

# Switzerland<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

**Note on federal, cantonal and communal government:** Switzerland is a federal state with three political levels: the communes, the cantons and the Confederation. In principle, family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for many areas of family policy to the cantons and the communes, insofar as they are able to perform these tasks, and retains an ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Pursuant to art. 116 of the Swiss Constitution, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article also 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 cantons 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, a referendum is mandatory.

Note on Leave Policies in Private Law v. Public Law: The information provided in this report refers, unless explicitly stated, to the rules applicable for persons working under private law contracts. Leave policies in the public sector of the Confederation, the cantons and the communes may vary considerably.

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

### a. Maternity leave (*Congé et allocation de maternité*) (responsibility of the Federal Department of Home Affairs, namely the Federal Social Insurance Office)

#### *Length of leave (before and after birth)*

- Statutory leave is 14 weeks, starting on the day of delivery<sup>2</sup>. It is obligatory to take eight weeks leave. In practice however, many collective agreements provide for 16 weeks paid leave.
- Between the 9<sup>th</sup> and 16<sup>th</sup> week after birth, women covered by the Employment Act cannot be compelled to return to work. However, only 14 weeks are covered for payment by the statutory Maternity leave insurance.
- Employed women can be exempt from work before birth for medical and health reasons and in this case, salary payment continues for a limited period, provided the employment relationship has lasted for or was concluded no longer than three months prior, and that the employee has proved her incapacity to work, which is usually done through a medical certificate.

#### *Payment and funding*

- The maternity compensation covers eighty per cent of earnings for 98 days, i.e. 14 weeks, up to a ceiling of CHF196 [€168.63]<sup>3</sup> per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,323.61] the maternity compensation in that case amounts to CHF5,880 [€5,058.88]. The annual income ceiling for employed and self-employed workers is CHF88,200 [€75,883.26].
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civil service. It is financed by equal contributions from employees and employers, each paying 0.225 per cent of earnings (0.45 per cent of earnings in total).
- Maternity leave allowances are considered as income and taxed accordingly. The period spent on Maternity leave counts for the establishment of pension credits.

#### *Flexibility in use*

- In principle, there is no flexibility in leave and compensation, the claim for compensation starts on the day of the delivery.
- However, if the new-born child has to stay at least for three weeks in the hospital and a medical certificate has been presented, mothers can choose to start the maternity compensation upon the child's arrival at home. Following case law, employers are obliged to pay the salary during these weeks until the maternity compensation takes over.

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<sup>2</sup> In previous country notes, the length of statutory leave reported was 16 weeks. The right not to return to work up to 16 weeks after giving birth is guaranteed by the Employment Act. However, the Employment Act does not apply to all companies and all workers (it excludes for instance home workers and public administrations). As of 2017, we therefore report 14 weeks of statutory Maternity Leave.

<sup>3</sup> Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

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

- Eligible for maternity compensation: employed women workers, whether employed under a fixed-term or open-ended employment contract; self-employed workers; women working in their husbands' or partners' businesses (or that of a family member's) and who are paid a salary; women who are benefiting from unemployment, sickness, accident or invalidity allowances are also entitled to maternity compensation.
- For maternity compensation, 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.
- If the maternity compensation criteria are not met, a mother may have a claim against her employer for continued payment of salary based on art. 324a of the Swiss Code of Obligations<sup>4</sup>. Moreover, certain cantons provide for specific maternity benefits for mothers who do not meet the federal eligibility criteria.
- Biological mothers only are eligible.

*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 (this is currently only available to birth mothers<sup>5</sup>).

*Regional, local and sectorial differences in leave policy*

- In the canton of Geneva, all working mothers are granted 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 by federal dispositions.
- The canton of Fribourg has an additional Maternity contribution targeted at all resident mothers including adoptive and for stay-at-home mothers, meaning women who have not been previously attached to the labour market. The daily allowance of CHF32.50 [€27.96] is paid over 98 days (equivalent to CHF975 [€838.85] per month for 3.2 months) if the income is below CHF2,475 [€2,129.38] for single mothers or CHF3,300 [€2,839.17] for both parents. The income ceiling is increased by CHF350 [€301.12] for each additional child living in the same household.
- 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 for their employees, i.e. 16 weeks of leave at full earnings or even variation for multiple births, as in the canton of Jura. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks. Employees working for the Confederation are entitled to 16 weeks of Maternity leave. Maternity compensation for this period corresponds to 100 per cent of the salary.

