



HOUSE OF COMMONS  
CANADA

# **CHAPTER 1, "GENDER-BASED ANALYSIS," OF THE SPRING 2009 REPORT OF THE AUDITOR GENERAL OF CANADA**

## **Report of the Standing Committee on Public Accounts**

**Hon. Shawn Murphy, MP  
Chair**

**APRIL 2010**

**40th PARLIAMENT, 3rd SESSION**



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**40th PARLIAMENT, 3rd SESSION**

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# **THE STANDING COMMITTEE ON PUBLIC ACCOUNTS**

has the honour to present its

## **FOURTH REPORT**

Pursuant to its mandate under Standing Order 108(3)(g), the Committee has studied Chapter 1, “Gender-Based Analysis,” of the Spring 2009 Report of the Auditor General of Canada and has agreed to report the following:

## INTRODUCTION

Government policies and programs can have an impact on existing inequalities between women and men. Gender-based analysis (GBA) is an analytical tool used to assess how policies might impact men and women differently. When used effectively, GBA attempts to integrate gender sensitivity at each stage of the policy analysis process.

In 1995, pursuant to the United Nations Fourth World Conference on Women in Beijing, the federal government committed to implement gender-based analysis. Concurrent with the UN Conference, the government published *Setting the Stage for the Next Century: The Federal Plan for Gender Equality*,<sup>1</sup> an action plan for implementation of GBA throughout federal departments and agencies. Since that time, the government has reiterated on a number of occasions that it intends to fully implement GBA in government processes.

In April 2008, the House of Commons Standing Committee on the Status of Women recommended that the Office of the Auditor General of Canada (OAG) examine the implementation of GBA in the federal government. In response, the OAG undertook an audit to determine whether selected departments conduct GBA, and whether they use the findings to adequately support decision making on policy and program spending initiatives.

The audit was released in the Auditor General's Spring 2009 Report.<sup>2</sup> The audit report found that despite efforts to improve GBA practices in a few departments and central agencies, many departments had failed to meet the government's 1995 commitment to analyze gender impacts.

Concerned that the deficiencies noted in the audit could produce public policy that may, in some instances, adversely impact Canadian women, the Public Accounts Committee held a meeting on the audit on 19 October 2009.<sup>3</sup> From the OAG, the Committee met with Auditor General Sheila Fraser; and Richard Domingue, Principal. Status of Women Canada was represented by H  l  ne Dwyer-Renaud, Director, Gender-Based Analysis Support Services; and Nanci-Jean Waugh, Director General, Communications and Strategic Planning Directorate. The Treasury Board Secretariat was represented by Michelle d'Auray, Secretary of the Treasury Board. The Privy Council Office was represented by Neil Bouwer, Assistant Secretary to Cabinet, Social Development

<sup>1</sup> Status of Women Canada, *Setting the Stage for the Next Century: The Federal Plan for Gender Equality*, August 1995.

1, [http://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_200905\\_01\\_e\\_32514.html](http://www.oag-bvg.gc.ca/internet/English/parl_oag_200905_01_e_32514.html).

<sup>3</sup> House of Commons Standing Committee on Public Accounts, 40<sup>th</sup> Parliament, 2<sup>nd</sup> Session, Meeting 33.



Policy. Finance Canada was represented by Louise Levonian, Assistant Deputy Minister.

The Committee notes that it is not the only parliamentary committee to study the issue, and that the OAG has previously appeared before the Standing Committee on the Status of Women in relation to the audit.<sup>4</sup> The findings of this report are meant to complement the valuable work that has been performed by the Status of Women Committee on GBA.

## **BACKGROUND**

Responsibility for performing GBA is shared throughout the federal government. Sponsoring departments are tasked with performing GBA for their specific policy initiatives. The central agencies, such as Finance Canada, the Treasury Board Secretariat (TBS), and the Privy Council Office (PCO), then perform a challenge function to ensure GBA has been properly considered in policy proposals.

The PCO acts as the gatekeeper for departmental submissions to Cabinet, ensures that the submissions are consistent with the government's overall policy direction, and helps to coordinate departments on horizontal issues. The primary instrument used by departments to seek the Cabinet's approval for policy initiatives is a Memorandum to Cabinet (MC). Though the MC is the responsibility of the sponsoring department, each of the central agencies is involved in its drafting. The PCO ensures that the MC is appropriately written, and that the aims of the policy initiative are consistent with the government's priorities. In the MC templates made available on the PCO website, it is suggested that gender issues be considered where appropriate.

