Resilience@Law, together with other law firms in Australia, worked with the Black Dog Institute to create the video series Staying Well in the Law. The video charts the story of one lawyer’s experience with their mental wellness and is beautifully illustrated by Matthew Johnstone. Whilst this story charts the wellness journey of a male lawyer, it equally applies to anyone, irrespective of individual differences.

Research shows that one in five of us experience a mental health issue at some point in our lives and the rest may struggle from time to time. This means we all know someone in our family, circle of friends or workplace who needs support. It is everyone’s responsibility to look out for themselves and to encourage those around them experiencing difficulties to seek support for optimal health and wellbeing.

Video

Staying well in the law

Resilience@Law Firms

Allens > Linklaters  
Herbert Smith Freehills  
King & Wood Mallesons  
MinterEllison

Other Participating Firms

Colin Biggers & Paisley  
Corrs Chambers Westgarth  
McCullough Robertson  
Russell Kennedy

About the Black Dog Institute

Black Dog Institute is a global pioneer in the identification, prevention and treatment of mental illness and the promotion of well-being. We are dedicated to improving the lives of people affected by mental illness through rapid translation of scientific evidence into improved clinical management and sustainable public health solutions.

The Black Dog Institute strives to make Australian workplaces mentally healthier through the translation of research into practical interventions. Our experts have researched the relationship between mental health and work, and provided innovative reports aimed at assisting businesses to implement workplace policies and procedures. From interactive training programs to guidelines to e-learning tools, the Black Dog Institute is at the forefront of mental health intervention and education. www.blackdog.org.au.
How common are mental health issues?

It is estimated that, at any point in time, 1 in 6 working age people will be suffering from mental illness. A further one-sixth of the population will be suffering from symptoms associated with mental ill health, such as worry, sleep problems and fatigue, which, while not meeting criteria for a diagnosed mental illness, will be affecting their ability to function at work.

How common in the legal profession?

For those who make up the legal profession in Australia, the statistics are even more harrowing. Findings from the 2007 Beaton Consulting and beyondblue national depression initiative revealed the incidence of depressive symptoms amongst lawyers and law students had reached alarming levels. When compared to other professions, lawyers experienced the highest incidence of depressive symptoms. Respondents from law firms were also the most likely to use alcohol or other drugs to reduce or manage their symptomatology. The Brain and Mind Research Institute reported in 2009 that almost a third of solicitors and one in five barristers surveyed suffered from clinical depression.

Statistics:

- 33% of lawyers and 20% of barristers suffer disability and distress due to depression; they do not seek help and self medicate with alcohol.
- Alcohol abuse in legal profession is extremely concerning
- High rate of suicide and suicidal ideation among lawyers
- Law students and young lawyers most vulnerable
- 80% of disciplinary matters involving lawyers have an underlying mental health issue

In the 2006 Beaton Consulting / Beyond Blue survey of over 7,500 professionals:

- Professionals had higher than average depression scores than the general population
- Of professionals those working in law firms had the highest rates of depressive symptoms
IN 2008 PROFESSOR IAN HICKIE OF THE SYDNEY UNIVERSITY’S BRAIN AND MIND INSTITUTE SAID:

"Depression affects almost 33% of solicitors and 20% of barristers"

"40% of law students experience severe stress/depression to the extent of requiring medical treatment"

"11% of lawyers contemplate suicide each month"

IN 2009 THE BRAIN AND MIND INSTITUTE PUBLISHED:

Courting the Blues: Attitudes towards depression in Australian law students and legal practitioners

% levels of distress

<table>
<thead>
<tr>
<th>Levels of distress</th>
<th>Solicitors</th>
<th>Barristers</th>
<th>General Population (aged greater than 17 years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low or no psychological distress</td>
<td>36.4</td>
<td>56.2</td>
<td>62.9</td>
</tr>
<tr>
<td>Moderate distress</td>
<td>31.6</td>
<td>27.2</td>
<td>24.1</td>
</tr>
<tr>
<td>High distress</td>
<td>22.3</td>
<td>12.5</td>
<td>9.2</td>
</tr>
<tr>
<td>Very high distress</td>
<td>8.7</td>
<td>4.2</td>
<td>3.8</td>
</tr>
</tbody>
</table>

Legend: Participants were asked how often in the last thirty days they had experienced certain psychological or behavioural events and selected a response from the following alternatives:
- None of the time; A little of the time; Some of the time; Most of the time; All of the time.

