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Procedural and Distributive Justice: The Judges, The Litigants, The Processes Versus Productivity and Quality of Work Life in the Organization

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ABSTRACT

Procedural Justice (PJ) and Distributive Justice (DJ) are components of the criminal system that concern the steps taken to reach the determination of guilt, punishment and the distribution of outcomes, rewards or other conclusion of law. The main thrust of this paper is to review extant research and theories on procedural and distributive justice and to consider their impact on HR productivity and organizational effectiveness. Existing conceptual contributions and real life researches show that both PJ and DJ can be reasons for organizational behavior. Both components of organizational justice were found to affect employee Productive Work Behavior (PWBs) like performance, trust, job satisfaction and organizational commitment and Organizational Citizenship Behavior (OCBs) which increased HR productivity and organizational effectiveness. Counterproductive Work Behavior (CWBs) like absenteeism and withdrawal, emotional exhaustion, job stress and burnout, fear, distrust, job dissatisfaction which ultimately lowered performance, emplovee productivity and organizational effectiveness. The paper concludes that organizational justice components (PJ & DJ) are key antecedents to promoting HR Productivity and organizational effectiveness. As a result, the paper recommends the establishment of a fair and popular grievance process for handling employee grievances and the encouragement of organizational managers and supervisors to support workplace fairness.

Keywords: Procedural Justice, Distributive Justice, Organizational Justice, HR Productivity, Organizational Effectiveness, Productive Work Behavior, Counterproductive Work Behavior, Employee Voice

INTRODUCTION

People come to the courts with a wide variety of problems and disputes. In dealing with these problems and disputes, one core goal of the judiciary system is to provide people with a forum in which they can obtain justice as it is defined by the framework of the law. A second goal of the courts is to handle people's problems in ways that lead them to accept and be willing to abide by the decisions made by the courts. Finally courts want to retain and even enhance public trust and confidence in courts, judges, and the law. To achieve the aforementioned, due process in legal proceedings provides individuals with rights such as: prior notice of prohibited conduct; notice of the charges or issues prior to hearing; impartial judges or hearing officers; representation by counsel; opportunity to confront and to cross examine adverse witnesses and evidence, as well as to present proof in one's own defense; notice of decision (Cascio, 2003:542). These are

constitutional due process rights. They protect individual rights with respect to local, state and federal government processes. However, they normally do not apply to work situations. Hence, employee rights to due process in the workplace are based on collective bargaining agreements, on legislative protections, or on procedures provided unilaterally by an employer (Wesman *et al.*, 1990:4 – 133).

Employees therefore, are becoming very sensitive to the general issue of "justice on the job". On a broad range of issues, they expect to be treated justly, fairly and with due process. In management decisions that affect them, such as hiring processes, assignments, performance appraisals, compensation, promotions, transfers, layoffs and the like, employees often send posers on the fairness of such decisions. As a result, the fairness of the procedures used by management in the maintenance or administration of what is just, especially by the impartial adjustment of conflicting claims or the assignment of employees' merited rewards or punishment is becoming a source of concern in labor-management relations.

The performance level of an employee is governed by many factors but organizational justice is one of the important factors in the effective functioning of employees (Greenberg, 1990). Greenberg (1987) suggested that employees are concerned about matters of justice and this justice influences job attitudes like job satisfaction, organizational commitment and organizational citizenship behavior. In essence, (as elaborated by Moorman, 1991), if people are treated fairly, they will more likely hold positive attitude about their work, their work outcomes and their supervisors. Justice or fairness refers to the idea that an action or decision is morally right, which may be defined according to ethics, religion, fairness, equity, or law. People are naturally attentive to the justice of events and situations in their everyday lives, across a variety of contexts (Tabibnia *et al.*, 2008). As a result, individuals react to actions and decisions made by organisations every day.

Organisational justice is a multidimensional concept with procedural justice and distributive justice as its two salient dimensions (Folger and Cropanzano, 1998; Greenberg, 1987, 1990). Procedural justice is the fairness of procedures used to make decisions. Procedures are fair to the extent to which they are consistent, across persons and overtime, free from bias, based on accurate information, correctable and based on prevailing moral and ethical standards (Greenberg, 1987:55 – 61). Corroborating this position Jawahar (2002:813), asserts that procedures are considered fair when they are implemented without any conflict, without personal interests, based on precise and correct information, with the chance of amending the decision, by respecting the interests of all interested parties and by following ethical standards. Distributive justice on the other hand, is the conceived fairness of outcomes (Jarafi *et al.*, 2011:1696). It is the fairness associated with decision outcomes and distribution of resources. The outcomes or resources distributed may be tangible (such as pay) or intangible (such as praise). Perception of distributive justice can be fostered when outcomes are perceived to be equally applied (Adams, 1965).

