

CHAPTER 5

FACTORS INFLUENCING EMPLOYEE CLAIMING BEHAVIOR IN RELATION TO THE TERMINATION OF EMPLOYMENT

Evidence From Europe

Colette Darcy and Thomas N. Garavan

This chapter investigates actual employee claiming behavior in relation to the termination of employment amongst an Irish sample of 199 terminated employees. The research proposes a conceptual model of employee claiming behavior incorporating formal and informal bases of procedural justice, the quality of decision making, quality of treatment. The proposed model is operationalized through the use of number of different theoretical perspectives including organizational justice, social information processing, referent cognitions and sociolegal theories. In all seven independent variables are found to be significant predictors of claiming behavior, successfully accounting for over 70% of explained variance in how an individual arrives at the decision to initiate a claim against their former employer.

The findings represent a significant advancement in terms of our understanding of the nature of claiming behavior and the factors which influence

Emerging Themes in International Management of Human Resources, pp. 97-129

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it while raising some interesting potential differences in employee perceptions of claiming from a European and U.S. perspective. The practical and policy implications of the findings are discussed.

The research was supported by a project grant from the Irish Research Council for the Humanities and Social Sciences which the authors gratefully acknowledge.

A number of studies have demonstrated the role of organizational justice in explaining a broad range of behavioral outcomes including but not limited to appraisal systems, job satisfaction, organizational commitment and organizational citizenship behaviors (Ball & Trevino, 1994; Jawahar, 2007; Moorman, 1991). A small number of studies have examined justice in the context of an employee's propensity to sue their employer. Goldman (2003) separates this particular strand of the justice literature into two broad categories or generations. The first generation of organizational justice researchers tended to focus on employee *attitudes* towards legal claiming. The work of Bies and Tyler (1993) and Wanberg, Bunce, and Gavin (1999) typified this generation. They sought to examine situations where employees considered, but did not actually engage, in a number of behaviors, including litigation, to resolve perceived injustice in the workplace. Researchers subsequently focused on studying actual legal claiming *behaviors* such as speaking with a government official or initiating a lawsuit. Within this category falls the work of Goldman (2001), Groth, Goldman, Gilliland, and Bies (2002) and Lind, Greenberg, Scott, and Welchans (2000).

Individuals perceive injustice in a multidimensional manner in so far as a number of factors including the manner in which the individual is treated, the process used to arrive at a decision and indeed the actual decision itself are all taken into account (Youngblood, Trevino, & Favia, 1992). It is this multidimensional nature of perceived injustice which has shaped the research presented in this chapter. We explore a range of macro- and microconstructs to further advance our understanding of the factors which impact upon an employee's decision to initiate a legal claim against their former employer and do this using evidence from the Republic of Ireland as a representative of European trends with regard to employee litigation.

There is relatively little empirical or theoretical work on the antecedents of employee claiming. Some exceptions exist such as the work of Bies and Tyler (1993), Youngblood et al. (1992) Lind, Greenberg, Scott, and Welchans (2000) and Goldman (2001a). This contrasts sharply with the vast literature written primarily from the sociolegal perspective which has examined why people sue over injuries or in response to interpersonal or contractual disputes, for example, Felstiner (1974, 1975), Felstiner Abel,

and Sarat (1981), Hensler et al. (1991), and Kritzer, Bogart, and Vidmar, (1991). Sociolegal researchers view claiming to be part of a dynamic social system amenable to study using the methods of social and behavioral science (Lind et al., 2000). The sociolegal literature has examined such fundamental issues as how claiming is affected by the social dynamics of legal remedy and therefore its relevance and transferability to the study of employee claiming is apparent (Lind, 1997).

Lind (1997) argues that employee legal claiming and the choices that surround the decision to claim are psychologically and socially conditioned. It is the *perception* of unfairness or injustice that results in employees making a decision of whether to claim. These perceptions may or may not be accurate. While there is an accepted notion of “unnecessary litigation” many observers suggest that if an employee perceives an injustice, it is sufficient to bring forward a claim. It is the role of a tribunal or court, to determine whether or not such a claim has substance and to discharge those that are found to be unfounded or false. It is for this very reason that employee litigation is likely to persist because in order to eradicate claiming one would need to ensure that no employee ever perceived that they had been treated unjustly.

Compared with the strong and still growing research base on organizational justice and performance appraisal and reward systems, there has been surprisingly little empirical research on the role of various strands of organizational justice in explaining employee claiming behavior following termination of employment. This dearth of empirical studies has prompted researchers to call for more research on the application of organizational justice theories to other areas of the employment relationship (Ambrose & Arnaud, 2005; Cropanzano, Bowen, & Gilliland, 2007). Indeed the research which does exist is primarily of U.S. origin which poses serious issues from a European perspective as to the transferability of those findings.

This chapter reports the findings of a study investigating the factors that explain claiming behavior. We examine claiming in a multidimensional manner drawing on procedural, interactional and distributive justice theories. In doing so we present a conceptual model of claiming which incorporates elements of procedural, interactional and distributive justice in addition to the level of legal awareness an individual employee has regarding their rights and the level of social guidance they receive in terms of assisting identify that they have been treated in an unfair manner. A second conceptual model is presented which delves further into the procedural, interactional and distributive justice elements of the model presenting eight microlevel factors in an attempt to further explain the antecedents of employee claiming behavior following the termination of employment.

		Source	
		Rules of the group <i>(Formal)</i>	Actions of the supervisor <i>(Informal)</i>
Procedural Element	Quality of decision making processes	Formal Quality of Decision Making (FQDM)	Informal Quality of Decision Making (IQDM)
	Quality of treatment	Formal Quality of Treatment (FQT)	Informal Quality of Treatment (IQT)

Figure 5.1. Blader and Tyler’s four component model of procedural justice (2003).

THEORETICAL BACKGROUND AND HYPOTHESES

Our research model draws on the conceptual work of Blader and Tyler (2003) which sought to conceptualize what the domains of procedural justice concerns will be in most situations. We have amended the Blader and Tyler model and operationalized it to more explicitly consider what areas of concern individuals have with regard to employee fairness perceptions specifically in relation to termination of employment. Blader and Tyler’s model identified four separate bases on which individuals make their overall fairness evaluations (see Figure 5.1 above).

The model suggests that employees do distinguish between formal and informal bases of justice, the quality of decision making and the quality of treatment they experience when arriving at a justice judgment. The model also suggests that no one of the four components will dominate, that each will be important in determining overall procedural evaluations.

Formal quality of treatment (FQT) refers to the role that the rules of the organization play in determining how fairly employees are treated. This component of the model speaks to the very culture of the organization and the way in which it utilizes and applies rules in order to ensure employees are treated fairly. It is concerned with higher order variables in terms of the conceptualization of fairness and differs from the other components of the model. The research reported in this chapter is only concerned with fairness perceptions at an individual level and to attempt to incorporate a group level analysis would be inappropriate particularly given the context of termination of employment. The fact that those individuals who had previously been dismissed from their

employment would be highly unlikely to be in a position to answer questions related to higher level variables such as the culture of the organization or group level fairness perceptions in an honest and objective manner was a deciding factor.

