How Effective Is an Apology in Resolving Workplace Bullying Disputes?
Suzy Fox; Lamont E Stallworth
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How
Effective
Is an Apology
in Resolving
Workplace
Bullying Disputes?

An Empirical
Research Note

BY SUZY FOX AND
LAMONT E. STALLWORTH

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It is almost impossible to read a newspaper or watch the news today without seeing or hearing that someone prominent in politics, academia or entertainment has apologized for one kind of bad behavior or another\(^1\) in the hope of bringing a controversy involving that person to an end. (The authors refer to this as a “utilitarian apology.”) Indeed, the phenomenon of offering a utilitarian apology is so common that one recent television news show asserted that it is “a sign of the times.”\(^2\) Yet it hardly seems that Americans are an apologetic type of people.
It is well known that far-eastern cultures like those of Japan and China are supportive of the custom and practice of offering an apology, but whether the United States has a culture supportive of apologies could be questioned since Americans are thought to be more egocentric and individualistic.

Currently there is a very small number of published empirical research on the effectiveness of apologies in resolving workplace and some other types of disputes. The authors determined to fill that gap by examining that topic in the context of bullying disputes in the workplace. Their study was prompted by an article on the subject of apology by David Hoffman and by an EEO diversity conference co-sponsored by Loyola University-Chicago and the Center for Employment Dispute Resolution at which the theoretical effect of apologies was discussed. Also motivating this endeavor was author Lamont Stallworth’s experience as an EEO mediator handling a matter in which the “breakthrough” came when the employer's human resources vice president offered an apology for the manner in which an older worker was terminated.

The research on which this paper is based focused on the respondents’ experience with workplace bullying, how targets of bullying viewed the hypothetical effectiveness of various ways employers might handle complaints of bullying, and, in particular, whether an apology would or would not be effective in resolving bullying disputes. The authors hoped their research would address the following questions with respect to apologies: Would African-American workers be more likely than white workers to accept apologies? Would female workers be more likely than male workers to accept apologies? And would workers (including managers) who felt that an apology would make a difference in the resolution of a workplace bullying dispute also be more likely to support the use of internal conflict resolution processes such as neutral fact-finding, mediation and arbitration? The answer to these questions should interest employers who wish to reduce the substantial cost of employment dispute resolution and workers who wish to avoid the substantial economic and non-economic costs and psychological stress of litigation.

I. Study Method

A. Obtaining the Respondents

The authors used lists provided by the National Association of African-American Human Resources Professionals, Hispanic MBA Association, Loyola University Chicago Alumni Association (MBA graduates), and the National Black MBA Association (Illinois) in order to obtain respondents for this study. The researchers mailed and e-mailed invitations to the addressees on these lists and asked them to voluntarily participate. Those who wished to respond by mail, e-mail, and by directly responding to an online version on the internet. The authors received usable responses from 262 full-time employees.

The first 13 questions of the questionnaire asked for information about the respondents’ age, gender, ethnicity, employment status and most recent position, self-characterization of color, place of birth, primary language, education, income, number of employment grievances or EEOC charges filed in the past five years, and the percentage of work experience in the unionized setting.

B. General Characteristics of Respondents

The authors found that the respondents worked for a broad range of employers and represented workers and managers at all levels. Managerial positions were held by 161 (62%) of the survey respondents.

The racial breakdown was 28 (9%) Asian, 138 (52%) African-American, 27 (10%) Hispanic/
Latino, 71 (27%) White, and 4 (2%) "other." The gender breakdown was 90 (34%) men and 172 (66%) women.

An exact response rate could not be calculated, because the e-mail lists were of indeterminate length and the postal mailing produced a large number of "addressee unknown" returns.

C. Bullying Experiences

Lorelei Keashly, one of the leading bullying researchers in this country, has defined workplace bullying as "persistent negative interpersonal behavior experienced by people at work." Researchers do not agree on the extent to which negative interpersonal behaviors needs to be ongoing, or must involve status or power differences, in order to be considered bullying. The authors chose to use Keashly's broad definition of bullying, which includes a wide range of experiences, and empirically test assumptions about different types of bullying.

