



# Toolkit for Mainstreaming and Implementing Gender Equality 2023





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# FOREWORD

The *Recommendation of the Council on Gender Equality in Public Life* adopted in 2015 (hereafter “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 considerations entails more than increasing the number of women in leadership positions: it requires a better understanding of 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 bring about gender equality.

To guide policy makers in implementing the GEPL Recommendation, help them design gender-sensitive public policies and services, and enable women’s equal access to public decision making, the OECD launched the first edition of the [Toolkit for Mainstreaming and Implementing Gender Equality](#) in 2018. It highlighted a range of possible actions to take and pitfalls to avoid in the areas of: 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.

Since the launch of the first edition of the Toolkit five years ago, OECD countries have made impressive but uneven progress towards gender equality in public life, notably by increasing both leadership commitment to gender equality and the number of legal or binding requirements underpinning gender equality and gender

mainstreaming. Despite this progress, several gaps persist, particularly in institutional capacity and co-ordination for promoting gender equality across government, the collection and availability of gender-disaggregated data, and effective monitoring and accountability. The glass ceiling preventing women’s greater representation in public management and leadership positions remains largely in place, as do societal gender norms and biases.

Moreover, the COVID-19 pandemic, which has had a significant impact on health and social and economic well-being globally, has worsened longstanding and deeply rooted gender inequalities across OECD Member countries. It has also accelerated certain trends in the transition of the workplace, such as digitalisation and flexible work, shining a spotlight on the future of work and what it means for gender equality. In recent years, the understanding of gender inequality has expanded to include its overlaps and intersections with other forms of inequality and identity-based discrimination. There is a growing recognition that the effectiveness of policy responses in reducing gender inequality strongly depend on an understanding of people’s intersectional experiences.

This Toolkit for Mainstreaming and Implementing Gender Equality 2023 builds on the 2018 online edition by introducing new data, evidence, concepts, lessons, and good practices from OECD countries. It also incorporates new areas of work, namely infrastructure planning and public procurement, where OECD countries have increasingly integrated gender dimensions.

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, civil society organisations and other stakeholders.

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



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This Toolkit is produced as part of the OECD work programme on Gender Equality in Public Life led by Tatyana Teplova, Head of Division, Policy Coherence for SDGs, and Senior Counsellor for Gender, Justice and Inclusiveness in GOV. The Toolkit was co-ordinated by Pınar Güven, Policy Analyst in the Public Governance Directorate.

This revised edition of the Toolkit contains major research and writing contributions by Laura Uribe, Meeta Tarani, Réka Mihácsi, Scherie Nicol, Krystle Gatt Rapa, Jacobo Garcia Villareal of the Public Governance Directorate. Erika Bozzay, Kenza Khachani and Ana Maria Ruiz of the Public Governance Directorate made contributions to the sections dealing with public procurement and infrastructure governance. The Toolkit also incorporates findings and reflections from the research of experts Olena Hankivsky and Jeni Klugman.

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# READER'S GUIDE

Each chapter of the Toolkit contains a self-assessment tool allowing policy makers to analyse their specific country and work contexts to 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 questions 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.
- Country examples from national and sub-national levels of government 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.



# ABBREVIATIONS AND ACRONYMS

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CBA	Central Budget Authority
CEDAW	United Nations Convention on the Elimination of all Forms of Discrimination against Women
EMB	Electoral Management Body
GBA Plus	Gender-Based Analysis Plus
GEPL Recommendation	Recommendation of the Council on Gender Equality in Public Life
GIA	Gender Impact Assessment
HR	Human Resource
HRM	Human Resource Management
MP	Member of Parliament
NGO	Non-governmental Organisation
OECD	Organisation for Economic Development and Co-operation
PGC	Public Governance Committee
SDGs	United Nations Sustainable Development Goals
SMEs	Small and Medium-sized Enterprises
SWOT	Strengths, Weaknesses, Opportunities and Threats

# EXECUTIVE SUMMARY

Based on key provisions of the *OECD Recommendation on Gender Equality in Public Life*, the Toolkit focuses on institutionalising gender equality and gender mainstreaming; developing and sustaining gender mainstreaming capacity; integrating gender considerations into various dimensions of public governance; establishing inclusive accountability structures; and supporting gender balance in all state institutions (executive, legislative, and judiciary) and structures and at all levels. In doing so, it highlights the role of stronger governance and accountability for gender equality in improving the gender-responsiveness of public policy, as well as policy actions to increase gender equality in public institutions. It also features the strategic use of governance tools to promote gender-equal and inclusive outcomes. In addition, this Toolkit introduces reflections on the intersectional approach to gender equality and trends in the future of work, as relevant to the evolution of gender equality policies in OECD countries.

The Toolkit has six chapters:

1. **Institutional and governance frameworks for gender equality and mainstreaming:** This chapter outlines the building blocks for taking a whole-of-government approach to gender equality and gender mainstreaming, i.e. strategic goal-setting, institutional set-up, and accountability, monitoring and redressal mechanisms.
2. **Strategic use of governance tools to promote gender equality:** This chapter explores how governments can integrate evidence-based assessments of gender impacts and considerations in policies, budgets and public procurement processes.
3. **Mainstreaming gender considerations in infrastructure:** This chapter offers a spotlight on the infrastructure planning and decision-making processes, and how the inclusion of women in these processes can be improved.
4. **Gender-sensitive practices in parliaments:** This chapter focuses on how gender-sensitivity of parliaments and legislative bodies can be improved, in their multiple capacities of being lawmakers, oversight institutions and employers.
5. **Gender-sensitive public employment systems:** This chapter provides an overview of measures for designing 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.
6. **Gender-sensitive practices in the judiciary:** This final chapter presents ways to enhance gender balance in judiciaries, including by creating and sustaining a gender-equal work environment.



# **1**

## **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; and accountability for gender equality and mainstreaming.

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

### Key Provision of the *OECD Recommendation on Gender Equality in Public Life*

Secure leadership and commitment 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.

### 1.1.1. 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 broad consultation with governmental and non-governmental stakeholders

### 1.1.2. Self-assessment tool

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

#### Self-assessment questions

- Is there a medium- to long-term gender equality vision that is anchored in the government’s programme or vision statement and/or development goals?
- Does the vision for gender equality consider that other identity factors may compound gender inequalities?

#### Why is it important?

A medium- to long-term vision statement on gender equality, especially as part of a broader national development plan, can convey a country’s commitment towards achieving a gender-equal society. The vision statement can be used to set new standards around 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 national vision statement.

Recognising that the effectiveness of policy responses in reducing gender inequality and achieving broader policy outcomes would strongly depend on the ability to understand that discrimination can be experienced through a combination of multiple, intersecting factors, it is also important to ensure that the vision on gender equality is coherent with other equality-related goals.

#### 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 towards societal change;
- Ensure that the vision statement is aligned with international benchmarks and national policy and/or development objectives, anchoring the gender equality vision statement into the broader government policy and/or national development objectives;
- Ensure that the vision for gender equality has a clear focus and provides directions for both the public sector and citizens;
- 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 society at large;
- Ensure that the gender equality vision acknowledges that discrimination can be experienced through a combination of multiple, intersecting factors.

#### What are the pitfalls to avoid?

- Formulating a narrow objective that is not focused on the ultimate goal of gender equality;
- Establishing a theoretical vision that does not portray a specific societal change;
- Defining 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;
- Failing to consider crosscutting and overlapping mechanisms of discrimination faced by diverse groups and not consulting other groups facing barriers and potential discrimination.



## Box 1.1. Good practice example(s): Vision-setting for gender equality

### Germany's Feminist Foreign Policy

Through the coalition agreement 2021-2025, the German government is pursuing a "Feminist Foreign Policy" (FFP). The German Feminist Foreign Policy is based on the conviction that gender equity and equal participation are preconditions for long-term peace and security. It recognises that not all social groups around the world have the same access to political participation, opportunities, and resources. It strives to dismantle the obstacles responsible for this discrepancy, such as power structures that disadvantage certain groups. The German FFP is an inclusive policy aimed at all parts of society that seeks to strengthen the rights, resources and representation of women and girls worldwide and to promote social diversity. Along this framework, and as part of the efforts to materialise the objectives of the country's Feminist Foreign Policy, the Federal Ministry for Economic Cooperation and Development intends to pursue a "feminist development policy". In addition, the feminist foreign policy will also be integrated into the National Security Strategy under the direction of the Federal Foreign Office acting as a general framework of the countries international interventions.

### Australia's Women's Budget Statement

The Australian Government has expressed its commitment to advancing gender equality through adopting the 2022-23 Women's Budget Statement, as part of the 2022-23 October Budget. This document puts into action the leadership's commitment to recognise equal opportunity for women as a national economic and social priority. The document underlines the government's decision to put gender equality at the heart of policy and decision making through the introduction of gender responsive budgeting, which aims to run the objective of delivering gender equality across the whole Budget process. In line with this commitment, the 2022-23 October Budget has undergone gender impact assessments for key measures and includes significant commitments and investments to support structural changes to systematically advance gender equality.

### Lithuania's strategic documents providing gender equality as a horizontal principle

Lithuania's Law on Strategic Management (Article 4) calls for the principle of gender equality to be considered in the preparation and implementation of planning documents at the stages of planning, implementation, monitoring and evaluation, in order to prevent the creation of obstacles or limitations of opportunities that may cause negative consequences for women or men. Moreover, the National Development Programme for 2021-2030, the main strategic planning document at the national level, identifies equal opportunities for all as one of its horizontal principles. According to this principle, all persons, regardless of their sex, nationality, racial or ethnic origin, citizenship, language, religion, faith, beliefs or views, disability, state of health, social status, age or sexual orientation and etc., must have equal rights and opportunities to participate in public life. This implies that all central government institutions are obliged to consider the principle of equal opportunities for all when developing public policies or drafting regulations. As the co-ordinator of this principle's application, the Ministry of Social Security and Labour acts by systematically co-ordinating the inclusion of horizontal principle in national development programmes, monitoring the progress indicators of the implementation of horizontal principle, providing expert assistance to other ministries, promoting the co-operation of institutions on the implementation of horizontal principle, in order to promote changes in behavior and attitude in public sector institutions.

Source: (Federal Foreign Office, n.d.<sup>[1]</sup>; Commonwealth of Australia, 2022<sup>[2]</sup>; ABC News, 2022<sup>[3]</sup>; Government of Lithuania, 2021<sup>[4]</sup>; Government of Lithuania, 2020<sup>[5]</sup>); Information provided by the Government of Lithuania in 2022.

*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*

### Self-assessment questions

- Did you undertake a situation analysis which would allow you to identify evidence-based priorities and track progress in gender equality?
- To the extent possible, did you undertake an analysis of the existing evidence to identify the crosscutting and overlapping mechanisms of discrimination?

### 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 the expertise and insight 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.

Recognising that the effectiveness of policy responses in reducing gender inequality would strongly depend on the ability to understand the intersectional experiences of people, it is important to identify the crosscutting and overlapping mechanisms of discrimination and specific needs of diverse groups.

### What are the key actions to consider?

- Develop an analytical framework and a related plan of action for assessing the present situation of gender equality in the country;
- Undertake specific assessments (targeting crosscutting and overlapping mechanisms of discrimination, insufficiently explored gaps, or exploring in-depth priority areas);
- Conduct broad consultations with diverse stakeholders from both inside and outside the government, and with target groups from the public;
- Conduct a SWOT analysis of proposed strategies for further information on the expected impact of gender equality strategies;
- 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;
- Failing to consider crosscutting and overlapping mechanisms of discrimination faced by diverse groups.

### Box 1.2. Good practice example(s): Slovenia's intersectional approach to equality strategy

The evaluation of Slovenia's National Programme 2005–2013 resulted in the National Programme for Equal Opportunities for Women and Men (2015–2020). An analysis of the impact of the austerity measures (introduced following the financial and economic crisis) on the status of women and men in Slovenia underlined that the crisis and austerity measures have a more permanent adverse effect on women, in particular specific groups such as elderly women, women in single-parent families, middle-class women and women from ethnic minorities.

The National Programme for Equal Opportunities for Women and Men (2015–2020) acknowledges that an intersectional approach is required to comprehensively address the issue of social inequality. This plan recognised that women and men form heterogeneous groups and that some people are positioned beyond binary sex and gender models due to their gender identity or sexual expression. As such, it emphasised intersectional analysis of social inequality factors (i.e. the status of women and men in relation to other personal circumstances such as age, disability, nationality, religious affiliation, sexual orientation, and gender identity). Notably, it considered status assessments and available data, on the basis of which greater attention was devoted to specific disadvantaged and/ or excluded groups, such as women from ethnic minorities, women from rural areas, women with lower socio-economic status, and homosexual men.

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities (2016<sub>[6]</sub>), Resolution on the national programme for equal opportunities for women and men 2015–2020, <https://www.gov.si/assets/ministrstva/MDDSZ/Dokumenti/Enakost-spolov/Publikacije/3183724836/NFMP>.

*C. Government has a results-oriented strategic plan to achieve its gender equality vision that is endorsed by senior leadership, and developed through 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 1.2 on institutional mechanisms).
- Does the strategic plan for gender equality enable the integration of gender – and to the extent possible, intersectional equality – 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 involves 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 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 the form of roundtables, online consultations etc.) and 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 should contribute to its achievement;
- Incorporate gender equality objectives in individual staff performance assessment objectives;
- Ensure that the strategy explicitly acknowledges that discrimination can be experienced through a combination of multiple, intersecting factors;
- Clearly identify crosscutting and overlapping mechanisms of discrimination that may lead to relatively higher vulnerability of certain groups.

#### 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;
- Duplicate another country’s strategy without adapting it to the country’s own 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;
- Monitoring and accountability mechanisms are missing;
- Broader country strategic documents do not include gender mainstreaming requirements set out in the government’s gender equality strategic plan.

### **Box 1.3. Good practice example(s): Strategic planning for gender equality**

#### **Portugal's intersectional approach to equality strategy**

The National Strategy for Equality and Non-Discrimination 2018-2030 (ENIND) is aligned with the 2030 UN Agenda and focuses on three major areas: 1) promoting equality between women and men; 2) preventing and combating violence against women and domestic violence - including harmful practices such as female genital mutilation and forced and early marriages; and 3) combating discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics.

ENIND is the first instrument for the implementation of public policies in Portugal which explicitly refers to intersectionality as a premise in the definition of measures directed to the disadvantages that occur at the intersection of sex with other factors of discrimination, including gender identity, age, racial and ethnic origin, disability, national origin, sexual orientation, and sexual characteristics.

ENIND contains a number of measures specifically seeking to promote a multi-ground approach to equality, including through the production of tools, the development of information, awareness and training actions, the integration of a gender perspective in the services of the national network of support to the integration of migrants, and the improvement of national statistics related to gender violence and domestic violence, by integrating an intersectional perspective.

Under ENIND, the Commission for Citizenship and Gender Equality and the High Commission for Migration have been carrying out a number of actions embedded in the intersectional approach, such as developing and implementing gender-sensitive policies and measures for the integration of migrants – including refugees and asylum seekers – and Roma, with a focus on intersecting inequalities and issues such as violence against women and human trafficking. Projects are also ongoing to raise awareness of the situation of Black women and women of African descent (and their families) in Portugal.

#### **Chile's participatory consultation**

Chile's Ministry of Women and Gender Equity has launched the fourth Plan for Equality between women and men (2018-2030). This plan aims to strengthen and give political, technical, and operational sustainability to Chile's gender institutional framework. It aims to install gender equality as a cross-cutting topic in all public institutions, policies, plans, programmes, and public budgets; eliminate all forms of inequality and discrimination based on gender; and promote the full participation of the diversity of women in the country's cultural, political, economic, and social life. The main objective of this plan is to overcome gender inequalities and achieve the whole exercise of the rights and autonomy of the diversity of Chilean women through the recognition, respect, and guarantee of women's rights in their diversity.

The Plan for Equality was developed through a participatory methodology that involved different public organisations, state agencies, and civilian women from different social and professional backgrounds. Finally, the plan established concrete goals, deadlines, and responsible institutions to ease monitoring.

#### **Italy's wide stakeholder consultation**

In 2021, the Italian Government adopted a National Strategy for Gender Equality to offer a perspective and a path toward gender equality and equal opportunities. The national strategy provides a comprehensive framework for gender equality through integrated policies and programmes that bring concrete, defined, measurable initiatives in growth and social and economic development to life. The strategy was developed with contributions from central administration, regional and local authorities, and social partners and associations actively promoting gender equality collaboratively. It ensures women's empowerment and full, meaningful, and equal participation in social, economic, and public life.

### **Mexico's comprehensive and consultative strategy**

In December 2020, the National Women's Institute (Inmujeres) in Mexico, launched the National Program for Equality between Women and Men (Proigualdad) 2020-2024. Inmujeres developed this programme through a comprehensive consultation process that included more than five thousand women from diverse contexts in the country's 32 states.

Proigualdad articulates the efforts of the different agencies and entities of the Mexican Government, in co-ordination with the three branches of Government, to respond to women's demands and guarantee their rights and well-being. This programme presents a strategy of change based on establishing six priority objectives, 37 strategies, and 267 specific actions. Proigualdad aims to establish a national policy to substantively advance in achieving equality between women and men through concrete actions to be implemented by all institutions of the public administration.

The six priority objectives of Proigualdad are:

1. Strengthen women's economic autonomy to close historical inequality gaps.
2. Generate conditions to recognise, reduce and redistribute domestic and care work among families, the State, the community, and the private sector.
3. Improve the conditions for women, girls, and adolescents to access welfare and health without discrimination from a rights-based perspective.
4. To combat the types and modalities of violence against women, girls, and adolescents, preserving their dignity and integrity.
5. Combat the types and modalities of violence against women, girls, and adolescents, preserving their dignity and integrity.
6. To build safe and peaceful environments for women, girls, and adolescents.

### **Canada's Gender Results Framework**

The Canada's Gender Results Framework (GRF) was introduced in the 2018 federal budget, as a strategic framework for advancing gender equality. The GRF represents the Government of Canada's overall vision for gender equality, and it is a whole-of government tool designed to:

- track how Canada is currently performing;
- define what is needed to achieve greater equality;
- determine how progress will be measured going forward.

Under the GRF, the Federal Government has identified 6 key pillars where change is required to advance gender equality:

1. Education and skills development
2. Economic participation and prosperity
3. Leadership and democratic participation
4. Gender-based violence and access to justice
5. Poverty reduction
6. Health and well-being; gender equality around the world.

The GRF is used annually in the federal budget to identify measures that contribute to the advancement of one or more of the GRF pillars. Annually, in the federal budget, the Government of Canada publishes a status report on progress related to the indicators in the GRF, from an intersectional perspective.

Source: Information provided by Governments of Canada, Italy and Portugal as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished); (INMUJERES, 2020<sup>[7]</sup>) and (Ministerio de la Mujer y la Equidad de Género, 2020<sup>[8]</sup>).

## 1.2. 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:

- establishing clear roles, responsibilities, mandates and lines of accountability of key governmental and oversight bodies in implementing gender equality and mainstreaming initiatives;
- 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;
- 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 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.

### 1.2.1. *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
- B. Government has an institution for gender equality with an adequate level of responsibility and authority 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 co-ordinated across institutions at different levels of government

### 1.2.2. 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 the institutions, mechanisms and co-ordination channels that will be responsible and held accountable for the realisation of government-wide gender equality and mainstreaming objectives with an intersectional lens?
- 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 the implementation of governments' gender equality and mainstreaming objectives, including through an intersectional lens where possible?

#### 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. Intersectionality calls for greater co-ordination across all teams/departments/agencies within the government dealing with equality and anti-discrimination issues, along with clear roles and responsibilities.

#### 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;
- In doing so, ensure that the roles, responsibilities, objectives and procedures for implementing an intersectional lens in gender equality and mainstreaming are clearly outlined;

- Clearly define and widely disseminate requirements indicating the actors in charge of implementing gender equality-related tasks and mainstreaming policies, wherever possible with an intersectional lens, 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 co-ordination efforts and that an effective co-ordination 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;
- Gender mainstreaming strategies are co-ordinated 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.);
- Failing to create mechanisms to facilitate coherence and overcome silos in gender and equality mainstreaming; for instance, through co-ordination mechanisms/efforts that are fragmented or responsibilities lie with multiple institutions risking duplication, overlapping and missed opportunities.

### **Box 1.4. Good practice example(s): Canada's institutional framework for gender equality and mainstreaming**

In Canada, the Department of Women and Gender Equality (WAGE) oversees the advancement of gender equality policies. It also plays a central role in the implementation of the Canadian Government's intersectional tool: Gender-based Analysis Plus (GBA Plus). As GBA Plus is the responsibility of all public employees, WAGE provides knowledge, technical assistance, and tools and training for its implementation. All federal departments and agencies must integrate GBA Plus in their work routinely, as well as monitor and report on its implementation. For example, the Department of Canadian Heritage created a GBA Plus Responsibility Centre to ensure the integration of GBA Plus in all its work. Furthermore, Canada has in place a Federal-Provincial-Territorial (FPT) Forum of Ministers for the Status of Women, chaired by WAGE, which facilitates knowledge-sharing, collaboration and exploration of avenues for the advancement of the gender equality agenda, including GBA Plus. In light of the COVID-19 pandemic, a new Taskforce on Equity-Seeking Communities and COVID-19 was launched to provide an interdepartmental forum for sharing information; aligning strategies, policy and initiatives; and engaging with representatives from equity-seeking communities.

Source: Information provided by Government of Canada as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

*B. Government has an institution for gender equality with an adequate level of responsibility and authority 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 authority 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 it is 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 the whole of government including 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, see Section C. Data and information disaggregated by gender are available and used to inform gender analysis).

### What are the key actions to consider?

- Locate the central gender equality institution within the highest possible level of government (e.g. Cabinet level) to ensure it has adequate visibility and authority to co-ordinate and monitor the government-wide gender equality strategic plan;
- Establish a clear, legal mandate for the central gender equality institution to deliver as expected;
- Assess whether available resources (e.g. time, staff, budget, skill sets, equipment, training, etc.) of the central gender equality institution 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 the central gender equality institution;
- Ensure that central gender equality institutions are staffed with expertise in policy, analysis, advocacy, communications 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.



### **Box 1.5. Good practice example(s): Institutional responsibility for gender equality**

#### **Sweden's Gender Equality Agency**

In Sweden, the Minister for Children, the Elderly, and Gender Equality is responsible for co-ordinating, developing, and following up on the work on gender mainstreaming. In 2015, a Gender Equality Inquiry which aimed to assess the effectiveness of the governance of Swedish gender equality policy 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, co-ordinate gender equality policy tasks, support gender mainstreaming efforts, and assist the government in other matters concerning gender equality policy.

