

# Guidelines

for the implementation of the 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  
(RSETHZ 213.14)

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# 1 On-call duty

## 1.1 Scope

These guidelines apply to all **administrative and technical staff** (including employees paid on an hourly basis) at ETH Zurich who perform on-call duty in service-oriented organisational units and departments.

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>1</sup> (young researchers) should only perform night work and work on Sundays if this is necessary for their thesis project.

## 1.2 Definition

In addition to their normal work, employees on call are available to remedy faults, assist in case of emergencies, perform inspections or handle similar extraordinary events. Employees on call must:

- have specialist expertise (different support levels) that they can use in case of faults and emergencies
- accept certain personal restrictions during their on-call duty
- be contactable and ready for work
- be able to be on site within a defined period of time

## 1.3 Legal basis

Various sources provide the basis for on-call duty:

Employment Act	EmpA	defines principles for work
Ordinance 1	EmpO 1	specifies details
Ordinance 2	EmpO 2	establishes exceptions

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<sup>1</sup> SR 172.220.113.11

## 1.4 Definition of terms

Term	Description
Working hours	41 hours per week for full-time employees
Maximum working hours	45 hours per week
On-call week	Monday to Sunday
Rest period	11 hours
Sunday work	11 p.m. on Saturday to 11 p.m. on Sunday, subject to authorisation and a supplement
Daytime work	6 a.m. to 8 p.m., may be brought forward by one hour to meet operational needs, no authorisation required
Evening work	8 p.m. to 11 p.m., no authorisation required
Night work	11 p.m. to 6 a.m. (or 10 p.m. to 5 a.m.), subject to authorisation and a supplement
Compensation for night work/ work on Sundays/public holidays	Payment of the relevant supplement: Night supplement: 25% Sunday/public holiday supplement: 50%  For time management purposes, the hours worked are booked as normal working hours.

## 1.5 On-call duty

### 1.5.1 Principles

As a rule, an employee may be on call for no more than seven days in a four-week period.

The last period of on-call duty must be followed by two weeks without on-call duty. During this time, the employee may not be assigned on-call duty.

If, due to a lack of personnel, it is not possible to guarantee the availability of an on-call service by working 7 days in a 4-week period, on-call duty for 14 days in a 4-week period may be permitted in justified exceptional cases. Rest periods must, however, always be granted.

Definition of on call:

- On-call **DUTY** Availability for work in the event of faults and emergencies.  
On-call duty does not constitute working hours.
- On-call **WORK** Work actually performed due to faults and emergencies. On-call work is actual working time.  
Travel time for on-call work is also counted as working time.

### 1.5.2 On-call week

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Working week: 41 hours = 8.2 hours a day							
Working day without supplement							
Working time with supplement							

### 1.5.3 On-call day

Period/time	6	7	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	1	2	4	5	
Daytime work																							
Evening work																							
Night work																							

## 1.6 Examples of on-call schedules/rest periods

### Example 1

Timeline/Clock	18	19	20	21	22	23	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
On-call duty 1	3 hours			2 hrs.	8 hours																				

11 hours rest period

### Example 2

Timeline/Clock	18	19	20	21	22	23	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
On-call duty 2	4 hours			1	5 hours				1	2 hrs.															

11 hours rest period

### Example 3

Timeline/Clock	18	19	20	21	22	23	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
On-call duty 3	5 hours				5 hours				6 hours																

11 hours rest period

### Example 4

Timeline/Clock	18	19	20	21	22	23	24	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
On-call duty 4	3 hours			3 hours			3 hours			3 hours			11 hours rest period												

never 4 hours rest at a time                      therefore 11 hrs. rest period given afterwards

#### Legende:

On-call duty		Availability for work in the event of faults and emergencies
On-call work		Work actually performed due to faults and emergencies
Daily working hours		

- A rest period may be interrupted by on-call work!
- A total of 11 hours of rest time must be granted
- At least one partial rest period of four hours between two on-call work assignments – otherwise, an 11-hour rest period must be granted after the on-call duty! (Art. 8 para. 4)

### On-call duty at Christmas/New Year

Christmas/New Year	21.12.	22.12.	23.12.	24.12.	25.12.	26.12.	27.12.	28.12.	29.12.	30.12.	31.12.	01.01.	02.01.	03.01.
Public holidays				4.1							4.1			

University holidays do not affect the on-call service.

Employees on call at Christmas/New Year receive a full day off in lieu, even if the holiday falls on a Sunday.

## 2 Night work and work on Sundays/public holidays

With the exception of supplements, the rules for night work and work on Sundays/public holidays do not apply to on-call duty.

### 2.1 Night work

#### 2.1.1 Principles

Work between 11 p.m. and 6 a.m., or 10 p.m. and 5 a.m. if the working hours have been brought forward, is regarded as night work.

