



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

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

Equal pay for equal work or work of equal value: Swiss practices

**Buenos Aires Declaration on Trade and Women's Economic
Empowerment: Enhancing the Participation of Women Entrepreneurs
and Traders in Government Procurement**

Geneva, Switzerland

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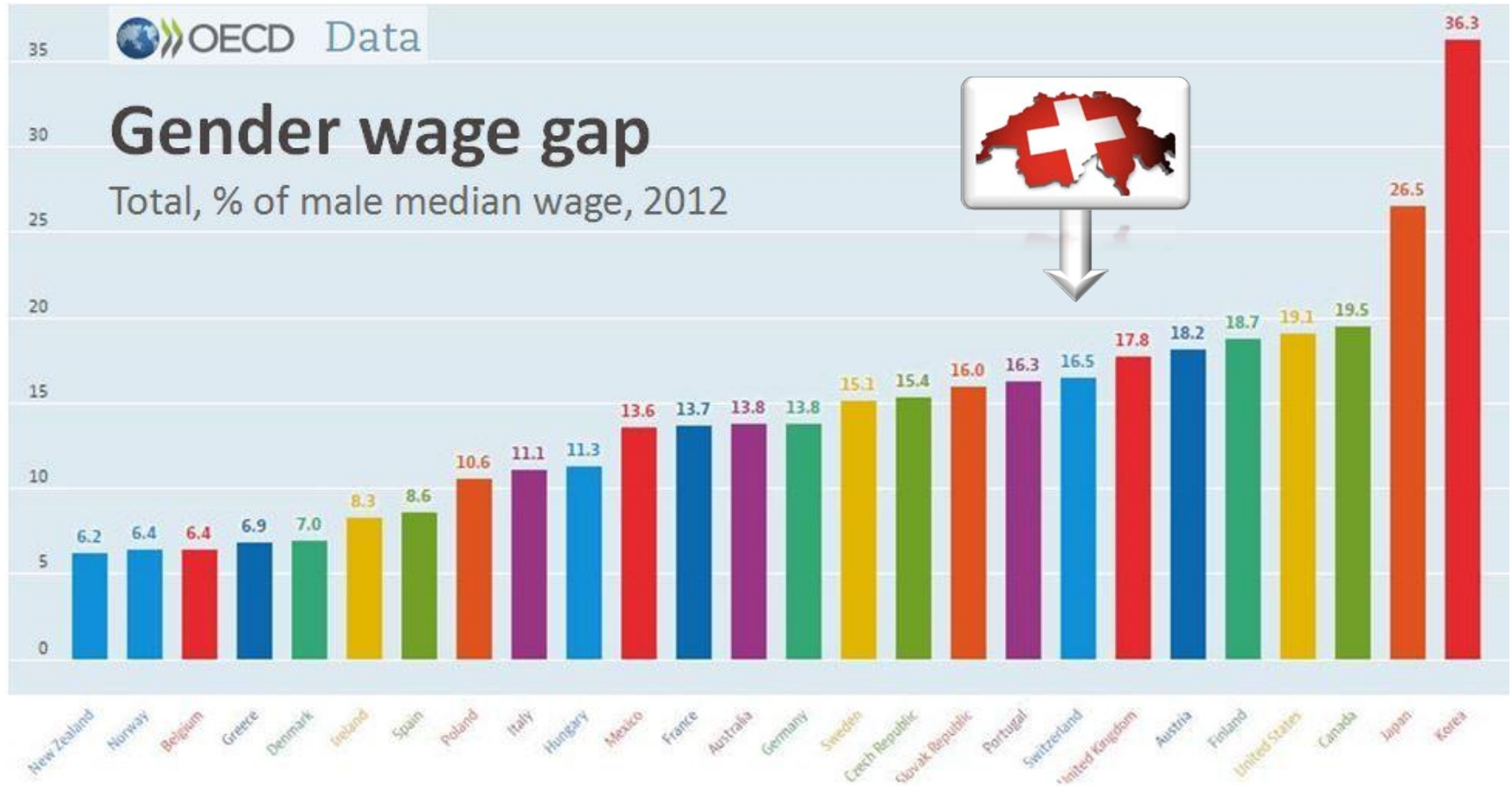
www.ebg.admin.ch



