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NATIONAL TERTIARY EDUCATION UNION,
BRANCH

Submission to inquiry
into workplace
bullying: NTEU
investigation of
workplace bullying at
the

14th June 2012.

Dear Inquiry members,

This submission has been prepared by the National Tertiary Education Union branch at . It is based on a report we prepared late last year about the incidence of workplace bullying on our campus, a paper that outlined and analysed the results of a survey we conducted among University of professional and academic staff. Motivated by a worrying increase in bullying cases reported to the union, we thought bullying was becoming an unacknowledged but deeply corrosive aspect of campus life. The survey results confirmed that a large number of employees had experienced or witnessed bullying behaviours, such as unfair treatment, public humiliation, arbitrary misuse of power and repeated shouting swearing and threatening behaviour, in their work units. Other findings included:

- There were 552 respondents to the survey. The vast majority of them had experienced or witnessed bullying behaviours.
- Many staff fear speaking up about being bullied, are demoralised and would like to leave .
- Staff on fixed-term contracts are particularly vulnerable to bullying, especially those who do teaching work while completing higher degrees.
- Some line managers were reported as exhibiting highly prejudicial behaviours and attitudes that are not simply bullying but, in our view, also breaches of criminal, industrial, OHS and anti-discrimination legislation.
- Bullies might use performance management processes to deflect employee complaints about their behaviour.
- 66.2% of respondents were women.
- 70% of respondents report the bullying is ongoing.

The evidence we gathered suggested that, although has a bullying policy and other guidelines that outline acceptable workplace conduct, these policies are routinely ignored and harmful behaviour is often excused. Our findings confirmed recent media and government reports about workplace bullying that have focussed attention on the serious impact that such negative behaviours can have on workers, their families, their communities and the organisations in which they work (for example, Australian Human Rights Commission, 2011; Productivity Commission, 2011; *SMH*, 8, 21 June 2011; *The Age*, 10 March 2010; *AFR*, 30 August 2011). We found that while some workplace bullying acts are open and relatively tolerated by organisational cultures, other forms of bullying involve perpetrators who employ a complex range of weapons to intimidate, humiliate or limit the progress of their targets in ways that are often unseen, difficult to verify and challenging to address.

However, with some goodwill to tackle the problem, we did not think that dealing with bullying was insurmountable. We tendered this report to managers and staff as

a starting point for discussion, hoping that it would inspire constructive work towards a bullying-free workplace. While we received numerous messages of support from staff, the response from management has been fairly underwhelming. In the one meeting we had with senior management after the report was released, we pointed out to them that numerous studies now suggest that failure to properly address workplace bullying will likely engender a range of adverse outcomes from poor occupational health and safety to reduced organisational sustainability. We thought this might suggest to them that some 'win-wins' might emerge from a collaborative approach. Sadly, despite promises from them to work on a range of initiatives, including workplace training programs, there has not been any subsequent follow-up from management, even after reminders from the union branch. It appears that once the media attention created by our report died down, so did their apparent interest in tackling the problem.

Thank you for undertaking this important inquiry. While our focus as a union in the following report has concentrated on recommendations for organisational and industrial remedies for workplace bullying, we think there is an urgent need for legislative attention to this problem as well and we hope that the material contained in this submission will assist in your deliberations.

Yours sincerely,

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Branch President, NTEU

Workplace bullying at

Background to report:

In September 2011, the [redacted] branch of the National Tertiary Education Industry Union (NTEU) devised and distributed a survey to all [redacted] staff members about the incidence of bullying in our workplace. The branch executive and cases committee had noticed a significant increase in the number of [redacted] staff members seeking union assistance about bullying. The incidents members reported most commonly concerned being bullied by someone more powerful and involved a wide range of bullying behaviours, such as physical and verbal aggression, isolation and denigration of targets (term used in preference to 'victims') unfair distribution of rewards, taking away responsibility for higher-status tasks and misapplication of university policies and processes. While the power of the bully was a significant factor in most cases, we were surprised at the number of relatively senior staff members who were also being bullied. In contrast to popular perceptions that bullied employees must do something to bring problems upon themselves, in many cases, the targets were long-term employees with no previous history of similar workplace conflict who fell foul of a 'new broom' manager – these cases led us to think that no-one was immune from being bullied at some point in their career. Almost without exception, the employees who brought their workplace problems to our attention were under considerable pressure, suffering sleeplessness, depression and high levels of stress and anxiety. In short, being bullied was having extensive detrimental effects on their work and home lives.

[redacted] has a bullying policy. It was first formulated in 2001, no doubt to comply at least superficially with the then new dictates of NSW OHS regulation. It is couched in terms of the employer's legislated duty of care to provide a safe workplace for all employees which involves, among other things, commitment to a bullying-free environment. There is now significant academic support for the notion that the physical and emotional effects of workplace bullying ought to be regarded as workplace injuries (see, for example, Duffy, 2009:244; Mayhew, McCarthy, Chappell, Quinlan, Barker and Sheehan, 2004). Unlike a situation where an employee might break an arm by falling down stairs at work, however, there is considerable difficulty identifying and proving sometimes subtle bullying 'events' and, equally, it is hard to isolate direct links between a bully's behaviour and its effects on a target. In this light, we argue that these considerable but by no means insurmountable problems can become a cloak for inaction. Hence, although the wording of the [redacted] policy is relatively straightforward in theory, in practice, NTEU representatives experience significant frustration dealing with the ineffectiveness of the recommended procedures for tackling bullying situations. The policy obligates managers to take action when a bullying complaint is made to them, but our experience has been that managers are often unaware of their responsibilities under the policy or do not act in accordance with policy recommendations. On some occasions, union representatives have been in an invidious

position, where it has been difficult to recommend a fair and effective way for a staff member to resolve a bullying situation in their workplace. When past experiences tell us that complainants are commonly isolated, ignored and/or further targeted after making a complaint to University management, we find it problematic to advocate following the suggestions outlined in the University Bullying Policy in the knowledge that lodging a grievance might actually make the staff member's situation worse, not better. This is particularly so when, in common with findings in the bullying literature outlined below, we know that bullying targets are far more likely to lose their jobs than perpetrators. We argued to management, therefore, that there is an urgent need for renewed commitment to review and abide by an improved Bullying Policy in a way that resolves real workplace problems with procedural fairness.

In the aftermath of a particularly savage case of bullying where the University tacitly admitted wrongdoing on the part of the manager involved, discussions took place with one senior University manager regarding our shared sense that bullying was a problem of broad and deep significance at . He indicated a willingness to recommend that management do some mapping of bullying in the workplace, especially focussing on work units with a history of complaints or a high level of staff turnover. While the NTEU would welcome initiatives like this, including some form of University-wide climate survey with some specific questions about bullying like that recommended in the recent AUQA (2011:11-12) audit, staff concerns about reporting bullying to management might impede an accurate assessment of the extent of the problem. As many incidents of bullying are probably never reported or acknowledged, we hoped an anonymous, union-run survey might provide a means through which staff members who feared the consequences of open confrontation with the bully or with management could tell us what they had experienced or witnessed in their workplace without fear of reprisal. We envisaged, too, that the survey might play an educative role; we had numerous anecdotal reasons for suspecting that many employees suffered bullying without perhaps even naming it as such. Under the guise of performance management, for example, staff members have reported to us that they have been subjected to punitive behaviours designed to isolate them and undermine their confidence, instead of receiving encouragement and support through appropriate career development initiatives. We also knew of cases where unsatisfactory performance and misconduct procedures had been threatened and/or initiated against employees with complaints about bullying, in clear attempts to intimidate the complainant. We hoped that by using the survey to list the common behaviours associated with workplace bullying, more staff members might be able to recognise and name as unacceptable workplace conduct the behaviours they unwillingly, and sometimes unwittingly, tolerated. Apart from understanding the experiences of staff in relation to bullying, we also wanted to know what had happened if/when staff members took action against a bully and whether they found University policies effective for dealing with bullying.

This report reveals the results of the survey we conducted. The survey design was influenced by the academic literature in the field of workplace bullying and so we provide a brief summary of that literature in order to set the problems experienced at [redacted] into some sort of context. While professing no significant academic expertise in this area, the material gathered as background for this project confirmed the commonalities between our experiences as union representatives and the wider literature about the nature of bullying in the university context. The report concludes with a range of recommendations that emerged from the literature which, without prejudice, the NTEU endorses as approaching 'best practice' in this area. We feel that attention to all these recommendations would go some way towards dealing with what has become a significant problem in our workplace. However, we recognise that this report is just an opening foray into a complex situation and recommend that, in future, [redacted] management makes a sustained commitment towards more thorough investigation, sensitive remedial action and careful assessment of bullying at this university in a productive dialogue with NTEU staff representatives.

Review of literature and methodology:

The international literature on workplace bullying is expanding rapidly. Dominated by largely definitional and empirical studies to this point, the research reiterates the importance of defining terms from the outset, especially as bullying still has a connotation of schoolyard behaviour that should have little resonance in a professional, adult working environment (Rayner, 1997). In the introduction to our survey, therefore, we were at pains to describe to potential respondents what might be, and importantly what should not be, considered bullying behaviour. While there is no firm consensus about definitions of bullying, there were some common themes that we reflected in the following description: 'repeated less favourable treatment of a person by a person or persons in the workplace, which may be considered unreasonable and/or inappropriate workplace practice. It includes behaviour that intimidates, degrades or humiliates a worker' (see, for example, Einarsen, Hoel, Zapf and Cooper, 2003; Vickers, 2006:273). We felt it was important to articulate that bullying did not constitute a one-off instance of someone, or a group of people, behaving badly. It was also critical to identify bullying as behaviours that had a *severe* and *unfair* impact on the targeted victim or victims over a period of time (Keashly and Neuman, 2010:49). As Lester (2009:445) put it, bullying is characterised by high frequency and intensity, as well as significant duration and power inequities. Nonetheless, bullying might also be a subtle process, involving a patchwork of informal and covert behaviours and practices that are difficult to recognise, corroborate, assess and address. As Fogg (2008) described it, bullying might take the form of a range of 'subterranean' behaviours:

The academic bully plays a more subtle game. He – or, just as likely, she – might interrupt every time you speak in a committee meeting. Or roll [their] eyes at your new idea. Bullies may spread rumors to undermine a colleague's credibility or shut their target out of social conversations.

