

EXECUTIVE SUMMARY

of the Phase I Research Report

National Study on the Psychological Health Determinants of Legal Professionals in Canada



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October 2022

Content note: This Executive Summary is entirely derived from the research report titled “Towards a Healthy and Sustainable Practice of Law in Canada: National Study on the Psychological Health Determinants of Legal Professionals in Canada – Phase I 2020-2022 Research Report” (available here), which was prepared by a research team at l’Université de Sherbrooke, led by Dr. Nathalie Cadieux.

Confidentiality note: This Executive Summary is a confidential document, intended only for the internal use of the Federation of Law Societies of Canada, its member law societies, and the Canadian Bar Association. Publication or distribution beyond this scope is strictly prohibited.

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Introduction

This study of the wellness of legal professionals in Canada was carried out through a partnership between l'Université de Sherbrooke, the Federation of Law Societies of Canada and the Canadian Bar Association, as well as with the mobilization of the law societies of Canada and the Chambre des notaires du Québec. The Federation of Law Societies of Canada and the Canadian Bar Association funded the first phase of this project.

These project partners worked together on facilitating and contributing to the following three objectives: 1) to develop a portrait of health and wellness issues in the Canadian legal community; 2) to identify the main risk and protective factors that contribute to the psychological health of legal professionals; and 3) to develop recommendations specific to the practice of law in Canada that will improve the health of professionals, in alignment with the mission of its law societies to protect the public.

In any field, the first step towards improvement is measurement. Without rigorous measurement of health issues, and of the stressors that cause them, we will be unable to take sustainable action to support the health of legal professionals.

In recent decades, several studies around the world have identified significant health and wellness issues within the legal community. To understand these issues, we must weigh the magnitude of the challenges that shape the practice of law: sustained emotional demands, work overload, long hours worked, billable hour targets to meet, job insecurity, and other stressors. The list of stressors is long and the resources for coping with them are few and of limited effectiveness.

The results presented are based on the responses from an overall sample of 7,300 legal professionals working in each province and territory of Canada. The data was collected in the autumn of 2021, following the third wave of the COVID-19 pandemic in Canada. This sample was also weighted to take sex and law society representation into account, as well as ensure the most accurate and representative portrait of legal practice in Canada. The results were subjected to a diligent statistical analysis governed by a rigorous methodological and ethical protocol.

The report provides an overview of the findings of the research conducted by the Université de Sherbrooke team in collaboration with the project partners. Recommendations formulated on the basis of those findings will be released later this fall.



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PART I | GENERAL FINDINGS ON MANY PSYCHOLOGICAL HEALTH INDICATORS AMONG CANADIAN LEGAL PROFESSIONALS

The report presents its findings on the prevalence among legal professionals of 1) psychological distress, 2) depressive symptoms, anxiety and suicidal ideation, and 3) burnout, as well as findings on the likelihood that legal professionals will seek help for mental health issues.

The research shows significantly higher levels of these 3 mental health indicators among legal professionals than experienced by the Canadian working population: psychological distress (57.5%; compared to 40% in Canadian working population), moderate to severe depressive symptoms (28.6%, compared to 15% in Canadian working population), a worrying level of anxiety (35.7%, compared to 13% in Canadian working population), and moderate to severe burnout symptoms (55.9%; comparator not provided). The data also reveals that nearly one in four legal professionals (24.1%, compared to 2.44% in the Canadian working population) have had suicidal thoughts since the beginning of their professional practice.

This data varies between groups.

Psychological Distress (57.5% overall)

The groups with the highest proportions of psychological distress include legal professionals living with a disability (74.3%), articling students (72%), younger lawyers aged 26-35 (71.1%) and legal professionals with less than 10 years' experience (70.8%), legal professionals identifying as members of LGBTQ2S+ community (69.3%), women legal professionals (63.7%), Ontario paralegals (65.9%) and Quebec notaries (65.9%), and legal professionals working in the public sector or not-for-profit organizations (NFPO) (58.0%) and private practice (58.4%).

The highest proportions of psychological distress are found in Nunavut (76.4%), Ontario (59.8%) and Quebec (66.8% among notaries, and 57.7% among lawyers; a significant difference of 9.1%).

Depression (28.6% overall)

The groups with the highest proportions of depressive symptoms include articling students (43.6%), Ontario paralegals (43.3%), legal professionals with less than 10 years of professional experience (36.4%), legal professionals under 40 years of age (34.4%), Indigenous legal professionals (33.3%); and legal professionals working in the education sector (31.4%).



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The highest proportions of depressive symptoms are found in Nunavut (35.4%). Québec (specifically the Barreau du Québec), New Brunswick, Saskatchewan, and Newfoundland and Labrador are among the provinces with the lowest proportions of depressive symptoms.

Anxiety (35.7% overall)

The groups with the highest proportions of anxiety symptoms include legal professionals aged 35 and under (52.1%), articling students (49.8%), legal professionals with less than 15 years of experience (45.2%), women (42.6%), Ontario paralegals (42.1%), and legal professionals working in private practice (36.8%).

The highest proportions of anxiety are found in Ontario (40.3%), among notaries in Québec (37.3%; compared to 31% for Québec lawyers), Nunavut (33.3%), Nova Scotia (36.6%), and Manitoba (36.1%).

Suicidal Ideation (24.1% overall)

The groups with the highest proportions of suicidal ideation include legal professionals who identify as non-binary (61.9%; based on very small sample), legal professionals working in the Canadian territories (29.7%), legal professionals working in the public sector or NFPO (27.2%), and lawyers as compared to other legal professions (24.4%). High numbers were observed across all age groups (only slightly lower among younger lawyers - 19.3%) and both men and women are similarly affected.

Legal professionals working in the Canadian territories (Yukon, Northwest Territories, and Nunavut) are more likely to have experienced suicidal ideation (29.7%), with proportions between 23% and 26% across the other Canadian law societies. Quebec notaries (16.8%) have had the fewest suicidal thoughts since the beginning of their careers.

Burnout (55.9% overall)

The groups with the highest proportions of burnout include legal professionals between the ages of 31 and 35 (67.0%), women legal professionals under 40 years of age (67.4%), legal professionals living with a disability (69.8%), articling students (62.9%), and legal professionals who identify as members of the LGBTQ2S+ community (62.7%).

Comparing the legal professional groups - Canadian lawyers, Quebec notaries, and Ontario paralegals - it appears they are similarly affected.

Burnout levels are highest in Nunavut (81.2%) and Ontario (61%).



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Do Legal Professionals Seek Help?

44.9% of legal professionals have sought professional help to cope with stress. 26.4% have used an employee assistance program (EAP) associated with their organization or law society.

46.8 % indicated that they had not asked for help even when they recognized that they needed it, and 66.8% of legal professionals who had experienced suicidal thoughts since the beginning of their practice similarly did not seek help after recognizing that they needed help. These results are similar as between men and women.

When asked why, among the top reasons given for not seeking help, were: it was only temporary and would pass (55.8%), lack of energy to engage in the process (37.6%), lack of time (26.3%), lack of financial resources (23.2%), unsure whether appropriate (23.2%), and ashamed to do so (13.6%).

40.5% of respondents would not have confidence in the assistance program offered by their employer if they needed to resort to it. As for law society assistance programs, 36.5% indicated that they would not be comfortable using them. Among the reasons given, 39.8% feared that their discussions would be shared with the regulator, 34.2% believed that the assistance program would not help them, 29.8% said they did not know enough about their assistance program, and 22.6% perceived that their problems were too serious for the assistance program to be of use. Nearly one in five professionals (17.7%) said they feared that colleagues or friends might learn they had used the assistance program, while 10.7% felt ashamed to talk openly about their problems.