1. Introduction



Gender pay gap in Switzerland private and public sectors combined





Federal Constitution of the Swiss Confederation of 18 April 1999

Art. 8 Equality before the law

1. Everyone shall be equal before the law.
2. No one may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability.
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**.
4. The law shall provide for the elimination of inequalities that affect persons with disabilities





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

Art. 3 Prohibition of discrimination

1. Employees must not be discriminated against on the basis of their sex, whether directly or indirectly, including on the basis of their marital status, their family situation or, in the case of female employees, of pregnancy.
2. This prohibition applies in particular to hiring, allocation of duties, setting of working conditions, **pay**, basic and advanced training, promotion and dismissal.
3. Appropriate measures aimed at achieving true equality are not regarded as discriminatory.





Need of a practical tool

- **Autonomy:** Logib can be downloaded anonymously and free of charge (online tutorials, detailed instructions and a helpline are available);
- **Cost-efficiency:** Logib is based on Excel;
- **Feasibility:** only standard data needed, suitable for all businesses with at least 50 employees;
- **Reliability:** solid scientific method (OLS regression analysis);
- **Transparency:** the tool, all technical details about the method used and instructions are available in German, French, Italian and English;
- **Established international practice:** Germany, France, United Kingdom, Belgium, Netherlands, Luxemburg, Finland, Poland and Portugal made available a similar tool (www.equal-pace.eu).

