6 Conclusions

This study has looked in detail at the responses of 40 employers who were found by an industrial tribunal to have breached sex discrimination or equal pay legislation. We have sought to discover whether losing a case at a tribunal has been an incentive for these employers to take remedial action to deal with the source of the discrimination, or to examine current employment practices, or to act to promote equality of opportunity within the organisation.

The responses of these 40 employers have been considered in four chapters each of which addresses a different type of discrimination, namely in recruitment, in promotion, in dismissal and in pay. The methods of research have been for the most part qualitative, that is, we have conducted in-depth interviews with key participants in the process, and have used this research data to illustrate what happened within the organisation as a result of the tribunal decision. A summary of the impact of tribunal decisions is presented at the conclusion of each chapter where the effects and consequences for each employer have been considered in turn.

Our research questions have been formulated in the light of previous research carried out by Alice Leonard, in particular her investigation of the effects of successful industrial tribunal cases on applicants[1]. Our own study has focused on the effects of cases on employers. Taken together, the two studies provide a picture of the overall effects of industrial tribunal decisions.

This concluding chapter has three sections: in the first we quantify by way of further summary the changes in policy, practice, attitude or behaviour which occurred amongst the group of 40 employers; in the second, we examine the influences which assisted or inhibited change;

and in the third, we make our assessments of some of the implications of the findings.

Summary of changes

Attitudinal changes

The degree to which an employer adopted more progressive attitudes as a consequence of the tribunal's decision has been assessed. Clearly we have not been able to measure changes in attitude in any systematic or rigorous way, but we have tried to arrive at an indication of whether or not the process of being taken to a tribunal has made the employer more supportive of an equal opportunity programme. Such attitudinal shifts do not, of course, indicate that any practical measures will necessarily have been undertaken, but it could be argued that the adoption of a positive outlook is a precondition for any practical equal opportunity initiatives taking root in the organisation.

Table 5 summarises some of the aspects of change considered in this chapter. Attitudinal changes are considered in column (a). Attitudes became more progressive after, and because of, the tribunal decision in the case of 7 employers (17 per cent). They deteriorated and the organisation became more hostile towards the promotion of equality of opportunity in 5 cases (12 per cent). Attitudes were unaffected for the remaining 28 employers (70 per cent).

All except one of the employers where we detected more progressive attitudes developing were in the public sector, the exception being a voluntary organisation, Homebuild (P10), and four were promotion cases. By contrast, all but one of the five organisations where attitudes had worsened as a result of the case were private sector employers. Unlike the 'progressive' group the majority of those where attitudes had deteriorated were equal pay cases, and there were no promotion cases.

We should offer some reservations in relation to the group of employers where attitudes had become worse. First, at Jones Outlets (R2) attitudes had hardened at a local branch level only and not, it seemed, at headquarters. The same could be said of Hilling Council (E6) where central management was pursuing a progressive equal opportunities policy. Even at Craft Casings (E5) where management took a hostile view, some changes had been introduced.

We can conclude then that only in a minority of cases did the tribunal actually make attitudes worse. For a significant minority,

nearly all in the public sector and therefore subject to equal opportunities pressures from other sources, attitudes became more progressive. But for the majority the tribunal had no effect on attitudes one way or the other.

Equal opportunity policy initiatives

Some employers had adopted an equal opportunity policy statement since the industrial tribunal application. Column (b) of Table 5 shows that the tribunal decision was at least partially instrumental in bringing about the adoption of a formal equal opportunity policy in eight cases (20 per cent). No employers told us that a policy had been set up as a direct result of the tribunal application (an employer may have been reluctant to say so even if such had been the result) although the closest to a cause and effect relationship were the cases of City Council (P1), a non-party political council, and Homebuild (P10).

In most of these eight cases the tribunal decision was contemporaneous with other developments. At Denton Council (R1), for example, the development of a policy was being discussed some time before the tribunal, an initiative which coincided with a change in the political balance of the council. At Jones Outlets (R2) an equal opportunities policy statement was introduced seven months after the tribunal, but a manager said that the Codes of Practice had been more influential than the tribunal. At Carlton Council (P2) a new political initiative had led the council to become an equal opportunity employer, but it was likely that several adverse tribunal decisions had had a cumulative impact. Similar considerations were important at both Frinkley Council (P6) and Easterly RHA (P7), both organisations having been affected by other tribunal decisions and subject to political pressure. At Ford Council (P8) a change in the political complexion of the council was clearly an additional factor which facilitated change.

