



# **A map of social enterprises and their eco-systems in Europe**

## **Country Report: Switzerland**

**European Commission**

*This report provides a non-exhaustive overview of the social enterprise landscape in Switzerland based on available information as of August 2014. Although a range of stakeholders were interviewed to verify, update and supplement the information collected from secondary sources, it was not possible to consult all relevant stakeholders within the constraints of the study.*

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## Document Control

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## Headline summary

### Definition and concepts

There is no official definition of social enterprise in Switzerland. Various definitions are used in the limited academic literature that currently exists on this topic. Moreover, there is no common understanding of the concept of social enterprise among experts and stakeholders. The understanding depends also on the region and language area of the country. For instance, the concept of “social and solidarity economy” is more prevalent in the French-speaking part of Switzerland; whereas the German speaking part of the country has a tradition of informal and volunteering-based activities, self-help, etc. Generally speaking though, social enterprise is most frequently associated with work integration social enterprise (WISE) activity.

### Policy and legal framework

Given the confederal structure of Switzerland there is no specific policy or legal framework for social enterprise that applies to the entire country. There are no public bodies at the national level (e.g. Ministries) that deal with social enterprise. Even at a regional level, no cross-canton structure can be observed.

There is no specific legal vehicle for social enterprises. From a legal perspective, the Swiss laws allow for much flexibility in terms of the usage of the various legal forms. Corporations can declare themselves 'non-profit' in their statutes, and there is no registration requirement for associations. Available information suggests that most social enterprises operate under the legal form of an association or foundation; although the cooperative and share company legal forms are also adopted by social enterprises.

### Public support and initiatives

There are no publically funded schemes specifically designed for and targeting social enterprises. There are initiatives which have been taken by actors in the 'sector' to better promote and support the development of social enterprise through awareness raising, social entrepreneurship education and network development. These initiatives exist at national, regional and local levels.

### Networks and mutual support mechanisms

There is no umbrella organisation at the national and regional level that deals with social enterprises or represents the movement. At canton level there are 3 Chambers of Social and Solidarity Economy (SSE) gathering organisations which exhibit strong social objectives. Yet, many organisations that could be potentially considered as social enterprise still remain outside the Chambers.

### Marks, labels and certification systems

There are no social enterprise marks, labels or certification systems.

### Social investment markets

Access to finance in Switzerland is in general easier than in many EU Member States and this clearly benefits all types of organisations including social enterprises. Unlike many EU Member States, commercial banks are keen to invest in social enterprises. Moreover, private foundations are quite important in supporting social enterprises in the country. Specialist investors, intermediaries or financial instruments for social enterprises are therefore, limited.

### Spectrum of social enterprise

WISE, often operating under the status of associations and foundations can be seen as an institutional form of social enterprise. Besides, there is some number of organisations that broadly fulfil the EU operational criteria and hence can be seen as de facto social enterprises. Those are predominantly

mainstream enterprises with social aims, non-profit organisations (Associations and foundations) with commercial activities and cooperatives pursuing objectives of general interest.

### **Scale and characteristics**

A survey (2013) suggests that there are ~ 1,000 WISEs in Switzerland. However, due to lack of sufficient data, it is not possible to estimate the scale of other types of social enterprises.

Available information suggests that social enterprises in Switzerland typically have hybrid business models based on public subsidies but also on income generated from market sales, mostly to private clients.

The most common fields of activity of WISE are cleaning, hotel and catering services, recycling and agriculture. In the wider social and solidarity economy, organisations operate practically in all sectors of economic activity (perhaps with the exception of heavy industry): housing cooperatives, industry, craft, agriculture, environmental services, social care, education, transport, retail or entertainment.

### **Factors constraining the start-up and development of social enterprise**

There is no one factor. Unlike many EU Member States, access to finance is not a constraint. Given the weight attached to social impacts, and increasing pressure on social enterprises to augment their accountability in this respect, development of a coherent system for impact reporting could result in more transparency, better recognition of the role of social enterprises and hence more interest, including from private investors

## 1 Definitions and concepts of social enterprise in Switzerland

Switzerland is a confederation of 26 cantons with French, German, Italian and Romansh as four official languages. The country's three main linguistic regions, the French speaking region in the west (representing 22.5 per cent of the total population), the German speaking region in the east (making up 65 per cent of the country's population) and the Italian-speaking south-east region (accounting for 8.5 per cent of the country's population), exhibit strong cultural and institutional differences, each enjoying high levels of autonomy as regards legislation and public policy. The cultural and institutional differences between the regions and cantons translate into strong regional/local variations in the recognition and understanding of the concept of "social enterprise".

The existence of considerable differences between regions and cantons makes any attempt to capture the picture at a national level very challenging. For example, in the German part, there is a strong tradition of informal and volunteering-based activities, self-help, etc.; whereas in the French-speaking part of Switzerland the concept of "social and solidarity economy" has traditionally been more popular.

Broadly speaking however, in the minds of most Swiss and for most existing studies, social enterprise resonates as "work integration social enterprise" or WISE – see Box 1.1.

### Box 1.1 Emergence of work integration social enterprise in Switzerland

The emergence of social enterprise in Switzerland has been slower than in many Western European countries, due in part to the success of its economic and social model. During the 1990's however, worsening conditions in the labour market gave rise to problems of social exclusion, raising concerns about the sustainability of the country's welfare model. In this context, new entities emerged to respond to the employment needs of unemployed and disabled people.

The term "social enterprise" has therefore, been associated with work integration social enterprise (WISE): organisations hiring people who have difficulties in finding jobs on the regular labour market. These organisations are mainly associations or foundations with strong limits to their ability to generate and redistribute profit.

The concept of social enterprise is gradually becoming more visible in recent years, although it is debatable whether this is true for the country as a whole. For instance, a representative of the Chamber of Social and Solidarity Economy in Geneva stated that recognition is more common in the western part of the country and less so in the eastern part of the country, though some stakeholders suggest that the term has been generally gaining recognition in the East as well.

Social enterprise has not yet become a topic for media and public discussions, let alone public policy. That said, international movements like e.g., Ashoka and the Schwab Foundation have recently become active in Switzerland and are shaping the field mainly from the perspective of the Anglo-Saxon "social entrepreneurship" stream.

## 2 The ecosystem for social enterprise in Switzerland

### 2.1 The policy and legal framework for social enterprises

Given the confederal structure of Switzerland there is no coherent policy for social enterprise that applies to the entire country. There are no public bodies at the national level (e.g. Ministries) that deal with social enterprise and no specific intentions to establish such an entity have been observed yet.

There is also no specific legal vehicle for social enterprises. Some studies state that the creation of a specific legal form would substantially benefit the development of the sector, though this view is not shared by some stakeholders interviewed for this study who asserted that existing forms are sufficient and what is missing is the awareness of the potential to develop successful social enterprise<sup>1</sup>.

From a legal perspective, the Swiss laws allow for much flexibility in terms of the usage of the various legal forms. Corporations can declare themselves 'non-profit' in their statutes, and there is no registration requirement for associations (an association gains legal existence through a formal assembly of minimum two persons, validation of very basic statute and nomination of the committee – from there on, the association is a legal entity and can sign contracts and hire employees). Available information suggests that most social enterprises operate under the legal form of an association or foundation; although some older, more established social enterprises reportedly use the cooperative legal form. However, other legal forms such as the corporation and the limited liability company are found among the members of Social and Solidarity Economy chambers as well as among the work insertion umbrella organisation *Insertion Suisse*.

The table below indicates the main legal forms that exist in Switzerland which could potentially be adopted by social enterprises.

**Table 2.1 Legal forms in Switzerland<sup>2</sup>**

English	German	French	Italian
Associations	Verein	Association	Associazione
Cooperatives	Genossenschaft	Société coopérative	Società cooperativa
Foundations	Stiftung	Fondation	Fondazione
Corporation / public limited company	Aktiengesellschaft	Société anonyme (SA)	Società anonima
General Partnership	Kollektivgesellschaft	Société en nom collectif (SNC)	Società in nome collettivo
Limited liability company	Gesellschaft mit beschränkter Haftung (GmbH)	Société à responsabilité limitée (Sarl)	Società a Garanzia Limitata

### 2.2 Public support schemes targeting social enterprises

Publicly funded specialist support and infrastructure targeting social enterprises are rare and the authorities' stance could be generally described as 'neutral' or 'passive'. On the one hand, there is limited interest at both national and regional level. On the other hand, key interviewees<sup>3</sup> did not identify any state-imposed obstacles that would hamper the development of the sector.

<sup>1</sup> L.Crivelli, A. Bracci, and G. Avilés, 2011. The Swiss Social Enterprise Model.

<sup>2</sup> The Federal Authorities of the Swiss Confederation. 2014. Federal Act on the Amendment of the Swiss Civil Code. Available at: <http://www.admin.ch/opc/en/classified-compilation/19110009/index.html>

<sup>3</sup> Interview with Christoph Dunand, representative of the Chamber of Social and Solidarity Economy in Geneva and Sophie Swaton from the University of Lausanne

Sometimes, existing state infrastructure and support schemes that support mainstream companies more generally, is also used by social enterprises. For instance, the Swiss Commission for Technology and Innovation (CTI) provides some support to start-up entrepreneurs, some of which are social enterprises.

At a regional level, support may vary considerably. In the state of Geneva, the '*Department Agenda 2021*' is responsible for the promotion of sustainable development. If the activities of some social enterprise relate to sustainable development then financial support may follow. One of the examples of co-financing is the social business incubator run by the Chamber of Social and Solidarity Economy in Geneva (see section 2.4 for further information on the Chamber).

In the field of work integration, some cantons (e.g. Geneva) but not all, may subsidise the salaries for employees under the work integration contracts. More generally, there is very often no funding for social enterprises as such, but rather for certain activities (i.e. work integration, culture, arts, etc. irrespective of the legal status of the organisation).

In public procurement, there are currently no 'social clauses' applied in Switzerland which would explicitly favour social enterprises. The state of Geneva has, however, recently included social and ecological criteria in some of its tenders and those, although not favouring social enterprises per se, may be seen as an incentive for socially oriented organisations.

There are also examples of some cantons of Switzerland which explicitly rule out specific support. For instance, the Canton of Vaud<sup>4</sup> in its response to the interpellation concerning social and solidarity economy, responded that it does not envisage supporting the social and solidarity economy entities/ social enterprises with any additional measures that would not be available to other sectors of the economy.

Table 2.2 lists the types of publicly funded initiatives that are available to social enterprises, although the support is not necessarily targeted at social enterprise per se. Support under the ERDF or ESF is not applicable for Switzerland.

**Table 2.2 Overview of publicly funded initiatives available for targeting at social enterprises**

Support type	Are there any schemes specifically targeting social enterprises?	Are any of these schemes funded by ERDF/ ESF?
Pre-start support (e.g. incubators)	✓	N/a
Awareness raising (e.g. awards)	✓	N/a
Social entrepreneurship education (e.g. school for social entrepreneurs)	✓	N/a
Business support (e.g. business planning, management skills, marketing etc.)	✓	N/a
Training and coaching schemes	X	N/a
Investment readiness support	✓	N/a
Dedicated financial instruments	X	N/a
Physical infrastructure (e.g. shared working space)	X	N/a
Collaborations and access to markets	X	N/a
Networking, knowledge sharing, mutual learning initiatives	✓	N/a

<sup>4</sup> Capital of Canton of Vaud is Lausanne.

