

Causes and Consequences of Work-Related Psychosocial Risk Exposure

A Comparative Investigation of Organisational Context, Employee Attitudes,
Job Performance and Wellbeing in Lawyers and
Non-Lawyer Professionals

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The UQ Business School does not receive funding from, or have any formal partnerships with or vested interests in the legal profession nor any of its associated parties.

Executive Summary

This report contains the results of an independent research project examining causes and consequences of work-related psychosocial risk exposure.

The project was multi-sample. Differences between two main samples, lawyers and non-lawyer, 'white-collar' professional employees ("Professionals") were investigated. Various sub-samples were also contrasted, such as private and non-private practice lawyers, and lawyers working in different types of private practice (e.g., top-tier, mid-tier).

Organisational context characteristics such as an unethical climate, destructive leadership styles, and low levels of general and human resources-related formalisation practices were examined as key factors influencing employee attitudes, wellbeing and job performance.

The role these organisational context factors play as possible causes of work-related psychosocial risk exposure was also examined.

Incidence rates of, otherwise referred to as 'exposure to', a range of poor interpersonal behaviour psychosocial risks were determined, as were employee stress-related responses to experiences of a specific psychosocial risk known as mistreatment.

The use and effectiveness of a number of emotion- and problem-focussed coping strategies following mistreatment were explored.

Consequence-wise, organisational context and mistreatment effects on employee psychological, psychosomatic health, and emotional wellbeing were assessed, as were the impacts of organisational context and mistreatment on various job performance components.

Key findings include but are not limited to:

- Significant differences between samples in organisational context characteristics (including ethical climate, leadership and organisational formalisation) were identified, with the nature of these differences depending on sample/sub-sample and the specific aspect of these variables being examined;
- Similarly, significant differences were found between samples in two employee attitudes, job satisfaction and organisational commitment, and in the job performance component organisational citizenship behaviour, with the nature of these differences depending on sample/sub-sample and the specific aspect of these variables being examined;
- In both the lawyer and professionals sample significant relationships were identified between contextual factors, employee attitudes, wellbeing, and job performance;
- Lawyers suffer from significantly lower levels of psychological and psychosomatic health wellbeing than professionals;
- Private practice lawyers suffer the lowest levels of psychological and psychosomatic health wellbeing of all samples/sub-samples, including but not limited to private practice lawyers reporting the highest levels of alcohol and nicotine use/abuse;
- There were no significant differences in lawyer psychological or psychosomatic health wellbeing based on private practice firm type (e.g. top-tier, mid-tier), indicating poor wellbeing is an issue throughout private practice;

- High-level absenteeism rates were higher in the lawyer sample than in the professional sample (8.7 vs. 7.4%), with rates in the non-private practice sub-sample 2.5 times greater than the private practice lawyer sub-sample (14.2 vs. 6.2%);
- Absenteeism rates may indicate a tendency for private practice lawyers to avoid sick leave, and/or engage in presenteeism instead, with presenteeism linked to errors in and lowered levels of task performance;
- Levels of exposure to five poor interpersonal behaviour psychosocial risks (incivility, interpersonal deviance, mistreatment, bullying and sexual harassment) vary across the samples/sub-samples;
- Irrespective of the sample/sub-sample, the majority of respondents were exposed to incivility, interpersonal deviance and mistreatment, suggesting exposure to these risks is culturally pervasive;
- Exposure to bullying varied from 5 – 18.3% of the sample/sub-sample depending on the type of bullying experienced, the most common type being bullying via destabilisation behaviour;
- About half (47.2 – 59.1%) all respondents were exposed to some form of sexual harassment risk, the most common type being gender-harassment;
- Lawyers were more likely than other professionals to be exposed to the majority of the poor interpersonal behaviour psychosocial risks/sub-risks examined (12 out of 15), including incivility, interpersonal deviance, verbal abuse, work obstruction, emotional neglect, mistreatment overall, bullying via destabilisation, isolation, overwork, and threat to professional standing behaviours, gender harassment, and overall sexual harassment;
- Exposure rates for 13 out of 15 risks/sub-risks were higher for non-private practice lawyers than for private practice lawyers, with the two exceptions interpersonal deviance and sexual coercion more common in private practice than in non-private practice settings;
- In both main samples, exposure to the five work-related psychosocial risks significantly negatively relates to job satisfaction and organisational commitment, and employee emotional, psychological, and psychosomatic health wellbeing;
- Exposure to the five work-related psychosocial risks appears to negatively affect the organisational citizenship behaviour component of job performance via a risk exposure – attitudes – judgement-driven behaviour process;
- Exposure to the specific psychosocial risk known as mistreatment causes significant direct damage to the emotional wellbeing of both lawyers and professionals;
- While some variation exists depending on the sample/sub-sample, the organisational contexts of screened-in targets of mistreatment were significantly different to the organisational contexts of screened-out targets, indicating a unethical climate, low levels of general and sophisticated HR practices formalisation, and high levels of laissez-faire leadership play a role in mistreatment occurrences;
- While some variation exists depending on the sample/sub-sample, screened-in targets of mistreatment suffer significantly lower levels of job satisfaction, organisational commitment, psychological wellbeing and psychosomatic health wellbeing, and higher high-level absenteeism rates than their screened-out counterparts;

- While a clear ‘typical’ mistreatment perpetrator profile was identified in the private practice law sample (male, Partnership position, older than their target and most likely to target female employees), a clear perpetrator profile was not identified in the other samples;
- Perpetrators typically hold high levels of both absolute and relative power over their targets, indicating perpetrators (particularly private practice law perpetrators) misuse/abuse these power sources;
- The majority (87.5 – 89.8%) of mistreated employees do not report their experiences, suggesting organisational ‘cultures of silence’ are widespread;
- Compared to professionals, lawyers are slightly less likely to formally report mistreatment, and more than three times more likely to resign after being mistreated, with private practice lawyers almost twice as likely to make a formal report and/or resign from their employment as their non-private practice counterparts;
- While lawyer and professionals’ cognitive appraisals of and emotional responses to mistreatment are equivalent, lawyers are more likely than professionals to attempt problem-solving coping;
- Between-sample differences in the use of problem-focussed coping is likely due to individual-level variation in problem-solving ability and defensive pessimism;
- Subsequent to mistreatment’s direct negative impact on emotional wellbeing, neither emotion- nor problem-focussed coping approaches mediate mistreatment’s adverse effect on employee psychological and psychosomatic health wellbeing, indicating that primary prevention of mistreatment is critical;
- More than 70% of mistreated employees engage in some form of retaliatory behaviour against the perpetrator, against their employer, and/or against another employee, indicating mistreatment also causes decreased job performance by increasing deviant employee behaviours;
- Being mistreated also causes lowered job performance by leading to employee exit (resignation) and presenteeism (in the form of mental exiting), and in being linked to high-level absenteeism rates;
- Mistreated employees who attempt to cope by asserting themselves against the perpetrator, seeking informal organisational remedies, and/or reporting their experiences (collectively known as ‘voicing’) perceive organisational and individual level responses to voicing to lack informational and interactional justice;
- The majority (63.1% – 70.3%) of mistreated employees who voice experience post-voice social victimisation, and about half (40.0 - 56.6%) experience work-related post-voice victimisation; and
- High rates of post-voice victimisation and a lack of justice in both organisational and individual level responses to voicing provide insight as to why the majority of mistreated employees do not report their experiences.

These research findings have important applied implications. Key discussion points and recommendations are included throughout the report, and include but are not limited to:

- Employers, particularly private practice law firms, need to pay increased attention to organisational context characteristics that negatively relate to employee wellbeing and job performance, rather than focussing on the individual employee;

- Managers and human resource professionals should monitor employee attitudes, wellbeing and all five job performance components including organisational citizenship behaviour, deviant behaviour, joining and staying with the organisation, and maintaining work attendance (absenteeism and presenteeism), rather than focussing on task performance, to, amongst other purposes, assist in identifying trends and changes that may indicate exposure to work-related psychosocial risks;
- Given the poor wellbeing levels suffered by private practice lawyers, prior to being granted a Principal Practicing Certificate law firm principals should be required to complete a compulsory Practice Management course covering (as a minimum) positive leadership styles, creating and maintaining positive organisational contexts, developing and implementing formalisation practices, strategic human resources management principles, appropriate use of power, occupational health and safety requirements, and psychosocial risk management;
- A compulsory up-skilling course of the same content should be completed by existing Principals as a matter of urgency;
- In line with the nationally legislated requirement to provide a psychologically safe working environment, employers need to develop, implement and evaluate detailed psychosocial risk management plans;
- To assist in effectively identifying, managing and assisting employees at risk of and/or suffering a mental health issue, all workplaces would benefit from employing qualified mental health first aiders;
- Employers in general need to move towards primary risk management strategies for poor interpersonal behaviour and other work-related psychosocial risks, rather than relying on secondary and tertiary (post-exposure to risk) interventions such as engaging in mindfulness practices and developing employee resilience;
- Managers and human resource professionals need to develop appropriate mechanisms to both encourage reporting of poor interpersonal behaviour between employees, to ensure reports are managed in a just manner, and to prevent further social and work-related victimisation of targets who engage in voicing behaviours;
- Law societies and other relevant legal profession bodies should incorporate executive level commitment to and action on employee mental health and wellbeing as a key strategic imperative when determining firm-level and individual award recipients, for example by including mental health and wellbeing as prerequisite criteria for all 'employer-of-choice' awards, including but not limited to a requirement to produce evidence of positive organisational context and proactive psychosocial risk management strategies; and
- There is a need for continued, extended, and more valid, reliable and empirical efforts to research work-related causal factors for mental health and wellbeing issues in employees, especially private practice lawyers.

Endeavours have been made to include report content meeting the informational needs of a varied audience. The anticipated audience included legal professionals, senior members of relevant legal associations and societies, government and profession-based policy and decision-makers, law and non-law firm management and business owners, human resources professionals, employee wellness and occupational health and safety-focussed researchers, mental health professionals, and members of the public. To assist with informational accessibility for this varied audience, explanatory statements regarding content and analysis are provided regularly throughout the document.

Table of Contents

Executive Summary.....	i
Background to the Research Project	1
Methodology: Data Collection Tools and Procedure.....	4
Explanatory Statement: Glossary and Data Analysis Overview.....	5
Methodology: Sample Characteristics and Attrition Analysis	7
Lawyers	7
Attrition Analysis (Lawyer Sample)	9
Comparison Sample	9
Attrition Analysis (Professionals)	10
Research Findings Section 1: Organisational Context.....	11
Comparative Data: Ethical Climate	12
Comparative Data: Organisational Formalisation	13
Comparative Data: Leadership Behaviour (Laissez-Faire Leadership)	14
Key Discussion Points and Recommendations	16
Research Findings Section 2: Employee Health and Wellbeing	18
Comparative Data: Psychological Wellbeing	19
Comparative Data: Psychosomatic Health Wellbeing.....	19
Key Discussion Points and Recommendations	21
Research Findings Section 3: Employee Attitudes and Job Performance	23
Comparative Data: Job Satisfaction.....	24
Comparative Data: Organisational Commitment	26
Comparative Data: Organisational Citizenship Behaviour	27
Key Discussion Points and Recommendations	28
Research Findings Section 4: Relationships between Organisational Context, Employee Attitudes, Job Performance, and Wellbeing	30
Comparative Data: Organisational Context, Employee Attitudes and Job Performance	34
Comparative Data: Organisational Context and Employee Health and Wellbeing.....	35
Comparative Data: Employee Attitudes, Job Performance and Wellbeing	36
Key Discussion Points and Recommendations	37
Research Findings Section 5: Psychosocial Risks (Poor Interpersonal Behaviour)	38
Psychosocial Risk Exposure: Incivility	41
Psychosocial Risk Exposure: Interpersonal Deviance	42
Psychosocial Risk Exposure: Mistreatment.....	42
Psychosocial Risk Exposure: Bullying	45
Psychosocial Risk Exposure: Sexual Harassment	46
Key Discussion Points and Recommendations	49
Research Findings Section 6: Relationships between Poor Interpersonal Behaviour Stressors, Job Performance and Employee Wellbeing.....	51
Comparative Data: Poor Interpersonal Behaviour Stressors and Job Performance	58
Comparative Data: Poor Interpersonal Behaviour Stressors and Employee Wellbeing.....	59
Key Discussion Points and Recommendations	60
Research Findings Section 7: Workplace Interpersonal Mistreatment.....	62
Comparative Data: Screened-In/Out Condition	63
Comparative Data: Perpetrator Characteristics and Absolute Power	63
Comparative Data: Perpetrator Relative Power	64

Table of Contents (Cont.)

Key Discussion Points and Recommendations.....	66
Research Findings Section 8: Organisational Context and Mistreatment	68
Comparative Data: Screened In-Out Condition -Total Sample	68
Comparative Data: Screened In-Out Condition - Lawyer Sample.....	69
Comparative Data: Screened In-Out Condition - Professional Sample.....	69
Comparative Data: Screened In-Out Condition – Private Practice Lawyer Sample	70
Comparative Data: Screened In-Out Condition – Non-Private Practice Lawyer Sample	71
Key Discussion Points and Recommendations.....	71
Research Findings Section 9: Mistreatment and Employee Wellbeing, Attitudes, and Job Performance	72
Comparative Data: Wellbeing, Attitudes and Job Performance (Lawyers: Screened In/Out).....	72
Comparative Data: Wellbeing, Attitudes and Job Performance (Professionals: Screened In/Out)	73
Comparative Data: Wellbeing, Attitudes and Job Performance (Private Practice Lawyers: Screened In/Out).....	75
Comparative Data: Wellbeing, Attitudes and Job Performance (Non-Private Practice Lawyers: Screened In/Out).....	76
Key Discussion Points and Recommendations.....	78
Research Findings Section 10: Responding to and Coping with Mistreatment.....	79
Primary Appraisal and Emotional Responses to Mistreatment	79
Emotional Responses and Coping: Lawyers vs. Professionals	80
Other Responses to Mistreatment: Lawyers vs. Professionals	83
Formal Reporting, Whistle-Blowing and Resignation: Lawyers vs. Professionals.....	83
Retaliation Behaviour: Lawyers vs. Professionals.....	84
Key Discussion Points and Recommendations.....	86
Research Findings Section 11: Injustice and Post-Voice Victimization.....	87
Informational Justice Data	88
Interpersonal Justice Data	90
Comparative Data: Interpersonal Justice	91
Post-Voice Social and Work-Related Victimization Data	92
Key Discussion Points and Recommendations.....	96
Research Findings Section 12: The Effect of Coping on Wellbeing.....	97
Coping as a Mediator of Negative Emotional Responses and Wellbeing: Lawyers	97
Coping as a Mediator of Negative Emotional Responses and Wellbeing: Professionals	98
Key Discussion Points and Recommendations.....	99
Research Findings Section 13: Supplementary Qualitative Data.....	101
Concluding Comments.....	104
References and Endnotes	105

List of Tables

Table 1: Lawyer Sample Characteristics	7
Table 2: Correlations - Organisational Context and Job Performance (Lawyers)	31
Table 3: Correlations - Organisational Context and Job Performance (Professionals)	31
Table 4: Correlations - Organisational Context and Employee Health and Wellbeing (Lawyers)	32
Table 5: Correlations - Organisational Context and Employee Health and Wellbeing (Professionals)	32
Table 6: Correlations - Job Performance and Employee Health and Wellbeing (Lawyers)	33
Table 7: Correlations - Job Performance and Employee Health and Wellbeing (Professionals)	33
Table 8: Correlations between Attitudes and Citizenship Behaviour	35
Table 9: Common Psychosocial Risk Factors	38
Table 10: Incivility, Interpersonal Deviance, Mistreatment, Employee Health and Wellbeing, and Job Performance (Lawyers)	52
Table 11: Incivility, Interpersonal Deviance, Mistreatment, Employee Health and Wellbeing, and Job Performance (Professionals)	53
Table 12: Sexual Harassment, Employee Health and Wellbeing, and Job Performance (Lawyers)	54
Table 13: Sexual Harassment, Employee Health and Wellbeing, and Job Performance (Professionals)	55
Table 14: Bullying, Employee Health and Wellbeing, and Job Performance (Lawyers)	56
Table 15: Bullying, Employee Health and Wellbeing, and Job Performance (Professionals)	57
Table 16: Perpetrator Roles (Lawyer Sample)	63
Table 17: Correlations between Mistreatment and Negative Emotional Responses	80

List of Figures

Figure 1: Private Practice Respondent Position Titles	8
Figure 2: Private Practice Respondent Firm Type	8
Figure 3: Mean Ethical Climate Factor Scores.....	12
Figure 4: Mean Scores Categories of Organisational Formalisation	13
Figure 5: Mean Scores for Categories of Organisational Formalisation	14
Figure 6: Mean Score Laissez-Faire Leadership	15
Figure 8: Differences in Psychological Wellbeing	19
Figure 9: Differences in Psychosomatic Health Wellbeing (Overall)	20
Figure 10: Differences in Physical Health Wellbeing.....	20
Figure 11: Differences in Substance Use/abuse	21
Figure 12a: Mean Score Selected Job Satisfaction Items.....	25
Figure 12b: Mean Score Selected Job Satisfaction Items.....	25
Figure 13: Differences in Selected Job Satisfaction Items Based on Private Practice Firm Type	26
Figure 14: Differences in Selected Organisational Commitment Items Based on Firm Type.....	27
Figure 15: Differences in Selected Organisational Citizenship Items Based on Firm Type.....	28
Figure 16: Exposure to Incivility as a Psychosocial Risk.....	41
Figure 17: Exposure to Interpersonal Deviance as a Psychosocial Risk	42
Figure 18: Exposure to Verbal Abuse as a Psychosocial Risk.....	43
Figure 19: Exposure to Work Obstruction as a Psychosocial Risk.....	43
Figure 20: Exposure to Emotional Neglect as a Psychosocial Risk	44
Figure 21: Exposure to Mistreatment (Overall) as a Psychosocial Risk.....	45
Figure 22: Bullying Incidence / Exposure to Risk by Sample	46
Figure 23: Exposure to Gender Harassment as a Psychosocial Risk	47
Figure 24: Exposure to Unwanted Sexual Attention as a Psychosocial Risk	47
Figure 25: Exposure to Sexual Coercion as a Psychosocial Risk.....	48
Figure 26: Exposure to Sexual Harassment (Total) as a Psychosocial Risk.....	49
Figure 27: Perceived Perpetrator Relative Power (Lawyers / Professionals).....	65
Figure 28: Perceived Perpetrator Relative Power Scores (Private Practice / Non-Private Practice).....	66
Figure 29: Differences in Organisational Context (Combined Sample Screened-In vs. Screened-Out).....	68
Figure 30: Differences in Organisational Culture (Lawyers Screened-In vs. Screened-Out)	69
Figure 31: Differences in Organisational Context (Professionals Screened-In vs. Screened-Out)	70
Figure 32: Differences in Organisational Context (Private Practice Lawyers Screened-In vs. Screened-Out).....	71
Figure 33a: Differences in Attitudes and Citizenship Behaviours (Lawyers Screened-In/Out).....	72
Figure 33b: Differences in Wellbeing (Lawyers Screened-In/Out)	73
Figure 34a: Differences in Attitudes (Professionals Screened-In/Out).....	74
Figure 34b: Differences in Wellbeing (Professionals Screened-In/Out)	74
Figure 35a: Differences in Attitudes (Private Practice Lawyers Screened-In/Out).....	75
Figure 35b: Differences in Wellbeing (Private Practice Lawyers Screened-In/Out)	76
Figure 36a: Differences in Attitudes (Non-Private Practice Lawyers Screened- In/Out)	77
Figure 36b: Differences in Wellbeing (Non-Private Practice Lawyers Screened-In/Out).....	77
Figure 37: Mistreatment as a Stressor	79
Figure 38: Causal Model – Mistreatment and Negative Emotional Responses	80
Figure 39: Causal Model – Lawyer Negative Emotional Responses and Coping Strategies	82
Figure 40: Causal Model – Professionals Negative Emotional Responses and Coping Strategies	82
Figure 41: Target Retaliation Incidence Rates (Valid Percent)	85

List of Figures (Cont.)

Figure 42: Informational Justice (Candid Communication)	88
Figure 43: Informational Justice (Relevant Procedures Explained)	88
Figure 44: Informational Justice (Reasonable Explanation).....	89
Figure 45: Informational Justice (Timely Communication)	89
Figure 46: Informational Justice (Tailored Communications).....	89
Figure 47: Interpersonal Justice (Respect)	90
Figure 48: Interpersonal Justice (Dignity)	90
Figure 49: Interpersonal Justice (Polite Manner)	91
Figure 50: Interpersonal Justice (No Improper Comments or Remarks).....	91
Figure 51: Levels of Post-Voice Social Victimisation	94
Figure 52: Levels of Post-Voice Work-Related Victimisation	95

Background to the Research Project

The legal profession is a crucial part of Australia's knowledge-based economy. Legal services is one of three key growth sectors within the wider \$A65.2 billion Business Services industry. Accounting for about one third of the 56,154 businesses operating nationwide, the legal sector is the largest contributor to the Business Services Industry.¹

Legal services fall under the Professional, Scientific and Technical Services industry. Employment-wise, this industry employed one in five (20.7%) graduates in 2014 (Top ranking). By way of comparison, mining employed 3.1% of graduates (ranked 8th).²

Legal services are a valuable export. A total of \$A932.8 million in Australian legal and related services were exported in 2010-2011; an increase of more than 30% since 2008-2009. In 2013-14, legal services specifically accounted for \$A613 million in export revenue. This figure represents two thirds (65.7%) all legal and related services, and about 7% of the Other Business and Other Services category within the \$A57.32 billion Overall Services Export revenue.³

Despite its increasing economic importance, the legal profession currently faces a number of confronting issues with the potential to threaten the profession's value and performance moving forward. The mental health and wellbeing of lawyers is one such issue. Anecdotal evidence and previous research findings suggest rates of mental health issues are substantially higher within the legal profession compared to other professions. For example, conducted in collaboration with *beyondblue*, the 2007 Australian Business and Professions Study (ABPS)⁴ by Beaton Research and Consulting found legal professionals fare worst out of all professionals in terms of depression and non-prescription drug use. According to the ABPS study, incidence levels of these mental health issues for respondents working in law firms were approximately 1.5 times the average of all respondents (15.2% vs. 10.5%).

Subsequent to the 2007 ABPS, key findings of the Brain and Mind Research Institute study (BMRI; "Courting the Blues"⁵) suggested the incidence of mental health issues in legal professionals were substantially greater than the average; from 1.5 times to nearly 3 times higher. In the BMRI study, over a third (35.4%) of law students suffered very high self-reported distress levels, compared to 13% of the same age general population. Almost 40% of students self-reported distress at levels high enough to warrant medical or clinical intervention. About a third (31%) of solicitors and 16.7% of barristers self-reported suffering either high or very high distress levels, compared to 12% of the general population. In addition, over one third of legal profession respondents reported they would not seek treatment if they were experiencing depression.

A follow up 2011 ABPS report⁶ also identified substantial mental health issues amongst lawyers. References to this research largely focussed on positive findings. These positive findings included lawyers reporting the highest levels of mental health training of included employee populations since the previous study, and lawyers being significantly less likely to agree with stigmatising views regarding depression. Media outlets such as the Australasian Legal Business publication⁷ reported that whilst more work was required, especially in terms of proactive management and assistance for those suffering a mental health condition, "the legal profession (is) ahead on mental health education."

A more detailed review of the second ABPS report results presents a less positive perspective on the situation. The 2011 ABPS report outlined a total of 62% of lawyers either suffered symptoms of or had been diagnosed with depression. Specifically, of the five employee population subgroups, lawyers were the most likely to have experienced symptoms of depression (49%), but were not the most likely to be diagnosed with the disorder (13%). Similarly, lawyers were the most likely to have experienced symptoms of

anxiety (33.8%), with only 8.1% diagnosed with an anxiety disorder (Total: 42%). The findings suggested lawyers are hesitant to seek help, and that a number of barriers to seeking treatment existed. Lawyers also reported their employers as being the most likely to engage in four of the five negative organisational responses to disclosing a mental health issue examined in the study.

Consistent with anecdotal evidence, these collective findings triggered concerns over the stress levels and mental health and wellbeing of legal professionals. These concerns prompted the formation of various committees and workgroups across the nation, leading to the implementation of a range of wellness initiatives by Australian law societies and other legal profession associations. A number of these initiatives are summarised in a detailed report released by the Law Society of Western Australia in 2011.⁸

Despite consistent results, the two APBS and BMRI studies' findings have attracted criticism.⁹ Methodological issues centred on measurement problems have underpinned many of these criticisms. These issues include concerns over the use of self-report and/or self-labelling data, non-validated measures, different measures, and sampling or comparison biases.

Notwithstanding these criticisms, increased attention is being paid to the mental health status of legal professionals. Questions have arisen as to potential causes of mental health issues, with an emphasis on individual-level risk factors such as lawyer personality characteristics that may predispose the development of a mental health disorder. In line with this focus, the majority of stress, wellbeing, and mental health programs and initiatives that have been introduced are aimed at the individual legal professional. Many programs are founded upon stress management and resiliency-based principles, including but not limited to mindfulness programs.¹⁰

This focus on individual-level psychosocial risk factors affecting mental health has been to the detriment of the acknowledgement of, and research on, alternative or additional causal factors. For example, empirical research demonstrates several work-content and work-context factors pose psychosocial risks.¹¹ These two categories of risk factors exist at the organisational level and are 'work-related' rather than being individually-orientated. In particular, systematic research into the role of known psychosocial risk factors such as dysfunctional workplace cultures, destructive leadership styles, and poor interpersonal behaviours as potential causes of distress contributing to the mental health issues amongst lawyers is described as derisory.¹²¹³

Anecdotal evidence suggests that a number of these organisational-level or work-related psychosocial risks, including but not limited to dysfunctional workplace culture and poor interpersonal behaviour, are widely prevalent within the legal profession.¹⁴ This evidence suggests the failure to investigate these organisationally-bound risk factors means a range of primary risk management (i.e. prevention) strategies to address the mental health problems within the profession are potentially being underutilised.

Research into the impact of various stressors on important organisational outcomes for employers of legal professionals is also lacking. These outcomes include attitudes such as job satisfaction and commitment, and employee job performance behaviours such as deviance, absenteeism, presenteeism, turnover, and extra-role behaviour.¹⁵ These attitudes and job performance behaviours affect organisational effectiveness and efficiency, and, ultimately, profitability.

The primary purpose of this research project was to address a number of the aforementioned research criticisms and exclusions to gain reliable, validated sources of evidence on potential causes of mental health issues in lawyers and the extent to which these possible causes exist within lawyer and non-lawyer professional employee

workplace settings. Associated aims were to gain comparative insights regarding (but not limited to):

- incidence rates of, i.e. levels of exposure to a range of poor interpersonal behaviour stressors (otherwise known as psychosocial risks) including incivility, mistreatment, interpersonal deviance, bullying and sexual harassment;
- levels of individual psychological and psychosomatic health wellbeing and various aspects of job performance;
- various organisational context characteristics associated with employee wellbeing, job performance, and the occurrence of poor interpersonal behaviour;
- employee responses to experiences of poor interpersonal behaviour (specifically mistreatment), including negative emotions and the use of a variety of coping strategies;
- perpetrator profiles, including personal characteristics and the use and/or abuse of power;
- organisational responses to efforts to formally report or otherwise voice concerns regarding poor interpersonal behaviours; and
- the effectiveness of different coping strategies following exposure to poor interpersonal behaviour in terms of individual level wellbeing outcomes.

Multi-sample comparative analyses were undertaken. These comparisons include differences between:

1. Main lawyer and professional samples;
2. Private practice and non-private practice lawyer sub-samples; and
3. Types of private practice sub-samples (e.g., top tier vs. mid-tier firms).

These comparative insights have informed the development of future discussion points and/or recommendations for management, policy and practice.

Methodology: Data Collection Tools and Procedure

Primary data were gathered from the two main samples via two time-point online surveys completed approximately 3 weeks apart.¹⁶ Data were matched into single sets by an independent research company using a unique code identifier generated for each respondent.

For the lawyer sample, invitations to participate in the research were dispersed in e-newsletters to members of the Queensland Law Society, the Law Society of Western Australia, the Law Society of South Australia, the Law Society Northern Territory, the Law Society of Tasmania, the New Zealand Law Society, and the Law Society of the Australian Capital Territory. A number of legal profession associations, such as the Women Lawyers Association of Queensland Inc., also notified their members of the research project.

The Law Institute of Victoria and the Law Society of New South Wales declined requests for their members to be informed of the research project and/or to be invited to participate.

Participation in the surveys was voluntary and anonymous. However, in ensuring voluntary and anonymous participation, a self-selection bias may exist.¹⁷

The second sample of professional, white-collar 'non-lawyer' professionals was obtained using a panel data approach. Respondents completed the same two, two time-point online surveys approximately three weeks apart, and the data were matched into single sets using the same unique code identifier method deployed for the lawyer sample.

The Time 1 (T1) survey included measures of:

- Intrinsic and Extrinsic Job Satisfaction;
- Organisational Commitment;
- Organisational Citizenship Behaviour ('Extra-Role Behaviour');
- General and Sophisticated Human Resources Practices Formalisation;
- Ethical Climate;
- Laissez-Faire Leadership;
- Psychological Wellbeing;
- Psychosomatic Health Wellbeing; and
- Personal Characteristics (including demographic data and sick leave).

The Time 2 (T2) survey included measures of:

- State-Based Affect (as a control variable);
- Experiences of Mistreatment (including a screened in/out condition);
- Perpetrator Characteristics and Power;
- Emotional (Affective) Responses to Mistreatment (Emotional Wellbeing);
- Emotion- and Problem-Focussed Coping Strategies;
- Retaliation Behaviour;
- Injustice Perceptions;
- Post-Voice Victimization;
- Incivility;
- Interpersonal Deviance;
- Bullying; and
- Sexual Harassment.

The majority of survey measures were pre-established, with validated and reliable measurement properties. Notwithstanding this, all measures were subject to additional rigorous validation and reliability tests.¹⁸ Explanatory measure information is provided in the relevant upcoming sections of this report.

Explanatory Statement: Glossary and Data Analysis Overview

This report contains content designed to meet the informational needs of a range of different audiences. In the interest of making the content as accessible as possible to this varied audience, the following explanations may be useful to readers not possessing a research background.

Item refers to a single survey question. Item examples include “What is your age?” and “How many sick days have you taken in the last 12 months?”

Some items are grouped together into ‘**variables**’ because the items capture different aspects of a wider topic. An example includes the items “Helped others who have been absent” and “Willingly gave your time to help others with work related problems” – both these items are part of a variable called “Organisational Citizenship Behaviour.”

The terms “**factor**” and “**dimension**” refer to (sub) variables *within* an overarching variable. For example, the variable *Job Satisfaction* is broken into two dimensions; Extrinsic Job Satisfaction (which is measured via 8 survey items), and Intrinsic Job Satisfaction (7 survey items). Extrinsic Job Satisfaction can be used as a variable by itself, or be used as part of the wider Job Satisfaction variable.

Attrition refers to survey respondents who did not complete the full data collection. An example is a survey respondent who completed the first survey, but did not complete the second survey. Attrition can be biased or random in nature, with biased attrition usually pointing to an issue with survey content, and/or the representativeness and generalisability of the sample.

Attrition differs from ‘**Screened in / out conditions,**’ where rules are used to deliberately exclude some respondents from answering certain questions. An example of screening in – out includes a lawyer indicating on one item they do not work in private practice, then being excluded from answering a follow-up question asking what type of private practice firm they are employed in.

Common ways to describe screened in – out conditions is “**skipping items**” or “**using skip-logic.**” The rules used to determine which respondents answer each set of questions are can be imbedded into online surveys using **algorithms**. Algorithms ensure that if, based on earlier responses indicating some items should be ‘skipped’, any questions not relevant to a certain respondent are simply not presented.

In this research project, the main screened in-out condition relates to mistreatment experiences, where survey participants who did not meet the screened-in condition rules were ‘screened-out’ of answering a range of other survey items.

In this project, attrition and other sample differences were assessed via “**independent sample t-tests.**” Independent sample t-tests test for differences in means (average scores) on a variable between two separate samples. One example of two independent samples is respondents who complete both surveys versus those who only complete one of the two surveys. A second example is respondents who are screened-in-versus screened-out for mistreatment.

Differences between the lawyer and professionals sample, and between lawyers employed in private practice and lawyers employed elsewhere (e.g., government/corporate) were also examined via independent sample t-tests.

Differences between lawyers employed in different types of private practice (e.g., Top-tier, mid-tier) were examined via **analysis-of-variance (ANOVA)**. ANOVA tests for differences in average scores between *two or more groups*, such as firm type sub-groups within the private practice lawyer sample (e.g., top-tier, mid-tier, boutique, suburban, and sole practitioner).

Bivariate correlation analysis (“*r*”) is used to explore relationships between two variables. A relationship exists when as the value of one variable changes (increases or decreases) the value of the second variable also moves (increases or decreases).

A correlation value can range from -1.0 through to +1.0. A correlation gives the *direction* and the *strength* of the relationship. The direction may be positive; as one value increases so does the other value, or negative; as one value increases, the other decreases. Relationship strength is outlined in more detail later in this report; however, broadly speaking, the closer the correlation to ± 1.0 , the stronger the relationship. For example, research has shown that job satisfaction and turnover intention negatively correlate;¹⁹ as job satisfaction increases, an employee’s intention to resign decreases.

A “**significance level**” of $p \leq .05$ was applied to all statistical tests. If a result is described as ‘significant’, this description means the likelihood of the result occurring only ‘by chance’ or accidentally (in error) is minimal ($\leq 1/20$; $\leq 5\%$).

The use of any analytical technique is subject to meeting certain statistical and mathematical “**assumptions**.” Assumptions essentially refer to the mathematical and statistical qualities of the data required for a given statistical technique to be considered valid and reliable.

A common assumption is the data is “**normal**”; in other words, the data is spread across an expected range in such a way that most data are clustered around the middle of the range (around the average), with less and less data as the scores extend out above or below the average.

When assumptions of analytical techniques were not met, alternative data analysis techniques were used and/or sample based differences are described but not tested statistically. Examples include the extreme non-normality of the distributions of the various types of poor interpersonal behaviour.²⁰ Note, as a ‘non-normal behaviour’, poor interpersonal behaviour scores are not expected to be normally distributed.

Advanced statistical techniques were also used, particularly to analyse the process-related data discussed in Sections 10 and 12. This data included relationships between poor interpersonal behaviour stressors, cognitive appraisal leading to emotional (affective) responses, coping strategies, and employee wellbeing. These techniques included **confirmatory factor analysis** (CFA: to minimise measurement error), **equal form invariance testing** (to ensure the measurement factor structures were similar both within and between samples), and **structural equation modelling** (SEM; to test model fit for causal effects, e.g., for a mediated relationship).

The findings of these more advanced techniques are presented in non-statistical terms to better facilitate an understanding of the key analytical findings, with technical data included in endnotes were relevant.

Methodology: Sample Characteristics and Attrition Analysis

Lawyers

Five hundred and forty ($n_{T1(\text{Initial})} = 540$) lawyers completed the T1 survey (See Table 1).²¹

The majority of lawyer respondents worked in private practice. Most private practice respondents held the position of solicitor, with nearly half (46.2%) these respondents working in either top- or mid-tier firms (see Figures 1 and 2).

Approximately a quarter (24.1%) of the 170 non-private practice lawyers held a front-line position, 20.7% a supervisory or managerial role, and 23% an executive or consultant role (Other: 32.2%).

Table 1: Lawyer Sample Characteristics

Demographic Variable	N	%
Gender		
Male	127	23.6
Female	413	76.4
<i>Total</i>	540	100
Age (Years)		
18 - 24	29	5.4
25 - 34	290	53.7
35 - 44	105	19.4
45 - 54	79	14.6
55 - 70	37	6.9
<i>Total</i>	540	100
Employment Status		
Full-Time	460	85.2
Part-time	63	11.7
Casual	6	1.1
Contract	11	2.0
<i>Total</i>	540	100
Law Employment Sector		
Private Practice	370	59.6
Other	170	30.4
<i>Total</i>	540	100
Position (Private Practice only)		
Administration / Shared Services	1	.3
Law clerk	1	.3
Paralegal	1	.3
Trainee solicitor	11	3.0
Solicitor	208	56.2
Associate	54	14.6
Senior Associate	56	15.1
Special counsel	16	4.3
Salaried Partner (or equivalent)	15	4.1
Equity Partner (or equivalent)	7	1.9
<i>Total</i>	370	100
Firm Type (Private Practice only)		
Top-Tier	53	14.3
Mid-Tier	118	31.9
Specialist / Boutique	86	23.2
Suburban Firm	65	17.6
Sole Practitioner	21	5.7
Other (e.g., at the Bar)	27	7.3
<i>Total</i>	370	100

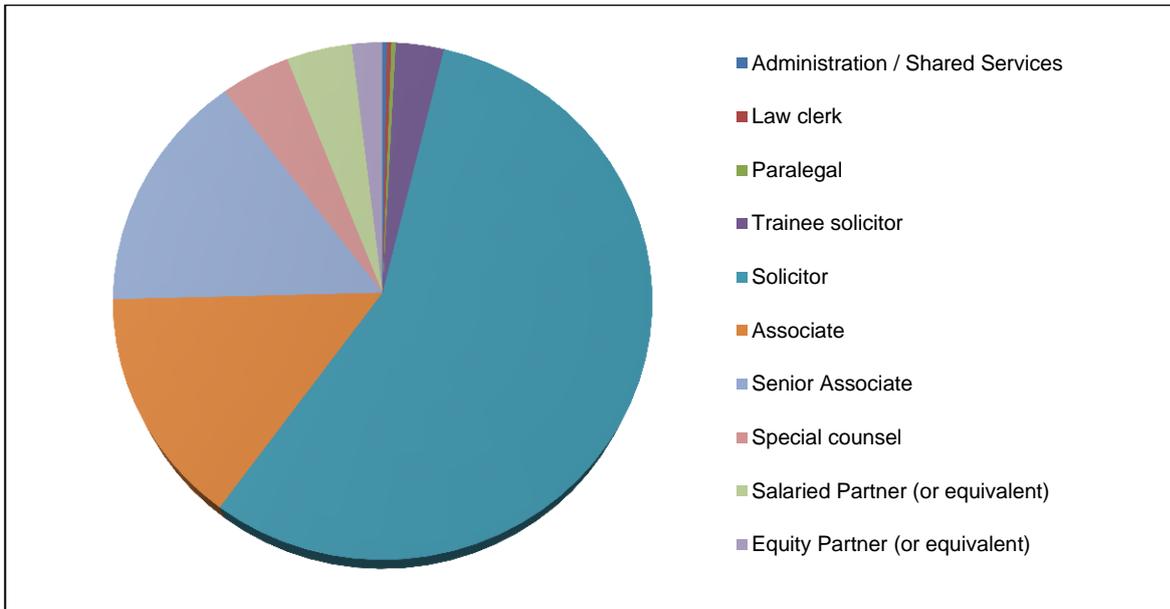


Figure 1: Private Practice Respondent Position Titles

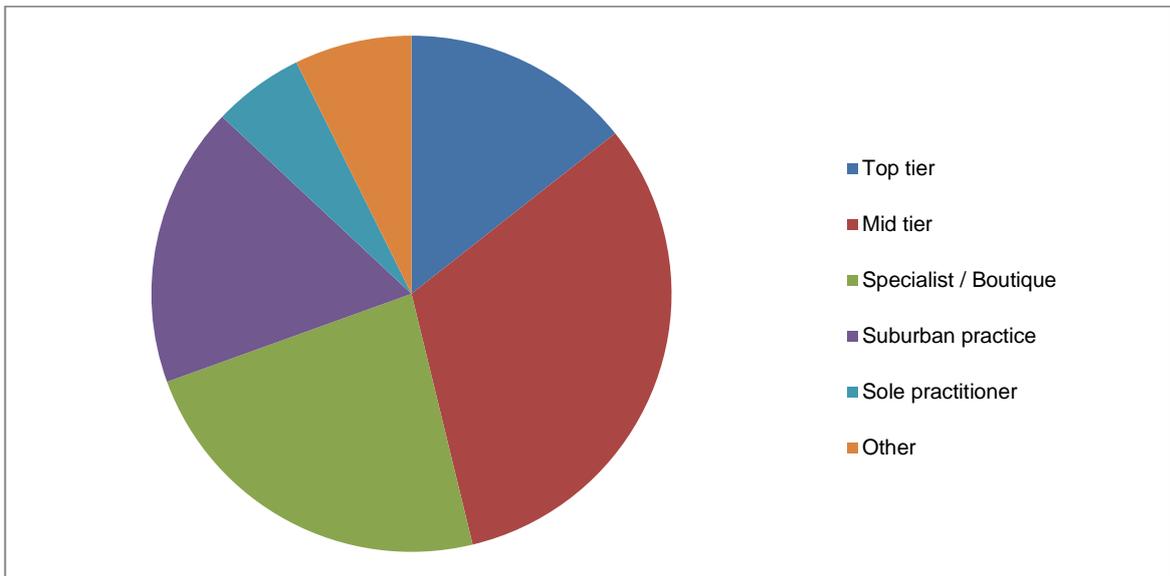


Figure 2: Private Practice Respondent Firm Type

About half (55.5%) the lawyer sample were absent (on sick leave) for 3 or less days in the preceding 12 month period.

High-level absenteeism is defined as sick leave that meets or exceeds the standard entitlement of 10 days per annum. Based on average Australian solicitor salaries, 10 days sick leave results in a \$3,997 per annum loss in productivity per lawyer.²²

High-level absenteeism rates in the overall lawyer sample were 8.7%; however, rates varied by lawyer sub-sample. High-level absenteeism rates in the non-private practice sub-sample were about 2.5 times higher than the private practice lawyer sub-sample (14.2 vs. 6.2%).

The absenteeism data may indicate a tendency for private practice lawyers to avoid taking sick leave, which may result in presenteeism instead. Presenteeism occurs when an employee is present at work but is physically too sick, and/or is otherwise not able to

perform to expected capacity, leading to errors in or reduced levels of task performance. Although less tangible in nature, presenteeism is commonly estimated to cost approximately four times absenteeism costs.²³

The lawyer sample size varied between and within the two time points due to attrition, and the screened-in/screened-out condition in T2.

Three-hundred and fifty-six lawyers ($n_{T2(\text{Initial})} = 356$) completed the T2 survey. This response rate represented a 34% attrition rate ($n_{T1-T2\text{Attrition}} = 184$).

Two hundred and forty-five respondents ($n_{T2\text{Mistreat}} = 245$) were screened-in because they met the pre-set minimum score on a specific psychosocial stressor called mistreatment.

The screened-in target sample ($n_{T2(\text{Mistreat})}$) was mainly female ($n_{\text{Female}} = 183, 74.7\%$), aged between 22 and 63 years with a mean of 35.2 years, and an average of 7.68 years post admission experience (PAE).

Attrition Analysis (Lawyer Sample)

T1 and T2 survey 'incompletes' (within-survey attrition) did not indicate any systematic refusal to complete certain items or sets of items. The T1 and T2 samples did not differ in age, gender, years post admission experience (PAE), organisational citizenship behaviour, psychological or psychosomatic health wellbeing, or job satisfaction.²⁴ The only significant difference between the T1 and T2 sample was for organisational tenure (2.7 vs. 3 years).

From both a demographic and job performance variables point of view, the T2 sample is representative of the T1 sample, and the attrition within and between the two time-points is considered random rather than systematic in nature.

No significant demographic differences were found between the T2 screened-in and screened-out samples.

Comparison Sample

Two hundred and sixty-eight ($n_{T1(\text{Initial} - \text{Comparison})} = 268$) professional, white-collar, full-time professionals ("Professionals") completed the T1 survey. The T1 sample was approximately gender balanced ($n_{\text{Female}} = 138$), aged between 19 and 71 years with a mean of 40.16 years, and had a mean of 6.37 years' experience in their present role.

Approximately half (46.6%) the professional respondents held either a managerial or supervisory role. Over a quarter (28.7%) held a frontline role, with approximately 15% holding a consultant or executive role.

Compared to lawyers, a greater proportion (66.2%) of the professional sample were absent for 3 or less days per annum. However, at 7.4% professional high-level absenteeism rates were slightly lower than the overall lawyer sample (cf. 8.7%).

Two hundred and nineteen ($n_{T2(\text{Initial} - \text{Comparison})} = 219$) completed the T2 survey, representing a 18.2% attrition rate ($n_{T1-T2\text{Attrition} - \text{Comparison}} = 49$). Of the T2 respondents, 136 met the pre-set minimum score on mistreatment to answer the rest of the T2 items ($n_{T2\text{Mistreat} - \text{Comparison}} = 136$).

The screened-in ($n_{T2(\text{Mistreat} - \text{Comparison})}$) sample was also approximately gender-balanced ($n_{\text{Male}} = 78, 57.4\%$), aged between 22 and 64 years with a mean of 39.1 years, and a mean of 6.31 years' experience in their present role. Approximately 1 in 5 (22.1%) held a front

line position, 52.9% a supervisory or managerial role, and 17.6% an executive or consultant role.

There were no significant demographic differences between the T2 screened-in and screened-out sample.

Attrition Analysis (Professionals)

The T1 and T2 sample did not differ in age, years' experience in current role, organisational citizenship behaviour, psychological or psychosomatic health wellbeing, or job satisfaction.²⁵ Between T1 and T2, more females dropped out than males. However, the sample remained gender-balanced. An overall retention rate of over 80% of the T1 sample also suggests this drop-out difference is unlikely to have had any practical impact.

