

**MANAGING NEUTRALITY AND IMPARTIALITY IN  
WORKPLACE CONFLICT RESOLUTION: THE DILEMMA OF  
THE HR MANAGER**

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# **MANAGING NEUTRALITY AND IMPARTIALITY IN WORKPLACE CONFLICT RESOLUTION: THE DILEMMA OF THE HR MANAGER**

## **INTRODUCTION**

The interface between conflict management and ethics in organisations occurs in a web of power relations, organisational structures and the often, conflicting objectives of organisational competitiveness and workplace justice. Human resource management (HRM) policies and practices have been pivotal in managing this interface. Key to the role of human resources (HR) managers is the management of conflict and the delivery of justice in workplace decision making. We argue that ethical decision making to resolve conflict is challenged by the inherent nature of HRM. First, we note that in an environment driven by the need for efficiency, HR managers are expected to perform a range of roles, particularly that of 'strategic partner' which can be at odds with that of 'employee champion' role. Second, as someone who represents the firm, HR managers cannot be considered a neutral mediator of conflicts between other workplace members. These tensions in the role of HR managers raise ethical questions that typically emerge in the course of negotiation and dispute resolution. We commence with a discussion of workplace justice and the concepts of neutrality and impartiality. We argue that while pursuing neutrality might serve a shorter term goal of supporting managerial or organisational objectives, longer term goals, particularly those which enhance workplace justice, are likely to be best achieved through the exercise of impartiality informed by an ethical code.

## **CONFLICT IN ORGANISATIONS**

The workplace is a site of immense and sometimes intense social interaction. Layered onto relationships that may be formal, informal, collegial or even friendship-based are hierarchical structures of reporting relationships, supervision and power. Human relationships go hand in hand with the carrying out of work processes. Clearly, some form of conflict is likely to become manifest in the operation of such complex structures. Workplace conflict takes many shapes and forms. It can be as overt as a strike by workers over an issue of concern or as covert as an individual, dissatisfied with his or her lot expressing anger or frustration as increased absenteeism, poor performance or sabotage. Alternatively, an interpersonal dispute between two colleagues can manifest itself through refusal to work together, hostility or bullying. Arguably conflict in the workplace is as much about dissension over management authority as it is about individual interactions. While the responsibility for resolving these conflicts lies with individual supervisors and managers, HR managers often become involved in the process of conflict resolution either as advisors or as settlers of disputes in one form or another.

One of the defining features of organisational conflict is its perceived departure from the 'normal' work situation where employees 'attend their workplace assiduously, perform their tasks conscientiously, and obey instructions submissively' (Hyman, 1989:98). Thus, one major form of conflict represents a failure to conform to the ideals and expectations of the employer and is thus, conceptualised negatively from the organisation perspective. From the employee's perspective, however, the same conflict may represent the means to obtain benefits such as a wage increase or to change a rule or workplace procedure, or perhaps even to secure less coercive treatment. Importantly, in the workplace the manifestation of the conflict is rarely so severe as to threaten the viability of the business as it is in the interests of the workers (and not only the employer) to ensure business continuity. In this sense, conflict represents the divergence of interests between interdependent parties in the workplace. The pluralistic nature of organisational life means that conflict is seen as inevitable but manageable by most observers: 'conflict occurs whenever interdependent parties perceive incompatible goals' (Jameson, 1999: 269). It is not surprising then, that many researchers have described workplace conflict in terms of bargaining (Jameson, 1999; Walton & McKersie, 1965; Schelling, 1960

Conflict resolution may also be conceptualised as decision making. Workplace decisions are often made in order to satisfy the competing needs and demands of many parties who must then abide by the decision. Decision making is also employed to rectify situations where individuals complain of undeserved treatment: 'it is the undeserved nature, the lack of individual control, that makes these adverse consequences of our managerial decisions and actions so disturbing to most of us' (Hosner 1987: 314). Into this category at the workplace, we can put negotiations over pay and conditions, consultation on issues such as workplace change, challenges to promotion and performance appraisal.