The authors crafted this question to determine the scope of bullying problems: "Over the past 5 years, how often have you experienced someone behaving toward you as follows in your place(s) of work?" So that the authors could obtain specific descriptions of the type of bullying, they listed in the questionnaire two types of bullying behaviors derived from the bullying and dispute resolution literature. The two types are called "general bullying" (25 different behaviors) and "racial/ethnic bullying" (7 behaviors). Racial/ethnic bullying behaviors involved negative action and inaction due to race or ethnicity, such as making racial slurs and excluding people from an activity because of their race or ethnic background. See Table 1.

In addition to these bullying items, the authors asked the following open-ended question intended to elicit more information about the circumstances of the respondents' bullying experiences: "Within the last five years, please describe an incident directed toward yourself that you felt was unfair, discriminatory, or emotionally abusive. Please include where and when it happened, who was involved, and whether this incident occurred in a unionized or non-unionized setting. (If a unionized setting, please indicate if you were a bargaining unit member or member of the union)."

To obtain information about who the bullies were, the questionnaire directed the respondents as follows: "For each [bullying behavior on the list] that has occurred, please indicate who did the behavior (1 = co-worker; 2 = a supervisor; 3 = both; 4 = other)." 11

<table>
<thead>
<tr>
<th>Table No. 1. General and Racial/Ethnic Bullying Behaviors.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General bullying behavior</strong></td>
</tr>
<tr>
<td>Made aggressive or intimidating eye contact or physical gestures (e.g., finger pointing, slamming objects, obscene gestures).</td>
</tr>
<tr>
<td>Gave you the silent treatment.</td>
</tr>
<tr>
<td>Limited your ability to express an opinion.</td>
</tr>
<tr>
<td>Situated your workspace in a physically isolated location.</td>
</tr>
<tr>
<td>Verbal abuse (e.g., yelling, cursing, angry outbursts).</td>
</tr>
<tr>
<td>Demeaned you in front of co-workers or clients.</td>
</tr>
<tr>
<td>Gave excessively harsh criticism of your performance.</td>
</tr>
<tr>
<td>Spread false rumors about your personal life.</td>
</tr>
<tr>
<td>Spread false rumors about your work performance.</td>
</tr>
<tr>
<td>Repeated things to others that you had confided.</td>
</tr>
<tr>
<td>Made unreasonable work demands.</td>
</tr>
<tr>
<td>Intentionally withheld necessary information from you.</td>
</tr>
<tr>
<td>Took credit for your work.</td>
</tr>
<tr>
<td>Blamed you for errors for which you were not responsible.</td>
</tr>
<tr>
<td>Applied rules and punishments inconsistently.</td>
</tr>
<tr>
<td>Threatened you with job loss or demotion.</td>
</tr>
<tr>
<td>Insulted you or put you down.</td>
</tr>
<tr>
<td>Interrupted you while you were speaking.</td>
</tr>
<tr>
<td>Flaunted his/her status over you in a condescending manner.</td>
</tr>
<tr>
<td>Intentionally left the area when you entered.</td>
</tr>
<tr>
<td>Failed to return your phone calls, e-mails, etc.</td>
</tr>
<tr>
<td>Left you out of meetings or failed to show up for your meetings for no legitimate reason.</td>
</tr>
<tr>
<td>Attacked or failed to defend your plans to others.</td>
</tr>
<tr>
<td>Intentionally destroyed, stole, or sabotaged your work materials.</td>
</tr>
</tbody>
</table>

**Racial/ethnic bullying: Based on Race or Ethnicity**

Made derogatory comments about your racial or ethnic group.
Told jokes about your racial or ethnic group.
Used racial or ethnic slurs to describe you.
Excluded you from social interactions during or after work because of your race or ethnicity.
Failed to give you information you needed to do your job because of your race or ethnicity.
Made racist comments (for example, said people of your ethnicity aren't very smart or can't do the job).
Made you feel as if you have to give up your racial or ethnic identity to get along at work.