Night work is generally prohibited for employees of ETH Zurich. An exception applies in the case of employees working shifts who are subject to the shift work regulations and who work nights on a regular basis.

Temporary night work (for up to 24 nights a year) generally requires official authorisation. The employee's agreement to night work is always required. If night work is part of an employee's role, this must be mentioned in their job description.

Employees working at night may not work for more than nine hours, including breaks, within a period of 10 hours on any working day.

Exceptions to the obligation to obtain authorisation are set out in Art. 13 of the regulations.

#### 2.1.2 Rest period

The daily rest period must be 11 hours in total.

### 2.2 Sunday work

#### 2.2.1 Principles

Work between 11 p.m. on Saturday and 11 p.m. on Sunday is regarded as Sunday work.

Sunday work is generally prohibited and, as in the case of night work, exceptions require official authorisation and the agreement of the employee.

Where functions involve occasional work on Sundays, this is considered part of the employee's work and must be detailed in the job description. If more than six Sundays are worked in a year, this must be stated in the job description. As a general rule, only employees performing shift work or on-call duty work on Sundays (Art. 12 para. 3).

Overtime may not be worked on Sundays, i.e. the maximum working hours of 45 hours, including Sunday working hours, may not be exceeded.

## 2.2.2 Rest period

Sunday is generally the weekly rest day. The weekend rest period totals at least 35 hours. The continuous rest period of 35 hours consists of an 11-hour daily rest period plus 24 hours on Sunday, which must include the time between 11 p.m. on Saturday and 11 p.m. on Sunday.

At least one free Sunday must also be granted in a two-week period, either before or after a daily rest period (Art. 12 para. 5). This means that it is possible to work two consecutive Sundays if the Sundays before and after are free. Example:

Week 1	Sun	Week 2	Sun	Week 3	Sun	Week 4	Sun	Week 5
	free		worked		worked		free	

It must also be ensured that a rest period of 11 hours is granted after Sunday work that is not performed as part of on-call duty.

The following time off in lieu must be granted for work on Sundays:

- Up to five hours' work on Sunday → the equivalent number of hours off within four weeks
- More than five hours' work on Sunday → one full day off  
This day off must be taken in the week before or after the Sunday work. For time management purposes, the day off must be entered as a whole day of 8.2 hours, even if fewer than 8.2 hours were worked. This can therefore also result in minus hours.

## 2.3 Examples of night work/work on Sundays/public holidays

A supplement is only due for night work/work on Sundays and public holidays if the work was arranged by the employee's supervisor!

These rules apply to all employees with a contract with ETH, regardless of whether they are paid hourly, monthly or at a flat rate.

Example 1	Public holiday
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- <b>Works from home on Good Friday; arranged working time</b></li> <li>- For CSCS Ticino</li> <li>- Good Friday is a public holiday in Zurich but not in Ticino</li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Unless otherwise agreed, public holidays at the place of work (Zurich) apply</li> <li>- The place of work is defined in the employment contract</li> <li>- The home office is the work location or place of performance</li> <li>- The canton the work is for is not relevant</li> </ul>
Implementation/ compensation	<ul style="list-style-type: none"> <li>- Entitlement to a day off in lieu if more than five hours are worked on a public holiday</li> <li>- Sunday/public holiday supplement of 50%</li> <li>- Authorisation required for work on a public holiday</li> </ul>

<b>Example 2</b>	<b>Public holiday</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee at CSCS Ticino</li> <li>- <b>Works from home on St Joseph's Day for ETH Zurich; arranged working time</b></li> <li>- St Joseph's Day, 19 March 2020, is a public holiday in Ticino but not in Zurich</li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Unless otherwise agreed, public holidays at the place of work apply</li> <li>- The place of work is defined in the contract</li> <li>- The home office is the work location or place of performance</li> <li>- The canton the work is for is not relevant</li> </ul>
Implementation/compensation	<ul style="list-style-type: none"> <li>- Entitlement to a day off in lieu if more than five hours are worked on a public holiday</li> <li>- Sunday/public holiday compensation of 50%</li> <li>- Authorisation required for work on a public holiday</li> </ul>

<b>Example 3</b>	<b>Public holiday</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- <b>Works abroad on 1 August 2020; arranged working time</b></li> <li>- Working from home for EU project</li> <li>- 1 August is Swiss National Day</li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- EmpA does not apply abroad</li> <li>- Work abroad on 1 August is not Sunday work</li> <li>- Work from home in Switzerland is Sunday work</li> </ul>
Implementation/compensation	<ul style="list-style-type: none"> <li>- If abroad: no authorisation required because this day is not a public holiday abroad</li> <li>- If working from home in Switzerland: <ul style="list-style-type: none"> <li>- Must be arranged by the employee's supervisor! Authorisation required</li> <li>- 50% supplement for Sunday work</li> <li>- Day off in lieu</li> </ul> </li> </ul>