STATEMENT OF THE PROBLEM

The fairness of the procedures used by management in the maintenance and administration of what is just and in making decisions concerning employees has

become a matter of great concern to employees and the entire field of Human Resources Management. In the wake of decisions that affect employees such as those involving compensation, promotion, career development, performance management, training, health, safety and welfare, assignments, transfers, layoffs and the like, employees have continued to ask, "Was that fair?" Judgments about fairness or equity of procedures used in taking decisions (Procedural justice) and the fairness of outcomes (Distributive justice) are rooted in the perceptions of employees. Such perceptions can lead to important consequences such as employee behavior and attitudes. How does the dispensation of justice on the job affect employee behavior and attitudes? What is the nature and magnitude of these employee behavior and attitudes? Do such consequences ultimately affect employee productivity, organisational effectiveness and employee quality of work life? Are these consequences substantially expensive? If yes, what steps can organisations take to reduce these monetary consequences? The main thrust of this paper therefore, is to critically examine procedural and distributive justice, the parties and processes involved, the courtrooms, the judges, the litigants (employees) the lawyers, the judgments passed and the consequences of such judgments on human resource productivity, organisational effectiveness and the quality of work life of employees within the organisation. A theoretical approach based on review of existing literature and research evidence is hereunder carried out to address the aforementioned questions and problems.

PRIOR LITERATURE

Extant literature and strong research evidences have examined procedural and distributive justice as it relates to productivity and quality of work life within the organisation (Kanovsky, 2000: 489-511; Greenberg, 1987: 55-614; Wesman, 1990: 4-133; Colquit *et al.*, 2001: 425-445 among several others).

Procedural Justice

In general legal settings, justice refers to the maintenance or administration of what is just, especially by the impartial adjustment of conflicting gains or the assignment of merited rewards or punishments (Webster's New Collegiate Dictionary, 1976:628). It is one of the fundamental bases of cooperative action in organisations (Barnard 1938). Procedural justice however, is the fairness of the procedures used to make decisions. Procedures are fair to the extent that they are consistent across persons and over time, free from bias, based on accurate information, correctable, and based on prevailing moral and ethical standards (Greenberg, 1987:55-61).

Although there is disagreement in the professional literature about the number of components of the broad topic of organisational justice (Colquitt, as cited in Cascio, 2003:543), procedural justice is generally considered to have three components viz: employee voice, international justice and informational justice (Cascio, 2003:543-544).

Employee-Voice Systems: 'Employee voice' refers to the say employees have in matters of concern to them in their organisation. It is the term increasingly used to cover a whole variety of processes and structures which enable, and sometimes empower employees, directly and indirectly, to contribute to decision-making in the firm (Boxal and Purcel, 2003). For most organisations, the provision of procedural justice to individuals and groups is made possible through the capacity to be heard, a

way to communicate their interests upwards- a voice system. Voice systems assure fair treatment to employees; provide a context in which unfair treatment can be appealed; help improve the effectiveness of an organisation; and sustain employee loyalty and commitment (Sheppard *et al.*, 1992).

Some commonly used voice system methods include grievance or internal complaint procedures by which an employee can seek a formal impartial review of action that affects him or her; Ombudspersons, who may investigate claims of unfair treatment or act as intermediaries between an employee and senior management and recommend possible courses of action to the parties (Arnold et al., 1999:776-785); open door policies by which employees can approach senior managers with problems that they may not be willing to take to their immediate supervisors; participative management systems that encourage employee movement in all aspects of organisational strategy and decision making; and committees or meetings that poll employee input on key problems and decisions. Others are senior management visits, where employees can meet with senior company officials and openly ask questions about company strategy, policies and practices or raise concerns about unfair treatment; guestion-and-answer newsletters in which employee questions and concerns submitted to a newsletter editor and investigated by that office are answered and openly reported to the organisational community (Shepphard et al., 1992), and toll-free telephone numbers that employees can use anonymously to report waste, fraud or abuse.

