2009

Obscured Inequalities in Mechanisms for Managing Workplace Disputes

Elizabeth A. Hoffmann

Obscured Inequalities in Mechanisms for Managing Workplace Disputes

Elizabeth A. Hoffmann
Associate Professor

Law and Society Program
Department of Sociology
Purdue University
349 Stone Hall
700 W. State St.
West Lafayette, IN 47907-2059

765-496-2225 - phone
765-496-1476 – fax
ehoffman@purdue.edu

Work is a key area of peoples lives, with more time spent engaged in work than in any other activity except sleep. When problems at work arise, a full understanding of the barriers, hurdles, and impediments is important. Although the law gives workers a variety of rights, actually implementing them is a battle in itself (Edelman, Erlanger, and Lande 1993; Engel and Munger 1996; Marshall 2003; McCann 1994). A greater understanding of these processes will enable scholars and activists to improve how workers are able to resolve disputes at work (Albiston 2005; Munger 1992; Williams 1991).

In his influential 1970's book, *Exit, Voice, and Loyalty*, Hirschman asserted that two "contrasting, but not mutually exclusive" (15) courses of action exist for employees dissatisfied with their firm: (1) "exit": they can leave the firm or (2) "voice": they can express their dissatisfaction to the relevant authority (1970: 4).[1] Hirschman asserts that if workers "are sufficiently convinced that voice will be effective, then they may well

---

[1] Dissatisfied people could also engage in "acquiescence" rather than either "voice" or "exit," meaning that they would remain "dumbly faithful" to the firm or product without leaving or voicing their discontent (Hirschman 1970: 31); however, this is not a course of action, but inaction.

postpone exit...[T]herefore, exit can also be viewed as depending on the ability and willingness of the [workers] to take up the voice option...[since] once you have exited, you have lost the opportunity for voice, but not vice versa" (Hirschman 1970: 37).

Yet, even though voice is an option – and it is often an option preferable to exit in many circumstances – pursuing disputes at work often involves many hurdles and difficulties. An emergent issue is that stratification among workers affects their ability to use dispute resolution techniques. In particular, successful dispute resolution for less powerful employees is often hampered by resolving workplace disputes outside the courtroom, organizational hierarchy, and the already-present disadvantages disempowered groups (such as women) face in larger society. When settling workplace disputes outside the courtroom, the dispute is met with a mandate to compromise, often ignoring the parties' rights. If dispute resolution occurs within the workplace, employees often face an even more uneven playing field when confronting their employers, who enjoy greater experience, the appearance of legitimacy, and substantial experience with many such grievances. Moreover, the hierarchical organization of the workplace further hampers employees' abilities to effectively resolve their disputes if they are able to raise the grievance at all.

Alternative Dispute Resolution

Some employees with workplace disputes might bring their disputes to an external forum, rather than full legal trials. These workers are choosing to embrace some form of alternative dispute resolution (ADR). Often stimpulated by union contracts, ADR ranges from very formal arbitration with the use of separate lawyers for each side

and a neutral, judge-like arbitrator; to extremely informal mediation in which an independent professional assists the disputing parties to find a mutually-agreeable solution; to grievance procedures within a workplace where the mediator is a specialist employee of the workplace (i.e., internal dispute resolution, discussed below).

Advocates of ADR argue that ADR is better than the courts at addressing the needs and interests of parties, possessing a greater ability to provide a more expansive array of remedies and redressing a broader spectrum of problems. Through ADR, parties can explore the deeper roots of their problems as well as resolving the issue at hand (Menkle-Meadow 1984). ADR can provide solutions to parties who may have no legal rights, but who do have legitimate claims. In this way, ADR can fashion more creative solutions than courts are at liberty to offer. ADR is also said to be more efficient and less expensive for participants and might be less adversarial and more satisfactory for both sides (Bush 1989).

The most powerful criticism of ADR is its tendency to ignore the importance of the rights of each party (Silbey and Sarat 1989). Many argue that rights are vital to people who enjoy little social or political power and should not be compromised for procedural convenience (Crenshaw 1988). Villmore and others argue that rights powerfully legitimize the experiences of disempowered groups in society (1991).