Ethical problems associated with managerial decision making can be conceptualised as those which create unequal outcomes such that some in the organisation benefit from the decision and others are harmed - but through no fault of their own. Thus, arguably, the aims of conflict resolution are to achieve outcomes that solve the ethical problems and bring closure to the contentious matters while providing workplace justice.

## **WORKPLACE JUSTICE**

Achieving workplace justice is a key interest and need of employees. It is argued that by entering an employment relationship workers have ceded authority to their managers and they are aware that decisions made by those in power may be exploitative or motivated by ulterior motives (Lind & Tyler 1988). Employees deal with this dilemma by measuring decisions against their own principles of fairness. Decisions which pass their 'fairness' test are more likely to be accepted and, consequently, the decision makers more likely to be obeyed in the future.

Individuals use the principles of balance and correctness which are elements of both equity theory and social comparison processes, to determine if a decision or action is fair or unfair. For any particular event, an individual will compare his or her ratio of input and outcomes to another's ratio of input and outcomes. This represents the overall balance of the action. The principle of correctness assumes that individuals compare decision to internal standards of right and wrong, consistency, accuracy, or morality. Generally, these principles are applied at three levels of analysis: outcomes (for instance, a wage rise), procedures (for instance, the nature of the bargaining process), and systems (the organisational context in which the procedures are based and outcomes distributed). In order to be regarded as just, all three levels must be evaluated by employees as fair (Turner 1993).

Research into justice in the workplace has emphasised three main types of justice: procedural, distributive and interactional. Procedural justice focuses on the means or process, distributive justice focuses on the ends or outcomes (Tremblay, Sire & Balkin 2000) while interactional justice (Bies & Moag 1986), is concerned with the level of respect and dignity afforded the disputants.

### **Procedural Justice**

The concept of fairness is widely recognised in sociological research. In Tyler's (1988) US studies of fairness in mediated outcomes, he found that a random sample of citizens of Chicago from varying ethnic backgrounds and economic status held common definitions of the meaning of fair process and had similar ways of evaluating whether they had been treated fairly. The key issues observed as dominating disputant assessments of fairness were: firstly, the ability to participate in the process; secondly, a sense of ethical appropriateness which involved a level of interpersonal respect afforded to the disputants by the third party; thirdly, the neutrality of the third party; and finally, the quality of the outcome of the dispute. These common elements of a fair decision broadly align with aspects of distributive and interactional justice. Similarly, Thibaut and Walker's (1975) landmark US study found that procedural justice involves not simply being afforded a fair process but, one requiring opportunities for voice and participation by the disputants.

Procedural justice, or due process, is arguably a requirement not only of the formal legal process but as McCabe and Rabil (2002) argue, also of the workplace. There are several accepted 'rules' of procedural justice. Some of these are: due notice of any matters in contention; a right to be heard; adjudication or facilitation by an impartial party; and provision of reasons for the decision made. The importance of the last factor was demonstrated by Greenberg (1994) in his study of a new 'no smoking' policy in a US workplace. Greenberg reported that because employees had been provided with information and a clear rationale for the unpopular policy, they embraced the changes without dispute. It has been suggested that the process of explaining decisions helps employees adapt to change, but lack of explanations is often regarded by employees as unfair, generating resentment toward management and toward the decision (Daly 1995: 416).

Due process is the part of a workplace justice system most visible to employees. If their right to due process is not respected, it has been argued that employees may perceive that other rights in the workplace will also not be respected (Velasquez, 1982). Due process also highlights the reality that conflict and cooperation coexist in organisational settings and that it is possible and desirable to employ a method of conflict resolution which highlights cooperation.

### **Distributive Justice**

Distributive justice refers to the fairness of the outcome of the dispute. There are three important criteria which together constitute distributive justice: equity, equality and need (Deutsch 1985). Decisions based on equity distribute rewards according to the input of contributors. Those who allocate rewards may violate the equity norm by distributing rewards equally to all regardless of their contribution or by distributing them according to need. It follows that a decision which violates the equity norm can give rise to conflict rather than resolving it: "it is when equals possess or are allotted unequal shares, or persons not equal shares, that quarrels and complaints arise" (Aristotle 1934: V, iii, 6). There is a close relationship between distributive and procedural justice, shown in findings that a decision to distribute rewards based on equality or needs is considered fair, depending on the circumstances leading to the distribution (Lerner, 1977). Whether an outcome is perceived as fair or not depends on the object of the allocator and the reasons provided for their decision (Deutsch, 1985).

