

GENDER, DIVERSITY AND THE SHAPING OF PUBLIC POLICY: RECENT ASPECTS OF THE CANADIAN EXPERIENCE

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My purpose in this article is to provide a set of starting points for those interested in pursuing further the state of discussions about gender and diversity in Canadian public policy. My more specific focus is on gender mainstreaming in public policy analysis, and assessments of the adequacy of current approaches. Thanks to the comprehensive review of international efforts at gender mainstreaming produced by MacKay and Bilton (2000) for the Scottish Executive Central Research Unit, the recent history of gender mainstreaming in Canada is already fairly well known. What I would like to do here is point to some areas of contention and development in the conceptual and methodological foundation of policy analysis addressing inequality. I shall focus on two areas in particular: the first involves debates about how to bring issues of diversity to bear on the development of gender-sensitive policy and programmes; the second concerns arguments promoting the significance of scale for the analysis of inequality politics and policies. Both areas converge on the recognition that a key analytical challenge is to find a way to address the specificity of experiences of inequality while at the same time attending to broader commonalities and configurations that have social and political significance.

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GENDER-BASED ANALYSIS AND DIVERSITY IN CANADIAN PUBLIC POLICY

Commitments by the Federal government of Canada to the use of gender-based analysis have from the beginning included the awareness that gender categories are not homogeneous. In the Federal government document presented at the Fourth UN World Conference on Women in Beijing in 1995, there is significant recognition that to be fully effective gender-based analysis needs to be conducted with the importance of diversity acknowledged and integrated. For example, paragraph 23 in the federal plan (**Setting the Stage for the Next Century: The Federal Plan for Gender Equality 1995-2000**) states

A gender-based approach ... acknowledges that some women may be disadvantaged even further because of their race, colour, sexual orientation, socio-economic position, region, ability level or age. A gender-based analysis respects and appreciates diversity.

While the *idea* of the significance of diversity for a full analysis of gender inequality was present, the *practice* of gender-based analysis in Federal government departments was more often than not limited to an analysis of inequalities between men and women as distinct and undifferentiated groups. While one might argue that any form of gender analysis is better than no such analysis at all, a simple analysis of male versus female differences is a crude implementation of gender-based analysis. The inadequacy of this approach has become a matter of concern – to a certain extent within government circles, and to a considerable extent among inequality activists and analysts.

Within federal government practice, there have been important efforts to move beyond a crude implementation of gender-based analysis in order to take into account variations in experience and inequality within gender categories. Four recent forms of action in this respect are worthy of note. First, in 1997, Status of Women Canada (an agency within the federal government) launched an initiative entitled 'The Integration of Diversity into Policy Research, Development and Analysis'.¹ The call for proposals asked researchers to reflect on the policy implications of diversity among women. Several papers were published from this initiative and two in particular, by

¹ Hereafter, this will be referred to as the *Integration of Diversity initiative*.

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academics Bakan and Kobayashi (2000) and Rankin and Vickers (2001), report on comparative research which shows the need for specificity in addressing gender and diversity in policy analysis and development.²

Second, also in the late 1990s, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice was created and produced an analysis tool referred to by its acronym IDEAS – the Integrated Diversity and Equality Analysis Screen. The screen is proposed as a tool to assess the possible effects of a proposed course of legal action on various groups identified as having been vulnerable to disadvantage within the justice system. It is cross-referenced with background information and profiles of all identified groups (women, youth and children, seniors, Aboriginal peoples, racial and ethno-cultural minorities, refugees, recent immigrants, persons with disabilities, persons with literary problems, social assistance recipients and the poor, religious groups, and gay, lesbian, bisexual and transgendered people). The screening instrument asks analysts to consider potential impacts on all of these groups, as well as potential impacts on ‘individuals who belong to more than one of these groups’.³

