



## Fact Sheet

(of January 2009)<sup>1</sup>

### Parenthood

The below fact sheet is addressed at same-sex, mixed-sex and single parents, irrespective of their family constellation or living situation. In compliance with its Gender Policy, the University of Zurich promotes employment conditions that foster the compatibility of career/studies and family life, and provides day care centers for the children of the University's staff and students. The following provisions apply for staff employed under public law. For teaching positions under private law, the relevant benefits must be determined with the responsible HR consultant in the Human Resources Department.<sup>2</sup>

#### 1. Maternity Leave and Continued Pay

Employees at the University of Zurich are entitled to **16 weeks' fully paid maternity leave** beginning at the earliest two weeks before the baby's due date. During maternity leave, the full salary is paid regardless of the individual employment modalities (monthly or hourly salary, full or part-time work). Upon conclusion of maternity leave, employees are entitled to return to their jobs under the same conditions as prior to the pregnancy. However, employees also have the option of applying for unpaid leave for the period following paid maternity leave (§ 96 para. 4 VVO). Unpaid leave shall be granted if business operations permit (§92 VVO). The application must be submitted as early as possible to the HR representative for the department or office concerned. In the case of unpaid leave of more than one month, the risk insurance application must reach the pension fund one month before that leave begins. Accident insurance must also have been arranged prior to the period of unpaid leave (cf. "Unpaid Leave" fact sheet available on the Staff website (My Employment)).

The application for maternity leave must be submitted to the Human Resources Department in the form of an employment order (*Verfügung*) from the institute or department together with the maternity allowance application form. The Human Resources Department then applies for the maternity insurance funds and credits them to the relevant cost center. Professors should submit their maternity allowance application form, along with the necessary enclosures, to the Professorships Department.

Employees who are adopting a child should contact the [Human Resources Department](#) or the [Professorships Department](#) directly for further information.

Employees with **temporary employment agreements** receive maternity leave up to the agreed-upon termination of the employment relationship if the department or office is able to submit proof that no extension of the work relationship was planned (inversion of burden of proof, § 97, para. 2 VVO). If no proof is supplied, temporary employees are granted an extension of the employment relationship and

<sup>1</sup> Version dated April 2021 (previous amendments in October 2010, May 2013, March and November 2015, May 2016, January and October 2017, January and October 2018, April 2019 as well as in March and December 2020).

<sup>2</sup> For private law teaching appointments, see Legal Basis on p. 7.



full payment of salary throughout 16-weeks' maternity leave. Line managers must present justification for non-extension of the employment relationship with pregnant employees to the Human Resources Department. Should an employment relationship conclude during maternity leave, the employee concerned will receive the remaining compensation directly from the compensation office (*Ausgleichskasse*).

Expectant mothers with **SNSF-funded employment** relationships may submit a request for extension of the project (and thus the employment relationship) to the SNSF office in question (see below "Special provisions for SNSF-funded employees").

**Recipients of support from a UZH research fund** may apply for an extension to the term of their research fund by contacting Research, Innovation and Academic Career Development, or the UZH Grants Office. Additional salary costs incurred will be reimbursed (cf. "Substitutes" below).

## 2. Complications

If the newborn baby has to stay in hospital immediately after the birth for two weeks or more, the maternity leave is extended for up to eight weeks,<sup>3</sup> provided the mother can demonstrate that at the time of the birth, she had already decided to return to work after the end of maternity leave.<sup>4</sup> For further entitlement to paid leave, see below under point 6 "Children suffering a serious illness or accident".

If the pregnancy ends in miscarriage or stillbirth, or the baby dies at birth, the mother has various rights regarding continued salary payment.<sup>5</sup> Please contact the Human Resources Department in such cases.

## 3. Protection against Dismissal during Pregnancy, and during and after Maternity Leave

After the trial period has been successfully completed, an employment relationship may not be terminated during the entire period of the employee's pregnancy or during the 16 weeks following childbirth. An employment relationship may also not be terminated upon conclusion of maternity leave if the reason for the termination is that the employee has become a mother (cf. art. 3 and 6 of the Swiss Gender Equality Act).