PART II | WELLNESS IN LAW: EXPLANATORY FACTORS

An Overview of Stressors

The report examines the stressors for legal professionals relating to 1) working conditions, 2) work settings and areas of practice, 3) billable hours, 4) technostress, 5) adjustment to telework, 6) agility; and 7) compassion fatigue.

Working Conditions

The practice of law in Canada is heterogeneous. The truth of this statement becomes clear when we observe the many different types of legal practitioner: engaged in private or public practice, with or without targets for billable hours, working directly with clients or not, working in specific areas of practice, operating independently or within a large firm. The realities of practice are multiple and diverse. Despite the heterogeneity in the practice of law, the findings of this project highlight that legal professionals face many common challenges, regardless of the context in which they work. These challenges include work overload, emotional demands, lack of resources, and the importance of support by colleagues and supervisors.

Constraints, also known as risk factors or stressors (such as work overload, emotional demands or lack of resources), affect mental health. On the other hand, resources, also known as protective factors (such as recognition at work, support from colleagues, autonomy or a healthy lifestyle), can protect the individual from developing or aggravating health problems. These resources may also partially counterbalance the constraints to which a person is exposed, reducing their impact on personal health.

For example, a person who works in a high-stress, low-resource environment, but has a lot of support outside of work, may fare better in terms of health than someone who is isolated in their personal life. The same is true for a person who adopts a healthy lifestyle (e.g., good sleeping habits, responsible alcohol consumption, or regular physical activity), compared to an individual who has poor personal habits and works in the same stressful work environment.

Numerous variations in constraints and resources that may negatively affect or protect wellness among legal professionals are identified and analyzed in the report. However, certain factors were found to be associated with an increase or a decrease in depressive/anxiety symptoms or feelings of burnout for all legal professionals, regardless of other personal characteristics or circumstances.

Emotional demands, quantitative work overload, and job insecurity were found to be the three greatest constraints on the health of legal professionals who participated in the study. The most critical resources were support from colleagues, autonomy, and



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consistency of values, along with experience (age/seniority), with the potential to counterbalance the negative factors.

However, this research has found that constraints have a greater effect on mental health than resources. Meaning that it will be more effective to address the constraints, or risk factors, than trying to compensate for them with resources/protective factors. This is especially true in our “telework” context.

Work Settings and Areas of Practice

The report examines how these constraints and resources are experienced differently by legal professionals in different work settings and practice areas. In particular, it analyzes the impact of risk and protective factors on the three mental health indicators (psychological distress, depressive symptoms and burnout) in specified working settings and areas of practice.

The typology employed is:

Work settings:

1. Private practice
2. Public or NFPO
3. For-profit corporation
4. Education

Practice areas:

1. Family Law
2. Criminal Law
3. Civil Litigation
4. Business, Corporate and Commercial Law
5. Human Rights, Public and Administrative Law
6. Labour and Employment Law
7. Real Property
8. Wills, Estates and Trusts
9. Alternative Dispute Resolution
10. Other

The risk factors analyzed with respect to these categories were:

- Quantitative overload
- Qualitative overload
- Emotional demands



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- Lack of resources
- Average hours worked per week since the pandemic began
- Job insecurity

The protective factors were:

- Autonomy at work
- Skill utilization
- Consistency of values
- Recognition
- Career opportunities

Key observations regarding the prevalence of the mental health indicators by work setting and area of practice

Psychological distress is a well-established, prevalent, and known phenomenon affecting well over 50% of respondents, across all work settings although slightly lower in for-profit corporations, and area of practice.

The presence of moderate to severe depressive symptoms tends towards 30% across all work settings, although again slightly lower in for-profit corporations.

Affecting well over 50% of respondents, burnout is also a widespread phenomenon. Across work settings, burnout proportions range from 43.8% in education to 57.2% in private practice.

The areas of practice with slightly higher proportions of all three mental health indicators – psychological distress, moderate to severe depressive symptoms and burnout – were family law and criminal law. However, the differences are minor compared to the overall results. The statistics reveal that legal professionals in all work settings and practice areas are affected at similar levels, and that the profession as a whole is suffering and has been for some time.

Key observations regarding the effect of risk and protective factors on the mental health indicators

The report provides a detailed analysis of the effect of each risk and protective factor on legal professionals in each work setting and area of practice.

While variations are observed, the results primarily illustrate that the effects of risk and protective factors observed in the different work settings or areas of practice are similar. For example, average hours worked since the pandemic began are associated with higher burnout across all areas; this situation worsens in only three areas of practice - alternative dispute resolution, real property law, and “other”. However, those



observed differences are relatively minor and do not justify completely different interventions from one area of practice or one work setting to another. At most, the results make it possible to prioritize the actions to be taken in one work setting or one area of practice compared to another.

The overall effects are too great to focus on any single group's particular result. Dealing with single details at this time would be like worrying about a broken rear-view mirror when the car won't start. The effort would be futile. A systemic and wide-ranging effort must be made to improve the health of legal professionals working in all work settings and all areas of practice. There is little room for any other interpretation.

These effects and their widespread presence in the field of legal practice demonstrate that the issues have become normalized over time, implicitly permeating the professional culture. It is this "implicit normal" that needs to be addressed. But where to start?

First, ongoing and regular measurement and assessment of health issues. Otherwise, how will we know if we are getting better? Health is not a finite goal but a process of continuous improvement that must remain on the agenda.

Second, actions at all levels of the legal community so as to initiate a significant change in the professional culture—one that is driven by stakeholders such as the Federation of Law Societies of Canada, the Canadian law societies and bar associations, universities, workplaces, support programs, and the individual legal professionals themselves. Only actions that are deeply aligned with outcomes will bring about such change.

Although these subjects are taboo, the extent of psychological distress, depressive symptoms and burnout among legal professionals means that all internal and external stakeholders must be aware of what is happening. Admitting the problem is unquestionably the starting point for real change.

The Impact of Billable Hours

The average annual billable hours target in Canadian private practices is 1,500 hours. The larger the firm, the higher the target.

Billable hours represent, on average, only 67.9% of the actual hours worked. This gap between billable hours and actual hours worked leads legal professionals to extend their working hours to meet their target.



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Research has shown that more than 50 hours of work per week is harmful to the health of professionals, meaning that a target of more than 1,200 billable hours may compromise the individual's health.

Further, the pressure felt by the professional to satisfy the goals and expectations of their organization is as problematic as the actual target. The proportion of legal professionals who reported feeling pressured is comparable, whether 1,200 hours or 1,800 hours.

Of legal professionals who decide not to have children because of their professional obligations, just over 60% have billable hours targets to meet. The proportion of legal professionals who are afraid to start a family because of the pressures of their career increases with the billable hours target, reaching 81.5% for professionals with a target of over 1,800 hours. However, it is noted that 66% of legal professionals with no billable hours also report concerns about starting a family because of the demands of their work.

The impact on the mental health indicators is clear:

- 68.1% of legal professionals with a target of more than 1,800 hours per year experience psychological distress;
- 71.1% are affected by high levels of burnout;
- more than 30% experience moderate to severe depressive symptoms; and
- 37.0% are affected by anxiety symptoms of sufficient concern for them to seek medical attention.

The study examined interactions between billable hour pressure and risk and protective factors and found the impact of billable hour pressure on depressive symptoms is strongly heightened in professionals who are exposed to high emotional demands or job insecurity.

Also, while age/seniority is generally a protective factor, the opposite was observed in the context of billable hour targets - the intensity of psychological distress and depressive symptoms was more severe in professionals with more than 15 years of experience. The pressure of billable hours on health worsens, rather than diminishes, with experience.

