# Consent is an organizational behavior issue

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A B S T R A C T

Consent is central to many organizational interactions and obligations. Employees consent to various terms of employment, both formal (contractual obligations) and informal (extra-role responsibilities, interpersonal requests). Yet consent has traditionally been considered a legal matter, unrelated to organizational behavior. In this article, we make a case for why, and how, organizational behavior scholars should undertake the study of consent. We first review scholarship on the legal understanding of consent. We argue that the traditional legal understanding is an incomplete way to think about consent in organizations, and we call for a more nuanced understanding that incorporates psychological and philosophical insights about consent—particularly consent in employer-employee relationships. We then connect this understanding of consent to traditional organizational behavior topics (autonomy, fairness, and trust) and examine these connections within three organizational domains (employee surveillance, excessive work demands, and sexual harassment). We conclude with future directions for research on consent in organizations.

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Consent is a central feature of a number of pressing organizational issues from employee surveillance to sexual harassment to worker exploitation and other abuses of power. Yet organizations and organizational scholars typically consider consent to be a legal matter, without considering its underlying psychology or organizational behavior implications. This oversight can have important consequences. In addition to its legal implications, consent has important moral and practical implications for organizations. By failing to acknowledge these factors, we limit our understanding of how consent—and one's interpretation thereof—pervades a variety of organizational contexts and interactions. In this article, we make a case for why, and how, organizational behavior scholars should undertake the study of consent.

While organizations primarily seem to be concerned with consent as it relates to liability, consent is fundamentally about autonomy, respect, and relationships—features of any organizational encounter or expectation. Employees enter into various agreements with and make numerous promises to their employers. Some of these agreements and promises are more formal—for example, employees consent to mandatory arbitration agreements, waiving their right to sue for discrimination and other violations (Kaufmann & Chanin, 1994); they sign consensual relationship agreements or "love contracts" as a purported means of curbing sexual harassment

(Chen & Sambur, 1999; Mainiero & Jones, 2013); and workers ostensibly give their managers permission to surveil them via agreeing to the terms of use of various productivity apps (Ajunwa et al., 2017). Others are less formal—for example, an employee may agree to a certain deadline, or quality of output, or code of conduct. An employee's subjective experience of genuinely consenting to any of these agreements or promises can impact various personal and organizational outcomes. In the following sections, we review theory and research on the factors that determine whether an employee has indeed consented in a given situation, and how their feeling of having consented (or not) impacts important organizational outcomes. We then go on to discuss the many open questions that future research can begin to answer related to the important role of consent in organizations.

## What is consent?

Consent is notoriously difficult to define. The legal definition contradicts the prevailing lay understanding (Sommers, 2019). Actors' and observers' assessments of the same situation often differ from one another (Sommers & Bohns, 2019). Even the dictionary and legal definitions appear to contradict one another: The *Oxford English Dictionary* defines consent as "voluntary agreement to or *acquiescence* in what another proposes or desires" (italics ours). Yet many legal scholars and anti-sexual violence advocates maintain that "acquiescence" is *not* synonymous with consent. In sum, according to legal scholar and author of *The Logic*

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*of Consent* Peter Westen (2017), "we have only vague and conflicting notions of what we mean by consent" (p. 2).

According to Westen, the reason there are so many conflicting ideas about what exactly constitutes consent is because when we use the term "consent," we could be referring to any one of several different conceptualizations of the concept. We might be referring to an individual's *state of mind*, or subjective experience; we might be referring to an individual's *expression* of consent, as in their words or actions; or, we might be referring to *legal consent*, which is a judgment about the relationship between two parties—namely, what one party is allowed to do to another, or has committed to do for another. While these conceptualizations are clearly interrelated, they are not equivalent, and they can diverge in important ways (Bohns, in press).

Most often, when organizations concern themselves with the topic of consent, they are interested in the last of these formulations of the concept: What is the nature of the relationship between the organization and its employees? In other words, what is the organization *legally* allowed to do to, or ask of, its employees?

Given this traditional focus, we begin by reviewing scholarship on the legal understanding of consent. Then, in the sections that follow, we review several limitations of the legal understanding. Ultimately, we argue that the traditional legal understanding provides organizations with an incomplete way of thinking about consent, and we call for a more nuanced understanding of consent that incorporates psychological and philosophical insights about the nature of consent—particularly consent in employer-employee relationships.

### The legal understanding of consent

Employees enter into various agreements with and make numerous promises to their employers and managers that alter the relationship between the two parties—i.e., what one party is allowed to do to or expect of the other. Assessing any one of these agreements or promises from a legal perspective means stepping back and asking, as an objective observer, whether both parties were: 1) appropriately informed; 2) capable of making such an agreement or promise; and 3) came to the decision voluntarily. Below we review each of these three criteria of legal consent in more detail.

### Informed consent

The first criterion of legal consent is that a person knows what they are consenting to. This means they are accurately and appropriately informed, and that they can comprehend this information (Nelson et al., 2011). Notably, what counts as "informed" consent can vary by context. For example, in medical contexts, the legal standard of disclosure is different (i.e., higher) than in sexual contexts. This is due to information asymmetries that exist between doctors and patients, assumptions about what counts as general knowledge in the medical versus sexual domain, and situational norms and expectations (Beauchamp, 2010). However, across contexts there is a basic assumption that for someone to be deemed to have legitimately consented, they must have all the information that would reasonably be required for them to make a sound decision, they must be able to comprehend that information, and that information must not be inaccurate or intentionally misleading (Sommers, 2019).

### Competence

The second criterion of legal consent is that a person has the competence, or the cognitive and emotional capacity, to consent (Sommers, 2019). Such capacity is partially developmental in nature, which is why minors are generally not considered competent enough to consent. However, competence can also

be compromised by intoxication, mental illness, and even pain, each of which can make someone incapable of consenting (Kleinig, 2010; Kramer, 1994). Determinations of competence can be tricky though, given that most of us do not undergo a dramatic developmental transformation the day we turn 18, individuals have varying tolerances for alcohol and other substances, and the cognitive impairments produced by conditions such as mental illness and pain are often intermittent and unpredictable. Further, because deeming someone incapable of consent essentially strips them of a significant degree of autonomy (e.g., control over what happens to their body or their property), such determinations are generally not taken lightly.

### Voluntary consent

The third and final criterion (according to the many legal and ethics scholars who use a three-criterion definition of consent; e.g., Grisso & Appelbaum, 1998; Kleinig, 2010; Sommers, 2019) is that an individual has entered into an agreement voluntarily. In other words, a person's decision must be intentional and "free[] from controlling influences" (Nelson et al., 2011). This means that there is no such thing as "involuntary consent," since the use of coercion invalidates consent. However, notably, coercion specifically refers to "a credible and severe threat of harm or force to control another," and is distinguishable from other influence tactics, such as persuasion and manipulation (Beauchamp, 2010, p. 69). So, while explicitly threatening someone's job is clearly coercion, convincing someone to change their decision is generally not, nor does inferring that one's employment might be in peril indicate coercion, legally speaking. This is a point we will return to later.

## Psychology and the limitations of legal consent

Since organizations are typically more concerned with how consent informs legal liability, little attention has been paid to the *subjective* experience of consent within organizational contexts (cf., Bohns, in press). For example, while an employer might pour over a question such as, "Do we have the *legal right* to look at an employee's email or web browsing history?," they would typically be less interested in the question, "Would looking at an employee's email or web browsing history *feel to them* like a violation of their privacy?" Yet the latter question is also fundamentally about the nature of consent and can have important implications for organizations and their employees.

Such questions go beyond the legal definition of consent and get at the psychology of consent. Indeed, research finds that people often do not know what they have agreed to (Wilkinson-Ryan, 2011; Wilkinson-Ryan & Hoffman, 2010) and that people may feel pressured into saying "yes" to requests for a variety of reasons (Bohns et al., 2014; Bohns & DeVincent, 2019; Sah et al., 2019; Sommers & Bohns, 2019), suggesting that independent of a determination of the legality of consent in any given case, the consenting individual may or may not *feel* as if they were informed, capable of deciding, and free to say no. In other words, an individual's subjective feeling of consent may diverge from a legal determination of consent in important ways (cf., Bohns, in press).