## 2.3 Other specialist support and infrastructure available to social enterprises

Some courses and workshops for those who wish to set up a social enterprise or have other interests in the topic are available. There are, however, no graduate or post-graduate degrees in social entrepreneurship despite some willingness to establish such academic programmes by some institutions like the Business School in Geneva. However, a joint programme on Management of Social and Solidarity Economy enterprises, developed by the Fribourg and Geneva Business School, is expected to start in September 2014.<sup>5</sup>

Besides, the University of Applied Sciences and Arts North-western Switzerland offers Master degree in Social Work with special emphasis on social innovation- although not exclusively oriented towards social economy/social entrepreneurship<sup>6</sup>. In general, there are also some cases of educational institutions like the University of Applied Sciences and Arts of Southern Switzerland which do not offer specific degrees as such but may conduct some research and publish fairly regularly on social economy/enterprises.

There are a few courses in the area, such as *Social Innovation and Social Work* by the Fachhochschule Nordwestschweiz<sup>7</sup> as well as *Technologies and Social Entrepreneurship*<sup>8</sup> at the École polytechnique fédérale de Lausanne.

The international student association Oikos, founded in 1987 is an organisation for sustainable economics and management. It also organises events on social entrepreneurship.<sup>9</sup>

In terms of vocational training and professional support, as part of its Professional Programme, SEIF offers two courses on *Business Creation and Business Development for Social Entrepreneurship*, which are conducted as part of the foundational CTI courses (of the Swiss Commission for Technology and Innovation).<sup>10</sup>

Ashoka organises an Impact Programme, workshops and coaching for social entrepreneurs and other social innovation actors.<sup>11</sup>

The Schwab Foundation plays a facilitating role in offering specialist support. It works with the Harvard University, Stanford University and INSEAD to provide scholarship opportunities from the best executive education courses in the field to social entrepreneurs selected in Switzerland (though courses do not necessarily take place in Switzerland). The Foundation works closely with leading academic institutions to publish case studies on specific social entrepreneurs who have been successfully enrolled in undergraduate and graduate level courses.<sup>12</sup>

The University of St. Gallen started the Social Impact Entrepreneurship Lab, a social innovation centre in Zurich that hosts aspiring and established social ventures. The course connects students with these ventures as a way of not just providing a learning experience for the students but also strengthening the social ventures themselves.

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<sup>5</sup> Haute École de Gestion Genève. CAS management d'entreprises de 'économie sociale et solidaire. Available at: <http://www.hesge.ch/heg/formation-continue/formations-en-partenariat/cas-management-dentreprises-leconomie-sociale-et-solidaire>

<sup>6</sup> University of Applied Sciences and Arts North-western Switzerland, 2014. School of Social Work – degrees. Available at: <http://www.fhnw.ch/socialwork/homepage-1>

<sup>7</sup> Hochschule für Soziale Arbeit, 2014. Master of Arts in Sozialer Arbeit mit Schwerpunkt Soziale Innovation. Available at: <http://www.fhnw.ch/sozialarbeit/bachelor-und-master/masterstudium>

<sup>8</sup> École Polytechnique Fédérale de Lausanne. Available at: [http://edu.epfl.ch/coursebook/en/technologies-and-social-entrepreneurship-HUM-361?cb\\_cycle=bama\\_cyclebachelor&cb\\_section=shs](http://edu.epfl.ch/coursebook/en/technologies-and-social-entrepreneurship-HUM-361?cb_cycle=bama_cyclebachelor&cb_section=shs)

<sup>9</sup> OIKOS, 2014, About. Available at: <http://www.oikos-international.org>

<sup>10</sup> SEIF, 2014. Seif professional programme. Available at: <http://seif.org/en/seifpp/>

<sup>11</sup> ASHOKA, 2014. Programme Impact. Available at: <http://www.ashoka-impact.ch>

<sup>12</sup> Schwab Foundation, 2014. About us. Available at: <http://www.schwabfound.org/content/about-us>

Impact Pledge in Lausanne is currently developing a Social Entrepreneur Legal Guide tool.<sup>13</sup> The aim is to provide social entrepreneurs with access to a practical, high-quality and cost-effective tool to solve critical legal issues. As part of the feasibility study, the Impact Pledge has therefore developed a questionnaire to assess legal needs of early- and mid-stage social enterprises/ social entrepreneurs and appropriate terms of access to appropriate legal advice. In a pilot phase, this questionnaire is being distributed to Swiss social enterprises/ social entrepreneurs, their funders, their advisors and researchers in relevant fields.<sup>14</sup>

## 2.4 Networks and mutual support mechanisms

There is no umbrella organisation at a national or regional level that represents the social enterprise movement.

At a canton level, there are three Chambers of Social and Solidarity Economy (SSE) uniting social enterprises and social and solidarity economy entities, though the SSE does not cover all organisations in the canton. The Chamber of Social and Solidarity Economy for the region of Geneva had 270 members as of April 2014 while the Chamber of Social and Solidarity Economy for the region of Vaud (Lausanne) had 64 members. Finally there is the Chamber La Chaux-de-Fonds representing the cantons of Neuchâtel, Jura and Jura Bernois (APRÈS BEJUNE) which had six members. These three Chambers operate under the form of non-profit associations.

The Geneva Chamber has established an incubator that provides assistance in the start-up and development stage of projects<sup>15</sup>. The Geneva chamber also operates as an employment intermediary providing up-to date information on current employment opportunities in the sector. From the type of activities maintained by the existing Chambers and frequent reference to the French Social and Solidarity economy, it is clear that the French system is closely observed and often serves as a guiding example. For instance, since 2012, two French Chambers from the regions of Franche-Comté and Rhône-Alpes have been collaborating with the Chambers from Geneva and Lausanne under the programme 'INTERREG Observatoire ESSpace'<sup>16</sup>. The French influence can also be observed in the admission criteria used by the Chamber for its membership – see Box 2.1.

### Box 2.1 Chambers of Social and Solidarity Economy: admission criteria for membership

#### Box 1: Chambers of Social and Solidarity Economy – favoured definitions

The 'Social and Solidarity Economy Chambers of Commerce' in Geneva has defined admission criteria and attempted to operationalise these. The Charter for Social and Solidarity Economy of the Geneva region<sup>17</sup> refers to specific criteria. It has four mandatory criteria (transparency, collective interest, autonomy, limited profit) and three domains in which the adherents promise to progress in the upcoming years (environment, participative management, and social management).

Yet the approach is flexible, complete fulfilment is not mandatory, and the Charter stipulates that the following criteria 'must be read as the set of objectives towards which one should strive':

- social goal – pursue non-profit or limited profit orientation;
- democratic governance;

<sup>13</sup> Impactpledge, 2014. Impact Infrastructure. Available at: <http://impactpledge.org/impact-infrastructure>

<sup>14</sup> A beta version of the webpage is currently online for use based on the results of their questionnaire. See <https://www.impactstarter.ch/>

<sup>15</sup> Chamber of Social and Solidarity Economy, 2014. Available at: <http://www.apres-ge.ch/node/45023>

<sup>16</sup> Programme INTERREG Observatoire ESSpace. Available at: <http://www.apres-vd.ch/index.php/apres-vd/nos-projets>

<sup>17</sup> Chamber of Social and Solidarity Economy. *Charter for a social and socially-oriented economy of the Geneva region*. Available at: [http://www.apres-ge.ch/sites/test.intranetgestion.com/files/CHARTE\\_ESS\\_anglais\\_novembre\\_2012\\_0.pdf](http://www.apres-ge.ch/sites/test.intranetgestion.com/files/CHARTE_ESS_anglais_novembre_2012_0.pdf)

- ecology (recognition of the role of environment in the socio-economic progress);
- autonomy – in the relationship with the public and private sector;
- solidarity – preference to collective interest over that of the individual;
- diversity – respecting differences between people and populations;
- coherence – application of all of the values mentioned above in a coherent manner and at the operational level.

This rather inclusive approach as regards to the entities that can become the members of the chambers and it is not considered that the legal form should be a guiding principle<sup>18</sup>.

International networks are also gaining in importance in the country and shape the field mainly in the perspective of the Anglo-Saxon social entrepreneurship stream, e.g., Ashoka and the Schwab Foundation for Social Entrepreneurship which has its seat in Geneva.

Ashoka has only recently entered Switzerland, but is playing an important role in supporting social entrepreneurs. It focuses on managing a network of partners (mainly companies) who dedicate resources to offer free support to social entrepreneurs, for instance in the form of coaching.

The Schwab Foundation unites over 250 social enterprises/entrepreneurs, but only a few of them are active in Switzerland as most operate outside the country. It identifies a select community of social entrepreneurs and engages them in shaping global, regional and industry agendas that improve the state of the world in close collaboration with the other stakeholders of the World Economic Forum.

The Social Entrepreneurship Initiative and Foundation (SEIF) is a platform where innovative knowledge, social resources and the entrepreneurial potential of all social entrepreneurship community actors are being brought together to achieve the highest possible social impact. It supports individuals or teams whose innovative ideas seek to solve social business challenges. SEIF provides support in the development of the business plan and as well as its implementation.

*Insertion Suisse/Arbeitsintegration Schweiz/Inserimento Svizzera* is the network for organisations in the area of work integration. Founded in 1997 as AOMAS (Association des organisateurs de mesures du marché du travail en Suisse) it changed name in 2013 and currently unites 170 organisations active in work integration.

*ProFonds unites foundations* (and public utility associations), defends their interests and lobbies on their behalf.

Furthermore, the global network of Impact Hubs also has two branches in Switzerland (Zurich and another one in Geneva which was established in early 2014).

## 2.5 Social enterprise/ social entrepreneurship awards and prizes

SEIF has been awarding an annual Social Entrepreneurship Prize since 2011, part of four entrepreneurship prizes funded by SEIF, UBS and SUVA with a value of 10,000 CHF.<sup>19</sup>

The Impact Hub Zurich has a yearly Social Impact Awards<sup>20</sup>, though they are not specifically targeted at Swiss social entrepreneurs, but have a rather international scope.

Together with the World Economic Forum the Swiss based Schwab Foundation has been organising an annual Social Entrepreneurship Prize since 2005, open to social enterprises and projects from all over the world. It focusses on social entrepreneurs and projects from

<sup>18</sup> M. Goning, J. Zuchuat, N. Gachet and L. Houmard, 2013. Toward a Statistically Robust Assessment of Social and Solidarity Economy Actors. Conceptual Development and Empirical Validation. Available at: <http://www3.unil.ch/wpmu/ess-vd/files/2013/11/Article-EMES-2013.pdf>

<sup>19</sup> SEIF, 2014. Seif awards for social entrepreneurship. Available at: <http://seif.org/en/awards/>

<sup>20</sup> Social Impact Award, 2014. Available at: <http://socialimpactaward.ch/>

around the world and therefore has a wider geographical scope than Switzerland, though few projects take place in the country itself.<sup>21</sup>

## 2.6 Marks, labels and certification schemes

There are no marks, labels or certification schemes for social enterprises.

