

Positive Action in the Member States

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Regulating Positive Action in Employment

- ▶ **No regulation: 5 member states**
- ▶ **Mandatory positive action: 8 Member States**
 - ▶ primarily public sector; specified areas or initiatives
 - ▶ Sanctions (e.g. fines, negative evaluations) for failure to comply
- ▶ **Soft law measures: 15 Member States**
 - ▶ Measures or policies permitting or encouraging positive action initiatives
 - ▶ No sanctions

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Quotas

- ▶ **France:**
 - ▶ Recruitment and promotion committees for civil servants (1/3)
 - ▶ Company boards (20% by 2014, and 40% by 2017)
 - ▶ Boards of public enterprises (40%)
 - ▶ High level public service workers (40% by 2018)
- ▶ **Greece:**
 - ▶ 1/3 of members of service councils of the civil services, legal persons governed by public law, and local authorities
- ▶ **Italy:**
 - ▶ 1/3 boards of directors and supervisory boards of Italian listed companies and state-owned companies
- ▶ **Spain:**
 - ▶ 40% quota in training courses for women employed in the Public Administration

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Positive Action in Denmark: General rules

- ▶ “Positive action” is understood to mean temporary special measures to promote gender equality.
- ▶ Positive action measures that extend preferences to one sex are prohibited unless
 - ▶ Mandated specifically by law OR
 - ▶ Authorized in advance by the appropriate government Minister OR
 - ▶ the Minister for Gender Equality has specified the conditions under which such measures may be adopted *without* prior authorization.

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Positive Action Obligations in Denmark - public sector

- ▶ **Gender mainstreaming obligation**
 - ▶ “Public authorities shall within their respective areas of responsibility seek to promote gender equality and incorporate gender equality in all planning and administration”. Gender Equality Act, §4:
- ▶ **State-owned company boards**
 - ▶ Should as far as possible have an equal gender balance; competent Minister has a duty to report on gender composition of board every third year. Gender Equality Act, §§ 11-13:

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Legally Mandated “Positive Action” in the private (and public) sector

- ▶ **By amendment to the Gender Equality Act and the Company Act, effective 1 April 2013**
 - ▶ 1100 largest private companies and all state enterprises and institutions must report targets and policies for achieving balanced gender representation in top management in their annual reports.

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Compliance with the new law



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Positive action without prior authorization

- ▶ Rules issued by Minister for Gender Equality in 2007
 - ▶ Employers, authorities and organizations may adopt experimental and development initiatives for a period of up to two years to attract the underrepresented sex (less than 25%)
 - ▶ They may NOT give preference to members of the underrepresented sex at the point of admission to education/training or employment.

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