



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Federal Department of Home Affairs FDHA  
**Federal Social Insurance Office FSIO**  
International Affairs

# **Social Security for Posted Workers**

## **Contracting States, outside EU/EFTA**

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## Who should read this brochure?

### This brochure is aimed at workers posted

- between Switzerland and countries, other than EU Member States, Liechtenstein, Norway and Iceland, with which Switzerland has concluded a social security agreement. The nationality of the posted worker is irrelevant.
- between Switzerland and EU Member States (other than Estonia, Latvia and Lithuania, Malta, Poland and Romania<sup>1</sup>), if the posted worker is neither a Swiss national nor a citizen of an EU Member State.
- between Switzerland and Norway as well as Liechtenstein, if the posted worker is not a Swiss, Liechtenstein, Norwegian or Icelandic national.

### However, it is not relevant for workers posted

- between Switzerland and EU Member States, Norway, Liechtenstein or Iceland, insofar as they are nationals of one of these countries. See brochure: "[Social Security of Posted Workers – EU and EFTA Member States](#)".
- between Switzerland and States with which Switzerland has not concluded any agreement on social security. See brochure: "[Social Security of Posted Workers – Non-contracting States](#)"<sup>1</sup>.

#### [Agreements on social security](#) (with non-EU/EFTA Member States):

Albania	Kosovo
Australia	Montenegro
Bosnia and Herzegovina	North Macedonia
Brazil	Philippines
Canada	Republic of San Marino
Channel Islands and Isle of Man*	Serbia
Chile	South Korea
China	Tunisia
India	Turkey
Israel	United Kingdom
Japan	Uruguay
	USA

\* Agreement with the United Kingdom (1968)

<sup>1</sup> The brochure "[Social Security of Posted Workers – Non-contracting States](#)" is relevant for workers posted between Switzerland and Estonia, Latvia, Lithuania, Malta, Poland or Romania, insofar as they are neither a Swiss national nor a citizen of an EU Member State. It also concerns workers posted between Switzerland and Iceland, insofar as they are neither a Swiss national nor a citizen of Iceland, Norway or Liechtenstein.

# 1) Posting

## Principle of subjection

Social security agreements concluded by Switzerland are based on the principle of subjection to the legislation of the country of occupation. This means that in general a person is subject to the social insurance legislation of the country where he or she performs work.

## Exception for posted workers

All social insurance agreements envisage that an employee remains subject to the legislation of the home country when posted temporarily to the territory of another country by a company that is registered in the home country. The maximum duration of such a posting varies according to the agreement between 12 and 60 months. For the duration of their posting, workers are exempt from the compulsory insurance obligations of the country of occupation which are covered in the agreement (see also [summary of the agreements](#)). Should the duration of the mandate abroad exceed the planned duration, the competent institutions of both countries can agree to extend the posting based on a joint request submitted by the employer and employee.

The rules on posting provided for in the social security agreements only concern employees, with the exception of the agreements with Japan, the United Kingdom and Tunisia, which also provide for posting concerning self-employed workers.

Posting means: a person is performing work exclusively in the host country. If the worker is employed both in Switzerland and in the given contracting State simultaneously, he or she is subject to the legislation of both countries. Each country collects social insurance contributions but only on the income that is earned on its territory, thereby avoiding a double charge on each income.

# 2) Workers posted from Switzerland to a contracting State

## Certificate of posting

An employer wishing to post an employee abroad must submit a request through a web application regarding applicable legislation made available by the competent Swiss AVS/AHV compensation fund.

If the posting conditions are met the compensation fund confirm that during the occupation in the contracting State (or until the maximum duration envisaged in the agreement) the worker continues to be subject to Swiss legislation (certificate of coverage).

The employee must have been insured in Switzerland prior to his or her posting (one month's prior insurance cover is generally considered appropriate), and the employer should in principle intend to continue to employ him or her after the posting is completed.

The certificate should be submitted to the relevant insurer of the employer in the country of occupation.

## Extending the posting: special agreement

Should the envisaged duration not be sufficient to fulfil the task, the employer and employee can submit a request an extension through a web application regarding applicable legislation

made available by the competent Swiss AVS/AHV compensation fund before the initial posting duration expires.

The competent Swiss authorities will only submit extension requests to the competent authorities in the contracting State if the required posting duration is less than a total of 5 to 6 years.

If the foreign authorities approve the exception, a certificate confirming this decision will be issued to the applicant and the relevant insurers.

### **Social security implications of the posting**

All rights and obligations of Swiss legislation remain applicable for the entire duration of the temporary posting abroad. This means that the posted worker and his or her employer continue to pay contributions to the following compulsory Swiss insurance schemes: old-age and survivors' insurance, invalidity insurance, income compensation allowances scheme, unemployment and accident insurance, as well as the occupational benefit plan. Posted workers and their family members remain subject to the Swiss compulsory sickness insurance scheme. They also continue to qualify for Swiss family allowances.

Posted workers are not obliged to pay contributions to the social insurance system of their country of temporary residence, if the given insurance branch is covered by the applicable agreement. However, most agreements do not cover sickness and unemployment insurance. Therefore, the contracting State has no obligation to exempt the posted worker from the insurance and contribution obligations of those insurance branches.

