



BEST PRACTICES FOR PROMOTING MENTAL HEALTH AND WELLNESS IN CANADIAN COURTS

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while supporting access to justice and upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts. As part of its mandate, the Committee encourages learning from pandemic-related innovation.

CONTEXT

Building upon the Action Committee's [Communiqué: Focusing on Mental Health and Wellness in this Difficult Time](#) and [Inventory on Mental Health and Wellness Resources](#), this document seeks to capture best practices to effectively address the legacy impacts of the COVID-19 pandemic on mental health in the courts. It also examines ways in which leader courts can continue implementing mentally healthy workplaces moving forward.

Mental health is a crucial determinant in overall health, wellbeing, work productivity and staff retention. The pandemic has added to substantial stressors already present in the lives of individuals, and those working in the courts have not been spared. They continue to experience a number of daily pressures that can negatively affect their mental health and, in turn, could affect the quality of justice services provided to the public. As such, supporting mental health in the courts' workplace is no longer a nice-to-have but a necessity. While there is no one-size-fits-all approach, there are a number of best practices that leaders in the courts can implement where practicable and feasible.

CHALLENGES

Impact of the pandemic on court operations

Not only has the pandemic created or compounded challenges to access to justice for many court users in Canada, but it also continues to have long lasting and compounded effects on those working in the courts. Over the course of the pandemic, most courts shifted to a combination of hybrid, in-person, or virtual hearings and service delivery, with often changing delivery models and related procedures. Judges and court staff have had to adapt rapidly to new technologies, while continuing to operate within the context of the fast-paced work environment of the courts. Many also experienced the strain of the pandemic on their own mental health and well-being, leading to unprecedented levels of sick/medical leave, and retirements in all levels of the courts, which have increased the burden on remaining staff, and led to greater recruitment difficulties.

Stigma

Mental health issues are prevalent throughout society, and those working in the courts are no stranger to them. There remains a high level of stigma associated with these issues, particularly in professional environments and among justice sector actors. Stigma can make people feel



ashamed and scared to admit to any vulnerability or seek help out of concern that it will impact their career or otherwise expose them to judgment or shame.

Vicarious Trauma

Another challenge faced by those working in the courts is vicarious trauma, which can occur from dealing with the difficult realities witnessed inside and outside of the courtroom. For example, judges and court staff can sometimes be exposed to difficult cases involving severe violence, or may face repeated exposure to cases involving violence and trauma. And, on a daily basis, judges and court staff provide services to people in conflictual situations. As such, they may be exposed to persons who are in distress or exhibit confrontational, sometimes even aggressive or violent behaviour towards them or others, particularly in times of added hardship such as a pandemic.

FACING THE CHALLENGE: PILLARS OF ACTION

Leaders in the courts can help mitigate the impacts of these challenges and support mental health and wellness in their workplace by keeping in mind the following four interrelated pillars of action:

1. ***Focusing on wellness solutions in the workplace in order to prevent or mitigate negative impacts on mental health.*** Incorporating practices that foster wellness in the workplace on a day-to-day basis can improve productivity, mood, satisfaction, and staff retention while helping to reduce the rates of missed work due to stress, exhaustion, and depression.
2. ***Continuing to build awareness and reducing the stigma around mental health.*** Building awareness and reducing the stigma around mental health can help to prevent the onset of some mental health issues and encourage those in need to seek out help. But doing so requires acknowledging that stigma exists and understanding its different forms. Stigma can be structural, social, or self-induced:
 - **Structural stigma** refers to system-level discrimination, such as cultural norms, institutional practices, or particular policies of large entities (e.g., governments) that place restrictions on the resources or opportunities of persons living or struggling with mental illness
 - **Social stigma** refers to stereotypes about individuals experiencing mental health issues, challenges, and illnesses. These stereotypes can be deliberate or even unconscious
 - **Self-stigma** occurs when individuals internalize and accept negative stereotypes
3. ***Providing people who are experiencing mental health challenges with the support and care they need based on expert advice.*** By learning about mental health challenges and related supports and strategies to promote wellbeing, leaders can support themselves and others while recognizing when expert advice is needed. Knowledge of available programs and services can help orient those in need to appropriate expert advice.



