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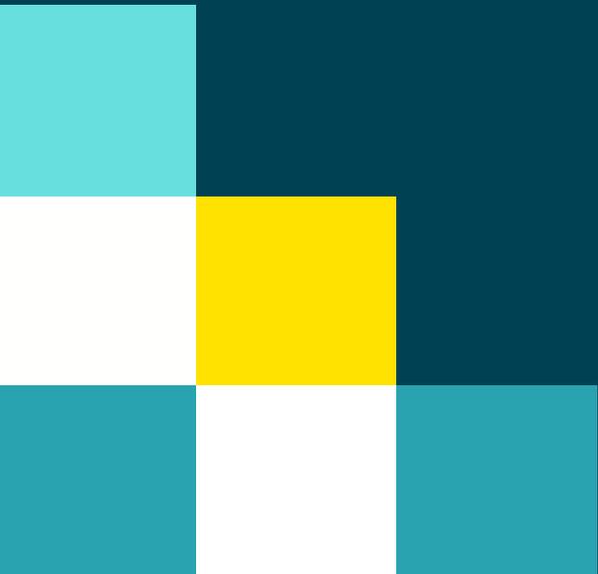
Gender Equality Review (GER)

Phase One: International Policy and Practice

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Report Overview

- The Welsh Government has commissioned a review of gender equality policy and practice in Wales, with the intention of putting a gender perspective at the heart of policy and decision-making.
- For Phase One of the review, Chwarae Teg has considered how the Welsh Government currently addresses the promotion of gender equality. This report provides examples of promising international policy and practice.
- Combined, the reports recommend actions to be explored in Phase 2 of the Gender Equality Review (GER).
- The Gender Mainstreaming (GM) approach to equality was established with the intention of embedding an equalities perspective in policy making.
- This review examines how GM principles and tools have been embedded in the Scandinavian and Nordic countries that consistently score well in indices that measure how far societies have closed gender inequality gaps.
- GM in these countries is underpinned by welfare systems, parental leave and childcare provision, which have had both positive and negative effects.
- The learning from Scandinavia suggests that a dual GM strategy is required, in which a clear vision for equality of outcome is articulated and mobilised through all policy, plus specific equality policies.
- High level institutional support for evidence-informed policy-making and engagement with equality organisations and citizens are required to achieve the vision.
- This report suggests that new impetus can be given to promoting equality in Wales through ‘learning practice’ methods that can ‘bring to life’ some of the already world-leading legislation Wales has in its ‘mainstreaming duty’ which requires the promotion of equality of opportunity for *all* people (GOWA 1998, 2006), and the *Well-Being of Future Generations Act 2015*.
- Recommendations are provided for strengthening this legislation, establishing new institutional structures and integrating policy and practice for promoting equality and well-being.

Executive summary and recommendations

This report contributes to Phase 1 of the Gender Equality Review (GER). It examines international approaches to embedding a gender perspective in decision and policy-making. These initial findings, and the recommendations that flow from them, can be further explored in Phase 2 of the GER, culminating in a ‘roadmap’ for gender equality in Wales.

Scandinavian and Nordic countries consistently score well in indices that measure how well countries are closing gender inequality gaps.¹ These countries were the first in Europe to deploy a gender mainstreaming approach to promoting equality. They employ a dual-strategy approach that consists of applying a gender perspective to all policy-making and the introduction of specific policies to promote equality.

In Nordic countries, gender mainstreaming principles and tools are used to formulate policies that will contribute to the goal of women’s economic independence. This aim is further underpinned by welfare and tax policies that treat people as individuals and not as dependent persons within households, by state provision of wage replacement for parental leave, and by extensive childcare services.

Although these policies cannot be easily transposed to Wales, which has a very different welfare regime, which is mostly determined by the UK government, it is worth considering what we can learn from sustained efforts to promote gender equality in the Nordic countries.

The examples of promising practice reviewed here demonstrate that gender mainstreaming is supported by high level institutional structures and expertise, dedicated resources for research and engagement, and that the vision for equality is consistently communicated so that it is understood and shared by citizens. Equality objectives and policies aim to promote equality of outcome rather than equality of opportunity.

Transforming policy-framing to include a gender perspective in all decision-making is challenging. It requires the right cultural and behavioural conditions, cross-cutting

¹ The World Economic Forum *Global Gender Gap Report* and the European Institute of Gender Equality *Gender Equality Index*. Nordic refers to Denmark, Iceland, Finland, Norway and Sweden. Scandinavian commonly refers to Denmark, Norway and Sweden.

government working, equalities expertise, and the inclusion of the voices of people affected by mainstream policies that are otherwise assumed to be gender-neutral.

Improved integration of the principles and tools of gender mainstreaming in policy-making may 'bring to life' the, in many respects, already world-leading legislation Wales has for 'mainstreaming equality' for *all* people (*Government of Wales Acts* 1998, 2006), sustainability and well-being (*Well-Being of Future Generations Act* 2015).

The review concludes that proactive, creative and collaborative use of gender mainstreaming principles and tools, through engaging officials, researchers, NGOs and citizens, will assist with setting a vision for equality in Phase 2 of the GER and identify the systems and structures needed to support it.

Based on the findings of the international review, the report recommends that in Phase 2 of the GER, the Welsh Government could, through consultation and engagement, explore how to:

- 1** Create knowledge-transfer opportunities for further learning from Nordic countries, including from the Nordic Council of Equality Ministers, and consider whether there is value in establishing a Celtic Council of Equality Ministers and supporting structures;
- 2** Set a vision of Wales as an egalitarian society and a clear vision of gender equality to support that aim. Phase 2 should also explore how the vision can engage and enthuse Welsh citizens;
- 3** Set gender equality goals on the basis of equality of outcome rather than on the basis of equality of opportunity. The Swedish word for gender equality – 'Jämställdhet', specifically means equality of outcome;
- 4** Establish strong institutional mechanisms at the highest levels – Gender Equality Councils/ Boards/Advisory groups and Ministerial Advisors;
- 5** Create a dedicated and engaging WG website for equality policies, monitoring information, equality statistics and infographics;
- 6** Create the conditions for officials, researchers, NGOs and citizens to work together to create and test a 'learning practice' mainstreaming equality policy-making model. The model should demonstrate how to articulate inequalities in a policy-field, how existing policy can be adapted, and new policies and initiatives created, to promote equality of outcome. A re-examination of the *Economic Action Plan* and *Employability Plan* could be used as a test case in Phase 2 of the GER;

- 7 Explore how a 'learning practice' model can help define the Welsh approach to addressing intersecting inequalities;
- 8 Strengthen the use of the principles and tools of gender mainstreaming by examining the effectiveness of the Scottish specific equality duty for mainstreaming. This duty intends that equality is embedded in organisational culture and will inform the operation of *all* the public sector specific equality duties;²
- 9 Re-examine and where necessary strengthen all the Welsh Specific Equality Duties;
- 10 Coordinate and integrate the sustainability duty and the five ways of working under *Well-being of Future Generations Act* (WBFG) 2015, with the Human Rights framework and the equality duties under the *Equality Act* (2010), including how to integrate the proposed socio-economic duty;
- 11 Review the strength, scope and powers of the Future Generations Commissioner and the Equality and Human Right Commission with respect to monitoring and scrutiny for equality of outcome rather than the processes of implementation;
- 12 Foster engagement opportunities for men to discuss how gender inequality affects them and to support gender equality policy-making;
- 13 Introduce shared parental leave for Welsh Government employees at the enhanced maternity pay rate for fathers who take leave. Encourage the same good practice in public services and influence good practice in other employment sectors using procurement levers;
- 14 Assess the effectiveness of the Icelandic equal pay certification scheme for use in the public sector, and with public service contractors;
- 15 Assess the effectiveness of the administrative social security levers adopted by the Scottish Government to make welfare payments more frequent. Also assess whether Wales could acquire powers to influence who receives payments - moving them 'from wallet to purse'.