There are no standard tools or systems for measuring and reporting the social impact of social enterprises, although it is likely that individual organisations monitor in a more or less systematic way the social outcomes of their activities.

## 2.7 Social investment markets

There is a considerable number of funding possibilities available in Switzerland. Access to credit in Switzerland is in general easier than in many EU Member States and this clearly benefits all types of organisations including social enterprises. Although specific funds targeting social enterprises are limited, the state (understood to include cantons or municipalities) has been an important source of finance for social enterprises.

Private foundations are quite important in supporting social enterprises in the country. However, their focus is mainly on non-profit organisations. It is therefore, generally difficult for for-profit organisations (with strong social orientation) to access funds from specific social funds or philanthropic foundations<sup>22</sup>.

Unlike many EU Member States, typical commercial banks are keen to invest in social enterprises<sup>23</sup>. Interestingly, the representative of the Swiss Alternative Bank indicated that revenue uncertainty for many entities which have strong social orientation is lower than for mainstream enterprises because social enterprises often have business models which are stable and dependent on the public sector. Meanwhile though, the representative also pointed out that business expertise is generally lower among social enterprises as compared to mainstream enterprises – an observation confirmed by Ashoka.

The availability of the equity instrument for social enterprises is very limited.

Table 2.3 lists sources of funding that target the social enterprise/social economy sector.

**Table 2.3 Organisations supplying finance to social economy organisations/social enterprises**

Organisation	Overview
Swiss Alternative Bank	<p>A social bank established in 1990, mainly providing loans. It applies quite strict criteria regarding social impact.<sup>24</sup> Its main focus is environmental friendly projects and affordable housing.</p> <p>Loans range from 100,000 CHF to 25 million CHF. More than half of investment goes towards social investment (including social housing), with a particular interest in enterprises listed on the stock exchange (as more liquid and seen as safer investment). Yet the Swiss Alternative Bank does not uniquely serve social enterprises and does not use any formal definition of social enterprises.</p> <p>In addition, the bank has its own association called the Innovation Fund (mainly for equity) and is used for promoting innovation among social enterprises. The Innovation Fund takes equity or provides loans up to 50,000 CHF.</p>
Microcrédit Solidaire Suisse	An initiative to support small business ideas and enterprises. While not specifically targeting social enterprises

<sup>21</sup> BCG, 2014. Schwab Foundation for Social Entrepreneurship. Available at: [http://www.bcg.com/about\\_bcg/wef/schwab\\_foundation.aspx](http://www.bcg.com/about_bcg/wef/schwab_foundation.aspx)

<sup>22</sup> Interview with SEIF and Christoph Dunand

<sup>23</sup> Interview with Swiss Alternative Bank

<sup>24</sup> Interview with the representative of the Swiss Alternative Bank

Organisation	Overview
Fondetec	Started in the late 1990s, it has supported over 450 enterprises for over 56 million CHF. Those supported include social enterprises and socially oriented businesses.
Social Investors <sup>25</sup>	An independent Swiss-based philanthropic advisory firm. It assists in maximising the impact of philanthropic engagements and its vision is to enable and facilitate social impact. As most social investors, it focuses on micro-credit in developing countries and there are much less initiatives in Switzerland'. It is an important actor in the field of social philanthropy. In 2011 it concluded a strategic partnership with the Berlin-based Beyond Philanthropy
LGT Venture Philanthropy <sup>26</sup>	Its mission is to improve the quality of life of less advantaged people. To realise its mission, it supports organisations with positive social or environmental impact through financing, expertise and access to networks. However, its focus is largely international.
Blue Orchard <sup>27</sup>	Provides the microfinance, its scope is largely international; Switzerland is a marginal market, though.
SoSense 'Your Social Impact' <sup>28</sup> :	A crowd funding platform. When an individual or corporate donation to the Sosense Pioneers Fund is received people can select online their favourite social enterprise for the platform to support with the venture philanthropy approach.

## 2.8 Overview of the key actors in the social enterprise ecosystem

As the social enterprise movement in Switzerland is relatively young, it can be seen that supporting structures are only emerging. There are a few fragmented initiatives, often independent from each other, rather than part of an interconnected eco-system.

At a regional level, some umbrella organisations have emerged. For instance, Social and Solidarity Economy Chambers of Commerce in the French speaking part of the country<sup>29</sup>. The umbrella organisation in Geneva seems to play an important, to some extent coordinating, role in those cantons.

The table below provides a snapshot of the main actors involved in the social enterprise ecosystem. This should, however, not be seen as an exhaustive list.

**Table 2.4 Key actors in the social enterprise system**

Area	Organisation/institutions
Governmental departments or institutions designing or implementing policy, support instruments and measures for social enterprises and infrastructures	Commission for Technology and Innovation (CTI) Regional government of Genève Local governments (WISE)
Customers – authorities contracting social enterprises	Local authorities (WISE)
Organisations promoting, certifying and awarding social business labels	Social Entrepreneurship Initiative Foundation

<sup>25</sup> Social Investors, 2014. Available at: <http://www.socialinvestors.com/>

<sup>26</sup> LGT Venture Philanthropy, 2014. Available at: <http://www.lgtvp.com/>

<sup>27</sup> Blue Orchard, 2014. About BlueOrchard. Available at: <http://www.blueorchard.com/>

<sup>28</sup> Sosense, 2014. Your Social Impact. Available at: <http://impact.sosense.org/>

<sup>29</sup> Chambers of Social and Solidarity Economy, 2014. Accueil. Available at: [www.apres-ve.ch](http://www.apres-ve.ch) and <http://www.apres-ge.ch/>

Area	Organisation/institutions
	(SEIF)
Institutions, civil society initiatives or other social enterprises promoting social entrepreneurship education and training, and presenting role models	Social Entrepreneurship Initiative Foundation (SEIF) Ashoka Impact Hub Zurich
Organisations that have the capacity to act as an observatory and to monitor the development and to the assess needs and opportunities of social entrepreneurs/social enterprises	Social Entrepreneurship Initiative Foundation (SEIF) Insertion Suisse/Arbeitsintegration Schweiz/Inserimento Svizzera (WISE) Chambres of Social and Solidarity Economy in Geneva, Lausanne and the one representing the cantons of Neuchâtel, Jura and Jura Bernois Research institutes, such as the University of Lausanne
Providers of social enterprise start up and development support services and facilities (such as incubators)	Impact Hub Zurich Impact Hub Geneva Chambre of Social and Solidarity Economy Geneva
Business support	Ashoka Social Entrepreneurship Initiative Foundation (SEIF) Impact Hub Zurich Impact Hub Geneva
Facilitators of learning and exchange platforms for social enterprises	Social Entrepreneurship Initiative Foundation (SEIF) Impact Hub Zurich Impact Hub Geneva Impact programme of Ashoka Switzerland Chambre of the Social and Solidarity Economy in Geneva
Social enterprise (support) networks, associations	Ashoka Impact Hub Zurich Impact Hub Geneva Chambres of Social and Solidarity Economy in Geneva, Lousanne and the one representing the cantons of Neuchâtel, Jura and Jura Bernois

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<b>Area</b>	<b>Organisation/institutions</b>
Key providers of finance	Microcrédit Solidaire Suisse Swiss Alternative Bank Fondetec

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## 3 Mapping of social enterprise in Switzerland

### 3.1 The spectrum of social enterprise in Switzerland

With the exception of WISEs<sup>30</sup>, there is generally no clear demarcation line between social enterprises and the wider social economy, making it difficult to draw a distinction.

The spectrum of existing organisations in Switzerland among which those that could potentially meet the operational criteria (to various degrees) include the following forms:

- WISE;
- Social enterprises in the tradition of the Social and Solidarity Economy (SSE) and the *Gemeinwohlökonomie* (GWÖ);
- Associations;
- Foundations;
- Cooperatives;
- Mainstream enterprises with strong social orientation.

It must be also noted that the overlap between these types of organisations may exist as some of the legal forms (associations, foundations) can be used by WISE and social enterprises/ social and solidarity economy entities more widely.

The study has focused on the main types of entities that are most likely to meet the EU operational criteria. At the same time, there are a number of actors that most likely do not meet the criteria and can be taken out from the initial scope for the analysis:

- Mutuels which are not recognised by Swiss law as a separate legal form. Mutual banking and mutual insurance companies usually use the legal form of a cooperative<sup>31</sup>.
- Work cooperatives: as they are virtually non-existent in Switzerland;
- Agriculture cooperatives: they most often lack a well-defined social aim<sup>32</sup>
- The big retailer cooperatives: The big retailer cooperatives such as Coop and Migros were founded with the aim of providing quality products to low-income households. As such, they both share a social objective that motivated their creation. Their evolution in the past decades, their growth, and the competition stemming from the presence of other international groups have however led to a gap between the organisation and the consumers (most of them are not cooperative members or do not know they are / what it implies to be). Despite their important support and sponsoring for the community, they often not considered 'social enterprises'.<sup>33</sup>
- International sport federation businesses: often lack clear social aims.

### 3.2 Application of operational definition: determining the boundaries

The following section discusses the extent to which the operational criteria are met by the specific entities that have been identified for further analysis.

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<sup>30</sup> It is important to stress that work integration social enterprise (WISE) has a dual meaning. WISE can have a social work contract with the state, where the state mandates a WISE to carry out a certain task (i.e. training of an unemployed person for re-integration in the regular labour market). However, the result of this work or employment is a service or product to the market.

<sup>31</sup> M. Goning, J. Zuchuat, N. Gachet and L. Houmard, 2013. Toward a Statistically Robust Assessment of Social and Solidarity Economy Actors. Conceptual Development and Empirical Validation. Available at: <http://www3.unil.ch/wpmu/ess-vd/files/2013/11/Article-EMES-2013.pdf>

<sup>32</sup> M. Gonin

<sup>33</sup> Ibid. Also see the 2010 study on the Geneva social and solidarity economy: <http://www.apres-ge.ch/node/32122>, which excludes Coop and Migros from the study, despite their legal form of cooperative.

### 3.2.1 Entrepreneurial dimension

It can be expected that most **WISE** will derive their income from market sources, especially the social or sheltered workshops. Yet, the competition law and the contracts binding WISE to the state to receive subsidies or performance/mandate tend to prevent the WISE from competing with mainstream enterprises on the goods and services markets. Consequently, even though called 'social enterprises', they were until recently often not really considered as 'enterprises', but rather as non-profit or third-sector organisations – certainly not as part of the 'business world'. For a long time, work insertion enterprises were not allowed to sell goods and service in domains in which mainstream enterprises would be active. Also, despite changing patterns, there is still a concern of 'unfair competition' among mainstream enterprises.

Among both **associations** and **foundations**, a number of organisations are engaged in market activity, though it can be expected that there are some associations or foundations that are dormant (not active) or not engaged in economic activity. However, it must be noted that associations without any economic dimension would not be registered in the business index nor be a member of a network such as the social and solidarity economy network.

In principle virtually all **mainstream enterprises** meet this criterion, though it might be the case that some start-ups might still not derive a large share of their income from market sources.