Figure 5.2 provides an overview of our research model. The model identifies the macrolevel variables hypothesized to have an impact on employee claiming behavior, namely formal quality of decision making (FQDM), informal quality of decision making (IQDM), informal quality of treatment (IQT), social guidance and legal awareness. In addition the microlevel variables hypothesized to impact upon individual claiming behavior are also outlined. These microlevel variables attempt to explore the elements of the macrolevel variables of FQDM, IQDM and IQT by breaking them down into a number of key constituent parts. Arising from the conceptualization of the research model, a number of derived hypotheses are now considered.

Formal Quality of Decision Making

Formal quality of decision making (FQDM) refers to the fairness of the procedures prescribed by the rules of the organization for making decisions regarding allocations, for resolving conflicts, and so forth. This has been the traditional focus of procedural justice research and focuses on the systems and procedures in place within an organization which are charged with ensuring that employees are treated in an equitable, fair and consistent manner.

Perceptions of procedural justice are central to employees in assessing the legitimacy of management action, particularly when that action results in an unfavorable outcome (Tyler & Bies, 1989). That is to say, if an employee receives an unfavorable outcome but believes that the decision-making process was fair, the decision will be perceived as more legitimate and therefore an employee is less likely to challenge the decision making authority (Bies & Tyler, 1993). A procedural justice perspective would suggest that employees will be less likely to consider litigation after an unfavorable outcome or dispute if they perceive the decision-making process to be fair (Brockner & Wiesenfeld, 1996). Therefore we propose that traditional procedural justice considerations will be important to an employee when deciding whether or not to initiate a case against their former employer. The following hypothesis is proposed;

- H1: Perceptions of effective formal quality of decision making has a negative impact on employee claiming behavior (FQDM)

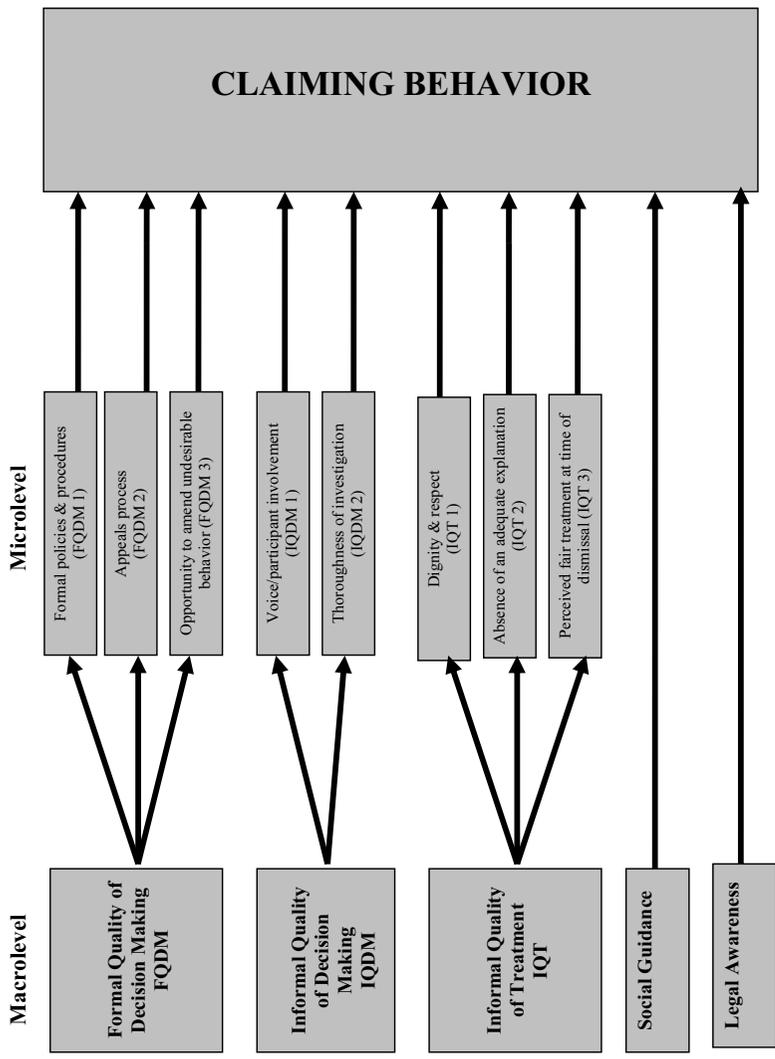


Figure 5.2. Conceptual model.

Formal Disciplinary Policies and Procedures (FQDM 1)

An essential component of discipline administration in organizations concerns the establishment of acceptable rules and standards and the utilisation of disciplinary procedures to deal with breaches of such rules and standards (Gunnigle, Heraty, & Morley, 2002). These rules articulate the standards of behavior that are deemed acceptable and expected of an employee and the consequences of not meeting them. These rules are usually, although not always, contained within various policy documents which are normally found in the employee handbook. Procedures, on the other hand, constitute the administrative machinery for applying these rules and executing any resulting action (Gunnigle et al., 2002). Youngblood et al. (1992) highlight the frequency with which procedural justice concerns were mentioned among dismissed workers. They argue that organizations should ensure that they implement due process discipline procedures within their organizations which is broadly in line with the finding of other labor relations researchers (Aram & Salipante, 1981; Peterson & Lewin, 1990). The following hypothesis is proposed:

H2: Perceptions of effective formal disciplinary policies and procedures has a negative impact on claiming behavior (FQDM 1)

Appeals Process in Place (FQDM 2)

Youngblood et al. (1992) found that one of the main reasons employees perceive termination to be unfair was a lack of adherence to due process principles. Gunnigle et al. (2002) state that employees who are alleged to have breached discipline policy should be entitled to fair and consistent treatment, including an opportunity to state their case, have access to representation and crucially the right of appeal in line with due process principles. Greenberg's (1986a) research on the determinants of particularly fair or unfair performance appraisals among middle managers identified the ability to challenge and rebut evaluations as a key component of a procedurally fair process.

Organizations vary in the degree to which they provide employees with the right to appeal a termination of employment to a neutral decision maker (Feuille & Delancy, 1992). Where decisions are made by relatively neutral parties, greater effort is likely to be needed in order to convincingly demonstrate that termination is justified (Klaas & Dell'omo, 1997) and hence it is more likely that the employee will perceive it to be fair. Appeals to neutral decision makers is often considered critical to protect-

ing employees from arbitrary managerial decisions (Peterson & Lewin, 1990). The following hypothesis is proposed:

H3: Perceptions of an effective neutral appeals process has a negative impact on claiming behavior (FQDM 2)

Opportunity to Amend Behavior/Warnings Given (FQDM 3)

Gunnigle et al. (2002) argue that natural justice requires that employees are allowed sufficient opportunity to amend their behavior, where possible, before serious action, such as employment termination is considered. Youngblood et al. (1992) found that terminated employees felt very aggrieved when they were terminated without warning and reported this as one of the top reasons for initiating a case against their former employer. This is in line with best practice HRM which advocates that disciplinary issues should be brought to the attention of employees at the earliest possible date in order provide them an opportunity to amend behavior before proceeding to the next stage of the disciplinary process (Armstrong, 2006).

