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‘Equal Pay or we Walk Away’: Litigation and Industrial Action in the Glasgow City Council Equal Pay Dispute

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ABSTRACT

This article demonstrates the uneven development of trade union strategies on equal pay within UK local government through an examination of the shift from litigation to industrial action in the Glasgow City Council equal pay dispute. It analyses new oral history interviews with key actors involved in the Glasgow City Council dispute (union officials, grassroots activists, lawyers) to identify four critical incidents between 2016 and 2018 that prompted trade unions (particularly the GMB) to prioritise equal pay. It considers the extent to which equal pay legislation has acted as a resource for or barrier to achieving equal pay and concludes that the combination of legal and industrial strategies was central to reaching a settlement in the Glasgow City Council dispute.

1 | Introduction

This article analyses the evolution of litigation and industrial strategies adopted by trade unions in equal pay disputes within UK local government, using the Glasgow City Council equal pay dispute (2005–present) as a case study. In October 2018, over 8,000 low-paid women workers for Glasgow City Council – including carers, cleaners and caterers – went on strike for 2 days in Britain’s largest strike for equal pay. This strike marked a significant shift in trade union strategy towards building industrial campaigns to address equal pay. This changed the landscape of union campaigning on equal pay, particularly for the GMB, which established a Women’s Campaign Unit dedicated to equal pay in 2021. It also influenced the strategies adopted in subsequent local government equal pay disputes, for instance, the GMB launched a pay justice campaign against Birmingham City Council in 2021 (GMB 2022; Wolfson 2022). However, the Glasgow City Council dispute was also typical of equal pay disputes in local government, as trade unions and no-win-no-fee lawyers had pursued the claim through the courts for over a decade before the strike. An analysis of the Glasgow City Council equal pay dispute provides an insight into trade union attitudes

towards equal pay as a campaigning priority, their engagement with equality legislation, and the factors which inform and shape trade union activity.

This study was conducted as part of the interdisciplinary project, ‘Gender Equalities at Work: An Interdisciplinary History of 50 Years of Workplace Equality Legislation’, which encompassed gender studies, history, industrial relations, law, and politics. The project traced social, political and economic influences on the development of gender equality legislation and examined how these influences have continued to shape the ways in which the law can be used by women, trade unions and other actors to pursue gender equality at work in the UK from 1964 to 2020. Integrating the fields of history and industrial relations, this article situates the Glasgow City Council equal pay dispute alongside historical women-led industrial disputes explored in women’s labour history and within the tensions between equality legislation and collective bargaining in equal pay disputes examined by industrial relations literature. It further engages with recent debates on legal mobilisation to consider the benefits and limitations of trade unions using the law to pursue equal pay.

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An analysis of women-led industrial disputes from the late 1960s to 1980s has been a key focus of women's labour history (Anitha and Pearson 2018; Clark 2022; Cohen 2012; Leicester 2009; Martín López 2014; Moss 2019; Stevenson 2019). The late 1960s to 1980s was a period of heightened militancy in the UK during which women workers participated in strikes, workplace occupations and demonstrations to demand equal pay, improved working conditions and union recognition, and to resist factory closures, redundancy and productivity agreements (Galt 2021b). The introduction of the Equal Pay Act 1970 and its limitations were a particular 'catalyst' for women's industrial militancy (Boston 2015: 285), and approximately 43% of women-led disputes were for equal pay between 1972 and 1979 (Stevenson 2019: 85).

Historians have analysed key equal pay strikes, including the 1968 Ford sewing machinists' strike (Cohen 2012; Moss 2015, 2019; Stevenson 2016a), the 1970 Leeds clothing workers' strike (Leicester 2009), and the 1976 Trico-Folberth windscreen wiper factory strike (Stevenson 2016a, 2016b, 2019; Moss 2019) – the Ford strike has been associated with the introduction of the Equal Pay Act and the Trico strike with highlighting the limitations of the legislation (Moss 2019: 83). This literature has demonstrated inconsistent support from trade unions for equal pay, the importance of women workers' rank-and-file activism, and the role of external actors. To take the Trico strike as an example, the existing literature demonstrates that: strikers received support locally from their District Committee but maintaining national support was a constant struggle; the support these women did receive was not replicated by their union in other, similar, equal pay disputes; support from the New Left and Women's Liberation Movement informed the discourse mobilised by the strikers and strategies were informed by advice from the Brent Law Centre (Groves and Merritt 2018; Moss 2019; Stevenson 2019).

In the 1970s, both trade unions and socialist feminists were hostile towards equality legislation and championed collective bargaining; however, over the subsequent decades trade unions increasingly engaged with the law to pursue equal pay (Conley 2014; Guillaume 2015). A body of industrial relations literature has explored the tensions between equality legislation and collective bargaining for equal pay, particularly in relation to the UK local government, through an analysis of legislative developments and key actors (Conley 2014; Deakin et al. 2015; Guillaume 2015; McLaughlin 2014; Oliver et al. 2014). This literature has examined the introduction of reflexive regulation, such as the Single Status Agreement and Public Sector Equality Duty, to argue that austerity and political conservatism have limited their progressive potential (Conley 2014; McLaughlin 2014; Oliver et al. 2014). For instance, Oliver et al. (2014) argue that the austerity measures introduced by the UK Coalition government (2010–15) restricted local government budgets and prompted employers to take a more defensive position in their negotiation of single status agreements. This literature has also identified the actions of no-win-no-fee law firms from the mid-2000s as a significant factor in influencing trade union engagement with litigation (Deakin et al. 2015). Both factors have forced unions down an adversarial legal route.

