



TJMF  
Psychological  
Wellbeing:  
Best Practice  
Guidelines  
for the Legal  
Profession

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

 **Tristan Jepson**  
Memorial Foundation



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## 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.<sup>1</sup>

Workplace factors have been proven to contribute to this risk,<sup>2</sup> 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 Psychosocial Factors, identified by extensive research as critical to psychological health:

Psychosocial Factor	A work environment characterised by:
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.tjmf.org.au](http://www.tjmf.org.au), 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.<sup>3</sup>

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

The Guidelines are for every legal organisation. Organisations can become signatories at [www.tjmf.org.au](http://www.tjmf.org.au).

# 13

## Psychological 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

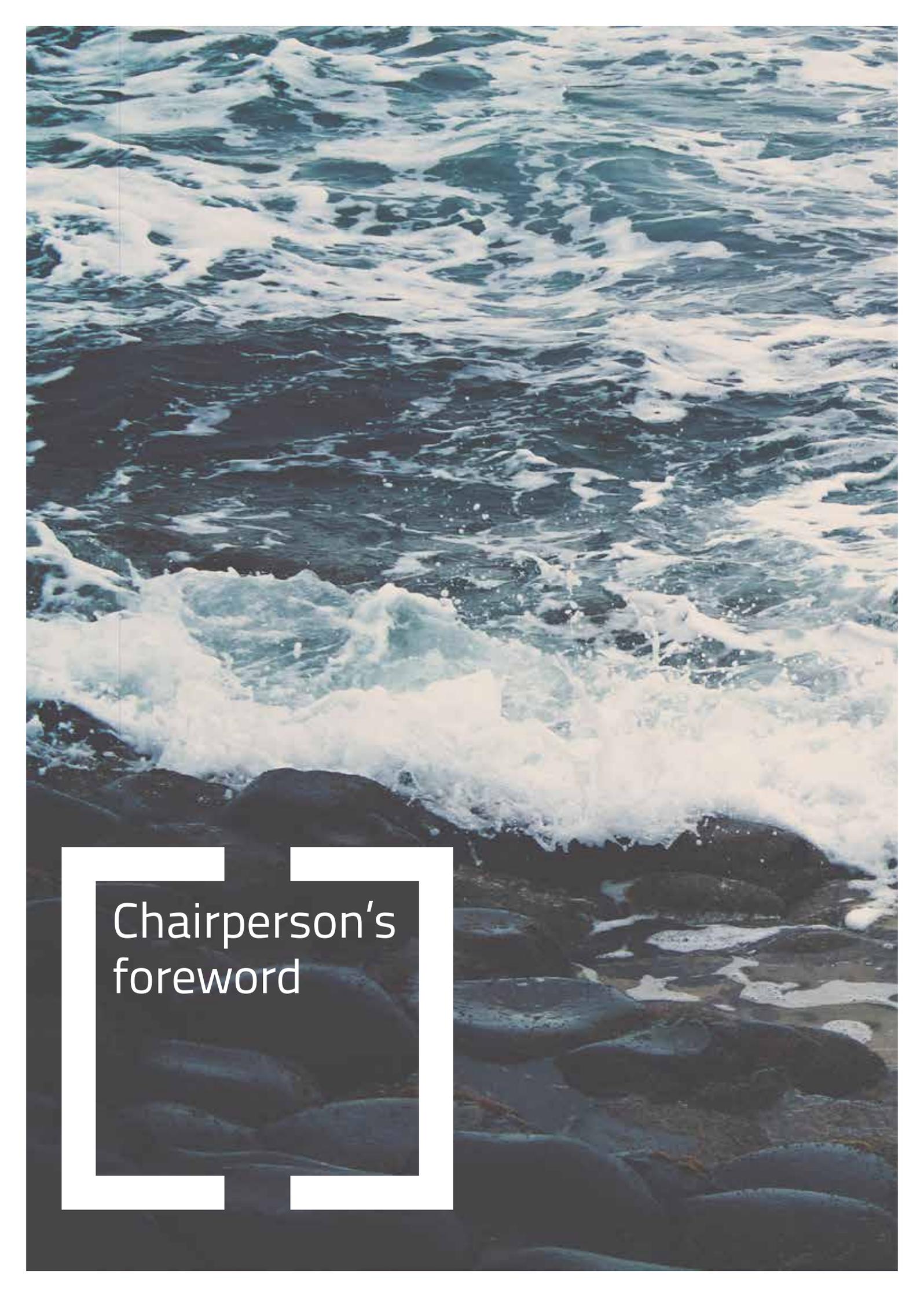
**A work environment where management takes appropriate action to protect employees' psychological safety.**

