

Fairness: The Big Picture

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What is the cost of litigation?

- Attorney fees: \$200,000+
 - Settlement costs/jury awards: \$150,000+
 - Management time expended in process: 40+ hours
 - Employee time spent investigating and preparing for trial: 120+ hours
- Jury Verdict Research Series; Harassment and Prevention Training: What the Law Requires by Michael W. Johnson

Additional costs of challenges

- Impact on organizational culture and morale
- Negative perception of organization
- Reduced motivation in candidate population

= A reduction in our ability to fulfill the essential purpose of selection

Typical selection process components

(Where things can go wrong)

- Job analysis: minimum qualification development and test planning
- Test development
- Process administration
 - ▶ Applicant filing
 - ▶ Test administration
 - ▶ Test scoring
 - ▶ List promulgation
- Interviews

Traditional consideration of fairness

- Job relatedness
- Equitable treatment (same process)
- Lack of predictive bias (non-discriminatory effect)

(A focus on tools and process)

Legal framework themes

- Job-relatedness
- Business necessity
- Documentation

Legal basis for selection-related litigation

- Civil Rights Act of 1964, Title VII
- Civil Rights Act of 1991, Title I
- Age Discrimination in Employment Act, 1967
- Americans With Disabilities Act, 1990
- Case Law

Where do complaints typically come from?

- Aspects of our process tied to the legal framework?
- Something else?

Basic psychological needs served by fairness

- Control
 - Belonging
 - Self-esteem
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- (Cropanzano, Byrne, Bobocel & Rupp, 2001)

Dimensions of Justice

- Distributive: perceived fairness of outcomes
- Procedural: perceived fairness of process
- Interpersonal/interactional: perceived fairness of treatment
- Informational: perceived fairness of explanations and adequacy of information

Distributive justice

- What is the outcome for the candidate?
- People want a voice even if they can't influence the outcome. They receive value by being heard.

Procedural Justice

- Consistency
- Freedom from bias
- Accuracy
- Credibility
- Responsiveness
- Representativeness (voice)
- Ethicality

Interactional Justice (Interpersonal sensitivity)

- Respectful
- Credible
- Trustworthy
- Sensitive to customer/candidate
- Empathetic

Informational Justice

- Reasonable explanations
- Sufficient information
- Consistency
- Accuracy

The key to all forms of justice is:

Perceived fairness

Expectations generate perceptions

- Expectations serve as a point of reference in the process of evaluating the fairness of the outcomes.
- Perceived justice is the highest when expectations are confirmed.
- If people are not informed of what to expect, they will use past experiences and other beliefs to form expectations.
- People are more likely to notice information that is consistent with their expectations.
- Justice Expectations and Applicant Perceptions; Bradford S. Bell, Ann Marie Ryan, Darin Wiechman

Where do expectations come from?

- Past experience
- Existing beliefs
- Social contacts

Applicant perceptions of commonly used selection procedures

- Interviews: tend to be viewed favorably with a preference for general, unstructured questions over structured situational and behavioral questions.
- Cognitive ability tests: tend to be perceived less favorably than interviews and work sample tests, but more favorably than personality and honesty tests.
- Work sample tests: tend to produce positive reactions from candidates.
- Biodata/personality tests: tend to be perceived as unfair.

Dilemmas we face

- How assessment professionals view fairness is not the same as how candidates view fairness.
- Candidates perceive some of our most valid approaches as less fair.
- The tools that tap into the affective domain (highly regarded by hiring authorities) are perceived as unfair.
- Prolifigating procedures to improve perceptions can lead to perceptions of “red tape bureaucracy” and an appellant culture.

What to do

- Review each step of the selection process from the viewpoint of the various dimensions of justice.
- Identify areas of opportunity for influencing expectations.
- Identify areas of opportunity for incorporating elements of justice (voice, correctability, etc.)
- Consider the organization's own perspective regarding candidates and reinforce a culture consistent with interactional justice concepts.