

# LawCare

Taking Positive Action

Leader Guide



Externally provided by:



QLS has engaged Assure Programs  
to provide this service.

# What is LawCare?

LawCare is an Employee Assistance Program which provides free, confidential and voluntary counselling services to QLS members, their immediate family and legal support staff. The aim of LawCare is to assist with the resolution of work related and personal problems which may affect work performance or quality of life.



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# Your people matter

This guide has been prepared as an introduction to LawCare. It will help you as a leader identify employee issues that impact on wellbeing, productivity, and safety. It will also assist in approaching employees regarding these issues, and initiating appropriate referrals to the LawCare service. People are your greatest resource. A valuable feature of LawCare is its ability to help you manage your human assets effectively.

## Introducing LawCare

LawCare is a confidential, short-term counselling service to assist employees with work or personal issues impacting on their performance. Employees attend LawCare services on a voluntary basis. They may either be self referred or recommended to the service by a leader.

Similarly, confidential LawCare services are available to all leaders to assist them in addressing their own issues that may be impacting on their quality of work or personal relationships.

## Why have LawCare?

Identifying and addressing problems at work can be stressful for both the employee and the leader. Experience has shown however, that when people are helped to overcome their problems, whether they are personal or work related, they can emerge as more valuable employees.

With LawCare, professional counsellors are on-hand to help resolve these issues. This minimises the time you may need to spend supporting troubled employees, as well as delivering other significant benefits, including:

- ▶ Increased employee performance, motivation and wellbeing
- ▶ Employee retention
- ▶ Reduced absenteeism
- ▶ Improved work environment and work relationships

# Important aspects of LawCare

## Ensures confidentiality at all times

LawCare is a completely confidential service, ensuring the anonymity of those seeking help whilst promoting a 'safe' and trusting environment.

If an employee chooses to take part in LawCare, no record of their involvement will be kept on their personal file nor their participation discussed with any other person without the employee's written consent.

## Attendance is voluntary

Employees can be informed about the LawCare counselling option, but it is the individual's decision to seek help – remember, it's their choice.

As participation in LawCare is voluntary and confidential, LawCare counsellors can not consult employees solely on a team leader's recommendation.

## Partnering with your leadership

LawCare acts in a partnering role. LawCare professionals deliver workplace focused counselling and psychological services directed at the timely resolution of employee issues that may be beyond your responsibility. In doing so, LawCare supports and enhances your leadership. However, the counsellors in no way assume your role in managing employee work performance.

## What is the role of LawCare?

- ▶ Early, problem-focused intervention
- ▶ Practical, short-term counselling
- ▶ Specialist assessment and referral

## Who can use LawCare services?

- ▶ QLS members and their support staff
- ▶ QLS members' immediate family

LawCare is an effective support tool for your leadership

### Who are the LawCare providers?

LawCare is an external member counselling service provided by Assure Programs.

Assure Programs LawCare providers are tertiary qualified, registered psychologists and clinical social workers, with extensive counselling experience across a broad range of workplace issues.

### Where are LawCare providers located?

Assure Programs has a well-established national network of over 300 providers located throughout every metropolitan and regional area of Australia and New Zealand.

### How do I inform my employees of LawCare?

Regular promotion of LawCare is essential for initiating a positive response. Display posters, distribute brochures and inform employees through team meeting announcements and workplace newsletters.

Realise your organisation's human potential with timely LawCare support



## The Leader's role in referring employees to LawCare

In a leadership role, you have the responsibility of managing, directing and showing support for employees who are experiencing difficulties impacting on their work performance, whether they are of a personal or work-related nature.

It is often difficult for employees to accept that certain problems are affecting their attitude and/or job performance. Frequently, employees who have persistent performance or attendance problems are found to have underlying difficulties. LawCare can assist to provide solutions to many of these problems.

LawCare assists with personal and workplace issues including:

- ▶ Stress reactions and symptoms
- ▶ Organisational change
- ▶ Rehabilitation difficulties
- ▶ Interpersonal skills
- ▶ Anxiety or depression
- ▶ Handling traumatic events
- ▶ Relationship breakdown
- ▶ Parenting and elder-care
- ▶ Work/life balance
- ▶ Interpersonal conflict between colleagues
- ▶ Burnout and lack of motivation
- ▶ Alcohol and substance abuse
- ▶ Work performance issues
- ▶ Harassment and bullying
- ▶ Relationship and family troubles
- ▶ Grief or bereavement
- ▶ Health concerns
- ▶ Financial difficulties
- ▶ Career uncertainty
- ▶ Customer aggression
- ▶ Gambling problems

In effectively managing these issues, your role as a leader involves the following:

- ▶ Step 1: Early recognition of the problem
- ▶ Step 2: Approaching the employee regarding the matter
- ▶ Step 3: If appropriate, referring the employee to LawCare for assistance
- ▶ Considering a Specific Counselling Referral
- ▶ Considering additional services offered by Assure Programs

The following section provides guidelines to assist you in working through these options.