The T2 sample is considered representative of the T2 sample, and the attrition between the two time-points was largely random rather than systematic in nature.

The screened-in ($n_{T2(\text{Mistreat} - \text{Comparison})}$) sample was also approximately gender balanced ($n_{\text{Male}} = 78, 57.4\%$), aged between 22 and 64 years with a mean of 39.1 years, and had a mean of 6.31 years' experience in their present role.

There were no significant differences in demographic characteristics between the T2 screened-in and screened-out samples.²⁶

Research Findings Section 1: Organisational Context

For the purposes of this report, organisational context broadly refers to the characteristics of an employee's working environment, which includes but is not limited to organisational culture characteristics.

The term "*organisational culture*" means the values, norms, beliefs and customs that an employee holds in common with other employees of the same organisation. Culture is divided into three levels. These levels are 1) overt behaviours and physical symbols; 2) a sense of what ought to be (referred to as 'values'), and 3) 'taken for granted' basic assumptions regarding 'how things are done' in a given workplace.²⁷

Strong cultures can be thought of as a control system, social glue and a means of sense-making within an organisation.²⁸

Many organisational context factors relate directly to both employee wellbeing and job performance, and can either foster or deter certain employee behaviours, including poor interpersonal behaviour, which can then also affect wellbeing.²⁹ Three such factors are:

- *Organisational Climate (Ethical Climate): The day-to-day manifestations of culture, often described in terms of "a climate of (e.g., safety / ethics)."*

An ethical climate is characterised by positive organisational norms that reflect ethical standards. Ethical climates relate positively to job satisfaction, organisational commitment and psychological wellbeing.³⁰ Unethical climates foster unethical behaviour, including the breaking of rules regarding 'acceptable' behaviour. Higher rates of poor interpersonal behaviour such as bullying and sexual harassment, which do not conform to accepted standards of positive and normative behaviour,³¹ tend to occur in organisations with unethical climates.

- *Organisational Formalisation: The extent to which work roles are structured and the activities of the employees are governed by rules, policies and procedures.*

The core purpose of formalisation is to standardise what gets done, and how it is done in a given workplace. Formalisation includes both *generalised elements* (e.g., a structural chart that outlines the hierarchy and layers of authority within a workgroup) and *sophisticated human resource practices-based elements* (e.g., a documented set of rules that determine promotions and advancements). In providing a control system of sorts, formalisation relates directly to employee wellbeing and organisational performance.³² Typically, higher levels of formalisation also reduce autonomy, which tends to reduce the opportunity for deviant behaviour, such as bullying.³³

- *Leadership Behaviour (Laissez-Faire Leadership Style): A leadership style defined as "the absence of leadership, the avoidance of intervention, or both."³⁴*

Once considered a form of passive 'non-leadership', a laissez-faire style is now referred to as particularly destructive leadership behaviour. A laissez-faire leader does not interact nor foster agreements with their followers, delays making decisions, fails to offer feedback and rewards, does not foster employee involvement, and makes little to no attempts to motivate individual employees, nor recognise and satisfy their needs. In addition to influencing organisational culture, (e.g. via the display of negative behaviours employees then imitate), a laissez-faire leadership style directly relates to both job performance and employee wellbeing.³⁵ Further, in failing to act when poor interpersonal behaviour occurs (i.e. not punishing perpetrators), a laissez-faire leader implicitly endorses deviant behaviour as acceptable, increasing exposure to work-context risk factors known to negatively impact employee wellbeing.³⁶

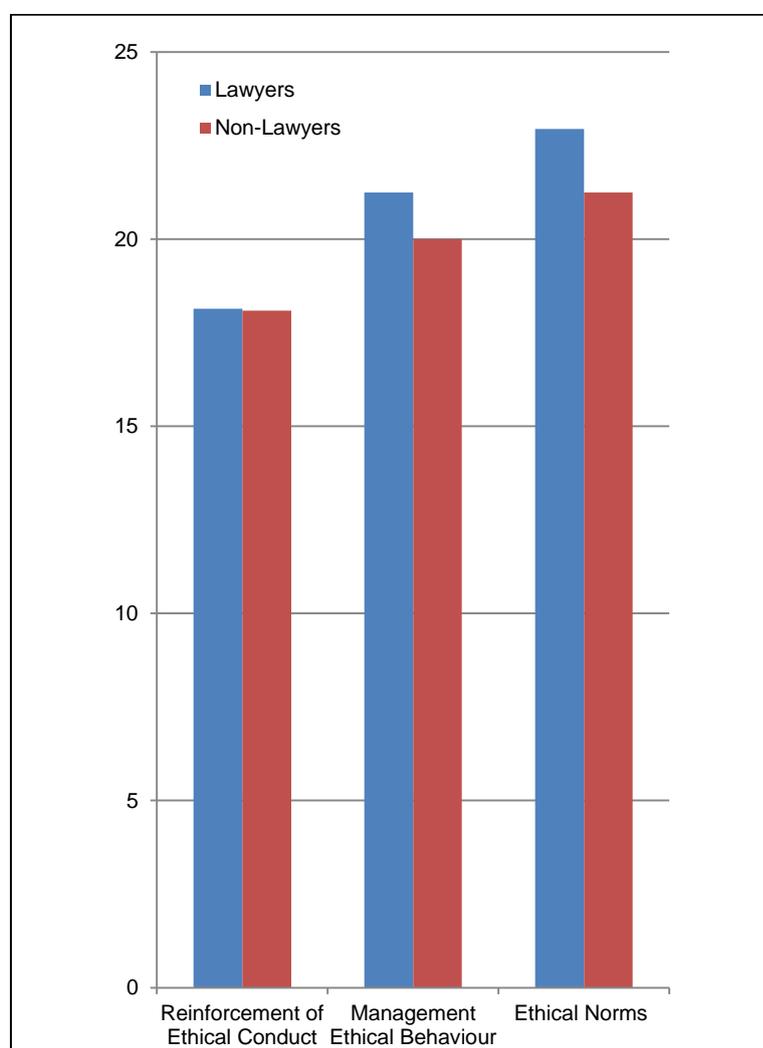
Comparative Data: Ethical Climate

Perceived ethical climate levels were significantly higher in the lawyer sample than the professional sample for the majority of ethical climate items (10 out of 17).

More specifically, in the lawyer sample levels of ethical norms and management ethical behaviour were significantly higher than the professional sample. On the third dimension, 'Reinforcement of ethical behaviour', differences between lawyers and professionals were not significant (See Figure 3).

There were no significant differences in perceived ethical climate for lawyers in private practice compared to lawyers working elsewhere (e.g., government / corporate).

Within the private practice lawyer sample there were no significant differences in overall ethical climate or ethical climate dimension scores (i.e. no significant differences based on firm type).



**Figure 3: Mean Ethical Climate Factor Scores
(Maximum Factor Score: 28)**

Comparative Data: Organisational Formalisation

Organisational formalisation levels were significantly lower in the lawyer sample than in the professional sample for the majority of organisational formalisation items (8 out of 10).

Both generalised formalisation and sophisticated human resources practices formalisation levels were significantly lower in the lawyer sample than in the professional sample (see Figure 4).

Levels of formalisation were significantly lower for private practice lawyers than for lawyers working elsewhere (e.g., government/corporate; see Figure 4).

Significant differences in both types of formalisation also existed within the private practice lawyer sample based on firm type (see Figure 5).

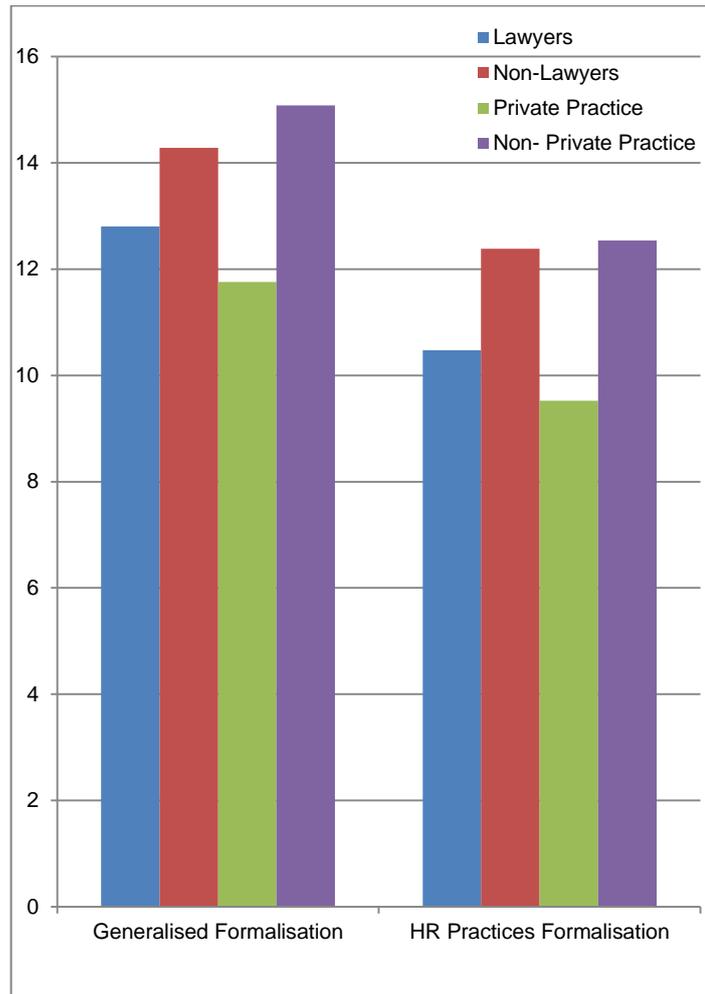


Figure 4: Mean Scores Categories of Organisational Formalisation (Maximum score per category: 20)

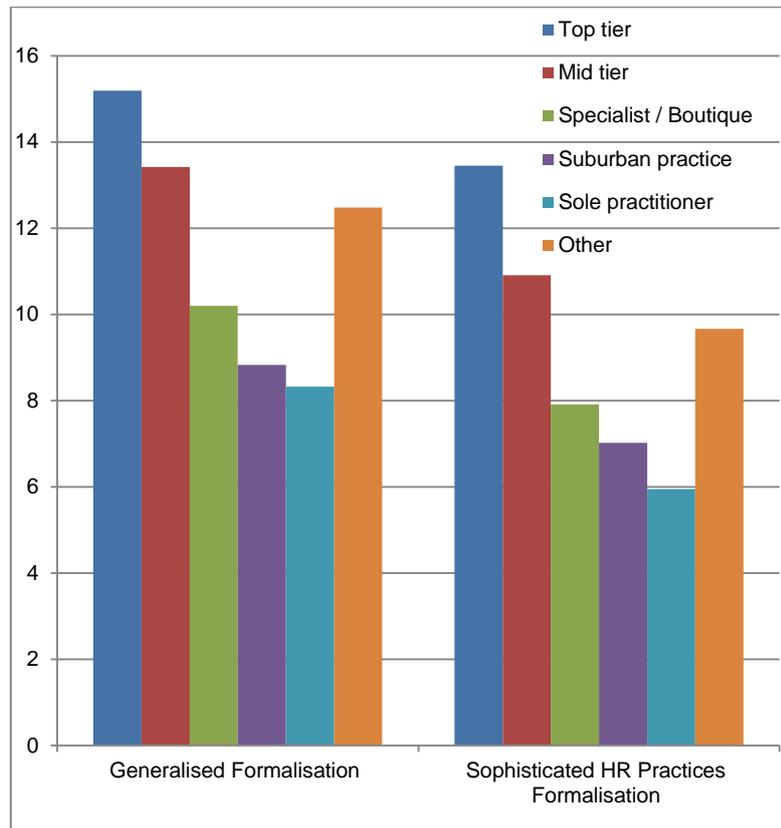


Figure 5: Mean Scores for Categories of Organisational Formalisation (Maximum score per category: 20)

Comparative Data: Leadership Behaviour (Laissez-Faire Leadership)

For 6 of 7 items, no significant differences in laissez-faire leadership levels were found between the lawyer sample and the professional sample. However, compared to their professional counterparts, lawyers reported significantly higher levels of the laissez-faire leadership behaviour, “If I don’t bother my manager, my manager doesn’t bother me.”

While mean scores for all laissez-faire items were higher in private practice than in non-private practice (e.g., government/corporate), these differences in laissez-faire leadership behaviour experienced by lawyers working in private practice versus lawyers working elsewhere were not statistically significant.

Within the private practice lawyer sample, significant differences existed for both overall laissez-faire leadership and for the majority (5 of 7) laissez-faire leadership behaviours (See Figures 6 and 7).

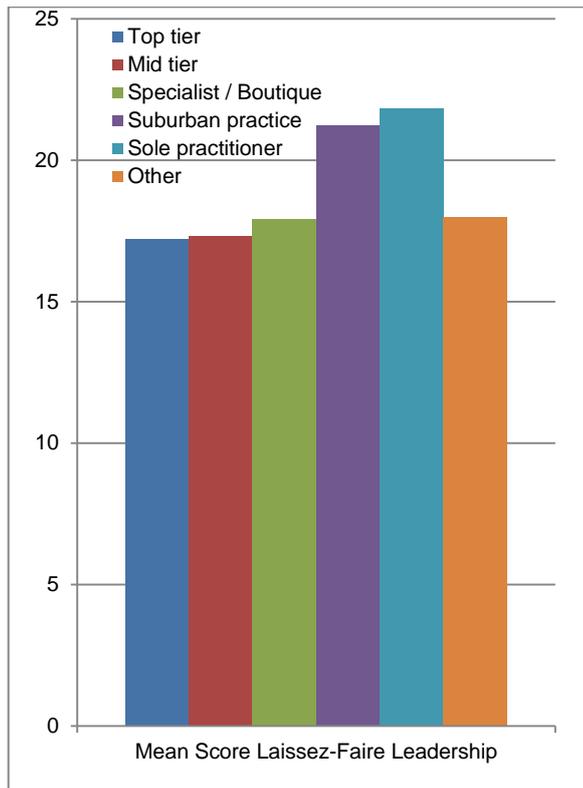


Figure 6: Mean Score Laissez-Faire Leadership
(Maximum score: 35)

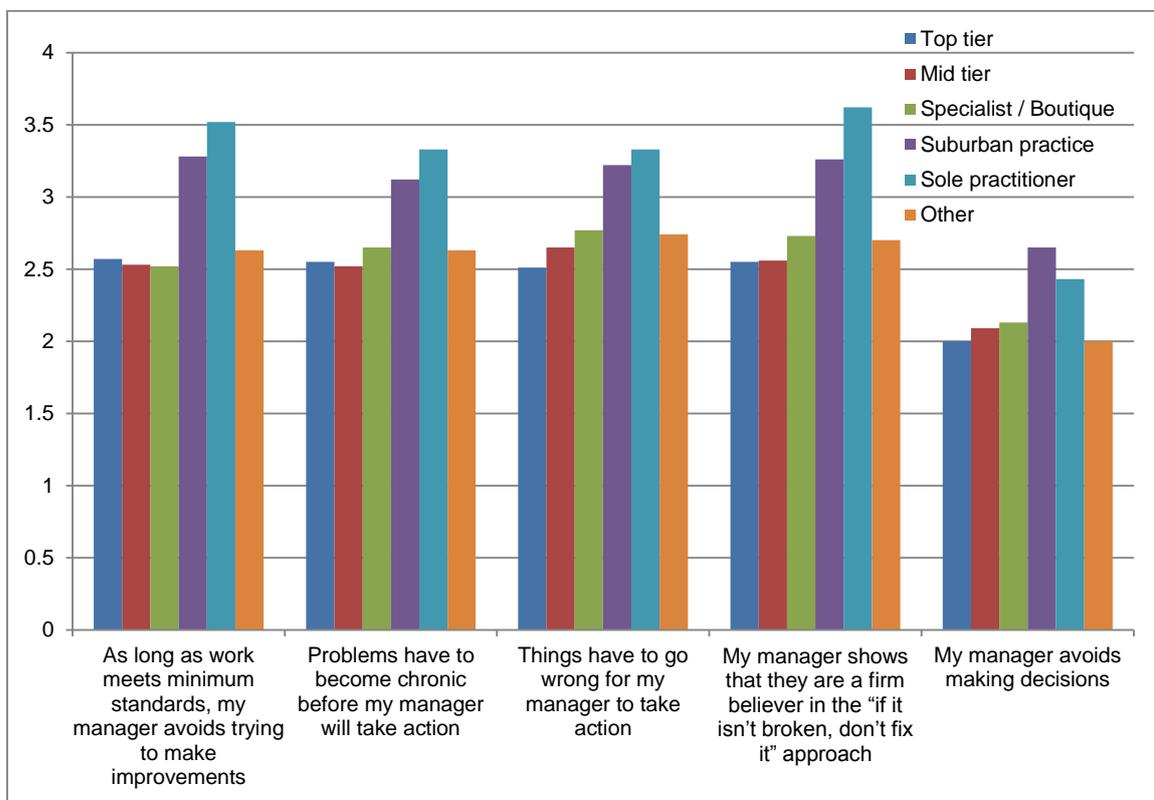


Figure 7: Mean Score Specific Laissez-Faire Leadership Items
(Maximum item score: 7)

Key Discussion Points and Recommendations

A highly ethical climate can serve as a deterrent to many types of poor employee conduct. Leadership and management are responsible for actively modelling ethical conduct – for ‘walking the talk’ on ethics - and ensuring ethical standards are reinforced.

Recommendation: Leadership of any organisation to ensure all three levels of organisational culture support an ethical climate, e.g., ethical conduct communicated as a ‘taken for granted’ assumption about how things should be done (level 3 of organisational culture), ethics adopted as a core value (level 2 of organisational culture) and leaders to role model ethical behaviour norms (level 1 of organisational culture).

Organisations employing professionals would benefit from paying increased attention to ethical climate factors, given lawyers perceive their work climates to be significantly more ethical than professionals perceive their work climates to be.

This difference is likely at least in part due to the nature of law as a profession underpinned by ethical standards, and the fact lawyers undergo compulsory ethics-centric continued professional development (CPD) training each year.

Reinforcement of ethical behaviour attracted the lowest scores in all samples, suggesting a need for management in general to increase reward and recognition of ethical behaviour, and more effectively discipline employee behaviours that violate ethical norms. Efforts on this front should actively address perceptions that employees will be passively permitted to engage in unethical conduct if their technical (task) job performance meets expectations.

Recommendation: Ethical conduct criteria should be included in performance appraisal processes and attract the same weight as technical competence criteria to ensure both the way work is conducted (cultural behaviours; the *process* of getting things done) and the outcome (task performance) are considered equally important.

As a control system of sorts, formalisation is also a potential deterrent of deviant employee behaviour. Formalisation-wise, lawyers working in private practice experience the lowest levels of both generalised and sophisticated HR practices formalisation of all sub-samples. Mean formalisation scores in private practice were only approximately half the possible scores. Further, within private practice a downward trend is noted from top-tier to sole practitioner firms for both formalisation types. These findings suggest low formalisation levels are a private practice issue in general, highlighting a need for private practice firms to develop and implement policy and procedures to provide adequate guidance on how work should be conducted.

Recommendation: Law firm principal training should include a component on the benefits of and ways to develop and implement formalisation practices. Law societies could also consider providing tailored formalisation assistance programs for specialist/ boutique, suburban and sole practitioner practices.

Sophisticated HR practices formalisation is lower than generalised formalisation in all sub-samples, suggesting an overall need for greater implementation of strategic human resource practices. These activities include but are not limited to having a documented “code of conduct” or rules that outline how employees are expected to behave, conducting regular culture surveys to ensure employees are following the rules regarding work behaviour, having a documented internal complaints / grievance procedure, conducting formal, ongoing training / development programs on policies and procedures, and ensuring that promotions and advancements occur in accordance with a documented set of rules, rather than in an ad-hoc manner.

While differences in laissez-faire leadership levels were generally non-significant, the data suggests lawyer leaders are more likely than professional leaders to adopt this destructive non-leadership style, including steering clear of actively leading or engaging with their staff unless the subordinate instigates the contact.

Recommendation: As for formalisation, law firm principal training should include a leadership component emphasising constructive leadership styles.

Positive leadership styles include both transactional (e.g., use of rewards and punishments, and the active management of exceptions to expected performance) and transformational (e.g., motivating) behaviours. Training in positive leadership behaviours would assist in not only reducing destructive leadership behaviours, but also in increasing effective reinforcement of ethical behaviour, as mentioned above.³⁷

Given laissez-faire leadership behaviour levels are consistently higher in suburban and sole practitioner practices than in other types of private practice, leaders of these firm types would benefit from more tailored, in-depth leadership development programs.

Research Findings Section 2: Employee Health and Wellbeing

Workplace wellbeing relates to all aspects of working life, from the quality and safety of the physical environment, to how workers feel about their work, their working environment, the climate at work and work organization. The aim of measures for workplace well-being is to complement OSH measures to make sure workers are safe, healthy, satisfied and engaged at work. Workers well-being is a key factor in determining an organisation's long-term effectiveness. Many studies show a direct link between productivity levels and the general health and well-being of the workforce.

(The International Labour Organisation)³⁸

Health and wellbeing are generally accepted to include elements of physical, mental (psychological), emotional (affective), social and spiritual health.

Employee health and wellbeing are well-known to affect organisational effectiveness via their relationship with turnover and performance, amongst other critical employee behaviours. Employee health and wellbeing are influenced by personality traits, the work setting, occupational stressors such as work overload, long hours, the quality of the physical working environment and the quality of relationships at work, and organisational culture and climate.³⁹

Both psychological wellbeing and psychosomatic health wellbeing were investigated in this research project. To overcome previous research criticisms, psychological wellbeing was assessed with the internationally validated and reliable self-report survey the General Health Questionnaire (GHQ-12).⁴⁰ The GHQ-12 is widely used in consulting and clinical settings as a medical screening measure of psychological wellbeing. The tool is used to diagnose individuals likely suffering, or at risk of developing, a mental health disorder. These disorders may be psychological or psychiatric in nature.⁴¹

Note the purpose of this research was not to classify individual respondents as likely suffering or at risk of a mental health disorder; the purpose was to reliability and validly compare psychological wellbeing levels across the samples/sub-samples.

The GHQ-12 includes three dimensions of psychological wellbeing, namely 1) anxiety and depression, 2) social dysfunction, and 3) loss of confidence.⁴²

Note a high score on this measure is indicative of *poor* psychological wellbeing.

Psychosomatic health wellbeing was measured with validated and reliable items from previous stress research, such as items from the Physical Health scale of the Occupational Stress Indicator,⁴³ and the Stress Profile.⁴⁴ Sample items include poor psychosomatic health symptoms such as headache, infections, fatigue, skin problems (e.g., rashes, breakouts) and nausea/stomach upsets, as well as increases in alcohol consumption and nicotine use. A total of fourteen items were categorised into two psychosomatic health wellbeing dimensions; poor physical health wellbeing, and (legal) substance use/abuse.

Similarly to psychological wellbeing, a high score on this measure is indicative of *poor* psychosomatic health wellbeing.

Use or abuse of non- or prescription drugs and/or use of recreational / illegal substances was not included due to ethical concerns.⁴⁵ In addition, social desirability biases mean such behaviour is typically substantially under-reported, leading to inaccurate results.⁴⁶

In addition to psychological and psychosomatic health wellbeing, both job satisfaction and commitment are considered pseudo-measures of employee emotional wellbeing because

both attitudes are influenced strongly by affect/emotions.⁴⁷ This section of the report is restricted to the psychological and psychosomatic wellbeing results, with key comparative data for these two attitudes presented alongside job performance data in Section 3.

Comparative Data: Psychological Wellbeing

Lawyers reported significantly lower levels of overall psychological wellbeing than the professional sample (note high scores indicate low wellbeing).

Specifically, at dimension level, social dysfunction scores were significantly higher in the lawyer sample than in the professional sample.

Overall psychological wellbeing levels of lawyers working in private practice were significantly lower than for lawyers working elsewhere (e.g., government/corporate).

Private practice lawyers had the lowest levels of psychological wellbeing of all four sub-samples (see Figure 8).

There were no significant differences in overall psychological wellbeing or in any of the three sub-dimensions within the private practice lawyer sample (i.e. no significant differences based on firm type).

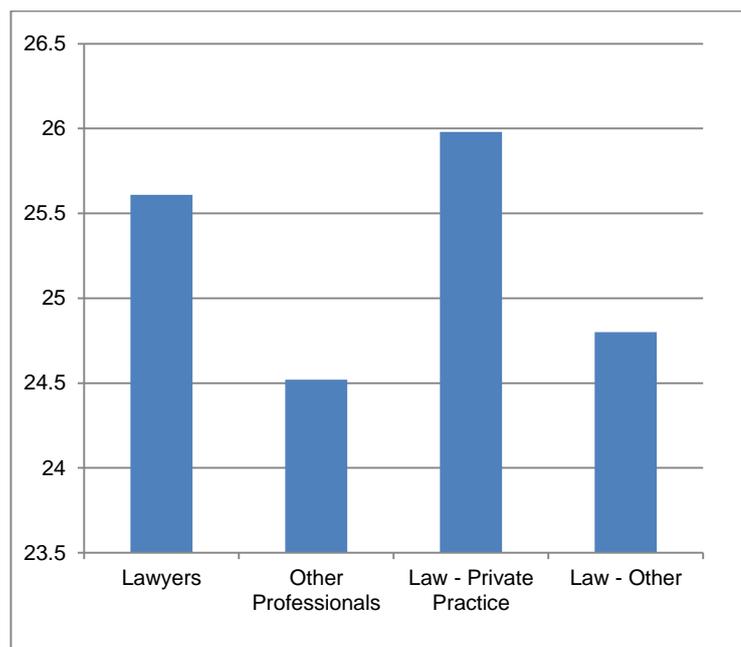


Figure 8: Differences in Psychological Wellbeing
(Maximum Score: 48)

Comparative Data: Psychosomatic Health Wellbeing

Lawyers reported significantly lower levels of overall psychosomatic health wellbeing than the professional sample (note high scores indicate low wellbeing).

More specifically, levels of physical health wellbeing were significantly lower in the lawyer sample than in the professional sample, and levels of substance use/abuse (increased use of nicotine and increased consumption of alcohol) were significantly higher in the lawyer sample than in the professional sample.⁴⁸

Levels of overall psychosomatic health wellbeing and physical health were significantly lower for lawyers working in private practice than for lawyers working elsewhere (e.g., government/corporate).

Levels of substance use/abuse were significantly higher for lawyers working in private practice than for lawyers working elsewhere (See Figures 9 - 11).

Lawyers working in private practice had the lowest level of physical health and highest level of substance use/abuse of all the four sub-samples.

Within the private practice lawyer sample, there were no significant differences in overall psychosomatic health wellbeing or its sub-dimensions based on firm type.

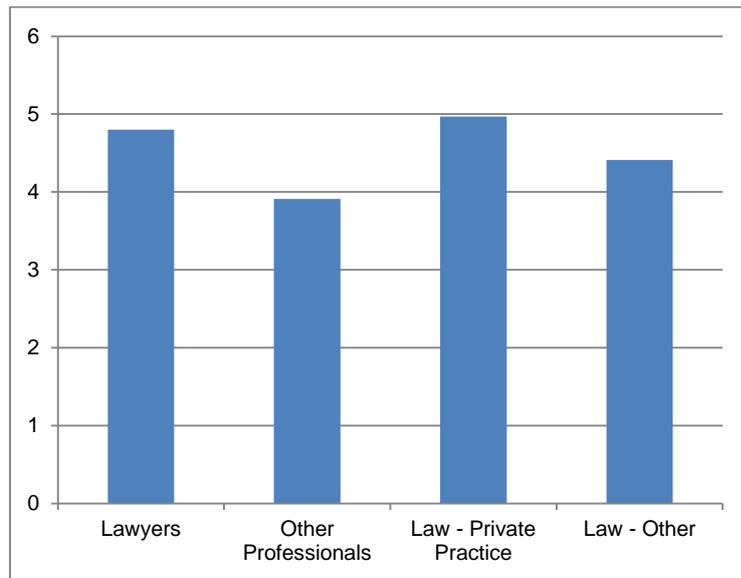


Figure 9: Differences in Psychosomatic Health Wellbeing (Overall)
(Maximum Score: 14)

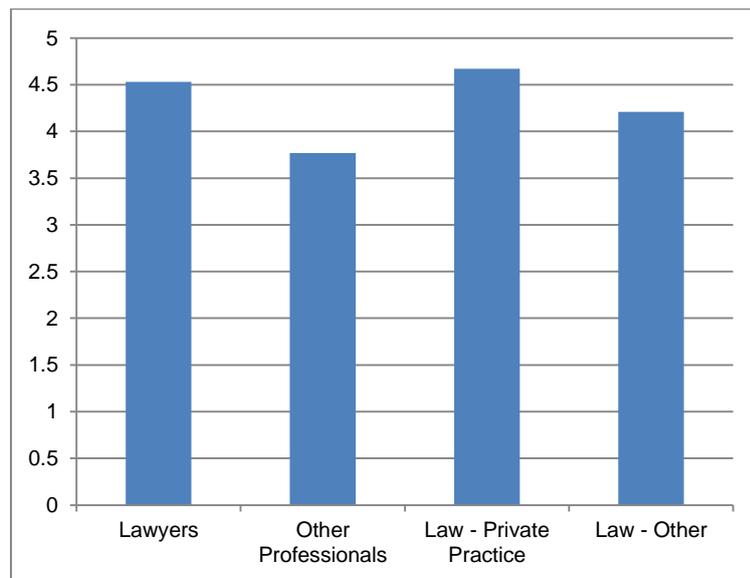


Figure 10: Differences in Physical Health Wellbeing
(Maximum Score: 12)

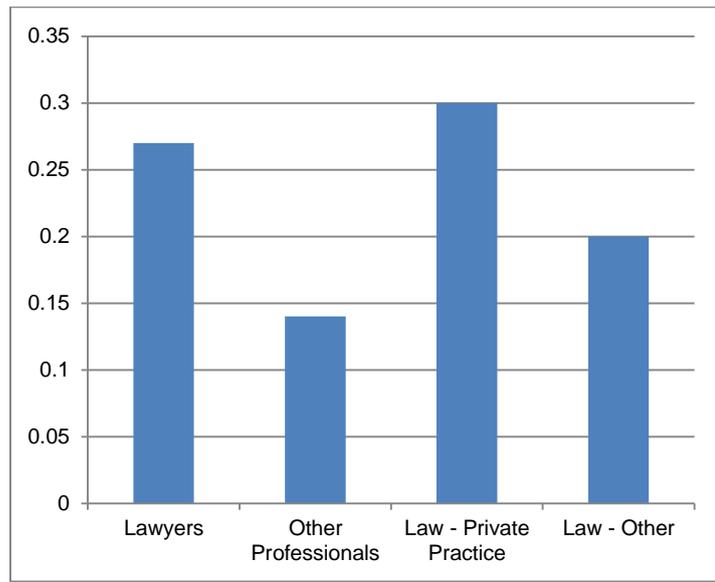


Figure 11: Differences in Substance Use/abuse (Maximum Score: 2)

Key Discussion Points and Recommendations

The mental health and wellbeing of lawyers is a key issue facing the legal profession. As stated earlier in this report, anecdotal evidence and previous research findings suggest levels of mental health issues are substantially higher within the legal profession compared to other professions. However, previous research findings have attracted criticisms centred on the use of self-report and/or self-labelling data, non-validated measures, different measures, and sampling or comparison biases.

The findings outlined in this section of the report are the result of an advanced level research project data collection carefully designed and executed to address each of the aforementioned criticisms.

The analysis provides rigorous, reliable and valid empirical evidence that lawyers suffer significantly lower levels of psychological and psychosomatic health wellbeing than other professionals.

The evidence also suggests that these wellbeing issues are worst in the private practice law setting, with private practice lawyers suffering the lowest levels of psychological and psychosomatic health wellbeing of all samples/sub-samples, and no significant differences occurring based on the specific type of private practice a lawyer is employed in.

Notably, the mean level of substance use/abuse amongst lawyers is twice that of other professionals, with private practice lawyer mean levels of substance use/abuse 50% higher than lawyers working elsewhere.

Key Discussion Point: There is a clear need to identify and actively address the key causes of poor mental health in lawyers, particularly those working in private practice settings.

Recommendation: Relevant parties, including but not limited to law firms, law societies, legal profession affiliated bodies, and government departments to commit to engaging in, funding and sharing the results of continued empirical research to isolate key causes of lawyer mental health problems.

Research may be conducted in-house by suitably qualified individuals or research consulting companies, sponsored via providing direct research funding to suitably qualified researchers (including the provision of researcher higher degree student scholarships), or conducted in partnership with universities (e.g. as part of Australian Research Council Linkage Grants), amongst other methods.

Recommendation: All employers, private practice law firms in particular, to commit to a) improving lawyer mental health as key strategic imperative, and b) integrating available research findings on causes of poor mental health into tailored intervention programs that are not only implemented but also evaluated for their effectiveness.

Recommendation: Mental health training is uncommon amongst organisations, with over 80% of the 2011 APBS Report respondents stating they have not received any training with regard to dealing with mental illness in the work place. Employers and employees, especially those within private practice law, would benefit from mental health awareness and management training.

Recommendation: To assist in effectively identifying, managing and assisting employees at risk of and/or suffering a mental health issue, all workplaces would benefit from employing qualified mental health first aiders. These individuals possess skills including (but not limited to) recognising the signs and symptoms of mental health problems, providing appropriate initial help and support to someone experiencing a mental health problem and taking appropriate action if a crisis situation arises involving suicidal behaviour, panic attacks, trauma stress reactions, overdoses or threatening psychotic behaviour.⁴⁹

Research recommendation: Research into causes of mental health issues, interventions and associated topics to move away from anecdotal data, towards rigorous empirical data, gathered using validated, reliable and valid measurement tools and sound methodologies.

Research recommendation: To increase capacity in regards but not limited to research design, analytical complexities, and practical application of findings, research efforts should be multi-disciplinary. For example, legal researchers would benefit from collaborating with researchers with psychology, behavioural and social sciences, health, medical and business/management expertise.

Research Recommendation: An accessible list of appropriately skilled researchers, suggested measurement tools and reliable research designs and methodologies should be established by a suitable national group, such as the Wellness for Law Network. The creation and maintenance of this depository (e.g., a website) should be funded by the state and territory law societies via an annual financial contribution.

Research recommendation: Researchers should use suggested measurement tools to establish test-retest style comparative data. In other words, researchers should aim to reliably compare 'apples with apples' to clearly identify trends and differences across studies and samples.

Research Findings Section 3: Employee Attitudes and Job Performance

Employee job performance plays a key role in determining organisational effectiveness and efficiency, which both affect profitability. Job performance includes five components: 1) task performance, 2) organisational citizenship behaviour, 3) counterproductive/deviant behaviour, 4) joining and staying with the organisation, and 5) maintaining work attendance (absenteeism and presenteeism). These job performance behaviours are heavily influenced by attitudes, such as job satisfaction and organisational commitment.⁵⁰

Section 3 contains the results for job satisfaction, organisational commitment, and organisational citizenship behaviour. Note neither self- nor other-report task performance was included in this study.⁵¹ Three additional job performance elements, namely employee turnover, absenteeism (sick leave), presenteeism (in the form of mental exiting) and deviant behaviour (specifically, retaliation) are discussed in upcoming sections.

Job Satisfaction

- This employee attitude refers to the evaluative judgment an employee makes about their job or job situation. Job satisfaction is influenced by both positive and negative emotions, and is broken into two different dimensions; extrinsic and intrinsic. The extrinsic dimension includes, for example, satisfaction with pay, rewards and physical working conditions while the intrinsic dimension includes, for example, satisfaction with the opportunity to use one's abilities and the freedom to choose one's own methods of working.

As an attitude, job satisfaction shapes judgement-driven behaviours including job performance, such as organisational citizenship behaviour (see below) and employee turnover.⁵²

Organisational Commitment

- Also an employee attitude, organisational commitment broadly refers to the level of attachment an employee has to their organisation. Often talked about in terms of an employee's emotional attachment to, identification with, and involvement in their organisation, organisational commitment is similar to job satisfaction in that commitment is also strongly influenced by emotions, and similarly affects judgement driven-behaviours (including job performance). For example, employees with high levels of commitment tend to stay with their employer, because they *want* to do so.⁵³

Organisational Citizenship Behaviour (OCB)

- Influenced by attitudes such as job satisfaction and commitment, OCB is judgement-driven, job performance behaviour. Often called extra-role behaviour, OCB can be split into two dimensions depending upon the beneficiary: the organisation, or employees within the organisation.

OCB – Individual (OCBI) refers to behaviour that immediately benefits specific employees and in doing so indirectly contributes positively to the organisation. OCBI is often termed 'altruistic' or 'helping' behaviour.

OCB – Organisational (OCBO) are behaviours that benefit the organisation in general, but are not necessarily expected nor formally required. OCBO is often described as 'going above and beyond.'⁵⁴ Sample OCB behaviours include "Willingly gave your time to help others with work related problems" (OCBI) and "Attended functions that are not required but that help the organisations image" (OCBO).

Comparative Data: Job Satisfaction

No significant differences were found between lawyers and professionals in overall extrinsic or overall intrinsic satisfaction. However, significant differences existed between lawyers and professionals on the majority of job satisfaction items (12 of 15). These differences essentially 'cancel each other out' in the overall scores.¹

Specifically, compared to their professional counterparts, lawyers scored significantly higher on four intrinsic and three extrinsic job satisfaction items.

Lawyers are *more satisfied* than their professional counterparts in regards to:

- The freedom to choose their own methods of working;
- Their fellow workers;
- The recognition they get for good work;
- Their immediate boss; and
- The amount of responsibility they get given (See Figure 12a).

Compared to their professional counterparts, lawyers scored significantly lower on two intrinsic and three extrinsic job satisfaction items. Lawyers are *less satisfied* than their professional counterparts in regards to:

- Their rate of pay;
- Industrial relations between management and other workers;
- The chance of promotion;
- The way the organisation is managed; and
- The attention paid to suggestions they make (See Figure 12b).

Satisfaction with physical working conditions was significantly higher for lawyers working in private practice than for lawyers working elsewhere (e.g., government/corporate).

Satisfaction with rates of pay and hours of work were significantly lower for lawyers working in private practice than for lawyers working elsewhere.

Significant satisfaction differences were found within private practice in regards to physical working conditions, rate of pay and hours of work (see Figure 13).

¹ Mathematically, a high individual item score may effectively be counterbalanced by a low score on a different item within the same block. Hence, while overall scores are not significantly different, differences in scores between the two groups at item level provide more accurate and useful insights. This 'cancelling out' phenomenon was noted on multiple occasions throughout analysis undertaken for this report.

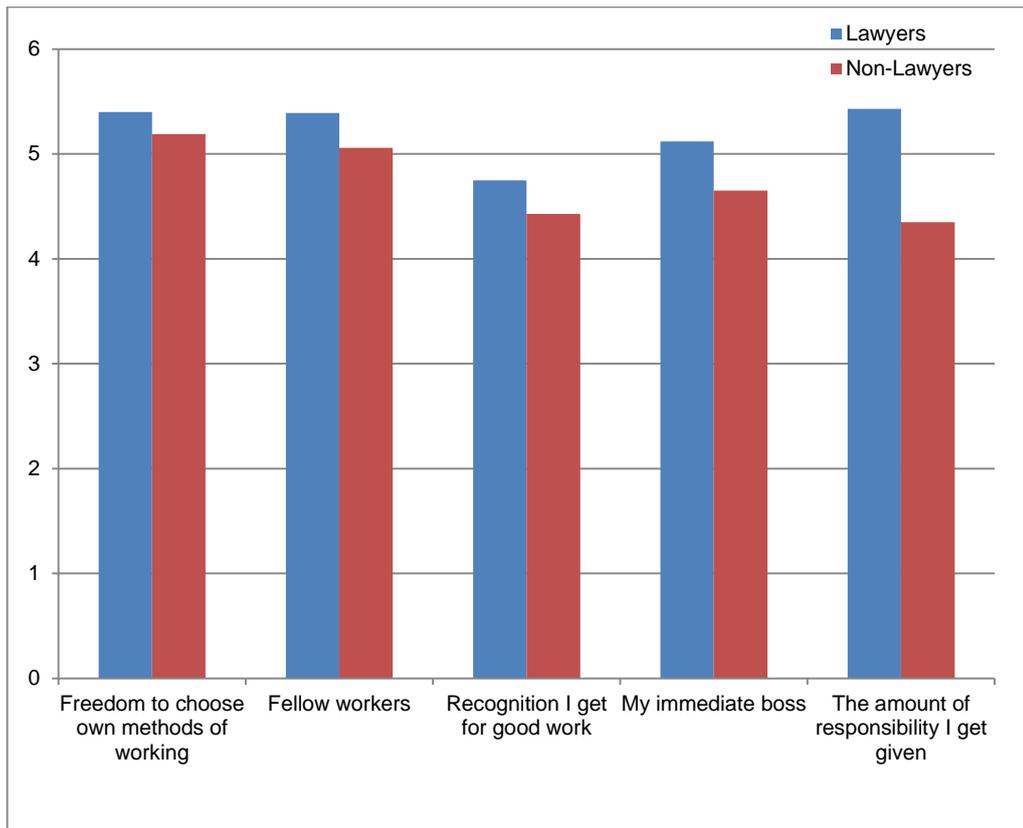


Figure 12a: Mean Score Selected Job Satisfaction Items (Maximum score: 7)

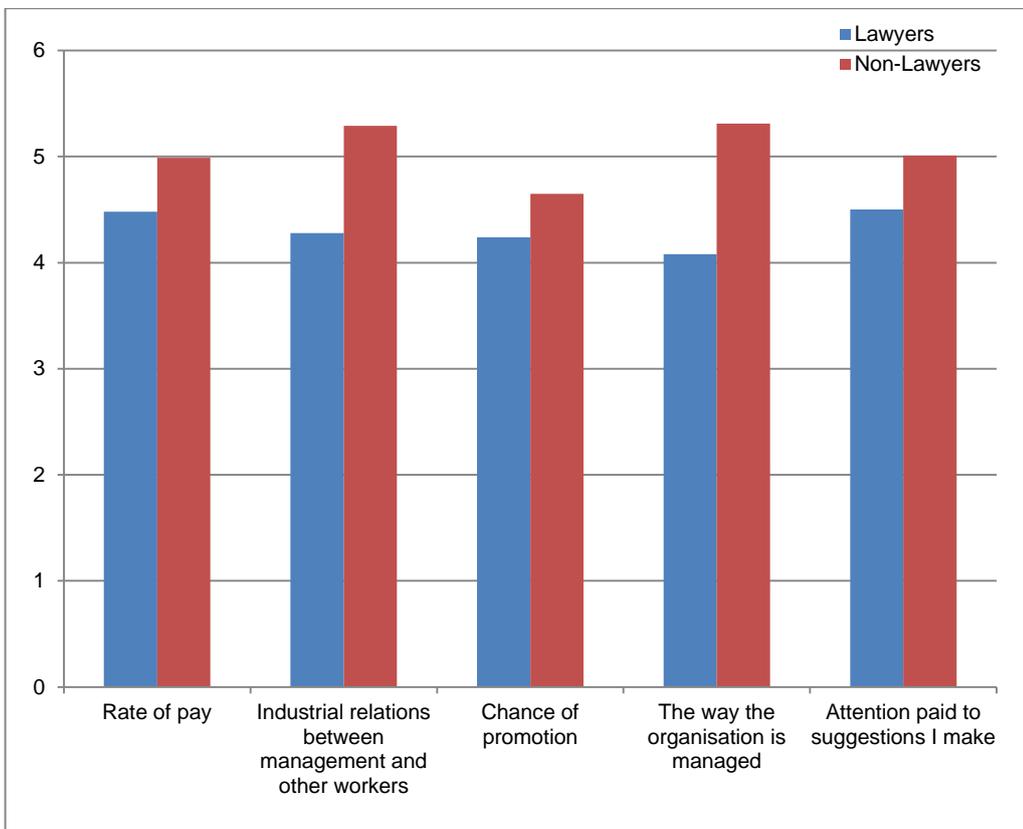


Figure 12b: Mean Score Selected Job Satisfaction Items (Maximum score: 7)



Figure 13: Differences in Selected Job Satisfaction Items Based on Private Practice Firm Type (Maximum Score: 7)

Comparative Data: Organisational Commitment

There were no significant differences between the lawyer and professional sample in overall organisational commitment scores. However, significant differences existed between the lawyer and professional sample on the majority of organisational commitment items (5 of 9). These differences ‘cancel each other out’ in the overall scores.

Specifically, compared to their professional counterparts, lawyers reported higher levels of commitment in regards to:

- I am quite proud to be able to tell others who I work for;
- I’m not willing to put myself out just for the organisation (reverse-scored)⁵⁵;
- In my work I like to feel like I am making some effort not just for myself but for the organisation as well; and
- To know my own work had made a contribution to the good of the organisation would please me.

Compared to their professional counterparts, lawyers scored significantly lower levels of commitment on the item, “I sometimes feel like leaving this employment for good,” which is reverse-scored (i.e. the lawyer sample higher score means lower commitment).

There were no significant differences in organisational commitment between lawyers working in private practice and lawyers working elsewhere (e.g., government/corporate).

Significant differences were identified within private practice for specific commitment aspects. These aspects included, “I am quite proud to be able to tell others who I work for”; “In my work I like to feel like I am making some effort not just for myself but for the organisation as well”, and, “I would not recommend a close friend to join our staff” (reverse-scored; see Figure 14).