In addition to outrightly ignoring legal rights, ADR can undermine legal rights by altering how the issues of the grievance are framed (Edelman, Erlanger, and Lande 1993; Silbey and Sarat 1989). The emphasis on compromise, present in many forms of ADR, undermines both rights and the broader policies behind those rights (Silbey and Sarat 1989). By definition, compromise requires that each side gives up some portion of that to

which each feels entitled. However, if one party is basing its understanding of its entitlement on legal rights, and the other on some other rationalization, then a compromise between these two positions inherently erodes the legal rights at issue.

Another important criticism of ADR is that it is more easily influenced by power differences, such as those based on class, race, and gender (Delgado, Dunn, Brown, Lee, and Hubbert 1985; Grillo 1991). While classism, racism, and sexism are prevalent throughout society, ADR lacks the formal protections that the courts provide and often reinforces certain parties' privileged and powerful positions. The formality of adjudication, along with the advocacy and distancing provided by legal representation, might not only provide better protection against abuse of party inequalities (Delgado et al. 1985), but may also distance parties from the site of confrontation sufficiently to create a buffer that makes the dispute resolution less taxing and emotional for the participants (Grillo 1991).

Internal Dispute Resolution

Disputes resolved within an organization involve many of the same advantages and disadvantages as external ADR. Because internal dispute resolution (IDR) is situated within the workplace, it is more accessible and somewhat more familiar to employees. Because it is handled by the employer, it is often less expensive and more efficient, as well as being open to "extra-legal" options (Edelman, Erlanger, and Lande 1993).

One chief concern with internal dispute resolution, however, is that it may make employees less likely to eventually go outside the organization to address their grievances should IDR attempts fail. If employees believe that the employer's grievance resolution

system is effective and easily accessible, while the courts are perceived as frightening, expensive, and unknown, the employees will be more inclined to utilize the IDR process, ignoring their right to bring lawsuits (Tucker 1999). This means that these employees will have their issues resolved with neither the benefit of a trained advocate to present their cases for them nor an objective third party to hear the issues and set forth solutions.

However, private resolution also has larger consequences that affect not only the grievants but also those not at all associated with the specific grievance. By being resolved privately, the grievance receives little publicity, thereby not serving to raise the consciousness of, and to give support to, other workers in similar situations. Even though individual employees may talk with each other, privately increasing each employee's awareness of the issues (see Marshall 2005), IDR lacks the greater consciousness-raising power of more public forums, such as litigation. IDR also has little, if any, precedent-setting power, forcing each grievant to argue her/his position "anew" even where others have previously pursued the same line successfully (Edelman, Erlanger, and Lande 1993; Felstiner, Abel, and Sarat 1980-81).

Moreover, by symbolizing justice and legality, IDR provides legitimacy to the employer and her/his practices. Within the organization, this legitimation makes it more difficult for employees to raise an internal grievance because the internal dispute process serves to reaffirm the employers' position as unquestionably correct. Externally, employees may find it more difficult to convince external agencies or officials that they have been wronged by their employer because of the external legitimation that the internal resolution process strengthens (Edelman, Erlanger, and Lande 1993). The courts, also, are affected by organizations' internal dispute resolution procedures. As internal

dispute resolution procedures become increasingly prevalent, courts accept these procedures as adequate substitutes for legal process (Albiston 2005; Edelman, Erlanger, and Lande 1993; Marshall 2003). This transfer of power occurs without the courts seriously questioning the fairness of these procedures, which lack any legal content or rights focus (Edelman, Erlanger, and Lande 1993).