# Step 1:

## Early recognition of the problem

As a leader, you may have encountered employees with job performance issues and/or uncharacteristic behaviour. Sometimes people clearly communicate that they are experiencing difficulties and may even approach you directly. Often however, it is through observing employees' behaviour and non-verbal communications, that you receive the message. You are in an ideal position to detect the early-warning signs that can indicate an employee has a problem. These may include:

- ▶ Sudden shift in performance or reduced quality of work
- ▶ Frequent absence from work
- ▶ Loss of sense of humour
- ▶ Emotional outbursts
- ▶ Becoming aggressive or irritable
- ▶ Obvious signs of stress and anxiety
- ▶ Difficulty with decision-making and trouble concentrating
- ▶ Lack of interest in work/life in general
- ▶ Erratic behaviour, mood swings or changes
- ▶ Becoming withdrawn
- ▶ Conflict with co-workers
- ▶ Unrealistic standards for self and/or others

**Handout 1** (page 21) provides a checklist to guide you in determining if an employee needs assistance. While your role in the early observation of these indicators is vital, it is essential you do not form a subjective judgement. The next section guides you in approaching an employee to discuss issues impacting on their job performance whilst maintaining objectivity.

## You are in an ideal position to detect early-warning signs

# Step 2:

## Responding: Effectively approaching a troubled employee

Approaching an employee to discuss performance issues is one of the most challenging and important responsibilities of a leader. Many leaders feel apprehensive and unsure about addressing a troubled employee. Some are uncomfortable with the possible employee response (resistance, defensiveness, hostility); others may find it difficult to display objectivity in the face of the many disruptions an employee may have caused. However, if left unaddressed, these issues can magnify.

Leaders can contact LawCare at any time for advice on how to approach employees and the services that can be offered. This is especially helpful in dealing with urgent people-management issues, including critical incidents and distressed employees (*please refer to MSP section on page 16*).

Below are some general guidelines that may be of help.

### General guidelines

#### Being prepared

1. Approach the employee at the earliest indication of the issue.
2. Arrange a time and suitable location for a private meeting with the employee.
3. Take time to prepare yourself by gathering relevant notes and documentation and organising your thoughts. This includes mentally rehearsing your approach and being clear on the employee's work performance history; having clearly defined work performance expectations; and establishing your desired outcomes from the conversation.
4. If indicated, consult with your Human Resource department to ensure the meeting is consistent with your organisation's policies and procedures.

#### Conducting the interview/conversation

5. Throughout the discussion, use active listening skills to create rapport:
  - ▶ Refer to the person by name
  - ▶ Nod and make eye contact
  - ▶ Allow equal airtime
  - ▶ Encourage the person to communicate by using open-ended questions such as, "What?" and "How?"
  - ▶ Confirm the content of the message
  - ▶ Summarise the discussion and clarify any misunderstandings

6. Introduce the discussion briefly by indicating that you wish to talk about how things have been going.
7. Be welcoming and relaxed, whilst showing concern. Let them know the reason for the discussion, indicating that you have noticed some changes in him/her recently and want to help and/or discuss this.
8. Convey your observations of the signs/situations that brought the matter to your attention. Be as specific as possible, providing examples and making reference to the date, time and place. If the employee discloses a concern (work or personal) that has affected their performance, it may be helpful to refer them to LawCare (see page 9 – *Referring an Employee to LawCare*).
9. Focus on the relevant issues of work performance; avoid making judgements about the employee or using labels, opinions or inferences about personal issues.
10. Be objective, fair, consistent and respectful of the employee's privacy.
11. Balance the feedback with examples of good work performance and workplace behaviours you have observed.
12. Be prepared for emotional reactions. The employee may respond with distress or frustration. If this is the case, give the employee time to express this, waiting until they have run out of momentum. This demonstrates your willingness to listen, and diffuses strong emotions (see page 24 for further tips in dealing with emotional reactions).
13. Remain empathetic and demonstrate your concern for their wellbeing, but reiterate that you also require certain performance standards.
14. Have your facts documented, however avoid coming across in a threatening manner.

#### Generating a plan and follow up

15. Consider possible solutions, including seeking suggestions from the employee. Solutions might involve temporary adjustments to work duties or change of job roles OR acceptance of a referral to confidential LawCare for advice or counselling.
16. Arrange a follow-up meeting to assess progress on your agreed solutions and decisions.

