



**Missing Links: On the Decoupling between Women's Rights Policies, Outcomes and Reports**

by Princess C. Ilonze

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## **ABSTRACT**

Countries continuously fall short of gender equality goals despite countless efforts to promote change. Therefore, I ask: Why do these inequalities persist, especially among low- to middle-income countries and regardless of the international support they receive? Using a World Society lens, this thesis examines policies and practices in gender and development to understand the gap between their objectives and results. I employ a mixed-methods approach in two related studies. The first study is a quantitative analysis of the impact of laws against gendered employment-discrimination on women's participation in quality work. In the second study, I carry out a discourse analysis on country self-reports on their CEDAW implementation efforts. In an appendix, I apply the findings from both chapters to the context of Newfoundland and Labrador. The findings from this thesis suggest a need for reform to ensure that gender equality policies are adequately adapted to the cultural context.

**Keywords:** Decoupling, Gender Inequality, Women's rights policies, Discrimination Against Women, CEDAW, Discourse Analysis, Mixed methods research

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# **Chapter 1 Introduction and Overview**

## **1.1 Introduction**

Despite global consensus on the crucial role of women in development, year after year, countries fail to meet gender parity and equity targets (Berkovitch and Bradley 1999; EM2030 2020). In the race to sustainable development and the elimination of gender-based inequalities, equity-promoting institutions and practices are crucial components. In the international community, certain practices and institutions have been established as ‘best practices’ for achieving gender equality. Countries, in turn, adopt these, especially in lower-income countries, which are often the followers and not leaders of global social liberation movements (della Porta and Kriesi 1999). These countries often face external pressure to set up legislation and programs that are similar to influential developed societies (Boyle and Meyer 1998). Although they adopt global norms and practices, lower-income countries are also less likely to achieve gender equality targets (EM2030 2020; UN Women 2017; Weiss 2003). There appears to be a gap between legal and social institutions and their objectives of ending gender discrimination and promoting gender equality. This thesis examines policies and practices in gender equality promotion and women's rights protection among low- to middle-income countries spanning six geo-political regions.

In this thesis, I uncover the shortcomings of policies and practice in gender equality promotion. Specifically, I focus my analyses on legislation prohibiting gender discrimination in employment and other areas that have a bearing on women's economic empowerment. My analyses are guided by the World Society theory. Specifically, I engage with the concepts of isomorphism and decoupling. According to this theory, to be welcomed into the international community and freely benefit from the perks of our globalized world, governments must adhere to global norms that are made up of written and unwritten standards (Giddens 2000; Meyer et al. 1997; Towns 2009). Adherence to this standard causes countries to develop in the same ways despite their varying histories and social contexts. This uniformity

in structures and institutions is referred to as isomorphism. Isomorphism, however, often leaves gaps such that these structures are unable to produce the outcomes for which they were established. This gap between structures and their objectives is what World Society theorists label as decoupling.

My thesis takes on a mixed-methods approach. First, I analyze quantitative data on the existence of laws aimed at protecting the labour rights of women and the effects they have on women's labour outcomes between the year 2009 and 2015. Next, I carry out a discourse analysis on country self-reports on the implementation of the principles of Convention on the Elimination of Discrimination Against Women (CEDAW), submitted to the UN Secretary-General and the CEDAW committee for review. This approach allowed me to develop a deeper understanding and pinpoint where and what gaps exist in gender equity promotion efforts.

Chapter 2 is concerned with local gender conditions after laws are adopted following world society norms. In this analysis of 63 countries across six regions, results suggest that the laws do not significantly impact the labour force outcomes for women. This finding leads me to a new question: what is it about these laws that limit them from producing the expected results? The 15 CEDAW reports analyzed in Chapter 3 provide further insights that help answer this question. I learn that from the treaty ratification phase to the law adoption and implementation, actions by countries in my sample are motivated by objectives outside gender equality. Countries are not intentional in their efforts to create gender programs suited for their specific social contexts because they are driven by the benefits of a gender positive national image. These external motivations lead to a decoupling of gender policies and programming from the expected outcome, gender equity. What results is often not beneficial to women.

### **1.1.1 Research Questions**

In both analyses, I seek to understand what gaps exist at different stages of global gender equality processes. One overarching question guides my studies:

*Why does gender inequality persist in low- to middle-income countries despite concerted efforts to lessen this inequality?*

Guided by this question, I seek to identify gaps between the expected outcomes of women's rights policies, what happens in practice, and what states submit as reports. To answer this question, I employ a mixed-methods, two-stage research approach. In Chapter 2, I run lagged longitudinal models testing data on the outcome of women's labour rights against the existence of said labour rights laws and such characteristics of countries as GNI per capita and geographical location. In this paper, I ask:

*How does the presence of women's rights policies influence women's exercise of the given rights?*

*What factors contribute to the outcome these policies produce for women in varying contexts?*

Today, the establishment of institutions and laws promoting gender equality and protecting the rights of women are considered a crucial part of a "modern" democratic state (Eichengreen 1997). Countries that appear to protect and support women's rights to equal treatment and opportunities benefit from a positive image in the international community (Berkovitch and Bradley 1999; Kabeer 2008b; Meyer et al. 1997). The prospect of these benefits leads to an uptake in the adoption of similar policies as countries continually claim to be gender progressive (Buvinić and Furst-Nichols 2014; Hafner-Burton, Tsutsui, and Meyer 2008). However, these same countries continue to fall short of gender equality targets set by the UN and reports of inequality in the labour market are commonplace (Harding 1995; Poku and Whitman 2011). In Chapter 2, I design my research questions and to explore the paradox of gender-progressive policies and persisting conditions that limit women's progress, especially in the labour force. The results from this chapter suggest the presence of laws is not a significant factor in improving the quality of work women engage in.

Whereas Chapter 2 focuses on what happens after laws are adopted, in Chapter 3, I examine the processes that led to the widespread adoption of gender progressive policies. I carry out a discourse analysis on country self-reports on the implementation of the principles of Convention on the Elimination of Violence Against Women (CEDAW). Public reports serve the function of sending signals to the audience and solidifying the identity of the reporting body. In other words, country self-reporting is a performative process, making public reports make them perfect research subjects. Specifically, I focus on the use of language – i.e., the discourse adopted- and how words are employed to form realities.

In this chapter, I ask:

*How aligned are state ideologies to CEDAW principles?*

*How do strategies states employ to promote gender equality align with CEDAW principles?*

*What strategies do states employ in their CEDAW reports to promote a gender-progressive image?*

Treaties such as CEDAW promote isomorphism in the form of law adoption and the establishment of gender progressive institutions (UN General Assembly 1979; Weiss 2003). Ratifying CEDAW suggests that a country's principles either already intersect with the treaty's or that a state intends to implement reforms to support the local adoption of the treaty's principles. Therefore, at face value, country reports submitted to CEDAW for review represent a country's alignment - or efforts to align - with global norms. Bexell and Jonsson assert, however, that country self-reporting is a strategic tool in inter-state interactions used for solidifying national images (2019). As such, in Chapter 3, I explore whether CEDAW ratification and reporting do indeed reflect alignment with treaty principles or are instead used by countries to create the appearance of conformity. The reports embody contradictions as they are used to support the image of compliance with CEDAW, while state ideologies remain incompatible with the treaty's principles.

In order to explain the findings of Chapter 2, Chapter 3 explores the social processes at play in the international community that lead up to the adoption of gender equity laws, while also producing new insights. My mixed-methods approach grounds my findings as the papers validate each other. The complex nature of the gender (in)equity issue requires innovative research approaches. By combining a longitudinal analysis with discourse analysis, this approach also allows me to better tackle my broader research question while providing detailed insights for each context under study. I find decoupling at different phases of the global gender equity project, uncovering a foundational issue that has implications for gender research, policy and practice.

Finally, I apply the theoretically generalizable findings from both chapters to the context of Newfoundland and Labrador, Canada (see Appendix). This report, prepared for the Institute for Social and Economic Research (ISER), furthers my arguments by taking my theoretical findings and applying them to a sub-national social context in a country that is usually viewed as a source of the diffusion of global gender equity norms. The uniqueness of Newfoundland and Labrador, as a less metropolitan province in an influential progressive country, makes it similar to middle-income countries influenced by world society norms.

The report highlights that the same social processes at play in lesser developed countries can also be present in developed societies on a different scale. It highlights the generalizability of these social processes, suggesting that they are not unique to a select group of international actors but are 'transituational' (Prus 1987). Specifically, the report furthers my argument that social context is the unique determinant of the effectiveness of gender culture reform strategies. In practical terms, this means that whether at the national or sub-national level, whether developed or developing society, if the strategies do not match the context, decoupling will result. Also, the process whereby these reform strategies ignore social context exists at various levels of society. This is, therefore, an issue of great

concern that needs to be addressed. Without intervention, these processes will continue to reproduce decoupling and gender inequality (Schwalbe et al. 2000).

In the following sections, I provide a brief overview of women's rights and the global consensus on the protection of women. Then, I discuss the popular approaches to gender equality promotion and the protection of women.

## **1.2 Women's rights and Global Consensus**

Women and girls make up nearly half of the world's population. Yet, for a long time, in our predominantly patriarchal society, women lived a subhuman existence, routinely subject to torture, humiliation, mutilation, starvation and even murder (Bunch 1990). Especially in Western cultures, these conditions of womanhood have been recognized as inhumane. Women's rights movements all over the world called attention to issues specific to our gender, and legislators and politicians took notice.

Today, we often say, the world is “a lot better for women” compared to previous generations. All around the world, women's rights and liberties appear to be increasing. We can now feasibly imagine a generation of women, in the near future, living free from such burdens as a gender wage gap, or gendered hiring practices. Yet, the distance between where we are now and where we need to go is not negligible. Indeed, the present era of women's empowerment is just as pivotal as the rights movements in the 1960s.

Two significant milestones in solidifying gender equality as a standard of civilization were the Beijing Platform for Action and the Millennium Development Goals (2000-2015). These platforms provided clear definitions of what gender equality should look like, supporting tenets such as female independence, access to education, economic empowerment, access to decent work and access to social and health care services.

The Sustainable Development Goals are the most recent significant country-level commitment to promoting all-round development. In particular, SDG 5: Gender Equality calls for the promotion of legal, social and economic measures to boost opportunities available to women and fill in economic and socio-political gaps (UN 2016). Gender equality is seen as more than just a goal on the road to development but an integral part of promoting sustainable development (Robinson 2015). By adopting the SDGs, 193 countries around the world have agreed to create opportunities and institutions to bridge the economic and sociocultural gender gaps. Efforts to bridge gender gaps take different forms in various countries.

Most nation-states have local and international governmental institutions that oversee the promotion of women's economic empowerment. At the same time, civil society organizations pressure these bodies to do more. Contention remains regarding what needs to be achieved and how to achieve it. What is increasingly less debated is the need for intentional action for the protection and empowerment of women and girls. The sheer magnitude of the "women question," concerning at least half of the world's population, has made it hard to ignore. However, despite efforts, gender equality is still an aspiration, not a reality. Specifically, looking at women's economic empowerment and labour rights, there is widespread recognition that development projects for equitable labour market conditions have fallen short of their goals (Harding 1995; Poku and Whitman 2011). The gender wage-gap remains an issue, and so does discrimination in hiring and promotion (Blau and Kahn 2017). Women in many parts of the world continue to find it harder, compared to men, to get loans, own land and get business licenses (Kabeer 2012). Workplace benefits like maternity leave and gender-appropriate health insurance are still rare and considered a privilege in most of the world (Pavalko and Henderson 2006). The world may be "a lot better for women" today, but it is an undeniable fact that where we were before, was a low bar.



### **1.3 Isomorphic solutions: Laws, Policy Adoption and CEDAW**

Guided by World Society theory, this research is premised on the understanding that the modern nation-state exists within a global culture. This world society, like all other societal units, is characterized by certain norms and taboos. Amongst world society norms and principles are socioeconomic progress, human development and equality. For states to exist and be accepted into this global culture, structures, institutions, and practices must be established in alignment with the society's models (Meyer et al. 1997).

This global culture is responsible for the rising consensus on gender equality and women's rights promotion as global goals. In pursuit of these goals, institutions, policies, and best practices have been developed. Women's rights infrastructure and programming across countries appear to take the same forms (Berkovitch and Bradley 1999). They often include; (i) the creation of women's ministries or women's policy offices, (ii) support for education parity especially in science and technology, (iii) the execution of women's economic empowerment projects, and (iv) the adoption of treaties and laws prohibiting gender-based discrimination.

Among the commonly used gender equity processes and practices, treaty ratification plays a key role, especially in lesser developed societies. Countries today are increasingly ratifying parties to treaties and conventions protecting and prioritizing women (Berkovitch and Bradley 1999; Hafner-Burton and Tsutsui 2005; Hafner-Burton et al. 2008). While there have been several other conventions, The Fourth World Conference on Women (popularly called Beijing 1995) and the Convention for the Elimination of Discrimination of Women (CEDAW) are two that were pivotal to the discourse on gender equality and the promotion of rights and privileges for women and girls. Beijing 1995 is known to have set the stage for consequent gender-based action on the international front. This platform, adopted by 189 countries, was aimed at eliminating obstacles to women's participation in various spheres of life. The platform

established gender equality as a basic right, condition for social justice and a prerequisite for peace and development (United Nations 1995).

CEDAW took the movement a step further. It was premised on the fact that discrimination of women persists, and that this discrimination was an affront to the universal and inalienable nature of human rights. Over forty years later, CEDAW, under the umbrella of the UN's Office of the High Commissioner for Human Rights (OHCHR), has been ratified by nearly two hundred nations who provide occasional reports on their progress (UNTC 2020).

CEDAW is often referred to as the international bill of rights for women. It obligates countries to "condemn all forms of discrimination against women" by "taking all appropriate measures," including legal and social reform (UN General Assembly 1979). CEDAW and its articles provide explicit definitions of discrimination against women and the spheres in which it exists. It is unique in its ability to define what constitutes as DAW not only in the legal sense but also in the social sense. This ensures that CEDAW functions as not just a legal document or a treaty, but also a cultural and educational tool (Merry 2006). It has served both to inspire action and as a source of legitimization for national women's advocacy movement and gender equality as a development objective (Rosenblum 2011).

CEDAW set the stage for the legalist approach that countries adopt today. The Convention calls for strategic action in twelve critical areas, including; poverty alleviation, education, health, political power/decision making, and the economy, as they relate to women and girls (UN General Assembly 1979). CEDAW does not advocate for laws as the be-all and end-all solution to gender discrimination. It does, however, promote legal action as resulting in a major blow to gender inequality (UN General Assembly 1979). By ratifying CEDAW, the countries send a signal that they are not repressive, thereby securing their place within a broader international community (Wotipka and Ramirez 2008). Instituting laws in line with CEDAW principles suggests that a country takes its duty to gender equity seriously.

This thereby relieves the national government of international and domestic pressures for government action. Law adoption, unfortunately, does little to address gender culture in the various form it takes in different societies.

Gender culture refers to the unarticulated, seemingly invisible “way things are done” in a social unit. It is regarded as “perfectly natural ways of being and interacting within a society along -usually binary- gender the lines (Itzin 1995). Gender culture being often imbalanced and disadvantageous to women has come under scrutiny. It is the subject which all gender reform discussions and practices are designed to address, yet these reform attempts often fall short of their objective.

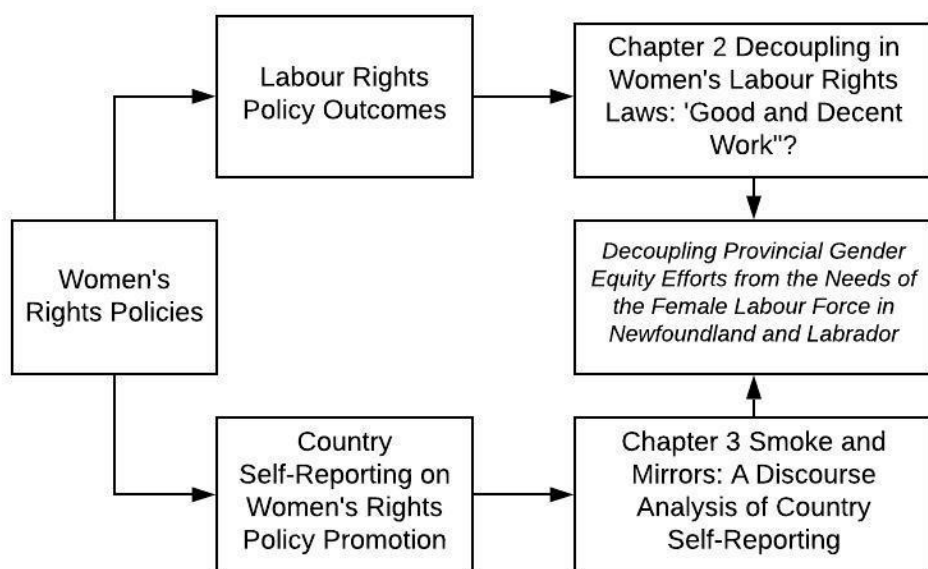
Meyer et al. (1997) posit that it is easier to make structural and institutional changes than to enforce the models that such institutions were established to promote. In the same way, it is easier to adopt laws that conform to CEDAW principles than it is to reform gender culture and practices that disadvantage women. Gender cultural imbalances persist because of social forces that, unless changed, work to maintain the status quo. More so, these social forces work in different ways, taking various forms from one society to another. It is, therefore, difficult for treaty ratification and legal reform, on their own, to transform gender culture.

## **1.4 Organization of Chapters**

This thesis is aimed at evaluating policies and practices in gender equality promotion, their effectiveness, and coupling to local gender cultures. It is organized in manuscript format, including two journal articles as chapters 2 and 3 and a report in the Appendix. This thesis focuses on gaps in women's rights policy and practice. Gender equity efforts up to this point have not been successful in promoting equity, particularly in the area of employment and labour. This trend of unsuccessfulness is especially present among lower-income countries (Berkovitch 1999; Kabeer 2012; Poku and Whitman 2011; UN

Women 2017). Figure 1.1 shows the topics in each chapter and their relationship with the overarching topic.

In Chapter 2, I examine labour rights policies aimed at promoting gender equality in the labour force. These policies are adopted to boost female labour force participation and help women access quality employment. In this paper, I investigate the effectiveness of these policies in promoting favourable employment conditions for women. I review the literature on the challenges to women's freedom, and on the events leading up to law adoption in countries. I learn that laws do not significantly impact women's labour force outcomes.



***Figure 1.1 Thematic Breakdown of Chapters***

With the findings from Chapter 2 in mind, Chapter 3 further investigates gender inequality, using country reports as research subjects. I review the CEDAW process and the support for legal reform as a means to gender equality. In this chapter, my interest is in the work the country reports do; as tools for

promoting positive national images. I examine the use of language as a strategy that countries use in promoting a gender-progressive image. From this analysis, I find that despite treaty ratification and law adoption, often state ideologies and culture are incompatible with gender equity promotion. This disconnect of social context from the aims of the treaties and laws is the culprit of decoupled outcomes.

Pooling the insights gained from both research papers, I conclude this thesis with reflections on the implications of my findings. In Chapter 4, the conclusion, I synthesize the results of both studies. The mixed-methods approach allows one paper to pick up where the other leaves off. The quantitative methodology in Chapter 2 allows for a large-scale analysis that adequately accounts for the characteristics of individual countries and the passing of time. While in Chapter 3, my discourse analysis makes up for the limitations of quantitative methodology in terms of its inability to provide a deep picture of nuanced local realities. This, therefore, acts as a two-pronged tool that allows cross-validation and captures different dimensions of decoupling. This mixed-methods approach allows me to corroborate and elaborate on my findings, which the results of each chapter complimenting the other (Rossman and Wilson 1985). The merits of this mixed-methods approach strengthen my thesis' contribution to the discourse on gender equality and also World Society theory. This approach allowed for a 'big picture' analysis, tracing the origins of current gendered realities and highlighting the limitations of current practices in creating significant reform. Using this method, I identify one consistent issue throughout the stages of the gender equality promotion process. One stand-out finding is the importance of social context in the reformation process. It discards that blind isomorphism in policy and practice does hurt, instead of help women, depending on the social context in which they live.

Lastly, I apply the theories and findings from Chapters 2 and 3 to a report of the status of women's employment conditions in Newfoundland and Labrador (see Appendix). In the report, I review literature, statistics, provincial reports and policy documents addressing the status of women in

Newfoundland. The report shows that the forces at work in lesser developed countries also play a role in gender dynamics on a sub-national level, even in developed and influential countries. With this thesis, I aim to uncover why current strategies do not produce their professed goals. The findings from my paper have significant implications for gender and development research and practice. Armed with the knowledge of what does not work, we can forge ahead to proffer better solutions.

## **Chapter 2: Decoupling in Women's Labour Rights Laws: "Good and Decent Work"?**

### **2.1 Introduction**

The contemporary international society operates through written and unwritten standards that prescribe how societies should function. State promotion of gender equality is one of these standards, with legal institutions being among the popular methods of achieving it (Towns 2009). Treaties and conventions such as the Convention for the Elimination of Discrimination Against Women (CEDAW) help normalize the gender equalizing legal protections. Such conventions outline, in specific terms, what legal protections must be present in a country if it aims to be viewed as one that actively supports gender equality. Establishing these sorts of laws is believed to break down gender barriers and result in the economic, political and social freedom of women (Boyle and Meyer 1998; Merry 2006b). This logic, however, is anchored on the assumption that the existence of these rights laws translates into women's exercise of them. That assumption is, unfortunately, not fully supported by studies showing numerous other factors can constrain women's freedoms (Kabeer 2008b, 2012). Even when policies are instituted and enforced, other internal lapses -whether institutional or cultural- render policies impotent, creating a loose coupling between rights policies and female citizens (Kabeer 2008a).

