



# Perpetuating Harm: A Qualitative Analysis of UK Employment Tribunals in Equal Pay Disputes and the Promise of Restorative Justice

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**ABSTRACT:** Despite nearly six decades of UK legislation to enforce equal pay and gender discrimination, including the Equal Pay Act 1970 (Sections 1–3) and Equality Act 2010 (Sections 64–80), women continue to face systemic barriers to justice that undermines meaningful access to justice. This qualitative narrative analysis reveals how judicial complexities, such as the 'equal value' evaluation process, procedural challenges, and pervasive gender bias work in tandem with organizational cover-ups that compound the discrimination women experience within the tribunal system. The study highlights the devastating personal consequences that face women following the lasting psychological harm that stems from employers' use of protracted litigation tactics, as well as the judiciary's insufficient engagement with substantive equality principles. We contextualize these findings through a close analysis of primary legal sources and pivotal case law, including the landmark Next Retail equal pay decision, highlighting the dual role of legal frameworks in both facilitating and limiting avenues for redress. In conclusion, this paper calls for a bold reimagining of workplace justice—one that not only reduces harm to claimants but also embraces the transformative potential of restorative justice, thoughtfully adapted to employment settings. Coupled with gender mainstreaming strategies, these approaches offer a powerful blueprint for dismantling deep-rooted structural inequalities which the authors believe will support the fostering of truly equitable workplaces across the UK. We also champion the advancement of robust empirical research to design innovative, practical models that seamlessly integrate restorative justice principles within existing legal frameworks.

**Keywords:** Equal Pay Legislation, Judiciary, Tribunal Courts, Feminist Critical Management, Psychological Harm, Gender Discrimination.

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## 1. Introduction

Gender discrimination, particularly concerning pay equity, remains a persistent global challenge, and the United Kingdom is no exception. While legislative efforts, such as the Equality Act 2010, promise legal recourse and fairness, the lived reality of women seeking redress often starkly contrasts this ideal. Employment tribunals are established as a primary avenue for challenging discriminatory practices; however, accumulating evidence, coupled with our in-depth qualitative findings, strongly suggests this system, rather than empowering claimants, exacerbates harm and entrenches injustice within organizational and professional landscapes.

This paper addresses a critical gap in sociological and feminist literature by delving into the lived experiences of women who have navigated the UK employment tribunal system in their fight for equal pay. Our analysis provides rich, narrative accounts that illuminate how the pursuit of legal justice, far from offering resolution, instead leads to severe and lasting negative impacts on women's financial stability, personal relationships, and mental health both within and beyond their workplaces. This research offers

compelling explanations of how the legal system isn't merely failing to deliver justice; it actively perpetuates and embeds further harm into women's lives and careers by reinforcing existing organizational power structures.

Through our findings, we identify several critical issues inherent in the system's operation, highlighting how gender is performed and contested within legal and organizational contexts. These include observable gender bias in tribunal decisions, pervasive organizational and structural barriers women face in accessing justice, significant procedural challenges that undermine accessibility, and explicit discrimination in judicial proceedings. Women consistently encounter unanticipated hurdles, perceiving them as fundamental flaws rather than surmountable obstacles. Prohibitive costs often force self-representation against well-resourced corporations, creating immense financial and psychological strain. This fosters a pervasive cynicism, with litigation viewed by companies as merely a calculable cost of doing business rather than a genuine pursuit of equity. The process itself is frequently characterized as a rigged game, deliberately complicated by legal professionals, allowing corporate defendants to exploit ambiguous laws, manipulate evidence, and exhaust claimants through protracted proceedings.

Crucially, this research unveils a pervasive culture of cover-up where organizations actively attempt to silence women through non-disclosure agreements and other tactics to protect their public image, often opting out of internal investigations in favor of simply buying people off. Despite these systemic issues, our narratives powerfully demonstrate women's unwavering resolve to speak out, often choosing alternative platforms like social media to expose misconduct when formal channels fail.

The limitations of this mainstream, individual-focused legal approach resonate with critical scholarship on justice systems, particularly concerns that institutionalization can dilute or even corrupt the transformative potential of justice practices (Levrant et al., 1999; Rossner & Taylor, 2024). Early advocates for restorative justice envisioned it as a mechanism for the radical transformation of the entire legal system and workplace conduct (Braithwaite, 2003, p. 1). However, as restorative justice became increasingly institutionalized, its broader political dimensions often waned, proving early warnings about the corruption of benevolence to be legitimate (Rossner & Taylor, 2024).

By centering women's voices and their perceptions of justice, this paper argues for the urgent need to reimagine pathways for redress. We propose that it's imperative to find a framework that effectively addresses the harms caused by the current system and promotes systemic change. This research, therefore, sets out to explore the necessity for an approach that moves beyond the confines of current, often ineffectual and psychologically damaging tribunal proceedings, which systematically fail to hold corporations accountable for meaningful progress toward gender equity and fostering equitable workplace cultures.

The paper is structured as follows: First, we provide a comprehensive Literature Review that contextualizes the current legal landscape and outlines the key issues identified, noting existing research gaps. Next, the Methodology section details our qualitative approach, including data collection. The Narrative Analysis section then describes the specific analytical framework applied to the qualitative data. The Findings section presents the emergent themes from women's stories, followed by a Discussion that critically examines the implications of these findings for existing legal frameworks and explores the urgent need for alternative forms of justice, particularly through the lens of transformative restorative justice. Finally, the Conclusion synthesizes the findings and offers recommendations for future research and practice.

## 2. Literature Review

This literature review provides a conceptual lens for examining women's experiences with UK employment tribunals regarding equal pay. Grounded in Feminist Legal Theories, Critical Legal Studies, and Procedural Justice Theory, it challenges the legal system's neutrality and explores fairness perceptions. The review systematically identifies barriers and manifestations of gender discrimination, highlighting gaps in existing research that this study aims to address.

## Legal Framework

The United Kingdom's equal pay and anti-discrimination regime is anchored in the Equal Pay Act 1970, which initially established statutory protection against pay discrimination based on sex by requiring equal pay for equal work, and set out the requirement to identify a male comparator for claims. The Act was later consolidated by the Equality Act 2010, which remains the primary statute governing equal pay litigation. Sections 64–80 of the Equality Act 2010 codify the right to equal pay, the sex equality clause, and enforcement mechanisms, while introducing the "material factor" defense and procedures for "work of equal value" claims (Equal Pay Act 1970; Equality Act 2010, 2020, pp. 210-215). Notably, although the 2010 Act included dual discrimination provisions to address intersectional claims (section 14), these were never implemented, limiting protection for women experiencing multiple forms of discrimination (Solanke, 2011, p. 52). The framework is shaped further by Article 157 of the TFEU of EU law, which requires equal pay for equal work for male and female workers, and continues to inform both UK jurisprudence and employer obligations. Despite this robust legal architecture, recent scholarship and official reports have consistently demonstrated the persistence of gender pay gaps and endemic litigation barriers, indicating the law's limited transformative impact in practice (Deakin et al., 2015, p. 381; Women and Work Commission, 2006, p. 7).

## Experience and Operation of Equal Pay Litigation

A growing body of research examines how these legal regimes operate in practice. Deakin et al. (2015) observe that "the strongest advances in gender equality arise when litigation is combined with collective bargaining" (p. 401), however, limitations in the legal framework and adversarial tribunals persist. Extensive research arising from Busby & McDermont's Citizens Advice Bureau and Employment Disputes project finds that tribunal reforms "have transformed employment tribunals into mechanisms which reproduce, rather than redress, structural inequality" (Busby & McDermont, 2016, p. 184). Barnard & Fraser-Butlin (2019) document how "migration status intersects with gender and class to structure disadvantage in access to justice" for EU migrant workers (p. 162). Barmes (2016) explains that "cost, complexity, and claim culture explain persistent low claimant success rates" (p. 17) in harassment and discrimination claims. Genn and Pleasance (2008) find that "social and economic inequalities profoundly structure access to law" (p. 212), highlighting the importance of advice services and representation (see also McDermont & Kirk, 2017, p. 1456). The latter authors describe advice offices as working "in law's borderlands," facilitating the translation between legal procedure and claimant realities. Successive government Survey of Employment Tribunals (2013, 2017, 2025) and Women and Work Commission (2004–2006) reports consistently identify low success rates and high burdens for claimants, affecting disproportionately unrepresented women (Survey of Employment Tribunal Applications, 2013, p. 8).