The majority of **cooperatives** will have an entrepreneurial dimension and derive income from market sources.

### 3.2.2 Social dimension

In principle, all **WISE** would fully meet this criterion as the main purpose of a WISE support the (re)integration of disadvantaged groups into the labour market.

Among both **associations** and **foundations**, there will be a substantial number that will meet the criterion, but many organisations might not have clear-cut or well-defined social goals. Many foundations exist in Switzerland and are active in various domains, from philanthropy through work integration social enterprises to development / humanitarian aid to family foundations mainly managing (untaxed) family fortune to be used for specific 'social' objectives (that might be simply financing the education of future family members though). Furthermore, even though foundations have to be registered at the cantonal business register, they do not have to publicly disclose any report on their performance, activities, and governance. This makes clear categorisation and comprehensive research more complicated.

Among **mainstream enterprises**, there will be very few that have clear social aims. It can be expected that for a few enterprises social aims will form the core of the organisation and take precedence over profit-making, as highlighted by studies<sup>34</sup>, interviews and networks such as SEIF<sup>35</sup>. In these cases in which social aims do take centre stage, a social enterprise runs as a limited liability company and decides to re-invest profit into the organisation and support the social aims of the enterprise.

In general, **cooperatives** cannot usually be regarded as 'social enterprises', but rather as organisations serving the economic interests of their members (legal definition of a cooperative). And this orientation of cooperatives towards the interests of their members is not consistent with the social objectives of a social enterprise. Cooperatives have, however, most often emerged in specific socio-economic contexts that cannot be ignored as it may imply some social dimension in many of these initiatives. In the French speaking part of the country, cooperatives seem to be typically defined as a part of the social and solidarity

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<sup>34</sup> Crivelli et al, The Swiss Social Enterprise Model, Chamber of Social and Solidarity Economy in Geneva, 2014. Available at: <http://apres-ge.ch/node/32122>

<sup>35</sup> SEIF, <http://seif.org/social-entrepreneurship/cases-2/>

economy movement<sup>36</sup>. At a national level, some housing cooperatives for instance provide affordable housing to low income groups<sup>37</sup> and can have distinctive social orientation; others, like agricultural cooperatives or financial cooperatives may focus predominantly on the interest of their members. The box below presents some reflection on the social orientation of the Swiss cooperatives.

**Box 3.1 The social dimension of Swiss cooperatives**

It is very hard to identify the degree to which a particular cooperative has a social objective unless detailed analysis is undertaken involving a review of the status and practical functioning of the entity.

In practice, one can observe a continuum in terms of both, the 'market-orientation' and 'public utility'. For instance in the retail sector, one may find cooperatives dealing with local supply, organic produce. For instance, Migros was created with the explicit intention of selling cheap products in villages in which people were dependent of expensive local retailer. There are examples of some grocery cooperatives which were created in small towns where no other grocery store was available to allow elderly people to go shopping locally. In the banking industry, one may also find local credit and saving cooperatives created originally because no other banks were willing to serve poor farmers. In all these fields, the difference in the level of 'public utility' is hard to define. Similarly, the market orientation may be also hard to pin point, especially as the government works less with subsidies and more with call for tenders (public procurement).

Therefore, although there are specific areas where the social objective of the cooperative may be more explicit (e.g. social housing), any segregation between social and 'non-social' cooperative would have to be made on the basis of an individual analysis of each cooperative and would still be partly arbitrary.

**3.2.3 Independence/ governance dimension**

Independence and inclusive governance are more difficult to assess for these organisational types, especially whether they are applied in practice or not. In addition, information about many actors is difficult to find, and participative management is not guaranteed, especially when not required by the legal form. For a large number of associations this remains problematic.

**WISE**

Stakeholder participation beyond the members (in case the WISE has adopted the legal form of a cooperative or association) remains very limited, and sometimes not even discussed among WISE. An exception can be noted in Geneva where all staff are / can be member of the association<sup>38</sup>.

The situation of autonomy is more complex as there is a wide array of models and practices, reflecting different combinations of financial and formal autonomy in the board / decision making process.

**Associations and foundations,**

- Regarding stakeholder involvement, it is important to distinguish between associations and foundations. Associations have general assemblies in which each member (but only members) can participate. Foundations have no general assemblies (only a board in which members are usually co-opted). In both cases, external stakeholders (including employees if they are not members) are most often not included;
- Regarding autonomy, most associations are fully autonomous (some might receive subsidies, but have no formal dependence). Most foundations are autonomous, even

<sup>36</sup> See for instance: [http://www3.unil.ch/wpmu/ess-vd/files/2013/05/Colloque\\_coop2012\\_pdf.pdf](http://www3.unil.ch/wpmu/ess-vd/files/2013/05/Colloque_coop2012_pdf.pdf)

<sup>37</sup> On average, the rent offered by the Swiss housing cooperatives is 20 per cent lower than the one on the market.

<sup>38</sup> See [realise.ch](http://realise.ch)

though a few foundations (but also cooperatives) can be 'public' as they are created by public authorities. An example is the use of a cooperative to manage the water system of a municipality. Nevertheless, the vast majority are autonomous.

### Mainstream enterprises

Autonomy is guaranteed, but stakeholder involvement in governance remains discretionary.<sup>39</sup> Moreover, mainstream enterprises do not generally have democratic decision making processes.

### Cooperatives

- Cooperatives have a yearly general assembly with the principle of one person one vote;
- Most cooperatives are independent from the state (but a minority might depend on public revenues for their existence) and have no delegates from the state in their board;
- Other stakeholders rather than members are often not included in the process.

## 3.3 Measurement of social enterprises

There are no available statistics on the number of social enterprises (nor on social and solidarity economy entities) in Switzerland. Several experts have made clear that it is not possible to make an assessment of the size of the social enterprise sector in Switzerland. An expert at the Chamber of Social and Solidarity Economy indicated that even for the relatively well-studied Geneva area, it is not feasible to draw a comprehensive picture on the scale of social enterprise activity.

Some fragmented data allows some identification of the number of organisations which should be then screened in order to extract those which meet the operational criteria to the highest degree. Major source of this fragmented data are:

Chamber of Social and Solidarity Economy in Geneva: covers the Social solidarity economy in Geneva<sup>40</sup>;

The Federal Interior Department<sup>41</sup>: Contains some statistics on foundations;

The PME Portal of the Swiss Confederation<sup>42</sup>: Contains data on enterprises;

Relevant academic publications;

Federal Office for Statistics<sup>43</sup>;

Umbrella organisations such as ProFonds, Insertion Suisse and SEIF.

A 2013 survey identified at least **1,100 organisations (partially) active in the area of work integration in the whole of Switzerland**<sup>44</sup>, employing over 10,000 people. A study on non-profit organisations active in the area of social protection indicated about 36,000 employees or 24,000 FTEs.<sup>45</sup>

Figures from 2009 show there were **6,700 associations registered in the business index in Switzerland** and over 10,700 cooperatives.<sup>46</sup> A study by John Hopkins, the Comparative

<sup>39</sup> Such as Assuretic, Conseil et courage. Available at: <http://www.assurethic.ch/>.

<sup>40</sup> Chamber of Social and Solidarity Economy in Geneva, 2014. Available at: <http://apres-ge.ch/node/32122>

<sup>41</sup> DFI, 2014. Available at: <http://www.edi.admin.ch/esv/05263/05265/index.html?lang=fr>

<sup>42</sup> Portail PME, 2014. Available at: <http://www.kmu.admin.ch/politik/02961/02987/02989/index.html?lang=fr>

<sup>43</sup> Office Fédéral de la Statistique. Available at: <http://www.bfs.admin.ch/bfs/portal/fr/index.html>

<sup>44</sup> [http://www.arbeitsintegrationschweiz.ch/fileadmin/pdf/Mitteilungen/INSOCH\\_InsertionSuisse.pdf](http://www.arbeitsintegrationschweiz.ch/fileadmin/pdf/Mitteilungen/INSOCH_InsertionSuisse.pdf)

<sup>45</sup> OFS Statistique de Suisse, Les organisations sans but lucratif dans le domaine de la protection sociale

Situation et évolution des organisations sans but lucratif entre 1990 et 2010 dans le cadre des Comptes globaux de la protection sociale, <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/13/22/publ.html?publicationID=5343>

<sup>46</sup> A. Foglia, 2010, Introduzione linguistica (ma non solo) al diritto svizzero. Available at:

[http://books.google.be/books?id=ReRQ1StnCLAC&pg=PA135&lpg=PA135&dq=numero+di+societa+cooperative+in+svizzera&source=bl&ots=cK\\_VQDhvYQ&sig=0vY368dBbpHTdh2AdpzaN2Tkxk&hl=en&sa=X&ei=RqZOU5rSFKaJ0AXphlGoDg&ved=0CGQQ6AEwCA#v=onepage&q=numero%20di%20societa%20cooperative%20in%20svizzera&f=false](http://books.google.be/books?id=ReRQ1StnCLAC&pg=PA135&lpg=PA135&dq=numero+di+societa+cooperative+in+svizzera&source=bl&ots=cK_VQDhvYQ&sig=0vY368dBbpHTdh2AdpzaN2Tkxk&hl=en&sa=X&ei=RqZOU5rSFKaJ0AXphlGoDg&ved=0CGQQ6AEwCA#v=onepage&q=numero%20di%20societa%20cooperative%20in%20svizzera&f=false)

Non-profit Sector Project in Switzerland which covered also those associations which are not registered in the business index indicated that there were around 80,000 associations<sup>47</sup>.

The European Foundation Centre informs that there are approximately 20,000 foundations, 12,715 of which are public benefit foundations.<sup>48</sup> According to the Swiss Department for Internal Affairs there are currently **around 3,800 foundations** under the supervision of the federal authority for foundations, up from 3,100 in 2008 and 1,400 in 1995.<sup>49</sup> It must be noted that foundations operating at local level are supervised by the canton authorities and numbers are therefore, substantially higher.

In 2011 there were **over 287,000 enterprises** with at least 2 employees, with 80 per cent having between 2 and 9 employees, 17 per cent between 10 and 49, and 1 per cent between 50 and 249. The whole sector involves over 3.1 million employees.<sup>50</sup> Nonetheless, it is not feasible to extract from this population, those that have clear social objectives.

As of 2012, there were **approximately 10,000 cooperatives** in Switzerland, approximately 2 per cent of all organisations registered in the Swiss business register. Approximately 25 per cent of Swiss cooperatives were registered in French speaking cantons<sup>51</sup>. Full time employment in Swiss cooperatives is estimated at a minimum of 133,000 persons<sup>52</sup>.

Table 3.1 below summarises the above statistics.

**Table 3.1** Number of organisations according to legal/ organisational form, as of 2013 unless stated otherwise

Type	Total number (registered)
WISE	~ 1,000
Associations	~ 6,700 to ~ 80,000
Foundations	~ 20,000
Regular for-profit enterprises	~ 287,000 (as of 2011)
Cooperatives	~ 10,700 (as of 2012)

*Estimates should be treated as only indicative*

There is limited information about other aspects of the organisations in the sector. The 2013 survey of WISE organisations highlights the age of the enterprises and this study shows that nearly 10 per cent of 700 participating organisations were established before 1935 and around 30 per cent up to the 1980s, about 25 per cent in the 1990s and 30 per cent since the 2000s.<sup>53</sup> This indicates that a relatively large number of WISE in Switzerland are quite old, though it cannot be ascertained to what extent these enterprises would have met the criteria for being considered social enterprises.

