TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession

MINDS COUNT FOUNDATION

Contents

Why

It is recognised that all legal workplaces are stressful and it has been shown that legal professionals are disproportionately at risk of suffering from psychological distress and illness.[1]

Workplace factors have been proven to contribute to this risk,[2] causing harm to people's health and adverse impacts on the organisations that employ them (including absenteeism, "presenteeism", staff attrition, and WHS liability risks).

The aim

The Guidelines promote psychologically healthy legal workplaces. The aim of the Guidelines is to assist legal organisations to create workplaces that fulfil each of the Workplace Factors, identified by extensive research as critical to psychological health:

Workplace Factor	A work environment characterised
Organisational culture	trust, honesty and fairness
Psychological and social support	support for employees' psychological and mental health concerns
Clear leadership and expectations	employees that know what they need to do and how their work contributes
Civility and respect	employees are respectful and considerate of each other
Psychological competencies and requirements	a good fit of interpersonal and emotional competencies and roles
Growth and development	encouragement and support of interpersonal, emotional and job skills
Recognition and reward	acknowledgement and appreciation in a fair and timely manner
Good involvement and influence by staff	employees that are included in discussions about their work and how important decisions are made
Workload management	responsibilities that can be accomplished successfully within the time available
Engagement	employees that feel connected to their work and are motivated
Balance	recognition of the need for balance between work, family and personal life
Psychological protection	appropriate action is taken to protect employees' psychological safety
Protection of physical safety	appropriate action is taken to protect the physical safety of employees

1. 1 Kelk, NJ, Luscombe, GM, Medlow, S, Hickie, IB (2009) *Courting the blues: Attitudes towards depression in Australian law students and lawyers*, BMRI Monograph 2009 1, Sydney: Brain & Mind Research Institute.

2. Shain, M., Arnold, I. & GermAnn, K. (2012) *The Road to Psychological Safety: Legal, Scientific, and Social Foundations for a Canadian national Standard on Psychological Safety in the Workplace*. Bulletin of Science, Technology & Society, 32 (2) 142 162, SAGE Publications.

3. See the TJMF Guidelines FAQs in this document, and online at **www.mindscount.org** , for more information.

Guidelines at a glance

How

The Guidelines are a voluntary framework for legal organisations to utilise.

Signatories are encouraged to implement the Guidelines at their own pace and in their own way; implementation of the Guidelines can be tailored to each individual legal workplace. The Guidelines framework is based on a spectrum of self-motivated improvement.[3]

The Guidelines framework encourages ongoing improvement within the profession. In time, the Guidelines will assist cultural change and change of attitude; changes in the way we think, speak and act in addressing psychological health and safety.

In turn, the structure, policies and processes of legal organisations will change to match that new attitude and culture. By becoming signatories to the Guidelines, legal organisations are demonstrating that they are leaders in the profession and they are committing to putting psychological safety at the heart of their organisational culture and at the forefront of their minds.

Sign up

The Guidelines are for every legal organisation. Organisations can become signatories at **www.mindscount.org**

13 Workplace Factors

PF1: Organisational culture
A work environment characterised by trust, honesty and fairness.

a) All people in the workplace are held accountable for their actions

b) People at work show sincere respect for others' ideas, values and beliefs

c) Difficult situations at work are addressed effectively

d) Staff feel that they are part of a community at work

e) Staff and management trust one another

PF2: Psychological and social support
A work environment where co-workers and supervisors are supportive of employees' psychological and mental health concerns, and respond appropriately as needed.

a) The organisation offers services or benefits that address employee psychological and mental health

b) Staff feel part of a community and that the people they are working with are helpful in fulfilling the job requirements

c) The organisation has a process in place to intervene if an employee looks distressed while at work

d) Staff feel supported by the organisation when they are dealing with personal or family issues

e) The organisation supports employees who are returning to work after time off due to a mental health condition

f) People in the organisation have a good understanding of the importance of employee mental health

PF3: Clear leadership and expectations
A work environment where there is effective leadership and support that helps employees know what they need to do, how their work contributes to the organisation, and whether there are impending changes.

a) In their jobs, employees know what they are expected to do

b) Leadership in the workplace is effective

c) Staff are informed about important changes at work in a timely manner

d) Supervisors provide helpful feedback to employees on their expected and actual performance

e) The organisation provides clear, effective communication

PF4: Civility and respect
A work environment where employees are respectful and considerate in their interactions with one another, as well as with customers, clients and the public.

a) People treat each other with respect and consideration in the workplace

b) The organisation effectively handles conflicts between stakeholders (staff, customers, clients, public, suppliers, etc.)

c) People from all backgrounds are treated fairly in the workplace

d) The organisation has effective ways of addressing inappropriate behaviour by customers or clients

PF5: Psychological competencies and requirements
A work environment where there is a good fit between employees' interpersonal and emotional competencies and the requirements of the position they hold.

a) The organisation considers existing work systems and allows for work redesign

b) The organisation assesses employee demand and job control issues such as physical and psychological job demands

c) The organisation assesses the level of job control and autonomy afforded to its employees

d) The organisation monitors the management system to address behaviours that impact employees and the workplace

e) The organisation values employee input particularly during periods of change and the execution of work

f) The organisation monitors the level of emphasis on production issues

g) The organisation reviews its management accountability system that deals with performance issues and how staff can report errors

h) The organisation emphasises recruitment, training, and promotion practices that aim for the highest level of interpersonal competencies at work

