

NAMING, BLAMING BUT NOT CLAIMING: INTERSECTIONALITY, POWER AND SEXUAL HARASSMENT IN THE WORKPLACE Post #MeToo

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Abstract

In the context of #MeToo, addressing workplace sexual harassment is a critical issue. This article discusses aspects of the author's empirical work on the role of intersectional identities in influencing Black women's perceptions of their workplace sexual harassment and pursuit of access to justice in England and Wales and elaborates further on its findings in light of recent legal developments. It draws on Felstiner, Abel and Sarat's "Naming, Blaming, Claiming" framework (1980-1981) to examine the extent to which Black women in England and Wales seek redress for their harms. It argues that aspects of Black women's intersecting identities, including their race, gender, and physical characteristics interact with workplace power dynamics to negatively inform their decisions to blame and claim and shape their assumptions about being stereotyped by their employers and lawyers/the legal system. It concludes that, while the Black women tend to name and blame, there was a hesitancy to claim.

Keywords: intersectionality; naming; blaming; claiming; power; access to justice; #MeToo.

[A] INTRODUCTION

The article explores the manner in which Black women navigate experiences of sexual harassment in their workplace settings in England and Wales. It addresses the question: to what extent do Black women research participants' perceptions of their intersectional identities influence their ability to name, blame and claim after they have been sexually harassed at work? The article argues that the Black women's perceptions of their intersectional identities, their assumptions about how they are expected to behave in the workplace and how they believe

they are viewed by their employers/managers play contributory roles in their decisions to seek redress. The article further contends that the power disparities that the participants encountered in the workplace added to their reluctance to escalate their disputes. Their hesitation was compounded by the authority which their employers derived from the employment contract. The consequent power imbalance resulted in the participants' submission and subordination, imposed obligations on them as employees (Collins 2018) and also exposed them to structural vulnerabilities in the workplace (Mantouvalou 2018).

This article draws on interviews conducted with Black women who experienced workplace sexual harassment as well as with lawyers advising on this issue. The interviews formed part of the author's broader doctoral project ("the study") (Ahamed 2025), which examined how intersectional identities shape experiences of workplace harassment and access to justice. It focuses on a selection of the data by discussing the findings that specifically illuminate how Black women respond to workplace harms.

The article makes a focused contribution, with its originality residing in the application of the naming, blaming, claiming (NBC) framework to examine Black women's responses to workplace sexual harassment in England and Wales through an intersectional lens. While the NBC framework has been used in various contexts in socio-legal literature, it has not been used to explore the combined effects of intersectional identities and power dynamics in relation to workplace sexual harassment in England and Wales. The analysis here offers insights into how participants' self-perception and the interplay of power have shaped their decisions to name, blame and claim. Whereas there indeed was an inclination to name and blame, there was a hesitancy to claim. By examining lawyers' perceptions about Black women's inclination to seek redress, the study also contributes to the literature on access to justice. The author situates the findings in recent legal developments including the 2025 *Weinstein* ruling and the enactment of the Work Protection (Amendment of Equality Act 2010) 2023. These developments underscore the continued relevance of examining individual and institutional responses to workplace harms. Finally, the author shows how the empirical findings of the study, examined through the NBC framework, can highlight the barriers Black women face in seeking access to justice while extending socio-legal debates on responses to workplace sexual harassment.

The structure of the article is as follows: section B frames the #MeToo movement (#MeToo) within the context of sexual harassment. Section C outlines the feminist methodology adopted in the study and in this article.

Section D provides an overview of the NBC framework and examines the various stages of the NBC process while centring the intersectional identities of the participants in each phase of the dispute transformation process. Section E sets out the conclusion and possibilities for future research.

[B] BRIEF OVERVIEW OF #METOO MOVEMENT IN RELATION TO SEXUAL HARASSMENT

The prevalence of workplace sexual harassment has “never been much of a secret” (Davies 1981: 200). Sexual harassment came to the forefront of feminist agendas in England and Wales in the 1980s (Wise & Stanley 1987). #MeToo drew renewed attention to the occurrence of sexual harassment in the workplace (Phipps 2020) and mitigated some of the shame and stigma around sexual harassment (Wexler 2019). It illustrated that women were more open about identifying themselves and recounting their experiences (Srinivasan 2022). Sara Ahmed (2017) notes the significance of safe spaces for women to discuss their harassment stories and recognizes how, in the case of sexual harms, although stories emerge with a “drip, drip” effect, as more women feel empowered to share, name and blame, there ensues a “flood” of testimonies. #MeToo and its platform on X gained traction with social media users as a safe and transformative space where women felt enabled by virtual solidarity to share their stories of sexual harm.

#MeToo, however, significantly failed to acknowledge the distinct and particular forms of sexual abuse that Black women faced in the workplace (Onwuachi-Willig 2018). This is reflected in the dearth of research in England and Wales that elicits the voices of Black women who have been sexually harassed at work or considers how their identities have influenced their experiences or their desire to seek redress. Only three studies have explored the workplace sexual harassment experiences of women of colour (Davidson 1997; Holder & Ors 2000; Fielden & Ors 2009), with none addressing the experiences of Black women. While calls continue for more research on intersectionality and sexual harassment (Cassino & Besen Cassino 2019; Minnotte & Legerski 2019; Jones & Wade 2020), a growing body of literature on the subject is emerging, predominantly from the United States (Ontiveros 1993; Buchanan & Omerod 2002; Berdahl & Moore 2006; Hodgins 2023). In contrast to American studies, this research integrates the lived experiences of Afro-Caribbean women and women of Black British heritage in England and

Wales with structural power dynamics and applies the NBC framework to examine workplace sexual harassment. The findings presented here contribute to this body of empirical literature on intersectional sexual harassment by illuminating how these experiences are recognized and responded to by Black women in England and Wales.

[C] METHODOLOGY

The primary research question of the study (Ahamed 2025) related to the extent to which intersectional aspects of Black women's identities influence their understanding of their workplace sexual harassment experiences and inclination to seek access to justice. The NBC framework enabled the study to focus on the initial phases of the participants' grievance process to examine their reactions. The article particularly focuses on this dimension of the research undertaken for the study (Ahamed 2025). Alongside NBC, intersectionality (Crenshaw 1989; Crenshaw 1991; Cho & Ors 2013) was used as a theoretical lens to examine whether a harm had been done (naming), whether an individual had been attributed responsibility for it (blaming), and whether remedy was sought (claiming) (Felstiner & Ors 1980-1981). Intersectional theory holds that individuals have multiple identities, including race and gender (Crenshaw 1989), which enable the relationship between oppression and power, and it explains how multiple dimensions of power that crosscut across social groups may be understood (Rice & Ors 2019). Although intersectionality's ability to capture how individuals use their identities to make sense of their realities has been questioned (Nash 2008: 11), the current study, combined with the NBC framework, enabled the Black women participants' experiences to be centred, permitting an indepth examination of their patterns of behaviour.

Rebecca Campbell and Sharon Wasco (2000) note that one of the aims of feminist research is to document women's experiences in a way that validates their voices as significant sources of knowledge. Feminist research focuses on how women's lives are controlled by the actions of men and on the approaches used by women to prevent and challenge these (Maynard & Ors 1994). Women's accounts on their own cannot, however, provide a comprehensive picture of how this is achieved, since the scope of the problems and the ways in which men and patriarchal organizations preserve their power narratives are difficult to ascertain (Maynard & Ors 1994), suggesting that feminist research should examine both women's experiences and the power structures that constrain or empower them (Disch & Hawkesworth 2016). Accordingly, the study analysed the participants' perceptions of their harm and their understandings of the

workplace power dynamics to determine how and the extent to which these factors shape their decisions to name, blame and claim (Ahamed 2025).

