

Women and Employment Insurance in Canada: A Gendering-Based Assessment

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Abstract

Gendering-Based Assessment (Bacchi and Eveline 2003) is used as a conceptual framework to examine the shortcomings of gender mainstreaming (GM) in relation to employment insurance (EI). First, the paper defines feminism and provides a historical overview of how GM became the conventional and dominant approach in Canada. Second, the paper explains and re-defines the problem of the EI program, and describes how EI has changed in the context of neoliberalism. By exposing the flaws inherent in neoliberalism, the paper questions the effectiveness of Canada's gender-based analysis (GBA) and argues that a deeper approach is needed to bring about systemic change. As an analytical tool, GBA does not have the capacity to guide the policy design and decision-making process in a direction that understands *why* EI eligibility requirements impact men and women differently. Moreover, the essay asserts that the problem with conventional approaches is that they place the difference in women, thereby disregarding the potential that policies may have in creating women, as opposed to just impacting them.

Keywords: Canadian public policy, employment insurance, gender mainstreaming, Gendering-Based Assessment, Deep Evaluation

Introduction

During the Great Depression, the Canadian government embarked on a new social policy agenda. Massive levels of poverty forced more and more people to seek help, and in 1935 an unemployment insurance (UI) bill was introduced (Pierson 1990, 79). Five years later, the UI program passed both the House of Commons and the Senate (79). Designed to give assistance to workers who lost their jobs through no fault of their own, UI was used heavily after World War II. At this time, gendered conceptions of employed men and women emerged. Government and society had long viewed women's primary role as being in the private sphere; on the other hand, men were expected to be the breadwinners of nuclear families. Ruth Pierson writes that "gender pervaded the 1934-1940 debate on unemployment insurance, and was inscribed in every clause

of the resulting legislation” (102). The enactment of the UI Act in 1940 marked a pivotal turning point in the history of the Canadian welfare state¹ because women finally had the right to certain benefits, at least on paper.

Gender inequalities were present in the original 1935 UI Act. Contribution and benefit rates were set higher for men than women and there was a special cases clause concerning married women (Pierson 1990, 81). The general consensus was that unemployment was mainly a male problem. Thus, men needed more benefits to support their families. All sex-based differences were removed and the 1938 bill was “marked by an absence of any distinction in benefits or contributions as between men and women, or as between boys and girls” (81). While the 1940 Act was phrased in gender-neutral terms, higher dependency rates were given to “(i) a man whose wife was being maintained wholly or mainly by him, (ii) a married woman who had a husband dependent on her or (iii) one or more children under 16” (Porter 2003, 44). Still, stereotypes about men and women permeated Canadian culture during the Cold War. Quite evidently, the higher rate was intended for married men, and men received the majority of the benefits (44-45). Even from the beginning, gender played a major role in the shaping of the UI program.

UI was renamed Employment Insurance (EI) in 1996 and the restrictions for recipients have been tightened ever since. Lower average payments and shorter maximum duration of benefits are symptoms of neoliberalism. Neoliberalism is an ideological term used to describe parties or politicians who advocate the government’s withdrawal from the economy (Dyck 2011, 698). The ideology is responsible for the dramatic reduction in the percentage of unemployed women qualifying for benefits. This paper argues that gender mainstreaming (GM) and gender-based analysis (GBA) are inadequate strategic approaches for addressing the issue of gender equality in a neoliberal context. GM aims to ensure that considerations of gender are included in all phases of the policymaking process. Since Canada does not have an official policy on GM, it uses the institutional variant GBA (Hankivsky 2007, 112). GBA is used to assess the differential impact of particular policies on both men and women. The essay asserts that governments need to pay attention to how policies impact and create women as opposed to how they affect them. I supplement Olena Hankivsky’s idea of diversity mainstreaming with Carol Bacchi and Joan Eveline’s (2003) idea of Gendering-Based Assessment, which is based on their concept of Deep Evaluation. This paper uses these conceptual frameworks to examine the shortcomings of GM in relation to EI. Gendering-Based Assessment aims to strengthen GM by creating a space at the beginning of the policy design process to let policymakers contemplate the ramifications of particular policies and policy proposals.

