



Fair Work
OMBUDSMAN

ENFORCEABLE UNDERTAKING

This undertaking is **given** by Westpac Banking Corporation (ACN 007 457 141) and **accepted** by the Fair Work Ombudsman pursuant to section 715 of the *Fair Work Act 2009* (Cth) in relation to the contraventions described in paragraph 16 of this undertaking.



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Fair Work Infoline: 13 13 94 ■ ABN: 43 884 188 232

ENFORCEABLE UNDERTAKING

PARTIES

1. This enforceable undertaking (**Undertaking**) is given to the Fair Work Ombudsman (**FWO**) pursuant to section 715 of the *Fair Work Act 2009* (Cth) (**FW Act**) by Westpac Banking Corporation (ACN 007 457 141) of 275 Kent Street, Sydney NSW 2000 (**Westpac**).

COMMENCEMENT OF ENFORCEABLE UNDERTAKING

2. This Undertaking comes into effect when:
 - a) the Undertaking is executed by Westpac; and
 - b) the FWO accepts the Undertaking so executed (**Commencement Date**).

BACKGROUND

3. Westpac is an Australian Securities Exchange Top 20 listed company and is one of four major banking institutions in Australia. Westpac had a net profit of approximately \$7 billion for the 2024 financial year.
4. As at 30 September 2025, Westpac employs approximately 29,000 employees in Australia across its portfolio of financial services brands, including Westpac, St.George and Bank of Melbourne.
5. In April 2020, Westpac self-reported to the FWO that it had not appropriately applied long service leave (**LSL**) entitlements. On 15 November 2021, the FWO accepted an enforceable undertaking from Westpac for admitted contraventions of sections 44 and 50 of the FW Act in relation to the underpayment of LSL entitlements to 6,407 current and former employees totalling \$5,731,116 (exclusive of interest and superannuation). Westpac completed all obligations under that enforceable undertaking at the end of 2023.
6. In December 2020, Westpac made a further self-report to the FWO after Westpac had engaged KPMG to conduct a broader review of its payroll practices, now called the Employee Entitlements Review Program (**Review Program**). Westpac was later supported by Ernst & Young in the Review Program (after KPMG was appointed as Westpac's auditor). The Review Program involved a review of entitlements payable to employees covered by the *Westpac Group Enterprise Agreement 2013* (**2013**

Agreement), *Westpac Group Enterprise Agreement 2013* as varied by the Fair Work Commission in 2014 (**2013 Variation**), *Westpac Group Enterprise Agreement 2016* (**2016 Agreement**), *Westpac Group Enterprise Agreement 2019* (**2019 Agreement**), *Westpac Group Enterprise Agreement 2023* (**2023 Agreement**) (collectively, the **Applicable Enterprise Agreements**), and any incorporated terms or reconciliations against the *Banking, Finance and Insurance Award 2010* and the *Banking, Finance and Insurance Award 2020* (collectively, the **BFI Award**) from 1 January 2014 to 30 June 2021.

7. The Review Program included a review across the following entities within the broader Westpac Group including Westpac and the following former employing entities:
 - a) Asgard Wealth Solutions Ltd, which ceased to engage employees as of 1 January 2022 (now deregistered);
 - b) Westpac Financial Consultants Pty Limited, which ceased to engage employees as of 1 July 2019 (now deregistered);
 - c) Westpac General Insurance Services Limited, which ceased to engage employees as of 1 July 2021 (now deregistered);
 - d) BT Financial Group Pty Limited (**BT**), which generally ceased to engage employees as of 1 January 2022; and
 - e) Qvalent Pty Ltd (**Qvalent**), which ceased to engage employees as of 1 July 2022.
8. The Review Program included a staged remediation of entitlements grouped generally into the following six streams:
 - a) Stream 1 – casual loading, minimum hours, and fortnightly divisor;
 - b) Stream 2 – additional hours worked by part-time employees, grade and classification levels, public holiday loadings, overtime, meal allowance and weekend loadings;
 - c) Stream 3 – higher duties percentage;
 - d) Stream 4 – termination payments (severance and payment in lieu of notice (**PILON**) under the National Employment Standards (**NES**) upon retrenchment) and enterprise agreement superannuation entitlements;
 - e) Stream 5 – incorrect deduction of leave and time off in lieu (**TOIL**) on a public holiday; and
 - f) Stream 6 – annual payment (for leave loading), TOIL, paid parental leave for part time employees, timesheet rounding issues for employees of BT, fixed pay increases, incorrect deduction of leave and TOIL because of overlapping leave or

leave averaging, additional higher duties allowance issues, district allowance, car and per kilometre allowance and PILON under the NES (other than retrenchment).