The study also used intersectionality as methodology to conduct feminist research as a tool with which to examine the experiences of the participants to uncover understandings that might otherwise have remained hidden (Ackerly & True 2020). It adopted Leslie McCall's intra-categorical approach (McCall 2005) to allow the diversity within the group to be highlighted.¹ This approach enabled the fragmented and overlapping nature of the participants' intersectional identity categories to emerge and allowed the reasons these affected their perception of their harms and influenced their ability to name, blame and claim to be drawn out. The intra-categorical approach also allowed identity categories like race and gender, alongside other interconnected aspects such as body shape and skin tone, to all be considered. Simultaneously, the intra-categorical approach highlighted how hierarchical and power structures in the workplace resulted in particular dynamics between the participants, their supervisors, perpetrators, and co-workers which shaped their perceptions of harm and their subsequent actions in terms of blaming and claiming. The limitations of this approach, as adopted in the design of the study, include that the perspectives of employers, human resources managers, and trade union representatives were not taken into consideration (Ahamed 2025).

The research data drew on interviews with Black women who had been sexually harassed in the workplace and lawyers and activists involved in advising and helping them. Semi-structured interviews were conducted with 15 Black women who were sexually harassed at work, eight lawyers specializing in anti-discrimination law and three activists working in sexual harassment.² This pool arises from a recruitment process that drew on individuals who were able to recognize and articulate their experiences as sexual harassment, and therefore the study is underpinned by a self-selection bias. The study's participants differ from Black women who may have suffered from workplace harm and remain silent or unable to frame their harms in this way. The generalizability of the findings, therefore, is limited, as it excludes subtle, cumulative or coercive experiences of sexual harassment that are less easily named. This underscores the

¹ Leslie McCall argues that adopting an intersectional methodological approach enables the ongoing processes through which identity categories are constructed, perpetuated and challenged within the realm of everyday life to be examined. For further discussion, see McCall (2009).

² Ethical approval to carry out these interviews and permission were granted by the Social Sciences & Arts C-REC, University of Sussex [ER/NA463/1] [ER/NA463/2] and [ER/NA463/3].

need for future research to examine the normalization of harm and the ambivalence of women to “name” sexual harassment. The limitation of self-selection, however, does not diminish the study’s significance in highlighting the behavioural responses of Black women who were able to name their harm and the factors that shaped their decision to blame and their hesitancy to claim (Ahamed 2025).

While not being entirely unstructured, the interviews were conducted as relatively informal conversations. The interviews took place during the Covid-19 pandemic between November 2020 and May 2021. The fieldwork was adapted to take into consideration lockdown and mandatory social-distancing measures (Teti & Ors 2020). Although traditional modes of fieldwork have been questioned and divisions between “home” and the “field” have come to be recognized as “blurred”, the need to rethink boundaries to fieldwork became more apparent during this period (Günel & Ors 2020). Gökçe Günel’s patchwork ethnography approach was adopted. It integrates “home” and “field”, and reimagines research as a “collaborative” process that embraces the gaps, constraints, partial knowledge, and diverse commitments inherent in knowledge production. This enabled the challenges and constraints of the pandemic to be navigated while maintaining the integrity and rigour of the research and was also applied to conceptualize the use of fragmented data, allowing the retention of contextual knowledge akin to the knowledge collected in traditional fieldwork. At the same time, the impact of the evolving social context of the participants’ knowledge production was explored. In this way, the study’s method was adapted to incorporate diverse sources of information and to capture the dynamic nature of the research topic while ensuring the thoroughness and depth associated with traditional fieldwork practices (Günel & Ors 2020).

After data collection, the interviews were thematically coded using the NVivo software program. This enabled their nuanced meanings to be examined and allowed a comparison of how words were used contextually by the participants (Charmaz 2006). Feminist knowledge production suggests that a researcher should be recognized as “a real historical individual with concrete, specific desires and interests” (Harding 1998: 9) and whose social, cultural, and economic background shape the analysis. Guided by this, the data was refined through an iterative process. For instance, themes such “naming”, “blaming” and “claiming” were created prior to developing subthemes such as “not taken seriously”, “not naming”, and “talking to friends”. A comparative exercise was then carried out to identify common features and variances which involved examining the participants’ statements to extract meanings

(Zhang & Wildemuth 2009). It also included efforts to understand, within and across the interviews, the participants' reactions, how they described harms and the factors that shaped their decisions to blame and claim (Charmaz 2006). To capture the range, complexity and richness of the data, the selection of the participants' testimonies included in the study aimed to reflect their shared experiences. Converging views were also drawn upon to highlight the varied ways the participants responded to their sexual harassment grievances which in turn shaped their inclination to blame and claim. Divergences between the participants' and lawyers' testimonies revealed varying assumptions about how Black women are perceived and understood in legal and workplace settings. These were further highlighted by the study to explain the complex reasons why Black women do not claim or seek redress for harms (Ahamed 2025).

The recruitment process for the interviews presented three main challenges which were addressed but are noted briefly here. First, the sensitive nature of the research topic made recruitment more complex. Second, the Covid-19 pandemic raised difficulties, as many women were dealing with additional domestic duties while remote working, with other responsibilities forced on them by the circumstances. These two factors deterred potential participants initially, but, when the Covid-19 restrictions began to ease, engagement improved. Third, as recruitment was carried out mainly through social media platforms and direct outreach to law firms and barristers' chambers, there was a concern that potential participants outside these domains may have been excluded. To address this, organizations that support Black women who have suffered sexual abuse were approached to facilitate wider access. This resulted in three women coming forward to participate in the study. While these challenges shaped the recruitment process, they also informed a more nuanced understanding of the participants' decisions to name, blame and claim, explored in the sections below (Ahamed 2025).

[D] NAMING, BLAMING, CLAIMING, AND INTERSECTIONAL IDENTITIES

An overview

The NBC framework developed by William Felstiner and colleagues describes how disputes evolve and transformations within them occur (Felstiner & Ors 1980-1981). The first stage, "naming", occurs when an injured party realizes that a problem exists and transforms their unperceived injurious experience (unPIE) into a perceived injurious

experience (PIE). The second phase, “blaming”, happens when the injured party holds another responsible for the harm, and this transforms the incident into a grievance. The third phase, “claiming”, takes place when the injured party turns to the blamed party and seeks a remedy. A claim is transformed into a dispute when it is either partially or fully rejected. During this stage, the disagreement may be vocalized to a third party, such as a mediator, a judge, or friends (Felstiner & Ors 1980-1981). While Felstiner and colleagues attempt to categorize the dispute process into three stages, in reality, a grievance may not always go through them chronologically (Olesen & Hammerslav 2023), and not every conflict will cross all the phases. Individuals may not feel aggrieved, and therefore they may not necessarily ascribe blame, and “those who claim may not blame” (Genn 1999: 10). Furthermore, individuals could shift from claiming “back to naming and blaming, to changing perceptions of injury and to changing attributions of responsibility for causing injury and providing remedy” (Galanter 2010: 4). The participants’ accounts, discussed below, illustrate this moving and shifting and the complex nature of disputes. In many instances, participants named and blamed but did not claim.

