Fast Forward to Gender Equality

MAINSTREAMING, IMPLEMENTATION AND LEADERSHIP

OECD

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Foreword

Gender equality is both a human right and a prerequisite for achieving inclusive and prosperous societies and economies. Recently, OECD countries have made important advances in areas such as health and education; nonetheless, progress is slow. Despite gains in girls' and women's education, girls continue to be underrepresented in the STEM fields (science, technology, engineering, mathematics). Women are also still more likely to work part-time and for lower pay. Women continue to lag behind men in access to decision making and leadership in public life.

Recognising the importance of improving gender equality, OECD governments are putting in place strategies to narrow the remaining gender gaps. Sound public governance will be essential to effectively implement these strategies and deliver results. A co-ordinated, whole-of-government commitment is crucial, as well as clear and effective mechanisms for translating public policies, services and budgets into concrete benefits for men and women from diverse backgrounds. It is also important that government policy decisions take gender equality into account. Strengthening the gender-sensitivity of public institutions - including political parties, judicial councils and election management bodies – as both rule-makers and employers will be critical to enabling equal access to the top.

This report takes stock of where countries stand vis-à-vis the 2015 OECD Recommendation on Gender Equality in Public Life, with a view to monitoring the progress made over time. The Recommendation provides governments with governance tools, institutional mechanisms, and accountability frameworks to help further close gender gaps.

The OECD has a long-standing track record of championing gender equality. The OECD Gender Initiative has led to the adoption of 2013 OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship, and the 2015 OECD Recommendation on Gender Equality in Public Life. These legal instruments provide ambitious and comprehensive measures that member countries and other adherents can implement to promote gender equality. The standards set forth in these Recommendations have paved the way for securing commitments by the G20 and the G7 in the areas of reducing the gender gap in the labour force and gender mainstreaming. The implementation of this report's policy messages will help political leaders and decision makers across the OECD fast forward to gender equality.

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Executive summary

Gender inequality persists, to varying degrees, in all countries. This has become increasingly untenable, as shown by the growth in vocal movements such as #metoo, Time's Up and #BalanceTonPorc. These inequalities are present in education, employment, entrepreneurship and public life, and hinder inclusive growth and equal opportunities. While progress is being made in education and employment, women still have difficulty accessing senior jobs. Digitalisation, disruptive technologies and big data bring opportunities for change, but also risks that can compound existing inequalities and create new divides. Digital harassment and gender-based violence are on the rise. These inequalities hamper economic growth, damage confidence in government and undermine societal well-being.

The public sector has a major role to play in this context. The 2015 *OECD Recommendation of the Council on Gender Equality in Public Life* offers a range of policy options to help countries achieve gender equality and inclusiveness outcomes. This report takes stock of the current state of affairs in OECD countries.

Implementing and mainstreaming gender equality: A fast forward is needed

- Governments are increasingly introducing gender equality strategies and policies to narrow remaining gender gaps. However, these efforts often fall short, as they are not supported by effective governance, implementation, accountability and monitoring.
- While targeted policies such as those to improve women's entrepreneurship or labour force participation can help close specific gaps, they do not reveal gender bias in baseline policies and regulations. Structural and systematic approaches are thus needed to mainstream a gender perspective into all policies, regulations, budgets and other structural reforms. Yet, gender mainstreaming is rarely used in structural reforms and government decision making.
- A growing number of countries have introduced whole-of-government strategies for achieving gender equality and inclusiveness. But these strategies often remain disconnected from broader national development objectives, governance and policy frameworks, and are rarely supported by performance measurement, accountability and monitoring mechanisms.
- Gender-based analysis and impact assessments can help embed a "gender lens" in government decision making and structural reforms. They are most common in *ex ante* assessments of regulations and laws, often too late in the process to have a real impact on decision making. They also require reliable evidence disaggregated by gender and other intersectional characteristics. While OECD countries are making progress in this area, gaps remain, and data on intersectional characteristics are rare.
- Gender budgeting is increasingly common: about half of OECD countries report that they already use it or plan to introduce it. Tools such as public procurement and regulatory

policy could also be used to address specific barriers faced by women (or young people, migrants and other diverse groups) in accessing finance and government contracts. However, the use of such tools is still undeveloped in many OECD countries.

- Centres of government play a strategic role in helping identify implementation gaps, establishing effective accountability and performance frameworks, and integrating a gender equality lens in all government decision-making processes. Yet specific mandates for the centre to support gender mainstreaming remain limited across the OECD.
- Similarly, independent oversight institutions (such as supreme audit offices) and legislatures could also accelerate the implementation of gender initiatives, but are not always mandated to do so.
- Central gender institutions are increasingly recognised as powerful drivers of change, but they could play a stronger role across government and society. Effective gender mainstreaming requires the active and systematic engagement of all public agencies and line departments. These institutions, however, often lack the resources, capacity, awareness and know-how for applying a gender lens to policy making and service delivery.

Closing gender gaps in public decision making

- Public institutions create rules and take decisions that affect people's choices and determine access to resources and opportunities; they also serve as role models for the broader private sector. Overall, the gender equality picture is mixed in these institutions. There is an upward trend towards gender equality in public decision making. Women comprise the majority (58%) of employees in the public sector, and 53% of professional judges. They made up, on average, only 29% of parliamentarians in OECD countries in 2018, an increase from 25% in 2011. Gender balance in ministerial positions is also improving, with women occupying 28% of ministerial posts in 2017 compared to 21% in 2005 and 25% in 2012.
- Still, progress remains slow and uneven, with a number of countries making large strides, while others are undergoing setbacks. Women continue to be over-represented in both low-level jobs and part-time work (75% of part-time workers in the public sector). The higher the position, the lower the proportion of women in many OECD countries across all branches of power. In legislatures and senior roles in the public service, there has only been a marginal increase (around 2%) since 2012. Indeed, women continue to represent, on average, only one-third of senior public servants, members of parliament and supreme court judges. A gender-based wage gap (albeit smaller than in the private sector) and incidents of harassment persist.
- There is thus significant scope to improve gender balance in all public institutions in all branches of government. Strengthening the gender sensitivity of public institutions (including political parties, judicial councils and election management bodies) as rule-makers and employers will be critical to enabling equal access to the top.
- All branches of power are taking steps to close gender gaps and develop gender-sensitive workplaces. These include equality strategies, quotas and targets, coaching and leadership development programmes, and initiatives to reconcile professional and private life and to ensure pay equity. The combination of policies and

the effectiveness of interventions depend to a large extent on top-level commitment and leadership, political will, and robust accountability frameworks.

- Robust monitoring mechanisms are needed to create a culture of accountability in all public institutions. Countries with such accountability frameworks have also seen more gender-balanced representation in the workforce at all levels.
- Greater availability and use of work-life balance measures by both women and men, especially at the top management levels, are also needed. Greater involvement by men in care work would support equal access to leadership posts.
- New approaches such as behavioural sciences can help focus on underlying norms and attitudes that influence gender equality. Such approaches can also help weed out ineffective policies and initiatives. Actions shaped by behavioural insights are relatively rare, but are taking root in a number of countries.

1. Closing the implementation gap for gender equality

Closing persistent gender gaps in public and private spheres is an increasingly critical policy issue for OECD countries in their efforts to foster inclusive growth and opportunities for all. This chapter provides the rationale and the scope for the study. It also outlines the study's objectives and details the methodology adopted in preparing the report.

This report maps strategies, governance tools, institutional settings and innovative approaches used by governments across the OECD and throughout all state institutions (including legislatures and judiciaries) to drive and support the advancement of society-wide gender equality goals. It also identifies current challenges faced by OECD countries in ensuring long-lasting impacts of their gender equality agendas. Finally, the report provides key actionable policy messages to all state institutions, supported by examples of "what works" across the OECD.

This report was prepared by the OECD's Public Governance Directorate (GOV) within the framework of the 2015 OECD *Recommendation of the Council on Gender Equality in Public Life* (hereafter the "2015 Recommendation"). It will serve as the basis for future monitoring of progress to the OECD Council in implementing the Recommendation. The monitoring report is scheduled for 2022. The 2015 Recommendation was developed under the auspices of the OECD Public Governance Committee, in co-operation with the OECD Employment, Labour and Social Affairs Committee. The 2015 Recommendation promotes a government-wide strategy for gender equality reform, sound mechanisms to ensure accountability and sustainability of gender initiatives, and tools and evidence to inform inclusive policy decisions. It also promotes a "whole-of-society" approach to reducing gender stereotypes, encouraging women to participate in politics, and removing implicit and explicit barriers to gender equality. This work builds on the work and expertise of the OECD Public Governance Committee and its policy communities (such as the Public Employment and Management Network and the Working Party of Senior Budget Officials), including the 2014 report *Women, Government and Policy-Making in OECD Countries: Fostering Diversity for Inclusive Growth*, and the Global OECD Roundtables on Better Governance for Gender Equality. The 2015 Recommendation complements and deepens the relevant provisions of the 2013 *OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship*. Both of these Council Recommendations were developed as critical aspects of the OECD Gender Initiative.

1.1. Rationale for the report

Gender inequality continues to persist across the OECD, although to varying degrees, in education, employment, entrepreneurship and public life and hinders inclusive growth and opportunities for all. In addition, movements around the world such as #metoo, Time's Up, the Weinstein Effect and #BalanceTonPorc increasingly demand accountability for the persistent gender inequality in public and private spheres.

While women's labour force participation rates have been improving over the past few decades, progress remains slow and patchy and the glass ceiling persists. Overall, women are still less likely than men to be in the workforce across the OECD although their educational attainment tends to be higher. Equal access to quality and senior jobs and levels of pay remains uneven. Women still hold the majority of part-time jobs and work for lower pay. Important strides have been made in recent years towards enhancing pay transparency; such efforts are slowly bearing fruit. Yet on average, gender pay gaps across the OECD remain at about 15% at the median, with little progression recorded in recent years (OECD, 2017[1]).

Within the public administration, women continue to be over-represented in both low-level job categories (e.g. secretarial positions) and part-time work (75% of total part-time workers in the public sector in participating OECD countries). The higher the position, the lower the proportion of women in many OECD countries across all branches of power. In the legislatures and senior roles in the public service, there has only been a marginal

increase (around 2%) since 2012. Women continue to represent, on average, only one-third of senior public service employees, members of parliament (including in chair positions of committees) and Supreme Court judges.

The sluggish progress reveals that many of the government initiatives to date have not always been up to the task of dealing with persisting stereotypes and cultural norms. By way of example, women remain disproportionally responsible for unpaid care work, with major potential to improve public, accessible and affordable child and/or elderly care. Although women are often at the losing end of structural gender inequality, cultural norms and stereotypes are simultaneously creating pressure and subsequent problems for men and boys, such as underdiagnosed mental health problems, addiction and alcohol abuse, and use of violence as a masculinity norm.

In addition, new challenges arise: while presenting real opportunities for change, digitalisation, disruptive technologies and big data generate additional risks to expand the scale of persisting inequalities, and create new forms of divides. Increasing incidences of digital violence, abuse and harassment in the form of (online) sexual harassment and gender-based violence is a staggering example. This may also generate a risk of democratic deficit as women may become intimated to participate in public debate to avoid such violence. As a response, G7 countries have already made a political commitment to end gender-based violence, abuse and harassment in digital contexts.[1]

Accordingly, the OECD Ministerial Council welcomed the 2017 "Report on the implementation of the OECD Gender Recommendations", and recognised that progress in closing gender gaps has been very slow, and that gender gaps have even widened in some countries. Ministers also recognised that the slow pace of progress called for urgent action and a more strategic approach to closing the remaining gaps, including through structural reforms. As such, the OECD Ministerial Council committed to reinforce its efforts, including by adopting comprehensive plans and measures to mainstream and improve gender equality in line with the OECD Gender Recommendations. It also called on the OECD to continue its work in this regard. It is scheduled to issue a monitoring report to the OECD Council in 2022 for the progress made in the implementation of OECD Gender Recommendations.

Effective governance is key to delivering gender equality results. Meaningful changes on the ground require a co-ordinated, competent and powerful whole-of-government commitment, and clear and effective mechanisms in place within and across government institutions to be able to translate public policies, programmes, services and budgets into concrete benefits for men and women. All institutions and policy areas count for gender equality as they all impact men and women, and yet in a different way due to their different circumstances. This is why gender mainstreaming is a fundamental commitment of countries that aspire to eliminate gender-based discrimination across the board and realise a fully inclusive society. In addition, ensuring gender balance in public decision making has been increasingly highlighted by OECD countries as a key governance issue related to fairness, transparency and inclusive policy outcomes.

1.2. Objectives of the report

This report aims to advance reflection on the following elements by drawing on key examples around the OECD on what works:

- What are the public governance implications for countries to make progress in gender equality? (Chapters 2 and 3)

- What kind of accountability mechanisms are in place? Where are the gaps? (Chapters 2 and 6)
- How can governments harness the full potential of their tools to advance gender equality goals? (Chapter 3)
- Which policies, initiatives and innovative approaches are effective in shifting the organisational culture towards gender equality and inclusiveness? (Chapter 4)
- How do public administrations, judiciaries and parliaments promote gender equality? Where are the gaps in access to leadership in public institutions? (Chapters 4, 5 and 6)

1.3. Methodology and content

The information in this report was primarily gathered through surveys disseminated to a wide range of participants including: government officials, judicial councils (or equivalents), parliamentary secretariats and national gender equality institutions. As the report builds on the available information, absence of references to certain OECD countries throughout this report should not be interpreted that such frameworks are not in place. The report is based on the following surveys of OECD countries:

- 2017 OECD Survey on National Gender Equality Frameworks and Public Policies (17 respondent countries): The survey was addressed to the representatives of national gender equality institutions (or equivalents) who are also members of the OECD Roundtable on Better Governance for Gender Equality. The survey focused, among others, on the legal frameworks and whole-of-government strategic planning for gender equality and gender mainstreaming; policy frameworks; assessments of needs and gaps; institutional set-ups and public governance approaches to implement gender equality policy; gender mainstreaming tools; and accountability mechanisms for gender equality. Sub-sections of this survey were also sent to pilot line ministries across OECD countries to assess the degree of implementation of gender mainstreaming requirements.
- 2017 OECD Survey on Gender Equality in Civil Service Employment (20 respondent countries): The survey, which focused on the central civil service, was addressed to the Public Employment and Management Network. This survey provided a detailed account of how countries equipped themselves to ensure gender-balanced and gender-sensitive public administrations and their efforts to achieve gender equality results more broadly. The areas of focus included gender-sensitive people management; reconciliation of professional and personal life in the civil service; leadership and executive accountability for promoting gender equality in the civil service; addressing the gender wage gap and occupational segregation; and representation of women and men in the civil service.
- 2016 OECD Survey on Gender-Sensitive Practices in the Judiciary (19 respondent countries). This survey was addressed to judicial councils (or equivalent institutions) across the OECD. It focused on the gender composition of the judiciary; work-life balance practices; barriers for women's access to judicial appointments; and gender-sensitive decision making. It aimed to complement the work carried out by the European Commission for the Efficiency of Justice (CEPEJ) and its 2016 and 2018 reports "European judicial systems: Efficiency and quality of justice". These CEPEJ reports have also served as useful resources in the completion of this assessment.

- 2016 OECD Survey on Gender Sensitive Electoral and Legislative Practices (22 respondent countries): This survey was addressed to the presidents of parliaments across the OECD as well as parliamentary secretariats. It focused on gender equality frameworks in the parliament; gender mainstreaming mechanisms; gender equality oversight; and challenges to implementing gender equality in the work of the parliaments.
- The report also draws on, as relevant, the results of the 2016 OECD Survey of Gender Budgeting Practices managed by the Working Party of Senior Budget Officials, and on Indicators of Regulatory Governance managed by the OECD Regulatory Policy Committee.

The report also reflects the outcomes of the discussions of the OECD Roundtables on Better Governance for Gender Equality, and meetings of OECD Gender Budgeting Experts. It also builds on the policy dialogue advanced through a broad range of policy forums such as the Women Political Leaders Global Summits, OECD Equal Access to Justice Roundtables and various OECD events.

A fresh innovation in this report concerns an initial mapping of inclusive governance tools (e.g. budget, regulations and procurement). Despite the great potential of such tools to improve the inclusiveness of decision-making processes, they often remain underused across the OECD. This report also emphasises the value of behavioural insights in responding to underlying norms and attitudes that deeply influence gender equality in the workplace, as well as providing tools to narrow the gender gap, support women's public service leaderships, and assist in identifying the potential unintended outcomes of well-intentioned policies and gender reforms.

The report is structured as follows. On the basis of good practices across OECD countries and policy recommendations, Chapter 2 reviews government strategies and institutional frameworks for effective gender mainstreaming. It looks through robust accountability for gender equality and assesses the collection of sound evidence of policy impacts on women and men. Chapter 3 puts the spotlight on gender mainstreaming in budgeting, the regulatory cycle and procurement frameworks. Chapter 4 explores gender equality, diversity and anti-harassment in the public service through the practical analysis of gender-sensitive people management and the use of insights from behavioural sciences. It accounts for trends in public sector employment of women and highlights policy measures implemented in OECD countries to help achieve parity in the public sector. Chapter 5 examines the status of gender-sensitive practices in the judiciary while pointing out the pitfalls to gender equality in this sector. Chapter 6 lays a special focus on women's access to politics and the development of gender-sensitive legislatures, zeroing in on persisting barriers to women running for elected office or holding seats in parliament and on key initiatives for promoting equal access to leadership.

Note

1. See Charlevoix Commitment to End Sexual and Gender-Based Violence, Abuse and Harassment in Digital Contexts.

2. Getting it right: Institutions, evidence and accountability for gender equality

Despite increasing political commitment to and growing awareness of the importance of gender equality, its effective and long-term realisation remains hindered by a wide range of factors, including insufficient institutional capacity across sectors and limited accountability mechanisms. In line with the 2015 OECD Recommendation of the Council on Gender Equality in Public Life*, this chapter provides guidance on adopting a co-ordinated whole-of government approach to gender equality. Suggested approaches include national gender equality strategies and action plans; the effective allocation of roles and responsibilities across public institutions; robust accountability, oversight and co-ordination mechanisms; and tools for gender-sensitive policy making, supported by sound evidence of policy impacts on women and men. The chapter also gives an overview of institutional arrangements across OECD countries, highlights good practices and outlines a number of policy recommendations to support governments in strengthening national frameworks for gender equality.*

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Key findings

- There has been growing momentum in recent years to raise the profile and capacities of central gender equality institutions, along with increased high-level attention given to promoting gender equality.
- A majority of OECD countries have put in place some form of gender equality strategy at the central or federal level that sets whole-of-government objectives in the area of gender equality. Nonetheless, the absence of clear whole-of-government measurement, accountability and monitoring frameworks for these strategies also stands out as an important barrier to ensuring effective implementation. Further incorporation of gender equality objectives within the overall government planning process is needed to reduce the risk of marginalising gender equality initiatives.
- Specific mandates for the centre of government to support gender mainstreaming remain very limited across OECD countries (with a few exceptions such as Canada and, most recently, Iceland).
- Gender-based analysis and impact assessments are important tools for embedding a gender lens in government decision-making and structural reform processes. Yet their use is usually limited to *ex ante* assessments of regulatory and legislative initiatives, and they are used too late in the process to have a real impact on decision making, reducing it to a "tick the box" exercise rather than an informative tool. However, about a third of respondents indicated their plans to undertake such assessments, showing that the demand for such practice is starting to take hold across the OECD. There is much scope for advancing gender mainstreaming in the monitoring and evaluation phases of the policy cycle.
- The overall trend across the OECD indicates that gender equality issues are not always visible in cabinet structures. An overview of institutional arrangements indicates that over one-third of countries continue to address gender equality issues as part of social policy, often resulting in limited opportunities to influence a whole-of-government response to gender equality needs.
- Line ministries have identified the following areas as hampering gender mainstreaming: the absence or complexity of gender mainstreaming requirements, limited capacities and difficulties in applying gender impact assessments at the early stage of the policy process, limited monitoring and an absence of funding.
- The systematic collection of gender-disaggregated data remains patchy across policy sectors in OECD countries. While the majority of responding countries reported regularly collecting gender-disaggregated data in policy areas related to education and health, it remains largely uncommon in areas seen as "gender neutral", such as environment, economic affairs and defence.

2.1. Introduction

Whole-of-government institutional frameworks and effective public governance processes are the vehicles that help drive gender equality objectives forward. In the context of the 2015 *Recommendation of the Council on Gender Equality in Public Life*, these institutional dimensions refer to: strategic planning; roles, responsibilities and lines of accountability of key government stakeholders and oversight institutions; co-ordination mechanisms; availability of data and evidence; and accountability structures (Box 2.1). Inclusive decision-making tools which are a key pillar of these institutional frameworks are discussed in Chapter 3.

Box 2.1. Relevant provisions of the 2015 OECD *Recommendation of the Council on Gender Equality in Public Life*

RECOMMENDS that Members and non-Members having adhered to the Recommendation (hereafter the "Adherents") mainstream gender equality in the design, development, implementation and evaluation of relevant public policies and budgets. To this effect, Adherents should:

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

   i. Setting a rationale, action plans, priorities, timelines, objectives, expected outcomes and/or targets, and effective policy planning across public institutions for promoting gender equality. These measures should be accompanied by information and awareness campaigns, media strategies and regular reviews.

   ii. Engaging relevant governmental and non-governmental stakeholders with a view to ensuring an inclusive and comprehensive coverage of gender equality issues.

   iii. Adopting a dual approach to narrowing equality gaps through both gender mainstreaming and specific targeted actions to promote gender equality.

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

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

   ii. Bolstering the capacities and resources of gender equality institutions to facilitate a consistent response at appropriate levels of government and to develop, implement and monitor gender-sensitive programmes and policies throughout the government, based on gender-disaggregated statistics and indicators. Effectiveness of gender equality institutions can also be strengthened by placing them at the highest possible level in the government (see also Recommendations II.2 and III.2).

Box 2.1. Relevant provisions of the 2015 OECD *Recommendation of the Council on Gender Equality in Public Life* (*continued*)

iii. Ensuring the capacity and resources of public institutions to integrate gender equality perspectives in their activities, for example, by identifying gender equality focal points across governmental bodies; by investing resources in training and promoting collaborative approaches with knowledge centres to produce gender-sensitive knowledge, leadership and communication; by ensuring the collection of gender and gender-disaggregated statistics in their areas of responsibility; and by providing clear guidelines, tools, communication and expectations to public institutions in this area (see also Recommendations II.2 and III.2).

iv. Strengthening vertical and horizontal co-ordination mechanisms for policy coherence across governmental bodies and levels of government that involve relevant non-governmental stakeholders to ensure synergies and effective implementation of gender equality initiatives.

RECOMMENDS that Adherents strengthen accountability and oversight mechanisms for gender equality and mainstreaming initiatives across and within government bodies. To this effect, Adherents should:

1. Consider establishing or strengthening capacity of independent institutions (such as independent commissions, supreme audit institutions, Ombuds offices) and advisory bodies (e.g. government councils) to monitor the implementation of gender equality strategies; integrate gender issues in policy making; and facilitate regular reporting, audits and measurement. To be effective, such oversight should be undertaken in a balanced manner and avoid prescriptive approaches to foster continuous improvement while enabling to track progress in gender equality.

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

i. Developing and implementing evaluation, measurement and accountability frameworks and indicators and collecting data to regularly assess and report on performance of gender equality and mainstreaming strategies, initiatives, public policies and programmes at appropriate levels of government. Consider building capacity of public institutions based on these evaluations.

ii. Actively promoting data dissemination and ensuring affordable, effective and timely access to performance information on gender equality and mainstreaming that allows for tracking results against targets, monitoring progress towards socio-economic development, and for comparison with international and other benchmarks.

Box 2.1. Relevant provisions of the 2015 OECD *Recommendation of the Council on Gender Equality in Public Life* (*continued*)

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

3. Encourage a greater role of parliaments and parliamentary committees to support progress in gender equality, for example, by integrating gender perspectives in parliamentary practices, legislation and budgets; by promoting legislative initiatives focusing on gender equality; and by providing oversight of the implementation of gender equality and mainstreaming strategies and initiatives.

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

Source: OECD (2016[2]), *2015 OECD Recommendation of the Council on Gender Equality in Public Life*, http://dx.doi.org/10.1787/9789264252820-en.

2.2. Results-focused national strategies for gender equality

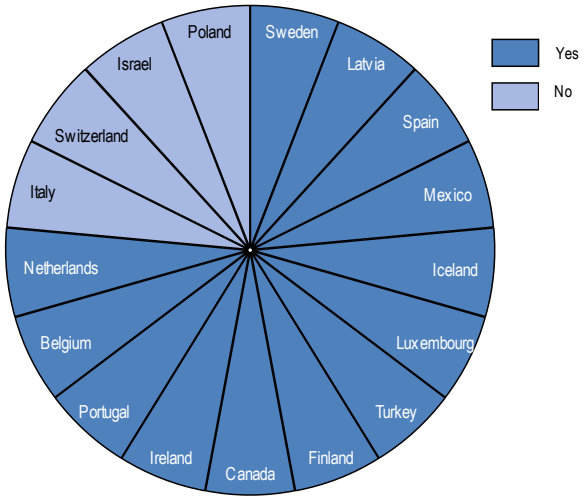
Strategic planning is an inherent aspect of the functioning public service (Bryson, 2018[3]). It can help improve decision-making processes by focusing attention on the most crucial issues and challenges; and co-ordinating implementation across levels and functions. It can also underpin accountability around the achievement of strategic priorities. This is no different when it comes to strategic planning around gender equality objectives. The 2015 Recommendation puts a strong emphasis on strategic planning by recommending that countries *"set a rationale, action plans, priorities, timelines, objectives, expected outcomes and/or targets, and effective policy planning across public institutions for promoting gender equality*" (OECD, 2016[2]). It also emphasises the need to engage relevant governmental and non-governmental stakeholders to ensure an inclusive and comprehensive coverage of gender equality issues. The strategic planning process – for gender equality and more broadly in all policy areas – should also factor in potential behavioural pitfalls that may discourage or disrupt implementation. These may include, for example, underestimating the time or resources needed to accomplish a task. Overly ambitious targets may generate frustration among public servants; or abundance of output indicators may redirect focus from getting results where they matter the most.

A gender equality strategy aims to provide a policy umbrella under which gender mainstreaming and targeted initiatives meet to advance society-wide goals for gender equality (OECD, 2018[4]). Indeed, all respondent countries which did not develop a gender equality strategy at the central or federal levels also identified the absence of strategic planning as a top barrier to effectively implementing gender equality priorities (see Figure 2.3). On average, 76% (13 out of 17) of respondent countries have some form of gender equality framework – currently in force – at the central or federal levels which lays out whole-of-government strategic objectives in the area of gender equality (Figure 2.1). These documents can take the form of a strategy (e.g. Ireland, the Netherlands and Turkey); an action plan (e.g. Belgium, Finland and Japan); a policy (e.g. Luxembourg and Sweden);

a results framework (e.g. Canada); a programme (e.g. Mexico); or a parliamentary resolution (e.g. Iceland) (see Box 2.2). For the purposes of this chapter, the term "strategy" aims to encompass these varied approaches. It could be argued that given the complexity of underlying causes of the gender pay gap, the latter can be a strong proxy indicator for women's empowerment and gender equality in the overall economy. This is why in some countries, such as the United Kingdom, the strategy for tackling the gender pay gap is rather conceived as an overarching national strategy for gender equality.

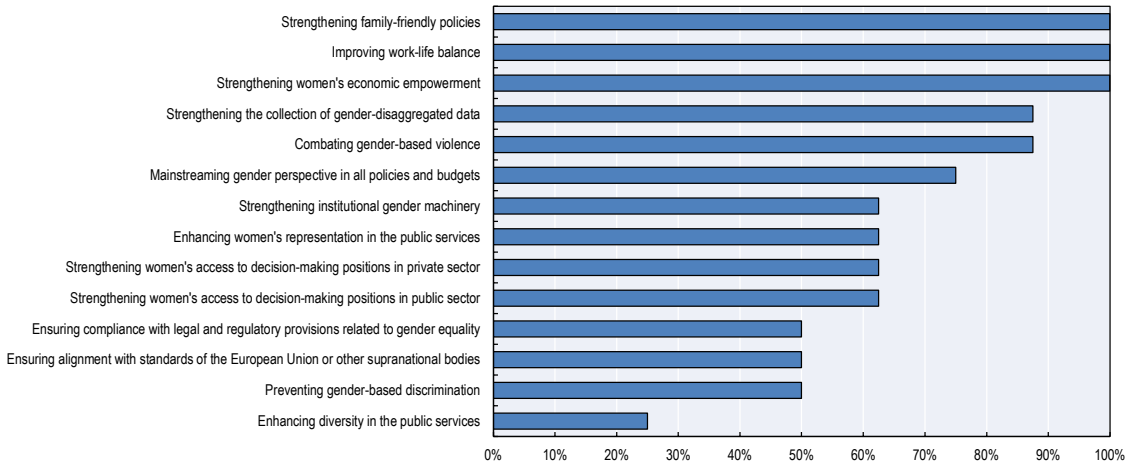
The policy focus of gender equality strategies also varies in every respondent country, depending on the most salient gender equality gaps. For example, recognising that gender inequalities can be compounded by inequalities related to age, ethnicity, disability, income, etc., a number of countries have put the policy focus in their strategic documents on gender equality and intersectionality (e.g. Canada, Iceland and Portugal). In other countries, the emphasis is put on women's empowerment (e.g. Ireland, Turkey and the United Kingdom). In the majority of respondent countries, strategies mostly aim to address work-life balance, women's economic empowerment, closing gender data gaps and combating gender-based violence (see Figure 2.2). This trend is very similar in comparison to 2011, although many countries have adopted new strategies since then. In addition, countries also reported elaborating strategies that bring a specific focus on outstanding gender equality issues. For example, Australia and Canada have stand-alone strategies to address and prevent gender-based discrimination; Australia has a specific strategy to advance gender equality in the Australian Public Service (see Box 2.4); New Zealand has a two-year action plan to eliminate the gender pay gap in the civil service by 2020.

Figure 2.1. Availability of gender equality strategies at central or federal levels, 2017



Notes: This chart does not take into account available strategies with a specific focus such as tackling gender-based violence, addressing the gender pay gap, etc.
In the case of Canada, the government has recently developed a Gender Results Framework, which provides outcome-oriented goals. The framework did not provide for an implementation strategy at the time this report was published.
Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Figure 2.2. Thematic focus of gender equality strategies at central/federal level



Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies

Box 2.2. Examples of whole-of-government gender equality strategies at the central/federal levels

Sweden

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

Box 2.2. Examples of whole-of-government gender equality strategies at the central/federal levels (*continued*)

Finland

In May 2016, Finland launched its Government Action Plan for Gender Equality 2016-2019, consisting of an overarching gender equality strategy of around 30 measures covering all ministries. The strategy contributes to meeting Finland's international commitments laid out in the United Nation's Convention on the Elimination of All Forms of Discrimination against Women and the European Council's Istanbul Convention, as well as the government's 2011 *Report on Gender Equality*.*

The action plan was built on the directions given by experts and key stakeholders consulted during the preparation process and it was later finalised in collaboration with the ministries. It offers concrete actions and realistic goals articulated around six areas: 1) labour market equality; 2) reconciliation of work, family and parenthood; 3) gender equality in education and sports; 4) intimate partner violence and violence against women; 5) men's well-being and health; and 6) decision making that promotes gender equality. For each of these areas, the strategy sets objectives to be achieved during the government's term and others for the long term. Besides the specific thematic measures that fall to the respective ministries, the plan also includes measures to ensure that all ministries assess the gender impacts of their activities and take them into account in their decision making.

The Ministry of Social Affairs and Health is responsible for the co-ordination of the work related to the action plan. However, the action plan requires extensive inter-ministerial co-operation and commitment. A working group has been appointed to support and monitor the implementation of the plan and report to government.

Spain

In 2014, the Spanish government launched the government's Strategic Plan for Equal Opportunities 2014-2016. The strategy was developed with the aim of ensuring a high degree of consensus and viability. To this end, the plan drew on work by the Spanish Women's Institute and existing European strategies such as the EU's Strategy for Equality between Women and Men 2010-2015 and the Europe 2020 Strategy, as well as reports and proposals from the Equality Commissions of both the Spanish Congress and Senate. Objectives and measures were set in collaboration with line ministries. The plan was also sent to the Council for Women's Participation for final consultation.

The Strategic Plan for Equal Opportunities 2014-2016 was articulated around seven action axes: 1) labour market and gender pay gap equality; 2) balance between personal, family and work life and co-responsibility in family responsibilities; 3) eradication of violence against women; 4) women's participation in political life and economical and social spheres; 5) education; 6) development of gender equality actions in sectorial politics; and 7) mainstreaming gender in the government's policies and actions.

Box 2.2. Examples of whole-of-government gender equality strategies at the central/federal levels (*continued*)

In each of the seven axes, the strategy provided an overview of the situation and set specific objectives, lines of action and planned measures. For some axes, special measures targeting rural and especially vulnerable women were introduced.

The plan included a clear governance scheme, based on a classification of three disparate types of agents:

1. Responsible agents: Each of the ministerial departments, and in particular the Ministry for Health, Social Affairs and Equality, responsible for the implementation of the plan in its competency areas.
2. Support agents: Equality units of the ministries are responsible for facilitating and ensuring that line ministries execute the plan's measures.
3. Co-ordination agents: The General Directorate for Equal Opportunities and the Women's Institute are responsible for the preparation, monitoring and evaluation of the plan, as well as co-ordinating the equality units and general plan co-ordination.

The plan also committed to developing an Evaluation Program which would include a selection of indicators corresponding to the plan's objectives, to allow for better monitoring, assess the level of implementation and evaluate the final results.

Ireland

Gender mainstreaming was originally driven in Ireland by the National Development Plan 2000-2006, which included a mandate to mainstream gender equality as a horizontal principle. The current "National Strategy for Women and Girls 2017-2020: Creating a Better Society For All" specifically provides the policy framework on which the government's agenda and priorities in relation to the advancement of equality for women over the next four years are laid out. It is intended to be a "living document" where actions can be added over the duration of the strategy to enhance it along the way.

The National Strategy proposes that all reviews of existing policies should include a gender perspective, as should all policies developed over the lifetime of the strategy (Action 6.6). It notes that government departments are already committed to implementing Cabinet procedures which require policy proposals put to government for approval to clearly indicate the impact of the proposal for gender equality.

Box 2.2. Examples of whole-of-government gender equality strategies at the central/federal levels (*continued*)

The strategy describes how the Irish Department of Social Protection undertakes extensive and rigorous *ex ante* and *ex post* social impact assessments of the main welfare and direct tax budgetary policies, as does the Department of Finance in the case of tax policy changes. This assessment includes an inclusiveness lens as it measures the distributive and poverty impacts of policies on gender, family types and different demographic groups using a tax-welfare simulation model known as SWITCH.

* https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72251/Jul_1104_gender_verkko.pdf?sequence=1.

Sources: Irish Department of Justice and Equality (2017[6]), "National Strategy for Women and Girls 2017-2020: Creating a Better Society for All", www.justice.ie/en/JELR/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf/Files/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf; (Government of Spain, 2014[7]); (Government of Sweden, 2016[8])

Having a gender equality strategy is the first important step to begin closing gender gaps. How these strategies are designed, implemented and monitored is also very important. Indeed, some of the key barriers to effective implementation of a vision for gender equality relates to the "implementation gap": limited support for the strategy at the highest level of government; limited enforceability of the strategic plan; and absence of clear monitoring frameworks in the strategic plan; as well as limited buy-in from line ministries. These barriers and possible policy solutions adopted by countries are discussed below.

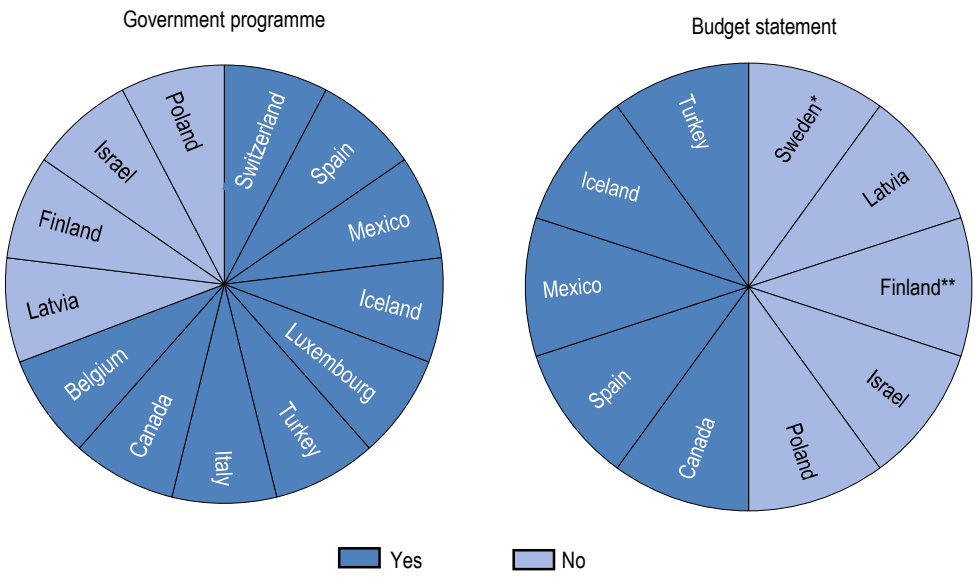
Figure 2.3. Areas for improvement in strategic documents for gender equality

Note: Countries have been asked to rank the choices from 1 to 3 in priority order, with 1 being the highest priority.

Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

The first cluster of barriers refers to limited support for the strategy – a key driving force behind gender equality. In the absence of commitment, it is difficult to generate buy-in across the administration for the gender equality strategy, and to put positive pressure to demonstrate better results on gender equality (OECD, 2018[4]). For example, the government of Canada's strong and public commitment to gender equality, diversity and inclusion resulted in the development of its Gender Results Framework in 2018, which aims to track how the country is performing against key gender equality indicators (see Box 2.3). More than half of respondent countries report having requirements to promote gender equality in the government programme (or equivalent, such as national development objectives), while only half of respondent countries report similar requirements in their budget statements (or equivalent) (Figure 2.4). Although, this figure must be interpreted with caution: while Sweden does not have specific reference to promote gender equality in its budget statement, there is a requirement through a specific government decision for gender mainstreaming of the Budget Bill as a whole. In Mexico, gender mainstreaming has been incorporated as a transversal requirement in the realisation of its National Development Plan until 2018.

Figure 2.4. High-level commitment to gender equality



Notes: In Sweden, while the budget statement does not provide references to gender equality, there is a requirement that the Budget Bill as a whole must be gender mainstreamed, as stated in the government decision on Gender Mainstreaming in the Government Offices. The Finnish Ministry of Finance's regulation on drawing up budget proposals stipulates that ministries' budget proposals must include a summary of those activities within each administrative branch that have a significant gender impact. The budget proposal can also define concrete objectives and measures in order to promote gender equality. The Gender Equality Unit collects the summaries yearly and gives feedback to the ministries.
Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Second, given the cross-cutting nature of gender equality initiatives, their implementation cannot happen in isolation. Ensuring the broadest range of buy-in from governmental and non-governmental stakeholders on the gender equality strategy can underpin its effective implementation. From a behavioural perspective, stakeholder consultation and engagement can also help mitigate the risk of bias in the decision-making process. Most respondent

countries that reported having a gender equality strategy (with the exception of Iceland and Luxembourg) have opted for a consultative and participatory process during the development stage to ensure such buy-in and ownership across the board. Among those that have a gender equality strategy, 60% reported providing feedback on the results of consultations with stakeholders, albeit through varying mechanisms.

Third, linking the gender equality strategy upwards to the broader government priorities, and downwards to the strategic planning of line ministries, can help mitigate the risk of having this strategy implemented in isolation (or not implemented at all). Such an approach is also the essence of gender mainstreaming in internal mechanisms of governments. According to the responses of selected line ministries across the OECD, 55% of respondents (6 out of 11) report having a requirement to demonstrate gender equality objectives in the strategic planning of their ministry. However, the evidence is limited about whether such requirements focus on promoting gender equality in the external activities which fall in the remits of their responsibility or to having requirements to advance gender equality within the ministerial workforce. Mexico provides an example of having gender equality objectives in the planning of external activities of line ministries. Given the transversal gender equality objective of the National Development Plan 2013- 2018, line ministries work to incorporate gender perspectives in their sector-related strategic planning documents in keeping with the National Development Plan and the flagship gender equality strategy PROIGUALDAD. Examples include the 2013-18 sectoral programmes for health, equality for education, social development, environment and natural resources, and financing development (OECD, 2017[9]).

Finally, the availability of governance mechanisms to support the implementation of gender equality objectives can be a key factor in success. Available evidence suggests that gender equality strategies establish outcome-oriented objectives for gender equality and allocate clear roles and responsibilities (Table 2.1). For example, in Finland, the Government Action Plan for Gender Equality for 2016-2019 sets objectives to be achieved during the government's term and others for the long term, with clear allocation of responsibilities (see Box 2.2). In all respondent countries that report having a gender equality strategy, all ministries are held responsible for its implementation, while the main responsibility for co-ordination lies within the central gender equality institution.

Monitoring requirements and performance evaluation frameworks are less commonly used (Table 2.1). Indeed, the absence of clear monitoring frameworks in strategic plans was highlighted by many respondents as a key barrier to implementation, although such requirements are slowly taking root. For example, Portugal's new National Strategy for Equality and Non-Discrimination 2018-2030 (approved in May 2018) established a Monitoring Committee of the Strategy whose members include: cabinet representatives; the ministerial counsellor of each government department; representatives of the National Institute of Statistics, Office of Strategic Planning, directorates-general for Justice, Education, Health, etc. In Canada, to monitor the implementation of the Action Plan on Gender Based Analysis (GBA+), Status of Women Canada annually sends an implementation survey to all deputy ministers. There is also a commitment to report to the House of Commons Public Accounts Committee on the implementation of GBA+ (OECD, 2018[4]). In Ireland, the strategy was seen as gaining traction as a result of deputy ministers being invested in its development process. Ireland's National Strategy for Women and Girls 2017-2020 establishes a Strategy Committee, chaired by the minister of state with responsibility for gender equality, to advise on its implementation and revise the strategy as required to respond to evolving needs. The committee is planned to be complemented by inter-departmental teams to problem solve when needed in the implementation phase.

On the basis of the committee's work, it is foreseen to present annual progress reports to the relevant Cabinet committee. These reports will also be made publicly available on the official website. In Sweden, there are over 170 indicators relating to the gender equality policy goals monitored by Statistics Sweden, which also publishes the results on line for the purposes of transparency. A selection of these indicators is presented in the Budget Bill, which helps to generate parliamentary accountability. Additionally, the National Gender Equality Agency provides an independent analysis and evaluation of what works.

Table 2.1. Governance mechanisms of gender equality strategies

The strategy…	Establishes a list of outcome-oriented objectives for gender equality	Allocates clear responsibilities for implementation across government departments/ ministries/agencies	Sets out predefined and regular monitoring requirements with clear allocation of responsibilities	Sets out a performance evaluation framework to measure progress made against the objectives	Sets out predefined targets and measurable indicators to allow for measuring expected outcomes
Belgium	●	●	●	●	O
Finland	●	●	●	●	O
Iceland	●	●	O	O	O
Japan	●	●	●	●	●
Latvia	●	●	●	●	●
Luxembourg	●	●	O	O	
Mexico	●	●	●	●	●
Spain	●	●	●	●	●
Sweden	●	●	●	●	●

Note: ● Yes; O no.
Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

2.3. Promoting gender equality through a dual approach: Gender mainstreaming

The 2015 *OECD Recommendation of the Council on Gender Equality in Public Life* (GEPL Recommendation) promotes a dual approach to promoting gender equality. It aims to level the playing field between men and women through actions that target specific forms of gender discrimination, and enable progress in the areas affected. It also recognises that targeted action may not always be the most effective way to tackle potential discrimination and bias in the baseline of policies, budgets, regulations, programmes, etc. Therefore, the GEPL Recommendation promotes the assessment of gender impacts in all governance areas from the earliest stages to monitoring and evaluation. This section discusses the strategic planning for gender mainstreaming, while Chapter 3 puts the spotlight on the implementation of gender mainstreaming in budgets, public procurement and regulatory processes.

2.3.1. Legal or regulatory foundations of gender mainstreaming

There are ongoing reflections about whether a legal path is the most effective and comprehensive option to implement a government process such as gender mainstreaming. Out of 14 respondent countries, 5 (Belgium, Finland, Iceland, Mexico and Spain) have established a legislative basis for gender mainstreaming, with a view to ensuring greater institutionalisation and enforcement. Only Italy reported having a gender mainstreaming requirement enshrined in the Budget Law; while Iceland and Mexico also make references to this concept in their Budget Law. In the context of Budget 2018, Canada also committed to developing a legal underpinning for gender budgeting (see Chapter 3). The existence of operative directives and formal government decisions in Sweden has proven important for

providing clear orientations and a mandate for gender mainstreaming. In Canada and Ireland, gender mainstreaming is largely implemented as part of the Cabinet decision-making process.

Box 2.3. Canada's Gender Results Framework

In line with its commitment to fully integrate gender mainstreaming at the federal government level, Canada has released a detailed gender results framework with its 2018 Budget that will be used to track performance in this initiative. This tool covers the entire government and is being used both to track gender needs and to determine the measurement of progress. The framework also presents additional measures which support and facilitate the further implementation of gender-based analysis and gender budgeting in the future. The framework is structured around six key issues that reflect governmental priorities in gender equality. Each focus area provides specific targets, an explanation of progress and challenges, and an overview of current and future actions being undertaken by the government which specifically seeks to reach targets in this focus area.

Gender equality goals for Canada

1. Education and skills development: Equal opportunities and diversified paths in education and skills development:
   - more diversified educational paths and career choices
   - reduced gender gaps in reading and numeracy skills among youth, including indigenous youth
   - equal lifelong learning opportunities for adults.
2. Economic participation and prosperity: Equal and full participation in the economy:
   - increased labour market opportunities for women, especially women in under-represented groups
   - reduced gender wage gap
   - increased full-time employment of women
   - equal sharing of parenting roles and family responsibilities
   - better gender balance across occupations
   - more women in higher quality jobs, such as permanent and well-paid jobs.
3. Leadership and democratic participation: Gender equality in leadership roles and at all levels of decision making:
   - more women in senior management positions, and more diversity in senior leadership positions
   - increased opportunities for women to start and grow their businesses, and succeed on a global scale
   - more company board seats held by women, and more diversity on company boards

Box 2.3. Canada's Gender Results Framework (*continued*)

- greater representation of women and under-represented groups in elected offices and ministerial positions in national and subnational governments
- increased representation of women and under-represented groups in the judicial system.

4. Gender-based violence and access to justice: Eliminating gender-based violence and harassment, and promoting security of the person and access to justice:

- workplaces are harassment free
- fewer women are victims of intimate partner violence and sexual assault
- fewer victims of childhood maltreatment
- fewer women killed by an intimate partner
- increased police reporting of violent crimes
- fewer indigenous women and girls are victims of violence
- increased accountability and responsiveness of the Canadian justice system.

5. Poverty reduction, health and well-being: Reduced poverty and improved health outcomes

- fewer vulnerable individuals living in poverty
- fewer women and children living in food-insecure households
- fewer vulnerable individuals lacking stable, safe and permanent housing
- child and spousal support orders enforced
- more years in good health
- improved mental health
- improved access to contraception for young people and reduced adolescent birth rate.

6. Gender equality around the world: Promoting gender equality to build a more peaceful, inclusive, rules-based and prosperous world:

- feminist international approach to all policies and programmes, including diplomacy, trade, security and development.

Source: https://www.budget.gc.ca/2018/docs/plan/chap-05-en.html.

Box 2.4. Australia's National Plan to Reduce Violence against Women and their Children

The Australian Commonwealth (national), state and territory governments worked with communities to develop a 12-year National Plan to Reduce Violence against Women and their Children 2010-2022. The National Plan focuses on the two main types of violent crimes that have a major impact on women in Australia: domestic and family violence and sexual assault. Research shows there is a strong link between violence against women and their children and how people view the roles of women and men. The National Plan focuses on stopping violence before it happens, supporting women who have experienced violence, stopping men from committing violence, and building the evidence base to show "what works" in reducing domestic and family violence and sexual assault.

These changes take time, which is why Australia identified the need for a long-term plan. The National Plan is supported by a monitoring, reporting and evaluation framework and also includes measures to drive long-term generational change. This includes the "Stop it at the Start" primary prevention campaign, which targets the 'influencers' of young people – people like parents, friends, teachers and sports coaches – to help them understand how their actions and attitudes can break the cycle of violence against women.

The National Plan is being delivered through a three-year action plan (four action plans in total). Each of the 4 action plans builds on each other over 12 years, and are designed so that it is possible to look back at what has been achieved, incorporate new emerging issues and research to inform the next stage, and refocus on what actions will make the most difference in the future, including further consultations if needed. Based on this structure, it is possible to tailor each action plan with updated needs and focus areas that arise along the way, such as cyber and tech-driven abuse.

Sources: Australian Government Department of Social Services (2018[10]), *The National Plan to Reduce Violence against Women and their Children 2010-2022,* https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022.

There are also examples of introducing gender mainstreaming requirements in legislations focusing on a specific policy field. In Canada, the Immigration and Refugee Protection Act, which came into force in 2002, includes a legislative requirement to provide gender-based analysis of the impact of the act in an annual report to parliament (Box 2.5). As part of its national strategy for equality, the United Kingdom introduced the Public Sector Equality Duty via regulations under the Equality Act 2010. The duty enjoins public bodies and private or voluntary sector organisations delivering public services to comply with its requirements to eliminate discrimination, to advance equality of opportunity and to foster good relations in work, including in decision making and in service delivery. As part of this process, public bodies are also expected to publish equality objectives relating to their functions. The statutory independent Equality and Human Rights Commission is responsible for ensuring public bodies meet the above-mentioned requirements. Such an

approach can help facilitate the institutionalisation of gender mainstreaming on a sector-specific basis, while also increasing accountability for its implementation.

