

Gender equality and discrimination

In the Netherlands the responsibility for gender equality is vested with the Ministry for Education, Culture and Science. This ministry has a separate unit responsible for gender equality. One of the objectives of this unit is to ensure gender mainstreaming. Gender mainstreaming contributes to remedial mechanisms, processes and outcomes to be made more gender sensitive. One of the examples of gender mainstreaming is that the government is currently in the process of reviewing the general tool that is used by the whole government when drafting new policies. This tool includes a format to judge whether the proposed policy is in fact needed, expedient and effective. We are currently adding a question regarding the effects of the proposed policy measure on women and gender equality. This stimulates policy makers working in different fields to have a gender sensitive perspective. Within the Ministry of Foreign Affairs, this question is already used in international development cooperation policy making, notably in related programming. Like the latter, many other ministries also have a particular gender focal point and/or a task force, for example the Ministry of Social Affairs and Labour plays an important role in labour related matters.

There are no domestic laws and policies that are discriminatory to women.

There are no state laws and policies that impede women's integration into economic activities or public life. The right to equal treatment is enshrined in Dutch law, and there is broad public support for principles such as equal employment rights, the right to form your own identity and determine your own personal life, as well as to be safe from violence at home and in public spaces.

There are three interrelated domains in which we still face challenges:

- o (i) the labour market;
- o (ii) safety, security and acceptance;
- o and (iii) gender diversity and equal treatment.

The topics are closely related to one another. For example, lack of economic independence makes women more dependent. This can make them more vulnerable to the risk of domestic violence. Moreover, equality is inextricably bound up with sustainable development. As such, it is an integral part of our efforts to implement the United Nations' Sustainable Development Goals (SDGs) and especially SDG 5 (Gender equality).

In the Netherlands we have a relatively high participation number of women on the labour market. However, 73 % of working women have a part-time job (<35 hours per week) while only 21% of working men have a part-time job (SCP, 2018).

It is usual for one partner in heterosexual couples (typically the man) to work full-time and for the other partner (typically the woman) to work part-time. The social norm generally is, that children should not attend child care for five days a week.

To reinforce the position of women the government encourages them to increase their working hours and become economically independent. Measures to achieve this include fiscal policies that stimulate 'second earners' within a household to increase their working hours, extra subsidies for child care, and a substantial increase of 'birth-leave' for fathers or other partners. Furthermore, an awareness campaign has recently been launched to encourage parents with young children to talk to each other about the desired division of work and care tasks.

The government is currently undertaking a research project in order to get more insight into why part-time work is so predominant among women in the Netherlands. This research could lead to new policies.

The department of gender equality has made combatting gender stereotyping one of its focus points. One of these points is to encourage more women to choose for the science, technology, engineering, and mathematics (STEM) sector.

Social and cultural norms do still impede women's integration in the labour market on an equal footing with men. Some societal practices exist, however, that could lead to discrimination of women, such as a pay difference between women and men in certain sectors and the matter of pregnancy discrimination (e.g. a woman not receiving a promotion or a permanent contract due to pregnancy). The Dutch government has been targeting these societal practices for several years now through the Labour Market Discrimination Action Plan (2014), the Pregnancy Discrimination Action Plan (2017) and the recently presented follow-up of these action plans (Labour Market Discrimination Action Plan 2018 – 2021).

To promote female participation in executive and supervisory boards, legislation is in force since January 2013. The law provides that listed companies (with 250 employees or more) must have 30% women on the supervisory and executive board by 2016. No sanctions are envisaged but companies are obliged to report and explain in cases of non-compliance. Of all 90 listed companies, only nine companies meet the 30% target for the executive board.

Together with the chairman of the Confederation of Netherlands Industry and Employers (VNO-NCW), the Minister for Education, Culture and Science targeted the board members and ceo's of the 200 biggest companies in the Netherlands. All board members within that top 200 were asked to nominate any board ready women they knew and (with the women's permission of course) send in their resumes to start a database. Within mere months the database contained over a 1000 names. The government has tasked an independent research center to gather more information about the situation in the Netherlands. In the second half of 2019 the government will send its plans to the parliament.

Different / disproportionate impact for women

In 2014, a third of all absenteeism in the Dutch labour market can be attributed to work-related stress, which includes stress due to sexual harassment, bullying, violence and intimidation. On a yearly basis the quality of work is assessed under roughly 40,000 workers through a national survey. From this survey it is clear that women are relatively much more prone to unacceptable behaviour from third parties than men (31% vs 17,1% of women and men said that she/he had been subject to such behaviour at least once in 2017). For unacceptable behaviour from colleagues and managers there is not such a large variation.