² I am grateful to Professor Paul Chaney for this suggestion.

Outline Glossary³

Gender - in the following analysis, gender refers to one axis of social and economic stratification and not to biology. The social processes of gendering are carried through an oppositional binary, whereby differently valued roles, attributes, skills and behaviours are stereotypically ascribed to men and women.

Gender equality – equality for women and men, acknowledging that the social processes of gendering have negative impacts on women and men. Equality can mean variously equality of opportunity or outcome.

There is a specific word in Swedish for gender equality – Jämställdhet. This refers to the even distribution of influence, power and economic resources between women and men, and therefore, means equality of outcome. Jämlikhet or equality, means valuing all people equally.

Gender Equity: Recently the Welsh Government's *Relationships and Sexuality Education Review Panel* reintroduced the term *gender equity* (Fraser, 1997) and defined this as 'the different needs and interests that people require to ensure and achieve gender equality' (Renold et.al, 2018:30).

Gender Mainstreaming (GM) – the mechanism by which by taking gender inequalities into account at the formulation of policy and throughout each stage of the policy process, policies are produced that promote equality.

The 'Mainstreaming Equality' Duty - *'the Assembly shall make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people'* (s120 *Government of Wales Act, 1998*). In the *Government of Wales Act, 2006* responsibility for the operation of this duty was placed upon Welsh Ministers, who must report progress annually.

Intersectionality - Given the existing Welsh legislative context for equality and in accordance with the *Charter of Fundamental Rights of the European Union (2000/C 364/01)*, gender equality cannot be considered in isolation from the other social dimensions of inequality with which it is always interlocked.

Public Sector Equality Duties (PSED) – The General Duty (s149, Equality Act 2010), states that listed public authorities must: eliminate unlawful discrimination,

³ See separate Annex to report for a full glossary of concepts and terms used throughout.

harassment and victimisation and other prohibited conduct, advance equality of opportunity between people who share a relevant protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.

Specific Equality Duties – *Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 No. 1064 (W.155)* referred to throughout as the specific equality duties. These are the stepping stones by which the general equality duty is met, setting out actions in respect of engagement, objective-setting, data collection and monitoring, employment and pay analysis etc.

'Visioning' - a gender mainstreaming 'tool', which based upon evidence of inequalities in a policy-frame, applies a gender perspective to reimagine the ways things could be, and formulate new policy.

Well-being – variable and contested meanings, ranging from individual feelings of happiness and contentment, to the socio-economic, cultural and environmental well-being of communities, groups, and countries.

Introduction

Carwyn Jones AM, the First Minister of Wales, announced a review of gender equality policies in Wales on International Women's Day 2018.⁴ The aim is to bring new impetus to tackling gender inequalities by putting gender at the heart of decision-making through immediate, medium and long-term actions.

The gender equality review (GER) has two phases. In the first phase, Chwarae Teg has explored which Welsh Government policies and actions are working well or where improvements can be made, and the Wales Centre for Public Policy has reviewed how other governments have embedded equality in policy-making (GER Terms of Reference, 2018). Phase Two of the GER will explore our recommendations culminating in a gender equality 'roadmap' for Wales by July 2019.

The Welsh Government indicated that it has a particular interest in two main issues:

- 1 Best or promising practice on integrating gender equality into decision and policymaking;
- 2 Short, medium and long-term actions that can be further explored in Phase 2 leading to a roadmap for gender equality.

Gender mainstreaming (GM) is the approach to equality that sets out to transform the reproduction of structural gender inequalities through evidence-informed policy-making, as opposed to restricting efforts only to equality legislation and plans, anti-discrimination or short-term project based positive action measures (Rees 1998, Verloo 1999). It arose in the field of international development in the 1970s and was applied in the 1990s in the Nordic countries that are now nearest to addressing gender inequalities. GM is applied as a dual-strategy by the European Commission, that is applying a gender perspective to all policy-making and also taking specific actions (Commission of the European Communities [COM (96) 67 final of 21 Feb 1996, p2]).

The challenge for the international policy review is that it is not clear whether practices adopted by governments in countries that are very different to Wales socially, culturally and politically can be effective here. In Scandinavia, GM is supported by high level institutional structures, methods and processes for evidence-gathering, engagement, policy design mechanisms and resources, and it is

⁴ <http://gov.wales/newsroom/articles/firstminister/180309-first-ministers-speech-to-oxford-university/?lang=en>

underpinned by the goal of achieving economic independence for women and the provision of the necessary welfare and tax policies to support it.

In Wales, we already have world-leading legislation in relation to mainstreaming equality in all policy (s77, *Government of Wales Act 2006*), but there are concerns about a lack of implementation. An implementation gap is also explored in the gender mainstreaming literature which combines a critique of failure to properly institutionalise or evaluate it (Lombardo, Meier and Verloo 2017, Minto and Mergaert, 2018), with arguments for it to be given more time to cause a 'slow revolution' (Davids et.al, 2014).

This report engages with the implementation debate in order to provide the necessary background for further exploration of suggested recommendations in Phase 2. It considers how the academic critique of insufficient integration of gender mainstreaming within policy-making, also presents possibilities for creating renewed energy and ways of working to apply gender mainstreaming principles and tools, particularly through collaborative 'learning practice'. There is arguably a particular opportunity here in Wales as there is congruence between this approach and the five ways of working defined by the *Well-being of Future Generations Act 2015*. This suggests the possibility of integration.

Examples of policy and practice are drawn from the Nordic countries which are consistently ranked highest in the World Economic Forum (WEF) *Global Gender Gap Index*, and the European Institute for Gender Equality (EIGE) *Gender Equality Index*. These examples provide useful insights into the ways in which these governments have promoted egalitarianism as a societal and economic goal. They have set out a vision, supported by policy and practice, to undermine the social processes of gendering that ascribe power, authority and value based upon the principle of differentiating men and women's roles, work and worth.

This report discusses how countries that have made the most progress in reducing gender inequalities have used the principles and tools of gender mainstreaming to inform leadership, setting a vision for equality, establishing the machinery of government for embedding equality in policy-making, evidence-generation, analysis and use, policy formulation and specific policies such as parental leave and tackling violence against women. On this basis, the recommendations set out how to institutionalise these approaches in Wales.

The challenge of policy-making for gender equality

GM adopted by the UN, the European Commission, and transposed into 'soft' law in the UK through the Treaty of Amsterdam 1997, is defined as:

The systematic integration of the respective situations, priorities and needs of women and men in all policies and with a view to promoting equality between women and men and mobilizing all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account, at the planning stage, their effects on the respective situation of women and men in implementation, monitoring and evaluation. (Commission of the European Communities [COM (96) 67 final of 21 Feb 1996, p2]).

This approach was developed with the purpose of embedding an equalities evidence base to underpin *all* policy-making, and is intended to impact in all policy areas, as opposed to restricting efforts only to equality legislation and plans, anti-discrimination or short-term project based positive action measures (Rees, 1998, Verloo, 1999). It is argued that by following the principles, processes and tools developed for mainstreaming, supposedly gender-neutral government institutions, and the policy frames that they generate, should be transformed (Rees, 1998, 2005).

