TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession

Workplace Health Promotion Network : Annual Members Meeting
3 June 2014

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Adapted from National Standard of Canada CSA Z1003/BNQ 9700-803
Psychological Health and Safety in the Workplace
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Objective:

- to promote psychological health and safety in the legal workplace
- to reduce disability and distress caused by mental ill-health
- to raise awareness, educate and work to reduce stigma of mental illness in the legal profession.
Courting the Blues: Attitudes towards depression in Australian law students and legal practitioners (2009)

- first Australian research into the mental health of legal community
- provided evidence that mental ill-health is a major issue

found:
- 1 in 3 lawyers and 1 in 5 barristers suffer depression to the point of disability and distress
- Men did not exhibit help seeking behaviours
- many lawyers self medicate with alcohol
- Mental health of law students decreases dramatically within months of starting law school
- Lawyers identified a set of workplace concerns
Australian Human Rights Commission identified the following workplace risk factors:

- High demand (work overload)
- Low support from co-workers & supervisors
- Lack of control
- Poorly defined roles
- Poorly managed relationships and conflict
- Poor change participation
- Lack of recognition & reward
- Organisational injustice
Reducing Stress in the Workplace
LaMontagne & Keegel (2012)

Evidence linking job stress to ill health

Stress - demands of job are not matched to resources to get job done (high demand, low control, insecurity, bullying harassment etc)

Benefits of reducing workplace stress

Stress reduces productivity, increased turnover, absenteeism ‘presenteeism’, & poorer organisational citizenship behaviour

NZ found 45% depression & anxiety in young workers due to workplace stress
Benefits of addressing workplace stress (LaMontagne & Keegel)

1. Workplace stress is preventable

2. Reducing workplace stress improves mental & physical health.

3. Intervention strategies – (all 3 are needed)

   - **Primary** – preventative (put fence at top of cliff) - at organisational level

   - **Secondary** - modify individual’s response to stressors eg stress management, meditation, relaxation techniques

   - **Tertiary** - reactive (put ambulance at bottom of cliff) eg minimise effects through treatment or management of symptoms
Report: Creating a mentally healthy workplace: Return on investment analysis  (Beyondblue, NMHC, MHWPA, PWC, (2014)

• **Direct and indirect costs** of mental illness are **substantial** to employers

• **Taking action** to create and sustain a healthy workplace results in **positive return on investment**

• **Benefits include increased productivity** (less absenteeism & presenteeism) and reduced compensation claims

• Benefits of **multiple actions**

• **Key success factor** is **employee participation**

• **Effective change requires leadership and management support for changing workplace culture**
Precedent to Guidelines

• Canada had done some innovative work with mental health

• used term ‘psychological health and safety’-now relevant for ALL

• Extensive work done by Dr Martin Shain on workplace culture and the increase in workplace stress / mental health related claims and its implications for the law in Canada

• 2013 Canada released National Standard of Canada CSA Z1003/BNQ 9700-803 Psychological Health and Safety in the Workplace- a world first

• seen as best practice for workplace psychological health and safety & focused on

• focused on an ongoing improvement process

Scientific literature

(From areas of workplace health and safety, law and social science)

• Evidence identifies a key set of workplace factors that alone, but more typically in combination impact psychological safety

• 13 Psychosocial Factors assessed to contribute to a psychologically safe work environment

(GuardingMinds@Work)


• These factors can be conceptualised as **human needs** that when **unmet or thwarted** can **become risk factors** for psychological distress

(Vezina, 2010)
• However toxic ingredient that does the damage-unfairness. It is associated with higher chance of becoming ill and lower chance of recovery.

• Shain, (1999) defines fairness as keeping promises: unfairness as breaking promises

• Sense of unfairness is thought to arise from a belief that conditions at work come about by choice (of manager or supervisor) not chance.
What are these workplace/psychosocial factors......?

• **1. Psychological support** - a work environment where co-workers and supervisors are supportive of each other’s psychological and mental health concerns, and respond appropriately as needed.

• **2. Organisational Culture** - a work environment characterised by trust, honesty and fairness.
• **3. Clear Leadership & Expectations** – a work environment where **there is effective leadership and support** that helps all people know what they need to do, how their work contributes to the workplace, and whether there are any impending changes.

• **4. Civility & Respect** - a work environment where **all people** are respectful and considerate in their interactions with one another, as well as with other professionals, clients and the public.
5. Psychological Competencies & Requirements - a work environment where there is a good fit between people’s interpersonal and emotional competencies and the requirements of the position they hold.

6. Growth & Development - a work environment where staff receive encouragement and support in the development of their interpersonal, emotional and job skills.
• **7. Recognition & Reward** - a work environment where there is appropriate acknowledgement and appreciation of staff efforts in a fair and timely manner.

• **8. Good Involvement & influence by staff** - a work where staff are included in discussions about how their work is done and how important decisions are made.
• **9. Workload Management** - a work environment where tasks and responsibilities can be accomplished successfully within the time available.

