Discrimination and harassment

At Westpac, we aim to have a workplace free from harassment, discrimination, bullying, victimisation or vilification where employees are treated fairly and with respect.

This policy covers how we treat each other and how we treat other people in our workplaces including customers and visitors. It applies in the office and at work related functions, like seminars, conferences and social events.

If you have a concern about any of these things, we provide several avenues for you to raise an issue. You can access advice that will help you decide how to approach an issue. We also provide training to ensure all employees 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.

Coverage

This policy applies to all employees, consultants, contractors and temporary (agency) workers in Australia of Westpac Banking Corporation and the following Westpac Group companies:

- BT Financial Group Pty Limited
- Westpac Financial Consultants Limited
- Westpac General Insurance Services Limited.

This policy does not apply to employees of St.George Bank Limited or Asgard Wealth Solutions.

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

Discrimination and harassment in the workplace

Not only is this conduct against Westpac values, it can also be unlawful, it’s simply not good for business.

There are significant adverse business impacts associated with dealing with claims of discrimination, harassment, bullying, vilification and victimisation in the workplace. These include:

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

**Your responsibilities**

**Employees**

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

You must 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.

You need to ensure you understand the meaning of discrimination, harassment, bullying, victimisation and vilification and your responsibilities under this policy.

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 Grievance process policy. However grievances that are found to have been made falsely or maliciously will **not** be progressed. Also, we may take disciplinary action against you.

**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

- Seek assistance or escalate the issue if you need to. In this regard, speak to your People Leader or call People Connect on 1800 655 592.

**What is discrimination?**

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

Some types of discrimination are unlawful if they are based on the 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 choosing a qualified person rather than an unqualified person.

**What is unlawful discrimination?**

It is against the law to discriminate against someone on these prohibited grounds:
• Gender, including transgender
• Age
• Race, nationality or ethnic origin
• Disability, including HIV or AIDS
• Family responsibilities
• Parental status or marital status
• Medical or irrelevant criminal record
• Political views
• Pregnancy or a potential pregnancy
• Religious beliefs or activity
• Sexuality or sexual orientation
• Trade union activity
• Physical appearance
• Social origin
• Carers’ responsibilities.

_Not_ all of these prohibited grounds apply in each State and Territory of Australia. However, all of them are unacceptable at Westpac.

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.

**Types of discrimination sometimes seen 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).

**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 can not 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 parental leave policy.

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**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 is unwelcome, unreasonable and uninvited conduct of a sexual nature that makes another person feel 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.

Examples of sexual harassment are:

- Making unwelcome comments about someone’s sexuality 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
- 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.

**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.

**Bullying**

Bullying is repeated, unreasonable behaviour directed towards an individual or a group that:

- Victimises, humiliates, intimidates, threatens or demeans a person or group or people
- Is unwelcome and uninvited
• Creates a risk to health and safety, and

• A reasonable person would think the behaviour is victimising, humiliating, intimidating, threatening or demeaning.

Your People Leader is **not** bullying you when they conduct legitimate and reasonable performance counselling in the right forum and in an appropriate manner.

**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:

• Their race, ethnic or religious background

• Having AIDS or being HIV positive

• Being transgender or homosexual.

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.

**Making a complaint**

**Options for making a complaint**

We provide different ways for people to tell us about and resolve issues of discrimination, harassment, bullying, victimisation or vilification. You should choose the option (or combination of options) that you feel most comfortable with.

The options are:

• Self help

• Ask for advice
- Ask us to resolve the issue by making an internal complaint
- Raise your issue externally by making a complaint to a court or tribunal.

We would like the opportunity to try and resolve the issue before you make an external complaint. Please refer to Grievance process policy for further information.

**Discrimination and harassment training**

**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 values.

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.

This training is important because Westpac and our people can be held directly liable for harassment and discrimination unless we have taken all reasonable steps to prevent this from occurring.

**Do new employees have to do discrimination and harassment training?**

Yes. All new employees must complete the ‘Doing the Right Thing’ online training program as soon as possible after they start working for us.

**Do I have to do discrimination and harassment training more than once?**

Yes. You need to 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 People Connect on 1800 655 592.

**What you need to do**

**Employees**

**Make a complaint or raise an issue**

**Decide how you want to resolve the issue:**

There are different ways to make a complaint. You should choose the avenue you feel most comfortable with:

- Self help
• Ask for advice

• Make an internal complaint

• Make an external complaint.

Participate and provide as much information as you can

If you lodge an anonymous complaint, make sure you provide as much information about the incident or situation as you can because we won’t be able to contact you for more information later

Maintain confidentiality.

Abide by the decision:

When a solution to the matter has been determined, abide by the terms of the decision.

Do not make a false complaint:

If we find you have made a false complaint we may take disciplinary action against you.

People Leaders

Resolve a complaint or issue

Act on any issue raised:

• If an employee raises a concern with you, you must ensure it is acted on in line with this policy

• If an employee is unsure how to raise a complaint, advise them of the avenues available to them.

Maintain confidentiality:

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

Counsel your employee if they 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.

If you need help resolving a complaint, seek it from:

• Your People Leader

• People Connect -1800 655 592

• Your People Business Unit Consultant
**Policy discretion levels**

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

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<tr>
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<td>Complying with legislative requirements</td>
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<td>Completion of training</td>
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<td>Consequences for breaches</td>
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<td>Following the grievance process.</td>
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<th><strong>Divisional</strong></th>
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**Other information**

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**Version control**

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<td>15 February 2010</td>
<td>First version in peoplesxpress replacing Employee policy of same name and associated change history.</td>
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