- 4. Leading by example.** Leaders in the courts who model and foster healthy behaviour are catalysts for creating a culture of workplace wellness. Showing vulnerability and empathetic leadership requires leaders who openly recognize mental health struggles, embrace mental health initiatives and promote the implementation of those initiatives in practice.

BEST PRACTICES FOR IMPLEMENTING THE PILLARS OF ACTION

In implementing these pillars of action, leaders in the courts may wish to consider the following best practices:

- 1. Demonstrate leadership by initiating conversations about the importance of workplace wellness and mental health to build awareness and help reduce the stigma around mental health. Specifically, recognize that mental health challenges are a matter of human vulnerability and a person's life circumstances, and not a reflection of character**

Some equate vulnerability with weakness, especially in workplaces in which there is constant pressure to perform at a higher level than others. The opposite, however, tends to be true. Vulnerability opens up the opportunity to have meaningful conversations that build authentic and trusting relationships. A leader who is vulnerable is not afraid to ask for help when needed, and to share their own struggles. Strategies to lead the way in promoting mentally healthy work environments can include

- Practicing self-care by being conscious about your own stressors or struggles with mental health, and taking practical steps to prevent or address them
- Being proactive about your physical and mental health, for example, by exercising regularly and eating healthy
- Taking a moment to decompress when under stress, especially before engaging with others, since stress can impede our ability to react and engage constructively
- Incorporating frequent check-ins to see how people are feeling and encouraging open discussions
- Normalizing the conversation about mental health by sharing personal struggles and experiences, as well as personal strategies to stay mentally healthy and well
- Actively discouraging stigmatizing language relating to mental health issues
- Taking vacation time regularly and encouraging others to do the same
- Learning to disconnect at off-hours when possible, communicating the fact that you are disconnecting, and encouraging others to do the same
- If sending emails outside of regular work hours, including a statement in your signature block encouraging people to respond during regular work hours
- Recognizing work achievements in a fair and timely manner

- 2. Apply a mental health and wellness lens to the development and implementation of policies, programs, procedures and to individual actions, with particular attention to those who may be differentially impacted by them**

In their individual actions, leaders can promote wellness in the workplace by implementing strategies such as



- Encouraging and setting expectations for respectful behaviours and modeling such behaviour, which can include fostering vulnerability and openness
- Being aware that factors like living with a disability or being a member of an under represented or discriminated against group can increase the prevalence of mental health issues
- Promoting available social programs, professional development and learning opportunities
- Setting time aside for mental health training and inviting feedback on how to implement what was learned in practice
- Discussing and encouraging use of available support services, such as counselling or self-care tools
- Implementing mental health practices, such as mindfulness, breathing exercises, and meditation, for example in meetings, to help reduce anxiety and stress and to improve focus and motivation
- Encouraging connectivity with others, not limited to the workplace relationship

In addition, leaders can play a role in reviewing existing policies, programs and procedures with a mental health and well-being lens to recommend changes as needed. Leaders could also advocate for the application of a mental health lens in all future policies and decisions. This lens could seek to incorporate culturally safe and competent wellness models, and involve those who are living with mental health issues and illnesses in the creation and implementation of these policies. For example:

- Various jurisdictions, including [Saskatchewan](#), [British Columbia](#) and [Ontario](#), have implemented support programs for jurors to address the mental health impacts of being exposed to graphic and disturbing evidence during trials
- The Mass Casualty Commission offers resources to any person who is feeling distressed or emotionally overwhelmed due to exposure to difficult subject-matter addressed in the Commission's proceedings. These resources include different Help Lines and a [Mental Health Tip Sheet on building resilience](#)

3. Prioritize and approach post-pandemic transition and workplace changes, where feasible, according to change management principles

The pandemic led to a number of constantly changing practices and court procedures that have affected those working in the courts, who have had to adapt accordingly. As courts emerge from the pandemic and shift their efforts to more sustainable modernization and transformation, leaders are encouraged to consider the Action Committee's [Orienting Principles: Leading and Managing Change in the Courts](#). In particular, leaders in the courts can facilitate the post-pandemic transition by