These principles and tools - which include auditing inequalities in a policy field, data collection, disaggregation and interpretation, co-creation through engagement with 'experts by experience', and gender impact assessments - informed, but were subsequently weakened by the way in which they were applied within the public sector general duty (PSED) to advance equality and the specific equality duties (*Equality Act 2006, 2010*).

Just 20 years on, there is concern that GM has not delivered what was hoped for, but some experts argue that the approach is young and with better integration still offers the best model for advancing gender equality (Walby, 2011).

Rubery (2016), reviewing efforts in the European Union to promote equality in employment, argues that there are very few mainstream policies that set out explicitly to promote equality. She suggests advances are made in one of three ways:

- 1 Adaptive – adapting institutions to the changing reality of gender relations (these can gain their own momentum, separately from specific public policies);
- 2 Equality policy – developed specifically to increase equality of opportunity and outcomes;
- 3 Instrumental policy – such policies may be gender-aware but are not created through a gender perspective. They promote gender equality because other policy goals require changes in behaviour by gender or because they provide additional legitimacy for policies aimed at other goals (Rubery, 2015: p716-7).

An example of an adaptive policy is the increasing number of large organisations in the public and financial sectors (Virgin Money, Ernst and Young) that have chosen to match parental leave pay for fathers at the same rate as enhanced maternity pay, since the introduction of the UK *Gender Pay Gap Reporting Regulations* (2016). UK policy actively militates against well-remunerated parental leave for fathers. However, large organisations faced with reputational damage in relation to published gender pay gaps have taken this action to try to retain high-skilled women, and this may, over time, help to change gendered social attitudes and norms in relation to caring, although perhaps only for the middle classes and professionals.

Besides the legislative framework for equality and human rights, examples of specific policy to address gender inequality include the from ‘wallet to purse’ measures instituted by the welfare reforms of the early 2000s, to ensure that women received welfare benefits and were not dependent on men for allowances.

A positive outcome for gender equality, from an instrumental policy not designed with this purpose, is the introduction of the *National Minimum Wage* in 1997. This policy has been argued to have had the single greatest impact on closing gender pay gaps since the introduction of equal pay legislation because of the over-representation of women in low paid, part time work in the service sector (Manning, 2010).

A negative outcome of an instrumental policy can be observed from EU efforts to increase flexibility in working hours. This policy has been somewhat co-opted by increasing deregulation of employment conditions. Removing barriers to part time working has in some countries reduced the availability of full time work for women (Rubery 2016).

These examples illustrate why it is important to mainstream a gender perspective into *all* policy-making. The examples of promising international practice drawn upon in

this review are from countries which have embedded gender mainstreaming practices in policy-making for this purpose.

Gender equality indices

This report focuses on countries that consistently perform well according to the World Economic Forum (WEF) *Global Gender Gap Reports* and the European Institute for Gender Equality (EIGE) *Gender Equality Index*.⁵

The EIGE index covers the countries of the European Union and therefore the equality acquis to which Member States are committed. The WEF report covers 144 countries including Iceland and Norway, which are not members of the EU. These two countries and Sweden and Finland, feature most consistently in the top 5 places of rankings.

The *Gender Equality Index* sets out six domains of inequality; work, money, knowledge, time, power and health. Each has several sub-domains. Intersecting inequalities is an 'aligned domain' contributing supplemental information to employment measures; violence against women is also an 'aligned domain'. The measure indicates distance to closing gender gaps.

The Global Gender Gap Report (WEF) was first published in 2006 'as a framework for capturing the magnitude of gender-based disparities and tracking their progress over time' (WEF 2017:3). It covers economic participation and opportunity, educational attainment, health and survival, and political empowerment. The index methodology measures progress in-country relative to the available resources and weights it accordingly, to avoid becoming a measure of development levels between countries.⁶ Table 1 sets out the five countries that have made the most progress towards to closing gender gaps.

⁵ <https://www.weforum.org/reports/the-global-gender-gap-report-2017>
<http://eige.europa.eu/rdc/eige-publications/gender-equality-index-2017-measuring-gender-equality-european-union-2005-2015-report>

⁶ See Annex to this report for further detail on the methodology for each index.

Table 1. Index rankings by country: gender gap

Country	WEF 2017 144 countries	Rank	EIGE 2017 EU 27	Rank
Iceland	0.878	1	-	-
Norway	0.830	2	-	-
Sweden	0.816	5	74.3	1
Denmark		14	73.6	2
Finland		3	73.4	3
Netherlands		32	69.7	4
UK		15	60.4	5
Rwanda		4	-	-
WEF Average	0.680			
EIGE Average			54	

Source and key to Table 1: WEF ranking measures distance from equality where 1 signifies no gap between men and women, and 0.6 signifies a 0.4 gap. The EIGE Gender Equality Index measurement range is from 1 to 100 with 100 = full gender equality, 1 = absolute inequality. For example, Sweden is 25.7 points away from equality.

Iceland has topped the *Global Gender Gap Index* for the last nine years, having closed almost 88% of the gap between men and women in education, employment, health and political empowerment. It is ranked first for political empowerment and retains the top position despite a decline in its ranking for economic participation and opportunity ‘due to a small increase in its gender gap in the number of women among legislators, senior officials and managers’ (WEF 2017: 14). Iceland has recently re-entered the global top 10 for the *equal pay for equal work* indicator, on the basis of introducing a new equal value certification scheme for companies.

In the WEF ranking 2017, Norway and Finland have traded 2nd and 3rd places and Sweden is ranked 5th having lost the 4th place it has held in the index for 8 years to Rwanda, which has been steadily closing its gender gaps. Rwanda has increased economic participation for women and now has the highest number of women parliamentarians in the world (61%) (WEF 2017: 17).

The EIGE *Gender Equality Index*, which doesn’t include Iceland and Norway, otherwise mirrors the consistency of Nordic countries as most advanced in relation to gender equality. Finland and Sweden demonstrate the highest percentage of women parliamentarians at 40%, and 47% respectively. The number of women parliamentarians in the UK has increased from 25.4% in 2015, to 38.9% in 2017, and

this has helped to move the UK to 5th position. The UK also scores well for the domain of work (76.6) but does poorly within the sub-indices of education given the high proportion of men and women still in strongly gender segregated subject areas, the prevalence of part-time work, and occupational gender segregation.

There is much more to explore across these indices and sub-indices but for the purposes of this report, these gender gap measurements indicate that a ‘promising practice’ review must consider the policies and programmes of Scandinavian and Nordic countries.

Such policies cannot necessarily be replicated across states with differing labour market and welfare regimes, particularly sub-national states with limited budgetary controls. Nevertheless, before discussing how Nordic countries mainstream gender equality and the policies that they have in place, it is worth considering their welfare and parental leave policies for the insights they provide into what works and why. This also assists with setting realistic goals in Wales, given the differing social and cultural contexts, and that Wales does not have or does not want, welfare levers in the context of ‘Austerity Britain’.⁷ The discussion also highlights opportunities to influence UK policy, and to consider other measures that might achieve similar outcomes.

Welfare, tax, family policy and equality

Welfare

Scandinavian countries are described as social democratic states in Esping-Andersen’s typology of welfare regimes (1990, 2007). They can be distinguished from liberal states, such as the UK, by their attitude to making policy that intends to ameliorate the unpredictability of markets. In social democratic countries, universal welfare is not limited to a basic safety net, the recipients of welfare are not stigmatised, and publicly funded public services provide care for the young, old and ill as a norm (Conley and Page, 2015:12).