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<sup>3</sup> Change of law as per 1 July 2021, art. 16c EOG

<sup>4</sup> See also <https://www.families.uzh.ch/en.html>

<sup>5</sup> If a child is stillborn or dies at birth, the mother is entitled to maternity pay for 14 weeks, provided the pregnancy lasted for at least 23 weeks, in accordance with art. 23 EOV. The term miscarriage is used for pregnancies that end before the 22nd week of pregnancy and the fetus weighs less than 500 grams.



#### 4. Pregnancy-Related Absences

Up to two weeks before the baby's birth, a pregnancy-related absence is treated as sick leave. If an employee is required to stop working for pregnancy-related reasons, the final two weeks of pregnancy-related absence before the birth are treated as part of maternity leave (§ 96, para. 1 VVO). In such cases, paid leave after the birth is 14 weeks.

#### 5. Substitutes

The Human Resources Department and the Office for Gender Equality and Diversity recommend employing a temporary substitute during an employee's maternity leave, unless the absence can easily be covered due to particular personnel resources or operational circumstances. Substitutes may also be found for long pregnancy-related absences.

For employees with a temporary employment agreement: If no substitute is employed, the term of employment may be extended by the length of the scheduled maternity leave if the employee gives consent and if business operations permit.

The compensation office (*Ausgleichskasse*) finances substitute employees or extended terms of employment, in accordance with the Swiss Loss of Earnings Compensation Act. The compensation office provides funding in the amount of 80% of the salary for 14 weeks, limited to CHF 196.00 per day, which is credited to the relevant cost center. If these funds do not cover the cost of a substitute or an extension of employment, the University pays the difference between these funds and the employee's usual salary. A request for reimbursement must be submitted accordingly to the Human Resources Department (the relevant form can be found on the Staff website). The institutes/departments and offices incur very low additional costs.<sup>6</sup>

**Special provision for UZH employees financed by the SNSF:** In the case of SNSF-funded employment relationships, the Swiss National Science Foundation decides whether the costs for a temporary substitute will be paid; the request must be submitted directly to the SNSF. If a project is delayed on account of a pregnancy or maternity leave, a request to extend both the project and the employment relationship may be submitted to the SNSF. The form for this is available from the Swiss National Science Foundation ([www.snf.ch](http://www.snf.ch)).

#### 6. Compatibility of Career/Studies and Family Life

In compliance with its [Gender Policy Code of Conduct](#), the University of Zurich provides employment conditions that support the compatibility of studies, work and family for UZH members.

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<sup>6</sup> From 1.1.2022, the cost of employing a substitute is split equally between the faculty/central services and the central budget.



### **UZH childcare**

The University of Zurich offers subsidized childcare to its full-time and part-time employees. It is recommended that employees register for a place with the [kihz foundation](#) already at the beginning of a pregnancy.

### **Change in workload due to parenthood**

Employees may apply to reduce their workload on account of parenting responsibilities if business operations permit and in agreement with the line manager (§ 96 para. 3 VVO). Any change in workload requires the agreement of the employee. It is therefore recommended that such changes are discussed as early as possible, and that changes are documented in a written employment order (*Verfügung*) after the birth. In compliance with the Gender Policy Code of Conduct, a change in workload may not have negative repercussions on the employee's job category, continuing education possibilities, promotions, etc.

### **Paternity leave until 31 December 2020**

Until 31 December 2020, paid paternity leave is five working days (former § 85 para. 3 lit. c VVO); in addition, new fathers are entitled to one month of unpaid leave in the first year of the child's life (former § 96 para. 5 VVO). When arranging leave, the employee is required to show consideration for the business circumstances at hand wherever possible. Additional unpaid leave may be granted if business operations permit (§92 VVO).

