

Employee Family Assistance Program – Law Industry Utilization Trends: 2019 to 2023

Received: March, 2024

Accepted: March, 2024

Published online: April, 2024

Updated: June, 2024

Prepared by:

Sarah Ahmed, MSc

Clinical Research Associate, Research and Outcomes

Robert Waterman, PhD

Research Associate, Research and Outcomes

Emily Rossi, BSc

Research Assistant, Research and Outcomes

Shannon Remers, MSc

Director, Research and Outcomes

Homewood Health has close to 140 years of clinical practice and patient care, founded on our commitment to research and innovation. Homewood Health's Employee and Family Assistance Programs (EFAP) provide support to many customers, including various law societies across Canada.

In this report, EFAP utilization trends are reviewed before, during and after the pandemic for law societies in Canada. Results show an increase in cases during the early pandemic, with a decrease thereafter. Differences in utilization rates and presenting issues between genders were observed, suggesting unique mental health experiences faced by women, men and individuals from diverse gender identities.

Research suggests that law professionals underutilize mental health services offered by their employers and law societies due to fear of reprisal and stigma of mental health issues. To combat the stigma and improve the mental health and well-being of law professionals, investment in education and awareness of mental health services is recommended, alongside the development of peer support groups and the use of measurement-based care.

For more information, please contact:

Shannon Remers, MSc

Director, Research and Outcome

Homewood Health Inc.

Guelph, ON

sremers@homewoodhealth.com

Confidential

This document is proprietary and confidential – copy and distribution is prohibited without the expressed permission of Homewood Health Inc™



Employee Family Assistance Program – Law Industry Utilization Trends: 2019 to 2023

Executive Summary

The COVID-19 pandemic has impacted industries all over the world, and employees faced a variety of challenges while adjusting to the pandemic. One such industry is the legal profession; the mental health of legal professionals has been an increasing concern since before the pandemic.

This paper reviews trends before, during and after the COVID-19 pandemic related to the use of Homewood Health's Employee Family Assistance Program (EFAP) services by law professionals across Canada. Homewood Health offers support to various law societies through the EFAP, which include valuable resources that can provide support to employees and their families, increase quality of life, and improve work-life balance.

We observed that the number of EFAP cases across all law societies increased between 2019 and 2020. Furthermore, during the peak of the pandemic in 2021, there was an increase in goal attainment and a decrease in client experience scores among law professionals accessing EFAP services. Law professionals may have been seeking support in increased numbers during the early pandemic, as they were faced with greater mental health challenges while they tried to adjust to the constraints of the pandemic.

When looking at utilization by gender, utilization rates are slightly lower for female recipients in law compared to all EFAP users, but are still higher when compared to male recipients. Work stress was among the top five presenting issues for law professionals, but not for EFAP users across all industries. For law professionals who do not identify as male or female, the percentage of anxiety, stress, and work stress cases have been decreasing since 2022, while cases with marital/relationship issues have been increasing since 2022.

As of May 2023, COVID-19 is no longer a global health emergency; however, the impacts of the pandemic will be long-lasting. Law professionals are in need of timely mental health support that addresses their unique concerns. Increasing mental health awareness and education, reducing the stigma, and incorporating evidence-based techniques are some of the strategies to improve the mental health and well-being of this population.

March 2024

Suggested citation:

Suggested citation: Ahmed, S., Waterman, R., Rossi, E., Remers, S. (2024). Employee Family Assistance Program - Law Industry Utilization Trends 2019 to 2023. Guelph, ON: Homewood Health Inc.



Table of Contents

Introduction 4

 COVID-19 5

 Gender..... 5

 Racialized Groups 5

 Employee Assistance Programs 6

 Stigma 6

Methods & Measures 7

Results..... 8

 EFAP Utilization Trends..... 8

 Presenting Issues 10

 Client Experience and Progress Measurement..... 13

Discussion..... 15

Recommendations 16

Conclusion 16



Introduction

The COVID-19 pandemic has had a global impact on the well-being of the general population. As reported by the World Health Organization, the global prevalence of anxiety and depression has increased by 25% (WHO, 2022). All industries have been impacted and in particular, the mental health of employees is an increasing concern for many employers (APA, 2022).

The law profession is no exception; however, even prior to the COVID-19 pandemic, there were widespread concerns about law professionals' mental health. Given the complex relationship between work performance and well-being in this field, the law profession has had high rates of suicide, substance use issues and depression for many years (Krause & Chong, 2019). Law professionals work long hours, experience great deals of job-related stress and anxiety, alongside risky drinking behaviors (Krill et al., 2016). Among 2,027 law professionals of the Barreau du Quebec, 57% reported moderate to very significant levels of psychological distress, among whom 43% reported significant to very significant distress (Cadieux et al., 2020).

Compared to the general population, lawyers are reported to experience greater levels of depression (28.6% compared to 15%), anxiety (35.7%, compared to 13%) and addiction (Cadieux et al., 2022; Krill et al., 2016). Furthermore, high rates of psychological distress are present across various kinds of law professionals, such that a study commissioned by the Canadian Bar Association found that among lawyers, judges and law students, 58% of respondents surveyed had experienced significant stress and burnout, 48% experienced anxiety, and 26% experienced depression (Ipsos Reid, 2012). Stress/burnout and anxiety were perceived by respondents as the two most prevalent issues in the legal profession (94% and 68%, respectively).

Substance use issues are another major concern among law professionals. In Australia, 37% of lawyers reported moderate to extremely severe depressive symptoms, and 35% screened positive for hazardous or harmful drinking (Bergin & Jimmieson, 2014). Another survey of 12,825 licensed, employed attorneys in the United States found that 20.6% of respondents screened positive for hazardous, harmful and potentially alcohol-dependent drinking (Krill et al., 2016).

The mental wellbeing of lawyers is a challenge faced by members before they even begin their formal careers. Studies have found that between 20 to 40% of law students suffer from clinical depression by graduation, and that the prevalence of anxiety and depression among law students is eight to fifteen times that of the general population (Schwartz-Temple, 2012 as cited in Nemeth, 2019).

Homewood Health has close to 140 years of clinical practice and patient care, founded on our commitment to research and innovation. Homewood Health offers support to various law societies through the Employee Family Assistance Program (EFAP). This report reviews trends before, during and after the COVID-19 pandemic related to the use of EFAP services by law professionals across Canada.



COVID-19

Like all industries, the judicial system and legal profession went through a challenging transition period adapting to new norms and standards during the COVID-19 pandemic. These changes included general suspension of jury proceedings and live court proceedings across various levels of court in Canada (Westlaw Canada, 2020) and were undoubtedly stressful for law professionals, who already experience greater amounts of depression, anxiety and substance use disorders compared to the general population (Buchanan & Coyle, 2017; Krill et al., 2016; Nemeth, 2019)

Having to manage COVID-19-related stressors on top of existing workplace stressors has led to further issues among law professionals, as reported by Fore and Stevenson (2023). Three quarters (74.4%) of attorneys surveyed in the Kentucky Bar Survey reported that the law practice has become more stressful during the pandemic, with 76.9% further reporting that it has become more difficult. Forty-six percent (46.4%) of respondents reported that their work life in the legal professional “put a strain on their family,” while 64.3% brought work stress home with them during the pandemic. More than a quarter of lawyers (28.4%) reported experiencing frequent depression during the pandemic and 50.4% of respondents indicated they were aware of other attorneys who were dealing with mental health issues.

In Canada, among lawyers who graduated from law school in 2018, 61% reported a negative impact of COVID-19 on their mental health and well-being (Macnab, 2023). For the class of 2019, this number was slightly less, with 55% of graduates reporting an adverse mental health impact of COVID-19. Furthermore, the pandemic’s negative impact was felt more strongly by women than men (Macnab, 2023).

While the research is currently limited, existing studies paint a clear picture that demonstrates the negative compounding effects of the COVID-19 pandemic on existing struggles faced by law professionals.

Gender

Gender plays a significant role in the well-being of law professionals. Among lawyers surveyed in the United States, the prevalence and severity of anxiety, stress, risky/hazardous drinking were significantly higher among female lawyers (Anker & Krill, 2021). Another study found that males had significantly higher proportion of positive screens for problematic alcohol use compared with women (Krill et al., 2016).