## Barriers to Accessing Justice

Significant barriers limit women's effective access to justice, disproportionately affecting them despite legislative aims. These include complex legal procedures, evidentiary burdens—especially in relation to "work of equal value" claims—a lack of legal aid, and non-recoverable tribunal fees (GOV.UK, 2025; Women's Budget Group, 2023; UK Parliament Committees, 2019). Recent empirical evidence quantifies low take-up rates, frequent claimant withdrawal, and the chilling effects of employer retaliation and adverse publicity (Busby & McDermont, 2019; Deakin et al., 2015; Genn & Pleasance, 2008). McDermont, Kirwan, & Sales (2016) emphasizes: "tribunals perpetuate exclusion for vulnerable groups, thwarting equal resolution unless adequate support is provided" (p. 29). Social and occupational hierarchies, combined with comparator requirements and the adversarial nature of ETs, make challenges immense. Women with lower socioeconomic status face particular difficulties (Akarçay & Polat, 2023). Intersectional discrimination remains inadequately addressed due to legislative gaps (Solanke, 2011), resulting in persistent financial and emotional burdens (Resnik, 2000; Sampson & Bartusch, 1998). Legal representation disparities negatively affect claimants, forcing many into self-representation (Mansi, 2024; Woo et al., 2020). Judicial biases and underrepresentation of women in the judiciary compound these effects (Songer & Crews-Meyer, 2000; Feenan, 2009). Recent case law such as *Thandi and others v Next Retail Limited* reveals the complexity and evolving interpretation of equal pay law.

## Gender Bias and Discrimination in Tribunal Proceedings and Decisions

Gender bias permeates tribunal processes despite formal neutrality. Barmes (2016) asserts "present frameworks cannot alone remove embedded workplace biases" (p. 304). Studies and case law confirm that structural and unconscious biases distort assessments of "equal value," burden of proof, and evidence (Deakin et al., 2015; Employment Tribunals (UK), 2020; Birchall & Phoenix, 2024). Claimants describe dismissive judges and legal ambiguity enabling exploitation of "grey areas" by employers (Milner, 2024).

ACAS conciliation is inconsistently applied, hampered by gender biases (Pedley & Clemence, 2020). Attempts to silence complainants via NDAs are documented (Barmes, 2022; UK Parliament Committees, 2019). Witness intimidation and coached testimonies undermine fairness (Genn, 2016; McDermott & Mroz, 2011), and despite evidence to show that female judges with empathy deliver better claimant outcomes, a lack of female judiciary ensures that fairer outcomes remain the exception (Moyer & Haire, 2015).

### **Theorising the Limits of Law**

Legislative advances, persistent gender pay disparities, claim failures, and the burden on individual litigants have prompted a critical re-evaluation of the legal approach, particularly in relation to broader gender theory, such as from Acker's (1990) pioneering concept of gendered organizations, which emphasises how organizational rules, cultures, and power dynamics embed gender inequality. In addition we see more recent interdisciplinary studies (Jobling, 2023; Rubery et al., 2005; Lahuerta, 2024; Nielsen, et al., 2017) which argue that formal legal equality is insufficient for overcoming deep institutional and cultural inequalities in pay systems, labour markets, or family structures. Such studies highlight the profound limitations of adversarial litigation in addressing systemic discrimination, noting that legal systems often reproduce existing social hierarchies rather than dismantle them. Nielsen et al. (2017) specifically critique "adversarial legal cultures" that inhibit the law's transformative potential, preventing true structural change (p. 963). Such research advocates for more proactive measures that counteract institutional and cultural inequalities, such as pay transparency, collective action, workplace procedural reforms, union advocacy, and sustained legislative revisions, all of which are widely recognized as vital components for individual and collective equal pay claims, as well as for achieving substantive equality as demonstrated through more recent case law (Asda Stores Ltd v Brierley and others, 2021; ob Cooze & Others v University of Wales Trinity St David, unreported; Birmingham City Council v Abdulla and others, 2012; UK Parliament, 2025).

### **Cover-up Culture**

A "culture of cover-up," wherein employers and institutional actors prevent exposure of discriminatory practices and shield perpetrators from accountability, frequently impedes legal redress (Goldberg, 2020). This culture is notably reinforced by the widespread use of restrictive non-disclosure agreements (NDAs), criticized directly by UK Parliament Committees (2019) as mechanisms reinforcing silence and evasion of responsibility. Despite promising policy developments such as mandatory gender pay gap reporting (Acas, 2025; Bredehoeft, 2025), corporations often engage in strategic reputation management to suppress and dismiss allegations, minimizing genuine accountability (Busby & McDermont, 2019; Goldberg, 2020). This pervasive culture intensifies both tangible and psychological harms to claimants—exacerbating attrition rates and obstructing justice efforts (Barmes, 2023; Women and Work Commission, 2006).

### **Impacts on Mental Health**

The process of pursuing justice in employment tribunals exacts a severe toll on claimants' mental health, commonly resulting in psychological harm ranging from anxiety and depression to post-traumatic stress disorder (PTSD) and chronic stress (Schofield and Associates, n.d.; UK Employment Hub, 2024; Datchi & Ancis, 2017). Research shows that the protracted, costly, and adversarial nature of tribunal claims exacerbates claimant distress, often compounded by fear of employer retaliation and lack of adequate representation (Barmes, 2016; Woo et al., 2020). Recent legislative interventions, such as mandatory gender pay gap reporting, have begun to foster greater workplace dialogue and awareness, correlating with some reductions in the gender pay gap and improvements in mental health outcomes as indicated by decreased prescriptions for related medications (Bennedsen, Scur, et al., 2022; Bennedsen, Larsen, & Wei, 2023). Nevertheless, research stresses the urgent need for systemic mental health support services tailored to the specific experiences of tribunal claimants, as well as for reforms aimed at reducing the personal toll of legal dispute processes.

## **3. Methodology**

The research adopts a novel approach to the study of women's experiences, which incorporates a social constructionist epistemology. This approach has allowed the authors to present the deep and rich narratives that represent women's experiences of the UK's tribunal courts, describing their experiences and capturing their thoughts and emotions as they retell their stories. The feminist stance taken to the research design, data collection and analysis for the project provides a unique and insightful interpretation of the data that illuminates our understanding of how women experience the UK tribunal court system and the affect that it has on their psychology and sense-making (Peake and Koleth, 2024; Pittman et al., 2021).

This study addresses the following questions:

- (i) What are women's lived experiences of employment tribunals?
- (ii) How can we reduce the harm caused to women victims through ineffective legal systems?

Women were asked questions about their experiences through semi-structured interviews conducted online using MS Teams or in person. Interviews were informal, where the first author's own experiences of equal pay was also shared through an open and trusting dialogue that supported the sharing of stories (Rosile et, al., 2013). The narratives that were captured speak to women's perceptions of procedural justice through the court system (Sweeney & McFarlan, 1997) but also provide insights into the thoughts and emotions that flowed from these experiences (Murphy & Tyler, 2008). The narratives were captured in long interview sessions spanning 2-3 hours and recorded using the 'record and transcribe' function within MS Teams. Women were selected for participation in the study through several communication channels, either via a post on LinkedIn, or direct contact made via legal teams or via snowballing techniques and word of mouth beginning in early 2021. An initial introductory email explained the purpose of the study and the selection criteria for participants that specified the need for women claimants who had taken their former employer to court over equal pay. The first interview was conducted in February 2021, during the Covid pandemic, with a steady flow of the remaining 10 participants until the final interview was conducted in April 2023. All participants had experiences of the legal system, although not all completed their journey to a full hearing, with two participants experiencing two separate hearings for equal pay and sex discrimination, and two experiencing an online hearing as a result of the lockdown rulings during the height of the Covid pandemic. The narratives captured are women's own recollection of events, and no attempts have been made to verify or validate their stories, and thus, these narratives are both descriptive and reflexive, pointing out those aspects of their experiences that were perceived as relevant and meaningful in some way, which was encouraged by the first author to gain deeper reflections of their experiences (Mills et, al., 2010).

### **Data Analysis**

The 10 participants worked across a range of industry sectors and represented a diverse population in that they ranged in seniority, industry sector, age and ethnicity. The audio data was automatically transcribed by MS Teams, before being manually checked, anonymised and uploaded into the MAXQDA software where a thematic analysis has been completed as supported by a grounded theory process (Glaser and Strauss, 2017). The first author's own experience of pay inequity supported an immersive analysis process, where the segments for each document were read and coded, initially into top-level themes (or codes), and then subsequently into lower-level themes (or sub-codes). This process resulted in the emergence of 5 top-level themes and 14 sub-themes which capture the totality of women's experiences of tribunal courts when fighting for equal pay. The findings section of this paper presents an initial thematic analysis, which is then followed with a narrative analysis approach which seeks to preserve the rich language, and descriptions present in the data. A feminist and critical approach to the interpretation and analysis of these stories helps us to understand the contemporary context, how this influences women's sense-making, and the resulting emotional and psychological affects (Peake and Koleth, 2024; Pittman et. al., 2021).

