



# UBS Australia Whistleblowing Framework



## Introduction

UBS is committed to fostering a speak up culture. As part of this commitment, UBS has established a whistleblowing framework to provide a safe and confidential channel for people to raise concerns without fear of retaliation.

UBS encourages all individuals who identify or suspect misconduct or an improper state of affairs to raise concerns.

You may qualify for protections under Australian Whistleblower Laws<sup>1</sup> if your report meets the criteria below.

## Who can raise a concern?

You may qualify for protections under Australian Whistleblower Laws if you are a:

- Current or former employee, consultant, contractor, agent or officer of UBS;
- Current or former supplier, or employee of suppliers, to UBS;
- Current or former associate of UBS (including the directors and company secretary of UBS); or
- Relative or dependent of any of the above, or an individual's spouse, or a dependent of an individual's spouse.

## What concerns can be reported?

A report may qualify for protections under Australian Whistleblower Laws if the reporter has reasonable grounds to suspect that their report:

- Concerns misconduct, or an improper state of affairs or circumstances in relation to UBS, including in relation to UBS's (or an associate of UBS's) tax affairs; or
- Indicates that UBS or its employees have engaged in conduct that:
  - Is an offence against certain Australian laws;
  - Is an offence punishable by imprisonment for a period of 12 months or more;

- Represents a danger to the Australian public or the Australian financial system; or

- Is prescribed by regulation.

Personal workplace or grievance related concerns are not within scope of UBS's whistleblowing framework and will be dealt with by our Human Resources department, unless the report is about victimization and detriment suffered because of making a whistleblower report, or if the report relates to a broader matter that is likely to have significant implications for UBS.

## How can you report a concern?

In order to access the legal rights and protections potentially available under Australian Whistleblower Laws, reports by Australia-based Employees or about matters related to UBS's Australian operations must be made by one of the following methods:

- directly to an 'Eligible Recipient', including a director or officer of UBS or its subsidiaries; various senior managers of UBS's Australian operations; an auditor, or member of an audit team conducting an audit of UBS or its subsidiaries; or an actuary of UBS (employees should refer to UBS's Whistleblowing Protection for Employees policy for a complete list of Eligible Recipients).

- If the concerns being reported related to Tax Affairs, they may also be reported to UBS's tax agent or BAS agent.

The amount of information you provide can make a difference to the investigation. Where possible:

- State the timing of issues (including dates or periods);
- State the names of individuals and teams;
- Provide specific examples of conduct issues; and
- Attach documents you think may be helpful.

## How are you protected?

### *Non-retaliation*

UBS is committed to protecting individuals from any discrimination or retaliation as a result of reporting whistleblowing concerns. UBS will assess the risk of retaliation to those who raise whistleblowing reports and consider whether any steps are necessary to mitigate such risk. This may include putting alternative

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<sup>1</sup> Corporations Act 2001 Pt 9.4AAA

workplace arrangements in place or offering a leave of absence.

#### *Confidentiality*

If a person discloses their identity to UBS when making a report or if their identity becomes apparent during the course of an investigation, their identity will be kept confidential and confined to the recipient(s) of the report and / or the persons investigating the report or monitoring the framework.

When a person makes a report non-anonymously, UBS will generally discuss with that person whether they consent to their identity being disclosed and, if so, how and to whom UBS may wish to disclose it. UBS will take all reasonable steps to minimize the risk that the reporting person will be identified in these circumstances.

#### *Support to whistleblowers*

UBS will also consider the need to provide wellbeing support to whistleblowers where practicable. This may be through dedicated wellbeing professional and counsellors. Employees can obtain further details of these services from the Human Resources department.

#### **Additional protections under Australian Whistleblower Laws**

1. Whistleblowers will not be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure.

2. No contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the whistleblower on the basis of the disclosure.

3. In relation to a disclosure to ASIC, APRA or other prescribed authorities or a public interest or emergency disclosure under the Australian Whistleblower Laws, the information disclosed is not admissible in evidence against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

4. The whistleblower has qualified privilege in respect of disclosures. Qualified privilege acts as a protection where communications are made in good faith and in the interests of both the reporter and recipient. A contract to which the person is a party may not be terminated on the basis that the disclosure constitutes a breach of the contract.

5. The whistleblower can seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a disclosure and UBS fails to take reasonable precautions and exercise due diligence to prevent the conduct that is subject of their disclosure.

#### **What happens after you report?**

All whistleblowing concerns are taken seriously and (if appropriate) investigated fairly and in a timely manner. UBS will, to the extent possible and appropriate, keep the reporting person informed of how any reported concern is being dealt with.