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Gender Equality in Switzerland

Exchange with Special Rapporteur on the Right to Development

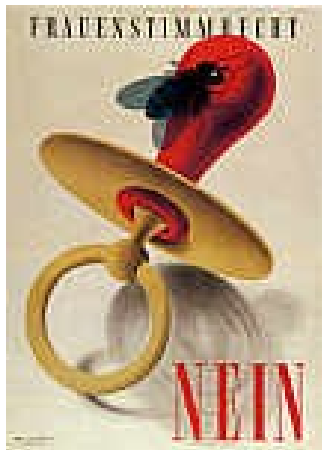
Sylvie Durrer, Director, Federal Office for Gender Equality

Bern, September 24, 2019



Switzerland, a young democracy

- In Switzerland, men have had the right to vote since 1848.
- They granted it to women in 1971, 123 years later.





A long fight for equal rights



1929 - Swiss Women demonstrating for the right to vote



1948 - Woman's eviction out of a political assembly in Appenzell-Ausserhoden



1957 - Swiss Women demonstrating for the right to vote



Many changes in Swiss society over time



Government 1848



Government 2019



Ciné-Journal suisse - Portrait de la femme suisse d'aujourd'hui (1945)

Family 1945



Family 2019



Art. 8 Equality before the law

- 3 Men and women shall have equal rights. The law shall ensure their equality, **both in law and in practice**, most particularly in the family, in education, and in the workplace. Men and women shall have the right to **equal pay for work of equal value**.





- **1988** - Reform of marital law
- **1996** - Adoption of the Federal Act on Gender Equality
- **1997** - Bonus for child raising in the Federal Old-age, Survivors' and Invalidity Insurance
- **1997** - Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- **2000** - Reform of divorce law
- **2002** - Right to have access to legal abortion - on request of the woman within the first twelve weeks of pregnancy
- **2004** - Cases of domestic violence subject to public prosecution ex officio
- **2005** - Maternity leave of 16 weeks for employees (80% of full pay)
- **2007** - New protection against violence, threats and harassment established under civil law
- **2012** - Prohibition of female genital mutilation in the Criminal Code
- **2013** - Revised law on name and citizenship
- **2013** - Prohibition of forced marriage in the Criminal Code and measures to combat it
- **2014** - Joint legal custody of children as legal standard following divorce of the parents as well as for unmarried parents
- **2018** - Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
- **2019** - Amendment to Gender Equality Act to fight pay discrimination



Gender Equality and women's rights are policy priorities for the Swiss Government.

As such they are included in:

- Legislative Plan 2019 – 2023 and Annual Objectives of the Federal Council
- Current (2016-2019) and future Sustainable Development Strategy 2019 – 2030
- International Cooperation Programme 2017 – 2020
- Swiss Foreign Policy Strategy 2016 - 2019

Sustainable Development Strategy 2016-2019:

“Gender equality is respected in both professional and private life, and women are assured of full and effective participation in decision-making at all economic, political and public levels. Unpaid care work is shared more equally between women and men. All forms of violence against women and girls are greatly reduced.”



Institutional Gender Equality Framework

In Switzerland, there are 23 gender equality offices at the federal, cantonal and municipal level

- **Federal Office for Gender Equality FOGE:** operates within the federal administration as a centre of recognized expertise on matters of equality; works at policy level and seeks structural changes, does not act at individual level; it works with a wide range of stakeholders: other federal agencies, gender equality offices, men's and women's organizations, social partners and companies
- **Gender Equality Delegate Offices:** established by most cantons and some municipalities; dealing primarily with issues such as equality in the labor market and in education, reconciling work and private life, violence against women, integration of immigrant women; advising individuals as well as acting at the policy level
- **Federal Commission on Women's Issues**
Extra-parliamentary permanent commission; addressing current gender equality issues, advising the federal government, focus on women's participation and equal representation in politics and the economy



Scope of activities and issues

- Equality at work:
 - **Equal pay:** e.g. instruments, pay equality checks in public procurement, charter for equal pay
 - Work-Life balance
 - Women in leading positions
 - Fight against sexual harassment
 - Gender diversity in all professional sectors
 - Elimination of **domestic violence**
 - Participation in drafting **legislation**
 - Comments for the **Federal Supreme Court**
 - Coordinating implementation of **international human rights treaties**
 - National and international **cooperation** and networking
-



Federal Act on Gender Equality (Gender Equality Act) of 24 March 1995

- Based on Art. 8 para. 3 of the Federal Constitution
- Came into force on **1 July 1996**
- Aims to furthering **true equality** between women and men
- Guarantees **access to justice** in employment discrimination cases
- Focuses on **equality in employment relationships**
- Applies to **all private and public employment relationships** - regardless of size of employer or number of employees: private households as well as multinational companies; small municipalities, public institutions like hospitals and schools as well as the federal administration and big public entities
- Prohibits direct as well as indirect **discrimination**.
- Explicitly states that **sexual harassment** is a form of discrimination based on sex and thus prohibited
- Includes **FOGE's mission**



Analysis of regulations' consequences on equality

Art. 141, par. 2, let. i of the Federal Act on the Federal Assembly	In its dispatches, the Federal Council shall explain the consequences on gender equality of the draft legislation.
Work Tools	<ul style="list-style-type: none">• Questionnaire• Guides
Competencies	Federal offices responsible for the matter.
FOGE's Role	Supporting the Federal Offices.