Given this proliferation of women's rights policies and their inconsistent ability to promote more equitable gender relations, the questions become: Exactly how effective are they? Are they simply adopted by nations to gain legitimacy? Are such policies a means to an end or just an end in themselves? If they are a means to an end, then to what end? While these questions go unanswered, many international actors appear satisfied with the mere existence of the laws. My research looks for gaps between policies and their outcomes. It responds to the need to answer one simple question: are policies decoupled from outcomes? For this study, I focus on women's labour

rights and laws protecting women from discrimination in the labour market. I examine laws intended to support women's entry into the labour force and the quality of work they partake in. I seek to understand how these laws influence labour outcomes for women and what factors contribute to positive labour outcomes for women. Trends in this area can be taken to be indicative of other gendered phenomena because all aspects of gender culture are governed by the same social forces (Kabeer 2012). Thus, I carry out this research with the following research questions in mind:

**R1** How does the presence of women's rights policies influence women's exercise of the given rights?

**R2** What factors contribute to the outcomes these policies produce for women in varying contexts?

These are crucial questions because, as the results of my study suggest, there is a need to re-envision studies and practices in gender and development. Decoupling is popularly classified into policy-practice decoupling and means-ends decoupling (Bromley and Powell 2012). With my research, I highlight where these two forms of overlap, thereby promoting the advancement of the World Society theory and decoupling as a critical concept.

In this paper, I examine the effect of establishing laws into the contexts and the resulting outcomes. First, I review the literature on women's (economic) empowerment and labour rights. Next, I present my theoretical stance, which guides the subsequent empirical quantitative analysis. I follow this up by reflecting upon my results and the existing decoupling research literature to draw conclusions and return to my research questions. Finally, in response to the decoupling my analysis uncovers, I conclude this paper with recommendations for future action



## 2.2 Women's Economic Empowerment and Labor Rights

### 2.2.1 The Determinants of Gender Inequality in the Labour Force

Gender discrimination stems from the patriarchal and androcentric nature of most societies but manifests in different ways (Berkovitch 1999; Kabeer 2008a; Towns 2009). In the following sections, I discuss some of the factors that contribute to gender inequality and discrimination in the workforce.

*Women as “persons” or not*

*“The word ‘person’ may include members of both sexes, and to those who ask why the word should include females, the obvious answer is, why not?”(Berkovitch 1999)*

Tied up in all gendered issues is the question of the personhood of women. The above quote is from the first page of Berkovitch's 1999 book. She discusses the milestone of British women attaining legal person status in 1929. She exposes the largely unspoken fact that in many societies, 'male' was equivalent to person and females were a level below. For women, in 1929, to become persons was in some ways novel. This legal acknowledgment of women as persons in Britain and many other countries served as one of the building blocks to legitimizing women's rights in the international community.

In 1946, the Commission on the Status of Women (CSW) put forward its intent to raise the status of women everywhere to personhood. CSW justified the move with liberal individualist argument that all women are persons based on their capacity to reason in the same manner as men (Berkovitch and Bradley 1999). Unfortunately, today the women-persons norm is not established everywhere. While it is easy to include women legally, the social inclusion of women and the cultural acceptance of their elevated status is another matter. Many cultures still treat women as less-than, thus the need for continued efforts toward gender equality (Kabeer 2008a).

## *Stereotypes*

Gender-based stereotypes are cultural products that reinforce gender norms and maintain the non-person status of women. This is so widely understood that major women's rights treaties require ratifying countries to take action concerning gender stereotypes (UN General Assembly 1979). These stereotypes have the power to create baseless narratives, to suppress an entire half of the human population. Gender stereotypes may take different shapes, depending on the cultural context. In general, however, they tend to imply that people of the female sex are weaker, less rational, less productive and as such either entirely unsuitable for the workforce or only suited to specific lower-rated tasks (Basow 1992; Giddens 2000).

## *Unpaid care work and the “woman’s job”*

Gender norms and stereotypes serve to create a division of labour in society and households. In many cultures, there is a distinction between “real work” and “women’s work” (Patel and Moore 2017). Real work, being more formal, is often more valued and prestigious than women’s work. Even where it is socially acceptable for women to participate in the workforce, it does not lift the burden of unpaid care work. Women have to choose to either bear the double weight, stay in unpaid care, or face stigma for choosing to outsource care (Torr and Short 2004). Some women, after childbirth, choose to opt-out of work to focus on child-rearing and to re-enter the workforce later in life. However, re-entry is not always possible or successful (Belkin 2003). Women who choose to participate in both types of work are often unable to apply 100% of their efforts to “real work.” This leads to stunted career growth, either because they are perceived to be ‘uncommitted’ or because they choose less rewarding careers that allow them to better manage their “second shift” (Hochschild and Machung 2012).

### *The uneducation or undereducation of women and girls*

Stereotypes of women as weaker and less valuable often fuels gender inequity in education. Some believe women should not receive or do not need formal education (Ashraf et al. 2018). The expectation was that girls would grow up to be solely engaged in unpaid care work, making formal education a waste. Some cultures believe that educated women are too assertive, making them less desirable as spouses. In other cases, education was believed to waste a woman's prime childbearing years (Kabeer 2012). However, the clamour to raise the status of women brought a drive for "girl child" education (Harding 1995).

The drive for education parity is reportedly one of the more successful tools for raising women's person-status. Nonetheless, considerable gaps yet remain as girls and women still in some ways receive a different education from their male counterparts. Reports show that women and girls are more involved in semi-formal training, learning crafts and other traditionally "female skills." Though tertiary education is known to result in the most favourable socio-economic outcomes for women, many parts of the world have still not reached gender parity in secondary and tertiary school enrollment (Buvinić and Furst-Nichols 2014).

#### **2.2.2 Strategies for Progress**

International development actors address these issues in several ways. The strategies include the adoption of laws gender-equity, legal reform, awareness-raising campaigns, skill and vocational training, women-targeted loans and funds, scholarship opportunities, provision of social services such as childcare support, etc. My analysis focuses on laws/legal protections, their adoption, and their forms.

Laws are often seen as the ultimate source of legitimate state control over social and cultural phenomenon (Hafner-Burton et al. 2008). Thus, women's rights protections are increasingly being

adopted as laws in nation-states around the world. Like human rights movements, women's rights efforts gained an almost unanimous global consensus through various conventions and treaties, leading to ratification and adoption at national levels. Some scholars have begun to question the feasibility of nearly the uniform adoption of laws as a viable means of promoting a more positive society for women. Social context is a crucial concept in this instance. Without appreciating the variation in institutionalized power relations, we miss out on the bigger picture (Kabeer 2008a). Every difference in gender ideologies and practices of a given society can result in legal measures producing several different outcomes (Momsen and Townsend 1987). Women's labour protecting policies affect very poor women differently compared to middle-class women, women in rural areas compared to urban women, and on women in different social and religious regimes (Buvinić and Furst-Nichols 2014). In seeking to protect and promote women's well being, the question should always be "for whom?" and "in what context?" (Buvinić and Furst-Nichols 2014; Kabeer 2008a).

## **2.3 World Society, Isomorphism and Decoupling**

### **2.3.1 World Society and Isomorphism**

Meyer et al. (1997) present a hypothetical scenario to explain why nation-states in a world as diverse as ours appear to be developing in the same ways. In this analogy, a previously unknown island is discovered, having its own culture, political structure, and social norms. Meyer et al. predict that shortly after discovery, a government similar to a modern democracy would form on the island. The UN and other states would recognize its statehood, while the members of this society would be recognized as citizens endowed with universal rights. The vulnerable groups such as women, children and seniors would begin to receive additional protection. These protections develop exogenously and promote isomorphism as a result of pressure or incentives from the international community.

This theory guides my study, aiding my investigation into the gaps between the means and ends. To understand the gaps between the existence of rights and the exercise of them, one must first consider the source of these rights: external influence.

In the years following the Second World War, the international community formed and solidified (Eichengreen 1997). It developed its standard modes of operation and norms of existence, which then became a “global standard of civilization” (Halliday and Carruthers 2007, Zaum 2007). Some commonly upheld standards include human rights, citizenship, economic development, environmentalism and the rule of law (Swiss 2009). These norms often originated in the global north and were exported as a political, economic and social manual detailing how to build a developed modern state (Meyer et al. 1997). Non-compliance with this standard resulted in being tagged as repressive by the international community and produces domestic discontent (Hafner-Burton, Tsutsui, and Meyer 2008; Fallon, Aunio, and Kim 2018). Fear of these penalties pressured states with less political and economic capital into conformity. Human rights, for example, have become so legitimized that even openly repressive nation-states adopt them (Cole and Ramirez 2013).

World culture models result in nation-states developing and establishing institutions in a manner that is similar to one another. This isomorphic development of nation-states is extrinsically motivated and leads to a break or “decoupling” in the transmission between policy objectives and the subsequent results (Meyer et al. 1997). Oftentimes, the blame for failing to realize the goals of the global cultural model is on inefficient implementation (Meyer et al. 1997). However, further investigation into these system “failures” tends to prove otherwise.

### 2.3.2 Decoupling

Decoupling, as Bromley and Powell (2012) put it, is “a gap between said and done.” It is seen in the disconnection of established reformatory structures from the subjects on which the reform is intended. The origin of the new structures or policies plays a significant role in how (dis)connected it is from the reality of the target actors. For Bromley and Powell, decoupling occurs in situations where conforming to certain expectations of external influences becomes of increasing importance. This pressure to conform leads to bluffing one's way through to pass external “inspection.” It might be that new structures are established with the intent of reform, but were hindered by internal difficulties such as economic or cultural factors (Meyer 2000). Yet, states are unwilling to admit an inability for fear of repercussions. Other times, the structures are haphazardly instituted with no intent reform, but with relief from external pressure as the objective (Meyer 2000).

Other researchers propose that decoupling resulting from the enforcement of these new externally motivated structures without a provision of clear definitions for how the parties involved should interact with it. Austen (2016) discusses “sensemaking” which is the process whereby people give meaning to an experience, positing that if the structures mean nothing to the targeted population or the objectives of new structures are misunderstood, interactions with these structures will be ineffective or inappropriate.

Women's rights will, of course, be undoubtedly part of the norms that Meyer's fictional pre-modern island would be expected to adopt (Meyer et al. 1997). Gender biases are deeply rooted in culture in most societies and though well-meaning, laws do not have the full capacity to correct social biases without suitable implementation practices (Giddens 2000; Bunch 1990; Hafner-Burton, Tsutsui, and Meyer 2008; Meyer, Nagel, and Snyder 1993; Robnett 2000; Speak 2005). Women in the countries that adopt these laws may not even consider their problems as “rights violations.” To go back to

Austen's formulations, the women appear to have not "made sense" of these rights. Rights consciousness is not automatic and currently happens at a slow rate due to improper translation (Merry 2006). What is needed is institutional grass-root support to promote rights subjectivity, which is lacking in poorly motivated or incapable states.

## **2.4 Data and Discussion**

### **2.4.1 Hypothesis**

Based on this review of the literature, I carry out my analysis with the following hypothesis in view:

The existence of women's labour rights laws has no significant effect on women's labour outcomes.

Understandably, this is not the preferred outcome. Especially if one considers all the work put in by rights activists and international actors to ensure that these legal institutions are a global norm, not an exception. However, as Meyer and Rowan point out, decoupling occurs when an external culture is adopted (Meyer and Rowan 1977). This is the case with laws and legal measures seeking to protect women from discrimination in the workplace. They are adopted wholesale into local cultures to which these ideas are either foreign or did not come about organically (Meyer et al. 1997:173). Thus, there is ample evidence to suggest that because these "rights" are internationally exported and locally absorbed state provision, women in their local contexts are likely to experience difficulty applying these rights to create positive outcomes for themselves.

### **2.4.2 Data**

This study uses data from the World Bank's World Development Indicators dataset. I collected the data for my analysis of the existence of anti-discrimination laws by country from the World's Bank Gender Portal. This portal provides data from a bi-annual global survey. For my purposes, this dataset offers three variables accounting for legal measures against gender discrimination in the field of work. These legal measures form the basis of my independent variable, a 3-point non-discrimination legal scale from 0 to 3. They are:

1. A law mandates nondiscrimination based on gender in hiring.
2. A non-discrimination clause in the constitution mentions gender.
3. A law grants non-pregnant and non-nursing women the right to do the same job as men.

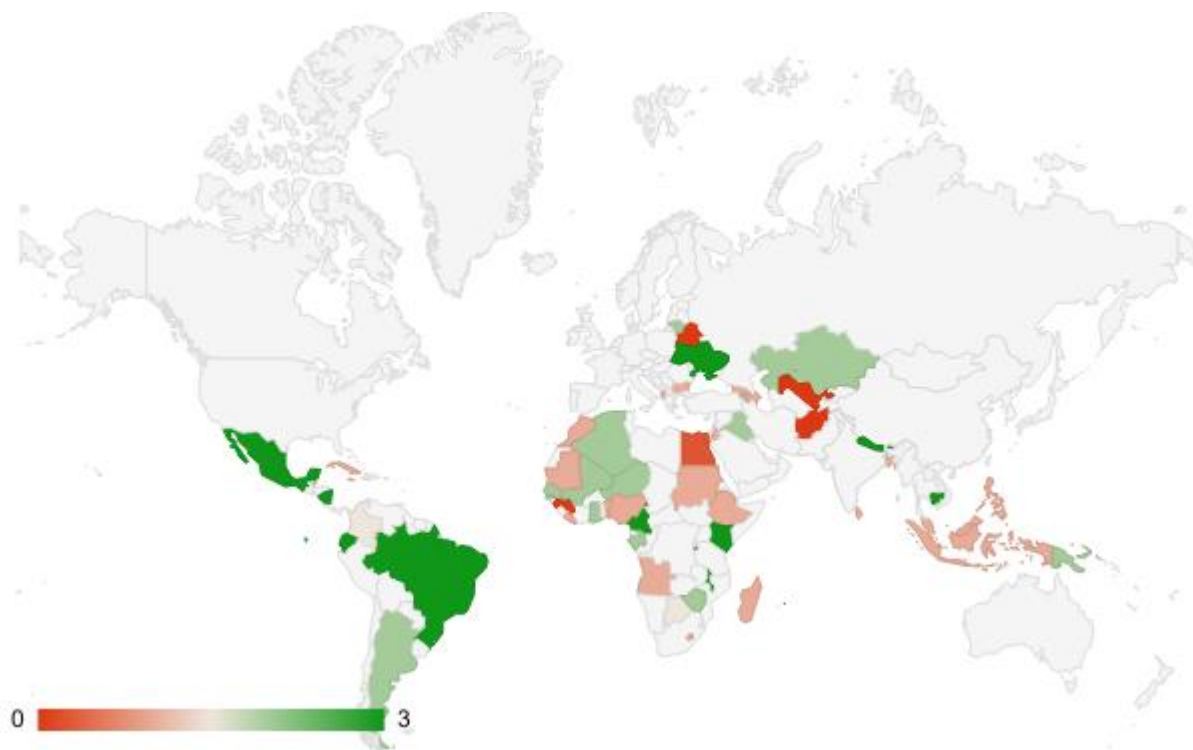
At various phases of female economic engagement, there are multiple aspects of vulnerability and several possible forms of discrimination that can be experienced. Women may experience discrimination in hiring, the quality and type of work accessible to them, physical, sexual or psychological harassment, discrimination in pay, benefits and promotion, amongst others. For my research, however, I am choosing to focus on policies that seek to mitigate gendered discrimination in hiring and entry into the workforce. This choice of scope is due, in part, to the measurability of workforce entry and the availability of consistent quantitative data on a global scale. Also, my focus is based on my belief that, as Berkovitch (1999) argues, the socio-economic processes at play in determining workforce entry outcomes are also present at all levels of women's economic engagement. Thus, results from an analysis of gendered dynamics in hiring and entry into the workforce should be reflective of trends in other stages of the economic engagement process.



### *Sample*

In its complete form, the bi-annual panel data covers 213 countries from 7 regions. I narrow my scope to focus solely on low- and middle-income countries. To refine my subsample, I use the World Bank's country classifications as of 2018, i.e. countries with GNI per capita (current USD) between \$0 to \$12,005. This filter generates a sub-sample of 63 countries across six regions. Regions represented in my sample includes all regions except North America, due to my GNI filter (Figure 2.1). I chose to filter my sample by income level because low and middle-income countries are on the receiving end of foreign aid. According to the literature, countries tend to adopt women's rights laws as a reaction to international pressure to conform (Austen 2016).

***Figure 2.1 Map showing the mean number of laws adopted by countries in sample***



My models are based on a sample of 63 countries across 162 observations (Figure 2.1) between 2008 and 2017. As my data is consistent across the various dependent and control variables, I ran my

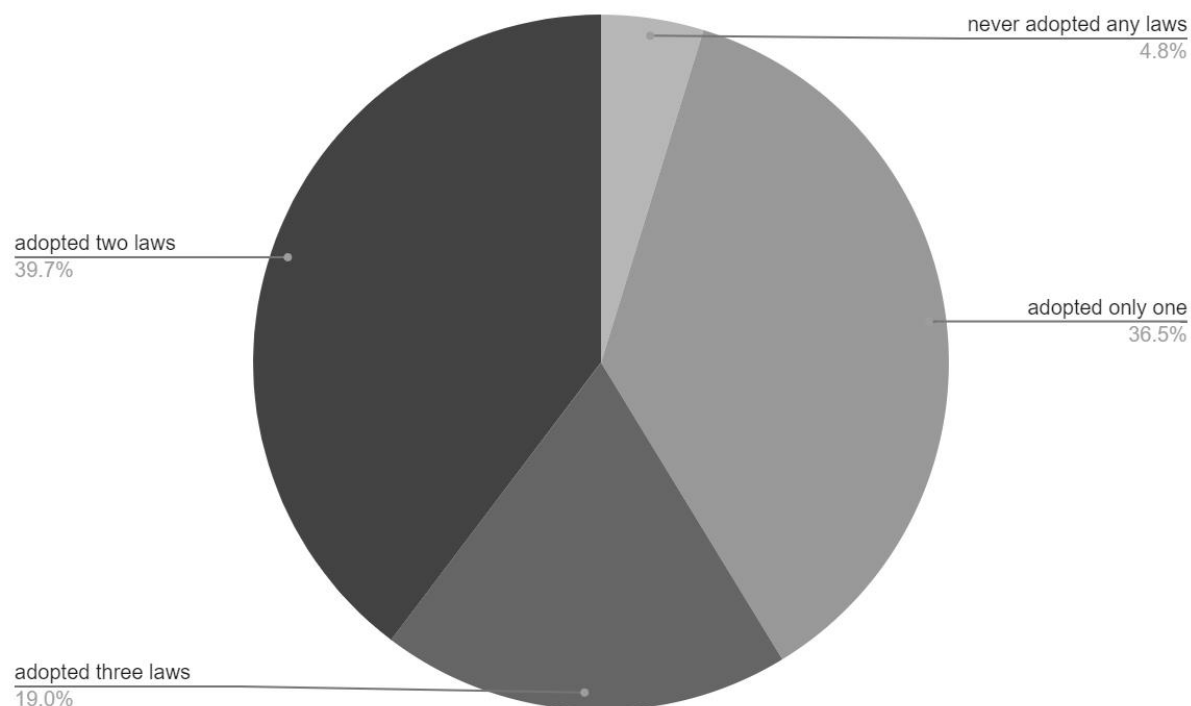
models on the same 63 countries in all of my regression models. Additionally, R-squared measures indicate that my full models account for between 30% to 40% of the variability in my dependent variables.

Figure 2.1 shows a map indicating the maximum number of anti-discrimination laws in the law scale adopted by countries within my sample. As of 2017, almost all countries (95.2%) had adopted at least one of anti-discrimination laws, 36.5% had passed only one of these laws, while 4.8% have adopted none (Figure 2.2). In Table 2.1, we see that average law adoption differs by region. Table 2.2 shows the distribution of the outcome variables in my sample, highlighting regional variations. Additionally, Table 2.3 below shows that the average number of laws adopted by countries in my sample each year is less than two.

***Table 2.1 Summary Statistics of Law Adoption by Region in Sample***

<b>Region</b>	<b>No. of Anti-discrimination laws</b>		
	<i>Mean</i>	<i>Max</i>	<i>Median</i>
East Asia & Pacific (EAP)	2	3	2
Europe & Central Asia (ECA)	1.8	3	2
Latin America & Caribbean (LAC)	1.5	3	1
Middle East & North Africa (MENA)	0.9	2	1
South Asia (SAS)	1.1	3	1
Sub-Saharan Africa (SSA)	1.6	3	1

*Figure 2.2 Percentage distribution of legal institutions in the sample*



### *Variables*

My analysis examines the effect of the three-point legal scale on three dependent variables, namely:

1. the percentage of female labour force participation<sup>1</sup>;
2. the percentage of the female labour force employed in waged and salaried labour; and

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<sup>1</sup>Percentage of the women of working age who supply labor for the production of goods and services.

3. the percentage of the female labour force engaged in vulnerable employment<sup>2</sup>.

The labour laws in my analysis seek to ensure women's access to work, protecting their entry into the labour force. Not just that, they seek to support women's access to "full productive employment and decent work" free from discrimination (UN 2015). Labour force participation percentages are the best statistical representation of trends in women's ability to access the labour market. Analyzing paid work and vulnerable work gives an insight into whether the women's participation in the labour force is "productive and decent" or if they engage mostly in precarious and informal employment. Figure 2.3 **Mean % of Outcome Variables by Region** the reported averages of these outcome variables by region.

**Table 2.2 Mean Percentages of Outcome Variables by Region**

Region	Mean		
	<i>% Female Labour Force Participation</i>	<i>% of Female Labour Force in Waged/Salaried Labour</i>	<i>% of Female Labour Force in Vulnerable Employment</i>
East Asia & Pacific (EAP)	56.8	67.4	31
Europe & Central Asia (ECA)	53.5	81.3	16.3
Latin America & Caribbean (LAC)	53.7	60.3	37.4
Middle East & North Africa (MENA)	30	73.3	25.3
South Asia (SAS)	34.2	36	63.4

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<sup>2</sup>Vulnerable employment according to the ILO refers to employment in informal work arrangements, lacking decent working conditions, adequate social security and 'voice' through effective representation by trade unions and similar organizations. It is often characterized by inadequate earnings, low productivity and difficult conditions of work that undermine workers' fundamental rights (ILOSTAT 2018).