- **www.logib.ch** 

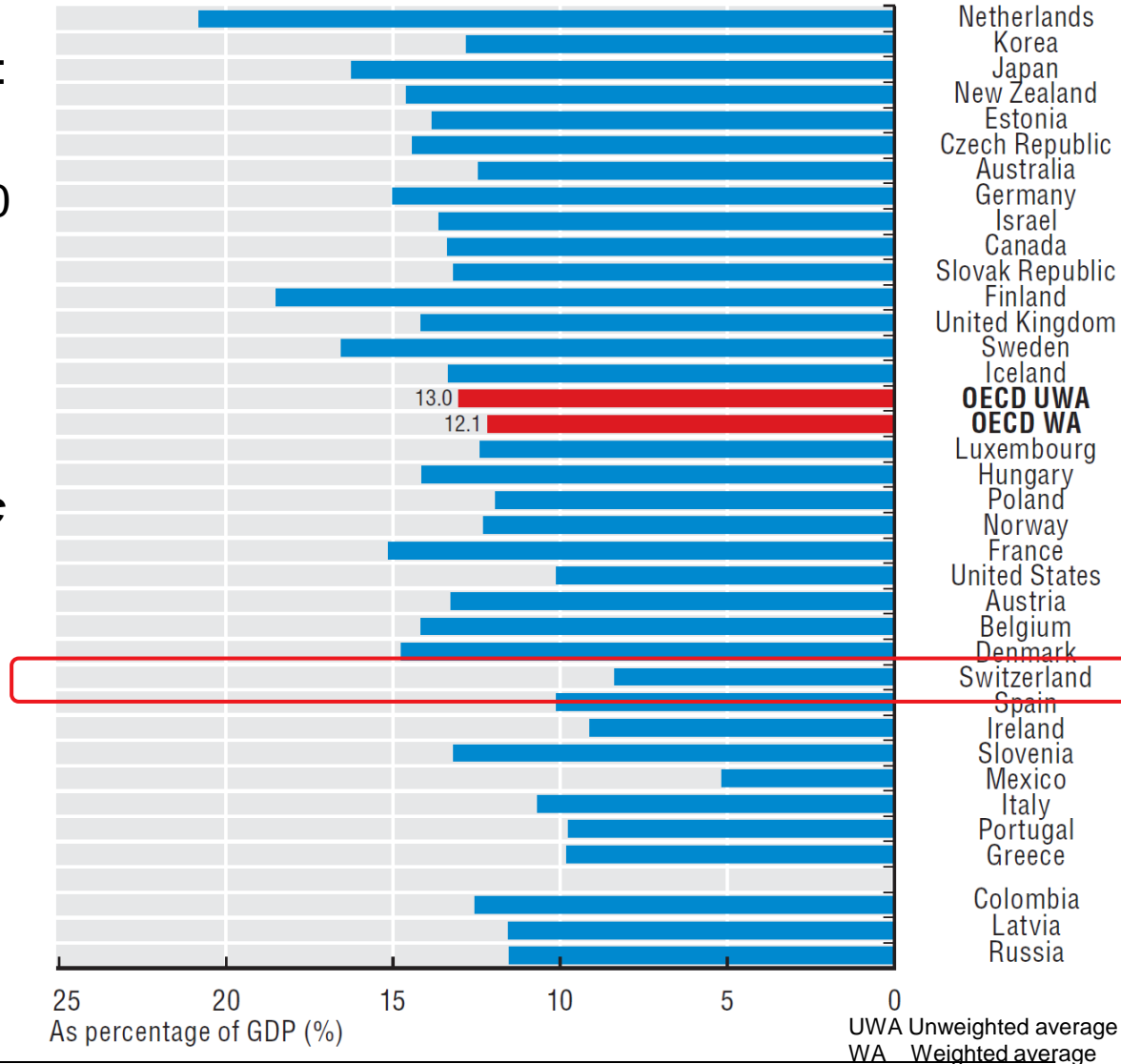


2. Controls in relation with public procurements



Volume of public procurement

General government procurement as percentage of GDP



Switzerland (central government):

- Companies involved: 30'000
- Financial volume: 5,6 (billion CHF)

➤ Public procurement accounts for ***a large slice of economic activity in most OECD countries.***



Equal pay in public procurements (1)

The Federal Government only gives its mandates for services provided in Switzerland to companies that respect the Federal Act on public procurement (including ILO Core Convention No. 100). This includes conditions of employment, working regulations as well as **equal pay between women and men.**

The aim of these safeguards is:

- to **ensure social gains**
- maintain **industrial peace**
- **prevent undesired socio-political repercussions and**
- **distortion of competition.**

Those who respect these safeguards should not be disadvantaged in comparison to those who do not. Distortion of competition to the disadvantage of employers who respect equal pay should thus be avoided.



Declaration by the supplier (since 2016)



- Mandatory above WTO-threshold
- Suppliers with **over 50 employees** each have to **provide the evidence** that they respect equal pay based on the federal standard analysis model
- The wage practice must be checked with wage data *not older than 36 months* calculated from the date of signing of the declaration
- The Logib tool (www.logib.ch) may be used for this. The Confederation provides a free helpline (0800 55 99 00) for queries in this respect.

**Compliance with working conditions, workplace health and safety regulations and requirement of equal pay for men and women:
Declaration by the supplier**

The undersigned herewith confirms, in his/her capacity as member of the management board, that his/her company:

Name and address: _____
and those subcontractors and sub-suppliers used by said company for services in Switzerland, comply with the following working conditions, workplace health and safety regulations and the requirement of equal pay for men and women:

- **Working conditions:** The working conditions are based on the collective employment contracts and standard employment contracts or, where these do not exist, the usual working conditions for the particular professional and location.
- **Health and safety regulations:** Federal Act on Employment in Trade and Industry (Employment Act; SR 822.11) and Federal Act on Accident Insurance (Accident Insurance Act; SR 832.20).
- **Equal pay for men and women:** Federal Act on Gender Equality (Equality Act; SR 151.1).
Suppliers and their first-level subcontractors with over 50 employees each have to provide in addition an evidence of the way they have checked their wage practice:

<input type="checkbox"/> Company with 50 or less employees	<input type="checkbox"/> Company with more than 50 employees
<small>When the evidence is obtained with Logib (www.logib.ch) the data required below can be copied from the "Fazit" sheet (fp_fazit). This serves as evidence.</small>	
The wage practices were checked as follows:	
<input type="checkbox"/> Logib self-test (www.logib.ch).	Wage data of the month: _____
<input type="checkbox"/> Through an external (_____).	All things being equal, women earn _____ <input type="checkbox"/> more % <input type="checkbox"/> less
<input type="checkbox"/> State-controlled equal pay by _____	The procurement tolerance threshold of 5% <input type="checkbox"/> is respected <input type="checkbox"/> is not respected
<input type="checkbox"/> confederation <input type="checkbox"/> canton <input type="checkbox"/> city/commune	

- **ILO Core Conventions:** Listed individually on the back of the form.
- Furthermore, the undersigned herewith confirms that, for services provided abroad by his/her company or by subcontractors and/or sub-suppliers, he/she complies with the Core Conventions of the International Labour Organisation (ILO).

