

# Crowdjoining

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**nav** novartis angestellten verband  
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novartis employees' association



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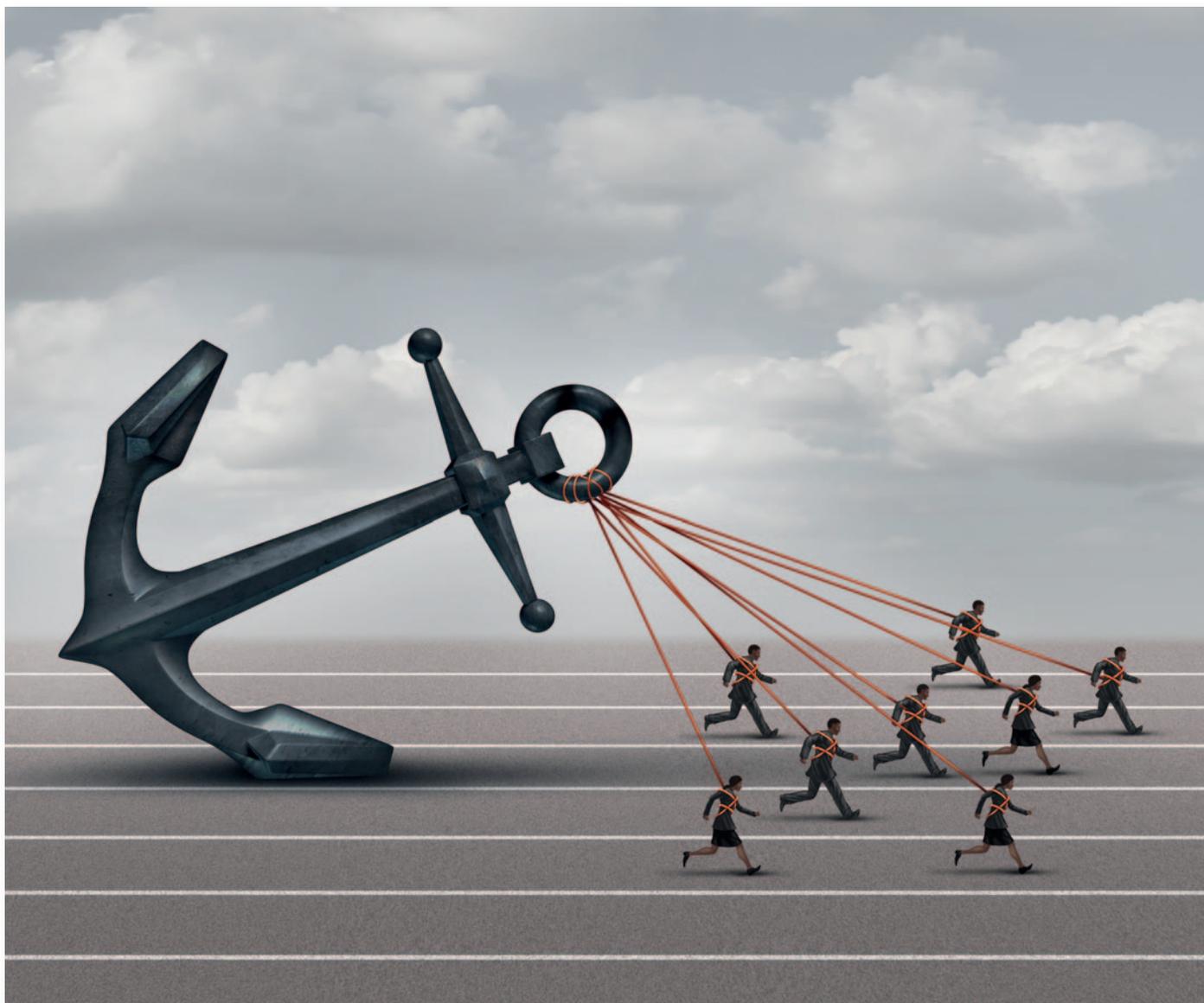
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**G**enuine, open and candid, that's what we want our conversation partners to be. Klaus Moosmayer – the Chief Ethics, Risk & Compliance Officer at Novartis, replies to the personal and searching questions from our Board – all due respect!

It is especially in difficult times, such as those we are experiencing now, that ethics and our behavior become even more essential. The outbreak of coronavirus disease 2019 (COVID-19) clearly demonstrates how important the rules of conduct are. Fundamental rules of conduct that should always apply, suddenly become federal directives.

We are not spectators in this world. We all have to bear responsibility and we should remain mindful of this every day. Only in this way can the burden of responsibility be distributed evenly.

An association takes on precisely this task; namely to remind ourselves from time to time that we all have common goals and needs.

### We call this – **crowdjoining!**

Membership is also a question of appreciation and behavior. Belonging to the association in good times not only unites us even more strongly with our colleagues and the company. It also strengthens those interests and needs that we don't need today, but may become existentially vital tomorrow. Thank you for your membership.

We trust you enjoy reading the first issue of *info* in 2020!

*Andrea Fedriga-Haegeli  
Davide Lauditi*



**nav** novartis angestellten verband  
association des employés de novartis  
novartis employees' association



# This is what Novartis Employees' Association offers to you

✓ **Your voice**

Making one's own voice heard more through the strength of the association

✓ **Your rights**

Labor law and social security insurance coverage

✓ **Your advantage**

Benefit from the attractive legal protection insurance

Join us – **become a NAV member!**

Salutation <input type="text"/>	First name <input type="text"/>	Name <input type="text"/>
Home address <input type="text"/>	Zip/City <input type="text"/>	
Telephone <input type="text"/>	E-Mail <input type="text"/>	
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Internal address: \_\_\_\_\_

Type of membership (membership fee per year)  
 CHF 99.00 for active members including labor law and social security legal protection  
 CHF 59.00 for retirees including labor law and social security legal protection  
 CHF 39.00 for retirees

I was recruited by: \_\_\_\_\_

Date and signature: \_\_\_\_\_

Fill in the registration form, sign it and send it to: **NAV Office, WSJ-200.P.84 (Forum 1) or scan and send to [nav.nav\(at\)novartis.com](mailto:nav.nav(at)novartis.com)**



# Personal interview with Klaus Moosmayer

Klaus Moosmayer has now been employed at Novartis for over a year as the Chief Ethics, Risk & Compliance Officer. He kindly agreed to answer our specific questions about his work, the job's challenges, but also his personal ambitions and what he would change if he had a magic wand.

