

E-Learning Box

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Equal Rights and Parenthood in Switzerland

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Constitutional and Legal Protection against Gender-specific Discrimination in the Workplace

The equality of women and men in the family, education, and work is laid down in the [Swiss Constitution](#), Art. 8 Sec. 3, and the [Gender Equality Act](#) (Art. 2 and 3) gives substance to the principle of non-discrimination in the workplace (see Lanfranconi 2014a: 47-48), among others, "on the basis of their sex, whether directly or indirectly, including on the basis of their marital status, their family situation or, in the case of female employees, of pregnancy" (Art. 3 Sec. 1). Protection against dismissal on the grounds of family circumstances is further regulated by Art. 336c of the [Code of Obligations](#).

The [Swiss Conference of Gender Equality Delegates](#) lists the grievances and complaints which have been made on the basis of the Gender Equality Act. In relation to parenthood, these violations include dismissing or failing to appoint a woman on the basis of pregnancy, imposing unwanted [part-time work](#), and giving preferential treatment to other applicants because of actual or foreseeable pregnancy. [One such case](#) arose a few years ago when a woman's prospective employer discovered that she was pregnant after her contract had been agreed, and dismissed her before her employment had begun. The woman took her case to arbitration and requested damages of CHF 30,000. The parties reached an agreement and she was awarded CHF 7,000.

Gender Inequalities in Working Life on the Basis of Parenthood

The employment situation of mothers and fathers is an important indicator of such inequalities. Where mothers are not employed or are only employed part-time because they have children, this amounts to unequal treatment, but the statistics do not show whether such mothers and also fathers are choosing to work part-time or not to work at all, or whether this is happening even though they would like to work (full-time).

In Switzerland, caring for children or organising their care remains primarily the attributed responsibility of mothers (Lanfranconi 2014b; Schwiter 2011). A 2010 questionnaire made in the context of the [European Social Survey](#) shows this, too: 10% of both male and female respondents were in strong agreement with the statement that 'a woman should be prepared to reduce her working life to the benefit of her family'. Almost 50% agreed to some extent, and only just over 3% of men and under 6% of women disagreed.

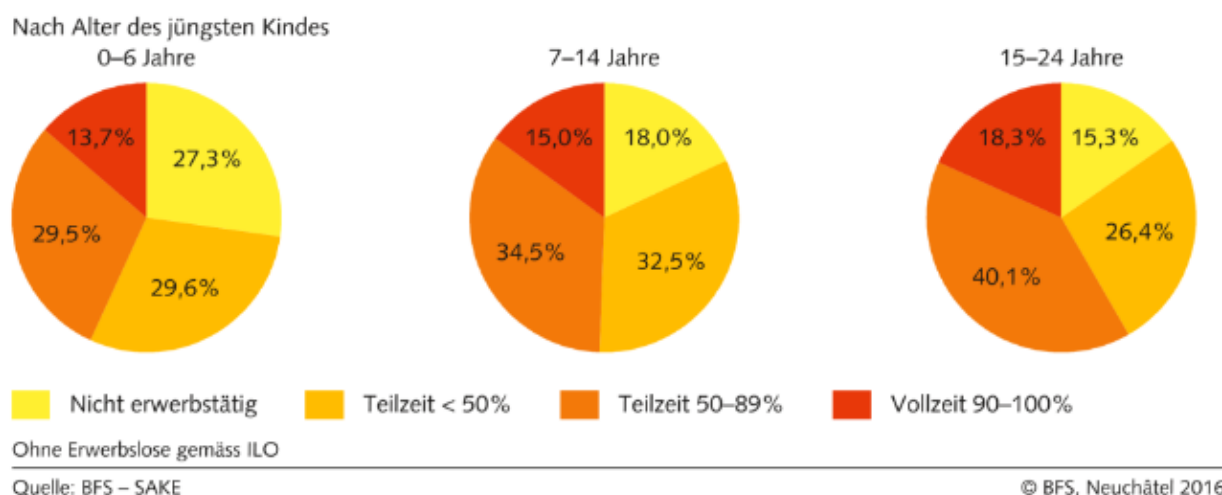
Figure 1 from the Federal Statistical Office's [Swiss Labour Force Survey](#) shows the levels of working women and men as of 2015. Around 86% of fathers and 16% of mothers with children under 25 were working full-time; 64% of mothers, but only 10% of fathers, were working part-time. The age of the youngest child and the family circumstances have a relatively strong influence on mothers' employment. Those with partners and children under seven are much less likely to be working than those whose youngest children are between seven and 14, or than single mothers. The latter are not only more likely than women with partners to be active in the workforce; they also work at rather higher percentages. The Labour Force Survey gives no information on the employment situation of single fathers.

