

THE PROBLEM OF BURNOUT IN THE JUDICIARY

Marcin OLKIEWICZ^{1*}, Małgorzata CABAJ²

¹ Koszalin University of Technology, Faculty of Economic Sciences; marcin.olkiewicz@tu.koszalin.pl,
ORCID: 0000-0001-6181-6829

² Koszalin University of Technology, Faculty of Economic Sciences; gosia19922@wp.pl

* Correspondence author

Purpose: This publication focuses on issues related to occupational burnout. The aim of this publication is to show how occupational burnout determines the management of an organization (District Court in Koszalin in Poland).

Design/methodology/approach: A survey and participating observation were used in this publication. The research was conducted on a group of 84 employees of the company. The values of the analysed indicators were calculated by using the Excel program.

Findings: The analysis of the collected data for the years 2019-2020 showed that this study should be regarded as a survey, and thus gives the opportunity to widen the area and scope of study. The research confirmed the H1 hypothesis: Occupational burnout among the employees of the District Court in Koszalin is at an average level and strongly determines the management method and their work efficiency. Research results indicate a correlation between occupational burnout and the management method, which directly determines the effectiveness of employees. The study showed that as many as 96% of the respondents District Court in Koszalin in Poland believe that they have or have had contact with the symptoms of burnout.

Research Limitation/implication: There were limitations in the course of the study in the assessment of occupational burnout by the superiors, due to the reason that the research was conducted among a professional group burdened with social trust. The most important implication of the research is the statement that work, relations with employees, HR policy, etc. should be properly shaped in order to minimize or eliminate the symptoms of occupational burnout.

Originality/Value of paper: The analysis showed the more impact burnout has on superiors, in particular lack of prospects for professional, family and personal development, the less empathy they show and are less effective at work.

Category of the paper: Research paper.

Keywords: occupational burnout, management, depersonalization, development of incentive systems.

1. Introduction

For several years, the problem of occupational burnout has become increasingly common, since it is an integral element of the labour market (Alarcon et al., 2009; Al-Sareai et al., 2013). It is a complex phenomenon determined by many internal and external factors. Even though the employees and employers tend to not speak about it openly, there is little doubt that professional burnout can affect anyone, regardless of the gender, age, seniority or held position. (Batayneh et al., 2019; Borg and Riding, 1991) This phenomenon can be conditioned by our body, workplace, working time and the environment in which we exist and work. What is means is that burnout has a negative impact on the development of the organization. Every new employee (person) when starting a new job is full of enthusiasm, ambition, creativity etc. He is focused on achieving success. However, with time he has to face an increasing number of duties, overtime, stressful situations, being underestimated or inadequate remuneration. This may result in the drop of the worker's enthusiasm for work and in the decrease of the possibility of developing his personal and professional potential. An employee can feel overwhelmed by his professional responsibilities, which can determine and limit his private life development plans. (Busch et al., 2013) Such an employee becomes exhausted, disappointed, and in particular, ineffective at work and that may lead to professional burnout very quickly. The phenomenon of occupational burnout occurs among various professional groups, in particular those who have contact with other people, such as doctors, nurses, psychologists, teachers, etc. (Catano et al., 2010; Cherniss, 1992) This is especially important for organizations which enjoy public trust and are to ensure proper and stable development of enterprises, industries and national economy. This study focuses on the Court's staff who are burdened with high social trust. The authors were not able to find any publications devoted to the issue of burnout in the judiciary, which emphasizes the importance and contribution of the publication to science.

Therefore, it becomes essential to manage employees in an appropriate manner, develop their skills, knowledge and experience in a way so that their willingness to work stays at the expected and satisfactory level for both the employer and the employee. This allows to minimize or eliminate occupational burnout by eliminating routine (monotonous, mechanical activities when performing tasks) and by influencing the development of professional and private life of employees. The aim of the publication is to show that the phenomenon of occupational burnout occurs and determines the management of the organization, which is the court.

2. Literature review

The phenomenon of occupational burnout was first introduced in professional literature in the 1960s. However, the person who popularized this topic was H.J. Freudenberg who is widely regarded as the founding father of this concept. According to his definition, occupational burnout *is a process that arises as a result of total exhaustion and being overwhelmed by many problems.* (Crouter et al., 1989) It is the result of the person's sense of dedication and commitment to perform a task or job with the need to prove himself (Demerouti et al., 2001). Over time, this affects a person's attitude and behaviour and decreases his self-esteem and reduces the level of life energy. A different approach to the issue of professional exhaustion was introduced by Ch. Maslach (Ekore et al., 2020; Fairbrother and Warn, 2003; Fedai et al., 2017) who on the basis of a number of studies, distinguished three factors of burnout (Fernet et al., 2010):

- emotional exhaustion,
- depersonalization,
- low evaluation of own professional accomplishment.

