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# Employee Assistance Program

## In This Issue

November  
2005  
Volume 53  
Number 6

United States  
Department of Justice  
Executive Office for  
United States Attorneys  
Washington, DC  
20535

Michael A. Battle  
Director

Contributors' opinions and statements should not be considered an endorsement by EOUSA for any policy, program, or service.

The United States Attorneys' Bulletin is published pursuant to 28 CFR § 0.22(b).

The United States Attorneys' Bulletin is published bimonthly by the Executive Office for United States Attorneys, Office of Legal Education, 1620 Pendleton Street, Columbia, South Carolina 29201.

Periodical postage paid at Washington, D.C. Postmaster: Send address changes to Editor, United States Attorneys' Bulletin, Office of Legal Education, 1620 Pendleton Street, Columbia, South Carolina 29201.

**Managing Editor**  
Jim Donovan

**Program Manager**  
Nancy Bowman

**Internet Address**  
[www.usdoj.gov/usao/  
reading\\_room/foiamanuals.  
html](http://www.usdoj.gov/usao/reading_room/foiamanuals.html)

Send article submissions to Managing Editor, United States Attorneys' Bulletin, National Advocacy Center, Office of Legal Education, 1620 Pendleton Street, Columbia, SC 29201.

<b>Managing Change</b> .....	1
By Robert Norton	
<b>Enhancing Personal Communication</b> .....	8
By Robert Norton	
<b>Grief in the Workplace: Suggestions for Colleagues and Managers</b> .....	15
By Eileen Grady	
<b>Stress in the Workplace: Causes and Solutions</b> .....	20
By Eileen Grady and Ed Neunlist	
<b>Domestic Violence in the Workplace</b> .....	26
By Ed Neunlist	
<b>Navigating the Mental Healthcare System: Lessons Learned from the Front Lines</b> .....	33
By Mark A. Blair	
<b>The Challenges of Work/Life Balance: Finding Creative Solutions</b> .....	37
By Debbie Triviso	
<b>Introduction to The Lie Is Over—We Do Recover</b> .....	42
By Eileen Grady	
<b>The Lie Is Over—We Do Recover</b> .....	43
By Myer J. Cohen, Charles O. Hagan, Jr., and Harry G. Goodheart, III	

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# Managing Change

*Robert Norton*  
*Certified Employment Assistance Counselor*  
*Employee Assistance Program Administrator*  
*Employee Assistance Program*  
*Executive Office for United States Attorneys*

## I. Change

The expression that change is a constant rings true. We are always confronted with change in our lives, in the form of the physical, emotional, cognitive, and spiritual dimensions that we experience. Moreover, our beliefs, philosophies, or outlooks undergo subtle changes. These changes are often taken in stride, with occasional angst as one navigates these challenges.

Psychologists have codified such changes in the form of a developmental construct wherein each life stage contains unique tasks or transitions one must make in adapting to and moving on to the next stage. Certainly, as one moves through these changes, the uniqueness of each human being, coupled with societal, nurturing, and environmental influences, will play a role in how smoothly the changes are made. FRANCES HOROWITZ, *EXPLORING DEVELOPMENTAL THEORIES: TOWARD A STRUCTURAL/BEHAVIORAL MODEL OF DEVELOPMENT 1* (Lawrence Erlbaum Associates 1987). Available at <http://www.questia.com/PM.qst?a=o&d=27730225>.

How does this translate to change in the workplace? The focus of this article is to present a developmental paradigm of change and transition emphasizing three main points.

- How to deal with change by engaging in a process of transition.
- How to use change organizationally or personally as a positive opportunity.
- How to successfully transition in the wake of change in the context of the workplace.

Implied here is that as change occurs, transition follows. William Bridges comments lightheartedly that it is the transition that does you in, not the change. In other words, change is an event and transition is a process which, by implication, has a course and therefore takes time.

WILLIAM BRIDGES, *MANAGING TRANSITIONS 3* (Addison Wesley Publishing Company 1991).

The U.S. Attorneys' Offices are not immune to change, especially in the wake of different presidential administrations. In addition, the economics of running government agencies and the vigilance against terrorist attacks changed the priorities of the U.S. Attorneys' Offices. For many, such changes can be agonizing, while for others it can be a welcome challenge. The pace of change has increased and the pressure has intensified. There is much written today about change and its effects on the workforce. The literature consistently suggests similar approaches to effectively dealing with change and transition, keeping in mind that some will experience angst resulting in resistance to change, while others will embrace change openly with a sense of adventure. Available at [http://www.tbs-sct.gc.ca/cm0\\_mfc/resources2/review-revue/11\\_e.asp](http://www.tbs-sct.gc.ca/cm0_mfc/resources2/review-revue/11_e.asp). This is the reality facing our workforce in both private and public sectors. Focusing attention on keeping the U.S. Attorneys' Offices' workforce strong, resilient, and engaged in its mission, is imperative if leadership is to effectively navigate the challenges of change.

Organizations do not change, people do. Because of this reality, the focus needs to be understanding the impact of change on the people affected and the processes of adjustment. There are a few basic principles to apply before we move on. Transition has a process. Change can be expected or unexpected, but either way, there will be an adjustment period. People transition differently. Some people will transition smoothly while for others it will be a struggle. There is no timetable.

People grieve differently and at differing paces. Awareness of the grief process and what to expect can make the transition to the new situation easier. No matter what the change may be or the severity of the change, there is loss associated with it. The loss of the old way of conducting business, a change of coworkers and in coworker relationships, adjusting to a new coworker or manager, and dealing with a philosophical change, carries with it a process of adjustment that for some has a great emotional impact. Grieving is the loss of the "old" and reinvesting in the "new" to

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bring about the opportunity for growth. The developmental model of transition provides the foundation for understanding and effectively navigating the impact of organizational change. WILLIAM BRIDGES, *MANAGING TRANSITIONS* 6 (Addison Wesley Publishing Company 1991).

William Bridges states that transition in response to change can be broken down into three stages.

- An Ending.
- A Neutral Zone.
- A New Beginning.

Any change signifies the ending of something familiar. This can be an emotional roller-coaster for some as they deal with a variety of emotions, from fear of the unknown, anger, worry, excitement, and anticipation at venturing into a new situation. A common change we all experience is the end of a relationship, alteration of a relationship, or the beginning of a new relationship. Once a couple that has been in a childless relationship decides to have a child, the introduction of this new life changes the dynamics, expectations, and in most cases the lifestyle, which might have been more spontaneous and carefree. There is a grieving process that occurs as the couple adjusts to this new phase of their life and the relationship changes that come with the addition of a new family member. Moving to a new neighborhood is another example. In this situation one has to not only adjust to making new friends, but must familiarize themselves with school systems, churches, and social groups. One may reflect on the comfort of the familiar as they make their way toward establishing new relationships within the community. This is not uncommon and should be expected of any change.

## II. Endings and "letting go"

The beginning of a transitional process is recognizing the ending of what has changed and its meaning to the stakeholders. The process of "letting go" of the old involves understanding and working through the grief process. Letting go involves navigating through several psychological phases.

- Denial.
- Anger.

- Fear/Bargaining.
- Sadness or Depression.
- Acceptance and Integration.

The grief process is unique to each individual and for some it is marked by resistance to the new change. The challenge is to assist the individual through encouragement and honest communication so that he or she can successfully make the transition. Shakespeare once said; "He that lacks time to mourn lacks time to mend." WILLIAM BRIDGES, *supra* at 25. It is important to honor the grief process because it is a healing process.

For many, change or the prospect of change can be painful and fearful. Denial of painful feelings is the normal course of action (psychologically) and pretending these feelings do not exist is part of the first phase of grief. If it is not acknowledged, it does not exist. Typical responses might be "It will all blow over," "It is just a matter of time," or "I do not think my job will be affected by these changes." This might be coupled with absorbing oneself in work, and ignoring or not acknowledging the impending change.

Once people move through the numbness of denial, anger toward the organization may set in. If anger is allowed to fester, resentment can build and inappropriate blaming and resistance to change takes place. Unchecked anger and resentment can cloud one's vision of reality allowing misconceptions to dictate responses. It is normal to be angry at these situations, but the anger needs to be effectively acknowledged and dealt with before moving forward.

Change brings about a period of uncertainty regarding the future of the organization and one's viability in the organization. Fear and anxiety are the emotions most commonly experienced during this time. Doubts about one's ability to deal with change sneak up and can result in an increase in mistakes and missed deadlines. Keeping a low profile is often the strategy accompanied by thoughts such as: "What if I get fired?" or "How am I supposed to get my work done with all these changes?"

Depression and sadness are to be expected at some point in the process, especially in response to a major change. Again, these responses are normal and are within one's control. If depression and feelings of helplessness or hopelessness are

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left unchecked, they can serve to magnify the discouraging aspects of change. It is common to dwell on the negative possibilities and distort the challenges involved in dealing with change.

As a supervisor and a coworker/colleague, recognition of these signs as part of the normal grieving process, and finding the appropriate supportive venues to express one's feelings and thoughts, will typically serve to facilitate a quicker and smoother adjustment to new changes and challenges. Ignoring these signs will prolong the process, add to resistance, and bring on additional stress.

Dealing with transitions can be influenced by many variables.

- Expectations, either realistic or unrealistic, will influence one's ability to navigate their transition.
- Stage of life can alter one's perspective.

A single employee in their twenties or thirties may have a different perspective on change as opposed to an employee in their forties or fifties with a family. These two separate circumstances will, no doubt, have an impact on the emotional response of these employees. The family man or woman is more likely to experience angst and worry as they have more at stake, such as a family to feed and a mortgage to pay. Multiple changes occurring at the same time can increase the level of stress in one's life and give rise to several questions.

- What are the time limits on effecting the change?
- Is there a strategic plan in place to navigate and prepare for the change?
- Is there enough time to prepare for change and transition?

Self-awareness plays a critical role in how one deals with change. One who has a high level of self-awareness will know his/her strengths and weaknesses and will use strengths to embrace the change and will address weaknesses by seeking out appropriate help.

Lastly, communication will have the greatest influence on transition. If communication is evasive or ambiguous, it will give rise to anxiety, worry, and anger. Effective, open, and honest communication will have a better payoff in terms of easing the transition for individuals and the organization.

Change and transition can influence people professionally (career), personally (relationships), and psychologically (self-esteem). Professionally, one is affected in terms of job security, career, professional status, and sense of belonging. Organizational change can have a profound impact in these areas. A negative by-product of any organizational change, no matter how professionally and sensitively it is handled, is the effect on one's self-esteem. Regardless of the rationale in making difficult financial decisions such as outsourcing or eliminating jobs, the employee often finds himself with questions about his value or skills. Given help and encouragement, the employee can overcome these feelings. This blow to his self-esteem, however, can spill over into the personal arena and cause relationships with family, friends, and status in the community, to be altered. Additionally, lifestyles, priorities, and future plans can also be changed.

It is important for managers, who often are the bearer of the news of impending change, to be aware of the many workplace grief reactions they can expect to witness. We have mentioned a few of the more common reactions above. Added to those may be an increase in physical complaints, sick leave, apathy, tearfulness, silence, agitation, a decrease in enthusiasm, denial/avoidance, panic/anxiety, isolation, anger, fatigue, self doubt, and fear of the unknown. All of these can adversely affect performance, slow down production, and in some cases, lead to disruptive conduct, as people work to come to terms with the stated change. Associated feelings can range from anger to excitement at the prospect of change. Other feelings include pain, fear, guilt, shame (my fault), dread and disappointment, disillusionment, curiosity, hopefulness, happiness, and eagerness.

Understanding that those feelings and behaviors mentioned above are all normal and expected will enable managers to effectively institute some useful strategies in helping employees adjust. Accept the reality of subjective losses. Loss associated with organizational change is unique to each person. Listen and learn what those losses mean and represent to the people with whom you work. Arguing or debating with employees will end the conversation and most likely stir resentment, rather than pave the way to acceptance and commitment to the new change. Expect overreaction. It is not the change that people are reacting to, but most likely the anticipated loss associated with the change.

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Recognizing that it is a part of their world that is lost may assist managers in understanding overreaction. Acknowledge the losses openly and with empathy. Simply and directly acknowledging losses will more likely win over employees' trust, as opposed to paying little or no attention to the emotional impact. Research has demonstrated recovery from loss happens much quicker if concerns are expressed openly. *Available at* [http://www.ncsconline.org/D\\_Tech/CTC/CTC5/209.HTM](http://www.ncsconline.org/D_Tech/CTC/CTC5/209.HTM).

Defining what is over and what is not is critical in facilitating a clear understanding of what the new change will look like. Speaking in vague terms such as "we are going to be lean and mean" or "we are going to be 50 percent more efficient" can lead to confusion, misunderstanding, duplication of effort, or independent thinking that, without clear expectations, typically leads to chaos. Giving explicit information again and again will reduce the risk of chaos and reinforce consistency of expectations and information flow necessary in making a smooth and successful transition. Employees need and deserve to know what is expected of them and what to expect from management during times of change. Providing clear information with the opportunity for questions and answers can significantly reduce the risk of rumors and misinformation. Additionally, continued honest and open communication, be it good news or bad, will serve to win the trust of employees and allow them the chance to examine their options.

Treating the days gone by with respect conveys respect for those employees who identify with the past or with how things used to be. Managers who, in their enthusiasm to embrace the new change, belittle the past may be seen as attacking those who hold an allegiance to it. William Bridges cites an example of an executive who was brought in to reorganize a division into business units. The executive did not attack the old functional organization as inefficient and archaic. Rather, he pointed out that the old ways of doing things brought the company to the brink of an important new development. He went on to emphasize the continuity he felt with his predecessor and talked about the new challenges that called for new responses. One will greatly lessen the chances of alienation by honoring the past for what it has accomplished and recognizing that the past innovations were once new and

contributed to the new organization's present position. WILLIAM BRIDGES, *supra* at 30.

To prevent the failure of an organizational change, it is important to anticipate and plan for the endings, the impact on employees, and the process of letting go. Although there is a destination, attention to the journey necessary to reach it is what will lead to personal acceptance, integration, and a successful transition.

### III. The neutral zone

William Bridges introduces the concept of the neutral zone as the middle phase of the transition process. In any transition, once the loss has been reconciled and the change has been accepted, the sense of "now what?" sets in. The neutral zone is best described as that point in time after the trapeze artist lets go of the old trapeze and is waiting to grab the new trapeze with the hope that it is flying toward him. While in midair the artist is in the neutral zone with nothing to hold on to. This is a time characterized by hope, fear, excitement, and anticipation. *Id.* at 34.

The neutral zone is a very difficult and uncomfortable time and poses the greatest challenge in the transition process. Marked with ambiguities of direction, expectations, and inadequate communication, the neutral zone typically gives rise to anxiety and a decrease in productivity. There are several additional real dangers that managers and supervisors need to be aware of and sensitive to. Because the neutral zone is a time of uncertainty, employees will typically experience loss of focus and confusion over unclear directions and expectations. Unanswered questions, mixed signals, unreliable information about mission critical issues, job retention, or reassignment provoke high levels of anxiety with the usual by-products of missed workdays, increased sick leave, and an increased exodus to other jobs.

As communication remains mixed and/or inadequate, the ground is fertile for rumors, often untrue, which add to the increasing level of anxiety and mistrust of coworkers and management. In times of confusion and ambiguity, it is observed that some employees race to move ahead while others revert to the old ways of doing business, creating a breakdown in cohesiveness. Under these conditions, it can be expected that a polarization and breakdown of

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consensus building and teamwork will occur. If managed properly, this is only temporary. If left unmanaged, the resulting chaos can be permanent and the desired outcome will most likely fail. *Id.*

While the neutral zone provides an opportunity for negative outcomes, it also provides the opportunity to employ creative management techniques aimed at effectively confronting the issues characteristic of this phase. Of course, this is largely dependent on how management navigates itself and employees through this difficult time. Managing and guiding staff through this crucial phase is the most critical assignment for supervisors and management because their success in doing so will clearly define the success or failure of the desired change. The following are proven tools in assisting management to successfully help employees and themselves effectively deal with the challenges of the neutral zone.

Normalizing the situation openly and honestly is the first and simplest way to begin to navigate this journey. First, accept the fact that transition is a process. Understand that the neutral zone is not simply a place of waiting, but a time when reorientation and redefinition are taking place. People need to know it is natural to feel frightened, confused, and anxious. Even the most ardent supporters of the organization's decisions often make the journey with a degree of trepidation. Validating these responses is typically welcomed by employees and can promote buy-in. Redefining the situation can cast a meaning of hope and opportunity as opposed to a sense of hopelessness and survival of the fittest mentality.

The middle phase of transition is characterized by loss of structure, which can be deadly to the organization. The creation of temporary systems will lend structure and provide the opportunity for employees to become stakeholders in the new change even if the temporary system is a bridge to the new beginning. Refinement of existing policies to fit the situation and defining new roles and reporting relationships are essential to get through the neutral zone. This can provide opportunity for appointment of acting managers and establishment of project teams where the employees are encouraged to brainstorm new ideas and innovations and actively contribute to the mission at hand.

Setting short term goals to ensure success will set a foundation for further success. Be wary of setting targets that are too lofty during this time. Embrace the losses and setbacks as opportunities to learn and move forward. Mistakes may be made during this time, but doing nothing or stifling creativity will typically have far-reaching negative consequences for the organization. Setting realistic achievable goals will reinforce worker participation and output while having the added benefit of making upper management look good. Managers and supervisors should look to identify what they need to know in order to function successfully in the neutral zone. This might include seminars on team building, problem solving, and understanding transition. Strengthening intra-group connections promotes teamwork, trust, innovative thinking, and the sharing of ideas.

As mentioned above, one of the salient negative aspects of the neutral zone is its tendency to promote isolation and mistrust. Communication is the key to surviving the neutral zone. Far too often managers do the wrong thing for the right reason. In other words, their desire to protect people from the harsh realities of the truth, evidenced by withholding valuable information, fosters mistrust, confusion, and gives rise to damaging rumors and innuendo. People want and deserve to learn first hand the truth of the situation. Honest and ongoing communication will dispel rumors and keep employees abreast of what is expected of them.

Knowing what they can expect of management will encourage participation from employees who are experiencing the change personally. It is also important to give employees the correct information so they can make an informed decision regarding their own future. If possible, it is recommended that decisions are kept to a minimum to prevent overload and confusion. Schedule weekly meetings or daily briefings to keep staff apprised of the latest news related to the change. This will provide structure, as well as a clear and concise flow of information that employees can depend on. This strategy has a value-added component in that it taps into the most important resource of the organization, the staff. Wise management will look to their employees for answers concerning best practices, which will lead to a smooth transition. *Available at* [http://humanresources.about.com/od/changemanagement/a/change\\_lessons.htm](http://humanresources.about.com/od/changemanagement/a/change_lessons.htm).