Croner (2000) highlights what should be included in discipline procedures prior to employment termination in order to ensure that they are viewed as fair by both the employee concerned but also by any external third party. Croner emphasizes the need to monitor an employee's performance and ensure that regular feedback is provided. This suggests that where an employee does not received any warnings with regard to the likelihood of the termination of their employment the employee will view that termination to be unfair since no opportunity was afforded them to amend behavior. The following hypothesis is proposed;

H4: The opportunity to amend undesirable behavior has a negative impact on employee claiming behavior (FQDM 3)

Informal Quality of Decision Making

Informal quality of decision making (IQDM) refers to those aspects of the decision-making process that originate with particular agents of the organization (Blader & Tyler, 2003). According to Blader and Tyler there are two routes by which organizational authorities or agents can influence fairness through decision making. First, decision makers within an organization will have a direct influence over the implementation of formal rules and procedures in so far as they decide which ones will be adopted

and in what form. Second, it is not possible for an organization to have a set of formal rules or policies for dealing with every eventuality and in such cases authorities within an organization will have some degree of discretion in order to deal with these situations. Therefore, informal decision making will likely affect employee fairness perceptions and hence their claiming behavior. The following hypothesis is therefore proposed;

H5: Perceptions of effective informal quality of decision making has a negative impact on employee claiming behavior (IQDM)

Voice/participant Involvement (IQDM 1)

Thibaut and Walker (1975) demonstrated how individual assessments in relation to the fairness of a third party decision-making procedure shape their satisfaction with the outcome. Their work focused on process control, or the extent to which an individual has input into the overall process which influences outcome, for example an opportunity to express their views and present evidence. This suggests that employees value the opportunity to have their opinions and positions heard in the organization and more specifically, that they have an opportunity to present or outline their case in formal termination hearings.

Research suggests that supervisors who provide employees with an opportunity to express their opinions and have this taken into consideration in their final decision positively influences justice perceptions and hence acceptance of the outcome (Bies & Moag, 1986; Bies & Shapiro, 1988; Folger & Konovsky, 1989; Tyler & Bies, 1989). Conversely, termination procedures that deny employee voice are viewed as procedurally unfair (Goldman, 2001a). The opportunity to influence the information that is used to make decisions is central to the theory of procedural justice and hence the following hypothesis is proposed;

H6: Employee voice in the termination process has a negative impact on employee claiming behavior (IQDM 1)

Thoroughness of Investigation (IQDM 2)

The onus is on management to thoroughly investigate the circumstances of any alleged disciplinary issue and to establish the facts of each case (Gunnigle et al., 2002). If, after a thorough investigation, management decide that disciplinary action is required it is essential that the employee is given

an opportunity to present a defence and hear the charges against him/her, in order that the process is viewed as procedurally fair.

A thorough investigation, where possible undertaken by independent members of the management team, provides employees with confidence that the disciplinary process is both consistent and accurate and therefore they are more likely to accept the findings of such an investigation irrespective of whether or not the finding is a favorable one. Formalization of rules lends itself to the concept of consistency which Leventhal (1980) suggests is an important structural component of procedural justice. Previous empirical research has tended to support this view (Barrett-Howard & Tyler, 1986; van de Bos, Vermunt, & Wilke, 1996). Employees working in a formalized organization are therefore more likely to judge a system, which encompasses consistency as a core element, to be procedurally fair.

Decision accuracy reflects whether a decision maker has sufficient information which has been properly documented to reprimand an employee (Gleason & Roberts, 1993). Managers should be trained in disciplinary procedures thereby ensuring that they are aware of the information needed to make, and more importantly to justify, a disciplinary action against an offending employee (Taylor, Tracy, Monika, Kine Harrison, & Carroll, 1995). The absence of formal training and hence an ad hoc approach to disciplinary matters by untrained managers is likely to have a negative impact on an employees claiming behavior. The following hypothesis is proposed:

H7: Perceptions of a thorough investigation into the disciplinary matter has a negative impact on claiming behavior (IQDM 2)

Informal Quality of Treatment

Early research on organizational justice focused on exploring employees' perceptions of the distributive and procedural fairness of specific organizational policies and decisions (Greenberg's, 1988). Researchers examined employee perceptions of fairness of selection decisions (Gilliland, 1993), pay systems (Folger & Cropanzano, 1989; Greenberg, 1986b), performance appraisal systems (Greenberg, 1986a; Landy, Barnes-Farrell, & Cleveland, 1980) and job loss and layoffs (Brockner & Grover, 1987; Brockner, Grover, Reed, & Lee Dewitt, 1992). However, during the late 1980s organizational justice researchers began to expand their research beyond the traditional procedural and distributive types of justice in order to examine the interpersonal aspect of organizational justice (Greenberg, 1993).

The interpersonal justice research found that employees demonstrate a concern with their relationship to their work organizations because that relationship affects how they feel about themselves (Bies & Moag, 1986). Further, they evaluated this relationship with regard to the ways decisions are made and how they are treated by the organization (Blader & Tyler, 2003). Bies and Moag (1986) identified a number of criteria for fair treatment in terms of treatment expectations in a corporate recruitment setting. They proposed that interpersonal treatment is evaluated on the basis of the extent to which decision-making authorities are truthful, respectful and considerate in justifying or explaining their decisions. We found no research which examined these issues in an employment termination context. The following hypothesis is therefore proposed:

H8: Perceptions of high informal quality of treatment has a negative impact upon employee claiming behavior (IQT)

Dignity and Respect (IQT 1)

Perceptions of organizational justice are influenced by factors that go beyond the formal procedures used to resolve disputes or allocate rewards (Bies & Shapiro, 1987; Greenberg, 1990a). In particular, judgments of organizational justice are influenced by two important factors; the interpersonal treatment people receive from organizational decision makers, and the adequacy with which formal decision making procedures are explained (Bies & Moag, 1986; Tyler & Bies, 1989).

The basis of the relational model of organizational justice (Tyler & Lind, 1992) argues that employees use their membership of organizations as a way of obtaining financial remuneration but also as a way of validating their social identity. Tyler and Lind argued that employees' perceptions of their treatment as fair or unfair served as a global evaluation of their positive or negative relationship with the organization. Thus justice is considered "relational" because what people mean by "just" or "fair" treatment, is treatment that tells them whether their relationship with the organization is positive or negative (Tyler & Lind, 1992).