In Canada, 64% of female law professionals surveyed reported experiencing psychological distress, 42.6% reported experiencing worrisome anxiety symptoms, 31.5% reported experiencing moderate to severe depressive symptoms, and 63.3% reported experiencing burnout (Cadieux et al., 2022). Seventy-one percent (71.2%) of females who have been working in law for less than 15 years reported having experienced significant to very significant distress.

Twenty-five percent of female lawyers contemplated leaving the law profession due to mental health concerns compared to 17% of male lawyers (Anker & Krill, 2021). However, research has found differences between genders with respect to predictors of leaving the profession due to stress or mental health. For females, work-family conflict was associated with the highest likelihood of leaving, while overcommitment to work was the number one predictor of leaving for males (Anker & Krill, 2021).

Racialized Groups

The experiences of racialized law professionals also compound the existing stressors of the profession. Among attorneys in Canada, 66.6% of racialized (non-White) legal professionals experienced psychological distress compared to 55.5% of White attorneys, with a statistically significant difference of 10% (Cadieux et al., 2022). Racialized legal professionals also experienced 20% greater moderately severe and severe depressive symptoms. Professional burnout is higher among racialized versus non-racialized individuals (62.3% vs. 54.4%) (Cadieux et al., 2022).



Employee Assistance Programs

While employee assistance programs are available to law professionals, nearly three quarters of law professionals (71%) remain unaware of the existence of external organizations that can be used to support their mental wellbeing (International Bar Association, 2021). Among those who are aware, private counselling/therapy options were most commonly identified, followed by Employee Assistance Programs and law societies next (International Bar Association, 2021).

Members of the Law Society of Ontario are reported to seek mental health assistance at a rate that is half of other professions (LAWPRO, 2020). This underutilization can be related to a wide variety of factors, including stigma around mental health (including concerns about confidentiality), lack of awareness by employees and program promotion by employers.

Cadieux et al. (2022) reported that among lawyers surveyed, nearly two-thirds of respondents (61.1%) reported that they had not used their law society's Employee Assistance Program (EAP). The results show that 40.5% of respondents would not have confidence in the assistance program associated with their organization, and 36.5% of participating professionals would not be comfortable using their law society's assistance program. Thirty-four percent believed that the assistance program associated with their regulator would not help, 29.8% said they did not know enough about their assistance program, and 22.6% of law professionals perceived that their problems were too serious for the assistance program to be of use. Close to half of professionals living with a disability indicated that they did not feel comfortable seeking help from the EAP offered by their organization (48.5%) or their law society (44.8%).

Research is limited on the effectiveness of employer-provided wellbeing initiatives and assistance programs, however there is some evidence to suggest some improvement in mental health and stress amongst law professionals who use these programs (Poynton et al., 2018).

one in five professionals (17.7%) said they feared that colleagues or friends might learn they had used the assistance program, while 10.7% of these professionals felt ashamed to talk openly about their mental health problems.

A global survey on well-being conducted by the International Bar Association published in 2021 found that 41% of lawyers surveyed would not discuss their mental wellbeing concerns with their employer out of fear it would have a negative impact on their career (International Bar Association, 2021). Of participants, 32.1% did not speak out due to fear of being treated differently. This is coupled with the finding that 82% of legal institutions report they take mental wellbeing seriously, but only 16% provide mental well-being/psychological training for senior management (International Bar Association, 2021).

Stigma

One of the main factors driving the low use of EFAP services is the stigma surrounding mental health. In the Cadieux et al. (2022) study, among the reasons given by professionals for not using the assistance program associated with their regulator, 39.8% of law professionals reported a fear that the information shared would be passed on to the law society or another regulatory body. Close to



Methods & Measures

To assess mental health trends in the legal profession, we used Homewood Health's EFAP cases from 2019 to 2023. The 2019 to 2023 time-period captures pre-COVID 19, the classification of COVID-19 as a pandemic (March 2020), and the removal of the pandemic classification in May 2023. This report analyzes the data at the population level as well as a subset of cases from law societies.

There are three areas of analysis: case distribution; case outcome; and user experience. Case distribution includes overall year over year, distribution by gender, distribution by mental health issue and the combination of gender and mental health issues.

This report uses the Goal Attainment Score (GAS) to assess case outcomes. GAS is a measure used to assess a client's progress in achieving a specific goal. The clinician and client begin by setting a desired goal, and after each session, the clinician records the agreed upon progress towards the goal. This measure allows for both the clinician and client to track progress and flag risk of not achieving the desired goal. The GAS uses a 5-point Likert scale: deterioration, no progress, some improvement, much improvement, and resolved. The percentage of clients with positive improvement is the sum of some improvement to resolved. It should be noted that not all EFAP clients will have a GAS score, as not all case types are appropriate for a goal attainment assessment. A counsellor may not enter a GAS if they feel it's not an appropriate measure of an outcome once working with the client, however the GAS is encouraged to be used to the fullest extent possible.

The User Experience Survey (UES) is a tool used to measure the client's experience. Homewood Health delivers the UES to Canadian residents over the age of nineteen who have opted to provide survey input. Survey responses are on a four-part scale: Strongly Agree; Somewhat Agree; Somewhat Disagree; or Strongly Disagree. The UES asks questions that are specific to how the service addressed areas of an individual's life and wellbeing. For these questions, if it does not apply to the client, they can simply select that the question is not applicable.

Analysis includes two groups of UES questions, a set of base counselling experience questions and a set of work-related questions. Base metrics Include: I felt the counsellor listened; I felt the counsellor understood; I would recommend the service to others; I would use the service again. Work metrics include: The service helped me remain at work or return to work more quickly (Work Absence); I have improved my motivation; I have improved my attendance; and I have improved my quality of work.

Results

EFAP Utilization Trends

When looking at Homewood Health EFAP cases across all industries (Figure 1), between 2019 to 2020, the number of cases decreased slightly, before peaking in 2021. This slight decrease corresponds to the onset of the pandemic, and the increase in 2021 aligns with the first peak of the pandemic. After this point, the number of all EFAP cases steadily decreased in 2022 and 2023, during the time when public health measures such as social distancing and lockdowns began to decrease.

In contrast, the number of EFAP cases for law societies increased between 2019 to 2020. After this point, the number of law societies cases followed the trend of all EFAP cases, with cases increasing and reaching a peak in 2021 after which the number of cases began to decrease, reaching the lowest number of cases in 2023.

Although the number of cases from the legal industry make up a small percentage (between one to two percent) of all EFAP cases, there is some notable variability between 2019 and 2023 (Figure 2). Between 2019 and 2020, the percentage of all law societies' cases increased from 1.33% to 1.70% (the beginning of the pandemic), which corresponded with a slight decrease in all EFAP cases. This suggests that more law professionals were accessing EFAP services in 2020 than 2019, despite a decrease in the overall number of EFAP cases.

Between 2020 to 2022, the percentage of law societies' cases remained consistent, with a slight drop in 2022. In 2023, the number of law societies' cases decreased as did all EFAP cases, but the percentage of cases increased (1.75%). Although these values represent small changes in the percentage of cases, this still suggests that despite the decrease in all EFAP cases, law professionals were continuing to seek support through EFAP.

This increase in the number of cases coincides with the start of pandemic (specifically during August to September of 2020), suggesting that law professionals were experiencing the negative effects of the pandemic particularly within the first 6 months.