## ***How do you deal with criticism?***

The honest answer is that I still find it difficult, but I'm working on it, together with my team, my coach and, of course, my family. I was brought up as a manager never to admit to having made a mistake and I still can't get used to showing any personal vulnerability. Here Vas sets a good example to us all in his willingness to speak openly about mistakes and his own experiences. If the CEO can do it, there's no reason not to allow yourself to do it, too.



## **About you**

### ***How would you describe yourself?***

**KLAUS MOOSMAYER:** First of all, thank you very much for giving me the opportunity to take part in this interview, I'm very glad that we are having this conversation.

As for me, I'm a family man, proud of our German-Spanish family and that my wife Marina and I, with our three now adult children Elisa, Manuel and Pablo, always make a good and supportive team, even though we spend time together increasingly infrequently. Obviously my work dominates my life, but I try to find the necessary balance through sport and meditation. That's why I'm very pleased that Novartis is encouraging this as part of the cultural change in the company.

### ***What are your personal objectives?***

I want to make my contribution to ensuring that business is recognized as part of society, but that it also lives up to its responsibilities. And also, however serious and sometimes difficult our task may be, I try to make working on it enjoyable for my team and anyone else I'm in contact with.

### ***What are the values that underpin your day-to-day actions and decisions?***

One of the main reasons why I moved to Novartis after 18 years with a fantastic different company was that I was very impressed by the focus on values here. Ensuring that what we do is inspiring and has a lasting impact, being curious and always learning, "unbossed leadership" – these are cultural drivers that I can identify with and I try to live by such values every day, which is actually a continuous learning process in itself. Self-reflection and humility are essential. And for me, mutual respect is the basis on which people should live and work together. Unfortunately, this principle is being eroded in our society nowadays, especially on social media...

### ***What has been your biggest failure and how did you deal with it?***

When I was a young lawyer in the year 2000 and I left the law to enter industry, it almost made me ill. I felt isolated, there was hardly any induction process and it was a year before I emerged from a very dark place. I swore then that, if I was ever responsible for people in a company, I would try to do better. Everything depends on being made to feel welcome and having good induction training.

## **General questions**

### ***You have now been the Chief Ethics, Risk & Compliance Officer at Novartis for over a year. Which of those aspects of your work presents the biggest challenges?***

I think it's the ethical issues. As a highly innovative pharmaceutical company, we can't avoid these questions and – unfortunately – there are often no easy answers. We see this in all areas, whether it's the research and development for a new drug or access to patients. The social debate about our groundbreaking new drug Zolgensma demonstrates this very clearly.

### ***Where have you already been able to exert a positive influence and what has been successfully implemented?***

Firstly, I hope that my colleagues at Novartis accept that I have the utmost respect for their work and that I am willing to learn, and that they will support me for the long term. In the end, that's what it all comes down to. I am very proud that, after just one year, we as a team have introduced an innovative new risk management system, that we are well on the way to producing our new Code of Ethics, written in partnership with the employees, and also that, when we published our "Charter" on 1 February, we positioned the whole "Ethics, Risk & Compliance (ERC)" organization exactly right. For that, I'm very grateful to my colleagues Shannon Klinger (General Counsel) and Natacha



Theytaz (Head NBAA), because they did the groundwork in 2018.

**What made you decide to apply for this job at Novartis and set yourself this challenge?**

I made my “career breakthrough” at Siemens when they had to cope with the big corruption crisis that emerged at the end of 2006 and I worked with a fantastic team to get the company out of the doldrums and make it a respected part of the corporation again. Those were long but fulfilling years. Novartis now is far from being a company in crisis, but in my opinion it’s the most exciting place in business to be, because it’s a question of bringing about a fundamental change of culture and creating an ethical framework. And what’s more, despite all the criticism that is levelled at the pharmaceutical industry and at our company, here at Novartis we never have to worry about the “reason for our existence”: we are re-thinking medicine, to help people to lead longer and better lives. That motivates me even on the gray or bad days that we all experience.

**If you had a magic wand, what would you most like to change?**

To be honest, less silo thinking and more “ONE Novartis”, because then everything would happen faster and less bureaucratically and people would enjoy their work more.

**Were you in a similar position in your previous post?**

As Chief Compliance Officer at Siemens, I did also have company-wide responsibilities, but I was not a member of the Board and I wasn’t responsible for the company’s risk management. The responsibility that I have at Novartis is enormous, and I really respect that, but it’s a unique opportunity to play a direct role in the change process.

**If you were in a similar position before, what specific differences are there between the two enterprises in relation to compliance, risk and ethics?**

So far as I can see, and this has been confirmed to me by external experts, we are breaking new ground at Novartis by combining ethics, risk management and compliance in one organization. Other companies have split those functions into different organizational structures, though some may have kept ethics and compliance together. But as I say, for me, keeping all three together is crucial, because ethical issues provide the framework for our risk management and that in turn forms the basis for practicable compliance regulations.

## Ethics

**Ethics are changing all the time, so that what was regarded as a taboo yesterday is today regarded as “entirely normal”. The parameters of science, politics and business define ethics nowadays. Since those parameters are changing all the time, the question arises as to how Novartis can remain up to date in terms of ethics?**

It can only be done by maintaining a continuous dialogue in which it is permissible to question things. That’s why certain elements of behavioral science are so important in the forthcoming new Code of Ethics that we are working on in partnership with the employees.

People are far more influenced by the context, by the environment in which they act, than they like to admit to themselves. That’s why we don’t want to impose an ethical doctrine but rather offer guidelines on how to fulfill our obligations – for example not to offer bribes – in practice, even in a tricky situation.