PF6: Growth and development
A work environment where employees receive encouragement and support in the development of their interpersonal, emotional and job skills.

a) People receive feedback at work that helps them grow and develop

b) Supervisors are open to employee ideas for taking on new opportunities and challenges

c) People have opportunities to advance within their organisation

d) The organisation values employees' ongoing growth and development

e) People have the opportunity to develop their "people skills" at work

PF7: Recognition and reward
A work environment where there is appropriate acknowledgement and appreciation of employees' efforts in a fair and timely manner.

a) Immediate supervision demonstrates appreciation of employees' contributions

b) People are paid fairly for the work they do

c) The organisation appreciates efforts made by employees

d) The organisation celebrates shared accomplishments

e) The organisation values employees' commitment and passion for their work

PF8: Good involvement and Influence by staff
A work environment where employees are included in discussions about how their work is done and how important decisions are made.

a) Staff are able to talk to their immediate supervisors about how their work is done

b) People have some control over how they organise their work

c) People's opinions and suggestions are considered with respect to work

d) People are informed of important change that can impact how their work is done

e) The organisation encourages input from all staff on important decisions related to their work

PF9: Workload management
A work environment where tasks and responsibilities can be accomplished successfully within the time available.

a) The amount of work employees are expected to do is reasonable for their positions

b) People have the equipment and resources needed to do their jobs well

c) Staff can talk to their supervisors about the amount of work they have to do

d) People's work is free from unnecessary interruptions and disruptions

e) Staff have an appropriate level of control over prioritising tasks and responsibilities when facing multiple demands

PF10: Engagement
A work environment where employees feel connected to their work and are motivated to do their job well.

a) People enjoy their work

b) People are willing to give extra effort at work if needed

c) People describe work as an important part of who they are

d) Staff are committed to the success of the organisation

e) People are proud of the work they do

PF11: Balance
A work environment where there is recognition of the need for balance between the demands of work, family and personal life.

a) The organisation encourages people to take their entitled breaks (e.g. lunchtime, sick leave, annual leave, parental leave)

b) Staff are able to reasonably meet the demands of personal life and work

c) The organisation promotes life-work harmony

d) Staff can talk to their supervisors when they are having trouble maintaining harmony between their life and work

e) People have energy left at the end of most workdays for their personal life
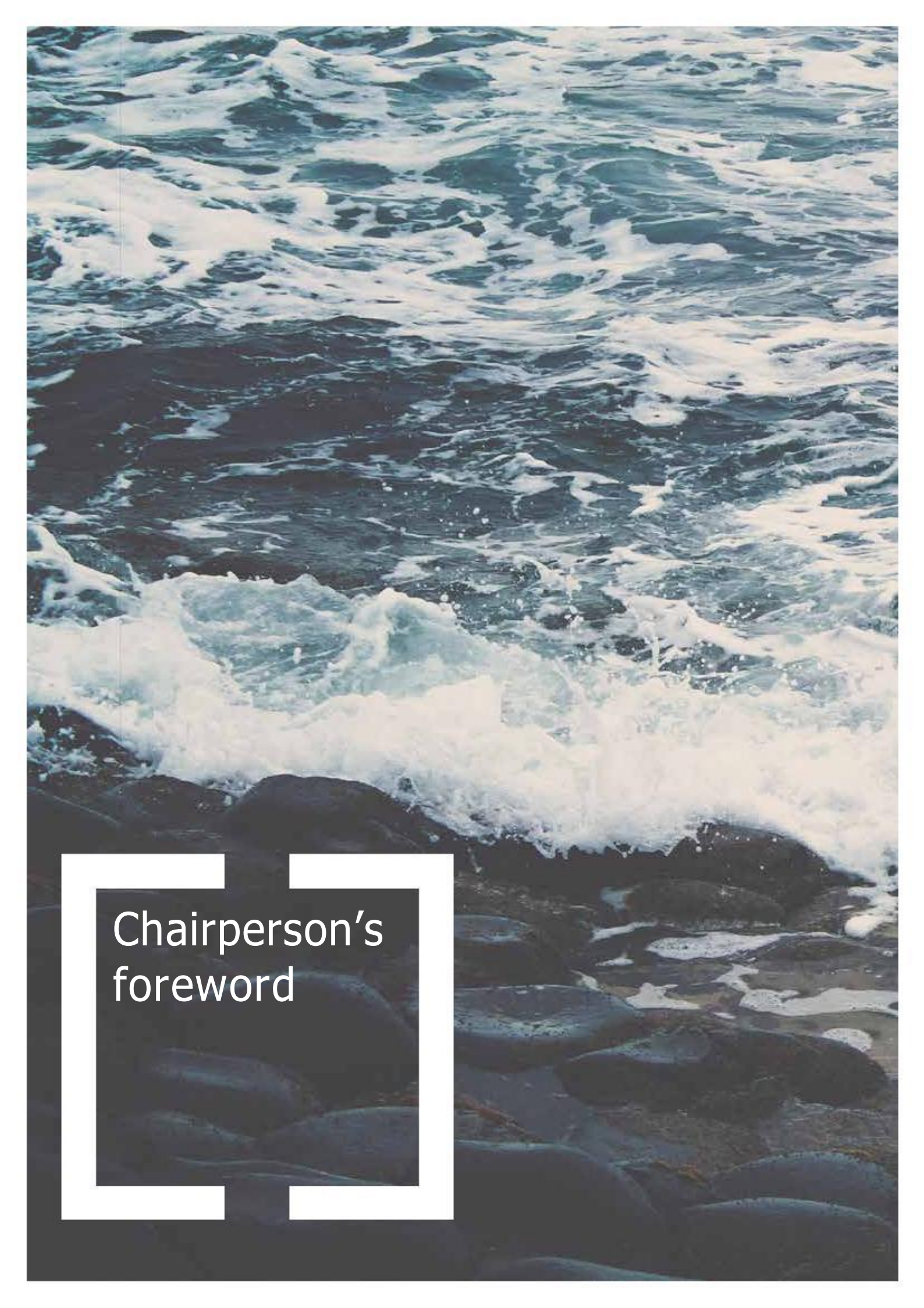
PF12: Psychological protection
A work environment where management takes appropriate action to protect employees' psychological safety.

