

FaHCSIA

Gender Assessment

Literature Review



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Executive Summary

In the period since 1975 most governments have adopted policies to advance the status of women. These have had variable impact. From an initial focus on developing programs and policies to meet women's special needs (for example domestic violence services) understanding has grown that policies in all areas can impact differentially on women and men because of their different life patterns. Such 'gender mainstreaming' was formally adopted in the Beijing Conference Platform for Action in 1995. The Council of Europe describes gender mainstreaming as requiring policymakers to 'reorganise, improve, develop and evaluate policy processes in order to incorporate a gender equality perspective'.

To assist in this process toolkits and guidelines have been developed, with varying success (see Section 3). A common feature in these guidelines is the recognition that women do not all share the same experiences. There is increasing attention to how the effects of gender and other attributes combine and intersect in people's lives. The social context of gender assessment is thus a critical issue, as is an understanding of the different experiences of women and men in the workforce, in family life, in their access to decision-making and in their experience of violence, to mention only a few important issues. A consolidated toolkit, drawing on the best features of existing guides, is set out in the Appendix.

Good practice guidelines for gender assessment emphasise the need for clear top-level commitment and clearly allocated responsibilities, which are then tied to performance assessment. The most significant obstacles are lack of clear mandates and political will. This impacts on the resources allocated to ensure effective gender assessment, including training, data collection and targeted consultation processes. The timing of gender impact assessment is also important. It needs to take place at the stages of problem and issue definition in order to affect the design of policy. 'Tick a box' requirements at the stage of Cabinet submissions allow a claim that gender impact assessment has taken place, without any real integration into the policy process.

As experience with gender assessment has grown, so too has the understanding that gender assessment will have greater traction if it is linked to well-defined gender equality objectives (Section 4). While Australia was an early leader in gender assessment with its Women's Budget Program and the development of time-use surveys, the Nordic countries have now gone further in the application of such tools and in linking them to overarching goals. Both Norway and Sweden have set out explicit goals for their gender equality policies. Elsewhere, one of the areas where gender assessment has had the greatest impact has been in development assistance agencies. A significant factor is the inclusion of gender equality as a key agency objective, for example by the Canadian International Development Agency (CIDA) and the Australian Agency for International Development (AusAID).

A critical issue in the development of an effective approach to gender assessment is the overall accountability framework within which it is implemented (Section 5). Important elements include the kind of formal reporting required and whether a central or an external agency has compliance responsibilities. The experiences of the UK and Canada provide insights into the strengths and weaknesses of different accountability frameworks, and these two cases are analysed in some depth, along with analysis of the New Zealand case.

Acronyms

ACT	Australian Capital Territory
AusAID	Australian Agency for International Development
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIDA	Canadian International Development Agency
ECOSOC	UN Economic and Social Council
EEO	equal employment opportunity
GBA	gender-based analysis
GIS	gender implications statement
NSW	New South Wales
SWC	Status of Women Canada
UN	United Nations
UK	United Kingdom

1. Introduction

Australia has made commitments both at the national and international level to promote gender equality. These commitments encompass frameworks to ensure that government policy and programs contribute effectively to the goal of gender equality. This means not only policies where this objective is explicit, such as plans to reduce violence against women, but also policies and programs where there is no explicit gender objective such as an economic stimulus plan. Where assumptions are made, without appropriate analysis, that policy will be gender-neutral in its effects, existing gaps may be inadvertently widened. Moreover, policymakers will be less well-informed than they should be of the possible consequences of their decisions, meaning poorer policy and policy outcomes.

This survey of existing best practice in relation to gender impact analysis will identify policy lessons that can be drawn from the experience of other countries in attempting to ensure that policy decisions are fully informed of likely gender-specific impacts. The objective is to achieve improved gender outcomes in all aspects of policy development and program and service delivery.

2. Background

International commitments

At the international level Australia has made significant commitments to gender equality under United Nations (UN) treaties and instruments, including the binding commitments entered into under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Recently (in late 2008) Australia acceded to the Optional Protocol of CEDAW, giving Australian women the right to take a complaint of discrimination to the United Nations, if all domestic remedies have been exhausted. This is a means of ensuring that Australian standards of protection against discrimination are in accordance with those established under CEDAW.

Australia has also contributed to and signed up to the commitments flowing from the four UN world conferences on women, in 1975, 1980, 1985 and 1995, which progressively developed strategies for achieving CEDAW objectives. For example, in the UN Decade for Women (1976–85), most countries established some form of government machinery to advance the status of women. UN evaluations found, however, that often such machinery was engaged in delivering targeted programs to women rather than engaging in gender analysis of the ‘mainstream’ policies and programs of greater budgetary significance and importance for women’s lives. By the time of the Beijing Conference and Platform for Action of 1995 a new approach had been adopted, that of ‘gender mainstreaming’.

Gender mainstreaming has been defined by the UN Economic and Social Council (ECOSOC) as:

the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy of making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.¹

The Council of Europe has defined gender mainstreaming more succinctly as requiring policymakers to: 'reorganise, improve, develop and evaluate policy processes in order to incorporate a gender equality perspective'.² In other words, gender impact analysis is seen as the core tool for implementing gender mainstreaming – assessing the positive, negative or neutral effects of any policy or activity in terms of gender equality.

Under the Beijing Platform for Action, the Australian Government, along with 188 other national governments, is committed to taking particular actions to 'Integrate gender perspectives in legislation, public policies, programs and projects' (Strategic objective H2).

History

In the late nineteenth century, the Australasian colonies were active practitioners of what is now called 'policy transfer' and in some instances also engaged in an early form of gender assessment. It was such assessment that was a significant factor in the adoption of non-contributory old-age pension schemes in Australasia, starting with New Zealand in 1898. Pension reformers drew on the poverty data produced, in particular, by Charles Booth in the UK. It showed that while men's wages were too low for saving for old age, women had even less opportunity to provide for themselves or pay into a contributory scheme, due to 'lives spent attending to the needs of others'.³ Such gender assessment was central to the work of John Cash Neild, who was commissioned by the NSW government to report on old-age pensions in Europe. Both in his report to the NSW government in 1898 and in his evidence to the Commonwealth royal commission on old-age pensions after he had become a senator, Neild ruled out a contributory scheme on the grounds that it was a mockery for married women and 'therefore impossible of universal application'.⁴ He also ruled out the Danish model of non-contributory pensions because it was not a statutory entitlement and was paid through the male head of household. The old-age pension became the way to acknowledge equally the paid and unpaid work done by citizens during their lifetimes and

¹ ECOSOC Agreed Conclusions, 1997/2, A/52/3, Ch. 4, para 4.

² Council of Europe, *Gender mainstreaming: Conceptual framework, methodology and presentation of good practices*, Final report of the groups of specialists on mainstreaming, EG-S-MS, Strasbourg, 1998, pp. 2-3.

³ Charles Booth, *Old Age Pensions and the Aged Poor: A Proposal*, Macmillan, London, 1899, pp. 15, 32, 67-9.