The need for women’s paid labour, combined with strong trades unions and feminist movements, has led Nordic states to set women’s economic independence as a primary goal of these often termed ‘women-friendly’ and ‘state feminist’ countries

⁷ I have not covered childcare in any detail as it will be considered as part of Phase 2 of the GER.

(Hernes 1987, 1988 in Conley and Page 2015). This aim, underpinned by welfare, tax and care policies has reduced inequalities in combination with, gender mainstreaming policy.

The antecedents of the welfare regime, and the individual measures used, differ across Nordic states. For example, Finland was a mainly agrarian society prior to the second world war. Post-war, in an effort to modernise the economy, the government needed to transpose the model of gender relations, in which men and women had shared tasks in and out of the home, to labour in manufacturing and service industries. The state achieved this by assuming responsibility for providing nursery, education and elder care services (Pfau-Effinger, 1998).

Nordic citizens enjoy an individualised tax and welfare relationship with the state; dependency is not imputed as it is in the UK's tax and welfare system. A relationship of dependency maintains a breadwinner/homemaker model when welfare transfer assessments take into account a partner's earnings. The lack of a 'second earner disregard' in *Universal Credit*, most often affecting women within the 1.5 household earnings model in the UK (Kenway, 2013), has the effect of constraining women's access to paid work, higher hours of work and higher earnings.

The Nordic states have also taken steps to redress the historic undervaluing of women's paid care work. For example, Finnish collective agreements are required to negotiate higher wages in sectors/occupations dominated by women to address the historical undervaluing of women's work and consequent pay gaps (EC, 2007).

Inequalities remain in these states, however, particularly through occupational gender segregation and pay gaps because women were initially drawn into the labour market to provide paid care work (Conley and Page, 2015). The system is also critiqued for its reliance on building up social insurance through paid work, leaving those dependent on welfare transfers more vulnerable to poverty, and for mainly benefiting better educated middle class women (Esping-Andersen 2007, in Conley and Page, 2015). It also fails to account for the nexus of gender and class power relationships *within* the family, which even with extensive state provision has not seen a transformation in the allocation of domestic work by gender, especially for working class women, and for not having adequately considered the position of immigrant workers and ethnic minorities (Conley and Page, 2015).

In addition, social policy in Scandinavia has been affected by the increasing 'creep' of deregulation in labour markets (Rubery, 2016), and by austerity, which has temporarily reduced the level of parental leave payments.

Nevertheless, there is an underlying commitment to challenging gender stereotypes and gendered power relationships within society and the family, which is achieved through creating the conditions for women's sustained engagement in full time work, thus reducing women's reliance on men's earnings.

In contrast, women in Wales find that their care burden is increasing as public services are cut, that an average of 40% of the jobs most associated with 'women's work' are only offered on a part time basis (Parken et al., 2014), the UK welfare regime constrains their ability to earn, and that they are still impelled to provide care at home. In the UK, finding work/life balance is left to individual couples to trade-off who should work and who should care, and with men generally earning more, the economic imperative sustains a gender binary, leaving gendered imbalances in the breadwinner/ homemaker model undisturbed.

Parental Leave

The EU has long promoted reconciliation of work and family life policies, including the sharing of parental leave, with the intention of increasing the participation and retention of women in the labour market. Latterly, the strategy has also been seen as crucial for addressing the aging crisis in Europe by addressing falling birth rates (OCED 2017, European Parliament Research Service 2017).

The European Parental Leave Directive 2010 requires that:

Parental leave is granted to either of the parents for a minimum period of four months on the birth or adoption of a child, until the child is eight years old, on condition that at least one of the four months is provided on a non-transferable basis to ensure equal take-up of the leave between parents. ... Member States and social partners determine the conditions of access and detailed application rules (European Parliament Research Service, 2017:4).

The annual review of parental leave policies in Europe does not include UK policy as it only partially transposes the Directive:

... the recently introduced 'Shared Parental Leave' ... is actually a form of transferable maternity leave, whereby the mother can transfer most of her maternity leave to a partner, if she so chooses. Only actual Parental Leave is included i.e. leave that is individual and a non-transferable right for each parent... (Blum et.al. 2017:22).

The current situation with regard to parental leave, flexible working and childcare policies in the UK is summarised at Appendix 1.

In 2015, the European Commission announced a new package of measures to address the partial transposition of the Directive. It is not certain that measures will be adopted given the trend toward deregulation of employment conditions at the EU level, or whether BREXIT may prevent its application in the UK.

A recent review of parental leave policies in Europe (RAND Europe, 2017), finds that individual entitlement increases the uptake of father-specific leave:

In Germany, uptake rose from 3.3 per cent in 2006 to 29.3 per cent in 2012 after the introduction of a two month individual entitlement (European Parliament 2014). In Iceland and Sweden, uptake has doubled since the introduction of the daddy quota (OECD 2016). Outside the EU, Norway's leave quota was followed by an increase in the uptake of paternity leave from 3 per cent (1993) to 70 per cent (2000) (Rege and Solli, 2013 in RAND Europe, 2017: 16).

The study also finds that while the majority of EU countries provide compensation for parental leave at between 50% and 100% of earnings, three countries pay a flat rate, and six countries pay no compensation, the UK being one of them (RAND Europe, 2017 p.8). Finland and Sweden compensate at 70% of salary. The average compensation rate is 50% of earnings (RAND Europe, 2017).

Having part of parental leave reserved only for fathers and better wage compensation could overcome low take-up of paternity and parental leave in those countries, such as the UK, where pay for statutory paternity leave is low (statutory rates), and there is no paid element of parental leave (IES, 2018; RAND, 2017).

Nordic countries are renowned for providing longer leave, paid for or subsidised by government, and for reserving part of the leave, known as 'the daddy quota' for fathers - the stated aim being to change gender relations within the family by involving men in care-giving.⁸ This policy intent is also discussed in the new EU parental leave proposals (EPRS, 2017) and OCED policy documents on encouraging fathers to take parental leave (OCED, 2017).

⁸ See Annex for further information on parental leave policies throughout Europe

Welfare summary

The Welsh Government cannot currently set women's economic independence as an equality policy goal as it does not have the levers to undermine the gendered welfare, family policy and labour market nexus that constrains women's earnings. It could, however, call upon the Westminster government to address gendered inequalities within welfare, tax and labour market policies.

The Welsh Government could also further examine new Scottish regulations designed to ensure that the welfare payments over which they have administrative control, can be made more frequently. The Welsh Government could also consider whether there is scope to acquire powers to change default payment arrangements to the main earner under Universal Credit, which could reduce the potential for financial abuse (Women's Budget Group, 2018).

The Welsh Government could also:

- Act to ensure that its employees are assisted to share parental leave by paying father's leave at enhanced maternity pay rates. It can also influence public sector employers to do the same and encourage the private sector to mirror these efforts.
- Continue to act to safeguard employment conditions in the public sector, reduce outsourcing, casualisation and the default use of part time contracts in low graded work (Parken and Ashworth, 2018).
- Redouble efforts to reduce gendered earnings and pension gaps by setting out to transform the gendering of jobs, working hours and contract types.

Mainstreaming equality: principles and tools

To put equality at the heart of policy-making, and ensure it is implemented, the principles and tools of gender mainstreaming must be fully adopted. These tools were first explained, to aid their use in policy-making in Wales, in an *Equal Opportunities Commission* publication (Parken and Rees, 2003), and again by the Welsh Government in *Mainstreaming Equality Task and Finish Group* (2006). Although, anticipating the *Equality Act* 2006, these recommendations stopped short of agreeing to implement the institutional prerequisites for mainstreaming equality in policy-making.