In light of this, the Swedish Gender Equality Agency was established on 1 January 2018 to contribute to the effective implementation of the Swedish gender equality policy. The main task of the gender equality agency is to co-ordinate, follow up and provide various forms of support and knowledge to reach the gender equality policy goals. The agency's work requires close co-operation with other government agencies, municipalities, regions, civil society, and businesses and industries.

#### **United Kingdom's streamlining of equality-related work**

In recent years, the United Kingdom has pursued several institutional changes to streamline work on the broader equality agenda, notably on gender, race and disability. For example, in 2007, the Government opened a unified Equality and Human Rights Commission (EHRC), replacing separate commissions dealing with gender, race and disability. The EHRC enforces the Equality Act of 2010, including its public sector equality duty (brought into force in April 2011), monitors human rights, and aims to protect equality across nine grounds: age, disability, sex, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation, and gender reassignment. The general duty applies to England, Scotland and Wales, while the latter devolved nations have implemented additional specific duties. In Scotland, there is a specific duty to mainstream equality; in England, there is a specific duty to publish information demonstrating how compliance with the general duty is managed.

More recently, there has been a move to reshape the Government Equalities Office (GEO), which takes the lead for the Equality Act as well as for improving equality and reducing discrimination in the United Kingdom more generally, and bring it closer to the cabinet office units (i.e. Racial Disparity Unit and Disability Unit) to create the equalities hub.

Source: Information provided by the Governments of Sweden and United Kingdom as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished); (Government of United Kingdom, n.d.<sup>[9]</sup>).

*C. All government institutions are equipped and responsible 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?
- To the extent possible, do institutional capacities, resources and daily policy and programme related activities integrate intersectional perspectives?

#### 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. In order to introduce an intersectional approach, these support mechanisms should have the necessary know-how.

The effectiveness of these support units 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, with an understanding of intersectional identities, 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 A. Roles and responsibilities to implement gender equality and mainstreaming are clearly assigned across the government).

#### 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 should contribute to its achievement (also see

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

- 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 2.1. Assessment of gender impacts of various public governance dimensions);
- Ensure data is collected on the impact of policies and programmes on gender equality (for more, see Section C. Data and information disaggregated by gender are available and used to inform gender analysis);
- Promote the development of gender competence at all levels of government through trainings, awareness campaigns and dissemination of data and information on impact of public governance and policies (for more on measuring progress and disseminating information on gender equality, see Section B. Data and information on the outcomes of gender equality policies and programmes are collected, accessible and actively disseminated);
- 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;
- Ensure that objectives, institutional capacities, data and statistics and related competencies for gender equality and mainstreaming incorporate an intersectional lens to the extent possible.

#### 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;
- Failing to consider crosscutting and overlapping mechanisms of discrimination faced by diverse groups.

### **Box 1.6. Good practice example(s): Institutional objectives and capacities for gender equality**

#### **Germany's gender mainstreaming requirements**

In Germany, the principle of gender mainstreaming is enshrined in law and is an official policy in all federal and regional/local ministries. In a Cabinet Resolution in 1999, the Federal Government recognised the aim of gender equality as a guiding principle for its policies and actions, adopting gender mainstreaming as a joint strategy of all federal ministries. Furthermore, to make gender mainstreaming a reality, Article 2 of the Joint Rules of Procedure of the Federal Ministries (Gemeinsame Geschäftsordnung der Bundesministerien – GGO) provided for every department the obligation to comply with this approach in all political, normative, and administrative measures taken by the Federal Government. Article 2 states that equality between men and women is a consistent guiding principle and should be promoted by all political, legislative, and administrative actions of the Federal Ministries in their respective areas. Gender equality should therefore be ensured, secured, and promoted in all government's political, agenda-setting, and administrative measurements at the national and regional levels.

In this sense, and according to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend – BMFSFJ), all ministries of all policy areas are obliged to enforce equal rights for women and men and to work towards eliminating existing disadvantages.

#### **Finland's "Gender Glasses in Use" project**

The Ministry of Social Affairs and Health of Finland, responsible for gender mainstreaming in the country, provides training and guidance across the central government on operational gender equality and non-discrimination. In support of gender mainstreaming, the Ministry has developed a handbook to develop methods and orientation training related to gender mainstreaming. This is practical guidance on gender impact assessment, legislative, and planning of the ministries' operations and finances. It was drawn up in 2009 as part of the national gender mainstreaming project Gender Glasses in Use. The handbook and project aimed to equip national administration staff with a basic "understanding of gender mainstreaming principles and how to evaluate the gender impact of policy making."

The Gender Glasses project consisted of three phases:

- Phase one: consisted of large-scale seminars to raise awareness of the issue. In addition to a background brochure on gender mainstreaming was prepared; this provided tools, a checklist, and key questions useful when integrating the gender perspective into the work of ministries.
- Phase two: consisted of holding thematic seminars for members of the equality working groups in each Ministry.
- Phase three: Consisted of training and consulting services provided to three specific ministries (Education, Social Affairs, and Health and Interiors). The training sessions were designed based on the previous consultation with the Ministry's needs.

In a self-evaluation exercise, the Ministry of Social Affairs and Health highlighted some key factors that contributed to the success of this programme and some lessons learned:

- The training sessions were short.

- Training sessions were designed in a progressive manner, where basic concepts were covered in the first phase (e.g. gender mainstreaming), and then, the advanced training sessions were tailored to each Ministry's needs.
- Training in gender mainstreaming in national administrations must attract senior officials and those directly drafting budgets, laws, and programmes to ensure that gender mainstreaming is integrated into the policy cycle.
- Training programmes on gender mainstreaming must take the evolving needs of participants.
- Gender training benefits from including practical examples, which should be linked as closely as possible to participants' work.

Currently, the handbook of the Gender Glasses project is available online to support the work of ministries on gender equality. Moreover, the Ministry of Social Affairs and Health, jointly with the Finnish Institute for Health and Welfare and the government digital learning environment eOppiva, developed an online training session on gender mainstreaming. This is intended for personnel of the Central Government. Its purpose is to train government staff on the importance of gender equality and equity. It is free and open in the government digital learning environment eOppiva website.

Source: (EIGE, 2022<sup>[10]</sup>; Ministry of Social Affairs and Health, 2022<sup>[11]</sup>; Ministry of Social Affairs and Health, 2013<sup>[12]</sup>; EIGE, 2022<sup>[13]</sup>).

#### *D. Gender equality initiatives are effectively co-ordinated across institutions at different levels of government*

##### **Self-assessment questions**

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

##### **Why it is important?**

Since gender equality work spans a range of policy areas, mechanisms are needed to co-ordinate 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 co-ordinating bodies or committees within government and issue regulations or legislation to ensure vertical and horizontal co-ordination on gender equality and mainstreaming;

- Define the role of central gender equality institutions within the co-ordinating bodies or committees to promote effective leadership;
- Ensure that any decision undertaken by co-ordinating bodies or committees are reflected in decisions of line ministries and other government institutions;
- Establish and regulate meetings and committees where non-governmental stakeholders can participate and provide feedback on the government's implementation of its gender equality and mainstreaming strategy;
- Ensure that diverse institutions are represented within co-ordinating bodies or committees with the right level of competences and authority within the government at all levels.

#### What are the pitfalls to avoid?

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

### Box 1.7. Good practice example(s): Co-ordination for gender equality

#### Austria's Inter-Ministerial Working Group

In Austria, the Inter-Ministerial Working Group on Gender Mainstreaming/Gender Budgeting (IMAG GMB) supports and facilitates the implementation of gender mainstreaming and gender budgeting in all federal ministries and at all political levels. Chaired by the Ministry of Women's Affairs and composed of ministry experts in gender mainstreaming, the group is tasked to exchange information on initiatives and experiences, engage with federal provinces offer evaluation support in ongoing projects and measures. Another important mechanism to co-ordinate gender equality is the dialogue among all ministries and supreme organs which is called the inter-ministerial co-ordination of the equality between women and men within the instrument of performance informed budgeting. The Federal Ministry for Arts, Culture, Civil Service and Sport is responsible for this co-ordination and monitors, supports and develops the methods, processes and results of the gender equality objectives and activities. The efforts undertaken and the progress in respect of the inter-ministerial co-ordination are evaluated and reported annually to the parliament and the public.

#### The Czech Republic's Council for Gender Equality

In the Czech Republic, the Government Council for Gender Equality is the permanent advisory body in gender equality attached to the Office of the Government. It comprises of the representatives of line ministries, representatives of other central organs (e.g. the Czech Statistical Office, the Public Defender of Human Rights), representatives of non-governmental sector, and experts. The member of the Government (i.e. Cabinet Member) responsible for the gender equality agenda – currently the Prime Minister – is the Chair of the Council. The Department of Gender Equality, the central gender institution of the Czech Republic, serves as the Council's Secretariat. Its mandate includes co-ordinating the main directions of ministerial policies in gender equality; providing recommendations to the government on

conceptual directions and policy and initiative proposals regarding policies in various areas of gender equality; and, monitoring the implementation of strategic documents and evaluating the effectiveness of measures taken in this regard. The Council can also establish committees and working groups as needed, dealing with specific issues in the area of gender equality.

### **Iceland's Ministerial Committee on Gender Equality**

Established in December 2017, the Ministerial Committee on Gender Equality co-ordinates the work of the Prime Minister's Office and the government in the field of gender equality in Iceland. The Committee brings together the Prime Minister, the Minister for Foreign Affairs and International and Development Cooperation, the Minister of Social Affairs and Children, the Minister of Justice, the Minister of Health and the Minister of Education, Science and Culture. Other ministries take part in the meetings of the Committee based on the needs and in accordance with the decision of the Prime Minister, who chairs the meetings.

### **Spain's Inter-ministerial Commission for Equality between Women and Men**

Regulated by Royal Decree 1370/2007, the Inter-ministerial Commission for Equality between Women and Men actively supervises the integration of the principle of equality in the actions taken by the Central Government, while co-ordinating line ministries with regards to the implementation of policies aimed at promoting gender equality and tackling gender-based violence. In particular, the Commission co-ordinates and oversees the preparation of the government's periodic report on the application of the equality principle in all its actions, as established by Spain's Organic Law on Equality, and monitors and guides the development and implementation of the gender impact reports and other actions of the equality unit established at ministerial level. Representatives of all line ministries have a seat in the Commission, which convenes at least twice a year.

Source: (OECD, 2022<sup>[14]</sup>; OECD, 2023<sup>[15]</sup>); Information provided by the Governments of Iceland as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished); Information provided by Government of Spain in 2021; (Agencia Estatal Boletín Oficial del Estado, n.d.<sup>[16]</sup>).

## **1.3. 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.

### 1.3.1. Priority checklist for 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

### 1.3.2. 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 co-operation with specialised 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 it is 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 – therefore 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 - therefore producing results which are not robust and comparable through time;
- Monitoring efforts are not conducted regularly.

### Box 1.8. Good practice example(s): Providing institutional oversight for gender equality goals

#### Ireland's Joint Parliamentary Committee

In December 2021, the Parliament of Ireland (Oireachtas) established a Joint Committee on Gender Equality consisting of members from both Houses of Parliament. The Joint Committee is tasked to consider the recommendations in the Report of the Citizens' Assembly on Gender Equality, and it is to report to the Parliament within nine months of its first public meeting. The key functions of the committee are related to reviewing draft legislation, monitoring the work of government departments, and advising on policy issues related to Gender Equality. Among its powers is the power to invite submissions, hold hearings with the Minister for Justice, Minister for Further and Higher Education, Research, Innovation, and Science; Minister for Children, Equality, Disability, Integration, and Youth; and Minister of Health. It is also empowered to hold hearings with diverse stakeholders and publish reports.

#### European Court of Auditors' Audit on Gender Mainstreaming

In 2021, the European Court of Auditors (ECA) published an audit report which assessed whether the Commission had used gender mainstreaming in the European Union (EU) budget to promote equality between women and men. More specifically, it looked if gender mainstreaming had been applied in the EU budget, assessed if the Commission's framework for supporting gender mainstreaming was appropriate, and analysed if the EU's budget cycle took gender equality into account.

Among the conclusions, it is possible to highlight that the Commission has not yet lived up to its commitment to gender mainstreaming in the EU budget. Contrary, the Commission's institutional framework does not yet fully support the implementation of gender mainstreaming, and the Commission's gender-equality strategy did not sufficiently promote the use of gender mainstreaming. The Auditor's report also launched a series of recommendations for improving the Commission's framework and translating its commitment to gender mainstreaming into specific actions. Some of these recommendations are: clarifying roles regarding gender mainstreaming in all policy areas and making training on gender mainstreaming available to all staff.

Source: (OECD, 2022<sup>[14]</sup>; European Court of Auditors, 2021<sup>[17]</sup>).

*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 it is 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, rendering it ineffective;
- The response mechanism does not translate into individual institutions' responses – also lacking adequate resourcing.

### **Box 1.9. Good practice example(s): Implementing recommendations from oversight bodies**

#### **Canada's Audits on Gender-based Analysis Plus**

In Canada, the Office of the Auditor General, has undertaken several audits on the implementation of Gender-based Analysis Plus (GBA Plus). The audits performed on gender-based analysis in 2009 and in 2015 found that, despite efforts to improve, significant barriers remained to GBA Plus implementation. In response to the Fall 2015 Report of the Auditor General of Canada and the gaps identified by it, the SWC, PCO, and TBS committed to work together, along with other federal departments, through a plan called "Status of Women Canada, Privy Council Office, and Treasury Board of Canada Secretariat Action Plan (2016-2020)". This plan included the specific activities and deadline target to which each of these institutions committed to overcome the highlighted gaps. A follow-up audit was performed in 2022. This audit focused on determining whether the Privy Council Office, the Treasury Board of Canada Secretariat, and Women and Gender Equality Canada advanced on the implementation of Gender-Based Analysis Plus (GBA Plus) in government through their responses to selected recommendations from the Auditor General of Canada's Fall 2015 reports. The overall results highlight that the three institutions have taken action to identify and address the barriers to implementing the GBA plus. Yet, the findings highlight scope for strengthening and intensifying the effort to help departments and agencies fully integrate the GBA Plus. Moreover, they found that gaps persist in departments' and agencies' capacity to perform the GBA Plus, including the availability and use of disaggregated data. The audit also found weaknesses in monitoring and reporting across the government.

#### **Austria's Audit on Gender-Responsive Budgeting**

In Austria, the Court of Audit (ACA) has the responsibility to monitor the implementation of federally mandated gender-responsive budgeting. For example, in 2017, the ACA pointed out pronounced gender differences in earned income as part of its audit on gender aspects of income tax law. In 2020, the ACA's follow-up audit showed that the Federal Ministry of Finance had fully implemented 2 of the 11 assessed recommendations fully, and 7 in part (2 remained unheeded). It recommended the ministry to pursue the implementation of adequate measures to reduce the gender pay gap.

Source: (Government of Canada, 2022<sup>[18]</sup>; Office of the Auditor General of Canada, n.d.<sup>[19]</sup>); Information provided by the Government of Austria as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

## 1.4. 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:

- 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;
- 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
- increasing co-ordination among data collecting and producing bodies and collaboration with relevant stakeholders with a view to developing better gender impact indicators.

#### 1.4.1. Priority checklist for measuring progress towards 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 co-ordination and based on agreed upon gender impact indicators

#### 1.4.2. 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 it is 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 C. Relevant data collecting/producing bodies work in co-ordination and based on agreed upon gender impact indicators).

### 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 amount of training and number of beneficiaries, instead of "outcome indicators", that describe and measure the outcomes of these efforts;
- Lack of clear leadership and accountability frameworks makes monitoring efforts ineffective and fragmented.



### Box 1.10. Good practice example(s): Monitoring performance on gender equality goals

#### Austria's Performance Management Mechanism

Austria has put in place a performance management process including *ex ante* strategic planning and *ex post* internal evaluation processes. This ensures that all ministries and supreme organs (e.g. the constitutional court, the court of audit) define at least one and maximum five medium-term gender-related outcome objectives with at least one and maximum five indicators on the budget section level as well as at least one and maximum five measures on the global budget level in order to ensure pursuing the goals set. These, along with planned measures, are in turn translated into a performance mandate, which determines the actions taken in relation to gender equality by the ministries and supreme organs. Results of self-evaluations and monitoring processes of the policies are ultimately compiled in a standardised 'gender' report and submitted to Parliament and the public.

#### The Czech Republic's Gender Equality Strategy and its Indicators

The Czech Republic adopted the Gender Equality Strategy for 2021-2030 in 2021. The document provides a solid foundation for implementing gender equality commitments as it sets out high-level goals and complements these with concretely defined measures and corresponding indicators. It identifies roles and responsibilities for entities across the whole-of-government. The strategy also puts in place an annual reporting and monitoring mechanism, requiring ministries and other co-operating entities to report to the Office of the Government (more specifically to the Department for Gender Equality) regarding its implementation. This mechanism consists of a self-assessment of the level of implementation by the responsible entities and an assessment by the Department for Gender Equality.

Source: Information provided by the Government of Austria in 2022; (OECD, 2023<sup>[15]</sup>).

*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 with 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 it is 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 such 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

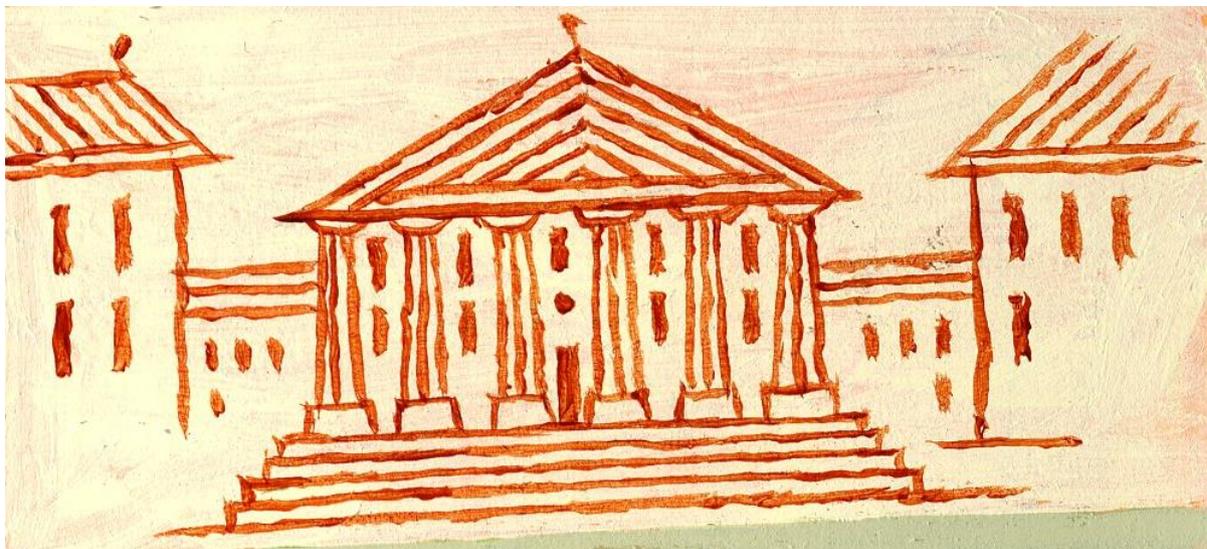
benchmarks. Although information to measure empowerment of women and men is increasingly available in most countries, significant gaps remain in areas such as gender bias and gender-based discrimination, gender-based violence, opportunities to reconcile professional and private life and entrepreneurship. 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 non-governmental organisations (NGOs), service providers, etc.) to collect gender-disaggregated data against national gender impact indicators and in fields relevant to measure progress regarding national gender equality goals;
- Promote national, regional and international co-ordination and co-operation 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.



### **Box 1.11. Good practice example(s): Production and dissemination of gender statistics**

#### **Australia's approach to gender statistics and indicators**

The Australian government, through the Australian Bureau of Statistics (ABS), collects sex-disaggregated data sets (through over 20 national surveys) to track progress towards gender equality. The data sets provided by these surveys assist the Australian Government in its public policy development in areas of public safety and justice, health service provision and infrastructure, housing, socio-economic factors, and economic affairs.

Additionally, the ABS publishes the Australian Gender Indicators annually which comprise 56 key indicators and a further 96 related or detailed data series across 6 domains of interest, namely: 1) economic security; 2) education; 3) health; 4) work and family balance; 5) safety and justice; and 6) democracy, governance and citizenship. The Gender Indicators are drawn from a wide range of ABS resources and statistics from other sources, including the Workplace Gender Equality Agency.

#### **Portugal's project on gender statistics**

In 2019, Statistics Portugal launched the National Statistics System on Gender Equality project to review, update and enhance the content and coverage of the Gender Database (GDB), so that a more comprehensive system of gender statistics and information on various dimensions of (in)equality between women and men can be made available for policy users and for society in general. The GDB aims to monitor a set of actions and strategic instruments, to help in the promotion of a more profound knowledge of the situation of women and men in Portugal and serve as a basis for political and economic decision making through a set of updated indicators on Gender Equality.

#### **The Czech Republic's annual gender statistics publication**

The Czech Statistical Office (CSO) is the main body responsible for collecting gender-related data in the Czech Republic. Its leading role is to be the national co-ordinator on methodological and technical aspects to ensure the continuity, reliability, and validity of collected statistical data. It is also in charge of processing data collected by ministries to produce national statistics related to gender equality. Moreover, the CSO co-operates with various stakeholders, including line ministries, in collecting gender-disaggregated data. Since 2001, the CSO has been publishing an annual comprehensive publication called "Focus on Women and Men", which presents the latest statistical data on women and men in various spheres.

The 2021 CSO annual publication "Focus on Women and Men" included varied data on different topics such as population, health, families, education research, innovation, and information technologies. This and all past reports are available online for public consumption.

Source: (OECD, 2021<sup>[20]</sup>; OECD, 2022<sup>[14]</sup>; OECD, 2023<sup>[15]</sup>).

*C. Relevant data collecting/producing bodies work in co-ordination 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 levels 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 realisation of national gender equality goals?

#### **Why it is 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 co-ordination 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 co-ordination at the regional and international levels to align national gender impact indicators with regional and international ones;
- Increase data accessibility.

