Description
The Westpac Group aims to provide all workers with a healthy and safe work environment free from harassment, discrimination, bullying, victimisation and vilification.

This policy covers how we treat each other and how we treat other people in our workplaces including employees, contractors, customers and visitors. It applies wherever you are at work or when you are representing Westpac Group in any way, such as at work related functions, like seminars, conferences and social events. Harassment, discrimination, bullying, victimisation or vilification can occur through a variety of ways including through face to face interactions, over the phone, email, text messaging and through social media channels.

If you have a concern about any of these things, we provide several avenues for you to raise an issue. We also provide training to ensure all employees, contractors and People Leaders are aware of our approach and understand their responsibilities.

If you feel you’ve been discriminated against, harassed, bullied, victimised or vilified and you have told us about it, we will aim to act quickly, confidentially (to the extent possible) and professionally to resolve the issue.

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Coverage
This policy applies to all employees and contractors in Australia of Westpac Banking Corporation (including those working in St.George, BankSA and Bank of Melbourne) and the following Westpac Group companies:

- Asgard Wealth Solutions Ltd;
- BT Financial Group Pty Limited;
- Westpac Financial Consultants Limited;
- Westpac General Insurance Services Limited; and
- Qvalent Pty Limited.

You should read this policy together with the relevant sections of any Enterprise Agreement that applies to you or your team member.

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Discrimination, harassment and bullying in the workplace
Not only are discrimination, harassment (including sexual harassment) and bullying against Westpac Group values, they can also be unlawful and are simply not tolerated by the Westpac Group.

Discrimination, sexual harassment and bullying are against the law. There are Federal and State laws including anti-discrimination laws that apply to you and to the Westpac Group. If you engage in such conduct, legal action can be taken against you personally and also against the Westpac Group.

This sort of behaviour can have significant adverse impacts on the health and safety of our workers. In addition to potential impact on individuals, there are significant adverse business impacts associated with dealing with claims of discrimination, harassment, bullying, vilification and victimisation in the workplace. These include:

- Absenteeism
- Loss of talent, expertise and diversity in our workforce
- Lower employee morale
- Management time and legal costs
- Reduced productivity

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Discrimination

What is discrimination?

Discrimination is any practice that makes distinctions between individuals or groups that disadvantages some people and/or advantages others.

Not all discrimination is unlawful. Discrimination is unlawful if it is based on prohibited grounds (set out below), such as discrimination on the grounds of sex, race or age.

A person can unlawfully discriminate against another person even if they did not intend to do so.

This policy does not deal with lawful types of discrimination such as rewarding good performance or selecting a qualified person rather than an unqualified person for a role. There are 2 forms of unlawful discrimination – direct and indirect.

- **Direct discrimination** is when someone is treated less favourably in their employment due to one of the prohibited (unlawful) grounds set out above. For example, you don’t hire someone because of their age or their race.
- **Indirect discrimination** is when there is a requirement, condition, policy or rule which appears to be the same for everyone but has an unfair and unreasonable effect on some people because of their gender, race, disability or some other prohibited ground (set out above). For example, only employing persons of a certain height may be indirectly discriminating against females, who are on average, shorter than men.

What is unlawful discrimination?

It is against the law to discriminate against someone on these prohibited grounds (but this varies from State to State):

- Age
- Breastfeeding
- Carers’ responsibilities
- Disability (including HIV and AIDS)
- Family responsibilities
- Gender or gender identity (including intersex and transgender)
- Marital or relationship status
- Medical or irrelevant criminal record
- Parental status
- Physical appearance
- Political opinion
- Pregnancy or a potential pregnancy
- Raising health and safety concerns or performing legitimate safety-related functions.
- Race, nationality or ethnic origin
- Religious beliefs or activity
- Sexuality or sexual orientation
- Social origin
- Union membership or protected industrial activity

Not all of these prohibited grounds apply in each State and Territory of Australia. However, all of them are unacceptable at the Westpac Group.