Since that time, institutional memory has faded, and a checklist approach has become the norm. The GER provides an opportunity to refresh and renew the proactive use of mainstreaming principles and tools and to set a new vision for equality in Wales. I set out the GM principles and tools here to aid understanding of their use in the discussion of promising practice that follows.

Gender mainstreaming (GM) principles⁹

- Creating gender equality refers to improving the lives of men and women; change is focused on addressing the consequences of gendering in policy and should not be concerned only with ‘women’s issues’ or adopt a ‘fix the women’ approach;
- Treating the whole person. This means not isolating one dimension of inequality as a priori more significant than others by policy area or by intersections of identity.

GM institutional pre-conditions

- Leadership – articulating a clear vision for gender equality and the goals of policy;
- Commitment – all actors are committed to change and engaged in the process;
- Appropriate government machinery – equality units, councils, advisors;
- Resources – time and funding for collaborative working, and learning which is collectively owned; resources for changing institutional priorities and arrangements;
- Capacity building – training, knowledge of inequalities and the processes of change for collaborative working towards equality;
- Collaboration – bringing together officials, grass roots organisations, academics and experts by experience (this is elaborated further in relation to ‘learning practice’ methods below).

⁹ This is my interpretation of the best meaning and use of mainstreaming tools, drawn from papers and reports by Eveline and Baachi, 2005, Chaney, 2009, Conley and Page, 2015, Minto and Mergaert, 2018, Parken and Rees, 2003, Rees, 2005, Woodward, 2003, and Parken and Ashworth, 2018.

GM tools

- Auditing inequalities in each policy field (including research evidence, data, engagement, voices, see collaboration above);
- Instituting the appropriate machinery of government to set a vision for equality which informs policy-making;
- Gender/equalities disaggregated data and reporting;
- Building a gender perspective into all research;
- Gender budgeting;
- Impact assessment (of all policy and of policy specifically designed to promote equality, before implementation), testing and trialling, redesign of policy if necessary;
- Monitoring and evaluation of the impact of policy for its effectiveness by equality of outcome.

Use of these principles and tools should enliven the process of working towards equality outcomes. A tick box, technocratic, compliance approach should be resisted. The adaptation of gender mainstreaming tools for use across the different dimensions of inequality and their intersections, has already been tested in Wales (Parken and Young, 2007, Parken 2010). This method recognises that societal conceptions of gender, sexuality, ethnicity, disability, class and age in combination are powerful mechanisms for shaping roles, behaviours, attributes and creating advantage and disadvantage. Phase 2 of the GER offers the opportunity to update our knowledge on how inequalities interlock and to reconsider how to mainstream equality for all.

Nordic gender equality policies

The principles and tools of gender mainstreaming have long been embedded in policy and decision-making in Nordic countries. Table 2 below, sets out how GM principles and tools have been institutionalised and supported through equality bodies, research, specialist advice, accessible statistical information, engagement, and monitoring of outcomes. The equality objectives listed here flow from the priority given to, and capacity provided for, bringing the gender perspective to bear on all policy. Institutionalising such structures and processes in Wales is discussed later in the report.

Table 2. Nordic Gender equality objectives and government structures

	Leadership	Equality Bodies	Equality Objectives	Equality Data	Additional Info
Denmark	Minister for Children, Education and Gender Equality (CEGE)	Department of Gender Equality (CEGE) Danish Institute for Human Rights (Independent)	Rights and freedom for the individual Better utilisation of resources and talents Global gender equality measures	Infographics site	Gender Mainstreaming (GM) since 1994.
Finland	Minister of Family Affairs and Social Services.	Gender Equality Unit Ministry of Social Affairs and Health Council for Gender Equality (TANE) parliamentary group – research/inquiry/advice to Parliament since 1972	Promotion of gender equality in: the labour market, education and sport; combine paid work/family life; reduce violence against women and violence in intimate relationships; improve men’s wellbeing and health; political decision-making.	Infographics site	GM since early 1990s. Each minister is in charge of gender equality matters within his or her respective domain.

Iceland	Minister of Social Affairs and Housing (under the Ministry of Welfare)	<p>Gender Equality Unit, Ministry of Welfare</p> <p>The Gender Equality Complaints Committee (independent)</p> <p>Gender Equality Council – employment focus: public/private/women’s organisations members – hosts biennial conference on progress,</p> <p>Gender Equality Council – produces guides, training, research to develop concept/ tools</p> <p>Municipal gender equality committees</p>	<p>Promote gender equality in:</p> <p>the political administration;</p> <p>labour market - the gender pay gap;</p> <p>gender and power -representation in politics;</p> <p>gender-based violence;</p> <p>education;</p> <p>men and gender equality;</p> <p>international activities</p>	Website with infographics	<p>GM since early 1990s.</p> <p>Each Minister must have a specialist gender equality advisor for their portfolio.</p> <p>Gender budgeting integrated since 2009.</p>
Norway	Minister at the Ministry of Children and Equality	<p>The Department of Consumer Affairs and Equality</p> <p>Norwegian Directorate for Children, Youth and Family Affairs. The Equality and Anti-discrimination Ombudsman</p> <p>Regional gender bodies e.g. KUN Centre for Gender Equality and the Centre for Equality, Regional economic development supported by Centre for Gender</p>	<p>Promote equality in:</p> <p>childrearing education,</p> <p>employment,</p> <p>protection against violence and violations,</p> <p>the business world, health and Norway’s international</p>	Website/ infographics/video	<p>GM since early 1990s.</p> <p>Each Minister is responsible for gender mainstreaming in their portfolio.</p> <p>The Gender Equality Act 2005 revised to incorporate sections from the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).</p>

and Equality, University of Agder.

contributions to gender equality.

Sweden	The Minister for Children, the Elderly and Gender Equality	Government Dept, supported by the Swedish Gender Equality Council and Municipal Gender Equality Councils. Equality Ombudsman - discrimination cases.	Promote equality: gender equal division of power and influence, economic gender equality, gender equal education, equal distribution of unpaid housework and provision of care, gender equal health, men's violence against women must stop.	Website and biennial statistics report.	GM since early 1990s. Each minister is in charge of gender equality matters within his or her respective domain.
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Source: NIKK, Nordic information on gender: <http://www.nikk.no/en/about-nikk/>, funded by the Nordic Council of Ministers. Supplemental information from country websites/reports; links to these and statistics/infographics are provided in a separate technical annex.

The importance given to equality by Ministers in Nordic countries, and the situating of advisory bodies and specialist advisors at the highest level of government, is striking (Table 2). Gender research and women's organisations are integrated into the policy-making process.

Competence in gender perspectives is necessary for the implementation of gender equality strategies - mainstreaming and specific action. The gender perspective looks at the impact of gender on people's opportunities, social roles and interactions (Norwegian Gender Equality Policy 2017).¹⁰

Each country's policies demonstrate a clear vision and goals. The language used is also significant. For example, the Swedish equality plan intends to '*promote gender equal division of power and influence*'. It describes this as women and men having '*the same rights and opportunities to be active citizens and to shape the conditions for decision-making*', and in relation to violence against women, '*men's violence must stop, women and men, girls and boys, must have the same right and access to physical integrity*'.¹¹

Unlike the UK, all these countries are signatories to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).¹²

The Swedish plan also clearly articulates how to use the principles and tools of gender mainstreaming:

*... [using] the gender perspective and the 4R method. This is a development of the 3R method and stands for representation, resources, realia and realisation. It involves carrying out a gender analysis by surveying the gender representation of women and men, examining how resources are allocated, analysing gender patterns and how they affect both genders, and finally formulating objectives, measures and plans to address the problems.*¹³

With regard to recent innovations, men's groups have been supported in Sweden and Norway to consider how they can support feminist gender relations principles,

¹⁰ http://www.gender.no/Policies_tools/1085

¹¹ <https://www.government.se/government-policy/gender-equality/goals-and-visions/>

¹² Violence against women recommendations are discussed in the Chwarae Teg GER report

¹³ <https://www.government.se/government-policy/gender-equality/goals-and-visions/>

and to debate improvements in gender relations for men. In Sweden, this has recently resulted in an equality policy for men and the opening of a new agency dedicated to men's equality concerns.