Within this literature, Beirne et al. (2019) have specifically analysed the Glasgow City Council equal pay dispute from 2005 to 2018 to argue for an extended mobilisation theory. They contend that the focus on union leadership in Kelly's mobilisation theory (1998) overlooks the potential for grassroots grievances against unions and union counter-mobilising alongside employers. Drawing on the social media and online activities of key actors, media reporting and publicly available records, Beirne et al. argue that the Glasgow City Council dispute demonstrates that (i) grassroots mobilisation can occur in opposition to the union leadership, where unions are associated with injustice at work alongside employers; (ii) third-party representatives (in this case, no-win-no-fee lawyers) can provide an alternative site of mobilisation; and (iii) patterns of allegiance shift over time. This paper significantly advances upon Beirne et al.'s discussion of the Glasgow City Council dispute in its analysis of new empirical data from key actors involved in the dispute.

Another related debate in scholarship on legal mobilisation has examined the effectiveness of trade union and campaign groups' engagement with the law. McCann's seminal work (1994) established a legal mobilisation framework informed by his examination of pay equity campaigns in the US from the late 1970s. McCann's framework divides legal mobilisation in the pay equity movement into four distinct phases – which he refers to as a developmental approach – to demonstrate how different actors understand and use the law differently across time. The four stages include: (i) the movement building process; (ii) the struggle to compel formal changes in official policy; (iii) the struggle for control over reform policy development and implementation; and (iv) the transformative legacy of legal action for subsequent movements (McCann 1994: 11). McCann acknowledges that the law is restrictive, and that legal mobilisation has a limited impact on hierarchical workplace structures; however, he argues that litigation and other legal tactics provide a valuable resource with which campaigners can challenge pay inequality. McCann further argues that the law constitutes one variable in a complex interplay of factors. In the UK context, Guillaume applies McCann's developmental approach to trade union litigation strategies to promote equal pay from 1968 to 2004 to argue that 'the use of litigation has not developed consistently over time and across unions' (2015: 363).

More recently, Adams (2023) and Kirk and Cruz (2024) have debated the merits of legal mobilisation in relation to the litigation strategies of new style trade unions in the UK, specifically the Independent Workers of Great Britain (IWGB) and their litigation on behalf of platform workers and foster carers. Adams (2023) argues that legal mobilisation by trade unions accepts the restrictive framings of the law (e.g., what constitutes a worker) and so does not challenge the more fundamental inequalities of capitalism. While Kirk and Cruz (2024) broadly agree with Adams, they argue that the radical framing of trade unions, such as the IWGB, already exists to a greater extent than Adams allows, as they act to challenge and unmask the law's contradictions and oppressions while still engaging with the law. In a similar debate on legal mobilisation and feminist campaigns, Ruibal (2025) argues that legal mobilisation resulted in a more moderate framing of abortion rights by feminist organisations in Mexico, however, this reframing facilitated policy

reform which advanced radical change. This paper contributes to these debates by demonstrating how, in the context of the Glasgow City Council equal pay dispute, equality legislation has proved to be both a resource with which to challenge pay inequality and a barrier to achieving equal pay in the workplace.

This article identifies and examines the significance of four critical incidents in the Glasgow City Council equal pay dispute in catalysing a shift in trade union strategy from litigation to industrial action between 2016 and 2018. It explores how these events changed the relationship between the three key actors – trade unions, women workers, and no-win-no-fee lawyers – and exerted pressure on trade unions to prioritise equal pay. It concludes with a reflection on the limitations of the existing equality legislation on achieving equal pay and the importance of collective action.

2 | Methods

This interdisciplinary research, bridging history and industrial relations, uses an oral history methodological approach. The value of oral history has been emphasised by feminist and labour historians (Anderson and Jack 1991; Thompson 2000), as well as industrial relations scholars (Gavin 2024), for giving voice to those marginalised by official records, such as women workers, working-class people, and rank-and-file activists. Scholarship on women's labour history has used oral history to look beyond the traditional structures of the trade union movement to find alternative sites of activism or challenge established narratives (Anitha and Pearson 2018; Moss 2019; Stevenson 2019; Galt 2021a; Clark 2022). A recent narrative turn in business history has also seen increased engagement with oral history within the field (Thiessen 2019).

Between 2021 and 2023, three Research Fellows on the 'Gender Equalities at Work' project team conducted 26 new oral history interviews with lawyers, litigants, trade unionists, campaigners, policymakers, and equality commissioners. The interviews were assigned based on areas of expertise (e.g., trade unions, law, social policy), as well as pragmatic considerations, such as location. Participants were selected for their role in creating and engaging with workplace equality legislation between 1964 and 2020 and were identified through existing academic literature, press coverage, and recommendations from the project's advisory committee. The oral history interviews took the form of semi-structured life narrative interviews designed to capture participants' lived experiences for the historical record and to situate their memories of key events within the wider trajectories of their working lives and activism. Due to the nature of life histories, the positions held by participants, and the requirements of the British Library (where these interviews are archived), the interviews are not anonymised. Participants were provided with a participant information sheet and have given their informed consent to be identified.¹

Five oral history interviews were conducted with key actors involved in the Glasgow City Council dispute: Rhea Wolfson (GMB official), Jennifer McCarey (Unison official), Shona Thomson and Frances Stojilkovic (care workers and grassroots

activists), and Stefan Cross (no-win-no-fee lawyer and co-founder of Action 4 Equality); the four interviews with trade union officials/activists were conducted by the author, while the interview with Stefan Cross was conducted by legal scholar, Sophia Ayada.² The interviews were conducted between August 2022 and May 2023—a period of renewed attention on the dispute as the unions were in negotiation for a second interim payment. These interviews demonstrate the value of oral history to research on equal pay in local government, as they illuminate the complex and shifting relationships between the key actors and their lived experiences of the dispute, as well as provide narratives which offer nuance to dominant discourses. The paper also examines data from key documents, such as the Single Status Agreement and court proceedings, as well as footage from three documentaries that featured the Glasgow City Council dispute and were aired by the BBC in 2018–19 – *Panorama: Britain's Equal Pay Scandal* (2018a), *The Trouble with Women with Anne Robinson* (2018b), and *Disclosure: The Great Equal Pay Scandal* (2019).