We acknowledge that there are often overlaps and disjunctures between what colleagues might view as bullying and other forms of harassment, including unwanted sexual attention. While we do not want to minimise the importance of these distinctions, it was beyond the scope of this study to seriously define and differentiate the boundaries between these concepts. That said, in open-ended responses, many staff members referred to status-based hostile workplace behaviours and we think this is a useful delineation for the purposes of this study at least – that harassment might be performed by any organisational member, while bullying involves a power relationship between the perpetrator/s and their target/s.

The catastrophic effects of bullying upon bullied workers are well documented in the academic literature. In terms of health outcomes, these include, but are not limited to, reduced confidence and self-esteem, stress and anxiety, nausea, loss of appetite, binge eating and subsequent weight loss or gain, headaches, lowered ability to retain information and sleep disorders (Lester, 1990; Zapf and Einarsen, 2001; Lallukka et al, 2011). Some studies described the effects of bullying as analogous to symptoms of post-traumatic stress

disorder (Lallukka et al, 2011; Fogg, 2008). Leymann (1990:122) studied the experiences of doctors working in occupational medicine who reported the serious health effects of workplace conflicts over bullying. He argued that, in Sweden, 10-15 per cent of all suicides can be related to toxic work environments and specifically warned against reducing the problem to the assumed 'deviant personality of the victim'. Career detriments associated with bullying include loss of pay, unrealistic workloads, unfair absolute and comparative distribution of resources, lack of recognition for achievements, threats or actual loss of professional standing and job tenure and possible expulsion from the labour market. It is also important to acknowledge that psychological and financial harm that victims commonly suffer often extends to the victim's family, friends and colleagues as well (Duffy and Sperry, 2007; Vartia, 2001). For the organisation, bullying is linked with higher absenteeism, lowered productivity, workplace disruption, increased disengagement and higher rates of turnover or, as one study termed it, 'a creeping contagion of negativity' (Harrington and Rayner, 2011:224). It is estimated that, in the UK, bullying costs more than £17 billion throughout the economy (Harrington and Rayner, 2011:223). In Australia, insufficient attention has been paid to this question, but a recent Productivity Commission report estimated that the annual cost of workplace bullying to the Australian economy could be as high as \$36 billion (Productivity Commission, 2010:279).¹ While many studies point to the need to address bullying as 'the right thing to do', the incentive for universities to cut costs and reduce risk exposure is also present (Keim and McDermott, 2010:172). Where senior managers recognise that sweeping complaints under the proverbial carpet is likely to increase, rather than minimise, the costs of bullying and they become proactive about anti-bullying behaviours, a wide range of organisational stakeholders, including themselves, might benefit.

Liefooghe and Mackenzie Davey (2001:375-7) argue that the most common approach of workplace bullying studies can be characterised as pathologising explanations of conflicts, where bullying is described as individual aggression involving a relationship breakdown between individuals or between an isolated target and a group of 'insiders'. Some studies go as far as to suggest that there are certain personality types who are more likely to bully and to bring bullying upon themselves than others, by virtue of their own behavioural shortcomings (Einarsen, 1999:20; Shallcross, Ramsay and Barker, 2010:30). However, Vartia's (2001:68) study of randomly selected municipal workers revealed that 80 per cent of those respondents who reported being bullied were experiencing this treatment for the first time, making it unlikely that personality factors were the major contributor to each bullying situation. Typically, personality-focussed studies direct insufficient attention

¹ This report confirms that assessments of the incidence and cost of psychosocial workplace hazards differ enormously. That said, it conflates studies that estimate costs to employers and costs to the whole economy, which are not at all the same. Analysing the total economic costs of bullying go far beyond costs to employers, often incorporating assessments of costs to the public health care system, social welfare payments, premature retirement, funding inspection regimes, the impact on families etc. Many of these costs are certainly incurred by employers, but then externalised onto taxpayers and the broader community.

towards the organisational contexts in which bullying can flourish and even become legitimised. In our view, to understand and deal with bullying at the source, it is vital to focus on organisational environments as backdrops conducive to interpersonal bullying behaviours (Baillien and de Witte, 2009:366) and to address the degree to which seemingly impersonal and 'rational' policies, practices and processes cross the line from bureaucratic management functions into the realm of bullying (Shallcross, Ramsay and Barker, 2010).

Many authors point to the organisational factors that go far beyond the actions of an individual in perpetrating and excusing bullying behaviours (Einarsen, 1999; Salin, 2003; Thornton, 2004; Baillien and de Witte, 2009). After decades of neo-liberalism, universities are now dominated by corporate philosophies. The political economy of higher education is underpinned by chronic government underfunding where competitive pressures and high workloads combine to create a stressful environment in which bullying behaviours can thrive (Thornton, 2004). Far from meeting with stern rebuke, bullying is often excused and normalised by cultures where authoritarian leadership, aggressive and competitive work norms and highly politicised and conflictual environments are anathema to collegiality, civility and, ultimately, productive collaboration (Keashly and Neuman, 2010:59; Lester 2009:448). Throughout the sector, frequent bouts of organisational change have cut secure jobs while increasing casualisation. Destructive decision-making processes based on financial agendas far removed from the main missions of any university create highly stressful environments. Managerial demands for higher output in teaching, research and administrivia, and the uncritical use of crude metrics to determine performance quality and quantity, commonly posit the university as a 'brand' to sell in the competitive global marketplace. Periodic claims of budget crises, often high in dollar terms but short on detail, purport to justify further belt-tightening behaviour; requests for information are denied on the basis that commercial secrecy must be maintained. As Thornton (2004:163) puts it, 'the rubric of 'commercial-in-confidence' is able to be used increasingly as a means of immunising university activities from scrutiny'. Salin (2003) shows how systems that can motivate bullying often include a high level of internal competition, the existence, but relative scarcity, of financial and resource rewards and perceived benefits for a perpetrator. Staff are so busy that there is little time to push back or complain collectively. While we do not accept uncritically Thornton's (2004: 173) 'cart before the horse' premise that staff withdrawal is responsible, we do support her notion that, within modern universities, there is an expansion of the 'ambit of managerial control as well as...the evisceration of collegiality'.

The high level of organisational flux and job insecurity that predominates creates an environment where those with the necessary power can behave in ways seemingly unchecked, perhaps even rubber-stamped, by senior management. As Lester (2009: 448) described it, continued organisational flux creates the preconditions where 'toughness' and aggressive competitive behaviours are celebrated and normalized. While some managerial intervention may be deemed necessary when certain individuals 'go too far', by and large,

more widespread acknowledgement that organisational priorities cause bullying are not countenanced because of the implied criticism of managerial prerogative involved. We do not want to suggest that workplace bullying was 'invented' under this type of regime, however we do think there is a case to be made that the current environment offers fewer safeguards and remedies for targets of bullying than in the past. While this contextual material is not provided as an excuse for bullying behaviour, it does suggest that much more than the application of simplistic 'bandaids' will be required for any genuine improvement.

Local NTEU representatives felt that, as long as bullying was allowed to remain a subterranean issue dealt with at the level of individuals, there would be few opportunities to address the problem on a university-wide basis. We felt there was a need to gather information about the nature and extent of bullying to substantiate any approach we might make to management about the seriousness of the problem. To this end, we formulated a survey on Survey Monkey (see Appendix 1) and sent the link to all staff by email. It was hoped the survey would play both an investigative and consciousness-raising role. The questionnaire we devised was informed by our experiences of dealing with bullying cases on campus and reflected issues raised in the bullying literature, but was essentially exploratory in nature. We did not know what we would find and we suspected that a multi-faceted, multi-layered issue like bullying could not be adequately addressed by a simple survey. For this reason, we incorporated a number of opportunities for respondents to give open-ended feedback, which greatly increased our understanding of the complexity of situations facing staff members on campus but suggested to us that our opening foray was only scratching the surface at this early stage.