#### **What are the pitfalls to avoid?**

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

### Box 1.12. Good practice example(s): Developing gender impact indicators

#### Israel's Gender Equality Index

The Gender Equality Division at the Civil Service Commission of Israel works to promote and implement gender equality in the public service – Government ministries, the Defense and the Health systems of approximately 80 000 employees. To support this initiative, the Gender Equality Index has been developed to measure gender equality in the various areas in every government ministry and in the civil service in general. An interactive dashboard presents data and gender equality projects of each ministry such as the number of women within tender candidates and onboarding employees, salary components, organisational climate, percentage of women within the senior ranks and more.

#### United Kingdom's Gender Equality Monitor

The Gender Equality Monitor (GEM) of the United Kingdom brings together a suite of 24 indicators in a single place to monitor gender equality across five key areas:

- Economic participation and progression
- Attitudes and leadership
- Education and skills
- Crime and justice
- Health and well-being

Moreover, in December 2020, the Government launched the Equality Data Programme to gather data to better understand the barriers people from every background face across the United Kingdom.

Source: (OECD, 2021<sup>[20]</sup>); Information provided by the Government of United Kingdom as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

## 1.5. 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.

### 1.5.1. Priority checklist for complaint and appeal mechanisms to protect rights for gender equality

- 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

### 1.5.2. 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 it is 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.

### Box 1.13. Good practice example(s): Independent complaint and appeal mechanisms

#### Norway's Equality and Anti-Discrimination Ombud

Since 2006 Norway has had an Equality and Anti-Discrimination Ombud (Likestillings- og diskrimineringsombudet) that represents the interests of those who are discriminated against. Its main task is to promote equality and fight against discrimination based on "gender, ethnicity, religion, disability, sexual orientation, gender identity, gender expression, and age." This independent agency, with tribunal, promotional and litigation faculties, actively engages in public hearings, provides comments on laws and public plans, engages in public debates, and provides information to the media. The Ombud is free from instructions from the Government as it is obliged to monitor Norway's human rights fulfilment and offer guidance to individuals' employers, and organisations with the vision of contributing to the creation of a society where "power and influence is equally distributed, freedom is available to all, and dignity is inherent to each individual."

The Equality and Anti-Discrimination Ombud was established in January 2006 by an act of the Parliament and is a result of a merge between the former Gender Equality Ombud, the Gender Equality Center, and the Center for combating ethnic discrimination. The Ombud's mandate has been increased throughout the years, including a wide range of discrimination grounds such as sexual orientation, gender identity, and gender expression.

#### Spain's Defensor del Pueblo

In Spain, the Defensor del Pueblo (Ombudsperson) is the High Commissioner of the Parliament responsible for defending the fundamental rights and civil liberties of citizens by monitoring the activity of the administration and public authorities. It is an independent institution that performs its duties with independence and impartiality, does not receive orders or instructions from any authority and performs its duties with discretion. It reports to the Parliament and is included in the General State Budget within the budget of the Parliament.

Citizens can request the intervention of the Ombudsperson, free of charge, to investigate allegedly irregular action. This office is also able to intervene *ex officio* in cases that come to its attention despite the lack of a formal complaint. In the area of equal treatment, the institution carries out actions "in relation to any type of discrimination based on gender, sexual orientation, ethnic origin, religious affiliation, disability or any other personal or social condition or circumstance". Among different actions related to gender equality, the Ombudsperson, in its 2021 annual report, it strongly highlighted the need to pay more attention to the issue of violence against women.

Source: (The Equality and Anti-Discrimination Ombud, n.d.<sup>[21]</sup>; Defensor del Pueblo, n.d.<sup>[22]</sup>).

#### 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 it is 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 steps 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 protections 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 who to turn to and how the complaint will be handled (responsibilities, timelines, outcomes) by the appeal mechanisms/bodies;
- Absent or insufficient safeguards to protect independence of an appeal mechanism/body.

#### **Box 1.14. Good practice example(s): Sweden's Equality Ombudsman**

The Equality Ombudsman (DO) works to combat discrimination on grounds of sex, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation or age. The Equality Ombudsman examines complaints concerning discrimination and harassment, and assesses how employers, higher education institutions and schools work to prevent discrimination.

The Equality Ombudsman – an independent government agency - was formed on 1 January 2009. The Ombudsman was established by an Act of Parliament (Discrimination Act 2008:567). As set out in the Act (2008:568) concerning the Equality Ombudsman, the Ombudsman shall supervise compliance with the Discrimination Act. To this end, the Ombudsman may, inter alia, receive and consider complaints from individuals asserting that they have been the victims of discrimination. Following such an investigation the Equality Ombudsman may bring a legal action for damages on behalf of the individual concerned.

Source: Information provided by the Government of Sweden as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

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## **2 STRATEGIC USE OF GOVERNANCE TOOLS TO PROMOTE GENDER EQUALITY**

Governments have many policy instruments or tools at their disposal, such as structural policies, budgets, regulations and procurement processes. These are not always neutral in their application and impact as implicit gender bias and norms may seep into their baseline, and risk exacerbating inequality and discrimination. In fact, as a key instrument to influence behaviours, governments can make a strategic use of those tools to deliver better policy outcomes towards more gender-equal and inclusive societies. This section of the Toolkit provides an overview of how governments can use selected tools in a strategic way to redress structural inequalities and advance gender equality and inclusiveness goals. It focuses on an assessment of the gender impacts of various public governance dimensions, the integration of the gender perspective in all phases of the budget cycle and promoting gender equality through public procurement.

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## 2.1. 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.

#### 2.1.1. 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. Expertise is available to undertake gender analysis with an intersectional perspective in a qualitative manner
- C. Data and information disaggregated by gender are available and used to inform gender analysis

#### 2.1.2. 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?
- Do the GIA guidelines or other available framework documents explicitly recognise that discrimination can be experienced through a combination of multiple, intersecting factors, or is there any obligation for policy makers to integrate this understanding when conducting 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. 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.

There is a growing recognition by policy makers that gender inequalities are the result of not only gender-based discriminations but also their interaction with other identity-based discriminations. Without considering issues such as race, ethnicity, age, pregnancy status and disability in gender equality policy making, the impact of intended results may be weakened, leaving gender inequalities to persist, especially among the most marginalised groups.

#### 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;
  - To the extent possible, crosscutting and overlapping mechanisms of discrimination faced by diverse groups are considered.

#### 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;
- Failing to recognise crosscutting and overlapping mechanisms of discrimination faced by diverse groups.

## Box 2.1. Good practice example(s): Gender impact assessments

### Estonia's Gender Impact Assessment Methodology

Estonia's Impact assessments are based on the Impact Assessment Methodology (IAM) approved by the Government of Estonia. The IAM refers to the Gender Equality Act and the Equal Treatment Act. It states that when assessing impacts, the needs and societal status of different social groups (including women and men) must be analysed, along with implications on gender equality. Moreover, according to the Gender Equality Act, the state and local government authorities are obliged to plan, implement, and assess strategies, policies, and action plans to consider how the measures applied and to be used (will) affect the situation of men and women in society.

### New Zealand's Gender Analysis Tool

In New Zealand, the Ministry for Women has co-developed with the policy community an online gender analysis tool called "Bringing Gender In" to assist policy makers across the Government to consider the gender implications of their work. The tool invites users to reflect on key questions and provides examples of good practices and links to databases and other useful material.

### Spain's *ex ante* and *ex post* Gender Impact Assessment

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 gender-related, such as traffic.

In addition, since 2015, the Annual Regulatory Plan has included *ex post* gender analysis in the regulations when necessary, according to the criteria established in the specific rules. Consequently, the Strategic Plan for Equal Opportunities 2014-2016 was subject to *ex post* gender analysis, and the *ex post* evaluation of the current Strategic Plan for Equal Opportunities between Men and Women 2022-2025 is planned.

Source: Information provided by Governments of Estonia, New Zealand and Spain as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

*B. Expertise is available to undertake gender analysis with an intersectional perspective in a qualitative manner*

### Self-assessment questions

- 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?
- Are expertise and capacity for understanding that discrimination can be experienced through a combination of multiple, intersecting factors, the gender equality available to government institutions?

### 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

In the absence of adequate awareness and technical understanding of gender and its interlinkages with other forms of marginalisation, it can be challenging for policy makers to implement GIAs or gender analyses with an intersectional lens.

### What are the key actions to consider?

- Specialised expertise on gender and intersectionality 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.
- Training and capacity building initiatives take into account the intersectional perspective and how it can be operationalised.

### What are the pitfalls to avoid?

- Gender expertise is not available or adequate within individual institutions, therefore 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.
- Failing to recognise crosscutting and overlapping mechanisms of discrimination faced by diverse groups.

## Box 2.2. Good practice example(s): Guidance for conducting gender impact assessments

### Canada's guidance tool for integrating GBA Plus into every stage of Government evaluations

The Treasury Board Secretariat of Canada, in consultation with Women and Gender Equality Canada, developed a primer with advice for evaluators, on how to integrate GBA Plus into every stage of Government of Canada evaluations in order to support commitments and directions. It outlines a list of questions that policy makers can use across the stages of evaluation to integrate GBA Plus, depending on the nature of the policy, programme or service, and on the type of evaluation. These are oriented along the following areas:

- Reviewing the logic model and theory of change (e.g. do any aspects of the policy, programme or initiative have potential gender considerations?)
- Performance measures (e.g. are there potential biases in the way current indicators are framed?)
- Relevance (e.g. is the policy, programme or service equally relevant to different target population groups?)
- Design and Delivery (e.g. are there particular target population groups that are not being reached with this policy, programme or service?)
- Effectiveness (e.g. have outcomes differed across diverse target population groups? What accounts for the differences?)
- Efficiency (e.g. what are the administrative costs of the policy, programme, or service for each target population group?)

### Finland's comprehensive guidelines on how to incorporate the gender perspective in the government work

Finland's Ministry of Social Affairs and Health has developed comprehensive guidelines "How to incorporate the gender perspective in your own work" to inform and encourage civil servants to do GIA as part of their preparation process and, if necessary, acquire help outside the process. While the actual methodology varies per the function of the authority in concern, these guidelines outline the first steps as follows: i) examination of each matter at every stage of preparation from the gender perspective; ii) assessment of the gender impact; iii) consideration of the results to include the gender perspective when drawing up the final presentation.

Source: (Government of Canada, 2019<sup>[1]</sup>; OECD, 2022<sup>[2]</sup>).

*C. Data and information disaggregated by gender are 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 (non-governmental organisations (NGOs), women’s groups, etc.) regularly conducted to collect data and information about the potential or actual impact of government policies, programmes and budgets on diverse groups?
- 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.)?
- Is gender-disaggregated data also required to be disaggregated by other factors (e.g. age, disability status, race, ethnicity, etc.) to the extent possible?

### 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.

Additionally, in the absence of data that is disaggregated by multiple factors, it can be difficult to effectively understand crosscutting and overlapping mechanisms of discrimination faced by diverse groups in policy-making process.

### What are the key actions to consider?

- Gender-sensitive data and data disaggregated by gender are available and accessible at national and sub-national level;
- The government regularly conducts public consultation processes on gender to collect missing information from a diverse cohort of stakeholders
- Build the awareness of statisticians and representatives in line ministries of gender issues through information campaigns and trainings.
- Consider avenues for the inclusion of intersectional approaches in data collection.

### What are the pitfalls to avoid?

- Gender-disaggregated data are “women only” focused;
- Gender-disaggregated 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.
- Gender-disaggregated datasets are not collected in a standardised manner, leading to lack of interoperability.
- Other characteristics to be taken into account in intersectional data collection efforts are not clearly defined.

### **Box 2.3. Good practice example(s): Gender-disaggregated data and gender statistics**

#### **Canada's Gender, Diversity and Inclusion Statistics Hub**

Important developments in the area of intersectional data collection have occurred in Canada in recent years. Statistics Canada is the official body that collects and produces data to ensure high-quality gender-disaggregated evidence is available to support planning and decision making. It hosts a dedicated website on gender, diversity and inclusion statistics. During the COVID-19 pandemic, this website has presented data disaggregated along intersectional lines for diverse population groups, namely on the grounds of age, gender, sexual orientation, immigration status, indigeneity and disability.

In 2018, Statistics Canada consulted with Canadians about the development of their Centre for Gender, Diversity and Inclusion Statistics. In 2019, building on Canada's Digital Charter, the "Gender, Diversity and Inclusion Statistics hub" was officially launched. The Hub was designed to provide easily accessible data, not only for policy makers, but also for members of the public – such as city planners and business owners. It presents available data disaggregated by age ("children and youth", and "seniors"), race ("visible minorities" and "immigrants") indigeneity, ability, gender, and sexual orientation. In addition, the hub represents a visual commitment to collect data along these elements in future statistical initiatives.

#### **Colombia's differential and intersectional group**

Efforts have been made to improve the collection and use of data disaggregated by gender and other characteristics at the national level. In March 2019, the National Administrative Department of Statistics (DANE) created a new "differential and intersectional group" at the managerial level to fill gaps in the collection of statistics with intersectional and differential approaches. As of 2021, the "differential and intersectional group" is composed of a co-ordinator, four economists, a psychologist, an anthropologist, an administrative assistant and two external advisors.

Following the indications of the National Statistical Plan (Plan Estadístico Nacional – PEN 2017-2022), in 2020 the DANE published a guide on intersectional and differential approaches for the national statistics system, as well as for Colombian private and public companies. The guide contains recommendations on ways to include differential approaches in data collection and is accompanied by an official legal resolution (1448 of 2020) that makes it mandatory for entities to take actions in this regard. The tool highlights the importance of collecting data disaggregated by variables such as gender, age, ethnic origin, disability, gender identity, sexual orientation, geographic location, educational level, socio-economic situation, victim status, migrant status, access to health and social security services, health status, rural status and other characteristics, and considering their intersections to allow analyses of gaps and situations of vulnerability.

#### **Portugal's National Statistics System on Gender Equality Project**

In 2019, Statistics Portugal launched the National Statistics System on Gender Equality project to review, update and enhance the content and coverage of the Gender Database (GDB) so that a more comprehensive system of gender statistics and information on various dimensions of (in)equality between women and men can be made available for policy users and society in general.

The obligation to produce sex-disaggregated data is also increasingly included in specific policies and programmes to assess their impact on gender equality. For example, the Strategy for Innovation and Modernization of the State and Public Administration 2020-2023 (Resolution 55/2020); the revised 2030

National Digital Skills Initiative, and the National Plan against Racism and Discrimination (Resolution 101/2021) respond to the cross-cutting objective of creating sex-disaggregated data in all central administrations.

### **United Kingdom intersectional data collection approach**

In the United Kingdom, data collection on gender, ethnicity and disability in a standard and systematic manner is well-established. For example, the Government collects data on the different ethnic groups in the country across several policy areas, such as education, employment and health. While the extent to which intersectional analysis is undertaken is limited, the Office of National Statistics (ONS) conducted analysis on the impact of COVID-19 across ethnicity and gender lines.

In addition, the Government of the United Kingdom has recently announced the launch of the Equality Data Programme, which will gather data from across the Government to better understand the barriers that people from every background are facing across the United Kingdom. The work will consider a range of issues, such as geography and social background, alongside other demographic factors such as people's sex, ethnicity, sexuality and disability status. As the programme develops, it will deliver life-path analysis of equality from the perspective of the individual using longitudinal data sets that help the Government understand where barriers are. The information gathered will be used to inform policy decisions across government. Initial findings will be published in summer 2021.

Source: (OECD, 2018<sup>[3]</sup>; Statistics Canada, 2021<sup>[4]</sup>); Information provided by Governments of Colombia and Portugal as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished); (Government of United Kingdom, n.d.<sup>[5]</sup>); Information also provided by the Government Equalities Office of the United Kingdom.

## **2.2. 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.

#### ***2.2.1. Priority checklist for the integration of the gender perspective in all phases of the budget cycle***

- A. Use gender budgeting to strengthen the link between the budget and key gender equality objectives
- B. Develop a gender budgeting practice that is sustainable beyond political cycles
- C. Select an approach to gender budgeting that builds on the government's existing budget framework and ongoing reforms
- D. Apply gender budgeting tools at all stages of the budget cycle
- E. Ensure that the practice of gender budgeting is supported by strong data and analysis
- F. Support the implementation of gender budgeting through suitable and sufficient capacity building
- G. Use gender budgeting to reinforce government transparency and accountability

### 2.2.2. Self-assessment tool

A. Use gender budgeting to strengthen the link between the budget and key gender equality objectives

#### Self-assessment questions

- Are there national gender equality objectives providing a clear purpose for gender budgeting?
- Is gender budgeting strengthening the link between budgeting and these gender equality objectives?
- Are performance measures for relevant budget programmes linked to these national gender equality objectives?

#### Why is it important?

Gender budgeting practices raise awareness of the implications of public spending on gender equality outcomes. Any approach to gender budgeting needs to be guided by clearly defined national gender equality goals, set out in a credible government document that holds political weight, such as a Gender Equality Strategy. The implementation of gender budgeting provides a method for key gender equality objectives to be systematically considered in budget decisions to ensure that resource allocation is directed where it will be most effective in achieving gender equality goals. Through further linking gender equality objectives to the government's performance and outcomes frameworks, accountability on transparency on progress in achieving gender equality goals can be optimised. From an institutional perspective, linking gender equality objectives to the budget process ensures that policy efforts are co-ordinated and aligned across government.

#### What are the key actions to consider?

- **Identify how gender budgeting will contribute to the achievement of gender equality objectives:** For example, gender budgeting can assist decision makers to determine the most effective budget decisions to close gender gaps in earnings and employment, through highlighting the impacts of public investment in childcare subsidies, child benefits, parental leave, and adult education. Providing a clear purpose for gender budgeting in achieving gender equality objectives provides transparency around public investment in gender equality and how the government aims to progress gender equality through the allocation of public resources.
- **Ensure that key gender equality objectives are systematically considered in budget decisions:** This can be achieved through the assessment of budget proposals from a gender impact perspective and the allocation of resources to budget programmes that help progress gender equality objectives.
- **Provide transparency on how the success of budget programmes linked to gender equality objectives will be measured:** It is important that gender equality objectives are linked to budgetary performance measurement processes and/or outcomes frameworks to provide a standardised method for measuring progress. Transparency is increased if this information is published in relevant budget documentation.

#### What are the pitfalls to avoid?

- **No overarching gender equality objectives:** Overarching objectives help provide a policy focus for gender budgeting efforts.

- **Failure to link gender budgeting to the achievement of gender equality objectives:** The implementation of gender budgeting is most impactful when guided by gender equality objectives. Gender budgeting practices that do not provide a strong link between the budget and gender equality objectives will miss the opportunity to leverage the budget to help better achieve gender equality goals.
- **Unclear identification of institutional roles and responsibilities for gender budgeting:** It is beneficial for ministries and the public service working across budgetary processes to have a clear understanding of how their efforts contribute to the achievement of gender equality policy objectives. Identification of institutional roles and responsibilities for gender budgeting in a Gender Equality Strategy assists in providing a clear vision for the effective direction and co-ordination of public resources. Concerting government efforts towards the same objectives will ensure more coherent and effective implementation of gender equality policies.

### Box 2.4. Good practice example(s): Linking budgeting and key gender equality objectives

#### Sweden's approach to gender budgeting

Gender equality is central to all decision making and resource allocation in Sweden and has been recognised as a separate policy area since 1972. Since 1994, the Swedish Government's strategy to achieve gender equality policy objectives has been gender mainstreaming, guided since 2006 by the overall gender equality objective that women and men shall have the same power to shape society and their own lives. The strategy has six sub-goals covering equal distribution of power, influence, unpaid housework and provision of care, gender equality in the economy, education, health care and social services, and the elimination of violence against women.

The budget bill and the budget process are the key mechanisms used to achieve the Swedish Government's gender equality goals, with the Ministry of Finance having introduced a requirement in the budget circular mandating that all ministries provide gender-equality impact assessments alongside their budget proposals to ensure that policies take gender equality into consideration at the drafting stage.

#### Gender Results Framework for Canada's Budget

Since 2018, the budget of Canada has been guided by a Gender Results Framework (GRF); characterised as a whole-of-government tool to articulate Canada's gender equality priorities and goals. The GRF has 6 pillars and outlines 34 objectives and 43 indicators across the pillars to assess progress in achieving gender equality goals and identify where change is required to advance gender equality and track performance.

Canada's Gender, Diversity and Quality of Life Statement provides a summary of the nation's performance against the GRF. Canada's Budget Impact Report also identifies which budget measures advance the GRF pillars.

Source: OECD (2022), Survey on Gender Budgeting (unpublished); (Swedish Gender Equality Agency, n.d.<sup>[6]</sup>; Government Offices of Sweden, 2016<sup>[7]</sup>; Parliament of Victoria, 2022<sup>[8]</sup>; Government of Canada, n.d.<sup>[9]</sup>).

## B. Develop a gender budgeting practice that is sustainable beyond political cycles

### Self-assessment questions

- Is there strong political support and leadership for gender budgeting?
- Does gender budgeting have legal underpinning?
- Is gender budgeting having a meaningful impact?

### Why is it important?

Gender budgeting approaches implemented without the necessary underlying structures for enduring sustainability are likely to diminish over time. Strong political support for gender budgeting assists in the development of a sustainable practice through providing clear purpose and vision, motivating staff and encouraging cultural change across government. Legal foundations for gender budgeting go further in ensuring sustainability through insulating the practice from fluctuations arising from the economic or political environment. A legal underpinning for gender budgeting can also set the foundation for effective leadership arrangements and co-ordination mechanisms, and the role of parliaments and supreme audit institutions in oversighting processes.

### What are the key actions to consider?

- **Legal foundations for gender budgeting can take many forms**, including constitutional, organic budget law or other legislation. Public financial management reforms that have a legal underpinning are more likely to be both viable and sustainable. Through fully testing and debating legislation in parliament, legal foundations for gender budgeting can embed the practice as a valued and enduring public policy feature.
- **Clear leadership for gender budgeting:** Gender budgeting efforts must be underpinned by a strong political and administrative leadership model mirroring the roles and responsibilities and co-ordination mechanisms outlined in a Gender Equality Strategy, to ensure a whole-of-government approach.
- **Ensure the use of evidence gathered through gender budgeting in budgetary decision making:** Public servant and citizen visibility of the use of information generated from gender budgeting in decision making will render an increasingly enduring gender budgeting practice. The use of evidence gathered in decision making across all key stages in the budget cycle will improve the outcome of budget interventions and increase the real-world impact of gender budgeting practices. For this to succeed, relevant stakeholders must have access to key evidence at the time of making decisions.

