

Revision of Swiss federal personnel law

Legislation : On 1st July 2013, amendments to the *loi sur le personnel de la Confédération - LPers* (Federal Act on Employees of the Confederation) and the *ordonnance sur le personnel du domaine des EPF - OPers-EPF* (Ordinance on Employees of the EPF Domain) came into force.

The objectives of the LPers framework law and *ordonnance sur le personnel du domaine des EPF*, containing the implementing provisions, are to offer competitive working conditions and continue the alignment with the Code of Obligations. The modifications, formulated to increase the flexibility of the legal framework, are to the advantage of both employees and employers.

The standard three-month trial period remains unchanged. The limitation of the prolongation to 6 months for scientific staff and staff fulfilling special support functions is a new feature (Art. 18 al. 1 OPers-EPF).

The periods of notice (Art. 20a OPers-EPF) are based on private law: 1 month during the 1st year and 3 months as from the 2nd year of employment.

The maximum duration of fixed-term contracts is now governed by Art. 17b of the Federal Act on the Federal Institutes of Technology. Internal directives specify maximum durations as applicable and conditions governing application (Directive concerning the terms of employment of EPFL assistants, Directive concerning the terms of employment of EPFL scientists).

The list of motives for termination of the employment contract is no longer exhaustive (Art. 12 LPers). Any termination of the employment contract must be based on objectively adequate motives and the rules of procedure, such as the right to be heard, and constitutional guarantees, such as the principles of legality and prohibition of arbitrariness and proportionality, must be complied with.

In the event of termination of employment without fault on the part of the employee, the latter must be supported in their career transition (Art. 19 LPers, 21 OPers-EPF). The compensation (1 to 12 months' salary) is maintained, on the same conditions as previously (Art. 49 OPers-EPF).

If the termination of employment is nullified because it has been notified during a period of protection or in violation of the Federal Act on Gender Equality, reintegration is possible (Art. 34c LPers), as is the payment of compensation (minimum of 6 months' salary) if appropriate.

If the termination of employment fails to fulfil the motivation requirements or violates the rules of procedure, compensation (as a general rule 6 to 12 months' salary) may be granted by the appeal body (Art. 34b al. 2 LPers).

The suspensive effect, which prevents the results of the decision from coming into effect during the procedure, hitherto automatically attached to an appeal (Art. 34a LPers), must henceforth be requested from the appeal body.

Paternity leave is now 10 days (Art. 52 al. 2 letter c OPers-EPF).

The above amendments constitute an overview of the new provisions regarding terms of employment. The legal texts are available on <http://polylex.epfl.ch/>.

Any questions or requests for further information may be sent to Human Resources Legal Counsels via rh@epfl.ch.

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