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<sup>4</sup> *Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht, SR 220 [Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations)].*

<sup>5</sup> A draft Act is under preparation in order to enable fathers to benefit from Maternity allowances in the event the mother dies after giving birth to a child. Also, the Swiss Federal Council has inter alia been mandated to draft a provision providing for a longer maternity compensation in case a new-born has to stay more than three weeks at the hospital (see also section 3).

*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.

## **b. Paternity leave**

No statutory entitlement. Article 329 paragraph three of the Swiss Code of Obligations specifies that the employer 'must allow the employee the customary hours and days off work', in addition to vacation leave, which is generally understood as time-off granted to employees for personal reasons. That provision is considered the gateway for a short Paternity leave<sup>6</sup>. The length of the Paternity leave can be regulated through the mutual agreement of the parties involved in the employment relationship, a collective agreement or the standard employment contract. If nothing is regulated, custom and practice will determine the length. Some legal authorities consider between one and two days as an appropriate length for Paternity leave<sup>7</sup>. Art. 329 paragraph three applies regardless whether an employee is working under a fixed-term or open-ended employment contract. It can be assumed that only biological fathers can deduce a leave right from article 329 paragraph three of the Swiss Code of Obligations.

It is unclear whether or not the employer has to pay the employee during Paternity leave in the absence of a provision in the collective agreement, the standard employment contract or an agreement by both parties<sup>8</sup>. To be on the safe side, employers are advised to pay their employee's Paternity leave days.

There is no representative national data on the number of days-off granted to fathers and if they are paid. Approximately half of the employed population is covered by a collective labour agreement in Switzerland. It is estimated that 27 per cent of collective labour agreements provide at least one day of paid Paternity leave and/or give access to an unpaid Parental leave, ranging between three months and two years<sup>9</sup>.

Nowadays, all public employees working for the Confederation or the cantons are entitled to paid Paternity leave. The length varies generally between three days and three weeks<sup>10</sup>.

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<sup>6</sup> Pärli, K. (2016) *Eltern im Arbeitsverhältnis [Parents in the Employment Relationship]*, FamPra.ch 2016, p. 933 ff.

<sup>7</sup> Rehbindler, M. and Stoeckli, J.F. (2010) *Art 319–330b OR. Der Arbeitsvertrag: Der Einzelarbeitsvertrag [Art 319–330b CO. The Employment Contract: The Individual Employment Contract]*, Berner Kommentar, Bern: Schulthess, art. 329 no. 20; Subilia, O., and Duc, J.L. (2010), *Droit du travail, éléments de droit suisse*, Lausanne: Schulthess Press, art. 329 no. 15.

<sup>8</sup> Streiff, U./ von Kaenel, A./ Rudolph, R. (2012) *Arbeitsvertrag, Praxiskommentar zu Art. 319–362 CO [Employment Contract, commentary of art. 319–362 OR]*, 7th edn., Zürich: Schulthess, art. 329 no. 12.

<sup>9</sup> Swiss Federal Council (2013) *Congé de paternité et congé parental. Etat des lieux et présentation de divers modèles [Paternity and Parental leave. Status and presentation of various models]*. Available at: <https://www.bsv.admin.ch/bsv/de/home/sozialpolitische-themen/familienpolitik/vereinbarkeit/elternurlaub.html>, p. 12 ff.

<sup>10</sup> For an overview see Pärli (Fn 6), p. 949 ff.

### c. Parental leave

No statutory entitlement. There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves<sup>11</sup>. Many cantonal public employers also grant unpaid Parental leaves - ranging from a few days up to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)<sup>12</sup>.

