

6.04 LEC benefits



## Allowance for the other parent (father or mother's wife)

Position as of 1<sup>st</sup> January 2024



## A brief overview

If the father or mother's wife, who is considered the other parent under Art. 255a para 1 of the Swiss Civil Code (CC), is gainfully employed, they are entitled to two weeks' paid leave during the first six months following the birth of their child. This entitles them to claim compensation from the loss-of-earnings compensation scheme (LEC). If the father or mother's wife works full-time, these two weeks correspond to ten days' annual leave. The number of annual leave days which the working father/mother's wife may claim varies depending on their level of employment.

This leaflet provides working fathers, mothers' wives and their employers with information on the allowance for the other parent.

## Entitlement

### 1 When am I entitled to the allowance for the other parent?

You are entitled to the allowance for the other parent if at the time when the child is born you are:

- employed; or
- self-employed; or
- working in the business of your wife, family or cohabiting partner and receive a cash salary; or
- unemployed and either already receive a daily unemployment allowance; or
- unemployed and unable to work owing to sickness, injury or disability and because of this are receiving daily benefits from a social or private insurer, provided that these daily benefits are calculated on the basis of a previous salary; or
- in a valid employment relationship, but are not receiving any continued payment of wages or daily benefits because your entitlement has been exhausted; or
- you are in service and are unemployed but do not receive a daily unemployment allowance even though you have paid contributions for a sufficiently long time to qualify for it.

## **2 What are the eligibility requirements for the allowance for the other parent?**

You will be eligible for the allowance for the other parent if you were:

- the legal father at the time of the birth of the child or became so within the following six months; or
- the mother's wife, who is considered the other parent under Art. 255a para 1 of the Swiss Civil Code, at the time of the birth of the child; and
- covered by mandatory insurance within the meaning of the OASI Act during the nine-month period immediately preceding the birth of the child. If the child was born prematurely, this period is reduced to:
  - six months in the case of children born before the seventh month of pregnancy;
  - seven months in the case of children born before the eighth month of pregnancy;
  - eight months in the case of children born before the ninth month of pregnancy, and
- gainfully employed for at least five months during this period or received loss of earnings compensation (LEC).

Periods of insurance and employment in an EU or EFTA member state and in the United Kingdom are counted.

## **3 When does entitlement begin and end?**

Entitlement to the allowance for the other parent begins on the date of the child's birth and ends when the 14<sup>th</sup> allowance claimed by the other parent has been paid out but no later than the end of the six-month qualifying period after the birth.

If you die, the surviving parent, i.e. the mother, is entitled to a 14-day extension of her paid maternity leave, provided she meets the qualifying conditions.

#### **4 If the child's mother dies, am I entitled to extended leave as the other parent?**

You are entitled to an extension of your paid leave as the father or the mother's wife if the mother dies on the day of the child's birth or during the subsequent 97 days. You will receive the equivalent of 98 additional daily allowances. Entitlement begins on the day of the mother's death and the allowances must be taken as a single lump sum. The 6-month qualifying period for the allowance to which you are entitled as the other parent is suspended for the duration of your extended leave. It begins again when your entitlement to extended leave ends.

Entitlement ends prematurely if you return to work either on a full-time or part-time basis during the qualifying period for extended paid leave as the other parent.

To claim your entitlement to extended leave, you need to complete and submit form 318.739 – *Application for a allowance extension following the death of a parent*.

#### **5 How are the daily allowance calculated?**

The father or mother's wife, who is considered the other parent under the law, are entitled to a maximum of 14 daily allowances. If the father or the mother's wife works full-time and takes all ten days' leave, they will receive four additional daily allowances to cover the weekends.

If the father or the mother's wife works part-time, their employer may, when recording their working hours, calculate the number of annual leave days and allowance amount based on the father's/mother's wife's level of employment. In such instances, the rate of the allowance claimed by the other parent that is paid out will be the equivalent to 80 % of your earnings prior to taking the leave to which you are entitled as the other parent.

#### **6 How much is the allowance for the other parent?**

The allowance for the other parent is paid as a daily allowance and amounts to 80 % of your average earnings prior to the birth of the child, subject to a maximum of 220 francs per day.

The maximum daily allowance is reached when your monthly income comes to 8 250 francs ( $8\,250 \text{ francs} \times 0.8 \div 30 \text{ day} = 220 \text{ francs/day}$ ) or, if you are self-employed, when your annual income on which you pay OASI contributions comes to 99 000 francs ( $99\,000 \text{ francs} \times 0.8 \div 360 \text{ days} = 220 \text{ francs/day}$ ).

## **7 What if I am entitled to benefits from other social insurance schemes at the same time as the allowance claimed by the other parent?**

If when your child is born, you are entitled under social insurance law to daily allowances from one of the following:

- unemployment insurance;
- invalidity insurance;
- accident insurance;
- health insurance;
- military insurance,

the allowance for the other parent will take precedence over these benefits and will come to at least the same amount as the daily allowance you were receiving previously. There is no vested right to a daily sickness allowance provided by daily allowance insurance under the IPA (i.e. a daily allowance under a private-law policy).

## **8 Does my leave as the other parent affect other entitlements?**

The leave to which you are entitled as the other parent does not affect other entitlements you may have. You benefit from the following protections:

- the notice period is extended if your employer terminates your employment contract and you have yet to take in full your 14-day paid leave to which you are entitled as the other parent. The extension period corresponds to the number days of your outstanding paternity leave.
- the leave to which you are entitled as the other parent may not be deducted from your annual leave entitlement.