Because of the potentially sensitive nature of the material we were soliciting, it was necessary to extend absolute anonymity to respondents and so no personal identifiers were solicited, which created both strengths and weaknesses in the survey. On the plus side, we suspect that respondents trusted the NTEU branch representatives to listen to staff members' stories and to keep their confidence, thereby increasing our response rate, but on the negative side, all the data is based on self-reporting and so cannot be externally verified. While we accept some researchers' caution about methodological reliability of self-reporting (Rayner and Hoel, 1997; Westhues 2008), we sense that the sheer number and relative homogeneity of responses in key areas lends a degree of authenticity to the messages behind the raw statistics we have compiled. Indeed, a meta-analytic study of bullying studies using a variety of research methods over a range of geographical areas revealed that the self-labelling studies that supply a definition of bullying to respondents tend to result in the lowest estimates of bullying prevalence because academic definitions are inclined to be more strict than lay perceptions (Nielsen, Matthiesen and Einarsen, 2010:968). In addition, our inability to reproduce some of the most shocking revelations from the data minimises, rather than maximises, the impact of the findings. Some reports of bullying were so specific that they would have alerted those with knowledge of the situation

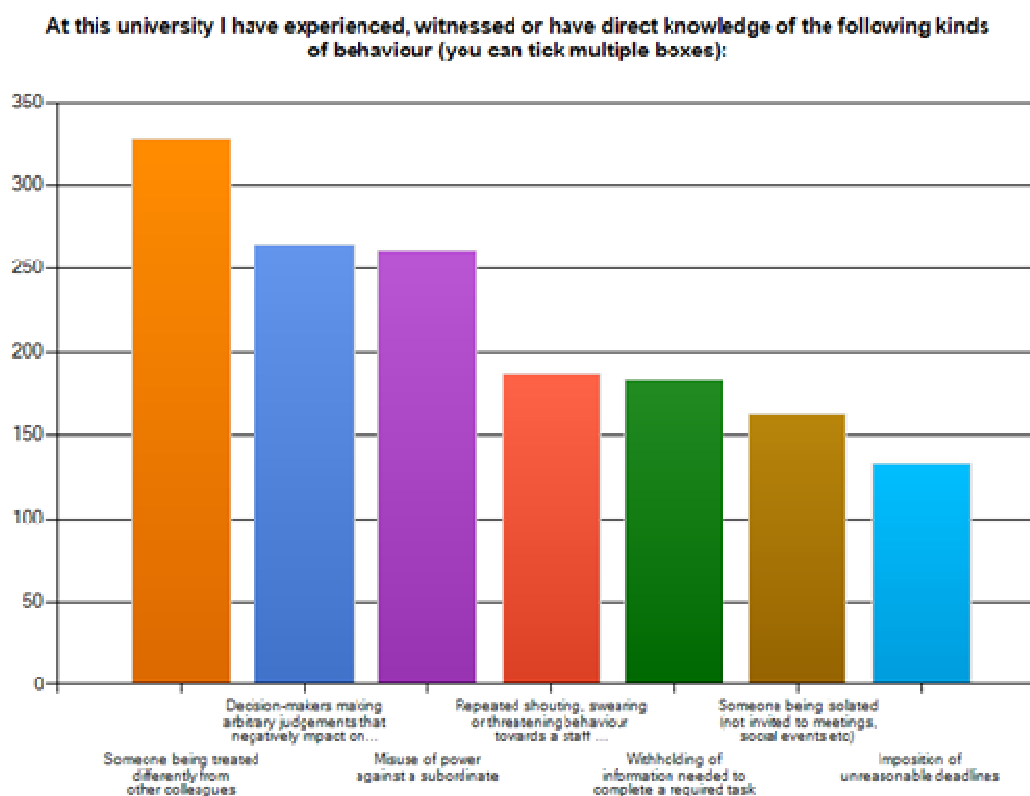
to the identity of the respondent, so we could not include what were, in some of the worst cases, actual criminal behaviours.

The results of this study should be taken, therefore, for what they are – a strong indication that bullying takes place on a regular basis at and requires attention from a range of organisational stakeholders.

Findings:

In all, there were 552 respondents to the survey. Given [redacted] reported employing approximately 6,070 (FTE) staff in 2010 (AUQA report, 2011:6), we felt this was a surprisingly high response rate for an email-distributed survey about supposedly marginal behaviour (email surveys often elicit very low response rates). When questioned about their experiences of bullying, 68.6 per cent (322) colleagues said they had been bullied at [redacted]. 12.2 per cent were neutral or unsure about having experienced bullying and slightly less than 20 per cent indicated that they had not been bullied.² However, it appears that a larger percentage of respondents filled out the survey to report bullying behaviours they had observed being directed towards other employees, not themselves. 83.2 per cent (388) respondents said they had witnessed or known of bullying at [redacted]. 8.4 per cent were neutral or unsure and less than 9 per cent (39) said they had not witnessed bullying.

We asked respondents to identify the kinds of bullying behaviour they had experienced or witnessed and they were able to indicate more than one type of behaviour if they wished. The seven most common responses were:



The most common behaviours staff experienced or witnessed were 'someone being treated differently from other colleagues' (75.2 per cent), 'arbitrary decision making with negative impacts on someone' (60.6 per cent), 'misuse of power against a subordinate' (59.9 per

² Within the survey, some respondents chose not to answer some questions.

cent) and 'repeated shouting, swearing or threatening behaviour towards a staff member in public or private' (42.7 per cent). Staff revealed a broad understanding of the behaviours that should be labelled 'bullying'. In open-ended responses, some staff indicated that they felt bullied when they were not allowed autonomy in their jobs, having to cope with regular interference in the performance of their daily tasks and finding that suggestions for improvements/opinions were ignored or unfairly criticised. This comment was fairly typical:

Sometimes abrupt or dismissive behaviours results from a culture of power whereby decisions are made in ignorance of fellow staff members' intentions/capacities. The impact, nonetheless, of decision making without dialogue and consultation, can be devastating.

One employee reported having to face regular 'passive aggression' and another said that 'intimidating and threatening behaviour [was] used in place of reasonable discussion'. Several respondents referred to the public nature of criticism directed at them, where they felt demeaned and belittled in front of other staff, while others commented about unfair allocation of resources and career advancement to 'favourite' staff members. It is also important to note that a number of staff reported illegal discriminatory activity – pressure to retire or demeaning and discriminatory jokes, unfair refusal to support training or leave applications – while 37 respondents indicated they had received or witnessed 'unwanted sexual attention'. Some of the open-ended responses described incidences that amounted to physical and/or sexual assault.³ Several staff reported feeling bullied after they had made 'whistle-blowing' complaints or engaged in protected union industrial action.

58.8 per cent (271) of respondents told us that there was often a stressful atmosphere in their workplace, while 22.6 per cent (104) were unsure and 20 per cent (92) said this was not the case. It is possible that use of the word 'often' prompted a level of ambivalence about the way this question was posed. When asked a more specific question about the actual incidence of stress-related behaviours (such as crying, shouting, angry outbursts or door slamming), a much less equivocal 70.7 (324) per cent of respondents indicated they had witnessed such conduct (14.4 per cent were unsure and 15.5 per cent reported they had not witnessed this type of behaviour). One respondent, who had experienced being shouted at, referred to such behaviour as 'wearing other people's frustrations'. Another said that 'seeing colleagues crying in the toilets is a daily occurrence'. It was heartening, however, that many comments revealed a high level of sympathy and understanding for people in different employment categories/positions than themselves. Senior staff commented on the lack of power suffered by junior staff, academic colleagues spoke of unreasonable behaviour towards professional staff and vice versa. Many of those

³ Because of the highly specific nature of the information provided, I have not reproduced quotes for fear of 'outing' the colleague concerned. However, I would strongly encourage the victims in these cases to make contact with the NTEU or the police. No-one should have to accept the behaviour described by these respondents.

who reported past bullying behaviour spoke in glowing terms of their new supervisors and colleagues and that it had been a relief to have escaped a bullying environment.

The data revealed that the perpetrators, operating from a range of positions, had the power to make life difficult in a range of subtle and not so subtle ways. There were comments about managers using their status to benefit themselves and indications that favouritism was sometimes directed towards those with senior patronage. Some staff were able to have 'cosy' relationships with managers, while others reported feeling left out – indeed, one respondent referred to their treatment as 'being sent to Coventry' by someone more senior. A colleague reported being bullied by one senior staff member for carrying out the directions of another senior staff member, highlighting the invidious position of many professional staff, particularly in Schools, who have to try to balance the sometimes competing demands of any number of academic staff. As one comment described the situation of many professional staff:

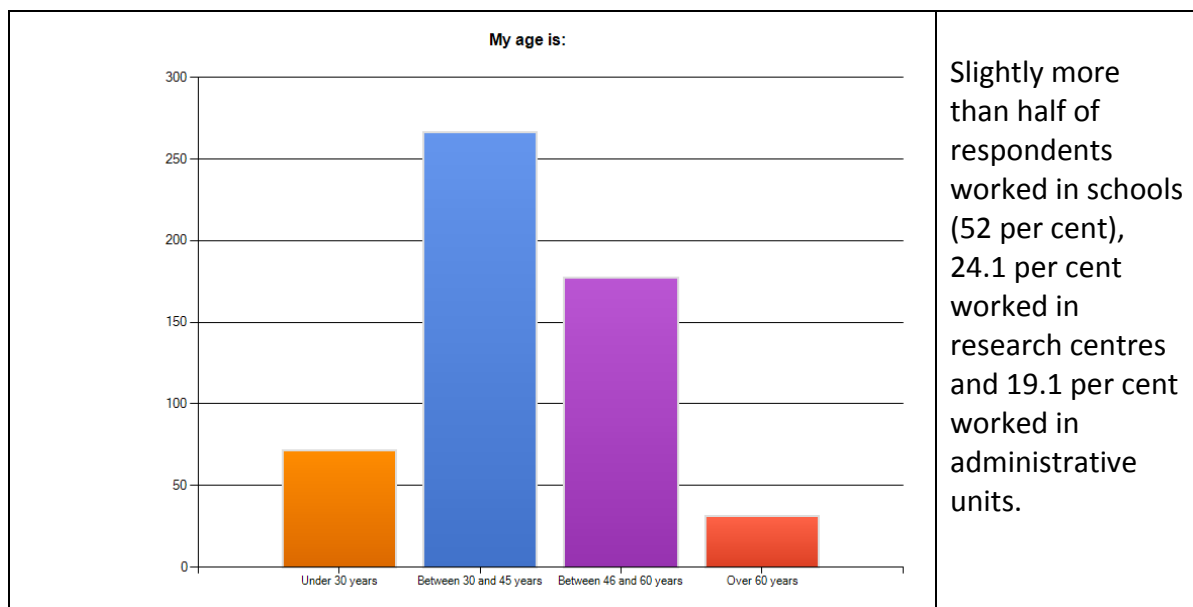
Professional and Technical staff are not valued at . They are the foundation of the University but they are treated in a patronising, demeaning and negating manner. Professional and Technical staff may receive better super packages and pay packets than individuals in other industries but this doesn't make up for the fact that they are consistently treated like 'second class citizens' by the academics and management within the University.