Informed by McCann's (1994) developmental approach to legal mobilisation, discussed above, this paper adopted a critical incidents technique to analyse this data. It used Boselie's definition of a critical incident as 'a definite and discrete occurrence that interrupts normal procedures or precipitates a crisis' (2009: 97), whereby a critical incident interrupted the normal relationship between and strategies of the three key actors to precipitate strike action (the 'crisis') in October 2018. Of particular significance was the extent to which a critical incident prompted trade unions to prioritise equal pay. The interviews were coded to identify key events based on their perceived impact on strategic decisions and the progress of the dispute, with four critical incidents identified between 2016 and 2018.

3 | Context

Local government has been a focal point of equal pay disputes from the 1990s, following the introduction of compulsory competitive tendering in 1988 and the Single Status Agreement (SSA) in 1997. The SSA sought to bring together the bargaining arrangements of manual workers and administrative, clerical and professional workers into one pay and grading system. It was a framework agreement negotiated nationally between local government employers and trade unions (GMB, Unison, and the Transport and General Workers Union [now Unite]) and implemented locally through negotiations between each local authority and local trade union representatives. With no deadline for implementation, penalty for noncompliance, or funding from central government, the process of implementing the SSA was protracted and highlighted the extent of pay inequality between men and women in local government (McLaughlin 2014; Oliver et al. 2014; Deakin et al. 2015; Conley et al. 2019).

Given the financial constraints, local authorities argued that the process should be cost-neutral (compensating pay increases with decreases elsewhere) while unions argued that low-paid workers should be levelled up (Oliver et al. 2014; Conley et al. 2019). A wider discourse that equal pay settlements would result in job losses, service cuts and the sale of Council assets

also informed negotiations (Oliver et al. 2014; Deakin et al. 2015). This created tensions between representing male and female members for trade unions, particularly the GMB. The GMB was a historically male-dominated union and represented a larger portion of male workers in local government than Unison. Furthermore, the male workers often worked in comparator roles (e.g., male-dominated refuse collectors and female-dominated carers) which could be downgraded by the SSA. The unions sought to protect (predominantly male) downgraded workers by negotiating pay protection agreements; indeed, many of the initial strikes associated with the SSA were led by downgraded male workers (Oliver et al. 2014; Deakin et al. 2015).

No-win-no-fee lawyers have played a prominent, and controversial, role in equal pay litigation in local government. The intervention of no-win-no-fee lawyers in the early 2000s was facilitated by both a European Court of Justice ruling which extended the time limit on back pay for equal pay cases and the relaxation of regulations on contingency fees (Deakin et al. 2015). Stefan Cross became a key figure in equal pay litigation. Formerly a solicitor for trade union law firm Thompsons, he established Stefan Cross Solicitors in 2003 and brought a number of high-profile equal pay cases against local authorities in the North East of England (Deakin et al. 2015).

Cross also litigated against trade unions under the Sex Discrimination Act 1975 over their negotiation of back pay settlements. In the 2008 *Allen vs GMB* case, the Court of Appeal concluded that the GMB had indirectly discriminated against women by prioritising pay protection agreements and accepting lower back pay settlements in their negotiations with Middlesbrough Council. The case had significant ramifications for collective bargaining around equal pay in its immediate aftermath (Conley 2014; McLaughlin 2014; Oliver et al. 2014; Deakin et al. 2015; Conley et al. 2019). Trade unions feared the financial ramifications of further *Allen*-type cases, and so they became increasingly cautious of negotiating and endorsing back pay settlements due to the risk of further litigation against them. This slowed down the negotiation of SSAs. However, McLaughlin (2014) and Deakin et al. (2015) argue that, in the longer term, *Allen vs GMB* came to be seen as exceptional, as unions adapted to the new context created by the *Allen* case by developing greater clarity around negotiating legally sound agreements and courts came to place financial responsibility for discriminatory pay structures with employers in most situations.

No-win-no-fee lawyers were widely considered to be 'parasitic' by the union movement, with officials arguing that the lawyers saw equal pay cases as a 'cash cow' and were profiteering from the discrimination faced by low-paid women workers (Deakin et al. 2015; Guillaume 2022). These tensions were exacerbated by the *Allen vs GMB* case. Union officials often felt prematurely forced into litigation strategies by the actions of no-win-no-fee lawyers while new job evaluation schemes were still under negotiation (Deakin et al. 2015). On the other hand, Beirne and Wilson (2016) and Beirne et al. (2019) – drawing specifically on the Glasgow City Council dispute – argue that no-win-no-fee lawyers acted as an alternative third-party agent for the mobilisation of women workers and have played an important role in

illuminating discrimination, forcing trade unions into action, and improving the financial position of low-paid women workers.

From 1999, Scottish councils and trade unions negotiated their own version of the SSA (Beirne et al. 2019). In 2005, Glasgow City Council offered a one-off payment of up to £9,000, negotiated between the Council and local trade unions, to women workers to compensate for historic pay inequality ahead of introducing a new job evaluation scheme (Beirne et al. 2019). Most women accepted the settlement in 2005; however, those women who rejected the deal and pursued litigation with no-win-no-fee lawyers received a substantially larger payout 2 years later.

In 2006, the Council introduced a bespoke job evaluation scheme, the Workforce Pay and Benefit Review (WPBR). This complex and confusing scheme included 'Non-Standard Working Pattern' and 'Workplace Context and Demand' payments that disproportionately favoured male-dominated roles. The Council and unions also negotiated pay protection agreements for (often male-dominated) downgraded roles. As with other local authorities, no-win-no-fee law firms were at the forefront of equal pay litigation in Glasgow, initially through Fox/Cross then Action 4 Equality Scotland (both co-founded by Stefan Cross), and represented the majority of claimants. In Glasgow, as elsewhere, the relationship between the trade unions and no-win-no-fee lawyers was often hostile. For instance, Beirne et al.'s analysis of the social media and online activity of key actors (the Council, lawyers, unions and women workers) revealed that the lawyers depicted the unions as complicit in pay inequality while the unions described the no-win-no-fee lawyers as 'ambulance chasers' (2019: 48).