- 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

These Guidelines offer the legal profession a voluntary implementation framework to create sustainable cultural change in the workplace. I urge the managers of every firm and institution (sole practitioners included) to read them, take them up and use them. They will be good for yourself, good for the people working with you (and their families) and good for business. I commend them as a tool for employers and managers to be proactive in supporting a safe and healthy workplace.

Every individual, firm and institution will have had some encounter with the damaging effects of psychological ill-health and its sometimes fatal consequences. This is hardly surprising given that more than one in four barristers, one in three solicitors and almost half of all law students are at high risk of suffering a diagnosable mental illness. The good news is that we now recognise this. The not so good news is that many are uncertain about what they can do to help. The Psychosocial Factors and the suggested implementation framework are offered as a well researched and practical way forward.

The Tristan Jepson Memorial Foundation honours the name and memory of a lawyer, actor and beloved son who took his own life. Our goals include raising awareness, disseminating research and medical information and bringing about necessary changes in how to respond to the issue in our legal profession. We acknowledge the great achievements that have been made in recent years in the profession. We also seek to respond to widespread demand for effective tools to assist in moving beyond understanding to effective action.

The TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession are based on 13 Psychosocial Factors that include: organisational culture, psychological support, and clear leadership and expectations. They are based on the Mental Health Commission of Canada's recommended workplaces standard and have been adopted, with permission,

and adapted by the Foundation for use in Australia, after consulting widely with key stakeholders in the profession. The Guidelines framework is based on a spectrum of self-motivated improvement, where you decide which level best suits your goals and current capacities.

These Guidelines are for every organisation, whether you are a law student, a sole practitioner in a rural or regional setting, a barrister, judge, solicitor in a full service commercial law firm or a boutique law firm, a government agency, legal marketer, human resource professional or non-legal staff involved in the practice and business of law. No one should be left behind when caring for the psychological health of people in our workplaces.