Example of unlawful discrimination in the workplace

**Discrimination because of pregnancy or carers’ responsibility**

Discrimination because of pregnancy, potential pregnancy or carers’ responsibility is unlawful at any time during the employment cycle (for example, during recruitment, employment, leave, dismissal and retrenchment).

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What does this all mean?

This means that people who are pregnant, may become pregnant, or have carers’ responsibilities must:

- be treated the same as other candidates during recruitment
- be treated fairly and equitably at work – for example, People Leaders should make reasonable adjustments to help women work safely while pregnant but cannot reduce their terms and conditions or deny them benefits because they are pregnant
- be granted all their leave entitlements in accordance with policy and or relevant law
- be equally considered for vacant employment positions, whether as part of a recruitment process or during a restructure
- not be dismissed or retrenched because they are pregnant, because they may become pregnant or because they have carers’ responsibilities, even if this is only one of the reasons for dismissal or retrenchment.

If you need further information about parental leave, please refer to the parental leave policy.

Dealing with customers

There are circumstances where our customers may prefer to deal, or not to deal, with one of our employees based on a prohibited ground. For example, a victim of domestic violence may prefer the assistance of a female teller in separating her finances from her husband’s.

While we will try to accommodate reasonable customer requests, we would not agree to any customer request of this nature which would cause disadvantage to any of our employees. People Leaders should consider all the circumstances of the request by the customer and any impacts it may have on employees. If you are concerned about a customer’s request of this nature or the impact of such a request, you can talk to your People Leader or if you want to talk to someone outside your team, call the HR Service Centre.

If you would like further information about raising a concern, please see our Grievance Process policy which is on peoplepress.

Harassment

What is harassment?
Harassment is behaviour which is unreasonable, uninvited and unwelcome that a reasonable person would consider:

- Offends, humiliates, intimidates or threatens another person, or
- Makes our workplace uncomfortable and hostile for other employees.

It is against the law to harass someone on the same prohibited grounds listed for unlawful discrimination.

Harassment may occur as a single act, or as a series of incidents, persistent innuendos or threats.

Harassment does not have to be directed to a particular person to be unlawful. Behaviour which creates a hostile working environment for other people can also be unlawful. For example, people overhearing your conversation have a right to complain if they are offended.

Some types of harassment

Sexual Harassment
Sexual harassment occurs if a person harasses another person by:

- making an unwelcome sexual advance or an unwelcome request for sexual favours; or
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed
- circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Both men and women can be sexually harassed, by someone of the same or the opposite sex.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other people can also be unlawful.

Sexual harassment can occur even when there is no intent to cause offence. The issue is whether a reasonable person would have anticipated the possibility of offence.

Examples of sexual harassment are:

- Making unwelcome comments about someone’s sexual orientation, gender identity or physical appearance
- Making sexually oriented jokes, innuendo or comments
- Using non-verbal behaviour (like leering or ogling)
- Persistently inviting someone to social events or phoning them (at work or at home) when they have told you they don’t want you to
- Having offensive screen savers, emails or other technology or computer material of a sexual nature
- Inappropriately using the internet at work (such as pornography websites)
- Using email or other technology to send or forward offensive messages, including messages that might be sent while you are working in non-traditional work spaces such as a cafe
- Making obscene phone calls, displaying obscene photographs or other material or engaging in obscene behaviour
- Pressuring someone for sexual favours for any reason
- Using deliberate physical contact like patting, pinching, touching, hugging or brushing against someone else’s body
- Stalking, sexual assault and rape (these are criminal offences and should be reported to the police immediately).

Mutual attraction which is welcome and reciprocated between two people is not sexual harassment. We are concerned with behaviour that adversely affects the workplace, not the private lives of our employees or contractors. However, employees are required to be respectful of others and conduct themselves in a professional and appropriate manner at all times in the work environment.

Racial Harassment
Racial harassment includes harassing someone because of their colour, descent, ethnicity, national origin or nationality.

It can take many forms including threats, abuse, insults and taunts based on a person’s race or characteristics belonging to a particular race. Examples include making racially-based jokes, calling people racial names or making racial slurs and remarks.