The TBS functions as the government's management board, and oversees the operations of the federal government, particularly from a financial management perspective. When policy approval is gained at the MC stage, departments must draft a Treasury Board (TB) submission. When TBS receives a submission from a department, it is required to perform a challenge function to make certain that the submission is complete. TBS analysts are responsible for ensuring that funding submissions are consistent with the Board's policies on departmental administration, that they clearly identify costs and the source of funds, and address possible risks.

The *Guide to Preparing Treasury Board Submissions* states that GBA should be included in the initial stages of the approval process (at the MC stage for example), and

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<sup>4</sup> House of Commons Standing Committee on the Status of Women, Meeting 24, 2 June 2009, <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3947958&Language=E&Mode=1&Parl=40&Ses=2>

that, at the TB submission stage, departments should “proceed with a last check to ensure their proposal is GBA compliant, and report their findings in the TB Submission.”<sup>5</sup>

Status of Women Canada (SWC) is a departmental agency under the portfolio of Canadian Heritage. SWC works to advance equality for women, putting particular emphasis on increasing women’s economic security and eliminating violence against women. Within the federal government, SWC leads the process of implementing the 1995 *Federal Plan for Gender Equality*. SWC works with federal departments and agencies to help them take into account gender impacts when developing policies and programs. It has encouraged departments to carry out GBA pilot projects and other targeted efforts. SWC support has included knowledge transfer, training, assistance, and GBA capacity building.

## **ACTION PLAN AND PROGRESS REPORT**

The OAG made a number of recommendations intended to improve GBA at each stage of the policy analysis process. As the government departments in question have agreed with all but one of the recommendations, the Committee anticipates that they will be fully implemented.

In order to demonstrate commitment to the implementation of OAG recommendations, the Committee expects an action plan that details what actions will be taken in response to each recommendation agreed to by the departments, specifies timelines for the completion of the actions, and identifies responsible individuals who will ensure the actions are undertaken in a prompt and effective manner.

In response to the audit, the departments in question produced an action plan, which was provided to the Committee prior to the hearing. While the action plan responded to the OAG’s recommendations, a number of the responses provided by the central agencies seem to display an inadequate appreciation of the challenges the government is facing in implementing GBA. For example, the action plan states that the PCO and TBS “will continue to provide departments with guidance on the need to develop policy and program proposals...”. The wording suggests that the agencies believe that the actions they have taken in the past are sufficient to respond to the problems identified in the audit report. However in the Committee’s view, if the status quo were adequate, the OAG would not have made the recommendations that it made.

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<sup>5</sup> Treasury Board Secretariat of Canada, *A Guide to Preparing Treasury Board Submissions*, 2007, [http://www.tbs-sct.gc.ca/pubs\\_pol/opepubs/TBM\\_162/gptbs-gppct-eng.pdf](http://www.tbs-sct.gc.ca/pubs_pol/opepubs/TBM_162/gptbs-gppct-eng.pdf)

The Committee is reassured by the more substantive commitments that SWC provided in response to the recommendations. The Committee believes that SWC should be taking a leadership role on GBA implementation, and that SWC is best placed to close the accountability loop by reporting on the government's progress on implementing its action plan. The Committee recommends:

#### **RECOMMENDATION 1**

**That Status of Women Canada, by 1 December 2010, provide an interim status report to the Public Accounts Committee on the progress the government has made in implementing the action plan.**

#### **OBSERVATIONS AND RECOMMENDATIONS**

The audit examined gender-based analysis in seven departments: Finance Canada, Health Canada, Human Resources and Skills Development Canada, Indian and Northern Affairs Canada, Justice Canada, Transport Canada, and Veterans Affairs Canada. The OAG looked at whether these departments had established a framework to support GBA and had reported the results of their analyses in Treasury Board submissions and memoranda to Cabinet. The audit also examined the role played by the central agencies in challenging departments and agencies on GBA when proposals were submitted for Cabinet, and the role played by SWC in supporting the implementation of GBA.

##### **a) Gender-Based Analysis Frameworks at the Departmental Level**

The OAG found considerable variation in the extent to which departments had developed and implemented a GBA framework. Indian and Northern Affairs Canada was clearly a leader, as it was the only department that had fully implemented all the elements of a GBA framework. Finance Canada, Human Resources and Skills Development Canada and Health Canada had implemented many of the key elements of an appropriate GBA framework. The audit reported that Transport Canada and Veterans Affairs Canada had no GBA framework at all.

