

# 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 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.<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 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.

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<sup>2</sup> 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 [€178.93]<sup>3</sup> per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,709.88] and the maternity compensation in that case amounts to CHF5,880 [€5,367.90]. The annual income ceiling for employed and self-employed workers is CHF88,200 [€80,518.53].
- 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

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<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-chf.en.html](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.<sup>4</sup> 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 mothers<sup>5</sup>).

*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 [€29.67] is paid over 98 days (equivalent to CHF975 [€890.09] per month for 3.2 months) if the income is below CHF2,475 [€2,259.45] for single mothers or CHF3,300 [€3,012.60] for both parents. The income ceiling is increased by CHF350 [€319.52] 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 20 weeks. Employees working for the Confederation

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<sup>4</sup> Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht, SR 220 [Federal Action 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 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).

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.<sup>6</sup>

#### **b. Paternity leave (*Congé et allocation de paternité*) (responsibility of the Federal Department of Home Affairs, namely the Federal Social Insurance Office)**

*Length of leave (before and after birth)*

- 2 weeks

*Payment and funding*

- Same as for Maternity leave. The paternity compensation covers 80 per cent of the gross average earnings achieved before the child was born and will be paid during two weeks, i.e. 14 days, up to a ceiling of CHF196 [€178.93] per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,709.88].

*Flexibility in use*

- Paternity leave cannot start until the baby is born and must be taken within six months after the baby's birth.
- The leave can be taken in full or on a daily basis.

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<sup>6</sup> 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](https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf)

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

- Employed workers are entitled to Paternity leave if they are legally the father of the child, no minimum employment relationship is required.
- For payment during Paternity leave, fathers must, in principle, also 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.
- Eligibility does not require citizenship or permanent residency. A permission to work will however be a prerequisite, since only employed or self-employed men are entitled to paternity 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 father*

- None

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

- Pre-existing Paternity Leave allowances granted through collective labour agreements or work contracts may supplement the newly introduced federal Paternity Leave (as of 1 January 2021).

### **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.<sup>7</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>8</sup>

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<sup>7</sup> Swiss Federal Council (FN **Fehler! Textmarke nicht definiert.**), 14.

<sup>8</sup> Swiss Federal Council (FN **Fehler! Textmarke nicht definiert.**), 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.<sup>9</sup>

#### **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>10</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>11</sup> 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.<sup>12</sup>
- Some cantons<sup>13</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, respectively, at 80 per cent of the salary. Such cantonal allowances are provided only if one of the parents interrupts their employment.

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<sup>9</sup> Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

<sup>10</sup> Parliamentary Initiative Romano Marco, 13.478.

<sup>11</sup> Available at: [http://gav.arbeitsrechtler.ch/SBB\\_GAV\\_2015.pdf](http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf)

<sup>12</sup> 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 65<sup>th</sup> anniversary]*, Berne: Stämpfli Press, 456.

<sup>13</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>.

- 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.<sup>14</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; and for a working day over seven hours, 90 minutes minimum.<sup>15</sup>

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

- Since January 2021, employees are entitled to paid leave for the time necessary to care for a family member, domestic partner or partner with a medical condition. However, the leave cannot exceed three days per occurrence and ten days per year. The upper limit of ten days does not apply for the care of a child with health impairment. 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.<sup>16</sup>

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<sup>14</sup> For more information, see: Pärli (Fn **Fehler! Textmarke nicht definiert.**), S. 953.

<sup>15</sup> Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

<sup>16</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). [*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.

- 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.<sup>17</sup>

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

The maximum period of paid post-natal leave is just over three and a half months, all paid at a high rate, with the possibility in some cases of an additional two weeks of unpaid leave. In the majority of Swiss cantons (17 out of 26), statutory provision for two years of Early Childhood Education and Care (ECEC) is available, with the implementation of an inter-cantonal agreement for the harmonisation of education systems (HarmoS). In these cantons, 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.<sup>18</sup> There is a gap, therefore, of more than three years between the end of well-paid leave and any entitlement to ECEC.

Levels of attendance at formal services for children under three years are slightly above the average for both the countries included in this review and for OECD countries, but well below the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

In the past years there have been many proposals and debates in Swiss Parliament to reform leave policies in Switzerland. This has led to adoption of a two-week Paternity leave, as well as a new law in favour of caregivers, both coming into effect in 2021. Adoption leave is also close from being implemented and several proposals to improve maternity protection are currently discussed. Parental Leave is also the object of attention within Parliament.

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<sup>17</sup> Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

<sup>18</sup> 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](http://edudoc.ch/record/204716/files/Bilanz-Bericht_II_f.pdf)

### *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 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, adopted by Parliament in September 2019, proposed instead a two-week paid Paternity leave, to be taken during the child's first six months of life. 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 took place on 27 September 2020; and 60.3 per cent of the electorate voted in favour of the amendment of the Loss of Earnings Compensation Act (LECA). The two-week Paternity leave was implemented on 1 January 2021.

### *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) old age credits in case of caregiving duties for frail family members or cohabiting partners; 3) continued financial support in case of hospitalization of disabled children; 4) 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) to be taken within a period of 18 months maximum. The first three measures were implemented in January 2021, and the fourth will be effective as of July 2021.