Further, an employee's subjective feeling of having consented, or not—e.g., to give up some of their privacy, enter into a romantic relationship with their boss, travel as much as they do, settle disputes with their employer outside of court, accept a certain rate of pay—is likely to impact a variety of important organizational outcomes, such as job satisfaction, employee motivation and productivity, turnover, commitment, and counterproductive workplace behaviors. In this section, we review several findings on the psychology of consent—and its natural comparison, compliance—that are not captured by the legal understanding of

consent, but may nonetheless impact various organizational behavior outcomes, which we review later.

### The psychology of "informed" consent

As noted earlier, legally, consent requires that someone is accurately and appropriately informed of what they are consenting to. However, several studies from psychology and related fields reveal numerous complexities of this seemingly basic requirement: people do not read the terms and conditions to which they are consenting, while simultaneously assuming these terms are binding; even when people read these terms, decision-making biases may lead them to weight any disclosed risks and costs in suboptimal ways; and, while it seems obvious that deception should invalidate consent, outside observers do not necessarily view it that way. Given that employment negotiations are mixed-motive contexts, employers may not always feel that it is to their advantage to be crystal clear about the specifics of certain employment terms. However, as we discuss later, when employees feel deceived and trapped by unintelligible contract terms, this strategy can backfire by eroding employee trust in the organization.

### When information disclosure hurts more than it helps

In order to cover their bases, organizations will often add copious boilerplate terms and conditions to their contracts. Yet we know from psychology that people are "cognitive misers" (De Neys et al., 2013) who use various heuristics to make judgments and often gloss over details. Together, this means that contracts have come to include a "deluge of unreadable terms" (Wilkinson-Ryan, 2017, p. 119). Yet, as we saw above, consent does not only require *disclosure*, but also *understanding* (Nelson et al., 2011). While failure to read the terms of an agreement is generally not considered a legally valid defense, in many ways, this has nonetheless made informed consent "something of a charade" where many people have no idea what they are actually consenting to (John, 2018).

Worse still, all of those unread terms can have unintended negative consequences. While the assumption has long been that "even unread terms are at best potentially helpful, and at worst harmless" (Wilkinson-Ryan, 2017, p. 117), experimental work has shown that such terms can ultimately be harmful because they lead people to assume they don't have the legal standing to challenge legitimately unfair (Wilkinson-Ryan, 2017) and even fraudulent (Furth-Matzkin & Sommers, 2020) terms. In one study, Wilkinson-Ryan (2017) found that participants viewed boilerplate terms as more legitimate when they were disclosed in a contract than when they were disclosed elsewhere (in this case, on a company website), even though they would be reasonably subject to legal challenge in either case. Participants were also more likely to think that harsh policies were legal, fair, and reasonable when the policies were disclosed in a contract's fine print. Altogether, this work suggests that far from increasing people's subjective feeling of consent by making them more aware of what they are consenting to, excessive information disclosure can have the opposite effect by leading people to believe (erroneously) that they have no recourse to challenge unfair agreements.

### When attitudes about consent conflict with behavior

Even when people read the fine print, various decision-making biases often come into play, making it difficult to conclude that someone has weighed the risks and benefits of consenting in the kind of unbiased, rational fashion implied by the word "informed." Many people do not fully understand the risks and benefits of what they are consenting to, such as in cases of consumers agreeing to share their personal data online without complete knowledge of how that data might be used or the actual likelihood of risks such as identify theft (John, 2018).

Further, people tend to discount future outcomes and prioritize immediate outcomes, leading them to sacrifice their own privacy (e.g., in the form of long-term risk) for the immediate satisfaction of using some service or securing some small immediate reward (Kokolakis, 2017) despite the fact that people claim to care about privacy in the abstract. The disconnect between people's privacy-related behaviors and privacy attitudes has been referred to as "the informational privacy paradox," frequently shortened to simply "the privacy paradox." In other words, people regularly permit organizations to use their personal data for little gain, despite holding attitudes that such data is private and should therefore be protected.

### When deception is not seen as negating consent

In the above cases related to the unintended consequences of disclosure and irrational trade-offs, it is assumed that the information provided is at least accurate, even if it is ultimately confusing or overwhelming. In contrast, one would think that cases of actual deception would be more straightforward. If someone has been deceived into agreeing to something, how can they be considered to have provided informed consent? Indeed, legally speaking, deception should negate consent.

Yet in such cases, research suggests that the psychology of consent is not so straightforward, and that lay beliefs about consent may diverge from the legal understanding on this point. Sommers (2019) conducted several studies of people's folk intuitions about whether deception negates consent and found across various domains that people largely considered consent procured via deception to be consensual. Most participants in these studies said that an individual who had been lied to as a means of getting them to agree to sex (e.g., by a sexual partner falsely stating that they were not married), surgery (e.g., by a doctor falsely claiming insurance would pay for a procedure), or to participate in research (e.g., by a researcher who lied about the purpose of a research study) had indeed consented, provided they were not *coerced*.

### The psychology of "competence" to consent

Competence to consent typically refers to one's mental ability to understand one's options and come to a reasonable decision through a rational decision-making process (Tepper & Elwork, 1984). However, as with determinations of the informed nature of consent, there may be systematic biases in determining another person's competence, or mental capacity, to consent. Such biases may lead observers to view an individual's decision *to* consent to a request or agreement as reasonable or rational—particularly when it is a request the observer has made, or an agreement that would benefit or validate the observer—and *refusals* to consent as unreasonable, irrational, or even incompetent.

### What counts as a reasonable decision?

One criterion that is sometimes used to determine someone's capacity to consent is whether the decision they have made can be considered "reasonable" (Drane, 1985). Of course, an obvious problem with this criterion is that due to the ubiquitous power of motivated cognition (Hughes & Zaki, 2015; Kruglanski, 1996), we tend to consider decisions we ourselves would have made to be reasonable, and decisions that diverge from what we would have done, or from what we think someone should do, to be unreasonable. For example, in the domain of consenting to medical treatment, "treatment staff may be more inclined to assume that *acceptance* of a proposed plan of treatment is a

competent decision, whereas *rejection* of such a plan requires closer scrutiny" (Tepper & Elwork, 1984, p. 213, italics ours). And, indeed, in this same domain, the question of competence "arises usually when the patient refuses treatment or chooses a course of action which, in the opinion of the physician in charge, threatens his or her well-being," and *not* when the patient "acquiesces to treatment recommend by the medical professional" (Drane, 1985, p. 17). Altogether, this means that in many situations, we are systematically biased to question others' decisions *not* to consent more so than their decisions *to* consent.

Further, this criterion for determining competence to consent requires that someone has actually *made* and *communicated* a choice (Drane, 1985; Tepper & Elwork, 1984). Yet in many situations, an individual may never feel as if they are consciously making a choice about whether or not to consent, and, as such, they may never explicitly communicate a choice one way or another. Rather, a decision may be inferred by the other party, and in many cases that party may assume a default of consent, rather than non-consent (Kramer, 1994).

### What counts as a rational decision-making process?

One means of circumventing the kind of backward logic noted above, in which a decision is determined to be reasonable (or not) based on whether one agrees with the decision that is ultimately made, is to assess the decision-making *process* independent of the decision itself. Indeed, this criterion is often considered or discussed alongside the former criterion when assessing competence to consent to treatment in the medical domain (Tepper & Elwork, 1984). Yet with this criterion as well, motivated cognition can play an undue role. If someone uses a decision-making process that is different from what oneself would use (e.g., if they set different goals, different decision criteria, or weight those criteria differently), one could similarly conclude that a decision-making *process* that diverges from one's own is irrational, unreasonable, or incompetent.