The audit found that for many initiatives, there was no evidence that gender analysis was performed. Moreover, few of the departments that were performing gender analyses were able to demonstrate that these analyses were used in designing public policy. In the OAG's assessment, GBA was conducted if there was either documented research on gender impacts, or if it was determined that the impacts had been considered in developing policy options. Of the 68 initiatives that were reviewed to verify if GBA had been performed, there was evidence that GBA had been integrated in the policy development process in only 4 of the initiatives. In 30 of the initiatives, gender impacts were analyzed, but there was no evidence that the analysis was considered in developing public policy options. When the Auditor General appeared before the

committee, she reported that in 26 initiatives, her office could not find any evidence at all that GBA had been considered, “even to exclude it as being not relevant.”<sup>6</sup>

In addition, the OAG found that departments provided limited information to the central agencies on the gender impacts of proposals. There was no reference to gender impacts in 15 of the 28 MC’s and in 8 of the 21 TB submissions that were examined. There was no indication why this information was not reported.

The Committee recognizes that there are policies and programs that are gender neutral, and that in some circumstances, GBA may not be necessary or relevant. However the Committee notes that in many cases there was an absence of any documented evidence that the department had considered GBA at all. The informality of the process calls into question the government’s stated commitment to integrate GBA into policy development, and is a cause for concern.

The Committee believes that even where it is decided that GBA is not relevant, departments should be able to provide documentation demonstrating that GBA was considered, which should include the reasons GBA was determined not to be relevant. Where GBA is relevant, details on how the analysis has been integrated into policy options should be provided. This information should then be included in MCs and TB submissions. The Committee recommends:

## **RECOMMENDATION 2**

**That the Treasury Board of Canada Secretariat and the Privy Council Office require departments to provide written reasons as to why gender impacts were deemed to be relevant or not relevant in any particular Memorandum to Cabinet or submission to the Treasury Board, including a written explanation, when relevant, of how gender-based analysis was considered in developing policy options.**

### **b) The Central Agencies’ Challenge Function**

The audit found that the central agencies were unable to demonstrate evidence that GBA was integrated into their reviews of spending initiatives or policy proposals. The OAG recommended that TBS, the PCO and Finance Canada document the challenge function they exercise when spending initiatives and policy proposals are submitted by departments and agencies for Cabinet consideration.

In response to that recommendation, TBS, the PCO and Finance Canada argued that the challenge function “does not lend itself easily to documentation” and was generally

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<sup>6</sup> Meeting 33, at 15:50.

done informally and orally, as part of their day-to-day work with departments.<sup>7</sup> The central agencies stated that documentation would not inherently improve the nature of the challenge function, but would require considerable resources. The central agencies argued that the current arrangement ensures that decision makers have access to the best and most relevant information possible for decision making.

At the Committee meeting held on the audit, the Auditor General maintained that documentation was necessary:

I have serious concerns with the lack of appropriate documentation when I am told that evidence of challenges to gender-based analyses exists only in a Cabinet confidence to which I do not have access. This is not acceptable. I believe that it is crucial for central agencies to maintain documentary evidence of key responsibilities, such as their challenge of proposals and initiatives going forward to Cabinet and Treasury Board.<sup>8</sup>

At the same meeting, the Secretary of the Treasury Board suggested that while there should be a requirement for documentation that GBA had been considered, the role should be played by the departments themselves:

We agree there needs to be better documentation and it should be in the departments and agencies. They're best placed to tell us whether they have done the analysis, how they have done it, and where it is linked to their own policy and development. So I don't want to leave the impression that we're against the documentation. We would welcome the documentation as well, and that's why we would like to see it done in departments and agencies. That would make our challenge function a lot easier.<sup>9</sup>

The Committee notes that while the central agencies gave assurances that gender impacts were being performed informally, the audit found scant corroborating evidence that GBA was being taken into account. The Auditor General stated that she found it surprising that there was nothing in writing, and that the entire challenge function in regards to GBA was done verbally. The Auditor General stated she “would have thought that there would have been at least, as a minimum, a notation to a file somewhere that this had been conducted. If it was never recorded anywhere, then how would supervisors know if those questions had ever been asked?”<sup>10</sup>

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<sup>7</sup> Report of the Auditor General of Canada, Spring 2009, Chapter 1, at para 1.69.

<sup>8</sup> Meeting 33, at 15:35.

<sup>9</sup> Meeting 33, at 16:40.

<sup>10</sup> Meeting 33, at 15:50.

