



## E-Learning Box

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### Equal Wage in Switzerland

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#### Equal Pay in the Constitution and the Gender Equality Act

The gender equality article of the [Swiss constitution](#) (Article 8 Section 3 SC) promotes the equality of women and men in the family, education, and work. It makes explicit reference to equal pay for work of *equal value* as well as for the *same* work.

The [Gender Equality Act](#) (GEA) applies to all forms of employment. It forbids pay discrimination on the ground of gender, civil status, or family circumstances (Articles 2 and 3 GEA), as well as in terms of appointment processes, allocation of tasks, the design of working conditions, training and education, promotion and dismissal (Article 3 GEA; see Lanfranconi 2014a: 47-48).

Grievances and complaints about breaches of the law can be raised by individuals and organisations (Article 7 GEA). While only 19 [complaints](#) about discriminatory pay were made between 1981 and 1995, more than 250 cases were brought between 1996, when the GEA came into effect, and 2016. Some two fifths of the cases brought against the GEA concern complaints about unequal pay; this is the greatest proportion of all complaints. In one of the most prominent cases, unions, associations, and individuals made four complaints in 1996, in which they argued that nurses and their trainers, as well as physiotherapists and occupational therapists, were discriminated against in terms of pay grades. In 2001 the Administrative Court of Zurich decided that the establishment of a higher grade for a police officer – "[a typical male profession](#)" – [as opposed to the "typical female profession"](#) of the qualified nurse – was in fact discriminatory. Pay grades for the latter were then raised, and this led to additional annual salary costs of some 70 million Francs, and a retrospective payment of 280 million Francs (see Fuchs 2013).

The evaluation of the GEA (Stutz et al. 2005) showed that while the Act provides a good basis on which complaints can be made, it also has some problems: People affected by discrimination are afraid to complain, lack the requisite information, and face lengthy procedures. A lower level of protection against dismissal and higher costs mean that precarious and vulnerable workers find it difficult to access anti-discrimination law in Switzerland (see Lanfranconi 2014a: 49; Stutz et al. 2005).

The problem is not only a lack of information on the side of those who may be affected by pay discrimination, i.e. employees: Employers often have too little knowledge about guaranteeing and verifying equal pay as well. Most of the respondents questioned in the evaluation of the GEA (Stutz et al. 2005) assume that they have already achieved equal pay, even though the statistics do not bear this out (see below).

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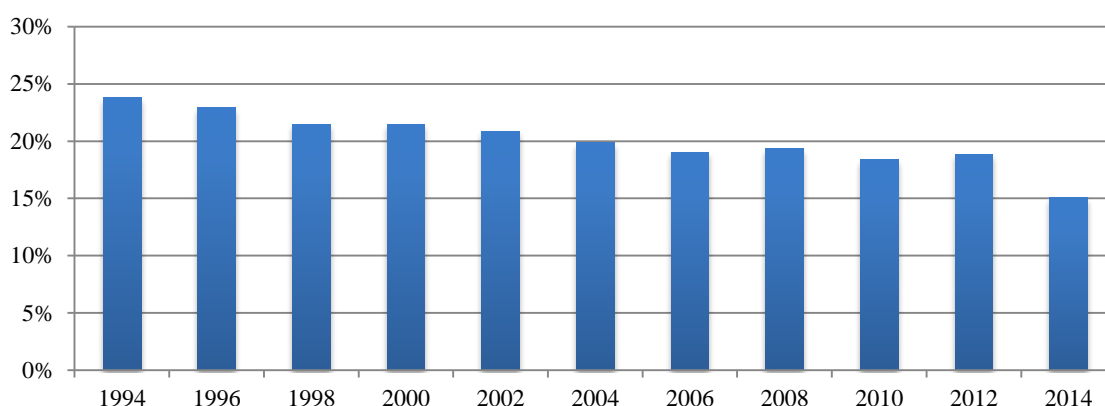
<sup>1</sup> The project was conducted by [Lucerne University of Applied Sciences and Arts – Social Work](#) and financed by the [Swiss National Science Foundation \(Agora\)](#).

## Gender-specific Pay Differentials

In spite of the legal standards on equality, the reduction of gender-specific inequalities in working life is very slow, not least because of the above-mentioned problems.

According to the [Federal Statistical Office](#), the gender pay gap in the private sector, for example, fell from just under 24% in the mid-1990s to about 20% at the end of the 1990s, and remained at this level until 2012 (see Figure 1). It remains to be seen whether the substantial decline in the wage differential which then took it down to 15% in 2014 was an exception or will continue. Strub & Bannwart (2017: 1-2) report a greater pay differential of 19% for the private sector in 2014.

