



Information sheet on the return of the deposit

Collective Employment Agreement for the metal-construction industry in the canton of Valais/Wallis

relevant for the period from 1. July 2023 until 31. May 2024

This information sheet is for your information and is not legally binding. Solely the statutory provisions and the provisions of the collective agreement that have been declared generally binding are relevant in individual cases.

1. Where and when can the deposit be reclaimed?

An application for the reimbursement of the deposit must always be filed in writing with the ZKVS. Employers can file an application in the following cases:

- a) the employer domiciled in the scope of validity of the aforementioned CEA if he has definitively suspended his operations in the metal industry (legally and de facto);
- b) the seconding company acting in the area of validity of the CEA at the earliest 3 months after the completion of the service contract.

Requests for reimbursement that are received before the time when the business activity is suspended or before the expiry of 3 months after the termination of the work in Switzerland are deemed not to have been made and cannot be handled. They must be filed again after this point in time.

2. Under what prerequisites can the deposit be reclaimed?

The deposit will be reimbursed pursuant to Art. 42 and appendix "Deposit" of the CEA if **in accumulated form** in addition to the requirements pursuant to Clause 2 the following prerequisites have been made beforehand:

- a) the claims under the collective employment agreement such as contractual penalties, control and procedural costs as well as further training and enforcement cost contributions have been duly paid;
- b) the Joint Professional Commission of the metal- construction industry in the canton of Valais (JPC) (hereinafter JPC) has not established any breach of the provisions of the collective agreement and all control procedures are completed.

3. Why is the deposit not reimbursed?

The deposit cannot be reimbursed:

- as long as a company has not ceased its activity in the area of validity of the collective employment agreement for the metal-construction industry in the canton of Valais (legal and de facto suspension of the entrepreneurial activity);
- as long as in the case of seconding companies 3 months have not yet passed since completion of the service contract;
- if the JPC has established a breach of the provisions of the CEA;
- if claims under the collective employment agreement such as contractual penalties, control and procedural costs as well as further training and enforcement cost contributions have not yet been paid;
- as long as all control procedures have not yet been concluded.



ZKVS
CSGC
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Zentrale Kautions-Verwaltungsstelle Schweiz
Centre suisse de gestion des cautions
Ufficio centrale svizzero per le cauzioni

4. Who is the point of contact if the deposit has not (yet) been reimbursed?

If the ZKVS tells you that the deposit cannot be reimbursed, we ask you to contact the Joint Professional Commission of the metal- construction industry in the canton of Valais (JPC) directly if you have any further questions; as the beneficiary from the deposit, the specific Commission has to decide on all material questions relating to deposits:

Commission professionnelle paritaire de la construction métallique du canton du Valais
Case Postale 141
Rue de la Dixence 20
1951 Sion

Tel.: +41 (0)27 327 51 11
Fax.: +41 (0)27 327 51 80
Email: caution@bureaudesmetiers.ch

5. What possibilities are there if the deposit is not reimbursed?

The competent joint commission will decide on all matters relating to the reimbursement and use of a deposit pursuant to the provisions of the CEA and based on the valid legal bases. Please therefore contact the JPC if you have any questions and consult the wording of the collective employment agreement for the metal-construction industry in the canton of Valais.

6. What happens if the deposit is used?

If your deposit has been used based on a detected breach of the CEA, you will be informed as the employer by the JPC within 10 days in writing about the point in time, the scope and the reason for the use.

It is possibly thus not clear at every point in time whether and when a deposit can be reimbursed or not. However, it will never be used without you having been informed about it or learning of it within a reasonable period of time.