Whilst there are no significant differences between men and women when it comes to the incidence of bullying and intimidation, it is clear that women are more often victims of unwanted sexual attention and violence. There are, however, great variations between sectors. The care sector, as well as the hospitality sector are examples of sectors in which women are faced more regularly with such behaviours¹.

Addressing sexual harassment and sexual or physical violence

Over the past few years the government has raised considerable attention to the importance of preventing psychosocial stress at work, through campaigns focussing on sustainable employability and the importance of a healthy work culture respectively. These campaigns involved

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various other actors, such as the employers' organizations in different sectors, professionals that assist employers in developing policies and taking measures and representatives of workers (including work council members).

At present the government continues efforts to raise awareness on the importance of a safe working environment and a safe work culture. To this end, Ministry of Social Affairs and Labour will organize a conference towards the end 2018 focussing on the role workers' representatives at company level can play to raise attention for measures to combat sexual intimidation/harassment. A so-called 'Action Team Psychosocial Stress' assists circa 20 organizations in taking measures to promote a healthy work culture. Some organizations focus specifically on undesirable behaviour, such as bullying or sexual harassment. Lessons learned from this approach will be shared with a broad audience.. The Ministry of Social Affairs and Labour also supports the "week of work-related stress" during which events and conferences are organized throughout the Netherlands. The Ministry used to be in the lead on organising this "week" for the past few years, but now it is only partly subsidising the organization of this event. This dovetails with its general approach: first raising considerable attention for the issue, developing tools and instruments for employers and other relevant groups to contribute to a safe work environment and to combat undesirable behaviour at the workplace. Afterwards it is up to organizations themselves to take the initiative one step further.

The role of businesses

Under our Working Conditions Act, the employer is primarily responsible for safe and healthy working conditions of his or her employees. The employer is required to assess all risks related to the workplace and to develop a policy and take measures to mitigate or eliminate risks and as such to ensure healthy and safe working conditions. In this, employees can also play a role by raising attention for risks at work.

The Working Conditions Act requires employers to have a policy in place to protect workers against psychosocial stress. It is explained that factors that can lead to psychosocial stress include discrimination, intimidation (including sexual intimidation), violence and bullying, as well as undue levels/loads of work.

Our Working Conditions Act is a generic policy and does not focus explicitly on the risks for women. The approach taken under our Working Conditions Act allows, however, for tailored measures to be taken at the level of organizations or sectors. In this, employers will constantly need to assess and evaluate risks that workers may face in his/her organization and take appropriate measures to address these.

The Ministry of Social Affairs and Labour continues to help facilitate employers so that they can fully take their responsibility on emerging issues. Examples are research undertaken on confidential councillors (confidants) in organizations and efforts to promote the skills of these counsellors. We are currently in the process of commissioning research on codes of conduct in organizations, focused on preventing and addressing unacceptable behaviour.

In all these activities, there are obviously a number of organizations that play supporting roles, such as the Dutch federation of confidants, or the Dutch federation of occupational physicians, or organizations of employers in different sectors. The government's efforts have focused on awareness raising and on safe and healthy work cultures. It is very difficult to assess the impact of such interventions. Change in behaviour and culture within organizations takes time. It is clear, though, that employers can take a number of practical steps that help prevent unacceptable behaviour and that enable victims of such behaviour to address this. Both strands of work stand to benefit also women that are faced with increased marginalization or vulnerabilities. Access to

support (from the manager, a confidential adviser, workplace (medical) advisers, etc.) is an important part of the policies that employers need to have in place. Our Labour Inspectorate enforces the obligation for employers under our Working Conditions Act.

The Dutch Government urges businesses to take a stand against discriminatory societal practices by providing them with knowledge and practical tools through the afore-mentioned action plan. Businesses are also encouraged to sign the Diversity Charter of the Labour Foundation. The aim of this Charter is to encourage social partners to promote diversity and inclusion in the workplace and to encourage individual employers and employees to invest in a diverse workforce and an inclusive business environment.

With regard to the supply chain The Netherlands Enterprise Agency has developed a guide for SMEs to prevent (sexual) violence in the workplace. The guide was developed in consultation with SMEs, and it contains a checklist with practical measures to prevent, eliminate and deal with (sexual) violence in the workplace.

Remedy

Measures that also our Labour Inspectorate advocates for are: having a confidential advisor (internal or external to the organization); having a mechanism to report complaints; having a mechanism to investigate/address complaints.

The Working Conditions Act sets the legislative framework for policies to combat sexual harassment at work. But there are obviously also relevant definitions and clauses in our civil law and penal law code.

In practice this means that a worker who has been sexually intimidated can file a complaint with the labour inspection. The labour inspection does not investigate the individual case but will seek to establish whether the employer has a policy in place that adequately protects his/her workers.

The worker can also turn to the police or file a civil lawsuit against the person who has committed the act of sexual intimidation. A number of acts of sexual intimidation/harassment are defined in our penal law code and are dealt with under penal law (e.g. rape).

