



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

FLASH REPORT

Country:	The Netherlands
Title:	Introduction of women's quota for supervisory boards
Date:	10 March 2020
Expert:	Marlies Vegter
<u>Context</u>	
Issue at stake:	Adoption of law proposal
Grounds of discrimination:	Sex
Field of application:	Other field
Source:	Policy development

Content

Policy development: In the years 2013-2019 the Dutch Civil Code (DCC) stipulated that Boards of Directors and Supervisory Boards must aim to have at least 30 % of women in their midst. If companies did not meet this percentage, they had to explain in their annual report why not. This regulation expired on 1 January 2020. However, the results of the regulation have been poor. By the end of 2018 the percentage of women on Boards of Directors amounted to 12,4 %, thus less than half of the 30% target. The percentage of women on Supervisory Boards reached 18,4 % by the end of 2018, thus also far from 30 %. A large group of companies (67 %) did not have any women on their Board of Directors and approximately half of all companies did not have a woman on their Supervisory Board.

Because of the poor results the socio-economic council (SER), an important advisory body to the government, advised the government in September 2019 to introduce quotas for the number of women on Supervisory Boards. On 3 December 2019, Parliament decided to follow this advice and to introduce a women's quota. The quota will apply only to Supervisory Boards and only to listed companies. These companies will be obliged to make sure that their Supervisory Boards consist for 30 % of women. If a man is appointed while this target has not yet been met, the appointment shall be declared null and void. In that case the 'chair' on the Supervisory Board will remain empty until a woman is appointed.

The government will now have to draft a law proposal to implement the decision taken by Parliament.

Key points of analysis: The decision by the Dutch Parliament is important because so far government has not been willing to oblige businesses to appoint more women on their boards. Since 2013, attempts have been made to encourage companies to appoint more women, rather than to force them to do so. However, progress is so slow that even the largest employers' organisation in the Netherlands, VNO-NCW, now supports the introduction of a women's quota. However, the new regulation will only apply to Supervisory Boards of listed companies, i.e. 88 companies in total. The effect will therefore be small. The idea is that, in addition to the quota, companies will have to take measures

to increase the number of women in management positions in all layers of their company. However, it is not yet clear which statutory measures will be taken in this respect.

Internet link source:

<https://nos.nl/artikel/2313132-meerderheid-kamer-voor-verplicht-vrouwenquotum.html>

<https://www.ser.nl/nl/actueel/Nieuws/maatregelen-diversiteit-top>.