

Schweizerische Eidgenossenschaft Confédération suisse Confederazione Svizzera Confederaziun svizra

Notification procedure User's Guide and FAQ

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1. General information on the notification procedure

The Agreement on the Free Movement of Persons (AFMP) between Switzerland and the EU is aimed at liberalising the cross-border provision of services (posted workers or self-employed service providers) for up to 90 effective working days per calendar year. All that is required is prior submission of a notification form. The 90 working days per calendar year rule are calculated both for the company posting workers and for the posted worker.

For services to be rendered beyond this 90-day threshold, a work permit is required. There is no legal entitlement to this permit, however.

The online notification procedure also applies to companies based in Switzerland that would like to employ foreign workers for periods of up to three months. All that is required is submission of a notification form. If the intention is to employ a worker for longer than three months, then this person must request a Swiss residence permit or must satisfy the requirements for issuance of a cross-border commuter permit.

Companies or self-employed service providers must first create a user profile in the system. Each assignment carried out in Switzerland must be entered into the system at least eight days prior to commencement of work. For foreign workers taking up short-term employment with a company based in Switzerland (work contracts of up to three months in duration), the notification form must be submitted no later than one day prior to the first day of work.

Only one account (profile) may be created for each legal entity. Employers may only submit notification forms for their own employees.

1.1 Who has to submit a notification form?

The following categories of individuals are authorised to work in Switzerland for up to three months or 90 days per calendar year by virtue of the notification procedure:

- EU/EFTA nationals who have been employed to work in Switzerland by a company based in Switzerland for a period of up to three months.
- Posted workers from a company based in an EU/EFTA member state, regardless of this worker's citizenship. Third-state nationals, however, must have been admitted permanently in a labour market of an EU/EFTA member state before being sent to Switzerland. Generally speaking, this criterion is deemed to have been met if the individual has held a standard or permanent residence permit in that country for at least twelve months.
- Self-employed service providers (EU/EFTA nationals) based in an EU/EFTA member state.

The notification procedure does not apply for all other categories of persons.

The notification form is submitted by the employer of posted workers and of EU/EFTA nationals who have found employment in Switzerland. Self-employed service providers must submit this notification form themselves.

1.2 Who needs to obtain a permit?

A work permit must be obtained by service providers or individuals taking up employment with a Swiss employer if the work is to be performed for longer than 90 days or three months in a given calendar year. In such cases, a corresponding application must be sent to the cantonal authority

of the location where the worker is assigned or where the work is to be performed. This must be done before commencement of work.

This also applies when the originally planned permit-free stay is extended or if a person without employment (e.g. jobseeker) has spent three months in Switzerland. In such cases, an application for a permit must be submitted to the competent cantonal authorities in the place of work or residence after the permit-free period of 3 months or 90 days has elapsed.

Under the provisions of the Foreign Nationals and Integration Act (FNIA), a work permit is required for all services to be rendered beyond this 90-day threshold.

1.3 How do I submit a notification form?

Online notification

The online notification procedure is the standard notification procedure. This procedure enables simple processing of data. The first step is to create a user profile and follow the instructions given. Once registered in the system, a simple login enables online notification forms to be submitted for each worker.

Written notification (paper form)

Paper forms can be sent to the competent cantonal authorities via post or by fax in exceptional cases. You may not submit notification forms via e-mail. The written notification procedure is only permitted if online notification over the Internet is not possible for technical reasons.

- Notification forms
- Addresses

1.4 United Kingdom (Brexit)

Following the UK's exit from the EU and the end of the transition period on 31 December 2020, the Agreement on the Free Movement of Persons (AFMP) no longer applies with the United Kingdom. From 1 January 2021, UK citizens are no longer citizens of the EU. On 25 February 2019, Switzerland and the UK signed an agreement on citizens' acquired rights, designed to protect the acquired rights of Swiss citizens living in the UK and of UK citizens living in Switzerland. The agreement accords fewer rights on service provision in Switzerland than the AFMP.

On 14 December 2020, Switzerland and the UK signed an agreement on mobility of service providers. This Services Mobility Agreement has been applied since 1 January 2021 and remains valid until 31 December 2025. It governs the reciprocal, facilitated access to the Swiss labour market for service providers from the UK for up to 90 days in any calendar year. Service providers are still required to complete the notification procedure. The new rules are similar to the notification procedure applicable to service providers from an EU/EFTA state. Service providers from the UK, regardless of whether they have acquired rights, can benefit from this agreement and the favourable conditions for providing services in Switzerland.

The requirements to be met in the notification procedure depend on the type of activity set out below:

1) Notification procedure for short-term activities (employed status):

UK citizens taking up employment in Switzerland for a maximum period of three months <u>can no</u> <u>longer</u> use the notification procedure. These citizens need to have a work permit under the terms of the Foreign Nationals and Integration Act (FNIA). The employer in Switzerland must make an application to the competent authorities.

2) Notification procedure for service provision:

Service providers, posted workers and self-employed UK citizens based in the UK are still required to complete the notification procedure. The new rules are similar to the notification procedure applicable to service providers from an EU/EFTA state.

