

OPEN LETTER

FROM: Enilolobo Malika Oyo
TO: Board of Directors, Australia and New Zealand Banking Group Ltd.
DATE: August 6, 2018
RE: The Rights of Women and People of Color

Dear Board of Directors,

I write this open letter in response to recent comments made by the CEO of Australia and New Zealand Banking Group Ltd. (“ANZ” or the “Bank”), Shayne Elliott. By way of background, I am a black woman who was employed by ANZ in 2013 and 2014. While employed by the Bank, I was subjected to constant racial and sexual discriminatory harassment, which I will lay out in further detail below. I, like so many other women in the workforce, was afraid to complain about this conduct for fear that I would lose my job. Nevertheless, after experiencing pervasive harassment for nearly one year, I could no longer stay silent and I felt obligated to complaint to management. In response, just as I feared, ANZ fired me rather than attempting to address the ingrained culture that made such treatment possible. After my termination, ANZ refused to take responsibility for its actions, and I filed a lawsuit to redress this conduct.

Unfortunately, ANZ continues to refuse to take responsibility for its actions, and has instead decided to take every opportunity to attack and attempt to intimidate me in response to my decision to file a lawsuit. Rather than focus on the merits of my claims, ANZ has gone out of its way to try to dig up every potential embarrassing or sensitive matter in my life. As just one example, ANZ demanded access to all of my medical records, without exception, – *including my gynecological records* – for a period of five years. I would ask you to consider what it would be like to have strangers reviewing all of your personal medical records, including records from your OB/GYN. Tactics like this that are employed against women and people of color who stand up against discrimination is one of the many reasons that women and people of color often remain silent. Such conduct perpetuates and facilitates racial and sexual harassment and prevents our society from making progress towards equality and respect for all.

Following ANZ’s demands for my medical records, ANZ took my deposition. As has been reported, during my deposition I was subjected to invasive questioning about patently irrelevant topics, including, most outrageously, the fact that I was sexually assaulted nearly two decades ago. There was no legitimate reason for a complete stranger to ask me detailed questions about the fact that I was sexually assaulted – that event has nothing to do with my case. The only conceivable reason for this line of questioning was to intimidate me in the hopes that I would back off of my claims.

I sincerely hope that none of you have been sexually assaulted, but, if you have, I would ask to consider what it would be like to have to relive that experience with a stranger simply because you stood up to discrimination in the workplace. It is an absolutely terrible feeling, and to make matters worse, three senior ANZ employees, including the Head of Talent and *Culture*, sat by

and said nothing while this was going on. Again, we as a society should be encouraging employees, particularly women and people of color, to speak up against discrimination. We should not be sending the message that if they choose to do so, their employer will fire them and then attempt to force them to turn over all of their medical records and ask them about their sexual practices and sexual assaults.

After the way in which I was treated during my deposition was made public, Mr. Elliot issued a number of statements about the deposition. In these statements, Mr. Elliot stated that ANZ was taking responsibility for its conduct (although he waited until this became a PR problem for ANZ before doing so, and also simultaneously denied that ANZ had any contemporaneous knowledge of the deposition strategy, a preposterous statement given that the deposition was attended by three senior ANZ employees).

If ANZ truly is ready to take responsibility, I urge the Board to act on Mr. Elliot's apology and to stop defending the sexually and racially harassing conduct that is part and parcel to life at ANZ.

- The ANZ I know is a company at which men were permitted to openly opine on my sex life, in my presence, in front of my colleagues.
- The ANZ I know is a company at which men are permitted to regularly use the term "pussy" to insult each other, talk about the size of women's "booties" and "racks," revel in their trips to strip clubs and comment upon the sizes of their penises.
- The ANZ I know is a company at which men openly rate women by their level of attractiveness and discuss their sexual conquests.
- The ANZ I know is a company at which men congratulate each other for "scoring" sexually, and insult each other for failing to "pick up" enough women.
- The ANZ I know is a company at which men speculate on whether a woman's breasts are real or fake, or how big a woman's breasts would need to be to breastfeed triplets.

Many of the comments identified above were made in writing or caught on audio recording and/or were *admitted*. Yet, ANZ continues to defend the conduct of these men and continues to attack me for speaking up against this conduct.

In addition, as noted above, I am a woman of color. During my employment, my direct manager, Ravi Nursey, repeatedly compared my skill level to that of a "monkey." My black colleague and I were regularly told by my supervisor that our tasks were "so easy any monkey could do [them]." Mr. Nursey – who admitted to using this language – never used the term "monkey" when speaking with any white employee. The term monkey, along with similar terms such as "ape" and "gorilla," have long been directed towards people of color as racial epithets. Comparing black people to primates has historically been one of the common and tragically effective ways to subjugate people of color and justify unequal racist treatment.

I complained to the head of Human Resources at ANZ about being compared to a monkey by Mr. Nursey. The HR head admitted that she did not investigate my complaints because, despite the long and ignoble history of Black people being compared to monkeys and gorillas, she did not believe that Mr. Nursey's statements were discriminatory or even deserving of investigation. Mr. Nursey similarly denied that his comments had any racial connotation – despite the fact that I told him that the comments were racist. It is inconceivable in this day and age that both Mr. Nursey and HR actually failed to understand the racial connotations associated with comparing a black person to a monkey. What is even more inconceivable is that to this day ANZ as an institution continues to defend Mr. Nursey's use of this term.

I have paid a high price for the way ANZ has treated me, both during and after my employment. I have received significant mental health treatment and just spent nearly two weeks receiving inpatient psychiatric care for severe depression that continues to persist as a result of ANZ's behavior. I know I will likely have to deal with these feelings for the rest of my life, but I implore you to take steps to end discrimination and harassment at ANZ and make sure that individuals who complain about such conduct are not retaliated against or subjected to abusive scare tactics.

To that end, I pose the following questions to you:

1. Will you stop defending Mr. Nursey's conduct? Will you admit that it is discriminatory to compare the skill level of a black employee to that of a monkey? Will you admit that Mr. Nursey's conduct was reprehensible, and that ANZ is responsible for this discriminatory conduct?
 - Or will you continue to defend Mr. Nursey and his racist conduct?
2. Will you stop defending the men at ANZ who engage in sexually harassing and hostile behavior? Will you admit that no woman should have to work in the type of environment that I faced at ANZ?
 - Or will you continue to defend men who subject women to a sexually hostile work environment?
3. What will you do to make sure that no woman or person of color is subjected to the same intimidating and harassing litigation tactics to which I was subjected?
4. What will you do to encourage women and persons of color to stand up for their rights under the law and demand a work environment free of discrimination and harassment?
5. What will you do to help advance society's progress with regard to the equal treatment of women and persons of color in all facets of life?

For my part, what I would like is to sit down with you all between now and my trial, and discuss the answers to these questions. I would appreciate you reaching out to my attorneys to set up a meeting to discuss these issues.

I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke.

Enilolobo Malika Oyo