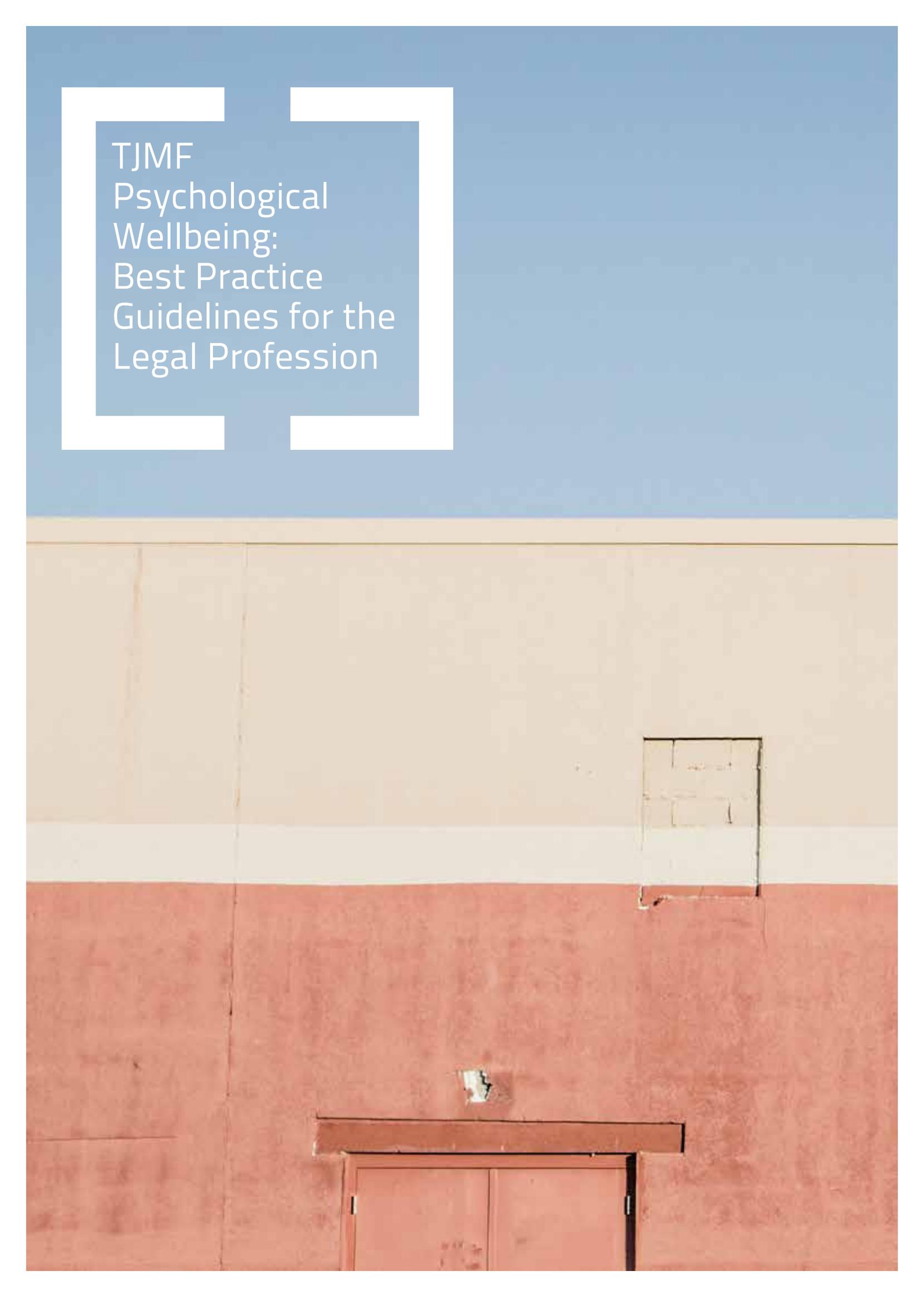
How much are staff turnover, sick leave, ineffective 'presenteeism' and disengagement costing legal businesses and keeping them from optimal performance? Research informs us that individual lawyers' motivation is internal, not just external. Modern practitioners prioritise autonomy, caring, respectful relationships and meaning in their work as paramount concerns. Each legal workplace needs to provide supportive teaching and encouragement while demonstrating how it values its people by its communications and relationships with them. Saying thank you regularly and articulating how a person has contributed to the organisation's success will be the best no-cost investment ever made.

The Guidelines aim to encourage cultural change and thus to improve the wellbeing of all people in the organisation and, by extension, their families. Such change will impact on psychological health, productivity, willingness to go the extra mile, and it will inform the choices made by persons considering joining the organisation and their reasons for remaining loyal to it. We often hear that more hours at work equals more work, but it is clear that excessive work hours usually lead to lower productivity and an unhappy, less healthy individual. TJMF is often told that staff turnover rates within law firms are high. In an industry where much is invested in recruitment and training, one wonders how much economic and social wastage is involved. Studies show that, to increase staff retention, it is better to keep staff happy, healthy, engaged and motivated.

I urge you to sign up to these Guidelines and let your people know that you have done so.

**The Hon Keith Mason AC QC**  
*Chairperson, Tristan Jepson Memorial Foundation*



The background of the cover is a photograph of a building. The top portion is a clear blue sky. Below the sky is a horizontal band of beige wall. The bottom portion of the image is a red wall. On the red wall, there is a small, square, recessed area that looks like a window or a niche, and a door is visible at the bottom center. The text is overlaid on the blue sky portion.

