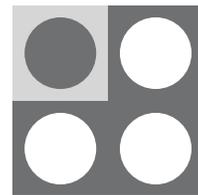


Equality for
Women

Beyond
the Illusion

THE EXPERT PANEL ON
ACCOUNTABILITY MECHANISMS
FOR GENDER EQUALITY
FINAL REPORT – DECEMBER 2005

The image on the cover of this report was inspired by the design of the 1970 *Report of the Royal Commission on the Status of Women* and expresses the continuity of efforts to achieve equality between women and men. It presents geometrical figures that fit together. The circle represents women and the square represents men. The combination of lines and curves and the colour harmony represent equality between women and men.



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This document expresses the views and opinions of the members of the Expert Panel and does not necessarily represent the official policy or opinion of Status of Women Canada or of the Government of Canada.

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Project Manager: Louise Poulin, Status of Women Canada

Publishing Coordinator: Vincent Lemay, Status of Women Canada

Editing: Jane Butler, Status of Women Canada

Communications Services: Scott Sheppard, Holland Consulting Inc.

Translation: Pierre Chagnon, Communication Com'ça

Graphic Design: Mike Teixeira Design

Expert Panel Support Team

Nanci-Jean Waugh

Director

Communications and Consultations

Status of Women Canada

Hélène Dwyer-Renaud

Director

Gender-based Analysis

Status of Women Canada

Adeeba Ahmad

Information Officer

Communications and Consultations

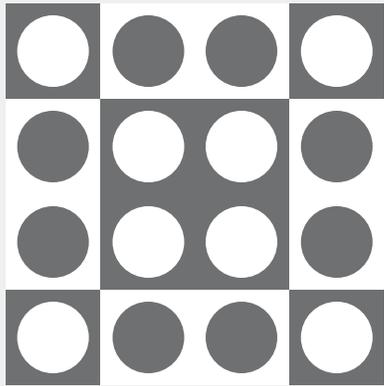
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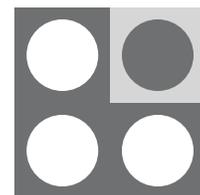
Suzanne Cooper

Information and Research Analyst

Gender-based Analysis

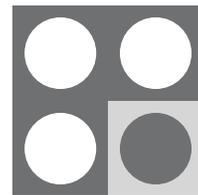
Status of Women Canada





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Message from the Expert Panel

In accordance with the mandate given to the Expert Panel on Accountability Mechanisms for Gender Equality, it gives us great pleasure to submit the attached final report, *Equality for Women: Beyond the Illusion*.

As the title suggests, Panel members have concluded women have yet to achieve substantive equality. In the course of our work, we discussed accountability measures with a diverse group of people: Parliamentarians, academics, representatives of women's and other equality-seeking organizations, and senior public servants in Canada as well as in other countries. We thank all those who took the time to share their insights with us.

During our life time, while there has been much change for some women, overall, much has remained the same. Women are still more at risk of living in poverty than men and the risk is much higher for certain groups of women. Moreover, for countless women, violence and systemic discrimination are a reality of life.

We believe the goal of equality for women lies at the heart of what it means to be Canadian. With this in mind, the Panel recommends that the Government of Canada pursue a two-fold approach to enhance efforts to achieve substantive equality for women. We recommend taking immediate action on administrative processes. In the medium term, we recommend adopting legislation to demonstrate proactively the Government's commitment to the Charter and international commitments. The Panel hopes to see these recommendations implemented as quickly as possible.

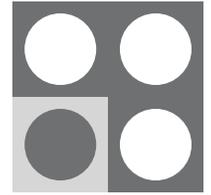
The Government of Canada has played an important role in promoting equality for women. But the Government must now take the lead in producing measurable results that will close the gaps between women and men in our country. In so doing, we may indeed go beyond the illusion of equality and see substantive equality for girls and women in our life time.

Participating in the Expert Panel on Accountability Mechanisms for Gender Equality has been an enriching experience for all of us.

Georgina Steinsky-Schwartz

Dorianne Rowan-Campbell

Louise Langevin



Executive Summary

The Expert Panel recognizes that much has been achieved to promote equality for women in Canada. We also believe much remains to be done. The Panel recommends that the Government of Canada pursue a two-fold approach to achieving substantive equality for women in Canada. We recommend taking immediate action on administrative processes and on key policy decisions. In the medium term, we recommend adopting legislation.

ACTING NOW – MANAGEMENT AND POLICY LEADERSHIP



The members of the Panel believe there are a number of areas where immediate action could and should be taken.

1 – Apply gender-based analysis wisely and apply it well. The Speech from the Throne should make clear the overarching policy priorities and key departments that most call out for gender-based analysis.

2 – Let the Minister of Finance set the example. We believe that drawing from international lessons, the Minister of Finance could apply gender-based analysis rigorously to one key area of the 2006 Budget.

3 – Integrate achievement of equality for women into the accountability mechanisms of the modern management initiatives being pursued across the federal government, under the leadership of the President of the Treasury Board.

4 – Ensure that engagement with non-governmental organizations is an important and ongoing part of the Government's efforts to achieve equality for women.

5 – Inside the federal government, demonstrate both strong contemporary leadership and the fostering of a sustained public service commitment to equality for women.

i) Political leaders can give direction to promote a public service culture where sensitivity to equality for women becomes a part of policy development and program delivery.

ii) The Public Service Human Resources Management Agency should ensure that the hiring of women of diverse backgrounds becomes an important part of its focus on promoting a diverse public service.

iii) The Canada School of Public Service has a valuable role to play. Officials should build into the School's general management and executive training programs an awareness of the issues contributing to equality for women and the tools that can be used to help achieve substantive equality.

iv) The Government must consider the most relevant role for Status of Women Canada. It is important that Status of Women Canada be enabled to play the most relevant role in fulfilling the recommendations of this report, including the Agency's capacity to work inside and outside government.

6 – The Standing Committee on the Status of Women has a powerful, ongoing role of leadership and oversight.

**ACTING IN THE MEDIUM
TERM – LEGISLATION**



Government is very complex and we have to start by working within the existing framework. Turning a large boat around takes time. That is why the Panel is keen to see the foregoing recommendations implemented as soon as possible; the more quickly we act, the more quickly we can make progress.

The Panel is convinced that such administrative solutions are necessary but not sufficient to achieve equality for women in Canada. The second tranche of action must be legislative.

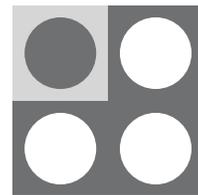
The members of the Panel are deeply appreciative that it is up to Canada's Parliamentarians to decide upon any new law and in that context, are mindful of the unanimous conclusions of the Standing Committee on the Status of Women. In its second report, the Standing Committee called for a "legislative mandate for gender equality." The Panel has considered such matters in a potential law as declaration of purpose, mechanisms to achieve that purpose, designation of authorities responsible, reporting procedures, audit procedures, compliance, penalties and recourse by third parties affected by legislation. Drawing upon the recommendations of the Standing Committee and our own consultations and review, the Panel believes that the Government should consider acting quickly to recommend to Parliament a Bill to ensure enhanced gender equality outcomes across Government, including the use of gender-based analysis, monitoring and reporting. The Bill would make it clear that in setting its policy

directions, the Government would identify critical areas and departments that will use gender-based analysis and other tools to examine the impact of policies, programs and services on the achievement of equality for women.

The Bill would consist of two parts to come into effect five years apart. The first five years would focus on the Executive Branch of the Government of Canada, enabling in-depth learning on how to implement gender-based analysis and measurement of gender equality outcomes most effectively. The Bill would put priority on initiating change within the culture of government departments in a meaningful way and with the involvement of civil society. The Bill would call for additional accountability and enforcement measures after five years. This would include the creation of an independent agent of Parliament, following a Parliamentary review of the lessons learned.

In calling for this two-stage approach to legislation, the Panel is mindful that many people, including us, would like to move more quickly. As both idealists and pragmatists, however, we regard the first part of this legislative proposal as the last chance for the Executive Branch, drawing seriously upon the wisdom of non-governmental organizations, to get its house in order to ensure enhanced gender equality outcomes, which would include the use of gender-based analysis, monitoring and reporting. The legislative proposal sets out a straightforward course and new mechanisms for doing so, and includes measures for accountability to Parliament. Our proposal then provides a legislative deadline, after which we call for the coming into force of even stronger measures of accountability and enforcement.

The report also contains extensive annexes to help readers better understand the context of our work.



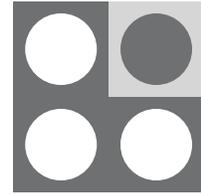
Mandate of the Expert Panel

In September 2005, the Government of Canada created a three-member expert panel to study accountability and provide advice on strengthening gender equality in Canada.

The Expert Panel was asked to take into account the *Canadian Charter of Rights and Freedoms*, and relevant Canadian jurisprudence and legislation developed in other countries, as well as the recommendations of the Standing Committee on the Status of Women, as contained in its April 2005 report, entitled *Gender-based Analysis: Building Blocks for Success*.

Panel members reviewed the process by which gender-based analysis and gender equality issues are reported; sought the input of stakeholders and organizations with expertise in reporting on similar issues, such as human rights; and considered existing models and best practices, with the hope of sustaining the practice of gender-based analysis to achieve gender equality results.

Their recommendations will complement the Government's response to the April 2005 report of the Standing Committee on the Status of Women and contribute to the development of a gender equality strategy.



What the Terminology Means

The members of the Expert Panel were appointed to examine “gender-based analysis,” to study “accountability” and to provide advice on “strengthening gender equality.” However, throughout our study, we encountered real confusion about these terms. We stress, therefore, the importance of putting matters as clearly as possible. The Panel’s report is squarely aimed at achieving substantive equality for women in Canada.

GENDER-BASED ANALYSIS



“Gender-based analysis” is one tool to help assess the impact of government policies on women. This analysis is a significant part of the process to be applied to the goal of achieving substantive equality for women. Gender-based analysis assesses the implications for women of planned action, including legislation, policies and programs. It is a strategy for making women’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of government strategies in all political, economic and societal spheres. Gender-based analysis recognizes that all women are not the same. As a result, it examines the impact of policies and programs on diverse groups of women.

It is important to underline that while gender-based analysis is a significant means to achieve substantive equality, it is only a tool and not the final outcome. What matters is reaching the outcome. The Panel draws attention to this point because there must be a real connection between the means of analysis and the impact of specific government actions.

In making this observation, the Panel supports the view expressed in the second report of the Standing Committee on the Status of Women that gender-based analysis needs to be more than a purely technocratic exercise internal to government. For gender-based analysis to have the most demonstrably positive influence on any potential policy’s outcome, non-governmental organizations need to be involved thoroughly in the process.

ACCOUNTABILITY



The Panel was very cognizant that accountability mechanisms in government are part of an overall system that is working towards achievement of an outcome. We have, therefore, defined accountability for purposes of our study as the “obligation to demonstrate and take responsibility in light of agreed expectations.” In this context, accountability mechanisms – as articulated in legislative or administrative frameworks – become a tangible process or instrument to make clear how a particular goal is being achieved.

The words “accountability” and “accountability mechanisms” are a part of the very public discussion about governance issues. Corporate executives are seeking to reassure shareholders and regulators that they are creating value and acting ethically. Public sector entities and elected officials are looking to give greater assurance to citizens that public money is well spent and that decision-making is transparent. The Panel’s concerns went beyond expending resources ethically, transparently and prudently. Our goal is to have “accountability” used to move forward the societal objective of achieving substantive equality for women.

We appreciate that effecting major societal change is complex and that the role of government is only one factor among many. Ultimately, citizens decide how they want their governments to promote change by the kinds of government they elect.

We assume that governmental accountability mechanisms can only be effective within an environment that starts with the strong political will to achieve defined outcomes. This political will must then be supported by the allocation of adequate human and financial resources to the legislative and administrative frameworks to be established. Finally, we believe that having women from diverse backgrounds in decision-making positions and ensuring the active involvement of civil society are essential to success.

EQUALITY



The phrase “strengthening gender equality” means acting to achieve substantive equality for women. “Gender equality” means that women have the conditions for realizing their full human rights and potential to contribute to national political, economic, social and cultural development, and to benefit from the results.

In the past, it was believed that equality could be achieved by giving women the same opportunities as men, on the assumption that this would bring sameness of results. However, same treatment, also referred to as formal equality, was found not necessarily to yield the expected results.

Today, the concept of equality acknowledges that different treatment of women and men may sometimes be required to achieve comparable results, given their similarities and differences, and their varying histories, roles and life conditions. It is this notion of substantive equality, equality in the results, that is embedded in the *Canadian Charter of Rights and Freedoms*.

The Panel notes that achievement of substantive equality for women must reflect not just the differences between men and women but the different situations in which different groups of women live and the interaction of different forms of discrimination. This is sometimes referred to as “intersectionality.” In any specific context, equality for immigrant women may have very different meaning from equality for women with disabilities or for Inuit women in a small, northern community. Making sure we define and set the appropriate outcomes, and demonstrate and measure real-life impacts are important aspects of promoting and achieving major progress. This emphasis on setting the right priorities and applying gender-based analysis wisely and well is reflected throughout the conclusions and recommendations of the Expert Panel.

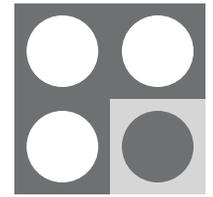
**THE “BOTTOM LINE” IS
EQUALITY FOR WOMEN**



The contemporary use of the phrases “gender-based analysis” and “gender equality” flows from the Third United Nations World Conference on Women, which took place in Nairobi in 1985. The phrases had gained widespread acceptance by the time of their adoption in the *Beijing Platform for Action* 10 years ago, at the Fourth United Nations World Conference on Women. In adopting the *Beijing Platform for Action*, governments from around the world committed themselves to effective integration of a gender perspective throughout their operations, policies, planning and decision-making.

In Canada, the federal government has put in place two five-year plans for achieving equality for women: the *Federal Plan for Gender Equality* (1995-2000) and the *Agenda for Gender Equality* (2000-2005). Gender-based analysis was a key component of both plans. Annex A explains the genesis of the phrases in use around the globe (“gender-based analysis,” “gender equality” and “gender mainstreaming”).

During our consultations, it became obvious that use of the word “gender” rather than “women” gave many people the impression that women had somehow achieved equality in Canada. This was a recurring theme in our discussions and it is, therefore, one we take seriously. The simple reality in Canada is that, while women have made enormous strides towards equality, the job is not yet finished. The members of this Panel understand the need for clear, consistent language in discussing international obligations. We also want readers of this report to understand that what we are really talking about is analyzing how government policies, program and actions affect women. We are working to ensure that those policies, programs and actions promote substantive equality for women.



Equality for Women in Canada: Where Do We Stand Today?

Through much of the 20th Century, the movement towards equality for women in Canada was primarily a struggle for basic human rights. Major milestones included: securing the right to vote; winning the historic legal case on the right to be considered “persons”; inclusion of equality provisions in the *Canadian Charter of Rights and Freedoms*; ratification of international agreements such as the *Convention on the Elimination of all Forms of Discrimination against Women*; and the right to equal pay for work of equal value.

There is no doubt that there has been enormous progress in achieving the notion of equality as a basic human right for Canadian women. There is also no doubt that the determination to achieve equality for Canadian women is shared by countless numbers of Canadian men. Young women now outnumber young men in our institutions of higher learning. Millions of women have become entrepreneurs. There has been a dramatic increase in women’s labour force participation. There has been a major drop in poverty among senior women. Countless women have taken chances and had opportunities never dreamt of by their mothers or grandmothers.

