



NEWS REPORT

Date:	19 October 2010
Expert:	Rikki Holtmaat
Title:	Abolishment of Positive Action and Diversity Policies
Country:	The Netherlands
<u>Context</u>	
Issue at stake:	New Dutch government intends to stop all positive actions and diversity programmes
Ground of discrimination:	Race/ethnicity and gender
Source:	Political agreement between Coalition Parties
Field:	Employment
Legislative provisions:	General Equal Treatment Act (GETA) Art. 2(3)
<u>Content</u>	

Policy development: The recent Coalition Agreement concluded between the two political parties that participate in the new Dutch government, i.e. the Liberals (VVD) and the Christian Democrats (CDA), explicitly provides that the government will terminate all activities and programmes concerning positive action and diversity policies on the grounds of race/ethnicity and gender. Selection of personnel has to take place on the basis of the quality of the candidates.¹

It is unclear what this is going to mean in practice. Probably, it will have the effect that in filling vacancies for public servants, policies that explicitly invite women and people from minorities to apply and give them preference as long as they are under-represented and provided that they have equal qualifications for the job, will no longer be in force. In the private sector, such programmes and policies are scarce so the agreement will impact less

¹ The clause in the agreement is (in Dutch): "Het kabinet beëindigt het diversiteits/voorkeursbeleid op basis van geslacht en etnische herkomst. Selectie moet plaatsvinden op basis van kwaliteit". See regeerakkoord, p. 26, under the heading "integratie" (integration). The text may be found at: <http://www.rijksoverheid.nl/regering/het-kabinet/regeerakkoord/immigratie> (last accessed on 18 Oct 2010) The Coalition Agreement also mentions that the government will prohibit the burqa. This is in line with earlier proposals of the VVD and PVV and will be discussed in more detail in a flash report as soon as the draft law will be published.

the recruitment procedures of employees. Pursuant to the equal treatment legislation, the exception that there is no discrimination if the unequal treatment is the result of positive action programmes, is only applicable in the case of race/ethnicity, gender and disability. It is not clear whether the government intends to amend this legislation and take this exception out of it, at least in the case of gender and race/ethnicity (because the Agreement does not mention disability!). It has become very doubtful whether the wish, inter alia of the Equal Treatment Commission and many legal experts, to broaden this exception to all other grounds, will be honoured by this government.

Internet link source and additional information:

The complete text of the Coalition Agreement can be found at:
<http://www.rijksoverheid.nl/regering/het-kabinet/regeerakkoord> (last accessed on October 18, 2010).

Discussions in the Dutch media are extensive. Use search words 'voorkeursbeleid' and 'diversiteitsbeleid'.