

Employment News No.

76

The job registration requirement is further extended to other types of professions in 2025.

From 1 January 2025, the number of professions subject to the job registration requirement increases again compared to previous years. As of 2025, 6.5 per cent of the labour force will be employed in occupations subject to the job registration requirement. New additions include managers in sales and marketing (45,180 employed persons) and service assistants in restaurants (33,497 employed persons).



By Irène Suter-Sieber
Dr. iur., Attorney at Law,
Certified Specialist SBA Employment
Law
 Partner
 Phone +41 58 658 56 60
 irene.suter@walderwyss.com



and Samantha Thomann Brand
MLaw
 Senior Immigration Manager
 Phone +41 58 658 52 29
 samantha.thomann@walderwyss.com

Since July 2018, employers have been obliged under the newly introduced Art. 21a of the Foreign Nationals and Integration Act ("FNIA") to notify the regional employment centers ("RAV") of vacancies in those professions for which a certain percentage of unemployment is exceeded throughout Switzerland. Since 2020, the relevant threshold for the obligation to report vacancies has been an average unemployment rate of 5%. While the threshold for 2025 remains at 5%, the Federal Department of Economic Affairs, Education and Research ("EAER") expanded the list of reportable professions to include additional professions due to higher unemployment.

Principle

To implement the so-called mass immigration initiative, which was approved by the Swiss electorate in February 2014, the legislator introduced a job registration requirement for professions with particularly high unemployment rates in Art. 21a of the FNIA. The aim is to prioritize domestic jobseekers – including EU-27/EFTA nationals residing in Switzerland – who are registered with the RAV and are looking for a job in a profession with a high unemployment rate. The core of the system is the information advantage granted to these jobseekers by the job registration requirement.

Changes as of 1 January 2025

The following chart shows that in 2024, the unemployment rate in Switzerland increased in each month compared to 2023:

| | 2023 | 2024 |
|-----------|------|------|
| January | 2.2% | 2.5% |
| February | 2.1% | 2.4% |
| March | 2.0% | 2.4% |
| April | 2.0% | 2.3% |
| May | 1.9% | 2.3% |
| June | 1.8% | 2.3% |
| July | 1.9% | 2.3% |
| August | 2.0% | 2.4% |
| September | 2.0% | 2.5% |
| October | 2.0% | 2.5% |
| November | 2.1% | 2.6% |

Source: State Secretariat for Economic Affairs (SECO) – Labor market statistics, www.amstat.ch

The obligation to report vacancies will continue in 2025 for all occupations which were already subject to this obligation in 2024. Starting in January 2025, vacant positions must additionally be reported for the following professions:

- Managers in sales and marketing
- Service assistants in restaurants

The complete list valid from 1 January 2025 is available via the following link: <https://www.arbeit.swiss/secoalv/en/home/menue/unternehmen/stellenmeldepflicht/stellenmeldepflicht-ab-2025.html>.

Procedure for reportable vacancies

If the unemployment rate in a professional group reaches or exceeds the 5% threshold and if that professional group also appears on the list of notifiable occupations published by the EAER, the employer is obliged to report any vacant or newly created position in that group to the relevant RAV before it can be advertised elsewhere.

The report can be made online (<https://www.job-room.ch/job-publication>), by telephone or in person and must include the following information:

- a detailed description of the sought-after profile;
- details concerning the offered position;
- the type of employment relationship (temporary/permanent);
- the level of employment;
- the start date and place of work; and
- the name and address of the employer.

The employer may only publish and attempt to fill the vacancy by other means after five working days have elapsed. However, the five-day waiting period does not begin until the working day following receipt of the confirmation from the RAV, i.e. the five-day publication ban only begins on the day after receipt of this confirmation from the RAV (and not from the day on which the notification is made).

Within three working days of the notification of the vacancy, the RAV will send the employer any suitable application files. If no relevant application files are available, the RAV will inform the employer within the same period. Application files are considered "suitable" according to the Labor Placement Act practice (available at: <https://www.arbeit.swiss/secoalv/en/home/menue/unternehmen/stellenmeldepflicht.html>) if a jobseeker corresponds to the notified job profile on the basis of the profession he/she has learned or practised, his/her professional experience, the workload he/she is looking for, his/her place of work, etc.

