

Switzerland¹

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NB. Switzerland is a federal state.

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.

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.

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

a. Maternity leave (*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 delivery². It is obligatory to take eight weeks leave. In practice however, many collective agreements provide for 16 weeks paid leave.
- Between the 9th and 16th 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 of time, 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[€180]³ per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350[€6,765] the Maternity compensation in that case amounts to CHF 5,880[€5,412] (CHF 196 x 30 days). The annual income ceiling for employed and self-employed workers is CHF88,200[€81,187].
- 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.

² 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.

³Conversion of currency undertaken on 21st June 2017, using: <http://finance.yahoo.com/currency-converter>

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

- All employees: 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 Obligations⁴. Moreover, certain cantons provide for specific maternity benefits for mothers who do not meet the federal eligibility criteria.

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 only available to birth mothers.

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[€29.50] is paid over 98 days (equivalent to CHF975[€897] per month during 3.2 months) if the income is below CHF 2,475[€2,278] for single mothers or CHF3,300[€3037] for both parents. The income ceiling is increased by CHF350[€322] 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.

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

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

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 explicit statutory entitlement.
- Article 329 paragraph three of the 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 leave⁵. 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 leave⁶.
- 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 parties⁷. 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 data 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 years⁸.
- 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 weeks⁹.

c. Parental leave

- No statutory entitlement.
- There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves¹⁰. Many cantonal public employers also grant unpaid Parental leaves - ranging from a few days up to 24 months –

⁵ Pärli, K. (2016), *Eltern im Arbeitsverhältnis [Parents in the Employment Relationship]*, FamPra.ch 2016, p. 933 ff.

⁶ Rehbinder, 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.

⁷ 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.

⁸ 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/eltersurlaub.html>, p. 12 ff.

⁹ For an overview see Pärli (Fn 5), p. 949 ff.

¹⁰ Swiss Federal Council (FN 8), p. 14.

but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)¹¹.

- The years spent out of the labour market in order 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 2015¹².

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 processed¹³.
- 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 leave¹⁴. 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 Obligations¹⁵.
- Some cantons¹⁶ 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 his/her employment. For each birth or adoption, parents in the canton of Vaud are also awarded a unique contribution of CHF1,500[€1,380] The canton of Fribourg provides a flat-rate

¹¹ Swiss Federal Council (FN 8), 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.

¹² Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

¹³ Parliamentary Initiative Romano Marco, 13.478.

¹⁴ Available at http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf.

¹⁵ Cardinaux, B. (2015). *Leistungen bei Vaterschaft: eine Aufgabe des Staates? [Paternity benefits: a task of the state?]*, in: Belsler, 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, p. 456.

¹⁶ 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>.

- benefit for adoptive mothers of CHF32.50[€29.92] per day (equivalent to CHF975[€897] per month) paid during 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 weeks¹⁷.

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 minimum¹⁸.

Time off for the care of dependants

- Following art. 36 paragraph three of the Employment Act¹⁹, parents are entitled to three days per illness episode, in order 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 in order to organise prolonged childcare, if that is needed. Salary payment is granted on the basis of 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 illness²⁰. 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 take into account the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years old and the charge of other family members or close members in need of care.

¹⁷ For more information see Pärli (Fn 5), S. 953.

¹⁸ Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

¹⁹ 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.

²⁰ 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.

- 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 hours²¹.
- 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 cent²².

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. There is no entitlement to ECEC at any age and no information on levels of attendance at formal services for children under three years. 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 2016 (including proposals currently under discussion)

Several proposals are currently under discussion to improve Maternity protection. One of them concerns maternity allowances when the new-born child has to stay at least for three weeks in the hospital. Currently, upon presentation of a medical certificate, mothers may choose to start their Maternity compensation only upon the child's arrival at home. However because of the ban on employment during the first eight weeks after delivery, mothers may face economic uncertainty in this difficult period. Following up on previous postulates and a report from the Federal Council, the Committees for Social Security and Health (CSSH) of the Council of States submitted a Motion in August 2016 to address this issue. The Motion proposes that payment of maternity allowances be prolonged by the length of hospitalization of the child, from a minimum of 21 days after birth, up to a maximum to be determined. Payment of these allowances would be granted to women who remain employed after the end of Maternity leave. The Federal Council gave a positive recommendation to the Motion in October 2016 and it was accepted by the Council of States in December 2016. The Motion still needs to be approved by the National Council.

Two Interpellations (questions asked by MPs to the Federal Council) submitted in March 2016 by Socialist MPs concerning the job protection of young mothers and their return to work were filed in June 2016. Drawing on several cases reported by unions, these Interpellations called attention to situations where employers fired mothers after their return from Maternity Leave and at the end of the job protection period (16 weeks after birth). In its response, the Federal Council acknowledged this

²¹ 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)].

²² Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

problem and informed about several dimensions on which progress should be made, notably informing and promoting good practices among companies, raising awareness and changing mentalities about employed mothers' contribution to the economy, and disincentivizing measures, such as the increase of penalties for employers who discriminate against and even dismiss mothers due to their maternity.