The "College voor de Rechten van de Mens" (the Dutch National Human Rights Institute) can also do research on issues relating to human rights. Work-related cases often focus on discrimination, but can also include issues relating to other human rights.

The legislative framework of the working conditions act is outcome-oriented and focuses on a number of process steps that an employer needs to take (identifying and assessing risks, taking measures, evaluating measures, etc.) in an iterative process. There are some calls from the business community to specify specific measures employers must take, such as having a complaint procedure or a confidant. Thus far, however, we have not diverged from the way our Working Conditions Act has been drawn up, which focuses on the goals and not on the precise means. We believe this allows for tailored solutions in each and every organization.

Media

In the Netherlands there are several effective measures taken to combat gender stereotyping in the media:

- The government has facilitated the founding of a coalition of commercial and public media broadcasting organisations (RTL, Vice, NPO) and marketing companies. These companies and organisations have committed to combat gender stereotyping within their own sector.
- The government is funding a national campaign against gender stereotyping in the media called *Beperkt Zicht* ('Limited View': <https://www.womeninc.nl/thema/beperktzicht/>). This campaign tries to create awareness among the general public about unconscious bias.
- The Netherlands is currently considering setting up a study to research the status quo regarding the representation of women and girls in the media. A recurring study could help to show the development and to base policies on this development.

Extent to which businesses apply a gender lens

Currently there is no concrete data available that provides insight into whether and how businesses apply a gender lens. In July 2017, Plan Nederland and Accenture B.V conducted a survey on gender policies and practices of Dutch-based international operating companies², sponsored by the Dutch Ministry of Foreign Affairs. With regard to supply chain responsibility, 5% of respondents were confident that their suppliers pay attention to gender equity; 36% said their suppliers have introduced "some" women-friendly initiatives; while 50% were unsure. The results show that 50% of the respondents said they were aware of the business case for including women in their supply chain, 27 % were not aware of the benefits, while the rest were unsure. With regard to actions already taken to empower women in the workplace, 55% of respondents said they are involved in skills development, job creation and economic empowerment programs for girls and women (41% said they do not have special programs while 4% were unsure).

Gender is a topic in several of the Responsible Business Conduct Sectoral Agreements, for example the agreement on textile.

Gender perspectives in the state's economic sphere

The government aims for at least 25% of female participants at trade missions and taking into account wishes and needs of female entrepreneurs for trade missions.

The Netherlands Enterprise Agency, which helps entrepreneurs with funding, networking, know-how and compliance with laws and regulations, is using a gender lens, amongst others by:

- Training its staff to raise awareness on working with a gender lens;
- targeting female entrepreneurs in export coaching programmes in order to make them ready to start exporting;
- selecting sectors where female entrepreneurs benefit most
- adding a question in subsidy applications regarding the effects of the proposed project on women and gender equality;
- providing tools to companies like OECD guidelines and WHO gender responsive assessment scale that they are expected to be taken on board by companies when drafting their subsidy application;
- organizing trainings and incoming missions particularly targeted at women entrepreneurs in low and middle income countries. A group of 20 women entrepreneurs from Uganda and Zimbabwe participated in trainings, which developed their leadership and entrepreneurship skills. In addition to the training programme, these women visited the Netherlands with the purpose of matchmaking; to provide them access to finance and networks.

As it turns out that female entrepreneurs often have difficulty finding the right connections, knowledge and capital in order to make their business a success the Ministry of Foreign Affairs is

² <https://www.planinternational.nl/uploaded/GAA-Report-Investing-in-Girls-and-Women-prt-.pdf>

developing a training programme for Dutch female entrepreneurs in order to stimulate them to join trade missions, and to make subsidy programmes more accessible and to enable them to build relevant networks.

Lastly, within the EU context, the Netherlands supports incorporating gender paragraphs in EU trade agreements.

The Netherlands' approach in development cooperation

The government invests in the rights of women worldwide because we believe that gender equality is a prerequisite for achieving the Sustainable Development Goals (SDGs). Women's rights and gender equality are a cross-cutting goal in policies related to Foreign Trade and Development Cooperation. The Ministry of Foreign Affairs promotes women's rights and gender equality via specific programmes including programmes addressing gender based violence and women economic empowerment, and through gender mainstreaming and gender diplomacy.

This Ministry is also working on bridge-building between companies and women's organizations to stimulate the setup and cooperation on gender related programmes in supply chains. An active network has been created in which participants exchange good practices and gain knowledge. At the same time it enables and stimulates women's organizations to engage with the business community. Often these organizations are not used to engage with companies. Some fruitful concerted initiatives have already been generated, for example empowering women by introducing sport facilities in factories in the supply chain