THE LAW SOCIETY OF NEW SOUTH WALES
young LAWYERS

Submission to the Productivity Commission Inquiry into Mental Health

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The NSW Young Lawyers Human Rights Committee welcomes the opportunity to make a submission to the Productivity Commission Inquiry into Mental Health ("**the Inquiry**").

NSW Young Lawyers

NSW Young Lawyers is a division of The Law Society of New South Wales. NSW Young Lawyers supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 15 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers (solicitors and barristers) under 36 years and/or in their first five years of practice, as well as law students. NSW Young Lawyers currently has over 15,000 members.

The Human Rights Committee

The Human Rights Committee ("**the HRC**") comprises a group of over 1,200 members interested in human rights law, drawn from lawyers working in academia, for government, private and the NGO sectors and other areas of practice that intersect with human rights law, as well as barristers and law students. The objectives of the HRC are to raise awareness about human rights issues and provide education to the legal profession and wider community about human rights and their application under both domestic and international law. Members of the HRC share a commitment to effectively promoting and protecting human rights and to examining legal avenues for doing so. The HRC takes a keen interest in providing comment and feedback on legal and policy issues that relate to human rights law and its development and support.

Scope of Submission

This submission addresses the following directives from the Terms of Reference:

- "examine how sectors beyond health, including … justice can contribute to improving mental health and economic participation and productivity"; and
- "draw on domestic and international policies and experience, where appropriate".

This submission also addresses the following question from page 31 of the Issues Paper:

- What workplace characteristics increase the risk of mental ill-health among employees, and how should these risks be addressed by regulators and/or employers?

Summary of Recommendations

In summary, the HRC makes the following recommendations:

- Recommendation 1: Australian governments should conduct a review of employment practices for consistency with the right to a mentally safe and healthy work environment;
- Recommendation 2: Professional associations should focus on the structural factors that create and exacerbate mental ill health;
- Recommendation 3: Employers should conduct regular reviews of their employment practices to identify risks to mental health; and
- Recommendation 4: Legal organisations should become signatories to and implement the Tristan Jepson Memorial Foundation *Workplace Wellbeing: Best Practice Guidelines to the Legal Profession*.

Background

A recent inquiry by Victoria's workplace health and safety regulator (WorkSafe) into employee fatigue at a top-tier law firm drew public attention to mental health and safety risks in legal workplaces. The inquiry arose from a complaint regarding overwork in the context of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

On 12 October 2018, the *Australian Financial Review* ("**the *AFR***") reported the following with respect to the complaint:

> "… graduates were subject to gruelling conditions, with some employees choosing to sleep at the firm's Melbourne office rather than return home. Day and night shifts were allocated, so work could continue around the clock."[1]

On 26 October 2018, the *AFR* suggested that problems of overwork and fatigue in legal workplaces extend well beyond the particular law firm that was the subject of the WorkSafe complaint.[2]

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[1] Sarah Thompson, Jemima Whyte and David Marin-Guzman, "King & Wood Mallesons investigated for overworking employees", *Australian Financial Review* (12 October 2018) <https://www.afr.com/business/king--wood-mallesons-investigated-for-overworking-employees-20181011-h16hei>. See also Kate Allman, "The Burnout Profession", *Law Society Journal* (27 March 2019) <https://lsj.com.au/articles/the-burnout-profession/>.

[2] Jemima Whyte et al, "King & Wood Mallesons' Worksafe investigation lifts lid on a can of worms", *Australian Financial Review* (26 October 2018) < https://www.afr.com/leadership/workplace/king--wood-mallesons-worksafe-investigation-lifts-lid-on-a-can-of-worms-20181025-h172ud>.

