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**Ordinance
on Conditions for Entry, Stay and Work for Private
Household Employees of Individual Beneficiaries of
Privileges, Immunities and Facilities
(Private Household Employees Ordinance, PHEO)**

of 6 June 2011 (Status as of 1 July 2011)

The Swiss Federal Council,

on the basis of Article 98 paragraph 2 of the Foreign Nationals and Integration Act of 16 December 2005 (FNIA)¹

and Article 27 paragraph 2 of the Host State Act of 22 June 2007² (HSA),

ordains:

Chapter 1 Subject Matter and Definitions

Art. 1 Subject matter

¹ This Ordinance supplements the provisions of the Host State Ordinance of 7 December 2007³ (HSO), and governs the conditions for entry, residence and work for private household employees as defined in Article 2 paragraph 2 letter c HSA.

² Cantonal or federal standard employment contracts concerning the employment of workers in the domestic services industry and any other cantonal provisions regulating the working conditions or salaries of workers in the domestic services industry do not apply to persons who fall within the scope of this Ordinance.

³ This Ordinance does not apply to:

- a. members of service staff (Art. 3) or members of local staff of diplomatic missions, permanent missions or other representations to intergovernmental organisations or consular posts as defined in Article 5 of the HSO;
- b. private household employees of Swiss nationality or foreign nationals with authorisation to stay or reside or who have been granted temporary admission;

AS 2011 2425

¹ The title was amended on 1 Jan. 2019 pursuant to Art. 12 para. 2 of the Publications Act of 18 June 2004 (SR 170.512). This amendment has been made throughout the text.

² SR 192.12

³ SR 192.121

- c. private household employees who accompany, for temporary stays, members of special missions within the meaning of Article 2 paragraph 1 letter g of the HSA or delegates at international conferences, provided that such members of special missions or delegates do not have their usual residence in Switzerland.

⁴ This Ordinance applies to private household employees who are nationals of a member state of the European Union or EFTA and whose permanent place of residence at the time of their being engaged for employment was not Switzerland only to the extent that the Agreement of 21 June 1999⁴ between the Swiss Confederation and the European Union and its member states on the free movement of persons does not provide otherwise or where the provisions of this Ordinance are more favourable.

Art. 2 Definition of private household employee

¹ A private household employee is, in accordance with Article 1 letter h of the Vienna Convention on Diplomatic Relations of 18 April 1961⁵ and Article 1 letter i of the Vienna Convention on Consular Relations of 24 April, 1963⁶, a person who is in the domestic service of an individual beneficiary as defined by Article 2 paragraph 2 letters a and b HSA who is authorised to employ private household staff and who holds a legitimisation card F issued by the Federal Department of Foreign Affairs (FDFA). The legitimisation card attests the qualification as private household employee.

² Private household employees are not employed by the institutional beneficiary of the employer. They are directly engaged by their employer on the basis of an employment contract under civil law.

³ Domestic service is understood to mean any task carried out by the private household employee in the home of the employer, such as household chores, cooking, waiting on table, laundry, child care or gardening tasks.

Art. 3 Definition of member of service staff

¹ In accordance with Article 1 letter g of the Vienna Convention on Diplomatic Relations of 18 April 1961⁷ and Article 1 letter f of the Vienna Convention on Consular Relations of 24 April 1963⁸, a «member of service staff» is defined as an employee of the sending State in the domestic service of a diplomatic mission, permanent mission or other representation to an intergovernmental organisation, or of a consular post, who is a member of such mission, representation or consular post.

² Such a person is an employee of the sending State and is subject to the laws of such sending State. Such a person is generally employed as a chauffeur, usher,

⁴ SR 0.142.112.681

⁵ SR 0.191.01

⁶ SR 0.191.02

⁷ SR 0.191.01

⁸ SR 0.191.02

caretaker, or as cleaning or maintenance personnel for the chancery or the residence of the head of mission or head of post.

Chapter 2

Persons Authorised to employ a Private Household Employee

Art. 4 Diplomatic missions and permanent missions or other representations to intergovernmental organisations

¹ On condition that they reside in Switzerland and hold the appropriate legitimisation card issued by the FDFA, the following members of diplomatic missions and permanent missions or other representations to intergovernmental organisations may be authorised to employ a private household employee:

- a. heads of missions (legitimation card B);
- b. members of diplomatic staff (legitimation card C);
- c. members of administrative and technical staff (legitimation card D).

² Persons falling within the scope of paragraph 1 who are Swiss nationals or hold an authorisation to stay or reside pursuant to the FNIA do not have the right to engage a private household employee entitled to a legitimisation card.