The Committee believes that the central agencies should be actively using the challenge function to ensure that GBA is being performed. The informality with which the central agencies presently carry out these responsibilities may allow policies to be implemented without any verification that GBA was considered in the policy process. As a representative from SWC said during the Committee meeting, the “challenge function is obviously something that could be added in the realm of accountability, and it would be very useful.”<sup>11</sup> A small notation to file should be feasible, and would not be onerous. Such a notation is important not only for external verification, but also so managers within the central agencies have assurance that their analysts are following internal guidance. The Committee agrees, and recommends:

### **RECOMMENDATION 3**

**That the Treasury Board of Canada Secretariat and the Privy Council Office develop more formal procedures within the challenge function to verify that departments and agencies are fulfilling their role with respect to GBA, including a written confirmation by the central agencies on whether a gender impact analysis was conducted, and whether it was considered in developing policy options.**

### **c) Overall Government Commitment to GBA**

The fact that some departments audited did not have any GBA framework at all, while others have not fully implemented GBA frameworks, suggests that government’s commitment to implementing gender-based analysis has not been adequately publicised. The Auditor General stated as follows in the course of her testimony before the Committee:

There is no government-wide obligation to undertake GBA, and the government’s commitment to implement GBA has not been clearly communicated to departments and agencies. These are key factors that could explain why GBA practices vary greatly among the departments we reviewed, GBA is not regularly performed, and little information on gender impact is reported to cabinet and Treasury Board.<sup>12</sup>

There seems to be confusion among various departments and agencies on the extent to which GBA should be performed. In the Committee’s estimation, departments may be receiving mixed messages about importance of GBA in the policy process. The Committee recommends:

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<sup>11</sup> Meeting 33, at 16:05.

<sup>12</sup> Meeting 33, at 15:35.

#### **RECOMMENDATION 4**

**That the Treasury Board Secretariat clarify the government's commitment to GBA, and develop a communications plan to provide clear guidance on what is expected of departments in relation to GBA.**

The OAG expressed concerns over the leadership role of the central agencies in promoting GBA, and recommended that they provide support to SWC to help the government meet its 1995 commitments. At the meeting held on the audit, the Secretary of the Treasury Board explained how the central agencies interact with SWC:

Status of Women Canada serves as the centre of excellence for GBA. We are not a substitute for this agency because it has the necessary skills and expertise. However, we do have the ability to put mechanisms in place to ensure that departments meet their obligations and to help us assess their performance. This is part of our job as a central agency.<sup>13</sup>

In the audit report, the OAG pointed out that SWC "is not a central agency, and cannot be prescriptive or act alone in promoting GBA - it can only be supportive."<sup>14</sup> In the Committee's view, SWC must have the full backing of the central agencies in order to better promote GBA.

To measure progress on fulfilling the government's 1995 commitment to implementing GBA, the OAG recommended that SWC, with the support of TBS and PCO, should assess the implementation of GBA across the federal government and the effectiveness of GBA practices. In their response to the recommendations, SWC stated that it would do so, "however its success will depend on the support given by the central agencies and additional resources sought."<sup>15</sup> The Committee believes that GBA is an important initiative, and that SWC should be provided the resources they needed to conduct the assessment. The Committee recommends:

#### **RECOMMENDATION 5**

**That the government ensure that Status Of Women Canada has sufficient resources to assess the implementation and effectiveness of the government's GBA practices, and that SWC provide the Committee with an update on its assessment when it is completed.**

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<sup>13</sup> Meeting 33, at 17:15.

<sup>14</sup> Report of the Auditor General of Canada, Spring 2009, Chapter 1, at para 1.51.

<sup>15</sup> Report of the Auditor General of Canada, Spring 2009, Chapter 1, at para 1.79.

## **CONCLUSION**

Canadians expect their government to produce public policy that does not adversely impact Canadian women. The audit indicated that while certain departments have been integrating GBA into their public policy process, there are no accountability mechanisms to ensure that they do so. The Committee hopes that the central agencies will use their challenge role to impose a more rigorous standard of review of departmental GBA, and that SWC will be given the resources to assess and promote GBA throughout government. The government should clarify Canada's overall commitment to GBA and provide additional direction to departments on their obligations in undertaking this important policy analysis.



## APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<b><u>40th Parliament, 2nd Session</u></b>		
<b>Department of Finance</b> Louise Levonian, Assistant Deputy Minister Tax Policy Branch	2009/10/19	33
<b>Office of the Auditor General of Canada</b> Richard Domingue, Principal Sheila Fraser, Auditor General of Canada		
<b>Privy Council Office</b> Neil Bouwer, Assistant Secretary to the Cabinet Social Development Policy		
<b>Status of Women Canada</b> Hélène Dwyer-Renaud, Director Gender-Based Analysis Support Services Nanci-Jean Waugh, Director General Communications and Strategic Planning Directorate		
<b>Treasury Board Secretariat</b> Michelle d'Auray, Secretary of the Treasury Board of Canada Catrina Tapley, Executive Director and Gender-Based Analysis Champion International Affairs, Security and Justice Sector		

## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings (40th Parliament, 3rd Session: [Meeting No 2](#); 40th Parliament, 2nd Session: [Meetings Nos. 33, 43 and 45](#)) is tabled.

Respectfully submitted,

Hon. Shawn Murphy, MP

Chair

## **Chapter 1 of the Spring 2009 Report of the Auditor General of Canada- Gender Based Analysis**

### **SUPPLEMENTARY OPINION**

#### **Presented by the members of the Committee representing the Conservative Party of Canada**

CPC Members want to highlight that Canada is, and will continue to be, a leader in Gender Based Analysis (GBA). In recognition of the critical importance of implementing GBA, the Conservative Party of Canada introduced a series of measures that would facilitate the full participation of women in the economic, social, and democratic life of Canada. Upon election in 2006, the Conservative Party sought to fill a void left by the previous Government, and thereby began a process for ensuring that gender based analysis was conducted in all departments and agencies. Since 2006, our Government has been a leader in improving the systems and programs that uphold standards of accountability with regard to gender based analysis.

In 2006, the former Minister of State for the Status of Women, the Honourable Bev Oda, responded to a report tabled by the Standing Committee on the Status of Women, entitled "Gender Based Analysis: Building Blocks for Success." In that response, the Government highlighted that, on the premise that gender based analysis and gender equality depends on mechanisms of sustainability and accountability, central agencies (TBS, PCO, and Finance) would for the first time appoint senior officials who would act as champions of GBA. In clarifying the responsibilities of those central agencies, the Government reinforced its goal to promote horizontal policy-making that had evidence of gender-specific research. Through the provision of GBA training, and with oversight of the appropriate use of GBA, TBS and PCO officials were able to strengthen the extent and quality of gender considerations in policy development. While the integration of GBA remained under the purview of individual departments, SWC continually supported the practice through the development of various strategic frameworks.

Furthermore, through Finance Canada, the Government conducted GBA on the fiscal measures proposed in Budget 2006, setting in motion a standard that would require all subsequent Budget proposals to include GBA. In the following year, the Government took further steps to address the gender impacts of policy proposals and spending initiatives. The 2007 Guide to Preparing Treasury Board Submissions made it compulsory for all departments and agencies to include evidence of GBA in their reports. This requirement was expanded to include all memoranda to Cabinet; as of 2008, those submissions would undergo assessment to ensure gender impacts were considered and reported.

As of late 2009, the results of SWC and the Government's accomplishments in the area of GBA were quantifiable. Aside from the greater interest among federal institutions to have SWC's assistance in GBA training, the number of GBA analysts in central agencies substantially increased, and the TBS and PCO had developed their own methods of GBA. Through SWC's continued emphasis on the application of GBA, departments and agencies had become proactive in the application of not only gender-specific, but also culturally-relevant forms of analysis. According to the 2008-2009 Department Performance Report, collaborative efforts focused on GBA had set a new precedent for improved policy positions that would strengthen women's participation.

Most recently, SWC has released a Government Action Plan on Gender-Based Analysis. Counter to claims that evidence of GBA in departmental agencies is entirely absent from government documentation, there exists verifiable evidence of GBA. In response to a report issued by the Auditor General, TBS, PCO and SWC are prepared to implement a plan of action that is concomitant to the call for and necessity of GBA in government policy-making. As such, the partnership between TBS, PCO, and SWC will allow for continued guidance to departments to discuss where GBA needs to be conducted as well as consultations with departments to discuss GBA challenges. In addition, periodic reviews of MCs and TB submissions will be performed at the end of parliamentary sessions to gauge the effectiveness of GBA in the development of policies according to the *Performance Measurement Template*. Finally, SWC will provide technical support to help departments complete GBA frameworks using the *Organizational Assessment Tool*, and will release annual reports on department achievements in the implementation of GBA. In conclusion, our Government has taken the necessary steps to ensure that the women of Canada reach their full potential. By emphasizing GBA as a vital methodology to highlight the differential impact of policies on men and women, the Conservative Party of Canada stands strong in its dedication to establishing gender equality.