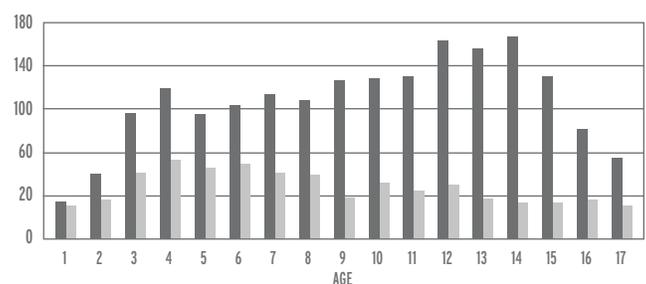
There is, however, a very real danger that this progress has led many people to think that we have truly achieved equality for women in Canada. Much as we would like it to be so, it is simply not the case. In 2005, only one in every five Members of Parliament is a woman. The same holds true, in general, across the legislatures of the provinces and territories. Girls are the victims of more than four out of five cases of sexual assault on minors. Four out of five one-parent families are headed by women. The employment income gap between male and female university graduates who work full time has widened. Women working full time still earn only 71 cents

for every dollar that men make. Women do the large majority of unpaid work in Canada.

The charts on the accompanying pages are not meant to be comprehensive. Rather, they are intended to help illustrate the contemporary facts about equality for women. They show both areas of success and areas where we have not yet succeeded.

VIOLENCE

Rates of Family-related
Sexual Assault / Rate per
100 000 females and males



Girls are more likely to be victims of sexual assault perpetrated by a family member than boys.

SOURCE: Statistics Canada, *Family Violence in Canada: A Statistical Profile, 2005*

In looking at the graphs, a striking fact emerges: the major achievements in human rights for women have not always translated into major achievements in real life (ANNEX B). Women may have the constitutional right to equality, but that is not the same as being able to exercise that right. Recognition of the constitutional right to equality for women is essential but not sufficient. The most important issue is no longer one of recognizing rights but of bringing about change to social reality, economic reality and cultural reality.

Women have made extraordinary strides in some professions. There are many other professions, however, where men still dominate, even though women have the equal right to study for that profession. In government and in the corporate world, there has been some progress in the upper echelons but this is not the time for resting on laurels. The same may be said of the sharing of “unpaid work” in modern Canadian society. The cultural and societal norms are changing but not rapidly enough.

CORPORATE OFFICERS AND COMPANY HEADS

Percentage of Women and Men Corporate Officers and Top Earners in Canada

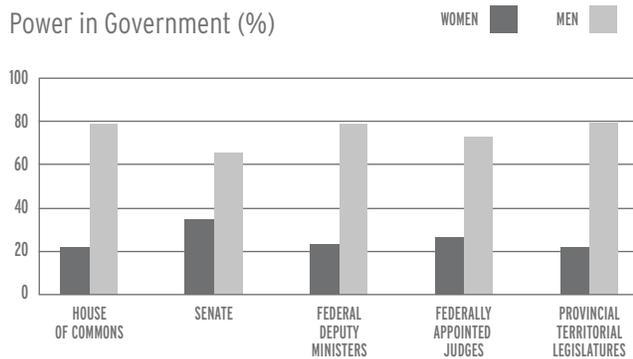


Women's representation in corporate leadership in Canada is extremely low.

SOURCE: Catalyst, *Census of Women Corporate Officers and Top Earners of Canada, 2004*
 NOTE: Findings based on companies ranked in the *National Post's* Financial Post 500 List (FP500)

WOMEN IN POSITIONS OF POLITICAL POWER

Distribution of Positions of Power in Government (%)

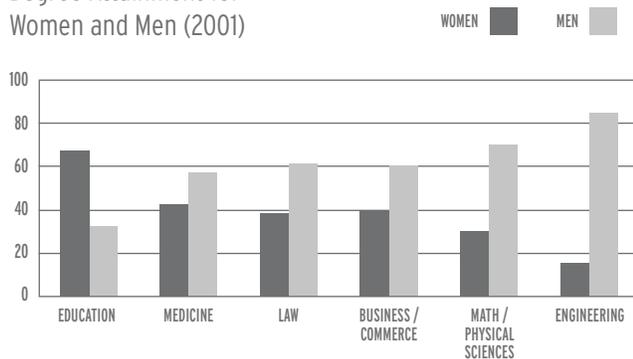


Women are still heavily under-represented in positions of power within federal, provincial and territorial governments.

SOURCE: Statistics Canada, *Women and Men in Canada, 2003*

EDUCATIONAL ATTAINMENT

Degree Attainment for Women and Men (2001)

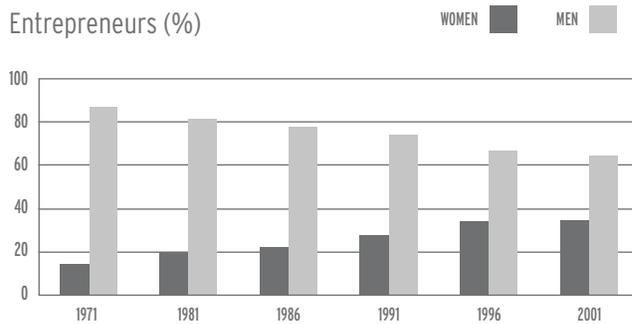


Women are under-represented in mathematical/physical sciences and engineering enrolment.

SOURCE: Statistics Canada, *Census of Canada, 2001*

SELF-EMPLOYMENT / ENTREPRENEURS

Women and Men Entrepreneurs (%)

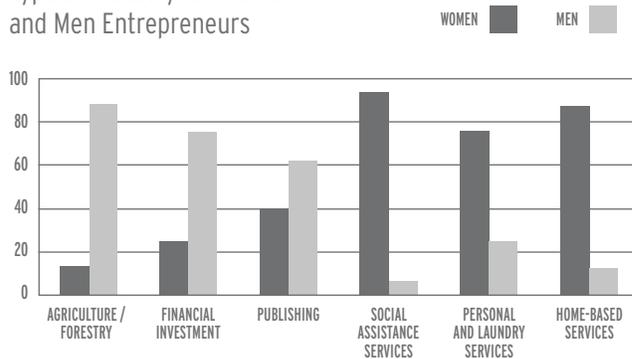


In the last 30 years, women have made strides in self-employment.

SOURCE: Statistics Canada, *Census of Canada, 1971-2001*

TYPE OF INDUSTRY FOR ENTREPRENEURS

Type of Industry for Women and Men Entrepreneurs

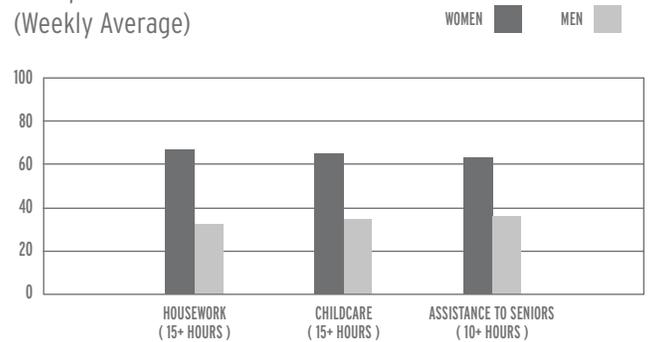


Women entrepreneurs are over-represented in personal and social service industries.

SOURCE: Statistics Canada, *Census of Canada, 2001*

UNPAID WORK

Distribution (%) of Unpaid Work (Weekly Average)



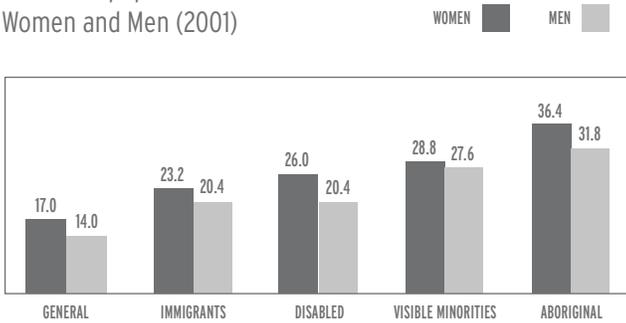
The vast majority of unpaid work is still done by women.

SOURCE: Statistics Canada, *Census of Canada, 2001*

There is the even more striking case of those groups of women for whom economic equality remains a sadly elusive goal. This situational inequality should trouble all Canadians of good conscience. The matter was highlighted for further work when Canada appeared before the United Nations Committee on the Elimination of Discrimination against Women in 2003. The most recent figures show that 38 percent of Aboriginal women live in low-income situations. So, too, do 35 percent of lone mothers and 27 percent of immigrant women. Immigrant women working full time earn 58 cents for every dollar earned by Canadian-born men. There is a much higher risk of poverty for women heading lone-parent families, immigrant women, senior women living alone and women with disabilities. Aboriginal women face higher rates of poverty, unemployment and poor housing than other Canadians.

INCOME

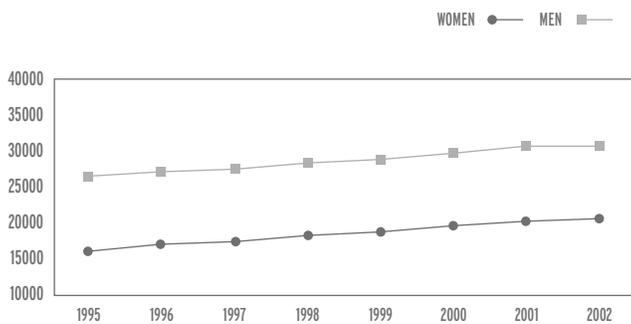
Low-income (%) status of certain populations of Women and Men (2001)



Women who are immigrants, disabled, a member of a visible minority or Aboriginal are more likely to live in poverty than men.

SOURCE: Statistics Canada, *Census of Canada, 2001* NOTE: Based on Low Income Cut-Offs (LICOs). LICOs estimate the income level at which a family is in difficult financial circumstances because it has to spend a greater portion of its income on the basics (food, clothing and shelter) than does the average family of similar size. The LICOs vary by family size and by size of community.

AFTER TAX INCOME

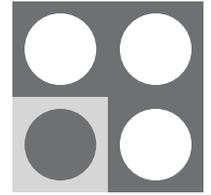


Women's income is gradually increasing but the gap between women and men remains the same.

SOURCE: Statistics Canada, *Labour Force Survey, 2002* and *Survey of Labour and Income Dynamics, 2002*.

Clearly, the focus of ongoing work should acknowledge the fact that having the right to equality is not the same as having the power or the capacity to exercise that right. Much of the work before this Panel, much of the work before the Government of Canada and much of the work before all of us in our society is to find the means to empower all Canadian women to turn their constitutional right to equality into the daily reality of equality.

Consideration of the situation of women in Canada in the first decade of the 21st Century needs to be set in the context of the global fight for equality for women. There are powerful forces at play in the world that would deny full equality for women. In the decades ahead, it is important that Canada argue from the moral high ground at home if we are to assist in advancing equality for women internationally.



How We Worked

The Panel members were committed to undertaking, completing and reporting on their work in less than three months. The Panel's work is built on the foundation provided by both the Standing Committee on the Status of Women and the witnesses who appeared before the Committee.

Our approach meant drawing upon domestic and international research. We asked in practical terms: What works? What doesn't work? We paid close attention to those with first-hand experience with gender-based analysis. We sought the pragmatic wisdom of those who have been at the forefront of efforts to secure substantive equality for women and girls. The Panel asked Canadian interviewees about their perceptions of existing accountability mechanisms for gender equality and other horizontal initiatives by government.

To understand the potential of various accountability mechanisms, the Panel considered national and international examples. In doing so, we examined methods by which Parliament and the Government of Canada have attempted to bring both public transparency and effective results to a number of key public policies.

The Panel's goal was not to recreate the structures for gender-based analysis or systems of accountability for public servants. Rather, we gave careful scrutiny to the current administrative structures for gender-based analysis in the Government of Canada (ANNEX C). We also studied the Government's modern management agenda including the Treasury

Board Secretariat's Management Accountability Framework; Management, Reporting and Results Structure; and Expenditure Management Information System. The Expert Panel's conclusions and recommendations include considerable analysis of these measures for facilitating management processes across government (an overview of gender-based analysis and the modern management initiatives may be found at ANNEX D).

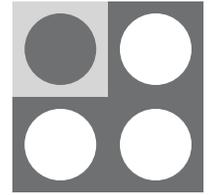
The Panel examined the key elements of domestic legislation aimed at encouraging significant societal change. This included the various approaches to addressing official languages, human rights, employment equity, multiculturalism and environmental assessment (ANNEX E). The Panel's conclusions and recommendations regarding legislation are drawn from these Canadian precedents.

The Panel considered information on gender-based analysis, legislation, policies and practices from Australia, Brazil, Costa Rica, Denmark, Finland, France, Germany, Ghana, Iceland, India, Ireland, Korea, the Netherlands, New Zealand, Norway, the Philippines, Rwanda, South Africa, Sweden, the United Kingdom and the European Union.

Helpful information was also obtained from publications of the Organization for Economic Cooperation and Development, the World Bank, the Commonwealth Secretariat, the United Nations and other international bodies.

In our international discussions, the Panel asked for a candid assessment of the successes and failures of accountability mechanisms for gender equality in various countries. We also asked about the current status and possible options for both administrative and legislative solutions to achieving equality for women (ANNEX E). The perspectives derived from various countries are reflected in the Panel's conclusions and recommendations, which nonetheless acknowledge that Canadian solutions require unique Canadian perspectives.

We kept ourselves informed of Status of Women Canada's recent cross-country public consultations on strengthening the Agency, developing gender equality indicators, building ongoing citizen engagement and redesigning the Women's Program. The Panel had the opportunity to meet with those attending the final, national consultation in Ottawa. We also had the opportunity to meet with the Standing Committee on the Status of Women and the caucuses of the various political parties represented in the House of Commons. These meetings were extremely useful and informed the Panel's recommendations regarding the involvement of civil society in government efforts to achieve substantive equality for women. The same meetings also proved critical to the Panel's deliberations on whether to recommend legislative as well as administrative action.



An Overview of What We Learned

THE CANADIAN SCENE



The Royal Commission on the Status of Women was established by the Government of Canada in 1967, Canada's 100th birthday, after successful lobbying by 32 volunteer-run women's organizations representing two million women. The Royal Commission's landmark report made 167 recommendations. The Commission's historic work on systemic discrimination and on how the machinery of government could better represent women's interests provided the direction for much of the progress in the ensuing decades.

What this Panel learned in our work is the need for the continuing push for changes that would bring the Royal Commission's advocacy of equality for women ever closer to fulfilment. Serious challenges remain as Canada approaches its 140th birthday.

In 1999, Status of Women Canada established its Gender-based Analysis Directorate. The Directorate has developed a six-point strategy consisting of: training; tool development; policy case studies; research, information and education promotion;

evaluation and accountability; and coordination. This work is held in high regard internationally and is used in other countries as a model for advancing gender-based analysis.

In our country, some federal departments have taken the initiative to create their own training packages and infrastructure. Such efforts can include departmental statements on gender-based analysis, integration of gender-based analysis in strategic and operational plans, and establishment of departmental gender focal points or networks of gender specialists. For example, Citizenship and Immigration Canada became the first department to have accountability for gender-based analysis entrenched in law. This law requires the department to report annually to Parliament. The Canadian International Development Agency has a comprehensive non-legislative approach to gender-based analysis, one it uses with success in its development work around the globe.

The Panel notes the irony that while Canada's immigration and foreign aid policies derive strength from gender-based analysis, there is no comparative action across the domestic policies of the Government of Canada.

Questions also remain about the degree to which gender is considered relevant in the key policy and decision-making processes of departments and central agencies. There are some indications that human and financial resources are inadequate to conduct analyses, define outcomes and assess results. In its Second Report, the Standing Committee on the Status of Women recommended that the Government be obliged to demonstrate not only a high level of support and activity, but also clear successes for gender-based analysis and equality for women.