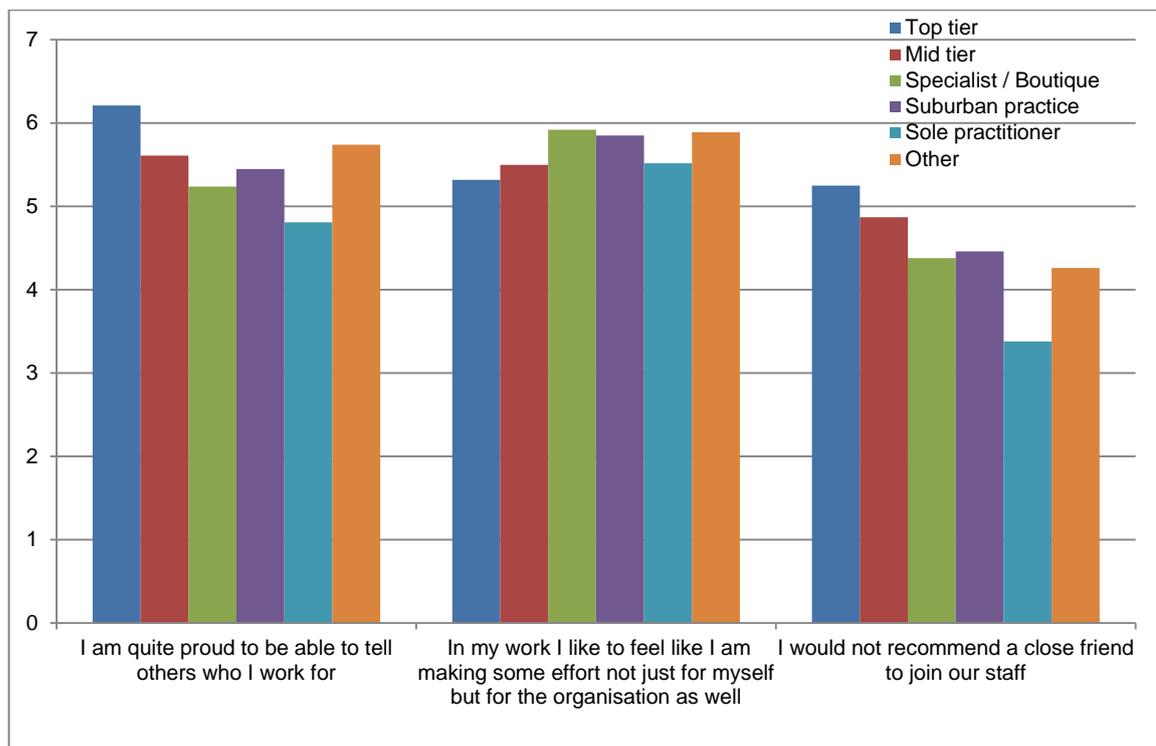


Figure 14: Differences in Selected Organisational Commitment Items Based on Firm Type (Maximum Score per Item: 7)

Comparative Data: Organisational Citizenship Behaviour

There were no significant differences between the lawyer and professional sample in both overall individual and overall organisationally-orientated organisational citizenship behaviour. However, significant differences existed between the lawyer and professional sample for half the OCB items (8 of 16). These differences ‘cancel each other out’ in the overall scores.

Specifically, lawyers reported enacting the following OCB behaviours *more often* than their professional counterparts:

- Willingly given your time to help others with work related problems (OCBI);
- Showed genuine concern and courtesy toward co-workers even under trying personal or business situations (OCBI);
- Gave up time to help others who have work or non-work related problems (OCBI);
- Attended functions that are not required but that help the organisational image (OBCO);
- Showed pride when representing the organisation in public (OCBO); and
- Took action to protect the organisation from potential problems (OCBO).

However, lawyers reported enacting the following behaviours significantly *less often* than their professional counterparts:

- Adjusted your work schedule to accommodate other employee requests for time off (OCBI); and
- Shared personal property with others to help their work (OCBI).

Significant differences existed between lawyers working in private practice and lawyers working elsewhere (e.g., government/corporate) in two OCB’s. Specifically, lawyers working in private practice reported they a) attended functions that were not required but

that helped the organisational image and b) took action to protect the organisation from potential problems *less often* than lawyers working elsewhere.

Significant differences existed for six of the 16 OCB's *within* the private practice lawyer sample (i.e. based on firm type; see Figure 15).

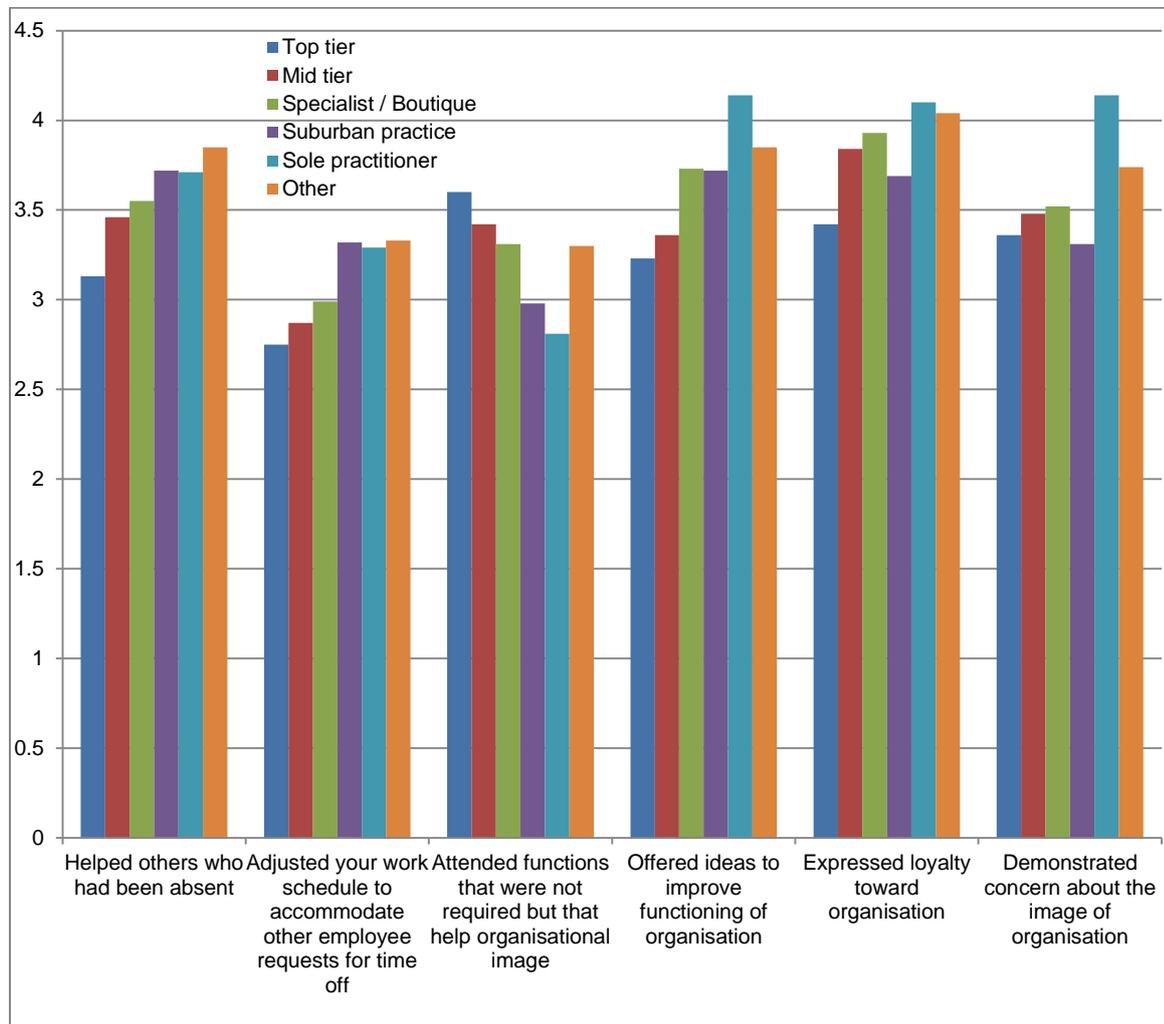


Figure 15: Differences in Selected Organisational Citizenship Items Based on Firm Type (Maximum Score per Item: 5)

Key Discussion Points and Recommendations

As previously outlined, job satisfaction, organisational commitment and organisational citizenship behaviour are crucial contributors to organisational success. Citizenship behaviour is one of five key elements of job performance, and both job satisfaction and commitment affect job performance behaviours, for example by impacting an employee's intention to stay with their employer, and deterring deviant employee behaviour.

Influenced strongly by emotions, both job satisfaction and organisational commitment are also considered pseudo-measures of employee emotional wellbeing. Research findings for these two attitudes are therefore indicators of the *emotional* element of employee health and wellbeing.

Recommendation: Employers should consider job satisfaction and commitment levels as important lead indicators of job performance, and commit to a) monitoring these indicators, e.g., via regular staff surveys, and b) to taking action to improve job satisfaction and commitment.

Recommendation: Employers to move beyond measuring task performance towards a more holistic approach that covers all five key job performance components, including organisational citizenship behaviour.

Recommendation: As indicative measures of employee emotional wellbeing, wellbeing initiatives and programs should include efforts to improve job satisfaction and commitment.

Recommendation: Initiatives aimed at improving wellbeing and job performance should be tailored to address specific aspects of job satisfaction, commitment and citizenship behaviour in different settings, e.g., improving rates of pay and hours of work for lawyers working in private practice, and private practice lawyers being encouraged to take action to protect the organisation from potential problems.

Recommendation: Given low levels of satisfaction with rates of pay, industrial relations, promotion, management of the organisation, and attention paid to suggestions made can be broadly grouped under a human resource management umbrella, employers of lawyers to implement programs aimed at improving human resources management practices.

This recommendation aligns with the recommendation to address the low levels of sophisticated human resources practices formalisation outlined in Section 1.

Research recommendation: Measurement of job satisfaction, commitment and citizenship should include item-level analysis to ensure significantly higher and lower scores are not 'cancelling each other out' and misleadingly suggesting there are no differences when key differences do exist.⁵⁶

Research Findings Section 4: Relationships between Organisational Context, Employee Attitudes, Job Performance, and Wellbeing

Research shows relationships exist between organisational culture factors, job performance indicators, and employee wellbeing. In this section of the report, the correlations between all three sets of variables are presented and key findings regarding the nature of these relationships and differences between lawyers and Professionals are outlined.

Statistical significance is the primary means of identifying key relationships. However, statistical significance is impacted by sample size (the larger the sample, the weaker the relationship required to reach significance). Therefore the strength of the relationship is also important. In this report, the strength of the relationship (absolute “*r*” value) is interpreted as:

- .70 or higher Very strong relationship;
- .40 to .69 Strong relationship;
- .30 to .39 Moderate relationship;
- .20 to .29 Weak relationship; and
- .01 to .19 No or negligible relationship

To assist with interpretation, Tables 2 - 7 are colour highlighted as per the above.

Note that in psychological and social science research, less detailed (and lower) “*r*” interpretation benchmarks are often applied. These less strict benchmarks are 0.10 = weak / small relationship, 0.30 = medium / moderate relationship, and 0.50 = large / strong relationship.⁵⁷ For the purposes of this report, the five-level approach has been used to ensure the results are interpreted in a detailed manner *with greater consideration of practical as well as statistical significance*.⁵⁸

To reiterate, a negative correlation indicates that as the value of one variable increases, the other decreases; and a positive correlation indicates that as the value of one variable increases, the other variable also increases.

Note it is not possible to infer causality from correlational analyses. However, for some relationships, it is reasonable to consider one variable as being causal of (or an antecedent to) another variable. For example, it is logical that working in a formalised environment influences job satisfaction, than job satisfaction causes an environment to become more formalised.

Interpreting wellbeing and leadership relationships

Note that all employee health and wellbeing correlations should be interpreted in an opposite manner because a high score on all health and wellbeing measures is indicative of *poor* wellbeing.

For example, a *negative* relationship between job satisfaction and wellbeing indicates that as job satisfaction increases, wellbeing levels also *increase*.

A similar interpretation pattern applies to laissez-faire leadership. A high score on this variable is indicative of *poor* leadership behaviour. Therefore, a *positive* relationship between laissez-faire leadership and job satisfaction indicates that as poor leadership behaviour increases, job satisfaction *decreases*.

In line with the foregoing, a positive relationship between laissez-faire leadership and any wellbeing measure indicates that as poor leadership increases, levels of *poor* wellbeing also *increase* (i.e. well-being *decreases*).

Table 2: Correlations between Organisational Context and Job Performance (Lawyers)

	OCB - Individual	OCB - Organisational	OCB - Overall	Extrinsic Job Satisfaction	Intrinsic Job Satisfaction	Job Satisfaction - Overall	Organisational Commitment
Ethical Climate - Norms	-0.005	.158**	.096*	.581**	.538**	.580**	.493**
Ethical Climate - Reinforcement	0.004	.224**	.142**	.557**	.502**	.549**	.458**
Ethical Climate - Management Behaviour	0.007	.220**	.141**	.639**	.569**	.626**	.542**
Ethical Climate - Overall	.018	.248**	.164**	.665**	.604**	.658**	.551**
General Formalisation	.029	.113**	.086*	.244**	.172**	.216**	.238**
Sophisticated HR Practices Formalisation	-.012	.124**	.071	.289**	.213**	.261**	.255**
Organisational Formalisation Overall	.009	.126**	.083	.283**	.205**	.254**	.262**
Laissez-Faire Leadership	.035	-.131**	-.063	-.553**	-.500**	-.546**	-.475**

Table 3: Correlations between Organisational Context and Job Performance (Professionals)

	OCB - Individual	OCB - Organisational	OCB - Overall	Extrinsic Job Satisfaction	Intrinsic Job Satisfaction	Job Satisfaction - Overall	Organisational Commitment
Ethical Climate - Norms	.190**	.258**	.251**	.566**	.593**	.594**	.547**
Ethical Climate - Reinforcement	.230**	.312**	.303**	.473**	.516**	.506**	.402**
Ethical Climate - Management Behaviour	.134*	.249**	.217**	.631**	.661**	.662**	.535**
Ethical Climate Overall	.225**	.323**	.307**	.623**	.663**	.658**	.555**
General Formalisation	.104	.158**	.147*	.225**	.267**	.252**	.244**
Sophisticated HR Practices Formalisation	.138*	.204**	.192**	.235**	.322**	.284**	.271**
Organisational Formalisation Overall	.130*	.195**	.182**	.247**	.317**	.288**	.276**
Laissez-Faire Leadership	-.072	-.118	-.107	-.465**	-.474**	-.481**	-.477**

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 4: Correlations between Organisational Context and Employee Health and Wellbeing (Lawyers)

	Ethical Climate Overall	Ethical Climate - Norms	Ethical Climate - Reinforcement	Ethical Climate - Management Behaviour	General Formalisation	HR Practices Formalisation	Formalisation Overall	Laissez-Faire Leadership
Anxiety and Depression	-.320**	-.257**	-.281**	-.316**	-.129**	-.111*	-.127**	.284**
Social Dysfunction	-.328**	-.248**	-.301**	-.310**	-.158**	-.144**	-.160**	.319**
Loss of Confidence	-.262**	-.227**	-.212**	-.258**	-.117**	-.134**	-.133**	.171**
Psychological Wellbeing - Overall	-.362**	-.288**	-.320**	-.351**	-.161**	-.151**	-.166**	.320**
Health Symptoms	-.141**	-.122**	-.123**	-.137**	-.058	-.096*	-.082	.143**
Substance Use/abuse	-.104*	-.094*	-.095*	-.098*	-.034	-.075	-.058	.121**
Psychosomatic Health - Overall	-.187**	-.145**	-.147**	-.194**	-.112**	-.108*	-.117**	.128**

Table 5: Correlations between Organisational Context and Employee Health and Wellbeing (Professionals)

	Ethical Climate Overall	Ethical Climate - Norms	Ethical Climate - Reinforcement	Ethical Climate - Management Behaviour	General Formalisation	HR Practices Formalisation	Formalisation Overall	Laissez-Faire Leadership
Anxiety and Depression	-.146*	-.121*	-0.115	-.122*	-.068	-0.104	-0.093	.136*
Social Dysfunction	-.202**	-.152*	-.150*	-.231**	-.065	-0.077	-0.077	.234**
Loss of Confidence	-.155*	-.221**	-0.071	-.140*	-.155*	-.137*	-.156*	.175**
Psychological Wellbeing - Overall	-.207**	-.187**	-.145*	-.205**	-.103	-.121*	-.121*	.222**
Health Symptoms	-.109	-.052	-.150*	-.092	.012	-.093	-.045	.137*
Substance Use/abuse	-.138*	-.119	-.150*	-.123*	-0.065	-.008	-.038	.048
Psychosomatic Health - Overall	-.125*	-.068	-.166**	-.107	0.001	-0.09	-.049	.138*

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 6: Correlations between Job Performance and Employee Health and Wellbeing (Lawyers)

	OCB - Individual	OCB - Organisational	OCB - Overall	Extrinsic Job Satisfaction	Intrinsic Job Satisfaction	Job Satisfaction - Overall	Organisational Commitment
Anxiety and Depression	.026	-.086*	-0.04	-.436**	-.396**	-.431**	-.390**
Social Dysfunction	-.069	-.156**	-.134**	-.454**	-.477**	-.481**	-.396**
Loss of Confidence	-.045	-.112**	-.094*	-.360**	-.407**	-.396**	-.348**
Psychological Wellbeing - Overall	-.034	-.141**	-.106*	-.498**	-.503**	-.518**	-.447**
Health Symptoms	.060	.028	.049	-.198**	-.224**	-.218**	-.122**
Substance Use/abuse	-.064	-.063	-.073	-.214**	-.200**	-.215**	-.199**
Psychosomatic Health - Overall	.042	.012	.030	-.236**	-.257**	-.255**	-.161**

Table 7: Correlations between Job Performance and Employee Health and Wellbeing (Professionals)

	OCB - Individual	OCB - Organisational	OCB - Overall	Extrinsic Job Satisfaction	Intrinsic Job Satisfaction	Job Satisfaction - Overall	Organisational Commitment
Anxiety and Depression	.020	-.059	-.025	-.283**	-.273**	-.285**	-.212**
Social Dysfunction	.007	-.155*	-.089	-.314**	-.302**	-.316**	-.279**
Loss of Confidence	-.041	-.102	-.082	-.335**	-.291**	-.322**	-.267**
Psychological Wellbeing - Overall	.002	-.129*	-.076	-.371**	-.350**	-.370**	-.304**
Health Symptoms	.032	-.055	-.017	-.202**	-.192**	-.202**	-.088
Substance Use/abuse	-.038	-.082	-.068	-.178**	-.152*	-.169**	-.041
Psychosomatic Health - Overall	.025	-.065	-.027	-.220**	-.206**	-.218**	-.091

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Comparative Data: Organisational Context, Employee Attitudes and Job Performance

The correlational results are consistent with previous research findings indicating organisational context and job performance are related.

In both samples, strong positive relationships exist between ethical climate and both job satisfaction and organisational commitment. Both these attitudes are considered pseudo-measures of emotional (affective) wellbeing.

This finding suggests working in an ethical climate has a positive impact on employee attitudes, and thus a positive impact on employee emotional wellbeing.

In the lawyer sample, a number of significant but negligible to weak positive relationships between ethical climate and organisational citizenship (organisational) behaviours were found. The professional sample relationships were stronger, and existed for both organisationally- and individually-directed citizenship behaviours.

This finding suggests for lawyers, working in an ethical climate encourages 'going above and beyond' behaviours for the organisation but not individual level altruistic or helping behaviours.

In contrast, working in an ethical climate encourages both types of citizenship behaviour by professionals.

In both samples, no to negligible negative relationships were found between laissez-faire leadership and citizenship behaviours in general. However, strong negative relationships were found between laissez-faire leadership and both job satisfaction and commitment.

This finding suggests both lawyers and professionals who experience destructive (laissez-faire leadership) behaviours are less satisfied and less committed to their employer.

In both samples, significant but negligible to weak positive relationships were found between organisational formalisation and citizenship behaviour in general. Consistently positive relationships were found between organisational formalisation and both job satisfaction and commitment in both samples. These relationships were stronger in the professional sample than in the lawyer sample.

This finding suggests employees who work in settings with higher levels of formalisation tend to be more satisfied and more committed to their employer. Formalisation appears to have more impact on professionals' attitudes than lawyers' attitudes.

The 'lack of' / weakness of relationships between organisational culture factors and citizenship behaviours in general is likely due to an environment – attitudes – behaviour process that is not captured by correlational analyses. Citizenship is a judgement-driven behaviour strongly influenced by attitudes (see Table 8).⁵⁹ Organisational culture factors affect attitudes, which then influence judgement-driven behaviours such as citizenship.

In line with this notion, in both samples significant positive relationships existed between both job satisfaction and commitment (attitudes), and citizenship behaviours (judgement-driven behaviours) (See Table 8). These relationships were stronger in the professional sample than the lawyer sample.

This finding suggests both lawyers and professionals who are satisfied and/or committed to their employer also tend to engage in citizenship behaviours. Attitudes more strongly relate to citizenship behaviour enacted by professionals than by lawyers.

Table 8: Correlations between Attitudes and Citizenship Behaviour

Lawyers	OCB - Individual	OCB - Organisational	OCB - Total
Extrinsic Job Satisfaction	.027	.316**	.212**
Intrinsic Job Satisfaction	.045	.371**	.255**
Job Satisfaction Total	.037	.355**	.241**
Organisational Commitment	.108*	.465**	.347**
Professionals	OCB - Individual	OCB - Organisational	OCB - Total
Extrinsic Job Satisfaction	.209**	.373**	.329**
Intrinsic Job Satisfaction	.239**	.405**	.363**
Job Satisfaction Total	.229**	.398**	.354**
Organisational Commitment	.257**	.456**	.403**

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Comparative Data: Organisational Context and Employee Health and Wellbeing

The correlational results are consistent with previous research findings that organisational context and employee wellbeing are related.

More specifically, at both overall and dimensional level, an ethical climate (including norms, reinforcement, and management behaviour) significantly relates to higher levels of lawyer psychological wellbeing (including anxiety and depression, social dysfunction, and loss of confidence). This pattern was repeated for all but two correlations within the professionals' sample. Stronger relationships were evident in the lawyer sample (weak to moderate in nature) compared to the professionals sample.

At both overall and dimensional level, an ethical climate is also associated with higher levels of lawyer psychosomatic health wellbeing, though the strength of these relationships falls within the no – negligible bracket. A similar pattern of relationship was found for approximately half the correlations within the professional sample, with the remainder of these correlations non-significant.

These findings suggest that working in an ethical climate has a positive impact on psychological wellbeing but does not substantially impact psychosomatic health wellbeing. Ethical climate more strongly relates to psychological and psychosomatic health wellbeing in lawyers than in professionals.

At both overall and dimensional level, organisational formalisation (including general formalisation and sophisticated HR practices formalisation) significantly relates to higher levels of lawyer psychological and psychosomatic health wellbeing. However, these relationships fall within the no – negligible strength bracket.

In the professional sample, significant relationships were found only for loss of confidence at the dimensional level of psychological wellbeing, and only with regards to sophisticated HR practice and overall formalisation for overall psychological wellbeing. The professionals' sample correlations between formalisation and psychosomatic health wellbeing were all non-significant.

This finding suggests that for lawyers, while working in formalised environments typically associates with higher levels of psychological and psychosomatic health wellbeing, formalisation plays a minimal role. For both samples, other organisational context factors such as ethical climate play more substantial roles in wellbeing than formalisation plays.

In the lawyer sample, laissez-faire leadership relates to lowered psychological and psychosomatic health wellbeing, both at the overall and dimensional levels. These significant relationships varied from the no – negligible bracket through to moderate in strength. A similar pattern was found for professionals, bar one non-significant relationship for substance use/abuse. These relationships ranged from no – negligible to weak in strength.

These findings suggest that for both lawyers and professionals, experiencing laissez-faire leadership negatively impacts wellbeing, though laissez-faire leadership has a greater impact on psychological and psychosomatic health wellbeing in lawyers than in professionals.

Comparative Data: Employee Attitudes, Job Performance and Wellbeing

The correlational results are consistent with previous research findings that indicate employee health and wellbeing and job performance-relevant indicators are related.

Note that for these sets of variables, causality is not only indeterminable, but causality cannot be logically inferred. These specific relationships are argued to be potentially recursive in nature.² For example, employee psychological wellbeing may both be ‘a cause of’ and ‘be caused by’ job satisfaction. A longitudinal study design and/or more advanced statistical techniques are required to determine causality for variables that may serve as both a cause and an outcome.

As a pseudo-measure of employee emotional wellbeing, it is unsurprising that job satisfaction (including intrinsic, extrinsic and overall) significantly positively relates to higher lawyer psychological wellbeing (i.e. lower levels of anxiety and depression, social dysfunction, and loss of confidence). This pattern of relationships was repeated within the professional sample. However, stronger relationships were evident in the lawyer sample (ranging from moderate to strong in nature) compared to the professional sample.

At both overall and dimensional level, job satisfaction is also associated with higher levels of lawyer psychosomatic health wellbeing, though the strength of these significant relationships peaks at weak in strength. This pattern of relationships was repeated within the professional sample, though stronger relationships were evident in the lawyer sample.

These findings suggest both lawyers and professionals who are satisfied are also more psychologically and psychosomatically healthy. Job satisfaction more strongly relates to the psychological and psychosomatic health wellbeing of lawyers than of professionals.

The pattern of relationships for the second pseudo-measure of employee emotional wellbeing, organisational commitment, closely mimicked the job satisfaction results. Commitment significantly relates to higher levels of lawyer psychological wellbeing (including all three sub-dimensions), with relationships ranging from moderate to strong in nature. In the professional sample, these relationships were also significant, though weaker in strength.

Organisational commitment is also associated with higher levels of overall lawyer psychosomatic health wellbeing, though these significant relationships falls within the no – negligible strength bracket. The professional sample correlations were all non-significant.

These findings suggest both lawyers and professionals who are committed are also more psychologically healthy; however, the psychosomatic health wellbeing of lawyers and

² Otherwise known as the ‘chicken or egg’ argument.

professionals is likely to be influenced by or an influencer of factors rather than commitment.

In the lawyer sample, over half the correlations (7/12) indicate organisational citizenship behaviour (overall and organisationally-directed) is related to higher psychological wellbeing. However, all these significant relationships fell within the no – negligible bracket strength-wise. In the professional sample, only 2 of same 12 relationships were significant, both in the no – negligible strength bracket.

In both samples, organisational citizenship behaviour was unrelated to psychosomatic health wellbeing (including health symptoms and substance use/abuse).

These findings suggest employee organisational citizenship behaviour is judgement-driven, rather than being influenced by or influencing psychological and psychosomatic health.

Key Discussion Points and Recommendations

Collectively, the findings presented in this section highlight that organisational context, job performance, and employee wellbeing are interrelated. Overall, employers who create positive organisational contexts for their employees are likely to benefit higher levels of job performance and higher levels of employee wellbeing. In turn, higher employee well-being reduces absenteeism and turnover costs, amongst other negative organisational outcomes.

Section 4 results reinforce the recommendations previously presented in Sections 1, 2, and 3. In addition:

Key Discussion Point: The current focus on individual level factors (e.g., employee competence and training, and employee personality traits) affecting job performance and employee wellbeing is failing to adequately acknowledge the important role of organisational context. In doing so, organisationally-orientated strategies to improve employee job performance and wellbeing are being under-utilised.

Recommendation: Employers to develop a more organisationally-orientated approach to addressing wellbeing and job performance issues by investing in programs and initiatives specifically aimed at minimising problematic organisational context factors (e.g., poor leadership behaviours) and maximising protective organisational context factors (e.g., an ethical climate).

Research Recommendation: There is a clear need for research efforts aimed at identifying key organisational-level causes of poor job performance and employee wellbeing issues.

Research Findings Section 5: Psychosocial Risks (Poor Interpersonal Behaviour)

Previous research has identified a range of psychosocial risks. The risks are commonly referred to as ‘stressors’, and contribute directly to employee stress levels. These risks can be grouped into three main categories; work content, work context, and individual level risks (see Table 9).⁶⁰

In this section of the report, comparative data on incidence rates for a range of interpersonal relationships and behaviour-based stressors are presented. Incidence rates have been categorised in terms of *exposure to risk*. Some of these particular work-context stressors also link directly to a number of work-content risks, including high demand, high levels of time pressure, and work over- or under-load.

These stressors were chosen for investigation because a) anecdotal evidence suggests these risks are prevalent in the legal profession,⁶¹ and b) worker compensation claim statistics demonstrate that the top two mechanisms of injury for mental stress claims (‘psychological and psychiatric injuries’) are bullying and harassment, and overwork.⁶²

Table 9: Common Psychosocial Risk Factors

Work Context	
<ul style="list-style-type: none"> ▪ Poor interpersonal relationships, including conflicts with peers and supervisors, and poor leadership practices including laissez-faire leadership ▪ Bullying and harassment ▪ Violence, or threats of violence ▪ Lack of organisational support ▪ Distributive, procedural or interactional injustice,⁶³ including effort-reward imbalances 	<ul style="list-style-type: none"> ▪ Low control/decision latitude (e.g., a lack of skills discretion and decision authority) ▪ Conflicting demands (e.g., role conflict and / or role ambiguity) ▪ Poorly managed organisational change ▪ Values conflict or misalignment ▪ Physical environment (e.g., noise, lighting, overcrowding, poor ergonomics)
Work Content	Individual Differences
<ul style="list-style-type: none"> ▪ High demand (e.g., high workloads, tight time pressures, high physical, cognitive and/or emotional demands, intense concentration for long periods) ▪ Monotonous work ▪ Work with few possibilities to learn new things or to develop knowledge and skills ▪ Fragmented work ▪ Meaningless work 	<ul style="list-style-type: none"> ▪ Personality traits (e.g., Type “A”, neuroticism, pessimism, perfectionism, negative affectivity) ▪ Low self-esteem and self-efficacy ▪ Coping abilities and resilience ▪ Emotion differences (e.g., emotional intelligence) ▪ Demographics (e.g., gender and age) ▪ Work-life interface / cross-over

To address criticisms of previous research, self-labelling and framing biases⁶⁴ were removed by asking each respondent to indicate how often they had experienced itemised behaviours, rather than asking respondents, for example, “Have you been bullied?” Instructions for answering these items included that the behavioural experiences must have occurred within the last 12 months, the behaviours must have been enacted by another employee of the same organisation, and the behaviours must have occurred at work / in a direct worked-related capacity.

Note these incidence rates *do not include* any poor interpersonal behaviour acts perpetrated by clients, contractors or members of the public.

For the purposes of this report, the term “target” refers to an employee who has experienced poor interpersonal behaviours perpetrated by another employee e.g., an employee who experiences mistreatment is referred to as a mistreatment target.⁶⁵

A full range of poor interpersonal behaviour stressors (risks) were examined, including incivility, interpersonal deviance, mistreatment, bullying, and sexual harassment:

Incivility

Low intensity deviant behaviour with an *ambiguous* intent to harm the target, in violation of workplace norms for respect. Uncivil behaviours are characteristically rude and discourteous, displaying a lack of regard for others.⁶⁶ An example is to address another employee in unprofessional terms, either publicly or privately.

Workplace (Interpersonal) Deviance

Deviance is voluntary behaviour that violates significant organisational norms, and in doing so threatens the wellbeing of the organisation, its members, or both.⁶⁷ The interpersonal dimension refers to behaviour directed at an individual by another individual, threatening the individual target’s personal wellbeing. Examples include making fun of or publicly embarrassing another employee.

Workplace Mistreatment

A specific antisocial variety of workplace deviance in which at least one employee stops engaging in normative positive actions and/or engages in counter-normative negative actions against another employee.⁶⁸ Mistreatment includes verbal and nonverbal abusive behaviour intended to intimidate, humiliate, obstruct and undermine the target, under the factors of verbal abuse, work obstruction and emotional neglect.⁶⁹

An example of withdrawing normative positive actions is an individual who has historically exchanged greetings with other employees stopping acknowledging or replying to greetings. Examples of non-normative negative actions include yelling at another employee, and speaking to another employee in a harsh, cold tone of voice.

Mistreatment behaviour is different from but shares similarities with bullying behaviour (see below). Mistreatment is considered a precursor to full-fledged bullying behaviour.⁷⁰

Bullying

National definition: “Repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.”⁷¹

Bullying is defined in terms of its effect on the target, rather than the intention of the perpetrator. Bullying includes persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power and unfair disciplinary actions. These behaviours make the target feel upset, threatened, humiliated and/or vulnerable. Target self-confidence is also undermined and the target suffers distress.⁷²

There are five main categories of bullying behaviour:

1. *Threat to professional status* (e.g., belittling opinion, public professional humiliation, accusation of lack of effort);
2. *Threat to personal standing* (e.g., name calling, insults, teasing);
3. *Isolation* (e.g., preventing access to opportunities such as training, withholding information);

4. *Overwork* (e.g., undue pressure to produce work, impossible deadlines); and
5. *Destabilisation* (e.g., failure to give credit when due, meaningless tasks, removal of responsibility, shifting of goal posts).⁷³

Bullying differs from mistreatment in two key ways: First, bullying behaviour is frequent and repetitive, whereas mistreatment may involve a one-off incident or multiple incidences. Second, bullying behaviours occur over an extended period of time. If occurring frequently and over an extended period of time, many mistreatment behaviours would be classified as bullying.

Sexual Harassment

This poor interpersonal behaviour stressor is broken down into three sub-categories:

1. *Gender harassment*: A broad range of verbal and nonverbal behaviours not aimed at sexual cooperation but that convey insulting, hostile and degrading attitudes about a given gender.
2. *Unwanted sexual attention*: A wide range of verbal and nonverbal behaviour that is offensive, unwanted, and unreciprocated.
3. *Sexual coercion*: The extortion of sexual cooperation in return for job-related considerations.⁷⁴

If not addressed, gender harassment can escalate into unwanted sexual attention and sexual coercion, and the likelihood that any form of sexual harassment will occur is best predicted by an organisation's "tolerance for sexual harassment" climate.⁷⁵

The 5-point response scale for all poor interpersonal behaviour items (bar bullying) items ranged from Never to Always. Bullying behaviour responses ranged from Never to Daily on a 5-point scale.

The distributions for all poor interpersonal behaviour risks were non-normal as expected, and t-test analysis was inappropriate. For descriptive reporting purposes, multiple-item scores were converted to aggregate means (averages) before incidence levels for incivility, interpersonal deviance, mistreatment and sexual harassment were grouped into categories as follows:

- Responded "Never" to all behaviours for a given stressor = No exposure to the risk;
- Mean within lower third of maximum possible = Low exposure to the risk;
- Mean within middle third of maximum possible = Medium exposure to the risk; and
- Mean within upper third of maximum possible = High exposure to the risk.

Bullying data were classified differently to the other four poor interpersonal behaviour risks. In line with previous research,⁷⁶ and to align with the national definition, respondents in this study were classified as 'bullied' if they indicated that they experienced bullying behaviours either weekly or daily on average, over a period of 6 months or more. Based on this approach, the non-bullied and bullied classifications indicate no exposure to the risk and exposure to the risk, respectively.

Mistreatment was the focal poor interpersonal behaviour stressor in this research project (see upcoming sections), with lawyer respondents opting in or out of answering items on the other four poor interpersonal behaviour stressors at the end of the T2 survey. Placing the non-mistreatment items at the end of the T2 survey avoided crossover bias effects for other sets of items specifically related to mistreatment.

The majority (88.7%) of lawyer respondents opted-in. As a panel sample, professional respondents answered items for all five types of poor interpersonal behaviour, rather than opting in/out. Sample sizes for data in this section varied as follows:

- Lawyers (Mistreatment) = 356
- Lawyers (Other Risks) = 316
- Professionals (Mistreatment / Other Risks) = 219
- Private Practice Lawyers (Mistreatment) = 240
- Private Practice Lawyers (Other Risks) = 223
- Non-Private Practice Lawyers (Mistreatment) = 116
- Non-Private Practice Lawyers (Other Risks) = 93

In all figures in this section of the report, the vertical (y) axis represents valid percent of the relevant sample, unless otherwise stated.

Psychosocial Risk Exposure: Incivility

Irrespective of sample or sub-sample, the majority of respondents (73.9 – 93.2%) were exposed to the psychosocial risk *incivility*.

Nil exposure rates for incivility varied widely, from 9.7 to 26.1% of the sample/sub-sample. This result indicates between three in four and nine in ten respondents were exposed to some level of incivility risk, depending on the type of respondent (e.g., lawyers versus professionals).

Half to two-thirds (50.5 – 64.5%) of all respondents' experienced low level exposure to incivility.

Between one in five and one in four respondents (21.0 – 25.8%) experienced either medium or high levels of exposure to incivility.

The proportion of lawyers exposed to incivility was substantially higher than professionals (85.4 vs. 73.9%). Exposure to incivility as a psychosocial risk was worst in the non-private practice lawyer sample; 92.3% of this sub-sample experienced incivility (see Figure 16).

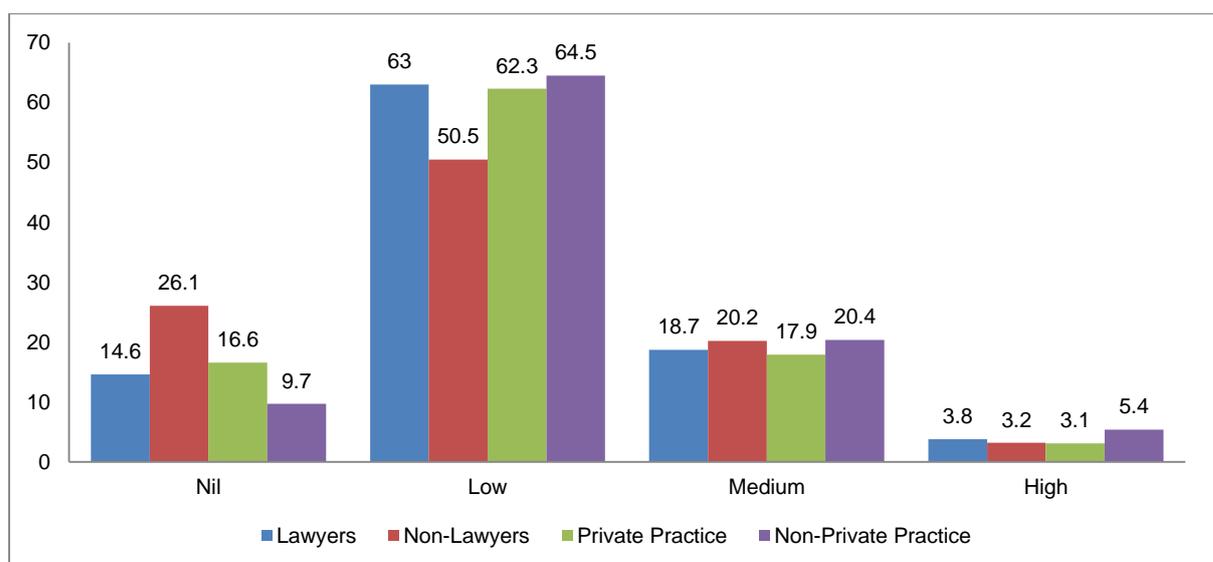


Figure 16: Exposure to Incivility as a Psychosocial Risk

Psychosocial Risk Exposure: Interpersonal Deviance

Irrespective of sample or sub-sample, the majority of respondents (58.3 – 66.8%) were exposed to the psychosocial risk *interpersonal deviance*.

Nil exposure rates for interpersonal deviance were higher than for incivility, varying between 33.2 and 41.7% of the sample/sub-sample. This result indicates between one in three and two in five respondents were exposed to some level of interpersonal deviance risk, depending on the type of respondent (e.g., lawyers versus professionals).

Low level exposure was the most common exposure category across all samples/sub-samples (44.0 – 62.3%).

Overall, between 4.5 and 14.1% of respondents experienced either medium or high levels of exposure to interpersonal deviance.

About 7% more lawyers were exposed to interpersonal deviance than professionals (65.8 vs. 58.3%). Exposure to this risk was worst in the private practice lawyer sample, with 66.8% of this sub-sample experiencing interpersonal deviance (see Figure 17).

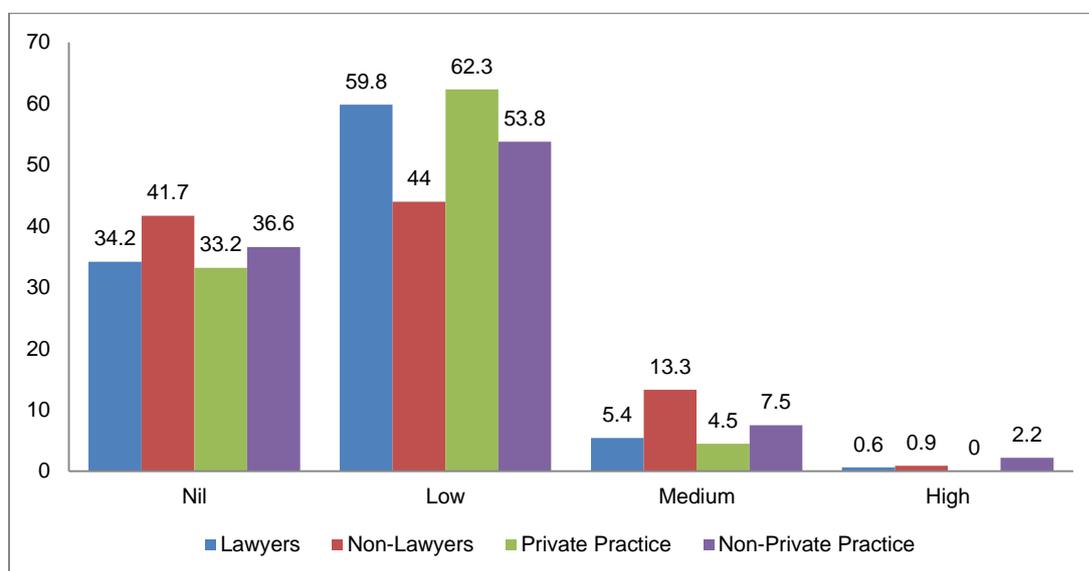


Figure 17: Exposure to Interpersonal Deviance as a Psychosocial Risk

Psychosocial Risk Exposure: Mistreatment

Irrespective of sample or sub-sample, the majority of all respondents (overall; 93.8 – 94.8%) were exposed to at least some form of the psychosocial risk *mistreatment*, which consists of three dimensions; verbal abuse, work obstruction and emotional neglect.

Nil exposure rates for the first of the three dimensions of mistreatment, *verbal abuse*, varied from 14.7 to 24.7% of the sample/sub-sample. This result indicates at least three in four respondents were exposed to a verbal abuse risk.

Low level exposure was the most common exposure category across all samples/sub-samples (57.1 – 65.5%).

Overall, approximately one in five respondents (17.3 – 19.8%) experienced either medium or high levels of exposure to verbal abuse.

About 6% more lawyers than professionals were exposed to verbal abuse. Exposure to this risk was worst in the non-private practice lawyer sample, with 85.3% of this sub-sample experiencing verbal abuse (see Figure 18).

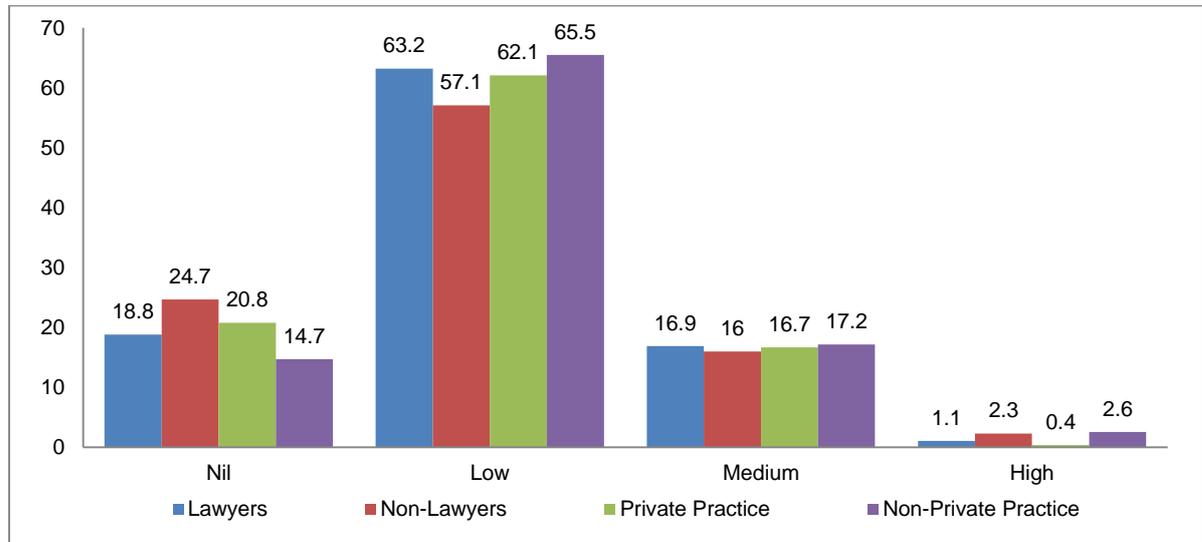


Figure 18: Exposure to Verbal Abuse as a Psychosocial Risk

Nil exposure rates for the second mistreatment dimension, *work obstruction*, were substantially lower than for verbal abuse, varying from 6.9 to 17.4% of the sample / sub-sample. This result indicates that more than 8 in 10 respondents were exposed to a work obstruction risk.

Low level exposure was the most common exposure category across all samples/sub-samples (49.8 – 53.4%).