Figure 1

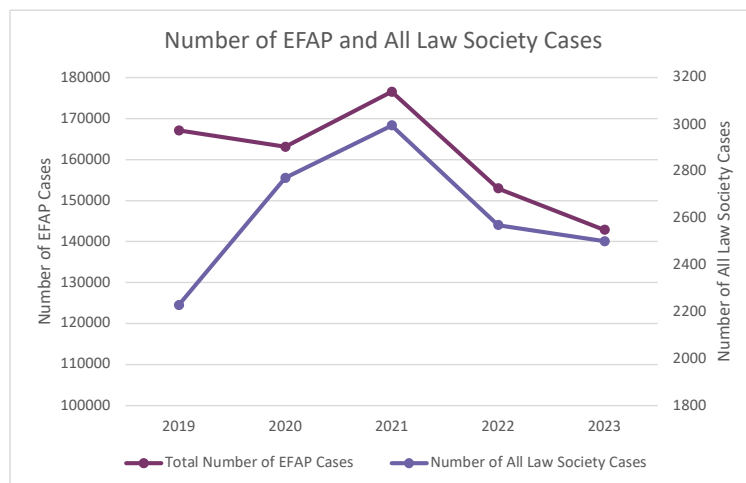
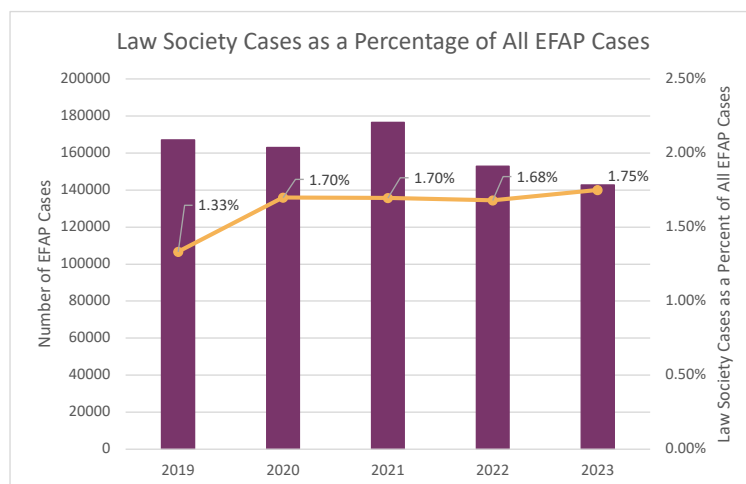


Figure 2



Gender Utilization

During intake, Homewood Health EFAP recipients are asked about their gender, and the options are: female, male, non-binary, gender not listed and prefer not to specify. When comparing EFAP utilization trends between all EFAP users (Figure 3) and all law society users (Figure 4), overall, gender utilizations are similar. Female EFAP recipients for all industries and law societies make up a greater percentage of cases compared to males. The number of cases of individuals who do not identify as either male or female have been increasing since 2021.

When looking at the differences in gender utilization over time, percentage of cases for both male and female recipients stayed consistent between 2019 and 2021 then dropped between 2021 and 2022 for both EFAP overall and law societies. This decrease in cases aligns with the increase in cases of individuals who do not identify as male or female.

The percentage of male recipients is greater among all law societies compared to EFAP cases overall (e.g., in 2023, 29.14% for all EFAP versus 35.87% for all societies). For female recipients, differences between EFAP and all law societies were more pronounced in earlier years, such that female law societies' recipients made up a lower percentage of cases between 2019 and 2021 (e.g. in 2021, 68.13% for all EFAP versus 62.43% for all law societies) but have become more similar in 2022 and 2023 (57.21% and 56.64%). This small difference in gender utilization may be explained by the fact that there are more male lawyers than female lawyers, such that female lawyers make up approximately 40% of lawyers in Canada (Olijnyk, 2021). At the same time, the percentage of female recipients is still higher than male recipients in law societies, even though there are fewer female lawyers in Canada.

Figure 3

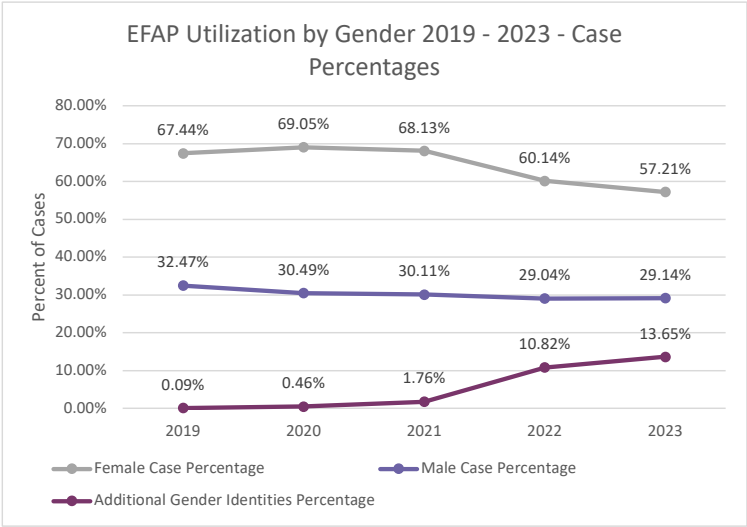
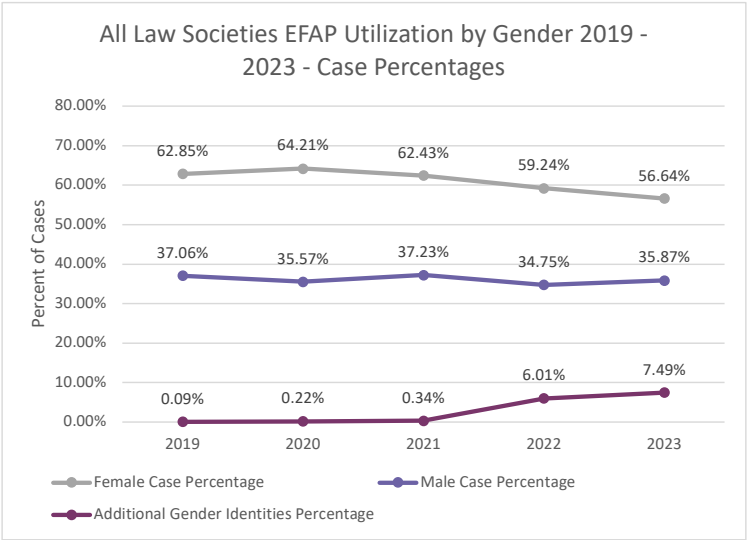


Figure 4



Presenting Issues

When looking at clients' primary presenting issues, for all EFAP cases, the top five cases between 2019 and 2023 were anxiety, stress, depression, marital/relationship (individual and couple issues) and grief/bereavement. For all law societies, the top four presenting issues were the same, with work stress showing up in place of grief/bereavement in the fifth spot.

For all law societies, the percentage of cases with anxiety as a presenting issue was the top issue, and increased by 10% between 2019 to 2020, before decreasing in 2021-2023 (Figure 5). In contrast, depression cases decreased by 3% between 2019 to 2020, but increased slightly between 2021 to 2023.

When compared to all EFAP cases, the percentage of cases with anxiety as a presenting issue for all law societies was higher earlier in the pandemic (28.73% in 2020 for law societies versus 22.63% for all EFAP) compared to post-pandemic (20.23% in 2023 for law societies versus 20.13% for all EFAP).

Both stress and work stress as a presenting issue has consistently been higher for all law societies compared to all EFAP (Figure 6). For example, during the early pandemic, the percent of cases with stress as a primary presenting issue was 23.05% in 2020 for all law societies versus 16.95% for all EFAP. Work stress as a primary presenting issue was 7.42% in 2020 for all law societies versus 3.76% for all EFAP.

For marital/relationship issues, for law societies there was a sharper decrease between 2019 to 2020, (16.71% to 11.68%), after which point cases increased and remained stable into 2023 (Figure 7). All EFAP cases followed a similar trend, but the decrease in 2020 was of a lesser magnitude.

Research on mental health of law professionals during the pandemic is minimal and is even more limited on the topic of accessing mental health supports. A study commissioned by the Canadian Bar Association (CBA) in 2012 surveying law professionals found that stress/burnout (58%) and anxiety (48%) showed up as top issues respondents were personally dealing with (Ipsos Reid, 2012). In the same survey, depression showed up as being dealt with by 26% of respondents and marital problems showed up at 16%. Interestingly, respondents reported being more likely to seek help for personal issues such as depression (70%) and marital problems (60%), compared to anxiety (57%) and stress/burnout (39%).

