

Gender-related Human Resources Policies in Armed Forces

Introduction

This overview of gender-related human resources policies in The Netherlands' armed forces seeks to contribute to the very fragmented and incomplete literature on human resources policies in armed forces. It is not intended to be a comprehensive analysis, but a reference for other armed forces in considering ways in which they can promote the retention, recruitment, promotion and full participation of women in armed forces. It is accompanied by an overview of human resources policies in the armed forces of Albania and Ghana.

“Gender-related human resources” is an indefinite term, but used here to refer to:

- policies that directly refer to gender, equal opportunities or discrimination;
- policies that refer to gender-related harassment or violence;
- policies that seek to deal differently with male and female personnel – including those that exclude women from certain roles, and those that prioritise recruitment or retention of women; and
- policies that seek to address the particular needs of military personnel who are mothers or fathers.

This research draws upon interviews, as well as secondary sources, including books, academic papers, newspaper articles and websites.¹

Overview of the Netherlands' armed forces

The Netherlands' armed forces were founded in 1572 for the “defence and protection of the interests of the Kingdom, and in order to maintain and promote the international legal order.”² The Netherlands' armed forces comprise the Royal Netherlands Army, Navy (Marines) and Air Force.

The three core tasks of the Netherlands' armed forces include:

- protecting and promoting the international rule of law and international stability;
- defending national and allied territory; and

¹ This case study is based partly on research undertaken for DCAF by Dr Jason Franks in 2013. Dr Franks conducted eleven interviews in April 2013 with a range of different stakeholders involved in the development and implementation of human resource policies in the Netherlands armed forces, or affected by them as armed forces personnel. The interviewees (5 male, 6 female) were from the Ministry of Defence, the army, navy and marines, as well as an independent “gender specialist”, and a representative of an NGO working on women's rights.

² Article 97 of the Constitution of the Netherlands,
<https://www.government.nl/documents/regulations/2012/10/18/the-constitution-of-the-kingdom-of-the-netherlands-2008>

THE NETHERLANDS

- supporting civil authorities in upholding the law and providing disaster relief and humanitarian assistance, both nationally and internationally.

The Netherlands' military is fully professional, with the exception of locally conscripted forces on the islands of Aruba and Curaçao. In 2013 the [Dutch Ministry of Defence](#) employed about 43,000 military personnel.³ The Netherlands' armed forces have been involved in international operations in Afghanistan, Bosnia, Kosovo, Iraq and South Sudan. In 2012, almost 7% of personnel involved in operations abroad were women.⁴

Women in the Netherlands' armed forces

Various laws in The Netherlands specify that individuals cannot be discriminated against on the basis of their gender:

- *The Constitution of the Netherlands* (1983), Article 1, states: People cannot be treated unequally by reason of their religion, personal beliefs, political beliefs, race, gender, nationality, sexual orientation, civil status, working hours (full-time or part-time work), disability or chronic illness, type of contract (permanent or temporary) or age.
- *The Civil Code*: Prohibits employers from discriminating between men and women in hiring and promotion practices and prohibits discrimination on the grounds of working hours. The code also established the Equal Treatment Commission, which examines cases of discrimination.

Equal opportunities legislation:

- 1980 *Equal Treatment (Men and Women) Act* covers both direct and indirect discrimination and includes recruitment, training, promotion salaries and provisions for maternity leave.
- 1988 *Working Conditions Act* requires employers to protect employees against sexual harassment and aggression and violence at the workplace to the best of their ability and pursue a formal policy on sexual harassment.
- 1994 *General Equal Treatment Act* provides protection from direct and indirect discrimination.

Nonetheless, the submarine service and the Marine Corps of The Netherlands' armed forces remain closed to women. All other military branches and specialities are open to women. Mixed platoons exist in front-line army units.

³ Frank Bekkers, Marno de Boer, Joris van Esch, Rem Korteweg, Joren Selleslaghs and Peter Wijninga, *De Waarde van Defensie*, The Hague: The Hague Centre for Strategic Studies, 2012.