Hierarchy

The hierarchical organization of most workplaces also affects workers' dispute resolution options. Some scholars assert that the structure of the workplace, more so than the type of dispute resolution option workers utilize, most affects whether and how well they will be able to resolve their disputes (Pateman 1970). Workers toward the bottom of the organizations' hierarchies often do not feel sufficiently supported to resolve their workplace disputes (Kanter 1972). They bury their problems and disputes, fearing that confrontations against perpetrators would become "me against the corporation" (Bumiller 1988: 52). However, those at the top of the hierarchy, while certainly having more options than those at the bottom, are also constrained in their dispute resolution options by the tightly controlled culture of their organizations' executives (Morrill 1995).

When disputes are resolved internally, the hierarchy of power within the organization is imposed on the dispute resolution procedure (Edelman, Erlanger, and Lande 1993). At the workplace, the employer enjoys a structural position of privilege and power, as well as the advantage of being a repeat player (see below, Galanter, 1974). Given such unequal positions, employees are often hesitant to raise grievances against their employers, challenging the order of the hierarchy (Bumiller 1988; Felstiner, Abel,

and Sarat 1980-81; Miller and Sarat 1981). Hoffmann's work comparing conventional and co-operative workers with several industries demonstrates that workers in hierarchical organizations have fewer options for dispute resolution than similar employees in flattened-hierarchy workplaces (Hoffmann 2001; Hoffmann 2006a; Hoffmann 2006b).

Cumulativeness

Regardless of the structure of the employees' workplaces or how they attempt to address their disputes – IDR or ADR – additional considerations make workplace disputes difficult. Individual disputants face the significant disadvantage of being "one-shot players," parties with few or no other experiences with the grievance procedure at hand. The opponent, the management, is likely to be a "repeat player," one who has past and possibly on-going experience with the arena (Galanter 1974).

Galanter observed many advantages to the repeat player, yet only one strong advantage to the one-shotter (1974). The repeat player has an idea of what to expect and how to plan and strategize to maximize any possible advantage. The repeat player can "play the odds" in that the stakes are lower for the repeat player than for each individual grievant, so the repeat player can afford to "lose" a few strategic cases so long as management wins the more important victories. However, to the one-shotter, the case at hand is the only chance to win her/his issue; the one-shotter cannot cut her/his losses over the next several cases because there may be no other cases for her/him (Galanter 1974). However, this absence of concern about long-term effects gives the one-shotter a key advantage. A one-shotter can "do its damnedest" without fear of reprisal the next time

s/he goes to court against the other party because there will be no next time (Galanter 1974: 102).

Inhibitive Effect of Legal Procedures

Nevertheless, individuals often do not pursue their disputes, whether within or outside their organization. In her work on the failure of antidiscrimination law to address racial and sexual discrimination, Bumiller found that could-be claimants often "legitimized their own defeat" by viewing their claims as "unwinnable" (Bumiller 1988: 29). When debating whether or not to initiate legal action, people "worried about their own guilt, as if they were charged with criminal offenses" (105). Many of Bumiller's interviewees preferred to rely on their own interpersonal skills rather than on assistance from "antidiscrimination forces," saying that they felt that raising discrimination claims would do more harm than any good they could accomplish (Bumiller 1988). Bumiller's subjects found that the law itself reinforces their victimization and strengthens the very power divisions that enabled the mistreatment to occur initially. Many in her study who experience discrimination viewed the law as both protective and destructive, and so feared that by publicly raising claims of mistreatment, they would lose whatever control they have over the situation, rather than gaining more power. The victims often justified their inaction by exaggerating the tyrannical power of their managers and supervisors (Bumiller 1988).

Disempowered Groups

Legal consciousness research explains that people create meaning for themselves: what they name as actual harm, what they feel is appropriate blame, and what they claim as possible remedies (Ewick and Silbey 1998; Felstiner, Abel, and Sarat 1980-81; Marshall and Barclay 2003; Merry 1990; Nielsen 2000). However, disempowered groups may have difficulty accomplishing these naming, blaming, and claiming stages because of the effects of the disparity of power and status that allowed the wrong to be done originally. Naming, blaming, and claiming are often stringently discouraged for less powerful groups, preventing disputes from being fully developed and rights from being fully asserted (Grillo 1991). Indeed, the same power imbalances that allow the wrongs to be committed often prevent the victims from mobilizing against these wrongs (Bumiller 1988).