1. Dyck (2011) defines the welfare state as “the characterization of most Western democracies from about 1950 to 1985 in which governments functioned as provider and protector of individual security and well-being through the implementation of a wide array of social programs and income transfers to individuals.”

Feminism: Defining the Concepts

Feminists are primarily concerned with gender equality, including employment equity, pay equity, personal and private equity, as well as legal equity. Within the feminist school of thought there are socialist feminists, Marxist feminists, radical feminists, and liberal feminists. Given the diversity, not all feminists think alike or agree with one another, but they all differentiate between the concepts of gender and sex. Sex refers to the biological differences between men and women, while gender refers to the socially constructed characteristics associated with an individual's sex. Like sex and gender, equity and equality are interrelated and dissimilar. The former implies fairness and compensation for past historical wrongs. For example, in order to ensure a level playing field, governments can use affirmative action programs and grant women preferential treatment. Conversely, equality means that both men and women have achieved the same social, economic, and political status within a society. Equality can only be achieved through equity (Status of Women Canada 1995, 3).

Employment equity has always been a major concern among feminist groups because women comprise almost half of the labour force in Canada (Status of Women Canada 1995, 3). To add, women have been traditionally underrepresented and disenfranchised. The Government of Canada should focus on developing public policy that reflects the needs of a diverse group of people including Aboriginal women (and women of other minority groups), women with disabilities, and women that are a part of the LGBT (lesbian, gay, bisexual, and transgender) community. Monica Townson and Kevin Hayes (2007b, preface) write that: "Good public policy depends on good policy research. In recognition of this, Status of Women Canada instituted the Policy Research Fund in 1996. It supports gender based policy research on public policy issues in need of gender-based analysis". GM gained momentum as more and more people, both male and female, ascribed to feminism. Now, I will examine how GM emerged as a strategic approach.

Background: What is Gender Mainstreaming?

GM, or GBA as it is known in Canada, emerged as a result of the 1995 World Conference on Women in Beijing. GM became the international standard for promoting gender equality in all stages of the public policy process. Canada was one of the first countries in the world that attempted to change women's inferior status (Hankivsky 2007, 112). Before 1960 the government took little action to eliminate obstacles to equality; however, in 1963 the Royal Commission on Government Organization instructed Ottawa to show "creative leadership in providing equal opportunities for women" (Brennan 1998, 9). In 1967 the Royal Commission on the Status of Women was given the task to "inquire into and report upon the status of women in Canada" (Hankivsky 2007, 112). Three years later the commissioners made numerous proposals geared toward ensuring equality of opportunity for women. Status of Women Canada was set up to make sure that the commission's 167 recommendations were implemented. Even today some

of the recommendations have not been put into effect (Dyck 2011, 152). Currently, the organization encourages economic, social and democratic equality through “strategic policy advice and gender-based analysis support” (Status of Women Canada 2013). It is also in charge of administering the Women’s Program, with the objective to promote the cause of women’s rights.

As the women’s movement took off in the 1970s the federal government established the Office of Employment Opportunity and the Canadian Advisory Council on the Status of Women. Both sections 15 and 28, which guarantee equality rights, became a part of the Canadian Charter of Rights and Freedoms when Prime Minister Trudeau patriated the Constitution in 1982. That same year, the first federal-provincial conference on women’s issues took place. Also, in 1995 the Federal Plan for Gender Equality was established, which committed the government to applying GBA in the development of all new legislation, policies, and programs (Dyck 2011, 152). At the core of GBA is the idea of substantive equality. Substantive equality emphasizes equality of outcome. Because men and women occupy different roles in society, their social, economic and political realities are different. When using GBA, policymakers have to recognize that achieving equal results means treating both sexes differently. Substantive equality “requires the accommodation of differences and the consideration of how gender burdens and benefits are shaped by policy” (Hankivsky 2007, 115). This type of equality stands in stark contrast to formal equality, the view that equal treatment will yield equal results (115). GBA should inform all stages of the public policy process, from problem definition to evaluation (Status of Women Canada 1995, 7). However, it is well documented that GBA has not been successful. Writing a few decades back, Caroline Andrew (1984) asserted that “it is necessary to examine the question of gender, the relations of women and the welfare state” (667). In 2005 the Standing Committee on the Status of Women concluded that “GBA is still not being systematically incorporated into policy-making” (Hankivsky 2007, 117). A significant point that needs to be acknowledged is that gender analysis is disregarded as a part of the policy design process.

