



It's time to engage with employee burnout; implications of the World Health Organisation's new definition in 2019.

On 28th May 2019 the World Health Organisation ("WHO") released its new definition of burnout, to be included in the International Classification of Diseases volume 11 ("ICD-11") which will be published in January 2022. The news of the definition received widespread media attention, not all of which was consistent or entirely informative.

The aim of this white paper is threefold;

- to contextualise burnout within the mental health landscape;
- identify the likely impact of the changing definition for employers and individuals;
and
- clarify the way forward for employers who wish to stay ahead of the curve in this developing area and minimise both risk of exposure and loss to the business.

The definition of burnout

Surprisingly, this is not the first definition of burnout the WHO has included in the ICD.

ICD-10, published in 2018, listed burnout as 'a state of vital exhaustion' under the heading of 'problems relating to life management difficulty'.

So, what changed this month that had the media reporting so widely?

The definition was expanded to a three-part test and a context set for the definition.

The revisedⁱ definition of burnout is as follows:

“Burn-out is a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed. It is characterized by three dimensions:

- feelings of energy depletion or exhaustion;
- increased mental distance from one’s job, or feelings of negativism or cynicism related to one's job; and
- reduced professional efficacy.

Burn-out refers specifically to phenomena in the occupational context and should not be applied to describe experiences in other areas of life.”

This definition will apply from the 11th edition of the ICD, due to be published in January 2022.

Burnout is termed an occupational phenomenon and the WHO have made clear that burnout itself is not classified as a disease. It’s placement within the ICD is key; burnout falls within the section setting out reasons why individuals may interact with health services that are not within themselves illnesses or diseases.

Burnout is therefore a collection of symptoms and may (and indeed has) significant overlap with stress, depression, anxiety and other physical disorders. It also is defined solely to an occupational context, which may have implications for employers moving forward (more on this to follow).

What is new about burnout?

Occupational burnout has been a nebulous and poorly understood concept. Whilst workplace stress is relatively well established, burnout's aggravating factor of cynicism or distance from work leads to difficulties in both identifying burnout and engaging with it directly.

Burnout was originally defined in 1974ⁱⁱ as “the extinction of motivation or incentive, especially where one's devotion to a cause or relationship fails to produce the desired results.”

The WHO definition takes this a step further by referring to the physical aspect of burnout, which we may most commonly see in employees who appear run down, exhausted, chronically unwell with low level illnesses. It also places burnout squarely within the occupational bracket, which may have further implications for employers (more on that to follow).

Burnout in the mental health landscape

Poor mental health is estimated to cost the economy up to £99billionⁱⁱⁱ each year, and the cost to employers is placed at between £33billion and £42^{iv} billion each year. Key to the issue of burnout is the estimate that almost half of the loss to businesses each year is due to lowered productivity during the presenteeism of struggling employees.

Given burnout's special character of cynicism or negativity both in the workplace and in the attitude to work and achievement, then maintaining a positive and healthy workplace is a key consideration. Negative opinions are proven to have a stronger effect than positive, and a culture of burnout has a strong correlation to an individual's risk of burning out at work.

Burnout in the legal community

So, if a key component of burnout results in a cynical or distanced attitude to work, negativity is proven to have a more influential effect than positivity^v and one person's sadness doubles the likelihood of the people around them also being sad^{vi}, the relative health or toxicity of the workplace in question is key.

Lawyers are the second most stressed profession^{vii}, with 63% of those surveyed reporting stress on a daily basis and 28% of 35-44-year olds reporting daily work-related stress.

Earlier this year, the Law Society Junior Lawyer's Division annual resilience and wellbeing survey^{viii} found 93.5% of junior lawyers report experiencing stress in their role at work, with a quarter self-reporting severe or extreme levels of stress. One in 15 junior lawyers have experienced suicidal thoughts.

In the same report, 77%^{ix} of those surveyed said they believed that their firm could do more to support stress at work, 87% felt that their employers could do more to provide support, help and guidance in relation to mental health in the workplace.

Worryingly, despite one half^x of those surveyed reporting mental ill-health in the workplace in the month before the survey, less than 20% had spoken to their employers about it. There is still therefore a significant gap between the individual understanding and awareness of mental health issues and lowered productivity in the workplace, and the ability for individuals to feel able to speak about this openly with their employers.

The concern that arises both from the recent studies into health and wellbeing of lawyers at work and more anecdotally, is that we are reaching a critical point in mental health awareness and its impact both in the short and long term

Solutions to burnout

Sadly, there is plenty of misinformation out there about burnout.