Briefly examining the scholarship on women and workplace dispute resolution illustrates this well. Scholars argue that just as the "universal worker" is a male worker (Acker 1990), the characteristics rewarded in workplace dispute resolution, such as impersonality, objectivity, rationality, and detachedness, are more likely to be associated with men (Martin 1990). The extant research demonstrates that women workers may have difficulties with ADR, IDR, and both hierarchical and cooperative workplaces. Scholarship in this area has well established that laws that give women specific new workplace rights (such as the civil rights acts or the FMLA) might, in practice, only alter the symbols of compliance the employer displays, tempering the new workplace rights with industry norms, organizational tradition, and managerial interests (Albiston 2005; Dobbin, Sutton, Meyer, and Scott 1993; Edelman 1992; Hirsh and Kornrich 2008; Kelly and Dobbin 1999; Robert and Harlan 2006; Stryker 2001; Sutton, Dobbin, Meyer, and

Scott 1994). For example, women will seldom pursue claims of discrimination and sexual harassment even when the circumstances might appear to substantially qualify (Bumiller 1988; Miller and Sarat 1981; Quinn 2000). As Marshall noted in her study of sexual harassment, "feeling a sense of harm does not automatically translate into the use of the label sexual harassment" (Marshall 2003: 659).

Internal dispute resolution (IDR) also can be difficult for women. Gwartney-Gibbs and Lach, for example, found that women workers were more likely to use lateral transfers to distance themselves from disputes while men were more likely to use IDR procedures (1992; 1994a; 1994b). Because the gatekeepers of the IDR forums perceived the women workers' concerns as too personal and idiosyncratic, they discouraged the women from using these forums (Gwartney-Gibbs and Lach 1992; Gwartney-Gibbs and Lach 1994a; Gwartney-Gibbs and Lach 1994b). Similarly, Quinn's work on sexual harassment shows how women resist acknowledging any abuse or disputes at work, fearing that doing so will distance themselves further from their male co-workers (Quinn 2000). Albiston's research on use of the FMLA demonstrates that "employers can subtly reassert their control" and prevent internal – or external – disputes from arising at all, even when the employees' rights are set forth clearly by the law (Albiston 2005: 40).

Workplace structure, too, can present additional hurdles for women when confronting disputes at work. In conventional, hierarchical organizations, women are often lower in the hierarchy and are more likely to face "glass ceilings" and "mommy tracks" than their male co-workers, making successful dispute resolution more difficult (Reskin, McBrier, and Kmec 1999; Williams 1995). However, even in co-operative organizations, women face difficulties in addressing their disputes at work. Hoffmann's

research has documented that dispute resolution in co-operatives might rely more on informal resolution, allowing men workers with better access to power networks to circumvent formal grievances, but forcing less connected women workers to rely solely on formal procedures (Hoffmann 2005). Moreover, in emphasizing the "ideal of the community" (Rothschild and Whitt 1986: 55), worker-managers enjoy heightened levels of trust which can be exploited to inhibit formal or informal grievance raising (Hoffmann 2006a) especially with women who already might be more sensitive to the needs of the group and might be more reticent to resolve their disputes (Freeman 1984; Iannello 1992; Kleinman 1996; Rothschild and Whitt 1986; Tucker 1999).

Other disadvantaged groups also face difficulties with workplace dispute resolution. Working-class people are less likely to pursue their grievances in any arena, due to feelings of powerlessness and lack of entitlement (Iannello 1992; Munger 1992; Sandefur 2007). Non-white employees are less likely to pursue their workplace dispute and to successfully resolve them when they do pursue them, compared to white counterparts (LaFree and Rack 1996; Miller and Sarat 1981; Nielsen and Nelson 2005). Moreover, membership in more than one discriminated-against category can result in an intersectionality of oppression which is often not recognized by the law, such as women of color experiencing discrimination based on both race and sex (Crenshaw 1988; Hernandez 2005).

