

# Towards a Psychologically Safer Workplace: An employer's guide

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## Purpose of this guide

A **Psychologically Safe Workplace** is one in which every reasonable effort is made to protect the mental health of employees and to prevent mental injury.

The requirement to provide and sustain a psychologically safe working environment is a new and still emerging legal duty whose fuzzy boundaries cause uncertainty and unpredictability for many employers.

But one thing *is* clear: damage awards and “systemic” remedies for psychological injury are on the increase every year.

The easiest way to think about the obligation to maintain a psychologically safe workplace is to see it as an extension of the existing duty to provide a safe work environment. The extension is from physical safety to psychological safety.

As an employer **what should you do** to comply with the legal requirement to provide a psychologically safe workplace?

Certainly, some employers may choose to go beyond the minimum requirements contained in existing legislation. Some “best practice” type approaches can be found on the Workplace Strategies for Mental Health website ([www.workplacestrategiesformentalhealth.com](http://www.workplacestrategiesformentalhealth.com)).

This particular resource, however, focuses on steps an employer can take to help meet the minimum requirements for providing a psychologically safe workplace.

Once you have read and reviewed this guideline and the sample policies provided, use the **Checklist** at the end to see where you might be along the road to psychological safety.

But first, please read **The Language of the Psychologically Safe Workplace** on the next page.

## The language of the psychologically safe workplace: some working definitions

**Mental injury** in most instances means debilitating depression, anxiety or some combination of these, including “burnout”.

Mental injury from a legal perspective does not necessarily mean mental illness as it would be defined by a psychiatrist or psychologist. It *does* mean harm to mental health that significantly affects the ability of employees to function at work and at home.

The majority of mental injuries seen in the workplace result from **abuse, harassment, discrimination and “poisoned environments”**.

**Abuse** includes physical or mental maltreatment and the improper use of power. It also includes departure from reasonable conduct, which may include chronic inattention to, and disregard of the impact that relentless work demands and requirements are having on the mental health of employees.

**Harassment** includes words, gestures and actions which tend to annoy, harm, abuse, torment, pester, persecute, bother and embarrass another person, as well as subjecting someone to vexatious attacks, questions, demands and other unpleasantness. A single act which has a harmful effect may also constitute harassment.

**Discrimination** is unjustifiable refusal to provide, offer or deliver employment opportunities, benefits, services or treatment that would normally be made available or accessible to all employees, or to employees of a job classification or category to which the claimant belongs.

A **Poisoned Work Environment** is one in which there is a persistent and repetitious pattern of abuse, harassment or discrimination over time that is ignored, allowed to exist, and/or supported by the employer and no adequate steps are taken to correct the situation.

## The High Road to Psychological Safety

Providing a psychologically safe workplace that will meet ever evolving legal requirements is a challenge for employers. Purposeful leadership driving well implemented policies and practices can help employers meet those requirements.

**The ultimate goal is to provide and sustain a workplace culture in which there is**

- **zero tolerance for mentally injurious conduct and**
- **strong support for respectfulness and fairness.**

This goal can be met through 5 key phases that are regularly revisited<sup>1</sup>:

1. **Policy and Commitment:** the Board and/or CEO direct senior management to develop an appropriate policy for Board and/or CEO approval and then commit to the following phases.

**Typically, there should be a MASTER POLICY (example appended) from which all other policies cascade and with which all other policies and procedures should be consistent.**

**See, for example, a policy governing HARASSMENT, appended.**

2. **Planning:** Initially this involves development of a plan of action founded upon a baseline assessment of the hazards and risks arising from the organization and management of work in a particular workplace.
3. **Implementation and Operation:** Based on the planning outcomes, the organization will then implement strategies and programs that will most benefit the workforce and the workplace.