A similar classification of the groups of factors responsible for occupational burnout is presented by the International Classification of Diseases (ICD) developed by the World Health Organization (WHO) and defines this phenomenon as a result of chronic stress at work, which could not be effectively addressed (Finney et al., 2013; Gillespie et al., 2001). The concept of occupational burnout is not clearly defined. Hence it is often referred to in professional literature based on comparison to "something", e.g. (Heinemann and Heinemann, 2017; Hombrados-Mendieta and Cosano-Rivas, 2011):

- a splinter stuck in a finger *If it is large enough, it can be quickly located and removed. However, if it is thin and barely visible, it can bring constant discomfort, a burning sensation, pain but one does not know where it hurts... At first nothing happens. It gets a little uncomfortable until a big inflammation appears,*
- a kerosene lamp, *which has too little kerosene in it but is supposed to shine brightly, or*
- a flu, *that anyone can get, but not everyone has to go through it just as severe.*

Hence, occupational burnout is not a new phenomenon and has accompanied people for a very long time (Karabay et al., 2014; Karpeta, 2008). It plays an important role in the development of a human (employee) because its symptoms known as the triad include: emotional exhaustion (feeling of excessive emotional tension during work), depersonalization (excessive distancing as a result of trying to protect oneself from strong emotional stimulation) and reduced sense of personal achievement (manifested by a negative perception of one's own competences, a sense of own ineffectiveness and lowered self-esteem) (Keinan and Malach-Pines, 2007; Koutsimani et al., 2019; Kovač et al., 2017). The qualification of the number of symptoms of occupational burnout are also presented in the literature in a heterogeneous way,

e.g. according to S. Kahill (5 groups) or J.P. Schröder (4 groups), as well as the stages of the occurrence of this phenomenon Freudenberger and North (12 stages), Litzke (6 stages) or Burisch (7 stages) (Fernet et al., 2010; Lambert et al., 2013).

It is worth noting that it is exactly the symptoms that serve as a warning sign for the entrepreneur and ourselves that the current situation at work is not good and changes should be made in our lives. Although, there are many reasons for professional exhaustion, from the point of view of managing an organization (Leiter and Schaufeli, 1996), they can be classified into three groups of factors:

- interpersonal (employee relations with colleagues, clients, superiors),
- individual (physical and mental predispositions, expectations and attitude towards achieving professional success),
- organizational (workplace conditions).

The determination of individual group of factors shows the complexity of burnout (Litzke and Schuh, 2007), hence this phenomenon is perceived as a slow process, where the initial stages are often overlooked or misinterpreted (Karpeta, 2008; Maslach et al., 1986; Maslach et al., 1997; Maslach and Jackson, 1984). It has to be mentioned that the probability of professional burnout increases if there is a mismatch between the employee and the organization (Maslach and Leiter, 2008). Because of the accelerated organizational development and the growing expectations of superiors, the criteria for employee evaluation (Maslach, 2011) are being reinforced which determines the frequency of burnout occurrence, although it does not cover all the employees of the organization (Melchers et al., 2015; Mierzwa et al., 2019; Mosadegh and Yarmohammadian, 2006). However, the frequent occurrence of burnout syndromes, a sense of loss of security, interpersonal relations or the sense of belonging, an increase in the time and energy required to perform a task effectively as well as limitations of one's own development indicate a full-blown burnout (Ogunbamila et al., 2019; Oliveiraa et al., 2016). Professional burnout is not only the problem of an employee as it directly affects the entire environment, which includes the implementation of detailed plans for professional, family and personal development (Perrewé et al., 2002).

3. Material and methods

The subject of this paper is the issue of occupational burnout. The aim of this publication is to show how the phenomenon of professional burnout determines the management of an organization. An attempt was also made to illustrate, through the course of research, to what extent does the correlation between management and occupational burnout influence work efficiency. The studied professional group in this article is an important factor of this research, as a judiciary profession is considered to be burdened with high social trust and has not yet been

studied in this subject area (the authors have not been able to find any publications). The rationale for conducting research among this social group resulted from the noticeable public pressure, taking responsibility by the judges for their decision-making, organizational pressure (the necessity to quickly resolve proceedings) as well as the management and the general view on professional burnout in Poland. The following hypothesis was stated as a part of the research: H1: *Occupational burnout among the employees of the District Court in Koszalin is at an average level and strongly determines the management method and their work efficiency.*

The employee opinion poll was conducted with the use of a questionnaire, which consisted of 25 correct questions and 7 identification questions. The proper questions were closed, single-choice, on a 5-point Likert scale. The study was conducted in April 2020 and included an analysis of the organization's management in the years 2019-2020 because in this period of time a number of changes were adopted (3,358 legal acts from 2019 to May 2, 2020 were published), among others, to ensure a stable development of the judiciary system and to increase the efficiency in which Polish courts operate. The significant changes that were introduced to better support clients did not change the judicial structure, but greatly limited the professional development of some of its employees, the freedom of expression, the sense of security when giving a judgement, etc., which had a substantial impact on the economy of Poland.

The development of the history of the Court of Koszalin to its present legal status is quite interesting, as it resulted from the country's development plan. Up until 1949, The District Court in Koszalin was subordinated to the Court of Appeal in Gdańsk. From 1949 to the present day, the court is subjected to the Appellate Court in Szczecin. In 1951 the court in Koszalin became the Provincial Court. In 1998, due to the law on the three-tier territorial division resulting in the reduction of the number of provinces from 49 to 16, the Koszalin Province was removed from the map and under the new resolution, regional courts were to replace provincial courts. The District Court in Koszalin was established on January 1, 1999.

A questionnaire method carried out among the employees of the Court was used as a part of the research. The values of the analysed indicators were calculated in the Microsoft Excel programme, and the results were presented in the form of tables and graphs. There were 84 respondents among the Court's staff, which is 47% of the total number of employees, of whom 84.5% are women.

