South African
General Counsel for
Diversity & Inclusion

Working group report:
Embedding Mental Health and Well-Being in the Legal Profession: A Practical Roadmap for Employee Assistance Programmes

INTRODUCTION

This resource was developed through the SA GC for D&I working group on Mental Health and Well-Being in the Legal Profession. It is intended as a public-good document to support law firms, in-house legal teams, and chambers in creating healthier, more sustainable working environments.

The content reflects the personal experiences and insights of lawyers at different stages of their careers and across different parts of the legal sector, including practitioners in private practice, in-house roles, and at the Bar. These perspectives were shared candidly under the Chatham House Rule, which allowed participants to speak openly about the pressures, barriers, and cultural norms that affect mental health and wellbeing in the profession. It is a reflection of the lived experience and ideas of legal professionals and is **not informed by mental-health professionals. For individuals, teams, and companies facing mental health and well-being challenges, we strongly recommend contacting experts. This document is not a substitute for their advice and guidance.**

KEY DEFINITIONS

MENTAL HEALTH

A person's emotional, psychological, and social resilience which determines their ability to cope with challenges, form relationships, and work productively.

WELL-BEING

A broader state of balance and fulfilment encompassing physical health, autonomy, purpose, relationships, and life satisfaction. Well-being describes the overall quality of a person's life.

Mental health and well-being are closely connected: sustained stress or burnout undermines both, and in the legal profession, where identity can be closely tied to performance, their boundaries often blur.

PURPOSE OF THIS DOCUMENT

This resource is intended to support legal sector organisations embedding mental health and wellbeing into their organisation by providing a practical roadmap for effectively introducing or enhancing Employee Assistance Programs (EAPs).

EAPs were identified by the working group as one high-potential tool for supporting legal professionals and improving their mental health and well-being. They are structured employer-sponsored services that provide support to address employees' personal or work-related challenges that may affect their mental health or wellbeing. EAPs typically include short-term counselling, psychological or social support, practical advice, and referral services, delivered internally or through an external provider under conditions of strict confidentiality.

While many legal organisations already have EAPs in place, working group members and our supplementary research note that these services are often underutilised, poorly understood, or treated as standalone offerings rather than part of a wider organisational approach to mental health and well-being.[2] Many employees are unsure how to access them, worry about confidentiality, or do not believe the programme is genuinely supported by leadership.

Existing technical standards for EAP design, such as the EAPA-SA Standards, are well established and this resource does not intend to replicate them.[3] Instead, it offers a complimentary practical guide on how to introduce, strengthen, or embed these programmes in ways that reflect the realities of legal work. The resource outlines a phased, context-specific approach to understanding current challenges, improving awareness and uptake of support, equipping managers and leaders to engage effectively, and integrating mental health and well-being into organisational structures and culture.

WHY MENTAL HEALTH MATTERS IN THE LEGAL PROFESSION

Anecdotally, the South African legal sector is known for its intensity: long hours, a sense of urgency, and expectations of near-total availability. These pressures often become normalised, even when harmful. As one participant put it:

> ❝
> **"We have normalised things that should not be normalised."**
> ❞

---

[2] Long, T. (2024). Why are employee assistance programmes under-utilised and marginalised and how to address it? A critical review and a labour process analysis. Human Resource Management Journal, 34(4), 1134–1153. https://doi.org/10.1111/1748-8583.12547
[3] Employee Assistance Professionals Association of South Africa. (2018). EAPA-SA standards: 4th edition. https://www.eapasa.co.za/wp-content/uploads/2018/08/EAPA-SA-Standards-4th-Edition.pdf

Research supports this view, showing a profession under strain:

- **68% of young lawyers** in South Africa report symptoms of anxiety or depression[4], compared with the national average of 15–25%.[5]

- Legal practitioners show **higher rates of substance-use disorders** than the general population.[6]

- The International Bar Association reports that **African lawyers experience the second-highest fatigue levels globally,** with more than a third considering leaving the profession.[7]

In addition to a high work load and high-pressure environment, the working group identified a number of other drivers contributing to these outcomes:

1. **The legal sector has deeply rooted hierarchical structures** which can further reduce psychological safety, especially for junior practitioners who fear that raising concerns will be interpreted as weakness.