*During this phase it will be essential to adhere to the four **guidelines that follow and which drill down to the level of workplace culture.** These guidelines basically set out how an organization should conduct itself on a day to day basis in order to avoid psychological harm and potential for legal liability. Policy without assertively implemented guidelines will remain sterile and may even result in employee resentment and disillusionment.*

4. **Checking and Corrective Action:** In this phase of a continual improvement cycle, the organization assesses (internally or via an external contractor) the overall process including the

<sup>1</sup> Adapted from the work of Dr. Ian Arnold.

three previous phases. A determination is made on the completeness of the Policy and Commitment, and Planning phases. Each strategic element included under the Implementation and Operation phase is assessed to determine how well it is functioning. Gaps are identified and remedies are prioritized.

5. **Management Review:** In this phase, an analysis of the outcomes from the Checking and Corrective Action phase is made and fed in to the organization's planning process in an effort to drive continual improvement and help ensure that the overall process is "evergreen".

**Guideline # 1. Create and sustain a culture in which employees at all levels feel safe and free to speak up about personal issues that may be affecting their job performance by ensuring that your managers and supervisors are trained and equipped to:**

- Facilitate employee participation in conversations and meetings by removing obstacles to having an unpressured discussion. Such obstacles include scheduling difficulties, leaving work teams shorthanded and other time pressures.
- Create a more level communication playing field by providing timely and relevant information for the employee before a significant conversation is held. In cases where a mental health issue might be involved, this might take the form of providing information (and reassurance to the extent possible) about the employer's policies, programs, services and other resources.
- Ask what is on a person's mind when they seem troubled without being intrusive or judgmental.
- Listen carefully to what employees' reports say without interrupting and without making assumptions about their motives or intentions. Encourage managers to explore the solutions offered by those who identify the problem before making any of their own suggestions.
- Develop plans of action in collaboration with those affected when necessary based on what has been heard and learned.
- Follow up and follow through on these plans and modify them when necessary (this is often a weak point in an otherwise sound approach).

**Following this guideline can help you to avoid complaints of discrimination based on mental disability, reduce absence or disability related to workplace stress or conflict, and at the same time allow you to develop more effective accommodations for those with a mental disability.**

**Guideline #2. Select, train, promote and evaluate the performance of supervisors and managers according to the additional criterion of interpersonal competence.**

This can be done by various means, including:

- Making it a routine practice to ask trainees and candidates for hiring and promotion, to complete a self-assessment of, and reflection (for their eyes only) on their interpersonal skills (an example is appended called “Managing for Health and High Performance” but many other assessments exist).
- Ask candidates for hiring and promotion to come prepared to discuss their thoughts about their own self assessments. (the employer would not normally see the completed assessments unless the potential or actual employee freely volunteers the information)
- When appropriate (e.g. at hiring), record candidates’ self assessments (with their knowledge and understanding) and impress upon them (to the extent that it is true in your organization) that demonstration of interpersonal competence (or sensitivity, or communication skills – however you feel comfortable in describing the skill set) is/are part of the expectations that the employer has of them.
- Checking if candidates for promotion for hiring or promotion have a documented track record of positive leadership. Design any interview questions and process so as to include assessment of interpersonal competence.
- In cases of high sensitivity particularly, using an external assessment consultant to assess the interpersonal competence of candidates for hiring.

Three of the **key elements of interpersonal competence** for supervisors and managers that need to be assessed *at a minimum* are:

- Level of *awareness* of how they affect others and how others affect them
- Ability to *understand and accommodate* the legitimate interests, claims and rights of their employees
- *Concern for, and carefulness of* the psychological wellbeing of others based on their awareness and understanding

The key message is: at a minimum, weed out candidates or incumbents who

- Lose their temper and shout at people
- Ridicule and humiliate others
- Use intimidation or harassment to enforce their will
- Exhibit discriminatory attitudes and/or conduct
- Avoid dealing with conflict or situations that have the potential to create conflict

**Following this guideline can help you to**

- **Lower your risk of legal consequences from negligent, reckless and intentional management behavior that leads or contributes to mental injury. This type of behavior includes harassment, bullying and even the careless and chronic imposition of excessive job demands.**
- **Prevent the development of poisoned work environments.**

[please refer back to “Language of the Psychologically Safe Workplace” on page 2 if necessary]



**Guideline #3. Be vigilant for, and attend to early warning signs of conflict and distress and patterns of negative conduct among employees.**

This type of awareness and monitoring can be conducted by various means.