a) The organisation is committed to minimising unnecessary stress at work

b) Immediate supervisors care about employees' emotional wellbeing

c) The organisation makes efforts to prevent harm to employees from harassment, bullying, discrimination, violence or stigma

d) People would describe the workplace as being psychologically healthy

e) The organisation deals effectively with situations that can threaten or harm staff (e.g. harassment, bullying, discrimination, violence, stigma, etc.)

PF13: Protection of physical safety
A work environment where management takes appropriate action to protect the physical safety of employees.

a) The organisation cares about how the physical work environment impacts mental health

b) People feel safe (not concerned or anxious) about the physical work environment

c) The way work is scheduled allows for reasonable rest periods

d) All health and safety concerns are taken seriously

e) Staff asked to do work that they believe is unsafe, have no hesitation in refusing to do it

f) People get sufficient training to perform their work safely

g) The organisation assesses the psychological demands of the jobs and the job environment to determine if it presents a hazard to people's health and safety

Chairperson's foreword

Fundamentally, the ability to create and maintain a psychologically safe workplace is a matter of leadership. It turns on the extent to which those in positions of leadership and influence care about the psychological wellbeing of the people who work within their organisation, and how wellbeing is prioritised amongst the other demands on time, energy and resources. To create and maintain a psychologically thriving workplace, organisational leadership must give continual careful attention to issues such as culture, workload, incentives, and the behaviours modelled and rewarded by senior management.

Why is the issue of creating and maintaining a psychologically thriving workplace worthy of the time and attention of the leader? Simply, because it's the right thing to do, it's good business, and it's legally required.

The psychological health of the workplace should be a priority as a matter of values. Any worthy organisational leader should be concerned to ensure that their organisation operates sustainably and responsibly, in a manner that doesn't cause undue harm to employees and the community.

For any organisation that requires a business justification for looking after the psychological wellbeing of its people, increasingly, customers and clients have expectations that the goods and services they acquire are produced responsibly. Customers and clients want to know that their supply-chains are sustainable and ethical, and increasingly they make purchasing decisions based on factors related to sustainability and corporate social responsibility. More and more customers will take an interest in, and make purchasing decisions based on, the sustainability of their service-providers.

If further justification is still required, business leaders should also care about the psychological health of their workplace because they have a legal obligation to do so. People operating business have a legal obligation to provide a safe place of work, and this clearly extends to the psychological safety of the workplace. Historically, the legal profession may have felt that it was somehow immune from these principles, or had a tacit exemption due to some supposed privileged status of legal businesses that put them in a special class, above the law. Regulatory developments in Australia now demonstrate that this is simply not the case.

In many ways, the 'product' that lawyers sell is their cognitive function. Legal businesses are fundamentally people businesses. With the increased availability of legal technology and legal expert systems, lawyers who continue to prosper will be those who add the type of value that no technology or system can. These will be the lawyers who offer the uniquely human higher-order capabilities such as imagination, creativity, insight and empathy. Lawyers will need to operate at their cognitive peak to offer value beyond that of systems and technology. Legal businesses and workplaces will need to foster an environment that allows their employees to function at their cognitive peak.

What is required is an objective, science-based framework to identify the factors that require attention and investment. The TJMF Guidelines provide such a framework.

For any organisation just starting to develop a mental wellbeing program, it is important to focus on the workplace factors that are most relevant to that organisation. When identifying those factors, consultation with employees is critical. Beyond the value brought by insights offered by employees, the act of genuine consultation is an important intervention in its own right. For organisations looking to build their psychological safety capability, the value of building networks with like-minded organisations is encouraged, so that you share insights and learnings, while providing mutual support for each other's efforts.

Over the years, Minds Count has engaged with organisations assessing whether they should adopt the TJMF Guidelines. Risk-averse legal organisations can often spend significant time contemplating what risks or downside might attach to adoption. At Minds Count, our firm view is that adoption only carries risk for an organisation that has no intention of implementing the Guidelines. Such an organisation might think that mere adoption, without any further action, could provide protection in the event of adverse attention or criticism. Minds Count is of the view that if an organisation has no intent to implement the Guidelines, it should not commit to them. Doing so can only detract from credibility in a way that becomes another factor undermining employee confidence in management, further exacerbating any perceived lack of psychological safety.