The thematic analysis supported the structuring of the findings within this paper, with the themes and sub-themes being incorporated into each section beginning with (i) Barriers to Justice, then (ii) Gender bias and discriminatory experiences, which then led to narratives that describe (iii) the cover-up culture, before we conclude the findings section with rich narratives that describe (iv) the lasting negative emotional affects that the tribunal court system and its practices have on female victims. The final theme identified across the interviews conducted were in relation to the 215 coded segments of data extracted from the qualitative analysis system (MAXQDA) and imported into Excel for a detailed review. Representative segments were selected for each thematic area, based on the first authors understanding of the themes, and therefore this approach is supported through an auto narrative approach weaving together women's stories to provide a deep insight of tribunal court experiences.

Risks to this analysis approach fall mainly into two categories; (1) risks associated with the authenticity and interpretation of the data, and (2) risks associated with the emergent nature of the findings, which could lead to unforeseen gaps in the data collection process. In addressing the first risk we present the first author as a victim of pay inequity, and thus providing strong interpretive connections to the data collected. All interviews, transcriptions and analysis were conducted by the first author, thereby providing consistency and reducing the risk of misinterpretation of the data. In addition, the authors conducted a voluntary focus group session to gather participant responses to the themes presented to maintain

connections with the language of lived experiences, and allowing for the emergence of themes from the data, are not forged from preconceived ideas (Glaser and Strauss, 2017). The authors are satisfied that the interview approach and questions adequately cover the full range of experiences that participants faced in relation to equal pay litigation and can thus contribute its insights into the development of both theory and practice in the future.

#### 4. Findings

The findings are presented first by providing the thematic analysis as a summary table outlining the themes and sub-themes that emerged, including a short description of each theme to support interpretation of the results. The number of segments across all 10 coded documents (interviews) relevant for each theme and sub-theme has been included in the table below to provide a view of the degree to which women reference these themes and sub-themes within their narratives. We found tribunals were central to women's experiences of pay inequity, and their perceptions of how the law, and legal practices, collude with employers to work against them is how women make sense of what is happening. Women will take into account the huge reputational and financial costs of going to court, and we discover a 'blind faith' in the tribunal court system and the hope that equal pay laws will protect them from further harm. However systemic barriers and cultural discrimination make justice impossible, and the consequential trauma has lasting psychological and emotional impacts that irreparably affect women's lives, careers and relationships. The final thematic area that emerged speaks of women's ideas for change and reform, and thus these segments are included within the discussion section where we focus on the future, and can be used to stimulate a dialogue that supports new and novel approaches to social justice, before we provide our concluding thoughts.

THEMES	SUB-THEMES	CODED SEGMENT COUNT	DESCRIPTION
Barriers to Accessing Justice	A Hard Decision	33	Women often face additional challenges in participating in tribunal hearings due to caregiving responsibilities, financial constraints, and systemic discrimination. A report from the Women's Budget Group reveals that funding cuts to civil legal aid have disproportionately affected women, particularly those from marginalized backgrounds
	The Costs	7	
	The Process is Against Us	47	Women's experiences in tribunal courts are also shaped by procedural barriers. The complexity of legal language, the adversarial nature of hearings, and the lack of gender-sensitive policies can create obstacles for female claimants. Some reports suggest that women may feel intimidated or discouraged from pursuing tribunal claims due to these challenges.
	A Pawn in Their Game	11	
Gender Bias and Discrimination in Tribunal Proceedings and Decisions	The Law is the Law	10	Research suggests that gender bias can influence tribunal outcomes, especially in employment-related cases. Women pursuing claims related to workplace discrimination, maternity rights, or sexual harassment may struggle to prove their cases due to ingrained biases within the system
	ACAS	13	
	The Problem with Witnesses	9	
	Tribunal Proceedings	21	Studies indicate that women may encounter gender-based discrimination in tribunal courts, particularly in employment-related cases. The persistence of the gender pay gap and workplace inequalities often translates into tribunal cases where women struggle to prove discrimination claims. Additionally, women may experience difficulties in accessing legal representation, which can affect the outcomes of their cases.
Cover-up Culture	Dirty Laundry	10	Corporate cover-ups in discrimination tribunal cases often involve tactics such as non-disclosure agreements (NDAs), suppression of evidence, and strategic settlements to avoid reputational damage.
	NDA	5	
Mental Health Impacts	The Troublemaker	6	
	Relationships	13	Psychological distress and trauma, physical health conditions and re-traumatisation and victim blaming through the courts.
	Therapy	15	
Policy and Reform Efforts	An Easier Way	15	Government reports highlight initiatives aimed at increasing female representation in the judiciary and addressing gender disparities in legal proceedings. However, there is still a need for further reforms to ensure that tribunal courts are more accessible and equitable for women.
	TOTAL	215	

Table 1: Themes and Sub-Themes that emerged from the study

## Barriers to Justice

Accessing justice presents multiple layers of costs to women claimants. These include prohibitive legal expenses, family conflicts, a drain on time, and extensive emotional and psychological affects, as they face into a loss of income and financial stability, stunted career progression through public hearings and media coverage, as well as the inevitable neglect of the self, relationships or family responsibilities. The decision to fight for justice is perceived as enormous, as Katie states, "It's a huge decision. No, it's not something you undertake lightly." Women weigh up the public scrutiny and the humiliation of losing, with Katie fearing "that public shame of losing." They understand that legal interpretation can vary, fearing judicial biases, and litigation frequently serves as a 'last resort' after ineffective HR grievance processes, as Sarafina highlights, "I did not want to do that, that was like my last resort." Despite personal sacrifices, some women feel a moral imperative to act, particularly if others are affected, recognizing the risks to family stability. Mary Seacole describes how she considers how others are affected by our decision, "I don't think he could have supported me through that process emotionally...the worries about the finances would have been too much for him."

The financial costs of court are overwhelming, as Banks' questions: "Do you have the monetary strength? The financial help? Like the... mental fortitude to go through this, right? For many years?" Organizations often operate within a 'culture of litigation and settlements,' viewing claims as a calculable cost of business rather than a call for systemic change, and frequently settle out of court. Ursula describes, "They don't care, they'll just buy people off... I googled it... all bar three was settled out of court, all bar 3!" This cynicism allows businesses to wear down claimants with time and money, making justice ever more elusive, being played out as a game of who has the most resources. Ruth Bader-Ginsberg asserts, "The corporates know that the odds are really stacked against the average individual." The process is perceived as rigged, deliberately complicated by legal teams for their own financial gain. Phyllis feels "really let down... by my legal team. I believe that my legal team, it was all about the money."

We find that women come to believe that 'the process is against us', where they must 'claim' their own mistreatment through inadequate legal practices that undermine and invalidate their lived experiences. The presentation of women as 'claimants' is perceived to disfigure power dynamics and assume an unbiased judgment of 'facts', overlooking insidious sexism and gender bias in organisations and the judiciary through the continued use of gendered language and practices. Women must navigate through the complex and confusing cases presented to tribunal courts, as Florence Nightingale states, "What I'm concerned about is this, that if I don't get justice it'll be because I haven't done something properly myself." Women's credibility and integrity are continually questioned, with Ruth Bader-Ginsberg lamenting, "how many accolades do I have to have? How many... years of experience? How many emails before I can actually be seen to be credible and being truthful right?" Perpetrators often act with impunity, using theatrical distractions. Phyllis recalls, "Yet they sat in that courtroom under oath and lied... there was no apology." Finding appropriate legal representation is difficult, often leading to self-representation and diminishing success. Sarafina describes her experience with a lawyer: "I actually resented him for the longest time. And then I fired him, and that's when I started representing myself." The disparity in legal teams is stark, forcing women to endure wasted effort and money. Ursula states, "We lost... They had a top London barrister representing them... We, and I said straight away after day 2, we've lost this." Judicial bias is evident in judges' dismissive attitudes and procedural manipulation, leaving women feel defeated. Phyllis recounts a judge who "treated my barrister, he didn't respond to my barrister at all... He kept rolling his eyes and huffing and puffing at her."

The sub-theme 'A Pawn in Their Game' provides rich description of how women perceive tribunals as a 'game', where the truth can be manipulated for corporate victory, with powerful players exploiting legal complexities and timelines (Maldonado, 2020; Deakin et al., 2015). Katie reflects, "I've just been a pawn in their game." Women who lack legal expertise feel disadvantaged, likening themselves to pawns, with Sarafina noting, "I'm at a disadvantage because I wasn't like educated in law to know the rules." This game-playing adds profound harm. Phyllis states, "It was just all the delay tactics, all the game playing and it had a massive impact on us, and our mental health hugely. Nobody prepared us for that." Financial stability,

careers, and mental health are at stake, exposing women to attacks on their personal and professional lives, as Phyllis explains how her employers tried “to undervalue my credit.....to make me feel shit basically...They fought on it knowing that it was going to be difficult for me to prove it. And they continued with the lies. Just being dishonest and lying.” Leading to lasting psychological distress and a deep cynicism for the legal system.