In a 2020 interview, Felstiner, Abel and Sarat revisited their framework, nearly 40 years after its original publication, and reiterated that its purpose was to understand why some disputes and injuries go unaddressed and unrecognized.³ As Annette Olesen and Ole Hammerslev note (2023), an individual’s acknowledgment that they have been injured marks a pivotal transition in the naming stage. This point is important in drawing a connection between unPIE and the idea of “false consciousness” (Trubek 1980-1981). UnPIE recognizes that at times individuals do not realize the extent of their harm because they have a distorted perception or are unaware that they have been harmed (Olesen & Hammerslev 2020) and therefore have a “false consciousness” of what happened (Trubek 1980-1981). False consciousness “assumes that there is a fundamental truth hidden from consciousness by ideology and thus not discoverable by any purely empirical technique”. At times, it is this lack of awareness that prevents injured parties from accurately naming the injury and seeking justice (Trubek 1980-1981).

Trubek’s notion of false consciousness reveals how individuals may internalize ideas and norms detrimental to their own empowerment. False consciousness exposes the complexities of capturing accurate and comprehensive data, since it raises questions about beliefs that may have informed an individual’s perceptions and reporting behaviours (Trubek

³ See Olesen and Hammerslav’s interview (2020) with Felstiner, Abel and Sarat for a retrospective discussion of their “naming, blaming, claiming framework”.

1980-1981). Trubek's idea of false consciousness explains how some of the participants' internalized beliefs disempowered them, leading them to downplay their harm experiences. For instance, participant Gemma, a general practitioner, reported that sexual harassment was a "normal part of everyday life". Her perception suggests how false beliefs shaped by societal expectations can contribute to the normalization of sexual harassment and an unwillingness to blame and claim.

Michael Palmer (2014) identifies the strengths and shortfalls of the NBC framework, acknowledging its role in enhancing an understanding of the challenges of achieving equality and access to justice. He draws attention to how NBC lends itself to empowering marginalized and economically disadvantaged individuals to recognize the violation of their rights and overcome resignation to accept injustice and grievance apathy (described below). He notes how the framework enables the examination of early stage dispute reactions which can lead to resolution. For instance, if a blamed party accepts their wrongdoing and offers an apology, it could prevent further dispute escalation. While he identifies the positive role of lawyers in the transformation of disputes, he also points out how sometimes they can provoke and foster disputes and critiques the NBC for being unable to shift its focus away from courts and lawyers (Palmer 2014). Palmer's examination also draws attention to whether and to what extent individuals consult lawyers and seek remedies through the courts (for further discussion, see Palmer 2014: 27-32). This insight highlights structural and relational barriers that shape whether harms are recognized and whether individuals pursue formal redress.

NBC, intersectionality and #MeToo

During the 1980s, the NBC framework was part of the contemporaneous legal-anthropological and socio-legal approach that examined dispute processes as social constructs within their situational contexts, both empirically and theoretically (Olesen & Hammerslev 2020). Its influence and relevance has grown over the past 40 years in scholarly studies which illustrated how it has been used to understand how disputes evolve in different contexts (Olesen & Hammerslev 2023). Recently, it was employed to examine why survivors of human trafficking do not report their victimization (Hefner & Hill 2023). Within the workplace context, Sara Charlesworth and colleagues' study (2011) draws upon "naming" and "claiming" to examine cases of sexual harassment of women and men in Australian workplaces to consider how sexual harassment is understood. In relation to #MeToo, the framework offers a valuable lens through which the behavioural responses of sexually harassed women

can be examined to determine whether they are able to attribute blame to their perpetrator and seek remedies for their workplace harms.

In their 2020 interview, Felstiner and colleagues also point out how social media shapes the articulation of grievances and NBC (Olesen & Hammerslev 2020). The connection between #MeToo (as a digital form of feminist activism) and NBC becomes evident in two ways: one involves the individual's perception of the wrong and their ability to recognize that they have been harmed (ie naming); while the other is highlighted in their ability to assign the harm to another (blaming). Giti Chandra and Irma Erlingsdóttir (2020) acknowledge that #MeToo reassured survivors that they were not alone and provided those who felt denied justice a platform on which to share their stories. They note that, while #MeToo empowered only certain women to speak out (they do not specify which women), they maintain its historic and unprecedented significance. Angela Onwuachi-Willig (2018), however, noted that #MeToo significantly failed to recognize the distinct forms of sexual abuse that Black women face in the workplace. She observed that the term "MeToo" had shifted its intersectional emphasis to being predominantly about the experiences of heterosexual, white, cis women, and consequently any legal responses would disproportionately benefit them. While #MeToo mitigates grievance apathy by fostering online solidarity, qualitative research on women's experiences of the movement remains sparse (O'Halloran & Cook 2023). Findings from the interviews add to this empirical literature and align with Onwuachi-Willig's (2018) position on the movement, illustrated in participant solicitor Geraldine's words that Black women felt "somewhat on the sidelines of the #MeToo movement". This insight lends weight to the claim that the movement primarily focused on certain groups of women, while failing to adequately address the experiences of Black women, as noted above.⁴

The findings also suggest that, while #MeToo gained visibility as a movement against workplace sexual harassment, it did not resonate as an accessible space for the participants to speak out about their harm. For instance, one participant, Nola, a funeral parlour owner, noted its selective focus and said it was "more geared toward" "a particular type of woman". The testimonies also revealed that the #MeToo campaign had raised awareness about the law around sexual harassment. Participant Luna, a trainer, shared that, the movement had helped her to understand that "comments" could constitute sexual harassment and deepened her awareness about legal protections. This knowledge aligns with case law

⁴ For further discussion on how Black voices have been overlooked by #MeToo, see Alison Phipps (2020) and Marai Larasi (2020: 233).

in which employment tribunals (ETs) have interpreted unwanted sexual conduct widely, acknowledging that a single incident may constitute sexual harassment, depending on gravity and context (*Bracebridge Engineering Ltd v Darby* 1990). The movement's effectiveness, however, in promoting naming and blaming in relation to intersectional sexual harassment within institutional settings for the participants in the study was limited.

Although #MeToo broadly gave visibility to workplace sexual harassment experiences, its framing around naming and blaming has deflected attention from structures that enable harm to perpetuate. Low-level employees were also not a focal point of the movement (Clarke 2019). The Workers Protection Act (Amendment of Equality Act 2010) 2023, England and Wales, in force from October 2024, shifts attention to institutional behaviour and responsibility. It introduces a new obligation on employers to proactively take reasonable steps to protect their employees from sexual harassment and anticipate situations in which sexual harassment might take place. This new duty draws attention to structural accountability across all levels of workplace hierarchy and the need to address systemic failings.⁵

The conviction of Harvey Weinstein for sex crimes based on the allegations of two white women took on a larger societal meaning, namely, that the justice system, which had so often failed women, had succeeded in this case, and that women no longer had to be silent about being compelled to trade sex for work (Corbett 2020). The New York Appeals Court, however, in 2024, overturned Weinstein's conviction (Corbett 2020). As part of its ruling, the Appeals Court held that the trial court had "erroneously" permitted a further three witnesses, whose accusations had not been part of the initial charges, to testify on behalf of the prosecution to evidence Weinstein's "unlawful intent" (*People v Weinstein* 2024). As a result, the original conviction was vacated. The split verdict in Weinstein's 2025 retrial (*Weinstein retrial verdict* 2025), delivered after the completion of the study, and prior to the drafting of this article, resulted in a partial conviction, acquittal and jury deadlock.

Commenting on the initial trial, participant Mandy said that it reminded her that sexual harassment is "just something that happens to women" and "how normalised sexual harassment is". She elaborated: "I think so many women have experienced sexual harassment and never done

⁵ See section 2 of the Worker Protection (Amendment of Equality Act 2010) Act 2023, which inserts section 40B into the Equality Act 2010 and imposes a duty on employers to take reasonable steps to prevent sexual harassment of their employees.

anything about it.” The recent 2025 verdict reflects how organizations similarly respond to allegations of sexual harassment in ways that are dismissive or inconsistently sanctioned, thereby perpetuating its ongoing normalization.