For each of the general and racial/ethnic bullying items respondents were supposed to indicate how often they experienced any of them using the following scale: 1=never; 2=rarely; 3=sometimes; 4=quite often; 5=extremely often.

D. Effectiveness of ADR Programs and HR Departments

The authors also sought to determine the respondents' preferences regarding the handling of workplace complaints. They singled out respondents' views about internal conflict management processes and strategies by asking "on a scale from 1-5" how effectively they thought the following human resource systems and strategies would address unfair or discriminatory incidents:
• encouraging employees to voice their opinion about the workplace;
• encouraging employees to speak up when they saw another employee being treated unfairly;
• having a counselor, ombudsperson, employee assistance program; or mentoring program;
• offering mediation or arbitration.

To assess the respondents' attitudes towards different approaches to resolving the conflict, the survey asked respondents to assume they were involved in an employment dispute as a result of having received unfair or abusive treatment at work and then state how much they agreed or disagreed (on a 1-5 scale with 1 being strongly agree and 5 being strongly disagree) with the following:
• I feel comfortable using an unbiased third-party workplace dispute resolver; I trust the company's internal dispute resolution program.

In contrast to these internal organizational approaches, respondents were asked to state the degree to which they agree with two external approaches: legislation and litigation.
• You support legislation to prohibit bullying or emotionally abusive behavior in the workplace.
• You trust the public justice system (e.g., courts) to handle such situations.

E. Role of Apology

Central to the authors' research was the respondents' attitudes toward an apology from the employer and how it would affect them. The survey addressed this by asking the respondents how much they agreed or disagreed (on the same 1-5 scale) with the following statements.

Assuming you have been treated unfairly or abusively by someone at work:
• An apology from the employer would have made a difference to you (Apology Statement-APO #1)
• Assuming an EEOC charge had been filed, an apology would prompt you to withdraw the charge (Apology Statement-APO #2) or
• Assuming an EEOC charge had been filed, an apology would prompt you to settle (Apology Statement-APO #3).

II. Statistical Analysis

The authors computed mean scores for the following categories of bullying: "general bullying," "racial/ethnic bullying," "supervisory general bullying" (i.e., the bully was identified as the respondent's supervisor); "co-worker racial/ethnic bullying."

Respondents were divided into subgroups based on whether they had experienced bullying (targets) or not (non-targets), and whether they had experienced racial/ethnic bullying or not.

Respondents were also divided into subgroups based on those who did and did not experience "general bullying by a supervisor," "racial/ethnic bullying by a supervisor," "general bullying by a co-worker," or "racial/ethnic bullying by a co-worker." The authors could not meaningfully compare those who experienced general bullying with those who did not because 97% of the survey respondents reported having experienced general bullying at work. Therefore, they divided the subgroups of those who experienced "general bullying" into three additional groups based on their mean general bullying scores (high, middle, and low). Then the authors compared the high and low general bullying scores ("Total General Bullying Low vs. High"). This enabled them to compare the views of targets and non-targets on the effectiveness of apologies and other aspects of the survey.

The authors also computed a fourth variable: the mean of the three apology statements, which they gave an overall apology score. They called this the "MEANAPO." MEANAPO is used to represent a generalized attitude toward apologies in bullying cases.

III. Statistical Results

Table No. 2 presents the authors' statistical findings about the attitudes of bullying targets and non-targets toward an apology. The key assumption being tested is that the personal experience of being bullied will influence a person's
attitudes toward the fairness and efficacy of personal, organizational, and extra-organizational means of redress.

**A. Respondents as a group**

Overall, a significant majority (67%) of respondents (both targets and non-targets) agreed (strongly or slightly) that an employer apology would have made a difference to them in resolving a workplace dispute; however, less than one third (29%) agreed (strongly or slightly) that an apology would prompt a withdrawal of an EEOC charge; slightly more than one third (35%) agreed (strongly or slightly) that an apology would prompt settlement of the case.