Women in the labor market



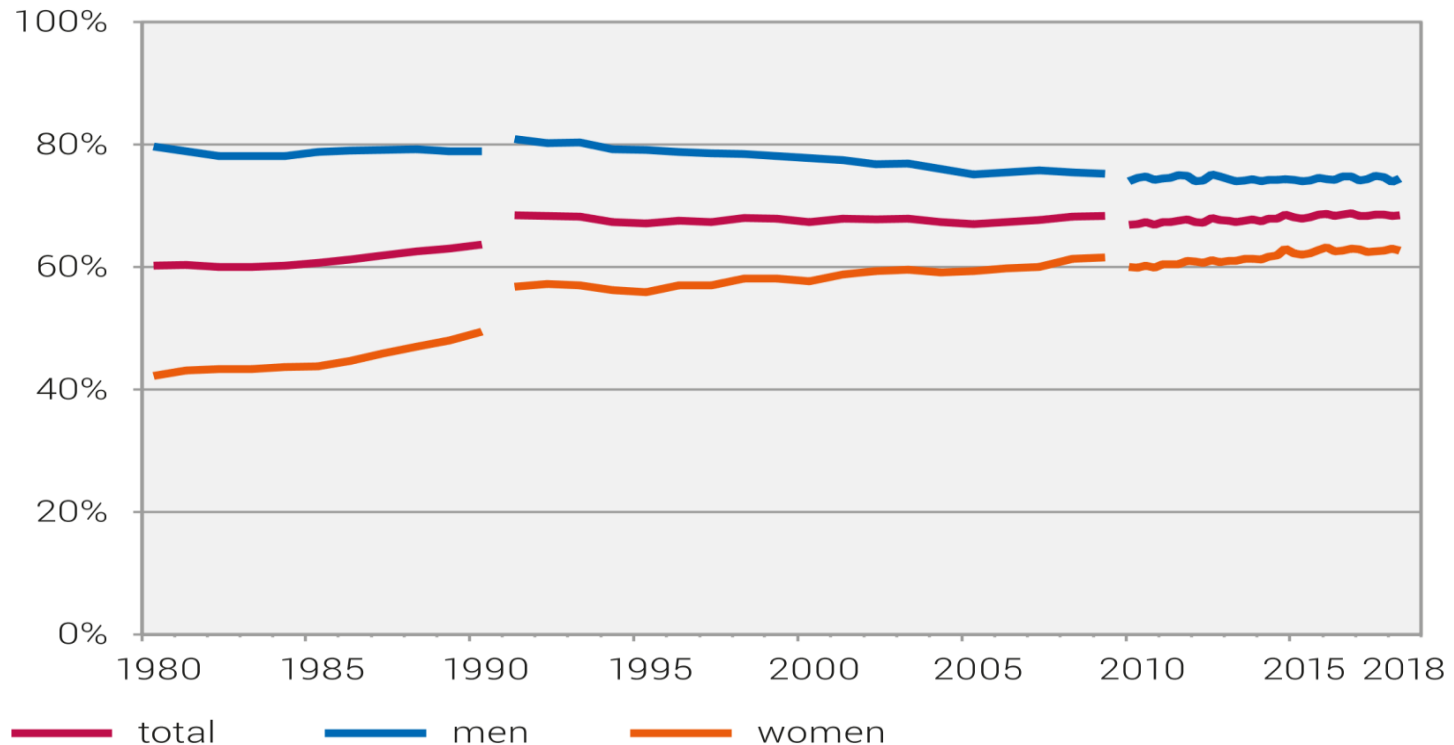
Some characteristics

- 88% of the male population and 80% of the female population are employed or looking for a job (Federal Statistical Office FSO, 2018 – people age 15-64);
- More than half of the women work **part time**, less than 20% of men work part time.
- **Professional segregation** – either horizontal (between professions) or vertical (within a definite profession)
- Women are **underrepresented** at managerial level and overrepresented in low-skilled, low-income jobs.
- **Gender pay gap** still exists.



Economic activity rate of women and men

Standardised activity rate (aged 15 and over)

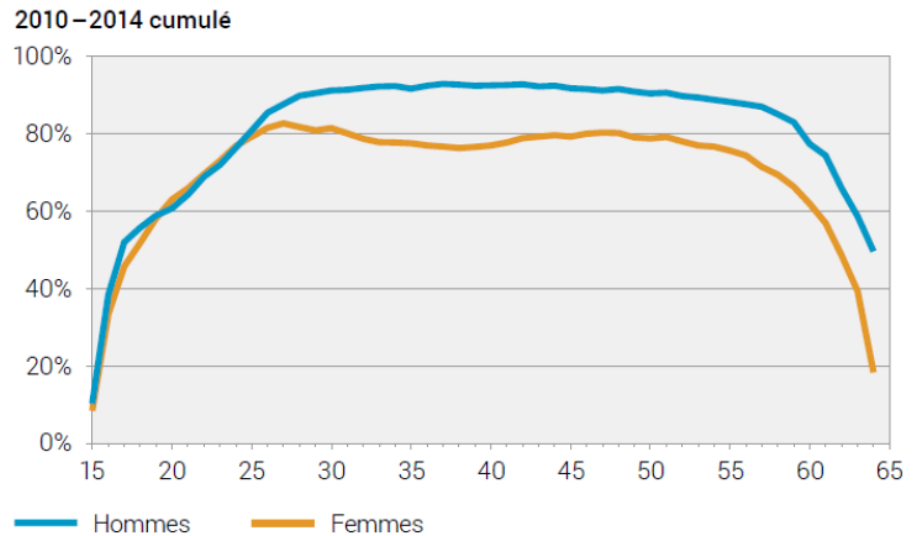
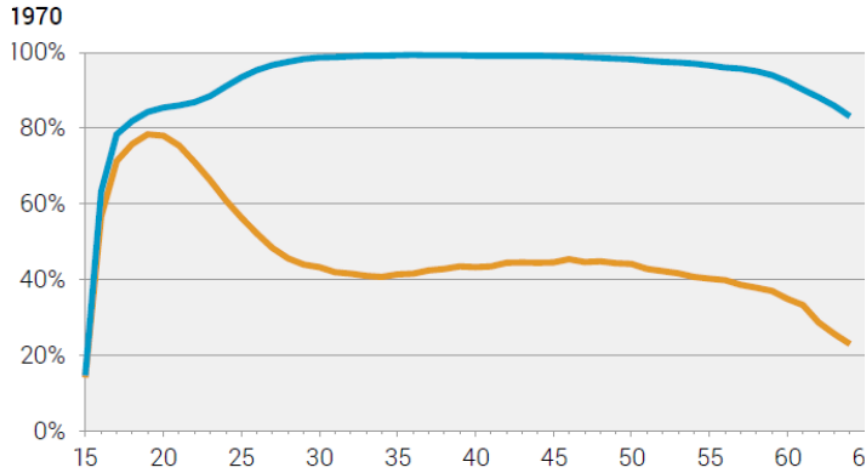


Source: FSO – Employment Statistics (ES),
Swiss Labour Force Survey (SLFS)

© FSO 2018



Rate of employed persons by sex and age



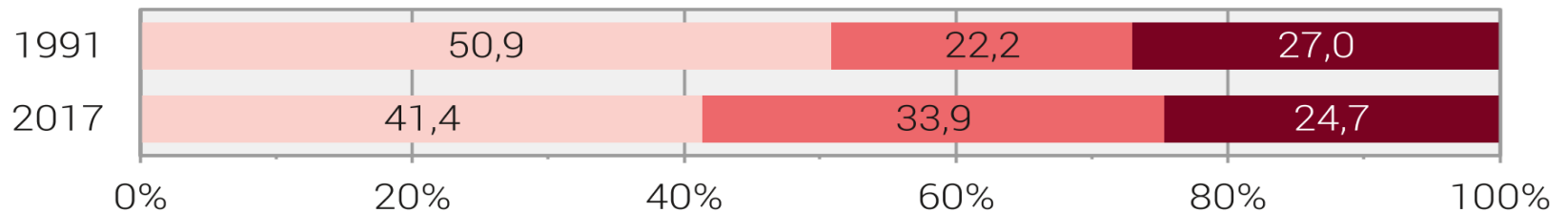
Sources: OFS – Recensement fédéral de la population (RFP), Relevé structurel (RS) © OFS 2016



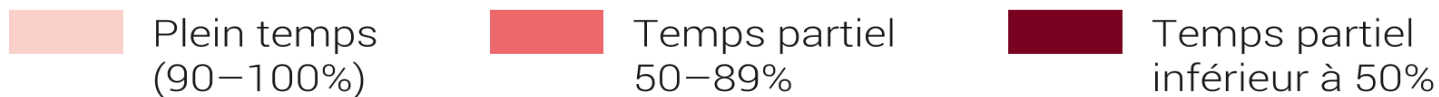
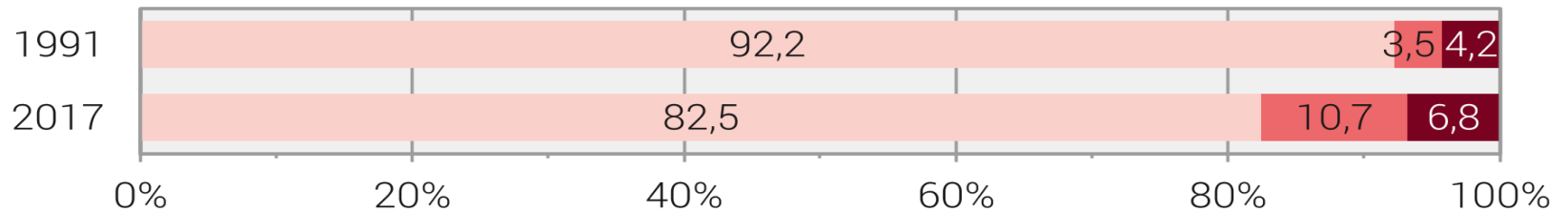
Full and part time employment

Taux d'occupation

Femmes



Hommes



Source: OFS – Enquête suisse sur la population active (ESPA)

