

# Regulations on on-call duty, night work and work on Sundays/public holidays at the Swiss Federal Institute of Technology Zurich

dated 10 December 2019 (last updated 1 August 2020<sup>1</sup>)

*The Executive Board of ETH Zurich,*

on the basis of Art. 2 para. 3 in conjunction with Art. 33 and Art. 54 para. 5 of the Personnel Ordinance for the ETH Domain (PVO-ETH) of 15 March 2001<sup>2</sup>, in consultation with employee representatives,

*hereby issues the following regulations:*

## **I. General**

### **Art. 1 Scope**

<sup>1</sup> These regulations apply to all administrative and technical staff<sup>3</sup> at ETH Zurich who provide on-call services as defined in Art. 4 in the service-oriented organisational units<sup>4</sup> and departments set out in Annex 1.

<sup>2</sup> The regulations also apply to all administrative and technical staff, including animal care staff, who work at night or on Sundays, whether on a temporary or regular basis, but who do not perform shift work.

<sup>3</sup> All scientific employees at ETH Zurich are subject to the Employment Act only in respect of the provisions on health protection, which is why the provisions of these regulations relating to night work and Sunday work do not apply to them. However, scientific assistants within the meaning of Art. 5 para. 1(a) of the Ordinance Governing Scientific Employees of ETH Zurich<sup>5</sup> (young researchers) should only perform night work and work on Sundays if this is necessary for their thesis project.

<sup>4</sup> The ETH Zurich shift work regulations, and not the on-call regulations, apply to SSHE Emergency Desk and security service staff.<sup>6</sup>

<sup>5</sup> These regulations govern remuneration for employees of the IT Services, Facility Management, SSHE and LET administrative departments, employees of CSCS, SED, CCSAP and ISG (departments) and technical personnel of EPIC and D-BSSE who are not on call within the meaning of these regulations but who provide second-level support in emergencies. Details of this support service must be regulated by these organisational units in compliance with the employer's duty of care.

### **Art. 2 Purpose**

---

<sup>1</sup> Editorial changes

<sup>2</sup> SR 172.220.113

<sup>3</sup> In the case of the SED (Swiss Seismological Service), the regulations may also apply to scientific employees who are on call.

<sup>4</sup> See Art. 13 and 14 of the ETH Zurich Financial Regulations (RSETHZ 245)

<sup>5</sup> SR 172.220.113.11

<sup>6</sup> RSETHZ 213.2

<sup>1</sup> These regulations set out the guidelines and compensation paid for on-call duty, night work and work on Sundays at ETH Zurich.

<sup>2</sup> Guidelines for second-level support are also defined.

### **Art. 3**      Applicable law

<sup>1</sup> These regulations are based on the provisions of the Employment Act (EmpA)<sup>7</sup> and of Ordinances 1 and 2 to the Employment Act (EmpO 1 and EmpO 2<sup>8</sup>) concerning on-call duty, night work and work on Sundays.

<sup>2</sup> For employees of IT Services and CSCS, as well as other employees who provide on-call IT services, Art. 32a EmpO 2 also applies (no obligation to obtain authorisation, Art. 12 of these regulations).

<sup>3</sup> In accordance with Art. 2 para. 3 of the Personnel Ordinance for the ETH Domain (PVO-ETH), the Executive Board is responsible for setting the compensation for on-call duty<sup>9</sup> and does so in accordance with Art. 13 of the FDF Ordinance to the Federal Personnel Ordinance (FPersO-FDF).<sup>10</sup>

<sup>4</sup> The general provisions of the Employment Act (EmpA) on day, evening and night work<sup>11</sup> do not apply to on-call duty. By definition, on-call duty is a period in addition to an employee's normal working hours during which the employee is available for work<sup>12</sup>. Other provisions, however, still apply, in particular provisions on maximum weekly working hours in accordance with Art. 17 of the Federal Personnel Act (FPA)<sup>13</sup> and Art. 55 para. 2 PVO-ETH<sup>14</sup>, compensation for night and Sunday work, and the authorisation of on-call duty at night and on Sundays and public holidays.<sup>15</sup>

<sup>5</sup> The heads of organisational units that have an on-call service and are listed in Annex 1 to these regulations are authorised to issue detailed, area-specific regulations (directives) only to the extent expressly mentioned in these regulations.