**B. Expectations versus Findings**

Based on previous research, the authors expected that African-American workers would be more likely to accept apologies than white workers, and that female workers would be more likely to accept apologies than male workers. The authors also assumed that workers and managers who were receptive to an apology would be more likely to support the use of internal conflict resolution processes such as neutral fact finding, mediation and final and binding arbitration.

However, the authors’ findings were not always consistent with these expectations and assumptions. They found that African-Americans were significantly less willing than whites to give significance to an apology, having a lower MEANAP0 for each apology statement on the questionnaire (2.95 vs. 3.41). Contrary to their expectations, the authors found that men were slightly more willing than women (mean of 2.94 vs. 2.66), and managers were significantly more willing than non-managers (mean of 2.86 vs. 2.56), to withdraw an EEOC apology.

### Table No. 2. Endorsement of Apologies

<table>
<thead>
<tr>
<th></th>
<th>APO 1</th>
<th>APO 2</th>
<th>APO 3</th>
<th>MEANAP0</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>67.30%</td>
<td>3.72</td>
<td>28.62%</td>
<td>2.75</td>
</tr>
<tr>
<td><strong>Men</strong></td>
<td>64.66%</td>
<td>3.74</td>
<td>30.00%</td>
<td>2.94</td>
</tr>
<tr>
<td><strong>Women</strong></td>
<td>68.23%</td>
<td>3.71</td>
<td>28.41%</td>
<td>2.66+</td>
</tr>
<tr>
<td><strong>Managers</strong></td>
<td>72.05%</td>
<td>3.78</td>
<td>35.41%</td>
<td>2.86</td>
</tr>
<tr>
<td><strong>Non-mgrs</strong></td>
<td>58.76%</td>
<td>3.61</td>
<td>17.71%</td>
<td>2.56*</td>
</tr>
<tr>
<td><strong>African-American</strong></td>
<td>62.05%</td>
<td>3.54</td>
<td>26.28%</td>
<td>2.58</td>
</tr>
<tr>
<td><strong>Whites</strong></td>
<td>75.71%</td>
<td>4.04**</td>
<td>24.28%</td>
<td>2.93*</td>
</tr>
<tr>
<td><strong>Bullying</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOW</td>
<td>65.06%</td>
<td>3.72</td>
<td>26.50%</td>
<td>2.82</td>
</tr>
<tr>
<td>HIGH</td>
<td>64.44%</td>
<td>3.61</td>
<td>32.59%</td>
<td>2.66</td>
</tr>
<tr>
<td><strong>Bullying Supervisor</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>76.00%</td>
<td>4.06</td>
<td>36.00%</td>
<td>3.14</td>
</tr>
<tr>
<td>YES</td>
<td>65.26%</td>
<td>3.64*</td>
<td>26.89%</td>
<td>2.66*</td>
</tr>
<tr>
<td><strong>Bullying Co-worker</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>67.76%</td>
<td>3.78</td>
<td>29.73%</td>
<td>2.67</td>
</tr>
<tr>
<td>YES</td>
<td>66.88%</td>
<td>3.68</td>
<td>27.82%</td>
<td>2.81</td>
</tr>
<tr>
<td><strong>Racial/Eth. Bullying</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>67.08%</td>
<td>3.75</td>
<td>24.38%</td>
<td>2.71</td>
</tr>
<tr>
<td>YES</td>
<td>67.64%</td>
<td>3.68</td>
<td>35.29%</td>
<td>2.80</td>
</tr>
<tr>
<td><strong>Racial/Eth. Bullying Supervisor</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>67.29%</td>
<td>3.76</td>
<td>26.76%</td>
<td>2.74</td>
</tr>
<tr>
<td>YES</td>
<td>67.34%</td>
<td>3.57</td>
<td>36.73%</td>
<td>2.80</td>
</tr>
<tr>
<td><strong>Racial/Eth. Bullying Co-worker</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td>67.24%</td>
<td>3.72</td>
<td>25.97%</td>
<td>2.69</td>
</tr>
<tr>
<td>YES</td>
<td>67.74%</td>
<td>3.77</td>
<td>48.39%</td>
<td>3.16*</td>
</tr>
</tbody>
</table>

Percentages are followed by mean scores, with range: 1-5.

