

'Absolutely false': Lawyers slam ANZ's response to rape interrogation

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By Sarah Danckert

ANZ Bank's claim it was unaware its external lawyers in New York forced a former employee to recount her rape as a teenager is "absolutely false" as senior ANZ staff were present and witnessed the exchange, according to her lawyers.

ANZ said it was not aware of its US lawyer's strategy after [Fairfax Media revealed the bank grilled a former trader who is suing the bank for sexual and racial harassment about her sexual history](#), including her rape, saying the bank was not aware of the strategy.

The bank's legal tactics were revealed in a transcript of a deposition last year, and made available last month, undertaken as part of a multimillion-dollar workplace discrimination claim filed by the former trader against ANZ and the bank's head of corporate sales America, Ravi Nursey, in New York.

ANZ's lawyers also quizzed the former trader over other details of her sexual history and her activities outside of work, including whether she had sought psychiatric assistance and if she had ever had a sexually transmitted disease.

Lawyers for the trader said ANZ senior staff were in the room when the bank's lawyers pressed the employee to reveal the details of her sexual assault as a teenager due to their belief that she may have a history of overreacting to innocuous incidents.

"The recent statements made by ANZ... to the effect that ANZ did not know until after the fact that its attorneys at Seyfarth Shaw would be questioning our client about her history of having been sexually assaulted are absolutely false," Wigdor LLP lawyers Michael J. Willemin and Renan F. Varghese said in a statement to Fairfax Media.

"Three senior representatives from ANZ were present during our client's deposition, including ANZ's head of talent and culture (USA).

"All three had every opportunity to intervene, but instead sat idly by and watched as their attorney forced the victim of sexual harassment to relive a sexual assault that is completely irrelevant to this case."

The lawyers also dismissed ANZ chief executive Shayne Elliott's statement that the US legal system was partly to blame for the bank's approach, describing ANZ's strategy as "abhorrent" and saying that it was dubious that ANZ would not have discussed this strategy before the deposition hearing.

The former ANZ trader alleges she was asked continually about her sexual history at a work dinner, that male staff members bragged openly about attending sex bars, and Mr Nursey had told a female colleague she “can suck my d—k” when she complained how he handled a trade.

The former trader, who is African-American, also alleges she was racially discriminated against through Mr Nursey’s repeatedly telling her a task was “so easy a monkey could do it”.

Court documents show Mr Nursey and another ANZ staff member have confirmed Mr Nursey called staff members “monkey” including people of colour who work at the bank.

Mr Nursey also allegedly referred to a client of ANZ who is of African background as a “monkey” to staff after taking a call from the client.

ANZ’s lawyers have defended Mr Nursey’s “monkey” comments, saying an internet search did not turn up derogatory results associated with the phrase. Mr Nursey also claimed to use the phrase when speaking with his children.

The employee alleges she was sacked after complaining to ANZ about Mr Nursey.

A spokesman for ANZ said nobody at ANZ was aware the bank’s external lawyers would be asking these questions before the deposition.

“The ANZ staff present, who are not lawyers, were not aware of the questions beforehand. They heard the debate and left it to the judge to decide appropriateness,” the spokesman said.

The judge ruled the questions were relevant because it went to how the employee responded to emotional distress, according to court documents seen by Fairfax Media.

“The plaintiff was dismissed from ANZ for performance reasons. We will continue to defend the case as we do not consider the plaintiff was subject to race, sex discrimination or victimisation.”

The former trader is seeking compensation and damages of "seven figures" according to ANZ's lawyers. Punitive damages awarded by a jury could cost the bank tens of millions more.

Fairfax Media has not named the trader at her request.