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GENDER PARITY POLICY IN THE PUBLIC SERVICE SYSTEM IN NORTH AMERICA

Makhno Vladyslav Anatoliiovych,
Post-graduate student
Department of Service and Medical Law
Educational and Scientific Institute of Law
Taras Shevchenko National University of Kyiv



The article is devoted to the study of gender parity policy in the public service system in North America. Particular attention is paid to the United States of America and Canada. The article characterizes and describes the historical development of gender policy in these countries. Dependencies, patterns and determinants that may affect the state of gender parity in a particular region are analyzed. The author analyzes the laws and other regulations of the national legislation of North American countries that regulate issues related to gender parity, non-discrimination and access to public service. The author examined the gender ratio of public administration representatives in various positions in North America. The author analyzes the institutional system of North American countries and identifies the bodies and officials authorized to implement, monitor and supervise compliance with gender policy. The positions of the representatives of the United States and Canada on the introduction and application of gender quotas for access to leadership positions are analyzed and summarized. The sources of the state gender policy formation in the United States of America were analyzed and highlighted. Particular attention is paid to non-governmental organizations as an important factor that has a significant impact on public policy in this area. Based on the study, it was found that the number of women in parliaments does not necessarily demonstrate a high level of gender parity in this region. It was also found that the application of gender quotas in access to public service does not necessarily have the desired and envisaged by the state policy consequences. The author describes different approaches to gender policy, analyzes successes and challenges in this area.

Key words: public service, service law, gender parity, gender policy, gender quotas, gender equality.

Махно Владислав. Політика гендерного паритету в системі публічної служби в Північній Америці

Статтю присвячено дослідженню політики гендерного паритету в системі публічної служби в країнах Північної Америки. Особлива увага приділена Сполученим Штатам Америки та Канаді. У статті схарактеризовано та описано історичний розвиток гендерної політики цих країн. Проаналізовано залежності, закономірності та детермінанти, які можуть впливати на стан гендерного паритету в конкретному регіоні. Автор аналізує закони та інші нормативно-правові акти національного законодавства країн Північної Америки, що регулюють питання, пов'язані з гендерним паритетом, недискримінацією та питаннями доступу до публічної служби. Автор дослідив гендерне співвідношення представників публічної адміністрації на різних посадах у країнах Північної Америки. Проведено аналіз інституційної системи країн Північної Америки та встановлено органи та посадові особи, які вповноваженні реалізувати, здійснювати контроль та нагляд за дотриманням гендерної політики. Проаналізовано та підсумовано позиції представників Сполучених Штатів Америки та Канади щодо введення й застосування гендерних квот при доступі до керівних посад. Проаналізовано та висвітлено джерела формування державної гендерної політики в Сполучених Штатах Америки. Особливу увагу приділено неурядовим організаціям як важливому чиннику, який чинить вагомий вплив на державну політику в цій сфері. На підставі проведеного дослідження встановлено, що кількість жінок у парламентах не демонструє обов'язковий високий рівень гендерного паритету в цьому регіоні. Також встановлено, що застосування гендерних квот при доступі до

публічної служби не обов'язково має бажані та передбачені державною політикою наслідки. Автор описує різні підходи до гендерної політики, аналізує успіхи та проблеми в цій сфері.

Ключові слова: публічна служба, службове право, гендерний паритет, гендерна політика, гендерні квоти, гендерна рівність.

For a comprehensive study of the issue of gender parity in the public service, it is necessary to examine the experience of North American countries. This region is characterized by a great diversity of cultural, social, historical and political conditions, which makes it very illustrative and revealing for studying different approaches to achieving gender parity. It is important to emphasize that the experience of individual countries in this region is interesting and very revealing. Therefore, it is necessary to focus additional attention on them and establish certain correlations and causal links. A study of the experience of these countries can help to better understand which factors contribute to the achievement of gender parity in the public service and which have only an external "cosmetic" effect.

The experience of Canada is particularly important when studying gender parity in the public service for several reasons. First, Canada is considered one of the leaders in the field of gender parity. Second, Canada has a diverse cultural and social structure, which makes its experience more representative of other countries in the region. Third, this country has a high level of women's representation in parliament. After the 2021 elections, there were 103 women in the House of Commons, which is 30 % of the total [1]. Fourth, Canada has a number of policy initiatives and programs aimed at increasing women's representation in the public service.

It is important to realize that although Canada has a good gender policy, its indicators and indices have never been advanced. Canadians themselves claim that despite achieving parity in the Cabinet of Ministers, women remain underrepresented in the Canadian Parliament. In the Senate, women's representation was slightly higher: 43 % of senators are women, which is significantly more than the 36 % in 2011–2015. In 2015, for the first time in Canadian history, the government appointed a cabinet based on gender parity, with key ministerial positions such as the Minister of

Justice and the Minister of Foreign Affairs held by women [2, p. 24]. This, in turn, demonstrated that the state was pursuing a policy of gender parity based on the principle of equality of representatives of all genders, rather than gender equality or gender balance, where quantitative and percentage indicators are the main ones. This also indicated a high level of gender policy and inclusiveness in public administration.

