

## Implications of levels of stress factors in the magistrate's activity

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### Abstract

*It has been performed a study concerning the stress factors of the magistrates, in order to be informed on their contribution over the health risks. It was studied a sample of 176 people, representative for the magistrates in Constanta County, including 92 judges and 84 prosecutors, 70 men and 106 women, with ages between 20-60 years old and seniority in magistracy work of 1-25 years. The method consisted in visiting their workplaces, conversations with magistrates and the application of a questionnaire containing 77 potential stress factors, classified in 5 categories from which 56 were declared as stressing. All the magistrates mentioned the existence of certain stressors relating to their work. In different proportions were mentioned various physical-chemical factors, relating to the organizational structure and the professional climate, of the magistrate's role in the professional activity and individual factors relating to the interaction between the professional and the socio-family environments. There were analyzed the types and the frequency of stressors in each category and the ways of preventing and fighting against them.*

**Keywords:** stress factors, magistrates.

### Introduction

Researches proved that the magistrates belong to one of the most exposed and vulnerable to occupational stress professional category, with negative effects on their work ability and health status (KIRBY M.[1], MACK K. & al.[2], ROACH ANLEU S.& al. [3]). In countries such as New Zealand, judges are being included in the high-risk professionals category, likely to become addicted to alcohol and drugs (KIRBY M.[1]). Since 1980, the attention, concern and studies of the researchers, psychologists and doctors on the stress of the magistrates have had seen a steady growth, aiming at developing projects and training programs and risk management of distress and health impairment in this occupational category (COOPER C.L. & al.[4], DEREVENCO P. & al.[5], KIRBY M.[1], MACK K. & al.[6], ROACH ANLEU S.& al.[7]). Studies on the causes, characteristics and management solutions of stress in the magistrates work have remained relatively low compared to the importance of the phenomenon (BRATE A.[8], WISNER A.[9], SITE [10]). Practical implementation of the proposed actions was limited in scope of countries with high living standard as Australia, USA, Canada, England etc. In Romania, the drafts of study and stress management of the magistrates are neglected.

## Materials and methods

There was considered for study a sample of 176 magistrates, representative for Constanta County, including 92 judges and 84 prosecutors, 70 men and 106 women aged 20-60 years and seniority in magistracy between 1-25 years, from 3 sections of activity, court, tribunal and court of appeal. In Tables I and II it is outlined the sample structure by gender, age groups and seniority in the magistracy and the current position.

### I. Study sample. Magistrate's distribution on gender and age groups

| Years | Total  |     | Men    |    | Women  |    |
|-------|--------|-----|--------|----|--------|----|
|       | Number | %   | Number | %  | Number | %  |
| 21-30 | 30     | 17  | 10     | 33 | 20     | 67 |
| 31-40 | 82     | 47  | 34     | 41 | 48     | 59 |
| 41-50 | 26     | 15  | 11     | 42 | 15     | 58 |
| 51-60 | 38     | 22  | 15     | 39 | 23     | 61 |
| Total | 176    | 100 | 70     | 40 | 106    | 60 |

### II. Study sample. Magistrate's distribution on groups of seniority in magistracy

| Seniority(years) | Total length of service |     | Magistracy |     | Current position |     |
|------------------|-------------------------|-----|------------|-----|------------------|-----|
|                  | Number                  | %   | Number     | %   | Number           | %   |
| <b>Total</b>     | 176                     | 100 | 176        | 100 | 176              | 100 |
| <5               | 26                      | 15  | 48         | 28  | 69               | 39  |
| 6-10             | 39                      | 22  | 46         | 26  | 45               | 25  |
| 11-15            | 43                      | 24  | 40         | 23  | 31               | 18  |
| 16-20            | 19                      | 11  | 22         | 12  | 19               | 11  |
| >20              | 49                      | 28  | 20         | 11  | 12               | 7   |

Have been visited their workplaces, directly observing the work and conditions under which it takes place, have been held discussions with the people involved in magistracy activities.

It was distributed a questionnaire developed and validated through a pretest, including 77 types of factors that could be perceived as stressors by the magistrates, classified in 5 categories: A physical-chemical environmental factors, B-current work related factors, C-factors related to the magistrate's role in professional activity, D-factors related to the organizational structure and the professional climate; E- individual factors related to the interaction between the professional and socio-family environments.