Sub-Saharan Africa (SSA)	65.7	28.6	69.6
Total	53.1	58.9	39.2

**Table 2.3 Average law adoption by year in the sample**

Year	Mean laws adopted
2009	1.525
2011	1.566038
2013	1.606061
2015	1.638889

- Based on indications from past studies (Antecol, Bedard, Hess et al. 2003, Chapman 2015, Koyuncu, Yalçınkaya, Ünver 2016), I use the following as control variables in my models:
  1. GNI per capita using the constant USD 2010 value in 1000s of USD (World Bank and OECD 2018)
  2. Geopolitical region -as a measure of sociocultural similarities
  3. The average percentage of time (24 hours) spent on unpaid care or domestic work by country (United Nations Statistics Division 2018)
  4. Gross percentage of total secondary school enrollment ratio of females by country (UNESCO 2018)
  5. Fertility rate, i.e. weighted average total birth per woman (World Bank 2018)

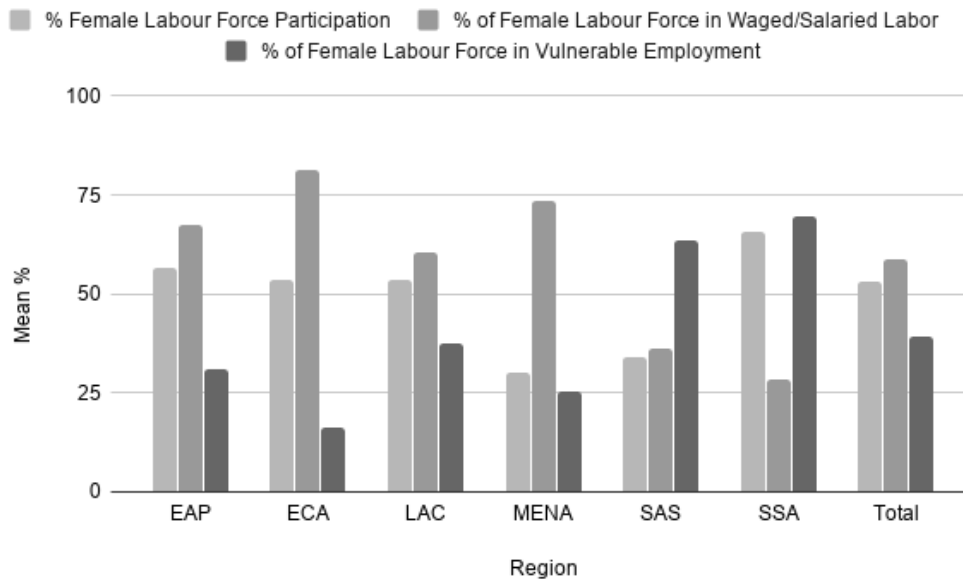
Institutionalists often point to economic constraints as a cause of decoupling. In the case of women's labour, economic conditions have the potential to nullify attempts towards gender equity. It may also mean that, by adopting the laws, the country in question complies with world culture models

merely to promote favourable economic relationships in the international community (Meyer et al. 1997). Controlling for GNI allows me to validate if this theory applies to women's labour outcomes.

Access to education also has the potential to have a more direct impact on women's labour outcomes. Better educational training should increase women's access to various types of jobs and signal to employers that the women are qualified (Cameron, Dowling, and Worswick 2001). Conversely, we can expect that the more time spent in unpaid care/domestic work and the higher the fertility rate, the fewer women are expected to engage in quality work (Faveri, Wilson, and Shaikh 2015; Kabeer 2012). Table 2.4 shows the summary statistics for these controls.

I also account for the average effect of time using a time fixed effects measure in all models.

**Figure 2.3 Mean % of Outcome Variables by Region**



#### 2.4.3 Method

My analysis focuses on available data from 2008 to 2016. I use one-year distributed lagged models because I make the logical assumption that the institution of laws in one year will affect values

in the next year. Data on the laws is only available biannually, narrowing the scope of my models to 2009-2015. To account for the passing of time, I make use of the longitudinal regression method. After running both fixed effects and random effects models, I focus on the random effects models because they provide greater insight on how the regional factor influences laws on labour force participation. Table 2.6 shows the fixed-effects models which do not capture regional effect. In my analysis, I am particularly interested in regional variations in labour outcomes. For this reason, I focus my attention on the random effects models, as shown in **Table 2..**

***Table 2.4 Summary Statistics for Control Variables***

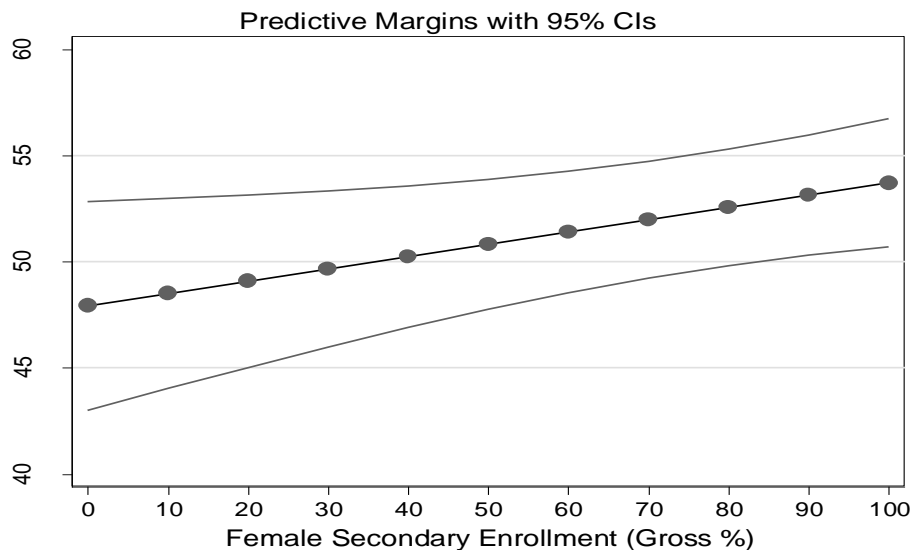
	GNI per cap US\$1000	% Time (24hrs) Spent on Unpaid Work	Gross % Female Secondary Enrollment	Average total births per woman
Mean	4.03641	3.5432099	74.697607	2.8861975
Median	3.191782	1	82.030632	2.5085
Standard Deviation	3.060096	13.501828	25.678726	1.443189
Range	12.08191	97	111.52511	5.377
Interquartile Range	3.791801	0	33.777847	1.379

Lastly, I focus on the regional effect and how labour outcomes change based on local socio-cultural particularities. To enrich the analysis of this effect, I run interaction models on the specific impact of the legal scale by region on the women's labour outcomes.

#### 2.4.4 Results

To begin, I test the relationship between women's labour force participation and the presence of anti-discrimination legal measures. From Table 2, models 1-3, it is evident that legal measures on their own, though predicted to have a positive impact, show no statistical significance. When tested with other controls individually, e.g. time spent in unpaid care work and fertility rate, the controls and the legal scale remain positive. Still, they show no statistically significant effect on labour force participation. Secondary school enrollment, however, remains positive and statistically significant ( $p < 0.5$ ). With every 10% increase in gross female secondary school enrollment, the model predicts approximately a 0.6% increase in female labour force participation. At 0% of secondary school enrollment, the model predicts female labour force participation to be about 47.92%. However, the difference between 0% and 100% secondary school enrollment is only about a 6% increase in labour force participation (Figure 2.4).

**Figure 2.4 Predicted Effect of Female Secondary School Enrollment on Labour Force Participation**



Where we do begin to see statistically significant effects is in the interaction models (Table 2.5, models 1 and 3). When I modelled the interaction between the laws and the region, running an analysis



on the effect of regions alone indicated more complex processes at work. Compared to the reference category, which is East Asia and the Pacific, other regions except South Asia reported negative effects. Particularly, the Middle East and North Africa and South Asia reported statistical significance ( $p < 0.001$ ). This result led me to run interactions to uncover the specific relationship between the legal scale and regional effects (Table 2.5, model 1).

In the interaction models, we see that it is only South Asia and Sub-Saharan Africa, which are not significantly different from East Asia and the Pacific, though they do report negative relationships. In Europe and Central Asia, Latin America and the Caribbean, and the Middle East and North Africa, the effects are statistically significant ( $p < 0.05$ ) and report a negative direction. Lastly, my reference category, East Asia and the Pacific,<sup>3</sup> is statistically significant ( $p < 0.001$ ). This trend holds in model 3 as well, with all controls added.

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<sup>3</sup> Hereafter, regions will be referred to as EAP for East Asia and the Pacific, ECA for Europe and Central Asia, LAC for Latin America and the Caribbean, MENA for Middle East and North Africa, SAS for South Asia, and SSA for Sub-Saharan Africa.

**Table 2.5 Regression Model Output**

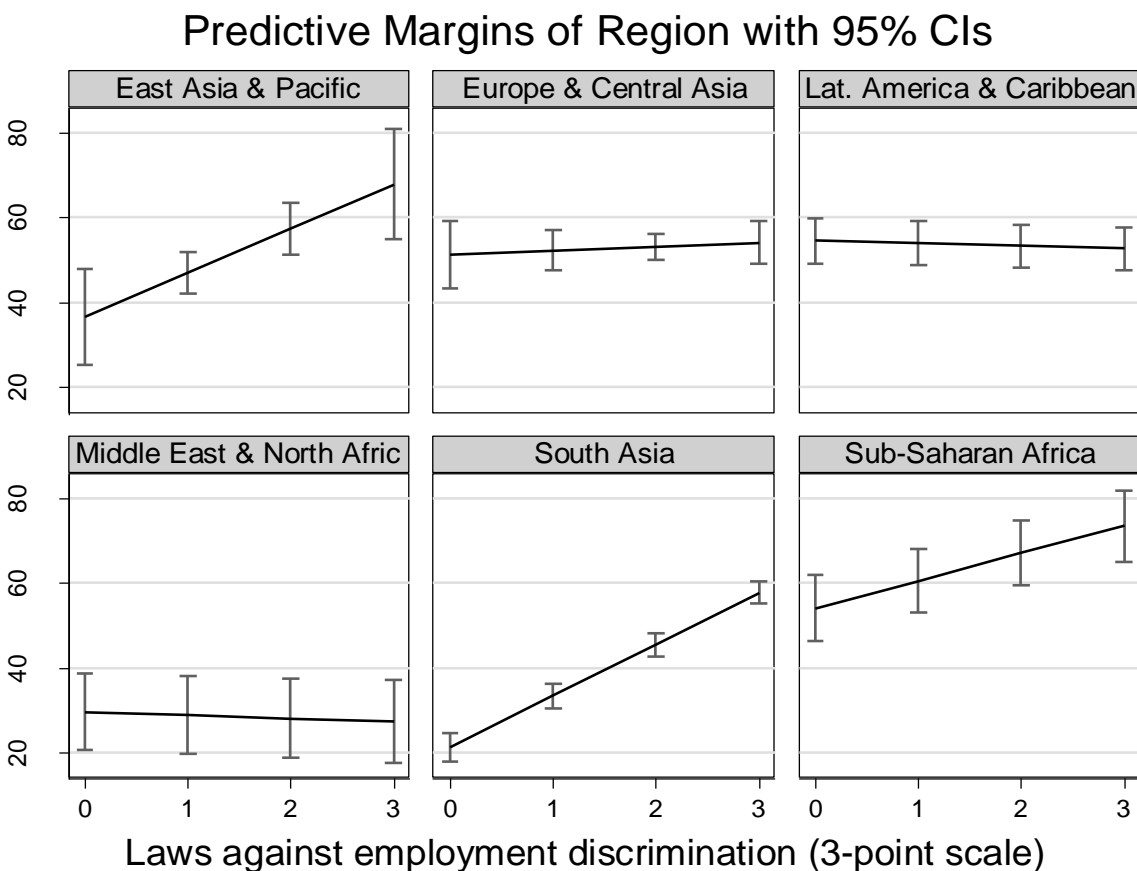
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	F. Labour force participation rate, female (% of female population ages 15+)			F. Wage and salaried workers, female (% of female employment)			F. Vulnerable employment, female (% of female employment)		
<b><u>Independent Variable</u></b>									
Laws against employment discrimination (3-point scale)	10.38** (2.79)	2.277 (1.34)	10.43** (2.68)	5.922 (0.55)	3.669 (1.21)	6.353 (0.60)	-5.880 (-0.53)	-3.274 (-1.25)	-6.564 (-0.63)
<b><u>Regional Effect</u></b>									
East Asia & Pacific (EAP)	0 (.)	0 (.)	0 (.)	0 (.)	0 (.)	0 (.)	0 (.)	0 (.)	0 (.)
Europe & Central Asia (ECA)	14.76* (2.15)	-3.311 (-0.83)	14.71* (2.12)	9.178 (0.39)	12.56 (1.40)	10.60 (0.46)	-9.902 (-0.42)	-15.13 (-1.72)	-12.29 (-0.55)
Latin America & Caribbean (LAC)	18.42** (2.93)	-2.923 (-0.65)	17.95** (2.79)	10.07 (0.50)	-4.639 (-0.45)	10.08 (0.50)	-9.512 (-0.47)	2.100 (0.21)	-11.30 (-0.60)
Middle East & North Africa (MENA)	-6.063 (-0.84)	-25.60*** (-4.17)	-6.866 (-0.94)	1.814 (0.08)	4.789 (0.40)	1.078 (0.05)	-1.728 (-0.08)	-5.546 (-0.47)	-3.411 (-0.17)
South Asia (SAS)	-16.57** (-2.95)	-18.03** (-2.74)	-15.34** (-2.65)	-18.13 (-0.85)	-34.28** (-2.90)	-16.07 (-0.77)	19.44 (0.89)	37.28** (3.12)	18.04 (0.87)
Sub-Saharan Africa (SSA)	17.81** (2.61)	8.358 (1.70)	17.46* (2.53)	-33.68 (-1.67)	-41.03*** (-3.90)	-33.34 (-1.67)	33.31 (1.62)	40.25*** (4.00)	31.69 (1.67)
<b><u>Regional Interaction Effect</u></b>									
EAP # Laws against employment discrimination (3-point scale)	0 (.)		0 (.)	0 (.)		0 (.)	0 (.)		0 (.)
ECA # Laws against employment discrimination (3-point scale)	-9.359* (-2.23)		-9.469* (-2.19)	2.458 (0.20)		1.714 (0.14)	-2.414 (-0.19)		-1.893 (-0.16)
LAC # Laws against employment discrimination (3-point scale)	-11.15** (-2.94)		-11.03** (-2.78)	-7.535 (-0.70)		-7.755 (-0.73)	6.980 (0.63)		7.337 (0.70)
MENA # Laws against employment discrimination (3-point scale)	-11.74** (-3.18)		-11.19** (-2.90)	5.376 (0.51)		6.756 (0.63)	-4.918 (-0.45)		-5.303 (-0.50)
SAS # Laws against employment discrimination (3-point scale)	2.213 (0.59)		1.733 (0.44)	-12.46 (-1.11)		-13.37 (-1.21)	12.56 (1.08)		13.46 (1.19)
SSA # Laws against employment discrimination	-3.990 (-1.05)		-3.942 (-0.99)	-4.004 (-0.37)		-4.091 (-0.38)	4.349 (0.39)		4.735 (0.45)
<b><u>Other Controls</u></b>									
GNI Constant USD 2010 (\$1000)		-0.220*** (-4.08)	-0.208*** (-3.93)		0.0209 (0.24)	-0.00593 (-0.09)		-0.0509 (-0.55)	-0.0415 (-0.45)
% of time (24hrs) spent in unpaid care or domestic work		0.00909 (0.86)	-0.00221 (-0.35)		0.00316 (0.32)	0.00758 (1.54)		0.00240 (0.23)	-0.00295 (-0.63)
Female Secondary Enrollment (Gross %)		0.0580* (2.11)	0.0345 (1.54)		0.0538 (1.54)	0.0796* (2.47)		-0.00375 (-0.10)	-0.0458 (-1.53)
Fertility rate		-0.499 (-0.38)	-0.308 (-0.23)		-0.258 (-0.14)	0.895 (0.56)		-1.116 (-0.70)	-1.869 (-1.17)
Constant	35.95*** (6.52)	49.88*** (6.22)	35.44*** (4.27)	56.83** (2.98)	59.08*** (4.80)	48.22* (2.48)	41.41* (2.14)	41.18*** (3.55)	52.72** (2.87)
Time effects	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
N	162	162	162	162	162	162	162	162	162
N_g	63	63	63	63	63	63	63	63	63
r2_w	0.384	0.200	0.403	0.397	0.111	0.362	0.386	0.204	0.397

*t* statistics in parentheses

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

For a better understanding of what this means, Figure 2.5 shows post estimation predictions on the full model in Table 2.5 model 3. It is predicted that at average levels of the law adoption, 1.5 laws (see Table 2.3), across all regions except SSA, women's labour force participation is less than 60%. With each law added, SAS, EAP and SSA see an increase in labour force participation. On the other hand, with every additional law, MENA, which at zero laws is predicted to have women's labour force participation at 30%, drops. The effect is such that, when all three laws are instituted, labour force participation is at about 24%. Trends in our other regions, LAC and ECA, show no significant improvement or decline, tethering between 50% to 55% with low confidence intervals.

**Figure 2.5 Predicted Marginal Effect of Region and Law Interaction on Female Labour Force Participation**



There is no uniform trend across these regions, neither in terms of the direction of labour force participation with additional laws, nor in terms of the magnitude of increase or decrease with each additional law. In terms of the magnitude of the effect of laws by region, Figure 2.5 shows that the laws have a bigger impact on female labour force participation in EAP and SAS. In EAP, at zero laws, female labour force participation is predicted to be 36.5%; each added law brings about a 10.43% increase in labour force participation. With all three laws added, female labour force participation is predicted to be 30% more than with no laws added. Similarly, in SAS, every additional law is predicted to bring about a 12.17% increase in female labour force participation. In SSA, increased legal measures are also predicted to increase labour force participation, though at a rate of only 5% with each added law. SSA is also unique in that at zero laws, and female labour force participation is higher than in every other region at about 55%. Elsewhere, in ECA, MENA and LAC, additional laws are predicted to merely result in less than 1% increase or decrease in labour participation.

Next, I analyze the impact of the legal institutions on waged and salaried labour. That is, how does the presence of legal institutions influence what proportion of the active female labour force is engaged in paid work. In Table 2.5 models 4 - 6, I test the effect of the legal institutions and all controls on waged labour. I find again that in model 5, only the regional factor holds statistical significance. Notably, compared to the reference category (EAP), SAS and SSA have a statistically significant negative effect on paid labour ( $p < 0.01$ ). All other regions report no statistical significance.