---

<sup>7</sup> SR 822.11

<sup>8</sup> SR 822.111 and SR 822.112

<sup>9</sup> SR 172.220.113

<sup>10</sup> SR 172.220.111.3

<sup>11</sup> Art. 10 and 17a EmpA

<sup>12</sup> Art. 14 para. 1 EmpO 1, SECO factsheet on on-call duty of March 2016, p. 5

<sup>13</sup> SR 172.220.1

<sup>14</sup> SR 172.220.113

<sup>15</sup> SECO factsheet on on-call duty of March 2016, p. 2

## **II. On-call duty**

### **Art. 4 Definition**

<sup>1</sup> On-call duty is defined as a period of time in addition to an employee's normal working hours – within or outside ETH Zurich – during which the employee remains available for any extraordinary, unforeseeable work, such as technical and infrastructure interventions in accordance with Art. 5 of these regulations or similar extraordinary events (constant availability for work).

<sup>2</sup> The job descriptions of employees providing on-call services make reference to on-call duty and obligate the employees to make themselves available for work in accordance with the on-call schedule of their organisational unit (see Annex 1). Work associated with on-call duty thus constitutes part of the employee's contractually agreed activity at ETH Zurich.

### **Art. 5 Recognition of working hours**

<sup>1</sup> If the on-call duty is performed away from ETH Zurich, the time made available is added to working hours if the employee is actually called to work (on-call work). Depending on the nature of the fault, on-call work may also be completed from home (remote support), eliminating the need for travel to the place of work.

<sup>2</sup> The period of time between the employee being called into work and his/her arrival at ETH Zurich must generally be at least 30 minutes (intervention time).<sup>16</sup> The implementation provisions of the individual organisational units set out the details.

<sup>3</sup> The journey time to and from work is counted as working time for the purpose of on-call work<sup>17</sup>.

### **Art. 6 Technical and infrastructure interventions**

Technical and infrastructure interventions within the meaning of Art. 4 para. 1 of these regulations include:

- a) IT support services in accordance with the service-level agreement (SLA) as well as network and IT infrastructure maintenance that cannot be planned for or completed via organisational measures during the day on work days<sup>18</sup>
- b) The resolution of unexpected faults in building technology, incidents affecting safety and extraordinary events (fire, water, power failures)
- c) Winter on-call duty to keep pavements and building entrances clear at ETH-Zentrum and ETH-Hönggerberg

### **Art. 7 Normal working hours and allocation of working hours**

<sup>1</sup> The normal daily working hours (target working hours = 8.2 hours) are determined by ETH Zurich building opening times, which are normally defined by the Executive Board or the department, as well as customer requirements and service-level agreements (SLA)<sup>19</sup>. The working week starts on Monday.<sup>20</sup>

<sup>2</sup> Over-hours or overtime are accumulated should an employee's weekly working hours exceed 41 hours<sup>21</sup> due to on-call work, including at night or on Sundays or public holidays, which must be compensated for with an equivalent amount of time off in lieu by agreement with the employee's supervisor.<sup>22</sup> This must be taken into account when creating a schedule for on-call duty.

### **Art. 8 On-call planning and allocation**

---

<sup>16</sup> Art. 8a para. 1 EmpO 2

<sup>17</sup> Art. 15 para. 2 EmpO 1

<sup>18</sup> Art. 32a EmpO 2

<sup>19</sup> E.g. CSCS and IT Services

<sup>20</sup> Art. 16 para. 1 EmpO 1

<sup>21</sup> Art. 54 para. 1 PVO-ETH

<sup>22</sup> Art. 55 PVO-ETH

<sup>1</sup> The head of service-oriented units and the departments named in Annex 1 are responsible for planning on-call duty. They must involve employees in this process<sup>23</sup> and comply with the guidelines set out in these regulations, specifically those regarding rest periods and time off in lieu. Details may be set out in the implementation provisions (see Art. 3 para. 5).

<sup>2</sup> Employees are normally called in for on-call work by the Emergency Desk or via automatic monitoring systems or fault reports. The Human Resources department may authorise deviations from this approach.