Having provided an overview of the NBC and its relevance to #MeToo, in the following section we will examine how power dynamics shaped the study’s participants’ inclination to name, blame and claim. These findings become increasingly salient in England and Wales in the aftermath of the #MeToo movement, where questions about accountability remain pressing, in light of the Worker Protection (Amendment of Equality Act 2010) Act 2023, which places a positive duty to take reasonable steps to prevent workplace sexual harassment.

NBC, power, and intersectionality

The NBC framework illuminates how power shapes an influential aspect of the interactive process, known as “reactivity” (Felstiner & Ors 1980-1981). This occurs when aggrieved parties reframe their perceptions of harm and grievances in response to discussions with figures of authority, their colleagues, and their adversaries (Felstiner & Ors 1980-1981). Through these interactions, individuals recognize that they have been harmed. Recognition and attribution of harm may contribute to the escalation of grievances. This, however, is contingent upon the underlying power dynamics at play in the workplace. The strong influence of imbalanced power relations to shape the extent to which grievances evolve into disputes reinforces its significance in the workplace. Hugh Collins, within the context of labour law, describes how power in the workplace stems from the “practical authority” that an employer derives from the employment contract (Collins 2018: 56). The relationship that crystallizes from this enables the employer to give orders that the employee is legally obliged to obey (Collins 2018: 49). This component of the employment contract emerges in the subordination dynamic between the employer and employee (Collins 2018: 52-53).

Employees are often compelled to comply with their employer’s orders, not only from fear of job loss, but also because employers have the ability to dictate and influence their working lives (Collins 2018). This tension ensures that employees remain subordinate (Collins 2018) and is reflected in the account of participant Daniella, a nightclub entertainer. In her interview, it emerged that her manager reinforced her subordination when she complained about being sexually harassed. In response to her complaint, by saying that she was “paid to be a whore”, he displayed

his ability to control her working conditions, reasserting her inferiority. Daniella's statement signals a form of hypersexualization. Her manager's demeaning remark diminished her identity to one merely being available for male gratification. His behaviour can be understood in light of Sandra Fredman's argument that Black women are often subjected to harassment because they are perceived as sexually indiscreet or robust (an idea that is often propagated through discriminatory images of them) (Fredman 2016). Daniella's testimony, when viewed through the lens of NBC, also illustrates how her manager's reaction led her to downplaying her complaint and highlights the impact of subordination that fosters a cycle of exploitation and oppression when employees are vulnerable.

Virginia Mantouvalou (2018) addresses how vulnerability may be created through an individual's characteristics, such as race and gender. Her notion of interpersonal wrong relates to how the employment relationship enables employers to exploit employees' personal circumstances, capitalize on their weaknesses and place them in positions of "extreme" and "oppressive subordination" (Mantouvalou 2018: 197). Mantouvalou's view highlights how unjust background structural factors can exploit an individual's vulnerability. It also illustrates how the moral aspects of exploitation are sometimes obscured, leaving employers unaccountable.

Against the backdrop of exploitation, the empirical data in the current study (Ahamed 2025) showed that workplace power can emerge as gendered or hierarchical, or both. Moreover, an individual's race subtly shapes the way the power is exerted over them. Participant Chris, a church assistant, noted that men "target" Black women because "it's easier for [them]". Her understanding reflects an awareness of the connection between men's assumed gender-based power and how this impinged upon Black women's intersectional identities. Participant Penny, who worked in the marketing industry, recognized the effect of hierarchical power. She said: "When you're in that sort of place, and there's a power dynamic, if you're in a position of power you can easily tilt your conversation to your own sort of advantage." Participants Chris and Penny's testimonies shed light on their perceptions of how forms of power (gendered or hierarchical or both) intersected with their race and gender to compound their oppression. Participant Chris's use of the word "easier" and participant Penny's use of the phrase "tilt the conversation to your advantage" reinforce how they believed that men in positions of authority had the power to manoeuvre situations to their advantage in relation to them as Black women. While they do not articulate their experiences in structural terms, their accounts point to how unjust institutional dynamics heightened their vulnerability and hindered them

from attributing responsibility (blaming) and asserting their rights and asking for remedies (claiming). These testimonies illustrate how gendered and hierarchical forms of power embedded in the workplace setting interact with aspects of intersectional identities, in this case, race and gender, to reinforce vulnerability to sexual harms. This dynamic further perpetuates exploitation and subordination, making it more difficult to attribute blame and seek remedy.

A perpetrator, however, who lacks seniority or authority is also able to create an intolerable work environment (Fredman 1997). Participant Anya's observation of her situation reflects Fredman's insight in the way it illustrates how power was tilted in her perpetrator/colleague's favour because his mother owned the business. She realized that if she had blamed him, she would have been "fired". Her vulnerability is highlighted in how the perpetrator threatened her, relying on his familial connections which rendered her position at work precarious and deterred her from blaming.

Having discussed the interplay between power and intersectionality in shaping the study's participants' decisions to name, blame and claim, in the subsequent sections we will examine each stage of the transformation process, centring the significance of the intersectional identities of those involved.

Naming

Naming occurs when an individual perceives that a particular experience has been harmful (Felstiner & Ors 1980-1981). Following this, an unPIE may be converted into and identified as a PIE. Felstiner and colleagues propose two alternative approaches to examine perceptions, while recognizing the setbacks of each (1980-1981). The first, the objective approach, enables a general definition of an injurious experience to be offered to an individual. The second, a subjective approach, allows the harmed individual to describe the injury. While the former approach may fail to capture all aspects of harm, the latter may open floodgates to self-definition and may not include behaviour commonly perceived as injurious. Although the risks of both approaches were recognized, no definition of harm was offered to the participants in the current study. This was to encourage them to define their harms using their own words (naming). Participants were asked to explain whom they held responsible for their harm (blaming) and whether or not they voiced their grievance

and sought remedy (claiming).⁶ To ascertain the extent their grievances turned into disputes through NBC, the interview questions were designed to explore how their experiences fit within the NBC framework.

The interviews began with a focus on the naming of sexual harassment. Specifically, the participants were invited to describe what happened to them and what they did about it. In particular, the questions explored whether participants had consulted a lawyer or sought advice from a helpline or Citizens Advice Bureau. If they had engaged legal assistance, then the participants were asked about the nature of advice that was given to them and whether this shaped their decisions on what to do next. In instances where participants had not sought legal support, the questions then explored what informed their decisions not to do so.

Once the participants named their harms and had an opportunity to reflect on what they did about them in terms of legal consultation, the focus shifted to blaming. To understand how they attribute blame and to whom, they were asked whether they had spoken to their human resource department or their managers about it. If they said yes, they were asked what was done in their workplaces to address their harms. If the participants had not reported it, they were asked the reasons behind their decision not to do so. Depending on their responses, further questions probed the challenges the participants faced when attributing blame, especially when societal stereotypes may be used downplay or dismiss their concerns.

The questions then turned to examine whether participants had raised complaints at work about their harms and how these were addressed. They were asked how their employers/managers handled these and whether their actions aligned with what the participants wanted. The participants were asked whether they considered pursuing their claims through formal channels, such as raising formal grievances through their company procedures or through the ETs. Where no formal action was taken, they were asked to explain why and what factors shaped their decisions.

