

Diversity Quotas, Diverse Perspectives The Case of Gender

Edited by
Stefan Gröschl and Junko Takagi

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The Case of Gender

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STEFAN GRÖSCHL and
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Preface

In response to the challenges and opportunities created by the diversification of the workforce throughout Europe, the ESSEC Leadership and Diversity Chair was created in 2007 and renewed in 2011 in partnership with Deloitte and L'Oréal. The overall aim of the ESSEC Leadership and Diversity Chair is the creation of knowledge, relevant to both managerial and academic audiences, based on research on diversity and its relationship to leadership issues, taking into account the perspectives of different stakeholders.

The recent European debate on diversity quotas led to the second ESSEC Leadership and Diversity Chair Academic Conference in Paris in 2011. Participants gathered from around the world to present their work, with many contributions focusing on the issue of gender quotas. As with the first ESSEC Leadership and Diversity Chair Academic Conference, whose contributions have since been transformed into an edited book *Diversity in the Workplace: Multidisciplinary and International Perspectives*, we have decided to bring together the papers on gender quotas in the form of this book to bring our discussions to a wider audience. The different chapters illustrate the accelerating and breaking forces in the institutional spread of gender quotas from the standpoint of various disciplines, and provide a balanced and varied insight into this legal phenomenon.

We would like to thank all the writers for their enriching contributions, and our Chair partners Deloitte and L'Oréal for continuing to support our academic endeavours and for having made this project possible. Finally, a warm thanks to Sylvie Boussard for her help and support in coordinating this project.

Stefan Gröschl and Junko Takagi

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Introduction: Gender Quotas in Management

JUNKO TAKAGI AND STEFAN GRÖSCHL

One institutionalized form of combating discrimination towards minority groups and structural inequalities is the implementation of diversity quotas. Diversity quotas exist in various forms in different institutions. The most prevalent perhaps are gender quotas for women candidates to political office which now exist in over 100 countries (Krook, 2007). In the North American context, quotas are more familiar in the form of affirmative action programmes which have been applied most frequently to ethnic minorities in higher education. In recent years, many European countries have also adopted various types of diversity quotas to combat underrepresentation of minority groups in the workplace. For example, in 1987, France implemented a quota law for people with disabilities (PwD) which sets a quota of 6 per cent for firms with 20 or more employees. A similar law exists in Germany where the PwD quota for firms with over 20 employees is 5 per cent. More recently still, a gender quota for women on corporate boards has been introduced in many countries, starting with Norway in 2003 with a minimum target of 40 per cent of either gender, which was attained in 2010. Other countries such as Holland, Spain and France have followed suit, and many others are considering the possibility of applying similar legislation to the gender composition of corporate boards.

While diversity quotas, particularly those focusing on women on corporate boards, seem to be gaining momentum in Europe, it is far from a unanimous trend. Different arguments for and against quotas exist. Proponents of diversity quotas affirm that equal opportunities are not attainable without enforcement of such laws. Opponents suggest that quotas only lead to more stigmatization of minority groups, and will harm their efforts for equality by encouraging the promotion either of underqualified individuals, or of individuals who are perceived to be non-competitive compared with majority members. In recent years, affirmative action programmes in the United States that have been in place for decades have encountered legislative setbacks, with some states retracting from their implementation as a result of discrimination claims by members of the ethnic majority. While the underlying intention of diversity quotas is politico-legal, it is nonetheless important to understand the social and managerial objectives of diversity quotas, the contexts in which they are encouraged (or not), and the arguments that support (or not) their implementation in order to have a better grasp of divergent movements for and against quotas that can be observed.

Diversity quotas are generally perceived as a means to achieving equality through the principle of proportional representation. They are founded on an underlying perception of inequality regarding diversity groups which is manifested in the underrepresentation of certain minority groups in political, social and economic roles. A fundamental assumption of diversity quotas is that people can be counted based on their affiliation to a particular diversity category. Another is that based on these countable diversity categories, groups

have a fundamental right to be at least minimally represented in higher education, in the workforce at different levels of the organizational hierarchy, and in politics.

While the above assumptions seem clear at first sight, like most social phenomena, diversity quotas also need to be contextualized in order to understand how they are perceived and their consequent impact. For example, what categories are countable? In the United States, the notion of ethnic origin has been debated over decades, and various forms of categorization have been proposed. In France, the republican principles determine all citizens to be French and does not allow for a distinction based on ethnic origin. This has lead to a heated political debate regarding how to deal with ethnic unrest. The basic notion that we can count people based on their affiliation to a diversity group also raises questions for clarification such as 'how do we ascertain such an affiliation?' Is this the responsibility of the individual to be counted or is it by some less subjective means such as country-of-origin for ethnicity, chronological age when considering the issue of seniors, and medico-legal status for persons with disabilities? What are the legal requirements for a category such as a person with disabilities, and when these requirements are met, can we assume or not that the individual concerned will automatically associate herself with the category? If subjective (self-) and social (other-) identification with a diversity group do not perfectly correspond, what are the implications for the implementation of quotas? Such questions also raise the issue of whether or not it is possible to consider different diversity groups in the same way when discussing quotas. Are quotas for persons with disabilities based on the same premises and do they have the same objectives as gender quotas in the workplace? We believe that there are multiple issues to be discussed and clarified in considering diversity quotas.

