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Cover Page Footnote

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Workplace Dispute Resolution and Gender Inequality *

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ABSTRACT

Despite substantial bodies of research on employment differentials between women and men and on conflict in the workplace, little prior research links the two. This article summarizes preliminary results of a study which attempts to fill this knowledge gap. We conceive of workplace disputes as having origins, processes, and outcomes. We theorize that these three components are patterned by sex roles, sex segregation of jobs, and work structures (unions, firms, industries). Our findings indicate that workplace jurisprudence operates differentially for women and men employees, as hypothesized. The results suggest linkages to other aspects of employment inequality and provide a theoretical framework for further research and policy making.

Nearly all organizations have some form of workplace jurisprudence, that is, informal and formal rules that are used by employees, managers, supervisors, unions, and others in the employment relationship to resolve conflicts and disputes in the workplace. Such rules function "as a system of private law ... with its own interpretations, practices, and customs built up over time" (Thomson 1974).

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The presence of effective means of dispute resolution in the workplace protects employees against arbitrary authority and unjust punitive action and provides a route for systematic review of complaints and grievances (Scott 1965). Such procedures help to avoid lengthy, bitter strikes, litigation, government agency action, and binding arbitration, as well as promote fairness in treatment, legitimacy of the organization, and ultimately, efficiency in production. For these reasons, concern with the equity of workplace dispute resolution mechanisms is of interest to employers, unions, and employees.

Despite considerable interest in the study of industrial justice from the 1940s through the mid-1970s, these intraorganizational processes and their consequences have not been updated to account for the growth of female labor force participation since World War II, even in recent assessments (Lewin & Peterson 1988; McCabe 1988; Westin & Feliu 1988). Moreover, the substantial bodies of research on employment differentials between women and men in economics, sociology, industrial relations, and management have done little to link dispute resolution issues with issues of employment inequality.

This article summarizes preliminary results of a study that attempts to fill this knowledge gap. First, we outline our conceptual model of dispute resolution in the workplace and gender differences in it and summarize our research methodology. Then, we review our preliminary findings for gender differences in the origins, processes, and outcomes of workplace disputes and discuss their implications for theory and practice.

Conceptual Model of Workplace Dispute Resolution

In the abstract, dispute resolution in the workplace concerns an attempt by a participant in the workforce to resolve a problem in the employment relationship. We conceive of dispute resolution as comprised of three components: *origins*, *processes*, and *outcomes*. In the course of ordinary workday activities, disputes arise over issues such as wages, discipline, tardiness, parental or family emergency leave, affirmative action, discrimination, job posting, insurance, job performance, and hours. Once a dispute is articulated, it may be pursued in various ways, such as informal settlement in conversation, peer review in the workplace, or formal procedures guided by union or company policy. The goal of such processes is to resolve disputes in the workplace justly. The extent to which dispute resolution mechanisms operate equitably for women as well as for men in the workplace is the subject matter of this research.

We postulate that all three components of dispute resolution in the workplace—origins, processes, and outcomes—are patterned by gender and,

given the highly sex-segregated nature of employment, by sex type of jobs. Thus, we argue that women, incumbents of female-typed jobs, and tokens in jobs¹ have different disputes, different experiences in dispute processing, and different outcomes in the settlement of disputes than do men and the incumbents of male-typed and mixed-sex jobs. We also argue that the three components of the dispute resolution process are patterned by work structures and that these may interact with gender roles and the sex segregation of jobs.²

In a detailed review of empirical and theoretical literature, we found few prior tests of these postulates; moreover, what little prior research exists is often contradictory in its findings (Gwartney-Gibbs & Lach 1990). Thus, we conducted exploratory, qualitative research to assess the validity of our conceptual model of gender differences in workplace dispute resolution. This descriptive information is intended to generate theoretical propositions for later systematic testing.