In support of the above, we can state the fact that Canada has a strong nationwide institutional framework for implementing a gender approach at the federal level. This institutional approach provides for a clear division of roles between different structures. It includes:

1. The federal gender institution (Status of Women Canada). This institution is tasked with leading and facilitating a system-wide response to gender parity gaps;

2. Leadership and guidance from the Center of Government, Privy Council Office, (Treasury Board Secretariat, Department of Finance. This institution was created to support and stimulate the administration in implementing gender parity;

3. Departments. Roles and responsibilities for implementing gender parity are distributed among these institutions;

4. Statistics Canada. This structural body collects relevant data. It was created to provide a high-quality information base in the field of gender parity. This data is used to support decision-making in the relevant area;

5. Coordination structures. These institutions ensure coherence of gender parity policy at all levels;

6. Accountability of legislative authorities, independent institutions (Parliament, Parliamentary Budget Office, Office of the Auditor General) and civil society. This makes it possible to create a kind of system of control, checks and balances [2, p. 47].

The Constitution of Canada contains provisions that regulate issues related to gender parity and the fight against gender-based discrimination [3]. According to

section 15, "All persons are equal before the law ... and are entitled to equal protection and equal assistance ... without discrimination and, in particular, without discrimination on the basis of ... sex ...". Section 28 states that "Notwithstanding anything in this [Canadian Charter of Rights and Freedoms], the rights and freedoms set forth herein are guaranteed equally to men and women" [4].

Canada's gender policy involves the use of voluntary party quotas. Back in 1985, the New Democratic Party (NDP) set a goal of 50% women among its candidates in federal elections.

The 2015 elections naturally meant an increase in the number of women by 1.1 % compared to the last election in 2011. The NDP, Green Party and Liberal Party all increased the number of women candidates. In addition to the NDP, the Liberal Party and the Green Party have structures to promote and support women's participation in the fight for positions in their respective governments [1].

In 1997, an interesting initiative was taken. A proposal to implement de facto gender equality was put to a referendum in Nunavut. In the elections was put to a referendum. The question was as follows: "Shall the first Legislative Assembly of Nunavut have an equal number of men and women, so that one man and one woman are elected to represent each constituency?". However, this proposal was rejected. 57 % of people were against it [5, p. 221-225].

The absence of gender quotas at the legislative level for women in Canada can be explained. The absence of gender quotas at the legislative level for women in Canada can be explained. The dominant view is that political parties are a kind of private organizations. There is also a position based on the idea that the government should be made up of professionals who got there on the basis of their own merit, not because of affirmative action or quotas. Canada has inherited the British idea that political parties are a kind of private organizations that should not be subject to extensive state regulation [6, p. 4].

One of the features of the Canadian gender policy is Gender-based Analysis Plus (GBA+), which is available on the official website of the Government of Canada.

This is a cross-sectional, complex analysis that goes beyond biological (sex) and socio-cultural (gender) differences and takes into account other factors such as age, disability, education, ethnicity, economic status, geography (including rural areas), language, race, religion, and sexual orientation, among others. This makes it possible to take into account all possible combinations and foresee all possible consequences of the impact of the relevant policy. Using GBA+ implies the use of a gender and diversity-sensitive approach to work. The Government of Canada is committed to taking into account all of the above factors [7].

A gender analysis is an in-depth and systematic study. The analysis involves both those who hold official positions as research analysts and those policy or program analysts who occasionally review data and information for specific projects. This makes it possible to analyze the issue under study as fully as possible and from different angles [8].

The work of legal advisors and consultants can be especially useful in conducting a gender analysis. They can help assess the legal risks associated with the relevant initiatives and develop strategies that will minimize the identified problems [9].

Canada's experience in implementing a gender parity policy in the public service is quite illustrative. It demonstrates that a proper and effective gender parity policy does not necessarily have to be manifested in a high number of women in the government. It is also interesting to note the doubts about the need to introduce gender quotas at the legislative level.

The United States of America is an important element in the study of gender parity in government for several reasons. First, the United States is often referred to as one of the oldest democracies in the world. Its experience can be useful for other countries seeking to achieve a high level of democracy and, as a result, good performance in the area of gender parity. Second, the United States is a multicultural country. This makes it possible to see how a unified state gender policy affects all citizens equally, but at the same time takes into account cultural diversity.

Although the United States of America has the status of a country with a systematic and

active policy of gender parity, the percentage of women in parliament is quite moderate. As of January 2024, 151 women are sitting in the US Congress, which is 28.2 % of the total body. Among them, women hold only a quarter of the seats in the Senate (25 out of 100). In the House of Representatives, 126 out of 435 members are women (29 %) [10].