### **Paternity leave from 1 January 2021**

The University of Zurich grants two weeks' fully paid paternity leave to employees who become fathers from 1 January 2021 onward. Paid leave may be taken all at once or on a day-by-day basis within six months of a child's birth (§ 96a para. 1 and para. 2 VVO).

Entitlement to this paid leave also applies in cases of subsequent adoption or acknowledgment of paternity if legal paternity is established within six months of the child's birth (§ 96a para. 1 VVO). Female employees whose registered partner becomes a mother are entitled to two weeks' paid leave, provided no other person claims paternity leave for the same child (§ 96a para. 3 VVO).

From 1 January 2021, 80% of income earned by the father prior to the child's birth is reimbursed to UZH through the loss of earnings compensation scheme, limited to CHF 196.00 per day (with two additional day's rates per five working days taken, no more than 14 in total). As with maternity leave, funding provided through the loss of earnings compensation scheme is credited to the cost center that records the relevant salary costs.

Paternity leave is processed in the same way as maternity leave; however, paternity leave requires no written employment order (*Verfügung*). Employees must fill in the relevant form (to be published once it has been issued) and submit it to the responsible Center of Competence along with the child's birth certificate. Instructors employed under private law must submit the form and birth certificate to the responsible HR team for instructors, while professors should forward their documents to the Professorships Department. The Human Resources Department or the Professorships Department then applies for the insurance funds and credits them to the relevant cost center.



The application can only be submitted after all leave has been taken, or after the six-month period has elapsed. If the employee does not take all of their leave during this period, compensation will only be paid for the leave taken.

In addition, new fathers are entitled to one month of unpaid leave in the first year of the child's life (§ 96a para. 1 and para. 2 VVO). When arranging leave, the employee is required to show consideration for the business circumstances at hand wherever possible. Additional unpaid leave may be granted if business operations permit (§92 VVO).

### ***Sickness of a child***

Parents are entitled to take time off to care for sick preschool and school-age children. Such absences, however, may not exceed five working days per period of illness (§85 para. 3 lit. d VVO). When children are ill, parents are required to do their utmost to find outside help and to miss as few days of work as possible.

### ***Children suffering a serious illness or accident<sup>7</sup>***

Parents with a child whose health is seriously impaired due to illness or accident may apply for leave under the conditions of the [Loss of Earnings Compensation Act](#) (EOG), for up to a maximum of 14 weeks. This is subject to the following cumulative conditions: The child is a minor, the child's health is seriously impaired as defined in Art. 16o [EOG](#), and the parent is obliged to take a break from gainful employment in order to care for the child.<sup>8</sup>

Requests must be discussed with the employee's line manager and submitted to the Human Resources Department. If the requirements are met, 80% of the employee's salary during the childcare leave will be covered by loss of earnings compensation and credited to the cost center.

## **7. Employment and Health Protection during Pregnancy and Breastfeeding (Maternity Protection)**

In accordance with § 97, para. 3 VVO and art. 35 and 36 ArG, pregnant women and nursing mothers must be granted employment conditions that promote their health and the health of their child. Protection from unsafe work for pregnant and nursing mothers must be guaranteed. The checklist of the Office for Safety, Security and Environment provides more information ([www.su.uzh.ch](http://www.su.uzh.ch)). Nursing mothers may only be employed with their agreement.

Pursuant to art. 60 para. 2 ArGV 1 (SR 822.111), nursing mothers must be given the necessary time to breastfeed their children or express milk during working hours. Time during the working day spent breastfeeding or expressing milk (but not feeding with a bottle) during the first year of a child's life is counted as paid working hours. Paid time allowed for breastfeeding or expressing milk is as follows:

1. For daily working hours of up to four hours, 30 minutes.
2. For daily working hours of more than four hours, 60 minutes.
3. For daily working hours of more than seven hours, 90 minutes.

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<sup>7</sup> Addition to the law per 1 July 2021, art. 329i OR, art. 16n ff. EOG, declared to be provisionally valid by the Canton of Zurich with Cantonal Council decree 2021-725 of 30 June 2021, effective from 1 July 2021.