A number of themes struck familiar chords in the Panel's discussions and review of materials:

- the need for strong leadership from elected leaders and top public servants, which would include the setting of priorities for gender-based analysis in the Speech from the Throne;
- the need for the Government's activities and actions to be more focused in order to achieve substantive equality;
- the importance of integrating the goal of equality for women into the Treasury Board Secretariat's systems of management accountability;
- the lack of understanding within the Government about the value of gender-based analysis, and the lack of substantive results to date;
- the need for those inside government to seek advice on an ongoing basis from experts outside government, consistent with the Government's approach on the Voluntary Sector Initiative (ANNEX F);
- the capacity of non-government organizations to engage fully is hampered by insufficient funding;
- the need to focus more on the inequality of immigrant women, Aboriginal women, lone-parent women, seniors living alone, visible minority women and women with disabilities; and
- the need to strengthen the role of Status of Women Canada.

The Panel heard spirited calls for new legislation to help achieve substantive equality for women. These views were strongly and repeatedly expressed by members of the Standing Committee on the Status of Women, the vast majority of women Members of Parliament and a wide range of representatives of women's groups. It was not so much the specifics of any possible law that drew the strong comments as it was the deeply held view that non-legislative efforts had not worked to date, and that a law would bring a far higher degree of permanence of action, accountability and results. The sense of frustration ran extremely deep on this issue.

A number of public policy experts expressed a cautionary view that passing a new law to require the Government to meet its Charter obligations would elicit calls for new legislation on every right guaranteed by the Charter. They also expressed concern that legislative action might result in the mandatory establishment of new structures or agencies without necessarily achieving the desired results for women.

In its consideration of Canadian laws aimed at encouraging significant societal change (ANNEX G), the Panel talked with knowledgeable people inside and outside government about how to ensure that legislation has the desired impact. We asked about the importance of structures, different mechanisms for compliance and the varying means by which relevant Canadian precedents have most effectively achieved their stated goals.

The Panel learned that public reporting is often good but it can sometimes become simply mechanistic. It was obvious to the Panel that the more clearly intended outcomes are defined in the legislation, the more successful are the actual results. It was evident that appropriate methods of auditing and evaluation have to be incorporated in the legislation. Effective follow-up and examination of the real-life impacts of the legislation, whether through a complaints procedure, third party research or both, are also needed.

A key observation is that all of the pieces of legislation it examined required some degree of experimentation in their initial application, followed by Parliamentary review and necessary legislative refinement.

In sum, for legislation aimed at fostering societal change in Canada, experience shows that there is a learning curve on how to make the law work most effectively. This reality should be reflected in the design of the legislation.

THE INTERNATIONAL SCENE

Canada ranks fifth in the world on the 2005 United Nations Human Development Index. Our rank drops to tenth, however, on the 2005 United Nations Gender Empowerment Measure... behind Norway, Denmark, Sweden, Iceland, Finland, Belgium, Australia, the Netherlands and Germany.

The Panel attempted, within the limited time available, to identify the key issues and understand the reality of the challenges that countries face in introducing, managing and sustaining accountability mechanisms on gender equality outcomes. The information in ANNEX E was obtained in “off the record” discussions with representatives of national governments, policy institutions, multi-lateral organizations and civil society organizations. It reflects the opinions, concerns and lessons learned of those who co-operated.

Countries were chosen for a variety of reasons:

- their consistently high standing in the Human Development Index (Norway and Sweden);
- use of interesting mechanisms for monitoring accountability (the Netherlands);
- introduction of gender budgeting (India and South Africa);
- experience of federal systems (Australia, South Africa and India);
- introduction of legislation that requires public servants to promote gender equality and undertake gender mainstreaming initiatives (the United Kingdom);
- a long-standing history of strong leadership and innovative approaches (Australia, New Zealand and the Philippines); and
- a dramatic increase in women’s participation in decision-making (Brazil, Costa Rica, Ghana and Rwanda).

Multilateral organizations such as the United Nations, the European Union, the World Bank and the Commonwealth Secretariat offered their perspectives on which countries had the best accountability mechanisms. We discovered much that was fascinating. We have, however, restricted ourselves in this report to the issues of accountability.

There is an array of approaches taken by governments and legislatures as they aspire to move towards full equality for women in their respective countries.

A synthesis of the different approaches includes:

- reliance on strong political will;
- encouragement of women’s organizations to monitor and report on government activities;
- having have an ombudsperson receive and reply to complaints on women’s equality issues;
- creating a council for gender equality;
- passing legislation requiring public servants to work actively for equality for women;
- holding regular, formal meetings of Deputy Ministers to discuss equality for women and their own departmental plans and actions;
- introducing a gender equality act;
- developing benchmarks or indicators;
- expanding the scope of public and voluntary/academic/private sector partners; and
- introducing strong audit and enforcement measures.

It should be noted that the European Union is obliging member states to make provisions for gender equality laws. Such equality measures are now a requirement of entry to the European Union.

To ensure implementation and accountability on gender equality measures, the Commonwealth Ministers, including Canada, agreed to a Gender Management System (GMS) in 1995. The components of GMS (represented below) point to the complicated web of accountability and responsibility necessary for ensuring that gender equality becomes a reality for member states and for the women of the Commonwealth.

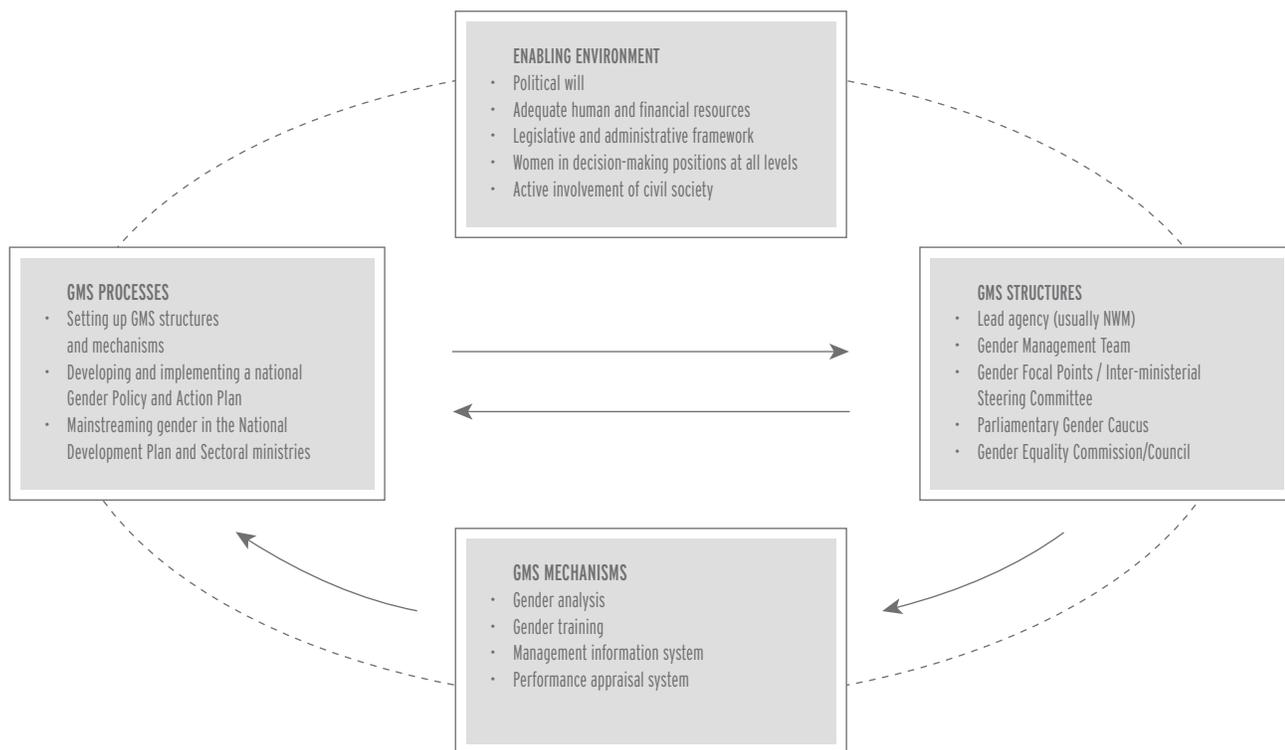
Support for gender equality issues is rarely high on the list of priorities for policy makers, be they in

federal or unitary states. Those countries that have invested in nurturing and strengthening women’s organizations feel that the organizations then form an accountability mechanism that sustains issues and keeps them visible to politicians and the electorate alike. A strong and vibrant women’s movement supported by the state is a necessary prerequisite for an effective accountability system.

Despite repeated calls since 1975, International Women’s Year, lack of political will and leadership remain the most serious impediments to the achievement of equality for women. Many countries have faced cutbacks in staff; resources for gender equality in most remain under-funded. National women’s machinery and women’s organizations find the requirements for compliance, periodic reports on

THE GENDER MANAGEMENT SYSTEM

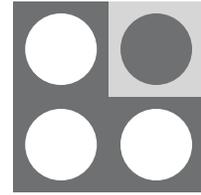
SOURCE: Commonwealth Secretariat (1999).



the *Convention on the Elimination of all Forms of Discrimination against Women*, and the regular reporting to the United Nations Commission on the Status of Women a necessary external push for accountability on gender equality goals.

To be effective, accountability has to be vested at a high level in government. National action plans with indicators against which gender equality outcomes can be judged have particular merit. Legislation that provides for promotion of gender equality issues, requirements for gender mainstreaming, and compliance and complaints mechanisms have been effective in moving countries closer to their equality goals.

Of particular interest, the Panel found that more than 40 countries around the world are establishing gender-based analyses of national budgets. They may be called “women’s budgets,” “gender budgets” or “gender-responsive budgets” but the overall goals are similar – to ensure that the design of a country’s annual budget takes into account, in a significant way, the impact of proposed measures on achieving equality for women and girls. Among the countries fully engaged on such a path are Australia, India and South Africa. Underpinning all of this work is an appreciation for the macro-economic policies that can contribute substantially to improving the incomes, health, education and living standards of women (ANNEX H).



Conclusions and Recommendations

Consistent action in affirming and securing substantive equality for women lies at the heart of what it means to be Canadian. Such action speaks to who we are, what we aspire to be and what we cherish. It is in that spirit that this Panel has carried out its work. The Panel recommends that the Government of Canada pursue a two-fold approach both to ensuring the use of gender-based analysis and to achieving the goal of substantive equality for women in Canada. In the immediate term, we recommend taking administrative actions and key policy decisions. In the medium term, we recommend adopting legislation.

ACTING NOW – MANAGEMENT AND POLICY LEADERSHIP



The members of the Panel believe there are a number of areas where immediate action could and should be taken.

1 – Apply gender-based analysis wisely and apply it well. The Speech from the Throne should make clear the overarching policy priorities and key departments that most call out for gender-based analysis.

The Government of Canada should demonstrate political will and leadership by carrying through on its international and national commitments to advance equality for women, including implementing gender mainstreaming and using gender-based analysis. It is important to bring greater focus to analysing the impact of policies, programs, actions and delivery of services in moving towards substantive equality for women. It is key to apply that focus from concept of an idea all the way through ongoing implementation. What is equally vital is to remember that gender-based analysis is a tool and the ultimate determinant of a program or

policy must be its outcome in helping to achieve substantive equality for women in Canada.

The Panel believes, however, that it would be wrong to undertake immediately a gender-based analysis of every policy and every program. The simple reality is that gender-based analysis is still little understood by either public servants or the public at large. Making the process work will take time. In the Panel's view, the most judicious course both for achieving the maximum results and illustrating the great potential of gender-based analysis is to focus on a few "big ticket" items. Thus, the Panel advises the Government to consider its key leverage points and spend energy on making the most of the results flowing from those points.

The Panel wishes to underscore in the most forceful way possible the role to be played by the Prime Minister, the Cabinet and the Privy Council Office in setting the direction for achieving equality for women. Major advances will only occur with strong leadership from the top. The policies and departments to which intensive gender-based analyses will be applied must be chosen from the overall priorities of the Government of the day. The Minister responsible for Status of Women should work with

relevant Ministers to advance priorities for gender-based analysis for potential inclusion in the Speech from the Throne. We recommend that the Speech from the Throne make clear those policy and program priorities. In each area designated in the Speech from the Throne, a Minister with the lead on a chosen priority would be responsible for achieving the desired outcome.

Without precluding Cabinet choices, the Panel believes that initial gender-based analyses could well be undertaken on horizontal initiatives involving a number of departments (for example, poverty among Aboriginal women, poverty and settlement issues among immigrant women, the productivity agenda and women, or violence against women). Additionally, with its emphasis on service delivery excellence, the newly created Service Canada could demonstrate leadership in sensitivity to differences between women and men in the way it relates to citizens.

The Panel is clear that any department required to undertake gender-based analysis requires the additional monetary and human resources to make the process work. This goes with the precept that if we expect a government body to accept responsibility for an initiative, we must ensure that it has the capacity to fulfil the initiative.

2 – Let the Minister of Finance set the example.

In their day-to-day lives, Canadians have neither the time nor the inclination to concern themselves with the organizational issues or specific management practices of the Government of Canada. However, Canadians do understand and do pay attention when the Minister of Finance delivers the Federal Budget.

As indicated in this report, many countries at many different stages of economic development have adopted various types of “gender budgets” (ANNEX H).

Such budgets aim to produce a tangible connection between a government’s commitment to equality for women and national budgetary commitments. As a country’s budget reflects the highest level of political will and the socio-economic development policies of its government, integrating gender-based analysis into budgetary processes is a critical step towards equality for women.

The Panel believes that Canada’s Minister of Finance has a unique opportunity to show real initiative on this matter. Drawing from the international lessons, the Minister of Finance could apply gender-based analysis rigorously to one key area of the 2006 Budget. An initial area might be tax policy or an equivalent area the Minister considers appropriate. Such a forward step would energize other efforts to achieve equality for women in Canada. Even more significantly, such action by the Minister of Finance is critical to making women more economically equal and could have a very positive impact on the quality of women’s lives.

3 – Integrate achievement of equality for women into the accountability mechanisms of the modern management initiatives being pursued across the federal government, under the leadership of the President of the Treasury Board.

Delivering on a management agenda to make the public sector more vibrant, modern, efficient, transparent and effective is the cornerstone work of the President of the Treasury Board.

The Treasury Board Secretariat is acting to: improve service delivery to meet the evolving needs, expectations and priorities of Canadians; enhance governance, accountability and performance expectations; provide new tools to measure results more effectively; and improve alignment of resources with priorities. To build a more accountable, responsive and innovative government, the Treasury Board Secretariat has

established a comprehensive accountability regime – the Management Accountability Framework (ANNEX D). Departments are required to demonstrate their satisfactory performance against 40 indicators and 150 measures of management practice.

It should be noted that the Treasury Board Secretariat facilitates management processes across government. Departments and agencies themselves must act on the substantive work of the Government and report back to the Treasury Board Secretariat on the outcomes. The President of the Treasury Board will then be in a position to report to Parliament and the Canadian public.

As part of its continuous improvement of management in the Government of Canada, the Treasury Board Secretariat is simplifying and streamlining its management policies to set out what is expected of Ministers and Deputy Ministers. Again, it should be noted that the Treasury Board Secretariat is the facilitator of action; it is up to Ministers and Deputy Ministers to carry through on the requisite measures.

The Panel is delighted at the coincident timing of these major reforms of public service management and our report on the need for the Government to act more effectively to achieve equality for Canadian women.

The Panel is of the view that understanding the impact of Government decisions upon women should be a Government priority, facilitated by Treasury Board accountability mechanisms. That view is premised on the Government's commitment to meet the needs and serve the values of Canadians. The accountability mechanisms to be utilized could include: the Management Accountability Framework; the Management, Reporting and Results Structure; and the Expenditure Management Information System (ANNEX D).

Particular areas for early attention under the accountability mechanisms would be those departments designated for action on gender equality outcomes, gender-based analysis, reporting and monitoring in the Speech from the Throne. Treasury Board Secretariat assessment of the gender-based analysis policy capacity and service and delivery results of such departments should inform the Treasury Board assessment of departmental performance.