Examples of these methods can be found at [www.guardingmindsatwork.ca](http://www.guardingmindsatwork.ca)

These include:

A. “Walking About”. Your own eyes and ears are often the best sources of information if your operation allows you the time and energy to do this. Other senior managers can do this too, under your direction. However, it is better if employers play as direct a role as possible in this type of vigilance.

B. Using:

**1. Some form of survey** – it does not have to be long, and sometimes reanalyzing data that you already have will suffice

Whatever type of survey or analysis you carry out, the *minimum* set of key factors you should look for are addressed by the following questions which are identical to those in the **Model Master Policy** to be found at the end of this guide.

- I am satisfied with the **amount of involvement I have in decisions** that affect my work (personal discretion)
- I feel I am well **rewarded in terms of praise and recognition** for the level of effort I put out for my job (psychological reward)
- The **amount of work I am expected to do is reasonable** for my position (demand and effort)
- I am **informed about important changes** at work before they happen (information adequacy)
- I am satisfied with the **fairness and respect** I receive on the job (fairness and respect)
- My **supervisor supports** me in getting my work done (support)

At a group or team level, predominantly POSITIVE answers to questions 1, 2, 5 and 6, and NEGATIVE answers to questions 3 and 4 may be indicative of a psychologically safe workplace in which conflicts occur rarely and when they do, they tend to get resolved successfully.

On the other hand, predominantly NEGATIVE answers to one or more of questions 1, 2, 5 and 6 should raise red flags and POSITIVE answers to one or both of questions 3 and 4 should do the same.

Additional insights can be provided by studying the **range** of responses within a team or unit since these can reveal widely varying perceptions of the work environment that in turn can be helpful in spotting early signs of dissatisfaction and conflict – the breeding ground of litigation.

**2. An audit procedure** to identify data or indicators that may help point to problem areas.

Some indicators you may find in your own and in third party provider statistics, records and reports are:

1. Usage patterns of EAPs (look for odd spikes in referrals for job-related mental health reasons)
2. Patterns of short term absence according to length of time away and reasons for absence. *Mental* health concerns are sometimes concealed in absences that are described primarily in *physical* health terms (migraines, stomach upsets, back problems, fibromyalgia, chronic fatigue syndrome etc.)
3. Insurance claims for long term medical disability according to reason for absence. Consider both WCB and private insurance claims.
4. Grievances and Complaints to external bodies (arbitrators, human rights tribunals or officers). Look for what is, or appears to be driving them
5. Internal Complaints to Human Resources and or Occupational Health & Safety re: harassment, discrimination, bullying etc. Are they randomly distributed or is there a pattern?
6. Turnover trends and patterns.

**Using this guideline can help you to see into some of the dark corners of psychological danger within your workplace that might exist beyond your normal field of vision.**

**Guideline #4. Monitor the conduct of third party service providers whose staff interact with your employees.**

- Require compliance and accountability according to your own organizational code of conduct
- Monitor and/or conduct audits or surveys of service quality and client satisfaction

**Remember, you cannot delegate your own duty of care to provide a psychologically safe workplace.**

**Following this guideline can help you avoid liability for the acts and omissions of other agents upon whom you may rely for provision of services to your employees.**

# Sample Master Policy on Psychological Safety at Work

**Typically, there should be a MASTER POLICY (example follows) *from* which all other policies cascade and *with* which all other policies and procedures should be consistent.**

## **Floor Standards and Procedures for the Protection of Mental Health at Work**

X Corp will provide and sustain a psychologically safe workplace by all practical means through adherence to the procedures listed below.

These procedures address the *measurement and abatement* of hazards to mental health according to *a set of evidence-based standards*.