The representation of women in government is uneven across the country. Certain states have a clear advantage in the number of women representatives, for example, in state legislatures. Nevada ranks first among all states. Of the 6 representatives in Congress from Nevada, 4 are women (66.7 %). In the state legislature, women make up 60.3 % (38 out of 63) [11]. Arizona ranks 2nd (50 % of women in the state legislature). Colorado (48 %), Washington (45.6%), and Vermont (45 %) round out the top five states with the highest percentage of women in legislatures. On the other hand, this list is rounded out by such states as Mississippi (15.5 %), Tennessee (15.2 %), and South Carolina (14.7 %). West Virginia is the state with the lowest percentage of women in the legislature - only 12.7 % [12]. These figures demonstrate the lack of uniform implementation of gender parity policies throughout the United States.

Gender policy in the United States is reflected in legislation. The US Constitution also contains a provision that declares the equality of all citizens and enshrines the principle of non-discrimination. Amendment XIV, Section 1 states that "... No State shall make or enforce any law abridging the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" [13].

The National Strategy on Gender Equality affirms that the full participation of people of all genders is critical to the functioning of democracy [in the United States] and to the success of democratic movements around the world. "At a time when democracy at home and abroad is under threat, promoting the equal participation of all people - regardless of gender - at all levels of political life, from voting to leadership, is more important than ever" [14, p. 34].

The U.S. Agency for International Development (USAID) states that the policy of gender parity and women's empowerment is fundamental to the realization of human rights. USAID also called a high-quality and effective gender policy a key element for the effective and sustainable development of the state and society as a whole [15].

Almost all states have enacted laws against employment discrimination. These laws protect against unequal treatment based on a variety of grounds, such as race, gender, age, marital status, national origin, and more. Many state laws are similar in nature to federal civil rights laws, but they may offer additional protection against discrimination. Anti-discrimination laws are primarily focused on employment. State laws may apply to employment issues in both the public and private sectors [16, p. 5].

One of the main federal laws in this area is the Civil Rights Act of 1964. It is believed that this law gave women more freedom at work and the right to expect equal treatment. The adoption of this law is considered a major legal victory of that time. The Civil Rights Act of 1964 shows how different categories of law interact. The law prohibits discrimination on the basis of sex in employment [17].

The acts also set out the responsibilities of certain government agencies in ensuring gender parity. For example, the policy of the Ministry of Justice is aimed at eliminating all forms of discrimination and ensuring equal employment opportunities for all employees and job seekers [18].

Although the United States is associated with democracy and the fight for women's rights, gender quotas are not mandatory at the federal level. Any attempt by Congress to directly impose a quota system for women would be deemed unconstitutional for many reasons. One alternative is for a party to introduce a gender quota. For example, such a party could nominate a certain percentage of women candidates for relevant leadership positions. In addition, the introduction of quotas by the party itself would avoid several constitutional obstacles [19, p. 30].

As mentioned earlier, it is legally impossible for Congress to introduce legislative quotas. Such an initiative would not pass constitutional muster because Congress lacks the authority to set such quotas.

Special attention should be paid to non-governmental organizations as one of the sources of state gender policy development. Feminist and professional organizations are now playing a leading role in promoting the ideas of gender parity and equality in the representation of women and men in leadership positions. Therefore, researching and studying their activities and work is an important element of studying the formation of state gender policy.

Fourth-wave feminism is associated with the spread of access to the Internet to a wide range of users (approximately 2006). It is believed that this type of activism is "fueled" by social media [20]. As a result, the Internet has become the main platform where representatives of feminist organizations lobby for their own interests and interact directly or indirectly with the authorities.

Third- and fourth-wave feminists lobby for access to leadership positions in the United States in several ways. First, they can organize mass events: protests, marches, rallies, etc. Such forms of activity are designed to raise public awareness of certain issues. Often, such mass events can also be focused on notifying and attracting the attention of the authorities or individual

officials. Feminists also work with legislators to promote legislative initiatives that promote women's equality. This provides an opportunity to directly influence the lawmaking process.

Thus, the study of gender parity in North America revealed several interesting findings. First, the number of women in parliaments does not necessarily demonstrate a high level of gender parity in this region. There are other factors that influence the achievement of gender parity in the public service, in addition to the representation of women in parliament.

Secondly, some international indicators and benchmarks do not show the whole picture of achieving gender parity in the region.

Third, the achievements of individual countries do not represent the achievements of the entire region. This demonstrates the fact that the state of gender parity in the public service is more influenced by political decisions and changes introduced and implemented by the state than by geography or history.

Fourthly, the study showed that gender quotas for access to the public service do not necessarily have a significant impact on the actual number of women in government.

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