Minds Count encourages you to pause and consider – genuinely consider – that your colleagues and employees are fellow human beings with hopes, aspirations, fears, worries, friends, families and broader lives beyond work, just like you. For far too long there has been unnecessary human cost and suffering associated with the practice of law, and we all have a shared duty to build towards a better profession that appropriately cares for the people who participate in it.

Melinda Upton
Chairperson, Minds Count Foundation

TJMF Psychological Wellbeing:
Best Practice Guidelines for the Legal Profession

Introduction

As part of the Minds Count Foundation's commitment to support psychologically healthy workplaces in the legal profession, we are pleased to recommend the TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession, intended for use by all within the Australian legal profession, including students, sole practitioners, barristers, in-house legal counsel, practitioners within law firms of all sizes, and the judiciary.

The purpose of the Guidelines is to provide a resource for those within the Australian legal profession by using evidence-based approaches to promoting a psychologically healthy workplace. The Guidelines are intended to support lawyers, law firms and others working within the profession to raise awareness of mental health issues, and to understand the initiatives and methods of management that assist in the creation and maintenance of psychologically healthy and supportive workplaces.

The Guidelines were originally developed through the work of a Sub-Committee of the Minds Count Foundation, then known as the Tristan Jepson Memorial Foundation, representing a broad range of people within the profession. They build on a range of international and national activities, including the work of the Mental Health Commission of Canada (MHCC), under the auspices of the Canadian Standards Association and the Bureau de Normalisation du Québec (BNQ), and, in Australia, the Mental Health Alliance.

The Guidelines also recognise the value of providing specific guidance tailored to the particular workplace issues that arise in the legal profession and aim to provide that guidance in a way which reflects the varied nature of the profession, particularly in terms of size and resources. For more information about the Guidelines, please go to the Foundation's website, **www.mindscount.org**.

Use of the Guidelines

The Guidelines are structured around 13 workplace factors which will assist organisations in their commitment to the psychological health of their staff.

A range of implementation practices are recommended for each workplace factor, increasing in stages from Basic, Standard, Advanced to Best Practice.

The Guidelines have been structured to support those working within the legal profession to progressively build programs and initiatives, depending on the resources available, size of workplace and risk profile. The following table sets out a matrix approach with four levels, and assumes that a higher level incorporates the lower levels.
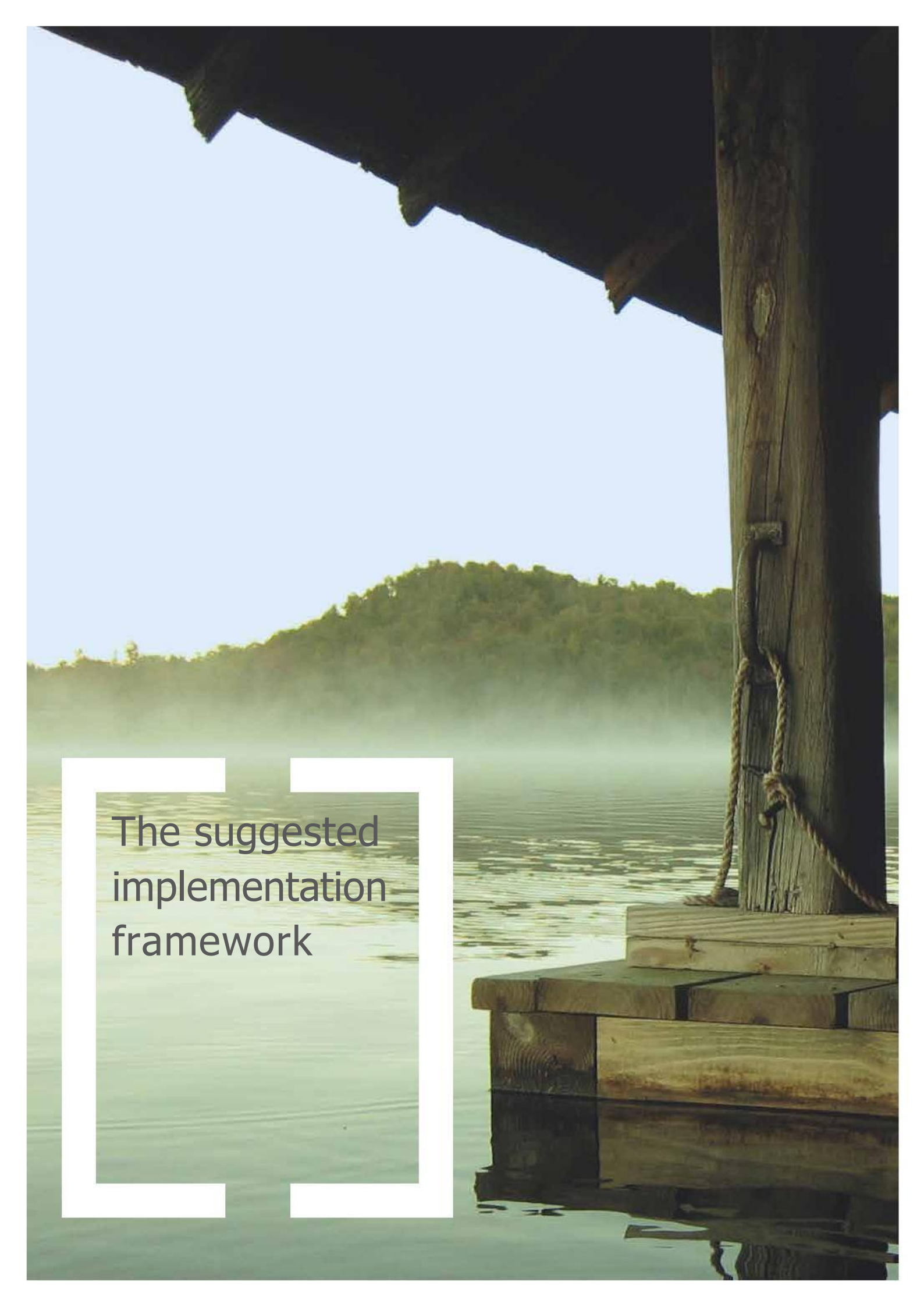
Level	Description
Basic	Has established policies which are intended to raise awareness of relevant issues.
Standard	Conducts awareness and education activities designed to ensure that all staff understand what resources and support are available to them.
Advanced	Builds capability at all levels to provide a psychologically safe workplace.
Best practice	Measures effectiveness of interventions and responds appropriately to ensure continuous improvement of systems, policies and practices.