The rates of mental health issues among law professionals reported in the CBA study are higher than what is presented in

this current report. Notably, the responses from the CBA study were collected nearly a decade before the onset of the COVID-19 pandemic, and since then, there have been reports of mental health of law professionals declining further (Balakrishnan, 2020; Lateral Link, 2022; Simpson, 2021). This suggests that there is a discrepancy between existing literature on the number of lawyers experiencing mental health struggles and those who do seek support through EAPs (International Bar Association, 2021; LAWPRO, 2020), with the number of individuals seeking assistance being substantively less than those who are experiencing mental health challenges.

Figure 5

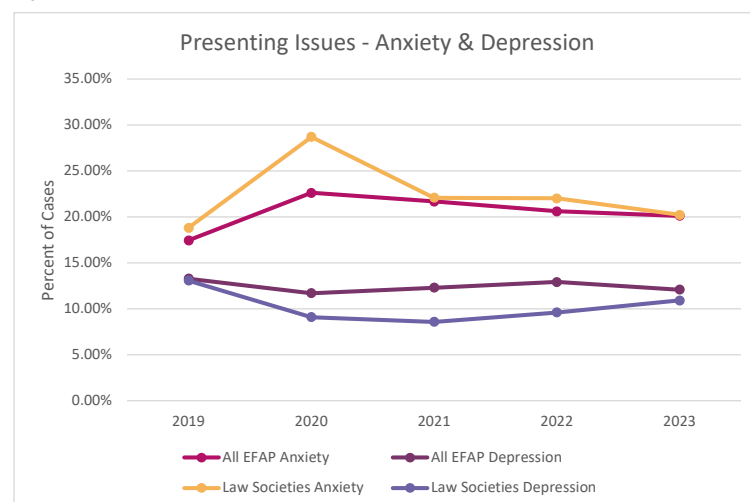


Figure 6

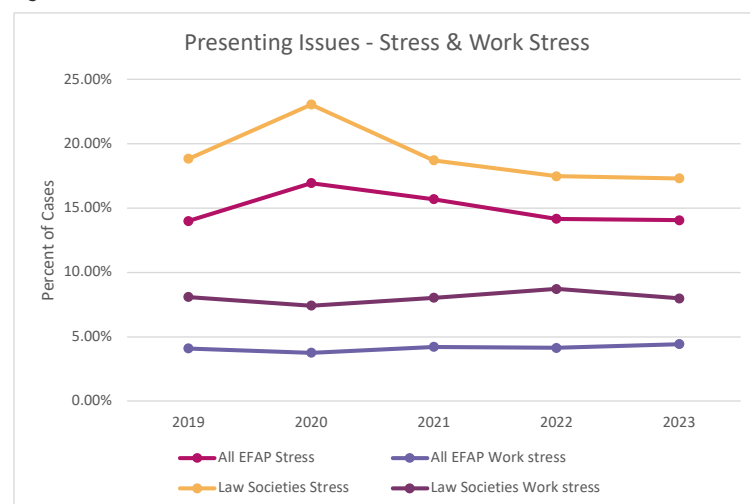
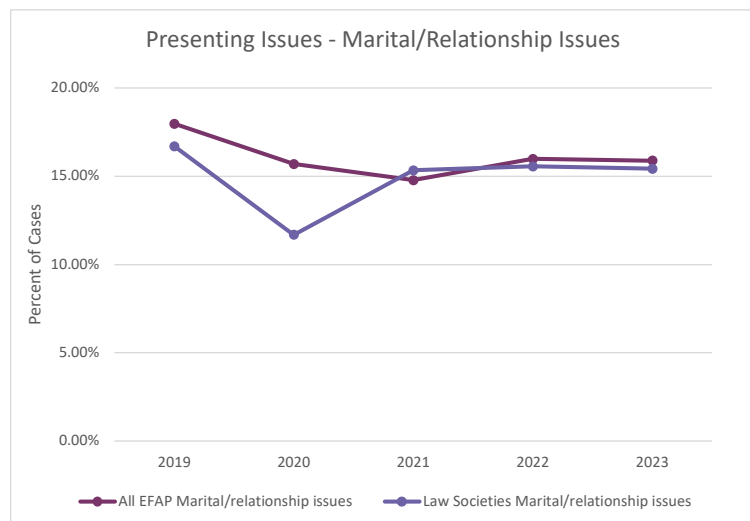


Figure 7



Presenting Issues by Gender

Overall, between 2019 to 2023, the top three presenting issues across all cases (both for all EFAP and law societies only) were 1) anxiety, 2) stress, and 3) depression. Marital/relationship issues (individual and/or couple issues) were among the top five.

Among all law societies, work stress was in the top five for male and female recipients. For females, it was the fourth highest presenting issue, while for men it was the fifth. For individuals who do not identify as male or female, work stress was the fourth highest presenting issue and trauma was the sixth, after marital relationship issues (individual).

When looking at specific presenting issues over time, for anxiety, there is a greater increase (10%) between 2019 and 2023 for female and male recipients in law societies compared to all EFAP industries, corresponding with the start of the COVID-19 pandemic (Figure 8). After 2020, there is a decrease for female law societies recipients which continues into 2023, staying above 20%. For male recipients, there was greater variability; there was a decrease from 2020 to 2021, and then an increase in 2022, and then a decrease again in 2023. Moreover, anxiety is the highest percentage of presenting issues for all genders.

In contrast for depression, among law societies, male recipients had a higher percentage of depression cases than female recipients (e.g. in 2023, 9.54% for female law recipients compared to 13.83% for males) (Figure 9)

Stress is the second-highest presenting issue for all genders from

both EFAP and law societies (Figure 10). Female recipients among law societies since 2022 have had an increasing in the percentage of stress cases. Comparatively, percentage of stress cases among male law society recipients have been decreasing.

Work stress is also higher in law societies than EFAP overall. For law societies, percentage of cases among males increased in 2020, before decreasing afterwards. For female recipients, work stress cases decreased in 2020 and then increased thereafter, with a slight decrease in 2023.

Gender Differences Within Law Societies

When looking at gender differences within law societies, for both male and female law societies' recipients, there was an increase in the percentage of anxiety cases between 2019 and 2020, but the percentage of anxiety cases for females (20.95% to 30.72%) is higher than males (14.92% to 24.86%). After this point, there was a steady decline to percentages similar to pre-pandemic levels for females, but for males, there was greater variability, and in 2023, anxiety cases were higher than what they were pre-pandemic.

Overall, the percentage of depression cases were higher for males than females (9.54% vs. 13.93%) in 2023. In 2023, depression cases for males were close to pre-pandemic levels, while for females, were lower than pre-pandemic levels.

The percentage of stress cases was higher for females than males between 2019 to 2023 (15.58% vs. 18.59%). For work stress, trends over time were similar between males and females, with female recipients having a greater percentage of work stress cases than males. The outlier in this trend occurred in 2020, where the percentage of cases increased for males (to 8.92%) and decreased for females (to 6.65%). After this point, percentage of work stress cases for females began to increase, and for males, began to decrease.

In the literature, the proportion of psychological distress has been found to be higher among female law professionals than males, but younger males are more likely to experience significant psychological distress (Arzeen et al., 2022; Cadieux et al., 2020). A study of more than 6,000 law professionals in Canada found that women in the legal profession experience significantly greater anxiety symptoms, moderate to severe depressive symptoms and burnout compared to men, and were more likely to report their symptoms than men (Cadieux et al., 2022). This underreporting by men is in line with the general population (Sagar-Ouriaghli et al., 2019) and may explain why depression cases are higher in males than females as presented in this report.



The percentage of cases with marital/relationship issues for both male and female recipients decreased in 2020 and increased considerably in 2021 (13.09% to 16.91% for males; 10.96% to 14.38% for females) and has been staying relatively stable thereafter. Marital/relationship issues were higher for males than females, which aligns with previous research among law professionals where men were more likely to say that marital problems led them to use lawyer assistance programs (49% of men vs. 17% of women). Furthermore, marital/relationship issues (individual and couple) were fourth-highest issue for men, and the fifth-highest issue for women. This may be explained by other research that suggests female attorneys were significantly less likely to be married (75.3% vs. 58.3%) than male employees.