There is also great interest in the European Commission and countries around the world in Iceland's introduction of a new equal value standard to support equal pay:

... making it mandatory for all firms and institutions with 25 or more employees (on a full time yearly basis) to obtain a "Pay Equality Certification" (Jafnlaunavottun). The new provision will enter into force on 1 January 2018. The largest workplaces (with 250 or more employees) have until 31 December 2018 to obtain their certification whereas smaller workplaces will have more time to comply with the new legislation (e.g. those with 25-89 employees have until 31 December 2021) (European Social Policy Network, Flash Report 2017/55).¹⁴

The Icelandic government has produced an ISO management standard and toolkit to support the introduction of equal value certification. This standard should be examined in Phase 2 of the GER for application in Wales. Although employment regulations are not within the Welsh Government's competence, the standard could have significant impact if used to enhance the Welsh specific equality duty on 'pay differences'. Its use, as a sign of good practice, if given due weight in tendering for public contracts, could have further considerable influence on private sector employment. Recommendations for further analysis to support amendments to the Welsh specific equality duty on 'pay differences' are discussed below.

Each of the Nordic countries under review has supported the introduction of gender budgeting. In Iceland, a 3-year testing/piloting programme led by the Finance Ministry but operating on a cross-cutting government basis, has resulted in a 5-year plan to integrate gender budgeting. The equality objectives set out in the five-year plan from Iceland (Centre for Gender Equality, 2017:68) are to:

¹⁴ <http://www.jafnretti.is/jafnretti/default.aspx>, <https://www.bbc.co.uk/bbcthree/article/253d8b3e-1891-43ab-8848-4a5110bda171>

- 1 Make impact on genders visible, so that policies, expenditures and income can all be re-evaluated within the context of gender equality;
- 2 Use the budget to equal the status of men and women;
- 3 Integrate gender budgeting into all aspects of policy making and administration;
- 4 Ensure that public allocation of resources should respond to any gender discrimination;
- 5 Make gender budgeting part of good economic management;
- 6 Promote gender budgeting through raising awareness and education.

All of the Nordic countries emphasise the importance of gender-differentiated statistics and the importance of their visibility for involving citizens in equality issues and goals. The Swedish Bureau of Statistics has produced a gender statistics booklet annually since 1984. A list of Scandinavia statistical resources is included in the separate Annex to this report.

There is also a nascent interest in applying an intersectional lens to equality policy-making across the Nordic states, but it needs further development. This can seem complicated but the purpose of taking account at the policy formulation stage, the ways in which inequalities by gender, ethnicity, age, disability, sexuality and social class can compound disadvantage, is to understand, at a more granular level, the populations that public services serve.

Policy auditing from an equalities perspective involves asking who the beneficiaries of the service are, where they are, what socio/economic/cultural conditions they live within, and proactively using that knowledge to design better services. It's really about making policy and services more effective. In fact, the adaptation of gender mainstreaming tools for intersectional equality policy-making has already been considered in Wales, and a methodology has been set out that could be enhanced and incorporated through 'learning practice' collaborations (Parken and Young, 2007, Parken, 2010).

Finally, the Nordic Council of Ministers joint working group on equality issues provides an interesting model and one that could be emulated through a Celtic nations group. The Nordic joint ministerial group has a secretariat, research resources and a remit to develop equality policy and share good practice.

Quotas

A note on quotas. Sixteen EU countries have voluntary quotas for political parties and eight have legislative quotas introduced through electoral reform requiring that all parties nominate a certain number of women candidates (European Parliament 2013).¹⁵ Sweden, Iceland and Norway have party quotas for women candidates. Finland and Denmark do not.

Following Norway's example, the EU compiled proposals for gender balance in all non-executive positions on company boards. Grosvold's (2013) research on the Norwegian policy showed that companies met the quotas by asking the same small pool of senior women to join boards. This did not widen participation in a meaningful way, and it also does not address the barriers that women encounter to being promoted from within organisations to executive board positions.

While quotas may be necessary for political parties since there is no established career entry or progression route, we should be wary of only taking positive action measures to include women in senior positions. A gender mainstreaming approach would require that systemic barriers to participation and progression are removed and new systems, attentive to gender inequalities, created (Verloo 2005).

However, until inequalities in participation at executive and non-executive positions are removed, the setting of targets to create gender and diversity balance across the Welsh Senior Civil Service and all Welsh Government committees, boards and advisory groups, could be effective; especially if demonstrating equality knowledge were to become a core criterion for recruitment.

EIGE Promising practice examples

The European Institute for Equality (EIGE) produces good practice guides which are based on case study analysis of interventions that meet simple criteria: 'works well', 'is transferable', 'demonstrates learning potential', 'is embedded in a wider gender

¹⁵ See the example from Spain in Table 4 below in relation to mandatory quotas.

mainstreaming strategy’, and ‘has demonstrated achievement in terms of gender equality’.¹⁶

The ‘works well’ and ‘transferable’ categories are evaluated through criteria such as relevance, efficiency, effectiveness, impact and sustainability. However, many of the examples are project based, and so not necessarily embedded in policy, and are compiled by the project teams that carried out the initiatives.

The EIGE also produces country reports covering institutional structures for gender mainstreaming, the legislative base for equality, legislation, methods and tools and good practices. Though not an exhaustive review, Table 3 below provides a summary of EIGE-collated good practices worthy of further exploration for the design of the gender equality ‘roadmap’ in Phase 2 of the GER.

¹⁶ <http://eige.europa.eu/gender-mainstreaming/good-practices/eige-approach>. More information EIGE’s range of good practice reports is provided in the separate Annex to this report.

Table 3. EIGE good practice examples

Topic	Aim	Description	Outcome	Country
Employment	Address lack of full time employment opportunities/ involuntary part time employment for women and men – increase economic independence	2009 mapping of involuntary part time employment. Coalition of Work Environment Authority, the National Institute for Working Life, the Public Employment Service, the Office of the Equal Opportunities Ombudsman and the Swedish ESF Council - four year collaboration – 63 local projects	By 2015, 57% of municipal authorities / 66% county councils committed. Increase in FT emp – 5%, decrease in gender gap in FT emp – 5% (30% of women now work PT in Sweden – 43% in 1982).	Sweden
Political Participation	Increase number of women standing for election	2007 legislation – all political parties to have at least 40% of women on every election list. Non-compliant lists – disallowed. Quota applies to whole list and each set of 5 candidates – prevents women being allocated to unwinnable seats.	Women 39% of parliamentarians in 2017, from 15% in 1990.*	Spain
Small Business	Increase women’s access to finance	Women’s volunteer micro-finance network, loans below lower limit at which banks will lend - now influenced mainstream business advice services.	€850,000 lent to 450 women btwn 1982 - 2017. Recent partnership with GLS Bank part-funded by the ESF distributed 70 loans totalling €240,000 btwn 2010 and 2013.	Germany

Topic	Aim	Description	Outcome	Country
			Default rate is a remarkably low 1.3%.**	
Gender dominance	Address strategies of social manipulation and domination by which a dominant group maintains its power and privilege	The Power Handbook: ways to resist men's use of 'dominance techniques; ways for women to obtain, keep and utilise power.	Concepts and tools discussed in schools through role plays, workplaces, politics and civil society.	Sweden

* Source: World Bank (2017) *Proportion of Seats Held by Women in Parliaments*, <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS>. In the EU only Iceland, Sweden, Finland, Norway have a percentage of 40% or higher for women parliamentarians. The EU average is 30% (up from 16% in 1990). ** Growth orientated examples of good practice also provided on the EIGE platform.