Vilification
Vilification is a very serious breach of the law. It means doing or saying something in public that creates, encourages or incites hatred, severe contempt for or severe ridicule of other people on the grounds of, for example:
• Their race, ethnic or religious background
• Having AIDS or being HIV positive
• Being transgender or homosexual (gay, lesbian, or bisexual) or intersex.

An example of vilification is making severely contemptuous and highly offensive statements about a particular race in a team meeting.

Victimisation

Victimisation is when someone is retaliated against, subjected to pressure, adverse comment, isolation or other detrimental behaviour because they:

• Made a complaint about discrimination, harassment, bullying, victimisation or vilification
• Are part of a complaint made by someone else
• Supported someone else who has made a complaint.

An example of victimisation is excluding or isolating someone from a training opportunity because they have lodged a complaint.

Bullying

What is bullying?
Bullying is repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety.

Bullying behaviour does not need to be based on a ground of discrimination, such as sex, race, or age. A person might be bullied for any reason.

Generally, for conduct to constitute bullying, it must be repeated. A ‘one-off’ incident would not normally constitute bullying but should not be ignored as it may have the potential to escalate. Bullying can consist of a range of unreasonable behaviours over time.

Bullying can be intentional or unintentional. The issue is whether a reasonable person considering the circumstances, would consider the behaviour to be victimising, intimidating or threatening to a person or group of people in the workplace.

Bullying can be carried out in a variety of ways, including face to face or over the phone, through email or text messaging, internet chat rooms, instant messaging or other social media channels.

Examples of workplace bullying
Bullying behaviour in the workplace can range from very obvious verbal or physical assault to very subtle psychological abuse.

Examples of obvious bullying may include:

• Abusive behaviour towards another employee such as threatening gestures or actual violence
• Aggressive or abusive or offensive language or comments, including threats or shouting
• Demeaning remarks
• Constant unreasonable and unconstructive criticism.

Examples of subtle bullying may include:

• Deliberate exclusion, isolation or alienation of an employee from normal work interaction, such as intentionally excluding the employee from meetings or work activities
• Setting tasks that are unreasonably below or beyond a person’s skill level
• Spreading misinformation or malicious rumours or undermining another employee, including encouraging others to ‘gang up’ on the employee
• Deliberately changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee
• Setting unreasonable timelines or constantly changing deadlines
• denying access to information, supervision, consultation or resources such that it has a detriment to the worker
• excessive scrutiny at work
• withholding information that is vital for effective work performance.

What is not bullying?
Reasonable management action taken in a reasonable way is not bullying. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker’s performance.

Not all workplace conflict will constitute bullying. Differences of opinion and disagreements will generally not be considered to be workplace bullying.

Examples of reasonable management which would not be considered bullying include:

• Setting reasonable performance goals, standards and deadlines
• Expressing differences of opinion in an appropriate manner
• Regular coaching and feedback on performance and/or behaviour in the workplace
• Giving lawful instructions to employees or contractors about the performance of their role or exercising reasonable supervision of an employee
• Informing, counselling and managing employees for unsatisfactory performance in the right forum and in an appropriate manner (i.e. in an honest, fair and constructive way)
• implementing organisational changes or restructuring and/or transferring a worker for operational reasons
• deciding not to select a worker for promotion where a reasonable process is followed
• taking disciplinary action including suspension or termination of employment
• informing a worker about inappropriate behaviour in an objective and confidential way
• Allocating work in accordance with operational or business needs e.g. roster changes

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Your responsibilities
Employees and contractors
All employees and contractors are required to take reasonable care that their acts or omissions do not adversely affect the health, safety, and wellbeing of others in the workplace.

You must not unlawfully discriminate against, harass, bully, victimise or vilify anyone when you are working, representing any member of the Westpac Group, or at any work-related functions.