### What are the pitfalls to avoid?

- **Gender budgeting being introduced and implemented without cross-government consensus on its value:** Key government stakeholders including the Central Budget Authority (CBA), the prime minister's office and the gender equality institution should share common understanding of the purpose and value of gender budgeting.
- **Weak legal foundations for gender budgeting:** Legislation which lacks specificity relating to, for example, gender budgeting objectives and mechanisms.
- **Information gathered through gender budgeting is not being used in budget decision making:** This may arise because information is not being made available to decision makers at the right time, and/or not being used in budgetary processes.

## Box 2.5. Good practice example(s): Improving sustainability of gender budgeting

### Sustainability of gender budgeting beyond political cycles in Spain

Gender budgeting in Spain has endured beyond political cycles due to a strong legal basis, an effective analytical framework and transparent impact reporting mechanisms. Spain's 2007 Organic Law for Effective Equality Between Men and Women obliged the government to submit a Gender Impact Report of draft provisions to the Council of Ministers and ensure its inclusion in the draft State Budget Law following ministerial approval. In 2020, Article 37 of the General Budget Law was amended to include the Gender Impact Report as mandatory documentation to be submitted to the Spanish Parliament together with the draft State Budget Law. A new 3-R's methodology was also adopted to enable reporting on the gender Reality of Spanish society through National Institute of Statistics indicators, the representation of women and men in the public sector and administration, and the resources – results analyses of the gender impact of departmental spending programmes. As the methodology is legally reinforced, it is insulated from changes in political leadership.

Through an interactive website, citizens can access data from the Gender Impact Report, increasing transparency and public accessibility to gender budgeting information.

### Legal underpinning for gender budgeting in Italy

In Italy, a gender budgeting pilot project was introduced as part of State budget reforms through the enactment of the 2009 Italian Public Finance and Accounting Law. The legislation required analysis of the State's revenues and expenditures to evaluate the differential impacts of budget policies on men and women across various indicators. The Government of Italy's first pilot Gender Budget was produced in 2016. In 2018, a Legislative Decree strengthened Italy's gender budgeting practice, outlining additional analyses to be included in the Gender Budget concerning budget aims at redefining and reallocating resources, and consideration of sustainable well-being indicators to improve the planning and monitoring of public finances. Italy's Department of Finance is responsible for conducting the impact analysis of major revenue policies. The Decree also outlined the establishment of a special Ministry of Economy and Finance Committee consisting of internal and external stakeholders to oversee the Gender Budget.

### Gender and diversity impact assessments of Canada's Budget

The Government of Canada expanded its approach to gender budgeting in 2021 through publishing the gender and diversity impact assessments (Gender Based Analysis Plus [GBA Plus]) of budget measures in an impact report alongside the budget. The report also included information on how individual budget measures advance various dimensions and indicators of the draft Quality of Life Framework. Accompanying Canada's 2022 budget was a Statement and Impacts Report on Gender, Diversity, and Quality of Life, taking stock of Canada's equality progress and providing a summary of the gender, diversity, and quality of life impacts for each budget measure.

Source: Information provided by the Spanish Ministry of Finance and Civil Service in 2022; OECD (2022), Survey on Gender Budgeting (unpublished); (Italian Ministry of Economy and Finance, 2020<sup>[10]</sup>; Government of Canada, 2021<sup>[11]</sup>).

*C. Select an approach to gender budgeting that builds on the government's existing budget framework and ongoing reforms*

#### Self-assessment questions

- Does gender budgeting build on the government's existing budget framework?
- Is gender budgeting incorporated into relevant budget reforms?
- Is gender budgeting led by the CBA?

#### Why is it important?

There is no one-size-fits-all approach to gender budgeting. While it's valuable for countries to consider the suite of measures implemented in other countries, for a gender budgeting approach to be effective it must be carefully selected based on the current political and administrative context and budget framework. Where the government has concerns about the capacity of the public service to implement gender budgeting, it may consider its introduction on a pilot basis or in several stages.

It is important for gender budgeting measures to be led by the CBA given the considerable influence it has over resource allocation, government-wide policy making and the achievement of policy goals. The CBA has the authority to seek evidence from ministries on how budget proposals impact gender equality objectives. Further, ministries are more likely to provide good quality gender impact assessments if the CBA mandates their submission and provides appropriate guidance.

#### What are the key actions to consider?

- **Select an approach to gender budgeting that fits within the current budget framework and ongoing reforms and builds on existing cross-government strengths:** The budget framework is the set of rules, procedures, tools and responsibilities that underpin the government's budget process. There are numerous entry points for gender budgeting in a government's budget framework, however, the best option will consider the focus of current budgetary practices. For example, a country with a strong focus on performance budgeting may choose to integrate a gender perspective through the performance framework to ensure the government is using public resources to increase gender equality. Alternatively, a country with a strong culture of gender impact assessment may choose to require assessments alongside all new budget proposals.
- **Allocate a dedicated resource in the CBA to develop and implement gender budgeting:** The CBA should take a lead role in designing an approach, planning its implementation, supporting ministries through the process of implementation and using the information gathered from gender budgeting to inform resource allocation decisions. Allocation of a dedicated resource within the CBA ensures clear authority for gender budgeting and provides the public service with a clear focal point for information and guidance.

#### What are the pitfalls to avoid?

- **The CBA does not have a lead role in relation to gender budgeting:** Leadership for gender budgeting that stems from the CBA will provide increased authority and influence.
- **The CBA does not have the appropriate skillset:** The skillsets of budget experts are not necessarily attuned to complex gender equality issues. For this reason, the CBA can benefit from broadening its traditional skillset so that relevant staff are equipped to fully understand the actions needed to drive change in key policy areas.

- **Flooding the budget process with gender budgeting requirements:** A gender budgeting approach must be carefully constructed. Public sector perception that gender budgeting measures are overburdensome and being implemented haphazardly and without appropriate purpose or support may have a detrimental impact on its sustainability.

### **Box 2.6. Good practice example(s): Building gender budgeting into existing frameworks and reforms**

#### **Gender budgeting as part of the Austrian Federal Budget Law**

Gender budgeting has been enshrined in the Austrian Constitution since 2009, where it states that the Austrian Federation should apply gender budgeting as a key aspect of performance budgeting. Gender budgeting was implemented in 2013 as part of the performance budgeting framework codified in the Austrian Federal Budget Law. It requires each chapter within the annual budget statement to have at least one objective and measure directly addressing gender equality to ensure each ministry considers how its activities contribute to gender equality outcomes, however, objectives and measures are not concretely linked to budget funds. Gender equality objectives and achieved outcomes are accounted for in Performance Reports prepared by the Austrian Federal Ministry of Arts, Culture, Civil Service and Sports, and the Austrian Parliamentary Budget Office undertakes a systematic overview of objectives, measures and indicators.

#### **Iceland's incorporation of gender budgeting into relevant budget reforms**

The Government of Iceland has been successful in incorporating gender budgeting practices into the existing budget framework and subsequent relevant budget reforms. Gender budgeting was introduced in Iceland in 2009 as part of the budget reforms instigated in response to the global financial crisis. Initial years focused on developing an approach to gender budgeting and piloting its implementation across the ministries. Between 2011 and 2016, ministries focused on one policy area, undertaking analysis of its gender impact and planning and implementing policy changes to improve gender equality. In 2016, Iceland's approach to gender budgeting evolved through incorporation into the Public Finances Act which introduced performance budgeting as a new measure.

#### **Spain's institutional approach to gender budgeting**

In Spain, the Ministry of Finance has responsibility for leading the country's gender budgeting efforts. The Order of the Spanish Ministry of Finance sets the rules for the preparation of the General State Budget, including the establishment of a working group to produce the Gender Impact Report of budget provisions through application of the 3-R's methodology (see Box 2.5). The working group was established in 2008, at present consisting of the Secretariat of State for Budget and Expenditures, the General Directorate of Budget and the General Directorate of Personnel Cost. The Ministry for Equality also has a supporting role.

The Order of the Spanish Ministry of Finance also details requirements relating to the sections of the Gender Impact Report concerning the 3-R's methodology, including the section on Resources – Results consisting of the reports submitted to the State Secretary for Budgeting and Expenditure analysing the gender impact of departmental spending programmes by terms determined by the Secretary.

Source: OECD (2022), Survey on Gender Budgeting (unpublished); (Parliament of Victoria, 2022, pp. 75-81<sup>(8)</sup>); Information provided by the Icelandic Ministry of Finance and Economic Affairs in 2022; (Spanish Ministry of the Treasury and Civil Service, 2022<sup>(12)</sup>); Information provided by the Spanish Ministry of Finance and Civil Service in 2022.

#### D. Apply gender budgeting tools at all stages of the budget cycle

##### Self-assessment questions

- Does the government use gender budgeting tools annually at the 1) budget planning and formulation, 2) budget approval, and 3) budget implementation and control stages of the budget cycle?
- Does the government's approach to gender budgeting highlight the gender impact of both tax and spend policies?
- Does the government apply gender budgeting to the full breadth and depth of public spending?

##### Why is it important?

An advanced approach to gender budgeting incorporates a gender perspective across each stage of the budget cycle to improve the effectiveness of budget policy in meeting gender equality goals. Most commonly countries bring a gender perspective to bear in the budget planning and formulation stage of the budget process, for example, through assessment of the expected gender impact of budget proposals. In addition to consideration of a gender perspective in the budget approval stage, it is vital that the gender impact of budget programmes following implementation are assessed with insights incorporated into future budget decision making. The design of gender budgeting should also recognise that both tax and spend decisions impact gender equality. It is also important that gender budgeting is applied to all relevant government spending to ensure evidence is complete and accurate.

##### What are the key actions to consider?

- **Ensure a gender perspective is applied when the government is planning and formulating its budget:** The application of gender budgeting tools in the budget planning and formulation stage ensures the Central Budget Authority has the key information needed to prioritise budget proposals that help progress gender equality goals and that any inadvertent negative gender equality impacts from policy initiatives are identified and avoided.
- **Apply gender budgeting tools at the approval stage of the budget cycle:** Once the government has formulated the budget, the draft budget generally goes through an approval process following presentation and debate in parliament. The provision of information alongside the draft budget on the impact of proposed budget programmes can be beneficial in supporting stakeholders such as parliament and citizens in understanding whether resource allocation is progressing gender equality goals prior to approval. Information may be presented in a standalone gender budget statement or integrated into existing budget documents and may include a gender impact assessment of the budget as a whole or a distributional assessment of tax and welfare measures by gender.
- **Ensure gender budgeting tools are used during the implementation and control stage of the budget cycle:** At this stage the government and its oversight institutions typically consider the extent to which the budget is achieving or has achieved its intended outcomes, including those related to gender equality. The use of gender budgeting tools at this stage of the budget cycle, such as the application of a gender dimension to evaluation or performance audit, *ex post* gender impact assessments, or a gender dimension in spending reviews can help give insights into whether the design and/or funding of programmes need adjustment to deliver better results. Lessons from these assessments should feed into future budget decision making to ensure that the effectiveness of spending in achieving gender equality outcomes can be improved over time.

- **Gender budgeting tools applied to both tax and spending measures:** Gender budgeting should consider both the revenue-raising and spending measures included in the budget, since both of these can impact gender equality. For example, distributional assessments of tax and welfare measures from a gender perspective can clarify how the full suite of these measures introduced over time impact gender equality in key areas such as labour market participation.

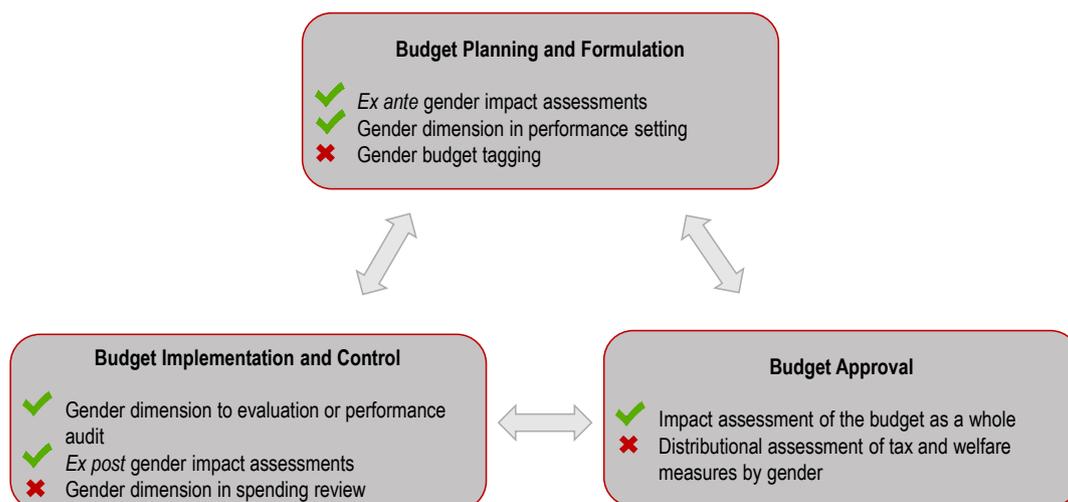
#### What are the pitfalls to avoid?

- **Gender budgeting tools only applied after the budget has been approved:** This risks weakening the likelihood that information from gender budgeting will be used in budget decision making.
- **Gender budgeting tools only applied to new budget proposals:** Since new budget measures are only a small proportion of overall government spending, focusing gender budgeting efforts here risks overlooking large proportions of government tax and spending. To have maximum impact, gender budgeting tools need to also provide an understanding of how baseline tax and spend policy impacts gender equality goals.
- **Gender budgeting only being applied to a portion of the government's overall budget:** The design of gender budgeting should not prohibit its application across certain areas of the budget. For example, different analytical procedures in place for government bills compared to those proposed by parliament may inadvertently mean that they do not fall under the scope of gender budgeting. Alternatively, gender impact assessments may be required in relation to new spending measures, but not in relation to new tax measures. These situations should be avoided so that gender budgeting can be applied to the full depth and breadth of government budget policy.

### Box 2.7. Good practice example(s): Applying gender budgeting at all stages of the budget cycle

Gender budgeting in Austria focuses on the implementation of a gender perspective in performance setting as part of the annual budget process and integrates gender considerations in regulatory impact assessments undertaken for laws, regulations, and major projects. In addition, the Austrian Court of Audit examines gender and other diversity aspects in relevant performance audits through asking questions concerning relevancy, ambition and impact. Mapping Austria's gender budgeting measures across the budget cycle it can be seen that these tools are applied at each key stage of the budget cycle:

#### Gender budgeting at across the budget cycle in Austria



### **Iceland's application of gender budgeting to exceptional spending measures**

In 2020, Iceland's Ministry of Finance undertook gender impact assessments of selected public investments in response to the COVID-19 pandemic, including assessments across business innovation, infrastructure and construction, support for jobseekers and the unemployed, access to healthcare, student support, violence awareness campaigns and services for victims, and financial and social support for families. The assessments relied heavily on data from Iceland's base report for gender budgeting and the results were included in the budget amendment bills. It was the first time an overall gender impact assessment was part of the budget bill in Iceland, however, since then gender impact assessments alongside new budget measures have become a routine practice within Iceland's budgetary process.

### **Italy's approach to include analysis of fiscal policies in the gender budgeting process**

Italy's gender budgeting practice extends to the assessment of the gender impact of tax policies. In 2019, the assessment centred on analysis of the differentiated impact of the main fiscal policies on gender overall, as well as targeted assessments concerning:

- impact on the average tax wedge of the second earner of a household with two children when entering the labour market
- analysis of selected tax relief schemes aimed directly or indirectly at reducing gender inequalities
- gender impact of some subsidised tax regimes such as the "brain gain" and the flat-rate tax.

An example of an adjustment to Italy's tax policies in 2020 included the provision of tax relief for women hired by social co-operatives who are victims of gendered violence.

Source: Information provided by the Austrian Federal Ministry of Finance and the Icelandic Ministry of Finance and Economic Affairs in 2022; (Government of Iceland, 2020<sub>[13]</sub>; Italian Ministry of Economy and Finance, 2020<sub>[10]</sub>).

## *E. Ensure that the practice of gender budgeting is supported by strong data and analysis*

### **Self-assessment questions**

- Is there sufficient gender-disaggregated data to support robust analysis as part of gender budgeting?
- Does gender budgeting consider the intersectional aspects of gender inequality?

### **Why it is important?**

Gender disaggregated data is pivotal in enabling governments to develop effective gender-sensitive and evidence-based policies. Targeted policy development through an effective gender budgeting practice is contingent on the availability of quality gender disaggregated data. Increasingly, best practice gender budgeting is considering insights into the intersecting impacts of inequality, through analysis of data that takes into account the multiple aspects of an individual's identity that can compound experiences of inequality (e.g. race, socio-economic class, sexual orientation, disability). If data collections are insufficient to perform rigorous gender assessments and audits, the introduction of gender budgeting can require investments to increase the availability of gender disaggregated data through strengthening existing collections or collecting new data.

### What are the key actions to consider?

- **Systematic collection of gender disaggregated data to support gender budgeting analysis:** The government should collect gender disaggregated data on how government services are used, and the different needs and preferences of men and women in their respective policy areas. Performing a gender disaggregated data audit and developing a gender disaggregated data strategy can assist in the identification of data gaps and establishment of actions to address these.
- **Gender budgeting considers intersectional aspects of gender inequality:** Gender budgeting analysis can benefit from considering the linkages between gender inequality and other aspects of an individual's identity to better understand the nature of inequality being experienced by citizens and how to address it.

### What are the pitfalls to avoid?

- **A lack of government investment in the collection of gender-disaggregated data:** The government may need to invest in the collection and processing of gender disaggregated data for the analysis underpinning gender budgeting to be robust and informative.

## Box 2.8. Good practice example(s): Collection and availability of gender-disaggregated data

### Ireland's data audit to understand gaps in disaggregated data

In 2020 the Central Statistics Office (CSO) of Ireland conducted a data audit in co-operation with the Department of Public Expenditure and Reform to ascertain the availability of public service data disaggregated by equality. This work was guided by the Equality Budgeting Expert Advisory Group representing key internal and external stakeholders and the audit findings were published alongside Ireland's 2021 budget. The information is also published on the CSO webpage and will continue to be updated as new data is identified. In response to the data audit, the CSO and the Department of Children, Equality, Disability, Integration and Youth are developing a data strategy to identify what actions are needed to improve the disaggregation of data and identify actions needed to address data gaps.

### Canada's approach to ensuring availability of disaggregated data

The Government of Canada has invested heavily in the collection of disaggregated data that identifies the way in which public policy and programmes affect different groups. This data supports evidence-based policy decisions in Canada through the Government's gender budgeting initiative, and Gender Based Analysis Plus (GBA Plus), which is an analytical tool used to assess and address systemic inequalities, and to inform the design and implementation of policies, programmes and services that meet the diverse needs of people across the country through identifying the potential unintended differential impacts of initiatives and ways to mitigate these. This allows analysts, researchers, evaluators, and decision-makers to constantly improve their work and attain better results for people by being more responsive to their specific needs and circumstances. The 'plus' in GBA Plus incorporates an intersectional approach to gender impact assessment through consideration of intersecting characteristics such as race, ethnicity, religion, age and mental or physical disability. The aim is to enable inclusive development, delivery, and evaluation of government policies in Canada.

Funding for Statistics Canada was increased in the 2018 and 2021 budgets, with targeted investment towards a Gender, Diversity and Inclusion Statistics Hub providing easy public access to disaggregated

and intersectional data, analytical products, and insights. The 2021 allocation funded the 5-year development of a Disaggregated Data Action Plan (DDAP) aiming to fill data gaps and encourage a culture shift, where data disaggregation becomes standard practice within government. Through the DDAP, Statistics Canada intends to inform more efficient evidence-based policy decisions by enabling the disaggregation of large datasets into smaller more meaningful statistics for diverse groups of people. Within the first year of the plan, key results included expansion of data collected through the Labour Force Survey, the Canadian Community Health Survey, the General Social Survey and the Uniform Crime Reporting Survey. These improvements have allowed for greater disaggregation across statistics programmes on health, society, the economy, and the environment.

Source: OECD (2022), Survey on Gender Budgeting (unpublished); (Government of Ireland, 2019<sup>[14]</sup>); Information provided by the Canadian Department of Finance in 2022; (Parliament of Victoria, 2022<sup>[8]</sup>; Statistics Canada, 2021<sup>[4]</sup>; Department of Finance Canada, 2022<sup>[15]</sup>).

### *F. Support the implementation of gender budgeting through suitable and sufficient capacity building*

#### **Self-assessment questions**

- Is the implementation of gender budgeting supported by training and awareness raising programmes for relevant government stakeholders?
- Has the CBA developed and issued comprehensive guidelines on the application of gender budgeting tools?

#### **Why is it important?**

Gender budgeting is often a new concept for government actors, who face competing demands for their time. In this context, the successful implementation of gender budgeting includes undertaking effective awareness raising initiatives and developing the necessary skills to perform gender budgeting practices through capacity development for relevant government stakeholders. Given the frequently technical nature of gender budgeting tools and processes, the development of clear guidance for budget analysts in the CBA and programme managers and evaluators in line ministries is also imperative to a successful practice.

#### **What are the key actions to consider?**

- **Undertake gender budgeting awareness raising initiatives:** The transition to gender budgeting requires sensitisation to a new mind-set and system. Relevant stakeholders, including the CBA, budget committees of parliament, ministers and senior civil servants will benefit from engagement with awareness raising initiatives covering how gender budgeting is relevant to the achievement of gender equality objectives and highlighting the importance of the gender-focused budget in correcting gender inequalities. More widespread awareness and support may be necessary for those stakeholders across government departments and agencies that also have responsibilities in relation to implementing gender budgeting.
- **Ensure sufficient training and capacity to undertake gender budgeting:** Relevant government staff will require technical training relating to the tools and methods of gender budgeting, the information needed to support them, and how to analyse the information produced and use it in the budget process.
- **Ensure clear guidance for gender budgeting:** The co-ordination of gender budgeting can be optimised through the provision of guidance materials on the use of tools that draw on

international best practice principles. This includes instruction documents developed by the CBA for relevant budget analysts and amendments to the budget circular to cater for the integration of gender budgeting instructions.

