

## Changes to personnel regulations with effect from 1 July 2013

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The revised Swiss Federal Personnel Act (FPA) comes into force on 1 July 2013, with changes to the personnel regulations in the Federal Institutes of Technology Act (ETH Act) taking effect at the same time. The Federal Council approved changes to the Personnel Ordinance for the ETH Domain (ETH PO) and to the ETH Domain Ordinance (Verordnung ETH-Bereich) on 14 June 2013.

### The main changes are as follows:

#### a) Probationary period

The probationary period usually lasts for three months.

A probationary period of up to six months can be arranged for scientific staff and employees in special support roles.

#### b) Grounds for dismissal

The grounds for dismissal previously listed in the FPA shall continue to apply, but this list of reasons is no longer exhaustive. The employer may now also terminate the employment contract on “objectively reasonable grounds”, but is still bound to comply with overriding constitutional principles (e.g. equal rights, the prohibition of arbitrary action, the principle of proportionality). As before, justification for a dismissal must also be provided in the form of a written decree.

#### c) Notice periods

In the first two months of the probationary period, the employment contract may be terminated with a notice period of seven days. From the third month onwards, a notice period of one month shall apply, with the termination of the employment contract taking effect at the end of a month.

After the probationary period has ended, the employment contract may be terminated ordinarily with one month's notice during the employee's first year of service, and with three months' notice from the second year onwards.

In exceptional cases a longer notice period of up to six months may be arranged, or the employer may allow the employee a shorter notice period provided this does not conflict with any essential interests.

#### d) Support provided when employees are dismissed through no fault of their own

In the event that an employee is dismissed through no fault of his/her own, supportive measures to further the employee's career (e.g. providing support to help the employee pursue a new career path or continuing education) shall be taken as a matter of priority.

#### e) Compensation

Compensation may be awarded to the employee if the employment contract is terminated by mutual agreement, taking certain framework conditions into account (reasons for termination, age of the employee, duration of the employment, the employee's professional and personal circumstances).

The amount of compensation awarded must be between one month's and one year's salary.

#### f) Appeals procedure

The ETH Appeals Commission remains the first-instance administrative body for ruling on appeals. Appeals against decrees regarding the termination of employment no longer have any suspensory effect.

**g) Continued employment**

Provision for the continued employment of a dismissed employee is only made if an appeal against the termination of the employment contract is approved because it is deemed to be a serious infringement of the applicable law (e.g. untimely or wrongful dismissal). Instead of continued employment, the employee may request compensation amounting to between six months' and one year's salary.

**h) Extended paternity leave**

Paternity leave shall be extended from five days to ten days.