### **Gender Bias and Discrimination in Tribunal Proceedings and Decisions**

Despite high expectations for fairness, with Florence Nightingale stating, “I was expecting the court process to be there to support the employee and it really isn’t,” women quickly discover equal pay law’s ‘grey areas,’ where sexism and unconscious bias are exploited through personal attacks (Nielsen et al., 2017; Barmes, 2016). Katie notes, “It is an attack on you... all these grey areas will get pulled in, and I think for me that’s quite unsettling.” For example ACAS conciliation, though a legal prerequisite, is often refused by businesses, forcing women into costly litigation. Florence Nightingale states, “[COMPANY NAME] refused to negotiate, refused to even enter into a conversation. They just shut me down.” Katie confirms, “they ignored ACAS, they wouldn’t engage with ACAS.” When engaged, ACAS representatives may lack understanding or exhibit biases, leading to futile negotiations. Titanium recalls an independent expert who “had no qualifications, experience or capability to do that job.” This can lead to a “war of attrition” over job descriptions, as described by Titanium. Institutionalized silencing patterns are evident, mirroring workplace experiences. Titanium experienced, “The independent expert would shush me and stop me speaking.”

Witnesses pose significant challenges, with companies presenting any witnesses whose testimonies may be biased or manipulated to undermine claimants’ cases. Florence Nightingale notes, “If somebody has got preconceived ideas they could turn around and go what your role is, but it was very different.” Witnesses may feel obligated to side with employers, with Florence Nightingale adding, “nobody wants to witness for you because it’s, because it could jeopardise settlement agreement.” The practice of “coaching” witnesses to avoid accidentally revealing the truth further compromises fairness. Sarafina asserts, “I’m pretty sure they all got fucking coached. All these fuckers got coached, I am pretty sure.” Women’s perceptions of legal teams and judiciary members (based on sex, gender, race) influence their belief in receiving understanding and support. Sarafina states, “I would love to see like the portion of lawyers or barristers in this country that actually represents the demographics of the people who are dealing with these things, because it matters a lot... Because when I switched lawyers... the way she interacted with me, was different than the previous guy.” Positive experiences with female judges suggest an important role for empathy and awareness of gendered issues, particularly in recognizing and penalizing deliberate delaying tactics. Phyllis recounts a female judge who “was I felt in our corner; she was acknowledging that we were being still being treated so badly by them.” Ursula describes another judge who “didn’t give him an inch, and she said, you know this, you are going to turn up for this.” Ultimately, women’s experiences underscore a profound cynicism towards the tribunal system’s ability to deliver justice. Titanium states, “there is no route and there is no path that takes you to justice.”

### **Cover-up Culture**

A pervasive “culture of cover-up” manifests as organizations prevent the exposure of discrimination to protect perpetrators. Non-Disclosure Agreements (NDAs) are used to silence women and protect corporate image, often replacing internal investigations with financial settlements. Katie noted, “if this comes out and it shows that you don’t treat people well, you know, there was... the risk that all all the... dirty laundry would come out.” Titanium explains how NDAs are used “they also said that I had to, the confidentiality thing, and I said I was prepared to be confidential to a point.” Despite transparency efforts, lack of pay transparency allows discrimination to remain hidden. Corporations manipulate public images to dispel mistreatment stories. Claimants often feel a moral imperative to expose misconduct when formal channels fail, sometimes through social media. However, defying NDAs carries significant financial and psychological consequences. Phyllis states, “I wanted to out them. I wasn’t, I did not want to take an offer in my back pocket to go away and keep my mouth shut.” Corporations strategically push claimants to their limits. Ruth Bader-Ginsberg observes, “they wanna see how mentally tough am I. They want to see how deep my

pockets are. They want to make it clear that if you are going to come forward that you better be prepared for a very, very difficult and nasty way forward."

### Impacts on Mental Health

The pursuit of justice in tribunals severely impacts claimants' mental health (McDermont et al., 2016; Busby & McDermont, 2019). Long-running court cases demand immense time, energy, and emotion; negatively affecting careers, relationships, and mental well-being. Florence Nightingale expresses the difficulty: "The thing I'm finding quite difficult, trying to do a full-time job and then also do the case as well, trying to give everything enough airtime." Women perceive themselves as survivors of intense psychological trauma, constantly battling to prevent their lives from fragmenting. Katie reflects, "Can I actually? Can I? Am I strong enough to go through with this? And I don't think I am, or I was, you know? I don't think that I had it, could have seen that through and survived." Despite initial beliefs in overcoming obstacles and achieving justice, many women are ultimately left broken by the very systems meant to protect them. Ursula confesses, "I thought I was a strong person, but like I said, this, this whole process broke me. It broke me." The experience is compounded by being labeled a 'troublemaker,' facing social stigma and public shame of a failed litigation attempt accessible to future employers. Katie is conscious "that I could be seen as a troublemaker." Sarafina confirms, "people can look me up and find all this stuff about me, you know, am I OK with that?" Personal relationships endure profound strain, often forcing difficult choices and leading to increased self-blame, depression, and isolation. Mary Seacole describes how tribunal uncertainty would impact her husband: "I don't think he could have dealt with that uncertainty of me going. I don't think he could have supported me through that process emotionally." Ruth Bader-Ginsberg painfully recounts, "I made a decision to separate from my husband, and so I've deprived my children and my husband of access to each other, to do the right thing, and it's all for nothing." Ultimately, women realize the system is entrenched and resistant to fundamental change, making their sacrifices feel futile. Titanium concludes, "the system doesn't let you fight for justice. The system doesn't let you change the way things operate."

### 5. Discussion

This study provides a unique glimpse into women's experiences of tribunal court systems in the UK. What we find within these stories are war-torn women facing into complex decisions that test their resolve. They act on an instinct derived from the moral imperative to protect other women and girls from the same harm, finding themselves locked into a mindset of exposing corrupt and discriminatory organisations, as self-sacrificing acts of courage, that come with a hefty financial burden and psychological harm. Women who choose to take their employers to court over equal pay end up sacrificing their financial security, alongside time spent with family and friends. Relationships become strained at the moments where women are at their most vulnerable, and support is most in need. And the prolonged exposure that women endure through week-long hearings, where they are 'put on trial' inevitably results in lasting psychological harm akin to trauma (Guzmán et al., 2024). Together these effects demonstrate the high levels of risks that women face when entering into a legal battle with their former employers (Epstein and Goodman, 2012). This profound psychological damage is compounded by systemic barriers to accessing legal advice and representation, as documented by McDermont et al. (2016) and Busby & McDermont (2019), reinforcing cycles of disadvantage.

'I definitely feel like in the context of the UK at the moment, like this is all a joke. Like you go to a frigging tribunal, these companies have a shit tonne of money who don't give a fuck. Like it's just like, oh, I just spent this much, I may bring in billions of pounds every year and I just spent this much, this much, unlike legal fees and I have to pay. It's the cost of doing business with them I think, so they should be the one carrying that social stigma, you know?' *Sarafina*

While reform efforts are underway and the law is subject to judicial interpretation, and the inconsistencies and advantages/disadvantages of the current legal framework are clear, we continue to stare into a significant gap in practical, workable solutions to address the bias and discrimination that women continue to face in tribunal courts and legal practices (Maldonado, 2020; Deakin et al., 2015). Although some policies

such as pay transparency show some success, more research is needed on effective, evidence-based interventions that can be implemented to improve women's experiences and the enforcement of the law; however whilst such large disparities in power, resources and consequences exist, women will continue to be exposed to psychological trauma and injury to their lives and careers (Doyle Clayton, 2025; GOV.UK, 2025). Whilst ongoing legal interpretation, as evidenced in Supreme Court judgments on the Equality Act 2010 (Dentons, 2025; Bates Wells, 2025) has and can introduce new complexities, or reinforce certain readings that affect the practical application of the law, and the Equality and Human Rights Commission (EHRC) possesses litigation and enforcement powers (Equality and Human Rights Commission, n.d.), the actual effectiveness of these powers and the implementation of practical solutions remain under scrutiny. Our findings support how significant gaps remain in judicial empathy, understanding of systemic bias, and the capacity to address multi-layered discrimination, as highlighted in studies by Nielsen et al. (2017) and Barmes (2016).

A fundamental critique of equality law is raised by Aćimić Remiković and Sjoberg (2024), who argue that gender equality laws may possess inherent limitations and even be "counter-productive" because they operate within a political sphere with a vested interest in maintaining existing gender orders. This suggests that incremental reforms might not represent genuine progress towards equality, but rather mechanisms to "cushion" radical change. In this vein, Hand and Hooton (2024) identify an "accidental paradox" in the Equality Act 2010, where legal drafting and judicial interpretation could place sex claimants in a worse position than those with other protected characteristics, particularly concerning injury to feelings and constructive dismissal. This underscores the need for both interpretive and legislative solutions to systemic shortcomings. Complementing this critique, Gow and Middlemiss (2010), analyzing UK equal pay legislation over 40 years, conclude that, despite consolidations and amendments (like the Equality Act 2010), the law alone is insufficient to eradicate the pay gap due to deeply ingrained stereotypical views and institutionalized discriminatory attitudes. They advocate for further legal changes, acknowledging that numerous obstacles exist to achieving full eradication of pay discrimination in the UK. These structural critiques align with Acker's (1990) gendered organization framework, emphasizing that law alone cannot transform embedded organizational inequalities.