Conclusions

Future research should explore ways that new laws and business innovations might improve the inequalities workers face in resolving their workplace disputes. For

example, scholars might investigate the regional variations between branches of the same organization and how the branches react to their local workplace-targeted laws. Research could explore how various local laws or different organizational policies inhibit or encourage more successful employees dispute resolution. Rather than focusing only on black-letter law and organizations' formal policy statements, research needs to look at how disputes are actually addressed – e.g., how are different grievance procedures used, and which are used successfully only by certain employees. With improved understanding of workplace dispute resolution, greater equality in the workplace, and possibly society, might be possible.

References

Acker, Joan. 1990. "Hierarchies, Jobs, and Bodies: A Theory of Gendered Organizations." *Gender & Society* 4:139-158.

Albiston, Catherine R. 2005. "Bargaining in the shadow of social institutions: Competing discourses and social change in workplace mobilization of civil rights." *Law & Society Review* 39:11-49.

Bumiller, Kristin. 1988. *The Civil Rights Society: The Social Construction of Victims*. Baltimore: The John Hopkins University Press.

Bush, Robert A. Baruch. 1989. "Defining Quality in Dispute Resolution." *Denver University Law Review* 66:335-367.

Conley, John M. and William M. O'Barr. 1990. *Rules versus Relationships: The Ethnography of Legal Discourse*. Chicago: The University of Chicago Press.

Crenshaw, Kimberle. 1988. "Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law." *Harvard Law Review* 101:1131-1387.

Delgado, Richard, Chris Dunn, Pamela Brown, Helena Lee, and David Hubbert. 1985. "Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution." *Wisconsin Law Review* 1985:585-629.

Dobbin, Frank, John R. Sutton, John W. Meyer, and W. Richard Scott. 1993. "Equal Opportunity Law and the Construction of Internal Labor Markets." *American Journal of Sociology* 99:396–427.

Dworkin, Anthony Gary, Janet Saltzman Chafetz, and Rosalind J. Dworkin. 1986. "The Effects of Tokenism on Work Alienation Among Urban Public School Teachers." *Work and Occupations* 13:399-420.

Edelman, Lauren B. 1992. "Legal ambiguity and symbolic structures: Organizational mediation of civil rights law." *American Journal of Sociology* 97:1531–1576.

Edelman, Lauren B., Howard S. Erlanger, and John Lande. 1993. "Internal Dispute Resolution: The Transformation of Civil Rights in the Workplace." *Law and Society Review* 27:497-534.

Edelman, Lauren B., Christopher Uggen, and Howard S. Erlanger. 1999. "The Endogeneity of Legal Regulation: Grievance Procedures as Rational Myth." *American Journal of Sociology* 105:406-454.

Engel, David M. and Frank W. Munger. 1996. "Rights, Remembrance, and the Reconciliation of Difference." *Law & Society Review* 30:7-53.

Ewick, Patricia and Susan S. Silbey. 1992. "Conformity, Contestation, and Resistance: An Account of Legal Consciousness." *New England Law Review* 26:731-749.

—. 1998. *The Common Place of Law*. Chicago: University of Chicago Press.

Felstiner, William L. F., Richard L. Abel, and Austin Sarat. 1980-81. "The Emergence
and Transformation of Disputes: Naming, Blaming, Claiming…." *Law and
Society Review* 15:631-654.

Freeman, Jo. 1984. "The Tyranny of Structurelessness." in *Untying the Knot: Feminism,
Anarchism & Organisation*, edited by J. Freeman and C. Levine. London: Dark
Star Press.

Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculations on the Limits
of Legal Change." *Law & Society Review* 9:95-127.

Gilligan, Carol. 1982. *In a Different Voice: Psychological Theory and Women's
Development*. Cambridge: Harvard University Press.

Grillo, Trina. 1991. "The Mediation Alternative: Process Dangers for Women." *Yale
Law Journal* 100:1545-1610.