2. **Advocates, who operate without formal employment protections, face an even sharper absence of institutional support.** As one member reflected:

> **"I cannot think of a single employee-assistance programme for advocates… Which is a big problem because the mental-health issues are there."**

3. **Generational expectations are shifting, creating divides.** Anecdotally, many Gen Z lawyers prioritise balance, transparency, and purpose, while traditional legal cultures may continue to reward endurance and presenteeism. When these expectations clash, firms can experience disengagement and attrition. Research from the International Bar Association shows that **young lawyers feel more strongly that there is a mental health issue** in the sector than older lawyers, potentially reflecting the divide in understanding and awareness.[8]

4. **Intersectional factors,** including gender, race, age, language, and socioeconomic background, shape how safe individuals feel accessing support. In our discussions, we heard that stigma, in various forms, remains a major barrier across the sector.

[4] South African Bar Association. (2023). Mental Health in African Law: Breaking Colonial Stress. Legal Africa. https://legalafrica.org/mental-health-in-african-law-breaking-the-colonial-stress/
[5] National Planning Commission. (2024). Mental Health Situational Analysis: South Africa.
[6] De Rebus. (2024). Prioritising Mental Health in the Legal Profession.
[7] International Bar Association. (2021). Mental wellbeing in the legal profession: A global study. International Bar Association. https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study
[8] The study found that 76 per cent of respondents aged 25–29 think law firms should be doing more, compared to 48 per cent of respondents aged 60 and over. Available at: International Bar Association. (2021). Mental wellbeing in the legal profession: A global study. International Bar Association. https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-StudyProfession-A-Global-Study

WHY ADDRESSING MENTAL HEALTH IS A STRATEGIC IMPERATIVE

Supporting mental health is more than a duty of care; it is a strategic investment in individual and organisational performance.[9] Firms that adopt proactive, integrated approaches may benefit from:

- Higher productivity and accuracy;

- Stronger inclusion and more cohesive teams;

- Reduced attrition and healthier talent pipelines; and

- Leadership behaviours that model empathy and psychological safety.

These outcomes can directly influence client service, ethical decision-making, and long-term sustainability within the profession.

WHAT THIS RESOURCE PROVIDES

The guide below translates working group insights and academic research into practical steps for legal organisations. It draws on an evidence-based framework adapted from Kock, Graupner & Baloyi (2025),[10] and integrates legal-sector perspectives to offer practical tips for introducing or strengthening EAPs. The approach focuses on embedding mental health and well-being awareness, attitudes, and practices into everyday organisational life.

It is structured as a four-phase roadmap:

