



What can Switzerland learn from Parental Leave Legislation in the EU, Germany and the UK ?



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Overview

- I. Comparative Legal Research
- II. Status Quo Switzerland
- III. Rights & Obligations: Parental Leave Legislations
- IV. Rights & Obligations: Paternity Leave Legislations
- V. Legislative Proposal for Switzerland
- VI. Your suggestions & questions?



Comparative Legal Research

1. What are the **rights** and **obligations** of the employer & the employee with regards to Parental & Paternity Leave according to EU, UK and German law?
2. What could Switzerland learn from these legislations?

Status Quo in Switzerland



<https://quakersagainstinequality.com/2016/12/>



Status quo in Switzerland

- **Maternity Leave yes but Paternity Leave....**
 - ✗ No statutory entitlement
 - ✓ but: employee's statutory right to „the customary hours and days off work“ **1-2 days leave for fathers, pay controversial**

- **Parental Leave**
 - ✗ No statutory entitlement

- **Change in the air? → Popular Initiative demands 4 weeks paid paternity leave**



Rights & Obligations: Parental Leave Legislations

➤ EU

- **Employee:** 4 months leave entitlement / right to return to the same or equivalent job. **WLB Proposal** demands compensation at sick pay level

➤ Germany

- **Employee:** Right to **leave** up to **3 years** / **pay** by social security insurance (*even if jobless*) / **part time work** / **dismissal protection**
- **Employer:** Right to be **informed** at least 13 weeks in advance / to **postpone** parental leave / under except. circumstances to **dismiss** someone despite parental leave

➤ UK

- **Employee:** right to **18 weeks** Parental L./ up to **50 weeks** Shared Parental L. → both **not a day 1** right. Employee needs to have worked for a certain period for the employer and **gained a certain income.**
- **Employer:** Duty to pay up to 37 weeks Shared Parental Leave



Rights & Obligations: Paternity Leave Legislations

➤ EU

- WLB Proposal & Draft directive demand **10 days**
- WLB Proposal & Draft directive demand **compensation at sick pay level.**

➤ UK

- **Employee:** Fathers'/Partners' (also female!) right to **2 weeks paid leave** (*only worker's entitled*) / **return to work**
- **Employer:** **Right to be informed** in advance / **Duty to pay** paternity leave



Legislative Proposal for Switzerland

Art. 8 para. 3 of the Swiss Constitution:

„Men and women have equal rights. The law shall ensure their equality, both in law and in practice, most particularly in the family, in education, and in the workplace (...).“

- **Parental Leave & Paternity Leave** (both paid)
 - **Day 1 right, regardless of the employee's income**
 - **Job security / Dismissal Protection**
- Length? Amount of Pay?
- Not as complex as the „british“ system



Finally....



Your suggestions & questions?

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