

Federal referendums of December 1, 1996 : labour and immigration

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Labour and immigration

Voters will decide on two subjects on December 1 of this year: the popular initiative "Against illegal immigration" and the revision of the Labour Law.

If all had gone according to plan, the revision of the Federal Labour Law would not have needed a referendum. The Federal Council had in fact based its proposals to parliament on a compromise between employers and unions. The relaxation of the prohibition on

against the revision of the law as adopted by parliament.

The Federal Council versus parliament

Parliament distanced itself from the proposals of the Federal Council to such an extent that the latter decided it could not formally support the draft law – something which happens extremely rarely. It is, therefore, limiting itself to explaining the content and implications of the law and to presenting the arguments for and against, without itself giving any advice on how to vote. This is only the second time that the government has ever refused to accept parliament's views. It happened the first time in 1979 with a referendum on a draft federal decision to lower the voting age and the age at which one can

stand for public office to 18, which most cantons were against. The draft was finally rejected by voters.



Supplement for night work: in money and/or time? That is the main point at dispute in the revised Labour Law. (Photo: Keystone)

The initiative against illegal immigration

The popular initiative "Against illegal immigration" comes from within the ranks of the Swiss People's Party (SVP). Furnished with 105,000 signatures, it was handed in at the Federal Chancellery in October 1993. Its aims are to reduce the economic attraction of Switzerland for refugees, to dissuade fake refugees from returning to Switzerland and to deny access to the normal procedure to asylum-seekers who entered Switzerland illegally. While accepting the principle of protection from forced return in some circumstances, the initiators are proposing five measures to reach their objectives: refusal to consider asylum requests from persons entering Switzerland illegally; limiting appeal rights; systematic refusal of refused asylum-seekers; return of entry to Switzerland or restrictions on residence during the procedure; prohibition on work or, if this is not possible, administration of salaries by the federal government.

Both parliament and the Federal Council are recommending that the people and the cantons reject this popular initiative. It was launched at a time when Switzerland was experiencing a record number of asylum requests and is founded on a fear that the situation would deteriorate and finally slide out of control. However, figures now show that this is unjustified. Although in 1991 new asylum requests nearly reached 42,000, they have since fallen below 18,000 per year – except for 1993, when the figure was almost 25,000.

This is because measures were taken in good time by the federal government to control the situation. These included revising the asylum law by simplifying and speeding up the procedure for considering requests, setting up an independent commission to review appeals, and more recently introducing measures of constraint into the legislation on foreign nationals. Moreover asylum law is at

present undergoing further revision in parliament. More radical changes such as those desired by the authors of the initiative would "create useless hindrances and would have negative effects on decision-making practice, which is now consolidated", according to the Federal Council, which is followed by parliament on this issue.

For their part the authors of the initiative declare that the measures which they propose would be effective against illegal immigration and abuses of the system. The acceptance rate of asylum requests is only 10%, they say, which means that 90% of those requesting asylum in Switzerland are not in fact refugees. In addition, asylum generates costs of around Sfr. 1 billion per year. In other words, they claim, it is impossible to state that the problem no longer exists.

Liberalisation without compensation

The draft to be voted upon on December 1 proposes to cancel the special provisions protecting women working at night and on Sundays and to relax the regulations on maximum working hours, in particular by increasing the number of hours permitted per day. In addition, shops will be able to compel their staff to work on six Sundays a year without special authorisation. These changes should be seen within the context of liberalisation and revitalisation of the Swiss economy. The set of measures was designed to favour business and was accompanied by improvements in protecting the interests of those working at night and on Sundays. But parliament thought best to eliminate the central compensatory element providing for supplementary rest periods. It

needed no more than this to tear apart the fragile compromise between the employers and the trades unions and to provoke much opposition to the project, some of it even from the centre-right.

Further to the right, however, those in favour insist that the new law would contribute decisively to securing employment. Increasing flexibility of working hours would provide substantial revitalisation potential, and the new measures would be compensated by big improvements in employee protection.

For their part opponents condemn the refusal to provide supplementary rest periods, which they consider essential for those who work at night and on Sundays, as well as the low importance which parliament is attaching to Sunday rest shown by the new provision allowing shops to require their staff to work six Sundays a year.

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Federal referendums

- December 1, 1996**
 - Popular initiative "Against illegal immigration"
 - Modification of the Federal Law on Labour in Industry, Crafts and Trade (the Labour Law)
- March 2, 1997**
Subjects not yet decided
- June 8, 1997**
Subjects not yet decided
- September 28, 1997**
Subjects not yet decided
- November 23, 1997**
Subjects not yet decided

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