

Employment contract

This document is a model employment contract for the employment of domestic workers between the ages of 18 (or workers who turn 18 in the calendar year in question) and the normal statutory retirement age (64 for women, 65 for men).

This employment contract is designed for **monthly wages**. In the case of monthly wages, the employee is paid the same wage every month regardless of how many working days the specific calendar month contains.

This employment contract is not suitable as a template for other forms of employment.

Employer / Household

First and last name:

Street, no.:

Postcode, city:

Employee / domestic help

First and last name:

Street, no.:

Postcode, city:

Activities

Describe the activity you want your domestic help to do:

Beginning and end of the employment relationship

The employment relationship begins on the date below and is concluded for an indefinite period of time; it is thus an employment relationship for an indefinite period of time that ends by termination.

The parties may also agree on a fixed term of the employment relationship if they wish, in which case enter the end date below. A fixed-term employment relationship ends by expiry of time on this date. Otherwise, the employment contract may be terminated by mutual agreement at any time.

The employment relationship begins on:

The employment relationship is: temporary indefinite

The employment relationship ends on:

Fill in only if the employment is temporary.

Working hours

If employed on a monthly salary, a regular workload is usually agreed (e.g. 4 hours per week).

Working hours per week:

Working hours

On which days of the week and at what times (start and end) do the work assignments take place?

Probationary period

A maximum probationary period of 3 months may be agreed. If the parties do not agree on a probationary period, a probationary period of one month shall apply, unless the standard employment contract provides for a different probationary period. The parties may exclude the application of a probationary period in writing in the employment contract.

Is a probationary period agreed? yes no

Duration of the probationary period in months:

Fill on only if a probationary period has been agreed.

Holiday entitlement of the employee

The statutory minimum holiday entitlement provided for in the Code of Obligations (CO) is **5 weeks** per year of service for employees up to the age of 20, and **4 weeks** for all other employees. This entitlement is mandatory.

It is possible to agree on a longer, but not a shorter holiday period. Some cantonal standard employment contracts (NAV) for domestic workers stipulate a more extensive holiday entitlement. This applies to the employers and employees subject to it, unless they agree otherwise in the employment contract.

During holidays, the employee's salary shall continue to be paid as if the employee had worked. Unless the parties agree on a holiday supplement, which is only possible if an irregular workload is agreed.

Number of holiday weeks per year:

Holiday absences of the employer

No work assignments should take place during the employer's absence

During holiday absences of the employer, no work assignments shall take place upon notification by the employer. In such cases, wages shall only be paid if the employee himself takes holidays during these periods. The employer shall notify the employee of his absences as early as possible.

Maximum number of weeks of absence per year:

Gross wage

Monthly gross wage:

If the Federal Council ordinance on the standard employment contract for domestic workers applies, the minimum wages prescribed in this standard employment contract must be observed. These range from CHF 19.20 (unskilled domestic workers with less than 4 years' work experience) to CHF 23.20 per hour (domestic workers with 3 years' basic vocational training and a Federal Certificate of Proficiency).

Don't feel like the paperwork?

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Deductions

The deductions concern the employee contributions to the respective social insurances and, if applicable, for withholding tax. The percentages refer to the gross salary. The parties may agree that the employer also pays the employee contributions for AHV/IV/EO and ALV, the premium for non-occupational accident insurance (NBU) and the withholding tax.

Social security (AHV/IV/EO) 5.3%:

Unemployment insurance (ALV) 1.1%:

Daily sickness benefits insurance (KTV):

Fill in only if daily sickness benefits insurance is taken out for the employee.

Non-occupational accident insurance (NBU):

Fill in only if the employee is employed for at least 8 hours per week.

Withholding tax 5%:

Fill in only if the employee's income is settled in the simplified settlement procedure. If a person liable to withholding tax is employed whose salary is not settled in the simplified settlement procedure, the percentage applicable in the respective canton for withholding tax must be deducted instead of the percentage of 5%. The amount of withholding tax must be paid to the tax office.

Contribution to the Family Compensation Fund (FAK) 0.3%:

Fill in only if the salary is to be settled with a compensation fund of the Canton of Valais. As a rule, contributions to the family compensation fund must be paid exclusively by the employer. The canton of Valais provides for an additional contribution by the employee.

