Adam Janssen  
Senior Manager, Health and Safety  
By email: a.janssen@unsw.edu.au  
3 April 2019  

Dear Mr Janssen,

**Consultation on Draft Workplace Bullying Prevention Procedure**

This submission is made on behalf of the UNSW Women in Research Network (WiRN). WiRN represents over 800 female and female-identifying research staff, including academics, HDR students and professional staff engaged in research across UNSW and its affiliated research institutes. For the past 11 years, WiRN has worked to inform, support and advocate for women researchers at UNSW and this submission draws on that experience.

WiRN is very pleased to be able to make a submission on the draft Workplace Bullying Prevention Procedure (Procedure). Workplace bullying is an issue of great concern for our members, as bullying is often gendered with women more likely to be bullied. As well as differences in reported prevalence rates and forms of bullying by gender, research indicates that gender also matters for the way in which bullying is understood and addressed.¹ Several studies focused specifically on bullying in the higher education sector have found gender differences in the scale and perception of bullying, as well as in target responses.² Simpson and Cohen argue:

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“While sexual harassment is ‘overtly’ gendered, bullying also needs to be seen as a gendered activity — although at a different, and perhaps more deep-seated, level. Bullying therefore needs to be put in a gendered context.”

WiRN welcomes the development of a procedure to address this important issue. We are pleased to see the Procedure acknowledges clearly that “UNSW has a positive duty to take reasonable steps to prevent and eliminate workplace bullying from the workplace.”

We have included quotes from our members in this submission, highlighting examples of personal experiences with bullying and the ways in which it has been addressed (or not) by UNSW management. At our members’ requests, these quotes are provided on an anonymous, confidential basis.

We have identified a number of areas where the Procedure could be improved, as follows:

1. **Establish an independent person to receive and handle complaints, with an option for complaints to be made anonymously.**

   “the process of registering a complaint through the Faculty was difficult and awkward and this policy does not seem to make possible an ‘independent’ complaints procedure”

   “the policy does not positively encourage complaints as it is difficult to make complaints against a staff member within the same Faculty, especially where Faculty members may not be comfortable taking on a complaint regarding another Faculty member in an equal position to them”

   “[A ‘complainant’ I know at another workplace] was sexually harassed (repeatedly) by the boss of her manager. That boss was called out directly and loudly about his behaviour by the complainant. She then told her manager (as per policy) but the manager wants a promotion and so will not address the issue at all. I can easily see the same thing might happen here if a Dean harassed someone, and the manager (a HOS for example) wanted promotion someday.”

   “[The draft Procedure] does not seem to address the key conditions under which bullying typical occurs within a hierarchical structure nor does it allow for an independent complaints procedure. I say this because the two main difficulties I faced, almost immediately, in registering a complaint was that my supervisors - who would be my most immediate managers - had their hands tied. They knew the staff member in question and one of my supervisors had worked very closely with that staff member, which made it awkward for her to raise the issue with the staff member in question. It also made it awkward for me as I did not wish to burden my supervisor. One of my supervisors sought collegiate ways to address the problem but I’m not sure what came of this. I don’t place any fault with my supervisors at all and appreciate their efforts to try to address the problem in a way that did not upset their colleagues or lead to repercussions against me. They handled the issue as sensitively as

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they could and I decided against making a formal complaint due to feelings of intense vulnerability within the institution at the time. My instinct was to just let it go…”

“with the current University hierarchy there will always be a conflict of interest when junior people speak up and/or disagree with their leaders/superiors that may affect their career progression. The hierarchical academic system is very prone to bullying behaviour.”

The Staff Complaint Procedure requires staff to make complaints to their immediate supervisor, unless the complaint is about that supervisor. This is an issue of significant concern for WiRN members.

There is a need for an independent, accessible contact point for complaints. The Staff Complaint Procedure provides for exceptions to this if the complainant believes the supervisor is not impartial or has a conflict of interest, enabling complaints to be made to the supervisor’s supervisor or to the Vice-President, Human Resources. WiRN is concerned that this process could discourage staff, particularly junior staff, from raising concerns. WiRN is especially concerned about sessional and early career researchers on short term contracts who may feel particularly vulnerable.

The person/persons tasked with receiving complaints should be someone a junior staff member would feel comfortable speaking to, not a senior member of staff. Consistent with the literature, our members’ experience indicate that bullying is a significant problem for junior women, suggesting that there should be at least an option to raise these issues with a woman.