Box 2.5. Implementing gender-based analysis plus in Immigration, Refugees and Citizenship Canada

Immigration, Refugees and Citizenship Canada (IRCC) is the only federal department that is required by law to conduct and report to parliament on gender-based analysis plus (GBA+). The Immigration and Refugee Protection Act, which came into force in 2002, includes a legislative requirement to provide gender-based analysis of the impact of the act in an annual report to parliament. As such, the act specifically provides that: "The minister must … table in each House of Parliament a report on the operation of this act in the preceding calendar year" and "the report shall include a description of … a gender-based analysis of the impact of this act." The IRCC has a GBA+ unit in the Strategic Policy and Planning Branch, which acts as the functional authority responsible for the department's GBA+ policy and organisational capacity, and a GBA+ Champion who highlights the effectiveness of applying this analysis.

Source: OECD (2018[4]), *Gender Equality in Canada: Mainstreaming, Governance and Budgeting*, http://dx.doi.org/10.1787/9789264301108-en.

Establishing a requirement for gender mainstreaming is an important first step, but its implementation requires careful planning and resources. In Iceland, gender mainstreaming has been a legal requirement for over three decades. In practice, however, in accordance with stakeholder discussions, it has been relatively uneven, and was implemented through *ad hoc* interventions until gender budgeting was introduced post-crisis in 2009. Building on the success of gender budgeting, the government of Iceland made a renewed committed to gender mainstreaming as part of its 2016-19 Gender Equality Action Plan. A whole-of-government working group on gender mainstreaming has been established by the Ministry of Welfare under the lead of its Equality Unit to develop a plan to introduce and implement system-wide processes and methods or tools to integrate a gender and equality lens within the standard operational procedures for policy making.

Having a stand-alone gender mainstreaming plan can provide renewed impetus for the government to pursue its effective implementation. For example, in Canada, following an audit by the Office of the Auditor General which found that the implementation of gender-based analysis by departments was generally missing, incomplete or inconsistent, in 2016 the government of Canada developed a four-year action plan to guide and accelerate the implementation of GBA, and report on its progress. Early indications show that there has been a positive increase in the use of gender-based analysis by departments since this renewed commitment (coupled by the fact that it became a mandatory requirement in recent years) (OECD, 2018[4]). Although moving forward, there are opportunities to strengthen linkages between Canada's Action Plan on Gender-Based Analysis and its recent Gender Results Framework to ensure that gender mainstreaming efforts are tied to gender budgeting in order to achieve the government's key priorities in this area. Stand-alone gender mainstreaming strategies are not yet a widespread practice across the OECD, with only two countries (Canada and Sweden) having reported the existence of such strategies. While 62% of respondent countries have adopted a dual

approach to gender equality, an overwhelming majority make explicit references in the gender equality strategies to gender mainstreaming as an implementation approach (e.g. Iceland, Latvia, Luxembourg, Mexico, Spain, etc.). These data do not capture countries (e.g. Austria, Italy) that do not have a strategy but have advanced the implementation of gender budgeting – an inherent aspect of gender mainstreaming – in recent years (see Chapter 3).

Gender mainstreaming can only be as effective as its integration within the routine business and lines of accountability of line ministries. Available evidence shows that there is major scope for improvement in this area. When asked whether line ministries or departments are required to demonstrate clear commitment and results with regard to gender mainstreaming, out of 14 central gender equality institutions, 6 (Belgium, Canada, Israel, Mexico, Spain and Sweden) responded that all ministries are required to do so. Iceland plans to implement such a requirement in the near future. Only Canada, Spain and Sweden provide requirements for all ministries to demonstrate gender mainstreaming results in performance results to parliament. This is a requirement for only some ministries in Turkey.

Almost all central gender institutions in respondent countries have put in place guiding documents and support material to help facilitate the implementation of gender mainstreaming (e.g. through gender impact assessments or gender budgeting) by line ministries. However, ensuring sufficient know-how and expertise in line ministries as well as sufficient time to perform a comprehensive gender analysis continues to be a challenge in many countries.

2.3.2. Gender impact assessments as a gender mainstreaming tool

Gender impact assessments (GIAs), sometimes also referred to as gender analysis, can be a helpful tool to identify potential impacts of government decision making on women and men from diverse backgrounds. It can also help identify and remove potential gender bias from the baseline of structural policies, regulations, budget, etc. As highlighted by the GEPL Recommendation, they can be applied at all stages of the decision-making cycle from the earliest stages. While the focus of GIAs are commonly on ways of supporting both men and women, a number of countries (e.g. Canada) put an emphasis on considering diversity within the male and female groups, including intersecting identity factors of indigeneity and geography. While this section provides an overview on the use of GIAs by OECD countries, Chapter 3 aims to zero in on the use of GIAs in the area of budgeting (i.e. gender budgeting), public procurement and the regulatory cycle. Importantly, this section must be read in tandem with Section 2.5, as the availability and use of gender-disaggregated data and evidence is a precondition for GIAs to be meaningfully conducted.

Available evidence demonstrates that GIAs are most commonly used in the development stage of primary legislation (Table 2.2). About half of respondent countries reported implementing GIAs while developing a new legislation or budget. However, less than one-third assess their impact (*ex post*) through a gender lens. Limited application of GIAs at the evaluation phase may obstruct the understanding about whether legislations and budgets serve the intended goals and whether they equally benefit men and women, making it difficult to build on the lessons learnt.

Use of GIAs in policies, regulations and government programmes remains rather an uncommon practice. However, about a third of respondents indicating their plans to do so shows that the demand for such practice is starting to take hold across the OECD. Among responding countries, only Canada and Sweden indicated conducting GIAs of all policies

during both the development and evaluation stages (although on-the-ground implementation remains highly varied across departments).

Table 2.2. *Ex post* and *ex ante* gender impact assessment, 2017

Ex ante assessments (development stage)

	Yes, always	Yes, in two or more cases	No, but the government plans to do so	No, and this is not foreseen in the near future
Primary legislation	46%	23%	8%	23%
Subordinate regulations	23%	15%	31%	31%
Policies	15%	23%	23%	39%
Government programmes and initiatives, including on the delivery of public services	23%	15%	31%	31%

Ex post assessments (evaluation stage)

	Yes, always	Yes, in two or more cases	No, but the government plans to do so	No, and this is not foreseen in the near future
Primary legislation	15%	15%	15%	54%
Subordinate regulations	8%	15%	15%	62%
Policies	15%	8%	15%	62%
Government programmes and initiatives, including on the delivery of public services	23%	8%	23%	46%

Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

In comparison to 2011, there is a slow increase in the use of GIAs in the evaluation stage (*ex post*). Only Sweden reported progress in the use of GIAs in the evaluation phase of primary legislation, regulations, policies and programmes in comparison to 2011. Canada established such a requirement in 2016. The new Directive on Results includes the requirement to consider gender-based analysis plus (GBA+) in programme evaluation, although OECD assessment showed that the Canadian government is still in the early stages of implementing this recent requirement (OECD, 2018[4]). Sweden noted that there are indicators for all national policy goals for gender equality to measure the impact of policies on gender equality when undertaking *ex post* evaluation. As part of Sustainable Development Goal 5, the Netherlands is currently working on introducing the quality requirement "Effects on Gender Equality", which aims to assess the impacts of intended policy and regulations for gender equality.

There has been a dramatic increase in the use of gender budgeting between 2011 and 2018, especially since 2016. Over the course of seven years, the number of OECD countries that have introduced (or partly introduced) gender budgeting has more than doubled (Austria, Canada, Chile, Finland, Germany, Iceland, Ireland, Israel, Italy, Japan, Korea, Mexico, Portugal, Spain and Sweden), although important variations exist among country approaches in its implementation (see Chapter 3).

Box 2.6. Examples of use of gender impact assessments

Iceland

Iceland conducted gender impact analysis (GIA) of commodity tax, including on personal care products that are used by men and women. The results of the GIA showed that women are charged more than men for equivalent products and services. For instance, GIA of commodity tax on razors demonstrated that electric razors used by men were exempt from commodity tax, while other hair removal devices designed for women were subject to a 7.5% commodity tax. Following the analysis, Iceland abolished the commodity tax on razors used by women in 2017.

Sweden

As part of a city planning project in the city of Malmö, an old parking lot was transformed into an activity space for young people. When looking at the targeted audience for such areas, surveys showed that they were predominantly used by young men and boys and it appeared that the leisure activities provided for youth were mostly used by young men and boys; only 10-20% of the visitors were girls.

It was decided to make a gender-balanced area of this new space, and focus on involving young women and girls from the neighbourhood. An advocacy group of young women was established to contribute ideas on activities that could be organised in the space and called for more cultural activities related to music and dance rather than physical activities. Also, groups of stakeholders (composed of local associations and small businesses) became involved and were responsible for planning the programme of activities and had a direct influence on spending the budget. The idea was to build upon the engagement mobilised through the planning processes so that activities offered in the area would be managed and maintained by the users themselves (i.e. the neighbourhood's residents).

The approach proved to be successful, and throughout the year young people from different groups participated in the preparations and arranged various activities. The contribution from the group of young women was acknowledged by the media and generated a public debate on the importance of including gender equality in urban planning. When the project came to an end, the group of young women started their own advocacy group "Engaged in Malmö" to continue their work. This group continues to organise public events, helping other girls to implement their ideas and encourage citizens to participate in the urban planning of the city.

Box 2.6. Examples of use of gender impact assessments (*continued*)

Finland

The latest study on travel behavior in the Helsinki region[1] was published in 2013 by Helsinki Region Transport (HSL). The HSL is a joint local authority responsible for public transport in Helsinki and its surrounding areas. It has been conducting studies on travel behaviour since 1966; gender has been included as an independent variable since 1976. In 2018, it also included a third option when asking about gender ("other/don't want to answer"). Another initiative is the Finnish player barometer 2018,[2] which includes gender-disaggregated data on e-sports, harassment in online games, etc. The study found some relevant differences between the experiences of women and men, and thus serves as an example of the importance of including the gender variable in a study.

Canada

Immigration, Refugees and Citizenship Canada (IRCC) applied gender-based analysis plus (GBA+) to a sponsorship regulation. In 2016, as part of a ministerial mandate commitment, the IRCC developed a proposal to remove a regulatory requirement for sponsored spouses and partners of Canadian citizens and permanent residents to live with their sponsor for two years as a condition to maintaining their permanent resident status. The analysis recognised that a sponsored spouse or partner can be vulnerable for many reasons, including gender, age, official language proficiency, isolation and financial dependence, and that these factors can create an imbalance between the sponsor and their spouse or partner. It was further assessed that the conditional permanent residence two-year co-habitation requirement could compound these vulnerabilities in situations of domestic abuse. Noting that women made up a majority (70%) of affected individuals who submitted requests to the IRCC for an exception to the condition on the basis of abuse or neglect, the IRCC assessed that this regulatory requirement may potentially result in vulnerable spouses and partners remaining in abusive relationships out of fear of losing their permanent resident status in Canada. The conditional permanent residence requirement was repealed on 18 April 2017.

Notes: 1. https://www.hsl.fi/sites/default/files/uploads/liikkumistottumukset_helsingin_seudulla_2012.pdf. 2. Finnish player barometer 2018.
Sources: Information for Iceland is provided by the Ministry of Finance; (The Council of European Municipalities and Regions, 2006[11]); (Government of Canada, 2017[12]); Information for Finland is provided by the government of Finland.

A number of respondent countries have adopted mechanisms to ensure that GIAs have been applied in practice. The most commonly reported measures include requiring a statement on gender impacts in all draft laws (54%) and in all budget proposals (46%), and integrating gender analysis into the mainstream requirement for regulatory impact analysis (38%) (see Chapter 3). The lesser utilised mechanisms include verification of the application of gender analysis by gender institutions (reported only by Switzerland) and independent evaluation or audits of the application of gender analysis (conducted only by Canada) (Table 2.3). Sweden reported using independent evaluation or audits of the application of gender

analysis in 2011. In 2014, the Swedish government appointed an independent extensive inquiry called the Gender Equality Inquiry, that was to analyse the implementation of gender equality policies and assess how efficient political measures had been in relation to the political objective – that women and men should have the same power to shape society and their lives. Against this background, the inquiry was mandated to also propose a direction and organisation of future equality politics. In the Netherlands, the "Directions for the Regulation" contains a guideline for drafting rules and laws. Expected (side) effects of regulation or change of regulation, including possible consequences for the position of women, are evaluated. In addition, the Directorate for Emancipation examines drafted rules and laws through a gender-sensitive lens, signalling the effects of relevant policy and legislative proposals and providing advice. Surveyed line ministries also report the absence of criteria to assess the quality of gender analysis, but in some cases the quality is encouraged through guidance by the central gender equality institutions. A large number of responding countries (75%) reported that the effect of gender analysis on legislations, regulations, policies and programmes has not been measured. This indicates the need to further strengthen mechanisms and capacities to translate gender mainstreaming efforts into concrete results across OECD countries.

Table 2.3. Mechanisms to ensure that gender impact assessments have been applied in practice

	All draft laws must contain a statement on gender impacts	All draft regulations must contain a statement on gender impacts	All draft policies must contain a statement on gender impacts	All budget proposals must contain a statement on gender impacts	Verification of application of GIA by central government agencies	Verification of application of GIA by gender institutions	Independent evaluation or audits of the application of GIA	Requirements to make results of gender analysis publicly available	Gender analysis is integrated into the mainstream requirement for regulatory impact analysis	Requirement to integrate gender analysis in spending reviews	Requirement to integrate gender analysis in regular programme evaluation cycles	Reporting to parliament or a parliamentary committee on the extent of application of the gender analysis
Belgium	O	O	O	●	●	●	O	O	●	O	O	O
Canada	●	●	●	●	●	O	●	●	●	O	●	●
Finland	●	O	O	●	O	O	O	O	●	O	O	O
Iceland	●	O	O	●	O	O	O	O	O	●	O	●
Israel	O	O	O	O	O	O	O	O	O	O	O	O
Italy	O	O	O	●	O	O	O	O	O	O	O	O
Latvia	O	O	O	O	O	O	O	O	O	O	O	O
Luxembourg	●	●	O	O	O	O	O	O	O	O	O	O
Mexico	O	O	O	O	O	O	O	O	O	O	O	O
Poland	O	O	O	O	O	O	O	O	O	O	O	O
Spain	●	●	●	●	O	O	O	●	●	O	●	●
Sweden	●	●	●	●	O	O	O	O	●	●	●	O
Switzerland	●	O	O	O	●	●	O	O	O	O	O	O
Turkey	O	O	O	O	O	O	O	O	●	O	O	●
United Kingdom	O	O	O	O	O	O	O	O	O	●	●	O

Note: ● "yes"; O "no". GIA: gender impact assessment.
Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Enhancing transparency of the results of GIAs can be a useful lever to improve the effectiveness and rigour of such assessments. Disclosure requirements, as appropriate, for

GIAs can help both governmental and non-governmental stakeholders as well as oversight institutions to form an opinion on the quality, rigour and relevance of such tools.

2.4. Government structures and institutional mechanisms to promote gender equality

A robust institutional framework is crucial to ensure effective implementation, co-ordination and sustainability of gender equality objectives. This approach calls for equipping all public institutions across different levels of government with the mandate, capacity, resources and skills to promote, implement, monitor and evaluate their gender objectives. It also calls for a whole-of-government framework involving the centre of government, central gender equality institutions, line ministries and agencies, and data-collecting and producing bodies, as well independent oversight institutions.

2.4.1. The Cabinet or the Council of Ministers

The Cabinet or the Council of Ministers is the epicentre of political decision making in most OECD countries. Therefore, systematic representation of the gender equality agenda within these structures can help keep it on top of the political agenda. It can also send strong signals to the public administration and to a certain extent to the private sector about the importance of this topic. The overall trend indicates that gender equality issues are not always visible in Cabinet structures. Out of all OECD countries, five (Canada, Chile, Iceland, Luxembourg and New Zealand) have a minister solely responsible for gender equality and women's empowerment agenda within the Cabinet. The majority of Cabinet ministers responsible for gender equality (or equality) hold multiple portfolios, generally related to social affairs (families, youth, elderly, etc.). In some countries, the gender equality agenda is held under the responsibility of secretaries of state, generally with combined portfolios (e.g. Belgium, Portugal, the Slovak Republic) and often without systematic representation within the Cabinet (although secretaries of state or heads of responsible agencies can be called to attend the Cabinet meetings on an ad hoc basis). In the United Kingdom, there is both a Cabinet level Minister for Women and Equalities (also holds the position of Secretary of State for International Development), and a Minister for Women without Cabinet representation. In the context of its Federal Plan for Gender Mainstreaming, the federal government of Belgium commits to engage the relevant Secretary of State in the discussions of the Council of Ministers regarding "policies that have a significant impact on gender equality".[1] There is a similar arrangement in Mexico regarding the President of INMUJERES, which is the central gender equality institution. Stakeholder discussions also revealed that commitment of a Cabinet leader is a critical driver of success in ensuring that gender equality issues are regularly discussed as part of the Cabinet agenda. Gender balance and diversity within Cabinet structures can also be important factors contributing to the advancement of this agenda, as shown in Canada with the first gender-balanced Cabinet in the country's history.

2.4.2. Centre of government

The centre of government (CoG) bodies are key actors in providing leadership, and steering the implementation of cross-cutting goals. The CoG takes almost exclusive responsibility for co-ordinating the preparation of Cabinet meetings and policy co-ordination across government (OECD, 2017[13]). This makes the CoG a critical player in advancing society-wide gender equality goals. In particular, the CoG could contribute to clarifying what the line ministries are expected to do in advancing gender equality, establishing effective

accountability and performance frameworks, and ensuring that a gender equality lens is mainstreamed in all government decision-making processes.

It is important to make the differentiation between gender equality institutions that are located within the CoG (see next section), and explicitly mandating CoG institutions to oversee the implementation and rigour of gender mainstreaming efforts, including gender impact assessments. For example, in Canada, central agencies (i.e. the Privy Council Office, Treasury Board Secretariat and Department of Finance) provide a "gatekeeper" function by ensuring that requirements in relation to gender-based policy analysis are upheld, as well as a "challenge" function with regard to the questions of analytical rigour and quality (OECD, 2018[4]). The differentiation between the role of the CoG and inter-ministerial co-ordination mechanisms for gender equality (see the next section) should also be made, as inter-ministerial co-ordination mechanisms for gender equality have been introduced in a number of OECD countries to steer the implementation of national gender equality strategies, but without explicit mandates to oversee the quality of gender analysis within routine decision-making processes.

Overall, specific mandates for the CoG to support the advancement of gender mainstreaming remain very limited across the OECD, even though with the growing use of gender budgeting, ministries of finance across the OECD increasingly play a role in support of gender mainstreaming. Moving forward, there is scope to expand this role to other bodies of the CoG in advancing their contributions to government priority setting, planning, managing performance, organising the government, communication and engagement (OECD, 2015[14]). In doing so, CoGs and central gender equality institutions should become natural allies in supporting the process by providing expertise.

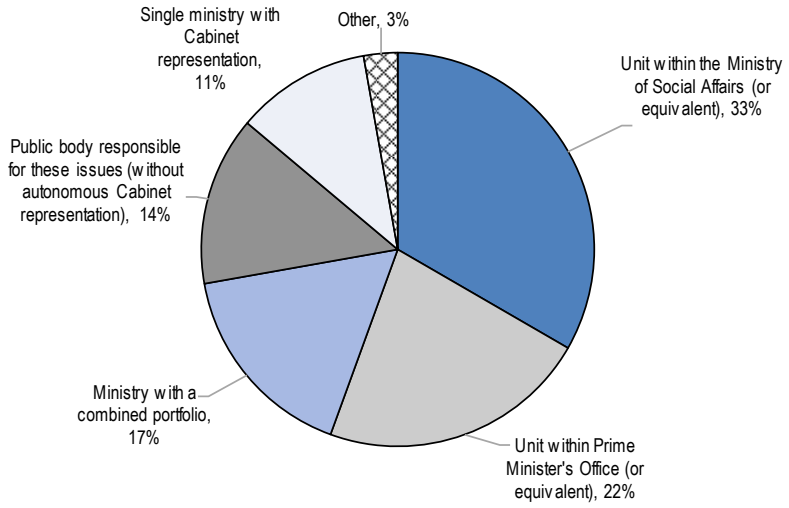
2.4.3. Central gender equality institutions and co-ordination mechanisms

Central gender equality institutions refer to government bodies primarily responsible for supporting the government's agenda to advance society-wide gender equality goals. There is no single blueprint for the institutional design of central gender equality institutions across the OECD; although their positioning within government structures can be an important indication of the political importance given to this agenda. Among all OECD countries, the most common institutional arrangement is to have a unit on gender equality within the ministries responsible for social policy (33%). The second most common arrangement is to have a unit within the CoG (i.e. Prime Minister's Office or its equivalent) responsible for promoting gender equality (22%). Only four OECD countries (Canada, Chile, Luxembourg and New Zealand) have a full ministry dedicated to supporting the advancement of gender equality (Figure 2.5). Other arrangements include having a ministry with a combined portfolio (17%) and a public body without autonomous representation in the Cabinet (14%).

An overview of these institutional arrangements indicates that over one-third of countries continue to address gender equality issues within the remit of the social policy sphere, often resulting in limited opportunities to influence a whole-of-government response to gender equality needs which permeates all policy spheres. Yet momentum seems to have been growing in recent years to raise the profile and capacities of central gender equality institutions. In 2013, Australia's Office for Women was moved under the Department of Prime Minister and Cabinet. Similar restructuring has taken place in Austria, the Czech Republic and France since 2014. Most recently, in the United Kingdom, the Government Equalities Office will be moving to become part of the Cabinet Office from 1 April 2019. In Iceland, a parliamentary resolution has been agreed upon to move the

policy area of gender equality under the auspices of the Prime Minister's Office in January 2019. In 2015, Chile established its first ministry dedicated to promoting gender equality and women's empowerment. In 2018, the government of Canada committed to formalising the Status of Women Canada as an official department with an increased resource base; Sweden established its first Gender Equality Agency to contribute to strategic, coherent and sustainable governance and effective implementation of gender equality policy; Spain has established the Ministry of the Presidency, Parliamentary Relations and Equality (gender equality issues were previously under the remit of the Ministry of Health, Social Services and Equality) and the Vice-President is also Minister of Presidency, Parliamentary Relations and Equality. In many of these instances, these changes appear to have been the result of increased political attention to the gender equality agenda. In accordance with stakeholder discussions, Portugal mentioned that the positioning of its central gender equality institution under the Presidency of Council of Ministers helped it to push more effectively for a cross-cutting approach to gender and inclusiveness. Although, in some cases, the transfer of the gender equality agenda to the centre of government resulted in a clear decrease in capacities and resources. Overall, despite the positive trend, there is scope to reinforce the resource base and authority of central gender institutions to engage on a whole-of-government and society level.

Figure 2.5. Central gender equality institutions, 2018

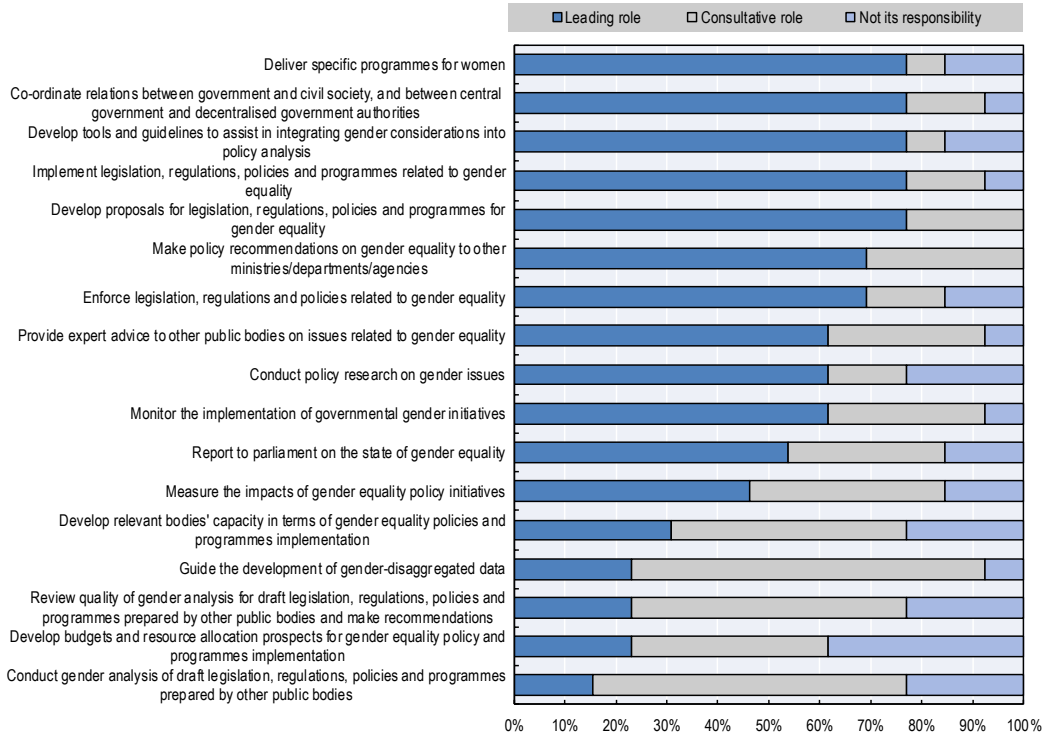


Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Historically, delivering specific programmes related to women's empowerment remains one of the main responsibilities of central gender equality institutions. However, given the cross-cutting nature of gender equality policy, they also play an increasing role in ensuring co-ordination with governmental stakeholders and civil society representatives. Indeed, many governments (e.g. Canada, Ireland, Portugal and Spain) have put in place inter-ministerial committees to oversee the implementation of gender equality goals. In the case of Mexico, the national co-ordination mechanism also involves representatives of the legislature and the judiciary as well as state-level representatives. In most of these instances, the central gender equality institutions also act as the secretariat for the functioning of these committees. Similarly, central gender equality institutions play a leading role in developing tools and guidelines to support line ministries in gender mainstreaming. Other areas of responsibility include the implementation of gender equality

policies and programmes; making policy recommendations and providing expert advice to other government bodies on gender equality; conducting policy research on gender equality issues; and monitoring the implementation of gender equality initiatives (Figure 2.6). The findings also indicate room for enhancing the leading role of gender equality institutions to support capacity development in line ministries for gender mainstreaming and guiding the development of gender-disaggregated data. In a number of countries, central gender equality institutions do not play a role in reviewing the quality of gender analysis for draft legislation, regulations, policies and programmes.

Figure 2.6. Main responsibilities of central gender equality institutions



Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

2.4.4. Line ministries

Line ministries are the main actors responsible for gender mainstreaming, by integrating this process within their routine functioning and management structures. Ideally, a gender mainstreaming ecosystem within line ministries implies the involvement of the staff responsible for research, policy development, programme design, evaluation, financial and people management, procurement, and front-line delivery. In countries with long-standing or newly established commitments to gender mainstreaming (e.g. Canada, Finland, Iceland, Mexico, Spain and Sweden), there are important initiatives to increase gender expertise and capacity across the public service. For example, in Finland, gender equality working groups have been established in all ministries. In Sweden, there is a gender focal point in each ministry within Government Offices to support ministries in gender mainstreaming. This person is also often the budget officer of the line ministry, regularly attending meetings in a standing inter-ministerial gender mainstreaming working group. Canada is working to expand a gender mainstreaming responsibility centre within federal departments, supported

by a senior-level gender mainstreaming champion (also referred to as a gender-based analysis plus champion).

Yet, overall gender equality capacity remains uneven across line ministries in OECD countries. Out of 20 line ministries surveyed across the OECD, 5 reported having gender equality units, and 10 reported having a focal point responsible to promote gender equality. However, there is no standardised approach to the functions of gender units. Among surveyed line ministries, while ministries responsible for education policy more systematically put in place gender focal points, this is reported to a lesser extent in ministries of environment. Regarding the rank of employees responsible for gender equality, the vast majority fall under the "professional" category and to a much lower extent work in middle management. The majority of ministry personnel responsible for gender equality classify it as an "additional function". Gender units or focal points in line ministries are predominantly responsible for raising awareness on the benefits of gender equality (80%), developing the gender equality policy/strategy/action plan for the ministry (80%) and supporting gender mainstreaming (73%).

Among surveyed line ministries, co-ordination with the central gender equality institution within the policy cycle remains rare, with the exception of Canada, Spain and Sweden, where such co-ordination reportedly takes place on a more regular basis in the context of gender mainstreaming requirements.

Overall, line ministries have identified the absence or complexity of gender mainstreaming requirements, limited monitoring and absence of funding as major areas for improvement in advancing gender mainstreaming. Moving forward, countries can benefit from supporting line ministries to deepen collaboration with central gender equality institutions and statistics offices and removing barriers (e.g. limited time allowed for analysis) to using of gender-disaggregated data and evidence (e.g. drawing on consultations with civil society organisations) to support the decision-making process from the earliest stages through the full policy/programme budget cycle.

2.4.5. Multi-level governance mechanisms

Many government services that can potentially have strong impacts on gender equality (e.g. healthcare, education, social services, etc.) are generally provided at the local level (namely countries with federal or decentralised administrations). Therefore, multi-level governance and vertical co-ordination among different levels of government must be given consideration in promoting a whole-of-society approach to gender equality. In accordance with stakeholder consultations, the experience from Ireland and Portugal demonstrates that national gender strategies and policies need to complement a bottom-up approach from local authorities, as this is the level of government most in touch with the needs of citizens. Portugal's national gender equality strategy puts a strong emphasis on engaging with municipalities and local governments as an opportunity for knowledge collection and sharing. Mexico has launched an online platform to showcase progress in the 32 states in gender mainstreaming public policies, state budgets and public accounts. It will also be used in the "next steps" process to help states identify specific future actions they wish to use to capitalise on their success, such as harmonising laws and policies (OECD, 2017[9]).

2.5. Evidence-driven decision making

2.5.1. Gender-disaggregated data

Advancing inclusive policy outcomes calls for the consideration of differentiated needs, concerns and circumstances of both men and women from diverse backgrounds at all stages of the policy process and across all policy sectors, through gender mainstreaming (see Section 2.3). High-quality, easily accessible and understandable evidence and data disaggregated by gender and other intersecting diversity factors provide the foundation for this exercise. The availability of such data and evidence in line ministries is all the more important given that many line ministries may be required to deliver within narrow timelines. Therefore, integrating gender-sensitive data and evidence from the earliest stages of decision making (e.g. problem definition) can help ensure that such considerations are adequately reflected throughout the policy cycle.

The systematic collection of gender-disaggregated data remains patchy across policy sectors in respondent OECD countries (Figure 2.7). While the majority of responding countries reported regularly collecting gender-disaggregated data in policy areas related to education and health, this remains largely uncommon in areas seen as "gender neutral", such as environment, economic affairs and defence (Box 2.7). As a result, policy and budget decisions in these critical areas risk being gender-blind, to the detriment of both men and women from diverse backgrounds.

Box 2.7. Australian Gender Indicators

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

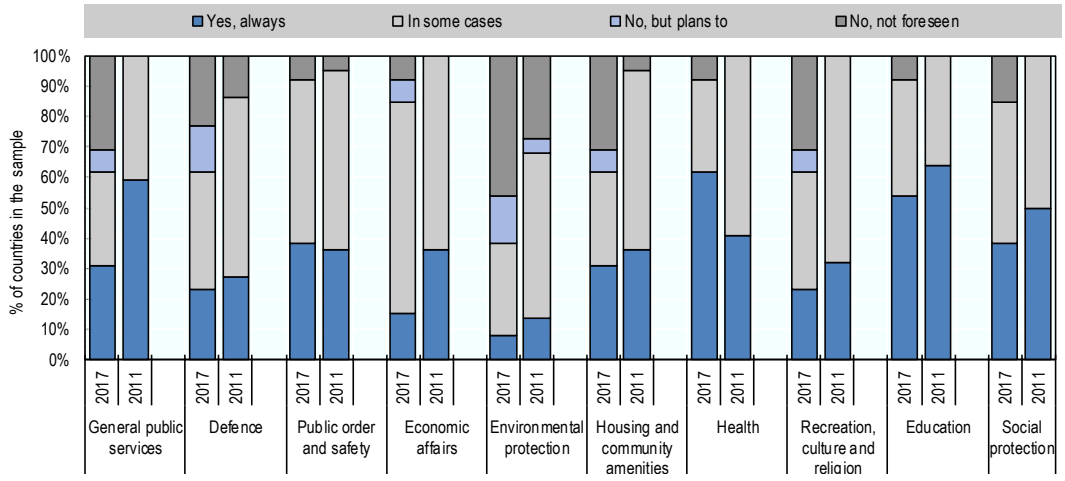
Additionally, the ABS publishes the Australian Gender Indicators annually which comprise 56 key indicators and a further 96 related or detailed data series across 6 domains of interest, namely: 1) economic security; 2) education; 3) health; 4) work and family balance; 5) safety and justice; and 6) democracy,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

Source: www.abs.gov.au/ausstats/abs@.nsf/mf/4125.0.

Gender-disaggregated data seem more systematically available in countries with a long-standing commitment to gender mainstreaming, such as Canada, Spain and Sweden. Indeed, these countries also reported having formal requirements to use gender-disaggregated data in the development of all primary legislations, subordinate regulations, policies, government programmes and initiatives (Figure 2.8). Turkey noted requirements to utilise gender-disaggregated data in the development of normative frameworks and policies. Italy indicated requirements to use gender-disaggregated data while developing budget proposals; whereas Mexico mentioned that gender-disaggregated are required to be used in some cases while formulating policies, government programmes

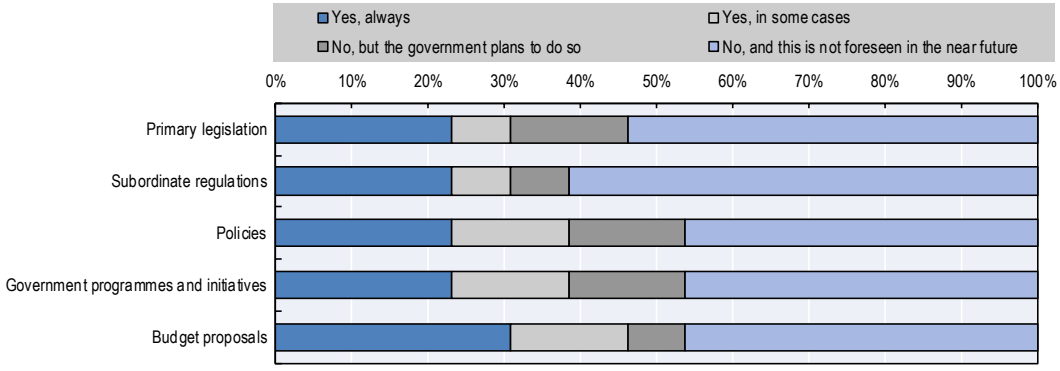
and initiatives, and budget proposals. Having such requirements can be an important tool in advancing the use of such data in policy making more systematically. As such, surveyed line ministries have identified the absence of formal requirements to use gender-disaggregated as a main barrier, although these requirements alone do not provide a solution to implementation gaps. Even in countries with formal gender mainstreaming requirements, limited skills, capacities, resources and time constraints continue to hamper effective implementation, indicating very limited progress on average since 2011.

Figure 2.7. Collection of gender-disaggregated data across sectors, 2011 vs. 2017



Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

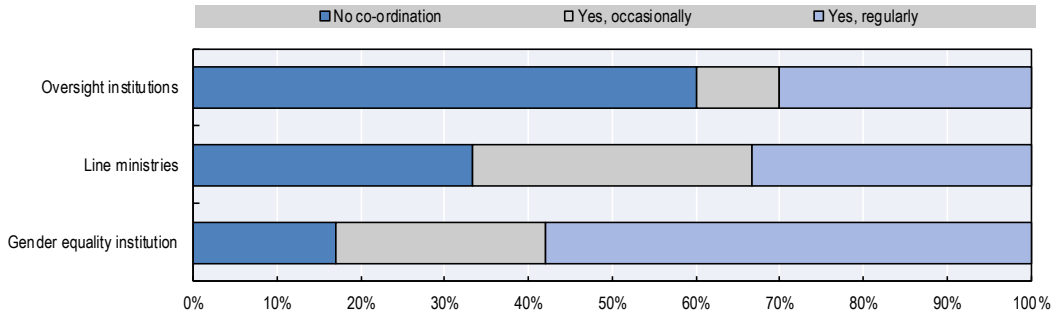
Figure 2.8. Requirements to use of gender-disaggregated data in decision making



Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Limited co-ordination among line ministries, statistics agencies and central gender equality institutions has been identified as an area for improvement. Formal co-ordination mechanisms in this area remain an uncommon practice. While there are more regular interactions between statistics agencies and central gender equality institutions, this takes place to a lesser extent between statistics agencies and line ministries (Figure 2.9).

Figure 2.9. Co-ordination mechanisms with national statistics offices on gender equality



Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Strengthening the collection of gender-disaggregated data is among the top priorities of national gender equality strategies in respondent countries (see Figure 2.2). A large majority of responding countries (e.g. Belgium, Canada, Finland, Iceland, Israel, Latvia, Spain, Switzerland and Turkey) take steps to ensure that available gender-disaggregated data are widely disseminated and communicated (mainly by making them publicly available). The Action Plan for Gender Equality 2018-2020 in Latvia foresees an in-depth review of data collection methods and mechanisms in employment, education and gender-based violence in order to define gaps as well as clear indicators for further data collection. In 2018, Canada created a new Centre for Gender, Diversity and Inclusion Statistics, maintaining a public-facing GBA+ data hub to support evidence-based policy development and decision making in and above the public service. The centre will collaborate with the Canada School of the Public Service and the Status of Women to develop a broader training programme which will help other departments expand their GBA+ foundations, knowledge and capacity (OECD, 2018[4]). The same year, Portugal initiated work to reform its gender-disaggregated data collection process and indicators and to improve the availability of tailored indicators, namely at the local level.

Moving forward, countries can work to improve their collection of gender-disaggregated data by identifying pre-existing data collection initiatives that encompass gender and other intersecting factors, and expanding their scope as appropriate. Improving these mechanisms is particularly important in policy areas where gender-disaggregated evidence remains scarce, such as environmental protection, infrastructure, economic affairs, energy, justice, etc. The impact of these initiatives can be increased if they are accompanied by broader efforts to improve the whole-of-government data infrastructure, and overall data collection in the public service with a gendered lens.

2.5.2. Towards citizen engagement in advancing gender equality

In addition to the systematic use of gender-disaggregated data, stakeholders' participation in the decision-making process is another key element that contributes to inclusive policy outcomes. While the aspiration should be to systematically and continuously engage stakeholders throughout the policy cycle, public consultation on the needs and the design of public policy is accepted as a useful and valuable step to improve its quality while strengthening its legitimacy (OECD, 2016[15]). The OECD 2017 *Recommendation of the Council on Open Government* calls that government should "grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle and service design and delivery" (OECD, 2017[16]). It is particularly useful for consultations to begin at the early stages of the policy and budget-making

process, when stakeholders still have an opportunity to influence policy design. In addition, the development of feedback mechanisms from departments to stakeholders in relation to their engagement contributes to the understanding of the value and relevance of the consultative exercise, and increases their buy-in.

Among surveyed line ministries of education, interior and environment across the OECD, there is a general trend towards undertaking public consultations on a more *ad hoc* basis during different stages of the policy cycle, rather than as a continuous process. When public consultations do take place, systematic evidence on efforts to ensure a gender-sensitive and inclusive process remains scarce. There remains great potential for countries to expand the use of gender mainstreaming tools when it comes to stakeholder consultation and engagement in a broad range of policy areas. For example, Public Safety Canada reports that plans for consultation often include considerations for those who may face barriers in the process, including women from diverse groups. The Cross-Cultural Roundtable on Security used gender-based analysis to adjust its approach to ensure that women and men from various ethno-cultural groups were present from all parts of Canada.

2.6. Accountability and oversight for gender equality

Gender equality objectives have the greatest chance of being achieved if they are supported by robust accountability mechanisms. Independent oversight institutions – such as independent commissions, supreme audit institutions, Ombud's offices – as well as the legislatures and judiciaries all strongly contribute to the advancement of gender equality. They help strengthen the accountability of governments by executing a variety of functions described below. They can also help evaluate whether key gender equality legislations, policies and programmes are delivering their intended results.

Ombud's offices, independent commissioners and equality bodies are critical actors in upholding gender equality principles; investigating cases of discrimination; and monitoring and reporting compliance with equal treatment and anti-discrimination laws. Many OECD countries, especially among the members of the European Union, have established such bodies in accordance with EU equal treatment directives (Table 2.4). These bodies may have a special mandate on equality which could be combined with human rights commissioner functions and/or an ombud's mandate. In the cases of existence of multiple institutions, Equinet finds that there is still room to strengthen regular co-ordination and exchange of information among equality bodies and Ombud's offices across the EU (Equinet Europe, 2017[17]).

2.6.1. Parliaments and parliamentary committees

Parliaments and parliamentary committees are the gatekeepers of the gender equality agenda in reviewing draft and existing legislation and monitoring the activities of government through reviews and inquiries into programmes, policies, expenditure and appointments. For example, in Japan, the Standing Committees on Cabinet in both houses (which are, among others, responsible for the gender equality agenda) debated a bill on the promotion and advancement of women in the workplace which received broad-based support within the National Diet, leading to its adoption. Similarly, Hungary's former Constitutional Committee charged with gender equality responsibilities (now the Committee on Justice) played a decisive role in modifying the Criminal Code to recognise domestic violence as a crime. In the case of Mexico, the Gender Equality Commission of the Chamber of Deputies was a key actor in driving reforms related to combating gender-based violence and women's access to health, education and political participation.

This role seems to have incentivised state-level congressional bodies to establish similar commissions at the subnational level to promote gender equality.

Table 2.4. National oversight institutions for gender equality, 2018

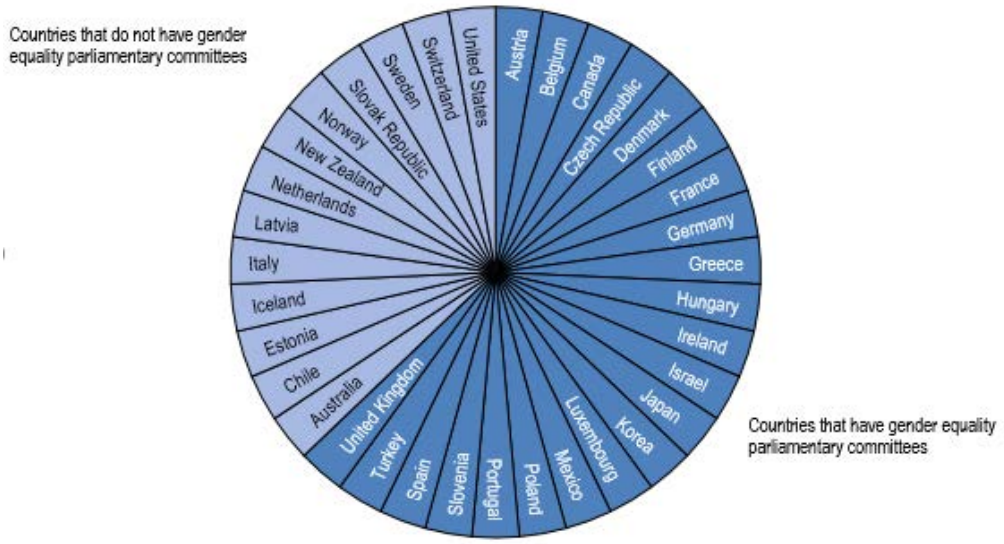
	Ombud's office	Commission in the political executive (committee appointed by the Prime Minister)	Independent permanent human rights commission established by law	Independent permanent gender equality commission established by law	Parliament	Parliamentary committee dedicated to gender equality/women's affairs	Judicial body: commission or office located in the Ministry of Justice or that adjudicates claims or advocates in court	Advisory council: lay panel advisory to ministries or political executive
Canada	..	●	..	..	●	●	..	..
Estonia	..	..	..	●	..	..	..	●
Finland	●	O	●	●	O	●	●	..
Iceland	..	O	..	..	O	O	O	O
Israel	O	O	O	●	O	●	O	O
Italy	..	..	..	...	.	●	..	..
Latvia	●	O	..	●	O	..	..	..
Luxemburg	O	O	O	..	O	●	..	..
Mexico	●	●	..	..	●	●	O	●
Poland	●	O	..	..	●	..	..	..
Spain	●	..	●	..	●	●	..	●
Sweden	●	●	..	..	●	●	..	..
Switzerland	..	O	..	..	●	●	..	●
Turkey	●	●	O	O	●	●	●	O
United Kingdom	..	..	●	●	..	●	..	..

Note: ● "yes"; O "no"; .. "no answer provided".
Source: OECD (2017[5]), "OECD Survey on National Gender Equality Frameworks and Public Policies".

Based on the available evidence, two-thirds of OECD countries have gender equality parliamentary committees, which can be fully dedicated to the issue or (more frequently) have a combined portfolio (Figure 2.10). While the mandates of these committees vary, they are generally responsible for gender equality legislation and examine selected draft laws from a gender equality perspective.

Despite the cross-cutting nature of gender equality, in practical terms, many of these committees are only consulted on draft laws that specifically deal with gender equality or women's issues. For example, in Mexico, only 2.75% of initiatives discussed in Congress came before the Gender Equality Committee in 2015-16. These initiatives were all exclusively focused on amendments to the General Law on Women's Access to Life Free of Violence and General Law for Equality between Women and Men (OECD, 2017[9]). Moving forward, it would be important for countries to consider a more strategic approach in engaging parliamentary gender equality committees in identifying the potential impacts of draft or existing legislation on women and men from diverse backgrounds.

Figure 2.10. Parliamentary committees on gender equality in OECD countries, 2018



Notes: In Sweden, while there is no dedicated parliamentary committee for gender equality, the Committee on the Labour Market considers matters related to equality between women and men insofar as these matters do not fall under the responsibility of any other committee to prepare. In Australia, while there is no dedicated parliamentary committee for gender equality, the Parliamentary Joint Committee on Human Rights scrutinises all draft legislative instruments (bills) for compatibility with Australia's international human rights obligations enshrined in seven human rights treaties (including the Convention on the Elimination of all forms of Discrimination against Women). In the Netherlands, the gender equality agenda is part of the Education Committee.
Source: OECD (2017), "The pursuit of gender equality: An uphill battle"; official websites of OECD country legislatures; PARLINE database on national parliaments, http://archive.ipu.org/parline/parlinesearch.asp

Although it goes beyond the scope of this report, assessing the gender-related capacities of finance and public accounts committees across legislatures will be an important next step to strengthen the oversight role of parliaments for gender equality. For example, in Canada, the House of Commons Standing Committee on Public Accounts and the Standing Senate Committee on Human Rights have recently examined the implementation of gender-based analysis (GBA+) in their respective areas (OECD, 2018[4]).

While parliamentary committees related to gender equality, finance and public accounts can be key vehicles for accelerating progress, all parliamentary committees must take responsibility for the oversight of gender equalities within their own areas. Enhancing the transparency of gender impact assessments of primary legislations conducted by the executive can be a useful tool for taking these strategic decisions (see Section 2.3.2). The oversight role of parliamentary committees can be strengthened by adopting inclusive approaches when collecting evidence, calling in witnesses from diverse backgrounds and undertaking committee hearings on a variety of policy matters.

2.6.2. Strengthening the role of supreme audit institutions

Historically, supreme audit institutions (SAIs) were not considered core actors in advancing gender equality, although this perception is rapidly evolving. With the exception of Austria, Canada and Sweden, SAIs are reported as not having any role in gender equality policies.

However, the importance of the role of SAIs in gender equality is increasingly being recognised, with a number of audits produced by these institutions on the implementation of the Sustainable Development Goals (e.g. in Austria, Canada, the Czech Republic, Germany and Poland).

Available evidence shows that SAIs can provide an important boost for the advancement of gender equality objectives by governments. In Canada and Sweden, audits by the SAI have revealed and helped to remove barriers to gender mainstreaming. As a result of these audits, both countries have reformed gender mainstreaming structures to maximise performance and results (Box 2.8). In Austria, the Austrian Court of Audit has completed multiple audits with a gender perspective on topics such as health, pensions and tax law (Box 2.8). These examples provide a strong business case for OECD countries and beyond to ensure greater incorporation of a gender perspective within the work of SAIs.

Box 2.8. The role of supreme audit institutions in advancing gender mainstreaming

Austrian Court of Audits

In Austria, all ministries and supreme organs are involved in the mechanisms to implement gender equality. This includes the Austrian Court of Audit, which acts as a major stakeholder and is heavily involved in outcome and service evaluation as an independent agency of the parliament. As the supreme audit institution for Austria, it is responsible for both financial and performance audits.

The Austrian Court of Audit adopted internal guidelines which specify that each performance audit should consider complementary questions in the area of gender equality. This includes questions such as:

- Is the gender objective relevant?
- Are there sufficient gender-specific data?
- How appropriate is the level of ambition for measures and indicators?
- What is the impact on society?
- Are women and men appropriately represented in the governing bodies?

For example, an audit of "Agricultural Investment Subsidies and its Outcomes" as part of Austria's rural development programme found that gender equality was not systematically covered by the programme, only 30% of the monitoring committee members were women (despite rules of procedure aimed at gender-balanced representation), gender-specific investment needs were not analysed despite women predominantly having smaller farms than men, and programme data were not systematically reported and analysed from a gender perspective.