***How can it be guaranteed that third-party companies will match our ethical standards and follow our guidelines?***

Third-party companies that are commissioned by Novartis have to sign up to the Code for Third Parties, which sets out the relevant ethical standards – at least, that’s the theory. In practice, of course, the situation is far more complicated, because of the number of third parties and the practical impossibility of monitoring their business activities round the clock. That’s why we have set up a risk-based central system that we call the “Third Party Risk Management” system. Gradually over the next few years, this will ensure that all third parties are assessed for risk, using the same criteria, before any contract is signed, and are then subject to a monitoring and auditing process. And that has to be based on risk as well. We are still in the implementation phase, and not everything is running smoothly yet, but we’re on the right track by taking this integrated approach.

***And conversely, ensuring that we maintain these same standards ourselves in relation to third-party companies: what measures are there to do that?***

In addition to the measures that I’ve already talked about, I would also like to mention our common industry approach that is derived from the Pharmaceutical Supply Chain Initiative (PSCI). We work with numerous other pharmaceutical companies – in compliance with competition law – to develop and implement common ethical standards for suppliers. Novartis has played a leading role in the initiative since it was first founded. It’s only by acting together as an industry that we will manage to bring about higher standards in the supply chain. We are even working with partners in the industry to test out modern technologies like blockchain as a way of making suppliers subject to the same consistent, verifiable standards.

***How would you explain your areas of responsibility – ethics, risk and compliance – to a non-expert?***

What we are trying to do is help our company to address ethical issues raised by society, identify risks to Novartis and its employees at an early stage and prepare ourselves as best we can so that we always behave in accordance with the law. Our objective is to gain society’s trust.

***How will the statement that our values should be placed ahead of financial performance, and that we should make ourselves and others responsible for upholding those values, be implemented?***

It should begin with us, the company’s management, constantly and repeatedly conveying the message that this is “non-negotiable”. It mustn’t be said with a wink. Then there’s the practical test: How will the message be received in the company by the employees? Will situations where a dilemma arises be addressed openly and will the team concerned try to find an acceptable solution? I’m hearing and observing a lot that is encouraging from the company, but also still a lot of questions along the lines of: “Do you really mean that?” That’s when leadership is called for. This process is part of our cultural change to become a company where employees are encouraged to express their opinion and managers think about it and consider it in the interests of the wider responsibilities of the team. I also firmly believe that our efforts on diversity and inclusion will have a positive effect in creating a more open working environment in which our colleagues regard it as entirely natural to raise problems of this nature, with a view to finding an ethically acceptable solution.



***But surely that's difficult while employees are operating in an environment that is focused on targets?***

Well, everyone needs targets and it's only by being profitable that we can invest 9.4 million USD in research and development for the benefit of our patients and of society, as we do at present. But let's talk specifically about the system of targets and remuneration. There probably is no "perfect" system that takes account of all these aspects, even though we have already achieved quite a lot by integrating our values into the pay system. But we're working all the time on developing our performance evaluation system. In 8 countries, involving 16,000 employees, we have started an experiment where the significance of the work of the team as a whole is rewarded, instead of assessing individual performance, and this is combined with regular feedback to the members of the team. The experience that we gain here will be very valuable for the future development of the pay system.

## Compliance

***Non-compliance causes the industry enormous losses, both financial and reputational, every year. Are pharmaceutical companies particularly exposed?***

Sure, we are more exposed because we are regulated by the authorities in very particular ways. But it would be wrong to complain about that. After all, we are working directly on something that affects us all very personally and is of the utmost importance, namely people's health. So we have to be prepared to subject ourselves to official oversight and lots of questions. What's important is that compliance doesn't ultimately result in total bureaucratization. The rules that we need to implement must be understandable. That is the "art" of good compliance regulations. Anybody can make them complicated but making them simple(r) yet still effective is difficult and calls for a lot of experience drawn from different perspectives. That's why I'm glad that our Ethics, Risk & Compliance department is increasingly reflecting the diversity that we have in the company. We are receiving more and more applications from other departments and business units and we want to boost that trend and are hoping for your support in doing so.

***The Novartis brochure on "Personal Integrity" mentions that people who have shown a lack of moral integrity suffer from the following consequences: they become withdrawn, irritable or defensive and have difficulty concentrating, their work colleagues complain about them, they are absent more frequently, and suffer from disturbed sleep and headaches.***

***The same symptoms are identified in patients with mental health issues.***

***Mental health issues affect how people feel, think and behave and their ability to do their work or to do it correctly.***

***Have there been any studies on the connection between employees with mental health issues and subsequent compliance-related behavior?***

Thank you for raising this important aspect in our discussion,

one which unfortunately is still all too often a taboo in our society. I am firmly convinced that mental health and well-being are crucial for a good corporate culture and therefore also for compliance, even though I don't know of any specific studies on this yet. I'm a big fan of our "Energized for Life" program and we made it a high priority at our first global ERC&Friends Forum last November to include group sessions on exercise, inner mindset and relaxation, and they went down very well. However, in addition to the services provided by the company such as our excellent arrangements for parents' working hours, it's incumbent on all of us to be observant in our dealings with our colleagues and offer them a chance to talk if we see the signs that something is going out of kilter. And of course, the same applies to ourselves. I deliberately make an effort to "unwind" for at least 10–15 minutes every day and reduce my stress levels with a few moments of quiet or meditation. That does me good.

***Employees' cultural backgrounds play a role in ethical issues and compliance behavior. With over 150 different nationalities, that poses a big challenge for Novartis. You can't change people's culture with e-learning courses. What do you see as the biggest challenge here and how is our company dealing with it?***

First of all, I see the diversity of cultures at Novartis as a big opportunity. We can learn huge amounts from each other. We can see this at the moment in the project I mentioned earlier to produce a new Code of Ethics, in which we have involved and surveyed thousands of colleagues from all over the world. E-learning courses and surveys are important for sharing knowledge widely and for gathering data, but I agree that they aren't enough to bring about cultural change. Face-to-face conversations have to be at the heart of it all. Take, for example, our "One Voice" barometer that we use to measure team culture. The survey provides us with the data, but the important part happens later in the teams when we discuss the results and talk about how we can work better together as a team in future – taking account of our different cultural backgrounds, but also in the spirit of "ONE Novartis".