⁴ Lieut.Colonel J. C. Neild MP, *Report on Old Age Pensions, Charitable Relief and State Insurance*, pp.11, 93; evidence of Senator John Cash Neild, *Report of the Royal Commission on Old-Age Pensions*, pp. 252-8. See also his speech on the NSW Old-Age Pensions Bill, *New South Wales Parliamentary Debates*, 8 November 1900, p. 4950.

to provide this acknowledgment on an individual basis.⁵ The gender inequality arising from contributory pension schemes is still being grappled with today, as in the UK where the recent Labour Government sought to increase the proportion of women qualifying for the full state pension by reducing the number of years of contributions required.⁶

While this early piece of gender assessment played an important role in the shaping of Australia's social security system, formal gender assessment of policy in Australia had to wait until the 1970s. Prime Minister Gough Whitlam was the first to appoint a women's adviser and to accept the need for monitoring of all Cabinet documents for gender implications 'on a continuing and official basis'.⁷ This insight, that policy was unlikely to be gender-neutral in its effect, given the different location of men and women in the social and economic division of labour, became integral to the UN approach to gender mainstreaming, described above. Australian, Canadian or New Zealand approaches to women's policy from the beginning focused on policy advice and policy monitoring, rather than program delivery. This was supplemented by early policy-related research on the management and control of finances within families (problematising assumptions of 'pooling') and time-use surveys illuminating the economic contribution of unpaid work. In 1984 gender analysis was taken a step further in Australia through the introduction of the whole-of-government initiative of gender budgeting. This initiative, co-ordinated at the Commonwealth level by the Office for the Status of Women in the Department of Prime Minister and Cabinet, required departments and agencies to provide gender-disaggregated data on who benefited from their outlays. Subsequently what is now called 'gender-responsive budgeting' has been taken up by some 90 countries, including the Nordic group.

3. Guidelines for performing gender assessment

Around the world a multiplicity of tool kits and guidelines have been produced to assist government agencies to embark on gender assessment in the policy process. This is part of the mainstreaming of responsibility for gender analysis: the tool kits are to assist 'the actors normally involved in policy making' who are to be responsible for implementation.⁸ The following, for example, is taken from *Applying a Gender Lens*, a guide prepared by the NSW Department for Women for other NSW government agencies. The content is similar to guidelines produced by women's agencies elsewhere. It sets out the rationale for gender assessment as shown in Box 1 (next page).

Some analysts, such as those who have recently been assisting the South Australian and Western Australian governments in the design of gender analysis procedures (Carol Bacchi and the late Joan Eveline), have been critical of the approach to gender assessment illustrated by the NSW gender lens. They argue that to focus on the differences in the lives of men and women leads to the conclusion that women require opportunities to access existing social and economic institutions. They prefer the Dutch approach to gender impact

⁵ In Australia the 'married rate' for pensions was not introduced until 1963.

⁶ See Labour, *A future fair for all* [the 2010 Labour Manifesto], 'Women'.
<http://www.labour.org.uk/policies/policy-on-women>, accessed 16 April 2010.

⁷ E.G. Whitlam, 'Reply to Parliamentary Question on Women's Affairs', *Commonwealth of Australia Parliamentary Debates, House of Representatives*, 9 October 1975, p. 1926.

⁸ Council of Europe, *Gender mainstreaming: Conceptual framework, methodology and presentation of good practices*, Final report of the groups of specialists on mainstreaming, EG-S-MS, Strasbourg, 1998.

assessment, dating from 1994 and based on an environmental impact assessment model. Here the problem is not identified as differences between men and women but as unequal power relations between men and women.

These analysts see the Dutch model, which has a more explicit theoretical grounding than others, as shifting the focus from gender as an attribute of individuals to the gendered behaviours that reinforce asymmetrical power relations.¹⁰ The Dutch model begins with the structures that are the foundation of gender relations: the division of labour and the organisation of intimacy; then looks at the processes that reproduce these gender relations; and ends with the criteria for deciding whether the situation is to be judged positively or negatively.¹¹ The distinction between the Dutch approach and 'difference' approaches may, however, be overdrawn. In practice the structures included in gender impact assessments seldom include 'the structure of intimacy' and the focus is more on the distribution of paid and unpaid work (family responsibilities), as elsewhere.

Dutch experience with gender impact assessment does highlight another issue. All guidelines stress the need for adequate consultation methodologies to ensure the perspectives of diverse groups of women become part of relevant policy development processes (see further below). However there may be tension between such opening up of the policy process and the technocratic emphasis on the importance of gender expertise and gender 'tools' in improving the quality of the policy process.

A consolidated gender assessment framework is provided in Appendix 1, drawing on features of existing toolkits and best practice internationally.

Box 1

Gender analysis addresses inequalities for women by:

- acknowledging that issues can affect women differently to men;
- acknowledging that the differences in women's and men's lives mean that women's needs are often different to men's;
- seeking and articulating the viewpoints of women and increasing women's input into decision-making processes;
- investigating the specific needs of women and the likely effects for women of policies and programs;
- recognising that policies and programs can have a differential impact on women and men;
- ensuring that the needs and issues of women are clearly identified and addressed through each step of the process of planning, implementing and evaluating policies and programs;
- promoting understanding that while treating everyone in the same way may help make some things more equal, this is not sufficient to meet the specific needs of women; and
- promoting more informed, equitable and effective responses.⁹

⁹ NSW Department for Women, *Applying a Gender Lens: A practical guide to gender analysis for NSW government agencies*, 2003, p. 5.

¹⁰ Carol Bacchi and Joan Eveline, *Mainstreaming politics: Gendering practices and feminist theory*, University of Adelaide Press, 2010, Ch. 5.

¹¹ Conny Roggeband and Mieke Verloo, 'Evaluating gender impact assessment in the Netherlands (1994–2004): A political process approach', *Policy & Politics*, 34 (4), pp. 619–20.

Intersectionality

Guidelines currently available for gender assessment do not assume that women all share the same experiences. They emphasise the diversity of men and women and what in North America and Europe is commonly called ‘intersectionality’ – the cumulative or combined effects of gender and other social and cultural attributes. The European Union has encouraged the creation of umbrella equality bodies in its member states, seeing this as an effective way of addressing intersectionality or multiple discrimination.¹² Under the 2010 UK *Equality Act*, for example, discrimination complaints may relate to a combination of two protected attributes (for example, race and gender). The European Union has also emphasised the need for intersectionality to be factored into gender mainstreaming and gender impact assessment. On the other hand, disquiet has been expressed about multiple frameworks when equality rights for ethnic minority or religious groups may conflict with rights to gender equality.¹³

In looking at the likely impact on women of a particular policy or program, gender analysis directs attention to the needs of specific groups such as Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds and women with disabilities. Approaches to gender analysis such as those adopted in Canada and New Zealand emphasise the importance of consultation with and incorporation of input from women’s and other equality-seeking organisations, to ensure policy and program delivery responds to diverse experience and perspectives.¹⁴ Responding to the need for such collaborative work, the Native Women’s Association of Canada has developed the concept of ‘Culturally Relevant Gender-Based Analysis’ to ensure ‘the interconnectedness of individual and collective rights of Indigenous women is adequately recognized at all policy, program and legislative levels’.¹⁵ Core elements of such culturally relevant gender-based analysis are seen as acknowledging and linking the effects of racism and sexism.¹⁶

The social context of gender assessment

Even where more specialised data is accessed from elsewhere, along with the perspectives of diverse groups of women, policymakers need to have an understanding of key factors in women’s lives that may affect their needs and opportunities and how they experience policy. The NSW Department for Women set out these factors as follows (Box 2).

¹² European Commission, *Tackling Multiple Discrimination: Practices, Policies and Laws*, 2007, p. 22.
<http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=51&type=2&furtherPubs=no>

¹³ Hege Skjeie, ‘Religious exemptions to equality’, *Critical Review of International Social and Political Philosophy*, 10 (4), pp. 471–90.

¹⁴ Canada. Status of Women Canada, *Gender-based analysis: A guide for policy-making*, Ottawa, 1998. New Zealand. Ministry of Women’s Affairs, *The Full Picture: Guidelines for gender analysis*, Wellington, 1996.

¹⁵ Native Women’s Association of Canada, *Culturally Relevant Gender-Based Analysis*, Policy Paper prepared for the Second National Aboriginal Women’s Summit, Yellowknife, NT, July 2008, p. 1.

¹⁶ Canada. Status of Women Canada, ‘Moving Toward Culturally-Relevant Gender-Based Analysis: Report of a Status of Women Canada Workshop with National Aboriginal Organizations’, Ottawa, p. 7.

