Switzerland

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NB. Switzerland is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to cross-country comparisons page on website. To contact authors of country notes, go to membership-list of members page on website.

1. Current leave and other employment-related policies to support parents

Note on Swiss federal, cantonal and communal government: Switzerland is a federal state with three political levels: communes, cantons and the Confederation. Family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for all areas of family policy to the cantons and communes, insofar as they are able to perform these tasks, and retains a purely ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Article 116 stipulates that, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article provides the legal basis for maternity insurance.

Family policy may be organised very differently from one canton to the other. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cities and communes also implement family policy measures. Many non-governmental organisations are in part subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidized by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which subsidizes new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, referendum is mandatory.


Length of leave (before and after birth)

- 98 days (fourteen weeks) of leave: the entitlement starts on the day of delivery. It is obligatory to take eight weeks leave.
- Absence from work is mandatory during the first eight weeks following birth.
• Employed women can be exempted from work before birth for medical and health reasons upon presentation of a medical certificate; in this case, full salary payment continues for a limited period of time.

Payment and funding

• Eighty per cent of earnings, up to a ceiling of CHF196 (€163) per day which is equivalent to a monthly income of CHF7,350 (€6,121) for employees or an annual income ceiling for self-employed workers of CHF88,200 (€73,449).
• The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civilian service. It is financed by equal contributions from employees and employers (each pay 0.5 per cent of earnings).

Flexibility in use

• None.

Eligibility (e.g. related to employment or family circumstances)

• All employees; self-employed workers; women working in their husbands’ or partners’ businesses or that of a family member and who are paid a salary; women benefiting from unemployment, sickness, accident or invalidity allowances.
• Women must have a record of nine months of contribution to the Old Age and Survivors Insurance; and must have worked for a minimum of five months during the nine months preceding birth.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

• None.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

• Maternity leaves are often supplemented by collective agreements, which grant full wage replacement and/or extended lengths of leave (approximately two additional weeks, i.e. sixteen weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses.
• The Confederation, cantonal public employers and communes are not subject to the basic legislation, but to specific regulations of their own. However, these regulations generally provide more generous maternity benefits to their employees, i.e. 16 weeks of leave at full earnings. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks.
• In the canton of Geneva, all working mothers are granted 112 days (sixteen weeks) of Maternity leave, paid at eighty per cent of earnings. A cantonal Loss of Earnings Compensation fund pays for the two additional weeks, which are not covered for by federal dispositions.
• The canton of Fribourg has a maternity allowance targeted at all resident mothers, including adoptive and home-making mothers. The daily allowance of CHF38.20 (€32)

1 Conversion of local currency into Euros undertaken on 8 June 2012, using http://finance.yahoo.com/currency-converter/
is paid over 98 days (equivalent to CHF1,140 per month during 3.2 months). Working mothers who receive less than this amount through the federal entitlement will be entitled to the difference through this cantonal insurance.

b. Paternity leave

No statutory entitlement.

Article 329 of the Code of Obligations (CO) mentions that the employer ‘must allow the employee the customary hours and days off work’ in addition to vacation leave, which are generally understood as time-off granted to employees for personal reasons (e.g. ‘family-related events, such as birth or adoption, decease of close family members, marriage of the employee, etc.’). However, the existence, length and payment of a Paternity leave depends on the parties involved and social partners through the establishment of individual agreements, standard employment contracts, collective employment contracts, or well-established common practices (even if not written) in a company or a branch. Regarding payment during these days off, it is generally understood that time off for the birth of a child should be paid; this is, however, not mandatory.

There is no representative survey on the number of days off granted to fathers on a national scale and if they are paid. However, there are some indications that the majority of collective labour agreements grant a minimum of one day off (the day of birth), and that it is predominantly paid for at 100 per cent by employers. Several small-scale research studies show that, increasingly, private companies and public administrations grant employees five days of paid Paternity leave (with full earnings compensation). More rarely, companies grant two or three weeks of paid Paternity leave and sometimes allow employees to take one or two additional unpaid weeks. This leave is generally to be taken at the birth of the child, but sometimes a longer time frame is given (e.g. during the child’s first year).

c. Parental leave

No statutory entitlement.

There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves. A majority of cantonal public employers also grant unpaid Parental leaves - ranging from 1 to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants).

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d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no federal statutory entitlement. Adoption leave is subject to employers' agreement or to collective labour agreements; for example, approximately one third of public cantonal employers grant paid adoption leaves; but often for shorter periods than maternity leaves. Some cantons have implemented gender neutral adoption allowances for working parents, available to only one of the adoptive parents; the cantons of Vaud and Geneva entitle adoptive parents to 14 and 16 weeks of pay, respectively, at 80 per cent. Such cantonal allowances are provided only if one of the parents interrupts his/her employment.

