

## Overcoming Gender Disadvantages. Social Policy Analysis of urban middle-class women in Colombia

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### Executive Summary

The World Bank Report 2012 starts with this statement: “Gender equality matters in itself and it matters for development because, in today’s globalized worlds, countries that use the skills and talents of their women would have an advantage over those which do not use it.” With the frame that suggest that gender equality matters, this paper describes some policy alternatives oriented to overcome gender disadvantages in the formal labor market incorporation of the urban middle class women in Colombia. On balance, the final recommendation suggest that it is desirable to adopt policy alternatives as Community Centers, which are programs oriented to a social redistribution of the domestic work as a way to encourage women participation in the formal labor market with the social support of the members of their own community.

The problem that the social policy needs to address is the segregation of women in the formal labor market in Colombia. Although the evidence shows that the women overcome the educational gap by showing better performance in education that their male peers, women are still segregated of the labor market. The persistence of high rates of unemployment on the female population, the prevalence of the informal labor market as a women labor market, and the presence of the payment difference between men and women with similar professional trainings are circumstances that sustain the segregation statement. These circumstances are inefficient for the society because an economic analysis shows that the cost of maintain the *statu quo* is externalized in the social security system that includes health, pension and maternity leave regimens. Therefore, the women segregation involves a market failure.

This paper evaluates five policy alternatives each directed to the progress of a different causal dimension of the problem: (i) Quotas in the private market, (ii) Flexible working hours, (iii) replace the maternity leave with a family leave, (iv) Increase the Community Centers for redistributing the care work, and (v) Equal payment enforcement. The first alternative looks to increase women’s participation in the formal labor market. The second, third, and fourth

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alternatives constitute a package addressed at redistributing care work by reducing women's responsibility for reproductive work in the household with the help of husbands and the local government. The fifth alternative intervenes to resolve the equal payment problem.

After a four criteria evaluation that measure effectiveness, robustness and improbability in implementation, efficiency and political acceptability or social opposition, the strongest alternative is the fostering of Community Centers that promote a redistribution of care work. This policy performs well in the assessment process because it combines gender focus with important indirect effects: child support and human capabilities. The policy also shows a bottom up implementation process that overcomes the main adoption difficulties in the gender focus programs and is supported by strong evidence of success in the Colombian context; this evidence is produced by both transnational actors as a World Bank and also in local accountability reporters executed by local institutions like Colombian Institute of Family Welfare (ICBF).

*JEL Classification:* B54

*Key Words:* Gender equality, formal labor market, social policy evaluation, Community Centers.

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## La superación de las desventajas de género. Análisis de políticas sociales de las mujeres de la clase media urbana en Colombia

### Resumen

El Informe del Banco Mundial 2012 comienza con esta afirmación: "las cuestiones de igualdad de género en sí mismas son importantes para el desarrollo ya que, en mundos globalizados de hoy, los países que utilizan las habilidades y talentos de sus mujeres tendrían una ventaja sobre aquellos que no lo utilizan." Con el marco que sugieren que las cuestiones de igualdad de género, en este documento se describen algunas de las alternativas de políticas orientadas a superar las desventajas de género en la incorporación al mercado formal de trabajo de las mujeres de la clase media urbana en Colombia. A fin de cuentas, la recomendación final sugiere que es conveniente adoptar políticas alternativas como centros comunitarios, los cuales son los programas orientados a la redistribución social del trabajo doméstico como una forma de fomentar la participación de las mujeres en el mercado laboral formal con el apoyo social de los miembros de su propia comunidad.

El problema de que la política social debe abordar es la segregación de las mujeres en el mercado laboral formal de trabajo en Colombia. Aunque la evidencia muestra que las mujeres han superado con éxito la brecha educativa, mostrando un mejor desempeño en la educación que sus pares masculinos, las mujeres siguen siendo segregadas en el mercado laboral. La persistencia de altas tasas de desempleo en la población femenina, la prevalencia de la informalidad laboral como espacio de trabajo para las mujeres, y la presencia de la diferencia de pago respecto a sus colegas masculinos con capacitaciones profesionales similares son circunstancias que sustentan la existencia de la segregación. El argumento que se defiende en el texto es que estas circunstancias son ineficientes para la sociedad. Un análisis económico muestra que el costo de mantener el *statu quo* de desigualdad de las mujeres en el ámbito laboral se externaliza en el sistema de seguridad social que incluye salud, pensiones y regímenes de licencia de maternidad. Por lo tanto, la segregación de las mujeres implica una falla del mercado.

En este trabajo se evalúa cinco alternativas de políticas dirigidas a la inclusión efectiva de las mujeres al mercado laboral formal: (i) las cuotas en el mercado privado, (ii) las horas de trabajo flexibles, (iii) sustituir la licencia de maternidad con una licencia familiar, (iv) aumentar los Centros Comunitarios para la redistribución del trabajo de cuidado y (v) el cumplimiento del principio de trabajo igual a salario igual. La primera alternativa busca aumentar la participación femenina en el mercado laboral formal. La segunda, tercera y cuarta alternativas constituyen un paquete dirigido a redistribuir el trabajo de cuidados mediante la reducción de la responsabilidad de las mujeres por el trabajo reproductivo en el hogar con la ayuda de los maridos y el gobierno local. La quinta alternativa interviene para resolver el problema de la igualdad de pago.

Después de una evaluación de cuatro criterios que miden la robustez, los problemas de implementación de la política pública, la eficacia y la aceptabilidad de la medida, la alternativa más acertada para atacar el fenómeno es el fomento de Centros Comunitarios que promuevan una redistribución del trabajo de cuidado. Esta política se desempeña bien en el proceso de evaluación, ya que combina el enfoque de género con importantes efectos indirectos: ayuda a la primera infancia y promueve las capacidades humanas. La política también muestra un proceso de implementación de abajo hacia arriba que supera las principales dificultades de implementación en los programas de enfoque de género, con una fuerte evidencia de éxito en el contexto colombiano, documentada tanto por actores transnacionales como el Banco Mundial como por actores locales como el Instituto colombiano de Bienestar Familiar (ICBF).