Box 2

Key factors affecting women's lives

Family structure: As the primary carers for children and families, women undertake a large amount of unpaid family and household work that affects their ability to participate in other activities such as education, paid employment and decision-making. While the majority of women with children work outside the home, they still have primary responsibility for unpaid family work. More women are living alone and women head the majority of single-parent households. The majority of older people living at home are women. Many women are responsible for caring for aging parents.

Economics: Women, on average earn less money than men and control less wealth. Women occupy more of the less well-paid jobs and less of the better-paid positions. Women are more likely to interrupt their careers for childcare and other family responsibilities. These factors contribute to the gap between men's and women's average incomes.

Violence: Gender-based violence primarily affects women and girls. Experience of, as well as fear of violence, particularly domestic violence and sexual violence, limits the choices and expectations of many women in their homes, workplaces and communities.

Health and social issues: Gender differences in factors such as income, working conditions, social status and education can also influence women's health. Sexuality and biological differences create unique health considerations for women and men.

Access to decision making: There are more men than women in decision-making positions in both the public and private sectors. Men's views are often accepted as the common view without considering whether women's perspectives on an issue and experiences of policy may be different.¹⁷

Timelines

All guidelines agree on the need for a number of steps to be taken to establish a gender analysis framework (discussed further in Section 5). Once a department policy statement and framework allocating responsibilities has been established, there needs to be an assessment of relevant data and training needs and the development of customised guidelines, including relevant consultation methodologies.

Most importantly, once the framework is established, responsibilities allocated and resources marshaled, there needs to be a commitment to build gender assessment into the beginning of the policy process. An evaluation in the Netherlands, for example, found a tendency to conduct the gender impact assessment at too late a stage in the policy process,

¹⁷ NSW Department for Women, *Applying a Gender Lens: A practical guide to gender analysis for NSW government agencies*, 2003, pp. 8–9.

when it was difficult to change policy plans.¹⁸ In New Zealand, Cabinet decided in 2002 that a gender implications statement would be required for *all* papers submitted to the Cabinet social equity committee on the following grounds:

In considering the decision referred to above, Cabinet noted its concern that the quality of statements to date has been variable, mainly because gender analysis has not been applied at the problem definition stage of policy development. This limits the usefulness and quality of the analysis and reduces the probability of successful policy outcomes for all population groups.¹⁹

One of the examples provided in New Zealand of the importance of gender objectives being part of problem definition is a review of state-funded superannuation – once the problem was defined in terms of providing gender equity in income support as well as promoting fiscal sustainability and inter-generational equity, the issues that were considered and the preferred policy options became very different. For example, it was made clear that if a shift were made to assessing eligibility for state superannuation on joint-couple incomes there would be a disincentive for younger women to remain in the workforce, as this would affect their spouse's entitlement. The preferred policy option became the retention of the individually-based state-funded pension, providing women with retirement income regardless of their earning history and providing some recognition of the unpaid caring work that prevented their accumulation of savings. The option of couple-based assessment could not guarantee the same access to retirement income, because it assumed intra-family sharing of income.²⁰

The need for gender analysis to take place at the beginning of the policy process is also stressed in European Union guidelines, although they point to the methodological issues involved in *ex ante* analysis: anticipating the gender impact of policy proposals involves more complexity and uncertainty than assessing the impact of programs already in place. In part this is because of the multidimensionality of the evaluation involved.²¹

Gender analysis training

Existing materials emphasise the need for training to be conducted on a routine rather than one-off basis, particularly in areas characterised by significant staff mobility, and that training must fit the particulars of the policy area or service context in which staff are working. It is not the responsibility of main women's policy coordination units to undertake such training, although they will usually provide advice and guidelines. Such training is most effective when adapted to fit the circumstances of particular departments, agencies

¹⁸ Conny Roggeband and Mieke Verloo, 'Evaluating gender impact assessment in the Netherlands (1994–2004): A political process approach', *Policy & Politics*, 34 (4), p. 626.

¹⁹ New Zealand. Cabinet Office Circular CO (02) 2, 6 March 2002.

<http://www.dpmc.govt.nz/cabinet/circulars/co02/2.html>

²⁰ New Zealand. Ministry of Women's Affairs, *The Full Picture: Guidelines for gender analysis*, Wellington, 1996, pp. 25–28.

²¹ European Commission, *Evaluating Socio Economic Development Sourcebook 2: Methods & Techniques - Gender impact assessment*, 2003.

http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/downloads/sb2_gender_impact_assessment.doc

and policy areas, with relevant examples and case studies. Experiential components are also important – the most effective learning is through ‘doing’.²²

Mobilising men and boys

Another issue that has attracted increased international attention is the need to mobilise men and boys as well as women and girls in order to make progress in achieving gender equality. The UN Commission on the Status of Women focused specifically on this theme for the first time in 2004, although it had been an important part of the Beijing Declaration of 1995. The Commonwealth Plan of Action for Gender Equality also has a section on how men, boys and young people are essential partners in mainstreaming gender equality and on the need to engage actively with organisations that work with men, boys and young people on gender equality issues.²³ The term ‘gender equality’ itself is now widely used instead of ‘status of women’, to indicate the stake that men and boys have in change. The benefits for men of more equal gender relations are expressed in terms of less constricting norms of masculine behaviour and emotional expression, better work/family life balance and greater opportunities for involvement in the care of young children.²⁴ Well-designed social policy can facilitate such changes in men’s roles. A recent White Paper shows that in Norway men have been able to take more responsibility for home and children thanks to parental leave provisions such as the ‘use it or lose it’ component of parental leave reserved for fathers (90 per cent of fathers take advantage of this). Equal numbers of men and women in the paid workforce also take leave to care for sick children, thanks to the right under the Work Environment Law to ten days of such leave a year where there is a child under the age of 12.²⁵

White Ribbon campaigns in relation to gender-based violence are one example of how high-profile men, such as footballers, who are often role models for boys, can be mobilised to take a lead in promoting attitudinal change. White Ribbon campaigns began in Canada on the second anniversary of the massacre of 14 women engineering students in Montreal on 6 December 1989. Michael Kaufman, a Toronto academic, and Jack Layton, later federal leader of the Canadian New Democratic Party, initiated the adoption of the white ribbon as a symbol of men’s opposition to violence.²⁶ Men were urged to wear the ribbon as a personal pledge never to commit, condone or remain silent about violence against women. The campaigns took off across Canada and around the world and in 1999 the UN declared the 25 November the International Day for the Elimination of Violence against Women. In Australia, women’s units in government became involved and from 2003 the Australian branch of the UN Development Fund for Women (UNIFEM) began co-ordinating national white ribbon campaigns in partnership with men’s organisations. A

²² New Zealand. Ministry of Women’s Affairs, ‘Internal Memo: Gender Implications Statement Evaluation Study and Gender Analysis’, 21 February 2006, p. 4.

²³ *The Commonwealth Plan of Action for Gender Equality 2005 – 2015*, London, Commonwealth Secretariat, 2005, Para 4.4. http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=142576

²⁴ UN Division for the Advancement of Women, Expert Group Meeting/Men-Boys-GE/2003/Report, 12 January 2004, paras 31–41.

²⁵ Norway, White Paper, *Men, Male Roles and Gender Equality*, Report No. 8 (2008–09) to the Storting. <http://www.xyonline.net/content/men-male-roles-and-gender-equality>

²⁶ International Association for Studies of Men (IASOM), ‘Frequently asked questions about the white ribbon campaign’, IASOM Newsletter, 6 (2), pp. 42–45.

diverse range of male leaders have become white ribbon ambassadors, including politicians, footballers, media personalities, police officers and members of the defence force. In New Zealand motorcycle clubs became part of the campaign and it was inmates of a men's prison who made up the ribbons and cards for distribution.²⁷ The annual campaigns around the International Day eloquently convey the understanding that change requires a different relationship between men and women and not just changes for women.