There has been growing concern within the legal profession, particularly amongst young lawyers, as to the links between overwork and mental ill health. In 2009, the Brain and Mind Research Institute conducted a landmark study in conjunction with the then Tristan Jepson Memorial Foundation (now Minds Count), titled *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers* ("***Courting the Blues***"). *Courting the Blues* found that lawyers and law students experienced remarkably high levels of mental ill health. For example:

- 55.2% of solicitors, 55.7% of barristers and 49.6% of law students had experienced depression, compared to 9.5% of the general community; and
- 31% of solicitors, 16.7% of barristers and 34.2% of law students were experiencing high or very high levels of psychological distress, compared to 13% of the general community.[3]

Courting the Blues also found that lawyers and law students tend to display:

> … a number of attitudes and behaviours which imply a general reluctance to seek help for mental health issues. These include negative attitudes and stigmatizing views towards mental illness; the view that people with mental illness are likely to be discriminated against by people such as their employers and others; low levels of confidence in mental health professionals; and, a generally low level of knowledge of issues relating to mental illness amongst a substantial proportion of the sample."[4]

It is worth noting that all Australian States and Territories have some form of requirement for admission applicants to self-disclose if they are experiencing a mental health condition or disability. The Australian Law Students' Association (ALSA) has expressed concerns that the self-disclosure duty acts as a disincentive to seeking help, reinforces stigma around mental ill health and may lead capable persons to exclude themselves from the profession.[5]

In 2013, the Law Council of Australia ("**the Law Council**") investigated why women leave the legal profession. A key finding was that "Long working hours and poor work-life balance impact both male and female practitioners".[6] The Law Council found that the most frequent and important reasons that people leave the legal profession are:

- Better work-life balance;

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[3] Brain and Mind Research Institute 2009, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers*, 12–15.
[4] Ibid viii.
[5] Paul Melican, "Open Letter for the Consideration of the Legal Education Community of Australia" (2016) <https://static1.squarespace.com/static/55861728e4b0403b40cdba08/t/577b0ffeb3db2b1548bcd762/1467682818831/Open+Letter+to+State+A-Gs+Mental+Health+Disclosures+FINAL.pdf>.
[6] Law Council of Australia, *National Attrition and Re-engagement Study (NARS) Report* (2013) 5 <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/national-reporton-attrition-and-re-engagement>.

- Reduced stress and pressure; and
- More flexibility to balance work and personal responsibilities.[7]

Relevant human rights standards

The HRC notes that section 8(1)(f) of the *Productivity Commission Act 1998* (Cth) requires the Productivity Commission to have regard to the need for Australia to meet its international obligations and commitments. This includes Australia's obligations and commitments under international human rights law.

The HRC submits that compliance with such obligations and commitments should not be seen as a burden on economic efficiency. The concept of economic efficiency does not exist in a vacuum. Policies can be efficient or inefficient only in relation to the particular objectives that they aim to achieve. The HRC submits that compliance with international human rights law must be a critical policy objective of any modern democracy under the rule of law. We note the Law Council's position that the rule of law requires Australia to comply its international legal obligations.[8]

International human rights law protects the dignity and worth of the human person. The United Nations recognises that "workers who are treated with respect and dignity are more likely to be productive".[9]

We outline relevant aspects of international human rights law below.

It is prohibited to discriminate on the basis of disability

Australia is a party to the *Convention on the Rights of Persons with Disabilities* ("**the *Convention***"). The *Convention* recognises "that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others".[10] This provides a helpful conceptual framework in which to consider mental ill health, as it recognises that mental ill health does not necessarily have an adverse impact on a person's economic participation or productivity. Attitudinal and environmental factors have a significant impact on the outcome.

Article 5(1) of the *Convention* requires the prohibition of "all discrimination on the basis of disability". This requirement is given force by domestic legislation. At the Commonwealth level, the *Disability Discrimination Act 1992* (Cth) prohibits discrimination against a person on the ground of disability in a wide range of areas

[7] Ibid 57.
[8] Law Council of Australia, *Rule of Law Principles* (March 2011), Key Principle 8.
[9] United Nations Global Compact, "The Ten Principles of the Global Compact – Principle One: Human Rights" (2019) <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-1>.
[10] *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 999 UNTS 3 (entered into force 3 May 2008) Preamble (e).

of public life, including employment.[11] All Australian States and Territories have analogous provisions, although the precise terms vary.[12]

Under the *Disability Discrimination Act 1992* (Cth), discrimination on the ground of disability can be either direct or indirect.[13] In general terms:

