



## Information sheet on the provision of a deposit

### Collective Employment Agreement for the horticulture industry of the canton of Tessin

relevant for the period from 1 May 2019 until 30 June 2023

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

#### 1. Why does a deposit have to be provided?

The deposit serves as security to cover claims of the joint cantonal commission of the horticulture industry of the canton of Tessin (hereinafter CPC) under the collective employment agreement, in particular contractual penalties, control and procedural costs as well as further training and fulfillment contributions pursuant to Art. 51 of the collective employment agreement for the horticulture industry of the canton Tessin (hereinafter CEA) that has been declared as generally binding.

#### 2. What is the legal basis for the deposit obligation?

The basis for the deposit obligation is, based on the resolution by the State Council of the canton of Tessin (hereinafter RSC) dated 13 February 2019 regarding the declaration of universal application of the collective employment agreement for the horticulture industry of the canton of Tessin, Art. 51 CEA and Art. 2 Par. 2<sup>ter</sup> of the federal law on accompanying measures for seconded employees and on the control of minimum wages regulated in normal labour contracts (secondment act).

#### 3. Who is responsible for the handling of the deposit?

The Central Deposit Administration Authority Switzerland (ZKVS) with its registered office in Pratteln has been commissioned with the handling and administration of the deposits.

#### 4. Who is subject to the deposit obligation?

The deposit obligation applies from 1 May 2019 for all domestic and foreign employers who do in the geographical scope of validity of the CEA pursuant to Art. 3 RSC (i.e. in the whole territory of the canton of Tessin) gardening, grow plants, cut-flowers and ornamental plants, run tree-nurseries or do constructions or maintenances of gardens (for details s. Art. 4 RSC).

A deposit only has to be made once in Switzerland. Any pre-existing valid deposit can be offset against the deposit pursuant to this collective employment agreement. The proof of an existing deposit already made is the responsibility of the employer and must be done in writing.

#### 5. In what amount does the deposit have to be made?

The amount of the deposit depends on the total order value per calendar year. With a total order value of CHF 1'000.--, it is to be provided as follows:

Total order value (order sum)	Amount of deposit
below to CHF 1'000.--	no deposit obligation
from CHF 1'000.-- to CHF 15'000.--	CHF 10'000.--
greater than CHF 15'000.--	CHF 20'000.--

Without receipts for the specific order amount (copy of the order issued by the customer, countersigned offer, etc.), the highest deposit is always owed. The payment of a deposit can be waived or the payment of a deposit lower than the maximum deposit is possible **if the receipts for the corresponding order amount are received without a corresponding request by ZKVS before the payment of the deposit or before the receipt of the guarantee certificate** (cf. clause 6



**ZKVS**  
**CSGC**  
**UCSC**

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

below). Without receipts, a reminder will be issued for the maximum deposit which can then only be corrected on the basis of a formal agreement.

## 6. How is a deposit made?

The deposit can be increased by means of a guarantee certificate or in cash (payment into an account).

### a) Provision of a cash deposit in CHF or EUR

A cash deposit must be paid into the CHF or EUR postal cheque account of the **Commissione paritetica cantonale dei Giardinieri, Via Cantonale 19, 6918 Lamone**:

**Post office account in CHF:** 69-773657-0

**IBAN:** CH70 0900 0000 6977 3657 0

**SWIFT:** POFICHBEXXX

**Post office account in EUR:** 91-686699-0

**IBAN:** CH35 0900 0000 9168 6699 0

**SWIFT:** POFICHBEXXX

The deposit paid into the postal cheque account of the CPC will be placed in a blocked account and will incur interest pursuant to the interest rate for corresponding accounts. The interest remains on the account and will only be paid out after release of the deposit and after deduction of the administrative costs.

### b) Provision by means of a guarantee certificate

The deposit can also be made in the form of an irrevocable guarantee declaration from a bank or insurance company who is subject to the Swiss financial market supervisory authority (FINMA). So as to make the handling of the deposit obligation as customer-friendly as possible, after a decision by the ZKVS, guarantee declarations of other banks will also be approved in exceptional cases if the quality of the guarantee provision is comparable to that of Swiss banks. For the guarantee declaration by your bank or insurance company, please use the "**recommended guarantee model text**" (cf. appendix) or download the model text at [www.zkvs.org](http://www.zkvs.org).

The guarantee declaration must be subject to Swiss law and Lamone (domicile of the CPC) must be designated as the place of jurisdiction.

## 7. To whom is the original guarantee certificate to be sent?

The original guarantee certificate is to be delivered to the following address:

**Zentrale Kautions-Verwaltungsstelle Schweiz, ZKVS**  
**Hardstrasse 1**  
**CH-4133 Pratteln**

The receipt of the original guarantee certificate will be confirmed to you in writing.

## 8. By when does the deposit have to be made?

Pursuant to Art.1 cip. 1.1 Appendix 1 "Guarantee" of the CEA, the deposit has to be made **before the start of work**.

## 9. What happens when the deposit is not made (or not in a timely manner)?

The non-payment or the delayed payment of the deposit constitutes a breach of the collective employment agreement and will be punished with a contractual penalty. In addition, the non-observance of the deposit obligation can result in an administrative penalty and/or a service ban.



## 10. 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 CEA if he has definitively suspended his operations in the horticulture industry (legally and de facto);
- b) the seconding company acting in the area of validity of the CEA at the earliest six 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 6 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.

## 11. Under what prerequisites can the deposit be reclaimed?

The deposit will be reimbursed pursuant to Art. 4 cip. 4.3 Appendix 1 "Guarantee" of the CEA if **in accumulated form** in addition to the requirements pursuant to cip. 10 above 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 fulfillment contributions have been duly paid;
- b) The CPC has not established any breach of the provisions of the CEA and all control procedures are completed.