Obstacles to gender equality assessment

Obstacles to effective gender equality assessment are usually identified as lack of a clear mandate and political will.²⁸ This lack of authoritative mandate in turn leads to inadequate resources being allocated for training or buying in gender expertise. It also means inadequate resources for commissioning gender-disaggregated statistics and other data. The allocation of resources to evaluate, for example, gender outcomes of policy may be seen as reducing the resources available for actual service delivery.

At the national level, in Australia and in comparator countries, there is increased availability of time-use data.²⁹ This is a valuable resource for illuminating the intersection of paid and unpaid work, both in terms of the impact of unpaid work on availability for paid work and the impact of hours of paid work on the distribution and volume of unpaid work. However, as we shall see below (Section 5) there tend to be gaps in data combining gender with variables such as ethnicity and disability.

Lack of an authoritative mandate from top levels of government may also lead to rapid turnover of personnel involved in gender assessment. New personnel may lack training and skills required, while sometimes it may be assumed that a woman in a given policy area may be the appropriate person to be given responsibility for gender analysis, simply because she is a woman. Other personnel issues arise from organisational restructures and the resulting loss of continuity and expertise in gender assessment. There is also the phenomenon of gender mainstreaming being interpreted as eliminating the need for co-ordination and expertise – where mainstreaming becomes ‘everyone’s responsibility, no-one’s job’.³⁰

Even where good gender equality assessment has been done, it may not be integrated into policy options or affect policy decisions. The issue may not be opposition to the goal of gender equality but the reality of conflicting priorities. For example, it has been argued that in the UK the goal of competitiveness of the economy has taken precedence over equality considerations, thereby endorsing rather than tackling the low-paid nature of much of

²⁷ 'Inmates worked hard for White Ribbon Day', *Panui*, Newsletter of the New Zealand Ministry of Women's Affairs, December 2007, p. 6.

²⁸ See for example UN General Assembly, 23rd Special Session, S-23/3, 'Further actions and initiatives to implement the Beijing Platform for Action', 10 June 2000, paragraph 25. See also UNDAW, Expert Group Meeting/National Machinery/2004/Report, 31 January 2005, paras 37 and 38.

²⁹ Australia has been a leader in the development of time-use methodology, particularly in collecting data on both primary and secondary activities. The Australian Bureau of Statistics conducted a pilot time-use survey in 1987 and full national surveys in 1992, 1997 and 2006 (Cat. No. 4150.0).

³⁰ Philippa Hall, 'Gender mainstreaming – Everyone's responsibility, no-one's job', paper to 'Future of Women's Policy Structures' workshop, Standing Committee of Commonwealth/State Women's Advisers and the Australian National University, 12 February 1998.

women's work.³¹ 'Competition policy' may be adopted to achieve cheaper provision of services, but it may result in the transfer of women's service work from the public to the private sector, with poorer wages and conditions.

Another impediment to gender equality assessment is its framing as 'special interest advocacy', whereby the identification of disparate gender impacts and any subsequent modification of policy is seen as a form of 'agency capture'. As the European Commission has rightly riposted:

It should be borne in mind that gender is a structural difference which affects the entire population. Neither women nor men should be treated like some special interest group among several such groups. On the contrary, gender affects, and indeed often reinforces, differences and vulnerabilities according to other structural differences such as race/ethnicity, class, age, disability, sexual orientation etc.³²

Obstacles to implementation of particular approaches to gender equality assessment are identified below in Section 5 on the UK and Canadian frameworks.

4. Linking gender assessment to gender equality objectives

Countries vary in the degree to which they link gender assessment to specified over-arching gender equality objectives: the degree to which gender assessment guidelines go beyond gender analysis to lay down a more positive equality duty. This happens in countries where there is a statutory requirement for public authorities to take steps to promote gender equality, as in the UK example discussed further below. In the Nordic countries the statutory requirement is accompanied by strong definitions of gender equality.

Norway provides a good example of a statutory framework combined with quite prescriptive statements of what is required for gender equality to be achieved. The Norwegian *Equality Act* prescribes a positive duty for all government authorities that is reflected in the Norwegian guidelines for gender equality assessment. Authorities must ensure not only that policies do not inadvertently increase gender gaps, but also take steps to reduce these gaps. Primary responsibility for ensuring such gender equality assessment is given to the budgetary areas of ministries, which are to ensure it is part of regular budgeting procedure. The paramount objectives of the Norwegian gender equality policy are spelled out in Box 3 (next page). Other objectives of the Norwegian policy include valuing care for people as highly as responsibility for technical and economic tasks.

The principal aims that underlie Swedish gender assessment, which also focuses on the budgetary process, or gender-responsive budgeting, are expressed in Box 4 (also next page).

³¹ Sylvia Walby, 'Gender mainstreaming: Productive tensions in theory and practice', *Social Politics*, Fall 2005, p. 323.

³² European Commission, Equal Opportunities Unit DG 5, *A Guide to Gender Impact Assessment*, Publications of the European Communities, Luxembourg, 1998, p. 3.

Box 3 Objectives of Norwegian gender equality policy	Box 4 Objectives of Swedish gender equality policy
<ul style="list-style-type: none"> • The same opportunities and rights to participate in and exercise influence on decision-making processes in all social arenas • Genuinely equal opportunities to take paid work and achieve financial independence throughout life • The same responsibility, rights and opportunities where giving and receiving care are concerned, both in families and in institutionalised services. Caring and housework in the home must be shared between the sexes.³³ 	<ul style="list-style-type: none"> • Even distribution of power and influence • The same opportunities for financial independence • Equal conditions and premises relating to business management, employment, working conditions, and development opportunities at work • Equal access to education and opportunities to develop personal ambitions, interests and talents • Shared responsibility for home and children • Freedom from sex-related violence³⁴

In the European Union, where the promotion of equality between women and men is part of Articles 2 and 3 of the Treaty of Amsterdam, the current roadmap (2006-2010) outlines six priority areas for action on gender equality (Box 5).

Box 5 European Union gender equality priorities
<ul style="list-style-type: none"> • Equal economic independence for women and men • Reconciliation of private and professional life • Equal representation in decision-making • Eradication of all forms of gender-based violence and trafficking • Elimination of gender stereotypes • Promotion of gender equality in external and development policies³⁵

³³ Norway. Ministry of Children and Equality, *Guide to gender equality assessment and discussion in ministry budget propositions*, Government Administration Services, Oslo, 2007, p. 4.

³⁴ Sweden. Gender equality objectives adopted by Riksdag in May 2006 (Government Bill 2005/06: 155). <http://www.sweden.gov.se/content/1/c6/08/19/82/3532cd34.pdf>

³⁵ European Commission, *Roadmap for equality between women and men (2006-2010)*, 2006. <http://ec.europa.eu/social/main.jsp?catId=422&langId=en>

5. Frameworks for allocating responsibility and accountability for gender assessment

Generally, those evaluating gender impact analysis have found that the main issue is whether it is performed within a framework that leads organisations to take it seriously and do something about the results. Without such a framework, line departments are reluctant to devote scarce resources to gender analysis training or new data collection. Even where good gender analysis is done, it will not affect the policy process unless there are elements such as clear commitment from the top. A clear mandate needs to be backed up by forms of external accountability that will monitor both policy process and policy outcomes. Accountability for process relates to the importance of good process in generating trust on the part of the intended beneficiaries of policy and hence optimising outcomes.³⁶

Good practice models available internationally have included one or more of the following elements in their frameworks for allocating responsibility and accountability:

- a formal statement of government commitment to gender assessment across government as a means of improving gender equality outcomes, as in Canada and New Zealand;
- clear allocation of responsibility for gender assessment at agency level, with additional monitoring by co-ordinating agencies such as Treasury Board, Department of Finance and the Privy Council Office in Canada or formerly by the Department of Prime Minister and Cabinet in Australia;
- a statutory requirement for public authorities to undertake gender assessment and promote gender equality as under various national *Equality Acts*;
- reporting requirements to an independent statutory body such as the UK Equality and Human Rights Commission;
- oversight by a parliamentary committee and performance audits by the Auditor General, as in Canada;
- performance assessment that includes achievements in relation to gender equality.