*Clasificación JEL:* B54

*Palabras clave:* Equidad de género, mercado laboral formal, evaluación de políticas sociales, centros comunitarios.

## 1. Introduction

Colombia is one of the most unequal countries in Latin America (Alviar, 2011). Despite legislative efforts to increase the participation of women in the labor market, (Colombia, 1993, 1997, 1999, 2000, 2002, 2003, 2006, 2008, 2010, 2011), gender is still a key category in analyses of economic performance among the population. Indeed, the failure of women in the Colombian economy is a problem produced by a set of market failures that affect the outcomes of female efforts: namely that most women are concentrated in unpaid care, most women participate in the educative process but are underrepresented in well paid professions, most women work in the informal labor market, and when a women achieves employment within the formal labor market, she often receives lower wages than her peers for the same job (Cárdenas et al., 2012). However, the social costs paid by society for sustaining the segregation of women in the labor market are externalized in structures such as the health system, pension design, and the pay gap between the sexes.

These circumstances are the objects of policy intervention because they are correlated with poverty and vulnerability effects in the new fragile family conformation. The 2010 GEIH showed that four out of every ten households were headed by a single parent. Among these, three were headed by women (National Administrative Department of Statistics [DANE], 2010). This means that in Colombia, 93 % of fragile families are single mother families (more than three million households). These families are in a special situation of vulnerability if we consider that a single mother in charge of a household must suffer the vast majority of the inequalities I describe in this document. As current literature reveals, the fragile families phenomenon is intertwined with deep problems of poverty and vulnerability (Cancia et al., 2010; Cancia & Reed, 2009; McLanahan et al., 2010; Smeeding & Carlson, 2011). In Colombia, the new most common family configuration is a single female parent structure (Cardenas et al., 2012). For this reason, gender inequalities have a determining effect on family income and affect the accumulation of human capital in vulnerable populations, reducing social mobility among members of the current and next generations.

Despite the persistence of these circumstances, observation of gender segregation in terms of the labor market can be only reported with certainty for urban middle-class women, who have previous work training or other labor related skills (Cárdenas et al., 2012), as it is only within this profile that we can say women experience labor discrimination despite improvements in education levels. Thus, taking into account the caveat raised by some works of gender stu-

dies, I will address considerations of this profile exclusively, in order to avoid a universalization effect due to using the term “women,” in general, to refer to groups of people with deep differences in socioeconomic positioning and material distribution (Molyneux, 2008).

The reader will find that this document talks about gender segregation, inequality and discrimination as the same phenomenon. I recognize that for the public policy literature produced by economists, it is important to distinguish between the three, placing them as independent phenomena, but my claim here is that segregation, inequality and discrimination have the same effects in a gender approach and can, therefore, be analyzed together. From a legal perspective, for example, inequality and segregation are causes of discrimination, given that we understand discrimination as the violation of equal rights (Alviar & Jaramillo, 2010). From this point of view —particular to gender studies— segregation, inequality and discrimination bear the same implications on the lives of women. Making a distinction between the three phenomena can help to conceal women’s vulnerability in the midst of contemporary problems.

It is also important to mention, at this point, that the paper uses an argument, based on the complexity of conflictive incentives among public policies on health and pensions, and their effects on the gender perspective in the Colombian labor market. For this reason, the analysis presented in this document will not develop a study over a single and homogeneous variable in terms of gender discrimination and forms of measurement. In contrast, its aim is to show that it is at the junction of the effects of public policy, that we can find the biggest problem regarding gender vulnerability in Colombia.

In order to analyze the symptoms and magnitude of the problem and propose goals for policy interventions, I will split this report into three main sections: a description and problem assessment (Part I), solution analysis (Part II) and implementation analysis and recommendation (Part III). In the problem description section, I first describe the gender segregation phenomenon as it affects three different aspects of equality: education, labor market and time use. Second, I describe the social effects and economic consequences of gender inequality, and third, I suggest five possible goals that policy interventions might address. In the solution analysis, I explore the evaluation criteria, describe the main policy alternatives for addressing the problem, and propose a possible avenue. Finally, in the implementation analysis and recommendation section, I describe the feasibility and challenges surrounding the adoption of each alternative and suggest what I consider the best policy option based in an effectiveness assessment.

## 2. Problem description

### *a. Three inequality scenarios: education, formal labor market and time use*

The failure of women within the Colombian economy can be described by illustrating the gaps of gender experience across three criteria of equality: education, the labor market and time use. An analysis of the available data for these areas highlights the barriers to achieving economic success that women experience in the Colombian context.

- *Education*

Women and men show different outcomes in terms of human capital accumulation, in elements related to education. According with the World Bank, this trend in Colombia is also a world trend (World Bank, 2011). Despite women's showing a high rate of literacy in childhood (male children 94% and female children 81%) and high school attendance (male children 77% versus female children 79%), paradoxically, the improvement in education outcomes for woman has not been reflected as an improvement in economic performance, participation in the labor market, or poverty reduction. Women still exhibit high participation in the informal labor system (female informal workers are 59,6% of the total in 2008), low scores on publicly administered academic tests (Colombian Institute for the Evaluation of Educational [ICFES], 2010), a high unemployment rate, and more members of the female population report their employment status as "inactive" than do men (DANE, 2009). This means that despite of the improvement in education, women are still segregated in the labor market.

Another factor related to education that affects how well women perform in the labor market is the kind of professions that Colombian women choose or are relegated to. It is usual that women study less demanding or competitive programs such as educational sciences, psychology, or nursing, than men (who are preponderant in engineering, medicine, economy and law), that have lower wage outcomes or face low demand in the labor market (Cardenas et al., 2012). This kind of phenomenon, which can be interpreted as a manifestation of cultural gender roles, ensures that the gap begins during the education process and maintains its effects.