Problem Definition and the Policy Design Process

Policy design is the process where the most appropriate policy instruments are chosen to deal with a problem so that a particular goal can be achieved. Every policy consists of three key elements: problem definition, goal setting, and instrument choice. When choosing a policy instrument, decision-makers have to adhere to two main principles: efficiency and effectiveness. Policymakers must choose an instrument that: (1) achieves the organization’s objectives (2) and uses scarce resources in the most economical and profitable way (Pal 2013, 130). This can be difficult because bureaucrats operate in an environment of imperfect knowledge. Leslie Pal admits that “in the real world of politics and administration... there are multiple decisionmakers with conflicting perspectives and priorities, information is in short supply or contradictory, and everything has to be done immediately” (23). The prospect of unforeseen circumstances forces many government departments to opt for incrementalism. Policies are supposed to solve

problems, but complicated problems may require a mix of policy instruments. Policy instruments do have the potential to ameliorate problems; nevertheless, there is a great deal of responsibility associated with choosing the right instrument because policymakers have a variety of tools at their disposal that, if used incorrectly, may make a situation worse (22).

Tools vary in effectiveness and efficiency depending on a person's gender. EI entails little coercion and merely encourages labour force participation; it does not restrict individual or group behaviour in the same sense that regulation does (Howard 2002, 412). Evidently, it encourages more male participation in the workforce (since more men qualify for EI). Policy design bridges the gap between problem definition and goals. No one disputes the notion that the general goal of EI is to provide social protection from the vicissitudes of life. Pal (2013) explains that "the technical means whereby we pursue goals are a reflection of the ways in which we perceive problems and the goals we are pursuing" (131). UI became an important policy instrument for the federal government during the Great Depression. Back then, the main policy problem was income inequality and the goal of the federal government was to redistribute wealth more equitably (131). Ottawa chose to solve the problem via public expenditures. This instrument has many subcategories, employment insurance being one of them. How officials perceive the particular problem(s) and the policy instrument(s) they choose to accomplish a goal is influenced by many factors like sociopolitical culture and the changing economic realities of the Canadian labour market.

Problem definition is crucial to the successful development of public policy, yet problems are not always easily defined. One needs to appreciate the myriad of factors that cause unemployment, from domestic recessions to a lack of proper skills. For example, in the wake of a recession or depression there is little that governments can do to assuage high unemployment levels. If the issue is a result of a lack of skills, then the government can encourage people to participate in the market economy by establishing training programs. Although all three components of the policy design process are interrelated, issue definition shapes the entire process afterward (Pal 2013, 97, 130). The new problem should be constructed as follows: fewer women are able to qualify for EI benefits because they are less likely to have had paid employment in the previous 12 months. The following case of Kelly Lesiuk illustrates the complications associated with the EI program.

The Case of Kelly Lesiuk

Almost 60 years after the UI Act, a woman by the name of Kelly Lesiuk applied for EI but was denied special maternity benefits based on the amount of hours she worked. Lesiuk was a part-time nurse but had to give up her job after she became pregnant². In 1996, the qualification

2. *Canada (Attorney General) v. Lesiuk (C.A.)*, 2003 FCA 3, [2003] 2 F.C. 697. <http://reports.fja.gc.ca/eng/2003/2003fca3.html>.

requirements of the *Employment Insurance Act*³ were changed from a weeks-based system to an hours-based system. She would have been granted the benefits if the old requirement had been in place. Unfortunately, Lesiuk came 33 hours short of the new 700 hour requirement. Even though the Federal Court of Canada overturned the decision, the Umpire found “that the eligibility requirements demean the essential dignity of women, who predominate in the part-time labour force, since they must work for a longer period of time than full-time workers to demonstrate their work force attachment”. Before April 1, 2013, a claimant or an employer could appeal an EI decision to the Board of Referees and Office of the Umpire (Service Canada 2012). As of April 1, 2013, both levels of appeal were replaced by the Social Security Tribunal (Canada 2013).