For this reason, one might hope to identify objective criteria for what constitutes a "rational decision-making process." However, the fact that so many healthy, functioning adults regularly violate rational decision-making criteria makes coming up with such criteria complicated, lest they render almost *anyone* incompetent to make sound decisions. For example, people regularly feel compelled to comply with less trustworthy treatment options (Loewenstein et al., 2012) for emotional rather than rational reasons (Sah et al., 2019), people generally have trouble remembering critical information that would help them make the best medical decisions (Hughes, 1993), not to mention all of the other well-established decision-making biases that plague ordinary decision-makers, such as framing effects, preference reversals, sunk costs, and more—all of which call into question the "rationality" of the average decision maker (Chapman & Elstein, 2000).

### The psychology of "voluntary" consent

The third criterion of consent is that it is expected to be voluntary, or free from coercion. Indeed, in addition to this being part of the legal criteria of consent, as we saw earlier people's folk theories of consent tend to prioritize the voluntariness of consent over how informed consent is (Sommers, 2019). However, research on the psychology of consent reveals interesting inconsistencies between legal and lay interpretations of terms such as "coercion" and "voluntariness" here as well, which can ultimately make the line between compliance and consent grey, a point that is made doubly complicated in employer-employee relationships.

### Legal versus psychological coercion

The flip side of voluntary consent is coercion. Legally speaking, "[p]romises are not binding [and] rights cannot be waived . . . if the agent is coerced" (Wertheimer, 1987, p. xi). But what exactly constitutes coercion? We often think of coercion as the restriction of someone's autonomy or freedom of choice. Yet people often engage in behaviors because they feel like they don't have a choice, and many such situations do not constitute coercion. For example, an individual with few employment options may feel as though they have no choice but to take a risky job, or someone eager to secure employment with a specific company may feel that they have no choice but to sign a mandatory arbitration agreement, but neither of these individuals would be considered to have been coerced into making these decisions. As noted earlier, legally speaking, "coercion occurs if and only if one person intentionally uses a credible and severe threat of harm or force to control another," and the mere "perception of coercion by a decision maker is not sufficient to constitute coercion" (Beauchamp, 2010, p. 69–71).

Despite this, people often feel pressured into doing things they would rather not do, in a way that may *feel* coercive to them (Bohns, 2016). Indeed, the psychological feeling of obligation one experiences after making a promise to or entering into an agreement with another person is described as having a "kind of coercive quality" (Tomasello, 2020). Thus, the psychological threshold for feeling coerced appears to be substantially lower than the legal threshold for determining coercion. While the law may decide that someone was "persuaded" to consent, an individual may in fact feel as if they were coerced. This means that absent any legal determination of coercion, various psychological outcomes, such as reactance, or the motivation to engage in behaviors to restore a perceived or actual threat to one's freedom and control (Brehm, 1966), may still occur in response to *feeling* as if one did not voluntarily consent to some agreement.

### Actor-observer differences in assessments of voluntariness

In addition to differences between any legal determination and one's subjective experience of coercion, research finds that outside observers' determinations of voluntariness also seem to diverge from people's subjective experiences. This is true both for neutral observers and people who are actively attempting to persuade or influence an individual.

In one set of experiments, neutral observers asked to determine how free another person felt to refuse an invasive request to unlock their phone to be searched by a peer experimenter thought the person would feel freer to say no, and thus would be more likely to say no, than people who were actually put into such a situation indicated (Sommers & Bohns, 2019). In another set of studies, participants who were instructed to ask strangers to do a small unethical deed (i.e., vandalize a library book) thought they would feel more comfortable saying no, and would be more likely to refuse, than those who were actually asked this request indicated (Bohns et al., 2014). And in yet another set of studies, participants who thought about pursuing a colleague who was not interested in them romantically thought their colleague would feel more comfortable refusing their advances than those who imagined being pursued reported (Bohns & DeVincent, 2019). Consistent with other research demonstrating robust actor-observer differences, the underlying mechanism for these findings is that individuals who are not in an immediate situation requiring assertiveness [e.g., who are not immediately faced with the prospect of standing up to racist (Kawakami et al., 2009) or homophobic slurs (Crosby & Wilson, 2015), objecting to sexual harassment (Woodzicka & Lafrance, 2001) or saying "no" to a request (Bohns, 2016)] underestimate just how difficult it can be to do so. Altogether, this research reveals a robust actor-observer

difference in judgments of voluntariness that leads observers to view their own or others' behavior as less coercive than targets of such behavior experience it as being.

In sum, the research reviewed in this section provides some examples of how psychological, or subjective, consent can diverge both from the legal understanding of consent and outside observers' interpretations of consent: while an individual may feel they were deceived or misled into entering into some agreement, an outside observer may nonetheless view the agreement as consensual; while an employee may think it is rational to refuse to sign a non-disclosure agreement or take a job that expects them to give up a certain level of privacy, a potential employer may view this decision as irrational, assuming the employee doesn't have the competence to understand, e.g., the ubiquity of NDAs or the reasons underlying the need for surveillance; or, while an employee may feel they have no choice but to comply with their managers' unreasonable requests, their manager and others observing the employee's behavior may view their compliance with these requests as voluntary. As we argue in more detail later in this article, in organizational contexts, as well as in other domains (Bohns, in press), it is therefore practically and ethically imperative to consider an individual's *subjective* experience of consent, independent of any legal or outside assessment of consent.

### Consent in organizations

At this point, we have reviewed the legal definition of consent, as well as some psychological findings that shed light on the limitations of the legal definition. But the question still remains: Why is this an *organizational behavior* issue? In other words, why do these findings call for doing anything more than simply better informing our *legal* understanding of consent, and thus relegating such discussions to the legal literature?

Indeed, based on the scant attention that has been paid to consent in the organizational behavior literature to date, it seems to be the default position of the field that consent is *not* fundamentally an organizational behavior issue. When we conducted a review of the organizational behavior literature on the topic of consent, we found very little research on the topic. To conduct this review, we identified the journals included on the

**Table 1**
Organizational Behavior Journals Identified in Financial Times Top 50 Journal List.

Academy of Management Journal
Academy of Management Review
Accounting, Organizations and Society
Administrative Science Quarterly
Entrepreneurship Theory and Practice
Harvard Business Review
Human Relations
Human Resource Management
Journal of Applied Psychology
Journal of Business Ethics
Journal of Business Venturing
Journal of International Business Studies
Journal of Management
Journal of Management Information Systems
Journal of Management Studies
Management Science
Manufacturing & Service Operations Management
MIS Quarterly
Organizational Behavior and Human Decision Processes
Organization Science
Organization Studies
Production and Operations Management
Sloan Management Review
Strategic Entrepreneurship Journal
Strategic Management Journal

most recent Financial Times Top 50 Journals list that pertained to organizational behavior (i.e., we excluded economics, accounting, and marketing journals), and came up with the 25 journals listed in Table 1. When searching for the subject term "consent" within these journals within an unlimited timeframe only 22 articles on consent appeared, less than one article per journal on the list. Further, more than 77% of these articles also listed the keyword "law," highlighting how this topic has been relegated to legal contexts.[1] Given the clear organizational behavior antecedents and consequences of consent, we believe this is a huge, missed opportunity for organizational behavior researchers to contribute to an understanding of an important and ubiquitous social phenomenon in organizations.

It is true that questions of consent apply to numerous legal formalities, such as signing employment contracts, agreeing to background checks, employer surveillance, mandatory arbitration clauses, and "love contracts" at work. And, as we have already seen, in many of these cases, people may not know or understand what they are consenting to, or feel they have no choice to refuse. One way in which consent is related to organizational behavior is that one's subjective feeling of having consented to any of these legally binding agreements might in turn impact numerous organizational behavior outcomes, such as turnover, motivation, job satisfaction, productivity, and resistance behaviors. For example, feeling that one has no choice but to allow one's employer access to one's email, or that one was not properly informed of workplace risks can lead to psychological reactance, in which people act out against their employer, or simply leave. And as we have seen, as outside observers, employers and managers may fail to recognize that these dynamics are taking place—they may not consider that their employees might in fact *feel* coerced, misinformed, or manipulated into agreeing to various formal terms of their employment.