Burnout comprises of a physical and mental/emotional element and arises as a result of chronic workplace stress that has not been managed. Key to this is the stressful lifestyle of most professionals, a simple reduction in stress is not achievable or likely for most individuals unless they leave the profession altogether.

This means that burnout is a complex set of physical and emotional symptoms that arise over time, that worsen unless the aggravating factor is reversed, and that require a multi-faceted approach to reverse the syndrome.

It is important to note that cynicism or distance from work is a symptom of the syndrome itself; individuals who find themselves struggling with burnout started out as engaged and pro-active employees. This is a syndrome that affects the best and brightest, often who have struggled for a lengthy period with workplace stress, and it is the responsibility of all concerned to have a greater understanding, awareness and ability to help and support those employees to return to their best.

The World Health Organization is about to embark on the development of evidence-based guidelines on mental well-being in the workplace; as a result we are some years off a clarified and codified process for preventing, managing and reversing burnout.

However, a robust plan of employee education and awareness, in-depth discussions with HR and managers clarifying the signs and symptoms to look out for (particularly surrounding disengagement and negativity) and an ongoing programme of education, discussion and support for employees together with a clear view of acceptable and unacceptable work-based stressors can help manage and even reverse the position.

The New Risk Factors for Employers

It is of course very early days, with the new definition having only been published a matter of days ago and the development of guidelines some years off. However, we have identified some key factors that employers should consider in setting out their employee health and wellbeing plans moving forward.

Mistaking burnout for insubordination

The WHO definition is the first time that the emotional and psychological component of burnout has been set out. Previously, employees who were distanced, cynical, ringleaders in the workplace or who had a poor relationship with management or HR may have been considered to have had a poor attitude or to be a poor fit for the workplace. This revised definition provides an opportunity for employers to reconsider whether this may in fact be a cry for help that requires more assistance

‘not successfully managed’

Key to the definition of burnout is the phrase ‘stress which has not been successfully managed’. Whilst the definition itself places no blame or burden, there is scope for this to become the subject of employment litigation. What is reasonable or unreasonable stress in the workplace, and what role to employers play in protecting their employees?

EAP is not enough

Whilst half the workforce now has access to an employee assistance programme, the uptake of Employee Assistance Programme services is around 5%^{xi}. For lawyers in particular, the rising issue of workplace stress is not one that can be countered passively. Employers who wish to engage with the burnout problem and retain their brightest and best lawyers must take positive action.

Burnout: The Way Forward

The World Health Organisation's new definition of burnout has caused a stir in the media and with health and wellness professionals, but contrary to the popular belief, it isn't a new phenomenon.

Burnout arises when a previously engaged and enthusiastic person is chronically overwhelmed by poorly managed workplace stress, resulting in both physical and psychological symptoms.

Whilst the syndrome progresses as a result of chronic stress, a simple relief of stress will not resolve it; burnout requires open discussion, education and engagement together with a new, more robust approach to stress resilience, a wider understanding of the symptoms of burnout and how they present at work, and improved access to specialist facilities for those who wish to receive more support.

Burnout does not necessarily mean the end of an individual's career; but it does require a change in perspective and approach to stress.

When mental health costs employers nearly £20billion per year^{xii} and the return on investment in mental health is up to £9 per £1 spent^{xiii}, together with the potential issue of an 'unmanaged stress' case, the business case for robust and early intervention into burnout education and support is clear.

About The Author



Leah Steele is a mentor and trainer to professionals who are struggling with exhaustion, burnout, overwhelm and imposter syndrome.

Now a non-practising solicitor, she was called to the Bar of England and Wales in 2007, was admitted to the Roll of Solicitors in 2012.

An expert in mental capacity and paying for care, she advised individuals, charities and local government, combining working as a lawyer with a regular monthly magazine column, developing and delivering training across the country, writing policy documents and developing a new practice area for her firm, in addition to her daily work in litigation.

After her own struggles with burnout, she launched Searching for Serenity (whilst working full time as a solicitor) before taking a break from her legal career in 2017 to work full time with other professionals.

Leah regularly writes and speaks on the topics of burnout, imposter syndrome and what it means to have a fulfilling career; she has recently appeared on the Victoria Derbyshire show, BBC 5 Live, has written for LawCare, Cilex Regulation and has appeared in national press including Stylist and Fabulous magazines.

Searching for Serenity provides cost-effective solutions for individuals and organisations, and her current clients include lawyers, teachers, medical professionals and technology workers from the UK, Europe and USA.

Searching for Serenity

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