Gwartney-Gibbs, Patricia A. and Denise H. Lach. 1992. "Workplace Dispute
Resolution and Gender Inequality." *Sociological Practice* 10:79-96.

—. 1994a. "Gender and Workplace Dispute Resolution: A Conceptual and Theoretical
Model." *Law and Society Review* 28:265-296.

—. 1994b. "Gender Differences in Clerical Workers' Disputes over Tasks, Interpersonal
Treatment, and Emotion." *Human Relations* 47:611-639.

Hacker, Sally. 1989. *Pleasure, Power, and Technology: Some Tales of Gender
Engineering and the Cooperative Workplace*. Boston: Unwin Hyman.

Hernandez, Tanya Kateri. 2005. "The Intersectionality of Lived Experience and Anti-Discrimination Empirical Research." in *Handbook of Employment Discrimination Research*, edited by L. B. Nielsen and R. Nelson. Netherlands: Springer.

Hirschman, Albert O. 1970. *Exit, Voice, and Loyalty: Responses to Declines in Firms, Organizations, and States*. Cambridge: Harvard University Press.

Hirsh, C. Elizabeth and Sabino Kornrich. 2008. "The Context of Discrimination: Workplace Conditions, Institutional Environments, and Sex and Race Discrimination Charges." *American Journal of Sociology* 113:1394-1432.

Hoffmann, Elizabeth A. 2001. "Confrontations and Compromise: Dispute Resolution at a Worker Cooperative Coal Mine." *Law & Social Inquiry* 26:555-596.

—. 2005. "Dispute Resolution in a Worker Cooperative: Formal Procedures and Procedural Justice." *Law & Society Review* 39:51-82.

—. 2006a. "Dispute Resolution in Cooperative and Hierarchical Worksites." *Advances in Industrial and Labor Relations* 15:35-66.

—. 2006b. "Exit and Voice: Organizational Loyalty and Dispute Resolution Strategies." *Social Forces* 84:2313-2330.

Iannello, Kathleen P. 1992. *Decisions Without Authority: Feminist Interventions in Organization Theory and Practice*. New York: Routlege.

Kanter, Rosabeth Moss. 1972. *Commitment and Community*. Cambridge: Harvard University Press.

—. 1977. *Men and Women of the Corporation*. New York: BasicBooks.

Kelly, Erin and Frank Dobbin. 1999. "Civil Rights Law at Work: Sex Discrimination

 and the Rise of Maternity Leave Policies." *American Journal of Sociology*

 105:455-492.

Kleinman, Sherryl. 1996. *Opposing Ambitions: Gender and Identity in an Alternative*

 Organization. Chicago: University of Chicago Press.

LaFree, Gary and Christine Rack. 1996. "The effects of participants' ethnicity and

 gender on monetary outcomes

in mediated and adjudicated civil cases." *Law & Society Review* 30.

Lerner, Harriet Goldhor. 1985. *The Dance of Anger*. New York: Harper & Row.

Lorde, Audre. 1984. "The Uses of Anger: Women Responding to Racism." Pp. 124-133

 in *Sister Outsider*, edited by A. Lorde. Trumansburg, N.Y.: The Crossing Press.

Marshall, Anna Maria. 2003. "Injustice Frames, Legality, and the Everyday

 Construction of Sexual Harassment." *Law & Social Inquiry* 28:659-689.

Marshall, Anna-Maria and Scott Barclay. 2003. "Introduction: In Their Own Words:

 How Ordinary People Construct the Legal World." *Law & Social Inquiry* 28:617-

 628.

Marshall, Anna-Maria. 2005. "Idle Rights: Employees' Rights Consciousness and the

 Construction of Sexual Harassment Policies." *Law & Society Review* 39:83.

Martin, Joanne. 1990. "Re-Reading Weber: Searching for Feminist Alternatives to

 Bureaucracy." in *Annual Meetings of the Academy of Management*. San

 Francisco: Academy of Management.

McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of*

 Legal Mobilization. Chicago: University Of Chicago Press.