But also, in other kinds of observation, we have that a male graduate student earns 11% more than his female classmate, and this gap cuts deeply across all professions (Cárdenas et al., 2012). This kind of trend constitutes a negative feedback loop in terms of incorporating women into the labor market and productive spaces.

- *The Labor market*

The 2010 data show that men and women differ across a variety of labor market indicators. For example, in Benería (2003) men are more involved than women in productive activities, (74% vs. 59%, respectively). Women also have higher rates of unemployment (15% vs. 10% for men) and lower participation in formal employment (46% vs. 32%), (DANE, 2009). Not surprisingly, these differences are reflected later in wages, as previously noted. The wage gap in Colombia is 23%, depending on the industry, and has not shown any significant reduction in recent years (Badel & Peña, 2010). These levels are comparable to regional averages as well as the world average (World Bank, 2011). Disparities in labor markets are particularly pronounced in Colombian rural areas (Cárdenas et al., 2012). Despite this, it is important to mention that for certain points of the debate, the gender gaps in the labor market do not imply discrimination (Ñopo, 2013).

The disadvantages faced by women in the labor market are very significant for explaining differences in several other indicators of well being and mobility. For example, although most of the poverty programs are gender oriented, women and men show almost equal levels of poverty and extreme poverty (47,77% vs. 46,17% and 20,96% vs. 19,58%, respectively) and have lower perceptions of opportunities and social mobility (DANE-ECV, 2010). These disadvantages not only affect the women involved, they also impose barriers to the advancement of society at large. In Colombia, it is estimated that gender disparities in labor markets, especially segregation, are associated with a loss of labor productivity amounting to between 7% and 10% (World Bank, 2011).

The data regarding the 23% wage gap is important in spite of the reflection on productivity. It can be said that at least 40% of the wage gap can be explained using data that shows that there is a 7% to 10% loss of labor productivity due to gender inequality. My claim here is that being aware of this wage gap is important even when we consider the issue of lower productivity. Even when one considers that there is a difference between male and female productivity (caused by the market segregation), this hypothesis presents a unjustified 14% difference between male and female wages that cannot be explained. It is important to understand that the 7% to 10% failure in productivity does not only affect women, but society as a whole.

- *Time use*

As mentioned above, the unemployment of women is associated with housework and a very different use of time than men's unemployment. In particular, women between 35 and 55 years old, which is the most productive age in terms of labor experience, face a triple work distribution: the labor market,

household chores, and family care (childcare, disabled people and the elderly). This is additionally disturbing when we consider that a woman only receives financial compensation for her participation in the labor market, while the other activities that account for much of her time are not valued by the economy. The Quality of life Survey -ECV from the DANE data for 2011 shows that in an average week, women devote 40 hours to paid work and men 48. Additionally, during the same week, a typical woman spends 32 hours on unpaid work, while a man spends only 13. Despite a difference in worked hours that is not so great (72 hours worked hours per week by women vs. 61 by men) the difference does matter in terms of economic achievement, since 44 % of women's working time remains unpaid, while only 21 % of men's work is unremunerated (Cárdenas et al., 2012).

Furthermore, the distribution of care work is a cultural issue. In 2009, 12 % of male children and the 6 % of female children reported participating in the labor market. However, this data shows only part of the picture, because 7 out of 10 female children perform care work in their household by the age of 8 years; in contrast, 5 of every 10 male children do the same by this age (DANE-GEIH, 2009). These numbers confirm that the attribution of gender roles in terms of productive/reproductive work is found in early childhood inside the Colombian household. From their first years, male children are encouraged to participate in the labor market, while a high proportion of female children and teenagers spend their time on elderly care, housekeeping and other activities related to care work. The percentage of female teenagers who are dedicated exclusively to school (29 %) is seven percentage points lower than the percentage of male teenagers (36 %) who are so dedicated. This circumstance has direct implications for the accumulation of quality human capital during the first stages of life. This point is closely related to one of the initial points on fragile families. It is clear that poor vulnerable families are more likely to make a series of decisions that compromise their future accumulation of human capital. We also know that there is a difference in what these families decide depending on whether the decision is in relation to a girl or a boy. This is one round of facts that supports my claim on gender discrimination in Colombia.

#### *b. Social Effects: human capital accumulation impact*

The effects of women's low economic performance can be explained at several different levels. For example, many of the disadvantages confronting women in the labor market are related to the distribution of care work inside the household (Shamir, 2010). The unequal distribution of care work affects the social mobility of women because it determines the early accumulation of human capital. Thus, gender inequalities throughout life experience affect the social mobility



of women and men in the same generation; we live in a country without intra-generational social mobility.

Moreover, this unequal social division of work means that women, who have more years of education than do men on average, (Cárdenas et al., 2012) experience difficulties when attempting to participate in the formal labor market and compete for well-paid jobs. We see that this situation represents a social risk when we realize that the barriers experienced by women affect the accumulation of human capital by their children in the fragile families context, further compounding the difficulty of social mobility in the next generation.

At the same time, the inequality between genders jeopardizes female empowerment, affects the daily bargain inside the household, and decreases women's levels of perceived and real agency and female self-esteem, as well as depressing the capacity for income production and the asset accumulation of female actors.

There is clearly a connection between gender inequalities, low economic performance and vulnerable spaces. All three circumstances are cross-linked with poverty, low social mobility and the lower human capital accumulation of female agents. This is problematic because these effects are shaped by cultural norms and legal system. As the next section will show, the Colombian legal system promotes a set of norms that sustain most of the inequality of circumstances that women suffer from. Both the legal system and cultural barriers converge to create a complex set of incentives that deter the insertion of women in the formal labor market.

### *c. Economic Consequences: externalization of the segregation cost*

The incentive system constructed by this circumstances ensures that it is more costly for women to escape the home than to remain there, carrying out domestic tasks. Given that women are paid less for the same work than their male peers (Badel & Peña, 2010), incorporating women into the labor market is economically inefficient for the family unit. Women can contribute more economically by looking after children and the home than finding a job in the market. For these reason, if we take a household with a woman and a man who have the exactly same professional training, it is more efficient that the man go to the labor market and the woman do the reproductive work, because the male's professional work value is 23% more than the female's (Badel & Peña, 2010).

