



E-Learning Box

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Equal Rights and Part-time Employment in Switzerland

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Part-time Work in the Constitution and the Gender Equality Act

There are no specific legal regulations on part-time work² on the constitutional or legal level in Switzerland. Some legal provisions are, however, made in terms of non-discrimination, and there is a prohibition of discrimination against part-time workers in the [Gender Equality Act](#): Art. 3 Sec. 2 includes the prohibition of unequal treatment in relation to the "setting of working conditions". The unequal treatment of part-time and full-time employees is discussed in the commentary on the act (Kaufmann & Steiger-Sackmann 2009), according to which indirect discrimination arises when employers exclude part-time workers from company pension schemes, disadvantage them in terms of wages, exclude them from claiming compensation for overtime and holidays, or refuse them sick pay (Kaufmann & Steiger-Sackmann 2009: 59-60). Furthermore, federal jurisprudence holds the practice of paying part-time employees proportionally less than full-time workers for the equivalent work to be illegal (Marti Whitebread 2015: 1557).

The [Swiss Conference of Gender Equality Delegates](#) records complaints made on the basis of violations of the Gender Equality Act. In relation to workloads, these include withholding age-related alleviations from part-time workers, the failure to take account of experience gained through part-time work when engaging new employees, unjustified reductions in working time, and the failure to appoint women with children to full-time posts. There has also been an international case: With a narrow majority, a chamber of the [European Court of Human Rights](#) found in February 2016 that in relation to invalidity insurance Switzerland had discriminated against a complainant who had worked part-time after giving birth.³

Gender-specific Workloads

In recent years the number of both female and male part-time workers has steadily increased (although the numbers of women have almost stagnated in the last few years). As the [Federal Statistical Office](#) Labour Force Survey shows (see Figure 1), however, there are still far more women than men in part-time work. The proportion of working women in part-time work rose from just under

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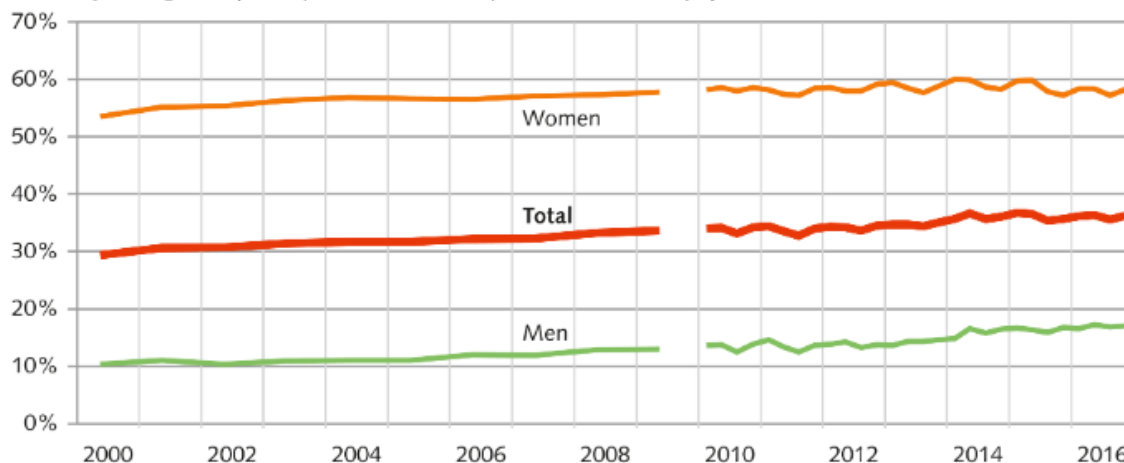
² The [Federal Statistical Office](#) defines part-time work as employment less than 90%.

³ The complainant, from the Canton of St. Gallen, worked in sales and had received 50% disability allowance because of a back problem since 2002. After she gave birth to twins in 2004, her disability status was recalculated using a method of assessing part-time workers with household duties which had hitherto been approved by the Federal Court. On the basis of this recalculation, the degree of disability was no longer determined to be 50%, but only 27%, and because disability allowance is only paid to those with at least 40% disability, this meant that the woman was no longer entitled to any financial support from the Disability Insurance. The European Court of Human Rights regarded this as discriminatory, and [decided to award](#) the complainant 5,000 Euros for non-material damages and 24,000 Euros court costs.

55% to almost 60% in the period from 2000 to 2016, during which the proportion of part-time workers amongst working men rose from just over 10% to almost 18%.