You need to ensure you understand the meaning of discrimination, harassment, bullying, victimisation and vilification and what this type of behaviour might look like in the workplace and at work related functions, as well as your responsibilities under this policy. You should also be aware that sending inappropriate text messages or making inappropriate comments using social media outside of work that are directed to or at work colleagues may also constitute discrimination, harassment, bullying, victimisation or vilification.

You must complete the ‘Doing the Right Thing’ training when you first start with us and then every 2 years.

If you witness discrimination, harassment, bullying, victimisation and vilification, don’t be silent about it. You should raise it with your People Leader (if appropriate) or use one of the options for reporting an issue—see our Grievance Process policy which is on Peopleplex.

We expect employees to raise genuine concerns. If we find that a grievance has been made falsely or maliciously it will not be progressed and we may take disciplinary action against you.

If an employee is found to have engaged in any inappropriate conduct concerning discrimination, harassment, bullying, victimisation and vilification, disciplinary action may be taken against that person which may include termination of employment.

People Leaders
In addition to your responsibilities as an employee, you need to:

• Make sure everyone in your team completes the ‘Doing the Right Thing’ module when they join us and then every 2 years
• Ensure that any concern about discrimination, harassment, bullying, victimisation or vilification that is raised with you or are aware of, is acted on in line with this policy and the Grievance Process policy on Peopleplex
• Seek assistance or escalate the issue if you need to. In this regard, speak to your People Leader or call the HR Service Centre on 1800 655 592 or +61 2 9293 9771.

Discrimination, harassment, bullying, victimisation or vilification (inappropriate conduct) can result in absenteeism, reduced employee productivity and motivation, and loss of experienced and skilled employees through resignation. This inappropriate conduct may also have significant social and health costs for individual employees, including loss of confidence, increased anxiety, depression and loss of sleep and can also affect others in the workplace in a similar way, even when they are only witnesses to the conduct and are not subjected to the conduct themselves.

As a people leader you should be alert to the possibility of inappropriate conduct and should monitor key indicators such as high absenteeism and high employee turnover.

In addition to productivity and employee turnover issues, inappropriate conduct has a seriously negative effect on the Westpac Group through both management time in dealing with the problem and potential legal implications.

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Consequences of policy breaches
You must follow this Policy at all times. Failure to do so is likely to result in disciplinary action being taken against you.

The type and severity of the disciplinary action will depend on the circumstances of the situation and the seriousness of the breach. In serious cases, this may include immediate termination of your employment.

Agents or contractors who are found to have breached this Policy may have their contracts terminated or not renewed.
You may also be personally liable under Federal or State legislation (including anti-discrimination legislation such as the Sex Discrimination Act 1984 (Cth)), and your employer may also be vicariously liable (legally responsible) for your actions.

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Compulsory Training
When we come to work we expect the freedom to be able to enjoy work without the intrusion of unlawful discrimination and harassment. It's about living the Westpac Group's values and treating people with dignity and respect.
Therefore, to ensure you understand your responsibilities, we require everyone, including all employees, contractors and agency temps, to complete relevant discrimination and harassment training.

The 'Doing the Right Thing' online training program contains a module all about this subject and is part of your compulsory training requirements.

It is important you complete this training because it accords with the Westpac Group’s values.

All new employees and contractors must complete the 'Doing the Right Thing' online training program as soon as possible after they start working for us and do refresher training every 2 years.

Accessing the training

You can access the training in e-Academy.

If you have trouble accessing the training or need any help, you should call Learning Support on 1800 655 592 or +61 2 9293 9771.

Raising a complaint about discrimination, harassment or bullying

Employee/Contractors

Make a complaint or raise an issue

We recommend that you read our Grievance Process which is available on PeopleExpress as this contains further information about raising a grievance.

- There are different ways to resolve a concern of discrimination, harassment, bullying, vilification or victimisation. You should choose the avenue you feel most comfortable with:
  - Try to resolve the concern yourself if you feel you are able to.
  - If you need assistance or advice, talk to your people leader or if you want to talk to someone outside your workplace, call the HR Service Centre on 1800 655 592 or +61 2 9293 9771.
  - Concern Online is a channel for you to raise any concern or grievance you have on an anonymous basis. This is sometimes known as the Westpac Group internal "whistle blowing" system. Typically, this is a way to raise issues relating to breaches of laws or compliance.