Comments were made about the failure of perpetrators to communicate appropriately by email, not following the rules of polite and professional communication dictated in various University policies, such as the Code of Conduct, the Equity and Diversity Policy Statement and Email Policy. It was particularly embarrassing for some colleagues when the offending email had a number recipients and so exposed them to public ridicule. Professional and reputational denigration was also reported to have followed colleagues outside the University, at conferences and other public events. Some respondents worried that negative repercussions from this type of behaviour might have ramifications for them even if they left . In a situation where particular research communities are small and everyone is known to each other, one respondent wrote, 'If I was to make a formal complaint I am worried about the repercussions for my career. The field in which I am employed is small and word of mouth is important for references.'

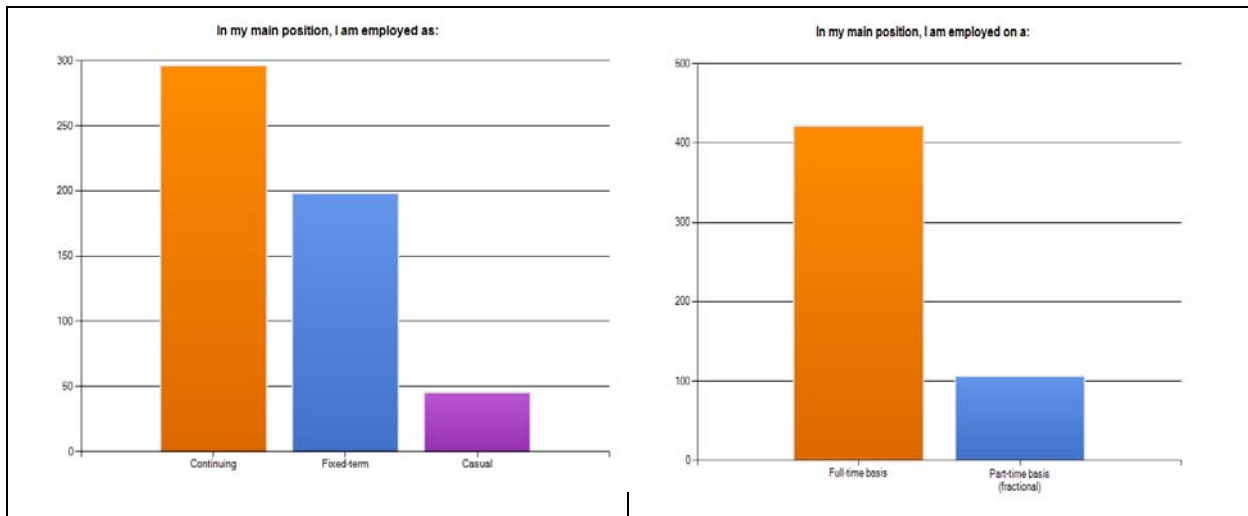
66.2 per cent (360) of respondents were women and 33.8 per cent (184) were men. Most respondents to the survey were aged between 30 and 60 years of age; only 13 per cent (71) were under 30 and 5.7 per cent were over 60 years of age. This is consistent with the academic literature, which suggests that more women are targets of bullying than men (Simpson and Cohen, 2004:170). Interestingly, however, no suggestion is made that women are any less likely to be perpetrators, except where explanations of gender relations intersect with power relations to suggest that fewer women are in the more senior positions that enable them to bully (Simpson and Cohen, 2004:179, 182; Rayner, 1997:206). While we

did not specifically survey staff about the gender of the perpetrator/s in question, many respondents indicated in their open-ended responses that the bully they were discussing was a woman.

Line managers, in some instances, were described as having highly prejudicial behaviours and attitudes that, in some cases, were clearly breaches of criminal, industrial, OHS and anti-discrimination legislation. For example, one staff member reported that research performance standards were unreasonable, especially the exclusive focus on publishing in A* journals, and that staff who had family obligations were treated like they were ‘making excuses’ if they did not meet these narrow criteria for assessing ‘success’. Some respondents reported that taking flex leave became the subject of negative comment, that leaving work on time or taking sick leave to which they were entitled, invoked harassment from a bully. One colleague reported being marginalised from the team when she advised of her pregnancy and another commented that her duties were changed upon return from parental leave to tasks involving less responsibility. Comments were made about the ageist assumptions of some managers who frequently expressed the view that more young people were needed. While workforce renewal is, of course, a pressing need in academia particularly, some staff felt the comments stereotyped and marginalised older workers as well as discriminating in favour of younger applicants for jobs, promotions etc. Some respondents indicated that their appearance and sexuality were the subject of negative comments in the workplace. One witness revealed they had heard a senior member of staff comment on the appearance of a professional staff colleague, saying she looked like "Princess Diana after the accident with the steering wheel through her face". This was reported to senior management in the workplace, but the respondent was unaware of any action taken. Staff reported difficulties in making arrangements consistent with the concept of ‘work/life balance’ because there were too many work hours expected of them.



Slightly more than half of respondents worked in schools (52 per cent), 24.1 per cent worked in research centres and 19.1 per cent worked in administrative units.



A huge majority of respondents (422) were full-time workers, although substantially fewer were continuing employees (297), a reflection of University recruitment policies. There was also an almost equal number of professional (254) and academic (270) staff who responded. 28 managers (5.2 per cent) filled out the survey, but a much higher number of respondents (36.3 per cent) indicated that they had some responsibility for supervising staff, most likely reflecting the incidence of academic staff who supervise the large pool of casual teachers employed at the University. 31 people indicated they held multiple, largely contingent positions. Given the high number of casuals employed at the University, the low response from staff in that employment mode was mildly surprising and may reflect the degree of inaccuracy of our 'all staff' mailing list among certain groups of staff.⁴

Although we did not ask any specific questions about staff bullying students or staff feeling bullied by students, a number of respondents referred to these aspects of the problem when invited to give open-ended responses which leads us to think that cooperating with student organisations over a similar survey among students would be illustrative. Most notably, there was a particular group of respondents whose academic supervisory relationships overlapped to some extent with employment relationships – most commonly, PhD students who were performing some paid employment for their supervisor or other members of staff in the same School. It is of particular concern that the academic supervisory relationship appeared to give some perpetrators the power to insist on inferior employment conditions, like working without pay or without concern for the number of hours worked in a week, or claiming credit for work done by students. It was suggested by

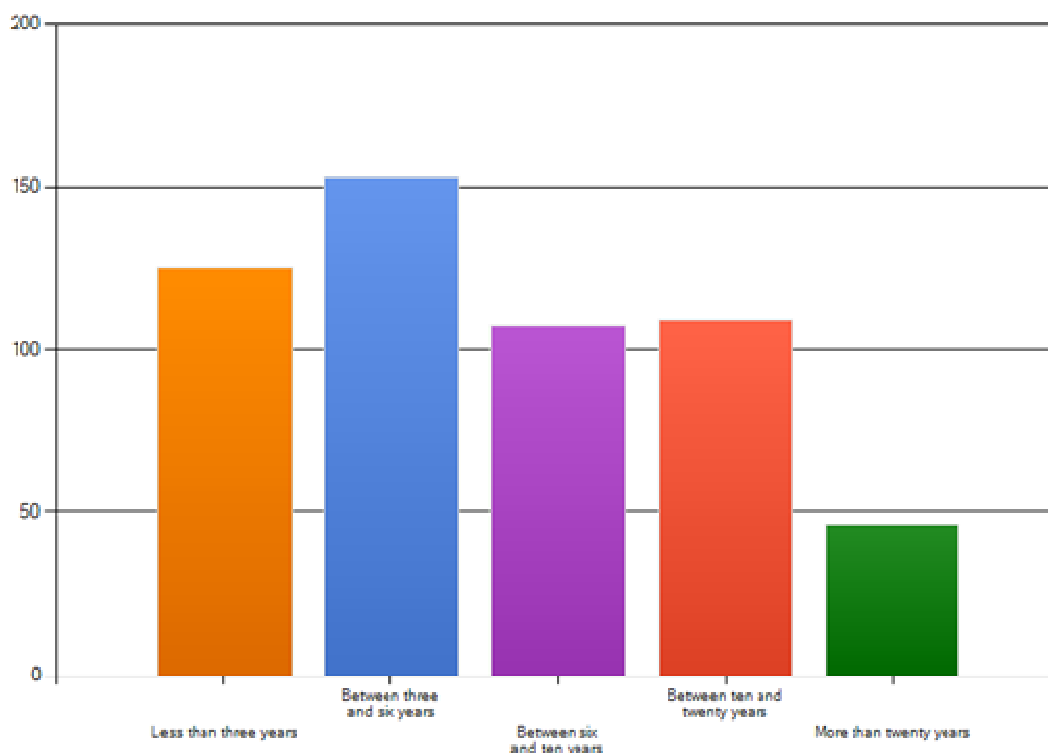
⁴ management refuses to provide the NTEU with a full list of staff email addresses; this means our list, although substantial, falls out of date quite quickly despite our best efforts to maintain its accuracy, because of the high turnover of casual staff. This regrettable situation had one slight advantage however – a small number of staff who filled out the survey indicated that they had already left the organisation due to bullying so their experiences have been captured.

several respondents that these students/employees suffered threats that employment, supervision and scholarships would be rescinded if they did not comply with unfair demands from their supervisors and this stress was compounded in some cases where students had contingent visa arrangements. As one colleague described it:

There is a big problem of academic supervisors bullying their students, particularly in disciplines where the number of publications produced in high impact journals are key to getting a permanent job, keeping that job or getting promoted. Students become the free workhorses and often receive no acknowledgement of their contribution, sometimes having months of work stolen from them. There is also a culture of PhD students being pressured to do this work even when the supervisor is aware that this will only benefit themselves and not the student - in many cases they are aware that it will actually keep the student from completing their thesis but still pressure them to do the work anyway, almost always without pay. When/if this is raised with the annual review committee or to the head of school, no one really wants to do anything about it, especially when the problems are so big that the academic would probably lose their job over it. Nobody wants to be responsible for that, not least the student.