The grievance process has generally worked well in unionized settings, and this is why many companies have extended it as an option to their non-union employees. At Federal Express Corporation, its "guaranteed fair-treatment process" allows employees appeal problems to a peer review board chosen by the worker involved and management. The board rules for employees about half the time. Bosses cannot appeal decisions, but employees can, to a panel of top executives up to and including the chairman of the board (Ewing, 1989:PA14). TWA employees take disputes to a panel comprised of an arbitrator, a representative from the Human Resource department, and another employee. One reason for the growing popularity of these programs is that they tend to reduce law suits. At Aetna Life and Casualty Co, for example, only one of the almost 300 complaints handled by Aetna's programme has gone to litigation (Bencivenga as cited in Cascio, 2003:547).

Figure 1 gives a clear view of how a non-union grievance procedure operates. The diagram indicates the possible routes a grievant may take to resolve a complaint. The regular procedural route is designed to resolve the grievance at the lowest possible level- the supervisor. However, if the grievant feels uncomfortable approaching the supervisor or if he feels the issue is not resolved, the employee is encouraged to directly see any level of management via the open-door policy or the roundtable and management immediately answers those questions that it can and researches those requiring an in-depth review. The minutes of roundtable meetings, plus the answers to the questions presented, are posted conspicuously on bulletin boards in work areas (Drost & O'Brien, 1983:36-42).

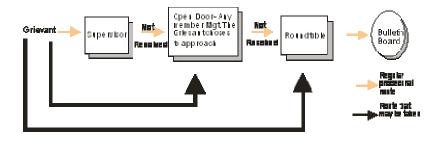


Figure 1: Grievance Procedure in a Non-Union Organization

Source: Drost and O'Brien as cited in Cascio Managing Human Resources, NY: McGraw Hill/Irwin

To work effectively, a non union grievance procedure should ensure that all employees know about the procedure and exactly how it operates; believe that there will be no reprisals taken against them for using it, and management must respond quickly and thoroughly to all grievances (Drost & O'Brien, 1983).

Interactional and Informational Justice

The second and third components of procedural justice are interactional and informational justice. Interactional justice refers to the guality of interpersonal treatment that employees receive in their every day work. Treating others with dignity and respect is the positive side of interactional justice. Derogatory judgments, deception, invasion of privacy, inconsiderate or abusive actions, public criticism, and coercion represent the negative side or interactional justice (Beis, 2001; 89-118). Evidences from research indicate that violating any of these elements affect employees' performance, citizenship behaviors directed towards their supervisors and job satisfaction (Masterson, 2000: 63:83). The third component of organisational justice is informational justice. It is expressed in terms of providing explanations or accounts for decision made. Consider layoffs, for example. Evidence indicates that layoff survivors who were provided explanations for the layoffs or who received advance notice of them, had more positive reactions to layoff, and higher commitment to the organization (Gopinath et al., 2000:63-83). Survivors had the most negative reactions to layoffs when they identified with the victims and when they perceived the layoffs to be unfair (Misha *et al.*, 1998).

Models of Organisational Justice Perceptions

Three different models have been proposed to explain the structure of organisational justice perceptions including a two factor model, a three factor model, and a four factor model. Many researchers have studied organisational justice in terms of the three factor model (for example, Deconinck, 2010; Liljegren and Ekerg, 2010) while others have used a two factor model in which interpersonal justice is subsumed under procedural justice while yet some other studies suggest that a four factor model best fits the data (Colquitt, 2001). Greenberg (1990) proposed a two-factor model and Sweeney and McFarlin (1993) found support for a two –factor model composed of distributive and procedural justice. Through the use of structural equation modeling, Sweeney & McFarlin found that distributive justice was related to outcomes that are person-level (for example, pay satisfaction) while procedural justice was related to organisation-

level outcome (for example, organisational commitment). The accuracy of two factor model was challenged by studies that suggested a third factor (interactional justice) may be involved. Bies and Moag (1986) argue that interactional justice is distinct from procedural justice because it represents the social exchange component of the interaction and the quality of treatment whereas procedural justice represents the processes that were used to arrive at the decision outcome.

The Impact of Procedural Justice and Distributive Justice on H R Productivity and Organisational Productivity

It is commonly believed that employees are the most important asset of an organisation. This is because the long-term viability and effectiveness of any organisation critically depend on the skills, expertise, competencies and proactive behaviors which include perception of justice (organisational justice) of employees towards its management as well as the organisation. Organisational justice describes an individual's perception of fairness within organisational settings. Judgments about the fairness or equity of procedures and outcomes are rooted in the perceptions of employees. Strong research evidence indicates that such perceptions lead to important consequences such as employee behavior and attitudes (Kanovsky, 2000:489-511). Perception of fairness is especially important in the context of Human Resource Management. Procedurally fair treatment has been demonstrated to result in reduced stress (Elovaino et al, 2001) and increased performance, job satisfaction, commitment to an organisation, trust, and organisational citizenship behaviors (discretionary behavior performed outside of one's formal role that help other employees perform their job or that show support for and conscientiousness towards the organisation) (Colguitt as cited in Cascio, 2003). Employees' perception of justice or injustice within the organisation can result in a myriad of outcomes either positive or negative as elaborated hereunder (Wikipedia, 2013:5).