Figure 1: Part-time employment according to gender, 2000-2016

Quarterly averages (resp. 2nd quarter until 2009), permanent resident population



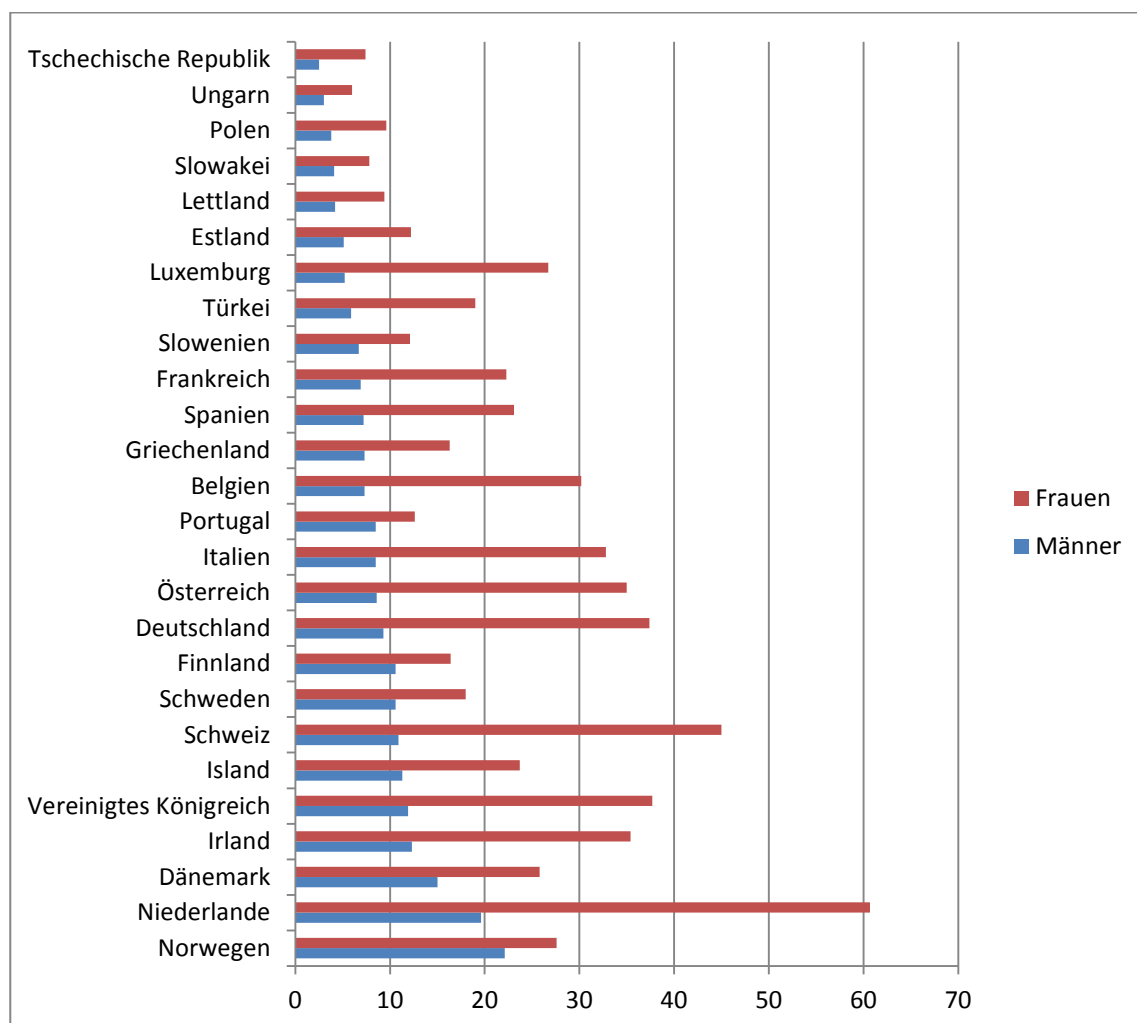
Source: Federal Statistical Office, Swiss Labour Force Survey, 2017

A 2003 study by the [Federal Office for Gender Equality](#) (Strub 2003: 14) showed that many Swiss full-time working men would like to be working part-time; another study by [Pro Familia](#) (2011) suggested that nine out of ten full-time working men would willing to reduce their working hours. According to the Federal Office for Gender Equality, however, one in three full-time working women are also keen to work part-time (Strub 2003: 14). On the other hand, there are also many women who would like to increase their working time (Lanfranconi 2014: 163-164). 11% of women, but only 3% of men, consider themselves to be under-employed, i.e. could and would like to work more. Thus, part-time work is clearly less a matter of choice for women than for men.⁴

As Figure 2 shows, Switzerland has a very high proportion of part-time working women in [comparison to other European countries](#), and is second only to the Netherlands. On the other hand, only a small proportion of women work part-time in Hungary and the Czech Republic. In terms of the proportions of part-time working women and men, comparisons show that the over-representation of women in Switzerland is close to the European average: In Luxembourg, for example, women greatly outnumber men; in Latvia and Estonia, where the proportion of part-time workers is very low, the numbers of women and men are more balanced.

⁴ See for comparison the statistics on [underemployment according to gender](#) 2004-2016 by the Federal Statistical Office.