⁴ Pilar Gallardo Rodríguez, "The Female Soldier in the Armed Forces" in IEEE.ES Strategic Dossier 157-B, *The role of women and gender in conflicts*, 2013, http://www.ieee.es/en/documentos/cuadernos-de-estrategia/detalle/Cuaderno_157_B.html.

**THE
NETHERLANDS**

Table 1 presents data received from the Netherlands Ministry of Defence in 2013 indicating the number and distribution of all vs. female officers, NCOs and enlisted personnel amongst the three services.

Table 1: Number and distribution of all vs. female officers, NCOs and enlisted personnel amongst the three services (2012)

2012	Armed Forces	Army	Navy	Air Force
Total	43,717	55%	24%	21%
Officers	4,080	43%	30%	27%
<i>Female Officers</i>	<i>1,013</i>	<i>42%</i>	<i>27%</i>	<i>31%</i>
NCOs	19,911	47%	27%	28%
<i>Female NCOs</i>	<i>1,769</i>	<i>36%</i>	<i>33%</i>	<i>31%</i>
Enlisted	13,985	60%	21%	19%
<i>Female Enlisted</i>	<i>1,298</i>	<i>57%</i>	<i>27%</i>	<i>16%</i>

The majority of women deployed in the theatre of operations serve in logistical combat support units. In 2012, around 13% of female soldiers in the Army were in combat units, whilst the proportion was much higher in the Navy and the Air Force (33% and 21%, respectively).⁵

Gender-related human resource policies of The Netherlands' armed forces

Gender policy

The Netherlands' armed forces' gender action plan has evolved from an *Integration of Women into the Armed Forces and Equal Opportunities Memorandum* of 1998.⁶ The measures specified in this memorandum included increasing female recruitment, adjusting selection criteria, implementing career policies, providing physical training, making ergonomic adjustments, regulating part-time work, maternity leave, parental leave, child-care and enforcing the rules for the prevention of undesirable conduct.

In 2004, the Netherlands' Ministry of Defence launched its six-year *Gender Action Plan* to increase the number of female personnel being recruited into the armed forces. The key objectives of the Action Plan were to:

- support a target of 30% women in the inflow to initial training
- increase the proportion of military women in the organisation to 12% by 2010
- increase the number of high-profile and influential female role models

⁵ *Ibid.*

⁶ The Netherlands Ministry of Defence, National Report from the Netherlands for the Committee on Women in NATO Forces, 2007, <http://www.nato.int/ims/2007/win/pdf/netherlands-2007.pdf>.

THE NETHERLANDS

- create a climate in which both men and women feel at home within the organisation and are able to develop to their maximum capabilities

Between 2005 and 2007 an EU-funded Genderforce project was implemented, intended to bring together earlier initiatives and achieve a structural and lasting embedding of defence gender policy. It included initiatives for gender balance, gender in crisis-response operations, gender in training, and gender mainstreaming.⁷

The Genderforce project was framed around specific objectives, with goals and target figures, accompanied by action plans and sub-action plans. A management body made up of the highest representatives of the various directorates involved and members from within the Ministry of Defence, plus a representative of the Ministry of Social Affairs and Employment, was tasked with monitoring progress and taking action where necessary. According to the Ministry of Defence, the outcomes of the Genderforce project included:

- strengthened gender awareness within the armed forces
- a modest increase in female personnel: the proportion of female military personnel rose to 9% and more women were appointed to senior ranks⁸
- a stronger focus on the retention of women, as the project revealed that retention is a key priority to achieve a more balanced proportion of male/female personnel
- the integration of gender in ongoing planning, control and reporting processes
- an extended framework to support the integration of a gender perspective. For example, in 2006 a Chief of Defence Directive concerning gender was drawn up, making gender a permanent part of central operational management. In 2007 a gender checklist was introduced within the Directorate of Operations to support integration of a gender perspective into the planning, execution and evaluation of operations.⁹ The Ministry of Defence's quarterly report now includes a gender component.