Putting equality at the heart of decision-making in Wales

The task of the Gender Equality Review is to establish how to renew the impetus for promoting gender equality through policy and decision-making. Evidence from countries that demonstrate greatest progress towards closing gender gaps, suggests that this means bringing the principles and tools of gender mainstreaming into the heart of policy-making. In Wales, this means, addressing the implementation gap - bringing to life already world-leading legislation, as well as considering new regulation.

The Welsh Government has already identified what could work by embedding the cross-cutting themes of equality and sustainability in successive *Government of Wales Acts* (Chaney and Fevre, 2004). The 'mainstreaming equality' duty was unique in requiring the Welsh Government, and latterly the Welsh Ministers, to promote equality of opportunity for *all* people, presaging an intersectional approach to promoting equality through policy-making (Hankvisky 2013, Parken and Young, 2007, Parken 2010). This conception also recognises that assumptions about gender, sexuality, ethnicity, disability, class and age are powerful mechanisms for shaping roles, behaviours and the valuing of certain attributes over others in society and the economy.

Similarly, the *Well-being of Future Generations Act 2015* has uniquely added cultural well-being to that of environmental, economic and social, and the Welsh Government has placed the United Nations Convention on the Rights of the Child at the heart of policy-making. The first five Assembly Measures had equality goals (Chaney, 2009), and the difference that having a gender balanced National Assembly has made to the substance of policy focus and debates with regard to equality, has been evidenced (Chaney, et.al. 2007).

Furthermore, the *Violence Against Women, Domestic Abuse and Sexual Violence Act 2015* broke new ground, and the newly adopted mandatory relationships and sexuality teaching to be embedded in the new curriculum (Renold *et.al.* 2017) and efforts to achieve gender balance in the Assembly (NAW, 2018), may also come to be viewed as world-leading.

However, these ground-breaking pieces of legislation need to be institutionalised in ways that will transform the institutions themselves. The gap between the first Welsh Government's original vision and policymaking for equality, is one of practice, as the linked GER report demonstrates (Chwarae Teg, 2018).

Since Wales' 'mainstreaming equality duty' does not confer additional positive rights, and formal challenge can only be made through judicial review, it has been supplanted by the processes that support the general and specific equality duties under the *Equality Act 2010*. The aim of the general duty, to advance equality of opportunity is weak, as is scrutiny. The latest Welsh Government annual equality report (Welsh Government, 2018) consigns the Welsh 'mainstreaming duty' to a paragraph at the end of the Annex that describes the statutory equality duties.

The Welsh Specific Equality Duty on gender pay gaps was intended to be the strongest and most effective of the specific duties on gender pay gaps in the UK.¹⁷ Following consultation, the spirit of the recommended duty was that it should help employers understand and tackle the drivers of pay gaps by changing their employment structures (Parken, Rees and Baumgardt, 2009). The duty requires that public sector employers undertake an employment and pay analysis by gender job, grade, working pattern and contract type, and produce an action plan. This is an example of gender mainstreaming in practice: it is transformative, preventative and the project designed to assist employers with analysis, interpretation and change, was collaborative (Parken and Ashworth, 2018).¹⁸

However, the duty was badly drafted; gender pay gaps become 'gender pay differences' implying neutrality, and to interpret the originally-intended meaning, the duty has to be 'read across' four regulations. Despite two sets of Ministerial Letters to public services leaders, it is clear that not all public bodies understand that if they choose *not* to set an equality objective to tackle 'pay differences', they must evidence why not, which infers, but only infers, that they should have to undertake the analysis to demonstrate why they do not have such an objective. There is poor visibility of published results, and monitoring has been weak.

The GER provides the opportunity to review, revise, strengthen and rebuild enthusiasm for the suite of Welsh specific equality duties, as well as mainstreaming equality in all policy. To achieve better implementation and integration of equality outcomes in policy making, the principles and tools of gender mainstreaming need to be embedded in policy-making, and articulated through genuinely collaborative, exploratory, evidence-informed learning practice methods.

¹⁷ All the current UK gender pay gap duties are set out in the accompanying Annex to the report.

¹⁸ Women Adding Value to the Economy, ESF funded through the Welsh Government 2012-2015.

Learning practice

Various ‘learning practice models’ are set out within the mainstreaming literature (Eveline and Baachi, 2005, Eveline, Baachi and Binns, 2009, Parken 2010, Woodward 2003). These methods involve active, project based, collaborations between policymakers, academics, equality organisations and citizens, in an open and exploratory process that allows questioning of the way social and economic problems are framed (Eveline and Baachi, 2005), establishes the inequalities within each policy field, and leads to cross-cutting evidence-informed policy solutions.

Such collaborations bring together government and public services policy officials who know how to frame policy ideas and transpose them to policy formulation, with academics who can access, interpret and communicate evidence accessibly, and with equalities organisations who have grassroots knowledge of the drivers of inequalities and how each is mediated or reinforced by class, ethnicity, gender and age. ‘Experts by experience’ are also needed to add their voices to research evidence on inequalities, and to shape policy solutions that lead to the design of better targeted services.

‘Learning practice’ models must be properly designed, facilitated and resourced so that third sector organisations and citizens can engage with these seemingly esoteric processes. We have some learning in Wales to draw upon, from the collaborative approach to the multi-strand/ intersectional policy making methodology (Parken and Young 2007, Parken 2010) which used gender mainstreaming tools and included representatives from all the equality ‘strands’, and from new engagement methods developed by the Office of the Future Generations Commissioner.

Accordingly, a ‘learning practice method’ for Wales should be developed in Phase 2 of the GER and should be underpinned by a stronger mainstreaming imperative.

Mainstreaming: Lessons from Scotland

The *Wales Act 2017* provides powers to introduce or commence the ‘socio-economic duty’ (s1, *Equality Act, 2010*). Consultative work to prepare for the duty, will include

consideration of how the Scottish Government has regulated to address socio-economic inequality.¹⁹

In 2013, responding to the National Assembly Equality Committee's call to investigate creating a socio-economic duty for Wales (NAW, 2013), the Welsh Government considered that the forthcoming *Well-being of Future Generations Act* (2015) would be the best route to address the social and economic dimensions of inequality (Welsh Government, 2013). Whether Wales adopts an approach in which social inequalities are always articulated by economic disadvantage or introduces a separate duty for socio-economic inequality, the opportunity to coordinate a vision, actions and objectives between the Welsh specific equality duties and wellbeing duty should not be missed.

Scotland provides additional learning opportunities in relation to its mainstreaming duty (EHRC Scotland, 2016a:9), which sets out how the general and other specific duties should be met:

- Mainstreaming the equality duty has a number of benefits including: equality becomes part of the structures, behaviours and culture of an authority;
- an authority knows and can demonstrate how, in carrying out its functions, it is promoting equality;
- mainstreaming equality contributes to continuous improvement and better performance.