Among the respondents, the most held position was a court secretary (63.1%), independent job positions (15.1%), managerial position (7.1%), judges (4.8%), an assistant to a judge (4.8%), aregistrar (4.8%), an inspector (3.6%) and a court usher (2.4%). The vast majority of the respondents, which amounted to 71 people (85%), were employed based on an employment contract. Only 7 people were employed on the basis of a mandate contract and 5 people on contract for replacement. One person was hired from the nomination. The age structure of the respondents is presented in Fig 1.

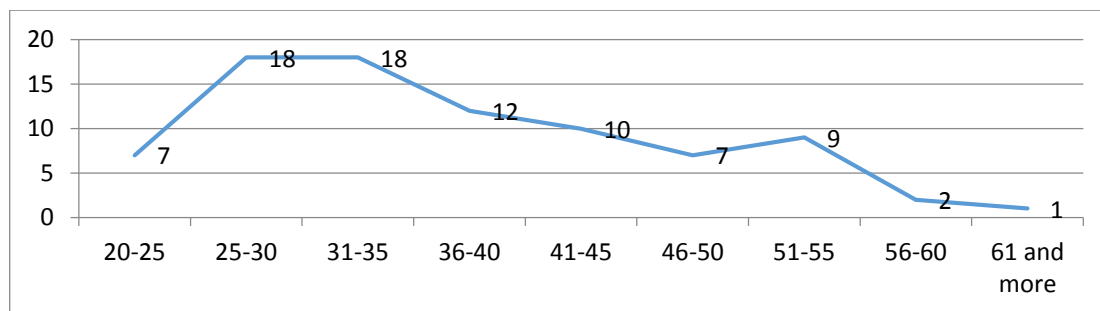


Figure 1. The age structure of the respondents. Source: own study.

The data shows that the most numerous group of respondents were people aged 25-30 and 31-35. Employees in the 25-45 age group were considered to be most effective with great development potential.

4. Results

Various areas have been analysed in the course of this study and it has been found out that 50% of the respondents were married and as much as 28% were single. The two previously mentioned factors (age, marital status) may be a result of limited possibilities of personal life development, i.e. establishing family security and supporting future family needs. Such concerns could form the basis for the symptoms of occupational burnout and are definitely determined by the amount of received remuneration (Fig. 2).

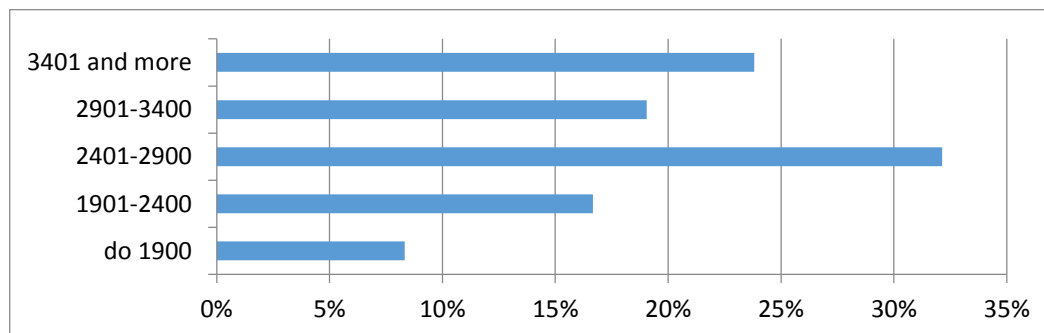


Figure 2. The average monthly net income. Source: own study.

Figure 2 shows that 32% of the respondents earned an average between PLN 2401,00-2900,00 net salary and only 8% received less than PLN 1,900. The level of remuneration is always essential in building personal stability in an organization. It is well-known that the higher the salary of employees' is, the better their quality of work and efficiency are. Such an assumption is used in commercial organizations and not in public benefit entities, where the amount of salary is imposed by the minister's order. It has to be mentioned that salary differs based on the position held but the majority of employees still work for the minimum wage, which has a significant impact on the service period of the Court's employees. The more years

of service, experience, qualifications and the employer's requirements, the more expectations towards remuneration the employee has. Unfortunately, low salary and limited career development prospects (promotions) result in job instability, as is depicted in Fig. 3.

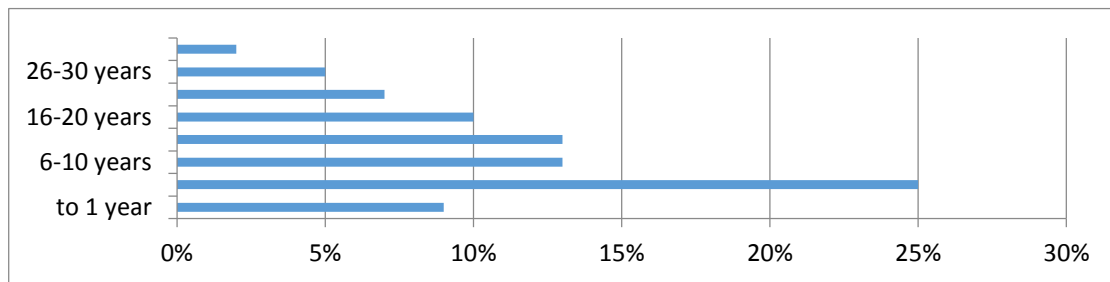


Figure 3. Years of service in the Court. Source: own study.