Lind (1997) argued that status recognition played a significant role in providing an individual with information about their standing within an organization. This standing is communicated to them, in so far as those within the organization treat them, especially those in authority, with respect and dignity. Numerous studies have shown that employees who are treated with respect and dignity emerge with feelings of fairness even

if the employee experience is negative (Lind, Kanfer, & Earley, 1990; Tyler & Bies, 1989). The following hypothesis is proposed:

H9: Perceptions of dignified and respectful treatment has a negative impact on employee claiming behavior (IQT 1)

Absence of an Adequate Explanation (IQT 2)

The need for organizational decisions to be explained to employees in order to cultivate fairness perceptions is a well established guideline in the literature on human resource management (Greenberg, 1990a). Research by Bies and Shapiro (1987) found that the practice of explaining procedures enhances the fairness of the procedures themselves and the outcomes resulting from them (Bies & Shapiro, 1987; Tyler & Bies, 1989). Bies and Shapiro (1988) found that the presence of a justification or explanation claiming mitigating circumstances had an independent effect on procedural fairness judgments and that causal information for a decision can influence individual's fairness judgments. The provision of an adequate explanation has the potential to reduce negative behaviors such as employee theft even when the decision outcome is considered a negative one for the individual concerned (Bies & Shapiro, 1987).

Adequate explanations or causal accounts can reduce perceptions of having been unfairly treated (Bies & Shapiro, 1987; Bies & Shapiro, 1988). However Bies, Shapiro, and Cummings (1988) found that perceptions of procedural justice were enhanced only when explanations were perceived to be adequately reasoned and sincerely communicated. Employees affected by a decision feel entitled to hear why it was made and the basis upon which the decision was arrived at (Bies & Shapiro, 1987; Greenberg, 1990b).

In order for a procedure to be perceived as having been enacted fairly, the explanations given should contain reasoning that adequately supports the claim and conveys sincerity on the part of the person giving the explanation (Bies & Shapiro, 1988; Folger & Cropanzano, 1998). It is likely that employees who do not receive any explanation in terms of the decision-making process are likely to view that process as flawed or unfair. The following hypothesis is proposed:

H10: The absence of an adequate explanation has a positive impact on employee claiming behavior (IQT 2)

Perceived Fair Treatment at the Time of Termination of Employment (IQT 3)

Early organizational justice theories assumed that justice relevant information is processed as it is encountered and that it is continuously integrated into general impressions of distributive or procedural fairness (Adams, 1965; Lind & Tyler, 1988; Thibaut & Walkers, 1975). Recent advances in organizational justice theories however have focused more precisely on both the cognitive processes by which fairness judgments are generated and the conditions under which justice judgments change (Lind et al., 2000). Fairness heuristic theorists (Lind, Kulik, Ambrose, & de Vera Park, 1993) have argued that fairness judgments are likely to be reprocessed and updated whenever there is a change, or an expectation of change, in a relationship. During periods of relative stability fairness judgments are used to decide how much one should invest in a relationship and the judgments themselves are used to interpret such events but not to reassess the judgment in light of ongoing events (Lind et al., 2000). It is only when the fundamental nature of the relationship appears to be changing that new fairness relevant information is processed with a view toward revising one's fairness judgment (Lind et al., 2000).

Lind, Kray, and Thompson (1998) demonstrated that fairness relevant information has especially strong effects on fairness judgments when change was occurring. Greenberg (1993) similarly argued that socially charged outcomes or events affect recipients' interpretation of their relationship with the agent or organization allocating the outcome and it was likely to have a strong impact resulting in a reevaluation of the relationship. Therefore the termination of employment, a major socially charged event, is likely to prompt a strong reevaluation of fairness perceptions by the employee and that this is likely to supersede the employee's perceived fair treatment during the entire course of their employment relationship. The following hypothesis is proposed:

H11: Perceived fair treatment at the actual time of termination of employment has a negative impact on employee claiming behavior (IQT 3)

Social Guidance

Social Information processing (SIP) may provide a useful lens to assist our understanding of the importance of social guidance in the claiming process (Groth et al., 2002). SIP suggests that individuals tend to rely more on social information when confronted with situations that are novel

or ambiguous and when the source of information is perceived as credible (Salancik & Pfeffer, 1978). Because the termination of employment is often viewed as an ambiguous and uncertain time for employees, it has been claimed that SIP and the role of social guidance can provide researchers with useful insights on employees' involvement in the legal claiming process (Groth et al., 2002).

Salancik and Pfeffer (1978) work contained two general implications for the impact of the social environment on individuals, namely: (a) there may be direct construction of meaning through exposure to the expressed attitudes of others and (b) the context may make certain information or aspects of the situation salient, thereby influencing perception and interpretation (Goldman, 2001a). Direct construction of meaning would include social influence in the form of advice or information from salient others. This therefore would encapsulate advice and information from friends, family and coworkers and when applied to claiming behavior has been shown to have a significant impact on an individual's decision to claim (Goldman, 2001a).

Vaux, Riedel, and Stewart (1987) and Williams (1995) referred to this type of offering of information, advice or guidance as "social guidance" which Goldman (2001a) found to be an important explanatory factor in discrimination claiming. This is not the first study to highlight the importance of social guidance. Tucker's (1993) study of employee resistance among temporary workers, found that the first step for aggrieved employees was to seek support from coworkers. Similarly, Bies, Tripp, and Kramer (1997) identified the influence of social factors as an important component in solidifying an employee's will toward revenge against one's organization. Therefore, it is proposed that social guidance in the form of information and advice from friends, families and colleagues plays a significant role in an individual's decision to proceed to initiate a case against a former employer. The following hypothesis is proposed and it is expected that the relationship will be positive;

H12: Social guidance, in the form of friends, family and coworkers has an impact on claiming behavior

Legal Awareness

Sociolegal analyses suggests the possibility of links between claiming and other characteristics of claimants such as access to lawyers and knowledge of legal process and options (including knowledge that the option of claiming even exists). Such legal awareness is not distributed evenly across the population and indeed some groups of individuals may be more inclined than others to sue (Lind et al., 2000).

According to the PIE model of claiming, in order for an act to be deemed unfair or unjust, it must be perceived as such by the individual employee or no action is likely to occur (Felstiner et al., 1981). It is this perception of unfairness which has been identified as the key to employee claiming behavior and so it follows that an employee with an increased level of legal awareness is more likely to be in a position to not only identify an injurious act, but also to have an understanding of the options available to redress the situation. We envisage that claiming is related to the level of legal awareness among employees. The following hypothesis is proposed;

H13: High legal awareness has a positive impact on employee claiming behavior

METHODS

Research Setting, Sample, and Procedure

Data were collected from 165 employees who lodged a formal application for unfair dismissals with the Irish Employment Appeals Tribunal (EAT)¹ during the period 2003 to 2004 and 34 employees who were dismissed during that period but did not submit a claim. A database of claimant details, including name and address, was compiled from publicly available EAT determinations lodged at the Employment Appeals Tribunal, within the labor court in Dublin, Ireland. The period 2003 to 2004 was selected on the basis that it represented the most recent years for which all case determinations were readily available within the EAT. In addition the research recognized that for the purposes of memory recall the more recent the events, the more likely the research would be to minimize bias and tainting. Given that it may take several months to have a case processed, only cases that were less than three years from date of initiation of the claim were included in the study.