### 3.4 Characteristics of social enterprises

It must be noted there is limited information available on the characteristics of social enterprises for Switzerland as a whole. Existing studies usually focus on certain regions of

<sup>47</sup> Helmig, Lichtsteiner, Gmür: Der Dritte Sektor der Schweiz

<sup>48</sup> EFC, 2013. Foundations in Europe. Available at:

[http://www.efc.be/programmes\\_services/resources/Pages/Foundations-in-Europe.aspx](http://www.efc.be/programmes_services/resources/Pages/Foundations-in-Europe.aspx)

<sup>49</sup> EDI, 2014. Available at: <http://www.edi.admin.ch/esv/05263/05265/index.html?lang=de>

<sup>50</sup> Portail PME, 2014. Available at: <http://www.kmu.admin.ch/politik/02961/02987/02989/index.html?lang=fr>

<sup>51</sup> N. Gachet, M. Gonin, 2013. *La coopérative, un modèle d'avenir?*. University of Lausanne.

<sup>52</sup> N. Gachet and M. Gonin, 2013. *La cooperative, un modèle d'avenir*. Available at: [http://www3.unil.ch/wpmu/ess-vd/files/2013/05/Colloque\\_coop2012\\_pdf.pdf](http://www3.unil.ch/wpmu/ess-vd/files/2013/05/Colloque_coop2012_pdf.pdf)

<sup>53</sup> Ibid

Switzerland or types of social enterprise (i.e. as WISE). The studies cited therefore, usually have these limitations.

### 3.4.1 Legal forms

Social enterprises take a variety of forms, but are mainly foundations, associations, cooperatives and mainstream enterprises. Given the lack of a specific legal form for social enterprise, a number of organisations operate with a hybrid structure, usually combining a for-profit legal form (such as a share company) with an association or foundation.<sup>54</sup> The reason that organisations opt for these hybrid structures is that it allows for more flexibility and gives social enterprises the chance to use the best elements of each form. Foundations make it more difficult to generate revenue vis-à-vis mainstream enterprises, whereas at the same time having advantages in terms of taxation.

A 2013 survey of 700 (partially) WISE enterprises in Switzerland as a whole shows that over 30 per cent are foundations, over 35 per cent are associations, less than 5 per cent are cooperatives, and around 30 per cent have other legal forms (various types of enterprises).<sup>55</sup>

### 3.4.2 Business models

A 2012 survey of WISE shows that among a multitude of organisations consulted, many achieve social purposes through the production of goods and services and provide their clients with a range of social services, training and environmental services and are therefore multi-product enterprises.<sup>56</sup> The institutional context plays an important role and the majority of individuals engaged in the integration process are receiving invalidity insurance, unemployment benefits or social assistance. Along with public authorities, these institutions subsidise the work in the social enterprises either directly or indirectly, with the latter adapting to the requirements and expectations of the former.

#### 3.4.2.1 Sources of income

The 2013 WISE survey shows that the 700 organisations surveyed, draw funding from a variety of sources: cantonal contributions (73 per cent), market (57 per cent), donations (50 per cent), client contributions/fees (48 per cent), federal contributions (32 per cent), municipal contributions (29 per cent) and other social security contributions (23 per cent).

Moreover, the WISE survey shows that nearly all organisations received direct or indirect subsidies. It also reveals that donations are limited. For a third of the organisations surveyed, market-based resources exceed 50 per cent of their revenue.

Another study on WISE showed that self-financing varies and out of eleven organisations studied, it ranged from 5 per cent to 100 per cent.<sup>57</sup> The report does state that a market-orientation is observable in all organisations.

For Ashoka members, income from economic activity constitutes at least half of all resources

Another study by Dunand and Pasquier on social enterprises (as considered by this 2006 research) found that they are characterised by a relatively strong focus on market activities and in contrast to some other countries where social enterprises often supply services to the public sector, Swiss social enterprises exhibit strong entrepreneurial features and generate a proportionally high income from clients/customers<sup>58</sup>.

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<sup>54</sup> Interviews with SEIF and Impact Hub Zurich.

<sup>55</sup> [http://www.arbeitsintegrationschweiz.ch/fileadmin/pdf/Mitteilungen/INSOCH\\_InsertionSuisse.pdf](http://www.arbeitsintegrationschweiz.ch/fileadmin/pdf/Mitteilungen/INSOCH_InsertionSuisse.pdf)

<sup>56</sup> Crivelli et al (2012)

<sup>57</sup> Bernadette Wüthrich, Jeremias Amstutz, Stefan M. Adam (2011), Sozialfirmen und ihr Beitrag zur beruflichen Integration von Menschen mit Beeinträchtigungen. Eine explorative Annäherung an ein innovatives Modell. [http://www.assof.ch/media/Literatur/111108\\_Schlussbericht\\_Web\\_def.pdf](http://www.assof.ch/media/Literatur/111108_Schlussbericht_Web_def.pdf)

<sup>58</sup> See for instance D, Dunand and A. Pasquier, 2006. Travailler pour s'insérer. Des réponses actives face au chômage et à l'exclusion: l'entreprise de l'insertion.

Some other studies have described the phenomenon of mixed revenue streams (comprising both market and non-market sources) as 'resource hybridisation'. More specifically, business models were found to be frequently based on public subsidies but also on income generated from market sales, mostly to private clients. Interestingly, Swiss social enterprises were found to bid for public contracts only very sporadically. Also, donations were found to constitute only a fraction of overall income<sup>59</sup>. One study showed that 35 per cent of members of the social and solidarity chamber of Genève do not receive any public or private funding and are completely self-sustainable.<sup>60</sup>

### 3.4.2.2 Social impact

The measurement of social impact is often still an issue as there is no coherent system and not many social enterprises, if any at all, measure and report their social impact. Yet there is an increasing pressure to demonstrate measurable social impacts.

In the same vein, the definition of the 'common good' or 'social objective' is often not operationalised or clearly developed. As a result, comprehensive measurement tools are often lacking. Many organisations might have a few indicators that focus on their core domain, but lack a comprehensive tool to evaluate their broader, direct and indirect, social impact throughout their supply chain. This would include a measure of the real impact of their activities on their primary objective, but also of their other indirect impacts on society and the environment (positive and negative) as well as a measure of their social / participatory governance and management.<sup>61</sup>

### 3.4.2.3 Use of paid workers

A 2012 WISE survey shows that voluntary work is limited and that most staff are paid. However, the study of non-profit organisations active in social protection shows that for 36,000 employees in the sector, there are 160,000 volunteers.<sup>62</sup> However, the share of volunteers is likely to differ across WISE according to their legal forms.

### 3.4.3 Fields of activity

When social enterprises first developed in the 1980s, the two main fields of activity were work integration and welfare service provision. In the wider social and solidarity economy, organisations operate practically in all sectors of economic activity (perhaps with the exception of heavy industry): housing cooperatives, industry, craft, agriculture, environmental services, social care, education, transport, retail or entertainment<sup>63</sup>.

Key sectors of activity for the Swiss cooperatives are housing, agriculture, financial/ insurance services (e.g. Raiffeisen, Mobilière) and retail.

A 2010 study of a variety of social and solidarity economy organisations in Switzerland shows that most organisations were active in services and non-food related commerce (25 per cent), citizen activities (20 per cent), social services and health (17 per cent), education and media (14 per cent), arts and leisure (13 per cent), production and food vending (6 per cent) and hotels and construction (6 per cent).<sup>64</sup>

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<sup>59</sup> L.Crivelli, A. Bracci, and G.Avilés, 2011. The Swiss Social Enterprise Model.

<sup>60</sup> Baranzoni and Swaton (2013)

<sup>61</sup> Stakeholder interview

<sup>62</sup> OFS Statistique de Suisse, Les organisations sans but lucratif dans le domaine de la protection sociale

Situation et évolution des organisations sans but lucratif entre 1990 et 2010 dans le cadre des Comptes globaux de la protection sociale, <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/13/22/publ.html?publicationID=5343>

<sup>63</sup> C.Dunand, 2010. L'économie sociale et solidaire. Une troisième voie

<sup>64</sup> Ibid

Another study concerning WISE specifically showed that their most common fields of activity are cleaning, hotel and catering services, recycling and agriculture.<sup>65</sup>

#### 3.4.4 Target groups

The target groups of Swiss social enterprises are as varied. Some social enterprises (green energy providers, fair trade companies) market themselves towards an audience of more socially, environmentally aware customers.

The target groups of the services provided by WISEs and surveyed throughout Switzerland, are regular customers, but also local government who use their services. The 2014 survey of WISE in Switzerland shows that WISE target unemployed persons (for 40 per cent of organisations), young adults with integration problems (35 per cent), refugees (18 per cent), those in need of social help (49 per cent), those in need of reintegration (50 per cent) and several other groups.<sup>66</sup>

### 3.5 Summary of the mapping results

Table 3.2 summarises the results of the mapping exercise. It shows that:

In the absence of specific social enterprise types, the main types usually correspond with legal forms. Some of these legal forms in principle can comply with the criteria. The extent to which organisations falling under these legal types varies though. Given the sheer number of regular enterprises in Switzerland, it can be expected that a relatively lower proportion of them meets the operational criteria. This share is higher for foundations and associations (and to some degree cooperatives), though the lack of data does not make it possible to assess this thoroughly and the legal form in some cases certainly will not imply the complete fulfilment of the operational criteria;

The number of organisations meeting the criteria of engagement in economic activity, social impact, stakeholder participation and organisational autonomy seem to be relatively low;

Among WISE the share of those meeting the criteria related to social dimension and economic dimension is relatively high;

In general, across all types of social enterprises, participatory governance remains rather low. It is usually totally absent (at least formally) from all foundations.

Associations and foundations have asset locks, whereas cooperatives and mainstream enterprises do not have these.