But the concept of consent also goes beyond the legal domain. By expanding our understanding of consent, we can see that questions of consent permeate so many more organizational dynamics than just the formal, contractual kinds of agreements noted above. Philosophically speaking, consent serves two primary social functions: it permits, and it binds (Kleinig, 2010). In other words, it is through consent that we allow someone to access some part of ourselves, and/or oblige ourselves to do something for someone else. These permissions and obligations can be contractual, yes, but they can also be *informal* promises, agreements, requests, and even opportunities. We may consent, or simply acquiesce, to various organizational citizenship behaviors, such as helping a colleague out or working late. We may agree to take on additional roles or travel at work, and some of these responsibilities may actually be framed to us as opportunities. We may even acquiesce to doing humiliating or unethical things for our colleagues or bosses. Some political theorists go so far as to view the entire capitalist system as predicated on workers consenting to "cooperate with management" (Tuckman & Whittall, 2002) or "participate in production"(Hodson, 1999).

Further, a major problem with the canonical legal understanding of consent, which organizational behavior scholars are ideally suited to address, is that there is little consideration of the specific social or organizational context within which consent occurs. Legal scholars generally do not concern themselves with questions about how the nature of consent might be different in a workplace setting, or as a result of workplace dynamics, such as power and status (Willborn, 2005). But, of course, such context matters.

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[1] When including all of the journals from the Financial Times Top 50 Journals list within an unlimited timeline, only 36 articles reference consent as a keyword, more than 75% of which also included the keyword "law."

In one law review article about the role of consent in workplace privacy, employment law scholar Steven Willborn (2005) acknowledges the difficulty of determining consent within an employment relationship, stating:

> Everyone agrees that consent is a difficult and compromised concept in employment law, although the reasons vary. Some couch the problems in the rhetoric of power: employee consent is suspect because employees are weak. Others talk about various types of market imperfections that compromise employee consent, such as asymmetric information or free rider issues. Still others point to behavioral biases and heuristics that taint employee consent. But the bottom line is the same: consent within the employment relationship is compromised and must be regarded with at least some skepticism (p. 976).

In other words, according to Willborn (2005), "consent in the workplace is suspect and compromised." While he is referring specifically to employment law and employee privacy, his observation can be applied to all sorts of other examples of consent in the workplace. The nature of consent within an employment relationship is unique to the social context or the workplace. Indeed, all of the psychological forces reviewed above, such as information asymmetries, and the subjective feeling that one does not have the option of saying no, are exacerbated in an employment relationship.

It is worth noting that organizations may very well be acting rationally by focusing on legal over subjective consent. However, the consequences of doing so are that organizations may find themselves acting unethically as a result and/or their lack of consideration of subjective consent may actually backfire (i.e., lead to decreased perceptions of trust, fairness, and autonomy). As one example, Henry Ford notoriously created an entire department to intrude on his employees' private lives – inspecting their homes and questioning their marital, financial, and after-work activities to ensure nothing would interfere with their work. A reporter once noted, "It seems amazing that people would tolerate such interrogation, but their jobs depended on it" (Morgan, 1986). Such excessive surveillance is questionably consensual, and clearly ethically dubious.

Further, when employees have pushed back against such intrusions, the law has often sided with employers. For example, in early 2000, Verizon New England (VNE) mandated that its employees carry company-issued mobile phones equipped with GPS during work hours both on *and* offsite – allowing the company to track the employees' location. When the employees of VNE, who were unionized, sued their employer for violation of privacy the court sided with the employer and dismissed the employees' claims (Haggins v. Verizon New Eng., Inc., 2011). By suing, these employees indicated that they clearly did not *feel* this surveillance was consensual, despite its apparent legality. Such a divergence between legal and subjective consent is likely to lead to employee dissatisfaction and thus negative outcomes for both parties.

Indeed, when employers push the limits of consent too far, it can result in employee backlash. Within the truck driving industry, the implementation of electronic onboard recorders (EOBRs) has radically changed the experience of truck drivers. New mandates increasingly require truck drivers to carry electronic tracking devices to ensure they comply with federal and company regulations (Levy, 2015). However, while acquiescing to the new mandates, many drivers quietly resisted. As sociologist Karen Levy explains, "Some drivers have figured out how to temporarily disconnect certain EOBR models from the truck, or otherwise block their signals so they can't record data. Another approach is to drive using multiple driver ID numbers which are sometimes called 'ghost logs'" (Baraniuk, 2013). That is, in lieu of going through legal channels to protest surveillance that feels intrusive and nonconsensual, employees may resist through other means.

The points and examples reviewed above suggest that there are rich opportunities for studying consent as an organizational behavior issue, and particularly for studying subjective consent separate from legal consent (cf. Bohns, in press). In the sections that follow, we focus on a critical question raised by Willborn (2005) that organizational behavior scholars are well-equipped to address: What does it matter if consent is indeed "suspect and compromised" in employer-employee relationships? What consequences might this pose both for employees and organizations? Below we review several classic organizational behavior variables that are likely to be impacted by employees' subjective feeling of having consented (or not) to various terms of their employment, both formal and informal.

## Organizational outcomes impacted by employees' subjective sense of consent

From our earlier review of the legal and psychological components of consent, agreement to a request or acceptance of a particular circumstance may be experienced as non-consensual if someone feels that they were uninformed or misled (e.g., manipulated), that their decision was not respected (e.g., anything other than their consent was deemed to be unreasonable or irrational), or that they were coerced, pressured, or had no choice in the matter. These feelings are closely related to a number of psychological variables that are frequently studied in organizational behavior (i.e., autonomy, fairness, and trust) which in turn correspond to a number of organizationally relevant outcomes (i.e., organizational citizenship behavior, performance, turnover, organizational commitment, job satisfaction). This means feeling that one is in a more or less consensual relationship with one's employer—that one is more or less informed about one's rights and one's employer's expectations, one's decisions are respected, and one is not unduly pressured—can have important consequences for both employees and organizations. In this section we examine some established organizational behavior variables that are conceptually related to consent and can therefore help us to predict the downstream impact of more or less consensual employment relationships, interactions, and agreements on organizational outcomes.

### Autonomy, personal control, and empowerment

Empowerment is deeply rooted in canonical organizational behavior research (e.g., Spreitzer, 1995) and continues to remain a relevant and influential stream of literature in organizational behavior (e.g., Sessions et al., 2021). It consists of four psychological states that allow individuals to feel a sense of control and active engagement at work: *meaning*, the perceived fit between an individual's work role and their beliefs, values, and behaviors (Hackman & Oldham, 1980); *competence*, an individual's belief in their ability to successfully execute and perform their work (Bandura, 1989); *self-determination*, an individual's sense of autonomy and choice in initiating and regulating their behavior and processes at work (Deci et al., 1989); and *impact*, an individual's belief that they can influence strategic, administrative, or operational activities and outcomes at work (Ashforth, 1989). If one feels a diminished sense of any one of the four psychological states, one will also feel a diminished sense of psychological empowerment (Seibert et al., 2011).

Consent is especially relevant to the self-determination and impact components of empowerment. Feeling as if one's manager or employer has coerced or pressured one into a relationship,

interaction, or agreement, or feeling misinformed or misled into agreeing to something—in other words, feeling as if one has not consented—impacts one's sense of choice, volition, and one's perceived ability to influence one's own work outcomes and activities—in other words, one's psychological sense of empowerment. Additionally, feeling as if one's employer does not respect one's decision not to consent (i.e., anything other than consent is deemed to be unreasonable or irrational) can similarly lead an employee to feel that they have little choice or ability to influence their work roles and outcomes—i.e., unempowered.