However, in the Colombian legal system, the costs of maintaining market actors outside the market are externalized. Cost externalization is a term used in economics to refer to costs incurred by an exchange of goods and services that are not absorbed as part of the bilateral scheme surrounding the transaction, but rather are transferred to a third party. The same thing occurs with domestic

work. The argument I advance here consists of demonstrating how Colombians as a whole are paying in order to make women care-work agents. How are the operational costs of domestic work externalized? The next section discusses at least three aspects of society in which these costs can be said to appear: a) the health system, b) the general system of pensions, and c) maternity leave.

- *The Health System*

The first aspect involves the health system. The financial records of the Colombian health system show that since 1965, women of reproductive age have used the state health system more than men – and not precisely because of their identity as the “weaker sex.” The effects of phenomena such as the double burden increase their risk of disease, resulting in an increase in recorded degenerative conditions as well pathologies associated with physical, emotional and psychological exhaustion among women. We all pay for the double and triple burden through our individual contributions to the overall health system that subsidizes a range of indirect costs that “we do not notice.” The data reported by Profamilia in 2010 show that even when maternity services provided to women are excluded, women between the ages of 30 and 50 use health services 34% more than their male counterparts. Maybe, the redistribution of unpaid care work might be a way to decrease women’s exposure to clinical pathologies associated with fatigue, tiredness and stress.

- *Pensions System*

Following Constitutional Court rulings C-058 and C- 623 of 1998, all contributors have been required to contribute to the compensation of the social damage caused. As a Colombian citizens, we all pay the costs of this prejudice against women by initiating women’s retirement payments five years earlier than men’s (age of retirement is 55 for women, 60 for men), removing women from the market as productive agents and accepting as a society that their attrition levels should be much higher.

Moreover, there is no pension that accumulates for care work, because there is no social insurance system for domestic workers. So, while, on the one hand, society as a whole pays externalized costs, other costs are minimalized, since if women were all paid as caregivers, they would have to get retirement benefits calculated on the value of that labor.

But we also have to consider that the fact that women have an earlier retirement age also means that even in well-paid formal jobs, women contribute fewer weeks than men. Thus, they will have a lower pension than men who have done the same job with the same salary and the same dedication. These kinds of

effects compromise constitutional rights, such as the right to a decent pension. This supports my claim of the existence of law-based gender discrimination in Colombia (Buchely & Castro, 2013).

- *Maternity Leave*

Leave after the birth of a child is different for men and women. While maternity leave is 12 to 14 weeks (Colombia, 2011), paternity leave is only 8 days. There are tensions between the targets of achieving gender equality in the labor market and the protection of rights. Laws, in their inception, often do not consider the reactions other members of society may have once they are implemented. Maternity leave is very unbalanced between men and women, and this produces at least two unexpected effects: (i) working women are more costly, and the literature suggests that this affects their ability secure employment, (Cárdenas et al., 2012) and (ii) the negotiations between men and women within households have an unequal starting point (since the availability of leave time is higher for women). Basically, the legal system provides incentives for women to spend more time on care work and less time in the market.

*d. Goals*

Women's economic performance in Colombia illustrates the classic distinction between the law in books and the law in action. Although the Colombian Congress has promulgated many laws in order to promote gender equality in the economic realm, we still observe a gap between men and women in this area and in many others. This unbalance is important for two reasons: 1) the new configuration of the Colombian family is centered on a female figure as breadwinner, so we really need to guarantee women's success in the economic arena in order to support this new social organization; 2) Women's low economic performance has a negative impact on both, social and economic outcomes. Indeed, gender inequality negatively affects human capital accumulation, social mobility and poverty outcomes, while barriers to women's achievement in the formal labor market creates economic costs associated with segregating capable market actors. As a matter of fact, excluding women from the labor market is inefficient (World Bank, 2011).

While family roles are hard to change, we can narrow the problem down and propose interventions in the economic and legal system. Education is not itself a source problem, as I have said, women have shown improvement in educational rates; instead, the problems are concentrated in the incorporation of women within the formal labor market and the struggle for equal payment.

Thus, my work here strives to fix the inequality of opportunities within the labor market and the enforcement of an equal wage.

With this context now established, I can identify two correlated goals of any intervention: 1) Increase female participation in the formal labor market, 2) Make possible and compatible having children, a family and a good performance in the formal labor market. As I pointed out in the introduction, this framework targets some women, rather than describing a general problem of all women. The characteristics of the problem describe: (1) those who are professionally prepared for, but are segregated of the formal labor market or, those who, despite being connected to the formal market, suffer from the unequal pay phenomenon, (2) those who are not professionally prepared but have working skills and are connected in the labor market.

This means that the construction of the problem that I have proposed here excludes women who are, for example, housewives who spend all their energy on domestic work. For these women, other kinds of diagnoses and other kinds of goals are required. For example, these women suffer from a market failure derived from the unpaid character of reproductive work, the persistence of domestic violence, and the lack of female agency inside the household, (Cárdenas et al., 2012) and as correlated goals we might have a recognition of the economic value of the domestic work, the reduction of domestic violence influence and the empowerment of such women. But these are not issues I address here.

It is important to insist that the intervention has to analyze the effects of the reforms in terms of the behaviors they elicit, highlighting the impact of norms and policies on human behavior. We need to balance the protection of rights and calibrated behavior incentives in order to promote the inclusion of women in the market if we are to achieve a gender-neutral social policy. In this sense, I think intervention that aims to affect female participation in the formal labor market is the kind most likely to promote greater social mobility and contribute to fixing the gap between men and women in terms of economic performance.