Data and Analysis

Sixty in-depth interviews were conducted with women and men clerical and maintenance workers, half at "Firm A," a unionized public service agency, and half at "Firm B," a nonunionized manufacturing firm. We selected the firms for their contrasting procedures to resolve employees' workplace disputes: Firm A has a union-negotiated grievance procedure, and Firm B has a widely admired (but rarely studied) "open door" type of policy.

Firm A's grievance procedure is negotiated bilaterally with the union. The procedure involves several informal and formal steps and covers only certain types of conflicts. The chief steward estimated that the union hears of 30 to 40 inquiries about disputes each month, but only about 10 each year actually go all the way through the grievance procedure, and typically only one reaches arbitration every other year. Workers often spoke of the grievance procedure as a last resort; nevertheless, they said they do go to stewards frequently for information.

Firm B unilaterally offers its employees an "open door" policy, which they learn about during new-employee orientation. The open door policy allows employees to go to their supervisor's supervisor and on up the chain of command with a complaint they feel they cannot, or do not wish to, take to their own supervisor. The open door policy appears to be used frequently, but informally, because employees have frequent, informal contact with managers. Also, Firm B's use of quality circles appears to anticipate and defuse disputes before they explode.

Despite different dispute resolution mechanisms, the two firms are similar in important ways. Both have reputations for somewhat liberal personnel policies and a degree of institutionalized informality. Both are subdivisions of larger organizations, employ approximately the same number of workers (3,000-4,000) at the sites studied, and have similar mixes of professional, lower white collar, and blue collar employees. Both firms are regarded as good places to work in their cities in the Pacific Northwest, and thus, many employees we spoke with had worked there for long periods of time. In order to maximize the range of experience with disputes and dispute resolution in the workplace, interviewees were selected from a highly female-concentrated occupation (clerical) and a highly male-concentrated occupation (maintenance), including a small number of tokens (i.e., male clerical and female maintenance workers). Altogether, 34 clerical workers (including receptionists, clerks, secretaries, administrative assistants, and word processors) and 26 maintenance workers (laborers, custodians, skilled craftworkers, and skilled repair technicians) were interviewed.

In addition to diversity by sex and occupation, sample members varied by demographic characteristics, employment characteristics, and the nature of their workplace disputes and resolution. Neither group of interviewees is statistically representative of all employees at Firm A or Firm B, but—appropriate to the exploratory nature of the research—we heard a wide range of accounts of dispute resolution in both firms, without having to interview hundreds of employees in a random sample.

Interviewees were asked to describe the history of each of their workplace problems and disputes, from beginning to end. In the unionized firm, we asked interviewees to include both grievable (according to the union contract) and nongrievable disputes. In Firm B (which has the open door type of policy), we asked interviewees to describe both small and large problems. The interviews, which averaged one-and-one-half hours in length, were transcribed and then coded and analyzed. Quotes and anecdotes from interviews are used to examine the theoretical postulates introduced earlier.

Findings

In presenting and interpreting our findings, we draw upon gender role theory from social psychology to examine individual-level gender differences in workplace disputes. At the level of jobs, we rely upon theories of occupational sex segregation out of the stratification literature in sociology. Finally, we draw selectively from theory in industrial relations, organizations, and management concerning formal mechanisms of dispute resolution in the workplace. In each section, these theoretical perspectives guide

our analysis of the origins, processes, and outcomes of workplace disputes. We stress that our findings are preliminary and subject to modification in continuing data analysis.³

Gender and the Origins of Workplace Disputes

Gender role theory suggests that the etiology, or origins, of workplace disputes experienced by women may be different from those experienced by men (cf. Gwartney-Gibbs & Lach 1990). Our findings on the origins of workplace disputes support parts of gender role theory, but contain some surprises.

Sixty different types of workplace disputes were mentioned during the interviews. The most common concerned coworkers or direct supervisors. Twenty-nine interviewees discussed difficulties with coworkers, especially poor work performance and personality conflicts. Thirty-two interviewees recounted disputes with supervisors, particularly unfair performance evaluations, task assignments, training, personality conflicts, and generally poor supervisory styles. Other problems referred to organizational policies and practices, including benefits, salary, equipment and material, hiring, and work schedules.