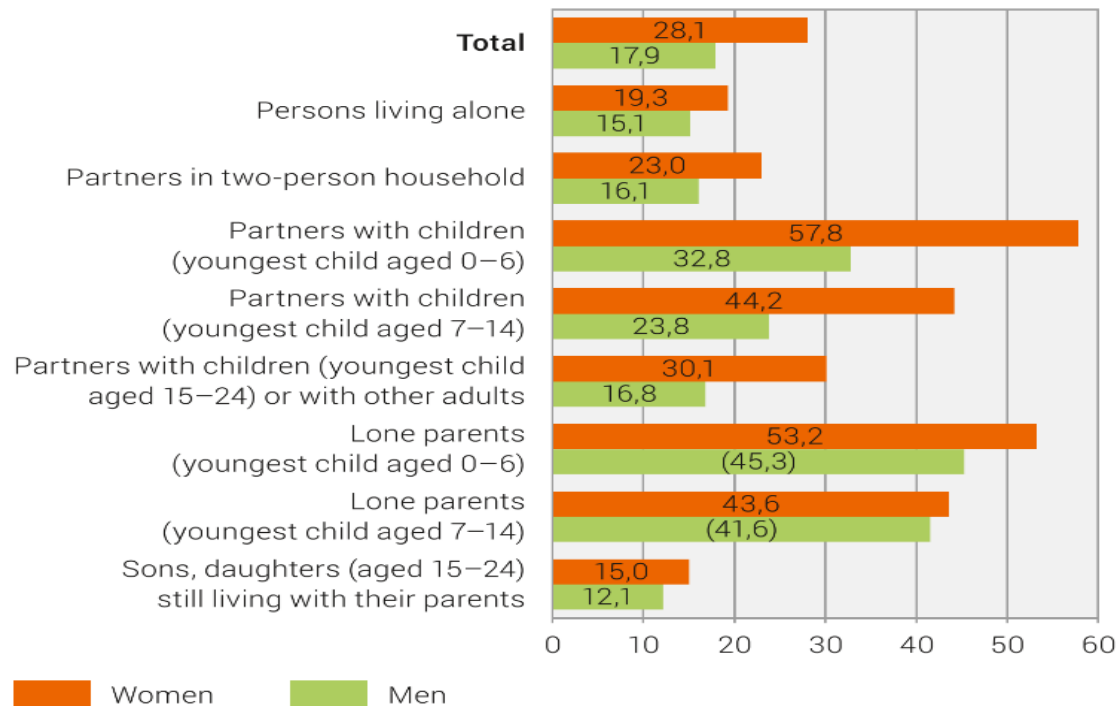
© OFS 2018



Unpaid domestic and care work

Time spent on domestic and family workload, 2016

By family situation, hours on average per week



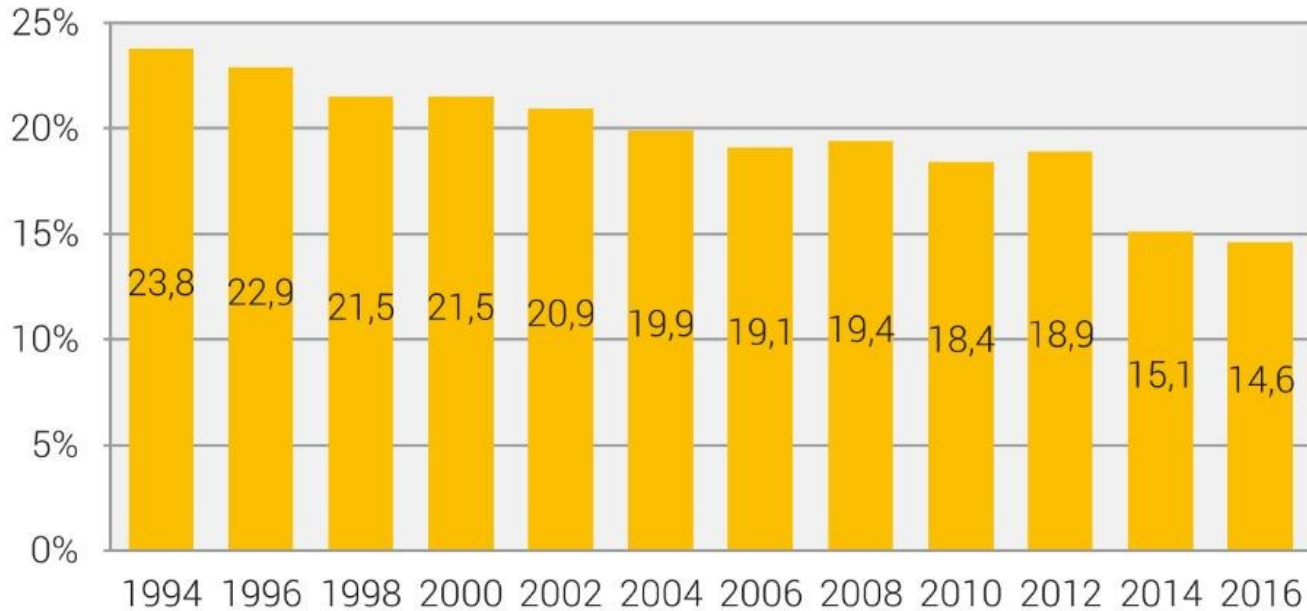
(Figure): The result is based on fewer than 50 observations in the sample and should therefore be interpreted with great caution.



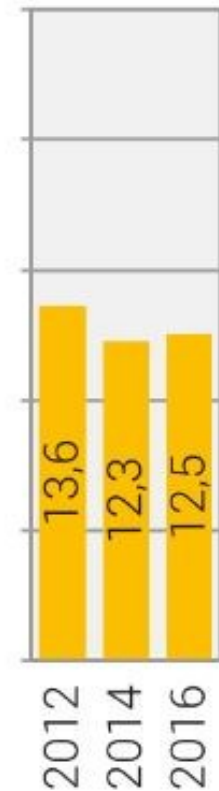
Gender pay gap in Switzerland (median)

Private sector

Différence salariale



Public sector



Source: OFS – Enquête suisse sur la structure des salaires (ESS)


