

6.02 LEC / MB / PB



Paternity benefit

Position as of 1st January 2021



The facts at a glance

Working fathers are entitled to paternity benefit for two weeks (14 days maximum) during the first six months following the birth of their child. To compensate for their loss of income, they receive 80 % of their previous average earnings on which they paid OASI contributions prior to the birth. The maximum compensation is 196 francs per day.

This leaflet provides working fathers and their employers with information on paternity benefit (PB).

Entitlement

1 When am I entitled to paternity benefit?

You are entitled to paternity benefit 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
- 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.
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2 What are the eligibility requirements for paternity benefit?

You will be eligible for paternity benefit if you were:

- the legal father at the time of the birth of the child or became so within the following six months; 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 are counted. Evidence of such periods should be provided by obtaining *form E104* from the foreign insurance provider. *Form E104* can be obtained from www.ahv-iv.ch.

3 When does entitlement begin and end?

Entitlement to paternity benefit begins on the date of the child's birth and ends when the 14th paternity benefit has been paid out but no later than the end of the six-month qualifying period after the birth.

4 How much is paternity benefit?

Paternity benefit 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 196 francs per day.

The maximum daily benefit is reached when your monthly income comes to 7 350 francs ($7\,350 \text{ francs} \times 0.8 \div 30 \text{ day} = 196 \text{ francs/day}$) or, if you are self-employed, when your annual income on which you pay OASI contributions comes to 88 200 francs ($88\,200 \text{ francs} \times 0.8 \div 360 \text{ days} = 196 \text{ francs/day}$).

5 What if I am entitled to benefits from other social insurance schemes at the same time as paternity benefit?

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,

paternity benefit 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).

6 Does paternity leave affect other entitlements?

Paternity leave 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 your 14-day paternity leave in full. The extension period corresponds to the number days of your outstanding paternity leave.
- your paternity leave may not be deducted from your annual leave entitlement.

Claiming paternity benefit

7 How can I claim paternity benefit?

The following can claim paternity benefit from the OASI compensation office responsible for their case:

- you as the father
 - 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 your paternity benefit;
- the salary paid by your employer during the period in which you are receiving the daily allowance, and
- the paternity leave taken to date.

You can access the *application form 318.747* at www.ahv-iv.ch.

8 When does entitlement to paternity benefit end?

Entitlement to paternity benefit lapses when you have taken all 14 days' leave but no later than the end of the six-month qualifying period. You can claim paternity benefit 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 paternity benefit

9 Do I have to pay OASI, IV and LEC contributions on my paternity benefit?

Yes. Paternity benefit 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 paternity benefit 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.

10 How is paternity benefit paid?

If your employer continues to pay your salary for the duration of your entitlement, the compensation office will pay the paternity benefit to your employer.

In the event of any dispute with your employer, or under special circumstances, you may request direct payment of your paternity benefit 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 benefit to be paid to your dependants entitled to maintenance or support. Paternity benefit is paid in arrears, namely after your final day of paternity leave has been taken.

Paternity benefit 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

11 Do I have accident insurance cover during paternity leave?

If you receive paternity benefit as an employee, you will continue to be covered by mandatory accident insurance while you are on paternity leave. In principle, you will be exempt from premium payments during this period.

If while you are on paternity leave your employer pays you a salary which amounts to more than the paternity benefit, he or she will be required to pay AIA premiums on the difference between paternity benefit 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 paternity 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 paternity benefit.

12 Am I still insured under my occupational pension scheme while on paternity leave?

As an employee, you will continue to enjoy the same level of cover under your occupational pension scheme while you are on paternity 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 paternity benefit calculations

13 Monthly earnings of less than 7 350 francs

Earnings prior to birth of the child	5 250 francs
Benefit calculation:	
5 250 francs ÷ 30 days	pay of 175 francs per day
Benefit amounting to 80 % of 175 francs	140 francs per day
Maximum benefit of 140 francs per day for a maximum of 14 days	1 960 francs

14 Monthly earnings of more than 7 350 francs

Earnings prior to birth of the child	7 425 francs
Benefit calculation:	
7 425 francs ÷ 30 days	pay of 247.50 francs per day
Benefit amounting to 80 % of 247.50 francs	198 francs per day
Reduced to maximum benefit	196 francs per day
Maximum benefit of 196 francs per day for a maximum of 14 days	2 744 francs

15 Self-employed with annual earnings of less than 88 200 francs

Earnings prior to birth of the child	27 000 francs
Benefit calculation:	
27 000 francs ÷ 360 days	pay of 75 francs per day
Benefit amounting to 80 % of 75 francs	60 francs per day
Maximum benefit of 60 francs per day for a maximum of 14 days	840 francs

16 Self-employed with annual earnings of more than 88 200 francs

Earnings prior to birth of the child	90 900 francs
Benefit calculation:	
90 900 francs ÷ 360 days	pay of 252.50 francs per day
Benefit amounting to 80 % of 252.50 francs	202 francs per day
Reduced to maximum benefit	196 francs per day
Maximum benefit of 196 francs per day for a maximum of 14 days	2 744 francs

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.

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