

Profile of Partner Equality Body

Name:

Dutch Equal Treatment Commission (CGB)

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Website: www.cgb.nl

Date established:

September 1, 1994

Mode of establishment:

Primary legislation: The Equal Treatment Act (ETA) of March 1994 includes an Equal Treatment Commission (CGB), which is also the designated specialised body for the transposition of the Racial Equality Directive. The Dutch government found the provisions on the CGB in the 1994 ETA sufficient: they needed no changes in view of article 13 of the Racial Equality Directive.

Status:

Independent public body.

Mandate/objectives:

To provide protection against discrimination in order to promote equal participation in life and/or society (Preamble ETA).

Grounds of Discrimination covered:

Sex, race, nationality, religion, sexual orientation, civil status, political conviction, belief (all since 1994), working hours in employment [see <http://www.cgb.nl/english/asp/work.asp>, the term 'working hours' is used there] (fulltime or part-time)(since 1996), type of employment relationship (permanent or temporary) (since 2002), disability or chronic illness (since December 2003) and age (since May 2004).¹

Competences and responsibilities:

The CGB is the Dutch national complaints commission on equal treatment. It is a quasi-judicial body (independent investigations, hearings, rulings) acting separately from the judiciary. The CGB provides easy access to an independent and expert opinion concerning alleged unequal treatment and/or discrimination ('distinction') in the private

¹ See: Equal Treatment Act (AWGB), Equal Treatment in the Workplace Act (WGB), articles 7:646-7:649 of the Civil Code (BW), Act on equal treatment on the grounds of disability or chronic illness (WGBH/CZ) and the Equal Treatment in Employment (Age Discrimination) Act (WGBL).

sphere, for individuals and for private and public organisations and institutions. There are no registry fees, legal representation is unnecessary and the procedure is less formal than a court procedure. The Commission can make recommendations in addition to issuing opinions.

Legal enforcement of a Commission ruling and claiming damages and other remedies are only possible through a court of law. The Commission or the applicant can submit an application for a court ruling. A favourable ruling by the Commission on Equal Treatment will increase the prospect of obtaining a positive ruling and subsequent damages in a civil law court.

Other tasks of the CGB:

- The Commission can investigate on its own initiative whether there is structural, unlawful discrimination ('distinction') within a public service sector or within certain sectors in society.
- Individuals or organisations, for example works councils, may request an assessment of their own practice or regulations.
- The CGB can take legal action, with a view to obtaining a court ruling, against conduct deemed contrary to equal treatment law.
- The CGB advises the government, the parliament and local, national and international organisations (private and public) on issues regarding equal treatment, on request as well as on its own initiative.
- Members and staff of the CGB are often invited to participate in conferences, to speak at expert meetings and to give lectures and training on equal treatment.
- In January 2005, a pilot project was started in view of referring cases for mediation.

Main activities:

- Investigate complaints and rule on whether there has been unequal treatment or discrimination within the scope of the Dutch equal treatment legislation.
- Make recommendations in addition to its rulings and take cases to court.
- Initiate investigations on its own initiative.
- Investigate, on the request of companies, governmental bodies or other organisations, whether their policies are in conformity with equal treatment law.
- Advisory and consultative status.
- Refer for mediation.
- Information, public awareness and research.
- Interaction and co-operation with other institutions.

Publications:

A yearbook, in which all the rulings of the last year - annotated by independent editorial staff - are published, obligatory annual reports and, every five years, an evaluation report on equal treatment law and the work of the Equal Treatment Commission. Several one-off publications (all publications are in Dutch).

The publications are available online at www.cgb.nl

Management:

The CGB consists of nine members - including a president and two vice-presidents - and about 15 deputy members. A managing director is responsible for management, in cooperation with the president.

Nomination of senior staff and board:

The members of the CGB are all appointed by the Minister of Justice, in consultation with four other ministers, for a fixed period of six years, after which time it is possible to be re-appointed. The members and deputy members are not appointed as civil servants.

Number of Staff:

The Commission's office has a staff of approximately 45 people, all civil servants: legal advisors, management assistants, a job evaluation expert, public relations officers and a documentation assistant.

Budget:

EUR 3,5/4,5 million, approved by the parliament.

Accountability:

Annual report; evaluation report.

Project contact person:

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