### 3. Solution Analysis

#### *a. Evaluation Criteria*

I remarked in the last section that my goals were both to increase female participation in the formal labor market and to make possible and compatible raising a child, having a family and achieving a good performance in the formal labor market. According to Bardach (2012), it is necessary to establish adequacy between the goals and the criteria used to evaluate the policy alternatives. The criteria should provide a basis for measuring increases to women's labor partici-

pation and improvements in their maternal and spousal roles inside the family. A GAO (1998) report on evaluation frameworks suggests using indicators in order to measure different criteria. Both the GAO report and the literature about women's performance in the labor market suggest that there are at least four important dimensions to address in assessing policy alternatives pertaining to gender problems:

- *Effectiveness*- measures the quantitative attainment of increased female labor market participation and equal payment in terms of number of women who success in the formal labor market.
- *Robustness and Improvability in implementation* - foresee the main difficulties of implementation and enforcement.
- *Efficiency*- measures if the policy addresses the problem in a cost-effective way by highlight the economic cost per program unit.
- *Political Acceptability or social opposition* – predict the level of opposition or support by public opinion for each policy alternative

These criteria are not selected arbitrarily. The gender policy literature in Colombia has shown that at least two main barriers exist that thwart programs dedicated to overcoming women's disadvantages. These barriers are related to implementation problems and social opposition to gender based policies.

A substantial portion of the specialized literature has documented a systematic failure of gender programs at the implementation stage (Alfonso & Jaramillo, 2008; Jaramillo, 2006; Jaramillo et al., 2012). This trend supports the distinction between law in books and law in action that I mentioned earlier, and shows how, while the Congress and the Constitutional Court have played a progressive role in supporting the gender dimension of social policy (Rodríguez & Rodríguez, 2010; Rodríguez 2011), the Executive branch, its agencies and its bureaucracy, has made difficult the implementation and enforcement process. Thus, the evaluation of past gender based programs has taught us how bureaucratic behavior and institutional design are always an issue for program implementation (Ferguson, 1989; Goetz, 1997). Also, the performance of gender programs has been particularly subject to negative side effects and the creation of counterproductive incentives (i.e. the maternity leave and special pension regimes that authorize women's early retirement have created a negative incentive to incorporate women into the formal labor market (Cárdenas et al, 2012). The criteria of effectiveness, robustness and improvability in implementation and efficiency address these problems.

On the other hand, the literature has also proposed an extended diagnosis of the cultural barrier against legal attempt to shift gender roles in Latin America (Ewig, 2006; Molyneux, 1985). As a matter of a fact, gender based policies always

elicit strong opposition from supporters of cultural patterns that are frequently at odds with gender based programs and feminist perspectives. Furthermore, academic analyses have shown the importance of the labeling process in these kinds of programs: the “feminist” label always produces a negative social perception, which interestingly is correlated with low levels of implementation, while “gender perspective” language is almost a fashion in terms of current social policy in the Latin-American region, and its use is correlated with a high standards of implementation success (Cornwall, et al., 2008).

These are the consideration that leads the evaluation process of the alternative policies. I am going to describe this evaluation process in the next section.

- *Indicators and evaluation matrix*

In order to quantify my indicators, I have here to mention that in the evaluation stage, outcomes for each indicator were coded as a score of -1, 0 or +1. A negative score (-1) implies that the policy alternative implementation causes an outcome that goes against the stated policy goal. A zero score (0) suggests that the policy alternative has neither positive nor negative effects on the goal’s achievement. A positive score (+1) indicates progress toward the policy goal. Table 1 shows the indicators employed for the measurement of each policy.

**Table 1.** Evaluation criteria and measurement indicators

Criteria	Effectiveness	Robustness and Improvability	Program efficiency	Political Acceptability
Indicator	Quality Impact in the Labor Condition	Enforcement	Proved Cost	
Indicator		Interrelationship with other programs	Proved benefit	Support/opposition of public opinion
Indicator	Quantity impact in the labor condition	Extend of accountability	Extent program benefits exceed program costs	
Indicator		Side effects (non expected incentives)		

The general outcomes for this assessment are incorporated in Table 2, as an appendix to this paper.

*b. Policy alternatives*

This paper evaluates five policy alternatives, each directed to the progress of a different causal dimension of the problem (Bardach, 2012). The first alternative looks to increase women’s participation in the formal labor market. The second, third and fourth alternatives constitute a package addressed at re-distributing

care work by reducing women's responsibility for reproductive work in the household with the help of the husbands and the local government. The fifth alternative intervenes to resolve the equal payment problem.

Each policy alternative is described in two steps. The first describes the policy's functioning. The second step presents the policy's strengths and weaknesses according to each of the criteria that lead the assessment.

- *Quotas in private market: "Women on board"*

An important issue in the diagnosis of women's disadvantage is the existence of a "glass ceiling," which refers to the difficulty for women of obtaining positions with higher wages or higher levels of influence in firms. Since women's access to the highest management positions in private companies is related to an increase in female representation in middle management positions (Kurtulus & Tomaskovic, 2011), it would be desirable to design interventions to help women break those glass ceilings.

Although there is still no hard evidence for its effectiveness, one alternative to change the status quo is to set gender quotas on the boards of companies. In 2003, Norway adopted a system of quotas for women on boards called "Women on Board." The analysis of this experience does suggest a successful outcome. A combination of factors contributed to the success of the experiment in the implementation stage (Storvik & Teigen, 2010). For example, there was much public and political debate around it before its approval in Congress. Once approved, there was a period of 4 years for companies to meet the quota. During this time, databases were established where women were enrolled, as well as companies seeking assistance in the matching process. Also, at the same time, a program called "Future Women", which was created by the Norwegian employers association in order to provide professional training to women, began to function. Finally, the Norwegian government instituted sanctions against companies that failed to comply. Before sanctions were applied, the companies were in the shadow of the law and often violate the quota norm (Storvik & Teigen, 2010). This shows how important the enforcement level is when it comes to gender-based policies.

According to the evaluation criteria, this policy shows different strengths and weaknesses. For example, the Norway experience demonstrated high levels of effectiveness after sanctions were introduced in the program development. However, the high requirements of enforcement also present an important challenge in terms of implementation and cost, especially in a low budget developing country such as Colombia. The new enforcement bureaucracy or the development of an agency dedicated to controlling the hiring process can be very expensive in term of budgetary impact and very subject to corruption.

