

# Check-list

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## For workers and employers with regard to domestic work in Geneva

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EXTRACTS OF STANDARD CONTRACT  
OF EMPLOYMENT IN THE SECTOR OF  
DOMESTIC SERVICE JOBS J 150.03 (CTT-EDOM),  
CANTON OF GENEVA

2015





## Scope of application

**The following are considered to be domestic workers (hereinafter to be referred to as “workers”) pursuant to this standard contract of employment if they work in:** a private household; a guesthouse or other institution which is not subject to the Federal Act on Work in Industry, Commerce and Trade of 13 March 1964 (LTr) and which is not governed by a collective labour agreement.

**This standard contract of employment applies to the staff who are to carry out traditional domestic work and in particular** *maîtres d’hôtel*, housekeepers, cooks, valets, chamber maids, chauffeurs, gardeners, as well as other household employees who in particular, clean, wash, shop, look after children, elderly people, disabled and sick persons, and help elderly people, disabled and sick persons in their daily life.



## Entry into employment

**Visit prior to employment:** *If the employer asks the worker to come to his house before the contract is signed, the worker is entitled to ask for a refund of his travelling expenses if he is domiciled outside of the canton.*

**Foreign workers:** The contract of employment is valid as soon as it is signed unless the parties have specifically stipulated in writing that it is contingent upon the obtaining of a work permit. A contract of employment that is signed with a foreigner who does not have the requisite permit may only be terminated if the legal or contractual notice is complied with; the employer’s obligations shall remain valid even if the worker is unable to perform his job.



## Obligations of the worker

**Working hours:** *The number of hours to be worked by a full-time worker per week is 45. Part-time workers should not effectively work more than 8 hours per day. Workers shall be entitled to a break of at least half an hour at lunchtime and in the evening and a break of a quarter of*

*an hour per half-day. These breaks shall not be included in the working hours.*

### **Overtime; Work on Sunday or work at night:**

Overtime shall be deemed to mean hours worked in addition to the maximum daily or weekly working hours. *The worker shall be entitled to either a 50 % increase of his wages or a 50 % increase of his paid holiday leave for any hours worked on Sundays and on public holidays. The worker shall be entitled to a cash payment of his wages plus 100 % or a 100 % increase of his paid holiday leave for any hours worked between 11.00 p.m. and 6.00 a.m.*



## Obligations of the employer

A worker shall only be entitled to be placed in one of the first two categories (a and b) when he has provided his employer with all the requisite diplomas. The aforementioned amounts shall include the wages in kind for board and lodgings. If the worker is given board or lodgings by his employer, he shall be entitled to receive in cash the difference between these amounts and the value of the lodgings or board pursuant to the AVS standards in force and which are provided in the appendix to the standard contract of employment. The wages in cash are paid during working hours and at the latest on the last day of the month or, if the last day of the month falls on a Sunday or a public holiday, on the prior working day. If the employer demands special work clothes he shall provide them or, failing this, shall provide the worker with fair compensation for the said clothes. A detailed pay slip indicating the components of the wages (and in particular the gross wages and overtime) as well as the deductions (in particular AVS, insurances and withholding tax) shall be given to the worker each month.

**Lodgings:** Workers who are lodged by the employer are entitled to a private room which may be locked, which benefits from natural lighting (and not artificial lighting), which is heated properly and which has the requisite furniture (bed, table, chair and wardrobe that may be locked). The worker shall have suitable toilet and bathroom facilities. The room shall be considered to be employee accommodation. The worker shall leave the room at the latest on the day following the termination of the contract of employment.

Wages: The minimum wages are as follows:	CHF/month
a) Gardener and qualified gardeners with the Federal VET Diploma (CFC) or equivalent qualifications or experience	CHF 4,760
b) Qualified employee with the Federal VET Diploma (CFC) or, in the following professions, equivalent qualifications or 5 years' experience: – Cooks and chauffeurs / – Maîtres d'hôtel and housekeepers	CHF 4,368
c) Qualified employee with the Federal VET Certificate (AFP)	CHF 3,969
d) Qualified employee with another qualification	CHF 3,969
e) Non-qualified employee with at least 4 years' professional experience in domestic work	CHF 3,969
f) Non-qualified employee	CHF 3,700

**Absence of the employer:** In the event of the employer's absence, the worker shall be entitled to receive his wages and benefits in kind; at his request, the employer shall pay him a food allowance which is calculated at the least on the AVS standards in force.

**Illness:** The worker is insured against loss of earnings in the event of illness. The cover represents 80 % of his salary for 720 days over a period of 900 days. The premiums shall be paid jointly each month unless a written agreement is signed making the employer responsible for the payment of all the premiums. If there is no insurance and where the employment relationships have lasted for more than 3 months or have been entered into for more than 3 months, the employer shall pay the worker's wages for a limited period if he is unable to work for a reason that is stipulated in article 324a, paragraphs 1 and 3 of the Swiss Code of Obligations, in accordance with the scale below: a) 3 weeks during the first year of employment with the same employer; b) 1 month, after 1 year of employment with the same employer; c) 2 months, after 2 years of employment with the same employer; d) 3 months after 5 years of employment with the same employer; e) 4 months, after 10 years of employment with the same employer. The employer shall ensure that his staff is insured for medical and pharmaceutical costs; he shall not be liable for a lack of insurance.

**Accidents:** The employer shall insure his staff against occupational accidents and, if the worker works for him for at least 8 hours per week, he shall also insure him against non-occupational accidents. The premiums for the occupational accident insurance

policy shall be paid by the employer and the premiums for the non-occupational accident insurance policy shall be paid by the employee.

