

DOES JUSTICE INFLUENCE THE PATHS TO THE COURT? STUDYING THE MODERATING ROLE OF JUSTICE PERCEPTIONS IN RIGHTS BREACH EVENTS

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Abstract

While a growing evidence that employees often feel their rights have been violated by their employer, there is still little academic investigation to determine what response they are likely to adopt. In this study, we develop the view that the mobilization of rights by employees depends on the perception of violation. In parallel, we argue that perceived justice of legal structure (i.e. the perception of how the law is usually implemented) moderates the influence of violation perceptions on intention to mobilize rights (i.e. ask for support of the elected staff and representatives or intent a legal action as mediation or go to court). Building on the sub-dimensions of justice (procedural, interactional and informational), we develop and test - through a questionnaire survey with scenario – a set of hypotheses pertaining to the moderating role of justice. Our findings point out a nuanced and sometimes ambiguous influence of justice which has practical implications. Procedural justice appears to have no moderating effect. Interactional justice has a strong effect, showing that employees who perceive a violation will follow a longer path before intending a legal action and ask support inside the organization before going to court for example. Nevertheless, Informational justice has an ambiguous effect, suggesting that the firms keeping their employees well-informed may push them for a legal action.

Key Words: organizational justice, legal claiming, legal reading

Introduction

In France, labour law has become a major concern in the management of employer-employee relationship. Because employees are legally subordinate, employers are bound to comply to a large set of norms dedicated to employees protection in the workplace. However, empirical evidences suggest that employment law enforcement is problematic under many respects. In particular, employees often feel that their rights have been violated. In 2004, the Conseil des Prud'hommes (i.e. equivalent of industrial courts) have judged about 224 000 cases in France (Perez et Serverin, 2004). Beyond, it must be added that a supposedly important volume of settlements occurs each year on conflicts arising from labor law enforcement. As a consequence, it is important to deepen our knowledge of the phenomena which underlie the decision of employees to mobilize their rights that is to seek redress. In spite of a growing body of work on employee's mistreatment or grievance, much remains to be learned about the paths which lead an harmed employee to the intent to mobilize his rights (i.e. ask for support of the elected staff or unions or get redress thanks to mediation or legal action).

Several theoretical streams in management specifically study the sources of degradation of employment relationships. Theories of organizational justice particularly focus on the reactions of employees who feel they are treated unfairly. The literature stresses that an employee perceiving injustice in the organization favors emergence of conflicts and, to the extreme, the desire to leave the organization (Colquitt, 2001; Cohen-Charash and Spector, 2001). Given this, one could argue that reaction to violation of rights falls entirely in the field of justice works. Nonetheless, we maintain that theories of justices are not sufficient to explain the reactions of employees whose rights have been violated. Socio-legal studies underscore that mobilization of rights and legal actions may involve opportunistic behaviors, which are not taken into account by justice studies. Therefore, the mobilization of rights does not stem solely from perceptions of injustice. At the same time, we recognize the possible influence of organizational justice in conjunction to perception of a rights violation within the workplace. Thus a compelling explanation of the mobilization of rights relies on how perception of violation and perception of organizational justice interact.

Adopting the view that a combination of a justice perspective and a legal-focused approach is necessary to understand how employees react to their violation of rights, this study aims at providing a better understanding of right mobilization behaviors. More specifically, we draw our inspiration from Fuller, Edelman and Matusik's (2000) approach to employees' perception of legal structure. Their core argument is that the perceived justice of legal structure within the organization moderates the relationship between a violation of the rights of the employee and the mobilization of his rights. According to the authors, the organization has a relative freedom of action to implement the labor regulations. This implementation leads to different interpretations by employees. Accordingly, the processes and the methods of labor law implementation (i.e. the legal structure within the organization) may appear more or less fair. Under these circumstances, a specific violation of the employees' rights may appear as more or less typical of organizational routines. As a consequence, the employees are supposed to perceive differently a violation of rights according to whether the organization is usually fair or unfair in implementing the law. It follows that employees will react differently to the violation. For instance, a firm implementing unfairly the labor regulations would produce strong individual reactions when a violation of the employee's rights occurs.

Relying on this framework, we test the central hypothesis that the perceived justice of legal structure moderates the influence of a violation of the employee's rights on the mobilization

of rights. The interests of this study are twofold. First, this study addresses an important issue both for organizations and employees: the identification of the antecedents of rights mobilization and employees legal claiming. Albeit, some empirical works have already focused on these issues (Tyler and Bies, 1993; Goldman, 2003, Goldman, 2008, to name a few), none has been dedicated to this topic in a French context. Second, this work focuses on the influence of the labor regulations implementation within the workplace. As far as we know, it is the first time that the role of the legal structure on claiming behaviors is empirically assessed. Thereby, the contribution of this study relies also on the measure of the perceived justice of the legal structure. Drawing on a survey, 333 employees working in firms of more than 10 persons were interviewed. The questionnaire was specifically designed to capture employees' perception of the fairness of the implementation of the labor regulations in their firm, to determine how they would perceive a violation of their rights and which actions they would intend to undertake in such circumstances.

The remainder of the article proceeds in four parts. In a first part, the conceptual framework and the hypotheses are developed. In a second part, the method used is presented. The third part embodies the results of the study. Finally, in a fourth part, the findings and their implications are discussed.

Theoretical background

Our approach builds on the Fuller, Edelman and Matusik's (2000) thesis according to which the manner an organization implements the law influences the modes of right mobilization by employees when they sustain a violation of their rights. The mobilization of rights relates to any actions that an employee may undertake to seek redress or to put an end to the injury he endured. A central tenet of this approach is that employees perform a *legal reading* of their organization. That is, they assess how the organization deploys and enforces the labor regulations in the workplace. With a relative freedom of action, a firm has to incorporate the labor regulations in its structures, routines and processes (e.g. employee representatives, internal rules, etc). Therefore, this constitutes an occasion for the firm to manipulate the law and thereby to generate an individual perception on how the law is applied. Central is the argument that the implementation of the law by the firms may appear more or less congruent with norms of justice. That is, employees can assess whether the implementation of labor law in the firm is generally fair or unfair. Following Fuller, Edelman and Matusik, we call this assessment of the *perceived justice of legal structure*. This perceived justice of legal structure is supposed to play a fundamental role whenever an employee perceives his rights have been violated. If employees perceive the legal structure as unfair, they are prone to nurture strong responses to violation (e.g. trial). In contrast, employees would mobilize more internal and softer means to get redress if the legal structure is perceived as fair. Put differently, the perceived justice of the legal structure is supposed to moderate the relationship between the perception of a rights violation and the kind of reactions adopted by the harmed employee to get redress (see Figure n°1).