Net wage

Monthly net wage:

Alignment of the salary:

The basic rule provided for in the CO is: „The salary shall be paid at the end of each month“.

However, the parties may also agree on shorter periods (e.g. payment of wages after completion of work) or other dates (payment of wages in the middle of the month).

It is not possible – apart from exceptions not relevant here – to agree on payment deadlines of more than one month (payment of wages within two months after performance of the work).

The employer is obliged to provide the employee with a written statement of the payment of wages.

Information on the preparation of the wage statement as well as a corresponding Excel template can be found under the following link:

https://www.seco.admin.ch/seco/de/home/Arbeit/Personenfreizugigkeit_Arbeitsbeziehungen/schwarzarbeit/Arbeit_korrekt_melden/Private_Arbeitgebende/Lohnbudget_Lohnabrechnung/Berechnungsvorlagen_Rechenbeispiel.html

Wages if the domestic help is prevented from performing work

The continued payment of wages in the event that the employee is prevented from working through no fault of his or her own, such as illness, accident, fulfilment of legal obligations, exercise of a public office or pregnancy, is generally governed by the standard employment contract (NAV) for domestic workers of your canton.

Article

Canton

The (mandatory) provisions of the CO on the employee's entitlement to continued payment of wages in the event of being prevented from working through no fault of his or her own do not specifically define the entitlement to continued payment of wages for each year of service. However, the duration is specified in the cantonal NAV for domestic workers. Clarity can therefore be created by a reference to the cantonal NAV for domestic workers. Such a reference is also possible if the NAV would in principle not be applicable to a specific employment relationship due to its scope of application.

Obligation to take out daily sickness benefits insurance

The obligation to take out daily sickness benefit insurance is excluded under the standard employment contract (NAV) for domestic workers in your canton.

Article

Canton

Certain standard employment contracts provide for an obligation to take out daily sickness benefit insurance. Such an obligation can hereby be excluded in writing.

Insofar as the employee is compulsorily insured by law against the economic consequences of being prevented from working through no fault of his or her own, e.g. in the event of an accident, military service or maternity, the provisions of Art. 324b CO apply.

Art. 324b CO provides that the employer does not have to pay the employee's salary in such insurance cases if the insurance benefits due for the limited period cover at least 80% of the salary due thereon. This provision applies, for example, to compulsory accident insurance under the UVG, military insurance, income compensation for service personnel and maternity under the Income Compensation Ordinance. If the insurance benefits are lower, the employer must pay the difference between these and 80% of the salary as well as 80% of the salary during any waiting period.

The contracting parties may also agree in the employment contract that the employer shall make up the difference between the insurance benefits and the full amount of the salary during the period in which he would generally be obliged to continue to pay the salary himself.

Termination of an employment relationship of indefinite duration

During the probationary period, the employment relationship may be terminated by either party at any time with 7 calendar days' notice.

After the end of the probationary period, the employment relationship may be terminated at the end of each month with the following notice periods: 1st year of service: 1 month; 2nd to 9th year of service: 2 months; from the 10th year of service: 3 months.

These notice periods correspond to the basic regulation according to the Code of Obligations. Within the framework of Art. 335a-335c CO, the parties have the possibility to agree on other notice periods in writing. If they waive a regulation on the notice periods, the notice periods provided for in this NAV shall apply if a standard employment contract for domestic workers is applicable.

General terms

In all other respects, the statutory provisions of the NAV Hauswirtschaft of the Confederation and the cantonal NAV for domestic workers shall apply. Amendments and supplements are only valid in writing.

In principle, a standard employment contract is only applicable if an employment relationship falls within its scope of application. The scope of application is usually defined in Art. 1 of the NAV. Parties that are not subject to an NAV have the option of declaring the NAV applicable by contractual agreement. The parties subject to the NAV may exclude individual provisions of the NAV or the applicability of the NAV as such in writing, unless mandatory provisions are at issue. The minimum wage provisions of the Confederation's NAV Home Economics are mandatory.

Employer's signature

Employee's signature

Place, date

Place, date

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