Other effects include:

- Qualities such as customer service, creativity and innovation, willingness to delegate, mentoring, and practice development activities are diminished in value.



- Incivility scores among participants increased significantly for professionals with targets of over 1,200 hours.
- Commitment to the profession decreased, and intention to leave the profession increased, as billable hour targets increased, particularly over 1,200 hours.

The breaking point for the impact of billable hours pressure on key attitudes at work—incivility, commitment, and intention to leave—seems to come with the target of 1,200 billable hours.

These results highlight the urgent need for action in the legal community employing this business model. They also emphasize the importance of initiating a fundamental reflection on alternative models designed to better protect professionals and ensure a more sustainable practice of law in Canada.

Technostress

For legal professionals, information and communication technologies enable electronic record keeping and rapid, diverse follow-ups with associates and clients. This has been particularly true since the beginning of the COVID-19 pandemic.

The integration of technology reduces real estate costs and travel time, which in turn allows more money and time to be invested in practising law. At the same time, these tools can make legal practice more flexible and efficient.

While technological tools facilitate daily life and enhance work flexibility for professionals, they can also exacerbate tensions, increasing the feeling of work-family conflict along with other negative consequences such as information overload, communication overload, misinformation of clients. The rapid changes in procedures that accompany technological transitions can overwhelm the ability of users to adapt, and this conflict leads directly to technostress. Despite the IT guides and training available, the overall benefits of the technologies are often overshadowed by the negative consequences.

Canadian legal professionals cited the feeling of pressure induced by information and communication technologies as the top “technostressor”, followed by the feeling of communication overload.

The psychological consequences of technostressors are greater perceived stress, greater anxiety and depressive symptoms, psychological distress, and increased feelings of burnout.

The results reveal a need for greater support in the profession for those still making the digital transition. Because of the correlation between technostress and mental health



indicators, implementing policies that address risk and protective factors can support legal professionals who may be experiencing technostress.

Adjustment to Telework

Understanding the factors that promote or inhibit the ability to adjust to telework is essential in order to craft effective telework policies within the legal profession.

The telework adjustment, as a result of COVID-19, can be observed through the professional's ability to remain effective, motivated and happy while teleworking, and their intention to telework in the post-pandemic future.

The research shows that the level of adjustment to telework varies with specific socio-demographic characteristics:

- Quebec notaries and Ontario paralegals adjusted better to telework than lawyers (notaries higher than paralegals)
- members of the educational sector show the highest level of telework adjustment, followed by legal professionals in for-profit corporations and in the public sector or NFPO; legal professionals in private practice demonstrated the lowest level of telework adjustment
- women adjusted significantly better to telework than men
- legal professionals in Nunavut have the highest levels of telework adjustment, followed by lawyers in the Barreau du Quebec and Quebec notaries; lawyers in the Yukon and the Northwest Territories lowest level of telework adjustment
- legal professionals in cities with more than 100,000 residents adjusted better to telecommuting than residents of cities with 30,000 to 100,000 residents (perhaps because eliminating the commute in larger centres is of particular benefit, and risk of COVID-19 contagion is higher in larger cities)

The ability to adapt to telework is associated with a decrease in the level of technostress felt by legal professionals; it reduces their perception of technology-induced overload and pressure to work. This adjustment also contributes to a decline in the perception that technology adds a communication burden. By optimizing the teleworking experience, the ensuing adjustment may also be associated with a reduction in work-life conflicts. These results suggest that telework adjustment acts as a shield against many of the unhealthy and even dysfunctional consequences of information and communication technologies.

Analysis of the research showed that the resources or protective factors most associated with improved telework adjustment are support from supervisor, perceived recognition at work, and organizational support. The implementation of clear telework policies, in synergy with a flexible management approach to telework, could improve



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the adjustment capacity of teleworkers and promote the sustainability of this work arrangement.

Agility

Agility enables organizations and workers to cope with constant change in dynamic and volatile business environments. Unlike factories and other similar settings, firms that offer professional services such as legal consulting cannot afford a high level of standardization and require a more flexible approach in terms of managing the work. Legal professionals must frequently juggle changing demands, particularly those imposed by external parties, leading to increased stress and psychological distress. This has been particularly true during the pandemic, with the need to rapidly adapt to new realities such as teleworking, remote trials and secure electronic case management.

Agility is an essential organizational capability for overcoming these challenges. Agile work practices allow managers and employees to adjust more quickly to changes and unforeseen events, which in turn decreases their feelings of work overload, fatigue and stress, while enhancing their commitment to the work and to the organization. Agility is essential for reducing, at the source, the constraints experienced by legal professionals, which account for most of the psychological health issues experienced.

The study showed similar levels of agility among the legal professions, but observed the following phenomenon on a more in-depth analysis:

- a larger proportion of lawyers and paralegals, than Quebec notaries, appear to adapt quickly to an increase in workload
- all legal professions show a similar proportion of organizational willingness to improve services for their clients
- of all the professional groups, paralegals were least likely to feel that their organization deals with change positively, or rather felt that their organizations have difficulty reorganizing work in response to external changes
- legal professionals in the public sector or NFPO work in environments with lower agility than in private practice
- a significantly higher percentage of legal professionals in private practice, than in the public sector or NFPO, see their organization as agile in implementing solutions to changes from clients or partners
- similarly, significantly higher percentage of legal professionals in private practice, than in the public sector or NFPO, see their organization as agile in adjusting quickly, in daily practice, to increased workloads or disruptions that impact how work is organized (perhaps because public organizations have fewer resources available)



Agility is associated with better health and wellness, while also promoting resilience. An environment where the work is organized flexibly and responsively allows for a better response to unforeseen events in the business environment, contributing to lower levels of stress and burnout among legal professionals, since they can cope with change by expending a more reasonable level of effort. A legal professional who works in an environment where management is more agile will have lower levels of perceived stress, burnout symptoms, work overload and intention to leave the profession. An individual who works in an environment where work is more agile will tend to have a greater ability to bounce back from stressful situations, adapt to stressful circumstances, and function at a higher level despite stress and adversity.

The results show that organizations and the legal community must pay considerable attention to how their work is organized. The legal services business environment requires a high level of agility. Three resources, or protective factors, have the most impact on agility among legal professionals: autonomy and perceived support from their supervisor is associated with higher agility, and a lack of resources is associated with lower agility. Autonomy promotes quickly responding to and efficiently handling unexpected events. When legal professionals feel supported by their supervisor, they are more inclined to take rapid action. And, last, to adjust quickly to internal and external changes in the business environment, they must have access to the necessary physical, technological and professional resources.

Compassion Fatigue

Compassion fatigue is a phenomenon observed among legal professionals who interact closely with clients, especially when emotional demands are high. The areas of practice with most exposure to high emotional demands from clients are criminal law (78.8%), child and youth law, family law, elder law, immigration law, human rights law and health law (61.6%). The lowest exposure is found in insolvency law, insurance law, and real property law although still over 50% of practitioners reported high emotional demands in these areas (the remaining areas of practice fall in the middle of the range).

Emotional demands in legal practice appear to be the risk factor with the most significant impact on professionals' health. Further, the variation in emotional demands across practice areas appears to synchronize with the variation in burnout and secondary traumatic stress.

The compassion experienced by a professional who is exposed to the suffering of a distressed client is likely to generate three elements:

- compassion satisfaction - professionals who help clients in distress derive a sense of fulfillment from doing their job well; reported by 52.8% of study participants



- burnout - professionals exposed to intense emotional demands are more likely to deplete their resources; reported by 56.2% of study participants, and
- secondary traumatic stress - professionals are unlikely to forget traumatic client situations experienced at work; reported by 26.8% of study participants

More men than women practitioners experience compassion satisfaction (54.4% for men compared to 50.9% for women). Women are more negatively impacted than men practitioners in this relationship with clients. 51.8% of the men surveyed experienced burnout compared to 61.8% for women, and 23.5% of men experienced secondary traumatic stress compared to 31.0% of women.