**Travelling allowance:** *The employer shall refund the travelling expenses of a part-time work (return trip) at the public transport rate if the journey from the worker's domicile and the place of work exceeds 1.5 km as the crow flies.*

**Days off work during the week:** *In principle, the weekly day off is granted on a Sunday. In all events, it must coincide with a Sunday at least twice a month. In addition to a complete day off, the worker shall be granted half a working day off per week. If the half-day off is granted in the morning, the worker shall return to work at 1.00 p.m. If the half-day off starts after 1.00 p.m., the worker shall not be required to return to work in the evening. Once a month, two half-days off shall form a complete Saturday. Provided the worker consents thereto, several days off may be grouped together at the most 3 times a year. The days off that are grouped together may not exceed 4 days. The employer may replace board by an allowance which is calculated at least in line with the AVS standards in force.*

**Public holidays:** The employer shall only be entitled to ask the worker to carry out the work that is strictly necessary on Sundays and public holidays. Workers are entitled to the following public holidays: a) 1<sup>st</sup> January; b) Good Friday; c) Easter Monday; d) Ascension Day; e) Whit Monday; f) 1 August; g) Jeûne genevois; h) Christmas; i) 31 December. Public holidays do not give rise to any reduction in the wages of workers who are paid on a monthly basis. The 1 Au-

gust does not give rise to any reduction in the wages of workers who are paid by the hour. Employers may replace board by an allowance which is at least calculated in line with the AVS standards in force. Workers who are paid on a monthly basis and who are obliged to work on public holidays are entitled to a paid day off in lieu during the week prior or following the public holiday. This rule applies to workers who are paid by the hour and who work on 1 August.

**Justified absences:** *In addition to public holidays, employers shall grant the following leaves of absence without any reductions in wages: a) 3 days of leave for the worker's wedding or registration of a partnership; b) 3 days of leave for the birth of a child; c) 3 days of leave in the event of the death of a spouse, registered partner, father, mother or child; d) 2 days of leave in the event of the death of a brother, sister or their spouse, grandparents as well as parents-in-law; e) 1 day of leave in the event of the death of an uncle or aunt. In the case where the wedding, registration of a partnership, birth or funeral is to take place abroad and that the journey by train for a single journey last for more than 8 hours, the employer shall grant an additional paid day off. Employers may replace board by an allowance which is at least calculated in line with the AVS standards in force. The equivalent number of days off is granted if justified leaves of absence fall on a non-worked day or during holiday leave.*

**Holiday leave:** Workers are entitled to the following mandatory paid holiday leave: a) 5 weeks until the age of 20; b) 4 weeks from the age of 20; c) 5 weeks after 20 years of employment; d) 5 weeks after the age of 50 and 5 years of employment with the same employer. During their holiday leave, workers are entitled to receive their wages in cash and, if they benefit from board and lodgings, to receive an allowance for the wages in kind that are at least calculated according to the AVS standards in force. During their holiday leave, workers who work part time are entitled to an allowance which is calculated as follows: a) 8.33 % of the gross wages in kind paid during the last 12 months if they are entitled to 4 week's holiday leave; b) 10.64 % of the gross wages in kind paid during the last 12 months if they are entitled to 5 week's holiday leave; c) if the worker benefits from board or lodgings, he is entitled to an allowance for the wages in kind that are at least calculated in line with the AVS standards in force.



## Termination of employment relationships

**During the probation period:** *The first two months of employment are considered to be the probation period during which each party may terminate the contract of employment with 5 net calendar days' notice.*

**After the probation period:** *At the end of the probation period and irrespective of its duration, the contract of employment may be terminated by either party provided one month's notice is given for the end of the month. The notice must be given in writing. It is nevertheless valid if the author is able to prove that the recipient indeed had knowledge thereof. The worker shall be freed of his obligations at the latest on the last day of the notice period at 4.00 p.m. If the said notice period falls on a Sunday or public holiday, the worker shall be freed of his obligations on the prior working day.*

**AVS standards** <http://www.ge.ch/ocirt/> (follow the link "Standard contracts of employment"). The AVS standards are taken from article 11 of the Regulations on the Old-Age and Survivors' Pension Scheme (<http://www.admin.ch/ch/f/rs/831.101/11.html>). On 1 January 2014, the relevant amounts were as follows, per day: a) breakfast CHF 3.50; b) lunch: CHF 10.00; c) evening meal: CHF 8.00; d) lodgings: CHF 11.50; Daily grand total: CHF 33.00

The gross minimum wage, without additional payments for paid holiday and public holiday leave, is obtained by dividing the gross minimum monthly wage by the 195 hours worked per month corresponding to 45 working hours per week (for example, a non-qualified employee: CHF 3,700/month : 195 hours = CHF 19/hour).

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*This standard contract of employment can be downloaded from the website of the legislation service of the Canton of Geneva, at the following address:  
[http://www.ge.ch/legislation/rsg/f/rsg\\_jl\\_50p0.html](http://www.ge.ch/legislation/rsg/f/rsg_jl_50p0.html)*

*The Federal Ordinance of 6 June 2011 on Private Household Employees can be downloaded at the following website:  
<http://www.admin.ch/ch/f/rs/1/192.126.fr.pdf>*

*The provisions which may only be dispensed with in writing to the worker's disadvantage are printed in italics.*

*NB: Only the official version shall be binding.*