Table of Contents

About the Author ..... **ix**
A Note on Language ..... **xi**
Foreword ..... **xiii**
Acknowledgments ..... **xv**
Introduction ..... **xvii**
Why This Book was Written and for Whom xvii
The Spirit of the Standard: The Vision Statement xviii
What Kind of Standard is Z1003? xviii
The Project of This Book: The Population Health Agenda of the Standard xix
The Era of "The Careful Workplace" xx
Using the Standard: A Tool for Everyone xx
Regulation in the Context of the Standard's Population Health Agenda xxi
Exploring a Hybrid Model for Implementing the Standard and Confronting the Culture Barrier xxi
Chapter 1
The Standard so Far: The Emerging Case for a Hybrid Model **1**
On the Threshold of a New Era 1
Data from Downloads of the Standard and the SHARE Study 1
Data from the Implementation Study of the Standard 2
Context and Perspective 2
Value of the Standard for Employers 4
Introduction to a Hybrid Approach for Assessing and Abating Psychosocial Risks 5
Examining the Case for a Hybrid Model 6
1. The Purpose and Original Intent of the Standard 6
A. Recommended Components of a National Policy to Assess and Address Risk to Mental Health in the Worplace 7
B. Toward a Standard for Canada: Beginning the Conversation 8
2. Revisiting the Rationale for the Standard as a Population Health Initiative 11
3. Does a Voluntary Standard Have the Potential to Achieve Population Health Objectives? 14

4. How Does the Standard Relate to Current Legal Requirements to Protect Mental Health at Work? Is There a Hole in the Psychological Protection Shield Provided by Law and the Standard? 16
Defining a ''Culture of Carefulness" in the Standard and the Law 18
Culture of Carefulness in the Standard 18
The Basic Language of Carefulness 19
A. Examples of Ongoing International and Reckless Conduct Predictably Resulting in Mental Injury and Typically Characterized as Harassment 20
B. Examples of Ongoing Negligent Conduct Creating a Climate in Which Mental Injury is Often Reasonably Foreseeable (But Typically Not Amounting to Harassment as Currently Defined in Law) 20
The Threshold of Harm: Reasonable Foreseeability 21
Culture of Carefulness in the Law 21
No Duty to Prevent Mental Injury at Law? 22
Recent Trends in BC and Ontario: A Shift Toward More Regulation? 22
Recent Developments in Workers' Compensation Law 24
Negligence, Reasonable Foreseeability of Harm and the Duty to Provide a Safe System of Work 25
5. Emerging Issue: Reasonable Foreseeability as the Key Criterion for Attracting Liability 30
Appendix to Chapter 1 33
Chapter 2
The UK's Legal and Educational Approach to Mental Health Protection 35
Reasonable Foreseeability in UK Jurisprudence 35
The UK Approach to Prevention of Mental Injury 37
Key Elements of the UK Approach: An Educational-Legal Hybrid 38
The Educational Component of the Hybrid Model: Management Standards and the Acas 38
Management Standards as a Population Health Strategy 41
Management Standards and Threshold Alert Levels 41
The Management Standards Today 43
The Role of the "Acas" in Implementing the Mangement Standards 43
The Legal Component of the Hybrid Model: Measurement/Assessment Requirements 45
The Relationship Between Public and Private Law Remedies in the UK ... 47

Summary of the UK Hybrid Approach 48
How Might the UK Experience Apply to Canada? 49
The Hybrid Model Elsewhere in the World 51
Other Governmental Approaches 52
Conclusion 53

Chapter 3
Regulatory Components of a Hybrid Model 55

Purpose, Administration and Enforcement of the Regulation as a Public Remedy 55
Use of the Regulation by Complainants 55
Use of the Regulation by Employers 56
An Alternative to Regulation: Codes of Practice 56
A Draft Regulation 57
A. Basic Requirement: Use of Initial Scan Surveys 57
B. Alert Thresholds and Risk Reduction Targets 58
C. Record of Compliance and Achievement of RRTs 58
D. Administration 59
E. Enforcement 59
F. Application 59

Chapter 4
Culture and the Careful Workplace 61

Preliminary Considerations: The Challenge of Cultural Change 61
The Need for ''Cultural Tools'' 61
Does the Law Play Any Role in Effecting Cultural Change? 62
The Cultural Requirements of the Standard: A Closer Examination 62
Defining Culture 62
The Cultural Project of the Standard 63
The Language of Carefulness: Language as Conduct 63
Exploring the Basic Beliefs, Understandings and Values of the Standard 64
The Central Role of Fairness in the Construction of Mental Health: Scientific Evidence 66
The Sociobiological Translation 68
The Anatomy of Unfairness: Failures of Information and Participation 69
Information Failure and Unfairness 69
Participation Failure and Unfairness 69

Negation of Consent is at the Heart of Information and Participation Failure 70
The Experience of Unfairness is More Likely to be Found in Power-Based Relationships 71
The Standard's Implicit Position on Power-, Status- and Authority-Based Relationships 73
Fairness and Culture: Concluding Thoughts on the Scientific Evidence and its Practical Value 73
The Central Role of Fairness in the Construction of Mental Health: Legal Evidence 74
Importing the Common Law Neighbour Principle into the Workplace 75
The Neighbour Principle as the Foundation of the Standard's Cultural Requirements 75
The Social Psychological Basis of the Neighbour at Work Principles 77
The Legal and Ethical Basis of the Neighbour at Work Principles 78
The Neighbour at Work Effect: Evaluations of How the Principles Work in Practice 80
The Roles of Workplace Actors in Fulfilling the Systemic and Cultural Requirements of the Standard 83
Conclusion 85

Appendix to Chapter 4
Evaluations of the Neighbour at Work Principles/Imperatives in Action 87

Chapter 5
Mental Health Protection as a Population Health Issue: Challenges of Measurement and Accountability 103

The General Challenge of Measurement and Accountability 103
How Can Workplaces Build and Report on Metrics That Have Validity, Reliability and Credibility 104
The Nature of a Social Impact Statement (SIS) 105
Can Some ''Social Exhaust" be Offset by Benefits to Society? 105
Standard introduction to an SIS 107
What Would the SIS Report on? 108
The Specific Challenge of Measurement and Accountability 108
Aggregating the Data for Population Health Purposes 111

Appendix to Chapter 5
The Evolution of the Stress Satisfaction Offset Score (SSOS) and the Stress Satisfaction Index (SSIX) 113

Chapter 6
Toward the Careful Workplace:
The End of the Beginning or the Beginning of the End? 117
Market Forces and the Careful Workplace 117
Employee Status and Mental Health Protection 118
The Standard and Social Expectations 119
What Reason Could We Have For Not Regulating the Assessment of Psychosocial Risks in the Workplace? 120
From Benefits to Rights 121
A Duty Too Far? 121
References 123
Index 131