**Figure 1: Gender-specific pay differentials in the private sector, 1994-2014**



Source: Federal Statistical Office – Swiss Earnings Structure Survey, 2017

The gender pay gap is the difference between the average earnings of women and men. In 2014 women earned on average 6,397 Francs per month across all sectors, and men 7,809 Francs per month. Women therefore earned on average 18.1% less than men (Strub & Bannwart 2017: 1-2).

Part of the pay gap is defined as explicable, and can be explained in terms of structural differences such as levels of education, length of service, professional position etc. between the genders. The remaining portion is known as the unexplained pay gap. For 2014, this unexplained element was 42% of the whole pay differential, accounting for 7.4% of the lower pay earned by women (Strub & Bannwart 2017: 1-2). This is the proportion that can be ascribed to discrimination against women.

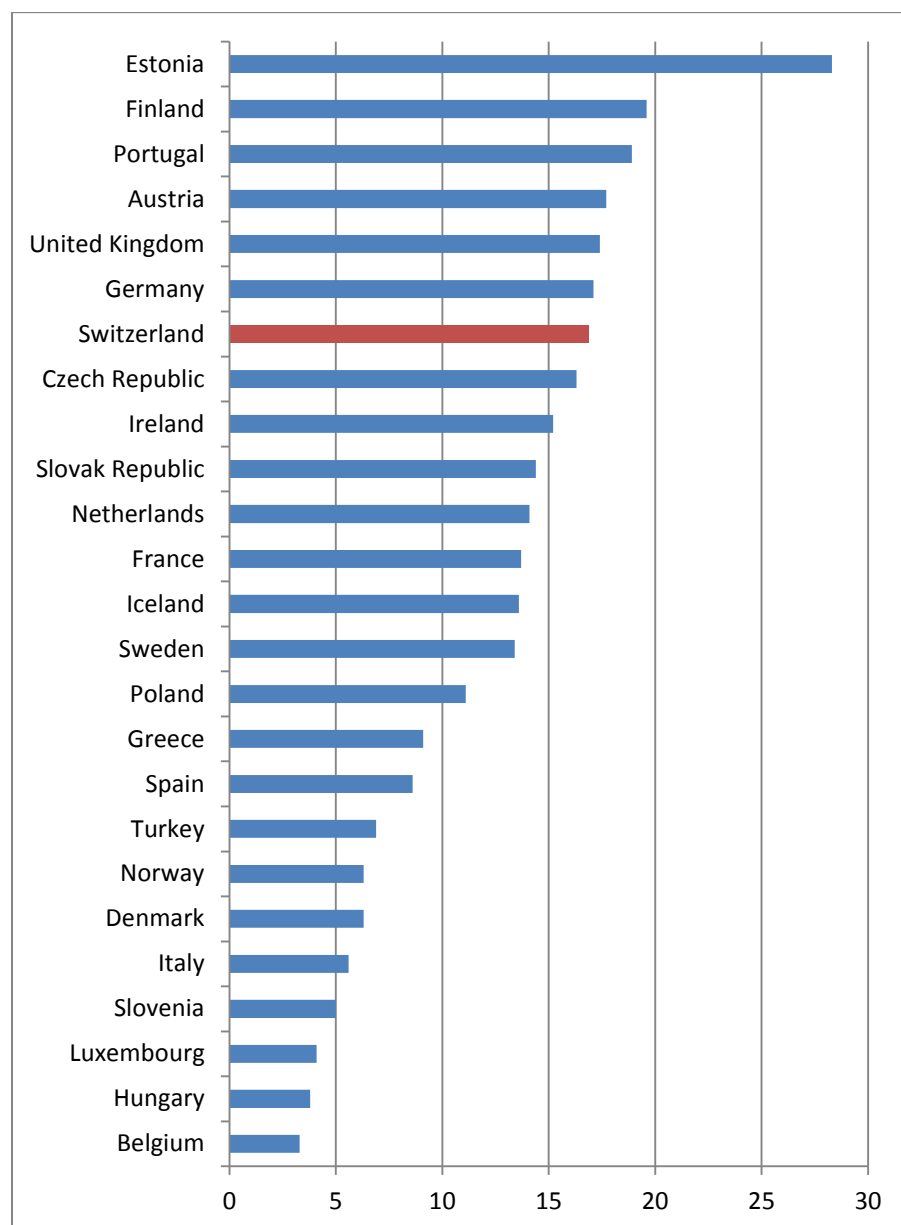
Among the causes of pay discrimination are prejudices about the productivity of women (Strub & Bannwart 2017: 12) and the historically entrenched idea that men should be paid more because they have to "feed a family". This attitude is completely incompatible with the GEA, but can still be found in Switzerland.