It is up to the Prime Minister, the Cabinet and the Privy Council Office to set out the Speech from the Throne and the overarching policy framework from which Treasury Board receives the direction for its management goals. If Treasury Board is to play a vital facilitation role, as this Panel believes it should, then the call to play that role must come from above. The Panel recommends that the Cabinet, acting through the President of the Treasury Board, make the management processes and tools for achievement of equality for women one of the critical outcomes pursued by the federal government's modern management initiatives.

4 – Ensure that engagement with non-governmental organizations is an important and ongoing part of the Government's efforts to achieve equality for women.

A vibrant democracy must be supported by a strong civil society. This vital point is underscored by the Government's repeated assertions of its determination to foster greater citizen engagement in the public life of the country. For Ministers or departments to make the most of their work to achieve substantive equality for women, it is important to engage a wide range of women's groups and individuals in the policy process. The Panel has concluded that such consultations should include a similarly wide range of groups and approaches as were addressed by the Government in the Voluntary Sector Initiative, and the corollary *An Accord between*

the Government of Canada and the Voluntary Sector, A Code of Good Practice on Policy Dialogue and A Code of Good Practice on Funding (ANNEX F, <http://www.vsi-isbc.ca/eng/relationship/accord.cfm>).

There is much to be gained from listening to the many and diverse women's and other equality-seeking organizations, ranging from advocacy groups to professional organizations, from ethnocultural communities to educators and entrepreneurs. All of these organizations can provide useful advice. Some of the groups, however, clearly need resources in order to contribute. It is an important part of the work towards equality for women to provide that funding; otherwise, the voices of those most in need of positive action will not be properly heard.

5 – Inside the federal government, demonstrate both strong contemporary leadership and the fostering of a sustained public service commitment to equality for women.

Throughout its review of materials and by listening to a variety of people inside and outside government, the Panel concluded, as did the Standing Committee on the Status of Women, that far too many people believe equality for women is a “done deal.” As we have made clear, the securing of fundamental rights for women is one thing, having the power to exercise those rights is quite another. While large numbers of Canadian women have made progress, there remains much work to be done and significant groups of women lag much further behind than any of us would consider acceptable in Canada in the first decade of the 21st Century.

Many people, including women from all four political parties represented in the House of Commons, are working to put the public spotlight back on the reality that Canadian women have still not achieved substantive equality. The Panel wishes to note the frequency of that refrain from those seek-

ing to achieve such equality. While elected officials have told the Panel that equality for women must be a political priority, the perception among many public servants is that this is not the case. We have heard public servants say that once they are told that equality for women is a priority, they will treat it as such.

5. i) The job is not done. Political leaders must lead.

It is imperative that elected leaders provide the necessary, crystal-clear direction. For their part, the Privy Council Office and Deputy Ministers, when they implement Ministers' directions, have the opportunity and the responsibility to promote a public service culture wherein sensitivity to equality for women is a part of policy development and program delivery.

5. ii) The strengthening of human resources management is important.

The Public Service Human Resources Management Agency is already heavily engaged in encouraging departments to hire people from diverse backgrounds. We believe the Agency must play a further, constructive role in assisting the Privy Council Office and Deputy Ministers to carry out the responsibilities set out above. Ensuring a critical mass of women of diverse backgrounds in decision-making positions is an integral part of achieving equality for women. The Agency should, thus, ensure that the hiring of women becomes an important part of its focus on promoting a diverse public service.

5. iii) The Canada School of Public Service has a valuable role to play.

We have noted, and been encouraged by, the announcement by the President of the Treasury Board of monies for revamping the curriculum of the Canadian School of Public Service. Officials

should take this opportunity to build into the School's general management and executive training programs awareness of the issues affecting equality for women and the tools that can be used to help achieve that equality. The timing is excellent for ensuring that good, gender-based analysis curriculum material is introduced in courses related to policy development, program design and service delivery.

5. iv) The Government must consider the most relevant role for Status of Women Canada.

It is obvious that Status of Women Canada has significant ongoing responsibilities. The Panel is fully aware of Status of Women Canada's recent cross-Canada consultations on strengthening the Agency, developing gender equality indicators, building ongoing citizen engagement and redesigning the Women's Program. In light of the Panel's work, we believe that Status of Women Canada must be enabled to play the most relevant role in fulfilling the recommendations of this report, including the Agency's capacity to work inside and outside government.

6 – The Standing Committee on the Status of Women has a powerful, ongoing role of leadership and oversight.

It is Members of Parliament who, acting in unanimity, have created the catalyst for putting new vigour into Canada's national and international commitments to achieving equality for women and implementing gender-based analysis inside the federal government. The second report of the Standing Committee is the bedrock of this Panel's work. The Panel members have had productive meetings both with the Standing Committee and with the Women's Parliamentary Caucuses of the various political parties. We are of the firm belief that Parliamentarians not only have the sovereign right to lead on the issue of equality for women, but have already demonstrated their enthusiastic

willingness to do so. We recommend that the Standing Committee continue its cutting-edge work by reviewing the policies, programs and appropriate Main Estimates of the departments identified for early action on gender-based analysis. The Panel recommends that Members of Parliament on the Standing Committee, acting within their own wisdom, remain champions of gender-based analysis and play a large role in setting both appropriate policy directions and exercising stewardship over the accountability of the relevant departments for the outcomes achieved.

ACTING IN THE MEDIUM TERM – LEGISLATION



Government is very complex and we have to start by working within the existing framework. Turning a large boat around takes time. That is why the Panel is keen to see the foregoing recommendations implemented as soon as possible; the more quickly we act, the more quickly we can make progress.

The Panel is convinced that such administrative solutions are necessary but not sufficient to achieve equality for women in Canada. The second stage of action must be legislative. There are a number of powerful reasons for this conclusion.

There are pragmatic limitations to reliance solely upon administrative actions and day-to-day policy decisions. Administrative decisions are subject to change. Policies wax and wane with successor governments or new Ministers. Today's program priorities lose out to tomorrow's pressing needs or legislative imperatives.

More importantly, as indicated throughout this document, while the situation for many women in Canada has improved since the 1970 *Report of the Royal Commission on the Status of Women* and the 1995 *Beijing Platform for Action*, much remains to be

accomplished in a field of such exceptional economic, political, cultural and social importance as equality for women. Legislation could raise the visibility and promote sustainability of this fundamental undertaking of Canada and Canadians.

Non-legislated administrative mechanisms have led to some results. The use of gender-based analysis has, however, not proven an important, in-depth consideration in policy development, program design or service delivery across most of the federal government. What is especially significant is that this lack of success occurs despite strong and repeated commitments over a decade to implement gender mainstreaming and utilize gender-based analysis. These commitments flow directly from an agreement made by nations around the globe, and from two follow-up five-year plans by the Government of Canada.

There is tremendous value in addressing legislatively the Government of Canada's determination to ensure that its own actions advance equality for women. Most Canadians undoubtedly think that the guarantees provided by the *Canadian Charter of Rights and Freedoms*, our country's human rights legislation and our international commitments (under the *Convention on the Elimination of all Forms of Discrimination against Women*, among others) are sufficient to ensure equality for women. The reality is that those legal precepts need to be advanced further by more specific legal obligations.

The Government relies on existing Canadian laws and mechanisms to apply the *Convention on the Elimination of all Forms of Discrimination against Women* rather than on a specific law. The Panel believes that a law specifically addressing equality for women could make the strong, positive assertion that Canada is determined to uphold its international obligations to advance equality for women. It would indicate an active rather than a passive response to

a matter of such overwhelming significance to our culture's values. The Panel noted with interest that the Standing Senate Committee on Human Rights has reached a similar conclusion about the role of legislation with respect to implementing Canada's obligations regarding the rights of children (*Who's in Charge Here?: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, November 2005). We also were interested by the Committee's consideration of a greater role for Parliament in the monitoring of Canada's international human rights obligations. The Senate Committee's report also echoed the concerns we heard from women's organizations about the role of the provinces and territories.

The Charter imposes an obligation on governments in Canada to respect equality for women. It does not, however, set out precise ways in which governments may act to achieve those ends. As most Canadians well understand, using the courts to force a government to respect the Charter can be a long, difficult and expensive process. A new law could approach the matter in a forward-thinking, co-operative manner that posits what the Government of Canada can and will do to uphold the Charter. A debate on a new law on equality for women would allow Parliament to determine the most effective means for the federal government to structure its own actions in a positive fashion. The Panel believes that Parliament should consider a new law that would give Sections 15 and 28 of the Charter tangible and permanent meaning in the administrative practices and policy decisions of the Government of Canada.

With the complexity of the issues and the challenges facing different groups of women in the country, we do not believe that a single law is the only answer. But we do believe that it would be a truly significant step forward.

The Panel has carefully considered the rules for drafting new federal legislation. Members have taken note of the *Cabinet Directive on Law-Making* and of the *Guide to Making Federal Acts and Regulations*, issued by the Privy Council, which states:

Making a new law, whether by obtaining Parliament's assent to a Bill or by making regulations, is just one of several ways of achieving governmental policy objectives. Others include agreements and guidelines or, more generally, programs for providing services, benefits, or information. In addition, a law may include many different kinds of provisions, ranging from simple prohibitions through a wide variety of regulatory requirements such as licensing or compliance monitoring. Law should be used only when it is the most appropriate. When a legislative proposal is made to the Cabinet, it is up to the sponsoring Minister to show that this principle has been met, and there are no other ways to achieve the policy objectives effectively.

We take seriously the dictate that laws should be introduced when "there are no other ways to achieve the policy objectives effectively." We are of the firm conviction that a new law is essential.

In reaching this conclusion, the Panel noted that one of the "key messages" in the *Guide to Making Federal Acts and Regulations* states "Consultation on instrument-choice, both within and outside the Government, is essential to making good choices."

Like the Standing Committee on the Status of Women, the Expert Panel has listened carefully, examined the record closely and consulted widely on the choice to propose a law.

Canada has experience with a number of statutes designed to promote both major societal change

and the rights of individuals or groups within various contexts. The Panel paid particular attention to these Canadian laws and analyzed the elements of the different models (ANNEX G). The Canadian legislative options include the approaches taken with official languages, human rights, employment equity, multiculturalism and environmental assessment. The various models all include statements about the objectives for change, primary results sought, assignment of roles and responsibilities, the process for setting policy priorities, implementation mechanisms and reporting requirements.

The models diverge considerably in the areas of evaluation, auditing, compliance, recourse and sanctions. The different statutes are also quite diverse in their legislative fiats: some prescribe methods for change; some compel compliance; some operate at arm's length from the Government; some are persuasive in tone while others focus on sanctions; and some offer clear recourse to the courts. The statutes also vary in the roles they assign to Parliament and to the Executive Branch of the Government of Canada. In most cases, when an agent of Parliament is given powers, there are clear areas of interface between that agent and responsible authorities in the Executive Branch.

The Panel has also gathered the insights of experts inside and outside government from a representative group of jurisdictions throughout the world. The same themes resonate. A law to entrench mechanisms for advancing equality for women by national governments is valuable. No country, however, has yet reached absolute satisfaction with its actions on the spectrum of accountability considerations, ranging from evaluation through compliance and sanctions. There is room for Canada to show leadership in this regard.

The members of the Panel understand that it is up to Canada's Parliamentarians to decide upon any new law and in that context, are mindful of two key,

unanimous conclusions of the Standing Committee on the Status of Women. In its second report, the Standing Committee called for a “legislative mandate for gender equality.” The Committee stated: “It is difficult for the Committee to recommend which model of enforcement and accountability would best promote the goal of gender equality across government.”

The Panel has considered such matters in a potential law as declaration of purpose, mechanisms to achieve that purpose, designation of authorities responsible, reporting procedures, audit procedures, compliance, penalties and recourse by third parties affected by legislation. Drawing upon the recommendations of the Standing Committee and our own consultations and review, the Panel believes that the Government should consider acting quickly to recommend to Parliament a Bill to ensure enhanced gender equality outcomes across Government, including the use of gender-based analysis, monitoring and reporting. The Bill would make it clear that in setting its policy directions, the Government would identify critical areas and departments that will use gender-based analysis and other tools to examine the impact of policies, programs and services on the achievement of equality for women.

The Bill would consist of two parts to come into effect five years apart. The first five years would focus on the Executive Branch of the Government of Canada, enabling in-depth learning on how to implement gender-based analysis and measurement of gender equality outcomes most effectively. The Bill would put priority on initiating change within the culture of Government departments in a meaningful way and with the involvement of civil society. The Bill would call for additional accountability and enforcement measures after five years. This would include the creation of an independent agent of Parliament, following a Parliamentary review of the lessons learned.

In calling for this two-stage approach to legislation, the Panel is mindful that many people, including us, would like to move more quickly. As both idealists and pragmatists, however, we regard the first part of this legislative proposal as the last chance for the Executive Branch, drawing seriously upon the wisdom of non-governmental organizations, to get its house in order to ensure enhanced gender equality outcomes, which would include the use of gender-based analysis, monitoring and reporting. The legislative proposal sets out a straightforward course and new mechanisms for doing so, and includes measures for accountability to Parliament. Our proposal then provides a legislative deadline, after which we call for the coming into force of even stronger measures of accountability and enforcement.

While fully respecting the sovereignty of Parliament, the Panel is pleased to offer constructive suggestions on what the legislation might entail. We have given serious consideration to such matters as guiding principles, objectives, definitions, implementation measures, accountability measures and measures for potential adoption following a review by Parliament after five years.

The guiding principles could include:

- a clear statement that the Bill seeks equality for women;
- recognition of the diversity of women;
- understanding that the Bill does not supplant some special measures that are already in place to achieve equality for women; and
- a statement that Canada is determined to respect its constitutional and international commitments towards women.

The preamble to the Bill could specify the following facts:

- Canada is a signatory to the *Convention on the Elimination of all Forms of Discrimination against Women* and its additional protocol (and other international documents);
- Sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, and Section 3 of the *Canadian Human Rights Act* recognize the right to equality for women;
- the inequality of women in Canada impedes the social and economic development of Canada; and
- the achievement of equality for women represents a priority for all Canadians.

The objectives of the Bill could underscore that:

- the legislation follows the path of the *Convention on the Elimination of all Forms of Discrimination against Women*, the *Canadian Charter of Rights and Freedoms*, the *Beijing Platform for Action* (1995) and the texts originating from the 23rd special session of the UN General Assembly (2000), the *Canadian Human Rights Act*, the *Employment Equity Act* and other legislation intended to promote equality for women;
- the Act is intended to guide the Government of Canada in adopting measures to achieve equality for women by activating mechanisms inside the Government, including the application of gender-based analysis, active engagement in policy development towards equality for women and examination of the impact of action.

The definitions in the legislation could include:

- *equality for women* is to be interpreted not as formal equality but as equality in substance, which takes into account the achieved results. In some cases, different treatment for women is necessary to achieve substantive equality.

Further, substantive equality for women must take into account the diverse forms of discrimination that women experience. Substantive equality also, therefore, requires eradicating systemic discrimination against women;

- *gender-based analysis* is a management tool that enables study of the direct and indirect effect on women of any measure, policy, legislation or service. The analysis is applied in order to bring about outcomes achieving substantive equality for women.

Implementation and accountability measures in the legislation could include:

- a requirement in the Speech from the Throne and other key policy instruments that the Government designate areas where the impact on equality for women will be given particular priority; gender-based analysis and other appropriate tools would be used in these areas.