The third action on integrating gender and diversity to note involves the Department of Citizenship and Immigration. This department is in a unique position within the federal government in that as of 2002 it has a statutory obligation to include in its annual report to parliament a gender-based analysis of a specific political initiative – the Immigration and Refugee Protection Act. The statutory requirement to report to parliament on gender impacts is unprecedented and the department is, in this sense, very much in the lead in terms of developing and legitimating the efficacy of gender-based analysis. In this role, Citizenship and Immigration give weight to the need to examine inequalities within as well as between gender categories. In their first gender-based analysis of the Immigration and Refugee Protection Act, the Citizenship and Immigration state that gender-based analysis is ‘an analytical

² *These and other publications from the Integration of Diversity initiative are available via the Status of Women web site, and are listed individually at the end of this article.*

³ *See www.justice.gc.ca/en/dept/pub/ideas/index.html for a full copy of IDEAS.*

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framework that assesses the differential impacts of policy, programme and legislation for men and women and for different groups of men and women'.⁴

Fourth, significant steps have been taken in the area of health research and promotion. Through the Bureau of Women's Health and Gender Analysis, Health Canada has funded for the past decade four Centres of Excellence for Women's Health. The Centres have the important feature of being regionally located across Canada. Each has been actively involved in pursuing gender-based analyses of health, and, because of their regional specificity, these analyses are able to contextualize women's health needs by variations in regional characteristics. In addition to this form of diversity, the centres have been active in advocating a form of gender-based analysis that recognises the diversity among women in terms of health needs. They support an analytical framework, and health programmes, that attend to potentially unique health experiences of, among others, aboriginal, visible minority, lesbian, new immigrant, senior and refugee women.⁵

These are all important achievements showing a measure of commitment on the part of the Federal government to recognise a form of gender-based analysis that is sensitive to diversity. However, as the review of the five-year Federal Plan for Gender Equality by Status of Women (2001) noted there is a long way to go in realizing the goal of gender- and diversity-sensitive policies and programmes. In particular, the Status of Women report highlights the need for further progress in the development of analytic resources capable of reflecting diversity and its complex relations to gender. They also note the need to respond to and keep pace with an ever-changing political environment, in particular the increasing shift of policy involvement and responsibility from federal levels of government to provinces and municipalities. This assessment highlights the need for new forms of inequality-, and policy-analyses that can handle both greater specificity and complexity. The next two sections will speak to this need in more detail.

⁴ *The gender-based analysis chart developed by Citizenship and Immigration is available at www.cic.gc.ca/english/irpa/gender%2Damend.html.*

⁵ *For further information about Centres of Excellence for Women's Health, see www.cewh-cesf.ca.*

BEYOND GENDER AND DIVERSITY: PUTTING INTERSECTIONAL THEORY INTO PRACTICE

In many ways, the Status of Women review of federal action on gender equality in the latter half of the 1990s is a milder version of what was being said by many activists and academics. As different groups and individuals in Canada prepared for Beijing+10, and generally assessed the achievements of gender mainstreaming at the Federal level, there was growing disenchantment expressed about the value of gender-based analysis (CRIAW 2006, Hankivsky 2005). One problem identified is the gap between developments in the theoretical understanding of gender and the methodological practices of gender-based analysis. Gender has been thoroughly interrogated as a concept, and its current theoretical form is typically as a more fluid, contested and contingent category (Bannerji 1995; Hamilton 2005; Marshall 2000; Siltanen 2004). This understanding of gender contrasts, many argue, with the more rigid, fixed presentation in gender-based analysis. Another issue identified is that the intention to integrate diversity issues into gender-based analysis gives a priori primacy to gender inequality. The primary significance of gender may or may not be the case in specific instances of inequality – even for women – and a number of analysts and activists have called for a form of ‘intersectional analysis’ that does not presume the primacy of any particular dimension of inequality (CRIAW 2006). Some have suggested (Hankivsky 2005) that we should drop the idea of gender mainstreaming altogether, and focus instead on diversity mainstreaming.