As far as we know, this framework has not yet been empirically tested. Given the peculiarities of French legal context, it supposes that we strongly adapt and, to a lesser extent, develop specific constructs. One major difference between US and France is that the former does not have specific labor law. Accordingly, there is no specific jurisdiction which is dedicated to apply the law as in many occidental countries (Aaron, 1985). Juridical conflicts among employers and employees are treated by civil courts. Significantly, the legal environment in the workplace is very limited, including mainly non discrimination issues. As the model we

rely upon has been developed in US common law setting, we likely need to provide a significant contribution to translate and to adapt the concepts we drawn from the literature. Adopting this stance, we develop thereafter the hypotheses that the perceived justice of legal structure moderates the influence of a rights violation within the workplace on the mobilization of rights. Doing so, it is important to specify the content of the constructs designed to assess the perception of violation and the perceived justice of the legal structure.

To sum up, our study aim at testing the theoretical model set forth below (Figure 1).

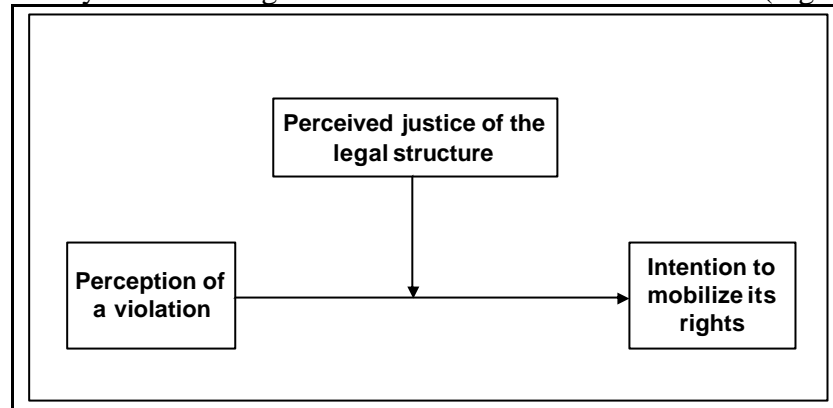


Figure n°1. Theoretical framework

The perception of the violation: feelings of injustice, anger and recognition of the violation

The literature suggests that both affective and cognitive components are involved in employees' reactions to a violation of their rights. Thereby the perceived injustice and the state of anger following the breach and the feelings that the violation would be punished by the legal institutions lead the harmed employee to do something put the situation right (i.e. to mobilize his rights). As Fuller et al. (2000) suggest, this behavior may be influence by the perceived justice of the legal structure within the organization.

The emotional reaction to the violation : feelings of injustice and state of anger

To explain employees' intent to mobilize their rights, it seems important to consider how they perceive a violation of their rights. Emotions play an important role in determining the individuals' reaction (Goldman, 2003). Generally speaking, employees must perceive that their employer is responsible for the violation. The employer may have committed a blameworthy act that generates a psychological or material tort to the employee. Under these conditions, emotional reactions are characterized first by feelings of injustice (Olson-Buchanan and Boswel, 2008; Goldman, 2003) and second by a state of anger (Goldman, 2003

Empirical studies suggest that the reaction to a violation of rights or to a mistreatment is partly explained by organizational justice considerations (Goldman, Paddock and Cropanzano, 2004 ; Olson-Buchanan and Boswell, 2008). Perceptions of unfair treatment are indeed recognized as important antecedents of individual behaviors (Colquitt et al. 2001; Cohen-Charash and Spector, 2001). Accordingly, unfair treatments and violations of rights may engender individual reactions, which in turn might explain mobilization of rights (Lind et al., 2000 ; Goldman, 2003).

The existence of grievance towards the employer explains affective responses from the employee (Klaas, 1989). In particular, the fact the employer is held responsible for the breach

and the feelings that the situation is unjust tend to trigger a situational anger (Goldman, 2003). Anger indeed arises when individuals face manifestations of injustice or affront (Sydeman, Owen and Marsh, 1999). Intentional violation of rights by the employers is therefore a fundamental source first of perceptions of injustice and second of anger and negative emotional reaction. From this viewpoint, perceived injustice and anger frequently constitutes a determinant which makes employees get from passive to active stances (Goldman, 2003).

The public recognition of the violation

The feeling that an employee has got his rights violated is not sufficient to explain that he would mobilize his rights. We make the hypothesis that the reprehensible nature of a situation colors all facets of mobilization of rights. Compliance with or violation of the law indeed determines the relative strengths of protagonists engaged in a negotiation. If an employee is aware that a situation is illegal, he will be more able to ask for a compensation following a violation of his rights, whatever the means of mobilization he chooses. In French legal context, the subjective probability to win a trial is therefore a central element to analyze employee's strategies of rights mobilization. The employee must identify the chance that institutions outside his organization would consider the situation as blameworthy and attributable to the employer. In France, these institutions include all organizations and public agents whose role is to enforce the law, including courts (*Conseil des Prud'hommes*) but also agents like *inspecteurs du travail*.

The mobilization of rights

The mobilization of rights encompasses all the individual acts which help the harmed employee to get redress. In a French context, the mobilization is graduated. At a first level, it includes all forms of individual support given by employees who, to some extent, have legal attributions in labor law (for example, the elected staff as *délégué du personnel*, *membre élu du comité d'entreprise* or *délégué syndical*, to name a few). At a higher level, an employee may take legal proceedings, including going to industrial courts (*conseil des prud'hommes*) but also using mediation or conciliation proceedings. Drawing on this, we consider that the employees mobilize their rights in two ways. Firstly, they may try to seek support from employee's representatives or elected staff, as far as those are depository of a part of the labor law authority. Secondly, they may opt for more radical solutions by asking for mediation or suing their employer in front of industrial courts.