An implication is that, consistent with Rawls' (1971) approach, fair processes appear to be more fundamental than fair outcomes. A distribution is considered fair if it is derived from a fair process. While undoubtedly over-general, this is broadly consistent with empirical evidence of workplace dispute resolution (Van Gramberg 2003). Employee confidence in management appears to be based more on the perceived justice of the processes used to make decisions than on the results: employees who have been treated fairly in the procedure have been found to accept even adverse outcomes (Loewenstein, Thompson, & Bazerman 1989).

### **Interactional Justice**

In 1986, Bies and Moag nominated interpersonal treatment as an essential component of procedural justice. Specifically, they predicted that being treated in a respectful, dignified manner would directly affect how disputants behaved and thought about the person carrying out the treatment. Similarly, Tyler (1991: 23) noted the importance of the 'interpersonal context created by dealing with third parties'. He argued that disputants placed great weight on being treated with politeness and courtesy and having respect shown for their rights. He found that people's reactions to the dispute handling process are couched in terms of how they felt they were treated. Further, research on groups has shown that most people consider it important to be regarded as being part of a group and that this is linked to their treatment in that group (Lind & Tyler 1988). Not surprisingly, then, employees expect organisations to use neutral decision making processes overseen by trustworthy, neutral authorities, which deliver fair outcomes (Beugre 1998). The indicators of workplace justice are summarised in Table 1.

**Table 1: Indicators of workplace justice**

<b>Procedural Justice</b>	<b>Distributive Justice</b>	<b>Interactional Justice</b>
Employee to be presented with the charge explained in full	Equity, Equality and/or Needs principles must apply	Disputant is afforded respect and dignity
Opportunity to present a defence to the charge	Perceived fairness of a positive outcome by disputant	Disputant perception that decision maker was neutral and trustworthy
Process must allow for a neutral decision maker	Perceived fairness of a negative outcome by disputant	Disputant is afforded an explanation and justification for outcome
A clear, rational explanation must be provided for the decision		
Right of appeal		
Process must be time-efficient		

Source: Adapted from Tremblay, Sire & Balkin, 2000.

Workplace justice is complicated by the fact that technical and economic considerations are typically the overriding determinants of management decision making along with the pressure to deliver profits to shareholders. This places managers in an invidious situation in which there are likely to be limitations on the interpretation and operationalisation of corporate concepts such as ethical codes or workplace justice. At the same time, to adhere to the principles of workplace justice is to ensure that corporate goals do not override individual liberties or human needs (Esquith 1997). This is normally carried out through the implementation of the workplace grievance procedure.

## **WORKPLACE GRIEVANCE PROCEDURES**

Dispute resolution systems are a key mechanism for providing justice in the workplace. They operate by involving managers, employees and unions and adhering to pre-established steps and rules. They are designed to deliver procedural fairness and have been described as providing for workplace justice, consistency and uniformity of outcome (McCabe & Rabil 2001). In Australia, since the decentralisation of wages bargaining beginning in the late 1980s, grievance procedures (or dispute resolution clauses) are a mandatory inclusion into the terms and conditions encompassed in employment awards and agreements. The stated objective of this requirement is to ensure that conflict will be resolved at the workplace where possible with reference of disputes to industrial tribunals as a last resort. Specifically the federal *Workplace Relations Act* 1996 (s.3(b)) provides that:

the primary responsibility for determining matters affecting the relations between employers and employees rests with the employer and employees at the workplace or enterprise level.

