



SPECIAL Coffee & Consulting:

Expats in the war / conflict regions –  
Employer's responsibilities

# Employer's responsibility

- Switzerland: OR 322-330a
- **Salary payment**
- **Duty of care:** The employer must respect and protect the personality of the employee in the employment relationship (OR Art. 328 Para. 1). A distinction is made between general and special duties of care. While the general duties of care are not regulated in the OR, the legislator mentions the special duties of care in the OR:
  - Protection of the employee's personality (OR 328 ff.)
  - Granting of free time (OR 329)
  - Granting of vacations (329a - d)
  - Equipment and material (OR 327)
  - Reimbursement of expenses (OR 327a - c)
  - issuing a certificate of employment (OR 330a)
  - Securing the deposit (OR 330)
  - Severance pay (OR 339b ff.)

In summary, the employer has a general obligation to respect and protect the personality of the employee.

He must protect all personal goods of the employee, which relate to his mental, physical and social individuality and to refrain from any interference not justified by the employment contract or does not justify any encroachment on the personal rights of the employee. Also the employer needs to protect any rights not justified by the employment contract against interference by superiors and third parties.

# Ukraine

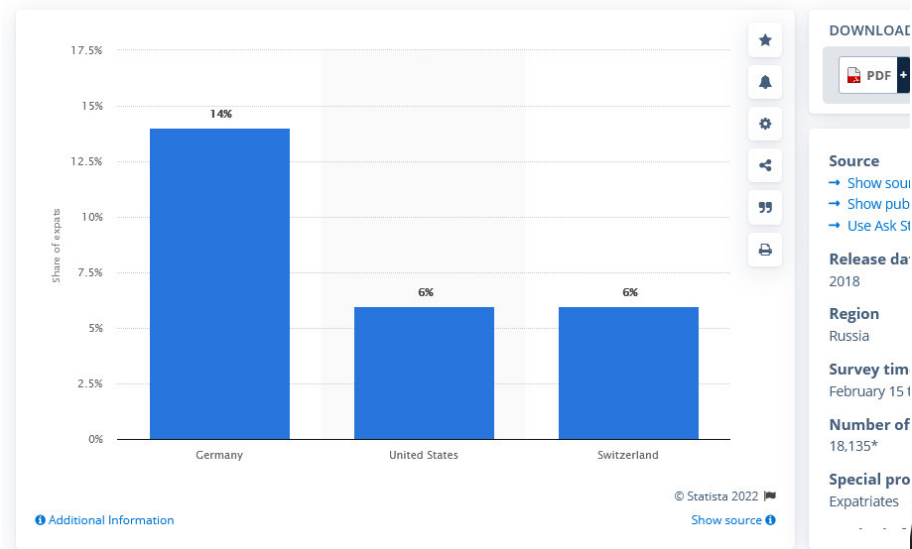
- Airspace is closed
- Land borders are closed to Russia and Belarus
- Male Ukrainians between 18 to 60 can not leave the country
- Any other Ukrainian can exit
- Poland, Slovakia, Romania, Moldavia, Hungary: special regulations for Ukrainians
- Temporary protection directive from the EU: possibility to work and live in the EU for one year with the possibility to extend it for one more year – currently in final discussion round
  - Only for Ukrainian national who have left Ukraine after 24 February
  - Recommendation: to wait to apply of asylum status
  - In the next coming days final statement on it



# Russia / Russian expatriates

- Employees with Russian nationality
- Review current situation in the country they are assigned and make an assessment
- Set up communication with regular checks based on the current situation
- Check on family situation as well
- Review financial situation - bank situation / credit cards based on “freezing”
- Restrictions for Russian nationals to get work visas in: Czech Republic, Iceland, Latvia, Lithuania – there might be other countries following this

Leading three countries of residence of Russian expatriates in 2018



## RUSSIA

- Embassy work hours reduced in
- Expats leaving Russia, requirement to continue to pay based on Russian work permit as long as the work permit / employment contract is not terminated
- After 6 months outside of Russia - work permit is cancelled.



# To Do's - Expats in war / conflict region

- War region / conflict region
- Situation in neighboring countries
- Employer's responsibility
  - Taking care of the safety of the employees and provide any possible precautions
  - Moving them (employee and family) from any dangerous zone
- Review current situation on a constant basis with the embassies
- Check on moving them out of the current location to a safe location
- Internal: draft processes / guidelines
- Constant review current situation
- Short term plan:
  - War country: Moving out of the country
  - Checking on new location or possible moving them back home if possible
- Legal aspects
  - Conflict country: termination of everything? Putting on-hold? (housing / school / car / subscriptions / furniture)
  - Labour law
  - Immigration
  - Social security & insurance
  - Tax
  - Adjustment of compensation
- Mid term plan
  - Is a move back possible?



Your Questions?



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# Your host

## Friederike V. Ruch, CEO

Ms. Ruch is specialized in the field of cross-border employee assignments for more than 20 years and advises internationally operating companies and executives on issues such as tax, social security and licensing law, on payroll and compensation as well as on structuring and optimizing the assignment management. Ms. Ruch is one of the most experienced experts in Switzerland in the field of international employee assignments and is the author of various specialist publications, such as the practical handbook "Expatriates-Inpatriates / Handbuch zur Entsendung von Mitarbeitern" (580 pages).



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CEO



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