To sum up, we argue that the employees' perceived violation of rights manifests through anger and perception of injustice (employees' emotional reaction), and the fact that the situation appears as legally reprehensible. We have clearly stated that this perception positively influences the intention to mobilize his rights, both in its soft (e.g. ask for the support of elected staff) and hard components (e.g. go to court). Accordingly, we formulate the following hypotheses.

H1: The employees intent to mobilize their rights is directly and positively related to the perception of a violation of rights.

H1a. The employees' demand for support is positively related to their emotional reaction to the violation.

H1b. The employees' redress seeking is positively related to their emotional reaction

to the violation.

H1c. The employees' demand for support is positively related to the public recognition of the violation

H1d: The employees' redress seeking is positively related to the public recognition of the violation

The effects of the perceived justice of the legal structure

As it is set forth above, individual reactions (i. e. rights mobilization) following rights violation within the organization depends on the emotional reactions resulting from the violation (i.e. the perception of injustice and anger) and the feeling that this violation would be punished by legal authorities (i.e. the public recognition of the violation) (Olson-Buchanan and Boswell, 2008; Goldman, 2003; Lind et al. 2000). As, Fuller et al. (2000) suggest, we consider that individual reactions following a rights violation may also be conditioned by the perceived justice of the legal structure within the organization. The following section addresses some issues connected with the adaptability of the organizational justice framework to the study of legal structure and the moderating effect of the perceived justice of the legal structure upon individual behaviors.

Organizational justice: a theoretical framework of the legal structure within the organization and of its effects upon individual reactions to the violation of employees' rights.

The framework of organizational justice has traditionally been used to study human resources management practices like compensation, employees' performance assessment, hiring or layoffs (Konovsky, 2000) and the consequences of justice perceptions upon individual behaviors within the workplace (Colquitt, 2001; Cohen-Charash and Spector, 2001).

Organizational justice has also been used to study the individuals' behaviors of legal claiming. Most of the research split between two groups. One group focuses on disputes' resolving procedures (*i.e.* arbitration, court, mediation...) and the determinant of individual preference among these conflict resolution alternatives (Conlon and Fasolo, 1990; Shapiro and Brett, 1993; Lind *et al.*, 1993). Another group study the determinants of individual behaviors of legal claiming following layoff (Lind *et al.*, 2000; Goldman, 2003), discrimination (Goldman, 2001; Goldman, Paddock and Cropanzano, 2004, Goldman *et al.*, 2008) or mistreatment within the workplace (Boswell and Olson-Buchanan, 2004; Olson-Buchanan and Boswell, 2008). Both groups of studies highlight the role of perceptions of justice. The first group of studies considers that the degree to which the disputants are likely to accept the decision reached by the different modes of conflict resolution depends on their justice judgments. The second group suggests that the feeling of injustice following the conflict experienced by the employees influence their legal claiming behaviors.

As far as we know, Fuller and al (2000) are the first to consider that the perceived justice of the legal structure within the organization should be introduced in the process of rights mobilization. The legal structure refers to the implementation of the labor regulations within the organization and to its consequences for the employees. So, Fuller and her colleagues (2000) suggest that the employees interpret the legal structure of their organization through

the lens of organizational justice. First, the implementation of the labor regulation refers to the process used to execute the regulations. Second, the consequences refer to the individual outcomes associated with the legal structure. Thereby, the legal structure can produce procedural and distributive justice perceptions.

Our study goes further and suggests that the legal structure can also be studied through the lens of interactional justice. Indeed, the direct supervisor of the employees should hold information about the labor regulations, its implementation and consequences for his subordinates. Besides, a recent study (Amossé, 2006) suggests that the employees often turn towards their supervisor when they need legal information, when they feel mistreated or when their rights are violated. Thus, the implementation of the labor regulations within the organization depends both on the procedures used and the supervisors' behaviors.

The moderating effect of the perceived justice of the legal structure upon the mobilization of the rights

Do employees react to a violation and if yes, how do they react? The legal structure within the organization produces organizational justice perceptions. As the literature has demonstrated that these perceptions are strong predictors of individual behaviors at work (Colquitt, 2001; Cohen-Charash and Spector, 2001), the perceived justice of the legal structure should influence the individual reactions following a violation of their rights. We expect that in function of the perceived justice of the legal structure, the answers to the previous questions will be different. Precisely, this study aims at demonstrating that the perceived justice of the legal structure moderates the individual reactions following a violation of their rights. In others words, the perceived justice of the legal structure might encourage or refrain the employees' intent to assert their rights and the way to defend them. They can do nothing, asking for the support of the employees' representative or trade-unions or immediately seek redress by soliciting legal institutions (i.e, mediation, go to court).

The rationale for this proposition is that the legal structure within the organization is likely to raise legal consciousness by making employees aware of their rights (Fuller et al., 2000). Thus, it may encourage the employees to assert their rights. Drawing on Bies and Tyler (1993), Fuller and her colleagues go further and consider that the perceived fairness of the legal structure will influence the form of employees' rights mobilization and encourage the employees to complain inside the organization rather than outside. In others words, the form of their rights mobilization will depend on the perceived fairness or unfairness of the legal structure. The underlying principle is that a legal structure perceived as fair demonstrates the degree to which the employer is concerned about his employees' rights and looks after their respect. In a fair structure, employees should hesitate to directly seek redress and should prefer internal solutions like asking for the support of employees' representatives. Where legal structures appear unfair, employees will be more likely to assert their rights outside the organization, and consider vain asking for support inside the organization.

