



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

Information sheet on the return of the deposit

Collective Employment Agreement for the out-fitting industry of buildings in Western Switzerland

relevant for the period from 1. April 2023 until 31. December 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 out-fitting industry of buildings in Western Switzerland (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. 55 and appendix VI 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 out-fitting industry of buildings in Western Switzerland (JPC-OWS) (hereinafter JPC-OWS) and/or one of the Cantonal Joint Professional Commissions (hereinafter CJPC) 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 out-fitting industry of buildings in Western Switzerland (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-OWS and/or a CJPD 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.



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 specific Cantonal Joint Professional Commission 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:

Canton of Fribourg: Commission professionnelle paritaire du second-œuvre fribourgeoise Rue Frédéric-Chaillet 8 1700 Fribourg Tel: +41 (0) 26/347 31 34 Fax: +41 (0) 26 347 31 49 E-mail: encaissement@cpsor-fr.ch	Canton of Jura and Bernese Jura: Commission paritaire du second-œuvre jurassien Rue de Tramelan 11 2710 Tavannes Tel: +41 (0) 32/481 25 48 Fax: +41 (0) 32/481 43 81 E-mail: info@etudebk.ch
Canton of Geneva: Commission paritaire des métiers du bâtiment second-œuvre Genève Case postale 5278 Rue de St-Jean 98 1211 Genève 11 Tel: +41 (0) 58/715 32 09 Fax: +41 (0) 58/715 32 19 E-mail: info@cpso-ge.ch	Canton of Neuchâtel: Commission professionnelle neuchâteloise du second-œuvre romand Case postale 2051 Ave de la Gare 3 2001 Neuchâtel Tel: +41 (0) 32/729 22 24 Fax: +41 (0) 32/729 22 28 E-mail: commissions.paritaires.ne@unia.ch
Canton of Valais: Commission professionnelle paritaire du second-oeuvre valaisan Case postale 141 Rue de la Dixence 20 1951 Sion Tel: +41 (0) 27/327 51 11 Fax: +41(0) 27/327 51 80 E-mail: caution@bureaudesmetiers.ch	Canton of Vaud: Commissions professionnelles paritaires second-oeuvre vaudoise Case postale 62 Route Ignace Paderewski 2 1131 Tolochenaz Tel: +41 (0) 21/826 60 01 Fax: +41 (0) 21/826 60 09 E-mail: info@cppvd.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 one of the aforementioned Commissions if you have any questions and consult the wording of the collective employment agreement for the out-fitting industry of buildings in Western Switzerland.

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-OWS 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.