The current European debate in diversity quotas, and in particular gender quotas, provides a timely opportunity to assemble scholars from different disciplines and countries to reflect upon the notion of diversity quotas and their applications in different settings. In this book, we focus on the example of gender quotas. Gender is generally recognizable and thus countable. Individuals are able to distinguish themselves as either male or female, and more importantly are categorized as such by socio-legal institutions. There are many examples of inequality of opportunities in management for women and the argument for increasing gender equality is well established in the managerial literature (for example, Fletcher and Ely, 2003; Kanter, 1977; Lorber and Farrell, 1991; Meyerson and Fletcher, 2000). Gender is also a diversity category for which the proportions are equal in society so that it is easier than other diversity categories to compare the issue of representativeness across different contexts.

The history of gender quotas is perhaps most developed in the political science literature where we find discussions around the implementation of gender quotas for women candidates to political office which have been adopted in over 100 countries, the majority of which were introduced over the last 30 years (Krook, 2007). There are four main arguments that have been used to explain this achievement: active lobbying on the part of women (collective mobilization), strategic importance of gender representation as identified by key political players (political elite support), support from international norms (transnational emulation and institutionalization), and consistency with general notions of equality and representation (fit) (Krook, 2007). The latter is elaborated in comparative studies of gender quotas in politics that highlight differences in underlying logics for understanding gender differences. For example, Inhetveen (1999) and Pesonen et al. (2009) describe the logic of 'feminism of equality' that is found in the

Norwegian context and ‘feminism of difference’ that is found in the German context. The former logic focuses on representativeness while the latter centres around a discourse of competence. The authors argue that the former favours a quota approach (that is, a better fit) while the latter is more critical of quotas (that is, potential issues due to lack of fit). Contextualization and the issue of fit are key factors that explain differences across countries in the implementation and the resulting consequences of gender quotas (see for example Tienari et. al., 2009 regarding gender quotas in Sweden and Finland). In addition, Dahlerup (1998) emphasizes that focusing solely on numbers is not enough to combat inequalities in politics, and emphasizes the need to also examine executive power, and the spread of equality more generally. The need for contextualization of the environment in which gender quotas are considered and adopted, and also the danger of concentrating too much on numbers to the detriment of other measures are sound advice for thinking about gender quotas in management settings.

In the management context, there is less differentiation than in the past between men and women at entry-level positions both in terms of numbers and pay for identical work. However, women are still comparatively scarce in upper-level positions. Fletcher and Ely (2003) explain the underrepresentation of women in management using four frames. One frame describes the problem from the perspective that women lack the necessary competencies and that differences arise due to differences in socialization. The second perspective ascertains that women have different competencies from men which are not legitimate within the system and thus not recognized. The third perspective focuses on systemic discrimination of women due to differential power and opportunity structures between men and women. The fourth approach identifies a cultural bias in favour of social practices created by and for men. Despite the ascendance of women in educational attainment, once employed, they still face obstacles described by all four perspectives so that it is difficult for women to reach the corporate suite (Eagly and Carli, 2007). In this context, many countries are turning to gender quotas on corporate boards to encourage women to top management positions through legal means. A study by Deloitte (2011) shows that since 2003, when a gender quota on corporate boards was first introduced in Norway, the trend has spread gradually through European countries that have either implemented or are considering similar measures. The European Commission’s vice-president and European Commissioner for Justice, Viviane Reding, suggests a two-step process to increasing the percentage of women on corporate boards through 1) self-regulation; and 2) legally-binding quotas for publicly traded firms in Europe. This suggests that the trend is likely to continue in the future.

The growing academic interest in women on corporate boards (Burke and Mattis, 2000; Thomson and Graham, 2005; Huse, 2007; Vinnicombe et al., 2008, Fagan et. al., 2012)) focuses mainly on the implementation of legal frameworks in different countries. These studies identify the perceived need for such legislation based on observations of slow progress of women to the senior management level, including the slow increase of women on corporate boards (Daily, Certo and Dalton, 1999; Arken, Bellar and Helms, 2004), and persistence of gender-biases (Bilimoria and Piderit, 1994), including the persistence of ‘old boys’ networks’. These studies cite the existence of equality legislation, corporate governance frameworks favouring diversity, more senior women, large pay gaps, the presence of work-life balance initiatives and employer of choice initiatives as antecedents for the implementation of a gender quota law for corporate boards. The expected consequences of such legislation are improvement in the quality of board