Gaining experience appears to have a protective effect, although it is slow to emerge: compassion satisfaction increases significantly, and burnout and secondary traumatic decrease significantly, after 10 years of practice.

These findings highlight the importance of adequately preparing professionals to deal with high emotional demands and for legal professionals to update their skills throughout their career to benefit from the positive effects of compassion while minimizing its detrimental effects on their health.

Personal Life and Family Factors

Work-life conflict is a critical stressor in the lives of professionals, and in fact is just as prevalent among Canadian legal professionals without children as it is among those with children.

The study shows that work-life conflict is associated with a significant increase in perceived stress, psychological distress and depressive symptoms. This sense of conflict stems from the perception of work spilling over into the personal and family sphere to the point where it prevents the professional from fulfilling their nonwork responsibilities.

Work-life conflict is associated with a significantly lower level of commitment to the profession, a substantially higher level of intention to leave the profession and significantly higher scores for all health problems analysed.

A legal professional's social support outside of work is an important protective factor for all health indicators. Support outside of work is associated with a significant increase in commitment to the profession, a decrease in the intention to leave, a decrease in psychological distress, and lower levels of both depressive symptoms and professional burnout.



In particular, having a spouse appears to significantly reduce stress, while the presence of children in the household is associated with significantly lower psychological distress and depressive symptoms. This is the case whether the children are younger or older. This may seem counter-intuitive when we consider the additional pressure of responsibilities for children during the pandemic; but the fact remains that children are a source of significant personal gratification and may also reduce feelings of isolation particularly in the context of the pandemic.

Work-life conflict is not just a women's issue, although women are disproportionately affected; 45.4% of the participating men reported feeling a conflict between their professional obligations and their personal commitments; for women the proportion was 53.9%. One reason for this discrepancy is that feeling discriminated against based on gender is associated with greater work-life conflict. This difference could also be explained by the fact that women continue to be more inclined to assume family obligations.

These results highlight the importance of considering the impact of non-work factors in addressing the health issues of legal professionals.

Beyond their direct effects on the health of professionals, the pressures of practice can also tend to have the effect of postponing the decision to have children. 15.1% of the respondents reported that they do not wish to have children because of their professional obligations. Almost 20% of professionals wishing to start a family is over 36 years of age.

Apprehension about starting a family included apprehension regarding work-family conflict, apprehension regarding career consequences, and apprehension regarding reaction in the workplace, in that order of significance. Women are more apprehensive than men and the gap between men and women increases further when it comes to career consequences.

The research shows that fear of starting a family has a direct effect on the attitudes of professionals rather than on health. This apprehension is associated with significantly lower commitment to the legal profession and significantly greater intention to leave the profession.

Wellness from Individual Perspective

Specific individual factors are very important for understanding the health and wellness of professionals, particularly an individual's ability to cope with stress in the work environment. These categories are:



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- individual characteristics (gender, experience etc.),
- coping strategies and lifestyle (including alcohol and drug use), and
- skills (especially psychological detachment, assertiveness or the ability to set limits, and resilience in facing the challenges of professional life).

Wellness from a Diversity Perspective

The legal profession faces challenges in relation to diversity, much like other types of Canadian workplaces, and diversity remains an important topic for the profession, organizations, and for the professionals themselves. For organizations that employ legal professionals, proactive diversity management promotes a better work environment, greater productivity, and enhanced competitiveness while facilitating the attraction and retention of professionals.

Legal professionals also benefit from more diverse workplaces: for example, by developing their careers in open workplaces that encourage and promote inclusion and innovation. Managing diversity—which includes contributing to the perception of fairness and equity—helps a law firm to improve career opportunities while providing fertile ground for personal and professional growth. However, success in managing diversity is a shared responsibility and depends on 1) the commitment of the legal community to integrating professionals with diverse backgrounds, 2) the training of professionals and raising their awareness of the issues faced by particular socio-professional groups, and 3) the fight against stereotyping.

Challenges related to diversity management in the Canadian legal community have the potential to contribute to health and wellness issues in the profession. They also have the potential to affect a professional's level of commitment and their intention to leave the profession as a result of perceived discrimination in their environment.

The research reveals that the groups who perceive the most discrimination are professionals who have already taken extended health medical leave for a mental health issue such as depression or burnout, professionals living with a disability, and women. Indigenous people and legal professionals who identify as non-White also perceive that they experience discrimination, but somewhat less compared to other groups.

Identifying as LGBTQ2S+ and age emerged as characteristics less associated with perceived discrimination, based on the responses. However, nearly half of the legal professionals who identified as members of the LGBTQ2S+ community said that their colleagues did not know they identified as LGBTQ2S+, which may explain why, on the basis of that characteristic, they feel less discriminated against at work.



Age and experience

In this study, the highest proportions of psychological distress are found among the youngest age groups, across the legal professions.

Nearly three-quarters of the participating legal professionals (73.8%) with less than three years of experience reported experiencing psychological distress. As participants gain more experience, the proportion experiencing psychological distress decreases. (The same pattern is seen in depressive symptoms, although not as pronounced.)

This decrease in psychological distress over time is unsurprising, since confidence and expertise are likely to increase through professional achievements. Also, more experienced professionals working in private practice usually have an established portfolio of clients, which may reduce the effort required to meet targets. Lastly, as professionals establish their expertise and diversify their experience, they are more likely to maintain a balanced perspective regarding their daily professional challenges, even in moments of overload or increased tension.

Even so, it is important to note that psychological distress remains relatively high, even in those with 15 to 24 years of experience (57.3%). It appears to take 25 or more years of experience to see a significant decrease in psychological distress.

There is no significant difference in burnout rates between the groups with 0-3 years to 15-24 years of experience. The difference begins from 25 years of experience onwards, when legal professionals report much less burnout (32.9%) compared to an average of 63.0% for the other categories of experience.

Still, the data shows that while experience plays a protective role, it accounts only marginally to outcomes, compared to the much greater impact of constraints:

- it accounts for only 3.4%, 1.0% and 1.2% of the variation in psychological distress, depressive symptoms and burnout,
- it does not affect the ability to adjust to teleworking (having a flexible work environment, e.g., digital access, or a telework friendly home environment (e.g., home office) might have more impact)
- it accounts for less than 1.5% of the variation in the commitment to the profession and in the intention to leave the profession

Among the articling students who participated in this study, 49.8% reported having had a mental health diagnosis since starting their articling term. Articling students also reported experiencing incivility and violence. The data shows that more than a quarter of articling students have considered leaving the profession. More alarmingly, over half

reported that they were likely to leave the practice of law to take another job at the same pay level.

Legal professionals can develop skills for reducing the risks or levels of symptoms associated with mental health concerns, including assertiveness (or the ability to set limits) and the ability to psychologically detach from work. The data shows that articling students are less able to set limits and to psychologically detach themselves. As these skills are important for coping with stressors in the legal profession, it would be beneficial to provide training to help develop them at the beginning of articling.

It is important to remember that articling students are the next generation of the legal profession. It is essential to welcome them with open arms and protect their commitment to the profession, particularly in the first five years of practice.

Protecting the commitment of legal professionals in their early careers is synonymous with transforming the practice at all levels, from the moment law students enter university or begin their articling, as these are the pivotal moments in forming professional culture. It also means redefining the ways in which performance is viewed and work is structured, as well as the place of legal professionals in their early careers in a profession that is now going through a period of renewal.