• **10. Engagement** - A work environment where all members feel connected to their work and are motivated to do their job well.

• **11. Balance** - a work environment where there is recognition of the need for balance between the demands of work, family and personal life.
• **12. Psychological protection**- a work environment where the psychological safety of staff is ensured.

• **13. Protection of Physical Safety**- A work environment where management takes appropriate action to protect the physical safety of staff
Psychological Wellbeing: Best Practice Guidelines for the Legal Profession

• **Will not change**

• Are based on extensive research

• adapted to Australian legal environment *from National Standard of Canada CSA Z1003/BNQ 9700-803 Psychological Health and Safety in the Workplace* and used with permission

• Developed by Guidelines Sub-Committee chaired by Professor Jill McKeough with extensive consultation and collaboration with representation from all areas of the law

• a basic support package / resource is being developed and will be updated to assist implementation and share learning in the profession.
there is a mistaken perception that adopting the Guidelines will.....

- be the **kiss of death for business**
- mean that your firm/business **will no longer be profitable**
- that you are now running a **charity**
- create a **welfare mentality** among the staff
- **reduce** the role of **effective performance management**
- result in **less professional accountability**
in FACT....... Guidelines **provide a leadership framework** for advancing workplace psychological health

**Business Case**

- Corporate Social Responsibility
- Cost Effectiveness
- Risk Management
- Recruitment & Retention
Business Case for Guidelines
They are simply good management

Social responsibility

- Personal responsibility for own psychological health
- Preventative strategy (mental illness is severely under reported)
- Enhances reputation in community as a caring employer
- Influence choices of future staff wanting work life balance
- Recognises impact on self, organisation, families, community, society

Cost effectiveness

Increase:
- Engagement of staff (Aon Hewett (2013) > 40% staff disengaged)

Strong connection to-

- Productivity (80% of lost productive time at work not due to absence but presenteeism)
- Efficiency
- Quality of work
- Client satisfaction & loyalty
- Client retention
- Safety
- Profitability
(Gallup Business Journal (2013))
Business Case (cont)

Risk Management

Decrease:

• Workplace psychological injury
• Costly injury claims
• Time off work/ return to work
• Insurance premiums
• Liability of firm
• Personal liability of management
• Disciplinary issues –

(Guidelines will inform the law-
Seen as best practice for psychological health and safety)

Recruitment & Retention of Staff

Increase:

• Sustainability of staff
• Retain expertise
• Staff loyalty

Maintain ongoing relationship with client/customers

Decrease:

• Recruitment & training costs
• Hand over time of files, cases
• Loss of expertise
The Guidelines:

• **ARE NOT** a mental health program nor cure for mental illness
• **ARE NOT** a contract/ legal document—they are an ASPIRATION- (to work towards or aim for)
• **REDUCE** workplace stress for **ALL STAFF** and promote a psychologically healthy workplace

• **ARE** about........

*Engaging your staff.....*

......*means staff saying “how much I want to, and actually do, to improve our business results”.*

(Aon Hewitt)
Engagement:

- **Encourages** values and **benefits** from harnessing the creativity, enthusiasm and passion of staff
- **Drives** performance
- **Affects** key business outcomes
- **Distinguishes** organisation in market
- **Can** help organisations withstand, and possibly even thrive in tough economic times
- **Improves** workplace psychological health & safety
Why do engaged staff perform better?

Because they....

- ....are proactive; they take initiative
- ...set higher goals; they feel competent
- ....are intrinsically motivated; for them work is fun
- ....show pro-social behaviour; they are friendly and cooperative
- ....experience positive emotions; they process information better
- ....are healthy; they are present, not absent

(Universiteit Utrecht, 2011)
The Guidelines:

• **Commitment** is voluntary (no consequence if choose not to sign up)

• **Focus** on preventative action (ambulance at the top of the cliff)

• **Support** the psychological wellbeing of **ALL staff** (not just mentally ill)

• They are a management framework for a process of ongoing improvement (like hand washing in hospitals)

• **Are not** ‘one size fits all’- recognising that each workplace is unique (there is no prescriptive way to implement)

• **Implementation is individual not competitive** dependent on management commitment and support, culture and size of each organisation (like achieving a personal best)

• **Provide a tool** not a rule
Keep in mind......

• **Management** is dealing with **individuals** (not kitchen cabinets)...no one solution works for everyone

• **Remember the 80:20 rule**
  Management is not an exact science- get 80% right and the remainder will follow

• You can’t always be popular

• **Every experience is positive learning**- you may learn what does not work

• If one approach doesn’t work **TRY SOMETHING ELSE!!!**
WIN ...WIN...

Guidelines are:

good for people and good for people

HAPPINESS = LOVE + WORK

(Sigmund Freud)
TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession are available *free of charge* on TJMF website

[www.tjmf.org.au](http://www.tjmf.org.au)