Other recent Austrian Court of Audit audits with a gender perspective include: *Gender Health in Austria* (2015), *Compensatory Allowances under Pension Insurance* (2015), *The Introduction of Outcome Orientation in Selected Federal Ministries* (2016), and *Gender Aspects in Income Tax Law* (2017).

Box 2.9. The role of supreme audit institutions in advancing gender mainstreaming (*continued*)

Office of the Auditor General of Canada

Canada has a history of applying gender-based analysis (GBA+) as part of the policy development process. This has been mandatory for Cabinet processes since 2016 and is supported by a system-wide approach to gender and an institutional framework. In terms of implementation, the oversight role of parliament and the Office of the Auditor-General (OAG) has helped to ensure improvements to the application of GBA+, highlighting the importance of monitoring and accountability.

The OAG serves parliament by providing it with objectives, fact-based information, and expert advice on government programmes and activities, gathered through audits. The OAG's audit of government activities includes oversight of the implementation of GBA+ activities within government, as was undertaken in 2015. The OAG's responsibility was to conduct an independent examination of gender-based analysis in order to provide objective information, advice and assurance to assist parliament in its scrutiny of the government's management of resources and programmes.

The audit examined whether gender-based analysis was being performed in selected federal departments. It also examined the government's progress on three recommendations from the 2009 Spring Report of the Auditor General of Canada. OAG performance audit reports contain recommendations that can serve as a springboard to lasting and positive change in the way the government functions.

Swedish National Audit Office

In 2014-15, following an increase in resources for specific gender policy measures, the Swedish National Audit Office audited the government's gender equality initiatives. The purpose of the audit was to determine whether conditions exist that make the results of specific gender policy measures sustainable and lead to permanent improvements. The ambition was also to evaluate whether the government's design and management of the initiative was effective. The audit also included determining whether there is an institutional framework for acting on the results so that they are sustained over time. The 2015 Swedish National Audit Office report stated the need for an institutional structure that strengthens gender equality work and helps ensure a long-term approach and sustainability. It called for a more robust structure for good gender governance, strengthened gender mainstreaming in the administrations as well as improved conditions to make results from temporary initiatives permanent.

Box 2.10. The role of supreme audit institutions in advancing gender mainstreaming (*continued*)

Gender audits in Andalusia, Spain

Law 18/2003 on Fiscal and Administrative Measures made it compulsory to promote gender audits within the Andalusian public administration. Since then, the Andalusian regional government administration has understood and designed its own gender audits as tools to assess the progress achieved in implementing its gender-responsive budgeting strategy.

In 2013, as part of its gender-responsive budgeting strategy, the government launched a series of gender audits. The specific objectives pursued by these audits were to: assess the extent to which the objectives assigned to budget programmes classed as G+ were attained; analyse and measure the extent to which gender mainstreaming was implemented in budget planning, implementation and accountability; assess the strategies carried out by the managing centres to implement the methodology and achieve their targets; and identify best practices and make recommendations to strengthen gender-responsive budgeting within the Andalusian public administration.

These audits were undertaken by the Gender Budgeting Impact Commission, with an aim to give a new impetus to gender budgeting and to establish new lines of work for each programme according to the current socio-economic situation, progress achieved, challenges still pending and lessons learnt. The documents resulting from the gender audits were available for public consultation for a specific length of time in order to take account of any feedback from citizens interested in promoting gender mainstreaming.

Sources: (Office of the Auditor General Canada, 2018[18]); (Office of the Auditor General Canada, 2016[19]); Information provided by the Government of Austria, Austrian PBO 2017; Andalusian Regional Government Administration (2014); Austrian Court of Audit 2018 cited in OECD (2018[4]), *Gender Equality in Canada: Mainstreaming, Governance and Budgeting,* https://doi.org/10.1787/9789264301108-en.

Key policy messages

- Building on the commitments to promote gender equality, countries should develop or ensure continuity of a whole-of-government gender equality strategy to orient, co-ordinate and drive forward gender equality reform. To be effective, such a strategy or framework should be based on a broad-based needs analysis. This exercise should involve both governmental and civil society actors from the outset and throughout the process. In parallel, it is important to undertake a needs analysis of human and financial resources, as well as competencies across the public sector. Such a strategy should also establish a clear allocation of roles, resources and lines of implementations and accountability for the whole of government.
- Integrating national gender equality objectives into broader national development strategies, government policies, programmes and strategic planning systems would help prevent them from being implemented in isolation, or not at all. It would help ensure that they are formulated on the basis of gender-sensitive analysis and assessments in different policy areas.
- Mainstreaming is a foundation for making meaningful progress in gender equality across policy and governance areas and for removing deeply rooted biases and stereotypes from the baseline of public policies, budgets, regulations and state actions. Otherwise, such policies tend to produce what are seen as "gender-blind" or "gender-neutral" outcomes, but which inherently reproduce or reinforce discrimination.
- It is important to strengthen gender mainstreaming by applying gender-sensitive analysis and gender impact assessments (GIAs) to the full extent of decision-making levers and government tools (e.g. regulations, budgets, policies, service delivery, procurement) to help close gaps in employment, entrepreneurship and education, and enable broader access to opportunities. The use of GIAs from the earliest stages of the decision-making cycle is critical; experience from OECD countries shows that GIAs can yield meaningful results only if the decision-making processes allow adequate time for incorporating evidence and analysis to inform decision making (including the decision to promote special measures or affirmative action as a means to eliminate discrimination and/or maintain or further gender equality).
- Strengthening GIAs at the evaluation stages of the decision-making cycle can help to more accurately assess the impacts of government decisions on women and men from diverse backgrounds. Countries can reap the benefits of GIAs if such requirements are supported by criteria to ensure the quality and rigour of the analysis.
- Countries would benefit from undertaking GIA case studies and pilot projects that can help strengthen the business case for such tools, supporting cultural change for gender mainstreaming, testing processes for the implementation, and generating know-how. The results of these studies must be widely disseminated, and careful consideration should be given to the question of knowledge transferability of such projects to other sectors. These efforts should be undertaken in a systemic manner, otherwise there is a risk that it becomes a "tick-the-box" exercise, consisting of substituting a comprehensive approach with fragmented "gender" initiatives.

Key policy messages (*continued*)

- Countries must continue to focus on mapping and removing barriers to the collection, use and dissemination of data and evidence disaggregated by gender and other intersecting identity factors, in order to accurately assess the potential impacts of decision making on women and men from diverse backgrounds.
- Governments should develop or strengthen an explicit mandate for Cabinet committees to examine and discuss gender equality issues. Such a mandate could considerably accelerate the implementation of this agenda and would send strong signals about the government's commitment to this agenda.
- Centres of government play a strategic role in identifying implementation gaps, establishing effective performance and accountability frameworks, and ensuring that a gender equality lens is mainstreamed in all government decision-making processes. There is scope to strengthen the role of the centres of government to promote gender mainstreaming while contributing to government priority setting, planning, managing performance, governmental organisation, communication and engagement. To support this role, central gender equality institutions should provide centres of government with policy expertise.
- Central gender equality institutions are increasingly recognised as powerful drivers of change. At the same time, there is potential to strengthen their resource base and authority to engage on a whole-of-government and societal level. Importantly, effective gender and diversity mainstreaming also requires the active and systematic engagement of all public agencies and line departments, yet these institutions often lack resources, capacities, awareness and know-how when it comes to gender mainstreaming.
- Independent oversight institutions and legislatures have a strong potential to accelerate the implementation of gender mainstreaming processes and tools, if they are given explicit mandates in this field.
- There remains great potential for countries to expand the use of gender mainstreaming tools when it comes to citizen consultation and engagement processes in a broad range of policy areas.

Note

1. https://igvm-iefh.belgium.be/sites/default/files/downloads/plan_gm-fr_2015-2019.pdf.

3. Achieving gender-sensitive policy outcomes: The role of government tools

Structural policies, budgets, regulations and procurement are critical instruments in the hands of government to act and influence behaviours. In this sense, they can have effects on the advancement of gender equality outcomes for better or for worse. In recognition of the key role of these government levers in advancing gender equality goals, this chapter maps out country approaches and initiatives to mainstream gender in the budget, regulatory and procurement cycles.

Key findings

- Structural policies, budgets, regulations and procurement processes – when accompanied by a gender-sensitive lens – can help promote women's economic empowerment by encouraging full participation in the labour market, addressing occupational discrimination, and supporting female entrepreneurship and access to finance.
- Governments are increasingly using such tools and decision-making levers to advance gender equality goals, although the current pace and scope of these initiatives are insufficient to have a long-lasting impact. The number of OECD countries that have introduced gender budgeting increased from 12 in 2016 to 17 in 2018. Nine of the 17 OECD countries that have introduced gender budgeting also publish information alongside the annual budget to help inform budget oversight. Some of the challenges in implementing an effective gender budgeting approach include the differing levels of importance given to gender equality by successive governments, fiscal constraints or broader challenges related to implementing new public financial management procedures in government.
- Over the past decade, a significant and rising number of countries report assessing the gender impacts of regulations, at least formally (30 in 2017 compared to 13 in 2008). Although many countries have put in place guidelines or checklists, there are generally no criteria or accountability mechanisms to ensure the quality and rigour of gender analysis in regulations. In most instances, there is scope for improving evidence about how the results of such assessments have been integrated into the regulatory decision making.
- Other commonly cited barriers to broader gender mainstreaming include limited available gender-disaggregated data; limited resources (financial, human and time) and capacities within the public service to carry out a thorough gender impact analysis; and an absence of leadership and accountability.
- While evidence is limited, OECD countries use different approaches to introduce gender equality considerations into public procurement. These include asking suppliers to demonstrate their compliance with gender equality-related laws or requirements; applying broader gender impact assessment requirements in the case of public procurement; or implementing set-aside measures targeted at women-owned businesses (although these are rarely used).
- Available evidence shows that gender equality considerations are generally integrated at the stages of supplier pre-qualification and awarding contracts. Countries could reflect on how such considerations could become routine throughout the full procurement cycle, including the definition of needs, evaluation of bids, auditing and improving supplier performance, and contract management.

3.1. Introduction

The slow progress and setbacks in achieving gender equality[1] and inclusiveness goals suggest that a lot of governments' initiatives to date have not always been up to the task of dealing with persisting stereotypes and cultural norms. Indeed, women remain disproportionally responsible for unpaid care work, with major potential to improve public, accessible and affordable child and/or elderly care (OECD, 2017[1]). Although women from diverse backgrounds are often at the losing end of structural gender inequality, the cultural norms and stereotypes are simultaneously creating problems for men and boys. In addition, new challenges arise; while presenting real opportunities for change, digitalisation, disruptive technologies and big data generate additional risks to expand the scale of persisting inequalities, and create new forms of divides.

Redressing these structural inequalities requires that governments pay particular attention to the baseline of structural policies, regulations, budgets and other government tools such as procurement processes to removing deeply rooted gender norms and stereotypes. Indeed, potential gender bias may be hiding in the way the governments do business as usual. For example, in Sweden, a decision-making process of government venture capitalists revealed implicit gender bias.[2] The researchers found that, on average, women entrepreneurs were only awarded 25% of the applied-for amount, whereas men received 52% of what they asked for. Gender impact assessments or gender analysis can help reveal the potential bias and improve decision making (see Chapter 2). Addressing structural inequalities also requires an approach that cuts across silos. For example, promoting women's business ownership requires a smart policy mix, which, among others, takes into consideration gender impacts of regulatory policies and competition frameworks, while removing potential barriers in access to public procurement and finance. These efforts must be coupled with an enabling social infrastructure (e.g. accessible and affordable child/elderly care) to reduce the burden of unpaid care work; as well as partnerships between the public and private sectors.

The *OECD Recommendation of the Council on Gender Equality in Public Life* recommends that its adherents:

> *…integrate evidence-based assessments of gender impacts and considerations into various dimensions of public governance (for example, public procurement, public consultation and service delivery management) and at early stages of all phases of the policy cycle (for example, by aligning* ex ante *assessments of gender impacts with broader government-wide policy development processes, such as regulatory impact assessment), as appropriate. (OECD, 2016[2])*

It also recommends that adherents "c*onsider integration of the gender perspective in all phases of the budget cycle, as appropriate, so that transparency regarding gender-relevant resource allocation decisions is maximised*". In accordance with these provisions, this chapter discusses how governments can better leverage available tools and decision-making functions in support of inclusiveness such as budgeting (where gender equality has a good grounding) as well as other areas that have not received as much attention, such as public procurement and regulatory practices.

In the area of gender budgeting, the chapter presents the results of the 2017/18 OECD Budget Practices and Procedures Survey. Building on the long-standing expertise of the OECD in the areas of public procurement and regulatory policy, the chapter also offers a preliminary mapping exercise of the status quo and different country approaches with regard to ensuring gender-sensitive processes in budgeting, public procurement, and

regulatory policy and governance; and using these tools in a strategic manner to advance gender equality goals. These sections namely draw from desk research, stakeholder consultations and the results of the 2017 OECD Survey on National Gender Equality Frameworks and Public Policies, and the 2017 OECD Indicators of Regulatory Policy and Governance Survey.

The policy messages in this chapter are strongly complementary to those in Chapter 2 that focus on institutional and governance mechanisms to advance gender equality. Indeed, governments' ability to use government tools[3] in an inclusive manner will depend on the availability of:

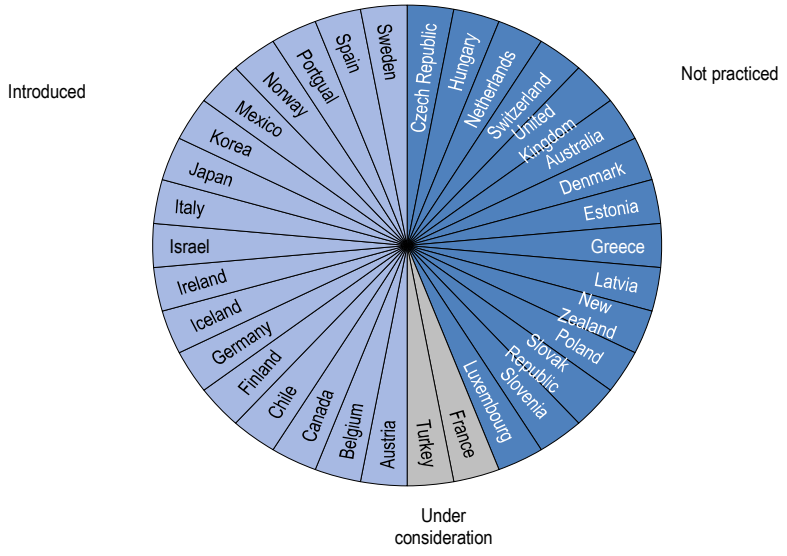
- adequate support mechanisms and capacities to identify gender equality gaps and advance innovative and cost-effective solutions (e.g. use of behavioural approaches) to closing the gender gaps
- robust monitoring and accountability structures, supported with data and evidence.

3.2. Gender budgeting

The 2015 Recommendation and its implementation Toolkit identify gender budgeting as a key tool of a system-wide government approach to deliver gender equality outcomes. Gender budgeting refers to the systematic application of analytical tools and processes as a routine part of the budget process, in order to highlight gender equality issues and to inform, prioritise and resource gender-responsive policies.

The number of OECD countries that have introduced (or partly introduced) gender budgeting increased from 12 in 2016 to 17 in 2018 (Austria, Belgium, Canada, Chile, Finland, Germany, Iceland, Ireland, Israel, Italy, Japan, Korea, Mexico, Norway, Portugal, Spain and Sweden). In addition, two countries have plans to introduce it (France and Turkey).

Figure 3.1. OECD countries that practise gender budgeting



Source: OECD (2018), 2017/2018 OECD Budget Practices and Procedures Survey, Question 32.

Implementing an effective and sustainable gender budgeting approach can be challenging. Some challenges derive from the differing levels of importance given to gender equality by successive governments, whereas others relate to fiscal constraints or more broadly to the challenges faced when implementing any new public financial management practices or procedures in government. Legislation that is fully tested and debated in parliament can help embed gender budgeting as a valued and enduring feature of public policy making and insulate it, as far as possible, from fluctuations arising from the economic or political environment. Of the 17 OECD countries that have implemented gender budgeting, 9 have legal provisions underpinning the practice (Austria, Belgium, Iceland, Italy, Korea, Mexico, Norway, Portugal and Spain).

The OECD has identified a range of tools that can be used to systematically embed gender considerations throughout the budget cycle. In general, a broad range of gender budgeting tools are used by OECD countries. Over half of the OECD countries which have introduced gender budgeting use four or more tools (Austria, Canada, Germany, Iceland, Japan, Korea, Mexico, Norway, Spain and Sweden). The most common gender budgeting tools are *ex ante* gender impact assessment of policies (used by 76% of OECD countries that have introduced gender budgeting), *ex post* gender impact assessment of policies (59%), a gender dimension in performance setting (59%), a gender dimension to resource allocation (53%), and a gender needs assessment (53%).

Table 3.1. Tools of gender budgeting in use in OECD countries

	Needs assessment	*Gender dimension in performance*	*Baseline analysis*	*Ex ante gender impact assessment of policies*	*Gender dimension in resource allocation*	*Ex post gender impact assessment of policies*	*Gender audit of budget*	*Gender dimension to performance audit*	*Audit of gender budgeting systems*	*Gender dimension to spending review*
Austria		●		●	●	●		●	●	
Belgium					●					
Canada	●	●		●		●		●		●
Chile		●		●		●				
Finland				●						
Germany	●		●	●		●				
Iceland	●	●	●	●	●	●	●	●	●	
Ireland		●								
Israel			●	●	●					
Italy			●			●				
Japan	●	●	●	●	●					●
Norway	●	●		●	●	●	●			
Korea	●	●	●	●	●	●	●	●	●	●
Mexico	●		●			●	●			
Portugal	●			●	●					
Spain	●	●	●	●	●					
Sweden		●		●		●	●	●	●	●
Total OECD	9	10	8	13	9	10	5	5	4	4

Note: Only shows OECD countries which have introduced gender budgeting.
Source: OECD (2018), 2017/2018 OECD Budget Practices and Procedures Survey, Question 34.

Nine of the 17 OECD countries that have introduced gender budgeting also publish information alongside the annual budget to help inform budget oversight. This often takes the form of a "gender statement". In at least two-thirds of the cases, this information includes: a general statement on gender objectives (7 OECD countries), gender impact analysis of specific budget measures (7 countries) and information on spending allocated to gender equality projects (6 countries). Three countries publish gender impact analysis of the budget as a whole (Canada, Mexico and Spain).

Over half of the OECD countries that have introduced gender budgeting have standard guidelines from the central budget authority on implementation (Austria, Belgium, Canada, Iceland, Ireland, Israel, Italy, Korea, Mexico, Norway, Spain, Sweden), general and/or specific gender-disaggregated data (Austria, Canada, Chile, Finland, Germany, Iceland, Japan, Korea, Mexico, Norway, Portugal, Spain, Sweden), training and capacity development (Austria, Canada, Chile, Iceland, Ireland, Italy, Japan, Korea, Spain, Sweden), and an annual budget circular with instructions related to gender budgeting (Austria, Belgium, Canada, Iceland, Israel, Korea, Mexico, Spain, Sweden).

A more advanced approach to gender budgeting benefits from being guided by a national gender equality strategy and through the incorporation of a gender perspective at different stages of the budget process (*ex ante*, concurrent and *ex post*). The impetus for gender budgeting requires an administrative environment that supports, and indeed encourages, this type of analysis. Elements which can foster this are legal foundations for gender budgeting, the collection of gender-disaggregated data, capacity building and awareness raising among staff, and impact assessment and evaluation to test whether it is delivering its intended results (see Chapter 2).

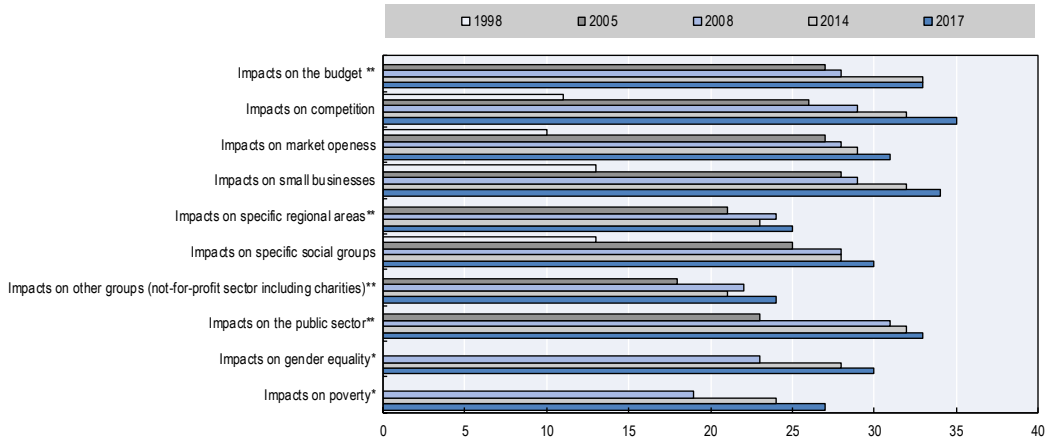
3.3. Mainstreaming gender and diversity in the regulatory cycle

Deeply rooted gender norms, stereotypes and behaviours have critical influences on gender equality. Regulation is an important instrument in the hands of government to act and influence behaviours. In this sense, regulation can have effects on the advancement of gender equality outcomes for better or for worse. The *OECD Regulatory Policy Outlook* notes that "*beyond identifying the net positive benefits in monetary value of new regulations, relevant performance indicators could be employed to reveal the added benefits of [regulatory impact assessments] to citizens and businesses due to reductions of administrative burdens and regulatory costs, or due to reduction of incidents on human health or the environment, for instance*" (OECD, 2015[20]). In recognition of the important potential of regulations to promote social welfare and economic prosperity, OECD countries have increased the pace of initiatives to harness this potential over the past two decades. These include the introduction of measures to assess the impacts of regulations on specific social groups, poverty and gender equality (Deighton-Smith, Erbacci and Kauffmann, 2016[21]) (Figure 3.2).

3.3.1. Mapping country approaches to assessing the gender equality-related impacts of regulations

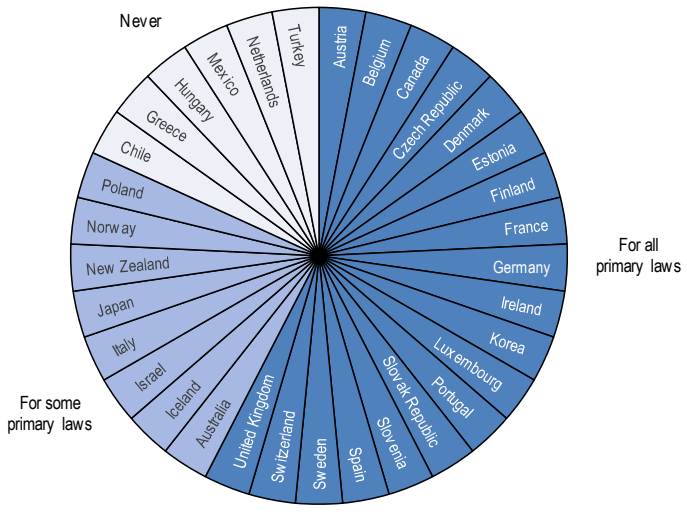
Over the past decade, a significant and rising number of countries report assessing the gender impacts of regulations, at least formally (30 out of 35 in 2017 compared to 13 in 2008) (Figure 3.3). These requirements may be grounded on legislations, directives, or policies and expectations.

Figure 3.2. Different types of impacts integrated into regulatory impact assessments for primary and secondary legislation in the OECD



Notes: Data for 1998 are not available for the European Union, Luxembourg, Poland and the Slovak Republic. This figure is therefore based on data for 27 countries in 1998, for 30 countries and the EU in 2005/08 and for 34 countries and the EU in 2014 and 2017.
* No data are available prior to 2008.
** No data are available prior to 2005.
Sources: OECD Regulatory Management Systems' Indicators Survey 1998, 2005 and 2008 www.oecd.org/regreform/indicators, OECD Indicators of Regulatory Policy and Governance Surveys 2014 and 2017 http://oe.cd/ireg.

Figure 3.3. Requirements to assess the impacts of gender equality in developing primary laws, 2017



Source: OECD (2017), OECD Indicators of Regulatory Policy and Governance Survey 2017, http://oe.cd/ireg.

There is no single blueprint approach used by countries to assess the gender equality-related impacts of regulations. A number of countries (e.g. Austria, Canada and Sweden) have established requirements to complete gender impact assessments as a separate analysis that accompanies regulatory impact assessment (RIA). Such tools can also be used beyond the scope of regulations to include policies and programmes (see Chapter 2). Another set of countries have requirements to carry out gender analysis as a component of a unique RIA

(see Box 3.1). Deighton-Smith, Erbacci and Kauffmann (2016[21]) discuss different views from the academic literature about the potential advantages and disadvantages of these two approaches:

> A priori*, the need for integration would seem to favour the use of a broad RIA over the alternative of a narrower RIA supplemented by separate assessments, since the former approach implies that integration of the assessments occurs from the outset, rather than having to be achieved* ex post*, with an additional step of unifying or at least balancing the results of separate assessments being required. Conversely, however, a number of academic researchers argue that there is a risk that integrated approaches may lead to a reduction in the weight accorded to social and environmental considerations as a result of the overloading of RIA procedures.*

Box 3.1. Examples of country approaches to assessing gender-related impacts of regulatory impact assessments

In 2016, the OECD published the working paper "Promoting inclusive growth through better regulation", which presented a mapping of different country approaches to assessing gender-related impacts of regulatory impact assessments (RIAs). These examples are presented below.

In **Sweden**, a gender analysis is performed as part of the law drafting and preparation process, by the actors responsible for the process. In bills and government inquiries, a separate section (or chapter) is presented on the assessment of impacts on gender equality. The analysis is performed in relation to the gender equality policy goals, where an assessment is carried out concerning whether proposals contribute to, or hinder, the achievement of the gender equality goals.

In **Austria**, the measurement of a regulation's impact on gender equality has been a requirement since a 2004 decision of the Austrian Council of Ministers. The new RIA process, introduced in 2013 for all laws and ordinances (Wirkungsorientierte Folgenabschätzung), contains an explicit set of rules for assessing impacts on gender equality and is combined with a new handbook and training for the users and a mandatory *ex post* evaluation.

In **Luxembourg**, assessing impacts on gender equality has been a requirement of the RIA process since 2010. This analysis is required for every new legislative text. Results of this analysis are incorporated into the RIA, in a section entitled "Égalité des chances".

In **Portugal,** the assessment of impacts on gender equality is incorporated as part of the broader RIA assessment of legislative acts by the government, regulatory decrees and resolutions. The Portuguese RIA document includes an item describing whether the act does or does not have implications for gender equality.

In **Spain,** the gender impact assessment is a section within the RIA document that must accompany all regulations adopted by the government. The gender impact assessment is required for all policies that affect individuals.

Box 3.1. Examples of country approaches to assessing gender-related impacts of regulatory impact assessments (*continued*)

In **Turkey**, impacts on gender equality have been considered as an element of the RIA process since 2000. When identifying likely impacts on gender equality, relevant public agencies and ministries must answer specific questions that are outlined in the guidelines.

In **France**, impacts on gender equality are included in the RIA guidance material's list of possible impacts to be examined in the RIA. This element is included in the documentation under social impacts: "Equality of treatment between men and women, and reduction of discrimination".

In **Hungary**, impact on gender equality is not a separate element for consideration within the RIA process but is expected to be part of the RIA's broader examination of social impacts.

In **Japan**, impacts on gender equality can be considered as a factor which affects society and the economy in a broad sense. This impact is considered an element of a broader assessment and thus does not require a separate test.

In **New Zealand**, impacts on gender equality are not explicitly mentioned in the RIA requirements or guidance. However, it is expected that the regulatory impact statements will document all impacts, including effects on gender, should they be significant.

In support of Sustainable Development Goal 5, the **Netherlands** is working on developing the quality requirement "effects on gender equality". This quality requirement intends to map out the nature and scope of the consequences of intended policy and regulation for gender equality in the Netherlands. It consists of two parts: the first part reviews the effects of a proposal on equality between men and women. Effects must be mapped out and, when relevant, the assessment must include indications on how negative and/or restrictive effects are minimised and justification for not applying the intended policy or regulation. The second part is dedicated to the consultation of (the representatives of) parties that will be affected by the proposal. The implementation of the quality requirement "Effects on Gender Equality" in the Government-wide Integral Assessment Framework is in its final phase and will go on line in January 2019.

Sources: Deighton-Smith, R., A. Erbacci and C. Kauffmann (2016), "Promoting inclusive growth through better regulation: The role of regulatory impact assessment", http://dx.doi.org/10.1787/5jm3tqwqp1vj-en; information for the Netherlands provided by the government of the Netherlands.

Regardless of the approach taken, such assessments, if carried out adequately, can provide important insights into how regulations can be boosted to advance gender equality outcomes (Box 3.2).

Box 3.2. An example of how gender analysis improved regulatory decision making in Canada

Immigration, Refugees and Citizenship Canada (IRCC) applied Gender-Based Analysis Plus to a sponsorship regulation. In 2016, as part of a ministerial mandate commitment, the IRCC developed a proposal to remove a regulatory requirement for sponsored spouses and partners of Canadian citizens and permanent residents to live with their sponsor for two years as a condition for maintaining their permanent resident status. The analysis recognised that a sponsored spouse or partner can be vulnerable for many reasons, including gender, age, official language proficiency, isolation and financial dependence, and that these factors can create an imbalance between the sponsor and their spouse or partner. It was further assessed that the conditional permanent residence two-year co-habitation requirement could compound these vulnerabilities in situations of domestic abuse. Noting that women made up a majority (70%) of affected individuals who submitted requests to the IRCC for an exception to the condition on the basis of abuse or neglect, the IRCC assessed that this regulatory requirement may potentially result in vulnerable spouses and partners remaining in abusive relationships out of fear of losing their permanent resident status in Canada. The conditional permanent residence requirement was repealed on 18 April 2017.

Source: OECD (2018[4]), *Gender Equality in Canada: Mainstreaming, Governance and Budgeting*, http://dx.doi.org/10.1787/9789264301108-en.

3.3.2. Challenges and limitations to assessing gender-related impacts of regulations

Broader challenges faced by regulators in implementing a well-functioning RIA system tend to be replicated when assessing the gender-related impacts of regulations. The 2018 *OECD Regulatory Policy Outlook* finds that there is scope for improving transparency and oversight of RIA practices across the OECD in accordance with the 2012 *OECD Recommendation of the Council on Regulatory Policy and Governance* (OECD, 2018[22]). Other challenges to ensure a performant regulatory system include the absence of a systematic approach to evaluating whether laws and regulations do achieve their objectives in practice; limited integration of consultation outcomes in regulatory design; absence of policy frameworks to boost regulatory performance; and limited quality control (OECD, 2018[22]). These challenges are mirrored in the specific field of assessment of gender impacts: Although many countries have put in place guidelines or a checklist, there are generally no criteria or accountability to ensure quality and rigour of gender analysis in regulations. In a majority of instances, there is no evidence about how the results of such assessments have been integrated into the regulatory decision making (OECD, 2017[5]) (see Chapter 2). This indicates that little has changed since 2011, when a number of countries were unable to identify any regulatory changes resulting from the introduction of gender analysis. Where countries did report on the impacts of gender analysis, these examples mainly focused on increasing awareness and dialogue on gender issues among policy makers (Deighton-Smith, Erbacci and Kauffmann, 2016[21]). These findings point to a general tendency to use such requirements in the area of gender equality as a "tick-the-

box" exercise rather than an informative tool to support evidence-driven decision making (Box 3.3).

Limited readily available gender-disaggregated data; limited resources (financial, human and time) and capacities within the public service to carry out a thorough gender impact analysis; and absence of leadership and accountability are other commonly cited barriers to broader gender mainstreaming, including in the field of regulatory governance. These challenges are discussed in detail in Chapter 2.

Box 3.3. Assessing gender impacts through regulatory impact assessment: Lessons learnt from the Czech Republic and the Slovak Republic

A 2017 analysis of the differences in how the Czech Republic and the Slovak Republic have made regulatory impact assessment (RIA) gender sensitive offers useful lessons.

In terms of progress, the conclusion of the review was that a gap exists between what is intended and what is done (i.e. between rhetoric and reality) in the use of gender impact assessment (GIA) within RIA.

Assumptions regarding the factors that may be contributing to this gap highlighted several issues:

- insufficient training and capacity
- inadequate communication within each country between gender equality experts and those preparing GIAs and RIAs
- the tendency to focus RIAs on economic and monetary factors and not social considerations, which can be viewed as being less valuable
- a narrow view that GIA only focuses on impacts rather than a broader view that searches for different ways of achieving the desired results
- the tendency for GIA to be a "box-ticking exercise" rather than an approach intended to cut across issues and seek out opportunities for policy integration.

Source: Staronova, K., E. Hejzlarova and K. Hondlikova (2017[23]), "Making regulatory impact assessment gender sensitive: The case of the Czech Republic and Slovakia", https://ssrn.com/abstract=2994233.

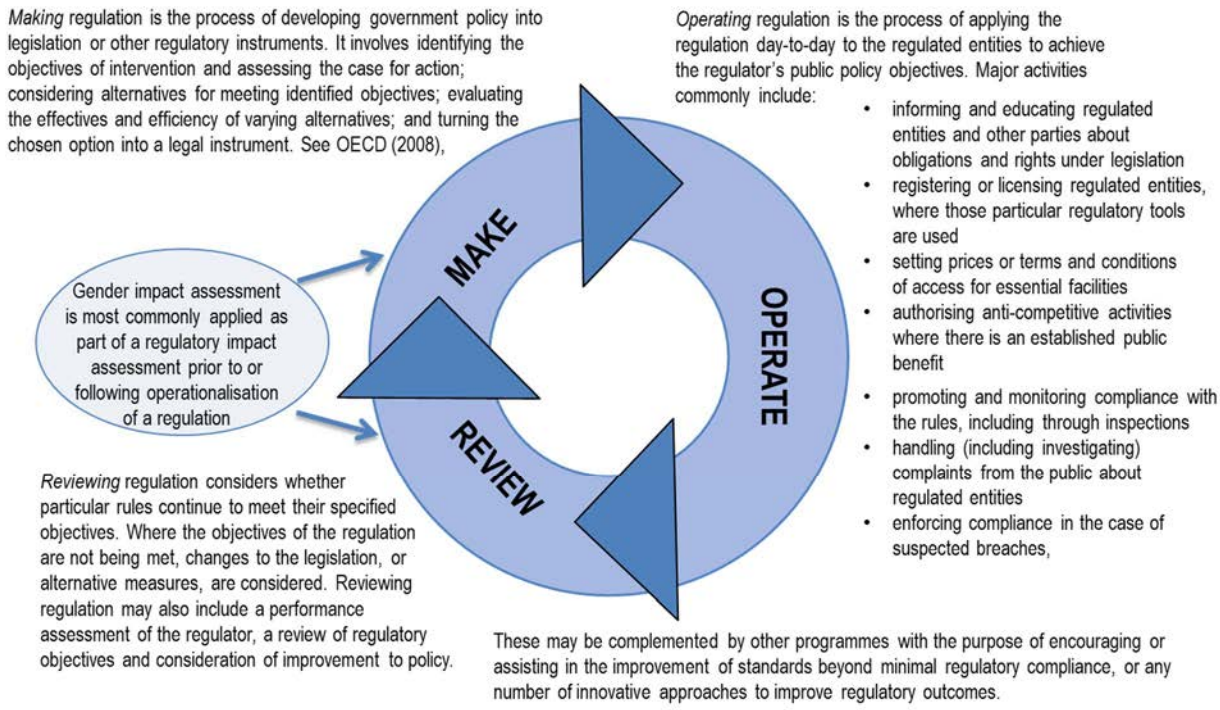
3.3.3. The principle of proportionality

In the face of the multiplicity of impacts to be considered (e.g. environment, economic, social, business, cost-efficiency, etc.), regulators often struggle with the tools and methodologies to identify and address the wider range of impacts, and focus instead on those that are significant.[4] The *OECD Regulatory Policy Outlook 2018* observes a trend whereby there are less countries requiring RIA for all regulations, in line with a more proportionate approach to impact assessments (OECD, 2018[22]). This warrants a strategic approach in ensuring proportionality between the primary and complementary objectives of regulations, while ensuring that gender equality principles and other strategic objectives are systematically upheld. More could be done building on the strong leadership of a number of countries to exchange information on successful approaches and methodologies.

3.3.4. Beyond RIA: Understanding the full regulatory cycle from a gender and diversity perspective

As shown above, countries most commonly apply a gender perspective during the *ex ante* appraisal of regulations either by integrating it to RIA or as a complementary instrument (Figure 3.4). In practice, however, regulators face many challenges (see previous section) in carrying out a meaningful gender analysis to inform decision making. Repositioning GIAs as a broader and more comprehensive instrument that can be applied to the full regulatory cycle as appropriate – rather than a tick-the-box exercise – can support a more result-oriented culture for gender analysis.

Figure 3.4. Model of the regulatory cycle



Note: Description on gender impact assessment is an addition to the source model and is not part of the original as presented by the OECD.
Source: OECD (2013[24]), "Principles for the Governance of Regulations: Public consultation draft", www.oecd.org/gov/regulatory.../Governance%20of%20Regulators%20FN%202.docx.

In advancing a more result-focused approach to gender mainstreaming in the regulatory cycle, it will be beneficial for countries to reflect on ways in which gender equality considerations can become routine elements (rather than tick-the-box exercises) in the following areas:

- decisions on where regulations are needed
- *ex post* evaluations to assess the impact of regulations on gender and other forms of diversity
- all aspects of the implementation and enforcement of regulations
- stakeholder engagement efforts

- ongoing monitoring and evaluations that are regularly reported with the results used to reduce the impact of any unanticipated consequences and for accountability and planning for future regulations.

A number of countries have taken steps to explore ways to integrate gender and diversity considerations into the different stages of the regulatory cycle. For example, in Canada, the Directive on Regulatory Management requires regulatory organisations to identify parties that may be interested in or affected by a regulatory proposal and to provide these parties with opportunities to take part in open and meaningful consultations at all stages of the regulatory process. The Treasury Board of Canada Secretariat and Regulatory Affairs Sector provide a challenge function to ensure that parties affected by a regulatory proposal have been given adequate opportunities to provide input and express concerns they may have related to the design, implementation or impacts of the proposal. While Canada's approach does not specifically call for a GIA to be applied, implicit in its approach is a requirement for broad consultation. This means that all of the various groups who may be impacted need to be identified and consulted, which would include groups representative of gender and other forms of diversity among men and women.

3.4. Advancing gender equality and inclusiveness through public procurement

Public procurement is a powerful tool that can underpin the advancement of society-wide inclusiveness and gender equality goals. Public procurement refers to the many ways in which governments acquire goods, services and works using a range of contractual arrangements and purchasing tools. It is a significant tool, accounting for 29% of government expenditures and approximately 12% of gross domestic product (GDP) in the OECD (OECD, 2017[25]). It brings government and a very large number and range of suppliers together. Representing a significant nexus between the public and the private sector with high economic implication, many countries also use public procurement as a strategic policy lever to advance broader policy objectives. These include environmental protection, small and medium-sized enterprise development, socio-economic development goals as well as gender equality and diversity. The *OECD Recommendation of the Council on Public Procurement* also recognises the importance of pursuing complementary policy objectives through public procurement in a balanced manner against the primary procurement objective (Box 3.4).

There is growing awareness of the importance of gender equality considerations within public procurement policy. Indeed, "*increasing the opportunities for more economic agents, particularly small and medium-sized enterprises (SMEs) to engage in the delivery of goods and services can result in improved outcomes for the alleviation of poverty and increasing gender equality, given that women-owned businesses are disproportionately located in this sub-sector of the economy*" (Kirton, 2013[26]). The integration of gender consideration in public procurement is also promoted by the 2030 Agenda for Sustainable Development: countries are expected to mainstream gender equality across all Sustainable Development Goals (SDGs) and targets, including in the promotion of sustainable public procurement practices, in accordance with national policies and priorities (SDG 12.7). Yet there is still large scope to reflect on ways in which to harvest these opportunities in the area of gender equality.

Box 3.4. Extract from the 2015 *OECD Recommendation of the Council on Public Procurement*

V. RECOMMENDS that Adherents recognise that any use of the public procurement system to pursue secondary policy objectives should be balanced against the primary procurement objective.

To this end, Adherents should:

i) Evaluate the use of public procurement as one method of pursuing secondary policy objectives in accordance with clear national priorities, balancing the potential benefits against the need to achieve value for money. Both the capacity of the procurement workforce to support secondary policy objectives and the burden associated with monitoring progress in promoting such objectives should be considered.

ii) Develop an appropriate strategy for the integration of secondary policy objectives in public procurement systems. For secondary policy objectives that will be supported by public procurement, appropriate planning, baseline analysis, risk assessment and target outcomes should be established as the basis for the development of action plans or guidelines for implementation.

iii) Employ appropriate impact assessment methodology to measure the effectiveness of procurement in achieving secondary policy objectives. The results of any use of the public procurement system to support secondary policy objectives should be measured according to appropriate milestones to provide policy makers with necessary information regarding the benefits and costs of such use. Effectiveness should be measured both at the level of individual procurements, and against policy objective target outcomes. Additionally, the aggregate effect of pursuing secondary policy objectives on the public procurement system should be periodically assessed to address potential objective overload.

Source: OECD (2015[27]), *OECD Recommendation of the Council on Public Procurement*, www.oecd.org/gov/public-procurement/recommendation.

3.4.1. A snapshot of approaches used by countries to advance gender equality through public procurement

OECD countries use different approaches to bring gender equality consideration into public procurement. The following examples do not provide an exhaustive list of measures employed by the countries. One approach is tasking suppliers to demonstrate their compliance with gender equality-related laws or requirements. This approach mainly focuses on ensuring gender equality in the workplace of suppliers. In Switzerland, this requirement relates to ensuring wage equality: the Federal Act on Public Procurement requires equality in the pay of men and women in all companies as a requirement for awarding government contracts. Companies of 50 or more employees are obliged to verify their compliance with this princinple. Australia adopts a wider focus: non-public sector organisations based in Australia with 100 or more employers who wish to participate in government procurement processes must demonstrate their compliance with the 2012 Workplace Gender Equality Act. This means that suppliers should also report on indicators

such as the gender composition of the workforce and governing bodies of employers, equal remuneration between men and women, availability of flexible working arrangements, and prevention of sex-based harassment and discrimination. A legislative instrument provides for the minimum standards for each indicator to be achieved by the relevant employers (Australian Government, 2014[28]).

A number of countries use public procurement in a strategic manner to support the participation of women-owned businesses in the procurement process more fully. Only a small number appear to have implemented set-aside measures targeted at women-owned businesses. They include the Dominican Republic, Indonesia, Israel, Korea, South Africa and the United States. In the United States, the Small Business Act calls for the participation of small business to be maximised with a goal of awarding them no less than 23% of federal contracts annually. The act further calls for no less than 5% of these contracts to be given to small businesses that are owned by women. Similarly, in Korea there is a requirement for 5% of public procurement of products and services in the country to be directed to female entrepreneurs. Although it is not directly related to public procurement, to complete these efforts, some countries also focus on the supply side to support women-owned businesses through low-interest loan programmes, technical assistance, coaching and facilitating access to credit.

Another approach, used namely by Austria, Belgium and Canada, is to apply broader gender impact assessment requirements in the case of public procurement. This approach aims to shed light on the potentially differentiated impacts of procurement projects on men and women. In Austria, since 2013, all new or amended laws and regulations as well as major investment or procurement contracts at the federal level must include a mandatory *ex ante* impact assessment on gender equality, along with other assessments of potential socio-economic and environmental impacts. Quantitative and qualitative thresholds ensure the proportionality of these efforts in relation to the respective law or regulation. Ministries are also required to perform *ex post* evaluations of the impacts within five years and report them to parliament in the *Annual Report on Impact Assessment*. In Belgium, the Gender Mainstreaming Act provides for the integration of gender dimensions into the procedure for awarding public contracts. In Canada, in cases where Treasury Board submission is required for procurement, there needs to be a gender-based analysis as part of the Treasury Board submission process. Treasury Board submissions are required generally for larger procurements depending on departmental contracting authorities and the Treasury Board contracting policy. Other diversity factors are also included in the procurement process in Canada. The principle of non-discrimination, among other principles, is often found at the centre of public procurement systems. Sweden is an example of a country that uses the principle of non-discrimination as a basis to support gender mainstreaming in public procurement. The United Kingdom reports planning to extend the requirement of the Social Value Act in central government to ensure that all major procurements explicitly evaluate social value, where appropriate. It also intends to enjoin all departments in central government to regularly report on the social impact of new procurements, and to train all 4 000 of the government's commercial buyers how to take account of social value and procure successfully from social enterprises. By doing so, the United Kingdom aims to ensure that contracts are awarded on the basis of more than only value for money, but of a company's values too, thus rightly rewarding and recognising their actions in society. The United Kingdom also plans to develop proposals for the government's biggest suppliers to publish data and provide action plans to address key social issues and disparities, such as ethnic minority representation in the workforce, the gender pay gap throughout the company and the actions undertaken to tackle inequalities.

Further assessment of the implementation approaches and practices for gender mainstreaming in public procurement by countries will be beneficial to deepen understanding about their results.

3.4.2. Support mechanisms and safeguards for implementation

Gender equality-related requirements in public procurement could be grounded in the procurement laws as in the case of Switzerland, or in gender mainstreaming laws as in the case of Belgium. They could also be governed by "light-touch" regulatory approaches and policies as in the case of Australia, Canada and Spain. In Australia, the Workplace Gender Equality Procurement Principles is a procurement connected to social inclusion policy. The Department of Employment and the Workplace Gender Equality Agency are held responsible for the implementation of these principles. In Spain, the legislation guiding procurement provides a more flexible language stating that "*contracting authorities may establish social considerations such as the elimination of inequalities between men and women*".

Most countries with gender equality-related requirements in public procurement have also put in place guidance material and checklists to support public procurement officials and other relevant governmental stakeholders to enhance implementation and monitoring compliance (Box 3.5). These instruments are useful to bring clarity to both government organisations and those seeking contracts on what is expected and how equality is determined. A number of countries such as Canada and Spain also focus efforts to develop gender expertise among procurement officials. In Canada, Public Services and Procurement, the central point for oversight of public procurement in the government of Canada, included gender-based analysis plus in its 2018-2019 Departmental Plan,[5] with an aim to increase its gender analysis capacity in the area of procurement.

Box 3.5. Examples of guidance documents to support gender mainstreaming in public procurement

Australia

The Workplace Gender Equality Procurement Principles (WGE Act) and User Guide focus on describing the roles and responsibilities of the parties who are required to apply the principles. This includes all Australian government agencies that are approaching the market (above a threshold), suppliers and their subcontractors.

To compete for Australian government procurement contracts valued at or above the relevant procurement thresholds (which depend on the value/classification of what is being procured and which government agency is procuring it), the party in question must demonstrate to the government that they are in compliance with the WGE Act. Overseas-based suppliers are not required to comply.

The guide is very process-based and practical. It is designed to be used by suppliers and government agencies as a step-by-step guide to demonstrating compliance with outlined gender equality principles through the correct administrative pathways.

Box 3.6. Examples of guidance documents to support gender mainstreaming in public procurement (*continued*)

Belgium

To support its constitutional obligations regarding gender equality, Belgium's Institute for the Equality of Women and Men released a manual and checklist in 2018 on gender-sensitive public procurement.

The document is aimed at federal staff managing public procurement contracts, as well as gender-mainstreaming staff. The central focus of the manual is to elaborate on how public institutions can ensure differences between men and women are taken into account and equality is promoted during the implementation of public procurement contracts. It highlights the importance of integrating gender dimensions into government contracts and also provides guidance on how contractors fulfilling procurement calls can respond to potential gender differences in the process. The document provides concrete examples, such as mapping out the necessity of using gender-equal staffing procedures for positions responding to asylum seekers.

Sweden

Sweden places a high priority on socially responsible procurement, as demonstrated with the adoption of the National Public Procurement Strategy in 2016. Swedish law requires anti-discrimination measures be taken into account during the formation of public procurement contracts and government spending above a fixed amount is also legally obligated to apply "anti-discrimination conditions" in procurement contracts (Callerstig, 2014[29]).

As a result of Sweden's tradition of political decentralisation, smaller governmental entities have clear responsibilities in the delivery of social services, and thus an important relationship with both the procurement process and the implementation of national gender mainstreaming efforts (National Agency for Public Procurement, 2017[30]). For these reasons, the Swedish Association of Local Authorities and Regions published a guide on gender procurement "*which informs on the legal possibilities of imposing gender equality criteria in public procurement on the one hand and contains practical examples on the other one*".[1] The guide emphasises *ex ante* efforts, specifically the role of planning and design as well as that of feasibility studies. It considers the core of gender procurement to revolve around ensuring all citizens are offered equal services (while increasing efficiency and quality of services offered). The document scrutinises gender equality criteria in public procurement, as well as "emphasiz[ing] the potential effects for women and men which must be taken into consideration when conceiving the profile [of] any […] service (s) to be procured."

1. http://blog.imag-gendermainstreaming.at/index.php/en/2018/08/24/sweden-publishes-gender-procurement-guide.

