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FLASH REPORT

Country:	The Netherlands
Title:	Technical University Eindhoven Law will open up job vacancies to women only
Date:	24 July 2019
Expert:	Marlies Vegter
<u>Context</u>	
Issue at stake:	Policy of University Eindhoven to appoint more women in academic positions
Grounds of discrimination:	Sex, Gender
Field of application:	Employment
Source:	Policy development
Applicable law:	Equal Treatment Act

Content

Policy development: The board of the Technical University of Eindhoven (TU) announced on 17 June 2019 that starting from 1 July 2019 it will open up job vacancies for permanent academic staff to women only during a period of six months. If no suitable female candidate is found within these six months, the vacancy will be opened up to men as well. Then the requirement will apply that a least one man and one woman is put up for employment. The female academics who will be appointed, will be given an extra grant of EUR 10 000 to do research and will get a mentor. The procedure will be evaluated by the end of 2020. As of then the TU wants to decide each year which job vacancies will be opened up to women only during the first half of the year.

Through this policy the TU hopes to improve its gender balance. In 2018 the TU was, as in previous years, the university with the lowest number of female professors in the Netherlands (12,6 %). This number is increasing (it was 5,7 % in 2011), but, according to the rector magnificus, this is going too slowly. At present there is room for an active policy, as there will be 150 academic job vacancies in the coming years. Also the Dutch government will allocate 60 million euro extra to research in the field of science and technology up to and including 2024.

Key points of analysis: This is an important development, because the number of female professors in the Netherlands is rather low and is only very slowly increasing. Therefore more radical measures appear to be necessary than the soft law initiatives that have been taken so far. There is debate on the question whether the policy of the TU is in line with EU-law. In 2011 the Equality Body ruled that the nomination by the University Groningen of 17 female senior lecturers for a future appointment as a professor, conflicted with CJEU case law, as only female senior lecturers were asked to submit their file with a view to an appointment as a professor, whereas men could not do so.¹ In an opinion from December 2012, however, the Equality Body reached a different view in a case concerning the

¹ Opinion 2011-198, www.mensenrechten.nl. See also JAR 2012/78 with a comment by E. Cremers-Hartman.

(technical) University of Delft.² This case also concerned an increase in the number of female professors. The University had reserved ten tenure tracks for female academics. The Equality Body ruled that in this specific case this was allowed, as the disadvantageous position of women at the University was persevering and structural and the University Board had already taken many measures to change this situation, but without any significant effect. The Technical University Eindhoven takes the view that its situation is comparable to the situation in Delft and that, besides, job vacancies will be opened up to men as well after six months. Also in exceptional cases deviation from the policy is possible, for example if a man who is about to win the Nobel prize wants to come to Eindhoven, but then the faculty involved will have to ask the rector magnificus for an exception.

Internet link source: <https://www.tue.nl/en/working-at-tue/scientific-staff/irene-curie-fellowship/>.

² Opinion 2012-195, www.mensenrechten.nl. See also JAR 2013/41 with a comment by E. Cremers-Hartman.