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<sup>65</sup> Insertion Suisse 2013, Panorama des Membres d'Insertion Suisse

<sup>66</sup> L. Crivelli, D. Ferrari, 2014. Die Sozialfirma als Grundstein sozialer Innovation. Available at : [http://www.arbeitsintegrationschweiz.ch/fileadmin/pdf/Mitteilungen/INSOCH\\_InsertionSuisse.pdf](http://www.arbeitsintegrationschweiz.ch/fileadmin/pdf/Mitteilungen/INSOCH_InsertionSuisse.pdf)

Table 3.2 Mapping the 'universe' of social enterprises in Switzerland

Dimension	Criterion	WISE	Regular enterprise	Foundation	Association	Cooperative
<b>Core criteria</b>						
Entrepreneurial dimension	Engagement in economic activity	Yes	Yes	Some	Some	Mostly
Social dimension	Social aim (public benefit)	Yes	Few	Mostly	Some <sup>67</sup>	Some
Independence and governance	Distribution of profits and/or assets according to defined rules and procedures	Yes	Few	Some	Yes	Yes
	Profit cap - existence of profit cap/ limited profit distribution <sup>68</sup>	Yes	Few	Some	Yes	Yes
	Asset lock - existence of asset lock	Depends on legal form	No	Yes	Yes	No <sup>69</sup>
	Autonomy - organisational autonomy	Yes	Yes	Yes	Yes	Yes
	Inclusive governance - democratic and/or participatory decision making	Some	Some	Some	Some	Some
<b>Estimated number (latest figures, mostly 2012 or 2013)</b>		<b>1,000</b>	<b>287,000</b>	<b>20,000</b>	<b>NA</b>	<b>10,000</b>
<b>Estimated % meeting eligibility criteria (appx)</b>		<b>90%</b>	<b>NA</b>	<b>5%</b>	<b>NA</b>	<b>~15%</b>
<b>Estimated number meeting eligibility criteria</b>		<b>900</b>	<b>NA</b>	<b>1000</b>	<b>NA</b>	<b>1,600</b>

<sup>67</sup> Depending on the definition of 'social aim'. If 'social dimension' is understood in its broad meaning, including art, community, politics, sports, or religious life, then probably most associations would fulfil this criteria.

<sup>68</sup> The Federal Authorities of the Swiss Confederation. (2014). Federal Act on the Amendment of Swiss Civil Code. Available at: <http://www.admin.ch/opc/en/classified-compilation/19110009/index.html>

<sup>69</sup> <http://www.admin.ch/opc/en/classified-compilation/19110009/index.html>: The assets of the dissolved cooperative remaining after payment of all its debts and repayment of any shares may be distributed among the members only where the articles of association provide for such distribution.

Dimension	Criterion	WISE	Regular enterprise	Foundation	Association	Cooperative
<b>Mapping criteria</b>						
Entrepreneurial dimension	Share of income derived from: fees (incl. membership fees); trading income; rental income on assets; income from public contracting (both competitive tenders and direct contracting); grants and donations etc.	Trading income, income from public contracting, partially subsidies	Trading income	Grants and donations	Grants and donations, trading income, subsidies, fees	Trading income, public contracting, fees
	The use of paid workers	Mostly yes	Yes	Some (mostly not)	Mostly not	Some
Social dimension	Fields of activity	Products, also services (cleaning, hotel and catering industry, recycling, agriculture)	Most sectors of the economy	Most sectors of the economy	Most sectors of the economy	Most sectors of the economy
	Target groups (users of goods and services provided)	Customers, users of goods and services provided	Customers	Customers, users of goods and services provided	Customers, users of goods and services provided	Customers, users of goods and services provided
Independence and governance	Transparency - a system for measuring and reporting impact	Some	Some	Some	Some	Some

Some examples of social enterprises are summarised below:

### Sehende Hände<sup>70</sup>

Sehende Hände (seeing hands) is a massage centre that employs blind or severely visually impaired people that often develop very special tactile skills because of their disability.

The medical masseurs and masseuses at Sehende Hände take advantage of this in the exercise of their profession and as the organisations states, “[t]hanks to their strong sense of touch, they are among the best in the field of manual therapies.”

### Alphweels

Alphweels will manufacture a device to roll a pair of skis comfortably instead of carrying them on the shoulders. It is driven by three core principles:

**S**implicity: offering a small, light, and compact device

**S**ustainability: starting a new green movement by recycling and reusing old rollerblade wheels

**S**ocial responsibility: producing in factories employing handicapped workers

Alphweels is committed to deliver an environmentally friendly product that supports working with local people and taking social engagement very seriously. Therefore used rollerblade wheels are going to be collected and recycled. Disabled people factories in Switzerland will clean the wheels and produce the device. It is the first time in the world that urethane rollerblade wheels are recycled. Alphweels respects the planet and gives a chance to disabled people to work, earn fair wages and to feel included in society.

## 3.6 Opportunities and barriers

In the Swiss context, there is probably no one single opportunity or barrier that would stand out from others and be critical for the development of the ‘sector’. Instead, a combination of inter-related factors are inhibiting the development of social enterprise.

The ‘*cantonisation*’ of the country implies that the scale-up of many initiatives such as the creation of umbrella structures at a national level or cross-canton research initiatives have proven to be (very) challenging. Similarly, the establishment of any coherent national policies may often be unfeasible due to the significant independence and distinctiveness of the cantonal structures. Also, a limited awareness about the concept of social enterprise remains an important issue. Especially in the German speaking cantons, many social enterprises probably do not consider themselves as such, as the cantons do have a tradition of private initiative in the social sphere, without reference to the concept of social enterprise.

There is no legal definition of social enterprise and the public procurement system does not envisage any special treatment for entities which possess clear social objectives. In general, the state has been rather a silent/ neutral observer than an active actor shaping the sector. At the same time, the absence of national or cantonal frameworks for social enterprises also provides some opportunities, as it implies flexibility in the scope to start a project and allows for adaptable solutions and no limitations on fields of activity.

Impact reporting is still nascent in Switzerland although there is an increasing pressure on social enterprises to augment their accountability in this respect<sup>71</sup>. Development of coherent system could therefore result in more transparency, better recognition of the impact of social enterprises and hence more interest, also from private investors.

<sup>70</sup> Sehende Hande. 2014. Available at : <http://www.sehendehaende.ch/>

<sup>71</sup> Interview with ASHOKA

When one looks at potential opportunities, it is quite clear that access to finance, a pressing issue in many EU Member States, is not a fundamental problem in Switzerland (at least not to the extent found in many EU Member States). Although there are very few initiatives which specifically target social enterprises, general availability of loans with comparatively competitive rates is quite high. And if social ventures can prove a sufficiently robust business model, approval of financing is more certain than in other EU Member States. Though, it was also stated that the term 'social' is often associated with the 'non-profit' sector such as charities and foundations and therefore, is considerably less attractive by some lenders.

The three Chambers of Social and Solidarity Economy in French speaking cantons (though only the Geneva Chamber can be considered to be active) support social enterprise. In the German speaking cantons (and increasingly also in the rest of the country), the Anglo-Saxon trend of social enterprises sees a growing number of initiatives, providing for new opportunities.

These Chambers of Social and Solidarity Economy could potentially constitute a backbone of the support framework for social enterprises and underpin their growth in the whole country. In fact, it has been also argued that an important step toward the more integrated and dynamic support framework would be to establish one Chamber of Social and Solidarity Economy in each canton; and eventually a national Chamber representing all cantons could be established<sup>72</sup>. There are also some private institutions like SEIF or Ashoka that are already well established.

Tables 3.3 presents the main barriers and opportunities identified through the desk research and interview process.

**Table 3.3 Opportunities and barriers for the development of the social enterprise sector**

Opportunities	Barriers
<p><b>Access to finance:</b> relatively easy access to loans;</p> <p><b>Existing foundations of support system:</b> existing model with Chambers of Social and Solidarity Economy and growing initiatives in other parts of the country that have a more country-wide approach might lead to the establishment of national network.</p> <p><b>Ease to start projects and social enterprises</b> without barriers</p>	<p><b>Country specific factors:</b> 4 official languages, division into fairly autonomous and distinctive characteristics of cantons as a serious obstacle for any national scale initiatives.</p> <p><b>Public policies:</b> Lack of clear legal recognition for social entrepreneurs; Lack of public procurement system favouring socially oriented entities.</p> <p><b>Social impact measurement:</b> Absence of established mechanisms for measuring the social impact;</p>

### 3.7 Closing remarks

To conclude, the development of the social enterprise movement in Switzerland has followed very different paths depending on the legal form and sector of activities, as well as geographical area. The *cantonisation* of the country is reflected not only in differences concerning the understanding of what is / is not a social enterprise, it is also reflected in the presence or absence of different institutional structures (e.g. the existence of Chambers of Social and Solidarity Economy uniquely in French speaking cantons). In general though, the ecosystem for social enterprises is nascent and slowly emerging.

There is no specific legal form for social enterprises (and no immediate plans of creating one). The existing legal framework allows much freedom within the existing legal forms. Associations can have commercial activities, and corporations can be non-profit. The typical

<sup>72</sup> C.Dunand, 2010. L'économie sociale et solidaire. Une troisième voie.

hybrid form, the cooperative, is currently being largely neglected. Social enterprises result more from practices and mind-sets of organisation leaders than from a structured legal framework or adhesion to some movement such as Ashoka, the SSE, and the GWÖ.

The state has been largely neutral, in the sense that there are hardly any specific instruments designed to support social enterprises per se. At the same time, there are no public policies that would constitute a significant constraint for the growth of the sector.

## Annex 1 Comparative overview of the legal forms commonly used by social enterprises in Switzerland

Legal form	Association	Cooperative	Company Limited By Shares
Definition	<p>An association is a group of individuals and/or legal entities constituted and organised on the basis of a written agreement (Articles of Association) to reach a common purpose other than an economic one, such as a political, religious, scientific, cultural, recreational or charitable purpose.</p> <p>The purpose must be not-for-profit and any profits must be used by the association to reach the non-economic purpose.</p> <p>An association can be adapted for use by social enterprises.</p> <p>Charitable association An association can be tax-exempted if its purpose is considered of public benefit provided certain further conditions are fulfilled. An association which simply grants funds to other charities or charitable projects is not a social enterprise.</p>	<p>A cooperative is a corporate entity consisting of an unlimited number of persons or commercial enterprises who join together for the primary purpose of promoting or safeguarding specific economic interests of the company's members by way of collective self-help. Development and mutual assistance are at the forefront of cooperatives.</p> <p>The cooperative is a "partnership" company and not a capital company. In a cooperative, the partners usually effectively participate to the company's business and their contributions are not merely financial.</p> <p>The cooperative is a very flexible structure which can be adapted to the founders' requirements. It must have a minimum of seven members.</p> <p>The assets of the cooperative belong to the cooperative. Net profit generated by the cooperative's business operations accrues to the company's assets (unless Articles permit otherwise). Articles may provide for the distribution of whole or part of net profit among the members.</p> <p>Articles may grant departing members a right to a share of the net assets.</p> <p>The founders can decide whether they want the cooperative to hoard profits or distribute them to the members. Both can be adapted for social enterprise, depending on the expectations of the members.</p>	<p>A company limited by shares ("CLS") is a form of company commonly used by for-profit organisations. A CLS is typically established with commercial aims, to distribute profits to its shareholders. A CLS established with solely commercial aims would not be considered a social enterprise.</p> <p>A social enterprise can still use a CLS as its legal form. For example, the Articles can include social purposes and provisions which cap the dividends that can be paid to shareholders. It would be important to include some reference to non-commercial aims in the company's purpose, in order to avoid a possible liability of the company's directors for failing to make the company produce as much profit as it could have.</p>

