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

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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....
  - x 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
  - x 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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