The most numerous group of employees are those with 1 to 5 years of service, constituting 25% of the respondents, with the smallest group of 2% being people with work experience of 31 years and more. This suggests that the dissatisfaction with the amount of remuneration, among others, deepens the occurrence of occupational burnout and, as a result, causes the high turnover of staff. This phenomenon has a strong impact on the way employees are being managed and on the entity itself. According to the respondents, this is especially true when management is all about supervision, because the majority of organizational matters in Court result from normative acts.

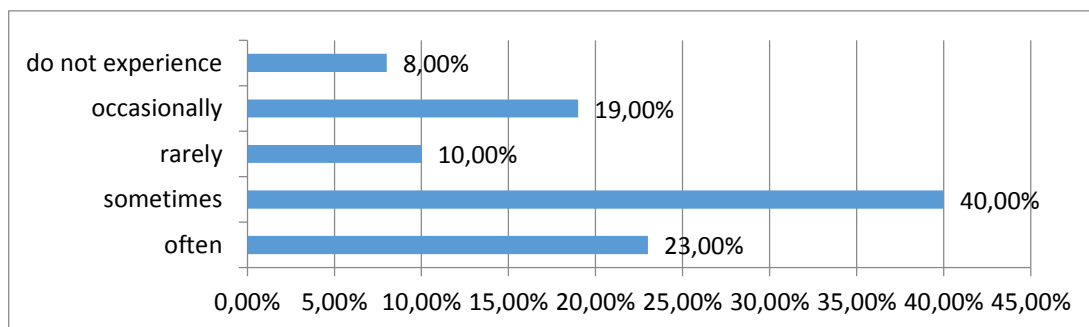


Figure 4. The frequency of experiencing unpleasant health conditions. Source: own study.

Prevalence of physical symptoms of burnout serve as a warning sign that something is wrong and the root of the problem should be found out as quickly as possible. Such numerous symptoms of burnout among the Court's staff may mean that the work is complex and burdened with great responsibility. The staff fluctuation may also be the result of overwork, i.e. excessive workload. A number of respondents (87%) stated that they have been exploited at work because of excessive workload without any additional remuneration (18% often, 32% sometimes and only 13% never).

In order to achieve high productivity level, employees often have to give up on their workers' rights and the specified working time. For example, research shows that by not taking statutory breaks, an employee is distracted, exhausted, and as a result, less effective. Hence, it was crucial to determine whether the management paid enough attention to the

workload of each individual employee and tried to limit the excessive workload. The survey confirmed the assumptions, however, that employers do not do it (Fig. 5).

Based on the data presented in Figure 5, more than half of the respondents were of an opinion that their superiors did not pay attention to the size of the workload, apart for four people who stated differently. A person who is physically and mentally exhausted because of work, feels reluctant to think about it and lacks willingness to return to it. The short amount of time spent outside of work does not allow to properly regenerate and distance oneself from too many responsibilities, and focus on own personal development. Limited promotion possibilities also have an impact on an (overworked) employee who immediately feels fatigue and lack of energy when thinking about work.

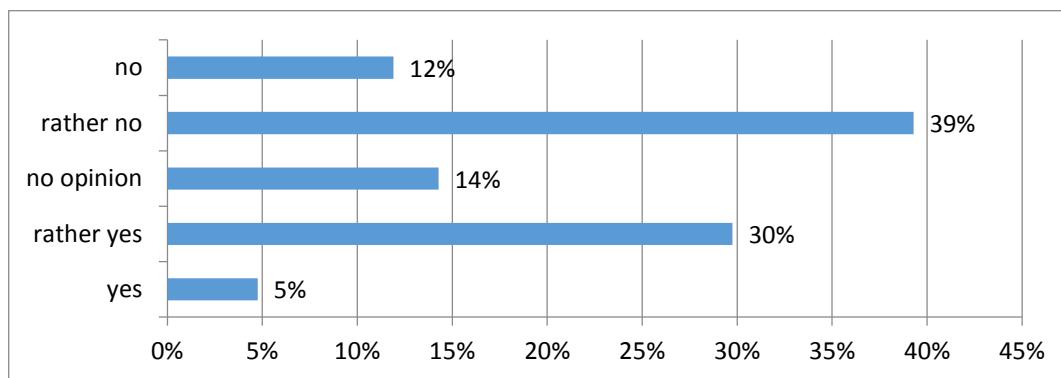


Figure 5. The employer's attention on the workers workload. Source: own study.

Emotional exhaustion, in particular a feeling of despondency, occurred among all of the respondents, however with different frequency (Fig. 6).

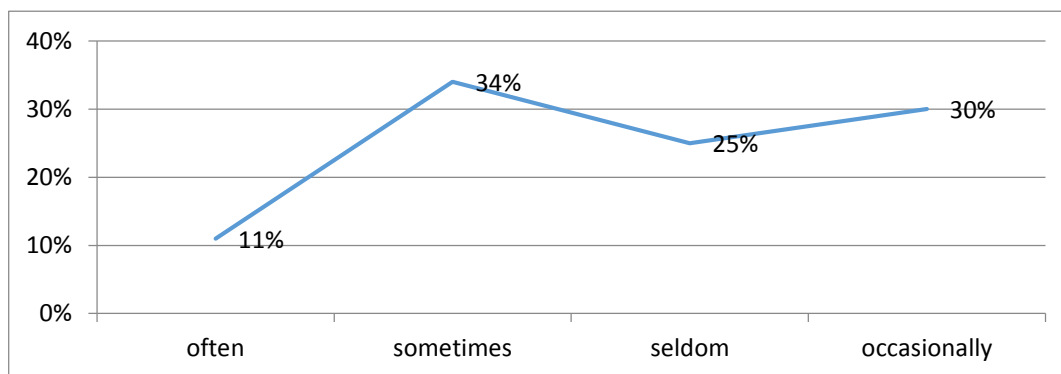


Figure 6. The frequency of experiencing despondency. Source: own study.