For those priorities so designated in the Speech from the Throne and other key policy instruments:

- the President of the Treasury Board would oversee the management process; as part of that management process, departments must define measures and outcomes in pursuit of achieving equality for women, and put in place action plans to those ends;
- the President of the Treasury Board and the Minister responsible for Status of Women would present an annual report to Parliament on matters of management progress and policy progress, respectively;
- indicators (such as rates of violence against women, the poverty rate among women, the salary gap between men and women) must be established to measure progress;
- the Government would work with a wide range of non-governmental organizations to develop

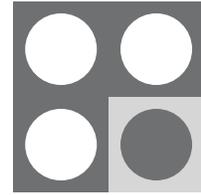
the mechanisms and ensure the funding to foster an effective voluntary sector for the achievement of equality for women (with language comparable to the Voluntary Sector Initiative's *A Code of Good Practice on Policy Dialogue* and *A Code of Good Practice on Funding*);

- the Minister responsible for Status of Women and relevant colleagues would convene a yearly national policy conference with non-governmental organizations to discuss the work being undertaken;
- necessary human and financial resources would be allocated to enable achievement of objectives;
- the Auditor General or some other agent of Parliament could examine overall progress on the objectives of the legislation after three years; and
- the Federal Court would have full competence to resolve any issues arising from the legislation.

- action plans by all departments and agencies, developed after consultation with non-governmental organizations; and
- annual reports to Parliament by all departments and agencies.

Following a review after five years by Parliament, the legislation could call for such measures as:

- a complaints mechanism with quasi-judicial powers, including sanctions;
- a Commissioner for Equality for Women or an Ombudsperson for Women who would act as an agent of Parliament – either one would have powers comparable to those of the Canadian Human Rights Commission or the Office of the Commissioner of Official Languages. The powers and duties could include annual reporting to Parliament, research, investigation, education, review of systemic issues affecting equality for women, resolution of complaints of systemic discrimination, orders to departments and agencies to take corrective action, review of other government mechanisms for achieving equality for women, and examination of Canada's compliance with obligations under the *Convention on the Elimination of All forms of Discriminations against Women*;

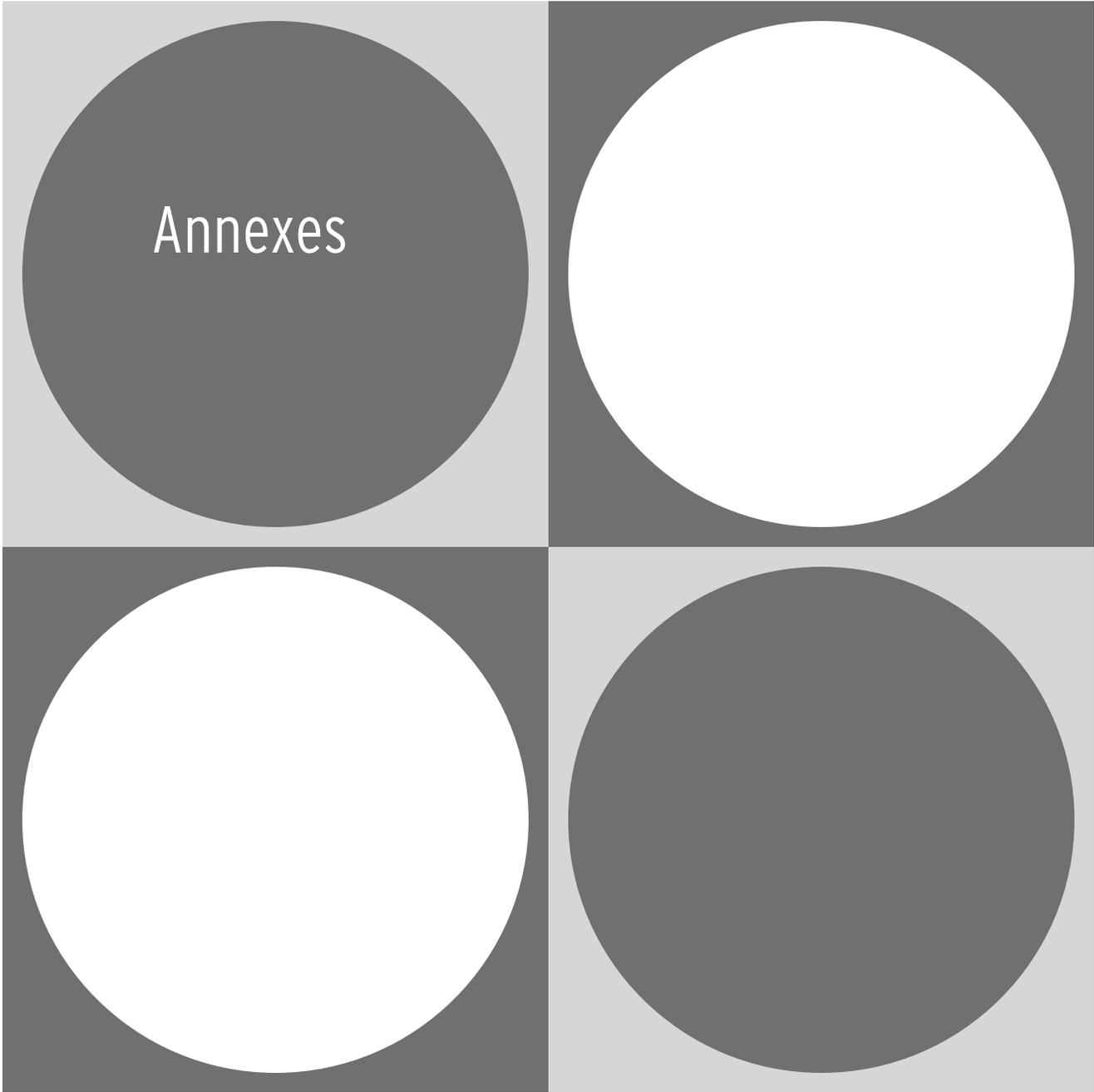


A Final Thought

Canadians expect our country to be a world leader in ensuring that every little girl grows up with the same opportunity as every little boy to reach for their dreams. Canadians expect that girl to have those opportunities whether she was born in Canada or abroad, whether she is a visible minority, an immigrant or an Aboriginal child, whether she is a child with a disability, a child born into poverty, or whether she lives down the street or across the country. The key to tapping the potential of every girl in Canada rests in ensuring substantive equality for women.

Denying that women were “persons,” denying women the right to vote, denying women constitutional equality... all of those situations seem so foreign, so distant and so antiquated yet not so long ago, they were the reality in Canada.

Women and men of good will in our country now fully embrace equality for women. We have a generation of children who expect no less from us. If there is still progress to be made... and there most certainly is... then let us make that progress as surely as we can.



ANNEX A

THE CHANGING LANDSCAPE OF LANGUAGE FOR ADDRESSING WOMEN'S INEQUALITY



When public policy in the Western world began to focus on women's inequality in the early 1970s, it adopted a discourse and language that focused on women. Policies aimed to recognize women's rights, and work to advance equality for women was informed by a woman-centred analysis. As a result, policies on equality focused on rights and equal treatment, measures to promote changes in attitude and initiatives to empower women. At the heart of the movement for equality for women was the recognition that women had been disadvantaged compared to men and often because of men's preferred status and privileges.

The analysis of women's subordination was also at the heart of the Women in Development (WID) approach used in the development field in the early 1970s. WID sought to make women's issues relevant to development projects by creating synergies between investing in women and reaping benefits in terms of economic growth. Assistance from donor countries was required to help integrate women into national economies thereby improving their status and assisting in the total development effort.¹

While considerable progress resulted, targeted projects often focused on women's reproductive role but ignored their "productive" activities and left the vast majority of "mainstream" projects untouched.² In addition, those working in the field of development increasingly questioned the adequacy of an isolated focus on women. "WID identified women's lack of resources as the key to their subordination without raising questions about the role of gender relations in restricting women's access in the first place (and in subverting policy interventions, were they to direct resources to women)."³

Around the globe, inequality and discrimination continued and women remained at a disadvantage in many areas of economic, social and public life. The persistence of inequalities brought growing awareness of the complexity of the issues and the need for new approaches, new strategies and new methods "which tackle inequality at a structural level and which include a wider range of actors."⁴

By the early 1980s, the term "gender equality," reflecting the relational nature of women's inequality, began to appear in international instruments and in public policy discourse. This evolution in language represented the conceptual underpinnings of equality for women. It did so - by implying an association between women and men, recognizing the diversity of different groups of women and men as to their responsibilities and opportunities to contribute to the national, political, economic, social and cultural development of society, and to benefit from the results. Work was underway within various social science disciplines to explore the importance of power, conflict and gender relations in understanding women's disadvantaged situation. From these insights and concerns evolved the gender roles framework contributing to the development of the Gender and Development (GAD) approach, which superseded WID.⁵

1 Razavi, S. and C. Miller, "From WID to GAD: Conceptual Shifts in the Women and Development Discourse", Occasional Paper 1, pp. 1-57, February 1995, United Nations Research Institute for Social Development, United Nations Development Programme.

2 Hafner-Burton, E. and M. Pollack, "Mainstreaming Gender in Global Governance" in *European Journal of International Relations*, vol.8 (3), pp. 339-373, 2002.

3 Razavi, S. and C. Miller, "From WID to GAD: Conceptual Shifts in the Women and Development Discourse", Occasional Paper 1, p. 12, February 1995, United Nations Research Institute for Social Development, United Nations Development Programme.

4 Government of Scotland, The Scottish Office, "Mainstreaming Equal Opportunities", p. 5, 1995.

5 Razavi, S. and C. Miller, "From WID to GAD: Conceptual Shifts in the Women and Development Discourse", Occasional Paper 1, February 1995, United Nations Research Institute for Social Development, United Nations Development Programme.

Today, the concept of gender equality acknowledges that women and men may sometimes require different treatment to achieve similar results, due to different life conditions or to compensate for past discrimination. It is this notion of equality that is embedded in the *Canadian Charter of Rights and Freedoms* and upheld by Canada's courts and tribunals.⁶ Gender equality, therefore, is the equal valuing by society of both the similarities and the differences between women and men, and the varying roles they play.

“Gender mainstreaming” is another term that entered the lexicon through the work of the United Nations (U.N.) in the *Forward-Looking Strategies for the Advancement of Women*, adopted at the Third World Conference on Women in Nairobi in 1985. The Strategies called for “effective participation of women in development to be integrated in the formulation and implementation of mainstream programs and projects.”⁷ Ten years later, at the Fourth World Conference on Women in Beijing, the term gained widespread acceptance with its adoption in the *Beijing Platform for Action*. Since then, the commitment to gender mainstreaming has been taken up by almost all U.N. bodies and agencies, including the U.N. Economic and Social Council (ECOSOC) and was re-endorsed by member states at the 49th session of the Commission on the Status of Women in March 2005. It emphasized a dual approach to promoting women's empowerment and achievement of equality: 1) integration of a gender perspective into all policies and programs to ensure that all decision-making processes include an analysis of the direct and indirect effects on women and men respectively; and 2) programs and policies aimed at meeting the specific needs of women.

While not using the term “gender mainstreaming,” the Government of Canada has had a longstanding commitment to analyzing policy impacts on women compared to men early in the policy decision-making process. In 1976, an implementation strategy was introduced that established departmental mechanisms for an assessment process, required of all federal initiatives and decisions, for their impact on women, at every phase of decision-making, and in every area of activity. A systematic approach called “gender-based analysis” (GBA) was formally articulated in Canada's *Federal Plan for Gender Equality*, presented to the United Nations World Conference on Women in Beijing in 1995.

Provincial and territorial governments agreed to undertake GBA as an integral part of government processes in 1995. Since then, provinces and territories have created action plans and undertaken various related activities as part of their commitment to advancing equality for women. Formal GBA implementation mechanisms and processes are less common than informal approaches and comprise elements such as: a formal requirement for a gender impact analysis in all Cabinet submissions (Yukon, BC and Saskatchewan); a directive from the provincial Secretary of Cabinet (Ontario); and in its 2005-08 strategic plan, the Quebec ministère de la Famille, des Aînés et de la Condition féminine proposes that by the end of 2008, departments and agencies will have integrated gender-based analysis into at least 15 governmental policies, measures, reforms or services.

⁶ *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R. 143.

⁷ Charlesworth, Hilary, *Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations*, in *Harvard Human Rights Journal*, volume 18, p. 3, Spring 2, 2005.

GBA is a useful analytical tool for systematically integrating gender considerations into policy, planning and decision-making processes. It makes it possible to develop policy with an appreciation of gender differences, of the nature of relationships between women and men and of their different social realities, life expectations and economic circumstances. It is a tool for understanding social processes and for responding with informed and equitable options. “In utilizing a gender approach the focus is not on individual women and men but on the system which determines gender roles/responsibilities, access to and control over resources, and decision-making potentials.”⁸

Gender-based analysis does not negate the value of targeted initiatives to support women’s needs and priorities. Women-specific policies and projects continue to play an essential role “for reducing existing disparities” and they continue to “involve(s) actions to transform the structures and institutions which reinforce and perpetuate gender discrimination and inequality”.⁹ These two strategies are complementary in the sense that the systematic integration of gender considerations in policy and program development must be carried out so as not to compromise opportunities and resources for women and to fully support equality for women and men.

⁸ « Important Concepts Underlying Gender mainstreaming », Office of the Special Advisor on Gender Issues and Advancement of Women, United Nations, p. 1, August 2001.

⁹ Ibid.

PROVINCIAL AND TERRITORIAL GOVERNMENT LINKS

Alberta, Women's Issues

www.cd.gov.ab.ca/helping_albertans/human_rights/womens_issues/index.asp

British Columbia, Seniors' and Women's Issues Department

www.mcaaws.gov.bc.ca/wss/

Manitoba, Manitoba Women's Directorate

www.gov.mb.ca/wd/

New Brunswick, Executive Council, Women's Issues

www.gnb.ca/0012/Womens-Issues/index-e.asp

Newfoundland and Labrador, Women's Policy Office

www.exec.gov.nl.ca/exec/WPO/default.htm

Northwest Territories, Office of the Women's Advisory

www.executive.gov.nt.ca/offices/womensadvisory/

Nova Scotia, Nova Scotia Advisory Council on the Status of Women

www.gov.ns.ca/staw/

Nunavut, Department of Culture, Language, Elders and Youth

www.gov.nu.ca/cley/

Ontario, Ontario Women's Directorate

www.citizenship.gov.on.ca/owd/index.html

Prince Edward Island, Advisory Council on the Status of Women

www.gov.pe.ca/acsw/index.php3?lang=E

Québec, Coordination à la Condition féminine

www.scf.gouv.qc.ca/index_an.asp

Saskatchewan, Status of Women Office

www.swo.gov.sk.ca/

Yukon, Women's Directorate

www.womensdirectorate.gov.yk.ca/

ANNEX B

ASSESSING GENDER EQUALITY: THE SITUATION OF WOMEN AND MEN IN CANADA



Demographics

Within Canada, declining fertility rates (the rate in 2002 was 1.5 compared to 2.3 in 1970) coupled with an aging population, mean that seniors will account for a larger proportion of the population over the coming decades. The majority of these seniors will be women. Currently, women over the age of 65 account for 7% and men for 5.5% of the population. In addition, women (13.3%), particularly elderly women, are more likely to experience long-term disabilities than men (11.5%).

It is important to note that trends are quite different among Aboriginal people in Canada (3.3% of the population), with higher fertility rates and a younger population. Moreover, there is a growing visible minority population (13.4%) and immigrants made up 8.4% of the population in 2001 and will continue to be a main source of population growth.

