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New law on unemployment insurance in force

Keystone Press



The period during which unemployed persons can draw benefits has been reduced, and the minimum contribution period has been extended.

The new law on unemployment insurance has been in force since 1 July 2003. The law was revised primarily to assure long-term funding of the Swiss unemployment insurance scheme.

One of the main amendments involves a reduction of the coverage period for paying out a daily allowance from 520 to 400 days. An exception is made for individuals older than 55 as well as persons drawing invalidity or accident benefits who have been paying contributions for more than 18 months. The coverage period can be increased in cantons with a higher unemployment rate. At the same time as benefit payments have been reduced in principle, the minimum contribution period has been increased from six to twelve months.

Low-wage benefits

On the other hand, the maximum daily allowance has been in-

creased from CHF 130 to CHF 140. Persons earning less than CHF 140 per day are now entitled to 80 percent income compensation. Insured persons whose unemployment allowance works out at more than CHF 140 per day are entitled to a daily allowance equivalent to 70 percent of their insured salary if they have no child maintenance obligations and draw no invalidity benefits.

- At least one third of accident insurance premiums are now taken over by the unemployment insurance.

If the insurance incurs a high level of debt (CHF 5 billion or more), the solidarity contribution of one percent of incomes between CHF 106,800 and CHF 267,000 will automatically be introduced.

- A reduction in insurance contributions from three to two and a half percent has already been in force since 1 January 2003 on annual salaries up to CHF 106,800. From 1 January 2004, a contribu-

tion of two percent (formerly two and a half percent) will be imposed.

The allowance period for loss-of-earnings compensation due to illness, accident or pregnancy is increased from 34 to 44 days.

On confinement, women are entitled to an additional 40 days of benefits on top of the 44-day sick pay and pregnancy allowance. Severance pay will be taken into account with a view to deferring payment of unemployment benefits (applies to salaries above the maximum of CHF 106,800).

Obligation to register

The unemployment insurance scheme is based on the principle of place of residence. On your return to Switzerland you must register as soon as possible with your future municipality of residence in order to draw Swiss unemployment benefits if you have no job. You are entitled to unemployment benefits only when you have established residence in Switzerland and have req-

istered as unemployed with your municipality of residence. Be sure to claim within a year of returning, otherwise your entitlement is invalid.

If you have worked in an EU or EFTA member country before returning to Switzerland and have become unemployed in that country, unemployment benefits are paid by the last country of employment. The amount and duration of benefits depend on the relevant national regulations. Benefits can be exported to Switzerland for up to three months, to support you while you search for a job here.

If you are returning from a non-EU or non-EFTA country and fulfil the criteria for entitlement (see page 15 "Exemption from contributions"), you can claim unemployment benefits for 260 days. The allowance is equivalent to 80 percent of the lump-sum rate of CHF 153, 127, 102 or 40 per day depending on age and qualifications.

Cross-border commuters who live in a neighbouring country but work in Switzerland, will be paid unemployment benefits in the country of residence according to the applicable regulations in that country.

If you are sent on assignment abroad by a Swiss company, you are subject to the unemployment insurance scheme. If during this time you have your place of residence abroad and lose your job, you must return to Switzerland to register for job placement. If you wish to return to a country in the European Economic Area, you may have Swiss unemployment benefits exported there for a period of months.

Service for the Swiss Abroad/FDFA

Gabriela Brodbeck 

INTERNET

Terminology

Daily allowances

These are the financial benefits provided under the unemployment insurance scheme. Five daily allowances are paid per week (Monday to Friday). Since the number of working days per month can vary, monthly unemployment benefit payments can also fluctuate (depending on the month, between 20 and 23, on average 21.7 days). The amount depends on the average salary subject to old age and survivors'insurance (AHV) contributions which you have been earning over the past six months (or twelve months if more favourable for the insured person) before becoming unemployed (maximum: highest insurable annual salary of CHF 106,800).

Contribution period

You must have been working as an employee for twelve months within the past two years before your first application for unemployment benefits.

The following also count as contribution periods:

- Periods during which unemployment insurance premiums have been paid in an EU or EFTA country; these are taken into account if, after returning to Switzerland, you were employed in Switzerland and were paying unemployment insurance premiums prior to becoming unemployed (special rule for Germany*);
- Swiss military, civil defence and protection service of at least three weeks' duration;
- Breaks in employment due to pregnancy, maternity, illness or accident during a single employment relationship;

If your contribution obligation is fulfilled, you are entitled to a maximum 400 days of benefits.

Waiting period

Entitlement to unemployment benefits begins in principle after a waiting period of five days from the date of registering with the Employment Office (job centre). It applies to individuals whose insured salary from full-time employment exceeds CHF 3000 per month.

Coverage period

For drawing benefits: From the point at which you fulfil the legal criteria for entitlement i.e. the date on which you have registered with the Employment Office, you receive benefits for a maximum of 400 days within a two-year period.

For the contribution period: You must have paid at least twelve months of unemployment insurance contributions during a period of two years prior to registering for unemployment benefits. If you have been involved in child rearing, this period may be extended by two years under certain conditions.

Exemption from contributions:

If you are a Swiss returning to Switzerland after a stay in a non-EU or non-EFTA country and are unable to find a job, you are exempt from the contribution period limit provided you have been working as an employee for at least twelve months during the past two years. In this case you are entitled to unemployment benefits for a maximum of 260 days.

*In the case of Swiss nationals returning from Germany, their contribution period in Germany is taken into account. Unemployment benefits drawn in Germany are taken into account when determining the coverage period in Switzerland. The insured salary is calculated based on the salary earned in Germany.

New Swiss passport rules

Registration of alliance names again permitted

In response to a flood of reactions from the Swiss public, the Federal Council decided to re-introduce the option of registering the alliance name on Swiss passports.

The new regulation, which came into force on 1 August 2003, is not retroactive. Persons who already hold a new passport or new ID card and wish to use their alliance name for such documents can apply for a new document at a reduced price.

Regulations governing travel to the USA*

Since 1 October 2003, only persons holding a new machine-readable Swiss passport have been able to take advantage of the Visa Waiver Program, which allows Swiss citizens to travel to the USA on business or vacation for up to 90 days as well as transit without a visa. Your passport is machine-readable if the lower margin of the page with your personal details contains two lines in special lettering. Since 1 October 2003 you need a visa to travel to the USA if you still have the old Swiss passport (passport 85) which is valid until 31 December 2007 at the latest.

Note that there is currently a waiting period of several weeks for the new Swiss passports and visa applications. So start preparing for your trip in good time!

Binding information is issued exclusively by the US authorities (US Department of State website: www.state.gov). For travel abroad in general i.e. not just to the USA, it is advisable to obtain information on visa and travel require-

ments in good time from the diplomatic or consular representation of the destination country.

BDK

*Shortly before this publication went to press, the US State Department announced a delay on the deadline for introduction of the new machine-readable passport rule until 26 October 2004.

Federal people's initiatives open for signature

The following new people's initiatives have been launched and are open for signature:

"For a social, unified health insurance plan"

(until 10 December 2004)
Mouvement Populaire des Familles, PO Box 155, 1211 Geneva 17

"For the prosecution of war criminals"

(until 29 January 2005)
Comité pour la poursuite des criminels de guerre, Marc-Nicolas Morgan, Chemin de la Chiésaz 7, 1024 Ecublens

Signature forms for pending initiatives can be downloaded from
<http://www.admin.ch/ch/d/pore/vi/vis10.html>