Good dispute resolution procedures provide employees with the opportunity to redress an injustice in a systematic manner which is consistent throughout the organisation. The presence of such a system is a signal to workers that an organisation is prepared to take complaints and disputes seriously. They help to deliver workplace justice and have been linked to a range of beneficial effects on the relationship between employees and management. Notably, they provide an avenue for issue resolution while work continues without litigation, strikes or other forms of industrial action

(Mesch & Dalton 1992). Early research by Koys (1988: 58) found a correlation between employee commitment and the attribution of fairness to certain human resource policies, such as grievance procedures. This, Koys argued, led to greater contribution by employees towards productivity and he concluded that 'a culture that respects individuals may help compete in the marketplace' (1988: 58).

Dispute resolution procedures have been found to decrease employee turnover and enhance firm performance by signalling problem areas to management for action and monitoring (Lewin & Mitchell 1992). A dispute resolution procedure, which is perceived by employees to be fair, is likely to be used and regarded as effective (Peterson & Lewin, 2000) and results in greater employee perception of fair treatment and enhances job satisfaction McCabe 1987). In turn, procedural fairness in the workplace has been linked to the efficient functioning of organisational structures and to positive employee attitudes towards their supervisors and managers (Schmitt & Dorfel 1999).

Whilst well structured grievance procedures are vital to the delivery of workplace justice, a key component of due process is the role of a neutral third person or decision maker (Hunter, Ingleby & Johnstone 1995). In order to afford the disputants a fair process, a third party must also be independent of the disputants. In practice this means that the mediator should not pursue the objectives of one side over the other. Given that many disputes operating through a workplace grievance procedure, culminate with the HR manager, the issue of neutrality in grievance resolution is one which deserves exploration.

## **NEUTRALITY, IMPARTIALITY AND PRACTICAL PROBLEMS WITH ACHIEVING THESE QUALITIES**

Key assumptions behind the definition of mediation are that the third party is impartial and neutral. These are not the same thing and the practicality of achieving both neutrality and impartiality in a workplace dispute resolution context has been hotly debated. Cooks & Hale (1994:64), in their examination of US workplace mediator standards, noted that many policies advise mediators that they should 'have no relationship with parties or vested interests in the substantive outcome that might interfere or appear to interfere with the ability to function in a fair, unbiased and impartial manner'. Clearly, this is a difficult criteria for an HR manager to satisfy, given the hierarchical relationship with the disputants and the performance of other, often conflicting, roles.

US standards have defined neutrality as involving 'freedom from favouritism and bias in either word or action' (Cooks & Hale 1994: 64). In adhering to this standard, a mediator must refrain from acting as an advocate or assuming an adversarial role. Neutrality has also been described as 'denying or curbing self-interest' (Folger & Cropanzano 1998: 74). In this sense, disputants perception of neutrality play an important role in legitimising the mediation process. The main criteria of neutrality in mediation are:

- The mediator has no direct interest in the outcome of the dispute;
- The mediator has no prior knowledge of the dispute;
- The mediator will not, directly or indirectly, sit in judgement on the parties;
- The mediator will not use his or her substantive expertise to influence the decision-making; and
- The mediator will act even-handedly, fairly and without bias towards the parties (Boulle & Nestic 2001: 17)

Impartiality, on the other hand, is sometimes referred to as having equidistance from the parties and has been likened to a responsibility to ensure that the mediation process is fair. The difference between impartiality and neutrality can be seen to lie in the mediator's responsibility to ensure fairness towards the parties during the process (impartiality) and being free from bias (neutrality) (Boulle & Nestic 2001).

Practical problems occur in the exercise of neutrality and impartiality when mediators attempt to assist disputants to come to an informed decision. For instance, it is likely that mediators dealing with disputants of unequal power would gauge the relative power balance between the parties, their interpersonal and dispute resolution skills or their ability to articulate the problem. Impartiality (fairness) would dictate that a mediator should create more opportunities for less powerful or less articulate disputants to voice their views when faced with an aggressive, powerful opponent. Such action on the part of the mediator may arise where a weaker disputant is prepared to agree to a decision, which may not be in his or her best interest or where such an outcome would be more generally perceived as unfair. In these cases, for a mediator to take a totally neutral (unbiased) stance would be to refrain from intervention and thus perpetuate the power difference by allowing the more powerful party to determine the terms of the agreement. On the other hand, acting impartially, a mediator would perceive his or her role as ensuring that the disputants are treated with fairness. In order to give the weaker party more opportunity to express concerns or question the terms of the agreement, the mediator would risk breaching neutrality: 'where neutrality is understood as the ability to suspend judgement, equidistance is the active process by which partiality is used to create symmetry' (Cook & Hale 1994:64). In other words, the mediator could be said to be acting on behalf of the weaker party. Thus, there is a conflict between the neutrality or disinterest of the mediator in the resolution process, and the interest the mediator holds in the fairness of the outcome of the dispute. Quite simply, the mediator's role of providing an impartial process is closely aligned with the concepts of workplace justice.

