

Submission to the 2023-2024 pre-budget consultation

About the New Brunswick Women's Council

The New Brunswick Women's Council is an independent advisory body for study and consultation on matters of importance, interest, and concern to women and their substantive equality. Its objectives are:

- a) to be an independent body that provides advice to the Minister on matters of importance to women and their substantive equality;
- b) to bring to the attention of government and the public issues of interest and concern to women and their substantive equality;
- c) to include and engage women of diverse identities, experiences and communities, women's groups and society in general;
- d) to be strategic and provide advice on emerging and future issues; and
- e) to represent New Brunswick women.

In delivering on these objectives, the Women's Council may conduct or commission research and publish reports, studies, and recommendations. The Women's Council is directed by an appointed volunteer membership that includes both organizations and individuals. The work is executed by a small staff team.

Gender-based analysis and public policy

Gender-based analysis plus (GBA+) is a tool used to assess how specific populations may experience policies, programs, and initiatives differently than others. GBA+ that is tailored to the budget process is sometimes called gender budgeting. GBA+ goes beyond sex and gender to consider intersecting factors that shape individuals' experiences, including age, location, race, ethnicity, culture, disability, and language. GBA+ is important because, for much of modern history, institutions like governments have not considered how their work may impact specific demographic groups, such as women, differently than others. GBA+ is an essential part of developing public policy that is evidence-based, equitable, and effective.

In New Brunswick, GBA+ formally became part of government's decision-making and policy development process in 2016. Despite this, GBA+ was not part of the budget process in a systematic way until 2020 when departments were required to include gender impact assessments in their submissions to the budget process. These assessments were not full GBA+ processes and were not shared publicly. In 2021, government expanded its use of GBA+ and published its first-ever Gender Impact Statement (GIS) alongside the 2021-2022 budget. According to government, the GIS "provide[d] information about the GBA+ impacts of specific measures in Budget 2021-2022."

This first GIS did a number of things well in terms of providing public education, increasing transparency, and affirming the importance of GBA+ in decision-making. The GIS was not as strong in providing an account of how GBA+ informed and shaped budget decisions and priorities. It provided high-level process information and highlights from the final budget without accounting for how government arrived there.

The GIS that accompanied the 2022-2023 budget was significantly more robust. It included updates on the number of GNB employees who have done GBA+ training and the creation of a GBA+ Community of Practice within GNB. Government also took steps toward publicly disclosing more information on GBA+ done on policies, programs, services, and initiatives through 17 impact assessment reports. The findings, however, were profoundly concerning: 76 per cent of the policies, programs, services, and initiatives covered by the impact assessment reports did not go through a GBA+ process.

The GIS also did not ultimately indicate whether GBA+ influenced decision-making on the provincial budget. The impact assessments included in the GIS spoke to GBA+ done on specific policies, programs, services, and initiatives—and while those all come with budgetary implications, sharing information about GBA+ on them as policies, programs, services, and initiatives is not the same thing as sharing information about GBA+ conducted on the budget as a whole.

These findings validate the Women's Council's ongoing recommendation that government should publicly share more information on its use of GBA+ as well as information generated by GBA+ processes. This recommendation is about ensuring that GBA+ is not only being done but done well and actually affecting decision-making. It is about ensuring that GBA+ is being treated as an integral part of policy development, not as a box that must be given a perfunctory checkmark or a way to anticipate public relations challenges.

It arises from a long and ongoing history of women—especially those who are Indigenous, racialized, 2SLGBTQIA+ and/or disabled—being overlooked, marginalized, or treated as tokens in decision-making.

Why isn't GBA+ a foundational part of public policy?

GBA+ is supposed to be part of the public policy process. Government has also affirmed, through the GIS on the 2022-2023 budget, that: "Ensuring proposed programs, policies, and initiatives have intended and equitable results for all New Brunswickers will help lead to a more equitable society. GBA+ makes good policy sense and must continue being an integral part of the way we think and work as public servants."

Given this, why isn't GBA+ used more consistently?

GBA+ is underused because it is a tool to help ensure that public policy is equitable—and, despite the above statement, government has not fully committed to equitable public policy. Government also hasn't institutionalized equity-based work and approaches in the public service.