Another modification concerns the rare and tragic situations when the mother dies after giving birth to a child. A Green Liberal MP submitted in 2015 a Parliamentary Initiative in order to enable the father to benefit from Maternity allowances (14 weeks paid at 80 per cent of salary) in this event. In June and August 2016 respectively, the Committees for Social Security and Health (CSSH) of the National Council and of the Council of States accepted this initiative. The CSSH of the National Council will elaborate a draft Act.

Regarding Adoption Leave, after several unsuccessful proposals submitted in the past years, a parliamentary Initiative submitted by a Christian-Democrat MP in December 2013 finally reached a majority in both chambers in 2015. 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). The CSSH from the National Council is currently drafting a law and will submit it for vote to both chambers of Parliament.

Parental and Paternity Leaves continue to be the object of propositions and discussions in the Parliament, yet without any consensus among political actors. A Motion submitted in 2014 by a Green MP in favour of a Parental leave of 18 months (but without any indication of financial compensation), was rejected by 134 votes against 55 in the National Council in September 2016. The main argument put forward by the Federal Councillor against the proposition was that increasing childcare services (and not leave policies) had been set as a political priority in the field of work-family balance measures.

Another Parental Leave proposition, which had been submitted in June 2015 by a Conservative Democratic Party MP also failed finding a majority. This Parliamentary initiative proposed a Parental Leave of up to 14 weeks to complement the existing Maternity Leave (maximum 28 weeks in total). In March 2017, the National Council followed the recommendation of the CSSH and rejected the proposal by 112 votes against 71. The main arguments against the proposal were the financial burden for the welfare state, the preference for social partner solutions and scepticism about leaves' effects for gender equality.

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 economic effects. The Federal Council recommended to reject these proposals, but the votes are pending at the National Council.

In June 2016 a new parliamentary initiative in favour of a Parental Leave was submitted by a Green Liberal MP. The proposal aims to replace the current Maternity Leave by a Parental Leave, which would include 14 weeks of maternity allowances (same as in Maternity Leave) and in addition, 14 weeks of Paternity allowances for the father. Paternity allowances would be subject to the employment of both parents. This proposal will be put to vote in the National Council.

Finally, a popular initiative in favour of Paternity Leave is underway. 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 (paid and financed the same way as Maternity insurance). If 100.000 valid signatures supporting the text are collected until November 2017, the proposed constitutional amendment will be submitted to national vote.

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)²³. 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; 64,090 in 2008; 71,610 in 2010; 77,630 in 2014 and 79,640 in 2015²⁴.

In 2015, the average amount of the daily indemnities granted to mothers was CHF122[€112] per day, well below the ceiling of CHF196[€180]. 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 unpaid²⁵.

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

²³ 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.

²⁴ 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: <http://www.bsv.admin.ch/themen/eo/00051/index.html?lang=fr>.

²⁵ Aepli, D. C. (2012) *Wirkungsanalyse. Mutterschaftschädigung [Analysis of effects. Maternity benefits]*. 95. Available at: http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,Inp6lONTU042l2Z6ln1acy4Zn4Z2qZpnO2YUq2Z6gpJCEdIB2hGym162epYbg2c_JjKbNoKSn6A--

introduction of Paternity leave of ten days, there has been a 100 per cent take-up of Paternity leave²⁶.

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2016

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 common practices and/or needs in the private sector. However, there is a lack of representative statistics on private company policies²⁷ and on the proportion of working men and women who can benefit from such policies and who take advantage of them.

b. Recent selected publications

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, pp. 451–467.

In this article the author presents the current benefits for fathers after the birth or adoption of a child in Switzerland. The author examines inter alia the possibility for parents to reduce work after the birth of a child – an option that has been introduced by the Confederation in 2013 – and Paternity as well as Adoption leave for fathers in private law. In the author's view, the provision of childcare places and flexible employers for working hours is more important than Paternity and Parental leave policies. In his opinion leave systems cannot help to improve family-work balance and should thus not have a priority in politics. However, if leave a policy is to be introduced, then it should be a Paternity and not a Parental leave one. Otherwise, according to the author, there is a risk that the leave is predominantly taken up by women, who then in turn risk being discriminated on the employment market, as employers fear that women will fall out.

Ecoplan. (2016). *Conditions de travail favorables à la famille : Que font les cantons/communes ?* [*Supportive working conditions for families : What are cantons and communes doing?*] Bern: Confédération Suisse - Secrétariat d'Etat à l'économie SECO.

This report was mandated by the State Secretariat for Economic Affairs. It presents the actions taken and policies adopted as of 2016 by cantons and communes to

²⁶ Swiss Federal Council (Fn 8), p. 14, footnote 45.

²⁷ The previously mentioned platform was discontinued 1 January 2017.

promote work-family balance in the private and public sectors. In particular the working conditions granted to civil servants are compared. The provision of flexible working hours, maternity, paternity, adoption, and unpaid leaves, as well as breastfeeding time and leave to care for sick children and ECEC services are reviewed.

Girardin, N., Bühlmann, F., Hanappi, D., Le Goff, J.-M., & Valarino, I. (2016). Transition to Parenthood in Switzerland: Between Institutional Constraints and Gender Ideologies. In D. Grunow & M. Evertsson (Eds.), *Couples' Transitions to Parenthood: Analysing Gender and Work in Europe* (pp. 146-170): Edward Elgar Publishing.