As can be seen below, the data revealed that an employee's length of tenure was not particularly linked with bullying experiences, except to suggest that bullying incidents appeared to decline, but did not disappear by any means, with seniority.

In total, I have worked at UNSW for approximately:



However, in the open-ended comments, contract status clearly emerged as an important link with bullying behaviour. Although we found that no-one was immune from being

bullied, the sheer contingency of many staff's employment contract made them especially vulnerable to abuses of power.

We also wanted to know if employees had tried to deal with their negative workplace situations and, if they had, what had been the result. We began by asking whether respondents felt able to complain. 53.5 per cent (247) affirmed a statement that they did not 'feel free to speak up' if they thought something was 'wrong or unfair' in their workplace. 22.3 per cent (103) were neutral or unsure about this issue and 24.2 per cent disagreed with the statement. An even greater percentage of respondents, 64.4 per cent (295), agreed with a statement to the effect that they feared potential negative consequences if they criticised something in the workplace. Several staff members reported that at workplace meetings open threats of negative consequences were made towards staff who criticised management policies. Indeed, 60 per cent of respondents that there was a general recognition among co-workers about who engaged in bullying in their workplace. These results suggest that bullying behaviour is well recognised in many workplaces, but at least tolerated, if not worse, by those with power to effect immediate change and endured by colleagues who feel unsure about what to do.

We also tried to ascertain whether there was a particular position that staff associated with bullying behaviour but the results were inconclusive because of the way the question was asked. Unfortunately, the lack of time for a proper piloting process meant this problem was not highlighted to us earlier.⁵ While these results indicate that perpetrators occupy a range of positions in the organisational hierarchy, and that co-workers and colleagues were the most common perpetrators, the question format inhibits a deeper analysis of power and bullying. In hindsight, we should have asked, more simply, whether the perpetrator was more senior than the target of bullying. While we would expect colleagues to figure prominently as perpetrators because there are simply more of them, we do not know what this means in terms of more subtle power relations. However, our open-ended responses commonly referred to perpetrators about whom the target could do nothing for one reason or another. As one respondent wrote:

There is a culture (a new culture - something different to that when I started) which frightens people into saying nothing. School meetings used to be a place where you could express a lot of ideas and feelings without fear of ramification - now apparently this is not a venue to express ideas freely. It is no longer a collaborative type environment where a HOS is one of us - rather it is business with a more definite sense of hierarchy.

Indeed, our findings were broadly consistent with a large survey of public service workers in the UK where the most strongly supported statements in the survey were 'bullies can get away with it' and 'workers are too scared to report it'. The same survey also revealed a high level of belief among those surveyed that management knew about the problem but did nothing about it (Harrington and Rayner, 2011:226), suggesting that

⁵ Mea culpa.

colleagues with power are possibly perpetrators themselves or tacitly support bullying over which they preside. As one respondent put it:

In my own experience, it is better to grin and bear it as there is little to no support for an employee should they be unfortunate enough to be on the other end of an ill-equipped, managerially immature supervisor. In other words, management is always right, and those who are supervised are always presumed to be "troublemakers".

Duffy (2009:245) highlights that, even where an incident of bullying is carried out by a single perpetrator on a single target, it is difficult to imagine this happening without 'at a minimum, the tacit awareness and/or acknowledgment of others in the organization', which raise questions about what the most powerful colleagues in the workplace are doing situations that become known to them. Einarsen (1999:23), too, maintains that a precondition for bullying is an organisational culture that tolerates, or even upholds, aggressive behaviour, insisting that '[b]ullying will only take place if the offender feels he [sic] has the blessing, support, or at least the implicit permission by his [sic] superiors to behave in this manner'. Harrington and Rayner (2011:225) argued that a very high percentage (80 per cent) of respondents who reported being bullied indicated that the bully was a person senior to them, although we recognise that university settings provide diverse sources from which power can be derived that is not simply equated with hierarchical position. Certainly, the open-ended responses indicated a range of scenarios, already mentioned, where power was misused – supervisors taking credit for work done by other staff and students, employment contracts contingent on maintaining favour with more senior staff etc. One person took a very holistic view of the situation, writing:

Basically, staff feel very insecure, especially around contract renewal, but this insecurity extends to tenured staff in a way I don't fully understand. I think having so many people employed on such crap conditions has a general negative impact on everyone. I find my colleagues as a cohort, regardless of contract type/length, continually express insecurity in the face of the HOS/Dean.

Several respondents reported that workload allocation was implemented unfairly, with particular implications for junior staff while others reported that a bully had threatened them with, and in some case carried out, a career detriment. This was particularly the case for the most vulnerable staff on insecure employment contracts, one of whom wrote: 'If you are on a fixed-term contract or a casual, you can't afford to rock the boat by insisting on resolution of a bullying episode. You just have to suck it up. Well, your job's at risk and there's no backup.'

Numerous respondents made comments along the lines that there was a culture of bullying at . For example, this colleague wrote:

I have observed that bullying often doesn't occur in isolation - although it sometimes does. It occurs more in organisations where a culture of bullying is accepted and systemic. I have observed in my workplace at , staff are told not to engage in bullying, but the managers, and especially directors, are sometimes the worst offenders.

They intimidate staff. It is because they are in a position of power they can get away with bullying. Staff are often too scared of losing their jobs to make formal complaints. However, they tell their colleagues they were bullied and this produces a negative effect on staff in general.

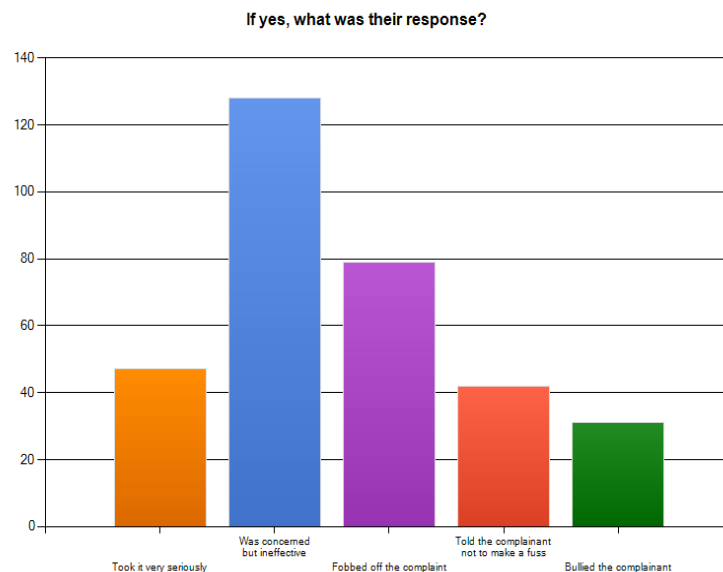
Another wrote powerfully of the personal, professional and organisational costs of failing to address bullying:

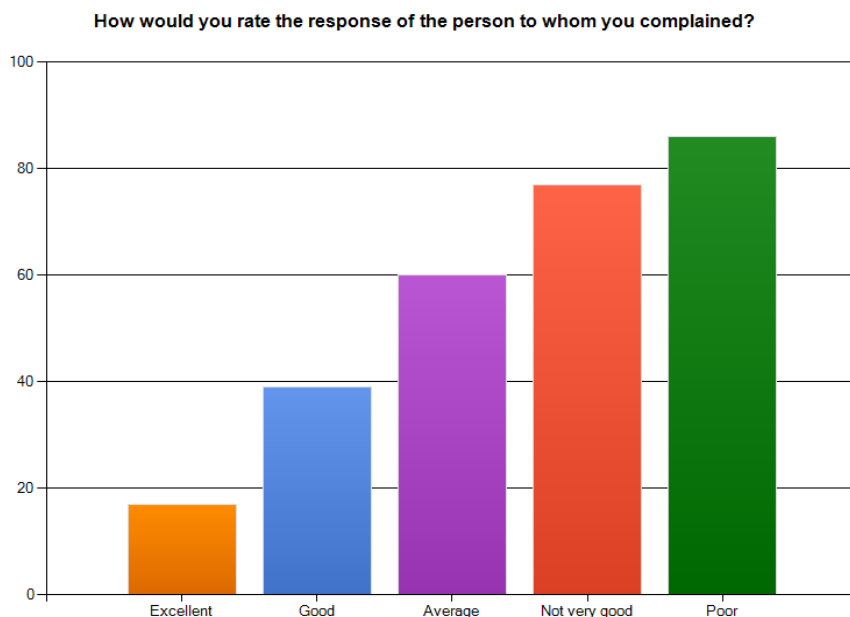
Since bullying can generate a malicious culture in the workplace, it can lead to disengagement ... [and] rather than absence from work, a dread of going into the workplace. It can also have a highly damaging psychological effect upon the ego with those being bullied made to feel worthless. While it runs counter to the collegiality that is meant to be fostered at , in terms of outputs, it can be extremely counter-productive, those being bullied giving up [and] feeling that whatever they do, it will never be good enough.