Citizens of an EU/EFTA state or third country, regardless of nationality, can only be posted to Switzerland if integrated long-term in the regular labour market in the UK (either for at least twelve months with a temporary residence permit or with a settlement permit). Please note that it is no longer possible for a self-employed service provider with UK nationality living in an EU/EFTA member state to provide services in Switzerland via the notification procedure. These service providers must apply to the local canton for a work permit.

Self-employed service providers who are EU/EFTA nationals resident in the UK can continue to provide services if the following two conditions are met: The service provision has started no later than 31 December 2020 and a written contract has been concluded before that date. The date of the written contract must be entered in the comments field of the declaration. If this information is missing, the notification will be refused.

For more information, please visit the SEM website at: <u>Notification procedure for short-term work</u> in <u>Switzerland</u> and <u>United Kingdom</u>.

2. Information at a glance

2.1 Creating a profile on EasyGov

First, you need to create an account on EasyGov (CH login).

	sygo√	_	Register	Log in	English∽	U
Home > General information	Specialist information					
Specialist info	rmation					
About EasyGov		User registration				
Operating instructions		Please register or log in to use this	service for your company: Video.			
User registration						
Management of user rig	hts		Log in with your e-mail add	lress and SMS co	ode	
Registration of a compa	ny 🗸		Register now			
Legal forms		eGovernment				
Commercial Register	~					
Basic information on va	ue-added tax	Log in with your smart card (admin employees)	istration			
Overview of social secu	rity insurance 🗸 🗸 🗸	0				
Mandatory accident ins	urance (AIA)	(L) Register	now			
Self-employed persons						
Recruitment of employe	ees 🗸	The answers to the frequently aske different login methods.	d questions (FAQ) include instruct	ions on how to sw	vitch between	

Protection rights

2.1.1 Company

If you want to use EasyGov as a company, you need to connect it to EasyGov.

Proceed as follows:

In the cockpit, you can click on "Add a company or private individual".

Welcome to your EasyGov cockpit. Here you have an overview of the status of the administrative processes for the companies and private individuals you have added.

My customer accounts

+ Add company or private individual



Then select "I would like to make use of government services for a company in Switzerland or abroad (or association, foundation, person who is registered as self-employed, etc.) or set up a company based in Switzerland."

Please complete the following information.

J would like to make use of government services for a **company** in Switzerland or abroad (or association, foundation, person who is registered as self-employed, etc.) or set up a company based in Switzerland.

) I would like to use government services as a private individual. For example, to register persons employed in a private household.

If you want to use EasyGov as a trustee on behalf of your clients, link to your clients' accounts. As a trustee, you can create private individuals and companies for your clients. Further information

Then select "I would like to link an already existing company (or association, foundation, person who is registered as self-employed etc.)."

Please complete the following information.



I would like to link an already existing company (or association, foundation, person who is registered as self-employed etc.).



) I would like to set up a new company based in Switzerland. Please note that you must provide a (provisional) company name.

You can find all the information you need here.

Special case: private individuals 2.1.2

If you are a private individual wishing to report an employee or are a self-employed service provider who is not entered in a foreign register, you can use the reporting procedure as a private individual.

Proceed as follows:

In the cockpit, you can click on "Add company or private individual".

Welcome to your EasyGov cockpit. Here you have an overview of the status of the administrative processes for the companies and private individuals you have added.

My customer accounts

+ Add company or private individual

Full View

Then select «I would like to use government services as a private individual"

Please complete the following information.

I would like to make use of government services for a company in Switzerland or abroad (or association, foundation, person who is registered as self-employed, etc.) or set up a company based in Switzerland.

I would like to use government services as a private individual. For example, to register persons employed in a private household.

If you want to use EasyGov as a trustee on behalf of your clients, link to your clients' accounts.

As a trustee, you can create private individuals and companies **for your clients**. <u>Further</u> <u>information</u>

Then complete the form. The fields marked with an asterisk (*) are mandatory. You can then create a reporting profile and enter reports.

2.1.3 Importing your existing profile

If you have already used the notification procedure with the previous application, you must import your profile. To do this, you will need the username for the profile and access to the email address stored in the profile.

Before you can submit a report for the first time, you must complete the preliminary clarification for the reporting procedure. Please note that you cannot change the economic sector after selection.

Economic branch (i.e. main activity of the company in the country of origin)

2.2 Which information / document is required for notification?

Depending on the category (employment/provision of service¹), you will be asked to provide different information on the online notification form. Make sure to have information/documents ready:

¹ Workers fall into one of two categories: self-employed service providers and posted workers

Short-term employment with a Swiss employer²

- From worker: ID card/passport so that you can enter personal details, information about the professional skills and activities to be carried out in Switzerland
- From Swiss employer: Name of person whom the authorities may contact for information
- Job registration requirement: Under Article 21a FNIA and Articles 53a-53e RecO employers must register job vacancies from 1 July 2018. The registration requirement applies to occupations with a national unemployment rate of 8% or more. Employers must register vacancies in these occupations with the regional unemployment office (RAV) and are only permitted to advertise them otherwise after five working days. In addition, employers must invite to an interview candidates whose file has been sent to them by the RAV office within three days and who they consider suitable for the vacancy. Any person who violates the registration requirement is liable to punishment under Art. 117a FNIA

Further information including a list of the occupations subject to registration is available at <u>Job registration requirement (arbeit.swiss)</u>.