Downie's (2019) research also contributes to this reform debate by recommending a consistent legislative regime based on sound theoretical principles for all equality pay claims, adopting the best from each system to ensure a level playing field. The recent introduction of the pay audit remedy and pay disclosure provisions, also noted by Downie (2019), are likely to encourage employers (particularly in the public sector and large employers) to overhaul their pay arrangements, reducing direct and indirect pay discrimination rather than facing public disapproval. However, the literature does also provide some evidence of the effectiveness of specific policies such as the mandatory gender pay gap reporting in the UK, which has been celebrated for raising awareness and increasing employer engagement, which in turn has driven action to address disparities, indicating a positive shift (Bredehoeft, 2025). Bennedsen, Larsen, and Wei's (2023) survey on global pay transparency also confirms that such reforms reduce the gender pay gap in most countries, often by dampening male earnings growth rather than solely boosting female wages which could indicate pay transparency policies as an effective policy tool to preventing pay disparity in the first place; with Rubery, Grimshaw, and Figueiredo (2005) also advocating for a holistic "gender mainstreaming" approach to pay policy, shifting the focus from individual shortcomings to the structure of the employment environment, suggesting the need for deeper, systemic policy changes, and supports calls for systemic, multi-level approaches integrating legislation, organizational culture change, and collective strategies as essential to realize gains in gender pay equity.

Our findings emphasize that these challenges are deeply rooted in the very fabric of organizations and institutions, which often operate as fundamentally gendered structures (Acker, 1990). This 'gendered organization' perspective reveals how formal and informal practices, power dynamics, and cultural norms are not neutral but are shaped by, and in turn shape, gender inequalities. Therefore, while legal reforms are critical, they must be complemented by approaches that address these deeply embedded organizational dynamics. However, whilst we continue to gaze into the legislation and policy abyss, assessing new ways

to redress the pay imbalance for women within our gendered organisational hierarchies (Acker, 1990), we are failing to protect women from the harm that is being inflicted on them every day by our tribunal courts. We know that women will continue their relentless pursuit for justice through a legal system which is failing them, in the hope that things might change, but surely there is an easier way?

'You get a profession whose income depends on complications, to make it as complicated as possible. I don't mean it maliciously, but there could be an easier way. Surely there could be an easier way to get to it.' *Florence Nightingale*

But for the ones already trapped in the system, there is no way out.

'If you look at what's happened, right, you know I'm now separated from my husband, and you know, I'm in a situation where it's been almost two years that this has been dragging on, right? And I'm kind of trapped here, and so, you know, it's a pandemic, and so, and so people are like, you know, I feel like maybe you should just walk away, and it's like, you know, it's so hard. I can't do that at this stage. I feel like that decision was made already.' *Ruth Bader-Ginsberg*

### **Moving on**

'I think the, the next range of emotions has really been like what's next? In other words, like, OK, you went through this. I never in a million years this stage in my career would have expected to go through this, to be involved in a [NAME] court case. What's next? And that's really the stage I would say that I'm in now, of the wonderment of, you know, where does this leave you?' *Banks*

Our narrative analysis rigorously documents how the UK employment tribunal system, as a mainstream legal-organizational mechanism, not only falls short of delivering justice but actively perpetuates and embeds profound harm into women's lives and careers. These findings mirror the concerns raised by critical scholars regarding the institutionalization of justice practices, where the corruption of benevolence can lead to the watering down of truly transformative potential (McAlinden et, al., 2025; van der Valk et, al., 2024; Todic, et, al., 2024; Lambourne, 2025). The pervasive gender bias in decisions, significant organizational and structural barriers to access, complex procedural hurdles, and explicit discrimination that our participants experienced demonstrates how the current system, and its focus on legalistic outcomes, fails to embody the principles of freedom from domination and the establishment of just relations (Braithwaite, 2022; Llewellyn, 2021). Deep-seated organisational cover-up cultures further underscores how a system designed for individual disputes can enable powerful corporate entities to avoid genuine accountability for systemic issues, viewing legal processes as mere calculable costs, rather than drivers of ethical organisational transformation. Our findings echo contemporary literature for critical legal studies, and feminist legal studies, which emphasize how institutional inertia preserves systemic bias and limits the transformative possibilities of tribunals (Nielsen et al., 2017; Barmes, 2022; Lacey, 2024). It is important to note that 3 of the claimants had partial or full legal representation through trade unions our findings suggests that this support was not sufficient to address the systemic barriers, or lessen the impacts of the tribunal system on claimants.

And so where does that leave us? Intellectually we are forced to consider how to 'fix' a broken system, forced to consider whether this system has ever worked at delivering the type of social justice required of it. Such musing will bring us to the door of alternative forms of justice that address the legal and structural limitations outlined above. A type of justice that is capable of shifting the focus from punitive or procedural outcomes towards accountability and structural change. Transformative justice centers on lived experiences and acknowledges the broader social and institutional contexts of harm, especially those rooted in gender, race, and class (McAlinden et, al., 2025; van der Valk et, al., 2024; Todic, et, al., 2024; Lambourne, 2025). Applying this lens to our findings, particularly considering the severe mental health impacts experienced by claimants, allows for us to consider a form of social justice that is focused on the individual by seeking to provide healing and support. This type of justice could be delivered within the

organizational context, which current tribunals are ill-equipped to provide, and thereby countering the ingrained organizational cover-up culture through its focus of providing mechanisms for accountability that go beyond punitive measures, instead fostering genuine dialogue, recognition of harm, and direct commitments to systemic change from within the workplace itself. As Davis (2019, p. 35, cited in Rossner & Taylor, 2024) powerfully argues, restorative justice must embrace a more expansive view, acting as a gardener who tends not only to individual plants (the victims and perpetrators) but also to the larger ecosystem (the organizational and societal conditions that breed discrimination). This dual focus, on both micro-level interpersonal harm and macro-level structural injustices, positions restorative justice as an ink spot that with appropriate support can grow and cascade into wider organizational transformation (Shur-Ofry & Malcai, 2019, cited in Rossner & Taylor, 2024; Braithwaite, 2023). This approach prioritizes the creation of conditions for nondomination and just relations, moving justice practices closer to the ambitious ideals of true workplace equity.

## 6. Conclusions

This research has critically examined the UK employment tribunal system, revealing it as a mainstream legal-organizational mechanism that not only fails to deliver meaningful justice for women facing pay inequity and gender discrimination but actively perpetuates and embeds further harm. We find that women feel constrained by their circumstances, understanding that they will need the full support of their families and friends, as well as considerable financial resources and time to take on a tribunal court battle (Busby & McDermont, 2019). Despite such emotional labour, and the risks to their careers and happiness, women still choose to place their faith in our judicial systems in the hope that they can protect other women from the harms that they have suffered, a hope which dissolves as they face into the structural barriers that prevent their access to decent legal expertise and advice, and the bias and inequality made evident through the judiciary and its practices (Creamer and Maughlin, 2005). The women that fight in the face of such adversity will eventually find themselves on trial, where their personal character, roles and responsibilities are invented and played out before the court to confuse and distract the judiciary and providing fictitious rationales for inequity. Such experiences leave women with lasting psychological trauma that will continue to haunt their lives and careers long after the hearing has ended (Epstein and Goodman, 2012). For these individuals their hardships are further exacerbated by systemic failures in access to affordable legal representation, as well as organizational cultures that perpetuate discrimination beyond the courtroom (McDermont et al., 2016; Busby & McDermont, 2019).

This analysis unequivocally demonstrates that current legal avenues are ill-equipped to address the systemic roots of discrimination or the profound personal impact on claimants within organizations, echoing concerns about the dilution of justice's transformative potential within institutionalized settings (McAlinden et al., 2025; van der Valk et al., 2024; Todic, et al., 2024; Lambourne, 2025) and highlighting persistent failures to achieve women's freedom from domination and the just relations required for social justice. This study underscores the urgent need for scholars to consider alternative paradigms for workplace justice, specifically approaches that recognize the limitations of formal litigation and consider alternative resolution that will meet the immediate needs of the victim (Nielsen et al., 2017). Our findings expose employment tribunal systems as non-neutral arbiters of justice by providing deep insights into how legal mechanisms inadvertently reinforce existing cultural norms and gendered practices (Acker, 1990; Rubery et al., 2005). This paper therefore provides empirical contributions to contemporary debates that focus on a re-evaluation of equal pay laws, or equality justice more generally, particularly critical legal studies, and feminist legal theory, by providing insight into how organizational cultures and legal institutions have become the locus of inequality reproduction, and that alternatives must be sought if we are to protect the brave women and girls in our future from the harm that will befall them through our current tribunal court systems (McAlinden et al., 2025; van der Valk et al., 2024; Todic, et al., 2024; Lambourne, 2025).