2. Clarify and increase protections for staff making complaints.

“From experience of being bullied by my Head of School in the area of workloads some years ago now, I’m not sure the complaint system would work unless checks are in place to protect the complainant. … Although my HoS’ behaviour and demands were unfair and bullying of the worst kind, I was … warned to avoid resistance or confrontation because she was within her jurisdiction and also had a reputation for getting rid of people. At the time I felt that lodging a complaint would only make things worse and risk my job.”

“My HoS was sympathetic but advised me not to make a complaint. Even though I had documented evidence of bullying, I was told that there was significant risk for me and it was unlikely anything would happen to the bully.”

“I was advised by my HoS to let it go, and not to take it personally because the bully is well known and ‘does it to everyone’. My HoS even pulled out the bully’s file to show me there were no other complaints, because it is not worth it to complain. That bully is now a Scientia Professor.”

“The union told me not to bother making a complaint because the university always sides with senior staff, and it would be damaging for my career”
WiRN welcomes the statement that “UNSW will take reasonable steps to ensure that staff and affiliates who make complaints, and anyone else who may be involved in the process, are not victimised for their role in the process.” We note this is also stated in the Staff Complaint Procedure, but there is little information as to how this will be achieved.

Many incidents of bullying go unreported for fear of detrimental effects on career progression, opportunities and relationships. Given that individuals experiencing bullying are likely to feel compromised professionally and/or emotionally, the Procedure does not do enough to reassure staff that making a complaint will not put them at risk.

The policy should also spell out clearly what to do in the event that the person is experiencing bullying from their manager or supervisor.

3. **Provide an option for complaints to be reported anonymously.**

Related to our concerns about possible risks to staff reporting bullying, the provision in the Staff Complaints Procedure that the supervisor handling the complaint will generally need to disclose details of the complaint to the respondent should be removed. While we understand the importance of procedural fairness, this provision may discourage complaints.

The Procedure should include an option for anonymous complaints, even if procedural fairness requirements mean that these complaints will not be able to be resolved as fully. A note on someone’s staff file that an anonymous complaint was made could be valuable if further complaints are made in future, and having this option would encourage more complainants to go forward. This operation of such a provision could be monitored and adjusted if necessary after a trial period.

4. **Introduce new training targeting bullying and encouragement to call out bulling**

The draft policy is titled ‘bullying prevention procedure’ while referring largely to the management of incidents/cases rather than prevention. While some incidents of bullying are one-off, in other situations general workplace culture plays a role. Group training in a shared environment, beyond online training, deals directly with the fact that bullying involves specific uses of language and inter-personal power dynamics.

This training should encourage bystanders to report instances of bullying. It should be accompanied by supporting materials (eg posters) encouraging staff who see behaviour that could constitute bullying to report this and, where appropriate, to call it out when they see it.

5. **Clarify applicability of the Procedure with respect to bullying of HDR students.**

“it seems the policy does not apply to PhD candidates unless they are ‘workers’, which seems to be a significant oversight given that PhD candidates interact with academic and professional staff on a regular basis and the nature of our work, being research, means we may be similarly situated to a junior academic. PhD should be automatically covered by this
procedure or a similar one to ensure that we are protected to some degree from workplace harassment.”

Many HDR students are also employed as research assistants and so would be within the scope of this procedure, but others would not. Even when not formally employed as an RA, however, HDR students often work closely with academic and professional staff. As the comment above notes, HDR students may be similarly situated to a junior academic and should also be protected from workplace bullying.

6. Clarify applicability of the Procedure with respect to bullying by students.

“staff members can also be bullied by students. This is a most difficult experience I had … when teaching a senior course. It all started with a student resenting a fail mark for an assessment and making comments which I could not hear but slowly undermined my authority. He set up a Facebook group that consistently criticised me and encouraged students unhappy with their marks to challenge me, even to the point of making vexatious complains.
This is the first time that this was happening to me and I didn’t take it seriously at first, could not anticipate what would come next. By the end of the semester, it had become clear that I was facing a bullying group of 3 students eager to create the most toxic atmosphere possible to unsettle everyone.
...
I wish the university could take into account students’ misbehaviours concerning teaching staff and set up a process allowing us to identify and report that behaviour.”

Once again, thank you for your leadership in developing a procedure on this important issue. We understand that UNSW will be conducting an EDI survey this month, and we hope that this will include questions on workplace bullying and UNSW responses to it, and that answers to these questions will be used to inform the development of this Procedure.

WiRN would be pleased to discuss any of these issues with you in more detail, and we look forward to reviewing the next draft.

Yours sincerely,

Associate Professor Amelia Thorpe
Co-Chair, WiRN Executive Committee

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