Posted workers

- From worker: ID card/passport so that you can enter personal details, information about the place and duration of work, social insurance number in the country of residence, wage to be paid during the period of work in Switzerland, information about the professional skills and activities to be carried out in Switzerland, and (in the case of third-state nationals) the residence permit issued to the worker in the country from which he/she is being sent.
- Contact address in Switzerland: Address of company, contact person incl. tel. and/or e-mail address.
- From company sending the worker: name of contact person at company.

Self-employed service provider

- ID card/passport so that you can enter personal details of the self-employed service provider, information about the company and information about the activities to be carried out in Switzerland
- Contact address in Switzerland: Address of company, contact person incl. tel. and/or e-mail
- Name of contact person at company.

2.3 What do you need to bear in mind?

Employers that violate the provisions of the Posted Workers Act (PWA, SR 823.20), particularly the provisions concerning the notification requirement and Swiss salary and working conditions, may be liable to fines.

² Swiss employers are responsible for the notification, which must take place no later than one day prior to commencement of work.

3. Notification of short-term stays

3.1 Notification of short-term stays for Swiss employers

All fields marked with an asterisk (*) are required fields.



The notification must be completed **no later than one day prior to commencement of work**.

3.1.1 Person responsible for this notification

Person responsible for this notification

Responsible person who can provide information to the authorities for the employer. The person responsible must be able to represent the employer.

First name(s) according to ID/passport*

Surname according to ID/passport*

Telephone*

+41123456789

Email*

max.mustermann@muster.ch

Enter the person's first name, last name, phone number and email address. Responsible person who can provide information to the authorities for the employer.

3.1.2 Assignment details

Enter the information about the place of work.

Place of work

The specified place of work should either be the employer's address or the place where the person typically performs their duties. If the person works across multiple locations as part of a single, related project, the primary place of work should be specified.

Agency/client*

Postcode*	
Place*	
Street (including house numbe	r)*
Street, house number	

Place of work without exact postal address



The place of work shall be the employer business' place or the place where the person normally carries out their job.

In the context of staff leasing, the place of work is the place where the person – hired by a leasing company – is providing their services.

At the place of work, you must enter either the street (including house number), the coordinates or a description in addition to the postcode and place. Use the street address if the location has an address.

Assignment period

Please enter the start and end dates of the activity, i.e. the actual working days. In the case of continuous activity, a maximum stay of three months is permitted. In the case of intermittent activity, please select the start and end dates of each stay.

You can define several assignment periods by clicking on the dates of the assignment days.

From*				То	*			Number of days	
	DD.M	MM.Y	YYY	=	D	D.MM	1.YYY	Y 🛗	
(+) Add								Total	
	<		Mai	rch, 2	025		>		
	MON	TUE	WED	THU	FRI	SAT	SUN		
	24			27		1	2		
	3	4	5	6	7	8	9		
	10	11	12	13	14	15	16		
	17	18	19	20	21	22	23		
	24	25	26	27	28	29	30		
	31	1			4				

Specify the **assignment period** (duration of stay). Please enter the start and end dates of the employment, i.e. the actual working days. If the employment is uninterrupted, a stay of three months is permissible. If the employment is interrupted, please select the start and end dates of the stays.

Work at night, on Sundays or public holidays* (j)					
◯ Yes	O No				
Working at night, on Sundays and on public holidays is generally subject to authorisation. After completing this notification, please also apply for a corresponding working time authorisation. You will find a corresponding note/link in the final process step.					

Then complete the information on whether night work, Sunday work or work on public holidays is carried out. If you have a UID, you can submit the application after completing this notification. You will find a corresponding note/link in the last process step.

3.1.3 Personal details and terms of employment

Here you select all the persons you wish to register. You can re-select persons who have already been registered or enter new persons.

Personal details and terms of employment

Selected people (0/50)						
Status ↓↑	Surname ↓↑		First name ↓↑	Date of birth ↓↑		
Select saved	person	>	Enter a new person	>		

To register an employee, you must enter the person's first name(s) and last name as they appear on their ID/passport, their date of birth, gender, nationality, occupation and the activity they perform, and finally their professional qualifications.

Personal data		\otimes
First name(s) according to ID/passport*		1
Surname according to ID/passport*)
Date of birth*		
DD.MM.YYYY	t	
Gender*		1
Nationality*		ļ
Please select	Ŧ	
Trade* Overview of trade and activities.		
Please select	Ŧ	
Activities performed* Please select	~	
Professional qualification*		J
Please select	-	
Cancel	Add	

3.1.4 Comment

If you have any further comments, you can enter them in the comments field. **Comment**

Comment	s on the notif	ication			
					11
				0	/400

3.1.5 Overview

Check the details provided here. If everything is correct, confirm the accuracy of the details by ticking the checkbox at the bottom. When you click "Send", your data will be transmitted to the responsible authority. You then have the option of downloading your application as a PDF for your records.

