

House of Representatives
Inquiry into Workplace Bullying
PO Box 6021
Parliament House
Canberra
ACT 2600
20 June 2012

FE.

Workplace bullying at the University of

Dear Honourable MPs

I believe the workplace bullying at the University of is a systemic approach to silence those who report misconduct and those who question inappropriate or corrupt workplace behaviour. Bullying is used as a legitimate management approach and is supported by all levels of management. I strongly support the initiative for this parliamentary review into workplace bullying. I hope however, the submissions from staff and students from the University of will warrant the Committee to recommend a specific investigation into the nature and extent of bullying at University of

My workplace story is complex, beginning in 2003 when I reported academic misconduct. My case is ongoing. After almost ten years of bullying, harassment and victimization I am sure you can appreciate that I have accumulated 1000's of pages of documents and supporting data. For the purpose of this review however I have tried to only submit the minimum volume to support my claims, however I am willing to provide whatever information the Committee requires to verify my allegations. I will strongly support publication of my submission, and any information I provide to the Committee I do so under the understanding it is freely available to the public.

There are three sections to my submission:

- Part 1: SUMMARY OF SUBMISSION (including an index)
- Part 2: My Story of Workplace Bullying
- Part 3: Addressing the Terms of Reference.

Finally, I would also like to advise you that I am part of a group of individuals from the University of who are committed to putting an end to the premeditated bullying at the University of . Through our blog site, significant information has been collected on workplace bullying which we feel is valuable to the Committee. This information will be provided to you as a separate submission from who maintains the site.

Thank you for the opportunity to submit to the review.

Yours sincerely,

Former Senior Lecturer University of
PhD (Medicine), GradDipEd (With Merit), BAgSc (Honors 1)

PART 1 Summary of Submission

My workplace bullying experience began in 2003 when I reported a fellow academic for research misconduct. By 2009 when the bullying had escalated to mobbing I was seriously psychologically unwell. In 2010 I submitted a Workers Compensation Sick certificate stating my illness was a result of workplace bullying, harassment and victimization. I felt the response of the University to my allegation of bullying was a declaration of war. I discovered how powerful the University was, how unanswerable it was, and I felt the full force of the endemic bullying behaviour against me. In 2011 I attempted suicide in my office. I am now medically retired and have been hospitalized a further time, and am under the medical care of both a psychiatrist and a psychologist. In 2012 the Workers Compensation Commission (WCC) determined that my psychological injury was permanent and caused entirely by the bullying and workplace harassment I had experienced from the University of . I was awarded compensation. Days later the University of released a statement to the Herald, denying that it was liable for my injury. My experience is that the University of can do or say anything it wants. In my case I observed the University of provide knowingly incorrect and often contradictory information to different legal jurisdictions (NSW Police, Industrial Relations Commission (IRC) and Workers Compensation Commission (WCC)), the Australian Human Rights Commission, the NSW Ombudsman, Employer Choice of Women Committee, medical practitioners, and the press. I have also observed how senior management protects select individuals in the organization by not only failing to follow policy and by corruption of policy process, but also through the use of University funded legal assistance.

After the determination was made by the WCC, I wrote to the new Vice Chancellor, Professor requesting that the University Policy #000941 Diversity and Inclusiveness Policy be acted on (that is, the policy that deals with workplace bullying and bullies). She failed to reply. To the best of my knowledge, the staff at the University of , whose actions I have proven through the WCC to have caused me permanent psychological injury, have not been subjected to any disciplinary action regardless of the University Policy in place. Many of the staff involved have actually been promoted.

Numerous attempts to have been made to have the bullying at the University of investigated. Mostly our letters are not answered. I have personally, and as part of a group, been involved in submissions for action against the bullying to the Australian Human Rights Commission, the NSW Ombudsman, The Employer Choice of Women Committee, the Independent Commission against Corruption, to all NSW State and Australian Federal Members of Parliament and to Professional Society's. The NSW Ombudsman refused to accept a petition we submitted. Of the few responses we received back from the Members of Parliament several had referred the matter onto Senator Chris Evans for a response. He stated:

“Australian universities are autonomous institutions, the Australian Government is unable to intervene in individual student complaints.”