**APO 1:** If the employer were to have offered an apology for the incident, it would have made a difference in satisfying the matter.

**APO 2:** If you filed a charge, an apology would prompt you to withdraw the charge.

**APO 3:** If you filed a charge, an apology would prompt you to settle the case.

**MEANAP0** (Mean of APO 1-3)

T-tests indicate significant differences in mean scores: +p<.10  *p < .05  **p<.01

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charge if an apology were offered. Men and managers had higher MEANAPo's than women and non-managers on the three apology statements in the questionnaire (3.22 vs. 2.99).

**Comparison of Bullying Subgroups**

The authors expected that targets of "supervisory bullying" would associate their bullying experiences with organizational injustice and therefore would be less likely than non-targets to think an apology would be useful. The authors also expected targets of "co-worker bullying" would consider bullying to be an interpersonal event and therefore would be more likely to believe that an apology would be useful.

The authors observed no significant differences between targets and non-targets of total general bullying in their responses toward the three apology statements in the questionnaire (or in their overall MEANapo). However, there were differences in attitudes within the subgroups of targets when the type of bully was taken into consideration. Providing partial support for the authors' expectations, targets of coworker bullying were more likely to think that an apology would prompt them to settle a case (mean of 3.06) than non-targets (mean of 2.75). However there were no significant differences for the other apology items. Similarly, targets of racial/ethnic bullying by coworkers were significantly more likely to think that an apology would cause them to withdraw an EEOC charge (mean of 3.16) than non-targets (2.69) of such bullying; but there were no differences on the other apology items.

When the bully was a supervisor, a different picture emerged. Consistent with the authors' expectations, targets of supervisory bullying were significantly less likely than non-targets to think that an apology would have any effect at all (MEANAPo of 3.04 vs. 3.52). However, targets and non-targets of racial/ethnic bullying by supervisors did not differ in their attitude toward an apology, although the attitudes of targets of supervisory racial/ethnic bullying had consistently more negative attitudes toward apologies than targets of coworker racial/ethnic bullying.

Also consistent with their expectations, the authors found a correlation between the apology scores and support for internal dispute resolution. Targets who indicated that they would find meaning in an apology supported the use of employer-sponsored conflict management ADR programs or systems.

But contrary to their expectations, the authors observed no significant relation between apologies and support for legislation requiring employers to implement internal conflict management programs, nor for litigation to resolve such conflicts.

**IV. Discussion: What Does an Apology Have to Do with It?**

The authors assumed that an apology could have an effect on the resolution of workplace bullying disputes and their primary goal was to shed some light on what that effect might be.

The study results suggest that the status of the target influences the effect of an apology. The findings may be explained in terms of "efficacy" theory in which the subject has a strong belief in his or her own ability to "effectuate change," not only for their particular benefit but for the organizational good. The absence of feelings of efficacy could be as important as the presence of such feelings.

**Women and Racial Minorities**

Concern has been expressed in the literature that mediation and other ADR processes may be unfair to women and racial minorities. The concern is usually an "imbalance of power" based on economics and/or education and the inability to retain legal counsel. Nevertheless, research suggests that women and racial minorities do not believe that they are being unfairly treated in mediation with an employer whose bargaining power is greater because they have tended to be more satisfied with a lesser outcome in mediation than their white male counterparts. If these minority groups were relatively more satisfied than white men with mediation outcomes, it seemed logical to assume that the same racial minorities would be more receptive to an apology as consideration in the resolution of a dispute. However, the author's statistical results did not confirm this assumption. To their surprise, it showed that male targets of bullying were more affected by an apology than women.