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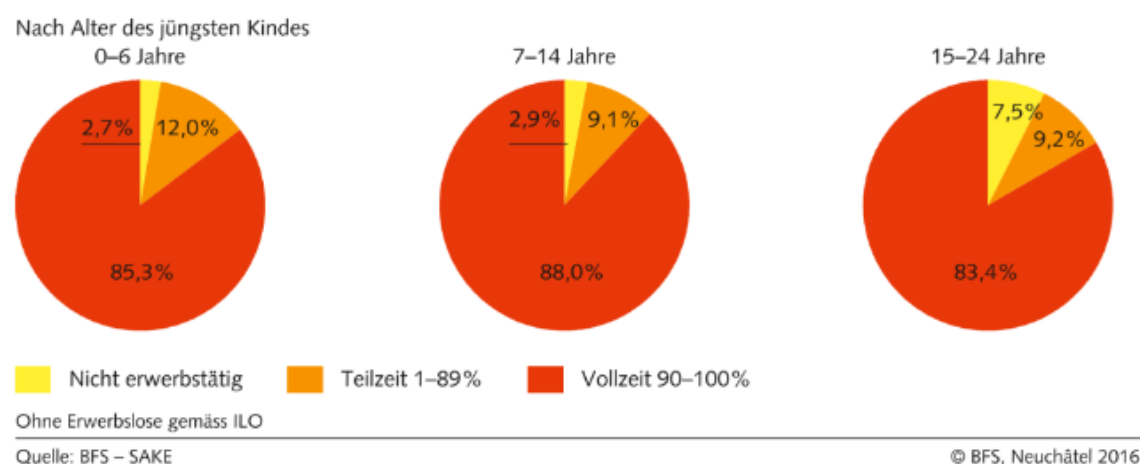
Women are now less likely to stop working when they have children than in the past, and tend rather to continue working, albeit often part-time.² The proportion of working women has risen by some 20% in the last 25 years (1991: 59.6%; 2015: 78.8%), during which the proportion of working fathers has remained constant (1991: 98.9%; 2015: 97.4%) (Bundesamt für Statistik 2016: 2). Rising rates of employment do not, however, lead automatically to improved [levels of equality](#). This is clear in relation to part-time work: In 2015, almost 81% of working mothers, but only some 38% of women without children, were in part-time work (Bundesamt für Statistik 2016: 3). An older study concluded that only 9% of men, but 50% of women, work part-time for family reasons (Krone-Germann 2011: 40-42). Part-time work is seen as a way for women to reconcile the demands of working and family life. The 2015 Federal Statistical Office's figures on [underemployment](#) show that 11% of women, but only 3% of men are underemployed, i.e. could and would like to work more. Part-time work is clearly less likely to be voluntary for women as for men (see also Lanfranconi 2014b: 163-164).

Figure 1: Employment status of parents, 2015

Erwerbssituation von Müttern mit Partnern und Kind(ern) im Haushalt, 2015



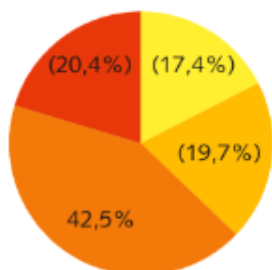
Erwerbssituation von Vätern mit Partnerin und Kind(ern) im Haushalt, 2015



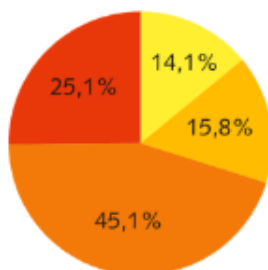
² See also the background information from gleichstellen.ch on the theme of [careers](#).