In 2009, Glasgow City Council outsourced its care, cleaning, catering and janitorial staff to Cordia, an arms-length external organisation (ALEO). Following a 3-year protection period, women's pay and conditions deteriorated significantly in Cordia as they faced increased managerial oversight, budget cuts and labour intensification, lost access to overtime and unsocial hours pay, and were compelled to accept new shift structures. Challenging the use of ALEOs was a key legal and campaigning focus in the earlier stages of the dispute. Fox/Cross and Unison (with the GMB notably absent) pursued the argument that women workers in Cordia should be able to compare their pay to male Council workers through the employment tribunal process. Unison's involvement reflected their wider strategic commitment to litigation as a tool to ensure compliance with workers' statutory employment rights (Dukes and Kirk 2023). In 2014, the Court of Session (Scotland's supreme civil court) ruled that Glasgow City Council and Cordia were associated employers under the Equal Pay Act 1970. This ruling was a significant victory as it enabled a legal challenge against the WPBR scheme itself. Unison and Action 4 Equality pursued joint legal action against the WPBR through the Scottish courts, while the GMB again refused to support the litigation.

A combination of four critical incidents between 2016 and 2018, analysed in section 4, informed changes in the relationship between women workers, trade unions and no-win-no-fee

lawyers and catalysed a shift in trade union strategy towards industrial action on equal pay. The strike in October 2018 resulted in Glasgow City Council re-entering negotiations with the trade unions and no-win-no-fee lawyers for compensation and a new job evaluation scheme. In 2019, a settlement was reached awarding an interim payment of over £500million to 16,000 Council workers (Unison 2019). The BBC documentary, *Disclosure: The Great Equal Pay Scandal* (2019), detailed two controversies surrounding the settlement. Firstly, the individual settlements were confidential (women signed nondisclosure agreements and were unable to discuss their payments with colleagues) and the paperwork provided no information on how the compensation was calculated. Secondly, legal fees were applied to all settlements, despite assurances that union claimants would receive 100 per cent of their compensation, calling into question the motives of the no-win-no-fee lawyers. In 2023, a second interim payment of around £250 million was awarded to address continued pay inequality while a new job evaluation scheme based on the Scottish Joint Council Job Evaluation Scheme remained under negotiation (and remains so at time of writing) (Sanderlands 2025).

4 | Four Critical Incidents

4.1 | The Development of a Grassroots Activist Base

In 2016, care worker Frances Stojilkovic created a Facebook page to share information among Cordia and Council workers on their equal pay claims and the progress of the dispute. Starting with 30 care workers, membership of the page grew through word-of-mouth to approximately 6,000 members, including workers from across Cordia and the Council impacted by pay inequality, as well as trade union officials and lawyers (Stojilkovic 2023). Many of the women were lone workers and/or worked multiple contracts, and so the Facebook page provided a space for collective organisation. The Facebook page was central to establishing and mobilising a grassroots activist base. As Stojilkovic (2023) reflected: 'It makes us more powerful because it means everybody knows what's going on and you're not alone'. Stojilkovic has been identified as a key figure in the Glasgow City Council dispute as a result of the Facebook page and has regularly been interviewed for documentaries and print media, as well as the subject of a stage play on her activism (Oor Frances 2024). As in this article, Stojilkovic's voice has been given a high profile in accounts of the strike, and so it is important to understand her positionality. When Stojilkovic established the Facebook page, she was a care worker and GMB member, but was indifferent about the role of trade unions, recalling in her oral history testimony (2023) that at the time she thought 'they're all rubbish because they don't do anything for you'. Instead, Stojilkovic was a key advocate for no-win-no-fee law firm Action 4 Equality and established a friendship with their co-founder and ex-Unison senior official, Mark Irvine. Notably, Stefan Cross (2022) explained that establishing connections with grassroots activists was a key strategy used by no-win-no-fee lawyers to build equal pay claims in local government cases: 'What we tried to do was to try and find a significant female on the ground level...Who the other women would

trust'. In Glasgow, Stojilkovic appears to have played this role. She would share information from Action 4 Equality on the dispute's progress to the Facebook page and regularly invite Irvine to speak at meetings. The significance of this relationship to Stojilkovic's activism is reflected throughout her oral history testimony. Stojilkovic's dissatisfaction with the GMB became heightened following a disagreement with an organiser over their handling of an incremental pay increase. At this stage she left the GMB and joined Unison on Irvine's recommendation that she remain in a union (Stojilkovic 2023). According to Rhea Wolfson (2022), this had a substantial impact on the GMB, as Stojilkovic 'took droves of people with her' and would report back to the Facebook page on 'quite hostile' conversations with GMB organisers. Stojilkovic was a member of Unison during the strike, however, shortly after she re-joined the GMB and was a union rep at time of writing.

Women's grassroots activism was influenced by two key factors. Firstly, women workers were angered by the deterioration of their pay and conditions in Cordia and the resulting devaluation of their work. In their oral history interviews, Stojilkovic and fellow care worker Shona Thomson both described how women felt 'shafted' by the move to Cordia and reflected on the devaluation of their work as carers; for instance, Thomson (2023) stated that: 'Cordia took the care out of care and put cost into care. They just turned it into a business', while Stojilkovic (2023) observed: 'it was as if they thought, "They're just carers" ... you felt as if you weren't valued and you felt really rubbish'. Similarly, Wolfson (2022) identified the deteriorating working conditions as a key incentive for strike action, stating: 'they were just so angry about what their work looked like'.