Gender

Women are more affected by men in the legal profession by all mental health issues under study - psychological distress, anxiety, depressive symptoms, and burnout. This may be in part because women are more likely to report their symptoms than men. Social roles and cultural influence likely also play a part, particularly because of family obligations and the frequent overload of responsibility on the mother.

While experience has more of an impact than gender, i.e., participants, whether men or women, with less than 15 years in practice were more exposed to mental health issues than their senior colleagues - women with less than 15 years of practice were still more likely to be affected by mental health issues than men. As mentioned, this gap widens as men and women progress in their careers.

The research shows various constraints and protective factors which have variable influence on the mental health of men and women at different stages of their careers. Beyond the discrepancies between men and women at all levels of experience, the data shows that emotional demands, job insecurity, and work-life conflict are factors associated with an increase in symptoms of depression and feelings of burnout for all legal professionals. It is crucial to focus on these risk factors and address them directly to have a positive effect on the health of legal professionals.

Indigenous Legal Professionals

The rate of psychological distress and moderate to severe depressive symptoms among Indigenous legal professionals (70.3%) is significantly higher than among white legal professionals (57.4%), but similar to that of other ethnicities. The gap between white and Indigenous legal professionals with respect to burnout is less pronounced. The proportion of Indigenous professionals who have experienced suicidal ideation since beginning their practice is comparable to the proportion observed in the other groups.

The study looked at fifteen variables compared across three groups of respondents - white, Indigenous, and other ethnicities. The results show that the experience of the Indigenous legal professionals is very similar overall to that of white and other ethnicities, differing in only two areas: emotional demands and alcohol consumption. Indigenous respondents were more likely than white respondents to feel pressure due to emotional demands; and the proportions of "dangerous or harmful use" and of "consumption with a probability of addiction" are higher among Indigenous professionals (9.2%) than among white professionals (5.4%) and those of other ethnicities (5.2%). Still, this finding should be interpreted with great caution, as the number of Indigenous respondents in these two categories was low.

Ethnicized groups¹

Legal professionals from ethnicized groups experience higher levels of mental health concerns than white legal professionals:

- 66.6% of ethnicized legal professionals experience psychological distress, compared to 55.5% of white legal professionals
- 37.7% of ethnicized legal professionals experience moderate to severe depressive symptoms, compared to 26.2% of white legal professionals
- the presence of professional burnout is significantly higher among ethnicized legal professionals (62.3%) compared to white legal professionals (54.4%)

The study compared the impact of numerous factors (e.g., risk and protective factors, age, gender) on ethnicized and white legal professionals. Three organizational factors were significant in explaining burnout among ethnicized professionals: use of skills (decreased burnout), support from supervisor (decreased burnout), and support from colleagues (increased burnout). The first two protective factors were not significant for white legal professionals. Also interesting, support from colleagues is associated with higher burnout among ethnicized professionals, the opposite of the effect on white legal professionals. Possibly ethnicized minority professionals wait until they reach a

¹ The typology used in this study to categorize different ethnicized groups was borrowed from the Ontario Human Rights Commission.

high level of burnout before seeking support from colleagues; or that this support from colleagues occurs only when burnout is perceived.

The challenges to health and wellness among professionals from an ethnicized minority group highlights the importance of further investigation into the underlying dynamics of diversity in Canadian legal environments.

Beyond these differences, it is important to note that emotional demands, lack of resources, job insecurity and work-life conflict are associated with an increase in depressive symptoms or feelings of burnout for all legal professionals; and career opportunities, consistency of values and age are associated with a decrease.

LGBTQ2S+ community

The occurrence of psychological distress, moderate to severe depressive symptoms, and burnout is significantly higher among LGBTQ2S+ legal professionals than among their non-LGBTQ2S+ counterparts. The gap between the two groups is as high as almost 20% for psychological distress. 37.5% of a LGBTQ2S+ respondents have had suicidal thoughts since beginning their professional practice, compared to 23.4% of non-LGBTQ2S+ legal professionals.

LGBTQ2S+ legal professionals tend to experience more incivility, be less committed to the profession and have a greater intention of leaving.

The average age of LGBTQ2S+ respondents is younger than non-LGBTQ2S+ respondents. While the analysis shows that belonging to a gender or sexual identity minority would explain some of the higher proportions of mental health indicators, as noted earlier there is a significant association between being younger and experiencing more mental health issues.

A substantial segment of the LGBTQ2S+ legal professionals in the study said that they had not revealed their sexual or gender identity to their colleagues. While some workplaces may be more open and even have inclusion policies, it seems that for many LGBTQ2S+ individuals the ability to openly display their sexual identity or gender is far from a given. Being unable to express one's sexual or gender identity openly may have an impact on relationships with colleagues or supervisors (e.g., avoidance of the staff room, deviation from discussing certain topics) and consequently may affect other working conditions (e.g., job insecurity, emotional demands, consistency of values). This reality could also make it more challenging for these legal professionals to seek the support they need.

There is significant variability of psychological distress, moderate to severe depressive symptoms, and burnout within the LGBTQ2S+ community. The variability between



LGBTQ2S+ categories in terms of health indicators is a complex dynamic that needs to be studied further, as few studies have focused on heterogeneity within the community.

Living with disability

The proportions of mental health issues are significantly higher among legal professionals living with a disability. The most significant gaps can be seen in the categories of psychological distress (74.3% among professionals living with a disability compared to 55.4% among other professionals) and moderate to severe depressive symptoms (50.1% among professionals living with a disability compared to 25.9% among other professionals). The same pattern is seen for perceived stress and burnout, although less pronounced. It is important to examine the support that professionals living with a disability receive for coping with job-related constraints in order to fully understand their situation.

Despite these concerns, the results indicate that legal professionals living with a disability (64.3%) seek help more than their counterparts (42.5%) who reported not having a disability, by a significant margin. It is possible that persons living with a disability have experience with the process of seeking external supports and may feel less of a stigma doing so.

Negative coping strategies

Adopting a healthy lifestyle is more important when the workplace is home to multiple stressors. However, in such circumstances, many people resort to harmful strategies such as alcohol and drug abuse. Although these strategies can reduce the stress experienced in the short term, they also risk having the opposite effect.

The use of alcohol or drugs is not uniquely a strategy for coping with work-related stress. However, the multidimensional nature of stressors experienced by legal professionals, combined with risky drinking or drug-taking habits, may plunge legal professionals into a dynamic that can become grave and complex.

Alcohol consumption and drug use are associated with a significantly higher likelihood of psychological distress and depressive symptoms even after the main risk and protective factors, and the personal characteristics of the professionals, are considered.

The difficulties experienced by professionals can take many forms, depending on their experience, and have many different consequences. Some difficulties relate to attitude (e.g., disengagement or intention to leave the profession). Other difficulties relate to psychological states (e.g., psychological distress, anxiety, depression) and even to



certain behaviours (e.g., alcohol consumption, drug use). However, such consequences are only symptoms of bigger structural problems, which are themselves fuelled by the professional culture as a whole. This culture is intangible and invisible, but still dominates the space like the proverbial elephant in the room. It upsets the emotional equilibrium of the professionals and hinders their efforts to restore that balance.

Alcohol use

Alcohol consumption habits were relatively similar between the legal professions. However, differences were observed between men and women:

- 81.5% of women respondents and 75.5% of men fall into the low-risk category.
- 14.1% of women respondents and 17.5% of men have a hazardous or harmful level of use.
- 4.3% of women respondents and 7.0% of men are likely to be highly dependent on alcohol

Alcohol use drops off sharply for men and women at 25+ years of practice. Earlier in their careers, however, the pattern for increase or decrease in alcohol consumption for men and women are opposite.