Six of the eight organisations which had introduced equal opportunity policies were public sector employers, and six involved promotion or transfer applications.

These findings suggest that an adverse tribunal decision is rarely a sufficient incentive on its own to become an equal opportunity employer but thatit can play a part among other influences in moving employers in that direction.

It might be expected that, consequent to the decision of the tribunal, those employers who already had a policy statement would be persuaded to review the statement with the aim of reformulation or elaboration. Seven employers claimed to have an EO policy statement prior to the tribunal and one other (P5 Shepley) referred to itself as an EO employer in advertisements (but had no written policy statement).

However, there was little evidence that industrial tribunal decisions led to review of existing equal opportunity policies, (see column (c)). Foodcheck (R7) saw no need to review or amend its policy after the tribunal, since it regarded the decision as having no wider significance. Promoting equality of opportunity was now a lower organisational priority for Shepley (P5), and no re-assessment of its self-ascribed 'equal opportunity employer' status was carried out. Power Supplies (P3) had had a sketchy policy statement for some years prior to the tribunal, but the wide-ranging review carried out by the company could better be explained by the EOC's intervention through the joint exercise. A government department (D4) claimed that its EO policy was always under review and it employed staff to carry out this function, but it was not possible to say that the tribunal had itself led to any reformulation of that policy. Dinkworth (D1), Trust Centre (D3) and Northside Dealers (E3) had paper policies, but in none of these organisations were these re-examined as a result of the tribunal.

Disciplinary action against the discriminator

Employers can demonstrate a commitment to change by taking action against those who have discriminated. Disciplinary action by the employer against the discriminator may be appropriate if the employer has a policy statement which informs employees of their liability and of the likelihood of disciplinary action in the event of breaches of the legislation. Very few employers in our sample were in such a position. Furthermore, the discriminator may be an official in an organisation with a culture of tolerance towards discrimination (as, for example, in Paper Supply Co. (R8), Starpress Ltd (E2), Grants Builders (E12)), or s/he may be a senior official or the proprietor (for example, Northern Tools (R4), Popham Plastics (P9), Clearways Trust (D9)). In other instances, the organisation may not have the authority to deal with the discriminator, most obviously perhaps when non-employees are

brought in to participate in the appointments process, as happened with councillors and school governors at Frinkley Council (P6) and magistrates at Woodgate Area Courts Committee (D2).

Nevertheless, as shown in column (d), disciplinary action connected with the circumstances of the application was taken against employees in six organisations (15per cent). Shepley (P5) reprimanded two chief inspectors who may, in addition, have been encouraged to take early retirement. A manager at Power Supplies (P3) who wrote a note containing sexist remarks had, it seemed, been demoted even though the company argued that the remarks had not influenced the selection process. At Ford Council (P8) those involved in the interview were reprimanded. In the other three cases the links between the discriminatory activity and the disciplinary action were more tenuous: at Dinkworth (D1) employees were sacked but as a result of wider misdemeanours uncovered in the course of the dismissal application; at Browns (E1) an equal pay claim provided an opportunity to demote an unsuitable manager, while at Wellmans (E11) the case may have contributed to the manager having been moved on.

Recommendations to employers under section 65 of the SDA

Formal recommendations to employers can be made by tribunals only in cases brought under the SDA and not in equal pay cases. Thus recommendations could have been made in 30 cases (including two cases brought under both the SDA and the EqPA). In fact formal recommendations were issued as part of the tribunal's decision in only six cases, 20 per cent of those eligible. To what extent do employers carry out recommendations?

At Denton Council (R1) a recommendation to include a woman on the subcommittee was carried out, but another to set up a working party was judged impractical and was not pursued. The tribunal recommended that City Council (P1) offer the applicant a promoted post within two months of the tribunal and this was carried out in full by the council. Shepley Transport Co. (P5) was advised to interview the applicant at the next promotion board and if she was not successful at that board to give her written reasons for her failure to be appointed. There was conflicting evidence as to whether there had been another promotion board since the tribunal, but the applicant had not been interviewed and remained unpromoted at the time of our interview.

A recommendation was issued to Power Supplies (P3) to review its interviewing procedures, to include a woman on interview panels (but 'where practicable' provided a convenient escape clause), and to vary the composition of interview panels more frequently. The company remained hostile to these recommendations and took advice on their legal status. Interview procedures had been reviewed, but the company had no intention of including a woman on interview panels, and there was no requirement in the revised interview procedures introduced for bringing more variation to the composition of panels.