## Last but not least

***Why, in your opinion, is an internal employees' association important?***

Nothing ever succeeds without dialogue. An internal association is a very important partner in that and can and should constantly put forward its experience, perspective and suggestions. We regard the social partnership dialogue at Novartis as very important and we are constantly strengthening it by talking to our social partners. Like the whole of the Novartis management, I'm very happy to make my contribution to that.

***A big thank you to Klaus Moosmayer for being so open in this interview – it's much appreciated!***

***Andrea Fedriga-Haegeli and Davide Lauditi***

# A balancing act between openness and compliance?

“Oh, you work at Novartis – that’s nice! And as what exactly?” Usually my answer to this question causes frowning, or at least astonishment or a hesitant “Oh... OK,” after which there is more digging with the follow-up questions: “And what does that actually entail? It can’t be very effectual, can it?”



**Maximilian Rein**  
Corporate Communications

People might think that social media, which has now become an indispensable part of today’s world, and a global pharmaceutical company with over 100,000 employees worldwide would actually have very little in common with each other. Social media is far too fickle, too fast-moving, too hyped up. It’s insufficiently staid and results in sensory overload. It might be everything, but certainly not ... Novartis. Or might it?

Let’s take a closer look at this: as the Digital Media Manager for Novartis in Switzerland, I attend to the operation, development, evaluation and monitoring of all the social media channels that are in any way related to Novartis in Switzerland. These are namely on Facebook, Twitter, Instagram and YouTube. And then there is the official website [www.novartis.ch](http://www.novartis.ch), whose administration and updating also fall under my remit. I produce content; i.e. I take photos and author texts, interact with a network of stakeholders that has grown considerably over the years and who provide me with ideas and advice, and I evaluate paid campaigns and remain on hand to answer questions and respond to concerns from our virtual community of more than 13,000 followers.

Apart from the tremendous joy that this creative freedom brings and the other great things that my job offers me afresh

every day, another facet runs through my work like a golden thread: compliance.

Compliance, i.e. the adherence to regulations, or a focus on conformance with various laws and specifications, exists in various shades for our company: clinical trials need to be compliant, financial transactions need to be compliant, the behavior of our employees and management needs to be compliant and even social media – believe it or not – needs to be compliant.

Binding standards and regulations apply within our company when medial channels are opened, operated and closed. All of the 1388 channels that are currently operated and promoted by our company (yes, you read correctly – there are 1388) are listed on the so-called Global Social Media Registry (GSMR) and are subject to the regulations of the Novartis Social Media Hub. These stipulate, for example, that social media managers who operate one or more channels must check them at least twice a day for reports of adverse events (i.e. undesirable side effects) stemming from products as well as PTCs (product-related complaints) and forward them to the responsible patient safety teams. In actual fact, the social media represent a totally new avenue for communicating with customers, employees and the general public. People seeking help, interested parties, critics and many more like to use them since communication is fast, unfettered and (often) anonymous. As channel operators, we also need to ensure that the names of our products do not appear in images or text, as this would violate the Therapeutic Products Act within Switzerland and, in a worst-case scenario, imperil cost coverage by insurers. What’s more, the privacy rights of people shown on photographs must be protected, which is



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Novartis\_CH

why we need to obtain and archive written permission for publication for every person, and then produce this permission in the event of an audit (i.e. a compliance inspection for our channels). And there are many more regulations.

But am I having less fun with my work, in view of all these apparently restrictive factors and all the associated additional work? Not at all! With all these “proscriptions”, is there still any scope for what social media is all about, as per my earlier description? Of course! I would even assert that the compliance guidelines and content restrictions to which the channels are subject, serve to provide even greater freedom. Why? Because they more or less force content creators like me to find elegant solutions for complex visualizations and they intentionally focus our attention on aspects that can be presented without risk. And Novartis has more than enough of precisely these aspects, to get back to the initial question: we have a diverse workforce with individual, touching stories, attractive architecture, exciting content from the realm of science, a multifaceted corporate history that dates back over 250 years, patient perspectives, numerous collaboration agreements with institutions as well as events, are on the journey towards embracing a new corporate culture, et cetera, et cetera...



To cut a long story short: I would say that Novartis and the social media are a good fit for each other and that compliance helps us to bring out the important points within this synergy. This helps us to attract the interest of the next generation of employees, enhance our reputation, make us more visible overall and shows the world that, at the end of the day, it is only people who work here. And incidentally, the existing regulations also invalidate the main argument of many critics that we no longer sell a single pack of tablets, merely because a single post gets 1000 or more likes. That's right – otherwise we wouldn't be compliant!



# Employment references – legal aspects

## Katharina Drossard

Attorney-at-law Furer & Partner, Employees' Association, Basel region (arb)



### Overview

During the job application process, employment references, along with diplomas and certificates, serve as evidence of an applicant's performance, and are therefore of great importance for people's careers in Switzerland. Most employees require one sooner or later and will then face questions such as the following: "Am I entitled to have an employment reference issued?" "When can I request an employment reference?" "What is confirmation of employment?" "What information should be included in my reference?"

### Entitlement

Under Art. 330a of the OR [Swiss Code of Obligations], all employees are entitled to an employment reference. At any time, employees can ask their employer for a reference that will describe the nature and duration of their employment and their performance and behavior. This provision is more or less mandatory, i.e. it cannot be contractually amended to the detriment of employees.<sup>1</sup>

The employer must issue a reference at the request of an employee. This entitlement applies equally to part-time and

short-term employment, i.e. even if the employment comes to an end during the probation period.<sup>2</sup>

According to Art. 339 paragraph 1 of the OR, an employment reference must be produced when a period of employment comes to an end.

