



# The Role of Leadership in Protecting Employee Wellbeing and Mental Health

In today's fast-paced work environment, leadership is not just about guiding a team towards achieving business goals; it also encompasses fostering an atmosphere where all workers wellbeing and mental health are prioritised. The recent employment court case of *Siouxsie Wiles v. The Vice Chancellor of the University of Auckland [2023] NZEmpC 136* sheds light on the critical role that leadership plays in upholding an employer's obligations to protect the health and safety of its workers.

## A Recent Case

Dr Siouxsie Wiles, a prominent scientist and public figure during the COVID-19 pandemic, filed a case against her employer, the University of Auckland, citing breaches of their obligations to protect her health and safety. Dr Wiles had been subjected to sustained harassment and threats (both online and offline), which escalated during the pandemic due to her public role in communicating health information.

Dr Wiles argued that the university failed to take adequate steps to protect her from these threats, which contributed to significant stress and impacted her mental health. The Employment Court found in her favour, ruling that the university had a contractual obligation to ensure her safety and wellbeing, both physically and mentally. The University of Auckland was ordered to pay \$20,000 in damages to Dr Wiles.

## **Key Learnings for Leadership**

### **1. Recognising Mental Health as Part of Workplace Safety**

The court's decision underscores that an employer's duty of care extends beyond just physical safety to include mental health. Leaders must acknowledge that mental health risks, such as those arising from harassment, are as critical to identify and address as physical risks. Sometimes risks to mental health, such as behaviours that can cause harm, are missed from a workplace's risk register. Failure to identify and address these risks can lead to legal repercussions and, more importantly, can damage the wellbeing of, and cause harm, to your workers.

### **2. Proactive Risk Assessment and Response**

Last month I provided a post on the new H&S Guide for Directors (read that post [here](#) if you missed it). Those in leadership, like those in governance roles, have a key role in health and safety in the workplace. A leader's role involves collaborating with workers to anticipate risks and taking proactive measures to mitigate those risks. In Dr Wiles' case, the university was criticised for its inadequate response to the harassment she faced. This highlights the importance of leaders, in association with their workers, regularly assessing risks to both the physical and mental health of their workers and implementing effective controls to address them. Check that obligations under the Health and Safety at Work Act 2015 are being met.

For example, businesses can develop and train staff on behaviours that can cause harm, legislation that addresses

behaviour, clear protocols for raising concerns and responding to unacceptable behaviour (including online harassment), provide access to mental health support services, provide WorkSafe Guides and other policies and procedures, and ensure that employees feel safe to report any issues without fear of repercussions.

### **3. Supportive Leadership Practices**

The case also illustrates the need for leaders to actively support their workers' mental health. Are your leaders confident to do this? This can include regular check-ins, getting to know their team members, creating an open dialogue about stress and mental wellbeing, and ensuring that workers have access to necessary processes and information.

Leaders who are empathetic and responsive to their employees' mental health concerns can foster a work environment that not only meets legal obligations but also enhances employee engagement and productivity.

### **4. Training and Awareness**

Ensuring that leadership teams understand their obligations and have in place tools to build and maintain a positive and productive workplace culture, as well as policies and processes to assist them and their team when needed is essential. The university's failure to protect Dr Wiles, points to a gap in awareness and preparedness in dealing with the mental health challenges that arise from non-traditional threats, such as online harassment. A review of what you have in place, and providing training to leaders and

managers e.g. on conflict resolution and risk management, is crucial in today's workplace.

## **Conclusion**

The case of Siouxsie Wiles v. The Vice Chancellor of the University of Auckland serves as a powerful reminder of the responsibility that leaders have in protecting the mental health and wellbeing of their employees and other workers. As workplace dynamics continue to evolve, leaders must stay vigilant, proactive, and supportive to ensure that all aspects of employee health are safeguarded. By doing so, they not only comply with legal obligations but also cultivate a resilient, engaged, and healthy workforce.

Please contact me if you have any questions about this topic or would like assistance with the tools and training that can support your leaders and teams.

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