

# The new Swiss labour law

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# The Swiss Observer

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## THE NEW SWISS LABOUR LAW

The first of February was an important date in the history of Swiss legislation. On that day, the new federal labour law took effect. This will mean unified regulations for all public and private undertakings in industry, trade, commerce, in banking and insurance, transport and catering, nursing and other services.

Seen historically, the public law of labour protection is the oldest instrument with which the State is able to interfere with working conditions in a correcting or regulating manner.

Pioneering work was done in the last century by those Cantons whose industrialisation was particularly advanced. Glarus stands out as an example of what was achieved. Firstly, in 1824, by way of fire precaution, night work on the spinning machines was prohibited. Then, in 1848, the daily working hours were limited to fifteen and for children under 14 to fourteen. In 1856, children under 12 were no longer permitted in factories, and eight years later, the first factory law was introduced, limiting all work to twelve hours a day and prohibiting employment of school children. In Basle, too, already in 1868, a general law was introduced, much earlier than in most other countries.

The Confederation was given limited legislative powers in the field of labour protection for the first time in the Constitution of 1874. Since then legislation on cantonal and federal basis has progressed. Already in 1908, the preparation of an all-embracing labour law was begun. But it needed decades of social progress and great efforts, especially by the various employers' organisations, until time was ripe for such comprehensive legislation.

The draft law was debated in Parliament in the spring session of 1964. After long and difficult deliberations, the National Council and the Council of States finally accepted it. It has taken a long time to put into effect, and the Federal Council has been much criticized for the delay, which, when one considers the range and significance of the law, is understandable.

The new legislation sets up a uniform ruling. The total revision at present being made of the service agreement law of the Code of Obligations will provide an additional bridge between public legislation and civil law. For some of the Cantons where the standard of social legislation is rather high, it may be regrettable that the new law will replace the old cantonal regulations. But as the law enforces only minimum requirements, there will still be room for improved conditions in individual cases or for group agreements. For instance, it is left to the Cantons to increase the minimum holiday of two weeks (youngsters three weeks) to three or, as in Basle,

even to four. Cantons where school leaving age is below 15, may allow employment before that age.

The new law is in eight parts. The first regulates the range over which it is in force. The second refers to health and prevention of accidents. An interesting point here is that the employer is obliged to consider the surroundings (noise, evaporation, smoke, etc.).

The third part concerns hours of work and free time. This was one of the most difficult items in the parliamentary debate. The final ruling is forty-six hours a week for workers in industrial undertakings, office staff, for technicians and shop assistants, and fifty hours for all others. The Federal Council is empowered, however, to reduce the maximum to forty-five hours after 1st January 1968, provided economic conditions and the state of the "over-foreignisation" warrant it. This part also deals with conditions, duration of and extra pay for overtime. At the moment, this stands at a maximum of 220 hours p.a. and may be extended to 260 if the weekly maximum is lowered to forty-five hours.

The fourth part makes special provisions for youngsters and women, especially mothers and pregnant women. Female workers who look after a home and family may not be called upon for auxiliary work.

The fifth part relates to the "Betriebsordnung", the interior regulations in the various undertakings, which will replace the "Fabrikordnung" for factories under the old law. This allows for negotiations between employers and workers and their representatives. This is legally anchored for the first time, though such negotiating machinery has been in use for a long time.

In the sixth part, it is explained how the law is put into effect, and the seventh regulates the adjustment of the new rules to existing legislation and contains the holiday ruling which will be taken over into the Code of Obligations.

The last part states that all existing regulations which are in opposition or contradiction to the new law are abolished.

A few more interesting points are that work may not begin before 5 a.m. in summer and 6 a.m. in winter and last not later than 8 p.m. and 5 p.m. on Saturdays and days preceding public holidays. Alterations are subject to special permit by the BIGA (Federal Office for Industry, Trade and Labour). The same applies to regular night, shift and Sunday work. Normal shift work may not be longer than nine hours at a time.

A "Betriebsordnung", rules and regulations applying to the individual undertaking, must be worked out and all timetables are to be published and displayed to the staff.

The law does not apply to public administration and communication services, high sea navigation, agriculture and fisheries and private households. Also excepted are Ministers of the Church, flying personnel, extra-territorial persons, people engaged in higher managerial and scientific jobs, or in independent artistic work, doctors, teachers at private schools and homes, commercial travellers and "Heimarbeiter" (doing regular industrial work at home).

But it will be applicable to third persons employed in Churches and similar institutions, in art studios, etc. And it will also concern members of orchestras and the stage. Apprentices, voluntary workers (Volontäre, Praktikanten) are also covered, as well as market stall holders and travelling shop assistants.

In undertakings where only members of the family are employed, the law cannot be enforced.

The old law affected 760,000 workers in some 14,000 factories. The new law will hold good for about 1.7 million employees in 260,000 undertakings.

