



# OECD Toolkit for Mainstreaming and Implementing Gender Equality

Implementing the 2015 OECD Recommendation  
on Gender Equality in Public Life



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# 01

# INTRODUCTION

## 1.1. WHY AN OECD TOOLKIT FOR MAINSTREAMING AND IMPLEMENTING GENDER EQUALITY?

The 2015 OECD Recommendation of the Council on Gender Equality in Public Life (GEPL Recommendation) provides a clear path for making governments, public administrations, legislatures, and judiciaries more aware of and responsive to the perspectives, interests and needs of both women and men. Making state institutions more sensitive to gender requires more than increasing the number of women in leadership positions. It means better understanding how formal and informal policies, practices and procedures across state institutions can reinforce gender inequalities and gender-based stereotypes, and what can be done to enable gender equality. The Toolkit guides policy makers in implementing the GEPL Recommendation, helping them design gender-sensitive public policies and services and enable women's equal access to public decision making.

This Toolkit focuses on strengthening governance and accountability for gender equality as a means to improving the gender-responsiveness of public policy. It also identifies measures to increase gender equality in state institutions. It highlights a range of possible actions to take and pitfalls to avoid in: institutionalising gender equality and gender mainstreaming; supporting gender balance in all state institutions (executive, legislative, and judiciary) and structures, and at all levels; developing and sustaining gender mainstreaming capacity; and establishing inclusive accountability structures.

Importantly, the GEPL Recommendation recognises that effective policy making and oversight do not occur in a vacuum. Likewise, sustainable gender mainstreaming efforts engage a broad range of core political and public actors. These stakeholders not only play a role in supporting gender mainstreaming, but also serve as sounding boards and accountability mechanisms in their own right.

The good practices contained in this Toolkit are meant to motivate and inspire people across government – political executives, public administrations, legislatures and judiciaries – to introduce new and innovative ways to promote gender equality. In this sense, the Toolkit should be seen as an organic tool: one that will grow as more good practices are developed and shared. The Toolkit stresses the importance of gender learning as an iterative process. To this end, it is also hoped that readers of this Toolkit will take the guidance provided and further develop the ideas therein in order to create truly gender-sensitive state institutions.

## 1.2. HOW DOES THE TOOLKIT WORK?

Based on key provisions of the GEPL Recommendation, the Toolkit has four main pillars:

- Institutional and governance frameworks for gender equality and mainstreaming
- Gender-sensitive practices in parliaments
- Gender-sensitive public employment systems
- Gender-sensitive practices in the judiciary

Each pillar of the Toolkit contains a self-assessment tool allowing policy makers in different areas to analyse their specific country and work contexts and identify gaps, weaknesses and strengths. The self-assessment tool includes:

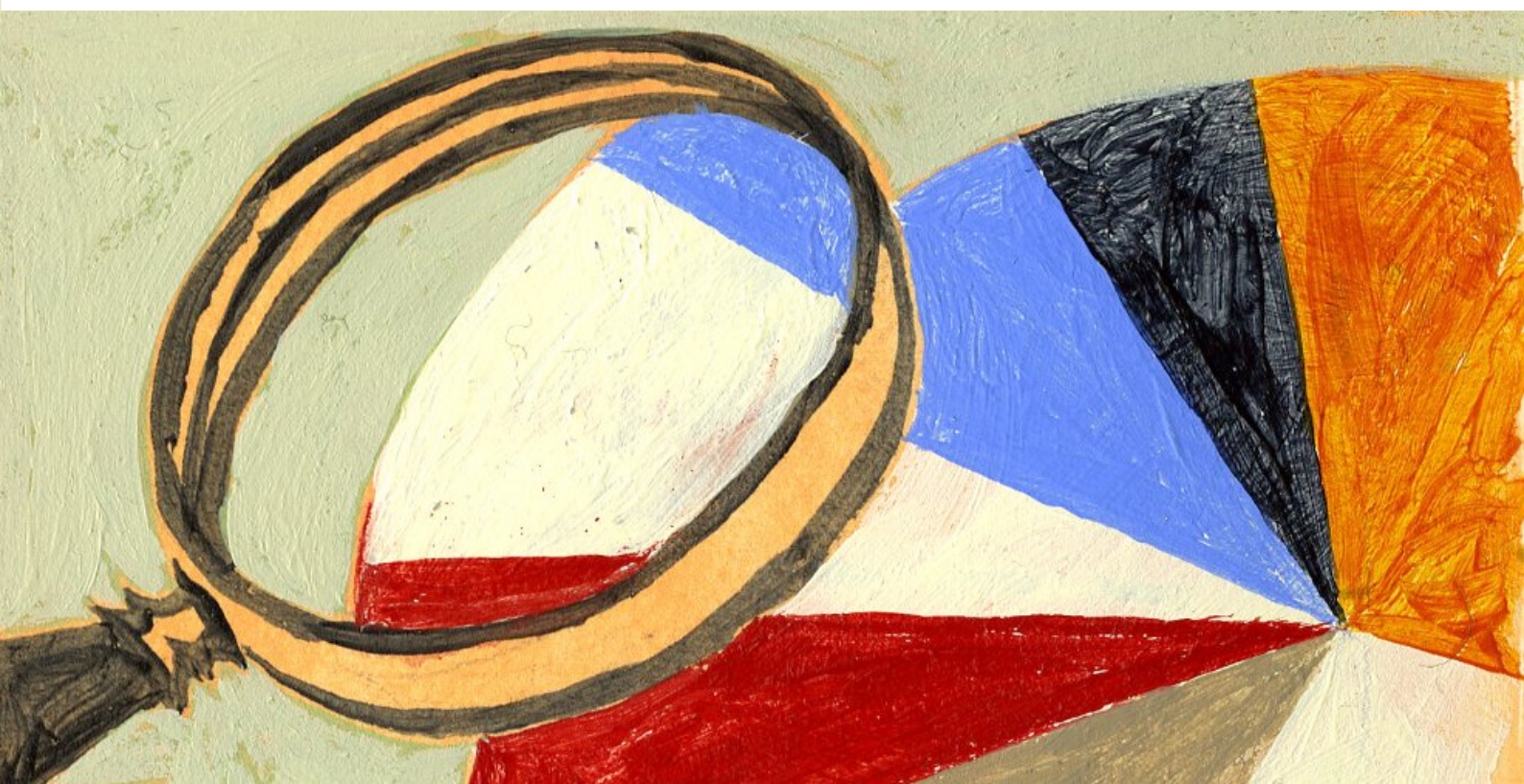
- Priority checklists of the elements needed for the effective implementation of each main provision of the Recommendation. Each priority checklist is accompanied by an explanation of why these elements are important.
- Self-assessment question to help countries identify their potential gaps as well as strengths in implementing their gender equality priorities.
- A palette of policy actions for effectively implementing the Recommendation and avoiding pitfalls. These policy actions are designed to be flexible and evolve in line with the latest trends and evidence of what works. Overtime, the palette of policy options will be tailored to different settings in OECD countries and beyond. Good practices identified in countries will provide essential input into the development of these policy actions.

The Toolkit also includes country examples from national and sub-national levels that are linked the pillars and key provisions of the GEPL Recommendation. These examples shed light on the different approaches available to countries seeking to achieve gender equality.

Finally, the Toolkit includes a section on key definitions (such as gender mainstreaming and gender budgeting) and links to relevant materials and documents from the OECD and other international and national institutions.

## 1.3. WHO IS THE TOOLKIT FOR?

The Toolkit is designed to support a range of decision-making institutions in their efforts to improve the quality and gender-sensitivity of their internal processes and outputs such as policies, legislation, and services. These institutions include executive leadership and senior managers, gender equality institutions, line ministries, national statistical offices, central civil service management departments, parliaments and local deliberative bodies (e.g. councils, assemblies), parliamentary committees or cross-party caucuses on gender equality/women's affairs, political parties, electoral management bodies (EMBs), civil society organisations and other stakeholders.



# 02

## **INSTITUTIONAL AND GOVERNANCE FRAMEWORKS FOR GENDER EQUALITY AND MAINSTREAMING**

*To effectively implement a whole-of-government gender equality and mainstreaming strategy, a country needs a strong institutional framework and solid mechanisms whereby institutions are available and equipped for promoting gender equality in an effective and co-ordinated manner. When these institutions, policies and programmes fully integrate gender considerations into their work, they produce better and more equitable policies for men and women, therefore contributing to good governance. This section of the Toolkit provides a strategic framework and instruments to help craft, implement, monitor and evaluate public policies from a gender equality perspective. It analyses various elements needed to promote gender equality and mainstreaming. It focuses on:*

- *Whole-of-government strategic plans for gender equality*
- *Institutional mechanisms for gender equality and mainstreaming*
- *Assessment of gender impacts of various public governance dimensions*
- *Accountability for gender equality and mainstreaming*

## 1. WHOLE-OF-GOVERNMENT STRATEGIC PLAN FOR GENDER EQUALITY

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Secure leadership and commit at the highest political level, at the appropriate level of government, to the development and implementation of a whole-of-government strategy for effective gender equality and mainstreaming, which would enable:

- setting a rationale, action plans, priorities, timelines, objectives, expected outcomes and/or targets, and effective policy planning across public institutions for promoting gender equality. These measures should be accompanied by information and awareness campaigns, media strategies and regular reviews;
- engaging relevant governmental and non-governmental stakeholders with a view to ensuring an inclusive and comprehensive coverage of gender equality issues; and
- adopting a dual approach to narrowing equality gaps through both gender mainstreaming and specific targeted actions to promote gender equality.

## 1.1. PRIORITY CHECKLIST FOR A “WHOLE-OF-GOVERNMENT” STRATEGIC PLAN FOR GENDER EQUALITY

- A. Government has a clear vision for gender equality that is anchored in key government documents
- B. Government has made a clear assessment of where it stands in relation to its goals for gender equality and which interventions are necessary to achieve its vision
- C. Government has a results-oriented strategic plan to achieve its gender equality vision that is endorsed by senior leadership, and developed through a broad consultation with governmental and non-governmental stakeholders

## 1.2. SELF-ASSESSMENT TOOL

**A**

**Government has a clear vision for gender equality that is anchored in key government documents**

### SELF-ASSESSMENT QUESTION

- Is there a medium to long term gender equality vision that is anchored into the overarching government policy and/or development goals?

### WHY IS IT IMPORTANT?

A medium- to long-term vision statement, especially as part of a broader national development vision, can convey a country’s goal for a gender-equal society. The vision can set new expectations for the attitudes and behaviour of both men and women and be used as a benchmark for measuring progress.

International benchmarks such as the 1979 United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); the 1995 Beijing Declaration and Platform for Action of the Fourth UN World Conference on Women; the United Nations Sustainable Development Goals (SDGs) – especially Goal 5 on gender equality – can provide excellent starting points for developing a vision statement.





**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- Build a short, compelling vision statement for gender equality that connects to citizens' lives and portrays a specific result for a societal change;
- Ensure that the vision statement is aligned with international benchmarks and national policy and/or development objectives;
- Ensure that the gender equality vision has a clear focus and provides directions for both the public sector and citizens;
- Anchor the gender equality vision statement into the broader government policy and/or national development objectives;
- Widely disseminate and communicate the gender equality vision statement in simple terms both within and outside the government, including at the highest levels of politics and to society at large.

**WHAT ARE THE PITFALLS TO AVOID?**

- Formulate a narrow objective that is not focused on the ultimate outcome;
- Establish a theoretical vision that does not portray a specific societal change;
- Define a vision that is in contradiction with or disconnected to the government's policy or development vision;
- Insufficient communication of the gender equality vision statement to policy makers.

**GOOD PRACTICE EXAMPLES****Sweden**

In 2014, the newly elected Swedish government declared itself a "Feminist government", which is committed to integrate a gender equality perspective in decision-making both nationally and internationally and into resource allocation. The overarching objective of the government's gender equality policy is "that women and men shall have the same power to shape society and their own lives" which is further spelled out in six sub-goals. In order to ensure the implementation of its gender equality vision, the government uses the dual approach of combining gender mainstreaming with special measures for gender equality, with a specific budget appropriation for gender equality. As part of the gender mainstreaming efforts, Sweden runs a programme for Gender mainstreaming in government agencies (GMGA) – to ensure that the activities and services provided by participating government agencies contribute to achieving the government's gender equality objectives. In addition, the government's gender equality vision is implemented through gender-responsive budgeting. Sweden's gender equality vision has also been translated into the country's foreign policy, officially labelled as "Feminist Foreign Policy". The work of the Ministry of Foreign Affairs in foreign, development cooperation and trade policy will take as a national starting point the national government's overarching vision of the feminist government.

*Source: Government Offices of Sweden, Gender Equality [www.government.se/government-policy/gender-equality/](http://www.government.se/government-policy/gender-equality/), (accessed on 12 April 2017); <http://www.government.se/government-policy/a-feminist-government/>*

**Austria**

The budgetary principle of promoting gender equality was incorporated in the Austrian Constitution in 2009. From 2013 on, for the very first time, the annual Federal Budget Act – a key government document – shows the medium-term political outcome objectives aimed at gender equality by Ministries and other public bodies. The objectives are result oriented by being measurable through yearly monitored and evaluated key indicators which address identified gaps. The "Annual Report on Outcome Orientation" delivers the evaluation results – the progress made in gender equality – to Parliament for discussions and political control. This reform of public management resulted in the development of a comprehensive gender-oriented budget and reporting framework, which has been integrated in the government's performance budgeting system. This is how gender mainstreaming is directly linked with policy making and management across all areas of policy.

*Source: Information provided by the Government of Austria*

## B Government made a clear assessment of where it stands in relation to its aspirations for gender equality and which interventions are necessary to achieve its vision

### SELF-ASSESSMENT QUESTION

- Did you undertake a situation analysis which would allow you to identify evidence-based priorities and track progress in gender equality?

### WHY IS IT IMPORTANT?

A sound knowledge base and analysis of where the country stands in terms of gender equality are crucial for defining gender equality objectives, designing a strategic plan, setting policy priorities and sequencing, and measuring their potential impact.

In parallel, it is equally important to understand the human and financial resources required to meet the identified gender equality needs. A literature review can be undertaken to gather available qualitative and quantitative evidence. In preparing the situation analysis, it is crucial to involve a wide range of governmental and non-governmental stakeholders to ensure it is comprehensive and reflects expertise and insights from different policy areas (e.g. education, health, housing, infrastructure, etc.). A “SWOT” analysis (Strengths, Weaknesses, Opportunities and Threats) can also facilitate effective implementation of gender equality strategies.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Develop an analytical framework and a related plan of action for assessing the state of the art of gender equality in the country;
- Undertake specific assessments (targeting insufficiently explored gaps, or exploring in-depth priority areas);
- Conduct broad consultations with stakeholders from both inside and outside the government, and with target groups from the public;
- SWOT analysis of proposed strategies can add important information on the expected impact;
- Include action-oriented recommendations to any assessment actions supporting policy makers in translating the findings in government responses within policies, programmes, and budgets.

### WHAT ARE THE PITFALLS TO AVOID?

- Collect and analyse information without a clear analytical framework;
- Rely on outdated or unverifiable data sources, as well as only on secondary data;
- Insufficient involvement of government and non-governmental stakeholders in the assessment and verification of findings phase;
- Lack of adequate expertise to analyse the data.



**GOOD PRACTICE EXAMPLE****Canada**

Status of Women Canada has developed a technical guide to help policy makers in applying gender-based analysis to their research framework to determine current policy contexts and potential impacts of decisions on diverse groups of women and men. According to the guidelines, it is essential to undertake a literature review to determine the available evidence in any area of policy and to inform the design of an effective research project. It is also important to consult, where possible and applicable, relevant internal and external stakeholders, including non-governmental organisations with relevant knowledge. In addition, important information can be obtained by consulting those with expertise in a wide range of policy fields.

Once all the relevant research has been identified and obtained, a critical review of the evidence must occur to determine:

- What is known about the policy issue or problem and what are the gaps in knowledge about different populations of women and men;
- The extent to which attention to diversity is reflected in the research and whether the analysis is objective or biased and perpetuating stereotypes;
- Which factors and aspects of identity have been taken into account; and
- The extent to which addressing diversity in the sample would have yielded different findings.

A map of the available information will form the foundation for the development of the research design, including determining the exact focus of the proposed research.

In presenting research data and findings, it is important to consider:

- How is the data presented and analysed? (e.g., are data gaps identified?)
- Is disaggregation based solely on gender (i.e. two separate groupings with no attention to differences within each group)?
- Are gender roles or other identities of subpopulation groups presented in absolute terms?
- What does the information convey about the positive or negative impact of the policy on different groups of women and men?
- Are harmful stereotypes perpetuated? Are any particular groups unfairly stigmatised?

Source: Status of Women Canada, *Gender-Based Analysis Plus, Research Checklist*, <http://www.swc-cfc.gc.ca/gba-accs/list-aide-eng.pdf>

## C Government has a results-oriented strategic plan to achieve its gender equality vision that is endorsed by senior leadership, and developed through a broad consultation with governmental and non-governmental stakeholders

### SELF-ASSESSMENT QUESTIONS

- Have you identified government-wide gender equality and mainstreaming objectives that are results oriented and clearly aiming to address the identified gaps through the situation analysis?
- Have you defined clear roles and responsibilities across the government for implementing, monitoring and overseeing gender equality and mainstreaming objectives? (*Refer to Section 2.2 on institutional mechanisms*).
- Does the strategic plan for gender equality enable the integration of gender perspectives in all areas of policy making?
- Have you involved non-governmental stakeholders in the elaboration of a strategic plan for gender equality?

### WHY IS IT IMPORTANT?

Making progress in gender equality – a goal that affects all government policy – is much easier with a whole-of-government strategic plan. Enacting a law to define the country’s approach to gender equality is the first crucial step. Many countries rely on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as a starting point for designing a comprehensive gender equality approach.

To be effective, the strategic plan needs to reflect the needs of different groups in society. It also requires collective commitment and ownership by all governmental actors. A network of “champions” across the government can help effectively communicate and mainstream the strategic plan across different policy areas. Strategic planning for gender equality involves a dual approach: 1) mainstreaming gender in the design; development, implementation and evaluation of all public policies and budgets, and 2) adopting targeted actions to eliminate gender discrimination and enable progress in specific areas. Requiring gender analysis or gender-based impact assessments for government planning and strategic documents can help ensure that gender equality issues are not marginalised, and may reduce “red tape” in the long run.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Define measurable goals and indicators linked to high-level outcome targets to achieve gender equality priorities;
- Define a clear set of responsibilities, timelines, action plans and monitoring mechanisms to achieve identified priorities;
- Ensure that the strategic plan is endorsed by senior leadership within the governmental structure (e.g., at the cabinet level);
- Undertake systematic consultation with all stakeholders both inside and outside the government during the development of the strategy (e.g., in form of roundtables, online consultations etc.). Validate the strategic plan with involved stakeholders;
- Incorporate gender mainstreaming requirements in broader government planning;
- Translate the whole-of-government gender equality objectives to ministerial and departmental plans to outline how ministries contribute to its achievement;
- Incorporate gender equality objectives in the individual staff performance assessment objectives.

### WHAT ARE THE PITFALLS TO AVOID?

- Define objectives that are not directly linked to gender equality priorities;
- Define objectives that are unrealistic or vague;
- Focus only on output results (e.g. number of awareness raising events) rather than also incorporating outcome indicators;
- Copy another country’s strategy without adapting it to the country’s context;
- Insufficient involvement of diverse stakeholders in the development and dissemination of the strategy;
- Lack of feedback to diverse stakeholders who took part in the development of the gender equality strategy;
- Roles and responsibilities are vague and/or not specified at the institutional and individual staff level;
- Accountability mechanisms are missing;
- The government’s gender equality strategic plan is not mirrored by gender mainstreaming requirements in broader country strategic documents.

## GOOD PRACTICE EXAMPLES

**Mexico: Aligning gender equality strategy across the government**

Mexico adopted and integrated dual approach to gender equality through its laws, policies and programmes. Both the Planning and the Federal Budget and Fiscal Accountability Acts mandate gender mainstreaming and the 2013-2018 National Development Plan (NDP) includes gender equality as a cross-cutting principle in support of the country's goal to "unlock its full potential". As a corollary to the NDP, Mexico adopted its National Programme for Equality between Women and Men (PROIGUALDAD). Subsequent and similar frameworks are also established at the subnational level of government, to a varying degree.

**Finland & Spain: Adopting a dual approach to gender equality**

In Finland, the Government action plan for gender equality 2016-2019 collates the objectives and measures by which the Government promotes equality between women and men. There is a working group monitoring the implementation of the measures. All ministries all represented in the working group lead by the Ministry of Social Affairs and Health (MSAH). A very important factor in Finland's approach to gender equality is that it also focuses on men's needs. As such, their gender action plan puts forward specific measures to advance men's health and well-being.

Spain's 2014-2016 Equal Opportunities Strategic Plan developed a "seven axis of action plan" that encompasses a dual approach. The areas covered include: 1) equality in the workplace between men and women 2) reconciliation of family and work life and co-responsibility for domestic and family obligations 3) eradication of violence against women 4) women's participation in social, economic and political life 5) education 6) development of actions in other sectoral policies and 7) instruments for integrating the principle of equality in government policies and action. The seventh axis is fundamental for providing clarity on how to actualise the Plan across different sectors and topics. Spain has thus developed methods to strengthen the integration of the gender perspective in all government programmes and policies.

**AXIS 7: INSTRUMENTS FOR INTEGRATING THE PRINCIPLE OF EQUALITY IN A GOVERNMENT IN POLICIES AND ACTIONS**

Specific objective 1	Specific objective 2	Specific objective 3	Specific objective 4	Specific objective 5	Specific objective 6	Specific objective 7
Favour knowledge generation	Develop and adjust research and statistics	Promote training and awareness	Principle of equality and responsible public contracting	Improve gender impact reports	Optimise the functioning of Equality Units and Observatories	Take into account the possible forms of discrimination that may affect certain groups of women

**Canada: Capturing diverse voices in strategic planning**

The Canadian government's long-term vision to eliminate all forms of gender-based violence in public and private spheres led to mandating Status of Women Canada to develop a federal strategy against gender-based violence in 2016. One of the six principles guiding the development and implementation of this strategy is the commitment to reach out to other ministries at the federal level, provincial/territorial governments, academia, civil society and front-line service providers, as well as survivors of violence to hear their perspectives. In this regard Status of Women Canada hosted roundtables across the country. Through an online survey and via email, citizens were given the opportunity to comment. In addition, an Advisory Council composed of representatives of government and civil society organisations was established to serve as a forum to exchange views, promising practices and research on issues related to gender-based violence.

## GOOD PRACTICE EXAMPLES



### Australia, State of Victoria : Capturing diverse voices in strategic planning

In developing its first gender equality strategy, the Australian state of Victoria launched a consultation paper seeking input from business, community groups and the public through an open submission process and online, through a Twitter hashtag (#Vicforwomen). As a result of this, a discussion paper was published which summarised five themes and priorities which emerged from the submission process and laid out key questions for further consideration and discussion. These were then addressed during consultation sessions held nation-wide in August and September 2016.



### Slovak Republic

In November 2014, the Slovak Republic adopted a new National Strategy for Gender Equality (2014-2019) and a related Action Plan for Gender Equality (2014-2019). Specific activities and measures were prepared and discussed in cooperation with NGOs and the Government Council for Human Rights, Ethnic Minorities and Gender Equality. The strategy and action plan are interconnected and represent a comprehensive conceptual framework for the promotion of gender equality in practice.

Sources: Forthcoming, OECD (2016), *Gender Policy Review of Mexico*, OECD Publishing; INMUJERES, *2014-2016 Equal Opportunities Strategic Plan*, <http://www.inmujer.gob.es/actualidad/PEIO/docs/PEIO2014-2016Ingles.pdf>; Status of Women Canada (2016), *Setting the stage for a federal strategy against gender-based violence: Vision, Outcomes & Principles*, Status of Women Canada, <http://www.swc-cfc.gc.ca/violence/strategy-strategie/strategie-en.pdf> (accessed 26 October 2016). Status of Women Canada (2016), "Seeking input on Gender-based Violence", <http://www.swc-cfc.gc.ca/violence/strategy-strategie/input-suggestion-en.html> (accessed on 26 October 2016); Department Premier and Cabinet of Victoria (2016), *Victorian Gender Equality Strategy: Discussion Paper*, State Government of Victoria, Melbourne, [http://www.dpc.vic.gov.au/images/documents/Victorian\\_Gender\\_Equality\\_Strategy\\_Discussion\\_Paper.pdf](http://www.dpc.vic.gov.au/images/documents/Victorian_Gender_Equality_Strategy_Discussion_Paper.pdf) (accessed on 26 October 2016); OECD (2017), *2017 OECD Survey on National Gender Equality Frameworks and Public Policies*; [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583140/IPOL\\_STU\(2017\)583140\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583140/IPOL_STU(2017)583140_EN.pdf)



## 2. INSTITUTIONAL MECHANISMS FOR GENDER EQUALITY AND MAINSTREAMING

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Establish an institutional framework to ensure the effective implementation, co-ordination and sustainability of the gender equality and mainstreaming strategy, by:

- i. establishing clear roles, responsibilities, mandates and lines of accountability of key governmental and oversight bodies in implementing gender equality and mainstreaming initiatives;
- ii. bolstering the capacities and resources of gender equality institutions to facilitate a consistent response at appropriate levels of government and to develop, implement and monitor gender-sensitive programmes and policies throughout the government, based on gender-disaggregated statistics and indicators. Effectiveness of gender equality institutions can also be strengthened by placing them at the highest possible level in the government;
- iii. ensuring the capacity and resources of public institutions to integrate gender equality perspectives in their activities; for example, by identifying gender equality focal points across governmental bodies, by investing resources in training and promoting collaborative approaches with knowledge centres to produce gender-sensitive knowledge, leadership and communication, by ensuring the collection of gender and gender-disaggregated statistics in their areas of responsibility, and by providing clear guidelines, tools, communication and expectations to public institutions in this area; and
- iv. strengthening vertical and horizontal co-ordination mechanisms for policy coherence across governmental bodies and levels of government that involve relevant non-governmental stakeholders to ensure synergies and effective implementation of gender equality initiatives.

### 2.1. PRIORITY CHECKLIST FOR INSTITUTIONAL MECHANISMS FOR GENDER EQUALITY AND MAINSTREAMING

- A. Roles and responsibilities to implement gender equality and mainstreaming are clearly assigned across the government (*see also Section 2.1 on strategic planning for gender equality*)
- B. Government has an institution for gender equality with adequate level of responsibility and position within the governmental structure
- C. All government institutions are equipped and responsible for integrating gender equality in their policy making processes and programmes
- D. Gender equality initiatives are effectively coordinated across institutions at different levels of government

## 2.2. SELF-ASSESSMENT TOOL

### A Roles and responsibilities to implement gender equality and mainstreaming are clearly assigned across the government

#### SELF-ASSESSMENT QUESTIONS

- Have you identified institutions, mechanisms and coordination channels that will be responsible and held accountable for the realisation of government-wide gender equality and mainstreaming objectives?
- Are all affected institutions across the government aware of their roles and responsibilities for gender equality and mainstreaming, including of the resources required?
- Have you ensured that senior management in government institutions agree on gender equality and mainstreaming objectives and demonstrate a shared commitment for their implementation?
- Are political and administrative accountability structures in place (e.g., through objectives, rules and procedures) for implementation of governments gender equality and mainstreaming objectives?

#### WHY IS IT IMPORTANT?

To effectively implement a government vision and strategic plan for gender equality and mainstreaming, various institutions need to promote, produce knowledge on, implement, monitor and evaluate gender equality. This institutional framework generally consists of:

- **Central gender equality institutions**, which promote gender equality and facilitate the implementation of gender equality and mainstreaming programmes across government;
- **Centre of Government** (e.g. Cabinet and the Ministry of Finance), which is responsible for promoting gender mainstreaming in government policies and ensuring that ministries comply with gender mainstreaming requirements;
- **Line ministries and agencies**, which are responsible for designing, implementing and reporting on gender mainstreaming in their policies and initiatives. Gender focal points and/or delivery units within line ministries can provide information on how laws or regulations are administered, data are collected, sectorial plans are developed and personnel are trained on gender-sensitive policies.
- **Data-collecting and -producing bodies**, which ensure that high-quality gender-disaggregated evidence is available to support decision-making;
- **Accountability and oversight structures** that encourage compliance with gender equality policies, pinpoint deficiencies and redress remaining inequalities.
- **Robust co-ordination** is needed to ensure policy coherence across bodies at all levels of government.

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Responsibilities for gender equality policies are shared across the government and involve the highest possible level of government;
- Clearly define and widely disseminate requirements indicating the actors in charge of implementing gender equality-related tasks and mainstreaming policies, and which resources will be allocated for this purpose;
- Ensure the centre of government is willing, tasked and equipped to promote gender mainstreaming across government and provide a challenge function to ministries who do not comply;
- Establish gender support mechanisms in line ministries and agencies to administer specific laws or regulations on gender equality, collect data, and develop sector-specific plans, training and gender-sensitive personnel policies;
- Ensure that decisions on the implementation of gender equality and mainstreaming strategies are made on the basis of gender-disaggregated evidence and data;
- Ensure leadership of coordination efforts and that an effective coordination mechanism for gender mainstreaming is in place;
- Introduce incentive/sanction systems to encourage institutions' compliance to gender equality requirements.



## WHAT ARE THE PITFALLS TO AVOID?

- Responsibility for gender equality policies are placed at a low level of government or outside government;
- Government institutions' mandates, authority, resources or mechanisms for executive functions are partially defined and insufficiently publicised leaving space for misinterpretation, overlapping, and implementation gaps;
- Gender equality institutions and focal points/units are under-resourced and far from the apex of power;
- Gender equality programmes are under-resourced;
- Line ministries and government agencies work on gender equality in silos, with insufficient capacity, planning and accountability;
- Mainstreaming strategies are coordinated and supported at the national level, but not at the sub-national level;
- Lack of sanctions for institutions which do not comply to gender equality requirements/lack of incentives encouraging compliance;
- Lack of tailored gender expertise in policy areas targeted with mainstreaming strategies (i.e. gender in agriculture, gender in justice, etc.);
- Coordination mechanisms/efforts are fragmented and responsibilities reside in multiple institutions with risks of duplication, overlapping and missed opportunities.

## GOOD PRACTICE EXAMPLES



### Canada

In Canada, each federal department is responsible for incorporating the government's commitment to gender equality within its substantive work and mandate. GBA+ is one of the key methods to that effect. Since 2016, Canada has been undergoing a reform to further strengthen the role of Centre of Government (CoG) in monitoring gender based analysis+ (GBA+) in the development of government proposals. CoG can play an important role in clarifying what line ministries are expected to do to advance gender equality; developing clear, simple performance measurement and assessment frameworks; and removing obstacles to implementation.

The Treasury Board of Canada Secretariat ensures that departments and agencies incorporate gender considerations, where appropriate, into the design of policies, programmes, initiatives and services. The different impacts on men and women are identified and addressed so that results are equitable. Status of Women Canada is leading the implementation of GBA+ and building the capacity of federal departments and agencies to incorporate GBA+ throughout the decision-making process. The House of Commons Standing Committee on the Status of Women, created in 2004, has the broad authority to study policies, programmes, expenditures and legislation of departments and agencies, including Status of Women Canada. It also provides recommendations on matters and bills related to gender equality, including the implementation of GBA+.

In short, GBA+ is everyone's responsibility. Although Status of Women Canada plays a leadership role in the government-wide implementation of GBA+, all departments and agencies share the commitment to GBA+. Through the systematic use of GBA+, federal officials are able to improve their work, ensuring that it includes diverse perspectives.

*Source: Status of Women Canada, Gender-Based Analysis Plus, <http://www.swc-cfc.gc.ca/gba-acg/index-en.html> (accessed on 12 April 2017)*



### Austria

In Austria, all ministries and supreme organs are involved in the mechanisms to implement gender equality. In the field of gender-orientated budgeting, the Federal Chancellery's role is to monitor, support and develop the methods, processes and results of the gender equality objectives and activities. Additional stakeholders are leaders of the budget managing units of the supreme organs and ministries and are responsible for the operational implementation of the elements of performance management, especially for the gender equality objectives. The budget managing bodies are responsible externally in the context of total budgetary planning and execution for the outcome information on the level of budget chapters and global budgets to the Parliament. In addition, the Court of Auditors also acts as major stakeholder and is heavily involved in outcome and service evaluation as an independent agency of the Parliament. Every supreme organ and ministry had to nominate an appointee for gender mainstreaming, who assumes an important role concerning gender equality in the fields of performance management and regulatory impact assessment.

