

The Careful Workplace: Seeking Psychological Safety at Work in the Era of Canada's National Standard. By Martin Shain. Toronto: Thomson Reuters, 2016. xiv, 137 p. Includes references, table of cases and index. ISBN: 978-0-7798-7238-1 (hardcover) \$82.00.

This slim publication offers an insightful and important entry into the literature of psychosocial risks associated with the workplace. Its author is eminently qualified to provide commentary insofar as he was one of the principal researchers involved in the formulation of the new National Standard on Psychological Health and Safety in the Workplace, which is the central focus of this work. With a combined background in law and social science, Dr. Shain brings an authoritative voice to this topic. The full text of the relevant standard (CAN/CSA-Z1003-13/BNQ 970- 802/2013) may be downloaded from the Standards Council of Canada website and was commissioned by the Mental Health Commission of Canada. This review will concentrate on several key elements of the author's counsel relating to this standard.

Shain's stated purpose is to assist "workplace actors" toward the implementation of this standard designed to promote psychological health and safety. Immediately, it is important to note that the standard is, at present, voluntary which means that organizations are not actually required to maintain, measure or monitor the principles or practices outlined in standard's framework. However, as a "performance" standard CSA 1003/BNQ 9700 does stipulate precisely how any corporation might go about structuring the workplace to enhance the mental health and safety of its workers. Shain notes that, beyond the practical level at which this standard may operate in the workplace, there are wider, more profound, impacts of mental health on our families, communities and the larger world. Accordingly, the author argues that what he terms, "the careful workplace" has a pivotal role to play in societal well-being that should not be ignored by organizations.

The author's research in this area is substantive and wide-ranging. Shain notes that European and Scandinavian countries have adopted many of the principles, policies, and practices associated with "the careful workplace" and explores some of the legal and educational approaches to mental health protection developed in the United Kingdom. Based upon principles derived from the foundations of UK law of negligence dating back to 1932, the author cites fifteen propositions that apply to the prevention of mental injury in the workplace.

The author is not unaware of the significant cultural barriers that may exist with respect to the implementation of this standard. Thus, it is not surprising that one of the cases cited (i.e., *Sulz v. Canada (Attorney General)*, 2006 BCSC 99) deals with the harassment of a female RCMP officer by her detachment commander. The pervasive, systemic presence of a harmful workplace environment within this federal agency has resulted in an unprecedented settlement with a number of female RCMP officers and employees in order to avoid a class action lawsuit against the RCMP. Accordingly, Shain argues in favour of a hybrid model for dealing with psychosocial risks within any organization including regulatory and voluntary components.

There are efforts made to calculate the economic impacts of stress in the workplace. For example, estimates from the Mental Health Commission of Canada suggest a figure of \$51 billion for the total costs of lost productivity due to mental disorders of all kinds. And while no workplace could be expected to prevent all psychosocial risks among their workers, there remains a duty of care for corporate authorities to take reasonable precautions in the face of foreseeable harm. Shain outlines several examples of "ongoing intentional and reckless conduct predictably resulting in mental injury and typically characterized as harassment" and "ongoing negligent conduct creating a climate in which mental injury is often reasonably foreseeable" (p 20) that should be understood in order to create a culture of carefulness in the workplace. Again, the author turns to the UK courts for evidence of an established jurisprudence relating to the application of "reasonable foreseeability" to cases dealing with mental injury.

It may be unreasonable and unnecessary to expect some of the goals of Liideri program funded by the European Workplace Innovation Network (EUWIN) leading to joy in the workplace. The seventeenth century political thinker, John Locke, characterized work as "the joyless quest of joy" and this continues to

resonate in the postmodern world. However, people should have a reasonable expectation that they will not be exposed to the kinds of chronic and consistent practices in the workplace that Shain discusses which could lead to mental stress and/or injury. Accordingly, the author asserts that both quantitative and qualitative measures are in order to ensure that our workplaces are capable of assessing and abating psychosocial risks in the workplace.

Dr. Shain has worked to create a “Neighbour at Work” (N@W) initiative to assist in the promotion of mental and physical health in the workplace. He points to the mountain of research which acknowledges, outlines, and establishes a direct connection between certain organizational practices and mental health conditions (e.g., depression, anxiety, and burnout). And, while it may not be possible to accept that mental injuries in the workplace are a preventable social problem, as Shain suggests, it certainly is essential that public and private corporations work to minimize, mitigate and manage these kinds of harm. For example, it is unlikely that the catastrophic mental stress placed upon someone like General Romeo Dallaire, while operating on behalf of the Canadian government in Rwanda, could have been prevented by any form of N@W. Nor is it conceivable that any amount of counselling or employee assistance could completely avoid the mental harm experienced by prosecutors, jurors or court officials who play some part in the courts’ adjudication of some of the more horrendous crimes. However, the concept of the careful workplace and the standard that accompanies this notion are aspirational and worthy of implementation insofar as they set an ideal for inspiration and approximation.

In summary, this brief book offers an enlightened, and enlightening, overview of the fundamental importance of psychosocial health. The author has assembled a useful amount of background information, including a draft regulation, to assist employers in their efforts toward fostering “the careful workplace” across Canada. Therefore, this is a worthwhile acquisition for a wide variety of law library collections, from academic to private practice.

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