The results of the analysis were varied, but the scale of the problem is still notable. Emotional exhaustion occurring to such a large extent among the Court staff can mean that work in the Court is stressful and employees cannot cope with it. When a person is struggling with emotional exhaustion, it affects his relationships with other people and by trying to protect oneself against a strong emotional stimulation, the employee becomes cynical, lacks patience and creates conflicts. This influences depersonalization, as is presented in Tab. 1.

Table 1.
Evaluation of interpersonal relations

Questions \ Answers	Often	Sometimes	Seldom	Occasionally	Never
Are you getting irritated by thinking about your colleagues or superiors?	(10%)	(36%)	(19%)	(26%)	(10%)
When someone asks you for something do you want to shout at this person?	(5%)	(13%)	(19%)	(27%)	(36%)
Do you find yourself treating people with contempt or indifference?	-	(20%)	(14%)	(26%)	(39%)
Do conflicts occur in your team?	(10%)	(32%)	(23%)	(29%)	(7%)

Source: own study.

The data in Table 1 shows that there were people with characteristics of depersonalization among the Court employees. However, it should be noted that positive relations between colleagues affect the atmosphere in the workplace. Both the managers and the staff should try to create good atmosphere, help and support each other instead of competing with one another and that would increase their commitment and enthusiasm towards work. Unfortunately, the results were disappointing, because even though 99% of the respondents experienced, with varying frequency, enthusiasm for work, only 31% indicated “always” (Fig. 7).

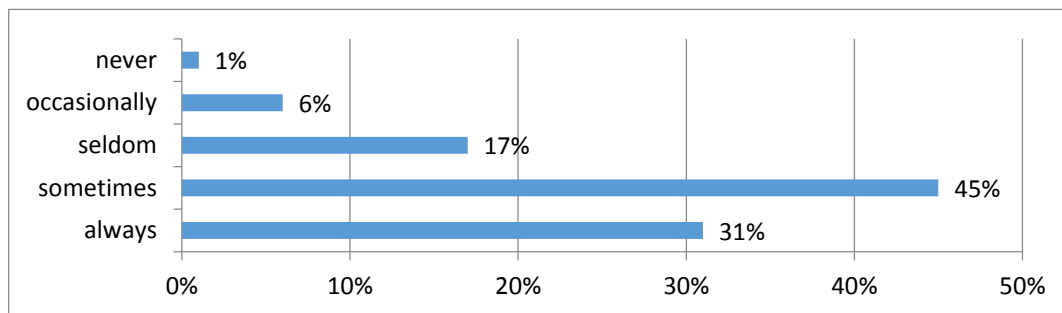


Figure 7. Commitment to work. Source: own study.

The presented data shows that the level of commitment is influenced by a number of factors including emotional and organizational ones. This, in turn, creates a feeling of uselessness, lack of self-confidence, lower self-esteem and the belief that one’s own competences are too low, which are typical symptoms of burnout and reduced effectiveness at work. Figure 8 and 9 show that despite the disappointment with work and the low efficiency, it is still necessary to perform job (is justified) because simultaneously it comes hand in hand with boosting competences, experience and knowledge.

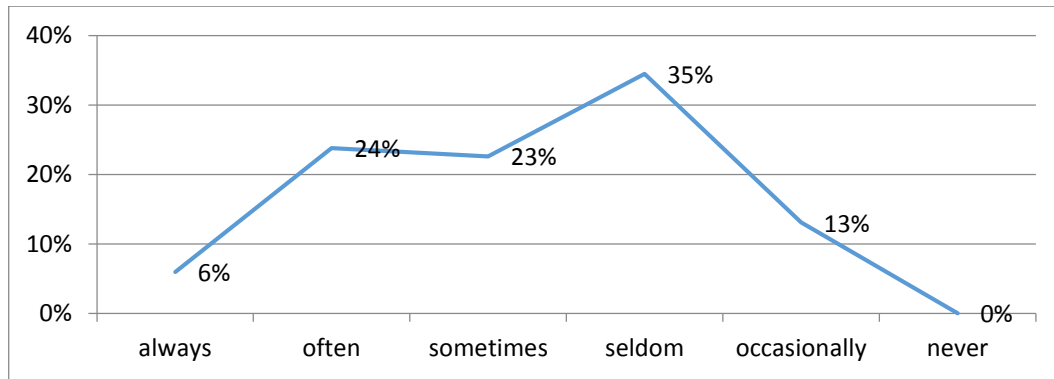


Figure 8. Feeling of disappointment with the efficiency of work. Source: own study.

