

#### ORIGINAL ARTICLE

## Pathways to concrete outcomes in equal employment policy implementation in France and Canada: toward better theory in comparative policy studies

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**Abstract** The goal of this article is to highlight the methodological and theoretical contributions the four articles in the special issue on the implementation of equal employment in France and Canada make to research and theory-building on policy inside and outside of France. The first section discusses the scientific opportunities for comparison the four research articles offer. Then, three pathways to achieving gender equality in equal employment policy implementation are identified from the four implementation case analyses in France, Canada and, within Canada, Quebec. Third, issues for comparative research on equal employment policy are raised in the context of a comparative analysis of the six cases in the two countries. The article finishes with a discussion of the contributions of this comparative analysis to research in Comparative Gender Equality Policy Studies and Comparative Politics and Policy.

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#### Introduction

The goal of this article is twofold. First, it will use the four contributions in the special issue as a launching pad to develop propositions about the dynamics and determinants of gender equality policy formation that can be tested in future comparative studies in France and Canada and other post-industrial democracies. Second, in doing so, it will contribute to in progress comparative theory-building in Comparative Gender Equality Policy Studies. An increasing number of scholars who work in this area have recently called for more systematic empirical comparative analysis of the details of the implementation and "practice" of gender equality policies across all policy sectors to address gender-based discrimination and inequalities in their full intersectional complexity (Mazur 2017; Blofield and Hass 2013; Engeli and Mazur 2018). They argue that a focus on the crucial processes of "post-adoption" after a policy decision has been made—implementation and evaluation—and on that policy's impact and outcomes is necessary to answer the question of whether gender equality policy matters. Developing a systematic approach to this puzzle helps to generate sound theory and understanding of how, why and to what end postindustrial democracies make policies that formally seek to strike down gender hierarchies and promote women's rights and status, in their full complexity. A focus on the politics of gender equality policy formation also serves as a crucial litmus test for democratic performance more broadly speaking (Mazur 2001).

Given the common approach of the francophone scholars in the special issue to policy analysis, what has been called by some "the French touch,<sup>3</sup>" their analyses have much to offer Comparative Gender Policy Studies in the context of the new field's turn toward implementation studies, and these articles are no exception. Moreover, it is important to note that Comparative Public Policy and Politics research treats adjacent topics of policy change and implementation in democracies with virtually no reference to this body of work on gender equality policy despite clear analytical commonalities and overlaps as well as the reality that gendering policy-making contributes to making stable democracies more democratic (Mazur and Hoard 2014). Thus, this article also seeks to contribute to building bridges between gender-specific and gender-blind studies.

In the rest of this article, the scientific opportunities offered by these four articles to comparative scholars are further detailed in empirical, methodological and

<sup>&</sup>lt;sup>3</sup> As Mazur and Revillard (2016) and Engeli and Perrier (2015) show a part of the "French touch" in gender policy analysis has been an ethnographic and detailed analysis of actors, often at local and subnational levels of governments as well as the macro and national and supra national levels, through the lens of the policy frame or "référentiel" seen to structure the terms of policy discussions and policy approaches in adoption, implementation and evaluation. For more on the French approach to public policy in general, see Boussaguet et al. (2015). It is important to note that not all French policy scholars agree that there is such a shared common approach.



<sup>&</sup>lt;sup>1</sup> For more on Comparative Gender Policy Studies, see Mazur and Hoard (2014) and in relation to French gender policy studies see Mazur and Revillard (2016).

<sup>&</sup>lt;sup>2</sup> Montoya (2013) first used the term "practice" in the study of violence against women policy in the European Union.

theoretical terms. Next, three crucial pathways to gender equality in paid labor indicated by the four articles are developed and presented: pay equity through comparative worth: equal employment and intersectionality; and mainstreaming gender equality into public and private employment practice. The third section elaborates four series of comparative issues raised by the articles to be addressed in future studies. The article ends with a discussion of the contributions of the special issue to current and future comparative theory-building.

### Scientific opportunities for comparative analysis

# Equal employment (*Egalité Professionnelle*) policy: a fundamental sector for gender equality policy

Research on gender equality policy as a separate sector of public policy shows that it is highly transversal with many different subareas, e.g., blueprint, political representation, equal employment, reconciliation, family law, reproductive rights and sexuality and violence (Mazur 2001). Many international comparative gender and policy studies also take a sectoral approach. They not only examine policy dynamics and determinants across different sectors, e.g., the Research Network on Gender Politics and the State and the Gender Equality Policy in Practice Network, but these studies assert that patterns of gender equality policy outcomes vary by sector (McBride and Mazur 2010; Htun and Weldon 2018). In France, much research has particularly shown the impact of public policy in reconciling work and family obligations for both men and women and the contradictions between different policy discourses on equality and discourses that reinforced the established gender division of work and home, where women are identified as full-time family care takers and part-time workers at best, and men as full-time workers (Mazur and Revillard 2015, p. 556).