<b>Example 4</b>	<b>Evening/night work</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- Work at an evening event on a weekday</li> <li>- <b>Work from 5 p.m. to 4 a.m.</b></li> <li>- <b>Duration: 11 hours</b></li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Does this time include night work (11 p.m. to 6 a.m.)? Yes, five hours of night work.</li> <li>- Is it permitted and authorised?</li> <li>- Check for overtime at night</li> </ul>
Implementation/compensation	<ul style="list-style-type: none"> <li>- Daily working hours of 11 hours: not permitted because five of these hours are night work. As a result, the daily working hours exceed the limit of nine hours.</li> <li>- Grant an 11-hour rest period after work</li> <li>- Night supplement of 25%</li> </ul>

<b>Example 5</b>	<b>Evening work</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- Work at an evening event on Wednesday in addition to normal working hours</li> <li>- <b>Work from 5.30 p.m. to 8 p.m.</b></li> <li>- <b>Duration: 2.5 hours</b></li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Does this time include night work (11 p.m. to 6 a.m.)?</li> <li>- Overtime?</li> </ul>
Implementation/compensation	<ul style="list-style-type: none"> <li>- Possible overtime</li> <li>- Otherwise, there is no problem because this is not night work</li> </ul>



<b>Example 6</b>	<b>Evening/night work</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- 8.5 hours worked in a day</li> <li>- Additional work at an evening event</li> <li>- <b>Work from 8 p.m. to midnight</b></li> <li>- <b>Duration: 8.5 hours + 4 hours</b></li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Overtime</li> <li>- Rest period</li> <li>- Night work (11 p.m. to 6 a.m.)</li> <li>- Daily working hours</li> <li>- Compensation</li> </ul>
Implementation/ compensation	<ul style="list-style-type: none"> <li>- 8.5 hours + 4 hours = <b>12.5 hours!</b> Not permitted because one of these hours is night work.</li> <li>- As a result, the daily working hours exceed the limit of nine hours</li> <li>- 1 hour of night work = 25% supplement</li> <li>- Compensation for over-hours</li> </ul>

<b>Example 7</b>	<b>Evening/night/Sunday work</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- Work at an evening event on Saturday and Sunday, arranged working hours</li> <li>- <b>Work from 5 p.m. to 3 a.m.</b></li> <li>- <b>Duration: 10 hours</b></li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Working hours</li> <li>- Night work (11 p.m. to 6 a.m.)</li> <li>- Sunday work</li> <li>- Time off in lieu</li> </ul>
Implementation/ compensation	<ul style="list-style-type: none"> <li>- Working hours of ten hours not permitted (maximum of nine hours because part of this is night work)</li> <li>- Four hours of night work plus Sunday work (11 p.m. to 3 a.m.) → only one supplement (whichever is higher) is paid, i.e. 50% for Sunday work</li> <li>- Below five hours, the time worked must be granted as a rest period</li> </ul>

<b>Example 8</b>	<b>Sunday work</b>
Background	<ul style="list-style-type: none"> <li>- ETH employee whose place of work is Zurich</li> <li>- <b>Work on Sunday, arranged working hours</b></li> <li>- Work from 10 a.m. to 1.30 p.m.</li> </ul>
Considerations	<ul style="list-style-type: none"> <li>- Overtime</li> <li>- Sunday work</li> <li>- Time off in lieu</li> <li>- Duration</li> <li>- When does time off in lieu need to be granted?</li> </ul>
Implementation/ compensation	<ul style="list-style-type: none"> <li>- The maximum weekly working hours of 45 hours must not be exceeded due to planned Sunday work as overtime may not be worked on Sundays.</li> <li>- It must be possible to compensate for the 3½ hours within the next 4 weeks</li> <li>- Sunday supplement of 50%</li> </ul>

Example 9	Sunday work
Background	- ETH employee whose place of work is Zurich - <b>Work on Sunday, arranged working hours</b> - Work from 10 a.m. to 4 p.m.
Considerations	- Overtime - Sunday work - Duration - Time off in lieu - When does it need to be granted?
Implementation/ compensation	- Six hours of Sunday work triggers a day off in lieu immediately after the day of work or within two weeks - Sunday supplement of 50%