Art. 5 Consular posts

¹ On condition that they reside in Switzerland and hold the appropriate legitimisation card issued by the FDFA, the following members of consular posts may be authorised to employ a private household employee:

- a. career heads of consular posts (legitimation card K with pink band);
- b. career consular officers (legitimation card K with pink band);
- c. career consular employees (legitimation card K with blue band).

² Persons falling within the scope of paragraph 1 who are Swiss nationals or who hold an authorisation to stay or reside pursuant to the FNIA do not have the right to engage a private household employee entitled to a legitimisation card.

Art. 6 Other institutional beneficiaries

¹ On condition that they reside in Switzerland and hold the appropriate legitimisation card issued by the FDFA, the following individuals who are staff members of an intergovernmental organisation, international institution, secretariat or other body created under international treaty, of an independent commission or international court or arbitration tribunal as specified in Article 2 paragraph 1 of the HSA may be authorised to engage a private household employee:

- a. members of senior management (legitimation card B);
- b. high-ranking officials (legitimation card C);

c. other officials with professional status (legitimation card D).

² Persons falling within the scope of paragraph 1 who are Swiss nationals do not have the right to engage a private household employee entitled to a legitimation card.

Art. 7 Number of private household employees per household

¹ One private household employee only per household is allowed.

² The following persons may be authorised to engage several private household employees:

- a. heads of diplomatic missions;
- b. heads of permanent missions or other representations to intergovernmental organisations;
- c. career heads of consular posts;
- d. members of senior management of the institutional beneficiaries specified in Article 6, paragraph 1 hereof.

³ Persons authorised to engage one private household employee may, in exceptional circumstances, be authorised to engage more if their particular situation so warrants.

⁴ Protocol or the Swiss mission will make decisions on a case-by-case basis. When considering individual cases they will take particular account of:

- a. previous employment disputes involving the employer or the institutional beneficiary concerned;
- b. the existence of any debts owed to creditors in Switzerland by the employer or the institutional beneficiary concerned.

Art. 8 Priority for private household employees already in Switzerland

¹ Prior to requesting authorisation to engage a private household employee from abroad, employers must look in Switzerland for a private household employee as defined within this Ordinance who is in search of employment and who is able and willing to fill the position. Protocol or the Swiss mission will take all the particular circumstances into account when determining which documents they require to demonstrate that a search in Switzerland has been unsuccessful.

² Employers who arrive in Switzerland accompanied by a private household employee who was in their service prior to being posted to Switzerland may be granted dispensation from looking for a private household employee in Switzerland.

Chapter 3 Conditions for Admission and Stay of Private Household Employees

Art. 9 General conditions

¹ Subject to any derogation granted elsewhere in the provisions of this Ordinance, private household employees must satisfy all of the following conditions:

- a. be 18 years of age or over;
- b. not be a member of the family of the employer;
- c. hold a valid national passport;
- d. undertake to come to Switzerland alone; the entry, admission, stay and work of any persons wishing to accompany them are regulated by the FNIA, except as provided by Article 16, paragraph 2 hereof;
- e. work fulltime;
- f. work for one employer only who must be authorised to engage a private household employee pursuant to this Ordinance, except as provided by Article 11 hereof;
- g. be part of the household of the employer and work at the home of the employer, except as provided by Article 30 paragraphs 4 and 5 hereof;
- h. be aware that their stay in Switzerland is only authorised for as long as they remain in the service of a person authorised to engage a private household employee under the provisions of this Ordinance;
- i. have sufficient knowledge of one of the official languages of Switzerland, English, Spanish or Portuguese to enable them to communicate with the FDFA while residing in Switzerland without the need for the services of an interpreter.

² Private household employees are not authorised to exercise any secondary gainful activity in Switzerland or work for another employer within the meaning of this Ordinance, even if their employer does not give them enough work to keep them fully occupied, except as provided by Article 11 hereof.

Art. 10 Employment contract

¹ A written employment contract, drawn up in one of the languages specified in Article 9 paragraph 1 letter i hereof must be signed between the employer and the private household employee. The objective of this provision is to ensure clear and transparent conditions of employment.

² The employment contract must be drawn up based on the standard form contract drafted by the FDFA. It includes, in particular, the standard form pay slip, which is an integral part thereof. Only derogations from the standard form contract in favour of the private household employee are permitted.

³ Granting of authorisation to enter and a legitimisation card are dependent upon the signature of an employment contract.