Approximately one third of respondents (32.1 – 39.7%) experienced either medium or high levels of exposure to work obstruction.

Work obstruction exposure levels were about 4% higher for lawyers than for Professionals. At 93.1% of the sub-sample, non-private practice lawyers had the highest overall level of exposure to work obstruction (see Figure 19).

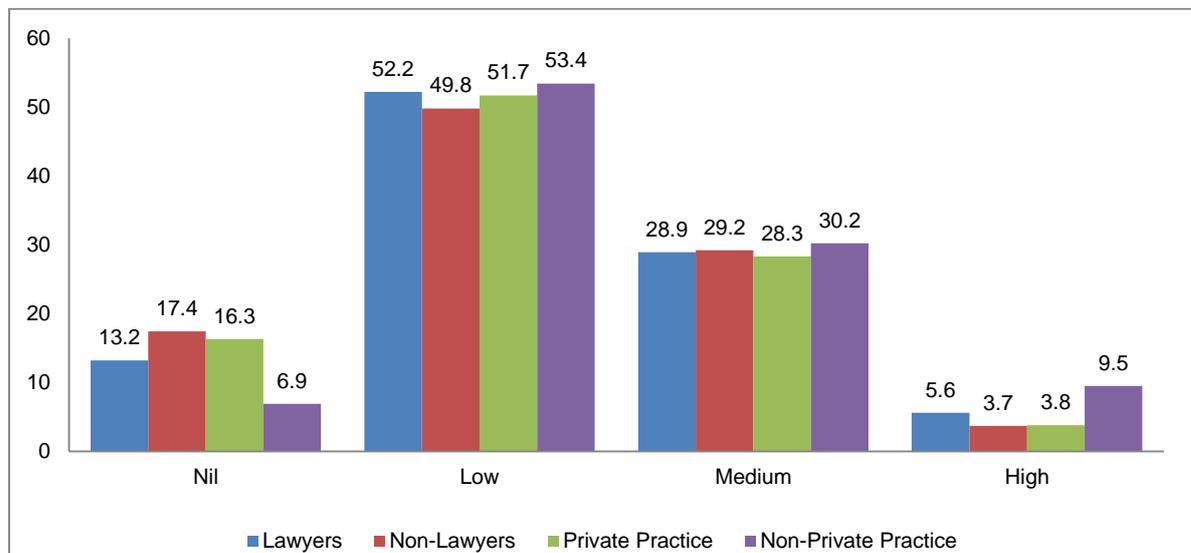


Figure 19: Exposure to Work Obstruction as a Psychosocial Risk

Nil exposure rates for the final mistreatment dimension, *emotional neglect*, varied from 14.7 to 22.4%. This result indicates more than three in four respondents were exposed to an emotional neglect risk.

Low level exposure was the most common exposure category across all samples/sub-samples (47.9 – 49.1%).

As for work obstruction, approximately one third of respondents (29.7 – 36.2%) experienced either medium or high levels of exposure to emotional neglect.

Levels of exposure to emotional neglect were about 4% higher for lawyers than for professionals. At 85.3% of the sub-sample, non-private practice lawyers had the highest overall level of exposure to emotional neglect risk (see Figure 20).

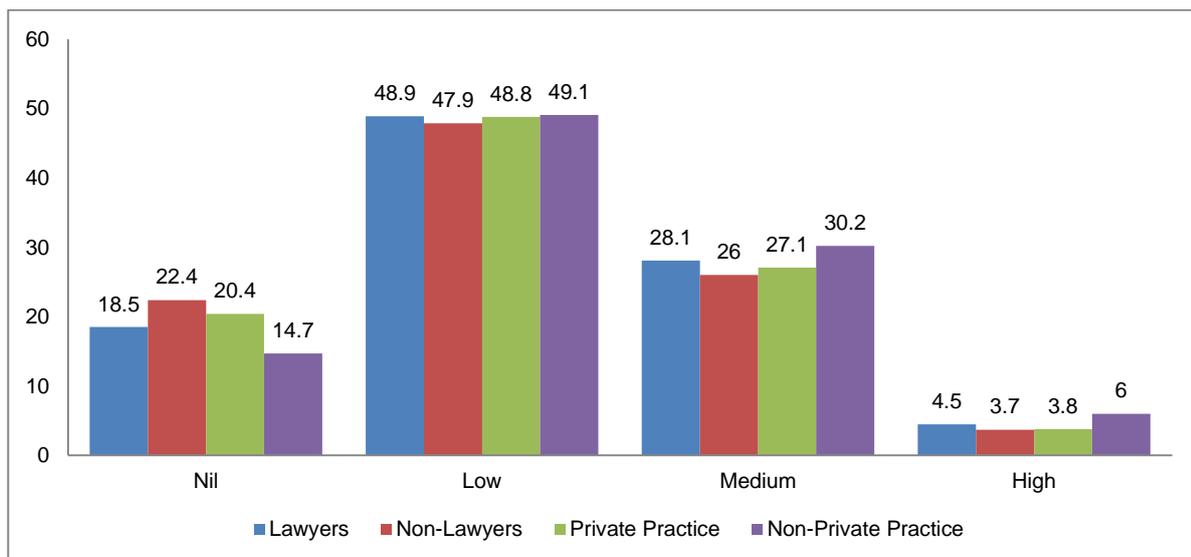


Figure 20: Exposure to Emotional Neglect as a Psychosocial Risk

Scores for the three different mistreatment dimensions were aggregated and averaged into an overall mistreatment mean, before being classified into level of exposure categories.

Nil exposure rates for mistreatment (overall) varied from 5.2 to 6.2%, more than 9 in 10 respondents were exposed to some level of mistreatment risk.

Low level exposure was the most common exposure category across all samples/sub-samples (66.4 – 73.3%).

Overall, approximately one in five respondents experienced either medium or high levels of exposure to mistreatment. The majority of the sample (66.4 – 73.3%) of the sample experienced low-level exposure.

Levels of exposure to mistreatment were about 2% higher for lawyer than for professionals. However, at 94.8% of the sub-sample, non-private practice lawyers had the highest overall level of exposure to mistreatment risk (see Figure 21).

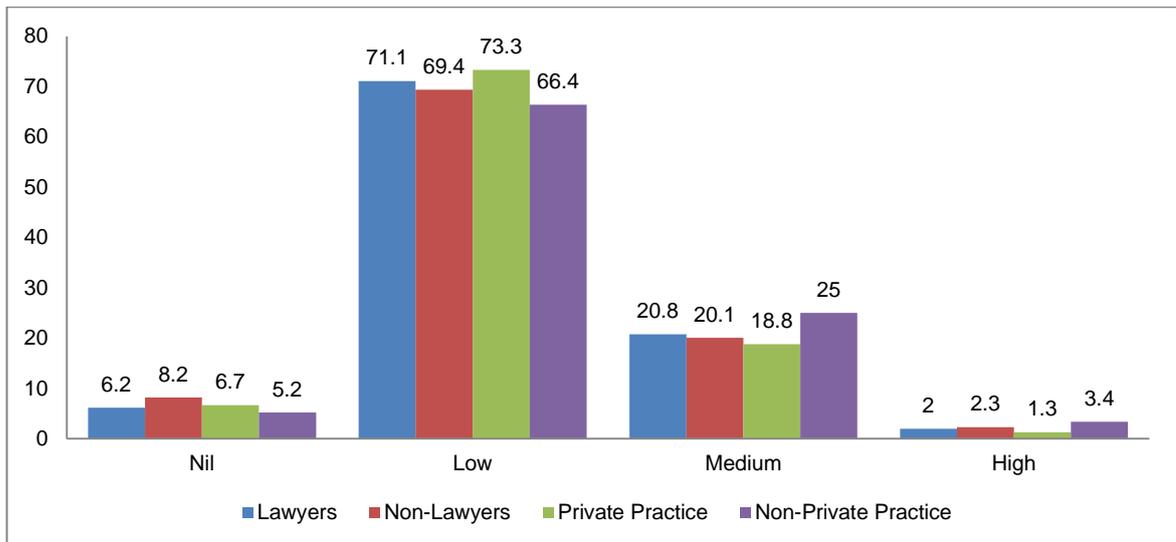


Figure 21: Exposure to Mistreatment (Overall) as a Psychosocial Risk

Psychosocial Risk Exposure: Bullying

The majority of the overall sample (81.7 – 95.0%) was non-bullied.

Bullying incidence rates varied from 5 – 18.3% of the sample/sub-sample depending on the type of bullying experienced. This result means at least one in twenty and up to one in five respondents were bullied (see Figure 22).

Bullying via destabilisation was the most common form of bullying behaviour. Destabilisation behaviour included but was not limited shifting goalposts without telling the target, and removing areas of responsibility without consultation.

Destabilisation was substantially more common in the lawyer sample than the professional sample (9.2 versus 15.2%). Destabilisation was most prevalent in the non-private practice lawyer sample (18.3%).

Destabilisation incidence rates were followed closely by *bullying via isolation* and *overwork*. Isolation behaviour included but was not limited to withholding necessary information, ignoring or excluding the target, and unreasonably refusing a target's application for leave, training or promotion. Overwork included placing undue pressure on the target to produce work, and setting impossible deadlines for the target.

Approximately one in ten (9.6 – 14.0%) respondents were overworked, with the isolation incidence rates similar (7.8 - 14%).

In both cases, more lawyers were overworked and isolated than professionals (11.1 vs. 9.6% and 10.4 vs. 7.8% respectively). Non-private practice lawyers experienced the highest prevalence of isolation and overwork (both 14%).

Bullying via threat to professional standing varied between 5 and 9.7% of the sample/sub-sample. Threats to professional standing included but were not limited to making persistent attempts to belittle and undermine the target's work, engaging in persistent or unjustified criticism or monitoring of the target's work, and using intimidating discipline or competence procedures.

As with destabilisation, isolation and overwork, more lawyers than professionals experienced a *threat to professional standing* (6.0 v. 7.3%). Non-private practice lawyers experienced the highest prevalence of threat to professional standing (9.7%).

Experienced by 5.4 – 7.5% of the sample/sub-sample, *threat to personal standing* was the least common bullying behaviour category. Threats to personal standing included behaviours such as making verbal or non-verbal threats, using physical violence towards the target, or using violence against property whilst in a target's presence.

In contrast to destabilisation, isolation, overwork, and threat to professional standing, more professionals than lawyers experienced a *threat to personal standing* (6.0 v. 7.3%). However, similarly to the other four categories of bullying behaviour, non-private practice lawyers experienced the highest prevalence of threat to personal standing (7.5%).

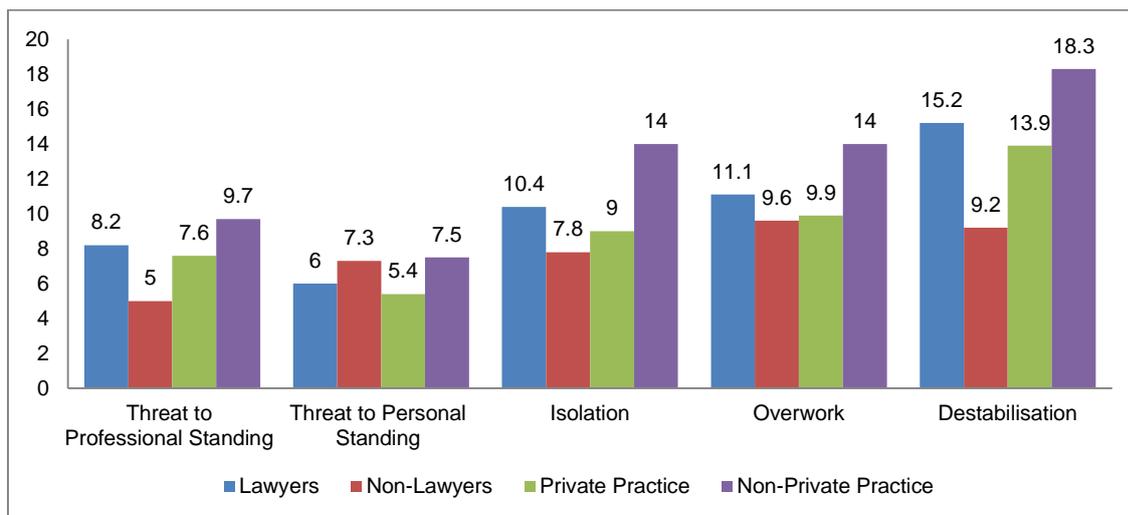


Figure 22: Bullying Incidence / Exposure to Risk by Sample

Psychosocial Risk Exposure: Sexual Harassment

About half all respondents (47.2 – 59.1%) were exposed to at least some form of sexual harassment, which consists of three dimensions; gender harassment, unwanted sexual attention and sexual coercion.

Gender harassment includes behaviours such as making crude sexist remarks, attempting to discuss sex, and displaying offensive materials.

Nil exposure was the most common level of exposure category for gender harassment, varying from 53.8 to 62.4% of the sample/sub-sample. This result indicates between four and five of every ten respondents were exposed to some level of gender harassment risk.

Low level exposure varied between 28.6 – 38.5% depending on the sample/sub-sample.

Between 7.7 and 8.9% of respondents experienced either medium or high levels of exposure to gender harassment.

Six-percent more lawyers than professionals experienced gender harassment. Exposure to this risk was highest in the non-private practice lawyer sample, with 46.2% of this sub-sample experiencing gender harassment (see Figure 23).

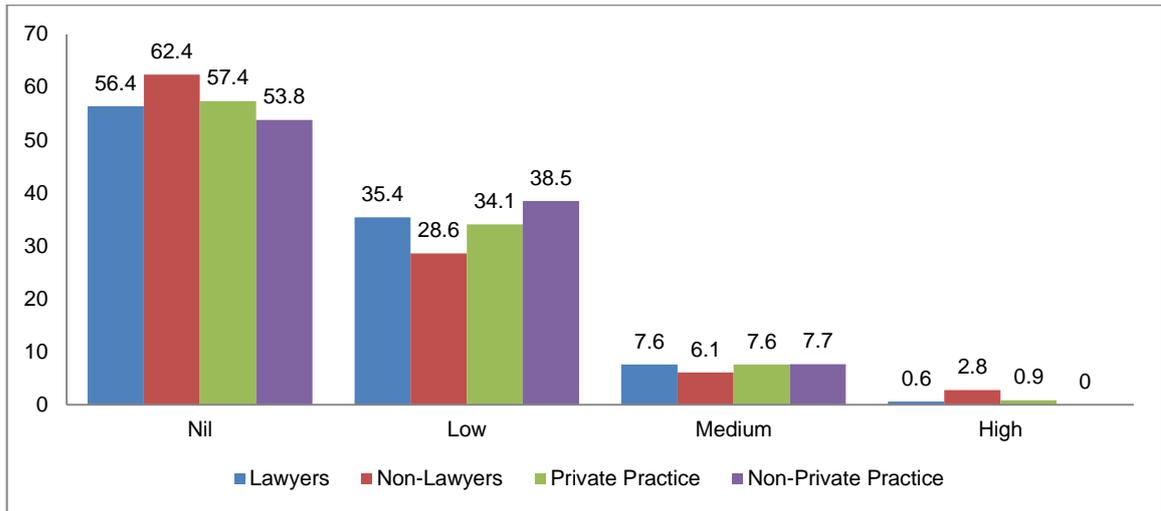


Figure 23: Exposure to Gender Harassment as a Psychosocial Risk

Unwanted sexual attention includes behaviours such as staring or leering at the target, attempting to establish a sexual relationship with the target, repetitively requesting that the target join them for drinks or dinner despite repeated rejection, and touching the target in a way that the target felt uncomfortable.

Nil exposure rates for the second sexual harassment dimension, *unwanted sexual attention*, varied from 72.0 to 87.9% of the sample/sub-sample, indicating the majority of the sample was not exposed to this risk.

About one in five respondents were exposed to some level of unwanted sexual attention risk. Between 1.1 and 6.5 of respondents experienced either medium or high levels of exposure to gender harassment.

Nearly 10% more professionals than lawyers experienced unwanted sexual attention. Exposure to this risk was highest amongst the non-private practice lawyer sample, with 28% of this sub-sample experiencing unwanted sexual attention (see Figure 24).

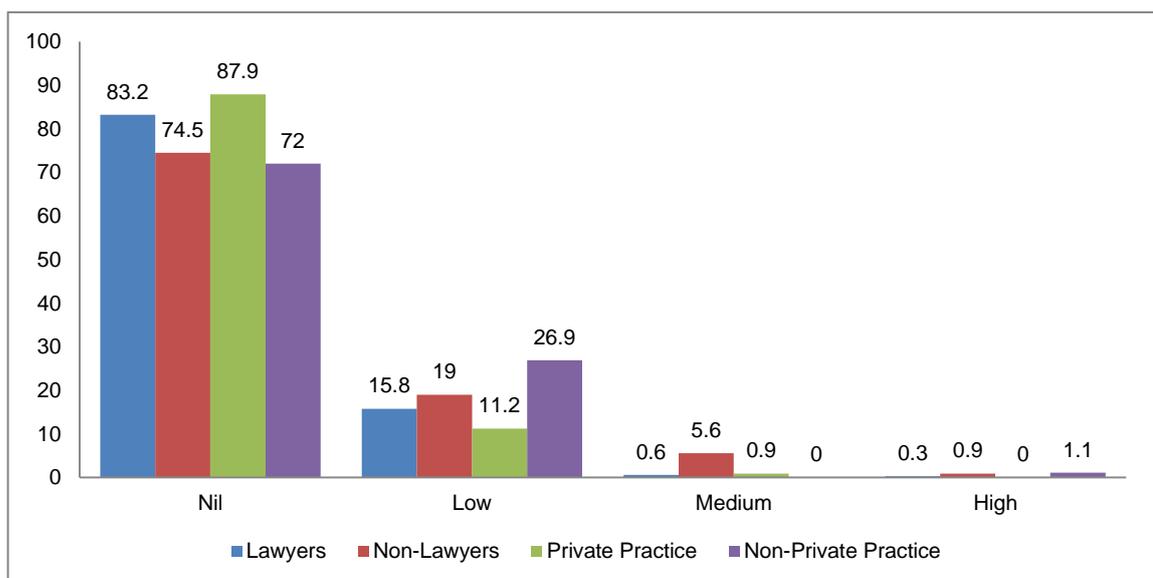


Figure 24: Exposure to Unwanted Sexual Attention as a Psychosocial Risk

Sexual coercion includes behaviours such as subtly threatening the target, making it necessary to cooperate with the perpetrator to be well treated, and making the target afraid of poor treatment if the target did not cooperate.

Nil exposure rates for *sexual coercion* varied from 73.9 to 81.7% of the sample/sub-sample, indicating the majority of respondents were not exposed to this risk.

About one in five respondents were exposed to some level of sexual coercion risk. Between 1.1 and 6.5% of all respondents experienced either medium or high levels of risk exposure.

About 7% more professionals than lawyers were exposed to sexual coercion behaviours. Exposure levels in the private practice were slightly higher than in non-private practice (19.7 and 18.3% respectively; see Figure 24).

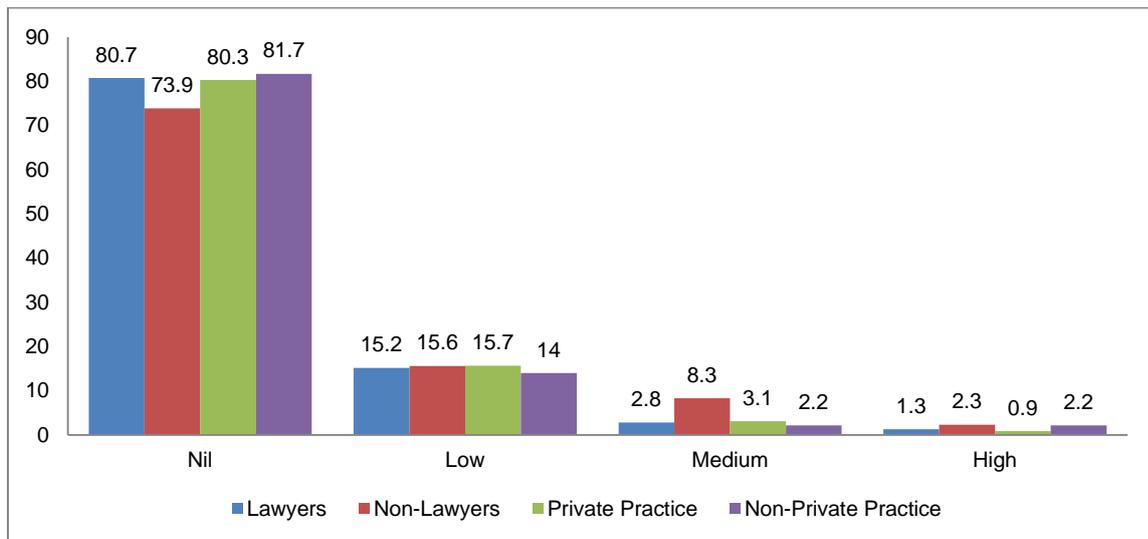


Figure 25: Exposure to Sexual Coercion as a Psychosocial Risk

As for mistreatment, scores for the three different sexual harassment dimensions were aggregated and averaged into an overall sexual harassment mean, before being classified into level of exposure categories.

Nil exposure rates for overall sexual harassment varied from 40.9 to 52.8%, indicating about half of all respondents were exposed to some form of sexual harassment risk.

Overall, 1.1 – 8.8% of the sample /sub-samples experienced either medium or high levels of exposure to sexual harassment. Low-level and nil exposure rates were similar, varying around 40 – 60% of the sample/sub-sample.

Levels of exposure to sexual harassment (overall) were about 5% higher for lawyers than for professionals. Non-private practice lawyers had the highest overall level of exposure to sexual harassment risk (59.1%; see Figure 26).

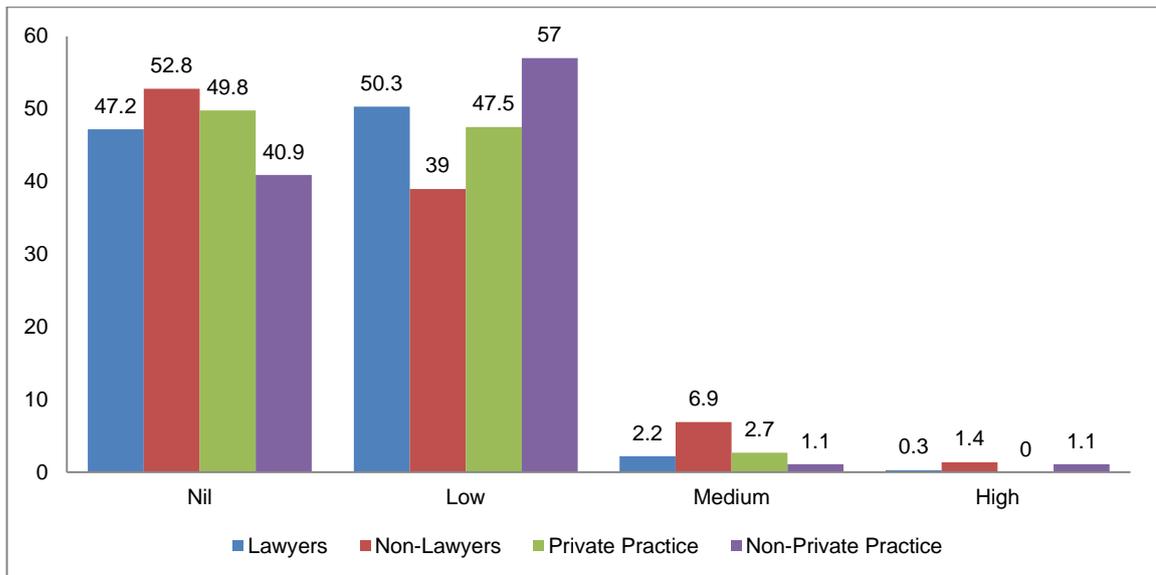


Figure 26: Exposure to Sexual Harassment (Total) as a Psychosocial Risk

Key Discussion Points and Recommendations

As mentioned in Section 5, work-context and work-content psychosocial risks contribute directly to employee stress levels. It is widely accepted that high stress levels can be damaging to mental and physical health. Therefore, exposure to these risks has the potential to create significant issues for individual employees and their employers. The impact exposure to these risks has on employee wellbeing and job performance is discussed in detail in upcoming sections.

Summary Points: Incidence Rates / Exposure to Risk (Overall):

Data was obtained on five poor interpersonal behaviour psychosocial risks. Three of these risks included sub-dimensions (number of sub-dimensions: 10; total risks/sub-risks = 15).

- The majority of respondents in this research project were exposed to some level of incivility, interpersonal deviance and mistreatment risk within their workplaces.
- While the most common category of exposure to incivility, interpersonal deviance and mistreatment was “Low level”, this result should not be interpreted as positive.

This result indicates at least low level exposure to these risks is common-place; i.e. incivility, interpersonal deviance and mistreatment are experienced by many employees, albeit smaller proportions of employees experience the behaviours on a frequent basis.

This and the above summary point indicate incivility, interpersonal deviance and mistreatment behaviours are culturally pervasive.

- Mistreatment was the most prevalent of all five poor interpersonal behaviour psychosocial risks; less than 1 in 10 employees were not exposed to this risk.
- While the majority of the sample was classified as non-bullied, bullied rates as high as 18.3% indicate that bullying is not a rare occurrence.

- The findings that one in five employees experience medium to high level exposure to mistreatment (i.e. frequent exposure over the last 12 months), and 5 – 18.3% of employees are bullied suggests that between 1 in 4 and all medium to high level exposure mistreatment targets would likely meet the criteria to be classified as bullied.
- Experienced in some form (most common form: gender harassment) by approximately one in two respondents, sexual harassment behaviours are *at least* two and a half times more common than bullying.

Summary Points on Incidence Rates (Lawyers vs. Other Professionals):

Differences in exposure versus no exposure, and in levels of exposure to these risks varied across the samples/sub-samples. Some differences are consistent with anecdotal evidence, and some differences are not.

Specifically, in line with anecdotal evidence, lawyers were more likely than other professionals to be exposed to the majority (12 out of 15) of poor interpersonal behaviour psychosocial risks/sub-risks examined, including:

- Incivility;
- Interpersonal deviance;
- Verbal abuse, work obstruction, emotional neglect, and mistreatment overall;
- Bullying via destabilisation, isolation, overwork, and threat to professional standing behaviours, and
- Sexual harassment in the form of gender harassment, and overall sexual harassment.

Professionals were more likely than lawyers to be exposed to 3 of the 15 risks/sub-risks; bullying via threat to personal standing, and sexual harassment via unwanted sexual attention and sexual coercion.

Key discussion point: The data support the widely-held belief and anecdotal evidence that suggest these kinds of poor interpersonal behaviour risks are more prevalent in the legal profession than in other professions. *However*, when the lawyer sample is divided into lawyers working in private practice and those working elsewhere, the data indicate that for 13 out of 15 risks/sub-risks, exposure rates for non-private practice lawyers are higher than lawyers working in private practice. The two exceptions exist for interpersonal deviance and sexual coercion, which are more common in private practice. This finding suggests that higher rates of psychosocial risk exposure is more likely a legal profession-based issue, rather than specifically private practice-based.

Research recommendation: Research into psychosocial risk exposure should clearly differentiate between lawyers working in private practice and lawyers working elsewhere, to more clearly identify if issues are legal profession-based, or specifically private practice-based. This approach will assist in gaining more detailed insights into the role of certain workplace environments (i.e. organisational context) in contributing to risk exposure rates.

Recommendation: As for any type of risk or hazard in the workplace, employers should assess the potential for work-context and work-content psychosocial risk exposure, and develop, implement and monitor appropriate psychosocial risk management plans.

Recommendation: Given a) incivility, interpersonal deviance and mistreatment behaviours are culturally pervasive, b) mistreatment can escalate into bullying, and c) gender harassment can escalate into unwanted sexual attention and sexual coercion, a culture of “zero tolerance” should be established and effectively maintained in all workplaces, including targeted policies to promote prevention, enable reporting of and effectively discipline any deviation from zero tolerance.

Research Findings Section 6: Relationships between Poor Interpersonal Behaviour Stressors, Job Performance and Employee Wellbeing

Poor interpersonal behaviours can pose a psychosocial risk to employees, and are considered 'stressors.' Stress and wellbeing research indicates that exposure to these stressors has a negative impact on both employee wellbeing and job performance.⁷⁷

The negative effect on wellbeing typically caused by high levels of employee distress may also result in a psychological or psychiatric injury claim under the workers' compensation system.⁷⁸

Very few research efforts have been directed at the identification of work-related factors that may be contributing to the mental health issues in the legal profession, i.e. the specific work-context and work-content risks to which lawyers are exposed.

In this section of the report, the relationships between employee psychological and psychosomatic health and wellbeing, job performance indicators, and the various poor interpersonal behaviour stressors are presented.

Differences between the lawyer and professional samples for these three sets of variable relationships are also outlined.

As in Section 4, note all employee health and wellbeing relationships should be interpreted in an opposite manner because a high score on all health and wellbeing measures is indicative of *poor* wellbeing.

To reiterate, the strength of the relationship (absolute "*r*" value) is interpreted as:

- **.70 or higher** **Very strong relationship;**
- **.40 to .69** **Strong relationship;**
- **.30 to .39** **Moderate relationship;**
- **.20 to .29** **Weak relationship; and**
- **.01 to .19** **No or negligible relationship**

To assist with interpretation, Tables 10 - 15 are colour highlighted as per the above.

Table 10: Incivility, Interpersonal Deviance, Mistreatment, Employee Health and Wellbeing, and Job Performance (Lawyers)

	Incivility	Interpersonal Deviance	Verbal Abuse	Work Obstruction	Emotional Neglect	Mistreatment - Overall
Anxiety and Depression	.358**	.337**	.371**	.325**	.332**	.386**
Social Dysfunction	.233**	.193**	.257**	.272**	.236**	.283**
Loss of Confidence	.336**	.242**	.284**	.260**	.242**	.295**
Psychological Wellbeing - Overall	.346**	.295**	.353**	.336**	.317**	.375**
Psychosomatic Health - Overall	.222**	.249**	.261**	.200**	.224**	.259**
Physical Health	.183**	.200**	.233**	.189**	.207**	.237**
Substance Use/abuse	.221**	.270**	.182**	.095	.125*	.158**
Organisational Commitment	-.480**	-.333**	-.472**	-.512**	-.482**	-.539**
Extrinsic Job Satisfaction	-.585**	-.483**	-.602**	-.591**	-.605**	-.665**
Intrinsic Job Satisfaction	-.555**	-.410**	-.537**	-.560**	-.596**	-.621**
Job Satisfaction Overall	-.589**	-.462**	-.589**	-.594**	-.619**	-.665**
OCB - Individual	.123*	.170**	.204**	.114*	.218**	.203**
OCB - Organisational	-.129*	.013	-.007	-.096	-.085	-.059
OCB - Total	-.015	.100	.107*	.002	.066	.074

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 11: Incivility, Interpersonal Deviance, Mistreatment, Employee Health and Wellbeing, and Job Performance (Professionals)

	Incivility	Interpersonal Deviance	Verbal Abuse	Work Obstruction	Emotional Neglect	Mistreatment - Overall
Anxiety and Depression	.236**	.246**	.201**	.260**	.208**	.247**
Social Dysfunction	.318**	.341**	.254**	.254**	.075	.243**
Loss of Confidence	.308**	.385**	.243**	.215**	.126	.235**
Psychological Wellbeing - Overall	.341**	.376**	.278**	.299**	.166*	.293**
Psychosomatic Health - Overall	.248**	.241**	.233**	.266**	.267**	.279**
Physical Health	.239**	.221**	.218**	.244**	.265**	.263**
Substance Use/abuse	.150*	.214**	.178**	.230**	.110	.202**
Organisational Commitment	-.274**	-.259**	-.312**	-.329**	-.266**	-.344**
Extrinsic Job Satisfaction	-.409**	-.401**	-.418**	-.417**	-.385**	-.458**
Intrinsic Job Satisfaction	-.389**	-.353**	-.376**	-.388**	-.411**	-.432**
Job Satisfaction Overall	-.408**	-.386**	-.407**	-.412**	-.407**	-.456**
OCB - Individual	.052	.015	.095	-.021	.045	.053
OCB - Organisational	-.005	-.043	.023	-.090	-.026	-.026
OCB - Total	.023	-.018	.062	-.064	.007	.011

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 12: Sexual Harassment, Employee Health and Wellbeing, and Job Performance (Lawyers)

	Gender Harassment	Unwanted Sexual Attention	Sexual Coercion	Sexual Harassment - Overall
Anxiety and Depression	.126*	.129*	.203**	.183**
Social Dysfunction	.152**	.086	.108	.154**
Loss of Confidence	.101	.144*	.160**	.157**
Psychological Wellbeing - Overall	.154**	.131*	.177**	.192**
Psychosomatic Health - Overall	.188**	.117*	.204**	.218**
Physical Health	.164**	.100	.173**	.188**
Substance Use/abuse	.149**	.100	.185**	.183**
Organisational Commitment	-.250**	-.275**	-.291**	-.330**
Extrinsic Job Satisfaction	-.268**	-.252**	-.339**	-.351**
Intrinsic Job Satisfaction	-.264**	-.302**	-.342**	-.363**
Job Satisfaction Overall	-.275**	-.285**	-.351**	-.368**
OCB - Individual	.065	.037	.149**	.101
OCB - Organisational	-.010	-.056	.008	-.019
OCB - Total	.029	-.016	.086	.043

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 13: Sexual Harassment, Employee Health and Wellbeing, and Job Performance (Professionals)

	Gender Harassment	Unwanted Sexual Attention	Sexual Coercion	Sexual Harassment - Overall
Anxiety and Depression	.135*	.140*	.219**	.170*
Social Dysfunction	.259**	.260**	.218**	.267**
Loss of Confidence	.273**	.298**	.337**	.321**
Psychological Wellbeing - Overall	.257**	.266**	.293**	.289**
Psychosomatic Health - Overall	.196**	.158*	.227**	.206**
Physical Health	.171*	.120	.197**	.173*
Substance Use/abuse	.232**	.296**	.267**	.282**
Organisational Commitment	-.192**	-.177**	-.225**	-.210**
Extrinsic Job Satisfaction	-.331**	-.263**	-.340**	-.334**
Intrinsic Job Satisfaction	-.273**	-.224**	-.310**	-.286**
Job Satisfaction Overall	-.310**	-.249**	-.332**	-.318**
OCB - Individual	.013	-.020	.025	.006
OCB - Organisational	-.091	-.029	-.014	-.054
OCB - Total	-.048	-.027	.004	-.029

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 14: Bullying, Employee Health and Wellbeing, and Job Performance (Lawyers)

	Personal Standing Threat	Professional Standing Threat	Isolation	Overwork	Destabilisation	Bullying - Overall
Anxiety and Depression	.292**	.211**	.274**	.289**	.291**	.310**
Social Dysfunction	.187**	.146**	.200**	.229**	.230**	.226**
Loss of Confidence	.188**	.098	.210**	.295**	.293**	.247**
Psychological Wellbeing - Overall	.261**	.186**	.265**	.306**	.307**	.302**
Psychosomatic Health - Overall	.147**	.166**	.144*	.172**	.181**	.186**
Physical Health	.107	.122*	.121*	.142*	.155**	.149**
Substance Use/abuse	.204**	.228**	.135*	.168**	.156**	.205**
Organisational Commitment	-.361**	-.297**	-.365**	-.353**	-.425**	-.415**
Extrinsic Job Satisfaction	-.489**	-.394**	-.490**	-.468**	-.553**	-.550**
Intrinsic Job Satisfaction	-.444**	-.342**	-.454**	-.459**	-.536**	-.513**
Job Satisfaction Overall	-.482**	-.381**	-.488**	-.478**	-.562**	-.550**
OCB - Individual	.160**	.139*	.142*	.167**	.219**	.193**
OCB - Organisational	.019	.023	-.035	-.027	-.006	-.003
OCB - Total	.099	.09	.055	.073	.115*	.103

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Table 15: Bullying, Employee Health and Wellbeing, and Job Performance (Professionals)

	Personal Standing Threat	Professional Standing Threat	Isolation	Overwork	Destabilisation	Bullying - Overall
Anxiety and Depression	.250**	.210**	.201**	.253**	.176**	.234**
Social Dysfunction	.282**	.238**	.302**	.329**	.282**	.305**
Loss of Confidence	.277**	.276**	.188**	.148*	.166*	.239**
Psychological Wellbeing - Overall	.323**	.283**	.287**	.314**	.260**	.317**
Psychosomatic Health - Overall	.208**	.211**	.248**	.208**	.208**	.235**
Physical Health	.180**	.178**	.229**	.190**	.192**	.209**
Substance Use/abuse	.253**	.288**	.207**	.187**	.175**	.249**
Organisational Commitment	-.297**	-.240**	-.316**	-.287**	-.292**	-.308**
Extrinsic Job Satisfaction	-.387**	-.347**	-.418**	-.387**	-.400**	-.420**
Intrinsic Job Satisfaction	-.373**	-.320**	-.431**	-.372**	-.387**	-.405**
Job Satisfaction Overall	-.389**	-.342**	-.434**	-.388**	-.403**	-.422**
OCB - Individual	.067	.036	-.010	.144*	.108	.072
OCB - Organisational	-.006	-.059	-.017	.009	0.00	-.021
OCB - Total	.030	-.017	-.015	.077	0.054	.024

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

Comparative Data: Poor Interpersonal Behaviour Stressors and Job Performance

The results are generally consistent with previous research findings indicating that poor interpersonal behaviour risks exposure and employee job performance are related.

In the lawyer sample, incivility, interpersonal deviance and mistreatment (verbal abuse, work obstruction, emotional neglect and overall) significantly negatively relate to the employee attitudes of organisational commitment and job satisfaction (including extrinsic, intrinsic and overall). These relationships were strong, bar one moderate-in-strength correlation (out of a possible 24 bivariate pairs), with mistreatment (overall) and employee attitude relationships the strongest of these three stressors.

Significant negative relationships between the stressors incivility, interpersonal deviance and mistreatment, and organisational commitment and job satisfaction were also found in the professional sample, though the strength of these relationships ranged more widely, from weak to strong. As for the lawyer sample, the mistreatment (overall) and employee attitude relationships were the strongest of these three stressors.

These findings indicate that for both lawyers and professionals, being exposed to incivility, interpersonal deviance and mistreatment is related to lowered job satisfaction and organisational commitment.

In both the lawyer and professional sample, sexual harassment (including gender harassment, unwanted sexual attention, sexual coercion and sexual harassment overall) significantly negatively relates to both organisational commitment and job satisfaction, with relationships ranging from weak to moderate in strength (bar two significant, no – negligible relationships in the professional sample).

Significant negative relationships were also found between bullying (including threat to personal standing, threat to professional standing, isolation, overwork, destabilisation and bullying overall), and job satisfaction and commitment. In the lawyer sample, these relationships ranged from moderate to strong in strength (bar one weak significant correlation), with very similar strength patterns found within the professional sample (four weak significant relationships; the remainder moderate and strong)

These findings indicate that for both lawyers and professionals, being exposed to sexual harassment and bullying relates to lowered job satisfaction and organisational commitment.

As pseudo-measures of employee emotional wellbeing, the organisational commitment and job satisfaction results also indicate that exposure to incivility, interpersonal deviance, mistreatment, sexual harassment or bullying relates to lowered emotional wellbeing.

The organisational citizenship behaviour results were somewhat unexpected. In the lawyer sample, significant *positive* relationships were found between organisational citizenship behaviour directed at other individuals (OCBI) and incivility, interpersonal deviance and mistreatment (including verbal abuse, work obstruction, emotional neglect and mistreatment overall).

Significant *positive* relationships were also found between organisational citizenship behaviour directed at other individuals (OCBI) and bullying, including all five types and bullying overall; however these relationships were no – negligible in strength.

This specific finding may be underpinned by individual level differences including prosocial values and other-orientated empathy. Exposure to poor interpersonal behaviour stressors may 'activate' these values or traits and feelings of empathy, motivating helping

behaviour.⁷⁹ It is likely that lawyers are predisposed to choose law as a profession because they seek to 'help people', and therefore engage in helping behaviour despite being exposed to various poor interpersonal behaviour stressors at work.

In contrast, in the professional sample, no significant relationships were found between incivility, interpersonal deviance mistreatment, sexual harassment, or bullying and any type of citizenship behaviour (individual, organisational, or overall).

As discussed in detail in Section 4, the 'lack of' relationships between exposure to poor interpersonal behaviour stressors and citizenship behaviours in general is likely due to an environment / context – attitudes – behaviour process that is not captured by correlational analyses.

To reiterate, citizenship is a judgement-driven behaviour strongly influenced by attitudes.⁸⁰ As previously stated, in both samples significant positive relationships existed between both job satisfaction and commitment (attitudes), and citizenship behaviours (judgement-driven behaviours) (refer back to Table 8).

Combining the correlations between job satisfaction and commitment, and citizenship behaviours with the strong negative relationships between exposure to these stressors and both job satisfaction and commitment outlined in this section, it is logical to infer that citizenship behaviour is not directly related to exposure to stressors, but that through an indirect process, being exposed to stressors that decrease job satisfaction and commitment is likely to result in lowered citizenship behaviour.

Collectively, these findings suggest that the relationship between organisational citizenship behaviours and poor interpersonal behaviour stressors is unlikely to be direct. Citizenship behaviour is likely to be negatively affected indirectly via negative effects on attitudes, and/or may be positively affected by individual level differences in prosocial values and other-orientated empathy.

Comparative Data: Poor Interpersonal Behaviour Stressors and Employee Wellbeing

The results are consistent with previous research findings indicating that poor interpersonal behaviour stressors and employee wellbeing are related.

In the lawyer sample, incivility, interpersonal deviance and mistreatment (verbal abuse, work obstruction, emotional neglect and overall) significantly negatively relate to psychological wellbeing (including all three sub-dimensions; anxiety and depression, social dysfunction and loss of confidence). These relationships varied from weak to moderate in strength.

Incivility, interpersonal deviance and mistreatment also significantly negatively relates to psychosomatic health wellbeing, with very few non-significant correlations. These relationships varied from no – negligible to weak in strength.

Very similar significant negative relationships, inclusive of strength patterns, were also found in the professional sample. The only exceptions were a small number of non-significant relationships between psychological and psychosomatic health wellbeing, and one mistreatment dimension (emotional neglect).

For lawyers, the relationships between psychological wellbeing, and incivility and mistreatment were slightly stronger than for interpersonal deviance, whereas relationships between psychosomatic health wellbeing, and incivility and interpersonal deviance were slightly stronger than for mistreatment.

For professionals, the relationships between psychological wellbeing, and incivility and interpersonal deviance were slightly higher than for mistreatment, whereas for psychosomatic health wellbeing, relationship strengths were approximately equal across incivility, interpersonal deviance and mistreatment.

These findings indicate that for both lawyers and professionals, being exposed to incivility, interpersonal deviance and mistreatment relates to lowered psychological and psychosomatic health wellbeing.

In the lawyer sample, sexual harassment significantly negatively relates to both psychological wellbeing and psychosomatic health wellbeing, with few non-significant correlations. These relationships were weaker than for incivility, interpersonal deviance and mistreatment, varying between no – negligible and weak in strength.

Bullying also negatively relates to psychological wellbeing in the lawyer sample, bar one non-significant correlation. The strength of these relationships varied from no – negligible to moderate. The relationships between psychological wellbeing, and overwork, isolation and destabilisation were stronger than for threat to personal or professional standing.

Bullying also significantly negatively relates to lawyer psychosomatic health wellbeing, bar one non-significant correlation. The strength of these relationships varied from no – negligible through to weak, with strengths of relationships relatively equal across the five bullying types.

In the professional sample, sexual harassment significantly negatively relates to psychological wellbeing. These relationships were similar to those found for incivility, interpersonal deviance and mistreatment, varying between no – negligible and moderate in strength. The relationships between psychosomatic health wellbeing of the professional sample and sexual harassment were also negative and significant, bar one non-significant result. These relationships were weaker, ranging from no – negligible to weak in strength.

The same pattern and strength of results for bullying, and psychological and psychosomatic health wellbeing in the professional sample were also found for sexual harassment, with no non-significant exceptions.

These findings indicate that for both lawyers and professionals, being exposed to sexual harassment and bullying relates to lowered psychological and psychosomatic health wellbeing.

Key Discussion Points and Recommendations

The correlational findings collectively show that exposure to poor interpersonal behaviour stressors at work negatively affects employee wellbeing and attitudes, both of which are likely to negatively impact job performance, for example, by increasing employee turnover intentions and absenteeism, and/or reducing extra-role behaviours.

Building on recommendations presented in earlier sections:

Recommendation: Employers to develop and implement targeted psychosocial risk management plans. These plans should adopt a tiered approach that emphasises primary prevention strategies. Primary prevention strategies aim to minimise if not remove the possibility an employee will be exposed to avoidable work-related psychosocial risks such as poor interpersonal behaviour stressors. The plan should also detail secondary (“rescue”) management strategies for quick and effective interventions to minimise damage to wellbeing, attitudes and job performance should exposure to a work-related

psychosocial risk occur. Finally, the plan should detail tertiary (post-event “rehabilitation”) strategies to ensure the affected employee is returned to pre-risk exposure wellbeing, attitudinal and job performance levels.

Research recommendation: Future research on the direct effect of contextual factors (such as psychosocial risk exposure) on employee organisational citizenship behaviour as one element of job performance should explore the possible moderating role of individual level differences such as prosocial values and other-orientated empathy.

Research recommendation: Future research on the effects of contextual factors (such as psychosocial risk exposure) on employee wellbeing to include not only psychological and psychosomatic health wellbeing, but also include job satisfaction and organisational commitment as indicators of employee emotional wellbeing.