Problem Recognition

The problem was recognized in February of 2005 when the House of Commons Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities (HUMA) released a report entitled *Restoring Financial Governance and Accessibility in the Employment Insurance Program* (Townson and Hayes 2007a, 34-35). Problem recognition is “the stage at which there is an emerging sense that there may be a problem that needs attention and further analysis” (Pal 2013, 125). Although the report did not contain specific recommendations related to women and gender, it did contain 28 suggestions meant to address EI financing and governance, and benefit enhancements (Townson and Hayes 2007a, 34-35).

As an analytical tool GBA does not have the capacity to guide the policy design and the decision-making process in a direction that understands *why* EI eligibility requirements impact men and women differently. However, intellectuals like Rees firmly believe that mainstreaming is informed by “politics of difference that recognizes the androcentricity of organizations and seeks to change it, thus facilitating women’s full participation on equal terms” (Bacchi and Eveline 2003, 101). Rees distinguishes between three developments in equality policy. The early days were marked by “tinkering”, followed by “tailoring”, and finally “transforming”, better known as mainstreaming (100). Critics of gender mainstreaming hold that GBA only assesses the implications of policies. According to Rees, mainstreaming is about changing the nature of organizations to suit women; previous reforms only attempted to “slot women into existing organizations” (100). Hankivsky’s (2009) view is that GBA has become an ineffective tool “when forced to confront the priorities and values of neoliberal policies” (119). Bacchi and Eveline (2003) concur with Hankivsky: the reasons GM became so widely accepted is because it does not threaten the dominance of neoliberalism.

3. *Employment Insurance Act, Statutes of Canada* 1996, c. 23. <http://laws-lois.justice.gc.ca/eng/acts/E-5.6/>.

Metamorphosis: EI in the Context of the Neoliberal Welfare State

Free enterprise capitalism is the doctrine that argues that the economy can regulate itself without government interference. In a freely competitive market, prices, products and services are set through the forces of supply and demand alone. Welfare capitalism conforms to most of the theories of free enterprise capitalism, but adds to this the belief that government should take responsibility for the well-being of its citizens. Social insurance programs like EI protect men and women against a total loss of income. The slow disintegration of the Canadian welfare state changed EI for the worse (Porter 2003, 3-4). Factors that led to the transformation of the welfare state include: debts, deficits, changing responsibilities of the public and private sector, globalization, new technologies, requests for citizen engagement, and doubts about whether government institutions are the appropriate mechanisms that can effect change. What ensued was: cuts, privatization, deregulation, reduced expenditures, targeted social security spending, contracting out, abandonment of programs, and a reduction of the size of the public service (Dyck 2011, 605). These hallmarks of neoliberalism had a severe impact on several echelons of society, particularly women. EI became more exclusionary as neoliberalism engulfed the state.

The switch to an hours-based system affected women adversely (MacDonald 2009a, 254). In 2000, the eligibility requirements were changed from 700 hours to 600 hours. Currently, a person must have worked between 420 and 700 hours in the previous year, depending on the local unemployment rate. Whereas previously applicants for parental and maternity benefits were required to have 20 weeks with a minimum of 15 hours per week (or 300 hours), under the new system they were required to have 20 weeks at 35 hours per week (equivalent to 700 hours; MacDonald 2009a, 254-59). The hours needed to qualify for parental and maternity benefits doubled. Martha MacDonald calls the 35-hour work week a “male norm” (254). Gender inequalities today are different than the inequalities present during the postwar era. The post-World War II era is sometimes referred to as the Golden Age of the welfare state because it was marked by change. Growing pressures by women’s rights organizations eliminated deeply entrenched societal prejudices that were a part of public policy and everyday discourse (Porter 2003, 9). The new welfare state is plagued by inequalities that stem from the values associated with neoliberalism. While the male breadwinner model typical of the post-World War II era has largely disappeared, a new adult worker model (sometimes called citizen worker or universal model) has taken its place (MacDonald 2009a, 253).