**Figure 2.6 Predicted Marginal Effect of Region on Female Waged Labour**

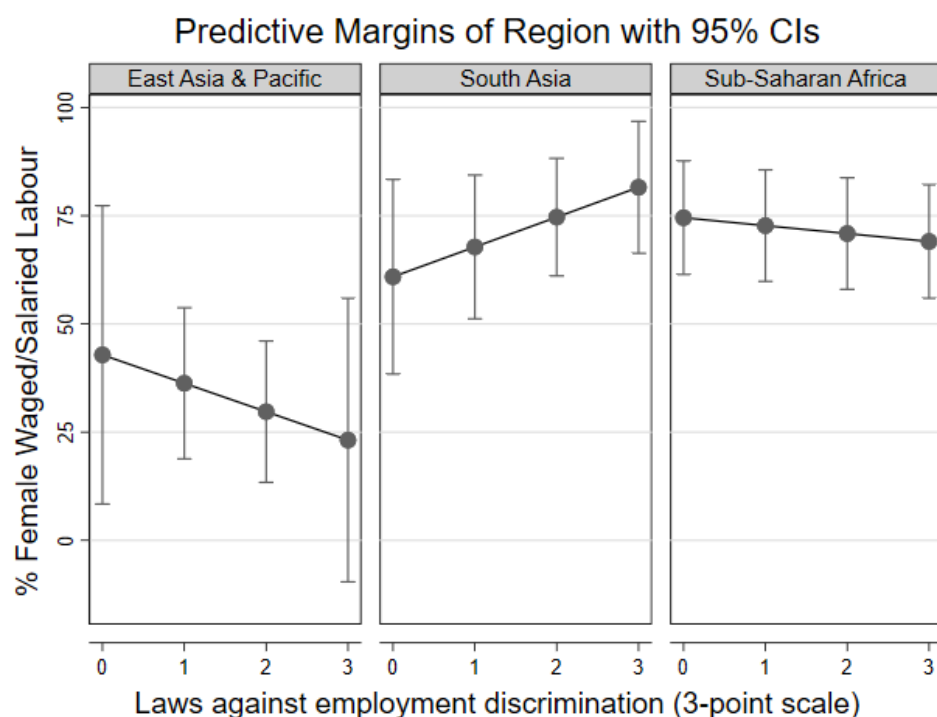
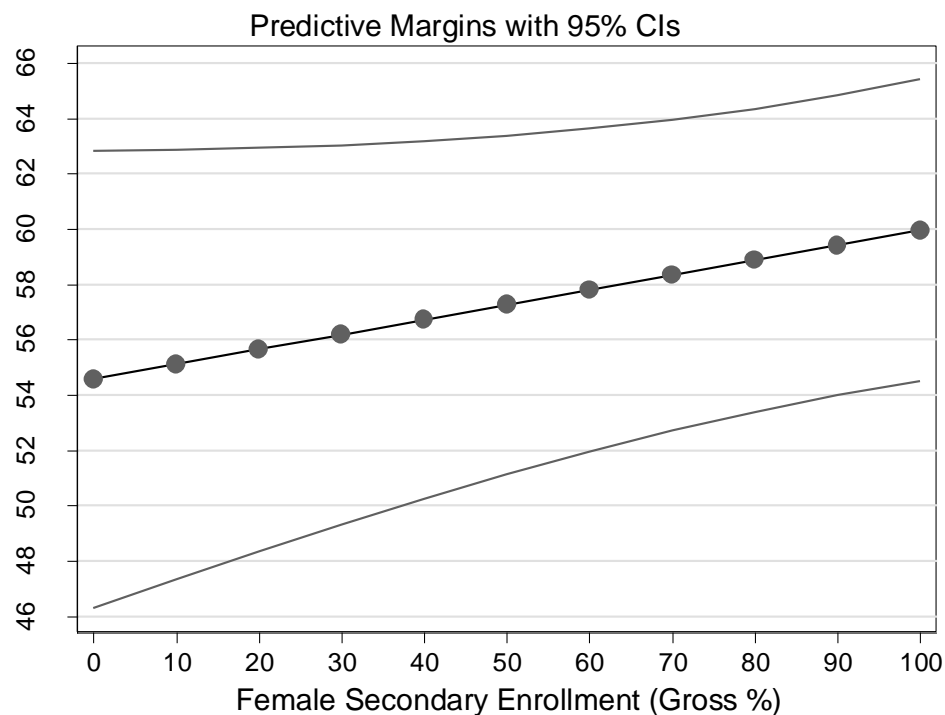


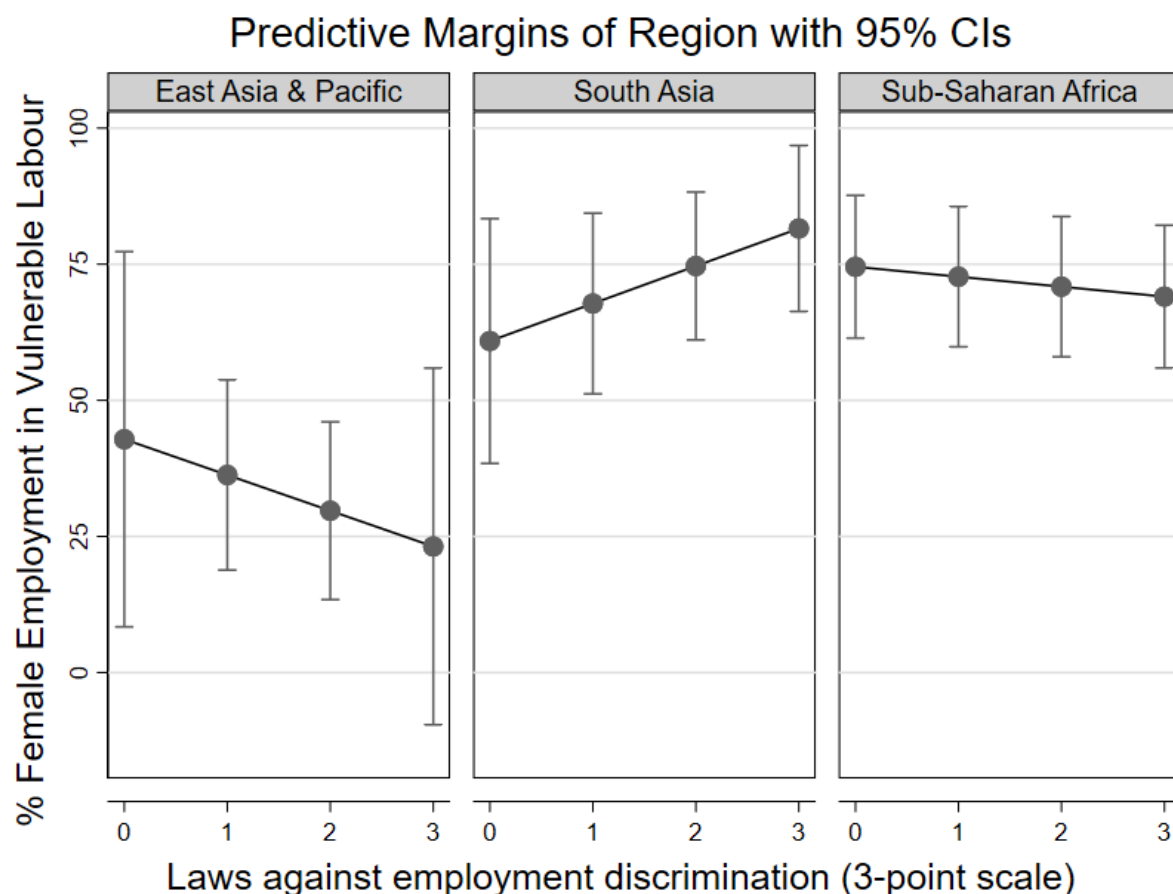
Figure 2.6 shows post estimation predictions from model 5 (Table 2.5). It is predicted that with every additional legal measure, waged and salaried labour in EAP and SSA will increase by 5.9% and 1.92%, respectively. Not only is the magnitude of the increase less in SSA, but the starting point at zero laws is also much less than EAP (24.03% compared to 63.63%). Thus, while EAP is predicted to reach 75% waged labour with all three laws in place, SSA is only predicted to reach 29.7%. On the other hand, though little, the trend in SSA is still positive, considering that SAS is predicted to change in a negative direction. At zero laws, SAS is predicted to have a higher paid labour percentage than SSA, at 39.58%. However, this is predicted to decrease, with every additional law, by 6.55%, changing at a greater magnitude than EAP.

**Figure 2.7 Predicted Marginal Effect of Female Secondary School Enrollment on Female Waged Labour**



Another significant variable in predicting female waged and salaried labour percentages is female secondary enrollment with  $p < 0.05$ . Although secondary enrollment shows statistical significance and reports a positive impact, its numerical significance is small. It is predicted that for every 10% increase in female secondary enrollment, paid labour increases by 0.54%. Compared to 0% female secondary enrollment, 100% enrollment is predicted to increase waged labour percentages by 5.39% (see Figure 2.7).

**Figure 2.8 Predicted Marginal Effect of Region on % Female in Vulnerable work**



Lastly, I look at the effect of the legal scale and other controls on vulnerable labour, as seen in Table 2.5 models 7-9. That is the percentage of the active female labour force engaged in vulnerable employment<sup>4</sup>. In these models, only the regional effect appears statistically significant. In particular, when compared to the reference category EAP, SAS, and SSA regression results report a statistically significant and positive relationship ( $p < 0.01$ ). In all three regions, EAP, SAS and SSA, each new law is predicted to reduce the percentage of women in vulnerable employment situations Figure 2.8. In each case, the laws are predicted to bring about a 3.2% decrease in the percentage of women in vulnerable

<sup>4</sup> The term vulnerable employment is used according to the ILO definition (see footnote 2).

work. Such that, with all three laws adopted, vulnerable employment percentages are reduced by 9.81%. Considering the starting point of SAS and SSA at zero laws, 73% and 76% respectively, even with all three laws in place, vulnerable employment is still predicted to be above 60%.

#### **2.4.5 Discussion**

By examining the connection between the existence of gender equalizing labour laws and women's labour force outcomes, this study provides critical insight into what gaps do or do not exist in the drive for women's economic empowerment and gender equality. The results of my analysis expose several critical contextual elements that mediate between means and ends, law adoption and labour market trends/outcomes for women. Emerging from the results are some noteworthy findings, some unexpected, others expected and others still running contrary to my hypothesis.

Following the trends on intergovernmental efforts to promote global development and social change, legal-constitutional action emerges as one of the more popular methods (Boyle and Meyer 1998). But isn't there that famous saying, "laws are made to be broken?" Based on the findings from this study, the outcomes predicted after the institution of labour rights laws are determined more by the location - and presumably the social forces at play in the given area - than the laws themselves. This study focuses on indicators of women's labour market entry trends and the quality of work. However, the same social forces are at play in other dimensions of labour, including the quality and type of work accessible to women; physical, sexual or psychological harassment in the workplace, or discrimination in pay, benefits and promotion (Berkovitch and Bradley 1999). Thus, in the case of gender equality and women's labour rights, it does not appear that laws are being outrightly broken, so much as it is that people in different social contexts make sense of the laws differently (Austen 2016).



Based on the results of my analysis, I find no evidence to support or refute my hypothesis completely. On the one hand, the regression outputs, both in the random-effects and fixed-effects models (Table 2.5 and Table 2.6), show that the presence of the laws (both alone and with other controls) is not statistically significant as determinants of labour outcome for women. In that regard, I appear to be partially correct in hypothesizing that laws are weakly correlated with positive labour outcomes. On the other hand, the interaction between the laws and region only reports significance in some cases, disproving my hypothesis to an extent. When all three outcomes are examined as parts of the whole picture, some regions appear to take a favourable turn, while others take a turn for the worse. Others still are predicted to be barely affected. In the same sample, there are instances of apparent coupling, weak coupling and complete decoupling. Does this mean that the laws are completely useless? Not necessarily. It highlights that the homogeneously positive effect that the laws are presumed to have is more myth than reality. The laws do have some impact, but not enough to satisfy the need at hand.

In a region like Sub-Saharan Africa, where women are reported to have “always been a part of the labour force,” but in vulnerable and informal work, the laws do not do much to address these vulnerabilities (Coquery-Vidrovitch 2018; Hafkin and Bay 1976:280). Where there are specific limitations to the kind of work that is “appropriate” for women, labour market outcomes cannot be controversial. In the Middle East and North Africa, for example, where a country like Saudi Arabia has such vague laws prohibiting “the employment of women in dangerous jobs...liable to expose women to specific hazards” in conjunction with non-discrimination laws (Saudi Arabia 2013). It is no surprise here that not only is women’s labour force participation low in this region but that the anti-discrimination laws report non-significance in the area of waged/salaried labour and vulnerable employment.

If we can draw one conclusion from this analysis, it is that legal measures alone cannot resolve the global epidemic of gender inequality in the employment sector, nor can education. It should go

without saying there is no one-size-fits-all policy solution, and while laws are useful, they do not assure positive outcomes for women. Gender inequality is nuanced, taking different forms in different societies. Every form of the problem that exists in one sector is connected to the same network of the socio-cultural processes (Berkovitch 1999:100). Private life affects the public; education affects fertility; work affects health and all other inequalities in between. What is needed to ensure the improvement of labour outcomes, and life in general for women, is a more targeted approach, considering specific social structures that make the inequality in labour possible and persistent. Otherwise, the international community, while pressuring countries to adopt these blanket-policies, is doing little more than casting a die and hoping for the best.

## **2.5 Conclusion**

Does the existence of laws have a bearing on labour market outcomes for women? If so, in what ways? If not, then why not? Drawing on data representing more than 60 low- and middle-income countries, this study examined the relationship between laws seeking to outlaw gender-based discrimination in hiring and the reported trends in magnitude and quality of women's participation in the workforce. In this study, in addition to analyzing the impact of laws, I also put to the test the significance and magnitude of the effect of other socio-economic factors, namely: region -representing socio-cultural context, income per capita, education, time spent in unpaid work and fertility rate. In using this approach, my study reveals laws affect female labour force outcomes differently, depending on the socio-cultural context.

First, before discussing the insights brought to the light from this study, I would like to acknowledge the limitations of this study. To start, as a study of this nature requires the use of data that is consistently available across countries, I was unable to broaden my research to include a larger sample of countries. Several smaller states that fall within the GNI parameters set in this study are not included

in my models due to the lack of data available for the period I examine. As such, my analysis misses possible insights that data from these states may have provided. This limitation affects my results and recommendations, as they may not necessarily address specific issues these states face. More so, I was limited to ten years, effectively running models on only three years because of data inconsistencies. The analyzed period, 2008-2017, was chosen due to data availability for both the laws and my outcome variables.

Secondly, I would like to acknowledge that my analysis treats female labour force participation as an indication of favourable economic conditions for women. Admittedly, this is not always the case as women in different contexts have varying social conceptions of what they deem as positive when it comes to labour. Some cultures view working women as an indication of household poverty, in which case, low female labour force participation might be considered to be positive. In other cases, what is categorized as “vulnerable employment” by the ILO may include working conditions that, in some societies, is deemed as positive. Thus, my study is at the mercy of the definitions ascribed to specific terms at the time of data collection. This flaw, however, is part of a larger conversation on the operationalization of concepts and culturally conscious data collection to prevent inadequate representation of social realities.

Despite these limitations, this study advances the conversation on promoting women’s rights in general and the creation of favourable conditions for women’s economic empowerment. The study makes critical contributions to the discourse on what works, what does not work, and where efforts need to be focused. The findings from this study contribute to a reconceptualization of the normative approach to promoting women’s labour rights both in research and practice.

Regarding labour and economic empowerment, women face limitations to their participation in terms of their choice to participate, what sort of work is available to them, discrimination in the hiring

process and their pursuit of access to different work sectors. Additionally, issues like workplace harassment or the absence of adequate benefits such as proper health insurance and maternity leave, among others, all stem from the same gendered social processes. Thus, the results of this study are not only relevant in the area of employment but also contribute to our understanding of women's economic empowerment efforts as a whole.

As my results show, the presence of laws has differing effects on how much women participate in the labour force and the quality of work they engage in. The socio-cultural context, represented by the region effect, is the more significant determining factor in the resulting outcomes. On their own, laws do not significantly affect outcomes for women. Also, contrary to global developmental models that cite the impact of education as a significant driver for women's progress, results show that secondary school enrollment does not have as much impact as might be expected. The interaction between laws and the socio-cultural context is reported to make the most significant difference in how many women work and what conditions they work in.

My findings are consistent with existing knowledge on gender relations across various cultural contexts. That is, that cultural differences in gender ideologies give rise to regional variations on the effect of development projects (Momsen and Townsend 1987). My study finds that some, but not all, regions experience more positive labour force trends, after adopting laws. In some regions, cultural contexts give rise to either a total decoupling, evidenced by a decrease in labour participation and insignificant or adverse effects on vulnerable and/or paid employment.

To understand this variation in regional outcomes, gender geographers classify societies based on how strictly family relations are organized to control women's mobility. In other words, to what degree are patriarchy and androcentrism embedded in society. Research has found gender ideologies the Middle East and North Africa to be the strictest regarding women's mobility and feature highly corporate

patriarchy (Kabeer 2008a). This finding is consistent with results from this study that predict a decrease in labour force participation and an insignificant effect of laws on quality of work. By contrast, Sub-Saharan Africa has been found to be home to a more complex gender structure. Here, the heteronormative household structure comprises of a husband as the head of the house but not necessarily the breadwinner and the economically independent woman who, in combination with her domestic duties significantly contributes to household income (Palmer 1991). Her husband traditionally controls the woman's access to economic assets (such as land). Thus, the predicted outcomes from my analysis can be explained. The results from my study predict that as the laws make it more acceptable for women to be in the workforce, the laws do not mitigate, with the same magnitude, the patriarchal control over her employment choices. In East Asia and the Pacific, outcomes appear to be more coupled with the expected labour outcomes, i.e. a significant rise in labour force participation and quality of work. We can attribute this coupling to the priority given to labour-intensive export-oriented growth than to gender hierarchies and patriarchy (Kabeer 2008a). By contrast, countries in Latin America and the Caribbean appear, for the most part, unaffected by the existence of laws. We can also credit this non-effect to dominant gender ideologies, or lack thereof, in a society that consists of a variety of cultures from Indigenous -Hispanic to Afro-Caribbean. Such diversity makes it more challenging for legal reforms -on their own- to address gender culture issues (Chant 2002).

Looking to further research, it would be productive to see an increased focus on the specific variations of gender ideologies in various societies worldwide. This would allow for better strategy formulations for what each community needs. More attention should also be given to growing our knowledge of what “positive labour outcomes” means for women living in different societies. We need to shed more light needs on how women can more comfortably engage in the labour market in a way that benefits their community and weakens stringent patriarchal regimes. Also, gender and development

research and practice would benefit from better data coverage on less formal modes of employment to enable analysis on a larger sample of countries.

In conclusion, the socio-economic context is key to understanding the decoupling of means from ends. The adoption of laws is positive because it indicates a willingness of the government to support the improvement of women's labour conditions or at least a commitment to the appearance of being supportive. However, law adoption creates outcomes in conjunction with context and not in isolation from it. Where gender ideologies do not support female socio-economic mobility, laws on their own will be unable to make a difference. Yet, countries still benefit from the positive outlook that women's rights support gives without being held as accountable for the coupling of the outcomes with the general expectation. This could, in some ways, be contributing to a lack of intentional effort to promote more conducive conditions for positive labour outcomes for women based on culture-specific needs. For more widespread positive results, more attention needs to be paid to specific cultural ideologies and the most productive means to interact with these ideologies on a society-by-society basis.



## **Chapter 3: Decoupling and the Art of Representation: A Discourse Analysis of Country Self-Reporting on CEDAW**

### **3.1 Introduction**

The Convention for the Elimination of Discrimination Against Women (CEDAW) of 1979 was a major milestone in the fight for women's rights. The Convention led to the creation of the Committee on the Elimination of Discrimination Against Women. The committee comprised of 23 experts from around the world, monitoring progress on the implementation of stipulations of CEDAW. CEDAW has played a unique role in bringing to global consciousness the need for coherent discussions on women's human rights. It was premised on the fact that discrimination of women persists, and that this discrimination is an affront to the universal and inalienable nature of human rights. Rather than the "add women and stir approach," CEDAW proposes intentional, tailored-to-women solutions to gender inequality (Harding 1995). Over forty years later, CEDAW, under the umbrella of the UN's Office of the High Commissioner for Human Rights (OHCHR), has been ratified by almost 190 countries who provide occasional reports on their progress.

The CEDAW reporting process aims for accountability and transparency among ratifying countries. A CEDAW country report is a public document, open to scrutiny and review from states, organizations and individuals, making the report an important part of a country's national image. It is, therefore, in the interest of state governments - especially those with turbulent reputations in the area human and women's rights- to present reports that reflect positively on their countries (Bexell and Jönsson 2019). The pursuit of a positive image may also be the primary state objective in participating in CEDAW and its reporting process, not the promotion of gender equality. If that is the case, then it is



likely that the policies and practices of CEDAW ratifying countries will be disconnected from CEDAW's recommendations. In this study, I examine the content of CEDAW reports for evidence of the decoupling of state ideologies and practices from the principles of the treaty. I am also interested in the strategies that states apply, using language, in CEDAW self-reporting, to promote a pro-gender equality image, drawing attention away from the decoupling that might exist. My study seeks to answer the following overarching research question: To what extent do country reports indicate decoupling or coupling with CEDAW principles? To answer this larger question, my analysis will address each of the more precise sub-questions:

- a. How aligned are state ideologies with CEDAW principles?
- b. How do strategies states employ to promote gender equality align with CEDAW objectives?
- c. What strategies do states apply in their CEDAW reports to promote a positive national image?

With this analysis, I dig deeper into the decoupling of laws from outcomes, as found in Chapter 2. Women's equality laws adopted by low- to middle-income countries originate from conventions like CEDAW. Therefore, it is worth examining if factors prior to the law adoption process can help further pinpoint the source of decoupling. Country self-reports, though often overlooked, are a window into the shared but rarely spoken about artifacts of the international community. I ask these crucial questions to further our understanding of decoupling in the World Society. Also, by examining country CEDAW reports, my study contributes to the conversation on gender and development practices and the promotion of gender equality.

In this paper, I examine the use of language in reporting to promote a positive national image and downplay decoupling issues. First, I review the literature on CEDAW, motivations for CEDAW ratification and country self-reporting. Next, I present my theoretical stance, as well as discuss factors that contribute to decoupling. Following this, I present my data, research methodology and discuss my

findings. I find evidence of the decoupling of countries' approaches to ending gender discrimination from CEDAW principles. Also, in the reports analyzed, language is strategically used to divert attention from decoupling. Finally, I reflect on my findings, discuss practical and theoretical considerations, and conclude with recommendations for future action and research. My study finds that country self-reports are unique research subjects. Where they are accessible, analyses on reports are invaluable to the sociology of international development.

### **3.2 CEDAW, Reporting and Reservations**

From its inception, CEDAW, its articles, and processes were created with the intention that countries would adopt all its principles and ultimately eliminate gender discrimination. However, CEDAW ratification does not mandate a total adoption of all the treaty's prescriptions. Countries can choose to opt-out of specific articles and requirements as CEDAW permits ratification subject to reservations. Reservations were intended to be a temporary measure so that states can take steps to remove obstacles to the implementation of the articles it has reserved. Countries, however, have used reservations as a buffer for implementation criticism (Weiss 2003:588). Reservations are held indefinitely, and there seem to be little or no efforts to eliminate CEDAW implementation barriers.

A large portion of reservations to the convention are based explicitly on religious law, culture and the preservation of personal status laws as they exist in the individual socio-cultural context. Thus, these reservations exemplify the conflict between CEDAW - and rights treaties in general - and religious and cultural practices in local contexts (Brandt and Kaplan 1995). Since the Committee adopted guidelines, in 2008, that requires countries to provide an explanation for its reservations, Islamic principles and Sharia law, have come up as a major justification (Freeman 2009; Wotipka and Ramirez

2008). The Committee has identified articles 2 and 16 as foundational articles for the elimination of DAW. Article 2 asks that countries take appropriate actions to end all forms of DAW in law and practice. Article 16 specifies that actions be taken to end DAW in marriage and family law and practice by giving women rights to agency, ownership of assets, guardianship of children and others. Yet, these two articles are often seen as incompatible with Sharia and Islamic principles (Saudi Arabia 2013, Oman 2015, Pakistan 2017).

Despite reservations and contradictions, CEDAW has been ratified by 189 countries as of 2020 (UNTC 2020). Though reservations are a testament for aspects of incompatibility between CEDAW's principles and local contexts, countries do not wish to lose out on the dividends of CEDAW ratification. CEDAW ratification allows countries to claim civilized status, thereby opening doors for them in the international community to benefit from trade relations, foreign investments and aid (Merry 2006a; Swiss 2016). This may be why, despite the apparent unwillingness of countries to adopt certain principles of CEDAW, states continue to join and remain a party to the treaty. States may consider ratification an end in itself and the achievement of gender equality as either a secondary objective or not an objective at all (Merry 2006a:79; Wotipka and Ramirez 2008).