9. The flow on effects of the remediated entitlements were also remediated as part of the Review Program (e.g., in relation to superannuation, termination entitlements and leave accrual).
10. The remediation periods were:
 - a) Streams 1 to 3 were remediated for the period 1 January 2014 to 29 December 2022;
 - b) Stream 4 was remediated for the period 1 January 2016 to 31 December 2024;
 - c) Stream 5 was remediated for the period 1 January 2016 to December 2022;
 - d) Stream 6 was remediated for the period 1 January 2018 to December 2022 or up to May 2024 (depending on the entitlement issue); and
 - e) some specific review periods were adopted:
 - i. the impact to accruing leave balances in Streams 5 and 6 was reviewed from 3 July 1998; and
 - ii. NES PILON was reviewed until 31 December 2024 in Stream 4 and 28 February 2025 for former employees in Stream 6.
11. As at 1 October 2025, Westpac has rectified \$50,264,899.26 in underpayments to 46,875 current and former employees, \$8,934,306 in respect of interest, plus applicable superannuation contributions. Westpac has also adjusted the leave balances of 10,585 current employees.
12. The amount rectified in paragraph 11 above includes \$90,490 Westpac paid to the Commonwealth of Australia on 18 March 2025, pursuant to section 559 of the FW Act for unclaimed monies owing to 372 former employees. Westpac has given confirmation of its repeated attempts to contact and make payments to these former employees.
13. Westpac acknowledges that:
 - a) the misapplication of entitlements under the Applicable Enterprise Agreements;
 - b) deficiencies in its system processes, compliance oversight and governance processes;
 - c) the use of systems that required manual adjustments around public holidays;
 - d) insufficient records to determine:
 - i. notice before working additional hours,

- ii. entitlement to a meal allowance, and
 - iii. agreements regarding minimum shift engagement;
- e) inadequate processes to ensure accurate grade information was retained on systems;
- f) timesheet and system input errors; and
- g) configuration errors or limitations,
- have contributed to the contraventions identified and admitted in this Undertaking.

CORRECTIVE STEPS AND IMPROVEMENTS

14. Prior to the execution of this Undertaking, Westpac has:
- a) apologised to all impacted current and former employees in writing, and has regularly communicated with all employees in scope of the Review Program;
 - b) strengthened its governance and compliance processes by:
 - i. establishing a 'Payroll Policy and Governance Team' in February 2021, which is responsible for:
 - 1. developing and implementing a strategy regarding payroll governance and best practice reporting methodologies;
 - 2. building Westpac's payroll compliance activities;
 - 3. monitoring developments or changes to policy, the regulatory environment and relevant legislation;
 - 4. monitoring and assessing Westpac's payroll obligations;
 - 5. building knowledge and competence of relevant Westpac teams;
 - 6. performing compliance reviews and reporting on issues of concern to Westpac's General Manager, HR Services and Group Executive, Customer and Corporate Services;
 - ii. expanding its 'HR Governance, Risk & Compliance Team' (**HR GRC team**) in November 2024, which is responsible for:
 - 1. managing Westpac's 'Employment Obligations Library', including:
 - a. capturing changes to legislation;
 - b. assessing the impact of any changes and communicating those changes to relevant business owners and teams;
 - c. monitoring and recording on relevant obligations;
 - 2. ensuring all relevant processes in Westpac's HR-related processes are accurate and accounted for;

3. implementing Westpac's people management risk operating model;
 4. chairing periodic forums regarding governance, risk, compliance and changes to regulatory obligations, attended by relevant Westpac internal stakeholders;
- iii. forming a new 'Payroll Wage Compliance Team' in November 2024, which monitors the completion of timesheets, provides training and guidance to employees on accurate completion of timesheets, provides training to leaders on ensuring rosters and timesheets are correct and raises issues of concern with the Group Head of Payroll and the HR GRC team;
 - iv. confirming the scope of responsibilities of the Group Executive, Human Resources to include end to end accountability for monitoring Westpac's compliance with the FW Act, the *Fair Work Regulations 2009* (Cth) (**FW Regulations**) and/or the Applicable Enterprise Agreements, (collectively, the **FW Act Obligations**);
 - v. integrating a worldwide recognised risk management framework (i.e., the 'Three Lines of Defence' model) to enable active risk management and governance;
 - vi. improving reporting processes by:
 1. holding monthly 'Governance, Risk and Compliance' forums attended by senior stakeholders from HR, IR Legal, Payroll and Risk teams;
 2. holding quarterly 'Employment Obligations Regulatory Change and Updates' forums attended by Three Lines of Defence model representatives, the Compliance team and business representatives across Westpac;
 3. introducing requirements for regular updates on workplace-related matters to be given to Executives and the Westpac Board of Directors (or Board subcommittee) (**Board**), and implementing additional reporting on wage compliance and employment obligations, including:
 - a. quarterly reporting to the Group Executive on employment obligations and controls; and