Erwerbssituation von alleinlebenden Müttern mit Kind(ern) im Haushalt, 2015

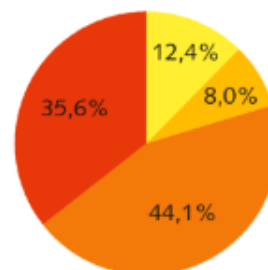
Nach Alter des jüngsten Kindes
0–6 Jahre



7–14 Jahre



15–24 Jahre



■ Nicht erwerbstätig
 ■ Teilzeit < 50%
 ■ Teilzeit 50–89%
 ■ Vollzeit 90–100%

Ohne Erwerbslose gemäss ILO

Quelle: BFS – SAKE

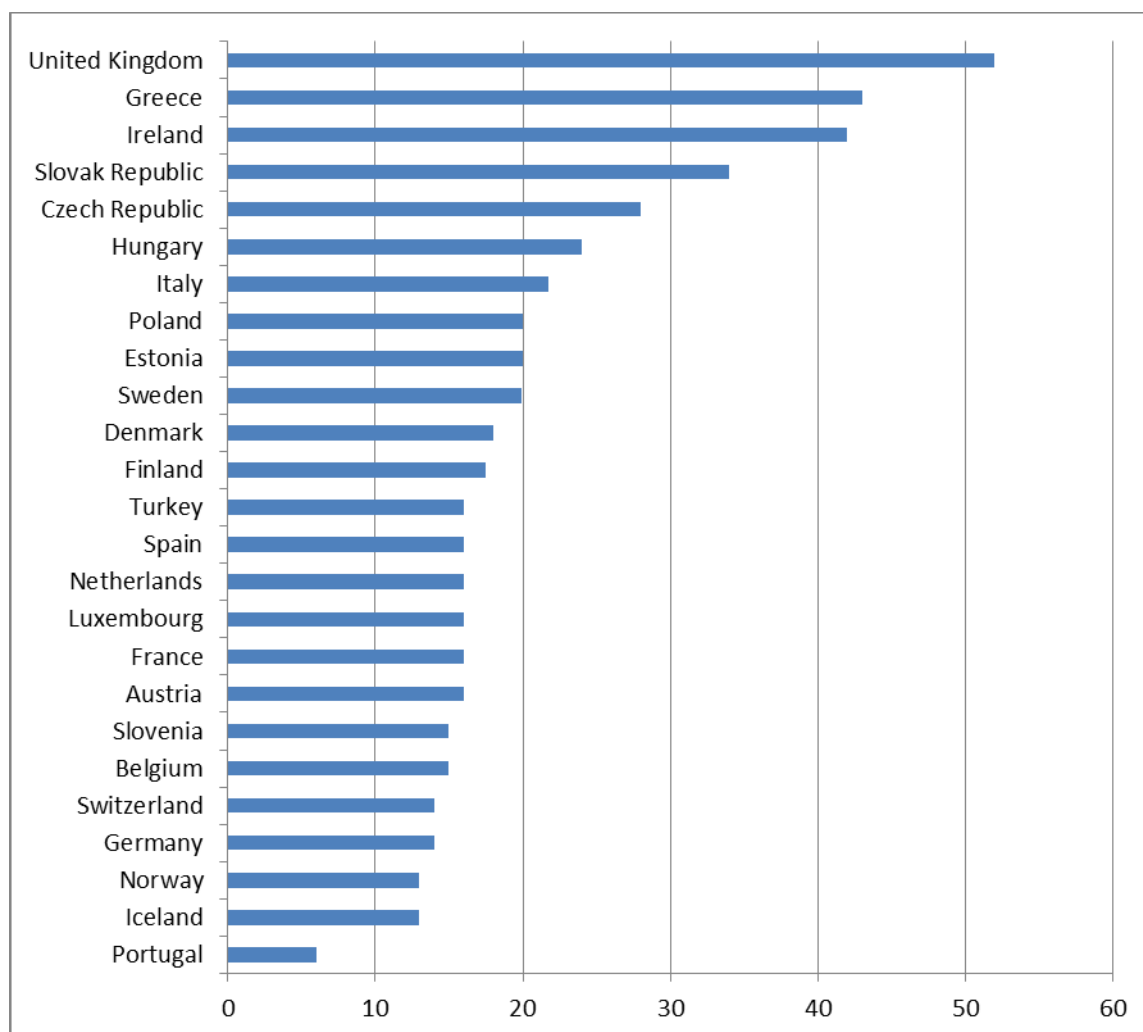
© BFS, Neuchâtel 2016

Source: Federal Statistical Office, Swiss Labour Force Survey, 2017

Maternity Leave, Paternity Leave, Parental Leave

The provision of maternity leave, paternity leave, and parental leave has an impact on the inequalities which arise in relation to mothers' and fathers' participation in the labour market. In terms of statutory maternity leave, Switzerland is in the bottom third of the [European OECD states](#) with 14 weeks' leave (see Figure 2). Great Britain has the longest maternity leave, with 52 weeks; on the other hand, Portugal has only six weeks, the shortest period of leave.