Many colleagues referred to aspects of the problem summarised well by this respondent:

In my case the persons to whom a report would be made are VERY senior and any attempt at reporting would result in further bullying. Culture of has changed dramatically since Prof arrived. Focus of Executive Team and layers directly below is on short team achievement of KPTs and resultant bonuses. Anything that stands in the way of this (e.g. evidence based advice) is seen as "difficult" and staff brave enough to offer alternatives (an increasingly small pool) are punished accordingly. Staff have been advised that complex educational issues have to be reduced to 5 dot points or they will not be considered.

When we asked whether respondents or their colleagues had tried to do something about the bullying by complaining to someone in a position of more power (as recommended in the Bullying Policy), 60.7 per cent (266) answered 'yes', while 39.3 per cent (172) answered 'no'. Of those who answered 'yes', we followed up by asking about the response they received. In most cases, the complainant received an unsatisfactory response, as indicated by the tables below.

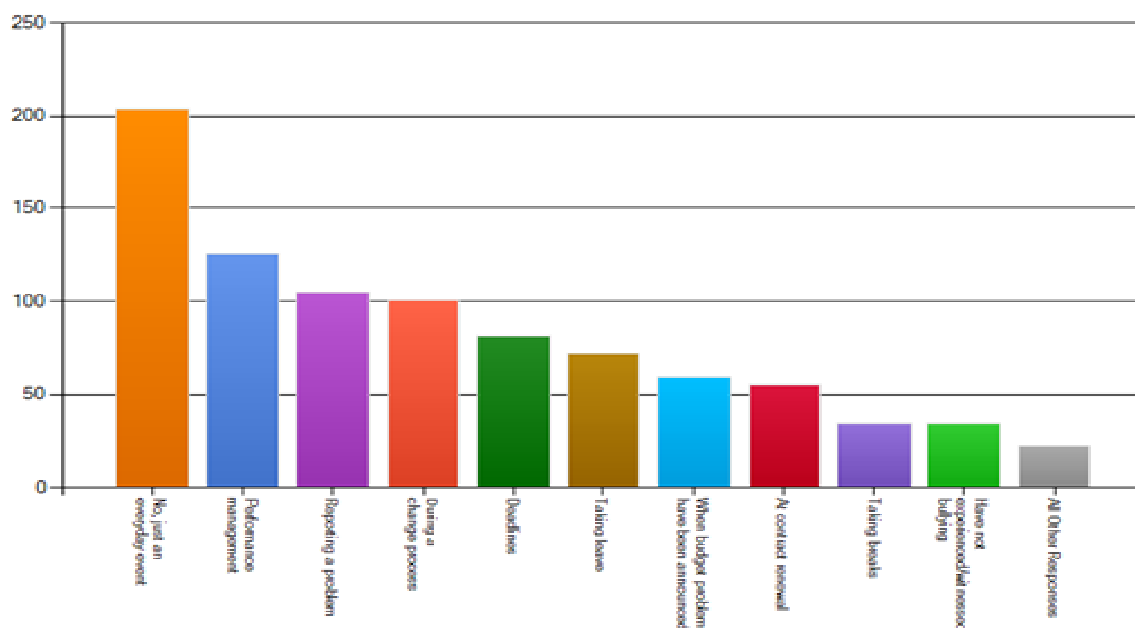




When more than eighty per cent of bullying complainants did not receive the kind of response recommended by the bullying policy, a number of conclusions can be drawn – that the policy is not operating well, that there is an urgent need for management training and that the employment of staff with specialised knowledge in this area is critical. Numerous comments were made by respondents that they had been advised about not ‘making a fuss’, to not ‘make trouble’, to not ‘demoralise’ the work unit by making a complaint, to not be ‘over sensitive’, to not to ‘take things too personally’, to learn to accept the bullying behaviour as ‘just the way they are’, that it was just a ‘misunderstanding’, to ‘work it out amongst yourselves’, that the bully ‘is very stressed at the moment’ and that ‘there are two sides to every story’. There was a strong sense among responses that making a complaint was useless and, in some cases, made things worse. As one colleague put it, ‘I was disheartened when nothing came of it. I felt like I wasn't important and that I was making a fuss over nothing.’ Several respondents described situations where the confidentiality of discussions regarding the bullying was breached by the person to whom they complained, and sometimes to the bully. Others made comments about the protracted nature of making a complaint and getting action, which exacerbated the stress experienced by all involved. Even if the bully curtailed their bad behaviour or left the work unit, respondents described residual feelings of stress that continued long afterwards, confirming findings in the literature that the effects of bullying can imitate the symptoms of post-traumatic stress disorders. Several respondents reported feeling anxious that reprieves would be short-lived and that the bullying could reignite at any moment.

When asked if a specific event might have accompanied or even triggered the bullying, a range of behaviours were identified. While the most common response indicated

When you experienced/witnessed bullying, was there a specific workplace event or process that accompanied it? (You can tick more than one box.)



that, for many employees, bullying was simply an everyday experience, others drew a link between bullying and performance management (29 per cent), raising a problem (24.1 per cent), during managing change (23.2 per cent) and meeting everyday deadlines (18.6 per cent). While we recognise that some of these respondents may simply be reacting to events or processes in their workplace with which they do not agree, it is difficult to explain the sheer number of responses in this way.

Fear about the processes and outcomes kept many targets silent. As one person who had bullying behaviour reported to them advised:

The problem with the bullying complaint made to me was that the individual reporting it said they were talking to me about it as a friend and strongly emphasized that they did not want it reported because of a lack of tangible evidence, distrust and worry about how the grievance procedure would be handled and the substantial stress that would occur in undertaking the procedure. Fear and anxiety drive the lack of reporting and often because of the way bullying behaviour occurs, there isn't tangible evidence of the behaviour, so it's risky for the victim. If bullying is to be addressed we would need to not only address the reporting process, but also increase trust and make sure that when incidents occur people keep logs or diaries of behaviours so we don't end up in situations where no one has evidence and is too scared to report from a basis of their word against mine.

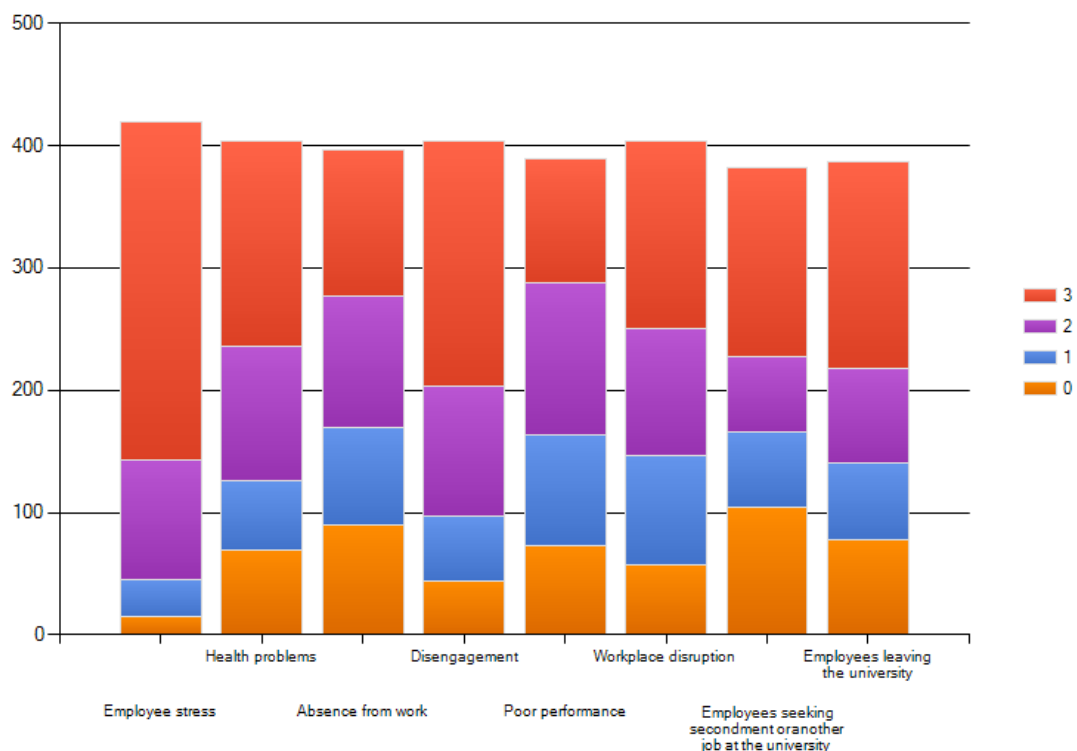
Perhaps most concerning were the responses to a question about whether the bullying behaviour had stopped. 69.6 per cent (222) of employees indicated that the bullying was ongoing, while only 30.4 per cent (97) said the bullying had ceased. There were also a number of open-ended responses that revealed a lack of information about action taken when a bullying complaint was made. These comments suggested that management

may have at least spoken to the bully, but that any admission of wrongdoing would never be extended to the complainant/s. Unsurprisingly, lack of information about outcomes left the bullied staff feeling disempowered and apprehensive about the future, even in the minority of cases where the bullying ceased.

Although the following question about the impacts of bullying might also have been formatted differently in hindsight, the results give a clear indication that staff believe the impact of bullying is significant in a range of areas. Moreover, the results suggest a range of negative outcomes for both employees and the employer – high stress levels, health problems, disengagement from work, and workplace disruption were all seen as significant bullying outcomes. In what sounds like a particularly toxic workplace, one respondent referred to several staff undergoing counselling for stress, a number of resignations and a high intention to leave among remaining employees. Comments like the one below reveal the devastating effects that one bully can have:

I have made my director aware of the impact that this colleague has had on my mental health. I have also observed other colleagues also being negatively affected by bullying behaviour. It has caused a real lack of motivation, and a strong sense of fear and anxiety in the workplace - we only come to work when we have meetings. Otherwise we work from home, which is not ideal as it is isolating.