Many argue that concentrating on the implementation of policies that target gender equality in paid labor at all levels of state action—sub-national, national and extra national constitutes an essential focus for gender equality policy in general (Mazur 1995; McBride-Stetson and Mazur 1995; Laufer 2001, 2014). Indeed, the evolution of women's participation in paid labor in post-industrial democracies has been a major factor in women's empowerment and gender role shifts as well as the development of equal employment law, at the heart of European Union law, at least up to the 1990s (Jacquot 2015) and of a strong emphasis on this policy sector in the USA and Canada, often through women's policy machineries—or state

<sup>&</sup>lt;sup>5</sup> For an analysis of the major international research projects on gender and policy in recent years, see Mazur and Hoard (2014).



<sup>&</sup>lt;sup>4</sup> It is important to note here that the analyses of equal employment policy implementation in the special issue articles have been supplemented with some discussion of findings of other research in this policy area in Canada and France. This comparative analysis presented in this article, however, is not by any means an exhaustive study of the dynamics and determinants of equal employment policy implementation, but an effort to trace larger trends for future comparative studies to assess in Canada, Quebec, France and other post-industrial democracies.

feminism (McBride-Stetson and Mazur 1995 and McBride and Mazur 2010). Furthermore, whereas the absence of English-language research on policy implementation has been clearly identified (Mazur 2017), what is often missed is that Frenchlanguage literature, most of which is not translated into English, has focused on adoption and implementation in this crucial subsector of equal employment. More specifically, French implementation research has been conducted on women in management and the glass ceiling (Laufer 1984, 1998, 2004, 2005, 2014; Laufer and Fouquet 1997; Pigeyre 2001; Guillaume and Pochic 2007; Marry et al. 2017; Jacquemart et al. 2016); on quotas in public and private organizations (Laufer and Paoletti 2010; Bender et al. 2016), on firm-level collective negotiation on equality (Laufer and Silvera 2004, 2006, 2017; Rabier 2008; Charpenel et al. 2017); DARES 2018); on wage inequalities (Meurs and Ponthieux 2006; Silvera 2014); on equal employment consultants and experts (Blanchard 2013); and on women leaders in trade unions (Guillaume 2018). French research has also been conducted on the development of policies on part-time work and their negative impact on women's careers and pay (Kergoat 1984; Maruani and Nicole 1989; Angeloff 2000; Silvera 2014) as well as the different dimensions on women's status in employment (Maruani 1998), so crucial for any systematic assessment of the impact and success of policy outcomes.

This body of French research, therefore, provides different analytical perspectives on understanding equal employment policy implementation, practice and outcomes and makes significant contributions to our understanding of equal employment policy formation. For example are there connections between what Bereni (2015) has identified as the "espace de la cause des femmes"—field of women's advocacy, and the progress and access of women in leadership positions; between quotas for women on executive boards and equal employment policies; between the limits on negotiating equality in collective bargaining and the poor showing for women in less qualified positions. The English-language literature on comparative gender has studied very similar issues under the general question of connections between women's descriptive representation in government policy discussion and substantive representation in policy outcomes (e.g., Celis and Mazur 2012). French implementation research also attests to the diversity of strategies of how equality is constructed, in different cultural and institutional contexts, particularly given the clash, on both political and theoretical levels, between the "référentiels" or policy frames of equality and diversity in the context of French "gender-biased universalism (Bereni 2009; Laufer 2009; Mazur 2010)." The four articles in this special issue also reflect the emphasis of French-language research on the application and administration of equal employment policies at different levels, with a particular focus on actors and tools at the firm level.

Most similar systems and qualitative design for comparative analysis

Another scientific opportunity the special issue offers is a methodological one, in the context of the construction of empirically based comparative theory on how, to what end and why governments adopt and implement gender equality policies. First, the analyses provide the opportunity to conduct a small "n" comparative analysis



using a most similar systems design (Teune and Przewsorski 1971; Rihoux and Ragin 2008), where basic political and economic development characteristics of all of the cases are held constant—Canada and France are both consolidated and stable post-industrial democracies with service sector dominated, wealthy economies—so that the effect of other institutional and cultural variables can be observed. For instance, France is a unitary state and Canada a federal government, and France has gender-biased universal discourse on equality and group identity and Canada has a more Anglophone cultural approach to difference, diversity, multi-culturalism and gender although Quebec and France are both French-speaking, thus potentially sharing certain other cultural traits. A most similar systems design, therefore, allows for the isolation and observation of how these different cultural and institutional traits might contribute or not to outcomes and processes in equal employment practice.