A government department (P11) was advised to take action (which the tribunal did not specify) to ensure that the applicant could take up the appointment. The department had acted to change transfer procedures with a view to decreasing the likelihood of others coming up against similar obstructions, but, it seemed, the applicant remained in her previous post. Grants Builders (E12) were recommended to restore the applicant to five-day working. They did this but also insisted that she work weekends and she left their employment.

It is a practical precondition for making effective recommendations that panels appreciate and understand the origins of discriminatory actions and before making a recommendation have fully analysed the likely effects on the organisation. Many panels are not capable of issuing recommendations because they have a poor grasp of the issues and do not have this appreciation and understanding. Here it is the grasp of the issues that has to be addressed and improved and not merely the failure to make recommendations. Some employers react constructively to advice and suggestions which fall short of recommendations. It is the tribunal's ability to make links between the specific breaches of the legislation and more general failings of policy, practice or procedure which provides the basis on which useful recommendations or suggestions can be made.

From our reading of tribunal decisions it appears that some tribunals are reluctant to issue recommendations unless these are asked for by the applicant or her representative. The tribunal is more likely to respond with a recommendation if a case for it is put forward.

Specific actions consequent to the tribunal

Column (e) of Table 5 lists the organisations that made specific practice changes and Table 6 lists in summary form the specific measures taken by employers as a result of the decision of the tribunal.

We have excluded from this list the various effects considered above, that is, changes in attitude, changes brought about as a result of recommendations made under section 65 of the SDA, disciplinary actions against employees and developments in equal opportunity policy statements. Nor are actions taken by employers to give effect to remedy, such as compensation awards, included. The effects considered under this heading are therefore voluntary changes in practice or procedure which can be directly related to the matters considered by the tribunal. It is unlikely that these measures would have been carried out if the applicant had not taken the employer to the industrial tribunal.

Seventeen employers (42 per cent), eight in the public sector and nine in the private sector, had taken specific measures to deal with the issues raised by the application to the tribunal. Examples of such measures included changing the procedures for issuing application forms to job enquirers, sending copies of the tribunal decision to key people in the organisation, issuing a circular on the main points of the decision, using the decision in a training programme, issuing a leaflet to employees, introducing a new pay scheme.

Some measures were more effective than others and not all of them went to the root of the problem. For example, the impact of a circular or memo issued after a decision would be dependent on its tone and the terms in which it was couched (whether it was an instruction or advisory only), and on other factors such as the seniority and status of its author. We have therefore made an assessment of likely impact and effectiveness and tried to distinguish between measures which had, or were likely to have, only a cosmetic or limited impact and those which were more fundamental in scope. In six of the seventeen cases we judged the measure to be cosmetic or of limited impact only and these are identified by italic print in Table 6.

Factors influencing change

Representation

Previous research has shown that applicants who are represented at tribunal are more likely to win cases than applicants who present their own case[2]. There may also be a link between representation and the likelihood of follow-up action by the employer. Unfortunately we do not have enough cases to arrive at a firm conclusion on this point. However, we identified eight cases where the tribunal resulted in or

contributed to the employer developing an equal opportunity policy. In all these cases the applicant was legally represented by a solicitor or by counsel. Furthermore the applicant was represented in all the six cases which resulted in recommendations being made by the tribunal (in one of these six cases she was represented by a trade unionist). S/he was represented in all six cases where disciplinary action was taken against specific employees. S/he was represented at some stage of the proceedings in all seventeen cases where specific practice or procedure changes were introduced by the employer. (In the government department (D4) she was represented only at the appeal stage.)

It should be emphasised, however, that there were only six cases where the applicant was not represented at any stage of the proceedings (see Table 4, page 13) and so no conclusive evidence on the importance of representation can be presented. Nevertheless there does appear to be a pattern: in none of the cases where the applicant represented herself did the employer introduce an equal opportunity policy, discipline any employees or make specific practice or procedure changes. In not one of these cases were recommendations issued by the tribunal.