The research revealed that the proportion of hazardous drinking is closely linked to high levels of perceived stress. It is not possible to determine the direction of the association between perceived stress and alcohol consumption. In other words, do people perceive more stress because they drink more alcohol, or do they drink more alcohol because they are more stressed? The literature shows that people under stress normally hope to reduce the tensions experienced during the day by consuming a few drinks. However, past a certain threshold, this strategy seems to have the opposite effect and could even increase perceived stress.

Legal professionals with billable hours (27.8%) are proportionately more likely to report risky drinking than legal professionals without billable hours (19.3%), strengthening the argument for abandoning the billable hours model, not only because of the stress it causes legal professionals, but because of the collateral effects associated with this stress.



Drug Use

The research shows that:

- 22.7% of respondents report having used drugs for non-medical purposes
- 95% of those are cannabis users
- A smaller proportion of these participants (17.9%) use illegal drugs such as cocaine, and 10.9% use prescription drugs for non-medical purposes

The research reveals that 39.3% of legal professionals who have used drugs for non-medical purposes in the past 12 months also have a risk of alcohol abuse. Heavy alcohol consumption and high-risk drug use are associated with an increase in depressive symptoms.

When examining the depressive symptoms reported by respondents, the study finds that legal professionals who report moderate to severe depressive symptoms are proportionately and significantly more likely to have engaged in high-risk alcohol consumption. These same professionals are also proportionately and significantly more likely to have used drugs in the 12 months preceding the survey.

These findings highlight the importance of addressing the stressors that cause these depressive symptoms, with a view to preventing the development of direct and indirect stress-related problems. It also seems important to raise awareness in the legal community of the value of using healthy coping strategies (e.g., exercise, venting, social activities) rather than resorting to maladaptive coping strategies such as alcohol or drug consumption.

Key Skills

The key skills with the potential to build resilience and shield legal professionals from specific stressors such as work overload or high emotional demands are: 1) psychological detachment from work; and 2) assertiveness or the ability to set limits. These skills can be taught through training or mentoring, and can be fostered through the implementation of related policies.

32.1% of participants reported being able to set limits and only 14.5% of participants said they were able to psychologically detach from work outside of office hours. This relatively small proportion highlights the permeability of the boundaries between the various spheres of life, particularly in the pandemic context.



Unsurprisingly, both skills are found in higher proportions among professionals with more than ten years of experience, compared to their colleagues in their early careers. However, that gap is less for psychological detachment than for assertiveness. Assertiveness comes with experience, but psychological detachment much less so.

Men and women find it similarly difficult to detach from work; but men are more likely than women to set their limits and be assertive.

Professionals working in the education sector are proportionally less likely to be able to detach themselves psychologically from work after office hours. At the same time, they are the group with the highest proportion of assertiveness. For-profit corporations tend to have a higher proportion of legal professionals with both of these key skills.

These skills constitute psychological health resources that not only have a direct impact on mental health indicators but also an indirect impact through their alleviating effect on certain constraints. They reinforce the resilience of professionals in the face of stress, and are estimated to contribute to 7.1% of variation in burnout, to 9.7% variation in depressive symptoms, and to over 10% of variation in psychological distress. Even when we consider the most important risk and protective factors simultaneously, as well as participants' experience and gender, these skills are significantly associated with lower psychological distress, depressive symptoms, and burnout among participants.

The data shows, among other effects, that while the psychological distress experienced by the participants increases in line with quantitative work overload, this increase is lessened for professionals who are more assertive. Assertiveness also appears to be associated with a decline in depressive symptoms and to mitigate the effect of high emotional demands. This finding is critical given the crippling effect of emotional demands on the health of legal professionals. This skill also tends to increase the protective effect of experience for burnout. Despite their experience, less assertive professionals show a smaller decrease in burnout as they progress in their careers.

Professionals who are able to detach psychologically experience lower baseline symptoms of burnout in comparison to professionals who are not able to detach. However, when faced with high emotional demands, the higher the demands, the greater the level of burnout, regardless of whether a professional can detach themselves psychologically from work. Consequently, detachment seems essential yet insufficient in combatting burnout.

The study examined the effects of the key skills on certain attitudes and on certain stressors and habits, and observed:



- assertiveness is associated with a significant increase in commitment to the profession and a substantial decrease in the intention to leave the profession
- the ability to detach from work outside of office hours is associated with a better adaptation to teleworking and with a decrease in work-life conflict
- assertiveness is associated with a reduced feeling of work-life conflict
- psychological detachment and assertiveness are associated with decreased alcohol use, although neither skill appeared to be significantly associated with drug use

The skills measured have multiple effects, both direct and indirect, on participants' health. However, assertiveness—the ability to say no, to draw the line—appears to be the most critical.

To overcome the constraints they face, each professional must take stock of their own resources, namely their experience and skills. Beyond the professional skills expected of legal professionals, the results presented here highlight the importance of valuing other skill types that are just as important in the context of professional practice. These skills allow the professional to put into perspective the constraints to which they are exposed, set limits, and establish a healthy distance between themselves and the sources of stress.

Social Contexts that Influence Wellness

This section examines three social dimensions that shape the practice of law in Canada: 1) stigma; 2) risk arising from the regulatory framework; and 3) commitment to the profession and intention to leave the profession.

Reducing stigma

There is sometimes a considerable gap between what professionals perceive about mental health issues and what they believe members of their profession perceive. Addressing this gap between individual and collective perceptions is a first step in reducing the stigma associated with mental health issues in the legal profession in Canada. Reducing stigma also means breaking down the barriers that limit the ability of professionals to seek help when they need it.

Participants were asked questions to assess their own level of personal stigma towards others with mental health issues and also their level of perceived stigma, or how they perceive their colleagues think about others with mental health issues. The data reveals a gap of 40.7% between personal stigma and perceived stigma. For example, more than half of the participating legal professionals (53.8%) believe that members of their profession think that people with mental health issues are weak. In comparison, only 6.1% of the legal professionals indicated they somewhat to strongly agree with this



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statement. These findings confirm the need for discussions on aligning perceptions, reducing existing gaps, and ultimately creating a more humane perception of the work environment.

43.3% of participating professionals with mental health issues say they feel alienated, 52.8% of legal professionals say they feel inferior to their colleagues, 17.5% reported socially withdrawing, and 17.3% perceived that they had been discriminated against because of mental health issues. These proportions are even higher for professionals living with a disability and those who are or have been on medical leave. Not surprisingly, the image that legal professionals in Canada have of their own mental health issues is harsher than the image they have of others.

Grappling with a mental health issue is not something that should be hidden, yet a significant proportion of professionals choose to live with these issues in isolation. These results show the importance of raising awareness and educating people about mental health, with the aim of breaking the cycle and dismantling, one by one, the taboos that hinder better health management for members of the legal profession.

Although a very large majority of legal professionals do not endorse the social labels used to describe mental health issues, it seems that experiencing depression or anxiety does not fit with the superhero image that is strongly embedded in the culture of the profession. That high-performance culture seems to weigh heavily when legal professionals assess their perceptions.

Taking off the superhero suit means accepting the vulnerability that makes us human. This vulnerability requires us to set our limits and respect our abilities, with the goal of fostering sustainable professional commitment and, ultimately, a more humane workplace.

Risks for regulated practitioners

Professionals are autonomous actors, but they are accountable. This responsibility can lead not only to the fear of making a mistake, but to a sense of isolation and a fear of being exposed regulatory prosecution. Practising a regulated profession also involves a responsibility to constantly update one's knowledge in a hyperconnected, ever-fluctuating environment. With its potential for both challenges and opportunities, the updating of knowledge may constitute an additional stressor for the professional who is already struggling with time constraints and heavy workload.