### **3.3 The Art of Representation and Country Self-Reporting**

For this paper, I borrow the definition of country self-reporting as a “process of collecting, analyzing and communicating quantitative and qualitative data ... for an international review body” (Bexell and Jönsson 2019:2). After acknowledging the existence of reports, the next natural question is, “why are these reports written?”

Reports perform various functions; they are tools used by both the reporting body and those who have or seek access to them. Reports are used to keep organizations transparent by providing a review of progress made and a snapshot into avenues for improvement in ideal situations (Antonicelli et al. 2015). The accountability function that the reporting process performs not only makes it possible for the general public to monitor the progress made on the SDGs. They also form a part of the international peer-review process that goes on between governments and non-governmental organizations (Bexell and Jönsson 2019). World Society theorists would argue that this peer-reviewing process serves to encourage isomorphism and discourage deviation from norms in international society (Meyer et al. 1997).

Concerning the peer-reviewing function of reports, Bexell and Jonsson (2018) see reporting as a tool for identity formation and solidification. This function makes reports one of the agents of action in world society (Prior 2008: 112). Reports send a signal to audiences about the (in)efficiency of the given organization or nation (Bissio 2018). Self-reporting is also a means of “reinforcing or challenging the role identity communicated by governments” (Bexell and Jönsson 2019:413). In the case of Sweden, Bexell and Jonsson see the country’s SDG report as a means of reinforcing its government’s pursuit of the identity of “SDG Champion state” (2008). Reporting can thus be regarded as a performative act, a manifestation of motives and not merely a reflection of facts. Governments face pressures, constantly needing to maintain their legitimacy, and promote a specific image that can only be achieved by “creating success” (Mosse 2004:640).

The “creation of success” refers to the strategic ways in which progress is monitored, evaluated and reported by brokers in the development sector (Mosse 2004; Swidler and Watkin 2017; Watkins, Swidler, and Hannan 2012). Reports act as tools of “strategic translation” as they combine carefully scripted, translated and reinterpreted results. Reporting bodies can paint pictures of social realities,

which then become “technical facts” or “reported realities” (Nauta 2006). In other words, “development actors work hardest of all to maintain coherent representations of their actions ...because it is always in their interest to do so” (Mosse 2004).

### **3.4 Isomorphism, Decoupling and Treaties**

#### **3.4.1 Isomorphism**

States all over the world, regardless of cultural and religious inclinations, continue to be a party to various human rights conventions and treaties. They also develop in similar ways to each other, establishing similar socio-political practices and institutions. This near uniformity in state actions and development, which is referred to as isomorphism by World Society theorists, is a key feature of the modern international community (Meyer et al. 1997; Meyer and Rowan 1977; Swiss 2009).

As states appear to be developing in similar ways, theories abound as to why this happens. A commonly held opinion is that countries adopt policies and establish institutions in response to internal and external pressures (Austen 2016; Meyer et al. 1997; Meyer, Nagel, and Snyder 1993). Externally, world powers and their allies promote certain features of their states as necessary for civilization and development. In other words, to be considered a modern, non-repressive state, a state has to conform to externally set standards (Giddens 2000; Towns 2009). Internally, with the world’s growing interconnectedness, civil society and citizens in each country have access to information about more favourable living conditions elsewhere. This creates internal pressures for countries to model themselves after the more prosperous nations. Citizens grow aware of rights, amenities and infrastructure available to people in other parts of the world and want them for themselves. As a result, increasing support and legitimacy is given to governments which appear to support these standards of civilization (Meyer 2000; Meyer et al. 1997; Towns 2009).

Isomorphism does not always mean there is a smooth and efficient integration of these new institutions and/or practices into local contexts (Giddens 2000; Meyer et al. 1997). In some cases, institutions may be established but not produce the expected outcome. In others, policies may be adopted with improper implementation practices, creating a gap between policy and practice. This gap between said and done, or actions versus outcomes, is referred to as decoupling (Austen 2016; Bromley and Powell 2012; Cole and Ramirez 2013).

### **3.4.2 Decoupling and theories on how it happens**

The success of implementing human rights treaties is often attributed to a country's local conditions (Weiss 2003). Often such gaps in implementation, i.e. decoupling in policy versus practice, are due to lack of capacity or commitment on the part of member states. Local conditions may interfere with the implementation process. Structural factors determine the extent to which a ratified human rights treaty is implemented by states (Neo 2013). Are the required resources available? Is the country willing or able to adopt CEDAW principles into its national constitution? If the answers to these questions are "no," then decoupling is a potential result. Conditions promoting or preventing successful treaty implementation may also be social; the dominant cultural or religious principles and the extent to which a state is willing to deviate from them (Kabeer 2012; Mayer 1998; Parikh 2017; Weiss 2003).

It is not uncommon for states to formally commit to human rights agreements but fail to change their practices to conform to the treaty agreement (Banks 2008:785). In fact, research has shown that while countries increasingly ratify human rights treaties, repressive governments and regimes persist and do not proportionately reduce with every additional treaty ratified (Hafner-Burton and Tsutsui 2005). The motivation behind ratifications is a factor that significantly affects the presence, absence or level of treaty decoupling from local outcomes or practices. In some cases, ratification may be treated domestically as an end in itself. Since development assistance is now tied to human rights records and

donor corporations, countries shy away from other countries that are condemned by global culture for their mistreatment of women (Weiss 2003). Thus, the ratification of treaties such as CEDAW becomes a tool for window dressing, allowing countries to send signals of compliance with global cultural norms without enacting all the necessary implementing legislation and practices (Banks 2008:790; Hafner-Burton et al. 2008).

Apart from state motivations, another identified cause of decoupling is the absence of social meaning. Due to the external origins of treaty principles, it will remain a challenge to enact or enforce new legal rules and national policies until the social meanings attached to the targeted practices are changed (Banks 2008). Meaning-making or sense-making, as the name implies, refers to the process by which people give meaning to an experience. In this case, treaty principles make no difference to the target population unless their objectives are understood and have a local meaning. Meaning-making is a vital process that separates mere compliance from domestic adaptation.

### **3.4.3 Compliance vs Adaptation**

Isomorphism is often a result of state compliance with external pressures. Compliance involves simply acting in accordance with stipulated world society norms through the establishment of institutions, policies and programs (Raustiala and Slaughter 2002). I propose, instead, a shift of focus towards “adaptation.” Adaptation here is taken to mean intentional government action to ensure the adopted norms are modified to be compatible with local contexts and makes sense to the citizens. Where compliance merely requires treaty ratification, the establishment of recommended institutions and some legal reform, adaptation mandates that citizens and government work together to create favourable conditions for these structural changes to produce positive outcomes. It is, however, no secret that compliance is much easier than adaptation (Austen 2016; Banks 2008; Meyer et al. 1997). Creating a

“Ministry of Women’s Affairs” is a much simpler task than researching and understanding the needs of local women and creating avenues tailored to meet those needs.

In the CEDAW process, there currently does not exist a recommendation to collaborate with local elites responsible for administering customary legal systems. Yet, these local leaders are essential to the meaning-making process and thus crucial to the adaptation of CEDAW. Without the inclusion of these individuals, CEDAW obligations can quite easily remain disconnected from the local context (Banks 2008:783). The absence of meaning renders the treaty ineffective, nothing more than an external document with pages of recommendations.

However, due to the simplicity that compliance offers, it is easier to monitor and evaluate. A quick review of legal rules operating within a state, the presence or absence of recommended institutions or reforms is enough to determine compliance (Banks 2008:786). Yet, these elements may be present where outcomes are decoupled from the objectives of the Convention (Neo 2013). Adaptation is an important element in the creation and strengthening of domestic enforcement mechanisms.

Compliance is much easier to report on than adaptation would be. In order to comply, a state must implement stipulated legal-institutional changes. These changes are easier to quantify compared to attempts to address adaptation requirements. For example, reporting on how compatible newly adopted laws are with local norms and customs, and the reception local communities give to treaty-inspired changes, being qualitative in nature, is more complex than simply reporting yes-or-no laws have been adopted.

No matter how difficult, the promotion of adaptation over compliance is one strategy that should help curb decoupling in practice. Where adaptation is the mode of operation, country self-reporting should also become a less decoupled and superficial process. The onus is on both the Committee and



ratifying countries to operationalize what adaption of the treaty means. Requiring adaptation instead of mere compliance to treaty agreements would also ensure that ratification is a more thought out and meaningful process. This means that if a country chooses to ratify CEDAW, it would be knowing that the work that is needed is not a quick, easy fix. Treaty participants would be states that see gender equity as an important objective. By prioritizing adaptation, this would help filter out the unmotivated window-dresser, thereby resulting in more nuanced practices and transparent reporting.

### 3.5 Data and Methods

#### 3.5.1 Data

My analysis focuses on the most recent country reports submitted to the CEDAW committee in the last ten years (2009 - 2019). I compiled the corpus of this study in June 2019. As such, any report submitted after this was not accessed or included in my analysis. For a diverse and representative analysis, I selected fifteen reports of countries across all regions, excluding North America. I chose the reports at random, only focusing on ensuring each region was represented and selecting the most recent reports. Table 3.1 below is the list of country reports analyzed.

*Table 3.1: List of countries in the sample by region*

Region	Country Name	Year
East Asia and the Pacific (EAP)	Lao	2014
	Malaysia	2012
Europe and Central Asia (ECA)	Tajikistan	2017
	Turkmenistan	2016

Latin America and the Caribbean (LAC)	Chile	2016
	Costa Rica	2016
	Mexico	2016
Middle East and North Africa	Lebanon	2014
	Oman	2015
	Saudi Arabia	2013
South Asia	Pakistan	2017
	Sri Lanka	2015
Sub-Saharan Africa	Kenya	2015
	Rwanda	2014
	Zimbabwe	2016

In compiling the corpus for this study, I initially planned to focus solely on low- to middle-income countries, analyzing two reports from each region to make up a total of twelve reports. The choice to filter for income level was premised on World Society and International Development theories, which posit that lower-income countries are on the receiving end and not the creating end of global culture models. In other words, they are more likely to be “complying actors” than seeking to influence what constitutes global norms (Meyer, Boli, Thomas, and Ramirez 1997; Towns 2009). With this income level filter, North America was automatically excluded from the study. However, after my initial review of various reports, I decided to expand the sample to fifteen and included Saudi Arabia, Oman and Chile, which are high-income countries. These exceptions were made due to the compelling

observations made in the initial analysis. For instance, it was after reading the Saudi Arabia report which seemed more like a human rights report than a CEDAW report that I became interested in the rights approach adopted by countries (see Figure 3.1).

I reviewed and coded themes throughout the reports to elicit meaning and gain an understanding of what countries intended for their reports to convey (Andrews 2019). However, because of my interest in women's labour rights, specific attention is given to the discourse employed in articles related to the support of positive labour conditions and the protection of women from discrimination in the workforce. These aspects are covered in the following articles;

- Article 1 - Definition of 'discrimination against women'
- Article 2 - Measures to eliminate discrimination against women
- Article 3 - Development and advancement of women
- Article 5 - Stereotyping and cultural prejudices
- Article 10 - Education
- Article 11 - Employment of women

### **3.5.2 Methodology**

In my analysis, I incorporate both a deductive-thematic analysis and an inductive data-driven approach (Fereday and Muir-Cochrane 2006). My analysis is based on country reports, which serve as both resources and the subjects of the study (Prior 2008). This means that in examining the use of language in the reports, I am interested in how the documents are used as tools for social interaction among states. I also concern myself with how the reporting country's reality is represented and constructed in the reports. In simple terms, this process involved skimming, reading through, and rereading before interpretation (Bowen 2009). First, in the deductive phase, I skimmed through each report, recognizing and taking note of important and interesting moments (i.e. themes) and coding them

without interpretation. I did this manually without the use of any QDA software. In this phase, I sought to understand how language was being used and what version of reality the reports wished to steer readers towards (Rapley 2007).

After the first pass at the reports, I went back over my notes and potential codes using them to develop a coding template (Fereday and Muir-Cochrane 2006). In this template, I categorized the codes into three broad themes based on similarities in the concepts. Next, using the template, I inputted the keywords observed into NVivo and ran keyword searches. This helped to ensure that there no coding references that I missed from manually reading in the first phase. I also made use of the word tree feature to narrow down common phrases used and narrow down the node contexts. First, coding on a case by case basis and then eventually common codes emerged and were merged were similar themes appeared across cases.

The transition from deductive to inductive was not a linear process. Instead, it was iterative and reflexive, meaning that I went over the reports several times. I reviewed coded phrases to ensure that they were used in the context for which they were coded. Using word trees also helped me uncover other phrases I had missed that were relevant to the themes I had identified. After finding new phrases and sometimes new codes, I would then begin the word search and context reviewing process again for each coded reference, eliminating anything that was not a good fit. I continued this way until I reached theoretical saturation. This process resulted in codes that I have broadly categorized into three themes:

1. **Ideological approach, motivation, and rationale:** focus on the intangible, conceptual background that appears to steer the elimination of DAW practices carried out by countries. This includes; (i) the rights-based approach employed, e.g. human rights or women's rights; (ii) how countries define DAW and what is excluded from DAW definitions; (iii) scripts

used to portray compliance or conformity with global norms; and (iv) reservations to specific CEDAW articles mentioned in reports.

2. **Strategies and Sentiments for Eliminating DAW:** focus on the practices employed in the elimination of DAW such as laws, training, awareness-raising, the general approach towards womanhood and the use of cultural and religious scripts as justification. Also taking note of the target audience for these practices be it women, civil servants, technical professionals or the general public; and
3. **The art of representation:** focus on discourse employed. This includes the reports to vaguely or specifically represent DAW efforts, the use of narratives or numbers to create or elevate success, the portrayal of challenges to eliminating DAW and noticeable omissions/minimizations.

Finally, after reviewing the documents, I used NVivo's attributes feature to note the characteristics of each country and its report. These include:

1. the dominant religion of each country
2. yes-or-no on whether the country provided its own definition of "discrimination against women"
3. the dominant approach for addressing DAW such as laws, awareness-raising, training programs, media, etc.
4. yes-or-no on whether report discusses challenges in addressing DAW

***Table 3.2 Countries and their attributes***

Country	Definition of DAW Present?	Dominant Religion	Dominant Elimination of DAW Strategies	Presents challenges to Eliminating DAW?
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Lao	Yes, local definition	Buddhism	Laws, Programming, Education and Training	No
Malaysia	No	Islam	Laws, Programming, Education and Training	No
Tajikistan	Yes, local definition	Islam	Laws, Awareness Raising, Training	No
Turkmenistan	Yes, local definition	Islam	Laws, Programming, Education and Training	No
Chile	No	Christianity	Laws, Programs, Training, Collaboration with Civil Society and INGOs, Media	No
Costa Rica	No	Christianity	Laws	Yes
Mexico	No	Christianity	Laws	Yes
Lebanon	No	Islam	Laws, Programs, Training, Collaboration with Civil Society and INGOs, Media	Yes
Oman	No	Islam	Laws, Programming	Yes, in every article
Saudi Arabia	No	Islam	Laws	No
Pakistan	No	Islam	Laws, Programming	Yes, extensively at the beginning
Sri Lanka	No, general definition of discrimination	Buddhism	Laws	No
Kenya	No	Christianity	Laws, Media	Yes
Rwanda	Yes, local definition	Christianity	Laws, Media	Yes
Zimbabwe	No	Christianity	Laws, Programming, Education and Training	Yes

### 3.6 Discussion of Findings

In my sample of 15 CEDAW reports, there are a few cross-cutting commonalities. First, in the past, it was reported that several CEDAW ratifying countries had overdue reports. That is, reports went unsubmitted several years after they were due (Merry 2006a). However, in my sample, this was not the

case. Most reports were submitted on time, except Rwanda and Pakistan, which were a year late. This indicates that, at least among the countries in my sample, CEDAW compliance has been prioritized.

Secondly, in terms of specific articles in CEDAW, there was very little deviation in terms of which articles were addressed extensively. Countries in my sample tended to focus more on reporting programs, practices and progress in addressing DAW in education, sexual and gender-based violence, health and social services. Employment-related DAW did not appear to be a priority for most, as is evidenced by the lack of extended discussion of article 11, the elimination employment-related DAW. Table 3.3 shows a comparison of references made to education versus employment.

For some countries, article 11 was only discussed in 2 or 3 paragraphs (Costa Rica 2015, Kenya 2016, Turkmenistan 2016), others suggested that addressing education in article 10 was directly improving employment opportunities (Rwanda 2014, Sri Lanka 2015, Tajikistan 2017). In others, article 11 was addressed by simply reporting statistics indicating an improvement in the labour force participation and unemployment (Chile 2016, Saudi Arabia 2013, Oman 2015, Malaysia 2012) or by discussing measures taken against workplace harassment (Mexico 2016, Sri Lanka 2015, Malaysia 2012).

In the following sections, I discuss themes and other findings gleaned from my analysis of these reports.

***Table 3.3 Matrix of references to DAW in education versus employment***

	<b>References to Education DAW</b>	<b>References to Employment DAW</b>	<b>Ratio of Education to Employment DAW</b>
Chile	85	34	2.5:1
Costa Rica	56	34	1.6:1
Kenya	123	35	3.5:1
Lao	159	70	2.3:1
Lebanon	260	173	1.5:1
Malaysia	149	34	4.4:1
Mexico	155	30	5.2:1
Oman	125	57	2.2:1
Pakistan	113	22	5.1:1
Rwanda	122	37	3.3:1
Saudi	152	101	1.5:1
Sri Lanka	120	73	1.6:1
Tajikistan	176	84	2:1
Turkmenistan	111	63	1.8:1
Zimbabwe	95	26	3.7:1

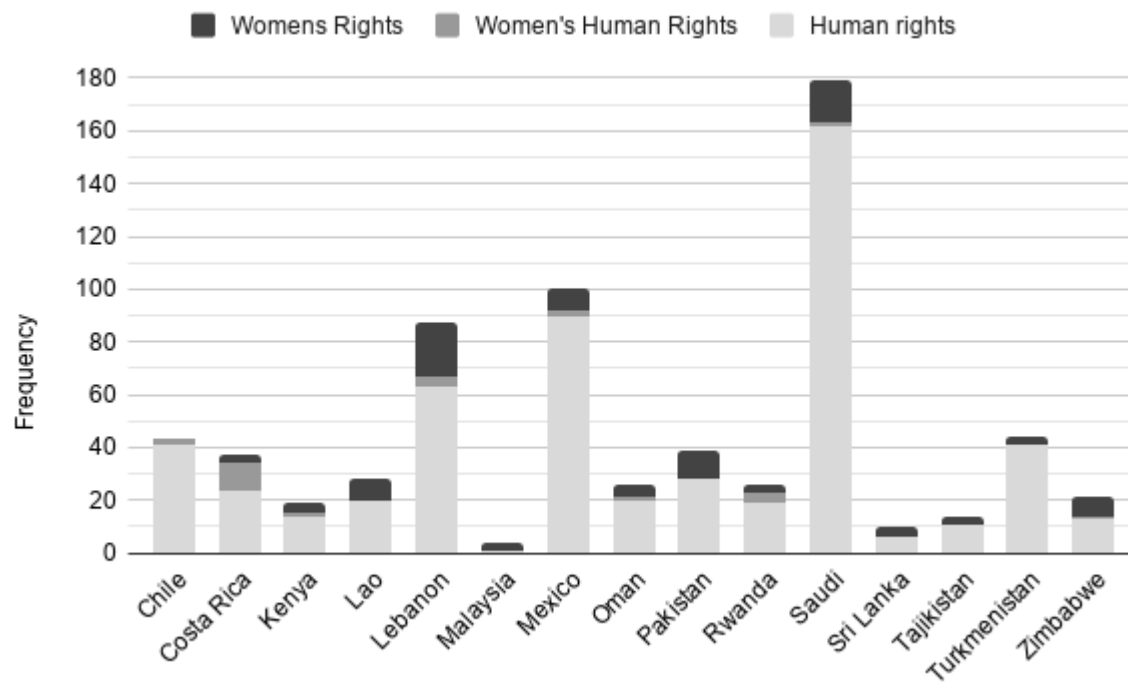
***Ideological Approach, Motivation and Rationale***

Upon first reading the CEDAW reports in my sample, I quickly observed that, in many cases, the reports could have easily been submitted to the Human Rights Council and not to CEDAW. Several countries tended to write their reports catering more generally to human rights than specifically to women's rights and the unique discriminatory challenges women face. Figure 3.1 shows a word



frequency chart where we can observe that most countries either make more mention of human rights than women’s rights or mention them both equally. Overall, the references made to human rights in the entire sample exceeds that of women’s rights or women’s human rights. From this simple observation, I began to peel back the layers on the report to determine the ideological/rights-based approach employed and represented in these fifteen reports.

Why does this matter if rights are being protected either way? Remember that the premise of CEDAW is that women experience discrimination differently and therefore need specialized protections. This means that if a country ratified CEDAW but takes an approach to gender discrimination that does not place women at the forefront, that country’s approach is decoupled from the foundational tenets of CEDAW. A general approach to discrimination has implications on practices as well, as we will see in the following sections.