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and African-American targets of workplace bullying.

The "efficacy theory" referred to above could explain these results with white males believing in their ability to create change and women and African Americans lacking as strong a belief. Targets of "supervisory bullying" had even less of a belief an apology as a stimulus for resolving a workplace dispute. This too can be viewed as a lack of belief in the individual's own efficacy. These victims of bullying did not feel that accepting an apology would effectuate any change whatsoever.

Managers versus Non-Managers

Nearly 62% of survey respondents held managerial positions. One would expect managers to feel more "efficacious" than non-managers. However, the lack of efficacy appears to be a less relevant factor in the case of co-worker bullying. The study revealed that non-managers who were bullied by a co-worker were more receptive to an apology than non-managers who did not experience bullying.

The authors suggest that the reason for this is that an employee who is bullied by a peer (as opposed to a supervisor) will not necessarily blame the organization and lose faith in the corporate culture. However, when the bully is a supervisor (an agent of the employer), the worker is more likely to lose faith in corporate justice.

Racial and Ethnic Bullying

When bullying involved "racial and ethnic comments or actions" by a co-worker, the respondents tended to be more likely to accept an apology and withdraw an EEOC charge (Table No. 2, 3.16 versus 2.69). The authors suggest two possible explanations for these results.

First, both bullying targets and the bully have the same or similar status within the organization. So here too, the event may be considered an interpersonal problem, rather than an institutional one. Second, the target may be satisfied with an apology believing that the bully, having been exposed to corporate authorities, will cease to engage in the complained-of behavior or risk termination of employment. Third, the target may be more inclined to "forgive" a bully with equal or similar status and, as Hoffman suggested, "trust" that there will be no similar future harassing and retaliatory conduct.

Apology and Internal Conflict Management Programs

Apology and Support for ADR

An issue of interest to the authors was whether

<table>
<thead>
<tr>
<th>Table 3. Correlations of Apology and Support for Internal and External Dispute Resolution.</th>
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<tbody>
<tr>
<td>APO 1</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Internal Dispute Resolution</td>
</tr>
<tr>
<td>External Dispute Resolution</td>
</tr>
</tbody>
</table>

APO 1: If the employer were to have offered an apology for the incident, it would have made a difference in satisfying the matter.

APO 2: If you filed a charge, an apology would prompt you to withdraw the charge.

APO 3: If you filed a charge, an apology would prompt you to settle the case.

MEANAPO (Mean of APO 1-3)

** p < .001

*** p < .0001

the survey participants who were favorably disposed toward an apology supported the use of internal conflict management programs and strategies (e.g., consulting an unbiased third-party workplace dispute resolver or trusting an internal organizational dispute resolution mechanism or programs), as opposed to litigation or legislation. To test this, the above two internal dispute resolution processes were combined into the variable DRINT, and the anti-bullying legislation items were combined into the variable DREXT. Correlations of these two dispute resolution variables with the apology items are shown in Table 3.

The authors found strong evidence that acceptance of apologies was correlated with support for internal organizational dispute resolution programs, but not with approaches external to the company (e.g., legislation and litigation). This is a significant finding for a number of reasons. First, it has become increasingly difficult for an employee to prevail in a statutory employment dispute, particularly in cases involving workplace bullying. Consequently, most workers are better off resolving a bullying dispute internally and preserving the employment relationship or "moving on." So are employers, since it can be very costly for employers to defend against employment claims. Second, early access to multi-step corporate conflict management programs can provide both workers and employers with an opportunity to resolve the problem using mediation, leading to a possible "win-win" situation. Mediation also can help the parties address the underlying or real cause of their problem and save them both financial and psychological distress. Third, mediation programs often help preserve employment relationships; thus, they can be used to promote the public policy supporting diversity in the workplace. This is a critical point, particularly given the Supreme Court's decision in Grutter v. Bolinger, which recognized that support of diversi-
ty is a matter of public policy and in the public interest. Last, since mediation protocols provide for privacy and confidential proceedings, this form of dispute resolution provides a safe context (a kind of safe harbor) in which to engage in problem-solving negotiations. It is also where expressions of apology, regret and sympathy may be safely offered without fear that they may be used later as an admission against interest.