In 2011, a Lesbian, Gay, Bisexual and Transgender (LGBT) and Gender Equality Policy Plan 2011-2015 was developed by the Ministry of Education, Culture and Science. The aim of the policy plan is to increase the safety of women, homosexuals and transgender people, and to further the participation of women in all layers and sectors of the labour market. Initiatives include a

⁷ Gender team of the Principal Directorate of Personnel, *Genderforce: Women and men work better together*, The Hague: Ministry of Defence, 2006. <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/brochures/2006/09/29/genderforce-englise-versie/genderforce-en.pdf>. For an evaluation of the Gender Action Plan and Genderforce project, see Ella van den Heuvel and Marten Meijer, *Genderforce in the Netherlands Armed Forces*.

⁸ Ella van den Heuvel and Marten Meijer, *supra*, note 7.

⁹ Emma Jansen, UNSCR 1325 *In-Country Monitoring Report-The Netherlands*, WO=MEN: Den Haag, 2010, <http://www.wo-men.nl/cms/wp-content/uploads/2011/05/UNSCR-1325-monitoring-report-The-Netherlands-20101.pdf>

THE NETHERLANDS

partnership between the Ministry of Defence and a number of NATO member states aimed at improving the position and social safety of LGBT individuals in the armed forces. Furthermore, the policy plan underlines the Ministries of Foreign Affairs, Defence and Security & Justice's collaboration with civil society organisations and knowledge institutions, to develop a new 1325 action plan. The Netherlands also contributed to the elaboration and/or implementation of women, peace and security action plans by the EU, NATO and the UN, and countries including Spain, the USA and Afghanistan.¹⁰

Mechanisms to implement gender policy

The Ministry of Defence has informal gender advisors – serving military officers - within the department of personnel and the department of operations. These advisors work with gender focal points within individual units to help develop, implement, monitor and evaluate the *Gender Action Plan*, including by providing support and advice. Gender advisors also coordinate with civil society organisations working on gender issues.

Gender advisors help to initiate and update gender training, including for promotion courses and overseas deployments. According to one Ministry of Defence gender advisor, there is an informal strategy based on the 2004 *Gender Action Plan* - described above - to implement top-down gender training and bottom-up gender education, and refine this with an established feedback loop through the gender focal points within individual units.¹¹

The success of the *Gender Action Plan* is seen as demonstrated by the appointment of men into gender positions and the changes and refinements to human resources policies, discussed below. Perceived weaknesses in the structure include that the Ministry of Defence gender advisors are not recruited and employed specifically as gender advisors, but perform this role as an aspect of broader policy and human resources roles. The focus of individual gender advisors on gender issues is somewhat discretionary. Similarly, the positions, although filled by military personnel, are a civil service appointment and thus can be susceptible to loss of funding.

Policy regarding recruitment and promotion

There are generic, basic physical and mental requirements for recruitment, as well as different physiological criteria and physical tests for men and women.

The Ministry of Defence has adopted action points to: increase female participation in training courses and career path training, and in the case of vacancies, jobs to be given to women in preference to men, if otherwise equally qualified applicants apply for the job.¹² There is moreover apparently

¹⁰ Ministry of Education, Culture and Science, 2011, The LGBT and Gender Equality Policy Plan of the Netherlands, 2011-2015.

¹¹ Confidential Source, Netherlands Ministry of Defence, *Personal Interview*, The Hague, 2 April, 2013.

¹² Ella van den Heuvel and Marten Meijer, *supra*, note 7.

THE NETHERLANDS

an unofficial positive action programme to ensure there are at least two female candidates on every junior and senior command course. It is possible to attend the junior and senior staff courses on a part-time basis: a measure introduced specifically to attract more female officers with families to attend the usually full-time courses.¹³

There is a requirement for mandatory female representation on recruitment and promotion boards.