The entitlement to have a reference issued expires ten years after the end of the employment contract.<sup>3</sup>

### Types

According to Art. 330a of the OR, employees are entitled to a full reference, i.e. a professional, detailed reference, in the form of an interim or final reference, or to a document confirming their employment. It should be marked accordingly (employment reference, interim reference or confirmation of employment), depending on its contents.<sup>4</sup>

The contents of a full reference must include statements about the employee's performance and behavior and the nature and duration of their employment.<sup>5</sup> The reference should be based on the data available to the employer and the information in the employee's personal file. In particular, any interim references must be taken into account.<sup>6</sup>

According to Art. 330a paragraph 1 OR, employees are entitled to an interim reference "at any time". Generally, however, the request is only approved if the employee can give a credible reason for being interested in having one.<sup>7</sup> It is recommended that an interim reference be requested particularly in the event of a change of line manager, any organizational change or the employee taking on new responsibilities, or if the employee is expecting to be dismissed or has not had regular employee assessments.<sup>8</sup>

A confirmation of employment, on the other hand, is limited to giving details of the nature and duration of the employment.<sup>9</sup>

### Contents of an employment reference

The reference must be issued in writing, state the place of issue and be signed. The employee is not entitled to have it signed by a particular person; nor can they request that a particular person does not sign the reference. The reference should be written in the main language in use in the place of employment. If the language used at work is different from the one in the place of employment, employees are entitled to request a reference in both languages.<sup>10</sup>

Among the most important contents of an employment reference should be a list of all the main roles and work that the employee has actually performed throughout their whole period of employment. If the employee applied any special skills or knowledge in their work, this should also be mentioned in the reference.<sup>11</sup>

<sup>1</sup> vgl. Art. 362 Abs. 1 OR.

<sup>2</sup> vgl. Art. 319 Abs. 2 OR; WYSS, Fachhandbuch Arbeitsrecht, 316; MÜLLER/THALMANN, Streitpunkt Arbeitszeugnis, 18.

<sup>3</sup> WYSS, 315; STREIFF/VON KAENEL/RUDOLPH, Art. 330a N 2.

<sup>4</sup> WYSS, 315; STREIFF/VON KAENEL/RUDOLPH, Art. 330a N 3; REHBINDER/STÖCKI, Berner Kommentar OR, Art. 330a N 12.

<sup>5</sup> WYSS, 315.

<sup>6</sup> MÜLLER/THALMANN, 31 ff.

<sup>7</sup> ENZLER, Der arbeitsrechtliche Zeugnisanspruch, Rz. 28; STREIFF/VON KAENEL/RUDOLPH, Art. 330a, N 2a.

<sup>8</sup> REHBINDER/STÖCKI, Berner Kommentar OR, Art. 330a N 11; WYSS, 334.

<sup>9</sup> vgl. Art. 330a Abs. 2 OR; WYSS, 324.

<sup>10</sup> WYSS, 321 f.; STREIFF/VON KAENEL/RUDOLPH, Art. 330a N 3c ff.

<sup>11</sup> WYSS, 325; STREIFF/VON KAENEL/RUDOLPH, Art. 330a N 3.

<sup>12</sup> REHBINDER/STÖCKI, Berner Kommentar OR, Art. 330a N 7 und 8; STAEHELIN, Zürcher Kommentar OR, Art. 330a N 14.



The assessment of performance should include information about the quality and quantity of work produced and the person's willingness to work. In the assessment of behavior, the focus is on the employee's conduct, regardless of their performance.<sup>12</sup>

### Basic principles

An employment reference must comply with six basic principles if the employer is to fulfill their legal obligation towards their employee.

#### *The reference must be*

- true,
- expressed in positive terms,
- complete,
- consistent,
- composed for that specific individual,
- and clearly expressed.<sup>13</sup>

The principle of truth means that the details of the nature and duration of the employment have to correspond to the facts. Even though the remarks about performance and behavior are value judgments, the assessment must be accurate and objective. This means that the benchmark should not be either too strict or too generous but should be in line with the average for the industry.<sup>14</sup>

Employees are not entitled to request a full reference that refers only to either their performance or their behavior. This is

dictated by the principle of completeness. Anything irrelevant should be omitted. One-off incidents that were not characteristic of the employee are of no interest to future employers, and so should not be included in the employment reference.<sup>15</sup>

The aim of a full reference should be to further the employee's professional career and it should therefore be expressed in positive terms. However, employees are only entitled to an objectively true and well-meaning reference, not to a good one. Consequently, a reference can also include negative facts and assessments.<sup>16</sup>

Employees are entitled to be assessed in a self-contained, consistent employment reference. Simply referring back in general terms to previously issued interim references is not acceptable.<sup>17</sup>

References should take account of the individual progress that the employee has made in their work. Any special personal characteristics should be considered accordingly.<sup>18</sup>

Finally, the use of "coded language" contradicts the principle of clarity. Instead, references should be written in standard, generally comprehensible and clear language, so that any third party can understand it.<sup>19</sup>

<sup>13</sup> WYSS, 329 ff.

<sup>14</sup> JANSSEN, Die Zeugnispflicht des Arbeitgebers, 71 ff; WYSS, 329 ff.

<sup>15</sup> BGE 129 III 177. E. 3.2; REHBINDER/STÖCKLI, Art. 330a N 9; WYSS, 330.

<sup>16</sup> BGE 136 III 510, E. 4.1; REHBINDER/STÖCKLI, Art. 330a N 14; WYSS, 331.

<sup>17</sup> REHBINDER/STÖCKLI, Art. 330a N 9; WYSS, 331.

<sup>18</sup> WYSS, 332; JANSSEN, 80.

<sup>19</sup> JANSSEN, 81; STREIFF/VON KAENEL/RUDOLPH, Art. 330a N 9.



## FURTHER TRAINING

# Fake news – how do I recognize the truth?



Clarissa Vajna and  
Susanne Hänni look  
forward to your  
participation and to  
receiving your suggestions.

To support the path of continuous learning, the NAV regularly organizes a range of presentations for its members. This enables us to offer a platform that addresses various topics related to the workplace, but also helps to promote both professional and personal development. If you have any suggestions, recommendations or further ideas on the subject of “Professional Development Offers/Presentations,” either Clarissa Vajna ([clarissa.vajna@novartis.com](mailto:clarissa.vajna@novartis.com)) or Susanne Hänni ([susanne.haenni@novartis.com](mailto:susanne.haenni@novartis.com)) will be more than pleased to hear about these.