V. Conclusion

In “All I Really Needed To Know I Learned In Kindergarten,” Robert Fulghum sets forth some 10 propositions about life lessons. One is “Say You Are Sorry When You Have Hurt Somebody.” This life lesson is supported by the findings of this study, which indicate that an offer of an apology has the potential to resolve workplace harassment disputes involving bullying. This finding also supports Hoffman’s views about the potential value of an apology.

The theoretical and practical significance of this and other findings of this exploratory study need further consideration and thought about how to establish more “safe harbors” in which offers and acceptance of apology may be made.

ENDNOTES

1 The latest manifestation of this is Vice President Dick Cheney’s inadvertent shooting of a friend with whom he was quail hunting: Reports of the accidental shooting, and Mr. Cheney’s response four days later made newspaper headlines across the country. See also Apology In The News? need more for proper citation.

2 See ABC.com for a series of segments and reports on apology.


6 See Hoffman supra n. 3.

7 In this particular case, the offered apology was a recognition that the employer “could have done a better job in the way” the employee was terminated and not for the termination decision.


11 The survey also sought to determine how respondents reacted to workplace bullying, but that part of the survey results is outside the scope of this paper.

12 The survey also asked whether the respondents’ employers have such programs and strategies in place. In an open ended question it also asked the respondents to suggest other conflict resolution methods that employers should implement to address bullying and emotional abuse and discriminatory behavior in the workplace. However, this part of the survey is beyond the scope of this article.

13 This variable is psychometrically sounder than the single item variables.

14 The significance of these differences is tested by t-tests of the mean scores.

15 Id.

16 The authors were not trying to prove a causal relationship between an apology and resolution of those disputes. However, they believe that the finding that an employer’s apology could prompt a victim of bullying to withdraw or settle an EEOC charge support this assumption. See Table 2, MEANANO 28.62. This finding should interest employers who incur significant costs in defending against employment claims.


18 See, e.g., articles by Hermann et al., Grillo, and Hermann, cited supra n. 8; and Gary LaFree & Christine Rack, “The Effects of Participants’ Ethnicity and Gender on Monetary Outcomes in Mediated and Adjudicated Civil Cases,” 30 Law & Soc’y Rev. 767, 770 (1996).

19 A party with less economic power may be forced to appear without counsel (i.e., pro se). See, e.g. Lewis Malby, “Paradise Lost—How the Gilmer Court Lost the Opportunity for Alternative Dispute Resolution to Improve Civil Rights,” 12 N.Y. L. Sch. J. Hum. Rts. 1 (1994) (asserting that 95% of the time Title VII plaintiffs are not successful in obtaining legal representation).

20 See, e.g., Hermann supra n. 8.

21 See Table 2 (women: MEANANO 2.94 vs. 2.66).

22 See Table 2 (African-American: MEANANO 2.95 vs. 3.41).

23 See Table 2, MEANANO 3.04 vs. 3.52).

24 Table 2, MEANANO 3.06 vs. 2.75.


26 Theoretically the “co-worker bully” should cease bullying conduct, but what motivates bullying behavior may not be so controllable.

27 Hoffman, supra n. 3.

28 See Theodore Eisenberg & Stewart J. Schwab, "Double Standard on Ap-


10 Losing one’s job can impose greater hardship on an older or less skilled or credentialed worker.

11 Employers may spend $96,000 to $100,000 defending such cases. See Cascio, supra n. 9.

12 Gray v. Bollinger, 539 U.S. 306 (2003), upholding the race-conscious affirmative action admissions program at the University of Michigan Law School. In so doing, the Supreme Court opined that “diversity” is a matter of “public interest.”

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