The possible range of scores was 10 to 50 and individual scores were classified as follows:
- 10-15 = No or low distress;
- 16 to 21 = Moderate distress;
- 22 to 29 = High distress;
- 30 to 50 = Very high distress.
FACT vs. FICTION
Mental illness

**FICTION**

- Mental illness only affects a few people.
- Mental illness is caused by a personal weakness.
- People with a mental illness can "pull themselves out of it".
- People with a mental illness never get better.
- Mental health issues will permanently reduce your capacity to function in a work environment.

**FACT**

- Mental illness is common. One in five Australians will experience a mental illness.
- A mental illness is not a character flaw. It is caused by genetic, biological, social and environmental factors.
- A mental illness is not caused by personal weakness and is not 'cured' by personal strength.
- With appropriate treatment, many people can and do recover from mental illness.
- During periods of mental illness, productivity may be affected. But recovery generally brings a return to previous functioning levels.
Stress, depression and anxiety

What is stress?

Stress is often confused with anxiety, but it is not a diagnosable mental illness. It is a ‘normal’ condition, experienced by everyone, and involves an emotional, physical or mental response to events that cause bodily or mental tension. It can therefore be thought of as a state of ‘readiness’ – involving both physical and psychological responses and is associated with arousal – the “fight or flight” response. Within limits, stress has positive effects on motivation and performance, enabling us to meet deadlines, think and respond quickly.

Too little stress can cause problems. For example, it might be hard to motivate yourself to complete a task if there is no deadline to work towards. Too little stress can also allow time for negative ruminations, feelings of not making progress or failure, reduce the amount of positive feedback (internal or external) and lower the sense of personal satisfaction. All of which can contribute to mental health issues.

Too much stress though and performance deteriorates. When stress is sustained for too long a period, health can also deteriorate. Research studies have now shown a direct link between chronic exposure to stress, prolonged activation of the body's normal physiological stress response and increased risk of depression and anxiety.

What is depression?

We all feel sad, moody or low from time to time, but some people experience these feelings intensely, for long periods of time and sometimes for no apparent reason. 1 in 6 people will experience depression during their lifetime. Depression influences not only how you feel but also how you think, behave and interact with other people.

Common signs of depression include:

- lowered self-esteem or self-worth
- change in sleep patterns, insomnia or broken sleep
- changes in appetite or weight
- less ability to control emotions such as pessimism, anger, guilt, irritability and anxiety
- varying emotions throughout the day, for example, feeling worse in the morning and better as the day progresses
- reduced capacity to experience pleasure: you can’t enjoy what’s happening now, nor look forward to anything with pleasure
- reduced pain tolerance: you are less able to tolerate aches and pains and may have a host of new ailments
- reduced or absent sex drive
- poor concentration and memory
- reduced motivation: it doesn’t seem worth the effort to do anything, things seem meaningless
- lowered energy levels

If these signs persist for most of the day for most days over a two week period, and they interfere with your ability to manage at home and at work, then you might benefit from getting an assessment by a skilled professional.
What is anxiety?

Just as there are times when you might feel down, but are not clinically depressed, there are times when you will feel anxious, but do not have an anxiety disorder. It’s normal to feel anxious in high pressure situations such as a job interview, when you’re speaking in public, or when you’re experiencing change in your life or work environment and you’re uncertain what the future will hold. To a degree, this anxiety can help us, making us stay focussed and alert.

Anxiety becomes a problem when you start to feel anxious most of the time and about even minor things, to the point where your worry is out of control and interfering with your day to day life.

Anxiety disorders are a mix of:

- psychological symptoms: frequent or excessive worry, poor concentration, specific fears or phobias e.g. fear of dying or fear of losing control
- physical symptoms: fatigue, irritability, sleeping difficulties, general restlessness, muscle tension, upset stomach, sweating and difficulty breathing
- behavioural changes: including procrastination, avoidance, difficulty making decisions and social withdrawal

To be diagnosed with an anxiety disorder, a combination of symptoms is present on most days for more than six months and interferes with your ability to function at work or at home.

It is common to experience a low mood secondary to excessive worry and the two conditions - clinical depression and anxiety disorder can occur at the same time.