Secondly, women workers were dissatisfied with trade union inactivity on equal pay. Stojilkovic recalled informal conversations with fellow care workers in which it became apparent that these women had little knowledge of their right to equal pay; Stojilkovic (2023) attributed this to trade union inactivity on the issue: 'Nobody heard it, we just went pure quiet because the unions didn't do much for us then to be honest with you'. Dissatisfaction with the trade unions was also captured in *Disclosure: The Great Equal Pay Scandal* (2019), in which one woman stated:

A lot of the lassies out there are lone working, don't see anybody, so how are you meant to get this all passed on? Through your unions. And did your unions advise you? No. Took our union dues and we didn't even warrant a stamp... to tell us to make a claim.

The Facebook page filled a gap created by trade union inactivity around equal pay.

Compared to the trade unions, no-win-no-fee lawyers were seen to be more proactive on equal pay by the women workers; for instance, the lawyers had achieved early success in securing higher back-pay settlements for women who refused to accept the 2005 payout, discussed above. According to McCann (1994), legal tactics play an important role in the movement building process as they raise expectations for change. This is reflected in

Thomson and Stojilkovic's oral history testimonies, in which Cross is given a central role in taking up and advancing the demand for equal pay:

I think if Stefan [Cross] hadn't pursued and keep persisting that these women were being discriminated against and that there was an equal pay claim, I don't think we would be in this position today, we would still be, maybe, possibly, as ignorant.

(Thomson 2023)

If it wasn't for [Cross] believing in us that we were owed money we wouldn't have known any the wiser, we wouldn't have been there and I don't think the unions would have done anything about it until we started.

(Stojilkovic 2023)

Stojilkovic also emphasised the value of Irvine's knowledge and his candidness in mass meetings with the women workers – 'Up straight with everybody, good or bad he told you how it was' – which again contrasted her experience with the unions. Alongside information-sharing, Irvine and Stojilkovic would lobby politicians via email, social media (including blog posts and Twitter), and in face-to-face meetings with councillors. Jennifer McCarey (2023) argued that, as a result of the relationship between Stojilkovic and Action 4 Equality, the Facebook page gave Action 4 Equality greater legitimacy to represent women workers:

Our members had spoken with their feet. Many of them had gone to Cross with their cases... They also had a basis for speaking on behalf of people... because many people had flocked towards the equal pay page on Facebook.

The relationship between Stojilkovic and Action 4 Equality, and the function of the Facebook page, indicate that (however pure their intentions) no-win-no-fee lawyers acted as a mobilising force for women workers by informing them of their right to equal pay and engaging them in campaigning activity in the absence of trade union activity.

The Facebook page pushed trade unions to address equal pay as a strategic priority as it mobilised thousands of women across Cordia and the Council, as Wolfson (2022) observed: 'This Facebook group activated and agitated hundreds, then thousands, of workers. They were all waiting to hear what Frances [Stojilkovic] would say...She was organising her colleagues'. Stojilkovic (2023) recalled the impact of the Facebook page as follows: 'And I think that's what impacted the unions...they started fighting along with it as well and then they saw that we were going to the politicians and we were getting meetings with them in the halls'. Cross (2022) similarly emphasised the role of social media in mobilising women workers and shifting union priorities:

The real significant change with Glasgow was the ground-level activism of the women...because of the use of social media, because of the groundswell coming from the bottom, there was more harmony and constructive action... that really transformed [how] the trade unions

responded to it, because they became much more sensitive to the wishes of the women.

There was pressure from grassroots women activists not only for action on equal pay, but for unity in action between the two unions, Unison and the GMB, and Action 4 Equality in both litigation and campaigning activity. Women workers from Unison and the GMB often worked side-by-side – for example, in a school the catering staff may be represented by Unison and the cleaning staff by the GMB – as a result, these women were often considered to be 'not interested in any interunion politics' (Wolfson 2022). At a regular picket organised outside of Glasgow City Chambers at every Council meeting from 2017 to the first settlement in 2019, Stojilkovic (2023) observed that the two unions would stand separately with their flags and banners, which she challenged: 'But when we went to protest they were all standing [separately], I was like, "This is crazy, just get united and we're all the one, start fighting together" and that's what we did'. Wolfson and McCarey recalled similar calls from rank-and-file members for the unions to work together:

The message from members was very clear, "Do this together or don't do it at all..." They wanted to stand on a picket line with their colleagues no matter what union they were in.

(Wolfson 2022)

It was our members who drove it, saying, "We want a united, powerful campaign. We want everybody working together. We want people to be unified that work together."

(McCarey 2023)

The Facebook page also played an important role in building these demonstrations, as Stojilkovic would share information on and live stream the events, encouraging women workers to attend. The development and activity of a grassroots activist base demonstrates the agency of women workers to direct events in the Glasgow City Council dispute and to engage with other key actors (e.g., trade unions and no-win-no-fee lawyers) in ways that suited their interests, supporting Beirne et al.'s observations of women workers' 'shifting and fluid patterns of allegiance' (2019: 43).

4.2 | The 2017 Court of Session Ruling

The 2017 Court of Session ruling that the WPBR could not be demonstrated to comply with equal pay legislation legitimised the women workers' equal pay claim and provided legal justification for further action against the scheme. This resulted in the intensification of Unison's campaigning activity, the GMB's involvement in litigation, and a shift in the dynamic of the relationship between Unison, the GMB, and Action 4 Equality.

Unison was already proactive in its legal and campaigning activity around both equal pay and the outsourcing of women's work to ALEOs. They had established an Equal Pay Unit in Scotland that performed 'an advisory role around the job

evaluation process', 'manage[d] the equal pay cases', and produced an equal pay toolkit for branches to identify and file equal pay claims (McCarey 2023). They were also involved in joint litigation which resulted in the 2017 ruling. However, Unison's activity on equal pay accelerated following the ruling, which had dispelled any remaining 'nervousness' around pursuing equal pay cases linked to concerns about the reputational risk if the women did not have a legitimate claim (McCarey 2023). McCarey (2023) recalled: 'It was front page when the May decision came. By June we were organising around equal pay...I spent 2 weeks in July 2017 going to three meetings a day in community centres all over the city to talk about equal pay'. Unison drew on their existing infrastructure of activists to target their activity to sections of the workforce with a lower number of equal pay claims, such as education.