This is critical for organizations because psychological empowerment predicts many important organizational outcomes. When employees experience greater empowerment, they report increased job satisfaction (Seibert et al., 2004; Wang & Lee, 2009) and organizational commitment (Avolio et al., 2004; Liden et al., 2000; Spreitzer & Mishra, 2002). Empowerment even predicts behavioral outcomes in organizations such as performance (D'Innocenzo et al., 2016; Sessions et al., 2021), turnover (Liu et al., 2011), organizational citizenship behaviors (Seibert et al., 2011; Wat & Shaffer, 2005), and creativity (Sun et al., 2012; Zhang & Bartol, 2010).

On the other hand, when one doesn't feel psychologically empowered, that is, when one feels little control over their work, one can become motivated to restore control, that is, experience *psychological reactance* (Brehm, 1966; Brehm & Brehm, 1981; Lawrence & Robinson, 2007). In such situations, employees may engage in resistance practices that can include behavior such as withholding effort (Gouldner, 1954; Roy, 1954), sabotage of company equipment (Haraszti, 1978; Juravich, 1985), avoidance or non-compliance (Anteby & Chan, 2018), strikes (McLoughlin et al., 2005), and direct criticism or complaints (Bolton, 2004; Gill, 2019; Kellogg et al., 2020). While reactance can be beneficial to the individual experiencing reactance (Kray et al., 2001, 2004), especially if one's efforts to restore their freedom and control are successful (e.g., in the case of successful union organization or other collective action attempts), these behaviors may also be somewhat counterproductive for the organization (e.g., in the case of sabotage of company equipment). Further, if one repeatedly fails to restore control through such resistance efforts, one may exhibit learned helplessness (Brehm & Brehm, 1981).

### Fairness, organizational justice, and perceived organizational support

Organizational justice broadly refers to an individual's perception of fairness in their workplace (Greenberg, 1987). It consists of multiple dimensions, including distributive, procedural, informational, and interpersonal justice (e.g., Greenberg, 1993). *Distributive justice* refers to the extent to which an employee perceives that resources, rewards, and promotions are distributed fairly (Adams, 1965; Leventhal, 1976). *Procedural justice* relates to an individual's perception that the decision-making processes and procedures that lead to organizational outcomes (e.g., distribution of resources, rewards, and promotions) are enacted fairly (Leventhal, 1980; Thibaut & Walker, 1975). Informational and interpersonal justice relate to an individual's perception that they are treated with dignity and respect in their workplace. Specifically, *informational justice* is the extent to which an individual perceives that they are provided with honest explanations for crucial decisions in their workplace (Colquitt et al., 2001; Greenberg, 1993), whereas *interpersonal justice* refers to the extent to which an individual perceives fair treatment from others, especially from authority figures (Bies & Moag, 1986; Greenberg, 1993).

Feeling like an interaction, relationship, or agreement is not consensual is also likely to impact an employee's perception of organizational justice—specifically, informational and interpersonal justice. The feeling that one's employer failed to fully inform one, or misled one, into making an agreement would likely feel like a violation of informational justice, in addition to violating a basic tenet of consent. A feeling that one was coerced or pressured, or that one's employer would not respect their decision not to consent (e.g., anything other than their consent was deemed to be unreasonable or irrational), is likely to make an employee feel that they were not treated fairly, impacting their sense of interpersonal justice.

Importantly, when employees perceive greater organizational justice, they also report greater organizational commitment and job satisfaction (Colquitt et al., 2001; Folger & Konovsky, 1989; Tepper, 2000), exhibit more organizational citizenship behaviors (Cohen-Charash & Spector, 2001; Moorman, 1991; Organ, 1990), and decreased turnover (Colquitt et al., 2001; Daly & Geyer, 1994; Konovsky & Cropanzano, 1991). Organizational justice also predicts perceived organizational support (Rhoades et al., 2001; Rhoades & Eisenberger, 2002) or an employee's perception that their organization values their contributions and cares about their welfare (Eisenberger et al., 1986). The idea being that when employees perceive transparency regarding organizationally relevant information (i.e., informational justice), and fair treatment (i.e., interpersonal justice), they are also more likely to perceive that their organization cares for their welfare. This, in turn, can lead to higher organizational commitment, job satisfaction, job involvement, and intent to remain in the organization (Rhoades et al., 2001; Rhoades & Eisenberger, 2002). All of this can be jeopardized by ignoring of the basic tenets of consent—i.e., by denying employees' freedom and competence to make informed decisions.

### Trust

Organizational trust is another fundamental and fruitful line of research in organizational behavior (Baer et al., 2018; Mayer et al., 1995) likely to be impacted by employees' subjective experience of consent. Mayer et al. (1995) classically define trust as "the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party" (p.712). Importantly, Mayer et al. (1995) identified three factors that build the foundation for the development of trust (i.e., perceived trustworthiness), including ability, benevolence, and integrity. *Ability* refers to the perceived capability to perform a particular action. *Benevolence* is the perception that one is well-meaning or has our best interests in mind. Finally, *integrity* relates to the perception that one will reliably, honestly, and fairly perform a particular action. Essentially, when we perceive that someone is competent, well-meaning, honest, fair, and reliable, we come to trust them.

Feeling that one has been coerced or pressured, misled or misinformed, or deemed incompetent when offered an employment term, opportunity, or to enter into some other agreement is likely to erode the development of trust, since it would be unlikely in such a situation to perceive that one's employer has one's best interests at heart (i.e., benevolence) or is reliable, honest, and fair (i.e., integrity). On the other hand, if an employee feels that they are provided with complete and accurate information about the tasks they are asked to do, believes their decisions are respected, and feels free to make their own decisions without undue pressure or coercion, they are likely to be more trusting of the organization and believe the people in charge have their best interests at heart.

Trust, in turn, predicts a number of important organizational outcomes. When employees perceive their employer as more trustworthy, they also report greater organizational

commitment, job-satisfaction, and organizational identification (Deery et al., 2006; Dirks & Ferrin, 2002). Moreover, trust is related to increased performance (Colquitt et al., 2007; De Cremer et al., 2018), creativity (Ford & Gioia, 2000), newcomer learning behavior (Baer et al., 2018), and decreased counter-productive workplace behavior (Colquitt et al., 2007).

In sum, existing research in organizational behavior suggests that ensuring that employees feel like they are consenting—to their work conditions, to the kinds of tasks managers can reasonably ask of them, to the organization's policies and procedures, etc.—is likely to make employees feel more empowered, view the organization as fairer, and trust that the organization has their best interests at heart. In turn, the organization is likely to benefit through increased performance, commitment, decreased resistance, and more.

## The role of consent in three workplace contexts: employee surveillance, excessive work demands, and sexual harassment

To make the above points more concrete, in this section we explore how the dynamics of consent might play out in three specific organizational domains. We have chosen these particular domains because of their application to a number of pressing social issues (privacy, work-life balance, and sexual misconduct) and their ability to contribute not only to the legal understanding of consent, but also the broader understanding of consent outlined earlier with its permitting and binding functions. Note, however, that these domains are intended only as examples of a wide range of contexts to which consent is applicable.

### Employee surveillance

Employee surveillance is an enduring organizational phenomenon that is becoming increasingly relevant for organizational scholars (e.g., Bernstein, 2017; Blackman, 2020; Chamorro-Premuzic & Bailie, 2020; Kellogg et al., 2020). Even before the introduction of scientific management (Taylor, 1911) organizations engaged in employee surveillance, and they have continued to do so in unprecedented ways with the proliferation of new technology (Alge & Hansen, 2014; Chamorro-Premuzic & Bailie, 2020; Kellogg et al., 2020; Satariano, 2020). In fact, investment in new forms of surveillance technology is projected to generate over $81 billion in revenue by the end of 2021 and over $93 billion by 2022 (Rimol, 2021). For example, new technology has enabled management to automatically track and analyze employees' facial expressions, tone of voice, and written communication (e.g., emails, instant messages, social media engagement) line-by-line (e.g., Bernstein, 2017; Blackman, 2020; Satariano, 2020). And more extreme examples abound, including the use of wearable tracking devices equipped with GPS, biosensors to record and analyze employees' biometric data, and accelerometers that track employees' movement and activity (Chamorro-Premuzic & Bailie, 2020; Frost & Sullivan, 2017).