Please note: Some grievances cannot be progressed or investigated fairly if you choose to remain anonymous, for example, if the allegations involve harassment or unlawful discrimination. You will remain anonymous if you raise a grievance with Concern Online unless you consent to your identity being revealed.

- The Westpac Group will investigate your complaint in accordance with the Grievance Process.
- If you are not satisfied with the outcome or the way your complaint has been handled, you can escalate it for review in accordance with the Grievance Process.

As discrimination, harassment or bullying is also a health and safety related incident, you should report the incident via the H&S&W Incident and Hazard Management System through the Westpac safe+sound or St George safe+sound Intranet page.

People Leaders

Address a complaint or issue

Act on any issue raised:

- If an employee raises a concern with you, you must ensure it is acted on appropriately. Please contact HR Service Centre for advice and familiarise yourself with the Grievance Process which is available on peopleexpress.
- If an employee is unsure how to raise a complaint, advise them of the avenues available to them.
- Discuss your employee’s concerns to gather an understanding of the issue and the person or people involved.
- Ask what your employee wants the outcome to be.
- Wherever possible, keep your employee working as usual while the matter is addressed.
- Try to resolve the matter as quickly and fairly as possible.
- Make sure you update your employee regularly as to the status of the matter.
- If you are managing the grievance, discuss your recommendations with your people leader.
- Meet with your team member to advise of the decision.
- Address any follow up questions or communication required.
- Ensure that the employee is not victimised as a result of making the complaint.

Maintain confidentiality:

- Ensure any issue raised or complaint is treated confidentially to the extent possible.

Consider disciplinary action if your employee made a false complaint:

- You may need to counsel an employee if it is found they made a false complaint. This may include taking disciplinary action. We recommend you seek advice from the HR Service Centre if you feel this is the appropriate course of action.

If you need help addressing or resolving a complaint or a customer request to deal with another employee, seek it from:
• Your People Leader
  • The HR Service Centre - 1800 655 592 or +61 2 9293 9771
  • ManagerLINK - 1800 626 619

Report an incident:
As discrimination, harassment or bullying is also a health and safety related incident, you can report the incident via the HS&W Incident and Hazard Management System through the Westpac safe+sound or St George safe+sound intranet page.

Policy discretion levels
The following outlines which policy elements are mandatory, subject to divisional discretion and local (subject to People Leader discretion).

Mandatory
• Complying with all requirements of this policy
• Complying with legislative requirements
• Completion of training
• Following the Grievance Process.

Divisional
• There are no divisional discretion levels applicable for this policy.

Local
• There are no local discretion levels applicable for this policy.

Related information
Related policies and information
Applying the Group Code of Conduct
Applying the technology code of use
Concern Online
Grievance process
Whistleblower protection policy
Social Media policy
Misconduct and Disciplinary Action policy
Bullying information for staff and People Leader’s Guidelines for Addressing Workplace Bullying on Safe+Sound
Reporting a WHS incident: Westpac (incl. BT) – go to the Westpac safe + sound intranet page; St. George Group – go to the St. George safe + sound intranet page

Industrial Instruments
Westpac Group Industrial Instruments

Disclaimer
Westpac Banking Corporation (and its related bodies corporate) may amend, vary, supplement or remove this policy at any time.
This policy does not form part of your employment contract.

Employees are unable to access this policy if it does not apply to them.

Policy Owner
Employee Relations

Policy Owner(s)/s contact name(s)
Employee Relations and Policy

Contact Name(s) for a policy
Employee Relations and Policy

Contact Details for a policy
1800 655 592 or +61 2 9293 9771
For further information, please speak to your People Leader or FAQ.
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<tr>
<td>Version</td>
<td>24.0</td>
</tr>
<tr>
<td>Published Date</td>
<td>10/04/2018</td>
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