Research Findings Section 7: Workplace Interpersonal Mistreatment

The T2 survey was designed to focus on workplace interpersonal mistreatment (“mistreatment”) as a specific psychosocial risk. Target emotional (affective) responses to, ways of coping with, and wellbeing and job performance impacts of the mistreatment stressor were examined in detail.

Mistreatment was chosen as the focal stressor because:

- mistreatment is mid-range of the five psychosocial risk behaviours seriousness-wise;
- mistreatment is more frequently experienced than bullying or sexual harassment;
- mistreatment can be a one-off event (does not need to meet the repetitive and extended period of time requirements as for bullying); and
- the intent to harm the target is clear, as opposed to ambiguous intent (e.g., incivility).

Results discussed in Section 7 - 12 relate to mistreatment specifically. Based on previous research, mistreatment findings are expected to overlap with findings for other poor interpersonal behaviours, both those less and more serious in nature. However, the mistreatment findings are not necessarily directly generalisable to other forms of poor interpersonal behaviour.

As previously outlined, mistreatment behaviours can be categorised into three dimensions; *verbal abuse, work obstruction and emotional neglect*. Framing bias³ was minimised by asking respondents to indicate how often they experienced specific behaviours while working. While each of the 16 behaviours individually constitutes mistreatment, the items were not labelled ‘mistreatment.’

A screened in/out condition ensured respondents who had not experienced a minimum pre-set level of mistreatment did not answer the majority of the T2 survey items. Respondents could reach the minimum mistreatment score in a variety of ways, each with an imbedded algorithm in the online survey system. For example, a respondent could score a three or a four (of a maximum score of 5) on a single mistreatment item, indicating that they experienced that specific mistreatment behaviour ‘Often’ or ‘Always’. Alternatively, a respondent could score a two on at least two mistreatment items, indicating they experienced two or more mistreatment behaviours ‘Sometimes.’ Respondents could also score one on five or more mistreatment items, indicating that they had experienced at least five different mistreatment behaviours ‘Rarely.’

The screened-in-out condition was included because respondents who experienced negligible or no mistreatment would not be able to usefully answer subsequent items on emotional responses to mistreatment and coping strategies post-mistreatment experiences.

³ “Framing effects” refer to a ubiquitous cognitive bias affecting how information is assessed and decisions are made. In short, if a set of behavioural survey items are labelled as *harassment*, the way these items are answered by respondents differs from the same items *not labelled* as harassment. Galesic and Tourangeau (2007; see Endnote 64) provide a detailed discussion of relevant framing biases.

Comparative Data: Screened-In/Out Condition

Two hundred and forty-five cases (68.8%) of the T2 lawyer sample were screened-in for mistreatment, compared to 136 cases (62.1%) of the T2 professional sample. Of 240 private practice lawyers, 156 (65.8%) were screened-in for mistreatment. Three-quarters (75%) of the 116 non-private practice lawyers were screened-in for mistreatment.

Overall, a higher percentage of lawyers were screened-in than professionals, and a higher percentage of non-private practice lawyers were screened-in than private practice lawyers.

Comparative Data: Perpetrator Characteristics and Absolute Power

Lawyers

Over half (58.4%) lawyer targets (57.0% of private practice lawyer targets) reported their mistreatment experiences involved more than one perpetrator. This result suggests that for lawyers, mistreatment behaviour tends to include ‘mobbing’ characteristics.⁴

When asked about the “person responsible for (most of) the behaviour”, the majority of targets (63.3%) reported that the main perpetrator was male. Most perpetrators (74.7%) were older than their targets.

Absolute power is held by any employee who holds a position of formal authority over any other employee employed at a lower level within the organisational hierarchy. For example, a manager has absolute power over their direct reports. Absolute power can also be described as legitimate power, which also provides reward and coercive power because managers possess a legitimate right to provide rewards to and/or discipline employees they supervise.⁸¹

The majority of perpetrators (82%) held a higher position within the organisational hierarchy than their target suggesting perpetrator absolute power plays a key role in mistreatment of lawyers.

The organisational roles held by private practice perpetrators are summarised in Table 16.⁸² The majority of perpetrators of mistreatment in private practice (65.77%) held a Partnership role.

Table 16: Perpetrator Roles (Lawyer Sample)

Perpetrator Position	No.	Valid %
Equity Partner	106	56.68
Salaried Partner	17	9.09
Administration / Shared Services (Managerial)	17	9.09
Special Counsel / Consultant	2	1.07
Senior Associate	9	4.81
Associate	2	1.07
Lawyer	15	8.02
Trainee Lawyer	2	1.07
Paralegal	6	3.21
Law Clerk	1	0.53
Secretary	6	3.22
Administration / Shared Services (Non-Managerial)	4	2.14
<i>Total</i>	<i>187</i>	<i>100.00</i>

⁴ Mobbing is a European term for group bullying; i.e. bullying of a single target by more than one perpetrator. Mobbing is undertaken with the specific intention of getting the target to leave (e.g., see Niedl, 1996). The term originates from animal, and more specifically, bird flock behaviour, in which a number of birds ‘form a gang’ and peck, swoop at and otherwise attack and harass an intruder until the intruder departs, or dies.

Male lawyers were more likely to experience mistreatment by a same gender (male) perpetrator (42 of 62 cases), whereas female lawyers were more likely to experience mistreatment by a male perpetrator (113 of 183 cases).

For lawyers, a 'typical' perpetrator of mistreatment is male, holds a Partnership position (if employed in private practice), is older than their target, and is more likely to target a female employee than a male employee.

Professionals

In contrast to the lawyer sample, the majority of screened-in, professional targets (65.4%) reported their mistreatment experiences involved only one perpetrator.

When asked about the "person responsible for (most of) the behaviour", 59.6% of targets reported that the main perpetrator was male. Just under half (45.6%) the perpetrators were older than their targets.

Nearly two-thirds (63.2%) of perpetrators held a higher position within the organisational hierarchy than the target.

Similarly to the lawyer sample, the latter result suggests that absolute power plays an important role in mistreatment of professionals.

However, unlike lawyers, professional targets were more likely to be mistreated by a same gender perpetrator; male professionals were more likely to experience mistreatment by a male perpetrator (55 of 78 cases), and female professionals were more likely to experience mistreatment by a female perpetrator (32 of 58 cases).

In contrast to lawyer targets, the professional sample target data did not present a clear 'typical' perpetrator of mistreatment profile.

A professional sample perpetrator is slightly more likely to be male than female, in about 2 of 3 cases holds a position of authority over their target, is as likely to be older as younger than their target, and is more slightly more likely to target a male over a female.

Note the screened-in lawyer sample is gender-biased (74.7% female; cf. 57.4% in the screened-in professionals sample). This bias may have influenced the gender aspect of the perpetrator profile for lawyer targets, and contributed to gender differences between the two samples' perpetrator profiles.

Comparative Data: Perpetrator Relative Power

Power exists in many forms and can originate from several different sources. In addition to absolute, reward and coercive power, a perpetrator may hold *relative power* over a target. Relative power refers to the perpetrator's capacity to influence a range of important aspects of the target's working life, such as their reputation and whether they keep their job. Relative power is often associated with networks and circles of influence.⁸³ For example, the perpetrator may have a strong personal relationship with the target's manager or other important persons within the workplace.

Lawyer vs. Professional Sample

Perpetrator relative power scores within the mistreated lawyer sample were non-normally distributed; clustered around the high end of the possible range of scores.

The most frequently reported score was the maximum possible 40/40 (11.4% of responses), followed by 38/40 (11.0% of responses).

In contrast, scores for perpetrator relative power within the mistreated professional sample were more normally distributed across the possible range, with the most frequently reported score being 26/40 (7.4% of responses; See Figure 27).

The data suggests while relative power plays a role in mistreatment experiences for both lawyers and professionals, lawyers perceive their perpetrators possess substantially higher levels of relative power than professionals perceive their perpetrators possess.

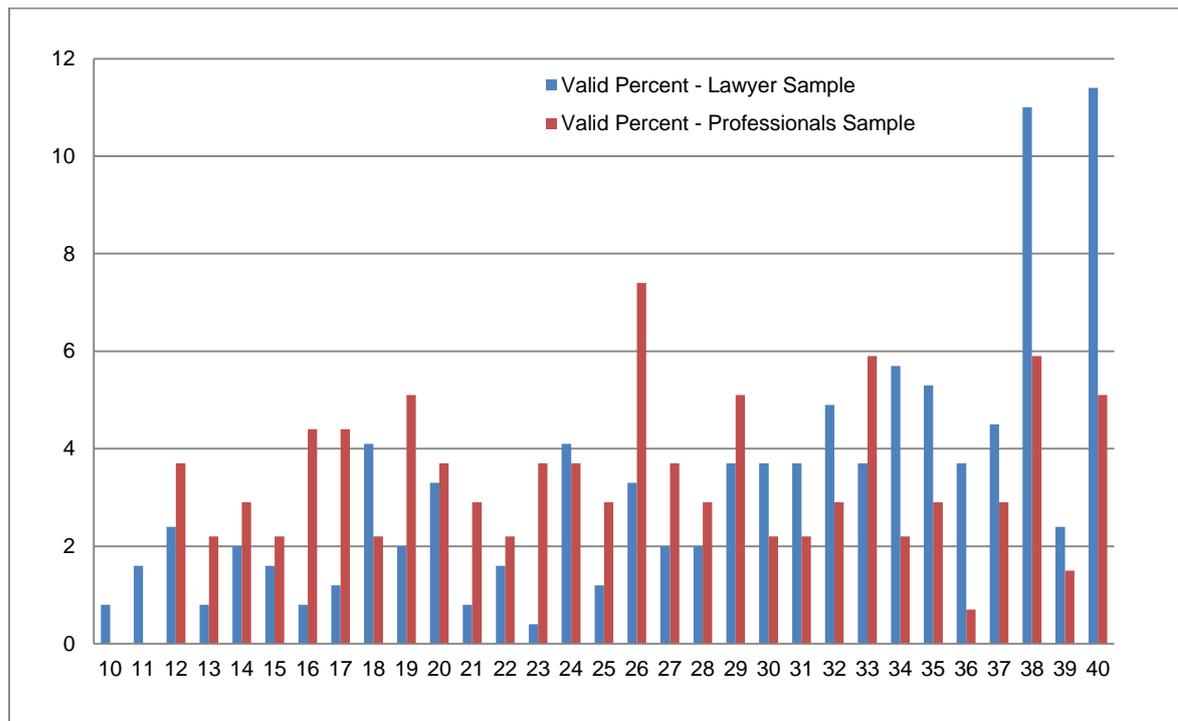


Figure 27: Perceived Perpetrator Relative Power (Lawyers / Professionals)
(Maximum Score: 40)

Private Practice and Non-Private Practice Lawyers

Scores for perpetrator relative power within the mistreated private practice lawyer sample were clustered around the higher end of the possible range, with the most frequently reported score being the maximum possible 40/40 (21.5% of respondents).

The most frequently reported score for non-private practice was also 40/40; however, this maximum possible score was reported much less frequently in non-private practice than within private practice (12.6% of responses cf. 21.5%; See Figure 28).

The data suggest that mistreated lawyers working in private practice perceive their perpetrators possess higher levels of relative power than mistreated lawyers working elsewhere perceive their perpetrators possess.

Collectively, the relative power results suggest that for lawyers, perpetrator relative power plays a critical role in the mistreatment dyad, and that perpetrator relative power is particularly impactful for lawyer targets employed in private practice.

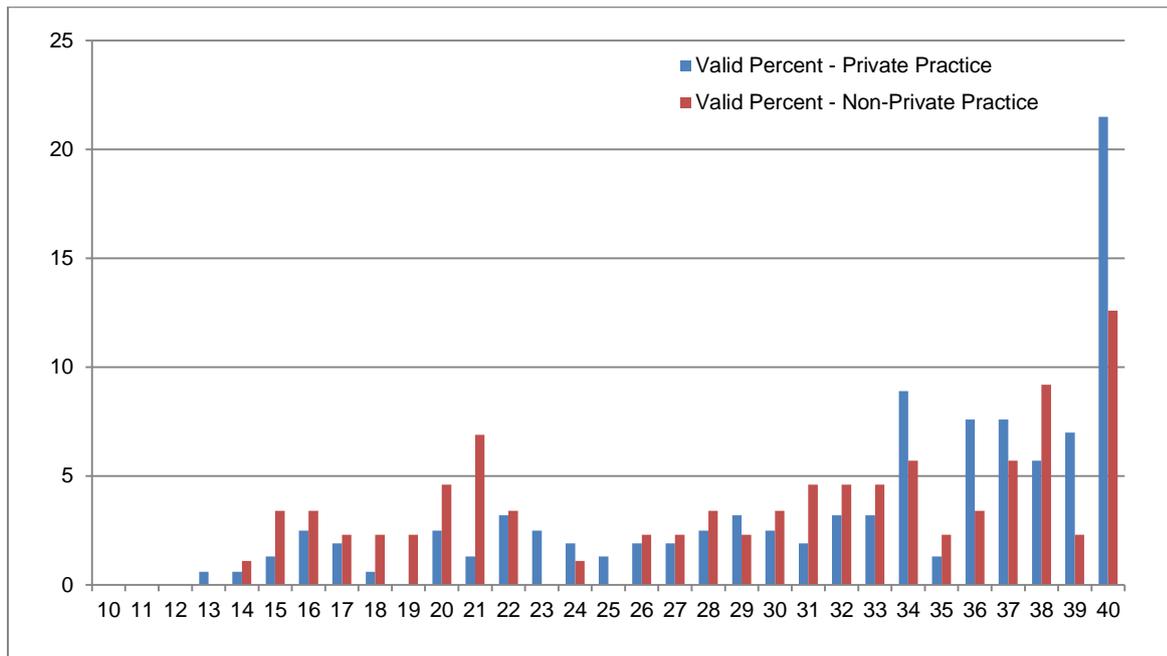


Figure 28: Perceived Perpetrator Relative Power Scores (Private Practice / Non-Private Practice) (Maximum score: 40)

Key Discussion Points and Recommendations

Similar to criminal cases, profiling likely perpetrators and targets of mistreatment assists in prevention initiatives. Profiles provide insight into who is likely to engage in mistreatment behaviours, and the type of individual the perpetrator is likely to target.

While perpetrator gender and age appear to play a key role in the mistreatment of lawyers, data suggests the legal profession is (still) a male-dominated profession, particularly at senior levels, with females more likely to hold 'junior' to mid-level roles and more likely to leave (private practice in particular) mid-career.⁸⁴ Therefore, these two characteristics may dominate a perpetrator profile simply as a function of profession-wide demographics. This notion is supported by the fact the possible role of perpetrator gender and age was unclear in the professional sample.

Gender and age aside, power clearly plays a critical role in mistreatment in both samples. Specifically, mistreatment involves the misuse and/or abuse of power; typically, the target is either low in power or powerless, and the perpetrator is high in power.

It is particularly evident that private practice perpetrators misuse and/or abuse power.

Recommendation: Organisations in general would benefit from flatter structures, and from creating a culture of collaboration and mutual respect as opposed to encouraging use of hierarchy-based power, as perpetrators are likely to misuse or abuse such power.

Recommendation: Employers would benefit from training employees, especially those in leadership or senior roles, on the appropriate and inappropriate use of legitimate, reward and coercive power.

Recommendation: The legal profession, particularly private practice, should require Partners and to-be-Partners to undergo compulsory training on the various power sources and the appropriate and inappropriate use of each source of power.

Recommendation: Lawyer employers, including private practice firms, would benefit from implementing specific anti-mobbing policies and initiatives, to address the tendency for mistreatment to involve multiple-perpetrators against a single target.

Recommendation: When investigating mistreatment grievances, human resource practitioners and managers should consider not only absolute (legitimate, reward and coercive) power, but also the relative power of alleged perpetrators. This consideration is particularly important when mistreatment grievances involve an alleged perpetrator of equal or lower hierarchical status to the target, for example in peer- and upwards-mistreatment cases.

Research recommendation: Perpetrator research should examine both absolute and relative power to gain more detailed insights into the role of various power source misuse and/or abuse in mistreatment, bullying and other forms of poor interpersonal behaviour.

Research Findings Section 8: Organisational Context and Mistreatment

Organisational context can either foster or deter certain employee behaviours, including poor interpersonal behaviour.⁸⁵ In other words, organisational context factors can play an important role in preventing mistreatment and its negative effects. In this section of the report, differences in organisational context characteristics between screened-in and screened-out targets of mistreatment are outlined.

Comparative Data: Screened In-Out Condition -Total Sample

Two-thirds (66.2%) the combined T2 sample ($n = 575$) were screened-in for mistreatment. There were significant differences in organisational context characteristics for screened-in versus screened-out respondents (see Figure 29). Specifically:

- Screened-in targets rate their organisational climate as being significantly **less ethical** than their screened-out counterparts. Ethical norms, reinforcement of ethical behaviour, management ethical behaviour and overall ethical climate perceptions are each rated at significantly lower levels by screened-in than screened-out respondents.
- Screened-in targets experience significantly **lower levels of both general formalisation and sophisticated HR formalisation** than the screened-out sample.
- Screened-in targets also experience significantly **higher levels of laissez-faire leadership** than their screened-out counterparts.

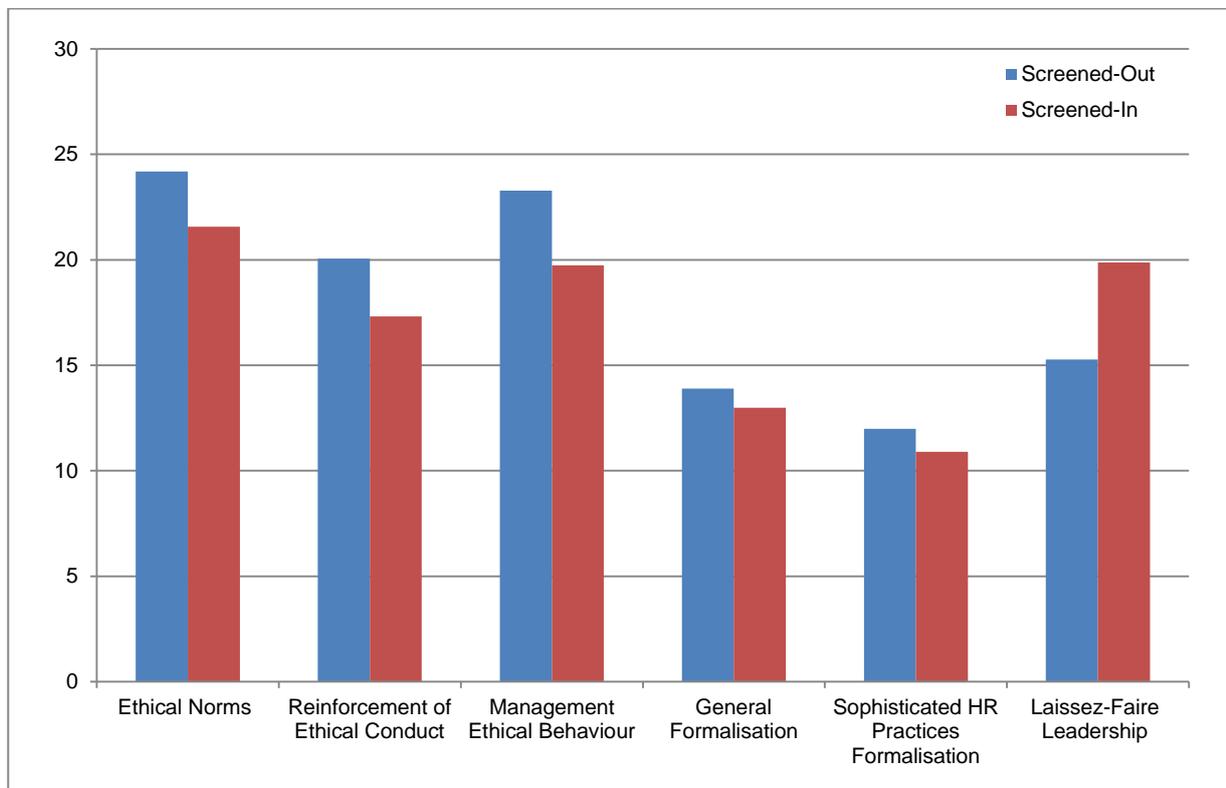


Figure 29: Differences in Organisational Context (Combined Sample Screened-In vs. Screened-Out)

Comparative Data: Screened In-Out Condition - Lawyer Sample

There were significant differences in organisational context characteristics for screened-in versus screened-out lawyer respondents (see Figure 30). Specifically:

- Screened-in lawyers rate their organisational climate as being significantly **less ethical** than their screened-out lawyer counterparts. Ethical norms, reinforcement of ethical behaviour, management ethical behaviour and overall ethical climate perceptions are each rated at lower levels by screened-in lawyers than screened-out lawyers.
- Screened-in lawyers experience significantly **lower levels of both general formalisation and sophisticated HR formalisation** than the screened-out lawyer sample.
- Screened-in lawyers also experience significantly **higher levels of laissez-faire leadership** than their screened-out lawyer counterparts.

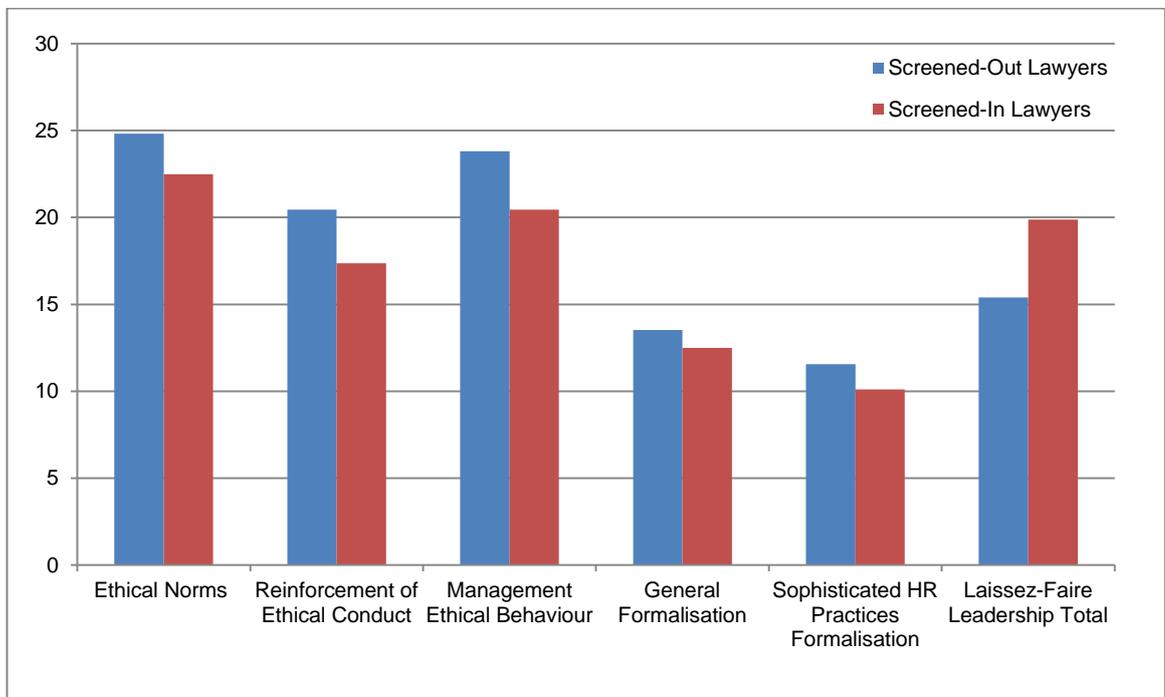


Figure 30: Differences in Organisational Culture (Lawyers Screened-In vs. Screened-Out)

Comparative Data: Screened In-Out Condition - Professional Sample

There were significant differences in two of the three main organisational context characteristics for screened-in versus screened-out professional respondents (See Figure 31). Specifically:

- Screened-in professionals rate their organisational climate as being significantly **less ethical** than their screened-out professional counterparts. Ethical norms, reinforcement of ethical behaviour, management ethical behaviour and overall ethical climate perceptions are each rated at lower levels by screened-in professionals than screened-out professionals.

- Screened-in professionals also experience significantly **higher levels of laissez-faire leadership** than their screened-out professional counterparts.

In contrast to lawyers, there were no significant differences in either general formalisation or in sophisticated HR practices formalisation between the screened-in and screened-out professional samples.

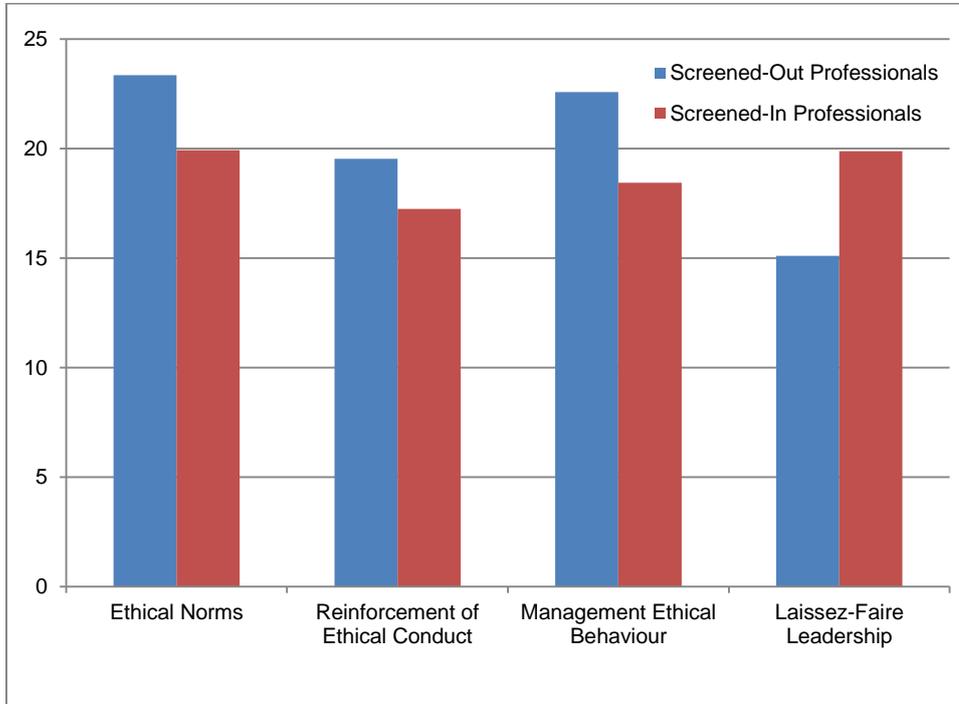


Figure 31: Differences in Organisational Context (Professionals Screened-In vs. Screened-Out)

Comparative Data: Screened In-Out Condition – Private Practice Lawyer Sample

There were significant differences in organisational context characteristics for screened-in versus screened-out private practice lawyer respondents (see Figure 32). Specifically:

- Screened-in private practice lawyers rate their organisational climate as being significantly **less ethical** than their screened-out private practice lawyer counterparts. Ethical norms, reinforcement of ethical behaviour, management ethical behaviour and overall ethical climate perceptions are each rated at lower levels by screened-in private practice lawyers than screened-out private practice lawyers.
- Screened-in private practice lawyers experience significantly **lower levels of both general formalisation and sophisticated HR formalisation** than the screened-out private practice lawyer sample.
- Screened-in private practice lawyers also experience significantly **higher levels of laissez-faire leadership** than their screened-out private practice lawyer counterparts.

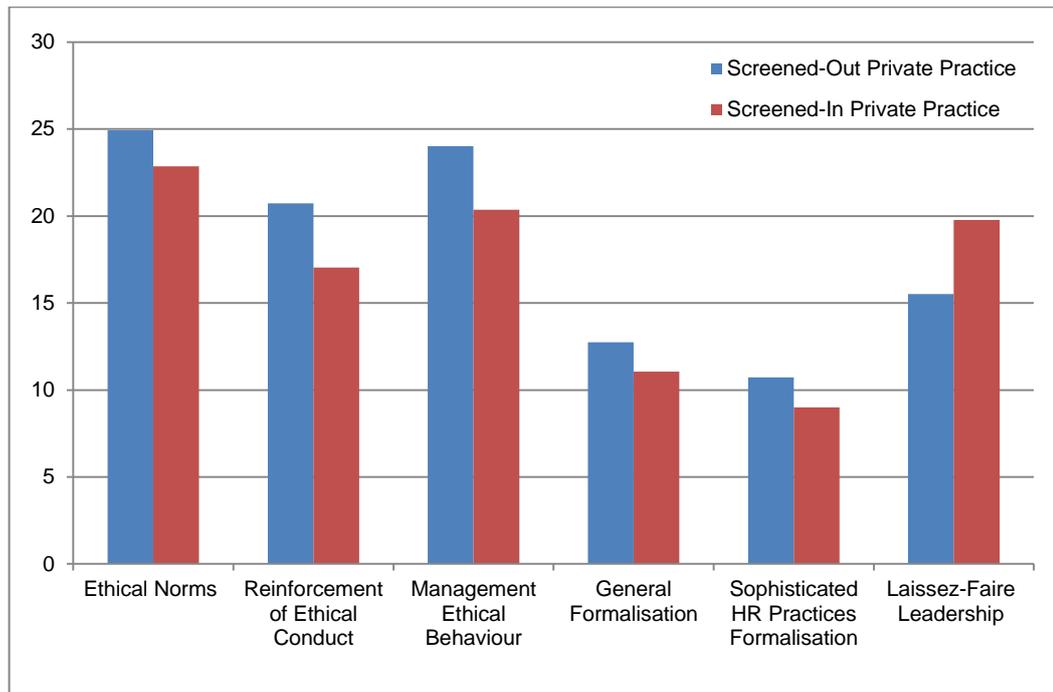


Figure 32: Differences in Organisational Context (Private Practice Lawyers Screened-In vs. Screened-Out)

Comparative Data: Screened In-Out Condition – Non-Private Practice Lawyer Sample

In contrast to other sub-samples, few significant organisational culture characteristic differences were identified when screened-in non-private practice targets were compared to screened-out non-private practice lawyers.

Screened-in non-private practice targets rated levels of **ethical norms significantly lower** and **laissez-faire leadership behaviour levels significantly higher** than their screened-out non-private practice counterparts.

There were no significant differences between screened-in and screened-out non-private practice targets in reinforcement of ethical behaviour, management ethical behaviour, overall ethical climate perceptions, or either type of organisational formalisation.

Key Discussion Points and Recommendations

Collectively, these findings are consistent with previous research findings indicating organisational context is likely to play a critical role in reducing and/or preventing mistreatment, and other forms of poor interpersonal behaviour stressors.

Maintaining a highly ethical climate, high levels of formalisation, and low levels of laissez-faire leadership is important for preventing mistreatment, and appears of particular relevance to the private practice law setting.

In addition to recommendations presented in earlier sections:

Recommendation: Employers, particularly private practice law firms would benefit from placing an emphasis on organisational context factors including but not limited to positive leadership styles, ethical climate and formalisation as primary prevention risk management strategies for psychosocial risks such as mistreatment.

Research Findings Section 9: Mistreatment and Employee Wellbeing, Attitudes, and Job Performance

As previously outlined, research indicates that exposure to psychosocial risks such as mistreatment are likely to have a negative impact on employee wellbeing, attitudes and job performance. These individual and organisational level effects detract from organisational efficiency and effectiveness, reducing profitability. In Section 9, differences between screened-in and screened-out targets of mistreatment in wellbeing, attitudes and both citizenship behaviour and absenteeism (two job performance components) are outlined.

Comparative Data: Wellbeing, Attitudes and Job Performance (Lawyers: Screened In/Out)

Screened-in lawyers differed significantly from screened-out lawyers (See Figures 33a and 33b). Specifically:

- Screened-in lawyers reported **significantly lower levels of extrinsic job satisfaction, intrinsic job satisfaction, overall job satisfaction, and organisational commitment** than their screened-out counterparts.
- Screened-in lawyer targets also reported **significantly lower levels of psychological wellbeing**, both overall, and at dimensional level, than their screened-out counterparts. Specifically, **levels of anxiety and depression, social dysfunction, and loss of confidence were significantly higher** in the screened-in target sample than in the screened-out sample.
- Screened-in lawyer targets also had **significantly lower levels of overall psychosomatic health wellbeing and significantly higher levels of physical health symptoms** than their screened-out counterparts.
- The screened-in lawyer target sample **high-level absenteeism rates were significantly higher** than the overall lawyer sample (11.8% vs. 8.7%).
- Screened-in lawyer targets engaged in **significantly more OCB (individual) behaviours** than their screened-out counterparts.

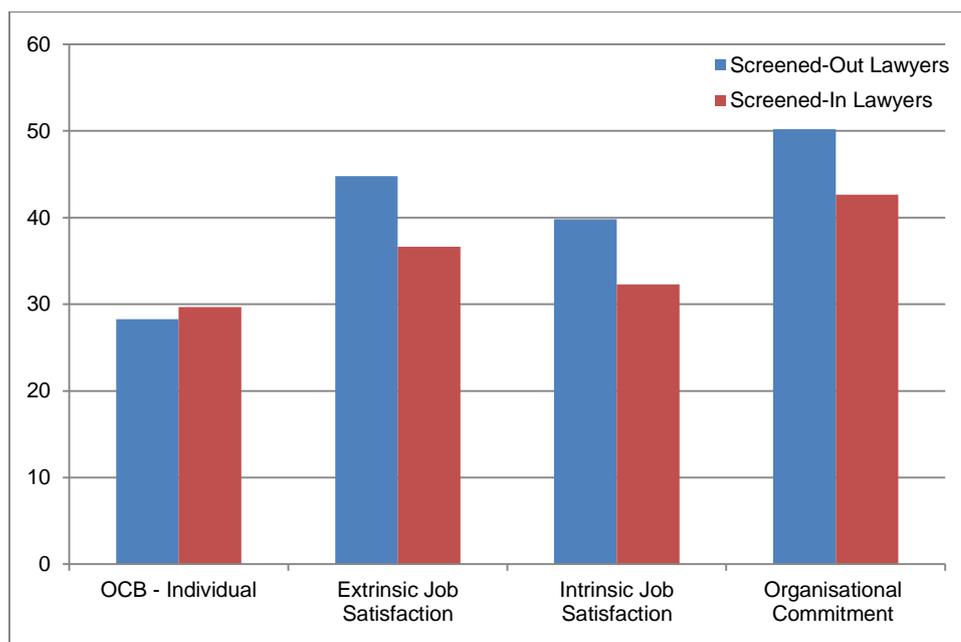


Figure 33a: Differences in Attitudes and Citizenship Behaviours (Lawyers Screened-In/Out)

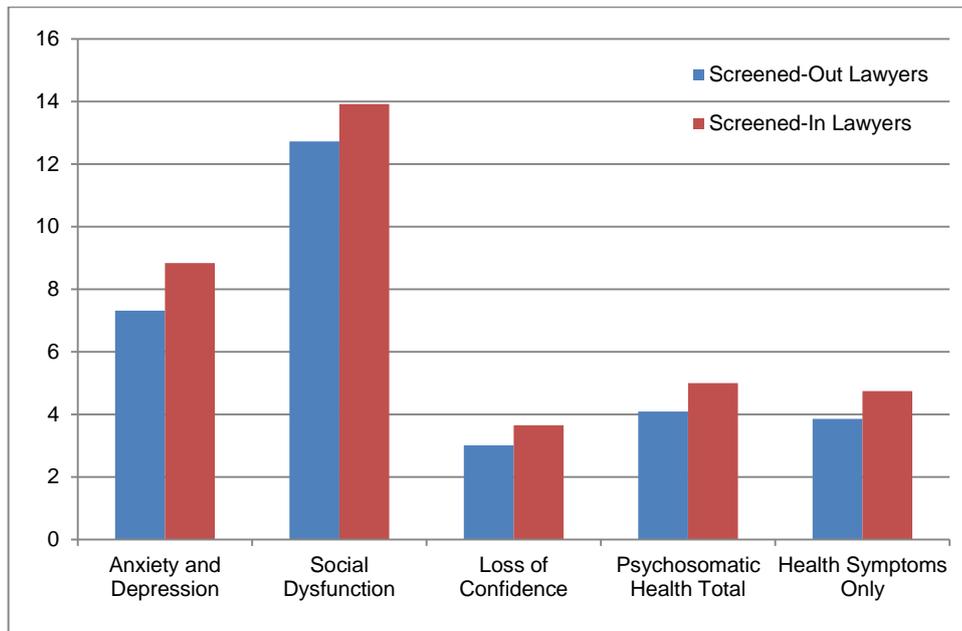


Figure 33b: Differences in Wellbeing (Lawyers Screened-In/Out)

There were no significant differences between the screened-in and screened-out lawyer targets in terms of OCB (Organisational), OCB (Overall) or Substance Use/Abuse.

These results are consistent with previous research findings indicating being targeted for mistreatment leads to decreased employee health and wellbeing and has negative effects on job performance.

Interestingly, compared to screened-out targets, screened-in lawyer targets engaged *in more (not less)* OCBI, otherwise referred to as ‘helping behaviour.’ Unexpected overall, this finding is consistent with results presented in Section 6, where, for the most part, relationships between the majority of poor interpersonal behaviour stressors and OCBI were positive and significant for the lawyer sample. As previously mentioned, this finding may be underpinned by individual level differences including prosocial values and other-orientated empathy, which typically lead to helping behaviours.

Comparative Data: Wellbeing, Attitudes and Job Performance (Professionals: Screened In/Out)

Screened-in professional targets differed significantly from screened-out professional targets in the following ways (See Figures 34a and 34b):

- Screened-in professional targets had **significantly lower levels of extrinsic job satisfaction, intrinsic job satisfaction, overall job satisfaction, and organisational commitment** than their screened-out counterparts.
- Screened-in professional targets also had **significantly lower levels of psychological wellbeing** than their screened-out counterparts (with the exception of the anxiety and depression dimension of the GHQ-12). Specifically, levels of social dysfunction, and loss of confidence were significantly higher in the screened-in target sample than in the screened-out sample.

- Screened-in professional targets also had **significantly lower levels of overall psychosomatic health wellbeing and significantly higher levels of health symptoms** than their screened-out counterparts.



Figure 34a: Differences in Attitudes (Professionals Screened-In/Out)

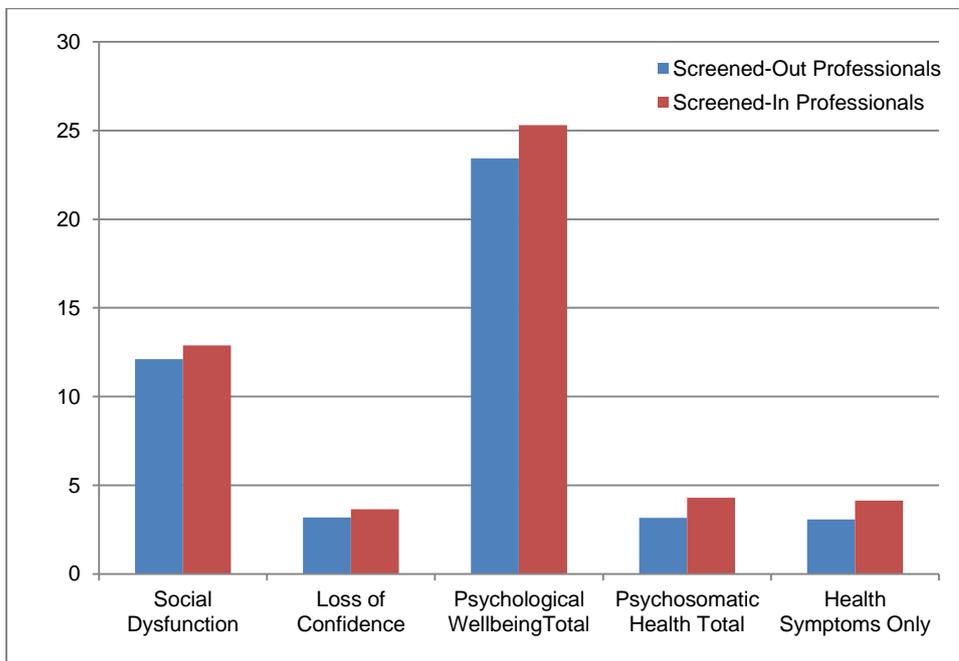


Figure 34b: Differences in Wellbeing (Professionals Screened-In/Out)

There were no significant differences between the screened-in and screened-out professional targets in terms of OCB (Organisational), OCB (Individual), OCB (Overall), Anxiety and Depression, or Substance Use/Abuse. High-level absenteeism rates in the screened-in professional target sample and the overall professional sample were approximately equal (7.6 vs. 7.4%).

Whilst not a statistically significant difference, screened-in professional targets engaged in less organisational citizenship behaviour than screened-out professional targets (lower mean scores both overall, and for each of the two sub-dimensions). Lower OCB is expected based on previous research findings which suggest being targeted for poor personal behaviour will negatively affect OCB as a job performance component.⁸⁶

Comparative Data: Wellbeing, Attitudes and Job Performance (Private Practice Lawyers: Screened In/Out)

Screened-in private practice lawyers differed significantly from screened-out private practice lawyers in the following ways (See Figures 35a and 35b):

- Screened-in private practice lawyers had **significantly lower levels of extrinsic job satisfaction, intrinsic job satisfaction, overall job satisfaction, and organisational commitment** than their screened-out counterparts.
- Screened-in private practice lawyers also had **significantly lower levels of psychological wellbeing** than their screened-out counterparts. Specifically, levels of **anxiety and depression, social dysfunction, and loss of confidence were significantly higher** in the screened-in target sample than in the screened-out sample.
- Screened-in private practice lawyers also had **significantly lower levels of overall psychosomatic health wellbeing and significantly higher levels of health symptoms** than their screened-out counterparts.
- **High-level absenteeism rates** in the screened-in private practice lawyers sample were **significantly higher** than in the overall private practice lawyer sample (7.9 vs. 6.2%).

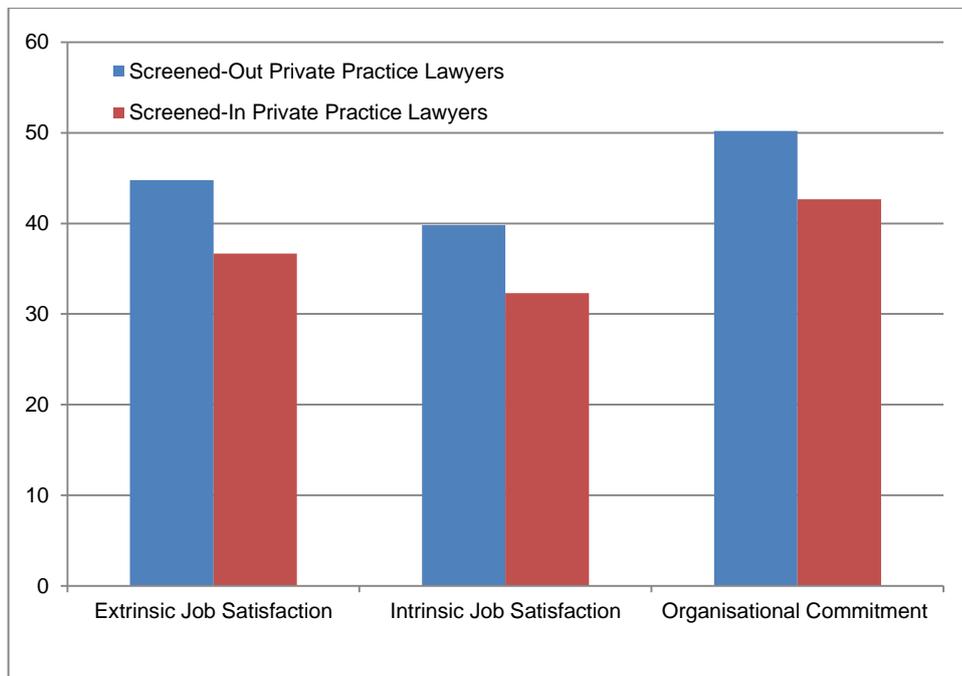


Figure 35a: Differences in Attitudes (Private Practice Lawyers Screened-In/Out)

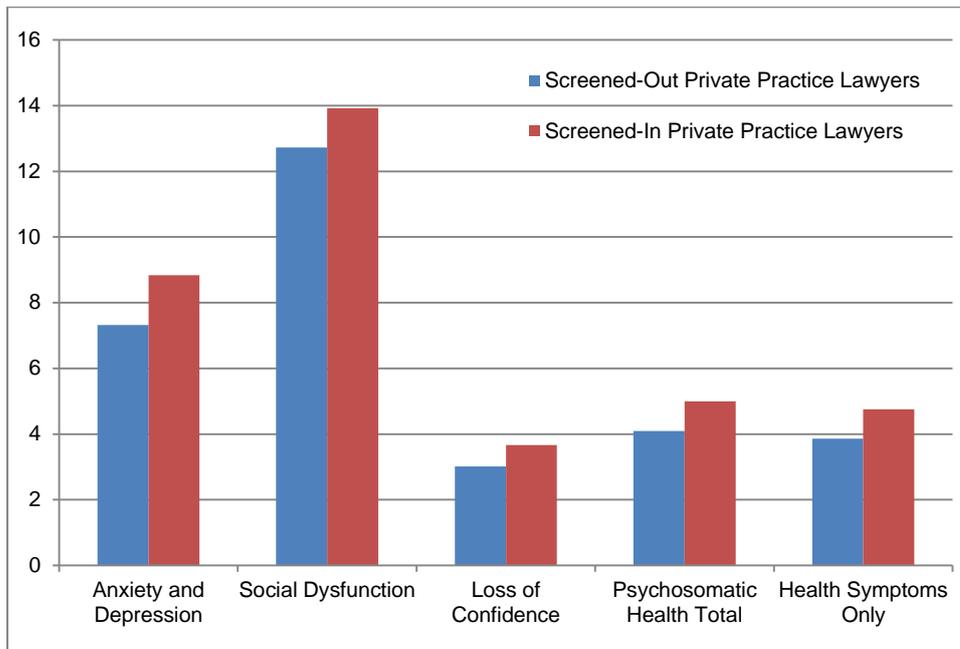


Figure 35b: Differences in Wellbeing (Private Practice Lawyers Screened-In/Out)

There were no significant differences between the screened-in and screened-out professional targets in terms of OCB (Organisational), OCB (Individual), OCB (Overall), or Substance Use/abuse.

