

# Sexual Harassment Policy

## 1. Overview

### 1.1 Purpose

This Sexual Harassment Policy (the Policy) sets out our expectations about how we behave to seek to prevent sexual harassment, sex-based harassment and conduct that creates a hostile work environment on the ground of sex (hostile work environment).

This Policy describes the expectations of our people, how to speak up and the support available if you experience or witness sexual harassment, sex-based harassment, or a hostile work environment, and the consequences for breaching this Policy.

The [Discrimination, Harassment and Bullying Policy](#) separately includes expectations about how our people behave to seek to prevent unlawful sex discrimination.

### 1.2 Application

This Policy applies to all our people, including employees and contractors, in Australia of the Westpac Group.

## 2. Policy requirements

### 2.1 Westpac Group expectations

Westpac Group has a positive duty to eliminate as far as possible sexual harassment and related unlawful conduct in the workplace. We are committed to creating a safe, diverse and inclusive place to work. We do not tolerate sexual harassment, sex-based harassment, or conduct which creates a hostile work environment. Providing a healthy and safe workplace supports our people to deliver on our Purpose, *Creating better futures together*, and is one of our Code of Conduct Outcomes, *Supporting Our People*.

All workers are responsible for their own conduct and required to take reasonable care that their acts or omissions do not adversely affect the health, safety, and wellbeing of others in the **workplace** which includes when working from home and at work-related events (including business trips/travel, conferences and functions). Preventing sexual harassment, sex-based harassment and a hostile work environment in the workplace is all our responsibility.

If you are covered by this Policy, you must familiarise yourself and comply with this Policy and the Westpac Group Code of Conduct. This means:

- not engaging in unwelcome behaviour or conduct of a sexual nature towards anyone in the workplace, regardless of gender identity or sexual orientation, and always doing the right thing
- not harassing anyone on the basis of sex
- not engaging in conduct that creates a hostile work environment
- behaving professionally and treating others with dignity, courtesy, and respect in the workplace
- taking accountability for identifying, managing and reporting risks
- you are obligated to speak up and report concerns about sexual harassment, sex-based harassment or conduct which creates a hostile work environment (including where you have witnessed or are aware of it) ('no bystander rule')
- protecting and supporting, and not disadvantaging or unfairly treating a person for making or being involved in a complaint about conduct covered by this Policy
- completing the mandatory Living Our Purpose: Respectful Conduct training.

Additional expectations for People Leaders relevant to the prevention of sexual harassment, sex-based harassment and hostile work environment are set out in the following policies:

- Group Consequence Management Framework (CMF) – engage the Workplace Resolutions team any time a concern about sexual harassment, sex-based harassment or a hostile work environment is raised with you, or any time you become aware of such a matter
- Your Health, Safety & Wellbeing in The Westpac Group – visibly champion a healthy, safe and positive workplace culture, including managing HSW risks associated with the work environment including employee behaviours, and identifying and reporting hazards and incidents
- Safety & Respect at Work-Related Events – sets behaviour expectations for work-related events to ensure our people are safe and free from harassment and other unacceptable behaviours, and includes responsibilities for People Leaders when arranging work-related events; and
- Westpac Group Code of Conduct – accountabilities for People Leaders include:
  - role modelling expectations

- encouraging team members to speak up if they identify something that doesn't seem right
- being clear that team members are safe to make their voices heard and should do so without fear of victimisation
- fixing problems early and properly, asking 'Should We?' as well as 'Can We?' to ensure good judgement in decision making.

Expectations in this Policy apply to "out-of-hours" conduct where there is a relevant connection to your engagement with Westpac, for example where the conduct:

- is likely to cause serious damage to your relationship with us; or
- damages our interests; or
- is incompatible with your duties / service as an employee or contractor.

## 2.2 Sexual Harassment

Sexual harassment is any unwelcome advance, request for favour, behaviour or conduct of a sexual nature, where a reasonable person would have anticipated the possibility that the person harassed would feel humiliated, intimidated or offended.