I have provided to the Committee a copy of the letter we sent to the Members of Parliament (page 4 of this document). Senator Evan's response clearly indicated he did not thoroughly read our submission as it was clearly stated that:

“We constitute a representative group of the staff and students at the University of , who have been victims of bullying, harassment or victimization.”

The failure of any independent body to take responsibility for the actions of the University of and Higher Education Facilities per say has only exacerbated the problems for the victims of bullying. As a consequence of the bullying I was exposed to I have a permanent psychological injury, my children have at to deal with major stresses that have lead to them requiring counselling and have affected all aspects of their lives, and my marriage was destroyed. The years of study and hard work I have put in have been stripped from me. In reality had I been a victim of a physical attack I would at least of the support of the legal system in bringing the criminal to justice. For a bullying victim, there is no avenue available for justice, and because there is no consequence to the bully this behaviour is allowed to continue and become more accepted as part of the workplace culture.

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TOTAL SUBMISSION 81 pages.

**ATTACHMENT: LETTER WRITTEN TO ALL NSW AND FEDERAL MEMBERS
OF PARLIAMENT BY UNIVERSITY ANTI-BULLYING GROUP**

“Dear MP,

We are writing to request your support to instigate an independent investigation into the bullying, harassment and victimization of staff and students at the University of _____, NSW AUSTRALIA, who disclose misconduct or make allegations of this form of behaviour.

We constitute a representative group of the staff and students at the University of _____, who have been victims of bullying, harassment or victimisation. Details on our position are provided on our web site [Stop Bulling at the University of _____, Oz.](#)

We have considerable evidence of mistreatment of staff and students at the University of _____, and we believe this treatment must in the very least be a breach of the OH&S Act, and the Protected Disclosures Act. This information includes:

- v A response of 175 current/ex staff and students who describe their bullying experiences in our online survey (for summary of responses, see [Stop Bulling at the University of _____, Oz.](#)).
- v A petition of 217 people (primarily current/ex staff/students) who have signed our supporting an external investigation of the bullying at the University.
- v Evidence that 10,800 people have visited our website ([Stop Bulling at the University of _____, Oz.](#)).
- v Evidence that 12-15 people have been gagged by the University of _____ to prevent them speaking about their whistleblowing and/or bullying.
- v Evidence that at least 28 bullies at the University have been promoted.
- v Evidence that around 20 of the victims of the bullying have either attempted or considered suicide
- v 100 comments to the articles on bullying at the University of _____ in the [Herald](#) (comments reporting bullying and knowledge of bullying at the University).

The NSW Ombudsman is an “independent review body”, investigating complaints about public sector agencies. According to their website, they give preference to

1. “to matters identifying systemic(eg structural or procedural) deficiencies in administration”
2. “to individual cases raising serious concerns as to people’s safety and well-being”
3. “to sensitive issues which are unlikely to be, or be seen to be, properly addressed by the agencies concerned”
4. “to issues concerning the treatment of whistleblowers”.

Individually, many of us have contacted the NSW Ombudsman with limited success or were told that the Ombudsman does not deal with individual cases. Therefore, in a collective action, we have sent our online petition to the NSW Ombudsman.

The response of the NSW Ombudsman (in their letter dated 31.05.2011) has been to

- v block our email address

- v state that their office has “no jurisdiction to investigate allegations relating to an individual’s employment, including bullying and harassment, unless... from making ..a protected disclosure..”. (Compare this to their preferences 2, 3 and 4 above).
- v state that signatories to our petition from countries other than Australia “cannot possibly have experienced workplace bullying... at the university” and are “not considered persuasive by this office”. (A number of people bullied at this University have left Australia to live or return to other countries).