1. Diagnose & Design;

2. Destigmatise & Launch;

3. Drive Uptake & Enable Support; and

4. Embed & Sustain.

This roadmap supports organisations in moving from having EAPs "on paper" to building cultures where support is visible, trusted, and routinely accessed without stigma.
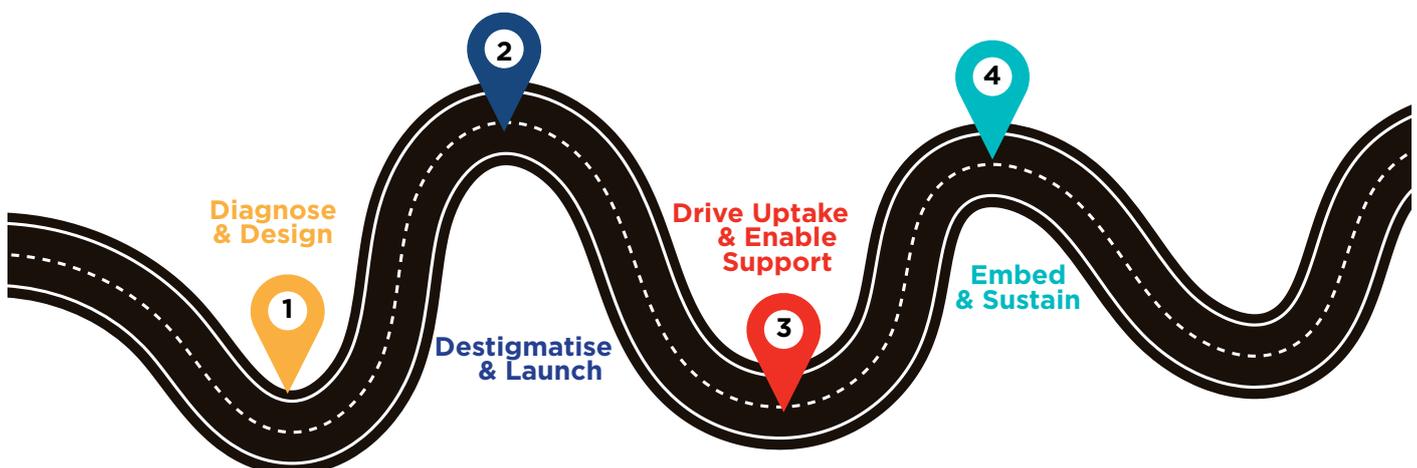
[9] de Oliveira C, Saka M, Bone L, Jacobs R. The Role of Mental Health on Workplace Productivity: A Critical Review of the Literature. Appl Health Econ Health Policy. 2023 Mar;21(2):167-193. doi: 10.1007/s40258-022-00761-w. Epub 2022 Nov 15. PMID: 36376610; PMCID: PMC9663290..

[10] NKock, R., Graupner, L. I., & Baloyi, S. (2025). Cultivating a culture of mental health in organisations: Reading the room. SA Journal of Industrial Psychology, 51, Article a2233.. https://doi.org/10.4102/sajip.v51i0.2233

PHASE I: UNDERSTANDING THE ISSUE

1. **Collect baseline data**

   • Conduct short anonymous surveys on stress, workload, burnout, awareness of mental health support, stigma, and need for EAP or alternative support. These could be in the form of short well-being "pulse" surveys shared as anonymised firm-level insights.

   • Review HR indicators like sick leave, absenteeism, turnover, grievances, exit interviews, performance dips, interpersonal conflict, absence and attendance patterns to identify early warning signs.

2. Understand structural, demographic, and work factors

   • Map workforce demographics and identify high-stress roles, considering age, family responsibility, and diversity factors that may influence stress levels.

   • Consider how socioeconomic and cultural backgrounds influence help-seeking behaviour and perceptions of mental health.

   • Identify key pressure points such as onboarding, probation, heavy litigation periods, trial prep, year-end pressures, transitions, and return from leave.

3. Create confidential early-support pathways

   • Enable confidential one-on-one debriefs or check-ins with mentors or trained senior staff.

   • Train senior and mid-level managers to identify early warning signs, have supportive conversations, and refer appropriately.

   • Build awareness of mental-health literacy across the firm.

PHASE II: DESTIGMATISATION AND ACCESSIBILITY

1. **Normalise mental-health conversations**

- Encourage senior leaders to speak about their own mental health journeys and promote mental health awareness and protection as a strength, not a weakness.
  - Directly confront cultural norms that glorify being "always on" and wearing overwork as a badge of honour, replacing them with explicitly voiced expectations for balanced, sustainable working practices.
- Integrate mental health discussions into firm-wide town halls, team meetings, and leadership messaging.

2. Create consistent, low-pressure touchpoints

- Encourage **team-level rituals** such as "well-being check-ins" at the start of weekly check-ins, making discussion of mental health routine rather than exceptional.
- Consider implementing regular non-performance check-ins focused on pressure, workload, and stress levels.

3. Improve accessibility and confidentiality

- Use technology (apps, WhatsApp/AI chatbot, digital portals) to lower barriers to support.
- Emphasise that external EAP providers ensure confidentiality.
- Encourage employees to "test" the EAP anonymously to build trust.
- Position the EAP as proactive, everyday support that is not only for crises.