1 in 4 people will experience anxiety.
Changes in behaviour

If you notice any change in behaviour or performance in a colleague or team member always consider whether it is due to a mental health issue. The types of changes in behaviour could include some of the following:

- change in routines (stopping participation in sport, social activities)
- talking about unusual/disturbing thoughts
- reporting or demonstrating symptoms associated with high levels of anxiety and/or lowered mood
- lowered concentration and performance
- reduced motivation
- increased absenteeism
- social withdrawal or isolation
- decreased personal care
- use of drugs (illegal and/or legal) or alcohol
- reduced activity and energy
- high levels of irritability or aggression

If you see changes like these, and you feel you can talk to the person because you know them well or you have some responsibility for them, don't be afraid to ask if things are OK. They might want to talk – or they might not – but just letting someone know that you've noticed and that you care can make an enormous difference.
Having a conversation about mental health

Keeping in touch

Regular, simple, informal conversations help build a sense of belonging and connectedness which has been shown to promote wellbeing. Find the time to ask about the weekend, have a chat about what you watched last night, ask how the holiday went. Or just ask how things are going.

Checking in regularly with our colleagues and team members also means that we are more likely to notice when things are different or their behaviour changes. It can make the person we’re talking to more open to sharing information with us, and make a ‘difficult’ conversation easier because you’ve already shown that you’re interested and care.

Having the conversation

If you notice a change in a colleague or team member’s behaviour or performance ask yourself if it might be due to an underlying personal or mental health issue, and if you think this is a possibility then why not have a conversation and ask how the person is going?

Keep these handy pointers in mind:

• choose a time and a place that suits you both – somewhere private when you both have time to talk
• talk about the changes you’ve noticed and ask if they want to talk about anything
• encourage them to talk, but accept that they might not want to right now
• listen and show that you’re listening – don’t jump in with a solution
• find out if they’re ready to look for help and if you can help them do that
• check in after a few days and see how they’re going

R U OK? Some tips on starting a conversation

Click here to go to R U OK

Video

Top tips

click to play
What help is available?

**EAP**

EAP is a strictly confidential service. Please see back of the toolkit for your firm’s EAP provider.

**See your GP**

Your GP can provide accurate diagnosis, referral to psychologist or psychiatrist, and a medicare mental health care plan.

**Phone lines**

- Lifeline 13 11 14
- Kids Helpline 1800 551 800
- MensLine Australia 1300 789 978
- Suicide Call Back Service 1300 659 467

**Websites**

- www.blackdoginstitute.org.au
- www.SANE.org
- www.mindhealthconnect.org.au
- www.beyondblue.org.au
- www.reachout.com.au
- www.tjmf.org.au
- www.headsup.org.au
Both employers and employees have formal rights and responsibilities under discrimination, privacy, and work health and safety legislation.

**Employers**

Under the Work Health and Safety Act 2011 workplaces need to prevent harm to the health and safety of workers. This includes physical and mental health. Under the Act, an officer is a person who makes, or participates in making decisions that affect the whole, or a substantial part, of a business or undertaking. Officers have a duty to be proactive and continuously ensure that the business or undertaking complies with relevant duties and obligations.

An employer must not discriminate against, harass or victimise a person in employment because they have a mental illness.

**Employees**

**What are my rights?**

**The right to protection from discrimination**

If you have a mental health condition, certain laws protect you against discrimination in the workplace. The Australia-wide Disability Discrimination Act 1992 (Cth) and equivalent state and territory laws make it unlawful to discriminate against, harass or victimise people with disabilities – including in an employment context.

**The right to privacy**

Your right to privacy is covered by the Australia-wide Privacy Act 1988 (Cth) and similar legislation in some states and territories. If you tell your employer you have a mental health condition, they can’t disclose this information to anyone without your consent. They can only use this information for the purpose for which you told them, such adjusting your role or working environment to make allowances for your mental health condition.

**The right to a healthy, safe workplace**

Workplace health and safety legislation requires employers to ensure that workplaces are both physically and mentally healthy for all employees. This means steps must be taken to ensure that the working environment does not harm mental wellbeing or aggravate an existing condition.

Under each state’s work health and safety (WH&S) legislation, your employer is obligated, so far as is reasonably practicable, to provide a safe and healthy workplace. This means they must take action to prevent or lessen potential risks to the health and safety of you and your colleagues, including your mental wellbeing.

**What are my responsibilities?**

If your mental health condition does not affect how you do your job, you have no legal obligation to tell your employer about it. This applies whether you are a current employee, or a potential employee going through the recruitment process.
WH&S laws protect your right to a safe workplace, but you also have responsibilities under the same legislation. You must take care of yourself and others and cooperate with your employer in matters of health and safety. This applies to all workers, whether they have a disability or not.