As for the lawyer sample, these results are consistent with previous research findings that indicate being targeted for mistreatment leads to decreased employee health and wellbeing and has negative effects on job performance.

Whilst not a statistically significant difference, similarly to the overall screened-in lawyer sample, screened-in private practice lawyers engaged in *more* organisational citizenship behaviour directed at individuals (OBCI; ‘helping behaviour’) than their screened-counterparts, possibly due to individual differences in prosocial values and other-orientated empathy.

Comparative Data: Wellbeing, Attitudes and Job Performance (Non-Private Practice Lawyers: Screened In/Out)

Screened-in non-private practice lawyers differed significantly from screened-out non-private practice lawyers in the following ways (See Figures 36a and 36b:

- Screened-in non-private practice lawyers had **significantly lower levels of extrinsic job satisfaction, intrinsic job satisfaction, overall job satisfaction, and organisational commitment** than their screened-out counterparts.
- Screened-in non-private practice lawyers also had **significantly lower levels of psychological wellbeing** than their screened-out counterparts. More specifically, **levels of anxiety and depression were significantly higher** in the screened-in target sample than in the screened-out sample.
- Screened-in non-private practice lawyers also had **significantly lower levels of overall psychosomatic health wellbeing and significantly higher levels of health symptoms** than their screened-out counterparts.

- Screened-in non-private practice lawyers engaged in **significantly more OCB (individual) behaviours** than their screened-out counterparts.
- **High-level absenteeism rates** in the screened-in non-private practice lawyers sample were **somewhat higher** than in the overall non-private practice lawyer sample (19.1 vs. 14.2%).

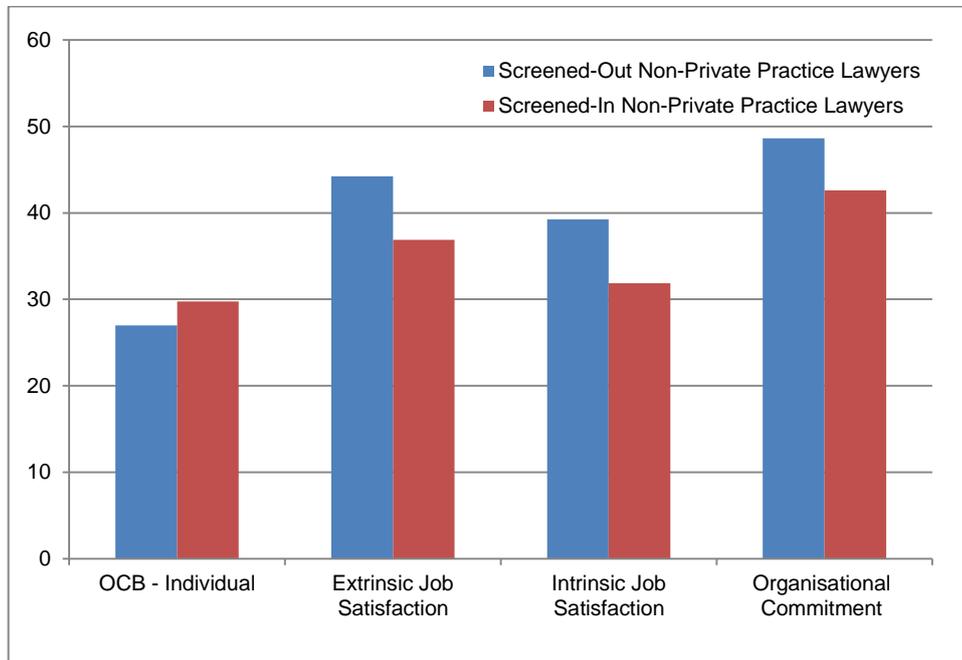


Figure 36a: Differences in Attitudes (Non-Private Practice Lawyers Screened- In/Out)

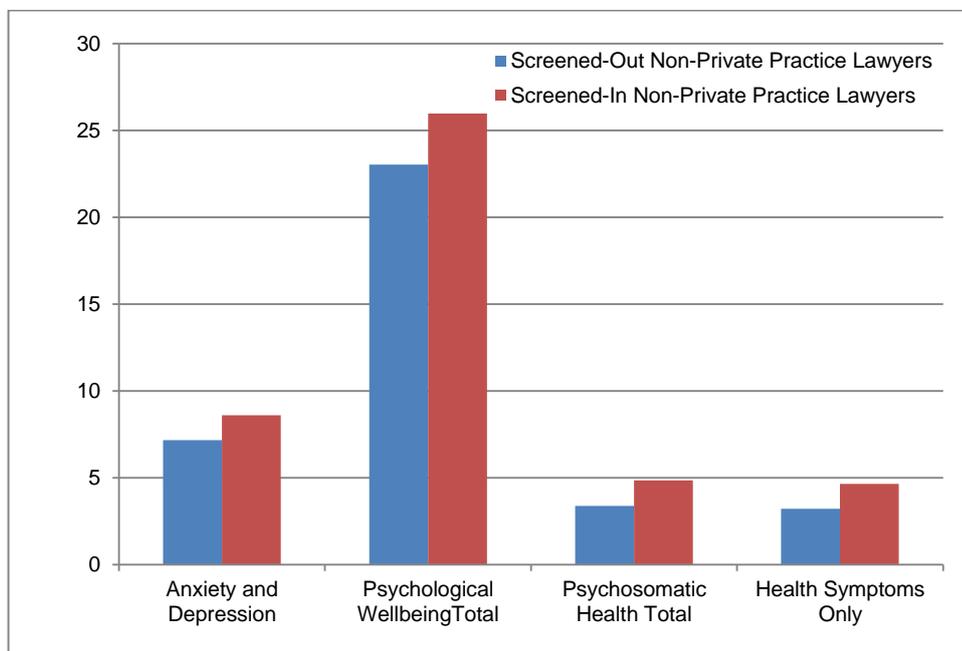


Figure 36b: Differences in Wellbeing (Non-Private Practice Lawyers Screened-In/Out)

There were no significant differences between the screened-in and screened-out non-private practice lawyer targets in terms of OCB (Organisational), OCB (Overall), or Substance Use/Abuse.

As for the lawyer sample, these results are consistent with previous research findings that suggest being targeted for mistreatment leads to decreased employee health and wellbeing, and negatively effects job performance.

Similarly to the overall lawyer sample and private practice screened-in lawyers, screened-in non-private practice lawyers engaged in *more* organisational citizenship behaviour directed at individuals (OBCI; 'helping behaviour') than their screened-counterparts, possibly due to individual differences in prosocial values and other-orientated empathy.

Key Discussion Points and Recommendations

Collectively, the findings presented in Section 9 demonstrate that when lawyers and professionals are mistreated at work, their wellbeing and attitudes are negatively impacted. In addition to high-level absenteeism rates being higher amongst targets, the impact on job satisfaction and commitment can have flow on effects on other aspects of job performance, including but not limited to citizenship behaviours.

In line with previous key discussion points and recommendations:

Key Discussion Point: There is a clear need to move away from the current individual level focus on possible causes of poor mental health in lawyers towards work context and content causes, such as being targeted for mistreatment.

Recommendation: Employers should actively identify and address organisational level causes of poor psychological, psychosomatic health and emotional wellbeing in employees.

Recommendation: Employers should consider increased absenteeism and negative changes in attitudes as possible lagged indicators of mistreatment (and other poor types of interpersonal behaviours) occurring, and ensure that mechanisms are in place to regularly monitor these indicators.

Recommendation: Given a) lawyers are an identified at risk population for mental health disorders, b) the impact across all three aspects of psychological wellbeing and c) the negative impact on both pseudo-measures of emotional wellbeing, private practice law firms in particular will benefit from ensuring mistreatment is prevented, for example, via zero tolerance policies and effective disciplinary action against perpetrators.

Recommendation: At the profession level, to-be-principals of law firms should undergo specific compulsory psychosocial risk management training to increase awareness and understanding of the wellbeing, attitudinal and job performance impacts of these risks on individual employees, in addition to the legal obligations for officers of a business to ensure the workplace is a safe and healthy working environment.

Recommendation: Law societies and associations can assist in promoting executive level commitment to and evidence of proactive psychosocial risk identification and management by including these as prerequisite criteria for any legal profession-related 'employer of choice' style awards.

Research Findings Section 10: Responding to and Coping with Mistreatment

As outlined earlier in this report, being a target of mistreatment poses a psychosocial risk. When employees are exposed to a risk, they engage in a cognitive appraisal process to evaluate if that risk (also called a ‘stressor’) is benign, a challenge, or a threat to their wellbeing. As a result of this primary appraisal process, the stressor may trigger no response, a positive stress response known as eustress, or a negative stress response known as distress.⁸⁷

Exposure to stressors causes changes in an employee’s emotional (affective) state.⁸⁸ If appraised as a challenge, a stressor can lead to positive emotions such as feeling enthusiastic, confident and strong. In the case of distressful events, negative emotions are experienced including feeling angry, upset, depressed, and irritated.

When faced with a distressful event, employees assess the coping strategies available to help them deal with the stressor. This assessment process is known as ‘secondary appraisal.’⁸⁹ Coping strategies can be grouped into two broad categories: 1) emotion-focussed coping, and 2) problem-focussed coping. Emotion-focussed coping is aimed at dealing with the negative emotions arising from a distressful experience, whereas problem-focussed coping is aimed at resolving or removing the ‘problem’ (i.e. the stressor).

Regardless of whether it is emotion- or problem-focussed in nature, *effective* coping should result in *adaptation*,⁹⁰ preserving the employee’s wellbeing despite exposure to the threat (See the process outlined in Figure 37). If coping is *ineffective*, the outcome is *maladaptive*, and wellbeing decreases.⁹¹

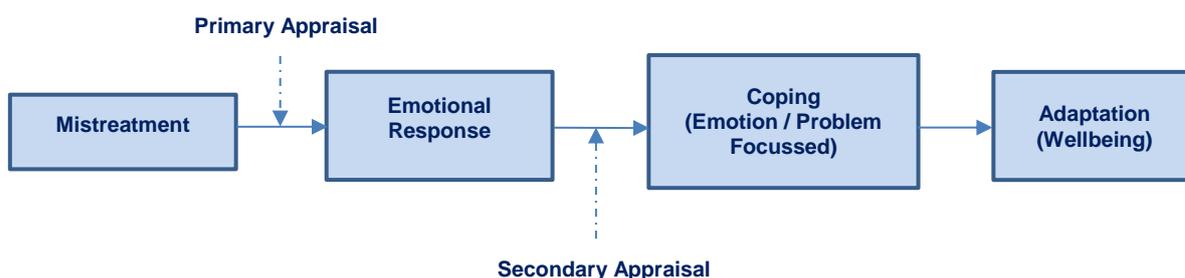


Figure 37: Mistreatment as a Stressor

Primary and secondary appraisal processes, emotional responses to mistreatment and the use of both emotion- and problem-focussed coping strategies were explored in this research project. The key findings of the analysis are outlined in this section of the report.

The *effectiveness* of different categories of coping in dealing with a mistreatment-induced threat to wellbeing was also analysed. The results of the latter analysis are discussed in detail in Section 12: The Effect of Coping on Wellbeing.

Primary Appraisal and Emotional Responses to Mistreatment

The T2 survey sections on mistreatment, emotional responses and coping captured the process outlined in Figure 37 using sequential and reflection-styled questions and instructions. These types of questions and instructions are used to help the respondent recall emotionally salient autobiographical memories like mistreatment experiences with high levels of accuracy.^{92,93}

Survey respondents were asked to reflect on their experiences of other employee’s behaviour (specifically mistreatment experiences, but not labelled as such). Screened-in

respondents were then asked the extent to which these events made them feel a range of negative emotions such as feeling irritated, upset and annoyed (ranging from 'Not at all' to 'Extremely').

A high score on the emotional response measure indicates a highly negative emotional response to being mistreated.

Being mistreated significantly positively correlates with negative emotional responses in both the lawyer and professional sample (See Table 17). The strength of the relationships ranges between moderate and strong.

Table 17: Correlations between Mistreatment and Negative Emotional Responses

Negative Emotional Response	Verbal Abuse (Non-CFA / CFA) ⁹⁴	Work Obstruction	Emotional Neglect	Mistreatment Overall
Lawyers	.585** / .697***	.458**	.505**	.614**
Professionals	.495** / .642***	.438**	.364**	.533**

** Correlation is significant at the 0.01 level (2-tailed). *** Correlation is significant at the 0.001 level (2-tailed).

Whilst causality cannot be inferred from correlations, more sophisticated analytical techniques such as Structural Equation Modelling (SEM) can test casual effects. SEM results indicate mistreatment⁹⁵ has a significant direct effect on negative emotional responses in both the lawyer and professional mistreated samples.

In other words, **being mistreated causes both lawyers and professionals to experience a strong negative emotional response** (See Figure 38). Further, to reiterate an earlier point, employee wellbeing includes an emotional element. **Therefore, these results also indicate that being mistreated has a direct and negative impact on the target's emotional wellbeing.**

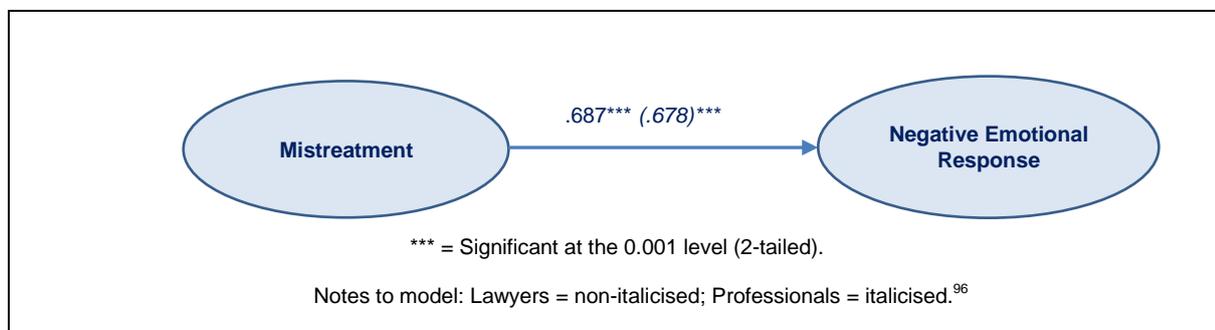


Figure 38: Causal Model – Mistreatment and Negative Emotional Responses

Emotional Responses and Coping: Lawyers vs. Professionals

In the next stage of the analysis, the role of emotional responses in influencing target coping strategies was explored.

Six coping strategies were examined; two emotion-focussed and four problem-focussed in nature ("EFC" and "PFC" respectively). EFC included social support seeking items (e.g., "I spoke with family for understanding / support") and emotion-focussed harassment coping items (e.g., "I tried to stay away from the perpetrator"). PFC included assertion items (e.g., "I told the perpetrator to leave me alone"), seeking organisational remedies items (e.g., "I reported the experiences informally"), problem-solving exit items (e.g., "I decided a good solution for me was to leave because I knew I could find myself a better situation

elsewhere”) and problem-solving transfer items (“I figured that I could and would do whatever needed to be done to get transferred because it would resolve the issue for me”).

Problem-solving exit can be considered a form of *presenteeism*. In these cases, though the employee has not yet necessarily resigned, they have mentally exited the organisation. In other words, while still physically present at work, the employee is actively engaged in seeking employment elsewhere, and is unlikely to be fully productive.

Note maintaining work attendance (i.e. *not* engaging in presenteeism) is one of five components of job performance. Therefore, engaging in problem-solving exit constitutes poor job performance behaviour.

Emotional responses can influence the type of coping strategies a target deploys. Previous research findings suggest that when employees experience negative emotions, their ability to focus on positive, problem-solving alternatives can be impeded.⁹⁷ Mistreatment, when appraised as a harmful or threatening event, may increase target anxiety and fear to a point they have difficulty accessing information from the cerebral cortex,⁹⁸ creating a state of “emotional flooding.” Emotional flooding reduces the individual’s ability to function and think effectively,⁹⁹ especially in complex situations.¹⁰⁰ Emotions also help inform judgements (cognition) to varying degrees, by affecting the availability of various thought-based activities that are usually required for processing and evaluation of information.¹⁰¹

Thus, when experiencing a highly negative emotional response to mistreatment, targets are likely to find problem-focussed coping more difficult than emotion-focussed coping.

Lawyers

As previously outlined, being mistreated leads to strong negative emotional responses. SEM indicates that lawyer negative emotional responses to mistreatment have a direct, positive causal effect on the use of all six coping strategies. In other words, the negative emotions felt by mistreated lawyers lead to both problem- and emotion-focussed coping behaviours (See Figure 39).

Professionals

In contrast, in the professional sample SEM indicates that negative emotional responses have a direct, positive causal effect on only two of the six coping strategies, both emotion-focussed in nature. This result indicates the negative emotions felt by mistreated professionals lead to emotion-focussed, but not problem-focussed coping behaviours (See Figure 40).

Differences in Coping: Lawyers vs. Professionals

While negative emotional responses in professionals lead only to emotion-focussed coping, lawyers engaged in both emotion-focussed **and** problem-focussed coping. This sample-based difference in coping strategies may be explained (at least in part) by two key individual level differences, namely *problem-solving abilities* and *defensive pessimism*.

Self-perceived problem solving ability¹⁰² can affect whether a target of mistreatment uses PFC strategies or EFC strategies. Individuals high in problem-solving abilities still appraise mistreatment as a stressor and experience a negative emotional response; however, they are more likely to use more problem-focussed and less emotion-focussed coping strategies.¹⁰³ Legal education places a strong emphasis on ensuring lawyers develop multi-faceted problem-solving and decision-making skills to help clients describe problems and to generate, assess and implement solutions.¹⁰⁴ High problem solving abilities would also assist lawyers to engage in problem-focussed coping following mistreatment.

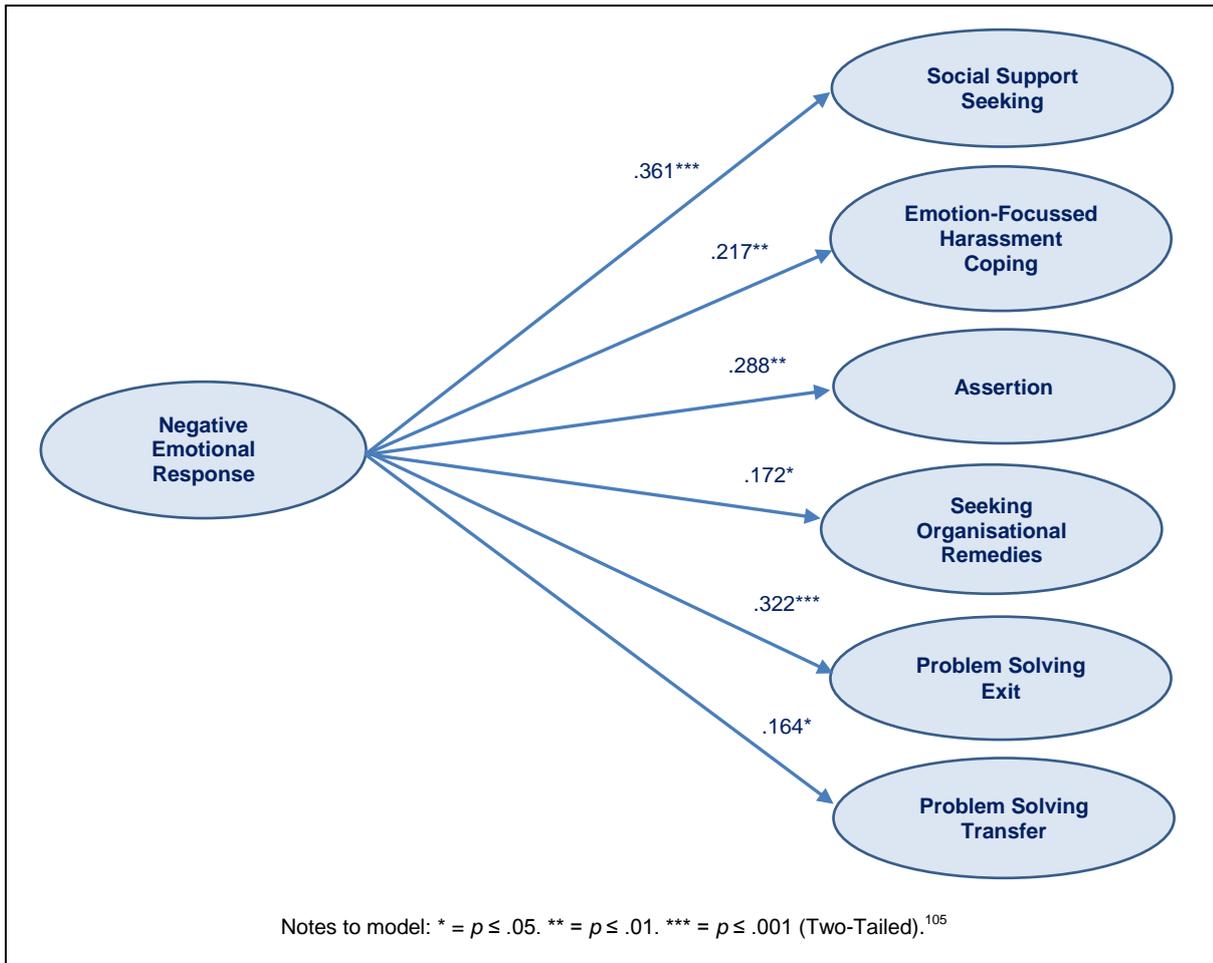


Figure 39: Causal Model – Lawyer Negative Emotional Responses and Coping Strategies

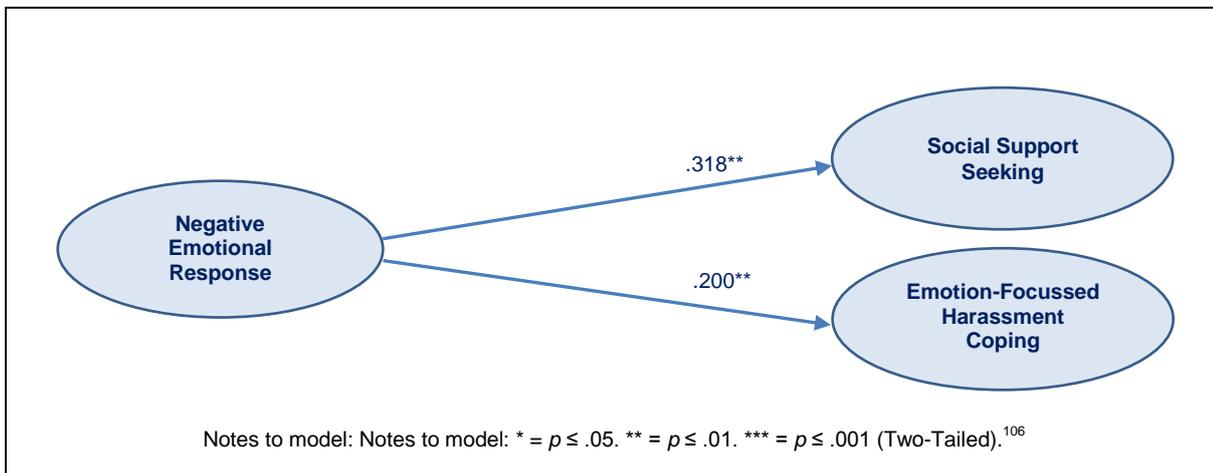


Figure 40: Causal Model – Professionals Negative Emotional Responses and Coping Strategies

Lawyers are also typically described as pessimistic.¹⁰⁷ While pessimism negatively relates to mental toughness, which in turn negatively relates to the use of problem-solving coping strategies,¹⁰⁸ a specific form known as *defensive pessimism*¹⁰⁹ may play a role in why lawyers can still engage in problem-focussed coping despite having a strong emotional response to being mistreated. When faced with a risky situation, a defensive pessimist sets an unrealistically low expectation of any positive result in an attempt to channel their

anxiety in such a way that their performance is not impaired. Defensive pessimism is a strategic, motivated attempt to “solve the problem of a ‘risky’ situation”,¹¹⁰ and links to upward pre-factual thinking and emotions / affect.¹¹¹ Defensive pessimists tend to feel bad, but do well when faced with a close negative future,¹¹² and respond to feelings of anxiety by instigating a planning process to direct efforts into actions that will likely enable them to prevent potential disasters.¹¹³ Unsurprisingly, defensive pessimism has been linked to the use of problem-solving coping.¹¹⁴

It is possible that whilst lawyers primarily appraise mistreatment to be a stressor and experience the same strong negative emotions as the professional sample, their well-developed problem-solving abilities enable them to engage in PFC. In addition, if lawyers are defensive pessimists, they may be able to imagine the worst possible outcome of any attempt to use problem-focussed coping strategies, accept this outcome (e.g., failure to solve the problem), and then use their negative emotions as motivation to direct efforts to avoiding the anticipated outcome, safe in the knowledge that failure to succeed will not make them feel any worse than they already feel.

Note while a) anecdotal evidence suggests lawyers have high level problem solving abilities and a tendency to be defensively pessimistic, and b) research suggests both these individual level differences can increase the use of problem-focussed coping, neither of these individual level differences were measured in this research project.

Other Responses to Mistreatment: Lawyers vs. Professionals

In addition to coping strategies, screened-in targets were asked if they:

- Formally reported the mistreatment to Human Resources or other relevant person/department;
- ‘Whistleblew’ by going public with what had happened to them (e.g., to the media);
- Officially resigned from their employment,¹¹⁵ and/or
- Engaged in behaviours that constitute retaliation.

These additional responses were investigated because each response has the potential to impact the organisation negatively. Formal reporting can lead to official, time-consuming, complex and costly investigations which may or may not result in industrial and/or legal action against the employer. Whistle-blowing can cause damage to the employer’s reputation in the eyes of the public and potential employees and clients, and employee turnover leads to recruitment and associated costs.

Retaliation can be particularly destructive. Retaliatory behaviour can be aimed at the perpetrator (direct), or aimed at the employer or another employee in the organisation (displaced).¹¹⁶ Recent research findings suggest in poor interpersonal behaviour cases such as mistreatment and bullying, retaliating is expressively motivated. This means a target engages in retaliation because retaliation makes the target “feel better.”¹¹⁷ In helping the target reduce the negative emotions arising from being mistreated, retaliation may actually serve as a form of emotion-focussed coping and/or emotion regulation. Often impulsive and deviant, retaliatory acts can lead to spiralling negative effects and costs.¹¹⁸

Formal Reporting, Whistle-Blowing and Resignation: Lawyers vs. Professionals

Lawyers

Of 245 screened-in lawyer targets, 25 (10.2%) made a formal complaint to human resources or other relevant person/department. Just over 15% thought about making a

formal complaint but then decided against it, and the majority of screened-in targets ($n = 183$; 74.7%) did not enact nor consider formal reporting.

The majority (76%) of the 25 lawyer targets that made a formal complaint worked in private practice. Screened-in targets working in private practice were close to twice more likely to lodge a formal report as lawyer targets working elsewhere (12.2% versus 6.9%).

Only one screened-in lawyer target 'blew the whistle' (0.4%), with another five targets thought about whistleblowing but did not (2%). The majority of mistreated targets (97.6%) did not enact nor consider this option.

Almost 16% ($n = 39$) of the lawyer screened-in targets resigned from their employment. A further 6.1% thought about resigning but decided against it, and the majority (78%; $n = 191$) did not enact nor consider resignation.

The majority (64.1%) of the 39 lawyer targets that resigned worked in private practice. Screened-in targets working in private practice were close to twice more likely to resign from their employment as lawyer targets working elsewhere (25.0% versus 16.1%).

Professionals

Of 136 screened-in targets, 17 (12.5%) made a formal complaint to human resources or other relevant person / department. Just over 21% thought about making a formal complaint but decided against it, and the majority ($n = 90$; 66.2%) did not enact nor consider formal reporting.

Two targets 'blew the whistle' (1.5%), 19 targets considered doing so (14%), and the majority (84.6%) of mistreated targets did not enact nor consider whistleblowing.

Just over 5% ($n = 7$) targets resigned from their employment. A further 19.1% thought about resigning but decided against it, and 75.7% ($n = 103$) did not enact nor consider resignation.

Collectively, these results suggest that formally reporting mistreatment is a rare occurrence, and whistle-blowing is an extremely rare occurrence.

Lawyers are slightly less likely to formally report mistreatment, and more than three times more likely to resign after being mistreated than their professional counterparts.

Lawyers working in private practice are almost twice as likely to make a formal report and/or resign from their employment as their non-private practice counterparts.

Retaliation Behaviour: Lawyers vs. Professionals

To avoid framing biases,¹¹⁹ screened-in targets were asked if they engaged in a range of behaviours that each constitute retaliation, but were not labelled as such. Nine retaliation items were included in the same survey section on "Responding to other employees' behaviour at work" as the coping items. The instructions specified that the behaviours must have been directly related to (i.e. follow) their mistreatment experiences.

Data was gathered regarding direct retaliation against the perpetrator (3 items; sample item, "I gave back as good as I got from the perpetrator - we just went tit for tat"), displaced retaliation against the employer (3 items; sample item, "I got back at my workplace by throwing sick days when I wasn't sick") and displaced retaliation against other employees

(3 items; sample item, “I began treating other people at work like I was being treated as it made me feel better”).

Targets who responded “Never” to all relevant items were categorised as “*Did not engage in retaliation.*” The other four response options (Rarely, Sometimes, Often and Always) were collectively grouped into the category “*Engaged in some form of retaliation.*”

Over 70% of mistreated targets engaged in some form of retaliatory behaviour.

Direct retaliation against the perpetrator was slightly more common than the two displaced types of retaliation, with 40.5 – 54.4% of the sample/sub-sample engaging in one or more of the three direct retaliation behaviours. Retaliation rates within the mistreated lawyer (overall), private practice lawyers and non-private practice lawyers were similar. Rates of all three types of retaliation were highest in the professional sample (see Figure 41).

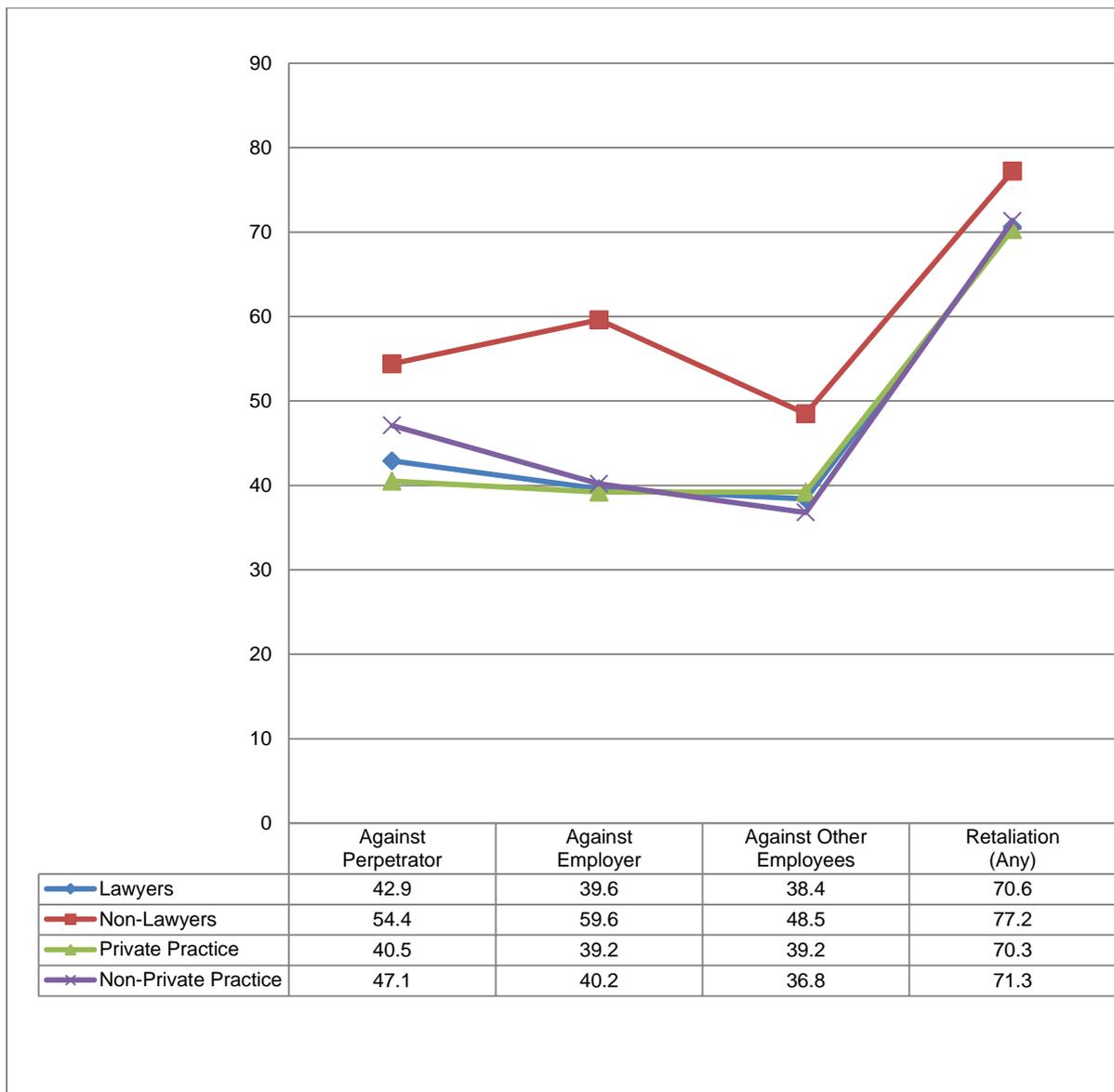


Figure 41: Target Retaliation Incidence Rates (Valid Percent)

Key Discussion Points and Recommendations

Mistreatment is a stressor that causes direct and significant damage to employee emotional well-being.

In addition, mistreatment leads to negative impacts on at least three components of job performance, including 1) counterproductive/deviant behaviour (e.g., retaliation), 2) joining and staying with the organisation (employee turnover / resignation), and 3) maintaining work attendance (absenteeism and presenteeism). To reiterate earlier points, problem-focussed exit is a form of presenteeism, while absenteeism rates are likely to increase due to emotionally unwell employees taking sick leave and due to retaliation by taking sick leave when not unwell.

Key Discussion Point: Reporting data is not an accurate indicator of the extent to which mistreatment and/or other poor interpersonal behaviour risks are present in organisations.

Key Discussion Point: Given being exposed to this particular psychosocial risk has a clear and pervasive impact on emotional well-being, very low reporting rates by lawyers and professionals are concerning. When mistreatment is not reported, investigated and addressed, the perpetrator is able to continue their poor interpersonal behaviour undisciplined. Failure to report, investigate and address mistreatment may also result in the behaviour becoming more frequent, and/or affecting a larger number of targets. In other words, low reporting rates are contributing to mistreatment's ubiquitous occurrence in workplaces.

In Section 11, possible deterrents to and consequences of reporting mistreatment is discussed in detail, providing insight as to why employees typically do not report their experiences. Recommendations to increase reporting are also presented in Section 11.

Key Discussion Point: Rates of retaliation are also highly problematic. As stated in Section 3, deviant behaviour is one of the five components of job performance. While engaging in retaliation provides an outlet for negative emotions and may serve an adaptive purpose in this respect, many retaliation behaviours are deviant. For example, verbally abusing the perpetrator back or taking sick leave when not unwell are both deviant behaviours. The retaliation findings demonstrate that being exposed to mistreatment negatively impacts job performance, by triggering a negative spiral of deviant behaviour.

Reinforcing previously stated recommendations:

Recommendation: Employers to develop and implement targeted psychosocial risk management plans for stressors such as mistreatment. Primary prevention strategies aimed at minimising if not removing exposure to this risk should take priority, given the direct impact on employee emotional wellbeing. Primary prevention tactics will assist in reducing job performance impacts such as mistreatment-related turnover, retaliation, absenteeism and presenteeism.

Research recommendation: Future appraisal and coping research efforts should explore problem-solving abilities, defensive pessimism and other individual differences as possible moderators of stressor – appraisal – coping processes.

Research Findings Section 11: Injustice and Post-Voice Victimization

The 2011 APBS report highlighted that lawyers were significantly more likely to state their organisation would react negatively to someone experiencing depression or an anxiety disorder within the workplace. Specifically, lawyers were the most likely of the three professional services respondent groups to agree or strongly agree that their organisation would react by diminishing the individual's responsibilities due to lack of trust, finding ways to fire the individual, starting workplace gossip about the individual, and ignoring or brushing aside the issue and pretending it does not exist. Lawyers were second most likely to agree or strongly agree that their organisation would react by putting the individual on a performance management plan.¹²⁰

Similarly to experiences of a mental health issue, targets who 'voiced'¹²¹ following mistreatment may also suffer negative organisational reactions. In this project, targets that reported mistreatment, sought informal organisational remedies, and/or asserted themselves against the perpetrator were classified as having voiced.

Anticipated negative responses serve as deterrents to certain behaviours. These negative reactions can be viewed as by targets as forms of punishment for having voiced.

Negative reactions can include a target's attempt to voice not being dealt with in a fair manner leading to feelings of *injustice*, including *informational injustice* and *interpersonal injustice*. Interpersonal justice includes being treated with respect, dignity and in a polite manner. Informational justice includes having the relevant procedures to be enacted clearly explained, and communication on the matter occurring in a timely manner.

In addition to injustice, targets who voice may face *post-voice retaliation-victimisation* ("*Post-Voice Victimization*"). Post-voice victimisation includes behaviours such as being shunned or excluded by others at work or labelled a 'troublemaker' (social post-voice victimisation; "*social victimisation*"), and being denied a deserved promotion or given a poor job performance appraisal (work-related post-voice victimisation; "*work-related victimisation*").

Previous research has shown targets of poor interpersonal behaviour are deterred from voicing due to a fear of negative consequences, including being 'managed out' and 'blacklisted', often referring to 'a culture of silence' within their workplace.¹²² In addition, incivility targets that were retaliated against after voicing had even lower levels psychological wellbeing than targets that did not voice and did not suffer post-voice victimisation. These findings suggest that voicing in general is a risky and harmful response/strategy, providing rationale for why many targets do not voice.¹²³

Both interactional injustice and post-voice victimisation were examined in the research project. The online survey system contained embedded algorithms that automatically presented these particular sets of items only if the target indicated they engaged in relevant responses or coping strategies.

Interpersonal justice and post-voice victimisation data was gathered for targets who engaged in the assertion and seeking informal organisational remedies coping strategies, and/or who made a formal report.¹²⁴ Informational justice data was only gathered for targets that made a formal report.

As for previous variables, the justice and post-voice victimisation items were not labelled as such, to avoid framing biases.

The vertical (y) axis represents valid percent in all figures in this section.

Informational Justice Data

So few targets (<30) formally reported and/or sought informal organisational remedies inferential statistical analysis could not be undertaken for the informational justice dimension of interactional justice.¹²⁵ However, Figures 42 - 46 provide descriptive insight into the nature of the sparse informational justice data (5 items in total).

The informational justice data suggests with the possible exception of candid explanations (Item JUS5), the few targets that do lodge a formal complaint perceive the information provided and the way in which it is provided to be lacking in justice. For example, the percentages of respondents agreeing or strongly agreeing with each of these five statements were outweighed by respondents who were unsure, disagreed or strongly disagreed.

In general, lawyer targets perceive lower levels of informational justice than professional targets. Non-private practice lawyer targets both perceive lower levels of informational justice than private practice lawyer targets, and perceive the lowest levels of informational justice of all four samples/sub-samples.