### Examples

Sexual harassment can include:

- actual or attempted sexual assault or rape
- unwelcome physical contact such as touching, hugging, cornering or kissing
- pressuring someone for sexual favours
- staring at a person or at parts of their body
- using suggestive or sexualised nicknames for colleagues
- suggestive or intrusive comments/questions of a sexual nature about someone's personal life, sexual orientation, gender identity or physical appearance
- sexually oriented jokes, innuendos, or sexually explicit conversations
- persistent, unwanted invitations to go out on a date or stalking
- sending/forwarding offensive sexually explicit or indecent messages or images.

### When, where and how can sexual harassment occur?

Sexual harassment can occur:

- at any time, in any situation where you interact with colleagues, contractors, customers and visitors
- at your work location, working from home and work-related events (e.g. conferences, functions, Christmas parties and business trips)
- in different forms including physically, verbally, in writing or through electronic communications (phone, email, text/instant messaging, and social media)
- regardless of gender identity or sexual orientation, and can be by someone from the same or different gender identity or sexual orientation
- when there is no intent to cause offence - the test is whether a reasonable person, considering the circumstances, would have anticipated the possibility that the person harassed would be humiliated, intimidated or offended
- in a single act or as a series of acts
- even outside of work and in relation to your relationships and interactions with colleagues.

Sexual harassment is not:

- behaviour based on mutual attraction, friendship, and respect.
- interactions that are consensual, welcome, and reciprocated.

Importantly, sexual conduct that has been welcomed in the past can become unwelcome.

## 2.3 Sex-based Harassment

Sex-based harassment is any unwelcome conduct of a seriously demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sex-based harassment does not need to be conduct of a sexual nature in the way that sexual harassment does.

Examples of sex-based harassment include:

- asking intrusive personal questions based on a person's sex
- making inappropriate comments and jokes to a person based on their sex
- displaying images or materials that are sexist, misogynistic or misandrist
- making sexist, misogynistic or misandrist remarks about a specific person
- requesting a person to engage in degrading conduct based on their sex.

## 2.4 Hostile Work Environment

A workplace environment is hostile on the ground of sex if a reasonable person, having regard to all the circumstances, would have anticipated the possibility of the conduct resulting in a workplace environment that is offensive, intimidating or humiliating to a person of a particular sex because of:

- the sex of that person;
- a characteristic that generally relates to a person of that sex; or
- a characteristic a person is generally thought to have because of their sex.

A person (the perpetrator) will have subjected another person (the person exposed) to a workplace environment that is hostile on the ground of sex if the:

- perpetrator engages in hostile conduct in a workplace where they, the person exposed, or both persons work; or
- person exposed is subjected to hostile conduct in the workplace at the same time as, or after, the hostile conduct occurs.

Examples of hostile conduct on the ground of sex may include:

- displaying obscene or pornographic materials; and
- using offensive language, jokes, or sexual innuendo which feel hostile to the members of one sex.

## 2.5 Speaking up

People who raise concerns should feel confident to do so without fear of victimisation. We do not tolerate victimisation.

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

- raised, or are considering raising a complaint about discrimination, harassment (including sexual harassment or sex-based harassment), conduct which creates a hostile work environment, bullying, victimisation or vilification
- are involved in a complaint made by someone else (including being a witness or providing information), or
- supported someone else who has made a complaint.

You can raise a concern to us via:

- our report a concern about sexual harassment form which contains ways to raise a concern online or by telephone if you would prefer to talk to someone
- your People Leader
- any senior leader in your business area.

If you are concerned about conduct by a non-employee such as a Westpac Group customer or third party provider, you can talk to your People Leader, or if you want to talk to someone outside your team contact the HR Service Centre.