- b. bi-annual reporting to the Board on updates on wage compliance;
 - vii. introducing new processes to monitor and ensure compliance, including:
 - 1. creating a central repository for applicable legislative and regulatory requirements (**Employment Obligations Library**) that is updated with any regulatory changes, which are communicated to stakeholders;
 - 2. developing a 'Quarterly Superannuation Review Tool' and 'Yearly Pay Element Tool'; and
 - 3. expanding the 'Westpac Frameworks and Policies Management Policy' to include all Westpac policies and require policy owners to monitor policy compliance;
 - viii. delivering training to key Westpac employees and officers, including:
 - 1. people leaders regarding employment foundations to ensure they understand employee entitlements and Westpac's FW Act Obligations;
 - 2. employees in relation to timesheets and work schedules; and
 - 3. the Board in respect of wage compliance;
 - ix. implementing system updates, preventative system controls and enhancements to HR and payroll platform systems to prevent future non-compliance;
 - x. developing a fully automated system to calculate notice and severance payments; and
 - xi. introducing timesheets for employees paid a salary up to \$140,000 to record their actual hours worked to ensure they receive the correct entitlements.
- 15. The FWO acknowledges Westpac's:
 - a) cooperation and early and open disclosures to the FWO; and
 - b) commitment to establishing and implementing comprehensive systems and processes which aim to drive continuous improvements and better standards in workplace relations compliance for Westpac and its employees, and to avoid any similar contraventions recurring as detailed in this Undertaking.

ADMISSIONS

16. The FWO has a reasonable belief, and Westpac admits that during the period 1 January 2014 to 28 February 2025 Westpac contravened section 44 of the FW Act (which provides that an employer must not contravene a provision of the NES) and during the period 1 January 2014 to 30 May 2024 Westpac contravened section 50 of the FW Act (which provides that an employer must not contravene a term of an enterprise agreement) (**Relevant Period**) by:
 - a) failing to pay each of the employees listed in Column [B] of Schedule 1 to the Undertaking (**Affected Employees**), the amount or amounts, which is identified in Column [AA] of Schedule 1 in relation to that employee;
 - b) in accordance with:
 - i. the relevant FW Act provisions specified in column A of Schedule 2; and
 - ii. where applicable, the relevant clauses specified in column C of Schedule 2 of the Applicable Enterprise Agreements specified in column B of Schedule 2.
17. Those contraventions referred to in paragraph 16 above and Schedule 2 relate to the NES and Applicable Enterprise Agreements entitlements in paragraph 8 above.
18. These contraventions of the FW Act and terms of the Applicable Enterprise Agreements led to the underpayments detailed in paragraph 22.
19. The contraventions referred to in paragraph 16 of this Undertaking do not include:
 - a) any contraventions which relate to or arise as a consequence of Westpac failing to comply with its FW Act Obligations in relation to any employee who is not an Affected Employee. For the avoidance of doubt, this Undertaking is not given in respect of any employees who are not Affected Employees who were underpaid as a result of Westpac failing to correctly apply the NES and Applicable Enterprise Agreements and the FWO's acceptance of this Undertaking is not based on any reasonable belief about the existence of any contravention because of any such underpayments; or
 - b) any contraventions which have not been fully remediated by Westpac as at the Commencement Date in respect of any employee. For the avoidance of doubt, this Undertaking does not include any contraventions affecting any employee (including an Affected Employee) that have not been remediated in full by Westpac as at the Commencement Date. Therefore, any contravention

- (including those listed in Schedule 2) can still be the subject of an application and orders under Division 2 of Part 4-1 of the FW Act, until the relevant Affected Employee has been fully remediated in respect of that contravention; or
- c) any contraventions which have not yet occurred at the date that this Undertaking is offered by Westpac.

REMEDIATION PAYMENTS

20. Westpac has made remediation payments to current and former employees in respect of the entitlements under the NES and Applicable Enterprise Agreements.
21. Westpac has applied the following methodology for the Review Program:
- a) calculating any shortfalls based on the historical rates that applied to employees and the work performed at the relevant time;
 - b) interest is applied to these amounts, and on any superannuation contributions required to be made to a superannuation fund; and
 - c) interest payments are calculated at 4.75%.
22. As of 1 October 2025, Westpac informed the FWO that as a result of the Review Program, it identified that it had underpaid the Affected Employees in Column [B] of Schedule 1 to this Undertaking:
- a) a total underpayment of \$50,264,899.26 (**Underpayment**) impacting 46,875 current and former employees. All Affected Employees were either covered by the Applicable Enterprise Agreements and / or the FW Act within the Relevant Period;
 - b) additional costs of \$8,934,306 in relation to interest paid on the Underpayment; and
 - c) the non-compliance identified was the result of Westpac failing to properly comply with the provisions listed in Schedule 2.
23. In consideration of these matters, the FWO accepts this Undertaking, the terms of which are set out below.

UNDERTAKINGS

24. Upon the Commencement Date, Westpac will take the actions set out at paragraphs 25 to 70 (inclusive) below.

RECTIFICATION AND EVIDENCE

25. Westpac will take reasonable steps to locate and pay any outstanding underpayment

and associated superannuation amount and interest amount to the Affected Employees.

