

Recognising and responding to employee mental health challenges – a guide for managers in legal practice

As a manager you are uniquely placed to recognise and respond to team member distress. In overseeing a legal team you not only face the usual stressors of running a professional team, but may also encounter team members who are experiencing elevated levels of stress and the associated reduction in well-being and mental health.

Can you identify the signs of an emerging mental health issue? What interventions can you implement to address mental health difficulties and enhance employee wellbeing – before it becomes a significant problem? Being mindful of the psychological wellbeing of your team and frequently tuning into any changes in employee behaviour and attitude can provide you with a head start on dealing with issues before they heavily impact individuals or your organisation.

Below is a four step process that you can use as a manager to identify and address mental health issues.

1. Recognise mental health issues in the workplace

The unique pressures and influences present in legal practice can have a significant impact on mental health and wellbeing.

Common traits and influences...	Pressure to.....	Can result in.....
High achievement focus	Project a flawless image or reputation	Perfectionistic thinking
Maintenance of an image of pronounced competence	Avoid potentially costly mistakes	Performance anxiety
Ability to pay meticulous attention to detail	Achieve and maintain high standards	Stress
Capacity to think critically to prevent mistakes	Achieve targets	

Although mental health issues may manifest differently between individuals, many legal practitioners report recognising mental health or resilience issues in direct reports with ease. The tell-tale signs of depression, stress, work overload and imbalances in work/life integration were obvious in changes to employee performance, demeanour, and in absenteeism. The following signs may be indicative of a team member who is experiencing difficulties with their psychological wellbeing:

- missing work, calling in sick
- easily overwhelmed
- ineffectively dealing with stress
- decreased productivity and efficiency
- increasingly quiet, withdrawn, deflated
- decrease in social interactions
- noticeably low mood, low energy levels
- overreacting to situations, easily agitated
- appearing excessively nervous or worried
- change in eating or sleeping habits, too much or too little
- increased substance use (eg alcohol consumption)
- greater tension and reactivity between team members
- demoralised team culture and atmosphere
- other team members express concern for their work colleague.

Early intervention may prevent employees from becoming unwell. Responding in a timely manner to offer practical strategies has the potential to result in fewer instances of extended sick leave, negligence claims and professional standards complaints.

2. Respond to mental health issues

Recognising a mental health or coping issue may be relatively straight-forward. The challenge for you as a manager of a legal team is in how to effectively respond when mental health issues are identified.

Addressing potential or obvious mental health issues in a timely way relies on you having highly relevant and practical strategies at your fingertips, particularly when managing a team within the demanding and busy environments so typical within legal practices.

Some helpful strategies to support your employees are:

- Identify the workplace stressors that may be contributing to wellbeing concerns. For example, ask your employee questions regarding current performance pressures, unsustainably long work hours, supports they feel are accessible and would realistically utilise, cultural issues, and their perceived control over current factors. It may be useful to confidentially seek feedback from line managers or co-workers. Arm yourself with potential strategies prior to meeting with your employee – how can you, the organisation or others assist?
- On noticing any early signs, arrange a meeting with your team member. Select a suitably confidential location and allow enough time for a discussion to take place. It may take more than one approach for your team member to engage in the conversation or disclose their true situation.

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- Prepare beforehand, ensuring you know what you want to say and what you can realistically achieve in the meeting. Start the conversation by outlining that you have noticed some behavioural changes, such as “Recently I have noticed that you appear distracted.” Ask open ended questions such as “How are things going for you?” It’s important to ask how you can help and clarify this.
- Clearly express to team members that their mental health is important to you and the firm, and that you will work with them to promote and enhance their psychological well-being.
- Create a safe space for team members to express their mental health concerns. This entails an open, honest and non-judgemental approach to discussions about their difficulties.
- Assure team members that in disclosing, they will not lose their job and their professional reputation will not be negatively affected within your firm.
- Normalise the experience of mental health difficulties – inform team members that stress and anxiety are natural responses, and that sometimes the pressure to effectively balance work/life can all become a bit overwhelming. You may find that you’re not able to cope as effectively as you usually do and that’s ok. We’re all only human! Share any personal experiences to show that you are human too.
- Acknowledge how difficult sharing their concerns may have been and commend their courage for speaking up and seeking your assistance.
- Establish what, if any, features of the manager-employee relationship are contributing to wellbeing concerns. For example, leadership concerns, task uncertainties, lack of feedback, support or direction.
- Discuss and negotiate ways that you and the firm may be able to assist in decreasing the stress or difficulty they are experiencing. Job crafting or redesign may be useful, as may the improvement or alteration of processes and procedures to aid with workflow and workload.
- Encourage employees to seek help from appropriate health professionals, LawCare, organisations such as beyondblue, or family and friends. You may facilitate a referral to an EAP, a psychologist or GP to get help.
- Focus on addressing the most pressing or important issue.

3. Review and follow up

Once you’ve had a conversation with a team member and provided some support and/or advice and referral, it’s essential to maintain a hand in their level of functioning and/or recovery.

- Keep in the loop and maintain a connection with the team member. Schedule a follow up meeting to check in on current status and progress.
- Respect employee privacy by not disclosing the matter publicly. Check in with your employee – who do they want to know about their situation? What are they comfortable with?
- Follow up on any agreed actions you have both committed to undertake.
- Provide feedback and ask specifically: how are you coping? What else can I do to assist you?

A recent sample of practitioners reported that stigma is the number one reason behind why employees tend rarely to admit to coping problems.

4. Review the work context

The wellness of team members is undeniably a serious matter and one so often not afforded proper attention. Here are some strategies to adopt to ensure a workplace that is conducive to a psychologically healthy workplace and staff.

- Obtain a copy of the Tristan Jepson Memorial Foundation (TJMF) Guidelines which aim to promote psychologically healthy workplaces and focus specifically on commitment to cultural change and change of attitudes, as well as changes in the way legal professionals think, speak and act in addressing psychological health and well-being. Find the guidelines at tjmf.com.au where you can also commit to becoming a signatory of the protocol.
- Develop your personal leadership skills, and identify ways you can limit the risk of specific workplace factors adversely affecting your team’s wellbeing. Consider how your leadership style might be contributing to mental health issues.
- Establish mechanisms for regular team debriefs, particularly when working with difficult clients or within emotionally evocative areas of law.
- Reduce stigma within your organisation via top down espousal of values and mentality around supporting healthy work practices. Cultural change and reduction of stigma requires a genuine commitment from the most senior lawyers in your organisation. Reward those who model suitable behaviours.
- Consider focus groups to establish target areas for cultural change.
- Champion organisational dialogue around mental health and available supports. Construct a corporate language around mental health and coping and refer to it daily in your discussions with team members. Make it part of the fabric of your organisational culture.
- Gauge your cultural climate by conducting stress and resilience assessments with follow up programs and services to support all staff in establishing healthy work/life integration.
- Consider hosting or attending practical workshops on work/life balance, resilience, managing team stress and well-being.
- Establish comprehensive exit interview programs to identify problem areas and inform action plans for change.



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