When we receive a concern we will:

- allocate your concern to a specialist HR team
- act promptly
- seek your preferences in addressing your concern, including the outcome you are seeking
- consider ways we can support you and consult with you on appropriate wellbeing measures we can put in place, e.g. dedicated counselling, a period of special paid leave, or making changes to your work arrangements / environment
- to the extent possible, keep your concern confidential and take steps to preserve your anonymity if that is your preference, however this may not always be possible
- to the extent possible, we will investigate and address concerns raised by former employees and/or that relate to historical incidents.

## 2.6 Supporting you

Unique and dedicated wellbeing support is available for sexual harassment, sex-based harassment and hostile work environment concerns through ACCESS, our Employee Assistance Program. You can self-refer for this support, or provide consent for your People Leader or HR to connect you with a clinician.

You can also get support by:

- speaking to your People Leader, if you feel comfortable to do so
- via the HR Specialist addressing your concern
- contacting the Employee Care team via CareXpress
- MyCoach (via our ACCESS Employee Assistance Program) is available for People Leaders for support dealing with complex people matters or disclosure of a wellbeing concern.

You can report a concern externally, get external advice and support via:

- reporting sexual harassment to the police
- the Australian Human Rights Commission or an equivalent State tribunal
- your local FSU office or a legal practitioner
- 1800RESPECT for 24/7 confidential sexual assault and family and domestic violence counselling via phone and online chat (W: [www.1800respect.org.au](http://www.1800respect.org.au); P: 1800 737 732)
- Lifeline for 24/7 crisis support and suicide prevention (W: [www.lifeline.org.au](http://www.lifeline.org.au); T: 13 11 14)
- Beyond Blue for mental health support (W: [www.beyondblue.org.au](http://www.beyondblue.org.au); T: 1300 224 636).

## 2.7 Consequences of Policy breaches

Sexual harassment, sex-based harassment and creating a hostile work environment are unlawful conduct and prohibited under Federal, State and Territory laws. You may be personally liable if you engage in such conduct and the Group may also be liable for your actions.

Some forms of sexual harassment such as sexual assault, rape and stalking may also constitute a criminal offence under State and Territory laws. In some cases, the Group may be required to report the matter to the Police. If you have breached this Policy we will take disciplinary action against you in accordance with the Group CMF.

Contractors who are found to have breached this Policy may have their contracts terminated or not renewed.

## 3. Roles and responsibilities

First line of defence	
<b>Employees and contractors</b>	<ul style="list-style-type: none"><li>• comply with the conduct expectations of this Policy</li><li>• complete mandatory training as required</li></ul>
<b>People Leaders</b>	<p>in addition to the responsibilities above:</p> <ul style="list-style-type: none"><li>• engage Workplace Resolutions if an alleged sexual harassment, sex-based harassment or hostile work environment matter is raised with you, or any time you become aware of such a matter, whether it relates to recent or historical conduct (per the Group CMF)</li><li>• ensure team members who raise, are considering raising, or support concerns related to sexual harassment, sex-based harassment or a hostile work environment are not victimised</li></ul>
<b>Workplace Resolutions</b>	<ul style="list-style-type: none"><li>• provide specialist case management support for conduct matters involving alleged sexual harassment, sex-based harassment or creating a hostile work environment, including providing channels to raise concerns about these matters, and advice to People Leaders / decision-makers for addressing these complaints (per the Group CMF)</li></ul>
<b>Employee Care</b>	<ul style="list-style-type: none"><li>• develop, maintain and design the health, safety and wellbeing (HSW) management system, including HSW policies, communication, consultation and training</li></ul>
<b>Industrial Relations Strategy &amp; Advice</b>	<ul style="list-style-type: none"><li>• manage this Policy through its lifecycle</li></ul>
Second line of defence	
<b>Line 2 Risk function</b>	<ul style="list-style-type: none"><li>• provide insight, review and challenge to first line risk activities in relation to this Policy</li></ul>
Third line of defence	
<b>Audit</b>	<ul style="list-style-type: none"><li>• the responsibilities of Audit are outlined in the 3LOD Model Standard</li></ul>

### Disclaimer

The Group (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.