What have you observed to be the impacts of bullying? Please rate the impacts of bullying so that: 0 = no impact 1 = low impact 2 = moderate impact 3 = high impact



Discussion:

Ferris (2004:391-393) has constructed a typology for analysing the most common responses of organisations to bullying complaints. She maintains that some organisations adopt a 'see no evil' response where negative behaviours are defended and normalised as part and parcel of a competitive, dynamic environment with high-pressure performance expectations. There is a 'suck it up' approach to complaints from management and so, in the end, bullied employees often have little choice but to endure or quit. A 'hear no evil' approach, in Ferris' typology, involves labelling the bullying as a personality or relationship conflict where both parties must bear some responsibility. If not simply advised to 'sort it out by yourselves', mediation might be offered but the process is fatally flawed by the power imbalances between the 'contending' parties. While 'hear no evil' organisations typically have policies and rules about bullying and related issues, these are often wielded bureaucratically and can compound the bad behaviours. For example, Mueller (2004) makes a persuasive case that an excessive 'risk management' focus in ethics approval processes can lead, in certain circumstances, to behaviour akin to organisational censorship and bullying. Lastly, Ferris describes the 'speak no evil' approach where organisations, perhaps learning from past botched, expensive, litigious experiences, adopted a respectful stance toward the complainant, seriously investigated the charges and, where the allegations were substantiated, took meaningful action against the bully. In such organisations, training and awareness initiatives helped to improve the handling of bullying complaints and created a culture where staff could identify bullying behaviours and take informed steps to resolve problems. Ironically, Ferris identifies educational organisations as typical of the 'hear no evil' approach but, if we use [redacted] as an indicative case, it is more likely that corporatised universities neither 'see' nor 'hear' the bullying evil and so fail to acknowledge or learn from cases engendered by an extreme performance management culture.

Because of the importance of understanding contextual factors when analysing bullying situations, it is vital that a range of organisational stakeholders recognise and criticise bullying policies that recommend an individualist approach to dealing with staff complaints. The [redacted] policy is a case in point; it reads 'Bullying may be perpetrated by an individual who may be a work colleague, a supervisor, a more senior manager or a person who reports to the individual subject to the alleged bullying.' Here, processes are underlined by an assumption that the bullying complaints will only ever arise when a personal relationship between the complainant and the alleged perpetrator has broken down. There is a sense in which management must not acknowledge possible broader systemic problems because this would focus attention on areas management sees as its own prerogative, where bullies have thrived and a culture of bullying has been allowed to develop.

The survey data suggest a distinct lack of awareness on the part of supervisors about their obligations under state and federal legislation, [redacted] enterprise agreements and University policy. For example, respondents made numerous comments about unregulated

pressure on them to quit their jobs. They were made to feel inadequate and subjected to regular bullying behaviours deemed justified by the supervisor's poor view of their performance. Of course, we cannot know whether genuine performance issues were involved or not, but this misses the point. There are clauses in all enterprise agreements for dealing with 'unsatisfactory performance' in ways that try to balance the needs of the University to manage staff who, for whatever reason, are not thriving in their jobs with the rights of employees to procedural and distributive fairness. In short, if a supervisor has concerns about an employee's performance, there are mechanisms for dealing with the situation that do not involve bullying the employee to try to make them leave. This issue alone suggests an urgent need for management training about their obligations to staff.

Keashly and Neuman (2010:56) point out the high number of 'justice judgements' made in a university environment that affect employees' career outcomes, in areas like pay, job security, promotion and resource distribution. Increased performance monitoring by allegedly 'objective' means creates myriad opportunities for bias to creep in – factionalised work units, lack of expertise by assessors about specialised areas, ontological disagreements, earlier relationship conflicts, multiple loyalties, methodologically questionable student surveys are just a few potentially detrimental, unfair influences on an individual's progress through the performance management minefield. Leymann (1990:121) argues that management often uncritically adopts the prejudiced assessments of the bully or bullies as an accurate reflection of the bullied worker's performance in a process labelled in the literature as 'mobbing'.

Union representatives can attest that many employees feel unfairly treated during performance management and, in some cases we have experienced, performance management has been used to deflect a justified bullying grievance. While we accept that a manager's criticisms of an employee's performance may sometimes be warranted, avenues for employee appeal are few, even with evidence that the manager's view is not a fair representation of their workplace contributions. In our experience, HR is most likely to support the manager and to treat the complaining staff member's argument as defensive 'sour grapes'. During the last round of enterprise bargaining, union attempts to restore some sense of transparency and accountability, particularly over conversion decisions, was strongly resisted. The management bargainers simply asserted that the University 'paid good money' to supervisors to make the right decisions and would brook no suggestions that supervisors might occasionally get something wrong. Nor have they countenanced setting up review processes, leaving the aggrieved employee feeling bullied into accepting their lot and with nowhere to go for redress. One survey comment summed up a range of cases union representatives have witnessed: 'The whole process about performance management is flawed...it is not possible to lodge a bullying complaint when the performance management is [on]going. Basically, you are presumed guilty, until proven innocent.'

Policy recommendations:

The sheer number of respondents to our survey who have been bullied and the many among them who report that the bullying is still ongoing make it imperative that action is taken to deal with bullying at . It is clear that the current policy is ineffective, even dangerous to the wellbeing of staff, and that there is an urgent need for review. The Bullying Policy recommends that supervisors are encouraged to monitor the incidence of bullying through key indicators like localised rates of turnover and absenteeism and to identify training needs for themselves and their staff. Our experiences and survey feedback suggests that many managers are insufficiently aware of their responsibilities in relation to bullying and do not recognise the bullying behaviours of themselves and others as such. In this light, we might expect that considerable numbers of University managers are poorly equipped or even willing to abide by the Bullying Policy. In addition, because of the large number of responses to the NTEU survey, the individualist approach of the University policy is almost certainly insufficient to deal with the breadth and depth of the problem. This supports the findings of the academic literature that bullying is too widespread to warrant only piecemeal responses (Duffy, 2009:254).

Given the links between bullying and negative health, family, social and career outcomes for those affected, it is difficult to argue that management is meeting its 'duty of care' towards these staff by, for the most part, sweeping cases of bullying under the rug. It is arguable that the University is exposed on any number of fronts to expensive litigation over cases where supervisors have breached, and continue to breach, industrial, anti-discrimination and OHS legislation. Although this is not the NTEU starting point, we suggest that effectively addressing workplace bullying will reap enormous rewards for management by improving morale for targets and witnesses of bullying, leading to reductions in absenteeism, turnover rates and investigation costs, increased productivity, workforce stability and renewal, staff commitment, motivation, positive risk-taking and, in the end, overall organisational sustainability (Harrington and Rayner, 2011; Giga et al, 2008). In addition, who can even begin to calculate the social costs of not dealing with a situation where large numbers of university workers are afraid to speak up in their own workplaces?

Although there is significant evidence that many employees leave an organisation where they have been bullied, this should not insinuate that bullying situations will likely 'resolve themselves' with the departure of one or another of the protagonists. Although bullied employees certainly have a higher intention to leave than non-bullied employees, Berthelsen et al (2011:188) suggest that bullied employees may stay in their jobs for at least two years after first raising a bullying problem and that this tendency to remain may be even stronger in organisations and industries, such as higher education, where opportunities to leave are limited, particularly for junior staff, those with caring responsibilities and older workers. Even in management's terms, these results suggest an urgent need to take proactive measures to resolve bullying complaints. To have such conflict

take place over such an extended period is anathema to good governance and workplace productivity.

Regularisation of the process for dealing with bullies, whoever they are, would offer distinct benefits for managers as well. Proper and fair investigation of issues by qualified and experienced officer/s would assist all targets of bullying, even those who are being bullied by a bullying complaint. This survey was not intended to provide a free pass for people who do not behave professionally in the workplace and we recognise that supervisors who have legitimate complaints about a staff member's performance might be portrayed unfairly as a bully. As this respondent describes it:

Not every manager/person is equipped to deal with a bullying complaint – I don't think this makes them bad managers – I'm quite wary of the other side of the coin where people complain about bullying, but it's a tactic they use to gain attention/advantage or discredit other staff and I have seen a lot of that go on as well. That's a really unpleasant thing to witness, hard working well meaning people being accused of bullying behaviour when they are simply exasperated by the other person's unreasonable behaviour. I think managers are bullied too - by group pressure...

This is precisely why any system for effectively dealing with bullying needs to be procedurally fair and transparent for all University employees, including managers. Our proposals suggest methods for dealing fairly with justified complaints that might also discourage vexatious, unfounded claims of bullying.