The employer is obliged to invite the candidates it considers suitable to an interview or a suitability assessment. It must then inform the RAV which proposed candidates seemed suitable for the vacant position and were therefore invited to an interview, whether one of these candidates was hired or whether the position remains open.

The employer is not obliged to inform the RAV of the reasons for not employing an interviewed candidate. However, according to Art. 56 of the Unemployment Insurance Act, employers are obliged to provide information if the competent unemployment insurance agency suspects that an insured person has refused a suitable job or has obstructed employment, which may result in the imposition of suspension days ("Einstelltage") for the person concerned.

Exceptions to the job registration requirement

In the following scenarios, the employer is not required to report a vacancy, even if the threshold for the type of profession has been reached:

- the vacant position is filled directly by an applicant who is already registered with the RAV;
- the position is filled by an employee who has already been employed by the same company or group of companies for an uninterrupted period of six months; this also applies to apprentices who are hired after completing their apprenticeship;
- the vacant position concerns a short-term assignment of a maximum of 14 days;
- a candidate is hired who is married to, in a registered partnership with, or related by blood or marriage in

the direct line or to the first degree in the collateral line to a representative of the company authorised to sign; or

- the vacant position is an apprenticeship.

Sanctions in the event of a breach of the reporting obligation

A very efficient way of ensuring that the employers concerned comply with the obligation to register vacancies and prioritise domestic workers exists: if a foreign candidate who is not registered with the RAV is selected for the vacancy, the employer must enclose proof of prior job registration with the RAV in the application for a work permit for the person concerned. If the employer has not registered the vacancy as required, the work permit will not be issued.

In addition, non-compliance with the reporting obligation constitutes a criminal offense and can be punished with a fine of up to CHF 40,000 (in the case of intent) or up to CHF 20,000 (in the case of negligence) (Art. 117a FNIA). It is not only the employer as a legal entity that is liable to prosecution, but also, in accordance with Art. 29 of the Swiss Penal Code, an executive body, a shareholder or another person with the relevant decision-making authority. According to Swiss criminal statistics, there were more than 500 convictions in 2023 for violating the job registration obligation or related responsibilities.

Conclusion and recommendation

The effort required to report a vacancy is rather low and the employer has a wide margin of discretion in assessing whether a proposed candidate is suitable for the position. Given the potentially significant consequences of failure to report a vacancy, we recommend that all

employers (i) annually check which positions are subject to the reporting requirement in the event of a vacancy, (ii) keep the current list of professions subject to the reporting requirement readily available and (iii) properly initiate the notification even if a particular candidate is already being considered for the position. The Check-Up tool (<https://www.arbeit.swiss/secoalv/en/home/menue/unternehmen/stellenmeldepflicht/tool6.html>) can be used to determine whether a profession is subject to the reporting requirement.

Employment News reports on current issues and recent developments in Swiss labor law. These comments are not intended to provide legal advice. Before taking action or relying on the comments and the information given, addressees of this Newsletter should seek specific advice on the matters which concern them.

© Walder Wyss Ltd., Zurich, 2025

Contact persons



Simone Wetzstein
Partner, Zurich
Phone +41 58 658 56 54
simone.wetzstein@walderwys.com



Irène Suter-Sieber
Partner, Zurich
Phone +41 58 658 56 60
irene.suter@walderwys.com



Philippe Nordmann
Partner, Basel
Phone +41 58 658 14 50
philippe.nordmann@walderwys.com



Rayan Houdrouge
Partner, Geneva
Phone +41 58 658 30 90
rayan.houdrouge@walderwys.com



Stefano Fornara
Partner, Lugano
Phone +41 58 658 44 23
stefano.fornara@walderwys.com