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In order to manage the stress that accompanies organizational change, it is vitally important to take care of oneself. When it appears that a loss of control and feelings of helplessness occur, there are things that one can do to restore and maintain control. Keeping a routine at home or in the workplace can provide a sense of comfort during uncertain times. Examining and maintaining one's routine outside of the workplace is an essential element in managing one's stress level.

Remaining involved in health-centered activities such as an exercise routine, limited alcohol intake, elimination of nicotine, getting enough rest, and maintaining a nutritious diet are essential in managing the stress of ongoing change. During stressful periods, it is easy to isolate from friends, colleagues, and family. The loss of structure and cohesion in the workplace can be made up in the world outside of work. Remaining socially active and connected helps to maintain routine and structure, personal contacts, and psychological buoyancy. Seeking out optimistic people and avoiding complainers will further one's success in managing stress. It is at this time that one needs to be surrounded by positive influences. Save time for leisure activities. They can be both relaxing and energizing.

The belief that opportunity follows change can be a formula for personal development and the exploration of new challenges. Stories and literature about people who, because of downsizing or reorganization, have gone on to find a greater level of personal and professional fulfillment. Having an updated resume or Standard Form 171 on hand can prepare one for the exploration of other employment options. Stephen Covey refers to "sharpening the saw" as a metaphor in self exploration. STEPHEN COVEY, *FIRST THINGS FIRST*, 84-85 (Simon and Shuster 1995). One can take a professional, mental, emotional, and spiritual inventory leading to the sharpening of any of these areas, with the goal of achieving a higher level of personal and professional awareness. This can serve to enhance one's ability and confidence to face new challenges and seize the opportunities born out of change.

It is also important to maintain a sense of humor. The use of humor will be a buffer through the rough spots. It is vital to our well-being and our ability to adapt to change. It has been shown

that humor and laughter can facilitate communication, boost morale, place things in proper perspective, and increase flexibility. When used appropriately, humor makes people feel better about themselves. Laughter is very liberating and can give one a sense of power when things seem out of control. If we can learn to laugh at ourselves, we are less rigid and more spontaneous, and rebound when faced with difficult challenges. We are less fearful of making mistakes and know how to cope with setbacks. Management can set a tone by modeling a sense of humor, even at their own expense, and can bring cohesion and a sense of team during times of change. Begin meetings by sharing something funny that happened in the past week and offer staff the opportunity to share any humorous experiences they had. Organizing spontaneous informal gatherings outside of work can also build a sense of unity.

Emerging from the neutral zone can be exhausting and enervating. It can be a challenge to one's self confidence. Building a new structure with staff participation requires a degree of patience and care. Setting clear, definable, immediately achievable goals will serve to build confidence, build morale, and pave the way for building the new organization. Recognition of these achievements is important. Hold a weekly meeting where problems are identified and plans of action are discussed and implemented. Each passing week the team can track the progress made in the resolution of identified problems. The weekly meeting provides the forum where such issues can be addressed and progress can be measured. This process typically reveals that problems are being solved, or are in the process of being solved, and forward progress is being made. Celebrating the successes, both big and small, reinforces individual and team investment and commitment to the new order. As this process continues, the investment in the old way tends to dissolve as the new becomes comfortable and rewarding for all.

#### **IV. New beginnings**

The last phase of transition is new beginnings. Here the new organization starts to take on definition. This phase is marked by new visions, new plans, and new energy. This is realized by making employees part of the change. This phase is a process within a process, where all employees are encouraged to examine their role and

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participate in the formation and implementation of the new organization. William Bridges states that in order for there to be a New Beginning, you need to have the "Four P's," a purpose, a picture, a plan, and a part to play. WILLIAM BRIDGES, *supra* at 52.

When we are confronted with any change, especially if the change is imposed, the first response is "why?" People typically will want, and at times demand, an explanation or justification. In order for change to be accepted, it has to make sense to those affected. Clarifying the purpose is a reasonable necessity to affect the desired outcome. This is accomplished by promoting an understanding of the reasons for the change. Managers and supervisors often are aware of problems that the front-line workers are not. Because of this, the change makers need to sell the problems before they can sell the solutions.

- What are the problems leading to the need for change?
- What will occur if these problems are not addressed?
- What will happen to employees if that were allowed to occur?

By answering these or similar questions, employees will begin to understand the rationale for change. Having an understanding of the identified problems leading to the need for a new direction, employees will be less resistant. Using clichés such as "we are shooting for excellence," or "we are going to be value added in our customer service" is not recommended. Clichés tend to lack substance and are a poor substitute for common sense and honest rationale.

After the reasons for change have been explained and clarified, the matter of what form the change will take is the next question. People want to see, or at least imagine, what the change will look like, and where they will fit in the new organization. Creating a picture will allow people to envision what the new world of work will look like, begin to understand how the work will get done and how people will be interacting with each other, and see the new spatial layout. Having a preview of things to come can ease the journey and foster enthusiasm for the new beginning.

Development and implementation of transition plans leads the way to the desired destination. The transition plan is focused on a personal level. It will lay out the details for each

individual to demonstrate how the world will change. It also helps workers focus their energy on the process by letting them know when they can expect to receive information and training, and how and when they will have input in the planning process. The ground work is laid for participation. To succeed, it is essential that people become a part of the process and not apart from the process. This is best accomplished by giving affected employees a part to play in the planning and implementation. This accomplishes two important things. It brings people into the process and makes them a true stakeholder. It honors and values their expertise, professionalism, and insight by allowing them the chance to contribute their personal touch to the outcome. Lastly, who are better consultants than those who do the work?

Reinforcing the new beginning can be done in several ways. Be consistent. Many managers make the fatal mistake of implementing a new process or procedure, but rewarding the old. This sends a mixed message. For instance, asking people to buy supplies with their own money while executives are flying first class sends a mixed message. Managers can gain a lot of personal credibility and win staff over by demonstrating consistency in their actions. For instance, if you preach teamwork and reward only individual accomplishment, the stage for a new beginning will not last. Actions speak louder than words. The simple act of taking accountability for making a mistake, especially in light of a new change, can have a huge payoff in terms of respect gained and trust established. In launching a new beginning, the reward system should be consistent with the new management philosophy.

Rewards can be monetary, recognition, time off, additional perks, praise, and awards. Certainly, a new beginning can give rise to creative acknowledgement of a job well done.

## V. Conclusion

With every change, whether minor, major, personal, or organizational, there will be some form of transitional process that, in most cases, leads to the eventual acceptance and integration into the new condition. The transitional model of change can be applied to the organizational and personal worlds of individuals. Change can happen in an instant, whether by design or fiat. People have to transition to that change.



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Transition is a process and takes time. Transition is not the same for everyone. Understand that transition involves acknowledging the ending, where letting go is the focus; moving through the the neutral zone marked by chaos, fear, and resolution; and new beginnings marked by understanding, commitment, and collaborative action.

Change is forever with us and we can not escape it. We grow old and we have to make adjustments. Aging athletes may not be able to compete professionally and will have to come to terms with their physical decline. As they grieve for that which gave them so much, new horizons await. Some find it in continued involvement in athletics on a different level. Some move on to new ventures. It is inevitable, however, that we will have the opportunity to say good-bye to the old and embrace the new. The adage "this too shall pass" always comes in to play.❖

## ABOUT THE AUTHOR

□ **Robert "Bob" Norton** is a Licensed Professional Counselor, Certified Employee Assistance Counselor, and is the Program Administrator for the Executive Office for U.S. Attorney's/United States Attorney's Employee Assistance Program. He has over twenty-seven years post graduate experience in the fields of mental health, substance abuse, employee assistance counseling, and program management. In addition to having worked in several mental health and substance abuse treatment settings, Bob has worked as an employee assistance counselor and program coordinator for the Office of Personnel Management, U.S. Marshal's Service, and the Library of Congress.☞

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# Enhancing Interpersonal Communication

*Robert Norton  
Certified Employment Assistance Counselor  
Employee Assistance Program Administrator  
Employee Assistance Program  
Executive Office for United States Attorneys*

## I. Introduction

Supervisors, managers, and employees often consult with the Employee Assistance Program about conflicts, clashes, confusion, diminished morale, hostility, and overall discomfort with the people in the workplace. Our collective experience points to communication as being the main source of the problem. How and why this is so is as varied as there are people in an organization. Since human beings and, as some would argue, other animal forms have inhabited the earth, communication has been essential in the survival of the species. The survival of an organization is a matter that rests on communication of policies, procedures, and organizational needs to deal with changes and

competition. When there is a breakdown in communication, a host of problems is certain to follow.

This article will address the essence of communication and its importance in the workplace. We will define communication and explore its components; identify factors that influence communication both positively and negatively; discuss the message behind the message observed in nonverbal communication; contrast communication styles, and explore useful tools to enhance interpersonal communication that can reduce misunderstandings, conflict, and stress.

First and foremost, it is important to accept that we are communicating even when we do not intend to do so. For example, while at the shopping mall or a public park, people may engage in people watching. As they observe people walking, talking, or running, they have one thing in common. They are communicating. To the people watcher, messages are being conveyed

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that can give the observer some insight into the world of the one observed.

## II. Components of communication

Communication is defined as an act whereby one or more persons are sending and/or receiving messages; can be distorted by noise (anything that distorts or interferes with communication); occurs within a context; has some effect; and has opportunity for feedback. *Available at* <http://www.mindtools.com/CommSkill/CommunicationIntro.html>.

The definition of communication incorporates several components based on information theory. *Available at* <http://www.cultsock.ndirect.co.uk/MUHome/cshtml/index.html>. According to this construct, communication involves several aspects.

- A source or sender of messages.
- A receiver of those messages.
- A message or information that is transmitted.
- Channels in which the messages are transmitted (visual, auditory, or tactile modes).
- An opportunity for feedback (response by self or others).
- Some desired effect or intentional outcome.

Communication occurs within a context. Context can directly influence the modes, transmission, and reception of communication. One will communicate much differently while greeting people at a funeral than during a night out at the baseball park. The environment and situation defines the behavior and tone of the interpersonal interaction that occurs in diverse situations.

Perhaps one of the biggest obstacles for someone in management is to transition from a coworker relationship, which defines the work situation in one way, to becoming that person's boss. The relationship is altered since the power structure has changed and communication will occur within a new context. An additional factor to consider is that people have unique ways of communicating, given their background, culture, temperament, genetic makeup, life experience, and grasp of the language.

That being said, we come to the concept of noise which is anything that interferes with or distorts communication. *Available at* <http://www.pc.cc.ca.us/pinewood/Module1sprg05.htm>. Noise can consist of any one or combination of the following influences.

- One's cultural background, beliefs systems, experiences, and temperament can have a profound influence over how one communicates.
- Outside influences such as auditory interference (for example, telephones ringing, interruptions from coworkers, radio, or general background noise).
- Visual distractions.
- One's psychological state of mind (elated, depressed, angered, or preoccupied with personal matters).
- One's state of physical health (bad case of flu or chronic illness).
- Attitudes (preconceived) and biases, experiences, command of the language, and as mentioned earlier, context.

Added together with nonverbal cues and styles of communication, especially when dealing with differences and conflict, these distractions can easily lead to miscommunication, misunderstanding, and conflict. Awareness of these influences and their significance in impacting how one communicates is the first step toward improving communication.

## III. Styles of communication

The exciting thing about working with people is that each individual brings his or her own unique style of communicating to the table. For some interpersonal communication, varying styles of communication influence how one deals with issues from conflict to harmony. There are several common types of problem-solving techniques that are alternatives to collaborative problem solving. JOHN BOLTON, *PEOPLE SKILLS: HOW TO ASSERT YOURSELF, LISTEN TO OTHERS AND RESOLVE CONFLICTS* 233-39 (Simon and Shuster 1979). The following are communication styles that typically facilitate, rather than resolve, conflict.

- Denial. For some the conflict is so painful or threatening that they will deny the existence of the problem.

- Avoidance. People will acknowledge a problem, but will go out of their way to avoid conflict or the source of the conflict. They will typically withdraw when strife exists.
- Capitulation. This style is marked by fulfilling other's needs when in conflict with their own needs—usually without a struggle. Habitual capitulation can easily lead to resentment.
- Domination. This style is demonstrated by imposing one's own views and solutions on another. The solution is designed to meet his/her needs at the expense of others. The need may be partially met, but the relationship suffers.
- Collaboration. Collaboration is the most ideal mode of communication. Collaboration is a mode that is direct, open, and honest. The outcome is designed to be mutually beneficial to all parties—a win-win outcome. Collaboration promotes an awareness of interdependence, achievement of common goals, mutual support and understanding, keeps lines of communication open, facilitates trust, and promotes teamwork where all individuals can contribute and be recognized.

#### IV. Elements of communication

The most important communication skill is listening. It stands to reason, that in order to get one's needs met, one has to convey those needs. The receiver (second component) has the important job of listening and hearing what is said. Effective listening involves the entire attention of the receiver. If the conversation is casual or serious, business or personal, listening effectively will give an understanding of what is said.

To be an effective listener, the following skills have been proven to be helpful. Choose a time and place to talk where neither party will be interrupted or distracted. Nonverbal cues will definitely convey whether there is interest or disinterest. Ideal listening involves being physically attentive by sitting quietly facing the person and maintaining eye contact. Giving undivided attention to what is said involves listening to the verbal content and watching nonverbal cues (posture, tone, gestures, spatial relationships, eye contact, and facial expressions). Typically, nonverbal cues will reveal consistency or inconsistency with verbal content.

Inconsistency with verbal content conveys a mixed message which necessitates clarification (to be discussed later). While engaging in conversations, especially concerning workplace issues, people often bring to the table biases, opinions, and preconceived ideas about the issues or the person with whom they are speaking. To optimize listening, it is important to suspend judgments and interpretations and focus on understanding what the person is saying. To ensure that you understand what is being said, periodic paraphrasing or requests for clarification are recommended.

#### A. Active listening

Active listening includes a host of communication techniques designed to enhance understanding and facilitate honest communication. Five basic techniques are paraphrasing, empathizing, clarification, pacing (nonverbal), and giving and receiving feedback.

Paraphrasing is simply restating what has been said either in the receiver's words or parroting back the statement. For instance, one might state; "what I heard you say is...", "so, in your case..." or "if I understand you correctly, you think that. . . ." Paraphrasing can be a powerful tool in that you let the other party know that you have indeed heard what they said and that they have your attention. It can also be used as a basis for clarifying questions.

Empathizing can be a challenge if one does not share the same experiences or perceptions of the sender. However, empathizing with the speaker will work toward facilitating communication and information sharing. Feeling empathy does not mean one has to agree with what is said. Taking a moment to examine the issue from the sender's point of view allows the receiver to have empathy and to glean a clearer understanding of the matter at hand.

Clarification is a technique in which the receiver may ask for more information, or ask what the sender meant by what he or she said. Clarification techniques, such as paraphrasing, demonstrate that the receiver is listening and following what is being said, but lacks understanding or needs more information.

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## **B. Nonverbal communication**

Pacing is a nonverbal technique used by the receiver to send a message that he/she is listening. Pacing is a measured response where a blend of timing and action are employed to let the sender know the listener has his undivided attention. For instance, a slight tilt of the head, a slight lean forward, or a friendly gesture, will typically convey openness and receptivity to the sender, which will facilitate further communication. A discussion of nonverbal communication could fill a separate article since so much has been studied and documented on this subject.

Human beings are separated from the rest of the animal kingdom because of their ability to verbally communicate. What is also evident from both animal and human studies is that what is not said can often disclose the truth. Following listening, nonverbal communication is the most critical element in communication, whether it be in a dyad or within a larger group. Nonverbal communication is a part of all conversation. Certainly, nonverbal communication is subject to the receiver's biases and particular sensitivities. Nonverbal behavior that might trigger a negative response from one person may hold an entirely different meaning to another.

When the discussion of nonverbal communication comes up, most people think of body language, which includes physical posture, facial expressions, hand gestures, and eye contact. The most important aspect of communication is eye contact. People speak of solid eye contact whether engaged in a one-to-one conversation or when speaking to an audience. Two way communication is occurring when the sender is receiving messages (nonverbal acknowledgement) that he is connecting with his/her receiver(s). It is always a dialogue even if the receiver is not speaking. *Available at* <http://www.humorpower.com/art-connecting.html>.

Establishing and maintaining eye contact coupled with a firm handshake can be seen as a sign of confidence and interest. Lack of eye contact and a weak handshake can send the nonverbal message that the individual lacks confidence. Skilled communicators know how to use all these components in concert to effectively make a point, especially in instances where one may issue a directive or apply a persuasive argument.

An individual is also capable of sending a message by doing or saying nothing. Factors to consider in working with people, especially in an increasingly diverse workplace, are culture and ethnicity. Familiarization with the nuances of nonverbal communication, as it applies to people of diverse and familiar cultures and ethnicities, assists in communication. Speakers must be aware that nonverbal communications may be interpreted differently by members of diverse cultures.

## **C. Tone and inflection**

Tone and inflection are often overlooked, but both have an effect on communication. A deep commanding voice may yield different results than a softer, meeker tone, although they may be conveying the same message. By changing the tone or inflection, one can use the same words to convey different meanings. For instance, when asked how one is doing and the direct response is "fine," with little change in tone or inflection, one is left to believe that the person is truly fine. Changing the tone or inflection, however, can take on the sound of sarcasm or hostility that is incongruent with the word, fine. Used in combination, voice, content, body language, and appearance will influence the receiver's interpretation of the message.

## **D. Open and closed questions**

Clarifying statements and questions will typically yield an answer. Asking open questions is the ideal way of gathering necessary information, especially in clarifying misunderstandings or ferreting out additional information. An open question will invite a sentence or paragraph response. For example, "Describe for me please ..." "Tell me what you mean when you say..." or "Please help me understand ..." are excellent questions designed to elicit further information. Open questions begin with "how," "what," "when," "where," and "who," and encourage elaboration.

Closed questions begin with "do" or "are" and invite "yes" or "no" answers that can kill the opportunity for elaboration.

Using the open question technique will yield information that can reduce the incidence of making costly assumptions and will lend more clarity to the conversation. Think of the attorney

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who comes to his legal assistant and tells her that he needs several documents sent to another department or district ASAP. One reaction is for the legal assistant to go on stress autopilot and become overwhelmed at having to perform this task. The legal assistant's definition of ASAP may differ from the attorney's. The assistant should ask some open questions.

- How soon is as soon as possible?
- When exactly do you need this?
- To whom am I to send it?
- How many copies do you need?
- Where should I send it?
- Is there some particular routing you require?

