



March 2023

## Private Household Employees Ordinance (PHEO)

### Procedure for the issuance of legitimization cards of the Federal Department of Foreign Affairs (FDFA) in favour of private household employees

In accordance with the PHEO<sup>1</sup>, the FDFA adopts the enactment provisions necessary for the implementation of this Ordinance (cf. Article 62, letter a). The employer's institutional beneficiary<sup>2</sup> must request the issuance of legitimization cards in favour of the private household employees of its staff members to the FDFA Protocol (hereafter "the Protocol") or to the Permanent Mission of Switzerland to the UN and other IOs (hereafter "the Swiss Mission") (cf. Articles 24, 25 and 26 PHEO).

Upon their arrival in Switzerland and every year thereafter, private household employees are received at the Protocol or the Swiss Mission for an **individual interview** without the employer being present (cf. Article 26, paragraph 2, PHEO). On this occasion, they receive their legitimization card or the renewal of it, and their working conditions are discussed. The Protocol or the Swiss Mission thus ensures that private household employees fully understand their working conditions and that these are respected by the employer. If necessary, the Protocol or the Swiss Mission contacts the employer in writing to request clarifications and/or to ask the working conditions to be adapted to the applicable rules; the employer's institutional beneficiary is informed of any such request.

Starting on 1<sup>st</sup> March 2023, the **following procedure** is applied by the Protocol and the Swiss for the initial issuance of legitimization cards to private household employees, their yearly renewal and their cancellation at the end of their functions.

1. *Initial issuance of the legitimization card (upon arrival in Switzerland, respectively upon hiring, including on site in Switzerland)*

As soon as the private household employee takes up duties, the institutional beneficiary must request the issuance of a legitimization card in their favour. The Protocol or the Swiss Mission first issues an **initial** legitimization card in the name of the private household employee for a **limited period of three months**.

The employer must, **without delay and as soon as the private household employee takes up employment**, take steps to affiliate them to the compulsory social insurances (cf. Chapter 8 PHEO). If the private household employee is registered to social security and/or health insurance abroad, they must obtain, with the help of the employer, a decision of exemption from the competent Swiss authority (cf. Chapter 8 PHEO).

The institutional beneficiary must then, **before the end of the three-months period**, request the renewal of the private household employee's legitimization card by providing, on the employer's behalf, proof of the private household employee's affiliation to the relevant insurance and, where relevant, the exemption decisions. Proof of the opening of a bank/postal account in Switzerland in the private household employee name must also be presented.

The Protocol or the Swiss Mission, after verifying that the file submitted complies with the provisions of the PHEO, will then renew the private household employee's legitimization card **for one year**.

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<sup>1</sup> PHEO: <https://www.fedlex.admin.ch/eli/cc/2011/356/en>

<sup>2</sup> "Institutional beneficiary" means an embassy, consular post, permanent mission or international organisation

## 2. *Renewal of the legitimization cards (every year)*

**Before the private household employee's legitimization card expires**, the institutional beneficiary must request its renewal to the Protocol or the Swiss Mission by providing, on the employer's behalf, the following documents:

- Proof that the employer paid the salary monthly via bank/postal transfer to the bank/postal account opened in Switzerland in the name of the private household employee (bank/postal account statements) (cf. Article 43, paragraph 2, PHEO).
- Copy of the monthly pay slips prepared by the employer and signed by both parties (cf. Article 43, paragraph 3, PHEO) (see the pay slip standard form<sup>3</sup>).
- Copy of the weekly record of hours worked by the private household employee and signed by both parties (cf. Article 48, paragraph 1, PHEO) (see the timesheet standard form<sup>3</sup>).
- Proof that the employer paid the insurance contributions and premiums (cf. Chapter 8 PHEO) (bank/postal account statements) with a copy of the corresponding invoices (N.B. postal receipts are not accepted as they do not guarantee that it was the employer who made the payments). If the private household employee, who is exempted from Swiss insurance, must personally pay the insurance contributions and premiums under foreign law, the employer must necessarily add the corresponding amount to the monthly salary in cash and record it on the pay slip.
- Written undertaking by the employer that during the past year they fully complied with both the provisions of the employment contract entered into with the private household employee and the declaration they signed at the time of the hiring (see the corresponding form<sup>3</sup>).

The Protocol or Swiss Mission reserves the right, where necessary, to request from the private household employee a bank/postal account statement for the period concerned.

At the annual interview held at the Protocol or the Swiss Mission, the private household employee must confirm in writing that, during the past year, they fully complied with both the employment contract entered into with the employer and the declaration they signed at the time of the hiring (see the corresponding form<sup>3</sup>).

## 3. *Cancellation of the legitimization cards (at the end of the functions)*

Fixed-term contracts end on the date set out in the employment contract. An open-ended contract ends when one of the parties terminates it in writing while respecting the notice period set out in the employment contract.

The institutional beneficiary must notify, **without delay**, the Protocol or the Swiss Mission of the **exact date of termination** of the private household employee's employment (cf. Article 27 PHEO) and provide, on the employer's behalf, all the following documents the period between the date of issue of the private household employee's last legitimization card and the end of employment):

- Proof that the employer paid the salary monthly via bank/postal transfer to the bank/postal account opened in Switzerland in the name of the private household employee (bank/postal account statements) (cf. Article 43, paragraph 2, PHEO).
- Copy of the monthly pay slips prepared by the employer and signed by both parties (cf. Article 43, paragraph 3, PHEO) (see the pay slip standard form<sup>4</sup>).
- Copy of the weekly record of hours worked by the private household employee and signed by both parties (cf. Article 48, paragraph 1, PHEO) (see the timesheet standard form<sup>3</sup>).
- Proof that the employer paid the insurance contributions and premiums (cf. Chapter 8 PHEO) (bank/postal account statements) with a copy of the corresponding invoices (N.B. postal receipts are not accepted as they do not guarantee that it was the employer who made the payments). If the private household employee, who is exempted from Swiss insurance, must personally pay the insurance contributions and premiums under foreign law, the employer must necessarily add the corresponding amount to the monthly salary in cash and record it on the pay slip.

The Protocol or Swiss Mission reserves the right, where necessary, to request from the private household employee a bank/postal account statement for the period concerned.

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<sup>3</sup> Available on the Swiss Mission's website: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/private-household-employees-ordinance.html>

<sup>4</sup> Available on the Swiss Mission's website: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/private-household-employees-ordinance.html>

If possible, the employer, through the institutional beneficiary, must clarify the intentions of the private household employee at the end of employment (search for a new employer or return to the country of origin). The institutional beneficiary must, where necessary, expressly request a two-month courtesy period from the employment termination date (cf. Article 13, paragraph 2, PHEO). In this case, the Protocol or the Swiss Mission will issue a new legitimization card for the private household employee to cover the courtesy period.

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### **Specialised contact**

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