- Direct discrimination occurs when a person is treated less favourably on the ground of a disability than a person without the disability would be in circumstances that are not materially different;[14] and
- Indirect discrimination occurs when a person is required to comply with a requirement or condition, does not comply or is not able to comply because of their disability, and the requirement or condition has the effect of disadvantaging persons with the disability.[15]

The fact that a person requires adjustments is not a defence to a discrimination claim. Reasonable adjustments must be made to ensure that a person is not treated less favourably on the ground of disability.[16] "Reasonable adjustments" are defined as adjustments that would not impose an unjustifiable hardship.[17]

An exception applies in relation to particular work if, because of a disability, a person would be unable to carry out the inherent requirements of the particular work. Inherent requirements have been described as those that are "essential to the position".[18] They do not include "theoretical" or "potential" requirements of the position.[19] Consistent with the definition of disability discrimination, the fact that a person requires reasonable adjustments does not mean that the person is unable to carry out inherent requirements.[20] The Explanatory Memorandum to the *Disability Discrimination Act 1992* (Cth) clarifies that "the defence of inherent requirements would bear no meaning" if a person were already employed in particular work, as that person would already be carrying out the inherent requirements of the work.[21]

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[11] *Disability Discrimination Act 1992* (Cth) pt 2 div 1.
[12] *Anti-Discrimination Act 1977* (NSW) pt 4A div 2; *Equal Opportunity Act 2010* (Vic) ss 6(e), 16, 20; *Anti- Discrimination Act* 1991 (Qld) s 7(h), pt 4 div 2; *Equal Opportunity Act 1984* (SA) pt 5 div 2; *Equal Opportunity Act 1984* (WA) pt 4A div 2; *Anti-Discrimination Act 1998* (Tas) ss 16(k), 22(1)(a); *Anti- Discrimination Act 1996* (NT) s 19(1)(j), pt 4 div 3; *Discrimination Act 1991* (ACT) s 7(1)(e), pt 3 div 3.1.
[13] *Disability Discrimination Act 1992* (Cth) ss 5–6.
[14] *Disability Discrimination Act 1992* (Cth) s 5(1).
[15] *Disability Discrimination Act 1992* (Cth) s 6(1).
[16] *Disability Discrimination Act 1992* (Cth) s 5(3).
[17] *Disability Discrimination Act 1992* (Cth) ss 4, 11.
[18] *Qantas Airways Ltd v Christie* (1998) 193 CLR 280, 294 [34] (Gaudron J), 305 [74] (McHugh J), 318 [114] (Gummow J), 340 [164] (Kirby J).
[19] *Williams v Commonwealth* [2202] FMCA 89 [146] (McInnes FM).
[20] *Disability Discrimination Act 1992* (Cth) s 19; *Anti-Discrimination Act 1977* (NSW) s 49J.
[21] Explanatory Memorandum, *Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008* (Cth) 14 [76].

It is well-established that conduct can be discriminatory despite the absence of an intent or motive to discriminate.[22] Indeed, discrimination often occurs without any intent to treat another person unfairly.

Specific provisions prohibit professional qualifying bodies from discriminating against a person on the ground of disability.[23] This reflects the principle that appropriate professional standards can be maintained without discrimination on the ground of disability. The conduct rules for lawyers appropriately prohibit discrimination in the course of legal practice.[24]

Everyone has the right to safe and healthy working conditions

Australia is a party to the *International Covenant on Economic, Social and Cultural Rights* ("***ICESCR***"). Article 7 of the *ICESCR* recognises "the right of everyone to the enjoyment of just and favourable conditions of work", including safe and healthy working conditions. The United Nations Committee on Economic, Social and Cultural Rights ("**CESCR**") has commented that just and favourable conditions of work are a prerequisite to the right to the highest attainable standard of physical and mental health in article 12 of the *ICESCR*.[25]

The CESCR notes:

> The increasing complexity of work contracts, such as short-term and zero-hour contracts, and non-standard forms of employment, as well as an erosion of national and international labour standards, collective bargaining and working conditions, have resulted in insufficient protection of just and favourable conditions of work.[26]

Regarding work hours, rest and holidays, the CESCR recommends the following minimum standards, noting health and safety concerns:

