

The logo for Minds Count Foundation features the text 'MINDS COUNT FOUNDATION' in a bold, black, sans-serif font, centered within a cluster of overlapping, irregular shapes in light blue, green, orange, pink, and red. The background of the entire page is a light cream color, with large, abstract, overlapping shapes in the same color palette on the right side.

**MINDS  
COUNT  
FOUNDATION**

# **TJMF Guidelines**

Psychological  
wellbeing for the  
Legal Profession

The Minds Count Foundation is an independent, charitable organisation at the forefront of building greater awareness around depression, anxiety and mental health across the Australian legal community.

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**The Foundation’s mission seeks to raise awareness, improve literacy and build effective models of support which focus on psychological wellbeing within the Australian legal profession and the legal education system.**

After establishing the Tristan Jepson Memorial Foundation (TJMF) in 2008, the Jepson family stepped down from the board in 2018, handing the Foundation back to the profession.

The organisation has continued operating as the Minds Count Foundation.

With the objective of preventing work-related psychological ill-health and promoting workplace psychological health and safety, the Foundation continues to inform, educate and support organisations in the legal sector.

As an independent ‘hub’ to support all initiatives that aim to prevent distress, disruption and disability caused by mental health issues in legal workplaces, the Foundation’s initiatives champion new developments, research and operational best-practice.

To this end the Foundation supports an alignment between all segments of the profession including students, sole practitioners, barristers, in-house counsel, practitioners within law firms and the judiciary as part of an ecosystem fostering the highest standards of health and wellbeing in the legal profession.

# The TJMF Guidelines

What are they and why use them

At a general level, the Guidelines are also intended to **raise awareness** of mental health issues and provide a medium for **encouraging discussion** of the highest priority needs in a given workplace.

It may be difficult to draw a conclusive link between a person's work situation and their developing a mental disorder. However, workplace factors may increase the likelihood of a mental disorder, make an existing disorder worse or impede effective treatment and rehabilitation.

**Focus on prevention.**

A supportive work environment may help reduce the onset, severity, impact and duration of a mental health disorder. Promotion of psychologically healthy workplaces may have further benefits through enhancing each individual's ability to flourish.

The TJMF Guidelines are a free and comprehensive framework for legal organisations to create and maintain psychologically safe and healthy workplaces. The guidelines focus on the prevention of harm through the use of evidence-based approaches, and can be used to inform an organisation's policies, processes and culture towards a psychologically healthy workplace environment.

**Assess and reflect.**

The Guidelines provide a comprehensive roadmap to help the profession assess and address the workplace factors known to impact workplace psychological health and safety. They also provide a touchstone for reflection on the factors where organisations have strength, and indicate areas of risk that organisations can work towards improving. This is achieved by providing maturity benchmarks for each workplace factor, allowing organisations to assess progress in their journey towards achieving best practice.

**Development and implementation.**

The Guidelines are designed to be adaptable, providing specific guidance tailored to the particular workplace issues that arise in the legal profession, and aiming to provide that guidance in a way which reflects the varied nature of the profession, particularly in terms of size and resources.

The Guidelines were developed through the work of a sub-committee of the Tristan Jepson Memorial Foundation representing a broad range of people within the legal 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 have been adopted across a range of workplaces including courts, tribunals, university law faculties, government departments, community legal centres and law firms ranging from sole practitioners to global corporations. Both legal and non-legal workplaces which uphold the principles and spirit of the Guidelines can become signatories to the Guidelines.

# Workplace Factors

The characteristics of a psychologically safe workplace

The Guidelines provide a **comprehensive roadmap** to help the profession assess and address the workplace factors known to impact workplace **psychological health and safety**.

## 01 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

## 02 Psychological and social support

**A work environment where co-workers and supervisors are supportive and respond appropriately to employees' psychological and mental health concerns.**

- 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

## 03 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

## 04 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

## 05 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. Assesses employee demand and job control issues such as physical and psychological job demands
- c. Assesses the level of job control and autonomy afforded to its employees
- d. Monitors the management system to address behaviours that impact employees and the workplace
- e. Values employee input particularly during periods of change and the execution of work
- f. Monitors the level of emphasis on production issues
- g. Reviews its management accountability system that deals with performance issues and how staff can report errors
- h. Emphasises recruitment, training, and promotion practices that aim for the highest level of interpersonal competencies at work

## 06 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

## 07

### Recognition and reward

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

- Immediate supervision demonstrates appreciation of employees' contributions
- People are paid fairly for the work they do
- The organisation appreciates efforts made by employees
- The organisation celebrates shared accomplishments
- The organisation values employees' commitment and passion for their work

## 08

### 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.

- Staff are able to talk to their immediate supervisors about how their work is done
- People have some control over how they organise their work
- People's opinions and suggestions are considered with respect to work
- People are informed of important change that can impact how their work is done
- The organisation encourages input from all staff on important decisions related to their work

## 09

### Workload management

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

- The amount of work employees are expected to do is reasonable for their positions
- People have the equipment and resources needed to do their jobs well
- Staff can talk to their supervisors about the amount of work they have to do
- People's work is free from unnecessary interruptions and disruptions
- Staff have an appropriate level of control over prioritising tasks and responsibilities when facing multiple demands

## 10

### Engagement

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

- People enjoy their work
- People are willing to give extra effort at work if needed
- People describe work as an important part of who they are
- Staff are committed to the success of the organisation
- People are proud of the work they do

## 11

### Balance

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

- The organisation encourages people to take their entitled breaks (e.g. lunchtime, sick leave, annual leave, parental leave)
- Staff are able to reasonably meet the demands of personal life and work
- The organisation promotes life-work harmony
- Staff can talk to their supervisors when they are having trouble maintaining harmony between their life and work
- People have energy left at the end of most workdays for their personal life
- Staff and management trust one another

## 12

### Psychological protection

A work environment where management takes appropriate action to protect employees' psychological safety.

- The organisation is committed to minimising unnecessary stress at work
- Immediate supervisors care about employees' emotional wellbeing
- The organisation makes efforts to prevent harm to employees from harassment, bullying, discrimination, violence or stigma
- People would describe the workplace as being psychologically healthy
- The organisation deals effectively with situations that can threaten or harm staff (e.g. harassment, bullying, discrimination, violence, stigma, etc.)

## 13

### Protection of physical safety

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

- The organisation cares about how the physical work environment impacts mental health
- People feel safe (not concerned or anxious) about the physical work environment
- The way work is scheduled allows for reasonable rest periods
- All health and safety concerns are taken seriously
- Staff asked to do work that they believe is unsafe, have no hesitation in refusing to do it
- People get sufficient training to perform their work safely
- 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

# How to implement

Creating a roadmap to foster a psychologically  
healthy workplace

The more factors that are consistently missing from a workplace, or the more profound their absence, the more likely it will be for the situation to result in disengagement and anxiety.



## Implementation of the Guidelines

is set out in a roadmap to foster a psychologically healthy workplace. Where any of the factors is missing, the absence will be a potential source of unproductive stress referred to as a psychosocial risk factor.



# Acknowledgements and references

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 CARMHA 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/canrsa-z100313bnq-9700-8032013/inv/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.

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A psychologically healthy and safe workplace is a matter of leadership

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](mailto:hello@mindscount.org)