<sup>3</sup> On-call planning is based on a period of four weeks. An employee may be on call for a maximum of seven (successive or individual) days during this period.<sup>24</sup>

<sup>4</sup> On-call work may interrupt the daily rest period of 11 hours. However, the remaining rest time must be taken after the on-call work has been completed. If on-call work prevents a minimum continuous rest period of four hours from being taken, the daily rest period of 11 hours must be granted after the last on-call work assignment has been completed.<sup>25</sup>

<sup>5</sup> The last period of on-call duty (whether or not the employee was actually called to work) must be followed by two weeks without on-call duty. During this time, the employee may not be called upon to perform on-call duty.<sup>26</sup>

<sup>6</sup> By way of exception, an employee may be on call for up to 14 days during a four-week period, provided that:

- a) the size and structure of the service-oriented unit mean that the unit does not have sufficient personnel available for on-call duty and
- b) the number of times on-call work is actually undertaken does not exceed five times per month on average in a calendar year.<sup>27</sup>

<sup>7</sup> Short-term scheduling changes to meet an operational need may be made only by agreement with employees with family responsibilities and if ETH Zurich has no reasonable alternative.<sup>28</sup>

<sup>8</sup> Pregnant women and nursing mothers may not be called upon to provide or assigned on-call duty.<sup>29</sup> This also applies to employees who are unfit for work due to illness or accident.

<sup>9</sup> Student employees may not be called upon to perform on-call duty. The Rector's guidelines for the occupation and employment of teaching assistants and the allocation of budget funds<sup>30</sup> also apply.

<sup>10</sup> Technical and administrative staff in the departments do not generally perform on-call duty unless the department is explicitly named in Annex 1. Exceptions may be made only with authorisation from the Human Resources department.

<sup>11</sup> If operational needs allow, employees over 58 years of age may not be assigned on-call duty.

---

<sup>23</sup> Art. 48 EmpA

<sup>24</sup> Art. 14 para. 2 EmpO 1

<sup>25</sup> Art. 15a para. 1 EmpA, Art. 19 para. 3 EmpO 1

<sup>26</sup> Art. 14 para. 2 EmpO 1

<sup>27</sup> Art. 14 para. 3 EmpO 1

<sup>28</sup> Art. 14 para. 4 EmpO 1

<sup>29</sup> SECO factsheet on on-call duty of March 2016, p. 6

<sup>30</sup> See Directives Collection of the Rectorate at: <https://ethz.ch/en/studies/legal-principles-degrees/legal-basis/directives.html>

## Art. 9 Compensation

<sup>1</sup> If an employee is on call within ETH Zurich during normal working hours as described in Art. 6 para. 1 of these regulations, the entire duration of on-call duty constitutes working time<sup>31</sup> for which no additional compensation is due.

<sup>2</sup> The weekly on-call time to be credited is calculated as the full duration of on-call duty minus the average weekly target working hours of 41 hours for full-time employment<sup>32</sup> (on-call week = 127 hours)<sup>33</sup>.

<sup>3</sup> The amount of compensation for the credited on-call time is determined based on Art. 13 para. 1, para. 2<sup>bis</sup> and para. 3 of the FDF Ordinance to the Federal Personnel Ordinance (FPersO-FDF)<sup>34</sup>. This applies regardless of whether or not the employee is called in for on-call work.

<sup>4</sup> The compensation may be calculated based on a flat rate or on an hourly basis adjusted for inflation<sup>35</sup>:

- a) Flat rate up to CHF 837 per on-call week or
- b) CHF 6.59 per hour (127 hours x CHF 6.59 = CHF 836.95).

<sup>5</sup> For employees who only provide (first-level) remote support, the head of the relevant organisational unit may, in consultation with the Human Resources department, define a rate of compensation up to 70% lower than that specified in paragraph 4<sup>36</sup>.

<sup>6</sup> Employees as described in Art. 1 para. 5 of these regulations who provide second-level support and are not part of an on-call service are compensated for remote or on-site assistance on the same basis as on-call work (hourly rate pursuant to Art. 9 para. 4(b)). The journey time is included and compensated for on-site work.

<sup>7</sup> The organisational unit listed in Annex 1 decides whether to pay hourly compensation for the credited on-call time or a flat rate for each on-call week. The organisational unit has no other authority to issue rules regarding compensation.

<sup>8</sup> If employees are called upon to perform on-call work at night or on a Sunday, they are entitled to the legally prescribed supplement<sup>37</sup> as set out in Art. 14 of these regulations.

<sup>9</sup> Employees who are unable to work due to illness or accident cannot perform on-call duty and are therefore not entitled to any compensation for this time.

<sup>10</sup> The payment is calculated based on the on-call calendar and is made every six months with the salary payment, after deduction of social security contributions.

## Art. 10 Time off in lieu and equipment

<sup>1</sup> If an employee is on call on a Sunday but is not required to perform any work, no time off in lieu needs to be granted.

