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Decision in Dr Siouxsie Wiles employment case against Auckland Uni reserved after three week hearing

Melanie Earley

November 28, 2023 · 4:47pm



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Microbiologist Dr Siouxsie Wiles has given public commentary on Covid-19. (File photo). Photo: RICKY WILSON / Stuff

A judge has reserved her decision over whether high profile scientist Dr Siouxsie Wiles was left “vulnerable” to mental and physical harm, by her employer, the University of Auckland.

Wiles alleged the university didn't do [enough to ensure her safety](#) as harassment against her escalated due to her public commentary on Covid-19.

She also alleged the university breached the academic staff collective agreement and good faith requirements.

The university [denies unjustifiably disadvantaging](#) Wiles or breaching the collective agreement or its statutory obligations. It says it has also acted in good faith towards her.

The hearing [took place over three weeks](#) in the Employment Court in front of Judge Joanna Holden.

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In January 2022, Wiles and [physics professor Shaun Hendy](#) filed claims with the Employment Relations Authority against the university, alleging it failed to address their safety concerns due to harassment over their Covid commentary.

Hendy resolved his dispute after leaving the university in October 2022.

The alleged issues with the university began in April 2020, when Wiles and her colleagues, Hendy and Kate Hannah, raised concerns about harassment from the public over their commentary.

The harassment escalated, Wiles' lawyer Catherine Stewart said, and in a two-and-a-half year period more than 60 emails were sent to the university about these safety concerns.

Wiles said the university only began putting safety measures in place at the end of 2021 – over a year after she and colleagues first asked for protection.



Associate Professor Dr Siouxsie Wiles is employed by the University of Auckland. (File photo). Photo: Stuff / Stuff

Stewart told the court during closing submissions, there was “virtually no support” for Wiles when she raised a personal grievance in July 2021.

Stewart noted the university didn’t do an individual risk assessment until almost a year later.

“During that time Dr Wiles was doxxed multiple times and harassed and livestreamed at a hotel.

“It was a woefully inadequate response by the university following that personal grievance,” Stewart said.

Wiles was seeking compensation from the university for the “humiliation” and stress caused by the university’s response, Stewart said.

Stewart recommended the university complete a “proper” risk assessment on Wiles by an external third party along with getting external advice on academic freedom.

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“The university knew Associate Professor Wiles was being called a paedophile, a satanist, a luciferian.

“They knew **she was being threatened with hanging and death**, yet they failed to do any proper risk assessment. They simply did not take her concerns seriously.

“This is an opportunity to send a clear message to tertiary institutes who do not support their staff.”

The university's lawyer, Philip Skelton KC, acknowledged Wiles had been an "innocent victim" of "vile" hate and vitriol by outside parties, but said the university shouldn't be held liable for stress caused by third parties.

"It's always easy to say, with the benefit of hindsight, the employer could've done more."



Siouxsie Wiles receiving an award at the Women of Influence awards at Aotea Centre in 2020. (File photo). Photo: Abigail Dougherty / Stuff

Skelton noted the university briefed campus security about potential threats, set up a monitored inbox for harassment, paid for security cameras at Wiles' home, offered paid leave and obtained advice from experts.

"The defendant was not motivated by any ill will towards the plaintiff and hasn't breached any legal duty it had to her and had no intention of doing so."

Wiles was still employed by the university, Skelton noted, and he said the university shouldn't be held liable for stress caused by third parties it couldn't control.

"In 2020, no one could've foreseen the level of hatred and harassment the plaintiff would receive from 2021 onwards."

Skelton noted no medical evidence had been presented during the hearing to support claims of emotional harm, which he claimed was normally present in cases involving “large sums of money”.

Judge Holden reserved her decision, noting there was “an awful lot to think about” and the decision wouldn’t come rapidly.

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