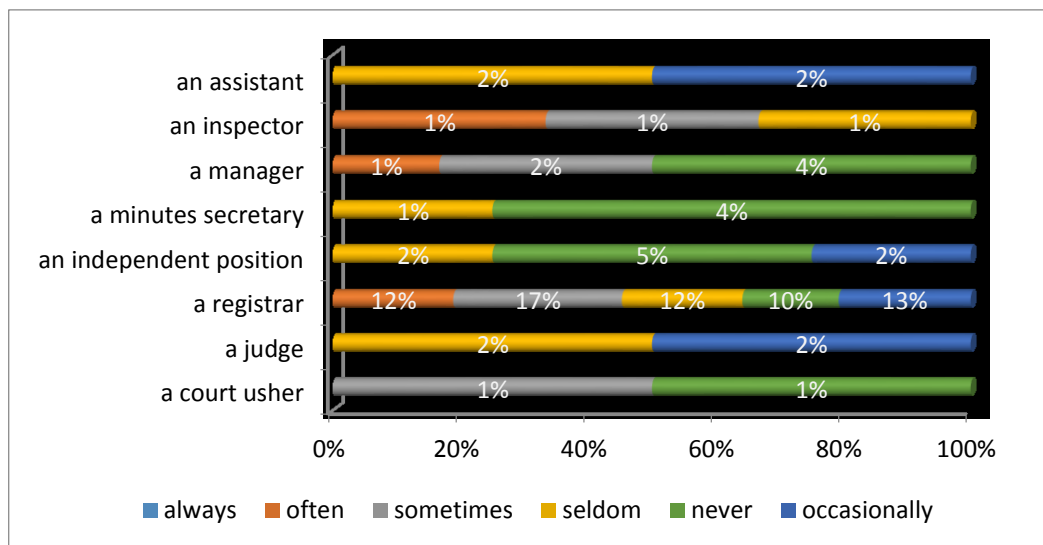


Figure 9. Disappointment with work at a given position. Source: own study.

An employee who is overloaded with work, is emotionally exhausted and has a sense of reduced personal accomplishments, may experience personal problems. The data presented in Figure 10 shows that only a few respondents experienced frequent problems in the private sphere caused by work.

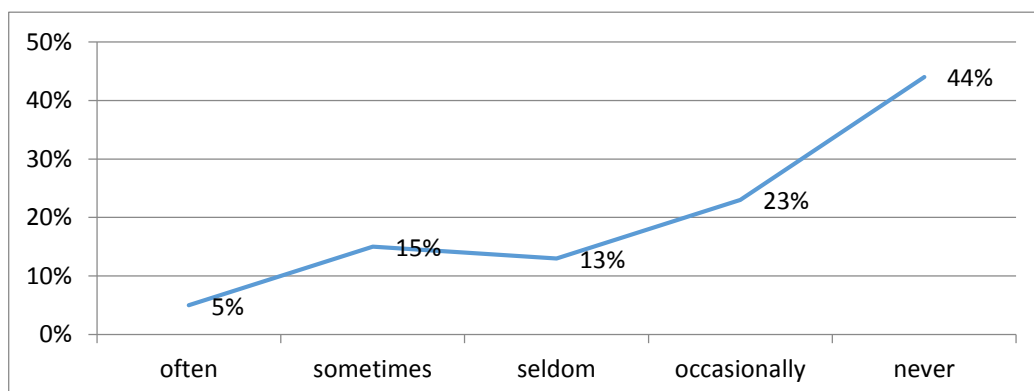


Figure 10. Occurrence of personal problems resulting from work. Source: own study.

As many as 44% of the respondents stated that work had no effect on their private life, and only every fourth person faced problems occasionally. These results may suggest that the Court staff was able to or made an effort to separate their professional and private life. If the

situation at work does not affect the private life of employees and they have the opportunity to distance themselves from their job, it is much easier for them to focus on the prospects and to enjoy their family life, as Figure 11 depicts.

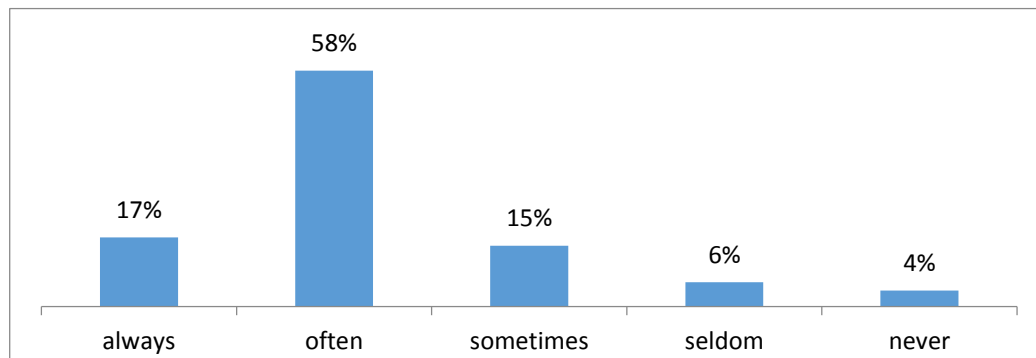


Figure 11. Assessment of the joy of life. Source: own study.