Sources: https://www.wgea.gov.au/about-legislation/workplace-gender-equality-procurement-principles; https://igvm-iefh.belgium.be/sites/default/files/113_-_manuel_integration_dimension_de_genre_et_prise_en_compte_de_legalite_des_femmes_et_des_hommes.pdf; Callerstig, A.-C. (2014[29]), "Can public procurement be an instrument for policy learning in gender mainstreaming?", http://ojs.ub.gu.se/ojs/index.php/sjpa/article/viewFile/3054/2610; National Agency for Public Procurement (2017[30]), *Mapping Initiatives for Ethical Public Procurement in Europe*, https://www.upphandlingsmyndigheten.se/globalassets/publikationer/rapporter/rapport_2017_6_mapping_initiatives_webb.pdf.

Countries also adopt different approaches and levels of rigidity to ensuring compliance with gender equality measures. In Switzerland, if wage discrimination is identified in a company, the tender can be revoked or a penalty for breach of contract can be issued. A number of countries use parliamentary oversight to enhance accountability for compliance with gender equality requirements. In Australia, potential sanctions for non-compliant organisations include naming and shaming in the parliament (Australian Government, 2013[31]). Overall responsibility for monitoring compliance lies with the Workplace Gender Equality Agency. In Austria, the impact assessments, including on gender, are disclosed for consultation and parliamentary discussions.

3.4.3. Limitations and challenges

Challenges to applying a gender lens in public procurement are in many ways similar to those in the area of regulatory policy and governance. In accordance with stakeholder consultations, these include little evidence on the impacts of gender mainstreaming, absence of systematically available data, limited time for policy makers to conduct meaningful gender analysis coupled with limited expertise and capacities; and absence of a supportive organisational culture.

3.4.4. The principle of proportionality and value for money

While governments increasingly recognise the strong potential of public procurement as a tool to advance gender equality, tensions may occur between the primary objective of public procurement (i.e. value for money and efficiency) and ensuring compliance with gender equality requirements: When complementary objectives are applied to procurement there may be additional costs to taxpayers. Yet the social value added that could be gained from procurement is an increasing consideration for governments. Feroz (2017[32]) offers a useful summary of the need for a broader definition of value for money in support of complementary social objectives such as gender equality and diversity within public procurement:

> *Delivering socioeconomic benefits indirectly through government contracts permits public spending to do "double duty" in that not only is a required good or service acquired, but also a socioeconomic benefit is achieved and a broader public policy objective is supported. In other words, there is social value added to procurements as they produce "greater value for public spending by simultaneously fulfilling commercial and socioeconomic procurement objectives."*

A number of countries have taken steps to reconcile the primary and gender equality-related strategic objectives of public procurement. For example, in Australia, Workplace Gender Equality Procurement Principles are a procurement-connected policy of the government and are therefore part of the government's financial management framework, which creates an overarching requirement to manage an agency's affairs efficiently, effectively, economically and ethically, and in accordance with the policies of the government.[6] Belgium's Institute for Gender Equality promotes a broader definition of value for money: in the context of public procurement procedures, gender mainstreaming is also synonymous with increased efficiency of public spending by ensuring that the benefits of procurement results can be reaped by the broadest range of groups in the society (Federal Government of Belgium, 2018[33]).

Moving forward, countries may benefit from deepening their understanding of the opportunity cost of not gender mainstreaming in the public procurement processes. Such an exercise can also help develop a broader definition of value for money, including both social and economic value.

3.4.5. Applying a gender lens throughout the procurement cycle

Available evidence demonstrates that gender equality considerations are generally integrated at supplier pre-qualification stages and awarding contracts. There is scope for countries to reflect on ways in which such considerations can also become routine elements throughout the full procurement cycle, including the definition of needs, evaluation of bids, auditing and improving supplier performance, and contract management. The European Institute for Gender Equality offers useful insights into what could be considered to boost the gender-sensitiveness of the procurement cycle (Box 3.7).

3.5. Towards gender-sensitive government tools

Given their strong potential to support gender equality, many countries have taken steps to deepen understanding about the potential differentiated impacts of budgets, procurement processes and regulations on men and women from diverse groups. However, there is scant evidence about the effectiveness and impacts of these initiatives.

Country efforts to advance gender mainstreaming in budgets, procurement and regulations should be seen as integrated aspects of broader efforts to align with the OECD Recommendations on Budgetary Governance; Public Procurement; and Regulatory Policy and Governance. Gender equality and diversity could be a routine part of the reflection in promoting transparency and accountability, and oversight of these tools as well as evaluations of their impacts.

Countries would benefit from promoting an understanding of how government tools can influence gender equality outcomes and how gender mainstreaming can inform these government tools for more inclusive results. This can be done through building case studies, monitoring and disseminating results among relevant policy communities, advancing international policy dialogue and exchange of information. In addition, the cross-country evidence base and compendium of country practices can be strengthened to understand the criteria used by countries in assessing gender impacts of budgets, regulations and procurements.

It is important to promote an understanding that gender elements are not only relevant in the area of impact assessments. Reflecting gender equality and diversity considerations in public procurement regulatory frameworks and systems; mechanisms to ensure equal access; the types of data that are being collected; performance measurement frameworks; and within efforts to foster effective stakeholder participation can help enhance the inclusiveness of the public procurement cycle in a balanced manner with the primary procurement objective. Enhancing gender equality and inclusiveness expertise among public procurement officials can underpin a more inclusive public procurement cycle. In recognition of the key role of regulations in the promotion of inclusive and gender-sensitive policy, there is also scope to embed greater consideration of gender equality impacts with the full regulatory cycle, including on regulatory delivery, evaluation, stakeholder engagement processes and public consultations.

Box 3.7. Examples from the European Institute for Gender Equality to advance gender mainstreaming in public procurement

Examples of factors that may be considered when evaluating a proposal:

- Is the proposal briefed on relevant gender issues and provided with background documentation, including literature and documentation relevant to gender equality issues and national and EU policy documents on gender equality (for example, relevant material from the European Institute for Gender Equality)?
- Is the project team gender-balanced? Do the team members have an adequate level of gender expertise?
- Does the proposal include sex-disaggregated data and gender indicators?
- How do the team members propose to measure the different impacts of activities and interventions on women and men?
- Will the views of female beneficiaries and other stakeholders, such as gender experts or women's organisations, be sought?

Examples of requirements that may be included within the implementation conditions:

- gender-balanced composition of the project team and beneficiaries
- balanced presence of women and men in decision-making positions
- specific analysis about gender-related concerns in the project and in the reports:
  - mapping of the situation of women and men in the concerned area
  - elaboration of gender-specific objectives in line with the latest findings and with the objectives of the call
  - explanation on how these objectives have been achieved
- use of sex-disaggregated data and gender indicators
- the application of user-centred and/or participatory methodologies which take into account a gender dimension by directly involving a fair share of women in the process and by looking at how gender inequalities/differences are structuring the domains and the contexts of a particular policy area
- preference given to women when hiring staff in male-dominated sectors.

Source: https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-procurement.

A strategic approach to gender mainstreaming can help achieve a balance the between primary and complementary objectives of these tools. Careful planning supported by a baseline analysis of the most salient gender gaps, and linking gender mainstreaming tools to national gender equality priorities and strategies (see Chapter 1) are useful steps in this

regard. In parallel, countries can benefit from reflecting on a broader understanding of value for money that places a greater focus on the achievement of both financial and social value.

Finally, in accordance with the GEPL Recommendation, gender mainstreaming in government tools requires a supportive institutional framework, as discussed in detail in Chapter 1. The elements of the framework include:

- building a foundation of leadership; and commitment and support from the centre of government
- robust, readily available and easy to use data and evidence-base to support the analysis
- resources, capacities and skills for gender mainstreaming
- effective accountability and oversight including from independent institutions and civil society.

Budgets, procurement and regulation are not the only government tools that are relevant for gender mainstreaming. Achieving more progress in gender equality and other areas of inclusiveness will require the advancement of similar reflections for other tools and governance in areas such as taxation, grants and open government policies.

Key policy messages

- There is a strong potential for governments to use policy tools to close the remaining gaps in gender equality. Integrating gender considerations throughout decision-making processes can help eliminate gender and other intersectional biases.
- In line with the GEPL Recommendation, a dual approach can be used in relation to using public procurement, the regulatory cycle and budgeting to promote gender equality while ensuring that they serve their primary objectives. The dual approach refers to application of gender impact assessments in the full cycle of procurement, budgeting and regulatory practices to identify and eliminate potential inequalities, and using these tools in a strategic manner to address specific barriers faced by women, young people, migrants and other diverse groups in accessing opportunities in economic and public life.
- There is scope to enhance the use of gender budgeting as a tool that is organically linked to broader gender mainstreaming efforts. A more advanced approach to gender budgeting is guided by a national gender equality strategy and incorporates a gender perspective at different stages of the budget process (*ex ante*, concurrent and *ex post*). Gender budgeting requires an administrative environment that supports and encourages this type of analysis. Elements of this environment include legal foundations for gender budgeting, the collection of gender disaggregated data, capacity building and awareness raising among staff, and impact assessment and evaluation to test whether it is delivering its intended results (see Chapter 1).
- Public procurement is a powerful tool that can help achieve society-wide gender equality goals. Promoting an understanding of how public procurement can affect gender equality is an important step. The inclusiveness of the public procurement cycle can be enhanced by integrating gender equality and diversity considerations in public procurement regulatory frameworks and systems; mechanisms to ensure equal access; the types of data that are being collected; performance measurement frameworks; and efforts to foster effective stakeholder participation. Boosting gender equality and inclusiveness expertise among public procurement officials can also underpin a more inclusive public procurement cycle.
- There is also scope to embed greater consideration of gender equality impacts in the full regulatory cycle including regulatory delivery, evaluation, stakeholder engagement processes and public consultations.

Notes

1. While the focus of gender equality is typically on ways of supporting both men and women, it is important to realise the extent to which there is a need to consider not only the diversity represented by gender, but also diversity within the male and female groups. Throughout this report all references to gender equality should be understood as referring to this broader perspective.
2. www.businessinsider.fr/us/gender-bias-venture-capital-sweden-2017-5.
3. While there is no specific list of the tools of government, and different authors categorise and describe them in an array of ways, examples include: budgets, transfer payments, public procurement, regulatory practices, grants, taxation, incentives, partnerships/agreements, human resource practices, etc. Some of these are internal tools which have broader public policy implications (i.e. used to direct operations within government, such as budgets and human resource practices) and some are external tools (i.e. they have a broader impact on citizens and society, such as regulations and taxation).
4. Supporting countries in adopting a greater proportional approach and identifying the significance of impacts will be a significant task of the OECD Regulatory Policy Committee in the next biennium.
5. https://www.tpsgc-pwgsc.gc.ca/rapports-reports/pm-dp/2018-2019/acs-gba-eng.html.
6. https://www.dss.gov.au/our-responsibilities/women/programs-services/economic-security/workplace-gender-equality-procurement-principles-and-user-guide.

4. A gender-equal public service: Challenges, progress and behavioural insights

This chapter examines gender equality and anti-harassment practices in the public service. The public service is an important employer in all OECD countries, and is often expected to lead the way in implementing gender equality and diversity measures. This chapter begins with an update on current gender equality trends in public employment, including a discussion of gendered gaps in part-time employment and women's representation in different occupational groups. This is followed by a practical analysis of gender-sensitive people management, which gives an overview of strategic planning and discusses institutional frameworks that can support public services in reaching their gender equality goal. The chapter emphasises the value of behavioural insights in responding to underlying norms and attitudes that deeply influence gender equality in the workplace. It concludes with key OECD policy recommendations for implementing gender equality measures in the public service.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Key findings

- Women comprise the majority of employees in the public sector at 58%, which is higher than their average in total employment (44%).
- In the central government more specifically, the representation of women in top management positions in the public service continues to lag behind: they represent on average only 30.5% of top management employees. This may be explained by occupational divisions that find women reaching lower management positions in support functions that are not regarded as upper management preparation.
- Women are still over-represented in both lower job categories and part-time work. Women compose 75% of total part-time workers in OECD countries. Only 2% of male senior managers have part-time positions against 16.5% of female senior managers.
- The gender pay gap in the public sector is lower than in the private sector, but it still exists. The smaller gap may be explained by greater transparency in public hiring processes and pay scales. The past few years have seen an increase in the adoption of policy measures and mechanisms to increase or ensure equal pay, including in the public service in several countries, including Iceland, Ireland, New Zealand and the United Kingdom.
- In many cases, the public service offers more attractive work-life balance opportunities than the private sector. However, notable variation across OECD countries remains. Evidence on the uptake and impact of work-life measures remains limited, as only 35% of countries report collecting gender-disaggregated data on the use of these measures. There is limited evidence on the uptake of these balance measures by men and women in senior positions.
- Sexual harassment remains an issue in the public service in OECD countries; however, only 35% of participating countries have their public service collect data on complaints for sexual harassment/gender-based discrimination in the workplace.
- Sixty per cent of the OECD countries that participated in 2017 OECD Survey on Gender Equality in Civil Service Employment reported having an overarching policy to improve gender equality in the public service at the central level.
- Countries are increasing their use of insights from behavioural sciences to understand and respond to deeply rooted cultural and societal norms that perpetuate gender inequalities in organisational practices. Behavioural insights can be used to gain a deeper understanding of the usefulness or shortcomings of many existing gender mainstreaming approaches, such as diversity/unconscious bias training or blind hiring practices.

4.1. Introduction

In many OECD countries, the public service is the largest single employer, with women representing more than half of all public employees. Due to this context, the public service is often expected to serve as a role model and set the standard for normative behaviour, which all employers are encouraged to follow. It is therefore crucial that the public sector embed and exemplify gender equality and diversity in its own employment policies.

The OECD *Recommendation of the Council on Gender Equality in Public Life* (GEPL Recommendation) provides a comprehensive framework for its adherents to improve gender equality and diversity outcomes in the public service (Box 4.1). The framework includes the flexibility, transparency and fairness of public employment systems; addressing the gender wage gap; ensuring gender equality and diversity in all levels of management and across occupational groups; and roles, responsibilities and executive accountability for progress.

This framework should be read in tandem with the forthcoming OECD *Recommendation of the Council on Public Service Leadership and Capability*, which recommends a values-driven culture and leadership in the public service, centered on improving outcomes for society. Chief among these values is an inclusive public service that reflects the diversity of the society it represents. Indeed, equal representation of men and women reflecting diverse groups in society in decision-making processes is the starting point of high-quality service delivery in the public service. Accordingly, the forthcoming Recommendation also "*encourages diversity – including gender equality – in the workforce by identifying and mitigating the potential for implicit or unconscious bias to influence people management processes, ensuring equal accessibility to under-represented groups, and valuing perspective and experience acquired outside the public service or through non-traditional career paths*".

This chapter analyses gender equality in the public service in OECD countries. It is mainly based on empirical evidence from the 2017 OECD Survey on Gender Equality in Civil Service Employment as well as the 2016 OECD Survey on the Composition of Employees in Central/Federal Governments. In line with the framework of the GEPL Recommendation, it focuses on recent trends in the workforce composition of the public service. It discusses the institutional context of policies that encourage gender equality and tackles gender discrimination in the public sector. It analyses their consistency, positioning with the broader people management policies, strategy and measures. The chapter also addresses the issue of the attractiveness of the public service to both men and women from a mix of backgrounds, with a specific focus on work-life balance measures. Where possible, it will expand on the impact of those policies, their design and their implementation on employment, career and pay.

The influence of underlying attitudes, cultural norms and gender stereotypes cannot be overlooked when designing and implementing interventions to advance gender equality and diversity. Underlying stereotypes and cultural norms can undergird persistent gaps even when (as in much of the OECD) the educational achievements of girls and boys have been equalised, legal barriers to participation have been largely eliminated, violence against women is prohibited, and governments have put equal rights legislation in place. In recognition of the powerful impact human behaviour has on equality initiatives, this chapter reviews insights from behavioural approaches that have a strong potential to increase the effectiveness of efforts in advancing gender equality in the public service at lower costs.

Box 4.1. OECD *Recommendation of the Council on Gender Equality in Public Life*

RECOMMENDS that Adherents take adequate measures to improve the gender equality in public employment. To this effect, Adherents should:

1. Promote the flexibility, transparency, and fairness of public employment systems and policies to ensure fair pay and equal opportunities for women and men with a mix of backgrounds and experience.
2. Develop both comprehensive and more cause-specific measures to address any gender pay gap in the public sector and horizontal occupational segregation, as appropriate through:
   i. enacting pay equality and equity laws and regulations, tools and regular pay assessments in public sector institutions, including the identification of the predominantly female and male job classes in the public sector, and the evaluation of compensation differences among them and of the need for adjustments
   ii. performing regular and objective desk audits, targeting low-paid and/or female-dominated sectors to ensure pay equality and equity, and implementing policy recommendations based on their results
   iii. ensuring effective channels of recourse for challenging the gender wage gap in the public sector as appropriate, for example by considering independent complaint and legal recourse mechanisms for non-compliance.
3. Promote merit-based recruitment; consider positive policies and practices to ensure a balanced representation of men and women in each occupational group in public sector employment; and develop concrete measures to ensure the effective removal of the implicit barriers within hiring and staffing processes, where appropriate and necessary.
4. Establish clear institutional roles and responsibilities for promoting gender balance in the public sector, including independent recourse and appeal mechanisms, which should be adequately funded, resourced and linked to executive teams to ensure their effectiveness.
5. Raise awareness of gender equality considerations among public sector managers and enhance management and executive accountability to ensure gender balance at all levels and occupational groups, and deal with gender equality issues in workplaces, including through performance management frameworks.

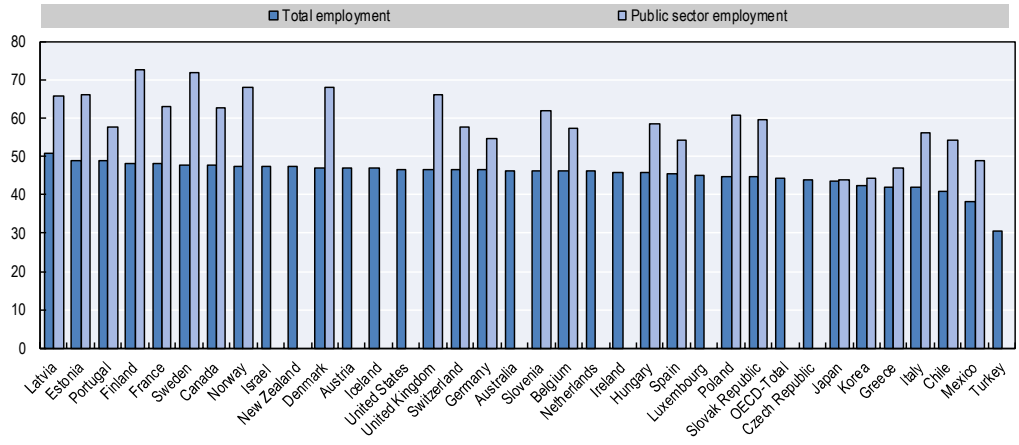
Source: OECD (2016[2]), *2015 OECD Recommendation of the Council on Gender Equality in Public Life*, http://dx.doi.org/10.1787/9789264252820-en.

4.2. Trends in gender equality in the public service

4.2.1. Central public service employment[1] trends

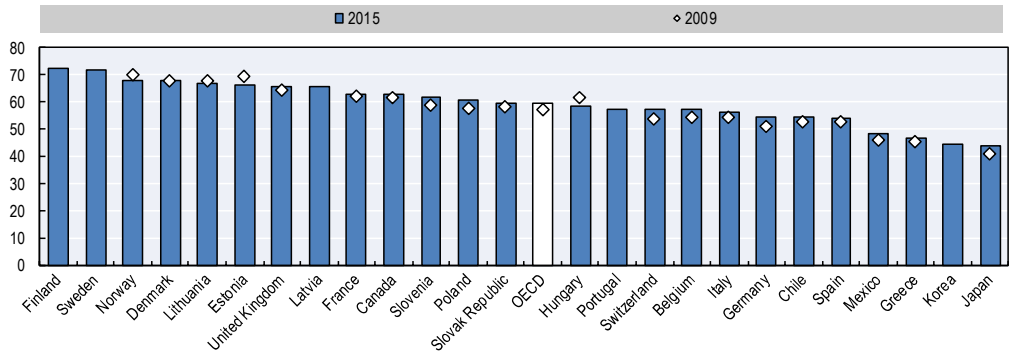
Public sector employment accounts for an important share of total female employment. In 2016, the average share of women in total employment was approximately 44% in the OECD, whereas women represented 58% of total employment in the public sector in 2015 (Figure 4.1). The trend has remained generally stable since 2009. The trend is also mirrored in central public service employment more specifically. This chapter focuses on the central public service. Women continue to be more drawn to (and recruited by) the central public service as an employer. This could be explained by the fact that the public service as an employer has put in place a range of policies and practices that results in a more attractive framework for both men and women, including more flexible working conditions, diverse career paths, relative job stability and benefit packages (OECD, 2014[34]).

Figure 4.1. Female employment as a percentage of total employment (2016) and public sector employment (2015)



Sources: OECD Labour Force Statistics and ILOSTAT database.

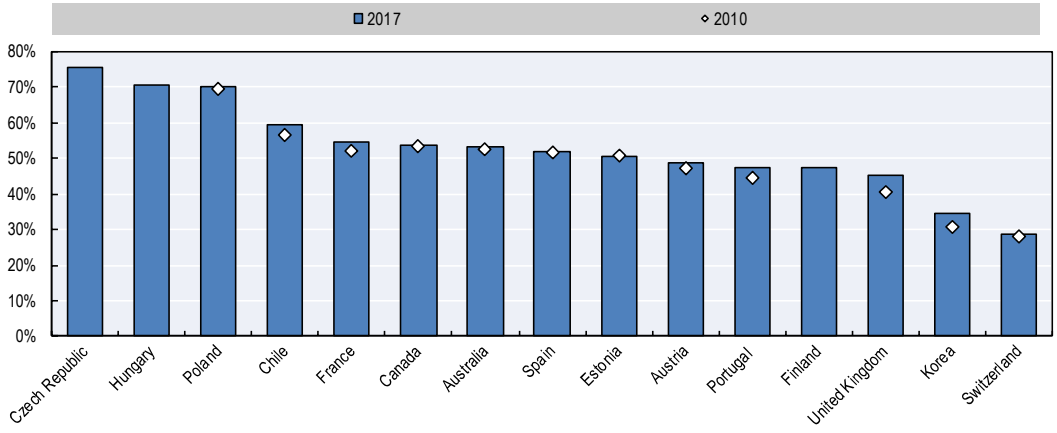
Figure 4.2. Share of public sector employment filled by women, full-time equivalent



Notes: Public sector employment covers employment in the government sector plus employment in publicly owned resident enterprises and companies. Data represent the total number of persons employed directly by those institutions, without regard to the particular type of employment contract.
Sources: ILOSTAT database; OECD (2017[25]), *Government at a Glance 2017*, https://dx.doi.org/10.1787/gov_glance-2017-en.

At central level, respondent countries indicated that women's share of employment in the public service was on average 53% in 2017 (Figure 4.3). This demonstrates an increase from an average of 48% in 2010 for the same countries. The share of women (head count, working full-time) appears relatively high in Chile (59%), Poland (70%), Hungary (70%) and Czech Republic (75%) and relatively low in Switzerland (29%) and in Korea (35%).

Figure 4.3. Female share in full-time employment in the central public service, head count



Notes: Data for Hungary for 2014, data for France for 2015, data for Switzerland for 2012 and 2017. The figure refers to the number of women employed full-time in the civil service at the central/national/federal level of government under the general employment framework. Data for Switzerland do not include the defence sector.
Source: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment".

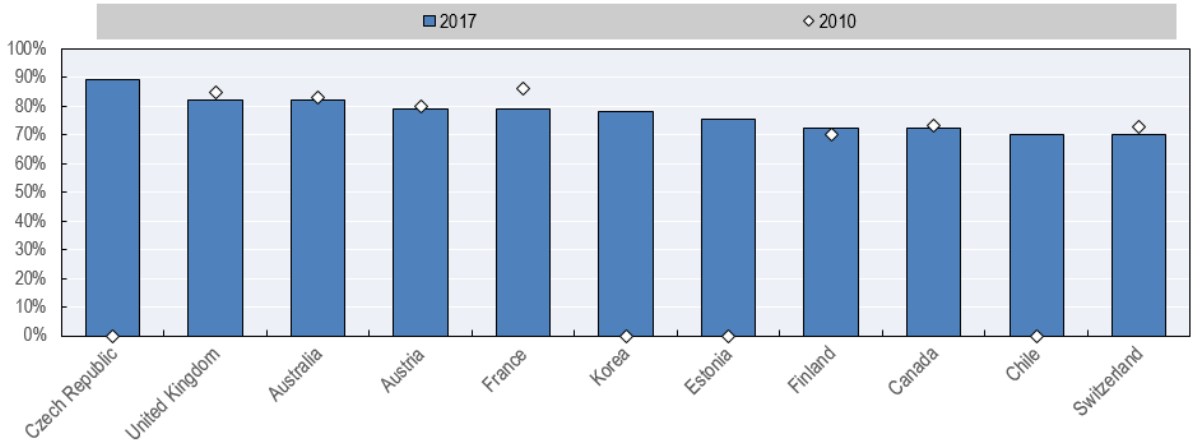
4.2.2. Gender gaps in part-time employment

Part-time work can be either voluntary or involuntary. Voluntary part-time work has the potential to provide greater flexibility and work-life balance; however, it is often associated with negative effects on career opportunities – especially in managerial careers, slower career progress and lower pay. In the central public service, on average, 77% of total part-time workers are women in OECD countries that participated in the survey. This average share has decreased since 2005. In the United Kingdom, it decreased from 89% to 82% and in France from 85% to 79%. Finland is the only responding country where the share of women in total part-time employment has increased, from 63% to 73%. There has also been an overall decrease in the percentage of part-time public service employment positions filled by women since 2010, as demonstrated in Figure 4.4.

Although the trend is decreasing for women's part-time employment in the central public service, women still represent the majority of part-time employees. A possible reason for the gendered impact of flexitime is that women are more likely to adapt their working hours to meet family commitments, and may even forsake additional income for flexibility (OECD, 2017[1]).

In order to enable greater access for women to senior positions, part-time work should become a more accepted and used practice by the senior management. The gap between men and women is important for secretarial positions where the share of women working part-time is four times higher than the share of men, but also in top management positions; only 2% of male senior managers have part-time positions, in comparison to 16.5% of female senior managers. Ninety-eight per cent of top management positions are filled by full-time employees as shown by the available data.

Figure 4.4. Part-time employment in central public service filled by women



Notes: Data for France for 2014; data for Luxembourg, Slovenia and Sweden for 2011 rather than 2010; data for France for 2009 rather than 2010; data for Switzerland for 2012 instead of 2010; data for Switzerland do not include the defence sector. 2010 data is not available for Chile, Czech Republic, Estonia, and Korea.
Sources: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment"; OECD (2011[36]), "2011 OECD Survey on Gender in Public Employment".

4.2.3. Women's representation in occupational groups

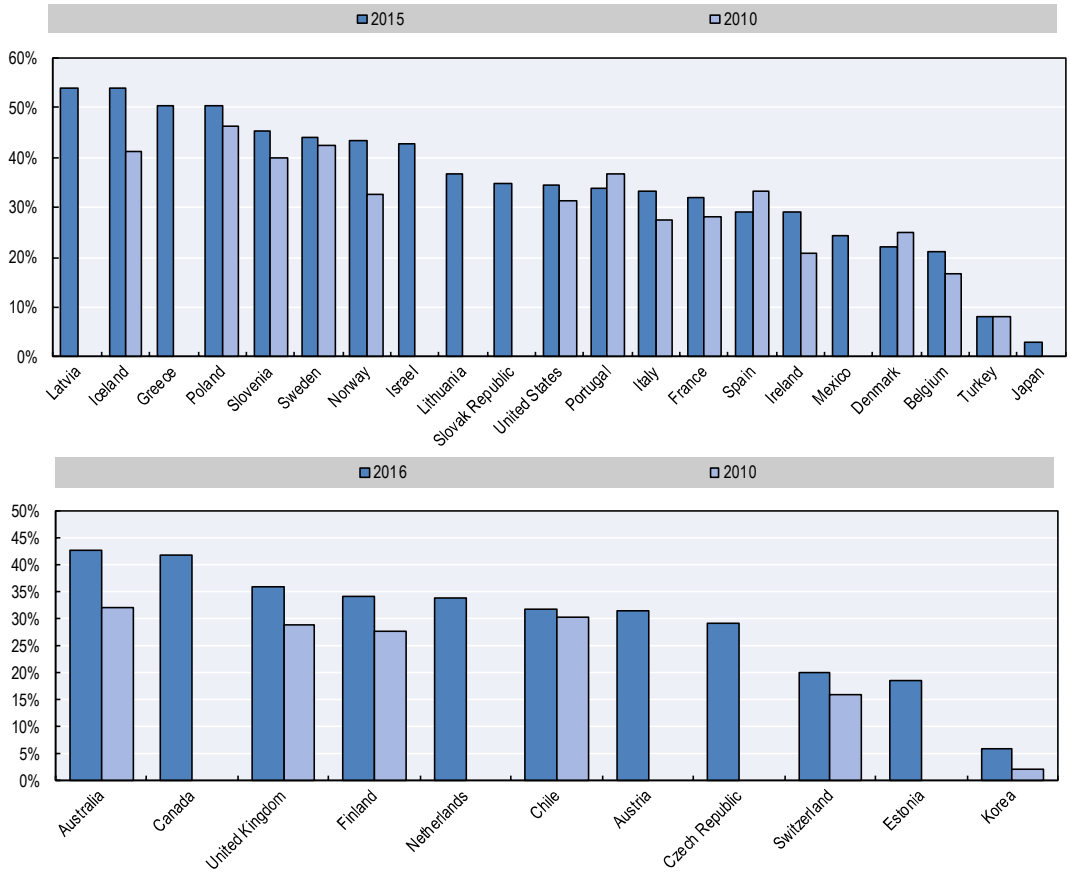
Women are well represented in the central government public service across OECD countries; however, they are over-represented in lower job categories and part-time work. Bottlenecks can take place in the hierarchy and impede equal access to managerial positions. There is also a very similar trend in the judiciary and legislative branches across the OECD (see Chapters 4 and 5).

The representation of women continues to lag behind in management and leadership positions (Figure 4.5), and there has been minimal progress in comparison to 2011. In 2016, women represented on average 33% of top management employees (full time and part time) in the public service in comparison to 29% in 2010. This average ranges between a maximum of 42% in Australia and Canada and a minimum of 6.6% in Korea. Therefore, there are important variations between OECD countries and on average women consistently occupy less than half of public service decision-making positions.

The gender differential in top managerial positions becomes almost invisible in lower management positions, as women represent on average 47.8% of middle management employees (full time and part time). However, there are significant differences among country statistics and practices. Some countries like the Czech Republic, Estonia or Poland demonstrate a high share of women in middle management positions (up to 80% in the Czech Republic). While this could be an impact of female-friendly workplaces, it could also be a sign of difficulties in climbing the leadership ladder. The International Labour Organization's report on women in business and management expands on this phenomenon of women reaching the middle or senior management level, only to lag behind their male colleagues. Various hypotheses are put forward to explain this falling off, including women self-limiting their advancement to meet family demands, or occupational divisions that find women more frequently in support management functions (human resources, public relations, administration, etc.) that are not regarded as effective preparation for the highest management positions (ILO, 2015[37]). On the other side, there are countries where

disparities still exist in the representation of women in middle management positions, such as Korea – where women represented 20.6% of middle managers in 2017 – and Switzerland. The distinction between part-time jobs and full-time jobs is informative in some countries, because middle management positions can be filled by part-time employees who are in most cases women. For instance, the share of women in part-time middle managerial positions rises to 85% in Australia or the Czech Republic. The increase of the share of women in middle management could contribute in the long run to closing the gender gap for the top leadership positions, since middle management could serve as a stepping stone for senior management positions.

Figure 4.5. Share of women in senior management positions in central government



Notes: Data for Belgium, Denmark, France, Greece, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Mexico, the Netherlands, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Turkey and the United States are for 2015. The data source for these countries is OECD (2016[38]). The data for Australia, Austria, Canada, Chile, the Czech Republic, Estonia, Finland, Korea, the Netherlands, Switzerland and the United Kingdom are for 2016. The data source for these countries is OECD (2017[35]).
Sources: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment"; OECD (2016[38]), "Survey on the Composition of the Workforce in Central/Federal Governments".

On average, 78% of secretaries are women in the OECD countries that participated in the survey. Finland and the United Kingdom seem to have a smaller gender gap for those occupations, with women representing a share closer to 60%. In countries where the female dominance in secretarial position is widespread, the distinction between part-time and full-time work is not conclusive.

4.3. Strategic planning and institutional framework for gender-sensitive people management in the public service

4.3.1. People management plans for gender equality

In an effort to close gender gaps, 60% of the OECD countries that participated in the survey reported having an overarching policy which aims at improving gender equality in the public service at the central level. In some cases (e.g. Australia, France, Portugal, the Slovak Republic, Spain and Switzerland), the strategy focuses on a wide array of issues to address gender equality more broadly in the public sector, whereas in others (e.g. New Zealand), strategies zero in on the perceived priority issues such as addressing the wage gap or the leadership pipeline (Box 4.2). In some countries (e.g. Canada, Latvia, Norway and the United Kingdom), the question of gender equality is addressed within the broader question of diversity. For example, in the United Kingdom, gender equality priorities are addressed within its 2017 Civil Service Diversity and Inclusion Strategy (Box 4.2). In Switzerland, the Federal Council Instructions for the Achievement of Equality Opportunities for Women and Men in the Federal Administration lays out the principles which are also embedded in the federal administration's broader strategy with regards to its personnel. According to the survey responses, when countries have a stand-alone strategy regarding gender equality and diversity in the public service (separate from broader gender equality strategies), such strategies are exclusively developed by the entity responsible for human resources management of the central government public service.

While equality strategies may differ in terms of their nature and scope, a number of factors can be singled out in measuring their degree of success. Chief among them is the availability of monitoring and accountability mechanisms to ensure effective implementation and track progress. By way of example, the Australian Public Service Gender Equality Strategy aims to drive its initiatives through regular reporting and monitoring requirements (Box 4.2). In the United Kingdom, while oversight is the responsibility of Civil Service HR at the corporate centre, each government department has its own diversity and inclusion HR leads. Leadership on gender is provided by departmental Executive Board level champions, with accountability for improvements in outcomes for diversity and inclusion. From 2018/19, each department will set out its priorities for increasing diversity and inclusion within its single departmental plan, so as to establish a comprehensive cross-civil service commitment and plan of action. In New Zealand, the Eliminating the Public Service Gender Pay Gap 2018-2020 Action Plan has identified specific, time-bound, measurable targets for gender equality in the public service which the government is working to attain through clearly delineated channels of responsibility, including the human resources departments of specific state sector unions and agencies, unit managers, Council of Trade Unions, and affiliated unions (Box 4.2).

Factoring in behavioural insights during strategic planning for gender equality and diversity initiatives for people management can help accelerate progress (see section below on behavioural approaches). A number of countries are already making progress in this area (e.g. Australia, Canada, New Zealand and the United Kingdom). In Canada, in 2017, the final report of the joint Union/Management Task Force on Diversity and Inclusion stressed that "*treating employees equally is not fair [...] as it may not remove the root causes of systematic barriers, which result in inequity and inequality*". It suggested that the ultimate goal of a future strategy should be "*to identify and remove systemic barriers, such as policies and practices that reinforce unconscious bias, stereotyping and other behaviours, while ensuring that interim measures are implemented to support employees*" (Treasury

Board of Canada Secretarait, 2017[39]). As a result of this report, the Treasury Board of Canada Secretariat is working on a diversity and inclusion action plan in the public service.

Box 4.2. Examples of gender equality and diversity strategies for people management in the public service

Australia

In Australia, the Balancing the Future: The Australian Public Service Gender Equality Strategy 2016-19 contains key actions for driving high performance and boosting productivity by addressing the gender imbalance across the Australian Public Service, namely:

- driving a supportive and enabling workplace culture
- achieving gender equality in the Australian Public Service leadership
- working innovatively to embed gender equality employment practices
- increasing take-up of flexible work arrangements by both men and women
- measuring and evaluating actions.

The strategy aims to drive the needed focus through regular reporting and monitoring requirements. For example, agencies must evaluate their current gender balance across classifications and work areas. This includes appraising organisational culture and reviewing programmes, policies, guidance and training to address unconscious bias. Agencies will also review performance assessment processes and performance indicators across all levels of management to ensure that a range of skills are valued and rewarded. Where targets are not being met, leaders, managers and supervisors will engage in honest conversations with their staff about progress towards gender equality and workplace flexibility. Agencies are expected to monitor their progress against the government's 50% board representation target, at both agency level and individual board level, providing data to the Office for Women for the annual *Gender Balance on Australian Government Boards Report*, and as requested. Agencies will monitor their progress against actions taken under the strategy and adjust their approach as required. The Australia Public Service Commission will evaluate and report on progress towards gender equality, with agencies contributing data as required.

New Zealand

The creation of the Eliminating the Public Service Gender Pay Gap 2018-2020 Action Plan in New Zealand aims to address the public sector gender pay gap through the implementation of agreed upon principles combined with collaborative actions to produce accelerated progress in closing gaps. The government has identified specific, measurable targets for the public service which it is working to attain through clearly delineated channels of responsibility.

Actions and milestones

- Equal pay: By the end of 2019, gendered pay gaps within the same position will be closed by 66% of agencies, reaching 100% by 2020.

Box 4.2. Examples of gender equality and diversity strategies for people management in the public service (*continued*)

- Eliminating bias or discrimination in remuneration systems and human resource practices: no gender pay gaps in starting salaries by the end of 2018; by mid-2020, all agencies will have remuneration systems and human resource practices designed to remove bias and ensure transparency, and all managers will understand the impacts of bias and be equipped to address it.
- Flexible work by default: By the end of 2019, at least 15 agencies will be piloting flexible-by-default approaches (i.e. treating all roles as flexible unless there is a good business reason for a role not to be), with 100% of agencies being flexible-by-default by 2020. These flexible options will be equally available to men and women, and do not undermine career progression or pay.
- Gender-balanced leadership: By the end of 2019, women will hold at least 50% of the roles in the public service's top three tiers of leadership, and all agencies will have set a target date and plan for achieving gender balance in their own top leadership positions.

Below is an overview of the mechanisms through which these targets and actions will be implemented:

Agreed principals

- Pay Equity Principles developed by the Joint Working Group on Pay Equity Principles.
- Gender Pay Principles agreed by state sector unions and agencies aiming to create working environments that are free from gender-based inequalities.

Collaborative actions

- Agencies, Council of Trade Unions and affiliated unions are addressing pay equity claims in the state sector, supported by the Council of Trade Unions and the State Services Commission.
- Chief executives and unions are taking action to implement the Gender Pay Gap Action Plan and the Gender Pay Principles.

United Kingdom

The UK Civil Service set out an ambition "to become the most inclusive employer in the UK by 2020" in its Workforce Plan 2016-2020. In line with this goal, the Civil Service released *A Brilliant Civil Service: Becoming the UK's Most Inclusive Employer: The Civil Service Diversity and Inclusion Strategy*.

It has identified two central priorities:

1. continuing to increase the representation of currently under-represented groups at all levels across the Civil Service
2. focusing on inclusion, to build a culture and reputation as a place that attracts, develops, retains and fully engages all the diverse talent.

Box 4.2. Examples of gender equality and diversity strategies for people management in the public service (*continued*)

Specifically relating to gender targets in senior representation, they are currently at a record-high: 43% female staff composition, with significant variations between departments. The UK Civil Service plans to address this through targeted actions that support the grades, departments and functions where women are under-represented. Inclusivity values will also be promoted through the Leadership Academy.

Monitoring

The Civil Service will establish a Diverse Leadership Task Force that reports to the Cabinet Secretary with the goal of increasing diversity among the most senior leaders. Task force membership will include the Civil Service Commission, leading employers, and industry and diversity experts. The Civil Service is also in the process of concluding a review of gender identity monitoring by working with the Office for National Statistics and the Government Equalities Office.

In June 2018, a data dashboard was published detailing progress on diversity and inclusion. The dashboard will be updated several times a year. It will enable the Civil Service to effectively benchmark performances between departments and concretely demonstrate progress towards a range of key equality targets.

The UK Civil Service will also recognise inclusivity as an indicator of strong management, and will therefore establish quality standards for inclusive leadership with the aim to embed these values in capability standards and performance measures for Civil Service managers and leaders. These standards will be threaded through decision making for career progression, advancement selections and performance reviews.

France

In March 2013, the French government, public employers and unions signed a Memorandum of Understanding (MoU) on professional equality between women and men in the public service.

The MoU was designed with the aim to transform equality before the law and equality of status into real gender equality in the public service. The MoU is articulated around the following four axes:

1. social dialogue, structural element to achieve professional equality
2. achieve effective wage equality and career paths between women and men in the public service
3. a better balance between professional and personal life
4. prevent gender-based violence, fight against sexual harassment and psychological harassment in the workplace.

Each of these four axes detailed specific measures to achieve each goal. In addition, the MoU also established a calendar with concrete actions for its implementation and an assessment was carried out every year to evaluate the effective fulfilment of the measures. The assessment was presented to the common council of the public sector upon the examination of the annual report on professional equality.

Box 4.2. Examples of gender equality and diversity strategies for people management in the public service (*continued*)

An overall assessment on the application of the MoU was drawn up in the spring of 2018 in order to evaluate achievements and areas for improvement In September 2018, the French government launched new negotiations between public employers and trade union organisations with a view to signing a new agreement on gender equality in the public service. The new agreement was officially adopted in November 2018. It focuses on the following five pillars:

1. reinforce governance of policies on gender equality at work
2. develop frameworks to give women and men equal access to jobs and leadership positions
3. address unjustified gender pay gaps and gaps in career development
4. provide better support to working parents and pregnant women and further implement work-life balance measures
5. reinforce prevention and elimination of sexual and gender-based violence.

Spain

The second Plan for Equality between Women and Men in the General State Administration has three main objectives:

- Promote equality in employment
- Promote the reconciliation of personal, work and family life and shared responsibility
- Increase measures to combat gender violence and other situations requiring special protection

The Plan contains seven lines of action with 57 cross-sectional measures aimed at all Ministries, to meet the objectives set out in each of these seven lines of action, and 63 specific measures proposed by the various Ministries and for application in their own areas. These lines of action include access to public employment; equality, working conditions and professional career; training, information and awareness (including the dissemination of sex-disaggregated data; working time, reconciliation and shared responsibility of personal, family and work life; remuneration; gender violence and other situations requiring special protection.

Sources: State Services Commission, Ministry for Women and PSA (2018[40]), *Eliminating the Public Service Gender Pay Gap 2018-2020 Action Plan*, http://women.govt.nz/sites/public_files/MFW_Eliminating%20Public%20Service%20GPG_FINAL2_web%20%283%29.pdf; UK Civil Service (2017[41]), *A Brilliant Civil Service: Becoming the UK's Most Inclusive Employer: The Civil Service Diversity and Inclusion Strategy*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658488/Strategy_v10_FINAL_WEB6_TEST_021117.pdf; Ministère de la Réforme de l'État, de la Décentralisation et de la Fonction publique (2018), *Protocole d'accord relative à l'égalité professionnelle entre les femmes et les hommes dans la fonction publique*, https://www.fonction-publique.gouv.fr/files/files/publications/politiques_emploi_public/20181130-accord-egalite-pro.pdf; Information for Spain is provided by the Government of Spain.

To be effective in redressing gender inequalities and making progress on identified goals, strategic planning must be built on a foundation of robust evidence. Assessing gaps and needs is the first step in creating a public policy designed to reduce gender bias, and precedes setting future targets and actions. It also allows benchmarking the results. Most respondent countries (70%) to the 2017 survey have conducted official assessments that were either prepared or commissioned by the government, aiming to identify gender equality needs and gaps within the civil service. This marks a 20% increase in comparison to 2011. In the area of diversity, less than half of the countries (45%) have conducted analysis aimed at identifying diversity needs and gaps within the civil service, and 45% (9 countries) are not planning to commission similar studies. Similarly to gender equity studies, when it exists, diversity analysis is conducted mainly by a central department responsible for human resource management.

Table 4.1. Gender equality and diversity strategies in public service

	Development of a gender equality strategy	Development of an action plan	Adoption of targets for women	Assessment of gaps
Australia	Balancing the Future: The Australian Public Service Gender Equality Strategy, 2016-19	Yes	Australian Government Board	Official analysis conducted and wage gap measured
Austria	Federal Equal Treatment Act, 2016	Yes	Hiring and promotion targets for specific positions	Official analysis was conducted and wage gap measured
Canada	Employment Equity Act since 1996	Action plan is expected	Hiring targets at the national level, by sector and position but no promotion targets	No official assessment but wage gap measured
Chile	No general strategy	No	No	Official analysis was conducted but wage gap not measured
Czech Republic	Government Strategy for Gender Equality 2014-2020	Yes	No	Official analysis was conducted and wage gap measured
Estonia	Welfare Development Plan 2016-2023, Gender Equality Act, Equal Treatment Act	Action plan is expected	No	Official analysis was conducted and wage gap measured
Finland	No general strategy	Yes	No	Official analysis was conducted and wage gap measured
France	Protocol on professional equality in 2013 and 2018	Yes	Hiring targets for senior positions (Sauvadet Law 2012) but no promotion targets	Official analysis was conducted and wage gap measured
Hungary		No	No	No official assessment, wage gap not measured
Italy		No	No	No official assessment, wage gap not measured
Japan	4th Gender Equality Master Plan in 2015	Yes	Yes: hiring and promotion targets (number and the percentage of female government officers newly employed in a year)	Official analysis was conducted but wage gap not measured
Korea	Gender Equality Employment Target System	Yes	Hiring and promotion targets at the national level, by sector and position (number or percentage of women)	Official analysis was conducted but wage gap not measured
Latvia	Gender equality is within the broader question on diversity	No	No	No official assessment, wage gap not measured

Norway	Gender equality is within the broader question on diversity	No	Hiring targets (percentage/number of those recruited in a certain year) but no promotion targets	No official assessment, wage gap not measured

Table 4.1. Gender equality and diversity strategies in public service (*continued*)

	Development of gender equality strategy	Development of an action plan	Adoption of targets for women	Assessment of gaps
Poland	No general strategy	No	No	Official analysis was conducted, a tool to measure the wage gap has been designed and free to use
Portugal	Yes	No	No	Official analysis was conducted but wage gap not measured
Slovak Republic	Government Strategy for Gender Equality 2014-2020	No	No	Wage gap measured within the regular GPG survey
Spain	Equality Plan between men and women, 2015	Yes	No	Official analysis was conducted but wage gap not measured
Switzerland	Yes	No	No	Official analysis was conducted and wage gap measured
United Kingdom	Gender equality is within the broader question on diversity	Yes	No	Official analysis was conducted and wage gap measured

Source: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment".

4.3.1. Institutional frameworks for promoting gender balance in the public sector

Well-designed institutional frameworks enact clear roles and responsibilities in implementing gender equality and diversity priorities in the public service. Establishing responsibility for promoting gender equality and diversity has been done in a range of settings. Setting up diversity task forces and/or hiring a diversity manager to support organisational goals can increase gender equality in the workplace (Kalev, Dobbin and Kelly, 2006[42]). For example, in Spain a Gender Equality Committee was established in that sense, and the government of Canada's Task Force for Diversity and Inclusion established the case for diversity and inclusion and proposed a framework for action (OECD, 2018[4]). New Zealand's State Sector Leadership Team established a steering group in 2017 which created, among other initiatives, a Gender Pay Gap Action Plan.

Table 4.2. Actions taken to address key findings of official assessments on gender inequality needs

Country	A committee/commission established to discuss the findings and lay out a strategic course of action to address these gaps	An action plan was developed to address identified gender gaps	A meeting/series of meetings were organised to sensitise the civil service workforce on the identified gender gaps	There was no follow-up to the study/analysis
Australia	x	x		
Austria	x	x	x	
Canada		x	x	
Chile				x
Czech Republic	x	x		
France	x	x	x	
Japan	x	x	x	
Korea	x	x	x	
Latvia	x	x		
Poland			x	
Spain	x	x	x	
Switzerland			x	
United Kingdom	x	x	x	

Source: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment".

In half of the OECD member countries that participated in the survey (52%), a single institution is responsible for supporting gender equality concerns in people management policies at the central level. It is the case for all countries that have an overarching policy for promoting gender equality in the public service, but also for Poland, which does not have such a policy. This marks an increase in comparison to 2011, where only five countries had reported the existence of unit responsible for embedding gender concerns in human resource management (HRM) policies for public servants in central governments (Estonia, France, the Netherlands, New Zealand and Portugal). It is important to highlight that such institutions are different from gender focal points or units across the public service responsible for supporting gender equality and gender mainstreaming work within the policy cycle and service delivery. The responsibility for gender equality is more rarely shared with other divisions. For example, given the decentralised structure of the Austrian public administration, this lies within the HRM departments in each ministry. In Norway, responsibility for promoting diversity is shared with the support of the Equality and Discrimination Ombud, and Industrial Disputes Court in providing oversight.

The unit in charge of gender equality or diversity in people management is most often (64%) located in the ministry responsible for human resources management (for instance,

in Australia, Chile, France, Korea and the United Kingdom) and more rarely in a ministry specifically responsible for promoting gender equality (such as in Chile or Switzerland). In the United Kingdom, the Civil Service takes a holistic approach to diversity and inclusion and there is a unit responsible for gender equality, but gender equality is considered alongside all other aspects of diversity and inclusion (i.e. Civil Service Diversity & Inclusion Unit). Within this unit there is a high-level gender lead and gender champion. In addition, all departments have their own gender champions at the management level. In Australia, the responsibility lies with the Australian Public Service Commission, where a team is responsible for supporting agencies with the implementation of diversity strategies within their respective agencies. The Secretaries Equality and Diversity Council was formed to drive changes towards gender equality, diversity and inclusion, and promote action in Australian Public Service agencies. The commission works in close collaboration with the Secretaries Equality and Diversity Council and the Office for Women located within the Prime Minister and Cabinet portfolio. In Spain, the Spanish central administration the body in charge of supporting gender equality concerns in human resource management policies is the Directorate General of Civil Service.