### **Continued insurance cover after the posting abroad**

When the posting comes to an end, the employee is subject to the social security legislation of the country of occupation. If the employee continues to work for an employer in Switzerland and is paid by said employer, he or she may continue, with prior agreement of the employer, his or her social insurance cover in Switzerland with the old-age, survivors' and invalidity insurance, unemployment insurance, as well as with the occupational benefit plan.<sup>2</sup>

## **3) Workers posted to Switzerland from a contracting State**

### **Certificate of posting**

A certificate should be obtained from the social insurance institution which is competent for the employer in the contracting State.

Therein is confirmed that for the entire duration of the posting to Switzerland the worker concerned remains subject to the legal provisions of the sending country concerning the insurance branches covered by the agreement.

The certificate should be submitted to the compensation fund of the Swiss employer and, where necessary, to the employer's accident insurer.

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<sup>2</sup> To remain covered, the employee must have been insured at least five years immediately prior to that point. The employer and employee must submit a joint application to the competent compensation fund for the continuation of this insurance cover.

## **Extension of the term of posting**

Extension applications for a posting, and thus for an extended exemption from Swiss social insurance obligations, should be submitted to the competent institution in the contracting State before the expiration of the initial posting period. The competent institution then negotiates an agreement with the FSIO in Berne. The maximum duration of a posting, including any extensions, should not exceed 5 to 6 years.

## **Social security implications of posting**

For the duration of their posting, employees are exempt from the compulsory old-age and survivors' insurance, invalidity insurance, the income compensation allowances scheme and the unemployment insurance, as well as from the Swiss occupational benefit plan. In addition, they do not qualify for Swiss family allowances.

If accident insurance is also covered by the applicable agreement, posted workers are exempt from Swiss insurance obligations for the entire duration of their posting in Switzerland. This means that they remain subject to the accident insurance legislation of the sending country.

If the accident insurance is not covered by the agreement, posted workers are not subject to Swiss accident insurance during their first year in Switzerland, even if they do not have accident insurance cover abroad.

If they have accident insurance cover in another country, posted workers can apply to the Swiss Accident Insurance Fund (SUVA, Postfach, 6002 Lucerne) or to the accident insurance substitute institution (UVG Ersatzkasse, Hohlstrasse 552, 8048 Zurich) to extend this period for a maximum of six years.

Some social insurance agreements also cover sickness insurance. In this instance, posted workers must send a copy of their certificate of posting to the [competent sickness insurance institution in their canton of residence](#) in order to be granted exemption from Swiss sickness insurance obligations.

If the given agreement does not cover sickness insurance, posted workers must take out sickness insurance in Switzerland. However, they can apply to the competent institution in their canton of residence for exemption from Swiss sickness insurance obligations, if their employer grants to ensure sickness insurance cover for the entire duration of the posting of their employee in Switzerland.

## **4) Importance of the certificate of posting**

The certificate of posting confirms that the worker concerned remains subject to the social insurance legislation of the sending country. All rights and obligations of the relevant national legislation remain applicable for the entire duration of the posting.

A posted worker must be in possession of a certificate of posting for the entire duration of his or her employment abroad. It is recommended that an application for such a certificate is made as early as possible.

## 5) Insurance cover for family members

### Workers posted from Switzerland and resident in a contracting State (outside EU/EFTA)

Most agreements envisage that non-gainfully employed family members of workers posted to a contracting State are also covered by the old-age, survivors' and invalidity insurance schemes<sup>3</sup>.

Swiss, Icelandic, Liechtenstein or Norwegian nationals as well as citizens of EU Member States can take out insurance cover on a voluntary basis, if they had Swiss old-age, survivors' and invalidity insurance cover for at least five years directly prior to leaving Switzerland. Voluntary insurance cover is taken out on an individual basis and does not automatically cover family members.

Non-gainfully employed family members remain in principle subject to Swiss compulsory sickness insurance for the entire duration of the posting<sup>4</sup>.

### Workers posted to Switzerland from a contracting State

Most agreements envisage that non-gainfully employed family members of workers posted to Switzerland from a contracting State are exempt from contributions to the compulsory Swiss old-age, survivors' and invalidity insurance schemes<sup>5</sup>.

All individuals living in Switzerland must be insured with a Swiss sickness insurer within three months of taking up residence or of their birth in Switzerland. Individuals who are subject to compulsory sickness insurance in another country can apply to the [competent cantonal authority](#) for exemption from Swiss sickness insurance if insurance in Switzerland would lead to a double burden and if their existing sickness insurance grants the same coverage for treatment in Switzerland in the case of ill health or a non-occupational accident.

## 6) Further information

Additional information is available online at [www.bsv.admin.ch](http://www.bsv.admin.ch) ("International affairs" section).

This brochure merely provides an overview. For the assessment of individual cases, the relevant legal provisions and agreements only apply.

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<sup>4</sup> Family members accompanying a Swiss, UK or EU national, who are not gainfully employed and who are resident in the UK, are covered by the UK health system and do not remain affiliated to Swiss sickness insurance.

<sup>5</sup> The provisions on applicable legislation contained in the agreements with Australia (as far as postings to Switzerland are concerned), Israel, San Marino and Turkey do not apply to family members. Please see the brochure "[Social Security of Posted Workers – Non-contracting States](#)".