Equity¹ is a term that is often used interchangeably with equality; though related, they are not actually the same thing. Equality typically refers to *procedural equality*—treating everyone the same, even if they are different. It is, of course, essential that government not discriminate against people or communities because of the gender, race, disability, language, etc. It is also discriminatory, however, for government to ignore the fact that people and communities face obstacles and challenges because of oppressions like misogyny, homophobia, racism, colonialism, ableism, and poverty.² This is where the nuance of *substantive equality*—or equity—comes in.

Equity is about recognizing that the playing field isn't even because of systems of oppression and responding by taking steps to mitigate the challenges and obstacles that specific populations face in accessing opportunities and achieving desirable outcomes. Taking an equity-based approach requires explicitly acknowledging and addressing oppressions, building competency to understand oppressions as structural and systemic, and analyses of power relations. It also requires an orientation toward

¹A more detailed explanation of the difference between equality and equity, as well as the role of justice in this context, is provided in the appendix.

²Oppressions are systems of domination. They exist at the societal scale, backed by social, political, and economic power. Oppressions show up in institutions, structures, systems, and processes while also being internalized by individuals and playing out at the interpersonal level. *Power* is why measures to address oppressions are not themselves "reverse-oppression." For example, the GNB [Equal Employment Opportunity Program](#) is not discriminatory against white, non-disabled, or non-immigrant people as these groups of people hold social, economic, and political power.

intersectionality,³ which is an analytical framework for understanding and accounting for people's experiences of multiple forms of oppression.

Push-back against the importance or even validity of equity-based approaches often comes in the form of the question: "But aren't we supposed to be making decisions for ALL New Brunswickers?" This question supposes that equity-based work and related tools like GBA+ afford special privileges or undue consideration to particular groups of people at the expense of other groups. In reality, equity-based work helps to address the fact that specific groups are typically overlooked and thus discriminated against in public policy. This includes women, 2SLGBTQIA+ people, racialized people, newcomers and immigrants, and disabled persons. Using equity tools like GBA+ is how government helps ensure that it is, in fact, making decisions for all New Brunswickers and not just those who are men, white settlers, straight and cisgender, anglophone, non-disabled, etc.

The follow-up objection to equity is often that while marginalized populations do in fact deserve assurances that they are being considered in policy-making, decision-makers ultimately need to focus on the *average* New Brunswicker. There are two main issues with this that need to be addressed.

First, according to [the most recent Statistics Canada data available](#), 50 per cent of New Brunswickers are women; nearly 10 per cent are Black, Indigenous or people of color; 29 per cent are francophone (and 4 per cent are neither francophone or anglophone); 5.8 per cent are immigrants or refugees; and [26.7 per cent are disabled](#).⁴ Canada-wide, [4 per cent of the population is 2SLGBTQIA+](#). There is no average New Brunswicker—there is only the decision to act as if there is and thus produce policy that hasn't taken all the relevant information into account and is therefore going to be less effective.

Second, there is an assumption that policies made for so-called "average" New Brunswickers will benefit everyone, including those who are vulnerable and marginalized, but that policies that target those who are vulnerable and marginalized will *only* support those populations and will be irrelevant, if not exclusionary, to other New Brunswickers. This is not true.

When policies do not account for marginalized and vulnerable populations' experiences and needs, those populations end up largely excluded from the benefits of the policies or included in only their negative aspects. However, when policies do account for the barriers that those populations face or seek to reduce

³ The Women's Council uses the language of "oriented toward intersectionality" because intersectionality is a Black feminist framework that involves analysis of power—i.e. it is the kind of approach that government fundamentally cannot do itself, but can orient toward or potentially engage in through [co-creation processes](#). A more fulsome description of intersectionality, including an account of how and why it was developed by Black feminists, is available in the Women's Council's [submission to the Commissioner on systemic racism](#).

⁴ This statistic is from 2016 and does not reflect the increase in disability rates due to [the ongoing COVID-19 pandemic](#).

those populations' disproportionate vulnerability and insecurity, they often have positive impacts on the population as a whole. This is known as [the curb cut effect](#).