Issues with the ‘gender and diversity approach’ in the context of gender-based analysis resonate with directions in academic research toward a focus on intersectionality in researching and theorizing inequality (Dua 1999; Biggs and Downe 2005, McMullin 2004, Zawilski and Levine-Rasky 2005).⁶ The use of gender as an analytical category in Canadian research follows a now familiar and well-established pattern toward greater disaggregation and a concern to recognize heterogeneity within gender categories. In addition, the place of the classic analytical triad – class, gender, race – has become less

⁶ *Intersectional analysis refers to an analytical approach which recognises multiple dimensions in the structuring and experience of oppression, and sees these dimensions as forming complex intersections of systemic conditions which can be contextually specific (that is, their particular intersections may vary by time, place and circumstance).*

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sure as analysts are no longer willing to presume a priori the salience, the relative ordering, or the sufficiency of these categories in capturing patterns of inequality in Canada (Stasiulis 1999; Siltanen 2004). There is a convergence toward intersectional analysis as a framework capable of capturing the complexity of inequality as experienced and as systemically constructed.

However, here too there is a gap between the theory of intersectionality and methodological practice. This observation has been made recently with reference to intersectional analysis in feminist studies in the United States (McCall 2005) and it applies equally to academic studies in Canada, and to the implementation of gender-based and diversity analysis within levels of Canadian government. As McCall states (2005, p.1771) 'despite the emergence of intersectionality as a major paradigm of research in women's studies and elsewhere, there has been little discussion of *how* to study intersectionality, that is of its methodology.'

For many involved in exploring intersectional analysis, an additive approach is not a suitable methodological strategy. An additive approach is where one would add, to a gender analysis, considerations of race, disability, age, minority status and so on. The problem with an additive approach is that it cannot cope with the complex connections and interactions between various dimensions of oppression. It is the complexity of intersectional analysis that McCall rightly identifies as behind both its appeal and its methodological challenge. She discusses three ways researchers have responded to the complexity involved in intersectional analysis – and here I want to speak in more detail about two of them: intracategorical analysis and intercatgorical analysis.

Intracategorical analysis

While adopting a critical stance toward categories of analysis, the main focus of the intracategorical method is to reveal the experiential realities of individuals and groups positioned at specific intersections of oppression. For example, one of the research reports in the Status of Women Integration of Diversity initiative (Côté et al 2001) looked at the experiences of French-speaking, family-sponsored immigrant women, living in Ontario – an intersection of disadvantages along dimensions of gender, language, immigration class and visible minority status. Another (Kenny et al 2002) examined experiences of culture, education and work among aboriginal women – not considered as an undifferentiated group, but distinguished by

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diversity in their aboriginal ancestry (Inuit, First Nations, Métis), and regional circumstances.

As McCall notes, this type of exploration of intracategorical complexity is typically qualitative, and draws on the rich developments within feminist research practice designed to reveal and express the depth and complexity of lived-experience. The increase in legitimacy and use of qualitative research in the Canadian policy process is, I would suggest, one of the great achievements of efforts that have been made by advocates of gender-based analysis to bring qualitative analysis to bear on policy discussions. For example, the value of qualitative research, and its link to gender-based analysis, is strongly presented in the report by the Parliamentary Standing Committee on the Status of Women (2005) on how to move gender-based analysis forward in federal government processes.

Of course, part of the argument for qualitative analysis was precisely that it allowed for a 'contextualization of experience' (Rose 2001) and a closer look at the multiple dimensions of inequality within women's lives. As McCall notes, however, this type of intracategorical analysis provides a rich but limited view of intersectionality. She makes the point that in this form of analysis (2005, p.1781) 'complexity derives from the analysis of a social location at the intersection of single dimensions of multiple categories, rather than at the intersection of the full range of dimensions of a full range of categories'. For the latter analysis, she recommends an intercategory approach.