## Step 3: Referring an employee to LawCare

Recommending LawCare to a troubled employee demonstrates your care and concern. It also removes you from the role of counsellor, allowing you to focus on their work performance and related impacts on business.

#### Reasons for referring an employee to LawCare include:

- ▶ Observed changes in performance/behaviour indicative of personal issues
- ▶ The leader seeks additional support from LawCare to address work performance/behaviour concerns
- ▶ When an employee is assessed to be in violation of specific Workplace Health and Safety policies

#### Key points when referring an employee to LawCare

A sensitive way of broaching the topic of counselling is to ask the employee if they are receiving enough support to manage during this time. Mention to them that as their manager you are happy to support them in relation to their work role, however it can also be beneficial to seek independent, professional support and advice to cope with emotional concerns. This is where LawCare can assist.

1. Ensure you communicate the role of LawCare:
  - a It aims to assist employees manage personal/work related issues that may be just that little bit harder than they have previously encountered.
  - b The service is not intended as a disciplinary action, and its use will not be detrimental to the employee's career path.
  - c It is completely confidential, and their involvement will not be discussed without their written consent.
  - d Use of LawCare is on a voluntary basis.
  - e Utilising LawCare is normal and healthy and it is a frequently used service within many organisations.

Leaders can contact LawCare at any time for advice about employees or for their own concerns

2. Suggest the employee contact LawCare:
  - a Give the employee the LawCare brochure and/or 1800 wallet card.
  - b Explain that a wide range of counsellors are available.
  - c Indicate that the employee can phone LawCare themselves to further discuss how the program works.
  - d Emphasise the importance of keeping any scheduled appointments. If this is not possible, the employee should give at least 24 hours notice, as an hour's counselling entitlement may be deducted for any late cancellations or no-shows.
3. If you want to increase the likelihood of an employee accessing the service, and the need is clearly apparent, offer to:
  - a Telephone LawCare with the employee's permission, to arrange either a face-to-face meeting, or for a counsellor to call them directly at an arranged time.
  - b Accompany the employee to the initial appointment if you have significant concerns and they are agreeable to you doing so.
  - c Explain that Assure Programs have a senior staff psychologist on call 24 hours, 365 days per year and that this service is always available to them via the 1800 number.
  - d Consider a 'Specific Counselling Referral' where, with the employee's agreement, you receive feedback from Assure Programs to assist you to provide support to them in the workplace (see Page 12 - 'What is a Specific Counselling Referral?' for more information).

### What are the time requirements for counselling?

Counselling usually lasts for about one hour per session, with most issues being resolved within a few sessions. Understandably, consultations can vary considerably depending on the individual and the nature and severity of the issue.

Most organisations allow normal leave provisions for employees to attend counselling sessions as long as this does not unnecessarily interfere with work. Alternatively, employees may seek confidential assistance during their own time.



### What to expect after you refer an employee to LawCare

You may be advised that the employee has attended his or her first appointment, but only if the employee gives the counsellor permission in writing for this information to be released.

After an employee has been offered LawCare assistance, maintain normal job monitoring procedures and performance expectations. As performance returns to normal, reinforce the process with praise and recognition.

A useful gauge in determining the effectiveness of LawCare is simply to ask the employee how they found the service. Naturally, the employee is under no obligation to confirm or otherwise reflect on their use of the service.

Temporary relapses may occur, in which case, recommend that LawCare be consulted again as soon as possible.

### What if an employee refuses to use LawCare?

It is important to remember that an employee's involvement with LawCare is voluntary. While obtaining help is their choice, continued poor work performance is not.

Whether the employee chooses to use LawCare or not, your responsibility is to continue to monitor job performance. If the employee's work performance fails to improve, your next option is to proceed with performance management protocols according to your organisation's policies. Follow up on the concerns until there is some resolution. Always be fair, and document all changes relating to the issue.

Remember, employee participation in LawCare is voluntary

# What is a Specific Counselling Referral?

Typically, an employee self-refers to LawCare for confidential counselling, and the content and outcomes remain confidential, unless otherwise agreed by the employee. There are some situations however when it is appropriate for the employer to engage a targeted assessment and/or counselling program to assist in managing an employee's workplace behaviour, performance or wellbeing, during which feedback is provided to the organisation. We call this a 'Specific Counselling Referral'.