Time off for the care of dependants

- Parents are entitled to three days per illness episode in order to care for their sick child upon presentation of a medical certificate. When two persons share parental responsibilities, only one should benefit from this provision (parents should decide who benefits from the leave for sick children, depending on the solution which suit them best). This leave is understood as time granted for lone parents or working parents in order to organise prolonged childcare if that is needed. Salary payment is suggested by the Code of Obligations as parents have a legal obligation to care for their dependent children; although salary payment seems to be a common practice, it is not mandatory.
- The same article should in principle be applicable to parents of seriously ill children who have to care for them for a prolonged period. However, there is no guarantee of salary payment in these cases.

Flexible working

- During the child’s first year, the time spent breastfeeding on the company’s site is considered as work time and half of the time spent breastfeeding out of the company’s site is considered as work time. ‘Work time’ means that time spent breastfeeding is not considered as a rest period; it must not be compensated for by additional working time and should not be deducted from vacation and overtime hours. However, salary payment during the time spent breastfeeding is not mandatory.
- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Law states that the employer should take into account the employee’s ‘family responsibilities’ when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years old and the charge of other family members or close members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours.

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6 Such provisions are possibly also proposed in other cantons, but there is no overall documentation available.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Switzerland is just over 3.2 months, all paid at a high rate of income replacement. There is no entitlement to ECEC at any age and no information on levels of attendance at formal services for children under 3 years. For children over 3 years, levels of attendance are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on cross-country comparisons page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

A 2007 parliamentary initiative, which demands the ratification of the Convention No.183 on the protection of maternity of the International Labour Organisation (ILO), has been accepted by the Committees for Social Security and Health of both Parliamentary chambers. The Swiss law fulfils the Convention, with the exception of the payment of employed mothers’ breastfeeding breaks which is currently not guaranteed by the Swiss Employment Act (EmpA). During the consultation procedure (ended in August 2011), some cantons, right-wing parties, economic organizations and unions expressed their opposition to ratification and EmpA amendment; the majority of cantons, parties and unions where favourable. In February 2012, the Federal Council recommended ratification of the ILO Convention and amending the Ordinance to the EmpA (and not the EmpA itself) by regulating payment for breastfeeding breaks. The committee for Social Security and Health of the National Council (lower house of the federal parliament) will examine this issue and ratification will be submitted to both Chambers. A decision should be reached during 2012, and if it is accepted, it will still be subject to optional referendum.

The Federal Council (federal government) has been systematically opposed to the introduction of Parental leave policies. It has, however, recently agreed (September 2011) to produce a report on a tax-deductible private Parental leave insurance (as well as an evaluation of other proposals). The report should be published by the end of 2012. This private Parental leave insurance proposal comes from a national men’s and fathers’ association, and was promoted by an inter-party MP group (Socialist, Christian-Democrats, Radical-Liberal, Swiss People’s Party MP were involved). The proposal was also deposited as a motion at the National Council and has yet to be considered. Three other proposals must also be examined by the Parliament. One proposes a two week paid Paternity leave to be taken at birth. Another proposes a ‘leave credit’ of 20 days per parent to be used until the child’s fourth anniversary. The third proposes to enable fathers (only those serving in the army) to transform their military service benefits into paternity benefits the year of birth of the child or the year after.

In March 2012, a far more ambitious Parental leave proposal (24 weeks of paid parental leave) was rejected by the National Council by 101 votes against 64. This proposal was put forward in March 2011 by the Green parliamentary group, who took up a Parental leave model developed by the Federal Coordination Commission for Family Affairs (FCCF). The FCCF is an advisory commission of the Federal Department of Home Affairs whose mandate is to inform, coordinate and propose voting recommendations as well as new policy measures. In a 2010 report, the FCCF provided an overview of family needs in Switzerland, of existing Swiss policies and of leave schemes developed in other countries. It proposed the following model for Switzerland: six months of leave, paid at 80 per cent of earnings, including individual entitlements of four weeks for each parent and a common family
entitlement of sixteen weeks to be shared. The leave was designed flexibly: to be used until the child’s first day of school; to be used in several blocks of time and part-time; and to be used concurrently by parents if they both work part-time. The cost of this leave scheme was estimated at CHF1.1-1.2 billion (€916-€999 million), approximately double the cost of current maternity benefits. Two funding options were assessed: increasing employee and employer contributions; or increasing the Value Added Tax.