The legal assistant may find that as soon as possible means by three o'clock this afternoon or that it is indeed a rush job. Either way, having a clear idea of exactly what is needed and when it is needed will aid in reducing the stress reaction to this type of situation. Use of these questions will lend more clarity to what is being asked and will reduce the risk of making incorrect assumptions based on a subjective interpretation of a vague concept.

## **E. Spatial relationships**

Spatial relationships or "proxemics" are a very revealing and fascinating aspect of nonverbal communication and greatly influence our daily encounters. There has been a great deal of study and research devoted to this aspect of nonverbal communication. Research supports the hypothesis that intrusion into one's personal space can have adverse effects on communication. Informal space is characterized by a personal zone that varies for individuals and circumstances. The study of spatial territory for the purpose of communication uses four categories for informal space.

- The intimate distance for embracing or whispering (six to eighteen inches).
- The personal distance for conversations among good friends (one and one-half to four feet).
- The social distance for conversations among acquaintances (four to twelve feet).
- The public distance used for public speaking (twelve feet or more).

*Available at* <http://members.aol.com/katydidit/bodylang.htm>.

In the work world, spatial relationships take on a more formal tone, especially when dealing with management/employee relationships. The arrangement of office furniture usually leads to a definitive spatial relationship between the boss and the employee. In this situation, navigating the seas of spatial relationships can reveal the true nature of the relationship. A coworker may step behind the desk of an associate, but does he or she have this leeway with the boss? Perhaps, if they are good friends. A general rule is to observe and ask permission to move into someone else's personal space.

Changing the distance between two people can convey a desire for intimacy, declare a lack of interest, communicate discomfort, or increase/decrease domination. Whatever the case, the research strongly indicates that the violation of personal space can have serious adverse effects on communication. Thus, if there is to be mutual satisfaction in a communication encounter, mutual personal space must be respected.

## **F. Giving and receiving feedback**

Perhaps one of the most challenging tasks of management is giving and receiving feedback. For some, receiving constructive feedback or constructive criticism can be a daunting experience, even when the feedback is designed to assist the recipient in improving a targeted aspect of their performance or conduct. This also poses a challenge for the sender of the feedback. Most people will want to avoid giving negative feedback and risk the incidence of potential conflict. It is important for people in any organization, however, to learn and become responsible for what is expected of them in the commission of their duties. A few rules to help guide those giving feedback are as follows.

- State the purpose of the meeting beforehand so that the recipient will know what to expect.
- Outline an agenda for the meeting to promote buy-in.
- Describe and define the situation objectively and clearly, rather than evaluate it.

Evaluating lends itself to subjective interpretation that may be a set up for debate. What you are trying to accomplish is to share with the recipient

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information that can help them succeed on the job. Although giving feedback can grant some needed relief to the presenter, focus on the value it may have for the recipient. Even if the feedback is not positive, being honest and direct will facilitate receptivity.

- Treat the person to whom you are giving feedback with respect and dignity.

When receiving feedback, much of what was discussed on active listening applies. First, suspend judgment and interpretations. Ask for clarification if you do not understand what is being said. Maintain solid eye contact and professional posture, and take notes where and when you can for clarification purposes. If it gets too uncomfortable, it is appropriate to ask for a time out to compose oneself and reconvene the meeting. If this is the case, chances are both parties could use a break.

- Use of "I" statements when giving feedback will convey personal ownership of the concern while at the same time softening the defensiveness of the recipient and serving as an appropriate introduction to the matter of concern.

Questions such as "Peter, I am concerned that...," or "I was disappointed at the results of..." are good approaches. The initial reaction of the recipient when informed that improvement is needed in conduct or work performance is defensiveness. This is a normal reaction for most people, yet it can detract from the recipient's ability to receive the necessary information. A defensive posture can be exacerbated if the sender decides to point a finger (typically an accusatory, judgmental, and aggressive gesture) citing "you did this... you did that ... or you aren't doing...." This approach conveys a disrespectful tone to the receiver. This does not mean that the sender may not be angered or disappointed regarding the matter at hand, however this approach will do little to achieve the desired results. An effective and positive approach will include incorporating the following techniques in your delivery.

- Be supportive by delivering the message in a nonthreatening manner.
- Make sure the message is clearly stated to include specific references to behavior and performance with a focus on behaviors (not personality) that can be changed to improve the situation.

Helpful feedback is intended to have constructive value to the recipient. Incorporating a considerate (not insulting or demeaning) and thoughtful (organized) approach to presenting feedback will most likely yield the desired results.

The same formula applies to the receiver of feedback. An open and responsive position will enhance listening and receptivity. The receiver should engage the sender and use active listening for clarification and understanding the meaning of the message. Suspend judgment until you have had time to think and digest what has been presented. Lastly, ask for guidance and clarify the expectations of the sender, if necessary.

## V. Management tools

Creating a healthy work environment involves establishing a trusting relationship with the people with whom and for whom one works. The basis for trust is open and honest communication. In most relationships that sour over time, the common denominator is negative communication. Laying blame for communication problems is counterproductive in resolving workplace interpersonal difficulties. Management can take the lead by establishing a few basic principles that will make the workplace a healthier place and advise employees what to do when it looks like there are impending problems that may require guidance. Employees should try to resolve their own problems first, before coming to their manager.

Management's intention to solve employees' problems may be good, but it is often the wrong thing to do. It is better to establish the expectation that employees are adults who should work things out with their coworkers. If employees are not encouraged to solve their problems with others, they will be more than happy to let management take the responsibility for resolving all personnel issues. They will also watch and critique the supervisor's performance. Further consequences may include an increase in intensity of the conflict because the coworker believes they have been "tattled" on. Once management becomes involved in the first situation, they will find employees lined up at their doors expecting management to "fix" the problem. Frankly, this is an inefficient use of precious time.

Managers can use complaints as an opportunity to teach their employees how to handle conflicts, rather than jump in and do it for

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them. Teach employees by asking the following questions.

- What have you said or done thus far?
- Why do you think he is angry with you?
- How has it affected the customer?
- What do you think you could do that would help solve this?
- What could you say to him?

Guide employees through the thought process of accepting their responsibility, their approach to conflicts, and what they said to the other person. Role playing may help the employee to verbalize thoughts and feelings. Ask the person to report back once they have completed the conversation. This guarantees that they follow through and provides another opportunity to help them with the next step.

Do not choose sides in a conflict. If it is discovered that the complainer played a part in the conflict, the next step would be to determine if that person takes responsibility for his or her actions. The best strategy is to get out of the office and actually observe the climate of the organization. Secondary complaints are usually a sign that you are too removed from what is going on.

Employee complaints to management requesting action against a coworker, but asking for anonymity, may set management up for splitting and triangulation. This can put the supervisor at odds with both parties and in a no-win situation. If management takes responsibility for the anonymous complainer, the situation is made worse. The offending party will want to know which employee complained and what was said. It is human nature to want to know who complained and to confront them. The employee will be suspicious, distrustful, resentful, and hostile toward the team and management.

If this situation arises in your organization, suggest that the offended party make the first attempt to discuss the problem directly with the other employee(s). Let him know he can count on help and support in resolving the issue. If the situation does not improve, management may need to step in. If they do not feel abandoned, the complainers may be more willing to take steps to resolve the problem on their own. Typically, they will feel better for taking the responsibility themselves.

## VI. Conclusion

Effective communication can be summed up by the following behavioral skills that can easily be employed.

- Solid eye contact.
- Good posture.
- Natural gestures.
- Appropriate dress and appearance.
- Voice and vocal variety.
- Effective use of language and pauses.
- Active listening.
- Effective use of humor.
- Being receiver centered.
- Checking perceptions with trusted colleagues.
- Avoiding absolutes (black/white thinking).
- Knowing and being one's natural self.

Good communication skills require a high level of self-awareness. Understanding personal styles of communicating will go a long way toward helping to create good and lasting impressions on others. *Available at* <http://www.mindtools.com/CommSkill/ActiveListening.htm>.

Understanding other's perception allows people to more readily adapt to other styles of communication. Additionally, knowing what you want is one of several key steps toward enhancing effective communication. This will be defined by the context (formal/informal, work/recreation/home, for example). Speakers should pay close attention to their behavior, as well as that of the people to whom they are speaking. Be aware of the spatial relations and boundaries as they can define the nonverbal tone of interaction. Be flexible in communication and response. Self examination and feedback from trusted colleagues and friends may give valuable information that will enhance communication skills. In addition, suspension of judgment will increase the chance that the desired message will be heard.

Making the personal commitment to improve communication will require one to examine all elements of communication and be open to making changes where needed. Lastly, studies have shown that when communicating, approximately 55 percent of people respond to

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what they see, 35 percent respond to the sound of the voice, and 7 percent respond to what is actually said. Available at <http://www.minoritycareernet.com/newsletters/95q3nonver.html>. We cannot ignore the impact and influence of nonverbal communication. It is evident that the act of communication involves a complex integration of spoken words and a host of nonverbal behaviors and cues that convey messages to one another. ❖

## ABOUT THE AUTHOR

□ **Robert "Bob" Norton** is a Licensed Professional Counselor, Certified Employee Assistance Counselor, and is the Program Administrator for the Executive Office for U.S. Attorney's/United States Attorney's Employee Assistance Program. He has over twenty-seven years post graduate experience in the fields of mental health, substance abuse, employee assistance counseling, and program management. In addition to having worked in several mental health and substance abuse treatment settings, Bob has worked as an employee assistance counselor and program coordinator for the Office of Personnel Management, U.S. Marshal's Service, and the Library of Congress. ☒

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# Grief in the Workplace: Suggestions for Colleagues and Managers

*Eileen Grady, LICSW  
Deputy Administrator  
Employee Assistance Program  
Executive Office for United States Attorneys*

## I. Introduction

Why do bad things happen to good people? That is the central question addressed by Harold Kushner in his 1981 book which he wrote following the illness and death of his young son, Aaron. HAROLD S. KUSHNER, *WHEN BAD THINGS HAPPEN TO GOOD PEOPLE* (Anchor Books 1981). It is the same question we often ask ourselves and each other following the death of a beloved family member, friend, or colleague. With any loss, grief can hit us like a sucker punch, taking our breath away as we strive to acknowledge what has happened. When loss occurs in the workplace, the blow can be particularly acute because it feels so very out of context. Work is generally thought of as somewhat predictable chaos—a place where we do not expect an emotional onslaught. This article addresses some of the effects of experiencing loss

at work and offers suggestions for regaining office and individual equilibrium.

## II. Grief as a process

The words grief, mourning, and bereavement are often used interchangeably. Bereavement is experienced as the condition of having been robbed, of having lost. Grief is the emotional response to that loss. It involves a process of realization. Mourning is that realization coupled with one's adaptation to it. The words themselves are not as important as the recognition that all involve a process that follows the initial assault to our senses, to our world.

Although loss is intrinsically a part of the life cycle, it sneaks up on us and catches us unaware. This is often the case when we experience grief at work. Work involves skills, functions, mission, and routine. We get a large portion of our self-esteem at work by utilizing our strengths. Because of this, many workers check emotions at the door. At the same time, many spend more hours of the day and week at work than at home and colleagues often become one's second family.



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When a colleague dies, particularly if his or her death is sudden, we feel especially shocked and very vulnerable. It may feel as if there is no where to go to escape.

Grief is a natural process, a fact, and a necessity rather than a weakness or a luxury. It is complex and mystifying, an issue which societies (particularly western societies) have struggled to realize throughout the ages. It is a relatively recent topic of discussion in the health care and mental health arenas. Elisabeth Kübler-Ross' 1969 book, *ON DEATH AND DYING*, was the seminal work on the stages of the grief cycle. According to the Kübler-Ross model, those who are grieving experience five stages.

- Denial.
- Anger.
- Bargaining.
- Depression
- Acceptance.

ELIZABETH KUBLER-ROSS, *ON DEATH AND DYING* (Scribner 1969).

John Bowlby developed a similar grief model using four stages.

- Initial numbing (that usually lasts from a few hours to a week and may be interrupted by outbursts of extremely intense distress and/or anger).
- Yearning.
- Disorganization and despair.
- Reintegration or organization.

1 JOHN BOWLBY, *ATTACHMENT AND LOSS* (2d ed. 1982).

Many similar models exist, and they can give the false impression that the transition through grief is smooth and fits predictable patterns. Discussions with grieving individuals have helped us to better appreciate that grief feels more like the ebb and flow of a violent surf. Waves of grief crash down before there is a chance to recover from the previous onslaught. Over time those jolts become more manageable, but people do not cycle through grief as we previously imagined. Grief is a process that, at the very least, takes time. Some try to deny or escape the process, but it catches up with them eventually, often resurfacing in more complicated and troubling ways.

### III. Grief reactions

Grief reactions vary from person to person. How one grieves is affected by many things, including the following factors.

- Your relationship with the deceased.
- Other losses you have experienced.
- Your cultural/family practices.
- Your religious/spiritual beliefs.
- Other stresses in your life.
- How you cope with things in general.

It is imperative to remember that no two grief reactions are the same. Because we often do not know the full extent of another's grief experience, we should be careful not to judge whether another is grieving enough, too much, or as we think they should. We each grieve for whom we have lost, what we have lost, and what we have lost for the future.

People who have lost colleagues experience grief in many ways. *Available at* <http://www.lib.law.washington.edu/hazelton/article-grieving.doc>. Most grief reactions start with denial, shock, or disbelief—coping mechanisms which help prepare us to absorb the unimaginable reality with which we have been faced. When that initial shock wears off, reactions include behavioral, cognitive, spiritual, emotional, and physical realms.

#### A. Behavioral

Common experiences of people who have encountered a loss include how they act or behave.

- Low self-confidence.
- Lack of energy.
- Little social interest.
- Diminished interest in communicating.
- Decreased ability to make plans or decisions, or to act.

#### B. Cognitive

Cognitively, people find themselves making more mistakes, such as locking oneself out of the car or misspelling one's own name. Cognitive expressions of loss reflect a temporarily altered

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use of our analytical abilities. Common experiences include the following.

- Decreased ability to concentrate.
- Difficulty imagining the future.
- Concerns of forgetting the past.
- Sense of triviality about everyday life.
- Absorption with the finality of loss.
- Inability to understand why or what happened.
- Focus on the consequences of the loss.

### **C. Spiritual**

Additionally, grief is often experienced on a spiritual level. Our soul or spirit is deeply affected by loss, which may result in a number of symptoms.

- Feelings of emptiness/meaninglessness.
- Loss of faith or questioning of beliefs.
- Need to reassess life's significance.
- Loss of sense of self.
- Inability to see positives.
- Awareness of life's fragility.
- Profound feelings of aloneness or despair.

### **D. Emotional**

"No one ever told me that grief felt so like fear. I am not afraid, but the sensation is like being afraid." C.S. LEWIS, *A GRIEF OBSERVED* (Harper 1961).

In addition to a sense of fear or anxiety, emotional reactions commonly associated with loss are numerous.

- Numbness.
- Sadness.
- Longing/yearning.
- Apathy.
- Helplessness.
- Agitation.
- Emptiness/loneliness.
- Disconnectedness to anyone/thing.

- Anger (at oneself, at the deceased, at management, at the world for not stopping).
- Guilt or shame associated with feelings of powerlessness.

### **E. Physical**

Our physical self is not immune from loss. Physically, people describe feeling worn out, wrung out, sluggish (as if they were wading through jello or peanut butter), and nauseous, as well as numerous other afflictions.

- Chest pains.
- Headaches.
- Fatigue/exhaustion.
- Restlessness.
- Numbness.
- Crying, sobbing, sighing.
- Eating and sleep disturbances.

Grief does not occur in each of these realms independently. We experience many of these areas simultaneously. This can lead to periods of exhaustion and self-doubt. It is important to note that, at the same time, the initial denial may resurface. When we hear the deceased's voice in the hallway or are sure we recognize their footsteps, our brain and heart are still struggling with the finality of our loss. This is a very normal reaction, which can feel both disturbing and comforting. Also, it is not uncommon to hear that those grieving experience anxiety about the deceased being forgotten. They are sometimes worried that they will forget the face or the voice of their friend or family member. They may feel resentful that others are moving on too soon. Working through the process of grief does not mean we no longer love the person who died or that we no longer care. It can mean that we are trying our best to honor their memory so that we can continue our lives with what we have learned from them.

## **IV. Suggestions for coping with grief at work**

In the workplace loss is experienced in many ways.

- The death of a coworker after a long illness.

- The sudden death of a coworker.
- Sudden catastrophic death caused by the terrorist attacks of September 11th.

All of these losses have a consequence in a workplace and need the attention of every member of the organization. *Available at* <http://www.lib.law.washington.edu/hazelton/article-grieving.doc>.

The following suggestions have been compiled by the author in working with employees in the United States Attorneys' Office community following the tragic losses of many esteemed colleagues.

**A. Do not second guess yourself.** Try not to judge your past interactions with your colleague based on what you know now. If you feel there are conversations to be remedied or things left unsaid, consider writing them down or writing your friend a letter. Tell him or her what is in your mind and heart. This is often a useful tool for forgiving oneself.

**B. Do what gives you comfort.** Some will feel their way through grief, others will think their way through it, others will "busy" (activity is often helpful to men when they are grieving) their way through it. Find what works for you.

**C. Support each other—talk and listen.** Talking will release the adrenaline surges your body has experienced vis-à-vis the trauma of losing your colleague. Talking provides a means for organizing your emotions and regaining a sense of control over them. Recognize, though, that talking will not feel comfortable for all. Give those around you the room to grieve in their own ways.

**D. Defer to your colleague's family.** One person in your office (or a few) may act as a point of contact. Follow the family's lead about how much contact they want. Give them time to decide what they want to do about funeral or memorial services before moving forward with an office memorial. Remember, though, nobody complains of having received too many sympathy cards or condolences.

**E. Offer logistical assistance.** It helps to feel useful. Talk with each other about what you can do for the family. Bring food? Take care of yard work? Assist with funeral preparations? Rather

than ask generally what you can do, offer suggestions while being mindful of the above.

**F. Watch platitudes.** Give advice to others who are grieving very cautiously. If you are not sure what to say, offer condolences. Say "I'm sorry" and let others know how much you cared for or admired your colleague and how much they will be missed.

**G. Write to your colleague's family and to yourself.** Family members cherish books of letters, notes, and photos sharing fond memories and touching anecdotes. These can be particularly meaningful for children. In addition, journaling is emotionally and physically cathartic.

**H. Take care of yourself physically.** Grief is extremely taxing physically and suppresses the immune system. Remember to eat. Drink lots of water. Watch caffeine, nicotine, and alcohol intake.

**I. Continue your routine.** This can help regain your identity, your role, and your sense of safety and normalcy.

**J. Be gentle with yourselves and with each other.** Do not judge how others are reacting. Some will show their emotions, others will not. Some will attend services, others will not. Again, we all react in different ways and there is no right or wrong way.