Legal form	Association	Cooperative	Company Limited By Shares
Key national legislation governing legal form	Associations are governed by Articles 60 to 79 of the Swiss Civil Code (RS 210, "CC").	Cooperatives are governed by Articles 828 to 926 of the Swiss Code of Obligations (RS 220, "CO").	CLS are governed by Articles 620 to 763 of the Swiss Code of Obligations (RS 220, "CO").
Whether the legal form is used exclusively or not exclusively for social enterprise	<p>Not exclusively for social enterprise.</p> <p>Associations can only have a not-for profit purpose: they may especially have a political, religious, scientific, cultural, recreational or charitable, or other non-commercial purpose.</p> <p>The objects of a social enterprise which is an association should include a reference to the social enterprise's social aim(s).</p> <p>The main objects of the association can only be amended by the unanimous resolution of the members. Non-material changes to the objects can be made by a special resolution of the members.</p>	<p>Not exclusively for social enterprise.</p> <p>A cooperative's primary purpose must be the promotion or safeguard of specific economic interests of the members. Thus, the purposes of cooperatives generally involve development and/or mutual assistance.</p> <p>The corporate purpose of the cooperative must not exclusively or primarily be of a financial nature.</p>	<p>Not exclusively for social enterprise.</p> <p>A CLS can pursue any purpose and said purposes will be unrestricted unless any restrictions are specifically set out in the company's Articles.</p> <p>A social enterprise's corporate purpose may and should include a reference to the social enterprise's social aim(s).</p> <p>The purpose can only be amended by special resolution of the member, passed by at least two-thirds of the voting rights represented and an absolute majority of the nominal value of shares represented.</p>
Methods of creation	<p>To establish an association, the Articles of Association are required to be drafted and an Incorporating Assembly of the (at least three) founding members must be held, in which certain resolutions have to be made.</p> <p>The following additional steps are only necessary if the association, because of its commercial activity or its size, has to be entered into the Trade Register:</p> <p>A meeting of the Executive Committee in which certain resolutions have to be made. A completed application to the Trade Register for registration of the new association, signed by the Executive Committee, including: the minutes of the Incorporation Assembly; the Articles of</p>	<p>To set up a cooperative, the following steps are necessary:</p> <p>The Articles of Association are drafted, an Incorporating Assembly is held and the cooperative is registered with the competent Trade Register.</p> <p>If the Articles of Association provide for a personal liability or a duty to make additional contributions, the list of the members signed by a director should be provided to the Trade Register. Such list is not published in the Trade Register but may be consulted freely by the public.</p>	<p>To set up a CLS, the following steps are necessary:</p> <p>Articles of Association Incorporating Assembly A public deed of incorporation passed before a notary public</p> <p>These documents must be appended to the deed of incorporation and application form for the registration with the Trade Register.</p>

Legal form	Association	Cooperative	Company Limited By Shares
	Association; letters of acceptance of the members of the Executive Committee, letter of acceptance of the auditor, if any		
Required capital or assets	Not applicable for legal form.	Not applicable for legal form.	<p>A CLS must have minimum of one share and a share capital CHF 100,000.</p> <p>When the company is established, an equivalent of 20% of the nominal value of each share must be paid up. In all cases, the capital contributions must be at least CHF 50,000.</p>
Management and corporate governance	<p>It is a requirement to have a board.</p> <p>The Executive Committee is the only management body required by law, but the Articles of Association can provide for additional committees.</p> <p>An association must have at least three members for the Executive Committee. The Executive Committee comprises at least: A Chairman; A Secretary; A Treasurer.</p> <p>Members of the Committee are appointed by resolution of the members.</p> <p>The Executive Committee shall maintain the association's business ledgers.</p>	<p>Cooperatives must have a board of directors.</p> <p>The Articles may allow directors to delegate part of their duties and powers to committees elected by the directors and to delegate the management and the representation of the cooperative to one or more managers, directors or other persons, who may or may not be members.</p> <p>A minimum of 3 directors is required. These must be individuals. However, the authorised representatives of legal entities may be appointed to the board.</p> <p>A cooperative must have a Swiss-domiciled director with individual signing powers or two Swiss-domiciled directors with joint signing powers.</p> <p>The board members are both appointed and removed by the general meeting of members. Except if the Articles provide otherwise, board members are elected and removed by a decision of the general meeting of members which has</p>	<p>It is a requirement for CLS to have a board of directors.</p> <p>The board of directors is responsible for the administration and management of the company. It may delegate part or all of the management to one or several of its members and/or third parties.</p> <p>The company is required to have at least one director, and there is no maximum.</p> <p>One director, with individual signing powers, or two directors with joint signing powers must be able to represent the company.</p> <p>A CLS must have a Swiss-domiciled director with individual signing powers or two Swiss-domiciled directors with joint signing powers.</p> <p>Directors are appointed and revoked by resolution of the general assembly of shareholders. They can also resign.</p> <p>The legal duties of directors are set out in the</p>

Legal form	Association	Cooperative	Company Limited By Shares
		<p>received the absolute majority of the votes cast.</p> <p>The board must conduct the business of the cooperative with due care and use its best endeavours to further the cooperative's cause.</p>	Swiss Code of Obligations.
Rights of members	<p>Legal form has members.</p> <p>The general meeting of members is the supreme governing body of the association. The general meeting of members decides on admission and exclusion of members, appoints the Executive Committee and decides all matters which are not reserved or delegated to other governing bodies of the association. It supervises the activities of the governing bodies and may at any time dismiss the latter.</p> <p>The members have the right to receive the annual accounts, including the Executive Committee's and auditors' reports.</p>	<p>Legal form has members.</p> <p>The supreme governing body of a cooperative is the general meeting of members.</p> <p>The general meeting of members has the following non-transferable rights and duties (the general meeting cannot delegate these duties and the Articles of Association cannot assign these duties to other corporate bodies ):</p> <ul style="list-style-type: none"> <li>• to adopt and amend the Articles of Association;</li> <li>• to appoint the directors and the auditors;</li> <li>• to approve the profit and loss account and the balance sheet and, where applicable, to resolve on the distribution of the net profit;</li> <li>• to discharge the directors; and</li> <li>• to make resolutions concerning the matters reserved to the general meeting of members by law or the Articles of Association.</li> </ul>	<p>Legal form has members.</p> <p>The supreme governing body of a CLS is the general meeting of members.</p> <p>The general meeting of members has the following non-transferable rights and duties (the general meeting cannot delegate these duties and the Articles of Association cannot assign these duties to other corporate bodies ):</p> <ul style="list-style-type: none"> <li>• to determine and amend the Articles of Association;</li> <li>• to elect the members of the board of directors and the external auditors;</li> <li>• to approve the management report and the consolidated accounts;</li> <li>• to approve the annual accounts and resolutions on the allocation of the disposable profit, and in particular to set the dividend and the shares of profits paid to board members;</li> <li>• to discharge the members of the board of directors; and</li> <li>• to pass resolutions concerning the matters reserved to the general meeting by law or the articles of association.</li> </ul>
Voting and representation of members in general meetings	Associations are not required to hold an annual general meeting (an "AGM"); the Articles of Association will however usually provide that such an AGM is required.	Cooperatives are required to hold an ordinary general meeting of the members to approve the accounts and to give discharge to the directors.	CLS are required to hold an ordinary general meeting of the shareholders every year within six months of the end of the financial year and extraordinary general meetings as and when



Legal form	Association	Cooperative	Company Limited By Shares
	<p>All other members' meetings are called "general meetings" and may be called at any time by the Executive Committee. General meetings must be convened in accordance with the rules set out in the Articles of Association. Members can also require the Executive Committee to call a general meeting.</p> <p>Members' resolutions are either ordinary resolutions which are passed by a simple majority (51% or more) of members eligible to vote and voting, or special resolutions which are passed by a higher majority of members if provided so by the Articles of Association.</p>	<p>Extraordinary general meetings may be held as and when required. Each member has one voting right in the meeting. A member may be represented by another member to exercise such voting right.</p>	<p>required.</p> <p>The general meeting is convened by the board of directors, the external auditors, liquidators and the representatives of bond creditors also have the right to convene general meetings. A general meeting may also be convened by one or more shareholders together representing at least 10 per cent of the share capital.</p> <p>Notice convening the general meeting must be given no later than 20 days before the date for which it is scheduled in the form prescribed by the Articles of Association.</p> <p>The shareholders may unanimously agree to hold a general meeting without complying with the formal requirements and may discuss and pass binding resolutions on all matters within the remit of the general meeting if all are present.</p> <p>All shareholders can appoint a proxy to attend, speak and vote at a shareholders' meeting. The proxy does not have to be another member unless the Articles of Association provide so.</p> <p>Resolutions of the general meeting are either ordinary resolutions which are passed by an absolute majority of the voting rights represented, or important resolutions which are passed by at least two-thirds of the voting rights represented and an absolute majority of the nominal value of shares represented for. Certain decisions, such as amendments to the Articles of Association, can only be made by special resolution.</p>

Legal form	Association	Cooperative	Company Limited By Shares
Types of shares, if any	Not applicable to legal form.	<p>A cooperative may have shares, but it is not mandatory.</p> <p>If a cooperative decides to create a share capital through share certificates, it must provide so in the Articles of Association.</p>	<p>There are various types of shares and other rights which can be issued by a company limited by shares.</p> <p>Simple shares carry voting rights.</p> <p>Preference shares carry voting rights also. In addition to that, they carry privileges (preferential rights) as set out in the Articles of Association. These rights are often related to dividends, to participation in liquidation or to preferential subscription rights.</p> <p>Participation certificates carry a right to the profits and losses of the company but cannot carry voting rights.</p> <p>A CLS may also issue shares with privileged voting rights. For such shares to be validly issued, the Articles of Association must indicate that voting rights are determined regardless of nominal value by the number of shares belonging to each shareholder such that each share confers one vote.</p>
Distribution of dividends on share capital	Not applicable to legal form.	<p>Profits may be distributed to members, but only if the Articles of Association provide for it. If not, any net profit on the cooperative's business operations accrues to the cooperative's assets.</p> <p>Where provided for, unless the Articles of Association provide otherwise, profits are distributed according to the use of the cooperative's facilities by individual members.</p>	<p>Dividends are distributed on paid-up share capital, unless the Articles provide otherwise.</p> <p>The dividend may only be determined once the allocations to the reserves required by law and by the Articles have been deducted.</p> <p>Articles of Association of a social enterprise could include a restriction or prohibition on paying dividends.</p>
Distribution of reserves	No legal provisions regarding reserves.	If the net profits are used for another purpose	Five per cent of the annual profit must be

Legal form	Association	Cooperative	Company Limited By Shares
		<p>than increasing the assets of the cooperative, at least one twentieth of these net profits must be allocated to a reserve fund.</p> <p>The duty to create a legal reserve fund also applies to credit cooperatives.</p>	<p>allocated to the general reserve until this equals 20 per cent of the paid-up share capital.</p>
Allocation of the surplus particularly to compulsory legal reserve funds	No requirement to allocate surpluses to compulsory legal reserve funds.	<p>Allocations to the reserve fund must be made for at least 20 years, and, if share certificates were issued, at least until the reserve is equal to one fifth of the share capital.</p> <p>For credit cooperatives, allocations each year must be at least one tenth of their net profits to such reserve fund, until the amount of the reserve equals one tenth of the cooperative's nominal capital.</p>	<p>Even after it has reached the statutory level, the following must be allocated to the general reserve:</p> <p>any share issue proceeds in excess of the nominal value remaining after the issue costs have been met;</p> <p>any amount remaining from sums paid in on forfeited shares after any shortfall on the shares issued in return has been met;</p> <p>Ten per cent of the amounts distributed as the share in the profit above and beyond payment of a dividend of 5 per cent.</p>
Distinction dividends/refunds and distribution of refunds	Refunds not applicable to legal form.	<p>Refunds can only be made to departing members, and only if the Articles of Association provide so. The amount of the refund is calculated on the basis of the net assets as shown in the balance sheet of the cooperative, excluding the reserves, at the time that the member leaves the cooperative.</p> <p>The Articles of Association may provide that the reimbursement shall be adjourned.</p>	<p>No, the capital of a CLS may not be refunded. However, there is a possibility to decrease the share capital by way of a resolution to amend the articles of association accordingly.</p>
Restrictions on ability to trade	An association should only pursue an economic activity which is consistent with the stated not-for-profit objects of the association.	The primary purpose of a cooperative must be to promote or safeguard the specific economic interests of the company's members by way of collective self-help.	The objects set out in the company's Articles of Association may include a reference to a social enterprise' social aim(s). If this is the case then the company should only pursue economic