Another view of mediator intervention is that the mediator is taking on a role of advocacy for the *process* of mediation, rather than being an advocate for the disputants, and so does not breach neutrality (Cook & Hale 1994). Here, the mediator is said to have a duty to perform the role of 'process advocacy'. On this view, advocacy is not for the benefit of either of the parties but is based on selecting and steering disputants 'in a belief that the right kind of process will lead to outcomes which are satisfying enough to the parties that they will stick' (Laue 1993: 260).

A third perspective is that lack of equidistance should not be seen as 'side taking' when, for instance, empathetic communication is used by a mediator (Feer 1992). Feer postulated that an experienced mediator can utilise empathy, even sympathy with the clearly stated intent of nurturing storytelling without taking a side or even appearing to take a side. But, such discretionary behaviour on the part of the mediator has been criticised; for example, Tillett (1991) argued that in the absence of mediator intervention, mediation is intrinsically unfair, unless both parties are of roughly equal personal and professional status.

In view of the unavoidable power imbalances in a workplace setting, whether or not to intervene is a pivotal question. Thornton's (1990) Australian research on the use of conciliation in equal employment opportunity disputes found that the majority of respondents in discrimination cases were powerful, wealthy corporations, whilst plaintiffs were either women or members of minority groups and the overwhelming majority of appellants were corporations. So, if power imbalances are a reality and any attempt by the mediator to check that balance constitutes bias, the failure to balance power may result in the maintenance of the power imbalance and of the status quo. As Astor and Chinkin (1992: 107) have observed: 'if two unequal parties are treated equally the result is inequality'. Added to this dilemma is that a lack of mediator intervention may induce more powerful parties to see private ADR as being advantageous to them compared to state provided judicial or quasi judicial processes. Mediator passivity can allow any existing power imbalances to influence the final outcome of the dispute.

The issue of mediator intervention designed to balance power remains a fundamental controversy in the international writings on alternative dispute resolution two decades after the implementation of such schemes in the US and Australia. There have been a variety of responses to this mediators' dilemma. Clearly, there is a fine line between process advocacy and a breach of neutrality. This is complicated by the fact that the decision to intervene is based on a value judgement by the mediator. It is the mediator, who must assess the relative power difference and act to support the weaker party in order to maximise their input into the discussions. But, how

equipped are mediators to make such judgements and balance the power between parties? It is particularly difficult when a power imbalance is not immediately obvious: 'in interpersonal disputes, power can be based on financial superiority and/or emotional and psychological factors, that is, on an ability to control others or the parties may have different levels of intelligence, articulation and ingenuity' (Clarke & Davies 1992: 71). Mediators may lack detailed knowledge about the circumstances of the parties on which to soundly base an assessment of their relative power. Further, third parties have been found to favour articulate, vibrant disputants (Ingleby 1991) and, in their study on the neutrality of ADR practitioners in US workplaces, Caudill, Oswald and Bemels (1992) showed that gender, positively affected (private) arbitral decisions resulting in female disputants being treated more leniently than male disputants. Also, female arbitrators were found to be less likely to reinstate disputants whose cases had been previously overturned, and older arbitrators awarded shorter suspensions than younger ones (Caudill & Oswell 1993). These findings indicate that the concepts of third party neutrality and independence may largely be an ideological construction. Moreover, the idea of neutrality may be further complicated in the case of the HR manager who is also employed by the firm and sits in a hierarchical relationship with the disputants and performs a range of functions which may run counter to workplace justice.

