

Motherhood and Employment

Your rights and entitlements at your workplace



Maternity leave

Length of leave, either paid or unpaid

As an employee you are entitled to a minimum of 14 weeks maternity paid leave (98 days) beginning from the day of the birth, as long as:

- you have been insured with the AVS during the 9 months previous to giving birth
- you have worked for at least 5 months during the period before giving birth
- your pregnancy has lasted at least 23 weeks (LAPG Art.16b)

During maternity leave, you are entitled to receive payment of 80 %

of your salary. If you wish, you may stay at home with your child up until the 16th week following the birth; you are not obliged to go to work (LTr Art. 35a, al. 3). These two extra weeks will however not necessarily be paid.

If your newborn baby has to remain in hospital longer than 3 weeks, you may ask for the payment of your allowance to be postponed.

(LAPG Art. 16c, RAPG Art. 24)

Breastfeeding and work

Breastfeeding offers protection just as pregnancy does

As a breastfeeding mother, you are entitled to various rights at your place of work during your child's first year of life:

- You should not be obliged to work overtime. (OLT1 Art. 60 al. 1)
- The company must provide you with a suitable room for resting with a small couch. (OLT3 Art. 34)

- You cannot be obliged to perform dangerous or strenuous work which may pose a threat to mother or child. If no suitable protective measures can be taken and the company cannot provide a safe equivalent job you can stay at home and continue to receive 80 % of your wages. (OLT1 Art. 62, 64)

Breastfeeding counts as working time

You can breastfeed your child either at work or away from your workplace. You should not be obliged to make up the time lost during breastfeeding. This time is not deducted from other resting periods such as holidays. (LTr Art. 35a, al. 2)

If you breastfeed your child at work, the time you spend breastfeeding counts fully as time worked. If you go home to breastfeed, half of this time is counted as time worked. (OLT1 Art. 60 al. 2).

Loss of earnings allowance for pregnant women

You are entitled to paid maternity leave

Federal allowance for loss of earnings for pregnant women

In Switzerland every woman who works, whether she is employed or self-employed whether she works for her husband's company or whether she is paid in cash, is entitled to 14 weeks' paid maternity leave. During that period she will receive 80 % of her salary (up to a maximum of Fr. 172.00 per day or Fr. 5'160.00 per month). The maximum payment is reached with a monthly salary of Fr. 6'450.00. This amount is paid by the income

compensation scheme (APG). (LAPG Art. 16f)

Other provisions

Depending on the employer or the canton where you are living, you are entitled to further benefits once the birth has taken place. Find out whether your employer has taken out insurance enabling you to enjoy a longer paid maternity leave or whether the company is a signatory to a collective labour agreement (CCT) with corresponding regulations.

Your rights are guaranteed in all circumstances

Part time work and hourly work

The same provisions apply as those above. The amount of the allowance for loss of earnings corresponds to the percentage of time worked. In the case of irregular employment, the average salary over a long period will be calculated. (RAPG Art. 31)

Unemployment and work incapacity

If you are entitled to payments as a result of unemployment, sickness, accident or invalidity, you will also receive the loss of earnings allowance for 14 weeks during maternity leave. (RAPG Art. 34 et 30, LAPG Art. 16g)

Health Insurance

Antenatal and maternity care will be reimbursed

Your mandatory health insurance will cover all medical expenses that are associated with a normal pregnancy and birth for you and your child:

- Antenatal check-ups by a midwife or doctor
- One-off payment of Fr. 100.– for birth preparation courses
- Birth and postnatal stay in the ward of a public hospital or in a birth centre
- The cost of a midwife for a home birth
- Postnatal care at home by a midwife for up to 10 days after the birth
- one check-up 6 weeks after the birth
- 3 breastfeeding consultations (LAMal Art. 29 al. 2, OPAS Art. 13–16)

Family allowance

Birth allowance

If you or the father of the child work, you are entitled to a one-off birth allowance payment in the following cantons: LU, UR, SZ, FR, SO, VD, VS, NE, GE, JU.

This may vary from 600 to 1500 francs.

Monthly child benefit allowance

Following a referendum on 24th November 2006, the Swiss people agreed to the payment of uniform family allowances. Once this measure has gone into effect (on 1.1.2009), all the cantons will pay a monthly flat rate family benefit allowance of 200 francs per child for children up to the age of 16, and a training allowance of 250 francs for young people between the ages of 16 and 25.