We posited that women workers would be more likely than men to experience problems associated with family and household duties. We found, however, that women and men alike in both firms had difficulties with such matters as coordinating child care and attending to sick family members. These difficulties occurred even though both firms seem sensitive to the needs of parents in the workplace, generally providing some allowances for flexible start and quit times, leaves for birth or sickness of children, and tolerance of family needs. Conflicts arose mainly over the implementation of these provisions. For example, one female clerical worker in Firm A recalled:

My father was ill in the hospital in (a large city 1,000 miles away) and I needed to go there to help my mother. While I didn't have trouble getting the time off (using sick leave), which I'm entitled to, I heard about it several times from my boss after I returned—about how inconvenient it had been and what a strain it had put on the department. The general attitude was that they had done me a favor by letting me do it.

Women did not seem to have more difficulties in implementing “family friendly” policies than men.

Consistent with gender role theory, however, women workers appear to be more sensitive to problems associated with interpersonal relations in the workplace than men, more often reporting workplace disputes concerning personality conflicts. Women told us highly detailed episodes of intricate interpersonal relationships, particularly in clerical offices, which resembled "hot-houses" of feelings. Men also told us about interpersonal clashes, but their descriptions tended to be brisk dismissals that they simply did not seem to care about as much as women.

We hypothesized that because women workers tend to have more intermittent work histories than men, due to their child-bearing and child-rearing roles, they may experience more disputes associated with seniority issues (layoff, bumping, recall, promotion, reappointment, transfer). From gender role theory, we also hypothesized that men would be more likely to experience disputes over discipline, veteran's issues, and union activism. But we have no strong or consistent evidence to support either notion.

Sex stratification theory in sociology suggests that occupational sex segregation in employment may be related to the origins of workplace disputes for both women and men in sex-atypical jobs and for women in sex-typical jobs. In particular, disputes may originate for tokens (male clerical workers and female maintenance workers) in discrimination, harassment, and social isolation and in gender role spillover for female clericals (i.e., gender role stereotyping inappropriate to job duties). We find evidence for these ideas.

Tokens, both male and female, described many instances of harassment and discrimination from coworkers and supervisors. But these instances were generally mild rather than severe, and they were often in the ambiguous realm of personality conflicts. Few of our interviewees would label their experiences harassment or discrimination, for they seemed unsure whether it was really occurring or whether they might be at fault in part themselves. Thus, they were often reluctant to name, or label, how they were being treated and to ascribe this treatment to their status as tokens. A young woman, supervising a temporary crew of all-male laborers, found it difficult to name her subordinates' mocking and insolence as sexual harassment. When they hooted out of a work truck to another woman, "Hey baby I like what I see," she recognized it as sexual harassment but still was unable to label her own experiences.

Among token men clerical workers, an unanticipated finding was that many told us they have "no problems" in the workplace. Yet, they described situations in their offices that sound suspiciously like problems to us—situations very similar to those described by women clerical workers as hot-house atmospheres in which personality conflicts and small spats exploded

into major traumas. A possible explanation for this finding is that it is inconsistent with male gender roles to admit or recognize disputes that are interpersonal in nature. A clerical worker at Firm A demonstrated this obliviousness in describing how a conference he had been asked to administer fell through:

It was mostly my fault, but the scheduling and how things were to be done were not communicated to me clearly by my boss. It was his program. And so between that and the fact that I wasn't doing things when I should have, the whole thing fell through. It wasn't exactly resolved; it was sort of like, "Well, it's happened, it's come apart at the seams, that's it, we just have to go on." And that was the feeling of both myself and my boss.

Clearly, in the eyes of this clerical worker, his behavior in the workplace created no problems for himself, his supervisors, or his co-workers.

