



Why do we need safe anonymous online forums? Can't we just have a chat over a coffee?

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Camus sheds light on the dilemma...how can I confide that I am struggling to a family member, colleague or stranger who can't comprehend what I am feeling. What happens if I do?

In her book *An Unquiet Mind* Kay Redfield Jamieson explains the dilemma. "Others imply that they know what it is like to be depressed because they have gone through a divorce, lost a job, or broken up with someone. But these experiences carry

with them feelings. Depression, instead, is flat, hollow, and unendurable".¹

"The pain is unrelenting, and what makes the condition intolerable is the foreknowledge that no remedy will come—not in a day, an hour, a month, or a minute. If there is mild relief, one knows that it is only temporary; more pain will follow. It is hopelessness even more than pain that crushes the soul", an excerpt from *Darkness Visible*, William Styron's account of his descent into serious depression.²

However understanding the issue is far more complex than simply disclosing that you are struggling. Reaching out unleashes a myriad of consequences which have a wide ripple effect with enormous personal and professional implications on the lives of individuals. Depression and anxiety are common mental illnesses which cause disability and distress to one in three lawyers and one in five barristers. Yet despite causing devastation to personal and professional lives, lawyers, particularly men suffer in silence, are reluctant to talk about their mental health or seek help for it preferring to self medicate with alcohol and drugs.³ Stigma, fear and a lack of understanding within the profession not only hinder lawyers from seeking help but also have a debilitating impact on their lives.⁴

Although some progress has been made, the stigma of mental health remains deeply entrenched in the legal profession. There is greater awareness of the issue but a devastating disconnect exists between employers' intentions and perceptions and what is actually happening in the workplace. This means that lawyers and staff are not getting the help they need to maintain a fulfilling and productive working life. The disconnect exists between the workplace's management of mental health issues through policies and processes rather than including the voice and insights of lived experience into the conversation to discuss how to provide real support to those who struggle with

¹https://www.goodreads.com/author/quotes/19038.Kay_Redfield_Jamison

² <http://www.earlybirdbooks.com/writers-who-inspire-8-quotes-from-darkness-visible/>

³ <http://www.cald.asn.au/docs/Law%20Report%20Website%20version%204%20May%2009.pdf>

⁴ <https://www.beyondblue.org.au/docs/default-source/policy-submissions/stigma-and-discrimination-associated-with-depression-and-anxiety.pdf?sfvrsn=0>

mental ill health.⁵ Consequently, most lawyers feel it is psychologically unsafe to speak to anyone in their workplace. They simply cannot afford to take the risk.

Barriers to seeking help?

Many factors contribute to lawyers' reluctance to seek help. These barriers cause many to feel isolated, suffer in silence and reluctant to access the help which is available. More than sixty percent of individuals suffering depression not only do not seek help, but are undiagnosed and untreated. The Beaton /Beyondblue Annual Business and Professions study 2011- Depression and Anxiety found that 49% of lawyers were the most likely to have experienced symptoms of depression, however not the most likely to be diagnosed with depression.⁶ Some of the barriers to help seeking are listed below.

- stigma of mental ill health
- fear that seeking help is a sign of weakness, flaw in character and inability to cope
- believe that being a high achiever and problem solvers they don't need help
- fear of being seen as unable to handle pressure and unreliable
- fear loss of job, or negative impact on professional reputation and future career opportunities
- concern whether confidentiality of personal information is maintained
- limited time available
- uncertain how to reach out and where to seek help
- sceptical - are mental health problems really serious?
- doubt effectiveness of interventions
- insurance implications of seeking help
- doubt if anyone can really help and understand⁷
- concerns about possible mandatory reporting

Stigma

Lawyers are understandably frightened about professional and personal reprisals. The difficulties of living with the psychological distress are magnified by the experience of rejection which is the consequence of stigma.⁸ Most people report experiencing stigma and discrimination relating to their mental health condition which has a debilitating impact on their lives.⁹ *"Lawyers going through emotional distress are unlikely to ask for help"*, says Doron Gold, a lawyer-turned-social worker at Homewood Health in Toronto, Canada. *"If there's stigma in society generally, the stigma is tenfold in the legal profession,"* he says. *"This is a group of people who aren't supposed to have these vulnerabilities. And they're supposed to be impervious to them."*¹⁰

⁵<https://www.google.com.au/search?q=mental+health+at+work+report+2016&oq=mental+health+at+work+report+2016&aqs=chrome..69i57j69i60.12701j0j7&sourceid=chrome&ie=UTF-8>

⁶ http://www.beatonglobal.com/pdfs/2011_Annual_Business_and_Professions_Study.pdf

⁷ <http://growthpsychology.com.au/wp-content/uploads/Overcoming-barriers-to-seeking-help-a-guide-for-legal-practitioners.pdf>

⁸ Gray A.J. Stigma in Psychiatry. *J R Soc Med*, 2002; **95**: 72-76

⁹ <https://www.beyondblue.org.au/docs/default-source/policy-submissions/stigma-and-discrimination-associated-with-depression-and-anxiety.pdf?sfvrsn=0>

¹⁰ <http://www.cbc.ca/news/health/lawyers-mental-health-addiction-problems-1.3865545>.