Until the federal law enters into force, child allowances between 40 and 294 francs, depending on the canton, will be paid.

The following cantons pay a training allowance between 180 and 378 francs: LU, FR, BS, BL, SH, AR, SG, GR, TG, TI, VD, VS, NE, JU.

Workplace and family obligations

3 days off work for a sick child

Employers must show consideration for family obligations. These include the bringing up of children up to the age of fifteen or the care of other relatives or people with whom you have close ties.

If you have family obligations:

- you may refuse to work overtime,
- you may request a lunch break of at least one and a half hours.

If a child is ill, either you or the father do not have to go to work for up to three days. You must, however, submit a doctor's certificate and return to work again as soon as you have organized care for the sick child.

The stipulations for the continuation of wage payments are the same as in the case of sickness: your right to be paid depends on the duration of your employment.

(LTr, Art. 36, CO Art. 324a)

Important addresses

Trade unions at your service

Travail.Suisse is an umbrella organisation representing employees, twelve federations combine to defend the interests of their members. As a union member you benefit from information, advice and support.

A list of member federations can be found under www.travailsuisse.ch.

Other services and advice

Birth preparation classes, information about pregnancy, giving birth,

breastfeeding: Swiss Federation of Midwives, list of midwives, tel. 031 332 63 40, www.sage-femme.ch

Service for child care in the home: Swiss Red Cross, National Secretariat of the cantonal associations, Rainmattstrasse 10, 3001 Berne, tel. 031 387 71 11, info@redcross.ch

Breastfeeding advice: La Leche League Switzerland, www.stillberatung.ch

Financial assistance: Solidarity fund for Mother and Child SOFO of the Swiss League of Catholic Women, tel. 041 226 02 27, www.frauenbund.ch

Protection of health, safety at work: Eidg. Arbeitsinspektion, Tel. 043 322 21 00. Cantonal Labour Inspectorate: www.arbeitsinspektorat.ch

Health protection

As a pregnant woman, you are protected

As a pregnant woman, you have the right to special protection with the appropriate measures, in the following cases:

- Activities performed standing up, for example as a shop assistant or in catering
- Lifting weights of 5 kg or more
- Tiring movements and awkward positions

- Cold (15°C and below), heat (28°C and above), high humidity, toxic substances (for example lead, mercury or exhaust fumes)
- Contact with contagious diseases (for example tuberculosis or hepatitis in a hospital environment)
- Noise, vibrations
(OLTR 1 Art. 62)

In danger at work?
You can stay at home!

The employer is bound by law to inform you about measures for the protection of pregnant women. If he does not do so, ask for information. (LTr Art. 47 al. 1, OLT1 Art. 69 al. 2) If you can no longer continue

with your job because of your pregnancy, your employer must offer you alternative work. If he is unable to do so, you are entitled to stay at home and you will continue to receive 80 % of your salary.

Absences

Your absences count as «sickness»

If you feel unwell during your pregnancy, you can stay at home at any time or leave your work. Your right to receive your salary is the same as in the case of sickness. If you are employed by the Confederation, by a canton or a municipality, the regulations pertaining to public law personnel are applicable.

If you have provided a medical certificate, you are legally entitled to the continued payment of your salary.

During the first year of your employment you are entitled to receive payment for three weeks and in the following years for a longer period commensurate with your years of service. In any case, examine the regulations as set out in your employment contract and ask your employer about the relevant provisions. In case of uncertainty about payment of your salary, contact your trade union. (LTr Art. 35a al.2)

Working hours

No overtime during pregnancy or while breast-feeding

You are not obliged to do overtime during pregnancy and while you are breast-feeding.

(OLT1 Art. 60, al. 1)

If you are planning to work after your pregnancy, to work shorter or more flexible working hours, let your employer know about your intentions. Don't hesitate

to negotiate as soon as possible with your employer and put forward your ideas.

The reorganisation of work schedules after the arrival of a baby concerns both parents, not just the mother. Discuss this with your partner!

No night work in the 8 weeks before giving birth

Evening and night work between 8 00 p.m. and 6.00 a.m. is prohibited during the last eight weeks prior to the due date.