Second, the observation of different cases at different levels of government increases the number of "n" beyond just two countries; a way of getting more analytical leverage through "within case analyses (Collier 1993)." In effect, across the four articles there are six cases of equal employment policy practice being examined: France at the national level (Laufer); France at the regional level (Talbot); two cases on Canada at the national level (Maillé and Boivin) and two cases in Canada at the sub-national level in the province of Quebec (Boivin and Maillé). Moreover, multi-level influences are integrated into the design as well—given the influence of the EU in France and the *a priori* embedding of the two sub-national cases analyses in the national and/or provincial cultural contexts of their countries.

Third, while not formally presented as such, the contributors all use "process-tracing" (George and Bennett 2005) to analyze the unfolding of events and the action of actors over time to identify the drivers/influences/variables/factors of successful equal employment policies. Indeed, this detailed analysis over time is a hall-mark of French gender policy studies (Mazur and Revillard 2015). As such, these case analyses provide the ideal analytical setting to accurately identify the dynamics and determinants of policy implementation and it impacts over the long-haul in a policy area prone to social change and shifts. Therefore, while these four articles were not formally set up to conduct methodologically uniform cases analyses with similar measurements and operationalization of core analytical concepts and variables in overtly hypothesis testing/generating comparative studies, they have shared research traditions and scholarly approaches. This shared methodological approach provides a common analytical template with a relatively high-level validity and reliability and little "conceptual stretching (Sartori 1970)." It is on this backdrop

<sup>&</sup>lt;sup>6</sup> As Goertz and Mazur (2008) and others attest, it is important that comparative analysis seeking to construct sound theory uses concepts and measures that accurately assess what is actually occurring—validity-across many different cultural contexts so that the same phenomena are being observed—reliability. Building on Sartori's foundational notion of concept traveling (1970), operational concepts need to be able to travel across national boundaries without over-stretching their core meaning. Goertz and Mazur (2008), Collier and Mahon (1993) and others have asserted the importance of developing reliable yet valid concepts for comparative analysis. The similarities in Canada and France as well as the shared analytical perspectives of the francophone authors in the special issue mean that the core analytical concepts being used, like intersectionality and gender equality, do not lose their validity and reliability. In other words, rather than being stretched they travel across the national boundaries.



of a quite systematic, albeit not completely uniform, research design that the three different pathways to gender equality found in the six cases of equal employment policy implementation are first presented in the next section and then, in the following section, the important comparative themes and propositions about whether equal employment policy matters in promoting gender equality in post-industrial democracies are highlighted. As such, both the pathways and research issues presented here can be used by and put to the test in future comparative studies.

### Three pathways to gender equality in employment

### Pathway 1: Pay equity through comparative worth

Louise Boivin's article allows the question of how pay equity has been implemented in France and Quebec to be placed on the analytical agenda; a fundamental issue for all post-industrial democracies, but treated very differently in each country. The pay equity law in Quebec, adopted in 1996 and reinforced in 2009, constitutes effectively a central mechanism for fighting against salary gaps that penalize women. Taking into account the occupational segregation of men and women, policy in Quebec seeks to remedy the devaluation of feminized occupations through the notion of comparable worth, formally put on the books in most post-industrial democracies since the 1990s. In this instance, Quebec law is in line with federal Canadian law on pay equity while at the same time establishing specific provincial regulations for both the private and public sectors.

In France since the 1970s, laws first on equal pay and then on equal employment and later on pay equity have codified the principle of equal pay for work of equal value, without providing the necessary resources for its application; in other words, a tendency toward "symbolic reform (Mazur 1995)." Unlike Quebec, it has only been in the early 2010s that French policy has made comparable worth a concrete basis for salary policies. From 2010 to 2012, a working group under the aegis of the Défenseur des Droits<sup>7</sup> brought together organized labor and management along with experts of evaluating women and men's jobs (Becker et al. 2013). The group developed a guide to engage and help firms use the job evaluation and classification schemes, a central mechanism for establishing comparable worth and addressing all forms of discrimination against women.

This firm-level approach was taken due to the central role in France of collective bargaining in the area of equal pay, at the branch level as well as in specific firms. In this perspective, the arena for equal employment policy is very much a part of labor relations in France: a three-way game of tripartite negotiations, between business, unions and the state. This means that employment policies and practices are made indirectly by national legislation and collective bargaining at the branch and

<sup>&</sup>lt;sup>7</sup> The Défenseur des droits was created in 2011 to handle specific cases of the violation of civil rights and to assure equal access to civil rights. It replaced the HALDE (Haute Autorité pour la lutte contre les discriminations) that had been created in 2005.



firm levels, with bargaining being regulated by national law. Indeed, unlike policy in Quebec, collective bargaining on equal pay was made mandatory by a 2001 law, the loi Génisson. Nonetheless, this requirement has not produced any significant reduction in wage gaps between men and women. On one hand, it has only been in recent years—since the 2014 law on "real equality"—that specific sanctions have been established for not fulfilling the requirement of a firm-level "unilateral action plan" when a collective agreement cannot be reached. On the other hand, the slow progress is due to the weakness and even absence of trade unions in many small and medium sized firms. Moreover, collective agreements at the branch level that target the value of women's jobs have not been initiated. The absence of such agreements does not completely preempt improvements in women's jobs in certain firms. For example, special budgets to correct disparities in men's and women's wages have been established in a few firms without correcting the root causes of those differences.