The following scenario may help answer the question, "What is stigma?" *Imagine you have breast cancer.* Now imagine that instead of NFL football players supporting your illness by wearing sneakers with pink cleats and pink logos on their jerseys, society blames you for your illness. Imagine others looking at you with accusing eyes and whispering about you behind your back when they find out you have breast cancer. Imagine feeling fearful of seeking proper medical help because you're afraid you'll lose your job if anyone finds out about it.¹¹

Stigma marks a person as 'different'. The World Health Organisation (2001) defines stigma as *"a mark of shame, disgrace, or disapproval which results in an individual being rejected, discriminated against, and excluded from participating in a number of different areas of society"*.¹² There are three different types of stigma which interact simultaneously.

- 1) **perceived stigma** or the belief that the public hold negative attitudes towards people with a mental health problem
- 2) **experienced stigma** or reported instances of unfair treatment or discrimination due to having a mental health problem
- 3) **self-stigma** or adopting a stigmatised view of oneself¹³

Stigma causes discrimination accessing income protection, life, health and travel insurance with some *'stuck with an insurance 'mental health exclusion' because they dared to see a psychologist'*. Nearly half of the people with mental health conditions report they experienced some form of difficulty accessing insurance.¹⁴

Stigma in the workplace is a major barrier to help seeking. Research has shown 86 % of professionals would rather suffer in silence than disclose a mental health condition out of fear of being fired or passed over for promotion.¹⁵ The culture of silence discourages staff offering support to colleagues they suspect are struggling even when they think their support would be helpful.¹⁶

" In response to a 2015 Lawyers Weekly article in which Justice Shane Marshall called for young lawyers to share their experiences of mental illness, one reader wrote, *"I sincerely respect Justice Marshall's decision to speak out, but ... for my part, being open and honest about my mental illness in the workplace feels synonymous to ... committing career suicide."*¹⁷

¹¹ <http://www.healthyplace.com/stigma/stand-up-for-mental-health/whastigma/#sthash.lt5i8kMm.dpuf>

¹² http://www.who.int/whr/2001/en/whr01_en.pdf

¹³ https://kclpure.kcl.ac.uk/portal/files/12801589/Final_Psychometrics_DISC_270113_.pdf

¹⁴ <https://www.beyondblue.org.au/docs/default-source/policy-submissions/stigma-and-discrimination-associated-with-depression-and-anxiety.pdf?sfvrsn=0>

¹⁵ <http://www.afr.com/lifestyle/health/mens-health/young-lawyer-outs-depression-that-is-endemic-in-legal-profession-20150927-gjw3bu#ixzz4duQNf17h>

¹⁶ <https://www.google.com.au/search?q=mental+health+at+work+report+2016&oq=mental+health+at+work+report+2016&ags=chrome..69i57i69i60.12701j0j7&sourceid=chrome&ie=UTF-8>

¹⁷ <https://www.lawyersweekly.com.au/news/16648-disclosing-mental-ill-health-should-not-cost-your-career>

Psychological safety is a prerequisite to mental health. In the workplace psychological safety is about creating an environment where individuals feel respected and accepted and are not embarrassed, rejected or punished for speaking up or being themselves.¹⁸ A workplace is unsafe if individuals fear judgement and discrimination. Leaders determine organisational culture. A workplace culture that engages staff, encourages regular feedback and values the contribution each individual makes to the organisation creates a safe working environment.

However there is a disconnect between the perception that 'it is safe' for individuals to disclose and whether the individual 'feels' it is safe. Lawyers' reluctance to seek help indicates that they feel that it is unsafe to share their concerns in the workplace. The risk is simply too great.

TJMF's partnership with SANE Australia has given us the opportunity to provide safe, confidential and anonymous online support to individuals struggling with mental ill-health who experience the challenge of isolation, suffer in silence and are reluctant to get the help they need for fear they'll be discriminated against. The forums can be accessed on our website www.tjmf.org.au

The value of the forums is highlighted by the responses of participants below. They provide:

- *'a connection to a supportive non-judgemental community'*
- *'people who will listen where there is no need to feel shame or embarrassed'*
- *'an opportunity to lighten the load and realise you are not alone'.*

¹⁸https://www.researchgate.net/profile/Amy_Edmondson/publication/268328210_Psychological_Safety_Trust_and_Learning_in_Organizations_A_Group-level_Lens/links/5488c5460cf268d28f08fef8.pdf