



English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal effect.

EMPLOYMENT ACT: SUMMARY OF KEY WORK AND REST PERIOD PROVISIONS

Daytime and evening work

Article	Topic
EmpA EmpO 1 10	<p>Daytime and evening work Work between 6am and 8pm is regarded as daytime work. Evening work runs from 8pm to 11pm.</p> <p>Daytime and evening work, i.e. work carried out between 6am and 11pm (17 hours), does not require authorisation. However, evening work may only be introduced after consultation with employees.</p> <p>New starting and finishing times for daytime and evening work can be established at any time between 5am and midnight provided that a majority of those employees affected by the arrangement agree to these times. However, daytime and evening work may not span more than 17 hours.</p> <p>The starting and finishing times for any individual adult employee, including breaks and any statutory overtime work, must fall within a period of 14 hours.</p>

Maximum weekly working time

Article	Topic
EmpA EmpO 1 9	<p>Principle The maximum number of working hours per week is:</p> <ul style="list-style-type: none"> ➤ 45 for employees working in industry, office staff, technical and other employees, sales personnel in large retailing firms ➤ 50 for all other employees.
22	<p>Flexible arrangements</p> <ul style="list-style-type: none"> ➤ In companies subject to weather-related loss of working time or sharp seasonal swings in their business, the maximum weekly working hours (45 or 50) may be increased by four hours at most, provided that the average weekly working hours over a period of six months do not exceed the maximum. ➤ For employees working a five-day week on average over the calendar year, the maximum weekly working hours (45) may be extended by: <ul style="list-style-type: none"> • two hours, as long as the average number of working hours over a period of eight weeks does not exceed the maximum, or • four hours, as long as the average number of working hours over a period of four weeks does not exceed the maximum.

Article	Topic
23	<p>Reduction in working hours</p> <p>Where one or more public holidays with the employment law status of a Sunday fall on a workday, the maximum weekly working hours are reduced proportionately for those employees who would usually have to work on those days.</p>

Conditions and duration of statutory overtime

Article	Topic
EmpA 12, 13 EmpO 1 25	<p>Statutory overtime</p> <p>Statutory overtime is the time worked in excess of the maximum number of weekly working hours permitted by law, and should only be worked exceptionally, where there is no other reasonable solution. This means extraordinary, unforeseeable circumstances or demands that cannot otherwise be satisfied at short notice with the available resources. Statutory overtime should be distinguished from contractual overtime as per Art. 321c CO.</p> <p>Statutory overtime must be compensated for by a 25% wage increment. Employees may only be given time off in lieu of equivalent duration if they ask for or agree to this.</p> <p>Statutory overtime may not exceed two hours per day for each employee, except on days off on workdays or in emergencies, and, over the calendar year, statutory overtime may not exceed:</p> <ul style="list-style-type: none"> ➤ 170 hours where the maximum weekly working time is 45 hours ➤ 140 hours where the maximum weekly working time is 50 hours <p>Statutory overtime is permissible only during the day and evening, and then only on workdays.</p>
26	<p>In the event of emergencies (e.g. danger of death or injury, fire or flooding, or when production assets must be safeguarded), statutory overtime may exceptionally be permitted at night, on Sundays, or in excess of the daily working time, provided that such emergencies could not easily have been prevented by those concerned and cannot be dealt with by any other reasonable means. Under no circumstances should this be a way of expanding output or production capacity.</p>

Rest period

Article	Topic
EmpA 15a EmpO 1 19	<p>Daily rest periods</p> <p>All employees must be granted a daily rest period of no less than 11 consecutive hours.</p> <p>The rest period for an adult employee may be reduced to a minimum of eight hours once per week provided that an average 11-hour rest period is respected over a two-week period.</p> <p>In this case, the employee may not be required to work statutory overtime on the working day following the reduced rest period.</p>

Article		Topic
18 - 20a	21	<p>Weekly day of rest</p> <p>Over the weekend, an uninterrupted rest period of 35 hours (11-hour daily rest period and 24 hours for Sunday) must be granted and include the period from 11pm on Saturday to 11pm on Sunday.</p>
21	20	<p>Weekly half-day off</p> <p>Whenever the weekly working time is spread over more than five days per week, employees must be granted a half-day off of eight hours each week, either before or following the daily rest period.</p> <p>With the consent of their employees, in any four-week period, employers may combine half-days off to give employees a maximum of two days off in a row instead of half a day each week. For daytime and evening work, the weekly half-day off is deemed to have been granted if:</p> <ul style="list-style-type: none"> ➤ a full morning, from 6am to 2pm, is not worked ➤ a full afternoon, from 12pm to 8pm, is not worked ➤ when there are two shifts a day, the shift changes between 12pm and 2pm ➤ in shift-systems including night work, such as three- or more shift systems, employees may work alternating five-day weeks or have two days time off in lieu within a period of 4 weeks.