*Source: Information provided by the Government of Austria*

## GOOD PRACTICE EXAMPLES



### Sweden

Gender mainstreaming in the Government Offices of Sweden is guided by a government decision, with the latest announced in June 2016 for 2016-2020. It states that gender mainstreaming is a prerequisite for feminist policies and for achieving the national objectives of gender equality policy. The new decision aims to further enhance and strengthen the work on gender mainstreaming in the Government Offices, which covers all policy areas and processes. The aim is for all initiatives and measures to contribute to gender equality. The Government highlights four key processes for gender mainstreaming in the Government Offices: the Budget Process, instructions for government authorities, the legislative process (such as terms of references for committees and bills), and EU-matters.

Every Government Minister is responsible for gender mainstreaming his or her areas of responsibility. The Minister for Gender Equality is responsible for coordination, development and follow-ups of the gender mainstreaming work. In addition, the Division of Gender Equality is responsible for managing and coordinating the gender mainstreaming work within the Government Offices. Structured and systematic work on gender mainstreaming is conducted across the board and since 2003, there has been a gender mainstreaming coordinator within all line ministries. The GM-coordinator/PoC for Gender Mainstreaming in each line ministry is responsible for developing an Annual Action Plan for gender mainstreaming. The gender focal point is responsible for coordination and support of GM work in his/her ministry, and is often also the Budget Officer of the line ministry. The focal point for gender mainstreaming attends meetings of a standing intra-ministerial working group on gender mainstreaming in the Government offices. All ten line ministries and the PM's Office have a Gender Mainstreaming Coordinator.

*Source: Information provided by the Government of Sweden*

## B Government has a gender equality institution, with a sufficient level of responsibility and position, within the governmental structure

### SELF-ASSESSMENT QUESTIONS

- Is there a permanent government institution/body at the national level which is responsible for promoting gender equality and supporting government-wide gender equality policy?
- Is the level of responsibility and position of the gender equality institution within the governmental structure adequate for promoting gender equality and supporting government-wide gender equality policy?
- Does the gender equality institution have the sufficient mandate and resources for promoting gender equality and supporting a government-wide gender equality policy?

### WHY IS IT IMPORTANT?

Central gender equality institutions, which take many forms, help ensure that the public sector fosters gender equality and mainstreaming across government policy and within society as a whole. They can be a separate ministry, paired with other portfolios within a single ministry, or located within the office of the head of government or state. Sometimes, gender equality councils or commissions function as autonomous bodies with an independent status or in consultation with the government.

Whatever their form, such institutions should not be given the exclusive responsibility within the government for promoting gender equality. Rather, they should provide advice and guidance to government and line ministries and monitor improvements in relation to gender equality. They need sufficient resources, visibility and authority to co-ordinate a government-wide initiative. Finally, they also need access to gender-disaggregated statistics and data on the gender equality outcomes of government policies and initiatives (*for more on gender-disaggregated statistics and data, see Section 2.6*).

## WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Locate central gender equality institution within the highest possible level of government (e.g. Cabinet level) to ensure it has visibility and authority to coordinate and monitor government-wide gender equality strategic plan;
- Establish clear mandate, resources and capacity within central gender equality institution to deliver as expected;
- Assess whether available resources (e.g., time, staff, budget, skill sets, equipment, training, etc.) are adequate to effectively execute its mandate, strategic goals and work plans;
- Allocate and systematically review resources to meet the strategic goals and work plans of gender equality institution;
- Ensure that central gender equality institutions are staffed with expertise in policy, analysis, advocacy, communication and monitoring to implement their mandates.

## WHAT ARE THE PITFALLS TO AVOID?

- Central gender institutions do not have the leverage necessary to co-ordinate a whole-of-government approach across policy fields regardless of their institutional designs;
- Central gender equality institutions have limited capacities, inadequate or non-existent budgets and/or unclear responsibilities;
- Central gender equality institutions lack expertise in policy development, analysis, advocacy, communication and/or monitoring to fully implement their mandates;
- Central gender equality institutions are unable to effectively ensure gender mainstreaming at the sub-national level.

## GOOD PRACTICE EXAMPLES



### Chile

In Chile, the National Women's Agency (SERNAM), created in 1991, is the supervisory agency which ensures that the public sector incorporates a gender focus when planning, budgeting, implementing and monitoring public policies. SERNAM has worked closely with the Presidency in evaluating the work of the ministries and presenting their achievements. In 2015, SERNAM was reconstituted as a full-fledged Ministry. The same year, the Chilean Government created the Ministry for Women and Gender Equity to strengthen governance of gender equality with a more robust institution and stronger regional presence.



### Sweden

The Swedish government runs a programme for Gender Mainstreaming in government authorities with an overall purpose to ensure that the activities and services produced by participating governmental agencies contribute to the government's gender equality policy objectives. The programme currently encompasses sixty public sector authorities in a wide range of policy areas. The Minister for Children, the Elderly, and Gender Equality, placed at the Ministry for Health and Social Affairs, is responsible for coordinating, developing and following-up the work on gender mainstreaming. In 2015, the Gender Equality Inquiry aimed to assess the effective governance of Swedish gender equality policy. The Inquiry concluded that "more coherent management of gender equality policy is required to provide the conditions for monitoring and analysing gender equality progress in society". To overcome this challenge, the Inquiry proposed that "(...) a government agency for gender equality be set up with responsibilities to analyse gender equality progress in society and following up efforts to achieve the gender equality policy objectives; coordinating gender equality policy tasks; supporting the gender mainstreaming efforts of government agencies, municipalities, county councils and regions, and – otherwise assisting the Government in other matters concerning gender equality policy".

Sources: Ministry for Women and Gender Equity of Chile, <http://www.minmujeryeg.gob.cl/>, (accessed on 12 April 2017); Government Offices of Sweden (2016), Swedish Government to establish gender equality agency, <http://www.government.se/press-releases/2016/09/swedish-government-to-establish-gender-equality-agency/>

## C

## All government institutions are responsible and accountable for integrating gender equality in their policy making processes and programmes

### SELF-ASSESSMENT QUESTIONS

- Do legal and policy documents that govern public institutions identify concrete objectives for integrating gender perspectives in policies and services?
- Have institutions developed action plans at the institution level to implement the government-wide gender equality policy and monitor organisational performance?
- Do institutions have the capacity, support mechanisms (e.g., gender advisors, gender focal points, gender units) and resources to integrate gender equality perspectives in their daily policy and programme related activities?
- Are senior management and staff members held accountable for integrating gender equality perspectives in their daily policy and programme related activities?

### WHY IS IT IMPORTANT?

Assessing where a government institution stands in terms of implementing gender mainstreaming (generally with the support of central gender equality institutions or gender experts) is an important step toward achieving results and can help establish a baseline for future performance monitoring. Such assessments allow institutions to develop the most appropriate work plan and tools to implement and monitor gender mainstreaming. Gender equality results that are linked to or built into ordinary systems or structures tend to have a better chance of becoming permanent.

Gender equality and mainstreaming support mechanisms (e.g. gender focal points, gender units, gender advisors) can help government institutions fulfil their responsibilities. Their effectiveness will depend on their degree of authority, functions, resources and reporting mechanisms. It is important to make a clear distinction between gender mainstreaming support units for sectoral policies and those for human resources management (e.g. responsible for ensuring gender balance in recruitment and promotion, work-life balance, a gender-sensitive work environment). Confusion of these two very different positions can seriously hamper the achievement of gender equality through public policies and services. Finally, gender equality competences should be developed and fostered among policy makers and within government at all levels, to ensure sustainability and effectiveness in the implementation of a country's gender equality and mainstreaming strategy. (also see Section 2.2.A on assigning clear roles and responsibilities across government to implement gender mainstreaming).

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure Centre of Government institutions are committed to the country's gender equality and mainstreaming strategy and they are able and willing to challenge line ministries and agencies which are not mainstreaming gender in their work;
- State concrete gender equality and mainstreaming objectives in documents that govern institutions;
- Translate the whole-of-government gender equality objectives to ministerial and departmental plans to outline how ministries contribute to its achievement (also see Section 2.1.C on strategic planning on gender equality);
- Introduce specific indicators (at performance and outcome levels) to ensure that senior management holds the responsibility for achievement of institutions' gender mainstreaming objectives;
- Ensure that gender support mechanisms bring questions of gender equality and mainstreaming to the executive table and support the executive in exercising its leadership on this issue;
- Incorporate gender equality objectives in the individual staff performance assessment objectives;
- Clearly demarcate responsibilities between providing support for internal gender mainstreaming (e.g., in human resources management) and gender mainstreaming at the policy level (e.g., in policies, budgets, services);
- Provide line ministries and agencies with sufficient capacity (e.g. training and knowledge) and resources (budget and staff) to implement gender initiatives and analyse the gender impacts of their work (for more on gender impact assessment, see Section 2.3.A);
- Ensure gender-disaggregated statistics and data are collected on the impact of policies and programmes on gender equality (for more on gender-disaggregated statistics and data, see Section 2.3.C);
- Promote the development of gender competence at all levels of government through trainings, awareness campaigns and dissemination of data and information on gender impact of public governance and policies (for more on measuring progress and disseminating information on gender equality, see Section 2.6.B);
- Gender expertise in specific policy areas (i.e. gender in justice; gender in agriculture; etc.) is available and accessible to support gender mainstreaming efforts across government institutions.

## WHAT ARE THE PITFALLS TO AVOID?

- Line ministries, gender focal points, Centre of Government institutions do not have clear roles, mandates, resources and capacity for implementing gender mainstreaming and equality within key institutional actors;
- The whole-of-government gender equality objectives are not translated into ministerial and departmental plans;
- The whole-of-government gender equality objectives are translated into ministerial and departmental plans but they are not (adequately) resourced and they are not linked to staff (including senior managers) performance indicators and outcome indicators;
- Necessary gender expertise is not available/accessible;
- Line ministries and other government institutions targeted with gender mainstreaming do not collect data on the gender impact of policies and programmes.



**GOOD PRACTICE EXAMPLES** **Spain**

The Institute of Women and for Equal Opportunities (IWEQ), established by law in 1983, is responsible for cross-sectional implementation of the principle of equal treatment and non-discrimination. The Institute has trained staff who work in equality units which are now the focal points for monitoring the progress of gender equality mainstreaming across government.

In order to make gender mainstreaming part of all public policies, the Spanish Act 3/2007 of 22 March 2007 for effective equality between women and men (Spanish Equality Act), requires that the principle of equal treatment and opportunities must inform all actions taken by public authorities, and be integrated in the adoption and implementation of their legislative provisions and in the definition and budgeting of public policies. Article 77 of the Spanish Equality Act created equality units in all ministries to ensure effective gender mainstreaming. All ministries, within the scope of their areas of competence, assign to a single management body duties relating to gender equality, particularly by:

- providing gender-relevant statistical information;
- conducting surveys to foster equality between women and men in ministries' respective areas of activity;
- providing advice to the Ministry's competent bodies for the elaboration of the gender impact assessment report, and improving employees' understanding of the scope and meaning of the principle of gender equality by proposing activities;
- overseeing compliance of this Act and the effective implementation of the principle of equality.

Source: OECD (2014), *Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264210745-en>

**D** Gender equality initiatives are coordinated across institutions at different levels of government**SELF-ASSESSMENT QUESTIONS**

- Is there a government-wide mechanism across governmental bodies and with non-government stakeholders (e.g. civil society organisations) to ensure gender equality initiatives are coordinated effectively?
- Is there adequate level of representation within inter-ministerial committees tasked with advancing the political agenda and monitoring gender equality?

**WHY IS IT IMPORTANT?**

Since gender equality work spans a range of policy areas, mechanisms are needed to coordinate this work. Such mechanisms or groups can help to keep gender issues on the political agenda, prevent duplication, and allow stakeholders to collaborate and share expertise and experience. They can involve a broad array of stakeholders and levels of engagement (e.g. senior management across government institutions, gender focal points, advisory councils, gender ombuds, committees and working groups).

It is important to ensure the right level of representation for the task required. For example, an inter-ministerial commission tasked with promoting the political agenda and monitoring gender equality would require cabinet level representation, rather than representatives from different units within government institutions (e.g. human resources or administrative departments), who might be less able to influence broader policy and priority setting or to translate the decisions of the commission into concrete follow up actions.

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- Establish coordinating bodies or committees within government and issue regulations or legislation to ensure vertical and horizontal coordination on gender equality and mainstreaming;
- Define the role of central gender equality institutions within the coordinating bodies or committees to promote effective leadership;
- Ensure that any decision undertaken by coordinating bodies or committees are reflected in decisions of line ministries and other government institutions;
- Establish and regulate meetings and committees where non-government stakeholders can take part and provide feedback on the implementation of the government's implementation of its gender equality and mainstreaming strategy;
- Ensure that institutions are represented within coordinating bodies or committees with the right level of competences, authority and diversity.

**WHAT ARE THE PITFALLS TO AVOID?**

- Vertical and horizontal coordination mechanisms for gender equality and mainstreaming within government are missing; coordination efforts are informal and fragmented and lack clear leadership;
- Lack of effective coordination between governmental institutions, social partners and civil society, which weakens the overall implementation of the gender equality strategy;
- Decisions, orientation and guidelines provided within coordination bodies are not implemented and followed up at the level of individual institutions;
- Members of coordinating bodies or committees are not sufficiently influential within the coordinating body.

**GOOD PRACTICE EXAMPLES****Canada**

The Interdepartmental Committee on Gender Based Analysis + (GBA+) which is chaired by Status of Women Canada (SWC) – the main gender equality body – enables the latter to systematically gauge the needs of departments and agencies in implanting gender based analysis. It also meets quarterly to support cross-departmental sharing of information, good practices, strategies and expertise in the development and application of GBA+. In 2016, SWC committed to continue to expand the membership of the Federal Interdepartmental Committee on GBA+, currently composed of over 35 departments and agencies. In 2017 the membership grew to over 40 members. In addition, as part of its Action Plan on GBA+, a Steering Committee of senior officials from SWC, Privy Council Office and Treasury Board Secretariat will also meet semi-annually to review progress and lessons learned and to determine priorities. SWC is also committed to increase the frequency of its meeting of GBA+ Champions from annually to semi-annually as a forum for senior-level discussions and collaboration on GBA+.

**Mexico**

In Mexico, the National System for Equality between Women and Men (SNIMH or “the System”) is an inter-institutional mechanism coordinated by the main gender equality body INMUJERES. In 2015, the System was elevated to the Ministerial level. SNIMH is responsible for carrying out mutually agreed actions for the promotion and achievement of equality between women and men. The System ordinarily meets at least three times per year, which does not prevent any of its members from requesting extraordinary sessions that can take place with the approval of the Presidency of the System. The members of the System, who have voice and the right to vote are: the Presidency of the System (President of the Women's National Institute), the Technical Secretary (Executive Secretary of the Women's National Institute), all ministries and the Executive's Chief Legal Officer, representatives of the Consultative and Social Boards of INMUJERES and a representative from the National Commission for Human Rights (CNDH). Representatives from other institutions may also join the System to make a contribution, but they may not vote – e.g. representatives of the Supreme Court, the Equality Commissions of the Chamber of Deputies and the Senate, the President's Office, and the National Electoral Institute. The System's latest public sitting – in August 2016 – was chaired by President of Mexico.

**Austria**

Gender equality is a cross-cutting policy field, therefore various mechanisms have been established to coordinate the dialogue among ministries and agencies, and sub-national governments. One important mechanism is the inter-ministerial coordination for gender related performance budgeting by the Federal Performance Management Office in the Federal Chancellery in which all ministries participate. The efforts undertaken and the progress made due to this coordination are reported to Parliament and the public in the “Annual Report on Outcome Orientation”.

**GOOD PRACTICE EXAMPLES****Latin America and the Caribbean**

The Gender Equality Observatory for Latin America and the Caribbean serves as an innovative tool for collaboration between governments and civil society to assess successes and challenges in achieving gender equality and increasing regional empirical data. The formation of gender observatories reinforces the importance of gender institutions in building strategic partnerships with civil society groups to foster coordinated action, as well as building a broader base of support for national mechanisms – support that can prove vital if governments' priorities drift away from gender concerns.

**Israel**

The Department of Gender Equality in the Israeli Civil Service Commission is the professional director of 80 Supervisors of Gender Equality who serve as agents of the Department within every governmental office and unit, in accordance with the Department's objectives. These Supervisors are the advisors of their office's general manager in the field of gender equality and the responsible in their office for the treatment of sexual harassment claims. The Supervisors are responsible to the Department of Gender Equality in their gender work; from the training they receive and regular Departmental guidance and oversight. Their work is constructed to suite the distinctive characteristics and needs of each office and unit.

*Sources: Government of Canada (2016a), "Status of Women Canada, Privy Council Office and Treasury Board of Canada Secretariat Action Plan on Gender-based Analysis (2016-2020)", Available at: <http://www.swc-cfc.gc.ca/gba-ac/plan-action-2016-en.html>; OECD (2017), *Building an Inclusive Mexico: Policies and Good Governance for Gender Equality*, OECD Publishing, Paris; OECD (2014), *Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth*, OECD Publishing, Paris; Information provided by the Government of Austria; Information provided by the State of Israel, Department of Gender Equality.*

### 3. ASSESSMENT OF GENDER IMPACTS OF VARIOUS PUBLIC GOVERNANCE DIMENSIONS

#### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Integrate evidence-based assessments of gender impacts and considerations into various dimensions of public governance (for example, public procurement, public consultation and service delivery management) and at early stages of all phases of the policy cycle (for example, by aligning ex ante assessments of gender impacts with broader government-wide policy development processes, such as regulatory impact assessment), as appropriate.

#### 3.1. PRIORITY CHECKLIST FOR THE ASSESSMENT OF GENDER IMPACTS OF VARIOUS PUBLIC GOVERNANCE DIMENSIONS

- A. Normative frameworks for gender analysis are adopted which include or specifically target gender impact assessments
- B. Gender expertise is available to undertake gender analysis in a qualitative manner
- C. Gender-disaggregated data and information is available and used to inform gender analysis



## 3.2. SELF-ASSESSMENT TOOL

### A

Normative frameworks for gender analysis are adopted which include or specifically target gender impact assessments

#### SELF-ASSESSMENT QUESTIONS

- Is Gender Impact Assessment (GIA) mandatory for all government policies, programmes and budgets?
- Are GIA guidelines or other framework documents available and understood by government managers and senior officials?
- Are roles and responsibilities for the implementation of GIA and other gender analysis tools codified?
- Are management performance indicators referring to the implementation of GIA?
- Is there a specific mechanism/institutional responsibility for the quality control of GIAs?

#### WHY IS IT IMPORTANT?

Government policies and legislations are hardly gender-neutral. Most often, when they do not take into consideration the structural gender inequalities embedded in our society, they perpetuate and reinforce them. Gender impact assessments (GIAs) can help prevent such unintended consequences and allowing policy makers to foresee the impact of a new regulation, policy or programmes on the lives of women and men and the relations among them.

GIAs, also known as “gender audits” or gender-based analysis, systematically analyse the differential effects of policies, legislation regulations and institutional or individual practices on women and men. They improve the design and the planning of policies, prevent negative impact on gender equality and adapt the policy to make sure that any discriminatory effects are either removed or mitigated. To be most effective, GIAs must be fully integrated into policy development and implementation and supported at the highest level of government. The staff performing the GIAs need appropriate expertise and access to qualitative and quantitative data to back-up their analysis.

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- A requirement for the implementation of GIAs is in place as part of a policy document (law, strategy, action plan);
- A guiding framework (guidelines, approach, methodology, etc.) for GIA implementation is in place and publicised across most diverse government actors;
- A formal indication of roles and responsibilities for GIA and the creation of an accountability system;
- Incorporate GIAs ex ante (before the proposed law or policy has been approved or gone into effect) and ex post (following implementation and during the impact evaluation), to assess whether the intended outcomes were achieved;
- Align gender analysis practices with the mainstream requirement for regulatory impact analysis of public governance (including procurement, consultation, service delivery, etc.);
- Ensure independent evaluation or audits are carried out concerning the application of gender analysis;
- Require all draft laws and regulations to have a statement on gender impacts;
- Indicate institutional responsibility or a mechanism providing quality control of GIAs.

#### WHAT ARE THE PITFALLS TO AVOID?

- Considering GIA as a “tick-the-box” exercise;
- Developing tools that are too complex to be used by a wide range of actors;
- Conducting GIAs based on formal requirements but lacking adequate framework, capacity and data;
- Only implementing GIAs in certain policy areas or processes.

## GOOD PRACTICE EXAMPLES



### Northern Ireland

The Northern Ireland Equality Commission defines the specific elements required for equality impact assessment. Particular attention is given to the consideration of measures to mitigate any adverse impact and to policies that might better achieve the promotion of equal opportunities. The consideration of mitigation and alternatives is identified as a crucial element of the process: authorities must develop options that reflect the different ways of delivering a policy outcome.



### Austria

Since 1 January 2013, all new or amended laws and regulations as well as major investment or procurement contracts at the federal level must include a mandatory ex-ante impact assessment on gender equality along with other assessments of potential socioeconomic and environmental impacts. Quantitative and qualitative thresholds ensure the proportionality of these efforts in relation to the respective law or regulation. The Ministry of Finance and the Federal Chancellery therefore provide content related and technical assistance. The impact assessments are disclosed for consultation and parliamentary discussions. Ex-post evaluations of the impacts are to be performed by Ministries within 5 years and reported to Parliament in the Annual Report on Impact Assessment submitted in May.



### Sweden

In Sweden, binding regulations stipulate that GIAs must be conducted on policy proposals potentially affecting gender equality; bills require a separate section assessing whether proposals and expected outcomes contribute to the achievement of gender equality goals or potentially hinder fulfilment of the goals. Trainings and workshops are provided by experts at the Division for Gender Equality to support GIA related work in other departments and line ministries. The Division for Gender Equality also provides general training sessions on gender equality, gender mainstreaming and gender budgeting for all ministries within the Government Offices of Sweden. Line ministries can also take in external consultants or experts for support and trainings related to specific gender equality challenges (e.g., how to work with sex disaggregated data).



### Spain

Spain's Gender Equality Law of 2007 institutionalised gender mainstreaming across all public bodies, requiring its adoption and implementation of their legislative provisions and in the formulation and budgeting of all policies. This includes conducting "ex ante" gender impact assessments reports of legislative and regulatory proposals, which analyse and assess the results of their adoption from the perspective of elimination of inequalities and contribution to achieve equal opportunities and treatment between women and men, based on indicators on the current situation, results foreseen and their impact. This is considered particularly important for legislation not typically considered as gender-related, such as traffic.

*Sources: European Commission (2009), "Evaluating Socio Economic Development", Sourcebook 2: Methods and Techniques; OECD (2014), Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth, OECD Publishing, Paris; and Horsburgh, L. (2011), "Gender Analysis and Regulatory Impact Analysis", paper prepared for the Regulatory Policy Division, Public Governance and Territorial Development Directorate, OECD, Paris.*

## B Gender expertise is available to undertake gender analysis in a qualitative manner

### SELF-ASSESSMENT QUESTIONS

- Is gender expertise available to government institutions?
- Are government institutions usually supported by the central gender equality institution or do single institutions – at national and sub-national level – have in-house gender capacity (i.e. gender units, gender advisors)?
- Are concerned stakeholders and staff targeted with specific capacity development programmes on the use of GIA and other Gender Analysis tools?
- Are managers and senior officials also targeted by Gender Analysis/ GIA capacity development programmes?

### WHY IS IT IMPORTANT?

Involving gender experts in the policy process helps ensure that policy making is based on sound knowledge and understanding of gender-related issues and will have genuine social impact. Capacity should be built in all government institutions (through gender advisors, gender units, etc.), under the co-ordination and support of central gender equality institutions. Special capacity development programmes should also be considered for targeted staff specifically on the use of GIA and other gender analysis tools



### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Specialised gender expertise is accessible to the broadest spectrum of government organisations and supportive throughout the various stages of the implementation of GIA;
- Capacity development programmes for the use of GIA - also including managers and senior officials - are regularly implemented;
- Managers and senior officials are required to report on the implementation of GIA and gender analysis.

### WHAT ARE THE PITFALLS TO AVOID?

- Gender expertise is not available or adequate within individual institutions, thus failing to provide necessary assistance for the implementation of GIAs – institutions do not fully capitalise on available expertise;
- Central gender equality institutions have insufficient capacity to assist various government institutions in the implementation of GIAs and other gender analysis processes;
- Capacity development programmes do not reach out to all concerned staff/institutions;
- Programmes aimed at increasing capacity, awareness and engagement for GIA implementation do not target managers and senior officials.

## GOOD PRACTICE EXAMPLES



### Denmark

In Denmark, the Division for Gender Equality has designed the core structure and instruments for GIA. While Gender Impact Assessment is performed by respective ministries, the Division for Gender Equality is consulted throughout the whole process. It also plays a key role in monitoring the process and in identifying initiatives that require GIA. Gender expertise is thus guaranteed within the GIA framework. The Division also provides tools for GIA available on each ministry's website.



### Sweden

In Sweden, all Committees of Enquiry (bodies appointed by the Swedish government for policy proposals requiring extensive analysis and preparation before submission to Parliament) must conduct a gender impact analysis for policy proposals potentially affecting gender equality, on the basis of clear guidelines for gender impact analysis, outlined in a handbook. These guidelines stipulate that, if a policy proposal has gender relevance, its anticipated impact needs to be indicated in a report.



### Canada

In Canada, the province of Quebec sought federal assistance through The Canadian Armed Forces in response to severe flooding. The Gender-based Analysis Plus (GBA+) approach was adopted at the launch of the mission by Joint Task Force to identify impacts on vulnerable populations. Data collected on vulnerable populations helped structure the actions of the armed forces and measure their impact. The use of GBA+ has increased awareness among Armed Forces of the impact of their actions and enabled mitigation strategies where appropriate.

*Sources: European Institute for Gender Equality (2016), Gender Impact Assessment Tool, Publications Office of the European Union, Luxembourg; Information provided by the Swedish Ministry of Enterprise, Energy and Communications to the OECD and information available online at the Government Offices of Sweden website <https://sweden.se/society/gender-equality-in-sweden/>; information provided by the Government of Canada*

## C Gender-disaggregated data and information is available and used to inform gender analysis

### SELF-ASSESSMENT QUESTIONS

- Do national and sub-national institutions regularly collect gender disaggregated data?
- Is there a centralised system where national and sub-national data – including gender-sensitive data – are stored and accessible?
- Are consultations with the public (NGOs, women's groups, etc.) regularly implemented to collect data and information about the potential or actual impact of government policies, programmes and budgets?
- Are other Gender Analysis tools available and utilised (i.e. desk review, household interview, focus group discussion, semi-structured interviews, direct observation, case study, stakeholder workshop, trend analysis, etc.)?

### WHY IS IT IMPORTANT?

Gender-differentiated data and information must be available for policy makers to be able to assess the situation and develop appropriate, evidence-based responses and policies. Such data must be collected and analysed within the policy-making process, ideally covering several years to track changes and take corrective action. Civil society organisations, including NGOs and women's groups, can be precious allies in gathering information about the potential or actual impact of government policies, and they should be consulted regularly. Surveys, interviews, reviews, opinion polls and benchmarking are also effective methods for obtaining and analysing data on diversity policies, as well as desk review, household interviews, focus group discussion. Finally, building public servants' awareness and expertise through information campaigns and training is also important (for more on measuring progress towards gender equality performance, see Section 2.6).

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- Sex-disaggregated and gender-sensitive data are available and accessible at national and sub-national level;
- The government regularly conducts public consultation processes on gender to collect missing information;
- Build the awareness of statisticians and representatives in line ministries of gender issues through information campaigns and trainings.

**WHAT ARE THE PITFALLS TO AVOID?**

- Sex-disaggregated and gender-sensitive data are “women only” focused;
- Sex-disaggregated and gender-sensitive data are obtained without any consultation with civil society organisations;
- Insufficient resources, limited capacity in ministries and statistical offices to define the need for gender-disaggregated data and integrate gender perspectives into mainstream indicators and data collection efforts.

**GOOD PRACTICE EXAMPLES****Norway**

Since 2008, Statistics Norway has published national gender equality indicators, including:

- Share of one- to five-year-olds in kindergarten, gender distribution in municipal council representatives, education;
- Gender distribution in the workforce, distribution of income, gender distribution in part-time work, use of fathers' quotas;
- Gender distribution in business structures, gender distribution in the public sector; gender distribution in the private sector, gender distribution among leaders, and gender distribution in educational programmes.
- Results are published on a national scale and are also available by county and municipality to allow policy makers to address regional and local issues.

**Spain**

Spain's Gender Equality Law (Article 20) states that public authorities must systematically include the sex variable in their statistics, surveys or data. The National Statistical Plan, which covers a four-year period, is the main instrument to organise the statistical activity of the General State Administration. It is approved by Royal Decree and during its drafting procedure an “ex ante” gender impact assessment report is carried out. Once the Plan is approved, it is implemented via Annual Programmes. The National Statistical Plan currently in force covers the 2017 to 2020 period. On the other hand, the database *Mujeres en Cifras* (Women in Figures) of Institute of Women and for Equal Opportunities (IWEO), contains more than 300 indicators, showing the situation of women in different sectors. Furthermore, the IWEO collaborates closely with the National Institute of Statistics (INE by its Spanish acronym) to jointly carry out the online publication *Mujeres y Hombres en España* (Women and Men in Spain), which provides updated data on the situation of men and women in the main social and economic areas.

**Sweden**

Statistics Sweden is commissioned by the Government to regularly follow up and present on the web a total of 88 indicators for the development of gender equality in Sweden. These Indicators cover the four sub-goals for gender equality that Sweden had until November 2016. As of November 2016 Sweden has two added new sub-goals for education and health, new indicators are being developed to follow up the new goals. Statistics Sweden also publishes the book “Women and men in Sweden – Facts and figures” every second year, this presents the situation and development of gender equality in Sweden based on the indicators.

The Swedish Government has introduced a requirement in an ordinance that all governmental public agencies must present individual-based statistics in their annual reports disaggregated by sex, to ensure that access to sex disaggregated statistics improve. This is needed to make gender inequality in society visible and to facilitate effective process of change.

## GOOD PRACTICE EXAMPLES



Israel

The Department of Gender Equality in the Israeli Civil Service Commission conducts two yearly reports on gender equality across the governmental offices and public sector. These reports comprise of gender indexes which provide a statistical analysis of each governmental office and ministry, as well as of the public sector as a whole. It is founded on both administrative databases and the offices' own self-report, thus achieving a balanced view through cross-examination.

The detailed data collection and statistical compilation offer thorough and comprehensive insights to the condition of gender equality within each governmental office and unit, thus enabling extensive practical actions. In light of the gender disaggregated statistical data provided, governmental offices and units are stimulated to take appropriate actions to implement the recommendations of Department of Gender Equality in the Israeli Civil Service Commission as the oversight institution in the field of gender equality.

*Sources: OECD (2014), Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth, OECD Publishing, Paris; Status of Women Canada & Statistics Canada (2007), Finding data on women: a guide to major sources at Statistics Canada, 2007; Information provided by the Government of Spain; Information provided by the Government of Sweden, Division for Gender Equality; Information provided by the State of Israel, Department of Gender Equality*

## 4. INTEGRATION OF THE GENDER PERSPECTIVE IN ALL PHASES OF THE BUDGET CYCLE

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Consider integration of the gender perspective in all phases of the budget cycle, as appropriate, so that transparency regarding gender-relevant resource allocation decisions is maximised.

#### 4.1. PRIORITY CHECKLIST FOR GENDER BUDGETING

- A. **Ex ante gender budgeting:** Gender assessments inform resource allocation decisions and the preparation of the government's budget.
- B. **Concurrent gender budgeting:** The impact of the proposed budget on gender outcomes is assessed and gender-related performance objectives are in place to monitor progress, and a gender perspective is applied to the allocation of budgeted resources.
- C. **Ex post gender budgeting:** Evaluations and audits are undertaken to ensure that gender-related performance objectives have been met, or understand why they have not been met.
- D. **Enabling environment:** Governments ensure that there is sufficient gender-disaggregated data to support gender budgeting practices and that stakeholder engagement informs more targeted efforts.

## 4.2. SELF-ASSESSMENT TOOL

A

### Ex ante gender budgeting: gender assessments inform resource allocation decisions and the preparation of the government's budget

#### SELF-ASSESSMENT QUESTION

- Is the government using tools (such as a gender budget baseline analysis, gender needs assessments and gender impact assessments) to ensure that information on gender needs and the gender impact of different policies informs the government's budget proposal and resource allocation decisions?

#### WHY IS IT IMPORTANT?

During the ex ante phase of the budget process, the government prepares its tax and spending plans. Identifying gender-related needs in different policy areas as well as the gender-specific impact of policies allows the government to target resources more effectively to promote gender equality and ensure that policies do not negatively affect equality.