The research team developed a measurement scale that can be applied to most professionals practising a regulated profession. This scale is the result of 10 years of research with regulated professionals.



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The potential for error and resulting harm to the client (60.9%) and accountability arising from professional duties (47.8%) appear to represent the most dominant stressors experienced by professionals in connection with the regulatory framework of their profession. In third place, not far behind accountability, comes the constant updating of knowledge required to practise a regulated profession (45.8%), followed by the potential for regulatory audit (30.4%). Isolation due to professional secrecy is not the most significant stressor (16.2%), despite the particularly heavy emotional burden on legal professionals.

Although the order of prominence of the various stressors hardly differs between the professions, we see that Quebec notaries are particularly affected by the stressors associated with professional regulation compared to the other legal professions.

The possibility of an ethical dispute and the consequences, whether justified or not, is a source of stress for professionals across all law societies. It is more pronounced among Quebec notaries (97.7%), Quebec lawyers (88.3%) and legal professionals working in the Northwest Territories (75%).

Some stressors decrease as experience levels go up, for example the potential for error and severity of resulting harm to the client; other stressors are more stable throughout the career, such as the constant updating of knowledge with barely a 10% difference between professionals at the beginning of their career and those with more experience.

Certain stressors are high in the first five years of practice, and then decrease markedly: the potential for error and severity of resulting harm to the client, professional accountability, and the potential for professional inspection. This observation supports the introduction of specific measures at the beginning of professional careers to limit the negative effects of these stressors on professionals' health.

There is a slight upward shift between 10 and 15 years of experience in the number of professionals affected by isolation due to the demands of client confidentiality; this proportion then decreases thereafter. This finding suggests a need to raise awareness for professionals at this stage of their career, particularly regarding ways to vent emotions generated by the accumulated years of stress.

The possibility of a professional misconduct allegation and the consequences, whether justified or not, is a source of stress for professionals across all law societies. It is more pronounced among Quebec notaries (97.7%), Quebec lawyers (88.3%) and legal professionals working in the Northwest Territories (75%).

The highest proportion of professionals who report experiencing stress due to the potential for error and harm to the clients is very high, as noted, and relatively



comparable across the provinces, with Quebec notaries (91.4%) and Yukon legal professionals (100%) reporting the highest levels.

While Quebec notaries and lawyers appear to be more stressed overall by the other stressors linked to their regulatory framework, constant updating of knowledge required to practise a regulated profession affects a smaller proportion. Also, except for Prince Edward Island, lower ratios are observed in the law societies of Eastern Canada and the Territories. However, in Western Canada, the proportions are higher.

The idea of having to openly discuss the details of one's professional practice with an auditor is more stressful for legal professionals (56.2%; highest in BC and NS) than the possibility of non-compliance issues actually being identified during the inspection process (20.1%; particularly high for Quebec notaries, at 50%).

Stressors related to professional regulation contribute most significantly to the variation in burnout (29.6%), and to a lesser extent psychological distress and depressive symptoms.

The potential for error and resulting harm to the client, and the need to constantly update knowledge, have an even greater impact on burnout. However, these same stressors have no impact on psychological distress, and the potential for error and severity of resulting harm to the client is not significantly related to depressive symptoms. However, the potential for regulatory audit is associated with a significant increase in psychological distress and depressive symptoms.

Quebec legal professionals are subject, under the Professional Code, to additional regulation and related compliance obligations and were asked in the study about their overall experience. 72% of Quebec lawyers and 63.4% of the notaries said they felt well prepared before the inspection; also 53.4% of lawyers, compared to only 28.8% of the notaries, indicated that the inspector answered all their questions properly at the time of the inspection. A smaller proportion of notaries than lawyers perceived that the inspector understood the issues inherent in their professional practice.

These findings show the importance of preparing professionals in advance for the official conditions of their licence, including the potential for professional inspection, which is a source of stress for professionals not just in Quebec, but across Canada. They also highlight the need to train inspectors on these very real stressors for legal professionals.



Professional commitment and intention to leave profession

Leaving a profession after successfully completing a long training period is an extremely difficult personal choice and a complex matter. It not only perpetuates certain inequalities within the profession, but generates significant individual, organizational and social costs.

27.2% of legal professionals regularly consider leaving their profession. This proportion is even higher among women (30.8%), among professionals with 0-9 years of experience (34.8%) and among professionals in private practice (29.3%). The proportion is similar across all legal professions: lawyers (27.1%), Quebec notaries (29.6%) and Ontario paralegals (29.5%). Legal professionals working in for-profit corporations and in the education sector have given the least thought to leaving their profession.

34% of respondents said they rarely look forward to another day at work, while this percentage rises to 40.7% among legal professionals with 0 to 9 years of experience. Less than half of the participants (42.4%) said they often or always look forward to it.

More than half (54.2%) of the respondents said they might stop practising law to take another job at the same level of pay. This proportion is even more alarming among legal professionals with 0 to 9 years of experience, reaching 59.1%. While the rate is 54.8% for lawyers overall, it drops to 40.5% for Quebec notaries and to 47.5% for Ontario paralegals.

Women and legal professionals with 0 to 9 years of experience (as mentioned) have a significantly higher intention to leave than do men and legal professionals with 10 or more years of experience.

The lower intention to leave among more senior lawyers (past 10-year mark) is likely because they have developed the experience and skills to better deal with the stressors. Therefore, it is essential to intervene with less experienced professionals as they are essential to the profession's sustainability.

When only those who answered 'likely or highly likely' to leave the profession are considered, the rate is 35.7%, (18.9% for 'highly likely'). Clearly, a worrying proportion of legal professionals would seriously consider leaving the profession if there were an interesting opportunity at the same level of remuneration.

The data reveals that risk factors (i.e., job insecurity and quantitative, qualitative and emotional demands) account for 19.1% of the variation in the intention to leave the profession. Qualitative (mental load) and emotional demands (destabilising situations) are associated with an increase in this intention. Protective factors—i.e., autonomy,



consistency of values, support from supervisor and from colleagues—counteract the intention to leave by 11.9% . Among the most influential resources, consistency of values and support from supervisor were associated with a decrease in the intention to leave. Thus, the more the lawyer's values are in harmony with their environment and the more support they receive from their supervisor in the form of listening, assistance and recognition, the less likely they are to intend to leave the profession.

Affective commitment to the profession contributes to 32% in the explanation of the intention to leave the profession. It is therefore by far the most important factor and deserves our full attention. Affective commitment to the profession has the same weight as the risk factors and protective factors combined.

The main reasons given by professionals who have already left the profession are: stress associated with professional practice and the lack of work-life balance. For women, the intention to leave the profession is related to the feeling of discrimination; the more a woman feels discriminated against, the more she intends to leave.

The survey assessed the respondents' enthusiasm, affection, regret (re: entering the profession) and like/dislike of their profession.

70% of lawyers and Quebec notaries expressed enthusiasm for their profession. This proportion is higher among Ontario paralegals (82.9%). A greater proportion of men and professionals with 0 to 9 years of experience said they were less enthusiastic about their profession (consistent with other findings regarding younger lawyers and the intention to leave).

A higher proportion, 80.5%, of paralegals also expressed a strong attachment to their profession, compared to 68.7% among Quebec notaries and 64.4% among lawyers. And consistent with the findings above, more professionals with less than 10 years of experience (26.5%) indicated that they were *less attached to their profession* than their more seasoned colleagues; this proportion is higher among lawyers (27.4%) than among Quebec notaries (22.5%) or Ontario paralegals (13.0%). Professionals in the education sector were less positive than those in other work settings.