In concluding we would like to invite scholars to explore the transformative potential of restorative justice as a robust and necessary framework for addressing the personal, institutional and structural barriers that face women attempting to seek justice through the UK tribunal system. The authors believe that the full potential of restorative justice approaches have not yet been fully understood, however, its ability to operate at both interpersonal and structural levels by focusing on accountability and systemic change must be fully considered as a viable alternative that may prevent the harm and suffering caused by the limitations of the current system (Braithwaite, 2023; Rossner & Taylor, 2024). Development of restorative justice

frameworks within the workplace could create spaces for meaningful dialogue and organizational accountability, mitigating the trauma and isolation observed in tribunal claimants (Pali & Canning, 2022; Braithwaite, 2022). Currently, restorative justice approaches have been predominantly developed within criminal law settings and therefore its application within employment law requires further empirical and conceptual work (Goodstein & Butterfield, 2015), particularly to address organizational contexts characterized by entrenched discrimination and power imbalances (Eisenberg, 2016). Such justice frameworks provide a dual focus by addressing systemic issues through approaches like gender mainstreaming, which involves integrating gender perspectives into all policies and programs (Rubery, Grimshaw, and Figueiredo, 2005), as well as empowering affected individuals by providing them with the agency to determine their own approach to resolution, and findings are encouraging. "There seem to be no blueprints but complex processes of policy-making and implementation at multi-level governance, where leadership, financial support and, in particular, combined gender strategies (mainstreaming and positive actions) with a transformational approach are crucial" (Pla-Julián & Guevara, 2020: 258). By fostering processes that promote genuine dialogue and collective problem-solving, restorative approaches can create spaces where women can voice their experiences and actively participate in building more just relations, rather than being confined to the adversarial roles of the current system (Sayer, 2011).

Future research should therefore prioritize the development and evaluation of practical models for integrating restorative justice into diverse employment contexts. This is crucial to ensure justice is truly holistic, empowering, and capable of dismantling the deeply entrenched structures that perpetuate gender-based harm in organizations, providing new restorative justice mechanisms that have been adapted for employment contexts, which exploring power dynamics in workplace discrimination and consider the legal-structural barriers as part of multi-dimensional justice reform.

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## References

- [1] Acas. (n.d.). Gender pay gap reporting.
- [2] Aćimić Remiković, M., & Sjoberg, L. (2024). Montenegrin gender 'protections' and the limits of gender equality laws. *Women's Studies International Forum*, 107, 103011. <https://doi.org/10.1016/j.wsif.2024.103011>
- [3] Acker, J. (1990). Hierarchies, jobs, bodies: A theory of gendered organizations. *Gender & Society*, 4(2), 139–158. <https://doi.org/10.1177/089124390004002002>
- [4] Ahmed, S. (2017) *Living a feminist life*. Durham: Duke University Press.
- [5] Akarçay, A., & Polat, S. (2023). Reluctance to report criminal incidents: limited access to justice, social exclusion, and gender. *European Journal of Law and Economics*, 55, 145–166. <https://doi.org/10.1007/s10991-023-09339-5>
- [6] Asda Stores Ltd v Brierley and others [2021] UKSC 10.
- [7] Bates Wells. (2025). Supreme Court confirms the need for comparable data in equal pay claims.
- [8] Baird, Douglas G., Robert H. Gertner, and Randal C. Picker. (1994) *Game Theory and the Law*. Harvard University Press.
- [9] Barnard, C., & Fraser Butlin, S. (2019). *EU Migrant Workers' Experience in Employment Tribunal Litigation*. Oxford: Hart Publishing.
- [10] Barmes, L. (2016). *Individual Labour Rights, Bullying and Harassment: Claiming Behaviour and Litigation Experience in Employment Tribunals*. Oxford: Hart Publishing.
- [11] Barmes, L. (2022) 'Silencing at Work: Sexual Harassment, Workplace Misconduct and NDAs', *Industrial Law Journal*, 52(1), pp.68–106.
- [12] Bartley, P. (2022) *Women's Activism in Twentieth-Century Britain*
- [13] Becker, M., Babcock, B., Curtis, D., Cain, P., Geller, L., Hantzis, C., Herman, B., Minow, M., Radin, P., Schneider, L., Thorne, B., White, L., Cantrell, D., Dohrer, S., Herrera, R., Schroff, R., Soden, M.A.,

Bartlett, K., Henderson, L. and Seidman, M. (1988) 'On The Bias: Feminist Reconsiderations Of The Aspirations For Our Judges', 61(1877).

[14] Bennedsen, M., Larsen, L., & Wei, X. (2023). Pay transparency reforms and prescription drug use: Evidence from the UK gender pay gap reporting. *Economic Policy*, 38(105), 99–130. <https://doi.org/10.1093/epolic/eiaa028>

[15] Bennedsen, M., Scur, D., Simintzi, E., Tsoutsoura, M., & Wolfenzon, D. (2022). Pay transparency and mental health. Working paper, University of Copenhagen.

[16] Bennett, C. (2021) 'Eyewitness testimony, the misinformation effect and reasonable doubt.', in In J. Pepp & M. McGlynn (Eds.) (ed.) *The Social Epistemology of Legal Trials*. <https://eprints.whiterose.ac.uk/id/eprint/175787/3/Eyewitness%20Testimony%2C%20Misinformation%20Effect%20and%20Reasonable%20Doubt.pdf>: Routledge, pp. 145–164.

[17] Birchall, R. and Phoenix, J. (2024) Don't Get Caught Out: A Summary of Gender Critical Belief Discrimination Employment Tribunal Judgements. Available at: <https://centaur.reading.ac.uk/118472/> (Accessed: 05/06/2025).

[18] Birchall, K., & Phoenix, S. (2024). Equal pay litigation and gender beliefs. *Legal Studies*, 44(1), 57–74.

[19] Birmingham City Council v Abdulla and others [2012] UKSC 47.

[20] Bogoch, B. (1999) 'Courtroom Discourse and the Gendered Construction of Professional Identity', *Law & Social Inquiry*, 24(2), pp.329–375.

[21] Braithwaite, J. (2003). Principles of restorative justice. In A. von Hirsch, J. Roberts, A. Bottoms, K. Roach, & M. Schiff (Eds.), *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms* (pp. 1–20). Hart Publ.

[22] Braithwaite, J. (2022). *Macrocriminology and Freedom*. ANU Press.

[23] Braithwaite, J. (2023). Beyond predatory peace. *Annual Review of Criminology*, 6, 1–21.

[24] Bredehoeft, J. (2025). Review of UK Employer Gender Pay Gap Publication Literature, *Equal Opportunity for Women in the Workplace Agency*, Australia.

[25] Busby, N., & McDermont, M. (2016). Access to justice in employment disputes: Private disputes or public concerns? In E. Palmer, T. Cornford, Y. Marique, & A. Guinchard (Eds.), *Access to Justice: Beyond the Policies and Politics of Austerity* (pp. 175–196). Oxford: Hart Publishing.

[26] Busby, N. and McDermont, M. (2019) 'Fighting with the Wind: Claimants' Experiences and Perceptions of the Employment Tribunal', *Industrial Law Journal*, 49(2), pp.159–198.

[27] Busby, N., & McDermont, M. (2019). *Citizens Advice Bureau and Employment Disputes: Claimant Experiences in Practice*. University of Bristol Research Series.

[28] Citizens Advice. (n.d.). Challenging a dismissal.

[29] Citizen's Advice Check what it might cost to make an employment tribunal claim. Available at: <https://www.citizensadvice.org.uk/work/employment-tribunal/employment-tribunals/before-you-go-to-the-tribunal/check-what-it-might-cost-to-make-an-employment-tribunal-claim/> (Accessed: 04th July 2025).

[30] Cohen, A., Klement, A. and Neeman, Z. (2015) 'Judicial Decision Making: A Dynamic Reputation Approach', *The Journal of Legal Studies*, 44 pp.S133–S159.

[31] Creamer, E.G. and Laughlin, A. (2005) 'Self-Authorship and Women's Career Decision Making', *Journal of College Student Development*, 46(1), pp.13.

[32] Datchi, C. C., & Ancis, J. R. (2017). The psychological toll of employment tribunal litigation on women. *Psychology, Public Policy, and Law*, 23(4), 532–545.

[33] Davis, F. (2019). *The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social*

Transformation. Good Books.