#### What are the pitfalls to avoid?

- **An approach to gender budgeting designed without drawing on relevant expertise:** Where the approach is not designed by experts, it may lack meaning or impact, and risks becoming a tick-box exercise.
- **Insufficient effort made to provide training and develop capacity to support the implementation of gender budgeting:** This includes new instructions given to staff in the CBA and across line departments in relation to gender budgeting without appropriate training to support implementation.
- **Insufficient resources or expertise to deliver the selected approach to gender budgeting:** The approach to gender budgeting should be scaled to the available resources across government.
- **Failure to consider the technical resources required to support gender budgeting practices:** For example, functionality in the public service's Information Technology system where budget proposals are submitted may need to be upgraded to support the implementation of gender budgeting.

#### Box 2.9. Good practice example(s): Capacity building for implementation of gender budgeting in Mexico

Since 2008, Mexico has included an annex in the budget decree titled 'Budget for women and gender equality', later retitled: 'Expenditures for equality between women and men'. Several factors have helped ensure that there is adequate capacity to support the production of this annex in Mexico, including:

- Development of manuals and guidelines for the implementation of gender budgeting by the Ministry of Finance.
- The establishment of gender equality units across line ministries to strengthen the promotion, control and application of gender equality policies and assist with gathering the required information for the gender budgeting Annex.
- Inter-institutional collaboration between the Ministry of Finance, the National Institute for Women and the Congress to assess the training needs of budget managers.
- The provision of training by the National Institute for Women on the incorporation of gender considerations in planning, programming, and budgeting.

Source: Information provided by the Mexican Ministry of Finance and Public Credit in 2022.

#### G. Use gender budgeting to reinforce government transparency and accountability

##### Self-assessment questions

- Does the practice of gender budgeting reinforce government transparency?
- Does the government publish information resulting from gender budgeting analysis?
- Are there accountability mechanisms to facilitate effective gender budgeting?

### Why it is important?

Transparency on the gender impact of budgetary policy helps external stakeholders, such as parliament and citizens, to understand the government's approach to achieving gender equality outcomes and the extent of public investment and action to deliver these. The publication of key information on the gender impact of budgetary policy can improve budget transparency and increase accountability on how the government is using budget policy to ensure that gender goals are prioritised and achieved. Presentation of the analysis flowing from gender budgeting can also assist in sharing best practice and improving analytical rigor across government.

Accountability in relation to how the budget is helping to achieve gender equality goals can be strengthened through the establishment of external oversight mechanisms across parliament, independent fiscal and supreme audit institutions.

### What are the key actions to consider?

- **Present information on the impact of the budget on gender equality goals alongside the draft budget:** This can assist parliament and external stakeholders to understand how budget policy progresses gender equality goals and assist parliamentarians to make decisions concerning amending or approving budget policy. Information on progress towards gender goals can take the form of summary information from gender budget tagging, gender impact assessments of individual budget measures, a gender impact assessment of the budget as a whole or a distributional assessment of tax and welfare measures by gender. A gender-related budget incidence analysis can also provide information on the budget's overall impact in promoting gender equality, including a gender-disaggregated analysis of specific policy measures (both revenue and expenditure-related).
- **Publish evidence generated from gender budgeting analysis:** Information may be presented in a standalone gender budget statement, a separate budget paper chapter or Annex relating to gender budgeting, or gender budgeting discussion integrated into the general narrative of ministries and programmes.
- **Establish parliamentary oversight mechanisms for gender budgeting:** Parliamentary oversight of gender budgeting practices ensures the government is held to account for how budget policy progresses gender equality objectives. This is typically the work of specialised parliamentary committees dealing with budgeting and generally takes the form of committee hearings or regular reporting to parliament on gender budgeting. Independent Fiscal Institutions, such as Parliamentary Budget Offices can also play an oversight role through, for example, impartial assessment of government performance reports and outcomes measures.
- **Establish auditing mechanisms for gender budgeting:** As the official reviewer of how public money has been used, acting on behalf of the legislature, the supreme audit institution has an important role to play in the gender budgeting system. External audit is likely to be interested in reviewing and validating assessments of the gender impact of budget policy, and progress towards gender equality goals. National audit offices may also use their increasing role in the area of performance audit to provide insights on whether budget measures are meeting their stated objectives relating to gender equality.

### What are the pitfalls to avoid?

- **Lack of timely information on how the budget progresses gender objectives:** Information on how the budget progresses gender objectives is received too late to meaningfully inform parliamentary oversight at the approval stage of the budget.

- **Poor quality information presented to parliament alongside the budget:** The nature of the information that is presented does not provide parliamentarians with the information they need to undertake an assessment of how budget policy supports the achievement of gender equality objectives. Common issues include too much information being provided, resulting in overloading and inhibiting oversight.

### **Box 2.10. Good practice example(s): Reinforcing government transparency and accountability through gender budgeting in Ireland**

Equality Budgeting was one of several public financial management reforms the Government of Ireland introduced to increase accountability and transparency. The pilot initiative for Equality Budgeting was announced in Ireland as part of the 2018 budget. Building on Ireland's performance budgeting framework, the pilot identified six equality objectives. Their accompanying performance measures were stated in Ireland's 2018 revised estimates including five objectives relating to gender equality and one relating to socio-economic equality. Since the introduction of the pilot, the Equality Budgeting initiative has been expanded across multiple dimensions of equality including gender, socio-economic, disability and minority groups. Now, all 18 government departments in Ireland are participating in the Equality Budgeting initiative through setting targets relating to equality objectives.

The publication of an equality budgeting section in the annual Public Service Performance Report from 2020 has advanced the practice of performance reporting and government scrutiny in Ireland through providing a clear and accessible one page summary for each department with graphics depicting progress towards targets. Being the first-time targets have been included in the performance report, this has raised the bar for performance information presented in other areas of the report. The additional information has also succeeded in assisting parliament and citizens to identify actions to support equality goals and track performance in relation to each of these.

Other transparency and accountability efforts in Ireland include Parliamentary oversight by the Budget Oversight Committee at Parliament, which undertook a specific inquiry into gender budgeting and annually holds an evidence session on the Public Service Performance Report. The Parliamentary Budget Office of Ireland also has an oversight function, providing an impartial assessment of the Public Service Performance Report and publishing themed research papers on equality budgeting to support parliamentary scrutiny. In addition, the Equality Budgeting Expert Advisory Group (EBEAG) representing key civil society stakeholders and chaired by the Department of Public Expenditure and Reform (DPER) was established in 2018 to provide ongoing strategic guidance on the development and implementation of Equality Budgeting policy.

To further accelerate the implementation of Equality Budgeting across all government departments in Ireland, an Interdepartmental Network has been established to facilitate exchange of information and experiences. It is also intended that a tagging programme to identify public expenditure under equality, wellbeing, sustainable development goals and green budgeting will shortly be introduced.

Source: OECD (2022), Survey on Gender Budgeting (unpublished); Information provided by the Irish Department of Public Expenditure and Reform in 2022.

## 2.3. PROMOTING GENDER EQUALITY THROUGH PUBLIC PROCUREMENT

### 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.

### 2.3.1. Priority checklist for promoting gender equality through public procurement

- A. **Strategic public procurement for gender-related objectives:** Both policy makers and practitioners should always start by evaluating whether public procurement is the right tool to integrate gender-based considerations.
- B. **Greater investment in the pre-tender phase:** Greater investment should be made in the pre-tender phase of the public procurement cycle to prepare the entire tender process and ensure that long-term benefits are achieved.
- C. **Engaging suppliers for gender-inclusive procurement:** Potential bidders should clearly understand the strategic priorities of both the national government and the individual public buyers.
- D. **Enablers for gender-inclusive public procurement:** Implementation gaps may stem from lack of knowledge and data to facilitate evaluation and insufficient capacities of the procurement workforce.

### 2.3.2. Self-assessment tool

#### A. Strategic public procurement for gender-related objectives

##### Self-assessment questions

- Is public procurement the right tool to enhance uptake of gender mainstreaming practices? If so, at what stage of the public procurement cycle should gender mainstreaming practices be up taken?

##### Why is it important?

Given that public procurement is now used to achieve a broad range of strategic outcomes (i.e. sustainability, innovation, responsible business conduct, and promoting SMEs), it is often hard for procurement practitioners to determine which specific outcomes should be targeted in each procurement opportunity.

##### What are the key actions to consider?

- **Assess whether procurement is the right approach to advance gender mainstreaming:** OECD countries are increasingly using public procurement as one method of pursuing different policy objectives in accordance with national priorities, balancing the potential benefits against the need to achieve value for money. Potential conflicting priorities should be considered to avoid inconsistencies and lack of clarity for decision making (for example, advancing small and medium-

sized enterprises (SMEs) vis-à-vis gender-related objectives). Likewise, the capacity of the procurement workforce to support gender-related objectives and the burdens associated with monitoring progress should be considered.

- **Determine at what stage of the procurement cycle will gender mainstreaming practices be incorporated:** Gender considerations can be integrated into public procurement processes through different tools and at different stages of the procurement cycle. At the preparatory stage, during needs analysis and market engagement; within impact assessments. At the tender stage, when applying the tender requirements (i.e. technical specifications, grounds for exclusion and/or selection criteria, award criteria, set asides, and bid preferences). At the post-tendering stage, through contract performance clauses and *ex post* evaluation.
- **Assess risks and implementation issues:** Along its potentially ambitious targets, gender-sensitive public procurement implies risks that should be anticipated and managed. Proactive risk management will be useful to define risk tolerance and mitigation strategies. Evidence-based decision making is critical to advance a successful risk management strategy. Some of the main risks include discriminating during tender procedures and lack of political will to sustain a coherent whole-of-government policy.

#### What are the pitfalls to avoid?

- Failing to recognise the strategic nature of public procurement and hence its potential to advance gender-related objectives, and instead looking at it as a mere administrative task.
- Ignoring the evidence or lacking adequate data to assess how to leverage public procurement to advance gender equality.
- Failing to assess the risks of gender-sensitive public procurement in each institutional context and lacking a risk mitigation strategy.

#### Box 2.11. Good practice example(s): Swedish Association of Local Authorities and Regions' guide on procurement for gender equality

Within the framework of its Programme for Sustainable Gender Equality, the Swedish Association of Local Authorities and Regions (SALAR) published a guide on "Procurement for gender equality". This tool was primarily elaborated for politicians who wish to increase their knowledge on gender equality issues and to improve the quality of services. It provides concrete examples of how requirements on public procurement can be carried out and aims to encourage local authorities to start using it as an instrument to advance gender equality. The guide also includes a checklist with questions to assess the potential impacts on gender equality of the planned procurement.

- Is a gender equality perspective relevant for the public service in question? Is it possible to integrate a gender equality perspective in this particular service?
- Does the public service concern women and men, girls, and boys?
- Can this particular service have consequences that make it essential to do a gender analysis?
- Are the presented statistics related to the public service gender disaggregated?
- What impact will the procurement have on women and men, girls, and boys?
- Is there a connection between this public service and the gender equality objectives that the municipality or county has set up?
- Are there any criteria for evaluation and is there a plan for follow-up?

Source: OECD (2021<sup>[16]</sup>), "Promoting gender equality through public procurement: Challenges and good practices", *OECD Public Governance Policy Papers*, No. 09, OECD Publishing, Paris, <https://doi.org/10.1787/5d8f6f76-en>.

## B. Greater investment in the pre-tender phase

### Self-assessment questions

- Does the government apply a gender lens to pre-tendering activities such as needs analysis and *ex ante* impact assessment? What are the implications of such practices down the road in the tendering and post-tendering stages?

### Why is it important?

Better management of the procurement cycle as a whole is critical for strategic public procurement in general, and for gender-inclusive procurement in particular. The pre-tender stage is a particularly important foundation for decision making, assessing the needs of end-users, and understanding the market structure and capacity relative to potential solutions to beneficiaries' needs.

### What are the key actions to consider?

- **Conduct needs assessment (with user-centred approach):** A needs assessment is an investigation to understand the exact needs of primary and secondary users of purchased goods, services, and public works. A needs assessment may also be used on gender analysis. Incorporating a gender perspective into a needs analysis implies assessing how it can impact gender equality and how differences in gender roles, activities, needs, opportunities, and rights affect men and women in certain contexts.
- **Carry out gender impact assessment:** Gender impact assessments in the case of public procurement can help incorporating a gender lens in public procurement decision making. The assessment involves a two-pronged approach: an assessment of how potential procurement under consideration can incorporate gender considerations and the projected impacts on men and women once the procurement opportunity has been implemented. This kind of analysis requires a structured and consistent assessment.
- **Consider gender-specific risks:** Including gender requirements in the risk assessment of a planned procurement can identify the adverse social impacts, including risks to gender equality, associated with different purchasing categories occurring in relevant value chains. For example, some sectors have greater levels of gender inequality or certain products may include raw materials sourced from regions with low labour standards. A risk assessment identifies events or conditions that may prevent the planned public procurement from meeting gender-related objectives and should foresee adequate mitigation measures.
- **Realise the implications of the previous tools down the road for the tendering and post-tendering stages:** Needs assessments, gender impact assessments, and risk analyses are all to feed the subsequent stages of the public procurement cycle, including the tendering phase (i.e. incorporating gender considerations in tender requirements through technical specifications, grounds for exclusion and qualification criteria, set-asides and bid preferences, and contract performance clauses) and the post-tendering phase (i.e. *ex post* evaluation of the contract).

### What are the pitfalls to avoid?

- Gender-centred needs and impact assessments are carried out just to comply with a formality (tick the box exercise).
- Failure to incorporate the findings and lessons from pre-tendering analyses (needs, gender impact, and risks) in the tendering and post-tendering activities.
- Failure to consider three specific actors when assessing gender-related risks: end users (i.e. assessing whether or not a procurement operation responds to end users' needs, including

women), the contractor's employees (i.e. assess whether or not the contractor's employees comply with gender-based requirements), and employees involved in supply chains related to the procurement operation (i.e. supply chains' risks related to the compliance with gender-based requirements).

### **Box 2.12. Good practice example(s): Belgium's manual and checklist on gender-sensitive public procurement**

In order to support its constitutional obligations regarding gender equality, Belgium's Institute for the Equality of Women and Men released a manual and checklist in 2018 on gender-sensitive public procurement. This manual specifically mentions how entities should conduct a gender-based needs assessment. The document is aimed at federal staff managing public procurement contracts, as well as gender mainstreaming officials. The central focus of the manual is to explain how public institutions can ensure that differences between men and women are considered and equality is promoted during the planning and implementation of public procurement contracts. It highlights the importance of integrating gender dimensions into government contracts and provides guidance on how contractors fulfilling procurement calls can respond to potential gender differences in the process. By ensuring that the requested end result matches the situation of men and women, it will reach a larger target group and meet the needs of both in a better way. For instance, the first part of the checklist is focused on the content of contracts and the measures that allow contracts to take into account the situation of both women and men.

Source: OECD (2021<sup>[16]</sup>), "Promoting gender equality through public procurement: Challenges and good practices", *OECD Public Governance Policy Papers*, No. 09, OECD Publishing, Paris, <https://doi.org/10.1787/5d8f6f76-en>.

## *C. Engaging suppliers for gender-inclusive procurement*

### **Self-assessment questions**

- Are potential bidders aware and ready to respond to gender-sensitive public procurement?
- Have market engagement strategies identified the risks of setting unrealistic targets of gender-related requirements which could lead to bidder discrimination and low levels of competitive intensity during tenders?

### **Why is it important?**

Engaging in dialogue with potential suppliers in the procurement planning stage allows contracting authorities to communicate their needs and expectations to the market, including planned purchasing and gender equality objectives. Market dialogue with suppliers is an opportunity to gather ideas for implementing gender-sensitive procurement, as well as to assess the readiness of suppliers to respond to gender-related requirements. Ultimately, it can lead to the development of innovative ways of providing goods and services while fulfilling gender equality objectives.

### **What are the key actions to consider?**

- **Identify potential bidders and solutions with positive impacts on gender equality:** Before tendering, contracting authorities can use market consultation to identify potential suppliers, relevant products and services, and to reduce asymmetries of information between themselves and

economic operators. At this point, the main task is raising awareness about the incorporation of gender-related objectives in strategic public procurement.

- **Build capacity in the market to meet gender-equality requirements and special gender-based needs:** Market engagement strategies are key to engage businesses and understand their capacities to ensure that gender equality requirements do not become barriers to participation. If suppliers are not ready to accommodate the targets by contracting authorities, they may be unable to respond and participate in tenders, leading to less competitive pressures and, ultimately, to the inability of government to access goods, services or works that deliver the best value-for-money.
- **Inform the design of the procurement strategy:** The results of consultations and assessments carried out should provide feedback to the procurement strategy. For example, if supplier readiness is not adequate, the contracting authority may adopt a gradual or incremental approach, setting conservative targets when gender-sensitive procurement is introduced and gradually increasing the targeted ambitions. Sector features should also be considered, as some sectors are usually more heavily dominated by men (i.e. construction).
- **Provide feedback to suppliers:** Following a tender, contracting authorities can debrief bidders on the results and provide advice on how to improve their gender equality-related offerings in future tenders. This practice will indicate to the supplier community the level of commitment from public institutions with gender-inclusive procurement and allow them to be better prepared in the future, ultimately facilitating the fulfilment of gender equality objectives.

#### What are the pitfalls to avoid?

- Failure to engage with the supplier community and not knowing its readiness to accommodate gender equality requirements.
- Failure to match market capacities with gender equality requirements for bidders.
- Conducting market engagement without due consideration and mitigation of integrity risks.

#### Box 2.13. Good practice example(s): City of Bogotá's affirmative actions to promote the participation of women-owned business

The City of Bogotá, Colombia, is incorporating affirmative actions to promote the participation of women-owned businesses in contracts. As shown in Table 2.1 and for this purpose, the City of Bogotá has adopted a gradual approach. Contracting authorities will include in terms of reference and contractual requirements the duty of future suppliers to keep a minimum of female employees to execute contracts, according to the following percentages.

**Table 2.1. Minimum percentage of women who should be employed for the execution of contracts**

Sector	From 1 June 2021	From 1 June 2022	From 1 June 2023
Construction	6%	10%	15%
Transport and storage	10%	15%	20%
Public services	22%	27%	30%
ICT	43%	47%	50%
Others	40%	45%	50%

Source: OECD (2021<sub>[16]</sub>), "Promoting gender equality through public procurement: Challenges and good practices", *OECD Public Governance Policy Papers*, No. 09, OECD Publishing, Paris, <https://doi.org/10.1787/5d8f6f76-en>.

## D. Enablers for gender-inclusive public procurement

### Self-assessment questions

- Is there a policy framework for gender-inclusive public procurement?
- Does the public procurement workforce have the capacity to advance strategic gender-sensitive operations?
- Is there adequate gender-disaggregated data to facilitate the incorporation of gender equality objectives in public procurement?

### Why is it important?

Without coherence in the whole-of-government and strong leadership, public entities are unlikely to be willing to be policy pioneers, especially if benefits are yet to be demonstrated. In unfamiliar territory, it is critical for governments to provide policy guidance to ensure coherence and avoid tensions that could arise among competing priorities, and particularly between achieving financial savings and ensuring compliance with gender equality requirements in procurement. Using public procurement as a lever to achieve strategic objectives, including gender equality, requires a procurement workforce with the right capacities. It is also critical that procurement officials have the data required to pursue this policy throughout the procurement cycle, for example, for purposes related to planning, monitoring, and evaluation.

### What are the key actions to consider?

- **Review the concept of value for money and design a policy framework:** When complementary or strategic objectives are applied to procurement, there may be additional costs to taxpayers, and consequently may often be unpopular with cost-driven procurement practitioners. It is hence important for governments to review the concept of value for money to encompass all strategic objectives and priorities to be achieved. It is then useful to consolidate the findings, lessons, and guidance from such exercise in a policy document that provides strategic orientations on gender-inclusive procurement and on institutional roles and responsibilities.
- **Raise awareness among procurement officials:** As the promotion of gender equality through public procurement is a relatively new policy objective, it is critical to share information on the positive impacts that public procurement can have on achieving gender objectives and good practices. This goes together with the redefinition of the concept of value for money.
- **Implement capacity-building activities and support tools:** These are some of the main facilitators of strategic public procurement. For example, guidelines or checklists can help procurement officials understanding how to implement the different policies and mechanisms. Without clear examples or case studies on how to practically advance gender equality provisions, particularly in the pre-tendering and contract award phases of the procurement cycle, procurement practitioners will struggle to incorporate gender objectives in procurement contracts and operations.
- **Collect and share gender-disaggregated data:** New technologies make it easier to collect and share the data necessary to implement gender mainstreaming in public procurement. Indeed, recent advances in technology now provide contracting authorities with possibilities to improve efficiency and use public procurement strategically, including to pursue gender equality goals. Most e-procurement platforms do not incorporate data related to gender considerations. One solution could be to ensure interoperability with other national systems such as those on the compliance of economic operators with the national legislation on gender equality and review the existing data in the different systems and databases.

### What are the pitfalls to avoid?

- Lacking policy frameworks and support tools (i.e. guidelines) to facilitate the implementation of gender-inclusive public procurement.
- Failure to develop the procurement workforce capacity and professionalise it to facilitate the implementation of strategic goals, including gender-related objectives.
- Taking decisions on gender-inclusive procurement without the evidence provided by gender-disaggregated data.

### Box 2.14. Good practice example(s): Enabling gender-inclusive public procurement

#### Australia

The Workplace Gender Equality Procurement Principles describe the Australian Government procurement policy associated with the Workplace Gender Equality Act 2012 Cth (WGE Act). The principles were developed as part of the Government's commitment to fairer and more consistent measures for ensuring it only deals with organisations who comply with the WGE Act. Where the Principles apply, non-public sector employers with 100 or more employees in Australia must supply a letter of compliance with their tender submission or prior to contracting with the Australian Government. "Letters of compliance" are issued by the Workplace Gender Equality Agency. The principles were developed to assist potential bidders and relevant employers – to understand the Australian Government's expectations and requirements for making submissions and being awarded public contracts; officials – to perform their procurement related duties in accordance with government policies; and government agencies – to ensure the effective and consistent application of this procurement policy.

#### Chile

In Chile, the Central Purchasing Body, ChileCompra, introduced an electronic registry to determine which companies were led or owned by women. This registry certifies "female enterprises" (sole proprietors) and includes this data in the civil registry. The requirements for this registry are: For natural persons, having a female owner in the civil registry; and for legal persons, more than 50% of the shares of the company have to be owned by one or more women, and the CEO must be a woman. This registry is free of costs and is valid for a year. It is visible in the supplier's electronic file and public purchasers can use it as an evaluation standard or criterion in the bidding documents.

Source: OECD (2021<sup>[16]</sup>), "Promoting gender equality through public procurement: Challenges and good practices", *OECD Public Governance Policy Papers*, No. 09, OECD Publishing, Paris, <https://doi.org/10.1787/5d8f6f76-en>.