In addition, the bullying of “whistleblowers” at the University of _____ was previously scrutinized by the NSW Ombudsman who concluded in 2003(Ref: C/2003/7465), that

“Your case suggests this is another area of the University’s culture that may need to be addressed to make clear that whistleblowers –...– are given wholehearted support and encouragement by the university and staff. ANY FURTHER INDICATION that there may be problems in the handling of whistleblowers will provide A POWERFUL SPUR FOR US TO COMMENCE A FORMAL INVESTIGATION OF THE UNIVERSITY’S CONDUCT IN THIS RESPECT” (Capitals added).

We, and our supporters, have been horrified by the failure of our attempts to have the workplace bullying investigated by the NSW Ombudsman, especially when considering the NSW Ombudsman themselves identified a problem with the treatment of whistleblowers at the University of _____ at least from far back as 2003. We believe an independent investigation into our claims will disclose a history of psychologically abusive treatment of whistleblowers at the University of _____ and would support a review of the current lack of answerability of University management.

With the recent passing of Brodie’s Law in Victoria, it is time for the rest of the Nation to follow, and make bullying a criminal act in all states of Australia. An investigation into bullying at the University of _____ will support this aim.

We have put our letter on our web site, with a list of all recipients. Dealing with the bullying at the University of _____ is a serious matter. We should not have to wait until someone from the University does succeed in committing suicide before action is taken. Surely we have all learnt a lesson from what happened with Brodie.

Please support us to have our allegations independently investigated by using your parliamentary privileges.

Yours sincerely

Stop Bullying at the University of _____ Committee

Names provided on request.

Contactable through email:

PART 2: My Story of Workplace Bullying

In February 2012 the Workers Compensation Commission awarded me \$ for suffering a 22% permanent impairment and \$ for pain and suffering, as a consequence of the bullying, harassment and victimization I suffered at the hands of the University of . On March 3rd 2012 the University publically stated that the commission made:

“no finding of fault or wrong doing by the university.”

When I read this I was shattered. I felt the University truly was not answerable to anyone, even a Workers Compensation Commission determination that I had a compensable workplace injury. I am currently pursuing a claim for Work Injury Damages.

I am attaching my Workers Compensation Commission Statement to provide the details of my story. I have excluded attachments, which are available at your request.

PART 3: Addressing the terms of Reference

The prevalence of workplace bullying in Australia and the experience of victims of workplace bullying

1. The prevalence of workplace bullying in Australia is difficult to assess due to lack of understanding of what constitutes workplace bullying.

- My bullying began 2003. At the time I had no idea that my treatment would constitute bullying behaviour. My supervisor and the senior management were aware of the types of treatment I was exposed to, and even when the police were involved in one of the incidents, there was no recognition that the behaviour was bullying. In 2008 after taking leave for depression and anxiety I was provided by a colleague a peer reviewed publication on the psychological affects of mobbing. I only then realized there was a term for the behaviour I had been exposed to.
- When I discussed what was happening to me with my friends and colleagues, many people described my bullies as “difficult personalities” or, in one case, a “narcissist”. I was told as a professional person you just have to learn to deal with these types of people. No one took my concerns seriously.
- When one act of bullying involved the theft of a virulent strain of tuberculosis from my research laboratory, at least one colleague was of the opinion that “things go missing all the time.” When I explained I was scared the attacks would further escalate to violence I was told I was “over reacting”.
- When I started referring to what was happening to me as “bullying” I was told I was just using it as an excuse because I either did not want to or could not do my job. I was called a “winger” and completely ostracized by the other staff.

2. Prevalence of workplace bullying.

- My bullying began because I was a whistleblower. This is likely to have complicated how the University handled my case. The University of _____ has a long history of punishing whistleblowers and almost all of the people who have contacted me about their experiences of bullying at the University of _____ have identified that the trigger to their bullying was a result of reporting some form of misconduct. The bullying at the University of _____ is particularly serious and I believe this is because the University attempts to cover up any allegation of misconduct reported and in so doing fails to protect those people who disclose the information.
- My story was made public through several articles in the _____ Herald written by a journalist, _____ . The prevalence of workplace bullying at the University of _____ became evident after these stories were published. The response to all the stories was incredible, especially the first one

Supporting
 comments were not only made on line to the story, but both and myself received numerous emails and calls about similar experiences at the University. We were inundated. Further stories followed.