Unclaimed monies

Former employees that cannot be located

26. Within 120 days of the completion of the Commencement Date and following Westpac taking reasonable steps, if any of the Affected Employees to whom payments are owed under this Undertaking cannot be located, Westpac will pay the underpayment amounts owing to those Affected Employees (excluding superannuation and interest) to the Commonwealth of Australia in accordance with section 559 of the FW Act. Westpac will complete the required documents supplied by the FWO for this purpose.

Former employees located by the FWO

27. In the event that the FWO is able to locate and contact any Affected Employee to whom paragraph 12 and 26 applies, and with that employee's authority, the FWO will (in addition to its obligations under section 559 of the FW Act) notify Westpac in writing of the name and contact details of the employee.
28. Within 60 days of receiving any such notice Westpac will:
- a) pay to the Affected Employee the interest on the amount already paid by Westpac to the Commonwealth of Australia in respect of that employee, calculated for each financial year from the date that the employee first became entitled to that amount until the date 90 days after Westpac first attempted to contact the employee; and
 - b) pay to the Affected Employee's nominated superannuation fund an amount equal to the amount that would have been required by law, had Westpac paid the underpayment directly to the employee.

COMPLIANCE AND BFI AWARD RECONCILIATION AUDIT

29. Within 120 days from the Commencement Date (**Engagement Date**), Westpac must, at its cost, engage an appropriately qualified, experienced, external and independent accounting professional or an employment law specialist (**Independent Auditor**) to complete an audit of Westpac's compliance with the FW Act, FW Regulations and the *Westpac Group Enterprise Agreement 2025* (**2025 Agreement**) (**Audit**).
30. Within 60 days of the Commencement Date, Westpac will notify the FWO of its proposed Independent Auditor. The FWO may in its sole discretion approve the Independent Auditor in writing or otherwise require Westpac to propose other

Independent Auditors until the FWO has approved in writing an Independent Auditor. The Independent Auditor must be approved by the FWO in writing before being engaged by Westpac.

31. Westpac must ensure that the Audit conducted by the Independent Auditor includes:
- a) an assessment of whether the monetary entitlements (excluding long service leave) of 5% of all employees to whom 2025 Agreement applies and across Westpac's portfolio of brands, range of classifications, locations and employment types (i.e., full time and part-time and casual employment) (**Sample Employees**) have been correctly calculated by Westpac in compliance with its obligations under the 2025 Agreement, the FW Act and FW Regulations for two full pay cycles, occurring in the period of February and / or March 2026;
 - b) an assessment of whether Westpac:
 - i. in respect of the first three month period in 2026 (aligned to the pay cycle for applicable employees being 26 December 2025 to 19 March 2026) (**Review Period**), has complied with its obligation to ensure that employees who would be covered by the BFI Award were better off under the 2025 Agreement pursuant to clause 47 of the 2025 Agreement;
 - ii. is correctly conducting the required reconciliation against the BFI Award for the Sample Employees;
 - iii. is correctly conducting the assessment of whether the Sample Employees were better off under the BFI Award; and
 - iv. is correcting any shortfalls as required;
 - c) an assessment of whether the Sample Employees have been correctly classified by Westpac under the 2025 Agreement;
 - d) the production of a written report on the Audit setting out the Independent Auditor's findings, and the facts and circumstances surrounding them, to the FWO; and
 - e) that the written report referred to in 31.(d) above contains the following declarations from the Independent Auditor:
 - i. the Independent Auditor has no actual, potential or perceived conflict of interest in providing the report to the FWO;
 - ii. notwithstanding that the Independent Auditor is retained by Westpac, the Independent Auditor undertakes that it has acted independently,

- impartially, objectively and without influence from Westpac in preparing the report;
- iii. the report is provided in accordance with applicable professional standards (which will be listed in the report); and
 - iv. the report is provided to the FWO for its benefit and the FWO can rely on the report.
32. Within 60 days from the Engagement Date, Westpac will provide to the FWO for approval, details of the methodology to be used by the Independent Auditor to conduct the Audit and be available to provide information to the FWO's reasonable satisfaction in respect of any concerns, issues or questions that the FWO may have in relation to the methodology.
33. Westpac will use its best endeavours to ensure the Independent Auditor provides a draft written report of the Audit directly to the FWO within seven months of the Engagement Date, setting out the draft Audit findings and the facts and circumstances supporting the Audit findings. Westpac will ensure the Independent Auditor does not provide the draft written report, or a copy of the same, to Westpac without the FWO's approval.
34. Westpac will use its best endeavours to ensure the Independent Auditor finalises the Audit and provides a written report (**Audit Report**) directly to the FWO within 28 days of the FWO providing any comments on the draft report to the Independent Auditor. Westpac will ensure the Independent Auditor does not provide the Audit Report, or a copy of the same, to Westpac without the FWO's approval.