## **NEUTRALITY AND THE HR MANAGER**

We argue here that HR manager neutrality is difficult, if not impossible to achieve. The conflicting demands on the position of HR managers are now well known: 'no other position requires the delicate balancing of paradoxical roles as the one that is assumed by the human resources professional' (Warnick 1993: 30). At the heart of the tensions within the HR role are the divisions between the so called 'hard' HRM functions of managing numerical flexibility (and, thus, the 'bottom line') through the use of casual, part-time and peripheral workers; and the 'soft' HRM functions of employee development, training and motivation associated with core, full-time employees (Legge 1989). Hart (1993:30) described the role as the 'absurdity' of seeking both efficiency and justice. Similarly, a recent survey in the UK found that HR managers were expected to simultaneously engage in the process of enhancing employee wellbeing at work, while at the same time, acting against it (Renwick, 2003).

The specific roles and functions emerging from the 'hard' and 'soft' concepts of HRM have given rise to a range of titles for HR managers including 'administrative expert', 'employee champion', 'change agent', and 'strategic business partner' (Ulrich 1997). Of these, the 'employee champion' envisages the HR manager as an advocate for employees. The others align the HR manager's interests with the firm's strategic business plan. Clearly, there is potential for conflicting purposes arising from these roles. Indeed Legge (1989) noted that it is close to impossible to fulfill these roles concurrently. Perhaps, partly as a result of such tensions, there has been a move away from the emphasis on administrative expert and employee champion roles towards HR managers having a greater input into business strategy (Fisher, Dowling & Garnham 1999). This shift appears to highlight the 'hard' functions of the HR manager. In terms of decision making, it predicts an alliance with the needs of the firm.

Our discussion of workplace justice requires that employees have an opportunity to resolve their conflicts through an impartial and neutral third party. What, then, is the role of the HR manager in such a scenario? A study of 97 HR managers in Belgium (Buyens & De Vos 2001) confirmed the importance of neutrality in performing the conflict management role. The researchers found that in order to resolve conflict, the HR manager had to 'act as a fire-fighter'; 'search solutions for marginal problems'; and to 'intervene in conflicts between the line and employees (Buyens & De Vos 2001 82'. All three roles have in common an element of the HR manager as a neutral intermediary. More recently, an Australian survey of 500 firms found that almost 30 per cent utilised their HR manager as an internal mediator (Van Gramberg 2002). In the Australian context mediation is a process reliant on a neutral third party (the mediator) to identify the disputed issues, develop options, consider alternatives and facilitate disputant agreement (NADRAC, 1997). In

exercising the standard of neutrality, a mediator must refrain from acting as an advocate or assuming an adversarial role.

## **THE ETHICS OF A CONFLICT OF INTEREST IN HRM**

The multitude of roles inherent in the overall HR function is arguably unethical as their conduct entails an inherent conflict of interest. This was highlighted in a 2003 survey of business ethics conducted jointly by the Society for Human Resource Management and the Ethics Resource Centre which found that 49 per cent of HR managers responding to the survey felt some pressure to compromise their organisation's ethical standards in order to 'follow the boss's directive' (Vickers 2005). Another study of HR managers and corporate accountants demonstrated that ethical behaviour was 'only infrequently a function of personal values' and was significantly 'dictated to by externally generated pressures, but most notably the fear of jeopardizing one's current or future employment prospects' (Lovell 2002:145). Consequently, it can reasonably be inferred that HR managers feel the pressure to privilege orders from their superiors and their own employment prospects over the ethical management of the organisation. These findings also demonstrate the difficulty that managers face in satisfying a prerequisite of neutrality, that is, curbing self-interest (Folger & Cropanzano 1998). In effect the dilemma for HR managers is whether to prioritise successful economic management over considerations such as workplace justice.