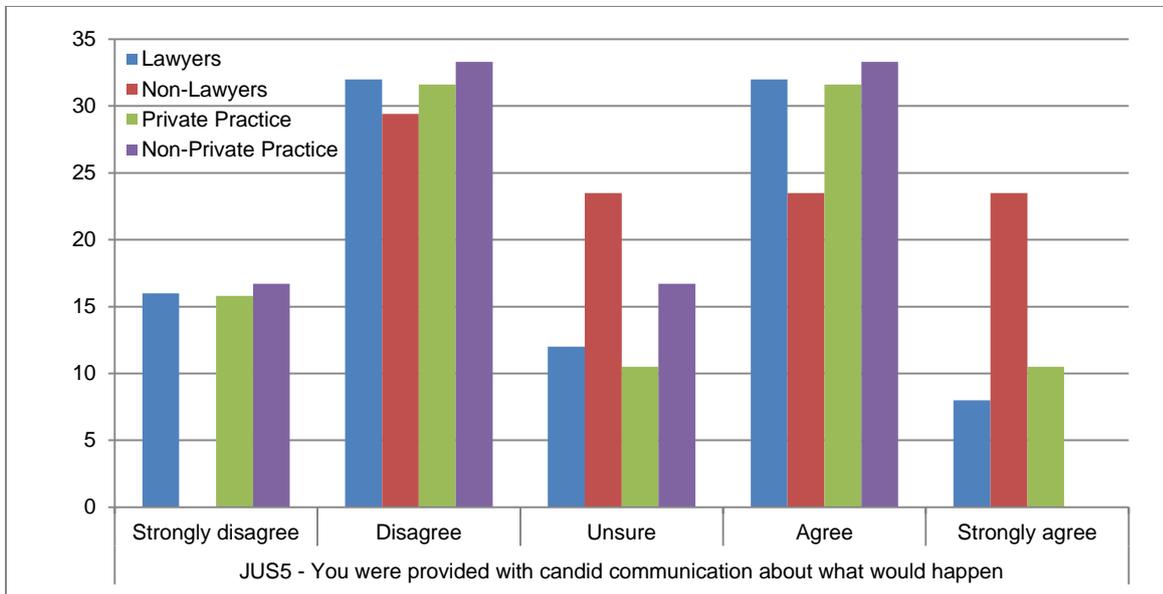


Figure 42: Informational Justice (Candid Communication)

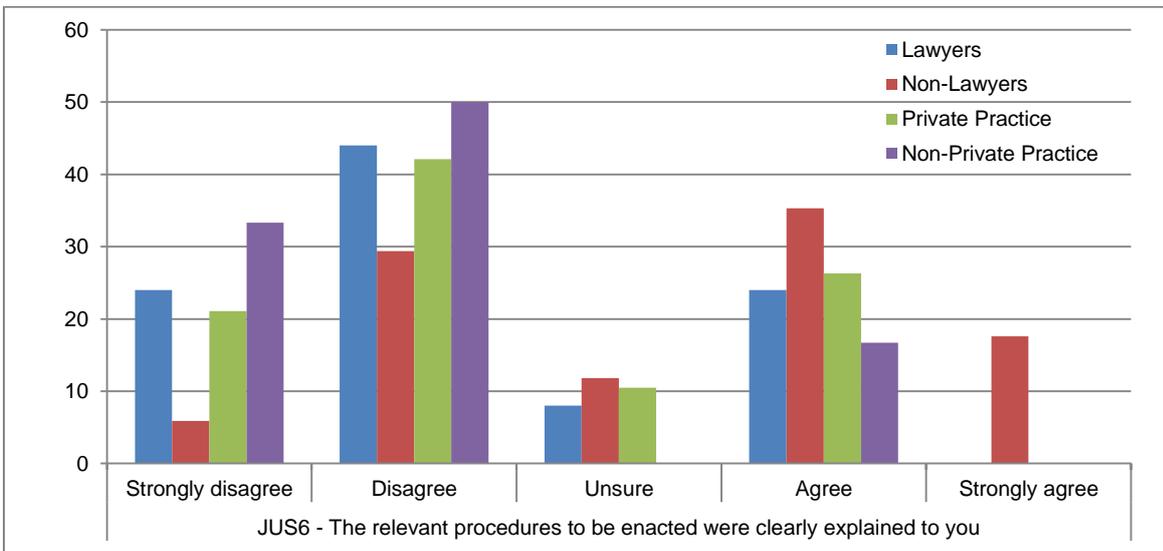


Figure 43: Informational Justice (Relevant Procedures Explained)

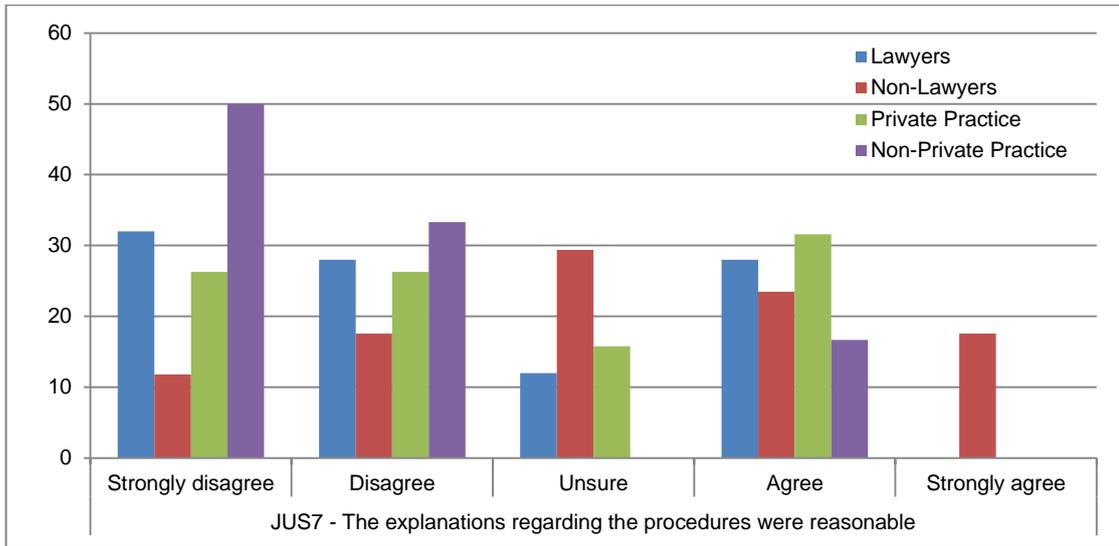


Figure 44: Informational Justice (Reasonable Explanation)

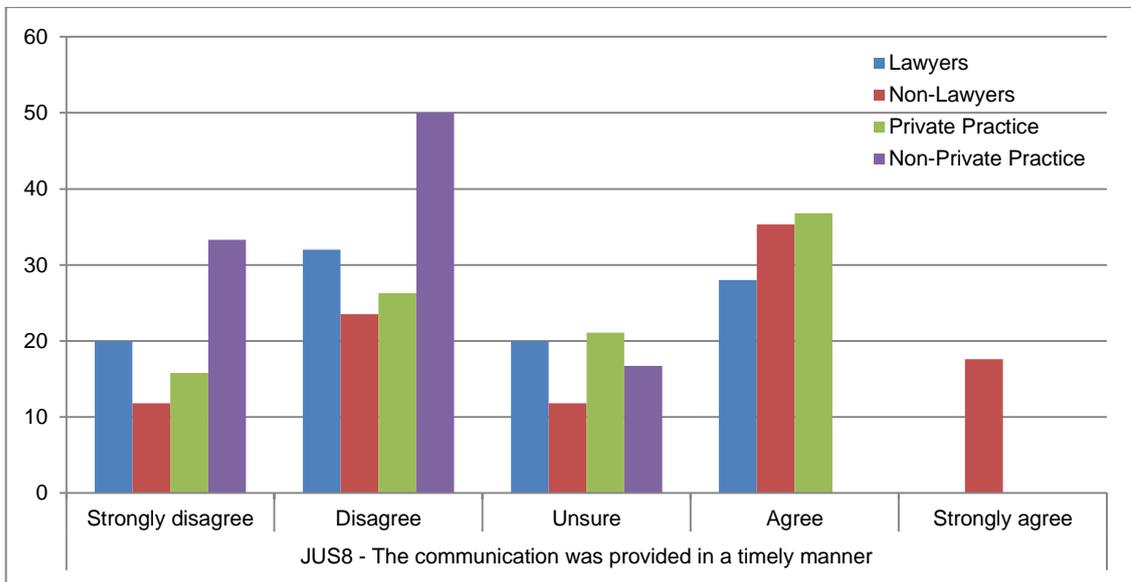


Figure 45: Informational Justice (Timely Communication)

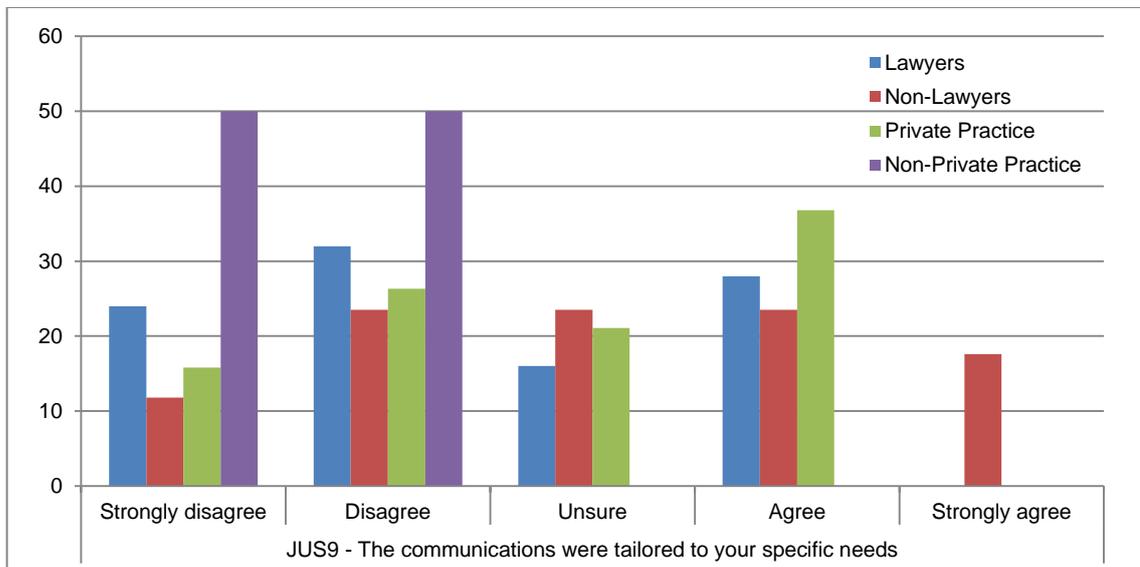


Figure 46: Informational Justice (Tailored Communications)

Interpersonal Justice Data

In contrast to informational justice, a substantially larger number of targets met the eligibility criteria to answer the interpersonal justice items.¹²⁶

However, noting the rare incidence of formal reporting, the interpersonal justice data essentially pertains to justice perceptions following use of the seeking informal organisational remedies and assertion problem-focussed coping strategies.

In all four samples/sub-samples, perceptions of interpersonal justice were generally higher than for informational justice. However, the percentages of respondents agreeing or strongly agreeing with three of five interpersonal justice statements were outweighed by respondents who were unsure, disagreed or strongly disagreed (See Figures 47 – 50). These results suggest that overall, targets perceived interpersonal justice to be lacking.

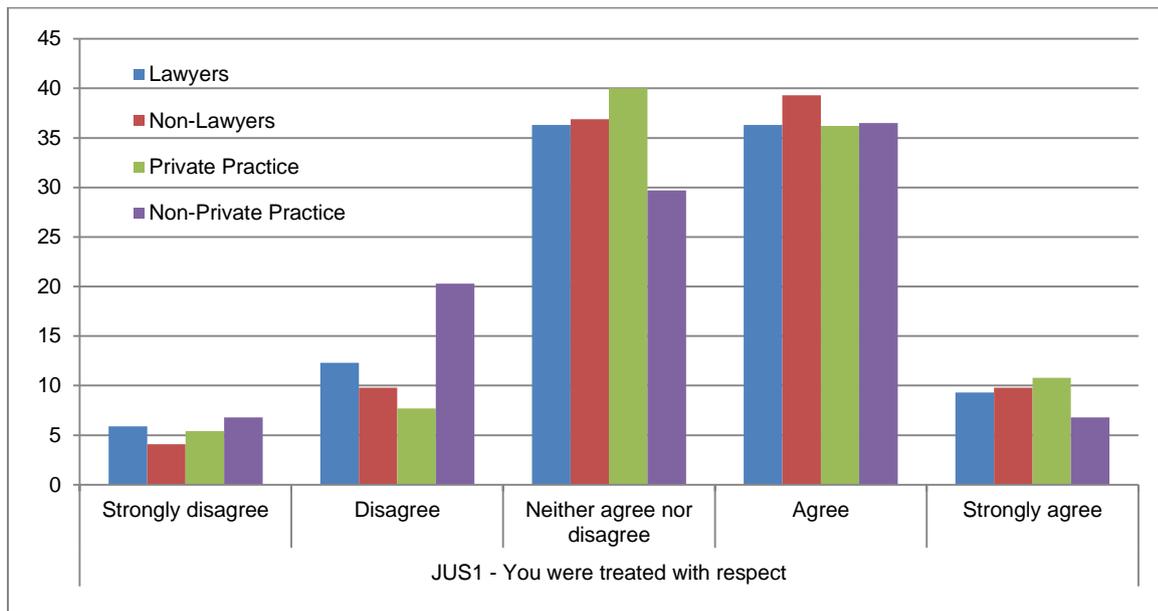


Figure 47: Interpersonal Justice (Respect)

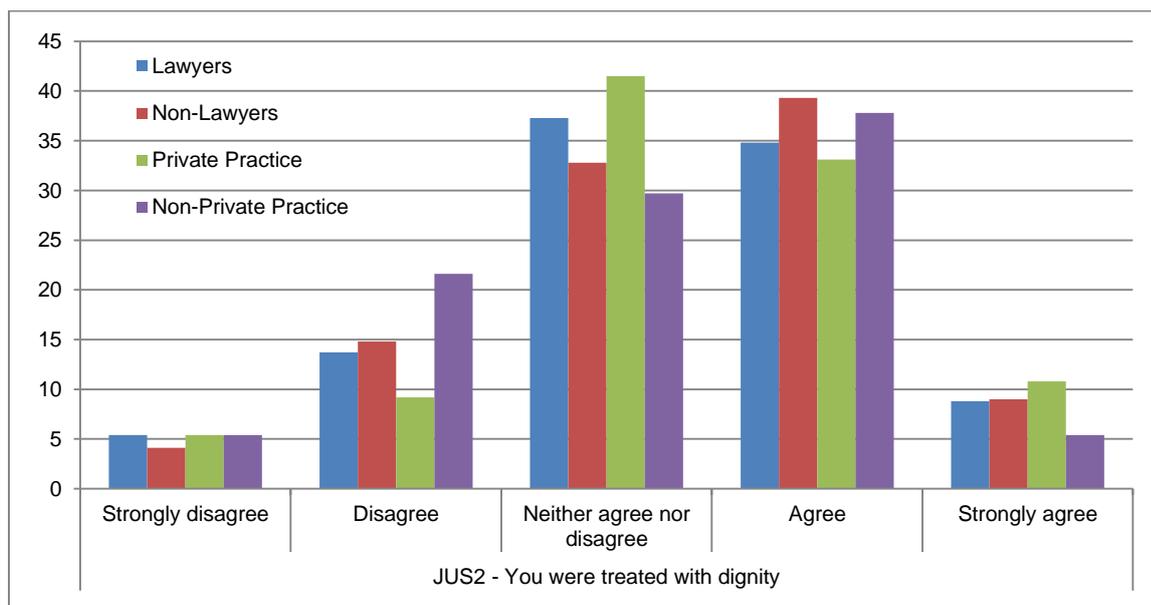


Figure 48: Interpersonal Justice (Dignity)

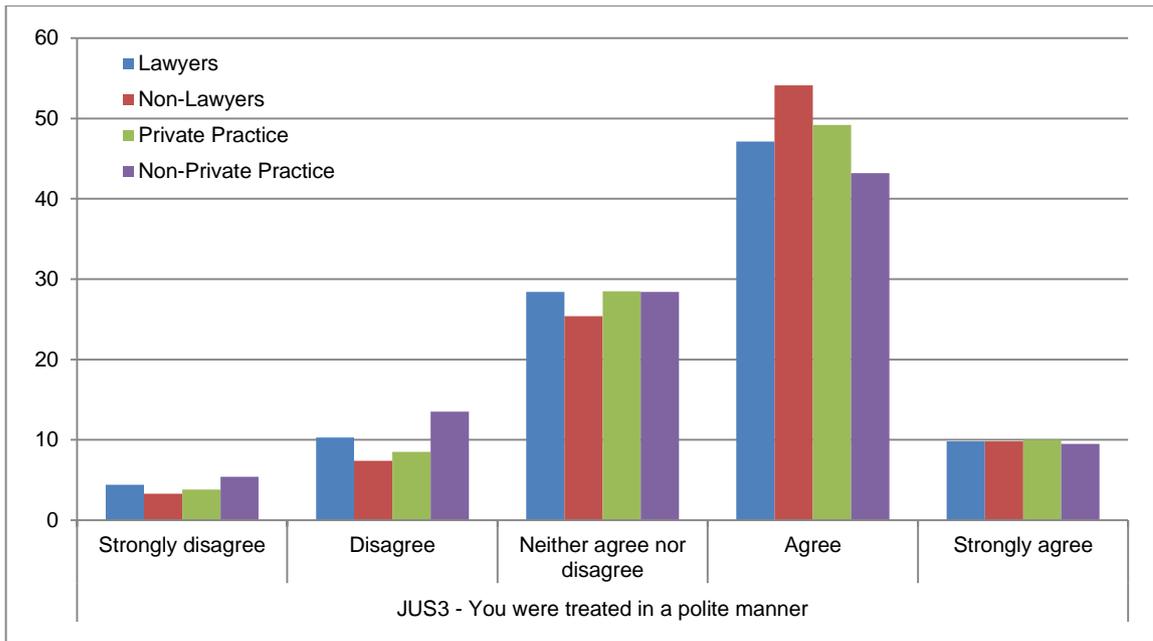


Figure 49: Interpersonal Justice (Polite Manner)

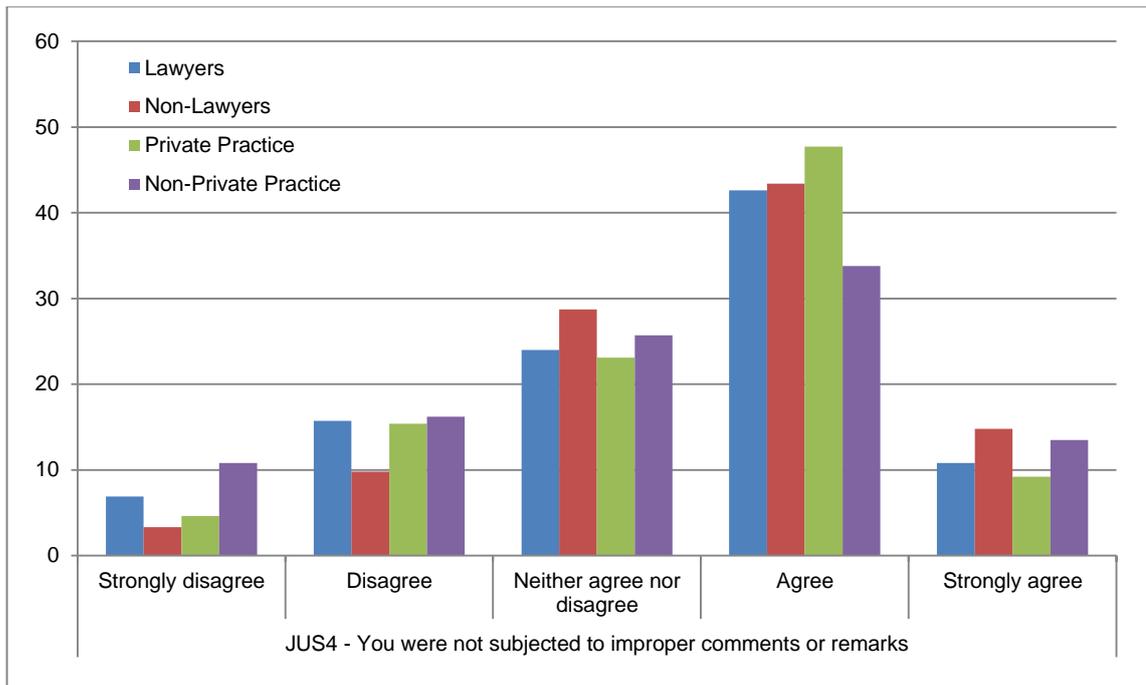


Figure 50: Interpersonal Justice (No Improper Comments or Remarks)

Comparative Data: Interpersonal Justice

Independent sample t-tests indicated there are no significant differences in interpersonal justice perceptions between lawyers and professionals, or between private practice lawyers and lawyers working elsewhere.

Post-Voice Social and Work-Related Victimisation Data

The post-voice victimisation data was non-normal, preventing statistical tests of differences between samples.¹²⁷ However, Figure 51 and Figure 52 provide descriptive insight into post-voice social- and work-related victimisation levels (7 items each) for each sample/sub-sample.

Sample social victimisation items included “I was gossiped about in an unkind way,” “I was threatened,” and “I was considered a “troublemaker.” Sample work-related victimisation items included “I was given less favourable job duties”, “I was denied a promotion I deserved”, and “I was given a poor job performance appraisal.”

Similarly to the five poor interpersonal behaviour stressors discussed in earlier sections of this report, post-report victimisation is unreasonable workplace behaviour. Many post-report victimisation behaviours present a psychosocial risk in and of themselves, e.g., being shunned or excluded by others is a bullying behaviour.

Targets that voiced were divided into three categories of post-voice victimisation based on how frequently they reported experiencing each of the post-voice victimisation behaviours. Item responses ranged from Never through to Always on a five-point scale. “Never” responses were grouped into “None”; “Rarely” or “Sometimes” responses into “Low Level Victimisation” and “Often” and “Always” responses into “High Level Victimisation.”

Social Victimisation

The majority of targets that voiced experienced social victimisation.

More specifically, 65.7% of lawyer, 69.7% of professional, 63.1% of private practice lawyers and 70.3% of non-private practice targets that voiced experienced *at least some form of social victimisation*.

Overall, a greater proportion of professionals experienced social victimisation than lawyers, and a greater proportion of non-private practice lawyers experienced social victimisation than private practice lawyers.

The occurrence of specific social victimisation behaviours varied between 18.5 and 54.4% depending on the sample/sub-sample.

The most common forms of social victimisation for lawyer targets that voiced were being gossiped about in an unkind way (42.6%) and being blamed for the situation (41.2%). At least two in five lawyer targets that voiced were socially victimised in these ways.

For professionals, being gossiped about in an unkind way (58.2%) and being considered a ‘troublemaker’ (54.9%) were the most common; over half the professional sample targets that voiced experienced these social victimisation behaviours.

About two in five private practice lawyer targets that voiced were gossiped about in an unkind way and/or were slighted or ignored by others at work (38.5% and 36.9% respectively).

Half the non-private practice lawyer targets that voiced were blamed for the situation and/or gossiped about in an unkind way (51.4% and 50.0% respectively).

The percentage of targets experiencing *high levels of social victimisation* varied between 1.4 and 13.6% depending on the sample/sub-sample and the specific type of social victimisation behaviour. These upper and lower proportions were for non-private practice

lawyers: “I was threatened” (1.4%) and non-private practice lawyers: “I was considered a ‘troublemaker’” (13.6%).

For example, a greater proportion of lawyers than professionals experienced high levels of the social victimisation behaviours “I was shunned or excluded by others at work” and “I was slighted or ignored by others at work” (5.4 vs. 3.3% for both). The proportion of private practice lawyers that experienced high levels of these two social victimisation behaviours was greater than for non-private practice lawyers (6.2 vs. 4.1%, and 6.9 vs. 2.8% respectively).

Work-Related Victimisation

While somewhat less prevalent than social victimisation, about half, or between four and six in ten targets that voiced experienced work-related victimisation.

More specifically, 45.1% of lawyer, 56.6% of professional, 40.0% of private practice lawyer, and 54.1% non-private practice targets that voiced experienced *at least some form of work-related victimisation*.

Similar to social victimisation, overall, a greater proportion of professionals experienced work-related victimisation than lawyers, and a greater proportion of non-private practice lawyers experienced work-related victimisation than private practice lawyers.

The occurrence of specific work-related victimisation behaviours varied between 5.4 and 44.4% depending on the sample/sub-sample.

The percentage of targets experiencing high levels of level of work-related victimisation varied between zero and 13.5% depending on the sample/sub-sample and the specific type of work-related victimisation behaviour. These upper and lower proportions were for the victimisation behaviours “I was transferred to a less desirable job” (0%; non-private practice lawyers) and “I was denied an opportunity for training that I deserved” (13.5%; non-private practice lawyers).

For example, a greater proportion of professionals than lawyers experienced high levels of the work-related victimisation behaviour “I was unfairly disciplined” (5.8 vs. 2.5%). The proportion of non-private practice lawyers that experienced high levels of this work-related victimisation behaviour was more than double that of private practice lawyers (4.1 vs. 1.5% respectively).

The most common forms of work-related victimisation for lawyer targets that voiced were being given less favourable job duties (27.9%) and being given a poor job performance appraisal (27.5%). In other words, at least one in four lawyer targets that voiced experienced these two forms of work-related victimisation.

For professionals, being denied a promotion they deserved (46.7%), being denied an opportunity for training they deserved and being given a poor job performance appraisal (both 43.4%) were the most common forms of work-related victimisation. At least two in every five professional sample targets that voiced experienced these behaviours.

At least one in five private practice lawyer targets that voiced were given less favourable job duties and/or were given a poor job performance appraisal (23.8% and 20.8% respectively). At least one in three non-private practice lawyer targets that voiced were given a poor job performance appraisal and/or given less favourable job duties (39.2% and 35.1% respectively).

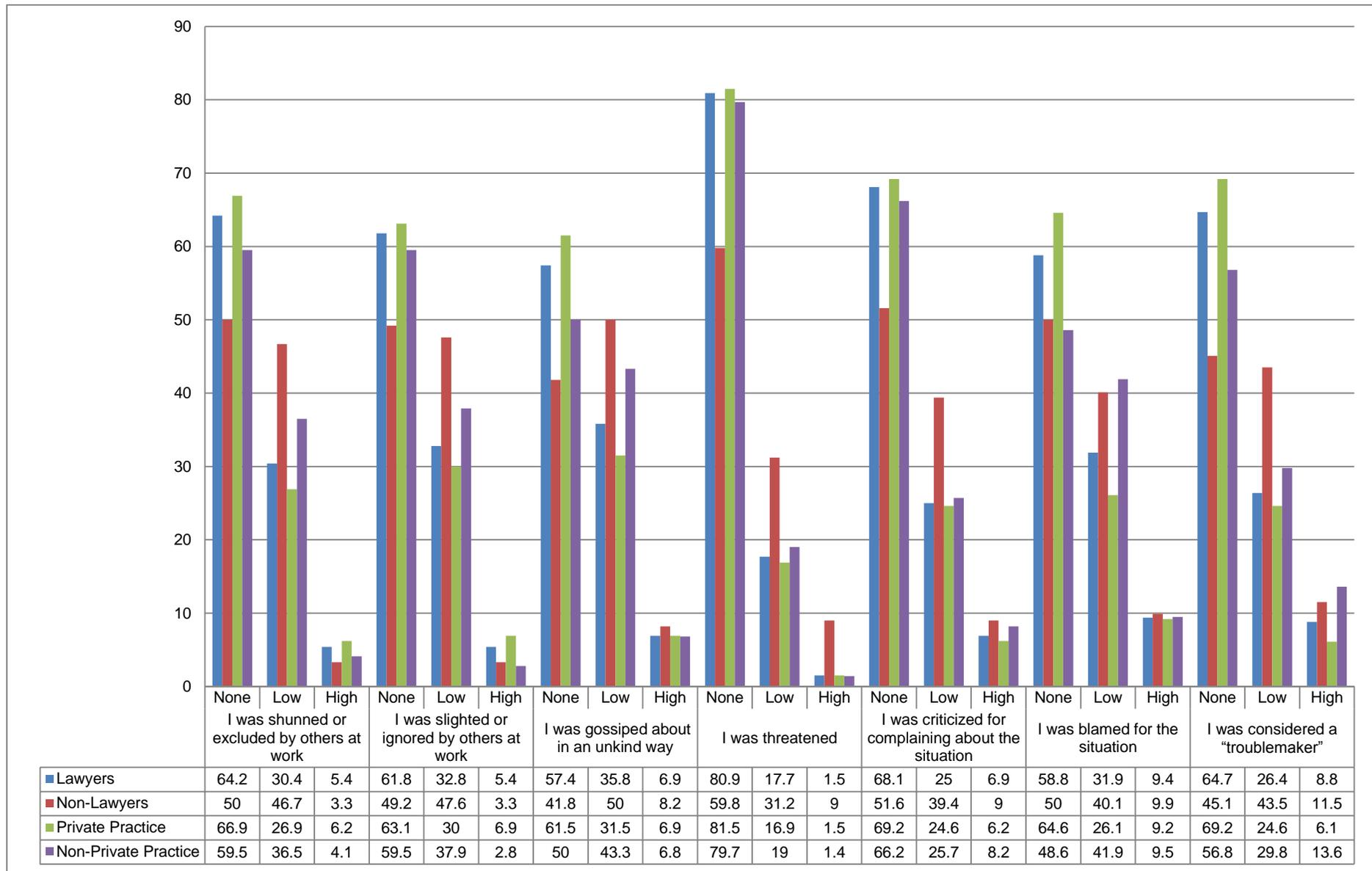


Figure 51: Levels of Post-Voice Social Victimization

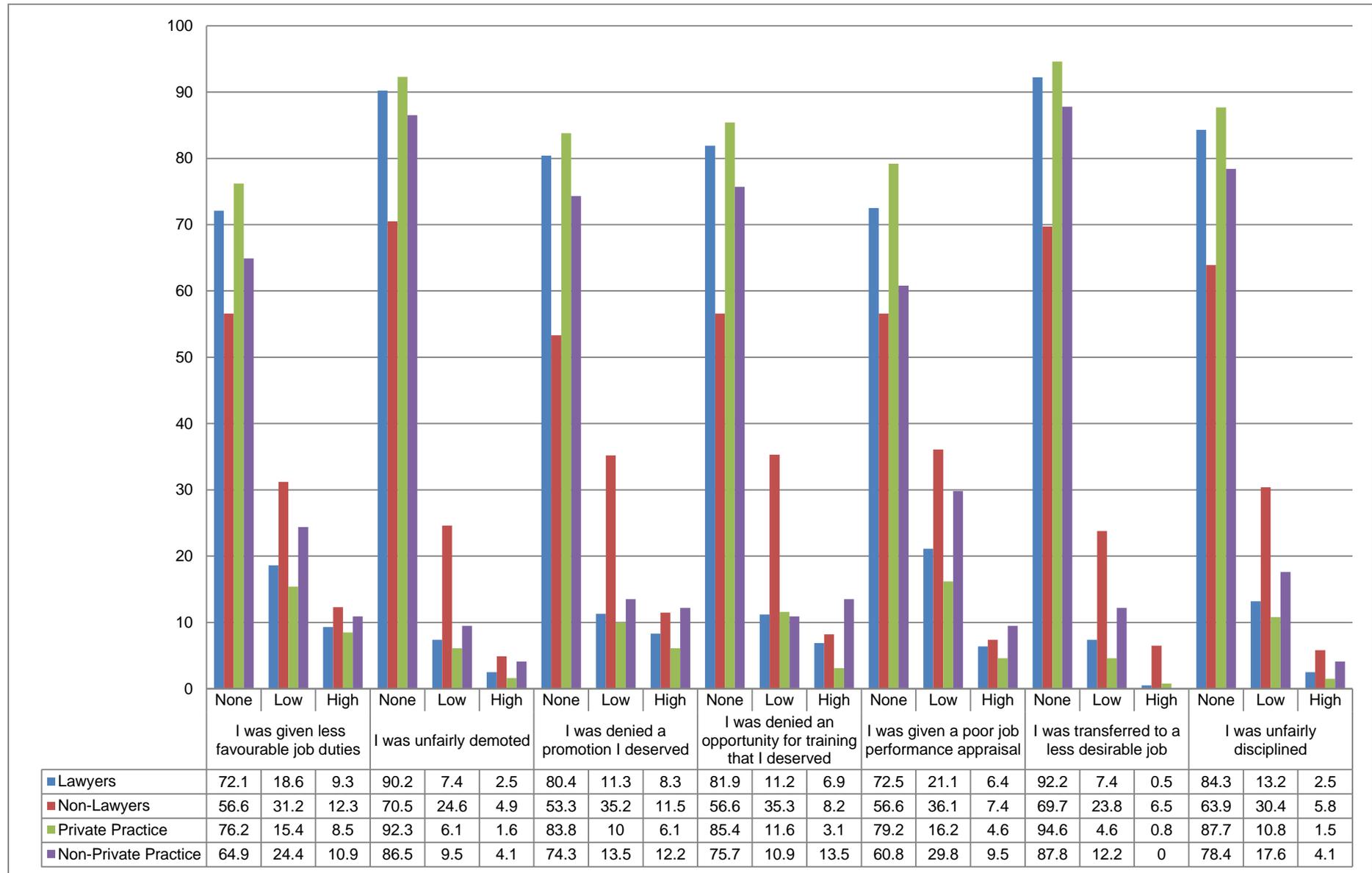


Figure 52: Levels of Post-Voice Work-Related Victimization

Key Discussion Points and Recommendations

The injustice and post-voice victimisation results align with previous research findings and provide insight as to why targets of mistreatment are deterred from formally reporting their experiences, and/or engaging in problem-solving coping strategies such as assertion against the perpetrator and seeking informal organisational remedies.

While perceptions of informational and interactional injustice are an issue requiring attention, high rates of post-voice victimisation are particularly problematic. Post-voice victimisation is known to exacerbate an already negative impact on target emotional, psychological, and psychosomatic health wellbeing. In doing so, post-voice victimisation further increases the likelihood that a target will develop a mental health disorder or psychological / psychiatric injury as a result of their experiences.

Key Discussion Point: Negative organisational and individual reactions, such as unjust processes, communications and actions, and post-voice victimisation provide sound rationale for targets to avoid reporting and problem-solving coping strategies such as assertion and seeking informal organisational remedies. A motivation to avoid these negative consequences concurrently promotes alternative behaviours, many of which have negative organisational consequences (e.g., retaliation, exiting the organisation). Voicing rates including formal reporting will not increase unless the likelihood the target will suffer negative consequences as a result of voicing are substantially reduced or removed.

Recommendation: Employers need to a) develop targeted strategies to increase formal and informal reporting rates, and b) ensure relevant procedures and policies to prevent post-voice victimisation are enacted. Increases in voicing behaviours in general should both enable the perpetrators to be appropriately disciplined and assist in preventing job performance problems such as employee turnover and retaliation-driven 'deviance spirals.'

Recommendation: Given informational and interactional injustice issues and high rates of post-voice victimisation, tailored training for employees, managers and human resources professionals on how to encourage, then effectively and justly manage efforts to voice would be of benefit to both targets and their organisations. A secondary risk management strategy aimed at minimising the damage to targets who have been mistreated, such training should reduce improve justice perceptions and also reduce the probability that post-voice victimisation will occur.

Research Recommendation: Follow-up research on 'successful' and 'unsuccessful' voicers, i.e. those who engaged in voice and experienced positive versus negative outcomes as a result would be beneficial. Gaining further insight into 'what works' and 'does not work' from a target's perspective will help inform strategies aimed at increasing voicing behaviours including formal reporting.

Research Findings Section 12: The Effect of Coping on Wellbeing

*"Life is not what it's supposed to be. It is what it is.
The way you cope with it is what makes the difference."*

(Virginia Satir - American Psychologist and Educator, 1916-1988)

Employees who are mistreated appraise the event as a threat to their wellbeing, and experience a negative emotional response (See Section 10). These negative emotional responses then influence the use of emotion- and problem-focused coping strategies. In this section of the report, the effectiveness of different coping strategies is evaluated.

As previously detailed in Figure 37, negative emotions, coping strategies and wellbeing outcomes are part of a wider 'mistreatment as a stressor' process. Coping strategies should help employees adapt. In other words, coping helps maintain wellbeing despite having been exposed to a psychosocial risk which has caused high levels of distress.

In the 'mistreatment as stressor' process, emotion- and problem-focussed coping strategies sit between negative emotional responses to mistreatment and employee wellbeing outcomes, otherwise known as a *mediatory relationship*. A mediatory relationship includes three variables; a causal variable, a mediator, and an outcome variable. Technically, the mediator transmits the effect of the causal variable onto the outcome variable. However, a mediatory relationship can be more broadly thought of as a *"through-which" process-based relationship*.¹²⁸

In the case of mistreatment, negative emotional responses (the "cause") leads to coping (the "mediator") with coping then affecting wellbeing ("the outcome"). In other words, target coping strategies should mediate the relationships between the negative emotional responses to being mistreated and target wellbeing.

Coping as a Mediator of Negative Emotional Responses and Wellbeing: Lawyers

Similarly to the finding mistreatment causes negative emotional responses (see Section 10), SEM results show that negative emotional responses have a significant direct, negative causal effect on all three dimensions of lawyer target psychological wellbeing, and on psychosomatic wellbeing.

These results mean negative emotional responses to mistreatment cause lowered wellbeing in lawyer targets by increasing anxiety and depression, social dysfunction, loss of confidence, and poor psychosomatic health symptomatology.^{129,130}

To be considered effective, a coping strategy should either reduce or 'stop' the direct effects of negative emotional response on these four wellbeing outcomes.

Emotion-focussed coping: Lawyers

Eight mediatory relationships were tested; the two emotion-focussed coping strategies (seeking social support and emotion-focused harassment coping) and four wellbeing outcomes (anxiety and depression, social dysfunction, loss of confidence, and psychosomatic health).

Seven of the eight mediations were non-significant. The single exception showed that emotion-focussed harassment coping mediated between negative emotional responses and psychosomatic health wellbeing. However, the nature of the mediatory effect indicates

that engaging in this form of emotion-focused coping *increases* the negative impact negative emotions responses have on psychosomatic wellbeing. In other words, emotion-focussed harassment coping only further decreases lawyer target psychosomatic health.

Having said this, while statistically significant the mediatory effect was small compared to the direct effect negative emotional responses have on psychosomatic health, and is therefore unlikely to be of practical significance.¹³¹

Problem-focussed coping: Lawyers

Sixteen mediatory relationships were tested; the four problem-focussed coping strategies (assertion, seeking informal organisational remedies, problem solving exit and problem solving transfer) and four wellbeing outcomes (anxiety and depression, social dysfunction, loss of confidence, and psychosomatic health).

Thirteen of the sixteen mediations were non-significant. The three exceptions indicated that seeking informal organisational remedies mediated between negative emotional responses and both loss of confidence and psychosomatic health wellbeing, and that problem-solving exit mediated between negative emotional responses and social dysfunction.

The two seeking informal organisational remedies mediations indicates that engaging in this form of problem-focussed coping decreases the negative impact negative emotions responses have on loss of confidence and psychosomatic wellbeing. However, while statistically significant, these mediation effects were very small compared to the direct effects and are unlikely to be of practical significance.¹³²

The nature of the third mediatory effect mimicked that of emotion-focussed harassment coping; engaging in problem-focussed exit coping *increases* the negative impact negative emotions responses have on social dysfunction. In other words, problem-focussed exit coping only further increases lawyer target social dysfunction; though the mediation effect was very small compared to the direct effect and is unlikely to be of practical significance.

Overall, the results indicate that after a lawyer experiences a negative emotional response to mistreatment, engaging in emotion- and/or problem-focussed coping does not reduce the negative wellbeing impacts of the experience.

In other words, neither EFC nor PFC served an adaptive purpose.

Coping as a Mediator of Negative Emotional Responses and Wellbeing: Professionals

SEM results indicate negative emotional responses have a significant direct, negative causal effect on professional target social dysfunction and psychosomatic wellbeing.

The causal effects of negative emotional responses on anxiety and depression and loss of confidence were non-significant; however, the direction of the causal effect shows that these aspects of wellbeing are also negatively impacted.¹³³

These results mean negative emotional responses to mistreatment cause lowered wellbeing in professional targets by significantly increasing social dysfunction and poor psychosomatic health symptomatology. Negative emotional responses also increase levels of anxiety and depression, and loss of confidence.

Emotion-focussed coping: Professionals

Eight mediatory relationships were tested; the two emotion-focussed coping strategies (seeking social support and emotion-focused harassment coping) and four wellbeing outcomes (anxiety and depression, social dysfunction, loss of confidence, and psychosomatic health).

None of the eight mediations were significant.¹³⁴

Problem-focussed coping: Professionals

Sixteen mediatory relationships were tested; the four problem-focussed coping strategies (assertion, seeking informal organisational remedies, problem solving exit and problem solving transfer) and four wellbeing outcomes (anxiety and depression, social dysfunction, loss of confidence, and psychosomatic health).

None of the sixteen mediations were significant.¹³⁵

Overall, similar to lawyers, these results indicate that after a professional employee experiences a negative emotional response to mistreatment, engaging in emotion- and/or problem-focussed coping does not reduce the negative wellbeing impacts of the experience.

In other words, neither EFC nor PFC served an adaptive purpose.

Key Discussion Points and Recommendations

The findings outlined in Section 12 provide cause for concern on multiple fronts. Critically, these findings do not support the long-held view that coping mediates the negative effects stressors have on individual level wellbeing.¹³⁶

This is an unexpected finding that challenges a decades old assumption that being exposed to stressors is not necessarily problematic, *provided an individual possesses effective coping skills to deal with the stressor.*

More specifically, in two independent samples, not only is employee emotional wellbeing directly impacted, neither emotion- nor problem-focussed coping efforts played a significant role in reducing the negative effect mistreatment has on employee psychological and psychosomatic health wellbeing.

The findings also counter the common supposition that problem-focussed coping is more effective than emotion-focussed coping.¹³⁷

Key Discussion Point: In mistreatment cases, the negative effects on wellbeing occur as soon as the employee evaluates the mistreatment to be a threat and experiences a negative emotional response, i.e., the emotional, psychological and psychosomatic health wellbeing damage occurs at primary appraisal. Given a) mistreatment has direct impact on emotional wellbeing, and b) a range of post-emotional response coping efforts by employees do not assist in preserving wellbeing, interventions should be aimed at prevention of mistreatment, rather than attempting, and most likely failing to cure mistreatment's consequences.

Key Discussion Point: These findings also provide evidence that the present focus on the individual level of analysis, including the omnipresent emphasis on employees developing improved or 'more effective' coping skills to deal with workplace stressors, are misplaced.

Efforts to address lowered employee wellbeing need to move beyond 'coping as cure', towards a much greater emphasis on both organisational level causal factors and primary risk management strategies.

Key discussion point: The primary appraisal process is a built-in defensive mechanism to protect individuals from harm. It is possible that well-established positive relationships between employees may interrupt a threat to wellbeing assessment of mistreatment behaviour. For example, if mistreatment behaviour is highly unusual, and the two employees share a history of very positive interactions (i.e. a 'positive emotional bank account balance' exists), the target may assume there was no intent to harm. This assumption may lead to a neutral appraisal, rather than the threat to wellbeing appraisal that leads to distress.

Reinforcing earlier recommendations:

Recommendation: Risk management programs and interventions should be aimed primarily at preventing exposure to mistreatment and other forms of poor interpersonal behaviour risks.

Recommendation: Given the potential for positive workplace relationships to interrupt the initial threat appraisal, organisations will benefit from establishing and maintaining a positive organisational context including fostering positive relationships. These characteristics serve not only a preventative function in reducing mistreatment occurrences; they may also serve a secondary risk management strategy by reducing threat appraisals following a mistreatment event.

Research Recommendation: While both emotion- and problem-focussed coping (6 coping strategies in total) were explored in this research project, many other coping strategies also exist. Future research efforts are required to explore these other coping strategies to determine their potential adaptive benefit.

Research recommendation: While mistreatment shares similarities with other types of poor interpersonal behaviour psychosocial risks including but not limited to bullying, future research is required to determine if these mistreatment specific findings can be generalised to bullying, harassment and other types of poor interpersonal behaviour risks.

Research Recommendation: In line with the above point, to evaluate the adaptive benefit, or 'effectiveness' of different coping strategies, future research efforts need to include exposure to the stressor, primary appraisal, emotional responses, coping strategies *and* wellbeing outcomes. A review of previous research identified a tendency to include some, but not all these five critical aspects of the stressor-to-wellbeing equation.¹³⁸

Research Findings Section 13: Supplementary Qualitative Data

At the conclusion of the T2 survey, respondents were given the opportunity to provide written comments via an open-ended qualitative item.

A total of 66 lawyers (12.2% of the lawyer sample) and 31 professionals (11.5% of the professional sample) provided comments. This qualitative data was content-analysed using exploratory techniques to identify key themes.¹³⁹

Lawyers

Several comments detailed personal experiences with poor interpersonal behaviour (themed “Personal Narratives”). The following additional themes were also identified:

- **Poor Culture**

Sample comments include:

“This bullying culture is past (sic) down as a way to weed out the weak and to keep only the most dedicated. The atmosphere gets so stressed and unsupportive for the target that they have no other than to leave asap and will not confront the bullying as they need the reference to get out. The end result is the target leaves and the partner or senior person can say that the target left at their own choosing.”

“I think the abuse of those in junior positions is common place and there is nowhere they can turn or they run the risk of being blacklisted for ever (sic). I think there needs to be a union for those specifically working in the legal field.”

“The overwhelming demand is on "producing ridiculous billable hours" which pay lip service to work/life balance and bear little relationship to actual costs of running a practice but direct relationship to ever increasing net profit. The survey does not appear to adequately address this. There are employees turning up to work "dry retching" on the way in trying to work out how they will make their billables.”

“Having come to the legal profession after 25 years working in another profession I am shocked at the behaviour of partners in law firms. Working conditions are poor, pay is poor and morale is very low and staff are abused. I am seriously considering leaving the legal profession as I have never been so poorly treated in the workplace.”

“Firstly, the whole time I was filling it out I was worried about the billable hours. I find it appalling the culture we lawyers have to tolerate when we are the custodians of the law for everyone else. Lawyers treat each other appallingly (sic) in some firms. I have many stories.”

“Despite years in this industry it remains a 'man's world.'”

“Lawyers often feel they cannot complain about bad culture because of many things I have found - a 'boys club' mentality and an attitude to lawyers in the community (perception that lawyers earn large amounts of money therefore do not deserve a fair workplace) as some of the reasons people do not make formal complaints.”

- **Negative reflections on previous legal workplaces**

Sample comments include:

“Had this been a few months ago, I would have answered in the affirmative for most of the questions. I have now swapped a large law firm with a supervising partner who has reduced me to a tearful, jumpy, quivering, depressed and physically ill person to a small firm who are like an extension of my family. Couldn't be happier where I am now.”

“I would have been interested to answer the survey in the context of previous employment as I have left (slightly more than a year ago) a workplace where behaviours were unacceptable.”

“Had the requirements included 'in the past 2 years', my answers would have been significantly different. So many of the 'undesirable' behaviours were exhibited at my previous job in a big city firm whereas in a small country firm, it's an absolute pleasure to work here. No stress, dramas, unreal expectations and bullying.”

“I would love to have been able to comment on my previous workplace. The place I work now is fabulous, but previous law firm was hell on earth. ALL of the negative behaviour you asked about I was victim to on a daily basis. There were times I thought I could not go on. Often cried at work or had to leave during day to try and pull myself together. It was the most horrific work situation I have ever encountered in all my years both in (X) and overseas.”

“(The survey) also makes me realise what a very bad experience I had at my previous place of employment.”

“I left the law firm I had been working at for two years due to being held back, not being given work or opportunities to further myself and for not being recognised for work that was well done. It was a frustrating time.....I am happier now in my current workplace and I can now recognise the outdated culture that existed in the previous law firm.”

- **Supportive and appreciative of the research**

Sample comments include:

“This survey is really welcome.”

“Great to be asked. Thanks.”

“This is a great survey on an important topic.”

“Important research.”

“Long overdue.”

“In some strange way this project made me feel like I was getting something (stresses) of my chest.”

“This survey has given me a chance to express my feelings of distress over the whole business.”

“I wish the researcher well with this project.”

“Clever questions. Well-designed survey.”

"I have been happy to be involved. I hope the research will be useful."

"About time this was done - the legal profession desperately needs to wake up and smell the coffee. We are burning out new lawyers within 5-6 years of admission."

"It's good that Law Societies are taking active steps to address bullying and harassment in legal workplaces. This unacceptable (sic) behaviour has gone on for far too long. I wish you well in your research project."

- **Interested in research results**

Sample comments include:

"I am very keen to see what comes out of the study, by way of results / recommendations / reports etc., and hope they will be made available within the law society or similar."

"I (and I am sure many others) look forward to seeing the results. It is a very important research project that I hope will help change the negative culture in a majority of the law firms nationwide."

"I would be interested to consider the results of your surveys."

"It would be useful if the results could be made available to practitioners."

Professionals

A single main theme was identified in the professional qualitative data.

- **Good and interesting research**

Sample comments include:

"Very, very good."

"Very interesting and open."

"VERY INTERESTING."

"Very good survey."

"This was very interesting and thought provoking."

"The survey theme was very good."

"Seems like an interesting topic you are looking into."

"Just that I think it's very valuable and wish you good luck with it."

Concluding Comments

The primary purpose of this research project was to gain reliable, validated sources of evidence on potential causes of mental health issues in lawyers and the extent to which these possible causes exist within lawyer and non-lawyer professional employee workplace settings.

Importantly, the research project was designed to address a number of previous research efforts criticisms and exclusions.

The results provide comparative insights regarding levels of exposure to a range of work-related psychosocial risks, levels of individual psychological and psychosomatic health wellbeing, various organisational context characteristics associated with employee wellbeing, job performance, and the occurrence of poor interpersonal behaviour, employee stress-related responses to mistreatment experiences, perpetrator characteristics and the use and/or abuse of power, individual and organisational responses to employee efforts to voice concerns regarding poor interpersonal behaviours, and the effectiveness of different coping strategies following exposure to poor interpersonal behaviour in terms of individual level wellbeing outcomes.

The key discussion points and recommendations provided throughout the report collectively emphasise:

1. the need to shift the current focus on individual employees towards organisational-level factors affecting employee wellbeing and job performance;
2. the importance of establishing and maintaining positive organisational contexts;
3. the need to engage in strategic human resources practices including leader and management development and training, and more comprehensive approaches to monitoring and managing employee attitudes, wellbeing and job performance; and
4. the legal requirement to provide a psychologically safe workplace, which includes developing, implementing and evaluating psychosocial risk management strategies primarily aimed at prevention rather than cure.