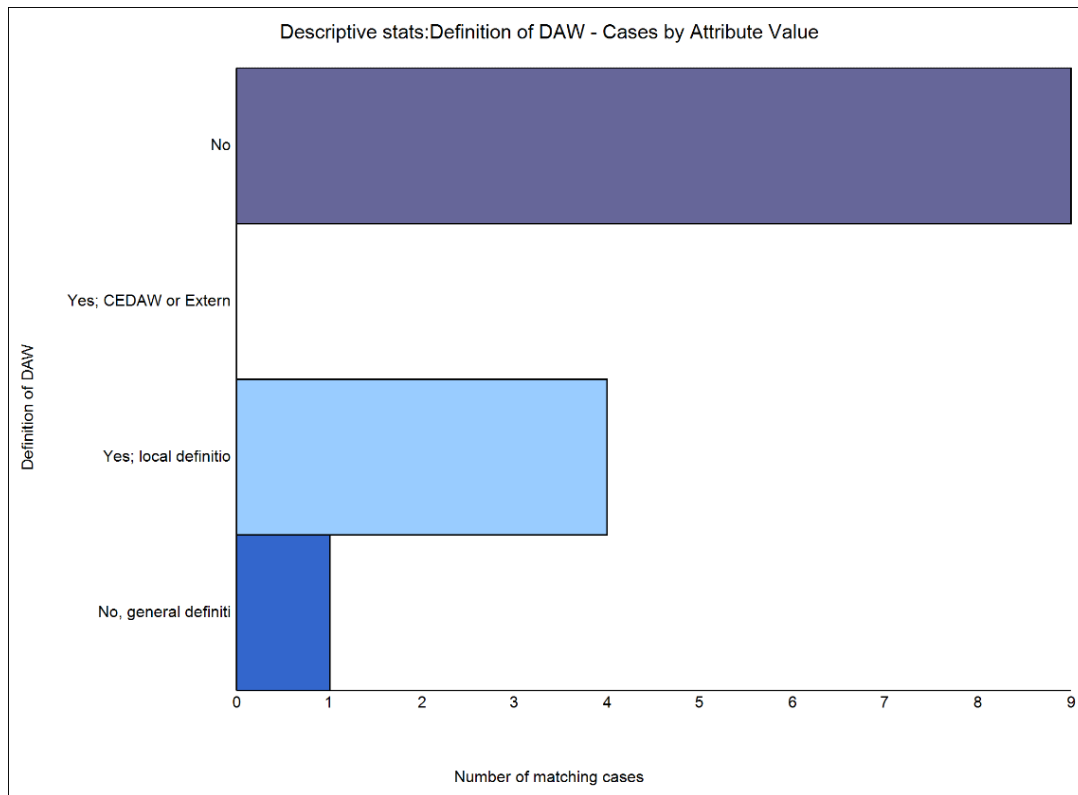


**Figure 3.1 Frequency of Coding References for Different Rights-Based Approaches**

Another indication of what approach dominated a country's approach to DAW in the report was the presence or absence of a definition of DAW. Article 1 of CEDAW requires that countries establish their own definition of what constitutes discrimination against women, but most countries in this sample ignored this task. In Figure 3.2, we see that only four reports provide a local definition for DAW. While some omitted providing a definition altogether, others simply provided a neutral definition, defining discrimination without the "against women" part, which is the whole point of CEDAW.

Malaysia, for example, failed to define DAW yet maintained that the absence of a definition "does not bar the Government to continue with the implementation of various measures to give effect and achieve the core principles of [CEDAW]." Malaysia instead opts for a general definition of discrimination, which includes gender but is not focused on it. It states, "Except as expressly authorized by this constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender..." (Malaysia 2012:2).

Where a definition of DAW is absent, it is not out of place to question the country's commitment to ending DAW. It suggests that such a country may view CEDAW ratification as an end in itself, a means of improving the national image and gaining other political benefits. This is equivalent to window dressing and implies that addressing gender issues is secondary. Without a national definition, there is no simple legal definition that women can refer to in seeking justice for specific gender issues. From the absence of a definition stems another concerning trend I noticed in the reports.



**Figure 3.2 Presence or Absence of Definition of DAW in sample**

What do countries *not* consider to be DAW, or what is reported as an elimination of DAW? In some cases, the elimination of gender-based limitations becomes nothing more than a reorganization of power dynamics, which still leaves women with little agency over their lives or sometimes even less agency than before. For instance, in Saudi Arabia’s 2015 development plan, thirteen objectives concerning the empowerment of women are outlined. Among them is the expansion of “options that are *appropriate* for females in scientific, technical and professional specialties” (Saudi 2013:25). This suggests that the plan is not to incorporate women fully into STEM but to find STEM opportunities that are considered suitable for women. Going over to the Turkmen report, the government here does not merely make suggestions about restrictions to the definition of DAW; they itemize it. One of these items is worth scrutinizing; “(4) The establishment of requirements based on professional qualifications that

reflect the capacity of only one specific sex to perform the function concerned” (Turkmenistan 2016:7). This statement, similar to the Saudi caveat, leaves room for gender discrimination in employment as “qualifications that reflect the capacity of only one specific sex” is open to interpretation and provides wiggle room for discriminatory hiring that is legal. More than that, it goes further to say that the gender wage gap can be explained by this capacity that “only one specific sex has” and is thus not DAW (Turkmenistan 2016:29).

This evidence begs the question, why, if DAW is not a priority, do these countries ratify CEDAW? Some reports provide a clue to help answer this question. Twelve out of the fifteen reports in my sample make references suggesting their efforts are motivated not by the seriousness of DAW but by the need to comply with international standards. Turkmenistan, for example, explains that it modelled its National Action Plan in “compliance with international standards...” (Turkmenistan 2016:13). While Lebanon admits, it is motivated both by compliance with international norms and civil society demands (Lebanon 2014:34). This is the only report that mentions civil society demands as a motivator. Other references to motivation refer broadly to the international community, global norms and/or international standards. Sentiments of compliance, implementation and adoption of these standards prevailed over adaptation of DAW principles. This strongly suggests a top-down dynamic that has remained unchanged since the convention’s establishment in 1979. In short, the countries in my sample do not report being motivated to end DAW for the sake of women or to improve their society; instead, they are motivated by external pressures. By complying with CEDAW, instead of adapting it, gaps are created between the objectives of the treaty and local implementation approaches and/or strategies.

### *Strategies and Sentiments for Eliminating DAW*

In terms of programs and practices reported as part of efforts to eliminate DAW, the countries in my sample mostly apply the same strategy. In order of priority, the reports indicate that countries addressed DAW (i) with legal action, reforms or amendments; (ii) with educational and awareness-raising strategies; and (iii) with consultation and training of the individuals who have direct contact with women in areas they were considered vulnerable such as health, education, employment and in the justice system.

Articles 5 and 11 both present forms of DAW for countries to address: gendered stereotypes and DAW in employment. Employment discrimination is, of course, not removed from discriminating stereotypes but is, in many ways, fuelled by it. In the same way, all other forms of DAW can be traced back to different stereotypes attached to the female gender. The nature of stereotypes is that they are colloquial, often baseless and are embedded in society. Thus, a strategy to address them should consider these characteristics. Yet, from the reports, laws appear to be the approach of choice. All countries except Rwanda, Zimbabwe and Kenya, primarily seek to counter stereotypes with laws, while Pakistan did not address article 5 at all. Outlier countries chose the use of awareness-raising and the generation of media content to socially correct the social issue of gendered stereotypes.

Where stereotypes are being combatted with laws, so also is employment discrimination. Laws prohibiting discrimination abounds in these reports. This is often complemented with vocational training programs for women or sensitivity training for employers. Despite all legal efforts to end DAW in employment, several countries maintain exceptions to women's freedom of employment. For example, Turkmenistan lists the below conditions as *not* DAW in employment. The last two requirements are particularly vague, leaving a lot of room for interpretation and providing legal loopholes for gender discrimination in employment.

- The protection of maternity and paternity;
- Distinctions, exclusions, preferences and limitations at work based on the specific characteristics of the type of work concerned or motivated by special concern for certain people in need of social and legal protection, as established under the legislation of Turkmenistan;
- The establishment of requirements based on professional qualifications that reflect the capacity of only one specific sex to perform the functions concerned;  
(Turkmenistan: 9)

In another instance, a woman's freedom to work is dependent on the consent of her husband.

This is the case in Lebanon where "several current personal status laws make the right of a married woman to work dependent on the consent of the husband or on the husband not stipulating that his wife may not work outside the home" (p. 118).

Next to laws, awareness-raising is another popular practice across my sample. However, details as to what comprises awareness-raising in different contexts are often left to the imagination.

"Awareness-raising" is often used as a keyword dropped in a list of other activities like training, advocacy campaigns and meetings. The vagueness of the reports leaves readers with questions: how was awareness raised? what practices were used? what information was disseminated? and among who was awareness raised? Apart from vagueness, the coverage of awareness indicates that only in a few instances are they targeted at women.

In most cases, awareness-raising targets "the general public," a seemingly ungendered mass of people. Little effort is made to educate women on their existing rights. As countries report the reformation of their laws and the addition of new legal provisions for women, the reports do not indicate an effort to inform women of this. While awareness-raising is beneficial to the public in general, and we encourage the inclusion of men and boys in conversations about gender equity, developing rights consciousness in women is important and often overlooked. Having a clear knowledge of their rights and entitlements will encourage women to venture outside of traditional gender restrictions. Such knowledge allows women to identify when their rights are being violated and arms them with

information about the appropriate actions to take in such situations. Women-targeted awareness-raising would also boost the sensemaking process and encourage the transformation of the broader gender culture. This applies in all DAW spheres, from domestic violence to access to health services. Table 3.4 below shows the frequency of references to awareness-raising programs by the population targeted.

***Table 3.4 Frequency of references to awareness-raising programs by target population***

	General awareness-raising	Women as target of awareness
Chile	3	0
Costa Rica	4	2
Kenya	1	0
Lao	4	0
Lebanon	16	1
Malaysia	1	0
Mexico	8	0
Oman	9	2
Pakistan	1	0
Rwanda	5	0
Saudi Arabia	8	0
Sri Lanka	3	0
Tajikistan	2	0
Turkmenistan	1	0
Zimbabwe	5	0

Culture or religion and sometimes both were often used as a justification for reservations, actions or policies that contradict the principles of CEDAW or simply as a blanket to cover for any possible

critique. Particularly in relation to stereotypes, one report not only blames culture but also portrays it as an unmoving force making stereotypes a permanent part of society (Lao 2014: 18). Culture and religion are used to deny the existence of discrimination as defined by CEDAW because that culture does not view DAW in the same light (Malaysia 2012: 4). When culture and religion become the justification for reservations to CEDAW, it is a clear indication that the compliance approach is ineffective. Whereas an adaptation approach would be more flexible and reflexive, seeking ways to work to eliminate of DAW with instruments already existing in culture. The compliance approach is completely halted where existing norms in a society appear incompatible with the treaty. This, of course, puts the committee in the awkward position of either challenging a country's sovereignty or accepting that the elimination of DAW is not possible under such cultural regimes.

### *The Art of Representation*

Above all else, we have to acknowledge country self-reporting as the tool for identity formation and solidification that they are (Bexell and Jönsson 2019). Not only do countries seek to promote a positive identity, CEDAW ratifying countries wish to convey compliance with the global standard of gender equality. Countries aim to appear compliant for the sake of their image and also to remain competitive in CEDAW's peer review process. This motive of image protection or reputation management appears in my sample in various ways. The use of language to shine a positive light on one's country was common across all the reports reviewed. The positive image created also served as a tool to hide or take away attention from areas where CEDAW compliance was not impressive or decoupled from the established principles.



Where possible, country reports always mention that they either have a female president, have high ranking female representatives in various government, or have a first lady who is active in women's affairs (Kenya 2015, Rwanda 2014, Sri Lanka 2015, Zimbabwe 2016). In other instances, possibly due to a lack of an extensive female leadership base, countries highlight that the male head of state prioritizes gender and CEDAW efforts. This is one strategy for promoting a positive image; another involves the strategic representation of programs and efforts in eliminating DAW.

The national wage discrimination index fell from 8.3 percent in 2010 to 5.2 percent in 2016, but the wage gap is still significant in some occupations: among public officials and managers, women earn 28.4 percent less, and in the industrial sector, they earn 31.8 percent less (Mexico 2016:35).

The national rate of participation increased from 45.3 percent in 2010 to 48.2 percent in 2015. Nevertheless, the gender gap has exceeded 20 percent every year (Chile 2016:21).

From the above quotes, we see two countries reporting what is essentially the same magnitude of progress, about a 3% increase in 5 years. Yet, with the careful use of language, we get the impression that Mexico has achieved a major milestone in its progress, while Chile is only cautiously optimistic. While Chile draws attention to “increase” and glosses over other drawbacks, Mexico presents the same progress and breaks down areas still in need of improvement. This positive framing by Chile represents a method of creating success and is a trend that I noticed in several instances in my sample.

The creation of success in self-reporting takes different forms. It may be through:

1. *The use of numbers, in lieu of percentages or other more effective summary statistics, to report increase or decrease in certain sectors:* In the below quote, Tajikistan presents a 5% increase in female

student secondary school enrolment. First, this information is presented with raw figures, which at a quick glance, might make a reader assume that increase in enrollment is more significant than it really is. Secondly, Tajikistan only reports on the enrollment numbers but leaves out data on the percentage of the female secondary school-aged population that is enrolled. The latter is a better measure of gender equity in education, and in leaving it out, Tajikistan's statement effectively creates success.

...the enrolment of girls to continue their education in grades 10–11 is increasing every year. In 2014, 56,331 girls were enrolled in grade 10, and 50,097 in grade 11. In 2015, 58,817 girls were enrolled in grade 10, and 52,592 in grade 11. In 2016, this figure was 60,233 in grade 10 and 55,606 in grade 11. These figures clearly demonstrate the increase in the number of girls wishing to continue their education in grades 10–11 (Tajikistan 2017:18)

2. *Reporting action in progress or preliminary planning phases as success.*

Counting future actions as progress is worrisome when we consider two factors. First, reports are often overdue, so it may take years before we know the outcome of the future action that is being reported as success today. For example, the Chilean report states, "...on Equal Pay, parliamentary discussions are in progress on a draft act amending the Labour Code in order to improve the application of the principle of equal pay for men and women" (Chile: 22). In the case of Chile, we have a draft being prepared, but was it passed? We do not know from this report. Second, reporting on future expected action allows us to count as success today, but countries are not required to provide follow up information in their next report. They may never adopt the amendments, and not one is going to remember.

3. *The use of vague phrasing that provides too little information and creates unanswered questions*

An example of vague phrasing is "efforts were made." The phrase used without providing further detail into what "efforts" entails, leaves the reader with more questions than answers. For example, the below statement would leave an inquisitive reader asking: What efforts? What measures? What policy? These questions, unfortunately, go unanswered, as illustrated in the report from Oman:

“The Sultanate has made efforts in [addressing gendered stereotypes] through measures to change the social and cultural structure with a view towards the unity and cohesion of society. Thanks to a wise policy, a unified Omani social fabric has been woven” (Oman: 12)

Reports were also strategic in their presentation of challenges to the elimination of DAW (see Table 3.2). While not all countries chose to present the challenges experienced, the reporting of challenges could represent a plea for further financial aid. Presenting challenges could also be a form of posturing, portraying the country as gender-forward and compliant despite obstacles.

### **3.7 Conclusion**

What can CEDAW reports tell us about gender and development efforts or state relations in World Society? Based on the findings from this study, I would say “quite a lot.” In this paper, I have examined how language was used in CEDAW reports in an attempt to understand “the work” that reports do for the reporting countries (Rapley 2007). My research is guided by one broad question: What can reports tell us about coupling or decoupling of a country’s practices and ideologies from/to CEDAW principles? Drawing on the discourse applied in reports from 15 countries across the world, I examined the presence or absence of decoupling at the level of state ideology, practices/approaches, state motivation for participating in CEDAW, and discourse or the use of language. My analysis reveals that in every aspect mentioned, there appears to be a disconnect from basic CEDAW principles throughout my sample.

I would like to acknowledge, firstly, that the findings of this study are limited in that it is based on a sample of only 15 countries. While my study sample consists of reports from 6 geo-political regions, it is not meant to give an exhaustive breakdown of gender relations in these regions. The small sample is a result of the time constraints of a master’s program. Therefore, my first suggestion for

further research would be a wider research sample. Analyzing a large sample of countries could further help identify regional trends and similarities in terms of approach to DAW, self-reporting, and similar forms of decoupling that may exist. Another possible route for future research may be to narrow the focus onto the reporting of specific CEDAW articles to identify areas of decoupling and possibilities for improvement in each sector.

Limitations notwithstanding, findings from this study advance the conversation in several aspects of gender and development. When first embarking on this research, I was interested in whether country reports would be decoupled from reality. That is, do data on gender equity in a given country show one thing while reports say another? For the most part, the reports in my sample show that this is not the case. Except where a country chooses to gloss over a topic or omit it, reports tend to represent reality as it is. Where decoupling was evident was in the use of language to elevate efforts and progress made. The discourse applied in reports was such that, if one was not examining them closely, all countries appeared to be working hard towards eliminating gender discrimination. All countries also appear to be making significant progress in all aspects (they choose to report on). The only inhibitions to progress in ending DAW are challenges outlined by countries, which were often portrayed to be beyond their control and likely would require further international assistance. Each report examined was strategically used for positive image creation and solidification purposes, consistent with other studies that suggest this would be the case (Andrews 2019; Bexell and Jönsson 2019).

In examining the reports, my attention was often drawn to articles that were omitted or not extensively addressed. Particularly, Article 11 on employment and labour discrimination was one that was often underreported. One reason for this might be that gender discrimination in the labour market is one of the most resistant sectors to gender equity efforts, especially in societies where gender hierarchy is complex and highly institutionalized (Kabeer 2008a, 2012). Since the default approach to addressing

gender issues is the institution of laws, and in Chapter 2, gender culture is seen to resist legal measures, this finding is not surprising either (Berkovitch 1999; Kabeer 2008a). What my study does uncover is that compliance culture makes it such that states are not being innovative with their gender equity solutions. Only three countries in my sample engage with employment discrimination with an approach other than the legal-institutional one: Rwanda, Zimbabwe and Kenya. These countries also report more on the area of employment and have more positive things to report in this area (see Table 3.3).

In terms of state ideology being coupled with CEDAW principles, my findings emphatically suggest that the majority of my sample holds ideologies that are not compatible with CEDAW. This decoupling often takes the form of reservations and exceptions outlined and justified in country reports. While CEDAW was established with the awareness that ratifying states had the right to hold reservations to some articles or recommendations in articles, the expectation was that reservations would be temporary. Eventually, all aspects of the treaty would be accepted and implemented. Yet, thirty to forty years later, states hold reservations to key articles of the treaty (Article 1 and 3), which essentially nullifies all other CEDAW related actions. States fail to define what DAW means locally or refuse to acknowledge that DAW exists in some spheres of their society. Some states justify their reservations and exceptions by stating that they are incompatible with local culture and religion. These cultural and religious justifications are troubling because they are naturalized as permanent and unmoveable features of the society.

States also appear to be decoupled from the CEDAW's tailored-to-women rights approach. They instead opt to lump all equity-seeking groups together and subsume women's rights issues within a human rights approach. CEDAW, and all global gender development efforts, are premised on the belief that women experience unique types of vulnerabilities and thus need unique protections and provisions.

Yet, most of the reports show that countries are treating gender as an addendum to human rights efforts. Thereby essentially nullifying the purpose of the convention.

In every form of decoupling uncovered by this study, there is a common thread. The reports examined show clear evidence of CEDAW compliance as opposed to CEDAW adaptation. With compliance as the goal, states can simply institute laws and be justified even though the outcomes of the laws are not progressing as expected. The compliance approach makes it permissible for countries to throw up their hands and say, “we can not do this or that because our culture/religion does not support it.” Compliance also makes it possible for states to ratify a treaty for which they are unmotivated to attain its objectives. I believe this is the main finding of this study. At face value, none of the reports examined show that countries are “doing badly” or not making attempts to eliminate DAW. Yet, if it is universally accepted that every country and society has its own version of gender culture and patriarchy, why are all DAW eliminating strategies largely identical from country to country? My study finds little or no evidence of attempts to create nuanced solutions to local gender issues. By ratifying CEDAW, states get the benefits of a positive image without having to do all the work. This, across the board, contributes to the decoupling uncovered in this study. Thus, my recommendation for development practice would be the reimagination of gender-equalizing efforts from legal-institutional compliance to adaptation. A reimagined practice would involve local, innovative solutions and stronger collaboration with local agents of socialization.

In conclusion, I see this study as the tip of the iceberg. There is a lot of potential for country self-reporting to serve as a window to reading between the lines and looking behind the scenes of the sociology of development. Furthermore, this study has highlights that once again, decoupling as a phenomenon occurs at different levels of international development practice and can be uncovered in

various ways. As we encourage countries and international bodies to be more innovative in the creation of development solutions, researchers should also strive for the same.