A Specific Counselling Referral is usually initiated following a 'collaborative' discussion between the employee and referrer, where:

- ▶ A work, personal or wellbeing issue is impacting on the individual or workplace
- ▶ The referrer is seeking feedback from LawCare on the employee's attendance, progress and/or recommendations to the workplace
- ▶ The employee has voluntarily agreed to attend

Situations where a Specific Counselling Referral may be helpful include when an employee is:

- ▶ Returning to work following an injury
- ▶ Exploring alternative options for career advancement and best person-job fit
- ▶ Improving interpersonal communication skills that may be impacting on workplace relationships and performance – e.g. giving and receiving feedback, or improving assertiveness
- ▶ Managing specific behaviours which may or may not have resulted in performance issues - e.g. anger, drug and alcohol problems, or gambling
- ▶ Needing support for emotional difficulties which may have resulted in performance issues - e.g. panic attacks or phobias, or depression following major life stress

This service is funded separately to LawCare, primarily through a confidential invoice to a nominated manager or HR/OH&S representative. This helps to maintain a clear delineation between the Specific Counselling Referral (which includes 'feedback' where requested) and the fully-confidential LawCare entitlement. This also ensures the employee can later access their standard LawCare entitlement, for either personal or work-related reasons.

## How to make a Specific Counselling Referral through Assure Programs

1. Call Assure Programs on **1800 505 015** to discuss your needs and expectations of a Specific Counselling Referral. We will send you referral forms and assist you in completing these. Please see an example on the following pages. This step will also include clarifying how you prefer the service to be invoiced to the organisation, an estimate on how many sessions are needed and the best approach to setting up the first session.
2. Discuss the referral with your employee, including the reasons and benefits of why they have been referred for specific counseling. Remember to ask the employee for their consent to obtain feedback from Assure Programs where appropriate. If the employee declines the offer of the referral, please contact Assure Programs or your Human Resources team to discuss further options.
3. Complete the Specific Counselling Referral Form, and return by fax or email, and Assure Programs will contact your employee to arrange an initial appointment.

*Examples of the relevant completed forms are on the following two pages.*



### Specific Counselling Referral Fax

To: **Assure Programs** Fax No: **1800 329 327**  
 Your Name: James Leader Date: 01 / 03 / 201  
 Your Organisation: Construction Industries Ex N° of p: \_\_\_\_\_

#### Details of Service Required:

Urgent counselling at Assure Programs rooms N° of hours initially approved: \_\_\_\_\_  
 Routine counselling at Assure Programs rooms N° of hours initially approved: 4

Reason for Referral/ Additional information: Luke sustained a non-work related injury & has reported difficulty with sleep, pain and low energy. (details attached). Please provide coping strategies.

Name and contact number of employee: Luke Client - 0404 ### ##  
(Please ensure that your employee has been informed that Assure Programs will call them directly to arrange an appointment)

If this request is for an **urgent** service please fax this form **and** call Assure Programs immediately on 1800 505 015 to inform them of the request.

#### Person Requesting Service:

Name: James Leader Phone: 07 8765 4321  
 Position Title: Manager of Construction Fax: 07 1234 5678  
 Postal Address: PO Box 1234 Brisbane Post Code: 4000  
 Email Address: James.leader@construction.com

#### Person to Receive Invoice:

As Above Cost Code (if required): \_\_\_\_\_  
 Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Position Title: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

#### By signing this form, I agree to and understand the following:

- This service is invoiced in addition to any previously arranged services
- The employee is aware of this referral and understands that their attendance is voluntary
- A cancellation fee will be processed for any sessions that are late cancelled (within 24hrs) or not attended

Please check this box if you require general feedback from the Assure Programs counsellor. Feedback will only be available once we have received the signed Employee Consent Form.

James Leader

Signature of Referrer

The information contained in this facsimile is confidential and may be legally privileged. It is intended for receipt only by the named addressee. If you are not the named addressee, any use, disclosure, copying or distribution of this facsimile or any of the communication contained in it is prohibited. Please let us know immediately by telephone on the number below if you received this communication in error so we can arrange for it to be returned.

### Employee Consent Form For General Feedback - Specific Counselling Referral -

Your organisation has made specific counselling sessions available to you through Assure Programs.

James Leader has referred you to this service.  
 (referrer's name)

They have also requested to receive general feedback from the Assure Programs counsellor after the initial session. General feedback includes confirmation of your attendance at sessions and information relating specifically to how your organisation can best assist you.

By signing and returning this consent form you are authorising this feedback to occur with all other details remaining confidential.

Please understand that your attendance is voluntary and that Assure Programs requires at least one business day notice if any appointment is unable to be kept. If you are unable to give this notice or the appointment is not attended a one-hour service charge may be incurred by your organisation.

Luke Client

(employee to print full name)

L Client

(signature of employee)

01 / 01 / 2010  
 (date)

Please sign and fax confidentially to: 1800 329 327.