With increasingly invasive and surreptitious surveillance technology, employee consent to such surveillance has become a contentious organizational issue with considerable consequences for both employees and organizations. In this section, we use the domain of employee surveillance to illustrate how employees' subjective feelings of having consented (or not) to such surveillance can affect the organizational processes described earlier, leading to the theorized downstream consequences.

According to Peter Westen's (2017) *The Logic of Consent*, the act of consent turns a prohibited act into a permitted one. In the context of employee surveillance, this means that while an employer in the United States, for example, would typically violate

an employee's right to privacy by snooping around in his or her emails, this same behavior would be permitted if the employee had provided consent (Willborn, 2005). However, as described earlier, just because an employee has legally consented does not necessarily mean that they *feel* like they have consented. That is, an employee's subjective experience of consent can be considered separate from the legal act of consent (cf., Bohns, in press).

For example, suppose that an employee felt that they had not consented but rather acquiesced to increased surveillance in their workplace. Perhaps this employee felt that their employer would not respect their decision not to consent (i.e., anything other than their consent would be deemed unreasonable or irrational), maybe they felt pressured or coerced into accepting the increased surveillance, or perhaps they felt that they were not given full information or transparency regarding the level or extent of the surveillance they would be subjected to. In such cases, this employee may very well have met the legal definition of consent, but nonetheless may not feel like they had freely consented to a certain level of surveillance. And, as we saw earlier, feeling as if one is being monitored by one's employer against one's will—essentially, feeling as if one's subjective sense of consent has been violated—can affect a number of organizational processes, such as an employee's sense of empowerment, organizational justice, and trust, which can in turn lead to an array of important downstream consequences for organizations.

Someone who feels as if they are being monitored without their consent is likely to feel unempowered—like they have no control over their work outcomes. Feeling manipulated or coerced into being surveilled is likely to lead an employee to doubt that the organization has one's best interests at heart (i.e., benevolence) or that their employer is reliable, honest, and fair (i.e., integrity), thus eroding organizational trust and support. Further, surveillance procured in such a way is likely to feel unfair, calling into question perceptions of organizational justice.

All of this, in turn, is likely to impact many of the organizational outcomes described earlier. An employee in this situation may feel dissatisfied with their job (Seibert et al., 2004; Wang & Lee, 2009) and less committed to the organization (Avolio et al., 2004; Liden et al., 2000; Spreitzer & Mishra, 2002). They may perform more poorly (D'Innocenzo et al., 2016; Sessions et al., 2021), be less creative (Sun et al., 2012; Zhang & Bartol, 2010), be less willing to engage in organizational citizenship behaviors (Seibert et al., 2011; Wat & Shaffer, 2005), and may even choose to leave the organization (Liu et al., 2011) as a consequence. In fact, an employee may feel they have such little control over their work that they become motivated to restore control (i.e., *psychological reactance*; Brehm, 1966) by engaging in resistance practices (Anteby & Chan, 2018; Lawrence & Robinson, 2007; Yost et al., 2019).

Indeed, research supports a number of these assertions—although, notably, without ever using the word "consent." For example, in a qualitative study of TSA agents, Anteby and Chan (2018) demonstrated that increased surveillance led agents to engage in resistance practices. Schlund and Zitek (2021) showed that surveillance and evaluation by artificial intelligence (as opposed to human mangers) led employees' to perceive greater privacy invasion and engage in more resistance practices. McNall and Stanton (2011) demonstrated that a lack of control over employee surveillance predicted employees' feelings of privacy invasion, which in turn lead to perceptions of unfairness. And McNall and Roch (2009) showed that the purpose and explanation given for the use of employee surveillance affected employee's trust in the organization.

All of this illustrates how feeling that one did not consent to an important aspect of one's work life—regular monitoring and surveillance—can have important consequences for employees in the form of disenfranchisement, distrust, and dissatisfaction, and

for organizations in the form of decreased productivity, motivation, and increased turnover and counterproductive work behaviors.

### Excessive work demands

Another domain relevant to consent is that of excessive work demands that go above and beyond ordinary or contractually obligated job expectations. Employees are often asked to work on the weekend or late into the night, cover for a co-worker, or take on work responsibilities that fall outside of their job description. These requests may be couched in assurances of autonomy, whether genuine or artificial (e.g., "Don't feel pressured"; "Just do this if you have the bandwidth"). Yet in many contexts, and despite this kind of language, these sorts of requests may feel compulsory because of the employment nature of the relationship. In other words, while such tasks may come in the form of requests, they may feel like demands to the person being asked.

The "ideal worker" norm has socialized many modern workers to feel they must prioritize work over all else, lest their career or job be on the line (Kelly et al., 2010). If one were to refuse to drop everything for an after-hours work call, answer emails while on vacation, or cancel plans to come in on the weekend, one runs the risk of appearing less than committed to one's job. As in the case of worker surveillance described above, such workplace expectations may be viewed as simply coming with the territory—the cost of employment, but in this case the cost is in terms of one's personal time rather than one's personal privacy. In this way, it may not feel as if one has ever voluntarily consented to one's ever-demanding work schedule.

Further, colleagues and/or managers making such work requests may not realize how compelled targets of these requests feel to respond or agree. For example, in one set of studies, Giurge and Bohns (in press) found that senders of non-urgent work emails outside of normal work hours failed to appreciate the pressure sending such emails put on receivers to respond. While responding to emails at all hours of the day may in fact feel compulsory—not consensual—to the recipient of such emails, receivers' quick responses may conversely look to senders like consent—i.e., permission to continue sending emails during these hours. A cycle of misperceived responsiveness that feels compulsory, but looks consensual to outsiders, may therefore result. In this way, workers may *appear* to consent to an "always on" work mindset based on their timely responses without actually feeling like they had any other choice, feeling as if their employer or work colleagues would perceive any other choice as unreasonable, or only realizing after the fact that they did not know before they signed up the kind of work culture they were agreeing to participate in.

This issue is of particular consequence because workers who don't feel empowered to turn off from work and claim some much needed free time are at risk of burnout (Maslach & Jackson, 1981; Maslach & Leiter, 2008). Further, employees who feel that they have no choice but to work all the time may in turn blame the organization for what they feel are unfair work expectations and question the organization's concern for their own well-being, all of which we have seen can eventually lead to employee exit and lost productivity.

### Sexual harassment

The broad topic area related to sexual relations, misconduct, and harassment at work is permeated with questions about consent—far more than can be covered here. Questions of consent determine whether an incident is sexual assault, how an employee's silence in the face of sexual harassment is interpreted, how

assault and harassment complaints are adjudicated, and the extent to which employees buy into mandatory sexual harassment training. While there are clearly important legal considerations in each of these contexts, there are also numerous organizational behavior considerations related to outsiders' perceptions of consent, employees' subjective experiences of consent, and the resulting sense of trust in the organization, perceptions of fairness, and feelings of empowerment. As we have seen, any feelings of distrust and unfairness that may result from the organizations' handling of these issues can contribute to employee turnover and decreased employee commitment and motivation—aside from the obvious ethical imperative organizations have to protect employees from workplace harassment and assault.

People already struggle to reject unwanted romantic advances (Joel et al., 2014) or speak up against inappropriate comments (Crosby & Wilson, 2015), but the workplace context can make this task particularly difficult due to desires to maintain collegial working relationships and concerns about potential ramifications for one's career. It is here that the workplace context, and the point raised earlier by Willborn (2005) that "consent in the workplace is suspect and compromised" comes starkly into question. Fear—of losing one's job or missing out on career opportunities—keeps many targets of unwanted sexual advances, sexual misconduct, and sexual harassment from objecting or speaking out. Silence, smiling, or even laughter in response to inappropriate jokes, may make it appear as if a target of sexually inappropriate behavior is consenting—i.e., giving permission to someone to continue to engage in such behavior. However, in reality, targets may feel as if they have no choice but to play along and smile in order to diffuse the situation (Woodzicka & LaFrance, 2005). For example, while the majority of women surveyed in one study about whether they would object to an interviewer asking inappropriate questions during an interview, women who were actually put in the position of being sexually harassed during a staged job interview they believed to be real ended up simply smiling to appease the interviewer. Further, while participants who imagined this situation hypothetically said they would feel angry, those who actually experienced it in the moment reported feeling afraid (Woodzicka & LaFrance, 2001).