Policy regarding intimate relations

There are no rules concerning intimate relationships between service personnel or civilians in the armed forces. However, there seems to be an unofficial practice that a couple in an established relationship are precluded from working in the same unit. Intimate relations with individuals in the local population when units deploy operationally are not permitted.

Up until 1974, in the Netherlands, homosexuality was grounds for exclusion from the armed forces, under a classification that declared the person mentally unfit for military service. Since 2001 people in same-sex relationships may have the opportunity to have their relationships officially recognized.

Policy regarding marriage

There are no rules on marriage within the Dutch Armed Forces. Men and women are free to marry when and whomever they wish, including same sex, other service personnel and foreigners.

Married couples have access to rented service housing if available and service personnel posted away from home can request to be reposted near to home. However, this is subject to operational and logistic considerations.

Policy regarding maternity and paternity

Officially, there are no restrictions on pregnancy and maternity at any stage during military service. However, women cannot deploy operationally if they are pregnant and decisions on other roles are made depending on the specifics of the job. Most women are assigned light duties during the latter stages of the pregnancy

The Netherlands guarantees 16 weeks of maternity leave, with a mandatory three month period. Most maternity leave is taken 4-6 weeks before birth and 10-12 weeks after. A further 2 weeks' sick leave is also permitted during this period. Pregnant women can accrue their annual leave and add this to their standard maternity leave. There may also be the possibility of taking unpaid

¹³ Confidential Source, *supra*, note 11.

THE NETHERLANDS

leave, but this is unofficial and not legally mandated and relies on an *ad hoc* arrangements.¹⁴ Paternity leave is available but is only two paid days.

Women who return from maternity leave are guaranteed employment. Special arrangements exist for break times and designated areas to facilitate breastfeeding in the workplace. Female service personnel with children under 5 years old have the right to refuse overseas or operational deployments (men cannot).

Policy regarding support to families

There are a number of policies and legal requirements for family support in the Dutch Armed Forces. These include:

- access to military healthcare for serving personnel, spouses and families;
- availability of service housing; and
- a survivor's pension.

Barracks or bases provide *crèches*, nurseries and day-care. Service personnel have to pay for these services but are reimbursed by a reduction in tax, which could be up to 33% of the cost. This is extended to after school day-care for children up to 12 years old. If an individual is posted overseas with their family, schooling and health care are paid for by the military.

There are flexible work hours and part-time work options available for parents of either sex, e.g. schemes that allow for shorter working hours, compressed working weeks, job-sharing and individualised working hours. Concepts such as part-time employment, policies on parental leave, child care (the fact that women can take six years unpaid leave) and family policy are designed to enhance female recruitment.¹⁵ In this respect, the government has established human resources policies in the Ministry of Defence particularly in regard to gender and families - that can be shaped directly to the needs of each individual in relation to their personal situation. This is called, *life phase* and allows men and women to work fewer hours depending on their family situation. For example, a man or woman with a child aged 0-8 years can opt to work one day less per week for a small reduction in salary. A caretaking parent (man or woman) can opt to flexibly reduce the standard 40 hour week at full salary to 32 hours work, but be paid for 38 hours for up to 50 weeks (the difference is paid by the government). However, these types of parental leave are treated as a privilege: usually allowed, but not a right. The military can withdraw this arrangement at any time, and not all commanding officers accept individuals working less time.

In addition to these schemes, there is a move towards a concept called *new working*, which allows individuals with family commitments to log-in and

¹⁴ Confidential Source, female Netherlands Armed Forces officer, *Personal Interview*, The Hague, 2 April, 2013.

¹⁵ Committee on Women in NATO Forces, 2002, webpage on Women in the Royal Netherlands Armed Forces, <http://www.nato.int/ims/2001/win/netherlands.htm>.

THE NETHERLANDS

work from home. However, this is under trial and unofficial and currently relies on *ad hoc* local arrangements.