Figure 2: Part-time proportion of total employment by gender, 2015



Source: OECD Statistics, 2017

As the 2016 Federal Statistical Office [employment market indicators](#) show, 51.4% of women are in work in the EU by the end of 2015. In Switzerland, this figure is even 63.8%, putting the country in the lead. The high proportion of working women in Switzerland is largely due to the high proportion of part-time posts. Together with the data on [parenthood](#), this suggests that in Switzerland the compatibility of family and professional life is largely achieved through mothers working part-time. 35.6% of Swiss employees are working part-time (45% of female employees). Only in the Netherlands is this proportion higher (50.6% of all employees, 60.7% of female employees); the proportion of part-time workers in Hungary is particularly low (5.6% of all employees, 6% of female employees).

Part-time work is problematic in relation to income and retirement pensions (old-age and survivors' insurance and pension fund). A 2015 [study](#) conducted for the [Swiss Conference of Gender Equality Delegates](#) calculated the outcomes of various employment biographies (continual full-time work for men and part-time and discontinuous work for women), as a result of which men and women are recommended to work at least 70% across their entire career. Those working less than 50% for a long period of time run the risk of poverty in old age or high financial dependence on a partner. The latest retirement statistics on [new retirees in 2015](#) show only small gender differences in terms of state pensions, but women's incomes from private pension schemes are only 56% of those of men.

In relation to the tax-efficient capital savings (3rd pillar), newly retired women receive on average 77% of the sums received by newly retired men.

Making Working Practices More Flexible – What is Changing for Women and Men in Part-time Work?

Unlike other European countries, Switzerland has no binding regulations on part-time work. Companies have a lot of room for manoeuvre, and there are enormous differences between them. In other European countries, part-time work is much more regulated. In Sweden, for example, parents have the right to reduce their working hours by up to two hours per day up until a child is in its eighth year, but unpaid; in Austria, parents have had the right to work part-time since 2004 (Dörfler 2004). Since 2013, Swiss federal employees – both mothers and fathers – have been able to claim a reduction in working time up to 20% on the birth or adoption of a child as long as this does not take their employment below 60% (Art. 60a of the [Federal Personnel Ordinance](#)).

The development of diverse working models has been the standard company practice for many years. A questionnaire conducted by the State Secretariat for Economic Affairs (Dorsemaget al. 2012) shows that flexible working times are on the rise (+16% in the years 2005 to 2012). According to the Federal Statistical Office [Swiss Labour Force Survey](#), almost half of employees (about 45%) had flexible working hours in 2014. The following models count as flexible: 1) weekly or monthly working times with or without block times, 2) yearly working times or working times without formal specifications. More men than women have such flexible arrangements (51.1% as against 37.6%).

However, flexible working times bring not only advantages (see also Schär Moser et al. 2002). As is shown, for example, by the [Zentralverband Staats- und Gemeindepersonal Schweiz](#) (the public sector employees' association), they can lead to more work, overtime, and planning difficulties in both work and free time. People who work flexibly without recording their hours (17% of those with flexible working times) often work much longer than contractually agreed, and do so without financial compensation for this additional work (Dorsemaget al. 2012: 4-7).

Private companies do not always have as much scope as publicly funded bodies when it comes to flexible working models. Flexitime and flexible working hours are however possible for most companies. Fuchs (2016) shows that for companies in the environmental field, part-time work is more common in NGOs than in private companies, and the possibility to work from home is more likely for public employees than for those working for other employers (Fuchs 2016: 19).

Since the 2000s, several equality projects have been addressed directly to companies with the aim of motivating them to introduce measures to promote equality such as increased opportunities for part-time or flexible working models (Bothfeld et al. 2010; Lanfranconi 2014). These projects, such as the Federal Office for Gender Equality's project "[Fairplay-at-work](#)"⁵ or the "[SME Handbook](#)" which offer advice to companies and employees on ways to develop family-friendly personnel policies, provide countless examples of the benefits of part-time work and job sharing for employers. Several bodies, including [Fachstelle UND](#), established in 2002, the women's advice service [frau arbeit weiterbildung](#), and [TeilzeitKarriere.ch](#), a platform devoted to part-time careers, support men and women in their attempts to integrate their working and family lives. Opportunities for job-sharing at the managerial level with fixed shares of responsibility are offered by "[TopSharing](#)".

⁵ Numerous companies have signed the "[Work Smart](#)" charter on the promotion of flexible working models. The "[Fairplay-at-work](#)" brochure (p. 3) shows that many companies have already taken measures to facilitate the integration of work and family life. This shows that some companies at least are rethinking their working time practices. The fact that their impact on the inequality between women and men in terms of workloads is limited is clear from the above statistics on the numbers of women and men in part-time work.

Such voluntary programmes can be problematic because they pose no challenge to companies' established cultural assumptions – for example that managerial positions must be full-time, or that it is easier to reduce working times in areas of so-called "women's work". It is exactly such assumptions and the practices they support that can lead to other problems such as [unequal pay](#) between men and women, differences in [career opportunities](#), or the idea that there are so-called "[women's and men's jobs](#)" (see Lanfranconi 2014). Flexible employment practices or models of part-time work offered solely on an individual basis are also problematic: Employees are likely to benefit from such an "individual solution" only when they are considered important to the company, and this tends to be to the advantage highly qualified nationals and male employees (Lanfranconi 2014).

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