The years spent out of the labour market to care for children under 16 years old are credited for old-age pension to the parent who was the main carer during this time (it is split between parents, if both were equally responsible). The amount corresponds to three times the amount of the minimum annual retirement pension. It increases the average annual income from which the retirement pension is calculated (up to a ceiling) when individuals reach retirement age. This reformed Parenting Credit system, regulated in art. 52f of the Ordination to the Federal Old Age and Survivor's Insurance, was implemented in January 2015<sup>13</sup>.

### d. Childcare leave or career breaks

No statutory entitlement.

### e. Other employment-related measures

#### *Adoption leave and pay*

- There is not yet an explicit statutory federal entitlement. However, a parliamentary initiative from 2013 demanding the introduction of 12 weeks adoption leave pay has been accepted and a draft regulation is currently being processed<sup>14</sup>.
- Currently, Adoption leave is subject to the involved parties' agreement or to the collective employment agreements. The applicable collective agreement for the Swiss Federal Railways grants for instance ten days Adoption leave<sup>15</sup>. If nothing is regulated, the right to take a few days off for adoption can be based on Art. 329 paragraph three of the Code of Obligations<sup>16</sup>.
- Some cantons<sup>17</sup> have implemented gender neutral adoption allowances for all 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,

<sup>11</sup> Swiss Federal Council (FN 9), p. 14.

<sup>12</sup> Swiss Federal Council (FN 9), p. 15 f. ; Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités* [Maternity allowances and parliamentary initiatives about Parental leaves and benefits (Paternity leave, Parental leave and adoption leave) : report on the current situation at the federal administration, the cantons and several municipalities]. Available at: <http://www.equality.ch/f/publications.htm>, p. 14 ff.

<sup>13</sup> Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

<sup>14</sup> Parliamentary Initiative Romano Marco, 13.478.

<sup>15</sup> Available at [http://gav.arbeitsrechtler.ch/SBB\\_GAV\\_2015.pdf](http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf)

<sup>16</sup> Cardinaux, B. (2015) *Leistungen bei Vaterschaft: eine Aufgabe des Staates? [Paternity benefits: a task of the state?]*, in: E.M. Belser. and B. Waldmann (eds.), *Mehr oder weniger Staat? Festschrift für Peter Hänni zum 65. Geburtstag* [More or less state? Commemorative publication for Peter Hänni for his 65<sup>th</sup> anniversary]. Berne: Stämpfli Press, p. 456.

<sup>17</sup> More information can be found in the corresponding cantonal laws, the following page contains a link to all cantonal online legislation catalogues: <http://www.lexfind.ch>.

respectively, at 80 per cent of the salary. Such cantonal allowances are provided only if one of the parents interrupts his/her employment. For each birth or adoption, parents in the canton of Vaud are also awarded a unique contribution of CHF1,500 [€1,290.53]. The canton of Fribourg provides a flat-rate benefit for adoptive mothers of CHF32.50 [€27.96] per day (equivalent to CHF975 [€838.85] per month) paid for 3.2 months.

- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between two days and 16 weeks<sup>18</sup>.

#### *Specific provision for (breast-)feeding*

- During the child's first year, the time taken by mothers to breastfeed or express milk during a working day, counts as working time. Salary payment is mandatory within the following limits: for a working day of up to four hours, 30 minutes minimum; for a working day over four hours, 60 minutes minimum; for a working day over seven hours, 90 minutes minimum<sup>19</sup>.

#### *Time off for the care of dependants*

- Following art. 36 paragraph three of the Employment Act<sup>20</sup>, parents are entitled to three days per illness episode, to care for their sick child, upon presentation of a medical certificate. When two persons share parental responsibilities, only one benefits from this provision (parents should decide who benefits from the leave for sick children, depending on the solution which suits them best), unless the condition of the child demands the presence of both parents. This leave is also meant to support single parents or working parents to organise prolonged childcare, if that is needed. Salary payment is granted based on art. 324a of the Code of Obligations that provides for wage continuation in the case the employee is prevented from working by personal circumstances for which he or she is not at fault such as illness<sup>21</sup>. Nevertheless, for that provision to apply, the employment relationship must have lasted for more than three months or have been concluded three months prior.
- Art. 324a of the Code of Obligations remains applicable to parents of seriously ill children who have to care for them for a prolonged yet limited period of time. In the first year of service, the employer must pay at least three weeks salary; in the following years, the length will depend on what is the customary practice of the canton.