- I was aware from the NTEU that there were many bullying allegations at the University, and this led to an inquiry from the NTEU about the prevalence of bullying. This report was not made public, but limited details are available

. The NTEU was unable to do anything about the bullying issue. It was explained to me the reason for this is that the NTEU had no legal grounds to pursue such claims. I have been told that the NTEU now refuses to act for members who report issues of bullying. From feedback I have had from many bullying victims at the University of I believe personally that the NTEU is failing to support members when it comes to bullying. I have been told and believe this is because the local branch committee is made up of staff from the University and are under threat from University management of repercussions if they act against the University in this respect. This is a real threat and every person I know who have reported bullying at the University of have lost their position or have had a significant impact on their career.

- Anecdotal reports of bullying, evidence of the prevalence of bullying at the University of has been collected by an online survey on a blog site run by I understand this data will be sent to you directly. The information we have collected on this website we believe is very valuable for this review. It provides evidence that bullying at the University of is endemic, condoned by a top down management team. This is the reason why bullying at the University of is simply seen as legitimate workplace behaviour.

3. *Types of bullying behaviour.*

- Most bullying behaviour can be seen as minor as a “one off event.” The problem is that attacks are accumulative and do tend to escalate. Data collected from our online survey will be provided to you, but in my experience the key bullying activities were –
 1. Ostracising
 2. Vicious gossiping
 3. False complaints
 4. Professional undermining
 5. Formal changes of work place duties without my knowledge
 6. Threats of losing job if I didn't keep my mouth shut
 7. Thefts of seriously dangerous material
 8. Provision of knowingly misleading information to external bodies
 9. Serious threat of legal action and federal police involvement

- After my story was published in the Herald, I was informed that the Vice Chancellor, was going to make “an example of me”. People contact me all the time and say that they are scared to report what has happened to them after they have seen what has happened to me and others who have reported bullying.

The role of workplace cultures in preventing and responding to bullying and the capacity for workplace-based policies and procedures to influence the incidence and seriousness of workplace bullying

- When the bullying is a way to silence dissent the victim is seen as “collateral damage”. The University of has a long history of covering up claims of misconduct.
- When bullying is a consequence of a disagreement with a manager or supervisor support for the victim is almost non-existent. In a University environment where promotion is dependent on your supervisors support, as is most of your daily workplace activities, most people are too intimidated to speak out to support victims. At the University of staff questioned are advised to say; “I can not recall”.
- Management, more often than not, target staff that do support victims of bullying. These staff are seen as “enemies of the workplace”.
- There is a continuing attitude that you do “not dob in your mates”.
- When an institution such as the University of is not answerable to any external body it is in a position to do as it pleases. The Vice Chancellor has ultimate power. This person can employ or sack who ever they decide. The University of has a range of policies, however they are rarely followed, are corrupted in process, provide no protection to the victim and in some cases, regardless of the outcome, the Vice Chancellor has the ultimate decision.
- At the University of no staff or student is protected by the policies in place. Internally the process is so corrupted reporting bullying is career suicide.

The adequacy of existing education and support services to prevent and respond to workplace bullying and whether there are further opportunities to raise awareness of workplace bullying such as community forums

- For these services to provide assistance the workplace must be open to them.

As a member of the anti-bullying group I have been involved in the circulation of information on bullying at the University of _____ campus. During this process the University of _____ has had us stopped by University security staff and treated like a criminals, removed information immediately from public notice boards, blocked a public YouTube on bullying from Australia even though it is available in all other countries and breaks no laws, and has threatened us with the Federal Police.