EOC assistance

In 20 cases (52 per cent) the applicant received legal assistance from the EOC. Was such assistance an encouragement to employers to engage in follow-up action? First, we can note that the applicant was legally assisted by the EOC in the cases against four of the seven employers who had adopted equal opportunity policies after the tribunal and in ten (59 per cent) of the 17 cases where employers made specific practice or procedure changes. In addition in four of the six cases where employees were disciplined the applicant's case was assisted by the EOC. There is therefore some ground for believing that legal assistance improves the possibility of a constructive response by the employer.

It can be argued that representation, and especially representation which is provided through the assistance of the EOC, is effective because the applicant is enabled through skilled advocacy to counter the explanations of the employer and improve his or her chances of winning the case. In addition, the applicant is enabled through reasoned argumentation and analysis to elucidate and expose the

practices in which the particular act was grounded. In this way the employer's failings become more readily apparent both to the employer himself (whose understanding of the issues may in consequence be better developed), and to the tribunal panel which is more likely to be able to make constructive suggestions and to give pointers for follow-up action.

Size of employer

It is a striking finding that large employers were more likely to have taken action following an industrial tribunal decision than small employers, since it means that more people were likely to have been affected by the changes adopted. Organisations with more than 1,000 employees made up 45 per cent of the sample (see Table 1, page 11), but accounted for 70 per cent of those which had made practice or procedure changes after the tribunal, and six of the seven (86 per cent) which had adopted equal opportunity policies. In addition, the largest employers were more likely than others to appear among the small group of employers (seven only) who were identified as having adopted a more progressive attitude towards equality of opportunity.

There was no evidence of a particular tendency among large organisations to take disciplinary action against employees, but few if any conclusions should be drawn from this as there were only six cases in the sample where disciplinary action was taken. Larger organisations are more likely to have complex decision-making procedures and communication patterns which make it more difficult to pinpoint the origins of the discrimination.

Public/private sector differences

Public sector bodies had a higher representation than expected among organisations where there had been follow-up action consequent to the tribunal. The public sector accounted for 30 per cent of the sample; but four of the seven organisations to have adopted an equal opportunity policy and just under half of the seventeen organisations which made consequential changes in practice or procedure were in the public sector. It was clear, however, that private sector organisations had not been inactive after the tribunal. In addition, such organisations were more likely than those in the public sector to have taken disciplinary measures. However, all but one of the organisations

which were identified as having adopted more progressive attitudes were in the public sector.

Type of case

The tribunal decision was more likely to have had an effect in promotion cases than in any other type of case. For example, of the eight organisations setting up equal opportunity policies, six had lost promotion cases; of the seven organisations where there had been a beneficial change in attitudes, four had lost promotion cases; and of the four organisations to take action against the discriminator, three had lost such cases. In addition, there was a good chance that an organisation losing a promotion case had made specific practice changes.

Effects were least likely in equal pay cases, but this was to be expected since the issue considered by the tribunal was a narrower one and organisational practices did not always come under scrutiny to the same extent as in a sex discrimination case. On the other hand, it should be noted that equal pay cases were often conjoined with, or closely related in time to, a sex discrimination application (E3, E5, E11, E12), and this suggests that the applicant's grievances in such a case were not solely connected with pay.

Effects may be most likely in promotion cases because of the continuing pressure of the applicant within the organisation, especially if she or he actively seeks to campaign for changes (P1, P6 and to a lesser extent P2 and P7). But seven of the eleven organisations which lost promotion cases were public sector bodies which, as already noted, had a better record than those in the private sector for taking follow-up action.

Appeal cases

Only five cases (P7 Easterly RHA, P10 Homebuild, D2 Woodgate, D3 Trust Centre, D4 Government Department) resulted in an appeal to the EAT and no obvious pattern of effects and consequences emerges from an inspection of this group. Appeals may be more likely in cases which are not legally assisted by the EOC as the applicant's case is likely to have been less well argued. On the other hand, a well presented and argued case may raise contentious intepretations of the law which become grounds for appeal. In cases D2, D3 and D4 the applicant had no legal assistance from the EOC.

Implications

Our case studies have shown that employers may be encouraged to change their practices in relation to the employment of women following the adverse findings of an industrial tribunal in a sex discrimination or equal pay case. We need to bear in mind, however, that our study was confined to a group of cases where the applicant was successful. Such cases are a minority of all formal complaints of sex discrimination and equal pay. Further research would be needed to determine how far unsuccessful complaints and cases that were conciliated differed in their impact upon employment practices.