Outcome of the Audit

35. If the Audit identifies underpayments to any current or former employees, Westpac will rectify those underpayments and conduct a reconciliation of the amounts paid to those employees for a period of 12 months preceding the Audit and rectify any underpayments that are identified.
36. Westpac will provide to the FWO evidence that it has complied with such rectification within 120 days of being informed by the FWO of the requirement to undertake the reconciliation.
37. If any employees identified in the Audit as having underpayments owing to them cannot be located within 150 days of the conclusion of the Audit, Westpac will pay those amounts to the Commonwealth of Australia in accordance with section 559 of the FW

Act. Westpac will complete the required documents supplied by the FWO for this purpose.

38. If the Audit identifies an underpayment of minimum entitlements to one or more employees, and the FWO reasonably believes that employees not included in the Audit are also likely to have been underpaid, where requested by the FWO, Westpac will engage an accounting professional or an employment law specialist approved by the FWO to conduct a further audit of all employees who the FWO considers may have been underpaid the relevant minimum entitlement(s) (**Additional Audit**). The FWO may also require that the Additional Audit includes the external specialist reviewing the relevant aspects of the systems and the associated controls in place in respect of the minimum entitlements identified with a view to identifying any further compliance enhancements for Westpac's consideration. The Additional Audit must be paid for by Westpac.
39. If requested by the FWO, Westpac will provide the FWO with all records and documents used to conduct any or all of the audits (including any Additional Audit), within seven days of such a request or such period agreed in writing between Westpac and the FWO. The FWO will not unreasonably withhold a request for an agreement on an extension of time.

Letter of Assurance

40. Within 90 days of the Commencement Date, Westpac will provide the FWO a Letter of Assurance signed by the Chief People Officer in the terms as set out at Attachment D.

CORPORATE GOVERNANCE

41. In addition to the governance measures set out in paragraph 14 and subject to paragraph 42, Westpac will review and, where necessary, amend its internal processes for reporting to its Board to ensure that the Board is appropriately notified of Westpac's compliance with its FW Act Obligations in relation to monetary entitlements and any breaches of those obligations. In furtherance of this objective, Westpac will undertake the following forward-facing governance and operational changes as set out in paragraph 42.
42. Westpac will:
- a) ensure the Letter of Assurance, as described in paragraph 40, is tabled and noted by its Board after being provided to the FWO;
 - b) upon approval from the FWO, ensure the Audit Report as described in paragraph

34, is tabled and noted by its Board, and, if there are any issues identified in the reviews that are subject to an Additional Audit as described in paragraph 38, the action taken to address those issues is reported to the Board in accordance with paragraph 42.(c);

- c) within 30 days from the Commencement Date, implement a program of three monthly reporting to its Board (**Quarterly Reports**), which for the duration of the Undertaking will include (in sufficient detail to adequately inform the Board for governance purposes):
 - i. Westpac's compliance with this Undertaking;
 - ii. Westpac's compliance with its FW Act Obligations in relation to monetary entitlements;
 - iii. the status and progress of the Review Program;
 - iv. any identified systemic compliance issues or risks, the action taken in relation to such issues or risks and their present status and resolution plan (at the time of reporting); and
 - v. any further material system enhancements or controls implemented to support compliance with FW Act Obligations in relation to monetary entitlements.

There will be sufficient detail in points in (i) – (v) to fully inform the Board of the material aspects of the issue;

- d) ensure that all Quarterly Reports presented to the Board for the purposes of paragraph 42.(c) are tabled and noted by the Board; and
 - e) by no later than 12 months from the Commencement Date, provide evidence to the FWO demonstrating Westpac's implementation of the requirements set out under paragraphs 42.(a) to (d).
43. The FWO may at any time while Westpac has obligations under this Undertaking make a request for copies of documents provided to or held by the Board in respect of Westpac's workplace relations compliance in relation to matters relating to the Quarterly Reports, including but not limited to the Quarterly Reports prepared for the Board and Board minutes about the Quarterly Reports. Westpac will comply with all reasonable requests from the FWO under this undertaking.

CONSULTATIVE BODY – WORKER VOICE

Individual Voice

44. Westpac will, within 90 days of the Commencement Date, establish a dedicated channel for employees to raise complaints in relation to their monetary entitlements under the FW Act Obligations. The FWO will be notified within seven days of the channel being established.