This study focuses on the moderating effect of the perceived procedural and interactional justice of the legal structure on the individual reaction following a rights violation within the workplace. The literature, drawing on the works of Adams (1963; 1965), Thibaut and Walker (1975), Lerner (1980) and Bies and Moag (1986), suggests that the organizational justice is made up of three main dimensions (i.e, distributive, procedural and interactional justice). Nevertheless, we consider that the procedural and interactional justice judgments will be more powerful predictors of the individual reactions following rights violations than individual distributive justice judgments. Several arguments justify the focus on the perceived procedural justice of the legal structure. First, the "fair process effect" (Van den Bos et al.,

1999) established that procedural justice perceptions are more powerful than distributive justice judgments. Second, as Colquitt et al. (2001) have demonstrated, little support has been found for the distributive dominance model (Leventhal, 1976), suggesting that the judgements of distributive justice are less powerful predictors of the employees' behaviors within the workplace. Third, the focus on procedural justice judgments is also justified because procedural justice is traditionally supposed to predict system-referenced outcomes (Sweeney and Mc Farlin, 1993). As the mobilization of rights is directed toward the organization, then it seems relevant to focus on the perceived procedural justice of the legal structure. The rationale for studying the effect of the perceived interactional justice of the legal structure is the following. The supervisor can be considered as a transmission channel of the legal structure within the workplace. Indeed, as Amaussé (2006) suggests the supervisor is one of the main person that the employees apply to when they face a violation of their rights. So, one might consider that the kind of information a supervisor gives and the way he behaves when he applies the legal structure of his organization, may have an impact upon the employees' reactions. Thereby, one can consider that both procedural and interactional dimensions of justice will moderate the individual reactions following a rights violation within the workplace. Thus, we propose the following hypotheses:

H2: The relation between the perceived violation and the forms of rights mobilization is moderated by the perceived justice of the legal structure.

H2a : The relation between the perceived violation and the forms of rights mobilization is moderated by the procedural justice of the legal structure.

H2b : The relation between the perceived violation and the forms of rights mobilization is moderated by the interactional justice of the legal structure.

Research methodology

Research design

Most of the past studies about rights' mobilization are based on the critical incidents method (Boswell et Olson-Buchanan. 2004; Lind *et al.*, 2000 ; Bies and Tyler. 1993). In spite of its realism, this design does not fit our research purpose so well. Thus, the individual reactions following a violation of rights have been assessed thanks to a research design based on a scenario¹. The rationale for this design is that our study aims at demonstrating that the individual reactions following a rights violation depend in part on the legal structure within the organization. To achieve this goal it was necessary firstly to control the violation experimented by the individual and secondly to survey individual employed by an organization. Moreover, our hypotheses strictly request that the labor law had been violated. The critical incidents approach is exclusively founded on the employees' memories. Then, it would be very difficult for us, rather impossible, to verify if the incident was really a breach of the law.

People from different organizations have been interviewed. The underlying idea is that the differences in the perceived justice of the legal structure mainly depend on to the diversity of

Imagine you are facing the following situation :

Your company has experienced increased activity. You were in first line and you have, for almost three months, largely worked beyond your usual work time. Aware of your efforts, your company has promised by e-mail to reward them.

Now, this intense period has passed for more than four months and so far, you still have not received remuneration. You tried to discuss this with your hierarchy who has ducked the issue.

organizations practices in terms of the labor regulations implementation. This is not to deny that the employees from the same company might make different readings of how the law is applied within the organization, but we choose to insist on the role of the organizational practices variety rather than on employees' individual differences.

The scenario had to be general to cover the diversity of respondents' professional situations and explicit about the nature and the intensity of the violation. In consequence, the scenario describes a situation in which a promised extra salary was not paid (See appendix).

In order to deepen the study of the external mobilization of rights (i.e, using a legal mediator or going to court), the scenario suggested to the respondent that he had already made repeated internal appeals toward his/her direct superior.

This scenario was judged credible and representative of a violation of the labor regulations by experts, lawyers, teachers and researchers in Labor Law. To the question "such a situation is likely to happen in my company", on a Likert scale of seven points, more than 80% of employees surveyed in our study have ticked 4. 5. 6 or 7.

350 employees from structures of more than ten persons filled out our questionnaire. The questionnaire was self-administered but surveyors had the task to assist respondents in case of difficulties. The questionnaire was made up of five parts: 1) questions about the employee's company and about his function in this company, 2) Measurement of perceived justice of the legal structure, 3) Presentation of the scenario, 4) Questions about the perception of the violation and the intent to mobilize the right and 5) Questions about demographic characteristics of respondents.

After removing a few outliers, the definitive sample includes 333 employees with approximately 51% of men, 25% of executives. 30% of them are employees of companies smaller than 50 persons, 14% of companies from 50 to 100 persons, 24 % of companies from 100 to 500 employees and 32% of companies of more than 500 persons. On average, the employees' tenure is ten years but the median tenure was just over five years.

Measurement tools

This empirical study is mainly based on concepts which, as far as we know, never have been measured before. Thus, some of the scales used in this study have been built for this study and some are drawn from existent scales. This explains the care given to their presentation. Some very concrete concepts such as rights mobilization require quite precise items. Others, such as perception of violation of the rights are more abstract and need a traditional process of scale developing. Thanks to the literature review, we identified the facets of the concepts and we generated a lot of items. Then, these items were pretested following two ways. First, students were asked to check if the items' formulation was easily understandable and did not give rise to ambiguity. This first examination led to several deletion and reformulations. Then, the same work was performed by researchers in management. These experts had the additional task to examine the content validity by comparing each item to the definition of the concept it was supposed to measure. As a result, some items were removed and others reworded. Finally, a classical purification procedure was carried out. A factor analysis in principal axis suitable for the development of new measures was used (Jolibert and Jourdan, 2006) and the internal homogeneity of the scales was assessed by the Cronbach's alpha.

To respect the recommended two-step approach for structural equation modelling (Anderson and Gerbing, 1988), confirmatory analyses were carried out to verify the dimensionality of the

scales and to check their convergent and discriminant validity (Fornell and Larcker, 1981).

Perception of violation

The literature (Goldman et al., 2004; Olson-Buchanan and Boswell, 2008, Bies and Tyler, 1993) suggests that a violation becomes obvious and serious when:

- it causes emotional reactions;
- the employee estimates that the breach of his rights would be publicly recognized and punished by the legal authorities.