- (a) Information will be collected within this workplace on at least a bi-annual basis concerning the prevalence of psychosocial hazards seen as arising from organizational practices and their perceived impact on mental health using as a minimum the questions under “*Floor Standard for Assessing a Psychologically Safe Workplace*” below.
- (b) The focus of information collection is on the dimensions of demand, information adequacy, exercise of discretion, psychological rewards, support and fairness.<sup>2</sup>
- (c) Decision rules will be established for determining at what point action must be taken to abate identified psychosocial hazards related to unacceptable levels of demand, information adequacy, discretion, psychological rewards, support and fairness.  
[a set of *proposed measurement standards* is given below to provide a point of departure for establishing these rules]

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<sup>2</sup> These dimensions are consistent with those contained in the British Health and Safety Executive Management Standards but place a greater emphasis on procedural fairness. This emphasis is a result of recent studies that consistently point to the central importance of this dimension.

- (d) Valid and reliable instruments that have found acceptance in the business and service communities will be used for this purpose.
- (e) Commitment from Senior Management to act on the results of such surveys will be given clearly and without ambiguity.
- (f) The process described in points “a to d” forms part of the central accountability procedures of the organization so that it is overseen and monitored by at least one senior officer who reports to the CEO and whose job description includes this function.
- (g) There is a related commitment to monitor the process as it unfolds and to modify it as needed.
- (h) The duty of diligence outlined above regarding information collection and use as it bears upon the prevalence of psychosocial hazards is explicitly linked to the organization’s Occupational Health and Safety surveillance and monitoring system.
- (i) Adequate financial resources will be allocated to the pursuit of this process through a dedicated cost centre under the control of a senior executive.

## Floor Standard for Assessing a Psychologically Safe Workplace

The questions below are drawn from the PSR 12, which is a survey used in the assessment phase of Guarding Minds at Work. [[www.guardingmindsatwork.ca](http://www.guardingmindsatwork.ca)]

When used as the basis for establishing that a workplace is operating at or above a floor standard of psychological safety, **85% or more of the workforce would agree or strongly agree** with the following statements (individual workplaces would use their own decision points or cut offs)

### **And/or**

**15% or less of the workforce would disagree or strongly disagree** with the following statements

#### *Demands*

1. The amount of work I am expected to do is reasonable for my position.

#### *Information*

2. I am informed about important changes at work before they happen.

#### *Personal Discretion*

3. I am satisfied with the amount of involvement I have in decisions that affect my work.

#### *Reward*

4. I feel I am well rewarded (in terms of praise and recognition) for the level of effort I put out for my job.

#### *Support*

5. My supervisor supports me in getting my work done.

*Fairness*

6. I am satisfied with the fairness and respect I receive on the job.

Should an organization discover that it does not meet the floor standard as defined above, it is encouraged to use the Guarding Minds at Work process in order to learn more about options for assessing and addressing the psychosocial hazards intimated by this survey.

# Workplace Harassment Prevention Policy: example

**[This example combines two existing policies – one from Canada and another from Australia<sup>1</sup>]**

## **Effects of workplace harassment on people and performance**

Workplace harassment has detrimental effects on people and their job performance. It can create an unsafe and unhealthy working environment, result in a loss of trained and talented workers, breakdown teams and individual relationships, and reduce efficiency.

People who are harassed can become distressed, anxious, withdrawn, depressed, and can lose self-esteem and self-confidence.

[Name of workplace] is committed to ensuring a safe and healthy workplace that is free from workplace harassment.

Workplace harassment is unacceptable and will not be tolerated under any circumstances.

## **Definition of workplace harassment**

(1) A person is subjected to 'workplace harassment' if the person is subjected to repeated behaviour by a person, including the person's employer or a co-worker or group of co-workers of the person that:

- (a) is unwelcome and unsolicited
- (b) a reasonable person would consider being offensive, humiliating, intimidating or threatening

Harassment includes words, gestures and actions which tend to annoy, harm, abuse, torment, pester, persecute, bother and embarrass another person, as well as subjecting someone to vexatious attacks, questions, demands and other unpleasantness.