Gender role spillover suggests that persons in highly sex-segregated occupations will be treated on the basis of gender role stereotypes in the workplace (Nieva and Gutek 1981). This may become a disputable issue if the stereotype has little to do with the requirements of the job or the personality of the worker. Several women clerical workers described disputes under this rubric. Some reported being disciplined for not acting "nice enough" or not being "sensitive to the needs of coworkers"—expectations clearly consistent with gender role stereotypes and less clearly part of a job description. One clerical worker at Firm A told us that her supervisor started a work plan (the first step in a disciplinary procedure) that required her to "be more cheerful and smile more." Importantly, such expectations were not imposed upon male clerical workers; indeed, several of them described how they used their gender roles, especially interpersonal aggressiveness, to get their way in the workplace. One male clerical worker described a confrontation with his female supervisor this way:

She gave me this performance evaluation and I looked at it, and I couldn't believe it. At first I said, "Well, do you really think this is appropriate for a performance evaluation? I don't think so." She got defensive about it and by my interpretation was insulting. At that point, I got angry. And then we got into a shouting match for fifteen, twenty minutes.

We chose Firm A and Firm B deliberately because differences in their dispute resolution forums create different workplace environments for nam-

ing workplace disputes. Differences between the firms' dispute resolution forums, however, did not seem to have a substantive effect on the origins of workplace disputes that interviewees discussed. In both firms, for example, employees discussed problems with supervisors, coworkers, clients, equipment, and the like. Of course, each firm also had a set of problems specific to its ongoing situation (for example, maintenance work being contracted out at Firm A and an influx of temporary workers at Firm B), but most problems mentioned during the interviews occurred in both firms.

In summary, we find evidence for differences in the origins of women's and men's workplace disputes that appear to be related to gender roles and to occupational sex segregation, consistent with expectations.⁴ To the extent that women and men experience different kinds of workplace disputes, such as personality conflicts, and to the extent that formal workplace dispute resolution mechanisms are not designed to deal with those differences, women workers' aggregate patterns of workplace disputes will be different from men's.

Gender and the Processes of Workplace Dispute Resolution

Gender differences appear clearly in the processes used to resolve disputes in the workplace, and some of these differences may be related to gender roles. We hypothesized that women with workplace disputes would be less likely to pursue them due to gender role socialization, the lack of provision for female-typed issues in formal procedures, and a lack of sympathy or support on the part of male gatekeepers (supervisors and union stewards) of the formal procedures. We find evidence to support these ideas.

Women described how difficult it is to resolve personality conflicts through formal channels. A union steward at Firm A reported:

I've talked to people who've told me, "My supervisor's driving me nuts because they're doing this and doing that." And it's really hard to prove any of that stuff. And yet they tell me lots of times that they come across as being the terrible person. If it's really an out-and-out illegal thing that the supervisor is doing, then you can get 'em for it. But if it's just subtle little things, it's really hard.

At Firm B, a skilled maintenance worker fears that she "soils the workplace somehow, with messy interpersonal details" for her male coworkers. To avoid "unsettling" them, she takes home work-related emotional issues and attempts to resolve them there on her own. Another described "a personal-

ity clash” with her supervisor which she believes inhibited her promotion chances. She invoked the open door, going around her supervisor to try to resolve the issue, but felt “it didn’t really get resolved.” Because of this unresponsiveness, she says, “I don’t think I’ll ever use the open door again. It just didn’t work the best for me.” Even in cases of interpersonal conflict severe enough to be labeled harassment (a charge our interviewees were reluctant to voice), workers perceived that neither the grievance procedure nor the open door policy was designed to resolve such issues.

Women workers consistently reported using lateral transfers to move away from disputes, while men were more likely to use institutional dispute resolution methods provided by the company. A clerical worker at Firm A described the pattern:

[Lateral transfers are] a common solution. The first thing a person usually thinks of—at least in the clerical sector where it’s so easy to move—is to just transfer out. Unless they have so many things going on in their lives that they can’t at that time think of taking on a new job and having to deal with that. But most of the time, that’s the way that women choose to resolve their conflicts. Just by hanging in there until they can transfer out, and doing everything they can to transfer.