- A general daily limit of 8 hours and general weekly limit of 40 hours, with any overtime to be compensated by additional pay;
- Daily rest periods;
- 2 consecutive days of rest every period of 7 days;
- Paid annual leave; and
- Paid public holidays.[27]

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[22] See, eg, *Waters v Public Transport Corporation* (1991) 173 CLR 3
[23] See, eg, *Disability Discrimination Act 1992* (Cth) s 19; *Anti-Discrimination Act 1977* (NSW) s 49J.
[24] *Australian Solicitors Conduct Rules* r 42.1.1; *Legal Professional Uniform Conduct (Barristers) Rules 2015* r 125(a).
[25] United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 23* (2016) [2].
[26] Ibid [3].
[27] Ibid [34]–[45].

The CESCR states that flexible working arrangements can "contribute towards a better balance between work and family responsibilities", although "in no case should they be used to undermine the right to just and favourable conditions of work".[28]

It is worth emphasising that the above represent minimum standards for both developing and developed countries.

The right to safe and healthy conditions of work is given some force by domestic legislation. Most Australian workplaces are covered by the *Fair Work Act 2009* (Cth) ("***FWA***"), which creates a national workplace relations system.[29] The *FWA*'s protections include the National Employment Standards ("**NES**") – that is, minimum standards that cannot be displaced by an enterprise agreement.[30] The NES include:

- A 38-hour work week with a requirement that any additional hours must be reasonable;
- 4 weeks of paid annual leave;
- Paid public holidays; and
- A right to request flexible working arrangements in certain circumstances.[31]

The *FWA* explicitly contemplates the achievement of higher standards than the NES through collective bargaining.[32]

At the Commonwealth level, the *Work Health and Safety Act 2011* (Cth) ("**the *WHS Act***") provides that a person conducting a business or undertaking owes a primary duty of care to "ensure, so far as is reasonably practicable, the health and safety" of their workers.[33] The *WHS Act* contains a further duty to consult with workers who are directly affected by a matter relating to work health or safety.[34] The NSW work health and safety legislation contains analogous provisions.[35]

Safe Work Australia reports that each year:

- 7200 Australians are compensated for work-related mental health conditions; and

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[28] Ibid [46].
[29] Fair Work Ombudsman, "The Fair Work System" <https://www.fairwork.gov.au/about-us/legislation/the-fair-worksystem>.
[30] *Fair Work Act 2009* (Cth) s 61(1).
[31] *Fair Work Act 2009* (Cth) Pt 2-2.
[32] *Fair Work Act 2009* (Cth) s 3(f); see also Commonwealth Hansard, House of Representatives, 25 November 2008, 11189 (Julia Gillard).
[33] *Work Health and Safety Act 2011* (Cth) s 19.
[34] *Work Health and Safety Act 2011* (Cth) s 47.
[35] *Work Health and Safety Act 2011* (NSW) ss 19 and 47.

- Approximately $543 million is paid in workers' compensation for work-related mental health conditions.[36]

Work-related mental health conditions tend to require significantly more time off work and significantly greater compensation than work-related physical health conditions. The typical time off work for work-related mental health conditions is 15.3 weeks, compared to 5.5 weeks for all claims. The typical compensation payment for work-related mental health conditions is $24,000 per claim, compared to $9,000 for all claims.[37]

The above statistics represent only part of the cost of mental health and safety risks in Australian workplaces. For example, they do not capture the cost of work-related mental health conditions that do not proceed to a claim or of lost productivity in the workplace as a result of the failure to minimise mental health and safety risks.

Factors contributing to mental ill health amongst lawyers

Noting the above human rights standards, and the high levels of mental ill health amongst lawyers, the HRC submits that it is inappropriate to see the problem as primarily an individual one to be remedied by the action of the person experiencing mental ill health. Structural change is required to significantly reduce mental ill health amongst lawyers and to reap the corresponding productivity benefits.