The nonclaimant sample proved to be extremely difficult to gain access to as there simply is no one database or record of these individuals. The nonclaimant population is made up of those individual who have had their employment terminated but who did not engage in claiming behavior. It was decided to adopt a multifocused approach. We utilized a combination of personal contacts, trade union contacts, visits to social welfare offices and local unemployment groups. This generated a total of 98 terminated employees who were potential respondents for the survey. All participants were informed that completion of the survey was voluntary and that anonymity was guaranteed.

A postal questionnaire was distributed to 508 claimants, of which a total of 165 completed and usable questionnaires were returned representing a response rate of 39%. Thirty-four nonclaimants completed the questionnaire, representing a response rate of 35%. The majority of participants were middle aged, falling within the 26-35/36-45 year old categories for both the claimant and nonclaimant sample groups. 44% Forty-four of female and 55% of male respondents had completed a second level education. 33% of respondents were categorized as skilled employees. Sixty-eight of respondents were not members of a trade union at the time of dismissal and the majority of respondents had been employed between 1-2 years (30%) and 3-5 years (30%) prior to their termination.

Measures

Formal Quality of Decision Making

We use a 9-item scale to measure three dimensions of the formal quality of decision making. Formal policies and procedures ($\alpha = .98$), the existence of an appeals process ($\alpha = .86$) and opportunity to amend behavior/warning given ($\alpha = .89$). These scales were modified from scales developed by Moorman (1991), Mansour-Cole and Scott (1998) and Niehoff and Moorman (1993). Ratings were completed on a 1-5 scale (1 strongly disagree and 5 strongly agree). Sample items: "The company had a formal disciplinary policy in place so that decisions could be made fairly and consistently" (Formal policies and procedures, FQDM1), "My company provided me with an opportunity to appeal or challenge their decision to dismiss me" (Presence of an appeals process, FQDM 2), "I was given an opportunity to amend my behavior prior to my dismissal by my manager" (Opportunity to amend behavior/ warnings given, FQDM 3). The overall Cronbach alpha coefficient for the scale was $\alpha = .92$.

Informal Quality of Decision Making

We used a 6-item scale to measure two dimensions of informal quality of decision making: voice/employee involvement ($\alpha = .79$) and thoroughness of investigation ($\alpha = .78$). These scales were modified from scales developed by Moorman (1991), Mansour-Cole and Scott (1998) and Niehoff and Moorman (1993). Five ratings were completed on a 1-5 scale (1 strongly disagree and 5 strongly agree). Sample items; "Management made sure that my concerns were heard before the decision to dismiss me was made" (Voice/ employee involvement, IQDM 1) and "In order to arrive at the decision to dismiss me, management collected all the necessary information" (Thoroughness of investigation, IQDM 2). The overall Cronbach alpha for the scale was $\alpha = .84$.

Informal Quality of Treatment

We used a 13-point item scale to measure three dimensions of formal quality of treatment: dignity and respect ($\alpha = .91$), absence of an adequate explanation ($\alpha = .78$) and perceived fair treatment at time of dismissal ($\alpha = .70$). These scales were derived from previous work by Mansour-Cole and Scott (1998), Moorman (1991) and Niehoff and Moorman (1993). Ratings were completed on a 1-5 scale (1 = strongly disagree and 5 = strongly agree). Sample items; “When the decision was made to dismiss me, my manager treated me with respect and dignity” (Dignity and respect, IQT 1), “When making the decision to dismiss me, management offered explanations that made sense to me” (Absence of an adequate explanation, IQT 2) and “The procedures/processes used at the time of my dismissal were fair” (Perceived fair treatment at actual time of dismissal, IQT 3). The overall Cronbach-Alpha for the scale was $\alpha = .91$.

Social Guidance

We used a 4-item scale to measure the impact of social guidance on an individual’s decision to initiate a case of unfair dismissal against their former employer ($\alpha = .77$). The items were derived from Goldman (2001) and have been modified to reflect termination of employment. Ratings were completed on a 1-5 scale (1 = strongly disagree and 5 = strongly agree). Sample item: “My family, friends or co-workers suggested that I contact a government agency (Employment Appeals Tribunal) to file an unfair dismissal case against my former employer.”

Employee’s Level of Legal Awareness

We used a 2-point scale to measure the impact of an employee’s legal awareness on the likelihood of initiating a claim ($\alpha = .79$). We derived this scale from the work of Lind et al. (2000). Ratings were completed on a 1-5 scale (1 = strongly disagree and 5 = strongly agree). Sample item; “Prior to my dismissal, I was aware of my rights under the Unfair Dismissal Acts (1993, 1977).”

Initiating of a Claim

We used a single item dichotomous question as the dependent variable to ask whether employees had initiated a claim or not. Sample item: “Did you initiate a case for unfair dismissal against your former employer?” The answer to this question was either “Yes” or “No.” A single item dependent scale allows for the use of logistic regression analysis which is in line with the previous research by Goldman (2001).

Control Variables

Robinson and Clare (2002) have argued that the accuracy of retrospective reports of procedural fairness can be subject to recency and

accessibility biases. In order to minimize the effects of recency biases in our results, we measured the length of time since the termination using one item: *How long ago (in months) was your employment terminated?* We also controlled for outcome valence. This refers to the saliency of the event and the employee's ability to accurately recall the event (Kihlstrim, Eich, Sandbrand, & Tobias, 2000). The salience of termination can also be associated with whether the individual whose employment was terminated had found a new job. We dummy coded whether study participants had found a new job: New Job = 1, No new job = 0. Saliency and impact of the dismissal can also be a function of age and tenure. Tenure was assessed with one item: "How long (in years) did you work for your former employer?"

A number of statistical tests were carried out to establish the nature of the variables which were found to be non-normal suggesting the use of nonparametric techniques. Correlation analysis was used to identify the strength of relationship between our variables within the sample. This study uses Spearman's Rho correlation as the assumptions underlying parametric correlation cannot be met adequately given the non-normal distribution of the data set. Logistic regression was used to identify the true nature of relationships among the variable. It is conceptually similar to multiple regression except the outcome variable is a categorical dichotomy and predictor variables are either continuous or categorical. Respondents were categorized according to whether or not they initiated a case of unfair dismissal against their former employer as a result of the termination of their employment. Thus the dependent variable is divided into two mutually exclusive categories. Four cases were excluded from the analysis as data were missing.