**K. Cry or laugh.** Both provide the same physiological release. We all need to provide our bodies that kind of momentary respite.

**L. Pray. Meditate. Read.** Do what brings you a moment of peace.

**M. Focus on what you want to remember about your colleague.** Write it down. Post it somewhere visible in your work space.

**N. Allow yourself to slow down.** Grief takes more energy than we would ever have imagined and the need to recharge one's battery is universal.

**O. Watch for unguarded moments.** Grief often sneaks up on people while driving, or at the grocery store, while completing mundane tasks, or early in the morning. All of these reactions are very normal, but can be startling.

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**P. Watch the "whys."** Try to ask yourselves "what" or "how" instead. How can we get through this? What can we do to honor our colleague? What do we want to ensure that this community remembers about him or her?

**Q. Ask for help.** This can come from friends, colleagues, family, the clergy, or mental health professionals.

## **V. The role of managers in grief response and recovery**

In addition to working through their own grief, managers have the added concerns of caring for their grieving employees. The following, compiled by Mary Tyler are recommendations for managers in assisting their staffs to navigate through the loss of a beloved colleague. MARY TYLER, UNITED STATES OFFICE OF PERS. MGMT., HANDLING TRAUMATIC EVENTS: A MANAGER'S HANDBOOK (1996).

**A. Stay firmly in charge.** Let all employees know that you are concerned and doing all you can to help them. You represent the organization to your employees and your caring presence can mean a great deal in helping them feel supported.

**B. Ask for support from higher management.** Relief from deadlines can help make it easier for you to focus on helping your employees and your organization return to normal functioning.

**C. Don't keep a stiff upper lip or advise anyone else to do so.** Let people know, in whatever way is normal for you, what you are feeling. Since you can function rationally in spite of your strong feelings, they know they can do likewise.

**D. Share information as soon as it is available.** Do not be afraid to say I do not know. It will show that you care and that you are paying attention. As a result, it will lessen others' anxiety.

**E. Reach out to family members.** As noted earlier, designate a point of contact so the family is not overwhelmed with calls.

**F. Contact all employees.** Reach out to those who are on leave or on travel.

**G. Give people a private place to mourn.** Leave the deceased's office or work space as much intact

as possible and consult with staff before turning it over.

**H. Ask for support from your Employee Assistance Program (EAP).** Bring them on site. Also, encourage your employees to access services as a way of preserving health.

**I. Encourage employees to talk about their painful experiences.** Again, set a positive example by expressing your feelings openly.

**J. Build on the strengths of the group.** The more you have done to build a cohesive work group and to foster self-confidence in your employees, the more your staff can help one another in a crisis.

**K. Get back to the work routine in a way that shows respect for the deceased.** Be aware of the healing value of work. Getting back to the daily routine can be a comforting experience. However, the process of getting a staff back to work is one which must be approached with great care and sensitivity. The process must be handled in a way that shows appropriate respect.

**L. Honor the deceased.** After the family has had an opportunity to organize a funeral or memorial service, consider a district ceremony to honor your colleague. Again, involve those closest to the deceased and ask for everyone's input. A memorial service, dedication of a conference room or a park bench, planting of a tree, and development of a scholarship fund or award, are examples of ways to honor and preserve the memory of a beloved colleague.

## **VI. Conclusion**

"I think of Aaron and all that he has taught me, and I realize how much I have lost and how much I have gained. Yesterday seems less painful, and I am not afraid of tomorrow." In a time of grief, we all struggle with unanswerable questions. Our hope in the face of tragedy is how we struggle together. HAROLD S. KUSHNER, WHEN BAD THINGS HAPPEN TO GOOD PEOPLE 162 (Anchor Books 1981).❖

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## ABOUT THE AUTHOR

□ **Eileen Grady** is a Licensed Clinical Social Worker, as well as the Deputy Administrator of the Executive Office for United States Attorneys Employee Assistance Program (EAP). She came to the Justice Department in 1998 following ten years as a social worker for the United States Navy, Marine Corps, and Army, providing mental health services for military personnel and their families in the areas of domestic violence, child abuse and neglect, rape and sexual assault, and addictions. She started EOUSA's EAP in 1999 and has extensive experience in trauma and grief response.✉

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# Stress in the Workplace: Causes and Solutions

*Eileen Grady*  
*Licensed Clinical Social Worker*  
*Deputy Administrator*  
*Employee Assistance Program*  
*Executive Office for United States Attorneys*

*Ed Neunlist*  
*Licensed Clinical Social Worker*  
*Employee Assistance Program*  
*Executive Office for United States Attorneys*

## I. Introduction

Stress is a universal condition. We have all experienced it. An anonymous quote sums up common feelings about stress: "Stress is when you wake up screaming and realize you haven't fallen asleep yet." Dr. Hans Selye (1926) formulated the first clinical definition of stress as "the non-specific response of the body to any demand made upon it." HANS SELYE, *THE STRESS OF LIFE I* (McGraw-Hill 1956).

Stress can occur as a result of positive and negative experiences. The joy you experience when you win a trial or see a loved one, the

excitement you feel when watching a favorite sporting event, or the happiness from a visit with an old friend are all stress reactions. In each of these situations your heart beats faster, your emotions peak, and you experience a surge in adrenalin, all of which are normal symptoms. Because these are positive situations, you may not think of them as stressful. Without some degree of stress, to either motivate or activate your self-protection instinct, you could not survive. When feelings of stress become chronic, you begin to feel anxious, may become irritable or moody, and can develop physical symptoms.

## II. Eustress versus distress

Eustress, often referred to as "good stress," is the stress which everyone needs to function properly on both emotional and physical levels. Eustress provides the shot of adrenalin needed to finish a project at work or motivates you to perform a task you dislike. In these situations, when something is viewed as manageable, the body reacts accordingly and keeps the person alert, rather than alarmed. Eustress is regulated by both emotional and situational processes. By evaluating the potential benefit of a given task or

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situation, emotional regulation provides the passion or energy needed. Situational regulation involves breaking the task or situation into manageable steps, and providing internal feedback in order to stay on task, evaluate progress, and instill confidence. Relying on past experience, both positive and negative, assists in both types of regulation. *Available at* <http://www.Eustress.org>.

Distress, often thought of as "bad stress," can be triggered whenever life's demands exceed the perceived ability to cope with them. In a situation of distress, the activation of the sympathetic nervous system (a critical part of the general nervous system) mobilizes a person for quick action. The more an individual senses danger (social or physical), the more the body reacts. Distress triggers what has been called a "fight or flight" reaction. This reaction was very important in past times when our ancestors were frequently faced with life or death situations. In current times, such life and death scenarios are not as common. Yet an individual may react to many daily situations as if they were life or death issues. The human body does not know the difference between a saber-toothed tiger and an employer correcting our work. It is how the events of life are perceived and interpreted that dictate how the body reacts. If we think something is very scary or worrisome, our bodies react accordingly. Distress is often what people are experiencing when they talk of feeling stressed at work.

There is a third type of stress called Post-Traumatic Stress that can result following the experience or witnessing of life-threatening events such as terrorist attacks, military combat, natural disasters, serious accidents, or violent personal assaults. Post-Traumatic Stress is beyond the scope of this article, but additional information on Post-Traumatic Stress and Post-Traumatic Stress Disorder (PTSD) is available by contacting the authors.

### III. Stages of stress reactions

The way we react to stress is very predictable. In 1936, Selye identified what has become universally known as the General Adaptation Syndrome (GAS). The GAS describes the body's response (particularly that of the hypothalamic-pituitary-adrenal axis) to emotionally challenging stimuli (perceived stressors) and includes three phases.

- Alarm—Once confronted with an initial stimulus, or stress-producing situation, the body reacts automatically and decides whether to fight or to flee. As we move into the "fight or flight" mode, the respiration rate increases, shallow breathing ensues, the heart beats faster, stomach muscles release additional stress hormones, pupils dilate, perspiration increases, capillaries constrict, and the individual may begin to experience restlessness, anxiety, fear, and anger.
- Adaptation—In full "fight or flight" mode, the body tries to cope, adapts to stress and begins the process of repairing any damage caused. If the stress can be overcome (for example, the threat withdraws or is scared away) or is determined to be eustress, the biological reactions begin to diminish and the emotional resistance to the stressor is increased. If the threat remains, or if the body remains in a state of distress, we may begin to deny our feelings of fear and anxiety, suffer emotional isolation, and experience a narrowing of interests (for example, pinpoint focus on the situation at hand).
- Exhaustion—If there is no relief from stress and the body and mind cannot repair the damage, emotional and physical symptoms may include chronic frustration, anger, depression, interpersonal problems (coworkers, friends, and family), health problems, declining performance, substance abuse, and feelings of meaninglessness. At this stage, it can be very helpful to seek professional counseling.

If the experience of stress continues through and beyond the exhaustion stage, burnout may result, characterized by psychosomatic illnesses (psychological/emotional distress which is manifested physically), fatigue, digestive problems, headaches, teeth grinding, high blood pressure, heart attacks, and strokes. At this point, counseling and medical assessment are strongly recommended.

### IV. Stress at work

Although we experience stress in all aspects of our life, the stress we experience at work is unique in that it happens when there is a conflict between job demands on the employee and the amount of control the employee has over meeting these demands. In other words, the combination of

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high demands in a job and a low amount of control over the situation can lead to feeling distressed.

L.R. Murphy reported that workplace stress can result from a number of situations, either individually or in combination. 2 L.R. MURPHY, OCCUPATIONAL STRESS MANAGEMENT: CURRENT STATUS AND FUTURE DIRECTION IN TRENDS IN ORGANIZATIONAL BEHAVIOR 1-14 (1995).

- Factors unique to the job—workload (overload and underload), pace/variety/meaningfulness of work, autonomy (for example, the ability to make your own decisions about your job or specific tasks), shift work/hours of work, physical environment (such as noise or air quality), isolation at the workplace (emotional or working alone).
- Role in the organization—role conflict (conflicting job demands, multiple supervisors/managers), role ambiguity (such as lack of clarity about responsibilities or expectations), level of responsibility.
- Career development—under/over-promotion, job security (lack of job security either from the economy or a lack of tasks or work to do), career development opportunities, overall job satisfaction.
- Relationships at work—with supervisors and/or coworkers and subordinates, threats of violence or harassment (threats to personal safety).
- Organizational structure/climate—participation (or non-participation) in decision-making, management style, communication patterns.

## V. Surveys of workplace stress

The National Institute for Occupational Safety and Health (NIOSH), the federal agency responsible for conducting research and making recommendations for the prevention of work-related illness and injury, summarized findings obtained in the 1990's in large surveys by Northwestern National Life Insurance Co., Princeton Survey Research Associates, St. Paul Fire and Marine Insurance Co., Yale University, and The Families and Work Institute and reported the following.

- 40 percent of workers reported their job was very or extremely stressful.
- 25 percent viewed their jobs as the number one stressor in their lives.
- 75 percent of employees believed that workers have more on-the-job stress than a generation ago.
- 29 percent of workers felt quite a bit or extremely stressed at work.
- 26 percent of workers said they were "often or very often burned out or stressed by their work." *Available at* <http://www.cdc.gov/niosh/stresswk.html>.

More recently, in 2000, the annual "Attitudes in the American Workplace VI" Gallup Poll sponsored by the Marlin Company resulted in similar findings.

- 80 percent of workers felt stress on the job, nearly half said they need help in learning how to manage stress, and 42 percent say their coworkers need such help.
- 14 percent of respondents had felt like striking a coworker in the past year, but did not.
- 25 percent have felt like screaming or shouting because of job stress. *Available at* <http://www.stress.org/job.htm>.

## VI. Effects of workplace stress

In September 2003, The Center for the Advancement of Health in "Facts of Life: Issue Briefings for Health Reporters" reported a number of interesting conclusions. *Available at* <http://www.cfah.org.htm>.

- Workplace stresses can double the rate of death from heart disease, according to a 2002 study of 812 healthy employees.
- Workers who have little control over their jobs are up to 50 percent more likely to die during a period of five to ten years than workers who have high-stress jobs, but more decision-making responsibilities.
- Office workers, who are exposed to low-level office noises, including quiet conversations, have higher levels of the stress hormone epinephrine than those working in silent offices.

- Clerical workers show more signs of biological stress during the workday than those in executive or more senior positions.
- Work-related stress (including job insecurity) and fatigue may increase the risk of cold, flu, and stomach inflammation. In one study, employees in demanding jobs developed colds 20 percent more often than those in less demanding positions.

What about the economic cost of stress in the workplace? The American Institute of Stress (AIS) estimates that up to a million workers in the United States are absent daily due to stress, and AIS president Dr. Paul Rosch states, "We estimate it costs American industry \$300 billion a year in terms of diminished productivity, employee turnover and insurance." *Available at* [www.stress.org/job.htm](http://www.stress.org/job.htm). One of the biggest expenses an organization has is the cost of health care, and job stress is a key driver of health care costs. According to the Journal of Occupational and Environmental Medicine, health care expenditures are nearly 50 percent greater for workers reporting high levels of stress. *Available at* <http://www.cdc.gov/niosh/stresswk.html>.

## VII. Identifying stress

As stated previously, the human body's biological reaction to perceived stressors is an automatic response designed to protect and support it. In order to maintain both a physical and emotional sense of stability, an individual's body is constantly adjusting to his or her surroundings. When a physical or psychological event threatens this equilibrium, the human body reacts to it. These reactions can be seen physically, via emotions and behavior, and in cognitive functioning. The following are possible reactions to stressful situations.

- Physical—pounding heart, headaches, sweaty palms, indigestion, skin rashes, shortness of breath, holding breath, cold hands, sleeplessness, oversleeping, fatigue, nausea, diarrhea, gastrointestinal distress, tight muscles, and pain.
- Emotional—moodiness, irritability, depression, anxiety, lack of sense of humor, abrasiveness, hostility, nervousness, and emotional volatility.
- Cognitive—forgetfulness, loss of concentration, poor judgment,

disorganization, fuzzy perception, confusion, lack of interest, and negative self-talk.

- Behavioral—increased smoking, aggressive behaviors (such as road rage), increased alcohol or drug use, carelessness, undereating, overeating, withdrawal, listlessness, hostility, accident proneness, nervous laughter, compulsive behavior, and impatience.

If these symptoms seem familiar to you it may be time to take a personal stress inventory and consider developing a new stress management plan.

## VIII. Optimizing stress

A very simplistic approach to optimizing stress might be to "tough it out" and march on. It is certainly understandable to think of stress as a reason for not pushing harder. High performance at work, however, may require continued hard work in the face of high levels of sustained stress. The strongest and most flexible position in these situations is to actively optimize stress so as to produce high quality work over a long period of time in a reliable manner. If this is the case, it is essential to identify the type of stress being experienced and implement effective strategies for optimizing the positive benefits of the stress, while at the same time minimizing the negative consequences resulting from too much stress.

If the stress is short term, such as that associated with a trial, a deadline, a difficult meeting, a sporting event or other type performance, or a confrontational situation, the emphasis is on short-term management of adrenaline to maximize performance. In these situations, the level of stress under which a person operates is important. If an individual is not under enough stress, he or she may find that their performance suffers because of boredom or lack of motivation. If an employee is under too much stress, they may find that their results suffer as stress-related problems interfere with their performance. In the middle, at a moderate level of stress, there is a zone of best performance. If it is possible to stay within this zone, the employee will be sufficiently aroused to perform well without being overstressed and unhappy.

The zone of best performance is different for different people. Some people may operate most effectively at a level of stress that would leave other people either bored or in pieces. It is



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possible that someone who functions superbly at a low level might experience difficulties at a higher level. Alternatively, someone who performs only moderately at a low level might perform exceptionally well under extreme pressure.

If the stress is long term, and fatigue and high adrenaline levels are maintained over a long period of time, it can lead to degraded performance. Optimizing stress should focus on the management of fatigue, health, energy, and morale. This includes three phases. During the first phase, the level of stress and the time under stress are increasing, but the individual is able to face challenges with plenty of energy. The person's response will probably be positive and effective. During the second phase, the level of stress continues to increase as the time under stress increases, but the quality of work begins to decrease. The employee begins to feel seriously tired, anxious, frustrated, and upset. During the third phase, a point is reached where functioning and performance drop dramatically. The individual will ultimately experience depression, burnout, and other serious stress-related illness. In order to optimize the stress in an increasingly stressful situation for long periods of time, make sure appropriate steps are taken to keep healthy, be aware of morale, and seek assistance from mental health professionals, if needed.

People move between stages at different speeds and under different stress conditions. In addition to paying attention to stress levels, pay attention to the stress under which other people operate. As a manager seeking to improve productivity, failing to monitor stress may mean that employees are driven into depression or burnout. If this is a danger, reduce stress long enough for them to recover and reconsider the pace management is setting.

## **IX. Managing stress and building resiliency**

We think of stress and the need for an effective way of managing stress as a result of the trials and tribulations of modern times. The Greek philosopher Epictetus, however, showed great insight into stress and stress management a very, very long time ago when he observed that "Men are disturbed not by things but by the views they take of them." *Available at* <http://www.cdc.gov/niosh/stresswk.html>.

Stress is the body's response to a perceived threat to well-being. It is not the event itself which is stressful, but the body's response to the event. The manner in which we perceive an event, or our perspective, is the primary factor in how we react to a given situation and how we cope once we begin to experience a stress-related reaction. For example, if we perceive a particular person or situation as dangerous, harmful, or threatening, we will respond by mobilizing our stress response system (GAS). If, on the other hand, we view the same person or situation in a nonthreatening way, we may have a positive outlook and not activate our GAS in the same way. We often find ourselves in situations where we have very little or no control over events, but we do have control over how we perceive or interpret those events.

Our system of beliefs will also generally affect the emphasis we put on a potential stressor and may dictate what we feel are appropriate responses to the situation. We generally form our belief systems at a young age. Some people may believe that they are quite good at handling small hassles and major stressors. Others may believe that they are quick learners who can improve their stress management skills. These beliefs contribute to one's temperament or constitution and play a significant role in how one views, is affected by, and copes with difficult situations.

Because there are numerous situations both at work and in life which are beyond control, and because we can not make stressors disappear, building resiliency is a critical component in steeling one's self for the impact of chronically stressful challenges. The following are offered as practical suggestions for managing stress, strengthening resiliency, and improving performance.

- Develop awareness of the stressors in life and the methods used to react to stressful situations. Take control.
- Plan the day. How do you spend your time and how do you want to spend it? What is urgent and what is important? Prioritize action items and assess your high and low productivity times. Next, be prepared for that plan to change. STEVEN COVEY, *FIRST THINGS FIRST* (Free Press 1994).
- Evaluate the work space. Organize existing clutter and make it a physically comfortable place to work.

