EQUALITY AS A CONSTITUTIONAL RIGHT

Since 1981 the Federal Constitution has included a specific provision on gender equality (Article 8, paragraph 3). This explicitly enshrines the obligation of ensuring gender equality not just in the eyes of the law, but also in reality.
GENDER EQUALITY ACT

Gender Equality Act and prohibition of discrimination
The Gender Equality Act GEA, which came into force in 1996, is designed to promote actual equality of men and women. It prohibits any form of discrimination on the basis of gender and is applicable to all employment relationships. The prohibition of discrimination applies in particular to

> recruitment;
> allocation of tasks;
> working conditions;
> remuneration;
> professional development;
> promotion;
> dismissal.

Sexual harassment is also expressly prohibited.

The more people there are who know about the law and call for its enforcement, the faster we will achieve equality.

Rulings
Two databases give a good overview of rulings under the Gender Equality Act.
www.gleichstellungsgesetz.ch
www.leg.ch

INTERNATIONAL OBLIGATIONS

Convention on the Elimination of all forms of Discrimination Against Women
Switzerland acceded to the UN Convention on the Elimination of all forms of Discrimination Against Women CEDAW in 1997. We actively support the implementation of this Convention and have a leading role in drafting the periodic country reports on Switzerland submitted to the CEDAW committee. We head the interdepartmental “CEDAW” working group which was created to implement the recommendations of the CEDAW committee and to prepare the Swiss country report to be presented to the CEDAW committee.
We are involved in the drafting of legislation and in the handling of parliamentary business
Within the Federal Administration we give our opinions on bills (laws, ordinances), Federal Council reports and parliamentary motions from other administrative units. We ourselves draft bill texts, reports and answers to parliamentary motions and send these to the other offices and also the Federal Council.

We provide tools for assessing the impact of proposed legislation on gender equality
According to the Parliamentary Act (Article 141, paragraph 2, letter i), the Federal Council must submit bills accompanied by a dispatch explaining how the bill will affect gender equality. The FOGE supports and advises the responsible federal offices during this process and provides them with three work tools: An initial review form, an “Assessment report on the impact on gender equality” questionnaire and a “Guideline”.

www.ebg.admin.ch

We support the application of the Gender Equality Act
In order for the Gender Equality Act to be applied more widely, we write publications on important aspects of the Act (e.g. equal pay, sexual harassment). These are aimed at a wide audience: Employers, employees, lawyers, courts and advice centres.

In order to facilitate the application of the GEA, we also collaborated on the new version of the commentary on the Act in German and French.
It is often difficult to decide whether the basic principle of “equal pay for equal work” has been broken in a specific case. The courts then bring in experts, who submit their expert opinions in the form of a report. On behalf of the Federal Council we have created a guideline on expert opinions for judges.

We give our opinion on cases before the Federal Supreme Court
We are regularly asked by the Federal Supreme Court to give our opinion on cases that have come to the Court under the Gender Equality Act.

We make our knowledge available
We organize conferences for experts and give presentations on the Gender Equality Act and on gender equality issues in a national and international context at events for people in the legal profession.
We coordinate and connect
We promote cooperation and networking within the Federal administration as well as between the Confederation, cantons and non-governmental organizations. We head the Swiss Conference of Gender Equality Delegates’ permanent working group on legal issues and take part in the Swiss Conference of arbitration bodies established according to the Gender Equality Act.

We maintain international cooperation and connections
We represent our country on the Council of Europe’s Gender Equality Commission (Commission pour l’égalité de genre GEC) and attend the annual meeting of the UN Commission on the Status of Women CSW in New York as members of the Swiss delegation. We cooperate with other international organizations (e.g. OECD, OSCE), promote and coordinate information exchange, collaborate on country reports and take part in important international conferences.

www.unwomen.org/en/csw
www.coe.int/t/DGHL/STANDARDSETTING/EQUALITY/