As well as this, under the Disability Discrimination Act 1992 (Cth) your ability to work safely is an ‘inherent’ or essential requirement of any job. If your disability could reasonably be seen to create a health and safety risk for other people at work, then your failure to tell anyone about that risk could be a breach of your obligations under WH&S legislation.
There is no obligation to tell your employer about a mental health condition if it does not affect how well you do your job. You need to tell your employer when your mental health condition:

- affects how you carry out the inherent requirements of your job. In this context, the purpose of providing the information is to enable your employer to identify reasonable adjustments that might assist you to perform your role.
- affects your health and safety and/or the health and safety of colleagues.
- is affected or could be affected by the nature of your work. A failure to disclose a mental illness may disentitle an employee to workers compensation should they suffer any recurrence, aggravation or exacerbation of a pre-existing mental illness.

Reasonable adjustments

Generally, employers have a positive obligation to make reasonable adjustments for employees and prospective employees experiencing a mental illness. Making reasonable adjustments to work for someone experiencing a period of mental ill health is a legal obligation of all employers and can greatly assist the employee in remaining at work. A failure to make reasonable adjustments for an employee or prospective employee experiencing mental illness can constitute discrimination.

Reasonable adjustments are changes to a job, which can be made to enable a worker to perform their duties more effectively. Employers are required to make reasonable adjustments for workers experiencing a mental illness, unless:

- the employee could not or cannot adequately perform the inherent requirements of the employment even after the adjustments are made; or
- making the adjustments would impose an unjustifiable hardship on the employer.

Reasonable adjustments can include changes to the work environment, the work you do, your workload or hours, or the amount of supervision and support you need.
Staying at work

It may seem logical to think that time off work is the best solution for anyone with a mental health issue, but in fact this is not always the case. Most people with mild to moderate mental health issues can function at work, perhaps with some reasonable adjustment to their duties, and benefit from being there. The benefits include:

- remaining part of a larger whole (belonging is an important component of resilience)
- avoiding isolation at home
- maintaining some productivity and sense of achievement
- providing a healthy distraction
- maintaining a routine
- better monitoring of progress
- visible support from peers and management
- resolution of precipitating and exacerbating issues in the workplace, leading to less ‘mental scar tissue’ relating to the work situation
- avoiding the need for a return to work after a period of absence, during which fears about the likely reactions of others may have developed or misperceptions may have increased
- increasing commitment to the organisation in that its efforts to assist are clearly visible

An employee should not stay at work when she/he is:

- at risk of self-harming or suicidal behaviour
- a danger to others. The organisation has a duty of care to all of its employees and should a person’s mental illness result in behaviour that poses a risk to others, she/he should not remain in the workplace until the episode is contained
- showing signs of psychosis (e.g. delusions of grandeur, paranoia, hearing voices etc)
- is suffering from very deep depression, often characterised by psychomotor slowing, which severely impacts upon concentration, motivation, productivity and capacity to control emotions
- very agitated and is unable to control emotions
- behaving in a way that is significantly affecting other employees and reasonable adjustment is impossible or does not improve the situation
Keeping the team healthy

If you're a team leader or a team member, there are things you can do to promote mental health and wellbeing. Research shows that the way our jobs are designed, our organisations are structured and function, and the support we receive in the teams where we work are important factors in developing a mentally healthy workplace. Here are some things you can do:

- if you're a team leader, build an ongoing feedback loop. Take time to have regular, informal conversations with each member of your team. Regular feedback rather than the ‘Annual Review’ is more likely to help them feel valued. It also allows you more opportunity to get to know them as individuals, and makes it more likely that you will a) notice changes in behavior and performance earlier on if they arise and b) feel more comfortable asking about their wellbeing and mental health.

- everyone benefits by being clear about their role. A key component of workplace stress is a lack of role clarity. Find regular opportunities to discuss tasks and what's expected.

- encourage trusting and respectful communications. Always hold sensitive conversations in places that provide privacy and respect.

- make work meaningful. Having regular conversations about how individual roles contribute towards the overall direction of the organisation can help people feel more connected.

- set the standard. If you witness or hear behaviour or conversations that are inappropriate, intervene promptly.

- be aware of the behaviour you model and the messages you send – whether you are a team leader or a team member – both in what you physically do and how you communicate.

- acknowledge good work and practice in your team.

- offer support through organisational resources and access those resources yourself.
Five Ways to Wellbeing

Wellbeing is generally thought to be made up of two main components: feeling good and functioning well. Feeling good can include feelings of happiness, contentment, enjoyment, curiosity and engagement – all of which contribute to a positive experience of life. Functioning well can include experiencing positive relationships, having some control over one’s life and having a sense of purpose.