If you have any questions about this consent form or require any clarification, please contact Assure Programs directly on 1800 505 015 or speak with your manager or referrer.

# Manager Support Program (MSP)

## What is the MSP?

The Manager Support Program (MSP) provides leaders with an avenue to obtain timely support in managing personal and interpersonal work issues relating to employee performance, work relationships, and organisational change. This program is designed to complement existing internal human resources functions.

## How can the MSP help Leaders?

The MSP can benefit leaders in developing the strategies and confidence to tackle the more challenging people management situations, especially those involving emotional responses and wellbeing. The MSP provides a resource for leaders to call an independent and experienced professional to discuss 'people' situations, plan effective responses, and gain specific feedback and guidance on their approaches.

Common reasons leaders access the MSP include:

- ▶ Identifying signs of stress and mental illness in their staff
- ▶ How to encourage staff with high needs or 'reluctance' to attend LawCare or appropriate support (including formal Specific Counselling Referrals and addressing common misconceptions)
- ▶ Referral information for accessing other support options available through our Organisational Development Services team (e.g. mediation, coaching, training)
- ▶ Supporting staff on sick leave or on a "Return to Work Plan"
- ▶ Strategies for providing effective feedback to staff and managing potentially difficult conversations
- ▶ Managing performance issues or conflicts within the team
- ▶ Implementing change and transition management
- ▶ Building more effective teams
- ▶ Optimising interpersonal relationships with your staff
- ▶ Staying vitalised as a leader – stress management and self-care
- ▶ Managing staff members identified as at risk of harm

## How do I access the MSP?

To access the MSP please call the same standard toll-free LawCare number: **1800 177 743**. The MSP is fully confidential and is funded as part of LawCare.

The leader is guaranteed timely access to the MSP, and experience shows that one or two sessions (e.g. 15-30 minutes) are adequate for most situations. Leaders usually access the MSP by phone. Alternatively, face-to-face and email contact can be available. Should extended support or travel be requested, Assure Programs would discuss any associated costs with you.

The MSP is designed to provide focused, timely guidance for leaders. If more specialised advice is required, a referral to our Organisational Development Services may be offered in which leadership coaching or tailored training programs may provide additional benefits to the leader.

The estimated cost of an employee prematurely leaving an organisation is 1.5 times their annual salary. This includes the costs of advertising, interviewing and training, and the loss of experience and knowledge impacting on customer relationships.

# Responding to Critical Incidents

## Leaders supporting people following a critical incident

### What is a Critical Incident?

A **critical event (or incident)** is any event or process that has a potential to overwhelm the usually effective coping skills of either an individual or group. Critical incidents typically cause a 'detrimental' impact, which may include significant disruption, increased levels of tension, emotional responses and changes in performance. Most people can manage and fully recover from these events with:

- ▶ Appropriate Support
- ▶ Resilience Training
- ▶ Organisational Preparedness

### 1. What is Appropriate Support?

#### Counselling and Defusing

Defusing is a specific type of counselling conducted by a professionally-qualified person to promote recovery after a serious incident. It typically involves:

- ▶ The provision of education and information about possible reactions
- ▶ Practical coping strategies to manage these reactions
- ▶ Can be delivered individually or, when appropriate, in a group setting

For effective defusing, please consider these points:

- ▶ Counselling and defusing is ideally conducted between 24 to 72 hours after the event; it is rare that formal debriefing is required before this time
- ▶ Defusing should be offered to any persons directly involved in the event or any persons for whom the event has triggered a strong reaction
- ▶ It is important for organisations to automatically offer counselling and defusing as a voluntary yet recommended support option
- ▶ Phone contact with LawCare is immediately available and can provide support and advice to managers at the earlier stages of response.

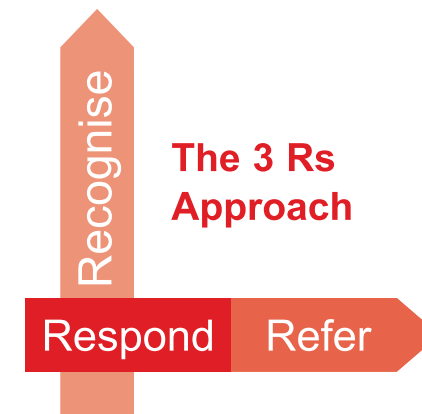
### Supportive Leadership Behaviours

Leaders can significantly assist recovery by providing the following supportive behaviours which we call the **3 Rs Approach**:

**Recognise** signs of post-incident stress as normal reactions. **Respond** with a supportive approach and talking with all impacted employees. **Refer** the employee/s to further support or counselling; e.g. LawCare, their family, or GP.

