

## Employment protection in Switzerland – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	Notification to employee who has the right to request a statement of reasons.
Item 2 Delay involved before notice can start	Letter sent by mail or handed directly to employee.
Item 3 Length of notice period at different tenure durations	<b>All workers:</b> 7d during the trial period (1 to 3 months), 1m<1y, 2m<10y, 3m>10y, always to the end of a calendar month.
Item 4 Severance pay at different tenure durations	<b>All workers:</b> No legal entitlement to severance pay, except for workers over age 50 and more than 20 years seniority, where severance pay cannot be less than 2 months wages, with a maximum amount of 8 months wages.
Item 5 Definition of unfair dismissal	<b>Unfair:</b> Dismissals based, <i>inter alia</i> , on personal grounds such as sex, religion, union membership, marital status or family responsibilities, or on the exercise of an employee's constitutional rights or legal obligations, such as military service.
Item 6 Length of trial period	<b>All workers:</b> 1 month, often extended to 3 months in individual employment contracts.
Item 7 Compensation following unfair dismissal	Compensation usually limited to wages for the notice period that should have been observed, or for the time period from the time of the unjustified dismissal to the actual court sentence, with an overall limit of six months. <b>Typical compensation at 20 years tenure:</b> maximum 6 months.
Item 8 Reinstatement option for the employee following unfair dismissal	Courts are not empowered to order reinstatement (except in case of discrimination against women).
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	The employee has to object against the dismissal in writing by the end of the notice period. If the objection is valid and if the parties do not agree on continuing the contract, the employee is entitled to claim compensation within 180 days after the end of the contract.
Item 10 Valid cases for use of fixed term contracts	Generally allowed.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No limit specified, but successive contracts imply the risk of a court declaring the fixed-term contract null and void.
Item 12 Maximum cumulated duration of successive FTCs	No limit specified.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	Generally allowed.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	Renewals or prolongation only possible if there is an objective reason for the conclusion of another temporary contract or for a temporary prolongation.
Item 15 Maximum cumulated duration of TWA contracts	No limit.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	Requires administrative authorisation.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	Equal treatment only in the field of extended collective bargaining agreements concerning minimal salary, hours of work, professional development, anticipated retirement.
Item 18 Definition of collective dismissal	10+ workers in firms 20-99 employees; 10%+ in firms 100-299; 30+ in firms with 300+ employees.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	<b>Notification of employee representatives:</b> Obligation to inform and consult with Works Council or trade union delegation. <b>Notification of public authorities:</b> Duty to notify cantonal employment service.
Item 20 Additional delays involved (compared to Item 2)	Maximum 30 days waiting period.
Item 21 Other special costs to employers in case of collective dismissals	<b>Type of negotiation required:</b> Consultation on alternatives to redundancy and ways to mitigate the effects ; obligation to negotiate a social plan frequently contained in collective agreements. <b>Selection criteria:</b> No selection criteria laid down in law. <b>Severance pay:</b> No legal requirements, but often part of social plans.

*This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see [www.oecd.org/employment/protection](http://www.oecd.org/employment/protection).*