5. Discussion

Results of the research clearly indicate that the employees of the District Court in Koszalin suffered from occupational burnout, which is accompanied by physical symptoms. As many as 96% of the surveyed employees of the District Court in Koszalin had or is in contact with burnout. Only 2% of respondents stated that they had not had contact and 2% did not have an unambiguous opinion in this area. More than half of the respondents complained about various types of unpleasant health conditions, such as headache, stomach problems, nightmares, insomnia and others. The occurrence and the extent of burnout in the workplace depends whether the superiors care about their employees and how the organization is managed. (Koutsimani et al., 2019; Ramos et al., 2016; Saif et al., 2011; Roy and Avdija, 2012) Regrettably, the research shows that court employees felt that they were being exploited at the workplace, where 18% of the respondents indicated “often” and 32% “sometimes”. Despite the feeling of being used, the respondents had no problem with fulfilling their duties at work. Thanks to their skills and experience, as much as 36% of the research group indicated that through an appropriate and individual organization of work, tasks can be implemented on time.

Even though the appropriate allocation of tasks at work allows for the employees to exercise in full their right to take breaks, there were some who had problems with both the workload and work organization (Salin, 2015). The disturbing thing, however, is that supervisors did not pay attention to workloads or overload during work. The only method used by the management to cope with this issue is by sending individual employees on training courses to develop professionally (Santana et al., 2012). Despite the fact that employees gain knowledge and skills, half of the respondents stated that the number of trainings provided by their employer was insufficient (Fig. 12).

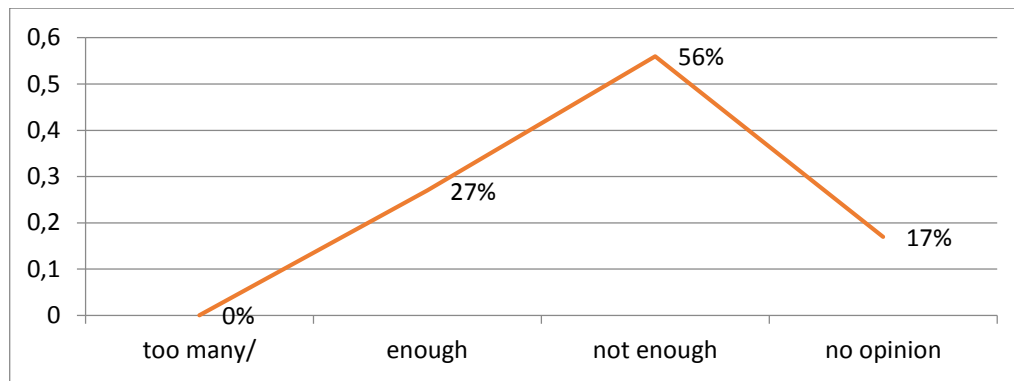


Figure 12. The amount of training courses. Source: own study.

The study shows that there is a need for the employees to take more targeted training courses. Also, more than half of the respondents (56%) stated that they did not feel sufficiently motivated at work. Problems also occurred in the area of emotional exhaustion, which according to Ch. Maslach (Ekore et al., 2020; Schröder, 2008), is one of the symptoms of occupational burnout. In the research group 40% of the respondents stated that they “sometimes” were lacking the will to work and felt overworked, whereas 16% of the respondents indicated “often” as their answer. Among the studied group, 38% of employees felt frustrated. Additionally, 35% of people who stated that they “sometimes” felt exhausted and were lacking energy when thinking about work. Surprisingly, seniority did not directly affect this result (Sidhu, 2016). Employees of the Court that had worked for less than 1 year were less likely to feel exhausted and lack energy when thinking about work. Hence, it was easier for them to plan their professional and personal development. A high level of emotional exhaustion among the Court’s staff is similar to that of other public confidence professions. This may mean that these professions are burdened with, inter alia, high responsibility and stress. Unfortunately, respondents did not notice that they have been treating other people at work with contempt or indifference (Stephens et al., 2007).

Research results in the sphere of interpersonal relations and the level of depersonalization are slightly more optimistic. Even though, 32% of the respondents indicated that “sometimes” conflicts in teams did occur, and 36% felt irritated when thinking about their co-workers and superiors, 36% of the people in the studied group “never” wanted to shout at another person. Limited personal achievements are also a symptom of occupational burnout (Szostek, 2017). The respondents indicated that they were “occasionally” (35%) and “sometimes” (24%) disappointed with the effectiveness of their work. Low efficiency may be the result of the loss of sense of purpose in the work performed, which is most evident among court registrars and inspectors, and least among the minutes secretaries who have only began work. Another reason may be the lack of proper incentives (Wolniak and Szromek, 2020) (Fig. 13) and the amount of remuneration received (Fig. 14).

Superiors most often gave an explanation that their lack of possibility to use motivational tools resulted from the fact that their job consists in playing a supervisory role and not to manage the court. Employees, however, believed that people (managers) who demonstrate empathy can

manage and motivate their subordinate employees better. Research results indicate that seventeen employees have “never” had the feeling of being motivated at work and every tenth person “never” had the feeling of being appreciated by their employer.