The empirical data showed that, although the participants had their own distinct experiences of sexual harassment and may not have ascribed them all to their intersectional characteristics, they had, at least once, perceived their sexual harassment to be injurious, whether physical or verbal. The physical nature was reflected in how their breasts and bottoms

⁶ The term “intersectionality” was not used in the study’s interview questions in order to encourage the participants to reflect on their identities without being prompted by specific terminology.

were “groped” and “grabbed” and how their bodies were “forcibly touched a lot”. The verbal nature of their harassment consisted of a range of comments and sexual banter. For instance, participant Mandy, a trainer, said that she was referred to as “you little minx!” and participant Sandra, a shop assistant, was asked if she had “done anal sex before”. The terms they used to describe their experiences reflect their perceptions of the harm and informed their decision to “name” it. The value assigned to the experience through linguistic framing influences whether they felt compelled to seek a remedy, as it shapes their understanding of the seriousness and legitimacy of the harm suffered. And, also, whether they went on to name the harm and attribute responsibility. This highlights the complex interplay of language, interpretations, and the transformation of perceived harms into grievances (Ahamed 2025).

Marc Galanter’s (2010) analysis of injury and remedy as cultural constructions emphasizes the importance of considering the specific context of perceptions and responses to harms. Galanter (2010) argues that injury is not a fixed, objective concept, but emerges from a breach in the moral order and is affected by cultural norms and values. The perception of injury, therefore, cannot be disentangled from the broader situational and cultural context of individuals, which also includes their identities and workplaces. The interplay of these factors was reflected in the participants’ perceptions of their harms. They described their experiences of “discomfort” to varying extents. For instance, participant Chris, perceived her colleague’s advances in a Black church as “uncomfortable”, while participant Daniella, a waitress, used the same term to describe how she felt when a customer came in and frequently stared at her in a fast-food restaurant. Participant Sally, a lawyer, however, did not experience any “discomfort” when someone looked at her glaringly and described it as “not too serious”. These varying permutations of the term “comfort” in relation to sexual harassment experiences illustrate Galanter’s claim about perceptions of injury which cannot be disentangled from cultural and institutional contexts (Ahamed 2025).

This leads to Galanter’s (2010) wider view of injustice as relational and advancing. He argues that a moving legal frontier will play a pivotal role in expanding notions of injustice because it will uncover new ways of envisioning and understanding harms and remedies. Galanter’s insight on the evolving nature of injuries and remedies offers a broader way through which the participants’ harm can be understood. It allows for a continued examination of how the perception of harm is shaped by intersectional identities and power dynamics in varied organizational settings. These factors also influenced whether, and how, the participants

decided to blame once they had named and recognized their experience as injurious (Felstiner & Ors 1980-1981). The participants' testimonies revealed that they responded to their harms through "avoidance" and "grievance apathy", examined below.

Avoidance

Within the context of sexual harassment, avoidance is viewed as a non-confrontational approach to create a distance from the harasser (Menkel-Meadow & Ors 2021). Although individuals may respond in this way after blaming, the findings indicate that participants adopted this strategy in advance of the blaming stage. While scholars have categorized avoidance broadly, their interpretations differ. For instance, Felstiner (1975) argues that avoidance occurs when the injured party adjusts their behaviour to reshape the relationship with the opposing party to diffuse the situation. As participant Nola, a funeral parlour owner, explained, she tried to downplay the impact that ongoing sexual harassment had on her. She explained that at "first" when she was "touch[ed]" she reacted mildly and kept it "kind of light and laugh[ed]". This was a type of avoidance to deflect her discomfort. She continued, "but if I feel like it's getting a bit too intense, I may limit my interactions with that person". Participant Nola then adopted a more active form of avoidance that reinforces Felstiner's assertion of how individuals reshape behaviour (Ahamed 2025). In this context it was an attempt to manage the dynamic with the perpetrator to prevent the conflict from escalating (Felstiner 1975). These forms of avoidance, subtle or assertive, point to a preference among participants to carry on with their lives rather than being consumed by disputes (Moscati & Ors 2020).

Avoidance strategies are distinctive, as Phillip H Gulliver's (1996) categorization of avoidance as intentional avoidance of conflict or dispute avoidance suggests. While dispute avoidance is evasive conduct to prevent a dispute from escalating, conflict avoidance is behaviour that prevents a conflict or disagreement from arising (Gulliver 1996). Both forms of behaviour identified by Gulliver emerged in two participants' testimonies.

Participant Penny decided not to report her perpetrator because she believed the dispute would result in his dismissal. Her choice not to make a complaint aligns with Gulliver's notion of dispute avoidance. Her avoidance was motivated by "thinking of this man's livelihood" and that he had a family to support. Similarly, participant Yanni explained why she decided she preferred avoidance. She said: "And I will sit and think, okay, well what's the impact? ... Maybe he's got kids." Participants

Yanni and Penny's decisions to avoid were deliberate, shaped by the possible consequences of their actions on their perpetrators (Ahamed 2025). In line with Gulliver's notion of conflict avoidance, participants Penny and Yanni also chose not to confront their perpetrators, thereby circumventing the possibility of conflict from emerging. The participants' responses affirm that avoidance, as Gulliver suggests, can be intentional, shaped by context and constraint.

Michael Palmer and Simon Roberts (2020), however, argue that, by only focusing on avoidance as a deliberate choice, two situations may overlooked: first, where individuals feel that they have no choice but to ignore the misjustice ("lumping it"), or, second, where they suffer from grievance apathy (both described below). While they note the complexity in identifying this lack of intention, they argue that lumping it and grievance apathy are forms of avoidance strategies. Palmer and Roberts recognize that structural pressures may lead individuals to feel that they have no choice but to adopt a non-confrontational stance, which differs from stating that no deliberate choice was made.

For example, when participant Chris complained that she had been harassed, her pastor justified the perpetrator's behaviour and said, "we all hug each other", "we're all family" and "it was no big deal". His remarks were meant to convince Chris to drop her complaint. Her experience illustrates Palmer and Roberts' argument that avoidance can be rooted in structural constraints which leave individuals, like Chris, feeling that they have little choice but to avoid confrontation (Ahamed 2025).

In line with Palmer and Robert's definition of avoidance (2020), 12 women had at least once exhibited grievance apathy (Felstiner & Ors 1980-1981) or adopted the strategy of "lumping it", further discussed below. The findings build on and finetune Palmer and Robert's definition by demonstrating how these participants' behaviours were shaped by their perceptions of their identities, beliefs about being stereotyped, and the existence of male solidarity and power disparities in the workplace (Ahamed 2025).

Grievance apathy and lumping it

Grievance apathy captures both the behaviour of individuals who do not perceive they have been injured and also the unwillingness of individuals who perceive they have been harmed to pursue their grievance (Felstiner & Ors 1980-1981; Palmer & Roberts 2020). An individual's hesitance may be shaped by their friends and family who influence their response. Grievance apathy encapsulates the idea that attrition takes

place at various stages of the transformation process and that only a few injurious experiences become complaints (Felstiner & Ors 1980-1981). The participants' grievance apathy was rooted in their perception of aspects of their identities. For example, participant GMR, a waitress, explained how Black women often refrained from recognizing injurious experiences as sexual harassment. She explained that it was "embedded" in Black women's minds that "you can't do anything about it, so you're going to have to live with it". Her remark illustrates how she understood the intersectional markers of race and gender as contributing to a sense of resignation, a feeling which deepened her grievance apathy (Ahamed 2025).