Changing trends and increasing diversity in the composition of families have implications for gender equality. For example, there has been a dramatic increase in the number of families with children headed by lone parents. In 1961, only 9% of all families with children were headed by a female lone parent, numbers that increased to 16.4% in 1991 and 20.1% in 2001. These rates are much higher among women than among men.¹⁰ Moreover, lone parenthood is also more likely to occur within certain populations. In 2001, 8.7% of all Canadian women were lone parents (compared to 2.1% of men). These rates are marginally higher for immigrants (9.4% of immigrant women, 2.1% of immigrant men) and visible minority communities (10.4% of women, 2% of men), dramatically higher for Aboriginal women (19.4%) and significantly higher for Aboriginal men (4.8%).¹¹

Education

In general, women have made gains in educational attainment. There has been a dramatic increase in the proportion of the female population with a university degree in the past several decades. In 2001, the percentage of women and men who had earned a university certificate, diploma or degree was almost the same (17.8% of women and 18.1% of men) and women accounted for 70.4% of university undergraduate degrees in education, and 59.1% in medicine. However, women are still under-represented in areas such as mathematics/physical sciences (32.1%) and in engineering and applied sciences (14.7%).¹²

Paid Work

Women's increased participation in the labour market has been one of the most significant trends in the last few decades. The employment rate for women increased from 42% in 1972 to 57.2% in 2003 while the rate for men decreased from 73% to 68%.¹³ Among full-time employees, women have consistently lower hourly wages than men. The wage differentials can be partially explained by the fact that women still face some occupational segregation and job under-valuation. A substantial proportion of women are employed in a limited range of occupations where the proportion of women is high and where average earnings are often lower than in jobs where men predominate. For example, women are over-represented

¹⁰ Statistics Canada, *Census of Canada, 2001*.

¹¹ *Ibid.*

¹² Statistics Canada, *Census of Canada, 2001*.

¹³ Statistics Canada, *Labour Force Survey, 2003*.

in nursing (87.7%), teaching (63%) and clerical jobs (75%) and under-represented in areas such as senior management positions (24.2%), engineering (22%) and trades (6.6%).¹⁴

The 2003 female-to-male earnings ratio for full-time, full-year employment was 71.2. The ratio was 58.4 in 1967 and it increased fairly steadily but this trend appears to have reached a plateau. With small fluctuations, it has remained around the 70 mark since 1990.

Women in Positions of Power and Influence

Women are under-represented in positions of power within federal, provincial and territorial governments. For example, women account for only 20.9% of the Members of the House of Commons, 34.7% of the Senate, 20.7% of federal Deputy Ministers, 25.8% of federally appointed judges and 20.2% of members of provincial and territorial legislatures.¹⁵ Moreover, in the top-ranked 500 corporations in Canada, women account for only 14.4% of corporate officer positions and 11.2% of board directors; 7.1% hold the highest titles, and only 0.04% of these corporations are headed by a woman.¹⁶

Unpaid Work

On average, women spent 4.3 hours per day in unpaid work (e.g., care for children and others, household maintenance) in 1998, compared to 2.8 hours spent by men. Among women, 2.4 hours per day were spent caring for children compared to 1.8 hours among men.¹⁷ Balancing paid and unpaid work is a key element of women's challenge to attain economic equality. The current distribution of unpaid work, the growing care needs of the elderly, the demand for childcare, and an increased need to earn an income suggest that this balance has yet to be achieved for Canadian women.¹⁸

The balance between women and men in sharing paid and unpaid work shows signs of improvement. Women's share of paid work time is increasing and their share of unpaid work time is decreasing. However, women's share of unpaid work is still over one-and-a-half times that of men's.

Earnings and Income

Women's earnings are gradually increasing but are still well below men's. Between 1995 and 2002, the relative gap between women and men remained sizeable. Average male earnings in 1995 were \$32,312, compared to \$17,788 for women (about 55% of men's). In 2002, men still earned substantially more at \$36,748 compared to \$21,337 for women although women's relative earnings increased to about 58%.

While earnings make up the largest share of total income for men and women, other sources, such as child support payments, maternity benefits, child benefits paid to the mother, social assistance and old age security, are relatively more important to women. When all sources of income are considered for all women and men, the gap between women and men is not as wide. The average total income for men was \$36,577 in 2002 and \$22,415 for women, or about 61%.

Poverty

Women are more at risk of living in poverty than men. In 2002, the percentage of people living in low income was 10.1% for women in general versus 8.8% for men. However, certain groups are more at risk.

¹⁴ Ibid.

¹⁵ Statistics Canada, *Women and Men in Canada*, 2003.

¹⁶ Catalyst, *2004 Catalyst Census of Women Corporate Officers and Top Earners in Canada*, 2004.

¹⁷ Statistics Canada, *General Social Survey*, 1998.

¹⁸ Ibid.

For example, 31.1% of unattached senior women and 24.5% of unattached senior men live in poverty. For lone parents, although 10.7% of lone-parent men live with low incomes, that figure more than triples to 34.8% for lone-parent mothers. Similarly, Aboriginal women (36.4%), women with disabilities (26%) and immigrant women (23.2%) face greater risk of low income than men in the same population group.

Health

Life expectancy at birth is a key indicator of a population's health status. In 2002, it reached highs for both women and men in Canada. Life expectancy for women is 82.1 years. Men, on average, can expect to live 77.2 years. Women, however, experience more years of disability and have more co-morbidities than men.¹⁹ Women also bear a larger death burden than men due to sex-specific causes such as breast cancer, ovarian cancer and pregnancy-related complications. On the other hand, there is evidence that men are more likely to die from external causes such as accidents and injury. The picture for Aboriginal peoples is much different: despite recent improvements, life expectancy is still considerably lower than the national average (76.3 years for Aboriginal women and 68.9 years for Aboriginal men).²⁰

Violence and Crime

Violence against women is another issue that profoundly affects women's health, and also affects and is affected by their socio-economic status. For example, women may be forced to stay in abusive relationships to avoid living in poverty as lone mothers.²¹

Violence against women is still an alarming problem within Canadian society, and some women are also affected by violence based on a combination of race and gender and other factors that disadvantage them and render them more vulnerable. The gendered nature of family violence is apparent in the rates of documented abuse against women compared to men. For example, although it is estimated that 7% of women and 6% of men have experienced some form of spousal violence in the previous five years,²² women are more likely to report being injured. Between 1974 and 2003, the rate of female spousal homicide has typically been 4 to 5 times higher than the rate of male spousal homicide.²³ In 2003, girls were the victims in 8 out of 10 family-related sexual assaults committed against children and youth, assaults typically perpetrated by parents. Similarly, senior women are more likely than their male counterparts to be victims of family violence. Close to 4 out of 10 senior female victims are assaulted by a family member, while this is the case for 20% of senior male victims.

Aboriginal women are particularly at risk of experiencing both race-based and gender-based violence. Notably, Aboriginal people are three times more likely to be victims of spousal violence than non-Aboriginal people (21% versus 7%, respectively). In particular, the rate of spousal assault experienced by Aboriginal women is twice as high as Aboriginal men and three times higher than non-Aboriginal women and men.²⁴

More information on these statistics is available on the Status of Women Canada Web site at: www.swc-cfc.gc.ca/ges/assessing_e.html.

¹⁹ Statistics Canada, *Participation and Activity Limitation Survey*, 2001.

²⁰ Statistics Canada, *Census of Canada*, 2001.

²¹ Scott, E., A. London & N. Myers. (2002). Dangerous Dependencies: The Intersection of Welfare Reform and Domestic Violence, *Gender & Society*, 16, 878-897. See also: Purvin, D. (2003). Weaving a Tangled Safety Net. *Violence against Women*, 9, 1263-1277.

²² Statistics Canada, *General Social Survey*, 2004.

²³ Statistics Canada, *Family Violence in Canada*, 2005.

²⁴ F/P/T/ Ministers Responsible for the Status of Women, *Assessing Violence Against Women: A Statistical Profile*, 2002.

ANNEX C

CURRENT ADMINISTRATIVE STRUCTURES FOR GENDER-BASED ANALYSIS IN THE GOVERNMENT OF CANADA



The Government of Canada's 1995 commitment to gender-based analysis (GBA) was deemed a shared responsibility between Status of Women Canada (SWC), playing a capacity-building role, and individual departments, responsible for determining which legislation or policy would potentially affect women and men differentially and would therefore be appropriate for the consistent application of a gender "lens."

In 2000, to accelerate the practice of GBA in policy and program formulation processes, SWC introduced a six-point strategy consisting of horizontal elements for a broad vision to ensure the integration and sustainability of GBA across government. The strategy provides a conceptual framework to support organizational and individual capacity; promotes good practices based on international experience; and encourages partnerships between SWC and key departments to identify projects where gender-based analysis can be introduced in a systematic way, thus tying the theory to the practice.

Part of the strategy was to establish a GBA inter-departmental committee (IDC) chaired by SWC. Functioning since 1999 as an information-sharing forum, the committee was converted in 2002 to a learning forum for ongoing and increased capacity building. Workshops, training, pilot projects, and technical advice to support the implementation of departmental strategies are some of the services offered to departments of the IDC by SWC. Departments are also invited to use the specialized resource centre on gender-based analysis as well as the GBA sub-Web site.

Currently, the following departments are members of this committee: Agriculture and Agri-Food Canada, Canadian International Development Agency, Citizenship and Immigration Canada, Foreign Affairs and International Trade, Health Canada, Indian and Northern Affairs, Justice Canada, Statistics Canada, Human Resources and Skills Development, Social Development Canada, Department of National Defence, and Canadian Heritage. The Privy Council Office, the Treasury Board Secretariat and the Department of Finance recently joined.

Some departments have taken the initiative to create their own training packages and infrastructure such as departmental statements on GBA, integration of GBA in strategic and operational plans and establishing departmental gender focal points or networks of gender specialists. For example, Citizenship and Immigration Canada became the first department to have accountability for gender-based analysis entrenched in law. This law requires the department to report annually to Parliament. To comply, Citizenship and Immigration Canada has adopted the *Five Year Strategic Framework for Gender-based Analysis (2005-2010)*, which sets out the department's objectives, principles, activities and reporting steps tied to branch GBA plans.

Despite these efforts, results within the Government of Canada remain less clear. Questions endure about the degree to which gender is relevant in the key policy and program decision-making processes of departments and central agencies. There are some indications that human and financial resources are inadequate to conduct analyses, define outcomes and assess results.

There is currently no obligation on the part of departments to report on the practice of GBA or its integration into their organizations. In its consideration of accountability mechanisms in its report on GBA, the Standing Committee on the Status of Women recommended that the Government of Canada be obliged to demonstrate not only a high level of support and activity, but also clear successes for GBA and equality for women. This reflects international experience with accountability frameworks that tie goals and objectives of public policies and programs to outcomes and results and make GBA an inherent part of policy and program development. To achieve this objective, the Government of Canada needs to:

- articulate a clear set of goals and anticipated outcomes and link them to major gaps in achieving substantive equality for women;
- develop key indicators and benchmarks;
- establish formal monitoring and reporting mechanisms;
- increase financial resources allocated to SWC and other relevant departments; and
- strengthen horizontal coordination of government actions including GBA activities.

In this way, leadership is taken on two fronts: by ensuring solid planning and reporting progress on specific results for equality for women and on institutionalizing the practice of GBA.

ANNEX D

INTEGRATING GENDER-BASED ANALYSIS IN THE MANAGEMENT ACCOUNTABILITY FRAMEWORK



The Management Accountability Framework (MAF) is a set of 10 essential elements that summarize the Government of Canada's expectations for modern public service management. It was developed to provide public service managers, especially deputy heads, with a clear list of management expectations within an overall framework for high organizational performance. The Framework seeks to strengthen accountability to ensure that government organizations are managed effectively.

Initially the MAF was used as a basis for dialogue between the Treasury Board of Canada Secretariat (TBS), the Public Service Human Resources Management Agency of Canada (PSHRMAC) and deputy heads on the state of management practices in their organizations and on priorities for management improvement. Its role as an instrument of oversight was increased to identify management improvement priorities for specific departments and agencies and imbed these in Deputy Minister's performance management agreements with the Clerk of the Privy Council. In the fall of 2005, the MAF was aligned with the Government's planning and reporting cycle. Departments and agencies are now formally engaged in working with the central agencies in identifying management strengths and weaknesses using the MAF indicators.²⁵

A modern public service is the ultimate outcome of the Framework whereby services are focused on citizens; public service values (e.g. democratic, professional, ethical, and people values) are clearly articulated and continually applied; effective support is provided to Ministers and strategic direction is translated into results, through high organizational performance; decision making is transparent and accountable; employees are valued and human and intellectual capacities are developed; spending is responsible, with sound stewardship of taxpayers' resources; risks are identified and corporately managed; and organizational performance is continually enhanced through innovation, transformation and learning.

Through the use of indicators and measures, it is expected that the MAF will help public service managers improve departmental reporting to Parliament on management plans and show results for Canadians. As the Government of Canada embarks on the development of a long-term strategy on gender equality, it is conceivable that this Framework could be used to demonstrate in concrete terms the Government's commitment to achieving results that advance equality for women. For example, the MAF outlines an expectation for "departmental research and analytic capacity [to] assure high quality policy options, program design and advice to Ministers [through] investments in policy capacity and analytic tools"²⁶ (see attached chart). Officials trained in gender-based analysis could include in their work an analysis of the effects of a particular policy or program on women compared to men, and produce comprehensive options that appropriately reflect the realities of women and men as well as provide "effective strategic direction, support to the Minister and Parliament, and the delivery of results"²⁷ for all Canadians.

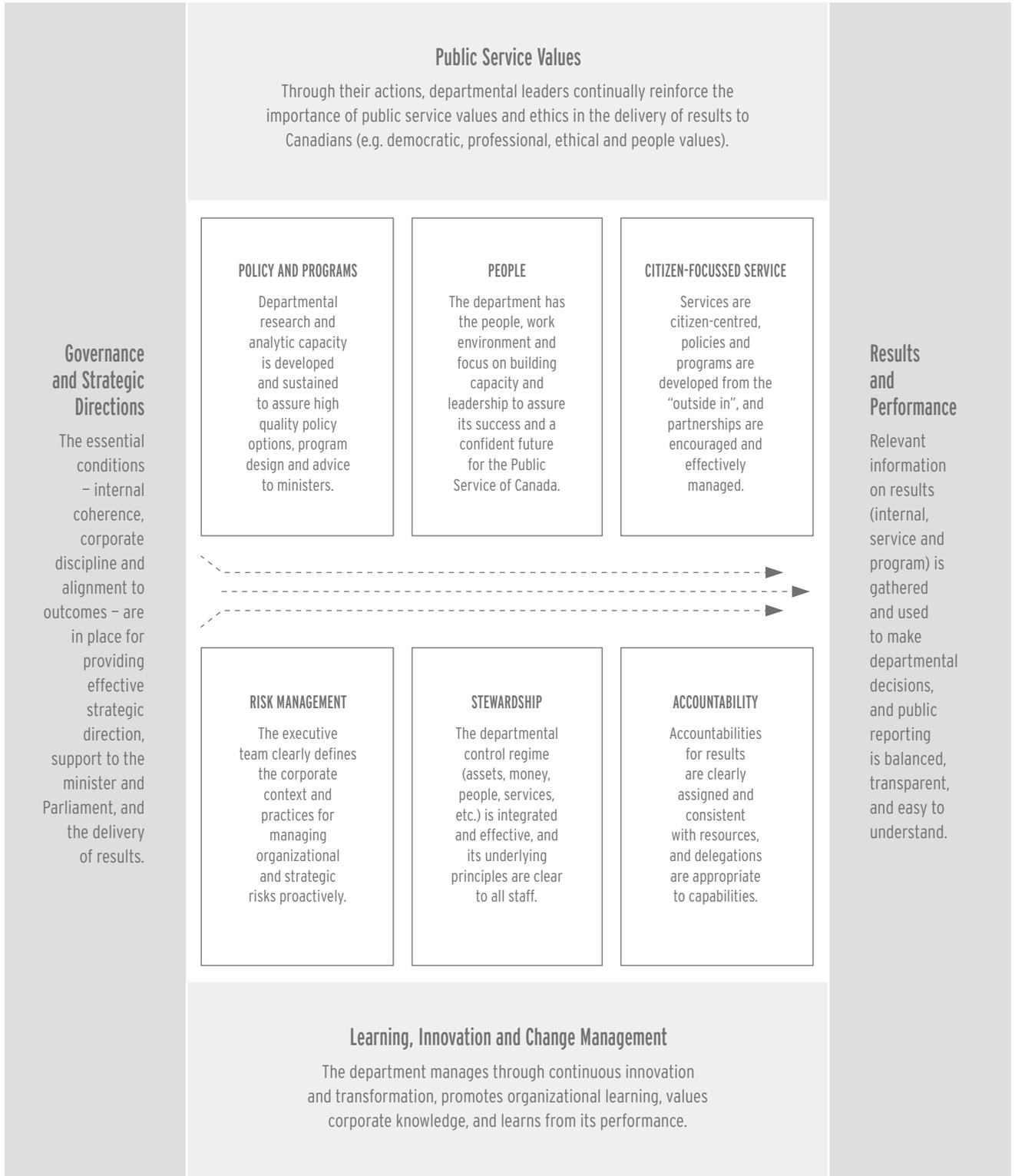
²⁵ Treasury Board of Canada Secretariat, "MAF Implementation".