© OFS 2018

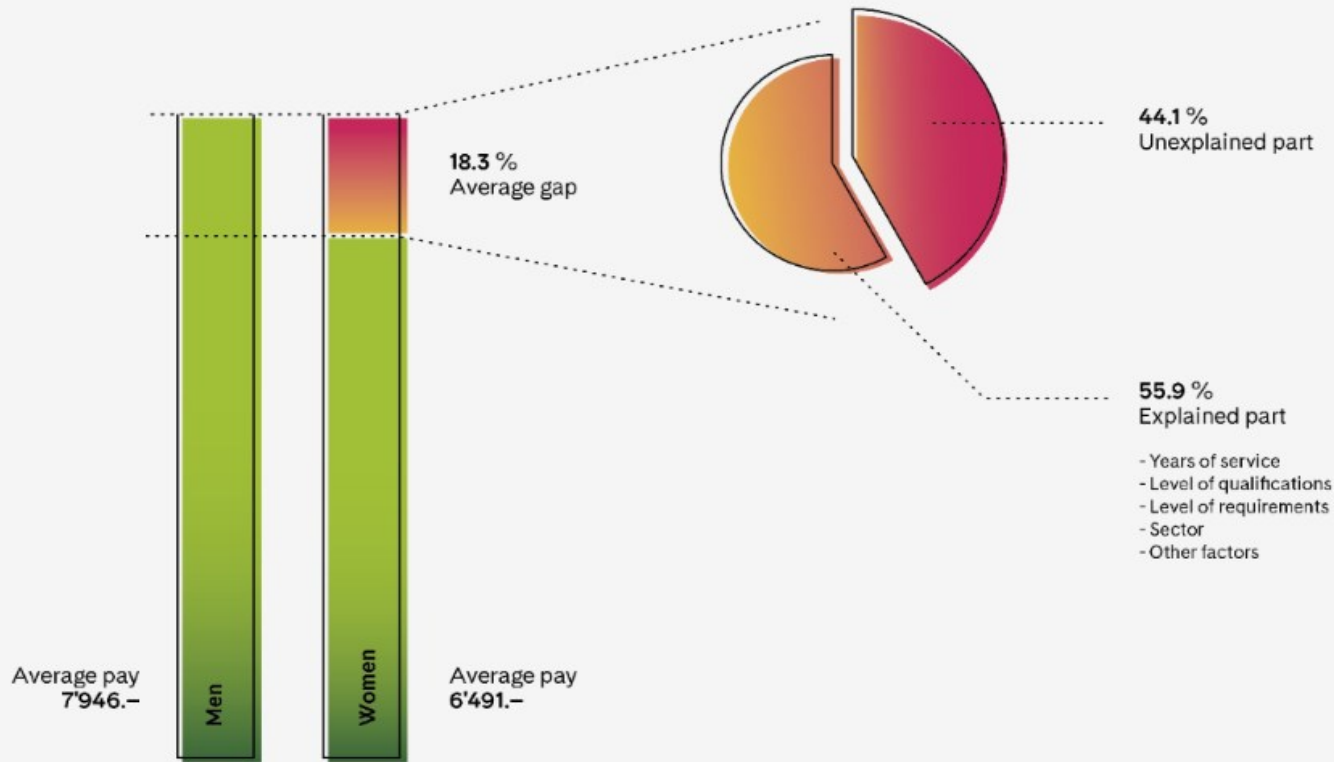


Average gender pay gap

Average pay and pay gap

Women's pay slips show an average of CHF 1455 per month less than those of men (figures: 2016). 55.9 % of this difference can be explained by objective factors such as professional status, years of service or level of qualifications. But 44.1 % of the pay gap remains unexplained and includes potential gender-related pay discrimination.

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Federal Department of Home Affairs FDHA
Federal Office for Gender Equality FÖGE





GPG, a multi-factorial issue

Men



Women



Unexplained - Unjustified

**Explained
by objective factors:**

- Level of education
- Years of service
- Professional experience
- Professional position
- Skill level
- Night work, shift work, etc.

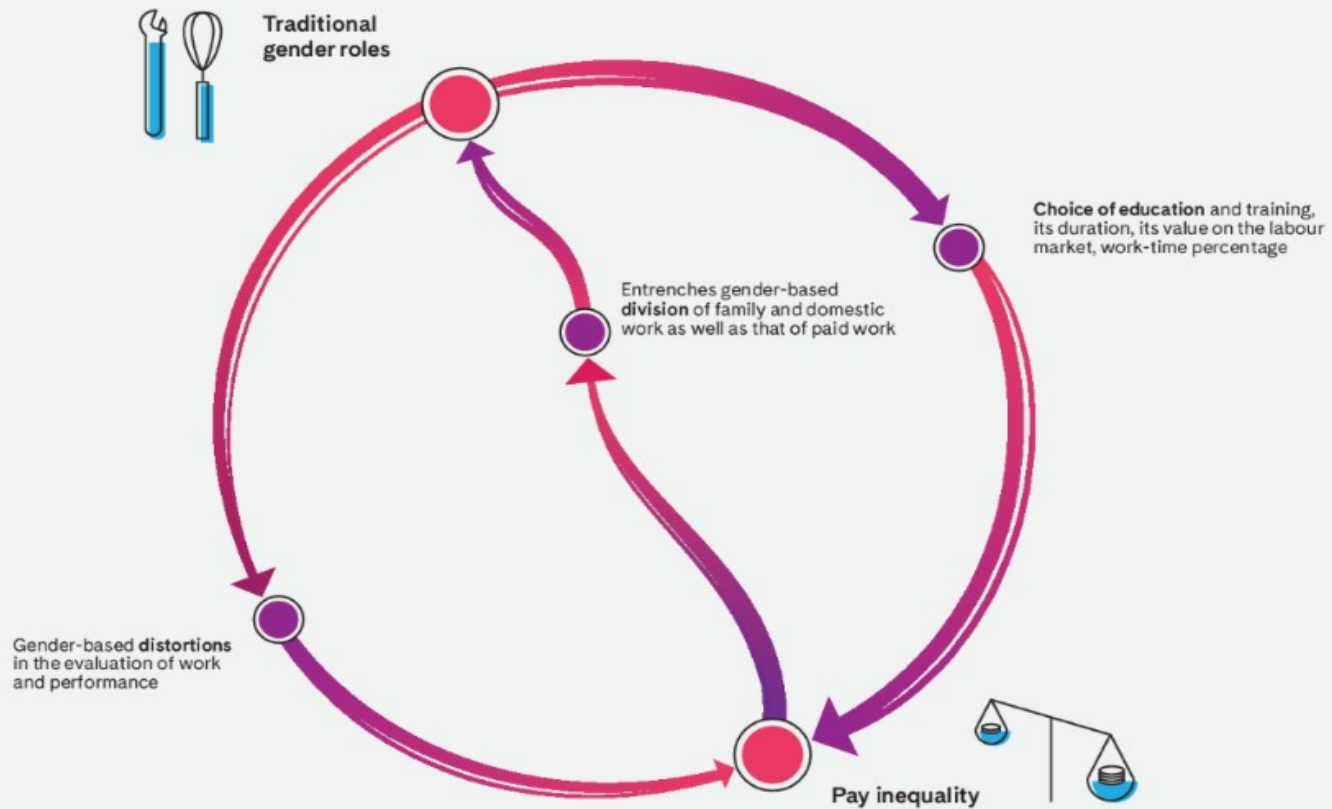


Reasons for pay inequality

Reasons for pay inequality

Deeply entrenched **gender stereotypes** are the reason why progress is slow in addressing pay inequality and pay discrimination at work.

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Swiss Confederation
Federal Department of Home Affairs FDHA
Federal Office for Gender Equality FÖGE





Collective protests



*Bern 22 September 2018
20'000 women and men asking for gender pay equality*



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14.06.2019

More has to be done !

14 June 2019



Bern



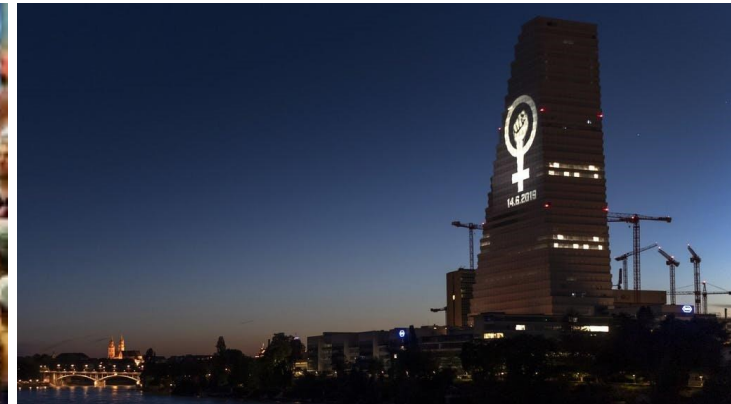
Zürich



Lausanne



Geneva



Basel



Closing the gender pay gap in Switzerland

- **Mandatory pay equality analysis for all companies with 100 and more employees (as of July 1, 2020)**
- **LOGIB**, a self-analysis tool for companies, free of charge to fight the unexplained, unjustified part
- **Charter for equal pay in the public sector**
- Checks of pay equity within **public procurements**