<sup>2</sup> If an employee is on call on a public holiday, he/she is entitled to time off in lieu regardless of whether he/she is required to perform any work.

<sup>3</sup> An employee may not be on call on Sundays for the entire year: alternate Sundays must generally be free (see Art. 12 para. 5). If on-call work is required, an equivalent amount of time off in lieu must be granted.<sup>38</sup>

<sup>4</sup> If necessary, ETH Zurich will provide the employee with the equipment needed for on-call duty (mobile phone, pager, laptop, etc.). Employees will not be compensated for the cost of home internet access.

---

<sup>31</sup> Art. 15 para. 1 EmpO 1

<sup>32</sup> Art. 54 para. 1 PVO-ETH

<sup>33</sup> 7 x 24 hours = 168 hours minus 41 hours = 127 hours

<sup>34</sup> SR 172.220.111.31

<sup>35</sup> As described in Art. 44 para. 2(d) FPersO

<sup>36</sup> In accordance with Art. 13 para. 2<sup>bis</sup> FPersO-FDF

<sup>37</sup> Editorial change dated 1 August 2020

<sup>38</sup> Art. 20 EmpA, Art. 21 EmpO 1, SECO factsheet on on-call duty of March 2016, p. 6

### III. Night work and work on Sundays/public holidays

#### Art. 11 Night work

<sup>1</sup> Work performed between 6 a.m. and 8 p.m. is considered daytime work, and work performed between 8 p.m. and 11 p.m. is considered evening work. Daytime and evening work does not need to be authorised. Work performed between 11 p.m. and 6 a.m. is regarded as night work.<sup>39</sup> Rules that deviate from this for the time between 5 a.m. and 6 a.m. may be agreed with the Human Resources department, resulting in this time not being regarded as night work.

<sup>2</sup> It is generally prohibited for employees of ETH Zurich to be employed to work other than during normal daytime and evening working hours (night work).<sup>40</sup> This is permitted on an exceptional basis if:

- a) it is temporary (maximum of 24 nights),
- b) an urgent requirement can be demonstrated and
- c) it has been authorised by the Office for Economy and Labour in the canton of Zurich (AWA).<sup>41</sup> An assessment of whether such grounds or such a need exists is made on the basis of Art. 27 and 28 EmpO 1.

<sup>3</sup> The employee's agreement to night work is also required.<sup>42</sup>

<sup>4</sup> The provisions on night work set out in the ETH Zurich shift work regulations apply to employees working shifts<sup>43</sup>.

<sup>5</sup> Employees working at night may not work for more than nine hours, including breaks, within a period of 10 hours on any working day. Employees must be given a daily rest period of at least 11 consecutive hours.<sup>44</sup>

#### Art. 12 Work on Sundays and public holidays

<sup>1</sup> Work on Sundays, i.e. between 11 p.m. on Saturday and 11 p.m. on Sunday, is generally prohibited. Such work is permitted on an exceptional basis if the work is essential for technical or economic reasons or if an urgent need can be demonstrated and the work has been authorised by the State Secretariat for Economic Affairs (SECO) or the Office for Economy and Labour in the canton of Zurich.<sup>45</sup> An assessment of whether such grounds or such a need exists is made on the basis of Art. 27 and 28 EmpO 1.

<sup>2</sup> Overtime is not permitted on Sundays except in the case of employees on call.

<sup>3</sup> Regular or permanent Sunday working (seven or more Sundays per year)<sup>46</sup> as part of an employee's role must be indicated in their job description and, at ETH Zurich, usually only applies to employees working shifts<sup>47</sup> or on call.

<sup>4</sup> The employee's agreement to Sunday work is required.<sup>48</sup>

<sup>5</sup> In a two-week period, at least one entire Sunday must be kept free as a weekly rest day immediately before or after a daily rest period.<sup>49</sup>

<sup>6</sup> Sunday work of up to five hours must be compensated for with an equivalent period of time off in lieu. If an employee works for longer than five hours on a Sunday, a rest day of no less than 24 hours must be

---

<sup>39</sup> Art. 10 para. 1 EmpA

<sup>40</sup> Art. 16 EmpA

<sup>41</sup> Art. 16 and 17 EmpA

<sup>42</sup> Art. 17 para. 6 EmpA

<sup>43</sup> RSETHZ 213.12

<sup>44</sup> Art. 17a para. 1 EmpA

<sup>45</sup> Art. 19 EmpA

<sup>46</sup> Art. 40 para. 3 and 4 EmpO 1

<sup>47</sup> See ETH Zurich shift work regulations (RSETHZ 213.2)

<sup>48</sup> Art. 19 para. 5 EmpA

<sup>49</sup> Art. 20 EmpA

granted on a working day. This rest day must be granted in either the preceding or the following week and must be immediately before or after a daily rest period.<sup>50</sup>

<sup>7</sup> Public holidays are equivalent to Sundays.