The **Five Ways to Wellbeing** are a set of evidence-based actions which promote people’s wellbeing. They were developed from research conducted by over 400 experts in psychology, psychiatry, neuroscience, education, and economics from across the world who reviewed current knowledge on mental health and wellbeing. The Five Ways to Wellbeing are: **Connect, Be Active, Take Notice, Keep Learning and Give.** These activities are simple things individuals can do in their everyday lives.

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**Take simple steps towards wellbeing**

- **Connect**
  - Think about the way you interact with family, friends, colleagues and make efforts to increase the amount of positivity in those relationships.
  - Establish staff interest groups, eg. book groups, walking groups, music groups; organise regular lunches, afternoon teas or after work activities.

- **Be Active**
  - Exercise makes you feel good and increases energy and vitality. Exercise releases endorphins which lift your mood and can increase resilience to managing stress.
  - Walk and talk to a colleague in person rather than phoning or sending an email; find a popular sport among people you work with and organise a match or tournament.

- **Take Notice**
  - Practice mindfulness, i.e. learning to focus on the here and now, not what has gone before or what might happen next. Be fully in the present.
  - Change your work environment during scheduled breaks; at the end of the day ask your colleagues what the best thing was about their day and listen with interest.

- **Keep Learning**
  - Take on new roles or develop new interests. Set some goals to challenge and stretch yourself regardless of age or ability. Step outside your comfort zone.
  - Seek out opportunities to develop a skill or area of interest wherever possible; consider career goals regularly, put your hand up for training programs in the workplace.

- **Give**
  - Thinks of the bigger picture. Give gifts of time, do acts of kindness, help others and benefit from the unconditional rewards and connections you will make.
  - Notice good work; regularly give colleagues compliments to ensure that they are aware of the value they give to the workplace and that their contribution is appreciated; encourage them to do the same.
Online resources

There are a number of Black Dog Institute online programs, tools and apps available. The programs are evidenced based and supported by research data.

**myCompass**

A fully automated, online self-help treatment program for stress, anxiety and depression, myCompass delivers personalised cognitive behavioural therapy. The program is suitable for patients aged 18+ with mild to moderate symptoms. myCompass users carry out real-time monitoring of symptoms and lifestyle, receive graphical feedback, motivational messages and tips. They also complete brief psycho-education and skill-building modules. Alerts recommend more intense intervention, if necessary.

myCompass is accessible via the Internet to patients' mobile phones, tablets and desk-top computers. myCompass is free in Australia.

Click here to visit [myCompass.org.au](http://myCompass.org.au)

**SHUTi**

Delivered online and based on cognitive behavioural therapy, SHUTi helps people with insomnia identify and change the unhealthy thoughts and behaviours associated with poor sleep. A recent world-first study led by the Black Dog Institute conclusively showed that SHUTi not only results in improvements in insomnia severity, sleep efficiency, sleep onset latency, and wake after sleep onset, it can also reduce the symptoms of depression.

SHUTi was developed by Black Dog’s colleagues at the University of Virginia and is available in Australia at a discounted cost via the link on the right.

Click here to gain access to SHUTi

**Black Dog Snapshot**

Black Dog Snapshot is a mobile app which provides a quick assessment of an individual's general mental health and wellbeing at any point in time. Based on the person's answers, it provides a snapshot of how she/he is travelling compared to other Australians of the same age and gender. Suggestions are provided for areas in which the person may not be doing so well.

The Black Dog Snapshot app is free to download by Australian users and available on the App Store and Google Play.
Online resources

Lived Experience Videos

- Look deeper to support a colleague (R U OK? at Law)
- How a conversation changed my life (R U OK? at Law)
- Why a conversation can help a colleague (R U OK? at Law)
- How a conversation got me through a difficult situation (R U OK? at Law)
- Why regular conversations are key to staying well (R U OK? at Law)
- How colleagues helped me out of a dark place (R U OK? at Law)
- Why we need to keep the conversation alive (R U OK? at Law)
- Why we need to notice the small things as leaders (R U OK? at Law)
Emergency support

If you or someone in your workplace is in crisis and you think immediate action is needed, call emergency services (triple zero - 000), contact your doctor or local mental health crisis service, or go to your local hospital emergency department.

Emergency contact information - 24 hours

If you or someone you know needs help, call:

- Emergency on 000 (or 112 from a mobile phone)
- Lifeline on 13 11 14
- Kids Helpline on 1800 551 800
- MensLine Australia on 1300 789 978
- Suicide Call Back Service on 1300 659 467