New law to fight pay discrimination

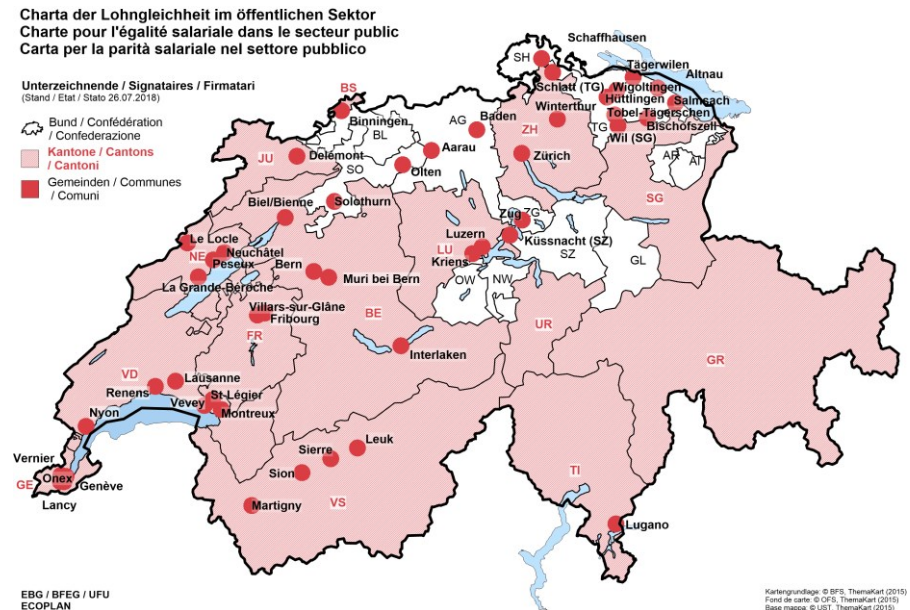
- All companies with **100 and more employees** are obliged to carry out an analysis every 4 years.
- The **method** used has to be compliant with scientific and legal norms.
- The Federal Council provides employers with a **standard analysis tool free of charge**.
- This analysis has to be reviewed by an **independent 3rd party** (e.g. audit firm)
- The results have to be **communicated** to the employees and shareholders where applicable.
- Perspective: name, praise or shame





Charter for equal pay in the public sector

- Charter was launched by Minister Berset September 2016
- Signatories agree to carry out regular checks to ensure the respect of equal pay within the public administration, within corporations close to the public administration and within companies receiving public procurement or subsidies.
- The Confederation, 16 cantons and 79 communes have signed the agreement (Sept. 2019)

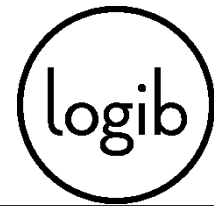




Charter for equal pay in the public sector

«Closing the gender pay gap in Switzerland»:
<https://www.youtube.com/watch?v=QkxTYniubEI>



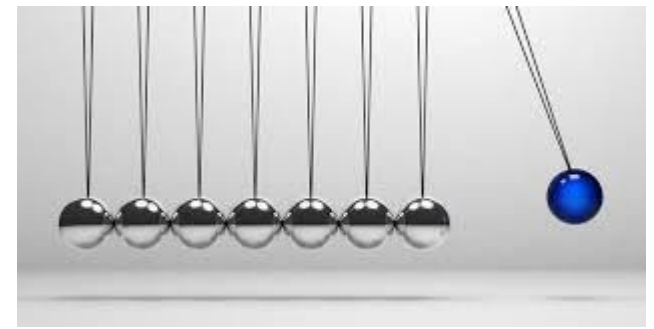


- 1) **Reliability:** Logib relies on a solid scientific method accepted by the Swiss Federal Supreme Court in 2003 (OLS regression analysis - following explanatory characteristics: years of training, potential years of employment, years of service, required level of professional skills, professional position and sex);
- 2) **Feasibility:** only standard data needed (those required in official payroll statistics) no need of women and men in every position with exactly the same qualifications to evaluate wage equality – suitable for all businesses with at least 50 employees;
- 3) **Transparency:** the Logib tool and all technical details about the method used as well as instructions are publicly available in German, French, Italian and English;
- 4) **Autonomy:** Logib can be downloaded anonymously and free of charge - employers themselves can check their wage practice and see whether they comply with the requirement of equal pay for women and men (online tutorials, detailed instructions and a helpline are available);
- 5) **Cost-efficiency:** no need of any sophisticated statistics programme or specialised know-how – Logib is based on Excel and thus directly applicable on a lot of workplaces without extra training for the personnel;
- 6) **Established international practice:** Germany, Luxemburg and other countries have made available a similar tool.



Important topic for companies

- Results of a representative survey 2015 (part of regulatory impact assessment) :
 - **strong interest** in the topic of pay equality: 2'700 companies contacted - 1'305 answers; response rate of 48%;
 - around 65% of companies think government measures aimed at the enforcement of pay equality **make sense**;
 - the effort for a self-test with **Logib** is considered **proportionate**;
 - self-tests are **effective**: 50% of companies that carried out a self-test made adjustments, usually raising women's wages.





Equal Pay International Coalition

- The Equal Pay International Coalition (EPIC) is the only multi-stakeholder partnership working to reduce the gender pay gap at the global, regional and national levels.
- Current members: Australia, Canada, Germany, Iceland, Jordan, New Zealand, Panama, Portugal, South Africa, Switzerland (chair of the Steering Committee), Republic of Korea, Portugal, U.K., ILO, OECD, UN Women, the International Trade Union Confederation, the International Organisation of Employers.
- By joining EPIC, stakeholders demonstrate their commitment to achieving Sustainable Development Goal SDG and gain access to an invaluable network of support and expertise.





Importance of EPIC for Switzerland

- Fulfill our commitments (Constitution, CEDAW, ILO 100)
- Contribute to an international dynamic and the achievement of SDGs
- Ensure justice for women and facilitate their economic empowerment in the short and long terms, in Switzerland as well as in other countries
- Contribute to fair competition between companies, both at the national and global levels
- Identify and share good practices

For Switzerland, social partnership and multilateralism are essential values.



EPIC

Equal Pay International Coalition

EQUAL PAY FOR WORK OF EQUAL VALUE



Equal pay benefits the whole society

UN Public Award 2018 for Switzerland





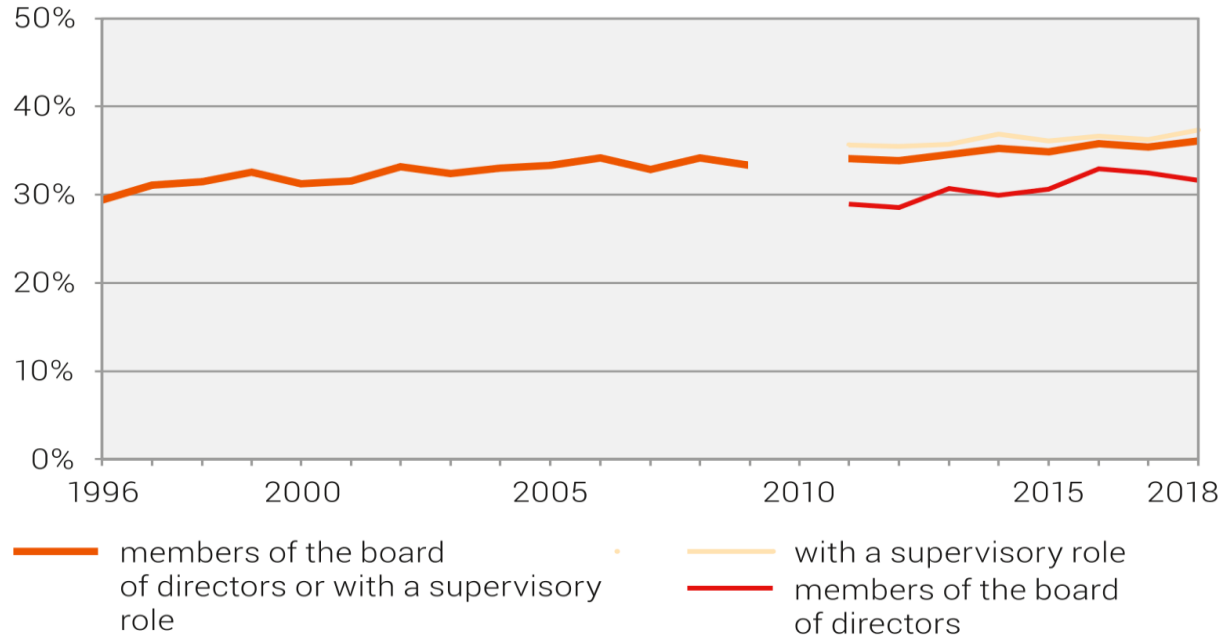
Women in decision-making positions



Economy - Women on boards

Women in management

Share of women in % of all employees



Break in the series due to the rewording of the question on occupational position. Although the rewording was introduced in 2010, it is only valid for the whole sample from 1st quarter 2011 onwards. For this reason the 2010 data are not published.