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# **3**

## **MAINSTREAMING GENDER CONSIDERATIONS INTO INFRASTRUCTURE**

Infrastructure is central to every country's pursuit of economic growth, well-being and sustainable development. However, infrastructure may have distinct impacts on women and men as they use and benefit from infrastructure differently. This could be mainly due to the distinct challenges that they face in terms of poverty, unemployment and economic empowerment, safety and well-being, and political empowerment. Incorporating gender considerations into infrastructure governance frameworks and involving more women in decision-making processes, will enable governments to identify the gender impact of infrastructure decisions. Infrastructure investments can substantially improve women's economic empowerment by addressing barriers to female economic opportunities and access to labour markets that would otherwise be inaccessible to women. This section of the Toolkit focuses on inclusion of women through infrastructure.

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### 3.1. INCLUSION OF WOMEN THROUGH INFRASTRUCTURE

#### 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.

#### 3.1.1. Priority checklist for the inclusion of women through infrastructure

- A. **Long-term vision for gender-responsive infrastructure:** One of the main challenges faced by governments when mainstreaming gender considerations throughout the infrastructure investment cycle is developing a strategic vision that pays due consideration to gender equality concerns.
- B. **Female voice and agency in infrastructure decision making:** Major gaps persist in terms of gender-inclusive stakeholder engagement. Women often face unequal opportunities to participate in infrastructure decision-making processes, lacking ownership and voice.
- C. **Gender considerations in project appraisal, selection, risk assessment and design:** Governments face a significant task in determining which of the many identified investment possibilities are best able to contribute to the achievement of identified policy goals, including gender equality.
- D. **Gender-sensitive infrastructure procurement and delivery:** Developing strategic public procurement policies to enable and support contracting authorities to consider gender and social criteria in procurement processes is critical to ensure that the delivered infrastructure contributes to gender equality.
- E. **Gender angle in monitoring and evaluation:** The implementation of infrastructure assets can be subject to delays, cost overruns, and changes to the specification of the investment due to differences from how implementation was planned relative to real life circumstances. Infrastructure officials should be mindful and monitor how these variances impact the fulfilment of gender objectives.

#### 3.1.2. Self-assessment tool

##### A. Long-term vision for gender-responsive infrastructure

#### Self-assessment questions

- Do the long-term national infrastructure plans explicitly align with gender mainstreaming policies? Are infrastructure plans and investment targets prioritised according with broader gender equality objectives?
- Are performance measures for relevant budget programmes linked to these national gender equality objectives?

### Why is it important?

- Do the long-term national infrastructure plans explicitly align with gender mainstreaming policies? Are infrastructure plans and investment targets prioritised according with broader gender equality objectives?
- Are performance measures for relevant budget programmes linked to these national gender equality objectives?

### What are the key actions to consider?

- **Decide how to incorporate gender-responsive infrastructure and design a credible roadmap to achieve it:** The choice of what to build should be framed within a vision for the future that is articulated through an explicit statement of long-term national development goals. Explicitly aligning infrastructure plans with broader multi-disciplinary policies promotes policy coherence and facilitates the implementation of investments that effectively contribute to the achievement of objectives such as gender equality and eradication of gender-based violence (GBV) and harassment.
- **Identify specific targets:** For example, in terms of access and use of infrastructure services by women and how these targets can be achieved through proposed investments.
- **Aim for strengthened co-ordination:** Strengthening co-ordination across sectors and levels of government is critical for a whole-of-government approach to gender-sensitive investments, as it helps ensure that gender equality goals permeate all public activities instead of being treated as a siloed issue. For example, co-ordination across levels of government can address gender equality gaps across women with different backgrounds (i.e. urban, rural, marginalised regions) and support the development of projects that are targeted to local needs and contexts.
- **Adopt an evidence-based approach:** Successful infrastructure programmes are informed by a rigorous analysis of infrastructure needs, including a sound understanding of differentiated needs across women and men. Data, which is properly defined, measured, collected, analysed, synthesised, and presented to decision makers and the public, is a basic input for evidence-based policy making.

### What are the pitfalls to avoid?

- Lacking a realistic roadmap, with specific targets, to incorporate gender-responsive objectives to infrastructure plans.
- Adopting a siloed approach that leads to inconsistencies when considering women's infrastructure needs and priorities.
- Lacking gender-disaggregated data to support evidence-based decision making.

### Box 3.1. Good practice example(s): Long-term planning for gender-responsive infrastructure in Canada

Canada's long-term infrastructure plan "Investing in Canada" was prepared in alignment with policies and methodological tools adopted by the national department "Women and Gender Equality Canada". In order to ensure that infrastructure is leveraged to address vulnerabilities and inequalities across women and men, projects included in the plan were assessed using the Women and Gender Equality Canada's Gender-based Analysis Plus (GBA Plus) framework to understand their differentiated impacts on women. This seeks to ensure that the projects are targeted to communities in which investments are needed the most, acknowledging that some populations and groups face different disadvantages and have diverse needs.

Source: OECD (2021<sup>[1]</sup>), "Women in infrastructure: Selected stocktaking of good practices for inclusion of women in infrastructure", *OECD Public Governance Policy Papers*, No. 07, OECD Publishing, Paris <https://doi.org/10.1787/9eab66a8-en>.

#### B. Female voice and agency in infrastructure decision making

##### Self-assessment questions

- What is the balance in terms of infrastructure portfolios (i.e. energy, transport, housing, communications, etc.) held by women political leaders/ministers?
- What efforts are made to ensure equal participation of women and men in infrastructure-related stakeholder consultation processes?
- Do infrastructure-related laws and regulations formalise (voluntarily or involuntarily) social norms that perpetuate the limitations to the exercise of women's agency?

##### Why is it important?

As stakeholder engagement and decision-making settings become systematically inaccessible to women and their views on infrastructure provision are therefore not considered, women's political agency and efficacy can be diminished. This can negatively affect women's political participation and their perceptions of legitimacy of public institutions. Likewise, unequal participation in infrastructure decision making can hinder the incorporation of different sets of priorities for the allocation of public resources and the achievement of transformational impacts through public investment.

##### What are the key actions to consider?

- **Enable women to have voice and vote over relevant infrastructure investment decisions:** Take proactive measures to allow for continuous, inclusive, and open dialogues on the main economic, fiscal, environmental, social, and gender impacts of infrastructure projects. Women and men should be involved in the infrastructure decision-making process, starting from the early stages of needs assessment and infrastructure planning all the way to the implementation and oversight of infrastructure projects.
- **Diversify the methods for engaging women in order to ensure more gender-balanced stakeholder consultation processes:** Equal participation of women and men in on-going community-based consultation meetings, consultations with gender equality experts, gender focus group discussions and workshops are some examples of tools that can promote a more

participatory stakeholder engagement in infrastructure planning, decision making, and implementation.

- **Identify barriers for women to get involved in infrastructure leadership:** Facilitate capacity and leadership development opportunities in infrastructure portfolios, promote female role models in public life and mainstream work-life balance and family-friendly work practices at the top level of public institutions. Likewise, ensure that evidence-informed regulatory decisions and the stock of regulations do not hinder women's access to benefits from infrastructure projects.

#### What are the pitfalls to avoid?

- Adopting a passive approach to consultation, which does not provide meaningful opportunities for women to influence project appraisal and selection.
- Carrying out consultation to fulfil a formality (tick-the-box approach).
- Diversity and inclusion policies do not include leadership positions in public institutions in infrastructure portfolios.
- The regulatory framework hinders women inclusion in infrastructure development.

### Box 3.2. Good practice example(s): Diversity requirements in United Kingdom's National Infrastructure Commission

The United Kingdom's National Infrastructure Commission's Diversity and Inclusion Strategy 2020-2023 has set targets for staff representation across gender, ethnicity, and disability to allow all communities to be equally represented in the infrastructure decision-making process. One of the strategy's main goals is to attract, develop, retain, and engage with staff from a range of backgrounds as means to better represent the communities that are served by infrastructure. The UK National Infrastructure Commission aims to hit a target of 50% female staff representation by 2023.

Source: OECD (2021<sup>[1]</sup>), "Women in infrastructure: Selected stocktaking of good practices for inclusion of women in infrastructure", *OECD Public Governance Policy Papers*, No. 07, OECD Publishing, Paris <https://doi.org/10.1787/9eab66a8-en>.

#### C. Gender considerations in project appraisal, selection, risk assessment and design

##### Self-assessment questions

- How are infrastructure projects prioritised in terms of their contributions to gender-sensitive objectives?
- What methodologies are applied to account for women's differentiated needs and uses of infrastructure?

##### Why is it important?

Gender considerations are not always taken into account in the assessment of social impacts and risks during the infrastructure project feasibility and design phases. Failure to incorporate gender-specific needs in the technical specifications of infrastructure projects can lead to gender-blind infrastructure. The absence of a comprehensive analysis of gender specific risks that arise from infrastructure investments can also hinder a better distribution and mitigation of such risks by gender. For example, women are disproportionately affected by resettlements due to infrastructure projects and women are more likely to quit their jobs due to long commuting times.

### What are the key actions to consider?

- **Understand gender-disaggregated impacts in the early stages of the infrastructure life cycle:** Complementing traditional project appraisal and prioritisation with methodologies that account for direct and indirect impacts of infrastructure investment on women can enable governments to undertake an evidence-based decision-making process. The assessment of gender impacts should not be restricted to the construction phase but should start in the early stages of infrastructure planning.
- **Apply gender impact assessment systematically:** An increasing practice is to undertake *ex ante* evaluations to assess likely impacts on gender equality of proposed infrastructure projects, such as gender impact assessments (GIA). GIA should be applied systematically and as early as possible in the investment process, ideally during strategic planning, when alternatives and opportunities for risk avoidance and synergies are still politically, economically, and technically feasible.
- **Identify and mitigate gender risks:** In the project design phase, measures to prevent and minimise negative impacts should be identified as early as possible, and be planned and budgeted. Some risks are related to time poverty, accessibility to job markets, energy poverty, number of female-led households, resettlements, land ownership, and GBV. The constraints and risks identified in gender impact assessments can be addressed by specific mitigation actions detailed in a gender action plan.

### What are the pitfalls to avoid?

- Failure to consider relevant impacts, difficult to quantify, such as gender impacts, alongside the more common practice of cost-benefit analysis.
- The analysis of gender impacts takes place after the infrastructure project has been selected, making gender considerations an afterthought rather than a key criterion in project appraisal and selection.
- Failure to anticipate mitigation measures to gender-related risks.

### Box 3.3. Good practice example(s): Infrastructure design and technical specification based on gender-differentiated needs

#### Austria

In Austria, investment projects at the federal level are required to undergo a mandatory *ex ante* impact assessment on gender equality for projects that exceed EUR 1 million and meet pre-established criteria for the assessment. The analysis includes several components: the analysis of the problem that requires government intervention or investment; the formulation of goals in terms of impacts and outcomes; identification of indicators to measure results; *ex ante* impact assessment; and *ex post* evaluation of project effects and results.

#### Spain

According to Constitutional Act 3/2007 for effective equality between women and men, the principle of equal treatment and opportunities between women and men will inform, on a horizontal basis, all public actions. As for capital investment, Article 31 states that public administrations shall take gender perspectives into account in the design of cities, in urban policies, and in the definition and execution of urban planning.

Source: OECD (2021<sup>[11]</sup>), "Women in infrastructure: Selected stocktaking of good practices for inclusion of women in infrastructure", *OECD Public Governance Policy Papers*, No. 07, OECD Publishing, Paris <https://doi.org/10.1787/9eab66a8-en>.

## D. Gender-sensitive infrastructure procurement and delivery

### Self-assessment questions

- Is there a robust understanding on how to pursue gender objectives through public procurement for infrastructure?
- Are the capacities of the procurement workforce aligned with such strategic objective?

### Why is it important?

The increasing emphasis to ensure that infrastructure delivers broader value in terms of economic, environmental, and social benefits places new demands on the infrastructure function. For example, numerous gender-related risks can be found in value chains. Given the labour-intensive nature of infrastructure, it is an area of frequent human and labour rights abuses. Gender-based occupational segregation is another risk in male-dominated sectors such as infrastructure and construction, which reinforces gender pay gaps and perpetuates GBV in the workplace.

### What are the key actions to consider?

- **Carefully analyse every project to make sure they are suitable to gender-sensitive procurement:** Public procurement can be a powerful tool to drive demand for greater gender equality. Even if infrastructure projects do not explicitly consider a gender angle, public procurement has the potential to mainstream gender equality in public works contracts. If governments adopt gender-centric policies and incorporate gender-based considerations into their public contracts, they set an expectation for the market and encourage the private sector to follow suit.
- **Select the mechanisms and tools to use to integrate gender considerations into infrastructure procurement processes:** In the pre-tendering stage, comprehensive needs assessments, impact and risk analyses, and market engagement provide useful inputs to mainstream gender considerations in public procurement. During the tendering phase, good practices include incorporating gender considerations into tender requirements (i.e. gender considerations in technical specifications, qualification criteria, or grounds for exclusion; set asides and bid preferences) and contract performance clauses. Finally, during the contract execution stage, adequate means to monitor and enforce contractual conditions are critical to deliver on gender-sensitive procurement.
- **Encourage greater female representation in infrastructure delivery:** Increasing women's participation in infrastructure should be a key priority to ensure that the procurement of infrastructure projects generates equal labour and business opportunities for women and men. Greater female representation in infrastructure delivery can mitigate negative spillovers on women from project construction and operation. Governments can adopt strategies to ensure equal chances of access to labour opportunities by incentivising the participation of women in infrastructure construction and operation, as well as removing barriers that exacerbate disparities.

### What are the pitfalls to avoid?

- Failure to provide tools and training to procurement officers to improve relevant skills and competencies to advance gender-sensitive infrastructure procurement.
- Lack of a procurement and investment cycle approach when selecting the tools to advance gender-inclusive infrastructure procurement.
- Resistances to influence the balance in the participation of women in infrastructure construction and operation.

### Box 3.4. Good practice example(s): Switzerland's equal pay criteria for participation in public procurement

Switzerland's public procurement law requires equal pay for men and women as a prerequisite for participation in public procurement. Government agencies are empowered to carry out random controls to ensure compliance. Infractions may lead to sanctions, such as a contractual penalty or the exclusion from the procurement market. The aim of these regulations is to ensure social achievements and to avoid distortions of competition. The Swiss Government developed an instrument named *Logib* to support the implementation of these requirements. Other things being equal, *Logib* shows whether there is a statistically significant gender effect on wage. The tool considers human capital related factors like level of education, years of service, potential working experience, and factors reflecting the performed function, like skill level and professional position. Companies can use *Logib* as a self-assessment tool. The tool is publicly available in various languages, anonymous, and free of charge.

Source: OECD (2021<sup>[1]</sup>), "Women in infrastructure: Selected stocktaking of good practices for inclusion of women in infrastructure", *OECD Public Governance Policy Papers*, No. 07, OECD Publishing, Paris <https://doi.org/10.1787/9eab66a8-en>.

#### E. Gender angle in monitoring and evaluation

##### Self-assessment questions

- How is gender-sensitive infrastructure monitored and evaluated?
- How is accountability ensured with respect to gender objectives?

##### Why it is important?

Infrastructure agencies tend to focus more on infrastructure development and execution than on life cycle monitoring and evaluation. Policy evaluation is often the weakest link in the policy making cycle as governments usually face several barriers for carrying out evaluation (i.e. lack of a whole-of-government strategy for policy evaluation, limited resources, sub-optimal use of evaluation results, etc.). Gender equality objectives linked to infrastructure development have the greatest chance of being achieved if they are supported by robust monitoring and accountability mechanisms.

##### What are the key actions to consider?

- **Monitor asset performance against predefined service delivery targets and expected gender outcomes:** Infrastructure monitoring is a function performed by the government agency responsible for the implementation, combined with oversight by at least one other government organisation, such as a ministry of finance or a similarly specialised body, to help governmental decision makers stay apprised of the circumstances and take remedial action as required. Monitoring the whole-of-life performance of infrastructure investments is crucial to ensure that the ambitions for gender equality identified in the strategic vision are accomplished and that the asset effectively benefits targeted populations.
- **Review contract performance indicators:** As a minimum, contract performance indicators should include access to infrastructure services disaggregated by gender; women's safety when using infrastructure services; and, resolution of concerns or grievances raised during project implementation and operation raised by female members of impacted communities. Infrastructure

officials should be mindful that the availability of gender-disaggregated data might be a major obstacles and hence prior data collection might be necessary.

- **Conduct *ex post* gender impact assessments:** Conducting *ex post* assessments is a good practice to evaluate the impacts of infrastructure investments in reducing gender disparities, improving women’s well-being and social empowerment, and supporting economic growth through enhanced women’s economic empowerment. The adoption of key performance indicators on the projects’ construction and operation phases is paramount for impact evaluation and policy analysis. Nonetheless, it is also important to evaluate what specific measures were adopted during the project to address gender equality and non-discrimination and how effective were these measures in advancing equality and inclusivity.

#### What are the pitfalls to avoid?

- Failure to define gender equality targets and weak oversight of infrastructure delivery.
- Lack of accountability leading to the inability to reach predefined service delivery targets and expected gender outcomes or impacts.
- Evaluation results are not used to effectively provide feedback to plan and execute gender-sensitive infrastructure.

### Box 3.5. Good practice example(s): Mexico’s approach to applying a gender perspective to performance setting

Gender mainstreaming is a key principle in budgetary policy in Mexico. The country adopted a tagging and monitoring system by which all federal spending, including infrastructure investment, allocated to progress gender equality should be clearly identified and visualised in an annex to the budget bill (Anexo Erogaciones para la Igualdad entre Mujeres y Hombres). For example, in the annex to the 2022 budget, the Ministry of Infrastructure, Communications and Transport (SICT) tagged resources to “define, steer, and supervise communications and transport policies”. Likewise, the Federal Electricity Commission (CFE) tagged resources for the “co-ordination of functions and resources for the electric infrastructure” and for the “operation and maintenance of the infrastructure for electricity distribution”, among other items. In addition to the gender tagging system, entities must identify sex-disaggregated indicators to evaluate the impact of spending programmes on gender equality, eradication of GBVH and any form of gender discrimination. The federal budgetary law also establishes that the resource allocations aimed to progress gender equality cannot be reduced or reallocated to different programmes or projects, ensuring that the budget allocations that go towards gender equality are sustainable across time.

Source: OECD (2021<sup>[1]</sup>), “Women in infrastructure: Selected stocktaking of good practices for inclusion of women in infrastructure”, *OECD Public Governance Policy Papers*, No. 07, OECD Publishing, Paris <https://doi.org/10.1787/9eab66a8-en>.

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- OECD (2021), “Women in infrastructure: Selected stocktaking of good practices for inclusion of women in infrastructure”, *OECD Public Governance Policy Papers*, No. 07, OECD Publishing, Paris, <https://doi.org/10.1787/9eab66a8-en>. [1]



# 4

## 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 shape 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 become gender-sensitive, 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.

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## 4.1. 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.

#### 4.1.1. Priority checklist for mainstreaming gender in 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

#### 4.1.2. Self-assessment tool

*A. framework policy for gender mainstreaming has been established in the parliament*

##### Self-assessment questions

- 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.

#### **Box 4.1. Good practice example(s): The Swedish Parliament’s Action Programme for Gender Equality**

In the Swedish Parliament (Riksdag), an action programme for gender equality is adopted by the Riksdag Board for each electoral period. Within the framework of the action programme for gender equality in the Riksdag for the electoral period 2014–2018, a survey with in-depth interviews was performed among the members. The findings from these were reflected into the development of the action programme for the 2018–22 electoral period, which focused on workplace culture, such as how MPs treat, address and approach each other. A working group consisting of one representative from each party was responsible for implementing the programme, with the goal of creating a gender-aware parliament.

Source: The Swedish Parliament, (n.d.<sup>[1]</sup>), *Gender equality Work in the Riksdag*, <https://www.riksdagen.se/en/how-the-riksdag-works/the-work-of-the-riksdag/gender-equality-work-in-the-riksdag/> (accessed in November 2022).

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

#### **Self-assessment questions**

- 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;
- Recognising 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.

### Box 4.2. Good practice example(s): Parliamentary gender mainstreaming mechanisms

Many OECD member countries have established some form of gender equality committees. 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.

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 childcare); 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. 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.

Source: OECD (2018<sup>[2]</sup>), *Toolkit on Mainstreaming and Implementing Gender Equality*, OECD, Paris, <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>.

### *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 gender-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 gender-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 gender-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 gender-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 members of parliament (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 policy-making 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 gender-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.

### **Box 4.3. Good practice example(s): Gender Mainstreaming in Parliamentary Processes**

#### **Sweden's Gender Mainstreaming in Parliamentary Legislative Processes**

The Swedish Parliament (Riksdag) introduced gender mainstreaming in 1994. This means that a gender equality perspective should be taken into account by the Riksdag and its committees in all scrutiny of the executive. All new legislation should be accompanied by an analysis of the impact they will have on men and women. So when parliament committees are examining legislation, they are able to take into account its impact on men and women and use this information to make a more informed decision when they vote on whether or not the proposal should go ahead. Gender has also been mainstreamed into budget scrutiny, with the Committee for Finance examining the annual budget for gender equality aspects as a matter of course.

#### **Denmark's Gender Mainstreaming Mechanisms in Parliament**

The Danish Parliament integrates gender equality in its parliamentary practices. With regards to male engagement and support within the Parliament, Denmark reports that both men and women equally participate in and contribute to the work of the Gender Equality Committee. The committee is also planning to undertake an analysis of the Gender Mainstreaming Assessment as a means to make this tool more effective in assessing legislative proposals from a gender perspective. Moreover, all Member of Parliaments (MPs) have equal right to parental leave regardless of gender and the Parliament allows for substitution of MPs on parental leave.

Source: (OECD, 2018<sup>[3]</sup>; OECD, 2019<sup>[4]</sup>).

#### *D. Internal gender mainstreaming outputs and outcomes are monitored*

##### **Self-assessment questions**

- 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.



#### **Box 4.4. Good practice example(s): Towards United Kingdom's Gender-Sensitive Parliament**

The Women and Equalities Committee of the House of Commons, United Kingdom has launched an inquiry to assess recent progress and make recommendations to create a more 'gender-sensitive' Parliament. This was done in light of a gender-sensitive audit of the UK Parliament carried out in 2018, which found barriers such as:

- The culture of Parliament as highlighted in recent reports of bullying and harassment, and sexual harassment;
- The challenges that working in Parliament poses for family life, including the unpredictability of business and potential long hours;
- The financial impact of standing for Parliament; and
- Online threats and threats to physical security, in particular gender-based intimidation, harassment and violence against female Parliamentarians and female candidates.