The Adult Worker Norm

EI applauds the efficient and effective full-time adult worker who happens to be male. It is not so much a male norm as it is a full-time worker norm. Eligibility requirements are based around the standard employment relationship (SER), which simply means that an individual worker is engaged in continuous full-time work under one employer (Fudge and Owens 2006). Women often work in non-standard jobs. Non-standard jobs carry the curse of irregular hours

making qualification for EI benefits difficult and onerous (MacDonald 2009a, 254-255). Also, women constitute the majority of the part-time workforce, which means that they have little job security (254-255). EI reforms hurt part-time women workers more than men because women work fewer hours than men (254-255). Nowadays social policy is geared towards promoting continuous labour force attachment. With the advent of neoliberalism, governments began to increasingly place the onus on the individual. “Social investment” became the new buzzword as the state began to highlight the importance of self-sufficiency (253). To quote MacDonald (2009a), “with social investment... the state claims a role in investing in human capital and social capital in order to enable individuals to support themselves.” Twenty years ago the Chrétien Government released the *Agenda for Jobs and Growth: Improving Social Security in Canada*, which was better known as the Green Book. The discussion paper blamed the EI program for unemployment levels in the country. As a part of the 1995 budget, Finance Minister Paul Martin stated that “a key job for unemployment insurance in the future must be to help Canadians stay off unemployment insurance” (Miljan 2012, 173-174). The Standing Committee on the Status of Women concurs by noting that the EI “program changes were designed to ensure that unemployed workers returned to work as quickly as possible” (MacDonald 2009b, 65-86). Neoliberalism facilitated these program changes and gave the upper hand to the full-time worker, or the “ideal male” (MacDonald 2009a, 255).

Quality of life declined as the state slowly downloaded the responsibilities of unemployment to its citizens. Not only do women outperform men in terms of unpaid household work, but the shift from a family-oriented relationship to a market-oriented relationship created more stress for both sexes (Rice and Prince 2013, 228). The 1996 reforms established stringent EI entrance requirements and revitalized gender inequalities. A disproportionate number of seasonal women workers who work less than 35 hours per week could no longer receive EI benefits. Similarly, those that leave work to take care of their children often face barriers as re-entrants. People that have abstained from work for a period of two years or more need at least 910 hours in the previous 52 weeks to qualify for benefits. The old system required only 300 hours (MacDonald 2009a, 259). On average women are more likely to re-enter the workforce after an extended hiatus. It is very difficult for women to overcome the disadvantage that the new entrant and re-entrant⁴ rule imposes (258-260). MacDonald (2009a) correctly writes that the EI program changes are “consistent with the neoliberal welfare state’s emphasis on the primacy of the market and its discouragement of dependency on state income security programs. ‘Good’ workers are rewarded and ‘bad’ ones are punished.” New inequalities stem from marketized EI policies, and eligibility entitlements that favour a certain type of individual (i.e. a full-time worker). Regrettably, the victims of the neoliberal welfare state are still women.

4. One is categorized as a new entrant and re-entrant (NERE) if one has fewer than 490 hours or equivalent EI benefit weeks in the year preceding the 52-week qualifying period (called the “labour force attachment” year). Under UI, eligibility for NEREs was 20 weeks (minimum 15 hours a week), compared to 910 hours under EI.

The Marketization of Employment Insurance

One of the questions that academics pose is: how much of the EI program is insurance and how much of it is social welfare? James Rice and Michael Prince (2013) are careful to note that insurance is a market principle and social welfare is a public policy concept (160). Marjorie Cohen and Jane Pulkingham (2009) elucidate the difference between public policy and social policy. In short, social policy falls under the umbrella of public policy. The term *public policy* encompasses social policy, military policy, economic policy, immigration policy, labour policy, environmental policy and many other policies (5). Public policy is “whatever governments choose to do or not to do” (4). Over the last decade Ottawa has chosen not to do much when it comes to women. As the authors point out, the choice to do nothing can be either conscious or unconscious. The trend in Canada is to unconsciously brush off any public policy issue that is part of a systemic problem (4-5). Systemic problems are not a result of mere happenstance; rather, they are institutionally ingrained problems that create and perpetuate inequalities among men and women (4). Ann Porter’s term “differential entitlements” best describes the growing polarization between full-time employees that have EI security (mainly men) and those that do not have any access to EI benefits due to irregular working hours, intermittent work, seasonal work, or part-time work (mainly women; Macdonald 2009a, 255). Less than a third of women who are unemployed qualify for EI benefits. Twenty percent of women aged 20-39 failed to meet the 600 hour threshold in 2007 compared to 9 percent of men (Vosko 2012, 57-118). In 2001, 39 percent of mothers with newborn babies did not receive maternity benefits because they were either self-employed, previously unemployed, or had an insufficient amount of hours (57-118). By 2008 it was one in three (57-113). The drop in numbers can be ascribed to marketized social policy.