From 1996 until 2009: average of the second quarter / From 2010: annual average



Economy - Women on boards

- In Switzerland's **100 largest companies**, the share of women on the executive boards is of about 9% and on the boards of directors of 21% (2019 Schillingreport.ch)
- Only 49% of the 100 largest companies have female executive board members
- **New law** adopted by Federal Parliament in June 2019:
 - 30% benchmark for board of directors and 20% for executive boards to achieve till 2030.
 - Ca. 200 listed companies
 - Perspective: **comply or explain**
 - Not yet into effect





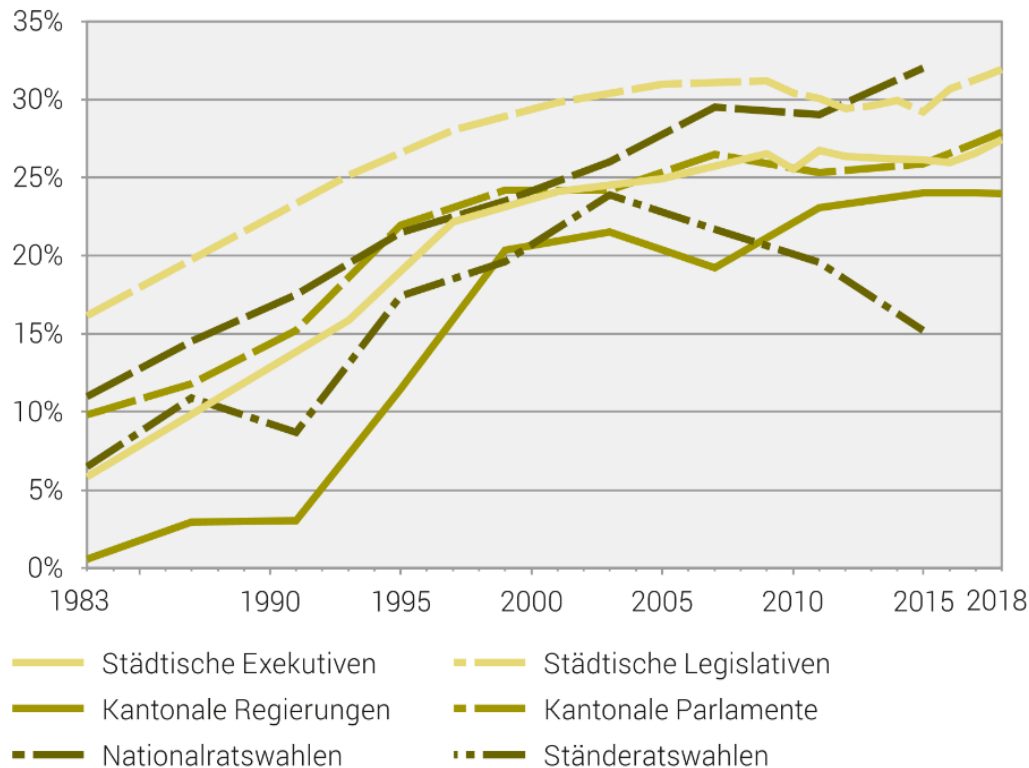
Public life – Federal administration and public sector companies

Quotas and gender benchmarks:

- **Federal administration:** Strategy 2016-2019 for the federal personnel
 - Gender targets for top, midlevel and lower managerial positions
- **Public sector companies**
 - 30% «soft» gender quota to be reached by the end of 2020 (Federal Council decision of 2012)
- **Extraparliamentary commissions**
 - 30% strict gender quota and the aim to achieve parity
- **Federal Departement of the Interior**
 - Project «Panel and Parity»



Entwicklung des Frauenanteils in den politischen Institutionen, 1983–2018



Quelle: BFS – Wahlstatistik

© BFS 2019



Part des femmes au niveau fédéral, cantonal et communal 2015/2018/2019*

Institution	Femmes	Hommes	Femmes en %
Niveau fédéral			
Conseil fédéral	3	4	42.9
Conseil national	64	136	32.0
Conseil des Etats	7	39	15.2
Niveau cantonal			
Exécutifs cantonaux	39	115	25.3
Législatifs cantonaux	762	1'847	29.2
Villes			
Exécutifs	289	765	27.4
Législatifs	1'631	3'477	31.9



Helvetia appelle – the new movement of women into politics: <https://www.helvetia-ruft.ch/>





Promoting gender equality – at a glance

Measures to promote gender equality and women's empowerment in the family, economy as well as public and political life:

- **Equal pay** for work of equal value
- Availability of **day care facilities** and after-school programs
- Promotion of **part-time and flexibel working arrangements**, incl. for highly skilled female and male workers
- Elimination of **marriage tax penalty** and **introduction of tax reductions for child care costs** (currently discussed in Parliament)
- Introduction of **gender quotas** or targets serving in **management** and on **boards** of companies and public administration
- **Fighting gender stereotypes** in the education, in the professional training and about women's and men's role in the work place, politics and the family



Financial aid to private institutions

explore-it



Technik be-greifen
Com-prendre la technique
Grasping technology



FEMMES - PME
Brevet de gestionnaire de PME familiales
par validation des acquis

L a b e l

UND

Famille
& Profession

2016 - 2018

L'EFFECTIF DE VOTRE PERSONNEL SE SITUE ENTRE
20 ET 150 PERSONNES?
VOUS SOUHAITEZ OFFRIR DES CONDITIONS DE
TRAVAIL FAVORABLES À LA FAMILLE?

PME
CHECK

L'OUTIL DE DIAGNOSTIC ET DE CONSEILS POUR LES PME SUR
LA CONCILIATION DES VIES PROFESSIONNELLE ET FAMILIALE

SOUMETTEZ VOTRE CANDIDATURE POUR
BÉNÉFICIER D'UN PME CHECK À UN PRIX ATTRACTIF.



Gesundheits- und Sozialdepartement

LUZERN

Ihr Erfolgsfaktor:
Familienfreundlichkeit
im Unternehmen

Familienfreundlichkeits-Check
für Luzerner KMU am Puls der Zeit

Familienfreundliche Unternehmen | disg.lu.ch



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Financial support to projects from NPOs