Structural factors contributing to mental ill health amongst lawyers include:

- Entrenched stigma around mental ill health;
- The absence or under-resourcing of employee wellbeing programs in some legal workplaces;
- A culture of overwork (whereby working significantly more than a standard 38-hour week is seen as normal and even desirable), presenteeism (whereby attendance at work is valued over other objectives, such as productivity or work-life balance) and martyrdom (whereby suffering at work is valued as a sign of commitment to the job);[38]
- A "stiff upper lip" mentality (whereby discussion of difficult or negative emotions is implicitly or explicitly discouraged);
- The idea that poor, unjust or illegal working conditions are a rite of passage that young lawyers must simply endure;[39]

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[36] Safe Work Australia, "Mental Health" (14 June 2018) < https://www.safeworkaustralia.gov.au/topic/mental-health>.
[37] Ibid.
[38] Colin James, "Lawyer Dissatisfaction, Emotional Intelligence and Clinical Legal Education" (2008) 18 *Legal Education Review* 123; Margaret Thornton, "The Flexible Cyborg: Work-Life Balance in Legal Practice" (2016) 38(1) *Sydney Law Review* 1.
[39] Ian Scott and James Fleming, "Job Satisfaction and Your Employment Rights" (2007) 38 *Law Institute of Victoria Young Lawyers Journal* 6.

- The growth of insecure work, including temporary and casual contracts;[40] and
- Bullying, discrimination and harassment (including sexual harassment).[41]

Courting the Blues observes that many legal workplaces have a "constant preoccupation with short term billing" and that this is a "major source of workplace stress".[42] It is common in legal workplaces to bill clients for work in units of 6 minutes, creating administrative overheads around time recording and the rendering of bills. Legal workplaces that set targets for billable hours must take into account the fact that a significant amount of the work that lawyers do cannot be ethically charged to clients. We note that a 2009 publication prepared by the Queensland Law Society suggests that many firms consider that 5.5 to 6 hours a day is a reasonable target.[43] Many legal workplaces set targets in excess of this amount.[44]

The above factors, both individually and in combination, create significant mental health and safety risks within the legal profession.

Recommendation 1: Australian governments should conduct a review of employment practices for consistency with the right to a mentally safe and healthy work environment

Australian governments should conduct a review of employment practices within government organisations, government-funded organisations and private organisations with which Australian governments contract in order to determine if such employment practices are consistent with a mentally safe and healthy work environment. In line with the principle that government should be the model employer,[45] government

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[40] The Australian Institute Centre for Future Work, *The Dimensions of Insecure Work: A Factbook* (29 May 2018) 1 <https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/2807/attachments/original/1528337971/Insecure_Work_Factbook.pdf?1528337971>; Australian Senate Select Committee on the Future of Work and Workers, *Hope Is Not a Strategy – Our Shared Responsibility for the Future of Work and Workers* (September 2018) [4.31]–[4.33].
[41] Christopher Kendall 2011, *Report on Psychological Distress and Depression in the Legal Profession* (Law Society of Western Australia) 7–8; NSW Young Lawyers Human Rights Committee, *Submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces* (22 February 2019) < http://go.lawsociety.com.au/nswyl/submissions>.
[42] Brain and Mind Research Institute 2009, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers*, 47.
[43] Queensland Law Society, *Guide to Costs, Billing and Profitability* (March 2009) 16 <www.qls.com.au/files/a90e5e1c.../QLS_guide_to_cost_billing_and_profitability.pdf>.
[44] David Blades, "Lawyers, Billable Hours and Professionalism" (2013) 40(9) *Law Society of Western Australia Brief* 17, 19.
[45] See Australian Government Solicitor, "Implied Terms of Mutual Trust and Confidence and Good Faith in Employment Contracts: What do They Mean for Commonwealth Agencies?", Express Law (11 September 2014) <https://www.ags.gov.au/publications/express-law/el223.html>; Keith Ewing, "The Privatisation of the Civil Service" in Marilyn Pittard and Phillipa Weeks (eds), Public Sector Employment in the Twenty-First Century (2007, ANU E Press) 281, 290.

organisations should demonstrate best practice with respect to mental health and wellbeing. It should further be a condition of government funding and contracts that private organisations meet minimum standards.