Moreover, in order to understand the impact of tribunal decisions, it is necessary to be aware of the broader context within which organisations engage in any reassessment of policy and practice. For such reassessments to happen there need to be both incentives and resources to carry them out. For many employers, and especially for the smaller ones, practices change from day to day in response to issues and problems as they arise. Policies do not exist in any explicit and codified form.

The following point has been made in an assessment of the impact of unfair dismissal tribunal cases on employers:

> The incentive to change policies, procedures and practice will depend in large part on the perceived advantages to be gained by so doing and the likely consequences of not doing so ... Where advantages are not perceived the likely consequences of inaction are not such as to provide a strong incentive to change[3].

Such an observation is just as relevant to other discrimination cases as to unfair dismissal cases and many of the positive steps taken by employers which have been observed in previous chapters can be attributed to a recognition by employers of the likely advantages, such as expected improvements in the industrial relations climate within the organisation, or expected improvements in the motivation of women employees once sources of job discrimination are removed. Similarly, inaction is likely if the employer assesses that the chances of further complaints to an industrial tribunal are negligible or are worth bearing.

It would be a mistake to assume that applications to industrial tribunals are made only against employers with poor records on equality of opportunity. Employers who have taken some steps towards equal opportunity policies may also be the target of

applications because there is likely to be a greater awareness among their employees of the scope for pursuing discrimination cases, and such employers may create a more favourable climate which facilitates the filing of a claim. In addition, an employee may feel the more offended by unfair treatment to the extent that the employer claims to have an equal opportunity policy.

Section 65 of the SDA defines the powers of the industrial tribunal to intervene in the employment practices of an employer and limits recommendations to measures which are directed at 'obviating or reducing the adverse effect on the complainant of any act of discrimination to which the complaint relates'. This formulation would seem to indicate that practice recommendations must be directed at improving the prospects or employment situation of the applicant, and must have a bearing on the nature of the complaint being considered by the tribunal. The tribunal is therefore seriously restricted in its capacity to propose far-reaching practice or procedure changes even when serious omissions or defects have become apparent in the course of the tribunal's examination of the facts of the case.

If any practice recommendation proposed by the tribunal has to be restricted to reducing 'the adverse effect on the complainant', the tribunal, it seems, has very little scope for making recommendations in either recruitment or dismissal cases when the applicant has never been, or is no longer, an employee of the respondent. (It could perhaps be argued that the recommendations made to Denton Council (R1), a recruitment case, would have affected the applicant if she chose to apply for another job with the council at a later date.) Even in cases where the applicant is still an employee of the organisation, for example in promotion cases, it is not clear whether the action proposed has to be specifically aimed at the applicant (as in the case of Shepley Transport (P5) where there was a recommendation to interview the applicant at the earliest opportunity), or whether a broader interpretation of section 65 directed at having an impact on a group of employees of which the applicant is only one (as in Power Supplies (P3)) is the correct one. It will be recalled that Power Supplies took advice about the legal status of recommendations and as a result decided to ignore them.

Such limitations on the powers of the tribunal would seem substantially to restrict its scope to influence the behaviour of

employers especially when it has become clear that a practice has discriminatory consequences and that the applicant was a representative of a class of people any of whom were likely to have fallen foul of a particular discriminatory requirement. For example, it seems that a tribunal which has found an employer to be in breach of the SDA by operating an age bar on recruitment which had the effect of discriminating against a married woman would have no powers to order that such an age bar be removed generally within the organisation. When a tribunal has engaged in a thorough examination of the facts of the case in such a way that serious inadequacies in the employer's recruitment, selection, dismissal or promotion practices have become apparent, the tribunal should be at liberty to make recommendations without having any obligation to demonstrate that the recommendation will be of direct benefit to the applicant.

Given the infrequency of discrimination cases in the volume of work which industrial tribunals undertake, the ability of tribunal panels to build up an expertise in anti-discrimination law is limited. This means that inexperienced panels will not find it easy to draw out pertinent practice recommendations. There is then a strong argument in favour of enabling panels to make a recommendation that an employer should consult with the EOC for advice on how to improve its policies and practices so as to avoid further instances of discrimination.

It is clear that most of the changes introduced by employers consequent to a tribunal finding have not been brought about as a result of recommendations. Few cases resulted in recommendations and the impact of these was limited. It may be that the process of fact finding and analysis in which the tribunal engages is likely to be of greater consequence than the specific findings and remedies proposed. Ultimately it will be desirable for the management of the organisation to be persuaded and convinced of the value and benefits of any changes which may prove necessary. This is likely to be best accomplished if management comes to an appreciation and understanding of the mechanisms which permitted the discrimination to occur. The skill with which the applicant's case is put together and argued may well be crucial to the development of such an appreciation.

