

Expanded abstract

Gender diversity as a tool for good governance in cooperatives

Objectives

The main aim of this article is to identify the provisions of various Spanish cooperative laws which contain measures to foster gender equality in general, but particularly focusing on gender equality in the constitution of management and governing bodies of cooperative societies. It is based on the premise that gender equality is an essential value of the cooperative identity, hence, it would be expected that its implementation in the context of corporate governance would be at an advanced stage. Cooperative societies are the perfect environment for the promotion of gender equality in all areas and being especially influential in the field of decision-making. However, further analysis reveals that, while some autonomous laws are notable for having included significant measures in these generic, corporate, economic, and promotional aspects, the majority of laws and regulations still lack explicit commitments regarding gender equality. Therefore, it is deemed advisable to formulate a set of guidelines and recommendations on this matter, aligned with those provided in the Good Governance Code of Listed Companies, to which the entire cooperative movement should adhere, while being subject to the comply or explain approach. In this regard, the Principles of European Cooperative Law could serve as a valuable inspiration or starting point for this effort.

Design

This article commenced by revising the conceptual and legal framework regarding gender equality in the country of Spain. This preliminary approach enabled the establishment of key concepts that have been recurrently analysed in various of the regulations under examination, both in a generic nature for all types of companies and specific for cooperatives. And in addition, the regulatory framework regarding gender equality within the corporate governance of listed companies is reviewed in order to compare it with that of cooperative societies. In this context, the value of equality in general and, more specifically, gender equality in cooperatives, is emphasized, as it is part of their own cooperative identity and as a Social Economy entity. Subsequently, a classification of the various cooperative laws at a estatal level is proposed with the objective of highlighting the heterogeneity of measures, instruments, intensities and controls in relation to both gender equality and gender diversity whilst particularly concentrating on management bodies. This current examination was not exempt from difficulties since, in view of the coexistence of nineteen regulations for substantive cooperatives, each legislator decides which measures should be incorporated and the nature of said implementation. Lastly,

several reflections and conclusions are drawn with the aim of contributing to the promotion of real gender equality in cooperative societies.

Results

It is surprising that in light of the unified advances that have been gradually occurring within the field of cooperative companies, the implementation of instruments which promote gender equality in governing councils and other corporate or management bodies of cooperatives is still incipient, and most regulations allow societies the authority to decide whether to adopt them or not. In particular, notable distinctions exist between the various autonomous laws. Whereas some of these laws lack explicit provisions, others include specific measures. The aforementioned differences are reflected in the degree of rigorousness, control and consequences, in case of default. Bearing this in mind, legislations in our country have been divided into two main groups depending on whether elements related to gender equality are incorporated or not. Within the first group, various measures have been reviewed and further categorized into generic, corporate, economic, and promotional measures, along with the foreseen compliance controls. For the most part, laws include programmatic provisions and entities are encouraged to self-regulate through their statutes or through the criteria established by the general assembly.

Implications

The intention of this project was to reinforce the idea that gender equality is a fundamental value of the cooperative identity and that these societies should strive for the incorporation of effective measures to fully achieve it in all areas, with a special focus on decision-making. In this sense, it will be paramount to ensure the self-management principle of cooperative societies and guarantee the real inclusion of women in decision-making endeavours. Therefore, it has been suggested that the cooperative legislator implement policies regarding the aforementioned issue within the cooperative's own social structure in order to encourage the presence of women as rightful associates. Such actions have not been observed in the legislations of the analysed cooperatives and, as we believe, should be taken into account by the corresponding legislator.

Practical conclusions

In the article, it has been remarked that gender equality is fundamental in the regulatory framework of Spain. Furthermore, in the sphere of cooperative societies as Social Economy entities, special attention should be paid to the implementation of gender equality in all areas of corporate life, but especially in the context of their corporate governance, given that equality is one of their core beliefs. The main conclusion is that the promotion of both gender equality and gender diversity in corporative societies requires an adequate regulatory framework, measures for the widening of the social base, profound social changes, and conscious self-regulation by the cooperative organisations themselves.

Original value

The original value of this article lay in its comparative approach to the gender equality provisions in Spanish cooperative legislation. The article has offered a thorough overview of the current state of legislations and its deficiencies with regard to gender equality, which, in turn, has highlighted the need for improvements in this area. Additionally, the article analyses the similarities and differences in the application of gender equality standards by contrasting the regulatory framework of cooperative societies with that of listed companies. This comparison is pivotal to fully grasp how cooperatives could adapt some of the most common practices of listed companies to their particular environment, especially in relation to the self-management principle such as, for instance, the implementation of the comply or explain approach. Moreover, it has been underscored the usage of self-regulation within cooperatives whilst, at the same time, stressing the need for an internal and conscious commitment of the associates to the maxim of gender equality. In short, this paper not only identified current deficiencies, but also offered viable solutions adapted to the specific context of cooperatives, thus contributing to the advancement of gender equality in cooperative corporate governance.