(LTr Art. 35a, al. 4)

From the beginning of your pregnancy you can ask to work only during daytime, even without a medical certificate. (LTr Art. 35b)

If no comparable daytime employment can be found for you, you are entitled to stay at home and still receive 80 % of your salary.

(LTr Art. 35 al. 3)

No piece work or assembly line jobs

Piece work or work on an assembly line at a compulsory tempo is not allowed if the tempo is determined by a machine. (Ordinance on maternity protection DFE, Art. 15)

You are entitled to comparable or alternative work, as in the case of evening and night work, or to 80 % of your salary.

Rest periods

From 6th month of pregnancy no longer than 4 hours work standing up

During your pregnancy you should have the possibility to lie down during rest breaks at work.

From the 4th month of pregnancy, you are entitled to a rest period of at least twelve hours between two working days.

From the 6th month of pregnancy you don't have to work

for more than 4 hours per day standing up.

If you do have to work standing up, you are entitled to a 10-minute rest every two hours.

(OLT1 Art. 61, OLT3 Art. 34)

Disclosure information

Information also means protecting your health

At work you are not obliged to inform your employer as soon as you know you are pregnant. However it is advisable to inform him of your new situation (usually at the end of the 3rd month) as your employer is obliged to protect your health. In order to do this he must be informed.

Your employer is not allowed at any time to discriminate against you (that is to say subject you to discriminatory treatment because of your pregnancy, your gender or your family situation).

(LEg Art. 3 al. 1–2)

When applying for a job, protect your private life

If you apply for a job, questions such as: «Are you pregnant?» or «Do you want to have children soon?» are not permitted by law. This means that you can refuse to answer the question and if necessary you have the right to lie.

You must however tell the truth if the job is one which you can no longer perform during pregnancy: e.g. work which is physically strenuous or involves handling poisonous substances.

Termination of employment

You cannot be dismissed

Your employer cannot dismiss you during the entire period of your pregnancy or during the 16 weeks following the birth.

(CO Art. 336c al. 1)

Be careful: This protection against dismissal is not valid during a probationary period.

You can hand in your notice, even after you have given birth

If, as an employee, you want to give in your notice during your pregnancy, you can do so at any time observing the normal period of notice.

Be careful: Your employer might not want to pay your maternity leave and might himself advise you to give in your notice. Do not let yourself be put under pressure! (CO Art. 328)

If you are dismissed before your pregnancy began, the period of notice is interrupted at the beginning of the pregnancy and is only resumed 16 weeks after the birth.

(CO Art. 336c al. 2)

If you do not wish to continue in employment after the birth of your child, give in your notice only after the birth, since you have the right to stay at home up to 16 weeks after the birth (though you may not receive any income replacement during the last two weeks).

(LTr Art. 35a, al.3)

This means that, with the normal notice period which is a maximum of three months, you still have enough time after the birth.



Travail.Suisse is an umbrella organisation representing employees. One of its main objectives is to promote equality at work in accordance with the federal law on equality.

InforMaternité is a campaign started in 2000 by Travail.Suisse, together with different womens' and integration organisations. The campaign was supported by the Federal Office for Gender Equality

The most frequently asked questions by pregnant women about motherhood together with the answers are available on the website www.travailsuisse.ch.

Detailed information for specialists is available from mid 2008 on the website of Travail.Suisse on www.travailsuisse.ch.

Abbreviations

CO	Code of obligations 220
LAMal	Federal law on health care insurance 832.10
LAPG	Federal law on loss of earnings allowance 834.1
LEg	Federal law on equality between women and men 151.1
LTr	Federal labour law 822.11
OLTR1	Ordinance 1, Federal labour law 822.111
OPAS	Ordinance pertaining to the benefits covered by health care insurance 832.112.31
RAPG	Regulation pertaining to federal law on loss of earnings allowance 834.11

Orders

This brochure is available in paper form in the following languages:

- English
- French
- German
- Italian

Price per brochure: Fr. 4.50

A reduction in price will be granted for large orders.

This brochure may be ordered from: Travail.Suisse, Hopfenweg 21, Case postale 5775, 3001 Berne

Tel. 031 370 21 11
info@travailsuisse.ch,
www.travailsuisse.ch

As long as stocks last, the old brochure (dating from 2005) may still be ordered in the following languages:

- Albanian
- Bosnian
- Croatian
- Portuguese
- Serbian
- Spanish
- Tamil
- Turkish



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