



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

NEWS REPORT

Country:	The Netherlands
Title:	Extension of statutory regulation on the number of women on boards
Date:	10 February 2017
Expert:	Marlies Vegter
<u>Context</u>	
Issue at stake:	Extension of statutory regulation
Ground of discrimination:	Sex
Source:	Policy development
Field:	Employment
Applicable law:	Art. 2:166, 2:276 and 2:391(7) DCC

Content

Policy development: By the end of 2015 the provisions in the Dutch Civil Code (DCC), which ruled that Boards of Directors and Supervisory Boards must have at least 30% of women in their midst, expired. This regulation had formed part of Dutch law since 2013. Following the regulation the situation improved somewhat in the years 2013-2015, but not considerably. The percentage of women on Boards of Directors increased from 7,4% to 9,6% and the percentage in Supervisory Boards from 9,8% to 11,2%. 14,2% of the companies had in 2015 30% of women in their Board of Directors and 17,8% had 30% of women in their Supervisory Boards. However, 75% of the boards and nearly two-thirds of the Supervisory Boards had no female members at all.

Because of the poor results the government proposed to extend the law until 1 January 2020. Both Chambers of Parliament have adopted this proposal, respectively on 19 January 2017 and on 7 February 2017. The new provisions will continue to exist until 1 January 2020 and will then come to lapse.

The content of the provisions has remained the same. Large companies (approximately 4.900 in total) have to include at least 30% women in their boards. If they do not meet this criterion, they must explain in their annual report why not.

The regulation stands apart from the legislation to implement Directive 2014/95/EU on the disclosure of non-financial and diversity information. A separate law is being drafted to implement this directive. The government sees the 30% regulation as a partial implementation of a diversity policy, specifically with respect to sex. The extension of the provisions in the DCC will be accompanied by various policy initiatives. A programme with the name 'Women to the Top' has been developed. As part of this programme, letters have been sent to members of Supervisory Boards to ask attention for a better balance between men and women and to ask them to nominate 'board ready' women. This has resulted in the formation of a databank with approximately 1000 'board ready' women. In addition the Minister of Education (which includes gender equality) and the chairman of the largest employers association have asked attention for the topic, both in interviews and during

meetings, and they have engaged two influential people to actively contact members of company boards.

Key points of analysis: The extension of the provisions on the percentage of women on boards can be evaluated in a positive way, as it keeps the subject on the agenda. The less positive aspect is that the statutory provisions have had little effect and that it can be doubted whether this situation will improve in the coming years. Apparently it is difficult to really persuade boards to appoint more women. The Labour party has announced the wish to introduce a quota if the present regulation does not help. The Democratic party however opposes such a quota. It is doubtful whether there would be a majority in this respect in Parliament.

Internet link source:

https://www.eerstekamer.nl/wetsvoorstel/34435_verbetering_evenwichtige, accessed 10 February 2017

<https://www.rendement.nl/nieuws/id19185-wetsvoorstel-aangenomen-voor-vrouwen-in-de-top.html>, accessed 10 February 2017