- The University of _____ provided some staff developments on bullying. We wrote to the coordinator suggesting some victims should speak to give an indication of what it is liked to be bullied. There was no response.
- The existing education provides nothing to help change attitude on bullying. The only thing that would make a change is if people saw bullies being punished as criminals. This is the type of education that would work.
- People are being rewarded for bullying behaviour, and rather as seeing this behaviour as wrong it is seen as a legitimate management tool.

There are many allegations against this man for bullying, and I suspect the award committee was not informed about any of them.

Whether the scope to improve coordination between governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying

- There should be a Nation wide legal and medical process to have workplace bullying issues dealt with independent to the workplace. Reported cases should be dealt with in a standardized manner, in a similar way as a reported assault or child abuse. There should be mandatory reporting from both within and outside the workplace. Where an investigation, whether internal or external to the workplace is carried out, and if the case is proven, there needs to legislative action that can be taken against the bully. Data needs to be collected centrally and available publically on issues related to workplace bullying.

Whether there are regulatory, administrative or cross-jurisdictional and international legal and policy gaps that should be addressed in the interests of enhancing protection against and providing an early response to workplace bullying, including through appropriate complaint mechanisms

- There needs be a complete overall of all these areas in respect to workplace bullying.

- The workplace policy definition of bullying and mobbing needs to be realistic and standard across all workplaces.
- Once bullying has been reported the victim should be given protection and guaranteed that their position will not be affected by their report. I note once I reported bullying the University of _____ took every step to have me terminated.
- The complaint process at the University of _____ is recognized by most staff and students as corrupt. The Union strongly recommends to its members NOT to lodge complaints through this process, as it “only makes things worse”. The University of _____ has used internally funded, external legal firms to look at complaints of bullying. The University of _____ corrupts this process to ensure the outcome is in their favour by restricting terms of reference, protecting certain staff by specifically prohibiting the victim to include their actions in the investigation, refusing to provide documents requested by the investigator, and providing statements from staff that are deliberately misleading and contradictory to evidence provided in other jurisdictions (such as the IRC and WCC).
- All workplaces need to be answerable to an external body that has power to act if anti-bullying policies are not followed. Individuals within an organization (such as Directors of Human Resources, CEO’s and Vice Chancellor’s etc) should be answerable to this body if they fail to ensure the policy is not abided to. This follows along the same line as with the OH&S Act. This external body needs to have enough power to administer more than “a smack on the hand” to those noncompliant workplaces. Criminal charges should be able to be laid.
- Where bullying has been proven to occur the matter should be transferred to the police to have it dealt with in a similar way to an assault. In my case the person who bullied has now been promoted, and the current Vice Chancellor has refused to respond to a request that I have made to her to act on the University Anti-bullying policy in respect to disciplinary action. Had it been a physical assault the police could have acted, and the injury may not have been permanent. Most bullying is a psychological attack and is more likely to lead to a permanent injury, and the police have no power to act. Bullies should be treated as criminals under the Criminal Law Act.

Whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying

- There is no deterrent against workplace bullying. This will only be achieved when workplace bullying is treated as a criminal offense.

The most appropriate ways of ensuring bullying culture or behaviours are not transferred from one workplace to another

- If bullying were a criminal offense there would be a record of offenders. Employment record checks would identify these criminals when they applied for new positions. I was told, and believe, [redacted] has and had similar bullying issues as the University of [redacted]. Perhaps this is related to the fact that our previous Chancellor and Vice Chancellor also previously had significant senior roles in these organisations.

Possible improvements to the national evidence base on workplace bullying reportable

- Workplace bullying should be seen as a criminal activity. Proven offenders should be charged and convicted under the Criminal Law Act. Records are then kept.
- Reporting of bullying should be mandatory regardless of whether or not proven. This data could be maintained confidentiality, but available for access to determine if someone has previously had allegations of bullying against them or if the person who makes the allegation is a serial reporter. This information could be valuable in assessing allegations of bullying, and where bullying trends are seen in certain workplaces.