Firm B has a policy of not allowing employees to transfer to extricate themselves from personality conflicts; transfers are allowed only after such conflicts have been resolved. But our interviews document how women employees avoid this rule. Consider the following interviewee’s comments:

The main reason I was transferring is because of this lady we were working with who got promoted up. I felt if I had really told [our supervisor] what was going on, it would have hurt me and they might not let me go. [A coworker] said that she was moving because of [the promoted coworker] and she ended up not getting to move; [the company] wanted them to work their problems out. So, I kept my mouth shut and just said I was leaving because I wanted to try something new.

We also found ample evidence of a lack of sympathy, particularly among Firm A’s male union stewards, for the personality conflicts that women workers are more likely to face. One dismissed complaints made by women maintenance workers as follows:

All three of the women involved came to me and they all told me different stories. I tried to get information out of it, but the stories were so lacking in any real concrete detail that I couldn't think of anything. I talked with other bargaining unit members about it, and they said, "Yes, it's terrible—can't do anything about it." The union hasn't said so in so many words, but the process required to do something is long and involved and gathering the evidence is so iffy.

Whether transfers to "solve" workplace disputes are part of an avoidance pattern associated with female gender roles or are due, instead, to opportunity structures associated with female-typed occupations or lack of support from male gatekeepers of dispute resolution mechanisms remains an open question. At Firm A, women's use of lateral transfers was greater than at Firm B, but that may be because Firm A has more mobility opportunities for clerical workers than Firm B or because of Firm B's policy that personality conflicts must be resolved before employees are allowed to transfer.

We hypothesized that occupational sex segregation is related to the processes of resolving workplace disputes, but in different ways for tokens and nontokens. For tokens, we expect that high visibility generates pressure to conform in order to gain acceptance from the dominant group; if disputes are voiced, we expect little support to be received from informal networks to pursue the issue. For those in highly sex-concentrated jobs (nontokens), we expected greater support from interpersonal networks to resolve disputes both formally and informally.

We find evidence for these claims, but the experiences of male tokens appear to be different than those of female tokens. For example, a highly skilled maintenance worker at Firm B found that learning the "male way" of problem solving was one of the most difficult parts of her job:

[My male co-workers] don't let other men push them around as much as women do. I see in maintenance how much these men will make a stand. They're not at all afraid to confront [the manager] in front of a whole group. They're right out there in the open with a loud voice and criticism. It's just so different than how women respond. I think there's a lot to learn; part of me was learning to make my stand too. It's very acceptable for men to express anger in the workplace, and a lot of them do; they almost expect it—almost want it. It's not as acceptable for a woman to express anger in the workplace.

Women maintenance workers we talked with often had difficulty articulating their conflicts, finding coworkers to talk with, and finding out what to do. Sometimes, the processes went on for years and the conflicts worsened while the worker was waiting for the next step to occur. In part, this has to do with the nature of the conflicts (the mildness of social ostracism compared to a fistfight, for example, and the difficulty of documenting or concretely describing the ambiguous feeling of exclusion or isolation from other workers). But it is also because formal dispute resolution mechanisms rarely have provisions for, or experience with, the types of conflicts tokens are more likely to experience.

Moreover, cases of employees (tokens and nontokens) who struggled with the difficult task of documenting discrimination and harassment were legends in both firms' corporate culture and served to deter individuals from pursuing disputes through to resolution. Thus, few tokens with disputes attempted to use formal mechanisms of resolution; rather, they lived with their conflicts or resolved them informally.