<sup>8</sup> See also [Fact Sheet of the Social Insurance Office](#), SVA.



Working time is made available regardless of whether the mother breastfeeds the child or expresses milk at work or at other premises; in the latter case, time spent commuting to work or to other premises such as the childcare center is not included in the paid time allowed for breastfeeding. Time spent breastfeeding or expressing milk before or after work, however, does not qualify as paid nursing time or working hours.

The length of paid nursing time per working day is determined by the actual working hours (incl. nursing time) rather than the standard working hours. No more than the standard working hours may be recorded. No allowance is given for nursing time during vacation, illness or other paid absences.

Nursing times are to be understood as paid breaks of a maximum length as mentioned above. These breaks must be used for breastfeeding or expressing milk. If less time is needed than the above-mentioned allowances, only the time actually used can be counted as nursing time.

The nursing time may be used all at once or as several breastfeeding breaks. The allowance is per breastfeeding child under the age of one. For example, double the amount of time can be used for twins.

In exceptional cases, especially when required by the physiological needs of the child, a blanket solution may be feasible and the employer and employee may agree to payments that go beyond the minimum nursing times or to a daily reduction of working hours.

The entitlement to paid nursing time is limited to the first year of the child's life.

Nursing time claimed must be listed separately in the employee's record of working hours so that it is clear to the line manager.

Pregnant women and nursing mothers may not work longer than the regular agreed daily working hours, and in no case longer than nine hours (art. 60, para. 1, ArGV1). This means that the daily working hours together with the nursing time must not exceed the **maximum regular agreed daily working hours**, or nine hours maximum.

Pregnant women and nursing mothers must also be given the opportunity and the proper conditions to lie down and rest as needed (art. 34, ArGV3). If an office has no suitable rooms in which to rest, breastfeed or express milk, a request may be submitted to the [Safety, Security and Environment Office](#). The office will then look for a suitable solution with Facility Management.

In general, employees with family duties are to be afforded particular consideration by their employer, (e.g. by refraining from requiring them to work extra hours and granting them time to care for sick children).



## Legal Basis

Please consult “Parenthood” under the list of key words on the [website for staff](#).

- a) Swiss Confederation ([Classified Compilation](#))
  - Gender Equality Act, especially art. 3, 5 and 6
  - Art. 324a, 328 ff., 336c Code of Obligations (OR)
  - Employment Act (ArG), art. 35 ff. and art. 36
  - Ordinance 1 to the Employment Act (ArGV1), art. 60
  - Ordinance 3 to the Employment Act (ArGV3), art. 34
  - Loss of Earnings Compensation Act (EOG) and Ordinance to the Loss of Earnings Compensation Act (EOV)
  
- b) Canton of Zurich ([Gesetzessammlung ZH-Lex](#))
  - Employment Act of the Canton of Zurich (PG), especially § 20
  - Implementation Ordinance of the Employment Act (VVO), especially §§ 96 ff.
  - Cantonal Department of Finance Directive on Parenthood (*Weisung “Elternschaft”*), dated 1 July 2008
  
- c) University
  - [University Statutes](#)
  - [Employment Ordinance of the University of Zurich](#) (PVO-UZH)
  - [Gender Policy Code of Conduct](#) and [Diversity Policy](#)
  - [Guidelines on Outline of Rights and Responsibilities for the Faculties](#) (*Rahmenpflichthefte*) especially § 8
  - Teaching appointments under private law: [Art. 324a and 324b Code of Obligations](#)
  
- d) Swiss National Science Foundation
  - [SNSF Regulations](#)

## More information available at:

[Human Resources](#)

[Professorships Department](#)

[Gender Equality and Diversity](#), cf. also the website [Family at UZH](#)

[Safety, Security and Environment](#), see especially the section of the website on [pregnancy/protection for mothers](#)

[Research Funding](#)