For the GMB, the Court of Session ruling had a more fundamental impact by shifting the union's focus towards equal pay litigation. Cross (2022) shared his observations on the impact as follows:

The first significant consequence of the Court of Session decision was the impact on the GMB...They had been completely up shit creek without a paddle, and they completely changed. So, they went from being behind the scenes to in front, and leading, and prepared to lead, commitment to spend whatever money it took, and to back us to the hilt.

Following the ruling, the GMB replaced their legal team – 'We had to fire our old lawyers, get new lawyers who were going to actually contribute to the discussion' (Wolfson 2022) – which coincided with the appointment of local union officials committed to pursuing equal pay through litigation and campaigning activity, discussed below.

Relationship-building between the GMB, Unison and Action 4 Equality became a priority both in terms of involving the GMB in equal pay litigation and developing a co-operative relationship between the unions and lawyers. According to Cross (2022), Glasgow City Council had taken advantage of divisions between the actors to undermine negotiations, as they 'specifically separated out the GMB and essentially said they wouldn't be part of the negotiating team. They would be dealt with differently'. McCarey (2023) described a 'hand of friendship' being extended to the GMB by Unison and Action 4 Equality following the Court of Session ruling, despite what had been a 'fractious' relationship:

For the first time ever the GMB were given, I think there was time and care taken to try and assist them and having a full picture of what had gone on, and to help them with some of the challenges that they had around their claims which hadn't extended into the field of equal value.

Similarly, Cross (2022) stated that the GMB 'needed our, Action 4 Equality, as well as Unison's goodwill to rescue them'. Relationship-building was a priority for the GMB because, according to Wolfson (2022), they felt that they had been 'left behind':

What we learned from Glasgow is if we don't do our job properly someone else will...The unions didn't do their

jobs, that's why the private lawyers had these cases. They weren't better than us, maybe more creative than us, but they were proactive, and they were organising and we weren't.

Wolfson (2022) explained that working with Action 4 Equality and Unison strengthened the GMB's position in the dispute – 'That's how we were going to be strongest'.

The oral history testimonies of Wolfson and McCarey capture the challenges of relationship-building, as well as the centrality of this relationship-building to union strategies in the aftermath of the Court of Session ruling:

It was very, very, hostile at the beginning, very hostile...We had to do a lot of relationship-building, which is not easy, and was mainly led by my colleague, Hazel [Nolan], at the time. Just understanding where we were all coming from and trying to get around the table...We did agree to be a joint claimant side because, I think, we all understood the power in that.

(Wolfson 2022)

But it wasn't easy. That meant that we had to have lots of checks and balances with each other, and we also had to be very patient with each other. There were a lot of challenges around that. But I think it was a really productive relationship.

(McCarey 2023)

Wolfson and McCarey emphasise both that relationship-building 'wasn't easy' and that the actors needed 'checks and balances', 'understanding' and 'patien[ce]' to work cooperatively, however, this relationship also proved to be 'really productive' and 'power[ful]'. In their interviews, both Cross (2022) and Wolfson (2022) refer to a push for 'single table negotiations' in which all three parties were represented. According to Cross (2022), these joint meetings were unique to the Glasgow dispute. The Court of Session ruling prompted a shift in the dynamic between the GMB, Unison and Action 4 Equality from a hostile relationship to one of cooperation and joint negotiation.

4.3 | The Emergence of Local GMB Union Officials Committed to Pursuing Equal Pay

A change in the GMB's local leadership was central to a cultural shift which saw the union increasingly prioritise equal pay from 2017. The GMB had been slow to act on equal pay within Glasgow City Council, both in terms of litigation and campaigning activity, which had created space for no-win-no-fee lawyers to gain a foothold. Wolfson (2022) identified a fundamental disinterest in pursuing equal pay within the GMB:

The union hadn't been doing enough about [equal pay]... The union in the male-dominated side of things, in the Council, was really active running campaigns, fighting

for resources, defending workers' terms and conditions. In Cordia, they just hadn't been.

Wolfson attributed this to two factors: firstly, female-dominated Cordia workers and male-dominated Council workers were represented by different officers, resulting in 'a complete lack of unity' on terms and conditions; secondly, there was a widespread belief within the GMB that women were harder to organise and 'less willing to fight for pay'. Thomson (2023) also recalled reluctance among local officials to discuss equal pay with their members: 'the older ones just seem to have been set in their ways and they just didn't want to come out and fight for stuff'.

In 2015, Gary Smith was elected as the GMB's Scotland Secretary, and there was a general consensus among interviewed GMB members that his election prompted a significant change in the union's culture regionally. Thomson (2023) described Smith as a 'breath of fresh air to this union in Scotland', Stojilkovic (2023) claimed that he 'changed [the GMB] big time', and Wolfson (2022) stated that 'He was very fundamental in turning things around'. Of particular importance was Smith's role in appointing younger, female officers – Hazel Nolan and Rhea Wolfson – in 2017 to lead the campaign on equal pay, as Wolfson (2022) reflected:

[Smith] gave power to women in the organisation including senior positions but also just empowered them to lead. So, obviously, myself and Hazel to lead on this equal pay issue. He changed the culture of the organisation in Scotland.

However, Smith has an inconsistent record on gender equality within the GMB (see, e.g., Nathoo (2024) and Topping (2024) who document the GMB's failure to implement the recommendations of the Monaghan report (2020) which concluded that the GMB was 'institutionally sexist').

Wolfson became the first officer to hold the whole remit for Glasgow City Council, representing both Cordia and Council workers, which consolidated oversight of terms and conditions into one officer. Wolfson and Nolan built the GMB's equal pay campaign by visiting female-dominated workplaces and arranging meetings on equal pay in local halls. The process was initially 'demoralising', as the women's distrust in the union resulted in low attendance; however, these campaigns gained momentum, as Wolfson (2022) described:

The campaign activity was relentless. Firstly, it was about getting new reps and new leaders. How do you find those new reps? You have to sit in a lot of those empty halls and then the halls start to fill up. We started talking to our members a lot more... So we went to a lot of schools, a lot of kitchens, a lot of early morning cleans, a lot of meetings.