Indirect discrimination often arises from gender-neutral regulations, which can lead to discrimination against groups of employees as, for example, in the case of the low social benefits and limited promotion prospects which apply to [part-time work](#), or the (pay-related or other) disadvantages faced by those working in [typical women's professions](#). This means that pay discrimination is not always intentional (Strub et al. 2016: 17). A typical reason for differences in women's and men's pay is also discrimination in terms of levels of work, so that women in many companies are not appointed or promoted to certain positions or roles, or are disadvantaged in this respect. This often arises because of specific prejudices, such as the idea that mothers should not be given positions of responsibility, or that men are better leaders than women (see Lanfranconi 2014b: 99-101). These kinds of indirect discrimination are also prohibited in law, and people affected by them have the right to claim the same pay as those they do not affect.

According to the [Global Gender Gap Report](#) of the WEF (2014: 348-349), international comparisons place Switzerland in the middle-range in terms of paying the same wage for work of the same value (place 59 of 142). In terms of gender-specific pay gaps in OECD countries, an OECD study states that "Switzerland

does relatively poorly both in terms of level of the gap and the decline over the last decade“ (OECD 2013: 116). In 2014 Switzerland was in the upper third in [European comparisons](#) in the gender pay gap (see Figure 2).

**Figure 2: The gender pay gap in European comparison, 2014**



Information: The Swedish figures date from 2013; the French and Spanish from 2012.  
Source: OECD – Gender Wage Gap, 2017

**Equal Pay: Statutory Implementation or Voluntary Promotion?**

Since 2004, [the equal pay practices of federal government suppliers](#) have been monitored by the Federal Office for Gender Equality. The statistical method of analysis (Logib) which is used was reviewed in 2014 and 2015 in order to evaluate its scientific value and its appropriateness in relation to the administrative demands it places on the companies and the administration. The report (Felfe et al. 2015) concluded that the methods used by the federal government are indeed appropriate.

The GEA also provides the basis for programmes and advisory bodies promoting gender equality in working life (Articles 5-7 and 14-15 GEA). Organisations can receive grants for innovative and practical projects which can show a long-term impact. To date, nearly 300 projects have been implemented, 18 of which focus exclusively on equal pay (overview: [www.topbox.ch](http://www.topbox.ch)).

Amongst its responses to demands for statutory measures on equal pay, the federal government established the "[equal pay dialogue](#)" project in 2009. This allowed companies to volunteer to have their pay structures analysed by a committee of federal officials and representatives of the labour market, on the basis of an undertaking to deal with any significant pay gaps (more than 5%) within four years. It was anticipated that at least 100 companies would participate, but by the end of 2013 only 18 had concluded the process and the project was declared a failure (Feuz 2013).

Even when companies participate in voluntary [gender equality programmes](#), the issue of equal pay is rarely addressed. This is partly because in the short term, the establishment of equal pay entails more costs than benefits for companies (see Lanfranconi 2014a: 182-184). Gender-specific pay differences can even reinforced by voluntary equality projects, as when companies – usually with good intentions – offer more opportunities to [work part-time](#) to women: In many (Swiss) companies, part-time positions are only available in roles with poor [prospects for promotion](#) and lower wages (Lanfranconi 2014a: 185).

There are currently several opportunities for more legally binding measures in the area of equal pay in Switzerland. In the middle of November 2015, the Federal Council launched a consultation on reforming the GEA, with the recommendation that companies with more than 50 employees would be legally obliged to assess their equal pay practices every four years. These internal analysis would be subject to external monitoring, and according to the [Federal Council](#), companies would have to inform their employees about the results – this was intended as a step towards the statutory implementation of equal pay in Switzerland. The consultation involved the participation of all the cantons, seven political parties, and some 80 further interested bodies,<sup>2</sup> and ran until the beginning of March 2016.

On 6th September 2016, Federal Councillor Alain Berset launched the [Charter for equal pay in the public sector](#). This calls for the public sector to put its expertise and partnerships on equal pay to concrete use and implement, for example, analyses of wages in terms of levels of work. At this meeting the charter was signed by 25 municipalities and cantons, as well as the federal government itself.

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<sup>2</sup> There is a clear division between parties, organisations and cantons. All the "bourgeois" parties are strictly against a tightening of the GEA, which is favoured by the SP, the Greens and the Green Liberals. All the employers' associations and the few companies that have spoken out are against such reforms, and the trade unions and other workers' organisations, as well as women's organisations, are in favour of the changes and are sometimes even making further proposals. The French-speaking cantons support the amendment, but elsewhere the strength of the "bourgeois" parties in cantonal governments determines whether they oppose or offer moderate support to the changes.

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