These are the sorts of reactions to look out for that might indicate someone is experiencing persistent stress reactions:

- Low energy and motivation
- Poor concentration or memory
- Avoidance of certain places or tasks
- Disturbed sleep or bad dreams
- Illness and physical symptoms of stress
- Anxiety, nervousness and distress
- 'Flashbacks' or unwanted images or memories
- Generalised worry or anger
- Overly sensitive and concerned about safety and surroundings
- Absenteeism



## 2. What is Resilience Training?

For best practice, the organisation will provide training to staff and leaders in stress management and emotional resilience, which aims to increase personal skills in self awareness, self management and practical coping strategies. These skills assist in moderating the experience of critical stress and preventing further escalation of distress. Such training also serves to increase general retention, satisfaction in work and life and productivity.

Please call Assure Programs Head Office on **1800 505 015** for further information on these specialist services.

## 3. What is Organisational Preparedness?

Your organisation may have a Critical Incident Management process, which is regularly reviewed and updated, and includes strategies for supporting the recovery of employees following an incident. Such activities include:

- ▶ Critical incident management policy and procedure, also including:
  - Duties checklists and guidelines (*please refer to Handouts 3 and 4 on pages 27 and 28*)
  - Communication strategies for notification of incidents and bereavement
  - Business continuity practices
- ▶ Staff support and follow up procedures, including proactive rehabilitation and return to work support

Please call Assure Programs on **1800 505 015** for further information on these specialist services.



## Handout 1

# Employee performance checklist

This checklist is a guide to help you identify and clarify changes in an employee's work performance and behaviours that may indicate an underlying work related or personal issue.

The information you use in assessing an employee's situation may come from your own observations; be communicated to you directly by the employee; through feedback from the employee's co-workers; or through customer or client feedback.

**Please complete the following checklist by marking those factors relating to the employee concerned.**

### 1. Absenteeism

- Repeat instances of unauthorised absences
- Excessive use of sick leave
- Regular unscheduled use of annual leave
- Persistent Monday/Friday absences
- Regularly arrives to work late
- Regularly leaves work early

### 2. Absenteeism at work

- Continued absences from work area not related to job
- Excessively frequent trips to the toilet, water fountain, etc
- Longer or more frequent breaks than is organisation policy
- Long or frequent personal telephone calls
- Excessive use of personal email/internet

### 3. Accident rate

- Increased workplace accidents or injuries
- Non-work related accidents impairing work performance
- Reduced adherence to workplace health and safety regulations
- Increased risk-taking behaviours

#### 4. Concentration difficulties

- Erratic work patterns – shifts between high and low productivity
- Difficulty recalling instructions
- More time required to complete same amount of work
- Inability to recognise or learn from mistakes
- Impaired capacity to learn
- Repeated errors despite increased supervision
- Sleeping/drowsiness at work

#### 5. Pattern of declining job efficiency

- Decreased work efficiency compared to past performance
- Diminished quality of work produced
- Requires more time to produce same standard/amount of work
- Failure to meet deadlines
- Repeats same mistakes
- Inconsistent work patterns
- Diminished decision-making ability
- Unsupported explanations for poor work performance
- Procrastination of decisions or projects

#### 6. Diminished work responsibilities

- Reduced quantity of work
- Meets performance targets only because others are requiring less of him or her
- Avoidance of assignments or responsibilities
- Demotion or sideways shift
- Duties of employee adopted by co-workers

#### 7. Changes in attitude and relationships at work

- Expressed frustration or discontent
- Decreased written or verbal communication
- Negative comments about co-workers, leaders or organisation
- Blames others for declining work performance
- Resistance or sensitivity to advice or constructive criticism
- Complaints from co-workers
- Avoidance/withdrawal from others
- Hostility towards co-workers
- Unpredictable response to work requests

#### 8. General presentation and behaviour

- Changes in appearance (dress, hygiene)
- Makes unfounded accusations or false statements
- Borrowing money from co-workers
- Increasingly disruptive
- Intoxicated at work
- Expresses insecurities about work performance
- Overrates abilities or performance
- Unpredictable displays of emotion
- Increased comments or complaints from co-workers or customers about employee's behaviours
- Improbable excuses for poor job performance

#### 9. Employee reported or observed signs of stress

- Mood changes e.g. anger, tearfulness, agitation
- Rapid or slow speech
- Tension and muscle aches
- Fatigue
- Memory problems
- Major change in physical health
- Heart palpitations
- Headaches
- Fast and shallow breathing
- Disturbed sleep
- Change in appetite
- Upset stomach

#### 10. Comment on other unusual or abnormal instances or behaviour

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You may have marked one or several factors on this checklist. It is important to attend to any persistent or intense factors or other concerns, which by their nature, require appropriate and immediate intervention. Please refer to the section 'Your Role as a Leader' in this guide to assist you in effectively approaching a troubled employee. If required, contact LawCare on **1800 177 743** to discuss how best to assist the employee concerned.

