



# Charter for equal pay in the public sector



Corine Mauch (Mayor of the city of Zurich), Federal Councillor Alain Berset and François Longchamp (President of the State Council of Geneva) at the Charter signing ceremony. 06.09.2016, ©FOGE

**The public sector has a role model function with regard to the promotion of equal pay for women and men. As signatories to the Charter for equal pay in the public sector, authorities are committed to ensuring equal pay within their sphere of influence.**

## Content of the Charter

With an annual procurement volume of around 41 billion Swiss francs<sup>1</sup> and the equivalent of 536,013 full-time posts<sup>2</sup>, the public sector plays a major role in Switzerland's economy. By signing the Charter, the Swiss Confederation, cantons and communes manifest their will to champion equal pay as employers, public tenderers and subsidy providers. In concrete terms, this commitment entails the following points:

- 1) Promoting awareness of the Federal Act on Gender Equality (GEA) among public employees;
- 2) Regular monitoring of compliance with equal pay requirements within public administration;
- 3) Encouraging regular monitoring of compliance with equal pay requirements within bodies close to the public sector;
- 4) Introducing control mechanisms to ensure compliance with equal pay requirements in the areas of public procurement and/or subsidisation;
- 5) Participating in the monitoring programme of the Federal Office for Gender Equality (FOGE), which ensures the cohesion and visibility of this joint commitment.

### Principal legal bases for equal pay

#### [Federal Constitution \(FC\) \(1981\) Art. 8, para. 3](#)

– Men and women have the right to equal pay for work of equal value.

#### [Federal Act on Gender Equality \(GEA\) \(1995\), Art. 3, paras. 1 and 2](#)

– Employees must not be discriminated against on the basis of their sex, whether directly or indirectly.

#### [Intercantonal Agreement on Public Procurement \(ICAPP\) \(1994\), Art. 11f](#)

– The award of contracts is subject to the principle of gender equality.

### Working together for equal pay

The Charter was launched in 2016 by Federal Councillor Alain Berset and representatives from 25 cantonal governments and local authorities. It allows the public sector as an employer to highlight pay equality measures planned or already implemented, taking regional characteristics and political circumstances into account. The joint commitment is intended to have as broad an impact as possible and to send out a signal to employers in the public and private sectors.

Together with the Logib self-test tool, the Charter received the UN's Public Service Award 2018<sup>3</sup>. All cantons and communes are free to sign the Charter. It has no binding legal effect.

### Support from the FOGE

To foster this joint commitment, the FOGE provides signatories with useful information and tools related to the issue of equal pay. Specialists are sourced to oversee equal pay analyses, and further training is also organised, including how to use the self-test tool Logib. The annual national meeting provides an opportunity to discuss problems in more depth and share examples of successes achieved.

### FAQ on signing the Charter

#### ***Do all the points need to be satisfied before signing up to the Charter?***

No. By signing the Charter, a public body commits to promoting equal pay within their sphere of influence in the spirit of the points stated. However, since the Charter is not legally binding and does not stipulate any deadlines, these points can be implemented gradually, depending on the resources available. The FOGE provides support with putting the Charter into effect. Good practice data collected during the monitoring process is made available to all interested cantons and communes.

#### ***We as a public administrative body have already introduced a gender-neutral pay system. Is it still necessary to regularly monitor compliance with equal pay requirements?***

A lot of public administrative bodies have advanced pay systems in place with clearly defined salary grades. These systems provide a good framework to ensure fair wages, but they cannot guarantee non-discriminatory implementation: Every pay system offers leeway in terms of the salaries effectively paid, which may lead to gender-specific distortions and wage discrimination. This is why the Charter recommends regularly monitoring equal pay in accordance with recognised standards such as Logib.

#### ***What exactly does introducing control mechanisms in the areas of public procurement and/or subsidisation mean (point 4 of the Charter)?***

Formal and material control mechanisms are employed to monitor compliance with equal pay requirements in the areas of public procurement and/or subsidisation. Formal monitoring provides that, prior to awarding a contract, companies must self-declare that they comply with equal pay requirements. The declaration may be made with or without proof. Some cantons and communes are already using this simple formal control mechanism in fulfilment of point 4 of the Charter.

In addition to formal monitoring, material monitoring (state control) may be introduced in a subsequent step. This entails a spot check of whether companies that have already been awarded a contract satisfy the conditions for access to the public procurement market.

#### ***What personnel and financial resources are necessary to fulfil the Charter?***

Point 2 of the Charter: The time required to conduct a first-time equal pay analysis (e.g. using the self-test tool Logib) for an SME (50-249 employees) is 2 days, for a large company (250-999 employees) 3-4 days<sup>4</sup>. Subsequent analyses will take half this time. Monitoring

may also be carried out by third parties or by social partners under the Commitment to equal pay<sup>5</sup> project.

Point 4 of the Charter: The time and effort required to introduce a formal control mechanism (self-declaration with or without proof) is minimal and causes hardly any additional expenditure for the procurement offices. Self-declaration – in particular in combination with proof – has shown itself to be a simple and effective tool and is already being successfully used today. To facilitate the introduction of material control mechanisms (state control) and keep administrative expenses as low as possible, the federal government offers cantons and communes a raft of support measures (e.g. financial assistance under the Gender Equality Act, access to a network of external equal pay experts, templates).

Point 5 of the Charter: Participation in the annual monitoring process takes 20 minutes (completing the questionnaire).

### ***What is the procedure for signing the Charter?***

Any canton or commune may sign the Charter whenever it wishes. It is sufficient to e-mail or post a signed and stamped copy of the Charter to the FOGE. Upon receipt of this copy, the list of signatories will be updated accordingly.

## **Links**

[Charter: List of signatories](#)  
[FOGE equal pay platform](#)  
[Monitoring equal pay in the public sector](#)  
[Equal pay self-test tool: Logib](#)  
[Federal Administration self-declaration documents](#)

## **Contact details**

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<sup>1</sup> Federal Department of Finance (FDF). Available online at: <https://www.efd.admin.ch/efd/de/home/themen/bau-und-logistik/revision-des-beschaffungsrecht-des-bundes.html> [status as at: 18.08.2018].

<sup>2</sup> Swiss Federal Statistical Office FSO (2015): Public sector industry profile. Available online at: <https://www.bfs.admin.ch/bfs/de/home/statistiken/industrie-dienstleistungen/unternehmen-beschaefigte/wirtschaftsstruktur-unternehmen/groesse-rechtsform-sektoren-regionale-verteilung.gnpdetail.2015-0730.html> [status as at: 18.08.2018].

<sup>3</sup> The United Nations Public Service Award is one of the most important international prizes for services in public administration and is awarded annually ([go to media release](#)).

<sup>4</sup> The figures are based on a representative survey conducted as part of a [regulatory impact assessment](#) by the Federal Office of Justice (FOJ).

<sup>5</sup> [Commitment to equal pay](#): a project between social partners and the federal government. All Swiss companies are entitled to participate free of charge.