LGBTQ2S+ Law Professionals

For individuals who do not identify their gender as male or female, the majority of data were collected in 2022 and 2023. The percentage of anxiety, stress, work stress cases among this population have been decreasing since 2022, while cases with marital/relationship issues have been increasing since 2022. It should be noted that the number of cases underlying these percentages is small, and should be interpreted with caution. As mentioned earlier, for individuals who do not identify as male or female, work stress was the fourth highest presenting issue. Notably, trauma was the sixth highest presenting issue. Comparatively for male and female EFAP recipients, trauma cases made up percentage smaller percentage of cases, and were not among the top six presenting issues.

While the data collected in this report only include the gender identity of respondents, previous research has found that lawyers who identify as lesbian, gay, bisexual, and queer report a higher likelihood of discrimination as compared to lawyers who identify as straight/heterosexual (Blanck et al., 2021). Cadieux et al. (Cadieux et al., 2022) found that more than three-quarters (75.5%) of legal professionals in the LGBTQ2S+ community surveyed in Canada reported experiencing psychological distress, 44.7% reported experiencing moderate to severe depressive symptoms and 37.5% reported having had suicidal ideation since beginning their professional practice. In the same report, nearly a quarter of LGBTQ2S+ professionals (23.9%) report having experienced bullying at work in the past year. Taken together, these findings suggest that law professionals from the LGBTQ2S+ community face compounded stressors, including those within the workplace, that negatively affect their mental health.

There is still limited research among legal professionals who

identify as LGBTQ2S+, and future analyses should focus on collecting on more data from this population to better understand their unique experiences.

Figure 8

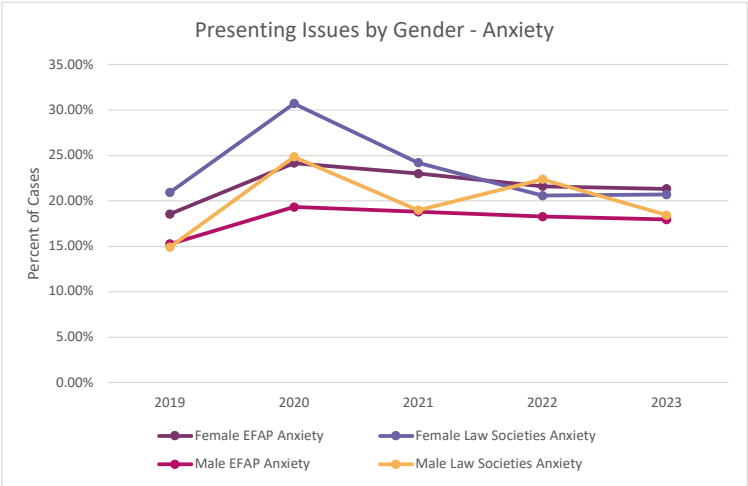


Figure 9

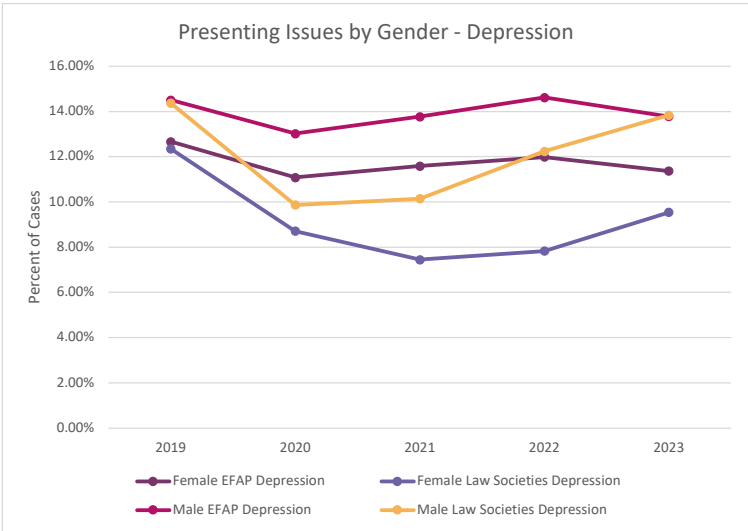


Figure 10

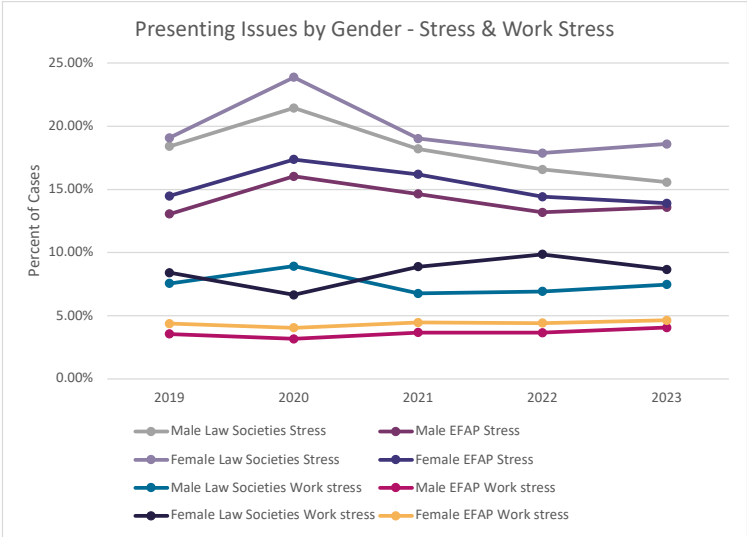
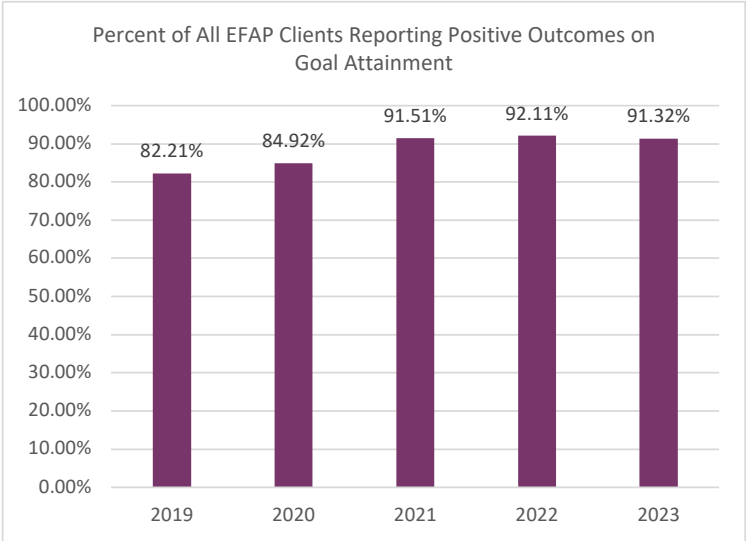


Figure 12

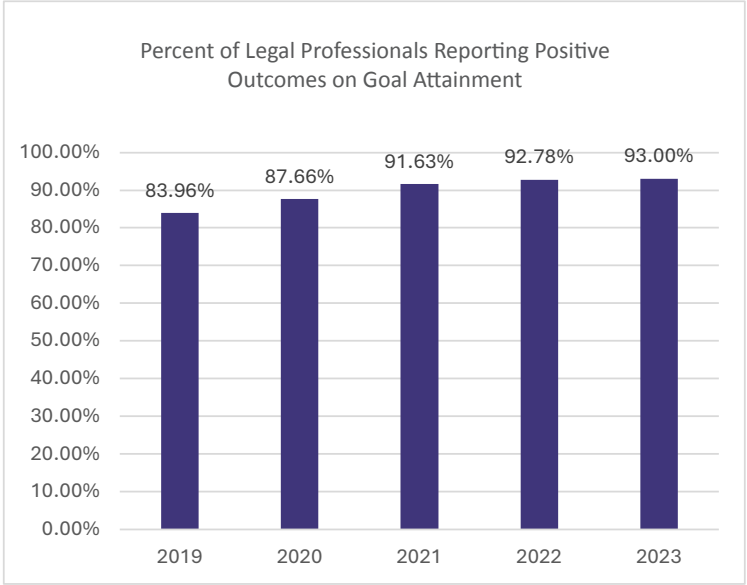


Client Experience
and Progress Measurement

Goal Attainment Score (GAS)

For all legal societies, the percent of clients receiving services through the Employee and Family Assistance Program (EFAP) reporting positive outcomes on attainment of their treatment goals at their last assessment was above 80% between 2019 to 2023. The percent of clients reporting positive outcomes increased each year, staying above 90% from 2021 onwards (Figure 11). Similarly, the percentage of all EFAP clients from all industries reporting positive outcomes was above 80% between 2019 to 2023 but scores were lower than legal professionals reporting positive outcomes (Figure 12).