Joint Voice

45. Westpac will, within 90 days of the Commencement Date, establish and convene a standing body for 2 years from the Commencement Date to provide a regular forum for tripartite consultation between Westpac, its employees and the FSU on matters pertaining to compliance with monetary entitlements under the FW Act Obligations (**Consultative Body**). The FWO will be notified within seven days of the Consultative Body being first convened.
46. The Consultative Body will comprise of:
- a) up to six FSU officials or FSU representatives or employees nominated by the FSU; and
 - b) up to six Westpac representatives selected by Westpac, unless otherwise agreed.
47. Westpac will do all things necessary to enable the Consultative Body to convene at least quarterly, unless otherwise agreed.
48. In the Consultative Body meeting, Westpac will provide an update regarding:
- a) the steps Westpac has taken to comply with the terms of the Undertaking;
 - b) updates on any deliverables in the Undertaking;
 - c) themes of employee complaints made to the dedicated worker voice channel in paragraph 44 and actions taken by Westpac; and
 - d) any identified systemic non-compliance with FW Act Obligations in relation to monetary entitlements identified by Westpac, or brought to Westpac's attention by the FSU or employees after the Commencement Date.
- Updates will not include confidential or commercially sensitive information.
49. Where any matter raised at the Consultative Body meeting needs to be further considered by Westpac, Westpac will report back to the next Consultative Body meeting about the issue.
50. Westpac will report to the Consultative Body on the final result of the Audit and any Additional Audit (if applicable) in the Consultative Body meeting.

51. Six months from the commencement date of the Consultative Body, and every 6 months thereafter, Westpac will provide an update to the FWO regarding:
- a) membership of the Consultative Body as outlined in paragraph 46;
 - b) key themes and issues raised; and
 - c) updates provided to the Consultative Body regarding Undertaking deliverables.

WORKPLACE RELATIONS SYSTEMS AND PROCESSES

Mandatory training

52. Within nine months of the FWO approving the mandatory training as provided for at paragraph 53, Westpac will ensure that all people leaders of unpackaged employees have completed training which satisfies paragraph 53 below.
53. The mandatory training content must be provided to the FWO for approval by 28 February 2026 (or 90 days after the Commencement Date if later), and:
- a) be developed by appropriate workplace relations, human resources or employment law expert; and
 - b) cover, at a minimum:
 - i. key inputs relevant to the calculation of monetary entitlements under the 2025 Agreement;
 - ii. as applicable, how entitlements under the 2025 Agreement will be correctly calculated or applied including, without limitation, entitlements relating to:
 - 1. role level, part-time additional hours, overtime rates, penalty rates, public holiday, termination and annual leave entitlements; and
 - 2. requirements of the FW Act Obligations relating to monetary entitlements and record keeping as applicable.
54. Within 10 months of the FWO approving the mandatory training as provided for at paragraph 53, Westpac will provide to the FWO evidence of the completion of the mandatory training outlined at paragraph 53, including:
- a) a copy of the training materials used; and
 - b) a schedule or list of the employees who received the training and the date on which they completed the training.

NOTICES

FWO Media Release

55. On or after the Commencement Date, the FWO will publish a media release on its website in respect of this Undertaking.

Apology to the Affected Employees

56. Within 14 days of the Commencement Date, but not before the FWO publishes a media release on its website in respect of the Undertaking, Westpac will reiterate its contrition and provide a further written apology via email to the current Affected Employees in the form contained in Attachment A of this Undertaking (**Apology Letter**).
57. Within 60 days of the Commencement Date, Westpac will provide evidence to the FWO that the letter has been sent to all current Affected Employees.

Westpac Website Notice

58. Within 14 days of the Commencement Date but not before the FWO publishes a media release on its website in respect of this Undertaking, Westpac will issue a public statement in the form of Attachment B to this Undertaking (**Website Notice**).
59. Westpac will cause the Website Notice to be displayed on:
- a) Westpac's internal intranet site accessible to Westpac employees via a hyperlink on the front page; and
 - b) Westpac's website, accessible through a hyperlink on the front page of <https://www.westpac.com.au>.
60. Westpac will ensure that the Website Notice remains on the home page of both Westpac's intranet site and website, for a period of 28 continuous days.
61. Within seven days of placing the Website Notice on its website, Westpac will provide to the FWO evidence of its placement.
62. At the end of the 28-day period referred to in paragraph 60 above, Westpac will provide written confirmation to the FWO that the Website Notice has been continuously displayed on the intranet site and website.

Social Media Notice

63. Within 14 days of the Commencement Date but not before the FWO publishing a media release on its website in respect of the Undertaking, Westpac will place a post on its Facebook page (**Social Media Notice**).
64. The Social Media Notice must:

- a) be posted to the Westpac timeline, and pinned to the top of the Facebook page in public view;
 - b) remain on the Facebook page for a continuous period of at least 28 continuous days; and
 - c) be in the form of the Social Media Notice set out at **Attachment C**.
65. Westpac will provide evidence of the post to the FWO within 60 days of the Commencement Date.

NO INCONSISTENT STATEMENTS

66. Westpac must not, and must use its best endeavours to ensure that its officers, employees or agents do not, make any statement or otherwise imply, either orally or in writing, anything that is inconsistent with admissions or acknowledgements contained in this Undertaking.