From the beginning, the most ubiquitous mantra of human resources practitioners has been 'our people are our most valued assets' but as Mather (2011: 207) points out, this 'rings hollow against a backdrop of widespread job insecurity, work intensification, restructuring and redundancy exercises'. Nowhere is the contradiction between HRM's 'strategic management' and 'employee champion' roles more in evidence than when bullying is discussed, illustrating the difficulties that HR will always have in serving multiple stakeholders (Brown et al, 2009). Many respondents to our survey expressed the view that HR sided with management and that HR representatives did not seem to care about their situation. Staff were discouraged from the submission of formal complaints although, it should be fair to assume, it is their duty to facilitate such investigations and conflict resolution processes. Several comments were made about the lack of assistance provided by Human Resources staff when they were approached for advice about bullying and there were numerous indications that employees who were unsure about the process of making a complaint. Finding a person who would help and be impartial was also a difficult process. Several respondents indicated that HR tried to make the process seem difficult to discourage the staff member from making a complaint. They were told that, as a complainant, their own behaviour would be investigated too, and that this may go badly for them. In addition, a bullied employee may reveal all manner of personal information to a manager or HR when making a formal or informal complaint about a person they perceive

to be bullying them. This information can easily be used for purposes not intended by the complainant – management strategy may suggest the best way to protect the organisation’s reputation is to act against the complainant, assisted by information given to them in confidence by the complainant. In one case known to the union, the target of bullying who had worked at [redacted] for almost eight years, sought the help of a manager about the proper process for making a complaint against his direct supervisor who, he alleged, was bullying him. That manager then went straight to the bully and, together, they began unsatisfactory performance procedures against the person who was about to make a complaint. Although the University tacitly admitted the staff member had been bullied, the supervisor and the manager who failed to apply the [redacted] Bullying Policy remain in their jobs while the bullied worker received a payout, negotiated by NTEU representatives. This experience had a dramatic personal effect on the bullied employee; he was not active in the workforce for ten months, securing then only part-time employment in a position with less responsibility and lower remuneration.

In several cases, it was revealed that HR had suggested mediation between the bully and the target of bullying, a process we would argue is highly inappropriate and not a proper exercise of the employer’s ‘duty of care’ towards the bullied employee. In some cases, it merely formalised the bullying process, reinforced the bully’s power and placed undue pressure on the target of bullying to find ways to appease the bully. The inappropriateness and high failure rate of mediation in cases of bullying is well documented in the academic and practitioner literature. Saam (2010) interviewed consultants who specialise in bullying interventions to find out what methods they used and found that they recommended a mixture of conflict mediation, coaching and organisational development strategies. Contrary to recommendations in the popular ‘airport lounge’ literature on bullying, she wanted to further investigate research that strongly suggested interpersonal management strategies, like mediation, were not successful. As she described it:

In contrast to the basic assumption of mediation, parties involved in workplace bullying are not equally capable of negotiating with each other. Mediation does not address or punish past behaviour because it has a focus on present and future relationships. The concerns for justice and recognition of the harm done to the target are ignored. Mediation keeps wrongdoings beyond public scrutiny. Confidentiality works against the identification of systematic patterns of conflict associated with a particular party, a particular unit within an organization, or across the organisation (Saam, 2010:55).

This summary entirely fits with the NTEU’s experiences with mediation processes and we rarely recommend our members participate in them.

Therefore we make the following recommendations:

Appointment of a bullying officer

We see the appointment of a bullying officer whose sole job is to carry out an initial investigation of complaints and do workplace training as a key component of making improvements in this area.

The incongruence of HR practitioners' roles as both management, and supposedly, employee representative strongly suggests the need for wider oversight of particular cases to ensure fairness to all parties. We suggest that the appointee be a qualified welfare practitioner whose professional obligations are sourced from beyond the organisation and might be expected to meet a higher standard of impartiality. Many respondents commented that some bullies were considered to be in positions of power, inviolate from criticism, and that HR would not, or could not, discipline senior staff, especially if they were 'high performers'.

Although we recognise the limitations of a bullying officer being a University employee and potentially subject to 'management capture', publicly stating that the bullying officer was empowered to investigate any matter 'without fear or favour' would go a long way to changing the culture of bullying that we feel is, so far, unchecked. It is vital that the incumbent be able to concentrate solely on this job and not have it as an 'add on' to an existing position. NTEU representatives who have handled bullying cases can attest that each situation can be very complex and take time to resolve. In one case alone, more than 200 emails were sent/received before the situation was 'resolved' by the departure of the bullying target. Given the NTEU alone handled eighteen bullying cases and several cases of misconduct and performance management that contained elements of bullying in the past two years, the workload would easily support a fulltime position. We think this is the case even if management were to adopt more methodical, routine and accountable practices for dealing with cases. The costs of investigation alone could be greatly reduced.

Training and organisational development

Bullying investigators

The workload involved in dealing with bullying also suggests that the bullying officer is a facilitator, rather than the sole 'go to' person on bullying, and that their job would involve training, supporting and monitoring a number of strategically placed staff members who take on investigating and reporting roles. By broadening the number of staff at who have a nuanced understanding of bullying issues, a number of problems would be addressed – bringing bullying out into the open, raising the level of debate about the issue, encouraging proactive responses to complaints and perhaps even prevention of future problems.

Training for managers

In many instances, line managers, such as heads of school and research centre directors revealed to us a distinct lack of understanding about their obligations to operate within the dictates of university policy, mandated procedures outlined in the relevant enterprise agreement and generally accepted ethical practices. It is often assumed that overworked heads of school have read and understood the implications of every policy that affects their day-to-day obligations as managers. This is often not the case. Failure to recognise and adequately address the lack of managerial skills in this area only serves to extend the suffering of bullying targets, exacerbates workplace conflicts and, even in managerialist terms, potentially exposes the University to risks of expensive litigation and embarrassing public exposure. One respondent commented on the lack of self-awareness among senior staff which was revealed when a manager chastised them about certain behaviours they were surprised to learn were unacceptable. It is also likely that there are any number of academic supervisors of casual tutors who are not well versed about their responsibilities, making training in this area an important focus of attention.

Recognition of the necessary contextual preconditions for a bullying-free environment

Placing reasonable limits on management workload expectations, in our view, will be crucial to weakening the culture of overwork that forms the basis upon which bullies are supported – almost any behaviour, it seems, can be justified or condoned as a necessary component of performance and workload management. Of course, we would argue that the opposite is true and that unchecked workload and performance expectations will more often underpin burnout, loss of motivation and high turnover. Even a colleague who largely supported a ‘high performance culture’ saw the dangers involved in unreasonable managerial demands. As they put it:

I have found an excellent culture in my school and would feel very able to report bullying if it occurred, although I have very little faith in any process that involves HR. Behaviours like changing goalposts and large workloads are prevalent and to an extent institutionalised – this is an extremely grey area because these kinds of behaviour are associated with a high achieving university (the kind I want to work at). So I acknowledge that they exist and might be on the rise (gradually), but I'm fairly ambivalent about them because my ambitions largely match those of the university.

While many university workers feel a great deal of passion for their work, setting guidelines about what can be considered the ‘reasonable’ expectations of local

managers, and collectively resisting pressures to go beyond what is reasonable, will be vital for protecting workers' rights to decent hours, work and life balance and good health. Genuine commitment to observing the spirit and the letter of local workload policies, alongside transparent assessments of the impact of organisational change on workload, would assist to undermine the basis upon which many workplace bullies operate.

Procedural justice

The University must ensure that no backlash is experienced by staff when they make a bullying complaint. In order for employees to trust the process, they must feel safe to make a complaint without fearing that their job is on the line (Searle 2011). Having a bullying officer, and a staff committee with oversight of all cases to whom that person reports, would arguably contribute to a sense among staff that their complaints would be assessed fairly. It is simply untenable for one person to have sole discretion to interpret and adjudicate on workplace bullying matters. It is also recommended that the Bullying Officer operate from OHS, rather than HR.

Industrial regulation

A major problem with the processes currently in place to regulate bullying is management's insistence on self-reference and self-regulation. Investigation of complaints is completely 'in house' and management acts as judge and jury on the basis of sealed evidence. As Josh Bornstein, a leading employment lawyer, put it:

Bullying behaviour thrives in a culture of darkness. It can persist for years in workplaces that are not exposed to external scrutiny. The key to addressing bullying is for policymakers to legislate a practical means for employees to expose their work environment to external scrutiny in a court or tribunal. Once the spotlight is activated on bullying behaviour, it tends to wither and die (*Australian Financial Review*, 30 August 2011).

The NTEU argues that it is vital that enterprise agreements contain clauses that regularise the treatment of bullying complaints and ensure management accountability, through external regulation and enforceable standards. We feel that systems can be constructed that adequately protect the rights of those involved to confidentiality, while still providing the necessary checks and balances on bureaucratic processes and outcomes. It is vital that the principles enshrined in the bullying policy are incorporated as commitments in staff enterprise agreements. For example, at the University of New England, the academic staff enterprise agreement binds the University and all its employees to the principles expressed in their local bullying policy about the importance of dignity and respect at work.

There is no reason why this industrial protection could not be provided to all staff as well.

Conclusion:

This report was intended as the start of a conversation about bullying at . It is by no means construed as a definitive description and analysis of the problem and can only begin to address the complexity involved. More active questioning around this issue is required if we are to see bullying behaviours brought out into the open and confronted.

Failure to address bullying does not merely assure maintenance of the status quo. Bullies gain confidence from being able to operate unchecked, while the targets of bullying are likely to become less and less confident that making a complaint will deliver any positive outcomes from them. If bullying targets think there is no option but to put their heads down and try to comply with unreasonable demands, or they decide to withdraw or depart from the workplace, bullies will only be rewarded for their bad behaviour. Lack of organisational support for those being bullied can be construed as, at the very least, tacit support for the bully/s.

While management have a legal obligation to provide a safe workplace for all employees and to exercise their duty of care by taking decisive action against bullies, we also acknowledge evidence that suggests all colleagues can play an important role in limiting the space in which bullies can operate. Many respondents highlighted the importance of collegial support in the process of dealing with a bully, where collective opposition to the bully was vital for establishing what was acceptable behaviour in that workplace and, importantly, what was not acceptable. This was in stark contrast to those colleagues who felt alone and unsupported, powerless to make a complaint they believed would be heard and acted upon.

The NTEU branch and its members are committed to campaigning around this issue and welcome any involvement management and colleagues can contribute to address the problems highlighted here. We look forward to working constructively with a range of University stakeholders towards the creation of a healthier environment in our workplace.

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