#### *Flexible working*

- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Act states that the employer should consider the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up

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<sup>18</sup> For more information see Pärli (Fn 6), S. 953.

<sup>19</sup> Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

<sup>20</sup> Bundesgesetz über die Arbeit in Industrie, Gewerbe und Handel, Arbeitsgesetz, ArG [Federal Employment Act on work in the industry, trade and commerce], SR 822.11.

<sup>21</sup> Portmann, W./Rudolph, R (2015) *Basler Kommentar Obligationenrecht I [Basel Commentary of the Code of Obligations I]*, 6th edn., Basel: Helbing Lichtenhahn Press, art. 324a no. 47.

- 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<sup>22</sup>.
  - The Confederation grants its employees the right to reduce their working time by 20 per cent, however the lowest part-time work allowed in comparison to 100 per cent is 60 per cent<sup>23</sup>.

## 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 three and a half months, all paid at a high rate of income replacement, with the possibility of additional two weeks of unpaid leave. In the majority of Swiss Cantons (17 out of 26 as of 2015), statutory provision for 2 years of ECEC programmes is available, with the implementation of an inter-cantonal agreement for the harmonization of education systems (HarmoS).. Obligatory school now starts when children reach 4 years of age, while in the rest of the country it starts between 5 and 7 years<sup>24</sup>. ECEC attendance rate for children under three years is slightly above OECD-28 average<sup>25</sup>, while for children over three 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 2017 (including proposals currently under discussion)

Maternity leave will be improved for mothers of children who must stay in hospital for at least three weeks directly after birth. Until now, upon presentation of a medical certificate, mothers could choose to postpone the start of their maternity compensation upon the child's arrival at home. However due to the ban on mothers' employment during the first eight weeks after delivery, mothers could face economic uncertainty in this difficult period. A Motion proposing that the payment of maternity allowances be prolonged by the length of hospitalization of the child was accepted by both Chambers of Parliament; in December 2016 by the Council of States and in June 2017 by the National Council. Maternity allowances will be prolonged from a minimum of 21 days and up to a maximum of 45 or 56 days (to be determined by the Federal Council).

<sup>22</sup> See Bühler, S. (2004) *Bébés et employeurs - Comment réconcilier travail et vie de famille. Version abrégée de l'étude comparative de l'OCDE portant sur la Nouvelle-Zélande, le Portugal et la Suisse : aspects suisses* (Vol. 1f). Berne: Secrétariat d'Etat à l'économie. [Babies and Bosses – Reconciling Work and Family Life. Summary version of the OECD comparative study on New Zealand, Portugal and Switzerland: Swiss aspects (Vol. 1f)].

<sup>23</sup> Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

<sup>24</sup> With HarmoS, pre-primary or elementary programmes are included in obligatory schooling. See EDK. (2015). *Bilan 2015. Harmonisation des éléments visés par l'art. 62, al. 4, Cst. dans le domaine de la scolarité obligatoire*. Bern: Swiss Conference of Cantonal Ministers of Education: [https://edudoc.ch/static/web/arbeiten/harmos/bilanz2015\\_bericht\\_f.pdf](https://edudoc.ch/static/web/arbeiten/harmos/bilanz2015_bericht_f.pdf)

<sup>25</sup> According to OECD data, for 2014 the rate was 38 per cent in Switzerland for children 0-2 and 34.4 per cent for OECD-28. Available at: [http://www.oecd.org/els/soc/PF3\\_2\\_Enrolment\\_childcare\\_preschool.xlsx](http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx)

A Parliamentary Initiative in favour of Adoption Leave was accepted in 2015. The Committee for Social Security and Health of the National Council is drafting the law and will submit it for vote to Parliament. A two-year deadline extension for this vote was granted in June 2017. Adoptive parents (mothers and fathers) of children under four years will be granted 84 days of leave to share between them, paid at 80 per cent of salary and financed through the Loss of Earnings Compensation Act (as for Maternity leave).