Productive Work Behavior

Productive work behavior includes the following:

Job satisfaction and organisational commitment-Job satisfaction was found to be positively associated with overall perceptions of organizational justice such that greater perceived injustice results in lower levels of job satisfaction and greater perceptions of justice result in higher levels of job satisfaction (Al-zu'bi, 2010: 102-109). Fryxell and Gordan (1989) examined the relations between job satisfaction and PJ & DJ of three different samples and result shows that overall satisfaction with a job had greater effects in predicting satisfaction with management. In both cases (PJ & DJ), there is a strong relationship between OJ and job satisfaction. In another study, McFarlin and Sweeney (1992: 133-151) examine the 675 employees of Midwestern Banks, USA on how PJ and DJ affects personal Job satisfaction and organisational outcomes (organisational commitment). The study found that distributive justice was a more important predictor of organisational outcome (organisational commitment) as compared to procedural justice and for personnel outcome (job satisfaction) reverse was true. However, procedural and distributive justice also interacted in predicting organisational outcomes.

In a similar study, Moorman *et al.*, (1993: 209-225) measured the relative contribution of perceptions of procedural justice towards predicting job satisfaction and the effect of OCB and organisational commitment of 1500 employees in a National Cable Television Company. Result indicated support for the relationship between PJ and organisational commitment. Finally, the study of Lowe & Vodanovich (1995) examined the effect of distributive and procedural factors on the satisfaction and organisational commitment of university administrative and support personnel. (N=138) were examined. Result showed that DJ was a stronger predictor of satisfaction and commitment than were aspects of procedural justice. It can be concluded that the relative importance of distributive and procedural justice may vary across time but it has been proved from past studies that both variables affect organisational effectiveness, sometimes PJ matters more and in other issues distributive justice. Therefore, OJ makes a foundation for employees to think better for their organisations (Wikipedia, 2003).

Performance-The impact of organisational justice perceptions on performance is believed to stem from equity theory. This would suggest that when people perceive injustice they seek to restore justice. One way that employees restore justice is by altering their level of job performance. PJ affects performance as a result of its impact on employee attitudes. DJ affects performance when efficiency and productivity are involved (Cohen-Charash and Spector, 2001). Improving justice perceptions improves productivity and performance (Karriker and Williams, 2009).

Trust-The relationship between trust and OJ perception is based on reciprocity. Trust in the organisation is built from the employee's belief that since current organisational decisions are fair, future organisational decisions will be fair. The continuance of employee trust in the organisation and the organisational continuing to meet the employee's expectations of fairness creates the reciprocal relationship between trust and OJ (DeConick, 2010). Research has found that procedural justice is the strongest predictor of organisational trust (Hubbel and Chory-Assad, 2005:47-70; Cohen-Charash and Spector, 2001:278-321). A positive relationship between an employee and supervisor can lead to trust in the organisation (Karriker and Williams, 2009:112).

Organisational Citizenship Behavior-Organisation Citizenship Behaviors (OCBs) are actions that employees take to support the organisation that go above and beyond the scope of their job description. Organisational citizenship behaviors are related to both procedural justice (Deconick, 2010; Cohen-Charash and Spector, 2001; Karriker and Williams, 2009) and distributive justice perceptions (Cohen-Charash and Specter, 2001z; Karriker and Williams, 2009). As organisational actions and decisions are perceived as more just, employees are more likely to engage in OCBs. Karriker and Williams (2009) established that OCBs are directed towards either the supervisor or the organisation. A study by Colquitt et al (2001 425-445) clearly show that procedurally fair treatment led to positive behavior which include: employee volunteering to carryout activities that are formally a part of one's job; persisting with extra enthusiasm or effort when necessary to complete one's own task successfully; helping and cooperating with others; following organisational rules and procedures, even when they are personally inconvenient; and endorsing, supporting, and defending organisational objectives.