How do we demonstrate our commitment to the Guidelines?

You may also register your organisation as a signatory to the Guidelines through the Minds Count Foundation website www.mindscount.org. If your organisation becomes a signatory you will automatically be updated by email on the latest developments in this area as they become known to the Foundation.

Your organisation can become a signatory today at www.mindscount.org

The suggested
implementation
framework

Guidelines		Suggested implementation framework			
Workplace Factor	**Definition**	**Basic**	**Standard**	**Advanced**	**Best Practice**
1. **Organisational culture**	A work environment characterised by trust, honesty and fairness.	Establish: organisational values. Educate: organisational values.	Establish and promote: organisational vision and values. Ensure promulgation of values and associated HR polices including incorporation of values into appraisal system and ensure resources are accessible.	Establish assessment of behaviours in accordance with values as part of appraisal system and performance management.	Measure: effectiveness of organisational values as part of performance management. Respond: to metrics and feedback.
2. **Psychological and social support**	A work environment where coworkers and supervisors are supportive of each other's psychological and mental health concerns, and respond appropriately as needed.	Establish: psychological health and wellbeing policy outlining the workplace's approach and commitment to the mental health and wellbeing of all people. Educate: all leaders and staff regarding policy provisions.	Educate: ensure leaders and staff understand: – what a "mental illness" is – the prevalence within the Australian community and legal profession – the signs and symptoms of common psychological illnesses, and – the appropriate professional support options. Establish, educate and promote : leaders and staff regarding Employee Assistance Program	Establish: Mental Health First Aid officers across all occupational groups. Develop: leadership skills focused on creating and sustaining a resilient workforce.	Develop: staff resilience. Measure: effectiveness of all interventions and core people metrics. Respond: to metrics and feedback.
3. **Clear leadership and expectations**	A work environment where there is effective leadership and support that helps employees know what they need to do, how their work contributes to the organisation, and whether there are impending changes.	Establish: demonstrated leadership and support.	Establish: expectations of effective leaders. Educate: leaders through external (or possibly, internal) leadership programs. Dedicate resources to ensure effective processes and policies support management of psychological health, wellbeing and workplace behaviour.	Educate: leaders and potential leaders through internal or external leadership programs and emerging leaders programs. Establish: assessment of leaders through appraisal process.	Measure: effectiveness of leadership through 360 degree review process including staff feedback. Measure: leadership effectiveness through engagement surveys. Respond: to metrics and feedback.

Guidelines		Suggested implementation framework			
Workplace Factor	**Definition**	**Basic**	**Standard**	**Advanced**	**Best Practice**
4. Civility and 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.	Establish: values that include civility and respect.	Develop: performance and promotion criteria based on civility, respect and professionalism. Foster: a culture of diversity and collegiality in the workplace. Develop guidelines for intra-office communications, including email.	Establish assessment of these values through appraisal process. Evaluate feedback from clients and other professionals as to communications and relations with workplace. Evaluate feedback from staff as to communications and relations within workplace.	
5. Psychological competencies and 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.	Establish: relevant position descriptions.	Develop: more detailed position descriptions including psychological competencies.	Evaluate: effectiveness of position descriptions and identification of psychological competencies.	Measure: satisfaction with position descriptions and identified psychological competencies. Respond: to concerns and conflicts in a timely and transparent manner.
6. Growth and development	A work environment where employees receive encouragement and support in the development of their interpersonal, emotional and job skills.	Establish: practices which enable people to have ready access to their supervisors or delegates throughout the life of a matter. Establish: practices where supervisors provide positive and constructive feedback on work and professional development in a timely manner. Provide: access to continuing professional development (CPD) to both meet CPD requirements and encouragement and support in the development of their interpersonal, emotional and job skills. Educate: people and provide access to Resilience@law DVD made available as part of induction. Establish: a work environment in which people have opportunities to advance. Develop: a clear set of competencies or expectations for performance and promotion.	Establish: dedicated learning and development resources within the business. Develop: orientation programs provided at induction and promotion points. Develop: individual development plans as an appraisal outcome which identifies work, engagement and formal training opportunities and which is reviewed at least annually. Provide: access to postgraduate study support.	Establish: a structured graduate development program (including psychological health and resilience program). Establish: structured professional development programs (covering topics such as communication, people, practice management and resilience skills). Provide: supervisors with appropriate management and leadership training. Establish: mentoring programs (formal and/or informal). Provide: access to internal and/or external coaching Develop: a culture of coaching to support and drive performance.	Establish: leadership programs at senior associate and partner levels run at least annually. Establish: a structured talent management program to identify and support growth of talent at senior associate and partner level. Establish: integrated performance management and development systems and processes. Measure: satisfaction with growth and development programs. Respond: to concerns and conflicts in a timely and transparent manner.

