

Job registration requirement – priority of local workers

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On February 9 2014 the Swiss people voted in favour of a popular initiative introducing Article 121a of the Federal Constitution, which aimed to control mass immigration, thereby expressing support for a change to Switzerland's immigration policy. The initiative required the Federal Council and Parliament to introduce a new admission system for all foreign nationals that restricts immigration by means of quantitative limits and quotas and gives priority to local workers.

Job registration requirement

On December 8 2017, after much political debate and various consultations with different stakeholders, the Federal Council decided on how to implement the new admission system in order to exercise immigration control without conflicting with the Agreement on the Free Movement of Persons between Switzerland and the European Union. The new regulations primarily introduce a job registration requirement for job types in which the unemployment rate throughout Switzerland has reached a specific threshold (*Inländervorrang light*).

The change to the respective laws and regulations aims to optimise and exploit the potential of national workers. The job registration requirement should promote the placement of jobseekers registered with the regional unemployment offices.

Two-step implementation

The job registration requirement will enter into effect on July 1 2018. The obligation to register will apply for job types where the unemployment rate is equal to or more than 8% throughout Switzerland. As of January 1 2020 the threshold will be reduced to 5%. This implementation deadline should allow employers and the authorities time to establish the necessary processes and resources.

Duties for Swiss employers

This change will have an effect on the hiring processes of all Swiss companies and might in certain cases prove challenging. Every position within a company must be determined in accordance with the Swiss Standard Classification of Occupations 2000. It will become mandatory to notify the regional unemployment office of the respective job vacancies for the job types within the categories which reach the threshold.

For the sake of compliance, Swiss employers must regularly monitor a list of professions issued by the State Secretariat for Economic Affairs.

As soon as a job position becomes vacant within a respective category which is equal to or above the threshold, the employer must report the position to the regional unemployment office. Thereafter, the job advertisement will be accessible to jobseekers registered with the regional unemployment

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office and its officers for five working days. Thus, the regional unemployment office must provide suitable application dossiers to the recruiting companies within three working days. The recruiting company must invite suitable jobseekers for an interview or aptitude check and inform the regional unemployment office of the outcome.

Comment

The job registration requirement will impact on the recruiting processes of foreign nationals (ie, EU, European Free Trade Association and third country nationals) and will require future attention. Violation of the obligation to register job vacancies and to conduct an interview or aptitude check is subject to a fine.

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