



## Gender-responsive procurement legislation in Switzerland



Public Procurement Principle: **Accountability, Balance**



Procurement Stage: **Tendering, Post award**



Audience: **Policy makers, Procuring entity**

### Description

---

In Switzerland, the Federal Act on Public Procurement (art. 8) requires equality in the pay of men and women in all companies as a prerequisite (qualification criteria) for awarding government contracts. Those companies that are in violation of this principle are not eligible to bid on public tenders. Companies with at least 50 employees are obliged to verify their compliance with equal pay. In addition, the Confederation's procurement offices can conduct equal pay audits themselves or enlist external help (e.g. Federal Office for Gender Equality).

Should pay discrimination be detected, in a tendering company, the procurement office concerned has the following options: issue a contract penalty; withdraw acceptance of the bid or exclude the bidder from the tender procedure; terminate or withdraw from contract, if this has already been signed. This legislation is being implemented with specific instruments, guidelines and the necessary administrative procedures. In addition, the Federal Office for Gender Equality as well as the procurement offices provide companies with detailed information of how wage equality is measured as well as the necessary tools and instruments to verify their pay practices.

They also have put in place a helpline. The Swiss government developed an instrument named Logib to support the implementation of these requirements. Other things being equal, Logib shows whether there is a statistically significant gender effect on wage. The tool takes into account human capital-related factors such as level of education, years of service, potential working experience, and factors reflecting the performed function, like skill level and professional position. Companies can use Logib as a self-assessment tool. The tool is publicly available in various languages, anonymous, and free of charge. An equal pay self-check draws on readily available data.

In July 2020, the Excel-based application of Logib has been replaced with a powerful, modern web tool. This version meets the latest application and data privacy requirements. It also provides additional gender-specific indicators alongside the actual equal pay analysis. Publicly available since 2004, Logib is internationally recognised and has been adopted by various countries. In addition to the UN Public Service Award, it has received the EPIC Good Practice Label from the Equal Pay International Coalition (OECD, ILO, and UN Women). The previous, Excel-based version is still available for reference, but will not be developed further.

*Source:* OECD 2021, Promoting gender equality through public procurement Challenges and good practices OECD Public Governance Policy Papers <https://doi.org/10.1787/5d8f6f76-en>