Given the divergent approaches of the two countries, what have been the ingredients for an effective approach? Boivin shows how the results of the equal pay law in Quebec remain limited. In France as well, while the gap in men's and women's salaries is narrowing, it is happening very slowly. The efforts by the Défenseur des Droits have not resulted in any concrete outcomes; management has refused the wage increase which would have resulted from the re-evaluation of women's jobs. Recent work on collective bargaining has also identified a "limited balance sheet in action plans (Laufer and Silvera 2017, p. 131)." Particularly in the area of salaries, organized labor and management are neither required to articulate how wage gaps will be specifically reduced nor announce the timeline for such a reduction. All that is required is that they mention formally their intention to make the reduction (Miné 2017). In most cases, bargaining applies to wage differences, through an approach of "all things being equal," which ends up neutralizing the situation of part-time workers (mostly women), hiding gendered job segregation, minimizing the severity of long-term pay gaps and taking only base salaries into account. At the same time, variable pay systems (due to performance bonus, overtime work and so on) remain a major source of discrimination. Thus, the discriminatory nature of these mechanisms, through the construction of job classifications as well as the distribution of the differing aspects of pay, is masked (Binet 2017).

As Boivin suggests, what is in play is the difference between equity and equality (Bender and Pigeyre 2016). While equity might be considered less ambitious than equality, equity can also mean that occupational segregation prevents women's jobs from being paid at lower rates when men's and women's jobs are compared in terms of work of equal value and not the same work. The uneven implementation of equal employment plans in France on the one hand and the access to equality plans, on the other in Quebec, raise the question of the role of each tool. Equal employment plans are not always taken into consideration in France, and similar plans in Quebec do not seem to be either. That being the case, in promoting fair representation for victims of discrimination, with women being one group of victims among others, and in fighting against occupational segregation, the Quebec plans may very well contribute to a better position for women in the job hierarchy and, hence, better pay for them as well.



In a comparative perspective, the positions held by the different actors in the wage equity-equality stakes need to be raised as well. In Quebec, impetus for change comes from the power of independent administrative authorities, in particular the CDPDJ (Commission des droits de la personne et des droits de la jeunesse), which has the power both to monitor and to evaluate job expertise. Here, wage equality-equity is considered a public good and not the domain of collective bargaining as in the French case, which serves as an important avenue for narrowing the pay gap between men and women.

### Pathway 2: Intersectional approaches in equal employment policy

The comparative analysis of different constructions of equality in France and in Quebec, as with the current debates on intersectionality, shows that it is of utmost importance that the core meaning of equality, diversity and intersectionality and public policies that treat discrimination is anchored in their cultural and institutional contexts. Chantal Maillé touches upon the issue of which groups are formally being targeted in equality policies through three different policies: ADS in Quebec (Analyse différenciée selon les sexes or Gender-Based Analysis), ACS+ in Canada (Analyse comparative entre les sexes plus or Gender-Based Analysis+), and PAE in Quebec (Programme d'accès à l'égalité en emploi or Equal Employment Plans). Canada is known for its multi-cultural approach codified by legislation on cultural diversity in 1988.

Gender-Based Analysis+ takes into consideration all forms of ascriptive equality. This policy instrument highlights the tension between the multi-cultural approach at the federal level and a resistance to multi-culturalism at the provincial level in Quebec, although the Quebec women's movement has been obliged to open up to an intersectional approach due to the actual situation of women in society at the grass roots level and the federal policy. Demands have been made to open the Gender-Based Analysis+ even more to an intersectional perspective so that different categories of women are formally identified by their race, class and sexual orientation. This evolution is an important turning point in feminist practice in Quebec, where gender policy in general had not treated ethnic minority women any differently. Thus, since the 2001 law on employment equality, the process of elaborating Employment Equality Plans (see below) considers equally women, visible minorities—ethnic and indigenous groups—as well as disabled women (Chicha and Charest 2013).

When Equality Confronts Cultural Diversity in France—The history of equality in France has been marked by an incomplete equality between the sexes (Lépinard 2007) and by the democratic principle of gender-biased republican universalism (Mazur 2010) which for a longtime have undermined the notion of diversity (Laufer 2009; Bereni 2009). The model offered to people with different ethnic origins is one of assimilation of all citizens into the "one and indivisible." Republic where all individuals are equal and group identities based on culture, race, ethnicity, and religion

<sup>8</sup> Increasingly in Canadian and European policy, adding the + to equality policies implies an intersectional approach that targets all vectors of inequalities.



are neither salient nor valid (Réa and Tripier 2008); only inequalities based on sex and class resonate in society and are officially recognized (Laufer 2009; Bereni 2009).