When it exists, the unit is always at least in charge of providing leadership and guidance on gender- and diversity-responsive HRM in general. In fewer countries, it has a more specific role of designing a strategy and more rarely of providing advice on the legal framework related to diversity considerations (as is the case in Canada) or providing co-ordination and supervision in the implementation of a gender-responsible HRM policy, as is the case in the Czech Republic, France and Switzerland.

4.3.2. Leadership and accountability for promoting gender equality within the civil service at the central level

The need for high-profile and high-level leadership commitment to advance gender equality is generally acknowledged, and increasingly seen. This commitment needs to be matched by actions – for example, leaders taking decisions to ensure gender balance in the Cabinet and senior appointments as in the case of Canada (OECD, 2018[4]). There is plenty of room for improvement regarding accountability for promoting gender equality. The measurement of gender equality in the workforce remains limited among OECD countries in general. This is more the case for broader diversity of the workforce.

To support executive accountability, a few countries (Austria, Finland, Poland, Spain Switzerland and the United Kingdom) provide gender-related training to managers, develop coaching and mentoring programmes to assist executives with gender-related issues, or use employees' surveys to gather perception data about executive effectiveness in promoting gender equality (Box 4.3). In Spain, in 2018 an advanced course on gender equality public service was implemented targeting managers and human resources managers with a duration of 25 hours. Although lessons learnt from behavioural insights suggest that diversity and unconscious bias training, especially when delivered on line, appear to have an inconsistent track record (Forscher et al., 2016[43]). The reasons for the limited impact of training on enhancing gender equality can be interpreted through a behavioural lens – including stereotype activation and moral licensing. This means that the intervention can activate rather than eliminate stereotypes; and people can feel entitled to engage in a negative behaviour towards a minority group after having done something positive (i.e. training). It is important to consider these potential risks and problems, especially since the motivation for diversity and implicit bias training is often couched in behavioural terms, and because it remains a widely used measure across the OECD.

Box 4.3. Executive accountability for gender equality in human resources management in Austria

Gender equality is an important aspect of performance management in Austria, which is a results-oriented strategy at the federal level of government. The system of performance management has two distinct instruments: performance budgeting and regulatory impact assessments. Performance budgeting ensures that all ministries and supreme organs define gender-related outcome objectives, measures and indicators. The outcome objectives play a crucial role in the annual appraisal interview for top and middle management, as well as for employees.

The Federal Academy of Public Administration and other schools for the public administration provide seminars and trainings which include topics on gender policies.

Specially tailored development programmes for women help women gain access to top-notch functions. In 2000, a pilot project "Mentoring for Women" was launched by the Working Group on Equal Treatment Issues. Since 2007, the programme has been integrated in the personnel development of the federal government and co-ordinated in co-operation with the human resource developers of the federal government. A special feature of the cross-mentoring of the federal government is that experienced executives as mentors support a colleague (mentee) of another department that wants to develop professionally. It also provides an additional positive side effect, namely the development of an open attitude of mentors towards the advancement of women and the reduction of role-based prejudices. Regular meetings of all participants offer the opportunity to network. Accompanying mentoring and mentee trainings, supervision sessions for the mentors and peer groups organised by the mentees complete the programme. Between 2005 and June 2017, around 1 030 mentors and mentees participated in the programme.

Source: https://www.jobboerse.gv.at/aufstieg/crossmentoring/index.html.

Programmes and positions that establish responsibility and oversight for diversity programmes have been found to have a positive effect on women in management (Kalev, Dobbin and Kelly, 2006[42]). The evidence suggests that establishing responsibility for diversity led to the broadest increases in managerial diversity, and to better effects from diversity training and evaluations, networking, and mentoring, which otherwise had only modest impacts.

Providing incentives can be important in supporting the implementation of organisational goals. While such measures do not yet have common ground in the context of promoting gender equality and diversity in HRM, some countries have taken important steps in this direction. Canada and the United Kingdom report integrating gender equality or diversity targets into performance agreements for top managers. However, in the case of Canada, research found that "*existing tools such as the Management Accountability Framework and performance management agreements were not perceived to be effective in addressing situations where diversity, inclusion or employment equity goals are not being met*". This stems from the fact that these performance assessments are determined based on overall

performance. Thus, "*it is possible that poor performance in any one area of management, including that of people management, may not have a tangible impact on the performance rating of a deputy head*". As a result, the Joint Union/Management Task Force on Diversity and Inclusion in the Public Service in Canada recommended "*establishing ongoing commitments in performance management agreements that hold deputy heads, executives and managers accountable for achieving employment equity and diversity and inclusion goals, and for tracking progress on these objectives*" (Treasury Board of Canada Secretarait, 2017[39]).

The involvement of men in championing change is also important. The Australian Male Champions of Change (MCC) involved heads of major government agencies, including the Treasury and Foreign Affairs. MCC initiatives include, for example, the Head of Australia's Treasury (an MCC) leading efforts together with the Managing Director of the Australian Securities Exchange to ensure that chief executive officers were using their management systems – through setting targets, monitoring and troubleshooting – to drive improvement in the same way they were for other business priorities. Pooling data and practices, and working together through a series of workshops with experts, the MCC identified issues and actions to resolve them (Freyer, 2016[44]).

4.4. Integrating gender considerations into people management frameworks

The gender equality issues around recruitment and promotion are, broadly speaking, twofold. First, women tend to be concentrated in certain occupations. Second, they have lower representation at senior levels. Bias can affect decisions in the recruitment process – by both prospective employees and employers – at different stages. All people management systems (inclusive of recruitment) can and should be used as designable tools to improve gender equality based on behavioural insights. In some countries this is a core strand of work, for example in the area of gender pay gap. In September 2017, the United Kingdom invested GBP 2 million in the Gender and Behavioural Insights programme (GABI), a two-year partnership between the Government Equalities Office and the Behavioural Insights Team to understand what works to change the behaviour of employers, men and women to improve gender equality in the workplace.

As well laid out recently by the New South Wales government in Australia, at the attraction stage, decisions about outreach activities and job advertisements can affect who applies for the job and the diversity of the applicant pool. During the selection stage, biases can affect the way candidates are assessed and evaluated. At the promotion stage, which merits are valued can limit who is considered to be leadership material. And, "like a pipeline, problems at the start will have flow-on effects throughout the process" (Government of New South Wales, 2016[45]).

4.4.1. Need for new and innovative approaches to address roots of inequalities

There is a temptation, and a tendency, to legislate solutions in the public service to advance changes consistent with stated gender equality goals. However, this may not always be effective in changing behaviours, as the persistent gaps between rules (many of which were enacted years if not decades ago) and outcomes suggest.

Beyond government regulation via "hard" law, which prohibits discriminatory behaviour, "soft" regulation can be designed to promote certain behaviours. Soft regulation can include affirmative action, public reporting of performance indicators, prizes or awards, accreditation, codes of conduct, certification and procurement guidelines. For example,

expectations may be raised over time and tracked through quantitative performance indicators, and/or external monitoring, depending on the strength of the monitoring and the degree to which public "shaming" affects reputation. Some observers have highlighted the weaknesses in such approaches, including that relative standards may be too low and measurable indicators may not capture underlying structural constraints.[1]

One reason why both hard and soft approaches to regulation can have limited impacts on achieving the stated goals may be partially related to shortcomings in appropriately addressing social norms. In Mexico, for example, where the OECD recently reviewed the status of gender equality on a variety of fronts, the concentration of women in lower paid occupations and levels was traced to normative constraints including a culture of long hours, lack of flex-time and sexual harassment (OECD, 2017[9]).

The gap between governments' commitments to gender equality and the pace of progress in public service workplaces motivates consideration of new approaches like behavioural insights to help accelerate progress and achieve better results. Behavioural approaches bring an explicit focus on underlying norms and attitudes, which are critical influences on gender equality in the workplace and bring the promise of addressing long-standing challenges. As Bohnet (2016[46]) notes "*building on what works, behavioural design creates better and fairer organizations and societies. It will not solve all our gender-related problems, but it will move the needle, and often at shockingly low cost and high speed*." Part of the attraction of behavioural approaches is the possibility of identifying effective, often low-cost, solutions without resorting to additional rules or sanctions, especially since a whole host of rules and regulations are already in place. Another part of the attraction, which is especially important in the context of gender inequality, is grounding reforms and interventions in a good understanding of the beliefs and associations that everyone has, that are unconscious and automatic, that affect how people behave. These beliefs are shortcuts that save us time and brainpower, and can be helpful, as explained by Kahneman (2011[47]). However, automatic associations based on stereotypes can undermine declared beliefs in gender equality (Bohnet, 2016[46]). For example, one may say that one does not think that women should do most of the childcare, but implicit bias may reveal this assumption exists. While implicit bias may tend to favour our own in-group, this is not always the case – women and girls may internalise norms in ways that exclude themselves from certain opportunities – like promotions or various fields of study and occupations, and men may exclude themselves from parental leave and flex-work opportunities that are available to all.

All people management systems (e.g. recruitment, pay, promotion, sexual harassment policies, and so on) are the product of design, and it is possible, indeed appropriate, to consider how these systems could be designed to work better for gender equality. While implicit biases are pervasive, such biases are also malleable. However, our understanding about how to influence norms is still incomplete, thus the important need to continue testing options to see whether proposed solutions are effective in meeting their objectives (Bohnet, 2016[46]). The sections below will outline, where possible, how the lessons learnt from behavioural insights can be applied to narrow the gender gaps in the public service by promoting an effective organisational design.

4.4.2. Setting targets

The GEPL Recommendation stipulates the importance of merit-based recruitment, while considering positive policies to ensure gender-balanced representation in each occupational group. While the Recommendation adopts a gender-neutral tone to correct imbalances for

any under-represented group, given the traditional disadvantages faced by women, many of these initiatives target women across the OECD. Over half of respondent countries do not set gender equality targets for recruitment (50%) or promotion in the central government civil service (60%). Only 35% (e.g. Austria, Canada, France, Japan, Korea, Norway and Switzerland) have specific targets regarding the recruitment of women and only 18% (Austria, Japan and Korea) have specific targets regarding the promotion of women. Norway targets the percentage and number of those recruited in a certain year. Korea was planning to set the first employment target for female officials in the senior civil service in 2018. In France, since 2013 the Sauvadet Law has been implemented and specifies a minimum percentage of women in the number of newly appointed agents in managerial positions. The percentage increased regularly from 2013 to 2017 and reached 40% in 2017. In Austria, the Act on the Advertisement of Vacancies stipulates preferential treatment of equally qualified female candidates in units with a percentage of female employees under 50%. It also deals with other equality targets, such as setting minimum obligations for the hiring of disabled persons.

Beyond targets, OECD country governments have undertaken a variety of efforts to improve gender balance in recruitment and promotion, although actions specifically shaped by behavioural insights are relatively rare. A range of measures currently in place pursue various ways to remove inherent biases, like affinity bias, and exploit the potential malleability of social norms in order to boost gender equality in recruitment and promotion.

4.4.3. Data, transparency and reporting requirements

Evidence and data are needed to gauge the performance of the public service and to create accountability for meeting the stated goals in ensuring gender equality and diversity. Countries report collecting gender-disaggregated data on various issues related to HRM in the public service. With the exception of Hungary and Portugal, all of the respondent countries collect data on the gender balance of the current central government workforce. Australia, Canada and the United Kingdom also report undertaking skills audits and capabilities reviews and measurement of the use of work-life balance by secretarial staff, professionals and management, etc. (Box 4.4). However only 35% of the countries that participated in the survey collect data on complaints for sexual harassment in the workplace in the civil service or for gender-based discrimination. The United Kingdom, for example, collects data on harassment and bullying in its yearly Civil Service People Survey. The People Survey collects information about the prevalence of incidents within the last 12 months, if respondents have experienced bullying or harassment more than once in their career, and if they reported it. Spain collectes gender-disaggregated data on cases of sexual harassment and gender-based discrimination in the workplace. Australia and Chile also have comprehensive data collection mechanisms for harassment in the public service (Box 4.5).

Collection of data alone is not a silver bullet. A number of countries reported taking action to reduce gender inequality on the basis of the collected data. For instance, in the United Kingdom, a wider diversity review was launched (Box 4.4).

Importantly, lessons learnt from behavioural insights suggest that data and transparency can change behaviour. Many governments already have different types of data reporting mechanisms in place (Box 4.6), yet the nature of such reporting warrants closer scrutiny with a behavioural lens. Disclosure alone does not always necessarily affect behaviour. New information can be ignored, especially when it is negative, or can distract from more important news. Simplifying, standardising and using social comparisons can all make

disclosure of information more effective in positively impacting behaviours (Loewenstein, Sunstein and Golman, 2014[48]). And it is important to measure responses in ways that allow detection of what is working well and what is not. Available evidence about the impacts of reporting shows that sharing information about non-compliant organisations helped to build a voluntary "culture of compliance" (Hirsh, 2009[49]). It also shows that the practices of "naming and shaming" non-compliant organisations, and benchmarking and sharing of "best practice", were effective in improving practices if done "properly" (van der Vleuten and Verloo, 2012[50]).

Box 4.4. Data, measurement and actions to reduce gender bias in public employment in the United Kingdom

In the United Kingdom, the "Talent Action Plan" reviewed the way the Civil Service defines and identifies talent, without gender or diversity bias. The Talent Action Plan stressed the importance of investing in training and development. Following that plan, the administration noted an increase in diversity of both applicants, and successful applicants.

The United Kingdom also introduced "the Leadership Statement", against which senior leaders are assessed. "The New Diversity and Inclusion Strategy" includes a programme of work to create a standard for inclusive leadership, including a gender bias assessment, which will be integrated as part of the competency framework.

Diversity and inclusion is a central tenet in the Civil Service workforce planning. The Civil Service Workforce Plan 2016-2020 sets the ambition that the Civil Service will be the most inclusive employer in the United Kingdom by 2020.

The Future Leaders Scheme (middle to senior managers), Senior Leaders Scheme (senior managers) and High Potential Development Scheme (middle managers) have been developed with the aim to reduce the gender bias. Awards are granted to foster diversity and equality (Positive Action Pathway, Fast-Track Scheme, Summer Diversity Internship Programme).

In 2015, the Civil Service introduced "name-blind" recruitment for all roles below the senior Civil Service, which covers nearly all civil services. New approaches to recruitment and selection have been introduced: strength-based interviewing, consecutive interviews, batch recruitment and including colleagues of different grades in the selection process.

In June 2018, the United Kingdom launched the Workplace and Gender Equality Research Programme (WAGE), a two-year programme which will invest GBP 1.1 million into new research and deliver evidence-based tools for employers on what works to close their gender pay gaps. The WAGE Research Programme works closely with leading academics (120 already signed up) and policy makers to gather existing evidence, identify and fill research gaps. One of the key outputs so far is a short guide on evidence-based actions employers can take to help close their gender pay gap.

Source: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment".

Box 4.5. Tackling the issue of workplace sexual harassment in the public service: Australia and Chile

Australia

On 20 June 2018, Australia's Sex Discrimination Commissioner Kate Jenkins announced a national inquiry into sexual harassment in Australian workplaces. The 12-month inquiry will consider the economic impact of sexual harassment, the drivers of these behaviours and the adequacy of the existing legal framework. It will communicate with individuals and organisations from all over Australia about their experiences.

To facilitate this, the inquiry involved a submission process, as well as public consultations held in all Australian capital cities and a number of regional cities in 2018. It will also identify examples of existing good practice, and make recommendations for change, providing a way forward for preventing sexual harassment in the workplace.

The Australian Human Rights Commission conducted the fourth national survey into workplace sexual harassment, with results released in August 2018. The commission has undertaken regular surveys on workplace sexual harassment since 2002, which provides important information about the nature, prevalence and reporting of sexual harassment experiences in Australia. Obtaining these data will allow the Australian government to analyse whether there are any industry specific trends or issues which are contributing to the prevalence of these behaviours, as for the first time this survey will provide data on sexual harassment within major industry sectors. These data may also provide guidance to employers to develop more targeted interventions to prevent sexual harassment and to meet their legal obligations to employees.

Chile

After 13 years in the court system, Chile's anti-sexual harassment in the workplace law passed in 2005. Chile has historically had one of the lowest rates of female economic participation in Latin America, and these important efforts towards further gender equality in the workplace continued with the 2012 National Civil Service investigation into harassment in the public services. Public sector workers from 145 public service branches dependent on the central state administration were surveyed on line, and provided important gender-disaggregated data on satisfaction with employer preventative action, frequency of harassment, satisfaction with complaint investigation, and were asked to identify decisive actors in the prevention and response processes. Chile has an existing workplace policy to prevent harassment, but more research must be done to improve the application of these policies, as the study found that 65.6% of public services did not disseminate policies or procedures relating to harassment, 37% of public services did not take preventative action of any kind, and 17.3% of the services that had investigated complaints of harassment (14 out of 81), evaluated their experience as "unsatisfactory".

Sources: Australian Human Rights Commission (2018[51]), National Inquiry into Sexual Harassment in Australian Workplaces, https://www.humanrights.gov.au/our-work/sex-discrimination/projects/national-inquiry-sexual-harassment-australian-workplaces; OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment".

As noted above, how the results are framed can make a difference, while ensuring that the messages are consistent with the data. A growing body of evidence suggests that people are more likely to adopt behaviours that they think most people do. This so-called herding effect suggests that negative framing (e.g. "half of women are harassed at work") risks normalising harassment. A possible solution could be to present the information differently (e.g. only one-tenth [or one-twentieth] of men harass). Building on this, a systematic investigation of the benefits, and potential missed opportunities, associated with different types of reporting for gender equality could be a helpful step forward.

It should be underlined that most of the reporting underway in the context of gender equality in the workplace relies on self-reporting by the administration. In the case of sexual harassment, a different type of data can be more beneficial. It has been argued that regular confidential assessments are needed to provide concrete data over time on the incidence and nature of harassment and the effectiveness of initiatives to combat harassment (Buchanan et al., 2014[52]). This requires confidential employee surveys, in addition to administrative data, given the likelihood of under-reporting to the official authorities.

4.4.4. Applying behavioural insights to the recruitment processes

Reforms to the recruitment processes have drawn on behavioural insights to overcome existing disadvantage. Actions include anonymising CVs; ensuring assessors do not know the name or other identifying details of the applicant; structured interviews; task-based assessments; and joint evaluations (Bohnet, 2016[46]). The Reserve Bank of Australia, for example, features profiles of female economists to attract more women and has shifted the timeline and approach of its recruitment strategy to ensure more equitable recruitment and hiring practices. APPLIED was developed by the UK Behavioural Insights Team to use behavioural science to help organisations find the best candidates based on their talents. It helps to remove bias through gendered language detection, readability scorings on job descriptions, bias-free review process, and providing real-time diversity data and analytics (OECD, Forthcoming[53]). Several OECD public service entities have piloted and introduced blind-hiring practices in recent years, with mixed results. The Australian Bureau of Statistics introduced blind-hiring practices in 2015, withholding names and other identifying information from evaluation committees. The new practices reportedly boosted the share of female senior executives, from 21% to 43% (Behavioural Economics Team of the Australian Government, 2017[54]). Conversely, the Behavioural Economics Team of the Australian Government conducted a randomised control trial testing the impact of de-identifying applications for senior positions in the Australian Public Service. The results showed that de-identifying applications at the shortlisting stage of recruitment does not appear to assist in promoting diversity in hiring. In fact, APS officers generally discriminated in favour of female and minority candidates. The study suggested directing attention to other stages of recruitment, including how positions are advertised, how interviews are conducted, and how hiring panels are selected and run. It also suggested diverting attention to processes that affect career trajectories, including performance reviews, evaluations for promotions, talent management and whether flexible working arrangements are available (Behavioural Economics Team of the Australian Government, 2017[54]). Similarly, a recent pilot in Canada's public service found that removing identifying candidate information from job applications had no effect on the screening decisions of managers with respect to applications from members of visible minority groups (Rinne, 2018[55]).

Box 4.6. Examples of reporting approaches in the public service

Canada

Under the Canadian Public Service Commission and Employment Equity Act, the President of the Treasury Board of Canada is required to submit an annual report to parliament on the state of employment equity in the core public administration. There are four employment equity designated groups (women, visible minority, aboriginal and disabled). For example, in 2014/15, it was reported that the representation of women rose slightly, from 54.1% to 54.3%, and their representation within the executive group increased from 46.1% to 46.4%. These numbers are reported relative to "workforce availability'.

Australia

The Australian Public Service Commission has oversight of the Commonwealth Gender Equality Strategy, and reports annually on a range of issues, including those related to gender equality/flex work within the Australian Public Service. Gender equality markers are evaluated and reported across the Australian Public Service.

Sources: Treasury Board of Canada Secretariat (2016[56]), "Appendix A: Statistical tables", https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/diversity-equity/employment-equity-annual-reports/employment-equity-public-service-canada-2014-2015.html#toc4; www.apsc.gov.au/publications-and-media/current-publications/gender-equality-strategy/implementation-strategy/evaluate-and-report

Stereotypes about the kinds of work that women and men "should" do can hold people back from pursuing satisfying careers in non-traditional areas. Efforts to change stereotypes are behaviourally informed measures. Examples include publicising stories designed to inspire Australians about the kind of work they might enjoy, with non-traditional gender roles taking a prominent place;[2] and reaching out to university campuses and schools. This has been reportedly pursued by the Australian Treasury, for example, in order to attract more women into economist jobs where they are traditionally under-represented.[3]

4.4.5. Attracting and retaining talent

Looking beyond recruitment, programmes for staff to directly support and facilitate career advancement also come in various forms, including coaching, leadership development and mentoring. Mentorship is a commonly used measure (e.g. Austria, Canada, Finland, Switzerland and the United Kingdom) to enable career progression. These types of programmes work on the "supply side" and seek to influence individual decisions to apply for a job or promotion, which are likely to be influenced by their own sense of the skills, abilities and physical characteristics of the "ideal candidate". For example, a qualified female candidate may subconsciously feel she is not suited to a particular type of senior role if she has only seen men in the role for which she is considering applying. Mentoring by, and exposure to, senior women can help to overcome these unconscious beliefs about what a leader "looks like". A 2017 review of public sector mentorship programmes in India found that the effectiveness depended on the mentor/mentee relationship, with the most fruitful relationships built on a common understanding of expectations and thoughtful

planning (Buddhapriya, 2017[57]). A 2010 randomised control trial of women in economics revealed that women who had mentors were more likely to be promoted and get their work published (Blau et al., 2010[58]). Mentoring has also been a valuable source of support for aspiring female politicians. Overall, however, there is scope to further monitor the impacts of mentorship programmes.

A comparison of mentorship and sponsorship programmes sparks interesting debate around the efficacy of these tools in increasing female leadership. Sponsorship is differentiated as a more assertive form of mentorship, where a skilled and highly placed professional actively advocates for the advancement of their mentee, and places their reputation on the line to propel them forward into new opportunities.[4] This advocacy is seen as critical to more junior employees "breaking through" (OECD, 2014[34]). During an investigation published in the *Harvard Business Review* into why men are still being promoted more than women, researchers found that women are often over-mentored and under-sponsored; women were receiving well-meaning advice, while men were being involved in strategic planning on career advancement (Ibarra, Carter and Silva, 2010[59]). In 2016, the Australian government released a paper through its Workplace Gender Equality Agency indicating that sponsorships are effective in increasing objective career outcomes such as promotions and pay raises.[5] It simultaneously casts doubt on the effectiveness of women mentorship programmes, as the Australian government has undertaken female mentorship programmes for two to three decades and still experiences insufficient female representation in top leadership positions. The New Zealand Ministry for Women takes an even stronger stance on sponsorship, stating that it actually predicts advancement, and describing it as critical at every stage of a professional career.[6] The ministry also expresses that mentorships are insufficient in isolation to help women advance.

4.4.6. Preventing sexual harassment

Sexual harassment is integral to any discussion of gender equality. Sexual harassment can be considered to have occurred when a person has experienced behaviour that they found improper or unwanted, which made them feel uncomfortable, and were offensive due to their sexual nature.[7] Although not limited to unwanted male behaviour *vis-à-vis* women, this is by far the most common form. There is also evidence that some groups of women are more at risk.

Harassment has major negative repercussions, including for women's mental health and career opportunities. Targets of harassment report increased depression, post-traumatic stress, work withdrawal, intentions to quit and reduced productivity, as well as job turnover and team conflict (Buchanan et al., 2014[52]). It is not only more severe harassment that causes these problems. An analysis of workplace harassment in Australia, for example, found that the more frequent, less intense, and often unchallenged sexism and harassment was at least as detrimental for women's well-being as more severe forms (Sojo, Wood and Genat, 2016[60]).

A recent OECD report noted that "*violence, bullying and sexual harassment are a bane of Mexico's civil service*" (OECD, 2017[9]). A 2014 survey of more than 600 000 public officials found that more than three-quarters (77%) felt that female public servants experience sexual advances in return for the promise of better job opportunities. While a standardised complaints procedure exists, data on the number, type and outcome of complaints are not available. Moreover, there is no dedicated complaints mechanism, nor regular data on gender-based harassment in the Mexican public service. Another recent example is the Country Fire Authority in Victoria, Australia, where recent confidential

survey responses from 550 professional staff found that half of both male and female respondents had been bullied and one-third had been harassed, including sexually.[8] The report found hundreds of respondents detailing criminal sexual assault; sexual harassment; physical altercations; bullying; intimidation; harassment; threats of violence and other forms of inappropriate behaviour causing various degrees of distress, which were "*serious breaches of conduct and likely to have involved criminal behaviour and it is deeply concerning that staff have reported not only the assaults but the appalling and harmful responses when seeking to report them through their supervisor/manager*." One of the initial government responses was announcing quadrupling the number of career female fire fighters, with the aim of helping to "*turn the culture around*".

A recent online survey of over 6 000 British adults, one of the largest ever conducted into sexual harassment in the workplace, found that two in five women in the United Kingdom had experienced unwanted sexual behaviour at work and only a quarter of them reported it; among men, almost one in five (18%) said they had been harassed at work.[9]

The recent Women Business and the Law report documents the coverage of laws against sexual harassment. This shows that while every OECD country except Japan legally protects women from sexual harassment at work, at least 5 OECD countries do not have civil remedies, and as many as 18 countries do not have criminal penalties[10] for sexual harassment in employment (World Bank Group, 2018[61]).

Why, even with legislation in place, is sexual harassment such a major challenge in so many workplaces around the world? Evidence suggests that this can be traced to the organisational climate – including sex ratios of the workforce and management, as well as organisational tolerance for harassment, notably leaders' behaviours.

Sexual harassment has been prohibited in most countries for many years, if not decades, and yet remains a major problem, as exposed by the overwhelming response to the #MeToo movement. The available body of evidence about what works to prevent sexual harassment is limited – especially in terms of longitudinal studies – although some important insights have emerged. A recent study highlights the importance of a deliberate approach, grounded in a clear understanding of the target group(s), the behavioural elements and how behavioural levers can inform the design of messages and framing (Almeida et al., 2016[62]).

There appears to be a consensus emerging from empirical evidence about efforts to combat sexual harassment that training is essential, but not enough. Indeed, training alone may be counterproductive and lead to backlash (Goldberg, 2007[63]). In particular, at the individual level, individuals with hostile attitudes *ex ante* are more likely to harass after the training. The US military has been delivering sexual harassment training for many years, yet harassment remains a pervasive problem. This may be partly because the duration and quality of training varies. Informing about what harassment is and its repercussions may not be enough to prevent or deter. Yet sexual harassment training remains the "go-to" approach for both private and public sector organisations. While videos and Internet-based training are popular, partly due to ease and cost advantages, it appears that face-to-face group sessions and experiential learning is more effective. One example is the WAGES programme, which is designed to reduced sexism through role play, with results suggesting reduced sexist attitudes, including for women, and increased female self-efficacy (Zawadzki, Danube and Shields, 2012[64]). Evidence suggests that training is most beneficial when all employees and managers participate, although there is little evidence that training can address the root causes of harassment.[11] Different models could be tested by member countries.[12]

Nor are grievance procedures alone enough. Many targets justifiably fear retaliation after reporting – and indeed one-third of complainants do report that they suffered further harassment, demotion, job loss, among a range of negative repercussions. The US Equal Employment Opportunities Commission has recommended that there should be multiple avenues of redress, including for example an open door policy, so that concerns can be brought to anyone in management, as well as confidential e-reporting. Studies suggest a preference on the part of targets for informal procedures that maintain privacy and avoid the risk of retaliation.

The evidence does suggest that a clear and consistent message from leadership is critical. This finding emerges from studies of the US military, for example (Buchanan et al., 2014[52]). A large-scale study over time found that when women felt that leadership was working to stop harassment and modelling respectful behaviour, they reported experiencing less harassment, felt that harassment was on a declining trend and were more satisfied with complaint resolution (if they had one). Building on these insights, Dobbin and Kalev (2017[65]) recommend that leaders should be first in line for training, and that they chair the relevant committees and task forces.

Bystanders can be powerful forces to prevent harassment – the promise of this approach is that everyone becomes part of the solution. In practice, the evidence suggests a reluctance to intervene. There is some evidence that bystander training can be effective; for example, one military study found that participants were subsequently much more likely to report harassment or assault that they had witnessed. Behavioural insights offer some possibilities to encourage action, such as encouraging bystanders to talk to targets, and promoting civility and respectful behaviours.

Futures without Violence has usefully put together the "ten top things" that employers can do to prevent violence, starting with exhibiting leadership and checking in with employees. This list provides directions for governments to consider in preventing sexual harassment in their workplaces (Box 4.7).

Moving forward, there is scope for OECD countries to test the effectiveness of these various options, if possible in combination. These may include for example:

- Re-evaluating the performance review process. In particular, if someone has engaged in disrespectful or abusive conduct with co-workers, these acts could be taken into account regarding the perpetrator's work performance.
- Providing a confidential complaint procedure. Along with other awareness-raising tools such as safety cards and posters, establish a complaint line or other clear procedure for employees to report perpetrators, or harassing or abusive conduct.
- Allowing the complainant/victim to remain anonymous within the reporting procedure.

It is important to measure impacts when designing the approach, and considering its effectiveness. This process may begin with a sexual harassment climate survey that employees can take anonymously so they feel safe to answer questions honestly. Official reporting of harassment is unlikely to be a reliable gauge of the underlying prevalence or success of future efforts.

Box 4.7. Futures without Violence: Preventing violence in the workplace

Futures without Violence is an international non-profit organisation that works to provide programmes, policies and campaigns that empower individuals and organisations working to end violence against women and children globally.

It recently put together a list of the ten top things that employers can do to prevent sexual harassment in the workplace, starting with exhibiting leadership and checking in with employees. This list provides directions for governments to consider in preventing sexual harassment in their workplaces.

1. Exhibit leadership on this issue. This point discusses setting a tone at the top showing displaying respect and civility.
2. Check in with employees. Hearing from staff and conducting a sexual harassment survey can help managers understand their workplace climate better.
3. Have a conversation. After administering the climate survey, bring the results back to staff and have a conversation with them about everyone's expectations going forward.
4. Close gaps in gender equity. Having women well-represented in positions of power and respect will impact the attitude towards women in the workplace.
5. Create a workplace policy that addresses sexual and domestic violence and sexual harassment, and review it regularly.
6. Re-evaluate the performance review process. Ensure disrespect towards women or abuses of power are taken into account during performance reviews.
7. Provide training on sexual harassment that is more than a one-time session conducted by lawyers. It should be mandatory, holistic, and provide support and resources.
8. Cultivate a culture of support and respect. Create a culture where people are comfortable sharing their experiences.
9. Provide a confidential complaint procedure.
10. Engage everyone in the workplace, including men, and offer bystander intervention training. Make everyone part of the solution.

Source: https://www.futureswithoutviolence.org/employers-sexual-harassment.

4.4.7. Addressing the gender wage gap

Gender differences in occupations and pay still persist, despite countries' efforts to foster pay equality (equal pay for the same work) and pay equity (when the work of equal value, requiring similar qualifications, is paid the same).

In many countries with a career-based system in the public service, there is often a tendency to underestimate wage gaps linked to gender or diversity, as in principle, all employees have a wage based on a specific grid of pay and have promotion linked with seniority and experience. Yet the wage gap may persist in the public sector on average despite the pay grid as it also reflects composition effects (as discussed previously in this chapter): women may have fewer promotions, are less often appointed to senior positions and tend to be clustered in specific occupational groups.

While few countries (35%) have provided information on wage gaps in the public service, it seems that wage gaps only decreased slightly from 2005 to 2017, in all countries for which data are available. In Finland, for instance, women in the public sector earned on average 81.9% of the men's wage in 2005, and on average 86.8% in 2017. In Canada, the wage gap decreased from 12.9% to 9.2%. However, comparing wage gaps among countries could be inconclusive because of composition effects: an average wage gap is not meaningful when comparing countries where the health sector or education is part of the public service and others where those sectors that have a high share of women in their workforce is private. Nonetheless, for the seven countries that have provided aggregated data of the wage gap, it lies in the same range.

It is challenging to make a comparison of the wage gaps in the private sector and the public sector because of composition effects. Although, in general, the sector with the smallest pay gap is the public administration, with a median gap of 8.7%, consistent with more rigid and less discriminatory wage-setting mechanisms, as well as anti-discriminatory practices and regulations (OECD, 2017[1]). In Finland, the wage gap seems comparable to that of the private sector, where women earned on average 82.2% of men's wage in 2005. However, this gap has shown lower decreases in the private sector, as women in the public sector earned 84.9% of men's wage in 2010. In France, the private sector seems also more unequal since women earn 81.4% of men's wage in the private sector and 86.7% in the public sector.

While the introduction of pay equality initiatives is advancing, only half of the countries that participated in the survey reported measuring gender wage gaps.

An effective strategy to close pay gaps requires a mix of policy measures to address occupational segregation and the absence of gender balance in leadership, as well as a focus on pay more directly. Some countries have legally enforced equal pay between women and men (Box 4.8). In 2017, Iceland became the first country in the world to make equal pay mandatory for both private and public employers: under the new law, government agencies must document how education, experience and so on are valued and incorporated in the pay system, which is subject to an audit, which will in turn be published (Box 4.8). In 2017, the Ministry for Women in New Zealand released a study about empirical evidence of the gender pay gap (Pacheco, Li and Cochrane, 2017[66]). It found that the great majority (80%) of the gender pay gap is now driven by harder to measure factors, like conscious and unconscious bias that impacts negatively on women's recruitment and pay advancement, and differences in choices and behaviours between men and women. As a result, in 2018, the State Services Commissioner and the Minister for Women jointly announced an action plan to eliminate the gender pay gap in the public service (Box 4.8). The United Kingdom also introduced mandatory gender pay gap reporting in 2017 which obliges any organisation with 250 or more employees to monitor and publish specific figures on their gender pay gap (Box 4.8). In Canada, the government committed to introduce legislative reform towards "Proactive pay equity" in both the federal public service and the federally regulated private sector.

Beyond legislative requirements, most of the measures that have been adopted by OECD country governments to date appear to focus namely on information and reporting. Examples include analysis of wage-setting processes to decrease gender bias (in Austria, Canada, Estonia, France, Korea, Poland, Switzerland and the United Kingdom), a standard for pay equality (in Austria, Canada, the Czech Republic, Estonia, France and Switzerland), pay transparency (in Austria, Canada, Estonia, France and the United Kingdom), or legal provisions to guarantee pay equity (in Austria, Canada, Poland and Switzerland). Channels of recourse specific to the civil service for challenging the occupational segregation and the gender wage gap are in place in Austria, Canada and France. In Poland, a tool has been designed by the Ministry of Family, Labor and Social Policy and can be downloaded from a website by government offices that can use it. In Switzerland, a self-control tool has been developed that allows employees to measure their salary in regard to wage differences between men and women (Box 4.8).

4.4.8. Reconciliation of professional and personal life in the public service

Governments have implemented various policies to allow for a better reconciliation of professional and personal life for working women and men employed by the central government. In all countries that responded to the survey, work-life balance measures are reported to be integrated with people management policies and aim to be flexible to meet the needs of the employees and the organisation (Table 4.3).

All respondent countries also reported using flexible start and working hours and time saving. Part-time employment is possible in all respondent countries, and teleworking is also largely diffused. Teleworking may not only be linked to work-life balance, but also to the wide spread of digital tools and the increasing demand for mobility. The least used measures are the existence of childcare facilities at the workplace (48%) and leave to take care of an elderly family member (62%) (see next section). In 2018, New Zealand pioneered (in addition to the Philippines) legislation that grants victims of domestic violence ten days paid leave, without having to provide proof of their circumstances. Victims should also be entitled to “fast-tracked flexible work conditions” to ensure their safety (e.g. changing their work location).

When they exist, these balance measures are usually widely disseminated to employees of both genders. In all countries, employers promote the equal use of work-life balance measures between men and women. They are not usually specifically promoted at the senior levels of management except in Australia, Canada, Chile, the Czech Republic and the United Kingdom. Closely monitoring the take-up of available work-life balance measures can provide important indications on their intended results. However, only 35% of the respondent countries report collecting gender-disaggregated data on the use of these work-life measures.

Box 4.8. Examples of measures to address the gender wage gap in the public service

New Zealand

In New Zealand, a team at the Ministry for Women has been working with the State Services Commission on initiatives to close the gender pay gap in the public service.[1] The gap is currently 12.5%, down by 1% since 2016, and the lowest since measurement began in 2000 when the gender pay gap was 16.6%. The Public Service Workforce Data report presents workforce and workplace diversity data including gender and ethnic pay gaps. This information is produced by the State Services Commission with agencies and is posted on the State Services Commission's website. New Zealand's Ministry for Women is also working with State Services Commission and Stats NZ to develop guidelines for organisations to measure and analyse their gender pay gaps, which will be released shortly. The guidelines are for the whole labour market and will be the basis of the standardised approach by public service agencies when measuring and reporting their gender pay gaps.

United Kingdom

The United Kingdom introduced mandatory gender pay gap reporting in 2017: any organisation with 250 or more employees must publish and report specific figures about their gender pay gap.[2] UK employers must both publish their gender pay gap data and a written statement on their public website and report their data to the government on line. The figures are calculated using a specific reference date, called the "snapshot date", which is 31 March for public sector organisations. Gender pay gap reporting regulations are more likely to be powerful if gender equality is an issue that people care about (Hacohen and Likki, 8 March 2018[67]). In the United Kingdom, there has been a steady, gradual shift in UK attitudes towards more egalitarian views towards gender roles, particularly among younger people, which suggests that British employers who fail to report their figures are likely to face public anger. Some experimental evidence suggests that people judge non-disclosure of potentially negative information very harshly, because they imagine the worst (John, Barasz and Norton, 2016[68]).

The Behavioural Insights Team explains that requiring companies to disclose certain information and be transparent with their data can be a highly powerful policy tool. This kind of transparency has changed the behaviour of companies for the better in a variety of ways in different sectors, for example from improving the energy efficiency of electrical appliances to improving hygiene in restaurants. Research by the Behavioural Insights Team suggests that large employers who fail to report their figures as per the new regulation will not only be breaking the law, but are also likely to face public anger and backlash.

Box 4.8. Examples of measures to address the gender wage gap in the public service (*continued*)

Switzerland

Logib is a self-control tool that allows Swiss employees to measure their salary in regard to wage differences between men and women. *Logib* is a free service that anyone can download and use anonymously. It takes just five steps to analyse one's salary information and employees are recommended to check *Logib* once a year.

Logib provides the most important results in a track record sheet that allows the user to observe if wage equality between women and men is respected. In addition, other tables and detailed graphs provide complementary information. The method used by *Logib* has been validated by the Federal Tribunal.

Iceland

Iceland has become the first country to legally enforce equal pay between women and men.

In June 2017, the Icelandic parliament (*Alþingi*) passed an amendment to the 2008 legislation on equal position and equal rights of women and men. The new law made it mandatory for all firms and institutions with 25 or more employees to obtain a "Pay Equality Certification" (*Jafnlaunavottun*). In early 2018, Iceland adopted the enforcement mechanism for this policy: an Equal Pay Certification Law, which requires companies and institutions with 25 or more employees to gain equal pay certification from the Centre for Gender Equality. The mechanism for this is an audit by a certified auditor who issues a certificate if the company has been successful in providing equal pay.

Notes: 1. A recent Ministry for Women report entitled "Empirical evidence of the gender pay gap in New Zealand", led by Professor Gail Pacheco from Auckland University of Technology, was the first comprehensive update of the factors behind the national gender pay gap since 2003. 2. https://www.gov.uk/guidance/gender-pay-gap-reporting-overview.
Sources: Murray, J. and P. Rieger (2017[69]), *Employers' Understanding of the Gender Pay Gap and Actions to Tackle It*, https://www.gov.uk/government/publications/gender-pay-gap-employers-action-and-understanding; Hacohen, R. and T. Likki (8 March 2018[67]), "What employers should do about their gender pay gaps", www.behaviouralinsights.co.uk/news/what-employers-should-do-about-their-gender-pay-gaps; Bureau Fédéral de l'Égalité entre femmes et hommes (n.d.[70]), *Logib*; Ólafsson, S. (2017[71]), "Equal pay certification legalised", http://ec.europa.eu/social/BlobServlet?docId=18147&langId=en.

There is still scope to improve the availability of evidence on the take-up of flexible working arrangements disaggregated by sex and occupational groups. To date, evidence on the impacts of such measures remains scarce overall. Only four countries are able to correlate these measures with gender equality. Austria, Canada, France and Korea measure the increase in representation of women in management positions or in employee satisfaction. The Australian Public Service Employee Census measures satisfaction with work-life balance. This survey is administered to all Australian Public Service employees, with a response rate of almost 80%. While not directly assessing the "uptake" of work-life

balance "measures", it is informative regarding the satisfaction levels among employees on the topic. In France, this information is presented each year to trade union organisations. The Ministry of the Interior of the Czech Republic is required to assess the rules to ensure that the service and the family and personal life are in balance and submits an annual report on this matter to the government (while the work-life balance measures in the civil service are set by the Director-General of Civil Service). In Switzerland, the Swiss Federal Administration carries out employee surveys on a regular basis (every three years) and measures employees' satisfaction with work-life balance. This information is presented to the Federal Council, the control committees and the finance committees of the Federal Assembly.

Table 4.3. Measures in the public sector to enhance work life balance

	Leave to take care of a sick family member	Leave to take care of an elderly family member	Employer provided childcare facilities	Subsidies for childcare	Flexible start and working hours and time saving	Part-time employment solutions	Teleworking	Condensed work week	Specific measures to accommodate the needs of pregnant women	Specific measures to accommodate the needs of breastfeeding women
Australia	●	●	O	●	●	●	●	●	O	O
Austria	●	●	●	●	●	●	●	●	●	●
Canada	●	●	O	O	●	●	●	●	●	●
Chile	●	●	●	●	●	O	O	O	O	●
Czech Republic	●	●	●	●	●	●	●	●	●	●
Estonia	●	●	●	●	●	●	●	●	●	●
Finland	O									
France	●	●	●	●	●	●	●	O	●	●
Hungary	●	●	●	●	●	●	●			
Korea	●	●	●	●	●	●	●	●	●	●
Poland	O	O			●	●	●	●	●	●
Slovak Republic	●	O	O	●	●	●	●	●	●	●
Spain	●	●	●	●	●	O	●	O	●	●
Switzerland	●	●	●	●	●	●	●	O		●
United Kingdom	●	●	O	O	●	●	●	●	●	●

Notes: ● "yes"; O "no".
In the United Kingdom, there is no central Civil Service policy on teleworking. However, many employees have the flexibility to work at home and some are designated as homeworkers. These employees will have access to equipment which enables them to work remotely, including laptops and mobile phones.
Source: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment".

A number of considerations should be taken into account when designing policies to advance work-life balance. Dreher (2003[72]) found that the number of work-life practices was positively associated with the share of women in senior management positions five years later, while Straub (2007[73]) examined several work-life practices and found that only maternity leave payments beyond the statutory minimum were positively associated with women's representation in senior management. Beauregard and Henry (2009[74]) found that work-life practices do not necessarily reduce levels of employee work-life conflict. Indeed, when participation in work-life practices makes employees less visible, it can be associated with worse performance evaluations and fewer salary increases or promotions. Kossek,

Lewis and Hammer (2010[75]) note that these practices are most effective when they are part of the core employment systems, rather than optional programmes for certain categories of workers, such as women.

Indeed, while increasing work-life balance measures is an important aspect of gender equality in the public service, it can also reinforce harmful employment patterns that disadvantage women in the long term. Taking advantage of work-life balance policies is often seen as damaging to career ambitions. For example, women make up 75% of part-time employees in OECD countries, and if left unchecked, this can reinforce gendered division of labour while increasing the wage gap. Some countries are taking steps to overcome potential adverse effects of work-life balance measures. Australia's Public Service Gender Equality Strategy (2016-19) requires that all agencies "*review current roles and adopt a 'flexible by default' approach. This includes managers challenging assumptions about how work should be done and how jobs are designed. Agencies are to put in place steps to ensure flexible work arrangements are not detrimental to employees' career progression*."

A behavioural insights approach to flexible work

Jobs are flexible if they give employees some control over how and when they work – in terms of working hours, such as the option of working part-time, staggered or compressed hours,[13] or in location (for example, having the option to work remotely or from home) or work pattern (such as job-share arrangements).

Flexible working arrangements have attracted growing attention in workplaces across many OECD countries in recent years. This is true across the public service and private sectors. Offering jobs with flexible working options at all levels can be key to encouraging women as well as those with caring responsibilities to stay in the labour market, and to enabling them to work commensurate with their experience and qualifications (OECD, 2014[34]). Having control over the timing of work is likely to have the highest impact on women, as it is often women who are responsible for juggling paid work with caretaker responsibilities.

However, flexible working can be a two-edged sword for promoting gender equality in the workplace. There is evidence of a perceived or real risk of stigma and adverse consequences associated with flex work requests. Research from the United Kingdom found that over half of women who had a flexible working request approved said it led to negative consequences, and almost two in five women did not request the flexibility they wanted due to fear of negative consequences (UK Equality and Human Rights Commission, 2016[76]). In the United Kingdom, only about 10% of job ads offer flexible working arrangements, and there seems to be stigma attached to asking for flexibility in job interviews. In a recent survey, over half of candidates said they felt nervous asking for flexibility when applying for or accepting a new job, and 42% feared it would damage their chances of securing the position (Likki, 10 November 2017[77]). Men are twice as likely to be denied flexible working arrangements, according to recent Australian research (Sanders et al., 2016[78]). Employees' fear of adverse consequences may be well-founded in a number of cases. A recent study found that flexibility seekers were given lower job evaluations than individuals with traditional work arrangements, and suggested that while men value work flexibility, they may be reluctant to seek it because of (potentially well-founded) fears of stigmatisation (Vandello et al., 2013[79]).

Flexible work schedules and virtual office facilities, by definition, reduce employees' office face-time along with informal networking opportunities. They can disproportionately

disadvantage those employees working on a flexible basis by placing them out of sight and out of mind – and therefore less likely to be considered as viable candidates for promotion into management positions (Maruyama and Tietze, 2012[80]).

Flex work can also reinforce traditional gender norms, the gender division of labour at home and limit career prospects. Studies have demonstrated that the use of flexible work arrangements can reinforce gender stereotypes and can be costly to women's careers (Stone and Hernandez, 2013[81]). From a behavioural perspective, association tests show that the association between women and family is already strong and automatic; men are more strongly associated with career than family, but women are more strongly associated with family than with career (Nosek, Banaji and Greenwald, 2002[82]). This suggests that the presence of work-life practices in a male-dominated leadership – which does characterise the public service workplace in a number of countries – may strengthen the perception that women are responsible for care and family, and may encourage managers to think of female employees primarily as mothers rather than as potential managers and leaders. The unintended consequence could be that work-life balance measures reinforce decision makers' stereotype-based view that women are not committed to (or have insufficient time for) their careers. The bottom line is the risk that work-life practices generate or reinforce stereotypes, and what are referred to as "stereotype threats", which may also reduce leadership aspirations among women. It is important to note, however, that most of this research has been conducted in laboratory-type settings with students, and there is a further need to test the results and solutions in organisational settings (Kalokerinos, von Hippel and Zacher, 2014[83]).

At the same time, there are empirical studies which suggest that more flexible work-life practices do not necessarily have adverse results for women's career prospects. For example, recent analysis of data from Australian firms with more than 100 employees found that, over time, work-life practices boosted women's representation in management: the overall number of work-life practices was positively and significantly associated with the share of women in management. This appears to take some time – there was a lag of eight years before the positive effects emerged. Notably, positive effects of work-life practices (overall) were only observed when women constituted at least 43% of the organisation's workforce. The authors attributed the lag to the fact that the women who are most likely to utilise work-life practices may still be several years away from leadership roles, and the need for organisation-wide culture change, which takes time (Kalysh et al., 2016[84]).