EXTENSIONS OF TIME

67. Westpac may request of the FWO an extension on a time specified for completion of an obligation under this Undertaking. The FWO will not unreasonably withhold agreement on a request for an extension of time.
68. Where a time specified for undertaking an obligation under this Undertaking is contingent on or follows from the time specified for the completion of another obligation under this Undertaking, and that time for completion has been extended by the FWO, the time specified for completion of the later obligation is correspondingly extended by the same period.

CONTRITION PAYMENT

69. Within 28 days of the Commencement Date, Westpac will make a contrition payment of \$800,000 to the Consolidated Revenue Fund.
70. Westpac will provide evidence to the FWO of the contrition payment within 14 days of making payment to the Consolidated Revenue Fund.

ACKNOWLEDGEMENTS

71. Westpac acknowledges that:
- a) the FWO may:
 - i. make this Undertaking available on the FWO internet site at www.fairwork.gov.au;
 - ii. release a copy of this Undertaking pursuant to any relevant request

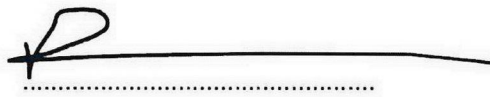
- under the *Freedom of Information Act 1982* (Cth);
- iii. issue a media release in relation to this Undertaking;
 - iv. from time to time, publicly refer to the Undertaking and its terms; and
 - v. rely upon the admissions made by Westpac set out under paragraph 16 above in respect of decisions taken regarding enforcement action in the event that Westpac is found to have failed to comply with its workplace relations obligations in the future, including but not limited to any failure by Westpac to comply with its obligations under this Undertaking;
- b) consistent with the Note to section 715(4) of the FW Act, this Undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct set out herein;
 - c) consistent with section 715(3) of the FW Act, Westpac may withdraw from or vary this Undertaking at any time, but only with the consent of the FWO; and
 - d) if Westpac contravenes any of the terms of this Undertaking:
 - i. the FWO may apply to any of the Courts set out in section 715(6) of the FW Act, for orders under section 715(7) of the FW Act; and
 - ii. this Undertaking may be provided to the Court as evidence of the admissions made by Westpac in paragraph 16 above, and also in respect of the question of costs.

Executed as an undertaking

Executed by Westpac Banking Corporation by an authorised officer:

SIGNED for and on behalf of WESTPAC
BANKING CORPORATION by its duly
constituted Attorneys in the presence of:

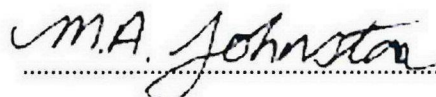
-) WESTPAC BANKING CORPORATION by its
-) attorneys who hereby respectively state at
-) the time of their executing this instrument
-) they have no notice of the revocation of
-) the power of attorney registered in the
-) office of the Registrar General numbered
-) 332 book 4299 under the authority of
-) which they have executed this instrument



Witness (signature)

Valerie Flight

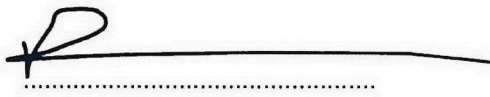
Name of Witness (Print)



Name: Michael Johnston

Position: People Director – Workplace
Relations

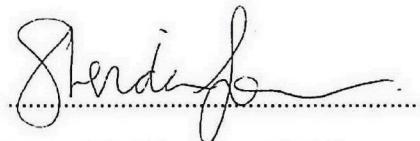
Date: 10 November 2025



Witness (signature)

Valerie Flight

Name of Witness (Print)



Name: Sheridan Jones-O'Neil

Position: Senior Lawyer

Date: 10 November 2025

*This undertaking has been signed in counterpart and witnessed over audio visual link in accordance with section 14G of the
Electronic Transactions Act 2000 (NSW).*

ACCEPTED by the Fair Work Ombudsman pursuant to section 715(2) of the *Fair Work Act* 2009 on:

Michael Campbell

(Michael Campbell, Group Manager
Operations)

[Signature]

(Signature of Delegate)

11 November 2025

(Date)

Delegate for the Fair Work Ombudsman

in the presence of:

[Signature]

(Signature of witness)

LOUISE CATO

(Name of Witness)

Attachment A – Apology to Affected Employees

Hi Everyone

Five years ago we commenced a review of your entitlements, where we unfortunately found issues that led to unintentional overpayments and underpayments across a range of entitlements including overtime, leave, allowances, and superannuation. We self-reported these issues to the Fair Work Ombudsman (**FWO**) and have repaid (with interest) all current employees, and former employees who could be located. No one was asked to repay any overpayments.

The review and remediation are complete however to close out the matter we have entered into an Enforceable Undertaking with the FWO to ensure ongoing compliance and to avoid the situation arising again.

Please be assured that if you were affected you will have already received communication and your remediation payment.

We're genuinely sorry this has happened and apologise to affected employees. Westpac takes its obligations and the entitlements of our people very seriously. We're committed to getting this right, and we know this past issue falls short of expectations.