- Exercise is one of the most effective stress management tools in behavioral medicine. Find something enjoyable and make it a priority. Run, walk, swim, lift weights, hike, play tennis, golf, or a team sport, take martial arts and exercise classes. Yoga provides the added benefit of relaxation, visualization, and meditation.
- Practice good nutrition. Lighter, healthier meals yield excess energy. Increase consumption of fruits and vegetables—even by one serving per day. Watch caffeine intake and drink lots of water.
- Take a real lunch break. Where lunch is eaten is sometimes as important as what is eaten. Productivity studies show that taking a one hour lunch break results in sustained quality work.
- Sleep. Take an active role in developing a new sleep strategy, if problems exist in this area.
- Limit consumption of alcohol and other drugs. Alcohol, although viewed by many as a great stress reliever, charges high interest rates. Sleep disturbances, fatigue, irritability, and malaise are only the beginnings of the price paid the next day. Also, review all medication with a physician on a regular basis to ensure that maximum benefit is achieved with minimal side effects.
- Identify strategies for dealing positively with negative situations (what is learned from this situation, this encounter, this mistake?).
- Do not "catastrophize." Keep challenges and pressures in perspective. Remember, thoughts control feelings rather than the reverse.
- Surround yourself with positive people. Resist the temptation to participate in office gossip. This contributes to feelings of chronic stress and resentment.
- Delegate one task a day whenever possible.
- Keep a calendar. In addition to prioritizing work tasks, projects, and deadlines, schedule time for exercise, leisure, and life outside the office. In today's busy world, what is not written down is not viewed as important and, as such, does not get done.
- "Just say no." Too many commitments lead to stress overload, resentment, and burnout.

Reduce stress by learning to gauge the number of commitments that are comfortably handled.

- Impose a quitting time. It is commonly heard that no one says on their death bed that "I wish I had spent more time at the office." Plus, productivity drops to levels of diminishing returns at the end of the day.
- Seek progress, not perfection. Avoid blame of others and self.
- Remember the healing power of humor. Do not take yourself too seriously. Laugh at yourself and with others.
- Read, write, meditate, or pray. Find that which helps you breathe more comfortably.
- Ask for help from colleagues, supervisors, family, friends, clergy, and mental health professionals. Call your Employee Assistance Program for confidential assistance in developing a personalized stress inventory and stress management plan.❖

#### ABOUT THE AUTHORS

❑ **Eileen Grady** is a Licensed Clinical Social Worker, as well as the Deputy Administrator of the Executive Office for United States Attorneys Employee Assistance Program (EAP). She came to the Justice Department in 1998 following ten years as a social worker for the United States Navy, Marine Corps, and Army, providing mental health services for military personnel and their families in the areas of domestic violence, child abuse and neglect, rape and sexual assault, and addictions. She started EOUSA's EAP in 1999 and has extensive experience in trauma and grief response.

❑ **Ed Neunlist** is a Licensed Clinical Social Worker. He joined the Executive Office for United States Attorneys Employee Assistance Program (EAP) as an EAP Counselor in September 2003 after almost ten years working for the Navy as part of its Family Advocacy Program. He has worked in the United States and overseas in the field of domestic violence.Ⓜ

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# Domestic Violence in the Workplace

*Ed Neunlist  
Licensed Clinical Social Worker  
Employee Assistance Program  
Executive Office for United States Attorneys*

*Domestic violence is not a "gender neutral" issue. While it is true that men can be, and are victims of domestic violence, it is noteworthy that in 2001 the U.S. Department of Justice's Bureau of Justice Statistics reported that 85 percent of all surveyed victims of intimate partner violence were women, domestic violence is the leading cause of injury to women, and three in four homicide victims who were murdered by their intimate partners were women. The research and statistics sadly show that the clear majority of victims are women and the clear majority of offenders are men. Although there is no desire to deny or minimize the pain male victims of domestic violence experience, it would be disingenuous, inaccurate, and overly cumbersome to use "he/she" for both victims and offenders of domestic violence throughout this article. For those reasons, victims will be referred to as "she" and offenders as "he."*

## I. Introduction

Domestic violence is most often portrayed in our society as taking place in the bedrooms, living rooms, and kitchens of our homes. However, domestic violence does not stay at home when the victim goes to work and, as a result, domestic violence has begun showing up more frequently in the workplace. Domestic violence enters the workplace via unwanted or threatening phone calls, unwanted and unexpected visits from the offender, and actual incidents of violence.

Lethality of domestic violence is difficult to predict, but there is general consensus that the violence increases when the victim leaves or attempts to leave the relationship. Once a couple separates, or the offender is forced from the home by legal means, the workplace becomes the easiest place to locate and access the victim. Domestic violence may also enter in less direct ways such as loss of productivity and the arrest and/or hospitalization of employees.

According to research conducted by EDK Associates and reported in *The Many Faces of Domestic Violence and Its Impact on the Workplace* (1997), a survey of 7,000 women shows that 37 percent said domestic violence had a negative impact on their job performance. Available at <http://www.endabuse.org/resources/facts/Workplace.pdf>. A 2000 report by B. Y. Urban of the University of Illinois at Chicago shows that among a group of abused employees receiving workplace counseling, the average absenteeism rate of the group at the time of beginning counseling was about 30 percent higher than the average employee. Available at <http://www.endabuse.org/resources/facts/Workplace.pdf>. As the potential for violence spills from home into the workplace and as productivity is adversely affected, it is no longer sufficient for employers to lend a sympathetic ear and encourage either the victim or the offender to get outside help. It is imperative that employers, both private and public, learn to recognize the signs of domestic violence and include domestic violence as a central part of their workplace violence prevention program.

*Irene met Randy shortly after ending a very painful relationship. Although Irene stated she was not interested in a relationship at the time, Randy came on like gangbusters and would not take no for an answer. Randy showered Irene's son with attention and became very important in his life. Randy would call Irene once in the morning and once in the afternoon to see how her day was going and tell her he was thinking about her. Randy courted Irene's friends and family as much as he courted her and it was not long before everyone saw them as a couple. After they had been dating about two months, the couple returned to Irene's following a date, and Randy suggested that he spend the night as it was too late to drive home. Although her son was there and she wanted to protect her son from getting too attached to Randy, Irene reluctantly agreed. Gradually Randy would forget clothes, leave personal effects at her house, or find other reasons to spend the night at Irene's. Within another month Randy had moved in and was dominating Irene's time and attention.*

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## II. Impact of domestic violence on the workplace and scope of the problem

The American Institute of Domestic Violence reports that of battered workers, 96 percent experience problems at work due to abuse, 74 percent are harassed while at work by their abuser, 56 percent are late to work, 28 percent leave work early, and 54 percent miss entire days of work. In other terms, employers lose between \$3 and \$5 billion every year in absenteeism, lower productivity, higher turnover, and health and safety costs associated with battered workers. Additionally, The American Institute of Domestic Violence reports that businesses lose an additional \$100 million in lost wages, sick leave, and absenteeism annually. Over 1,750,000 workdays are lost each year in the United States due to domestic violence, which costs an estimated \$67 billion annually. Several other findings are informative.

- Sixty-six percent of senior executives surveyed agreed that their company's financial performance would benefit from addressing the issue of domestic violence among its employees.
- Ninety-four percent of corporate security directors rank domestic violence as a high security risk.
- Seventy-eight percent of Human Resource Directors identify domestic violence as a substantial employee problem.
- Forty percent of corporate leaders are personally aware of specific employees who are affected by domestic violence.
- Forty-nine percent of senior executives said that domestic violence has a harmful effect on their company's productivity.
- Forty-seven percent of senior executives admit partner violence negatively impacts employee attendance.

Available at <http://www.aidv-usa.com/Statistics.htm>.

In October 2002, Patrice Tanaka & Company, Inc. issued a news release citing results of a survey of corporate leaders on the effects of domestic violence. The survey showed that two in three (66 percent) corporate leaders identified domestic violence as a major social issue. Only 33 percent of those sampled said that domestic

violence has a negligible impact on the "bottom line," indicating that two-thirds believed it affects business functioning. Available at <http://www.home.cybergrrl.com/dv/orgs/wworkspr.html>.

In 2002, Partnership for Prevention reported that twenty-five health benefit managers from small and large businesses around the country described the effects of domestic violence in the workplace as absenteeism, inability to focus, poor self-esteem, low productivity, and low morale. Available at <http://www.aidv-usa.com/Statistics.htm>. These same managers noted that employers who take steps to prevent domestic violence see improvements in performance, productivity, health, work-site safety, job retention, and other outcomes related to employee well-being.

In an unpublished report, twenty-nine employers who had implemented a response to violence against women said that their motives for responding included "making the workplace safer, expressing concern for the personal needs of our employees, and being part of the solution to domestic violence or sexual assault." B.Y. URBAN, FAMILY VIOLENCE AGAINST WOMEN, *The Attorney General's Report to Congress: Workplace Responses to Violence Against Women* (2003).

In addition to costs associated with productivity, there are potential liability costs as well. The American Institute of Domestic Violence reports that homicide is the leading cause of death of women in the workplace. Partners and boyfriends commit 13,000 acts of violence against women in the workplace every year. Available at <http://www.aidv-usa.com/Statistics.htm>. As employers are becoming required to maintain a safe work environment for their employees, these statistics can become very costly. D.F. BURKE reported in January 2000 in *The National Law Journal* that a wrongful death action cost an employer \$850,000 for failing to help an employee who was at risk for domestic violence on the job. D.F. BURKE, *When Employees are Vulnerable, Employers are Too* THE NAT'L L.J. (2000), available at <http://www.endabuse.org/resources/facts/Workplace.pdf>.

*It surprised Irene the first time Randy made negative comments about her friends. Randy had always been very supportive of her friendships and his sudden anger at the time she was spending with her friends seemed out of*

*character. Irene knew some of her friends could be a bit tiresome, but over time Randy became resentful of all of her friends, as well as the time she spent with her family. Randy began keeping close tabs on Irene when she left the house and on what time she returned. If Irene went to visit her family, Randy would insist he accompany her. Randy also became resentful of the time Irene spent on the phone and began to monitor her calls. Randy began calling Irene more frequently and would become angry if he could not reach her immediately or she did not return his calls immediately.*

- Treating her like a servant.
- Making all the big decisions.
- Acting like the "master of the castle."
- Alienating children from her.
- Using visitation to harass her.
- Threatening to take the children away.
- Making light of the abuse and not taking her concerns about it seriously.
- Saying the abuse did not happen, saying she deserved it, saying she caused it, or saying it was the only way she would pay attention.

### III. What is domestic violence?

Whether it is referred to as domestic violence, spouse abuse, intimate partner abuse, or domestic abuse, at the most basic level it is behavior used to exercise power and control over an intimate partner. The Centers for Disease Control and Prevention, National Center for Injury Prevention and Control defines domestic violence as "violent behavior that is controlling, coercive, and/or abusive, including physical, sexual, psychological, and economic abuse; it is committed by one individual against another in a domestic/intimate relationship." Available at <http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm>.

Although we initially think of physical violence, all domestic violence is not physical. Emotional abuse—putting her down, calling her names, playing mind-games, humiliating her—can be as devastating to the spirit as physical abuse is to the body. Domestic violence can consist of the following.

- Coercion.
- Threats.
- Intimidating looks and actions to make her afraid and control her behavior.
- Isolating someone economically and socially by refusing to contribute income to basic expenses or preventing her from getting or keeping a job.
- Controlling whom she sees and talks to.
- Controlling what she reads.
- Controlling where she goes.
- Limiting her outside involvement.

Because the purpose of domestic violence is to control behavior, spouse abusers will often use the amount of force required to get what they want as long that level of force continues to be effective. For example, if a threatening look gets the desired response, there may be no "need" to threaten or strike the victim. But as time goes by, a threatening look may escalate to threats of violence and other forms of verbal abuse. When name-calling and verbal threats are no longer effective, the abuse will escalate to pushing, shoving, slapping, and other forms of physical abuse. When these forms of abuse are no longer effective in controlling the victim, an abuser will resort to more extreme physical and sexual violence to get the power and control back. Over the life of an abusive relationship, the frequency and magnitude of the abusive behavior will increase in order to maintain control.

*Randy slapped Irene when she got home an hour late from work. Irene and her friends had stopped off for a drink and she did not tell Randy where she was going. When she got home Randy met her at the front door and demanded to know where she had been. When Irene happily told him about her time with her friends Randy slapped Irene and called her friend bitches and sluts and forbade Irene to go out with them after work. Later that night Randy apologized to Irene and said he behaved that way because he loved her so much and he was jealous. Although Randy promised nothing like that would ever happen again, the next day he told Irene she had to call him when she left work and she had a half an hour to get home. Over the next couple of weeks Randy insisted that he answer the phone and began listening to Irene's conversations. When Randy thought Irene had been on the phone long enough*

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*he would interrupt her calls by asking questions or gesturing for her to end the call. Gradually he began to listen to her calls on the extension upstairs and refused to allow her to speak to certain friends and family. Eventually, Irene's friends began to withdraw and quit calling her. Irene's family began to express their concerns to Irene, but she dismissed them as not understanding her situation and how much Randy cared for her and her son.*

#### **IV. Signs of domestic violence**

Unless someone discloses that they are being abused, or are being abusive, there is no way to clearly identify victims and/or abusers. All battered women are not passive with low self-esteem, and most batterers are not violent in front of other people. Both victims and offenders come from all ethnic groups, professions, and socioeconomic backgrounds. While there is no checklist to identify victims and offenders, there are some telltale signs.

##### **A. Victims**

- Bruises/injuries she may try to explain as being caused by an accident.
- Frequent or unexplained absences or tardiness.
- Frequent personal phone calls that leave her upset.
- Personality change from very outgoing to withdrawn.
- Fear of conflict resulting from being battered.
- A decline in job performance—difficulty concentrating or working effectively.
- Withdrawal from coworkers.

##### **B. Offenders**

- Obsessed with partner.
- Excessively jealous.
- Blames others for his faults.
- Blames circumstances for his problems.
- His way is the only way.
- Others are responsible for his feelings.

- Rigid gender roles.

#### **V. How to talk to someone in an abusive situation**

Talking about domestic violence is an emotionally-charged event for both the person being abused and the confidante and needs to be handled with sensitivity. If you suspect someone is being abused, consider the following guidelines.

- Let the employee know what you have observed, "I noticed the bruises you had last week and you look upset and worried today."
- Express concern that the employee might be abused, "I thought it was possible that you are being hurt by someone and I am concerned about you."
- Make a statement of support, "No one deserves to be hit."
- If the employee still chooses not to disclose, no further questions or speculations should be made.
- Refer the employee to the Employee Assistance Program (EAP).

If an employee chooses to disclose that she is being abused, your reaction to the disclosure is very important. You may want to consider the following list of "do's" and "do not's" once abuse is disclosed.

- Do believe her.
- Do respect her need for privacy.
- Do listen to her and support her without judging.
- Do let her know that she is not alone.
- Do reassure her that the abuse is not her fault.
- Do emphasize that physical safety is the first priority.
- Do refer her to the EAP.
- Do not tell her what to do, when to leave, or not to leave (potentially very dangerous).
- Do not tell her to go back and try a little harder (also potentially very dangerous).
- Do not rescue her by trying to make decisions for her.

- Do not encourage marriage counseling (Research shows that couples counseling, anger management, and individual psychotherapy are not effective for perpetrators and may even put the victim in more danger).
- Do not offer to try to talk to her partner to straighten things out.
- Do not tell her to stay because of the children.

Four million women are battered every year, therefore, it is likely that some employees in any organization will be batterers. The batterer needs to be challenged to recognize his or her own behavior and requires support and assistance in addressing it. Abusers tend to minimize their behavior. Holding an employee accountable for his actions is the first step toward ending the violence. Below are some suggestions for supervisors when talking to an employee who has been identified as a perpetrator of domestic violence.

- Do not approach perpetrators if your sole source of knowledge of the abuse is from the victim. Doing so could put the victim in even greater danger. If you learned about the abuse by observing the abuse or through the perpetrator's self-disclosure, responding to the information in a matter-of-fact manner is the most effective method and is safest for the victim.
- There may be situations in which you need to share information with security or the police to protect the victim and others. If there is a dangerous situation in your workplace, contact the police, security, and/or the District Office Security Manager (DOSM) immediately.
- Encourage the perpetrator to accept responsibility. Perpetrators often justify their conduct by blaming someone or something other than themselves, such as the victim, the job, their drinking, or stress.
- Let him know that you will not condone his violent behavior.
- Refer the employee to the EAP.

*Gradually Irene realized that no matter what she did Randy would always find a reason to beat her. Sometimes all it took was a look from Irene that Randy did not like and he would slap her.*

*Other times Randy would verbally denigrate Irene in front of her son for infractions real or imagined. Irene was aware that she was no longer the person she had worked so hard to become. She frequently missed work, her performance at work had fallen dramatically, and she was isolated from her friends and family. Irene only confronted Randy about his behavior after she saw the impact Randy's behavior was having on her son. Irene was called by the school after her son called a little girl a bitch and slapped her for disrespecting him. When Irene tried to talk to Randy he became enraged and beat her so badly that the neighbors called 911.*

## **VI. Developing a domestic violence policy for the workplace**

Robin H. Thompson of the American Bar Association Commission on Domestic Violence has developed nine "Nuts and Bolts" steps for employers to address domestic violence in the workplace. Available at <http://www.abanet.org/domviol/workviolence.html>.

- Adopt a policy that specifically addresses domestic violence. General workplace violence policies do not address the unique aspects of this kind of violence.
- Train all employees on the policy. A domestic violence policy can only be effective if it is understood by all employees. Additional training may be in order for managers and supervisors, human resources, legal, and security staff.
- Be consistent and vigilant. Consistent and diligent implementation of the domestic violence policy reduces employer liability and helps to prevent violence. If a policy supporting victim safety and holding all perpetrators fully accountable is not consistently enforced, the policy will be little more than feel-good window dressing.
- Comply with all local, state, and federal laws—this is particularly important for multijurisdictional offices or in areas where employees work in one jurisdiction, but live in another. Be aware that federal laws such as the Family Medical Leave Act, the Americans with Disabilities Act, and the Occupational Safety Health Act can be applicable in domestic violence cases. More than forty

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states and locales have enacted legislation specifically directed to domestic violence in the workplace. Maintain a safe and secure workplace, including data systems. Victims know too well the tactics abusers use and abusers often act predictably, thus aiding employers in preventing workplace violence. Abusers may threaten an employee at work or may use office e-mail and other systems to stalk and harass victims. Managers should work closely with employees who are victims of domestic violence, EAP, security, and local law enforcement to create safe environments and to be able to respond quickly to a violent incident or threat.

