

Discrimination, Harassment & Bullying Policy

1. Overview

1.1 Purpose

This Discrimination, Harassment and Bullying Policy (the Policy) sets out our expectations about how our people behave to seek to prevent unlawful discrimination, harassment, bullying, adverse action, vilification and victimisation.

This Policy describes the expectations of our people, how to speak up, the support available and the consequences for breaching this policy.

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 is committed to creating a safe, diverse and inclusive place to work. We do not tolerate unlawful discrimination, harassment, bullying, adverse action, vilification or victimisation. Providing a healthy, safe and inclusive 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 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, including when working from home and at work-related events.

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:

- behaving professionally and treating others with dignity, courtesy, and respect
- not unlawfully 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
- being an Upstander, by speaking up and reporting concerns about behaviour that may constitute unlawful discrimination, harassment, bullying, adverse action, vilification or victimisation (including where you have witnessed or are aware of it)
- not disadvantaging or unfairly treating a person for making or being involved in a complaint
- completing the mandatory Living Our Purpose: Respectful Conduct training.

Additional expectations for People Leaders relevant to the prevention of unlawful discrimination, harassment, bullying, adverse action, vilification and victimisation are set out in the following policies:

- Group Consequence Management Framework (CMF) – engage the Workplace Resolutions team any time a concern about unlawful discrimination, harassment, bullying, adverse action, vilification or victimisation 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, for example addressing disrespectful behaviour or jokes / innuendo that could lead to a perception that behaviour is accepted, 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.

2.2 What is unlawful 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 prohibited grounds, including:

- age, breastfeeding, carers' responsibilities, subjection to domestic or family violence, disability, family responsibilities, gender or gender identity (including transgender), intersex status, 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.

While not all these prohibited grounds apply under law in every State and Territory of Australia, we do not tolerate discrimination on any prohibited ground.

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 women, 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 person who has experienced domestic violence may prefer the assistance of a female employee in separating her finances from her male partner'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, or unacceptable conduct by a customer or anyone else in the workplace towards you, you can talk to your People Leader or if you want to talk to someone outside your team, contact the HR Service Centre.

2.3 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 others.

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

For information and expectations about sexual harassment, sex-based harassment and conduct that creates a hostile work environment on the grounds of sex refer to our Sexual Harassment Policy.

LGBTQIA+ Status Harassment

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

Examples of LGBTQIA+ harassment include:

- making hurtful, derogatory or unwanted comments about a colleague's or customer's sexual orientation, such as to a person who is bisexual
- knowingly misgendering a person's gender identity, such as towards a colleague who has affirmed their gender
- initiating gossip at work, or innuendo, such as towards someone who is intersex
- using discriminatory or hurtful language in conversations, even when not directed to a specific person.

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.

2.4 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 prohibited ground of discrimination, such as gender or gender identity, disability, 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 physical 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 People Leaders 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.

2.5 What is adverse action?

Adverse action must not be taken against someone in the workplace (including employees, prospective employees, contractors or employers) if it is taken for a prohibited reason(s), or reasons which includes a prohibited reason (outlined below).

A person takes adverse action against another person if the person takes, threatens to take or organises the adverse action; examples include:

- dismissing an employee
- injuring (adversely affecting) an employee in their employment
- not providing legal entitlements
- altering a person's position to their detriment
- discriminating between employees
- not hiring a prospective employee.

Prohibited reasons include, for example, taking adverse action against a person:

- because the person has a workplace right (this could include a future workplace right), the person has or hasn't exercised a workplace right, or the person proposes to exercise or not to exercise a workplace right. An example of having a workplace right is the right for an employee to take personal leave (sick or carer's), or to make an enquiry or complaint in relation to their employment;
- to prevent the person from exercising a workplace right;
- because the person engages, has engaged or proposes to engage in an industrial activity (or if they don't do any of those things), e.g., taking action against a person for being, or not being, a union member;
- on a ground of discrimination prohibited in the General Protection provisions of the *Fair Work Act 2009* – these include race, colour, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, physical or mental disability, marital status, family or carer's responsibilities, subjection to family and domestic violence, pregnancy, religion, political opinion, national extraction or social origin. An example would be denying a promotion because the employee is pregnant; and
- because the person is an employee who is temporarily absent from work due to illness or injury (in this instance an employer must not dismiss the employee because of the temporary absence).

2.6 What is 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 on a ground(s) which is unlawful under relevant Federal / State / Territory legislation. Such grounds include:

- race, ethnic background, or language, including sign language
- religious beliefs, affiliation or activity (or lack thereof)
- 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

- age
- relationship or marital status, parental status, family responsibilities, or carer responsibilities
- pregnancy or breastfeeding
- political opinion, affiliation or activity
- trade union or employer association activity
- subjection to domestic and family violence
- accommodation status
- employment status
- lawful sexual activity
- irrelevant medical or criminal records.

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

2.7 What is 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 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.

2.8 Speaking Up

Our Code of Conduct requires that we speak up when we see behaviours that don't fit with our values. People who raise concerns should feel confident to do so without fear of victimisation.

You can speak up by:

- being an Upstander
- formally raising concerns
- reporting a HS&W incident.

Upstander

An Upstander is someone who speaks up and takes action against behaviours and activities that negatively impact others, such as off-handed remarks or micro-aggressions. Refer to our Upstander page for resources and information on how to be an Upstander.

Formally raising a concern

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

We will consult with you on how to address your concerns and take into account the outcome you are seeking. We will also, to the extent possible, take steps to preserve your anonymity if this is your preference. 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 a HS&W incident

As discrimination, harassment or bullying is also a health, safety and wellbeing related incident, you should report the incident via the HS&W Incident and Hazard Management System, CareXpress.

2.9 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 (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 also get support externally via the Australian Human Rights Commission.

2.10 Consequences of Policy breaches

If you have breached this Policy we will take disciplinary action against you in accordance with the Westpac Group Consequence Management Framework.

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.

3. Roles and responsibilities

First line of defence	
Employees and contractors	<ul style="list-style-type: none"> • comply with the conduct expectations of this Policy • complete mandatory training as required
People Leaders	in addition to the responsibilities as an employee or contractor above: <ul style="list-style-type: none"> • engage Workplace Resolutions if an unlawful discrimination, harassment, bullying, adverse action, vilification or victimisation matter is raised with you, or any time you become aware of such a matter • refer to and apply the Sexual Harassment Policy if the concerns raised with you, or you become aware of, are of a sexual nature
Workplace Resolutions	<ul style="list-style-type: none"> • provide specialist case management support for conduct matters involving unlawful discrimination, harassment, bullying, adverse action, vilification and victimisation, and recommend outcomes to business decision makers
Employee Care	<ul style="list-style-type: none"> • develop, maintain and design the health, safety and wellbeing (HSW) management system, including HSW policies, communication, consultation and training
Industrial Relations Strategy & Advice	<ul style="list-style-type: none"> • manage this Policy through its lifecycle
Second line of defence	
Line 2 Risk function	<ul style="list-style-type: none"> • provide insight, review and challenge to first line risk activities in relation to this policy
Third line of defence	
Audit	<ul style="list-style-type: none"> • the responsibilities of Audit are outlined in the 3LOD Model Standard

Disclaimer

Westpac Banking Corporation (and its related bodies corporate) may amend, vary, supplement or remove this policy at any time.

This policy does form part of your employment contract.