Recommendation 2: Professional associations should focus on the structural factors that create and exacerbate mental ill health

Professional associations have made significant progress in reducing the stigma around mental illness and in supporting lawyers who may be experiencing mental ill health to seek appropriate help. The Law Council's "mental health and wellbeing portal" highlights a range of positive initiatives at both the national and state level.[46] The Law Society of New South Wales and NSW Young Lawyers have implemented initiatives such as free confidential counselling for lawyers, a wellbeing seminar series and a "Being Well in the Law" guide for lawyers.[47]

Professional associations should continue developing their wellbeing programs with a focus on the structural factors that create and exacerbate mental ill health. Education, training and advocacy should play a significant role.

Recommendation 3: Employers should conduct regular reviews of their employment practices to identify risks to mental health

Noting the duty to consult with workers who are directly affected by a matter relating to work health or safety,[48] employers should conduct regular reviews of their own employment practices to identify risks to mental health in the workplace and to develop action plans to address these risks. Employees should be empowered to participate actively in such reviews, including through any applicable union.

[46] Law Council of Australia, "Mental Health and Wellbeing in the Legal Profession" (2017) <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/mental-health-and-wellbeing-in-the-legal-profession>.
[47] https://www.lawsociety.com.au/sites/default/files/2018-08/Being%20Well%20in%20the%20Law%20Guide.pdf
[48] Section 47 of the *Work Health and Safety Act 2011* (Cth) and similar legislation in various jurisdictions, including the *Work Health and Safety Act 2011* (NSW).

Recommendation 4: Legal organisations should become signatories to and implement the Tristan Jepson Memorial Foundation *Workplace Wellbeing: Best Practice Guidelines to the Legal Profession*

A significant number of legal organisations from have become signatories to the Tristan Jepson Memorial Foundation *Workplace Wellbeing: Best Practice Guidelines for the Legal Profession* ("**the *Guidelines***").[49] The *Guidelines* are a voluntary framework of best practice standards for psychologically healthy legal workplaces.

The *Guidelines* are based upon 13 workplace factors that affect psychological health. The table at **Appendix A** outlines the 13 factors, as described in the *Guidelines*.[50]

NSW Young Lawyers is a signatory to the *Guidelines*. We commend the *Guidelines* to the Productivity Commission and to legal organisations.

Concluding Comments

NSW Young Lawyers and the Human Rights Committee thank you for the opportunity to make this submission. If you have any queries or require further submissions, please contact the undersigned at your convenience.

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NSW Young Lawyers Human Rights Committee

[49] A list of signatories is available at Minds Count, "Signatories to the Guidelines" < https://mindscount.org/the-guidelines/signatories-to-the-guidelines/>.
[50] Tristan Jepson Memorial Foundation, *Workplace Wellbeing: Best Practice Guidelines for the Legal Profession* (May 2015) <https://mindscount.org/wp-content/uploads/TJMF-Legal-Workplace-Guidelines.pdf>.

Appendix A – 13 Workplace Factors Affecting Psychological Health in Legal Workplaces

The table below outlines 13 workplace factors affecting psychological health, as described in the *Guidelines*.[51]

Factor	Description
1. Organisational culture	A work environment characterised by trust, honesty and fairness.
2. 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.
3. 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.
4. 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.
5. 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.
6. Growth and development	A work environment where employees receive encouragement and support in the development of their interpersonal, emotional and job skills.
7. Recognition and reward	A work environment where there is appropriate acknowledgement and appreciation of employees' efforts in a fair and timely manner.
8. Good involvement and influence by staff	A work environment where employees are included in discussions about how their work is done and how

[51] Tristan Jepson Memorial Foundation, *Workplace Wellbeing: Best Practice Guidelines for the Legal Profession* (May 2015) <https://mindscount.org/wp-content/uploads/TJMF-Legal-Workplace-Guidelines.pdf>.

	important decisions are made.
9. Workload management	A work environment where tasks and responsibilities can be accomplished successfully within the time available.
10. Engagement	A work environment where employees feel connected to their work and are motivated to do their job well.
11 Balance	A work environment where there is recognition of the need for balance between the demands of work, family and personal life.
12. Psychological protection	A work environment where management takes appropriate action to protect employees' psychological safety.
13. Protection of physical safety	A work environment where management takes appropriate action to protect the physical safety of employees.