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

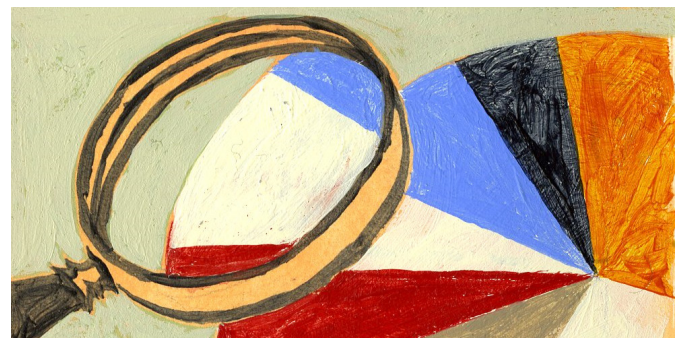
- **Conduct a gender budget baseline analysis:** This analysis is conducted in advance of the budget formulation process to assess how the baseline allocation of government expenditures and revenues impacts gender equality. Information from this analysis can be used to help guide further resource allocation decisions and ensure that the draft budget proposal addresses gender equality gaps where they exist. Such an analysis is usually conducted by the central budget authority (or under its authority).
- **Undertake gender needs assessments across different policy areas:** Gender needs assessments are qualitative assessments which look in detail at the extent to which existing government policies and programmes meet and affect gender equality needs in a specific policy area. They should also identify priorities for policy action in the budgetary context. The assessment should take into account views and opinions from key stakeholders including policy practitioners, civil society organisations (particularly those in the field of gender equality) and citizens. These may be conducted at line ministry, policy or programme level, or on a government-wide basis by a suitably-mandated agency.
- **Conduct ex ante impact assessments which identify the effect of proposed policy initiatives on gender equality:** Ex ante impact assessments consider the impact of individual policy measures on gender equality. Information from this type of impact assessment helps inform budget managers on whether or not the policy measure is appropriate for inclusion in the budget proposal. The gender aspect of the impact assessment may be undertaken individually or as part of the existing policy impact analysis framework. The successful implementation of gender impact assessments is technical and challenging but

conducting them within an appropriate systematic framework can underpin the capacity of governments to ensure that policies are efficient and effective in reducing gender inequalities. These are usually conducted by suitably-qualified staff in individual line ministries.

#### WHAT ARE THE PITFALLS TO AVOID?

Budget managers do not have the expertise or resources to undertake meaningful gender assessments.

- Gender assessments are not consistently applied across government departments.
- Assuming that the “default” allocation of resources is gender-neutral.
- Ex ante gender assessments becoming a ‘tick box’ exercise.



**GOOD PRACTICE EXAMPLES**



**Canada**

The Government of Canada has been using an enhanced form of gender-based analysis known as GBA+ in the development of policies, programmes and legislation since 1995. GBA+ is an analytical tool used to assess the potential impacts of policies, programmes, services, and other initiatives on diverse groups of women and men, taking into account gender and other identity factors. It is used by analysts, researchers, policymakers, and service providers across all sectors to guide the systematic consideration of gender and other identity factors throughout the development of policies, programmes, and legislation. Recently, the Government reinforced the requirement to support all Federal Budget decisions with GBA+, and, starting with Budget 2017, is including an assessment of budget measures from a gender perspective as part of a Budget Gender Statement.



**Spain**

In Spain, the 2007 Gender Equality Law committed the Government to taking forward legislation that would ensure the publication of ex ante impact assessment reports of legislative and regulatory proposals, including the General Budget Bill. As a result, since 2009, an ex-ante gender impact assessment report accompanies the General State Budget Bill, analysing each budget programme. In addition, the Ministry of Finance and Public Administrations, provides guidance on what information the gender impact assessment report should contain.



**Sweden**

In recent years the Government of Sweden has given renewed focus to gender-responsive budgeting, as an application of gender mainstreaming in the budget process. For example, in the preparation of the Budget Bill for 2018 the budget circular contains a formalised requirement that policy proposals and reforms presented in the Budget Bill must be based on gender equality impact analyses, and new policies should be developed with a gender-sensitive approach. The Budget circular also includes a requirement to include a gender equality perspective and analysis in the preparation of the Budget Bill, as well as a requirement to present population statistics disaggregated by sex. A step-by-step guide on how to conduct a gender equality analysis during the budget process been developed. It consists of the five following steps: 1) undertake an inventory of gender equality relevance, 2) analyse the ways in which gender equality is likely to be relevant (hypothesis), 3) survey, present and analyse gender patterns, 4) assess the gender equality impact of the proposal (with reference to gender equality policy objectives), and 5) if negative impacts are anticipated, examine alternative solutions.

**B** Concurrent gender budgeting: the impact of the proposed budget on gender outcomes is assessed, gender-related performance objectives are in place to monitor progress, and a gender perspective is applied to the allocation of budgeted resources

**SELF-ASSESSMENT QUESTION**

- Does the government assess the gender impact of the budget and does it publish this analysis? Are gender related objectives integrated into the government’s performance framework? Is a gender perspective applied to the allocation of budgeted resources throughout the budget year?

**WHY IS IT IMPORTANT?**

Transparency lets citizens know how the government is using its budget to improve gender equality. Setting gender-related performance targets in different areas of spending also allows stakeholders to track the government’s progress in achieving its objectives. Applying a gender perspective to the allocation of resources over the course of the year is important to ensure that gender equality is being promoted and implemented across all areas of government.

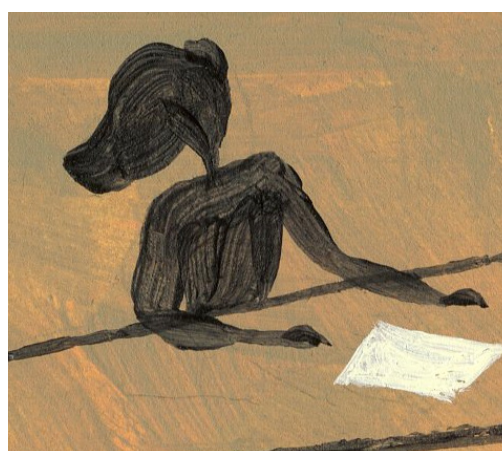


## WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Conduct a gender-related budget incidence analysis: This is an official assessment of the budget's overall impact in promoting gender equality, including a gender-disaggregated analysis of specific policy measures (both revenue and expenditure-related). This type of analysis should accompany the annual budget. It is usually conducted by the central budget authority (or under its authority).
- Apply a gender perspective in performance setting: Gender-related performance objectives should be set across different policy areas to enable the government to track progress towards gender equality targets. This will involve identifying output and outcome indicators and realistic targets and incorporating these into relevant budget documentation. The central budget authority or central performance unit may wish to put in place cross-government requirements prescribing that a minimum proportion of budget-related performance objectives be linked to gender.
- Apply a gender perspective to allocation of budgeted resources: Programme managers should ensure that they allocate budgeted resources in a way that helps close gender gaps. This may be driven by a more senior budget authority putting in place requirements that a minimum proportion of budgeted resources in certain policy areas be allocated towards gender-responsive policies.

## WHAT ARE THE PITFALLS TO AVOID?

- Gender targets that are set that are not specific, measurable, achievable, relevant or time-bound.
- Poor quality performance information is collected which may not be relevant to the performance objective.
- Lack of timely performance information. This means that information on progress towards objectives is received too late to meaningfully inform ongoing and future resource allocation decisions.



## GOOD PRACTICE EXAMPLES

Information from the 2016 OECD Performance Budgeting Survey highlights that gender-sensitive measures form part of the performance information provided in budget submissions in nine OECD countries (Austria, Belgium, Estonia, Israel, Korea, Mexico, Slovenia, Sweden, Switzerland).



In Austria, gender budgeting was introduced as part of the performance based budgeting framework codified in the budget law. The provisions require each chapter within the Annual Budget Statement to have outcome objectives, with at least one objective directly addressing gender equality. Sample objectives include: higher female participation in the labour market, improvement of the state of health of males aged above 50, reduction of the gender pay gap, and improvement of road security for males under 25.



In Israel, line ministries have conducted gender analysis of the budget since 2014. This process has resulted in a more gender balanced allocation of resources in a number of areas, such as science (scholarships and funds).



Canada published its first Gender Statement with the budget in 2017, providing a gender-based analysis and overview of budgetary measures. The Gender Statement represents the Canadian Government's first comprehensive effort at reviewing and reporting on how budgetary decisions affect women and men differently. The Canadian Government has committed to improve upon this work, and make meaningful progress in elevating gender equality to the mainstream of government decision-making.

**C Ex post gender budgeting: evaluations and audits are undertaken to ensure that gender-related performance objectives have been met, or understand why they have not been met**

**SELF-ASSESSMENT QUESTION**

- Is the government using assessment tools (such as ex post gender impact assessments, gender evaluations, gender audits and a gender perspective in spending review) in order to ensure that the expected gender outcomes of the budget were delivered? Are lessons from these assessments and audits being taken into account in future policy-making and resource allocation decisions?

**WHY IS IT IMPORTANT?**

During the ex post phase (after implementation), the government and its oversight institutions typically consider the extent to which the budget has achieved its intended outcomes, including those related to gender equality. Lessons from these assessments should feed into future budget decisions to improve the way the budget is used to achieve gender quality outcomes.

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- **Conduct ex post gender impact assessments in different policy areas:** This involves assessing individual budget measures, after their introduction/implementation, in relation to the impact they have had in bringing about gender equality. Information from this type of assessment is used to modify the design of policies and make them more effective as well as to inform managers in relation to future policy development. As with the ex ante impact assessment, the gender aspect of the ex post impact assessment may be undertaken individually or as part of any wider ex post impact assessment framework. These are usually conducted by qualified staff in individual line ministries.
- **Undertake a gender audit of the budget:** This is a single independent and objective analysis of the extent to which gender equality is effectively promoted and/or attained through the policies set out in the overall annual budget. It is often conducted by a competent authority different from the central budget authority, such as the supreme audit institution.
- **Include a gender perspective in spending review:** Gender should be routinely included as a distinct dimension of any spending review analysis by the authority conducting the review. This includes reviewing policies for their efficiency and effectiveness in delivering gender objectives and identifying ways to improve existing gender-related policies.

**WHAT ARE THE PITFALLS TO AVOID?**

- Lack of timely ex post gender assessment. This means that lessons from these assessments are not available in time to allow modification of gender policies or to feed into the next policy development cycle.
- Treating ex post gender assessment as an ‘afterthought’ when it is incorporated into a wider impact assessment (e.g., when undertaken as part of a broader evaluation of a program).
- Results of ex post gender assessments are not used by managers when making future policy or budget decisions.

**GOOD PRACTICE EXAMPLES**

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In Spain, the Andalusian Regional Government Administration launched a series of gender audits to assess the degree to which the budget programmes have implemented a gender perspective in the budget process in 2013. These now form part of its wider gender budgeting strategy. The specific objectives pursued by these audits are: (1) to assess the extent to which the objectives assigned to gender equality budget programmes have been attained; (2) to analyse and measure the extent to which gender mainstreaming has been implemented in budget planning, implementing and accountability; (3) to assess the strategies carried out by the managing centres to implement the methodology and achieve their targets; and (4) to identify best practices and make recommendations to strengthen gender responsive budgeting within the Andalusian Public Administration.

## D Enabling environment: ensure that there is clear leadership and strong coordination mechanisms for gender budgeting as well as gender-disaggregated data and stakeholder engagement to improve gender budgeting practices

### SELF-ASSESSMENT QUESTION

- Is there an effective institutional framework for gender budgeting? Who is leading the gender budgeting efforts? Are the roles and responsibilities of different ministries set out? Do they have the capacity to undertake this work? Is there sufficient gender-disaggregated data and stakeholder engagement to facilitate effective gender budgeting practices and accountability for results and impacts?

### WHY IS IT IMPORTANT?

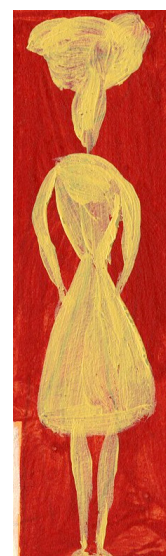
The quality of gender budgeting practices can be improved by creating a supportive, enabling environment. Clear leadership, together with co-ordination mechanisms, ensure that gender budgeting practices and procedures are aligned across government. The collection of gender-disaggregated data allows more accurate gender assessments and more targeted policies. Similarly, citizen engagement can also ensure that gender-sensitive policy making better reflects the needs of the population. Parliamentary engagement ensures that there is oversight of the government's gender budgeting practices and that the government is held to account for its stated objectives. "Gender tagging" of budget lines also improves accountability, as stakeholders can track resource allocation towards gender goals.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure clear leadership and strong co-ordination mechanisms for gender budgeting: Government efforts need to be underpinned by a strong leadership model where the roles and responsibilities of different ministries are clearly set out. In addition, there should be coordination mechanisms in place to ensure that gender budgeting practices and procedures are aligned across government. It is also useful to provide guidance (through budget circulars and other instruction documents) and training to help ensure that there is sufficient capacity to deliver gender budgeting goals.
- Systematically collect gender-disaggregated data: Gender-disaggregated data supports gender assessments and is pivotal in enabling governments to develop effective gender-sensitive and evidence-based policies. The government should collect gender-disaggregated data on how government services are used. This should be augmented by other data collecting institutions, such as the national statistics bureau, also collecting gender-disaggregated data.
- Engage with stakeholders on gender budgeting issues: Facilitating the engagement of parliaments, citizens and civil society organisations allows for more inclusive, participative and responsive gender budgeting practices.
- Tag gender budget lines: Tagging budget information which relates to gender equality, i.e. systematically assigning distinct functional classifications or codes to the relevant budget lines, programmes or performance indicators, can be useful for highlighting and monitoring over time how money disbursed through the budget contributes to achieving gender goals.

### WHAT ARE THE PITFALLS TO AVOID?

- Institutional roles and responsibilities are not clear and line ministries do not have sufficient guidance or capacity to deliver gender budgeting.
- Insufficient gender-disaggregated data to allow for rigorous gender assessments and audits to be undertaken.
- Insufficient engagement with civil society to enable evidence-based policies which promote gender equality.
- Parliament cannot or does not hold government to account for stated objectives relating to gender equality.
- Budget managers lack guidance or resources in order to be able to tag expenditure allocated for gender equality.



**GOOD PRACTICE EXAMPLES**

In Israel, in 2008 the Statistics Law was amended to require every data collecting institution to analyse and publish statistics by gender.



Mexico systematically tags budget allocations for gender equality and makes this information available to the public. Allocations are tracked as they are approved, modified and spent and this information is presented to Congress in quarterly reports and annual public accounts and is available to the public.

A number of OECD countries undertake structured dialogue with civil society to assess the impact of gender budgeting (Mexico, Netherlands, Israel). Similarly, some OECD countries ask stakeholders for their perception of the impact of gender-related policies (Austria, Netherlands, Iceland). From outside the OECD, Morocco is an example of a country which regularly communicates with civil society and stakeholders in relation to gender budgeting. Inter-agency groups exchange good practices, expert groups are asked for their advice, and there is a structured dialogue with civil society and other stakeholders..



In Sweden, each year the Swedish Women's Lobby analyse the state budget bill from a gender equality perspective. The aim is to see how resources are divided between women and men, and to examine if the government lives up to its commitments on gender equality.

## 5. ACCOUNTABILITY FOR GENDER EQUALITY AND MAINSTREAMING

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Consider establishing or strengthening capacity of independent institutions (such as Independent Commissions, Supreme Audit Institutions, Ombuds Offices), and advisory bodies (e.g., Government councils) to monitor the implementation of gender equality strategies, integrate gender issues in policy-making, and facilitate regular reporting, audits and measurement. To be effective, such oversight should be undertaken in a balanced manner and avoid prescriptive approaches to foster continuous improvement while enabling to track progress in gender equality.

#### 5.1. PRIORITY CHECKLIST TO ENSURE ACCOUNTABILITY FOR GENDER EQUALITY AND MAINSTREAMING

- A. Oversight institutions and advisory bodies are mandated and able to monitor implementation of government wide gender equality and mainstreaming policy
- B. Government takes appropriate actions to implement the recommendations of oversight institutions

## 5.2. SELF-ASSESSMENT TOOL

### A Oversight institutions and advisory bodies are mandated and able to monitor implementation of government wide gender equality and mainstreaming policy

#### SELF-ASSESSMENT QUESTIONS

- Do oversight institutions and advisory bodies have a clear mandate to monitor and provide recommendations to government with respect to the implementation of national gender equality and/or mainstreaming strategies?
- Is gender expertise available – within institutions themselves or through cooperation with specialized gender quality institutions – to support oversight institutions and advisory bodies in effectively monitoring the implementation of gender equality and/or mainstreaming strategies?
- Do oversight institutions and advisory bodies have a framework and a mechanism to measure progress vis-à-vis the implementation of gender equality and/or mainstreaming strategies?
- Can oversight institutions effectively communicate gender equality outcomes and disseminate the results of audits and gender equality measurements to citizens?

#### WHY IS IT IMPORTANT?

Sound accountability and oversight that involves reporting to the highest possible level of government increases the likelihood that gender mainstreaming initiatives will be successful and sustainable, and that gender equality will remain a legislative priority. In many OECD countries, oversight institutions play both a pre-emptive and “corrective” (or recourse) role. Oversight institutions can include parliaments, supreme audit institutions or ombuds office. Independent oversight institutions and advisory bodies have a unique view of government and can provide neutral, objective evaluations on policy formulation, implementation, evaluation and outcomes.

Oversight and accountability institutions can also play an important role in communicating to citizens about gender equality outcomes, gender mainstreaming strategies and gender equality concerns such as violence against women or the gender pay gap.

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure oversight institutions and advisory bodies are mandated and given sufficient authority to monitor, oversee and promote the implementation of gender equality over all of government;
- Provide independent oversight institutions and parliamentary bodies with the capacity (resources, staff, expertise) to monitor, oversee and promote the implementation of gender equality over all of government;
- Oversight institutions and advisory bodies established a framework and a mechanism to measure progress of the implementation – including a regulated process, an analytical framework and specific indicators.

#### WHAT ARE THE PITFALLS TO AVOID?

- Oversight responsibilities lay within government institutions instead of independent bodies – thus compromising reliable results;
- Oversight and advisory institutions have vague/weak mandates and authority with regard to monitoring gender equality strategies;
- Oversight and advisory institutions are inadequately staffed and resourced;
- Gender equality strategies’ monitoring efforts are conducted without a clear analytical and measurement framework - thus producing results which are not robust and comparable through time;
- Monitoring efforts are not conducted regularly.

**GOOD PRACTICE EXAMPLES**



**Sweden**

The 2015 Swedish National Audit Office Report stated the need for an institutional structure that strengthens gender equality work and helps ensure a long-term approach and sustainability. As a result, in its Budget Bill, the Swedish Government announced its intention to establish a gender equality agency in 2018 *to achieve a strategic, cohesive and sustainable governance, and effective implementation of the gender equality policy.*



**Austria**

The Austrian Parliamentary Budget Office (PBO) was established in 2012 to support Parliament in the budgetary process, in consulting and enacting budget laws and fulfil its oversight role. Key tasks of the PBO are supporting the Budget Committee in form of written expertise, analysis and short studies on budgetary matters presented by the government according to the Federal Organic Budget Act, preparing brief information upon request of members of Budget Committee, supporting other parliamentary committees regarding impact assessment of new legislation and – explicitly mentioned – consulting Parliament on performance budgeting concerning equality of women and men (gender budgeting). PBO studies address progress of gender equality in the framework of performance budgeting and also publish recommendations for enhancement of the framework (concept) itself.



**Israel**

The Department of Gender Equality in the Israeli Civil Service Commission is mandated to monitor implementation of government wide gender equality and mainstreaming policy. The Department of Gender Equality evaluates and measures each governmental office's current standing and progress, maintains an accountability framework, and creates relevant and significant work-plans for the advancement of gender equality and mainstreaming strategies, initiatives, public policies and programmes within each office.

Governmental offices and units are obliged to present the findings of these reports to the Exceptions Committee of the Israeli Civil Service Commission. The offices that do not reach their goals of adequate representation have their recruitment quota cut until a work-plan is presented to advance adequate representation.

*Sources: Swedish National Audit Office (2015), Summary: The Government's gender equality initiative – temporary or permanent improvements?, [http://www.riksrevisionen.se/PageFiles/22905/Summary\\_2015\\_13.pdf](http://www.riksrevisionen.se/PageFiles/22905/Summary_2015_13.pdf); information provided by the Government of Austria; Information provided by the State of Israel, Department of Gender Equality.*

**B Government takes appropriate actions to implement the recommendations of oversight institutions**

**SELF-ASSESSMENT QUESTIONS**

- Is there an established mechanism to address the findings and recommendations of gender equality monitoring and auditing reports?
- Are there clear responsibilities for the implementation of responses to gender equality monitoring and auditing results?
- Are line ministries and other government institutions equipped and accountable to undertake appropriate actions to implement the recommendations made by oversight institutions?

**WHY IS IT IMPORTANT?**

Regulatory mechanisms are needed to ensure that the recommendations of oversight institutions are implemented throughout the government. These mechanisms should clearly define procedures, timelines, actors involved, objectives and measurement for tracking the implementation of the recommendations and addressing existing gaps.

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- Identify a response mechanism – including procedures, methodology and timelines, and indicating actors involved and their responsibilities – for tracking the implementation of the recommendations and addressing existing gaps;
- Ensure financial and human resources are allocated for the implementation of the recommendations at the level of individual institutions.

**WHAT ARE THE PITFALLS TO AVOID?**

- Lack of a response mechanism – results and recommendations of gender equality monitoring and auditing efforts remain overlooked;
- The response mechanism does not involve all relevant actors, thus remaining ineffective;
- The response mechanism does not translate into individual institutions' responses – also lacking adequate resourcing.

**GOOD PRACTICE EXAMPLE****Canada**

In Canada, the House of Commons Standing Committee on the Status of Women, created in 2004, is mandated to oversee Status of Women Canada – the lead national mechanism at the federal level. This Committee focuses on analysing a range of issues of importance to women, scrutinising government decisions and policy advocacy. In addition, the Parliamentary Committee on Public Accounts regularly requires departments and agencies to report on how gender analysis informs their decision making. The involvement of the Office of the Auditor General in overseeing the commitment of the Canadian federal government to gender mainstreaming has proven particularly useful. In 2009, Canada's Office of the Auditor General examined 68 programmes, policy initiatives and acts of legislation across seven federal departments to ascertain the integration of gender analysis into policy making. The findings resulted in a series of recommendations around the role of central agencies in co-ordinating gender impact assessments for proposals submitted for Cabinet approval.

The Fall 2015 Report of the Auditor General of Canada, "Implementing Gender-based Analysis," released in February 2016, pointed to the need to do more to fully implement GBA (Gender-based analysis) as a rigorous practice across government. It recommended that Status of Women Canada (SWC), the Privy Council Office (PCO) and the Treasury Board of Canada Treasury Board Secretariat work with all federal departments and agencies to identify the barriers to implementing GBA and to periodically assess and report on progress. It further recommended that SWC assess the resources it needs to deliver on its GBA mandate. Canada's Gender Based Analysis Action Plan 2016-2020 was developed as a response to the Auditor General's recommendations on implementing GBA and it includes very specific actions that should enable the expansion of GBA tools across government.

*Source: Government of Canada (2016a), "Status of Women Canada, Privy Council Office and Treasury Board of Canada Secretariat Action Plan on Gender-based Analysis (2016-2020)", Available at: <http://www.swc-cfc.gc.ca/gba-ac/plan-action-2016-en.html>.*

## 6. MEASURING PROGRESS TOWARDS GENDER EQUALITY PERFORMANCE

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Strengthen the evidence base and systematically measure progress towards gender equality performance, based on gender impact indicators and measurable outcomes, by:

- i. developing and implementing evaluation, measurement and accountability frameworks and indicators and collecting data to regularly assess and report on performance of gender equality and mainstreaming strategies, initiatives, public policies and programmes at appropriate levels of government. Consider building capacity of public institutions based on these evaluations;
- ii. actively promoting data dissemination and ensuring affordable, effective and timely access to performance information on gender equality and mainstreaming, that allows for tracking results against targets, monitoring progress towards socio-economic development and for comparison with international and other benchmarks; and
- iii. increasing co-ordination among data collecting and producing bodies and collaboration with relevant stakeholders with a view to developing better gender impact indicators.

### 6.1. PRIORITY CHECKLIST FOR SYSTEMATICALLY MEASURING GENDER EQUALITY PERFORMANCE

- A. Government performance on national gender equality goals is regularly assessed and monitored at appropriate levels of government
- B. Data and information on the outcomes of gender equality policies and programmes are collected, accessible and actively disseminated
- C. Relevant data collecting/producing bodies work in coordination and based on agreed upon gender impact indicators

### 6.2. SELF-ASSESSMENT TOOL

**A** Government performance on national gender equality goals is regularly assessed and monitored at appropriate levels of government

#### SELF-ASSESSMENT QUESTIONS

- Does the national gender equality strategy establish a monitoring mechanism which tackles different levels of government?
- Does the national gender equality strategy include impact indicators?
- Have line ministries and other government institutions developed institutional indicators to translate national gender impact indicators into sector specific indicators?
- Have line ministries and other government institutions' monitoring and evaluation units been trained on reporting on the implementation of gender equality goals;
- Do line ministries and other government institutions regularly engage in monitoring requirements?



## WHY IS IT IMPORTANT?

Robust monitoring and evaluation mechanisms are vital for ensuring that gender equality strategies achieve their intended impacts. Monitoring assesses progress, improves decision making, allows programmes to be adjusted for greater impact, and enhances accountability and institutional learning. It also helps policy makers understand where resources are needed. The first step in monitoring is developing indicators and data (see Section 2.2 for more information on the importance of building or strengthening the capacity of public institutions for implementing gender mainstreaming strategies).

## WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Establish a national monitoring mechanism as part of the national gender equality strategy indicating institutional responsibilities for measuring progress;
- Establish and adequately resource a capacity development plan to strengthen government capacity to collect relevant data and information against set gender impact indicators;
- Strengthen the capacity of monitoring and evaluation units within line ministries and other government institutions to collect, manage relevant data and regularly report on gender equality indicators;
- Line ministries and other government institutions adopt (sector) specific gender impact indicators in line with national gender equality indicators and international benchmarks.

## WHAT ARE THE PITFALLS TO AVOID?

- Gender equality monitoring mechanism remains vague and roles and responsibilities inadequately defined;
- Insufficient allocation of (financial and human) resources to empower institutions' monitoring capacity, assuming that adding a "gender focus" would not require additional resources;
- Focus only on "input indicators", like number of trainings and number of beneficiaries, instead of "outcome indicators", that describe the outcomes of these efforts;
- Line ministries and other government institutions' monitoring capacity remain limited and lack focus on gender equality;
- Lack of clear leadership and accountability frameworks makes monitoring efforts ineffective and fragmented.



**GOOD PRACTICE EXAMPLES****Sweden**

The Swedish National Audit Office (NAO) is part of the central control power of the Swedish Riksdag (Parliament). It is an independent organisation under the Riksdag and it ensures that the Riksdag receives a coordinated and independent audit of the state finances. NAO audits the whole chain of the executive power, through performance- and financial audits. NAO also contributes to the development of the parliamentary control power and the democracy of other countries through its international assignment. In 2015, Swedish NAO undertook an audit to assess whether conditions exist that make the results of specific gender policy measures sustainable and lead to permanent improvements. The Audit also aimed to evaluate the Government's design and management of the initiative was effective. Following the findings of the Audit which stressed the need for an institutional structure that strengthens gender equality work and recommendations of a Gender Equality Inquiry undertaken the same year, the Swedish Government, through its Budget Bill, stated its intention to establish a gender equality agency, to be operational from the beginning of 2018.

**Austria**

The system of performance management in Austria follows a clear structure which includes ex ante strategic planning, as well as ex post internal evaluation processes. It involves every ministry and supreme organ and focuses on gender equality. Developing of a strategy marks the first step in the process of performance management. Ministries and supreme organs determine their resource requirements within the strategy report, which is part of the federal medium-term expenditure framework act. This forms the basis for operationalising the strategy within the process of the annual budget compilation. Every supreme organ and every ministry has to formulate at maximum five annual outcome objectives. At least one out of up to five annual outcome objectives has to concern gender equality. In the following step, measures are formulated and relevant indicators are determined in order to ensure pursuing the goals set. Outcome objectives and planned measures are translated into a performance mandate, which determines the actions taken by the ministries and supreme organs. The consistent pursuit and achievement of the outcome objectives is affected by the success of the implementation and realisation of the planned measures. The next step in the process is the evaluation of measures and outcomes. In this part of the process, the outcome objectives, which were formulated in the beginning are compared to the actual outcomes using the determined indicators. The implementation and realisation of the measures is evaluated and degree of achievement is assessed annually. The findings, knowledge and experience create the foundation for the evaluations in the following years.

*Source: Swedish National Audit Office, About the Swedish NAO: [www.riksrevisionen.se/en/Start/About-us/](http://www.riksrevisionen.se/en/Start/About-us/); Information provided by the Government of Austria.*

**B Data and information on the outcomes of gender equality policies and programmes are collected, accessible and actively disseminated****SELF-ASSESSMENT QUESTIONS**

- Are specific institutions/departments/units mandated and able to collect relevant data and information based on agreed upon gender impact indicators?
- Are data and information (regularly) collected at different levels of government received by and their accessibility centralised within a specific institution?
- Are data and information collected adequately circulated to relevant actors and awareness raised on remaining gaps and challenges?
- Is the national statistics bureau engaged in collecting gender disaggregated data and supporting data collection against national gender impact indicators?

**WHY IS IT IMPORTANT?**

For decision and policy making to be gender-sensitive and evidence-based, it must rely on high quality, readily accessible gender-disaggregated data. Without such data, it is very difficult to understand the impact of gender equality and mainstreaming strategies and initiatives or the consequences of policies. Data on gender equality and mainstreaming in a country should be easy to access and allow results to be tracked against national and international targets and benchmarks. Although information to measure empowerment of women and men is increasingly available in most countries, significant gaps remain in areas such as gender bias and gender-based discrimination, gender-based violence, opportunities to reconcile professional and private life and entrepreneurship. Developing common regional or international indicators could encourage countries to use such measurement tools.

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- Involve and engage the National Statistics Bureau to ensure collection of gender-disaggregated data across all sectors and in line with national gender impact indicators;
- Work with relevant stakeholders (including NGOs, service providers, etc.) to collect sex- disaggregated data against national gender impact indicators and in fields relevant to measure progress regarding national gender equality goals;
- Promote national, regional and international coordination and cooperation mechanisms to promote consistent gender equality data collection and measurement;
- Require data disaggregation by gender, as well as the incorporation of a gender perspective within national statistical legislation;
- Ensure that reliable data management systems are in place for collecting gender-disaggregated data.

**WHAT ARE THE PITFALLS TO AVOID?**

- Gender impact indicators are vague and do not allow for tracking results against targets or for comparison with international and regional benchmarks;
- Data collecting and producing bodies lack the necessary resources to strengthen gender focus and standardise sex disaggregation (training, specialised expertise, budget) to produce gender- disaggregated data;
- Relevant data and information are collected not regularly and not across all sectors;
- Data and information collected remain stored across multiple institutions and are not easily accessible.

**GOOD PRACTICE EXAMPLES****New Zealand**

In 2009 and 2010, New Zealand's Ministry of Women's Affairs published *Indicators for Change: Tracking the Progress of New Zealand Women*, which provides a wealth of information on the social and economic status of women and gives policy makers valuable insights into where gender gaps persist.

**United States**

In 2011, the White House Council on Women and Girls published a landmark set of social and economic well- being indicators grouped into five areas of interest – people, families and income, education, employment, health, and crime and violence – to compile a baseline on how women are faring in the United States and how these trends have changed over time.

**Norway**

Since 2008, Statistics Norway has published national gender equality indicators, including: share of one- to five-year-olds in kindergarten, gender distribution in municipal council representatives, education; gender distribution in the workforce, distribution of income, gender distribution in part- time work, use of fathers' quotas; gender distribution in business structures, gender distribution in the public sector; gender distribution in the private sector, gender distribution among leaders, and gender distribution in educational programmes. Results are published on a national scale and are also available by county and municipality to allow policy makers to address regional and local issues.