A series of actions includes a new Proxy Voting scheme for those on parental leave (and for COVID-related reasons) and an Independent Complaints and Grievance Scheme containing a Behaviour Code for the whole Parliamentary Community.

Source: Information provided by the Government of United Kingdom as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

## **4.2. 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.

#### ***4.2.1. Priority checklist for integrating a gender perspective in parliaments' external oversight and accountability functions***

- 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

### 4.2.2. 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 questions

- 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 it is 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, *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 Assessment of gender impacts of various public governance dimensions).

#### 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.

#### **Box 4.5. Good practice example(s): Advancing gender-sensitive legislation through parliamentary bodies**

##### **Bodies supporting legislation with a gender perspective in OECD Parliaments**

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 United Nations Convention on the Elimination of all Forms of Discrimination against Women (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’s Gender Equality Committee**

In Denmark, the Gender Equality Committee (GEC) makes use of all the parliamentary tools (as other standing committees) in order to scrutiny 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 have 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 workspace, 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.

Source: OECD (2018<sup>[21]</sup>), *Toolkit on Mainstreaming and Implementing Gender Equality*, OECD, Paris, <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>.

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

### **Self-assessment questions**

- 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.

### Box 4.6. Good practice example(s): Oversight for gender equality by parliamentary bodies

#### Ireland's Joint Committee on Gender Equality for Parliamentary Oversight

In December 2021, the Parliament of Ireland (Oireachtas) established a Joint Committee on Gender Equality consisting of members from both Houses of Parliament. The Joint Committee is tasked to consider the recommendations in the Report of the Citizens' Assembly on Gender Equality, and it is to report to the Parliament within nine months of its first public meeting. The key functions of the Committee are related to reviewing draft legislation, monitoring the work of government departments, and advising on policy issues related to Gender Equality. Among its powers is the power to invite submissions, hold hearings with the Minister for Justice, Minister for Further and Higher Education, Research, Innovation, and Science; Minister for Children, Equality, Disability, Integration, and Youth; and Minister of Health. It is also empowered to hold hearings with diverse stakeholders and publish reports.

#### Canada's Parliamentary Committees

In Canada, the House of Commons Standing Committee on the Status of Women (FEWO) has the broad authority to study work related to the status of women. Bills can be referred to the FEWO Committee, although there is no requirement for its involvement in studying bills on a systematic basis, especially those that are not explicitly seen as dealing with the women's issues. The Committee also has autonomy to conduct its own studies. Overall, the Committee is not bound by specific Orders of Reference that determine its work programme, however Committee members have taken a strategic approach in deciding what work to cover. When not dealing with legislation, the Committee has chosen to focus its study on three key areas; gender-based assessment, gender violence and women's economic security. Other parliamentary committees incorporate a gender element into their work programme. In 2022, the Senate of Canada, more specifically the Standing Senate Committee on Social Affairs, Science and Technology convened a series of meetings inviting ministers, experts, representatives from various sectors to examine the role of Gender-based Analysis Plus, or GBA Plus, in the policy process.

Source: (OECD, 2018<sup>[3]</sup>; Houses of the Oireachtas, 2022<sup>[5]</sup>; Houses of the Oireachtas, 2022<sup>[6]</sup>; Houses of the Oireachtas, 2022<sup>[7]</sup>).

### 4.3. 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.

- 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:
  - 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.
  - 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.
- 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.

#### 4.3.1. *Priority checklist for achieving 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

### 4.3.2. Self-assessment tool

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

#### Self-assessment questions

- 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 it is 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, 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 gender-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 gender-disaggregated data, particularly by EMBs;
- Limited engagement of political parties in introducing gender-sensitive internal processes.

### Box 4.7. Good practice example(s): Measures for gender balance in parliamentary bodies

The OECD countries have steadily made efforts to enhance gender equality in public leadership by introducing leadership targets, quotas, mentorship, networking, capacity-building programmes, and active recruitment of women in leadership positions. More specifically, to support women's access to politics, countries have introduced measures to address barriers in the pipeline to elected office.

For example, Portugal's Law 1/2019 of March 29 raised the minimum threshold for women and men in the electoral lists to national and European Parliament, elective bodies of municipalities, and members of the Parish Councils from 33% to 40%. Colombia's law of quotas establishes a minimum of 30% female participation in the top decision-making and other decision-making positions in the Colombian state; Germany and Austria have set a 50% quota.

In order to ensure gender-balanced decision making in Chile, the Law 21216 passed in 2020 to create the Convención Constitucional (the body tasked with drafting Chile's new constitution), mandated that its composition had to meet gender parity. As a result, half of the elected members of this important body are women.

In 2014, Mexico passed an amendment to Article 41 of its Constitution and a new electoral law, establishing a new gender-parity requirement in candidate lists. The new electoral law also requires parties to adopt a "zipper system" for seats allocated through proportional representation, meaning lists have to alternate between men and women candidates. For other seats elected by a plurality vote, the law empowers the National Electoral Institute (INE) to ensure that parties do not exclusively nominate women in districts where parties have typically received the lowest percentage of the vote. The legal framework also authorises the INE to sanction parties that do not comply with the parity requirement by denying registration of their candidate lists. National elections in 2015 and 2019 under the reformed quota system saw a notable increases in women's representation in both chambers of parliament, reaching near parity. As of 2023, Mexico is among the leading countries globally in terms of women's representation in parliament.

Source: (OECD, 2018<sup>[2]</sup>; OECD, 2022<sup>[8]</sup>).

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

### Self-assessment questions

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

### Why it is 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.

### **Box 4.8. Good practice example(s): Gender-sensitive human resources policies in parliaments**

#### **Iceland's Gender-Balanced Parliament, Committees and Councils**

In May 2021 the Icelandic parliament, the Althingi, passed into law (42/2021) a bill requiring that the men to women ratio in the Presidium of the Althingi, in its standing committees, and in the other committees and councils appointed by the parliament shall reflect the results of the parliamentary elections in terms of gender balance. Furthermore, in committees with more than three delegates, the women to men ratio shall be as equal as possible and not fall below 40%. The bill aims at making it compulsory to consider gender when electing deputy speakers, distributing seats in committees and choosing or electing delegates in committees, councils and governing bodies in the country.

#### **Sweden's Informal Conventions**

In Sweden, there are informal conventions to ensure gender balance in that, for example, where a committee head is female, the deputy should be male (and vice-versa).

#### **Australia's Parliamentary Resolution with Special Provisions for Nursing Women**

In 2008, parliament passed a resolution to allow special provisions for women MPs who were nursing mothers. In particular, in cases where a woman is breastfeeding when a vote is called, she may ask her party whip to vote on her behalf, a practice called proxy voting. In October of that year, the first such proxy vote was recorded for an opposition member during consideration of a bill in the lower house of parliament. In addition to this arrangement, the parliament maintains a childcare centre within its building.

#### **Canada's Family-Friendly House of Commons**

On April 4, 2017, the House of Commons concurred with a report entitled Initiatives Toward a Family-Friendly House of Commons. The report helped inform various measures which have been introduced in recent years to make the Parliament of Canada more gender-sensitive and family-friendly, including:

- the availability of full-time and short-term childcare services for families;
- the adaptation of facilities to help parliamentarians with children, such as reserved parking spots and washrooms with changing tables;
- the adoption of the House of Commons Members' Sessional Allowance Regulations (maternity and parental arrangements); and
- the development or revision of sexual harassment policies by the Senate and the House of Commons.

Note: For more information on the Australian parliamentary resolution, see: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/procedure-committee/voting-by-proxy-in-the-house-of-commons/written/79407.pdf> (accessed February 2023)

Source: (OECD, 2022<sup>[8]</sup>; Inter-Parliamentary Union, 2011<sup>[9]</sup>; OECD, 2019<sup>[41]</sup>); Information provided by Government of Canada as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

### C. Parliaments promote women's professional development and advancement

#### Self-assessment questions

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

#### Why it is 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.

**Box 4.9. Good practice example(s): Canada's roadmap for Improving Political Representation of Women**

In April 2019, the House of Commons Standing Committee on the Status of Women tabled the report, *Elect Her: A Roadmap for Improving the Representation of Women in Canadian Politics*, which studied the barriers facing women in politics. The Committee's report provides possible solutions to the barriers women face when entering electoral politics. The 14 recommendations included in the report are intended to provide guidance to the Government of Canada on measures that could be implemented to help improve the representation of women at all levels of electoral politics. The Committee's recommendations are intended to: improve the collection of intersectional data on women's political participation; shift societal perceptions regarding women's political participation; support organisations and projects that promote the political participation of women from diverse backgrounds; encourage political parties to run more female candidates and address the gender-biased media treatment of female politicians.

Source: Information provided by Government of Canada as part of the OECD (2021), *Survey on Gender Mainstreaming and Governance* (unpublished).



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

Fostering diversity and equal representation of men and women in the public sector is an essential factor for gender-responsive policies, driving trust in public administration and quality service delivery. 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 human resource (HR) managers across public administrations with a strategic framework for enabling and creating gender-sensitive public employment systems, improving leadership and executive accountability; and addressing gender wage gaps and occupational segregation.

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## 5.1. 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.

#### 5.1.1. 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

#### 5.1.2. 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.

### **Box 5.1. Good practice example(s): Policy or legal provisions for gender equality in public administrations**

#### **New Zealand's legal obligation for diversity**

New Zealand has adopted Public Service Act 2020, which replaced the State Sector Act 1988 and provides a legislative framework to enable an “adaptive, agile and collaborative public service”. In order to do so, the legislation draws upon four key enablers: public service culture and behaviour; an updated framework for employment; effective leadership; and a greater range of options for configuring fit-for-purpose public service organisations. More specifically, it recognises the principle that a given cohort of public service officials should reflect the makeup of the society. In this regard, it creates a responsibility for the Chief Executives of departments and Boards of interdepartmental initiatives to foster inclusiveness and diversity in the public administration.

#### **Australian Public Service's Gender Equality Strategy**

The Australian Public Service Commission (APSC) published its second APS Gender Equality Strategy in 2021. Based on the independent evaluation of the 2016–2019 strategy and consultations with stakeholders and public agencies, it is composed of 6 priority actions areas:

- Action area 1: Leadership and accountability, where leaders are role models, agencies publish gender equality plans, have dedicated resources in place to support the work, and include their gender equality commitments in the agency's material
- Action area 2: Respectful workplaces and empowered people, where agencies prevent gender-based and sexual harassment and discrimination as well as bullying and support victims.
- Action area 3: Shifting gender stereotypes, where diversity in selection processes and opportunities is ensured.
- Action area 4: Flexible ways of working, where all types of flexible work and caring responsibilities arrangements are valued and in place for all employees.
- Action area 5: Gender data, including to better understand the pay gap and tracking gender composition of the Australian public workforce.
- Action area 6: Leveraging our external influence, where Australian agencies are encouraged to drive change beyond the workplace and speak about gender equality in public engagements and in their relations including with suppliers.

The new strategy also foresees the development of a monitoring and evaluation framework to measure progress on gender equality, as part of a wider diversity and inclusion framework. It is aimed at streamlining reporting requirements and builds on existing data collection and analysis mechanisms.

#### **Spain's Gender Equality Plans**

Spain introduced Gender Equality Plans in Central Administration in 2011. So far, three such plans have been adopted. These plans find their basis in the Organic Law 3/2007, which lays down provisions for an effective equality between women and men. The co-ordination for the development and implementation of these plans involves several stakeholders, the key ones being the Secretary-General for Civil Service, the Institute for Women and Equal Opportunities, Gender Equality Units across ministries, and trade unions. The Gender Equality Plan, as a strategic plan, is based on a previous, qualitative and quantitative diagnosis, the evaluation of the previous plan outcomes and the analysis of the situation of women in central public administration. It also uses an analysis on gender pay gap to

establish goals, key policy actions, and roles and responsibilities. The third Gender Equality Plan (2020) aims to effectively consolidate equal treatment and opportunities, support work-life balance and co-responsibility, and early detection and comprehensive support for employees in vulnerable situations.

Source: (OECD, 2022<sup>[1]</sup>; Australian Public Service Commission, 2021<sup>[2]</sup>); Information provided by the Government of Spain to OECD in 2021.

## 5.2. 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.

#### 5.2.1. 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. Institutional roles and responsibilities for promoting and monitoring gender balance in public employment are well defined, with clear and well-funded lines of accountability
- C. Independent, efficient recourse and appeal mechanisms exist and are known to all public servants

#### 5.2.2. 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 human resource management (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 B. Executive accountability for gender equality is clearly defined and embedded in performance management and recognition systems);
- 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.

## Box 5.2. Good practice example(s): Institutional responsibilities for gender equality in the public service

### Israel's Dedicated Department of Gender Equality in Civil Service Commission

The Civil Service Commission in Israel has a dedicated Department of Gender Equality, mandated to monitor implementation of government-wide gender equality and mainstreaming policy. The Department evaluates and measures each governmental office's current standing and progress and creates relevant workplans for the advancement of gender equality and mainstreaming strategies and initiatives in each office. Governmental offices and units are required to present their findings to the Exceptions Committee of the Israeli Civil Service Commission. The offices that fall short of their goals of achieving intended gender representation have their recruitment quota cut until a work-plan is presented. The Department of Gender Equality in the Israeli Civil Service Commission conducts two yearly reports comprised of gender indexes, providing a statistical analysis of each governmental office and ministry, as well as the public sector as a whole.

### Canada's Accountability Mechanisms of the Public Service Employment Act

The Public Service Commission (PSC) in Canada, along with the Treasury Board, has broad accountability for overseeing equity in all appointments under the Public Service Employment Act. The Employment Equity Act requires the PSC to identify and eliminate barriers and institute positive policies and practices in the public service appointment system to achieve a representative workforce, focusing on four designated categories: women, Aboriginal persons, persons with disabilities and visible minorities. Accordingly, the PSC manages tools for public service recruitment and provides applicants and managers with a single portal to access all public service job openings. Internally, the PSC holds managers in departments and agencies accountable for employment equity objectives in their accountability statements and performance assessments, and for maintaining their departments in a state of audit-readiness. The PSC also carries executive accountability as it independently reports to the Parliament via annual and special reports.

Source: Information provided by the State of Israel, Department of Gender Equality. Gender Indexes are publicly available <https://www.vanleer.org.il/en/publication/the-gender-index-2020/>; (Government of Canada, n.d.<sup>[3]</sup>; OECD, 2014<sup>[4]</sup>).

*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 can then 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.

Furthermore, noting the trends and transitions in the future of work, such as the digitalisation of the workplace, require an adaptation of managerial skills as well to support change in attitudes and norms in the workplace. For instance, managers can demonstrate support for flexible working arrangements by opting for these themselves. Especially where women are more often working remotely, deliberate efforts can be considered by managers to overcome bias and potential exclusion from networks and career opportunities due to lack of visibility.

#### **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;
- Ensuring managerial responsibilities and roles are clarified in the contexts of flexible work or remote work, to overcome bias and communication breakdowns;
- Leaders and managers proactively support and role model flexible and remote working in order for individuals and teams to feel comfortable using it themselves.

#### **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.

### **Box 5.3. Good practice example(s): Executive accountability for gender equality in the public service**

#### **Australia's Public Service Commission for managerial accountability**

The Australian Public Service Commission (APSC) is the main responsible authority for monitoring progress, and the current Public Service Gender Equality Strategy of 2021-2026 mainstreams and articulates managerial accountability for the pursuit of gender equality across all public institutions. Internally, the Public Service Commissioner requires all government 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, compile reports and evaluate the state of the Australian Public Service.

#### **Canada**

The Public Service Commission (PSC) in Canada, along with the Treasury Board, has broad accountability for overseeing equity in all appointments under the Public Service Employment Act. The Employment Equity Act requires the PSC to identify and eliminate barriers and institute positive policies and practices in the public service appointment system to achieve a representative workforce, focusing on four designated categories: women, Aboriginal persons, persons with disabilities and visible minorities. The PSC oversees the gender equality commitments through the Management Accountability Framework and Performance Management Agreements of managers in departments and agencies, and holds them accountable for maintaining their departments in a state of audit-readiness.

Source: Information provided by the Government of Canada and Government of Australia to the OECD in 2022 and as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished); (Australian Public Service Commission, 2021<sup>[2]</sup>; OECD, 2014<sup>[4]</sup>).

*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.



### **Box 5.4. Good practice example(s): Independent recourse and appeal mechanisms for public administration**

#### **Sweden's Independent Government Agency**

In Sweden, the Equality Ombudsman is an independent government agency tasked with protection of equal rights and opportunities for all and accountability to supervise compliance with the Discrimination Act. It is also responsible for eliminating discriminations on grounds of sex, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation, or age. The agency has the mandate to investigate complaints relating to discrimination and harassment, as well as assess how employers, higher education institutions and schools work to prevent discrimination. If needed, and on behalf of the complainant, the Equality Ombudsman also has the power to bring a legal action for damages.

#### **Norway's Independent Oversight Mechanisms**

In Norway, while the Ministry of Government Administration is tasked with examining activities and results of all government agencies related to diversity in the workforce, the responsibility of oversight is shared with the Equality and Discrimination Ombud and Industrial Disputes. The Ombud is an independent agency, with tribunal, promotional and litigation faculties, actively engages in public hearings, provides comments on laws and public plans, engages in public debates, and provides information to the media. The Ombud is free from instructions from the Government as it is obliged to monitor Norway's human rights fulfilment and offer guidance to individuals' employers, and organisations with the vision of contributing to the creation of a society where "power and influence is equally distributed, freedom is available to all, and dignity is inherent to each individual."

Source: (Equinet, 2019<sup>[5]</sup>; The Equality and Anti-Discrimination Ombud, n.d.<sup>[6]</sup>; The Equality and Anti-Discrimination Ombud, n.d.<sup>[7]</sup>).

## **5.3. 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.

### 5.3.1. 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

### 5.3.2. 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 it is 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 therefore 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.

### Box 5.5. Good practice example(s): Gender equality in recruitment, selection and hiring

#### Chile's Senior Civil Service System

The central senior civil service system, Chilean Sistema de Alta Dirección Pública (ADP), was created in Chile to recruit a professional meritocratic senior management, and conducts hiring based on public competition. The goal behind public competition has been to introduce transparency into the hiring process as a means to enable qualified candidates to compete for senior jobs, and thereby, increase women's representation in these positions. Recent available data supports the positive effects of the system with the percentage of women in public administration decision-making positions having increased from 22.6% in 2003 to 33.2% in 2017.

#### United Kingdom's Use of a Gender-blind Recruitment Platform

The United Kingdom's Civil Service uses APPLIED, a gender-blind recruitment platform. It was developed by the United Kingdom-based organisation, Behavioural Insights Team and uses gendered language detection, readability scorings on job descriptions, bias-free review process, and real-time diversity data and analytics in order to eliminate bias from recruitment processes.

Source: (Apolitical, 2017<sup>[8]</sup>; OECD, 2014<sup>[4]</sup>; Hughes, Kökten Finkel and Howell, 2022<sup>[9]</sup>).

*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 it is 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.

In recent years, there has been a shift from a professional public service where most public servants have the same career path and learning opportunities, to a public service of professions where different professions are on different career tracks, with clear development opportunities. This transition entails upgrading skills and competencies of public servants regularly to keep up with societal and technological change. In preparing for this transition, governments can identify and factor in gender gaps among various career paths in the public service to ensure that this shift may not advantage any gender over another. Additionally, efforts towards upskilling and reskilling would benefit from a gender lens, to identify gender differences in civil service skills (e.g. skills related to innovation capabilities such as crowdsourcing; strategic orientation such as foresight; and professional expertise) and deliver a more fair and representative public service.

### 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;
- Taking into account gender-specific needs and challenges (e.g. digital gender divide) when designing upskilling and reskilling initiatives.

- 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;
- Adopting a gender-neutral approach to medium- and long-term planning for transitions in the public sector employment;
- Excluding employees working part-time or on other flexible arrangements from promotion and career planning.

### Box 5.6. Good practice example(s): Career advancement opportunities for women in public administration

#### United Kingdom's Civil Service Diversity Strategy

The 2022-2025 Civil Service Diversity Strategy in the United Kingdom builds on a central learning platform for available training opportunities and allows all public servants 5 days of learning, which can be extended at the discretion of the managers. A new 'learning journey' for senior civil servants is being developed to reflect on different leadership types and routes and train managers accordingly, with diversity and inclusion dimensions included in each journey, as well as an accelerated development programme to allow for high potential employees progress quickly through grades. The programme will be available through open applications and testing.

The strategy also incorporates a "Gender Champion" as one of the six permanent government champions to publicly advocate and model diversity and inclusion at the highest level across all public service, and aims to make that position transformative with a specific portfolio of action items. Gender Champions are then replicated at the department levels, where they can target and deepen specific gender and diversity objectives and actions depending on the departmental priorities, culture and demographics.

#### Swedish Police's Efforts to Facilitate Career Advancement for Women

In Sweden, the Human Resources Department of the Swedish Police undertakes several programmes to facilitate the career advancement of women. This includes the mentorship programme, in which a mentorship co-ordinator sets up a mentorship between a less experienced leader and a more experienced leader, matched by. This programme is intended to support the mentee in skills development (professional and personal), increase knowledge exchange and experience sharing, as well as networking. The Human Resources Department co-ordinates this programme, by training mentors, supporting mentees and sharing information on the programme. Another interesting programme is called "senior management internship" or job-swapping, which involves a short-term internship in a senior management role, for a period of six months to encourage women to gain a basic understanding of a leadership role. This programme has shown great results and translated to several participant women getting over their inhibition and eventually opting for longer-term opportunities in leadership.

Source: Information provided by the Government of United Kingdom to OECD in 2022; Information shared by the Human Resources Department of the Swedish Police with the OECD in 2021.

*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 it is important?**

Work-life balance policies and initiatives are crucial for developing a diverse public sector workforce and increasing women's employment rates. Offering flexible working arrangements to men and women, mothers and fathers, allows for better family decisions. It also promotes better mental and physical health. Work-life balance policies and flexible working opportunities 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. Remote working is an aspect of flexible working, which became possible with the advent of digital communication and collaboration platforms. The COVID-19 pandemic has accelerated these structural and policy transformation, with working is becoming an increasingly common feature of public administration employment.