3.1.6 Concluding information

On the last page, you will find information about the relevant cantonal authority and be made aware of other processes.

Once you have submitted your report, you will receive an email confirmation and can also view the information in the cockpit under administrative formalities. You also have the option to duplicate the report if you wish to create a new report and reuse existing information.

Once the relevant cantonal authority has processed your report, you will receive an e-mail notification. You can then view the confirmation in your cockpit.



If you do not receive any reply to your notification within the next few days, contact the competent authority.

3.2 Declaring short-term stays for posted employees

All fields marked with an asterisk (*) are required fields.



The notification must be completed **no later than eight days prior to commencement of work**.

3.2.1 Person responsible for this notification

Person responsible for this notification

Responsible person who can provide information to the authorities for the employer. The person responsible must be able to represent the employer.

First name(s) according to ID/passport*

Surname according to ID/passport*

Telephone*

+41123456789

Email*

max.mustermann@muster.ch

Enter the person's first name, last name, phone number and email address. Responsible person who can provide information to the authorities for the employer.

3.2.2 Assignment details

Enter the information about the place of work.

Agency/client*

Postcode*

Place*

Street (including house number)*

Street, house number

Place of work without exact postal address

At the **place of work**, you must enter either the street (including house number), the coordinates or a description in addition to the postcode and place. Use the street address if the location has an address.



A separate notification must be made for each place of work.

Assignment period

Please enter the start and end dates of the activity, i.e. the actual working days. In the case of continuous activity, a maximum stay of three months is permitted. In the case of intermittent activity, please select the start and end dates of each stay.

You can define several assignment periods by clicking on the dates of the assignment days.

From*					То	*			Number of days
	DD.M	MM.Y	YYY	•	D	D.MM	1.YYY	Y 🛗	
								_	
(+) A	dd						Total	
	<		Mai	rch, 2	025		>		
	MON	TUE	WED	тни	FRI	SAT	SUN		
	24			27		1	2		
	3	4	5	6	7	8	9		
	10	11	12	13	14	15	16		
	17	18	19	20	21	22	23		
	24	25	26	27	28	29	30		
	31	1			4				

Specify the **assignment period** (duration of stay). Please enter the start and end dates of the employment, i.e. the actual working days. If the employment is uninterrupted, a stay of three months is permissible. If the employment is interrupted, please select the start and end dates of the stays.



We recommend that you indicate the effective working days since all reported days will be deducted from your allocated time (incl. Sundays and public holidays).

Contact details in Switzerland during the assignment

Full details of the person or company that can provide the authorities with information about the services being provided in Switzerland. If the posted employee is not named, the specified contact person must be authorised to represent the employer.

Company*

First name according to ID/passport*

Surname according to ID/passport*

Street*

House number

Postcode*

Place*

Telephone*

+41123456789

Email*

max.mustermann@muster.ch

As **contact details in Switzerland**, you must enter the details of a person in Switzerland whom the Swiss authorities can contact during your assignment. For example, enter the client or the general contractor, architect, foreman, etc. responsible for the work to be carried out. In all cases, the person concerned must know that he/she has been designated as a contact person vis-à-vis the Swiss authorities. This person must also be able to answer questions of the authorities.

Work at night, on Sundays or public holidays* (i)					
◯ Yes	◯ No				
Working at night, on Sundays and on public holidays is generally subject to authorisation. After completing this notification, please also apply for a corresponding working time authorisation. You wi find a corresponding note/link in the final process step.					

Then complete the information on whether night work, Sunday work or work on public holidays is carried out. If you have a UID, you can submit the application after completing this notification. You will find a corresponding note/link in the last process step.

Scope of assignment

Specify the exact nature of the assignment as issued by the recipient of the service (e.g. house construction, installation of an IT server, security service during an event).

Purpose of the service*

Finally, provide information on the **purpose of the service**. Details of the specific order as placed by the recipient of the service (e.g. installation of a computer server, security service during an event, etc.).

3.2.3 Personal details and terms of employment

Here you select all the persons you wish to register. You can re-select persons who have already been registered or enter new persons.

Personal details and terms of employment

Selected people (0/50)							
Status ↓↑ Surname ↓↑		First name ↓↑	Date of birth ↓↑				
Select saved person	>	Enter a new person	>				

Personal data



First name(s) according to ID/passport*

Surname according to ID/passport*

Social security number in the country of residence \bullet (i)

Date of birth*

DD.MM.YYYY	titi (
------------	--------

Gender*

~

Nationality*

Trade*	(i)	Overview	of trade	and activiti	es.
--------	-----	----------	----------	--------------	-----

Please select

Activities performed*

Please select	Ŧ
---------------	---

Professional qualification*

Please select	Ŧ
---------------	---

Income (i)

Cancel

Gross salary per hour in Switzerland during the assignment*

Please select	-

Add

Ŧ

To register an employee, you must enter the person's first name(s) and last name as they appear on their ID/passport, their social security number in their country of residence, their date of birth, gender, nationality, occupation and the work they performed, and their professional qualifications. You must also enter information on the gross hourly wage in Switzerland during the posting. You will find links to further information about the wage on the form.