Furthermore, we would like to point out that, in future, the NAV and the Novartis Pensioners Association (NPV) will work more closely together on the planning of events/presentations. The first joint event will take place on:

**Tuesday, 8 September 2020**

3 p.m. – 5 p.m.

including drinks reception  
Fabrikstrasse 15-U2-AUD

### Subject

***Fake news –  
how do I recognize the truth?***

Speaker: Peter Knechtli; Online Reports; Editor-in-Chief and Head of Politics, Business News, Analyses, News, Opinion

### Register with

Susanne Hänni  
([susanne.haenni@novartis.com](mailto:susanne.haenni@novartis.com))

# Strengthen your voice, your rights and your benefits in the upcoming pension fund elections

The delegates of the Novartis Employees Association (NAV) have always been the employee representatives on the Boards of Trustees of the Novartis 1 (PK1) and 2 (PK2) pension funds.



**Claudio Campestrin**  
NAV Board Member

They participate in this responsible task as part of the social partnership that is upheld at Novartis. As a part of this process, it is important to note that the representation of employees' interests

is carried out independently of the employer's boards of trustees.

There are frequently intense discussions as to the best way of structuring the pension fund solution. The required majority for each matter is achieved through jointly implemented projects. Moreover, there is always the will on both sides to find solutions through compromises that make it possible to:

- secure the long-term well-being of pension funds
- protect the interests of all employees and all retirees
- meet all legal and regulatory requirements, and
- formulate occupational pension plan at Novartis in an attractive and innovative manner.

That's why it is important for you to enable your association to place sufficient delegates on these important boards (Pension Fund 1 and Pension Fund 2).

To this end, you will have the opportunity to have your vote and your rights represented to best effect by the NAV at the re-elections in the autumn of 2020.

Exercise your rights and participate in this important election, because the representatives of the NAV offer you the following assurances:

- Your voice will be heard, regardless of whether you:**
- wish to change the level of your contributions in line with your current financial situation

- wish to influence your level of benefits, i.e. by making use of attractive purchase options
- wish to obtain higher capital payments upon retirement
- expect to receive retirement benefits that are as high and secure as possible

**Your rights are safeguarded:**

- by competent and experienced representatives on the Boards of Trustees
- because of long-term structuring and actions with foresight
- because you can rely on being properly represented
- to ensure that technical parameters are set correctly

**Your advantages are, that NAV delegates will:**

- truly represent your interests, because they also come from within your ranks
- act independently and not be subject to any particular interests
- learn from the past, but act for the future

Support yourself by voting for all of the Novartis Employee Association (NAV) candidates.

Please publicize this amongst your circle of friends and encourage your colleagues to also elect all of the NAV candidates.

Participate in the debates, campaign events and the elections.

Take advantage of your voting and election rights and elect your NAV candidates to the Board of Trustees of the respective PK1 and/or PK2 pension fund.



# “No work makes you ill. Work makes you ill.”

On 14 February, 2020, the 5<sup>th</sup> Regional Conference of Staff Representatives took place at the REHAB Clinic for Neurorehabilitation and Paraplegiology in Basel, organized once again by the arb, in partnership with the Novartis Employees' Association. The theme, “No work makes you ill. Work makes you ill”, attracted more than 60 participants, including a good many representatives from the NAV.



**Roland Hirt**  
PV-A employee representative  
NAV Board Member

First of all, Prof. Dr. Thomas Geiser (part-time Federal Court judge and Managing Director of the Research Institute for Labor and Labor Law (FAA-HSG)) provided interesting insights into current jurisdiction, particularly with respect to the obligations and responsibilities an employer has towards his employees. Here, in Switzerland, it is still the case that employees are less well protected and their rights limited in comparison with other European countries. Nevertheless, many court decisions, including those in Federal Court cases, are increasingly in favor of employees.

The next speaker, Dr. Niklas Baer, Head of Workmed at the Psychiatry Competency Center for the Basel region, informed us about current experience and knowledge, research and analysis in the field of work problems arising from psychological or emotional issues. It is often difficult for senior management to appreciate what can and cannot be attributed to employees' psychological disorders, and how those concerned should be handled.

Dr. Baer explained that it is not easy to address these problems with employees. In many cases, senior management felt unsure because health issues are indiscernible and therefore hard to assess, or because the employee concerned is not adequately forthcoming. Surveys conducted among Swiss companies showed that about 20% of the workforce already had problems in the workplace, which detrimentally affected the ability to work. However, this may also concern employees in management positions. More detailed results of these studies and analyses can also be accessed at <https://workmed.ch>.

An interesting aspect of the conference was, of course, the panel discussions on the above topic with various specialists. The Chief Executive of Tschantré AG, for example, believed that the wrong kind of work makes you ill. In his company, all applicants first have to take a test to ensure that the post they are seeking really is suitable for them.

Basically, this test is designed to determine whether the individual's mental atti-



tude is suitable for the tasks expected of him. Employees of the company are also regularly interviewed about their workplace situation so that any problems can be detected and proactively addressed.

One employee representative commented that it is stress above all else that causes illness, together with performance pressure, restructuring and reorganization measures and the attendant fear of job losses. Employees must be given more of a voice so that their needs can be properly understood and recorded. Dr. Alexander Frei, another panelist and representative of the Basel Employers' Association, argued that work is also important for psychological stability. With regard to sick employees, Mr. Frei drew particular attention to the so-called "Certificate of Fitness for Work".

Employees, employers, doctors and insurance companies are all essential in supporting employees with physical or psychological impairment to hold down their job or assisting them to find a new one. The new "Certificate of Fitness for Work" replaces the former "Certificate of Inability to Work" required for the Swiss Medical Insurance (SIM). A detailed assessment of suitability for part-time work is also demanded. What's different about it is that this assessment is made with the participation of all those concerned. Employers and employees will jointly record basic information about the individual's work and workplace situation. Based on this, the treating doctor will make a differentiated evaluation of his patient's ability to work. This facilitates the formulation of a concrete plan for the employee's gradual return to his workplace.