While targets may "play along" with discomfiting comments and behavior as a means of diffusing a potentially tense situation, outside observers may misinterpret such appeasement behaviors as consent. Research finds that people tend to think it is easier for others to speak up and say "no" to unwanted advances than it actually is. For example, in two studies, Bohns and DeVincent (2019) found that initiators of unwanted romantic advances at work thought the targets of their advances would feel more comfortable saying "no" if they weren't interested than targets in fact reported. So, someone who does not speak may be thought to be unbothered by the treatment—since if they were bothered, wouldn't they simply say something? Even when someone musters up the courage to speak out and say "no," however, we tend to think their "no" is less genuine than our own, suggesting that anything other than a forceful rebuffing of inappropriate treatment or advances is likely to be viewed as unserious (Kramer, 1994).

Power dynamics further complicate things. It is more difficult to say no or explicitly reject someone in a position of power, yet at the same time people in positions of power tend to be particularly oblivious to the influence their words or suggestions can have on others (Galinsky et al., 2006), viewing others as having more choice in the matter than they may in fact feel they have (Yin et al., 2021).

Although many targets of sexual harassment stay silent, some do decide to formally complain. However, while employees would normally have access to the court system to resolve any disputes that might come up with their employer, if they are one of the increasing number of people who has been asked to sign a

mandatory arbitration agreement, they would have waived this right and would thus be required to resolve their dispute outside of the courts, something research suggests is to employees' detriment. An investigation of over 1000 American Arbitration Association arbitration filings found that employees received worse outcomes when settling disputes with employers through arbitration rather than in the courts (Colvin, 2011). Relatedly, many employees are asked to sign non-disclosure agreements with strict confidentiality clauses, which essentially silence workers from speaking out if they are sexually harassed (Prasad, 2018). Such agreements can have important consequences for employees, yet as we saw earlier, people regularly enter into such agreements without fully understanding the fine print or because they feel they have no choice but to agree to procure their employment. If the time comes in which they need to seek recourse for some sexual violation, they may thus be surprised by the rights and resources they have signed away access to as a condition of their employment.

Finally, when employers try to do something about sexual harassment in the workplace, ironically, their solutions themselves may raise concerns about consent. For example, organizations often mandate sexual harassment training, which employees in turn may feel coerced into completing. This can lead to backlash against training that feels obligatory (Roehling & Huang, 2018)—i.e., non-consensual—and thus unfair, accusatory, and disempowering.

Ultimately, employees may feel they have no choice but to endure sexual harassment at work because of workplace expectations that make speaking up counter-normative and risky. Yet their silence may read to others as consent. Add to these dynamics organizational policies and procedures that limit employees' recourse in the face of such harassment, yet which few employees have a deep understanding of, and it is clear how organizations that aren't able to identify and effectively manage nonconsensual sexual dynamics of various forms can come to be seen as unfair, distrustful, and non-benevolent, and why employees may reclaim control over the situation through exit, decreased productivity, and resistance efforts.

## Future directions for organizational behavior research on consent

As we have argued, consent is clearly relevant to numerous organizational contexts. And given the paucity of research on this topic to date, there is ample opportunity to contribute to our understanding of this important social phenomenon within organizations. Here we will outline several gaps in our understanding of consent—particularly, the subjective experience of consent—that organizational behavior researchers are well-positioned to fill. It is through a better understanding of the issues identified below, and the antecedents of subjective consent, that we will be able to offer solutions for addressing many of the problematic dynamics reviewed above by increasing employees' subjective experience of consent in the workplace. Below we discuss future directions related to the measurement of consent, moderators of consent dynamics, consent within groups and teams, and possible interventions.

### Measurement

In order to test the relationships theorized earlier between consent and various organizational outcomes, we first need a way to measure consent and to differentiate it from related constructs, such as compliance and obedience. There are several open questions with respect to measurement: Is there value in assessing employees' general feelings of the consensual nature of their relationship with their employers or managers, or does consent need to situation-specific, e.g., a measurement of how consensual one's agreement to a particular request feels? Can a behavioral measure distinguish between consent and related constructs, such as obedience or compliance, or must any measure of consent necessarily rely at least in part on self-report of an individual's underlying feelings?

This latter point relates to the specific components of any measure of consent that would be necessary in order to differentiate consent from related constructs. While obedience, compliance, and consent may all entail the same behavior, e.g., saying "yes" to a request, consent has additional qualifications. As discussed earlier, the psychological experience of consent necessitates that one feels that one was fully informed, one's decision was voluntary, and that whatever decision one made would be considered reasonable. Each of these components would need to be assessed by any measure of consent in order to differentiate it from these other constructs.

### Moderators

There are also likely to be numerous moderators of the consent dynamics we have described here. While we have focused primarily on employer-employee relationships, which have an inherent power dynamic, there are various individual, interpersonal, cultural, and other differences that may attenuate or exacerbate this dynamic, which would be important considerations for future research to address. We describe some of these potential moderators below.

### Power and status

Both power (e.g., Michener & Burt, 1975) and status (e.g., Bushman, 1988) have been shown to increase compliance with a request. This is likely to be true regardless of whether the request is made, for example, by one's doctor asking for consent to a medical procedure, an experimenter asking for consent to participate in research, or one's boss asking for a sexual favor. Power and status are each likely to result in more "yesses" in response to these requests.

However, an important question for future research is whether this increased agreement means that power and status are garnering more instances of *consent* or simply procuring higher rates of *compliance*. Might power shift the interpersonal dynamics so that an increase in agreement is actually associated with a *decrease* in consent? Alternatively, might status have the opposite effect, increasing the incidence of affirmative consent to someone one looks up to and respects? These are the sorts of questions we would not be able to answer without a way of measuring an individual's subjective experience of consent, which would allow us to clearly differentiate consent from compliance or obedience.

On the other hand, employees may possess qualities or be a product of circumstances that attenuate the employer-employee power dynamic, and which therefore may make agreements with or concessions to an employer *feel* more consensual. For example, a star candidate on the job market with attractive alternative offers may feel as if their employment decisions and contract negotiations are made more voluntarily, and thus consensually, because they feel they have the power to walk away or say "no." Or, a highly educated employee who is well-versed in their rights, or has a legal background and can therefore better understand the "legalese" of a contract they are being asked to sign, may feel more informed, and their actions may thus feel more consensual.

### Race and gender

Women have long been expected to exhibit a communal orientation—characterized by submission, agreeableness, and

warmth. In contrast, men are held to agentic expectations—characterized by assertion, decisiveness, and competence (e.g., Eagly et al., 2019). Given these gender differences, another fruitful question for future research is whether there is likely to be greater divergence between compliance and consent for women relative to men. That is, men may feel freer to agree selectively to things they actually want to do, and say no to things they would prefer not to do, ensuring that when they agree to something they are indeed consenting. However, women may not feel the same freedom and may thus comply with various requests to which they feel obligated, rather than feeling like they are voluntarily consenting.

Indeed, research bears this out. For example, Babcock et al. (2017) found that women were more likely to agree to take on low promotability tasks than men. This may be due to the backlash women often face for exhibiting behavior that is perceived as non-cooperative (such as saying "no"). Taken together with the additional barriers to career-related success that women often face (Amanatullah & Morris, 2010; Fiske et al., 1991; Heilman, 2001; Ibarra et al., 2013), women may feel more pressure to comply with requests than men, which may undermine their feelings of having consented, and thus, as discussed earlier, women's feelings of empowerment, fairness, and trust in the organization.