Male tokens were less likely to report any problems at all, as mentioned earlier. When they did, however, they described using institutional procedures successfully to resolve conflicts, and they mentioned managers sensitive to personal issues that created temporary problems in the workplace (e.g., a wife temporarily unavailable for child care). Moreover, several male tokens described being adopted, like pets or mascots, by their female coworkers and coached in resolving disputes over such issues as promotion, equipment, and personal space. A clerical worker at Firm B clearly enjoyed his role:

I knew all these other secretaries on site. We'd go to meetings and they'd always give me a bad time; they all enjoyed me. Its a big thing being an admin [administrative] person, being in the trenches like that. I understood what they were going through, so there was camaraderie in that sense. I was probably a group mascot.

Problems and disputes of male tokens were less often in the range of interpersonal difficulties, but when such problems did occur, they did not conform to the passive and subordinate behavior stereotypical of clerical workers. A clerical worker at Firm A illustrated his method for handling conflicts in the workplace:

You gotta look at it this way: I'm 39 years old and I'm not a woman. When I'm dealing with these people [professionals], a lot of them are my contemporaries, a few of them are even

younger than I am. So it's like, you know, are they gonna give me a lot of flack, really? You see what I mean? So I'm not too worried about it. Are they gonna try to bully me? No! Cuz like I said, I'm older than some of them and I'm not a woman. I don't flip out if someone tries to abuse me. If they threaten me, I threaten them right back.

Such men draw upon their male gender roles as experienced outside the workplace, and they are treated as "men" by the persons they serve, even in a predominantly female occupation.

We hypothesized that the different formal dispute resolution forums available within Firm A and Firm B would have different consequences for employees' access to and experiences with such forums. Both firms provide regularized and well-exercised dispute resolution mechanisms, but these are different in character as well as in the environments they create for resolving disputes. While we find that these structural differences between the firms are associated with differential processes of workplace dispute resolution, we also find similarities, particularly in the key role played by the gatekeepers of the dispute resolution forum and in the fear of retribution. Each of these is discussed below.

Some employees at Firm A, both women and men, expressed dissatisfaction in how a question or grievance was handled by a union steward, and this seemed to color their opinions of the union in general. Importantly, others at Firm A, most particularly women, viewed the union as a source of strength and help during conflicts. Union stewards helped them learn the process of filing grievances, attended disciplinary meetings with their supervisors, accompanied them to related appointments outside the workplace, and generally reminded them of their rights to pursue grievances. One clerical worker described what her steward did in pursuing her grievance:

She heard my story. She would have lunch with me and try to get details from me. A lot of times when I talked with her, I was in tears; I was just beside myself. She said, "There is no question that you are being railroaded, that you are the victim, that (your supervisor and co-workers] wanted to get you out any way they could." She said she had never seen a case like this. This was after she talked with my department to see exactly what was going on. Then she said, "You definitely need to file a grievance." She arranged meetings, she contacted my doctor, and she contacted Personnel. She knew exactly what to do, and

if she wasn't sure, she would check it out. She really kept on the ball, because if we missed one little meeting or one little thing, they could throw it out.

Men at Firm A did not describe this type of relationship with union stewards. They talked matter-of-factly about the protection provided by the union contract, which some described as adequate and others as inadequate. While many employees at Firm A said they had gone to their supervisors before going to the union, few spoke of their supervisors as being as instrumental and helpful in dispute resolution as the union stewards they spoke of; rather, many felt their supervisors had misled them.

At Firm B, corporate culture is carefully inculcated by management, and employees believe strongly in the open door policy's utility for resolving workplace disputes. Indeed, many employees seemed to regard it as disloyal to tell us, as outsiders, of conflicts they experienced. But complaints also seemed to be regarded as more normal, and doing something about them seemed to be regarded as more ordinary, in Firm B as compared to Firm A.

For example, employees we spoke with were often not sure if they had ever invoked the open door policy because so little social distance exists between themselves and their supervisors and managers. If a problem comes up, they just say so. When the open door policy fails—i.e., when a problem is not resolved or an employee sustains retribution—it is commonly viewed as an individual manager's idiosyncrasy rather than as a failing of the company or of the open door policy. A male maintenance worker's comments illustrate how such idiosyncrasies are rationalized:

There is a certain way that [upper management] would like the open door policy to be perceived by everybody in the company and administered. But the problem is that everybody has a different personality and when you've got people dealing with other personalities, sometimes what corporate wants us to do isn't always the way it ends up going.