Leonard has commented on those aspects of being represented which contribute to the complainant's success:

> ...a more precise explanation of representatives' success is probably their level of knowledge of equality legislation, which is complex and unique, as well as their knowledge and experience of tribunal procedure and case presentation[4].

It may well be that an employer will be more likely to take corrective action following a successful complain if the process has contributed to his understanding of equality legislation and the nature of the discrimination. Expertise in the preparation of cases may be compared in the cases against Frinkley Council (P6) and City Council (P1), which from a reading of the lengthy decisions were both well-presented and resulted in well-reasoned decisions, and both of which resulted in the organisation modifying its practices in progressive ways, with the less exhaustive assessment carried out by the tribunal in the cases against Foodcheck (R7) and Forward Enterprises (R1) which, despite the obvious scope for improvement, prompted no significant change in employment practices.

This highlights the need for good standards of advocacy and case presentation since without these an inexperienced panel is unlikely to be able to unfold by itself the context within which the applicant's claim arose. Skilful advocacy should improve the panel's understanding of the issues and thereby its reasoning capacities. In turn, a clear and intelligent presentation of the arguments by the panel should enable an employer to come to an appreciation of the failings, omissions and pitfalls in its current practices.

Frinkley Council (P6) and City Council (P1) have already been mentioned as examples of instances where such an appreciation came about. At least some managers in other organisations (Easterly RHA (P7), Homebuild Association (P10), Government Department (P11) and, to a lesser degree, Jones Outlets (R22)) were persuaded by the analysis of the panel.

This emphasis we have given to the process of case development and presentation as a way of improving the employer's understanding of the issues does not imply that remedy and penalty are unimportant. While it is unlikely that an employer can be induced to develop non-discriminatory practices merely through being required to pay a large amount of compensation to the applicant, evidence has been presented that employers who have been required to pay only very small amounts of compensation not only fail to engage in follow-up action, but also regard the tribunal process with disrespect, if not

outright disdain. The cases we have examined in this study were all decided before the important case of *Alexander* v. *the Home Office*, a case of racial discrimination in which the Court of Appeal substituted an award for injury to feelings of £50 with an award of £500, and laid down guidelines for damages in discrimination cases. If, following the *Alexander* decision, the level of awards is generally raised, it may be that employers will not be quite as dismissive of tribunal proceedings as many now are.

Compensation is not a matter which has been central to our presentation of case study findings, although from the applicant's perspective it may be crucial. It has been difficult to judge the effect of a particular award in contributing to changed employment practices: awards have in general been low and one would need a group of cases with higher awards for proper comparison.

To use the industrial tribunal process only as a vehicle for resolving individual cases of employment discrimination is clearly of limited value. Its potential is much greater but remains largely undeveloped. We have shown in this research (see again Table 5) that some employers were encouraged to review policies and procedures through tribunal decisions, but it can be argued that more would have done so if awards were higher, if cases were better argued, if tribunals were better informed on discrimination matters, and if tribunals had powers to make more general recommendations and used their existing powers more often.

There is not much evidence to indicate that an isolated tribunal decision will by itself have enormous repercussions. However, if the organisation or a section of it is favourably disposed to promoting equality of opportunity within the organisation, and if the case is followed up either by a trade union, by the applicant or by the EOC, the tribunal decision can act as a building block or starting point for further activity. Our judgement, therefore, is that the industrial tribunal can and does play an important part in an overall strategy for bringing about employment equality. We further judge that the limited resources that currently go into promoting tribunal cases, for the most part trade union or EOC resources, should not be diverted to other activities, be they general investigations (in the case of the EOC) or to other campaigning or educational work. On the contrary, it is likely that industrial tribunals would have greater impact on employment practices if more resources could be put into case preparation and

advocacy either through an extension of legal aid to applicants, or through a substantial increase in the funds available to the EOC to assist applicants legally, or through trade unions becoming more active in supporting sex discrimination applicants. Legal assistance and advice to applicants in industrial tribunal cases not only increases the applicant's chances of success, but is also likely to increase the chances of follow-up action by the employer as a more informed level of argument is made available about the employer's obligations, responsibilities, omissions and failures.