Intercategorical analysis

In order to appreciate the systemic and structured nature of intersecting multiple dimensions of inequality, it is important to examine complexity as a feature of relationships between as well as within all categories of the dimensions of interest. If gender is operating in a particular context as a structuring mechanism of inequality, we need a comparison between men and women to establish this. If we are then interested in the intersection of gender and visible minority status, we need to contrast and compare the experience of men and women within each category of visible minority status, as well as contrast and compare the experience of all visible minority groups within each gender category. Such an intercategory analysis would be able to tell us which dimensions are having a structuring effect and whether any existing effects are modified or contextualized by their intersection with other

dimensions. This type of approach can only be conducted in practice with quantitative forms of analysis which can handle intercategory complexity.⁷

There is talk in discussions of feminist methodology in Canada of revisiting quantitative methodologies to find ways of claiming them for feminist purposes (for example, see Rose 2001), and in this light McCall's argument is very interesting. She presents a strong case for the value of certain forms of quantitative research in advancing the analysis of intersectionality. The report of her own quantitative intercategory analysis of the relative weight of gender, class and race on wage inequalities in four American cities piques one's interest in the possibilities of this approach – as it supports the need for place-specific and contextualized policy development that much recent feminist research in Canada is calling for.⁸ The need for policy to be more specific and contextualized is a comment that features prominently in the Status of Women papers produced for the Integration of Diversity initiative. Papers by Rankin and Vickers (2001), Bakan and Kobayashi (2000), and Kenny (2002) are particularly strong on this point.

SCALE, RESCALING AND THE POLICY PROCESS

Canada has always had very complex relationships of partial autonomy, dependence and interdependence between federal, provincial/territorial and municipal governments in many arenas of public policy. With developments attributed to globalization and the neo-liberal turn in Canadian federalism, there is also increasing attention to actions at the supra-national scale, as well as actions that are sub-provincial – at the regional and especially at the city level. Mahon et al assert (2005, p.15) that a 'political economy of scale brings a new perspective to public policy analysis, in showing how the formulation and development of public policy is intimately tied to the way that social actors construe, contest, and negotiate larger societal arrangements at particular scales'.

⁷ *McCall mentions as possibilities here multilevel, hierarchical ecological or contextual modelling, but she is quick to point out that this is what is currently available for this type of analysis, not necessarily what might be most desirable (2005, p.1788).*

⁸ *For further elaboration of this point, see McCall (2005, pp.1789ff).*

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As Mahon et al (2005) suggest, we should not see these scalar arrangements as independently constituted or nested within one another – in a tidy ‘Russian doll’ fashion. While analysis of policy must be multi-scalar, it also needs to recognise scale as not only a political context, but also a political construction. An analysis of policy making from the perspective of a political economy of scale recognises that the politics of scale involves the construction and contestation of boundaries of policy jurisdiction and capacity. The rescaling of politics and policy is, in part, what devolution is all about. The ways in which the identification of inequalities, the determination of policy priorities and the development of programmes get positioned within processes of rescaling is of utmost concern to equality-seeking groups and advocates.

Questions of scale – its social construction, its intersection with relations of power and its political contestation – are emerging as important points of analysis in feminist research in Canada, for example in child care (Mahon 2005) and homelessness (Klodawsky 2006). The dynamic orientation to scalar arrangements, and rescaling processes, that is expressed in the political-economy-of-scale perspective is offering rich insights in the development and limitations of policies addressing in/equality. To illustrate, I want to mention two examples of how scale/rescaling is featuring in the analysis of equality politics and issues in Canada.

Masson (2004, 2006) looks at the actions taken by the women’s movement in Québec in response to the provincial government’s plan to create within the province a new regional level of policy-making and policy management. Up to the 1990s, the women’s movement concentrated most of its efforts on influencing the policy directions taken by the Québec state. Over the 1990s, however, the provincial state undertook a process of regionalization which devolved responsibility for policy making and implementation on key policy files (for example health, social services, income security and training) to a multiplicity of bodies at the regional level (which up to this point had a primarily administrative role). Masson argues that women’s groups – which of course had not been consulted or even thought about in this project of regionalization – actively inserted themselves into this process and claimed the newly emerging regional scale as a arena for feminist politics. They demanded inclusion in decision-making processes (making use of gender-based analysis arguments to make their case) and demanded attention to four main priority issues: employment, entrepreneurship, political representation and quality of life. Identification of these priority issues pointed to the need to

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address the circumstances of women vis a vis men, and also the circumstances of different categories of women.