*(Based on an article by Prof. Frank Vischer in the "Basler Nachrichten" and on news received by courtesy of A.T.S. and "Schweizer. Kaufmännisches Zentralblatt".)*

## NEWS OF INTEREST TO THE SWISS ABROAD

The Federal Political Department informed the Cantonal Governments in a circular letter that Fr.130,570.— were spent in 1965 (just over half by the Confederation, the rest by the Cantons) on Swiss benevolent institutions and homes abroad as well as on international homes and hospitals. 138 Swiss benevolent organisations of one kind or another were at the disposal of the Swiss living abroad, 28 each alone in France and Germany. 129 have sent in their accounts but over half did not want a subsidy.

In the past year, 758 Swiss children from abroad spent a holiday in Switzerland thanks to the efforts of the "Schweizerhilfe". 646 free places were made available in families for children whose parents could not afford to pay. This year, "Das Jahr der Fünften Schweiz", Federal Councillor Tschudi has appealed for an increased effort. A special collection has been started, and contributions can be sent to "Schweizerhilfe" or "Pro Juventute".

2.8 million francs resulted from the collection on 1st August 1965, about Fr.410,000.— more than in the previous year. 25.9 million PRO PATRIA stamps were sold and a new record of badges (925,527). The Organisation of the Swiss Abroad (Auslandsschweizerwerk der Neuen Helvetischen Gesellschaft) received 1.57 million francs, the Swiss schools abroad Fr.675,000.—, the Solidarity Fund of the Swiss Abroad Fr.100,000.—. The agreed 10% of the sale of stamps went to the Swiss Art Institute (Institut für Kunstwissenschaft) and Fr.25,000.— were donated to the special fund to assist farmers who have suffered from the severe epidemic of foot and mouth disease.

Last, but not least, it was announced on 4th February, that the Parliamentary Commission of the National Council has recommended acceptance of the proposed new Constitutional Article concerning the Swiss abroad.

[A.T.S.]

## SOUTH VIETNAM AND SWITZERLAND

The Swiss Red Cross has appealed to the Swiss population for funds by way of sponsorships in aid of medical help to the 800,000 refugees and the many

orphans. Swiss medical teams will be going to South Vietnam. Delegates of the Red Cross visited the prison camp at Tan Thiep near Saigon in December.

South Vietnam was recognized by the Federal Council already on 1st April 1958, and a Consul is established in Saigon. In 1962 the Swiss Government agreed to a request by South Vietnam to have an Ambassador in Berne, but nothing was heard afterwards. Now, a new request has been sent to Berne.

The Pope has sent a note to the Federal Council regarding a possible peace-move in the Vietnam war by the neutral States. The Federal Council answered His Holiness that it would always be ready to offer its services and above all to offer hospitality to a Vietnam Conference in Switzerland.

[A.T.S.]

## DISTINGUISHED VISITORS

Their Majesties King Gyalmo of Sikkim and Queen Chgyal visited Switzerland early in February. The Japanese Prince and Princess Hitachi were received by the Federal President. Princess Beatrix of the Netherlands and her fiancé stayed at Gstaad, where Mrs. Jacqueline Kennedy and her children also spent three weeks of winter holidays. The Duke of Edinburgh who had earlier been to Geneva, arrived at Kloten at the end of December, with Prince Charles and Princess Ann on their way to Liechtenstein. The young Prince went on ski-ing trips to the Piz Sol region in Eastern Switzerland on several occasions. The personal representative of the King of Morocco was received by the Federal President and Federal Councillor Spuehler on the last day of January. He presented a message regarding the Ben Barka affair.

The Austrian Minister of Trade Dr. Bock visited Zurich in November, and Senator Edward Kennedy was in Geneva for a meeting of CIME, the international committee for European migration. Habib Bourguiba junior, Secretary of State for Foreign Affairs of Tunisia, visited Zurich in preparation of Tunisian weeks in Zurich. A Soviet delegation of specialists in communication and tourism paid a visit to the Touring Club Suisse centre in Geneva. American students, under the patronage of "Pro Helvetia", Swissair and S.N.T.O. made a study tour of Switzerland, and 27 students of sociology from Cologne, again under the patronage of "Pro Helvetia", spent a fortnight in Switzerland studying Swiss sociological institutions. In November, seven church leaders from Eastern Germany visited Switzerland. More had been invited but did not receive permission to travel to Switzerland.

Early in February, Duke Ellington and his band gave a concert in Basle. The famous "old lady" of the German film Tilla Durieux (85), has also arrived in Basle to play the main part in "Langusten" at the "Komoedie".

[A.T.S.]

## TWO UNUSUAL BIRTHDAYS

On 28th January, not only one but two Swiss citizens were able to celebrate their 103rd birthdays. Frau Sophie Widmer-Salm reached this venerable age at Lenzburg. She is in the best of health and has now beaten the record set up by her mother who died just before she reached 103.

Also in the best of health was Mr. Fritz Mueller at Ipsach, Canton of Berne, when he celebrated his 103rd birthday. He originates from Aeschi but has lived on his farm at Ipsach all his life, and every morning he tours his estate, weather permitting.

[A.T.S.]