It is interesting that apart from the role of the Standing Committee on the Status of Women in Canada, parliament is generally not centrally involved in these accountability frameworks. One exception is The Netherlands where parliament was originally envisaged as an initiator and user of gender impact assessments and has commissioned assessments of tax policy, electoral reform and some social policy proposals with a care dimension.

Otherwise the Dutch parliament has not been very active in either requesting assessments or using the results to amend policy proposals. The Netherlands lacks a statutory base for its gender impact assessment and only 22 were undertaken in the period 1995–2006, of which eight were initiated by parliament. In Australia, parliament has generally not been much involved in the oversight of gender impact assessment. One recent exception is the Australian Capital Territory (ACT), where the Parliamentary Agreement that underpins the current minority government includes the phasing in of ‘publication of gender impact

³⁶ Katherine Teghtsoonian, ‘Gender analysis, women’s diverse interests and health policy: A comparative study of strategies, constraints and possibilities’, Background Paper for *Made to Measure: Accessing Approaches to Eliminating Gender Inequity*, International Symposium, Maritime Centre of Excellence for Women’s Health, Halifax, Nova Scotia, 1999.

statements and gender-disaggregated data associated with ACT Government legislation, policies, budget and annual reports by 2010'.³⁷ Although this timetable has not been met, such measurement of impact using gender-disaggregated and intersectional data is now part of the *ACT Women's Plan 2010–2015*.³⁸

The UK

Under the 2006 *Equality Act*, public authorities (including government departments, local government and schools) have a gender equality duty that applies both to employment practices within the authority and to policies and programs directed to the community. The gender equality duty, which came into force in 2007, followed on from the introduction of similar duties in relation to race and disability in 2002 and 2006.³⁹ There is both a general duty to eliminate discrimination and promote equal opportunity, and specific duties that cover practices within the organisation as well as the impact of policies on those outside. The duty to examine the gender impact of practices within the organisation includes consideration of gender pay gaps. Authorities are expected to set objectives to address gender pay gaps (or, if not doing so, to explain why). The 2010 *Equality Act* extends gender pay gap reporting to the private sector and also imposes a general ban on secrecy clauses in employment contracts to make it easier for women employees to discover any gendered pay disparities.

Moving beyond internal employment practices, authorities are required to undertake gender impact assessment of policy underlying all proposed primary legislation and significant secondary legislation and these gender impact assessments must be published. In practice this is usually on the website of the department or agency. For example, the Crown Prosecution Service has on its website equality impact assessments of statutory charging policy and of its Violence against Women Strategy. The assessment of the latter finds it has a disproportionate impact on men as suspects and defendants but overall one that is proportionate to their presence as perpetrators. However Black and minority ethnic men are over-represented in the statistics, meaning the strategy is likely to have a disproportionate impact on them.⁴⁰

³⁷ Parliamentary Agreement for the 7th Legislative Assembly for the ACT, between the Leader of the Australian Labor Party (ACT) and the Parliamentary Convenor of the ACT Greens, 31 October 2008, s. 11.6.

³⁸ *ACT Women's Plan 2010–2015: An ACT Government Strategic Plan to Improve the Status and Lives of Women and Girls*, Department of Health and Community Services, 2010.
http://www.dhcs.act.gov.au/_data/assets/pdf_file/0016/122506/ACT_Womens_Plan_2010_-15.pdf

³⁹ In April 2010 an omnibus *Equality Act* was passed, harmonising and consolidating a large number of existing UK legislative measures, including the *Equal Pay Act* and the *Sex Discrimination Act*, merging them into a single Act. The new Act extends coverage beyond the existing protected characteristics of gender, race and disability to: age, sexual orientation, religion or belief and gender reassignment. It also requires public authorities to take socio-economic inequalities into consideration. The new integrated public sector equality duty, which will also extend to public procurement activities, is expected to come into force in 2011. For analysis of the provisions of the new Act see: UK. Government Equalities Office, *Equality Act 2010 – Impact Assessment*, April 2010. http://www.equalities.gov.uk/pdf/Equality_Act_Impact.pdf

⁴⁰ UK. Crown Prosecution Service, 'Equality and Diversity Impact Assessment on the CPS Violence against Women Strategy', April 2008. http://www.cps.gov.uk/publications/equality/vaw/vaw_eia.html

The data-gathering involved in such assessments is expected to include statistical evidence as well as evidence from qualitative research and consultations. The requirement to consult stakeholders under the gender equality duty includes trade unions.⁴¹ Statistical data can be helpful in establishing baselines and benchmarks, while other sources of data are useful in investigating why men and women will be differently affected by the policy – for example, whether they use services and facilities in the same way. If an adverse gender impact is identified, authorities are expected to consider how it might be mitigated or alternative ways of delivering a policy outcome that better promotes gender equality.

Gender equality goals are to be arrived at in consultation with relevant groups as well as on the basis of statistical data. Authorities are required to establish performance indicators, which might be like the following:

- an increase in the number of men accessing parent support groups from 5 to 20 per cent;
- an increase in women's satisfaction with bus services, so that women have the same satisfaction levels as men.⁴²

Authorities have to prepare three-year action plans based on evidence and consultation. At the end of the three years authorities have to have reviewed their progress and published their revised plan (by April 2010 for gender equality plans). Compliance with the equality duty is assessed by UK Equality Commission in Great Britain and by the Equality Commission in Northern Ireland.

Box 6

Criteria for assessing compliance with the gender equality duty

Information: whether the public authority is collecting and analysing gender-disaggregated data.

Consultation: whether relevant people and groups have been involved in providing information and identifying gender equality priorities.

Transparency: whether information about the gender equality plan been widely available including details of decision-making processes, priorities and actions as well as updates on progress.

Proportionality: whether the public authority put its effort and resources where they will have most impact on gender equality.

Effectiveness: whether the action taken has delivered the required outcomes, leading to less discrimination and greater gender equality?⁴³

⁴¹ UK. Equality and Human Rights Commission, *Developing Equality Schemes to meet three existing duties*, April 2009. http://www.equalityhumanrights.com/uploaded_files/PSD/9_developing_equality_schemes.pdf

⁴² UK Equal Opportunities Commission, *Gathering and using information on gender equality – Guidance for GB public authorities*, 2007, p. 30.

⁴³ UK Equal Opportunities Commission, *Overview of the gender equality duty - Guidance for public bodies working in England, Wales and Scotland*, 2007, p. 5.

Assessment of compliance may be published on the Equality and Human Rights Commission's website. The first assessment of compliance with equality duties to be published was that of Jobcentre Plus (Department of Work and Pensions) – in July 2009. It was undertaken in response to concerns raised by staff and unions that Jobcentre Plus had not adequately assessed or monitored the impact of policy changes on race equality. The assessment of compliance noted that the Department and Jobcentre Plus had prepared a toolkit and built systematic consideration of equality impact into their processes, included consultation with customers and stakeholders and equality impact assessment. However, greater attention was needed to the fact that meeting equality duties sometimes required going beyond same treatment to take into account the needs of particular groups, for example of sole parents.⁴⁴

Combining gender analysis with employment equity requirements

It should be noted that the UK equality duty differs from the kind of approaches taken to gender assessment in Australia. This is because it combines employment equity requirements for public agencies with the requirement for gender assessment of policy and programs directed to the outside community. In Australia (as in Canada and New Zealand) the former have a statutory base and there has been a requirement for reporting to external bodies such as public service commissions or statutory bodies such as an Office of the Director for Equal Opportunity in Public Employment (NSW).⁴⁵ The statutory requirement for preparation of employment equity plans in public sector employment in these three countries was introduced because of patchy performance where employment equity initiatives were on a voluntary basis; there has been no comparable statutory base for the requirement to assess the gender impact of policy.