Some OECD governments are more explicitly exploring behavioural approaches as part of efforts to promote flex work and close gender gaps in the public sector workplace (e.g. Australia and the United Kingdom). Changing default options and the frame for work can make a difference. A recent trial by the New South Wales government's Behavioural Insights Unit used behavioural economics to try to nudge people to shift the norms and unwritten rules of workplaces (Wiryakusuma et al., 2017[85]). Three interventions were tested: 1) the default settings in Microsoft Outlook calendars were condensed so that people saw fewer hours available; 2) entry card data were shared with managers to show how closely their teams mimicked their starting and leaving behaviour; and 3) a competition was run among teams to see which had the highest rates of adoption of flexible working. All three interventions had a measurable impact on the uptake of flexible working – with the competition having the largest effect: a 7 percentage point increase in the number of off-peak arrivals and departures. The behaviours that shifted during the competition were also sustained over time.

Role models are important to demonstrate the feasibility and potential of flex work arrangements. In the Australian Treasury, for example, senior male managers have been encouraged to adopt flex work arrangements, whether to engage more fully in child care, elderly care or in other non-work pursuits.

The solution could be making flexible work more common among both men and women, and at senior levels of the organisation, as the observed absence of flex work at senior levels can discourage women from applying for promotions (OECD, 2018[86]). The changes needed to increase the availability of flexible jobs include encouraging employers and recruiters to advertise jobs as flexible. This has been done by a number of governments in OECD countries. Box 4.10 gives an example from Australia. Some governments have also introduced measures to facilitate transitions from part- to full-time work (e.g. Norway).

Box 4.9. The Victorian Public Sector Commission's "'All Roles Flex" Initiative

In September 2016, the Victorian Secretaries Board in Australia committed to "All Roles Flex", a recommendation that provides for the mainstreaming implementation of flexible working arrangements across the state's public service. The associated toolkit to support implementation provides an example of flexible work at the executive level, the Department of Education and Training, where two staff currently job share a Director's role. "Each person works three days a week as Director. One, who works full-time, spends the other two days as an Executive Coordinator. The other works part-time and is able to spend two days a week with her children. The role has been split so as to allow one day when they are together. Each person leads different activities and projects but is in a position to cover the work of the other, if required, as well as to respond to any new work."

Source: https://vpsc.vic.gov.au/resources/mainstreaming-flexibility-across-vps-resources.

Family leave and overcoming the "motherhood penalty"

The motherhood penalty is encountered by women around the world and across a range of occupations and sectors – including the public sector (OECD, 2017[1]). A recent study from New Zealand found that the average monthly earnings of employed women fell dramatically when they become parents, driven by the combination of fewer hours and lower hourly wages, and did not return to their pre-parenthood trends within ten years, meaning their lifetime earnings are substantially reduced. Men, in contrast, experienced no significant decrease in hourly wages upon becoming fathers. Parenthood thus increased the gender gap in hourly wages (Government of New Zealand, 2018[87]).

The motherhood penalty finds its roots in women's disproportionate responsibility for unpaid work and childcare (OECD, 2017[88]). It can take several forms, starting with perceptions about the future commitment of young women to their careers before they have children, pregnancy discrimination (Australian Human Rights Commission, 2014[89]) and continuing with career disadvantages associated with flex and part-time work as women seek to juggle demands on their time. Compounding these challenges around much of the OECD is the population ageing and increasing responsibility of working age women and men for care of the elderly.

Measures to overcome the motherhood penalty and advance gender equality include parental and in particular paternity leave as a way to reduce gender stereotypes, and provision of child care. Other measures discussed in previous sections include flexible work. Lessons learned from behavioural insights in this area in the UK are described in Box 4.10.

Box 4.10. Perspective taking as a route to overcoming pregnancy discrimination: Behavioural insights from United Kingdom

Line managers are often identified as the key to employee engagement. Bohnet (2016[46]) identifies "perspective taking" – focusing on what other people might be thinking or feeling – as a promising avenue for firms, backed by lab research showing that perspective taking can improve communication, reduce the tendency for stereotyping and prejudice, and increase empathy.

This was recently tested in the United Kingdom in a behavioural trial aiming to improve the relationship between line managers and female staff in a large police force. A 15-minute online perspective-taking exercise (including a planning exercise to put their ideas into action) asked line managers, both male and female, to take a few minutes to imagine what a pregnant colleague might be thinking or feeling. The trial included 3 796 line managers who were either asked to complete the online exercise as well as a series of outcome measures some weeks later (in the intervention group), or just the outcome measures (in the control group), with 1 257 managers completing the process.

The trial found that the intervention did not have a positive effect: six weeks later, line managers in the treatment group were not rated any better by their female staff than those in the control group. Indeed, when asked to respond to hypothetical situations, the line managers in the treatment group provided answers that were slightly worse than their control group peers. These findings held regardless of the line managers' gender.

Source: Behavioural Insights Team.

Some of the most common policies aimed at improving work-life balance are parental leave entitlements. Parents with new children could be entitled to various types of leave during which income support (or continued wage payments) is frequently provided: maternity leave, paternity leave, parental leave and in a small number of countries home-care leave. Maternity leave (or pregnancy leave) is a leave of absence for employed women at around the time of childbirth or adoption in some countries; paternity leave is an employment-protected leave of absence for employed fathers at or in the first few months after childbirth. Parental leave, used in some countries, is an employment-protected leave of absence for working parents, which is often supplementary to specific maternity and paternity leave periods, and frequently, but not in all countries, follows the period of maternity leave. Lastly, in a few OECD countries, parents are also entitled to home-care leave, which allows parents to care for children at home, sometimes until they reach age three (OECD Family Database, n.d.[90]).

Paid leave policies are increasingly being used as instruments to promote gender equality in accordance with the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship (OECD, 2013[91]). A growing number of countries have

introduced measures to help encourage take-up among men, with the aim of encouraging fathers to spend more time at home when children are young,. These include "fathers-only" leaves, such as paid paternity leave and longer periods of paid parental leave reserved for or targeted at fathers (OECD, 2017[1]). Countries may also use financial incentives to increase men's use of leave, such as paid leave payment rate 'boosts' for the "partner parent" to take leave.

With the exception of Austria, Spain and Switzerland, there is almost no difference between the lengths of parental leave provided in public and private sectors across OECD countries. Paid paternity leave or the share of parental leave reserved for fathers still remain a rare across many countries in the OECD. Many countries have flexible gender-neutral parental leave, but when parental leave is sharable and not reserved specifically for fathers, it tends to be used nearly exclusively by mothers, which mainly reflects traditional gender roles ((OECD, 2014[34]). Korea provides fathers with an individual entitlement to one year of paid parental leave. The number of men taking the general entitlement is still low at less than 2 per 100 births[14]. In 2014, 41 136 public sector employees used parental leave, with only 5.2% of them being men (OECD, 2016[92]). However, there has been an increasing trend in the recent years with 9.4% of male civil servants using parental leave in 2017.

Table 4.4. Paid leave entitlements in the public sector (in weeks)

	Paid maternity leave	Paid paternity leave	Total paid parental leave
Australia	12	2	18
Austria	16	4	96
Canada	17	n/a	35
Chile	18	1.00	12
Czech Republic	28	1.00	82
Estonia	20	2	84.14
Finland	18	3+6	26.3
France	16	2	52
Hungary	24	n/a	n/a
Japan	14	n/a	n/a
Korea	12.9	1.4	104
Latvia	16	1.40	78
Poland	20*	2	32
Slovak Republic	34*	0	130
Spain*	16	4.00*	n/a
Switzerland	16	0.71	0
United Kingdom	39	2	0

Note: For Finland, paternity leave refers to paternity leave (3 weeks) + parental leave reserved for the father (6 weeks). The data does not include the home care leave. For France, mothers are entitled to 16 weeks for the first child, 34 weeks for twins and 46 weeks for triplets or more. In the Slovak Republic, 34 weeks are guaranteed for the mother and additional 28 weeks for the father with a 75% loan subsidies accordingly to the Social Insurance Act. In case of a single mother this period is 37 weeks and in case of a single father 31 weeks. In case of birth of twins or more children the mother is entitled to the total of 43 weeks of paid maternity leave (in case a father takes care of twins or more children he is entitled to 37 weeks. In case of paid parental leave, the number of weeks varies based on circumstances, maximum until the child reaches the age of 3 (mothers are entitled to maximum 130 weeks and fathers maximum 128 weeks). The parental leave can be prolonged upon request in case the child has health issues and needs attention accordingly to the Labour Code. In Korea, there is additional 52 weeks of parental leave reserved for both parents. In Poland, the duration of maternity leave depends on the number of children born in one go and varies from 20 weeks (in case of one child) to 37 weeks (in case of quintuplets). The duration of the part of maternity leave that has to be taken after the child is born is 14 weeks. In the Czech Republic, the maternity leave is 28 weeks, in case of birth of 2 more children for 37 weeks. In Spain, the Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation extends the childbirth leave and childcare leave in order to progressively equalize both parents. For the parent other than the biological mother, the extension to 16 weeks is foreseen. In the transitory provisions of the Royal Decree-Law it is foreseen that the extension will be gradual: in 2019 until 8 weeks; in 2020 until 12 weeks and in 2021 until 16 weeks.
Sources: OECD (2017[35]), "Survey on Gender Equality in Civil Service Employment"; OECD (n.d.[93]) *OECD Family Database*, www.oecd.org/els/family/database.htm.

In the public service, some OECD countries require a minimum number of weeks employed in the workplace before being eligible for prolonged leave, paid or unpaid: in the United Kingdom, 26 weeks in the workplace are required before being allowed maternity leave, and Canada requires 600 working hours. In the Czech Republic, maternity leave benefit can be claimed for those who have participated in sickness insurance for at least 270 days before the maternity leave begins. In nearly all countries, a mother is entitled to return to the same post at the end of the period of employment-protected leave, except for Chile where the employer has only the obligation to find a post but not necessarily the same position in the public service.

Child care facilities

Access to high-quality affordable child care can help both parents to more fully engage in paid work should they wish. A report by Hegewisch and Gornick (2011[94]) indicated that the provision of affordable, good-quality childcare was associated with long-term female labour force participation and women's ability to hold high-quality jobs.

Direct employer provision of services has the advantage of providing relief in terms of family responsibilities and can support career continuity. The provision of childcare that is readily accessible to decision-makers (e.g., a female employee could leave her children at childcare before starting work) can allow female employees to maintain face-time and counter stereotypes that mothers priorities family over career. Chile, Czech Republic, France, Hungary and Switzerland report having employee provided childcare facilities in the public service – although the information provided may not cover all public service entities. Australia, Chile, Czech Republic, Estonia, Hungary, Korea, Slovak Republic and Switzerland report providing subsidies for childcare.

Key policy messages

- Women are generally over-represented in the public service; there are remaining gaps and imbalances at the senior management levels and among occupational groups.
- Levelling the playing field for men and women to access decision-making positions calls for new approaches to addressing the roots of inequalities. Behavioural science approaches can provide insight on underlying norms and attitudes that influence gender equality and inclusiveness. Such approaches can also help focus efforts on achieving results, while eliminating policies and initiatives that do not achieve the intended objectives.
- Building on the increasing number of country initiatives to eliminate gender wage gaps in the public sector, countries should continue their efforts to introduce robust frameworks to ensure pay equality and pay equity, supported by audits and recourse mechanisms. These efforts must be accompanied by actions tackling underlying gender norms and stereotypes that contribute to unexplained wage gaps.
- Flexible working arrangements have a strong potential to close participation gaps for men and women. While most countries promote flexible work as the norm in the public service, concerted efforts are needed to promote its equal use by both women and men, especially at the senior managerial levels. Greater involvement of men in unpaid care work may help counter stereotypes and support equal access to leadership posts.
- Countries can accelerate progress in gender equality in the public service through strengthening executive leadership and accountability for achieving results in this area. For example, performance management frameworks could hold senior and middle managerial levels accountable for achieving gender equality and diversity goals in the public service.
- To remain relevant and effective, initiatives to promote gender equality in the public service (e.g. training to eliminate bias and harassment, disclosure requirements,

leadership development, mentorship and sponsorship) must be accompanied by regular review procedures and impact measurements.

- To prevent and eliminate sexual harassment in the public service, countries should develop the understanding of its causes, costs and impact on individuals, on organisations and on the public service as a whole. Leadership is critical in cultivating an organisational culture against sexual harassment. It should be accompanied by robust prevention policies and effective reporting and recourse mechanisms.
- Strengthening the involvement of men, especially at the senior levels of the public service, in championing change for gender equality could send a strong signal across organisations. Countries could also benefit from building an effective business case for eliminating gender gaps in public institutions, including by collecting and disseminating examples of positive impacts of diversity, for example on the organisational culture, public sector integrity, decision-making processes, productivity, etc.

Notes

1. In this section, public service refers to entities (for example, ministries, agencies, departments) which are directly subordinated to domestic political power and which are at the service of the central executives, and to which common policies for people management may apply; public sector refers to employment in the government sector plus employment in publicly owned resident enterprises and companies. Data represent the total number of persons employed directly by those institutions, without regard to the particular type of employment contract.

1. For a critique of "soft regulation", see van der Vleuten and Verloo (2012[50]).

2. https://www.wgea.gov.au/learn/womens-work-mens-work.

3. Personal communication, Nigel Rae, Former Deputy Secretary, Australian Treasury.

4. http://scholar.google.fr/scholar_url?url=https%3A%2F%2Farchinte.jamanetwork.com%2Fdata%2Fjournals%2Fintemed%2F936151%2Fjamainternal_shakil_2017_er_170002.pdf&hl=en&sa=T&ct=res&cd=1&d=16714359902802146444&ei=jnizW6qIAcLgmAG4nrTYCQ&scisig=AAGBfm1g8hQJho9AlwnBr7DAI2HcIP-dBg&nossl=1&ws=1368x644.

5. https://protect2.fireeye.com/url?k=6dc84f01-31d30689-6dc864c2-002590f45c88-bb708a2d86d1ad90&u=https://www.wgea.gov.au/data/wgea-research/supporting-careers-mentoring-or-sponsorship.

6. http://women.govt.nz/leadership/mentoring-coaching-and-sponsoring.

7. This is the definition offered by the Australian Human Rights Commission.

8. Interim Report on Gender Diversity and Inclusion.

9. The data do distinguish public sector workplaces, and could be subject to further analysis, www.comresglobal.com/wp-content/uploads/2017/12/BBC-sexual-harassment_FINAL_v3.pdf.

10. Although given the nature of sexual harassment, some forms are difficult to tackle under the criminal law.

11. In the United States, organisations have undertaken training on a large scale to avoid legal liability for harassment, rather than due to organisational commitment to prevent harassment. The Supreme Court has held that training protects firms from lawsuits: Claire Cain Miller NYT.

12. https://www.workplacesrespond.org/resource-library/tips-effective-workplace-education.

13. Staggered hours allow workers to start and finish work at different times, while compressed hours fit the same number of working hours into a shorter space of time; for example, working 40 hours in four days rather than five.

14 http://www.oecd.org/els/family/PF2-2-Use-childbirth-leave.pdf

5. Gender-sensitive practices in the judiciary

This chapter provides an overview of the status of gender-sensitive practices in the judiciary in OECD countries. It begins by describing the current composition of the judiciary workforce. It then provides an analysis of the key barriers faced by countries working to achieve equality in this sector. In response to these barriers, the chapter offers an overview of recent policy initiatives implemented in various OECD countries working to improve their gender-sensitive practices in this field. An important part of results-based gender mainstreaming focuses on creating strategic plans and installing institutional frameworks with clear targets and indicators. With this in mind, the chapter gives an overview of different avenues for implementing gender equality goals in the judiciary, and measuring their attainment through continuous monitoring and delivering evidence-based results. It also provides practical information on how countries can address the allocation of adequate human and financial resources in pursuit of gender equality goals in the judiciary.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Key findings

- From a numical point of view, gender parity in the judiciary has been attained in many OECD countries. Important progress has also been made in removing barriers preventing women from succeeding in judiciary careers. In 2016, women made up 53% of the professional judges on average across OECD countries for which data are available, an increase from 2010 (44%). The representation of women in professional judgeships in OECD countries ranges from as high as over 70% in Greece, Latvia and Slovenia, to as low as 20% in Japan. In the cases of Greece, Ireland, Luxembourg and Switzerland, the share of women has risen steeply (around 10%) since 2010.
- Yet, gaps persist: the higher the judicial position, the lower the proportion of women in many OECD countries. Women from diverse backgrounds continue to face higher barriers during recruitment and promotion processes. In 2016 (for the 31 OECD countries for which data are available), women occupied on average 56% of offices in first instance courts and 47% in appeal courts, but held only 33% of judgeships in the supreme courts.
- Limited support networks and professional development opportunities for women often shrink the pool of qualified candidates, and challenges continue to exist for women in reconciling work and personal life.
- Countries report taking important steps to support diversity and gender equality in courts, including efforts to widely advertise job offers with clear recruitment standards in order to increase female applicants.
- The majority of countries have also conducted recent assessments of gender gaps in the judiciary. These studies can trigger policy actions by providing information that directly responds to identified gaps. Strategic documents to support gender equality in the judiciary can provide a much-needed framework to map out leadership, next steps, capacity and accountability. Almost no countries report establishing judicial targets and indicators for gender equality.
- The general level of gender mainstreaming in the judiciary is low in many countries, including the level of human and institutional capacities to ensure that all judges (both males and females) understand and take gender equality into consideration while applying and interpreting the law.

5.1. Introduction

State actions have a strong capacity to strengthen or weaken gender equality and diversity in OECD economies and societies. The 2015 *OECD Recommendation of the Council on Gender Equality in Public Life* (GEPL Recommendation) underlines that effectively changing deeply rooted gender norms and behaviours through the advancement of gender equality and mainstreaming necessitates a whole-of-state approach. As such, the Recommendation calls for adequate and effective measures to achieve greater gender equality and diversity in government at all levels, including in judiciaries.

Gender equality and diversity within the judicial workforce has a strong potential to improve the quality of the judiciary as women and men from diverse backgrounds can bring a different voice and a different perspective to the bench. For the judiciary to be perceived as legitimate, it is important that people appearing before the court feel that judges are, to a certain extent, a fair representation of society. Enhancing gender equality and diversity in the justice workforce and system can also help reduce barriers to accessing justice for women from diverse backgrounds, such as stigma associated with reporting violence and abuse, and ensure a more balanced approach to enforcing the law.

This chapter aims to shed light on trends, good practice examples and bottlenecks in advancing gender equality and diversity within the workforce, institutional culture, policies and accountability structures of the judiciaries. It examines the gender equality priorities in place, composition of judicial workforce, work-life balance measures, availability of gender-disaggregated evidence and capacity for gender-sensitive decision making in the judiciary.

This chapter should be read in tandem with Chapter 2, which discusses good governance considerations in strategic planning, implementation and monitoring of key gender equality initiatives.

5.2. Composition of the judicial workforce across the OECD: Current trends

Ensuring gender balance in judicial leadership has been increasingly highlighted by OECD countries as a key governance issue related to fairness, transparency and the effective rule of law. Gender balance in judicial functions, particularly at senior levels, can help shift gender stereotypes and increase women's willingness to enforce their rights.

In terms of the overall gender ratio for professional judges, available data reveal that gender parity has been attained in many OECD countries (Figure 5.1). In 2016, women composed 53% of the professional judges on average across OECD countries for which data are available.[1] An comparison over time among countries where time-series is available (23 OECD countries) also indicates an increase between 2010 and 2016, where women represented on average 44% and 49% of professional judges, respectively. The representation of women in professional judgeship in OECD countries ranges as high as over 70% in Greece, Latvia and Slovenia, and as low as 20% in Japan. In the cases of Greece, Ireland, Luxembourg and Switzerland, the share of women has risen steeply (around 10%) since 2010. When drawing comparisons at a national level regarding gender balance among judges, it is important to factor in the unique features of international legal systems and professional development patterns. For example, in the civil law system, women can be easily recruited directly out of law schools before they face possible career disruptions, whereas in the common law system, there is generally a statutory requirement for at least five or seven years post-qualification experience for legally qualified posts in

the judiciary. Box 5.1 provides an overview of different recruitment systems for judges across the OECD.

Similar to the public sector (see Chapter 4), there remains a caveat to the over-representation of women in professional judgeships, including at the top management levels (e.g. in Hungary, Latvia, Slovenia, etc.). Historically under communism, Eastern European countries have been faster at increasing the number of women in legal professions (Galligan et al., 2017[95]). However, in some cases this ratio may be a result of underlying inequalities and gender stereotypes. According to the survey responses of the Hungarian National Office for the Judiciary, high female representation in the judiciary can be explained by the large gap between the salaries of lawyers and judges. The salaries of lawyers with a few years' of practice in a law firm can amount to the salary of a judge in top management. This wage discrepancy means a career in the private sphere is usually considered more attractive, which often drains male professionals out of the judiciary. Another factor that is considered in explaining the over-representation of women in the judiciary is often less favourable working conditions in the private sector for parents, and relatively more stable employment and work-life balance practices offered by the public sector (yet often with lower salaries).

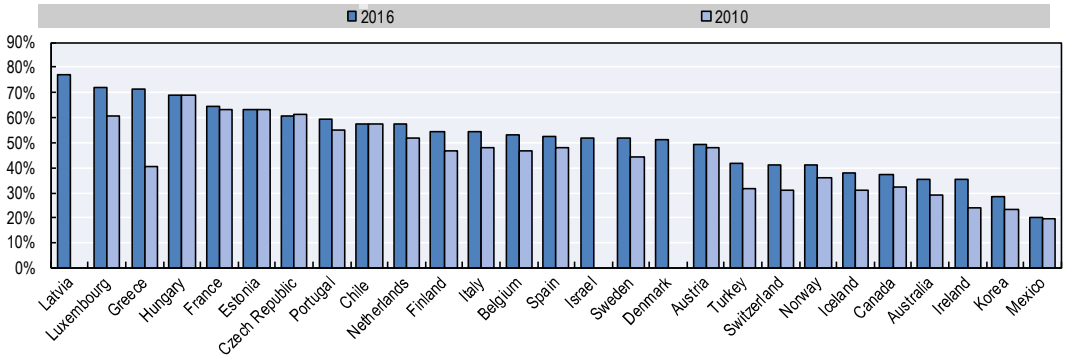
Box 5.1. Recruitment systems for judges across the OECD

According to the 2017 OECD Survey on Gender-sensitive Practices in the Judiciary, there is high variation among recruitment systems for judges between OECD countries. While career judgeship and recruitment of judges among existing legal professionals are the most prevalent systems for recruitment and promotion to appeal and Supreme Courts (Canada, Chile, the Czech Republic, Estonia, Finland, Hungary, Ireland, Korea, Mexico, Portugal and Sweden), there are also a number of countries where judges are recruited by elections, appointments or independent bodies. For instance, in Canada, federally appointed judges are drawn from the legal profession among candidates with at least ten years membership at a provincial or territorial law society, or from among provincially or territorially appointed judges. Appeal and Supreme Court judges are occasionally drawn from the legal profession, but are more often elevated from a trial court to an appeal court or from an appeal court to the Supreme Court. In Estonia, as well, the predominant system is recruitment of judges among existing legal professionals, including judges themselves. Judges are appointed on the basis of a public competition in all three court levels. In the United Kingdom, an independent body termed the Judicial Appointments Commission (JAC) selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals with UK-wide jurisdiction. The JAC recommends candidates for roles in the courts and tribunals including the High Court and Upper Tribunal, and is also involved in the selection of the Lord Chief Justice, heads of division, lords justices of appeal and the senior president of tribunals. For these roles, the JAC convenes a selection panel which determines the selection process and makes a recommendation. The JAC does not select magistrates or judicial office-holders for the UK Supreme Court, but the Chair or another commissioner sits as a member on each UK Supreme Court selection panel. In Slovenia, recruitment system for judges involves career judgeship, recruitment of judges among existing legal professionals as well as elections for recruitment to all three levels of jurisdictions (first instance, appeal and Supreme Courts).

Source: OECD (2017[96]), "2017 Survey on Gender-Sensitive Practices in the Judiciary".

Figure 5.1. Female share of professional judges (%)

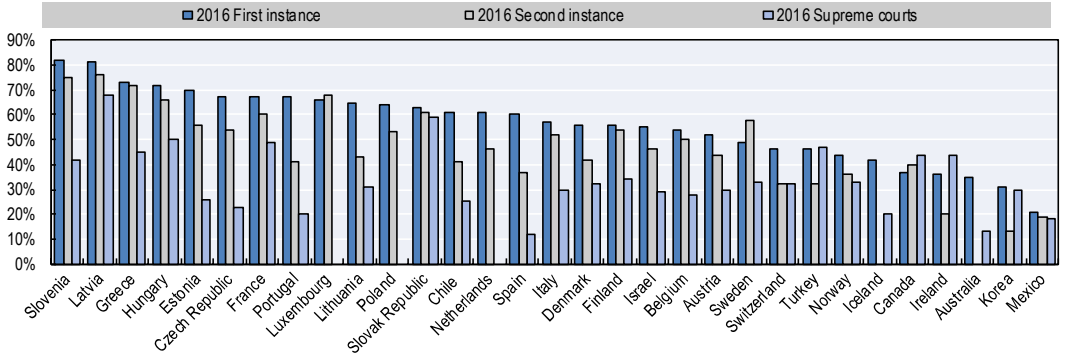
All instances



Note: Data for Latvia and Luxembourg are for 2014 rather than 2016.
Source: Council of Europe European Commission for the Efficiency of Justice data (2010-16); OECD (2017[97]) OECD 2017 Survey on Gender-sensitive Practices in the Judiciary.

In comparison to their overall representation in the judiciary, women are still relatively under-represented in high-level courts in many countries; and gender balance remains uneven between different levels of courts. In 2016, for the 31 OECD countries for which data are available, women occupied on average 56% of offices in first instance courts and 47% in appeal courts, but hold only 33% of judgeships in the Supreme Courts (Figure 5.2). Gender balance in Supreme Courts has only marginally improved over time: while women constituted 32% of Supreme Court judgeships in 2010, this ratio only increased to 34% in 2016 on average among countries for which time-series are available (Figure 5.3). In a recent report released by the New Zealand Bar Association, they found that although women represented 45-50% of the legal profession, there was a significantly low number of women in senior legal positions appearing as lead counsel in court (9.3%). Inversely, women appeared at much higher rates in junior positions (42.7%) (Box 5.2).

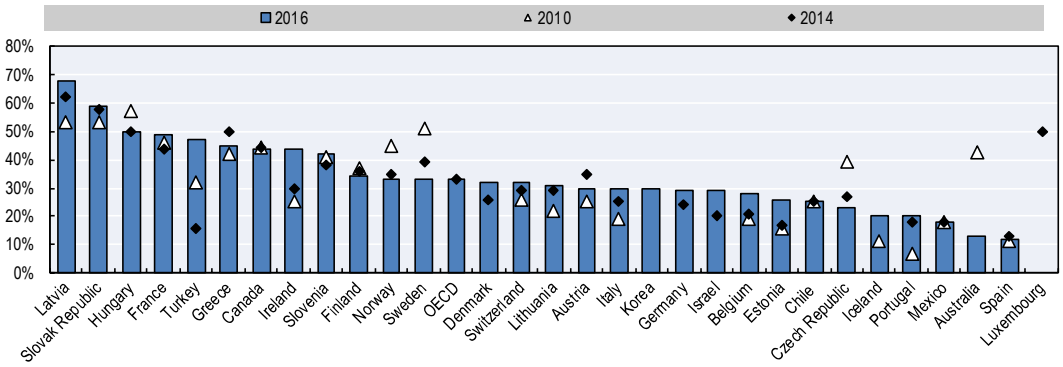
Figure 5.2. Female share of professional judges by level of court, 2016



Source: Council of Europe European Commission for the Efficiency of Justice data (2016); OECD (2017[97]), OECD 2017 Survey on Gender-sensitive Practices in the Judiciary.

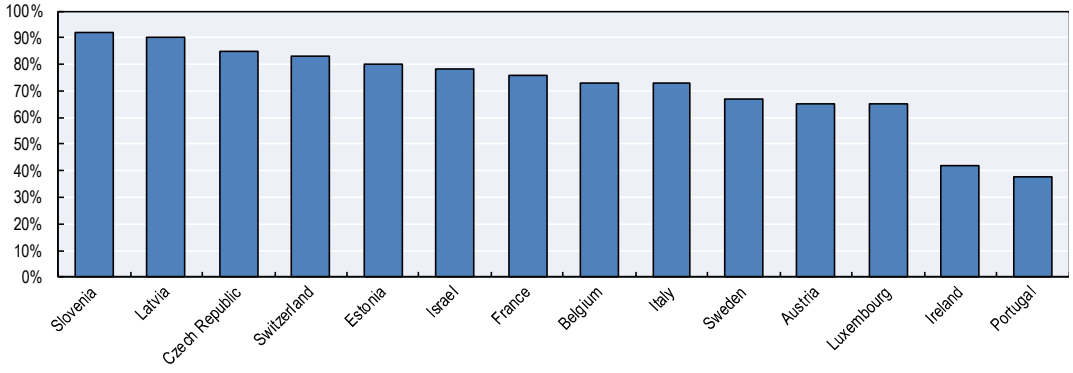
Women are more prominently represented among non-judge staff working in the courts in comparison to judgeship positions; although variations exist across different staff categories and countries. In 2016, women made up on average of 65% of administrative non-judge staff (Figure 5.4) and 76% of non-judge staff assisting judges (Figure 5.5).

Figure 5.3. Evolution of gender balance in Supreme Courts



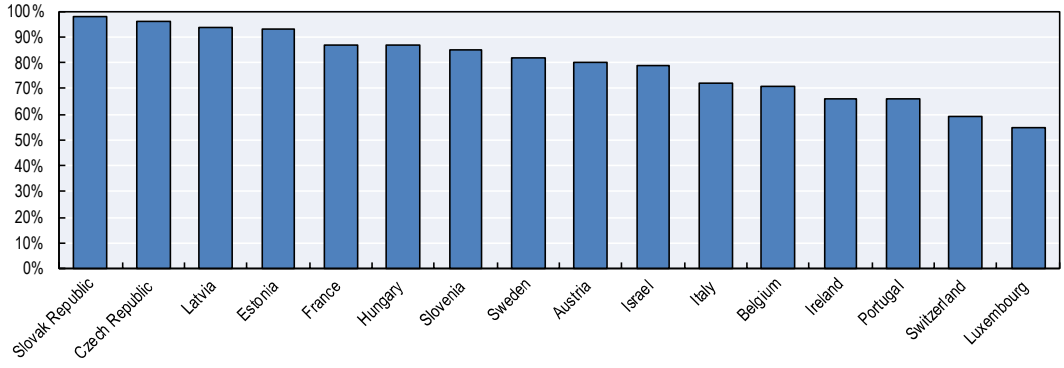
Note: Data not available for Japan, the Netherlands, New Zealand, Poland, the United Kingdom and the United States.
Source: Council of Europe European Commission for the Efficiency of Justice data (2016); OECD (2017[97]), OECD 2017 Survey on Gender-sensitive Practices in the Judiciary.

Figure 5.4. Female share of administrative non-judge staff, 2016



Source: Council of Europe European Commission for the Efficiency of Justice data (2018).

Figure 5.5. Female share of non-judge staff assisting judges (2016)



Source: Council of Europe European Commission for the Efficiency of Justice data (2018).

Box 5.2. New Zealand Bar Association report on gender ratio of counsel appearing in higher courts

In 2018, the New Zealand Bar Association released a report on the gender ratio of counsel appearing in the court of appeals and Supreme Court based on data from all judgements taking place between 2012 and 2017. This report represents the first time that reliable and comprehensive gender-segregated data have been available on the gender ratio of counsel in the Supreme Court and court of appeals. The study concretely demonstrated a situation of extreme inequality that would not have been otherwise apparent with such stark clarity. This case study demonstrates the incomparable value of reliable and specific data collection in the process of identifying and responding to gender gaps, and is a necessary first step for countries working to achieve gender equality in their public service professions.

Key findings

- Women appear as lead counsel in New Zealand's higher courts at a significantly disproportionate rate compared to their proportion in the profession.
- Between 2012 and 2018, women composed between 45% to over 50% of the legal profession, but appeared as lead counsel for the appellant in less than 20% of cases (averaged from both courts), and as lead counsel for the respondent in 27-40% of cases.
- The lowest representation of women exists in senior positions, where women represent only 18.7% of total practicing Queen's Counsel, with even lower rates of female Queen's Counsel actually appearing in court at 9.3%.
- Women are consistently and disproportionately confined to junior roles, appearing in these roles at a rate of 46.7% in the court of appeals, and 38.6% in the Supreme Court.
- These statistics are strongly boosted by the appearance of Crown law in cases; they have adopted a gender equitable briefing policy, and the New Zealand Law Society Gender Equitable Engagement and Instruction Policy. If gender-ratio court appearance statistics were calculated without the presence of Crown counsels, female representation in the court of appeals would fall from 35% to 10% in 2013, 27% to 13% in 2015, and 38% to 16% in 2017 respectively. The study does not claim direct correlation between these policies and the Crown Law influence on data, but notes that the Crown Law's practice of placing women in positions of leadership has a notable and demonstrable effect.
- The report touches on the imbalance in the system of "junioring", which rarely sees male or female junior counsel being led by a female counsel, and conversely sees male senior counsel mainly being assisted by male junior counsel.

Box 5.2. New Zealand Bar Association report on gender ratio of counsel appearing in higher courts (*continued*)

- The proportion of women in lead counsel in the court of appeal and the Supreme Court has shown no improvement over the six years of the study.

The report was released with the intent to cause reflection and action on the under-representation of women in higher courts.

The author of the study came to the conclusion that no discernible improvement in the gender ratio over the six-year study indicates gender equality improvements will not occur without concerted action to identify and address the underlying cause of the disparity.

Source: New Zealand Bar Association (2018[98]), "Gender ratio of counsel appearing in higher courts", https://www.nzbar.org.nz/sites/default/files/uploaded-content/website-content/gender_of_counsel_appearing_-_final_report_and_appendices_1.pdf.

5.3. Key barriers to gender equality in the judiciary

Despite notable progress, the numbers may be hiding important disparities, especially in relation to women's representation in the higher ranks of the judiciary. Indeed, half of the respondent countries reported a number of barriers facing women in judicial appointments. For example, women from diverse backgrounds (especially younger women) continue to face higher barriers at the recruitment and promotion stages. Chief among them is the prevalence of gender stereotypes. According to the response from Sweden, while there is an overall gender balance among judges, younger women tend to face bias and prejudice among colleagues and the public (as they do not necessarily correspond to the perceived image of a judge).

Challenges in conciliating work and life continues to be an important barrier for women in countries which reward a culture of long working hours, such as Mexico. In some cases, the available work-life balance measures tend to generate institutional bias against women (OECD, 2017[9]). Often changing workplaces (e.g. in Greece) and frequent travel requirements (e.g. the United Kingdom) are also perceived as important challenges to balancing work and the private sphere. The trend is reversed in countries with higher levels of women as judges (e.g. Latvia), where relatively flexible work-life balance measures have been an important factor in attracting female workforce (although as mentioned previously, these figures should be interpreted with caution).

Other barriers at the recruitment stage include limited encouragement and a limited pool of qualified female candidates – as also related to limited availability of support networks and of professional development opportunities. The effects of these barriers may be accentuated in countries where judicial appointment systems have historically favoured men (e.g. United Kingdom).

More than half (61%) of respondent countries have engaged in dedicated assessments of judicial gender gaps. While these assessments have differed in topic and scope, they remained under the leadership of judicial councils (or equivalent independent bodies). They have often involved qualified expertise through academia, research institutes and experts'

groups. However, there is continued scope to expand research in this area. For example, Chile's response to the survey indicated that there exists a general perception of bias in the appointment process, and expressed a need for a gender-based assessment of the process to pinpoint and redress potential design flaws.

5.4. A snapshot of recent policy initiatives to remove remaining barriers to gender equality

Appointment committees with clear recruitment standards, accompanied by a diversity strategy, can be helpful in redressing inequalities by offering a transparent selection process. In the United Kingdom, candidates for judicial appointments are selected by an independent body termed the Judicial Appointment Commission (JAC), whose members are required to undertake a training programme on equality and diversity to aid their selection process. The JAC also works to widen the pool of candidates by encouraging applications for the judiciary from lawyers as well as barristers. The Canadian government indicated among its goals making federal institutions more reflective of Canadian diversity, and reformed the appointment process for federally appointed judges in October 2016, with one of the explicit goals being to increase diversity and gender balance in the judiciary.[2] Regionally based JACs assess applications and provide recommendations to the Minister of Justice. On the basis of those recommendations, between October 2016 and October 2018, 184 judges were appointed in Canada, 101 of which are women (55%)[3]. In terms of appointments to the Supreme Court of Canada, since 2016, the Independent Advisory Board assesses candidates on the basis of publicly available merit criteria. As of October 2018, the Independent Advisory Board has been in place for two Supreme Court of Canada appointments processes; of the two judges appointed, one was a woman. Since 2015, 56 judges were appointed in Canada, of which 33 are women (59%). In Germany, a judicial selection committee is involved in the appointment and promotion of judges. The judicial selection committee aims to ensure gender diversity through the involvement of the equal-opportunity officer in recruitment procedures for judges.

Another important step in encouraging women to apply for high-ranking positions in recent years has been ensuring that an open judicial seat is widely advertised. A focus on increasing gender equality and diversity in the available talent pool and applications can also be an important driver of change. Countries such as France and the United Kingdom have taken active steps in this sense (Box 5.3).

Across OECD countries, implementing quotas, targets and gender parity measures for recruitment to the judiciary is not a common practice based on the available evidence. Among the surveyed countries, only Japan reported voluntary targets for non-judge staff and only Hungary mentioned legislated quotas. Nonetheless, many countries deploy efforts to increase gender equality in the recruitment and promotion of judges through other initiatives. In Mexico, the Federal Judicial Council established a procedure and general guidelines for access to the district judge positions through competitive examinations. The Federal Judicial Council states that in the event of a tie between candidates, the jury will apply affirmative action on gender equality. Similarly in the United Kingdom, the equal merit provision introduced by the Crime and Courts Act 2013 is intended to facilitate greater judicial diversity through both recruitment and promotion of judgeship positions. The equal merit provision is used by the JAC where two or more candidates are judged to be of equal merit when assessed against the advertised requirements for the post, and there is found to be under-representation on the basis of race or gender in the relevant level of

the judiciary. The equal merit provision is considered in all selection exercises, including selection exercises for posts which are promotion opportunities for current judges.

Box 5.3. Increasing the pool of potential candidates

United Kingdom

In the United Kingdom, judicial appointments commissions (JACs), as executive non-departmental public bodies, select candidates on merit for judicial office in courts and tribunals (up to and including the High Court) in England and Wales, and for some tribunals whose jurisdiction extends to Scotland or Northern Ireland.

One of the key objectives for the JACs is to increase the diversity of applications to the judiciary through outreach and advertisement.

All JAC panel members undertake a training programme which includes detailed equality and diversity training. Attention is also given to the gender and ethnic mix of the JAC selection panel. Moreover, to increase the pool of candidates, the JAC works with the Lord Chancellor and the Lord Chief Justice to encourage applications for the judiciary from lawyers in addition to barristers.

In April 2018, the Ministry of Justice announced funding for the pre-application judicial education programme (PAJE). This is an initiative with the legal sector to support lawyers from under-represented groups to apply for judicial office: women; black, Asian and minority ethnic; lawyers with disabilities; and those from a non-barrister professional background (including solicitors and chartered legal executives). The first participants will benefit from the programme in 2019.

France

In France, gender parity is sought in the composition of selection panels for the recruitment of judges and advancement committees. In addition, selection panels for the recruitment of judicial officers in all commissions and bodies under the authority of the Prime Minister, ministers or the Bank of France are obliged to respect gender parity.

The members of the admission committees for the National School of the Judiciary (École Nationale de la Magistrature) also receive training to mitigate potential implicit and unconscious gender bias and discrimination within selection procedures. Similarly, the members of the advancement committees benefit from training specifically aimed at eliminating potential gender bias.

In order to promote gender balance among the court clerk body and clerk directors, special communication materials targeting competitive exam candidates were also launched. A publicity campaign for the court's clerk exams in 2017 distributed two posters, one representing a male court clerk and the other representing a female court clerk to promote a diverse pool of applicants.

Source: OECD (2017[97]), OECD 2017 Survey on Gender-sensitive Practices in the Judiciary.

5.4.1. Reconciliation of professional and personal life in the judiciary

Overall, the gap between the availability of paternity leave versus maternity leave looms large in OECD judicial systems, which is consistent with the overall trend in this regard for all public and private institutions; many have not yet suggested alternatives that are more advanced. Consequently, female judges or judicial staff members continue to bear the majority of parental responsibilities at the birth of a child, and undergo frequent career interruptions as a result.

OECD countries have reported they rely mostly on labour law provisions (73%) in complementarity with civil service or public employment laws and policies to regulate the system concerning care-related leave for judiciary staff. In the cases of Chile and Mexico, judicial authorities have the power to customise labour law provisions for judicial staff (including both judges and non-judge staff). Other countries have gone further in customising employment frameworks for judicial staff and have developed special regulations and laws which equally target judges and non-judicial staff – like in the case of Korea with the Rule on Personnel Management of Judiciary Employees – or creating different special arrangements for judges and non-judge staff, like in Canada. In the Canadian example, the compensation and benefits (including care leave) of superior court judges are defined in a special law entitled the Judges Act. Non-judge staff falls within other legislative or regulatory or other frameworks depending on the jurisdiction and/or position in which they are employed (e.g. which province/territory, which collective agreement, etc.). In Slovenia, judicial staff benefit from a comprehensive national family protection law: the Parental Protection and Benefit Act.

Regarding care-related leave arrangements in OECD countries, overall arrangements regarding length and allowances related to compulsory maternity and paternity leave are equal between judges and non-judge staff, with only a few exceptions where maternity allowances differ between judges and non-judge staff. In the case of Ireland, the government covers 100% of the salary of judges but only 35% for non-judge staff. In Canada, leave arrangements for judges have to be negotiated and agreed upon with the Chief Justice of the Court, full judicial salaries continue to be paid pursuant to the Judges Act. For non-judge staff, the compulsory length of maternity and parental leave is covered by federal employment legislation. Maternity leave is fixed at 15 weeks, and an additional 35 weeks can be shared between the two parents. The benefit rate is 55% of weekly earnings. As of December 2017, extended parental benefits, which can be shared between the parents, are also available for 61 weeks, at a rate of 33% of weekly earnings. In all cases, additional benefits may be available through collective agreements or legislation specific to the jurisdictions. Australia also requires judges to negotiate their maternity/paternity leaves with the Chief Judge or Chief Justice, but foresees equality in the allowances (100% of the salary) between judges and non-judge staff. Most countries allow both judges and non-judicial staff to return to the same post or "comparable posts".

Paternity leave remains a very limited option among judicial staff. In countries that provide paternity leave, its length varies between five days and two weeks. In countries such as Australia and Canada, where the leave system is subject to the discretion of the court hierarchy, there is the potential to equalise maternity and paternity leave durations. Yet, guarantees of equitable opportunities are absent and there is no indication of whether decisions would take gender equality into account.

Beyond care-related leave rights and arrangements, OECD countries have succeeded at putting in place a broader set of measures for the reconciliation of professional and personal life in the judiciary. Measures such as the provision of subsidies for child care, flexible

working hours, special measures to accommodate the needs of pregnant and nursing women, and special leave to take care of a sick family member have been reported by the majority of responding OECD countries, targeting both judges and non-judge staff. In Mexico, for example, the Judicial Council considers the place of residence of children and families when deciding on which location to assign a female judge.

The regulatory framework for these arrangements is again mostly grounded exclusively in the countries' labour law, or in combination with provisions from the civil service/public employment law. However, a level of negotiation and discretion involving staff members and judicial authorities exist, with varying degrees depending on the country. Special regulations for the judiciary are also part of the overall legal set-up. In the case of Australia, all arrangements related to care duties and flexibility at work for judges is under the discretion of the relevant Chief Judge or Chief Justice. Furthermore, the Remuneration Tribunal makes determinations which also affect leave entitlements for judges. For non-judge staff, care-related leave refers to the labour law, while flexible work arrangements are regulated by the Enterprise Agreement 2011-2014.

Differences in rights and benefits between judges and non-judge staff appear overall to not be so great. Countries such as Hungary, Korea, Latvia, Portugal, Slovenia and Sweden apply exactly the same system to both judges and non-judges. In the case of Latvia, there are special arrangements for judges' rotation and relocation; however, this does not seem to take issues of reconciliation between personal and professional life into particular account. A main difference between judges and non-judges is the level of autonomy in managing their work load and time allotted to judges. In many countries, including Canada, the Czech Republic, Finland, Germany, Korea and Latvia, judges enjoy flexible working hours based on their professional autonomy and on regular agreements with the court administration. In the United Kingdom, flexible working hours for non-judge staff are an available option, but must be agreed upon at the management level. In Ireland, there is currently a disparity between the amount of expenses some judges and some staff are paid when working away from home in that some staff are paid slightly more expenses than some judges. Another important difference falls within the benefit of childcare support, which is crucial for strengthening reconciliation between personal and professional life and supporting women's careers. While a significant number of countries (50%) provide childcare subsidies for judges, only 36% of countries offer the same benefit to non-judge staff. Childcare subsidies are generally covered by the government or the employer, although the range of subsidies varies between countries. In the case of the United Kingdom, judges and non-judge staff can receive childcare vouchers that are covered through salary sacrifice. In the sole cases of Ireland and Korea, judicial authorities are called to provide child care facilities in the workplace. There are currently no child care facilities in the workplace for Irish judges or staff.

Part-time arrangements are offered for both judges and non-judge staff in about half of the respondent countries (40% for judges and 55% for non-judge staff). In this regard, Slovenia and Sweden offer examples of equal opportunities for women and men, with Slovenia allowing one of the parents to work part-time while caring for a child under the age of three, and Sweden allowing both parents to work part-time until the child is 12 years old.

5.5. Towards results-based planning for gender equality and diversity in the judiciary

5.5.1. Strategic planning and institutional frameworks

More than half (61%) of respondent countries have reported conducting assessments of gender gaps in a variety of areas in the judiciary within the past five years. Overall, issues of gender-balanced representation across the judiciary, institutional awareness of gender equality and gender-sensitive capacity development, as well as equal access to justice for women and men have been prioritised by the majority of these studies.

Many of these studies were able to trigger policy follow-up through the provision of actionable recommendations for the judiciary to address the identified gender gaps. Among the respondents who undertook such assessment of gaps, 50% of countries reported that an action plan was developed to address those gaps; 30% declared that a follow-up committee was created and/or one or more meetings were organised to sensitise the judiciary on the studies' findings. In Korea, the Gender Equality Task Force at the National Court Administration of Korea conducted a gender assessment in 2017. As a result of this assessment, the task force developed a set of measures and guidelines to advance gender equality through the adoption of gender-sensitive attitudes, behaviours and verbal expressions in the judiciary. The guidelines were distributed to courts across the country. In the case of Chile and Estonia, the study had a dual outcome: 1) the identification of a short-term strategic course of action; 2) the provision of baseline information for the development of an overarching gender equality strategy specifically applying to the judiciary. Chile undertook a personnel survey to investigate the state of gender equality issues in the workplace. The study delved into issues such as gender sensitivity in the work environment, sexual harassment and gender discrimination in general. The survey results helped identify a number of strategic work streams that need to be developed, including a protocol to address sexual harassment in the workplace, gender equality training programmes and a project to mainstream the gender perspective throughout the overall justice delivery system. The Gender Equality and Non-Discrimination Policy of the Judicial Power of Chile was approved by the Supreme Court Plenary in February 2018.

Having a clearly defined strategy for gender equality and diversity in the judiciary can help align the vision, objectives and accountability in this area. Twenty-four per cent of respondent countries have put in place overarching strategic documents specifically engineered to enhance gender equality and diversity in the judiciary. These countries include Korea, Mexico and the United Kingdom. In some cases, these strategic documents have supported the creation of an overall "system" ensuring planning, leadership, capacity and accountability for gender equality. Within the broader realm of "diversity", the United Kingdom has shown long-term commitment to the consolidation of an evidence-based system to foster diversity in the judiciary as a business model able to ensure the following key actions: (regularly) produce evidence, raise awareness, create a strategic course of action and strengthen accountability. In the case of Mexico, the Inter-agency Committee on Gender Equality of the Judicial Power of the Federation was established in 2015 to promote gender equality in the field of judicial decisions and internal policies. The committee engages all judicial powers including the highest level, strengthened by agreements and regulatory frameworks requiring the integration of a gender perspective across the work of the judiciary, both at the federal and state levels (Box 5.4 and Box 5.5).

Box 5.4. An evidence-based system to foster diversity in the judiciary in United Kingdom

The Judicial Office, on behalf of the Lord Chief Justice for England and Wales, publishes annual official statistics of lay magistrates, judges in the courts, and judges and tribunal members in the tribunals. The statistics provide a breakdown of data by gender and other diversity categories. A bulletin providing a summary of the analysis is published with the annual statistics.[1]

The study focuses on issues of gender representation in the judiciary and among judges. As a follow-up to the study, the Lord Chief Justice established a Judicial Diversity Committee at the end of 2013 to encourage diversity and bring together all different aspects of diversity work. The committee consists of representatives from all jurisdictions in the courts and tribunals who are responsible for and committed to diversity and are currently active in diversity work. The committee approved its Strategic Plan in April 2014 and decided to focus its main efforts on targeting women; addressing social mobility challenges; and concentrating on the areas of appointment, mentoring and career progression. In particular, it aims to increase the diversity of the judiciary in England and Wales among judges and across subject-matter jurisdictions. The 2014 Strategic Plan reflects the work of the Judicial Diversity Committee and thus sets out a cycle of activities under the headings of "Attract and Support", "Select and Appoint", "Develop", and "Evaluate and Inform". The Judicial Office supports the judiciary in the implementation of the 2014 Strategic Plan and works in partnership with the legal profession, the Judicial Appointments Commission and the Ministry of Justice in its delivery.