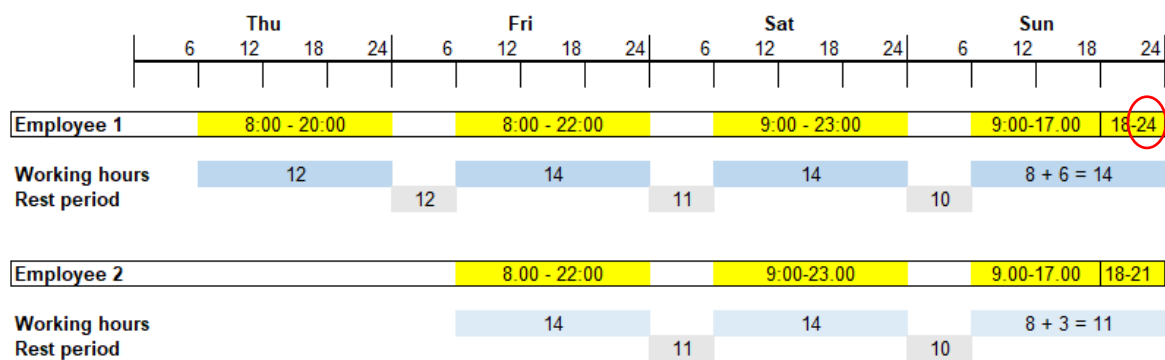
Example 10	Scientifica (evening/night/Sunday work)
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#### Employee 1 working hours:

- Thu 8 a.m. – 8 p.m.
- Fri 8 a.m. – 10 p.m.
- Sat 9 a.m. – 11 p.m.
- Sun 9 a.m. – 5 p.m. and 6 p.m. – midnight

#### Employee 2 working hours:

- Fri 8 a.m. – 10 p.m.
- Sat 9 a.m. – 11 p.m.
- Sun 9 a.m. – 5 p.m. and 6 p.m. – 9 p.m.



Considerations	- Daily working hours - Daily rest period - Overtime - Maximum Sunday working hours followed by night work (11 p.m. to 6 a.m.) - Day off in lieu - Supplements
Implementation/ compensation	- Sunday working hours too high! Daily working hours of no more than nine hours are permitted due to the night work - Overall weekly view for employee 1 ( <b>54 hours</b> ) → <b>no more than 45 hours possible if Sunday work is arranged</b> - Sunday work/one hour of night work → <b>Monday</b> - Sunday supplement of 50% - Rest period is OK; average of 11 hours respected

**Example 11**

**ETH week (evening/night work)**

**Events employee working hours:**

- Sun 10 a.m. – 10.30 p.m.
- Mon 7 a.m. – 10 p.m.
- Tue 7 a.m. – 11 p.m.
- Wed 7 a.m. – midnight
- Thu 7 a.m. – 10.30 p.m.
- Fri 7 a.m. – midnight

	Sun	Mon	Tue	Wed	Thu	Fri
	6 12 18 24	6 12 18 24	6 12 18 24	6 12 18 24	6 12 18 24	6 12 18 24
<b>Working time</b>	10:00-22:30	7:00 - 22:00	7:00-23:00	7:00 - 24:00	7:00-22:30	7:00 - 24:00
<b>Working hours</b>	12,5	15	16	17*)	15,5	17 *)
<b>Rest period</b>		8,5	9	8	7	8,5

**Considerations**

- Daily working hours
- Daily rest period
- Night work
- Sunday work
- Day off in lieu
- Night work (11 p.m. to 6 a.m.)

**Implementation/compensation**

- Daily working hours including night hours \*) (Wed+Fri: one hour of night work each day) too high: maximum of nine hours' work allowed each day
- Rest period not granted: average of 11 hours
- Night supplement of 25%

The following points must be considered during scheduling:

- Authorisation for night/Sunday work
- Daily working hours
- Daily rest period
- Breaks
- Weekly working hours
- Compensatory periods

### 3 Recording on-call, night, Sunday and public holiday duty in ETHIS

Instructions for the recording of on-call duty as well as night, Sunday and public holiday work can be found on the [HR website](#).

## Appendix

### Clarification of the regulations

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

These paragraphs set out details of night work and work on Sundays and public holidays performed separately to on-call duty (paragraph II).

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

##### Para. 11:

If operational needs allow, **employees over 58 years of age** may not be assigned on-call duty.

→ The age of 58 is defined to comply with the **employer's duty of care**. This approach only takes effect if operational needs allow and in consultation with line management/HR. The decision is made by the head of the relevant administrative department, who must have a clear policy aligned with operational conditions/requirements. If it is decided that operational needs allow, this option must be discussed with the employee concerned. Employees otherwise have no legal right not to perform on-call duty.

→ Employees performing shift work are not on call. Shift workers may not undertake additional on-call duty.

→ On-call duty **MUST** be mentioned in each employee's job description.

#### Art. 10 **Time off in lieu** and equipment

##### Para. 1 and 2:

→ Employees who are on call on a public holiday, such as Easter Monday, are entitled to a day off in lieu. In other words, the employee can be given free time (not payment!) to compensate for this day. In practice, employees must be given a day off.

→ An employee who is on call on a Sunday but is not called to work will not receive a day off in lieu (Art. 10 para. 1). Public holidays and Sundays are treated differently in this respect.