Figure 11



User Experience Survey (UES)

Across base metrics, the percentage of clients from the legal profession reporting that they felt their counsellor listened and understood, felt they would recommend the service to others and would use the service again decreased between 2020 and 2021, but has been increasing since then, reaching an all-time high in 2023 for recommending services and using the service again (Figure 13). In contrast, for all EFAP clients, the percentage of those agreeing with statements on their views of the counsellor and quality of services has remained above 80% (but below 90%) between 2020 and 2023, with a slight decrease from 2021 to 2022 across all metrics (Figure 14).

Figure 13

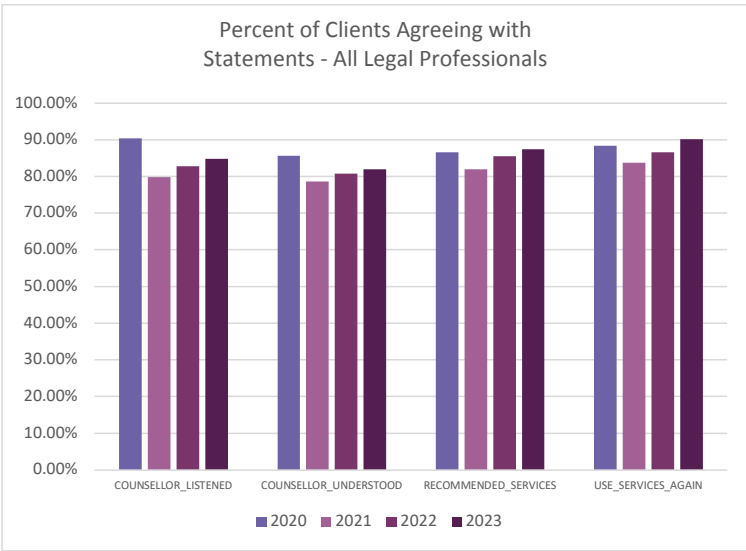


Figure 14

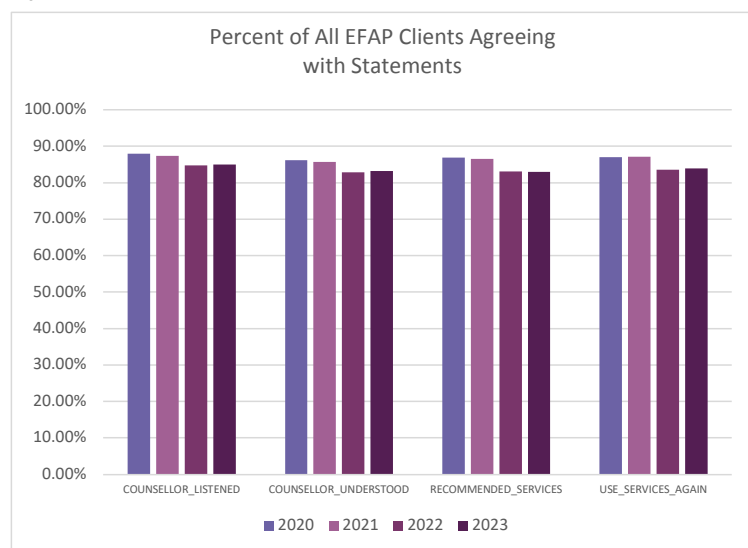
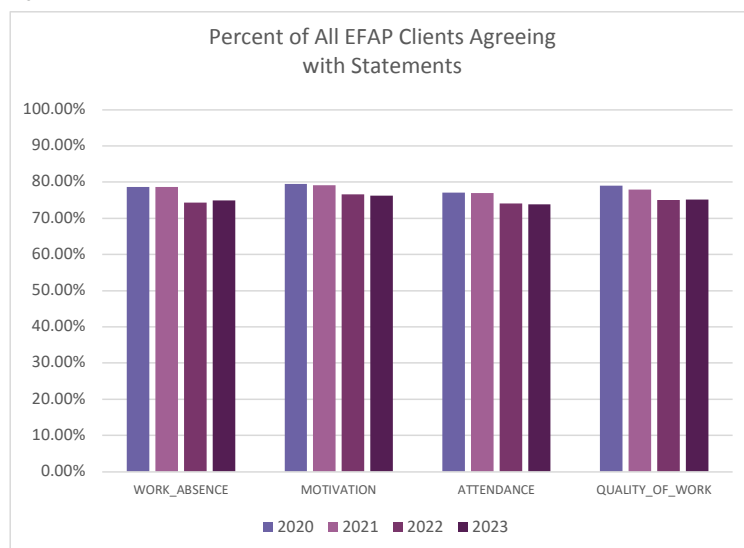


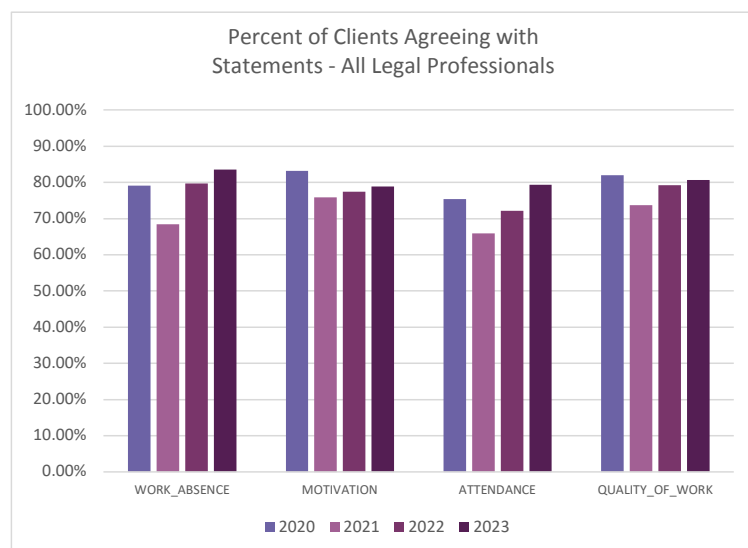
Figure 16



Work UES

For legal professionals, the percentage of respondents reporting positive outcomes across work metrics remained above 65% between 2020 and 2023 (Figure 15). For all work metrics, the percentage of law societies' client reporting improvement decreased in 2021 before increasing again in 2022. In contrast, for all EFAP clients, the percentage of those agreeing with statements on their views related to their experiences with work has remained above 70% (but below 80%) between 2020 and 2023, with a slight decrease from 2021 to 2022 across all metrics (Figure 16). For law societies' clients, there was an increase in percentages between 2021 to 2022 across all metrics, with percentages reaching close to 80% or above for some metrics.

Figure 15



During the peak of the pandemic in 2021, there was an increase in goal attainment and a decrease in client experience scores among law professionals accessing EFAP services. This was in contrast with EFAP clients overall, who reported an increase in scores for both goal attainment and client experience. At the same time, 2021 had the highest number of all law cases and all EFAP cases (Ahmed et al., 2024).

Law professionals may have been seeking support in increased numbers during the onset of pandemic, as they were faced with greater mental health challenges while they tried to adjust to the constraints of the pandemic. Research shows that lawyers have reported increased difficulties and stress within the profession, and reported experiencing more frequent depression during the pandemic (Fore & Stevenson, 2023).

This may explain that although there was an increased number of law professionals seeking support, the difficulties they were experiencing during the early pandemic led to slightly lower positive outcomes with their service experience. These challenges may have required some time for adjustment, as in 2022, percentages increased. At the same, scores on goal attainment steadily increased from 2019 until 2023, reaching 93%. This suggests that despite the challenges of the pandemic, law professionals were continuing to report positive outcomes on attaining their treatment goals.