Relatedly, the avoidance strategy of "lumping it" can occur at any stage of the transformation process (Engel 2016: 23-33) and reflects an aggrieved party's decision not to pursue a grievance (Palmer & Roberts 2020). In contrast to grievance apathy, which is often rooted in an individual's resignation or sense of futility, and reflected in withdrawal, "lumping it" is an act by which one party consciously ignores or refuses to take significant action in response to the dispute (Galanter 1974). It is reflected in how they choose to endure or absorb the harm to maintain an appearance of normalcy. The findings in the current study reveal that, when participants were unable to limit their interactions with their colleagues or line managers, they tended to intentionally "lump it". For instance, participant Sandra, a supermarket attendant, recognized that her manager's comments were "really, really inappropriate", but she "brush[ed] it under the carpet". Her behaviour was a form of "lumping it", which she felt was necessary to maintain the *status quo*. Her decision was informed by her understanding that such comments are made by those in "positions of power". She decided:

It's kind of my word against his. Because ultimately, he's gonna say, like, "I didn't say that or like why would I say something like that?" And then I'm gonna look silly, and I feel, as a Black person, more often than not we're not taken seriously (Ahamed 2025).

Sandra's understanding that the organization would be likely to attribute more credibility to her perpetrator's denial exemplifies Manne's notion of "himpathy" (2017).⁷ Additionally, by referring to herself as a "Black person", Sandra's account suggests that she understood her race to be a dominant component of her identity contributing to her not being "taken seriously". Her testimony encapsulates that idea that her self-perception,

⁷ Kate Manne coined the word "himpathy" to refer to the tendency for powerful men to receive undue sympathy in cases of sexual violence, misogynistic harm or gender-based abuse. For further discussion, see Manne (2017).

the hierarchical power of the perpetrator and her view of being stereotyped in the workplace as a “Black person”, all informed her response to her harm and compelled her to “lump it”. This assumption that, as Black women, the participants would be stereotyped, was a prevalent finding in relation to their responses after they had been harmed. For example, participant Pam, a lawyer who had been sexually harassed whilst working in a bank, noted that, as Black women, “we are more likely not to be believed” (Ahamed 2025). Participant Barbara, a solicitor, said:

There is a prevalence of exaggeration sometimes in my experience of the impact of certain actions, ... and there is a perception that Black women are more sensitive and sometimes quicker to complain.

Participant Barbara explained that she believed this is based on the commonly held idea that Black women are inclined to be “more sensitive” and “sometimes quicker to complain”, and that, in many cases, employers and managers are dismissive of Black women, and respond to their allegations with the phrase, “oh here they go again”. Participant Barbara’s description reflects how structural constraints imposed on Black women prevent the validation of their experiences. In contrast, participant Pam’s view indicates that she believed there was an inclination for Black women to remain quiet because they felt they were unlikely to be believed. These testimonies reveal how the participants perceived themselves in the process of deciding whether to blame alongside how their allegations could be received were they to claim (Ahamed 2025).

The participants’ race and gender, and their perceptions of how they may be racially stereotyped, shaped their view that their accounts were unlikely to be believed, not taken seriously and not acted upon. The complexity of these factors reinforced their decisions to adapt grievance apathy or to “lump it”, and highlights the significance of avoidance strategies, particularly within the context of intersectional identities and power dynamics in the workplace.

Blaming

The second phase in the transformation process is “blaming”. Blaming occurs after an individual identifies the incident as harmful, determines accountability for the wrongdoing, and assigns fault for the injury to an individual or societal entity (Felstiner & Ors 1980-1981; Olesen & Hammerslev 2023). When this occurs, a PIE is converted into a grievance (Felstiner & Ors 1980-1981). For blame to be attributed, the perpetrator or organization must be viewed by the wronged party as both accountable and responsible (Wiethoff 2003: 67). Nine participants attributed blame

at least once. There was, however, a self-selection bias since only Black women who self-identified as having named and blamed responded to the call on the recruitment flyer. The participants' recollections of blaming fall within Liz Kelly's continuum of violence based on their understanding of their harm, how they contextualized it and later reflected on it.⁸ The findings suggest two main points in relation to blaming: the first relates to how participants experienced a shift from self-blame to attributing responsibility to the perpetrator and/or organization implicated, while the second concerns their need for acknowledgment from bystander witnesses (Ahamed 2025).

Attributing blame

The complexity of the blaming process within the context of sexual harm becomes apparent when an individual begins to question whom they ought to blame and for what (Bohmer 1994; Taylor 2020). The aggrieved individual may shift from self-blame to blaming the perpetrator and/or entity responsible (Bohmer 1994; Taylor 2020). In line with this, the first finding in the current study in relation to blaming revealed how two participants were able to transfer blame to the perpetrators. For instance, in participant Anya's case, while observing how another woman said "no" to a perpetrator's advances, she asked herself, "why didn't I do that in the car? But I thought that's me again, blaming myself." She reflected on why she did not reject the sexual advances and recognized that self-blame was a behavioural pattern. She eventually transferred blame to the perpetrator by writing a complaint to her manager (Ahamed 2025).

The difficulties of ascribing blame in cases of workplace sexual harassment also becomes evident when individuals grapple with determining whom to hold accountable (Weithoff 2003). At times, when individuals realize that institutions prioritize their own self-protection, blame is directed to the institution, for example, in cases where churches were involved, as Carol Bohmer's (1994) research suggests. This was particularly evident in participant Chris's case where the sexual harassment took place in the church setting. Chris held her perpetrator responsible and complained to the pastor about his "touching", "hugging", and "kissing". However, the pastor denied it and said, "there was nothing happening in my church". He justified the

⁸ Liz Kelly contends that violence encompasses a wide range of harms, including "abuse, coercion and force" which are "a continuous series of elements or events that pass into one another" and cannot be readily distinguished. The continuum has different dimensions that include: the nature of the harm; the relationship between the perpetrator and the woman; whether the harm was ongoing or a single incident; the context; the extent of threat perceived by the woman; and whether the harm was linked to prior experiences. For further discussion, see Kelly 1987: 46, 48.

perpetrator's behaviour by stating "we all hug each other", downplayed it as "no big deal" and then defended it on grounds that "we're all family". The pastor's allegiance to the church took priority over Chris's allegation. He used his hierarchical authority to normalize the harm to keep her quiet (Ahamed 2025). This finding contributes to Bohmer's research (1994) by illustrating how the church prioritized protecting its reputation and minimizing its exposure to legal liability over addressing the complaint. In Chris's case, the pastor's response compelled her to also blame the church.

Participant Chris's testimony reveals a broader pattern among those who have experienced harm, namely, in how she then felt compelled to resign. Her response may be understood through the lens of "exit and avoidance" (Galanter 1983). Galanter notes that this tendency is contingent on factors such as the availability of other opportunities, job transfers, relocation, and the creation of new networks. While aligning with Galanter's analysis, this finding nuances his reasoning further by revealing how Chris's decision to resign was shaped by the lack of available employment options (Ahamed 2025).

The findings in the current study also reveal the widespread reluctance to attribute blame to organizations for sexual harassment in the hospitality industry (Madera & Ors 2018; Equality and Human Rights Commission 2022). Dawn Szymanski and Renee Mikorski's (2017) research highlights how women possess less authority and influence in such work environments. Building on their study, the empirical data here identifies instances where the participants' complaints about customers were trivialized by their managers. For instance, participant GMR, a bar waitress, gave an account of how her breast was "grabbed" by a customer which was then dismissed by her manager because she ought to know "it gets like that" (Ahamed 2025). Her manager's response highlights how hierarchical power can be used to deflect institutional responsibility, normalize misconduct, suppress complaints and reinforce subordination (Collins 2018).

Validation from witnesses

The second finding reveals how participants in the study who did not formally raise complaints sought recognition and validation from workplace witnesses to make sense of their intersectional experiences. Olesen and Hammeslav (2023) note how the significance of a third party's interaction or non-engagement with the aggrieved party has the ability to inform their response in the pre-dispute stage. The lack of third-party

response was evident in participant Yanni's experience. She spoke of how, while she was conducting a training session in a police station, a junior male officer passed suggestive comments. His comments reflected a form of gendered contra-power (Rospenda & Ors 1998) where his subordination did not prevent him from asserting his authority through sexual undermining. Unable to attribute blame, she sought validation of her experience from witnesses present. She noted, however, that "nobody in the room challenged it, not even my other coach". This finding reveals how the lack of validation and recognition from witnesses (as third parties) plays a critical role in shaping how individuals make sense of their harms and go on to claim (Ahamed 2025).