Figure 2: Statutory maternity leave (in number of weeks), 2016³



Source: OECD Statistics, 2017

Of the countries listed in the same statistics, most offer some [paternity leave](#) too – this ranges from a day (Italy) to 28 weeks (France) and is on average just over six weeks. In addition, many countries provide for parental leave of up to three years (e.g. Germany (parental allowance), and France (child-rearing allowance)). In certain countries this is paid, in others it is unpaid, and there are various rules about the proportions that must be taken by the father and the mother. Switzerland is one of the only European countries to make no legal provision for either paternity leave or parental leave.⁴

The Federal Council (Der Bundesrat 2011: 26) points out that the impact of paternity leave and in particular parental leave on issues of equality is greatest when it leads not only to women continuing to work after the birth of their children, but also erodes gender stereotypes and so contributes to a more egalitarian distribution of family roles and housework. This is possible only if as many fathers as possible take full advantage of the leave to which they are entitled in order to engage fully with childcare and housework. For this reason, the Federal Council considers it vital that some parental leave is reserved for fathers, and that they are offered additional incentives, too.

As well as leave following the birth of a child, the provision of childcare facilities is crucial to the achievement of equality in relation to parenthood. Since 2003, the [Confederation's](#) stimulation programme has provided financial

³ The data in Figure 2 should be treated with caution. The OECD statistics present a mixture of obligatory and legally available maternity leave, as well as paid and unpaid periods of leave. Portugal for example offers six weeks' mandatory leave, but paid leave of 120 days can be taken. In Great Britain, only six weeks are paid at 90%, after which a period of 52 weeks is paid at 151 Euros per week, and there is two weeks' mandatory leave.

⁴ An explanation of the legal situation can be found, for instance, in the [initiative on paternity leave](#).

incentives for cantons, municipalities, and at most employers to invest more in supplementary childcare in order to further support the integration of professional and family life. Federal credit exceeding CHF 120 million in the year 2015 and running for four years will result in the creation of some additional 48,000 childcare places.⁵

Parents With Careers – Does It Stay a Discussion About?

Since the middle of the 2000s, issues of work-life balance, maternity leave, paternity leave, and parental leave have returned time and again to the parliamentary agenda – between 2006 and 2011, they accounted for one third of the [motions](#) relating to equality (see Fuchs 2015: 77). Although a [federal decision on family policy](#) which would have obliged the confederation and the cantons to promote a better integration of family and professional life was rejected by referendum in March 2013, this remains an important parliamentary theme. In December 2016, a [parliamentary initiative](#) was launched on flexible working practices in relation to working at home, which makes explicit reference to the balance of work and family. As Valarino (2016) shows in her study, however, demands for an improved work-life balance are of limited value when it comes to achieving equal rights. Most of these initiatives fail to provide enough incentives for fathers to adjust their working practices.

A cost-benefit analysis of parental models which should make it possible to evaluate the longer-term economic effects of paternal and parental leave is also in progress,⁶ and a current initiative is calling for 20 days' paid paternity leave.

There is little regulation of family policy in the private sector, where it is up to the individual companies to decide the conditions they offer to working mothers and fathers on the basis of their own internal culture. Most public bodies take active measures to attract young parents; many offer more or less binding arrangements allowing mothers and fathers to resume work or to reduce their working hours after taking a career break in order to care for children. This allows them to retain qualified employees and to save on the costs of fluctuating staff (Fuchs 2008). Companies are free to offer their own day-care centres, and some already do so, although there is little transparency about the numbers. A similar picture emerges in relation to voluntary guarantees of longer paternity or maternity leave, as well as models of flexible workloads which would make it easier for parents to reconcile the demands of work and family life.

Companies with a high proportion of male employees often make provisions for fathers, such as offering longer paternity leave, but make little provision for mothers returning to work after maternity leave such as reduced working times or retaining their posts (Lanfranconi 2014a: 183-184). As well as guaranteed paternity leave and parental leave, binding regulations about keeping positions open or reducing working times for mothers and fathers are crucial to combatting inequality at the company level and indeed throughout society as a whole (Lanfranconi 2014a: 195-197).

⁵ This is stated in the Federal [statement of credit](#).

⁶ This is discussed in the context of [Postulate 15.3768](#).

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