The second example returns us to an issue raised in a number of the papers produced for the Status of Women Canada in their Integration of Diversity initiative. A number of these papers argue against a 'one size fits all' attitude in policy making. They make this argument not only in terms of recognising diversity among women, but also in terms of the need for policy delivery mechanisms to be as contextualized and situationally-specific as possible. Bakan and Kobayashi's analysis of employment equity policy in Canada's ten provinces is perhaps the most forceful on this point, and it represents a form of argument that is coming to the fore in Canadian policy debate. Their first recommendation for re-energizing the push for employment equity (2000, p.57) is that employment equity policy needs to be tailored to the specifics of the 'legislative and public service cultures' in each province. Their second recommendation is that employment equity policies should be tailored to the specific characteristics and needs of local communities. While all designated groups need to be included in any employment equity initiative, it may be necessary, given the specifics of the configuration of employment inequality in any particular place, to identify specific groups for special priority attention.⁹ The point made here by Bakan and Kobayashi is similar to the one made by McCall (2005) – no single form of policy implementation is going to be suitable for all contexts, and the applicability of the logic of Bakan and Kobayashi's argument is equally relevant at other scales of policy activity as well as for policies other than employment equity.

CONCLUDING THOUGHTS

It is important to remind ourselves that, in the context of policy and programme development, the purpose of any analysis of inequality is to help bring about more effective government interventions to promote equality. There has been some concern expressed by feminist activists and gender equality advocates within the federal government that the mainstreaming of gender and diversity *analysis*, of whatever form, risks becoming an end in

⁹ *The four designated groups in employment equity legislation are women, persons with disabilities, visible minorities and aboriginal peoples.*

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itself. An on-going question for discussion is how to assess the effectiveness of gender (or diversity) mainstreaming for reducing inequality.¹⁰

I would argue that the interest in the contextualization and specification of policy mechanisms (the scalar politics of policy intervention, if you like) is an inevitable, and important, result of the greater specification of gender inequality brought about by attention to diversity. Many would like to see a better match between an understanding of the specifics of equality and diversity issues, and the programme initiatives developed to combat inequalities as and where they are experienced. Of course, the danger is that with the specifics of policy implementation linked to the configuration of inequality at lower scales, the result will be unevenness in outcomes or, perhaps worse, unevenness in efforts to address or even acknowledge problems. This is an important consideration, but – as we know from the arguments about equality policy generally – ‘equal treatment’ doesn’t produce even outcomes either.¹¹ It is quite possible that policy objectives and timelines concerning equality and diversity could be agreed upon at one political scale, and realized in practice at another in ways that are unique to the specific circumstances of the scale of implementation.

In Canada, I think the viability of this suggestion to contextualize and specialize policy implementation is made possible by the fact that all scales of policy jurisdiction are bound by the equality provisions of the Charter of Rights and Freedoms. The equality provisions of the Charter state:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals

¹⁰ See, for example, the *Framework for Assessing Gender Equality Results* created by the Canadian International Development Agency (look under *Tools and Resources* at www.acdi-cida.gc.ca/equality). See also Bazinet et al (2006).

¹¹ Rankin and Vickers (2001) set this argument out very well.

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or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Interpretations by the Supreme Court of Canada establish that section 15(1) provides not only formal equality between women and men, but also substantive equality. The Charter is not a statement of social rights, and neither is it a sufficient nor unproblematic vehicle for delivering 'equality'.¹² Nevertheless, the interpretation of equality as a substantive, and not merely legal, condition is a significant resource in arguing the priorities, directions and justifiable outcomes of policy. But such a general provision has no real substantive bite unless equality-seeking actions speak to specific configurations of inequality. To really get at inequality as both experienced and systemically structured, multi-scalar, intersectional analysis is essential. Together, intra- and inter-categorical analyses of intersecting dimensions of inequality can provide evidence to support decisions about policy choices and priorities. Intersectional analyses can also provide the detailed specifications of complex inequality configurations required to determine the equality policy implementation strategies likely to be most effective at particular scales of action.

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¹² See Siltanen (2002) on social citizenship and social rights in Canada, and Jhappan (2002) on the limitations of the Charter as a vehicle for realizing equality.

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