Curb cuts were originally introduced to support wheelchair users' access to sidewalks but proved to be beneficial to other people who could walk but had limited mobility (e.g. seniors, small children, people using walkers or canes) or were at risk of falls, were pushing strollers, and using carts. What started out as an intervention for a specific marginalized population is now part of the infrastructure of our villages, towns, and cities because it is beneficial to everyone.

Equity is a critical component of evidence-based, effective public policy

If government is committed to serving all New Brunswickers, does not wish to perpetuate discrimination, and wants to deliver effective, evidence-based public policy, then equity-based work must be a foundational part of public policy development, implementation, and evaluation. Without using equity-based approaches, significant portions of the population and the on-the-ground realities of the province are not being considered in decision-making. Put another way: decisions that aren't equity-based aren't evidence-based—and they won't be effective.

Equity-based work also cannot be done by government alone, nor can it be done behind closed doors. Equity-based work requires sharing power as well as increased transparency and accountability—these are qualities that are also increasingly important in the face of authoritarian and populist movements emerging around the world. To safeguard democracy, it is essential that governments take steps to increase their credibility and build trust with the public. Being more open about their decision-making and showing how they are ensuring policy is responsive and evidence-based are ways that they can do this.

Recommendations

The Women's Council recommends that government commit to developing and implementing equitable public policy. This will require institutionalizing equity-based approaches in the public service—meaning that equity-based work is not only required but resourced across the whole of government.

This will require a culture shift within the public service, as well as budgetary resources to build capacity, introduce new processes (both internal to government and in terms of public disclosure of the results of equity-based processes like GBA+), and better engage with individuals and communities outside of government. Below are some specific pieces of work that would support this.

GIS and the budget

The next step forward for the budget's GIS is for GBA+ to be used not only on specific policies, programs, services, and initiatives but on departmental budgets and the provincial budget as a whole. This is critical because inequity can occur not just at the level of specific policies, programs, services, and initiatives, but in trends and patterns of which policies, programs, services, and initiatives are prioritized and which are not.

Disclose GBA+ findings on more decisions and policies

Budget development is one of government's most opaque processes—which means that if a GIS can be produced for the budget, it can be produced for other decisions and policy processes. Government should allocate resources to pilot publicly releasing information on how GBA+ processes shaped other decision-making and policy development. This pilot should be informed by consultation with organizations and groups that represent equity-seeking populations, especially those with impacted leadership or leadership with lived experience.⁵

Build capacity to address systemic racism

Structures mandated to address systemic racism should be created and resourced within the public service. The guiding framework must be racial equity and anti-racism—not diversity, multiculturalism, or sensitivity. We suggest that a model similar to the Women's Equality Branch and the Women's Council (in which there is both a departmental entity and an independent entity) be considered. More on this recommendation can be read in our [submission to the Commissioner on systemic racism](#).

Building capacity to address racism within the public service also requires that government respond to calls from the Chiefs of the Mi'kmaw and Wolastoqey First Nations for an Indigenous-led inquiry into systemic racism against Indigenous people. Public servants, including members of the legislative assembly, require the information that this inquiry would produce in order to orient toward equitable public policy. The Women's Council recommends that government answer this call immediately with a properly resourced inquiry that is designed, developed, and led by Indigenous leaders.

Engage in co-creation

[Co-creation](#) means involving the people and communities who are impacted by a situation or issue in the process of identifying the problem, designing the services that will address it, and establishing how the services will be evaluated. Co-creation is not simply new language to apply to existing dominant ways of working to make them sound more inclusive and equitable. It is a specific approach that is rooted in sharing power and requires those in decision-making positions to adopt a stance of [cultural humility](#).

