

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

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

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.

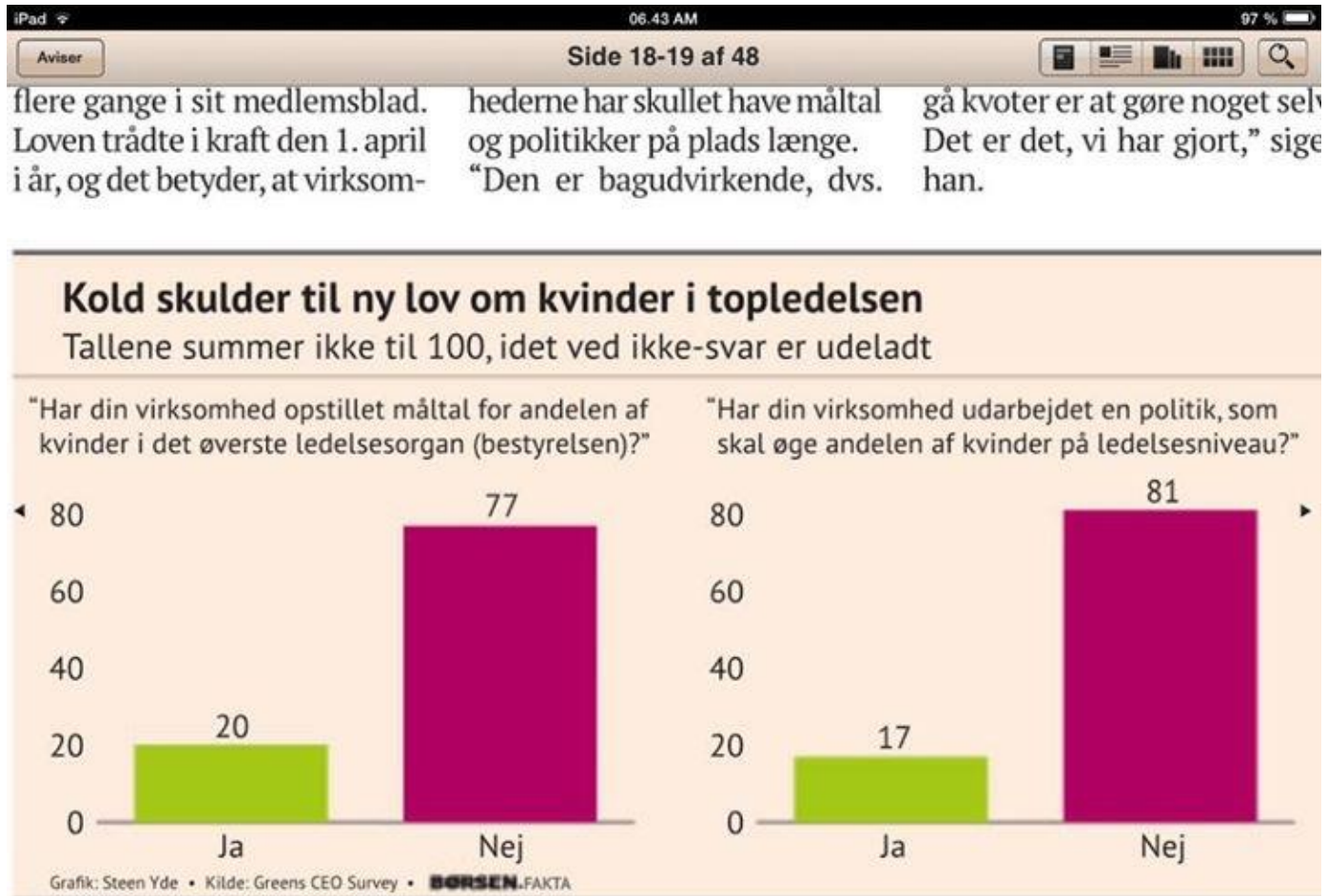
Positive Action Obligations in Denmark - public sector

- ▶ **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:

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.

Compliance with the new law



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.