Category 0—Respondents who did not initiate a case against their former employer as a result of their dismissal. $N = 34$

Category 1—Respondents who did initiate a case against their former employer as a result of their dismissal. $N = 161$

The independent variables tested in model A were formal quality of decision making (FQDM), informal quality of decision making (IQDM), informal quality of treatment (IQT), social guidance and legal awareness.

All independent variables were entered simultaneously in line with previous claiming behavior research (Goldman, 2001). The forced entry method is similar to forced entry in multiple regression in that all of the covariates are placed into the regression model in one block, and parameter estimates are calculated for each block. Some researchers believe that this method is the only appropriate method for theory testing (Studdenmund & Cassidy, 1987) because stepwise techniques are influenced by

Table 5.2. Means, Standard Deviations, and Microlevel Intercorrelations Analysis in Relation to Claiming Behavior

	Mean	Standard Deviation	<i>a</i>	Claiming Behavior	FQDM 1	FQDM 2	FQDM 3	IQDM 1	IQDM 2	IQDM 3	IQT 1	IQT 2	IQT 3
Claiming Behavior	.83	0.37	–	–	–	–	–	–	–	–	–	–	–
FQDM 1	1.85	1.22	.89	–.283**	–	–	–	–	–	–	–	–	–
FQDM 2	1.85	1.36	.86	–.375**	.545**	–	–	–	–	–	–	–	–
FQDM 3	1.65	1.14	.89	–.387**	.525**	.423**	–	–	–	–	–	–	–
IQDM 1	1.52	0.83	.79	–.399**	.472**	.475**	.406*	–	–	–	–	–	–
IQDM 2	1.60	0.95	.78	–.408**	.470**	.396**	.530**	.574**	–	–	–	–	–
IQT 1	1.37	0.66	.91	–.460**	.444**	.468**	.444**	.578**	.534**	–	–	–	–
IQT 2	1.54	0.79	.78	–.025	.184**	.236**	.203**	.427**	.310**	.445**	–	–	–
IQT 3	1.60	0.73	.68	–.544**	.452**	.492**	.459**	.645**	.600**	.715**	.417**	–	–

random variation in the data and so seldom give replicable results if the model is retested within the same sample (Field, 2000).

RESULTS

Table 5.1 presents the findings of our correlation analysis. The analysis revealed that formal quality of decision making (FQDM), informal quality of decision making (IQDM) and informal quality of treatment (IQT) were all found to be highly significantly related. Legal awareness displayed no significant relationships to the dependent variable of claiming behavior.

As the findings proved highly significant in relation to FQDM, IQDM and IQT further analysis was undertaken to break these macrolevel variables into their constituent parts and provide similar analysis at a microlevel. The key findings from this microlevel inter correlation analysis are presented in Table 5.2. This analysis found that FQDM 1, FQDM 2, FQDM 3, IQDM 1, IQDM 2, IQT 1 and IQT 3 were negatively related to claiming behavior. This analysis appears to provide support for a number of the derived hypotheses, namely H2, H3, H4, H6, H7, H9 and H11 however causality had yet to be established.

TESTING OUR HYPOTHESES

As the dependent variable in this instance was dichotomous in nature, logistic regression was utilized in order to explore the predictive nature of

Table 5.1. Means, Standard Deviations, and Macrolevel Intercorrelations Analysis in Relation to Claiming Behavior

	<i>Mean</i>	<i>Standard Deviation</i>	<i>a</i>	<i>Claiming Behavior</i>	<i>FQDM</i>	<i>IQDM</i>	<i>IQT</i>	<i>LA</i>	<i>SG</i>
Claiming Behavior	.83	0.37	-	-					
FQDM	1.79	1.07	.92	-.315**	-				
IQDM	1.57	0.80	.84	-.422**	.591**				
IQT	1.45	0.65	.91	-.296**	.441**	-.595**	-		
LA	2.84	1.40	.79	-.009	.221**	-.122*	.072	-	
SG	4.05	1.09	.77	-.05	-.034	-.025	-.067	-.109	-

**Correlation is significant at the 0.01 level (1 tailed).

*Correlation is significant at the 0.05 level (1 tailed).

Table 5.2. Means, Standard Deviations, and Microlevel Intercorrelations Analysis in Relation to Claiming Behavior

	Mean	Standard Deviation	<i>a</i>	Claiming Behavior	FQDM 1	FQDM 2	FQDM 3	IQDM 1	IQDM 2	IQDM 3	IQT 1	IQT 2	IQT 3
Claiming Behavior	.83	0.37	–	–	–	–	–	–	–	–	–	–	–
FQDM 1	1.85	1.22	.89	–.283**	–	–	–	–	–	–	–	–	–
FQDM 2	1.85	1.36	.86	–.375**	.545**	–	–	–	–	–	–	–	–
FQDM 3	1.65	1.14	.89	–.387**	.525**	.423**	–	–	–	–	–	–	–
IQDM 1	1.52	0.83	.79	–.399**	.472**	.475**	.406*	–	–	–	–	–	–
IQDM 2	1.60	0.95	.78	–.408**	.470**	.396**	.530**	.574**	–	–	–	–	–
IQT 1	1.37	0.66	.91	–.460**	.444**	.468**	.444**	.578**	.534**	–	–	–	–
IQT 2	1.54	0.79	.78	–.025	.184**	.236**	.203**	.427**	.310**	.445**	–	–	–
IQT 3	1.60	0.73	.68	–.544**	.452**	.492**	.459**	.645**	.600**	.715**	.417**	–	–

any or each of the variables included in our model. The independent variables tested in model A were formal quality of decision making (FQDM), informal quality of decision making (IQDM), informal quality of treatment (IQT), social guidance, and legal awareness (see Table 5.3).

Informal quality of treatment (IQT) as a whole was found to be a significant predictor of claiming behavior ($\beta = -2.74$, $SE = 1.09$, $p < 0.01$). This finding is consistent with zero order correlations presented earlier where informal quality of treatment was found to be highly negatively correlated to claiming behavior ($-.296^{**}$). The negative sign of the regression coefficient reveals that the greater the degree to which employees feel they have been treated in a truthful, respectful and considerate manner by agents of the organization the less likely they are to initiate a case for termination of employment. This finding provides support for the hypothesis H8.

Legal awareness (LA) was found to significantly predict claiming behavior ($\beta = 0.87$, $SE = 0.35$, $p < 0.01$). The positive sign of the regression coefficient reveals that the greater the degree to which an employee is aware of his/her legal rights, the more likely the employee is to pursue a claim. We therefore found support for hypothesis H12.