The field «Residence permit in the sending state since» needs to be completed if the person has third-country nationality (not EU/EFTA).

Companies based in the UK: The field «Residence permit in the sending state since» must be completed for all persons who do not have UK nationality.

Regulated professions of the State Secretariat for Education, Research and Innovation SERI

If this information appears after you have chosen an occupation, you are obliged to follow the instructions given under <u>Service Providers (admin.ch)</u>.

3.2.4 Comment

If you have any further comments, you can enter them in the comments field.

Comment

Comments on the notification



3.2.5 Overview

Check the details provided here. If everything is correct, confirm the accuracy of the details by ticking the checkbox at the bottom. When you click "Send", your data will be transmitted to the responsible authority. You then have the option of downloading your application as a PDF for your records.

3.2.6 Concluding information

On the last page, you will find information about the relevant cantonal authority and be made aware of other processes.

Once you have submitted your report, you will receive an email confirmation and can also view the information in the cockpit under administrative formalities. You also have the option to duplicate the report if you wish to create a new report and reuse existing information.

Once the relevant cantonal authority has processed your report, you will receive an e-mail notification. You can then view the confirmation in your cockpit.



If you do not receive any reply to your notification within the next few days, contact the competent authority.

3.3 Declaring short-term stays for self-employed service providers

All fields marked with an asterisk (*) are required fields.



The notification must be completed **no later than eight days prior to commencement of work**.

First, you must complete the notification type, whether you want to register yourself or whether you want to register a posted employee. Select yourself as a self-employed service provider if you wish to register your own activity as a self-employed service provider.

Type of notification*

 \bigcirc I would like to register myself as a self-employed service provider \bigcirc

I would like to register my seconded employees

The following information refers to the selection "I would like to register myself as a self-employed service provider".

For information on registering posted employees, please refer to the information in Chapter 3.2.



If asked to do so, self-employed service providers must **provide the competent authorities with proof of their self-employed status.** Additional information about this can be found on the website <u>Posting - Welcome to posting.admin.ch</u>



If you carry out an activity in Switzerland together with your employees, two separate notifications must be submitted: one notification for you as an independent service provider and one notification for your posted employees.

3.3.1 Person responsible for this notification

Person responsible for this notification

Responsible person who can provide information to the authorities for the employer. The person responsible must be able to represent the employer.

First name(s) according to ID/passport*

Surname according to ID/passport*

Telephone*

+41123456789

Email*

max.mustermann@muster.ch

Enter the person's first name, last name, phone number and email address. Responsible person who can provide information to the authorities for the employer.

3.3.2 Assignment details

Enter the information about the place of work.

Agency/client*

Place of work without exact postal address

At the **place of work**, you must enter either the street (including house number), the coordinates or a description in addition to the postcode and place. Use the street address if the location has an address.



A separate notification must be made for each place of work.

Assignment period

Please enter the start and end dates of the activity, i.e. the actual working days. In the case of continuous activity, a maximum stay of three months is permitted. In the case of intermittent activity, please select the start and end dates of each stay.

You can define several assignment periods by clicking on the dates of the assignment days.

From*	*			То	*			Number of days
DD.N	1M.Y	YYY	⇒	D	D.MM	1.YYY	Y 🛗 🛛	
(+) A	Add				Total			
<		Mai	March, 2025		>			
MON	TUE	WED	THU	FRI	SAT	SUN		
24			27		1	2		
3	4	5	6	7	8	9		
10	11	12	13	14	15	16		
17	18	19	20	21	22	23		
24	25	26	27	28	29	30		
31	1			4				

Specify the **assignment period** (duration of stay). Please enter the start and end dates of the employment, i.e. the actual working days. If the employment is uninterrupted, a stay of three months is permissible. If the employment is interrupted, please select the start and end dates of the stays.



We recommend that you indicate the effective working days since all reported days will be deducted from your allocated time (incl. Sundays and public holidays).

Contact details in Switzerland during the assignment

Full details of the person or company that can provide the authorities with information about the services being provided in Switzerland. If the posted employee is not named, the specified contact person must be authorised to represent the employer.

Company*

First name according to ID/passport*

Surname according to ID/passport*

Street*

House number

Postcode*

Place*

Telephone*

+41123456789

Email*

max.mustermann@muster.ch

As **contact details in Switzerland**, you must enter the details of a person in Switzerland whom the Swiss authorities can contact during your assignment. For example, enter the client or the general contractor, architect, foreman, etc. responsible for the work to be carried out. In all cases, the person concerned must know that he/she has been designated as a contact person vis-à-vis the Swiss authorities. This person must also be able to answer questions of the authorities.