²⁶ Treasury Board Secretariat, "Management Accountability Framework", 2003.

²⁷ Ibid.

Similarly, with the Government's intent to provide client-focused services that are responsive to client needs and can measure client satisfaction, it is essential for officials to understand how gender equality factors are to be integrated in the design and delivery of programs and services. By so doing, unintended barriers that could impede access are eliminated; both women and men are able to participate in the development of the service or program; and benefits intended to result from such services or programs respond appropriately to women's and men's needs.

Given that the TBS envisions the MAF as both an evolving instrument of accountability and a tool of analysis, many of its other elements (e.g., risk management and accountability) and related TBS management policies such as the *Management, Reporting and Results Structure (MRRS)* and the *Expenditure Management Information System (EMIS)* lend themselves to integrating a gender perspective. This would lead to the collection of the sort of accurate information required to address any unintended impacts of policies or programs on women and men, and to avoid introducing corrective measures after-the-fact. Integrating gender-based analysis can help the Government achieve its objectives of properly defining policy and program outcomes and reporting on their effectiveness to Parliamentarians and to Canadians.



SOURCE: Treasury Board Secretariat (www.tbs-sct.gc.ca/maf-crg/documents/leaflet-depliant/leaflet-depliant_e.asp)



ANNEX E

The chart on the following four pages is not comprehensive. It highlights some accountability mechanisms used in other countries that were of particular interest to the Panel.

ENABLING ENVIRONMENT – ACTIVE INVOLVEMENT OF CIVIL SOCIETY						
AUSTRALIA	INDIA	NORWAY	NEW ZEALAND	SOUTH AFRICA	SWEDEN	UK
Strong and consistent support to women's groups and equality-seeking organizations that are seen as primary allies in sustaining action on issues and on assuring a level of public accountability. The women's groups themselves feel that this is insufficient and raise concerns about the repositioning of the National Women's Machinery from Prime Minister's Office to the social sector Ministry.	Strong independent women's organizations.	Strong and consistent support to women's groups and equality-seeking organizations.	Continuing support to women's organizations.	Involvement of women's groups and civil society organizations in some areas of policy development and in monitoring.	Strong and consistent support to women's groups and equality-seeking organizations.	Continuing support to women's organizations through the Women's National Commission. However, under new Equality Bill there is not a defined role for this Commission, giving rise to concerns by women's organizations that are unsure about its continuing status and expected contribution.
NATIONAL WOMEN'S MACHINERY						
AUSTRALIA	NETHERLANDS					NORWAY
Established first in the Prime Minister's Office, has recently been shifted to the social sector. One of the approaches they have found most effective in influencing policy and engendering accountability has been the preparation of the Women's Budget that is released to the media on budget night along with the national budget. There are questions as to their continuing ability to provide this from their new situation.	Civil Society commentators are concerned that "Women's Policy Mechanism Agencies" (this would be equivalent to any gender cells or GBA units) have been disappearing over the last five years, so that the systemic approach to equality for women is being lost internally. It is considered that this is happening because the Ministry itself has been weakened and that this has been happening over the past seven years. • At one point, the Women's Policy Unit had a critical role to play and kept issues visible but this is less true now. • Public sees issues like violence against women but not the wider picture.					May 2005, Parliament approved joint machinery against all forms of discrimination. This new institutional mechanism will be established by January 1, 2006. 1. Ministry 2. Equality and Anti-discrimination Ombud, and 3. Equality and Anti-discrimination Tribunal. Both the Ombud and the Tribunal will be state funded, but they are, by law, independent of governmental instructions in their work. This is to ensure that they will be free to make recommendations and pass rulings over incidents that involve the Government and state institutions (even though they cannot annul or alter other public authorities' decisions).

ADMINISTRATIVE FRAMEWORKS	
AUSTRALIA	INDIA
All Cabinet submissions are supposed to be subjected to GBA but in reality this may not occur.	Gender Budgets and report to Parliament - shifted from an allocation for Women's Programmes in National and State Budgets to a requirement for Gender Budgets. • Departments are asked to assess what impact their programmes will have on women and what resources are allocated. This is slowly taking root. • However, the reports are submitted to the Minister for Women and Child, a small and weak Ministry that appears to be having difficulty getting cooperation and timely reports so that the Minister can report to Parliament.
	NEW ZEALAND
	Women's Department tries to "embed influence" in key policy areas. <ul style="list-style-type: none"> • Departmental Plans are checked for gender equality, e.g., Pay and Employment Audited, Statements of Intent are checked by audits done on parts of departmental plans. • Social Development Committee documents required to have a gender equality statement but this accountability measure has not lived up to its promise. • Accountability checklist is applied at a later stage of Cabinet debate.

LEGISLATION FOR COMPLIANCE				
AUSTRALIA	NORWAY	NEW ZEALAND	SOUTH AFRICA	SWEDEN
No legislation for gender equality.	Gender Equality Act • 2005 Discrimination Act prohibiting discrimination on the basis of ethnicity, national origin, ancestry, skin colour, language, religious and ethical orientation. <ul style="list-style-type: none"> • Anti-discrimination regulations in the Labour Environment Act (these protect against labour market related discrimination on the basis of gender and ethnic origin, etc.). • Anti-discrimination regulations in the habitation legislation. 	No legalization and reluctant to consider this.	Equality for women enshrined in Constitution. <ul style="list-style-type: none"> • Women's Charter. 	Equality legislation made gender mainstreaming a requirement.
			SOUTH AFRICA	UK
				The 2005 creation of the Commission on the Equality of Human Rights is intended to provide a unified, coherent voice on matters of equality and human rights. This is supplemented by the gender equality bill. This bill imposes a public duty to promote gender equality. • All public authorities will be legally bound to: <ul style="list-style-type: none"> -draw up a scheme identifying specific gender equality goals and show how it will implement them; -consult employees and stakeholders as appropriate when drawing up its gender equality scheme; -publish its gender equality goals and scheme; -monitor progress and publish annual reports on progress; and review its gender equality goals and scheme every three years. • Authorities will be legally bound to eliminate sex discrimination and promote gender equality. • The gender duty will apply to all public authorities and to voluntary and commercial organizations delivering services under contract to them.

PARLIAMENTARY CAUCUS	
SOUTH AFRICA	

- A) The Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women monitors progress: 1. assesses whether government policy implements national and international commitments on gender equality; 2. it also monitors gender mainstreaming in government policies and programmes; national budget and fiscal framework. •
- B) The Parliamentary Women's Caucus: is a cross party committee which allows elected women to address issues affecting women and strategize as to methods for change.

OVERSIGHT COMMITTEES

NETHERLANDS

SOUTH AFRICA

Parliament set up system of Assessment Committees consisting of eminent persons who report to Parliament. There are specific committees that have a mandate to review aspects of gender equality. No action need be taken on reports, however, although issues may get media attention.

Cabinet Cluster Committees in addressing gender issues are to adopt and implement the national gender policy; ensure that Cabinet discussions are engendered; provide access to information; ensure that the integrated co-ordination framework results in measurable sector-specific outputs; and make recommendations on policy and legislation with regard to gender. However, it was not possible to gauge to what extent this is actually followed.

WOMEN'S EQUALITY / GENDER EQUALITY COMMISSIONS

SOUTH AFRICA

The Commission on Gender Equality is a statutory, advisory, and research body. It has a Secretariat and 11 Commissioners, nominated by the public and appointed by the President as advised by a Multiparty Parliamentary Committee. It has a very wide mandate to: monitor, evaluate policies and practices of the Government, private sector on gender equality; review existing and proposed legislation from a gender perspective; provide public education. It is also empowered to investigate inequality and complaints on gender related issues and monitor and report on compliance with international conventions.

MONITORING INDICATORS AND MECHANISMS AND PERFORMANCE APPRAISAL SYSTEMS

AUSTRALIA

INDIA

NETHERLANDS

NORWAY

NEW ZEALAND

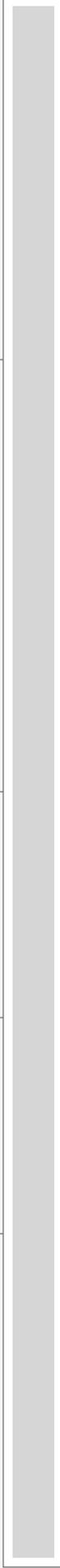
Public monitors, especially women's groups, provide information tools, e.g., Women's Budget. This view is not shared by all equality-seeking organizations. • Considering new reporting mechanisms, regular reports to Prime Minister on how government is seen to performing on key issues and monthly meeting on emerging issues.

National Women's Commission publishes comparative "report cards" on aspects of state and central government performance and highlights for public critical issues requiring attention.

An independent policy institution is funded by government to monitor and report on progress on gender equality goals. • The other monitoring and accountability tool is the powerful NGO watch-dogs.

Centre for Gender Equality could criticize government performance and raise issues for public discussion. A recent government evaluation considered this an inappropriate function for a government agency. It is not clear if the reorganized national machinery which will have this over-arching monitoring and reporting role. Commentators fear that Ombud and Tribunal are largely complaint driven and other issues on which there is no call for adjudication may be overlooked.

New Zealand experimented with attaching performance on gender equality to performance contracts and pay bonuses of senior civil servants. • It was found, however, that there were too many issues included in the performance contracts without indicators or clear expected actions against which the performance could be rated. The entire system has since been changed.



COMMENTS / SUMMATION

Overall, there were no non-legislative compliance mechanisms or penalties imposed for not accounting for gender equality in policies or programs. Many countries are debating whether or not to describe the goal as Equality for Women or Gender Equality. Australia and New Zealand both use Equality for Women. Good governance has often translated into an emphasis on the quality of management, with a priority on financial management, rather than on how effectively issues are translated into programmes and services. Equality issues moved lower on government agendas.

AUSTRALIA	INDIA	NETHERLANDS	NORWAY	NEW ZEALAND	SOUTH AFRICA	SWEDEN	UK
<p>A great deal of frustration was expressed at the shift of the national women's machinery from the Prime Minister's office to the social sector, raising concerns as to their continuing effectiveness. Political will as evidenced by the Prime Minister had allowed Australia to develop tools such as the women's budget as early as the 1980s.</p>	<p>A clear lesson is that the point in government responsible for making account-ability visible through monitoring and reports be an agency that is viewed as having weight and authority in the system.</p>	<p>If the national machinery is indeed weakened as informants suggest, the account-ability mechanisms such as the committees and the policy insti-tute reports are not likely to be as effective as they would be in partnership with strong national machinery.</p>	<p>Concern is expressed in Norway that the past mandate was to promote and be proactive, there are fears the agenda will be driven by problems critical to the law itself and the legal aspect will take precedence over any other aspects of gender equality mainstreaming, or identification of emerging issues. Issues might be "individualized" rather than nationwide depending on what cases come up. Nation will lose the full picture on issues and status of women. It is of interest that Norway should feel the need to change their system at a time when they head the Human Development Index both generally and for gender.</p>	<p>An evalua-tion has been recently conducted but results are not yet known as, after the fall election, there was some delay in the appoint-ment of the Minister responsible and the report is not yet cleared to the public.</p>	<p>Although South Africa appears to have the right mix of mechanisms and systems for account-ability in its national and state structures, many of the structures are under-resourced, much still needs to be implemented to flesh out the positive accountability framework and bring the potential to reality.</p>	<p>Sweden, which was one rank above Canada on Gender Empowerment Measure and Gender Development Index, has been under going a process of serious evaluation. The results are not yet out but informants from Norway indicate that Sweden will establish, within the civil service, a point of responsi-bility for account-ability and monitoring. This could not be independently confirmed.</p>	<p>The approach taken by the UK, although finding general support in women's and equality-seeking organiza-tions, has also raised some questions. As gender issues run the gamut of possible discriminatory actions, there is a concern that the Commission assure that there is no "hierarchy of rights"; clearly establish how to deal with "competing inequalities" and how conflicts between different sets of rights" will be addressed. There is also a call to ensure no undermining of rights already established in the Convention on the Elimination of all Forms of Discrimination against Women or the Beijing Platform.</p>

ANNEX F

VOLUNTARY SECTOR INITIATIVE



The Voluntary Sector Initiative (VSI) is a joint undertaking between the Government of Canada and the voluntary sector. The voluntary sector consists of organizations that serve the public benefit, are self-governing and do not distribute profits to their members. The goals of the VSI are to strengthen the sector's capacity to meet future challenges, and to enhance the relationship between the sector and the Government and their ability to serve Canadians.

The VSI was launched in June 2000 and the Government of Canada committed \$94.6 million over a five-year period to develop its relationship with the voluntary sector. This funding included the development of an Accord that describes the following key elements of a strengthened relationship between these two sectors: common values (e.g., democracy, active citizenship, equality, diversity, inclusion and social justice); guiding principles (e.g., principles on accountability and sustained dialogue); and commitments (e.g., development of mechanisms to move the Accord forward and address the issue of ministerial responsibility).²⁸

Subsequent to the Accord and to expedite its implementation, *A Code of Good Practice on Funding* and *A Code of Good Practice on Policy Dialogue* were developed to formalize this relationship. The purpose of the Funding Code is to guide interactions between the Government of Canada and the voluntary sector on funding policies and practices (e.g., direct funding mechanisms, responsibilities of both sectors for funding practices). It builds on current funding policies and practices and includes specific recommendations to improve direct funding practices as well as guiding principles (e.g., accountability, co-operation and collaboration, diversity and equitable access).²⁹ Essentially, the Funding Code is a tool for identifying practices related to the funding aspect of the relationship between the two sectors and outlines the type of funding available to voluntary sector organizations (e.g., grants, contracts) as well as the types of activities that receive funding (e.g., program and service delivery, strengthened sustainable capacity, alliances and partnerships).

A Code of Good Practice on Policy Dialogue was developed as a tool to enhance dialogue and elicit better policies for Canadians. It outlines a number of good practices to improve public policies through achievement of the following outcomes: increased co-operation between the Government of Canada and the voluntary sector; increased opportunity for dialogue throughout the public policy process; systematic review by the Government of major policy and program proposals using a voluntary sector "lens" designed to ensure appropriate and adequate consideration of the impacts for the voluntary sector; development and use of mechanisms to engage in dialogue about issues relevant to the voluntary sector; information that is more readily available; and a better understanding of one another's policy objectives and the role that each sector has in furthering these objectives.³⁰ The Policy Dialogue Code is based on a number of shared principles, including inclusiveness, accessibility and accountability.

²⁸ Voluntary Sector Initiative (2001). *An Accord Between the Government of Canada and the Voluntary Sector*.

²⁹ Voluntary Sector Initiative (2002). *A Code of Good Practice on Funding*.

³⁰ Voluntary Sector Initiative (2002). *A Code of Good Practice on Policy Dialogue*.

ANNEX G

KEY ELEMENTS OF LEGISLATION

The Panel chose to review Canadian Acts dealing with employment equity, human rights, environmental assessment, official languages and multiculturalism to identify common elements reflected in each piece of legislation, particularly in terms of accountability structures.

