

Discrimination, Harassment and Bullying

Westpac Group is committed to creating a safe, diverse and inclusive place to work. We do not tolerate discrimination, harassment, bullying, adverse action, vilification and victimisation.

Providing a healthy and safe workplace supports our people to deliver on our Purpose, 'Helping Australians and New Zealanders succeed'.

This policy sets out our expectations about how we behave to seek to prevent unlawful discrimination, harassment, bullying, adverse action, vilification and victimisation. It covers what is unlawful discrimination, harassment, bullying, adverse action, vilification and victimisation, how to speak up, the support available and the consequences for breaching this policy.

Coverage

This policy applies to employees, contractors and consultants in Australia of the Westpac Group.

Discrimination

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

It is against the law to discriminate against someone on these prohibited grounds:

- age, breastfeeding, carers' responsibilities, disability, family responsibilities, gender or gender identity (including intersex and transgender), marital or relationship status, irrelevant medical or 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 these prohibited grounds apply in each State and Territory of Australia. However, all of them are unacceptable at the Westpac Group.

Unlawful discrimination can occur:

- at any time during the employment cycle for example, during recruitment, employment, leave, dismissal and retrenchment.
- even if it is not intended
- when interacting with other staff, customers or prospective employees.



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 two forms of unlawful discrimination:

- **direct discrimination** is when someone is treated less favourably in their employment due to one of the prohibited grounds. For example, not hiring someone because of their age, or race, or use of personal/carers leave, etc.
- **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 people who share a particular attribute that is protected by law i.e. a prohibited ground. For example, only employing persons of a certain height may be indirectly discriminating against females, who are on average, shorter than men.

Dealings with customers

Unlawful discrimination against any customer is also unacceptable.

Conversely, there may be 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 employee 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.

Adverse action

Adverse action must not be taken against anyone in the workplace because:

- they are exercising a workplace right, e.g. taking sick/carers leave or raising a grievance;
- they participate in industrial activities, e.g. being a union member;
- of a discriminatory reason, e.g. denying a promotion because the candidate is pregnant (see above for other prohibited grounds); or
- they have had a temporary absence due to illness or injury.

Adverse action includes doing, threatening, organising any of the following: dismissing a person, injuring (adversely affecting) a person in their employment, not



providing legal entitlements, altering a position to their detriment, discriminating between one person and others, and not hiring a prospective employee.

We must ensure that we do not take adverse action against anyone for a discriminatory reason.

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.

Sexual Harassment

See our separate Sexual Harassment policy.

LGBTIQ Status Harassment

This involves harassment that targets an individual or group based on sexuality or gender identity. This includes homophobia and transphobia.

Examples of LGBTIQ harassment include:

- making hurtful, derogatory or unwanted comments about a colleague's or customer's sexuality (such as to a person who is bisexual)
- knowingly misgendering an individual's gender identity (such as towards a colleague who has transitioned gender)
- initiating gossip at work, or innuendo towards someone who is Intersex.

Racial Hatred

It is unlawful to do or say something in public that harasses a person or group because of their race, colour, or national or ethnic origin.



Racial hatred can take many forms including threats, abuse, gestures, insults, taunts and posting offensive material on social media. 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, serious contempt, revulsion or serious ridicule for a person or group of people because of their:

- race, ethnic or religious background
- condition relating to health
- gender or gender identity including being transgender or non-binary
- sexuality, such as someone identifying as gay, lesbian or bisexual
- disability status.

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:

- raised, or are considering raising a complaint about discrimination, harassment, bullying, victimisation or vilification
- are part of a complaint made by someone else (including being a witness or providing information)
- 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

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 gender or gender identity, 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 constitute



another form of unacceptable conduct. Bullying can consist of a range of unreasonable behaviours over time.

Bullying can be intentional or unintentional. The test is whether a reasonable person, considering the circumstances, may see the behaviour as unreasonable.

Bullying can occur in different forms including physically, verbally, in writing or through electronic communications (e.g., phone, email, text/instant messaging and social media), and can range from very obvious verbal or physical assault to very subtle psychological abuse.

Examples of 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 or deadlines that are unreasonable
- 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
- denying or withholding access to information, supervision, consultation or resources such that it has a detriment to the worker
- excessive scrutiny at work

What is *not* bullying?

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

Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines
- regular coaching and feedback on performance and/or behaviour
- giving lawful instructions about the performance of duties or exercising reasonable supervision



- implementing organisational changes or restructuring and/or transferring a worker for operational reasons
- not selecting a worker for promotion where a reasonable process is followed
- taking disciplinary action for misconduct including suspension or termination of employment, or managing unsatisfactory performance.

Your responsibilities

Preventing discrimination, harassment, bullying, victimisation and vilification

All workers are responsible for their own conduct and 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.

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

In relation to discrimination, harassment, bullying, adverse action, victimisation and vilification this means:

- behaving professionally and treating others with dignity, courtesy, and respect
- not discriminating, harassing, bullying, taking adverse action against, victimising or vilifying anyone in the workplace (whether at your work location, working from home or at work related events such as conferences, functions, Christmas parties and business trips) including colleagues, contractors, visitors or customers
- reporting concerns about behaviour that may constitute discrimination, harassment, bullying, adverse action, vilification or victimisation (including where you have witnessed or are aware of it)
- completing the mandatory Helping You Succeed: Respectful Conduct training.

People Leaders

In addition to the responsibilities above, if you are a People Leader you must:

- familiarise yourself and comply with accountabilities for People Leaders under the Westpac Group Code of Conduct, this includes:
 - role modelling expectations
 - encouraging team members to speak up if they see something that doesn't seem right
 - being clear that team members are safe to make their voices heard
 - fixing problems early and properly, asking 'Should We?' as well as 'Can We?' to ensure good judgement in decision making.
- engage the HR Case Management team any time a concern about discrimination, harassment, bullying, adverse action, victimisation or vilification is raised with you, or any time you become aware of such an issue



- ensure your team completes the mandatory Helping You Succeed: Respectful Conduct training.
-

Speaking up

Our Code of Conduct requires that we speak up when we see behaviours that don't fit with our Values. Raising concerns about discrimination, harassment, bullying, adverse action, vilification or victimisation, whether it is happening to you or someone else, helps to improve the health and safety of our workplace.

Raising a concern

Concerns about discrimination, bullying, harassment, vilification or victimisation relating to you or someone else can be raised to your People Leader, or our specialist HR team.

We will work with you to make sure that your concerns are addressed in your preferred manner and take into account the outcome you are seeking. We will also, to the extent possible, take steps to preserve your anonymity. At times, we may have no option but to conduct a formal investigation into your concerns.

Where this is the case, we will consult with you on how the investigation is conducted (this may involve a formal interview with you and witnesses) and take your preferences into account.

We will also discuss with you any arrangements to support you during the time your concern is being resolved (for example, working from home or at another location).

Reporting an incident

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

Supporting you

You can get support by:

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

You can also get support externally via the Australian Human Rights Commission.



Consequences of policy breaches

We may take disciplinary action against you if you breach this policy in accordance with the Westpac Group Consequence Management Framework.

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 we may also be vicariously liable (legally responsible) for your actions.

Disclaimer

Version: June 2022

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.