Work at night, on Sundays or public holidays* (j)				
◯ Yes	○ No			
completing this notific	undays and on public holidays is generally subject to authorisation. After ation, please also apply for a corresponding working time authorisation. You will ote/link in the final process step.			

Then complete the information on whether night work, Sunday work or work on public holidays is carried out. If you have a UID, you can submit the application after completing this notification. You will find a corresponding note/link in the last process step.

Scope of assignment

Specify the exact nature of the assignment as issued by the recipient of the service (e.g. house construction, installation of an IT server, security service during an event).

Purpose of the service*

Finally, provide information on the **purpose of the service**. Details of the specific order as placed by the recipient of the service (e.g. installation of a computer server, security service during an event, etc.).

3.3.4 Personal details and terms of employment

The information you provided when you registered your profile appears here. You then have to fill in the trade and the activity performed.

Personal details and terms of employment

Self-employed service provider details
First name(s) according to ID/passport*
Surname according to ID/passport*
Date of birth*
Gender*
Nationality*
Trade* (j) Overview of trade and activities.
Please select 👻
Activities performed*
Please select 👻

Regulated professions of the State Secretariat for Education, Research and Innovation SERI

If this information appears after you have chosen an occupation, you are obliged to follow the instructions given under <u>Service Providers (admin.ch)</u>.

3.3.5 Comment

If you have any further comments, you can enter them in the comments field.

Comment

Comments on the notification



0/400

3.3.6 Overview

Check the details provided here. If everything is correct, confirm the accuracy of the details by ticking the checkbox at the bottom. When you click "Send", your data will be transmitted to the responsible authority. You then have the option of downloading your application as a PDF for your records.

3.3.7 Concluding information

On the last page, you will find information about the relevant cantonal authority and be made aware of other processes.

Once you have submitted your report, you will receive an email confirmation and can also view the information in the cockpit under administrative formalities. You also have the option to duplicate the report if you wish to create a new report and reuse existing information.

Once the relevant cantonal authority has processed your report, you will receive an e-mail notification. You can then view the confirmation in your cockpit.



If you do not receive any reply to your notification within the next few days, contact the competent authority.

3.3.8 Submitting a notification for owners (directors and/or partners) of a company

When submitting a notification for **several owners of a company** (for example a limited liability company), we recommend you clarify beforehand whether the owner is legally subordinate to the employer (i.e. the company) or bears the main business and/or economic risk with regard to the company in question. This, among other factors, determines whether a person who wishes to provide a service in Switzerland should be notified as a posted worker or a self-employed person.

1. <u>Position of subordination</u>: If the person is <u>employed</u> by the company or in a position <u>similar to</u> <u>an employee</u>, we advise you classify the person as an <u>employee</u> and notify them as a 'posted worker' of the company. The same applies, under certain circumstances, to owners or shareholders of a private company or stock corporation, and to 'third-party managers' (i.e. managers who own no or only marginal company shares in a limited liability company) if a position of subordination exists or prevails.

2. <u>Responsiblitiv for business or economic risk</u>: If the owner and/or director of a limited liability company bears the main business or economic risk, and if that person is not in a position of subordination in terms of an employment or employment-like relationship vis-a-vis the company, we advise you notify the person as a <u>self-employed service provider</u>.

Only one person may be mentioned in the notification as a self-employed service provider. If the conditions mentioned in point 2 apply to further owners, they must be notified (for technical reasons) as 'posted workers' of the company. However, in the 'Notification comments' field (at the bottom of the page), you may indicate that the individuals mentioned as posted workers are also owners of the company and are therefore self-employed.

The cantons are responsible for verifying each case. If you have any questions, it is advisable to contact the cantonal authority responsible before submitting the notification.

Please indicate in the "Comment" box that the persons registered as posted employees are also owners (i.e. self-employed) of the company mentioned.

3.4 Subsequent changes to notification

All changes must **immediately** be reported to the competent cantonal authority (or at the very latest prior to commencement of work, or if the duration of work needs to be shortened or extended, prior to the change being made to the reported duration of work).

If the notification was made online, then the competent authority must be notified of the change by **e-mail** and with reference to the previous notification (under no circumstances should a new online notification be made). The following changes to the notification must be reported:

- Postponement of the period of work to a later date
- Shortening or lengthening of the duration of work
- Interruption of work
- cancellation of the notification

A new online notification must be made in the following cases:

- Postponement of the period of work to a later date
- Registration of a replacement worker (e.g. in the case of illness)
- Registration of additional workers
- Resumption of work following interruption; follow-up work (maintenance or satisfying warranty requirements) for the same project.

The new notification must be made no later than the first day of work and must include reference to a previously submitted notification. In the above-mentioned cases, a new notification will not give rise to a new 8-day prior notification period; the date when the first notification was submitted will remain valid for calculation purposes.



In all of the above-mentioned cases, a new notification form needs to be submitted and include reference to the previously submitted notification form.

4. Notification rules

4.1 **Prior notice period**

The activities of posted employees and self-employed workers must be notified **at least eight calendar days** (including Sundays and public holidays) **before the planned start of the work** in Switzerland. If the notification is submitted on a Monday, for example, the work may not begin before the following Tuesday at the earliest.