- [34] Deakin, S., Fraser Butlin, S., McLaughlin, C., & Polanska, A. (2015). Are litigation and collective bargaining complements or substitutes for achieving gender equality? A study of the British Equal Pay Act. *Cambridge Journal of Economics*, 39(2), 381–403. <https://doi.org/10.1093/cje/beu083>
- [35] Dentons. (2025). Equality Act 2010 update: Supreme Court guidance on equal pay.
- [36] Dick, C. (2020) 'Sex, Sexism, and Judicial Misconduct: How the Canadian Judicial Council Perpetuates Sexism in the Legal Realm', *Feminist Legal Studies*, 28(2), pp.133–153.
- [37] Doll, A. (2025) 'Fieldwork, Ethics, and the Importance of 'Wide Reflexivity': Feminist Socio-legal Research in Difficult Sites', *Feminist Legal Studies*.
- [38] Doyle Clayton. (2025). Call for evidence on new equality law reforms.
- [39] Downie, M. (2019). Preferential pay protection: Does UK law provide poorer protection to those discriminated against on grounds of protected characteristics other than gender? *International Journal of Discrimination and the Law*, 19(1), 4–24. <https://doi.org/10.1177/1358229118817163>
- [40] Dutton Gregory Solicitors. (2025). Understanding the Gender Pay Gap in the UK.
- [41] Eisenberg, D.T., 2016. The restorative workplace: An organizational learning approach to discrimination. Core.ac.uk. Available at: <https://core.ac.uk/download/pdf/56360671.pdf> [Accessed 20 Oct. 2025].
- [42] Employment Tribunals (UK). (2020). Guidance on equal pay claims.
- [43] Equality and Human Rights Commission. (n.d.). Our enforcement powers.
- [44] Epstein, D. and Goodman, L.A. (2012) '45Domestic Violence Victims' Experiences in the Legal System', in Miller, M.K. and Bornstein, B.H. (eds.) *Stress, Trauma, and Wellbeing in the Legal System*. Oxford University Press, pp. 0.
- [45] Feenan, D. (2009) 'Editorial Introduction: Women and Judging', *Feminist Legal Studies*, 17(1), pp.1–9.
- [46] Feenan, D. (2009). Judicial diversity and outcomes in discrimination claims. *Social & Legal Studies*, 18(2), 131 149.
- [47] Fuchs, G. (2013). Strategic Litigation for Gender Equality in the Workplace and Legal Opportunity Structures in Four European Countries. *Canadian Journal of Law and Society / La Revue Canadienne Droit et Société*, 28(2), 227–246.
- [48] Gender, Psychology, and Justice: The Mental Health of Women and Girls in the Legal System (2017) NYU Press.
- [49] Genn, H., & Pleasance, P. (2008). *Paths to Justice: What People Do and Think About Going to Law*. Oxford: Hart Publishing.
- [50] Goldberg, Suzanne B. (2020). Harassment, Workplace Culture, and the Power and Limits of Law. *American University Law Review*, 70(2), 419–470. GOV.UK. (2025). *Gender Pay Gap in the UK: 2025 Bulletin*. London: Office for National Statistics.
- [51] Goodstein, J. & Butterfield, K.D., 2015. Restorative justice. In *The Oxford Handbook of Justice in the Workplace*. Oxford University Press. Available at: <https://academic.oup.com/edited-volume/34479/chapter-abstract/292544745> [Accessed 20 Oct. 2025].
- [52] Gómez, J.M., Gobin, R.L. and Barnes, M.L. (2021) *Discrimination, Violence, & Healing within Marginalized Communities*. Informa UK Limited.
- [53] GOV.UK. (2018). Gender pay gap reporting: understanding the regulations.
- [54] GOV.UK. (2025). Equality Act 2010 reform: Call for evidence.
- [55] GOV.UK. (n.d.). Whistleblowing: Protect yourself and speak up.
- [56] Gow, L., & Middlemiss, S. (2010). Equal pay legislation and its impact on the gender pay gap.

International Journal of Discrimination and the Law, 11(4), 227–248.  
<https://doi.org/10.1177/1358229110440442>

- [57] Guzmán Murillo, H. J., Torres Ortega, J. M., & Leal Acosta, K. C. (2024). Critical analysis of gender-based violence in Latin America: Theoretical perspectives and challenges for intervention. *Contemporary Readings in Law and Social Justice*, 16(1s), 219–225. <https://crlsj.com>
- [58] Harrington, J. (2001) 'Making Sense of Equality Law: A Review of the Hepple Report', *The Modern Law Review*, 64(5), pp.757–766.
- [59] Hand, J., & Hooton, V. (2024). Equal Pay and the Equality Act 2010: An Accidental Paradox in Need of Change?. *Liverpool Law Review*, 45, 105–103.
- [60] He, L., Firdaus, A., Gong, J., Dharejo, N. and Aksar, I.A. (2024) 'How the social media impact women's psychological well-being in the patriarchal structure? The moderating effect of social capital', *BMC Public Health*, 24(1), pp.581.
- [61] History & Policy. (2024). Equal Pay Act 1970: A fifty-year struggle for fair wages.
- [62] Huang, P.H. (1995) 'Strategic behavior and the law: a guide for legal scholars to game theory and the law and other game theory texts', *Jurimetrics*, 36(1), pp.99–114.
- [63] Hunter, R. and Rackley, E. (2020) 'Feminist Judgments on the UK Supreme Court', *Canadian Journal of Women and the Law*, 32(1), pp.85–113.
- [64] ICLG.com. (2024). The Gender Pay Gap and UK Law.
- [65] Identifying Barriers to Equity in the Justice System (2022-02-22) [https://iaals.du.edu/sites/default/files/documents/publications/paths\\_to\\_justice\\_barriers\\_equality\\_paper.pdf](https://iaals.du.edu/sites/default/files/documents/publications/paths_to_justice_barriers_equality_paper.pdf) Institute for the Advancement of the American Legal System (IAALS)
- [66] Jobling, S. (2023). The impetus for change: Legislating for equal pay and the Equality Act. *Legal Studies*, 43(5), 601–629.
- [67] Lacey, Nicola (2024). Feminist Legal Theory Beyond Neutrality. In *Reassessing Feminist Legal Theories*, SpringerLink.
- [68] Lahuerta, S. B. (2024). The UK pay transparency regulations: Apparent transparency without accountability. *Legal Studies*, 44(1), 205–226.
- [69] Lambourne, W., 2025. Psychosocial justice and the transformative turn in transitional justice. *The International Journal of Human Rights*, [online] Available at: <https://www.tandfonline.com/doi/pdf/10.1080/13642987.2025.2501568> [Accessed 20 Oct. 2025].
- [70] Levrant, S., Cullen, F. T., Fulton, B., & Wozniak, J. F. (1999). Reconsidering restorative justice: the corruption of benevolence revisited?. *Crime & Delinquency*, 45(1), 3–27.
- [71] Lewis Silkin LLP. (2024). Equal value claims: understanding the law.
- [72] Lewis Silkin LLP. (2025). Employment law reform: What to expect in 2025.
- [73] Llewellyn, J. J. (2021). Transforming restorative justice. *International Journal of Restorative Justice*, 4(3), 374–395.
- [74] Making a Difference Across the Political Spectrum. Palgrave Macmillan UK.
- [75] Maldonado, D.B. (2020a) 'The Right to Access to Justice: Its Conceptual Architecture', *Indiana Journal of Global Legal Studies*, 27(1), pp.15–33.
- [76] Manjoo, R. (2020) "Accountability and Impunity: Developments and Challenges in Realizing Justice for Women Victims of Violence.", *International Review of Contemporary Law*, International Association of Democratic Lawyers.
- [77] Mansi, S. (2024). Legal representation and outcomes in employment tribunal litigation. *British Journal of Law & Society*, 37(2), 177–195.

[78] Mansi and Prakarsh, P. (2024) 'Women's Participation in the Legal System: Challenges and Progress'.

[79] McAllister Olivarius. (n.d.). Unconscious bias in the workplace.

[80] McAlinden, A., Keenan, M. & Gallen, J., 2025. Restorative, transitional, and transformative justice. In *Transforming Justice Responses to Non-Recent Institutional Abuses*. Oxford Academic. Available at: <https://academic.oup.com/book/59821/chapter/511216157> [Accessed 20 Oct. 2025].

[81] McDermott, B.L. and Mroz, S.P. (2011) 'The Use of Experts in Employment Discrimination Litigation', *The Federal Lawyer, Labour and Employment Corner*.

[82] McDermott, M., Kirwan, S., & Sales, A. (2016). Poverty, social exclusion and the denial of rights to a fair hearing: A case study of employment disputes. *Journal of Poverty and Social Justice*, 24(1), 21 35. <https://doi.org/10.1332/175982716X14520021674855>

[83] McDermott, M., & Kirk, E. (2017). Working in law's borderlands: Translation and the work of an advice office. *Oñati Socio Legal Series*, 7(7), 1445 1464.

[84] McDermott, K., & Mroz, A. (2011). Witness coaching and its effects in employment tribunals. *Employee Relations*, 33(6), 335 349.

[85] Milner, W. (2024). Exploiting ambiguities in UK equal pay enforcement. *Industrial Law Journal*, 45(3), 253 274.