I. Declaration of Purpose

One common element among the Acts is a clear statement of purpose regarding the promotion of change in society. For example, the *Employment Equity Act* aims at achieving equality in the workplace and correcting conditions of disadvantage in employment encountered by specific groups of people. The *Canadian Environmental Assessment Act* aims at anticipating and preventing the degradation of the environment and promoting sustainable development. The purpose of the *Canadian Human Rights Act* is to ensure equal opportunity for all individuals without hindrance from discriminatory practices based on, for example, race, national or ethnic origin, colour, sex or disability. The *Multiculturalism Act* promotes the policy of multiculturalism as reflecting the cultural and racial diversity of Canadian society and acknowledging the freedom of all members of society to preserve, enhance and share their cultural heritage. The *Official Languages Act* strives to ensure respect for English and French as the official languages of Canada, equality of rights and privileges, and support for the development of English and French linguistic minority communities.

II. Policy Objectives

To achieve the purposes stated above, most Acts articulate the Government's commitment to the issue and how it intends to support it and produce desired outcomes by enunciating policy objectives. For example, the *Environmental Assessment Act* sets out the Government's intent to achieve sustainable development by ensuring that environmental considerations are integrated into decision-making processes. The *Employment Equity Act* gives effect to the principle that employment equity means "more than treating persons in the same way but also requires special measures and the accommodation of differences". Similarly, the *Multiculturalism Act* outlines Canada's Multiculturalism Policy, which stipulates that federal institutions must promote policies, programs and practices that enhance the understanding of diversity in Canadian society.

III. Planning

Roles, duties and responsibilities that define mandates and the requirement for coherent strategies to address outstanding issues and achieve concrete results: these additional elements assist in the administration of legislation.

i) Roles and Responsibilities

Roles for coordination, accountability and implementation of the Acts are ascribed to different actors. For example, the *Official Languages Act* details the responsibility of the Cabinet, Treasury Board Secretariat, the Privy Council Office, all Ministers, and networks of champions within organizations for promotion

of the Act. Similar components are found under the *Employment Equity Act*, the *Human Rights Act*, the *Multiculturalism Act* and the *Environmental Assessment Act*. In addition, the roles and responsibilities of the Commissioner for Official Languages and the Canadian Human Rights Commission regarding enforcement and compliance are outlined in their respective Acts.

ii) Process for Setting Policy Priorities

Elements that help set policy priorities have also been stipulated in these Acts to ensure relevance to the Canadian public. For example, the *Human Rights Act* outlines the functions of the Canadian Human Rights Commission for conducting relevant studies on human rights and freedoms as well as for considering recommendations and suggestions regarding these rights and freedoms. In addition, the *Human Rights Act* lays out the responsibility of the Commission to conduct public consultations on any proposed regulations to the Act. The *Official Languages Act* specifies that the Minister of Canadian Heritage take measures to ensure public consultation in the development of policies and review of programs relating to the advancement and equality of status of both official languages. Similarly, the *Environmental Assessment Act* has entrenched public participation in the environmental assessment process.

IV. Implementation Mechanisms

All of the Acts encompass procedures or guidelines for dealing with issues, situations or operational aspects of the policy objectives to make the administrative links between programs, services and the public.

i) Analytical Tools and Administrative Processes

The *Environmental Assessment Act* outlines the environmental assessment process, which includes a screening or comprehensive study of the environmental impacts of a proposed project. Similarly, the *Employment Equity Act* stipulates that federal employers must collect workforce information, conduct a workforce analysis and review of employment systems, policies and practices to ensure that certain groups are not under-represented and to help them create an employment equity plan. The *Multiculturalism Act* stipulates that federal institutions collect statistical data to develop policies and programs that are sensitive and responsive to the “multicultural reality of Canada.” Moreover, a number of action plans and policies have been created to support implementation of the Acts. For example, the Action Plan of Official Languages lays out an accountability framework for official languages and expands on roles and responsibilities. The Management Accountability Framework and the Management, Resources and Results Structure Policy provide a basis for accountability in the work of the central agencies and Deputy Ministers who have responsibility under both the *Official Languages Act* and the *Employment Equity Act*. Similarly, the Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals strengthens the role of environmental assessment by clarifying obligations of departments and agencies under the *Environmental Assessment Act*.

ii) Complaint Process

The *Employment Equity Act*, the *Human Rights Act* and the *Official Languages Act* have established specific complaint-driven processes for recourse by third parties affected by the legislation. This includes investigation of complaints and referral of cases to the Human Rights Tribunal, as legislated under the *Human*

Rights Act, or to Employment Equity Tribunals, as legislated under the *Employment Equity Act*. Other compliance mechanisms such as the Canadian Human Rights Commission and the Commission on Official Languages have the legislated ability to investigate complaints related to various equality rights.

iii) Appeal Mechanisms

A decision rendered under the *Employment Equity Act*, the *Human Rights Act* and the *Official Languages Act* can be appealed. For example, parties who do not agree with a decision of the Canadian Human Rights Tribunal can appeal to the Federal Court of Appeal. In some cases, complaints can be appealed all the way to the Supreme Court of Canada. Similarly, these courts are also appeal mechanisms under the *Official Languages Act* and the *Employment Equity Act*.

iv) Regulations

Each of the Acts also has regulations to institutionalize their implementation. For example, the *Official Languages Act* has regulations regarding communications with and services to the public in both official languages. The *Environmental Assessment Act* has regulations regarding determination, notification and response requirements for environmental assessments.

V. Reporting

Reporting mechanisms are also outlined in all four of these Acts to ensure that both the Government and the public are informed of the status of policies and programs related to the Acts. For example, the tabling of annual reports to Parliament by Ministers, Commissioners, Treasury Board and/or judicial tribunals is legislated, to varying degrees, under all five of the Acts.

VI. Compliance

Another common element is the assignment of a compliance function to key agencies, departments and/or commissions including central agencies such as Treasury Board and the Privy Council Office to ensure that parties, including federal departments, are adhering to the provisions and policies laid out in an Act. For example, the Commission for Official Languages has the legislated mandate to enforce compliance with the *Official Languages Act* by conducting investigations and referring complaints to a court remedy. Similarly, the Human Rights Commission can instigate court proceedings against employers who are not complying with the *Employment Equity Act* or the *Human Rights Act*.

VII. Audit

Compliance with an Act is reinforced by the provision of certain audit functions assigned to both Treasury Board and the relevant commissions. Whereas the complaints process depends to a considerable extent on the complaints of individuals, the audit function allows Commissions to ensure that federal departments and employers are systematically achieving the objectives of the Act. For example, the Official Languages Commission has the legislated mandate to conduct compliance audits under the *Official Languages Act* and the Human Rights Commissioner audits federal employers under the *Employment Equity Act*.

VIII. Evaluation

The inclusion of an evaluation component in an Act ensures that there will be an examination of the purpose and grounds of the Act and a determination of the adequacy of its scope and jurisdiction, including an examination of its exemptions. To this end, all of the Acts have stipulated some type of review of the administration of the Act, its regulations and its directives. For example, permanent reviews have been legislated under *the Official Languages Act*, the *Human Rights Act*, the *Employment Equity Act* and the *Multiculturalism Act*. The *Environmental Assessment Act* stipulated a one-time review five years after it came into force.

Web Links to Acts

Canadian Environmental Assessment Act
<http://laws.justice.gc.ca/en/C-15.2/>

Canadian Human Rights Act
<http://laws.justice.gc.ca/en/H-6/>

Canadian Multiculturalism Act
<http://laws.justice.gc.ca/en/C-18.7/>

Employment Equity Act
<http://laws.justice.gc.ca/en/E-5.401/>

Official Languages Act
<http://laws.justice.gc.ca/en/O-3.01/>

KEY ELEMENTS OF LEGISLATION

Elements		EMPLOYMENT EQUITY ACT	ENV'TAL ASSESSMENT ACT	HUMAN RIGHTS ACT	OFFICIAL LANGUAGES ACT	MULTICUL- TURALISM ACT
Declaration of Purpose		●	●	●	●	●
Policy Objectives		●	●	●	●	●
Planning	Roles and Responsibilities	●	●	●	●	●
	Process for Setting Policy Priorities	●	●	●	●	●
Implementation Mechanisms	Analytical Tools	●	●	●	●	●
	Complaint Process	●		●	●	
	Appeal Mechanisms	●		●	●	
	Regulations	●	●	●	●	
Reporting		●	●	●	●	●
Compliance		●	●	●	●	
Audit		●			●	
Evaluation		●	●	●	●	●

ANNEX H

GENDER BUDGETS



The idea of gender-responsive budgets developed out of a growing international understanding that macro-economic policy can contribute to narrowing or widening gender gaps in areas such as income, health and education and make the living standards of different groups of women and men better or worse.³¹ Specifically, gender budget initiatives address the gaps between international commitments to gender equality and allocated resources; enhance the efficiency of economic policy and contribute to broader societal goals of social justice and sharing costs and benefits; and lead to greater transparency and accountability.³²

Translating gender equality commitments and policies into budgetary commitments will advance gender equality and promote fiscal policies that effectively respond to the needs of all citizens. Because the national budget is the policy document that reflects the highest level of political commitment and the socio-economic development policies of a government, integrating gender-based analysis into budgetary processes is a key step towards equality for women.

Gender budgets are not separate budgets for women or for men; rather, they focus on gender awareness and mainstreaming in all aspects of budgeting at national and local levels. In particular, gender budgets monitor and evaluate government expenditure and revenue from a gender perspective; promote more effective use of resources to achieve gender equality and human development; stress the resetting of priorities rather than an increase in overall government expenditure; and emphasize reorientation of programs within sectors rather than changes in the overall amounts allocated to particular sectors. In terms of expenditure, there are three categories suggested in a gender budget exercise: expenditures targeted to specific groups of women and men, girls and boys to meet their specific needs; expenditures to promote equal opportunities within the public sector; and expenditures that in principle make goods and services available to the whole community. These are assessed for their gender impact.

It is relatively easy to identify the gender implications of the first two categories but the majority of expenditures fall into the third category. The challenge is to effectively apply gender-based analysis to the entire budget and broaden accountability and transparency to include the gender impacts of budget processes and macroeconomic policies.

The following key lessons and good practices have been identified by countries (e.g., South Africa, Australia) and international institutions (e.g., the United Nations and Commonwealth Secretariat) that have experience in implementing gender budget initiatives within governments, including:

- political support at the highest levels creates an appropriate environment for gender budgeting;
- effective demonstration of the concrete and practical nature of a gender budget exercise is very important for drawing governments into the process;

³¹ Commonwealth Secretariat (1999).

³² *Ibid.*

- the technical knowledge, which is the “how to” for conducting a gender-based analysis, is often lacking throughout government. The development and application of policy tools, including training in gender-based analysis, and the use of gender-disaggregated data are fundamental concepts. These also help ensure there is no gap between national policy development on the advancement of women and budget appropriations;
- gender budget analysis is best placed in the Ministry of Finance as the key stakeholder within government;
- creating a partnership with civil society organizations is vital for monitoring and accountability; and
- initial gender budget analysis exercises often reveal more gaps than answers.

Gender budget initiatives are being recognized as important tools for analyzing the gap between government commitments and decision-making processes involved in government expenditure. The following bibliography provides resources on various gender budget initiatives, country case studies, reference manuals and examples of good practice in gender budgeting.

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BIOGRAPHIES

EXPERT PANEL ON ACCOUNTABILITY MECHANISMS FOR GENDER EQUALITY



Georgina Steinsky-Schwartz chaired the panel. Since 2004, she has served as president and chief executive officer of Imagine Canada, an organization that supports Canada's charities, non-profit organizations and socially conscious businesses. She has distinguished herself in the public, private and non-profit sectors, and has been an executive leader in handling change and transformation in large and complex organizations - among them, several federal government departments and three major Canadian corporations, including Bell Canada. Throughout her career, Ms. Steinsky-Schwartz has also served on the boards of many non-profit organizations.

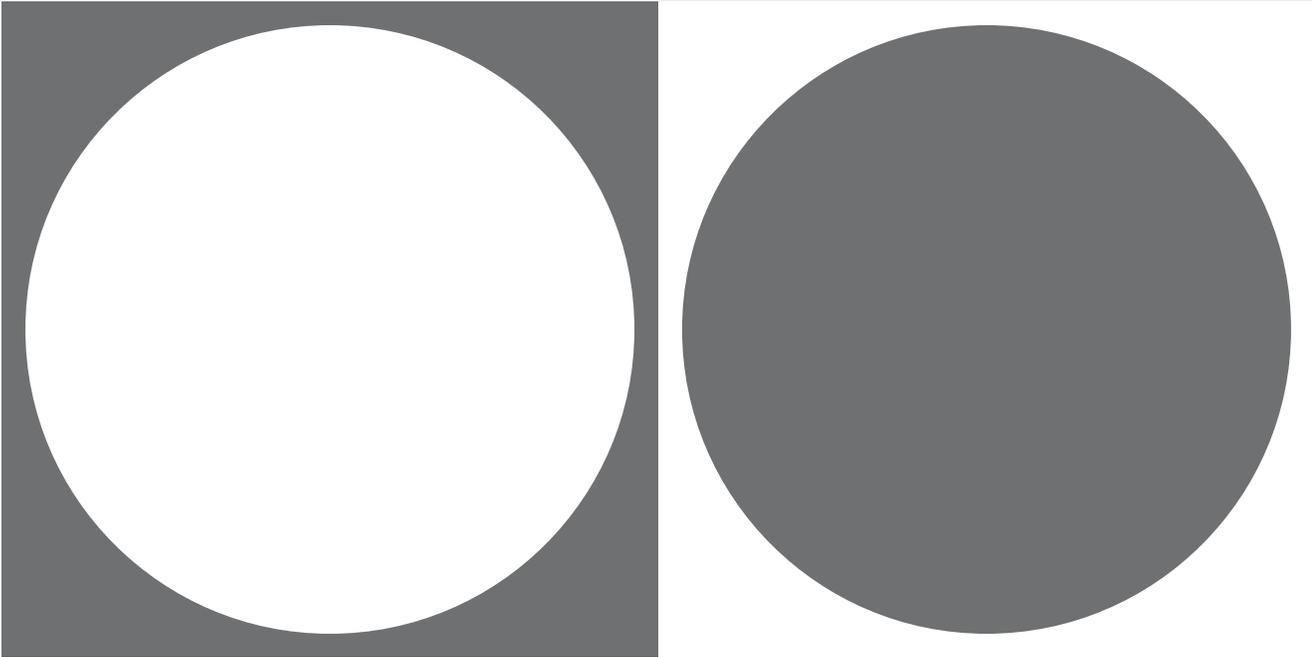
Photo of Georgina Steinsky-Schwartz is credited to the Toronto Star



Dorianne Rowan-Campbell is an independent development consultant and a gender consultant who has spent the last 30 years providing human resource development, capacity building and training in countries such as Jamaica, Kenya, Zimbabwe and Belize. She initiated the Commonwealth Secretariat Women and Development Program, representing Canada. In 1975, she helped found the Canadian Research Institute for the Advancement of Women (CRIAOW). In 1979, she established and became the first coordinator of Portrayal of Women for the Canadian Broadcasting Corporation (CBC). She is also the author and co-author of many publications on women's issues. She recently served as a technical advisor on a gender and policy initiative in Bangladesh for the Canadian International Development Agency.



Louise Langevin is a Professor of Law at the Université Laval and a member of the Quebec Bar. She holds the Claire Bonenfant chair of women's studies (January 2006). Professor Langevin is a former President of the Canadian Association of Law Teachers and is on the board of the National Association of Women and the Law. She has also taught at the University of Ottawa, the Université de Sherbrooke and the Université de Montréal. Her fields of study include feminist theory, violence against women, discrimination and women's rights - subjects on which she has vast knowledge and has published widely.



Status of Women Canada
MacDonald Building
123 Slater Street, 10th Floor
Ottawa, Ontario K1P 1H9
Telephone: (613) 995-7835
Facsimile: (613) 957-3359
Email: publications@swc-cfc.gc.ca
Internet: www.swc-cfc.gc.ca
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