If you employ a person for a period of up to three months within a calendar year, the notification must be made **no later than the day before you start work**.

4.2 Eight-day notification-free period / Notification requirement from the first day onwards

The activity of posted workers and self-employed service providers is subject to a notification requirement if the work in Switzerland exceeds eight days within a given calendar year.

In the following economic sectors, a notification is required from the first day on, both for

- self-employed service providers (EU/EFTA nationals) based in an EU/EFTA member state as well as
- posted workers from a company based in an EU/EFTA member state who will be working in the following fields:
 - Construction and secondary contract work
 - Gardening and landscaping
 - Hotel, restaurant and catering
 - Cleaning in companies and households
 - Monitoring and security services
 - Itinerant trade (exceptions: trade fairs and circuses)
 - Sex industry

Reasons:

Experience has shown that in these branches, there is a risk of wage dumping and circumvention of labour law (see. <u>Art. 6 PWO</u> and <u>Art. 14 ASEO</u>).

In other branches, the notification requirement applies only when services are to be rendered for longer than eight days within a given calendar year. This rule is valid regardless of whether the activity takes place over an uninterrupted period of time or whether it is broken down into individual days spread out over the year.

Notification must also be made on the very first day in the following cases:

 EU/EFTA nationals who will be working for a Swiss employer in Switzerland for a period of up to three months.

4.3 Emergency arrangements - exceptions to 8-day prior notice period

If you wish to post a worker to Switzerland or provide services in Switzerland, you must notify the authorities 8 days beforehand. In emergency cases, work may begin within the 8-day period but no earlier than on the day of notification. Emergency cases must be announced and explained when registering (Field «Comment» in the online notification).

The reasons justifying the emergency case will be recognised by the cantonal authorities if the following **prerequisites** are cumulatively met:

- The work to be done addresses unexpected occurrence of damage and is intended to prevent further damage
- The work to be done is carried out immediately, generally no later than three calendar days (incl. Sunday and public holidays) after the damage took place

The need to carry out work within the 8-day period may be recognised on an **exceptional** basis in the following cases:

- if absolutely essential machinery, equipment, transport facilities and vehicles require repairs following serious disruptions or damage
- if the aim is to restore business operations that have been disrupted as a direct result of force majeure or to prevent such business operations from being disrupted by such circumstances
- if the aim is to prevent or restore disruptions of power, heat or water supply or private or public transport
- if indispensable and urgently necessary measures must be taken to preserve the lives and health of people and animals and prevent environmental damage
- if work needs to be rescheduled earlier because the branch of activity is dependent upon weather conditions (e.g. abrupt change of weather conditions, such as sudden drop in temperature following extensive period of heat). The work to be performed can only be carried out under specific weather conditions and postponement of work would be technically impossible or economically unviable despite adequate protective measures (e.g. the sealing of all types of joints during very cold temperatures)

Further information on declaring an emergency situation can be found in the directives on the Freedom of Movement Introduction Ordinance, Section 3.3.5 (available in <u>German</u>, <u>French</u>, <u>Ital-ian</u>).

4.4 Calculating the number of days

The eight-day notification-free period and the maximum 90-day period apply to both the company posting workers and to the posted workers themselves. The number of workers who may be posted at the same time, however, has no impact on the total number of working days calculated for the company.

Examples of how the days are calculated can be found in chapter 3.3.8 of t the directives on the Freedom of Movement Introduction Ordinance (<u>German</u>, <u>French</u>, <u>Italian</u>) and in Appendix 4 (<u>German</u>, <u>French</u> and <u>Italian</u>).

Example 1:

An IT company sends a worker to Switzerland for an eight-day assignment. Both the company and the worker count the first day of service rendered in Switzerland for the current calendar year. There is no need to submit a notification form (=> eight notification-free days). Starting from this point, any other workers that the company wishes to send to Switzerland are subject to the notification requirement. A notification form must therefore be submitted no later than eight days before the workers are posted. The same rule applies even if these new workers have never worked in Switzerland before (=> Rule applies both to the company posting workers and to the workers themselves). However, if the company already knows that the assignment in Switzerland will last longer than the eight notification-free days, then a notification form must be submitted to cover the first day of work for the assignment.

Example 2:

A gardening company sends a worker to Switzerland for an eight-day assignment. For both the company and the worker, this is the first cross-border service rendered in the current calendar year. Nevertheless, a notification form must be submitted for this worker eight days prior to the planned assignment because gardening is one of those activities that requires notification from the very first day of work.

Example 3:

A music school sends an employee who has already used up the eight-day notification-free period in Switzerland. The next assignment will be for five days in Switzerland. For the company (the music school), this is the first time that it will be sending one of its employees to Switzerland in the current calendar year. Since the employee has already worked in Switzerland for eight days, the music school must submit a notification form for the posted employee.