**Austria**

Reflecting the effects and impacts of gender equality policies is the final and most important step of performance management in Austria. The ministries have to undergo a self-evaluation which entails monitoring the performance indicators and describing causal effects of implemented activities of a policy field. The Federal Performance Management Office is monitoring, collecting systematically and undertaking quality assurance of the results to afterwards compiling a standardized report and submitting it to Parliament and the public. In addition, new web based visualisation techniques have been developed that allow an individual perspective on the data and better presentation of horizontal coherence, time series and vertical integration with impact assessments on gender equality to raise awareness and facilitate in-depth discussions (publicly accessible via [www.wirkungsmonitoring.gv.at](http://www.wirkungsmonitoring.gv.at)). Moreover, the website provides an overview about the governmental priorities focusing on gender equality in a so-called 'gender land map' which is connected to the last years' evaluation results.

Source: Ministry of Women's Affairs of New Zealand (2009), *"Indicators for change: Tracking the progress of New Zealand Women,"* available at [mwa.govt.nz/sites/public/files/indicators-for-change-2009.pdf](http://mwa.govt.nz/sites/public/files/indicators-for-change-2009.pdf); The White House website on the Council on Women and Girls, [www.whitehouse.gov/administration/eop/cwg](http://www.whitehouse.gov/administration/eop/cwg); Statistics Norway, [www.ssb.no/en/befolkning/statistikker/likekkom](http://www.ssb.no/en/befolkning/statistikker/likekkom); Information provided by the Government of Austria

## C Relevant data collecting/producing bodies work in coordination and based on agreed upon gender impact indicators

### SELF-ASSESSMENT QUESTIONS

- Are data collecting and producing bodies collaborating with one another and with relevant stakeholders to gather data against national gender impact indicators?
- Is there alignment between indicators utilised at different level of government to monitor outcomes of gender equality strategies and initiatives with international gender equality indicators?
- Is there an agreed strategy or mechanism to convey relevant data collected in the country to measure progress concerning the realization of national gender equality goals?

### WHY IS IT IMPORTANT?

To ensure that the most relevant data and indicators for gender equality are collected and disseminated effectively, data collecting and producing bodies (such as national statistical offices) co-ordinate their work with other relevant governmental (gender focal points, line ministries, etc.) and non-governmental (such as civil society organisations, universities, think tanks and experts) stakeholders. Central gender equality institutions also play an important role in working with ministries to define and co-ordinate their needs for gender-disaggregated data (see section above for the roles and responsibilities of various institutional actors to measure and evaluate the performance of gender equality and mainstreaming strategies and initiatives on the basis of data and indicators).

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Promote formal coordination mechanisms among national statistical offices and key institutions and stakeholders tasked with implementing gender equality and mainstreaming throughout government (line ministries, central gender equality institutions, etc.);
- Promote coordination at the regional and international level to align national gender impact indicators with regional and international ones;
- Increase data accessibility.

### WHAT ARE THE PITFALLS TO AVOID?

- Lack of alignment and comprehensive/coordinated engagement among data collecting and producing bodies;
- Insufficient coordination mechanisms among national statistical offices and key institutions tasked with implementing gender equality and mainstreaming throughout government (line ministries, central gender equality institutions, etc.);
- Limited coordination between national statistical offices and civil society representatives for the identification of effective gender indicators.

### GOOD PRACTICE EXAMPLES



#### Belgium

The Institute for the Equality of Women and Men in Belgium conducts research of its own but also cooperates with gender experts and universities to gain knowledge on gender issues within the Belgium context. It also publishes reports on sex-disaggregated statistics.

Source: European Institute for Gender Equality (2016), *Institutional Transformation Toolkit*, Publications Office of the European Union, Luxembourg.

## 7. COMPLAINT AND APPEAL MECHANISMS TO PROTECT RIGHTS FOR GENDER EQUALITY

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Establish or maintain effective, independent, impartial and efficient complaint and appeal mechanisms to protect rights for gender equality and consider complaints in an efficient, competent and impartial manner.

#### 7.1. PRIORITY CHECKLIST FOR PROTECTING RIGHTS FOR GENDER EQUALITY AND CONSIDERING COMPLAINTS

- A. Effective, independent and impartial complaint and appeal mechanisms exist to protect rights for gender equality
- B. Complaints are considered in an efficient, competent and impartial manner

#### 7.2. SELF-ASSESSMENT TOOL

### A Effective, independent and impartial complaint and appeal mechanisms exist to protect rights for gender equality

#### SELF-ASSESSMENT QUESTIONS

- Are independent complaint mechanisms in place to protect women's rights and cases of gender-based discrimination?
- Does your country have an Equality Body assisting victims of discrimination, monitoring and reporting on discrimination issues, and promoting equality?
- Are government institutions and their staff aware of those complaint mechanisms?
- Are complaints dealt with in an efficient and impartial manner?

#### WHY IS IT IMPORTANT?

Independent monitoring mechanisms, such as gender equality or human rights commissions, provide independent recourse for complaints related to gender-based violation of rights and discrimination and oversee the implementation of gender equality commitments of the government. Such independent oversight bodies need sufficient authority over national government institutions to be truly independent and impartial. They can help provide checks on various government entities, and also contribute to the longevity and sustainability of gender equality reform during periods of change in the political environment. Equality bodies can provide reliable information about the challenges faced by victims of gender-based discrimination and gender-based crimes (including gender-based violence) and on the challenges in the actual implementation of gender equality policies in the country.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Establish an independent complaint and appeal mechanism to protect rights for gender equality and consider complaints related to gender-based discrimination;
- Ensure that there is political commitment to ensure the independence, impartiality and sustainability of gender equality complaint and appeal mechanisms/bodies;
- Conduct communication and information campaigns regarding gender equality complaint and appeal mechanisms to promote their existence and accessibility.

### WHAT ARE THE PITFALLS TO AVOID?

- Absence of complaint and appeal mechanisms or bodies to protect rights for gender equality;
- Gender equality complaint and appeal mechanisms are not known or accessible.

### GOOD PRACTICE EXAMPLE



Sweden

In Sweden, the Equality Ombudsman is the government agency whose mandate is to protect equal rights and opportunities for all and fight discrimination on grounds of sex, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation or age. It primarily supervises compliance with the Discrimination Act and develops measures to prevent discrimination at work, in universities and at school. The institution also monitors compliance with parental leave laws, ensuring entitlement and take-up, and that parents who take their leave are not paying the price directly or indirectly in the workplace. Gender equality is part of the Equality Ombudsman’s remit. It analyses and evaluates gender gaps in a variety of areas (e.g. education and employment) to find ways of improve equality in the country.

Source: OECD (2014), *Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth*, OECD Publishing, Paris.



## B Complaints are considered in an efficient, competent and impartial manner

### SELF-ASSESSMENT QUESTIONS

- Are gender equality complaint and appeal mechanisms accessible to a broad spectrum of potential users?
- Are cases of gender-based discrimination always addressed?
- Are cases of gender-based discrimination dealt with by competent staff?
- Are gender equality complaint and appeal bodies independent in their legal framework, functioning modality and resourcing mechanisms?
- Are gender equality complaint and appeal bodies given the right level of authority and influence to effectively deal with cases of gender-based discrimination?

### WHY IS IT IMPORTANT?

To fulfil their mandate, complaint and appeal mechanisms need to have sufficient human and financial resources, as well as clearly defined roles and responsibilities. The reporting mechanisms should be tailored to the needs of the potential users, and the complaint handling procedure should be publicised to ensure transparency and accountability. The complaints review process should be timely, independent, objective and impartial. There should also be an appeal process whereby an independent panel reviews the result of a complaint or of a decision on a complaint.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure that independent gender equality complaint and appeal mechanisms/bodies have access to the necessary funding and expert staffing;
- Acknowledge receipt of the complaint as soon as possible, and inform the complainant on potential follow-up and timeline;
- Widely disseminate information on how the complaint mechanism works, including timelines; who, where and how can a complaint be submitted; what outcomes can be expected; what rights and protection are guaranteed, including confidentiality and anonymity; where and how the complaint can be followed up, including appeal process, etc.;
- Establish an independent appeal panel, as well as criteria on its independence and operations.

### WHAT ARE THE PITFALLS TO AVOID?

- Insufficient human and financial resources available to complaint and appeal mechanisms/bodies;
- Unclear timelines and procedures for how complaints are handled;
- Lack of clear information on how the complaint will be handled (responsibilities, timelines, outcomes);
- Absent or insufficient safeguards to protect independence of an appeal mechanism/body.

### GOOD PRACTICE EXAMPLES

#### Austria

According to the National Action Plan for Gender Equality in the Labour Market and following amendments to the Equal Treatment Act, since 2011, employers (including the civil service), are required by law to compile reports on the average earnings of women and men. The Ombudsman for Equal Treatment and the Equal Treatment Commission play a key role in the review of complaints.

Source: OECD (2014), *Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264210745-en>

# 03

## **GENDER-SENSITIVE PRACTICES IN PARLIAMENTS**



*Parliaments and legislative bodies are core actors in the realisation of the gender equality agenda in their capacity as law-makers, oversight bodies, and employers. As representatives of the people, parliaments are expected to both reflect the wishes and needs of the women and men they represent, but also ensure that all policies, including legislation, promote their interests. Ensuring equal opportunities for women and men, girls and boys to fully realise their potential requires that parliaments and legislatures themselves model and advance gender-sensitivity in all processes, practices and procedures. This section of the Toolkit aims to provide parliaments, legislatures and other deliberative bodies with a strategic framework and instruments to help design, implement, monitor and evaluate public policies from a gender equality perspective, and enable women's access to top positions. It also aims to create and strengthen linkages between gender equality efforts within legislative bodies with the practices of other political and public institutions, such as electoral management bodies (EMB), national statistical offices and political parties. This section of the Toolkit includes the following three areas of focus:*

- *Mainstreaming gender in internal parliamentary processes, and practices.*
- *Integrating a gender perspective in parliaments' external oversight and accountability functions.*
- *Achieving balanced representation of women and men in parliaments/legislatures at all levels.*

## 1. MAINSTREAMING GENDER IN INTERNAL PARLIAMENTARY PROCESSES AND PRACTICES

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Strengthen accountability and oversight mechanisms for gender equality and mainstreaming initiatives across and within government bodies by encouraging a greater role of parliaments and parliamentary committees to support progress in gender equality, for example: by integrating gender perspectives in parliamentary practices, legislation and budgeting; by promoting legislative initiatives focusing on gender equality; and by providing oversight of the implementation of gender equality and mainstreaming strategies and initiatives.

## 1.1. PRIORITY CHECKLIST FOR MAINSTREAMING GENDER INTERNAL PARLIAMENTARY PROCESSES AND PRACTICES

- A. A framework policy for gender mainstreaming has been established in the Parliament
- B. Parliamentary gender mainstreaming mechanisms (e.g. committees, caucuses, research bodies, secretariats/commissions) are created and empowered
- C. Processes and tools are in place to enable gender mainstreaming in parliamentary systems and practices
- D. Internal gender mainstreaming outputs and outcomes are monitored.

## 1.2. SELF-ASSESSMENT TOOL

### A A framework policy for gender mainstreaming has been established in the Parliament

#### SELF-ASSESSMENT QUESTION

- What policies inform the political institution’s overall approach to gender mainstreaming and gender equality?

#### WHY IS IT IMPORTANT?

Gender policies in parliaments should set out a strategic vision and plan to achieve specific objectives and can be used to hold any institution accountable for their actions – or inaction. Gender equality policies can cover gender mainstreaming, codes of conduct, equal access to resources or equal opportunities for advancement, anti-discrimination, and harassment, including provisions relating to grievance mechanisms or mechanisms for redress.

It is important to align goals and objectives with existing national gender equality policies. Self-assessments or gender audits can help identify existing efforts, opportunities for scale-up and persisting gaps and challenges, and serve as a baseline for measuring progress.

Consultation with a broad range of stakeholders, including governmental gender mechanisms (within ministries, statistics offices, electoral management bodies), parliamentary gender committees, caucuses, and secretariats, political parties, and civil society organisations – not only creates buy-in, but may also help identify resources and expertise to support policy implementation.

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Securing endorsement and support of parliamentary leadership;
- Conducting gender audits or self-assessment of current policy gaps;
- Identifying and mandating relevant bodies;
- Determining clear, useful indicators and baselines to measure progress including through a needs assessment survey;
- Specifying reporting frameworks and relationships (when are gender equality reports made and to whom);
- Working towards cross-party consensus on gender equality initiatives;
- Ensuring the active participation of employees and key stakeholders in the design, implementation, monitoring and assessment of the gender equality plan.

## WHAT ARE THE PITFALLS TO AVOID?

- Creating a policy “in a vacuum” or without reference to broader gender policy initiatives and commitments;
- “Doing it alone”: underdeveloped consultation processes within parliament or externally;
- Establishing unrealistic objectives, or setting an institution up to fail;
- Failing to take into account broader organisational political dynamics;
- Making policy progress dependent on financial resources;
- Placing responsibility for gender mainstreaming solely in gender equality mechanisms.

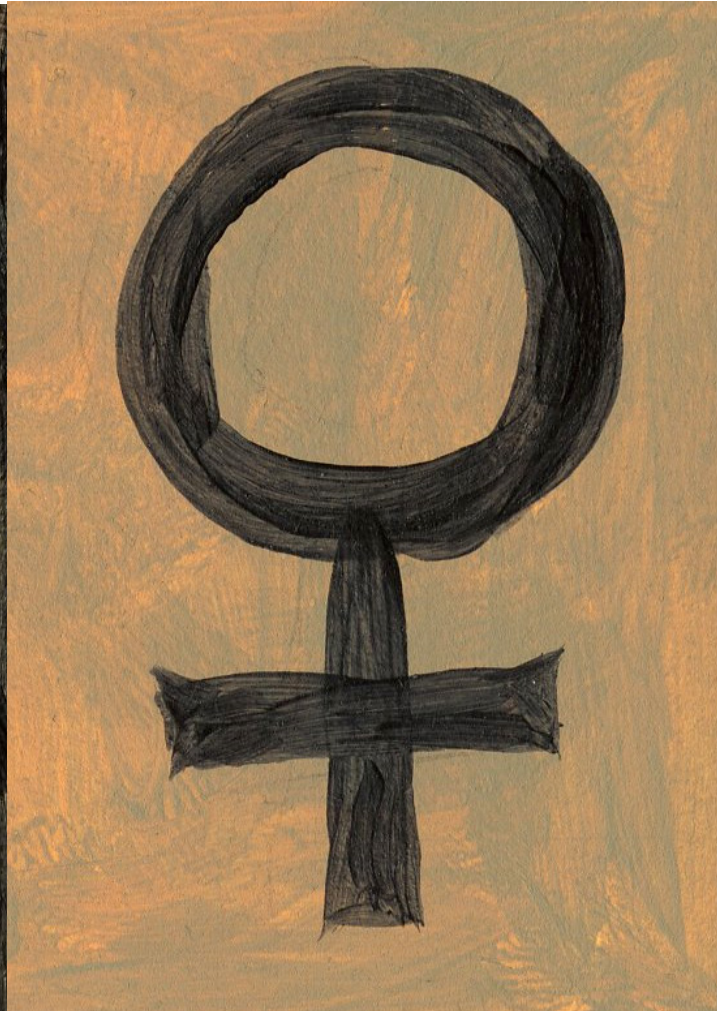
## GOOD PRACTICE EXAMPLES



### Sweden

The Gender Equality Action Plan of the Swedish Parliament 2006-2010, was developed based on the finding of an internal survey assessment conducted by the Swedish Speaker’s Reference Group on Gender Equality Issues. The survey revealed that despite significant gains towards gender equality, women parliamentarians still faced significant challenges in advancing their careers and receiving the same level of respect as their male counterparts. The survey results were captured in a document entitled “15 proposals for gender equality in Parliament” that later formed the basis of the parliament’s first formal gender action plan.

A gender equality plan is now adopted for each legislative session and the Secretary-General is responsible for ensuring reporting on results achieved and challenges remaining. The plan pinpoints areas in which gender inequity persists and identifies concrete actions to address these within a specified time period by specific actors. Through the gender action plans, key gender mainstreaming outcomes have been achieved in making the parliament more responsive to the needs of women and men, including by introducing subsidized child care, the ability to take parental leave without resigning, and standardization of working hours and sessions.



**B** Parliamentary gender mainstreaming mechanisms (e.g. committees, caucuses, research bodies, secretariats/commissions) are created and empowered

**SELF-ASSESSMENT QUESTION**

- To what extent are existing gender mainstreaming mechanisms resourced to undertake their mandate?

**WHY IS IT IMPORTANT?**

Many parliaments have established committees, sub-committees or multi-portfolio committees to address gender equality concerns, with mandates clearly spelled out in rules of procedures, statutes, or other procedural documents. Properly mandated committees are not only responsible for drafting or amending gender equality laws, but are also empowered to scrutinise all governmental policy and legislation from a gender perspective, to ensure that all laws abide by international gender equality commitments and are aligned with national policies. Importantly, this should include a mandate to review and amend budget bills.

There are a range of other gender equality mechanisms that parliaments can support financially and/or in-kind to promote gender mainstreaming and gender equality. These include: formal or informal cross-party women’s caucuses, clubs or networks, gender divisions or departments within the parliamentary secretariat, and gender or women’s research centres. While few informal or cross-party mechanisms enjoy the power to initiate legislation like their formal committee counterparts, they can be given powers to scrutinise legislation, particularly where formal gender committees do not exist.

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

- Clearly specifying roles, responsibilities and powers of gender equality mechanisms in rules of procedure or statutes;
- Empowering gender bodies to scrutinise budget plans, laws and policies;
- Equipping parliamentary bodies with sufficient resources such as people, budgets, access to experts and expertise, and time to deliberate;
- Providing other types of support, such as staff, work rooms and access to communications resources;
- Recognizing and supporting informal gender mechanisms such as caucuses.

**WHAT ARE THE PITFALLS TO AVOID?**

- Positioning gender mainstreaming work as an “add-on” or voluntary activity;
- Unequal access to parliamentary resources;
- Limited oversight powers of gender bodies;
- insufficient powers of parliamentary gender bodies to review and amend budget bills;
- Limited enforcement of the oversight powers of parliamentary gender bodies;
- Scheduling important votes or activities at the same time that gender bodies such as committees or caucuses are meeting.

## GOOD PRACTICE EXAMPLES

Many OECD member countries have established some form of gender equality committees. The majority are multi-functional committees, while the parliaments of Austria, Belgium, Canada, Denmark, France, Mexico, Spain, Turkey and the United Kingdom have established specialised committees that deal specifically with gender equality issues. In Mexico, the Gender Equality Commission of the Chamber of Deputies was established to promote reform on highly gender-sensitive issues – such as violence, health, and political participation – and to encourage state and local governments to adopt public policies on gender equality and equal opportunity. It also lobbies for the approval of budgets that meet the specific needs of Mexican women. Since the Congress' commission came into being, state-level congressional bodies have established similar commissions to promote gender equality at the sub-national level. The Gender Equality Commission of the Chamber of Deputies is also actively campaigning for the use of the budget gender-earmarked through the elaboration of Expenditure Annex for Equality between Women and Men in the Federal Expenditures Budget. The parliaments of **Hungary** and **Portugal** have established dedicated sub-committees on gender equality, while gender is addressed in a multi-portfolio committee within the **Irish** parliament.

Few women's caucuses in the OECD region enjoy the power to initiate legislation however do exercise powers of scrutiny and input. The Network of Women Members of the **Finnish** Parliament, for example, enjoys the power to draft amendments (such as to the law on gender equality and law on provision of universal child care); review legislation from a gender perspective; contribute to the development of legislation, as well as the provision of micro-loans to women entrepreneurs; and promote the use of gender budgeting. The **Polish** Parliamentary Group of Women is formally recognised by the parliament, and has been at the forefront of developing quota legislation as well as supporting the Office of the Government Plenipotentiary for Equal Treatment to lobby the government to sign the Council of Europe's Convention on Preventing and Combating Violence against Women. In Chile, women's caucuses and groups in the Senate has played a leading role in the adoption of a new legislation establishing the Ministry of Women and Gender Equality, providing six-month-maternity leave and combatting violence against women.

Even where such mechanisms do not enjoy core parliamentary powers, parliaments can still provide support by ensuring equal access to resources. In **Finland**, the Network of Women Members of the Finnish Parliament is able to access the resources of the internal research service as well as of the International Unit; has been provided a room to meet, and has been allocated funds by the parliament to cover meetings and events. The **Swedish** parliament provides the Speakers' Reference Group on gender with two parliamentary staff members as well as resources earmarked from the parliament's general budget.

Leadership support and, where possible, direct participation in gender mechanisms can also demonstrate parliamentary support for gender equality. The **Swedish** Reference Group was purposefully established as a mechanism to be led by the Speaker, whether a man or a woman, to indicate the parliament's commitment to gender equality and women's advancement.

## C Processes and tools are in place to enable gender mainstreaming in parliamentary systems and practices

### SELF-ASSESSMENT QUESTIONS

- What tools and processes (e.g., gender analysis, stakeholder consultation, access to sex-disaggregated data, gender impact assessments, gender budgeting) are legislatures empowered and supported to employ?
- How effective are the processes and tools available?

### WHY IS IT IMPORTANT?

A range of tools have been developed specifically for the use of parliamentary members and staff to guide gender mainstreaming efforts. Gender analysis allows a better understanding of the perspectives, interests and needs of women and men, girls and boys in order to make public policy more responsive and effective. It looks at relationships, access to opportunities, and access to and control over resources. It includes the preparation of research reports, the analysis of public policy and laws, and the scrutiny of government performance, in order to better understand the gender impact of policies, programmes, laws and initiatives.

Gender impact assessments also look at the impact of legislation and policy on women and men, girls and boys. Ex ante assessments use a systematic checklist to assess the potential impact of legislation. Ex post assessments analyse the actual impact of policy, legislation, programmes and projects to determine whether objectives were met, whether gender equality was achieved, and how gaps or discriminatory outcomes can be addressed through amendments.

Both tools work best when based on in-depth consultations with a range of stakeholders of both sexes and from a range of socio-economic backgrounds, ages and ethnicities. In addition, they require access to sex-disaggregated data, accessed either through the parliament's own research bodies or appropriate government bodies, such as national statistical bodies.

Gender budgeting tools have been developed to aid parliamentarians in analysing the budget from a gender perspective. These include gender policy appraisals (a type of gender analysis of the budget); gender-disaggregated beneficiary assessments (to collect the views and needs of women and men, girls and boys); gender-disaggregated public expenditure analysis; gender-disaggregated tax analysis (to determine the differential impact of tax systems on women and men); gender-disaggregated analysis of the impact of the budget on time-use; gender-aware medium-term economic policy framework; and gender-aware budget statements. The use of such tools can provide sex-disaggregated data to inform gender-sensitive and responsive policy making.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Properly resourcing secretariat or administrative gender bodies to support the use of gender mainstreaming tools;
- Building in-house gender research capacities, including in gender analysis and analysis of sex-disaggregated data;
- Mandating the use of gender mainstreaming tools in core parliamentary processes, such as gender analysis and/or gender impact assessments;
- Introducing and undertaking gender budgeting initiatives;
- Building the capacity of MPs and staff to apply core gender mainstreaming tools;
- Developing channels to promote representative consultation of stakeholders and beneficiaries of proposed policies, programmes or laws;
- Creating a feedback loop between the consultation and the policymaking process.

### WHAT ARE THE PITFALLS TO AVOID?

- Insufficient investment in strengthening capacity of all MPs and staff, including leadership, on the use and application of core gender tools;
- Limiting consultation efforts to the “usual suspects” in policy review and development;
- Limited integration of sex-disaggregation in data collection processes;
- Insufficient allocation of resources to build capacity of bodies undertaking gender analysis and other gender mainstreaming tools;
- Setting expectations too high in terms of gender budgeting outcomes;
- Ignoring the findings of gender mainstreaming tools, including gender budget statements.

## GOOD PRACTICE EXAMPLES



## Mexico

In Mexico, the Centre for Studies for the Advancement of Women and Gender Equality was established in the Congress to provide “specialised technical support and analytical information services” to help ensure equality between women and men. The centre focuses on gender mainstreaming budgets; advancing legislative harmonisation in conformity with gender equality obligations; and promoting women’s political participation, issuing reports on legislation, research papers and analyses as appropriate. Centre staff are trained to provide assistance in the integration of information systems, development of indicators, provision of training and advisory services, and drafting of analytical materials.



## Austria

In Austria, a specialised research unit has been mandated to conduct analysis of the budget from a gender perspective, to support MPs in scrutinising budget plans. The Austrian Parliamentary Library produces regular publications on women in parliament across all federal and state jurisdictions, and when requested, will include analysis of sex-disaggregated data in client briefings.



## Norway

In Norway, the Stortinget (parliament) has issued a series of white papers and resolutions on gender equality issues. These include white papers on the cultural industry as a means to improve the representation of women in all cultural arts, particularly by recommending measures that link public funding for performing arts and film production to the balanced representation of women and men. Other papers focus on engaging men in gender equality, equal pay, recruiting women into the armed forces, and assessing living conditions for members of the LGBTIQ community.

## D Internal gender mainstreaming outputs and outcomes are monitored

### SELF-ASSESSMENT QUESTION

- How does the parliament facilitate oversight of its internal gender mainstreaming agenda?

### WHY IS IT IMPORTANT?

It is crucial to carry out regular monitoring and evaluation of gender mainstreaming and gender equality implementation to identify successes and achievements, pinpoint continuing gaps and challenges, and hold different actors accountable for specific gender mainstreaming actions. Gender equality mechanisms should also regularly engage in self-assessment (or commission external experts to conduct an evaluation) of how effective they are in promoting gender mainstreaming. Internal oversight provides an opportunity for the parliament to reflect on the gendered nature of the institution and identify innovative ways forward.

Internal monitoring and evaluation through regular gender audits or assessments can help assess institutional progress towards achieving a more gender-friendly working culture. Such audits should examine both the effectiveness of formal procedures in promoting gender equality as well as whether informal practices challenge or reinforce gender-based stereotypes.

Internal consultation is also critical; engaging with parliamentary representatives and staff can help publicise gender mainstreaming efforts, build buy-in and produce new ideas and perspectives.

Institutions and gender equality mechanisms should also celebrate and publicise their achievements, such as in annual reports, on the government or parliamentary website, via newsletters or promotional materials or through partnerships with the media or academia.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Performing internal gender audits to assess successes and challenges in implementing the gender mainstreaming policy;
- Securing the buy-in and, where possible, participation of leadership in assessment processes to serve as gender “champions”;
- Consulting a broad range of internal and external stakeholders to collect a diverse range of views and good practices;
- Ensuring that men occupying a range of positions are engaged in the process;
- Specifically identifying remaining gaps or unintended consequences of policy implementation;
- Widely disseminating audit findings;
- Creating channels for gender audit findings to feed into existing policies in order to further strengthen implementation and outcomes;
- Celebrating and promoting gender mainstreaming achievements as shared parliamentary accomplishments;
- Encouraging parliamentary leadership to assume ownership for gender audit results.

### WHAT ARE THE PITFALLS TO AVOID?

- Limited engagement of men or key external interlocutors, or dismissing their views;
- Insufficient support and buy-in of parliamentary leadership;
- Insufficient engagement of political party leaders in the assessment process;
- Inadequate use of gender audit findings to inform parliamentary gender and other policies.



### GOOD PRACTICE EXAMPLES



#### Sweden

In the Lower House of the Swedish parliament, a gender perspective has been integrated into performance audits in order to assess progress towards broader parliamentary outputs and outcomes. The Chilean parliament undertook a gender self-assessment, driven by the parliamentary library, which included baseline research to determine: the number of women and men in different parliamentary positions, including in leadership committees and the Secretariat; an assessment of the rules procedure, gender-related parliamentary policies and existing gender equality legislation; a review of national policies and plans, including the constitution; reports from international treaty bodies, including the CEDAW Committee; and a review of women’s representation in political parties. These studies formed the basis of the self-assessment process and were provided to all participants as a means of framing the discussions and to clearly identifying gaps, challenges and opportunities for enhanced gender mainstreaming within the parliament.

In 2015, the parliament of the United Kingdom commissioned a report, entitled “The Good Parliament”, which contains 43 recommendations. Following the report, a “Commons Reference Group on Representation and Inclusion”, formally led by the Speaker, was established to develop a programme of action and lead reform initiatives. Likewise, in 2010, an interdisciplinary expert commission was established to present the first report on gender equality to the German parliament. The commission collected data, highlighted areas of progress and identified actions to guide the way forward.



## 2. INTEGRATING A GENDER PERSPECTIVE IN PARLIAMENTS' EXTERNAL OVERSIGHT AND ACCOUNTABILITY FUNCTIONS

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Strengthen accountability and oversight mechanisms for gender equality and mainstreaming initiatives across and within government bodies by encouraging a greater role of parliaments and parliamentary committees to support progress in gender equality, for example: by integrating gender perspectives in parliamentary practices, legislation and budgeting; by promoting legislative initiatives focusing on gender equality; and by providing oversight of the implementation of gender equality and mainstreaming strategies and initiatives.

### 2.1. PRIORITY CHECKLIST FOR MAINSTREAMING GENDER IN PARLIAMENTARY PROCESSES AND PRACTICES

- A. Appropriate parliamentary bodies possess the mandate, capacity and resources to draft and review legislative initiatives from a gender perspective
- B. Parliamentary gender bodies can exercise oversight and accountability functions for the implementation of the government's gender equality agenda

### 2.2. SELF-ASSESSMENT TOOL

**A** Appropriate parliamentary bodies possess the mandate, capacity and resources to draft and review legislative initiatives from a gender perspective

#### SELF-ASSESSMENT QUESTION

- How does the institution ensure that all legislative outputs (laws, regulations, ordinances, and recommendations) do not discriminate against women or men, girls or boys?

#### WHY IS IT IMPORTANT?

Parliaments and deliberative bodies have a key role to play in ensuring that legislation does not discriminate against men or women and that all laws ultimately promote gender equality. Empowering parliamentary bodies to exercise oversight of the implementation of legislation (including budgets) is also necessary to make gender equality a reality.

A checklist for reviewing legislation from a gender perspective, based on relevant national and international obligations, is a helpful starting point for identifying directly or indirectly discriminatory provisions and for incorporating provisions to achieve gender equality across all spheres. As noted above, ex ante and ex post gender impact assessments can provide a formal means of assessing the impact of proposed or actual legislation on women and men, girls and boys (*see Section 2.3.A for more information on gender impact assessments*).

## WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Mandating parliamentary body (committee or caucus) to be responsible for reviewing all draft legislation from a gender perspective before it is passed with the support of parliamentary library or research bodies;
- Ensuring that the parliamentary body considers both national and international gender obligations in the review of legislation;
- Formalising the mandate and duty to consult in the rules of procedure, or in legislation;
- Facilitating, via rules of procedures, equal access to parliamentary resources for gender bodies such as committees;
- Formalising the use of gender tools such as gender checklists or impact assessment in rules of procedure;
- Building capacity within all parliamentary bodies to better understand the potential and actual gender impacts of laws;
- Providing dedicated research and administrative support to parliamentary bodies mandated to address gender issues;
- Enabling informal groups such as women's caucuses to support or engage in the review of legislation from a gender perspective;
- Using gender-sensitive language in all written and oral communication.

## WHAT ARE THE PITFALLS TO AVOID?

- Only concentrating responsibility for parliamentary and legislative gender mainstreaming in gender committees or bodies;
- Insufficient mandates of relevant gender bodies;
- Lack of formalisation of consultation with mandated parliamentary bodies as part of the legislative process;
- Devaluing gender-mandated bodies, including symbolically, including through insufficient resource allocation;
- Ignoring the expertise that informal bodies such as women's caucuses can provide, especially where formal dedicated gender bodies do not exist;
- Limited consideration by parliamentary leadership of the recommendations of gender-mandated bodies.

## GOOD PRACTICE EXAMPLES



### Belgium

In Belgium, the Gender Mainstreaming Act of 2007 requires a "gender test" to be applied to each new policy or law. In addition, the federal government is required to define strategic gender equality objectives at the beginning of each legislative session, including indicators, and to submit annual reports of progress achieved in implementing the measures. The parliament has been granted powers to scrutinise ministerial performance through reference to the indicators. Gender mechanisms in the Korean parliament issue a newsletter on gender-sensitive legislation three times a year, which is disseminated across the parliament as well as to government gender bodies. Likewise, every four years a compendium of gender legislation is produced and distributed to new MPs, parliamentary staff and academics.