# Tips for dealing with strong emotional reactions during important conversations

From time-to-time leaders are faced with strong emotional responses from staff during important conversations including work performance counselling and regular review meetings. These responses may take the form of distress, worry or frustration/anger.

There are a number of important things leaders can do to take the pressure and discomfort out of these situations.

1. Being prepared for emotional responses during important conversations is an important first step.
  - a Expect that from time-to-time, you will be faced with strong emotional reactions
  - b Organise yourself and mentally rehearse your approach before beginning
2. People get distressed and/or frustrated for many reasons. We don't always know what is happening in people's lives so we cannot be sure of the sorts of pressures people carry with them to work. If someone reacts emotionally when you are having a conversation, see this as a chance to begin a support process rather than a 'catastrophe'.
3. Staff may present with distress or frustration for personal or work related reasons, and if this emotion seems quite strong, it will usually be that an individual has bottled it up. Therefore, if you let the employee express the emotion first (i.e run out of momentum or steam) this will indicate that you are willing/ready to listen, and will automatically reduce the amount of visible emotion.
4. When giving feedback, allow the employee time to slow down and to respond to this new information.
5. If strong emotion is evident it is best to attend to the emotion, in both yourself and the employee, first, to reduce the natural tendency to become tense or defensive. If you are calm you are better able to positively influence important conversations.
6. Attending to our own emotion simply means – 'keeping cool' so that we can focus on an appropriate response to the situation. This is best done with a combination of making your body relax, taking a slow breath, mentally telling yourself to take your time, talk slower and listen for the key message.
7. Validate people's emotions, yet concentrate on responding to the facts of the situation rather than to emotional arguments. Don't take emotional comments personally.
8. Dealing with specific emotions:

## Anger:

- a If someone is really angry (visibly hostile) you can reflect this to them along with your intention to listen. For example, "Right, now I can see you are quite angry about this and I do want to hear you out ... could you start at the beginning for me?"
- b Wait for the person to run out of momentum.
- c The active listening approach will help an angry person focus – e.g. "could you tell me more about that day?", "Take your time" or "Okay, so what you're saying is that ... (paraphrase and check) ... is that right?" Focus only on the rational component and repeating this back to the person.
- d Adopt a positive, calm and firm tone. Watch your non-verbal behaviour to ensure that it is self-confident.
- e Do not block complaints. If the frustrated person feels they have a valid complaint, then inform them of the appropriate channels available for them to pursue their concerns.
- f Conclude with a summary of their position and by reasserting/restating your position.

## Sad/tragic/concerning stories:

- a Sad or tragic stories often make us uncomfortable because we don't know what to say (and there is no magical response). Often the best approach is to listen long enough to get the picture, and provide the person the avenues for support (i.e discussing LawCare).
- b It is okay to talk openly about issues that have been raised (e.g. recent bereavement or suicidal thoughts). While people can seem 'fragile', they will not shatter like glass if you take sensitive and assertive steps to assist.
- c Use silence and minimal encouraging gestures to allow the person time to ventilate. Wait until the emotion subsides before attempting to fully engage the person in discussion.

## Tears:

- a If you are talking to someone who begins to cry – just sit quietly and let them talk for a short time (they will usually compose themselves fairly quickly).
- b You may like to say something simple like – "I'm just going to sit here with you and when you're ready we can keep talking".

# Leaders Supporting People Following a Critical Event

## Agitation and Anxiety:

- a Remain calm and steady.
- b Encourage the person to focus on the facts of the situation and not so much on future consequences and negative possibilities.
- c Reassure the person that the issues can be addressed and solutions can be found.
- d Be clear and specific in your statements. This will help to minimise the scope for misinterpretation.
- e If the agitation does not subside, suggest pausing for a break, before proceeding.

## Complaining and Whingeing:

- a Listen to the complaint or concerns, encouraging them to be as specific and concise as possible, sticking to the facts. Ask for specific suggestions on how to resolve or solve the problem.
9. Seek support or debriefing for yourself from LawCare if a specific interaction or combination of difficult conversations is impacting negatively on your work performance or quality of work life. Remember that leaders have needs too, and that seeking assistance when needed is a sign of strength and maturity.