Example 4:

Since the construction industry requires notification starting from the first day of work, a notification form must be submitted eight days prior to commencement of work. A construction company sends three workers at the same time to work in Switzerland for a period of five working days. A total of five days will be deducted from the company's account. However, if the same company sends three workers in sequence on different days (the workers do not work on the same days), then a total of 15 days will be deducted from the company's account.

Example 5:

A company registers an employee on two different building sites simultaneously on day X (for example, in the afternoon). This is not permitted. However, an employee may work on different building sites on the same day if the work assignments take place consecutively (e.g. building site X in the morning, and building site Y in the afternoon). The approximate working times are to be noted in the commentary box of the notification form. In this case, only one working day will be deducted from the company's account.

4.5 How does one submit notification forms for several assignments or work contracts?

Generally speaking, each assignment and place of work must be reported. All planned days of work must be indicated in the notification form.

A one-time notification is enough if:

- Different tasks for same assignment will be carried out for a single client at the same location. The corresponding days of work for individual tasks must be indicated;
- Work will be carried out at the same location without interruption.

In exceptional cases, a single notification is enough if:

Maintenance and service assignments are to be carried out in several locations for a single client. The corresponding days of work spent for individual assignments and the first place of work must be indicated in the notification form. These assignments include assembly work on powerlines or pipelines, construction work on roads and railways (e.g. installation of safety equipment on a stretch of highway).

4.6 When provision of services requires issuance of a permit

A private **employment agency based abroad is not authorised** to bring jobseekers in direct contact with employers or third parties domiciled in Switzerland. They may work with an employment agency based in Switzerland provided that this agency has obtained the required cantonal and federal permits.

Under no circumstances is a foreign company that leases staff authorised to carry out its activities in Switzerland. According to Art. 22 para. 3 Annex I AFMP and Art. 12 of the Recruitment Act (RecA), the leasing of staff from abroad to work in Switzerland is not permitted. This prohibition applies to the leasing of staff by companies based abroad to companies based in Switzerland as well as to the leasing of staff by companies based abroad to foreign companies that provide services in Switzerland.

If financial services require prior approval before they can be provided on the sovereign territory of a contracting party to the AFMP and if the provider of financial services is subject to prudential supervision by the authorities of this contracting party, then there is an prior obligation to request an authorisation (Art. 22 para. 3 Annex I AFMP).

- <u>Annex I AFMP</u> (German, French and Italian)
- <u>Recruitment Act (RecA)</u> (German, French and Italian)

4.7 What are the rules on services covered by special service agreements between Switzerland and the EU?

Under these agreements (public procurement, air and land transportation) foreign nationals are entitled to enter and stay in Switzerland for the whole period of service. Stays of fewer than three months are not subject to authorization; however, registration is required. Stays of more than three months or 90 days in a calendar year are subject to authorization. Under special service agreements, foreign nationals are entitled to authorization.

5. Further general information

5.1 Posted Workers Act and Posted Workers Ordinance

For posted workers (and in certain cases also for self-employed service providers), the provisions of the Posted Workers Act and the Posted Workers Ordinance apply. This means, among other things, that when posting a worker to Switzerland, minimum wage and working conditions must be adhered to:

- entsendung.admin.ch posting workers to Switzerland
- <u>Posted Workers Act</u> (German, French and Italian)
- Posted Workers Ordinance (German, French and Italian)

5.2 Declaration procedure and verification of professional qualifications

All EU/EFTA citizens wishing to provide services in a regulated profession in Switzerland for a period not exceeding 90 working days per calendar year must also submit a declaration on the online system of the State Secretariat for Education, Research and Innovation (SERI). This declaration procedure will enable the corresponding authorities to carry out a uniform and careful verification of the professional qualifications held by the EU/EFTA service provider. This rule ensures that the qualifications held by service providers are adequate:

Declaration and verification of professional qualifications

5.3 VAT obligations

Companies posting workers to Switzerland or self-employed workers wishing to provide services in Switzerland may be subject to value-added tax if the world-wide generated turnover exceeds CHF 100,000 per year. Additional information can be found on the website of the Federal Tax Administration.

- VAT liability foreign companies
- Contact details

5.4 Customs clearance

For questions regarding customs and any declaration requirements, please contact the Federal Office for Customs and Border Security FOCBS directly.

Fast access to information sought

5.5 Your contacts for the notification procedure - at a glance

State Secretariat for Migration SEM:

- Notification procedure for short-term work in Switzerland
- Directives of the State Secretariat for Migration: Directives (<u>German</u>, <u>French</u>, <u>Italian</u>) and Annexes (<u>German</u>, <u>French</u> and <u>Italian</u>)

EasyGov:

EasyGov.swiss - The online desk for companies

Adresses of cantonal authorities:

Kantonale Behörden für Meldeverfahren (admin.ch)

Information platform entsendung.ch - information on salaries/work, rights/obligations, penalties:

Posting - Welcome to posting.admin.ch

State Secretariat for Education, Research and Innovation SERI:

• <u>Competent Authority for Declaration (admin.ch)</u>

Federal Tax Administration FTA – VAT-related matters:

Tax liability VAT