The **Turkish** parliament has developed a gender checklist to guide the review of legislative drafts by parliamentarians and staff. The gender equality committee in the Latvian parliament has the right to be assigned as a responsible body for deliberating the draft laws related to gender equality. The **Latvian** parliament conducts impact assessment of legislative proposals, the gender committee has the mandate to analyse legislative drafts on gender equality matters. **Australia's** Joint Committee on Human Rights reviews legislation for compliance with seven international treaties to which it is a state party, including CEDAW, in accordance with the Human Rights (Parliamentary Scrutiny) Act of 2011. The Committee reviews all bills introduced into the parliament during a set period of time. The Committee reviews the statement of compatibility that accompanies each piece of legislation and identifies which draft require further scrutiny from a human rights and gender perspective. The Committee then undertakes an examination of those bills requiring further scrutiny and issues a report with comments for the sponsoring committee's attention.



### Denmark

In Denmark, the Gender Equality Committee (GEC) makes use of all the parliamentary tools (as other standing committees) in order to scrutinise and monitor the government. This could be through public and closed hearings, parliamentary questions, study trips and meetings with civil society, and in general civil society organisations has quite easy access to MP's and Committees. The Committee does not only address issues with a "gender equality tag" on it, but also issues which are gender neutral on the paper, but which has a greater impact on either women and men, and the Committee also works with the LGBT-agenda. The given scope of the Committees work is quite broad, so it is the members who set the agenda by initiating initiatives in the Committee. As examples on initiatives, the Committee has hosted public hearings on social control/honour related violence or suppression, sexual harassment in the work space, digital sexual harassment (especially among young people on Instagram, Facebook etc.). An internal event regarding the general Gender Mainstreaming Assessments of legislative proposals (how can the Committee use these assessments in a more effective way in its work) is also in the pipeline. When arranging hearings (public or internal), stakeholders are generally both independent experts – researchers and field workers and government representatives, and often the responsible minister is also participating. These public hearings are livestreamed and can also be seen afterwards on the website.

## B Parliamentary gender bodies can exercise oversight and accountability functions for the implementation of the government's gender equality agenda

### SELF-ASSESSMENT QUESTION

- Are relevant parliamentary entities mandated, resourced and supported to scrutinise implementation of the government's gender equality agenda?

### WHY IS IT IMPORTANT?

Gender mainstreaming is essentially a form of parliamentary oversight. Without sufficient capacity and proper mandates for gender mainstreaming, however, the benefits of oversight (i.e. improved policies and processes) will not materialise. Integrating a gender perspective into existing oversight mechanisms improves the effectiveness of policy initiatives, can help pinpoint potential inequitable outcomes, and identify inclusive and innovative responses.

Importantly, oversight mandates can include powers for gender equality mechanisms to review and propose recommendations for amendments to budget bills:

- Evaluating government budget plans from a gender perspective (ex ante gender budgeting);
- Reviewing government/public expenditures from a gender perspective (ex post gender budgeting);
- Issuing a gender report or statement as part of the budget bill.

Core functions of gender committees also include monitoring the implementation of gender equality legislation and ensuring that laws do not directly or indirectly discriminate against women and girls, as well as monitoring adherence to international gender equality obligations, such as CEDAW and the Sustainable Development Goals (SDGs).

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Integrating a gender perspective into existing oversight mechanisms, such as public hearings, scrutiny of government initiatives and questions to Ministers;
- Empowering gender mechanisms to scrutinise budget bills and implementation;
- Building the capacity of gender-mandated bodies, and parliament more broadly, to apply gender budgeting principles;
- Implementing gender analysis as part of the review of budget bills by parliament.

### WHAT ARE THE PITFALLS TO AVOID?

- Limited mandates of gender bodies to scrutinise government performance and policy implementation;
- Restricting mandates of gender bodies to only scrutinise gender-related policy;
- Ignoring gender as a criteria in assessing government performance or evaluation of policy implementation;
- Uneven capacity building of parliamentarians and staff to review budget bills from a gender perspective.



## GOOD PRACTICE EXAMPLES



## Canada

The **Canadian** House of Commons Standing Committee on the Status of Women oversees the governmental Status of Women Canada, as well as all government bodies that conduct work related to the status of women. The Committee, chaired by a member of the Official Opposition, is formally mandated to scrutinise government gender policy, programmes, expenditures decisions and performance of these bodies. It also produces reports on specific topics, including the implementation of gender-based analysis at the federal level. Each fiscal year, the Committee reviews the main and supplementary estimates of the Status of Women government agency.

Furthermore, other parliamentary mechanisms are mandated to oversee government performance from a gender perspective as a whole. The Committee on Public Accounts requires all federal departments and agencies to report on the use of gender analysis in the development of policy and legislation. The Office of the Auditor General, an independent institution, also exercises oversight by reviewing the Canadian government's gender mainstreaming performance.



## Sweden

The Lower House of the **Swedish** parliament ensures that gender is a key criterion in the formulation and oversight of the national budget. It has drafted a set of guideline whose methodology is based on gender-responsive budgeting tools and practices as a means to scrutinise revenue and expenditure legislation, so that the Committee on Finance can assess the impact of resources on women and men. For example, the Committee reviews the gender-specific breakdown expenditures in all sectors and conducts gender-disaggregated data analysis of the incidence of both direct and indirect taxes on men and women. Parliamentary bodies also engage in a gender-disaggregated data analysis of the impact of user charges or fees (such as court fees) on women and men. In addition, financial audits of expenditures and compliance must be assessed from a gender perspective. The gender budgeting

### 3. ACHIEVING BALANCED REPRESENTATION OF WOMEN AND MEN IN PARLIAMENTS/LEGISLATURES AT ALL LEVELS

#### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Consider measures to achieve gender balanced representation in decision making positions in public life by encouraging greater participation of women in government at all levels, as well as in parliaments, judiciaries and other public institutions.

1. Embed a political commitment at the highest level to promote gender equality in public life through developing a comprehensive framework to encourage balanced representation of women and men in public decision making positions by:
  - i. considering comprehensive (transitional or correctional) regulatory or voluntary measures to promote gender diversity in parliamentary and executive bodies, including in parliamentary committees and leadership posts. For example, based on good practices and as appropriate, these measures can include disclosure requirements, quotas, voluntary targets, parity laws, alternating the sexes on the party list and linking gender ratios in political parties to their access to public funding. Considering penalties for non-compliance can be important to ensure the effectiveness of such measures.
  - ii. mainstreaming work-life balance and family-friendly work practices at the top level in public institutions and promoting gender-sensitive working conditions, for example by reviewing internal procedures of public institutions, reconsidering traditional working hours, developing schemes to support the reconciliation of family and professional obligations, providing incentives to men to take available care leave and flexible work entitlements.
  - iii. facilitating capacity and leadership development opportunities, mentoring, networking and other training programmes in public institutions, promoting female role models in public life and encouraging active engagement of men in promoting gender equality.
2. Systematically monitor gender balance in public institutions, including in leadership positions and different occupational groups, through regular data collection, such as the use of employee surveys, and reassess its alignment with overall gender equality objectives and priorities, taking into account the results of evaluations.

#### 3.1. PRIORITY CHECKLIST FOR ENCOURAGING AND SUSTAINING THE BALANCED REPRESENTATION OF WOMEN AND MEN IN PARLIAMENTS/LEGISLATURES AT ALL LEVELS:

- A. Measures are in place to ensure gender balance in all parliamentary bodies and at all levels
- B. Gender-sensitive human resources policies promote and sustain gender balance in all parliamentary bodies and at all levels
- C. Parliaments promote women's professional development and advancement

### 3.2. SELF-ASSESSMENT TOOL

## A Measures are in place to ensure gender balance in all parliamentary bodies and at all levels

### SELF-ASSESSMENT QUESTION

- Has the parliament, including its political parties, introduced or adopted specific regulatory or voluntary mechanisms and/or initiatives to ensure gender balance in all parliamentary bodies and at all levels?

### WHY IS IT IMPORTANT?

It is critical that parliaments reflect the composition of the population itself. When public bodies lack balanced representation of men and women, critical views and perspectives are lost, diminishing the effectiveness of policies.

Gender-balanced representation is not only a matter of numbers, however. It is also about substantive representation: whether women are able to exercise actual influence in policy and law making and whether their views are valued as much as those of their male counterparts. Knowing where women are situated within the parliament – or within political parties, electoral management bodies (EMBs) or other such bodies – and what roles they occupy can also shed light on the degree to which institutions reinforce existing gender-based stereotypes, and help identify effective measures to help women advance.

Achieving gender-balanced representation usually requires a mixture of legislative and policy initiatives to increase the pool of women willing to enter into political or public life, and facilitating their advancement once in office. As the “gatekeepers” of women’s political participation, political parties play a critical role in creating and selecting from the pool of potential women candidates for public office, and continue to influence women’s access to leadership once they are in parliament.

In politically sensitive environments, voluntary measures such as voluntary quotas or targets could help advance women’s candidacy and representation and demonstrate party commitment to equality and equal representation.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Identifying how many women are represented in political and parliamentary bodies and what positions they occupy;
- Considering development of a gender-disaggregated database and conducting qualitative research on women’s political participation;
- Considering special measures such as (legislated or voluntary) gender quotas to increase the number of women candidates;
- In case of use, strengthen quota efficacy by specifying minimum thresholds, rules for positioning and sanctions for non-compliance;
- Adopting internal measures to support gender balanced representation of women in all decision-making bodies;
- Encouraging political parties to introduce internal measures to promote women’s advancement, candidacy and leadership;
- Tracking women’s advancement through use of sex-disaggregated data, particularly by EMBs and statistical offices.

### WHAT ARE THE PITFALLS TO AVOID?

- Limited understanding of the expertise of women members and what positions they hold within political parties;
- Adopting measures without a specified threshold, rank placements or enforcement mechanisms;
- Insufficient mechanisms for the collection of sex-disaggregated data, particularly by EMBs;
- Limited engagement of political parties in introducing gender-sensitive internal processes.

## GOOD PRACTICE EXAMPLES

A number of OECD member states have adopted legislated gender quotas for candidate or party lists to ensure women's representation. Both **Belgium** and **France** have adopted quotas requiring 50% of each gender on party lists; Belgium also includes rank placement requirements and party lists that do not comply with the quota are rejected by the electoral management body. Parties from **Hungary** and the **Czech Republic** to **Norway** and **Iceland** have adopted voluntary quotas, and the Green party in **Germany** has instituted a "dual presidency" with a man and woman co-chairing the party. **Chile's** Electoral and Political Parties Law reform enables at least 40% of congressional candidates to be women. **Japan** has set the target of "30% by 2020" to achieve the representation of at least 30% of women in the House of Councillors and the House of Representative by 2020. In **Poland**, on the basis of the Polish Electoral Code (law of 5 January 2011), in proportional elections to the Sejm, the European Parliament and in local elections the number of candidates who are women or men cannot be less than 35% of all candidates on the list.

**Slovenia** adopted a sequenced approach to gender quotas, moving from voluntary quotas to legislated quotas in 2005. The 2005 measure introduced a gradual approach for both national and local elections, with gender representation requirement increasing by 10 per cent with each successive election. This has allowed society and the political establishment to adjust to the new measures and reflect on the impact of measures at each stage. Likewise, **Poland** moved from voluntary quotas introduced at party-level to legislated quotas at both national and local levels, and in 2006 even established a "Women's Party" (officially registered in 2007) that ran candidates in seven districts as a means to draw attention to women's political under-representation.

In some cases, political parties that do not comply with legislated quota provisions can be sanctioned through financial penalties. In **Portugal**, parties that do not comply with the legislated gender quota can lose between 25 to 80% of their public funding, while in **Ireland**, parties lose 50% of their funding if they include less than 30% of either gender. In **France**, political parties can lose three quarters of their public funding if the gender difference among candidates is more than 2%. Likewise, in **Italy**, public funding to parties is reduced in proportion to the number of candidates exceeding the maximum percentage allowed for each gender; the 'premium' is then disbursed to those parties adhering to the law. With regard to efforts to ensure gender balance in parliamentary bodies, including leadership positions, in Sweden, there are informal conventions that ensure where a committee head is female, the deputy should be a male and vice-versa. In exercising its oversight powers, both Houses of the Swedish parliament must always consider gender-balance and gender equality in approving the appointment of executive positions, such as judgeships and Cabinet members. On measures to enable equal representation in committees, in Switzerland, parties ensure that women are represented in all parliamentary committees, groups and delegations as part of an informal practice that has become part of party culture. In France, it is convention to allocate leadership positions, such as vice-presidencies and chairs of standing committees, in the Senate as equally as possible.



## B Gender-sensitive human resources policies promote and sustain gender balance in all parliamentary bodies and at all levels

### SELF-ASSESSMENT QUESTION

- What measures are in place to create a gender-sensitive and family-friendly working culture in legislatures?

### WHY IS IT IMPORTANT?

Gender-sensitive parliaments respond to the needs and interests of both women and men in their structures, operations, methods and work, and remove barriers to women fulfilling their potential.

Human resource policies are a means of introducing gender-friendly parliamentary working procedures, such as provisions relating to sitting time, parental leave, proxy voting, and promoting work-life balance.

To support women and men caring for infants and small children, parliaments can earmark funds to ensure that proper facilities are in place to ensure both men and women can fully partake in all parliamentary proceedings. This may include the establishment of childcare or crèche facilities in the parliament, proper facilities to enable women to breastfeed, or family rooms.

Parliaments can also promote a gender-sensitive working culture through codes of conduct that promote gender-sensitive language and sanction gender-discriminatory behaviour and speech, being careful to respect freedoms of speech and expression. Gender equality mechanisms can review such codes as well as broader rules of procedure on a regular basis, to identify discriminatory provisions, such as gender-biased dress codes for men and women and use of gender-insensitive language. Finally, it is important that both grievance and disciplinary mechanisms are in place to enable discriminated parties to file complaints and to sanction offending members particularly in cases involving sexual harassment.

Gender mainstreaming and equality policies are also evolving to include progressive elements that reflect broader changes in society. It is important that parliaments and legislatures, as representatives of the population, reflect and channel positive societal developments.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Setting limits to voting times to promote work-life balance;
- Aligning parliamentary sittings and voting in plenary with school calendars and holidays;
- Introducing paid-parental leave provisions to allow both men and women to engage in childcare and rearing activities;
- Establishing childcare facilities;
- Providing breastfeeding facilities to enable new mothers to continue participating in parliamentary activities;
- Developing a code of conduct or ethics for MPs and staff that include provisions on gender-sensitive behaviour and language;
- Establishing and adequately resourcing grievance and disciplinary mechanisms;
- Reflecting progressive societal gender equality developments through policy provisions to secure LGBTIQ rights;
- Organising seminars and gender training sessions addressing both MPs and legislative employees on a regular basis about existing legal provisions, counselling facilities and initiatives taken by governmental, gender equality mechanisms and civil society organisations.

### WHAT ARE THE PITFALLS TO AVOID?

- Indirectly reinforcing gender roles and responsibilities (e.g. only providing maternity leave);
- Focus of work-life balance efforts on women only;
- Lack of consequences for gender-biased behaviour or sexual harassment;
- Lack or insufficient reporting channels for incidences of sexual harassment.



## GOOD PRACTICE EXAMPLES

Several OECD member state parliaments have adopted family-friendly provisions to promote work-life balance. The **Danish** parliament does not allow voting after 7:00pm on sitting days, while **Sweden's** parliament tries to avoid evening voting as well as votes held on Mondays and Fridays. In Finland, a motion was introduced to limit plenary sessions and parliamentary debates. The **Swiss** parliament has taken steps to align sittings with the school calendar and holidays.

Though civil service parental leave is usually provided only to parliamentary staff, some parliaments have adopted initiatives to introduce maternity, paternity or parental leave provisions. **Israel's** Knesset allows either parent to take 12 weeks of fully paid leave upon the birth of a child. The parliaments of **Denmark, Estonia, Iceland** and the **Netherlands** allow for substitution of parliamentarians on leave, while the **Portuguese** parliament provides for 'temporary substitution' without loss of pay for parliamentarians taking maternity or paternity leave. The **Australian** House of Representatives allows for proxy voting in cases where women are breastfeeding at the same time a vote is called.

A number of parliaments have established crèche or childcare facilities. Both the **Swedish and German** parliaments provide crèche facilities for all parliamentary members and staff. **Scotland's** parliament has opened their day-care facilities to the children of members of the public visiting the premises. In Japan, the Secretariats of the House of Representatives and the House of Councillors have their own action plans to promote women's participation among their staff members and to support their child rearing.

Some parliaments have addressed different forms of gender-based harassment through policies, codes of conduct or specific resolutions. The **Canadian** Senate has adopted the Policy on Prevention and Resolution of Harassment in the Workplace that applies to all members and staff. The **Scottish** parliament's code of conduct requires that parliamentarians treat each other with dignity and respect, and states that "bullying and harassment, including any allegation of sexual harassment, [...] will be taken seriously and investigated." In Mexico, parliamentary members of staff who experience harassment can file a complaint with the Bureau of the Senate, which in turn coordinates with judicial units to redress such incidences. **Mexico** has also developed a single protocol for the prevention, attention and sanction of sexual harassment which contains specific regulations and preventive actions to promote an institutional culture of gender equality, a work environment free of violence and gender stereotypes, to contribute to access to justice and to inhibit any form of sexual harassment. The **Parliaments in Slovenia, Sweden and Luxembourg** have adopted sexual harassment provisions, and both of the latter parliaments also include grievance procedures for redress as well as policy provisions to protect the rights of members of the LGBTIQ community.

In **Slovenia**, the President of the National Assembly can issue warnings when parliamentarians use gender-biased or derogatory language. Likewise, in March 2017, the **European Parliament** suspended an MEP for his use of sexist language; in addition to a suspension of 10 days, the MEP also lost his daily subsistence allowance for 30 days. Sweden has also adopted gender-related provisions governing cyber-bullying and use of social media.

## C Parliaments promote women’s professional development and advancement

### SELF-ASSESSMENT QUESTION

- How effectively is women’s professional development and advancement fostered within parliaments?

### WHY IS IT IMPORTANT?

Though women’s representation in elected and public office is slowly increasing, the “glass ceiling” all too often prevents women’s advancement, particularly to key decision-making positions. Supporting and facilitating women’s advancement can help capture valuable voices, perspectives and expertise.

Human resource policies to support women’s advancement include induction training, gender equality training, and ensuring that women are represented in all professional development initiatives, training and seminars; delegations and participation in conferences; and in informal parliamentary initiatives. It is important to encourage the parliamentary leadership to participate in gender equality training, so that they can be role models for other members and staff.

Mentoring or peer-to-peer knowledge and experience sharing, either by pairing experienced women parliamentarians with newcomers or by building partnerships between women and men in the parliament, can also support women’s advancement.

Some parliaments are establishing cross-party bodies – gender or women’s caucuses, clubs, networks, reference groups and friendship groups. Such entities also help highlight discriminatory behaviour and practices.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Institutionalising equal opportunities for professional development in human resource policies;
- Ensuring the gender-sensitivity of trainers and capacity development topics;
- Seeking the input of gender experts in the development of training programmes and curricula;
- Gender-sensitising induction trainings for new MPs on core parliamentary functions, procedures and “rules of the game”;
- Including parliamentary staff in gender capacity development initiatives;
- Institutionalising parliamentary gender learning through mandatory gender mainstreaming capacity development;
- Requiring the participation of parliamentary leadership in general or specialised gender equality trainings.

### WHAT ARE THE PITFALLS TO AVOID?

- Insufficient requirements for gender training;
- Reserving responsibility for gender training only for gender equality mechanisms;
- Uneven mainstreaming of gender considerations in the organisation, monitoring and evaluation of all capacity development efforts;
- Insufficient consideration of possible gender roles and stereotypes in capacity development programmes (e.g., women as gender trainers; men as trainers in security and defence);
- Ignoring informal practices into account when transferring knowledge.

## GOOD PRACTICE EXAMPLES

The parliament of **New Zealand** has established a mentoring system linking incumbents and new parliamentarians. This system has proven useful in building the skills and capacities of new women members in particular, providing them with insight into the informal “rules of the game” of the parliament. The **Swedish** Speakers’ Reference Group arranges seminars and workshops on gender equality for all parliamentarians, officials and staff and arranges a large public seminar on a yearly basis on a gender-related topic.

The **Austrian** parliament supports equal opportunities for the advancement of parliamentary staff through the development of a formal Advancement Plan, which consists of measures to ensure equal access to training opportunities, measures to ensure the involvement of senior managers and heads of departments in training activities, and the nomination of an individual to oversee equal opportunities in advancement and awareness raising. To support women’s advancement within the administration of the **German** parliament, the Bundestag organises special and advanced training programmes specifically for women.

In many parliaments, political parties drive professional development and women’s advancement initiatives for their members. In the **United Kingdom**, for example, the Fabian Women’s Network organises awareness raising and capacity development activities on the margins of party Congresses and works closely with other groups and factions of the Labour Party to promote joint interests, such as women’s entrepreneurship. The Fabian Women’s Mentoring Scheme, established in 2011, encourages young women

to apply to be mentored by a senior woman politician for ten months; the programme includes study trips to the London and European parliaments. The **Finnish** Network of Women Parliamentarians supports women to attend international conferences on gender equality to develop networking skills, invites public speakers to update members on political issues, and has engaged with the network of male MPs established to combat gender-based violence and domestic violence. Between 2009-2015, Greece implemented a training programme at the local level in view of increasing the number of women who stand for election. This initiative was developed to complement the 2001 quota law which didn’t bring about effective change on its own. These training sessions are expected to play a decisive role in gender mainstreaming at municipal and regional levels.

To institutionalise and publicise learning on gender equality and women’s representation, the **United Kingdom** parliament hosts a website on women and parliaments, containing resources, publications, assessments, data and updates on parliamentary efforts to achieve gender equality. It contains information on historical efforts to realise women’s political rights, includes a Further Reading section that features handbooks and manuals to help women exercise their political voice, uploads all parliamentary reports dealing with gender and women’s rights, including assessment reports, external reports and studies, and publicises reports on gender-related parliamentary events and speeches.



# 04

## **GENDER-SENSITIVE PUBLIC EMPLOYMENT SYSTEMS**

*Equal representation of men and women in the public sector is an essential factor for gender-responsive policies and for quality service delivery. Diversity enhances the brainpower, ideas and approaches to identifying and solving problems. Fostering diversity in the public sector also contributes to strengthening trust in government by portraying it as responsible, responsive and legitimate. To enhance gender equality in public employment a number of measures and policies need to be undertaken across the areas of access to employment and career development, as well as overall employment and work conditions enabling both men and women to fully contribute to the goals of the civil service. This section of the Toolkit aims to provide executive leadership, senior officials and HR managers across public administrations with a strategic framework for analysis, action and monitoring to design a flexible, transparent, fair and merit-based civil service, ensuring equal participation of men and women in the public workforce and in decision-making, and gender-sensitive public workplaces. This section of the Toolkit includes:*

- *Enablers for gender-sensitive public employment systems*
- *Leadership and executive accountability*
- *Gender-sensitive comprehensive public employment systems*
- *Addressing gender wage gaps and occupational segregation*

## 1. ENABLERS FOR GENDER-SENSITIVE PUBLIC EMPLOYMENT SYSTEMS

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Improve the gender equality in public employment, by promoting the flexibility, transparency, and fairness of public employment systems and policies to ensure fair pay and equal opportunities for women and men with diverse backgrounds and experience.

## 1.1. PRIORITY CHECKLIST FOR ENABLERS FOR GENDER-SENSITIVE PUBLIC EMPLOYMENT SYSTEMS

- A. Whole-of-government civil service legislation, policies and values have clear and specific provisions for gender equality

## 1.2. SELF-ASSESSMENT TOOL

### **A** Whole-of-government civil service legislation, policies, and values have clear and specific provisions for gender equality

#### SELF-ASSESSMENT QUESTIONS

- Is gender equality clearly and specifically referred to and defined in the country's civil service legislation and public employment policies?
- Do the civil service values and principles integrate and promote gender equality in public employment?

#### WHY IS IT IMPORTANT?

Effective public employment gender equality policies and actions require:

- Strong political leadership, vision and commitment to gender equality;
- Whole-of-government civil service legislation and policies with specific provisions for gender equality;
- Civil service values and ethics code embedding provisions for diversity and gender equality.

Strong political leadership, vision and commitment to gender equality are important to set the tone and send a clear message. Government and political leaders should set an example by enhancing gender equality in their own political formations and in Parliament's representation, as well as by making nominations that ensure equal access to the political executive, the judiciary, the senior civil service, the supreme audit bodies, etc.

Equal representation of men and women in the public sector is essential for gender-responsive policies and for quality service delivery. Diversity allows for enhanced brainpower, ideas and approaches to identifying and solving problems. Fostering diversity in the public sector could help strengthen trust in government by portraying it as responsible, responsive and legitimate, and may also contribute to national cohesiveness.

A clear definition of gender equality as well as legally bound, clear expectations for a diverse public sector workforce and sound accountability measures are indispensable for gender equal public employment systems.

Strengthening fundamental civil service values and principles - such as merit, diversity, and representativeness - has very likely contributed to the increase in the number of women in public sector employment. Merit-based recruitment and promotion are essential for providing equal access to public employment and opportunities for career development and growth. Establishing institutional safeguards for civil service values and principles and associated accountability mechanisms is an important condition to their sustainability and vitality.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Developing a government-wide, compelling, outcome-based vision for gender equality in the civil service, also as part of the broader efforts to promote inclusion and diversity;
- Integrating gender equality perspectives into the development of all civil service and public employment policies, regularly conducting gender-based analyses;
- Ensuring political commitment to civil service gender equality policies by engaging politicians and parliamentarians in the discussion and promotion of civil service gender equality legislation and policies, as well as their contribution to good governance;
- Engaging men and women in developing policies to ensure gender equality within public employment, providing all groups with opportunity to contribute their views;
- When designing civil service legislation and policies, developing a broader vision of diversity and gender equality, including, when appropriate, the examination of a range of other intersecting identity factors (such as age, cultural background, and ability);
- Ensuring that legislation and policy development with regard to gender equality in public employment are evidence-based, supported by recent and relevant data and research;
- Developing and promote policy mechanisms to continuously ensure universally safe, healthy and supportive work environments for all public servants, as well as mechanisms to enforce those provisions to be accessible to all;
- Regularly assessing the implementation of policies to foster gender equality within public employment based on relevant and up-to-date data and information;
- Highlighting the civil service's merit and gender equality principles in public sector branding to attract new talent in public employment and encourage others to follow suit.

### WHAT ARE THE PITFALLS TO AVOID?

- Putting in place legislation and policies to foster gender equality within public employment that go unheeded;
- Piecemeal approaches in public sector gender equality legislation and policy;
- Legislative and policy objectives that are unrealistic or vague;
- Adopting public sector gender equality legislation and policies that are not suited to the specific context of a country, region or organisation. Existing models should stimulate the consideration of new ideas, which countries adapt to their conditions;
- Engaging a limited range of traditional stakeholders, always listening to the same voices and avoiding new views and ideas while developing public sector gender equality legislation, policies and initiatives;
- Limited gender-based analysis skills and absence of mechanisms for monitoring the impact of gender equality and mainstreaming initiatives within the public sector.



**GOOD PRACTICE EXAMPLE****Australia**

The Australian Public Service has recently adopted its Gender Equality Strategy for 2016-2019. The Strategy notably addresses gender imbalance across Australian Public Service at all levels and in all agencies. It has a strong focus on leadership, flexibility in working arrangements, and innovation. The Strategy presents a new approach to implementing gender equality in the Australian Public Service combining culture change, practical initiatives, evaluation and showcasing best practices. The Strategy builds around five pillars:

- Driving a supportive and enabling workplace culture;
- Achieving gender equality in APS leadership;
- Working innovatively to embed gender equality in employment practices;
- Increasing take-up of flexible work arrangements by both men and women;
- Measuring and evaluating actions.

To support the implementation of the strategy, the Australian Public Service Commission has developed a practical implementation guide that comprises a toolkit. Resources, factsheets, tools and good practices are made available online to assist agencies and staff in strengthening and promoting gender equality in the workplace.

*Source: Australian Government (2016), *Balancing the future: The Australian Public Service Gender Equality Strategy 2016–19* [https://www.apsc.gov.au/data/assets/pdf\\_file/0017/80117/FINAL-Balancing-the-future-the-Australian-Public-Service-gender-equality-strategy-2016-19.pdf](https://www.apsc.gov.au/data/assets/pdf_file/0017/80117/FINAL-Balancing-the-future-the-Australian-Public-Service-gender-equality-strategy-2016-19.pdf)*

## 2. LEADERSHIP AND EXECUTIVE ACCOUNTABILITY FOR PROMOTING GENDER EQUALITY IN THE PUBLIC SECTOR

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Establish clear institutional roles and responsibilities for promoting gender balance in the public sector, including independent recourse and appeal mechanisms, which should be adequately funded, resourced, and linked to executive teams to ensure their effectiveness.

Raise awareness of gender equality considerations among public sector managers and enhance management and executive accountability to ensure gender balance at all levels and occupational groups, and deal with gender equality issues in workplaces, including through performance management frameworks.



## 2.1. PRIORITY CHECKLIST FOR LEADERSHIP AND EXECUTIVE ACCOUNTABILITY FOR PROMOTING GENDER EQUALITY IN THE PUBLIC SECTOR

- A. Institutional roles and responsibilities for promoting and monitoring gender balance in public employment are well defined, with clear and well-funded lines of accountability
- B. Executive accountability is clearly defined and well embedded in performance management and recognition systems
- C. Independent and efficient recourse and appeal mechanisms exist and are known to all public servants

## 2.2. SELF-ASSESSMENT TOOL

### **A** Institutional roles and responsibilities for promoting and monitoring gender balance in public employment are well defined, with clear and well-funded lines of accountability

#### SELF-ASSESSMENT QUESTIONS

- Is there a whole-of-government institutional framework with clearly identified roles and responsibilities and lines of accountability for promoting and monitoring gender balance in public employment?
- Do responsible institutions or units have clear mandates to lead gender-related initiatives in the public sector?
- Do responsible institutions have the capacity (adequate and sustained funding, human and material resources, etc.) to execute their mandate?

#### WHY IS IT IMPORTANT?

Gender equality objectives in civil service employment can only be realised if all relevant institutional players are assigned clear responsibilities, lines of accountability, and adequate resources.

These institutional players generally include: central structures of civil service management who co-ordinate and monitor HRM procedures and policies across government; individual ministries/agencies/departments/organisations; leadership and senior management in ministries/agencies/departments/organisations; public sector employees; and gender equality support mechanisms.

Central structures of civil service management have a bird's eye view of the management of gender equality in public sector, and can promote gender equality through:

- Developing or proposing gender equality legislation, policies and strategies in public employment;
- Establishing gender-responsive performance appraisal systems (*see Section 4.2.B on executive accountability*);
- Providing guidance and policy advice (e.g., by toolkits, networks, trainings, etc.) to ministries;
- Requiring clear reporting from ministries/departments/organisations.

At the organisational level, senior management can play an important role in implementing government's gender equality objectives within their workforce and workplace. Central gender equality institutions and support units within ministries/departments/organisations can provide guidance and advice.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Identifying roles, responsibilities and clear lines of accountability to advance gender equality in public sector;
- Developing monitoring mechanisms to facilitate the implementation of gender equality objectives across the public sector to ensure gender equal public workforce and workplace.

### WHAT ARE THE PITFALLS TO AVOID?

- Positioning gender equality work as a voluntary activity within individual public organisations;
- Limiting gender equality oversight powers of central structures of civil service management;
- Neglecting the development and the training of human resources responsible for gender equality policies and initiatives.

### GOOD PRACTICE EXAMPLE



#### Australia

The Australian Public Service Commission (APSC) played a leading role in developing the Australian Public Service Gender Equality Strategy 2016-2019. It also has a supervision role in evaluating and reporting on the Strategy's progress. According to the implementation guide developed by APSC to ensure effective implementation of the Strategy, Government agencies are asked to collect and provide data as requested when evaluating and reporting on progress and objectives. The strategy further provides agencies (including leaders, managers and employers) with roles, responsibilities and lines of accountability integrated within quantitative and qualitative requirements.

#### *Extract from the APSC Strategy on Gender Equality: Measurement and Evaluation*

Honest and timely reporting will drive the necessary focus, resources, and capability required to achieve gender equality across the APS. Evaluation and measurement will highlight problematic areas in agencies and ensure the sustainability and effectiveness of gender equality initiatives. Steps:

- Agencies must evaluate their current gender balance across classifications and work areas. This includes appraising organisational culture and reviewing programmes, policies, guidance and training to address unconscious bias;
- Agencies will review performance assessment processes and performance indicators across all levels of management to ensure a range of skills are valued and rewarded;
- Where targets are not being met, leaders, managers and supervisors will engage in honest conversations with their staff about progress towards gender equality and workplace flexibility;
- Agencies will monitor their progress against the Government's 50% board representation target, at both agency level and individual board level, providing data to the Office for Women for the annual Gender Balance on Australian Government Boards Report, and as requested;
- Agencies will monitor their progress against actions taken under the strategy and adjust their approach as required;
- The APSC will evaluate and report on APS progress towards gender equality. Agencies will contribute data to the APSC as required.

