

Exposure To Trauma – What is the Law – What you need to know and do?*

This article is being written to look at the issue of trauma on workers. For Solicitors and Barristers who work in the area of child protection, criminal, family, human rights, or immigration law you will probably be regularly exposed to the trauma of others. The same applies to Doctors and Nurses and health professionals. Equally those in the emergency services such as ambulance drivers and fire brigade will be regularly exposed to trauma. This also applies to members of An Garda Síochána. These are simply examples. You may well be personally affected by trauma. There can be vicarious trauma at times. There is a significant danger that if there is repeated exposure or if it is not dealt with the problem can become more serious. This can lead to post traumatic stress disorder.

The problem is growing due to issues in society. For those in the medial professional, for example, we are seeing significantly higher antisocial behaviour and assaults in hospitals. For Solicitors and Barristers again, there is huge pressure in particular areas of law where trauma is involved.

It can be very hard for anybody, whether they are a Doctor, Nurse, Lawyer, or Paramedic to admit firstly to themselves and secondly to others than they are experiencing vicarious trauma or post-traumatic stress disorder.

It is very important to be aware of the signs which can indicate vicarious trauma or post-traumatic stress disorder. These can include;

- Nightmares
- Flashbacks

- Avoiding people or situations or circumstances which are associated with the trauma. This might include, for Lawyers, trying to avoid certain cases and for others for example dreading work. For some individuals may become very vigilant and overly vigilant showing intense concerns for a client, patient, themselves or family safety. They become easily upset or irritable or impatient or get into arguments. There can also be issues such as having difficulty sleeping or remembering things. Effectively it can be called hyper arousal.
- Another issue is lowering empathy for clients or patients or detachment from family or friends.

Once somebody has identified if they come with any of these the issue is what is likely to have caused it. These would include;

- Being regularly exposed to trauma
- Being exposed to trauma in an unexpected way
- That there have been changes in their own circumstances for example a health professional being exposed to violence against older individuals and treating them when they themselves have older parents. It could be a Solicitor or Barrister who now has children being exposed to child trauma issues.
- That they experience other stress issues which could be family issues of their own which lower their ability to cope.

The next issue is how you deal with it. You need to seek help. It would appear that if the symptoms in relation to trauma exposure lasts beyond four weeks you need to get professional help. This means at the start seeing your GP. This may mean subsequently going to therapy.

Are people concerned about seeking help?

Of course individuals are concerned about seeking help. There is a belief that seeking help is in some way a sign of weakness or that there is something wrong with the person seeking help. This is not weakness. It is not an issue that anybody should feel concerned about.

It is important that you know the signs of trauma. It is important that you look to see what self-help you can provide for yourself. If you cannot provide that you need to be alert to the signs among yourself and colleagues and that you are available to have an open discussion.

Everybody's mental health is important. There will be people who will be exposed to traumatic situations everyday of their working career and over many years where they appear to cope very well. There can then be an incident which arises which is effectively the straw that breaks the camel's back. If it is you then you need to get help. If it is a colleague this is not a sign of weakness on their behalf. It is one where people need support. Everybody is working nowadays in stressful working environments. There is good and there is bad stress. Good stress makes individuals work better. There is however a fine line between good stress and bad stress which can have a negative impact on anybody's health.

How can people help?

Of course bullying and long hour's culture are obvious. There are other behaviours that show a lack of consideration of others and can have a negative impact on those people's lives and their work. Derogatory remarks, nicknames, taking credit for other people's work, passing over work to somebody who is already on tight time limits or failing to include people in networks can all have a negative impact on creating support in any organisation. It is important to give everybody the opportunity to be positive and to develop their own wellbeing. Respect for individuals makes them feel valued. A

sense of value helps them cope with the ordinary stress of workplaces.

In our practice we unfortunately regularly come across individuals who have been affected by trauma. The problem which we have is that more often than not those who we see are at an advanced stage. Many find it hard to cope. They are on medication. They think their career is going to cease. They feel under pressure to continue despite the effect on their mental and physical wellbeing to keep working to pay the mortgage or to pay the bills. They see no way out. The traditional approach is to head to the Courts to litigate. This is not our approach. Our approach is different. Our approach is first to make sure that our clients get the treatment that they need to get better. The second approach is of course to make sure they can communicate any difficulties they have to their employer in a way which protects their employment and gives them time to recover. The third element is to obtain the relevant compensation, in appropriate cases for the injuries sustained or in some cases to assist in negotiating an exit package in a way which preserves our clients financial circumstances as best we can going forward.

In many cases employers will be supportive and will make sure the appropriate services and time is given to a staff member. In other cases that will not be an option and an exit package may have to be negotiated. In other cases the employer may be less than sympathetic and matters may have to go to full litigation.

We have a different approach, as we said, to other firms. We are here to identify the problems. We encourage employers to promote a culture of asking for help if any employee, no matter what level they are at, needs help and that it is done in a supportive way. We apply the same principle to our own firm. We see the trauma of others. We are not robots. It does affect us. We recognise in our own firm the importance of being able to talk about cases. We recognise the importance of being supportive. We recognise the importance that

there will be cases which a person does not wish to take and that somebody else in the firm will take the case and lead on it. Because we recognise that exposure to trauma causes problems we have the empathy to be able to be supportive of clients but at the same time provide a professional service. We do not claim to be perfect. We do however recognise that as an employment law firm no employee has ever come to our firm to tell us how wonderful their employer is. The pain and the upset and often the hurt which employees have are something we are aware of. We recognise this and we are here to provide solutions. The law can be a blunt instrument at times. Our approach is not immediately to go to litigation. Our approach is first of all to seek mediation and solutions and only where the avenues of mediating or settling issues cannot be achieved do we go to litigation.

This may be a different approach to other firms but then we have never sought to follow the crowd but to provide a unique boutique service for our clients tailored to their individual needs.

If you are reading this article and you believe that you may suffer any of the elements of trauma related stress or simply stress itself rather than coming to us first we would encourage you to go to your GP, speak to your GP about it, take the advice of your GP and if necessary go and see a specialist psychologist or psychiatrist as advised by them. Your physical and mental health must come first. There is no stigma in seeking help. You might think that there is but there most definitely is not.

If you are worried about asking for help from your employer then you might want to talk to us as early as possible so that we can assist you in doing so in a way which protects your employment going forward.

Finally we would hope that you never need our services. You can avoid coming to us very simply by putting your mental and psychical health first and that avoids ever having to get legal advice. If you need legal

advice then we are sorry that you do but we are here to give you that advice and assistance.

You can contact us on 01-969 5781 or info@grogansolicitors.ie or in urgent cases you can contact Richard Grogan at richard@grogansolicitors.ie to arrange a consultation.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

****In contentious cases, a solicitor may not charge fees as a proportion or percentage of any award or settlement.**