Guidelines		Suggested implementation framework			
Workplace Factor	**Definition**	**Basic**	**Standard**	**Advanced**	**Best Practice**
7. **Recognition and reward**	A work environment where there is appropriate acknowledgement and appreciation of people's efforts in a fair and timely manner.	Recognise: your own achievements. Establish: a reward and recognition policy. Establish: workplace values whereby people are recognised for their commitment and passion for their work. Ensure: people are paid fairly for the work they do.	Establish: service recognition awards (tenure based). Establish: policy which recognises employees' efforts and recuperation after periods of intense work, by providing appreciation and recognition in the form of special leave, gift cards, discretionary bonuses for long periods worked on matters. Educate: partners and managers to formally recognise people's efforts.	Develop: discretionary reward pools held by management for spontaneous reward of team members. Develop: transparent remuneration philosophy.	Develop: relevant industry benchmarking. Measure: effectiveness of reward and recognition policy. Respond: to metrics and feedback.
8. **Good involvement and influence by staff**	A work environment where people are included in discussions about how their work is done and how important decisions are made.	Establish: an open door approach/environment that encourages people to provide input on decisions relating to their work without fear of retribution. Encourage: foster open dialogue on matters of concern to employees, including workload/deadlines.	Develop: an intranet site regularly updated to inform people what is happening in their firm.	Establish: communication strategy regarding management/board decisions. Develop and evaluate: feedback mechanism to ensure people know their input has been considered.	Measure: level of involvement through staff survey. Measure: effectiveness of communications strategies. Respond: to metrics and feedback.
9. **Workload management**	A work environment where tasks and responsibilities can be accomplished successfully within the time available.	Establish: practices that promote regular meetings with supervisors to discuss workload. Educate: staff on time management and resources available.	Establish: flexible work arrangements to enable staff to work from home when necessary. Establish: designated quiet areas or rooms so staff can have a quiet environment to work when necessary. Establish: team planning meetings to plan workload.	Establish: a workload review process. Establish: guidelines on specific aspects on work and workload e.g. Fatigue Guidelines. Educate: people through training on how to prioritise work.	Measure: workload management and workload review process. Respond: to metrics and feedback.

Workplace Factor	Definition	Basic	Standard	Advanced	Best practice
10. **Engagement**	A work environment where all members feel connected to their work and are motivated to do their job well.	Determine: factors that contribute to staff engagement and motivation (e.g. autonomy, mastery, purpose).	Foster: active support of staff wellbeing and collegiality by management.	Develop: talent management strategy – flexibility, individual incentives, alternative work arrangements (all sexes).	Measure: mentoring program, staff satisfaction of inclusiveness, collegiality and optimism in workplace, including measuring levels of staff engagement.
		Develop: the organisation's vision and purpose and educate people about how their role contributes to the organisation's vision and purpose.	Develop: mentoring programs for staff.	Establish: regular meetings between management and staff.	Respond: to concerns and feedback in a timely and transparent manner.
		Provide opportunities to be involved in the wider community (e.g. through volunteer programs).		Establish: community service recognition program and opportunities for staff to be involved in community projects.	
		Educate: all staff on the resources, services and facilities available in the workplace that support staff work practices and wellbeing.			
11. **Balance**	A work environment where there is recognition of the need for balance between the demands of work, family and personal life.	Establish: parental leave and carer's leave policies.	Establish: flexible work arrangements, purchasing flexible leave and working from home policies.	Establish and promote: sponsored events (e.g. sporting, community events).	Establish: staff support options (e.g. child care, home support, etc.).
		Educate: all leaders and staff regarding policy provisions.	Educate: leaders and staff regarding policy provisions and the importance of balance.	Develop: leadership skills regarding how to create a balanced, high performing culture.	Establish: mentoring program for all staff (specifically "high risk' occupational groups).
			Establish, educate and promote: leaders and staff regarding the Employee Assistance Program.	Establish: wellbeing program that promotes and educates people about work/life balance and thriving in challenging environments.	Measure: effectiveness of policies and programs.
					Respond: to concerns and feedback in a timely and transparent manner.

Workplace Factor	Definition	Basic	Standard	Advanced	Best Practice
12. Psychological protection	A work environment where management takes appropriate action to protect employees' psychological safety.	Establish: bullying and harassment policies. Educate: all leaders and staff regarding policy provisions.	See Psychological Factor 2: Further development to be undertaken.	See Psychological Factor 2: Further development to be undertaken.	
13. Protection of physical safety	A work environment where management takes appropriate action to protect the physical safety of workplace members.	Establish: work, health and safety (WHS) policies including psychological health and wellbeing, and bullying and harassment policies. Educate: all leaders and staff regarding policy provisions.	Establish: WHS committee/ action teams, first aid officers, fire wardens, etc. Educate: all leaders and staff regarding key safety roles and organisation's WHS governance model / approach. Establish: regular safety audits and leadership reporting.	Establish and promote: sponsored core health initiatives (e.g. sporting and community events, including annual flu vaccine).	Develop: staff knowledge of key physical health indicators – sleep, diet/nutrition and exercise. Sponsor: key health interventions (i.e. annual medicals). Measure: effectiveness of all interventions and core metrics. Respond: to metrics and feedback.