Dr. Irène Renz introduced to the conference the strategy for promoting health supported by the canton of Basel. Its purpose is to enable everyone to protect and improve their health and to create living conditions which are conducive to good health. The responsibilities of the canton and individual communities in the field of promoting good health are defined in the Public Health Law § 58–59. Nutrition, mental health and the early identification of any problems or illnesses play a particularly important role. It also emphasizes the following essential strategies:

- physical activity and mindful relaxation
- learning something new and doing something creative
- becoming involved and nurturing friendships
- asking for help and talking about problems
- to be true to one's capabilities and limitations and not give up

All this can help to prevent sickness. Basel also works with employers to promote health and sometimes recommends that they make continuous efforts to keep abreast of developments and trends in the prevention of sickness in the workplace. The occupational health services must also focus more on the theme of "the psyche at the workplace". As society is constantly changing, it is the responsibility of all involved to look into these issues with the required commitment.

The head of the sports service for the Basel region, Thomas Beugger, encouraged us to take physical exercise, because sport may help those concerned to get through difficult phases in their lives.



Guest speaker, Corinna Gruenig, Head of Employee Services, explained the health strategy of our company, stressing the cooperation between employee representatives and the company. Part of the Novartis health concept includes:

- advice center in, e.g., difficult life situations
- an occupational health service for the prevention and treatment of workplace-related health problems, compulsory Suva-medical check-ups (accident insurance), emergency care, travel advice and reintegration of employees who have been ill
- diversity and inclusion to assist employees in reconciling work and family life as well as the offer of a wide variety of programs and services, e.g., to support dependents (caregiver support), an "on boarding" program for new employees and preparation for retirement
- health, safety and the environment including support for all employees and managers, helping them to become aware of, identify, evaluate and minimize risk in the workplace
- internal staff representation to deal with problems in the workplace, and to offer aid and intervention (arbitration function)

In addition, Novartis pays wages for an above average length of time in the event of illness.

To conclude, a further discussion took place with Katrin Adler, owner and CEO of time2change, Dr. Balz Stückelberger, CEO Banking Employers, and Adnan Tanglay, President of the Roche AVR Employees Association. To sum up, all three participants agreed with the statement that the elements essential for the psychological well-being of employees are work, remuneration and recognition.

During the daylong conference, all participants also worked together in workshops to examine various topics in detail. Some very interesting discussions arose as well as a lively exchange about how to approach the challenge of "psychological hygiene" and the practical measures to be implemented. It was certainly a very interesting conference for all those present and plenty of useful facts and practical knowledge was gained.

Some of the presentations are available on the following website arb (in German only):  
[www.arb-basel.ch/site/category/aktuell/](http://www.arb-basel.ch/site/category/aktuell/)

# Liguria – the flower Riviera between sea and olive grove

This is one of the worst times imaginable to be advertising Italy in this edition of *info*, but this article was penned before the Corona virus 2019 (COVID-19) reached Europe. I hope you will use the opportunity to become inspired by the attractive package on offer and plan your holidays in Liguria in the near future as a member of NAV.



**Felice Bertolami**  
NAV Board Member

Villatalla is the highest village in the commune of Prelà and offers an incredible panorama of the entire valley down to Porto Maurizio and the sea. The village is located about 8 km from Molini de Prelà. The best route to take is from Porto Maurizio via the SP41 towards Dolcedo, then straight on via the SP 39 to Prelà. From here, the village is signposted.

## The village

The ancient character of Villatalla has been preserved. The locals who still live there regard themselves as belonging more to the mountains than the sea and duly care both for their village and their olive groves with enthusiasm and tenacity.

Villatalla has really gone to town to prepare for its visitors. The "carrugi" have been spruced up for the season and the houses are aglow in Mediterranean colors. At the end of the street, in the center of the village square, stands a huge, ancient weeping willow. This is the first image you should capture followed by one breathtaking view after another of the whole valley.

As you sit on the bench in front of the apartment, let your gaze wander over the distant horizons; feel your spirits lift and your mind and body relax as you drift into another world. You will never want to leave this idyllic spot.

## Storia / History

It's said that the history of Villatalla begins way back in pre-Roman times and clear evidence has been found of a settlement here at this period. Up to the year 1100, the region around Villatalla was almost completely covered with forest. The local people lived on barley, oats, figs and grapes, which they grew themselves, and, of course, sheep. Later, Benedictine monks

arrived and taught the local population how to cultivate olive trees and produce oil from the fruits. This tradition continues today and the best Italian olive oil is still produced here.

After 1861, Prelà belonged to the kingdom of Italy and today it is an independent commune in the province of Imperia.

There are a great many leisure opportunities. How about a walk through the olive groves to the meadows to pick wild herbs? Or cool off by the nearby "laghetti" with its grottos! Or, perhaps you fancy a detour up to the old village mill, "gaiai", only 10 minutes on foot, to bathe in the cool mountain water!

The area is ideal for short hikes, e.g., an excursion to the "Capella della Madonna della Neve". Just follow the narrow tar-mac road that begins above the village square. Alternatively, follow in the steps of the "muleteers" and take the old mule trail which starts on the left, beside the village fountain. This walk takes approximately half an hour.

If you still haven't had enough, this old trail continues right up to the summit of the Alp of Villatalla. This walk, there and back, takes about 4 hours. Before you go home, stop at the bar for a cool drink as a perfect end to the day!

## Something else that's special ... the Villatalla ice house, "La Neviera"

You'll find this "house" if you continue along the path skirting the cemetery for about 30 minutes. Built in the 17th century, it is supposed to be the only ice house still intact in the whole of Liguria! On the outside, it looks like a "casella", a type of shack

### Beautiful holiday apartment in Villatalla

Quiet and comfortable apartment comprising 1 bedroom, open-plan living room with dining area, fitted kitchen and lounge area with sofa bed, bathroom with shower, bidet, WC and washbasin and, outside, a veranda with seating and breathtaking, panoramic views.

The minimum rental period is one week, preferably from Saturday to Saturday.