Main axis factoring

As the literature suggests, the individual reactions following a violation of rights depend on an emotional reaction made up of anger and a feeling of injustice (Goldman *et al.*, 2004) and the feeling that this violation would be punished by the legal authorities (Bies and Tyler, 1993; Lind *et al.*, 2001). The results of the factorization with PROMAX rotation are displayed in Table 1. As expected, the items are distributed among three distinct factors. Two axis grouping respectively the items measuring anger and perceived unfairness are quite strongly correlated ($r = 0.73$). At least 50% of the variance of selected items is kept in the analysis.

KM0 = 0.89	Factor			Alpha if item deleted
	1	2	3	
State of Anger: This situation makes me angry	.925			.84
State of Anger: Such a situation makes me enrage	.879			.88
State of Anger: After that, it will be very difficult for me to act as if nothing had happened	.668			.88
State of Anger: This situation struck my values	.541			.86
Perceived injustice: I think my employer is not giving me enough explanation to understand this situation		.955		.87
Perceived injustice: I think my employer disrespects to me		.793		.85
Perceived injustice: I estimate that my efforts are not fairly recognized by my employer		.768		.87
Public recognition: I suppose that the institutions in charge of the respect of the labor regulations will recognize that my rights are violated			.936	.80
Public recognition: In case of a legal conflict, I should theoretically win			.845	.84
Public recognition: I suppose that this kind of behaviour is illegal			.735	.86
Eigenvalues (after rotation)	4.80	4.63	3.93	
Sum of squares	72%			
Cronbach's Alpha	.89	.90	.88	

Table 1. Factor analysis with main axis extraction and PROMAX rotation

Confirmatory factor analysis

To confirm this structure, confirmatory analyses were performed using the software EQS 6.1. The three-factor model, estimated using the method of maximum likelihood with correction of

multinormality, is well-adjusted to the data (GFI = 0.94. AGFI = 0.89. Chi ² / df = 2.61). The three dimensions exhibit a satisfying convergent validity (the three convergent validity Rhô are beyond 0.6). Despite Emotional Reaction and Perceived Unfairness are strongly correlated, discriminant validity is acceptable. Each dimension share more variance with its indicators than with other factors (see Table 2).

However, the strong correlation between anger and perceived injustice triggered by the breach indicates a real proximity between these concepts. Therefore, **Emotional Reaction** was approached thanks to a second-order factor. The feeling that the breach would be publicly recognized represents a distinct facet of the perception of the violation.

These changes were taken in account in the second CFA. The adjustment to the data is very slightly modified.

	State of Anger	Perceived Unfairness	Public Recognition
Joreskog's rho	0.89	0.90	0.88
Convergent validity rho	0.67	0.76	0.72
Perceived Unfairness	0.61*	-	-
Public Recognition	0.38*	0.33*	-

* Square of the Pearson correlation coefficient

Table 2. Checking of convergent and discriminant validity for the dimensions of violation perception

The mobilization of rights

The mobilization of rights may show itself in concrete actions. In a phase of demand for support, the employee may contact elected staff or trade unions whose first mission is to defend the employees' interests. In a phase of seeking redress, the claim shall be arbitrated by a mediator or by the *cour des Prud'hommes*.

Main axis factoring

KMO = 0.722	Factor		Alpha if item deleted
	1	2	
Demand for support – I will probably request the support from a staff delegate	.886		.66
Demand for support – I will probably request the support from an elected member of the <i>comité d'entreprise</i>	.701		.76
Demand for support - I will probably request the support from an union delegate / a trade-union	.667		.74
Redress seeking – For repair, I am ready to seek the intervention of a mediator between my employer and I		.783	-
Redress seeking – For repair, I am ready to solicit the <i>Cour des Prud'hommes</i>		.636	-
Eigenvalues (after rotation)	1.98	1.44	
Sum of squares	55.61%		
Cronbach's Alpha	.80	.67	

Table 3 - Factor analysis with main axis extraction and PROMAX rotation

Two axis are extracted. The first one corresponds to the items evaluating the demand for support. The second one regroups the items measuring the claim for compensation. Scale reliability is acceptable. The quality of extraction exceeds 50% for all the items. Both factors are significantly correlated ($r = 0.475$. $p < 0001$).

Confirmatory factor analysis

The two-dimension model fits the data well (GFI = 0.98. AGFI = 0.96; Chi ² / df = 2.19). The convergent validity is satisfactory (convergent validity rho = 0.57 for the dimension Demand for support, = 0.51 for the dimension Redress seeking), as well as the discriminant validity.

The perceived justice of the legal structure

The perceived justice of the legal structure conveys the degree to which an employee perceives that the implementation of the labor regulations within his/her organization is fair. Day after day, employees form judgments about how the rules (common rule of law, collective agreements, internal rules...) are applied within the organization. The measure of this concept is drawn on the scale of organizational justice developed by Colquitt (2001). As we consider that the procedural and interactional features of the legal structure might be more powerful predictors of the individual reactions following a rights breach, the measure of justice is centred on its procedural and interactional dimensions. As Colquitt (2001) suggests, drawing on Greenberg (1989), the interactional dimension of organizational justice is measured through its interpersonal and informational dimensions. Given the role of the supervisor assigned, among others things, to explain or inform his subordinate from the existing regulation within the organization, it seemed appropriate to consider the interpersonal and informational sides of justice.

Main axis factoring

Six of the seventeen original items were lost during the purification procedure. Four statements meant to measure the perceived procedural justice of the legal structure were eliminated because they were too strongly correlated with at least two axis, or because they were insufficiently represented on the axis. Finally, three axis significantly correlated with each other were extracted. The first is related to interpersonal justice, the second to informational justice and the third to procedural justice, only captured by two items.