The Canadian welfare state has always been marketized. What is different is the degree to which social policy is designed “to reflect the ethic of the economic market” (Rice and Prince 2013, 159). A mixed economy combines capitalist ideology (private property, competition, and profit) with liberal democratic principles (state authority, public interest, and citizenship). Marketization has also been described as the process by which capitalism becomes integrated into the public sector. Rice and Prince write that “marketization entails allowing social policy and economic values to influence each other; economic logic conditioning the goals and means of social benefits and services; and market-based values shaping public attitudes as to which groups and needs are deserving and worthy of support and which are undeserving and the objects of exclusion or stigma” (159). The social investment strategies employed by both Prime Ministers Mulroney and Chrétien had a profound effect because they marketized EI. Presently, Harper has managed to tighten eligibility requirements, reduce benefits, expand disqualification provisions, toughen penalties, and limit public funding (160):

Several new features reflected this direction: the intensity rule penalized repeat users by gradually lowering the benefit rate from 55 per cent to 50 per cent; the high-income clawback rate was tied to past EI use; the

benefit formula used a “minimum divisor” to calculate average insurable earnings, lowering benefits for those who qualified with less than 14 to 22 weeks of work (depending on unemployment rates). (MacDonald 2009b, 69)

Unsurprisingly, EI coverage has actually dropped by 50 percent since the 1940s (Rice and Prince 2013, 160). Lydia Miljan (2012) confirms the statistics by writing that, as a result of the 1996 reforms, “studies have shown that the ‘proportion of the unemployed who actually received unemployed benefits dropped from 83 per cent in 1990 to 44 per cent in 2004’” (174). It should be noted that federal EI does not provide full income replacement, but rather income amounting to 55 percent⁵ of the average weekly earnings (currently, the cap is \$514 per week; Service Canada 2013). If an individual collects special EI benefits or is self-employed, the benefits he/she receives will be reduced. About one in ten women in Canada are self-employed and cannot claim maternity benefits unless they live in Québec.⁶ According to the Canadian Labour Congress (2009), the amount of women that qualify for regular benefits has fallen from 70 percent to 30 percent since the 1990s (1). It is evident that EI is not built to suit women’s working patterns.

Hindering Progress: Problems Associated with Implementing GM

A criticism leveled against the state is that it focuses too much on equality of opportunity and disregards substantive equality. Equality of opportunity is much easier to implement as a policy. More importantly, equality of opportunity does not address the complex structural barriers that the EI program inflicts on women. GBA must be competent enough to “put neoliberal agendas into question” (Bacchi and Eveline 2003, 99). In other words, it should be able to address the problems associated with the adult worker model. Hankivsky has criticized the GBA approach as too limited because it only examines one factor: gender. By focusing solely on gender when constructing policies the Canadian government tends to overlook deep-seated forms of oppression and how they interact to create inequalities (Hankivsky 2007, 127). Hankivsky advocates for a new strategy called diversity mainstreaming. A key aspect of diversity mainstreaming is intersectionality. Intersectionality turns the attention to differences among women and attempts to illustrate that gender is not a monolithic category; instead, gender is a network of interacting social factors that affect human lives, including socioeconomic status, health status, and quality of life (127). Diversity mainstreaming “seeks to go beyond singular categories to capture multiple grounds of discrimination so that power and privilege, and intersecting domains of inclusion, exclusion, and inequality, are better understood” (127). Clearly, a deeper approach is needed that brings about structural change so that the number of hours needed to qualify for regular as well as parental and maternity benefits is substantially

5. In 1994 the minimum entrance requirements were raised to 12 weeks. While the replacement rate was lowered to 55 percent for ordinary claimants, it was raised to 60 percent for low income claimants with dependants.