Informal quality of decision making (IQDM) as a whole was found to predict claiming behavior ($\beta = -0.155$, $SE = 0.76$, $p < 0.05$). This finding is consistent with zero order correlations carried out ($-.422^{**}$). The negative sign of the regression coefficient reveals that the greater the

Table 5.3. Results of Logistic Regression Analysis of Macrolevel Variables (Model A—Macrolevel Predictors of Claiming Behavior)

<i>Predictor Variable</i>	<i>B</i>	<i>SE</i>	<i>Odds Ratio</i>	<i>Wald Statistic</i>	<i>Significance</i>
FQDM	-0.34	0.53	0.71	0.42	.52
IQDM	-.155	0.76	0.21	4.17	.04 *
IQT	-2.74	1.09	15.51	6.30	.01 **
Legal Awareness	0.87	0.35	2.38	6.04	.01 **
Social Guidance	0.51	0.35	1.67	2.13	.14
Model χ^2	111.28, $p < 0.0001$				
Cox and Snell R^2	.430				
Nagelkerke R^2	.716				

** $p < 0.01$ * $p < 0.05$

degree to which employees feel that agents of the organization arrive at their decision in a fair manner by allowing them to have a voice in proceedings and by undertaking a thorough investigation, the less likely the employee is to initiate a claim against the employer. We therefore found support for hypothesis H5.

Formal quality of decision making and social guidance were found to have no predictive powers in explaining claiming behavior among terminated employees.

Model A’s Cox and Snell R^2 value is .43 while the Nagelkerke R^2 value is .716 indicating that the model accounts for a significant amount of explained variation in the decision to claim (over 70% of variance). This result represents a significant advancement in terms of our understanding of claiming behavior and advances the research previously completed by Goldman (2001a) a whose model explained some 45% of explained variation in the decision to claim.

Given that two of our macrolevel independent variables predicted claiming behavior, namely informal quality of decision making (IQDM) and informal quality of treatment (IQT), we conducted further analysis to ascertain if the development of a further model could improve our understanding of the claiming behavior. Our second model (Model B) examines the potential impact of FQDM 1, FQDM 2, FQDM 3, IQDM 1, IQDM 2, IQT 1, IQT 2 and IQT 3. Table 5.4 presents the results.

Table 5.4. Results of Logistic Regression Analysis of Microlevel Variables (Model A—Microlevel Predictors of Claiming Behavior)

<i>Predictor Variable</i>	<i>B</i>	<i>SE</i>	<i>Odds Ratio</i>	<i>Wald Statistic</i>	<i>Significance</i>
FQDM 1	0.59	.40	1.81	2.19	.14
FQDM 2	-0.42	.25	0.66	2.79	.10
FQDM 3	-0.99	.39	0.37	6.43	.01 **
IQDM 1	-0.66	.45	0.52	2.11	.15
IQDM 2	0.46	.51	1.58	0.82	.37
IQT 1	-2.25	.83	0.11	7.37	.01 **
IQT 2	2.99	.79	19.85	14.22	.00 **
IQT 3	-1.87	.59	0.16	9.98	.00 **
Model χ^2	94.607				
	$p < 0.0001$				
Cox and Snell R^2	.384				
Nagelkerke R^2	.637				

** $p < 0.01$ * $p < 0.05$

The opportunity to amend undesirable behavior (FQDM 3) was found to significantly predict claiming behavior ($\beta = -0.99$, $SE = 0.39$, $p < 0.01$). The negative sign of the regression coefficient reveals that the greater the degree to which an employee feels they have been given an opportunity to amend their behavior prior to termination the less likely they are to initiate a claim. This provides support for hypothesis H4.

All three aspects of Informal Quality of Treatment (IQT) were found to significantly predict claiming behavior ($p < 0.01$). The interpersonal treatment an employee receives from the decision maker or agent of the organization at the time of the termination (IQT 1) was found to significantly predict claiming behavior ($\beta = -2.25$, $SE = 0.83$, $p < 0.01$). The negative sign of the regression coefficient reveals that the greater the degree to which an employee perceives they are treated in a dignified and respectful manner by the agent or agents of the organization, the less likely the employee will be to initiate a claim for termination of employment. We therefore found support for hypothesis H9.

The absence of an adequate explanation provided by agents of the organization at the time of dismissal (IQT 2) was also found to be a significant predictor of claiming behavior ($\beta = 2.99$, $SE = 0.79$, $p < 0.01$). The positive sign of the regression coefficient reveals that the greater the degree to which an employee perceives he/she was not provided with an adequate explanation for their dismissal by agents of the organization, the more likely the employee will be to initiate a claim for termination of employment. We therefore found support for hypothesis H10.

Perceived fair treatment on the part of the employee at the time of termination of employment (IQT 3) was found to significantly predict claiming behavior ($\beta = -1.87$, $SE = 0.59$, $p < 0.01$). The negative sign of the regression coefficient reveals that the greater the degree to which an employee perceives their treatment at the time of termination of employment to be fair, the less likely the employee will be to initiate a case for termination of employment. We therefore found support for hypothesis H11.

Formal disciplinary policies and procedures (FQDM 1) did not significantly predict claiming behavior. This is not to say that no relationship exists between formal disciplinary policies and procedures and claiming behavior. Correlation analysis revealed a coefficient of -0.283 significant at .01 level (1-tailed) between formal disciplinary policies and procedures and claiming behavior. We therefore did not find support for hypothesis H2. The presence of an appeals process (FQDM 2) was also found not to significantly predict claiming behavior. We therefore did not find support for hypothesis H3.

Both voice/participant involvement (IQDM 1) in the form of an opportunity to present a defence at the time of dismissal and thoroughness of

investigation (IQDM 2) were found not to significantly predict claiming behavior as proposed within the current model.

Model B's Cox and Snell R^2 value is .384 while the Nagelkerke R^2 value is .637 indicating that the model accounts for a significant amount of explained variation in the decision to claim (64%).

DISCUSSION

The examination of employee claiming behavior following termination of employment represents an important area of investigation within the fields of psychology and organizational behavior. Our primary goal was to explore the factors which impact on the likelihood of an individual initiating a claim against their former employer post-termination. The models proposed in this chapter proved to have significant explanatory powers. We found support for a total of seven of our hypotheses, three macrolevel variables and four microlevel ones. In addition our study findings provide support for previous research findings as well as opening up new avenues for further investigation.

At the macrolevel, informal quality of decision making was found to have significant predictive powers in relation to employee claiming behavior ($p < 0.05$). The finding supports the idea that high informal quality of decision making in the form of voice participant involvement and thoroughness of investigation displays a negative relationship with claiming behavior. They focus on aspects of the decision-making process that originate with particular agents of the organization and highlight the need for individuals with supervisory responsibilities to receive training in disciplinary management. Organizations need to be critically aware of how important it is to ensure that a thorough investigation is undertaken prior to the initialization of a formal final disciplinary meeting and that once a meeting is arranged that the individual concerned is given an opportunity to put forward their side of events and to have this taken into consideration before arriving at a final decision. They are also in line with the legal findings in common law jurisdictions, whereby courts and tribunals base their judgements concerning fairness on whether a proper termination process was followed, and in particular, the extent to which the employee had an opportunity to put forward a case and defend the case.