KMO = 0.904	Factor			Alpha if item deleted
	1	2	3	
Interpersonal – When I ask any information about the existing labor regulations, my hierarchic superior is usually available to listen to me	1.029			.95
Interpersonal – When I ask any information about the existing labor regulations, my hierarchic superior usually treats me in a polite manner.	.955			.95
Interpersonal – When I ask any information about the existing labor regulations, my hierarchic superior takes the necessary time to give me an answer	.830			.96
Interpersonal – When I ask any information about the existing labor regulations, my hierarchic superior is usually sincere with me	.829			.96
Interpersonal – When I ask any information about the existing labor regulations, my hierarchic superior usually treats me with respect.	.817			.95
Informational – If something about the existing labor regulations is important, the human resources service or my hierarchic superior carefully keep me informed		.981		.88
Informational - The human resources service or my hierarchic superior keep me informed of the main evolutions of the existing		.958		.88

labor regulations

Informational - If I am especially concerned by something about the existing labor regulations, the human resources service or my hierarchic superior carefully keep me informed.	.749	.90
Informational – At my recruitment or in the following months, I was well informed of the existing labor regulations within my organization	.687	.93
Procedural - In my company, it is not possible to hijack the existing labor regulations to his own advantage	.896	-
Procedural – In my company, nobody can evade the existing labor regulations	.644	-
Eigenvalues (after rotation)	6.01	5.40
Sum of squares	77.83%	
Cronbach's Alpha	.96	.92

Table 4 - Factor analysis with main axis extraction and PROMAX rotation

Confirmatory factor analysis

The three-dimensional model fits correctly to the data (GFI = 0.92. AGFI = 0.87) and is parsimonious enough ($\text{Chi}^2 / \text{df} = 2.57$). Despite a quite strong correlation ($r = 0.7$) between interpersonal and informational justice, discriminant validity is established, as well as convergent validity (see Table 5).

	Interpersonal justice	Informational justice	Procedural justice
Joreskog's ρ^2	0.96	0.93	0.75
Convergent validity ρ^2	0.84	0.77	0.61
Informational justice	0.49*	-	-
Procedural justice	0.22*	0.18*	-

* Square of Pearson correlation coefficient

Table 5. Checking of convergent and discriminant validity for the dimensions of perceived justice of legal structure

Results

Hypothesis H1 was tested through structural equation modelling. The estimated structural model is presented in figure 1. To test the hypothesis H2 about the moderating effect of perceived justice of the legal structure, the same model was estimated on different sub-samples using a multi-groups analysis.

The effect of the violation perception on the employees' intent to mobilize their rights

To test the structural model, it was necessary to take a theoretical decision about the link between the emotional reaction to the violation and the public recognition of the violation. Empirically, the concepts are correlated but the sense of causality has to be discussed. We consider that the emotional reaction may come before the cognitive estimation of the probability of getting redress for the violation. Moreover, a breach perceived as emotionally violent may be evaluated as highly punishable. Thus, the emotional reaction following the breach is considered to appear first and to influence the individuals' beliefs that this violation would be punished by the legal authorities.

The hypothesis H1 concerns the relationship between the emotional reaction following the breach and the mobilization of law. The results go partly against intuition. One would expect that the harmed employee may first ask for the support of the elected staff or trade unions and rely on their advices before deciding to get redress. However, the perception of the emotional reaction poorly predicts this behavior. The hypothesis **H1a is then rejected** (beta = 0.04. ns). A strong emotional reaction does not lead the employees to ask for the support of the elected staff or trade-unions. It rather increases their intent to get redress and to go to court. **H1b is then validated** (beta = 0.237; p = 0013). Thus, anger and perceived injustice lead the employee to adopt extreme reactions which may be detrimental to the organization.

Estimating the extent to which the breach would be publicly recognized and punished is a cold calculation of the chances to get redress. From this point of view, it is hardly surprising that the public recognition of the breach exerts a significant influence on both the demand for support (beta = 0.242. p = 0027) and the redress seeking (beta = 0.288. p = 0003). **Thus. H1c and H1d are validated**. The public recognition of the breach conveys the subjective probability that the breach may be punished. Thus, the harmed employee is naturally encouraged to ask for support of the elected staff or trades unions, or to undertake a legal action if this probability is high.