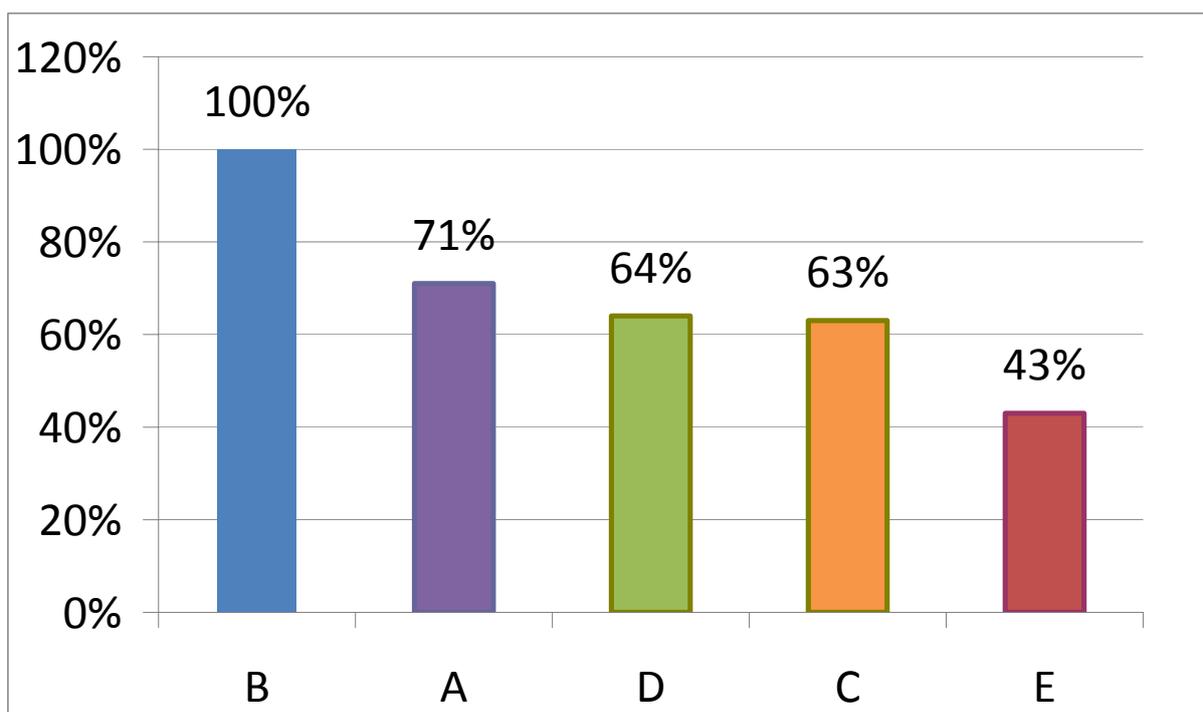
For statistical processing of data were used the programs Microsoft Office PowerPoint and Microsoft Office Excel. The statistical meanings of the differences were assessed by the chi-square test. It was adopted the term of overall risk score of stress for different groups of magistrates, by summing the percentage points that exceeded the rates in the sample for the types of stressors.

## Results and Discussion

Following the stressors research for the magistrates under the jurisdiction of the Court of Appeal Constanta, resulted that there are many stress factors with negative effects on their work ability and health status.

Among the most common factors of occupational stress found in the prosecutors and judges' activities can be considered the insufficient lighting in the offices of prosecutors and judges and in the court rooms, increasingly number of files to be solved provided that the number of prosecutors and judges remained constant or declined following their retirement or departure from the system. Also, other occupational stress factors are the growing complexity of the cases referred to the prosecutors and judges settlement in the context of improving the methods and means used by those who are at loggerheads with the law; provision of activities during extended program and / or outside the normal working hours (criminal investigations conducted by prosecutors at various times specific for the activities and hearing meetings conducted well over the working hours, or outside the working hours, sometimes even night hours), permanent contact with the paper inside the records that are up to settlement, files , stored often due to the lack of space in unsanitary store-rooms etc..

In figure 1 are being presented the percentage of the 5 categories of stressors.