Finally, in December 2011 a Christian-Democrat MP made an intervention pointing out the increasing gap between Switzerland and the European Union (EU) regarding family policies. She asked whether the Federal Council was considering adapting to the 4 months Parental leave EU Directive (2010/18/UE). The Federal Council answered that the overview report on Parental leave schemes was first to be issued.

In 2007, a parliamentary initiative in favour of a new Constitutional article on family policy was put forward. The Committees for Social Security and Health (CSSH) of both chambers gave positive recommendations and proposed an amendment project which focuses on reconciliation of work and family life: ‘The Confederation and the cantons encourage measures enabling the reconciliation of family life and wage work or training activities. Cantons provide in particular an appropriate offer of extra-familial and extra-school childcare structures’ (Project, Federal Constitution, Art. 115a, section 2). The consultation procedure revealed that the majority of invited participants (cantons, parties, civil associations) were favourable to the new article. The Federal Council also gave a positive recommendation, with small changes proposed. Following the National Council’s vote in March 2012, the Committee for Social Security and Health of the Council of the States will examine the current state of the project. If an agreement is reached among the two Chambers, the new Constitutional article will be submitted to the Swiss electorate in an obligatory referendum.

This new Constitutional article project explicitly mentions the need to create early childhood services but does not do so for Parental or other types of leave. This was noted by some cantons, parties and associations during the consultation procedure.

4. Take-up of leave

a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria of maternity allowances and benefit from them. The number of recipients has been increasing since Maternity leave was introduced, probably because of an increase both in births and female employment. In 2005, 28,102 mothers (this figure is for six months only – the law came into force on the 1st of July) benefited from allowances; in 2006, 54,769; in 2007, 56,381 mothers; in 2008, 60,394 mothers; in 2009, 64,051; and in 2010, 67,329. It is estimated that the majority of recipients take up the maximum length of leave (98 days).

In 2010, the average amount of the daily indemnities granted to mothers was CHF115.50 per day, far from the ceiling of CHF 196.

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10 Sottas, G. and Millioud, P. (2008) ‘Allocations pour pertes de gain en cas de maternité - premier aperçu’, Sécurité sociale, Vol. 5: 304-307. The administrative data available provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances on one year and the rest on another.
11 This figure was obtained by dividing the total maternity leave expenditures in 2010 (CHF638 millions) by the number of daily indemnities (5,521593).
According to Sottas and Millioud (2008), in 2006, 80 per cent of leave recipients were married, 15 per cent single and 5 per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and 3 per cent inactive (eligible because they previously received unemployment, health or disability benefits).

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There is little research on Maternity leave benefits and leave uptake by women, though there will soon be a report available on the effects of Maternity leave implementation (see ‘ongoing research’). There is some research on special Paternity and Parental leave entitlements available in public administrations and on common practices and/or needs in the private sector. Here again, research literature is either not totally up to date (the most recent data for cantonal entitlements for civil servants are 2008), partial (surveys on reconciliation measures in private companies concern only specific cantons), or non-existent. For instance, to my knowledge, there exists no overall view of collective agreements or standard work contracts that grant paid Paternity leaves or unpaid Parental leaves to employees. No representative statistics are available either on the proportion of working men and women who can benefit from such policies and who take advantage of them.

The Federal Department of Home Affairs and the Federal Department of Economic Affairs provide a ‘Work-Family life conciliation’ online platform gathering information (in French, German and Italian) about cantonal and communal work-family objectives and instruments: [http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr](http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr). The data cover cantonal and communal pre-school and school-age childcare services and ‘family friendly’ working conditions offered by public employers and promoted in the private sector. Information about instruments and legal frameworks, covering a wide range of leaves and flexible working arrangements, are available and updated annually.

b. Selected publications April 2011

None reported.

c. Ongoing research

*Analysis of maternity allowances outcomes (2012).* Funded by the Federal Social Insurance Office.

This study on the effects of Maternity leave implementation addresses three lines of questioning: the effects of maternity insurance on (young) women’s and mothers’ employment and activity; whether the federal Maternity leave has curtailed pre-existing more generous schemes, and whether the savings to these schemes due to the implementation of a federal maternity insurance have been reinvested in extended maternity (or paternity)
benefits; and financial and administrative effects. Results should be available by August 2012.


This research analyses the emergence and problematisation of Parental and Paternity leaves in the Swiss political and media spheres, as well as in work organisations. A case study in a public work organisation granting discretionary leave benefits and interviews with fathers benefiting from such policies will be conducted. The research is scheduled to finish at the end of 2013. Contact: Isabel Valarino at Isabel.valarino@unil.ch.