Problems with the UK framework

Obstacles identified to date in the operation of the UK gender equality duty include misunderstandings of the duty as requiring 'same treatment' of men and women rather than treatment that will contribute to substantive equality (including violence against women services). This was noted by CEDAW in its concluding observations on the UK's 5th and 6th periodic reports, along with concern that many public authorities, including government ministries, were having difficulty developing results-based and action-oriented equality schemes.⁴⁶ The Fawcett Society has also observed that the practical application of the gender equality duty has often amounted to 'tick a box' completion of gender impact assessments, rather than mainstreaming of gender into core business.⁴⁷

⁴⁴ UK. Equality and Human Rights Commission, *Public sector duty assessment of the Department of Work and Pensions through Jobcentre Plus*, July 2009.

http://www.equalityhumanrights.com/uploaded_files/ehrc_jobcentre_plusweb.pdf

⁴⁵ Under the 1984 amendments to the Commonwealth Public Service Act the requirement (in s. 22B) were for the preparation of programs. Under the new 1999 Act (s.18) these were described as workplace diversity programs. At the same time the statutory requirement for affirmative action programs for women in large private sector companies also underwent changes in nomenclature – to equal opportunity for women programs.

⁴⁶ CEDAW, Concluding Observations, 5th and 6th periodic reports of the UK, July 2008, p. 4.

⁴⁷ Fawcett Society, Response to the Government Equalities office, 'Equality Bill: Making it work – Policy proposals for specific duties consultation', 2009, pp. 2–3.

The Equalities and Human Rights Commission has itself identified failure by public authorities to undertake effective objective setting. Some authorities have identified the most serious gender equality issues in their remit without developing objectives to address them. Others have set objectives but without specifying actions and timetables to reach them. Still others have failed to measure and evaluate progress or to publish annual progress reports.⁴⁸ The Commission has issued compliance notices against a number of authorities for failure to meet the gender equality duty in relation to provision of domestic violence services. These include authorities that have not consulted with their communities to assess the needs of women victims of violence, in the context of the social and ethnic makeup of the area.

An operational review of the equality duty in Northern Ireland identified problems with the consultation processes required in both Northern Ireland and the rest of the UK as part of 'equality impact assessment'. These included a clash between an inclusive and participatory policy process and hierarchical systems of authority and accountability; lack of clarity over parameters of the consultation; lack of resources for community organisations to engage in a high volume of policy consultations; lack of feedback to participants; and, lack of reward for good consultation processes.⁴⁹

There are also data issues. While the volume of gender-disaggregated data has been increasing in the UK, there are still limitations. Gaps remain to be filled in areas such as poverty and social exclusion, time-use, transport (including both quantitative and experiential data) and occupational health hazards in both paid and unpaid work. The major gap, however, is not the need for new data but the need for disaggregation of statistics by gender combined with other key variables such as ethnicity and disability. Small sample sizes pose a problem that is not easily resolved. But there is also a lack of systematic analysis by gender and socio-economic status of data used in studies of poverty and social exclusion.⁵⁰

Canada

The Canadian government committed to implementing gender-based analysis (GBA) in 1995 as part of its Federal Plan for Gender Equality (1995–2000). It continued to be a key component of its Agenda for Gender Equality (2000–2005). The commitment covered the development and application of tools and methodologies for GBA; training; development of indicators to assess progress towards gender equality; collection and use of gender-disaggregated data; use of gender-sensitive language; and evaluation of the effectiveness of GBA.

The co-ordinating agency, Status of Women Canada (SWC), dates back to 1976 when it was established as a free-standing department with a mandate to coordinate policy and administer related programs. It has had primary responsibility for providing tools, training

⁴⁸ UK Equality and Human Rights Commission, *A Practical Guide to Revising Gender Equality Schemes*, 2010.

⁴⁹ Eithne McLaughlin and Neil Faris, *The Section 75 Equality Duty – An Operational Review*, A report prepared for the Northern Ireland Office, 2004, pp. 44–56.

⁵⁰ Esther Breitenbach, *Gender statistics: An evaluation*, Working Paper Series No. 51, Equal Opportunities Commission, Manchester, 2006, pp. vii–xi.

and advice to ensure federal policy was monitored for impact on women. It has been regarded as a global leader in the production of gender analysis 'tools' and case studies and even a 'GBA Performance Measurement Template'.⁵¹

Federal departments and agencies, however, have often been over-inclined to leave gender analysis to SWC rather than setting up their own frameworks for implementation. In both its 1995 and 2000 gender equality plans the Canadian government underlined that it was the role of departments to allocate responsibility and to undertake gender-based analysis; SWC would provide some training and support, but would not undertake gender analysis for departments. In its testimony to the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2008 the Canadian Government reiterated the importance of the implementing of GBA across government. Nonetheless doubts have been expressed, for example by the Auditor General, over whether any of the various interdepartmental committees and working groups set up to support GBA have been effective. By 2009 there had been six of these bodies, but the fact that SWC was the prime mover, and was not a central agency, lessened effectiveness.⁵²

Implementation has been most effective where departments have gender equality as one of their objectives, as with the Canadian International Development Agency (CIDA), where there is strategic plan for integrating GBA at all stages of the policy process and where training and tool kits have been customised for departmental purposes, with relevant examples and case studies. CIDA is like AusAID in having gender equality as one of its key objectives, a good training package and well-elaborated guidelines for integrating gender into the project cycle for different sectors. Another department that has a formal policy and implementation framework is the Department of Indian and Northern Affairs. It is notable that the policy was developed in consultation with four other departments, including SWC and CIDA, and with the Assembly of First Nations Women's Secretariat and the Native Women's Association of Canada. This is notable because some fears have been expressed that GBA has been replacing input from women's and equality-seeking organisations. The Department of Indian and Northern Affairs is also the only department that has conducted a formal evaluation of its gender analysis work. Other departments have not reached first base in terms of a departmental statement of policy or the establishment of a central point to coordinate implementation.

Problems with the Canadian framework

Lack of a statutory base or of an accountability framework involving an independent body generally means that implementation of gender impact analysis across government will be uneven at best. In the Canadian case the framework for GBA has relied heavily on voluntary uptake by departments with support from Status of Women Canada. There has been no framework for ensuring compliance, or even for monitoring implementation. Already in 2002 CEDAW asked Canada to consider making gender-based analysis mandatory at all levels of government.

⁵¹ Canada. House of Commons Standing Committee on Status of Women, *Gender-Based Analysis: Building Blocks for Success*, 2005, p. 10..

⁵² Canada. Office of the Auditor General, *Spring Report 2009*, Chapter 1, 'Gender-Based Analysis', p.17.

As we shall see, recent progress has largely stemmed from interventions from outside government. In 2004 the Standing Committee on Status of Women of the Canadian House of Commons began a study of implementation of GBA across federal government departments, in response to the testimony of equality-seeking groups concerning the significant, yet unintentional negative impacts on women of a number of program and policy changes.⁵³

The House of Commons inquiry took evidence from officials in seven departments and noted the wide variation in implementation. There was no overall statutory base for GBA and only one department, Citizenship and Immigration Canada, had a legislative requirement to report on GBA activities – under the 2002 *Immigration and Refugee Protection Act*. This statutory requirement meant that the Department had developed a strategic framework for GBA, with each branch expected to develop plans, including staff training, and with GBA becoming part of performance assessment.