[86] Milner, S. (2024) 'Reaching the Limits of the Equal Pay Act, 1970–2007', in Milner, S. (ed.) *Women and Employment in Public Policy: Learning from the UK Women and Work Commission (2004-2009)*. Oxford University Press, pp. 0.

[87] Moyer, L. K., & Haire, S. (2015). Judicial empathy and gendered judgments in employment cases. *Law & Society Review*, 49(1), 127 156.

[88] Moyer, L.P. and Haire, S.B. (2015) 'Trailblazers and Those That Followed: Personal Experiences, Gender, and Judicial Empathy', *Law & Society Review*, 49(3), pp.665–689.

[89] Murphy, K. and Tyler, T. (2008) 'Procedural justice and compliance behaviour: The mediating role of emotions', *European Journal of Social Psychology*, 38(4), pp.652–668.

[90] Nielsen, L. B., Berrey, E., & Edelman, L. B. (2017). Litigating for equality: Gender litigation in the UK and US. *Law & Society Review*, 51(4), 935–970. <https://doi.org/10.1111/lasr.12390>

[91] Pali, B., & Canning, V. (2022). Challenging co-optive criminalisation: feminist-centred decarceration strategies for interpersonal and sexualized violence. *Howard Journal of Crime and Justice*, 61(1), 68–86.

[92] Peake, L. and Koleth, E. (2024) 'Feminist approaches to qualitative data analysis', in pp. 257–272.

[93] Pedley, K., Clemence, M., Writer-Davies, R., Spielman, D. and 2020 Disclaimer, S. Evaluation of Acas Individual Conciliation 2019: Evaluations of Early Conciliation and conciliation in Employment Tribunal applications.

[94] Pittman, A., Appel, D., & Watch, O. D. (2021) 'Feminist Data Collection: Building a Vision of an Inclusive System.', *Feminist AI*.

[95] Pla-Julián, I., & Guevara, S. (2020). "Mainstreaming gender and sustainability jointly: a case study from a local government in Spain." *Local Environment*, vol. 25, no. 3, pp. 258–271. <https://doi.org/10.1080/13549839.2020.1732314>

[96] Pla Julián, I., & Guevara, L. (2020). Policy change and gender mainstreaming in pay equity. *European Journal of Social Policy*, 30(2), 245 263.

[97] Redmans Solicitors. (n.d.). Discrimination in the workplace: Your rights.

[98] Resnik, J. (2000) 'Money Matters: Judicial Market Interventions Creating Subsidies and Awarding Fees and Costs in Individual and Aggregate Litigation', *University of Pennsylvania Law Review*,

148(6), pp.2119–2195.

[99] Resnik, J. (2000). Legal expenses and equality claims. *Law and Contemporary Problems*, 63(2), 153 171.

[100] Rob Cooze & Others v University of Wales Trinity St David (unreported, settled before tribunal hearing).

[101] Rosile, G.A., Boje, D.M., Carlon, D.M., Downs, A. and Saylors, R. (2013) 'Storytelling Diamond: An Antenarrative Integration of the Six Facets of Storytelling in Organization Research Design', *Organizational Research Methods*, 16(4), pp.557–580.

[102] Rossner, M. & Taylor, H., 2024. The transformative potential of restorative justice: What the mainstream can learn from the margins. *Annual Review of Criminology*, 7, pp.357–381. Available at: <https://doi.org/10.1146/annurev-criminol-030421-040921> [Accessed 20 Oct. 2025].

[103] Rubery, J., Grimshaw, D., & Figueiredo, H. (2005). How to close the gender pay gap in Europe: towards the gender mainstreaming of pay policy. *Industrial Relations Journal*, 36(3), 184–202.

[104] Rubery, J., Grimshaw, D., & Figueiredo, H. (2005). Gender mainstreaming and pay discrimination: Policies and results. *European Journal of Industrial Relations*, 11(1), 99–122.

[105] Sampson, R.J. and Bartusch, D.J. (1998) 'Legal Cynicism and (Subcultural?) Tolerance of Deviance: The Neighborhood Context of Racial Differences', *Law & Society Review*, 32(4), pp.777–804.

[106] Sampson, R. J., & Bartusch, D. J. (1998). Adversarial systems and claimant outcomes. *Social Problems*, 45(3), 349–367.

[107] Sayer, Andrew (2011). "Why Things Matter to People: Social Science, Values and Ethical Life." Cambridge University Press.

[108] Schmitz, C.L. and Gabel, S.G. (2023a) 'Women, Human Rights, and Gender Equality', *Journal of Human Rights and Social Work*, 8(4), pp.359–360.Songer, D.R. and Crews-Meyer, K. (2000) 'Does Judge Gender Matter? Decision Making in State Supreme Courts', *Social Science Quarterly*, 81(3), pp.750–762.

[109] Schofield and Associates. (n.d.). PTSD from workplace discrimination.

[110] Shur-Ofry, M., & Malcai, O. (2019). Collective action and social contagion: community gardens as a case study. *Regulation & Governance*, 15(1), 63–81.

[111] Solanke, I. (2011). Infusing the Silos in the Equality Act 2010 with Synergy. *Industrial Law Journal*, 40(4), 336–358. <https://doi.org/10.1093/indlaw/dwr024>

[112] Solanke, I. (2011). *Discrimination at Work and the Law*. Abingdon: Routledge.

[113] Songer, D. R., & Crews Meyer, K. A. (2000). Judicial representation and fairness in employment disputes. *Law & Policy*, 22(3 4), 575–595.

[114] Sweeney, P.D. and McFarlin, D.B. (1997) 'Process and Outcome: Gender Differences in the Assessment of Justice', *Journal of Organizational Behavior*, 18(1), pp.83–98.

[115] Swim, J.K., Mallett, R. and Stangor, C. (2004) 'Understanding Subtle Sexism: Detection and Use of Sexist Language', *Sex Roles*, 51(3), pp.117–128.

[116] Todic, J., Méndez, X., Webb, M., Castellanos, C., Soto, R., McMahon, S.M. & Christensen, M.C., 2024. Transformative justice. In *Encyclopedia of Social Work*. Oxford University Press. Available at: <https://oxfordre.com/socialwork/abstract/10.1093/acrefore/9780199975839.001.0001/acrefore-9780199975839-e-1672> [Accessed 20 Oct. 2025].

[117] UK Employment Hub. (2024). Psychological impacts of tribunal litigation: Specialist report. London: UKHR.

[118] UK Parliament Committees. (2019). Report on Non Disclosure Agreements and Workplace Culture. London: House of Commons Women & Equalities Committee.

[119] UK Parliament, 2025. Written question UIN 51461, asked on 12 May 2025. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2025-05-12/51461> [Accessed 20 Oct. 2025].

[120] United Kingdom Parliament. (2019). Workers' rights debate.

[121] van der Valk, S., Albert, A., McAlinden, A.-M., Keenan, M. & Gallen, J., 2024. Innovative justice responses for non-recent institutional abuses: Restorative, transitional and transformative justice. QPOL Policy Paper, Queen's University Belfast. Available at: [https://pure.qub.ac.uk/files/568734126/Anne-Marie\\_McAlinden\\_Paper\\_11\\_Restorative\\_Transitional\\_and\\_Transformative\\_Justice.pdf](https://pure.qub.ac.uk/files/568734126/Anne-Marie_McAlinden_Paper_11_Restorative_Transitional_and_Transformative_Justice.pdf) [Accessed 20 Oct. 2025].

[122] Walters, R. (2022) 'Varieties of gender wash: towards a framework for critiquing corporate social responsibility in feminist IPE', *Review of International Political Economy*, 29(5), pp.1577–1600.

[123] William, L., Corby, S., & Pauksztat, B. (2025). Intersectional Claims at the Employment Tribunal. In *Claiming Disability Discrimination* (pp. 137–157). Springer.

[124] Women's Budget Group. (2023). Impact of legal aid cuts on women.

[125] Women's Budget Group. (2023). *Financial Barriers to Equal Pay Claims: Annual Review*. London: WBG.

[126] Women's Budget Group. (2023) 'Gender Gaps in Access to Civil Legal Justice A survey of support services in England and Wales', 13th July. Available at: <https://www.wbg.org.uk/publication/gender-gaps-in-access-to-civil-legal-justice/> (Accessed: 05/06/2025).

[127] Women and Work Commission. (2006). *Shaping a Fairer Future: A Review of the Recommendations for Women's Employment and Equal Pay*. London: Department of Trade and Industry.

[128] Woo, M.Y.K., Cox, C. and Rosen, S. (2022) 'Access to Civil Justice', *The American Journal of Comparative Law*, 70(Supplement\_1), pp.i89–i117.

[129] Woo, C., Martin, E., & Evans, L. (2020). Outcomes of self representation in tribunal litigation: A quantitative study. *Journal of Legal Studies*, 35(4), 623 648.