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# Introduction

As part of the Tristan Jepson Memorial Foundation's commitment to support psychologically healthy workplaces in the legal profession, we are pleased to introduce 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 have been developed through the work of a Sub-Committee of 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.tjmf.org.au](http://www.tjmf.org.au).



# Use of the Guidelines

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

A range of implementation practices are recommended for each psychosocial 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
<b>Basic</b>	Has established policies which are intended to raise awareness of relevant issues.
<b>Standard</b>	Conducts awareness and education activities designed to ensure that all staff understand what resources and support are available to them.
<b>Advanced</b>	Builds capability at all levels to provide a psychologically safe workplace.
<b>Best practice</b>	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 Tristan Jepson Memorial Foundation website – [www.tjmf.org.au](http://www.tjmf.org.au). This will enable you to use the following statement in any promotional material: "We support the TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession and work to create a psychologically safe workplace for our people." 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.tjmf.org.au](http://www.tjmf.org.au)

A photograph of a wooden pier extending over a body of water. The pier is made of dark, weathered wood. A thick rope is tied to a vertical post on the pier. The water is calm and reflects the light. In the background, there is a forested hillside under a clear sky. The overall atmosphere is serene and quiet.

The suggested  
implementation  
framework

Guidelines		Suggested implementation framework			
Psychosocial Factor	Definition	Basic	Standard	Advanced	Best practice
1. <b>Organisational culture</b>	A work environment characterised by trust, honesty and fairness.	<p>Establish: organisational values.</p> <p>Educate: organisational values.</p>	<p>Establish and promote: organisational vision and values.</p> <p>Ensure promulgation of values and associated HR policies including incorporation of values into appraisal system and ensure resources are accessible.</p>	<p>Establish assessment of behaviours in accordance with values as part of appraisal system and performance management.</p>	<p>Measure: effectiveness of organisational values as part of performance management.</p> <p>Respond: to metrics and feedback.</p>
2. <b>Psychological and social support</b>	A work environment where coworkers and supervisors are supportive of each other's psychological and mental health concerns, and respond appropriately as needed.	<p>Establish: psychological health and wellbeing policy outlining the workplace's approach and commitment to the mental health and wellbeing of all people.</p> <p>Educate: all leaders and staff regarding policy provisions.</p>	<p>Educate: ensure leaders and staff understand:</p> <ul style="list-style-type: none"> <li>- what a 'mental illness' is</li> <li>- the prevalence within the Australian community and legal profession</li> <li>- the signs and symptoms of common psychological illnesses, and</li> <li>- the appropriate professional support options.</li> </ul> <p>Establish, educate and promote : leaders and staff regarding Employee Assistance Program</p>	<p>Establish: Mental Health First Aid officers across all occupational groups.</p> <p>Develop: leadership skills focused on creating and sustaining a resilient workforce.</p>	<p>Develop: staff resilience.</p> <p>Measure: effectiveness of all interventions and core people metrics.</p> <p>Respond: to metrics and feedback.</p>
3. <b>Clear leadership and expectations</b>	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.	<p>Establish: expectations of effective leaders.</p> <p>Educate: leaders through external (or possibly, internal) leadership programs.</p> <p>Dedicate resources to ensure effective processes and policies support management of psychological health, wellbeing and workplace behaviour.</p>	<p>Educate: leaders and potential external leadership programs and emerging leaders programs.</p> <p>Establish: assessment of leaders through appraisal process.</p>	<p>Measure: effectiveness of leadership through 360 degree review process including staff feedback.</p> <p>Measure: leadership effectiveness through engagement surveys.</p> <p>Respond: to metrics and feedback.</p>



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

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

Guidelines		Suggested implementation framework			
Psychosocial Factor	Definition	Basic	Standard	Advanced	Best practice
12. <b>Psychological protection</b>	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.	See Psychological Factor 2: Further development to be undertaken.
13. <b>Protection of physical safety</b>	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.