Parental and Paternity leaves continue to be the object of propositions and discussions in the Parliament, yet without any consensus among political actors. Several parliamentary interventions submitted in June 2015 requested the Federal Council to produce scientific reports about the current offer and demand for Parental and Paternity leaves in Switzerland and their potential direct and indirect economic effects. These proposals were rejected by a majority of the National Council in June 2017.

In September 2017 a Parliamentary Initiative, which had been submitted by a Green Liberal MP, in favour of a 28 week Parental Leave was rejected in the National Council by 124 votes to 65. The proposal aimed to replace the current Maternity leave by a Parental Leave; it would have included, in addition to 14 weeks of maternity allowances for mothers, 14 weeks of paternity allowances for fathers.

Paternity leave has been very topical in civil society: a popular initiative in favour of Paternity leave was launched in May 2016. A committee composed of national umbrella associations representing unions, as well as men, women and family associations launched an initiative entitled 'For a reasonable Paternity leave – to benefit the whole family'. The initiative requests to modify the Constitution in order that the Confederation receives the mandate to institute a Paternity insurance of four weeks minimum. Paternity leave would be paid at 80 per cent of previous earnings and financed the same way as Maternity insurance. In July 2017, after a little over one year of campaign, the requested number of 100,000 signatures necessary for a national vote to take place had been collected (the Federal Chancellery counted 107,075 valid signatures). In the coming years, the proposed constitutional amendment will be submitted to Parliament, before being submitted to national vote. In October 2017 the Federal Council recommended to reject the initiative, arguing that this law would jeopardize the competitiveness of the Swiss economy, compromise companies' organization and that priority should be given to developing early childhood care and education services.

## **4. Take-up of leave**

### **a. Maternity leave**

Approximately 70 per cent of women giving birth meet the eligibility criteria for maternity allowances and benefit from them. It is estimated that the majority of recipients take up the maximum length of paid leave (98 days)<sup>26</sup>. The number of recipients has been increasing since Maternity leave was introduced, probably

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<sup>26</sup> Sottas, G., Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu'. [Loss of Earning Compensation Allowances for maternity – First overview] *Sécurité sociale*, vol. 5: 304-307. The available administrative data provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances in one year and the rest in another.



because of an increase both in births and female employment. In 2005, 31,110 mothers (this figure is for six months only, since the law came into force on 1 July) benefited from allowances; rising to 57,920 in 2006; 64,090 in 2008; 71,610 in 2010; 77,630 in 2014, 79,640 in 2015 and 81,440 in 2016<sup>27</sup>. Maternity benefit expenditure increased by 5.7 per cent between 2015 and 2016; for a total of CHF847 [€728.72] million in 2016.

In 2016, the average amount of the daily indemnities granted to mothers was CHF123 [€105.82] per day, well below the ceiling of CHF196 [€168.83]. According to Sottas and Millioud, in 2006, 80 per cent of leave recipients were married, 15 per cent single and five per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and three per cent inactive (eligible because they previously received unemployment, health or disability benefits).

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A recent survey conducted with 335 employed women who had had a child in the last five years, revealed that over 60 per cent of them had taken leave that exceeded 14 weeks. But for only half of them, this additional leave was paid by the employer, while for 37 per cent of the sample this leave was unpaid<sup>28</sup>.

## **b. Paternity leave**

There is no explicit statutory leave entitlement in private law. On a federal level, according to the Human Resource Centre of the Confederation, since the introduction of Paternity leave of ten days, there has been a 100 per cent take-up of Paternity leave<sup>29</sup>.

## **c. Parental leave and Parental benefit**

No statutory leave entitlement.