Also, despite the fact that this program provides welcome synergy with other public policies, such as the Quota Act, (Colombia, 2000) which imposes a minimum quota of 30% female participants in all the principal officers' positions, the policy can also be considering discriminatory towards men, presents a high likelihood of opposition from public opinion, and creates a negative side effect: the isolation of women within the labor force. As the domestic evidence suggest, quota programs have low outcomes in Colombia (Jaramillo, 2006).

- *Care-work*

a) Flexible working hours

Many inequalities that affect the free development of women's participation in the formal labor market take place within the home. As I said above, traditionally women have more responsibilities at home. This circumstance makes it harder to participate in the labor market, or leaves flexible or part time jobs (which usually entail lower income and employment in the informal sector) the only way to be working actively when you are a woman with a family.

In response to this reality, policy recommendations have focused on suggesting flexibility in working hours, which would allow women to harmonize work in the labor market with care work. For example, countries like Chile have implemented reforms to reward the time women spend at home, generating an added bonus in their pension for each child born (Library of Congress of Chile [BCN], 2013). Additionally, some national companies offer their employees some choice in their working hours. These times include alternatives such as leaving or arriving early each day, even leaving at noon on Fridays. This kind of option obviously helps to conciliate care work with the labor market.

However, this policy shows weaknesses when considered in the light of evaluation criteria. First, the effectiveness is low, due to the difficulties of influencing employer behavior exclusively with economic incentives. The suggestion that they adopt flexible working hours for women, for example, can be perceived as an additional cost that might lead to an increase of women's segregation in the labor market. Moreover, the legal reform can be perceived as sexist and unfair. Also, the difference in pension regimes by gender could operate as a negative incentive against hiring women in the private sector. Additionally, as the cost of this policy is transferred to employers in the private sector, accountability is weak. Moreover, this policy, like some other gender-based programs, does not forestall criticism over the implied discrimination of programs that give benefits to women. Also, despite the fact that there is no regional evidence of the policy outcomes at the implementation stage, the comparative evidence recollected



in empirical analysis on EEUU shows a bad performance in terms of outcome achievement of these programs (Osnowitz, 2005).

These kinds of policies also generate other types of segregation. In particular, women in general, but, specifically, women with children, are left out. So, it may also involve segregation among groups of women, in detriment to those who, because of their condition as mothers, require special support and protection derived from special constitutional protection of children.

- *Family leave rather than a maternity leave*

Instead of promoting a maternity leave which increases the imbalance, as took place in Colombia, which went from 12 to 14 weeks for women, while continuing to offer 8 business days for men (Colombia, 2002), one solution might be a gender-neutral family leave, which encourages fathers to take paternity leave longer.

In 1990 Canada became an example in a neutral parents leave after birth by offering additional 10 weeks of leave to any of the parents, in a totally gender blind logic. Currently Canada's laws provide mothers 15 weeks to recover from pregnancy and accompany her child, but the family can distribute an additional 35 weeks between the parents according to their preference. Men have increasingly begun to take time out for maternity leave, which has led to a new reality where a man can take several months after the birth of their children.

This policy's strength lies in its neutral character and its win/win quality, which allows men to have an opportunity to take time off and be with their families. The evidence shows a high level of effectiveness in the Canadian experience and good outcomes in terms of the implementation process. As the main part of the program employs an operative platform that already exists, there is no great budgetary inconvenience, nor challenge in terms of enforcement or accountability. In terms of side effects, as I said above, the policy simply reverses the negative side effects of the previous policy and does not produce any known side effect beyond increasing the engagement of fathers with their children, which is in itself desirable.

Moreover, the articulation of the program with other social outcomes is high. Canada and other countries with similar policies have seen effects such as a reduction of the wage gap, because the time off is paid and also offered to men, and a reduction in unemployment among women after pregnancy. Such policies promote the development of children, both cognitively and socially, and lead to greater parental involvement in the work of parenting, which is in itself desirable (Cate, 2000; Tanaka & Waldfogel, 2007; Waldfogel, 2007; Waldfogel 1998). Despite the comparative evidence, however, regional experiments have shown the failure of these kinds of project in terms of last outcome. The case

of Chile well documents the negative effect of this kind of program in terms of private stakeholders behavior against hiring women (Camano, 2009). For this reason, it is necessary to more deeply examine the issue of maternity/paternity leave. This process should be linked to questions we must ask as a society: who should pay for maternity or paternity leave, the family, the State?

- *Increase of community centers for redistributing care work*

There are several examples of regulatory reforms that have helped women transfer their care duties. *Bogotá sin Hambre* ["Bogotá without Hunger"], a high profile program run by the Bogotá City Hall during the administration of Mayor Garzón (2004 to 2007) provides a good example. A network of community kitchens was established in deprived zones in order to supplement basic childhood nutritional needs. The program entailed the creation of a network of permanent community kitchens close to areas with dense populations of deprived children (in busy areas close to schools or parks). In the kitchens, children and adolescents registered with the scheme were tended to on a permanent basis by people drawn from the community who had been trained in matters of nutrition and health. Each locality had a network of "overseers" employed by the municipal authorities to visit and monitor the community kitchens. These overseers dealt with complaints and responded appropriately to local needs, recommending and implementing changes to existing nutritional schemes. But such a measure is also effective in terms of women's liberation as it serves to free women from many of the tasks associated with domestic work.

Another important example, also implemented by the Garzón administration in Bogotá, was the program known as *morrales de sueños* ["a schoolbag full of dreams"]. This program, implemented by the District Education Department, channeled private sector donations, according to a scheme allowing the tertiary sector and a portion of the industrial sector to qualify for tax exemptions. The program was not concerned with developing mass-impact projects such as infrastructural schemes, teacher training, increasing the availability of school places or investing in educational research, but concentrated instead on increasing the responsibility of the local state for the education and maintenance of school-age children. In concrete terms, the policy was intended to provide "free schoolbags" for low-income school students. The schoolbags contained a selection of basic classroom supplies, along with written guides containing information to help mothers seek educational support for their children. Of particular importance was the fact that support was offered after school hours in the network of libraries that operates throughout the city. This flexibility proved a boon to working mothers. The program *Bogotá sin Hambre* ["Bogotá without Hunger"] was recognized as the best policy of the mayor's tenure and led to

the re-election of his political party in the 2007 elections. These positive results were achieved by transferring one of the obligations of the care economy from the household to the state.