Claiming

Claiming occurs when an individual expresses their grievance to the party that they identify as responsible and requests a remedy from that person (Felstiner & Ors 1980-1981; Galanter 1983). A claim is transformed into a dispute when such a request is rejected partially or in full; a delay may be also perceived as a rejection (Felstiner & Ors 1980-1981). A compromise offer or refusal may also be evidence that a claim has been transformed into a dispute (Felstiner & Ors 1980-1981). Furthermore, a range of factors shape an individual's inclination to claim, such as the nature of the injury, the likelihood of receiving a legal remedy, its associated cost, and the level of awareness of the aggrieved party (Galanter 1983).

The empirical data in the current study (Ahamed 20205) reveals that, although only two participants claimed by seeking redress through their organizations formally or informally, it did not result in adequate remedial action by their line managers. This was seen in participant Chris's case when she "asked the church to do an investigation". Although she expected a fair and impartial process, the inquiry was led by "the perpetrator's Godfather". The outcome framed the perpetrator as ignorant, to diminish the gravity of harm, and no support was offered to Chris. Her account illustrates how claiming can be thwarted by individuals' positions of power, by how harms are excused and perpetrators defended, thereby stopping a further transformation from occurring.

These findings corroborate recent research that shows that only a few individuals make claims in relation to workplace sexual harassment (Government Equalities Office 2019: 185). A study conducted by the Equality and Human Rights Commission (2020) in England and Wales noted that 50% of its respondents did not voice their grievances or ask for a remedy. The reasons included a perception that their employer

would not take their allegations seriously, that perpetrators in senior positions would be protected, and that there was a lack of appropriate procedures in place to address such concerns. In contrast to the Equality and Human Rights Commission's findings, the participants' testimonies in the current study (Ahamed 2025) suggest that their reasons for not claiming are shaped by their intersectional identities as well as their self-perceptions and personal contexts.

Another key finding of the study (Ahamed 2025) was that the participants' inability to claim was informed by their self-perceptions as well as their beliefs. This is closely linked to how they felt they ought to behave within their workplace setting, particularly in relation to their perceived capacity to withstand sexual harassment.

For example, participant Daniella, an entertainer at a nightclub, said that there was an assumption that Black women "could put up" with sexual harassment because they are "strong". Participant Chris also initially hesitated to claim because she felt that the church held an expectation that Black women "should be strong". A common theme in their testimonies was the belief that Black women were not expected to display vulnerability but instead ought to embody resilience in the workplace (Ahamed 2025). This finding contributes to existing literature on the stereotyping of Black women as inherently strong (Brassel & Ors 2020) and possessing an "innate capacity" to withstand harm (Byran & Ors 2018: 2).

A further significant finding was that skin colour, as an identity marker, aside from race, was a factor that some participants took into account when deciding whether to claim (Ahamed 2025). For instance, participant Chris explained that "dark skinned women are often seen to be strong Black women and so on". Her decision not to claim was shaped in part by her perception that her dark skin would influence her employer's response, leading her to believe her employer would not side with her. In this instance, her "dark skin" took on a structural dimension in how she anticipated that it would negatively shape the outcome of her complaint. Her skin tone, as an integral part of her identity, became a barrier to claiming—affirming bell hooks' argument that to "be born dark" is to have a "serious disadvantage".⁹ Colourism, as a form of discrimination, penalizes individuals based on their racialized physical features, including skin tone (Russell & Ors 1993; Dixon & Telles 2017). Participant Chris's experience illustrates its existence within the Black community and in

⁹ hooks reflects on how hierarchy based on skin tone systematically discriminates against individuals with darker skin tones. For further discussion, see hooks (1994: 204).

her workplace. This finding contributes to the limited literature on how intraracial discrimination may vary along the continuum of colour (Monk 2014; 2015; 2021). It exemplifies how perception of skin complexion and beliefs shape understandings of grievance outcomes and contribute to the hesitancy to claim.

Fredman (1997) acknowledges that the working lives of individuals are also shaped by embodied factors such as their socioeconomic status, racial background, and familial roles. She notes that individuals often wrestle with competing interests and offers examples of how Black women sacrificed maximizing their earnings to prioritize family obligations. This issue was raised by participant solicitor Jenny who explained that, since Black men face greater challenges accessing employment, Black women frequently carry the financial burden of the family and therefore seeking “some kind of justice” is not a priority. As a Black woman she explained:

you're the main breadwinner, because access to decent jobs for African or Caribbean men is not easy, then you think twice about whether you are going to spend 20, 30, 40, or 60 grand to obtain some kind of justice when you have other priorities (Ahamed 2025).

Her testimony offers an insight into how Black women may be constrained from claiming by their competing responsibilities and economic situations. Participant Jenny's reference to Black women carrying the primary financial burden lends support to Julianne Malveaux's conception of a “third burden” borne by Black women because of the treatment of Black men in the labour market (1990: 223). Patricia H Collins (1991) recognises that poor Black families in the United States distributed their economic burden unevenly to ensure survival and attributes this to their racial oppression. Similarly, Fredman acknowledges this and, drawing on Collins' work, points out that Black women in England and Wales are often compelled to accept any work they can find to “survive” (Fredman 1997: 146). While these constraints emerged in the findings, they may be common to women across diverse backgrounds and thus also hinder them from pursuing legal claims.

An individual's perception of the law's efficacy and their treatment by the legal system are also factors which influence their decision to pursue a claim through the ETs. ETs, established in 1964, are the main avenue to pursue workplace sexual harassment claims. They were intended to provide an “easily accessible, informal and inexpensive procedure” (Royal Commission 1968: paragraph 572) to resolve disputes between employers and employees. Over time, however, they have become increasingly formal and technical (Corby 2015). Despite the lifting of the tribunal fees based on *Unison v Lord Chancellor* (2021), legal costs remain a barrier. In

participant Daniella's view, tribunal fees were a deterrent which "scared [her] off" (Ahamed 2025).

Over the last 20 years or so, the experience of bringing a claim to the ETs and its effects has attracted sparse attention from policymakers (Busby & McDermont 2020). Academic literature contains few empirical accounts of individuals', particularly of women's, experiences of bringing claims and of the challenges that they face (Busby & McDermont 2020). Adding to these empirics, participant Chris noted that, when Black women go to court, their credibility is at times questioned, and they are asked whether they "attracted the perpetrator" (Ahamed 2025). This attitude from the courts compels injured women to defend and justify their behaviour (Samuels 2003), adding an additional burden on them, deterring them from claiming.

Although Giorgio Monti (1999) argues that the ETs have been encouraged to adopt a more feminist and sympathetic approach, none of the participants pursued their claims through an ET. The findings highlight two reasons: the first links to their perceptions of the likelihood of fair treatment being conferred on them by the legal system; and the second relates to their beliefs about being stereotyped by the ETs and judges. The testimonies reveal that participants' self-perceptions, how they view judges and how they believed judges would view them, deterred them from claiming through the courts.

Fair treatment

Lisa Webley (2017) acknowledges that there are multiple cases that illustrate how women encounter discrimination in the legal system, which is structured by men to serve male interests. While she makes this point within the realm of family law, it is important to highlight here because it reveals the socialization of judges within the system that prioritizes male views which could affect a woman's perception of fairness. Participant solicitor, Patti, however, emphasized the increased vulnerability of women to harm. She explained:

Men have never really been in a situation where there is a systematic targeting of them. So, there are no tools that men can create to actually deal with something like this or ever really address something like this (Ahamed 2025).