Almost a quarter of the participants (23.7%) regret choosing their profession. This proportion is higher among women (25.5%), among legal professionals with less than 10 years of experience (29.9%) and among those working in private practice (25.3%). Across the different professions, the proportion is 19.7% for Ontario paralegals, 23.5% for Quebec notaries and 23.9% for lawyers. The data again confirms that paralegals have a higher level of affective commitment to their profession. Again, similar to earlier findings, regret over choice of profession is more pronounced among lawyers (30.3%) and notaries (30.0%) with between 0 and 9 years of experience.



More lawyers (20.3%) dislike practising their profession than do Quebec notaries (15.4%) and Ontario paralegals (16.3%). A higher proportion of legal professionals (in all 3 professions) with 0 to 9 years of experience report that they dislike practising their profession. Among lawyers, this proportion is 27.6%, while it is 20.6% among Quebec notaries and 17.9% among Ontario paralegals.

This study shows that Ontario paralegals appear to have a stronger affective commitment to their profession than Quebec notaries and lawyers do. Despite this difference, the data reveals that legal professionals with 0 and 9 years of experience deserve special attention, as they appear to be less affectively committed to their profession. This is more pronounced among lawyers and notaries. These findings underscore the importance of taking an interest in the next generation of legal professionals and in the issues that affect their affective commitment. This commitment is a crucial factor in predicting intention to leave the profession.

Lawyers who are older and have 25 or more years of experience are the most committed. There is also a trend over time. In the first three years of their career, legal professionals are committed. From four to six years, their commitment decreases. It gradually increases thereafter, and reaches a peak as they approach retirement. In the first nine years of their career, legal professionals are, on average, less committed than their more experienced colleagues.

Risk factors, including quantitative, qualitative and emotional demands and job insecurity, account for 11.6% of the variation in commitment to the profession. Job insecurity is associated with a decrease in this commitment. On the other hand, protective factors contribute to 10.9% of the explanation of commitment. Consistency of values is associated with increased commitment. As was the case with intention to leave, this consistency is among the variables with the greatest impact. Therefore, it is doubly important that the professional's values are in line with those of their work environment. Support from colleagues, i.e., helping, listening and recognizing each other, is associated with an increase in commitment.

Psychological distress and burnout are associated with a decrease in affective commitment (a 9.4% variation) It is essential to highlight the particular contribution of burnout. Of all the variables in the analysis, it ranks first in explaining variation in commitment. Professionals with burnout symptoms are more likely to be disengaged from their jobs than their colleagues who lack such symptoms, all other variables being equal.

The results showed that men are less likely to leave their profession than women, but that women are more affectively committed to their profession. Perhaps men remain in their profession more out of a commitment to continuity, i.e., because they are not prepared to sacrifice the time and money they have invested in their career.



Incivility and violence

A healthy workplace is essential to a professional's wellness and typically involves an environment where interactions between individuals are respectful and free of incivility and violence. The data confirms that experiencing incivility is significantly associated with increased psychological distress, depressive symptoms, anxiety, and perceived stress.

11.7% of legal professionals perceived incivility in the workplace often or many times over the past five years. This proportion is nearly double for Ontario paralegals (22.1%), professionals living with disabilities (18.8%) and Indigenous professionals (18.5%). Further, in the past year at work:

- 51.9% of legal professionals have been subjected to unwarranted criticism
- 7.8% have received undesired sexual attention
- 5.7% have experienced threats of violence
- 2.4% have experienced physical violence
- 18.6% have been bullied

Legal professionals living with a disability and paralegals in Ontario experience incivility and physical violence more frequently. Further investigation is required to target the causes of violence towards these two categories of professionals and to encourage preventive measures.

Minorities and more vulnerable groups are generally more exposed to workplace incivility. Lower proportions were seen for Quebec notaries, men, and legal professionals with at least ten years of experience.

Ethnicized legal professionals, women, professionals living with a disability, LGBTQ2S+ and Indigenous professionals and those in their early careers (0-9 years) are more vulnerable than their colleagues to sexual advances, threats of violence and bullying. Generally, groups of professionals experiencing the most incivility at work are the same as those experiencing the most violence.

In 72.2% of the cases, uncivil and violent acts originate directly from the legal community - colleagues, superiors or judges, but most often colleagues. The second leading source is clients followed by colleagues outside the workplace. Since incivility comes mainly from members of legal community and unfortunately often from colleagues, introspection is warranted. It is essential to reflect collectively on the prevailing culture and the importance of peer respect to transform current mindsets and practices for the benefit of professionals, and attract and, above all, retain the next generation.



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PART III | ABSENCE DUE TO ILLNESS AND THE RETURN TO WORK

Only a small segment of legal professionals (9.5%) has been forced to be absent from work on a recurring or prolonged basis (i.e., more than three months) in the past five years due to a work disability; 66.7% for a mental health issue. For 27.6% the first absence of more than three months was followed by at least one subsequent absence. Individuals with mental health conditions, such as depression or anxiety, generally have absences that are more recurrent and twice as long as people suffering from a musculoskeletal disorder (another work-related injury.)

Three key factors may hinder the return to work for professionals following a medical leave: 1) strongly perceived stigma; 2) limited use of the EAP; and 3) the paradoxical relationship between support from colleagues and stigma.

As you might expect, participants who have returned from work after a prolonged medical leave are more likely to perceive stigma within the legal community than those who are not in this situation.

Only 49.1% of professionals who experienced a prolonged absence used an EAP (either an organizational EAP or one offered by the law society). However, although the data shows that people with prolonged absences make greater use of the various EAPs, as discussed earlier in the report confidence in these programs remains limited.

Last, somewhat paradoxically, as professionals perceive receiving greater support from their colleagues, their perception of stigma also increases. It seems that legal practitioners may seek and receive help, attention, and support from colleagues, yet still feel that they are discredited or judged negatively. Asking for help means shedding that superhero persona that currently fuels the professional culture. Despite the support legal professionals receive from their colleagues, the professional culture itself may make professionals returning to work feel stigmatized, even though the stigmatization may not necessarily be happening.

It is important to think collectively about best practices for promoting a healthy and sustainable return to work—one that is supported by every stakeholder of an organization, and, more generally, by the legal profession's institutions. There are resources available to supervisors and organizations that can help employees return to work after a period of disability. Implementing them will help make the return to work sustainable, break down barriers, and destigmatize professionals affected by a work disability.

Perceived barriers to returning to work can be organized under two main themes: 1) professional responsibilities (barriers include cognitive difficulties, work-life balance,



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fear of relapse, job demands, and loss of motivation to return to work; and 2) stigma and discrimination (barriers include difficult relations with colleagues or employers, and a feeling of organizational justice).

Overall, several important observations emerged from the analysis of professionals who have been, or are on medical leave:

- Most legal professionals who have experienced issues leading to a prolonged absence from work perceive greater stigma. This stigma is a significant barrier to their return to work.
- Experiencing cognitive difficulties is another major barrier to returning to work. This is logical, given the high cognitive load inherent in the profession.

The following possible solutions should be prioritized in light of the risk factors for long-term absences identified in the study:

- Raise awareness and provide education for legal professionals to normalize the difficulties they and their colleagues may experience, and to encourage them to seek help as needed.
- Provide support and guidance to professionals who are struggling, and maintain contact with them.
- Implement creative accommodations that reduce the cognitive load for professionals who are returning to work.



PART IV | TARGETED RECOMMENDATIONS: TOWARDS A HEALTHY AND SUSTAINABLE PRACTICE OF LAW (COMING SOON)

Dr. Cadieux will update this section of her report in the late Fall of 2022.



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