In the absence of an effective accountability framework, some departments exhibited resistance to implementing GBA, even when their Minister was supportive. For example, the Minister of Finance made a commitment that all proposals for the 2005-06 Budget would require a gender analysis. However, the House of Commons inquiry found that the Department of Finance had neither made efforts to enforce the requirement nor to evaluate the adequacy of the gender analyses that were submitted.⁵⁴

In general there was a perception of uneven or flagging commitment to gender equality which affected both the conduct of GBA and, even more, the redesign of policy once negative gender implications were clear. As one witness from the Justice Department told the House of Commons inquiry:

The fact that a gender analysis is done does not mean it's going to be reflected in the actual policy outcome. There's an issue around what weight we give to that and, when there is an issue around competing interest, how that decision is made. Often that decision can be made at a political level or a bureaucratic level.⁵⁵

The parliamentary inquiry compared unfavourably the accountability framework for GBA with that for other major policy functions, such as employment equity or support for official languages. The language policy not only has a statutory base (*Official Languages Act*) but a statutory Commissioner responsible for ensuring compliance and receiving performance audits conducted by a public service agency. In addition there are a number of reporting and monitoring requirements co-ordinated by the Privy Council Office and there are financial incentives.

⁵³ Canada. House of Commons Standing Committee on Status of Women, *Gender-Based Analysis: Building Blocks for Success*, 2005, p. 2.

⁵⁴ Ibid, p. 33. On the need for commitment at the bureaucratic as well as the political level see also Conny Roggeband, 'Gender analysis – Netherlands model', Western Australian Department for Communities, Women's Resources Online, 2003, p. 2.

http://www.community.wa.gov.au/DFC/Communities/Women/Gender_Analysis_Netherlands_Model.htm

⁵⁵ Ibid, p. 3.

The Canadian Human Rights Commission is the body responsible for ensuring compliance with the *Employment Equity Act*, which like equivalent public sector legislation in Australia requires the development of employment equity plans for women and designated groups. The Commission conducts audits to determine whether employers meet the statutory requirements of the Act and may require specific undertakings to address areas of non-compliance, with an enforceable court order as the ultimate sanction. The Act also requires annual reports by departments and agencies and for the President of the Treasury Board to present an annual report to Parliament on the state of employment equity.

The first recommendation of the House of Commons Standing Committee was that the Canadian Government begin the process of developing an Equality Act, to provide a statutory base for gender-based assessment. The Canadian Government did not accept this recommendation but it did confirm the responsibility of departments and agencies to undertake GBA of proposed policies and programs and the inclusion of gender impacts in proposals. It also clarified the responsibility of the three coordinating agencies (Department of Finance, Treasury Board and the Privy Council Office) to challenge whether federal departments and agencies had given proper consideration to gender impacts. In general these central agencies are responsible for challenging whether departments and agencies have assessed all relevant factors in developing their proposals, including economic, fiscal, environmental and gender. In response to Standing Committee recommendations⁵⁶ all three agencies appointed GBA 'champions' in 2005–06 to strengthen the GBA challenge function and ensure adequate training. In 2006 the three agencies began providing GBA training for their policy analysts and senior management. By 2008 50 out of 190 analysts and managers at the Treasury Board secretariat had received training, 9 out of 56 at the Department of Finance and 22 out of 98 at the Privy Council Office.

In 2008 the House of Commons Standing Committee requested the Auditor General to undertake an audit of the implementation of gender-based analysis in the federal government. The Auditor General looked at seven departments and examined 68 recent policies, programs and pieces of legislation. The role of the three co-ordinating agencies was also audited, to see if they were challenging whether line departments had adequately identified potential gender impacts of Cabinet proposals.⁵⁷

The Auditor General confirmed the findings of the House of Commons Standing Committee four years earlier. Implementation of gender-based analysis across the federal government was patchy and two departments (Transport Canada and Veterans Affairs Canada) had established no framework for gender analysis. Of the departments that had established such a framework, few could provide evidence that their gender-based analysis was considered in developing policy options. The Auditor General found that in only four of the 68 initiatives (two in the Department of Finance and two at Northern and Indian Affairs) was there evidence of gender-based analysis being adequately integrated into policy analysis. In relation to eight other initiatives departments were able to provide evidence as to why they had not considered GBA to be relevant.⁵⁸

⁵⁶ Canada. House of Commons Standing Committee on the Status of Women, *Gender-Based Analysis: Second Report*, May 2006.

⁵⁷ Canada. Office of the Auditor General, *Spring Report 2009*, Chapter 1, 'Gender-Based Analysis', pp. 3–4.

⁵⁸ Ibid, p. 13.

In general departments provided little information to Cabinet and Treasury Board on how policies would specifically affect men and women: there was no reference to gender impacts in 15 of 28 memoranda to Cabinet or in 8 of the 21 Treasury Board proposals. This was despite the 2007 *Guide to Preparing Treasury Board Submissions* reminding agencies of the need to report such information.⁵⁹

Moreover, despite the GBA capacity- building in central agencies resulting from the House of Commons Standing Committee report, in 2008 the central agencies were still unable to provide the Auditor General with evidence that their analysts had reviewed and challenged departments' gender impact assessments. The Treasury Board Secretariat told the Auditor General it had challenged 10 of the 21 submissions that were part of the Audit but could provide no written evidence except for one document concerning one submission. The Privy Council Secretariat was also unable to produce any written evidence while the Department of Finance produced evidence concerning one challenge, but unrelated to the Audit.⁶⁰

The Auditor General strongly recommended that the central agencies document the challenge function they performed in relation to GBA. The central agencies just as strongly rejected this recommendation, on the grounds that because of the time constraints and confidentiality involved in the challenge function, it would be impractical to document what would often be informal oral advice to departments. They suggested that while documentation of challenges might enable greater accountability, it would divert resources and not of itself improve the challenge function.

New Zealand

In 1996 the New Zealand government launched its version of gender mainstreaming, entitled *Full Picture: A framework for gender analysis*.⁶¹ This replaced a previous *Checklist* and was intended to help agencies apply gender analysis in their policy development. It emphasised that responsibility for integrating gender analysis into policy rested with all government agencies, although the Ministry of Women's Affairs would assist with training and advice.

In reality, from the establishment of the Ministry of Women's Affairs in 1984, implementation of gender analysis by other departments had depended largely on *ad hoc* persuasion and relationships initiated by the Ministry; the Ministry was not itself a central agency. Over time, two other accountability mechanisms have been tried: making gender analysis a required component of Cabinet submissions; and, making it part of the performance assessment of chief executive officers.⁶²

From 1991 requirements in relation to gender analysis were included in the Cabinet Office manual. Departments were required to certify they had consulted with the Ministry of Women's Affairs over all Cabinet or Cabinet Committee submissions 'which relate to the

⁵⁹ Ibid, p. 4.

⁶⁰ Ibid, p. 21.

⁶¹ New Zealand. Ministry of Women's Affairs, *The Full Picture: Guidelines for gender analysis*, Wellington, 1996.

⁶² Kathy Teghtsoonian, 'Neoliberalism and gender analysis mainstreaming in Aotearoa/New Zealand', *Australian Journal of Political Science*, 39 (2), 2004, pp. 274–75.

economic or social status of women, especially Maori women'.⁶³ However, departments lacking an understanding of the gender implications of their work might fail to see its relevance to women. Those who did realise there were gender implications might do their gender analysis too late in the day. As early as 1993 the Ministry was noting in its *Briefing to the Incoming Government* that:

Currently, if gender analysis occurs in mainstream policy development, it is often only in the later stages, as a small component of assessment of equity and distributional impact. The earlier stages of identification of issues and development of options also needs to be informed by gender analysis...One small ministry, with less than 1% of the total policy advice budget, cannot achieve this alone.⁶⁴

In 2000 a new requirement was adopted for New Zealand Cabinet submissions. All papers submitted to the Cabinet Committee on Closing the Gaps⁶⁵ were to include a statement addressing the gender implications of the proposal. While this decision limited the requirement for gender analysis to the policy sector where its relevance might be most obvious, it still resulted in gender analysis at the wrong end of the policy process. In 2002 Cabinet reiterated its concern that the usefulness of the statements was limited by failure to apply gender analysis at the problem definition stage of policy development. The 2002 requirement for Gender Implications Statements (GIS) emphasised that gender analysis must take place at the policy development stage and specified a number of components that should be present in the GIS, including confirmation that a system was in place to monitor outcomes by gender and ethnicity.⁶⁶ The responsibility of public service departments for integrating gender analysis into their policy development was confirmed; the role of the Ministry was to provide guidance and to review the effectiveness of GIS.