For 2 to 4 persons max. (ideally 2 adults and 2 children). For members: 350 CHF/week, non-members 460 CHF/week. A cleaning service is available for an extra 50 euro (to be arranged on site when you collect the key).

once used as a shelter by shepherds. Its external appearance is deceptive, however, because this house, with its dry stone walls, is underground. A spiral staircase leads down to a depth of about 10 to 15 meters. In earlier times, snow was collected down here. It then froze to ice, which could be shaped into blocks and sold at markets during the summer.

### **Valloria**

*(11 minutes by car or 55 minutes on foot)*

To be in Valloria is like being at an art exhibition in an “open-air art gallery”. The doorways in each of the narrow little streets provide a canvas for works of art, depicting a wide range of subjects, styles and techniques. Over the years, the inspired creations of well over a hundred artists have been immortalized with brush and paint on the doors to the old houses. Thanks to suitable lighting, they can also be appreciated at night. Imagination has been given free reign in these artistic interpretations.

### **The province of Imperia – the sea and the mountains**

The province of Imperia, which stretches along the coast from Cervo to Ventimiglia and the French border, will make it difficult

for you to choose how to spend the holidays. It offers everything nature has to give: the sea, forests, and mountains. Up to Monte Saccarello at an altitude of 2200 m, picturesque medieval villages and towns nestle on the mountain slopes, surrounded by olive groves and chestnut forests.

The coast, however, provides an entirely different world. From Cervo to Ventimiglia, beautiful bays alternate with marinas, all against the fascinating backdrop of mountains, valleys and gorges. The province of Imperia is an ideal place in which to relax and unwind, but also to become physically fit with a range of activities including swimming, hiking, biking and even alpine sports.

You'll be dazzled by the exotic colors of this region: the turquoise blue of the sea, the golden sands, the purple Bougainvillea (also called Hibiscus) growing defiantly against houses, walls, and even in the middle of the highway. This kaleidoscope of color is everywhere you look, from the succulent green of the hinterland, the grey rock faces and the snowy white peaks of the Alpine region. You'll be absolutely spellbound!

The province of Imperia will also find its way to your heart through your stomach. The delicious, imaginative and unique cuisine of Liguria will never let you go. Focaccia with cheese,





tomatoes or olives can be found in every bakery. It should be no surprise that every baker offers his own variation because Liguria is famous for its rich culinary imagination and, naturally, likes to boast by inventing new, unique recipes. Pesto, pasta, stuffed zucchini flowers and seafood are all turned into sophisticated little culinary creations, flavored with wild herbs that explode on your taste buds like fireworks. This whole dining experience is complemented by the typically creamy, sunny yellow Ligurian “Taggiasca” olive oil, still made in the traditional way, and bottled after the first press, by local olive growers. To round off this Mediterranean experience, try the excellent Ligurian wines.

In the hills and forests just a few kilometers inland, nature has created an environment which has remained untouched by civilization right up to the present day. You’re totally free to wander and you probably won’t meet another human soul. One valley descends gently or rises steeply into the next. Walk the hinterland of Imperia and enjoy the pervasive perfume of pines, grasses and wild herbs.





You'll discover "castelli", dating from the Middle Ages, little villages with old stone houses and narrow, cobblestoned alleyways. No matter how small the village, there will always be a church at its center, its steeple soaring skywards. A fascinating natural environment, perfect for an unforgettable hike or mountain bike tour amongst olive and chestnut trees, grapevines, blackberry bushes and holm oaks.

Low, stone walls, kilometers in length, mark the boundaries of cultivated land on the mountain slopes and make the little vegetable gardens, vineyards and olive groves especially pretty. Nature conservation is very important in this mountain commune, which is totally committed to protecting local flora and fauna. On your wanderings, you will come across old mills with medieval olive presses. Some are still privately operated. Rustic trattoria and bars still prepare time-honored recipes for celebrated "cucina bianca." Typical Ligurian dishes can also be enjoyed on the coast and temples to the culinary art can be found, sometimes hidden in the little alleyways of coastal villages.



The sea is a magnet for those who enjoy all sorts of sporting activities offered along the coast in the province of Imperia. These include windsurfing, canoeing, sailing and motor boat trips as well as diving into the depths of the Mediterranean. From S. Bartolomea al Mare and Diano Marina across Imperia to Bordighera, Sanremo and Ventimiglia you will find many sections of beach where you can satisfy your hunger for sporting action.

For those who prefer to be inland, but close to the sea, there is an excellent alternative. The old railway line from San Lorenzo al Mare to Sanremo and beyond has been extended and modified to make it accessible to walkers and cyclists. The route, lined with bars, mini-golf courses and parks, affords incomparable views of the Mediterranean to enjoy.

Even golfers don't have to be deprived of their sport. In the hinterland of Sanremo there is an 18-hole course and extraordinary care has been taken to integrate it into the landscape.

Free and fixed rope climbing is offered in the mountain region of Triora. Even in bad and cold weather, you can indulge in your favorite sport, such as in the indoor swimming pool in Imperia, which is located in the harbor of Porto Maurizio or on the tennis courts, which are directly adjacent.

Naturally, you can also cross the border by car. Imperia borders France, so Nice, with its famous market near the harbor and its many bistros and restaurants, is just a short drive away.

Monaco is also worth a visit.

I hope I've stimulated your interest in the region of Liguria in beautiful Italy. For more information and additional ideas, just click onto our link on the NAV website!

# NAV Crowdjoining



**Marco Preci**  
NAV Board Member  
PV-A Employee Representative

## Dear colleagues

**T**he fascinating thing about crowdfunding is the wide-spread and joint impact that a single small contribution makes.

Whether you are non-management or management, we invite you to also make this small contribution, in your own interests and those of employees generally at Novartis, by joining the NAV to enable us, as your employees' association, to serve you even more effectively.

Broaden the passion for Novartis which you harness every day in the work you carry out on behalf of our patients. Become a part of **NAV crowdjoining** and make your mark in history today: [www.nav.ch](http://www.nav.ch)

Our track record, which we would be happy to discuss with you in a personal meeting, attests to our effectiveness; we will stand up for your interests and rights.