Shift work

Article		Topic
EmpA 25	EmpO 1 34	<p>Shift work and rotation</p> <p>Shift work is when two or more groups of employees work staggered hours alternately at the same workplace, according to a specific timetable.</p> <p>No specific authorisation is required for workdays made up of two shifts provided that both shifts take place within a 17-hour period in the daytime and the evening. A single shift, including breaks, may not exceed 11 hours. Employees may only work statutory overtime on workdays that would otherwise be their days off.</p> <p>When two shifts are worked on one day in a period exceeding the 17-hour limit, the regulations governing night work must be complied with, and therefore such an arrangement requires authorisation.</p> <p>The following rules apply to timetables comprising three or more shifts:</p> <ul style="list-style-type: none"> ➤ The duration of a single shift may not exceed 10 hours including breaks. ➤ An employee may only change from the early to the late shift, and from the late to the night shift. Exceptions are allowed if a majority of the employees concerned make a written request. ➤ Employees may only work statutory overtime on workdays that they would otherwise have off, provided that these are not statutory or compensatory rest periods.
	35	<p>In the case of daytime and evening work (for night work, see below), employees may not be required to rotate shifts:</p> <ul style="list-style-type: none"> ➤ if this is warranted by an employee's personal circumstances ➤ when one of the two shifts is substantially shorter and does not exceed five hours.

Night work

Article	Topic
EmpA EmpO 1 16	Prohibition of night work Employees may not work outside the daytime and evening working times.
17	Exceptions to the prohibition of night work Justified exceptions (e.g. emergencies or if the work is essential for technical or economic reasons) may be authorised. This does not apply to companies subject to the special provisions of Ordinance 2.
17a	Employees working at night may not work for more than nine hours within a period of 10 hours on any working day.
17b	31 Employers must pay a wage increment of no less than 25% to employees who work at night for only a temporary period (fewer than 25 nights per calendar year). Employees who work permanently or regularly at night can claim time off in lieu amounting to 10% of the time worked at night. The compensatory rest period must be taken within a year. In the case of employees whose morning or evening shift regularly includes no more than one hour of night work (e.g. in companies operating two shifts), compensation may also be granted in the form of a 10% wage increment.
	32 Compensatory rest periods do not have to be granted where work schedules are exceptionally progressive, e.g. 35-hour weeks including breaks, with shifts limited to seven hours, or 36 hours in a four-day week, or equivalent arrangements under collective employment agreements.
17c	43-45 Medical check-up and consultation Employees working nights for longer periods of time (25 nights or more per year) are entitled to a medical check-up and medical consultation. Up to the age of 45, this takes place every two years. From then on, it is available annually. Medical check-ups are mandatory for specific groups of employees (e.g. those on permanent night work, 12-hour shifts and people working alone). The costs are payable by the employer where there is no insurance coverage.
17e	Further measures governing night work Where the circumstances require, employers operating regular night shifts must make provision for further employee-protection measures. Such measures include organising transport, rest opportunities, catering facilities, childcare.
17a, 25³	29, 30 Permanent night work and extended-duration of night work These forms of night work are only authorised under strict conditions. For information on permanent night work (night work that does not alternate with day work), please refer to the corresponding factsheet (available in German, French or Italian) at the following web address : (www.seco.admin.ch -> Publikationen -> Arbeit -> Arbeitsbedingungen -> Merkblätter)

For questions about permanent night work or extended-duration night work, please contact the cantonal labour inspectorate, or the State Secretariat for Economic Affairs (SECO).

Sunday work

Article	Topic
EmpA 18 EmpO 1	<p>Prohibition of Sunday work Employees may not work between 11pm on Saturdays and 11pm on Sundays.</p>
19	<p>Exceptions to the prohibition of Sunday work Justified exceptions (e.g. emergencies or if the work is essential for technical or economic reasons) may be permitted. This does not apply to companies subject to the special provisions of Ordinance 2.</p> <p>Any employee who is temporarily required to work on a Sunday must receive a 50% wage increment.</p>
20 21	<p>Free Sundays and compensatory rest periods Sunday work of up to five hours must be compensated for within four weeks by an equivalent number of hours off. Where an employee has worked for longer than five hours, a compensatory rest period of no less than 24 hours must be granted on a normal workday. This can occur either in the preceding or the following week and must run consecutively with the daily rest period, producing a combined rest period of 35 hours. The compensatory rest period must include a period from 6am to 8pm. Where work on Sunday is required, the employee may not work for more than six days consecutively.</p>