Both programs show strength and positive outcomes in local arenas. As the accountability process illustrates, the programs are not only efficient but also received unexpected support from public opinion. The beauty of these programs is that they do not imply a big budgetary impact because they characteristically use bureaucratic structures and operative platforms that already exist (public libraries, community centers). Furthermore, available evidence suggests that giving these groups opportunities to work for pay could produce spillover benefits by improving communities, connecting alienated young people to mainstream institutions and lifestyles, and reducing child abuse. Also, evidence recollected by the World Bank and the domestic accountability process led by president Uribe in 2009 well documented the high success level of these programs (Bernal, 2009; World Bank 2011).

- *Equal payment enforcement*

Laws attempting to produce equality in the labor market have not been lacking. The Act 1496 of 2010 mandates equal pay between men and women, and the Act 1257 of 2008 provides for enforcement of such a right to equal pay. However, this issue faces a classic law in books/law in action challenge. Despite their legislative consideration, the right to equal payment is not enforced in Colombia. Mostly litigated by judicial institutions, the salary gap between men and women is still high (Badel & Peña, 2010), and there have been no institutional improvements in the scope of its enforcement.

One possibility for enforcement improvement, considering group inequality along several dimensions, is the creation of a Superintendence monitoring Equality and Diversity (Super-SED), in the spirit of the Equal Employment Opportunity Commission of the US. In the case of gender, there is already the High Council for the Equality of Women in Colombia ("*Alta Consejería para la equidad de la mujer*") so the institutional platform and bureaucracy are available.

The case of the High Council is interesting, although the institution needs substantial changes. The High Council is an entity with a historically very low budget, which could be considered more symbolic than real. But paradoxically, it has several functions. The main ones are, first, to assist the President and the National Government in designing policies to promote equality between women and men. Second, it performs gender mainstreaming—usually known as liberal feminism—in the formulation, management and monitoring of policies. Third, it monitors compliance with domestic laws and international treaties and conventions. Fourth, it establishes strategic alliances to strengthen research on

gender issues. Regarding this last, it is necessary to combine these functions with the performance of impact assessment studies and experiments or pilot audits to detect processes of exclusion or discrimination in the labor market. To formulate an agency processes that observes and enforces the equal payment is a needed executive reform.

Furthermore, to achieve the equal payment goal is also important the understanding, in the social and political level, of the additional work that women do as a domestic task. In this way, the Economy Care Act (Colombia, 2010), includes the care economy in Colombia's national accounts but without a material impact in the women's everyday life. Strengthening the economic recognition of domestic work is a key element in overcoming gender disadvantages in the formal labor market.

This course of action offers good outcomes as far as the evaluation process is concerned. The most attractive point of the proposition is that it offers improvement of a current institution in the executive branch, which implies that there is no further budgetary affectation. As a matter of a fact, the effectiveness of the program is high. The Colombian socio-legal academy has well documented the benefits of shifting rights enforcement from the judiciary branch to agencies in the form of public policy (Alviar, 2011). Also, and the available evidence shows the women's high intervention in the enforcement process developed in both the executive and the judiciary branches (Rodríguez, 2002). The high levels of women mobilized and the statistics of gender litigation broadly support the effectiveness of alternative mechanisms that strengthen an enforcement process led by agencies, alternative mechanisms that involve social accountability process and other citizen-control based methods (Moreno, 2012). However, the implementation of sanctions could produce opposition on the part of public opinion.

The next section addresses the implementation challenges and the main trade-offs among the policy alternatives presented and evaluated thus far.

### **3. Implementation analysis and recommendations**

The effectiveness of a policy recommendation depends on the feasibility and challenges surrounding the implementation of each alternative. According to Weimer and Vining, policy implementation is based on the collective efforts of politicians, government, organizations, nongovernment entities and the resources available to these groups. To this extent, in order to evaluate the implementation feasibility, the capacity of affected organization to adopt new policies should be considered, along with identification of primary stakeholders and the extent to which these share a common mission or goal (Weimer & Vining, 1992).

In this section, I will start with a description of the stakeholders involved in the implementation stage. Next, I am going to propose three challenges posed by the implementation process. A primary challenge is its heavy dependence on the private sector; a second one is the large bureaucratic staff needed in terms of enforcement structure in order to control the private sector policy observance, while the last is the bureaucratic dynamic itself. Finally, the implementation challenges leads me propose bottom-up policies like the Community Centers as being the most feasible policy alternative, reinforcing the outcome obtained according to the criteria evaluation.

#### *a. Implementation stakeholders*

The five policy alternatives I have described for achieving the political goal of overcoming the gender disadvantage in the formal labor market for urban middle class women have three main stakeholders fields: the private enterprises that operate as employers, the street level bureaucrats that operate the policy enforcement in the last stage, and the social cooperation that intervenes in the goal's success at the horizontal level. The following chart describes this panorama:

**Table 2.** Stakeholders

Stakeholder	Private enterprise	Street level bureaucrats	Social actors
Role	Employer Quotas in the labor market	Enforcement	Horizontal cooperation
Policy alternative	Flexible working hours Family leave rather than a maternity leave	Equal payment enforcement	Community Centers

Table 2 shows that there is a heavy responsibility placed on private enterprises as the actors who manage the adoption in three of the five policy alternatives. I have to mention also that the enforcement bureaucrats have to be involved transversely in all the programs, because they need to control the observance of the programs in both the private and social arenas.