PHASE III: PROMOTE UPTAKE AND BUILD CAPABILITY

1. **Increase visibility and understanding**

   • Send out regular, clear communication about what the EAP is, how it works, what it offers (incl. free access), and how confidentiality is protected.

   • Use multiple channels: onboarding training sessions, intranet, staff-wide emails, and supervisor briefings.

   • Information provided should address the common fear that "using the EAP will get back to partners."

2. Equip internal supporters

   • Conduct short skills sessions for managers and HR on "recognise → relate → refer": noticing behavioural changes, listening without prying, and connecting the person to the EAP.

   • Develop a network of mental-health champions. It is easier to spot signs of unwellness with those you work closest with; it is important that individuals across seniority levels and departments engage in these roles.

3. Strengthen early-career support

   • Adapting to the legal profession can be a period of high stress. Onboarding and orienting CAs and junior professionals is an important opportunity to introduce and normalise EAPs through mandatory training and sensitisation across the cohort.

PHASE IV: EMBED AND SUSTAIN

1. Supportive everyday practices

Create simple, repeatable habits that reinforce psychological safety and normalise well-being in daily work:

- Clear boundary-setting practices such as "no-meeting" windows in Outlook or designated focus hours.

- Periodic "free days" where employees have no meetings, may work from home, finish early, or start early and recover later OR occasional "no-explanation" days that can reduce stigma, demonstrate trust, and prevent burnout.

- Mental-health walks with colleagues to encourage decompression and informal connection.

- Recharge rooms or quiet spaces employees can use before stressful meetings or during high-pressure moments.

2. Policies and organisational practices to embed well-being

- Ensure there are robus anti-bullying and anti-harassment policies that are well-communicated and consistently enforced.

- Explore small recognition recognition mechanisms that destigmatise help-seeking (e.g., acknowledgements or light-touch rewards for engaging with wellness services).

3. Accountability and incentives

- Integrate mental-health commitments into **policies and KPIs**, linking them to leadership performance reviews and organisational values.

- Incorporate team well-being into performance assessments so leaders are accountable for creating sustainable, healthy work environments.

- Create safe, confidential mechanisms for employees to report psychosocial hazards such as bullying, harassment, excessive workload, and workplace violence. Safeguards should be implemented to avoid misuse.

4. Track the use of the EAP and integrate learnings

- Review EAP uptake progress quarterly using a simple dashboard that tracks awareness, trust, utilisation, and culture metrics. Metrics may include:
  - Awareness and trust: % of employees who know how to access the EAP and believe it is confidential.
  - Utilisation: Number of calls or sessions per 100 employees; trends by month; average time to first appointment.
  - Psychological safety index: Survey score on comfort speaking about stress or mistakes.
  - Manager capability: % of managers trained in supportive-conversation skills.

- Where uptake remains low or metrics are indicating a weakness, investigate root causes (e.g., privacy concerns, workload preventing access) and adjust systems accordingly.

Conclusion

This working group affirmed that improving mental health and well-being in the legal profession requires more than the existence of an Employee Assistance Programme; it requires organisational commitment, cultural change, and sustained leadership attention. The roadmap and practices outlined in this guide provide a practical way for legal organisations to strengthen awareness, reduce stigma, and ensure that support systems are accessible, trusted, and genuinely used.

By drawing on the lived experience of legal professionals across the sector, together with academic literature and emerging evidence, this resource offers a starting point for firms, chambers, and in-house teams seeking to create healthier, more supportive working environments. While it does not replace technical EAP standards or the expertise of mental health practitioners, it complements those resources by addressing the day-to-day realities of legal work and the cultural and structural factors that shape help-seeking.

Embedding mental-health and well-being practices is an ongoing process. Organisations that diagnose their challenges honestly, communicate openly, equip managers, and integrate well-being into policies and expectations will be better positioned to retain talent, strengthen inclusion, and support high-quality legal practice. We encourage organisations and individuals to seek the guidance and support of mental health experts on this journey.

We would like to hear your feedback!

Get in touch with us at
info@sagcdi.co.za