## Claiming the benefit for the other parent

### 9 How can I claim the allowance for the other parent?

The following can claim the allowance for the other parent from the OASI compensation office responsible for their case:

- you as the father or mother's wife
  - through your employer if you are an employee;
  - directly from the compensation office if you are self-employed, unemployed or unable to work;
- your employer
  - if you fail to claim through your employer (see above) and your employer pays you a salary during the period of your entitlement;
- your dependants (wife and your children)
  - if you fail to meet your maintenance or support obligations.

If at the time when your child is born you are employed, unemployed or unable to work, your current or most recent employer will certify:

- the duration of your employment;
- your relevant salary for the purposes of calculating the allowance claimed by the other parent ;
- the salary paid by your employer during the period in which you are receiving the daily allowance, and
- the leave you have taken to date as the other parent.

You can access the *application form 318.747* at [www.ahv-iv.ch](http://www.ahv-iv.ch).

### 10 When does entitlement to the allowance for the other parent end?

Entitlement to the allowance for the other parent lapses when you have taken all 14 days' leave but no later than the end of the six-month qualifying period. You can claim the allowance for the other parent up to five years after the end of the six-month qualifying period. After that, your entitlement will be forfeited and you will have no further claims

## Payment of the allowance for the other parent

### **11 Do I have to pay OASI, IV and LEC contributions on the allowance for the other parent?**

Yes. The allowance you are entitled to as the other parent is paid directly in place of your salary also counts as income. You will therefore be required to pay OASI, IV and LEC contributions on this benefit. If you are an employee, contributions to unemployment insurance will also be deducted from your benefit. Like any other income, the amount of the allowance for the other parent paid to you directly will be recorded in the OASI individual account kept by the compensation offices for every insured person. This will allow it to be taken into account when calculating future pensions. You can obtain further information on compulsory contributions from the compensation offices.

### **12 How is the allowance claimed by the other parent paid?**

If your employer continues to pay your salary for the duration of your entitlement, the compensation office will pay the allowance for the other parent to your employer.

In the event of any dispute with your employer, or under special circumstances, you may request direct payment of your allowance for the other parent by the compensation office. Special circumstances would apply, for example, if your employer were insolvent or in default or if you have another job and your employer has not been informed of facts relating to this (amount of salary, self-employment, etc.).

You may ask for the allowance for the other parent to be paid to your dependants entitled to maintenance or support. The allowance for the other parent is paid in arrears, namely after your final day of paid leave to which you are entitled as the other parent has been taken.

The allowance for the other parent can also be paid to you abroad, if you move abroad after the birth of your child. The Swiss Compensation Office (SCO) will handle your case.

## Insurance cover

### **13 Do I have accident insurance cover while I am on parental leave?**

If you receive the allowance for the other parent as an employee, you will continue to be covered by mandatory accident insurance while you are on parental leave. In principle, you will be exempt from premium payments during this period.

If while you are on paternal leave your employer pays you a salary which amounts to more than the allowance for the other parent, he or she will be required to pay AIA premiums on the difference between the allowance claimed by the other parent and your salary payments (up to the current maximum insured earnings of 148 200 francs).

If you are unemployed, you will continue to be insured against accidents while on parental leave. You do not need to cancel the suspension with your health insurance because of this. However, a precondition for this is that there should not be any gap between receiving daily unemployment benefit and the allowance for the other parent.

### **14 Am I still insured under my occupational pension scheme while on parental leave?**

As an employee, you will continue to enjoy the same level of cover under your occupational pension scheme while you are on parental leave. Your previous coordinated salary, on which contributions are levied, will therefore remain valid. However, as an employee you can request a reduction in your coordinated salary.

If you have any questions about the amount of your occupational pension contributions, please contact your pension scheme.



## Sample calculations

### 15 Employee

Monthly earnings of less than CHF 8 250		
Monthly earnings prior to the adoption	CHF	5 250.00
Allowance calculation:		
CHF 5 250 ÷ 30 days	CHF	175.00
Allowance amounting to 80 % of CHF 175	CHF	140.00
Allowance amounting to 80 % of CHF 140 for a maximum of 14 days	CHF	1 960.00

### 16 Employee

Monthly earnings of more than CHF 8 250		
Monthly earnings prior to the adoption	CHF	8 430.00
Allowance calculation:		
CHF 8 430 ÷ 30 days	CHF	281.00
Allowance amounting to 80 % of CHF 281	CHF	224.80
Reduced to maximum benefit	CHF	220.00
Allowance of CHF 220 per day for a maximum of 14 days	CHF	3 080.00

## 17 Self-employed

### Self-employed with annual earnings of less than CHF 99 000

Annual earnings prior to the adoption	CHF	27 000.00
Allowance calculation:		
CHF 27 000 ÷ 360 days	CHF	75.00
Allowance amounting to 80 % of CHF 75	CHF	60.00
Allowance of CHF 60 per day for a maximum of 14 days	CHF	840.00

## 18 Self-employed

### Self-employed with annual earnings of more than CHF 99 000

Annual earnings prior to the adoption	CHF	102 600.00
Allowance calculation:		
CHF 102 600 ÷ 360 days	CHF	285.00
Allowance amounting to 80 % of CHF 285	CHF	228.00
Reduced to maximum benefit	CHF	220.00
Allowance of CHF 220 for a maximum of 14 days	CHF	3 080.00

## Enquiries and further information



This leaflet merely provides an overview. Individuals cases can only be assessed conclusively on the basis of the relevant legislation. The compensation offices and their branches will be pleased to answer any enquiries. A list of all compensation offices can be found at [www.ahv-iv.ch](http://www.ahv-iv.ch).

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