Menkle-Meadow, Carrie. 1984. "Toward Another View of Legal Negotiations: The

>   Structure of Problem Solving." *UCLA Law Review* 31:754-789.

Merry, Sally Engle. 1990. "The Discourses of Mediation and the Power of Naming."

>   *Yale Journal of Law & the Humanities* 2:1-36.

Miller, Richard E. and Austin Sarat. 1981. "Grievances, Claims, and Disputes:

>   Assessing the Adversary Culture." *Law and Society Review* 15:525-561.

Miller-Loessi, Karen. 1992. "Toward Gender Integration in the Workplace: Issues at

>   Multiple Levels." *Sociological Perspectives* 35:1-15.

Morrill, Calvin. 1995. *The Executive Way*. Chicago: University of Chicago Press.

Munger, Frank. 1992. "Making a commitment to social change: ending the canon of

>   dispute processing research." *Studies in Law and Politics* 12:431–45.

Nielsen, Laura Beth. 2000. "Situating Legal Consciousness: Experiences and Attitudes

>   of Ordinary Citizens about Law and Street Harassment." *Law and Society Review*
>   34:1056-1090.

Nielsen, Laura Beth and Robert L. Nelson. 2005. "Handbook of Employment

>   Discrimination Research: Rights and Realities." New York: Springer.

Pateman, Carole. 1970. *Participation and Democratic Theory*. London: Cambridge

>   University Press.

Quinn, Beth A. 2000. "The paradox of complaining: law, humor and harassment in the

>   everyday work world." *Law & Social Inquiry* 25:1151-1185.

Reskin, Barbara F., Debra B. McBrier, and Julie A. Kmec. 1999. "The Determinants

>   and Consequences of Workplace Sex and Race Composition." *Annual Review of
>   Sociology* 25:335-61.

Robert, Pamela M. and Sharon L. Harlan. 2006. "Mechanisms of Disability

    Discrimination in Large Bureaucratic Organizations: Ascriptive Inequalities in the

    Workplace." *The Sociological Quarterly* 47:599-630.

Roos, Patricia A. and Barbara R. Reskin. 1992. "Occupational Desegregation in the

    1970s: Integration and Economic Equity?" *Sociological Perspectives* 35:69-91.

Rothschild, Joyce and J. Allen Whitt. 1986. *The Cooperative Workplace: Potentials*

    and Dilemmas of Organizational Democracy and Participation. Cambridge:

    Cambridge University Press.

Sandefur, Rebecca L. 2007. "The importance of doing nothing: everyday problems and

    responses of

inaction." Pp. pp. 112–32 in *Transforming Lives: Law and Social Process*, edited by P.

    Pleasence, A. Buck, and N. J. Balmer. London: TSO.

Silbey, Susan and Austin Sarat. 1989. "Dispute Processing in Law and Legal

    Scholarship: From Institutional Critique to the Reconstruction of the Judicial

    Subject." *Denver University Law Review* 66:437-487.

Stryker, Robin. 2001. "Disparate Impact and the Quota Debates: Law, Labor Market

    Sociology, and Equal Employment Policies." *The Sociological Quarterly* 42:13-

    46.

Sutton, John R., Frank Dobbin, John W. Meyer, and W. Richard Scott. 1994. "The

    Legalization of the Workplace." *American Journal of Sociology* 99:994-971.

Swerdlow, Marian. 1989. "Men's Accommodations to Women Entering a Nontraditional

    Occupation: A Case of Rapid Transit Operatives." *Gender and Society* 3:373-387.

Tucker, James. 1999. *The Therapeutic Corporation*. New York: Oxford University

    Press.

Wharton, Amy S. 1991. "Satisfaction? The Psychological Impact of Gender Segregation

    on Women at Work." *The Sociology Quarterly* 32:365-387.

Williams, Patricia J. 1991. *Alchemy of Race and Rights*. Cambridge: Harvard

    University Press.

Williams, Susan L. 1995. *Still a Man's World: Men Who Do "Women's Work."*

    Berkeley: University of California Press.