The subsequent audit of GIS, however, found that departmental performance was still highly variable. A random sample of Cabinet Committee submissions for the period 2002–05 was audited, a total of 102 papers. Although all were required to have a GIS, only 77 in fact did so, and in some cases this only amounted to a bald statement that there were no gender implications. In other cases, reasons given for lack of gender analysis included lack of robust data or that gender analysis for the policy had been placed on a future work program. Forty-two papers did contain evidence that gender analysis had taken place, although intersectional analysis was scarce.

After these disappointing findings the Ministry of Women's Affairs undertook an assessment of how it could improve its influence on policy development processes. It re-emphasised the need for high-level political will, without which neither toolkits nor compliance approaches were effective. Its own strategies to improve the quality of gender analysis included:

- skills transfer by working alongside specific agencies on shared projects;

⁶³ Marian Sawer, *Femocrats and Ecorats: Women's Policy Machinery in Australia, Canada and New Zealand*, United Nations Research Institute for Social Development (UNRISD), Geneva, 1996, p. 19.

⁶⁴ Ministry of Women's Affairs, *Briefing to the Incoming Government*, 1993, quoted in Teghtsoonian, p. 276.

⁶⁵ Later called the Cabinet Committee on Social Equity and then the Cabinet Committee on Social Development.

⁶⁶ New Zealand. Cabinet Office Circular CO (02) 2, 6 March 2002, p. 2.

- capacity-building alongside Treasury and the Chief Executives Steering Group to enable policy agencies to better assess the differential impacts of policy; and,
- assisting departments to develop indicators to monitor outcomes of the Action Plan for New Zealand Women.

The strategies built on the insight that analysts only learn to value gender analysis by doing it and suggested that secondments into and out of the Ministry might assist with skills transfer. They also placed more emphasis on monitoring outcomes than on assessing process compliance.

The election of a National Party-led government in late 2008 led to the abolition of what by then was called the Cabinet Committee on Social Development and with it the requirement for Gender Implications Statements. However, the indicators for tracking the progress of New Zealand women continued to be used, including key indicators such as those relating to gender pay gaps and unpaid work. In 2008 70 per cent of New Zealand women's work was unpaid, compared to 40 per cent of men's work and figures showed women contributing 64 per cent of the total value of unpaid work (estimated at \$40 billion in 2001).⁶⁷ The extent to which such data was feeding back into the policy development process was unclear.

6. International policy learning

General lessons from international experience with gender mainstreaming and gender assessment in government include the importance of the *authority* behind such new whole-of-government approaches to the policy process. Only the imprimatur of the head of government may be sufficient to overturn entrenched bureaucratic norms across government, although as seen in the Canadian example, senior champions may play an important role in generating good practice at the agency level. Such considerations of the importance of authority lie behind the relevant part of the Beijing Platform for Action (para. 201) recommending location of national machineries at the highest possible level in government. In federal systems, central location is also important for purposes of ensuring access to and input into intergovernmental agreements and their evaluation.

The international literature suggests that there needs to be clear commitment from government to gender analysis as a means of improving gender equality outcomes. One way of making such commitment clear is through legislation and an external accountability framework. Commitment through non-statutory gender equality plans, as in Canada and New Zealand, can be a useful step but implementation tends to be variable. Where the co-ordinating body (Status of Women Canada or the Ministry of Women's Affairs in New Zealand) is not itself a central agency, implementation relies heavily on relationships and goodwill built up with particular departments. Requirements relating to Cabinet submissions come too late in the policy cycle to be meaningful in terms of integrating gender equality assessment into policy design.

⁶⁷ New Zealand. Ministry of Women's Affairs, *Indicators for Change 2009: Tracking the progress of New Zealand women*, 2010.

<http://www.mwa.govt.nz/news-and-pubs/publications/indicators-for-change-2009-1>

At the level of departments and agencies, commitment to gender equality assessment needs to be incorporated into the strategic objectives of organisations so that it becomes part of performance evaluations. Bureaucratic commitment is as important as political commitment. Gender impact analysis can easily be seen as an implicit criticism of existing policy professionalism; officials need to be persuaded that it will indeed improve the quality of policy and policy outcomes.

As part of their strategic plan for integration of gender analysis into the policy process, organisations need to budget for gender analysis training and for additional data collection and targeted consultation processes. These should not be viewed as ‘additional costs’ but rather part of ensuring a good policy process, one which will be more effective in achieving government objectives and have less unanticipated side-effects. Very importantly, both Australian and international experience emphasises the importance of gender analysis taking place at the beginning of the policy process, not after policy directions have already been locked in. This is not to say that it can be neglected at other stages of the policy process, including the development of policy options and eventual evaluation of policy and policy implementation. Fortunately for Australia, there is now a rich array of well-documented experience of different models of gender impact analysis on which to build for the future. Some of these models have built on Australia’s own past innovation; they can now assist Australia to renew its own commitment to best practice.

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Appendix 1 Gender Assessment Framework

Starting points

- Whole-of-government policy statement and key objectives
- Department or agency key objectives
- Strategic framework allocating responsibilities
- Reporting and accounting framework
- Identification of data and training needs
- Resource allocation to meet data and training needs
- Integration of gender assessment into guidelines for policy development
- Integration of gender equality objectives into all corporate plans

Policy inputs

- Specified government/department objectives for women
- Relevant international obligations, such as those under CEDAW and the Beijing Platform for Action
- An evidence base that includes:
 - adequate gender-disaggregated data to achieve government objectives
 - data on how gender intersects with race, cultural and linguistic diversity, disability, socio-economic background, geographic remoteness, sexual preference
 - identification of data or research gaps
 - qualitative as well as quantitative data to monitor policy and program outcomes
- Skills in gender analysis:
 - training and skills transfer to provide policy experts with skills in gender analysis
 - inclusion of gender content in policy training modules
- Appropriate consultation methodologies and processes to reach diverse groups of women including:
 - Indigenous women
 - women from diverse cultural and linguistic backgrounds
 - women in new and emerging refugee and humanitarian communities
 - women with disabilities
- Community feedback on policy and program implementation:
 - ensuring that diverse groups of women are part of the monitoring and evaluation process and that differing concerns and satisfaction levels are recorded

Policy development

- Ensure relevant gender equality objectives are considered in conjunction with other objectives
- Consider gender early in policy development, at the stage of framing problems and identifying issues:

- check the problem is framed so that underlying causes of any gender differences are taken into account and unsupported assumptions are queried
- Ensure policy options do not increase existing gender inequalities:
 - check that economic modelling includes an understanding of gender relations

Accountability

Whole-of-government level

- Develop key indicators for whole-of-government gender equality objectives
- Publish annual reports on progress as well as including indicators in CEDAW reports
- Give oversight responsibilities for implementation of equality objectives to a body such as:
 - an independent statutory agency
 - a parliamentary committee
 - a central coordinating agency

Department or agency level

- Publish key gender equality objectives on the departmental website
- Publish gender impact assessments in an accessible way on the departmental website
- Develop indicators for departmental equality objectives and publish progress against indicators in annual reports
- Include performance on equality objectives in performance agreements
- Include gender equality objectives in government contracts and funding agreements where relevant:
 - applicants for service funding to demonstrate analysis of different needs of women and men, and capacity to address these needs and to monitor outcomes by gender