- Audit your personnel policies. Make sure that the domestic violence policy is consistent with other personnel policies. For instance, in accordance with existing leave policies, victims should be allowed time off to seek help in the justice system, meet with her lawyer, go to court to obtain a protection order, and assist in the prosecution of her abuser.
- Refer employees to the Employee Assistance Program. Although the primary role of Employee Assistance Programs is not domestic violence intervention, prevention, and education, EAPs are staffed by trained personnel who can assist both victims and offenders. The manager should refer employees to the EAP and allow the EAP and local domestic violence programs to undertake the responsibility of safety planning and victim advocacy. A supervisor or coworker's best-intentioned advice can be dangerous and advice coming from a manager may appear to be coercive. The manager's role in safety planning should be limited to considering ways of enhancing the victim's sense of security at work, for example, providing a different parking space, installing locks or changing office location. Allow the staff of the EAP to be the liaison between the workplace and the treatment providers rather than managers assuming that role. Work with and use your EAP effectively.
- Make benefits and policies that are victim/employee friendly. Managers should actively strategize with individual employees who are victims of domestic violence, as well as with human resources, security, and EAP on how they can make employee benefits,

including leave, insurance, and transfer policies, easily accessible and applicable to victims.

- Protect confidentiality. Employees may not come forward and talk to their supervisors about abuse unless they understand the limits of confidentiality. The domestic violence workplace policy and related guidelines should detail the path information will take when a victim tells her supervisor or a coworker about her situation and seeks help. The victim should also be told who will be informed (for example, security, supervisors, EAP) if someone is making threats to her at the workplace or may show up there.
- Link with community programs. A significant part of the domestic violence workplace policy should be liaison between the EAP and local domestic violence programs. Local programs exist to advocate and support victims of domestic violence. They are the local experts who can help victims explore options for safety for herself and her children. Local programs also provide services for offenders including treatment and aftercare.

*Randy was arrested for domestic violence and Irene went to court and asked for a protection order. Irene's visible injuries convinced the judge that a "cooling off period" was in order, and the judge issued an order barring Randy from the house for three days and ordering him to cease his abusive behavior. The police advised Irene not to go home for several hours so they could serve the order on Randy and give him time to get some belongings from the house. When Irene got home that evening all of her clothes had been pulled from the closet and had bleach poured on them. All of her pictures had been torn up and the frames broken, her most prized mementos from her family had been broken, and her son's most recent Mother's Day gift to her had been destroyed. Randy was arrested for violating the protection order, and the police report said that Randy had lost control and destroyed everything in sight. In court, Irene testified that it was only her stuff, and only the things she valued the most, that had been destroyed. She said it looked to her like Randy had been in complete control and pointed out that none of his things, or her son's things had been damaged. Irene asked that the restraining order be extended for 180 days, but the judge did not think she was in any serious*



*danger so he just extended the order for thirty more days. On the way out of the courtroom Randy told Irene he would kill her before he let her leave him.*

## **VII. Efficacy of workplace domestic violence policies and awareness programs**

Harman International Industries, Inc. instituted a workplace domestic violence awareness program in 2001, after a Harman employee of twenty-four years was killed by her ex-husband one block from her home. The domestic violence training sessions for employees lasted one hour and the sessions for managers lasted two hours. An evaluation of Harman's workplace domestic violence program conducted by B.Y. Urban found that the company's domestic violence training produced the following results.

- Ninety-one percent of employees said they were now more likely to know where to refer someone who is abused for help.
- Eighty-nine percent said they were now more likely to be supportive of a colleague who is abused.
- Eighty-six percent said they were now more aware of what to do if there is a threat of domestic violence at work.
- The training caused a "highly significant increase" in the number of employees who said they know the signs of abuse, where to refer a victim to get help, and who to contact if they know an employee who might be attacked at work.
- Employees' attitudes about domestic violence were more supportive of victims after the training than before it.
- Approximately 20 percent more employees had highly supportive answers after the training.
- Approximately 75 percent of Harman employees agreed that the training sessions increased their awareness and readiness to respond to domestic violence. *Available at <http://endabuse.org/workplace/display.php?DocID=33013>.*

*Randy killed Irene on the day after Christmas. Court records show that Randy had violated court orders and had been arrested four additional times for assaulting Irene, and that Irene had been to court an equal number of times seeking protection. Two weeks before Thanksgiving Randy was ordered to stay away from Irene and to cease his abusive behavior after he was again arrested for assaulting Irene. Irene's injuries were severe enough to require surgery and an extended hospitalization. When she was discharged, Irene went immediately to court and got another protection order. A few days later she and Randy both appeared in court and the order was extended for 365 days. In the courtroom, Randy reminded Irene of what he told her last time they were in court and promised her that if he could not have her, no one would. The witnesses dismissed Randy's threats as him being hurt and angry. Irene knew he was serious and made arrangements for her son to spend the holidays with her parents. Neighbors later reported hearing Randy shouting for Irene to open the door so he could drop off a Christmas present for her son and also reported hearing Randy break through the door after Irene shouted that she was going to call the police. The police reported that Randy shot Irene multiple times, and as he was being led from the house he was heard to have said, "This was her fault ... I guess I loved her too much."*

## **VIII. Conclusion**

The duty of an employer to provide a reasonably safe workplace may arise from a variety of federal or state statutes, regulations, or judicial decisions, and many state courts have ruled that an employer is liable for the dangerous acts of employees if such acts were foreseeable.

Domestic violence has clearly become a workplace issue and one that needs to be addressed at all levels of the organization. Doing so is more than cost-effective. It is the right thing to do. None of us can afford to turn a blind eye to this very real problem.

If you or someone you know is being abused or behaving in an abusive manner, please do not hesitate to call the Executive Office for United States Attorneys Employee Assistance program at 202-514-1036 or 888-271-0381 for assistance. ❖

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## ABOUT THE AUTHOR

□ **Ed Neunlist** is a Licensed Clinical Social Worker. He joined the Executive Office for United States Attorneys Employee Assistance Program (EAP) as an EAP Counselor in September 2003 after almost ten years working for the Navy as part of its Family Advocacy Program. He has worked in the United States and overseas in the field of domestic violence.✉

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# Navigating the Mental Healthcare System: Lessons Learned from the Front Lines

*Mark A. Blair, Master of Divinity  
Employee Assistance Program Specialist  
Employee Assistance Program  
Executive Office for United States Attorneys*

## I. Introduction

Looking for the right mental health provider can be a very daunting task. A person who has gone through a difficult or trying time and initiated a search for a counselor or other mental health provider may become more confused and frustrated as the search progresses. Going through a stressful time in life can be exacerbated by trying to navigate the mental healthcare system alone. Contacting your Employee Assistance Program (EAP) is the first step in seeking help for a stressful or troublesome period in life. Trained clinicians who are experienced in handling a myriad of mental health issues staff the EAP.

One of my responsibilities as an EAP Specialist is to find mental health resources for EOUSA and USAO's staff who may contact EAP during a difficult time. I have personally experienced the cacophony of questions and terms thrown at clients by insurance company representatives. Unless the client has extensive experience utilizing the mental health option of

his health plan, it is easy to get confused. It is EAP's responsibility to help not only clarify the issues but also to find dependable resources to meet the clients' needs.

Buoys are often used to assist the water traveler as he or she navigates a channel or river. They can be used to warn of impending danger or mark a safe passage and can, at times, be a lifesaver to a distraught or weary voyager. There are also several buoys or markers which will help a person as he or she seeks to navigate through the waters of mental health options and resources.

## II. Buoy #1-General considerations

There are some general considerations to think about as the search for a provider is undertaken. The following are some topics to consider.

- The type of therapist needed or desired (see below).
- The specialized experience and training of the potential provider. For example, a client who might be experiencing obesity issues would not want to see a clinician who specializes only in marital counseling.

- The gender of the provider. Oftentimes a client feels more comfortable with a same-sex provider. Consider what the client's preference is before starting the search.
- Is the provider covered by the client's insurance? If not, then the client can expect to pay higher out-of-network expenses with a much larger annual deductible fee than if a Preferred Provider Organization (in-network) is used.
- Is the provider's office convenient to the client's home or office? Driving an extreme distance to meet with a provider on a weekly basis can add stress to an already difficult time. Generally, it is a good idea to find potential providers within a ten-mile radius of the client's home or office to alleviate undue stress and anxiety.
- Are the provider's office hours and availability suitable for the client's needs? Some clients prefer to be seen only during their lunch hour or on weekends, therefore, it is extremely important to be able to see a therapist who can accommodate the desired schedule.
- Is the therapist available in emergency situations? Is there a plan in place if the client needs to contact the therapist or his/her office after hours?
- Should the client ask questions of the therapist or therapist's staff? The client should feel free to ask questions of the therapist at any time regarding issues related to therapy. I recommend writing down questions for the therapist in advance. If the client is made to feel uncomfortable by asking questions of the therapist or the office staff, this should serve as a "red flag," and a search for another provider should be initiated. The client has a right to know not only what the charges will be for each session, but also what to expect during therapy. A provider who is truly concerned about the patient will be more than happy to field questions.
- Is the client comfortable seeing the therapist chosen? It is often difficult for a client to determine if they will feel relaxed seeing a particular therapist by simply speaking with that therapist over the phone. If the client feels reasonably comfortable with the therapist after speaking with him or her, then consider

scheduling an appointment. After several sessions with a therapist, the client will likely have a general impression of that person's ability to assist with therapy. It all comes down to personal comfort level with the therapist. The client should be wary of a therapist who does all of the talking and seldom listens. If the client does not feel that the therapist is a good match for him or her, then the search for a compatible therapist needs to begin again.

- What are the insurance company's benefits? There are many questions that need to be asked regarding the benefits the client's insurance company provides through the mental health option. Is there a deductible for in-network providers?
- What is the co-pay per session?
- How many sessions are allowed under the plan per calendar year?
- Is pre-certification required for these sessions?
- Is there a phone number to call to verify provider status and client's coverage in the network? Even though a provider may be listed as a provider on the insurance company's Web site provider listing, verify this personally with the representative. Frequently when clients call to verify a provider's status in the network, they find that they no longer are actual providers. It is typically the provider's responsibility to notify the insurance company if they no longer want to be considered as a provider, but often there is a lack of communication or miscommunication between providers and insurance companies. A word of caution—verify, verify, verify!

As with the medical portion of the client's insurance company's provisions, options and benefits vary with plans. Make sure you have all questions answered before ending the call with the insurance company representative, and do not hesitate to call them back for clarification or with further questions.

### III. Buoy #2-Types of providers

Although most clinicians provide therapy, not all do. For example, a psychiatrist, who may not typically conduct therapy sessions, may want a

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client to see a therapist in conjunction with medication management. The many different types of therapists and the services they offer are discussed below.

- Marriage and Family Therapist or Licensed Marriage and Family Therapist (MFT or LMFT). According to The American Association for Marriage and Family Therapy, LMFT's or MFT's are  

mental health professionals trained in psychotherapy and family systems, and licensed to diagnose and treat mental and emotional disorders within the context of marriage, couples and family systems. Marriage and family therapists are a highly experienced group of practitioners, with an average of thirteen years of clinical practice in the field of marriage and family therapy. They evaluate and treat mental and emotional disorders, other health and behavioral problems, and address a wide array of relationship issues within the context of the family system.

*Available at* [http://www.aamft.org/faqs/index\\_nm.asp#what](http://www.aamft.org/faqs/index_nm.asp#what). These are clinicians who hold at least a master's degree in psychology, psychology with an emphasis in counseling, or marriage and family therapy. They usually work with all age groups. To find a Marriage and Family Therapist near you, go to the AAMFT website at <http://www.aamft.org/TherapistLocator/index.asp>.

- Licensed Professional Counselor or Mental Health Counselor (LPC or MHC). The *Office of Public Policy & Legislation* of The American Mental Health Counselors Association, defines LPC's as,  

professionals with master's or doctoral degrees in counseling or related disciplines who provide counseling services along a continuum of care, from diagnosis and treatment of mental illness, to educational and preventative services, to long-term care. Mental health counselors practice in a variety of settings, including mental health centers, hospitals, managed behavioral health care organizations, substance abuse treatment centers, and private practice.

Beth Powell, *Education, Training, and Supervision Requirements for Mental Health*

*Counselors*, AMERICAN MENTAL HEALTH COUNSELOR'S ASSOCIATION 1 (2005).

An LPC usually holds at least a master's degree in counseling or psychology, has two to four years of supervised clinical experience and has met the necessary requirements for licensure. For the location of an LPC log on to: <http://www.find-a-counselor.net/default.htm>.

- Licensed Clinical Social Worker (LCSW), Licensed Independent Clinical Social Worker (LICSW), or Licensed Social Worker (LSW). According to The Mayo Clinic, clinical social workers are clinicians that have, at a minimum, a master's degree in social work (MSW), three years experience, and meet certain stringent training stipulations as determined by their state, including supervised clinical experience, to enable them to provide mental health and psychological services as licensed providers. Social workers participate in the assessment, diagnosis, and treatment of a variety of individual and family issues and are often involved in client support and advocacy. For further information on the location of social workers in your area, you can visit the Web site of The National Association of Social Workers at <http://search.socialworkers.org/default.asp?df=CSW&fn=>. Go to NASW's homepage at <http://www.socialworkers.org>. to access further information on the web.
- Ph.D., Psy.D. Psychologist, or Doctor of Psychology. The Mayo Clinic defines psychologists as,

specialists in psychology, the branch of science that deals with the mind, mental processes and behaviors. There are many types. Those who treat mental illnesses are generally clinical or counseling psychologists. The title psychologist is usually reserved for those who have a doctoral degree (Psy.D. or Ph.D.), advanced training, and certain licensing and certification.... Psychologists provide psychotherapy for a range of problems, from marital discord to personality disorders....

*Available at* <http://www.mayoclinic.com/invoke.cfm?objectid=549B34CB-C4FD-45AB-8616378D0AB4F56B&locID=>. These clinicians often have experience in advanced

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treatment methodology. They also provide psychological examination and evaluation. For a listing of links to state board offices go to <http://www.apa.org/practice/refer.html>.

- Psychiatrist (MD). According to the Mayo Clinic, psychiatrists are those, "who specialize in the diagnosis, treatment and prevention of mental illnesses." *Available at* [http://www.mayoclinic.com/invoke.cfm?objectid=549B34CB-C4FD-45AB-8616378D0AB4F56B&locID =](http://www.mayoclinic.com/invoke.cfm?objectid=549B34CB-C4FD-45AB-8616378D0AB4F56B&locID=). They are licensed physicians who have advanced training that permits them to prescribe medications to aid in the treatment of mental or emotional problems. They can also order specific laboratory tests, X-rays, and other studies as part of client treatment. To find a psychiatrist go to the state board locator of the American Psychiatric Association, and click on the appropriate e-mail or Web link for your state. It is found at [http://www.psych.org/dbs\\_state\\_soc/db\\_list/db\\_info\\_dyn.cfm](http://www.psych.org/dbs_state_soc/db_list/db_info_dyn.cfm).
- Pastoral Counselors. Defined as counselors who are, "trained mental health providers who also have in-depth religious or theological training. They provide psychotherapy and other support in a spiritual context.... Pastoral counselors provide a variety of services, such as treatment of mental illnesses, wellness programs, spiritual direction, group therapy, and family and couples therapy." *Available at* [http://www.mayoclinic.com/invoke.cfm?objectid=549B34CB-C4FD-45AB-8616378D0AB4F56B&locID =](http://www.mayoclinic.com/invoke.cfm?objectid=549B34CB-C4FD-45AB-8616378D0AB4F56B&locID=). To find a pastoral counselor in your area, go to the American Association of Pastoral Counselors at: <http://www.aapc.org/>. It is important to note that not all pastoral counselors are listed on this Web site.

#### **IV. Buoy #3-Safe passage home**

In navigating any unusual or unfamiliar waters, it is always important to follow guidelines and directions carefully to arrive safely at your destination. It is no different in navigating the mental healthcare system. To find the right therapist, consider following some simple, time-saving steps.

In the search for a counselor, there is an important item to consider. Although someone might be listed as a clinician, always check to make sure they are a licensed clinician. For

instance, if the assistance of a pastoral counselor is sought, ask whether he or she is affiliated with the American Association of Pastoral Counselors. To find out, go to the AAPC Web site listed above. Ask the insurance company if they have a listing of pastoral counselors, and also verify their provider status and coverage in the insurance network.

Another issue that often produces added anxiety to an already stressful situation is trying to find the most appropriate therapist. To minimize this stress, clients should contact an EAP Counselor as soon as it is recognized that therapy may be a necessary step in the resolution of the problem(s). After consulting with an EAP Counselor, clinicians may be located by using the client's insurance company's provider listing. EAP staff help to take the confusion out of clinician searches and it is our goal to find several clinicians that would be responsive to the client's needs. We go a step further by obtaining counselor resumes or curriculum vitae to find a good "match" between the client's needs and the skills and training of the counselor. This assures a much better fit than just going to the first counselor who agrees to see the client.

If the client is trying to find an appropriate therapist on his or her own, there are several avenues to consider. Recommendations from a family physician, a trusted friend, a family member, a member of the clergy, or by calling a professional therapist organization, are some ways to find a therapist.

Again, unless the client consults his insurance company's provider listing and goes with an in-network provider, out-of-pocket expenses can be substantial. Therefore, if the client has mental health coverage, I highly recommend utilizing their services.

This is a service where the EAP can help. Our dedicated staff is committed to finding the most appropriate resources as quickly as possible, and we will do a thorough search based on the presenting issues and match clients and clinicians for the best outcome. Do not wait until the problem has escalated or the situation worsens. Contact the EAP staff at the first sign of difficulty. We are always here to assist the Justice Department community, and it is our goal to lessen stress and find resolutions. You do not have to navigate the mental healthcare system alone.

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Please call (888) 271-0381 for fast, friendly service and attention. ❖

#### ABOUT THE AUTHOR

□ **Mark Blair** is the EAP Specialist for the Executive Office for United States Attorneys (EOUSA) Employee Assistance Program. He has four years experience working as intake coordinator and resource manager for the office. Prior to his arrival in EOUSA, Mark, an ordained minister, was a full-time pastor of five churches in Kentucky and Virginia. ✉

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## The Challenges of Work/Life Balance: Finding Creative Solutions

*Debbie Triviso  
Licensed Clinical Social Worker  
Employee Assistance Program  
Executive Office for United States Attorneys*

How does one manage to find balance between the demands of work and those that are placed on the rest of our lives? Is it possible to care for yourself, both in and out of work, and care for another outside of work? What if that other person is an ill or elderly parent or relative or a dependent child? What then? How do you find balance?