The EOC could do more to follow up tribunal decisions. A decision in favour of the applicant provides an opportunity for intervention which is not often taken even in cases which have been legally assisted by the EOC. The tribunal decision provides an opportunity for the EOC to take a closer interest in the affairs of the employer. This need not be a heavy-handed intervention. The EOC could make available to employers found to be in breach of equality legislation the offer of advice and assistance in the development of equal opportunity policies. Some employers may not need that advice and may be able to draw on other sources for practice development, but an awareness that the EOC is taking an interest could add impetus to the employer's own voluntary initiatives. At present, our judgement is that limited resources are put into providing legal assistance to applicants in order to improve their prospects of winning cases, but even fewer resources are devoted to pursuing with the implications of the employer losing the case.

Notes

1. Leonard, 1987b.
2. Leonard, 1986, p.31.
3. Dickens, et al, 1985, pp.268-269.
4. Leonard, 1987c, p.20.

Table 5 Summary of effects and changes

Case No	Name	(a) attitudes	(b) set-up EO policy	(c) reviewed existing EO policy	(d) action against discriminator	(e) specific practice changes
R1	Denton Council	better	x			
R2	Jones Outlets	worse	x			x
R3	Forward Enterprises	no change				
R4	Northern Tools	worse				
R5	Bolton Contracts	no change				x
R6	Camley Council	better				x
R7	Foodcheck Ltd	no change				x
R8	Paper Supply Co	no change				
P1	City Council	better	x			x
P2	Carlton Council	no change	x			x
P3	Power Supplies	no change			x	
P4	Surley Council	no change				x
P5	Shepley Transport	no change			x	
P6	Frinkley Council	better	x			x
P7	Easterly RHA	better	x			
P8	Ford Council	no change	x		x	x
P9	Popham Plastics	no change				
P10	Homebuild Association	better	x			
P11	Government Department	no change				x

Table 5 Summary of effects and changes (continued)

Case No	Name	(a) attitudes	(b) set-up EO policy	(c) reviewed existing EO policy	(d) action against discriminator	(e) specific practice changes
D1	Dinkworth	no change			x	x
D2	Woodgate	no change				
D3	Trust Centre	no change		x		x
D4	Government Department	better		x		x
D5	Chorley Motors	no change				
D6	Carelle Kitchens	no change				
D7	Wellmade Brick Co	no change				
D8	Samson	no change				
D9	Clearways Trust	no change				
E1	Browns Ltd	no change			x	x
E2	Starpress Ltd	worse				
E3	Northside Dealers	no change				x
E4	Butcher Engineering	no change				x
E5	Craft Castings	worse				x
E6	Hilling Council	worse				
E7	Chestertons	no change				
E8	Higgins International	no change				
E9	New World Schools	no change				
E10	Motorbox	no change				
E11	Wellmans	no change				
E12	Grants Builders	no change				

Table 6 Summary of specific practice changes

R2	**Jones Outlets**	procedures for giving out job application forms altered
R5	**Boltons Contracts**	decision sent to managers and implications outlined in memo; case used in training
R6	**Camley Council**	drafted new practice notes on recruitment methods; new recruitment manual introduced
R7	**Foodcheck**	*decision notified to other area managers but unlikely to have been consequent changes*
P1	**City Council**	Circular issued on new maternity leave arrangements; general improvements in personnel procedures
P2	**Carlton Council**	HQ took over the running of certain promotion boards; composition of promotion boards changed
P4	**Surley Council**	*copy of IT decision and circular issued to departmental heads giving advice on conduct of interviews; practice on taking up references clarified*
P6	**Frinkley Council**	officers instructed to intervene more at interview/ promotion boards; notes ordered to be kept of interviews
P8	**Ford Council**	circular sent to all Chief Officers on selection and interview procedures
P11	**Government Department**	decision used in negotiating wider agreement with POA; new arrangements on opposite sex postings introduced
D1	**Dinkworth**	*personnel procedures revised and improved;* procedures for dismissal of employees changed
D3	**Trust Centre**	*more formal recruitment procedures introduced*
D4	**Government Department**	extension of part-time job opportunities; job-share register introduced; leaflet issued
E1	**Browns**	new pay scheme introduced with assistance of ACAS
E3	**Northside**	pay of reception staff harmonised; another female employee up-graded
E4	**Butcher**	*consultant brought in to advise on pay structure*
E5	**Craft Casings**	*procedure for red-circling of jobs changed*