The report also highlights the role of leaders, managers, human resource professionals, and various professional associations (such as the State and Territory law societies) in ensuring the above three points are addressed.

References and Endnotes

- ¹ Innovation and Business Skills Australia. 2015. *Environment Scan 2015: Predicting change – Skills for the future*. Available at: <http://isc.org.au/resources/uploads/pdf/IBSA-2015-escan.pdf>
- ² Graduate Careers Australia Ltd. 2015. *Beyond graduation 2014: A report of graduates' work and study outcomes three years after course completion*. Available at: http://www.graduatemcareers.com.au/wp-content/uploads/2015/07/Beyond_Graduation_2014.pdf.
- ³ Australian Government. 2015. *Trade in services Australia 2013-14*. Trades Economic Diplomacy, Advocacy and Statistics Section, Department of Foreign Affairs and Trade. Released March, 2015. Available at: <http://dfat.gov.au/about-us/publications/Documents/trade-in-services-australia-2013-14.pdf>.
- ⁴ Beaton Consulting. 2007. *Annual Business and Professions Study 2007*. Beaton Consulting, Melbourne, 2007. Available at www.beatonglobal.com.
- ⁵ Kelk, N., Luscombe, G, Medlow, S. & Hicke, I. 2009. *Courting the blues: Attitudes towards depression in Australian law students and legal practitioners*. Brain and Mind Research Institute: University of Sydney, Camperdown, NSW.
- ⁶ Beaton Consulting. 2011. *Mental health in the workplace: Annual Business and Professions Study 2011*. Beaton Consulting, Melbourne, 2011. Available at www.beatonglobal.com
- ⁷ Australasian Legal Business. 2011. *Legal profession ahead on mental health education, report says*. Tuesday 3 May 2011. Available at <http://www.legalbusinessonline.com/news/legal-profession-ahead-mental-health-education-says-report/59715>.
- ⁸ Kendall, C. 2011. *Report of the Ad Hoc Committee on Psychological Distress and Depression in the Legal Profession*. Available at <http://chisconsult.com/testing/wp-content/uploads/2012/08/Psychological-distress-depression-in-the-legal-profession-16-May-2011.pdf>.
- ⁹ For a detailed discussion on this front, see Parker, C. 2014. Thematic: The 'moral panic' over psychological wellbeing in the legal profession: A personal or political ethical response? *UNSW Law Journal*, 37(3), 1103-1141.
- ¹⁰ Ibid 5 and 8.
- ¹¹ See for example Cotton, P. & Hart, P. M. 2003. Occupational wellbeing and performance: A review of organisational health research. *Australian Psychologist*, 38(2), 118-127, and Cotton, P., & Hart, P.M. 2008. *The influence of organisational factors on employee wellbeing and withdrawal behaviours*. Manuscript in preparation.
- ¹² For a notable exception, see Chan, J., Poynton, S., & Bruce, J. 2014. Lawyering stress and work culture: An Australian study. *University of New South Wales Law Journal*, 37(3), UNSW Law Research Paper No. 2014-61. Their study examined structural and cultural aspects of legal practice, identifying excessive job demands, minimal control over workload and spill-over of work commitments into personal life as work-context factors which significantly correlate with lawyer poor wellbeing.
- ¹³ Helm, L. 2014. *Mental health and the legal profession: A preventative strategy (Final report)*. Available at: <http://www.liv.asn.au/PDF/For-Lawyers/Member-Benefits-adn-Privileges/MentalHealthReportFull>.
- ¹⁴ For example, "The pressure to achieve billable hours targets nurtures extremely competitive [workplace] cultures in which it is very difficult to build any kind of team spirit... because of the extreme competition between members of the firm' and workplace cultures in which bullying and harassment are common." Excerpt from Briton, J. 2009. *Lawyers, emotional distress and regulation*. Speech delivered at the 2009 Bar Association Annual Conference by then Legal Services Commissioner Mr John Briton, Legal Service Commission (QLD). Speech transcript available at: https://www.lsc.qld.gov.au/_data/assets/pdf_file/0006/106197/lawyers-emotional-distress-and-regulation.pdf.
- ¹⁵ For a detailed critical review of the research on this front, and the psychological and behavioural mechanisms through which these negative outcomes manifest, see Chapters 2 and 5 in Michalak, R. 2014. *A dual theory, process-and-variance model of workplace mistreatment and its effects in organisations from the individual target's perspective*. PhD Thesis, UQ Business School, The University of Queensland.
- ¹⁶ The two time-point administration and a number of other advanced survey design features were employed to minimise possible effects of a variety of biases associated with cross-sectional designs, including common method bias. For a detailed discussion on these design features (including temporal and psychological separation of measurement), the expert review and pilot study pre-testing process, see Appendices E and I in Michalak (2014; *ibid* 15).
- ¹⁷ For a detailed discussion on self-selection biases, see Bethlehem, J. 2008. *How accurate are self-selection web surveys?* Discussion Paper 08014, Statistics Netherlands. Available at: <http://www.cbs.nl/NR/rdonlyres/EEC0E15B-76B0-4698-9B26-8FA04D2B3270/0/200814x10pub.pdf>
- ¹⁸ See Appendices F and L in Michalak (2014; *ibid* 15), for detailed information on each measure, including items and internal consistency ratings in each sample, and confirmatory factor analysis (CFA) validation/cross-validation analyses results.
- ¹⁹ Tett, R. P. & Meyer, J. P. 1993. Job satisfaction, organizational commitment, turnover intention and turnover: Path analyses based on meta-analytic findings. *Personnel Psychology*, 46, 259 – 293.
- ²⁰ Extreme non-normality was defined as values exceeding the moderate non-normality cut-offs of 2 for skew and 10 for kurtosis. See Curran, P. J., West, S. G., & Finch, G. F. 1996. The robustness of test statistics to non-normality and specification error in confirmatory factor analysis. *Psychological Methods*, 1, 16-29.
- ²¹ The number of respondents by State / Territory varied. Due to small numbers from some States / Territories, it was not possible to conduct valid tests of differences based on location for all location groups, so lawyer respondents were grouped into one main lawyer sample.

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- ²² According to the Australian Bureau of Statistics, in mid-2014, solicitor average weekly cash earnings were males: \$1,752.10; females: \$1,707.80; and overall: \$1,725.80. These figures translate into an annual income of \$91,109 for males, \$88,805 for females and \$89,800 overall. The cost of high-level absenteeism has been calculated on the overall figures. See Australian Bureau of Statistics. 2014. 6303.0: *Employee Earnings and Hours, May 2014. Downloads – Data Cubes: ALL EMPLOYEES, Average weekly total cash earnings, Average age-Method of setting pay: by Detailed occupation (ANZSCO 4 Digit), 2713 (Solicitors)*. Available online at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6306.0May%202014?OpenDocument>.
- ²³ KPMG Econtech & Medibank. 2011. Economic Modelling of the Economic Cost of Presenteeism in Australia, 2011: Update. cf. Medibank. 2011. *Sick at work: The cost of presenteeism and absenteeism to your business and the economy*. Available at http://www.medibank.com.au/Client/Documents/Pdfs/sick_at_work.pdf
- ²⁴ Dummy coding and independent sample t-tests were used to examine between-survey attrition (i.e., responded to T2 survey vs. did not respond to T2 survey) and mistreatment (screened-in vs. screened-out) attrition. Note $p > .05$, *ns*.
- ²⁵ Within-survey attrition could not be examined due to the confidential panel data arrangement. Between-survey attrition results all $p > .05$, *ns*.
- ²⁶ All $p > .05$, *ns*.
- ²⁷ Schein, Edgar H. 1985. Organizational culture and leadership. University of Illinois at Urbana-Champaign's Academy for Entrepreneurial Leadership Historical Research Reference in Entrepreneurship. Available at SSRN: <http://ssrn.com/abstract=1496184>.
- ²⁸ McShane, S., Olekalns, M., & Travaglione, T. 2013. *Organisational behaviour: Emerging knowledge, global insights (4th Asia-Pacific Edition)*, North Ryde, N.S.W.: McGraw Hill Australia.
- ²⁹ Ibid 28 and Hoel, H., & Salin, D. 2003. Organizational antecedents of workplace bullying. In E. Einarsen, D. Zapf, H. Hoel, & C. L. Cooper (Eds.), *Bullying and emotional abuse in the workplace: International perspectives in research and practice*. NY: Taylor and Francis.
- ³⁰ Martin, K. D. & Cullen, J. B. 2006. Continuities and extensions of ethical climate theory: A meta-analytic review. *Journal of Business Ethics*, 69(2), 175-194.
- ³¹ Robinson, S. L., & Bennett, R. J. 1995. A typology of deviant workplace behaviours: A multidimensional scaling study. *Academy of Management Journal*, 38(2), 555-572.
- ³² Ibid 28.
- ³³ Demski, J. S., Lewis, T. R., Yao, D., & Yildirim, H. 1999. Practices for managing information flows within organisations. *Journal of Law, Economics and Organisations*, 15, 107-131; Vardi, Y., & Weitz, E. 2001. *Lead them not into temptation: Job autonomy as an antecedent to organisational misbehaviour*. Paper presented at the Annual Academy of Management Meeting, August 3 – 8, Washington, DC.
- ³⁴ Bass, B. M., & Avolio, B. J. 1989. *Transformational leadership development: Manual for the Multi-Factor Leadership Questionnaire*. CA: Consulting Psychologists Press.
- ³⁵ Skogstad, A., Einarsen, S., Torsheim, T., Aasland, M. S., & Hetland, H. 2007. The destructiveness of laissez-faire leadership behavior. *Journal of Occupational Health Psychology*, 12(1), 80-92.
- ³⁶ Salin, D. 2003. Ways of explaining workplace bullying: A review of enabling, motivating and precipitating structures and processes in the work environment. *Human Relations*, 56(10), 1213 - 1232; Hoel and Salin, 2003 (Ibid 30).
- ³⁷ Ibid 34.
- ³⁸ The International Labor Organization, see http://www.ilo.org/safework/areasofwork/workplace-health-promotion-and-well-being/WCMS_118396/lang--en/index.htm.
- ³⁹ For example, see Page, K. M., & Vella-Brodrick, D. A. 2009. The 'what', 'why' and 'how' of employee well-being: A new model. *Social Indicators Research*, 90(3), 441-458, and Danna, K. & Griffin, R.W. 1999. Health and well-being in the workplace: A review and synthesis of the literature. *Journal of Management*, 25(3), 357-384.
- ⁴⁰ See Gao, F., Luo, N., Thumboo, J., Fones, C., Li, S., & Cheung, Y. 2004. Does the 12-item General Health Questionnaire contain multiple factors and do we need them? *Health and Quality of Life Outcomes*, 2, 63-69, and Goldberg, D. P., Gater, R., Sartorius, N., Ustun, T. B., Piccinelli, M., Gureje, O., & Rutter, C. 1997. The validity of two versions of the GHQ in the WHO study of mental illness in general health care. *Psychological Medicine*, 27(1), 191-197.
- ⁴¹ For example, see Furukaw, T. A., Kessler, R. C., Slade, T., & Andrews, G. 2003. The performance of the K6 and K10 screening scales for psychological distress in the Australian National Survey of Mental Health and Well-Being. *Psychological Medicine*, 33(2), 357-362.
- ⁴² Goldberg et al. (1997; Ibid 40).
- ⁴³ Cooper, C. L., Sloan, S. J., & Williams, S. 1988. *Occupational stress indicator management guide*. Windsor: NFER-Wilson.
- ⁴⁴ Satterlind, S., & Larsson, G. 1995. The stress profile: A psychosocial approach to measuring stress. *Stress Medicine*, 11(5), 85-92.
- ⁴⁵ Under NHMRC Ethical Guidelines, research likely to uncover illegal activities (such as the use of recreational or illegal drugs) can potentially increase the vulnerability of and risk to respondents. While research merit and integrity principles may permit such research if the illegal activity bears on the discharge of a public responsibility or fitness to hold public office (as for lawyers), this research was not being undertaken for these purposes. Therefore, these behaviours were not examined.
- ⁴⁶ Despite the surveys being anonymous and confidential, faced with questions regarding their own socially undesirable behaviour, respondents often provide minimised (more socially acceptable) answers, or simply

refuse to answer questions, leading to missing data and survey attrition. See Lewis-Beck, M. S., Bryman, A., & Liao, T. F. 2004. *The SAGE Encyclopedia of Social Science Research Methods*. Thousand Oaks, California: SAGE Publications.

⁴⁷ Affective Events Theory clearly differentiates between emotions and attitudes - job satisfaction is not an emotion *per se*, but rather job satisfaction is an attitude strongly influenced by emotions. See Weiss, H. M., & Cropanzano, R. 1996. Affective Events Theory: A theoretical discussion of the structure, causes and consequences of affective experiences at work. *Research in Organizational Behavior*, 18, 1-74.

⁴⁸ As a two-item scale only (increased alcohol consumption and increased nicotine use), the distribution for the substance use / abuse dimension was skewed and kurtotic, and the t-test result should be interpreted with caution. Having said this, the level of skew and kurtosis was similar for each sample and sub-sample, and thus the t-test outcome is likely represent an actual difference in scores between samples.

⁴⁹ Mental Health First Aid Australia specialises in mental health first aid training courses. See <https://mhfa.com.au/cms/home> for more information.

⁵⁰ Ibid 28.

⁵¹ Self-reported task performance was not included in this research project. While some individuals - especially those high in narcissism – exaggerate their task performance levels more than others, individuals in general are motivated to present themselves in a positive manner leading to biased (inflated) estimates of performance (See Donaldson, S. I., & Grant-Vallone, E. J. 2002. Understanding self-report bias in organizational behaviour research. *Journal of Business and Psychology*, 17(2), 245-260, and Judge, T. A., LePine, J.A., & Rich, B. L. 2006. Loving yourself abundantly: Relationship of the narcissistic personality to self- and other perceptions of workplace deviance, leadership, and task and contextual performance. *Journal of Applied Psychology*, 91(4), 762-776). Peer- and other-reported task performance is typically accurate; however, the need to ensure participation in the research project remained anonymous and confidential prevented the inclusion of peer- and other-reported task performance data.

⁵² Brief, A. P., & Weiss, H. M. 2002. Organizational behaviour: Affect in the workplace. *Annual Reviews in Psychology*, 53, 279-307.

⁵³ See Meyer, J. P., & Allen, N. J. 1991. A three-component conceptualisation of organizational commitment. *Human Resource Management Review*, 1(1), 61-89, and Meyer, J. P., & Allen, N. J. 1997. *Commitment in the workplace: Theory, research, and application*. Thousand Oaks, CA: Sage Publications Inc.

⁵⁴ Podsakoff, P. M., MacKenzie, S. B., Paine, J. B., & Bachrach, D. G. 2000. Organizational citizenship behaviors: A critical review of the theoretical and empirical literature and suggestions for future research. *Journal of Management*, 26(3), 513-563.

⁵⁵ This item is reverse-coded. A high score indicates a higher level of commitment even though the item is worded negatively.

⁵⁶ Dr Paul Spector emphasises the importance of investigating and, where relevant, reporting item-level relationships in organisational behaviour research. He argued that the tendency to use mean or aggregate scores for variables without first exploring item-level relationships was leading to inaccurate inferences being drawn. An example erroneous inference is that specific behaviour (e.g., behavioural item 1 of Variable A, which has 10 items in total) relates significantly to Variable B simply because overall variable A score relates to Variable B. Item 1 may not relate, or even relate negatively rather than positively, but this item level relationship / non-relationship is “overtaken” or “hidden” by either opposite or stronger other item-level relationships if the mean or aggregate score of all ten items in variable A is used in analysis. A second example of an incorrect inference is that Variable A does not significantly relate to Variable B, when in fact half the items significantly relate in a positive direction, and the other half relate in a negative direction, effectively cancelling each other out and producing a “no relationship” result when a variable mean or aggregate is used in analysis. Spector suggested that ensuring means or aggregates relationship results align with item-level analysis results is an ethical approach to behavioural item analysis reporting. See Barling, J., Bennett, R. J., Cropanzano, R. S., Spector, P., & Folger, R. G. 2010. *Panel on Behavioral Ethics: Where the Research is Now and Where it Needs to Go Next*. Expert Panel Presentation at the Southern Management Association Annual Conference, October 27-30, 2010, St. Pete Beach, Florida, U. S. A.

⁵⁷ Cohen, J. 1988. *Statistical Power Analysis for the Behavioral Sciences (second ed.)*. Lawrence Erlbaum Associates, and Cohen, J. 1992. A power primer. *Psychological Bulletin*, 112(1), 155–159.

⁵⁸ The practical versus statistical significance point relates to the amount of variance explained by a correlation value. A perfect correlation of 1.0 indicates that 100% of the variance in one variable is ‘explained’ by the second variable. A correlation of 0.7 indicates that 49% (0.7^2) of a possible 100% variance in one variable is ‘explained’ by the second variable, leaving 51% unexplained variance, or variance due to other (a third, fourth, fifth, so on) factor/s. A correlation of 0.10 indicates that 1% of the variance is explained. Depending on the setting and types of research, 1% may be of large practical significance (e.g., a 1 percent decrease in cancer deaths equates to the lives of hundreds of thousands of people), whereas in other settings, such as trying to explain why an employee leaves an organisation, factors explaining 1% of the variance are less than useful in practice. Specific to this research project, the more detailed, and higher-cut off points were used in an effort to capture the practical significance of the results, not just statistical significance.

⁵⁹ Weiss and Cropanzano (1995), *ibid* 47.

⁶⁰ Adapted from Michalak, R. 2013. Beyond slips, trips and falls: The emerging importance of psychosocial risk management. *Proctor*, 33(4), 22-25.

⁶¹ *Ibid* 14.

⁶² Comcare. 2015. *Compendium of WHS and Workers' Compensation Statistics (6th ed.)*. Commonwealth of Australia, Canberra, Australia.

⁶³ Interactional injustice is both a stressor in itself *and* a possible consequence of voicing behaviour. The interactional injustice data is presented in Section 11.

⁶⁴ See Galesic, M., & Tourangeau, R. 2007. What is sexual harassment? It depends on who asks! Framing effects on survey responses. *Applied Cognitive Psychology*, 21(2) 189-202.

⁶⁵ Note while potentially applicable, the term "victim" is deliberately not used. By definition (Oxford English Dictionary), a victim is "a person harmed, injured, or killed as a result of a crime, accident, or other event or action." However, the term can also refer to "a person who has come to feel helpless and passive in the face of misfortune or ill-treatment." Notwithstanding the latter could be inferred based on the psychological and psychosomatic health wellbeing data, feelings of helplessness and passivity were not investigated in this project and targets were not assumed to be "victims."

⁶⁶ Andersson, L. M., & Pearson, C. M. 1999. Tit for tat? The spiralling effect of incivility in the workplace. *Academy of Management Review*, 24(3), 452-471.

⁶⁷ Ibid 31.

⁶⁸ Cortina, L. M., & Magely, V. J. 2003. Raising voice, risking retaliation: Events following interpersonal mistreatment in the workplace. *Journal of Occupational Health Psychology*, 8(4), 247-265.

⁶⁹ Harlos, K. P., & Axelrod, L. J. (2005). Investigating hospital administrators' experience of workplace mistreatment. *Canadian Journal of Behavioural Science*, 37(4), 262-272.

⁷⁰ See Michalak (2014; *ibid* 15) for a discussion on mistreatment's nomological network.

⁷¹ Definition p. 3. Safe Work Australia. 2013. *Guide for preventing and responding to workplace bullying*. Available at <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>.

⁷² Lyons, R., Tivey, H., & Ball, C. 1995. *Bullying at work: How to tackle it. A guide for MSF representatives and members*. London: MSF, U. K.

⁷³ Rayner, C., & Hoel, H. 1997. A summary review of literature relating to workplace bullying. *Journal of Community and Applied Social Psychology*, 7(3), 191-191.

⁷⁴ Fitzgerald, L. F., Gelfand, M. J., & Drasgow, F. D. 1995. Measuring sexual harassment: Theoretical and psychometric advances. *Basic and Applied Psychology*, 17(4), 425-445.

⁷⁵ For discussion on tolerance of sexual harassment climate see Willness, C., Steel, P., & Lee, K. 2007. A meta-analysis of the antecedents and consequences of workplace sexual harassment. *Personnel Psychology*, 60(1), 127-162, and O'Hare, E., & O'Donohue, W. (1998). Sexual harassment: Identifying risk factors. *Archives of Sexual Behavior*, 27(6), 561-580. For a discussion on escalation of both workplace violence and sexual harassment behaviours, see Barling, J., Rogers, A. G., & Kelloway, E. K. 2001. Behind closed doors: In-home workers' experience of sexual harassment and workplace violence. *Journal of Occupational Health Psychology*, 6(3), 255-269.

⁷⁶ E.g., Quine, L. 1999. Workplace bullying in the NHS community trust: Staff questionnaire survey. *British Medical Journal*, 318, 228-232.

⁷⁷ For a detailed critical review of previous research findings on the wellbeing and job performance impacts of these types of stressors, see Michalak (2104), *ibid* 15.

⁷⁸ *Ibid* 62.

⁷⁹ See for example Tett, R. P., & Burnett, D. D. 2003. A personality trait-based interactionist model of job performance. *Journal of Applied Psychology*, 88(3), 500-517, and Rioux, S. M., & Penner, L. A. 2001. The causes of organizational citizenship behavior: A motivational analysis. *Journal of Applied Psychology*, 86(6), 1306-1314.

⁸⁰ Weiss & Cropanzano (1996; *ibid* 47).

⁸¹ French and Raven's (1959) seminal five power bases model has served as a platform for detailed studies on the bases, use/abuse, and outcomes of power within organisations. See French, J., & Raven, B. 1959. The Bases of Social Power. In *Studies in Social Power*, D. Cartwright, Ed., pp. 150-167. Ann Arbor, MI: Institute for Social Research for the original model, and Raven, B. H. 1992. A power interaction model on interpersonal influence: French and Raven thirty years later. *Journal of Social Behavior and Personality*. 7(2), 217-244; Pierro, A., Cicero, L., & Raven, B. 2008. Motivated compliance with bases of social power. *Journal of Applied Social Psychology*, 38, 1921-1944, and Rahim, M. A., Antonioni, D., & Psenicka, C. 2001. A structural equations model of leader power, subordinates' styles of handling conflict. *International Journal of Conflict Management*, 12(3), 191 – 211 for recent examples of research on power in workplaces.

⁸² $n = 187$ because response option 1 for this item was "Not applicable: Do not work in a law firm." Private practice "Other" category respondents, ($n = 27$; e.g., barristers), and the occasional sole practitioner who appeared not to classify their workplace as 'a firm' selected response option 1.

⁸³ For further information on perceived perpetrator relative power, see Cortina, L. M., & Magely, V. J. 2003. Raising voice, risking retaliation: Events following interpersonal mistreatment in the workplace. *Journal of Occupational Health Psychology*, 8(4), 247-265 and Swan, S. 1997. *Explaining the job-related and psychological consequences of sexual harassment in the workplace: A contextual model*. (Unpublished doctoral dissertation). University of Illinois, Urbana-Champaign. For a broad summary of power, circles of influence and social networks, see McShane et al (2013), *ibid* 28.

⁸⁴ For lawyer census / demographic, employment sector, post-admission experience, and career movement data, see URBIS, 2012. 2011 *Law Society National Profile: Final Report*. Prepared on behalf of The Law Society of New South Wales, Australia, and URBIS, 2014. *The national attrition and re-engagement study*

(NARS) report. Prepared for the Law Council of Australia. Available at <https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/640216.pdf> and https://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/NARS%20Report_WEB.pdf respectively.

⁸⁵ Ibid 29.

⁸⁶ See for example Rafferty, A. E., & Restubog, S. L. D. 2011. The influence of abusive supervisors on followers' organizational citizenship behaviours: The hidden costs of abusive supervision. *British Journal of Management*, 22, 270-285.

⁸⁷ See Lazarus, R. S. 2006. Emotions and interpersonal relationships: Towards a person-centred conceptualization of emotions and coping. *Journal of Personality*, 74(1), 9-46; Lazarus, R. S., & Folkman, S. 1984. *Stress, appraisal and coping*. NY: Springer; Lazarus, R. S., & Folkman, S. 1988. Coping as a mediator of emotion. *Journal of Personality and Social Psychology*, 54, 466-475; and Folkman, S., Lazarus, R. S., Gruen, R. J., & DeLongis, A. 1986. Appraisal, coping, health status, and psychological symptoms. *Journal of Personality and Social Psychology*, 50(3), 571-579.

⁸⁸ Weiss & Cropanzano (1996; *ibid* 47).

⁸⁹ While TTPS is a process-based, mediatory model of stress, the processes do not necessarily occur in a unidirectional, linear fashion. Lazarus and Folkman (1984, p. 30; *ibid* 87) clearly state that, "The choice of the terms 'primary' and 'secondary' was unfortunate.... These terms suggest erroneously... that one precedes the other." Primary and secondary appraisals do not necessarily operate independently; they can interact, co-occur, and even occur more than once. The assumption of linearity is a boundary condition of the tested model. See Michalak (2014; *ibid* 15) for a detailed discussion of this and other model boundary conditions.

⁹⁰ An ill-informed debate currently exists regarding which type of coping is more or less effective. Problem-focussed has generally been argued to be more effective; however, this may not be the case for situations in which the target has experienced a highly negative emotional response. For a detailed discussion on the 'either or' versus 'it depends' coping debate, see Michalak, 2014; *ibid* 15).

⁹¹ While depicted as a straight line process in Figure 37, in reality primary and secondary appraisals can co-occur and recursively re-occur (see *ibid* 89).

⁹² Shum, M. S., & Rips, L. J. 1999. The respondent's confession: Autobiographical memory in the context of surveys. In M. Sirken, D. Mermann, S. Schechter, N. Schwarz, J. Tanur & R. Tourangeau (Eds.), *Cognition and Survey Research* (pp. 95-109). NY: Wiley.

⁹³ Ashkanasy, N. M. 2003. Emotions at multiple levels: An integration. In F. Dansereau & F. J. Yammarino (Eds.), *Research in multi-level issues: Multi-level issues in organizational behavior and strategy* (pp. 71-81). Oxford, UK: Elsevier/JAI Press.

⁹⁴ Prior to moving into the more advanced stages of analysis, the mistreatment, affective responses, coping and wellbeing measures were subjected to Stage 1 of the two-stage structural equation modelling process, namely CFA. An item trimming process was used to generate well-fitting, congeneric, first-order latent variable models for use in Stage 2 (testing the structural models). This process reduces measurement error, rendering the bivariate correlations between CFA latent variables more accurate than pure aggregate or mean score bivariate correlations. For further information on the CFA process including equal form invariance testing (cross-validation) results, please see Appendix L (Michalak 2014; *ibid* 15).

⁹⁵ Due to a linear dependency (multi-collinearity; a SEM assumption violation) between the three mistreatment factors, only verbal abuse was included in the structural analysis. In brief, a linear dependency means that the movement of one variable perfectly predicts movement in another variable. The results obtained for all verbal abuse analysis are indicative of the result that would be obtained for the other two factors (work obstruction and emotional neglect). See Hair, J. H., Black, W. C., Babin, B. J., & Anderson, R. E. 2010. *Multivariate Data Analysis (7th ed.)*. NJ: Prentice Hall.

⁹⁶ Lawyer sample (non-italicised estimate); $n = 245$, CMIN/df = 1.183, CFI = 0.996, TLI = 0.994, RMSEA = 0.023, SRMR = 0.029; Non-lawyer sample (italicised estimate); $n = 136$, CMIN/df = 1.670, CFI = 0.979, TLI = 0.972, RMSEA = 0.055, SRMR = 0.035.

⁹⁷ Scheck, C., & Kinicki, A. J. 2000. Identifying the antecedents of coping with an organizational acquisition: A structural assessment. *Journal of Organizational Behavior*, 21, 627-648.

⁹⁸ Perry, B. D., Pollard, R. A., Blakley, T. L., Baker, W. L., & Vigilante, D. 1995. Childhood trauma, the neurobiology of adaptation, and "use-dependent" development of the brain: How "states" become "traits." *Infant Mental Health Journal*, 16(4), 271-291.

⁹⁹ p. 218, Jones, T. S., & Bodtger, A. 2001. Mediating with heart in mind: Addressing emotion in mediation practice. *Negotiation Journal*, 17(3), 207-244.

¹⁰⁰ Forgas, J. P., & George, J. M. 2001. Affective influences on judgments and behavior in organizations: An information processing perspective. *Organizational Behavior and Human Decision Processes*, 86(1), 3-34.

¹⁰¹ As per the Affect Infusion Model (AIM; Forgas, 1994; 1995). See Forgas, J. P. 1994. The role of emotion in social judgments: An introductory review and an affect infusion model (AIM). *European Journal of Social Psychology*, 24(1), 1-24, and Forgas, J. P. 1995. Mood and judgment: The affect infusion model (AIM). *Psychological Bulletin*, 117(1), 39-66.

¹⁰² Heppner, P. P. 1988. *The problem solving inventory*. Palo Alto, California: Consulting Psychologist Press.

¹⁰³ MacNair, R. R., & Elliott, T. R. 1992. Self-perceived problem-solving ability, stress appraisal, and coping over time. *Journal of Research in Personality*, 26(2), 150-164.

¹⁰⁴ See Brest, P. 1996. The responsibility of law schools: Educating lawyers as counsellors and problem solvers. *Law and Contemporary Problems*, 58, 5-17; Cassidy, M. 2012. Beyond practical skills: Nine steps for improving legal education now. *Boston College Law Review*, 53(4), 1515-1532; and Menkel-Meadow, C.

(2001). Aha? Is creativity possible in legal problem solving and teachable in legal education? *Harvard Negotiation Law Review*, 6, 97-144.

¹⁰⁵ Figure 39: CMIN/df = 1.234, CFI = 0.985, TLI = 0.981, RMSEA = 0.031, SRMR = 0.050.

¹⁰⁶ Figure 40: CMIN/df = 0.946, CFI = 1.000, TLI = 1.005, RMSEA = 0.000, SRMR = 0.038.

¹⁰⁷ Seligman, M. E. P., Verkuil, P. R., & Kang, T. H. 2005. Why lawyers are unhappy. *Deakin Law Review*, 10(1), 49-66.

¹⁰⁸ Nicholls, A. R., Polman, R. C. J., Levy, A. R., & Backhouse, S. H. (2008). Mental toughness, optimism, pessimism, and coping among athletes. *Personality and Individual Differences*, 44(5), 1182-1192.

¹⁰⁹ p. 1208. Norem, J. K., & Cantor, N. (1986). Defensive pessimism: "Harnessing" anxiety as motivation. *Journal of Personality and Social Psychology*, 52, 1208-1217.

¹¹⁰ p. 348. Norem, J. K., & Cantor, N. 1986. Anticipatory and post-hoc cushioning strategies: Optimism and defensive pessimism in "risky" situations. *Cognitive Therapy and Research*, 10, 347-362.

¹¹¹ Sanna, L. J. 1996. Defensive pessimism, optimism, and stimulating alternatives: Some ups and downs of prefactual and counterfactual thinking. *Journal of Personality and Social Psychology*, 71(5), 1020-1036.

¹¹² Sanna, L. J., Chang, E. C., Carter, S. E., & Small, E. M. 2006. The future is now: Prospective temporal self-appraisals among defensive pessimists and optimists. *Personality and Social Psychology Bulletin*, 32(6), 727-739.

¹¹³ Lim, L. 2009. A two-factor model of defensive pessimism and its relations with achievement motives. *The Journal of Psychology*, 143(3), 318-336.

¹¹⁴ Chang, E. C. 1996. Cultural differences in optimism, pessimism, and coping: Predictors of subsequent adjustment in Asian American and Caucasian American college students. *Journal of Counseling Psychology*, 43(1), 113-123; and Chang, E. C. (Ed.). 2001. *Optimism & pessimism: Implications for theory, research, and practice*. Washington, DC, US: American Psychological Association.

¹¹⁵ The survey respondent had resigned, but was with the same employer at the time of doing the survey because they were working out a notice period.

¹¹⁶ See for example Marcus-Newhall, A., Pedersen, W., Carlson, M., & Miller, N. 2000. Displaced aggression is alive and well: A meta-analytic review. *Journal of Personality and Social Psychology*, 78(4), 670-689, and Mitchell, M. S., & Ambrose, M. L. 2007. Abusive supervision and workplace deviance and the moderating effects of negative reciprocity beliefs. *Journal of Applied Psychology*, 92(4), 1159-1168.

¹¹⁷ Michalak, R. T., Kiffin-Petersen, S., & Ashkanasy, N. M. 2015. Stressed, sad, feeling mad and being bad: Target responses to interpersonal deviance. *Academy of Management Proceedings* (Meeting Abstract Supplement), 13820. Available at <http://proceedings.aom.org/content/2015/1/13820.abstract?cited-by=yes&legid=amproc;2015/1/13820>.

¹¹⁸ Andersson, L. M., & Pearson, C. M. 1999. Tit for tat? The spiralling effect of incivility in the workplace. *Academy of Management Review*, 24(3), 452-471.

¹¹⁹ Galesic & Tourangeau (2007; *ibid* 64).

¹²⁰ Engineers were very slightly more likely than lawyers to agree or strongly agree regarding this negative organisational response; 23.5% versus 23.2%. *Ibid* 6.

¹²¹ In this context, the term 'voice' encapsulates active behaviours aimed at improving the situation and/or resolving the problem *for the target*. The term 'voice' originally referred to active, pro-organisational behaviours enacted in response to states of political, societal or firm decline (Hirschman, 1970). Assertion, however, for example, is more individually-orientated, and may or may not be pro-organisational in nature.

¹²² *Ibid* 117, and Chapter 4, Michalak' (2014; *ibid* 15). Sample 'culture of silence' qualitative data include "You just don't. It's just... You just wouldn't do. You'd try and deal with it yourself. It's not as bad as what it used to be, but it's still there. And you're frowned upon by your peers if you start doing that sort of stuff. There are guys that do it and they're like, no one talks to them. You just get ostracised. With my mates... I've lived and breathed (the job). Be it social or work. And I didn't want that, so you just sort of shut your face and just get on with it," and Interviewee: "Someone had suggested that I should go and talk to someone else about (the issue), like that it wasn't right, and I just said 'are you insane?'" Interviewer: Why did you think it was an insane suggestion? Interviewee: Because she would just react, you can't go over her head and that's actually what got (admin employee) fired. Interviewer: Oh, OK. Interviewee: You can't tell anyone else." See also Greenberg, J., & Edwards, M. (2008). *Voice and Silence in Organizations*. Bingley, U. K.: Emerald Group Publishing Limited, and Morrison, E. W., & Milliken, F. J. (2000). Organizational silence: A barrier to change and development in a pluralistic world. *Academy of Management Review*, 25, 706-725.

¹²³ Cortina, L. M., & Magely, V. J. 2003. Raising voice, risking retaliation: Events following interpersonal mistreatment in the workplace. *Journal of Occupational Health Psychology*, 8(4), 247-265.

¹²⁴ $n = 204$ in lawyer sample, $n = 122$ in professionals sample, $n = 130$ in private practice sample, $n = 74$ in non-private practice sample.

¹²⁵ Minimum required cases = 30; $n = 25$ in lawyer sample, $n = 17$ in professionals, $n = 19$ in private practice sample, $n = 6$ in non-private practice sample.

¹²⁶ For example, only 25 lawyer targets formally reported so met the criteria to answer the informational justice items, whereas 204 lawyers met the criteria to answer the interpersonal justice items. See also *ibid* 124.

¹²⁷ Similarly to deviant behaviours in general, post-voice victimisation behaviour should represent non-normal behaviour and therefore the incidence rate data was not expected to be normally distributed.

¹²⁸ MacKinnon, D. P., Fairchild, A. J., & Fritz, M. S. 2007. Mediation analysis. *Annual Review of Psychology* 58, 593-614.

¹²⁹ For all SEM analysis, the 14 dichotomous psychosomatic health items were summed into a composite score out of 14 to form a continuous endogenous variable.

¹³⁰ CMIN/df = 1.676, CFI = 0.980, TLI = 0.974, RMSEA = 0.035, SRMR = 0.032. See Table A.

Table A: Model estimates for lawyer negative emotional responses and psychological and psychosomatic wellbeing

Effects	β	S.E.	Est./S.E.	p
Negative Affective Response - Psychosomatic health wellbeing	.302***	0.074	4.065	.000
Negative Affective Response - Loss of confidence	.328***	0.069	4.934	.000
Negative Affective Response - Social dysfunction	.232***	0.072	3.371	.001
Negative Affective Response - Anxiety and depression	.379***	0.067	5.287	.000

Notes to Table A: *** = $p \leq .001$ (Two-Tailed).

¹³¹ See Table B.

Table B: Model estimates for emotion-focussed coping as a mediator of lawyer negative emotional responses and psychological and psychosomatic wellbeing

Effects	β	S.E.	Est./S.E.	p
AFFECT – EFHC – PSYSOMHT	.039*	0.020	1.95	.048
AFFECT – EFHC – LOSSCONF	.038 [#]	0.020	1.95	.056
AFFECT – EFHC – SOCDYS	.010	0.017	0.621	.535
AFFECT – EFHC – ANXDEP	.007	0.018	0.396	.692
AFFECT – SSS – PSYSOMHT	.008	0.026	-0.291	.771
AFFECT – SSS – LOSSCONF	-.038	0.030	-1.283	.200
AFFECT – SSS – SOCDYS	-.032	0.028	-1.132	.258
AFFECT – SSS – ANXDEP	-.019	0.030	-0.611	.541

Notes to Table B: # $p \leq 0.10$. * = $p \leq .05$. (Two-Tailed). AFFECT = Negative Affective Responses, SSS = Social Support Seeking, EFHC = Emotion-Focussed Harassment Coping, PSYSOMHT = Psychosomatic Health, LOSSCONF = Loss of Confidence, SOCDYS = Social Dysfunction, ANXDEP = Anxiety and Depression.

¹³² See Table C.

Table C: Model estimates for problem-focussed coping as a mediator of lawyer negative emotional responses and psychological and psychosomatic wellbeing

Effects	β	S.E.	Est. / S.E.	p
AFFECT – OREM – PSYSOMHT	-.060*	0.026	2.308	.024
AFFECT – OREM – LOSSCONF	-.060*	0.029	2.069	.037
AFFECT – OREM – SOCDYS	.008	0.023	0.370	.712
AFFECT – OREM – ANXDEP	-.013	0.029	-0.440	.660
AFFECT – EXIT – PSYSOMHT	-.040	0.025	-1.589	.112
AFFECT – EXIT – LOSSCONF	.030	0.026	1.159	.246
AFFECT – EXIT – SOCDYS	.062*	0.027	2.296	.024
AFFECT – EXIT – ANXDEP	.018	0.027	0.692	.489
AFFECT – ASSERT – PSYSOMHT	.001	0.014	0.103	.918
AFFECT – ASSERT – LOSSCONF	-.013	0.015	-0.879	.380
AFFECT – ASSERT – SOCDYS	-.013	0.015	-0.881	.378
AFFECT – ASSERT – ANXDEP	-.010	0.016	-0.634	.526
AFFECT – TRANSFER – PSYSOMHT	-.021	0.017	-1.216	.224
AFFECT – TRANSFER – LOSSCONF	.004	0.014	0.305	.761
AFFECT – TRANSFER – SOCDYS	.007	0.014	0.516	.606
AFFECT – TRANSFER – ANXDEP	.004	0.013	0.326	.774

Notes to Table C: * = $p \leq .05$. (Two-Tailed). AFFECT = Negative Affective Responses, PSYSOMHT = Psychosomatic Health, LOSSCONF = Loss of Confidence, SOCDYS = Social Dysfunction, ANXDEP = Anxiety and Depression, OREM = Organisational Remedies, ASSERT = Assertion, Exit = Problem-Focussed Exit, TRANSFER = Problem-Focussed Transfer.

¹³³ CMIN/df = 1.751, CFI = 0.950, TLI = 0.935, RMSEA = 0.053, SRMR = 0.051. See Table D (Overleaf).

Table D: Model estimates for professionals sample negative emotional responses and psychological and psychosomatic wellbeing

Effects	β	S.E.	Est./S.E.	p
Negative Affective Response - Psychosomatic health wellbeing	.186*	0.090	2.070	.038
Negative Affective Response - Loss of confidence	.087	0.095	0.913	.361
Negative Affective Response - Social dysfunction	.314***	0.087	3.612	.000
Negative Affective Response - Anxiety and depression	.198 [#]	0.105	1.888	.059

Notes to Table D: [#] $p \leq 0.10$. * = $p \leq .05$. *** = $p \leq .001$ (Two-Tailed).

¹³⁴ See Table E.

Table E: Model estimates for emotion-focussed coping as a mediator of professionals sample negative emotional responses and psychological and psychosomatic wellbeing

Effects	β	S.E.	Est./S.E.	p
AFFECT – EFHC – PSYSOMHT	.029	0.036	0.794	.427
AFFECT – EFHC – LOSSCONF	.075 [#]	0.043	1.754	.079
AFFECT – EFHC – SOCDYS	-.060	0.042	-1.421	.155
AFFECT – EFHC – ANXDEP	.053	0.041	1.276	.202
AFFECT – SSS – PSYSOMHT	-.003	0.026	-0.103	.918
AFFECT – SSS – LOSSCONF	-.007	0.032	-0.218	.827
AFFECT – SSS – SOCDYS	-.006	0.027	-0.227	.820
AFFECT – SSS – ANXDEP	.039	0.032	1.205	.228

Notes to Table E: [#] $p \leq 0.10$. AFFECT = Negative Affective Responses, SSS = Social Support Seeking, EFHC = Emotion-Focussed Harassment Coping, PSYSOMHT = Psychosomatic Health, LOSSCONF = Loss of Confidence, SOCDYS = Social Dysfunction, ANXDEP = Anxiety and Depression.

¹³⁵ See Table F.

Table F: Model estimates for problem-focussed coping as a mediator of professionals sample negative emotional responses and psychological and psychosomatic wellbeing

Effects	β	S.E.	Est./S.E.	p
AFFECT – OREM – PSYSOMHT	.002	0.020	0.102	.919
AFFECT – OREM – LOSSCONF	-.006	0.028	-0.225	.822
AFFECT – OREM – SOCDYS	-.035	0.034	-1.035	.301
AFFECT – OREM – ANXDEP	.018	0.033	0.541	.588
AFFECT – EXIT – PSYSOMHT	.001	0.013	0.038	.970
AFFECT – EXIT – LOSSCONF	.011	0.021	0.546	.585
AFFECT – EXIT – SOCDYS	.011	0.018	0.618	.530
AFFECT – EXIT – ANXDEP	.009	0.024	0.384	.701
AFFECT – ASSERT – PSYSOMHT	-.014	0.024	-0.575	.565
AFFECT – ASSERT – LOSSCONF	-.015	0.015	-0.587	.557
AFFECT – ASSERT – SOCDYS	-.001	0.009	-0.097	.923
AFFECT – ASSERT – ANXDEP	-.016	0.027	-0.593	.553
AFFECT – TRANSFER – PSYSOMHT	-.012	0.014	-0.872	.383
AFFECT – TRANSFER – LOSSCONF	.023	0.026	0.880	.379
AFFECT – TRANSFER – SOCDYS	.005	0.010	0.503	.615
AFFECT – TRANSFER – ANXDEP	.017	0.020	0.845	.398

Notes to Table F: AFFECT = Negative Affective Responses, PSYSOMHT = Psychosomatic Health, LOSSCONF = Loss of Confidence, SOCDYS = Social Dysfunction, ANXDEP = Anxiety and Depression, OREM = Organisational Remedies, ASSERT = Assertion, Exit = Problem-Focussed Exit, TRANSFER = Problem-Focussed Transfer.

¹³⁶ Ibid 87.

¹³⁷ As highlighted by Lazarus (2006; *ibid* 87).

¹³⁸ In an extensive literature review, the only other study located that included all four variables (the stressor, appraisal, coping and outcomes) was Folkman et al (1986; *ibid* 87). However, in the 1986 study, outcomes were defined as being satisfactory or unsatisfactory; individual wellbeing impacts were not assessed. As Lazarus (2006; *ibid* 87) lamented, it is more than possible that systemic failures to study coping in a holistic manner (e.g., including the stressor, appraisal, coping and outcomes) has contributed to various myths about

coping, and its effectiveness, or more specifically, its role in adaptation. Whilst this research project was not without limitations, many of Lazarus's (2006) criticisms were addressed, and the unexpected findings regarding coping (in)effectiveness clearly highlight the need for more appropriate coping research.

¹³⁹ Duriau, V. J., Reger, R. K., & Pfarrer, M. D. 2007. A content analysis of the content analysis literature in organization studies: Research themes, data sources and methodological refinements. *Organizational Research Methods*, 10(1), 5-34, and Fereday, J., & Muir-Cochrane, E. 2006. Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International Journal of Qualitative Methods*, 5(1), 2-11.

About the author

Dr Rebecca Michalak possesses over a decade of employment experience in senior management, consulting, and strategic human resources management roles in the private, not-for-profit, and public sectors. Rebecca's primary interests lie in strategic HRM, including values-based alignment practices, high performance cultures, change management, and psychosocial risk factor management. An expert in the field, she adopts a stress optimisation approach to employee performance that maximises productivity whilst minimising psychosocial risk to employees. Her perspective on managing human resources for strategic competitive advantage is knowledge-worker centric, and underpinned by social sustainability principles.

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