

Switzerland¹

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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 article 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 another. 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 subsidised by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which

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subsidises 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 vs. 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.

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.² It is obligatory to take eight weeks' leave. In practice however, many collective agreements provide for 16 weeks' paid leave.
- Between the weeks nine and sixteen 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.

² In country notes prior to 2017, 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.

Payment and funding

- The maternity compensation covers 80 per cent of earnings for 98 days, i.e. 14 weeks, up to a ceiling of CHF196 [€182.00]³ per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,825.15] and the maternity compensation in that case amounts to CHF5,880 [€5,460.12]. The annual income ceiling for employed and self-employed workers is CHF88,200 [€81,901.76].
- 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 needs to stay for at least 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.

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

- Eligible for maternity compensation are: employed women, whether employed under a fixed-term or open-ended contract; self-employed workers; women working in their husbands' or partners' businesses (or that of a family member) and who are paid a salary; and women who are on unemployment, sickness, accident, or invalidity benefits or allowances are also entitled to maternity compensation.
- For maternity compensation, women must have a record of nine months of contribution to Old Age and Survivors Insurance; and must have worked for a minimum of five months, during the nine months preceding the birth.
- If the maternity compensation criteria are not met, a mother may make a claim against her employer for the continued payment of

³ Conversion of currency undertaken for 31 July 2020, using:
https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-chf.en.html

her salary, based on article 324a of the Swiss Code of Obligations.⁴ Moreover, certain cantons provide for specific maternity benefits for mothers who do not meet the federal eligibility criteria.

- Only biological mothers are eligible.
- Eligibility does not require citizenship or permanent residency. A permission to work will however be a prerequisite, since only employed or self-employed women are entitled to maternity compensation.

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 mothers⁵).

Regional, local and sectorial differences in leave policy

- In the canton of Geneva, all working mothers are granted 16 weeks of Maternity leave, paid at 80 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 stay-at-home mothers (the latter meaning women who have not been previously attached to the labour market). The daily allowance of CHF32.50 [€30.18] is paid over 98 days (equivalent to CHF975 [€905.38] per month for 3.2 months) if the income is below CHF2,475 [€2,298.26] for single mothers or CHF3,300 [€3,064.35] for both parents. The income ceiling is increased by CHF350 [€325.01] 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

⁴ 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)]).

⁵ 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 been mandated inter alia to draft a provision providing for a longer maternity compensation in the case of a new-born having to stay more than three weeks at the hospital (see also section 3).

leave up to 20 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.

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. 16 weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses. According to representative survey data (N = 3,575), in 2016 this concerned 43 per cent of surveyed companies, with public employers and large companies (> 200 employees) being over-represented.⁶

b. Paternity leave

- No explicit 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.⁷ 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.⁸ Article 329, paragraph three applies regardless of whether an employee is working under a fixed-term or open-

⁶ Rudin, M., Stutz, H., Bischof, S., Bannwart, L. and Jäggi, J. (2017). *Erwerbsunterbrüche vor der Geburt [Work interruption before birth]* (185). Bern: Büro BASS. (67-70). Available at: https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf

⁷ Pärli, K. (2016) *Eltern im Arbeitsverhältnis [Parents in the Employment Relationship]*, FamPra.ch 2016, 933 ff.

⁸ 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.

ended contract. It can be assumed that only biological fathers can deduce a leave right from this article.

- Eligibility, due to Article 329 of the Swiss Code of Obligations, is limited to the biological father of the child.
- 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 parties⁹. To be on the safe side, employers are advised to pay their employees' Paternity leave days.
- There is no representative national data on the number of leave days granted to fathers or on 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.¹⁰
- Nowadays, all public employees working for the Confederation or the cantons are entitled to paid Paternity leave. The length generally varies between three and 20 days.¹¹

c. Parental leave

- No statutory entitlement.
- There is some indication that a minority of companies in the private sector grant their employees unpaid Parental leaves.¹² 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).¹³

⁹ 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.

¹⁰ 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/elternsurlaub.html>, 12 ff.

¹¹ For an overview, see: Pärli (Fn), 949 ff.

¹² Swiss Federal Council (FN 10), 14.

¹³ Swiss Federal Council (FN 10), 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>, 14 ff.

d. Childcare leave or career breaks

- No statutory entitlement.
- The years spent out of the labour market to care for children under 16 years of age 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 article 52f of the Ordination to the Federal Old Age and Survivor's Insurance, was implemented in January 2015.¹⁴

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.¹⁵
- 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.¹⁶ If nothing is regulated, the right to take a few days off for adoption can be based on Article 329, paragraph three of the Code of Obligations.¹⁷
- Some cantons¹⁸ 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, respectively, at 80 per cent of the salary. Such cantonal allowances are provided only if one of the parents interrupts their employment.

