



Sexual harassment policy

1. Overview

1.1 Purpose

This Sexual Harassment Policy (the Policy) sets out our conduct expectations in relation to sexual harassment, sex-based harassment and conduct that creates a hostile work environment on the ground of sex (hostile work environment).

This Policy is one measure directed at preventing such conduct and describes the expectations of our people, how to speak up and the support available if you experience or witness sexual harassment, sex-based harassment, a hostile work environment, or victimisation, and the consequences for breaching this Policy.

The [Discrimination, harassment, bullying and related conduct policy](#) separately includes conduct expectations in relation to unlawful sex discrimination and victimisation.

1.2 Application

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

2. Policy requirements

2.1 Westpac's expectations

Westpac has a positive duty to take reasonable and proportionate measures 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 – this conduct is unlawful and unacceptable. Providing a healthy and safe workplace supports our people to deliver on our Purpose, *Taking action now to create a better future*, 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, or wellbeing of others in the **workplace** which includes when working from home and at work-related events (including business trips/travel, conferences and functions).

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

This means you must:

- behave professionally and treat others with dignity, courtesy, and respect in the workplace; and
- not engage in unwelcome behaviour or conduct of a sexual nature towards anyone in the workplace, regardless of gender identity or sexual orientation; and
- not harass anyone on the basis of sex; and
- not engage in conduct that creates a hostile work environment; and
- not request, instruct, induce, authorise, coerce, or otherwise encourage another person to engage in unlawful conduct covered by this Policy; and
- be an Upstander, by speaking up and reporting concerns in the workplace about sexual harassment, sex-based harassment or conduct which creates a hostile work environment (including where you have witnessed or are aware of it, and regardless of who engages in it, e.g. employee, customer, supplier, etc) ('no bystander rule'); and
- protect and support, and not disadvantage or unfairly treat, a person for making or being involved in a complaint about conduct covered by this Policy.

The conduct expectations in this Policy extend to "out-of-hours" conduct where there is a relevant connection to your engagement with Westpac.

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:

- Westpac 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 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 health, safety and wellbeing (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 and gatherings 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 Code of Conduct – expectations for People Leaders include:
 - role modelling our Behaviours and setting clear expectations to deliver the outcomes we expect
 - creating a supportive environment where team members feel safe to speak up knowing they will be listened to, to challenge and to use judgement
 - recognising those who live our Behaviours and deliver the outcomes we expect
 - asking 'Should We?' as well as 'Can We?' to ensure good judgement in decision making.

2.2 Sexual harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favour, or behaviour or conduct of a sexual nature, in 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.

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 other people including colleagues, contractors, customers, prospective employees or visitors
- at your work location, working from home, in a virtual workplace (e.g. when working remotely) or at work-related events (e.g. conferences, functions, Christmas parties and business trips)
- in different forms including physically, verbally, in writing or through electronic communications (e.g. 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 all the circumstances, would have anticipated that the person harassed would be humiliated, intimidated or offended
- in a single act or as a series of acts

- even if a person does not explicitly reject the conduct, it can still be unwelcome, and you should not assume your behaviour is welcome – there can be complex workplace dynamics that may prevent a person expressly objecting to unwelcome conduct
- even if prior similar conduct was welcomed – a person's behaviour can become unwelcome at any time
- outside of work in your relationships and interactions with colleagues where there is a relevant connection to your engagement with Westpac.

Sexual harassment is not:

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

2.3 Sex-based harassment

Sex-based harassment is any unwelcome conduct that is sexist and demeaning, but not necessarily sexual, in nature. Sex-based harassment is unlawful when it occurs in 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.

While it can occur in combination with sexual harassment, sex-based harassment does not need to be conduct of a sexual nature in the way that sexual harassment does.

Sex-based harassment can happen when a person is degraded, put down or disrespected because of their sex, or a characteristic generally associated with people of that sex. 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 (showing prejudice or discrimination on the basis of sex), misogynistic (strongly prejudiced against women), or misandrist (strongly prejudiced against men)
- 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 the workplace environment being 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.

Importantly, the relevant conduct does not need to be directed at a particular person for it to create a hostile workplace environment, and a person can engage in conduct that creates a hostile workplace environment for someone else, even if they did not intend to do so.

A person (the person exposed) can be exposed or subject to a workplace environment that is hostile on the ground of sex:

- where a person (the perpetrator) engages in hostile conduct in a workplace where they, the person exposed, or both persons work; or
- at a time *after* a hostile workplace environment has been created by a perpetrator's conduct.

Examples of conduct that could create a hostile workplace environment on the ground of sex may include:

- displaying obscene, sexist, sexual or pornographic materials
- making sexist, derogatory, suggestive or sexual comments, jokes or banter

- using sexist, derogatory, suggestive or sexual nicknames for others in the workplace
- sexist, derogatory, suggestive or sexual emails, phone calls, text messages or online interactions – including the use of emojis with sexual connotations.

2.5 Speaking up

Our Code of Conduct requires that we speak up when we think something is not right or if you have any concerns. 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 about sexual harassment, sex-based harassment, hostile work environment or victimisation by an employee or contractor 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.

When we receive a concern, we will:

- allocate your concern to a member of the Workplace Resolutions 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.

If your concern relates to conduct by a customer or other third party you should report it via Report a Security Incident.

Being an Upstander

An Upstander is someone who speaks up and takes action against behaviours and activities that negatively impact others, by encouraging inclusive behaviour and challenging subtle acts of exclusion. For resources and information on how to be an Upstander refer to our Upstander page.

Reporting a HS&W incident

If you need support with a health, safety and wellbeing related incident and you are unsure about the right channel to raise it, you can report it via our HS&W Incident and Hazard Management System, CareXpress.

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 get external advice and support and/or report a concern externally 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; P: 1800 737 732)
- Lifeline for 24/7 crisis support and suicide prevention (W: www.lifeline.org.au; P: 13 11 14)
- Beyond Blue for mental health support (W: www.beyondblue.org.au; P: 1300 224 636).

2.7 Consequences of Policy breaches

Sexual harassment, sex-based harassment, creating a hostile work environment and related victimisation are unlawful conduct and prohibited under Federal, State and Territory laws. You may be personally liable if you engage in such conduct and Westpac may also be vicariously liable (legally responsible) 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, Westpac may be required to report the matter to the Police.

If you breach this Policy, we will take disciplinary action against you in accordance with the Westpac 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	
Employees and contractors	<ul style="list-style-type: none">• comply with the conduct expectations of this Policy
People Leaders	<p>in addition to the responsibilities as an employee or contractor above:</p> <ul style="list-style-type: none">• 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 Westpac CMF)• ensure team members who raise, are considering raising, or support concerns related to sexual harassment, sex-based harassment or a hostile work environment are supported and not victimised
Workplace Resolutions	<ul style="list-style-type: none">• 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 matters (per the Westpac CMF)
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

Policy Owner	<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"> the role of Line 2 Risk function is set out in the 3LOD Model Standard
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 not form part of your employment contract.