Quality of Work Life

Life satisfaction is an individual's cognitive assessment of the degree of overall satisfaction with his or her life (Hart, 1999; Quinn and Staines, 1979), Life satisfaction is important not only for staff but for correctional facilities as well (Lambert et al., 2010). Staff who were happy and satisfied with life tend to be more pleasant to work with, more open, less stressed, and more helpful (Donovan and Halpern, 2002; Lambert et al., 2005). Based on the spillover theory, what occurs at work can spill over and affect the overall quality of life of people because work is a major domain in the lives of most working adults (Steiner and Truxillo, 1989; Wilensky, 1960). High perceptions of organisational justice can provide people with positive feelings while low perception of organisational justice can cause negative feelings, such as frustration, angers and resentment (Cropanzano et al., 2005; Judge and Colquitt, 2004; Lind and Tyler, 1988; Lucas, 2009). The positive feelings from perceptions that there is distributive justice and procedural justice at work are likely to help increase the satisfaction with overall life. Likewise, negative feelings can spill over to cause strain, conflict, and stress for the person not only at work but at home. In the end, this may lower the person's level of life satisfaction.

Counterproductive Work Behaviour

Counterproductive Work Behavior (CWBs) are "intentional behaviors on the part of an organisational member viewed by the organisation as contrary to their legitimate interest" (Gruys and Sackett, 2003:30) There are many reasons that explain why organistaional justice can affect CWBs. Increased judgement of procedural injustice, for instance, can lead to employee unwillingness to comply with an organisation's rules (Cohen-Charash and Spector, 2001) because the relationship between perceived procedural injustice and CWBs could be mediated by perceived normative conflict, that is, the extent to which employees perceive conflict between the norms of their work group and the rules of the organisation (Zoghbi-Manrique-Iara *et al.*, 2007:715-729). Thus, the more perceptions of procedural injustice lead employees to perceive normative conflict, the more it is likely that CWBs occur (Wikipedia, 2013).

Absenteeism & Withdrawal-Absenteeism or non-attendance is another outcome of perceived injustice related to equity theory (Johns, 2001). Failure to receive a promotion is an example of a situation in which feelings of injustice may result in an employee being absent from work without reason. Johns found that when people saw both their commitment to the organisation and the organisation's commitment to them as high, absenteeism is diminished. Additionally, withdrawal or leaving the organization is a more extreme outcome stemming from the same equity theory principles. Distributive justice perceptions are most strongly related to withdrawal (Cohen-Charash and Specter as cited in Wikipedia, 2013).

Emotional Exhaustion-Emotional exhaustion, which relates to employee health and burnout, is related to overall organisational justice perceptions. As perceptions of justice increase employee health increases and burnout decreases. Distributive, procedural and interactional justice perceptions are able to capture specific levels of emotional exhaustion which fades over time; however, overall organisational justice perceptions give the most stable picture of the relationship between justice perception

and emotional exhaustion over time (Liljegren and Ekberg, as cited in Wikipedia, 2013). Additionally, both forms of justice have been linked with decreased job stress and job burnout (Lambert *et al.*, 2006; Lambert *et al.*, 2007; Lambert *et al.*, 2010). In another study, perceptions of procedural justice were associated with lowered fear of being victimized at work (Taxman and Gordon, 2009: 695-711).

CONCLUSION

Effective organisations depend on employees' performance which is directly affected by the quality of work life of the employees and their commitment towards such organisations. The use of fair treatment and fair procedures is a key antecedent to promoting organisational effectiveness. Fairness invokes moral obligation that go beyond effective response leading to job satisfaction and organisational commitment, trust, performance and organisational citizenship behavior. The lack, absence or denial of fairness in handling employee issues lead to intentional counterproductive work behaviors like absenteeism and withdrawal, emotional exhaustion, employee unwillingness to comply with organisation's rules, theft, corruption, carelessness, distrust, quarrels and gross reduction in employee and organisational productivity.

RECOMMENDATION

In view of the findings and conclusion above, the following recommendations are hereby submitted:

The establishment (by management) of a fair and popular grievance process for handling employee grievances. Such a grievance process should be elegant (simple procedures, broad application, vested authority, good diagnostic system); accessible (easy to use, advertised, comprehensive, open process); correct (administered well, with follow ups, self redesigning, correctable outcomes); responsive (timely, culturally viable, tangible results, management commitment); and non punitive (appeal system, anonymity and without retaliation for using the system).

Organisations should encourage their managers and supervisors to support workplace fairness. By discussing the implications of decisions with employees and treating them fairly, the justice level of the organisation can be increased and that enriches the performance potential of employees, departments, units and the entire organisation.

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