¹⁴ Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

¹⁵ Parliamentary Initiative Romano Marco, 13.478.

¹⁶ Available at: http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf

¹⁷ Cardinaux, B. (2015). *Leistungen bei Vaterschaft: eine Aufgabe des Staates? [Paternity benefits: a task of the state?]*, in: Belser, E. M. and Waldmann, B. (eds.), *Mehr oder weniger Staat? Festschrift für Peter Hänni zum 65. Geburtstag [More or less state? Commemorative publication for Peter Hänni for his 65th anniversary]*. Berne: Stämpfli Press, 456.

¹⁸ 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>.

- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between two days and 16 weeks in length.¹⁹

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; and for a working day over seven hours, 90 minutes minimum.²⁰

Time off for the care of dependants

- Following article 36, paragraph three of the Employment Act,²¹ parents are entitled to three days per illness episode, to care for their sick child, upon presentation of a medical certificate. When two people share parental responsibilities, only one benefits from this provision (parents should decide who receives the leave, 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 article 324a of the Code of Obligations that provides for wage continuation in the case where an employee is prevented from working by personal circumstances for which they are not at fault, such as illness.²² Nevertheless, for that provision to apply, the employment relationship must have lasted for more than three months or have been concluded three months prior.
- Article 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 or what has been contractually agreed to between the parties of an employment contract.

¹⁹ For more information, see: Pärli (Fn 7), S. 953.

²⁰ Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

²¹ 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.

²² Portmann, W. and 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.

- The Swiss Federal Council has drafted a new law with several measures aiming to support employed people with care obligations – the future of that proposal remains currently open (see section 3 below).

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 to 15 years of age and the charge of other family 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.²³
- The Confederation grants its employees the right to reduce their working time by 20 per cent, however the lowest part-time work allowed is at 60 per cent hours.²⁴

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 an additional two weeks of unpaid leave. In the majority of Swiss cantons (17 out of 26), statutory provision for two years of ECEC programmes is available, with the implementation of an inter-cantonal agreement for the harmonisation of education systems (HarmoS). Compulsory schooling now starts when children reach four years of age, while in the rest of the country it starts between five and seven years of age.²⁵ ECEC attendance rate for

²³ 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). [*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)]. Berne: Secrétariat d'Etat à l'économie.

²⁴ Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

²⁵ With HarmoS, pre-primary or elementary programmes are included in obligatory schooling. See EDK. (2019). *Bilan 2019. 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: http://edudoc.ch/record/204716/files/Bilanz-Bericht_II_f.pdf

children under three years of age is slightly above the OECD-28 average,²⁶ while for children over three years of age, levels of attendance are well below the average for both 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 2019 (including proposals currently under discussion)

In the past year there have been many proposals and debates in Swiss Parliament to reform leave policies in Switzerland, ranging from the improvement of Maternity Leave to the introduction of new policy measures for care givers. After many years of debates, Adoption Leave is close to being implemented, and Paternity Leave will likely be the subject of a national vote.

Proposals concerning Maternity Leave

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 hospitalisation of the child was accepted by both chambers of the parliament. In November 2018, the Federal Council published a proposition of law amendment: maternity allowances will be prolonged by 56 days (maximum) if a new-born is hospitalised for at least three weeks. The law amendment was accepted by the Council of States in March 2020, and has yet to be submitted to vote in the National Council.

A motion submitted in September 2018 asks that breastfeeding breaks be financed through the Loss of Earnings Compensation Act (LECA), similarly to maternity allowances. Currently, according to the Employment Act, breastfeeding time is considered as working time and is therefore financed by employers (see section 1.e.). In November 2018, the Federal Council recommended the rejection of this proposition. The motion will be submitted to the parliament.

²⁶ According to OECD data, for 2017 the rate was 38 per cent in Switzerland for children from birth to two years of age and 35 per cent for OECD-28. Available at: http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx.

In March 2019, a Socialist MP submitted a motion to increase the maximum daily allowances during Maternity leave. The LECA regulates allowances in case of military or civil service and, since 2005, in case of maternity. Yet, the maximum amount of allowances differs in case of military and civil service (CHF245 per day) and in case of maternity (CHF196 per day). The motion considers this difference to be discriminatory and asks that the same compensation conditions be applied to women on Maternity leave as to people performing their military or civil service duties. In May 2019 the Federal Council recommended to reject this motion, considering the increase of social expenditure it would represent and the fact it could jeopardize the other policy reforms currently in discussion in favour of maternity protection and family policies. The motion will be submitted to Parliament.