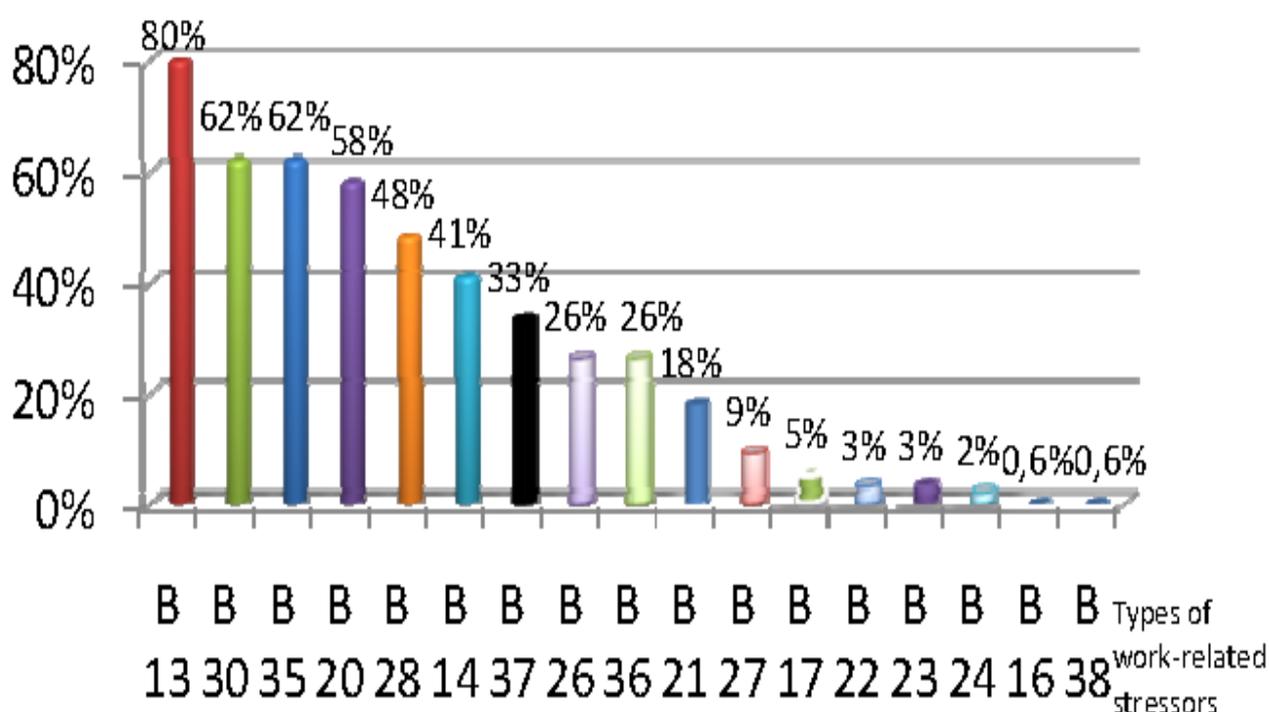
**Figure 1.** Types of stressors by magistrates

The maximum percentage of the stressors, of 100, belong to B category, the factors being related to the work itself, the number of stressors/person is between 1-10, majority between 3-6. Ranked second, fall the following categories: A, with a percentage of 71 and between 1-6 stressors/person; D, at a rate of 64 and between 1-8 stressors/person; C, at a rate of 63 and between 1-3 stress/person. The third place is held by the E category, at a rate of 43 and between 1-4 stressors/person. Between the groups of stressors, the differences are statistically significant: between B-A,  $p = 0.01$ ; between B-C,  $p = 0.004$ ; between B-D,  $p = 0.002$ ; between B-E,  $p$  less than 0.0005, between C-E,  $p = 0,05$ , between D-E,  $p = 0.046$ .

Between the 77 types of factors included in the questionnaire, 56 have been mentioned as stressors, of which 12 reported by more than 25% of magistrates, 9 belonging to B category, the work itself.