Having said this, debates on diversity in society and in the business arena have reflected recent challenges to the failed model for immigrants or children of immigrant as well as the difficulties of a societal model blind to the inequalities that are generated by the model itself. The debate over ethnic statistics has brought many to draw attention to the limits of fighting against discrimination—particularly those founded on ethnicity or race—that is not allowed to be formally measured and officially taken into account. Even though official statistics have provided analyses broken down by sex for quite a while, they do not provide breakdowns by ethnicity, race, religion or sexual orientation; categories that are considered to be off-limits and hence are not allowed to be used (Simon 2008). A 2001 law on discrimination reformed the legal framework for public policy in general; public and private organizations were henceforth required to fight against discrimination. Although there are now over 20 prohibited forms of discrimination, the business of diversity (as an asset for economic performance) often takes precedence over efforts to strike down specific forms of discrimination (Bender et al. 2010). Nonetheless, it is important to note that this new development allows for, in many cases, the formal recognition of new forms of discrimination that up until now had been hidden.

Better Recognition of Different Forms of Discrimination and Intersectionality—The concept of intersectionality, and hence the need to take into account simultaneously the different forms of discrimination, has been developed in France in the context of feminist thought on different mechanisms of male domination, on analogies to gender, race and class hierarchies (Eberhard et al. 2015) and on the "consubstantialité" of class and sex social relationships (Kergoat 2009). Given the prohibition on official statistics on race or ethnicity and on quotas for affirmative/positive action based on these divisions, the central question is a better understanding of discrimination and of multiple discriminations to better identify the intersection of more than one vector of inequality in discrimination (Lesné 2017). In France, while litigation on intersectional discrimination remains underdeveloped (Lanquetin 2009; Mercat-Brun 2013, 2017), legislation and policies in the employment of the disabled have been made the target of specific stipulations.

The study, *Trajectoires et Origines* (Beauchemin et al. 2015),<sup>9</sup> provides some essential elements to understand the links between ascriptive origins and

<sup>&</sup>lt;sup>9</sup> The findings of this study must be placed in the context of the problem of ethnic and racial statistics, mentioned above and flagged in the introduction by the authors of the study. While the French Census does include questions on background including French naturalized immigrants, only first-generation citizens are surveyed and not their parent's generation. Still, with 22,000 respondents, this survey on immigrants and their descendants in France and the accompanying study on discrimination raises the question of whether background is a factor by itself in the inequality of social outcomes. In the absence of any study of the individuals who actually are doing the discriminating, the analysis is only based on the perceptions of the victims who do not refer specifically to ethnically or racially based discrimination as would victims in Canada, Great Britain or the USA. Thus, this study is focused only on the subjective individual experience of racism and religious prejudice, rather than on any objective measure of the actual discriminatory acts.



discrimination/inequality. Evidence is provided, assert the authors, that immigrants and their descendants, when compared to individuals who are not from these backgrounds, in the same generation, with the same level of education and the same age, still face significant obstacles to social integration, depending on the national origin of their parents and if they remain linked to their immigrant origin. Also, the study confirms "that an acquired French citizenship for many generations gives access to employment in the public service but does not protect individuals from racial discrimination (*Ibid*, p. 15)." The same study also highlights the continuing difficulty of these second-generation citizens on the job market and in primary school success, for both girls and boys, depending on country origin of their parent.

The Lemière report (2013) reveals the challenges of going beyond simply identifying the multiple discriminations that different groups of women experience, particularly women who do not have basic qualifications, to integrating an intersectional approach in any meaningful manner in public policy. The report highlights that while many women are the object of employment discrimination due to pregnancy or their family situation, they can also be discriminated against in a multitude of other ways-women with foreign backgrounds, women who choose to wear the veil, older women, to name a few-which all can prevent them from being hired. As a result, an approach that takes into consideration these intersectional forms of discrimination is of utmost importance. Without a formal policy of positive action that takes into account these identity-specific drivers of discrimination, individual women and actors have no recourse but to apply the jurisprudence of the Défenseur des Droits from individual cases. In the same vein, the Lemière report asserts a complex legal framework, which prevents discrimination from being identified: women without means avoid the challenging and expensive legal process. Thus, complaints and litigation primarily come from women managers and employed women who are able to get access to union support, legal aid and information about their rights. It is in this context that studies have shown the disconnect between the magnitude of discrimination against women at the margins of paid labor and the capacity of actors to actually take action against the discrimination of the most marginal groups of working women (Eberhard et al. 2017).