Phase 2 of the GER provides the opportunity to review all the Welsh specific equality duties and therefore to engage with Scottish officials and equality bodies regarding the effectiveness of all the Scottish equality specific equality duties (EHRC Scotland 2016b, p12/13)., which are set out here:

- Report on mainstreaming the equality duty;
- Publish equality outcomes and report progress;
- Assess and review policies and practices;
- Gather and use employee information;
- Use information on members or board members gathered by the Scottish Ministers;

¹⁹ The Scottish Government has amended the *Equality Act* 2010 (Specific Duties) (Scotland) Regulations 2012, twice since their introduction (amendment regulations 2015/2016).

- Publish gender pay gap information (where they have at least 20 employees);
- Publish statements on equal pay (where they have at least 20 employees);
- Consider award criteria and conditions in relation to public procurement;
- Publish in a manner that is accessible.

Mainstreaming equality policy-making methods also require cross-cutting government working methods in order to become embedded in organisational processes, cultures and behaviours.

Cross-cutting working methods

Cross-cutting government working methods are an institutional prerequisite for mainstreaming equality in decision-making. Without this, equality policy is pushing against vertical policy portfolios and organisational structures and will fail in its attempt to transform them. But the political and institutional obstacles to policy co-ordination - organisational complexity and diversity, protection of institutional ‘turf’, availability of time and resources, and so on, are well established. The Wales Centre for Public Policy is currently reviewing the literature on cross-cutting government, with a report due later in 2018.

International evidence suggests that effective co-ordination combines bottom-up (‘horizontal’, operational, implementation-level) and top-down (‘vertical’, strategic, high-level) insights and processes. It requires strong, well-connected senior sponsors who can generate a narrative of joint working (Carey & Crammond 2015), ensure resources, legitimacy, and longer-term organisational commitment (Keast 2011), and use their authority to resolve disputes (Karré et al 2013).

Co-ordination structures need to be loose enough to allow people to exercise initiative and innovation, and tight enough to ensure cohesion. If special purpose bodies are created, they need to have strong structural links to the departments and units that deliver policy: otherwise they can be at best limited in effect and can be an easy target for cuts²⁰. These observations on cross-cutting government, eloquently

²⁰ I am grateful to Dr Andrew Connell, WCPP for this contribution. It is based on a current Wales Centre for Public Policy project, which is considering how to foster cross-cutting government.

echo the conditions and mechanisms needed for gender mainstreaming to be embedded.

The review of international policy and practice, and the legislative heritage for equality in Wales, highlight the following recommendations for further exploration in Phase 2 of the GER.

Recommendations for institutionalising equality

mainstreaming

In phase 2 of the GER, the Welsh Government should, through consultation and engagement, explore how to:

- 1** Create knowledge-transfer opportunities for learning from Nordic countries, including from the Nordic Council of Equality Ministers, and consider whether there is value in establishing a Celtic Council of Equality Ministers and supporting structures;
- 2** Set a vision of Wales as an egalitarian society, with a clear vision of gender equality to support that aim. Phase 2 should also explore how the vision can engage and enthuse Welsh citizens;
- 3** Set gender equality goals on the basis of equality of outcome rather than on the basis of equality of opportunity. (The Swedish word for gender equality - *Jämställdhet*, specifically means equality of outcome);
- 4** Establish strong institutional mechanisms at the highest levels – gender equality councils / boards / advisory groups and ministerial advisors;
- 5** Create a dedicated and engaging website for equality policies, monitoring information, equality statistics and infographics. Also, as far as the available data allows, assess Wales against the indicators in the *Global Gender Pay Gap* and *Gender Equality Index*;
- 6** Create the conditions for officials, researchers, NGOs and citizens to work together to create and test a ‘learning practice’ mainstreaming equality policy-making model. The model should demonstrate how to articulate inequalities in a policy-field, how existing policy can be adapted, and new policies and initiatives created, to promote equality of outcome. The *Economic Action Plan* and *Employability Plan* could be used as test cases in Phase 2;

- 7 Explore how a 'learning practice' model can help define the Welsh approach to addressing intersecting inequalities;
- 8 Strengthen the use of the principles and tools of gender mainstreaming by examining the effectiveness of the Scottish mainstreaming duty. This duty intends that equality is embedded in organisational culture, and will inform the operation of all the public sector equality duties;²¹
- 9 Re-examine and where necessary strengthen all the Welsh Specific Equality Duties;
- 10 Coordinate and integrate the sustainability duty and the five ways of working under *Well-being of Future Generations Act* (WBFG) 2015, with the Human Rights framework and the equality duties under the *Equality Act* (2010), including how to integrate the proposed socio-economic duty;
- 11 Review the strength, scope and powers of the Future Generations Commissioner and the Equality and Human Right Commission with respect to monitoring and scrutiny for equality of outcome rather than the processes of implementation;
- 12 Foster engagement opportunities for men to discuss how gender inequality affects them and to support gender equality policy-making;
- 13 Introduce shared parental leave for Welsh Government employees at the enhanced maternity pay rate for fathers who take leave. Encourage the same good practice in public services and influence good practice in other employment sectors using procurement levers;
- 14 Assess the effectiveness of the Icelandic equal pay certification scheme for use in the public sector, and with public service contractors;
- 15 Assess the effectiveness of the administrative social security levers adopted by the Scottish Government to make welfare payments more frequent. Also assess whether Wales could acquire powers to influence who receives payments - moving 'from wallet to purse'.

²¹ I am grateful to Professor Paul Chaney for this suggestion.

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Appendix

UK family and work policies

Policy measure	Key features	Eligibility	Impact
Shared parental leave (Children and Families Act, 2014, for parents of children born on or after 5 April 2015)	Can be taken by father or mother in three blocks up to the limit of maternity leave before baby's first birthday or within one year of adoption; paid at statutory maternity leave (£140)	England, Scotland and Wales only. Employees only with 26 weeks' continuous service up to and including 15 weeks before baby's birth. Other parent must meet minimum earnings threshold of £30 a week (at least 13 of 26 weeks). Statutory pay has additional earnings threshold (minimum £111 for at least 8 weeks).	Take-up estimated at less than 2% of eligible fathers
Right to request flexible working (extension, Children and Families Act 2014, Section 47)	Employees may request flexible working and have right to appeal if employer refuses (on business grounds)	All employees may request, this does not imply right to access (although employers must make genuine effort to accommodate). Conditionality: 26 weeks' continuous service. Only one application in any 12-month period.	The majority of cases taken to ACAS are upheld
Childcare support: Vouchers, tax-free childcare (from September 2017), free childcare hours (30 pw from	Vouchers: up to £55 per week from salary before tax & NI, regardless of number of children Tax-free childcare: savings per child per year, higher	Vouchers: employed people only, works mostly for basic rate taxpayers. TFCC: both parents must be working at least 16 hours pw at minimum wage at least; also available to self-employed; unavailable to	Vouchers and tax credits: evidence suggests this is helpful to middle to high earners already accessing formal childcare, but overall impact on maternal employment and use

Policy measure	Key features	Eligibility	Impact
2017) for 3 and 4 year olds	rate taxpayers save more. Free childcare hours provided directly by care settings (extended from 15 to 30 hours per week).	those on tax credits/UC. Free childcare: lower earnings threshold (£120pw), upper ceiling (£100Kpa).	of formal childcare is marginal. Free hours: restricted by availability (estimated 44% settings) and hidden costs.

Source: Milner (2018).

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