



# 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 Australia Group<sup>2</sup>;
- Current or former supplier, or employee of suppliers, of UBS Australia Group;
- Current or former associate of UBS Australia Group (including the directors and company secretary of UBS Australia Group); 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 Australia Group, including in relation to UBS Australia Group's tax affairs; or
- Indicates that UBS Australia Group or its employees have engaged in conduct that:
- Is an offence under certain Australian laws<sup>3</sup>;

- Is an offence under any other law of the Commonwealth of Australia that is punishable by imprisonment for a period of 12 months or more;
- Represents a danger to the Australian public or the Australian financial system; or
- Fails to comply with 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 UBS Australia Group-based employees or about matters related to UBS's Australia Group's operations must be made by one of the following methods:

- directly to an 'Eligible Recipient', including a director or officer of UBS Australia Group; various senior managers of UBS Australia Group's operations; an auditor, or member of an audit team conducting an audit of any member of UBS Australia Group; or an actuary of any member of UBS Australia Group (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 tax agent or BAS agent of a member of UBS Australia Group.

- 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.

<sup>1</sup> Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth)

<sup>2</sup> UBS AG, Australia Branch (ABN 47 088 129 613), UBS Holdings Pty Limited (ACN 050 101 249), UBS Securities Australia Limited ABN 62 008 586 481, UBS Asset Management (Australia) Ltd (ABN 31 003 146 290), Credit Suisse (Holdings) Australia Limited, Credit Suisse Management (Australia) Pty Ltd and any related body corporate (as defined in the Corporations Act 2001).

<sup>3</sup> This includes the Corporations Act 2001 (Cth), the ASIC Act 2001 (Cth), the Banking Act 1959 (Cth); the Financial Sector (Collection of Data) Act 2001 (Cth); the Insurance Act 1973 (Cth); the Life Insurance Act 1995 (Cth); the National Consumer Credit Protection Act 2009 (Cth); the Superannuation Industry (Supervision) Act 1993 (Cth) or any instrument made under those Acts.

## 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 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. Outside of this group, 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. Whistleblowers also qualify for protection under the Australian Whistleblower Laws if they have raised a concern to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the Australian Whistleblower Laws. An eligible whistleblower is further protected if they make tax disclosures for the purposes of obtaining assistance in relation to a disclosure to a medical practitioner or psychologist.
5. 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.
6. 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.