Site d'information sur le harcèlement sexuel au travail

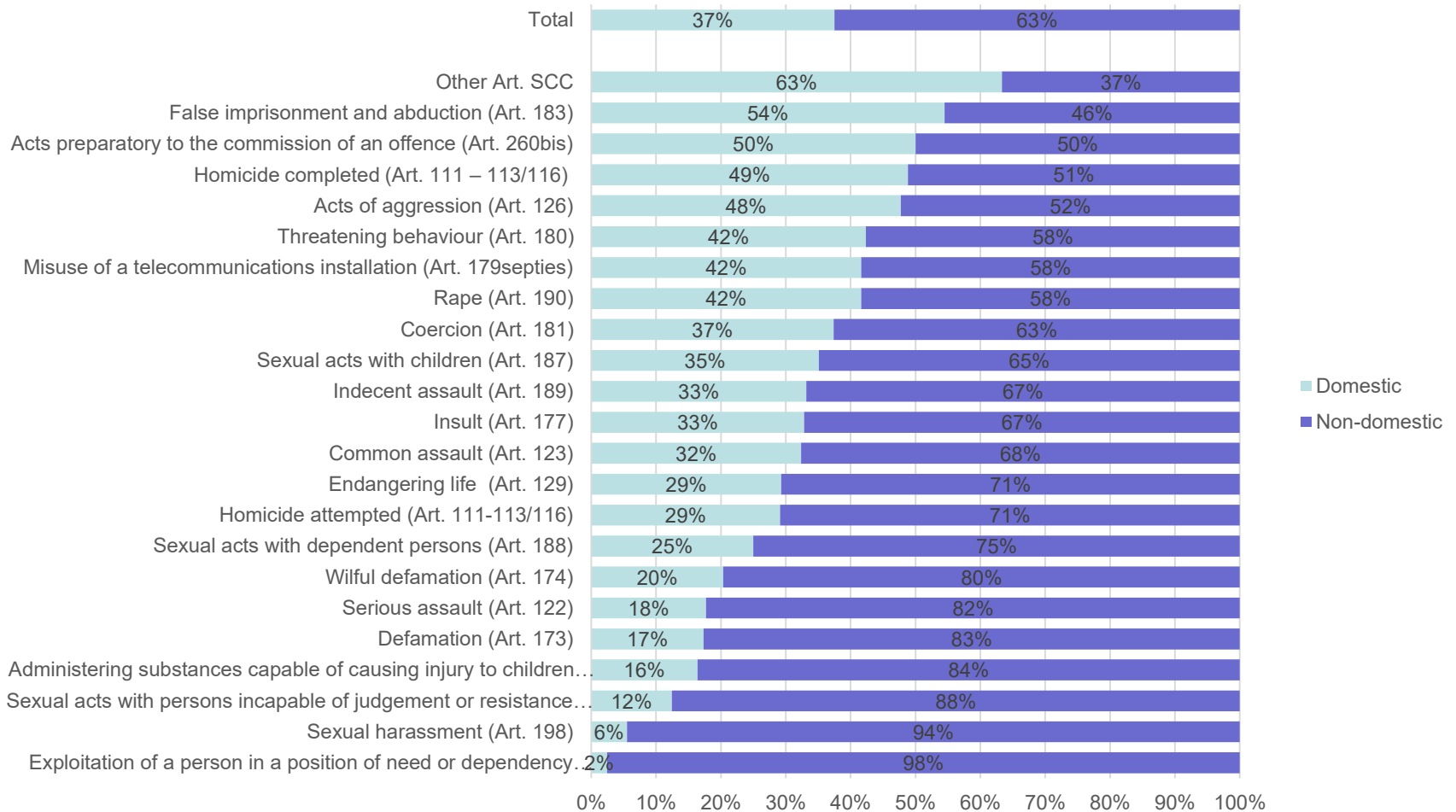




Violence against women

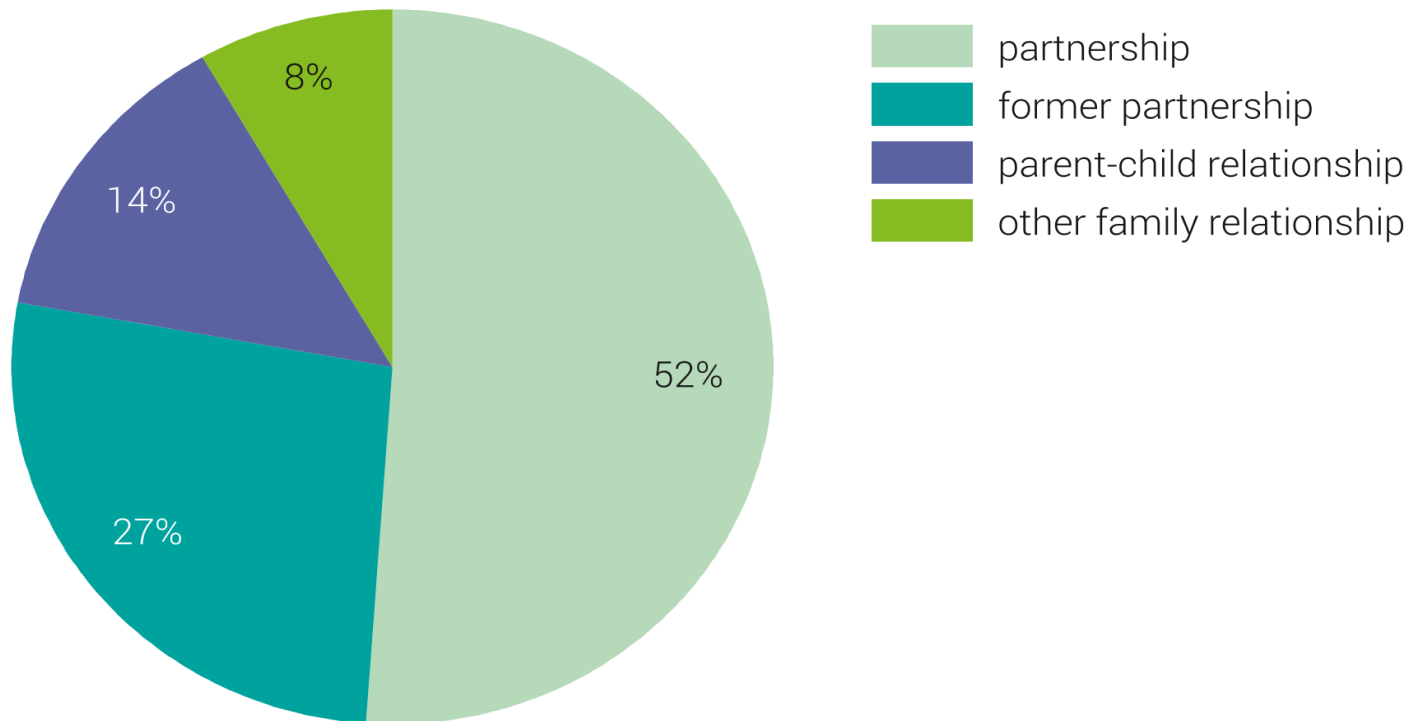


Share of domestic violence in violence registered by the police, 2017





Domestic offences reported to the police by relationship, 2017



Source: FSO – Police Crime Statistics (PCS)

© FSO 2018



- Since 2009, **detailed statistical information** is available on domestic crimes reported to the police as well as on the victims and persons charged.
- **Specialized statistical databases** show that
 - domestic violence accounts for almost 40% of violent crimes registered by the police
 - women are about three times as many as men victims of domestic violence
 - in 2017, 21 people of whom 17 were female, died from domestic violence
 - In 2017, 4085 persons suffered a criminal offence against their sexual integrity: 54% of them were women, 30% girls, 11% boys and 5% men.



- Recorded cases of domestic violence are the tip of the iceberg as **only around 20% of cases of domestic violence are believed to be reported.**
- **Ø 40 police interventions a day** because of domestic violence. In about 50% of these interventions children are present.
- An estimated 27,000 children are exposed to violence between their parents each year in Switzerland.
- While men become homicide victims mostly in the public sphere (74%), women are at a higher risk to become victims in the family sphere, especially in an existing or former intimate partnership (39% and 11%).