Between March and December 2019 several motions, postulates, and parliamentary initiatives regarding maternity protection were submitted, based on the results of two reports published in 2017. A report mandated by the Federal Social Insurance Office found that about three per cent of women are dismissed after Maternity leave. Results are based on representative survey data of women who had a child in 2016, were eligible for Maternity insurance, and were interviewed about one year after they gave birth (N=2,809).²⁷ At a national scale, this would represent about 2,500 women who are dismissed every year after Maternity leave. Another report, published by the Federal Gender Equality Office, examined 190 cantonal judgements, issued from 2004 to 2015, related to the Federal Act on Gender Equality.²⁸ Results showed that 41 judgements concerned discrimination in case of pregnancy or maternity, and that in most cases it had led to employer dismissal when employees had returned from Maternity leave.

Some parliamentary interventions ask that the Federal Council mandates a report to understand better the reasons why mothers do not return to work after Maternity leave, while others ask maternity protection be improved, either by increasing the financial sanctions for employers who breach the law, or by extending the length of maternity protection (currently 16 weeks after birth). The Federal Council recommends to reject these propositions, arguing that in the majority of cases maternity protection is working, and that there is currently no

²⁷ Rudin, M., Stutz, H., Bischof, S., Bannwart, L. and Jäggi, J. (2017). *Erwerbsunterbrüche vor der Geburt* (185). Bern: Büro BASS. Available at: https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf

²⁸ Lempen, K., and Voloder, A. (2017) *Analyse de la jurisprudence cantonale relative à la loi sur l'égalité entre femmes et hommes (2004-2015). Rapport de recherche* (45). Berne: Bureau fédéral de l'égalité entre femmes et hommes BFEg. Available at: https://www.unige.ch/droit/files/7215/0169/2406/analyse-LEg_2017-lempen.pdf

viable political solution. These propositions have not yet been addressed in Parliament.

In May 2019 two Motions were submitted aiming to allow the full coverage of medical expenses due to pregnancy. Currently pregnant women have to contribute to these expenses until the 13th week of pregnancy. The Federal Council supported these Motions and they were adopted by a majority in the National Council in September 2019. They will now be examined by the National Council's Committee for Social Security and Health.

At the same period, another Motion was submitted in order to enable women working in a family farm to benefit from Maternity Leave allowances. While the Federal Council has recommended to reject it Motion, it has yet to be voted in Parliament.

In September 2019 two Socialist MPs submitted a Motion aiming to entitle self-employed women who give birth to benefit from allowances to cover operating expenses of their business. According to the Loss of Earnings Compensation Act, such allowances are offered to self-employed people during their military or civil service, but they are currently not available for self-employed mothers on Maternity leave, which is considered as unequal treatment. In November 2019 the Federal Council recommended to accept these Motions and the Parliament accepted them in December 2019. The Motions will now be examined by the Committee for Social Security and Health.

Proposals concerning Adoption Leave

A parliamentary initiative in favour of adoption leave, which would be financed through the Loss of Earnings Compensation Act, was accepted in 2015. However, the drafting of the law has since then been delayed, jeopardising its implementation. In March 2019, a small majority (102 votes against 93) in National Council rejected the filing of the initiative. In July 2019, the National Council's Committee for Social Security and Health adopted a draft law by 12 votes against ten and one abstention. Adoptive parents of children under 4 years would benefit of two weeks of paid leave (80 per cent of salary, as for Maternity Leave), to be taken within the first year following adoption by one parent or shared between them. In October 2019 the Federal Council announced it supported this law, which has yet to be submitted to Parliament.

Proposals concerning Paternity leave

In May 2016, a popular initiative in favour of a paid Paternity leave of four weeks minimum, financed through the Loss of Earnings Compensation Act (the same as for Maternity leave) was launched. In October 2017, the Federal Council recommended rejecting the initiative.

In August 2018, the Council of States' Committee for Social Security and Health decided by eight votes against five to prepare a counter-project to the popular initiative. The popular initiative in favour of a four-week paid Paternity leave was considered too long and that it would negatively impact the competitiveness of the Swiss economy and compromise companies' organisation. The counter-project proposes instead a two-week paid Paternity leave, to be taken during the child's first six months of life. The counter-project was accepted by Parliament in September 2019. However, in January 2020, an optional referendum was deposited against the counter-project (over 100,000 signatures were collected against this new law). A national vote on the adoption or rejection of a two-week paid Paternity leave will soon take place, likely in Autumn 2020.

Proposals concerning Care leave and benefits (for seriously ill or frail family members with care needs)

A new Federal law improving reconciliation between paid work and caregiving activities was drafted by the Federal Council in May 2019 and accepted by Parliament in December 2019. This law addressed several parliamentary interventions submitted in the past decade which aimed to support workers with care obligations for seriously ill children or frail and elderly family members (including cohabiting partners). The new law entails among others the following measures: 1) in case of health problems of a family member or partner, employees are entitled to three days per event of paid leave in order to organize and arrange care solutions (maximum ten days per year) ; 2) job protection, caregiving allowance and leave of 14 weeks for employed parents caring for a child with serious health problems (due to sickness or accident); 3) old age credits in case of caregiving duties for frail family members or cohabiting partners. Unless an optional referendum is deposited against this new law, it will be implemented.

