



# **Submission to the Equalities, Human Rights and Civil Justice Committee call for evidence on the Gender Representation on Public Boards (Amendment) (Scotland) Bill**

**January 2024**

## **1. INTRODUCTION**

Close the Gap is Scotland's policy advocacy organisation working on women's labour market equality. We have been working with policymakers, employers and unions for over 20 years to influence and enable positive action to address the causes of women's inequality in the workplace.

Close the Gap supported the Gender Representation on Public Boards (Scotland) 2018 as it passed through the Scottish Parliament.<sup>1</sup> Evidence shows that voluntary measures have failed to deliver substantive change on the under-representation of women on boards. Sustained action is needed if women are to have equal power in decision making about their lives. Achieving gender balance on public boards also has the potential to influence wider occupational segregation by challenging gender norms and perceptions around public authority.

## **2. COMMENTS ON THE BILL**

Close the Gap supports the Gender Representation on Public Boards (Amendment) (Scotland) Bill. We supported the definition of women that had been set out in the Act, which meant that trans women were included. Close the Gap is clear that an intersectional approach must be taken to policy and law making, and that policies, laws and programmes must be inclusive and meet the needs of women who are most marginalised such as trans women.

We recognise that the origin of this amendment is the 2022 Court of Session decision which ruled that Scottish Parliament does not have the power to legislate on the

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<sup>1</sup> Close the Gap (2017) *Submission to the Scottish Parliament Equalities and Human Rights Committee on the Gender Representation on Public Boards (Scotland) Bill*, available at: <https://www.closesthegap.org.uk/content/resources/CtG-submission-EHRiC-Gender-Representation-on-Public-Boards-Scotland-Bill.pdf>

definition of a woman, as equal opportunities is reserved to the UK Parliament. We note that the Court of Session's ruling was not about the definition itself that was passed by the Scottish Parliament. It is our understanding that the new Bill is the only way to remove the definition, which is included in section 2 of the 2018 Act, and therefore effectively an administrative exercise. Close the Gap continues to support legislative measures to enable equal representation on public boards, and believes that the Gender Representation Public Boards (Amendment) (Scotland) Bill has the potential to create improved equality for women in Scotland.