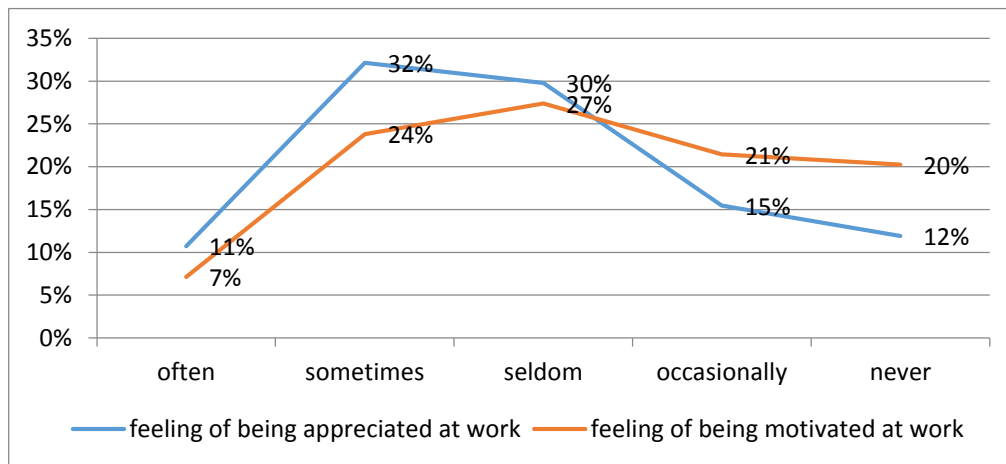


Figure 13. The use of motivational tools by the employer. Source: own study.

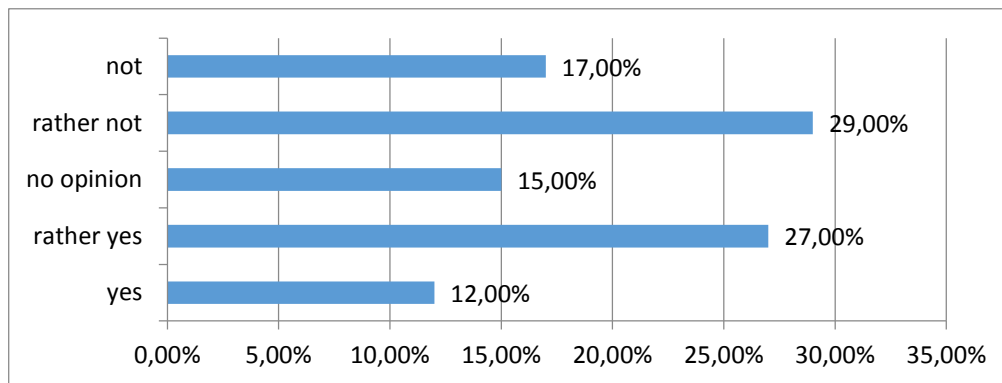


Figure 14. Level of satisfaction with remuneration. Source: own study.

This means that a poor result of work efficiency is determined by insufficient appreciation of employees for the effort they put into their work as well as limited opportunities for professional development (promotions). The lack of an adequate level of satisfaction also manifests itself through the level of remuneration, where 17% of the respondents declared “dissatisfaction” with the amount of salary they received in court and 29% stated that they were “rather” dissatisfied. This means that remuneration is not at the level for the employees to feel motivated enough. Only every tenth employee was satisfied with his salary, due to the discrepancy in salaries between people in the same position at work. Despite the many inconveniences at the workplace, limited perspectives for development and self-fulfilment, the respondents believed that their professional life did not significantly affect their private lives (WHO, 2014; WHO, 2003). Almost half of the surveyed people indicated that they “never” had any problems with their personal life caused by work and that they were “often” satisfied with their lives.

In conclusion, the conducted research showed that occupational burnout strongly determines the management of an entity. However, it is possible to improve the management of a court. The method requires, on one hand, to act in accordance with the law, and on the other hand, a softer rather than radical approach to changes. It is certainly worth focusing on the flexibility of management, in particular the following development processes:

- managerial – creating a court development strategy, particularly increasing motivational tools, e.g. introducing rewards for good work performance, badges, praises (oral and written), etc.;
- operational – e.g., related to the appropriate workload of employees (the number of duties should be planned in such a way so that the employee can easily keep pace with their implementation and at the same time have a feeling of fair-burden sharing);
- planning – through, inter alia, offering perspectives for individual career development of an employee; providing proper, dedicated training courses; increasing knowledge and developing personal skills.

6. Summary

Higher and higher demands and the number of duties imposed on an employee, as well as insufficient motivation and failure to meet the worker's basic needs, have become the pillars of professional burnout. It has been shown that this phenomenon was present among the employees of the District Court in Koszalin. The following hypothesis has also been confirmed: *Occupational burnout among the employees of the District Court in Koszalin is at an average level and strongly determines the management method and their work efficiency.*

According to the respondents, the main symptoms of professional burnout include both physical symptoms (such as insomnia and headache) and symptoms of emotional exhaustion (such as unwillingness to work, overwork, fatigue, lack of energy at a work, frustration or feeling tension at the very thought of having to come to work). Research results in the area of the level of depersonalization and the impact of work on personal life came as a positive surprise. The respondents did not show very negative emotions in their interpersonal relations and in the area of personal accomplishments.

There are other factors causing professional burnout among the employees of the Court that have not been included in this study. Hence, it seems necessary to conduct further, deeper and broader research to identify the environmental and psychological determinants of the complex phenomenon of professional burnout. The obtained research could be applied in the development and implementation of a strategy to prevent or limit the occurrence of occupational burnout in the District Court in Koszalin. However, it should be noted that during the process of conducting the study there had been limitations in the assessment of occupational

burnout by the superiors. There was also a noticeable sense of fear among the employees when they were filling in the questionnaire and especially when the results came in. This has proven the lack of job security and possible comments and reprisals from the superiors.

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