We have implemented measures to ensure entitlements are calculated correctly, including:

- Strengthened governance and oversight
- Invested in HR systems, including the implementation of TLAMB
- Improved Time Card processes to reduce errors
- Delivered training and clarified responsibilities

It is also a timely reminder for us all on the importance of completing accurate Time Cards, work schedules and leave in People HQ.

While the issues we found since 2020 have been fixed you may see media coverage about the Enforceable Undertaking.

If you have any questions visit [link] Let's Talk for more information. A copy of the Enforceable Undertaking is available via the FWO [website](#).

Warm regards,

Attachment B – Intranet and Website Notice

Westpac Banking Corporation has undertaken a review of its employee entitlements and determined that a number of employees had unintentionally not been paid correctly.

Westpac takes its obligations and the entitlements of its employees extremely seriously and sincerely apologises that these errors occurred. Westpac has written and apologised to all impacted current and former employees who could be located. Everyone who has been located has been repaid with interest.

Westpac self-reported to the Fair Work Ombudsman (**FWO**) in 2020 that it had contravened its obligations under the Fair Work Act and applicable Westpac Group Enterprise Agreements

Westpac has now entered into an Enforceable Undertaking with the FWO to ensure its ongoing compliance and to avoid the situation arising again. A copy of the Enforceable Undertaking can be accessed on the FWO's [website](#).

If you have an enquiry about this matter, you can email wbcpayroll@westpac.com.au

Alternatively, you can contact the FWO via www.fairwork.gov.au or on 13 13 94.

Westpac thanks the FWO for its assistance in working through this issue.

Attachment C – Social Media Notice – Facebook

In 2020 we commenced a review of our employee entitlements and found that a number of employees had unintentionally not been paid correctly. We sincerely apologise for this error.

We self-reported to the Fair Work Ombudsman (**FWO**) in 2020 and have written to current and former employees who were affected and repaid people their money with interest.

Westpac has now entered into an Enforceable Undertaking with the FWO to ensure its ongoing compliance and to avoid this situation arising again. We take our obligations and the entitlements of our people extremely seriously and sincerely apologise that these errors occurred.

We have made updates to systems and process and upgraded our HR time, leave and benefits management platform to ensure entitlements are calculated correctly.

For more information [\[link to notice\]](#).

Attachment D – Letter of Assurance

Ms Anna Booth
The Fair Work Ombudsman
Office of the Fair Work Ombudsman
GPO Box 9887
Sydney NSW 2001

Dear Ms Booth,

I am writing on behalf of Westpac Banking Corporation (**Westpac**).

Westpac self-reported that it had identified instances of underpayments at Westpac, BT Financial Group Pty Ltd and Qvalent Pty Ltd in respect of casual loading and minimum engagement, fortnightly divisor, additional hours worked by part time employees, meal allowance, grade and classification levels, public holiday loadings, overtime, weekend loadings, higher duties, termination payments, superannuation, incorrect deduction of leave and TOIL on a public holiday, annual payment, time off in lieu, paid parental leave for part time employees, timesheet rounding issues for employees of BT Financial Group Pty Ltd, fixed pay increases, incorrect deduction of leave and TOIL because of overlapping leave or leave averaging, district allowance and car and per kilometre allowance.

These instances resulted in:

- non-compliance with section 44 of the *Fair Work Act 2009 (FW Act)* through non-compliance with the National Employment Standards (**NES**).
- non-compliance with section 50 of the FW Act through non-compliance with the *Westpac Group Enterprise Agreement 2013* and *Westpac Group Enterprise Agreement 2013 (as varied by [2014] FWCA 7476)*, *Westpac Group Enterprise Agreement 2016*, *Westpac Group Enterprise Agreement 2019* and *Westpac Group Enterprise Agreement 2023* (collectively, the **Agreements**); and
- underpayments of over \$50 million to 46,875 current and former employees of Westpac.

I write to provide the Fair Work Ombudsman with my assurance that I am satisfied that:

- the process by which Westpac calculated the underpayments of wages and superannuation to its current and former employees was correctly undertaken;
- Westpac has implemented measures to maintain employee records as required by the FW Act for items set out in the Enforceable Undertaking between Westpac and the FWO;
- Westpac has implemented measures to support compliance with the FW Act as it relates to the Westpac Group Enterprise Agreement 2025;
- as of 1 October 2025, all former and current employees impacted by the underpayments, apart from those who have not been able to be located by Westpac, have been paid their entitlements (plus interest and superannuation) under the Agreements; and
- BT Financial Group Pty Limited and Qvalent Pty Ltd no longer directly employ any employees and employees are all employed by Westpac Banking Corporation in Australia. Should BT Financial Group or Qvalent become direct employers during the term of the Enforceable Undertaking Westpac will advise the FWO accordingly.

Westpac is committed to minimising the risk of future non-compliance with the FW Act.

Sincerely,