Cost of Domestic violence (1)

Study commissioned by FOGE 2013

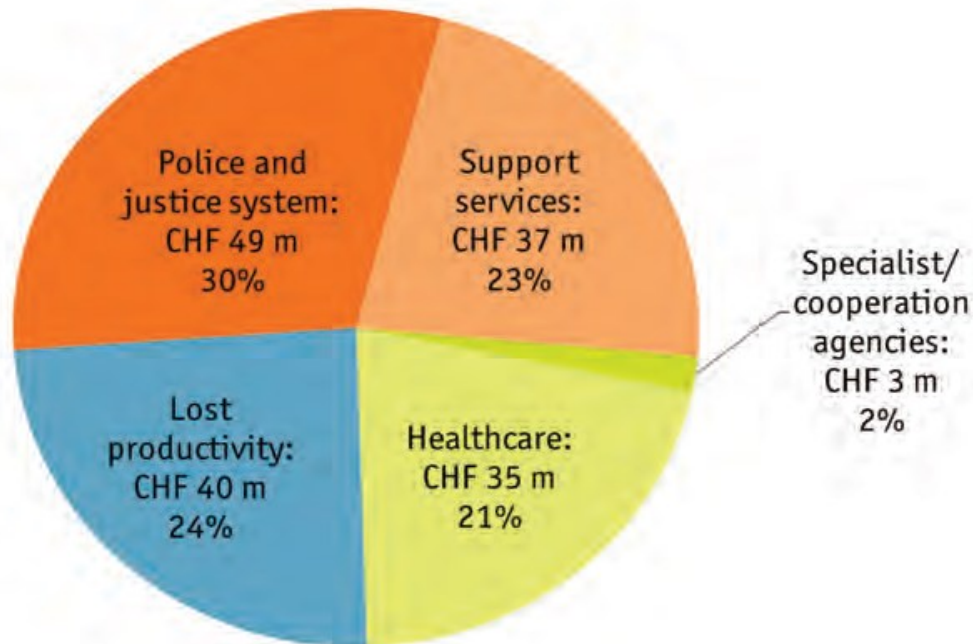
- Intimate partner violence causes above all great suffering on the part of the women, men and children affected which is extremely difficult to quantify in monetary terms
- Aim of study:
 - Highlighting the high costs for society as a whole
 - Overview of the status of the statistical data on intimate partner violence
 - Highlighting the areas where action is required to systematically collect data on intimate partner violence in Switzerland
- **Annual costs incurred owing to violence in spousal relationships are estimated at between 164 and 287 million Swiss francs**



Cost of Domestic violence (2)

Cost of Domestic violence - 2013

Share of individual cost areas in total **tangible costs**:





Fighting domestic violence

- Women are the main victims of domestic violence throughout the world.
- Domestic violence and, as one of its most frequent manifestations, intimate partner violence cause above all a **great deal of human suffering**. They furthermore **violate human rights** and **contravene Swiss law**.
- Switzerland is **committed** both to **combatting violence against women** and to ensuring their political and economic empowerment.
- We firmly believe that **financial independence** is a source of social autonomy. It is also a **key protection factor** and allows women to escape violent situations more quickly, especially domestic violence.



Legislation on domestic violence (1)

Swiss Criminal Code

- Since 2004: Criminal offences committed in the context of domestic violence / intimate partner violence are to be **prosecuted ex officio**, i.e.
 - *simple bodily injury, repeated assaults, threatening behaviour and sexual assault and rape within marriage and partnerships*
- Art. 55a Criminal Code (revised, entry into force on 1st July 2020):
 - Possibility of the victim to request discontinuation of proceedings (only in case of minor offences).
 - The court may require the offending party to attend a violence **prevention program** during the suspension of proceedings.
 - Limitation of the suspension to 6 months and evaluation of the victim's situation to decide if the proceedings shall be closed.



Swiss Civil Code

- Since 2007: Art. 28b Civil Code provides **for legal protection from violence, threats or harassment**;
 - Applicant may request court to order the offending party to refrain from:
 - Approaching the applicant or from entering a defined area
 - Frequenting specified locations
 - From making contact with the applicant
 - Applicant may ask a court to order the offending party to leave the home for a specified period.
- New art. 28c Civil Code (adopted in 2018, entry in force in 2022): **electronic monitoring** of alleged perpetrators of domestic violence



Competence of the cantons

- **Advice centers**
 - **65 centres offer advice and counselling to victims and perpetrators of violence**
 - victim assistance centres
 - advice and counselling centres for domestic violence
 - regional centres of the 143 crisis hotline
 - counselling centres for adults and young people who are perpetrators of violence



Assistance to victims (2)

- **Shelters**

- both male and female victims can seek refuge in shelters with their children
- **19 women's refuges and 3 facility for men**
- 75% of the costs (16.5 Mio. CHF) are funded by the public purse; remaining costs are funded by foundations, churches, women's organisations, schools, companies and private donations





Focus on the perpetrators...

- ...by means of **criminal prosecutions**, but also with a view to **changing their violent behavior**.
 - Creation of training programs for perpetrators of domestic violence
 - Focus on helping them to change their violent behavior
 - Public education efforts to prevent domestic violence
 - Programs for young adults promoting and educating about healthy dating and relationships
- **Comprehensive approach** to address gender inequality and the imbalance of power which underlie gender-based violence.



- **Federal Act of 15 June on Measures against Forced Marriages**
 - New legal provisions in the Criminal and Civil Code as well as in the Federal Act on Foreign Nationals.
 - In force since July 1, 2013

- **Criminal Code: Art. 181a Forced marriage, forced registered partnership**

¹ Any person who, by the use of force or the threat of serious detriment or other restriction of another's freedom to act compels another to enter into a marriage (...) is liable to a custodial sentence not exceeding five years or to a monetary penalty.

² Any person who commits the foregoing offence abroad but is now in Switzerland and is not being extradited is liable to the same penalty (...).

- **National Program (2013-2018) on the fight against forced marriages**



Female genital mutilation FGM

Criminal Code: Art. 124 Female genital mutilation

¹ Any person who mutilates the genitals of a female person, impairs their natural function seriously and permanently or damages them in some other way is liable to a custodial sentence not exceeding ten years or to a monetary penalty of no less than 180 daily penalty units.

² Any person who has committed the offence abroad but is now in Switzerland and is not extradited is liable to the foregoing penalties (...).

➤ in force since July 1, 2012



Criminal Code: Art. 182 Trafficking in Human Beings

- **In Switzerland:** main purpose of trafficking is the sexual exploitation of women
- **Institutional Setting:** Swiss Coordination Unit against the Trafficking of Persons and Smuggling of Migrants
- **Measures: Swiss National Action Plan** against Trafficking in Human Beings 2017 – 2020 **Council of Europe Convention** on Action against Trafficking in Human Beings



International Standards on women's human rights



International standards

- **CEDAW** Convention on the Elimination of all Forms of Discrimination against Women – Switzerland State party since 1997 and party to its **Optional Protocol** since 2008
- Council of Europe **Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)**: in force since April 1, 2018
- Party to other important international instruments, *e.g.*:
 - Convention against **Torture** 1986
 - **UN Pact I & II** 1992
 - International Convention on the Elimination of All Forms of **Racial Discrimination** 1994
 - Convention on the **Rights of the Child** 1997
 - Convention on the Rights of **Persons with Disabilities** 2014



Implementing CEDAW

- November 2, 2016: Presentation of combined 4th/5th periodic reports
- **CEDAW Concluding observations**
 - Informing and sensitizing important authorities and actors: Federal Parliament, Federal Supreme Court, Cantons, NGO's
 - Setting up of Interministerial Working Group within federal administration
 - Analyzing and prioritizing CEDAW concluding observations
 - Drafting «**Roadmap**» 2017-2020: action areas, measures, competence, timetable
 - Mainstreaming gender equality and women's rights issues within federal administration
 - Collaboration between FOGE and equality offices at the cantonal and municipal level
- 6th periodic report due end of 2020



Istanbul Convention (1)

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

- **Entry into force in Switzerland: 1st April 2018**
- **Comprehensive legal framework** at pan-European level to **protect** women against all forms of violence, and **prevent, prosecute** and **eliminate** violence against women and domestic violence
- Based on the understanding that violence against women is a **form of gender-based violence** that is committed against women because they are women.
- **Obligation of the state** to address it fully in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators. Failure to do so would make it the responsibility of the state.
- **Open to any state**, Council of Europe member or not



Implementing Istanbul Convention (2)

- Federal Office for Gender Equality FOGE: **National coordination body** responsible for
 - national and international co-ordination
 - implementation of measures, in cooperation with cantons and federal offices
 - monitoring and evaluation
 - collection and dissemination of data
 - preparation of first state party report to GREVIO, due in February 2021
- Since April 2019: Swiss member of GREVIO (Group of experts on action against violence against women and domestic violence)



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