

Coffee & Consulting
@ your Desk:

Immigration in Switzerland –
Labour market control
regarding posted workers

Legal requirements of posted worker

- Notification / work permit
- Additional approval for night work, working on Saturday, Sunday and bank holidays
- Salary level
- Max. work hours / working on Saturday, Sunday and bank holidays
- Labour law conditions
- Social security contributions: either providing an A1 or CoC or paying social security contributions in Switzerland
- Tax at source: clarification whether Swiss tax at source is deductible
- Review of Swiss deposit requirement

Labour market control

How will the labour market control perform be performed?

- Control at the work location in Switzerland – interrogation of the employee
- Control in writing – Request sent to the employer (abroad)

What will be reviewed in the labour market control?

- Correct work permit / authorisation for Saturday / Sunday / night
- Salary level – salary dumping
- Work hours
- Mandatory labour law provisions
- Social security coverage
- Partial: income tax payment

Required documents

- Bank statements and payslips: Proof of salary as well as that the differential of salary to meet the Swiss salary requirement has been paid
- Time sheets to proof regarding the work hours
- A1 or CoC certificate for social security
- Copy of employment contract and assignment contract, if available – possible translation to German, French or Italian required
- Copy of project agreement – if assignment at clients' site

Sanctions

Sanctions when not being fully compliant for the employer (abroad)

- Cantonal differences
- Sanctions: financial fines up to CHF 30'000 / black listing / blocking:
 - Non-compliance with administration: notifications too late, wrong notifications or no notifications: only reminder up to CHF 5'000
 - Non-compliance with salary: up to CHF 30'000
 - Non-compliance with answering the request of the labour market control:
Blocking of up to 24 months

- Black listing / blocking:

https://www.seco.admin.ch/seco/de/home/Arbeit/Personenfreizugigkeit_Arbeitsbeziehungen/freier-personenverkehr-ch-eu-und-flankierende-massnahmen/entsendung-von-arbeitnehmenden-in-die-schweiz.html

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Your Questions?

Immigration in Ireland - Labour market control regarding posted workers
February 17, 2021

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Language: 

June 16, 2021
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