Source: Australian Public Service Gender Equality Strategy 2016-19,  
[http://www.apsc.gov.au/data/assets/pdf\\_file/0017/80117/FINAL-Balancing-the-future-the-Australian-Public-Service-gender-equality-strategy-2016-19.pdf](http://www.apsc.gov.au/data/assets/pdf_file/0017/80117/FINAL-Balancing-the-future-the-Australian-Public-Service-gender-equality-strategy-2016-19.pdf)

## B

## Executive accountability for gender equality is clearly defined and embedded in performance management and recognition systems

### SELF-ASSESSMENT QUESTIONS

- Is executive accountability for gender equality in public employment clearly defined in gender-related policies?
- Is it embedded in performance management and recognition systems in public sector organisations?

### WHY IS IT IMPORTANT?

Well-defined executive accountability mechanisms for promoting and monitoring gender balance at organisational and individual levels not only engage leaders and managers, but also provide a vital incentive for change. In contrast, when gender equality is presented as everyone's responsibility, it may be perceived as no one's responsibility.

Effective accountability reinforces legal provisions in favour of gender equality and equity. In contrast, ineffective accountability may make it difficult for employees to seek recourse in cases of unfair treatment.

Using performance management systems to establish clear accountability at all levels can help overcome gender balance barriers. Integrating targets – such as hiring, development or promotion targets – for gender equality into the performance agreements of senior and middle managers is one way to enhance accountability. Recognition systems can be used to reinforce positive action in enhancing gender equality.

Managers do not always recognise that men and women are treated differently in the workplace and that they face different challenges during hiring and promotion processes. Gender-related training can enhance managers' awareness and thus contribute to the promotion of gender diversity and balance.

Regular reporting on gender issues and the attainment of gender objectives can deepen executive accountability; furthermore, it offers opportunities to rethink and revisit gender equality strategies and actions and to potentially improve gender outcomes. Employee engagement surveys can also provide important insights about executive effectiveness in gender balance initiatives.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Clearly defining and widely communicating executive accountability;
- Developing gender equality indicators and integrate gender balance targets into the performance agreements of senior and middle managers;
- Using performance management and recognition systems to promote executive accountability for gender balance; develop incentives for meeting gender-balance performance objectives;
- Providing gender-related training to all managers and people carrying accountability for the development and implementation of gender policies;
- Integrating appropriate reporting mechanisms to enhance executive accountability;
- Developing coaching and mentoring programmes to assist executives with gender-related issues;
- Using employee engagement surveys to gather perception data about executive effectiveness in promoting gender equality.

### WHAT ARE THE PITFALLS TO AVOID?

- Diffusing accountability for gender equality: everyone's responsibility becomes no one's accountability;
- Considering that all managers are aware and knowledgeable of gender biases and their impact on their management activities;
- Not considering the impact of unconscious gendered biases on organisational culture and performance.

**GOOD PRACTICE EXAMPLE**



**Canada: Employment Equity Policy and Management Accountability Framework**

The *Employment Equity Policy* was first introduced on 6 October 1994. The policy states that the department must “hold management at all levels accountable for the implementation of employment equity by integrating employment equity objectives into managers’ accountability statements and performance assessments”.

In line with this policy, deputy heads of departments and agencies are accountable for the results and progress in achieving equitable representation within their own organisation. Hiring managers have direct responsibility to increase representation through a sub-delegated model for staffing, which includes internal appointments, recruitment from outside of the public service, positive practices and inclusive work environments, learning, development and retention of equity group member.

The performance of deputy heads is assessed annually through the Management Accountability Framework, and overall performance on employment equity representation is reported on to Parliament in the report on Employment Equity in the Public Service of Canada.

Sources: Government of Canada. *Employment Equity Policy* <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12543>; *Management Accountability Framework* - <https://www.canada.ca/en/treasury-board-secretariat/services/management-accountability-framework.htm>

**C Independent, efficient recourse and appeal mechanisms exist and are known to all public servants**

**SELF-ASSESSMENT QUESTIONS**

- Are there independent and efficient recourse and appeal mechanisms to enhance gender equality?
- Are those mechanisms communicated to and understood by all civil servants?

**WHY IS IT IMPORTANT?**

Efficient oversight mechanisms are important for ensuring that gender equality laws and policies are implemented effectively. They exist in many OECD countries and are often provided by independent institutions, such as human rights commissions, supreme audit institutions, ombudsperson offices or other bodies. They provide independent recourse for complaints related to gender-based discrimination or other injustice to public sector employees and/or to a larger population. Such oversight institutions should not only be entirely independent but must also have sufficient authority over government ministries. Rigorous recourse mechanisms are crucial for the longevity and sustainability of gender equality initiatives, including during political change. They also have to be promoted to and well-known by all public sector employees and executives.

Regular gender-related reporting from oversight institutions, and data and knowledge derived from recourse and appeal cases, can provide evidence for improving gender equality actions and priorities in the civil service.

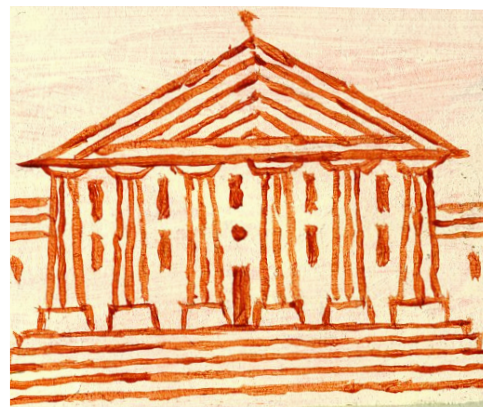
### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Establishing effective and independent recourse and appeal mechanisms on gender equality in the public sector;
- Promoting a safe climate to use the recourse and appeal mechanisms on gender equality, without repercussions, including the provisions for the protection of individual public employees who report violations of gender equality policies and legislation;
- Developing an awareness campaign of gender equality legislation and policies, including recourse and appeal mechanisms;
- Incorporate questions about the awareness of available gender-related oversight and recourse mechanisms in civil service employee engagement surveys;
- Include the topic of gender equality legislation and policies, recourse and appeal mechanisms in civil service training modules (in-person or e-learning);
- Including data and information about gender-related recourse and appeal mechanisms and corrective measures taken in response to gender discrimination or inequity in HRM reports.

### WHAT ARE THE PITFALLS TO AVOID?

While developing gender equality policies, focus exclusively on positive action without giving appropriate attention to reinforcement mechanisms;

- Avoiding informing and reporting on the topic of gender-related recourse and appeal mechanisms;
- Underestimating the value of data and knowledge, derived from oversight institutions' reports, to design appropriate improvements to existing gender equality policies and initiatives.



### GOOD PRACTICE EXAMPLES



#### Independent Institutions for Protection from Discrimination Norway: Universal Anti-Discrimination Ombud and Tribunal

In Norway, the Equality and Anti-Discrimination Ombud (the Ombud) Act stipulates that it shall, as an independent public administrative agency, work to promote genuine equality irrespective of gender, ethnicity, national origin, descent, skin colour, language, religion or belief in all areas of society.

The Anti-Discrimination Tribunal (the Tribunal) is an independent public administrative agency that consist of a chairperson, a deputy chairperson and six other members, as well as four deputy members.

The Ombud and the Tribunal monitor and contribute to the implementation of the Act of 9 June 1978 No. 45 relating to gender equality.

The Ombud also monitors that Norwegian law and administrative practice are in accordance with Norway's obligations pursuant to the United Nations International Convention on the Elimination of All Forms of Discrimination against Women (1979). The Tribunal deals with cases that are brought before it, including cases regarding breaches of the Gender Equality Act.

Unless otherwise provided, the Public Administration Act applies to the activities of the Ombud and the Tribunal.

Source: *The Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti -Discrimination Tribunal*, <https://www.regjeringen.no/en/dokumenter/The-Act-on-the-Equality-and-Anti-Discrim/id451952/>

**GOOD PRACTICE EXAMPLES**



**Austria: Equal Treatment Commission for federal public servants**

Based on the Federal Act on the Equal Treatment Commission and the Ombuds Office for Equal Treatment (ETC/OOEC Act, Federal Law Gazette No. 108/1979 as amended in Federal Law Gazette I No. 107/2013), the **Equal Treatment Commission** was set up to scrutinise matters relating to discrimination under the Equal Treatment Act in Austria. It is a special institution designed to support labour, social and civil courts; among other things, it ensures the equal treatment between women and men in the fixing of remuneration.

Thus, the Senates of the Equal Treatment Commission – when requested to do so by persons entitled to bring cases before it – investigate whether the equal treatment precept has been violated. They may also initiate investigations on their own authority within their terms of reference.

*Source: ETC/OOEC Act, Federal Law Gazette No. 108/1979 as amended in Federal Law Gazette No. 107/2013 <http://oesta.gv.at/site/6814/default.aspx>*

### 3. GENDER-SENSITIVE PUBLIC EMPLOYMENT SYSTEMS

#### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Promote merit-based recruitment; consider positive policies and practices to ensure a balanced representation of men and women in each occupational group in public sector employment; and, develop concrete measures to ensure the effective removal of the implicit barriers within hiring and staffing processes, where appropriate and necessary.

Systematically monitor gender balance in public institutions, including in leadership positions and different occupational groups, through regular data collection, such as the use of employee surveys, and reassess its alignment with overall gender equality objectives and priorities, taking into account the results of evaluations.

#### 3.1. PRIORITY CHECKLIST FOR GENDER-SENSITIVE PUBLIC EMPLOYMENT SYSTEMS

- A. Recruitment, selection and hiring processes are guided by gender equality principles
- B. Workforce development, promotion, and succession planning embed gender equality objectives
- C. Work-life balance and family-friendly policies and practices are available and equally used by men and women, including at the top
- D. Evidence to achieve and sustain gender-sensitive public employment is systematically generated
- E. Implicit barriers to gender equality within public employment systems are removed through affirmative policies and actions

## 3.2. SELF-ASSESSMENT TOOL

### A Recruitment, selection and hiring processes are guided by gender equality principles

#### SELF-ASSESSMENT QUESTIONS

- Is there an explicit requirement for the recruitment, selection and hiring processes to be guided by gender equality principles?
- Are there specific measures in place ensuring the promotion of merit-based recruitment and staffing processes?
- Are public employment recruitment and staffing practices continuously monitored and evaluated for gender balance?

#### WHY IS IT IMPORTANT?

A diverse and gender-balanced public sector is not only more representative, but is also associated with higher productivity and creativity, more sensible policy design, more inclusive policies and programmes, improved public confidence in government and public administration.

Diverse and gender-balanced public sector can also facilitate sector's branding and renewal. While the public sector is seen as more women- and family-friendly than the private sector, evidence suggests the persistence of systemic barriers in hiring and staffing processes. Removing these barriers and promoting merit-based recruitment and staffing processes can help to attract new and more diverse talent at entry, management and leadership levels. Targeted recruitment campaigns can also improve public employment gender balance. Making corporate culture more inclusive of both women and men is important for attracting and retaining public employees.

In many countries, the public sector is the largest national employer. As the developer and implementer of public policies, the public sector has an obligation to act as a model employer, including in promoting gender equality. Strengthening transparency and meritocracy in recruiting and staffing processes will also help increase the number of women in leadership positions and thus further improve the gender equality in the public sector and beyond.

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Establishing clear accountability mechanisms in public sector institutions for promoting and respecting gender balance and diversity in recruitment and hiring processes;
- Including gender balance among key objectives in human resources management strategic and operations plans;
- Strengthening transparency and meritocracy in recruiting processes to enable qualified candidates to compete for senior level positions;
- Developing concrete measures to ensure the effective removal of the systemic barriers within hiring and staffing processes, including caregiver bias in employment decisions;
- Considering incorporating gender equality targets or quotas in senior leaders and middle managers' performance agreements for recruitment and retention of employees from groups under-represented in public employment;
- Reporting regularly on meeting recruitment and hiring targets;
- Regularly assessing the public sector workforce for gender balance, in all job categories and levels;
- Actively promoting a diverse public sector workforce to attract new talent to the civil service.

#### WHAT ARE THE PITFALLS TO AVOID?

- Insufficient recognition of gender biases in recruitment and hiring processes;
- Omitting to provide free-of-gender-bias specialised training to public sector recruiting and hiring managers.

## GOOD PRACTICE EXAMPLES

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### Canada

Canada has adopted an initiative by the Public Service Commission of Canada to test the sustainability and effectiveness of applying name-blind recruitment techniques in the federal public service. The project will compare outcomes associated with traditional screening of applicants with screening in which managers are blinded to applicants' names. Six departments are taking part in the initiative which aims to reduce any unconscious bias in the hiring process and to strengthen diversity and inclusion in the public service by attracting, hiring and retaining the full range of talented people.

Source: [https://www.canada.ca/en/treasury-board-secretariat/news/2017/04/what\\_s\\_in\\_a\\_namename-blindrecruitmentcomestothegovernmentofcanad.html](https://www.canada.ca/en/treasury-board-secretariat/news/2017/04/what_s_in_a_namename-blindrecruitmentcomestothegovernmentofcanad.html)



### France: A verification process on the non-discriminatory nature of recruitment

In France, a Memorandum of Understanding on the professional equality between women and men in the civil service, signed in 2013, has determined the following measures for the verification process on the non-discriminatory nature of recruitment:

- Members of the jury for professional exams and members of selection committees must be able to report on their evaluation;
- Specific training will be available for members of the jury for professional exams and administration representatives, e.g.: harmful stereotype awareness; fight against discrimination;
- Gender-disaggregated data on job candidates (registered, present, eligible, and admitted) must be published at the end of each recruitment process. The same will apply to internal promotions;
- Selection committees and professional exam juries will have to respect a minimal quota of 40% for either sex;
- The presidency of juries and selection committees will alternate equally between women and men.

Source: *Protocole d'accord relatif à l'égalité professionnelle entre les femmes et les hommes dans la fonction publique, 2013*





## B Workforce development, promotion, and succession planning embed gender equality objectives

### SELF-ASSESSMENT QUESTIONS

- Do public sector workforce development and career promotion actions reflect gender equality policies and objectives?
- Do organisations' succession plans promote gender equality action by embedding specific targets for all levels and occupational groups?

### WHY IS IT IMPORTANT?

Workforce development and talent management can be used to disseminate organisational knowledge about gender equality objectives and policies, and share ideas about their implementation. Comprehensive learning programmes and culture change activities can promote a culture of diversity and inclusion, and enhance civil service values and principles.

Workforce development and talent management programmes help employees develop career plans, acquire leadership skills and succeed in increasingly challenging assignments. The most effective ways to support career progression, for both women and men, include leadership development programmes, coaching, sponsorship and mentoring, and increased visibility and exposure to senior leaders.

Making the best use of available talent in the economy in general and in the public sector in particular is important for achieving inclusive growth and boosting competitiveness and resilience. Proactive talent management requires identifying high-potential and high-performing men and women and supporting them in their career paths.

Succession planning (i.e., aligning current talent development with future leadership needs) can play a critical role in breaking the "glass ceiling". Specific actions, such as target setting, can also foster career aspirations for underrepresented and disadvantaged groups, such as women with disabilities or members of ethnic or racial minorities.

Promotions based on merit, fairness and robust performance measurement frameworks (rather than tenure) can help redress gender inequalities. They can also remove barriers for caregivers, who may be less likely to be identified for leadership development programmes and positions because of evaluation bias.

Workforce development and talent management, promotion and succession planning programmes and initiatives need to be reinforced by well-defined roles and responsibilities.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Developing and reviewing talent management initiatives and succession planning from gender balance perspectives (e.g., focusing on improving the environment in which women work rather than only focusing women; addressing various barriers to women's access to leadership);
- Promoting gender balanced selection and participation in leadership and management development programmes;
- Designing policies and leadership development programmes based on evidence and recent research to avoid biases and stereotypes;
- Establishing mentoring programmes for women in the leadership pipeline;
- Fostering senior leaders' commitment to gender balanced workforce development and promotions;
- Defining accountability for gender equality in talent management and succession planning.

### WHAT ARE THE PITFALLS TO AVOID?

- Limited recognition of the existence of unconscious biases and the resultant stereotypes about gender and leadership;
- Insufficient communication on the importance of gender balance in leadership positions;
- Excluding employees working part-time or on other flexible arrangements from promotion and career planning.

## GOOD PRACTICE EXAMPLES



### Leadership and Training Programmes for Women: Ireland

Ireland's National Women's Strategy 2007-2016 and the W-LEAD Women in the Lead – Leadership, Engagement, Advancement and Development programme, a pilot cross-Departmental mentoring and leadership development programme for female Principal Officers in the Civil Service, have been considered a great success: while targets for female representation at the Assistant Principal and Principal Officer grades were originally set at 33% and 27% respectively, both targets have been exceeded with women representing 42% of Assistant Principals and 36% of Principal Officers at the end of 2014. Each of the 16 Government Departments participated in the W-LEAD pilot programme; each participant received executive coaching, mentoring and leadership development training. The W-LEAD programme supports career progression and professional development and helps participants to devise a personal plan or strategy for career advancement within the Civil Service.



### Cross mentoring in Austria

Since women should be equally represented in all spheres of the public sector, the Cross-Mentoring Programme aims to facilitate their access to top positions. Hence, it focuses on motivated, career-minded female employees. Initiated by the pilot project "Mentoring for Women" in 2000, the Cross-Mentoring Programme was launched in March 2005 and is coordinated by the Directorate General III of the Austrian Federal Chancellery in cooperation with fellow staff developers of the other Federal Ministries and the Parliamentary Administration. This personnel development tool allows participating Civil Service staff to take stock of where they stand in order to further progress towards a specific career objective to be defined as part of the programme. The programme's defining feature consists in managers (i.e. mentors) supporting their colleagues from other Ministries (i.e. their mentees) in achieving their particular goal. The mentors share their own know-how and experience, give tips on career planning, and facilitate entry to professional networks. In addition to working on developing their careers in tandem with their mentors, mentees have the additional opportunity to network across Ministry boundaries, for example during workshops and networking meetings. The Cross-Mentoring scheme is constantly being evaluated and improved in order to meet the needs of mentors and mentees as much as possible.

Sources: Government of Ireland (2007), National Women's Strategy 2007-2016. Initiatives to support the achievement of gender balance in decision-making roles in Ireland <http://www.justice.ie/en/JELR/Pages/PR15000474>; OECD(2017), OECD Survey on Gender Equality in Civil Service



## C Work-life balance and family-friendly policies and practices are available and equally used by men and women, including at the top

### SELF-ASSESSMENT QUESTIONS

- Do existing policies, workplace practices and culture in the public sector support work-life balance, including at the top levels of management?
- Do family-friendly policies and practices encourage equality between men and women by including incentives for men to take available care leave and flexible work entitlements?

### WHY IS IT IMPORTANT?

Work-life balance policies and initiatives are crucial for developing a diverse public sector workforce and increasing women's employment rates. Offering flexibility to men and women, mothers and fathers, allows for better family decisions. It also promotes better mental and physical health. Work-life balance policies can improve the public sector's recruitment and retention efforts, and also contributes to higher productivity, leading to better services for citizens. Conversely, work-life conflicts can lead to absenteeism and stress, with excessive direct costs for the organisation.

Nonetheless, taking advantage of work-life balance policies is often seen as detrimental to employees' career aspirations. Consequently, arrangements such as job sharing, part-time work, reduced hours or term-time work, and sick leave to care for a family member, are mostly used by low-paid, predominantly female workers in clerical and lower administrative jobs and are very rarely used at the top level of public sector organisations. A deep cultural change is needed to enhance the use of work-life balance measures by men and senior managers.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Elaborating strategies to change the current perceptions about work-life balance measures at senior management levels, which are used mainly by low-level and low-income groups of employees;
- Developing deeper understanding and responsive actions about the perceptions of detrimental impact of the use of work-life balance measures on employees' career aspirations;
- Incorporating part-time and other time flexibility options in career patterns; ensure that employees who use workplace flexibilities are not penalised for doing so;
- Facilitating continuous support systems for family (child, disabled, elderly) members' care to enable women's and men's full participation in the workforce and empower men to take on more family-related responsibilities;
- Promoting part-time as a temporary rather than permanent solution for employees with family obligations;
- Developing policies and transition paths supporting the move from part-time work to full-time.

### WHAT ARE THE PITFALLS TO AVOID?

- Insufficiently funded and resources policies and programmes promoting work-life balance;
- Promoting performance management systems which directly or indirectly penalise the employees using part-time work or other family-friendly work arrangements;
- Linking acceptability of work-life balance measures only to lower-level, low-paid positions;
- Indirectly reinforcing gender roles and responsibilities (e.g. only providing 'maternity' leave);
- Insufficient encouragement of fathers' equal uptake of available measures.

## GOOD PRACTICE EXAMPLES



### New Zealand

The State Services Commission (SSC), a central public service department of New Zealand, provides leadership, coordination and advice on the management of the State sector. In 2005, SSC published the report *Work-Life Balance: A resource for the State Services* which informs government employees, employer and union representatives on work-life balance issues as well as guidance on how to implement actions and measures on the matter.

It includes a section on the roles and responsibilities of key parties in work-life balance:

#### Individual

- Makes choices carefully about fit with organisation when applying for a job;
- Identifies personal needs ('must haves' versus 'like to haves') and possible solutions (being realistic about what is possible);
- Takes responsibility for discussing needs and possible solutions with their manager (and union if appropriate);
- Takes responsibility for delivering their own workload as agreed with their manager;
- Reviews and modifies arrangements as their personal circumstances change;
- Is supportive of colleagues' and manager's work-life balance needs;
- Participates in development of organisational work-life balance strategy.

#### Union

- Promotes work-life balance to members and employers;
- Articulates the collective interests of members in work-life balance issues;
- Works in partnership with employer to develop a work-life balance strategy and to improve work-life balance in the organisation;
- Leads members' participation in developing work-life balance solutions;
- When required, assists individuals to negotiate work-life balance solutions.

#### HR manager

- Develops a work-life balance strategy that meets the needs of both the employees and the organisation;
- Ensures work-life balance is embedded in all HR policies (including provision of induction and training);
- Supports individual managers to improve work-life balance in the organisation and find solutions to employees' work-life balance needs;
- Ensures training on work-life balance principles and practice is provided to managers;
- Provides assurance to management that the work-life balance strategy is being appropriately implemented in the organisation.

#### Line manager

- Explicitly communicates support for work-life balance initiatives;
- Walks the talk/leads by example;
- Implements organisational work-life balance strategy (including managing risk-averse work environments);
- Works with individual employees to manage work-life balance fairly and creatively and to find individual solutions (by challenging existing practices, identifying scope for flexibility, identifying opportunities as well as limitations).

#### Senior manager

- Sets the environment that will make work-life balance work;
- Walks the talk/leads by example, by modelling work-life balance in his/her personal life;
- Sets work-life balance performance expectations for managers, so that they find solutions to employees' work-life balance issues;
- Leads the development of the work-life balance strategy;
- Manages Ministerial expectations of staff and the organisation;
- Ensures that the wider context makes work-life balance possible.

Sources: State Services Commission (2005), *Work-Life Balance: a resource for the State Services* [http://www.ssc.govt.nz/upload/downloadable\\_files/Work-Life\\_Balance\\_main\\_content\\_and\\_Supplement.pdf](http://www.ssc.govt.nz/upload/downloadable_files/Work-Life_Balance_main_content_and_Supplement.pdf)

## GOOD PRACTICE EXAMPLES



### Sweden

In Sweden, all leave conditions are the same for the private and public sectors. Paid parental leave includes a “father’s quota”: As of 1 January 2016 three months (60 days) of parental benefit are reserved for each parent, meaning these days are not transferable to the other parent. The regulation is gender neutral in language and design, but is in practical intended to encourage fathers to take out more parental leave. The aim of the amendment to the Parental Leave Act is to achieve a more gender-equal take-up of parental benefit. For civil servants, additional financial support is provided through collective agreement. Part-time work is possible for Swedish civil servants for family reasons; the legislation applies both to senior civil servants and general civil servants. Furthermore, flexible working time is encouraged. A special arrangement called “working time based on trust” allows public servants to arrange freely their working time.

Sources: Kuperus, H., Rode, A. (2008), *Top Public Managers in Europe Management and Working Conditions of the Senior Civil Servants in European Union Member States*, [http://www.fonction-publique.gouv.fr/files/files/publications/etudes\\_perspectives/Study\\_on\\_Senior\\_Civil\\_Service2.pdf](http://www.fonction-publique.gouv.fr/files/files/publications/etudes_perspectives/Study_on_Senior_Civil_Service2.pdf); <http://www.government.se/articles/2015/06/a-more-equal-parental-insurance-system/>

## D Evidence to achieve and sustain gender-sensitive public employment is systematically generated

### SELF-ASSESSMENT QUESTIONS

- Is there a systemic and systematic approach to data collection and analysis of gender representation and equality in the public sector, including longitudinal studies and comparative analyses with other sectors of employment?
- Are the data collected and the analyses conducted used to better understand gender issues and to develop more effective policy solutions to close persistent gaps?

### WHY IS IT IMPORTANT?

The systematic collection, monitoring and dissemination of reliable and relevant gender-disaggregated data and statistics are essential for an effective gender-sensitive policy process and informed policy choices. Up-to-date gender-disaggregated data is also crucial for public employment planning, development and training, monitoring, evaluating, and reporting on all types of human resources management programmes and initiatives. It is needed for developing ways to promote gender equality and equity in the public sector, to remove systemic barriers in recruitment and promotion processes, to monitor gender equality advances, and to hold public sector institutions and executives accountable.

As the knowledge about gender-related issues improves, data and research categories and definitions can be further refined. Some countries include a range of various intersecting identity factors such as age, education, language, geography, culture and income in their analysis. Such data should narrow the persistent evidence gaps in a number of policy areas, such as gender-based violence, work-life balance practices, entrepreneurship, defence and environment.

Rigorous policy development and implementation processes require quantitative and qualitative data, indicators and methods. Gathering data about employees’ perceptions of gender-sensitive issues and initiatives is also crucial. It is important to incorporate questions about gender issues in employee surveys, including identifying women’s and men’s needs, their motivation and satisfaction with employment conditions and career progression, and their expectations for the future.

Establishing a consolidated gender data and knowledge base and making it available to academic and policy researchers, policy makers and other stakeholders interested in gender equality can improve the understanding and response to gender-related issues and facilitate innovative crowdsourcing solutions.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Developing an analytical framework for gender equality issues with requirements for relevant data categories and data sources;
- Including the examination of a range of various intersecting identity factors such as age, education, language, geography, culture and income in the production of gender-disaggregated data;
- Promoting the use of gender- disaggregated data to inform the design and delivery of policies and programmes aiming to close remaining gender gaps in the public sector;
- Establishing a research agenda for systemic studies of gender equality as part of a broader knowledge development agenda on people and organisational management in the public sector;
- Creating open databases, as part of Open Government Initiative, with gender equality indicators in the public sector to enable crowdsourcing research and analyses.

### WHAT ARE THE PITFALLS TO AVOID?

- Misconception of the data and knowledge needs for the development and the sustainability of gender equality policies and programmes;
- Rely exclusively on ad-hoc data and data sources;
- Approach and study gender equality issues as an isolated topic.



### GOOD PRACTICE EXAMPLE



#### Quantitative and qualitative evidence for continuous improvement Australia

In Australia, the Public Service Commissioner requires agencies to supply data to the Australian Public Service Employment Database (APSED) in order to perform its functions under section 41 of the Public Service Act 1999. The data is then used to compile reports and evaluate the state of the Australian Public Service (APS).

Information on staffing, including trends in the size, structure and composition of the APS, contributes to research and evaluation work on the changing nature of the APS and the impact of people management policies on the structure of the APS. This, in turn, assists agencies to formulate their people management policies and practices.

Each financial year the Public Service Commissioner reports to Parliament on the state of the APS. The overall purpose of the State of the Service (SOS) Report (including workplace diversity) and the APS Statistical Bulletin, is to maintain public confidence in the integrity and accountability of the APS.

Source: Australian Public Service Commission Website <http://www.apsc.gov.au/about-the-apsc/commission-services/apсед>

## E Implicit barriers to gender equality within public employment systems are removed through affirmative policies and actions

### SELF-ASSESSMENT QUESTIONS

- Are there mechanisms in place to measure progress, analyse, promote and correct action in favour of gender balance in public employment systems?
- Is evidence-based knowledge of systemic gender-related issues used to promote learning and improvement of public employment systems and to set future directions?

### WHY IS IT IMPORTANT?

Even the best-designed gender equality policies and programmes cannot succeed if their implementation does not include conscious action to eliminate hidden barriers. Historical discrimination against women has created significant mental (often unconscious) barriers, in both men and women, to women's employment and professional fulfilment.

Evidence-based research and knowledge development about systemic gender-related issues and barriers to gender equality is a prerequisite for removing these obstacles.

Research, including public sector employee surveys, can provide important insights about these barriers and their underlying causes.

Reviewing workplace performance evaluation processes and other public employment policies and practices for hidden gender biases is important for achieving expected gender equality outcomes in public employment as well as in general employment.

Running gender bias awareness campaigns and including gender bias modules in public sector training programmes can raise awareness, disseminate knowledge and create a favourable environment for dialogue and culture change. Rewarding units, managers and employees for their efforts to overcome barriers created by gender bias can also help encourage culture change.

Having more women in senior positions can encourage women to take positions with greater leadership responsibilities, and, ultimately, help eradicate gender bias.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Continuously monitoring and evaluating public employment policies and practices and gender equality outcomes for hidden gender biases;
- Reviewing workplace performance evaluation processes for gender bias and take action to remove those biases;
- Conducting regular assessments of jobs of equal value to ensure pay equity;
- Performing objective and thorough desk audits to ensure pay equality and equity;
- Undertaking research to identify implicit barriers to gender equality and their underlying motives;
- Incorporating questions about gender bias and barriers into public sector employee surveys;
- Providing specific training and coaching on gender equality barriers to public sector managers and employees;
- Enhancing civil service rewarding system and programmes by including awards for action to overcome barriers created by gender bias;
- Promoting public image of women senior leaders in the public sector and their pathways to leadership.

### WHAT ARE THE PITFALLS TO AVOID?

- Conceptualising policies and programmes without thoughtful analysis of possible barriers for gender equality;
- Insufficient review of performance management and evaluation practices for gender biases and other implicit barriers for gender equality.

**GOOD PRACTICE EXAMPLE****Ireland: Affirmative policy measure for gender balance at senior levels in the Irish civil service**

Recently, the Irish government has endorsed new gender balance policy measures to start breaking the glass ceiling for women in the civil service. To this end, a target of 50/50 gender balance in appointments at senior levels will be established; in such cases, where candidates who compete for Top Level Appointments Committee (TLAC) positions are of equal merit, then priority would be given to the female candidate where they are under-represented on the Management Board of the Department/Office in question.

*Source: Announcement by the Minister of Public Expenditure & Reform on his official website*

*<http://paschaldonohoe.ie/minister-donohoe-announces-new-initiatives-for-achieving-gender-balance-in-the-civil-service/>*

## 4. ADDRESSING GENDER WAGE GAPS AND OCCUPATIONAL SEGREGATION

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Develop both comprehensive and more cause-specific measures to address any gender pay gap in the public sector and horizontal occupational segregation, as appropriate through:

- i. enacting pay equality and equity laws and regulations, tools and regular pay assessments in public sector institutions, including the identification of the predominantly female and male job classes in the public sector, and the evaluation of compensation differences among them and of the need for adjustments;
- ii. performing regular and objective desk audits, targeting low-paid and/or female-dominated sectors to ensure pay equality and equity, and implementing policy recommendations based on their results; and
- iii. ensuring effective channels of recourse for challenging the gender wage gap in the public sector as appropriate, for example by considering independent complaint and legal recourse mechanisms for non-compliance.

### 4.1. PRIORITY CHECKLIST FOR ADDRESSING GENDER WAGE GAPS AND OCCUPATIONAL SEGREGATION

- A. Evidence-based policies and tools are in place to address gender wage gaps and occupational segregation in public sector institutions
- B. Accountability structures are established for addressing occupational segregation and closing gender wage gaps



## 4.2. SELF-ASSESSMENT TOOL

### A

## Evidence-based policies and tools to address gender wage gaps and occupational segregation in public sector institutions

### SELF-ASSESSMENT QUESTIONS

- Are there enacted pay equality and equity laws and regulations in public institutions?
- Is there a strategic plan for addressing gender wage gaps and occupational segregation in public employment?
- Are there outcomes-oriented objectives to close gender wage gaps and to address occupational segregation?