1. What are the Guidelines?

The Guidelines are a free and comprehensive set of resources designed to protect and promote psychological health and safety in the legal workplace. The Guidelines allow employers to effectively assess and address the 13 workplace factors known to have a powerful impact on organisational health, the health of individual employees, and the financial bottom line. By utilising the Guidelines to shape your organisaton's policies, processes, structure and culture, you will work towards a psychologically healthy workplace which is good for your people and good for your businesss.

The Guidelines were developed by researchers from the Centre for Applied Research in Mental Health and Addiction (CARMHA) within the Faculty of Health Sciences at Simon Fraser University on the basis of extensive research, including data analysis of a national sample and reviews of national and international best practices. The relevant research conducted and utilised by CARMA includes:

Shain, M., Arnold, I. & GermAnn, K. (2012) The Road to Psychological Safety: Legal, Scientific, and Social Foundations for a Canadian national Standard on Psychological Safety in the Workplace. In Bulletin of Science, Technology & Society, 32 (2) 142-162, SAGE Publications. DOI: 1177/0270467612455737. The Canadian Standard (CAN/CSA-Z1003-13/BNQ 9700-803/2013 Standard) is available at http://shop.csa.ca/en/canada/ occupational-health-and-safety-management/cancsa-z1003-13bnq-9700-8032013/invt/z10032013

Shain, M. (1999). Stress and satisfaction. In OH & S Canada, 15, 3.

Shain, M. (2000). The fairness connection. In OH & S Canada, 16, 4.

2. How do I access the Guidelines?

The Guidelines are freely available on the Minds Count website: **www.mindscount.org**

3. Why were the Guidelines developed?

In January 2009, the University of Sydney's Brain and Mind Institute released the 'Courting the Blues' report. The report, written by Doctors Norm Kelk, Georgina Luscombe and Sharon Medlow, together with Professor Ian Hickie, involved a comprehensive study of thousands of law students and lawyers from across the country. This study examined the experiences and attitudes of lawyers and law students towards mental ill health and showed that more than 1 in 4 barristers, more than 1 in 3 solicitors and almost half of all law students are at a high or very high risk of suffering from a diagnosable mental illness.

Kelk, NJ, Luscombe, GM, Medlow, S, Hickie, IB (2009) Courting the blues: Attitudes towards depression in Australian law students and lawyers, BMRI Monograph 2009-1, Sydney: Brain & Mind Research Institute.

While resources related to physical health and safety are readily available in most workplaces, unfortunately there are very few resources available to help protect psychological health and safety. These Guidelines were developed to help fill that gap.

All managers need to effectively assess psychological health and safety in their workplace, undertake appropriate interventions, and measure the effectiveness of their actions. It answers the questions "Where do we begin?" and "Where can we best use our limited resources?".

FAQs

4. What are workplace factors?

Workplace factors are elements that impact employees' psychological responses to work and work conditions, potentially causing psychological health problems. Workplace factors include the way work is carried out (deadlines, workload, work methods) and the context in which work occurs (including relationships and interactions with managers and supervisors, colleagues and co-workers, and clients).

5. How were the 13 Workplace Factors in the Guidelines determined?

The 13 Factors were determined via a Grounded Theory approach, which involved a thorough review of relevant literature and extensive consultation with Canadian employers, unions and employees. This included the following steps:

– Review of the scientific literature pertaining to workplace mental health.

– Review of relevant Canadian regulatory and case law pertaining to the workplace and psychological safety.

– Formation of an advisory committee which provided input on each step of the development of the Workplace Factors . The committee consisted of representatives from the mental health, scientific, union, occupational health and employer communities.

– Consultation with experts in workplace mental health from countries and jurisdictions with well-developed workplace risk assessment resources.

– Implementation of focus groups across Canada with key stakeholders – legal professionals, union representatives, small and large employers, employees and researchers – to provide input into the description and relevance of the workplace factors.

– Implementation of a national survey amongst a diverse array of informants to gain input into the description and sample questions for each of the 13 Workplace Factors.

6. What is a psychologically healthy and safe workplace? A
psychologically healthy and safe workplace is one that promotes employees' psychological wellbeing and actively works to prevent harm to employee psychological health due to negligent, reckless or intentional acts.

8. What are some indicators of a psychologically unhealthy and/or unsafe work environment?

The failure to adequately address hazards at work is apparent in the escalation of disability claims based on depression or "stress", increased reports of workplace conflict, and decreased levels of job satisfaction, health and commitment. These, in turn, lead to reduced performance, higher turnover, increased costs and compromised safety. If they are not dealt with appropriately, the net result may well be loss of customers, productivity and valued employees. On the other hand, proper awareness and attention to ensuring the psychological health of staff will yield enhanced employee engagement and wellbeing and organisational effectiveness and sustainability.