6. Currently, if you are a self-employed person in Québec, you are already entitled to apply for maternity, paternity, and parental benefits through the Quebec Parental Insurance Plan.

reduced. The hours needed to qualify for other special benefits should also be reduced. Furthermore, the amount of time that people receive benefits for should be increased, and so should the amount of earnings replaced by EI. Gender cannot be a mere factor inserted in the policy design process. GBA should “set policy agendas rather than... simply integrate considerations of gender into existing policy agendas” (Hankivsky 2009, 129).

GM does not acknowledge that differences emerge as a result of various intersecting factors like power relationships. Power is an elusive concept, and a power relationship can be defined as the division of power among genders. Historically, men have had more social, political, and economic power than women. It is important to remember that the concept of gender arose to challenge the individualistic focus on biological differences that plagues much of GBA today. Gender-disaggregated analysis often mistakes gender as being a part of the individual instead of society; it locates difference in women (Hankivsky 2009, 108). However, gender is a social and cultural phenomenon and “the gender-disaggregation approach... tends to a static and reductionist definition of gender (as woman/man)... Bureaucratic requirements for information tend to strip away the political content of information on women’s interests and reduce it to a set of needs or gaps, amenable to administrative decisions about the allocation of resources” (108). Consequently, many proponents of GM fail to challenge these individualistic premises. An individual is only different in relation to someone else, a person cannot be different unless the other person he/she is being compared to is also different.

While many GBA frameworks exist, the rational model is most frequently used. It consists of the following stages: identification of the issue; definition of desired/anticipated outcomes; information gathering; development and analysis of options; communication; and evaluation. The ultimate goal is to ensure that differential impact of a particular policy is considered at each stage of the policy design process. As mentioned previously, the objective of policy design is efficient and effective policy; GM attempts to prevent policy failure by taking into account men and women’s differential places in the labour market, albeit unsuccessfully. In order to change the structural barriers that favour men policymakers are obligated to look at the causal factors that make women different. They need to examine the practices that render women disadvantaged in the first place (Hankivsky 2009, 108-109).

Conceptual Framework: Deep Evaluation and Gendering-Based Assessment

Bacchi and Eveline (2003) introduce Deep Evaluation and Gendering-Based Assessment as strategies that can “overcome the limitations of current gender analysis frameworks and... make mainstreaming more effective” (112). The approaches aim to strengthen GM by creating a space at the beginning of the policy design process to let policymakers contemplate the ramifications of particular policies and policy proposals. The steps in Deep Evaluation include: examining the way(s) in which the problem under consideration is represented and with what effects; noting how particular assumptions about contexts underpin the policy; and paying heed

to the particular interpretations of key concepts and how these impose certain understandings of the issue(s) (111).

The authors are convinced that “the insights generated through ‘Deep Evaluation’ would lead to the development of a different form of gender analysis,” called Gendering-Based Assessment. This framework would question the underlying assumptions of neoliberalism, and reflects “on the ways in which ‘problems’ and ‘contexts’ are represented in specific policy projects, encouraging scrutiny of important developments in trade and commerce, instead of accepting these as given or inevitable” (Bacchi and Eveline 2003, 112). Deep Evaluation can be applied to any policy area including EI. By far the most appealing aspect of this analysis is the fact that it tries to reinvent traditional understandings of public policy. If one thinks of public policy as a response to a problem that affects individuals, one is liable to miss the way in which policies shape and create problems; secondly, policies do not just affect people, they create people. Certain social and gender relations are a product of policies (110). Attention needs to be given to the ways in which these policies produce gender and women.