### WHY IS IT IMPORTANT?

While horizontal occupational segregation and gender pay gaps tend to be lower in the public sector, since job classification and pay schemes help prevent wide wage gaps, they still exist, despite corrective measures undertaken by most OECD countries. These persistent gaps are primarily caused by occupational choices and career patterns, but also women's greater use of family-related leave and part-time work. Therefore, broader and evidence-based policies are needed to address them.

While pay equality is essential for gender equality, ensuring equal pay for the same work is not sufficient. Many OECD countries have introduced legal provisions to guarantee pay equity, ensuring that work of equal value, requiring similar qualifications, is paid the same. Furthermore, a co-ordinated and whole-of-government response is needed to address remaining challenges in a coherent and effective manner. Trade unions play a key role in supporting more balanced participation by women and men in the public sector working environment, and can also help close the pay gap.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Identifying predominantly female and male job classes in the public administration and conduct regular assessments of occupational segregation. Develop relevant evaluation methods, tools and processes;
- Developing whole-of-government approaches to data, research and knowledge needs to conduct pay equity analyses to determine pay inequalities existing in the workplace;
- Developing cause-specific measures to address persisting gender pay gap;
- Approaching the gender pay gap as part of broader diversity and inclusion challenges;
- Developing tools to educate public sector employees and the general public about the gender pay gap and to promote equal pay;
- Increasing pay transparency by sharing the information on gender pay gap with employees, government auditors, and citizens;
- Engaging and encourage employers to examine their own pay practices, identify and possible gender wage discrimination;
- Ensuring all relevant stakeholders are involved in the design and the implementation of measures to close gender pay gap.

### WHAT ARE THE PITFALLS TO AVOID?

- Assessment of compensation differences not based on reliable data and measures;
- Developing policy measures and tools to address gender wage gaps which fail to consider the multiple and complex gender employment issues in the public service.

## GOOD PRACTICE EXAMPLES



### Iceland

On International Women's Day 2017, the Government of Iceland presented a new law requiring all employers with more than 25 staff members to prove they give equal pay for work of equal value. The legislation, that would take effect from January 2018, aims to close the country's wage gap by 2022. It would make Iceland the first country in the world to make equal pay mandatory for both private firms and government agencies.

According to the law, government agencies will be required to document how education, experience, responsibility and other performance factors are valued and incorporated within the pay system. They will all go through an audit to analyse the pay system and salaries. The report from the audit will be published and agencies failing the audit would have to notify employees and union. The legislation allows employees to seek compensation.

Source: BBC (2017), *Iceland set to tackle gender pay gap with world's toughest law*, <http://www.bbc.com/news/world-europe-39501616>



### Switzerland: Charter for equal pay in the public sector:

The charter was launched in September 2016 by the Federal Councillor and aims to encourage the public sector on the federal, cantonal and communal level to use its authority and partnerships to promote wage equality. More concretely, the public authorities signing the Charter commit themselves on a political (not legal) level to, among other things:

- promote awareness of the Federal Act on Gender Equality (GEA) among employees responsible for wage determination and job evaluation, recruitment, training and promotion; and,
- regular monitoring in accordance with accepted standards to ensure the respect of equal pay within the public administration.

As at 25 October 2017 almost half of the cantons (12 out of 26) as well as all cities with more than 100,000 inhabitants have signed the Charter. The Federal Office for Gender Equality (FOGE) organises an annual Conference aimed at renewing the commitment of the public sector actors, sharing good practices and information. In addition, to help the public administration to put into practice the commitment undertaken by the signatories to the Charter, the FOGE is making an internet platform available at [www.equality-switzerland.ch](http://www.equality-switzerland.ch) with all the necessary tools and information: statistics, legal bases, the Logib analysis tool ([www.logib.ch](http://www.logib.ch)), tutorials, helpline, information on workshops, declaration by the tenderer, list of specialists, etc.

For more information see <https://www.ebg.admin.ch/ebg/fr/home/themes/travail/plateforme-egalite-salariale/engagement-du-secteur-public/charte-pour-l-egalite-salariale-dans-le-secteur-public.html> (in French)

#### Logib: Equal pay self-analysis tool:

Logib is an equal pay self-analysis tool for private and public employers, available in English, German, French and Italian. It enables employers with at least 50 employees to easily check their equal pay practice. It can be downloaded anonymously and free of charge on the internet. The Swiss federal administration, with its more than 35,000 employees, regularly conducts equal pay analyses with Logib.

Source: *The federal government's personnel strategy for 2016-2019 explicitly provides for regular wage controls. For further information, please see: [www.epa.admin.ch/epa/fr/home/themes/politique-du-personnel/personalstrategie\\_2016\\_2019.html](http://www.epa.admin.ch/epa/fr/home/themes/politique-du-personnel/personalstrategie_2016_2019.html) (available only in French)*

## B Accountability for addressing occupational segregation and closing the gender wage gap

### SELF-ASSESSMENT QUESTIONS

- Are there clearly defined roles and responsibilities across the public sector for monitoring and overseeing regulations, initiatives and programmes addressing gender wage gaps and occupational segregation?
- Have effective channels of recourse (e.g., independent complaint and legal recourse mechanisms for non-compliance) for challenging occupational segregation and the gender wage gap in public employment been established?

### WHY IS IT IMPORTANT?

Clear accountability mechanisms are critical for addressing occupational segregation and gender wage gap in public institutions. These include responsibility for establishing recourse mechanisms, such as independent complaint and legal recourse, establishing verification mechanisms and performing regular and objective desk audits.

Outcomes-based reporting not only allows progress to be assessed but also provides an opportunity for a critical review of methods and approaches. Annual reports by government to parliament on its progress in addressing occupational segregation and closing the gender pay gap can be an important means for improving gender equality in the public sector. Systematically monitoring gender balance in leadership and management positions and undertaking potential corrective measures to that effect can help close the gender pay gap and align results with the public sector's overall gender equality objectives and priorities.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Defining clear lines of accountability, roles and responsibilities for policy development and for implementing, monitoring and overseeing initiatives and programmes addressing gender wage gaps and occupational segregation;
- Establishing appropriate mechanisms of oversight and reporting on occupational segregation and gender pay gaps progress;
- Ensuring availability of effective channels of recourse in challenging the wage gap;
- Providing tools, information and advice for developing and implementing monitoring and reporting measures;
- Using reliable statistical data for monitoring and overseeing gender pay equity initiatives and programmes;
- Including occupational segregation and gender pay gap in gender audits across government departments.

### WHAT ARE THE PITFALLS TO AVOID?

- Limited involvement of unions and other employees' representation associations in the development of policies, regulations and initiatives to address occupational segregation and close gender pay gap;
- Underestimating the importance of clear communication and transparency to engage managers and employees in positive action;
- Underestimating potential opportunities in public sector reform initiatives to reduce gender gaps (including gender wage gaps and occupational segregation) in the public sector.

## GOOD PRACTICE EXAMPLE

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### Scotland: Guidance for reporting on gender and employment, equal pay, and occupational segregation

In August 2016, Close the Gap, a partnership initiative, funded by the Government of Scotland and also involving Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, Equality and Human Rights Commission, and Scottish Trades Union Congress, released a guidance document, Public sector equality duty: Guidance for reporting on gender and employment.

This guidance provides information to help Scottish public authorities meet the public sector equality duty as it relates to gender and employment.

It focuses in particular on:

- Gathering, using and publishing employment data;
- Gender mainstreaming;
- Developing equality outcomes;
- Calculating and using gender pay gap information; and
- Publishing an equal pay statement on gender, including occupational segregation information.

The tool also provides a number of good practice examples to explain the process of data gathering, analysis and use, and to increase understanding of how you can use the duty to deliver improved employment practice and service provision.

*Source: Close the Gap (2016), Public sector equality duty: Guidance for reporting on gender and employment. <https://www.closesthegap.org.uk/content/resources/Close-the-Gap-PSED-guidance-on-gender-and-employment-2016.pdf>*



# 05

## **GENDER-SENSITIVE PRACTICES IN THE JUDICIARY**

*There are a number of reasons why gender balance and a gender equitable work environment in the judiciary is beneficial and important: diversity has a strong potential to improve quality. Beyond the issue of fairness, women can bring a different voice and a different perspective to the bench. For the judiciary to be perceived as legitimate, it is important that people appearing before the court feel that judges are, to a certain extent, a fair representation of society. If not, the courts run the risk of losing public confidence. Enhancing gender diversity in the justice system can reduce barriers for women's access to justice, such as stigma associated with reporting violence and abuse, and ensure a more balanced approach to enforcing the law. At present law schools tend to have (at least) as many female as male students, yet gender gaps at the higher echelons of judgeship positions still persist. There is a wide range of factors contributing to the gender gap in the judiciary. Among others these include unfavourable and non-transparent nomination and promotion systems, heavy workloads with a lack of family-friendly schemes, lack of political will, and persistent stereotypes and taboos. This section focuses on:*

- *A comprehensive framework for gender equality in judicial decision-making*
- *Measures to attract and recruit women and men from diverse backgrounds to judicial careers*
- *Fostering an enabling environment to retain and promote women and men from diverse backgrounds in judicial careers*
- *Monitoring the impact of gender equality initiatives in the judiciary*

*This section must be read together with Section 4 on gender-sensitive public employment systems which provides further general guidance on the role of leadership in advancing gender equality as well as work-life balance policies and initiatives.*

## 1. A COMPREHENSIVE FRAMEWORK FOR GENDER EQUALITY IN JUDICIAL DECISION-MAKING

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Achieve gender balanced representation in decision-making positions in public life by encouraging greater participation of women at all levels in government, parliaments, judiciaries and other public institutions, through:

Embedding a political commitment at the highest level to promote gender equality in public life, as appropriate, by developing a comprehensive framework to encourage balanced representation of women and men in public decision-making positions.

## 1.1 PRIORITY CHECKLIST FOR A COMPREHENSIVE FRAMEWORK FOR GENDER EQUALITY IN JUDICIAL DECISION-MAKING

- A. Justice sector has made a clear assessment of where it stands vis-à-vis its goals for gender equality and which interventions are necessary to achieve its vision
- B. Justice sector has developed a strategic course of action for gender equality

## 1.2 SELF-ASSESSMENT TOOL

### A Justice sector has made a clear assessment of where it stands vis-à-vis its goals for gender equality and which interventions are necessary to achieve its vision

#### SELF-ASSESSMENT QUESTIONS

- Have you identified gender equality needs in the justice sector and determined priorities and measures of progress - tackling the broadest number of aspects such as employment and human resources management, judicial services, institutional culture and consolidated professional behaviours, etc.?
- Do you rely on a wide range of sources of information – surveys, qualitative data, desk research, stakeholder engagement, focus groups etc. – to ensure a comprehensive and reliable assessment of gender equality needs within the justice sector?

#### WHY IS IT IMPORTANT?

To achieve gender equality in the justice sector – both as an employer and provider of justice services – the judiciary needs to function and serve the public in a way that takes into account the different needs and circumstances of men and women. The judiciary should regularly conduct a thorough analysis of its own composition and operation, making sure that the data and information collected to this end address gender dimensions and implications. All judicial policies and measures should be scrutinised for how well (or badly) they prevent gender discrimination and promote gender equality.

Barriers to gender-sensitive judiciaries include formal rules as well as informal and culturally-sensitive aspects of the judicial organisation. The needs assessment should also identify implicit forms of gender discrimination, for example in the way language is used within the judiciary and in the courtroom. The assessment should result in well-defined gender equality objectives linked to priority actions and clear timelines. These are necessary for defining a comprehensive, strategic course of action (see also Section 2.1 for a priority checklist for a “whole-of-government” strategic plan for gender equality).

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Establish a baseline situation by having a clear picture of differences and gaps in the following key issues, as a minimum:
  - The percentage of men and women across the judiciary, at different occupational levels and levels of jurisdiction;
  - Availability and uptake of parental leave and flexible work arrangements by men and women;
  - Assessment of career development paths for male and female judicial staff, and specific challenges related to the different paths;
- Gender wage gap;
- Gender bias expressed in behaviours and attitudes embodied by judicial staff and authorities as part of the judiciary’s workplace culture;
- Potential and/or assessed impact of judicial policies, services, programmes and practices on men and women beneficiaries;
- Internal and external factors affecting gender equality performance.



- Identify and engage different actors involved in the process of advancing gender equality, e.g. justice institutions, bar associations, women's organisations, law students, etc.).
- At the court level, assess the institution's history and achievements in gender equality; and identify enabling factors and promising initiatives to implement gender equality in the judiciary.
- Prioritise identified gender gaps and set measurable objectives and targets to close these gaps (see next section).

### WHAT ARE THE PITFALLS TO AVOID?

- Focusing only on hard data and quantitative gender indicators and not using more qualitative approaches of data collection. Qualitative indicators can provide information on experiences, opinions and attitudes and therefore are useful in explaining gender bias;
- Not involving gender experts. A well-executed gender assessment is not a routine assignment. By omitting to hire specialized gender expertise, relevant gender issues that should be identified in the assessment could easily be overlooked.
- Focusing only on policies, documents, programmes that specifically deal with gender issues instead of those which are more general and cross-cutting. The latter may be more instructive in shedding light on implicit gender bias;

### GOOD PRACTICE EXAMPLES



#### Portugal

The Portuguese gender equality policy framework is guided by the Fifth National Plan for Gender Equality, Citizenship and Non-discrimination 2014-2017. Under this policy framework, the Ministry of Justice developed its own Second Plan for Gender Equality 2015-2017. This plan for gender equality builds on a gender-assessment conducted by the Ministry of Justice which included a study of characterisation, by gender, of the leading posts of the Ministry of Justice; evolution, by gender, of the professions associated with Justice in the years 2010 to 2013; and evaluation of the implementation of the intervention measures proposed in the First Plan for Equality of the Ministry of Justice.

*Source: 2017 OECD Survey on Gender-sensitive practices in the judiciary (preliminary data)*



#### France

The Directorate of Judicial Services, and more specifically the Human Resources Branch of the Judiciary, provides all magistrates with a guarantee of equal access to all posts. A gender analysis of judicial recruitment has been in conduct over several decades in France and allows for a comparison of data for a long span of time. Statistics are regularly drawn up on the distribution of women and men according to the age pyramid and the distribution of senior posts.

*Source: 2017 OECD Survey on Gender-sensitive practices in the judiciary (preliminary data)*

## B Justice sector has developed a strategic course of action for gender equality

### SELF-ASSESSMENT QUESTIONS

- Have you identified gender equality and mainstreaming objectives across the justice sector to address identified gender gaps?
- Have you defined and communicated roles and responsibilities across the justice sector for implementing, monitoring and overseeing gender equality and mainstreaming objectives (e.g., in workforce composition at all levels, HRM policies, organisational culture, and delivery of justice services) in the justice sector?
- Have you involved a broad range of stakeholders within the justice and legal sector and at the community level in the elaboration of a strategic plan for gender equality?

### WHY IS IT IMPORTANT?

The success of gender equality and mainstreaming initiatives across the justice sector will depend on whether they are supported by clear objectives, targets, timelines, capacities and resources. Court management can play an important role by providing leadership and accountability for the implementation of this strategic course of action. Top management within the judicial organisation (e.g. court presidents, court managers) can be powerful actors of change by stressing the importance of gender equality and voicing their support for gender mainstreaming to the rest of the organisation. In order to raise awareness and involve the rest of the organisation, the strategic action plan should be supplemented with a clear, concise and inspiring communication plan.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure that gender equality objectives are supported by actionable guidance and reflected in relevant bylaws;
- Ensure that gender equality priorities and plan encompass all phases of judicial career (from application to promotion at the most senior level), and not only judicial appointments;
- Confirm that those involved in setting the objectives for gender mainstreaming have enough expertise on gender issues and provide them with additional training if necessary;
- Identify leaders across the judiciary to guide, steer and widely disseminate gender equality objectives;
- Build incentives to increase staff and managers' compliance with gender equality objectives;
- Ensure that resources (financial and working time of staff) are made available to address gender gaps and promote gender equality;
- Make gender expertise available to the judiciary to support the implementation of gender equality objectives;
- Foresee mechanisms to hold court management accountable for achieving gender equality goals;
- Set up a platform for gender innovation where court staff can present ideas aimed at promoting gender equality.

### WHAT ARE THE PITFALLS TO AVOID?

- Limited involvement of the judicial organisation as a whole in the development of gender equality objectives;
- Ignoring potential institutional resistance within courts to implementing gender equality objectives, as resistance should be seen as a starting point for discussion and awareness raising;
- Present gender-mainstreaming as a separate policy and as something "additional"; gender should be an integral aspect of all activities and initiatives at all levels of the judicial organisation;
- Define objectives that are unrealistic which set the judicial organisation up for failure – objectives should be ambitious but achievable.

## GOOD PRACTICE EXAMPLES



### France

Each ministry in France adopts their own implementation roadmap to make a clear assessment of where ministries stand vis-à-vis their goals for gender equality and which interventions are necessary to achieve their visions. Accordingly, the Ministry of Justice develops its own Gender Equality Roadmap every year. The roadmap lays out actions to foster gender-sensitive internal practices within the justice sector, and measures to foster gender equality within judicial workforce and wages. The different departments of the Ministry of Justice are involved in the elaboration of the strategic plan for gender equality and the Secretariat-General have the transversal mandate.

*Source: OECD (2017), OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results; Official website of Ministry of Family, Children and Women's Rights, Ministerial Roadmaps, <http://www.familles-enfance-droitsdesfemmes.gouv.fr/dossiers/actions-dispositifs-interministeriels/droits-des-femmes-les-feuilles-de-route-ministerielles/>*



### Chile

Chile adopted an action plan on gender mainstreaming in the judiciary in 2015. The action plan created a Working Group on Gender Issues as a body of knowledge and observation regarding the incorporation of the gender perspective into the judicial branch. The Working Group is composed of members of the judiciary as well as ministers, judges and trade union representatives. The action plan sets a guiding framework and lays out actions to be taken by the Working Group as follows: analysing and evaluating gender inequalities and gender-based discrimination in the exercise of jurisdictional activity as well as identifying gender equality and mainstreaming objectives in the judiciary. In light of these objectives set by the action plan, the Working Group participated actively in the analysis of the gender-diagnostic studies and in the elaboration of proposals to develop a gender policy for the judiciary. The adoption of the action plan and the creation of the Working Group indicate a strategic promotion of gender equality and mainstreaming within the judiciary in Chile.

*Source: OECD (2017), OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results.*



## 2. MEASURES TO ATTRACT AND RECRUIT WOMEN AND MEN FROM DIVERSE BACKGROUNDS TO JUDICIAL POSTS

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Introduce measures, as appropriate, to enable equal access to opportunities in senior public service and judicial appointments such as disclosure requirements, target setting or quotas, while ensuring a transparent and merit-based approach in judicial and senior public sector appointments through open competition, clear recruitment standards and wide vacancy advertisement.

#### 2.1. PRIORITY CHECKLIST FOR ATTRACTING AND RECRUITING WOMEN AND MEN FROM DIVERSE BACKGROUNDS TO JUDICIAL POSTS

- A. Proactive measures are in place to equally attract and support women and men to opt for a judicial career
- B. Judicial selection and appointment procedures help reduce gender gaps within judicial posts

#### 2.2 SELF-ASSESSMENT TOOL

### A Proactive measures are in place to equally attract and support women and men to opt for a judicial career

#### SELF-ASSESSMENT QUESTIONS

- Have you identified barriers – if any – and opportunities to ensure a diverse pool of applicants for judicial office?
- What measures are put in place to widen gender balance within the pool of applicants for judicial office?

#### WHY IS IT IMPORTANT?

Attracting and recruiting the best mix of talent in the judicial workforce can improve the independence, impartiality and integrity of the judiciary. If the composition of the judiciary, including at the top, reflects the composition of society – and not only segments of it – it may be perceived as legitimate and more capable of both delivering equal justice for all and upholding equality before the law (International Commission of Jurists, 2013). Differences in aspirations or choices of career path between female and male legal students can contribute to wider gender gaps throughout the judicial career. Differences in career choices might, however, be driven not only by gender differences in preferences but also by the perceptions and misperceptions around holding judicial office. Proactive measures are thus necessary to reach out to a broad range of female and male talents.

## WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Build a pipeline for future judicial candidates through active outreach activities to law students and bar associations; especially targeting women from diverse backgrounds. Ensure long-term relations with such associations to widen the pipeline;
- Disseminate job postings widely and ensure a gender-responsive language of job descriptions; solicit applications from under-represented groups, especially among women;
- Consider workshops to support women candidates to prepare for judicial selection process, and identify female judicial role models to inspire women from diverse backgrounds to apply for judicial office;
- Provide opportunities for applications for judicial office to observe the work of judges (e.g., judicial work shadowing schemes) to familiarise candidates with the judicial roles;
- Build and communicate gender balanced image of the judiciary, and work to eradicate negative conceptions and myths around judicial work (e.g., lack of flexible working, isolation, etc.).

## WHAT ARE THE PITFALLS TO AVOID?

- Limit job advertising to the “usual” stakeholders;
- Insufficient measures which undercut the judiciary’s aims to provide equal opportunities.



## GOOD PRACTICE EXAMPLES



### United Kingdom

The Judicial work shadowing scheme encourages and supports women (and other targeted groups such as lawyers from low socio-economic backgrounds) intending to apply for their first judicial appointment or those who wish to progress to higher office. It allows those who have entered the scheme to:

- observe the daily work of a judge and establish what skills and experiences are needed to support their application to judicial office;
- share issues inhibiting their application to judicial office (e.g. concerns of work/life balance, self-confidence, self-perception) and receive confidential advice, support and guidance from a mentor judge;
- learn from someone with a greater understanding of the judiciary;
- identify areas where further development and experience is required and consider how these may be acquired; and
- decide whether or not taking up judicial office is an option they want to pursue.

Source: UK Ministry of Justice, <https://www.judiciary.gov.uk/about-the-judiciary/judges-career-paths/judicial-mentoring-scheme/>



### France

The preparatory class structure for the first competition for access to the National School of the Judiciary (École Nationale de la Magistrature) aims to strengthen equal opportunities and diversity for judicial auditors by preparing women and men candidates from disadvantaged communities. Moreover, during the work carried out in 2017 by the Sub-Directorate of Human Resources of the Registries on professional equality between women and men in the public service, the language of 45 standard employment forms was made gender-sensitive. This new framework will be available in the jurisdictions from 2018 onwards.

Source: OECD (2017), *OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results*.

## B Judicial selection and appointment procedures help reduce gender gaps within judicial posts

### SELF-ASSESSMENT QUESTIONS

- Have selection and promotion procedures been scrutinised for possible gender bias?
- Have gender balance requirements been included into the composition of selection committees (or equivalents)?
- Have judicial selection committees (or equivalents) received training to mitigate potential implicit gender bias within selection and appointment procedures?

### WHY IS IT IMPORTANT?

Efforts to promote a gender-balanced judicial workforce and selection on merit are not incompatible. As OECD findings show, the way public examinations are organised in the judiciary may not always support women’s judicial career progression to the top. A transparent selection process can lead to a larger influx of women into the judiciary. Appointment commissions can be helpful in responding to judicial gender inequities. While there is no hard evidence, commissions that are more diverse tend to nominate a more diverse group of candidates (OECD, 2014).

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure a gender balanced composition of both selection panel and candidates;
- Develop gender-sensitive interviewing guidelines for the selection panel;
- Provide feedback to unsuccessful candidates, if possible including on performance;
- Ensure that committees responsible for judicial appointments work closely with gender equality support mechanisms within justice sector. These support mechanisms can provide guidance and feedback on the selection process through a gender perspective.

### WHAT ARE THE PITFALLS TO AVOID?

- Insufficient encouragement of women to apply, especially in application-based systems.

### GOOD PRACTICE EXAMPLES



#### Canada

In 2016, the Prime Minister announced a new process for appointing Supreme Court of Canada Justices. The process “is open, transparent, and sets a higher standard for accountability. (...) For the first time, any qualified Canadian lawyer or judge may apply for appointment to the Supreme Court of Canada through the Office of the Commissioner for Federal Judicial Affairs.” This new procedure is explicitly guided by the wish to create gender balance in the Supreme Court: “In establishing a list of qualified candidates, the Advisory Board will also seek to support the Government of Canada’s intent to achieve a Supreme Court of Canada that is gender-balanced and reflects the diversity of members of Canadian society.”

The Canadian government also announced reforms to the federal judicial appointment process after reviewing the pre-existing application process and consulting with key stakeholders. On 20 October 2016, the Government started the process of reconstituting all Judicial Advisory Committees in order to make them more representative of the diversity of Canada. A public application process for the Public Representative positions was launched, and diversity and unconscious bias training has been developed. The Office of the Commissioner for Federal Judicial Affairs (CFJA) is mandated to collect and publish statistics and demographic information on those who apply for judicial office and those who are appointed to ensure transparency.

Source: Government of Canada website, <http://pm.gc.ca/eng/news/2016/08/02/new-process-judicial-appointments-supreme-court-canada>; <http://www.justice.gc.ca/eng/csj-sjc/scapq-pncsq.html>.

## GOOD PRACTICE EXAMPLES



## Hungary

The Supreme Court, National Office for the Judiciary, and all high and regional courts of appeal in Hungary are obliged to prepare and release “*Equal Opportunities Plans*” to promote equal opportunities within the judiciary. These plans also enshrine a local whistleblowing system in the judiciary by the appointment of an *Equal Opportunities Rapporteur* receiving complaints and managing complaint procedures regarding gender bias in judicial selections and appointments.

Source: OECD (2017), *OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results*.



## France

In France, gender parity is sought in the composition of selection panels for the recruitment of judges and advancement committees. In addition, selection panels for the recruitment of judicial officers in all commissions and bodies under the authority of the Prime Minister, Ministers, or the Bank of France including the Civil Service Ethics Commission, the Conciliation and Customs Expertise Commission and the Superior Court of Arbitration are obliged to respect gender parity.

Source: OECD (2017), *OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results*.

### 3. FOSTERING AN ENABLING ENVIRONMENT TO RETAIN AND PROMOTE WOMEN AND MEN FROM DIVERSE BACKGROUNDS IN JUDICIAL CAREERS

#### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Mainstreaming work-life balance and family-friendly work practices at the top level in public institutions and promoting gender-sensitive working conditions, for example, by: reviewing internal procedures of public institutions; reconsidering traditional working hours; developing schemes to support the reconciliation of family and professional obligations; providing incentives to men to take available care leave and flexible work entitlements; facilitating capacity and leadership development opportunities, mentoring, networking and other training programmes in public institutions; promoting female role models in public life; and encouraging active engagement of men in promoting gender equality.

#### 3.1. PRIORITY CHECKLIST TO RETAIN & PROMOTE WOMEN AND MEN FROM DIVERSE BACKGROUNDS IN JUDICIAL CAREERS

- A. Equitable career advancement policies are in place to close gender gaps at the top levels of judicial careers
- B. Work-life balance systems are available and widely used across the justice sector, including at the top
- C. Measures are in place to foster a gender-sensitive working culture within the judiciary

## 3.2 SELF-ASSESSMENT TOOL

### A Equitable career advancement policies are in place to close gender gaps at the top levels of judicial careers

#### SELF-ASSESSMENT QUESTIONS

- Have existing career advancement policies and procedures been scrutinised for possible gender bias and evaluated for gender balance?
- Are capacity and leadership development opportunities for women in the judiciary available and facilitated by court management from the entry level to the most senior appointment?
- Are judicial composition statistics regularly collected, disclosed and discussed by judicial leadership? (see Section 5.4 on monitoring the impact of gender equality initiatives in the judiciary)

#### WHY IS IT IMPORTANT?

Despite differences between civil law and common law systems, in most OECD countries women tend to be well represented in entry-level judicial posts. Gender parity among professional judges has been reached and surpassed in many OECD countries, with women representing on average 56% of all judges. However, women's participation critically drops at higher levels, and gender gaps widen toward the top levels of the judiciary. Women occupy on average 59% of offices in first instance courts but only 34% of judgeships in supreme courts. It is not uncommon that a female judge may begin working part-time following the birth of a child, yet this may limit her access to the professional development opportunities necessary for climbing the judicial ladder, and thus undermine her success as a judge (OECD, 2014).

Leadership programmes designed specifically for women can help talented women judges advance in their organisation create . It is also important that male colleagues, especially in management and leadership positions, speak out in favour of such leadership trajectories. For such efforts to be effective, it is equally crucial to address policies and practices that may reinforce subtle or second-generation gender bias (e.g., patterns of behaviour associated with men such as the expectation of being assertive).

*This section must be read together with Section 4 of the Toolkit focusing on gender-sensitive public employment systems, which provides further general guidance on the role of leadership in advancing gender equality within public sector workforce.*

#### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Ensure that selection processes for opportunities for career advancement are open and transparent, while also ensuring that under-represented groups are proactively supported;
- Establishing clear accountability lines at the top levels of the judiciary for promoting and respecting gender balance and diversity in career advancement processes;
- Widely disseminate information on various judicial career paths so that both women and men are aware of the range of opportunities available within the judiciary and consider how they can develop their skills;
- Continue supporting and encouraging women talents after their entry and throughout the judicial career, including at most senior levels;
- If not in place, implement a system of mentoring and sponsorship; and leadership and capacity development programmes for women and men;
- Consider holding a series of interviews of influential female and male leaders within the judiciary recording stories of how their career path has been shaped by female role models. Publish among all members of the judiciary;
- Consider creating a role model shadowing programme where female and male judges are partnered with a role model and follow their activities for a week;
- Consider collecting evidence of the impact of capacity development schemes on women's participation in the judiciary.

#### WHAT ARE THE PITFALLS TO AVOID?

- Take reluctance of women to participate in leadership development programmes at face value. Because women in comparison to men tend to underestimate their capabilities, they might need more persuasion than men to engage in such trajectories.



**GOOD PRACTICE EXAMPLE**

USA

The National Association of Women Judges (NAWJ) has been focusing on gender equality since its inception in 1979. Elements of the organisational mission are:

- Developing judicial leaders
- Increasing the number of women on the bench in order for the judiciary to accurately reflect the role of women in the democratic society
- Improving the administration of justice to provide gender-fair decisions for both male and female litigations.

The establishment and implementation of gender bias task forces in both federal and state courts can be seen as an example of concrete actions undertaken by the NAWJ.

Source: *The National Association of Women Judges (NAWJ)* <https://www.nawj.org/>

## **B** Work-life balance systems are available and widely used across the justice sector, including at the top

**SELF-ASSESSMENT QUESTIONS**

- Do existing policies in the judiciary support work-life balance, including at most senior levels and across different occupational groups and jurisdictions?
- Do family-friendly policies and practices encourage equality between men and women by including incentives for men to take available care leave and flexible work entitlements? (see Section 4.3.C of the Toolkit on gender-sensitive public employment systems and specific work-life balance and family friendly policies).

**WHY IS IT IMPORTANT?**

Difficulties with balancing work and private life can impede women from filling more senior positions within the judiciary. The judiciary places high demands on the hours that judges work, and office hours can be inflexible due to lengthy court sessions. While this can pose a serious barrier for judges with family responsibilities, women are more likely than men to resort to part-time work. It is important to include men in the discussion of a healthy work-life balance. Research shows that “a holistic approach is more likely to mobilise workplace support and effect wider organisational change than policies aimed solely at women or those with childcare responsibilities” (Gregory and Milner, 2009: 3, 11).

**WHAT ARE THE KEY ACTIONS TO CONSIDER?**

The need for balancing work and private life has led most judiciaries to implement leave policies, measures related to work time and organisation and care services. If not yet established, they need to be implemented:

- Leave policies promoting a work-life balance: maternity, paternity, parental leave; leave for health risks during pregnancy or breastfeeding; adoption leave; and long-care leave;
- Measures related to work time and organisation: flexible hours and/or teleworking; ability to reduce hours

temporarily; career breaks; time off for pre- and post-natal care; and paid breastfeeding breaks.

In addition, the following measures could be considered:

- Make the perception of work-life balance systems part of the discussion;
- Present measures to promote a healthy work-life balance as an opportunity for the judicial organisation to learn about the benefits of new ways of working;

### KEY ACTIONS

- Develop a business case for measures that promote a positive work-life balance;
- Collect and disseminate data on how better work life arrangements increase job satisfaction and productivity;
- Make work-life arrangements part of the annual evaluation interview with judicial staff;
- Ensure that work-life balance initiatives remain relevant by regularly review the needs of staff and the courts to reflect changes in staff circumstances and adapt work-life balance measures;
- Cover a wide range of employee needs and situations, including at the most senior positions, within work-life balance policies;
- Widely disseminate information about the range of work-life balance options that make staff aware of what is available, including at the most senior judicial posts;
- Work to adapt the organisational culture to encourage take-up of available work- life balance measures within the judiciary, including at the most senior judicial posts;
- Consider setting work-life balance performance expectations for court managers;
- Provide incentives for men to make use of available work-life balance

### PITFALLS

- An exclusive focus on women judges. Men judges also struggle with work-life balance and equal arrangements for men and for women “normalise” the gender discussion;
- Exclusively focus on formal policies aimed at creating a healthy work-life balance and overlooking how organisational structures or workplace culture might undermine formal policies.



