

# Obligation to register for employees in Switzerland

## **Covenant:**

Art. 3 Abs. 3 lit. a DBG

[https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/1991/1184\\_1184\\_1184/20210101/de/pdf-a/fedlex-data-admin-ch-eli-cc-1991-1184\\_1184\\_1184-20210101-de-pdf-a.pdf](https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/1991/1184_1184_1184/20210101/de/pdf-a/fedlex-data-admin-ch-eli-cc-1991-1184_1184_1184-20210101-de-pdf-a.pdf)

## **Canton of Bern:**

Art. 4 Abs. 3 lit. a StG Bern

[https://www.belex.sites.be.ch/app/de/texts\\_of\\_law/661.11](https://www.belex.sites.be.ch/app/de/texts_of_law/661.11)

## **Obligation to report:**

The nationality of the persons posted to Switzerland is relevant for the registration procedure.

According to clarification with the Office of Economic Affairs in Bern, event and trade fair construction belongs to the ancillary construction industry, and employees working in this sector must register in Switzerland from the first day via the registration procedure.

## **The reporting obligation for posted workers who are nationals of an EU/EFTA member state:**

All employees who are nationals of an EU/EFTA state are exempt from the obligation to register as long as they do not spend more than 8 days in Switzerland as posted workers. Exceptions are employees who work in the following sectors. They are subject to the obligation to register from the first day:

- Main and ancillary building trades (incl. installation, equipment, repair, maintenance, servicing, demolition, etc.)
- Hospitality industry
- Cleaning in businesses and households
- Surveillance and security service
- Travelling trade
- Erotic trade
- Gardening and landscaping

## **Link Employed persons with EU/EFTA citizenship – country (up to 90 days):**

<https://www.weu.be.ch/de/start/themen/wirtschaft-und-arbeit/unternehmen/auslaendische-erwerbstaetige/entsenden-bis-90-tage.html>

## **Reporting obligation for posted workers from third countries:**

Posted workers who are nationals of a third country require a posting application that must be authorised by the cantonal authority of the place of assignment.

Third-country nationals must already have been permanently admitted to the regular labour market in an EU or EFTA member state before being posted to Switzerland (i.e. they must have been in possession of a residence card or permanent residence card for at least 12 months)

## **Link Employed persons who are nationals of a third country:**

<https://www.weu.be.ch/de/start/themen/wirtschaft-und-arbeit/unternehmen/auslaendische-erwerbstaetige/entsenden-aus-drittstaaten.html>

During their assignment, posted employees must receive at least the minimum wage paid in Switzerland for the corresponding activity. To ensure that the minimum wages are complied with, these can be requested from the Canton of Berne (place of assignment) using the following form:

<https://www.weu.be.ch/de/start/themen/wirtschaft-und-arbeit/unternehmen/auslaendische-erwerbstaetige/entsenden-bis-90-tage.html>

The Office of Economic Affairs in Bern recommends submitting this form around July, as the swiss interior expo takes place in November.