Interestingly, even though the number of law cases declined in 2022 and 2023, the GAS and UES scores increased, suggesting those law professionals who did choose to continue accessing EFAP services benefited more during these years.



Discussion

In their 2016 Mental Health Strategy Task Force report, the Law Society of Ontario (formerly known as the Law Society of Upper Canada) made a commitment to “further enhance awareness and understanding of the Members Assistance Program (MAP) among licensees and legal organizations, law schools and paralegal colleges” (pg. 5) and “promoting its confidentiality and range of services” (pg. 5). The task force report highlights addressing the need for increased awareness and trust, as well as emphasizing confidentiality and proactively addressing the effect of stigma on willingness of licensees to contact their MAP (McDowell et al., 2016).

Since then, efforts have been made in Ontario and across Canada to provide law professionals with access to high-quality, readily available mental health services through Employee and Family Assistance Programs (also known as Member Assistance Programs).

In our report, we observed that the number of Homewood Health EFAP cases across all law societies increased between 2019 and 2020. During this time, the number of EFAP cases for all industries decreased, suggesting that more law professionals were seeking support in the early onset of the pandemic. When looking at utilization by gender, utilization rates are slightly lower for female recipients in law compared to all EFAP, but are still higher when compared to male recipients, even though there are fewer female lawyers than male lawyers in Canada (Olijnyk, 2021). Work stress was among the top five presenting issues for law professionals, but not for EFAP users across all industries.

For female law professionals, the percentage of cases with anxiety as a presenting issue was greater than male law professionals. In contrast, the percentage of cases with depression as a presenting issue was greater for males than females. In the first year of the pandemic, there was an increase in anxiety and stress cases and a decrease in depression cases for both male and female law professionals. However, for males, anxiety cases are higher now than what they were pre-pandemic. Work stress as a presenting issue increased for male law professionals during the first year of the pandemic but decreased for females. For law professionals who do not identify as male or female, the percentage of anxiety, stress, work stress has been decreasing since 2022, while cases with marital/relationship issues have been increasing since 2022.

We observed an increase in utilization rates during the first year of the pandemic (2020) and an increase in anxiety and stress cases, suggesting that the pandemic has had a negative effect on the mental health of law professionals. While research on law professionals' mental health during the COVID-19 pandemic is

limited, one study reports that nearly three quarters of attorneys experienced more stress and difficulty in their law practice during the pandemic, and more than a quarter reported experiencing more frequent depression (Fore & Stevenson, 2023).

Gender also plays a role in the experiences of law professionals' mental health. As we observed, work stress decreased during the first year of the pandemic for female law professionals but increased for males, suggesting that different stressors were experienced by gender.

Research has found that while female lawyers are well represented in the profession today, the work environment differs from that of male colleagues, and they experience more symptoms of stress, anxiety, depression, burnout, psychological violence (Guertin et al., 2023). Twenty-five percent of female lawyers have reported contemplating leaving the law profession due to mental health concerns compared to 17% of male lawyers (Anker & Krill, 2021). For women, work-family conflict was associated with the highest likelihood of leaving, while overcommitment to work was the number one predictor of leaving for men (Anker & Krill, 2021). Women may not be feeling supported in their workplace, especially when reconciling demands of work and family which were extremely acute during the early stages of the pandemic, and as such, they experience more negative effects from balancing work and family than men do.

At the same time, research has found that young male lawyers report the greatest level of psychological distress (Cadieux et al., 2020). Furthermore, we observed that the percentage of cases with depression as a presenting issue was higher for male law professionals than females, and anxiety cases while lower than females overall, remained higher than pre-pandemic levels. This suggests that male law professionals are experiencing greater psychological distress than before the pandemic.

Among the general population, it has been observed that males have lower utilization rates of mental health services due to stigma (Chatmon, 2020; Sagar-Ouriaghli et al., 2019). Notably, while there are a greater number of male lawyers in Canada than female lawyers, our sample of clients shows the opposite, suggesting that male law professionals are not utilizing EFAP services as much as female law professionals.

One reason law professionals may not be accessing mental health supports is due to stigma. The stigma around mental illness in the legal profession may be related to the perception that mental health issues are a sign of weakness, a deliberate choice, and are not the same as physical illnesses (Nemeth, 2019). There may be a fear that lawyers with mental health issues are seen as unreliable,



incompetent and undesirable (Reich, 2020). There is a lack of discussion around mental health issues, which prevents lawyers from talking about their problems with their peers and colleagues, leading to feelings of isolation and shame, further perpetuating the culture of silence (Nemeth, 2019).

Other studies have reported this gap between perceptions and experiences of mental illnesses, leading to the silence and prevailing shame in the profession that deters people from seeking help (Cadieux et al., 2022). Barriers towards help-seeking for mental health and substance use issues include concerns of lack of confidentiality and privacy (Krill et al., 2016).

Not seeking access to mental health care can increase the severity of mental health problems. More severe experiences of psychological distress such as vicarious trauma and suicide have been reported to be greater among law professionals than the general population and other professions (Krill et al., 2023; Maguire & Byrne, 2017). Therefore, it is imperative that the mental health of law professionals be given priority, to prevent the worsening of outcomes for this population.

Recommendations

Based on our findings and previous research, the following are recommendations that can be implemented to improve mental health outcomes for law professionals.

Awareness and Education

A great deal of research has reported that many law professionals are simply unaware of the mental health support programs offered by their organization and/or professional regulator (Cadieux et al., 2022). As such, there should be investments made into increasing the awareness of existing initiatives and the various types of support available. Furthermore, efforts should be made to educate law professionals on mental health and wellness outside of these programs, such as in mandatory development workshops, in a way that is interactive and engaging to ensure retention and application of information.

Leading by Example

To decrease the stigma of mental health, it is recommended that lawyers work with individuals with lived experience of mental health issues for support (Buchanan & Coyle, 2017). By working with their peers, law professionals will have the opportunity to create a culture of solidarity on shared experiences and will further help create an awareness that mental health struggles are more common than people may think.

Measurement Based Care

In their report, Cadieux and colleagues have recommended implementing a “culture of measurement” to collect data on the health and wellness of law professionals (Cadieux et al., 2022). In this vein, law professionals who are already seeking support through assistance programs may further benefit regular feedback on their improvement and symptoms from their clinician.

Homewood Health offers Measurement Based Care (MBC) through Touchpoint. MBC is the routine, systematic use of validated measures, often self-reported, before, during, and end of care to help guide clinical decision making. Clients are able to monitor their own progress, visually understand how they are progressing over time and the data can then be used by the clinician to improve the clients’ treatment plan. MBC has been shown to significantly improve outcomes (e.g., response/remission rates; time to response/remission) for patients receiving psychotherapy and/or pharmacotherapy for depression, anxiety, or other conditions (Fortney et al., 2017; Guo et al., 2015; Lewis et al., 2019).

Conclusion

Findings from this report align with the current literature; the mental health of law professionals needs greater attention, especially after the COVID-19 pandemic. We observed an increase in case volume across all law societies during the peak of the pandemic. Work stress was identified as a significant issue for law professionals. Analyses by gender suggest both similarities and gender-specific mental health concerns. Recommendations to improve mental health service utilization for law professionals include: increasing education of mental health; developing peer support groups to reduce the stigma; and using measurement-based care to provide client feedback. Investing in the mental health of law professionals will lead to improvements in quality of life and work performance for this population.

Acknowledgements

We would like to thank Samantha Smith-Monaghan, Account Executive, for support with revision and editing of the final draft. We would also like to thank Natacha Riopel, National Vice-President – Enterprise Partnerships for support throughout the write-up of this report.