# **5. Research and publications on leave and other employment-related policies since April 2017**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

## **a. General overview**

There is growing research on Maternity, Parental or Paternity leave, especially in relation to leave entitlements which are available in public administrations and for

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<sup>27</sup> In 2015, the Swiss Statistical Office has changed its way of counting recipients for Loss of Earnings Compensation allowances. The figures reported in previous Country Notes to 2015 edition, are therefore different. A yearly evolution is available at this link:  
<https://www.bsv.admin.ch/bsv/fr/home/assurances-sociales/eo-msv/statistik.html>

<sup>28</sup> Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at:

[http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,lnp6l0NTU042l2Z6ln1acy4Zn4Z2qZpnO2YUq2Z6gpJCEdIB2hGym162epYbg2c\\_JjKbNoKSn6A--](http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,lnp6l0NTU042l2Z6ln1acy4Zn4Z2qZpnO2YUq2Z6gpJCEdIB2hGym162epYbg2c_JjKbNoKSn6A--)

<sup>29</sup> Swiss Federal Council (Fn 9), p. 14, footnote 45.

common practices and/or needs in the private sector. However, there is a lack of representative statistics on private company policies<sup>30</sup> and on the proportion of working men and women who can benefit from such policies and who take advantage of them.

## **b. Selected recent publications**

Baumgarten, D. and Borter, A. (2017) *Vaterschaftsurlaub Schweiz. MenCare Schweiz-Report Vol. 2. [Paternity Leave Switzerland. MenCare Switzerland – Report Vol.2]* Burgdorf/Zürich: Schweizerisches Institut für Männer- und Geschlechterfragen SIMG.

This report in German focuses on Paternity Leave in Switzerland. It was published by the Swiss national program MenCare Switzerland (part of the global MenCare initiative), which aims to promote gender equal and violent-free fatherhood. The report describes the Swiss leave context, highlighting the current lack of federal statutory leaves for fathers (Paternity or Parental leave) and the exception in represents in international comparison. It reviews data on public opinion toward leave policies in Switzerland and literature on the effects of leave uptake by men on the gender division of paid and unpaid work. It advocates for the adoption of a non-transferable Paternity Leave, a Parental Leave with reserved quotas for men and an increase of affordable and quality early childhood care and education services in Switzerland.

Horvath, L. K., Grether, T. and Wiese, B. S. (2017) 'Fathers' Realizations of Parental Leave Plans: Leadership Responsibility as Help or Hindrance?', *Sex Roles*, Vol.79, 163-175.

The study investigates how fathers realized their Parental leave plans with consideration of fathers' leadership responsibility as a potential hindrance. A sample of 147 men from Germany, Austria and Switzerland (33 per cent with leadership responsibility) participated in a longitudinal questionnaire study (first measurement before childbirth). Results show that men who expected a loss of qualifications planned shorter leaves. Planned leave length was positively correlated with the actual leave taken. Although leadership responsibility did not predict leave plans in the first place, it had an impact on the realization of leave plans: fathers without leadership responsibility were more likely to realize their leaves than were fathers with leadership responsibility. Remarkably, men with leadership responsibility shortened their leaves as often as extended it. The research highlights the importance of organizational support for men in their Parental leave planning and realization.

Müller, M., Lanfranconi, L., Fuchs, G. and Rabhi-Sidler, S. (2017) *Equal Rights and Parenthood in Switzerland*. Available at: [http://gleichstellen.ch/src/media/gleichstellen-ch-Hintergrundinfos-Elternschaft\\_Englisch.pdf](http://gleichstellen.ch/src/media/gleichstellen-ch-Hintergrundinfos-Elternschaft_Englisch.pdf)

This brief provides a short overview of the legal context of parenthood in Swiss workplaces. It reviews constitutional and legal protection tools against gender-specific discrimination in the workplace, reviews the gender gap in the labour market participation among mothers and fathers, reviews the leave scheme in international comparison, and describes the role of companies in providing family-friendly measures. This brief is part of an e-learning website for companies, to support them promoting gender equality in work life. See: <http://gleichstellen.ch/en>

Valarino, I. (2017) 'Will fathers in Switzerland soon have access to leave? Insights into the gender equality potential of leave policies', *LIVES Impact*, 4/2017.

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<sup>30</sup> The previously mentioned platform was discontinued 1 January 2017.