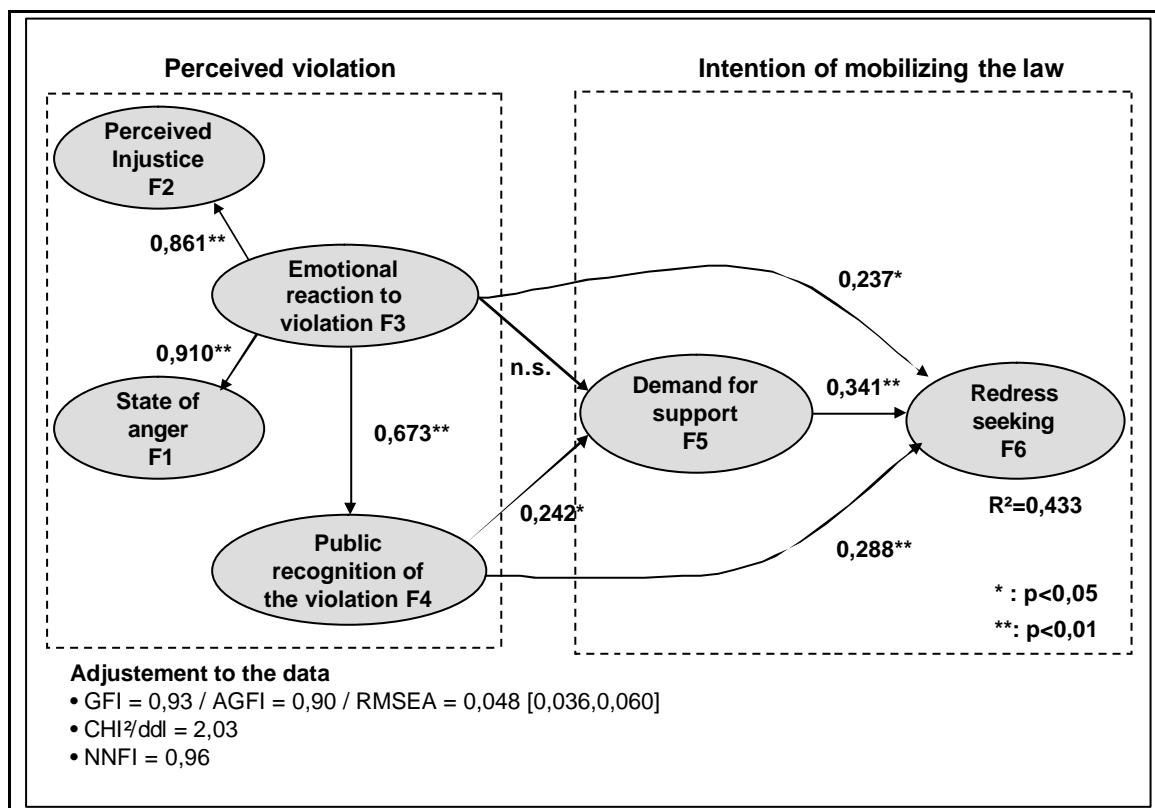


Figure n°2. Estimation of the research model

Beyond the relationship between perceived breach and intent to mobilize the law, these results suggest some comments. They indicate that the employees whose rights have been violated follow different paths in order to get redress:

- Path n°1: The employees seek directly redress in response to the stream of emotions,

- Path n°2: The employees first ask for the support of the elected staff or unions, and second decide to get redress in response to the stream of emotions. On the whole sample, this path is not significant but may become significant on sub-samples.
- Path n°3: The employees directly seek redress because they estimate that the violation would be publicly recognised as a reprehensible act.
- Path n°4: The employees demand for the support of the elected staff or unions before deciding to seek redress because they estimate that the violation would be publicly recognised as a reprehensible act.

The following part aims at examining how the importance of these different paths is influenced by the perceived justice of the legal structure.

The moderating influence of perceived justice of the legal structure

The model displayed Figure 1 is tested for each dimension on two sub-samples. The employee from the first sub-sample perceives the legal structure as just whereas the other one considers it as unfair. To form the groups, the sample was split using k-means classification. Even based on a single variable (here the factorial score of perceived justice), the k-means algorithm allows to split the sample in two naturally homogeneous groups.

To perform multigroup analysis it is necessary to compare a Chi² of adjustment calculated from the free model to another one in which the links between factors are constrained to be equal. A significant degradation of the Chi² proves the moderating effect. Only the links directly concerned by H2 were constrained to equality. The results of these tests are presented in table n°7.

The hypothesis H2a is rejected. Perceived procedural justice of the legal structure does not moderate the relationship between perceived breach and the mobilization of rights. However H2b is validated. The perceived interactional justice of the legal structure, through its informational and interpersonal dimensions exerts a moderating influence. These results do not fully confirm Fuller, Edelman and Matusik's (2000) intuitions but they give some interesting keys to understand the mobilization of rights.

	Procedural justice	Informational justice	Interpersonal justice
Chi ² - df of the free model	319.38 - 192	300.96 - 193	328.87 - 192
Chi ² - df of the model with constraint F? F (F3? F5 ; F3? F6 ; F4? F5 ; F4? F6 ; F5? F6)	323.92 - 197	313.11 - 197	348.61 - 197
Chi ² Degradation / df variation	4.54/5	12.1417/5	19.7418/5
p	0.474	0.033	0.001
Conclusion	No moderating effect	Moderating effect	Moderating effect

Table 6. Test of moderating effects of the dimensions of perceived justice of the legal structure

One main reason may explain the rejection of H1a. The implementation of the labor regulations in the organization is certainly an abstract issue for the employee. As mentioned in Fuller et al. (2000), this is especially when employees face fair or unfair events in the organization that they are able to appreciate the justice of the legal structure. They may for example observe how some of their colleagues are treated. Therefore, the evaluation of the justice of the legal structure depends on social comparison processes. In this sense, this evaluation of the employees with a long tenure in the company should be more accurate.

The validation of H2b illustrates a phenomenon of customization that prevails in the decision to mobilize the law in response to a rights violation. It is primarily through daily interactions with his supervisor that the employee forms his judgements about the implementation of rules in the company. To sum up, the quality of interaction with the supervisor seems to be a decisive factor in the decision to mobilize the law.

The interpretation of the paths of rights mobilization suggests important differences between employees who hold their structure as fair from an interactional point of view and the others ones.

Generally speaking, these workers reactions are less guided by the emotional reaction to the breach. Indeed, when perceived interactional justice is low, the link between emotional reaction to the violation and redress seeking is highly significant (path n°1). But, when interactional justice is high, no significant association can be found. Despite the anger and the feeling of injustice, attacking impulsively the company becomes more difficult. Therefore, the hierarchy has a clear interest to provide all the necessary information about rules at work and to be opened to the discussion on this topic.

The relationship between the perceived public recognition of the violation and the mobilization of rights seems to be influenced by the perceived interactional justice of the legal structure. Nevertheless it is necessary to distinguish the two dimensions of interactional justice because they do not have the same effect.

The moderating effect of the perceived interpersonal justice of the legal structure

When the perceived interpersonal justice is high, the direct effect of public recognition on the redress seeking (Path n°3) becomes not significant. In spite of the feelings that the employer will be punished, high interpersonal justice perceptions prevent the employee from seeking redress in asking for mediation or getting to court. The employee may feel indebted toward his supervisor and may be reluctant to cause him some problems even if he knows that the legal institutions would recognize the breach and give reason to him.

However, high perceived interpersonal justice of the legal structure does not guarantee an absence of individual reaction. Actually, employees who perceive high interpersonal justice only respond differently. Instead of seeking directly redress (path n°3), they exclusively seek the support from elected staff or representatives, and then only decide to get redress or not (path n°4). Demand for support plays then probably the role of a total mediator. Additional tests would be necessary to affirm it.

This supplementary step in the process of seeking redress cuts both ways. On one hand, this hesitation gives the company the opportunity to avoid a legal escalating. On the other hand, the personal representatives are more experienced and prepared to this kind of conflict. Finally, the demand for support is more likely to be followed by a legal action.