### **Art. 13** Exceptions from the obligation to obtain authorisation for night and Sunday work

<sup>1</sup> There is no requirement to obtain authorisation for night or Sunday work for employees of ETH Zurich responsible for information and communication technology within the meaning of Art. 32a EmpO 2 if such work is necessary for the following work and if downtime of the network or IT infrastructure during working hours would jeopardise the maintenance of operations:

- a) remedying faults in the network and IT infrastructure or
- b) network or IT infrastructure maintenance that cannot be planned for or completed via organisational measures during the day on work days.

<sup>2</sup> Scientific employees within the meaning of the Ordinance Governing Scientific Employees of ETH Zurich<sup>51</sup> are excluded from the obligation to obtain authorisation because, with the exception of the provisions on health protection, these employees are not generally subject to the Employment Act<sup>52</sup>.

<sup>3</sup> The Human Resources department must clarify whether and the extent to which other areas are excluded from the obligation to obtain authorisation with the relevant cantonal and national authorities (AWA/SECO) as needed (Art. 15).

### **Art. 14** Compensation for night work and work on Sundays and public holidays

<sup>1</sup> Employees who only work at night for a temporary period (24 or fewer nights per year) are paid a 25% supplement.<sup>53</sup>

<sup>2</sup> Employees of ETH Zurich only work permanently or regularly at night, i.e. 25 or more nights per year<sup>54</sup>, as part of shift work. In this case, compensation is based on Art. 5 of the ETH Zurich shift work regulations.

<sup>3</sup> Employees who only work on Sundays for a temporary period (up to six Sundays a year) are paid a 50% supplement.<sup>55</sup> No supplement is payable in the case of permanent or regular work on Sundays and such work is already taken into account in the salary for the role.<sup>56</sup>

<sup>4</sup> The national holiday (1 August) and other cantonal public holidays at ETH locations are equivalent to Sundays<sup>57</sup>.

### **Art. 15** Medical care

Employees on call and/or working nights are entitled to medical check-ups at least every two years at the expense of ETH Zurich. The time needed for such check-ups is regarded as working time<sup>58</sup>.

### **Art. 16** Responsibility for obtaining authorisation

---

<sup>50</sup> Art. 20 EmpA

<sup>51</sup> SR 172.220.113.11

<sup>52</sup> Art. 3(d) EmpA (SR 822.11)

<sup>53</sup> Art. 17b para. 1 EmpA, Art. 31 para. 1 EmpO 1

<sup>54</sup> Art. 5 ETH Zurich shift work regulations

<sup>55</sup> Art. 19 para. 3 EmpA

<sup>56</sup> In the same way as employees working shifts (Art. 6 para. 2 of the ETH Zurich shift work regulations); editorial change dated 1 August 2020

<sup>57</sup> Editorial change dated 1 August 2020

<sup>58</sup> In accordance with Art. 7 para. 6 of the shift work regulations

The Human Resources department is responsible for authorising on-call duty and obtaining special authorisation for night and Sunday work at ETH Zurich.

## **IV. Final provisions**

### **Art. 17 Transitional provisions**

Compensation for employees performing on-call duty will be aligned with these regulations within 12 months of their entry into force.

### **Art. 18 Entry into force**

<sup>1</sup> These regulations enter into force on 1 January 2020.

<sup>2</sup> These regulations replace all previous on-call regulations in service-oriented organisational units and departments as well as the ETH Zurich on-call regulations dated 24 September 1996.

Zurich, 10 December 2019

On behalf of the Executive Board

President: Joël Mesot

General Secretary: Katharina Poiger Ruloff



## **Annex 1**

### **to the regulations on on-call duty, night work and work on Sundays/public holidays at the Swiss Federal Institute of Technology Zurich**

Overview of ETH Zurich units with an on-call service (last updated September 2019)

- Facility Management department
- IT Services department
- Services department, winter on-call duty
- ETH library (until the end of 2020)
- CSCS
- Swiss Seismological Service (SED)

Other departments in which unplanned work may be required are not listed here.

Any other units providing an on-call service will be checked by the Human Resources department and added to the overview.