

Information sheet about activities that are prohibited for foreign moving companies in Switzerland

Two national laws restrict the activities of foreign moving companies in Switzerland: the cabotage ban and the Posted Workers Act. These laws were passed to protect Swiss trade and Swiss employees as measures to accompany the conclusion of the Bilateral Agreements between Switzerland and the EU.

Cabotage ban

In accordance with the Agreement between the Swiss Confederation and the European Community on the Carriage of Goods and Passengers by Rail and Road (OTA; SR 0.740.72) and the Convention on Temporary Admission (Istanbul Convention; SR 0.631.24), the carriage of goods loaded within the Swiss customs area to be unloaded again within this area using foreign means of transport is prohibited.

In article 34, paragraph 1 of the Customs Ordinance (SR 631.01), the Federal Council makes use of this right based on article 9, paragraph 1 of the Customs Act (SR 631.0) by prohibiting the carriage of goods within Switzerland using foreign means of transport. This means that a foreign carrier is not authorised to load goods in Switzerland using foreign means of transport to then unload them again within Switzerland.

In practice, this means that **vehicles registered in another country must not be used for moving within Switzerland.**

Posted Workers Act

Article 1, paragraph 1 of the Posted Workers Act (SR 823.20) governs the minimum wage and working conditions for employees whose employer is based abroad and posts them to Switzerland for a certain period of time to render a service for the employer's account and under its management as part of a contract between it and the service recipient.

In accordance with article 2, paragraph 1 of the Posted Workers Act (SR 823.20), the employers must, as a minimum, guarantee the employees posted to Switzerland the wage and working conditions stipulated in federal laws, ordinances of the Federal Council, collective employment contracts declared generally applicable and standard employment contracts in the following areas:

- the minimum wage, including allowances;
- working hours and rest periods;
- the minimum annual leave allowance;
- occupational health and safety protection in the workplace;
- protection of pregnant women, new mothers, children and young people;
- non-discrimination, particularly equal opportunities for men and women.

In practice, this means that **all work for moving within Switzerland and packing and unpacking services in Switzerland in connection with international moving may only be performed by staff employed in Switzerland** if a foreign employer cannot guarantee that it employs its staff in accordance with Swiss law and pays them a salary that is comparable with Swiss standards. However, loading and unloading vehicles and shipping containers in connection with a cross-border move is permitted.

Official measures

The police and customs authorities are responsible for enforcing the cabotage ban. In addition to large fines for the carrier, carriage may be stopped immediately.

The cantonal trade and work inspection offices are responsible for enforcing the Posted Workers Act. They may issue fines of up to CHF 40,000 or order carriers to stop work.

In both cases, the party moving is at risk of a delay to the move, unloading of the goods being moved in a parking area without protection and any resulting additional damage to the goods. In the event of breaches of the Posted Workers Act, the employer may even receive a considerable fine as well.

For these reasons, and to avoid being linked to illegal activities, work involving the carriage of goods within Switzerland and packing and unpacking must be given directly or indirectly to Swiss moving companies.

If you have any questions, the SMA secretary's office can provide further information.

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