### *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 four years would benefit from 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 proposal, and in September 2020 a majority of the National Council adopted it. Unless a referendum is submitted, this new adoption law should come into effect.

### *Proposals concerning Maternity Leave*

Maternity leave will be improved for mothers of children who must stay in hospital for at least two 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 December 2020, the Parliament accepted the following law amendment: maternity allowances will be prolonged by 56 days (maximum) if a new-born is hospitalised for at least two weeks. The law amendment is subject to referendum. If no referendum is submitted, the Federal Council should decide on an implementation date.

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 [€223.66] per day) and in case of maternity (CHF196 [€178.93] 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 was accepted by the National Council in March 2021 and has yet to be confirmed by the Council of States.

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).<sup>19</sup> 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.<sup>20</sup> 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.

In Autumn 2020 the parliamentary interventions that aimed to improve maternity protection (by increasing the financial sanctions for employers who breach the law, or by extending the length of maternity protection (currently 16 weeks after birth) were rejected in National Council. Two postulates asking that the Federal Council mandates a report to understand better the reasons why mothers do not return to work after Maternity leave are still pending.

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 13<sup>th</sup> week of pregnancy. The Federal Council supported these Motions and they were adopted by a majority in the National Council in September 2019 and by the Council of States in November 2020. A concrete law amendment will be proposed by the Federal council and will be submitted to Parliament.

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 been adopted in March 2021 by the National Council and will be submitted the Council of States.

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-

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<sup>19</sup> 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](https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf)

<sup>20</sup> 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](https://www.unige.ch/droit/files/7215/0169/2406/analyse-LEg_2017-lempen.pdf)

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 in September 2020 a majority of the National Council voted in favour.

A Motion submitted in 2018 asking that breastfeeding breaks be financed through the LECA, similarly to maternity allowances, was filed in September 2020. Currently, according to the Employment Act, breastfeeding time is considered as working time and is therefore financed by employers (see section 1.e). The Motion was filed because the deadline of two years to deliberate was exceeded.

Finally, in March 2021, a Motion was submitted by a Socialist MP in order to introduce a pre-natal leave of three weeks. Currently pregnant women are entitled to stop working before the day of delivery with a medical certificate and are considered on health insurance. The Motion is pending.

#### *Proposals concerning Parental Leave*

Several proposals regarding Parental Leave are pending. One of them, submitted in June 2020 charges the Federal council to propose a Parental leave model, while other interventions are more precise. A Motion submitted by a Socialist MP proposes a 38-week Parental Leave, composed of 14 weeks of Maternity Leave (current length), 14 weeks of Paternity Leave and ten weeks of leave to share between parents.

Three other interventions (from a Green Liberal MP and from a Socialist MP) suggest a 28-week Parental Leave, corresponding to the 14 weeks of existing Maternity Leave, supplemented by 14 weeks of Paternity Leave for fathers. They claim this leave would grant mothers and fathers with equal rights and that they would be treated more equally in work life.

Finally, in June 2020 a cantonal parliamentary intervention (Canton of Jura) was also submitted asking that cantons are enabled to implement Parental Leave on a cantonal level if they wish to, which they currently cannot do.

These proposals have received negative recommendations by the Federal Council but must yet be discussed and voted by the Parliament.

## Policy response to the Covid-19 pandemic up to end April 2021

### *Childcare and schools*

- There were ECEC and school closures related to COVID-19 in spring 2020, but not since then. Please see the 2020 Switzerland country note for details.

### *Parental leave*

- There is no statutory entitlement.

### *Other measures for parents and other carers*

- There were measures for parents and other carers related to COVID-19 in spring 2020, but not since then. Please see the 2020 Switzerland country note for details.

## 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).<sup>21</sup> In 2019, the average number of days taken by recipients was 79 days. 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.<sup>22</sup> 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

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<sup>21</sup> Sottas, G. and 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.

<sup>22</sup> 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>

and in 2019 with 82,890 beneficiaries. Maternity benefit expenditure increased by 3.7 per cent between 2017 and 2018, to a total of CHF865 million [€789.67 million] spent in 2018.

In 2019, the average amount of the daily indemnities granted to mothers was CHF127 [€115.94] per day, well below the ceiling of CHF196 [€178.93]. 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 2019 the mean age of maternity benefit recipients was 32.7 years and 63.6 per cent of recipients were Swiss nationals and 36.4 per cent were foreigners.<sup>23</sup>

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.<sup>24</sup>

## **b. Paternity leave**

As Paternity Leave entitlement was first introduced by 1 January 2021, statistics on leave uptake are not yet available.

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

No statutory leave entitlement.

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<sup>23</sup>

[https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/statistiken/EO\\_APG\\_04\\_T3\\_d.xlsx.download.xlsx/EO\\_3\\_f.xlsx](https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/statistiken/EO_APG_04_T3_d.xlsx.download.xlsx/EO_3_f.xlsx)

<sup>24</sup> 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](https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/studien/wirkungsanalyse_mutterschaftentschaedigung.pdf.download.pdf/analyse_des_effetsdelassurance-materniteenallemand.pdf)