Historically underrepresented minority groups may also feel additional pressure (relative to majority groups) to comply without feeling that they have voluntarily consented in organizational contexts. Given the structural and individual barriers to career-related success that historically underrepresented minority groups face (Carton & Rosette, 2011; Flores, 2011; Hyun, 2005; Rosette et al., 2008; Rosette & Livingston, 2012), not to mention the lack of access to various privileges that majority groups benefit from (Knowles et al., 2014), it is possible that historically underrepresented minority groups may also not feel as free to be selective about the things they agree to.

Further, race and gender do not exist separately but rather intersect (Hall et al., 2019; Rosette et al., 2018). For example, women are expected to be communal and face backlash when they exhibit agency or dominance; however, Black women are less likely to face backlash for displays of dominance relative to white women (Livingston et al., 2012). This puts Black women in a bind. Given the structural and individual barriers that Black women often face (e.g., Rosette & Livingston, 2012) and their lack of the same privilege that white women benefit from (e.g., Knowles et al., 2014), they may not feel free to refuse unwanted requests. Yet, because Black women tend to be viewed as more agentic, outside observers may view their compliance as more consensual than it feels to them. Thus, Black women's psychological experience of consent may be especially vulnerable to disregard and misperception.

### Excessive pay, socio-economic status, and worker exploitation

Even offers of employment—or raises or promotions one feels one can't turn down—can feel coercive and exploitative, depending on one's circumstances. This link between pay, socio-economic status (SES), and consent may be another fruitful topic for future research, and an area in which moral, in addition to legal and practical, questions of consent come starkly into focus. Kleinig (2010) discusses this dynamic, stating:

> Although there is a history of thinking that coercion requires threats, there is some reason to think that, in appropriate circumstances, even offers may be coercive. They may be coercive either because a refusal of the offer is associated with some threat (what are sometimes referred to as 'throffers') or, alternatively, because the baseline circumstances in which the offer is made are humanly

unacceptable. If a factory owner takes advantage of economic conditions to advertise a subsistence wage for heavy work, we may see the offer as genuine but coercive (p. 15–16).

In other words, workers may not feel that they have any choice but to agree to poor pay and working conditions, but their agreement may not feel like consent as we have defined it here. Such circumstances may feel especially coercive for individuals of low socio-economic status, suggesting that the relationship between compliance, consent, and SES may be another worthwhile line of study. At the same time, excessive pay or bonuses may feel coercive to employees of any SES, suggesting that there may be interesting links between pay levels and the experience of consent, which may be most pronounced at the top and the bottom of the pay scale. Employees at the bottom of the pay scale may feel they have no choice but to accept poor pay because of extenuating circumstances, whereas those at the top of the pay scale may receive offers so high they "can't refuse."

### Culture and personality

Prior research has found that people in collectivistic cultures tend to be more attuned to the burden placed on individuals who are asked to comply with a request and the social costs of denying a request relative to people in individualistic cultures (Bohns et al., 2011; Kim et al., 2006). For example, Kim et al. (2006) demonstrated that people in collectivistic cultures were less likely to seek social support than people in individualistic cultures because they were more attuned to the burden such requests placed on the requestee. Likewise, Bohns et al. (2011) showed that people in collectivistic cultures were less likely to underestimate rates of compliance to requests compared to people in individualistic cultures because they were more attuned to the social costs of denying requests. These findings suggest that while compliance and consent may diverge in both cultures (i.e., people may agree to things out of obligation without feeling that they have freely consented), individualistic cultures may be less likely to acknowledge this divergence, assuming people will simply say "no" to things they would prefer not to do, and thus taking compliance as synonymous with consent.

Another feature of organizational culture that might impact employees' subjective sense of consent is organizational mindset. In general, employees of organizations with a growth mindset perceive the organization as having more integrity (Canning et al., 2020). Similar to our prediction above with regard to status, it is possible that employees would feel like they are more readily consenting to the expectations of an organization whose cultural norms they respect.

It is also possible that different personality traits and characteristics may be associated with more or less divergence between compliance and consent. For example, people high in agreeableness—a personality trait characterized by a tendency to defer to others—may be more likely to comply with requests (Fleeson & Gallagher, 2009); however, whether they are also more likely to *consent* is an open question. On the other hand, people who are more psychologically entitled—a personality trait and state characterized by feelings of deservingness—may be less likely to comply with requests they would prefer to say "no" to (Zitek et al., 2010; Campbell et al., 2004; Zitek & Jordan, 2019; Zitek & Schlund, 2021). Thus, when such individual *do* agree, it may be the case that they are almost always consenting. Similarly, individuals with a greater personal sense of power may feel that when they make a decision, they are doing so more voluntarily, and thus consensually (Anderson et al., 2012).

*Groups and teams*

The psychology of consent may be especially interesting to study within groups and teams in future research. For example, it may be the case that when a request is made of a group or team, the group as a whole may ultimately comply, while the individual members may simultaneously experience different levels of consent. Indeed, this is a central feature of collective bargaining: consent may be given as a collective to a set of terms, even if these terms do not necessarily represent the wishes of the individual members of the collective (Kleinig, 2010).

Further, since groups and teams are susceptible to perception gaps (Mastroianni et al., 2021), it is likely that even when groups and teams experience differing levels of consent, members may misperceive each other's actual subjective experiences of consent. This may have important implications for group and team dynamics and functioning. For example, it is possible that differing levels of consent amongst group or team members may contribute to relational and process conflict within the team, which has adverse effects on satisfaction and performance (Behfar et al., 2011; Shaw et al., 2011).

*Interventions*

We argued earlier that organizations tend to be more concerned with legal consent than with subjective consent, which can put organizations in ethically questionable positions and also has the potential to lead to backlash as employees react against expectations and obligations that feel non-consensual. Thus, we believe it is to organizations' advantage to try to align employees' subjective sense of consent with legal, or objective, consent when possible. Based on the limited work that has been done on creating the subjective sense of consent, however, this may be easier said than done. Thus, a particularly fruitful area for future research may be to identify effective interventions for increasing employees' subjective sense of consent.

If subjective consent is indeed based on the same three factors as legal consent (voluntariness, information, and capacity), which is itself an open question (Bohns, in press), organizations would want to find ways to make employees *feel* that they came to their employment conditions voluntarily, *feel* that they were appropriately informed about the things they have agreed to, and *feel* that they were capable of making such decisions. To increase feelings of voluntariness, for example, interventions might focus on emphasizing the benevolent purpose of certain employment expectations over their controlling aspects. Employee surveillance can be framed in terms of care (i.e., as a means of improving employee performance) or coercion (i.e., as a means of control; Sewell & Barker, 2006). Framing expectations of surveillance in terms of care may make it feel more consensual. Or, to increase the feeling of being informed, organizations could be more transparent about salary and perks. Yet while interventions like these may effectively increase employees' sense of consent, they could have unintended consequences, such as the social comparison that comes with pay transparency (Bamberger, & Belogolovsky, 2017), and in some cases may backfire, such as in cases where people become overwhelmed by too much information (Wilkinson-Ryan, 2017). Such considerations highlight the nuances any interventions intended to increase subjective consent would need to consider.

## Conclusion

While the topic of consent has been largely overlooked by organizational behavior scholars to date, we argue that questions of consent—of how free, informed, and respected employees feel their day-to-day resolutions are—permeate workplace interactions. Feeling that one has not consented to various terms of one's employment, both formal and informal, can have important consequences for employees and organizations, yet we have little understanding of how to measure, or ensure, employees' feelings of consent. In addition to being a great opportunity, we believe it is a moral imperative for organizational behavior researchers to embrace consent as a topic of study. If organizational behavior scholars regularly study, teach, and advise on topics such as persuasion and influence, we should also study, teach, and advise on the topic of consent, so that we can both better understand and better communicate the difference between consent and acquiescence that is the result of coercion or manipulation.

## Declaration of interests

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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