## **Chapter 4 Conclusion**

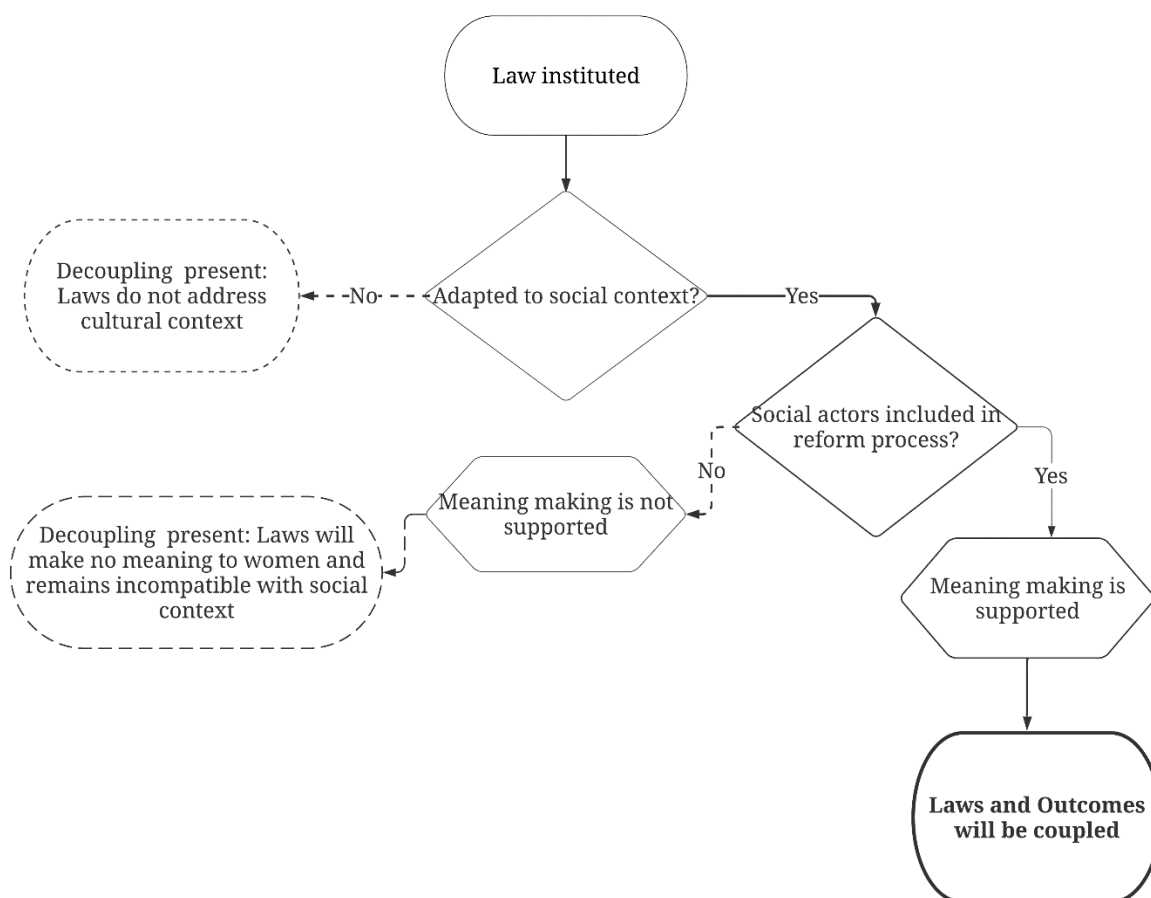
### **4.1 Summary of Main Findings**

Why does gender inequality persist in low- to middle-income countries despite concerted efforts towards gender equality? What part do policies and programs play in the success or failure of gender equity efforts? Do country self-reports reflect these efforts as they are, flaws and all? These are some of the questions my thesis seeks to address. In the following section, I connect the findings of both papers and the cohesive story they tell. Drawing on data from my mixed-methods studies, collectively spanning across 72 low- to middle-income countries over a 10-year period, this thesis displays the significant issues and different gaps that exist in international processes for supporting women and eliminating DAW. Taken together, these research papers show that the attainment of gender equality is inhibited by decoupling that is present at several stages of the equity promotion process.

Decoupling is the disconnect between reformative structures and the subjects for which the reform was intended (Bromley and Powell 2012). This disconnect leads to lip service or merely bluffing to pass inspection and avoid consequences. The default to law adoption, as results from both studies highlights, is often a form of window dressing. It is easier to establish laws than to enforce the models that such laws are expected to promote (Meyer et al. 1997). The results from Chapter 2 attest to this as they show that on their own, laws do not significantly impact women's access to quality employment. This is especially true if the adopting country does not have the capacity to effectively implement the policies or is governed by ideologies that are incompatible with the adopted laws (Austen 2016; Hafner-Burton and Tsutsui 2005; Snellman 2012).



This thesis highlights that decoupling is present in gender equality promotion efforts at various stages. Firstly, from Chapter 2, we learn that laws do not have a homogenously positive effect on outcomes for women. Though laws do have some impact, a better predictor of outcomes for women, particularly in the labour force, is the gender culture dominant in each region. The regional effect shows that in some areas, labour outcomes for women are decoupled from the laws that seek to prevent DAW in employment. This result indicates that, above all factors, social context matters most and must be addressed in all efforts to end DAW. Without intentional actions to modify adopted laws to suit the context, decoupling is all but inevitable (see Figure 4.1)



**Figure 4.1** *The path from law adoption to coupled outcomes*

Despite adopting the same type of legal measures, the varying outcomes by region suggest a sensemaking problem. As Austen (2016) explains, some forms of decoupling result when the subjects for which the reform was intended are not able to make sense of the changes. In this case, the laws are adopted from external sources, and governments are not prioritizing other home-grown means of promoting labour force equity. As such, the social forces limiting women remain unchanged, and women are unable to make sense of the laws aimed at protecting them (see Figure 4.1).

From my review of the CEDAW process and discourse analysis on CEDAW country reports, we see ample evidence that gender equality is treated as a common standard of civilization (Berkovitch and Bradley 1999; Giddens 2000; Meyer et al. 1997). CEDAW itself was founded on the idea that women's rights matter, women experience different vulnerabilities that are unique to them, and a genuinely progressive state provides for and protects women (UN General Assembly 1979). The notion of gender equality as a shared standard of civilization should result in isomorphism in the form of treaty ratification and law adoption among countries (Berkovitch and Bradley 1999).

Six UN member states are not a party to CEDAW. Among them are Iran, Somalia and Sudan (UNTC 2020). The reputation of these three countries as belligerent, repressive, rogue states preceded them. They are primarily known for their strict interpretation of Islam to the point of limiting freedom and infringing on the universal human rights of their citizens. This taints the countries' images and affects how other countries interact with them in the international community. This rogue state status clearly displays the effects of non-compliance with global norms, which most other countries wish to avoid. As results from Chapter 3 show, compliance with global standards in the form of treaty ratification is often taken an end in itself. Although treaties play a significant role in gender and development politics, they are only as impactful as the ratifying countries allow them to be. As studies have shown, countries ratify treaties and adopt laws as a form of window dressing. Ratification will

enable them to benefit economically and politically from being a welcomed member of the international community (Fallon, Aunio, and Kim 2018; Hafner-Burton et al. 2008).

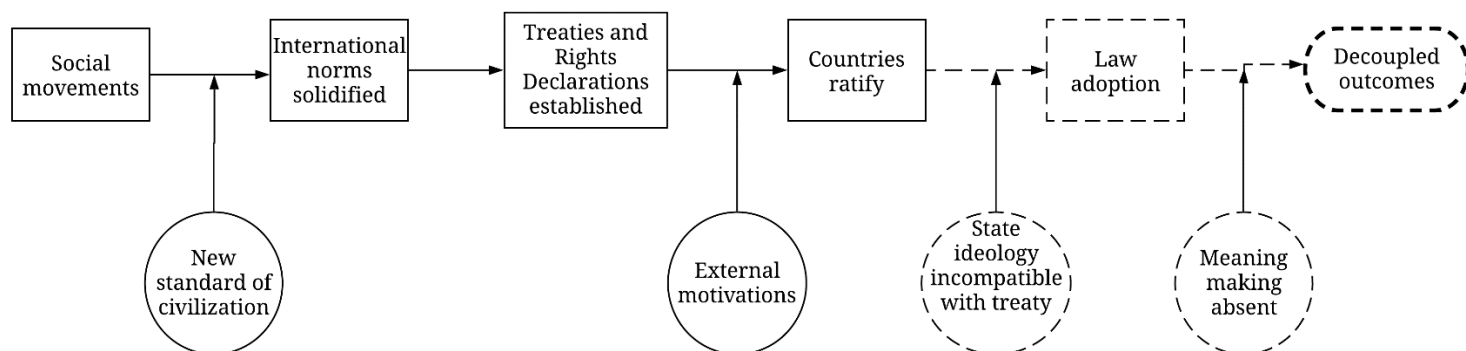
CEDAW serves as an instruction manual and educative tool for states looking to adhere to this world society script. While CEDAW does not promote laws as the magic solution to DAW, the treaty provisions support legal action as a crucial tool in the end-DAW effort. The policy approach is so popular because laws are considered the ultimate source of legitimate state control over social and cultural phenomena (Boyle and Meyer 1998; Hafner-Burton et al. 2008). In my sample of CEDAW reports, this preference for legal action is evident.

Most of the country reports analyzed show that policy adoption was the approach of choice for most aspects of end-DAW efforts. This preference for policy action is also the case in attempts to curb gender stereotypes. Even though gender stereotypes are clearly a social problem, countries are choosing to address them with laws. This indicates a lack of engagement with the process and suggests that ratifying countries are not engaging with CEDAW in the way it was intended. After all, Article 3 of the Convention requires states to take “all appropriate measures” to ensure that women can enjoy their rights as humans (UN General Assembly 1979). The appropriate measure in the case of a socio-cultural problem is not legal action but education, awareness-raising, working with local leaders to support a cultural shift. It is quite telling that only three countries in my sample incorporate a non-legal approach to stereotypes.

“Where” is more important than “what” when it comes to laws, particularly in the area of labour and employment, which is resistant to gender equity efforts (Kabeer 2008, 2012). Despite the difficulty in correcting labour market inequalities, the CEDAW reports in Chapter 3 show that countries are not prioritizing employment issues or are de-prioritizing reporting on it. This de-prioritization is another

form of bluffing through an inspection by diverting attention elsewhere to less contentious matters like education parity.

This overall preference for law adoption as a solution to DAW leads to another dimension of decoupling: the compliance vs adaptation issue. The decoupling of laws from outcomes and the absence of meaning-making suggests that countries are not engaging with the reform process but merely complying to avoid criticism. In Chapter 3, we see while countries employ discourse to promote their positive image, they continually refer to the motivation for their CEDAW effort as being compliant with international community norms. Attempts to adapt the laws and processes to local contexts appear minimal at best, and at worst non-existent. Again, it is easier to comply than to enforce an adaptation process to ensure that the existing unequal gender culture is directly addressed. In the CEDAW reports, there is no mention of programs that encourage local leaders and social institutions. These are apparent drivers of social transformation and a means of engaging with communities and promote meaning-making towards the elimination of DAW. The reports mention women's organizations as being part of consultations but not increased funding or intentional collaboration with these organizations, which are in direct contact with women. Compliance is easier to do, simpler to report on and quantify, but it is less effective than adaptation.



**Figure 4.2** *The path from social movements to decoupled outcomes*

The decoupled or loosely coupled chain starts from treaty ratification and eventually leads to decoupled outcomes (see Figure 4.2). There are two leading causes for this: external motivations and social context. First, the isomorphic development of structures and institutions, or treaty ratification and law adoption, is burdened with one fatal flaw: external motivations. Motivations, here, are external in the sense that the social reform that states hope to create with law adoption is influenced by norms in more advanced nations. Whereas the influencing countries were reformed gradually, after continuous waves of social movements, the adopting states are expected to skip the organic social movement phase. Law adoption is expected to promote the same social norms in adopting countries without a natural process of social change. The adopting state's motivations are also external in the sense that though the professed reason for law adoption is social reform, states appear more interested in the political and socio-economic benefits that the appearance of compliance gives. Thus, after treaties are ratified, and the law adoption process begins, countries do not engage with the laws and their principles to actively pursue social reform. This passive engagement with the treaty results in decoupling.

Secondly, due to external motivations, countries often fail to engage in social reform with the appropriate social tools. A country with religious or cultural beliefs that suppress women's freedoms will require a different approach from a secular state where hedonism is central in the culture. Both types of states may adopt the same laws. However, for such laws to be effective, reform strategies must include partnerships with existing social drivers, meeting women and men where they are, and supporting the meaning-making process.

To paint a realistic picture, here is an analogy. A CEDAW ratifying country is required to, among other things, take all appropriate action to protect women from sexual violence. Such a state may adopt a law criminalizing rape and sexual harassment. Yet, despite advocacy from civil society actors, this country fails to update its curriculum to include classes on consent and civic responsibility to report.

This (in)action may be justified by saying such subjects are not compatible with the country's "conservative culture." In this example, we see that the country's government is not motivated to bring social change. This undermotivation would lead to cohorts of students graduating with an incomplete sexual education and no differently socialized than the group before, leaving the social structure unchanged and reproducing the problem.

Country self-reporting and law adoption have one thing in common; they are both tools for national image protection and solidification. Though both were intended to promote accountability and support, social transformation, laws and country reports have become the ends in themselves. It does not help that mere compliance with global norms is often enough to ease internal and external pressure. States can access international community benefits without going the extra mile in adapting laws and treaty principles to their social contexts. This makes it easy for adopting countries to persist in practices and hold reservations that are incompatible with CEDAW's basic principles.

Legal measures alone cannot resolve the global epidemic of gender inequality and discrimination. Laws are useful but do not assure positive outcomes for all women, which is the aim after all. Gender biases originate in culture, and cultural differences in gender ideologies may give rise to regional variations on the effect of development projects (Bunch 1990; Giddens 2000; Hafner-Burton et al. 2008; Kabeer 2008b; Meyer et al. 1993; Momsen and Townsend 1987; Robnett 2000; Speak 2005). The cultural or social context should be targeted in end-DAW solutions and strategies. Adaptation needs to be supported over mere compliance; this will promote better grassroots solutions and refocus state intentions to the matter at hand. At every stage of the gender reform process, we must ask, what is the source of inequality? What is the goal of the approach to be chosen to tackle inequality? Does this solution address inequality at its source and build local solutions to a culturally-rooted problem?

## **4. 2 Contributions of Papers**

This thesis provides insights into three main areas.

### **For gender and development policy and practice**

This thesis raises questions about existing practices in development and the promotion of gender inequality. First, my thesis suggests a need to re-evaluate and reform policy processes. From international organizations and intergovernmental institutions promoting gender equity as a development goal, we need to see a commitment to prioritize adaptation over compliance. At the local level of policy implementation, fostering meaning-making must be part of the reform objectives. The establishment of policies and institutions is only the first step in the right direction. To ensure the reformation of gender culture, local leaders need to be engaged in promoting change among their constituents. Women's organizations are also crucial actors in supporting meaning-making, the production of other social materials in the form of entertainment is also encouraged. All in all, when seeking to protect and promote women's well being, the question should always be "for whom?" and "in what context"? Different groups of women are affected differently by various vulnerabilities; laws alone do not guarantee positive labour outcomes for women. Women can only truly move forward if the gender culture in their society evolves to embrace their rights and freedoms. For this to happen, it would require laws combined with implementation practices that address social context and promote meaning-making.

### **For World Society Theorists**

World Society theory has proven to be a useful lens for examining the dynamics in the international community. In particular, the concepts of isomorphism and decoupling, since 1997 has supported numerous research findings in the field. In my study, first, I expose decoupled outcomes using quantitative methodologies. Then, to further understand why outcomes are decoupled, using qualitative

methods, I magnify country-level practices to examine the root of law adoption. In doing so, I learn that decoupled outcomes were a result of cultural realities present long before laws are adopted. With my mixed-methods study, this thesis advances World Society theory and the way we study decoupling. It provides a framework for further World Society studies in understanding the role of social context in determining coupling in various development sectors. It also supports further discussion on the general categorization of decoupling into means-and-ends decoupling and policy-and-practice decoupling. Since decoupling uncovered from CEDAW reports does not adequately fit into either category, more studies using this mixed-methods framework may support the need to reorganizing our perceptions of decoupling.

### **For researchers**

While carrying out this research, it was glaring to me that discourse analyses were not popular among development researchers. I only found country self-reporting as a research subject for one other paper, despite that, various organizations and treaty bodies require countries to submit progress and implementation reports -often yearly. With my study, I hope to encourage further studies where reports and other documents employing as research subjects. Documents and reports are tools for social interaction and agents of action (Prior 2008). Especially in the international community, documents can be made to preserve or create an image, reflect reality or solidify a constructed reality. This study suggests that there is a lot to be learned from the discourse applied by state actors who are aware that words on paper have real implications for the social and political standing in the international community. Treaty bodies like CEDAW encourage reporting to promote accountability. Our work as researchers, especially in international development studies, is to be an additional check in the existing system of checks and balances.



### 4.3 Limitations

In Chapter 2, my study of gender inequality in the labour force focuses on labour force participation, paid labour, and precarious work. I acknowledge that these factors alone do not address the extent of limitations faced by women at work. Workplace harassment, discriminatory hiring, firing, remuneration, and promotion practices are among the many challenges that women face in the labour force. These were, however, outside the scope of my data and, thus, were excluded from my analysis. Also, this study was conducted at the mercy of definitions ascribed by data-gathering organizations to social phenomena that they are not a part of. Concepts like vulnerable work and precarious employment differ based on location and context. Notably, I treat increased female labour force participation as an indicator of positive outcomes for women. However, it is possible that some cultures and women may not share this opinion. Social context is an important concept that makes up a significant part of my research findings. Thus, to take for granted the idea that “positive outcome” means the same thing in the different regions I study would be hypocritical. Consequently, I acknowledge that the findings and conclusions of this thesis are limited by definitions of “positive,” which may or may not reflect the views of women this study seeks to support.

My study is also limited by data availability. Data on countries with smaller economies that do not prioritize data gathering and research is often unavailable. In Chapter 2, I was limited to a sample of about 60 countries out of 78 possible countries (World Bank 2020). This sample limitation occurred because data on the presence or absence of employment laws is not available for many low- to middle-income countries. The Small Island States are underrepresented in my sample for this reason. Therefore, the results of my study may not be representative of the situation in such states. A larger sample would have made the results from my research more widely applicable.

#### **4.4 Areas for further research**

The following research areas could be conducted to expand on the World Society theory and further our understanding of gender and development.

First, this thesis demonstrates the merits of discourse analyses and country self-reporting in advancing our understanding of the international community. As organizations increasingly require reports from members, the use of language as a self-defence mechanism is an interesting concept that deserves further investigation. For example, since 2012, the UN established the High-Level Political Forum, where countries report on their progress in attaining sustainable development goals (UN n.d.). Discourse analysis on these reports, using a World Society lens, is an important avenue for further research.

Secondly, there is a need to further investigate the meaning-making processes of women in societies undergoing the transformation of gender culture. If we are to further the attainment of gender equality as a global goal, it is crucial to know what does not work. It is just important to learn what works where and how it can be adapted to similar contexts. If we truly intend to make the world better for women, we need to be able to learn from the successes and failures of others to avoid the same mistakes being repeated.

Lastly, in the appendix, my report on decoupling in Newfoundland and Labrador's gender efforts shows that the social processes leading to decoupling are 'transituational.' The term transituational here refers to the phenomenon where the same social processes occur in different social contexts. In this case, this report illuminates that decoupled practices and policies are not unique to developing countries (Prus 1987). The decoupling of policies and practices is also not limited to the national context but is indeed present on the subnational level. Indeed, if gender equality strategies do not account for social context, the same generic social processes leading to decoupled outcomes occur, both in the developed and

underdeveloped world. However, international development research tends to focus on the developing world as the site of decoupling. My findings highlight that by focusing research on these countries, we risk missing out on useful insights that could help bring us closer to the goal of gender equality.

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## Appendices

### Appendix A: Table 2.6 Fixed Effects Model Output

	(1)	(2)	(3)	(4)	(5)	(6)
	F. Labour force participation rate, female (% of female population ages 15+)		F. Vulnerable employment, female (% of female employment)		F. Wage and salaried workers, female (% of female employment)	
Laws against employment discrimination (3-point scale)	2.760  (1.32)	2.864  (1.36)	-2.969  (-1.10)	-2.772  (-1.02)	3.018  (1.04)	2.832  (0.97)
GNI Constant USD 2010	0.000152  (0.45)	0.000186  (0.49)	-0.000280  (-0.58)	-0.000215  (-0.41)	0.000288  (0.56)	0.000227  (0.40)
% of time (24hrs) spent in unpaid care or domestic work	0.0115  (1.19)	0.0121  (1.25)	0.00178  (0.17)	0.00288  (0.27)	0.00129  (0.13)	0.000255  (0.02)
Fertility rate		0.893  (0.42)		1.693  (0.70)		-1.596  (-0.52)
% Female Secondary Enrolment	0.0756*  (2.66)	0.0805**  (2.93)	-0.0212  (-0.54)	-0.0119  (-0.34)	0.0239  (0.58)	0.0152  (0.42)
Constant	41.93***  (8.11)	38.90***  (4.50)	41.82***  (9.52)	36.08***  (3.89)	55.48***  (12.17)	60.89***  (5.47)
Observations	143	143	143	143	143	143

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

## **Appendix B: Decoupling of Provincial Gender Equity Efforts from the Needs of the Female Labour Force in Newfoundland and Labrador**



### **Decoupling of Provincial Gender Equity Efforts from the Needs of the Female Labour Force in Newfoundland and Labrador**

By

Princess C. Ilonze

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## **Executive Summary**

Among countries, international bodies, civil society and even individuals, gender inequality and women's protections are receiving a growing amount of attention. A lot of the focus when it comes to gender is on a country's reputation for being gender-conscious. However, state and provincial governments are equally responsible for promoting gender equality, and their efforts and progress have a bearing on a country's image. If the focus is solely on the national level, the shortcomings of provincial governments may go unnoticed while women remain in less-than-ideal conditions.

In this report, I focus on Newfoundland and Labrador, its traditional gender culture, and the provincial government's strategies to improve this. My analysis takes on a feminist perspective and examines gender (in)equity in the labour force and seeks to understand why, despite provincial efforts, NL falls behind other provinces in providing equitable conditions for women.

I review the literature on the status of women in Newfoundland from early settlement to present and find that gender dynamics have remained fundamentally unchanged. I learn that women in NL have always worked but continue to have their work undervalued. I also analyze provincial policy, programs and stance on gender and employment. In the process, I find that lessons learned from my thesis, a cross-national study, help further our understanding of challenges facing the Newfoundland government in supporting gender equity.

Primarily, this report finds that there is a mismatch between what NL women need and the programs and supports offered by the government. The policies and programs the provincial government provides are not developed based on the unique challenges NL women face but appear to be determined by generic scripts that may have worked elsewhere.

To improve labour conditions for NL women, the government needs to take intentional action explicitly catered to the needs of these women. Civil society and women's organizations are active in the province and are valuable resources for understanding the specific needs of NL women. Finally, the goal should be to support women, not only because it is convenient or generally beneficial for the province's image, but because women are human and deserve to be valued as such.

