

2011 Annual Report of the Parliamentary Control of the Administration

Appendix to the 2011 Annual Report by the Control Committees and the Control Delegations of the National Council and the Council of States

of 27 January 2012

The activities of the PCA in 2011 at a glance

In 2011 the Parliamentary Control of the Administration (PCA) celebrated its twentieth birthday. To mark this anniversary the PCA prepared an internet presentation explaining the work of the PCA to members of parliament and the broader public. The present annual report also provides an insight into the PCA's tasks and the varied range of themes covered by the PCA. In the course of 2011 the PCA concluded five evaluations, taking to 56 the total number of investigations conducted since 1991. Also in this reporting year the PCA drafted various statements concerning follow-ups by the parliamentary Control Committees (CC), as well as proposals regarding possible subjects for the CC's 2012 annual programme.

Completed investigations

*Between 18 November 2009 and 11 May 2010 Switzerland chaired the **Committee of Ministers of the Council of Europe**. At the request of the Swiss Delegation to the Parliamentary Assembly of the Council of Europe, the CCs had the chairmanship evaluated by the PCA. The Chair of the Council of Europe has to have an independent profile in order to pursue its agenda, yet must respect the organisation's conventions. The evaluation concludes that, by and large, the Swiss chairmanship mastered this balancing act between independence and regard for convention. It made a valuable contribution to the aims of the Council of Europe, although its contribution to Switzerland's foreign policy goals was less pronounced. The handling of the chairmanship demonstrated both strengths and weaknesses. Many of those interviewed regretted that the chairmanship was not used to raise awareness of the Council of Europe in Switzerland. There was little reporting of the chairmanship in the Swiss press.*

*In 2005 Switzerland's **consultation and hearing procedures** were regulated in a new federal act. The PCA's evaluation revealed that various aspects of the new act are open to criticism. Many of those concerned are either unaware of the distinction introduced in the act between consultations and hearings, or it is irrelevant to them. Furthermore, the act is not clear enough in terms of the criteria for deciding which of the two procedures is appropriate. The upshot is that the intended goals of the new act – to streamline and improve the quality of the procedure – have not been and cannot be achieved. In addition to the inadequate legal provisions there is criticism of how hearings are managed in practice, particularly the extremely short deadlines at times and inadequate communication of results. Nevertheless it is*

apparent that the consultation and hearing procedure is generally considered by the federal administration and the parties involved to be a sensible and useful instrument for involving circles outside the administration in the Federal Council's decision making process, and for assessing proposals for factual accuracy, feasibility of implementation and acceptance.

*The evaluation on the **monitoring of accompanying measures regarding the free movement of persons and their effects** resulted in four main findings. Firstly, although pressure on wages clearly exists, it is not possible to demonstrate that abusive wage undercutting actually occurs. Legislators failed to define clearly what is to be understood by repeated abusive wage undercutting, leaving the cantons to apply differing practices in determining such cases. Secondly, the accompanying measures in terms of checks and the passing on of information regarding contraventions and sanctions are not implemented consistently, but depend on the implementing body. Thirdly, the Federal Council and SECO were slow to engage in steering and the process is complex and not sufficiently goal oriented. Strategic steering places emphasis on the small target group of posted workers, which is problematic: Roughly half of checks and three-quarters of the budget are used to monitor this group of workers, which makes up only 0.5 per cent of Switzerland's overall workforce. Fourthly, it is not possible to substantiate statements on the effectiveness of the accompanying measures or the existence (or not) of wage undercutting with the monitoring data currently provided.*

*The investigation on the **Confederation's practice with regard to the steering of Swiss Post, the Federal Railways and Swisscom** focussed on two main points. Firstly, to examine how the Federal Council and the administration, in their capacity as owners, steer Swiss Post, the Federal Railways and Swisscom. Secondly, to analyse how the performance of the three entities has developed since their separation from the State (before and after comparison) and in comparison with selected countries. The PCA worked on this evaluation in conjunction with Professor Reto Steiner from the Centre of Competence for Public Management at the University of Bern, who presented his final report to the relevant sub-committee on 5 September 2011. The report is currently being studied by the Control Committee of the National Council.*

*The investigation concerning the **Federal Council's strategic steering of the social insurance system** follows up on findings from previous PCA and CC inspections. There is debate as to what possibilities the Federal Council has in terms of steering in the field of social insurance, how it exercises its scope for action and the extent to which it undertakes appropriate steering of the social insurance system. The main aim of the investigation was to evaluate the strategic political steering undertaken by the Federal Council in the field of social insurance over the last two legislative periods (up to March 2011). Four case studies on strategic steering in old age and survivors' insurance, invalidity insurance, occupational pensions and health insurance make up the empirical core of the investigation. The final report was submitted to the relevant sub-committee in autumn 2011. The report is currently being studied by the Control Committee of the Council of States.*

The full Annual Report is already available in German and French, and the Italian version should be ready in May 2012: <http://www.parlament.ch> > Bodies and council members > Committees > Parliamentary Control of the Administration