This policy brief was published by the Swiss National Centre of Competence in Research LIVES – Overcoming vulnerability: Life course perspectives (NCCR LIVES). It presents the lack of access to federal statutory leaves for fathers in Switzerland and discusses how this policy context contributes to the gender unequal division of work at the transition to parenthood in Switzerland. It summarizes research results on the potential of leave policies and their uptake by men for more gender equality and highlights the modalities of leave policies which promote men's use of leave. Finally, it assesses the potential for gender equality of the Paternity Leave policy proposal launched in 2016, through a popular initiative in favor of a four-week paid Leave for fathers, paid at 80 per cent of previous earnings.

Valarino, I., Duvander, A.-Z., Haas, L. and Neyer, G. (2018). 'Exploring Leave Policy Preferences: A Comparison of Austria, Sweden, Switzerland, and the United States', *Social Politics: International Studies in Gender, State & Society*, Vol.25, No.1: 118-147.

This study analyses preferences regarding leave length, gender division of leave, and leave financing in four countries with different welfare-state and leave regimes. Embedded in a gender perspective, institutional, self-interest, and ideational theoretical approaches are used to explore the factors shaping individuals' preferences (ISSP 2012 data). Findings show dramatic cross-country differences, suggesting the institutional dimension is most strongly related to leave policy preferences. Self-interest and values concerning gender relations and state responsibility are also important correlates. The study identifies mismatches between leave preferences, entitlements, and uptake, with implications for policy reform and the gendered division of parenting.

Wetzstein, S. (2018) 'Lohnfortzahlungspflichten des Arbeitgebers nach Niederkunft einer Mitarbeiterin' ['Employers duty to pay the salary after an employee has given birth'], *Aktuelle Juristische Praxis (AJP)*, Vol.3/2018: 316 -326

In principle, if an employee meets the legal requirements of the maternity compensation, after having given birth the mother will receive the maternity compensation paid through public insurance in lieu of her salary. While the employee receives the maternity compensation, the employer is, in principle, freed from the obligation to pay the employee the salary. However, there are cases where mothers receive no maternity compensation. This article examines inter alia the employer's obligation to pay the salary where there is no maternity compensation, the employers potential duty to compensate mothers with a high income for the difference between the capped maternity compensation and the mother's last salary as well as the possibility for a brief right of fathers to continued payment after the birth of their child. Case law and the legal authorities are summarised and planned legislative measures are pointed out.

### **c. Ongoing research**

*Vaterschafts- und Elternurlaub, eine rechtsvergleichende Studie [Paternity and Parental Leave, a comparative law study] (2015–)*. Rahel Aina Nedi, University of Zurich.

In Switzerland, Maternity leave enjoys statutory recognition. On the other hand, for employees working under private law contract, there is no statutory Paternity or gender neutral Parental leave recognition. Nonetheless, both Paternity and Parental leave are hot topics in current politics. Against this background, the current legal system in Switzerland is examined in this thesis. Furthermore, leave legislations in Germany, Sweden and the United Kingdom are compared with the aim of suggesting a possible model for Swiss legislation. Contact Rahel Nedi at [aina.nedi@gmail.com](mailto:aina.nedi@gmail.com)

*State, Family or Market Responsibility? A Comprehensive Study of Attitudes Toward Care Policies* (2017-2018). Isabel Valarino, Guest researcher at the Autonomous University of Madrid, International Labour Organisation, and University of Lausanne. Funded by the Swiss National Science Foundation (Project n° P300P1\_171457).

The research comprises three studies that analyze care policy attitudes and their social determinants. The first study analyses attitudes toward leave entitlements for parents and their social determinants in 27 OECD countries and focuses on preferences regarding the length of paid leave, the division of leave between the mother and the father and the financing source of leave expenses. Another study analyses attitudes toward care responsibility for children and the elderly. Different patterns of preferences are identified regarding the care provision and payment for these two populations. The last study will analyze qualitatively individual attitude-formation by focusing on Paternity leave implementation in Switzerland, a measure that does not exist but is high on the political agenda. Contact Isabel Valarino at [Isabel.Valarino@unil.ch](mailto:Isabel.Valarino@unil.ch)