Additionally to specifically improving gender equality, in 2015 the Judicial College updated *The Equal Treatment Bench Book* (2013), which provides guidance to judges, magistrates and all other judicial office holders in England, Wales and Scotland (tribunals). This document addresses objectives of: ensuring equal access to justice for both females and males; creating institutional awareness to gender equality among judicial officers and other judiciary staff; addressing gender-related obstacles in the delivery of justice; enhancing capacity to provide detailed information on the situation of women and men before the law; ensuring use of gender-sensitive language within the judiciary, and setting clear responsibilities and monitoring requirements. For the purpose of monitoring progress, the committee established a small steering group that meets on a regular basis to monitor results *vis-à-vis* the implementation of the Strategic Plan. So far, the Judicial Diversity Committee has published two reports on the progress. The most recent report published in April 2017 also includes a new plan for the period April 2017-March 2018. Based on these monitoring mechanisms, the Judicial Office reports to the Judicial Executive Board every quarter, stimulating policy discussion and incentivising further steps for improvements.

1. The last statistical release can be found at: https://www.judiciary.gov.uk/publications/judicial-statistics-2016.

Sources: OECD (2017[96]), "Survey on Gender-Sensitive Practices in the Judiciary"; Courts and Tribunals Judiciary (2017[99]), ''Judicial Diversity Committee of the Judges' Council: Report on progress and Action Plan 2017-18'', https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/diversity/judicial-diversity-committee-of-the-judges-council-report-on-progress-and-action-plan.

Box 5.5. Institutionalising the gender perspective in the judiciary in Mexico

Mexico provides a solid formalised national gender equality framework to enhance gender equality in the judiciary. Mexico builds its national gender equality framework on the General Law on the Equality between Women and Men (2006), the National Development Plan (2007-12), and the National Programme for Equal Opportunities and Non-Discrimination against Women (PROIGUALDAD) (2013-18) and provides two key regulatory frameworks specific to the judiciary: the Covenant to Introduce the Gender Perspective in the Justice Importation Bodies (2011) and the Protocol for Judicial Decision Making with a Gender Perspective (2013). The Covenant creates gender equality requirements at the state level and introduces a defined monitoring mechanism to assess the implementation of gender mainstreaming. The Protocol establishes how to incorporate a gender perspective into judicial decision making to help those who administer justice comply with their obligations to enforce, respect, protect and guarantee – in keeping with the principles of universality, interdependence, indivisibility and progressivity – the right to equality and to non-discrimination.

In addition to regulatory frameworks, there are also various bodies co-ordinating efforts to institutionalise a gender perspective at all levels of the judiciary. The Inter-Institutional Committee on Gender Equality of the Judicial Power of the Federation consists of high-ranking representatives of all bodies of the federal judicial branch and works for unifying strategies to incorporate the gender perspective in the federal judicial branch and for monitoring and evaluating actions on gender equality projects. In addition, each body of the federal judicial branch has its own gender equality programme. The Committee for the Follow-up and Implementation of the Pact to Introduce the Gender Perspective in the Courts of Mexico was established in 2011 and promotes gender equality in courts all over the country. The Supreme Court of Justice is in charge of this committee, where all federal and local courts are represented to co-operate on how to judge with a gender perspective and how to create work environments that favour gender equality and eliminate violence and discrimination.

These regulatory and institutional frameworks help Mexico to form an integrated and institutionalised system which engages and binds all judiciary powers at all levels to incorporate a gender perspective across the work of the judiciary. Having an established gender perspective both at the state and federal levels of the judiciary enables Mexico to achieve a highly increased judicial commitment and accountability for gender equality and to enhance the conception of the state as the guarantor of the right to equality and to non-discrimination.

Sources: OECD (2017[96]), "Survey on Gender-Sensitive Practices in the Judiciary"; Mexican Supreme Court of Justice (2013[100]), *Judicial Decision-Making with a Gender Perspective: A Protocol*, https://www.buscatdh.bjdh.org.mx/Protocolos/JudicialDecisionMakingwithaGenderPerspectiveAProtocolMakingEqualRightsReal.pdf; UNDP (2012[101]), *Gender Equality and Women 's Empowerment in Public Administration: Mexico Case Study*, www.undp.org/content/dam/undp/library/Democratic Governance/Women-s Empowerment/MexicoFinal - HiRes.pdf.

In other respondent countries, gender equality requirements apply to the judiciary as part of broader equality or gender equality policy documents, such as the Act on Equal Treatment and the Promotion of Equal Opportunities in Hungary, the Constitution and the Federal Equalisation Act in Germany, the National Strategy for the Equality between Women and Men in the Czech Republic, and the National Plan for Gender and Citizenship Equality in Portugal.

Overall, the majority of respondent countries stated that the following objectives were captured by judiciary-specific and/or broader gender equality strategic documents, thus creating important performance requirements for the sector:

1. the establishment of systems and mechanisms to prevent and respond to gender-based discrimination (63%)
2. the collection of gender-disaggregated data within the judiciary (63%)
3. equal access to justice for both women and men (50%)
4. the use of gender-sensitive language in the judiciary (50%)
5. the capacity to provide detailed information on the situation of women and men before the law (38%)
6. equal representation of women and men in the judiciary (38%).

Countries reported that these documents aimed to define clear roles and responsibilities across the judiciary (38%) and set predefined monitoring requirements (38%). The Czech Republic stated that those strategies successfully laid out a results framework including clear outcomes, targets and indicators. Moving forward, there is scope to generate further evidence on the effectiveness of monitoring efforts.

5.5.2. Resources and capacities

Regarding the sound implementation of gender equality requirements, the allocation of adequate human and financial resources has been identified as a key issue. Feedback deriving from respondent countries shows that there are few cases (i.e. Chile, Korea, Mexico, Sweden and the United Kingdom) where the required allocation of specific portions of the annual budget for the judiciary exists to finance the implementation of gender equality needs and initiatives. Specific budget allocations are generally either linked to gender equality programmes or units in charge of gender issues.

In Chile, for example, the creation by the Supreme Court of the Department on Gender Issues, established a permanent budgetary allocation linked to estimated costs for the office's operation and initiatives in 2016 (Box 5.6). General criteria for budget formulation and compliance – thus not specifically tailored to gender needs – are issued and supervised by the Judicial Power's Department of Planning and Coordination (which depends on the Administrative Corporation of the Judicial Power). The department is also in charge of implementing management control, while verifying expenditures *vis-à-vis* the goals set. In Mexico, specifically authorised budget is linked to the implementation of the Gender Equality Program and the consequent development of the Annual Work Plan supervised by the Coordination of Human Rights, Gender Equality and International Affairs of the Council of the Federal Judicature. In this case, a specific budget for gender is allocated regularly with its extent varying based on the Annual Work Plan. The co-ordination body has the duty of informing the President of the Federal Judicial Council and the corresponding administrative instances on the progress made in the exercise of budgetary

resources related to gender equality goals on a monthly basis. In Korea, portions of the judicial budget are specifically earmarked to carry out specific programmes. However, in this case, gender needs to fall within the broader framework of initiatives for the assistance of disadvantaged groups – which also include women – special "witness assistance centres" and waiting rooms for inmates are among the programmes receiving special budget allocations. In the case of Sweden, given that Swedish authorities enjoy a high level of independence, judicial authorities generally decide on the extent and nature of their annual budget. However, in certain circumstances, the government may deliver a mandate for a specific task which is separately funded, and exists outside the scope of the judicial authority's annual budget. The Swedish Court Administration has, on behalf of the Swedish courts, been given such a specific mandate aimed at integrating gender equality in the Swedish judiciary, and thus has received specific budget allocations.

Box 5.6. An institutionalised gender unit within the judiciary

Chile launched an action plan on gender mainstreaming in the judiciary in 2015. In line with its commitment to achieve gender balance across the public sector, Chile has established an institutionalised gender unit within the judiciary responsible for advancing gender equality. In particular, the gender unit is in charge of developing gender equality policies, strategies and action plans; making policy recommendations on gender equality; and delivering specific programmes for women in the judiciary. The gender unit was used to serve as a "*de facto*" office reporting to the justice in charge of gender issues. The mandate for the creation of a permanent gender unit in the judiciary was approved in July 2016 and implemented in July 2017; the Supreme Court Minister directly oversees it. The permanent office has four professionals exclusively dedicated to carrying out actions to incorporate a gender perspective into the judiciary. A number of factors influenced the decision to create a permanent structure to mainstream gender equality within the judiciary in Chile, including: the urgency of implementing actions to respond to the problems highlighted by the results of the diagnostic study; the increasing workload on gender equality issues such as research, training and communication activities.

The Supreme Court Minister in charge of gender issues also receives a budget to perform programmed gender activities. Since 2015, there has been a required allocation of the annual budget of the judiciary to the programmes and initiatives to advance gender equality in Chile. Since the implementation of the permanent gender unit in July 2017, there has been a permanent budgetary allocation associated with the maintenance and operation of the gender unit and its activities. The Department of Planning and Coordination of the Judiciary monitors and controls this budget and its compliance with required budget allocations. All these positive developments strongly indicate a strategic promotion of gender mainstreaming within the judiciary in Chile.

Sources: OECD (2017[96]), "Survey on Gender-Sensitive Practices in the Judiciary"; Government of Chile (2015[102]), *Action Plan: Time to Step It Up for Gender Equality*, http://secretariadegenero.pjud.cl/index.php/2-central/28-estudio-genero-poder-judicial-chile.

In terms of dedicated human resources, nearly half of responding countries (44%) reported the establishment of gender units or gender focal points within the Judicial Council or equivalent judicial body. According to country replies, the size of gender units can vary from 1 to 15 staff members; however, in most cases, the personnel assigned to gender units is fairly limited (1-5 persons) and mostly composed of female officials, except in the case of Korea where the unit is formed by 3 male and 2 female members. Korea is also the only country – among those responding to the question/survey – that reported having a male head of the gender unit.

In terms of reporting and positioning of the gender units within the judicial hierarchy, countries have indicated a variety of situations, but more often gender units are placed under the direct supervision of the Supreme Court and report to the highest senior level, such as in the case of Korea (Chief Justice) or Chile (Supreme Court minister responsible for gender issues). In Sweden, the gender unit is also placed at a high hierarchical level and reports to the Director-General of the Swedish National Courts Administration. In the case of the Czech Republic, the gender unit reports to the Minister of Justice.

In terms of responsibilities, all concerned countries replied that gender units/focal points are responsible for making policy recommendations to advance gender equality in the judiciary. Most countries (83%) also replied that gender units or gender focal points within the Judicial Council are in charge of developing gender equality action plans or strategies for the judiciary, and that they are tasked with responsibility to increase the capacity of the judiciary to address gender equality, both in terms of providing specialised training to judicial staff and of developing tools and guidelines to integrate gender considerations in judicial work.

In the United Kingdom, the specialised unit in charge of gender equality responsibilities, the Judicial Diversity Committee, is accountable for developing a strategic action plan to foster diversity in the judiciary, which also includes a gender equality component. The Judicial Diversity Committee also delivers specific programmes for women in the judiciary. In Germany, gender mainstreaming responsibilities are embedded into different administrative levels, both within federal and *Länder* judicial structures. Equality commissioners work in the judicial systems of both the federation and the 16 *Länder*. Equality commissioners are tasked with the promotion and implementation of equal rights and equal treatment for men and women, and perform gender equality tasks within their respective institutions. A number of other judicial bodies at the federal and *Länder* levels – such as the councils for judicial appointment, the councils of judges, the presidiums (responsible for organisational matters related to the court), and the judicial selection committees – also take matters of gender equality into account while performing their tasks. Furthermore, associated gender equality tasks are performed by the justice administrations at the federal and *Länder* levels, such as ministries of justice and personnel administrations of the courts. In Korea, the judiciary has appointed about 50 "officers for gender equality" among judges nationwide to take charge of dealing with gender equality-related issues such as correcting negative behaviours – including sexist verbal expressions – towards women, and providing support to victims of discrimination or gender-based violence, while also reaching out to offenders to encourage behavioural change. The task force team published "Guidelines on Gender Equality" about appropriate attitudes, behaviour and verbal expressions to achieve gender equality in the judiciary and distributed it to courts across the country.

5.5.3. Generating evidence through continuous monitoring

The majority (73%) of respondent countries have reported to regularly collect – mostly once per year – data on the gender composition of the judiciary, including the number of those who were promoted according to years of service, and the number of staff for each position.

Overall, numbers of men and women employed in the judiciary, also by occupation, are generally available to the public in respondent countries. Some countries are taking additional steps to further disaggregate available data by intersecting identity factors. In Canada, the Minister of Justice has mandated the Commissioner for Federal Judicial Affairs, beginning in October 2016, to collect data on applicants and appointees for the first time, based on the following categories: gender; indigenous status; visible minority; ethnic/cultural group or other; person with a disability; or lesbian, gay, bisexual, transgender, queer and two-spirit (LGBTQ2). Statistics regarding judicial applicants and appointees are publicly available.[4] In the case of the United Kingdom, the data breakdown takes into account a wide set of diversity indicators (ethnicity, professional background, age and salaried/fee-paid judges), including gender. The Finnish Judicial Appointments Board collects and annually publishes gender-disaggregated data on lawyers who meet minimum eligibility requirements for judicial appointments based on applications received.

With regard to the institutional responsibility to collect data on the gender composition of the judiciary, country replies have shown a wide variety of arrangements counting one or more of the following institutions: Ministry of Justice, Supreme Court, Judicial Council (or equivalent entity), court administration. In only three cases – Chile, Germany and Hungary – national statistics offices are also involved. In the case of Chile, the National Statistics Institute can only request the information from the judicial power to publish it. Most countries highlighted the limited use of the collected data by the Judicial Council. However, in the case of the United Kingdom, the Judicial Diversity Committee uses judicial diversity data to inform the direction of its strategy and action plan, and similarly in Chile and Korea, the court administration uses the data collected to monitor and address gender imbalances.

5.6. Towards gender-sensitive judicial decision making

As the provider of justice services, the judiciary has a significant responsibility to support gender equality by scrutinising the impacts of its actions and operations on women and men from diverse backgrounds, while applying and interpreting the law. Countries across the OECD (e.g. Chile, Germany, Korea and Mexico) have taken steps towards ensuring equal access to justice for women and men, encouraging the application of a gender perspective in the analysis of cases and in judgements, integrating gender issues in courts arrangements, and correcting systems and inappropriate practices where gender-based discrimination is embedded (Box 5.7). Despite growing awareness, there is overall scope for gender mainstreaming to sprout roots within judicial decision making. According to survey results, issues related to the gender sensitivity of judicial decision making – including the identification of gender bias in laws and judicial practices and the use of gender-sensitive language in courts – have appeared to be of secondary interest. OECD countries that replied to the survey flagged that the Judicial Council – when responsible for this kind of duty – in most (82%) cases does not assess gender implications when defining policies to address timing for hearings, efficiency of court procedures, accessibility of court services and related information, despite the existence, in some countries, of special arrangements for particular categories of cases, such as those dealing with domestic violence.

Box 5.7. Example of gender-impact assessment of judicial decision making in Korea

A court decision in Korea on its property distribution system demonstrates that embedding a gender perspective in judicial decision making has a positive impact on advancing overall gender equality.

According to the Korean Civil Code, if a married couple has marital property acquired by mutual co-operation at the time of a divorce, the court considers the circumstances of both parties, including each spouse's contribution to acquiring the property, to determine the amount and method of division of the property, upon the parties' request. The Supreme Court of Korea decided that if a spouse's housework directly or indirectly contributed to acquiring the property or securing the wealth, the property should be subject to division between the parties. This decision set precedent for consideration of contributions to domestic labour when evaluating the ratio of property division. This ruling validated the value of domestic labour – often the burden of women during marriage – in divorce rulings on property, and legitimised contributions of domestic labour. Without such recognition from this ruling, women's domestic labour may go undervalued and unnoticed. This can cause disproportionate economic hardship for women in divorce rulings, and increase their social and economic vulnerability.

Source: OECD (2017[96]), "Survey on Gender-Sensitive Practices in the Judiciary".

Among the responding countries, limited access to gender-disaggregated data; limited implementation of evaluation, monitoring and oversight of set policies for gender equality; and limited analysis of gender gaps in the judiciary were identified as the main barriers in mainstreaming gender equality in the judiciary. To overcome these barriers, countries stressed the importance of prioritising:

- availability of gender-disaggregated data, evidence and analysis to support gender equality initiatives
- monitoring and evaluation of gender equality initiatives
- a specific gender equality strategy in the judiciary.

For instance, Sweden underlines the significance of political commitment and suggests developing data systems to collect and analyse gender-disaggregated data, training all staff to be gender aware of and integrating gender analysis into qualitative evaluations like surveys on personal treatment. In Chile, the Judicial Academy has a mandatory gender training composed of three modules for lawyers who want to become judges. For judges in office, gender-sensitivity trainings are offered on a voluntary basis.

There are a number of examples that OECD countries can draw upon moving forward. In Mexico, an internal knowledge assessment process was carried out to verify judges' understanding and willingness to apply a gender perspective in their work. This assessment process started within the Mexican Supreme Court in 2008 and 2009, and was followed by a 2012 assessment entitled "Knowledge and perceptions about gender and human rights among Mexican Supreme Court personnel", and an assessment into gender and work culture carried out in 15 state Supreme Courts. The results led to the development of a

Protocol for Judicial Decision Making with a Gender Perspective, which aims to help those who administer justice comply with their obligations, under the Constitution and international treaty law. Moreover, the protocol contributes to enforce, respect, protect and guarantee – in keeping with the principles of universality, interdependence, indivisibility and progressivity – the right to equality and to non-discrimination (Mexican Supreme Court of Justice, 2013[100]). In Spain, for the first time, in 2017, the Spanish Judicial Council also started implementing gender budgeting in order to advance gender equality within the judiciary (Box 5.8).

Box 5.8. Framework for gender-responsive budgeting in the judiciary in Spain

Since 2007, the national budget of Spain has been accompanied by a report of gender impact assessment and presented to the parliament of Spain. For the first time, in 2017, the Spanish Judicial Council also started implementing gender budgeting in order to advance gender equality within the judiciary. In this regard, all budget items stated in the draft budget of the judiciary for the year 2017 were assessed from a gender perspective. Gender impact analysis of the budget of the judiciary revealed that certain budget items – such as social action, healthcare, communications, statistics and advertising – contribute towards greater gender equality in the judiciary. The analysis also demonstrated that all budget items aimed at encouraging training members of the judiciary create a positive impact on gender equality, and an increase in the allocated budget for these items has been found to generate a positive gender impact.

The application of gender budgeting within the judiciary provides a unique practice which helps Spain identify gender differentials in certain areas, which prevent women's access to judicial positions and to develop specialised policies to overcome these barriers within the judiciary.

Source: www.poderjudicial.es/stfls/CGPJ/COMISI%C3%93N%20DE%20IGUALDAD/INFORMES/FICHERO/20170302%20Informe%20de%20impacto%20de%20g%C3%A9nero%20a%20los%20presupuestos%20del%20CGPJ%20para%202017.pdf.

The development of specialised tools and initiatives to raise awareness and develop specialised capacity on gender equality within the judiciary is key to the realisation of gender mainstreaming priorities. The existence of a code of conduct for members of the judiciary is widespread across OECD countries (80%). A fair number of respondent countries (50%) apply the code of conduct to both judges and non-judge staff, while a number of other countries only apply it to judges (58%). However, only two countries (i.e. Canada and Germany) have reported including gender-sensitive conduct as part of their overall ethical framework.

Comprehensive training manuals for gender sensitivity in the judiciary are also available in a limited number of cases such as Estonia, Korea, Latvia, Mexico and the United Kingdom. For example, Estonia organised trainings for judges on psychological aspects of domestic violence and Latvia on discrimination on grounds of gender. Training modules related to gender equality subjects are more frequent as part of judges' routine training curricula. Nevertheless, in many cases, these are only optional trainings. Trainings on gender-sensitive implementation of laws are mandatory in Australia, Korea and Mexico.

Chile has a mandatory on gender analysis (in the Judicial Academy). In the case of Sweden, gender issues are mainstreamed through different training topics within obligatory curricula. Training subjects such as "unconscious judicial prejudice" is under development by the National Judicial College of Australia. Respondants' answers are analysed by age and sex, compared with those of previous years; and communicated to all judges. Many countries have developed and made available training programmes for judges addressing the issue of violence against women, not only from the legal perspective, but also taking into account social and psychological dimensions. Trainings on the broader theme of discrimination, also based on gender and sexual orientation, are also very common. However, countries do not seem to be engaged in evaluating the impact of these training efforts. Ninety-three per cent of respondents highlighted that evaluation criteria are not available. In Korea, during the judicial training, a survey on awareness of sexual discrimination and behaviour is conducted with the participants of the programme to evaluate the effects of the training.

In an effort to build the capacity of the judiciary to produce gender-sensitive judgements and case management, a number of countries have established guiding documents. These documents often provide a gendered analysis of laws regarding violence against women, but in some cases they can also provide guidance on gender-sensitive behaviours and language in courtrooms. In Mexico, in 2013 the Supreme Court published the Protocol to Judging with a Gender Perspective. Although the document is not binding, it offers judges a method which helps them identify and evaluate gender dimensions/implications in the cases they manage. It sheds light on issues such as: the differentiated impacts of the norms on women and men; the interpretation and application of the law according to stereotyped roles on the behaviour of men and women; the legal exclusions produced by the dual construction of gender and/or gender identity; the unequal distribution of resources and power deriving from the mentioned matters; and the "legitimacy" of establishing differentiated treatment in norms, resolutions and sentencing. This protocol is currently under revision and will be updated in the near future. Most recently, in 2018, Chile published a guiding document to incorporate a gender perspective in judicial decision making.[5]

Building on these capacity development efforts, some countries, including Canada, Germany, Greece, Ireland and Korea, have established specialised services – courts, divisions and/or judges' pools – to deal with crucial issues such as violence against women and child abuse. The establishment of these services started in the late 1990s and through the 2000s and is related, in some cases, to the development of a national strategy or policy to combat violence against women or on child protection. It is worthwhile to mention that the selection criteria for judges joining this specialised service prioritise competence and previous experience in relevant cases, as well as interest and motivation to work on these matters.

Regarding the collection of gender-disaggregated data in the judiciary, data reveal that there is a crucial need for expanding the scope and depth of gender-disaggregated statistics, increasing co-ordination among data collecting and producing bodies, and improving access to gender-disaggregated data. Of the responding countries, 69% (9 countries) mentioned that they do not systematically collect gender-disaggregated data for any indicators, including incoming and closed cases, length of proceedings and number of appeals. While Korea collects gender-disaggregated data particularly on incoming and closed cases as well as productivity of judges and court staff, Sweden compiles gender-disaggregated data regarding the satisfaction of court staff. In Japan, courts collect gender-disaggregated data on length of proceedings (time frames) and closed cases, but

only in particular cases concerning protection orders about spousal violence, marital relationship of domestic relations cases and juveniles.

With regard to complaint mechanisms, Australia, Chile, Finland, Germany, Hungary, Ireland, Korea and the United Kingdom responded that their court systems have or foresee implementation of a complaint mechanism for cases of gender discrimination. In Canada, non-discrimination on the basis of gender is protected by provincial/territorial and federal legislation through various avenues of redress, including human rights tribunals in jurisdictions and at the federal level, as well as in the courts. The procedure to deal with complaints and to the final resolution may include investigative stages that could form part of tribunal, commission or court orders. The Finnish judicial system considers gender discrimination at work a crime, and offers a complaint mechanism and monetary compensation if a person is discriminated against because of gender. In Sweden, gender discrimination can be brought to court under the Discrimination Act and complaints can be filed to the Equality Ombudsman. In the United Kingdom, an independent employment tribunal takes decisions in legal disputes regarding employment law including gender discrimination claims. Korea offers judicial protection in cases where a gender discriminatory behaviour is displayed by a judge. The Korean judicial system foresees an investigation and a disciplinary measure and sanction against the judge concerned. In Estonia, the Gender Equality and Equal Treatment Commissioner has been created to prevent any form of discrimination, including gender discrimination. The commissioner stands up for women and men having equal rights and opportunities in all aspects of public life. The Equality Commissioner advises and assists victims and provides assistance in compiling a claim to a court or a labour dispute committee. However, there is no specific complaint mechanism for gender discrimination in the judiciary.

Key policy messages

Key policy messages outlined in Chapter 3 also apply where appropriate to the judiciary branch.

- Judiciaries play a strong role in achieving gender equality and inclusiveness objectives by applying and interpreting the law in a gender-sensitive way. It is thus crucial to strengthen the gender sensitivity of these institutions as rule-makers and employers. This should be supported by making gender expertise available to these institutions while working towards mechanisms that hold court management and other relevant stakeholders accountable for achieving gender equality and inclusiveness goals.
- Judiciaries would also benefit from assessments of their specific gender and diversity gaps and needs, and from identifying objectives, targets and indicators in order to help achieve gender equality commitments.
- Given the continued "leaky pipeline" issues in the judiciary, there is notable scope to focus efforts on increasing gender balance among the highest courts. Judiciaries can benefit from:
  - focusing on increasing the available talent pool, and widely advertising high-ranking positions
  - ensuring that gender equality priorities and plans encompass all phases of the judicial career (from application to promotion at the most senior level), and not only judicial appointments
  - supporting and encouraging talented women from diverse backgrounds after their entry and throughout the judicial career, including at the most senior levels
  - strengthening systems of mentoring and sponsorship; and leadership and capacity development programmes for women, taking into account gender-specific consideration around male-female mentoring.
- Promote gender mainstreaming frameworks and tools to support gender sensitivity of the judiciary while applying and interpreting the law, and during the judicial review process.

Notes

1. Data are not available for Germany, Lithuania, Poland, the United Kingdom or the United States.
2. www.fja.gc.ca/appointments-nominations/index-eng.html.
3. www.fja-cmf.gc.ca/appointments-nominations/StatisticsCandidate-StatistiquesCandidat-eng.html and www.fja-cmf.gc.ca/appointments-nominations/StatisticsCandidate-StatistiquesCandidat-2017-eng.html.

4. www.fja-cmf.gc.ca/appointments-nominations/StatisticsCandidate-StatistiquesCandidat-eng.html.
5. http://secretariadegenero.pjud.cl/index.php/proyectos/9-proyectos/24-eurosocialmas.

6. Access to politics and gender-sensitive legislatures

Equal access to political power and leadership is critical to ensuring inclusive policies, national growth and development that benefits all. This chapter maps out current trends in the composition of legislatures across the OECD while exploring remaining barriers to women running for elected office and equal access to leadership positions in legislatures. It also provides an overview of strategies, initiatives and mechanisms across the OECD to help political institutions become more gender sensitive and thus encourage women's political representation and access to leadership. Finally, the chapter assesses tools and frameworks to mainstream gender in the work of legislatures, including law-making and oversight.

Key findings

- Balanced gender representation in legislatures is critical to ensure that public decisions and policies affecting the rights, access to resources and distribution of power in society take into consideration the different needs and realities faced by the full diversity of women and men.
- Women have taken up elected office in increasing numbers across the OECD. A number of countries have made significant leaps in gender equality in the parliament in the past decade. On average, women made up only 29% of parliamentarians in OECD countries in 2018. This represents a slow increase from 25% in 2011.
- In 2017, in OECD countries on average, 28% of central or federal government ministerial positions were filled by women, which represents slow but steady progress from 21% in 2005 and 25% in 2012.
- Yet, achievements to date are fragile and insufficient. For example, a number of countries recently underwent setbacks in women's representation in parliament (up to 6%). These results suggest that ensuring a continued balance in women's representation requires ongoing vigilance. This is particularly the case when it applies to diverse groups. Backsliding is possible even when women's political participation is a societal norm.
- In terms of the gender composition of parliamentary committees, men held on average 70% of chair positions in lower/single house committees, which is proportionate to their overall representation in lower houses.
- Overall, despite advancements, women continue to face a "glass ceiling" in accessing politics. A range of factors lead to these inequalities, including economic inequalities and access to finance, insufficient space for women to exhibit their skills, as well as internal party dynamics, attitude to gender issues and workplace culture. Unconscious biases that may manifest themselves through the association of leadership and managerial roles with men rather than women is another barrier for women's advancement.
- Within parliaments, reported challenges included uneven work-life balance, the appointment process or method of selection for leadership positions, and the absence of special measures (such as quotas) to close gender gaps. Other highlighted barriers included the appointment process or method of selection for leadership positions; persisting gender-based stereotypes and sexist working cultures in the parliament; as well as lack of personal confidence and limited political encouragement.
- While there is strong scope for improving the gender sensitivity of parliaments as workplaces, various strategies and mechanisms are being put in place within countries' political institutions (parliaments, political parties, election management bodies) in order to encourage women's political representation and access to leadership in parliaments. Such measures include voluntary gender quotas, legislated quotas, gender focal points, greater transparency in recruitment and appointment processes, work-life balance arrangements and parental leave.

- Ten OECD countries (compared to 9 in 2012) have put in place legislated candidate quotas. Overall trends show that the establishment of a simple quota requirement did not automatically result in improved gender balance in parliaments. Yet in a number of countries, quota requirements that are supported by effective implementation mechanisms, safeguards and sound accountability structures have helped boost the representation of women in recent years.
- For parliaments as rule-makers and oversight bodies, there remains significant scope to strengthen capacities and introduce mechanisms allowing members of parliament to understand and consider the differentiated impacts of laws on women and men. As oversight mechanisms, parliamentary committees can further benefit from expanding their gender expertise to hold the government to account for achieving national gender equality goals. Less frequently used were mechanisms that scrutinise budgets and expenditures from a gender perspective.

6.1. Introduction

Increasing equal access to political power and leadership can support a country's ability to deliver inclusive policies, and can contribute to national growth and development (OECD, 2014[34]). Parliaments and legislatures are key gatekeepers of institutional efforts to promote gender equality and diversity in public life and in society more broadly. Within parliaments, the laws and policies that create the legislative and regulatory framework for promoting gender equality and preventing/responding to gender-based discrimination are initiated, debated and adopted. These laws and policies help shape societal attitudes toward women's roles, capacities and responsibilities. Given the prominent role parliaments play in promoting and instilling gender equality and diversity norms and values, it is important that parliaments themselves serve the needs of women and men as well as manifest the values they seek to promote through legislative processes. Gender-sensitive parliaments ensure that "both men and women have an equal right to participate in its structures and processes, without discrimination and without recrimination" (IPU, 2011[103]). This requires that gender considerations and diversity inform and infuse parliaments' working culture, formal processes and informal practices. To this end, the 2015 OECD *Recommendation of the Council on Gender Equality in Public Life* encourages:

> *... [A] greater role for parliaments and parliamentary committees to support progress in gender equality, for example, by integrating gender perspectives in parliamentary practices, legislation and budgets, by promoting legislative initiatives focusing on gender equality and by providing oversight of the implementation of gender equality and mainstreaming strategies and initiatives. (OECD, 2016[2])*

6.2. Gender equality in politics: What worked?

In the past years, a number of countries have made significant leaps in gender equality in the parliament. Following the 2017 elections, France saw more than a 13 percentage-point increase in women's participation, with almost 40% women in the parliament. Noteworthy progress was also recorded in Italy and Mexico following the 2018 elections; and in New Zealand and the United Kingdom following the 2017 elections. As a result of the 2016 elections, the number of women in the Irish parliament rose from 16% to 22%.

These advancements were mostly a result of political will and a policy mix that focused on results. Overall trends show that the establishment of a simple quota requirement did not automatically result in improved gender balance in parliaments. Indeed, in the past, many political parties have found ways to bypass such requirements, either by accepting to pay fines or by listing women candidates in districts where there is little or no chance of winning. Yet in a number of countries, quota requirements that are supported by effective implementation mechanisms, safeguards and sound accountability structures have helped boost the representation of women in recent years. In Mexico, for example, gender quotas and the parity principle have proven to be very effective and have placed Mexico as the second country in the OECD, well above the OECD average. The quota system has been reinforced by the important participation of the Federal Election Tribunal, which has been actively monitoring quota implementation by closing loopholes in the electoral law which permitted parties to bypass quota requirements. The Federal Election Tribunal was also successful in ensuring that female members of parliament would not be pressured to resign in favour of their male alternates by establishing the requirement that primary candidates and alternates must be the same sex (OECD, 2017[9]). Ireland introduced gender quotas

ahead of the 2016 general election providing that political parties lose 50% of state funding unless at least 30% of their candidates are women and 30% are men. In France, the current government party's decision to nominate women for seats in "winnable districts" had a positive impact on the 2017 electoral results, with the highest proportion of women elected of any party ever reached (IPU, 2018[104]).

Recent movements such as #MeToo had a powerful impact in shedding the light on widespread and deeply rooted sexism and sexual misconduct towards women in politics and beyond (IPU, 2018[104]). This has resulted in a number of legislatures auditing their own structures and workplace culture to advance gender-sensitive practices. The United Kingdom published its Gender-sensitive Parliament Audit in 2018, and released an independent report on sexual harassment in parliament in the same year. In Sweden, the Gender Equality Group was created following an open seminar on sexual abuse in the Swedish parliament. The Gender Equality Group aims to address the issue of sexual abuse through the conduct of an internal survey on the culture in parliament. In addition, projects were initiated within political parties, including men rallying together to help find solutions to end sexism and sexual harassment.

In parallel, gender stereotypes and cultural norms are being challenged in a number countries at the highest levels. In New Zealand, for the first time in 30 years, a Prime Minister became a mother and took six-week maternity leave. In September 2018, New Zealand's Prime Minister became the first Prime Minister to attend the United Nations General Assembly meeting with her baby. In Norway, three women are collectively leading the government as the Prime Minister, Minister for Finance and Minister for Foreign Affairs.

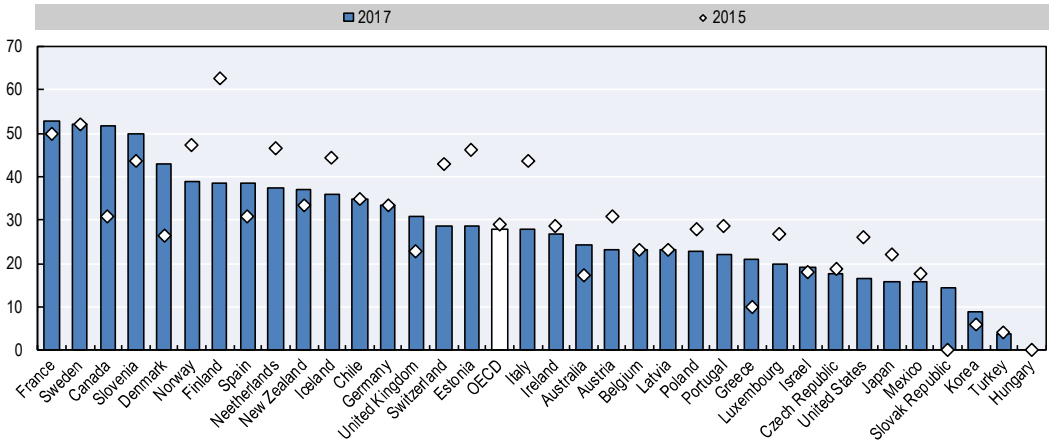
Increasing attention to gender equality at the top country leadership level has also helped raise the profile of gender equality-related structures in the parliament. For example in Canada, for the first time in history, a Finance Minister appeared before the Standing Committee on the Status of Women of the House of Commons to discuss gender equality-related impacts of the 2018 budget.

6.3. Gender composition of ministerial positions across the OECD

Cabinets are at the centre of political life. Therefore, achieving gender equality in Cabinets is an important first step in ensuring that decision-making processes reflect perspectives and interests of both women and men from diverse backgrounds (OECD, 2017[25]). In parliaments, achieving gender equality depends on complex interactions between internal party dynamics and electoral systems. Achieving gender balance in Cabinets is, in theory, more straight forward as it most often depends on the political will and the availability of candidates. Such political will is increasingly manifested in a number of countries. In recent years, countries such as Canada, France, Slovenia, Spain and Sweden have increasingly been appointing gender-balanced Cabinets. Still, on average, women are still under-represented among government ministers at the central or federal levels, at 28% in the OECD (Figure 6.1) although some progress is recorded in comparison to 2012 (25%) and 2005 (21%).

However, access to political leadership is not merely a numbers game: achieving gender equality in ministerial posts also depends on which Cabinet posts women assume and the power and prestige of this post. Women tend to be allocated to ministerial portfolios that are more "feminine", such as social or educational ones, and continue to be less represented in portfolios such as finance and foreign affairs (OECD, 2014[34]).

Figure 6.1. Share of women ministers



Source: OECD (2017[25]), *Government at a Glance 2017*, https://dx.doi.org/10.1787/gov_glance-2017-en.

The route to the top levels often involves parliamentary and junior ministry experiences. Being a minister requires significant commitment, devotion and time (e.g. unforeseeable working hours). Persisting inequalities in the distribution of unpaid work, remaining cultural stereotypes and attitudes towards women in office continue to weigh on achieving gender balance in Cabinets (OECD, 2014[34]).

6.4. Composition of legislatures across the OECD: Current trends

6.4.1. Legislatures

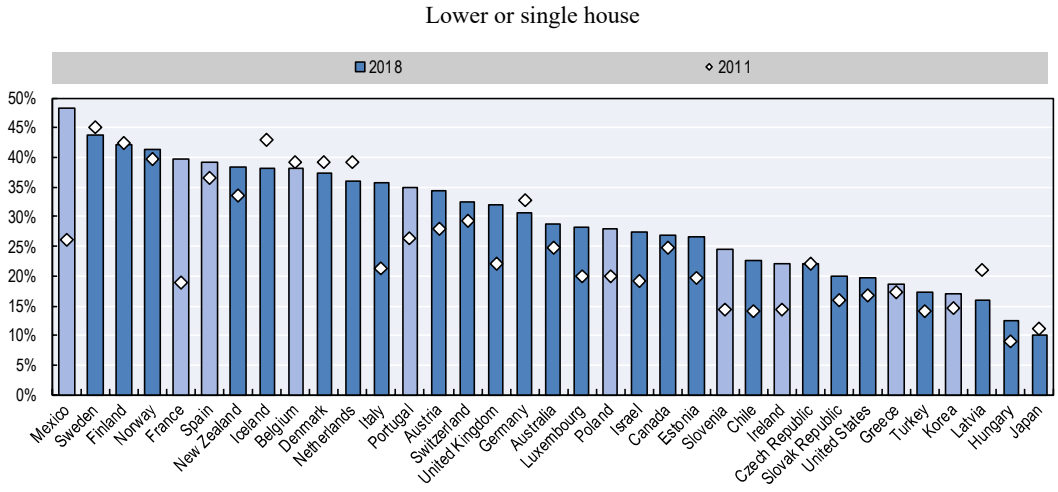
The gender composition of legislative bodies can contribute to democratic outcomes that are reflective of the very citizens the legislature is created to represent. There is growing evidence that increasing gender equality in parliaments can impact policy outcomes. Research indicates that elected female officials are more likely to advocate for healthcare and education, and push for initiatives that promote the well-being of children, families and women (OECD, 2014[34]). The number of women taking up elected office continues to increase in OECD countries. In 2011, women comprised 25% of parliamentarians in OECD countries. 2018 statistics indicate that this number has risen to 29% (Figure 6.2). These achievements must be carefully maintained and expanded upon to support the needs of all citizens. Over the past decade, there has been a clear upward trend in terms of women's representation in the lower houses of parliament in select countries, for example, Germany, Mexico, Poland, Portugal and Slovenia. In the case of these four countries, this could be connected, among other measures, to the adoption of legislated gender quotas, with a minimum threshold for gender representation and sanctions for non-compliance.

It is difficult to generalise trends when comparing women's representation between 2010 and 2018. Although there was an overall increase of 4.6% in female parliamentarians between these two periods, Latvia saw a decrease of 6% during the same period, and Germany, Iceland, the Netherlands and Sweden all underwent setbacks as well (up to 6.2%).

These findings may suggest that when effectively implemented, gender equality measures can lead to significant and sustainable increases in women's representation. However, these results also suggest that gains in women's representation can suffer from setbacks.

Ensuring continued balance in women's representation requires ongoing vigilance. This is particularly the case when it applies to diverse groups. Backsliding is possible even when women's political participation is a societal norm.

Figure 6.2. Share of women parliamentarians and legislated gender quotas



Notes: Bars in light blue represent countries with lower or single house parliaments with legislated candidate quotas as of March 2017. Data refer to the share of women parliamentarians recorded as of 1 September 2018 and 30 September 2011.
Source: Inter-Parliamentary Union PARLINE (database), and IDEA Quota Project (database).

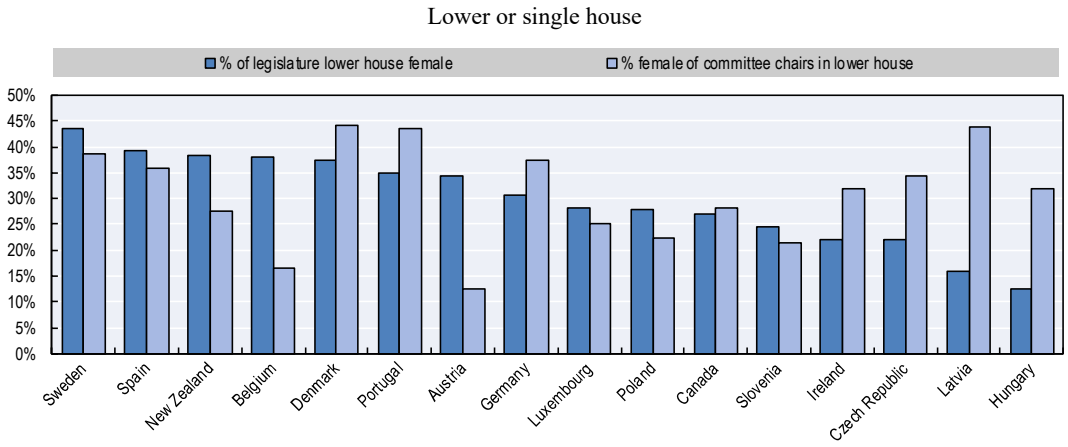
6.4.2. Parliamentary leadership and committees

Improving gender balance in the numerical composition of legislatures is a clear avenue towards increased gender equality, but it is equally important to evaluate if women are demonstrably influencing policy creation in a substantive way. Monitoring and analysing the gender balance of leadership roles within a legislature is vital to understanding women's share of institutionalised parliamentary power and impact. In terms of leadership positions in lower houses among the respondents as a collective, there has been a clear increase in the number of women serving as leaders of political groups (12 countries in 2016 compared to 7 in 2005); leaders of political parties (10 countries in 2016 compared to 5 in 2005); minority leaders (4 in 2016 compared to 2 in 2005); majority leaders (3 in 2016 compared to 0 in 2005); and leaders of government business (2 in 2016 compared to 0 in 2005). Canada is the only country that recorded a woman as a caucus leader (in both houses in 2005, in the lower house in 2010 and in the upper house in 2016). Those countries with female whips remained the same in 2016 compared to 2005 (Austria, Canada, Germany and New Zealand), and almost doubled in Germany (from 9 to 15).

In the highest positions within parliament – those of speaker and deputy speaker – trends are not conclusive. More women held the position of speaker and deputy speaker in lower houses in 2010 than in 2016, but not by any significant margin that could be accurately stated to represent definitive trends. Men hold 70% of chair positions in lower/single house parliamentary committees among survey respondents; this is proportionate to their overall representation in lower houses. A similar trend emerges in terms of the positions of deputy or vice-chair.

The composition of gender-related committees is overwhelmingly female (69% among respondents) in lower houses. Data from the Inter-Parliamentary Union consistently demonstrates that female parliamentarians predominantly head committees dealing with "soft" social portfolio areas such as gender, family affairs and education. Committees on "hard" portfolio areas such as foreign affairs, defence, trade, economy and security are commonly led by men. Only in the case of Latvia, Luxembourg and Sweden did men outnumber women in those committees mandated to address gender-related issues (Hungary has an equal number of women and men serving on the relevant committee). In the majority of cases, the chair of the committee is female; only in Hungary and Sweden is the chair of the relevant committee male.

Figure 6.3. Share of female parliamentarians and committee chairs



Source: OECD (2017[105]), "OECD Survey on Gender-Sensitive Practices in the Parliament".

6.4.3. Parliamentary administrations/secretariats

Despite the notable progress of gender equality in political spheres, women are still under-represented in positions of leadership while being over-represented in administrative positions. Women hold the majority of lower house parliamentary administration positions in most respondent countries (12 of 14); only in Canada and Greece do men outnumber women. In almost half a dozen countries, however, the number of men and women is almost equal (Denmark, Germany, Luxembourg and Poland). Moreover, women's representation in parliamentary administration as a whole has remained remarkably steady over the course of a decade (2016 compared to 2005).

Of those who responded, only Austria noted that men and women occupy secretarial and administrative positions in equal numbers; in Canada, Germany, Latvia, Luxembourg, New Zealand, Slovenia and Spain, women outnumbered men, often by significant numbers. For example, in Latvia no men occupied a secretarial position in 2016, while in Canada 86% of administrative positions were occupied by women. In Germany, women filled 97.7% of administrative positions. Austria specified that, as part of its "Women's Advancement Plan", the parliament seeks to ensure gender balance in the parliamentary administration in all positions, but especially aims to ensure women's equal representation in higher administrative positions. Only in the Czech Republic did women and men serve as parliamentary assistants in roughly equal numbers. In Germany, Hungary, Latvia, New Zealand, Portugal and Slovenia, women outnumbered men.

As positions become more senior, men begin to be more represented than women in most countries, although several have managed to achieve fairly gender-balanced outcomes. Women are present in higher proportions than men in advisory and research positions in Latvia (88%), Slovenia (71%), Portugal (68%), Hungary (62%) and New Zealand (55%), while lower percentages of women held these positions in Luxembourg (47%), Canada (42%) and Germany (42%). With regards to department heads, more women than men served in Latvia, New Zealand and Spain, and more men in Canada, Germany and Luxembourg; men and women were more or less equally represented in Austria, the Czech Republic, Denmark and Slovenia. Only in Slovenia did more women hold the position of senior manager. In Austria and Luxembourg, out of three senior managers, one was female in 2016, and in Canada, 23 of 53 senior managers were women (43%). Gender balance was achieved in the Czech Republic, Germany, Hungary, Latvia and New Zealand.

6.5. Remaining barriers in gender-sensitive legislatures

6.5.1. Barriers to women running for elected office and equal access to leadership positions in the parliament

Despite the achievements made in recent years in enabling women equal access to politics, inequalities still exist.

According to OECD interviews, gender inequalities which are often stemming from deep-rooted and normative gender beliefs – such as women as primary caregivers – are also embedded in political, economic and social structures. These stereotypes, coupled with limited encouragement for women to enter politics and unease of access to affordable care services, may generate external and internal barriers for women and members of marginalised groups to participate in political life and decision making at the top, thus reinforcing existing gender roles.

A shortage of women in the candidacy pool has been cited as a factor in lower rates of female representation; this may be caused by women deliberately self-limiting their participation due to the seemingly low levels of work-life balance available to high-level politicians (OECD, 2014[34])

Uneven access to financing can be a big barrier for women, especially for parliamentary elections. The combined cost of registration fees and running a campaign are steep. Since women have less access to financial networks, they can be less involved. Online fundraising, or "crowdfunding", are tools that are relatively new, but becoming increasingly mainstream in OECD countries. Likewise, social media, the Internet and mobile technology can be powerful tools for women candidates to raise campaign funds, and avoid the stress of loans. Various training programmes to prepare women for elections should incorporate sessions on fundraising that address and find solutions to the gender-based social barriers women running for election face.

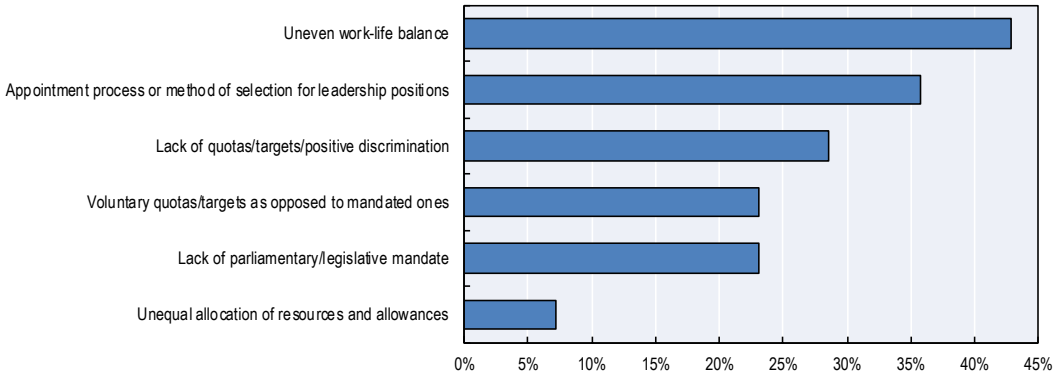
Another influencing factor can be the existing political system, the internal party dynamics and attitude to gender issues. Women may also be perceived as less able to attract voters (OECD, 2014[34]). As voters' preferences are mostly given by their socio-cultural backgrounds, the fact that men have historically been more active in the political arena plays an important role. Another barrier is the insufficient space for women to develop and exhibit their skills, which leads to their invisibility, and hence limits their chances to be elected.

When it comes to women in parliaments, while there is still an overall perception of uneven access to political power, respondents to the OECD parliamentary survey identified relatively few systemic challenges to enabling women's equal access to leadership positions within parliaments. The greatest challenge identified by respondents was "uneven work-life balance". One political party in New Zealand, for example, noted the "lack of support for women in their child-bearing years to participate fully" as well as the "lack of financial support to travel and work with small children, particularly if breastfeeding". Other noted barriers included the appointment process or method of selection for leadership positions; persisting gender-based stereotypes and sexist working cultures in the parliament; as well as lack of personal confidence and limited political encouragement. No respondent identified "harassment", "insubordination of staff towards female parliamentarians/legislators" or "institutional sexism/working culture" as a challenge, while only Greece signalled that "unequal allocation of resources and allowances" is a problem (Figure 6.4).