The other 12 types are: workload (80%); high information and documentation requirements (62%), awareness the possible consequences of judicial error (62%), inadequate lighting (61%), excessive application of vision (58 %), high responsibility (55%), awareness of self insecurity due to their function and role (49%), time pressure (48%), high demands on quality of work (41%), insufficient technical and material equipment (33%) ; required pace of work (26%), insufficient work areas (26%). Variety of stressors and the interaction with several stressful situations from the social and family environment are more common to prosecutors than to judges.

Of the 26 types of factors from B category included in the questionnaire, which are related to work itself, 17 were reported as stressors (Figure 2).



**Figure 2.** Percentage of stress work-related mentioned by magistrates

Over 25% of magistrates have mentioned: high workload, high information and documentation requirements, awareness of the possible consequences of judicial error, excessive application of vision, time pressure, high demands of work quality, insufficient technical and material equipment; required pace of work, insufficient work spaces. Between 10-25% of the magistrates mentioned the excessive computer work and extend working time beyond the normal 8 hours.

All the 12 physical-chemical environmental factors belonging to A category were declared as stressors (Figure 3).

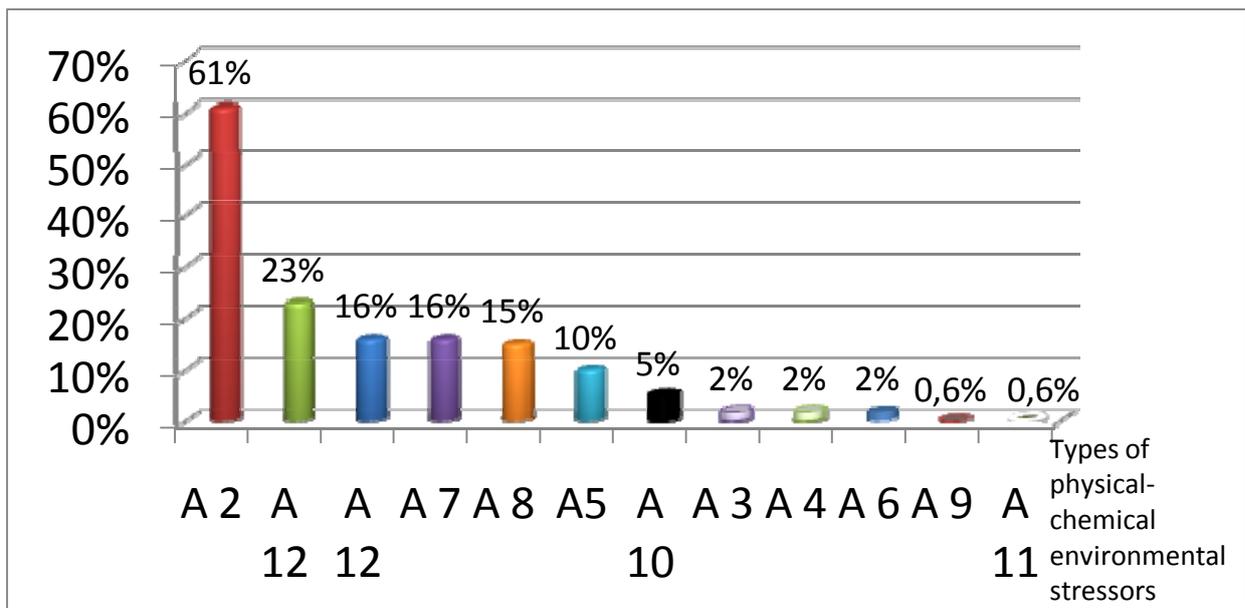


Figure 3. Percentage of physical-chemical environmental stressors mentioned by magistrates

More than 25% of the magistrates mentioned improper lighting and between 10-25% the accumulation of several environmental factors such as bothering noise, unfavorable factors of microclimate (temperature, moisture, air blow).

Between the 19 factors related to the organizational structure and the professional climate in D category, 13 were referred to as stressors (Figure 4).