- Taking stock of lessons learned to determine which measures should continue applying, be discontinued or be adapted to improve work processes for the benefit of both court personnel and the public they serve
- Involving affected personnel in these discussions at all key stages, and fostering open dialogue to voice challenges and ideas for change
- Communicating the rationale for decisions, particularly if they differ from recommendations made by those affected, so they feel their voices have been heard



- Actively seeking ongoing feedback from those implementing or affected by new or amended practices, policies and procedures, and adjusting those as needed

4. Think creatively about ways to manage workload

Having to manage workload and expectations for yourself or others can be a great stressor in the workplace, whether working remotely or in-person. Some creative and effective ways to help manage workload can include

- Starting by acknowledging that you cannot do it all, and setting realistic expectations for yourself and others
- Taking stock of the workload of individuals, for example through bilateral meetings
- Communicating more than you think you need to
- Encouraging openness to feedback relating to staff capabilities and work capacity
- Implementing and communicating timely strategies for dealing with peak periods of demand, for example by
 - Prioritizing tasks and adjusting deadlines during peak periods or in response to emerging priorities, as feasible
 - Establishing networks with other levels or localities of courts to identify opportunities to share or pool resources on short notice, such as responding to urgent needs
- Acknowledging and appreciating efforts during times of high work demand, and celebrating successes and achievements
- Being a mentor and encouraging mentorship among others, to create an environment where people can share their challenges openly, gain confidence and fulfill their potential

5. Where feasible, ensure people have the training and skillset they need to use new technologies and processes that are introduced during the pandemic and/or maintained post-pandemic

In keeping with the new or increased use of virtual proceedings and digitization of court processes, leaders in the courts can help to ensure that training is accessible and timely for those implementing these new technologies and processes, by

- Assessing the training needs of those using new technologies and processes on an ongoing basis
- Setting time aside for training, inviting feedback on how to implement what was learned in practice and seeking input on areas for improvements or change

6. Do not forget about mental health and wellness considerations for those in the courts who continue to work remotely, by choice or necessity. To help with feelings



of isolation, take the time to connect on a personal and social level with colleagues working remotely

Working remotely can cause feelings of isolation and require adapted approaches to promote wellbeing. As courts continue to digitize certain processes, and as future emergencies could arise, some persons may continue or begin working remotely, either permanently, occasionally or temporarily. In those situations, leaders can look for ways to help, such as

- Recognizing that working remotely limits non-verbal cues
- Paying close attention to tone in emails to help avoid some misunderstandings
- Discussing ways to disconnect effectively from work on off hours to limit the blurring of lines between work and home life
- Inviting people to identify special accommodations they may need due to personal circumstances, and accommodating them as feasible
- Providing opportunities to stay connected virtually and/or in person, for example, through socials and team-building events, and ensuring there is time set aside to implement these suggestions

7. Supporting those working in the courts who experience, or are at risk of experiencing, vicarious trauma

With the prevalent risks of judges and court staff being exposed to vicarious trauma in the course of their work, leaders in the courts can help to prevent or address these risks by employing a trauma informed lens, which can include

- Being aware of the risk factors, signs, and symptoms of vicarious trauma in yourself and others—these may include increased or chronic irritability, fatigue or anxiety
- Taking training to better understand how to identify, prevent and respond to vicarious trauma, and ensuring that others—particularly those at higher risk—also receive such training
- Checking in with colleagues and staff who are exposed to high conflict or high violence situations, or to repeated situations of conflict or violence. When checking in is not possible, or is not enough, seeking professional help and support or referring others as needed to available support services
- Providing safe debriefing spaces where there is opportunity to process the impact of traumatic exposures with colleagues or outside professionals
- Using and promoting short-term stress aids, such as taking frequent breaks when tension is high or difficult subject-matter is discussed, or writing down what you are feeling to help diffuse strong emotional reactions
- Encouraging colleagues and staff to make time to care for themselves, attend to other personal obligations or hobbies, and take short leaves, or even longer term leave when needed