## GOOD PRACTICE EXAMPLES



### United Kingdom

Crime and Courts Act 2013 extending the right to salaried part-time work to judges in the High Court and above (this was already available at lower court levels).



### Mexico

In response to obstacles it had identified as deterring women from careers in the judiciary – e.g. limited family-friendly policies, mobbing and sexual harassment – the human resources department of the Federal Electoral Tribunal put in place a Gender Equality Unit to support shorter working hours, the implementation of paternity leave and action to raise awareness of gender stereotypes in the workplace. Yet, the distance of the Gender Equality Unit from the apex of decision making has significantly curtailed its influence. It has been transferred to the Presidential Office of the Court to increase its leverage, but its influence on decision making is still uneven and depends on the personality of the President of the Court.

*Source: OECD (2017), Building an Inclusive Mexico: Policies and Good Governance for Gender Equality, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264265493-en>*



### Canada

Justicia Flexible Work Arrangements Profitability Model (developed by Deloitte): The tool has been developed for Law Firms but can be a source of inspiration for the judiciary as well. The tool is an example “of how the profitability of a flexible work arrangement (“FWA”) could be calculated.”

The model can be found at: [http://www.lsuc.on.ca/justicia\\_project/](http://www.lsuc.on.ca/justicia_project/)



### Hungary

Although there is no central policy on work-life balance measures in the Hungarian judiciary, there are a number of local practices on the creation of family-friendly working conditions across the judiciary. These practices include increasing the proportion of part-time work, flexible work hours, accommodation of the special needs of pregnant workers and parents as well as maternity/parental leave and reintegration management.

*Source: OECD (2017), OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results.*

## C Measures are in place to foster a gender-sensitive working culture within the judiciary

### SELF-ASSESSMENT QUESTIONS

- Does the judicial workplace provide a respectful and empowering environment for women and men?
- Are there preventive processes and sound complaint mechanisms to deal with sexual harassment cases?

### WHY IS IT IMPORTANT?

Changing the organisational culture and removing stereotypes in the legal profession is crucial for attracting and retaining a gender-balanced workforce within the judiciary, including at the upper management levels. Education and training initiatives for managers and employees (both male and female) are essential for changing behaviour. Culture change implies using gender-sensitive language, making efforts to remove sexist behaviour (e.g., sexist jokes), and establishing a sound process to deal with sexual harassment cases.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Establish or strengthen robust discrimination and harassment complaint mechanisms;
- Ensure that Code of Judicial Conduct includes references to gender-sensitive conduct;
- Ensure use of gender-sensitive language in courtrooms and in other public communication;
- Consider developing training materials (online and hardcopy) to promote gender-sensitive working culture within courtrooms;

### WHAT ARE THE PITFALLS TO AVOID?

- Insufficient support and guidance from the top of the judiciary on use of measures to advance a gender-sensitive working culture.



## GOOD PRACTICE EXAMPLES



### Sweden

In 2016, as part of the government-wide gender mainstreaming agenda, an “Action plan for integration of gender equality in the Courts of Sweden 2016-2018” was adopted. Prior to the development of the Action Plan, a survey which aimed at all authorities within the Swedish Courts was conducted to obtain a detailed assessment of the courts’ awareness of the broader gender equality policy objectives. The survey also covered issues related to existence of institutional awareness to gender equality among judicial officers, and use of gender-sensitive language. Following this survey process, it was decided to prioritise activities aimed at raising employee awareness on gender equality priorities within the Swedish Courts. In this regard, court managers of all levels were identified as the primary target group as their knowledge, understanding and dedication to gender equality are crucial to how the judicial organisation can handle gender equality issues and deliver results.

*Source: OECD (2017), OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results.; <http://www.genus.se/wp-content/uploads/Sverges-domstolars-handlingsplan-for-jamstalldhetsintegrering-2016-2018-pdf.pdf>*



### Korea

In Korea, “The Judges’ Community on Gender and Law” was created in 2008 in the Supreme Court. The community commits to promoting gender equality and developing female talents in the judiciary and protecting rights of the underrepresented in society. To this end, it focuses on conducting in-depth studies on theories, practices and systems to enhance gender equality in the judiciary and reviewing and discussing recent court rulings on gender-sensitive cases. It also encourages members to discuss and exchange opinions actively on gender-related issues and law. To raise awareness on gender-sensitive issues both inside and outside the judiciary, the community holds annual symposiums, seminars, and forums on a wide range of topics including recent court rulings related to gender equality, protection of victims of sexual crime during trial proceedings, measures to assuring rights of sexual minority, prevention of discriminatory practices, and improving organisational culture for gender equality in the judiciary. The community also set up online ‘Mentoring Bulletin Board’ on its website so as to help the culture of mentoring relationship among female judges take firm root in the judiciary.

*Source: OECD (2017), OECD Survey on Gender-sensitive Practices in the Judiciary, Preliminary results.*

## 4. MONITORING THE IMPACT OF GENDER EQUALITY INITIATIVES IN THE JUDICIARY

### KEY PROVISION OF THE OECD RECOMMENDATION ON GENDER EQUALITY IN PUBLIC LIFE

Systematically monitor gender balance in public institutions, including in leadership positions and different occupational groups, through regular data collection such as the use of employee surveys, and reassess its alignment with overall gender equality objectives and priorities, taking into account the results of evaluations.

#### 4.1. PRIORITY CHECKLIST FOR MONITORING THE IMPACT OF GENDER EQUALITY INITIATIVES IN THE JUDICIARY

- A. Gender balance across the judiciary is systematically monitored and the impact of gender equality initiatives are evaluated against set targets

#### 4.2 SELF-ASSESSMENT TOOL

### A Gender balance across the judiciary is systematically monitored and the impact of gender equality initiatives are evaluated against set targets

#### SELF-ASSESSMENT QUESTIONS

- Are judicial composition statistics regularly collected, disclosed to and discussed by judicial leadership?
- Do court managers and senior judicial staff have clear roles and responsibilities to monitor gender equality?
- Are outcomes of monitoring and evaluation being used to inform organisational policies and management responses?

#### WHY IS IT IMPORTANT?

Gender sensitive monitoring is “the systematic and objective assessment of the design and planning (objectives, results pursued, activities planned) and the implementation and results of an ongoing activity, project, programme or policy from a gender perspective” (EIGE, 2016). Such a monitoring system can help establish the baseline situation and track progress. It is crucial to select the right set of indicators, including:

- Context indicators retrieved from a reference group. For example, it may be interesting to compare the gender indicators (e.g. the gender gap of women in management positions) with judiciaries in other countries or with other a different line of occupation (e.g. the medical field);
- Application indicators to measure the characteristics of the target population. These indicators (e.g. years of judicial employment, previous occupation, age, etc.) need to be measured for both male and female judicial staff so that differences in population can be part of the analyses;
- Process indicators to measure management efficiency. These indicators are mainly used to understand the amount of financial and other resources that have been invested in achieving gender goals;
- Result/output indicators to measure the effect of the gender policies and initiatives. These could include the number of women judges having participated in leadership programs, the percentage of women judges in management positions, etc.;
- Efficiency indicators to measure the relationship between resources and results.

### WHAT ARE THE KEY ACTIONS TO CONSIDER?

- Assess and address data gaps in order to know what works, track progress, and identify areas that may be lagging behind;
- Ensure that data is collected on all of the categories covered by gender equality action plans for the judiciary;
- Develop specific indicators assessing the realisation of gender equality in the judiciary's functioning, performance, composition and impact;
- Establish clear roles and responsibilities and involve senior judicial staff in monitoring gender equality within the judiciary;
- Establish a management response scheme to respond to findings of data collection efforts;
- Find innovative and inspiring ways to share data (e.g. infographics/multimedia);
- Collaborate with statistical entities during the data collection process;
- Consider ways to measure short, medium and long term impacts of gender-sensitive interventions in the judiciary.

### WHAT ARE THE PITFALLS TO AVOID?

- Various parts of the judicial sector collect different data – and duplicate data collection efforts make reconciling the figures difficult or impossible;
- Absence of usable data due to irregular data cleaning.



### GOOD PRACTICE EXAMPLES



#### Portugal

The Ministry of Justice of Portugal undertook an evaluation of the implementation of its First Gender Equality Plan. For the evaluation of the implementation of the intervention measures included in the First Plan, a questionnaire template was prepared and sent to the top officers of the Ministry of Justice's services and structures via email. Of the ten services investigated, seven answered and returned the questionnaire, obtaining a response rate of 70%. The results of this process are presented in the Second Gender Equality Plan which identified proposals for improvement.

*Source: Ministry of Justice of Portugal (2015), 2nd Gender Equality Plan. Available online at: <http://www.dgpj.mj.pt/sections/noticias/ii-plano-para-a>*

# 06

## **GLOSSARY**

## **OF TERMS**



**Accountability:** Obligation to demonstrate that work has been conducted in compliance with agreed rules and standards or to report fairly and accurately on performance results vis-à-vis mandated roles and/or plans. This may require a careful, even legally defensible, demonstration that the work is consistent with the institution's mandate or contract terms.

**Active participation:** Active participation means that citizens themselves take a role in the exchange on policy-making, for instance by proposing policy-options. At the same time, the responsibility for policy formulation and final decision rests with the government. Engaging citizens in policy-making is an advanced two-way relation between government and citizens based on the principle of partnership. Examples are open working groups, laymen's panels and dialogue processes.

**Advisory Group/Committee:** Selected experts and/or interested parties (e.g. social partners, gender groups, NGOs) are brought together to form a consultative body, either on an ad hoc or a standing basis. See also the definition of consultative body.

**Centre of Government:** Centre of Government (CoG) is a group of bodies that direct the priority work of governments from design to effective delivery. Delivering gender equality is a complex, cross-cutting, multidimensional task. It requires the involvement of and buy-in from all government actors. In that regard, CoG plays a crucial convening and steering role by providing leadership and ensuring that secretariats and agencies factor gender impacts into the design of their policies, initiatives and budgets.

**Civil service:** Those branches of the public sector that are not legislative, judicial, or military and in which employment is usually based on competitive examination. Civil service and public service are used interchangeably in this survey.

**Civil servant:** A more restricted legal-based concept than a government employee, including most of the government employees working in core central government units. The essence of civil servant status is that the legal basis for employment - the laws and regulations that shape the nature of employment contracts - is different from that found elsewhere in the economy as defined by the general labour law. It also is generally different from that found elsewhere in the public sector, such as in the health or education sectors or in state-owned enterprises. There are several criteria continue to distinguish civil servant status from other employment arrangements. These criteria can be summarized as follows:

*Civil servants are "appointed" by decision of an authorized public institution in accordance with the civil service law. A decision by a representative of the State to "appoint" a civil servant must conform with established rules that structure the hiring process.*

*Once appointed, there are many constraints on dismissal. This is because civil servants are not simply employees of the state; they also have a constitutional role.*

*There are also more constraints on the actions of civil servants than on other groups. The Labour Relations (Public Service) Convention, 1982 (No. 151) provides details of the fundamental labour rights of civil servants (the right to organise, to participate in consultations or negotiations in relation to their terms of employment and to settlement of disputes). Article 1 of the Convention states that its provisions apply to "all persons employed by public authorities" but permits exemptions for "high-level employees whose functions are normally considered as policy-making or managerial, or ... employees whose duties are of a highly confidential nature."*

*The employees concerned are within civilian central government or subnational government. There are many other employment arrangements in the public sector that provide something akin to civil servant status, under judicial career laws etc. However, common usage requires that civil servant status refers to employees within civilian central government, or subnational government. The judiciary can often be employed under arrangements that also provide constitutionally-based constraints on dismissal, but are rarely known as civil servants.*

**Comprehensive approach to gender mainstreaming:** Considers multidimensional factors of gender equality and systematically integrates gender considerations into government legislation, regulations, policies and programmes.

**Compulsory leave:** Periods of leave that need to be granted to any employee in that situation on a mandatory basis (e.g. regarding maternity leave, in some countries a short period of pre-birth leave is compulsory as is a 6 to 10 week leave period following birth).

**Consultation:** A process when government asks for citizens' feedback on policymaking. In order to receive feedback, government defines whose views are sought on what issue during policy-making. Receiving citizens' feedback also requires government to provide information to citizens beforehand. Consultation thus creates a limited two-way relationship between government and citizens. Examples are comments on draft legislation, and public opinion surveys.

**Electoral management body (EMB):** The structures and individuals responsible for carrying out the many activities involved in the planning and administering of elections. While a single body may be primarily responsible for most of these activities, it is also common for electoral administration tasks to be distributed across multiple bodies. In some contexts, different line ministries perform electoral administration functions such as voter registration and media regulation.

*Gender mainstreaming in EMBs ensures that women's and men's concerns, needs and experiences are taken fully into account in the*

*design, implementation, monitoring and evaluation of all activities. Through this process, the EMB seeks to reduce the gaps in development opportunities between women and men and work towards equality between them as an integral part of the organisation's strategy, policies and operations, and the focus of continued efforts to achieve excellence. The term 'gender integration' is also used in some contexts.*

**Efficiency:** Achieving maximum output from a given level of resources used to carry out an activity (OECD Glossary of Statistical Terms).

**Effectiveness:** The extent to which the activity's stated objectives have been met (OECD Glossary of Statistical Terms).

**Empowerment:** The expansion of assets and capabilities of individuals to participate in, negotiate with, influence, control, and hold accountable the institutions that affect their lives.

**Ex ante gender analysis:** A gender analysis is normally performed during the design stage of legislation/regulation/policy/programme. Its objective is to assess whether the planned legislation/regulation/policy/programme corresponds to the needs and expectations of women as men. It can also comprise the assessment of the context and the identification of potential difficulties of implementation. Please also consult the definition of gender analysis.

**Ex post gender analysis:** Gender analysis is conducted to evaluate the impact of a legislation/regulation/policy/programme after it has been introduced or completed. The ex-post gender analysis aims at examining whether the objectives of a legislation/regulation/policy/programme have been achieved. It also examines the long-lasting effects of a legislation/regulation/policy/programme on women and men. Please also consult the definition of gender analysis.

**Federal government/state:** A country that has a constitutionally delineated division of political authority between one central and several regional or state autonomous governments (OECD Government at a Glance Publication).

**Function of government institutions:** The overarching purpose or role of the government institution. For government ministries, this may be stated in its constitution.

**Gender:** Socially constructed and socially learned behaviours and expectations associated with females and males. All cultures interpret and elaborate the biological differences between women and men into a set of social expectations about what behaviours and activities are appropriate and what rights, resources, and power women and men possess. Like race, ethnicity, and class, gender is a social category that largely establishes one's life chances and participation in society and in the economy.

**Gender analysis/Gender Impact Assessment:** Assists policymakers to incorporate a gender perspective into policies through taking account of the different needs, characteristics and behaviours of the affected groups. Gender analysis can be applied to legislation, policy plans and programmes, budgets, reports, and existing policies and services. Ideally, it should be done at an early stage in the decision-making process so that policies can be changed or abandoned if necessary. Although there are some policies where it is clear that gender plays a central role, there are other policies where the relevance of gender is less obvious. These are as a result sometimes labelled gender-neutral, for example health and safety and regional or town planning. In these examples, it may be tempting to see such policies, goals and outcomes affecting people as a homogeneous group. If policies are mistakenly perceived as gender-neutral, opportunities will be missed to include the views of different groups of women and men in policy formation and delivery and, in turn, to misjudge the different effects on each group, and the systems and organisations that support them.

**Gender awareness:** The state of being conscious of inequality arising from the power relations between women and men.

**Gender balance:** An equitable distribution of life's opportunities and resources between women and men or the equal representation of women and men.

**Gender budgeting:** Integrating a clear gender perspective within the overall context of the budgetary process, through the use of special processes and analytical tools, with a view to promoting gender-responsive policies.

**Gender bias/discrimination:** Any act that advantages or perpetuates an existing advantage of one sex over the other.

**Gender-disaggregated data:** Data that are collected and presented separately on men and women. They allow for the measurement of differences between women and men on various social and economic dimensions.

**Gender equality:** Equality under the law, equality of opportunity, and equality of voice (the ability to influence and contribute to policy making). This encompasses the concept of gender equity in terms of women's and men's fair and equal access to information, services, justice, resources, benefits and responsibilities.

**Gender mainstreaming:** The process of assessing the implications for women and men of any planned action, including legislation, regulations, policies or programmes, in all areas and at all levels. It is a strategy for 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.

**Gender quotas or targets:** Several countries use (relative) quotas or annual targets to be achieved at a certain deadline to increase the representation of women in the public domain.

**Political quotas or targets:** *Three main types of political quotas or targets exist. First, voluntary party quotas or targets have been adopted by political parties in a number of countries and involve a party committing itself to nominating a certain percentage of female candidates for electoral lists. Second, candidate quotas or targets are required by the law of a country and stipulate that a certain number of candidate positions must be reserved for women. They sometimes include conditions on the position of women on the electoral list, for instance by requiring that every second entry on the list must be a woman. Finally, reserved seats are positions for which only female candidates can compete and are used as a more direct way of regulating the number of women in elected positions.*

**Gender quotas or targets in the public service:** *Several countries have introduced gender quotas or targets in the public service to achieve a gender balance or greater representation of women on government boards and committees.*

**Corporate gender quotas or targets:** *Some countries have introduced legislated gender quotas for corporate boards, state-owned enterprises, or for provincial and municipal companies.*

**General Employment Framework (GEF):** Usually concerns the employment conditions of most government employees, and certainly concerns most statutory employees. Casual employees, by our definition, are not employed under the General Employment Framework for government employees. Please note that in a number of countries, all employees, including those employed on a short term basis, are employed under the General Employment framework, with a few exceptions (e.g. casual employees, if any).

**Gender-sensitive indicators:** Measures that show gender-related changes (changes in relations between women and men) within a given domain. They are used to assessing the status and roles of women and men over time and thus to measure progress towards achieving gender equality.

**Gender-specific or gender-targeted:** Interventions which seek to tackle specific areas where women are unrepresented or disadvantaged, including through the adoption of temporary special measures, and are part of a comprehensive gender mainstreaming approach.

**Glass ceiling:** Invisible artificial barriers, created by attitudinal and organisational prejudices, which prevents women from moving up the career ladder to top-level salaries.

**Gender wage gap:** Generally defined as the difference between wages earned by men and wages earned by women. The gender wage gap is measured in various ways, but the most common methods typically look at the earnings of full-time, full year workers or the hourly wages of all workers, regardless of their employment type. OECD defines the wage gap as “the difference between male and female median wages divided by the male median wages”. The European Union defines “the gender pay gap is the difference between men’s and women’s pay, based on the average difference in gross hourly earnings of all employees”. A wide range of factors contribute to the gender wage gap, such as educational attainment, occupational choice, union status, job tenure, experience and family responsibilities, stereotypes about the work women and men “should do” and the way women and men “should” engage in the workforce.

**Glass walls:** Invisible artificial barriers that reflect women’s occupational segregation. “Women managers tend to be concentrated in certain sectors. In large organisations where women have managed to reach high-level managerial positions, they are often restricted to areas less central or strategic to the organisation, such as human resources and administration. It is still extremely difficult for women to move laterally into strategic areas such as product development or finance, and then upwards through the central pathways to key executive positions in the pyramidal structure that is characteristic of large organisations.”

(Source: Linda Wirth, ILO, 2001)

**Government employees:** Staff working in ministries, agencies, or public autonomous bodies, both at central and at local government levels, financed by public expenditures with a view to delivering public services and executing the policies of the government of the day.

**Governance:** The exercise of political, economic and administrative authority. (OECD Glossary of Statistical Terms).

**Good governance:** Refers to the management of government in a manner that is essentially free of abuse and corruption, and characterised by participation, transparency, accountability, rule of law, effectiveness, and equity (OECD Glossary of Statistical Terms).

**Government institutions:** All bodies forming the executive branch of government (e.g. ministries/departments and executive agencies).

**Home-care leave:** Leave to care for children until they are about three years old. These leaves can be a variation or an extension of parental leaves, and payments are not restricted to parents with a prior work attachment.

**Human Resources Management (HRM):** A set of policies and processes established to administer staff employed in government units, including recruitment, career path, promotion, training, performance management, pay, duties and sanctions, dismissals, benefits and pensions.

**Indicator:** Quantitative or qualitative measure derived from a series of observed facts that can reveal relative positions (e.g. of a country) in a given area. When evaluated at regular intervals, an indicator can point out the direction of change across different units and through time (OECD Government at a Glance Publication).

**Informal discussion:** Ad-hoc meeting with selected interested parties, held at the discretion of regulators or policy makers to consider or examine by argument with the objective to explore solutions.

**Information sharing:** Making information available to participants (people, processes, or systems). Information sharing includes the cultural, managerial, and technical behaviours by which one participant leverages information held or created by another participant.

**Institutional framework for gender equality:** The institutional framework for gender equality comprises organisational structures, procedures and planning frameworks of government ministries/departments/agencies that aim to promote gender equality and mainstreaming.

**Labour force:** Currently active population which comprises all persons who fulfil the requirements for inclusion among the employed or the unemployed during a specified brief reference period (OECD Glossary of Statistical Terms).

**Line ministry/department/agency:** Government agencies which develop, deliver, fund and regulate services and activities in a specific policy sector (e.g., education, health, employment). In case of local level of government, it can be also called line directorate.

**Maternity leave (or pregnancy leave):** Employment-protected leave of absence for employed women at around the time of childbirth, or adoption in some countries.

**Ministry/department/agency:** Specialist organisations of the executive branch of government. Each government ministry/department/agency controls the budget for a specific function of the executive and is responsible for the oversight and administration policy.

**National gender machinery:** A network of coordinated structures within and outside government which operate in facilitating political, social, economic and other forms of transformation to dismantle systemic gender inequality and promote equality between women and men.

**National statistical office:** Administrative unit(s) responsible for generating the main national statistics or, where applicable, running the statistical system.

**Non-Governmental Organisation:** An organisation created by natural or legal persons that operates independently from any government. In the cases in which NGOs are funded totally or partially by governments, the NGO maintains its non-governmental status by excluding government representatives from membership in the organisation. The term is usually applied only to organisations that pursue some wider social aim that has political aspects, but that are not overtly political organisations such as political parties.

**Occupational segregation:** Refers to the clustering of female and male workers in particular occupations. An occupational group may include similar jobs that are distinguished only by the degree of difficulty in the duties of the job. An occupational group is a collection of jobs used for the purpose of comparing the value of those jobs.

Source: New Zealand Ministry of Women's Affairs (2011), "Occupational Segregation", <http://mwa.govt.nz/occupational-segregation>.

**Ombuds person or office:** A public official or institution who acts as an impartial intermediary between the public and government or bureaucracy. It can also be consulted to mediate disputes between employees and management/a governmental institution.

**Outcome:** Refers to what is ultimately achieved by an activity. Outcomes reflect the intended or unintended results of government actions, but other factors outside of government actions are also implicated (OECD Glossary of Statistical Terms).

**Output:** In performance assessment in government, outputs are defined as the goods or services produced by government agencies (e.g. teaching hours delivered, welfare benefits assessed and paid) (OECD Glossary of Statistical Terms).

**Parental leave:** Employment-protected leave of absence for employed parents (both men and/or women), which is often supplementary to specific maternity and paternity leave periods and usually, but not in all countries, follows the period of maternity leave. Entitlement to the parental leave period is individual, while entitlement to public income support is often family-based, so that in general only one parent claims such support at any one time.

**Parliamentary Committee:** A standing or ad-hoc committee composed of Members of parliament. Committees are set up within the parliamentary system with clearly defined mandates to carry out in-depth analysis and review public policy and legislature.

**Part-time employment:** A form of employment that carries fewer hours per week than a full-time job (usually fewer than 30 or 35 hours per week).

**Paternity leave:** Employment-protected leave of absence for employed fathers at the time of childbirth.

**Pay equality:** Equal pay (of women and men) for equal (the same) work.

**Pay equity:** Equal pay for work of equal value requiring similar qualifications (but not necessarily the same work).

**Pay equity:** Defined as equal remuneration for work that may be different in many ways but is equal in value (ILO, 2015). OECD defines it as “ensuring that work of equal value, requiring similar qualifications, is paid on an equal basis (OECD, 2014). However, pay equity does not address other factors which contribute to the gender wage gap, like occupational segregation, market segmentation, the “motherhood penalty” and the field of study (Government of Canada, 2016).

Sources: ILO (2015), *Tackling sex discrimination through pay equity*; Government of Canada (2016), *FAQ: The Public Sector Equitable Compensation Act*. <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/equitable-compensation/frequently-asked-questions-pay-equity-reform.html>; OECD (2014), *Women, Government and Policy Making in OECD Countries: Fostering Diversity for Inclusive Growth*, OECD Publishing. <http://dx.doi.org/10.1787/9789264210745-en>

**(Primary) legislation:** Regulations which must be approved by the parliament or congress (in case of local level of government, local assembly). Also referred to as principal legislation or primary law.

**Programme:** An initiative and/or activity sponsored or administered by local, regional or national government.

**Public administration:** Agencies and actions of the executive branch of the state at the central/national, regional and local levels.

**(Public) policy:** The principled guide to action taken by the administrative or executive branches of the state with regard to a class of issues in a manner consistent with law and institutional customs.

**Public sector:** The general government sector plus (quasi) public corporations (1993 System of National Accounts).

**Public service:** See the definition of civil service in this glossary.

**Public services:** Services that are performed for the benefit of the public or its institutions. Provided by government to its citizens, either directly (through the public sector) or by financing private provision of services. The term is associated with a social consensus that certain services should be available to all, regardless of income. Even where public services are neither publicly provided nor publicly financed, for social and political reasons they are usually subject to regulation going beyond that applying to most economic sectors.

**Public service delivery:** The implementation of ways of providing public goods and services.

**Public service value(s):** Overarching and enduring ideal(s) to guide the behaviours of public officials. Many public administrations have developed core values for public management, action and service delivery, often including considerations of transparency, integrity/ethical government, accountability, citizen empowerment, high quality services, accessibility, diversity and gender equality.

**Regulation:** The diverse set of instruments by which governments set requirements on enterprises and citizens. Regulation includes all laws, formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies to which governments have delegated regulatory powers.

**Regulatory impact analysis (RIA):** A systematic policy tool used to examine and measure the likely benefits, costs and effects of new or existing regulation. A RIA is an analytical report to assist decision makers. Typically, the core structure should contain the following elements: title of the proposal, the objective and intended effect of the regulatory policy, an evaluation of the policy problem, consideration of alternative options, assessment of all their impacts distribution, results of public consultation, compliance strategies, and processes for monitoring and evaluation.

**Sectoral policy area:** Policy area concerning one specific policy topic, such as education, health, employment and defence.

**Sex-disaggregated data:** See gender-disaggregated data.

**Strategy:** A plan of action designed to achieve a particular goal. It may include a statement on the vision, mission, values, priorities and activities to achieve this policy objective or goal.

**Technical support:** This category includes staff with mainly manual tasks, usually with a professional or vocational degree.

**Temporary Special Measures (TSMs):** Specific targeted measures taken to accelerate the equal participation of women in the political, economic, social, cultural, civil or any other field. Given the legal commitment of states to produce de facto or substantive equality of women with men in a timely manner, special measures may need to be adopted to enhance women's electoral and political participation.

**Telework:** Information and communications technologies are applied to enable work to be done at a distance from the place where the work results are needed or where the work would conventionally have been done. It includes:

*Home-based telework or "telecommuting", when an employee or contractor works at home instead of travelling to an employer's or a customer's premises.*

*Mobile telework, when executives, professionals or service staffs use ICTs to enable them to spend more time with customers and to deliver "on the road" a range of services and capabilities that previously would have involved office based staff or visits to the company offices;*

*Telecentres, providing local office facilities for people who prefer not to work at home but wish to avoid the cost, time and inconvenience of commuting;*

*Telecottages, which provide local communities with access to skills development, high performance ICTs, and the networking and socialisation aspects of work that may be missed by a home based worker.*

*Functional relocation, where business functions that previously were located close to the customer are concentrated and delivered at a distance; examples include both "front office" (services now delivered by phone or computer networks) and "back office" (service and maintenance work previously done "on site", which may now be done anywhere in the world using remote access to systems).*

*Telework can also affect some kinds of "outsourcing", in that many kinds of work can now be done from thousands of miles away and "outsourced" across national borders. Telework has also been said to include "dispersed team working", if three or more teams in different time zones to work 24 hours a day on a time-sensitive project, with each team "passing the baton" to the next at the end of its working day.*

**Top management:** Management levels at the top of ministerial hierarchies but usually below ministers, sometimes below deputy ministers, and sometimes one more level down. Usually only secretary general/director general and directors in ministries, and the head and deputy in agencies.

**Whole-of-Government approach or vision:** An approach or vision that stipulates that government institutions work across portfolio boundaries to achieve a shared goal and an integrated government response to particular issues.



# 07

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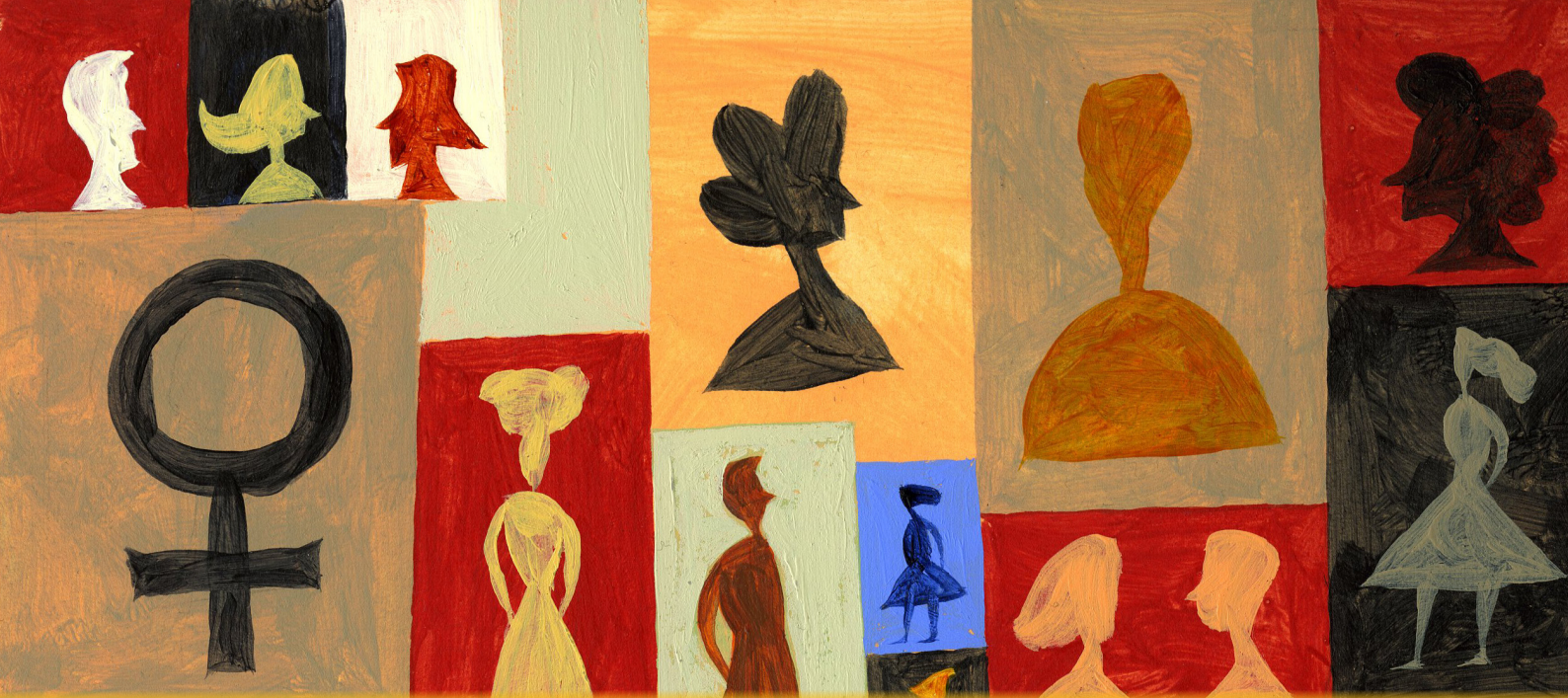
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