## During Incident Response

- Initiate the organisation's emergency and incident response protocol
- Remove employees to a place of safety and comfort
- Contact your manager or response team for advice
- Follow directions and approved communications/scripting from management or your 'Response Team'
- Remain available and visible

## Post-Incident Response

- Determine the nature of the event and appropriate recovery response
- Contact LawCare on **1800 177 743**
- Maintain the collective morale with calm and supportive behaviours
- Offer practical and social assistance, especially for 'displaced' staff
- Encourage staff to use their personal calming and coping strategies
- Use simple directions and continue to update staff
- Continue to monitor people and the environment, to minimise unnecessary 'exposure'
- Reassure staff by listening, normalising stress, and defusing
- Checking in and following up (over the following week)
- Encourage staff to return to routine, when they indicate they are ready
- Avoid evaluation, blaming, rushing staff back to work or minimising the event

## LawCare will:

- Assist you in assessing the situation and the appropriate response
- Provide immediate phone support to team and/or management where required
- Arrange for a counsellor to be available on-site or available for support, where the circumstances and nature of the event require this
- Provide education, information, defusing and then feedback to managers
- Remind and help you to monitor staff over the weeks following an incident

## Essential Tasks Completed:

- A nominated person \_\_\_\_\_ has created list of staff involved for records.
- A nominated person \_\_\_\_\_ has provided LawCare number and offered counselling and other support to staff on this list.
- A nominated person \_\_\_\_\_ has contacted other staff (including, where indicated, those on leave) to inform them of any significant news, support, and outcomes.



## Handout 4: Critical Event – Employee Handout

# Supporting Our People Following a Critical Event

Our organisation understands that critical incidents can bring expected, unexpected, and sometimes delayed, impacts for our people. Therefore, we will put into place a number of automatic steps to support you:

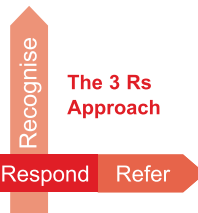
- ▶ We'll check in on you and ask what you need
- ▶ We'll offer immediate phone support, where needed, to all people impacted by an incident
- ▶ When required, we'll arrange a visit from our counselling service (LawCare); they will come on site and talk to us all about normal reactions and the triggers to look out for, so we can support our co-workers and/or link into a confidential individual session later on
- ▶ We'll automatically offer you an individual confidential 'check in' with LawCare; we'll also follow up with those involved and ask how they're going
- ▶ We'll encourage (and help set up) a 'follow-up' appointment with LawCare for those who've been 'closer' to a critical incident and who we feel could benefit from further support
- ▶ We'll consider and follow advice from your supervisors and LawCare when looking at getting all the staff and crew back to normal duties and productive work

These services are voluntary, but highly encouraged, so we will offer them, and check in with you.

These are the sorts of questions we'll ask you about your energy and health during a follow up:

### How is your....

- |   |  |
|---|--|
| <input type="checkbox"/> Energy?                | <input type="checkbox"/> Tension levels?               |
| <input type="checkbox"/> Concentration?         | <input type="checkbox"/> Frustration levels?           |
| <input type="checkbox"/> Motivation?            | <input type="checkbox"/> Sleep pattern?                |
| <input type="checkbox"/> Heart rate and nerves? | <input type="checkbox"/> Feeling crook or healthy?     |
|   | <input type="checkbox"/> Readiness to go back to work? |



We all have a part to play in helping our people get back to normal work and life routine, AND maintaining their wellbeing. **Looking after you and your co-workers** involves all of us helping to **Recognise** when people need a bit of help, **Respond** in a supportive way and **Refer** them to the right help and advice.

# How else can Assure Programs help?

Assure Programs also offers additional services that can complement the role of LawCare.

These include:

- ▶ Organisational culture and stress review/assessments
- ▶ Conflict management and mediation
- ▶ Targeted workshops and training programs, e.g. dealing with difficult customers; personal and interpersonal effectiveness; managing misunderstandings and stress management
- ▶ Career transition coaching and support – assist with complex career transition, including managing redundancies, and organisational change
- ▶ Executive/manager coaching and development
- ▶ Team development
- ▶ Performance and change management
- ▶ Psychological assessment for selection and development

Your HR Manager can organise provision of these comprehensive services. For further information regarding these specialist programs, please call our Director of Organisational Development Services at Assure Programs on **1800 505 015**.



# Contacting LawCare

Assure Programs counsellors are located throughout Australia. To arrange an appointment, obtain details on how to access the service locally, or for 24 hour contact with a counsellor phone:

**Freecall: 1800 177 743**

**Email: [info@assureprograms.com.au](mailto:info@assureprograms.com.au)**

**Web: [www.assureprograms.com.au](http://www.assureprograms.com.au)**

Useful information and Assure Programs Tips Sheets on topics such as parenting, sleep, anxiety and depression can be accessed on our website (use the URL above) and click on the Additional Resources section.