One of the key challenges concerning maternity, paternity and parental leave is that conventionally, national legislation and/or regulations on pay and benefits apply only to parliamentary staff and not members of parliament. For example, in Austria, members of parliament are considered neither employed nor self-employed in the conventional sense according to employment/labour laws.

Some countries also pointed to the pervasive and often unconscious belief that men are likely to pursue and excel in leadership, which often creates an unseen barrier to women seeking leadership roles. It was also highlighted that a discriminatory mind-set persists based on gendered stereotypes that can be harmful towards women's attainment of leadership roles. These perceptions are exacerbated by a shortage of concrete support to women seeking leadership. Another reported challenge was that political parties often do not serve as "champions" of gender equality, resulting in the absence of gender equality role models for emulation by other political actors (Figure 6.4).

Figure 6.4. Reported barriers to leadership for women in parliament



Source: OECD (2017[105]), "OECD Survey on Gender-Sensitive Practices in the Parliament.

6.6. Pathways to women's leadership in politics

Various strategies, initiatives and mechanisms may be put in place within countries' political institutions (parliaments, political parties, election management bodies) in order to encourage women's political representation and access to leadership. Such measures include, among others, voluntary gender quotas, legislated quotas, gender focal points,

work-life balance arrangements and parental leave. The effectiveness of special measures such as legislated quotas under certain circumstances has been proven to positively impact women's political representation in many countries, while measures focused on the parliament as a workplace promote gender-friendly practices that, in turn, contribute to improving parliamentarians' work. Support from government in encouraging women to participate in public life or run for office can also take the form of training events. In the United Kingdom, the Government Equalities Office hosted an #AskHerToStand event, which gave aspirant women practical advice on running for an elected role in national or local government. Likewise, the Ministry for Housing Communities and Local Government has been working with representative bodies to establish a package of practical measures to overcome barriers facing women entering or remaining in political roles in local government.

6.6.1. Parliamentary gender equality policies and strategies

Gender equality policies and strategies provide an overarching framework to guide efforts by institutions such as parliaments to implement gender-sensitive procedures, processes, practices and programmes. In short, such documents facilitate efforts to achieve a "gender-sensitive parliament", defined by the Inter-Parliamentary Union as one whose "structures, operations, methods and work respond to the needs and interests of both men and women". Realising a gender-sensitive parliament requires that gender equality policies and strategies move beyond measures such as gender quotas and targets and aim to transform parliamentary work cultures themselves.

Box 6.1. Gender-sensitive parliaments

"If modern parliaments exist to serve the needs and interest of both men and women, they need to ensure that "both men and women have an equal right to participate in its structures and processes, without discrimination and without recrimination."

Source: (IPU, 2011[103])

The OECD survey suggests that only a handful of parliaments/legislatures have adopted a formal policy or strategy to guide parliamentary gender equality efforts (Table 6.1). Of the 18 respondents, 5 (27.8%) indicated that some parliamentary committees have adopted their own gender equality policies or strategies to guide and monitor gender efforts (Austria, Germany, Hungary, Japan and Sweden) in the lower house while two respondents (11.1%) had adopted such a policy/strategy for the lower house (European Parliament, Sweden). Only the Swedish parliament reported that all committees are also required to adopt individual gender equality plans. No parliaments had adopted a gender equality policy or strategy for the upper house.

6.6.2. Legislated gender quotas

Gender quotas in politics can be a contentious issue. On the one hand, they can serve as legislative tools to close political gender gaps quickly. On the other hand, they can also be viewed as an interfering force in the democratic process or as "favours" or "gifts" to women, as opposed to their right.

Table 6.1. Legislative bodies that have a gender equality policy or strategy that governs the legislative

	Upper house/chamber	Lower house/unicameral	Parliamentary staff
Austria	O	O	●
Belgium	O	O	x
Canada	O	O	O
Czech Republic	x	O	x
Denmark	x	O	O
European Parliament	x	●	O
Germany	O	O	●
Greece	x	O	x
Hungary	x	O	●
Japan	O	O	●
Latvia	x	x	x
Luxembourg	x	O	O
New Zealand	x	x	x
Poland	x	O	x
Portugal	x	●	O
Slovenia	O	O	O
Spain	O	O	O
Sweden	x	●	●

Notes: ● "yes"; O "no"; x "not applicable".
Source: OECD (2017[105]), "OECD Survey on Gender-Sensitive Practices in the Parliament".

Given that quotas are understood as "special temporary measures", it is a common misconception that they are no longer needed after one or more election cycles if women's representation has increased. This logic presumes that since women's representation has increased, it will only continue to do so, and the quota is no longer needed. This type of thinking is a risk factor that disregards the significant influence social norms have on women's political opportunities and the time needed to realise change. Quotas are only one ingredient to producing long-term normative change. It requires increasing social awareness of the value of gender-balanced representation at all levels.

Gender quotas, when accompanied by effective implementation measures, can act efficiently, often as a temporary stepping-stone that helps countries move in a straight line towards equality, but their implementation can also have unintended downsides. Quotas can create the illusion within legislatures that they do not need to implement further mechanisms to support gender equality, and their use can also have unpredictable social outcomes where women might be viewed as undeserving of their elected post.

There are two main categories of quotas: 1) reserved seats ensure that a given number or percentage of female candidates are elected; 2) legislated quotas and voluntary party quotas guarantee that a minimum number of women are elected (OECD, 2014[34]) (see Figure 6.2)

Of those that have introduced legislated quotas, Greece, Portugal and Slovenia have adopted gender-neutral quota provisions, meaning that maximum and/or minimum thresholds apply to both genders. In Poland and Spain, the relevant legislation explicitly refers to a minimum percentage of women on candidate lists. In Slovenia, scrutiny of candidate lists is performed by constituency electoral commissions upon submission of lists by political parties. The commissions ascertain whether the lists were submitted on time and whether they are in accordance with the Elections Act, including provisions related to

the gender quota. A constituency electoral commission is authorised to reject lists where candidates are not nominated in line with the Elections Act.

6.6.3. Internal political party dynamics, voluntary gender quotas and other special measures within political parties

Women's representation within political parties is crucial to ensuring that parties are inclusive and put forward female candidates during elections, at all levels. Internal political dynamics and institutional culture are important influences on the effectiveness of gender balance initiatives which aim to increase women's representation in parliaments. A party's willingness to put forward female candidates can be negatively influenced by intangible stereotyping or statistical discrimination (OECD, 2014[34]).

Voluntary quotas and other measures adopted by political parties are important tools for promoting gender equality in party ranks and lists; they can also serve to reinforce the impact of legislative quotas when those are already in place. This is the case in Ireland, with political parties undertaking different informal or voluntary measures to increase inclusiveness. Five respondents indicated that voluntary measures were adopted by "most parties", whereas seven respondents indicated that such measures were only adopted by some parties.

The respondent countries provided details on practices for five political parties in their respective countries, mostly centring on the application of gender quotas inside their parties. However, there does not seem to be a correlation between the countries that have adopted legislated quotas and those that have voluntary quotas. Greece and Spain have both legislated and voluntary quotas in place in all of the top parties, but in Poland, which has adopted a legislated quota for parliament, no parties have introduced voluntary party quotas. Portugal and Slovenia have both introduced legislated quotas; whereas four of the five top parties in Portugal apply voluntary quotas; however, only one of the top five parties in Slovenia has introduced voluntary party quotas.

Nonetheless, there is evidence of a "contagion" effect, where parties without quotas are encouraged to adopt them in order to compete with other parties that may be viewed as more progressive by the electorate. In Greece, for example, all five parties on the political spectrum have adopted voluntary quotas requiring at least 33% of candidate nominees of each gender. In Germany, three parties currently represented in national parliament have introduced voluntary quotas. Greece noted that for political parties that adopted voluntary quotas, the measure applies both to the pool of women candidates and to the actual number of women nominees; the party executive enforces the application of the quota, which is therefore considered mandatory. The minimum threshold of women candidates for all parties is 30%, and there is no maximum. In Portugal, all party quotas (either mandatory or voluntary) apply to both the pool of women candidates as well as the actual number of women nominees. The threshold ranges from 30% to 50%. In Spain, a number of political parties have adopted voluntary party quotas, with thresholds of 40% specified for some parties.

Political parties have also reported other special measures beyond quotas: in Slovenia, state support is provided for the political empowerment of women and for increasing their participation in politics. In Luxembourg, a share of party funding provided by the state is contingent upon meeting voluntary gender quotas or targets for the selection of candidates; sanctions are imposed on parties that do not meet gender equality requirements. These special measures are implemented by the Ministry of State, which is also responsible for oversight. Likewise, in Portugal, 40% of party funding provided by the state is contingent

upon meeting gender quotas or targets for selection of candidates and sanctions are imposed on parties that do not meet gender equality requirements. The parliament is responsible for implementing these measures, and the courts are responsible for oversight.

6.6.4. The effects of gender quotas – legislated and voluntary

It is important to note that the effectiveness of quotas is not a given and their impact on women's representation in public life depends upon factors like their level, the effectiveness of incentives to comply and the strength of penalties for non-compliance. Moreover, the percentage of women in parliament greatly varies between countries that have implemented candidate quotas (from 15.7% in Korea to 37% in Belgium).

If used effectively, legislated gender quotas for parliaments or the parity principle can help increase women's representation in parliament (OECD, 2014[34]). As noted above, Mexico's case is a success story in this regard, with some of the main political parties instituting voluntary quotas as early as the 1990s and a legislated quota adopted in 2002. Mexico's strides towards equal representation have had encouraging results, as women now represent 42% of parliamentarians in the lower house and 34% in the upper house (from 22% and 15% respectively in 2005). In 2014, a new electoral law even required parties to reach gender parity in candidate lists for federal and state legislative elections and to alternate genders within the lists (OECD, 2017[9]).

The effects of legislated gender quotas for political parties have been the highest in Greece. In the last elections before quotas were introduced in 2007, 18 women were elected to the national parliament; in 2009, the first elections following the introduction of the quota, 52 women were elected (a change of 189%). In Slovenia, only a modest change has been discerned: 11 women were elected in the last elections before the quota was introduced in 2004 and 12 during the first elections after the quota was applied in 2008 (a change of 9%); however, the number of women candidates increased in 2008 even though the number of total candidates decreased (24% of total candidates were women in 2004 compared to 35% in 2008). In Poland, in the last elections before the quota was applied in 2007, 94 women were elected, compared to 110 in 2011 after the quota was introduced (a change of 17%). However, the number of women candidates jumped from 1 428 to 3 063; even though the total number of candidates only slightly increased (23% of total candidates were women in 2007, compared to 43.5% in 2011). Introduction of a quota also preceded a jump in female representation in the Irish parliament. The Electoral (Amendment) (Political Funding) Act 2012 introduced gender quotas ahead of the general election 2016. Section 42 of the act provides that political parties lose 50% of state funding unless at least 30% of their candidates are women and 30% are men. The first election post-quota saw a 7% increase in female parliamentarians. Portugal also saw an increase in the number of women elected (49 before quotas were introduced compared to 63 after, an increase of 28.6%); the proportion of women candidates to total candidates also increased, from 32.5% of total candidates in 2005 to 41.8% in 2009. Spain saw a slight increase, from 36% women in parliament in 2004 to 36.3% in 2008, a year after the introduction, in the General Election Regime Law, of compulsory requirement of balanced presence of women and men (minimum 40 per cent of each sex) in candidate lists.

6.6.5. Gender equality mechanisms within election management bodies

Electoral management bodies (EMBs) can play an instrumental role in promoting women's political participation as they oversee and organise the electoral process, which includes candidate registration and voter outreach and education, among others. Thus, by being

more gender-sensitive, EMBs can contribute to promoting gender equality in all stages of the electoral process and ultimately to the election of more female candidates.

Table 6.2. The effects of legislated gender quotas

Country	Last elections before quota introduced				First elections after quota introduced			
	Year	No. successful women	No. women candidates	Total no. candidates	Year	No. successful women	No. women candidates	Total no. candidates
Ireland	2011	25	86	566	2016	35	163	551
Poland	2007	94	1 428	6 187	2011	110	3 063	7 035
Portugal	2005	49	943	2 903	2009	63	1 644	3 928
Slovenia	2004	11	347	1 395	2008	12	417	1 182
Spain	2004	129			2008	127		

Of the 16 respondents, 8 (50%) indicated that electoral management bodies were "independent" (Canada, Germany, Hungary, Latvia, New Zealand, Portugal, Slovenia and Spain), 2 (12.5%) "mixed" (Greece and Luxembourg), 4 (25%) "executive" (Austria, Belgium, the Czech Republic and Switzerland) (Portugal also indicated "executive" in addition to "independent"), and 1 (6.25%) "judicial" (Poland).

Regarding gender equality mechanisms, measures and/or processes in place within EMBs, the majority of respondents indicated that specific measures were not in place. In fact, none of the respondents indicated that their election bodies had appointed gender advisors or focal points; included gender considerations in EMB operational procedures or policies; or emphasised gender balance in the composition of EMBs, including among commissioners and/or polling station officials. Portugal and Switzerland reported occasionally promoting women's participation, registration and turn-out on polling day.

Greece indicated that it always or regularly engaged in gender research and publication, and Portugal and Switzerland noted that their EMBs occasionally engaged in such research. Three respondents (Canada, Germany and Spain) indicated that their EMBs always engaged in the collection and dissemination of sex-disaggregated data on voter registration and turn-out; Germany specified that it does not conduct voter registration, but collects data on turn-out in other ways. Canada's EMB monitors and reports on women's voter turn-out for every election. New Zealand specified that limited gender-related research and reporting is contained in its EMB's "Voter and Non-Voter Survey" conducted after each election. Several EMBs always (Portugal, Spain) or occasionally (Greece, Switzerland) included gender considerations in election-related legislation, regulations and/or codes of conduct; in Switzerland, a guide has been published for individuals wishing to launch their candidatures.

Some respondents took the opportunity to note that knowledge on how to mainstream gender in EMBs, including their policies, processes and practices, is limited, while others stressed that none of the measures are in place, implying a major gap in promoting gender equality in political processes.

6.6.6. Promoting work-life balance for parliamentarians and staff

Low levels of work-life balance can have significant impacts on female (and male) politicians, especially those with caring responsibilities. This difficulty has been systematically reported by female members of parliament from a range of countries (OECD, 2014[34]). Although societal understandings of familial gender roles are evolving, women remain the primary caregivers in many cases. The most consistently identified

challenge to gender equality in legislative leadership was "uneven work-life balance." Low work-life balance may discourage women from high-ranking leadership positions in politics, limiting the candidacy pool. In order to facilitate gender-equal parliaments, many legislatures are taking steps to introduce a range of measures to facilitate work-life balance for parliamentarians, particularly those with family and/or care obligations. There remains clear scope to enhance the framework and implementation of these initiatives. Table 6.3 provides a summary of the type of work-life balance measures that have been adopted by different parliaments across the OECD.

Figure 6.5. Work-life balance arrangements in parliaments

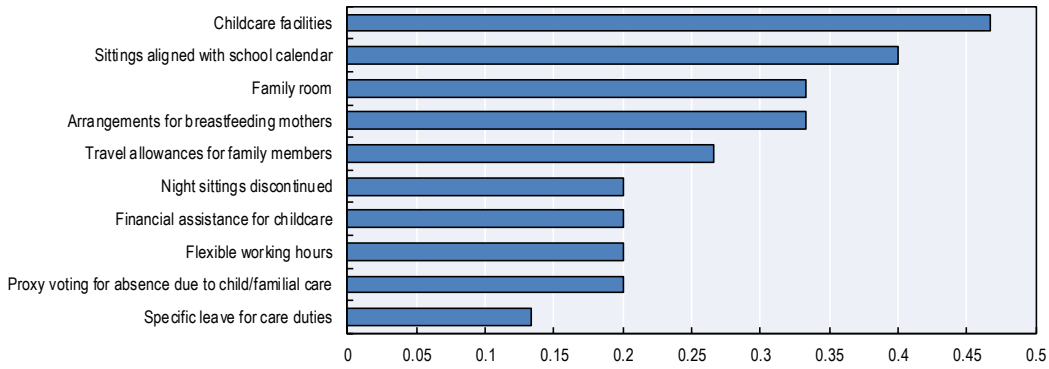


Table 6.3. Promoting work-life balance for parliamentarians and parliamentary staff

Work-life measure	Adopted	Debated, but not adopted
Childcare facilities	Canada, Germany, Greece, Ireland Japan, Latvia, New Zealand, Spain, Sweden	Austria
Arrangements for breastfeeding mothers	Austria, Germany, Hungary, Ireland, New Zealand, Poland	Czech Republic, Sweden
Proxy voting for absence due to child/familial care	Luxembourg, New Zealand, Sweden	Canada, Germany
Sittings aligned with school calendar	Canada, Germany, Ireland, Luxembourg, New Zealand, Slovenia, Sweden	
Flexible working hours	Austria, Germany, New Zealand	Canada
Family room	Canada, Germany, New Zealand, Poland, Sweden	Austria
Financial assistance for childcare	Greece, Hungary, Luxembourg	
Travel allowances for family members	Canada, Greece, New Zealand	
Reviewing internal procedures	Germany	
Longer stays in districts	Sweden	Canada
Night sittings discontinued	Luxembourg, Portugal, Sweden	Germany
Specific leave for care duties	New Zealand, Sweden	Germany

An important aspect of increasing women's political involvement is increasing their capacity to successfully combine work and family life. To this end, a number of parliaments have earmarked resources from the parliamentary budget for gender-specific facilities, programmes or activities as a means to support work-life balance. For example, of 15 respondents, 7 parliaments (46.7%) allocate resources for the provision of childcare facilities. In Greece, childcare facilities provided by the parliament are co-financed by the parliament itself, while in Luxembourg, the law regulates access to childcare services. Three parliaments (20%) provide childcare subsidies (Austria, Greece and Luxembourg), while the German and Greek parliaments provide additional subsidies for other care

responsibilities. None of the parliaments reported having allocated resources to cover the cost of gender-sensitivity training for the workplace.

Of the 15 respondents, only Germany indicated that its lower house has undertaken an evaluation of the impact of gender-friendly parliamentary practices in order to facilitate work-life balance for parliamentarians. Germany noted that there is an annual gender equality evaluation among the parliamentary staff to assess the allocation of positions within parliaments to women and men; results indicate that gender-balance targets have been achieved in recent years.

Maternity, paternity and parental leave in parliaments

Women's equal access to power can be impacted by a range of measures intended to improve work-life balance; this includes the existence and uptake of parental leave for men and women. Of the 15 respondents, 9 (60%) indicated that provisions regarding maternity leave for members of parliament are the same as those prescribed by national law. Four countries (Canada, Greece, Latvia and New Zealand) noted that the parliament has adopted its own policies; in the case of Latvia, these policies were in accordance with the Rules of Procedure of the Saeima and in the case of Greece, in accordance with Law No. 3528 of 2007. In New Zealand, the provisions of the Parental Leave and Employment Protection Act do not apply to members of parliament; instead, internal party rules apply. In Austria, at the federal parliamentary level, members of parliament will be excused to take "maternity leave" when appropriate. There is no provision or practice that allows a member of parliament to take parental leave (that is, and have a substitute for his/her absence from parliament during that period). It is noteworthy, however, that some regional councils in Austria have adopted maternity, paternity and/or parental leave for parliamentarians.

The possibility for male members of parliament to take parental or paternity leave is important as it creates equality of opportunities between men and women and promotes a better work-like balance for parliamentarians of both genders, thus alleviating the burden on female members of parliament. In terms of paternity leave, seven respondents (46.7%) noted that the provisions are the same as those prescribed by national law, while two parliaments had adopted their own policies (Latvia and New Zealand). Eight respondents (53.3%) indicated that parental leave provisions were not applicable, five noted that the provisions were the same as those prescribed by national law, and two indicated that the parliament/legislature had adopted its own provisions.

The Danish Gender Equality Committee was active in the passage of a private proposal on parental leave in May 2017 in cases where a mother loses her newborn. Previously, the mother had a right to paid leave for three months while the father was only given two weeks. The proposal requires the government to provide the same amount of time for both parents.

Six of the 15 respondents (40%) indicated that some sort of provision existed to ensure that following maternity/paternity/parental leave, parliamentary staff can assume the exact position they had when they left (Canada, the Czech Republic, Luxembourg, New Zealand, Portugal and Slovenia). For example, in Slovenia, all the provisions of the employment contract remain in force, including the ones relating to assignment to a specific post. In Luxembourg, as the replacement is only temporary, the exact position is held for an individual on leave. In the Czech Republic, national legislation guarantees that employees can return to the exact same or similar position (depending on the particularities of the situation).

In Japan, the Rules of the House of Representatives were revised in 2001, adding a stipulation that when a woman is unable to attend House sessions for reasons of childbirth, she may give the speaker notice of non-attendance in advance. The House has also created a specific space for women, which can be used by secretariat staff as well as parliamentarians.

Parliamentary working and sitting hours

Working and sitting hours at the parliament may have a strong impact on the work-life balance of both male and female parliamentarians, although women are generally at the losing end of the spectrum given they assume most of the unpaid care responsibilities. For instance, if parliamentary sessions take place late at night or during holidays, this might prevent female members of parliament with children from participating, thus impeding their work.

With regards to the operating hours of parliaments, of those that specified sitting hours in lower houses, the majority took place during the 2pm to 7pm period and did not change drastically over the three-year period, with the exception of Luxembourg, which did see its number of sitting hours increase. The number of hours spent in evening sittings did not change significantly in any of the countries over the three-year period. Only Poland responded that sittings also took place on the weekends or during holidays.

Box 6.2. Setting committee meeting times: The case of the German Bundestag

In Germany, the chair of a committee may convene a meeting at his/her discretion within the scope of the timetable drawn up by the Council of Elders. However, if a parliamentary group or 5% of members demand so, or a committee group unanimously agrees, the chairperson is authorised to convene meetings outside the parliamentary timetable if the President of the Bundestag gives his/her permission.

6.6.7. Gender-sensitive workplaces in parliaments

Towards a culture of respect: Combating harassment and discrimination

Gender equality provisions have been integrated into a range of other policies adopted by parliaments to govern and regulate parliamentary behaviour. For example, of the 18 respondents, 3 (16.7%) have adopted a code of conduct and/or ethics guidelines that contain a gender component as a means to guide parliamentary behaviour in the lower house (Denmark, Latvia and Sweden), while 4, or 22.2% (Austria, Germany, Latvia and Sweden), have adopted codes of conduct that apply to parliamentary staff.

More parliaments (50%) reported adopting policies that address acts and threats of sexual harassment than on gender-based harassment. In Canada, both practices are covered by the "House of Commons Policy on Preventing and Addressing Harassment", while in Denmark, such behaviour is prohibited by the Danish "Act on Prohibition against Discrimination in the Labour Market". The lower houses of Greece, Luxembourg and Sweden have adopted a grievance procedure to address gender-based discrimination, harassment and/or violence against members of parliament, while Austria, Germany,

Luxembourg and Sweden have adopted such procedures in reference to their parliamentary staff.

A handful of parliamentary lower houses have adopted policies addressing gender-based discrimination in access to leadership positions (Denmark, the European Parliament and Sweden) or participation in parliamentary bodies and/or processes (Belgium and Sweden). A number of parliaments/legislatures have begun to adopt provisions to protect specific vulnerable or marginalised groups, such as the disabled, minorities, or those identifying as lesbian, gay, bisexual, trans, inter-sex or queer (LGBTIQ), targeting members of parliament and/or parliamentary staff. In Canada, all these groups are protected under its "House of Commons Policy on Preventing and Addressing Harassment". Denmark, Greece, Latvia, Portugal and Sweden have adopted specific policies to address social media, including cyber-bullying, for their chamber(s), while Sweden has adopted such a policy for its parliamentary staff.

Gender-sensitive communications and outreach

A number of parliaments/legislatures have begun to address issues related to gender-sensitive language and representation in internal and external parliamentary materials. Six of the 18 respondents (33.3%) indicated that provisions have been adopted, formally or informally, to promote gender equality in regard to communications and/or media strategies. Spain clarified that it is common practice to apply a gender equality lens to all parliamentary website articles and press releases, although formal provisions have not been adopted. In the Danish parliament, all job advertisements contain a statement urging individuals to apply for positions regardless of sex, ethnicity or religion. In New Zealand, the parliament ensures that imagery and language on the website is well-balanced in terms of gender, especially for articles that have a broad scope, where it would be easy to default to generic photos of men. The style guide has specific requirements on gender-neutral and inclusive language.

The Slovenian parliament pays close attention to the use of gender-sensitive language, for example, using both the male and female version of the term "parliamentarian" in all communications and ensuring that the term "deputy" is applied equally to women and men. The parliament publishes statistics on the proportion of women members of parliament on its website and commemorates events of special significance to women, such as the International Day for the Elimination of Violence against Women.

Engaging men in parliamentary gender equality efforts

Engaging the support of male colleagues in parliament, particularly those in leadership, is increasingly viewed as key to achieving gender equality outcomes. With regards to male engagement and support within the parliament, Denmark reported that both men and women equally participate in and contribute to the work of the Gender Equality Committee. Denmark reported that so far, two of the nine spokespersons on gender equality are men. Likewise, in Germany, more than a third of the members of the committee responsible for gender equality are men.

Complementary policy solutions

Countries are introducing a range of complementary measures to enhance the attractiveness of the political office to women and help them develop necessary skills and knowledge to be effective public leaders. For example, women's caucuses serve as an important instrument for encouraging peer co-operation and support among elected women. In some

cases it also helps women to raise money for their elections. Women can benefit from mentoring and networking. However, effective caucuses depend on good leadership and practices (OECD, 2014[34]).

For women candidates, raising funding to contest the election can be a significant challenge. Financing targeted to support women's electoral bids is critical to ensuring that women have the necessary resources to mount competitive campaigns. Moreover, cultivating women's interest to run for office and actively recruiting them could increase their representation. Involving women at the grassroots level is critical, as it is likely to encourage them to remain longer in politics.

The ability to confidently participate in debates and leadership skills are some of the key success factors. Particularly useful is training by political parties, because it offers insight into how the party understands electoral and legislative procedures. Media training is also important. In some countries, political parties offer special skills training. Many leadership workshops are offered by non-governmental organisations as well. However, training should also include events with mixed audiences where women and men are exposed to the skills of their peers (OECD, 2014[34]).

6.7. Gender mainstreaming in the work of the legislatures

6.7.1. Gender equality committees: Roles and responsibilities

Committees are commonly described as the backbone of parliamentary legislative work. Their exact functions may vary between countries, but their core responsibility is generally to investigate and examine legislative proposals. Based on available evidence, two-thirds of OECD countries have gender equality parliamentary committees, which can be fully dedicated to the issue or, more often, have a combined portfolio. While the mandates of these committees vary, they are generally responsible for the gender equality legislation and examine selected draft laws from a gender equality perspective (see Chapter 1).

In many countries, such committees have the right to request information and data on gender equality from all relevant institutions. In Canada, Germany, Greece and Sweden, a research/study centre has been established, wholly or in part to support the work of the committee. In Greece, the Department for Parliamentary Research supports all parliamentary bodies, including committees in this regard. In Canada, the Library of Parliament employs research analysts to assist all parliamentary committees, including the Standing Committee on the Status of Women. In Mexico, the Gender Equality Commission is mandated to examine initiatives, minutes and bills assigned to it by the parliamentary board which addresses gender equality. In Belgium, at the request of the House, another committee or at its own initiative, the Advisory Committee on Social Emancipation gives advice on gender equality, within the period set by the requesting body. The Gender Equality Committee in the parliament of Denmark is mandated to examine all legislative proposals issued from the Ministry for Equal Opportunities and Nordic Cooperation. When a proposal falls within the jurisdiction of multiple committees, a political majority determines which committee should have responsibility. If the proposal also pertains to gender equality, the committee can initiate a parallel examination of the proposal. In Germany, any committee can claim responsibility or a right to give an opinion on bills, and the parliamentary leadership either endorses the claim or issues responsibility to another committee. In Hungary, responsibility for specific aspects of gender equality is split among different committees (e.g. the Committee on Justice addresses legal aspects of non-discrimination, the Committee on Business Development discusses issues relating to

equal pay, the Committee on European Affairs covers issues relating to EU gender obligations, and the Sub-Committee on Women's Dignity deals with women's empowerment). A similar arrangement is in place in the Latvian Saeima. In Luxembourg, the relevant committee is responsible for bills relating to gender equality, but has no influence on the selection of the responsible committee for a given proposal, which remains the purview of the Conference of Speakers. However, each committee is empowered to draft an opinion on each proposal. Likewise, in Austria, the Gender Equality Committee has no general competence to review draft proposals from a gender perspective; it is only empowered to review laws that relate to gender issues specifically. Sub-committees in Portugal are not granted decision-making powers, except on procedural matters; as the body responsible for gender equality is a sub-committee, this means it has no mandated authority to scrutinise legislative proposals, but can receive it from the main committee (Committee on Constitutional Affairs, Rights, Freedoms and Guarantees), which has the power or the competence to ratify the undertaken votes in the sub-committee.

Table 6.4. Mandates and roles of parliamentary committees for gender equality

Committee powers	Lower house	Upper house
Supervision of compliance with national and international gender equality standards	Denmark, Greece, Hungary, Latvia, Luxembourg, Sweden	
Preparation of gender equality-related legislative proposals	Austria, Belgium, Denmark, Greece, Hungary, Latvia, Luxembourg, Poland, Spain, Sweden	Mexico, Slovenia
Examination of all draft laws and budgets from a gender equality perspective	Latvia, Sweden	Mexico, Slovenia
Examination of selected draft laws from a gender equality perspective	Belgium, Canada, Denmark, Germany, Greece, Hungary, Latvia, Poland, Spain, Sweden	Mexico, Slovenia
Ensuring that all draft laws include gender analysis	Greece, Sweden	Mexico
Government scrutiny from a gender equality perspective	Austria, Canada, Denmark, Germany, Hungary, Latvia, Luxembourg, Poland, Spain, Sweden	Mexico
Gender equality advice to the government	Canada, Denmark, Greece, Hungary, Luxembourg, Sweden	Mexico
Examination of complaints related to gender-based discrimination and violence	Hungary, Latvia, Slovenia	
Dissemination of gender equality-related information	Canada, Denmark, Greece, Latvia, Portugal	Mexico
National debate on the status of women	Austria, Canada, Denmark, Germany, Greece, Hungary, Latvia, Luxembourg, Poland, Portugal	Mexico, Slovenia

The impact of gender equality committees

A number of respondents provided specific examples of the impact of gender equality committees in promoting gender equality. For example, in Hungary, the former Constitutional Committee (now the Committee on Justice) reportedly played a decisive role in modifying the Criminal Code to recognise domestic violence as a crime. Likewise, in Belgium, the Advisory Committee for Social Emancipation advised on amendments to the Belgian Civil Code on introducing equality between men and women in the passing of a surname to a child. From April to December 2016, the House of Commons Standing Committee on the Status of Women conducted a study on violence against women and girls in Canada, with a view to providing recommendations for follow-up to the government. The committee conducted hearings with women's groups, inviting witnesses to provide testimony either orally or in writing. This testimony was compiled into a report that included 45 concrete recommendations, presented to the House of Commons and submitted

to the government of Canada for an official government response. In its response, the government detailed the actions its ministries had taken or planned to take in order to address the committee's recommendations. In Denmark, the Danish Gender Equality Committee promotes gender equality issues, hosts hearings, participates in field trips and holds the government to account. Internally, the committee is also planning to undertake an analysis of the Gender Mainstreaming Assessment as a means to make this tool more effective in assessing legislative proposals from a gender perspective. In Latvia, the Gender Equality Committee works closely together with the Ombudsperson's Office, which specialises in anti-discrimination. The Ombudsperson is invited to participate in the committee's meetings within its scope of competence and has the right to submit proposals for draft laws. Likewise, the committee co-operates with non-governmental organisations, including those specialising in the promotion of gender equality. The Saeima also hosts conferences dedicated to gender equality; one such example was the Business Opportunities for Women and Sustainable Development "From Challenges to Shared Success Stories" conference and an international conference on "How to Prevent Domestic Violence".

6.7.2. Gender mainstreaming mechanisms in parliaments

Parliaments/legislatures have introduced a range of mechanisms to mainstream gender across parliamentary work in their lower houses.

Mexico's upper house has also introduced a number of gender mainstreaming mechanisms. These include the introduction of gender advisors/specialists in the form of technical secretaries and advisors as well as gender focal points. The upper house holds hearings with and receives submission from women's groups and also works with civil associations and academia to deliver training on gender analysis. Internally, the Mexican upper house applies a checklist to assess legislation from a gender perspective and has established within its legal framework the requirement to use sex-disaggregated data in its legislative work. It also liaises with the national women's machinery as relevant.

Parliamentary gender analysis

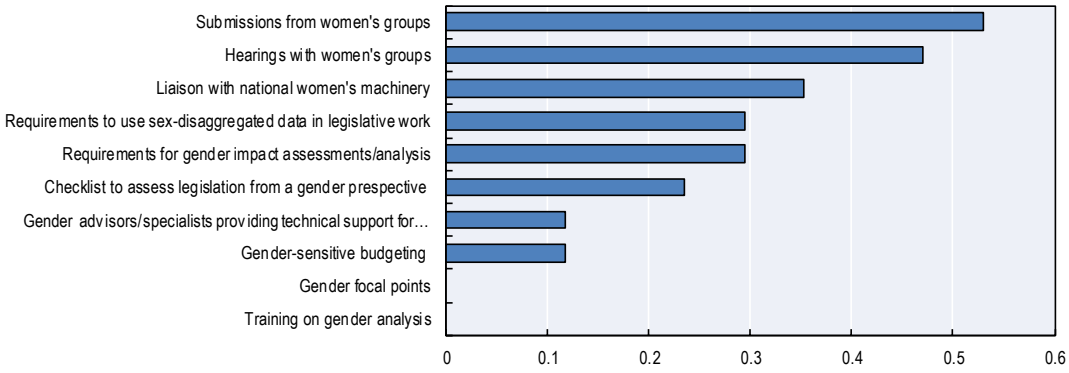
Of 17 respondents, 3 (17.6%) indicated that there is a requirement in place for the parliament to systematically take into account the impacts of legislative proposals on women and men, i.e. to conduct gender analysis at all times in the lower house (Denmark, Spain and Sweden). Two respondents (11.8%) indicated that gender analysis is required in some cases (Austria and Latvia) and two indicated that there are plans to do so (Mexico and Portugal). For those with an upper house, this requirement is always in force in Spain and Sweden, in some cases in Austria, and is planned in the case of Mexico.

Several respondents provided examples of laws or motions that have been subject to gender analysis in the last five years. These include a draft law before the Portuguese parliament on ensuring the balanced representation of women and men in the administrative and supervisory boards of companies, in the corporate sector and on listed companies. Likewise, a Belgian bill adopted in April 2012 with a view to decrease the gender pay gap was subject to gender analysis. In Latvia, a range of bills that touch on gender-related issues are subject to gender analysis.

Table 6.5. Gender mainstreaming in lower houses of parliament

Gender mainstreaming mechanisms	Lower house	Examples
Gender advisors/specialists providing technical support for legislative work	Latvia, Spain	Latvia: Technical support is provided by sectoral experts from institutions other than the parliament.
Gender focal points		
Gender-sensitive budgeting	Austria	Canada: The Fall Economic Statement says that "To ensure that the government continues to deliver real and meaningful change for all Canadians, it will submit Budget 2017, and all future budgets, to more rigorous analysis by completing and publishing a gender-based analysis of budgetary measures."
Hearings with women's groups	Austria, Canada, Denmark, Greece, Latvia, New Zealand, Portugal, Spain	
Submissions from women's groups	Austria, Canada, Denmark, Greece, Latvia, Luxembourg, New Zealand, Portugal, Spain	
Checklist to assess legislation from a gender perspective	Austria, Denmark, Latvia, Spain	Latvia: All newly adopted laws and amendments must comply with the principle of gender equality enshrined in the Constitution of the Republic of Latvia and other major sectoral laws and regulations. Denmark: Gender mainstreaming assessment of legislative proposals.
Requirements to use sex-disaggregated data in legislative work	Austria, Denmark, Latvia, Spain, Sweden	Denmark: Gender mainstreaming assessment of legislative proposals.
Requirements for gender impact assessments/analysis	Austria, Denmark, Greece, Latvia, Sweden	Denmark: Gender mainstreaming assessment of legislative proposals.
Liaison with national women's machinery	Denmark, Greece, Latvia, New Zealand, Portugal, Spain	
Training on gender analysis		

Figure 6.6. The use of gender mainstreaming tools by the parliaments



In Denmark, several bills have been subject to the legislative gender mainstreaming assessment for a number of years. The Ministry of Employment subjects all legislative proposals to the assessment. Some of the proposals that have been subject to the assessment include bills on Danish lessons to foreigners, access to education, and amendments to legislation on marriage and divorce and unemployment.

In Portugal, hearings involving governing bodies that deal with gender policy are regularly held and gender equality is regularly debated as part of legislative proposals. The Danish parliament reports promoting the drafting of gender-neutral legislation, specifically through the application of the Gender Mainstreaming Assessment Checklist. It has also

taken steps to achieve a "culture" of gender equality through the traditional participation of both women and men in politics. This culture manifests itself in both formal and informal parliamentary practices.

The Swedish parliament's adoption of an Action Plan for Gender Equality is reported to have created the foundation for an all-encompassing approach to gender mainstreaming across the institution.

6.7.3. Challenges related to gender mainstreaming in parliamentary work

In terms of challenges to mainstreaming gender in the work of the parliament, the absence of a gender equality policy or regulatory framework was ranked by respondents as the greatest obstacle. Without the institutionalisation of gender mainstreaming within parliaments, efforts are often ad hoc and only pursued by those with an interest or will to do so. The second and third greatest challenges were, according to respondents, the limited use of tools for gender mainstreaming and insufficient know-how. Ireland also pointed out the absence of an action plan and of a mandate and the lack of political will and support from axis of power as important barriers. This finding is indicative; parliamentary actors may wish to engage in gender mainstreaming but are hampered by a shortage of concrete knowledge and tools to apply gender mainstreaming in practice. This speaks to a capacity gap that could be rectified through greater investments in training and learning.

The absence of gender advisors or trained personnel to provide guidance and the limited training on gender mainstreaming for parliamentary actors as a whole, leading to insufficient know-how on gender mainstreaming, were identified as a challenge by four respondents (Greece, Hungary, Luxembourg and Slovenia). Likewise, the low availability of tools (manuals, guidelines) on gender mainstreaming was cited as an obstacle by a similar number.

6.8. Mechanisms for gender equality oversight

6.8.1. Gender mechanisms in parliamentary oversight

Only the Czech Republic indicated that the lower house of the parliament is always required to address gender equality concerns in exercising its power of scrutiny over the executive. Austria indicated that it occasionally exercises scrutiny over the executive, in particular as regards the federal budget process. The parliamentary budget office assists members of parliament in identifying issues of gender relevance to be discussed during debates on the budget, and provides material and information as guidance. In Ireland, hearings are organised at the lower house of parliament with women's groups who may make submissions.

Parliaments/legislatures use a range of mechanisms to oversee government actions in relation to gender equality. The most prevalent mechanism is the practice of questioning ministers or Cabinet members (exercised by 14 of 18 respondents, or 77.8%), followed by the holding of public hearings on a government initiative or gender equality topic (utilised by 13, or 72.2%, of respondents) and the review of reports on gender equality issued by government departments (exercised by 10, or 55.5%, of respondents). For example, the Portuguese government is required to present an annual report to the Assembly on equal opportunities for women and men in employment and vocational training. In addition, mid-term evaluations of the implementation of national equality plans are required to be sent to the Assembly each March by government ministries for review.

Less frequently used were mechanisms which scrutinise budgets and expenditures from a gender perspective, as can be seen from Table 6.6. For example, only five respondents engaged in either *ex ante* scrutiny of the budget or *ex post* scrutiny of public expenditures from a gender perspective, while the same respondents (other than Mexico) conducted gender impact evaluations of national budgets. Significantly, Austria and Denmark used every mechanism identified by the survey.

Table 6.6. Mechanisms to support gender equality oversight

Gender equality oversight mechanisms	Lower house
Holding public hearings on a topic	Austria, Canada, Denmark, Hungary, Japan, Latvia, Luxembourg, New Zealand, Poland, Portugal, Spain, Sweden
Questioning ministers/Cabinet members	Austria, Canada, the Czech Republic, Denmark, Hungary, Japan, Latvia, Luxembourg, New Zealand, Poland, Portugal, Spain, Sweden
Examining gender audit reports	Austria, Denmark, Hungary, Luxembourg, New Zealand, Portugal, Spain, Sweden
Reviewing reports on gender equality from government departments	Austria, Canada, Denmark, Latvia, Luxembourg, New Zealand, Poland, Portugal, Sweden
Ensuring that government maintains international commitments to gender equality domestically (e.g. CEDAW, Sustainable Development Goals, etc.)	Austria, Denmark, Hungary, Latvia, Luxembourg, New Zealand, Portugal, Spain, Sweden
Engaging in national reporting process for CEDAW	Austria, Denmark, Hungary, Portugal, Spain
Ex ante scrutiny of the public budget from a gender perspective	Austria, Denmark, Spain, Sweden
Ex post scrutiny of public expenditures from a gender perspective	Austria, Denmark, Spain, Sweden
Monitoring the impact of gender equality/non-discrimination legislation after adoption	Austria, Denmark, Hungary, Spain, Sweden
Conducting gender impact evaluations of budgets	Austria, Denmark, Spain, Sweden

Only two respondents (Greece and Sweden) reported having requirements to always consider gender as a factor in approving executive appointments. Greece has specified that bodies of the public administration, including internal councils and committees, must always contain at least three members, one of whom must be a woman.

6.8.2. Gender equality mechanisms: Women's caucuses

Women's caucuses play a key role in championing gender equality in parliaments; they can be effective actors for mainstreaming gender issues into the policy cycle, creating solidarity among female members of parliament and helping to ensure that gender equality does not fade from the legislative agenda.

Only Mexico indicated that it had a formal women's caucus in its upper house. This caucus is composed only of women and performs a variety of functions, including: debating gender equality issues to influence legislative processes; promoting affirmative actions for women's empowerment and gender equality within the parliament; co-ordinating with other governmental bodies on gender equality issues; raising awareness on gender equality; facilitating networking among female members of parliament; lobbying in support of gender equality issues; and creating a social space for women and men to foster a sense of solidarity. The Mexican women's caucus has reported succeeding in lobbying for the creation of legal frameworks to recognise and protect the human rights of women, for example, by designating femicide (a sexual/gender hate crime conventionally understood as the killing of women) a crime. Canada, in turn, indicated that an informal all-party women's caucus exists, which welcomes members from both the House of Commons and the Senate. It has encouraged debate and held informal discussions on the development of

family-friendly and gender-sensitive parliamentary initiatives. An informal networking body has been established in the Danish parliament as well, composed of both female and male legislators, as a means to promote awareness of gender equality as well as to create a social space for both women and men to foster a sense of solidarity. Ireland highlighted a newly formed women's caucus. The Irish Women's Parliamentary Caucus is a cross-party forum which aims to bring together Irish women parliamentarians to discuss and campaign on issues predominantly affecting women and how parliamentarians can work to address them, with an overall view to helping promote and support women's participation in politics, nationally and locally, and develop and advocate for gender-sensitive legislation, policy and other initiatives.

Gender-sensitive parliamentary oversight of budgets

A national budget outlines a government's priorities and policy focuses. Budgets are a major cornerstone of the parliamentary process. Countries have slowly begun to weave gender mainstreaming efforts into budgeting, in tandem with the growing understanding that the allocation of resources has different impacts on men and women. Respondents indicated that a wide range of mechanisms, processes and provisions have been adopted by the parliament as a means to mainstream a gender perspective in budgets. Two out of 18 respondents indicated that gender analysis of budgets is legally required, by the parliament or another official body (Austria and Japan). In Sweden there is a regulation to that effect. Two countries identified specific gender-related powers with regards to parliamentary approval of the budget: the parliament of New Zealand can amend or reject the executive's budget proposal if gender analysis is missing, but cannot formulate and substitute a gender-sensitive budget of its own. The Austrian parliament, on the other hand, can amend or reject the executive's budget proposal if gender analysis is missing and can formulate and substitute a gender-sensitive budget of its own. In fact, the Austrian parliament has established a specialised budget research office to conduct gender analyses of the budget. Spain and Sweden indicated that their parliaments cannot amend or reject a budget proposal if gender analysis is missing.

Four of the respondents provided information on the role of the plenary as well as key committees (gender equality, finance/budget and public accounts) in gender analysis of the budget during the approval and monitoring phases of the budget cycle. In the New Zealand lower house, gender analysis is considered part of the budgetary decision-making process undertaken by the plenary. None of the committees, however, undertake gender analysis as part of the approval and/or monitoring phase.

In Spain, in both the upper and lower houses, the plenary and the gender equality committee reportedly take gender analysis into account throughout the budgetary process by taking into account sex-disaggregated data, even though there is no specific debate on gender equality. In addition, a report on the likely effects of the budget on gender is produced and issued alongside the budget.

Respondents identified a range of obstacles that hindered the effective use and/or application of gender budgeting in parliamentary decision making. The most frequently cited challenges include lack of a clearly defined methodology and guidelines as well as a shortage of indicators to monitor success (4 respondents out of 17), followed by limited political engagement, insufficient know-how, lack of capacity to exercise gender budgeting due to financial resources, and limited human resource capacity to exercise gender budgeting (3 respondents each, or 17.6%).

Key policy messages

Key policy messages outlined in Chapter 3 also apply where appropriate to the legislative branch.

- There is strong potential to strengthen gender sensitivity in the full spectrum of institutions that form the political and electoral landscape of OECD countries (e.g. legislatures, parliamentary secretariats, political parties, and election management bodies). Countries are encouraged to conduct systematic and comprehensive audits of the gender sensitivity of their political and electoral institutions.
- Countries should consider a comprehensive gender impact assessment of the electoral law and other relevant laws to ensure that they are continuously able to address different barriers that candidates may face, including in the digital age.
- In legislatures and ministerial posts, continuous efforts are needed to systematically identify and address gender equality gaps both in terms of level of representation and access to leadership positions (e.g. leadership positions in parliamentary committees, etc.). Over time, such data could be expanded to cover the intersectional dimensions of gender equality. Publishing and regularly updating the results of such exercises can help increase accountability for ensuring gender balance.
- A comprehensive and multi-stakeholder strategy will help establish priorities, measurable targets and monitoring mechanisms, and would serve as the baseline for tracking progress (see Chapter 2). Such a strategy tackles the issue of access to politics from a multi-dimensional perspective including removing barriers for candidates, access to finance, networking and capacity development, access to leadership posts, tackling bullying and sexual harassment in the parliament, work-life balance at the top, supporting child and elderly care, etc. Such a strategy could also help ensure co-ordinated efforts from a variety of stakeholders, including parliamentary authorities, political parties, election management bodies, etc.
- Limited work-life balance and unpredictable work schedules remain important barriers to politics. Legislatures should take a series of actions, which may include advance notice of the parliamentary calendar, more predictable scheduling of business, closely aligning parliamentary recess dates with school holidays, etc. Such measures should also be coupled with efforts to facilitate access to childcare services and schemes to balance family and professional obligations. It is important to ensure the effectiveness of such measures through regular monitoring.
- Legislatures should carry out internal reviews to identify the prevalence of bullying and harassment, including sexual harassment. Parliaments should develop a comprehensive policy and take adequate measures to prevent, address, monitor and report such incidences, including support for whistle-blowers.

Key policy messages (*continued*)

- Further measures are needed to promote greater inclusion of women and diverse groups in the membership and leadership of political parties. These should include systematic assessment of the potential impacts (on men and women) of public political financing rules. Specific barriers faced by women and other groups from diverse backgrounds (e.g. indigenous people, victims of violence, women and men from rural communities, etc.) should be systematically identified and removed.
- Transitional and corrective regulatory measures (e.g. legislated or voluntary quotas) can support countries in cracking or breaking the glass ceiling in politics if accompanied by strong implementation and accountability frameworks and recourse mechanisms. These efforts should also be complemented by measures to shift the institutional culture, structural inequalities, leadership development and enhancing the role of men in promoting gender equality.
- Oversight institutions such as election management bodies and courts are important allies in upholding legal frameworks for gender equality and inclusiveness in politics. In a number of OECD countries, increasing gender expertise within these institutions has supported the advancement of equal access to politics.
- Legislatures should be given more explicit roles in achieving society-wide gender equality goals by exercising their external oversight and accountability functions. The role and mandates of the parliamentary committees for gender equality could be strengthened to scrutinise the gender impacts of all legislative proposals (beyond those directly and explicitly linked to women's issues). To support this work, data should be readily available, coupled with expert knowledge. The process would benefit from strong collaboration and co-ordination between the gender equality committee and the main committee responsible for reviewing the bill. The capacity of other parliamentary committees to understand the gender implications of their decision-making processes should also be strengthened.
- All efforts should be made by parliamentary committees to ensure a diverse and gender-balanced representation of witness lists to contribute to the parliamentary inquiries.
- As lawmakers, oversight bodies and employers, parliaments should continue to strive to assess the impacts of their structures, operations and deliberations and methods on men and women from diverse backgrounds. There remains clear scope for parliaments across the OECD to develop adequate frameworks, mechanisms and capacities for gender mainstreaming.

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