Both men and women are living longer, and it is more likely that employees will be faced with care demands for aging parents and relatives, as well as their children. Women are now having children later in life, which means that they may face caretaking responsibilities for both ends of the age spectrum.

Without question, in American society today, there are more dual wage earners, more single parent households, and more elderly who depend upon family members to provide their care and support. Two-thirds of adult caregivers in the United States are employed outside the home, and more than 22.4 million U.S. households are serving in family caregiving roles for persons over the age of fifty, according to the U.S. Department

of Health and Human Services Administration on Aging. Available at <http://www.aoa.gov>.

Working caregivers are under tremendous stress as a result of attempting to maintain balance between the multiple roles they are juggling. As a result, many caregivers suffer significant financial losses as they strive to meet their obligations. Employers also face the costs of excessive absenteeism, partial absenteeism—arriving late for work or leaving early, extended lunch breaks, replacement costs when employees leave their jobs, and the costs of "presenteeism" (the notion that employees may physically be present at their jobs, but are essentially unproductive or inefficient in the workplace for a variety of reasons). Presenteeism may account for as much as \$44 billion a year in losses to employers across the United States. Walter F. Steward, et al., JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, June 18, 2003, at 3135-44. A 2004 study completed by National Alliance for Caregiving and American Association of Retired Persons (AARP)® and funded by MetLife® revealed that a majority of caregivers reported having made work-related adjustments in the form of leaving work early, coming in late, or taking time off in order to provide care for a family member. Available at [http://assets.aarp.org/rgcenter/il/us\\_caregiving.pdf](http://assets.aarp.org/rgcenter/il/us_caregiving.pdf).

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These findings are significant for a variety of reasons. First, family caregiving has become a social enigma in the United States with the recognition that tens of millions of working Americans are family caregivers, but, to date, these workers have been virtually invisible in the workforce. Second, elder-oriented programs that are in place in many work settings are designed to provide clinical assistance to the elderly, but often miss their target population since they are not designed to support the caregiver. Third, AdvancePCS®, a healthcare leader that studies the connection between health and work performance through its Center for Work and Health, surveyed 25,000 American workers who reported the following top five health complaints: headache/pain, cold/flu, fatigue/depression, digestive problems, and arthritis. Interestingly, these complaints bear a striking resemblance to the physical and emotional stressors cited by family caregivers: anxiety, depression, irritability, sleeplessness, and fatigue. See Robert Del Campo, Diana Del Campo, and Marcilla DeLeon, *Caring for Aging Family Members: Implications and Resources for Family Practitioners*. THE FORUM FOR FAMILY AND CONSUMER ISSUES 5.2 (July 2000). Available at <http://www.ces.ncsu.edu/depts/fcs/pub/2000/caregiving.html>.

Caregiving can be an overwhelming experience—emotionally demanding, time-consuming, and often intensive. Americans are living longer than ever before as a result of medical progress, therefore, more working adults will, of necessity, assume elder care duties. Consider the following statistics compiled by the Administration on Aging.

- The number of Americans age 65+ in 2002 was 35.6 million, representing an increase of 3.3 million or 10.2% since 1992.
- Approximately one of every eight (12.3%) people is an older American.
- Those reaching age 65 have an average life expectancy of 18.1 additional years (19.4 years for women; 16.4 years for men).
- The older population is expected to more than double to 71.5 million by the year 2030.
- The number of people aged 85 and older is projected to increase from 4.6 million in 2002 to 9.6 million in 2030.

Available at [http://www.aoa.gov/prof/Statistics/profile/2003/2\\_pf.asp](http://www.aoa.gov/prof/Statistics/profile/2003/2_pf.asp).

Due to the intensity of care recipients require, and the competing family pressures of caregivers, outside help is often needed to supplement family care. Costs vary with need, but even part-time custodial care in many cities can cost well over \$20,000 annually. Some elderly people need round-the-clock care. Twenty-four hour home care in some areas is almost as expensive as nursing home care. Nursing homes, which average \$50,000 per year nationwide, can run as high as \$100,000. Private long-term care insurance can help cover these costs, but presently only six million people have purchased it and, as an underwritten product, people need to buy it while in relatively good health. Toward a National Caregiving Agenda: Empowering Family Caregivers in America, convened by The National Alliance for Caregiving® in collaboration with Partnership for Caring®, July 2001. Available at <http://www.metlife.com/WPSAssets/12303959231018861971V1Fempowering.pdf>.

Employee productivity in the workplace is significantly hampered by both general and personal elder care. Personal elder care encompasses such activities as assisting an elder with taking medications, dressing, bathing, eating or toileting, and providing transportation to medical appointments. Other activities of daily living include financial management, shopping, and meal preparation.

MetLife® conservatively reports that greater than \$11.4 billion every year is spent on lost productivity to U.S. business as a result of the aggregate costs of caregiving. This estimate reflects those costs that are not easily quantifiable. The costs of a nonproductive workforce due to mental and physical health issues that are directly related to the stress of caregiving often do not come with a price tag. A large proportion of workers do not participate in surveys, and thus are not represented in large scale research studies. These unrepresented or underrepresented workers fail to give voice to our workplace culture.

In addition to dollars lost by industry every day due to reduced worker productivity and the increased costs of health care and mental health care, caregiver demands are likely to disrupt attempts at achieving work/life balance. The 2004 MetLife® study showed that caregivers have pronounced unmet needs, such as not having enough information to feel adequately informed about their role as caregiver, finding time for

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oneself, managing physical and emotional stress, and balancing work and family responsibilities.

Meeting the psychosocial needs of caregivers is vitally important in maintaining a productive work force. Caregivers can empower themselves by becoming knowledgeable about caregiving in general, as well as the particular illness or condition from which the recipient of the care suffers. Caregivers can also seek out the support of other caregivers and utilize peer support, learn from others' experiences, and cooperatively develop means for sharing various sources of information.

Caregiving is a unique and often challenging experience, but it certainly can be rewarding. Without the opportunity to share the experience, the difficulties may become magnified, while the pleasures of the experience may become diluted. There exists an abundance of resources that can easily be acquired from the many associations and organizations that specialize in caregiving, service provision, and research related to older Americans.

Finding time for oneself can be challenging in modern society under the best of circumstances and is a frequent complaint made by those striving to achieve a work/life balance. In terms of caring for an ill or elderly family member however, caregivers can start by acknowledging that, in most cases, they do not have to manage the entire burden of responsibility alone. Creative solutions for sharing responsibility can often be achieved by involving other family members, trusted neighbors, and friends, to assist in some aspects of the caregiving. The art of delegating tasks may need to be learned by some who are used to taking care of business themselves. A Geriatric Care Manager can be employed to assist the ill or elderly and their families with a variety of tasks including problem identification and solutions, counseling and support, financial management, and the myriad tasks that often make up a large part of the duties of the caregiver. Likewise, respite care is available in most communities to enable a caregiver to take a much needed break from their often tiring and stressful duties. The Respite Care Act of 2003 was unanimously passed by the United States Senate and provided \$90 million in grants for states and local organizations to increase the availability of respite care in their regions in order to help family caregivers. *Available at* <http://www.clinton.senate.gov/~clinton/news/2003/2003411A09.html>.

Other ways of meeting one's needs are involvement in some form of support, such as a support group, a church or spiritual-based support, an on-line chat group, or individual counseling with a trained professional. The value of this form of psychosocial support for a caregiver cannot be overstated. Support is beneficial for the management of stress. It encourages social interaction and it can be a forum for learning from others who are in a like situation.

Taking time out from the routine of caregiving is vitally important. How that time is spent can be decided by the individual based upon assessing what sort of activities or pastimes are relaxing and rejuvenating.

Prolonged caregiving can adversely affect one's health both physically and psychologically, resulting in consequences to every aspect of life. Particular attention must be paid to managing stress and promoting mental health, as well as optimal physical health. A 2002 study of older adults discovered that men who report chronic stress resulting from providing care for an ailing spouse were more than twice as likely to develop heart disease than other men in the study. Peter P. Vitaliano, et al., *A Path Model of Chronic Stress, the Metabolic Syndrome, and Coronary Heart Disease*, *PSYCHOSOMATIC MEDICINE*, 2002 at 418-35. *Available at* <http://www.psychosomaticmedicine.org>. By the same token, a 2002 study conducted by Kansas State University found that staying stressed for a long period of time can impair both the immune system of the human body and its cardiovascular functions, thus indicating that stress, as well as negative emotions such as anger and depression, can literally make people ill. *Available at* <http://www.mediarelations.ksu.edu>.

While the focus of much discourse on the subject of work/life balance is on elder care, issues related to the care of children and the impact that has on work/life balance cannot be ignored, and certainly ought not to be minimized. Many of the issues cited above are applicable to the care of dependent children as well. More than 15 percent of working adults ages 40 to 65 surveyed by Nichols and Junk had primary caretaking responsibilities for aging parents and financially dependent children. This so-called "sandwich generation" makes up a vital portion of today's workforce. The long term implications on family structure, workplace productivity, and society in general, are phenomenal. Laurie S.



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Nichols & Virginia W. Junk, *The Sandwich Generation: Dependency, Proximity, and Task Assistance Needs of Patients*, JOURNAL OF FAMILY AND ECONOMIC ISSUES, 1997 at 299-326.

In addition, there are a number of gender-specific issues to consider.

- The combined work hours of dual-income couples have increased significantly over the past twenty-five years. From 1992 to 2002, men in dual-earner couples with children appear to have taken increased responsibility for managing family work—chores, cooking, and child care. Women, however, are still much more likely to shoulder greater responsibility. From 1977 to 2002, men in dual-earner couples with children reported spending more time actually doing family work than comparable men twenty-five years ago, whether or not they assume overall responsibility for these tasks. Family and Work Life Institute 2002 National Study. *Available at* <http://www.familiesandwork.org/summary/nscw2002.pdf>.
- Sixty percent of working parents (from both genders) felt significant conflict between work demands and time spent at home.
- For 2004, the Bureau of Labor Statistics reported that there were 35.4 million families with children under age 18. Of these, 90.5 percent had at least one employed parent. Both parents were employed in 60.6 percent of two-parent families. *Available at* <http://www.bls.gov/news.release/famee.nr0.htm>.
- The Bureau of Labor Statistics reports that the number of households where a working father is the sole parent has more than doubled in the last two decades from 569,000 in 1975 to 2.1 million in 1998. The media almost always focus on mothers when portraying single parents, but 27 percent of working single parents are men. Demographically, single fathers are the fastest-growing population segment in the workforce. This growth means that fathers need help finding and paying for childcare.
- Employees with families report significantly higher levels of interference between their jobs and their family lives than employees twenty-five years ago (45 percent vs. 34 percent report this some or a lot). Men with families report higher levels of interference

between their jobs and their family lives than women in the same situation according to the Family and Work Life Institute. *Available at* <http://www.familiesandwork.org/summary/nscw2002.pdf>.

- As the population ages, more and more employees are providing elder care for relatives. In 2002, 35 percent of workers, *men and women alike*, say they provided regular care for a parent or in-law over 65 years of age in the past year, helping them do things that they could not otherwise do themselves. *Available at* <http://www.familiesandwork.org/summary/nscw2002.pdf>.

We all have a number of roles which we hold over the course of our life: spouse, parent, employee, sibling, friend, caregiver, and community member. Work-life conflict occurs when the time and energy demands imposed by all these roles are incompatible, so that participation in one role is compromised to varying degrees by participation in another role. Work-life conflict has several basic components.

- Too much to accomplish and not enough time in which to do it.
- Work demands that interfere with life include long hours, heavy workloads, and inflexible work schedules which limit an employee's ability to participate in family roles and functions.
- Family demands that impose upon the workplace may include caring for a sick child or elderly parent or relative which causes an employee to be late or miss work, inability to travel for work due to such demands, inability to stay late for work, and the aforementioned presenteeism.

This is not a new phenomenon. In 400 B.C. Euripedes wrote: "The best and safest thing is to keep a balance in your life, acknowledge the great powers around us and in us." *Available at* <http://www.geocities.com/wisdomforthesoul/authors/euripedes.html>.

In seeking a balance in work and life, it may be helpful to consider that we *own* the responsibility for making decisions and choosing how we conduct ourselves and what we do with our time. Values clarification exercises can aid in an exploration of such issues as: What is important in my life right now? Am I being true to my value system(s)? to myself? and to my beliefs?

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Equally important, am I being true to others in my life?

The Family and Work Life Institute reports that work-life supports on the job, including benefit entitlements and less formal policies and practices, have increased modestly in the past decade. Employees exhibit more positive work outcomes in job satisfaction, commitment to employer, and retention, when more supportive work-life policies and practices are available. They also exhibit more positive life outcomes, such as less interference between job and family life, less negative spillover from job to home, greater life satisfaction, and better mental health.

The Office of Personnel Management (OPM) provides federal agencies with guidance, direction, and leadership, to manage human capital by providing tools, resources, and expertise. OPM has devised the "Healthier Feds" campaign in an effort to support the President's HealthierUS initiative to encourage daily physical activity, a nutritious diet, preventative health screenings, and making healthy choices. *Available at* <http://www.opm.gov/healthierfeds/>. The program is aimed at educating the federal workforce to take greater responsibility for their personal health. They also offer such informational brochures as the *Handbook of Elder Care Resources for the Federal Workplace*, on-line resources for child care, kinship care, fatherhood, and parenting support. *Available at* <http://www.opm.gov/wrkfam/Elder01.asp>.

Most federal agencies offer some form of employee wellness program in order to promote the mental health of the workforce, maintain productivity, and assure that the workplace functions at an optimal level. This is frequently accomplished via an Employee Assistance Program (EAP), and may include individual services to employees, education and training opportunities, mediation, organizational development, and executive coaching.

Although not everyone who is attempting to juggle multiple roles finds themselves out of balance or in conflict, many employees do. People with many responsibilities often feel guilty about taking time out for themselves. Taking care of one's self is imperative in order to care for another and is a prerequisite for achieving a work/life balance. Basic self-care, such as eating well, getting adequate sleep, enjoying recreation, and relaxing, are often neglected when an adult is preoccupied with his or her role as a caregiver. Without adequate attention to managing all of these dimensions and keeping a focus on a work/life balance, the situation can often spiral out of control with harmful consequences. Attempting to manage all aspects of caregiving by one's self may seem to be a daunting, if not impossible, task. Given the complexity of this topic, it may be beneficial to have a social worker, your EAP, or another trained professional assist in sorting out the issues and developing creative solutions to restore balance to an often difficult and stressful situation.❖

#### ABOUT THE AUTHOR

❑ **Debbie Triviso** is a Licensed Clinical Social Worker who has been working with the Employee Assistance Program at EOUSA since September 2003. Her professional background includes significant experience working with the Department of the Navy in a hospital setting and dealing with issues related to substance abuse, stress, grief and loss, trauma, child abuse, and domestic violence. Prior to joining the EAP team, she was involved with a special project established after 9/11 by the Army's Office of the Surgeon General to provide emotional and behavioral services to the Pentagon population.✽

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# Introduction to The Lie Is Over—We Do Recover

*Eileen Grady  
Deputy Administrator  
Employee Assistance Program  
Executive Office for United States Attorneys*

The legal profession is inherently stressful. As mentioned in other articles in this Bulletin, chronic stress can contribute to depression, marital and health problems, and alcoholism. In 1988 the American Bar Association created the Commission on Impaired Attorneys (renamed the Commission on Lawyers Assistance Programs in 1996) to respond to those stressors. Today, Lawyers Assistance Programs (LAP) exist in most states throughout the country (part of state bar associations) and offer confidential services to attorneys impacted by alcoholism and other personal challenges. The following article, from Florida's LAP, provides an excellent overview of the support available to members of the legal community throughout the country. For more information about your state bar's LAP, go to <http://www.abanet.org/legalservices/colap/lapdirectory.html>.

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# The Lie Is Over—We Do Recover

*Myer J. Cohen*  
Executive Director  
Florida Lawyers Assistance, Inc.

*Charles O. Hagan, Jr.*  
Founder and First Executive Director  
Florida Lawyers Assistance, Inc.

*Harry G. Goodheart III*  
President  
Mediation Resources, Inc.

A network of recovering attorneys and judges carries the message to fellow members of their profession that recovery is possible.

**"Once a drunk, always a drunk."** How many times have we heard colleagues say this about another attorney after his or her latest escapade, brush with the law, or embarrassing scene at the office party?

Unfortunately, in many segments of society, including the law, this belief is stated as a fact, despite evidence compiled over the past six decades that recovery from alcoholism and drug addiction is possible.

Before describing Florida Lawyers Assistance, Inc., the Bar's program to help impaired attorneys, one must first review some of the attitudes, behaviors, and preconceptions held by attorneys and judges.

To begin with, the legal profession clearly qualifies as a high-stress occupation. Beginning in law school, the attorney is taught that he or she is a problem-solver whose opinions are sought and valued not only by clients, but by the public as well. Lawyers are regarded as learned individuals who possess knowledge in nonlegal as well as legal matters. Attorneys have historically comprised the majority of federal and state legislators, and are consistently elected by the general public as the individuals most qualified to analyze and decide the important political, economic, and financial problems of the day.

The medical field has long recognized that the use of drugs, including alcohol, increases proportionally with the degree of stress and pressure in one's life.<sup>1</sup> Attorneys tend to take their role as problem-solvers seriously, and believe

there is little they cannot handle by using effort and concentration.

All too often, though, the use of alcohol and other drugs becomes a primary relief mechanism to deal with the strain of constantly having to come up with the right answer to other people's problems. In many other instances, having a few drinks with one's colleagues at "the other bar" is the acceptable and expected means of celebrating a victory or dulling the pain of a defeat. Attorneys are taught that no problem is insurmountable, that no challenge cannot be overcome by the use of one's keen intellect and training. Taking a few drinks, doing a little cocaine, or taking a few pills only enhances this belief.

This thought process represents the greatest impediment to a lawyer's recovery from chemical dependency. Trying to think one's way out of addiction is as effective as believing that a person can use willpower to cure herself of diabetes, heart disease, or cancer.

The disease model of alcoholism was first proposed by Alcoholics Anonymous in 1935<sup>2</sup> and has been accepted by the American Medical Association since 1953. This model of addiction recognizes that the compulsive use of mood-altering chemicals is not a question of morality, weakness of character, or lack of willpower. In recent years, medical studies have confirmed that the prevailing characteristic of addiction is biochemical, *i.e.*, that measurable differences in the action of neurotransmitters can be found in the brains of addicts.<sup>3</sup> These biochemical differences appear to be genetic, although the onset and progression of the disease can be affected, positively or negatively, by environmental and psychological factors. Addiction is characterized as chronic (an addict is never "cured"), progressive (the illness always gets worse if ignored), and invariably fatal if left untreated. The symptoms and effects of the illness are well-documented and recognizable to the trained professional, but the progression of the illness can be arrested at any point with proper treatment and institution of a daily recovery program.