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CSA: [www.csa.ca/z1003](http://www.csa.ca/z1003)

BNQ: En: [www.bnq.qc.ca/can-csaz1003-bnq9700-803/en](http://www.bnq.qc.ca/can-csaz1003-bnq9700-803/en)

Fr: [www.bnq.qc.ca/can-csaz1003-bnq9700-803/fr](http://www.bnq.qc.ca/can-csaz1003-bnq9700-803/fr)

## 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 psychosocial 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 organisation's policies, processes, structure and culture, you will work towards a psychologically healthy workplace which is good for your people and good for your business.

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/canca-z1003-13bnq-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.

## 2. How do I access the Guidelines?

The Guidelines are freely available on the TJMF website: [www.tjmf.org.au](http://www.tjmf.org.au).

## 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?"



## 4. Why is the Tristan Jepson Memorial Foundation (TJMF) rolling out the guidelines?

TJMF aims to 'Raise the Standard' of psychological support in legal workplaces through the newly launched TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession.

## 5. What are psychosocial factors?

Psychosocial factors are elements that impact employees' psychological responses to work and work conditions, potentially causing psychological health problems. Psychosocial 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).

## 6. How were the 13 Psychosocial Factors in the Guidelines determined?

The 13 Psychosocial 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 Psychosocial 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 psychosocial 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 psychosocial 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 Psychosocial Factors.

## 7. 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 psychosocial 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 TJMF website: [www.tjmf.org.au](http://www.tjmf.org.au). In return, signatories will be able to display a special TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession logo and advertise themselves as a signatory.

## **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. TJMF 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.

TJMF 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 Psychosocial Factors that should be in place in any organisation committed to the psychological health of its staff. For each psychosocial 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 TJMF 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 your organisation to implement the Guidelines and, in future years, the Foundation 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.tjmf.org.au](http://www.tjmf.org.au) 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.

# Fact sheet

## TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession

### Improvement at Your Pace



## 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.

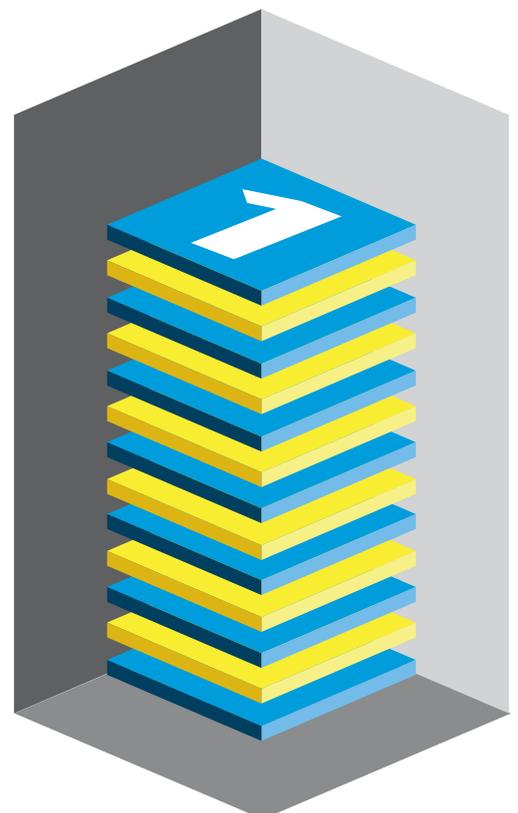
The Guidelines are accompanied by specific guidance tailored to different workplaces, such as law firms of varying sizes, in-house legal teams, courts, community legal centres, and law faculties.

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 Psychosocial 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.

### Strengthening your Workplace in these Critical Areas

- 1 Organisational culture
- 2 Psychological and social support
- 3 Clear leadership and expectations
- 4 Civility and respect
- 5 Psychological competencies and requirements
- 6 Growth and development
- 7 Recognition and reward
- 8 Good involvement and influence by staff
- 9 Workload management
- 10 Engagement
- 11 Balance
- 12 Psychological protection
- 13 Protection of physical safety





## About the Tristan Jepson Memorial Foundation

The Tristan Jepson Memorial 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

The TJMF 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 Tristan Jepson Memorial Foundation, or if you wish to become involved or donate, please contact Marie Jepson at [info@tjmf.org.au](mailto:info@tjmf.org.au).

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

