

Mobility: Immigration alert

December 2021



Switzerland

Updates to the list of occupations for which Swiss employers must advertise vacancies with a Regional Employment Center

Executive summary

The Swiss Government recently updated its list of occupations for which there is an unemployment rate of 5% or higher in Switzerland ("Occupations List"). As in 2021, Swiss companies seeking to fill vacancies in 2022 for jobs on this list must advertise the vacancies with the relevant Swiss Regional Employment Center before advertising them more broadly.

Background

In 2020, the Swiss Government implemented a rule requiring Swiss employers seeking to hire individuals into occupations on the Occupations List, to publish the vacancies to the website of the relevant Swiss Regional Employment Center for five days before posting them elsewhere. Within three working days of posting the vacancy to the website of the Regional Employment Center, the Center sends profiles of potential candidates from within the Swiss labor market to the Swiss company. This policy was implemented to reduce unemployment in Switzerland and limit the hiring of non-Swiss workers to occupations for which suitable candidates are not readily available in the Swiss labor market.

Updates to the 2022 Occupations List

All of the jobs listed in the 2021 Occupations List are included in the 2022 list. The following jobs were added to the 2022 Occupations List, which can be accessed [here](#):

- ▶ Marketing and sales specialists
- ▶ Salespeople in retail
- ▶ Graphic and multimedia designers
- ▶ Specialists in tourism
- ▶ Painters and similar occupations

Employer obligations and exemptions

Swiss companies that are seeking to fill vacancies for jobs on the 2022 Occupations List must:

- ▶ Not advertise the vacancies elsewhere until the five days have elapsed. During the five-day period, the job posting is only accessible to individuals who are registered with a Regional Employment Center
- ▶ Review and consider any candidates who are referred to them by the Regional Employment Center
- ▶ Inform the Center if any referred candidate is selected to interview for the job. Swiss companies are not required to provide a justification in the event that none of the referred candidates are deemed to be suitable for the job

Employers are not required to notify a Regional Employment Center about a vacancy for a job on the Occupations List if:

- ▶ The vacant position is filled by an existing Swiss or foreign employee who is already working for the company, including interns and apprentices who have worked with the company for at least six months
- ▶ The duration of the employment contract does not exceed 14 days
- ▶ The vacant position will be filled by a close relative of the company's owner (e.g., spouse, registered partner, sibling)

Penalties for noncompliance

Swiss companies that fail to comply with their obligations relating to jobs that are contained in the Occupations List may incur penalties, including fines of CHF 20,000 to 40,000.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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EYG no. 011082-21Gbl

2101-3682263
ED None

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