In particular, Wolfson (2022) emphasised the importance of building a 'workers' movement' and of empowering rank-and-file members, such as Thomson, who played an important role in rebuilding members' trust in the union:

[Shona] coming onboard and actually being part of the campaign and leading the campaign was absolutely fundamental for people starting to rebuild their trust in the union because she was militant, and she was... unrelenting with her demands on the union.

Another key aspect of their activity was relationship-building with Unison and Action 4 Equality, which included pushing for single-table negotiations, discussed above, and joint demonstrations with Unison, such as a Suffragette-themed march on the anniversary of women's enfranchisement and a picket of every Council meeting (2017–2019). At the Suffragette-themed demonstration, the women marched behind a banner reading 'Equal Pay or we Walk Away', a slogan created by a cross-union campaign group of women workers (McCarey 2023). Cross (2022) observed the impact of Wolfson and Nolan on the GMB as follows:

What happened was that they changed their leadership, and they brought in these young, dynamic women, committed to pursuing the equal-pay cases [which] completely changed the landscape.

The role of Smith, Wolfson and Nolan in shifting the GMB's strategic priorities towards campaigning and litigating for equal pay in Scotland supports wider observations on the role of key individuals in union leadership, such as general secretaries (Dukes and Kirk 2023), and local officials (Guillaume 2015) in advancing strategic litigation within unions. As a result of their changing strategic priorities, the GMB was an increasingly significant actor in mobilising women workers and advancing the equal pay dispute.

4.4 | The SNP's Manifesto Pledge to Resolve the Equal Pay Dispute

After the Labour-led Council had defended the discriminatory WPBR scheme through the Scottish courts for over a decade, and spent millions in the process, grassroots activists (in particular, Irvine, Stojilkovic and Unison activists) lobbied politicians ahead of the 2017 Council election and secured a pledge to settle the equal pay dispute in the SNP manifesto. Stojilkovic (2023) recalled a meeting with key SNP politicians as follows:

When Susan Aitken and Mairi Hunter were trying to get elected I met them. They came to meet me in the Dixon Halls in Govanhill, so I got all the carers to meet, it was a big full hall there. They promised us in their manifesto that we'd get our equal pay paid, fixed, sorted.

Cross (2022) highlighted the significance of this manifesto pledge, stating that this was 'the first time the question of equal pay was a political decision in a campaign'.

However, once elected the SNP-led Council were advised by the same officers who had created and defended the discriminatory scheme, and so they continued to stall the negotiations and

defend the scheme through the courts – a key betrayal recalled across the oral history testimonies:

It was the same officers that shafted us when Labour was in.

(Stojilkovic 2023)

The people in the negotiations were largely the people who had negotiated a new pay and grading scheme. They were the people who defended it.

(McCarey 2023)

The officers that were sat in that room were the same officers who'd been the architect of the discrimination. We're literally talking the people who wrote it... [They] were not interested, at all, in settling this. They instructed hostile lawyers to represent them.

(Wolfson 2022)

Cross (2022) emphasised that within local government, the officers have greater control over the Council, stating that councillors 'don't have the day-to-day management'.

Grassroots activists quickly mobilised against the SNP's 'empty promises' (Thomson 2023) to demand a ballot for industrial action, as Stojilkovic (2023) described:

Because every other week you were waiting and waiting, waiting and then another meeting for a meeting promise after promise, "We'll promise you this", all broken promises. And then people were fed up... and that's when people just got together and just went, "Right, we need to strike".

The women initially encountered hesitancy from their unions. Stojilkovic (2023) describes the unions as 'humming and hawing', but pressure from grassroots activists again shifted the unions' position. As Wolfson (2022) explained:

By summer 2018, I was an officer and getting a lot of pressure... from the reps to say, "We're done now, we're ready for strike. We want to go on strike." We, kind of, said, "Well, you know, we want negotiated solutions, etc." They were very, very, clear they wanted to take strike action.

Union officials Wolfson and McCarey both reflected on a wider discourse that the strike was politically partisan, that the Labour-supporting unions were taking strike action against the newly elected SNP Council. However, both women dismissed the claim, arguing that many of the striking women had contributed to the SNP's victory, in part because of their promise to resolve the dispute.

The SNP were elected to Glasgow City Council at a point when the culmination of the first three critical incidents – the development of a grassroots activist base, the Court of Session ruling against the WPBR scheme, and the shifting strategic

priorities of the GMB – ensured that the three key actors (women workers, trade unions and no-win-no-fee lawyers) were working together for the first time to challenge pay inequality. Thomson (2023) captured the significance of this interaction in her testimony, in which she described these actors as 'the triangle', stating: 'it was a case of just everybody getting together, the triangle, and all working together and getting the timing right, so they gave us a reason'. In stalling on negotiations, the SNP created a political climate in which industrial action was seen to be essential to achieving equal pay.

5 | A Combined Legal and Industrial Strategy

The four critical incidents outlined above prompted a combined legal and industrial strategy. The significance of this strategy in achieving an equal pay settlement in the Glasgow City Council dispute, and specifically the pivotal role of the strike in securing payouts and advancing negotiations on a new job evaluation scheme, was emphasised by all interviewees:

Everybody realised that [it was] the combination of the industrial and the legal route that had been missing.

(McCarey 2023)

As good as [the no-win-no-fee lawyers'] legal claims were and as good a negotiator as they were, it was the strike that won it. The strike turned everything around because we got into settlement negotiations.

(Wolfson 2022)

Strike action eventually was the only thing that made [the Council] sit up and listen. An independent lawyer can't ask his claimants to go out on strike, it can only be done legally through the union.

(Thomson 2023)

That was a big historic strike and if we didn't do that we just still would have been probably fighting.

