



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Germany
Title:	Statutory gender quota for bodies within federal control
Date:	2 October 2015
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<u>Context</u>	
Issue at stake:	German legislator introduces a statutory 30 % gender quota for advisory boards, boards of directors, and similar supervisory bodies of bodies within federal control with at least three members
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment
Applicable law:	Statute on Bodies within Federal Control

Content

Legislative development: The Law on the equal participation of women and men in leading positions of private companies and in the civil service of 6 March 2015 further amended the Statute on Bodies within Federal Control (*Bundesgremienbesetzungsgesetz, BGremBG*).

The BGremBG is a federal law on the nomination and delegation of women and men to decision-making bodies within the purview of the federation, which also applies to advisory boards of state-owned companies regulated by private law. The amending Law on the equal participation of women and men in leading positions provides for a 30 % statutory gender quota on all advisory boards, boards of directors, and similar supervisory bodies with at least three members covered by the BGremBG. The statutory quota enters into force in 2016. The aim is that a 50 % gender quota is reached by 2018.

Concerning 'relevant' decision-making bodies, a balanced representation of men and women is aimed at, but no statutory quota was set. 'Relevant' bodies are specified by federal institutions that are not covered by the law, such as the federal Government, federal ministries, federal commissioners, and federal legal persons under public law without the right of self-administration.

The Federal Minister for Justice praised the Law for making the federal authorities set a good example. The German Women Lawyers' Association welcomed the intention to further equal representation in supervisory bodies under federal control, but heavily criticised the broad scope of exceptions. It pointed out that every decision-making body could be specified as 'relevant' or it wouldn't be under federal control at all. The German Women's Council demanded a statutory gender quota of 50 % for every decision-making body within the purview of the federation.

The proportion of women in bodies under federal control has been decreasing for the last ten years and in 2014 it dropped to 20.7 %.

Key points of analysis: The German legislator introduced a statutory 30 % gender quota for advisory boards, boards of directors and similar supervisory bodies of bodies within federal control with at least three members by 2016. Moreover, it is aimed that a 50 % gender quota is reached by 2018. The amendments further cover a balanced representation of men and women in 'relevant' decision-making bodies. Critics point out the broad scope of exceptions, including all 'relevant' decision-making bodies being specified by federal institutions that are not covered by the law, and possibly meaning every decision-making body or it wouldn't be under federal control at all. The proportion of women in bodies under federal control has been decreasing to 20.7 %.

Internet link source:

(all accessed 29 April 2015)

Legislative history with all relevant documents:

<http://dipbt.bundestag.de/extrakt/ba/WP18/643/64384.html>

Critique by the German Women Lawyers Association, <http://www.djb.de/Kom/K1/st14-17/>, and by the German Women's Council,

http://www.frauenrat.de/fileadmin/user_upload/infopool/stellungnahmen/2014/140929_StN_DF_Gleichberechtigte_Teilhabe_o.U..pdf

Fifth Report on the Statute on Bodies within Federal Control of the Federal Government of 16 December 2010, <http://dipbt.bundestag.de/dip21/btd/17/043/1704308.pdf>, and

Women-on-Board-Index I of 30 September 2014, http://www.fidar.de/webmedia/documents/wob-index/140930_WoB-Index_I_Internet.pdf