9. Employee well-being is fine, but what about the bottom line. Are the Guidelines good for business?

Absolutely. Psychologically healthy employees are more productive and have significantly lower absenteeism and disability rates. The economic impact of mental health problems on business is estimated at tens of billions of dollars annually, due to lost productivity, accidents/injuries, and short and long-term disability rates. The goal of the Guidelines is to minimize such impacts on an organisation. You can implement the Guidelines with full confidence that you are not only supporting the health and wellbeing of employees but also helping to ensure a thriving and profitable enterprise. This is especially true during difficult economic times when the financial impacts of absenteeism, disability, or legal/regulatory sanctions are more difficult to absorb.

10. Aren't these Guidelines just for the large firms to implement?

No. The Guidelines have been designed to cater for all parts of the legal profession. They are relevant for the sole practitioner right through to large law firms, Community Legal Centres, barristers' and judges' chambers, government and in-house legal departments, law schools and legal organisations.

11. Who can sign up to the Guidelines?

All organisations now have the opportunity to sign up to the Guidelines through the Minds Count website www.mindscount.org.

12. How big is the commitment for my organisation? What will we be judged on and does this create any issues for us if we are deficient in areas and will take time to improve?

The Guidelines are a helpful way to focus efforts on achieving positive psychological health outcomes within legal workplaces. Minds Count recognises that it may take time for organisations to plan and introduce initiatives, and organisations can do as little or as much as they feel comfortable with.

13. Must I sign up to the Guidelines? Is it the only way?

No.The Guidelines are just one way that may help you and your organisation. There is no problem or issue with not signing up, although participating in the Guidelines is a good public demonstration of your organisation's commitment to employees' psychological health.

Minds Count supports any effort, large or small, which is aimed at the continuous improvement of psychological wellbeing within legal workplaces.

14. Are the Guidelines meant to be a one size fits all?

The Guidelines are structured around 13 Workplace Factors that should be in place in any organisation committed to the psychological health of its staff. For each workplace factor, a range of practices are recommended, from Basic, to Standard, Advanced, and Best Practice.

How much or how little an organisation does is up to that workplace. There are no requirements to be met and the Guidelines serve as a resource to assist organisations in planning initiatives.

15. Do you need to pass any test? Are there prerequisites?

There are no barriers to signing up to the Guidelines, and Minds Count welcomes all legal organisations that are committed to achieving positive psychological health outcomes in the workplace.

16. Will the goal posts move from year to year?

No. The Guidelines will remain unchanged; however additional information and resources will be added.

17. What will happen if we don't comply?

Organisations will not be forced to comply with the Guidelines. They are a tool for use by leaders throughout the profession to support their organisations and employees. How much or how little you comply with the Guidelines is up to you.

18. Can I pick and choose from the Guidelines?

Yes. Any positive step forward is encouraged, big or small.

19. Are there reporting requirements and/or compliance through an audit etc?

No. The Foundation is encouraging legal organisations to take the first steps towards improving their workplaces. We will work with the profession to implement the Guidelines and will work with signatories to discuss how best to monitor progress toward each organisation's goals.

20. How much does it cost to access/sign up to the Guidelines?

There is no cost. The Guidelines are freely accessible on the Foundation's website and organisations can apply to become signatories online at no cost. Simply go to www.mindscount.org to access the Guidelines and to sign up!

21. How can I trust the Guidelines are sound? What makes them credible?

The Guidelines are based on the combined research efforts of the Canadian Standards Association, the Bureau de Normalisation du Québec, and the Mental Health Commission of Canada.

The Guidelines are designed to assist employers in the legal sector to achieve the objective of decreasing psychological distress, disability and the causes of depression and anxiety.

22. Are these standards that must be met?

No. They are Guidelines which offer a useful framework for your workplace.

They can be adapted to different circumstances and help to identify areas for improvement.

23. Does this effect WHS compliance?

No. Workplaces have obligations under WHS law to address risks to their staff's health and safety. The Guidelines are a tool to help organisations better address and mitigate those issues.

Sheet

The Guidelines

Part of creating a safe work place is creating a psychologically safe workplace. The Best Practice Guidelines for the Legal Profession are intended to support the profession in raising awareness of mental health issues and understanding the initiatives and methods of management that assist in the creation and maintenance of psychologically healthy and supportive workplaces.

The Guidelines are accompanied by specific guidance tailored to different workplaces, such as law firms of varying sizes, in-house legal teams, courts, community legal centres, and law faculties.

As different organisations will be at different stages of their journey to improve the standard of psychological support provided to employees, the Guidelines provide a range of recommendations across the 13 Workplace Factors from Basic to Best Practice.

Further commentary on how to effectively implement the Guidelines will be provided over time as organisations sign up and provide feedback.

About the Minds Count Foundation

The Minds Count Foundation's is an independent, volunteer, charitable organisation. The Foundation's objective is to decrease work-related psychological ill-health in the legal community and to promote workplace psychological health and safety.

The foundation aims to raise awareness, improve education and build effective models of support which focus on psychological wellbeing within the legal education system and the legal profession.

Our purpose is to be an independent 'hub' to support all initiatives within the legal profession that aim to decrease the distress, disability and causes of depression and anxiety in the legal profession.

TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession

We need your help

Minds Count is a voluntary organisation and needs your help. If you are currently undertaking, involved with or planning initiatives related to depression and anxiety in the legal profession, please let us know.

For more information on the Minds Count Foundation, or if you wish to become involved or donate, please contact us at hello@mindscount.org