Policy response to the Covid-19 pandemic up to end June 2020

Childcare and schools

- ECEC was partly closed for children aged below 36 months, and above 36 months but under school age (starting at 4 years in most cantons). ECEC closure started on 16 March 2020, with gradual re-opening from 27 April and full re-opening for all children on 11 May 2020. In total, there was 8 weeks of partial closure. Minimal service was guaranteed during closure (as of 16 March) for key workers in the following domains: health, security, education, and supply of vital goods and services.

- Primary schools (children aged 4 to 12 years) and special needs schools were partly closed from 16 March to 11 May 2020 (8 weeks of closure). Minimal service was guaranteed for children of key workers (see above). Distance schooling was theoretically organized for all children during closure, but with varying degrees depending on schools and teachers.
- Education being a cantonal prerogative in Switzerland, cantons had the possibility to organise the reopening of schools according to local conditions. Many of them reopened gradually from 11 May, for the first 2 weeks with half-size classes alternating each day, and with a return to full classes as of 25 May.
- Secondary schools
 - Secondary schools I (13 to 15 years) were fully closed from 16 March to 25 May 2020 (10 weeks of closure).
 - Secondary schools II (children aged 15+) were fully closed as of 16 March, with distance and online schooling being provided (with variation depending on schools and teachers). Most of them reopened on 8 June 2020 (12 weeks of closure in total).

Parental leave

- There is no statutory entitlement.

Other measures for parents and other carers

- On 16 March 2020 the Federal Council declared Switzerland was in an 'extraordinary situation' in terms of the Epidemic Act.
- It recommended to all employers to allow their employees to work from home when possible and closed all schools. According to the Code of Obligation, employees who are prevented from working are not considered at fault, and the payment of their salary must be guaranteed by the employer during 3 days. Starting from the 4th day, employers could ask for loss of earnings allowances due to COVID-19. These allowances concerned working parents of children up to 12 years old (or of children up to 20 years old in special education) who could not be taken care of due to coronavirus (closure of ECEC or schools).
- Employed or self-employed parents of children aged up to 12 years (or children up to 20 years in special education) who were prevented from working were entitled to allowances amounting to 80 per cent of salary, with a maximum CHF196 per day. These allowances were financed through the Loss of Earnings Compensation Act (LECA); the same fund which finances allowances for employees and self-employed persons in case of maternity, or military and civil service.
- Both parents were eligible, but only one parent could benefit from a daily allowance on the same day. Allowances were not provided during school vacations, unless the person typically caring for the

child during vacation time belonged to the group considered "at risk" (aged +65 years old or with a specific condition). Allowances started on the 4th day the eligibility conditions were met and ended on 16 May 2020.

- Private nurseries that had to close down or reduce their activity between 17 March and 17 June 2020 due to COVID-19 may now apply for financial support from the cantons.

4. Uptake 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).²⁹ 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, 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; 71,610 in 2010 and 81,440 in 2016.³⁰ For the first time since the implementation of the law, the number of beneficiaries decreased slightly in 2017 (81,310 beneficiaries), but it increased again in 2018, with 82,440 beneficiaries. Maternity benefit expenditure increased by 3.7 per cent between 2017 and 2018, to a total of CHF865 [€803.23] million spent in 2018.

In 2018, the average amount of the daily indemnities granted to mothers was CHF125 [€116.07] per day, well below the ceiling of CHF196 [€182.00]. According to Sottas and Millioud, in 2006, 80 per cent of leave recipients were married, 15 per cent were single, and five per cent were divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed; and three per cent were inactive (eligible because they previously received unemployment, health, or disability benefits). According to register data, in 2018 the mean age of maternity benefit recipients was 32.7 years and 63.9 per

²⁹ 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.

³⁰ In 2015, the Swiss Statistical Office 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>

cent of recipients were Swiss nationals and 36.1 per cent were foreigners.³¹

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A survey conducted in 2012 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.³²

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 uptake of Paternity leave among civil servants of the federal administration.³³

c. Parental leave and parental benefit

No statutory leave entitlement.

³¹

https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/statistiken/EO_APG_04_T3_d.xlsx.download.xlsx/EO_3_f.xlsx

³² Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at: https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/studien/wirkungsanalyse_mutterschaftentschaedigung.pdf.download.pdf/analyse_des_effetsdelassurance-materniteenallemand.pdf

³³ Swiss Federal Council (Fn 10), 14, footnote 45.