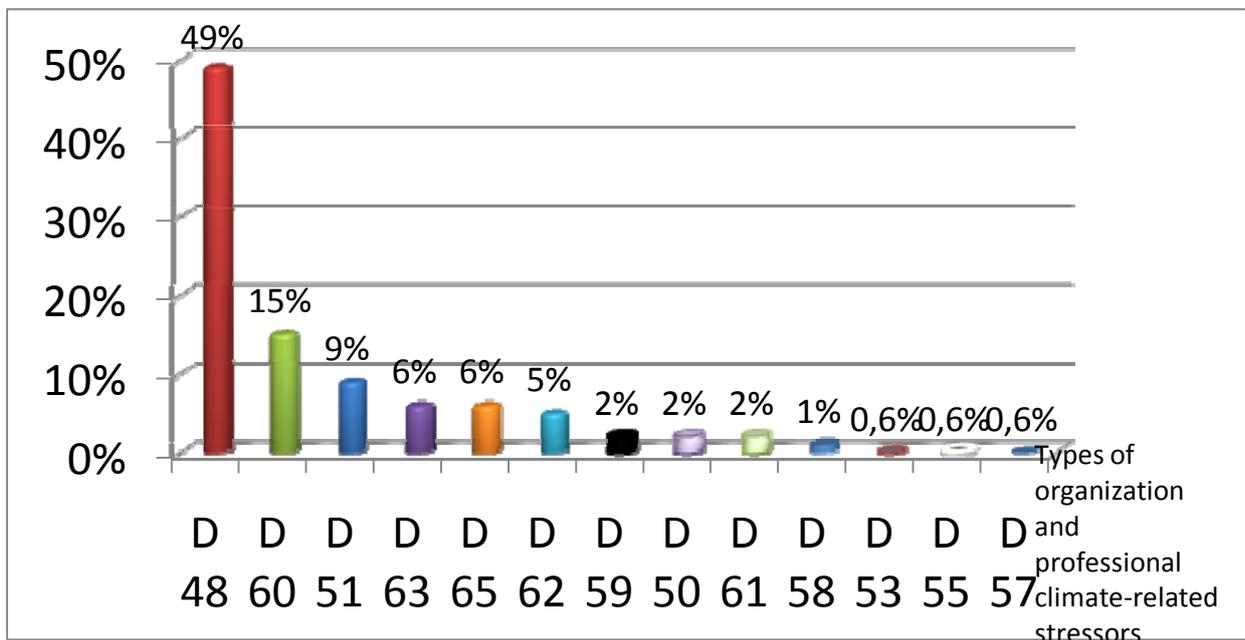
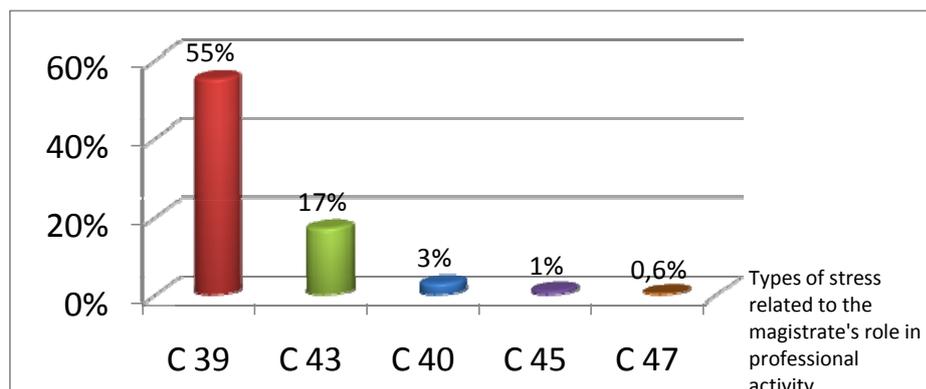


Figure 4. Percentage of organization and professional climate-related stressors at magistrates

Over 25% of the magistrates mentioned the awareness of the self insecurity due to the function they held and its role and between 10-25% the insufficient collaboration with other people and groups, low competence of hierarchical managers, low remuneration compared to their work and the existence of favoritism in promotion.