For women with poor job qualifications, it is important to note that the priority for firms, including human resources and trade union representatives within firms, are salaried workers in general; these key players, therefore, are not oriented toward the problems of hiring the groups already marginalized in the labor market because of their low qualifications and by discriminatory practices. The Lemière report recommends the need to reinforce the links between the general approach to equal employment, a policy developed at the firm level already, and the newer approach to address the access of these marginalized groups of women to the labor market. One example of this firm-level approach is to stimulate collective bargaining at both branch and firm levels to recruit under-qualified women, as well as young and senior applicants.



# Pathway 3: Mainstreaming gender equality into public and private employment practice

This third pathway includes how both public and private structures embrace, or not, equality strategies and equal employment action plans (Laufer 2014; Charpenel et al. 2017). Comparative studies could contribute to identify the different variables or drivers that determine what actually motivates recalcitrant actors to engage in equality practices. For firms and public organizations, it can include such goals as a search for "legitimacy" or "complying with the law" but also a search for economic efficiency (Laufer 2014); the priority given to specific equality measures, including promoting equal treatment, equal opportunity and affirmative action and quotas; the role of law and social dialog within the enterprise (Mazur 2003; Mazur and Zwingel 2003; Milner and Gregory 2014); the level of legal and administrative obligation and control and also the level of sanctions, particularly financial one; mainstreaming equality strategies in general management issues; and, finally, how firms evaluate and assess these various practices.

The contribution to the special issue by Jacqueline Laufer describes the major characteristics of and challenges for firm-level equality plans in France, in particular the critique that equality plans tend to be framed in terms of the bottom line and increased efficiency rather than their original intent of promoting workplace equality and more "costly" comparative worth schemes (Charpenel et al. 2017). Similarly, Cécile Talbot shows how equality plans developed by regional governments can become a point of contention between the various actors, where the gender aspect of the plan is "depoliticized (sic)" by management. In these situations, the equality plans become a way for different administrative agencies to compete with each other and is only considered as a means to promote organizational efficiency. The concern, therefore, is not to undermine women's potential, to impose a numerical evaluation or to follow a project-based organizations logic, all to the detriment of what is seen by mainstream actors as a more politicized approach that would emphasizes civil society actors engagement and programs that insert equality perspectives across different arenas of regional policy, e.g., citizenship, culture and the fight against sexism and discrimination.

With regard to Quebec, Chantal Maillé examines the different constraints that structure the Equality Action Plans in terms of the categories of individuals targeted and of the public or private organizations which are required to set up those plans. <sup>10</sup> The rich study by Chicha and Charest in 2013 of equality plans since 1985 highlights some of the major problem areas as well. These include, targets are not achieved—for example in the civil service while women's presence overall has increased by 20%; achievements are very uneven across all sectors—in construction

<sup>&</sup>lt;sup>10</sup> Equal Employment Action plans must include the following elements: an analysis of the employment process, in particular the hiring and firing policies and practices as well as training; numerical targets by job type for each group targeted by the law; specific measures on equal opportunities, support and when needed, to eliminate discriminatory practices; and a timetable for putting into place all of these measures and a proposal of how their effects will be assessed (article 13 of the law).



for example 58% of targeted women leave the profession after 5 years; the absence of systematic monitoring of equality plans—either none are prescribed or the assessment is scattered between an array of agencies and overall their oversight is sloppy; few firms actually volunteer to do the plans and of those firms that do, few actually achieve numerical targets even though they are clearly defined by law; very little change in either traditional gendered practices of management or lasting reform in Human Resources practices; the limited effects of the plans end as soon as the subsidies given to the firm are used; plans are still perceived by many to be contrary to merit based employment decisions; and, last but not least, women's status seems to improve more than any of visible or indigenous minorities.

### Issues for future comparative research

Having mapped out these three distinct pathways to equality, the analysis now turns to presenting the research issues to be taken into account by comparative research on equal employment policy, gender equality policy and public policy more broadly speaking.

### Comparative research issue one: linking discrimination and intersectionality

First and foremost, recent evolutions and debates on the implementation of equality must deal with the articulation between equality and diversity/intersectionality/multi-culturalism, depending on which term is being used in a specific context and its meaning. The development of intersectionality and multi-culturalism in post-industrial democracies should be a central question for the feminist movement as well as for gender equality policies more broadly speaking. And, within that context the differences between the member countries of the European Union and Canada and the USA need to be identified and discussed. Is it important to address discrimination against women, but the questions of discrimination against which women and the different motivations for each form of discrimination are essential. Thus, comparative studies need to tackle the thorny issue of how current equality policies target intersectional and multiple discriminations and how are those vectors of inequality framed within the given context, whether that context be international, transnational, national, sub-national, local or sectoral.

