

## Research Project

Dissertation Schwestermann: What legal measures should Switzerland adopt in order to address disadvantage suffered by older workers, and in particular older female workers, in the fields of employment and social security?

### Third-party funded project

**Project title** Dissertation Schwestermann: What legal measures should Switzerland adopt in order to address disadvantage suffered by older workers, and in particular older female workers, in the fields of employment and social security?

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**Status** Completed

In 2014, the Organisation for Economic Co-operation and Development (OECD) published its most recent report on the subject of **ageing and employment policy in Switzerland**.<sup>[1]</sup> It found that, whilst Switzerland has one of the highest employment rates for older workers in the OECD, this exceptionally strong performance is mainly attributable to men under 60 years of age and to university graduates, while employment rates for those aged 60-64, women and non-graduates are much lower. Particularly vulnerable are older, female workers. In addition, the recruitment rate of over-55s in Switzerland is below the OECD average. In order to address these problems, the OECD recommends a comprehensive strategy including notably measures in the fields of social security and employment law.

In Switzerland, the difficult situation of older workers is commonly recognised, in particular with respect to finding employment. However, opinions differ as to the approach that should be taken to deal with the problem and, more specifically, as to whether the advice given by the OECD should be followed. There is a marked political reluctance in Switzerland to follow the example of most other OECD countries, explicitly recommended by the OECD, of adopting specific legislation banning age discrimination in the field of private employment. With respect to social security, the OECD has commended Switzerland for its “*Altersvorsorge 2020*” plans. However, the Swiss voting population rejected the reform.

Against this background, the present application concerns PhD research on the question of **what legal measures Switzerland should usefully adopt in the field of employment law and in employment-related social security law in order to address the disadvantage suffered by older workers**. An additional focus will be on disadvantage resulting from the combined effect of age and sex for older female workers. More specifically, the proposed study will look into the existing legal situation in Switzerland and engage in a **comparative legal analysis** of relevant approaches adopted by other European countries. With respect to anti-discrimination legislation in the field of private employment, the research will study the relevant law of the European Union (EU) and analyse critically whether or not Switzerland should choose the path of autonomous adaptation in this field, thereby following its previous approach in the field of sex discrimination. Due to a lack of relevant research, it is open at present whether this would be a useful approach also in the context of age. With respect to employment-related social security, the

research will focus on Swiss law as compared to the law of selected other European states with respect to the coverage of occupational pension systems and age-related costs of contributions.

In terms of the **expected results**, the research should contribute not only to the academic knowledge on the above-mentioned issues but also provide practically relevant information and recommendations as to useful measures to be taken by Switzerland.

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[1] OECD (2014), *Vieillissement et politiques de l'emploi: Suisse 2014. Mieux travailler avec l'âge*, <http://www.oecd.org/fr/els/emp/vieillissement-et-politique-de-l-emploi-suisse-2014-9789264222823-fr.htm>.

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