The study analyses the way parenthood and gender roles are represented and anticipated by parents expecting their first child. The study highlights gender norms about paid and care work, that together with conservative family policies motivate most of expectant mothers to wish to work part-time or even stop working, while their partners will continue to work full time. In particular the short Maternity Leave, inexistent Parental or Paternity Leaves, as well as the expensive and scarce childcare services are highlighted as forming part of the constraining institutional setting for parents-to-be in Switzerland.

Liebig, B. & Oechsle, M. (eds) (2017): *Fathers in Work Organizations. Inequalities and Capabilities, Rationalities and Politics*, Opladen/Berlin/Toronto, Barbara Budrich Publishers/Columbia University Press.

This book analyses the role of work organizations when it comes to the realization of an active fatherhood. Firstly, it deals with barriers for active fatherhood and the related mechanisms of inequality. Which aspects of discrimination and social closure do fathers face today if they assert a claim for active fatherhood, and with what kind of barriers are they confronted? Secondly, the capabilities of fathers are addressed. Which is their possible scope of action, who are the relevant actors, and what is the effect of policies and programs on producing changes in organizational learning with respect to fatherhood?

Liebig, B., Peitz, M. & Kron, Ch. (Hg) (2016): *Väterorientierte Massnahmen in Unternehmen und Verwaltungen der Schweiz. Ein Handbuch*, Meiring, Rainer Hampp Verlag.

The book discusses and analyses father-friendly policy measures adopted and implemented at the company level in Switzerland. The authors discuss the reasons why fathers may not use policy measures such as part-time work and tele-work. The authors point to the obstacles men are facing on the way to a more active paternity, and in this context it also addresses the role of superiors and colleagues. In particular, the contributions of this book offers numerous practical examples and valuable information on the implementation of father-oriented measures in companies and administrations.

Pärli, K. (2016). Eltern im Arbeitsverhältnis [*Parents in the employment relationship*] *FamPra.ch*, pp. 933–955

The role of parents in the employment relationship is a relatively new topic in Swiss Employment Law. For this reasons, the author examines protective provision in statutes and collective agreements for parents. The article also contains a chart with an overview of the current Maternity and Paternity leave lengths for public employees in the cantons. The author reaches the conclusion that parents enjoy only a very poor protection in Swiss Employment Law which has an impact on birth rates and in the long run also on the funding of the Swiss social security system.

Perrenoud, S. (2015). *La protection de la maternité, etude de droit Suisse*,

international et européen [*Maternity protection. Study of Swiss, International and European law*], Berne: Stämpfli Press.

In this PhD thesis, the author examines the protection of maternity. The first part starts with the defining the concept of 'maternity' and 'maternity protection' and explains why that event needs to be protected. In the second part follows an overview of the history of maternity and of the measures adopted in International Public Law, European Law and Swiss Law. In the last part suggestions to amend the current system in Switzerland, such as the introduction of an adoption, Parental and Paternity leave are presented.

Valarino, I. (2016). Parental and Paternity leave proposals in Switzerland: Do they promote gender equality? *Lives Working Papers, 2016*(53). doi:10.12682/lives.2296-1658.2016.53

This article analyses the Parental and Paternity leave policy proposals submitted from 1995 to 2014 by members of the Swiss Parliament and their potential implications for gender equality. Content analysis results show that only few proposals – stemming from left-wing political actors – would create incentives for fathers to use these leaves and would therefore promote gender equality. On the contrary, several proposals would produce further gender inequalities, or create inequalities based on social class or citizenship. The article discusses future challenges for leave policy development in Switzerland from a gender equality perspective.

Valarino, I. (2016). Les congés parentaux en Suisse: révélateurs de politiques et de représentations genrées. In J.-M. Le Goff & R. Levy (Eds.), *Devenir parents, devenir inégaux. Transition à la parentalité et inégalités de genre* (pp. 235-261). Zürich: Seismo.

This book chapter analyzes the way parenthood is framed in Switzerland at the institutional level. First current leave policies are presented and compared with other industrialized countries, revealing the delayed and gendered leave scheme in Switzerland. Second, the lack of Parental and Paternity leave policies in Switzerland is analyzed through a discourse analysis of Swiss French press articles on this topic. Results show that through the media coverage of leave policies, representation of a more gender equal parenthood and family models is promoted, but that fathers tend to be represented as secondary parents. The study concludes that gendered parenthood norms and gendered leave policies are two dimensions that contribute to the persistence of gendered division of paid and unpaid work in Swiss families.

Valarino, I. (2016). Fathers on Leave Alone in Switzerland: Agents of Social Change? In M. O'Brien & K. Wall (Eds.), *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone* (pp. 205-230). Cham: Springer International Publishing.

c. Ongoing research

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

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 rahel.nedi@rwi.uzh.ch

State, Family or Market Responsibility? A Comprehensive Study of Attitudes Toward Care Policies (2017-2018) by 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 analyse 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 regarding the care provision and payment for these two populations are identified. 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