# Comparative research issue two—the dominant policy frame or "Referentiel" is key

Comparative analysis needs to take into account the complexity of the different policy frames, or «référentiels» of equality presented by the state, femocrats in women's policy machineries, women's movements, trade unions and individual women.<sup>11</sup>

<sup>&</sup>lt;sup>11</sup> For more on policy frames and référentiels, see Mazur and Revillard (2016).



The complexity of frames must also be looked at longitudinally—as they change and are reshaped overtime. In Quebec as in France, gender equality issues tend to be framed in terms of employment with a focus on training, job market presence and pay equity (Revillard 2015). At the same time, at different periods, policy priorities with regard to equality appear to have been quite different in each country. In France, the articulation between equal employment policy and family policy has produced an ongoing tension between feminism and familialism; that is, a logic to protect motherhood that contributes to unequal treatment of women and a feminist logic that promotes gender equality (Commaille 2001). Under the highly active Socialist Minister of Women's Rights, Yvette Roudy, equal employment policies took an explicitly feminist approach with few connections to reconciling work and family burdens (Laufer, 1994; Dauphin 2010). Equal employment appeared to be the main frame that was linked to the objective of "modernizing" France and "modernizing" women. Modernization as a frame can potentially exclude certain categories of women and certain parts of society. It was on this foundation of equal employment, for certain groups of women, that women may access the full range of rights available to all citizen (Revillard 2015). Family policies adopted during the Roudy Ministry and slightly after 1981-1994, therefore, were oriented toward promoting gender equality—such as family leave and day care. After this period, the family approach framed policies once again emphasizing the "free choice" of mothers in terms of reconciliation rather than the promotion of gender equality (Jenson and Sineau 1995).

In Quebec, the pursuit of women's economic autonomy was the main target. Thus, beyond paid work, social policies—including family leave, family allowances and cost of living subsidies—were seen by women's rights advocates as the major mechanism for establishing women's economic autonomy and stability.

Employment was valued as one of the keys to economic autonomy but [equality] policies extended to other sectors that had the potential to reinforce the sexual division of labor, which the equal employment frame had sought to dismantle (Revillard 2015, p. 154).

### Comparative research issue three—which arena and which instruments matter

The question of the different arenas for equal employment policy should also be addressed in comparative studies. In France, various public policies—education, employment, social and family policies—have been clearly identified as levers to improve the situation of women on the labor market and gender equality; however, the major arena for the implementation of equal employment policy is the firm through human resources management and equality agreements, even though the pursuit of pay equity takes place at the branch level agreements and negotiation.

In Quebec, the arena for equal employment policy appears to be broader; Equality Action Plans (PAE) have become a part of broader economic policy discussions at the government level under independent authorities. In France, wage gap and job parity policy are dealt with in the arena of collective negotiation, while in Quebec these policies are treated in the arena law and order, since they are obligations and



objects of sanctions for certain organizations (IGAS 2013). In Quebec, concerned firms and public organizations must quantify and report employment segregation, profession by profession and for each targeted group. They must also define the actions to correct segregation that includes evaluating whether women's access to training leads to their effective access to job openings (Chicha and Charest 2013). Furthermore, occupational segregation in Quebec is not the sole concern of human resource departments and union representatives in individual firms. It is rather defined as a general problem for society to be addressed through multiple avenues both inside and outside of individual organizations and the public service sector.

### Research issue four: policy actors matter

The system of actors is also an important issue to approach from a comparative perspective: government agencies, women's movements, in their full complexity, unions, firms, networks of women executives and consulting firms all play different roles in each setting in the initiation, management and evaluation of equality programs. Here we examine how each of these actors have the potential to be important drivers in implementing effective equal employment policy.

Government agencies—In both Quebec and France, one important research issue would be to assess whether government agencies share the same reluctance to engage in full equality tending to see gender equality for its contribution to firmlevel diversity which is good for business performance and profitability. In Quebec, this reluctance on the part of government authorities can be illustrated by a recent review of the PAE, entitled "Management of Diversity." While "diversity management" was a subsection of this major government report, any mention of discrimination or racism in the title of the report was erased (Chicha and Charest 2013). In Quebec, the independent administrative authorities do play a strong role (IGAS 2013). Three out of four provincial level offices are formally charged with gender equality: the Secretary of Women's Status, The Council of Women's Status and the Commission of Salary Equality are all charged with overseeing the implementation of the Charter of Fundamental Rights and the administration of the Equality Action Plans.

Women's Movements—In the 1980s, under the Socialist Roudy Ministry, equal employment for women had a low priority on the women's movement's agenda in France, much lower than issues of rape, abortion and domestic violence. The women's movement did not initially mobilize around the equal employment frame, which was originally constructed in the context of labor relations (Mazur 1995; Laufer 2001, 2014). In Quebec, powerful women's movements have been more institutionalized with still a critical approach to working with the various government agencies and independent authorities that have such important roles in equal employment and equal pay policies and in the equality action plans (Revillard 2016).