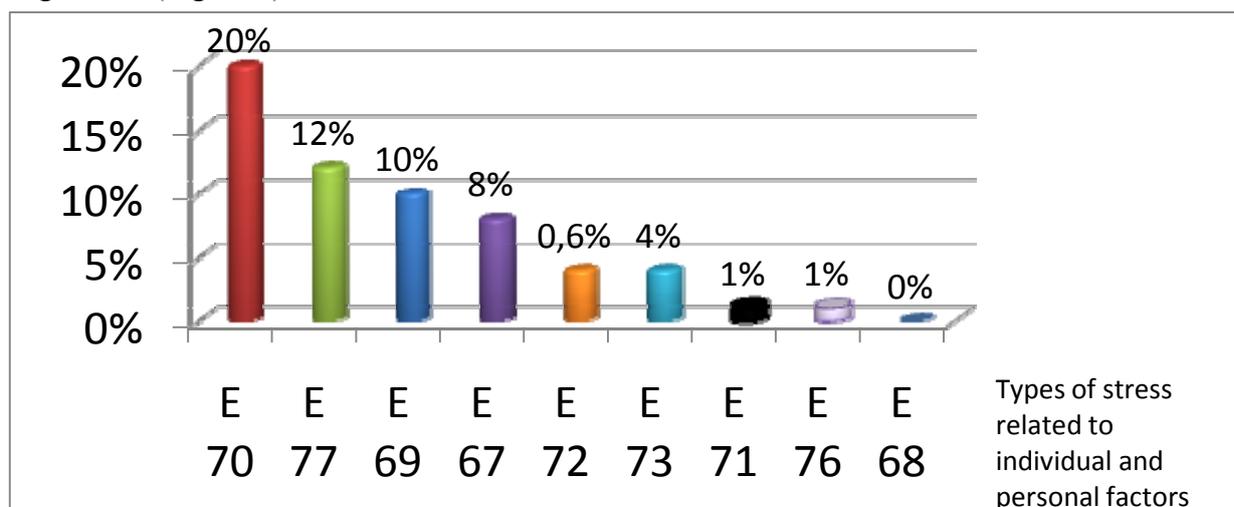
Of the 9 factors related to the magistrate's role in the professional work from C category, 5 were declared as stressors (Figure 5).



**Figure 5.** Percentage of stress related to the magistrate's role in professional activity at magistrates

High responsibility was mentioned by more than 25% of magistrates and the dependence of their decisions from other people between 10-25%.

Of the 11 individual factors related to the interaction between the professional and socio-family environment of E category, 9 were declared stressors by less than 25% of the magistrates (Figure 6).



**Figure 6.** Percentage of stress related to individual and personal factors at magistrates

Were mentioned: inadequate housing, stressful situations in the socio-family environment, the perception of the age as being a hindrance in running their professional activity.

Compared with the judges, the prosecutors mentioned, with a significantly higher frequency, the existence of extraprofessional stress situations other than those included in the questionnaire ( $p = 0.022$ ). With doubtful statistical significance but possible, is remarked the higher frequency of the troubling noise more than for judges ( $p = 0.052$ ) and the higher workload of the prosecutors ( $p = 0.099$ ).

There are some differences between the genders concerning the types and the frequency of stressors. In men against women is found a significantly higher frequency of high responsibility ( $p = 0.008$ ) and frequencies of questionable significance but possible regarding the improper lighting ( $p = 0.084$ ) and self uncertainty ( $p = 0.099$ ). Insufficient technical and material equipment has been declared significant more often by women ( $p = 0.023$ ). Overall risk scores are 77 for women and 65 for men.

There are some differences between the age groups concerning the types of stressors and their frequency. The stressors frequencies are lower for the extreme age groups, between 21-30 and 51-60 years, and could call into question the relationship of the age with the adjustment and work experience as magistrate. The frequency with which it was declared the inadequate lighting grows steadily with the age increasing, for the group of 50 years old was significantly higher than for the group under 30 years ( $p = 0.034$ ), being known that the visual capabilities decline with the age. High responsibility is seen less frequently as stressor in the group over 50 years than in the one under 30 years ( $p = 0, 1$ ). Global risk scores for age groups are: 94 for 41-50 years, 30 for 31-40 years, 25 for 51-60 years, 20 for 21-30 years.

Between the sections there are some differences concerning the types and frequency of stressors, with doubtful statistical significance, but possible. Higher levels of stressors are at: tribunal compared to court on self awareness insecurity ( $p = 0.084$ ), the Court of Appeal compared to the court in the excessive application of vision ( $p = 0.078$ ), higher requirements for information and documenting ( $p = 0.093$ ) and the awareness of the possible effects of judicial error ( $p = 0.093$ ). Overall global risk scores are 113 for the Court of Appeal, 51 for tribunal and 8 for court.