Too often, however, co-creation is not what happens. Due to capacity challenges, timing constraints, and deeply entrenched ways of working, public servants who may have technical expertise but are disconnected from the on-the-ground reality of situations are charged with defining the problem, developing solutions, and establishing the evaluation criteria. Additionally, these public servants may be aware they are operating under unspoken constraints and propose the best approach that they believe decision-makers will support, not what they think is the best approach overall. Governments also often rely on superficial engagement

⁵Marginalized groups often face the issue of having people who are not part of their group attempt to represent and advocate for them (this is further explored in the "Nothing about us without us" section of the Women's Council's [submission to the Select Committee on Accessibility](#)). Impacted leadership and leadership with lived experience refers to when the leaders of groups and organizations are actually of the marginalized experience that is being represented.

and consultation, which erodes public trust. Co-creation will not only result in better services but will also increase public trust in government. This, in turn, can help ensure that evidence-based decisions and investments in effective services are resistant to being cut or altered without good reason. To ensure value for money, good services alone are not enough—they must be consistently available over time with changes based on users' needs and not government preference.

This level of collaboration with people and communities outside of government requires that government develop standards or principles of rigour and ethics for consultations and public engagement. As discussed in the Women's Council's [submission to the Commissioner on systemic racism](#), while government's public engagement and consultation initiatives are not academic research projects, they should still have principles or standards in place to reduce harm to participants, avoid exploitation of communities, and ensure that what is reported back to decision-makers and the public is accurate. These must include:

- Increasing the information that is available to participants on what they are consenting to, how their data will be used and stored, if and how they can revoke their participation, etc.
- Increasing the information available to the public on methodology used.
- Adhering to Mi'kmaw, Wolastoqey, and Peskotomuhkati principles and protocols when working with these First Nations and adhering to other appropriate principles and protocols when working with Indigenous people more broadly.
- Clarity around when someone may be paid for their contributions and when they may not be. The Women's Council is particularly concerned about instances when a vulnerable or marginalized person or a person with expertise in equity has sustained involvement in an initiative over time (e.g. participating in a task force or working group) and they are not staff of the government or affiliated with an organization that is paying them for their time and labour. People from marginalized identities are constantly expected to provide their expertise and labour to government without compensation; this reinforces their marginalization, contributes to their economic precarity, and shrinks the pool of contributors to those who can provide free labour.
- Using trauma-informed approaches to support the participation of vulnerable and marginalized people and communities as well as to reduce the harm that may come to them through their engagement.

Appendix - Equality and equity explained

One of the most common tools used to explain the differences between equality and equity is an image of a group of people attempting to watch a ballgame over a fence.*



In the first image, crates are distributed equally. Everyone is a different height and so giving each person a crate boosts them up the same amount but doesn't ensure they can all see over the fence.

In the second image, height differences are accounted for in crate distribution. Everyone gets what they need to achieve a comparable outcome in terms of being able to watch the game.



It's worth pausing here to emphasize that that the image is using "equality" and "equity" in terms of interventions (the adding of crates) not outcomes (whether people can see the game over the fence).

In terms of interventions, the image contrasts the sameness of equality with the responsiveness of equity. The image demonstrates that equity-based interventions are required to ensure comparable outcomes for people in the face of circumstances or opportunities that disadvantage them or privilege others.

In situations of unequal circumstances and opportunities, equity-based measures contribute to equality of outcomes.

* This image is widely used and iterated. The Women's Council has produced its own version of the image which reflects both the most common elements of the image as well as the most common revisions.

The image also has limitations. It shows the same intervention (boosting height) effectively meeting everyone's needs. A more robust version of the image would show different interventions to meet different needs; for example, a wheelchair user being provided with a ramp to a platform rather than a crate.



The image also portrays naturally occurring differences between individuals (height differences—or, in the updated image, the need for a wheelchair) as the reason people require equity measures to reach equal outcomes. In reality, equity measures are required because of systemic oppressions like poverty, racism, colonialism, ableism, and gender-based oppression like misogyny, homophobia, and transphobia. These are neither naturally occurring nor meant to be understood at the scale of the individual. Increasingly, an additional image is used to convey this.



This image shows that the cause of inequality in opportunities and outcomes, as well as the impetus for equity-measures, was never individual differences but the fence—a literal barrier that was an issue for some people but not others. It also makes it clear that while equity-measures are important, they are not justice. While we need equity-measures, we also need to dismantle the oppressions that necessitate them.