Trade Unions Roles in the System of Labor Relations—It is striking to observe the pronounced difference between France and Quebec regarding labor relations. In France, employment equality is easily offloaded to the firm level and collective negotiations. In Quebec, employment equality is uploaded to provincial level policy,



informed by the national framework, that has real teeth and is based on a more "radical" analysis of the causes of gender inequities. Even though in France there is a requirement to negotiate and include measures to address salary inequities in collective agreements at the firm level (in firms with more than 50 employees), there is no requirement to achieve "real" equal pay in the results, like in Quebec where equal pay laws are seated on a different philosophy. Indeed, issues of equal employment have been partially removed from the arena of labor relations and collective negotiations in the firm and to the arena of independent administrative authorities armed with management expertise and the capacity to take businesses to court and punish them with financial sanctions for non-compliance.

Moreover, legislation has only given trade unions a consultative role on the action plans, even though unions have sought to promote gender equality in the work place, according to Chicha and Charest (2013), through a coalition of the leadership of all of the unions for equal pay in the adoption of the 1996 law, without which the law would not have been adopted. Union representatives are only informed and consulted in the action plans, whereas in the law on pay equity unions are required to participate in the new equal pay committees in each firm with more than 1000 employees.

In France, the implementation of equal employment policy has been inextricably linked to the reform of work place relations and the formal status of firms after 1968 toward a more institutionalized role in French society—codified in the Auroux Laws in 1982, just one year prior to the adoption of the 1983 law on equal employment, on the representation of employee interests in the firm, each firm's responsibility to society, the place of social dialog in management decisions and an interest to revitalize the firm as an arena for social dialog.

### Conclusions: contributions, research agenda and next steps

The articles in this special issue have provided an unprecedented opportunity to conduct a multi-level, most similar systems comparative qualitative study to better understand the dynamics and determinants of not just equal employment policy formation but the actual implementation and outcomes of equal employment policy. The case analyses of equal employment policy have provided clear hypotheses to be tested in the future research on equal employment policy formation and implementation in and across other post-industrial democracies. While some of these hypotheses and research issues may have already been under study in recent Comparative Gender Equality Policy scholarship (Mazur and Hoard 2014; Engeli and Mazur 2018; Lombardo et al. 2017), this article provides a more systematic set of hypotheses that come directly out of a most similar systems comparative study of the unfolding of the complex processes and politics of post adoption with a common methodological template; thus arguably furnishing a more robust point of departure for future studies. The key ingredients indicated by this systematic comparative analys in Canada and France for making equal employment policy matter in implementation include the following.



First, the importance of articulating, if not integrating intersectionality, into equal employment policy. Contexts that are favorable to understanding the complex causes of group-based discrimination against men and women in terms of intersections of different vectors of inequality and discrimination are likely to produce more effective and successful equal employment policies that are able to strike down the complex causes of work place inequities.

Second, when addressing salary inequity it is essential to put into action a comparable worth approach where the realities of gender-based occupational segregation can be better addressed in job evaluation schemes that assess work of equal value between men and women. Third, it is important to mainstream gender equality into the approaches of employment actors more broadly speaking so that they will more readily incorporate in a seamless fashion gender equality. Fourth, the arena and instruments in which equality policies are implemented can make a difference in outcomes. Equality policy is made in the arena of firm-level collective negotiations it appears to be more limited to "symbolic" policies, policy outputs, with few concrete results (Mazur 1995). Fifth, this comparative analysis shows that the French and Canadian/Quebec contexts each provide different settings for policy implementation and practice. The French cases present a setting for more symbolic and limited policies—but a strong increase in the number of negotiated agreements in firms; and the Canadian/Quebec furnish contexts for more concrete and authoritative policy responses. This similar systems study of policy implementation suggests, therefore, an important empirical question to be explored: within a common policy sector do certain national contexts make gender equality policy work more effectively than others?

Future studies of policy implementation in other policy sectors in other countries and in the equal employment policy sector can put these hypotheses to the test. Indeed, researchers in the Gender Equality Policy in Practice Network currently conducting similar process-tracing analyses of cases of policy implementation and impact in western post-industrial democracies in six different policy sectors can assess whether the propositions presented here comprise crucial ingredients for gender equality policy success for all post industrial democracies in equal employment policy and other subsectors of gender equality policy, like care, violence, representation and reproduction. Thus, in the final analysis, this special issue has moved theory-building on gender equality policy formation forward and in doing so has contributed to a broader understanding of government performance in western democracies in the twenty-first century.

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<sup>&</sup>lt;sup>12</sup> For more on GEPP go to http://www.csbppl.com/gepp/ or contact Amy Mazur at mazur@wsu.edu/. For a discussion of the GEPP Approach, see Engeli and Mazur (2018).



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