Informal quality of treatment was found to have significant predictive powers in relation to employee claiming behavior ($p < 0.01$). Informal quality of treatment as defined by this study represents three subcomponents namely, dignified and respectful treatment (IQT 1), the absence of an adequate explanation (IQT 2) and perceived fair treatment at the

actual time of dismissal (IQT 3). Interestingly all three subcomponents of informal quality of treatment were also found to significantly predict claiming behavior among terminated employees.

When informal quality of treatment was broken down into its constituent parts dignified and respectful treatment (IQT 1) was found to significantly predict claiming behavior among dismissed employees ($p < 0.01$). The need to ensure respectful and dignified treatment can be easily overcome through adequate guidelines and training provided to managers. The finding adds significant support to referent cognitions theory which states that individuals will have extremely hostile reactions to an unfavorable decision outcome if they believe the parties responsible for the decision failed to meet certain moral obligations for proper conduct (Folger, 1993). One way that decision makers can clearly fulfill their moral obligations to the people affected by their decisions and thereby moderate hostile reactions such as claiming, is by ensuring that they treat employees with dignity and respect at all times.

The absence of an adequate explanation (IQT 2) and perceived fair treatment at the actual time of dismissal (IQT3) were found to significantly predict claiming behavior among terminated employees ($p < 0.01$). It is essential that the actual termination is handled in a sensitive and fair manner ensuring that the individual is given an opportunity to present their defence, is clear on the reasons for the termination, the process involved and ultimately provided with an explanation of how and why the organization has arrived at the decision they have.

The opportunity to amend undesirable behavior (FQDM3) was significant in predicting claiming behavior. This suggests that where employees are given the opportunity to amend undesirable behavior through a system of warnings, it will impact their perceptions and crucially their behavior. Warnings are an essential feature of organizations corrective action procedures (Croner, 2000). However, it could be argued that in organizations, warnings are only given to employees once a situation has deteriorated to such an extent that it is virtually impossible for the employee to turn the situation around. There is also a tendency in organizations to avoid confrontation and not deal with the issue. Our study findings do however reveal that such warnings impact the likelihood of an individual engaging in claiming behavior.

The presence of high legal awareness was found to significantly predict claiming behavior among dismissed employees ($p < 0.01$). This finding provides further support for the sociolegal conceptualization of the claiming process which suggests the possibility of links between claiming and other individual employee characteristics such as the level of legal knowledge possessed (Groth et al., 2002; Lind et al., 2000). It has been argued, and this finding provides further support, that such

legal awareness is critical as an individual needs first and foremost to be aware that a wrong has been done to them and that they have the option to initiate a claim as a result (Felstiner et al., 1981). Without a level of legal awareness an individual may not be aware of the legal options available and therefore, while feeling resentment towards their former employer, may fail to act upon it. An individual with an increased level of legal awareness is also more likely to be in position to not only identify an injurious act but also to have an understanding of the options available to redress the situation.

The current research and its findings expand the existing literature in relation to organizational justice and specifically claiming in several ways but most notably through the development and empirical testing of a new model of claiming behavior determinants. The model proposed provides significant advancements in our understanding of organizational justice as it examines the importance of traditional procedural, distributive and interpersonal justice concepts in the formation of decisions regarding claiming behavior.

The current research findings also expand the literature in relation to organizational justice by providing a European examination of individual claiming behavior. The previous research in relation to organizational justice has tended to have a very strong North American bias and this research offers new insights into the transferability of the key concepts of organizational justice to a European context. Goldman (2001) found social guidance to have a major influence on discrimination claiming in the United States; however upon reflection it would appear that one would expect social guidance to play a less significant role in claiming behavior in a country which is deemed more litigious, such as the United States. The corollary of this is that within an Irish context which is generally considered less litigious than its U.S. counterpart, one would expect it to play a highly significant role. This reasoning clearly requires further examination and empirical testing.

The study has a number of limitations which need to be considered. First, the study relies on self-report data. Given the complexity of the study context, and the research questions posed, it was necessary to gather data from employees who were dismissed. While ideally the research design would have taken consideration of the views of the agents of the organization and hence captured a different perspective on the actual termination process, this was not possible.

It was anticipated that the study may suffer from common method variance. In order to investigate whether this was the case, an extension of Haman's single factor test was utilized. Confirmation factor analysis (CFA) was conducted using all scale items, to test the hypothesis that a single factor can account for all of the variance in the data. This approach is in

line with the techniques used in studies by Korsgaard, Schweiger, and Sapienza (1995) and Mossholder, Bennett, and Martin (1998). The three factor solution had an eigen value of greater than one and all factor items had loadings of greater than 0.4, which highlights the integrity of the measures used in the study.

The study design asked respondents to remember events that occurred some time previous. This raises the possibility of retrospective bias in the results. Concerns regarding retrospective bias are however significantly lessened when the event is perceived to be crucial to the individual. We anticipated termination of employment would be highly salient in the mind of the respondent.

Further research designs may usefully investigate the issues in a longitudinal manner with three measurement points. First, at the actual time of dismissal, second at the time the outcome of the case is known (once a tribunal or court determination has been arrived at) and third, sometime after the event in order to see if perceptions remain consistent. It is acknowledged that such a design would present significant challenges; the most significant barrier would involve gaining access to the potential respondents at the crucial times.

IMPLICATIONS FOR POLICY AND PRACTICE

The study findings have important implications for both policy and organizational practices. The two predictive models highlight a number of issues for organizations to consider.

Those organizations wishing to minimize their exposure to claiming litigation should focus on achieving high informal quality of treatment within their organizations. Specifically, the findings of the research speak to the importance of ensuring that employees received dignified and respectful treatment at the hands of agents of the organization. This finding impacts directly on the manner in which agents of the organization deal on a one to one basis with employees and can therefore be difficult to tackle. Practical steps to achieving this would be firstly to ensure that the organization as a whole has dignified and respectful treatment of all staff members at all times as one of its core values. Individually, managers may require training in how to demonstrate such treatment and those managers found guilty of transcending this need to be appropriately reprimanded and retrained.

The provision of an adequate explanation was found to significantly impact individual claiming behavior. Clearly, the absence of such an explanation seems to cause employees considerable distress and hence resentment. This can be a difficult area for some managers, particularly

those not comfortable providing negative feedback. Training can assist managers in developing the skills necessary; however support should also be available from the human resource team who may wish to sit in on some meetings.

The findings of this study point to issues that organizations should attend to if they wish to minimize the potential for legal claims arising from termination of employment. A strong emphasis on a culture of respect and fairness will see most organizations succeed in achieving their goals with the help of some carefully designed policies and systematic management development and training for key decision makers in the organization.

ACKNOWLEDGMENTS

The research was supported by a project grant from the Irish Research Council for the Humanities and Social Sciences which the authors gratefully acknowledge.

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