Nonetheless, home-based and flexible work, per se, may not address underlying gender inequalities in the workplace, or in the home. Taking advantage of these 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. Gender equality concerns also need to be intentionally integrated and mainstreamed through all of the necessary infrastructure, from training to IT access to evaluation of telework for promotion and retention purposes to health and safety guidelines in the home office.

#### **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;

- Take into account gender-specific needs and challenges in flexible working arrangements and remote working.

#### 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);
- Assuming that flexible and/or remote work leads to better work-life balance by default;
- Not offering adequate training to employees to utilise the flexible/remote infrastructure (e.g. new software);
- Insufficient encouragement of fathers' equal uptake of available measures.

### Box 5.7. Good practice example(s): Work-life balance and family-friendly policies in public administration

#### New Zealand's Flexible Work Policies

In New Zealand, all employees have a right to request flexible working. Recently, in June 2020, New Zealand's Te Kawa Mataaho Public Service Commission has published guidance on flexible working by default as a resource to help agencies in public services to develop their respective approach to flexible working by default. Developed by the Gender Pay Gap and Pay Equity Taskforce, it draws on extensive collaboration and engagement with the New Zealand Council of Trade Unions and its affiliates, public service agencies piloting flexible-by-default practices, and representatives from the Gender Pay Principles Working Group.

#### Sweden's Family-Friendly Work Policies for Civil Servants

In Sweden, legislation makes it possible for senior civil servants and general civil servants to opt for part-time work due to family reasons. Sweden has also introduced a special arrangement called "working time based on trust" which allows senior civil servants to make their own decisions on working time, with the caveat that they cannot be compensated for overtime (as they do not have fixed working hours). Furthermore, all leave conditions are the same for the private and public sectors. Paid parental leave includes a "father's quota" – three months (60 days) of non-transferable parental leave are reserved for each parent. 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 also provided through collective agreement.

#### France's Implementation of Telework in the Public Service

In France, the Agreement on the implementation of telework in the public service of July 13, 2021, was unanimously signed by the public employers and the nine trade union organisations of the three branches of the public service. Among its measures, the agreement provides public employees with a real right to disconnect or working remotely from a third location. Related to gender equality, it allows for the possibility for close caregivers of pregnant women to be able to ask to benefit from more than three days of telework per week, without the opinion of the occupational physician but subject to the agreement of their hierarchy, if they carry out activities that can be done remotely.

Source: (Kuperus and Rode, 2008<sup>[10]</sup>; State Services Commission, 2020<sup>[11]</sup>); Information provided by the Government of France as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished); (Government Offices of Sweden, 2015<sup>[12]</sup>).

*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 it is 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 initiatives, 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.

### Box 5.8. Good practice example(s): Collection of data related to gender equality in public service

#### Australian Public Service Employment Database

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. Since 2020, the data from APSED has been presented in a dashboard. The Australian Public Service Employment Database internet interface (APSEDii) is a dashboard presenting information on workforce characteristics of the APS.

#### United Kingdom's Civil Service Diversity and Inclusion Dashboard

The Civil Service Diversity and Inclusion Dashboard in the United Kingdom was created to make it easy for everyone to scrutinise progress by providing current data and a clear narrative for government's diversity and inclusion goals. The dashboard includes, among others, data related to representation of women in the senior civil service by grade and by department. Furthermore, the UK's 2022-2025 Civil Service Diversity and Inclusion Strategy aims for developing new and innovative data, in addition to gender disaggregated, to help unpack intersectional features of diversity, for instance social background or career trajectories. Using such data, the strategy aims to measure the civil service workforce diversity by grade, location, department and profession.

Source: (Australian Public Service Commission, n.d.<sup>[13]</sup>; Government of United Kingdom, 2021<sup>[14]</sup>).

*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 it is 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.

### Box 5.9. Good practice example(s): Efforts to remove implicit barriers to women's employment in public administration

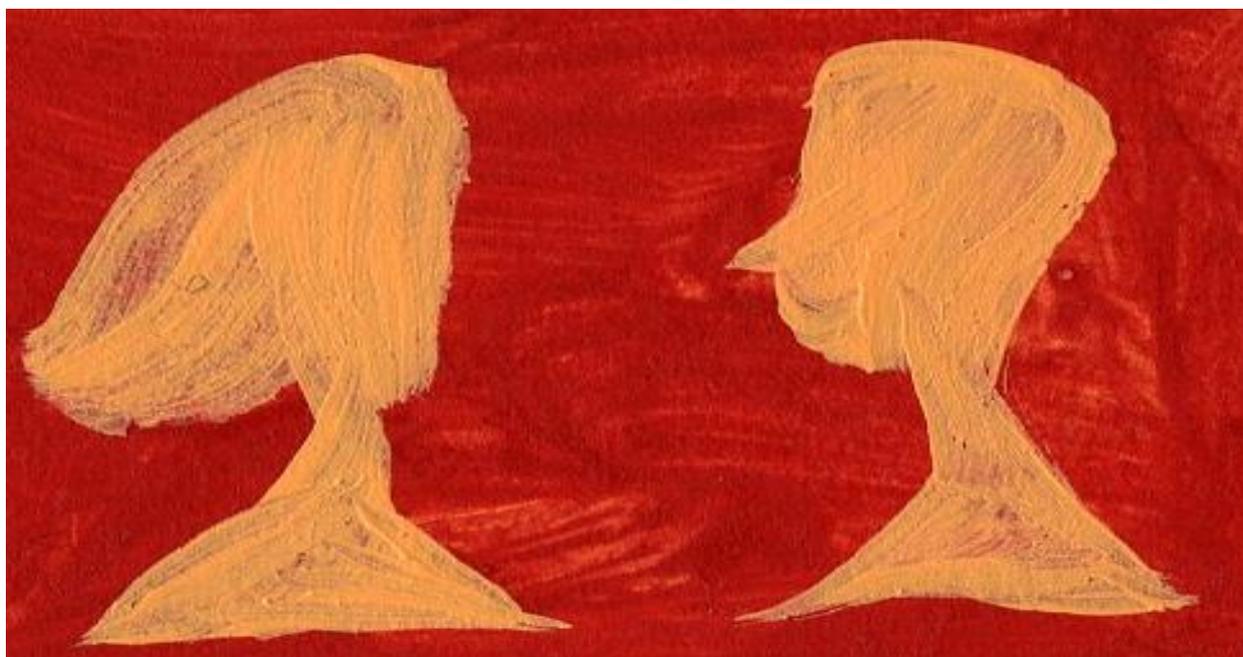
#### Austria's Federal Equal Treatment Act

The Federal Equal Treatment Act in Austria, which was adopted in 1993, includes affirmative action provisions specifically targeting the promotion of women in the public sectors to eliminate the existing under-representation of women, which is defined as less than 50% within a departmental sector or grade level. Ministers are required to legislate affirmative action plans with binding gender targets for their ministries every six years. The quota applies only to top positions in the public sector for equally qualified candidates. The Act on the Advertisement of Vacancies in Austria further stipulates preferential treatment of equally qualified female candidates in public administration units with a percentage of female employees under 50%. Austria has successfully reported an increase from 11% of women in public administration decision-making positions in 2003 to 39% in 2020.

#### Colombia's Quota for Women in Decision-Making Positions

Colombia's adoption of a minimum of 30% quota for women in decision-making positions in 2000, allowed the country to achieve and exceed this commitment in 2020 with women averaging 41% of positions at the director level. Colombia's Quota Law of 2000 (Law 581) is among the rare examples to include sanctions for non-compliance. Article 4 of the law states that any non-compliant public entity is to be sanctioned with a 30-day suspension from office and removal from office if the conduct persists. The Constitutional Court declared the person to be sanctioned is the public officer who made the non-complying appointment. The Department of Public Administration is responsible with the monitoring of the implementation of Article 4, and is required to submit an annual report to the Inspector General's Office, which, in turn, reports and sanctions non-compliant entities.

Source: (Government of Austria, 2023<sup>[15]</sup>; OECD, 2014<sup>[4]</sup>; OECD, 2019<sup>[16]</sup>; Hughes, Kökten Finkel and Howell, 2022<sup>[9]</sup>; OECD, 2020<sup>[17]</sup>; UNDP University of Pittsburgh, 2021<sup>[18]</sup>); Gen-PaCS Database, Austria reported an increase in % women in DM positions from 11.11% in 2003 to 38.99% in 2020.



## 5.4. 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:

- 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;
- 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
- 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.

#### 5.4.1. *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 for addressing occupational segregation and closing the gender wage gap

#### 5.4.2. *Self-assessment tool*

*A. Evidence-based policies and tools are in place to address gender wage gaps and occupational segregation in public sector institutions*

##### Self-assessment questions

- Have pay equality and equity laws and regulations adopted 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 it is 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. Moreover, noting the trends in future of work in public sector employment (see Section C. Work-life balance and family-friendly policies and practices are available and equally used by men and women, including at the top), existing pay and salary structures could also benefit from more flexibility in the future to attract and retain employees with

the new skills required (e.g. through more individualised and flexible sets of terms and conditions to match). Accounting for the existing gender wage gap in the public sector is important during this transition. 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;
- If considering the scope to introduce more flexibility in existing pay structures, taking into account the gender wage gap;
- 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.



## Box 5.10. Good practice example(s): Equal pay

### Iceland's Equal Pay Standard

Iceland was the first country to implement a mandatory equal-pay system with the objective to enforce legislation which prohibits discriminatory practices based on gender and to close the gender pay gap by 2022. Since 2018, institutions and companies, including the public sector, with more than 25 full-time employees are obliged to prove that women and men are equally paid for the same job. While the Icelandic Equal Pay Standard (IEPS) system was originally a voluntary measure, it is now mandatory to obtain an equal pay certification by showing that wages reflect expertise, responsibility and effort, rather than a gender dimension. If an employer fails to obtain the certification, a fine of up to ISK 50 000 (approximately EUR 400) per day can be imposed.

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.

### Switzerland's Measures for Wage Equality

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 of 25 October 2017 almost half of the cantons (12 out of 26) as well as all cities with more than 100 000 inhabitants had 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.

### 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.

### United Kingdom's Open-Source Guides to Close the Gender Gap

The UK Government Equalities Office's gender pay gap website has a wealth of useful resources for employers – both public and private sector – to understand and address the gender pay gap. The actions which are outlined are classed as either proven effective, promising, or mixed. The guide on effective

actions is relevant not only to closing the pay gap, but also to career progression and people management.

The six actions classed as proven to close the pay gap are as follows, all of which remain as relevant as ever:

1. Include multiple women in shortlists for recruitment and promotions. Shortlists with only one woman do not increase the chance of a woman being selected.
2. Use skill-based assessment tasks in recruitment. Use performance on those tasks to assess suitability for the role. Standardise the tasks and how they are scored to ensure fairness across candidates.
3. Use structured interviews for recruitment and promotions. Unstructured interviews are more likely to allow unfair bias and influence decisions, even if unintentionally.
4. Encourage salary negotiation by showing salary ranges. Because women are less likely to negotiate their pay, employers should clearly communicate the salary range on offer to help applicants know what they can reasonably expect.
5. Introduce transparency to promotion, pay and reward processes.
6. Appoint diversity managers and/ or diversity task forces to reduce biased decisions in recruitment and promotion, provided they are senior, informed and empowered.

A series of further actions are classed as “promising” – actions which have been introduced by various governments and employers, but evaluations and further evidence are needed to demonstrate their effectiveness:

- Improve workplace flexibility for men and women – especially to encourage take-up by men.
- Encourage take up of parental leave by men.
- Recruit people returning to work after leave.
- Offer mentoring (guidance and advice), sponsorship (support advancement and visibility) and networking opportunities. This may be a useful prong to the strategy – some evidence suggests that such programmes work well for some women but not for others.
- Set and track internal targets – which should be concrete and monitorable.

Note: For more information on the Swiss measures for wage equality, 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)

Source: (BBC, 2017<sup>[19]</sup>; Government of United Kingdom, 2021<sup>[20]</sup>; OECD, 2018<sup>[21]</sup>; Government of United Kingdom, Behavioural Insights Team, 2017<sup>[22]</sup>).

## *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 it is 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.

### Box 5.11. Good practice example(s): Australia's Oversight Mechanisms for Gender Equality Strategy

The Australian Public Service Commission (APSC) oversees the progress and reporting of the Australian Public Service Gender Equality Strategies. As part of its external accountability, the APSC itself remains responsible to the executive branch and reports to Parliament. Each financial year the Public Service Commissioner reports to Parliament on the state of the Australian Public Service (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. The commission also provides a quantitative gender report to Senate.

Source: Information provided by the Government of Australia to the OECD in 2022.

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# **6**

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

Gender balance and a gender equitable work environment in the judiciary is beneficial and important for improving fairness, legitimacy and quality of the judiciary, reducing barriers in women’s access to justice, and bringing women’s voice and perspective to the bench. Noting gender gaps at the higher echelons of judgeship positions that still persist partly due to 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 chapter focuses on various measures to enhance gender-sensitivity of judiciaries. This includes developing a comprehensive framework for gender equality in judicial decision making; adopting measures to recruit, retain and promote women and men from diverse backgrounds in judicial careers; and monitoring the impact of gender equality initiatives in the judiciary.

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This chapter must be read together with Chapter 5 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.

## 6.1. 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.

#### 6.1.1. 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

#### 6.1.2. 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.);
- Prioritise identified gender gaps and set measurable objectives and targets to close these gaps (see Section below);
- 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.

#### 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;
- 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;
- Not involving gender experts. A well-executed gender assessment is not a routine assignment. By omitting to hire specialised gender expertise, relevant gender issues that should be identified in the assessment could easily be overlooked.

### Box 6.1. Good practice example(s): Chile's judicial power policy for gender equality

In 2018 the Technical Secretary for Gender Equality and Non-discrimination of the judiciary branch of Chile developed the first Judicial Power Policy for Gender Equality. This policy encouraged the development of the first diagnosis of gender equality in the entire Chilean judiciary branch. The policy considers the inclusion of the gender mainstreaming approach and the principle of non-discrimination in all the related topics of the judiciary institution, including the judiciary branch's recruitment, selection, access, and promotion processes. Moreover, the Policy for Gender Equality encourages the implementation of special measures in the recruitment and selection process to overcome the biases and gender gaps detected by the policy itself.

Among its priority dimensions, the policy promotes the incorporation and institutionalisation of the gender perspective in the organisational culture of the judiciary. It aims at achieving conciliation between the work obligations of all members of the court and the development of an individual, family, and social life. Finally, it seeks to establish a gender perspective and non-discrimination in all selection processes in the judiciary.

Source: Secretaría técnica Igualdad de Género y no Discriminación (2018<sup>[1]</sup>), *Política de Género y no Discriminación*, <http://secretariadegenero.pjud.cl/index.php/politica-genero-pjud>

#### *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, human resource management (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 plan and priorities encompass all phases of a 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.



### Box 6.2. Good practice example(s): Spain's Equality Plan

The purpose of the II Equality Plan adopted in 2020 is to guarantee effective equality of opportunities between women and men in access to the judicial career in any of its modalities and to guarantee an egalitarian justice in its function of judging, removing all obstacles that prevent compliance.

Additionally, the plan approved in January 2020 defines the necessary measures to facilitate the reconciliation of personal, family, and work life, promoting measures that favour co-responsibility and the equal distribution of care tasks and attention to dependent family members.

Concerning access to the judicial career, the following priority objectives have been set to be achieved:

1. Full guarantee of equality of opportunity between women and men in access to the judicial career in any of the modalities legally provided.
2. Guarantee that those who enter the judicial career have adequate training in equality, the fight against gender violence, and prosecution with a gender perspective.
3. Accordingly, the judicial branch will undertake the following actions:
4. Periodically prepare a situational diagnosis that includes at least a numerical and percentage ratio, distributed by sex, between applicants admitted to the selection process and those who passed.
5. Guarantee parity in the composition of the selection boards.
6. Submit the syllabus of all selective tests for admission to the judicial career to a gender impact report.

Source: Information provided by the Government of Spain as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

## 6.2. 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.

#### 6.2.1. Priority checklist for measures to attract and recruit 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

### 6.2.2. 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<sup>[2]</sup>). 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 therefore 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.

### Box 6.3. Good practice example(s): Attracting and supporting women and men equally to join the judiciary

#### United Kingdom's Judicial Work Shadowing Scheme

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.

#### France's Efforts for Diversity in Judicial Auditors

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: (Government of United Kingdom, Ministry of Justice, 2023<sup>[3]</sup>; OECD, 2018<sup>[4]</sup>).

*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.

#### 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.

### Box 6.4. Good practice example(s): Gender-sensitive judicial selection and appointment procedures

#### Costa Rica's Gender-Sensitive Rules of Succession

The Supreme Court of Justice, in session No. 11-2017 held on May 15, 2017, Article XV, decided to modify the text on the "Rules for the succession of a vacancy in the Presidency or Vice Presidency", published by Circular No. 69-14 in the Judicial Bulletin N ° 93 of May 16, 2014, so that they guarantee "participation with gender equality based on international conventions, the Constitution and the law" (art. 11).

#### Canada's Reforms for Diverse Selection of Federal Judges

Beginning in 2016, the Government of Canada revised its approach to selecting judges for Canada's federally appointed courts. While first initiated in 2016, the reforms have substantially impacted the appointment of judges during the review period of May 2017 to May 2021. These reforms were intended to foster greater independence and transparency in the judicial appointments process, and to achieve a bench that more fully reflects the diversity of Canadian society – including the equal representation of women. The nature of federal authority over appointments to Canada's superior courts (both statutory and courts of inherent jurisdiction) is such that these reforms could be implemented without legislative amendments.

Source: Information provided by Governments of Costa Rica and Canada as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

## 6.3. 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.

#### 6.3.1. Priority checklist for fostering and enabling environment to retain and 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

#### 6.3.2. 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 6.4. 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 therefore undermine her success as a judge (OECD, 2014<sup>[5]</sup>).

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 5.3 of the Toolkit that focuses on gender-sensitive public employment systems, and provides further more 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's talents after their entry and throughout the judicial career, including at most senior levels;
- Implement and foster 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 shadowing programme where female and male judges are partnered with a role model to 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.

### Box 6.5. Good practice example(s): Equitable career advancement in the judiciary

#### The Netherlands' Independent Advisory Group for Gender Diversity in the Public Sector

Based on the government's decision that measures to achieve more gender equality taken in the private sector, will be supplemented by measures in the public and the semi-public sector, among which the judiciary. Given the considerable diversity of the organisations belonging to the (semi-)public sector, a one-size-fits-all regulation, is, however, deemed inopportune. In order to develop an integral approach mindful of the differences between organisations in the (semi-)public sector, an independent advisory group has been asked to develop an effective approach to realise gender diversity in the top echelons of the semi-public sector. The advisory group, consisting of independent scholars, have presented their research report and recommendations in December 2020. Integral elements of the advisory group's recommendations include target figures (with a view to introducing binding quotas if the target figures are not met), the development of an adequate infrastructure for monitoring, the use and (further) development of governance codes and the gathering of support within the relevant sectors.

#### Spain's Equality Plan of the Judicial Career

The II Equality Plan of the Judicial Career adopted in 2020 guarantees the continuous training of the members of the Judicial Career in gender equality knowledge. It also promotes the equal participation of all members of the Judicial Career, women and men, in training activities. Moreover, it establishes gender mainstreaming and the application of the gender perspective in all training activities of the Consejo General del Poder Judicial (CGPJ). Finally, the plan also encourages the use of non-sexist language at the administrative level, in all types of documents of the CGPJ and other governing bodies of the judiciary, at the judicial level, and in all kinds of resolutions issued by judicial bodies.

Source: Information provided by Governments of the Netherlands and Spain as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).



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

### 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 health 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<sup>[6]</sup>).

### 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;
- 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.

#### **What are the pitfalls to avoid?**

- 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.

#### *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.

### Box 6.6. Good practice example(s): France's efforts towards professional equality between women and men

In France, the Ministry of Justice's policy in favour of professional equality between women and men took concrete form on January 20, 2020, with the signing of an agreement between the Minister of Justice and the majority of representative trade unions. Furthermore, in 2021, the administrative jurisdiction took a new step in favour of professional equality with the signing of an agreement on the professional equality in the administrative justice, between the vice-president of the Council of State and the representatives of the trade unions of all the staff of the administrative jurisdictions – Council of State, administrative courts of appeal, administrative tribunals and the National Court of Asylum.

Source: Information provided by the Government of France as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).

## 6.4. 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.

### 6.4.1. 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.

### 6.4.2. 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, 2023<sup>[7]</sup>). 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 programmes, 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.

### Box 6.7. Good practice example(s): Monitoring of gender balance in the judiciary

#### Austria's Federal Equal Treatment Report

Austria has put in place a Plan for advancement of women of the Ministry of Justice since 2004. It also publishes data for women's representation in justice in the Federal Equal Treatment Report and on the website of the Austrian Judiciary (n.d.<sup>[8]</sup>). Moreover, the Federal Equal Treatment Report is published bi-annually and presented to the parliament. It reports about ongoing activities of the Commission. It presents all cases that were filed at the Federal Equal Treatment Commission. The report is published on the website of the Federal Chancellery.

#### France's Equality Barometer

In 2019, the French Ministry of Justice published its first equality barometer, on the access of women and men to hierarchical positions in the judiciary, within each of the French departments. It aims her to provide keys for reflection on the strategic moments when gender inequalities are revealed and concretised in women's careers. In line with the 2020 agreement on professional equality concluded with trade unions, a second equality barometer was published in 2021.

Source: Information provided by Governments of Austria and France as part of the OECD (2021), Survey on Gender Mainstreaming and Governance (unpublished).



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# Toolkit for Mainstreaming and Implementing Gender Equality 2023

The *Toolkit for Mainstreaming and Implementing Gender Equality 2023* is a practical resource to help governments, parliaments and judiciaries implement the *OECD Recommendation on Gender Equality in Public Life*. It contains self-assessment tools to guide governments and other decision-making institutions in assessing the strengths and weaknesses of their policies, mechanisms, and frameworks for gender equality, and in setting priorities for improvement. The Toolkit highlights a range of possible actions to take and pitfalls to avoid in implementing the various provisions of the Recommendation. A revision of the 2018 online Toolkit on Mainstreaming and Implementing Gender Equality, it introduces concepts such as intersectionality and the future of work; includes expanded areas such as budgeting, public procurement and infrastructure; and provides the latest lessons and good practices from OECD countries.



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