## Introduction

We cannot deny that addressing women's rights issues has become an integral part of modern society. Not only do countries worldwide create national policies and institutions to support these rights, but at state and provincial levels, gender equity strategies are also commonplace. Sub-national efforts towards promoting women's rights are just as crucial - if not more crucial - as national strategies. The approach by state governments has the potential to address cultural barriers to achieving equity that is specific to their localities. In this report, I explore women's rights policy and practice in Newfoundland and Labrador using tools developed in cross-national studies. My objective is to show that lessons learned from my thesis, a cross-national study, can improve our understanding of women's rights promotion efforts on a sub-national level.

Newfoundland and Labrador has a unique culture compared to the rest of Canada. As the last province to join Canada and with its location being relatively remote, Newfoundland and Labrador's society has developed differently and was (and is) globalized differently. It was one of the last to recognize women's suffrage (Parliament of Canada n.d.) and is currently behind other provinces in pay and employment equity (Ontario Equal Pay Coalition n.d.).

As of 2018, women in the province earn, on average, 66 cents for every dollar men earn (St John's Status of Women 2018). This is the second-highest gender pay gap in Canada and can be attributed to the gendered division of labour (Statistics Canada n.d.). Nearly 60% of minimum wage workers in the province are women (Telegram 2020). Women are also more concentrated in low skill, low reward careers and are more likely to work part-time than men in the province. This is all despite a provincial government that portrays itself as seeking equity for women and pressuring private employers to do the same. This begs the question, why are more positive results not forthcoming?



In this report, I review literature, policy documents, provincial strategies and data to understand the intersection of gender and work in Newfoundland and Labrador. In this review, I take on a development lens, analyzing the gender conditions from the viewpoint of gender and development literature. I also apply findings and theories developed from my MA thesis on the global field to help us better understand the subnational level. Seeing as subnational efforts are what culminates in the overall national status of women, discussion on provincial efforts provide crucial insights. My report focuses on gender relations on the island part of the province and seeks to answer the following questions:

- i. How have the efforts of the provincial government to promote gender equity in labour influence labour outcomes for women?
- ii. What are the factors that contribute to these outcomes?

In particular, I am interested in the decoupling of policies from practice and outcomes. Policies are instituted to produce specific results. In cases where results do not match policies, this is referred to as decoupling. I also seek to determine how coupled provincial gender-equalizing efforts are with global gender equality models.

In the following section, I briefly discuss traditional gender culture in Newfoundland and Labrador, tracing it back from the early fishing settlements, then bringing it to present-day concerns. Next, I review the status of women in Newfoundland and Labrador and government efforts to promote gender equity in the labour market. Then, I discuss the gaps uncovered between gender culture and provincial action from the lens of World Society theory and decoupling. Finally, I conclude this report with an overview of findings and recommendations for future action.

## **Gender Relations in NL: A Brief History and The Present Day**

Following European contact, life in Newfoundland and Labrador was organized around resource extraction. Settlement across the island, which was only seasonal at first, was based on easy access to fishing waters (Janzen n.d.). Eventually, as the English, French and Irish workers settled on the island and became Newfoundlanders, a society with its own culture solidified. The social norms developed in the province from the 1700s remain significant for understanding gender culture here today.

As workers migrated and settled in Newfoundland, two facts were important; first, there were fish that needed to be caught; second, men were required to catch these fish. For men to be comfortable and motivated to work, they needed their families and their wives. Women became a part of the equation because of their utility. Indeed, the women did prove useful as sexual partners, home founders and homemakers (McGrath, Neis, and Porter 1995:39). At the beginning of the 19th century, as the women became part of the equation, families started “summer settlements,” moving away from the busy fishing ports to lesser frequented coasts. Children grew into “beautiful daughters,” which encouraged young men seeking wives to also migrate to these settlements (McGrath et al. 1995:36). This started a cycle based not only on women’s ability to establish families but also on the work that women could do in a home. Settlements were on the brink of survival, and it was up to these homemakers to manage resources and maximize them for feeding, cleaning, and caring for all the members of the family. It was at this time the definition of “women’s work” was established in NL. Below is an excerpt from a poem which captures the extent of unpaid care work carried out by 19th century Newfoundland women.

We daughter of hard working

fathers and mothers all took home

economics as if we hadn't better things to study at school. Cooking.

Potatoes, of all things, chopped and mashed

or halved and broiled in their skins...

There was sewing too, for the daughters

of fishermen and lumberjacks

and rosy cheeked shop keepers...

Also quilt blocking, tatting, ironing, pins

in a smocked bodice, purple gingham, applique,

a crooked running stitch

And cleaning, our hair hidden in kerchiefs,

rubber gloves, mops with bleach, silver polish,

As if we owned silver or even considered it

-Home Economics by Carol Hobbs

Feeding the family at that time also meant taking care of animals like sheep, horses, cows and chickens. The wives were the ones who managed the money, making sure the family survived through seasons when fishing was impossible, and income slowed. They also contributed to household income by selling berries they had picked and trading dried fish. When it came to finances, women were the

managers, while men only played a supervisory role and gave approval. Women were also the primary health care providers, using folk remedies for simple illnesses. A few women in the community also served as midwives because doctors were rarely available (McGrath et al. 1995:37).

Women's work was a separate sphere from men's work or "real work"; the gendered division of labour was solidified. This gendered division of labour is not unique to Newfoundland and Labrador. Many other societies at that time operated similar social structures (Padavic and Reskin 2002; Reskin and Hartmann 1986). However, in addition to the responsibilities of doing "women's work," Newfoundland women dealt with the burden of the fishing schedule. Ellen Antler estimates that women contributed at least 50 percent to the fishing economy in Newfoundland (McGrath et al. 1995:41). Fishing and fish production was only half done without women working in the fish plants. The work did not end when the fish was caught. Workers were needed on the shore to process the fish and make it commercial. Fish was gutted, deboned, cleaned, cut, salted, dried and stacked on an assembly line by women (McGrath et al. 1995:40). Women in these fishing communities had a place in the economic unit of the family and contributed almost the same as men.

In short, Newfoundland women have always worked and been part of the active labour force. However, their work has not always been adequately valued. Similar to the gendered division of labour, the devaluation of women's work is consistent across societies (Reskin 1988). The importance ascribed to women's work does not appear to be based on any logical value system but merely serves to maintain gender hierarchies (Padavic and Reskin 2002). However, feminist research highlights that this devaluation takes different forms in various societies (Cohen and Huffman 2003; Lott 1985). In Newfoundland and Labrador, regardless of the arrangement within the family, outside the home, the men carried out the economic relations or women did so in the name of their husbands (McGrath et al. 1995:41). Equal participation in the economy of the family did not result in an egalitarian gender

culture. Patriarchal authoritarianism persisted while women continued to bear the double burden of homemakers and fish plant workers.

Time passed; the economy became more diversified. Life no longer had to be organized around fishing seasons, but the gender culture developed in the 19th century persisted. Women's work remains undervalued, and the burden of homemaker has not been lifted. However, much of Newfoundland and Labrador society continues to operate under the assumption that there is a female homemaker and a male breadwinner (Cullum, McGrath, and Porter 2006).

Workers in the province have a long history of migrating for work. A more recent employment trend affecting Newfoundland families is a form of migratory employment known as “fly-in-fly-out” or FIFO. FIFO is an arrangement that involves long-distance commuting to and from a place of work. Travel is usually done by airplane, although some variations of this arrangement include ground transportation such as buses (BIBO) or driving a vehicle (DIDO) (Barber 2016). Aside from constant travel, working a FIFO job also means that the worker is away from home, temporarily, for extended periods. Shorter arrangements include 14/14, 21/21 or 28/28, meaning that the employee works for two to four weeks and has an equal amount of time off. Long term FIFO arrangements exist where the employee is away from home for months at a time and is off work for more extended periods as well (Storey 2010; Taylor and Simmonds 2009). The FIFO model gained popularity among employers in the construction and extractive industries because it is cheaper than relocating workers and establishing worker towns (Storey 2010). For the worker, it represents an opportunity for well-paid jobs without the need to relocate permanently. However, for women, this is not necessarily beneficial as women face more constraints to their mobility than men (Power and Norman 2019).

Research has shown that this type of work has significant effects on family structure and community sustainability (Storey 2010). Due to the gendered nature of construction and extraction work,

employees in FIFO jobs are more often men (Barber 2016). If FIFO men are married or common-law partners, then their partner's lives are uniquely affected, especially if there are children involved.

Women's relationship with work is often influenced by their marital and parental status (Barber 2016). Younger women with no children can more freely choose the best opportunities available to them. For the partners and wives of FIFO men, her partner's work makes her a part-time single mom and limits her own career choices. She may have to work part-time and will be forced to find work that allows her to attend to her homemaker duties. For women who are tradespersons, things get more complicated. FIFO jobs are more financially rewarding, but as female parents, tradespersons often forgo these opportunities due to limited childcare resources. Unless a mom has other informal child care assistance, such as help from her siblings and parents, there are currently no affordable options for FIFO women (Barber 2016). These women are faced with a difficult choice. To be close to home, they must either spend a considerable amount on live-in childcare, settle for one of few available less lucrative trades positions, or be underemployed at a job where their skills are not utilized (Barber 2016).

Aside from tradespersons, other Newfoundland mothers and wives often make similar choices. A particularly vulnerable subgroup of women is the nineteen thousand plus single mothers in the province (Statistics Canada 2017). Being a single parent severely limits these women's employment pursuits, often leading them to part-time employment or low skilled jobs with flexible hours. Single or not, however, all Newfoundland women must navigate the labour force in a culture that assumes that there are a female homemaker and a male breadwinner. Despite efforts by the provincial government and CSOs, this hierarchical gender culture and disadvantageous organization of work holds steady and is a disadvantage to the female population.

## **Newfoundland and Labrador and the Status of Women**

In 1925, Women's rights to vote and to be voted for was officially recognized in the Dominion of Newfoundland and Labrador. This means the women of Newfoundland and Labrador waited longer than other women in Canada to gain suffrage. This is representative of the province's proactiveness (or lack thereof) in expanding and recognizing the rights of women (Parliament of Canada n.d.). Newfoundland and Labrador's development is similar to the slower rate at which low- to middle-income countries adopt women's rights protections compared to developed nations. In this aspect, Newfoundland and Labrador is comparable to less-developed nations in that the few gender equity programs in place are adopted in ways that improve its image but do not necessarily cater to the needs of women in the province. To date, there exists no official pay equity or employment equity legislation. Instead, the provincial government, through the Office of the Status of Women, chooses to address gender equity issues through recommendations, guidelines and promotion of best practices on the following basis:

...the prohibited grounds of discrimination are race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion (Newfoundland and Labrador 2010)

The above quote represents the only official legally binding provincial stance on gender discrimination. You will notice that gender discrimination is not explicitly addressed but instead is tackled using a generalized human rights approach lumping all equity-seeking groups together. This is comparable to a trend I noticed in the country reports in Chapter 3 of my thesis. Countries in my study also tended to lump women in with other vulnerable groups, take a generalized human rights approach as opposed to a targeted women-focused approach. This approach seeks to address all forms of

discrimination with one swift statement, which is not possible. That is not to say that the province does not make efforts to alleviate the challenges of women as a uniquely vulnerable group in the province. The Women's Policy Office (WPO) was established in 1985 to promote programs and policies that are favourable to women. The WPO, now the Office for the Status of Women (OSW), is also responsible for ensuring that policies, practices and programs in the province are beneficial to women and do not expose them to further vulnerabilities (OSW n.d.; WPO 2009). Among OSW's strengths are gender-based violence prevention and response programs, programs aimed at promoting equity for indigenous women, supporting women in leadership positions and gender-based analysis of policies and legislations (OSW n.d.).

Gendered employment and labour inequalities are known to be most resistant to change (Kabeer 2012). This is possibly why in my study of country reports, I found that many countries were silent on pay and employment inequity, or at least only glossed over it. Similarly, a review of OSW reports and publications shows an almost complete silence on issues of pay equity, employment equity and challenges faced by women in managing work-life. It is less complicated to stay mute on a difficult topic than to be seen failing and have one's public image suffer. According to St. John's Status of Women Council, as of 2018, women in Newfoundland and Labrador earn 66 cents for every dollar a man makes (St John's Status of Women 2018). Newfoundland's wage gap is the widest in the Atlantic region, is 4 cents lower than the regional average and is second only to British Columbia (64 cents for every dollar) on the national level (Statistics Canada n.d.). Compared to other provinces, Newfoundland women earn the lowest median income (St John's Status of Women 2018). In 1988, the Newfoundland government signed a Pay Equity Agreement with the Newfoundland and Labrador Association of Public and Private Employees (NAPE). With this agreement, the government agreed to several payouts over time, to increase women's wages to be on par with men. The government, however, reneged on this agreement



and, in time of fiscal crisis, decided that it could not afford to pay women equally (Supreme Court of Canada 2004). Despite constant pressure from CSOs and labour unions, Newfoundland and Labrador presently does not have specific pay equity legislation (CBC News 2018). The Labour Standards Act does not address equitable hiring and compensation (Advanced Education Skills and Labour n.d.). On the matter of pay equity, OSW and the provincial government focuses the majority of its efforts on guidelines and agreements with unions and public sector employers (Ontario Equal Pay Coalition n.d.). This leaves women outside these organizations unprotected and vulnerable.

Aside from pay inequality, another major challenge facing working women in the province is the issue of “women’s jobs.” I mean this in the sense that female employment in the province is highly concentrated in sectors where potential income is low. NL’s female labour force dominates the services industry. This means that, as of 2017, over 80% of the province’s female labour force earns an average weekly wage of CAD900 (Stats NL 2018a, 2018b). Compare this to CAD1400, which is the average weekly income of other industries such as production, manufacturing and scientific or technological services. Clearly, female workers are at a disadvantage. Also, noting that gender-disaggregated provincial data on average weekly wages is not available, there is a high possibility that the reality is even direr (Stats NL 2018a). This issue has not gone unnoticed by the provincial government. Notably, organizations such as the Women in Resource Development Corporation (WRDC) and Women in Science and Development NL (WISE NL) are continually lobbying for concerted solutions to the deficit of women in highly skilled work.

As a solution to this issue, starting in 2018, the government of NL established requirements for Women’s Employment Plans (WEPs) on infrastructure projects within the province. A review of published the WEP for the Placentia Bay Atlantic Salmon Aquaculture project shows the hopeful projection for female employment without a real plan on how to recruit women (Grieg Newfoundland

Salmon Ltd. 2016). As of February 2020, two projects in Corner Brook have established WEPs and are said to have been implementing them, although reports of the effectiveness of the plans are not available (Gov of NL n.d.).

Another strategy the government has adopted is the promotion of apprenticeship in skilled trades through the establishment and funding of the Office to Advance Women Apprentices (OAWA). OAWA is a model adopted in other provinces like New Brunswick and Nova Scotia. The office keeps records of female apprentices and journeypersons, connects them with employers where possible and subsidizes the cost employing these apprentices (OAWA n.d.). There is, unfortunately, no way to examine the success of OAWA because the office has no publicly published reports.

Also, in collaboration with other Atlantic provinces, the NL government produced a guide to gender-diverse hiring targeted at large scale private employers. Again, like the WEPs, the success of this strategy is unknown. In one diversity plan report by Husky Energy (2018), the company reports an increase in the female share of employment from 14% to 22% in 17 years. This is very far from gender parity. There is also concern that women are mostly not employed in highly skilled jobs in such corporations but are instead engaged in low level clerical and administrative roles.

Aside from the lack of legislation prioritizing an equal gender-diverse labour force in the province, all government strategies are missing a crucial piece. Women Employment Plans, OAWA, OSW and other plans fail to address the ongoing influence of NL's gender culture. This could explain why the success of these strategies has been marginal at best.

## **World Society and Decoupling of Provincial Efforts from Local Gender Culture**

Canada prioritizes women; this is the impression that the federal government's actions leave in the minds of Canadians and outside observers alike. Gender equality, as a globally accepted goal, has become a significant indicator of a developed and progressive nation. The Trudeau government, in its first term, solidified Canada's gender-progressive image by taking steps like ensuring the cabinet was gender diverse and that foreign policy took on a feminist perspective (Aiello 2019; Global Affairs Canada 2017). This progressive image, however, does not necessarily apply on a provincial level. It varies from one province to the next and often fluctuates based on the provincial leader in office. Thus, a clear picture of Canada's performance on gender equality only is developed when national and provincial dynamics and conditions are examined side-by-side. A review of the provincial government's efforts to promote gender equity in the Newfoundland and Labrador labour market makes it apparent that there is a disconnect between what women need and where provincial efforts focus. The government of NL acknowledges that gender matters and action is necessary, yet the outcomes fall short of expectations.

The gap between provincial efforts and labour force outcomes for women, from the perspective of World Society theorists, is referred to as decoupling. There are several theories on why decoupling occurs. In 1997, Meyer et al. presented a hypothetical scenario to explain why nation-states around the world are developing in similar ways. In this analogy, an island is discovered, where its culture, political structure, and social norms have developed without any external influences. Meyer et al. predict that shortly after discovery, a government like a modern democracy would form on the island. Norms like universal human rights and the protection of vulnerable groups such as women, children and seniors would become necessary. Coincidentally, most of the population of Newfoundland and Labrador lives on an island, somewhat isolated due to its location, that developed under unique circumstances. Its

location also makes it easy for it to develop at a different pace. The island's relative isolation also helps with the preservation of its culture, separate from the rest of Canada. The province, just like Meyer et al. predicts, did adopt norms of human rights and protection of the vulnerable, albeit slower than the rest of the country. However, the adoption has not necessarily been seamless. Decoupling occurs here because the strategies adopted appear to take the provinces' cultural context for granted (Austen 2016; Bromley and Powell 2012; Cole and Ramirez 2013).

I do not mean to imply that the programs and initiatives the government of NL and the OSW have implemented are useless. However, some considerable gaps left unaddressed leave women significantly exposed and unable to access the same opportunities as men in the workforce. These gaps broadly stem from the gender culture established in early fishing settlements that persist today. To start with, legislation on pay equity and employment equity is notably missing this province. My cross-national study on the effectiveness of laws shows that legislation is not the be-all and end-all solution to workforce inequality. However, laws do have their merits and serve as a good foundation for further progress. It is doubly concerning that the province had agreed to support pay equity in the past but changed its plans and has not revisited the issue. This perpetuates the undervaluing of women's participation in the labour force and is not so different from women being undervalued in the early fishing settlements. In fact, by going back on its 1988 Pay Equity Agreement because it was not fiscally viable, the government sent a message. It acknowledged that women were underpaid and that it was a way in which the province saved money. Why did women have to take the hit from an economic downturn? Why not share the burden equally among everyone?

Aside from pay equity, there is also the issue of marital and parental status and the ways it severely disadvantages women in the province. Without help from family and friends, mothers often forgo opportunities for their children or pay expensive rates for childcare. As a result, NL women often

opt for lower-income jobs, part-time work or other precarious work conditions. The motherhood penalty is a reality in the province, but no strong initiatives exist to combat it. The motherhood penalty makes it such mothers are prejudged as less committed than men and women without children, making them less desired by employers. Additionally, mothers burdened with the need for childcare support in order to work often are unable to access these services due to financial constraints or other challenges (Bernard and Corell 2010).

The case of decoupling in Newfoundland's approach to workplace equity highlights the distinction between generally accepted best practices and programs specifically designed for the local context. Without legislation on the matter, pay equity and employment equity are merely suggestions. Companies may adopt the measures recommended by the province, but either way, there are no real consequences. The OSW programs that exist do address some of the needs of women. However, what is lacking is programming in childcare support, provisions for tradeswomen and single mothers and efforts to shift the perception of "women's work" in general.

## **Conclusion**

In this report, I have reviewed the status of women and gender culture in the Newfoundland and Labrador labour force. First, I provided a brief history of women at work in Newfoundland and Labrador and tied this history with the present-day work situation. I discussed the challenges women face in pursuing employment, some of which are rather peculiar to the NL context. Next, I examined the official stance of the Newfoundland and Labrador government on the status of women at work. I presented a brief overview of what policies, programs and strategies exist and what does not. Finally, I tied in the

concept of decoupling to explain the divide between provincial efforts and women's needs in the labour market.

This report highlights the development and underdevelopment of provincial support for women in the workforce. History suggests that women's rights to equitable treatment have not been prioritized in ways it should have. Primarily, this report uncovers a disconnect: gender culture in NL, for the most part, has not evolved out of "female homemaker" cultural assumptions, but legal and institutional frameworks do not adequately address that. The absence of provincial law and the choice of programming by the OSW both turn a blind eye to the motherhood penalty. The decoupling present here mirrors the results of my cross-national data analysis. This reiterates that decoupling is not only an issue to be examined on a national level. It also suggests that there are benefits to exploring this phenomenon at the subnational level of both developed and developing states. Addressing subnational decoupling has the potential to boost coupling at a national level.

Pay equity and employment equity are issues that need to be tackled with legislation. If, for no other reason, such laws would send a message to employers that the province means business about equitable treatment of women. Laws are not everything, however. The real work lies in providing for and supporting women in areas where marital and parental status seems to disadvantage them. Laws can support equal pay of women, but if a tradesperson has no access to affordable childcare, she is likely to forego a potentially high-income job.

Provincial strategies for promoting gender equity in the workforce are decoupled from the source of gender discrimination, i.e. long-term cultural assumptions about appropriate gender roles and expectations. The government seeks to address the issue without building the right foundation to support the growth of working women. This study shows that women in Newfoundland have always worked. The problem is the culture that undervalues their work and forces them to prioritize the home over

participating in the economy. This issue will still resurface no matter how much weight is put on private profit-making institutions or public project coordinators to recruit women.

To move forward, OSW and the Government of NL will have to take intentional action. Policies and programs need to be developed based on the unique challenges NL women face and not based on what is known to work elsewhere. The first step may be listening to CSOs that have continued to lobby for a new pay equity agreement. Regardless of what steps are taken, the objective should always be to support and protect women not because it is economically convenient or beneficial, but because women are human and deserve to be valued as such.

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