The main challenge in the implementation analysis is to determine if the hypothesized behavior is consistent with the personal and organizational interests of each stakeholder. As I have said before in the solution alternatives section, four of the policy alternatives, with the Community Center policy exception, produce negative incentives in terms of women's incorporation to the labor market, because they can be interpreted as male discrimination and, or, competitive risk. This circumstance not only affects political and social support for the policies, but also contradicts the stakeholders' interests and moves

their individual goals out of the desired outcome. Therefore, for the majority of the stakeholders, observance of the policy is going to be perceived as a cost, a circumstance that discourages implementation. As a matter of fact, the stakeholders have tactics to avoid complying. The next two sections describe these compliance leaks: the market and bureaucratic discretion.

*b. Market challenge*

The regulation-deregulation tension, or the state and the market dichotomy, has governed the Latin American politic discussion since the 1990 Washington Consensus and has shaped the regional development model (Molyneux, 2008) Although some authors argue that Neoliberalism —as a term usually connected with the contraction of the state and the aggrandizing of the market— presents variations in the Latin American context, where the State remains a primary actor in the distribution of social provisions (Molyneux, 2008), the bargain between public and private actors often produces a private sector winner. Thus, the market-based argument and the deregulation move are two of the most dangerous scripts used for avoiding compliance from the private perspective.

*c. Street-level bureaucrats challenge*

According to Lipsky's theory (2010), bureaucratic actors are policymakers. The street – level bureaucrat is an individual, with a particular agenda and ideology, who executes his decision far enough from political authority to apply his/her subjectivity rather than the law. Thus, the state-action is not defined by the program itself but by the action of the street-level bureaucrat. Thus, one factor affecting the status of women is bureaucratic operations. The street-level bureaucrat has an unknowing power to determine the outcome of the policy adopted, because the street – level bureaucrat is using his/her discretion to make implementation decisions. There is broad evidence that show how street-level bureaucrats are the main challenge in the gender based policy implementation (Ferguson, 1989). In Colombia, for example, street- level bureaucrats are a big barrier to overcoming gender disadvantages, because they always perceive gender focused policies as discriminatory and unfair towards male population (Jaramillo, 2006). Therefore, enforcement activities that would be executed by street- level bureaucrats in the five policies I suggested are going to be one of the main adoption challenges, because these actors have a negative perception of the policies and tend to execute these kinds of programs at a low level with little accountability.

In this panorama, the conclusion of the implementation analysis strongly suggests the bottom up adoption process (Weimer & Vining, 1992). The only

policy that offers a bottom up perspective is the Community Centers alternative. This perspective emphasizes the use of horizontal dynamics in the policy implementation, such as collaborative behavior among peers or social cooperation. The Community Centers policy is an alternative that uses social cooperation in order to increase women's participation in the labor market indirectly. The actors who execute the service are not bureaucrats nor private stakeholders, but members of the community, a circumstance that makes it easy for them to engage with the policy's goals and fosters the coincidence of individual interest with the desired outcome. There is important evidence for the success of these kinds programs in the Colombian context, produced by both transnational actors and also local accountability reporters (Bernal et al., 2009).

#### 4. Recommendation

As Table 2 indicates and the implementation analysis suggests, the strongest alternative is the fostering of Community Centers that promote a re-distribution of care work. This policy performs well in the assessment process because it combines a gender focus with important indirect effects: child support and human capabilities. The policy also has a bottom up implementation process that circumvents the main adoption difficulties of gender focused programs. The alternatives of a family leave (rather than a maternity leave) and an equal payment Commission also score well according to the evaluation criteria. The main strong point of these alternatives is their cost-benefit analysis, which suggests that they can report high levels of benefit with only moderate budget affectation.

Sources of quantitative data

Institution	Source	Representativeness	Sample	Period	Indicators
Departamento Nacional de Estadística-DANE	Gran Encuesta Integrada de Hogares-GEIH	National	271.620 households (Annual)	2009, 2010	Labor participation, main activity perform daily, unemployment, time use, migration, social security, grade of education
Departamento Nacional de Estadística-DANE	General Census 2005	Census	-	2005	Family configuration, single-parent families
Departamento Nacional de Estadística-DANE	Quality of life Survey -ECV	National	15,488 households	2010	Perceived mobility, perceived well-being

Institution	Source	Representativeness	Sample	Period	Indicators
Asociación Pro-bienestar de la Familia Colombiana-Profamilia	Demographic and health survey- ENDS	National, urban and rural, six regions, 14 sub-regions, 32 departments and Bogotá	Households 51.447, 53.521 women aged between 14 to 49 years	2010	By age: acute diarrhea, acute respiratory infection, age at first child, average number of children, frequency of attendance at general practitioner

In contrast, the alternatives involving quotas or special working hours for women do not perform well in the criteria assessment. This is a consequence of negative side effects produced by the programs—which, for example, would create greater segregation of women in the labor market by making their hiring costly—, low political acceptability—can be interpreted as male discrimination—, and enforcement problems. Furthermore, these alternatives are difficult or expensive to implement.

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## Appendix

**Table 2.** Matrix of policy alternatives and evaluation criteria

Criteria	Indicators	Policy alternatives				
		Quotas in private market (woman on board)	Flexible working hours	Care word Increase of community centers	Family laeve rather than maternity leave	Equal payment commission
Effectiveness	Quantitative impact of the improvement in the labor condition	+0 Proved in Norway	+0 Proved in Chile	+1 Proved in Colombia	+0 Proved in Canadá	+0 Proved in US
	Enforcement	-1	-1	-1	+1	+1
Robustness and Improvability in implementation	Interrelationship with other programs	+1	-1	+1	+1	+1
	Excent of accountability	0	-1	+1	+1	+1
	Presence of side effects (non expected incentives)	-1 negative side effects	-1	+1	+1	+1
	Proven cost	0	-1	+1	0	0
Program efficiency	Proven benefits	+1	+1	+1	+1	+1
	Extent program benefits excend program costs	+1	0	+1	+1	+1
Political acceptability	Support/Opposition of public opinion	-1	-1	+1	+1	-1
Overall score		+1	-4	+9	+8	+8