Personnel with children under five years of age who are absent owing to duties at sea, in the air, or related to exercises or deployments (including missions) for a period exceeding one month are eligible for an allowance of a maximum €150 per month, if compensation is not already being provided under the Childcare Act.

Rental service housing is provided for individuals who are posted to new locations within the country, and there is a moving grant. There is a relocation grant for personnel posted away from their home for an extended period, which includes moderate compensation if the civilian partner is forced to leave their civilian employment. In some overseas postings the family is relocated, with an allowance for long-term foreign postings.

Policy regarding domestic abuse

The reporting process for service personnel who are victims of domestic violence is through the standard military chain of command. There are internal coping and support resources through the legal and medical departments, linked to the channels and support networks available to assist with trauma. Domestic violence is a statutory criminal offence in The Netherlands, so military personnel also have access to civil justice through the police and civil courts. Indeed, if an incident occurs within the armed forces it will be referred directly to the civilian police in the first instance. If the incident occurs within the jurisdiction of the armed forces the victim also has recourse to military justice. This would work in conjunction with the civil process and - depending on the severity of the civilian persecution - might include a courts martial, military prison and dismissal from the service.

Policy regarding sexual harassment

In accordance with the Netherlands *Labour Conditions Act*, employers are required to protect employees against sexual harassment, aggression and violence. The *Labour Conditions Act* defines sexual harassment as undesirable sexual approaches, requests for sexual favours or other verbal, non-verbal or physical behaviour of a sexual nature, which also includes any of the following:

- submission to such behaviour is either explicitly or implicitly used as a condition for a person's employment or promotion;
- submission to or rejection of such behaviour by a person is used or partly used as a basis for decisions relating to the person's work; or
- such behaviour is aimed at affecting a person's work performance or creating an intimidating, hostile or unpleasant working environment, or results in affecting a person's work performance to an unreasonable

THE NETHERLANDS

extent or creating an intimidating, hostile or unpleasant working environment.¹⁶

Although no co-ordinated statistical data was made available for instances of sexual harassment in the Netherlands armed forces, there have been a number of high profile cases. The Netherlands armed forces have a policy outlining a complaints procedure for forms of undesirable behaviour such as sexual harassment, bullying, teasing and discrimination. A complaint is initiated by approaching an immediate superior or commanding officer. If the complaint is of a criminal nature, it will be referred immediately to the civilian police. Otherwise, the policy provides for the use of confidential counsellors and a complaints committee. Both counsellors and the committee are obliged to report to the Ministry of Defence and their respective commander-in-chief on a yearly basis.

If the problem exists in the direct chain of command then a number of alternatives are available. The first is a network of individuals selected to assist with sexual harassment issues as they arise. These individuals are known as 'trustworthy persons'. Every unit has a designated trustworthy person who has undergone training on issues such as sexual harassment and bullying. This individual is located outside of the command structure and is tasked with listening, helping and then assisting with how to resolve or deal with the complaint, either unofficially or through the official reporting process. The trustworthy persons are not expected to solve the problem, but facilitate or assist a resolution through the appropriate channels (such as the chain of command or those above it or parallel to it). The trustworthy persons do not have extensive powers and exist merely in an advisory capacity to assist the military in dealing with difficult and complicated situations. They are expected to treat the complaint as confidential, within the bounds of civilian law. This process provides a platform for objective advice and assistance for individual service personnel who are experiencing problems in the work place, and a mechanism for resolving the problems. Furthermore, service personnel are able to approach the military ombudsperson in cases where a redress of grievance was not found within the immediate chain of command.

If the situation warrants military disciplinary measures, this could lead to court martial, loss of rank and or dismissal from the service. If it is regarded as a serious criminal offence then, under criminal law, the courts may impose a restraining order, fine or imprisonment.

¹⁶ European Agency for Safety and Health Work: all rules derive from the Working Conditions Act (Arbowet), the Working Conditions Decree (Arbobesluit) or the Working Conditions Regulations (Arboregeling), <https://www.arboineuropa.nl/wetgeving/wetgeving-in-het-engels>.