For the group of senior judges with management positions compared to the rest of the judges, is being reported more frequent the excessive application of vision ( $p = 0.094$ ). Global risk scores are: 123 for management positions compared to 5 without such functions, 369 for the president, 158 for the vice president, 60 for the head chairman of the department.

For the prosecutors, are not being found statistically significant differences in the frequency of stressors between the officials and those without management positions. But there are differences in the overall risk score: 266 for management positions compared to 8 for those without such functions, 323 for the deputy general attorney, 249 for the prosecutor head of the department, 130 for the first prosecutor, 124 for the first deputy attorney, 100 for the general attorney.

The types and frequencies of the stressors vary depending on the position and work seniority as magistrate. With reference to all the magistrates, no stress had consistent increased or decreased in frequency with the age increasing. The group over 20 years seniority compared with the group under 5 years seniority, the stressors' rates are statistically significantly higher for the excessive application of vision ( $p = 0.01$ ), inadequate lighting ( $p = 0.018$ ) and higher requirements for information and documenting ( $p = 0.05$ ). Although are statistically insignificant, are mentioned also the awareness of self insecurity and the required work-pace. Global risk scores for seniority groups in magistracy are: 133 over 20 years, 106 between 16-20 years, 70 between 6-10 years, 18 between 11-15 years, 11 under 5 years.

There are some differences between judges and prosecutors in seniority in the magistracy groups regarding the perception of various factors such as stressors. For judges, the frequency of perception of the inadequate lighting and troubling noise increases with the age, being known the increased sensitivity to noise with the age increasing. For the judges with seniority higher than 20 years compared to those under 5 years it is found a higher rate of perceiving the inadequate lighting ( $p = 0.004$ ) and the excessive application of vision ( $p = 0.024$ ). There is found a constant decrease in the frequency of the awareness of possible consequences of judicial error with age increasing, possibly related to the work experience in the magistracy. Global risk scores for age groups in the magistracy are 146 between 16-20 years, 135 over 20 years, 80 between 6-10 years, 65 between 11-15 years, 20 years.

For the prosecutors was found a constant decrease in perceiving the workload with the increasing of the seniority in magistracy. The group with seniority over 20 years compared with the group under 5 years were found higher frequencies statistically significant for the information and documentation requirements ( $p = 0.041$ ) and doubtful for excessive

application of vision ( $p = 0.07$ ). Global risk scores for prosecutors seniority groups are: 182 over 20 years, 148 between 16-20 years, 102 between 6-10 years, 47 under 5 years, 29 between 11-15 years.

## Conclusions

The study carried on a representative sample for the magistrates in Constanta County showed the existence of 56 types of stressors of 77 possible types included in a questionnaire. There was a large variability in the types and frequency of stressors in the report: occupation, judges or prosecutors, department, court, tribunal or court of appeal, sex, age, seniority in the magistracy, position.

The stressors were classified in 5 categories, on 3 frequency groups, guideline for preventing and combating them. The stressors relating to their actual work are detaching significantly from the other categories, with a maximum frequency of 100%. The frequencies of the physical-chemical environmental factors, those relating to the organizational structure and the professional climate and those related to the role of the magistrate in the professional activity are close. Individual factors relating to the interaction of the professional with the socio-family environment have the lowest frequency. The statistical significance of the differences between the frequencies of the 3 groups, shows that they can be a useful starting basis for setting priorities for action in the matter. Preventing and combating the stressors faces the most serious difficulties in the work itself and fulfilling their roles in the magistracy activities. The other stressors may be influenced with greater efficiency. The stressors declared by more than 25% of the magistrates, with possible adverse effects over health have priority: workload, higher information and documentation requirements, the awareness of the potential effects of judicial errors, inadequate lighting, excessive application of vision, awareness of high responsibility, awareness of self insecurity due to the role and function held, time pressure, high demands on quality of work, insufficient technical and material equipment, the required pace of work, insufficient work spaces.

Knowing the stress factors at individual and community level is essential to conduct with effectiveness the occupational health care, establishing a closer collaboration with psychologists working in the field of labor psychology.

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