Her view provides insights into her understanding that, because men are seldom exposed to such harm, it limits their capacity to "address" the harm experienced by women. It may be inferred from her testimony that she believed it creates a structural barrier to the recognition of harm

encountered by women in the workplace and deters them from claiming (Ahamed 2025).

Stereotyping

Kimberlé Crenshaw (1992) recognises that there is a tendency to question the truthfulness of Black women's stories of sexual harassment. This is based on an assumption that Black women are more likely to lie. In the current study, a perception that the legal system was likely to stereotype Black women emerges as an issue that dissuaded participants from seeking redress through the ETs (Ahamed 2025). The stereotype biases held by judges were noted as a common barrier to accessing justice (Monteith & Ors 2022). This is reflected in participant GMR's account, where she noted "Black people in society are already looked down on, but for Black women it's even worse." Her understanding suggests that inequalities may be compounded for Black women who are viewed less favourably because of their gender and race, leading to intersectional bias. Participant Chris supported this view by stating that judges have "predisposed ideas" of Black women, which prevents them from starting their cases on an "equal footing". She said:

it is because very much her character is put in the way, that you caused this, you know, even civilly, civil justice is not often afforded to us ... (Ahamed 2025)

Participant Chris's explanation highlights her lack of confidence in the legal system's ability to provide justice to Black women, citing concerns that they will be stereotyped and discredited (Ahamed 2025). Tribunals, however, may draw inferences and make predetermined judgements of character from the way a claimant represents themselves in court (*Laing v Bury & Bolton Citizens Advice* 2022). Within this context, it is notable how activist phrases such as "Believe women" and "#IBelieveHer" have recently come to the fore in social media, highlighting solidarity with women who feel that they have been or will be discredited by the law (Srinivasan 2022: 9).

The participants' accounts highlight the complexity of claiming from two perspectives. The first, is the notion of raising a complaint formally or informally at their workplace; the second is in relation to claiming through the ETs. An understanding of this was shaped through the participants' perceptions of the fairness of the legal system in relation to their intersectional identities and also their understandings of stereotyping. These factors in various degrees inform their views on whether to seek redress and claim through the workplaces and ETs (Ahamed 2025).

[E] CONCLUSION AND FUTURE RESEARCH

This article has presented selected findings from the study that rely upon the NBC framework to examine responses to workplace sexual harassment (Ahamed 20205). It has drawn attention to the relationship between NBC and #MeToo. While #MeToo was able to mitigate grievance apathy by fostering online solidarity, the narratives cited here revealed that the movement did not adequately address the experiences of Black women. In particular, it did not resonate as an accessible space for the participants of this study to speak out about their workplace harms. Rather than providing a platform to share their experiences, the findings suggest that #MeToo played a role in raising awareness about the meaning of sexual harassment set out in the Equality Act 2010. This positive step has been reinforced by the employers' new proactive duty to take reasonable steps, as set out in the Worker Protection (Amendment of Equality Act 2010) Act 2023.

Although #MeToo fostered legal consciousness, the participants' decisions to seek redress were shaped by their perceptions of their harms and by the interplay between their intersectional identities and workplace power dynamics. This tension influenced whether and how they decided to blame once they had named their harm. The testimonies reveal that participants tended to respond to their harms by avoidance and grievance apathy and preferred to carry on with their lives. The findings reinforce and refine Palmer and Robert's (2020) definition of avoidance by highlighting how the decision to lump it and grievance apathy were influenced by the perceptions of identities, beliefs about being stereotyped, male solidarity and power disparities in the workplace. Grievance apathy was rooted in the participants' perception of aspects of their identities; where it was difficult for them to limit their interactions with their colleagues or line managers, they intentionally lumped it. The participants' race and gender, and their perceptions of these, and their understanding of being stereotyped contribute to their view that their allegations may not be believed and may be minimized or not taken seriously. The interplay of these factors reinforced their decisions to opt for grievance apathy or lumping, rather than blaming. These findings reinforce the significance of naming and avoidance strategies, particularly within the context of intersectional identities and power dynamics in the workplace (Ahamed 2025).

The testimonies illustrate the complexity of the blaming stage and offer insights as to how participants shift from self-blame to blaming their perpetrators. There were two main findings. The first relates to the

recognition that institutions prioritized their self-protection and that this led some participants to also blame their institutions. The second finding highlights that, in the absence of speaking out and blaming, participants sought recognition from bystanders. The testimonies reveal that only two participants claimed, but no adequate remedial action was taken by their line managers. A significant observation is that the participants' inability to claim was shaped by their self-perceptions and internalized beliefs. This was closely associated with how they believed they ought to behave within their workplace setting, particularly in relation to their perceived capacity to withstand sexual harassment (Ahamed 2025).

The participants' perceptions of their race, gender, and skin tone, in various combinations, were key contributory factors that hindered them from claiming. The participants' inclination to claim was examined based upon their perceptions of their workplaces and their understanding of ETs. Within the workplace context, there were two main reasons why participants did not claim: the first related to their self-perception and their understanding about how they were expected to behave as Black women in their workplaces. An important finding is how one participant had an internalized belief about how her skin tone would negatively influence how she was perceived in the workplace and affect the outcome of her grievance. The second reason relates to how family burdens and financial responsibilities constrained the participants as Black working women to make legal action less of a priority from the outset. Within the context of claiming through the tribunals, notably none of the participants pursued their claims through the ETs. There was a lack of confidence in the legal system based on their belief that they would be treated less favourably based on their race and gender, a form of institutional bias. The participants' decisions not to claim highlight complex barriers rooted in perceptions of intersectional identities. These shaped the participants' sense of futility to claim within the workplace and ET system (Ahamed 2025).

Future research

The article has drawn on qualitative interviews with 15 Black women who had experienced workplace sexual harassment (Ahamed 2025). A more expansive sample of participants could enhance the findings. Moreover, interviewees from a larger set of industries, as well as from different types and sizes of organization could contribute broader data. A wider regional pool of subjects would likewise enhance what has been reported here. For instance, for the study, eight lawyers were interviewed for their

perspectives on anti-discrimination law, but future studies could include interviews with tribunal judges specializing in employment law.

The scope exists for triangulating the research analysis by engaging empirical evidence beyond interviews, for example, with other research methods and forms of data collection, including questionnaires, and comparative assessments of Black versus white women who have suffered workplace sexual harassment. This could be extended to other employee groups, including people with disabilities and trans- and non-binary women, and across a range of age. Further comparative investigations could be undertaken across jurisdictions to trace the evolution of disputes arising from the sexual harassment grievances of Black women to help bridge the academic fields of access to justice and labour law, paying particular attention to the roles played by employers and lawyers in facilitating the transformation of grievances into disputes. Such future research could add to the ongoing necessity to have a dynamic and continually evolving understanding of sexual harassment of Black women in the workplace which this study illuminates.

About the author

Dr Neemah Ahamed is a socio-legal researcher whose work explores discrimination law and access to justice through an intersectional feminist lens, examining how identities influence experiences of harm and responses to it. Her PhD in Law at the University of Sussex examined the workplace sexual harassment experiences of Black women in England and Wales and the structural and legal barriers they faced when seeking redress. Dual-qualified as a solicitor in England and Wales and also an advocate of the High Court of Kenya, Dr Ahamed draws on legal practice and qualitative research. She is the founder of [Raintree Works](#), a consultancy specializing in fostering fair and inclusive workplace cultures.

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