This is not a new dilemma. Indeed, Tyler's (1988; 1991) work on workplace justice found that where managers were primarily oriented to tasks or outcomes and focussed on the short term achievement of these goals, they made decisions that had less to do with fairness and more to do with practical goal attainment. The prioritisation of the economic over the ethical was explained by Barrett (1999) who argued that the key discipline for management is to maintain share price and dividend levels and that these imperatives make a long term commitment to workplace justice difficult to sustain.

Is it possible to resolve this dilemma by subordinating economic performance to fairness requirements? McCabe and Rabil (2002) argued that, whilst due process may be applied to the employment relationship there is no legal requirement to do so. Despite this, the authors argued that there may be an ethical obligation to administer organisational due process. They note that

It is all too convenient to overlook, particularly in strategic management that there are other matters, ethical ones, such as justice and fairness, to be considered. An organization's willingness to embrace due process should be as much for ethical reasons as it is for practical business purposes.

This argument gains greater force as society increasingly expects from organisations greater accountability for conduct which has impacts beyond the boundaries of the workplace; for example, public advocacy campaigns directed at companies which import clothing manufactured by low wage labour (eg Klein 2000). From such a point it is then arguable that organisations are also accountable for providing fair treatment to employees as a matter of process.

If this argument is accepted it is a small step to advocate the position that the principles of workplace justice, not just due process, should be installed as an ethical code into the handling of workplace disputes. However, grievance procedures alone do not guarantee substantive fairness. We have already canvassed the dilemmas facing HR managers in implementing the grievance procedures in terms of potential conflicts of interest and impaired neutrality and allegiance to organisational objectives. One solution may be to remove dispute resolution to a different third party such as an internal ombudsman or an accredited mediation consultant. Though even this solution is problematic where the third party is in a contractual relationship with the organisation.

Prioritising business goals over other workplace concerns can be justified as being in the interests of shareholders and thus for the greater good of the business. An individual worker's right to

fairness can be argued as being contingent on the benefits to the business as a whole (see generally Winstanley & Woodall 2002). However, management preoccupation with maximising shareholder value has been shown not always to be in the long term interest of the organisation and this is well established in the downsizing literature (Hamel & Prahalad 1994). Perhaps a longer term view of business success might consider the benefits to organisations of affording workplace justice through an HR manager who ascribes to impartiality, the concern for equidistance. The weakness of the greater good of the business case, essentially a utilitarian position, which we described above, would be ameliorated by the requirement to ensure that each disputant has an equal opportunity to have their concerns heard and dealt with. In this sense, impartiality is informed by the Rawlsian (1971) doctrine that firstly, each worker has an equal right to liberty and secondly that the distribution of justice should either benefit all or at least not further disadvantage weaker members of the group.

The exercise of impartiality cannot solely rely on the moral judgement of the individual HR manager. To do so would be to condemn the practice of impartiality to the vagaries of ethical relativism which can lead to a belief that any mediator behaviour is acceptable. We argue that a more Kantian approach, incorporating a rule-based code of ethics embedded with the principles of procedural, distributive and interactional justice along with substantial training in workplace justice may positively contribute to fairer dispute resolution for all workplace actors.

## **CONCLUSIONS**

In this paper we have argued that the notion of neutrality in dispute resolution is at odds with other roles of HR managers that are more clearly in service of the immediate goals or needs of the organisation. These roles envisage an allegiance either to the organisation (strategic partner, administrative expert) or to the employees (employee champion). The growing shift in the role of the human resources manager to that of strategic partner suggests that managerial behaviours that subordinate the interests of employees to the short term needs of the organisation are the norm. Despite this manifest conflict of interest, the resolution of workplace disputes remains a key HR function. Additionally, the emphasis on neutrality in most dispute resolution models is likely to lead to less intervention by HR managers. This in turn, may lead to decisions that benefit the organisation over less powerful individuals. Whilst taking a neutral stance in conflict resolution may assist short term goal attainment for the organisation, longer term benefits could be achieved through affording workplace justice. Finally, it is suggested that impartiality informed by an ethical code embedded with the principles of workplace justice can moderate the conflict of interest in the HR managers' role while assisting in delivering fairer dispute resolution outcomes. This is also an outcome resonant with changing social attitudes to the behaviour of corporations.

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