The moderating effect of the perceived informational justice of the legal structure

The role of informational justice of the legal structure is ambiguous so that companies should not necessarily implement actions to increase it. When perceived informational justice is high, the weight of the direct link between the public recognition and redress seeking do not decrease (path n°3), but it is rather reinforced through the demand for support (path n°4). In other words, the perceived informational justice of the legal structure seems to strengthen the opportunistic behavior of employees whose rights have been violated. Thus, it is possible that the desire to inform about the labor regulations has the effect of increasing employees awareness, first to the existence or their rights, second to the importance of defending them. To be excessively scrupulous in matter of information sharing about rules at work may favour opportunism. Companies often violate the rights of their employees without always realizing it. In certain cases, these little breaches may be necessary to the good functioning of the organization. Employees do not pay attention to most of these violations. But well-informed employees may be more prone to seek redress especially at critical phases of their labour contract. For example, at the end of a fixed term contract, companies are more liable to prosecution.

	Informational justice		Interpersonal justice	
	Low	High	low	High
N	160	173	142	191
Emotional Reaction ? Demand for support	n.s.	n.s.	n.s.	n.s.
Emotional Reaction ? Redress seeking	0,302**	n.s.	0,369**	n.s.
Public Recognition ? Demand for support	n.s.	0,371**	n.s.	0,444**
Public Recognition ? Redress seeking	0,264*	0,287*	0,262*	n.s.
Demand for support ? Redress seeking	0,315*	0,393**	0,221**	0,536**
Weight of the path n°1 : Emotional Reaction ? Demand for support	0,302	n.s.	0,369.	n.s.
Weight of the path n°2 : Emotional Reaction ? Demand for support ? Redress seeking	n.s.	n.s.	n.s.	n.s.
Weight of the path n°3 : Public Recognition ? Redress seeking	0,264	0,287.	0,262	n.s.
Weight of the path n°4 : Public Recognition ? Demand for support ? Redress seeking	n.s.	0,145	n.s.	0,238
R ² of Redress Seeking	0,413	0,411	0,395	0,524

* : p<5% ; ** p<1%

Table 7. Differences between sub-samples according to their perceived level of interactional justice in the legal structure

Discussion

This article is the first to operationalize Fuller, Edelman and Matusik's intuitions (2000) about the moderating role of perceived justice of the legal structure. As such, it contributes to enlighten the mobilization of rights phenomenon, which occurs frequently in organizational life, but has remained largely unexplored. For this reason, the main contribution of this paper is to explore employees' reactions to a violation of their rights. Considering the findings emerging from our study, three more specific contributions must be underscored.

First, this paper proves that the intention to mobilize rights depends on the perceived importance of a violation. To be provocative, we can assume that every day, employees' rights are breached but not enough to be followed by the mobilization of the law. This article helps to understand the mechanisms of violation perception. More precisely, it distinguishes the emotional aspects of the perception and the cognitive ones through the concept of public recognition of the reprehensible character of the violation. Both may activate workers' intention to defend their rights, but some future researches are needed to deepen the understanding of their respective effects and the causality links existing among these concepts. Our results suggest that an emotional reaction or at the opposite a high level of public recognition may be sufficient to motivate the mobilization of the rights. But future research should explore the impact of the interaction effect between these two variables upon rights mobilization. Moreover, implicitly, the question of thresholds comes out. Our paper presupposes a linear relationship between the violation perception and the rights mobilization but this point will have to be checked. Thus, future research will have to answer several questions. For instance, what are the factors explaining the perception of a breach? From what degree of perception do employees resent the need to mobilize their rights?

Second, this article confirms the role of justice perception as a moderator of the relationship between the perception of a violation and the mobilization of rights. This supports the general intuition that the perceived justice of legal structure colors the perception of specific violation of rights. Furthermore, it is worth noting in our case that moderating influence is the most

relevant effect emerging from data analysis. We indeed performed post-hoc analyzes through which we tested the potential direct influence of perceived justice of legal structure on the variables of our research model. None of them proved significant. Therefore, these findings encourage to deepen research on the moderating role of justice instead of focusing solely primarily on direct effects, as prior literature does.

We observe a nuanced moderating influence of justice dimensions on the relationship between violation and mobilization of rights. This contrasts strongly with Fuller *et al.*'s development, which relied on an all-inclusive approach of procedural justice. Surprisingly, we find no moderating influence of the procedural justice as an independent variable. In contrast, interpersonal and informational justices exhibit a strong effect which attenuates the direct effect of emotional reaction in case of violation of rights. Moreover, when interpersonal justice is high, the direct influence of public recognition on strong redress seeking strategies disappears. Employees adopt more graduated responses whereby they first seek support within their firm. This finding might suggest that a firm implementing legal procedures with a high interpersonal justice would benefit more opportunities to stop an escalation process arising from violation of rights. It also illustrates the absolute necessity to adopt a decentralized implementation of labor regulation. Empowered managers seem to be the most efficient instrument to prevent the companies from a direct redress seeking.

The informational justice has more ambiguous effects. Not only the direct influence of public recognition on strong redress seeking strategies does not diminish, but also the indirect effect is weakened. Therefore, a high informational justice seems to favor a more direct legalistic mobilization of rights. This finding is also interesting from a managerial perspective. We have found that justice had a moderating effect which must be not considered as homogeneous. In particular, our work emphasize that informational justice can be double-edged. Employees who feel correctly informed by their firms in legal matters intend more direct juridical actions to obtain redress of their torts. This challenges the conventional wisdom that more justice in the workplace systematically improves the quality of relationships.

This paper has several limitations which stem from its profoundly exploratory nature. From a methodological viewpoint, we relied exclusively on cross-sectional data whereas we try to highlight phenomena that are taking place gradually over time. In fact, processes considerations emerged from theoretical and statistical analysis. We therefore cannot strictly guarantee a strict chronology of variables. Moreover, data collection relied on a scenario which described a situation that the respondents have never faced. The measurement tools are also a source of concern, especially the scale of perceived justice of the legal structure. For this scale, the purification process led to numerous removals. As a moderator, procedural justice was not significant and we cannot be sure that this result is not due to measurement problems.

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