One male clerical worker also described how broad management policy can be interpreted differently by individual managers:

[Firm B] has a very unique style of dealing with management, which is, "We don't tell you what to do. We give you broad guidelines to go by." That has advantages and disadvantages, and one of the disadvantages is that you can have someone being very negative and constrictive, etcetera, but still be within the guidelines.

In both firms, employees who had had unsatisfactory experiences with the gatekeepers of dispute resolution forums (union stewards in Firm A and managers in Firm B) experienced distrust and detachment. When asked to rate their satisfaction or happiness with their job on a one-to-five scale, unsuccessful problem solvers consistently rated their satisfaction lower than successful problem solvers.

Also, in both firms nearly all employees expressed some fear of retribution for pursuing a dispute to resolution. Corporate culture plays an important role here, for tales of retaliation experienced by others heavily influenced individuals' decisions to file a grievance at Firm A or to go around a supervisor at Firm B. A female union steward at Firm A described why workers don't go to the union with workplace disputes:

One of the barriers is a fear of retaliation by the supervisor. That's a very real fear which is kept going by management. [Workers] are afraid; they'll say, "I'm going to see if I can solve this myself, because I really don't want to get 'em mad." Retaliation can take the form of a painter being stuck painting bathrooms for the next four years, or it can mean getting the [worst] jobs. That's a possibility; that's been done. It has been done to people who have come to the union.

A male maintenance worker at Firm B also recounted a fear that using the open door policy with certain individual managers might result in retribution:

I think it depends on the manager and their interpretation of the open door policy. I've seen too often the case where we have open door policy and people exercise that opportunity, and they get bit for it later.

It also appears that knowledge of the many steps at which a dispute must be proved and justified dissuaded use of the grievance procedure at Firm A and caused some discontent. On the other hand, at Firm B the open door policy seemed to create an expectation among workers that few workplace problems should exist, because all disputes are resolved or resolvable. Problems that persist then violate the normative environment.

It is important to note that most of these preliminary findings concerning work structures say little about differences for women as compared to men or for tokens as compared to nontokens. While we know that in the aggregate, women are less likely to be union members and less likely to be

in industries and large firms that have regularized dispute resolution mechanisms (Gwartney-Gibbs & Hundley 1988), in this study they were, by design, in the same firms as men.

Gender and the Outcomes of Workplace Dispute Resolution

Women's propensity to use lateral transfers instead of institutional procedures to solve workplace disputes has several possible outcomes. One is that disputes that do enter the formal processes (e.g., grievance procedures, arbitration, or government agency action) do not represent the day-to-day conflicts experienced by women at work.

Another outcome of lateral transfers in Firm A is that several women clerical workers who transferred found that the best new jobs available to them were not covered by the union contract, and this worried them greatly (particularly those who had successfully used the grievance procedure before). One successful grievant in an emotionally grueling case had this to say about her new job, which is not contract covered:

It scares me in a way, in the sense that I hope to God that I never have to go through anything like this again. I wish I was covered. Then at least I'd feel like I had some protection.

Perhaps the most significant outcome of the use of lateral transfers to solve disputes in the workplace is that it is likely to put women workers at a disadvantage in terms of human capital, i.e., job-specific training and expertise. Employers are more likely to invest in job training and offer promotional opportunities to employees who stay on the job. Our male interviewees did not use transfers to solve workplace disputes and our female interviewees did; likewise, our male interviewees had longer average job tenure than our female interviewees.

High levels of turnover and labor force intermittency have long been recognized as one explanation for lower earnings of women workers. If lateral transfers are similarly associated with lower job-specific skills and training for women workers than men, turnovers internal to an organization may have a similar effect on the earnings of women who use lateral transfers to resolve conflict.