Faced with their own or another's alcoholism or addiction, the attorney's initial reaction is almost always, "I can handle it myself." Such an attitude is akin to saying, "I can self-treat these

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pains I'm having in my chest." By training, lawyers become to a greater or lesser degree the creatures of their own image or persona. How can they ask for help when they have been told they are society's problem-solvers? They tell themselves that they are the experts at everything, that no one could provide better counsel. If unchecked, the end results of such impaired thinking and denial are always medical, legal, and disciplinary problems, eventually leading to loss of one's license, career, and life.

## Historical Perspective

In 1976 the Florida Supreme Court specifically recognized the disease concept of alcoholism and ruled that the presence of the illness could be taken into consideration when determining sanctions to be imposed on an attorney.<sup>4</sup> Following this decision, the court in 1979 directed The Florida Bar to establish a commission on alcohol and drug abuse, charging the commission with assisting and monitoring chemically dependent attorneys during and after the grievance process. The court also expressed its hope that the commission would be able to identify and assist affected lawyers prior to disciplinary proceedings being filed. The commission eventually evolved into the Special Committee on Alcohol and Drug Abuse (the committee).

In 1981 the committee issued a report containing the following recommendations:

- 1) Establishment of a statewide, toll-free hotline through which chemically dependent attorneys could obtain help.
- 2) Establishment of an independent Alcohol Advisory Committee to assist the court and the Bar in disciplinary cases where chemical dependency was involved.
- 3) Establishment of an educational program, including speakers to appear at local bar meetings, to inform attorneys of the problem, and to let chemically dependent attorneys know that help was available.

In 1985 the Rules Regulating The Florida Bar were amended to provide that the Bar was to "create or fund a program for the identification of its members who are addicted to or dependent upon chemicals and the assistance of those members in overcoming such addictions or

dependencies."<sup>5</sup> The rationale for implementing the rule was the court's determination that a program designed to intervene *before* a chemically dependent attorney entered the disciplinary system could result in substantial savings of funds, client harm, and devastated lives, as well as acting as a resource to grievance committees in cases where alcohol or drugs were involved. In that same year, the Bar was, for the first time, given the responsibility of monitoring the probation of an attorney disciplined by the court.<sup>6</sup>

Both the Bar and the committee perceived that a major impediment to the objective of reaching attorneys before they became involved in discipline was the issue of confidentiality of information provided by lawyers voluntarily seeking help. In order to provide the necessary safeguards, 25 active members of The Florida Bar petitioned the court for an amendment providing for such confidentiality. In 1985 the court authorized Rule 3-7.1(o), providing "that an attorney has voluntarily sought, received, or accepted treatment for alcoholism or alcohol or drug abuse shall be confidential and shall not be admitted as evidence in disciplinary proceedings under these rules unless agreed to by the attorney who sought the treatment."

In carrying out the court's mandate to create or fund a lawyer assistance program, the Board of Governors decided that in order to assure confidentiality and provide maximum separation between the Bar and the LAP, a new corporation independent of the Bar should be created. This led to the formation of Florida Lawyers Assistance, Inc., in February 1986.

FLA functions through a 15-member board of directors (at least three of whom are nonlawyers) appointed by the Board of Governors. In addition, FLA receives approximately 60 percent of its funding through an annual allocation from the Bar. Beyond that, FLA operates independently of the Bar, judiciary, or Board of Bar Examiners.

As stated in FLA's mission statement, the program is designed to provide services to assist attorneys, judges, law students, and other legal professionals who may be impaired in their ability to function in a legal setting. The backbone of FLA is a support network of recovering attorneys and judges who wish to carry the message to fellow members of their profession that recovery is possible.

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FLA concentrates on assisting legal professionals with chemical dependency or psychological problems, providing evaluation, assessment and referral services, peer and facilitated support, aftercare programs, and monitoring services. In addition, FLA engages in preventive services through educational outreach programs, including mailings, literature distribution, and presentations to the judiciary, law schools, law firms, bar associations, Florida Bar seminars, and other professional entities. FLA's services are available for problems associated with drug, alcohol, gambling, food, and sexual addictions, as well as problems resulting from depression, stress, finances, and other areas that might affect an attorney's ability to function competently in a legal setting.

FLA is not a 12-step program, although in cases of chemical dependency it relies on participation in the programs of Alcoholics Anonymous and Narcotics Anonymous as the primary resource in an attorney's recovery. Neither is FLA a treatment program, counseling center, employment agency, legal referral center, or employee assistance program, although all of these services can be accessed through FLA's resources.

FLA works independently of, but cooperatively with, The Florida Bar, the Florida Board of Bar Examiners, the Judicial Qualifications Commission, local bar associations, and the Bar at large.

From its inception, FLA has been an organization of lawyers helping lawyers. Although it maintains its primary office in Ft. Lauderdale, with a staff composed of an executive director, an assistant director, and two administrative assistants, its daily operations are carried out by a network of more than 300 attorneys, judges, law students, lay persons, and medical personnel, most of whom are themselves in recovery from chemical dependency or psychological impairments, who volunteer their time to help others.

One of the primary purposes of any peer assistance program is the early identification of impaired individuals. Very often in the practice of law, the first signs of trouble come through the disciplinary system. At early stages of the illness, typical grievances include allegations that a lawyer has failed to respond to calls from clients, has not kept his or her clients properly informed

about the status of a file or case, or has been arrested for DUI. Unfortunately, due to the chemically dependent attorney's denial regarding the root of such complaints, combined with many grievance committees' lack of understanding about chemical dependency and perhaps some skillful (although perhaps misguided) advocacy on behalf of the respondent, the majority of such minor grievances result in a finding of no probable cause to proceed.

If the disease is not caught at this point, it is almost certain that the attorney will be back before the grievance committee on more serious charges, such as appearing at client meetings or court hearings under the influence, failing to appear at all, missing deadlines and statute of limitations dates, acting in a bizarre manner, abandoning his or her practice, further DUI or controlled substance arrests, or trust account violations.

It has been documented that between 50 percent and 80 percent of all cases before grievance committees, including minor matters, have as their cause some form of chemical or psychological impairment.<sup>7</sup>

In cases where chemical dependency is suspected, FLA has urged the grievance committees to refer the subject attorney to FLA for an evaluation, which the committee can facilitate through a recommendation for diversion.<sup>8</sup> If chemical dependency or some other identifiable impairment is found after the assessment and evaluation process, the attorney is requested to enter into a written rehabilitation contract with FLA. The contract generally has a three-year term, and requires the attorney to comply with a structured rehabilitation program designed for the particular individual. Most substance abuse contracts are 12-step oriented, requiring the attorney to attend a specified number of AA or NA meetings per week, obtain a sponsor, and follow the 12-step program. In addition, the attorney is assigned a recovering attorney monitor with whom they are required to meet on at least a monthly basis, is required to attend an attorney support meeting each week if one is available in their area, agrees to submit to random urinalysis, and may be required to participate in group or individual therapy.

The monitoring system and attorney support meetings are vital parts of the program, made possible by the volunteers throughout Florida who

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devote time to FLA. The monitoring and attorney support meetings are really what make the FLA program unique, and which no doubt contribute significantly to the extremely high recovery rate shown by FLA participants.

Written monitor reports are filed with FLA each month and constitute evidence of recovery that would be otherwise difficult or impossible to prove. When possible, a monitor is assigned who attends the same attorney support group as the subject lawyer, so the monitor can assess the attorney's rehabilitation in a group setting on a weekly basis.

The attorney support groups currently meet weekly in more than 20 cities. The groups, which are completely confidential, meet for an hour. Members support each other through an exchange and sharing of their experience, strength, and hope. Particular emphasis is placed on voicing those concerns arising out of the participants' practice of law, admissions process, or disciplinary problems, so that other members of the group with experience in such areas can share how they made it without the need to resort to using chemicals. The support meetings also are the primary vehicle for introducing new members to the AA and NA fellowships; by first attending a support meeting with their colleagues, with whom they feel comfortable, new members find it easier to make the transition to community based 12-step meetings. Being in a room of other recovering attorneys goes a long way toward ridding the addicted lawyer of the feeling of isolation, guilt, and shame which are the hallmarks of chemical dependency. A listing of the attorney support meetings can be found on the FLA web page at [www.fla-lap.org](http://www.fla-lap.org).

The advantage of the FLA program to chemically dependent lawyers, in addition to providing a peer support system uniquely designed for the legal community, is that they have a means of documenting their ongoing recovery efforts and successes through highly credible evidence. The Bar's Standards for Imposing Lawyer Sanctions state that ongoing, supervised rehabilitation with FLA will be considered as mitigation when determining sanctions to be imposed.<sup>9</sup> Likewise, evaluation reports from FLA and from qualified healthcare professionals certified by FLA are often used to establish that the behavior leading to discipline was in fact drug- or alcohol-related. The FLA program has been used successfully to supervise

probation of attorneys ordered by the Supreme Court. Regular reports are made to The Florida Bar outlining the attorney's progress or lack of progress in recovery. In such cases, the costs of FLA's services are partially defrayed by an initial registration/evaluation fee, monthly monitoring fees, and fees charged for appearances by staff personnel at hearings.

## **Intervention Services**

FLA also performs intervention services in voluntary and mandatory cases, provided the circumstances meet certain criteria. Intervention is a means by which the attorney can be confronted in the hope of dismantling the denial system and allowing the addict to acknowledge he or she needs help.<sup>10</sup> Initial contact with FLA is usually made by a family member, colleague, or close friend who is aware of the addiction. An FLA staff member will assemble an intervention group composed of five to 10 people who have personal knowledge of the illness' effect on the attorney. Those participating in the intervention are rehearsed by the FLA facilitator prior to the intervention, which takes place without prior warning to the attorney. The ultimate result is to have the attorney agree to go directly from the intervention to chemical dependency treatment. Interventions, if performed carefully and out of a sense of caring rather than accusation, have an extremely high rate of success.

The services provided by FLA are equally available to law students and other applicants to The Florida Bar. In cases where an application for admission reveals a history of alcohol or drug abuse, chemical dependency treatment, or drug/alcohol related offenses, the Florida Board of Bar Examiners understandably must determine if the applicant has in fact reached a point in his or her recovery which would permit the competent practice of law. In cases where such a point has not been reached, the potential danger to the public and The Florida Bar is obvious. FLA endeavors to provide the Board of Bar Examiners with evidence of rehabilitation, using the evaluation, contract, and monitoring provisions described above. Experience has demonstrated that in certain circumstances, a period of monitoring after admission is appropriate.

In such cases, applicants are often admitted on a conditional basis for one to three years, with the conditions removed upon successful completion

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of the FLA contract. While no restrictions are placed on the applicant's actual practice of law, they are required to remain under contract for the probationary period. In the event of a material violation of the contract the FLA staff consults with the Bar's Lawyer Regulation Department to recommend appropriate measures. In some cases, an extension of the probationary period may be sought or, if warranted, a petition to show cause for termination of the conditional admission may be filed by the Bar. FLA may recommend residential or outpatient treatment, individual counseling, or another alternative in lieu of suspension.

### **ABA Commission**

FLA is a longstanding participant in the American Bar Association's Commission on Lawyer Assistance Programs. The commission provides education and prevention services to the ABA and coordinates the lawyer assistance programs which now exist in some form in every state, Canadian province, and other countries.

Each year, the commission holds a workshop where representatives meet to exchange information concerning their respective programs. The workshop consistently includes representatives from the state programs, as well as lawyer assistance programs from Canada, Great Britain, Mexico, and other countries. The meeting is followed by the three-day annual meeting of International Lawyers in AA, which is attended by recovering attorneys from all over the world. CoLAP has an extensive internet presence ([www.abanet.org/legalservices/colap](http://www.abanet.org/legalservices/colap)), providing a listing of lawyer assistance programs around the country, recovery related resources, news articles, and annual workshop information. FLA's executive director was appointed to the commission in 1997 to serve a three-year term with responsibility for Florida, Georgia, Alabama, North and South Carolina, and Tennessee.

Since the commission's formation in 1988, FLA has been considered to be one of the most comprehensive programs in the United States. Florida has an advantage in that a unified bar can develop and support a uniform policy for evaluation, treatment, and monitoring of chemically dependent attorneys. Recently, in recognition of the direction in which the state programs, including FLA, are heading, the commission has expanded its role to deal with

attorney impairments other than those caused solely by chemical dependency.

### **Other Impairments**

Over the past several years it has become apparent that conditions other than chemical dependency can also adversely affect an attorney's ability to practice law. Those conditions, which are likely more prevalent within the legal community than is chemical dependency, include depression, stress, bi-polar disorders, personality disorders, financial and family problems, and other addictions such as gambling, sex, or food.<sup>11</sup> Failure to address and treat these conditions can result in consequences just as severe as drug addiction or alcoholism.<sup>12</sup> In recognition of this fact, the Supreme Court in 1998<sup>13</sup> expanded Rule 2-9.11 to provide that the program of assistance for addicted and chemically dependent members would include those suffering psychological problems affecting their professional performance. The rule now reads:

The Florida Bar shall create or fund a program for the identification of its members who suffer from impairment related to chemical dependency or psychological problems which affect their professional performance or practice of law, and the assistance of those members in overcoming such dependency or problems.

When such cases are brought to FLA's attention, either voluntarily or through the Bar, FLA and a mental health professional will evaluate the attorney and develop a rehabilitation program. In disciplinary cases, FLA enters into a modified rehabilitation contract with the attorney, acting primarily as liaison between the attorney, the attorney's therapist, and The Florida Bar.

FLA is also developing a system of facilitated support meetings, led by FLA-certified therapists, for legal professionals suffering from psychological impairments. The first meeting started in April 1999 in Ft. Lauderdale, and five groups should be operating by the end of this year.

Every July FLA sponsors a workshop for attorneys, law students, and judges interested in lawyer impairment, as well as the disciplinary and admissions processes. Presenters include experts in the field of addictionology, representatives from the Lawyer Regulation Department, the



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Board of Bar Examiners, attorneys specializing in representation in disciplinary and admissions matters, criminal and family law practitioners, and recovering attorneys themselves. Substance abuse CLE credits are awarded for attendance at the workshop, which not only provides substantive information, but also allows the volunteers from around the state, the FLA staff, and other interested parties the chance to meet on a social basis.

## Conclusion

Although not every judge, lawyer, or law student who takes a drink, uses a drug, or has a depressive episode can be considered to be impaired, *continuing* the behavior despite increasingly severe consequences can generally be regarded as evidence of an illness.

FLA estimates that of the more than 65,000 attorneys admitted in Florida, between 5,000 and 10,000 have had or will have a problem with drugs or alcohol during their careers (using 50 years as an average career). Some 10,000 to 18,000 Florida attorneys will experience debilitating short-term or full-blown clinical depression while in practice. In response to these problems, FLA has assisted almost 2,000 attorneys, law students, and judges since its creation in 1986, with approximately 200 currently under contract, of which more than 100 are being monitored for disciplinary or conditional admission purposes. In follow-up studies performed for peer assistance programs, it was determined that over 90 percent of participants who successfully completed their contracts remained chemically free and most were successfully practicing. Clearly, the reduction in harm and suffering to the impaired individuals, their families, and the public as a result of these professionals' participation is immeasurable. As has been said by one member of the Board of Governors, FLA is the only Bar funded program which works directly to save lawyers' lives.

Future plans for FLA include attempts to obtain statutory confidentiality of information and immunity for staff members and volunteers, recognition by the court and the Bar of the expanded role FLA is playing in the area of other impairments, continuing efforts at publicizing FLA's existence and function, increased education of the bench and bar regarding impairment and recovery, and development of a revolving loan

fund to assist indigent attorneys to obtain treatment and counseling. Whether such goals are reached will depend on continued cooperation from the Supreme Court and the Bar in terms of funding and support, as well as the ongoing and expanding efforts of FLA's network of volunteers. ♦

<sup>1</sup> Coombs, R.H., *Drug-Impaired Professionals*, Harvard University Press, Cambridge (1997).

<sup>2</sup> *Alcoholics Anonymous*, AA World Services, Inc., New York, NY (1935).

<sup>3</sup> Erickson, C.K., *Review of neurotransmitters and their role in alcoholism treatment*, *Alcohol & Alcoholism* 31 (Suppl. 1): 5-11 (1996).

<sup>4</sup> *The Florida Bar v. Blalock*, 325 So.2d 101 (1976).

<sup>5</sup> Rule 2-9.11.

<sup>6</sup> *The Florida Bar v. Headley*, So.2d (1985).

<sup>7</sup> Nace, E.P., *Achievement and Addiction: A Guide to the Treatment of Professionals*, Brunner/Mazel, Inc., New York, NY (1995).

<sup>8</sup> See Rule 3-5.3, Rules Regulating The Florida Bar.

<sup>9</sup> Florida Standards for Imposing Lawyer Sanctions 10 and 11.

<sup>10</sup> Johnson, V.E., *Intervention: How to Help Someone Who Doesn't Want Help*, Johnson Institute Books, Minneapolis, MN (1986).

<sup>11</sup> Beck, C., Sales, B., Benjamin, G.A., *Lawyer Distress: Alcohol Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & Health, Cleveland-Marshall College of Law (1996).

<sup>12</sup> Nace, E.P., *Achievement and Addiction: A Guide to the Treatment of Professionals*, Brunner/Mazel, Inc., New York, NY (1995).

<sup>13</sup> Case No. 92,841 September 24, 1998.

## ABOUT THE AUTHORS

□ **Myer J. (Michael) Cohen** is the executive director of Florida Lawyers Assistance, Inc., and sits on the ABA Commission on Lawyer Assistance Programs, with responsibility for the southeast region. He received his B.A. from Boston University in 1972, and his J.D. from

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Suffolk University Law School in 1980. He has been in recovery since 1986.

**Charles O. Hagan, Jr.**, is the founder and was the first executive director of FLA. He received his B.S. from the University of Pennsylvania and his J.D. from Temple University School of Law. Mr. Hagan has his masters in sociology, and serves on the board of directors of the Southwest Alcoholism Council of Florida. He has been in recovery since 1969.

**Harry G. Goodheart III** has been mediating throughout the Southeast since 1989, and is president of Mediation Resources, Inc., in Bradenton. As a member of the Board of Governors of The Florida Bar he was instrumental in the early development of Florida Lawyers Assistance, and served on its board of directors for five years. He has been in recovery since 1990.✽

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Printed previously in the Florida Bar Journal,  
December 1999 at page 26..*

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# Notes





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