Chief Compliance Officer or set up a special committee to investigate into the matter independently.

B. Reporting Format and Supporting Documentation

Complaints should be made in writing. While the Council does not expect the person to have absolute proof or evidence of the irregularities, misconducts or malpractices, the disclosures should show reasons for the concerns and full disclosure of any relevant details and supporting documentation.

The complaint should be sent to the Audit Committee Chairman, c/o Executive Director’s Office, 2/F, HKPC Building, 78 Tat Chee Avenue, Kowloon, Hong Kong in a sealed envelope clearly marked “Strictly Private and Confidential – to be opened by Addressee Only” to ensure confidentiality, or through email to: whistleblowing@hkpc.org

Only the person who is designated by the AC Chairman will have access to such email or correspondence.

Complainants are required to put their name to any reports they make. Anonymous complaints are usually not entertained.

C. Investigation Procedure

The AC Chairman or the person designated to investigate the complaint will write to the complainant whenever reasonably practicable to:

- acknowledge that the concern has been received;
- advise whether or not the matter is to be investigated further and if so what the nature of the investigation will be; and
- give an estimate of how long the investigation will take to provide a final response.

The AC Chairman may in some instances refer the matter together with the relevant information to the law enforcement authorities for follow-up where he considers fit without prior notice or consultation with the Whistleblower. Once the matter is referred to the law enforcement authorities, HKPC may not be able to take further action on the matter, including advising the Whistleblower of the referral, unless otherwise advised by the law enforcement authorities.