The undersigned confirms that he/she has taken note of the [information for suppliers](#) printed on the back of this form.

Please note: Knowingly entering false information on this form may result in criminal penalties for the undersigned.

Place and date _____

Legally binding signature

This document and the evidence requested must be submitted to the authority issuing the call for tenders.



Declaration by the supplier

Data for the evidence can be copied directly from Logib

Conclusion

Version 3.0.4
26.01.2017

+ Regression pq

Logib tool

	Standard regression
Women earn under otherwise the same conditions	3.3% less
The wage equality between men and women in the stricter	is not respected
The tolerance threshold of 5% applied within the scope of the procurement	is respected

A

B

Company with 50 or less employees

Company with more than 50 employees

When the evidence is obtained with Logib (www.logib.ch) the data required below can be copied from the "Fazit" sheet (rtp_fazit). This serves as evidence.

Declaration

The wage practices were checked as follows:

- Logib self-test (www.logib.ch).
- Through an extern (_____).
- State-controlled equal pay by
 - confederation canton city/commune

Wage data of the month: _____

All things being equal, women earn _____ more
: _____ % less

The procurement tolerance threshold of 5% is respected
 is not respected

A

B



Equal pay in public procurements (2)

Art. 8, para 1, c, Federal Act on Public Procurement (FAPP)

The following principles shall be respected in awarding public contracts:

c. Contracts shall only be awarded to suppliers that ***guarantee equal treatment of men and women in respect of pay*** for workers performing services in Switzerland.

Art. 6, para 4, Ordinance on Public Procurement

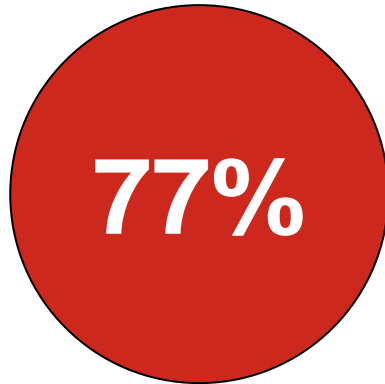
The ***awarding authority may call for checks*** in respect of equal treatment of women and men. The task of conducting such checks may be assigned to federal, cantonal or local authority gender equality offices.

- *The **Federal Government can carry out controls** and delegate them in particular to the Federal Office for Gender Equality.*
- *If **wage discrimination** is identified in a company, the **tender can be revoked** or a penalty for breach of contract can be issued. Furthermore, in the case of a future procurement, the company will only be taken into consideration if it can provide proof that equal pay is guaranteed.*



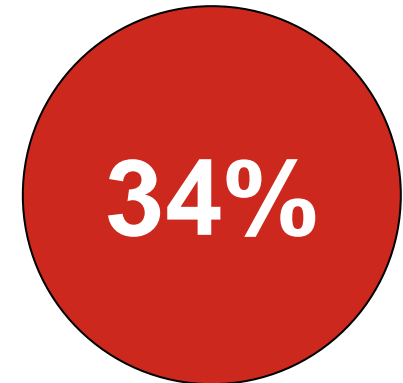
Results of the achieved Controls since 2006

Number of achieved controls	104
No systematic discrimination (non significant gender coefficient)	45
Problems observed (gender coefficient sign above 0 but not above 5%)	44
Violation of the conditions to participate in Federal public procurement (gender coefficient significantly above 5%)	13
<i>Other reasons</i>	2



Of businesses believe that they already respect equal pay

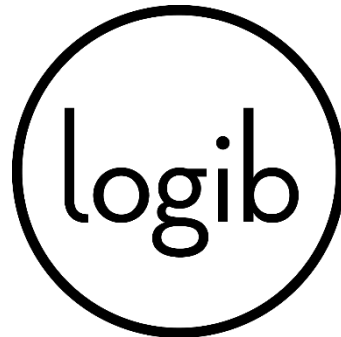
Of the businesses have already checked if their pay practice respect equal pay



Of businesses which already checked their pay practice made corrections - mostly raised women's wages



Thank you for your attention



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