A possible outcome of workplace disputes related to occupational sex segregation may be the persistence of a sex-segregated work force. That is, to the extent that sex-segregated work environments are more conducive to the settlement of everyday workplace disputes, it makes sense for women

to prefer to work among women and men to work among men. Our data do not allow a direct test of this hypothesis, but it would be a logical conclusion from the preliminary findings reported here.

In summary, we have found some patterns of gender differences in the processes and outcomes of workplace disputes that appear to be attributable to gender roles. But many of the gender differences we find also appear to interact with sex-typed jobs. Thus, it is difficult to disentangle explanations of gender differences in workplace dispute resolution which are based upon gender roles from explanations that give precedence to the different structural positions of women and men workers. Concerning different dispute resolution forums, we are not yet in a position to evaluate whether an open door policy or a union-negotiated grievance procedure operates better for one group as compared with another.

Implications for Theory and Practice

The research summarized here indicates that systems of workplace jurisprudence operate differentially for women and men employees. We find that workplace disputes experienced by women workers are often different from those encountered by men; that formal dispute resolution mechanisms often do not accommodate gender differences in dispute origins; that women workers are often discouraged by the gatekeepers of dispute resolution forums within unions and firms; and that women are more likely to transfer jobs to escape disputes, while men are more likely to employ formal dispute resolution mechanisms. These differences in workplace dispute resolution appear to be rooted in the social organization of work, particularly occupational sex segregation, as much as in gender roles.

Moreover, our results suggest that gender differences in workplace dispute resolution help explain gender differences in other aspects of employment, such as earnings. To the extent that the workplace disputes experienced by women are different from those encountered by men, and to the extent that the means for resolving such conflicts are less effective for women workers than for men, women can be expected to have greater job turnover, lower job satisfaction, and more occupational segregation—and, thus, lower earnings.

Our results also suggest that for practitioners to best mediate and negotiate on behalf of women in employment disputes, it is necessary to understand the social structural and gender role experiences that constrain clients. Working women appear to enter formal dispute resolution forums less often because gatekeepers discourage them, because of socialized ten-

dencies to avoid conflict, and because the types of disputes they experience are less often recognized, informally and formally. If our interviewees' types of experiences are pervasive, it implies that a large proportion of the labor force is inadequately represented in employment disputes.

Importantly, however, women workers who enter formal dispute resolution in the workplace and are well-represented report a sense of empowerment that men interviewees do not; this finding is of particular significance to unionists.⁵ Finally, our results suggest that mediators and negotiators need to understand how corporate culture plays a role in defining disputes and ways of pursuing resolution. It appears that the consequence of not recognizing and accommodating women's and men's differing patterns of workplace dispute resolution is to perpetuate employment inequality.

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NOTES

1. "Token" refers to women in male-typed occupations, such as plumbing, and men in female-typed jobs, such as nursing.

2. Note that our discussion of workplace dispute resolution is conceptually distinct from procedural or distributive justice in that it concerns the effects of aggregate-level phenomenon on individuals' (or groups') objective workplace experiences, rather than individuals' subjective perceptions of the equity of dispute resolution procedures or beliefs about the outcomes they justly deserve (Deutsch 1985; Hochschild 1981; Lind & Tyler 1988; Major 1987).

3. The authors are currently at work on a book manuscript from this research project, tentatively titled *Gender And Workplace Conflict*.

4. It is important to note that men and women in clerical and maintenance work also often have similar workplace disputes, such as those over equipment, materials, job evaluations, task assignments, safety, and training. We stress, however, that women and men still tend to have different experiences with those disputes due to the nature of the jobs they are typically in; i.e., women in sex-typical jobs tend to use different equipment and materials and have different task sets and sequences than men in sex-typical jobs.

5. See Gwartney-Gibbs and Lach (forthcoming) for a more detailed discussion of our findings' implications for unions.

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