Legal form	Association	Cooperative	Company Limited By Shares
Internal financing (e.g. investment title, member investors, increase in members contributions)	<p>The association's Articles of Association can stipulate that membership of the association is subject to members paying a membership fee.</p> <p>An association can also seek donations or loans from its members and it can issue bonds to its members.</p>	<p>The Articles of Association may provide that the members must make a one off or regular contributions.</p> <p>A cooperative can also seek donations or loans from its members and it can issue bonds to its members.</p>	<p>activity which is consistent with the stated social aim.</p> <p>If not expressly stated objects, the company's purposes are unrestricted and it can undertake any economic activity.</p> <p>The general meeting can decide to increase the share capital.</p> <p>CLS can also seek donations or loans from its members and it can issue bonds to its members.</p>
External financing (e.g. banking loans, issuing bonds, specific investment funds) including possibility for non-member investors	<p>An association does not have shares and accordingly cannot raise funds by way of equity investment. However, an association can obtain loans from banks or other financiers or it can issue bonds.</p>	<p>Third parties may invest in the cooperative through a loan. Non-member investors do not have a voting right.</p>	<p>A company can be financed by offering equity in the company or loans or other forms of debt.</p> <p>This process is subject to pre-emption rules. Pre-emption is a right of first refusal for existing shareholders over issues of new shares, allowing them to preserve their percentage shareholding in the company.</p> <p>Where new shares are publicly offered for subscription, the company must also publish an issue prospectus containing certain information on corporate aspects as well as the financial situation of the CLS.</p> <p>An investor, who makes an equity investment into the company by purchasing shares, will become a member of the company.</p> <p>If the investor is providing a loan or purchasing bonds, there is no requirement for an investor to become a member.</p>

Legal form	Association	Cooperative	Company Limited By Shares
Transparency and publicity requirements (and related auditing issues)	Not applicable to legal form.	Not applicable to legal form.	<p>The annual accounts, consolidated accounts and the audit reports must either be published in the Swiss Official Gazette of Commerce or sent as an official copy to any person who requests the same within one year of their approval at his or her expense where the undertaking has outstanding debentures; or has equity securities listed on a stock market.</p> <p>Other undertakings must allow creditors who prove a legitimate interest to inspect the annual report and the audit reports.</p> <p>In addition, some regulated entities, such as banks, must make their management report accessible to the public.</p>
Employee involvement systems	<p>Paid members of staff of the association can sit as members of the Executive Committee.</p> <p>Associations can involve their staff in other ways, such as establishing consultative boards or encouraging a staff representative to join the Executive Committee, but there is no legal requirement for an association to do so.</p> <p>Employees cannot receive a proportion of the legal form's profits.</p>	<p>Staff members can be members, directors or officers of the cooperative and in these capacities participate in the decision-making.</p> <p>Employees can receive a proportion of the cooperative's profits through the cooperative granting them a bonus or through an employee participation plan.</p> <p>Membership can also be offered to employees through an employee participation plan.</p>	<p>Staff members can be members, directors or officers of the CLS and in these capacities participate in the decision-making. They can also be granted signing powers to represent the CLS.</p> <p>Employees can receive a proportion of the profits through the company granting them a bonus or through an employee participation plan.</p> <p>Membership can also be offered to employees through an employee participation plan.</p>
Distribution of the proceeds of dissolution, liquidation, disinvestment (in particular provision of asset lock)	<p>The association may be dissolved at any time by resolution of the members.</p> <p>The association is dissolved by operation of law if it is insolvent or if the Executive Committee may no longer be appointed in accordance with the Articles of Association.</p>	<p>The cooperative is dissolved:</p> <ol style="list-style-type: none"> <li>1. in accordance with the Articles of Association;</li> <li>2. by resolution of the general meeting of members;</li> <li>3. by commencement of insolvency proceedings; or</li> <li>4. in the other cases provided for by law.</li> </ol>	<p>The CLS is dissolved:</p> <ol style="list-style-type: none"> <li>1. in accordance with the Articles of Association;</li> <li>2. by resolution of the general meeting of members;</li> <li>3. by court decision, if shareholders representing together at least 10% of the share capital request its dissolution for good cause and</li> </ol>

Legal form	Association	Cooperative	Company Limited By Shares
	<p>Where the association is registered with the Trade Register, the Executive Committee or the court shall inform the Trade Register of the dissolution so that the entry may be deleted.</p> <p>There are a number of insolvency procedures which can apply to associations:</p> <ul style="list-style-type: none"> <li>• Ordinary Bankruptcy Proceedings - creditors of the association can file for the bankruptcy of the association generally after initiating debt collection proceedings against the association (in certain cases, such debt collection proceedings are not a necessary preliminary step). In case of bankruptcy proceedings, the only way to rescue the company is to obtain a composition moratorium, detailed hereafter</li> <li>• Composition Moratorium - the competent judge can grant a composition moratorium to an insolvent association if there is a strong likelihood that it can offer a scheme of composition which will be acceptable by the majority of the creditors and which meet the conditions for official approval by the court (homologation).</li> </ul> <p>In case a composition moratorium is granted, the court appoints an administrator to oversee the management of the association's business. Such appointment effectively stops other proceedings against the association with a view to saving it as a going concern in whole or part.</p> <p>The moratorium therefore gives the association time to plan a restructuring and/or reach an agreement with the creditors, or possibly sell the</p>	<p>There are a number of insolvency procedures which can apply to cooperatives:</p> <ul style="list-style-type: none"> <li>• Ordinary Bankruptcy Proceedings - creditors of the cooperative can file for the bankruptcy of the cooperative generally after initiating debt collection proceedings against the association (in certain cases, such debt collection proceedings are not a necessary preliminary step). In case of bankruptcy proceedings, the only way to rescue the company is to obtain a composition moratorium, detailed hereafter</li> <li>• Composition Moratorium - the competent judge can grant a composition moratorium to an insolvent cooperative if there is a strong likelihood that it can offer a scheme of composition which will be acceptable by the majority of the creditors and which meet the conditions for official approval by the court (homologation).</li> </ul> <p>In case a composition moratorium is granted, the court appoints an administrator to oversee the management of the cooperative's business. Such appointment effectively stops other proceedings against the cooperative with a view to saving it as a going concern in whole or part.</p> <p>The moratorium therefore gives the cooperative time to plan a restructuring and/or reach an agreement with the creditors, or possibly sell the cooperative's assets for a better price than they are likely to be sold at in ordinary bankruptcy proceedings.</p>	<p>if the court deems dissolution to be appropriate;</p> <ol style="list-style-type: none"> <li>4. by commencement of insolvency proceedings; or</li> <li>5. in the other cases provided for by law.</li> </ol> <p>There are a number of insolvency procedures which can apply to CLS:</p> <ul style="list-style-type: none"> <li>• Ordinary Bankruptcy Proceedings - creditors of the CLS can file for the bankruptcy of the CLS generally after initiating debt collection proceedings against the association (in certain cases, such debt collection proceedings are not a necessary preliminary step). In case of bankruptcy proceedings, the only way to rescue the company is to obtain a composition moratorium, detailed hereafter</li> <li>• Composition Moratorium - the competent judge can grant a composition moratorium to an insolvent CLS if there is a strong likelihood that it can offer a scheme of composition which will be acceptable by the majority of the creditors and which meet the conditions for official approval by the court (homologation).</li> </ul> <p>In case a composition moratorium is granted, the court appoints an administrator to oversee the management of the CLS's business. Such appointment effectively stops other proceedings against the CLS with a view to saving it as a going concern in whole or part.</p> <p>The moratorium therefore gives the CLS time to plan a restructuring and/or reach an agreement with the creditors, or possibly sell the CLS's assets for a better price than they are likely to be</p>

Legal form	Association	Cooperative	Company Limited By Shares
	association's assets for a better price than they are likely to be sold at in ordinary bankruptcy proceedings.		sold at in ordinary bankruptcy proceedings.
Distribution of the proceeds of dissolution, liquidation, disinvestment (in particular provision of asset lock)	The Articles of Association can provide how any surplus assets and capital has to be distributed. If nothing is provided, they pass to the state authority to which the entity was subject. Such assets must be used as far as possible for the original purpose.	The surplus assets of the dissolved cooperative remaining after payment of all its debts and repayment of any shares may be distributed among the members only if the Articles of Association provide for such distribution. The assets are distributed among the members as at the time of dissolution or their legal successors on a per capita basis.	The surplus assets of the dissolved CLS remaining after payment of all its debts and repayment of any shares may be distributed among the members only if the Articles of Association provide for such distribution. The assets are distributed among the members as at the time of dissolution or their legal successors on a per capita basis.
		Where the Articles of Association make no provision for such distribution among the members, the surplus assets after the liquidation must be used for the company's purpose or to promote charitable causes.	If the Articles make no provision for such distribution among the members, the surplus assets after the liquidation must be used for the company's purpose or to promote charitable causes.
Conversion to another form of company	An association, if it is registered with the Trade Register, can be converted into a corporation or a cooperative. The association will need to change its company name and Articles of Association so they are compliant with the provisions applying to the new legal form.	A cooperative can be converted into a company with share capital (e.g. a corporation, a limited liability company, a general partnership, a limited partnership, a partnership limited by shares). If the cooperative does not have a share capital, it can also be converted into an association, which shall be registered with the Trade Register.	A CLS can be converted to become another type of corporation or a cooperative. The conversion decision must be taken by at least two thirds of the represented voting rights and an absolute majority of the represented nominal value of shares.

## Annex 2 List of Information Sources

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## A2.2 List of consultees

Name of the person interviewed	Organisation/ Role	Stakeholder category
Rahel Aschwanden	Impact Hub Zurich	Network
Mariana Christina Jakob	Social Entrepreneurship Initiative Foundation (SEIF)	Network
Oliver Fruchaud	Ashoka	Social investor
Martin Rohner	Swiss Alternative Bank	Social investor
Sophie Swaton	Université de Lausanne, Centre Walras Pareto	Expert
Christophe Dunand	Geneva Business School (Haute Ecole de Gestion)/Chamber of Social and Solidarity Economy in Geneva	Expert
Michael Gonin	University of Lausanne	Expert