(2) 'Workplace harassment' does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment.

e.g. legitimate and fair management actions and business practices, such as actions taken to transfer, demote, discipline, redeploy, re-establish or dismiss a worker are not considered to be



workplace harassment, provided these actions are conducted in a reasonable way and according to existing policies.

Detailed below are examples of behaviours that *may* be regarded as workplace harassment, if the behaviour is repeated or occurs as part of a pattern of behaviour.

This is not an exhaustive list – however, it does outline some of the more common types of harassing behaviours. Examples include:

- abusing a person loudly, usually when others are present
- repeated threats of dismissal or other punishment for no reason
- constant ridicule and being put down
- leaving offensive messages on email or the telephone
- sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways
- maliciously excluding and isolating a person from workplace activities
- persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management or other workers
- spreading gossip or false, malicious rumours about a person with an intent to cause the person harm

Under certain rare conditions, the chronic imposition of excessive work demands can amount to harassment if a reasonable person in the manager's position should have foreseen that their actions would result in mental harm.

Malicious, frivolous or vexatious complaints including complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources may be treated as harassment in themselves.

### **Employer responsibilities for elimination of workplace harassment**

[Name of workplace] will take the following actions to prevent and control exposure to the risk of workplace harassment:

Workplace harassment can occur in any workplace, given certain circumstances.

It is important that employers apply *the risk management process* to prevent or control exposure to the risk of workplace harassment.

The risk management process involves the following 5 steps:

1. *identifying* the hazards;
2. *assessing* the risks that may result because of the hazards;
3. *deciding on* control measures to prevent or control the level of the risks;
4. *implementing* control measures; and
5. *monitoring and reviewing* the effectiveness of the control measures.

**Guarding Minds at Work** [[www.guardingmindsatwork.ca](http://www.guardingmindsatwork.ca)] has been adopted by [Name of workplace] as the planning and implementation framework to guide the 5 steps of the Risk Management Process outlined above.

The prevention and management of harassment is part of the employer's more general responsibility to provide a psychologically safe and civil workplace in which the norms are:

- Treating others with dignity, respect, politeness and consideration
- Speaking in tones of voice that are appropriate for the circumstances
- Being respectful of the views of others and their right to express their views
- Managing conflict with others in a respectful, rather than a confrontational way.

### **Responsibilities of employees**

[Name of workplace] requires all employees to behave responsibly by complying with this policy, to not tolerate unacceptable behaviour, to maintain privacy during investigations and to immediately report incidents of workplace harassment to [insert details of appropriate contact person, for example, immediate supervisor, manager, other designated person or complaints committee].

Management personnel are required to personally demonstrate appropriate behaviour, promote the workplace harassment prevention policy, treat complaints seriously and ensure that where a person lodges or is witness to a complaint, this person is not victimised.

### **Where employees can go for assistance**

An employee who is being harassed can contact [insert details of appropriate contact person, for example, immediate supervisor, manager, other designated person or complaints committee] for information and assistance in the management and resolution of a workplace harassment complaint.

## **Commitment to promptly investigate complaints**

[Name of workplace] has a complaint handling system which includes procedures for reporting, investigating, resolving and appealing workplace harassment complaints. Any reports of workplace harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace harassment will not be victimised.

## **Consequences of breach of policy**

Disciplinary action, including possible termination of employment, will be taken against a person who harasses a worker or who victimises a person who has made or is a witness to a complaint. Complaints of alleged workplace harassment found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action.

## **Review of policy**

This policy and the actions outlined above will be reviewed by [insert date], unless required earlier because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that workplace harassment is prevented and controlled.

## **Endorsement**

I/We have committed to this policy and its implementation, and to ensuring a psychologically safe and civil work environment that is free from workplace harassment.

[Chief Executive/Senior Management/Employer signatures]

[Date]

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<sup>i</sup> This draft policy is adapted from the Queensland (Australia) Harassment Code of Practice under that State's Occupational Safety and Health Act and the University of Toronto's Human Resources Guideline on Civil Conduct.