(Stojilkovic 2023)

It wasn't until 2018... that we actually started having realistic negotiations... The strike completely changed the position.

(Cross 2022)

In their analysis of litigation and collective bargaining in local government, Deakin et al. (2015: 382) similarly conclude that litigation and collective bargaining are 'best regarded as complements, in the sense that litigation is unlikely to be effective in advancing an equality agenda in the absence of well-functioning arrangements for collective bargaining'.

Union officials Wolfson and McCarey stressed the limitations of the UK's equality legislation in enabling women to challenge pay inequality through legal routes, in particular pointing to barriers in identifying comparators created by the condition that equal pay cases be taken individually and the widespread use of outsourcing. Wolfson (2022) described

the Equality Act 2010 as 'basically unenforceable', while McCarey (2023) stated: 'We have diluted the ability of women workers to take legal cases after developing an almost exclusively legal strategy to deliver equality'. Conley (2014: 309) has similarly reflected that equality legislation has trapped trade unions in a pattern of using 'adversarial legal methods to pursue equal pay'. Within this context, Wolfson (2022) emphasised the power of industrial action, as had been demonstrated by the Glasgow City Council dispute: 'The only enforcement measure we had was the strike, that's how we got them to actually enforce what had been decided by the courts, and that's the same anywhere'.

Furthermore, Wolfson and Cross emphasised the limitations of litigation and the actions of no-win-no-fee lawyers in effecting long-lasting change towards equal pay within the workplace. In the closing section of his interview, Cross (2022) reflected on the impact he and fellow no-win-no-fee lawyers had on achieving equal pay as follows:

We haven't solved the problems. In many cases, all we've done is we've given a group of women a substantial amount of money for past mistakes. What we haven't been able to do yet is change the culture. That's why I'm putting so much store in what the GMB are now doing, because they're the ones who've got the resources and political clout to make a difference. We've won a lot of cases, but we haven't changed culture. That's the downside.

Significantly, Cross – a high-profile no-win-no-fee lawyer and a controversial figure in the trade union movement – emphasises the central role of trade unions and not lawyers in advancing equal pay and 'changing the culture' around women's work. In her interview, Wolfson (2022) made similar observations, stating: '[No-win-no-fee lawyers] litigate the issue or just settle and then take their cut and leave. The missing piece of the puzzle is fixing the problem and in so many cases I looked we hadn't fixed the problem'. Following the Glasgow City Council dispute, the GMB established a Women's Campaign Unit with an aim to 'fix the problem' and appointed Wolfson as the Women's Campaign Officer, first in Scotland and then nationally. The Unit was designed to 'upskill our people and start campaigns', drawing on the success of the combined legal and industrial strategy in the Glasgow City Council dispute and replicating it in other local authorities, including Birmingham City Council, Dundee and Blaenau Gwent, as well as in the supermarket equal pay cases (Wolfson 2022). This demonstrates that the strategic shift towards combined litigation and industrial action prompted by the four critical incidents in the Glasgow City Council dispute had a widespread impact on approaches to equal pay.

6 | Conclusion

This article demonstrates the uneven development of trade union strategies on equal pay within UK local government through an examination of the shift from litigation to industrial action in the Glasgow City Council equal pay dispute. It advances two central arguments.

Firstly, it argues that four critical incidents between 2016 and 2018 resulted in interaction and increased co-operation between the dispute's three key actors (women workers, trade unions and no-win-no-fee lawyers) and prompted trade unions (particularly the GMB) to prioritise equal pay. These four critical incidents are: i) the development of a grassroots activist base mobilised via social media; ii) the 2017 Court of Session ruling that the WPBR could not be demonstrated to comply with equal pay legislation; iii) a cultural shift in the GMB prompted by the election and appointment of local union officials committed to pursuing equal pay; and iv) a political context in which the newly-elected SNP Council stalled on its manifesto promise to resolve the equal pay dispute.

In line with McCann's legal mobilisation framework (1994), the four critical incidents demonstrate the evolving use of the law by different actors and the complex interaction of legal strategies with other factors to advance the equal pay demand. They also support Beirne et al.'s observation (2019) of shifting patterns of allegiance between key actors in the Glasgow City Council dispute. Furthermore, the four critical incidents provide evidence of continuity between the Glasgow City Council equal pay dispute and historic equal pay strikes, as trade union engagement with equal pay was inconsistent between and within unions and often relied on the commitment of individual grassroots activists and union officials.

Secondly, this article argues that the combination of legal and industrial strategies was essential to achieving a settlement in the Glasgow City Council dispute. The first and second critical incidents demonstrate that the law and litigation strategies were a resource for challenging pay inequality in local government. The intervention of no-win-no-fee lawyers through litigation in the early stages of the dispute was key to mobilising women workers in the absence of trade union activity on equal pay. This supports Beirne et al.'s argument (2019) that no-win-no-fee lawyers provided an alternative site of mobilisation, and that grassroots mobilisation can occur in opposition to the unions. The success of Action 4 Equality and Unison in legally challenging the WPBR, demonstrated by the 2017 Court of Session ruling, legitimised the equal pay claim and facilitated trade union commitment to equal pay.

However, this article also stresses the limitations of using the UK's equality legislation to achieve equal pay. For instance, the legislation creates barriers to identifying comparators through the condition that equal pay cases be taken individually and employers act to avoid liability through the widespread use of outsourcing. Furthermore, it argues that litigation has a limited long-term impact on pay equality as it does not challenge fundamental structural inequalities or result in cultural change. It therefore advances on Beirne et al.'s position by demonstrating the continued importance of trade union mobilisation to achieving equal pay. This article concludes that collective action is central to advancing equal pay demands in a legislative environment that narrowly limits equal pay litigation and does not challenge the existing structures which undervalue women's work.

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Conflicts of Interest

The authors declare no conflicts of interest.

Endnotes

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²The interviews were conducted while the author was a Research Fellow at the University of the West of England.

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