Continuous working

Article	Topic
EmpA 24 EmpO 36-38	<p>Continuous operations A distinction is made between:</p> <ul style="list-style-type: none"> ➤ permanent or regular continuous operations, where this is essential for technical or economic reasons ➤ temporary continuous operations lasting up to 16 weeks, on proven urgent grounds only. <p>Continuous operations require a permit. This does not apply to companies subject to the special provisions of Ordinance 2. The following conditions apply:</p> <ul style="list-style-type: none"> ➤ In general, the average weekly working time over a period of 16 weeks may not exceed the maximum weekly working time. ➤ In a period of 24 hours, no more than nine hours may be worked within a presence of 10 hours. <p>The duration of shifts can be extended to 12 hours between Friday evening and Monday morning provided that there is a two-hour break in each shift.</p>

Article	Topic
	<ul style="list-style-type: none"> ➤ In any calendar year, at least 61 weekly rest days must be granted, of which 26 must fall on a Sunday. Each of these rest days must include a period from 6am to 4pm. ➤ Whenever rest days cover the period from 11pm on Saturday to 11pm on Sunday, the number of free Sundays can be reduced: <ul style="list-style-type: none"> • to 17 when the workday lasts no longer than eight hours • to 13 when the workday lasts no longer than eight hours and the weekly working time (including breaks) does not exceed 42 hours. <p>A rest day must be granted at the latest after every seven days worked.</p> <p>Barring special rules, rules governing night and Sunday work also apply.</p>

On-call duty

Article	Topic
EmpA 6 and 9-31 EmpO 14, 15	<p>On-call duty</p> <p>When employees are on call on company premises, the whole on-call duty period counts as working time.</p> <p>When on-call duty is not performed on company premises, only the time actually worked after being called in counts as working time.</p> <p>Travel time to and from the workplace in this case also counts as working time.</p> <p>An employee may not be required to work on call for more than seven days in any period of four weeks. After the last on-call duty has ended, the employee may not be required to work on call for the following two weeks.</p> <p>The employee may exceptionally be required to work on call for no more than 14 days in a period of four weeks but may not be called in more than five times per month on average over a calendar year.</p>

Young workers, pregnant women and nursing mothers

Article	Topic
<p>Young workers: 29-32 EmpA; EmpO 5 + EAER ordinances</p> <p>Maternity protection: 35-35b EmpA; 60-65 EmpO 1; maternity protection ordinance</p>	<p>Young workers, pregnant women and nursing mothers</p> <p>Further regulations apply to offer extra protection to young workers, pregnant women and nursing mothers. These regulations can be found at the following web address (in German, French or Italian).</p> <p>(www.seco.admin.ch -> Arbeit -> -> Arbeitsbedingungen -> Arbeitnehmerschutz -> Jugendliche)</p> <p>(www.seco.admin.ch -> Arbeit -> -> Arbeitsbedingungen -> Arbeitnehmerschutz -> Schwangere und Stillende)</p>

Employees with family commitments

Article	Topic
EmpA 36 EmpO 1	<p>Special consideration must be given to employees with family commitments when setting work and rest period schedules. Commitments include having children up to the age of 15 years and caring for close relatives or other persons.</p> <p>These employees may only be assigned statutory overtime with their consent and may request a lunch break of up to 1 1/2 hours.</p> <p>An employee who has to look after a sick child must be given up to three days leave by the employer on presentation of a medical certificate.</p>

Registers and other documents, announcements of work schedules and work-time permits, employee co-determination

Article	Topic
EmpA 46 EmpO 1	<p>Registers and other documents</p> <p>Registers and other legally required documents must be kept for no less than five years after expiry. This also applies to the records of working time.</p>
47	<p>69 Announcements of work schedules and work-time permits</p> <p>Work schedules, work-time permits and related special safety regulations must be made available for consultation, e.g. by posting them on notice boards.</p> <p>Employees must be consulted whenever the work times applicable in a company are established or modified. Employees must be informed at the earliest possible opportunity of any changes to work times: as a rule, no later than two weeks before their first scheduled workday under the new working times.</p>
48	<p>69-71 Employee participation rights</p> <p>Employees or their representatives have the right to participate in any decisions concerning health protection, the organisation of working time, scheduling and arrangements concerning special measures governing night work. This right includes the right to be heard and consulted, and it also requires management to justify decisions that diverge from the employees' point of view. Occasionally employees have the right to co-decide matters such as new working periods for night and Sunday work.</p>