Olivier Sigg
Partner, Geneva
Phone +41 58 658 30 20
olivier.sigg@walderwys.com



Fabian Looser
Counsel, Basel
Phone +41 58 658 14 61
fabian.looser@walderwys.com



Laura Luongo
Counsel, Basel
Phone +41 58 658 30 21
laura.luongo@walderwys.com



Joy Malka
Counsel, Zurich
Phone +41 58 658 57 94
joy.malka@walderwys.com



Alex Domeniconi
Managing Associate, Lugano
Phone +41 58 658 44 06
alex.domeniconi@walderwys.com



Joffrey Dobosz
Managing Associate, Lausanne
Phone +41 58 658 83 82
joffrey.dobosz@walderwys.com



Jonas Knechtli
Managing Associate, Basel
Phone +41 58 658 14 82
jonas.knechtli@walderwys.com



Yannik A. Moser
Managing Associate, Basel
Phone +41 58 658 14 85
yannik.moser@walderwys.com



Sandrine Kreiner
Managing Associate, Geneva
Phone +41 58 658 30 89
sandrine.kreiner@walderwys.com



Bertrand Donzé
Senior Associate, Geneva
Phone +41 58 658 30 92
bertrand.donze@walderwys.com



Flora V. Francioli
Senior Associate, Lausanne
Phone +41 58 658 83 79
flora.francioli@walderwys.com

Contact persons



Pamela Giampietro
Senior Associate, Zurich
Phone +41 58 658 83 59
pamela.giampietro@walderwyss.com



Tabea Gutmann
Senior Associate, Zurich
Phone +41 58 658 57 90
tabea.gutmann@walderwyss.com



Kathryn Kruglak
Senior Associate, Geneva
Phone +41 58 658 30 91
kathryn.kruglak@walderwyss.com



Bojan Momic
Senior Associate, Basel
Phone +41 58 658 14 47
bojan.momic@walderwyss.com



Patricia Pinto
Senior Associate, Geneva
Phone +41 58 658 30 86
patricia.pinto@walderwyss.com



Céline Squaratti
Senior Associate, Geneva
Phone +41 58 658 30 23
celine.squaratti@walderwyss.com



Maël Azokly
Associate, Geneva
Phone +41 58 658 30 99
mael.azokly@walderwyss.com



Christoph Burckhardt
Associate, Basel
Phone +41 58 658 14 34
christoph.burckhardt@walderwyss.com



Marius Denoth
Associate, Zurich
Phone +41 58 658 51 74
marius.denoth@walderwyss.com



Valentina Eichin
Associate, Zurich
Phone +41 58 658 52 76
valentina.eichin@walderwyss.com



Daniel Ferreira Colaço
Associate, Geneva
Phone +41 58 658 31 26
daniel.ferreira@walderwyss.com



Lea Germann
Associate, Zurich
Phone +41 58 658 56 28
lea.germann@walderwyss.com



Dario Glauser
Associate, Zurich
Phone +41 58 658 14 17
dario.glauser@walderwyss.com



Gustaf Heintz
Associate, Zurich
Phone +41 58 658 57 30
gustaf.heintz@walderwyss.com



Melanija Jovanovic
Associate, Zurich
Phone +41 58 658 52 82
melanija.jovanovic@walderwyss.com



Tiffany Kärtle
Associate, Zurich
Phone +41 58 658 53 65
tiffany.kaerle@walderwyss.com

Contact persons



Angelina Pellegrini
Associate, Zurich
Phone +41 58 658 58 68
angelina.pellegrini@walderwyss.com



Katja Rauber
Associate, Zurich
Phone +41 58 658 53 67
katja.rauber@walderwyss.com



Michelle Sollberger
Associate, Bern
Phone +41 58 658 29 23
michelle.sollberger@walderwyss.com



Quentin Thorens
Associate, Geneva
Phone +41 58 658 30 16
quentin.thorens@walderwyss.com



Frederik Weber
Associate, Basel
Phone +41 58 658 14 26
frederik.weber@walderwyss.com



Samantha Thomann Brand
Senior Immigration Manager, Zurich
Phone +41 58 658 52 29
samantha.thomann@walderwyss.com