References

- Ahmed, S., Waterman, R., Forgues, V., Rossi, E., & Remers, S. (2024). Enhanced Mental Health Trends: An Analysis of the Underlying Factors Driving the Creation of Enhanced Mental Health Cases. Homewood Health Inc.
- Anker, J., & Krill, P. R. (2021). Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys. *PLOS ONE*, 16(5), e0250563. <https://doi.org/10.1371/journal.pone.0250563>
- APA. (2022). Workers appreciate and seek mental health support in the workplace. <https://www.apa.org/pubs/reports/work-well-being/2022-mental-health-support>
- Arzeen, N., Hamid, M., Shah, M., Arzeem, S., Mustafa, G., & Hassan, Z. ul. (2022). Gender Differences in Psychological Distress and Psychological Well-Being among Lawyers. *Life and Science*, 3(2), Article 2. <https://doi.org/10.37185/Lns.1.1.192>
- Balakrishnan, A. (2020). Despite changes, lawyers' mental health crisis is getting worse, says Gowling WLG's Michael Herman. <https://www.lawtimesnews.com/resources/practice-management/despite-changes-lawyers-mental-health-crisis-is-getting-worse-says-gowling-wlgs-michael-herman/330983>
- Bergin, A. J., & Jimmieson, N. L. (2014). Australian Lawyer Well-being: Workplace Demands, Resources and the Impact of Time-billing Targets. *Psychiatry, Psychology and Law*, 21(3), 427–441. <https://doi.org/10.1080/13218719.2013.822783>
- Blanck, P., Hyseni, F., & Wise, F. A. (2021). Diversity and Inclusion in the American Legal Profession: Discrimination and Bias Reported by Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+. *American Journal of Law & Medicine*, 47(1), 9–61. <https://doi.org/10.1017/amj.2021.1>
- Buchanan, B., & Coyle, J. C. (2017). National Task Force on Lawyer Well-Being: Creating a Movement To Improve Well-Being in the Legal Profession. American Bar Association.
- Cadieux, N., Cadieux, J., Youssef, N., Gingues, M., & Godbout, S.-M. (2020). A Study of the Determinants of Mental Health in the Workplace Among Quebec Lawyers—PHASE II – 2017-2019. Université de Sherbrooke, Business School.
- Cadieux, N., Gingues, M., Cadieux, J., Gouin, M.-M., Caya, O., Fournier, P.-L., Morin, E., & Gahunzire, J. (2022). Towards a Healthy and Sustainable Practice of Law in Canada. National Study on the Health and Wellness Determinants of Legal Professionals in Canada, Phase I (2020-2022).
- Chatmon, B. N. (2020). Males and Mental Health Stigma. *American Journal of Men's Health*, 14(4), 1557988320949322. <https://doi.org/10.1177/1557988320949322>
- Fore, M., & Stevenson, E. (2023). The impact of Covid-19 pandemic on overall well-being of practicing lawyers. *PLOS ONE*, 18(3), e0282836. <https://doi.org/10.1371/journal.pone.0282836>
- Fortney, J. C., Ünützer, J., Wrenn, G., Pyne, J. M., Smith, G. R., Schoenbaum, M., & Harbin, H. T. (2017). A Tipping Point for Measurement-Based Care. *Psychiatric Services (Washington, D.C.)*, 68(2), 179–188. <https://doi.org/10.1176/appi.ps.201500439>
- Guo, T., Xiang, Y.-T., Xiao, L., Hu, C.-Q., Chiu, H. F. K., Ungvari, G. S., Correll, C. U., Lai, K. Y. C., Feng, L., Geng, Y., Feng, Y., & Wang, G. (2015). Measurement-Based Care Versus Standard Care for Major Depression: A Randomized Controlled Trial With Blind Raters. *The American Journal of Psychiatry*, 172(10), 1004–1013. <https://doi.org/10.1176/appi.ajp.2015.14050652>
- International Bar Association. (2021). Mental Wellbeing in the Legal Profession: A Global Study.
- Ipsos Reid. (2012). Survey of Lawyers on Wellness Issues. Canadian Bar Association. https://www.cba.org/CBAMediaLibrary/cba_na/PDFs/CBA%20Wellness%20PDFs/FINAL-Report-on-Survey-of-Lawyers-on-Wellness-Issues.pdf
- Krause, C. A., & Chong, J. (2019). Lawyer Wellbeing as a Crisis of the Profession. *South Carolina Law Review*, 71(2), 203–246.
- Krill, P. R., Johnson, R., & Albert, L. (2016). The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. *Journal of Addiction Medicine*, 10(1), 46–52. <https://doi.org/10.1097/ADM.0000000000000182>



References

- Krill, P. R., Thomas, H. M., Kramer, M. R., Degeneffe, N., & Anker, J. J. (2023). Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk. *Healthcare*, 11(4), 536. <https://doi.org/10.3390/healthcare11040536>
- Lateral Link. (2022, June 16). Lawyers' Mental Health Remains In Crisis, But Awareness Is Growing. Lateral Link. <https://laterallink.com/lawyers-mental-health-remains-in-crisis-but-awareness-is-growing/>
- LAWPRO. (2020, January 1). Understanding mental health in the legal profession. *LAWPRO Magazine*, 19(1).
- Lewis, C. C., Boyd, M., Puspitasari, A., Navarro, E., Howard, J., Kassab, H., Hoffman, M., Scott, K., Lyon, A., Douglas, S., Simon, G., & Kroenke, K. (2019). Implementing Measurement-Based Care in Behavioral Health: A Review. *JAMA Psychiatry*. <https://doi.org/10.1001/jamapsychiatry.2018.3329>
- Macnab, A. (2023). Survey finds employment rate high among recent law grads, but paints troubling mental health picture. <https://www.canadianlawyermag.com/resources/practice-management/survey-finds-employment-rate-high-among-recent-law-grads-but-paints-troubling-mental-health-picture/379154>
- Maguire, G., & Byrne, M. K. (2017). The Law Is Not as Blind as It Seems: Relative Rates of Vicarious Trauma among Lawyers and Mental Health Professionals. *Psychiatry, Psychology and Law*, 24(2), 233–243. <https://doi.org/10.1080/13218719.2016.1220037>
- McDowell, W., Strosberg, C., Braithwaite, J., Callaghan, J., Clément, S., Corsetti, C., Donnelly, T., Falconer, J., Leiper, J., Merali, I., Potter, J., Richer, S., & Lewis, J. S. (2016). Mental Health Strategy Task Force Report. Law Society of Upper Canada.
- Nemeth, S. (2019). Addressing the Elephant in the Legal Profession: The Lawyer's Struggle with Mental Health. *Saskatchewan Law Review*. <https://sasklawreview.ca/comment/addressing-the-elephant-in-the-legal-profession-the-lawyers-struggle-with-mental-heath-.php>
- Olijnyk, Z. (2021). Women in Law: Tips for success from leading female lawyers in the legal industry. <https://www.canadianlawyermag.com/resources/practice-management/women-in-law-tips-for-success-from-leading-female-lawyers-in-the-legal-industry/355289>
- Poynton, S., Chan, J., Vogt, M., Grunseit, A., & Bruce, J. (2018). Assessing the Effectiveness of Wellbeing Initiatives for Lawyers and Support Staff. *University of New South Wales Law Journal*, 41(2). <https://doi.org/10.53637/AVJM9953>
- Reich, J. F. (2020). Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being. *Villanova Law Review*, 65(2), 361–418.
- Sagar-Ouriaghli, I., Godfrey, E., Bridge, L., Meade, L., & Brown, J. S. L. (2019). Improving Mental Health Service Utilization Among Men: A Systematic Review and Synthesis of Behavior Change Techniques Within Interventions Targeting Help-Seeking. *American Journal of Men's Health*, 13(3), 1557988319857009. <https://doi.org/10.1177/1557988319857009>
- Simpson, A. (2021). Mental health of lawyers and COVID-19. <https://www.lawsociety.org.uk/topics/small-firms/mental-health-of-lawyers-and-covid-19>
- Westlaw Canada. (2020). SUSPENSION OF COURT HEARINGS AND LIMITATION PERIODS IN RESPONSE TO COVID-19. Thomson Reuters. <https://www.westlawcanada.com/blog/insider/suspension-of-court-hearings-in-response-to-covid-19-1084/>
- WHO. (2022). COVID-19 pandemic triggers 25% increase in prevalence of anxiety and depression worldwide. World Health Organization. <https://www.who.int/news/item/02-03-2022-covid-19-pandemic-triggers-25-increase-in-prevalence-of-anxiety-and-depression-worldwide>