Bacchi and Eveline (2003) are not the only scholars that contend that the most significant mistake that GM commits is that it regards differences as inherited. Beveridge and Nott write: “There is a connection which must be recognized between the day-to-day ‘routine’ of gender politics and the wider ideological frame within which they are pursued” (quoted in Bacchi and Eveline 2003, 111). Similarly, Diane Perrons (2005) asserts that “effective gender mainstreaming would require a broader and more holistic conceptualization of the economy in order to secure greater gender equality” (389). Before embarking on the arduous task of changing EI policies, policymakers must look at how power relationships structure differences in men and women. Power relationships are shaped by social, economic and political forces. Examining the circumstances that privilege some women and de-privilege others will help open up policy windows within a neoliberal context where Deep Evaluation can be implemented.

Ordinary GM models adopted in Canada, Australia, New Zealand and other international organizations are in a *project trap* (Bacchi and Eveline 2003, 111). A project trap means that existing policies are only tested for their impacts on men and women. The goal is to introduce policies that do not affect women negatively. This approach does not question how the state’s bias towards neoliberalism frames the entire policy design process. Hankivsky (2009) holds Bacchi and Eveline’s (2003) approach in high regard, asserting that Deep Evaluation “can produce different kinds, broaden policy debates among key stakeholders, and make policy-makers and decision-takers more aware of the objectives, rationale, and assumptions that shape nation states and underpin their institutions, programs and policies” (127). Targeting the issue of women’s unemployment must start with a thorough investigation of the role that state ideology plays in creating gender inequalities. Systemic inequalities will continue to be a part of the EI program, unless policymakers take proper actions to combat the disproportionate responsibilities

that women inherit socially, economically and politically. All new EI policies should be designed with this in mind.

Solutions: Changing EI Eligibility Requirements

The systemic inequalities in the EI program can be addressed by changing the eligibility rules to suit the needs of self-employed women, part-time workers, seasonal workers, and contract workers. Townson and Hayes (2007a) propose a “two-track qualifying system” with a 360-hour threshold. In order to qualify for all types of benefits (i.e. regular, work sharing, maternity and parental, sickness, compassionate care and training) the minimum amount of hours needed would be either 360 in a 52 week qualifying period, or three years of insurable employment that averages 360 hours a year in the previous five years (36).

When designing EI eligibility requirements policymakers have to recognize the social, economic and political factors that make women different. This includes the cultural demands placed on women to take care of the household, family, and children. Canada’s goal should be to equalize the gender gap. What separates the two stages is the question of how. The most obvious answer is to integrate a Deep Evaluation approach into the policy design process and reduce the national eligibility standard for EI. A new 360-hour threshold is bound to give jobless Canadians (both men and women alike) the chance to qualify for benefits more easily. Lower standards will increase the number of women eligible for EI. The new Gendering-Based Assessment possesses the capacity to critically evaluate and lessen the negative influence of neoliberalism on female workers.

Conclusion

This paper used Gendering-Based Assessment as a conceptual framework to examine the shortcomings of GM in relation to EI. By exposing the flaws inherent in neoliberalism, the paper questioned the effectiveness of GBA and argued that a deeper approach is needed to bring about systemic change. Side-effects of neoliberalism include marketized social policies and marketized family relationships. The new norm in marketized social policy is of an adult worker model. By favouring full-time workers, EI has become more exclusionary towards women. As an analytical tool GBA does not have the capacity to guide the policy design and decision-making process in a direction that understands *why* EI eligibility requirements impact men and women differently. Moreover, the essay asserted that the problem with conventional approaches is that they place the difference in women, thereby disregarding the potential that policies may have in creating women, as opposed to just impacting them.

In order to address these limitations, I supplemented Hankivsky’s (2007) idea of diversity mainstreaming with Bacchi and Eveline’s (2003) Deep Evaluation and Gendering-Based Assessment approaches. According to Hankivsky (2009), gender is a complicated concept with

various intersecting factors. Gender cannot be a mere factor inserted in the policy design process. GBA should “set policy agendas rather than... simply integrate considerations of gender into existing policy agenda” (129). The essay proposed that GM can be strengthened via Gendering-Based Assessment. This strategy aims to create a space at the beginning of the policy design process to let policymakers contemplate the implications of particular EI policies and policy proposals. To increase the number of women eligible for EI benefits, I opted for a “two-track qualifying system” with a 360-hour threshold.

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