



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 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 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 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.

2. Under what prerequisites can the deposit be reclaimed?

The deposit will be reimbursed pursuant to Art. 4 cjp. 4.3 Appendix 1 "Guarantee" of the CEA if **in accumulated form** in addition to the requirements pursuant to Clause 1 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 enforcement cost contributions have been duly paid;
- b) the CPC (Joint Cantonal Commission) 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 CEA for the horticulture industry in the canton of Tessin (legal and de facto suspension of the entrepreneurial activity);
- as long as in the case of seconding companies three months have not yet passed since completion of the service contract;
- if the CPC 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.



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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 Cantonal Commission of the horticulture industry of the canton of Tessin directly if you have any further questions; as the beneficiary from the deposit, the Commission has to decide on all material questions relating to deposits:

Commissione paritetica cantonale dei Giardinieri (CPC)
Via Cantonale 19
6918 Lamone

Tel.: +41 (0)91 966 60 86
Fax.: +41 (0)91 966 60 85
Mail: info@cpcdiverse-ti.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 CPC if you have any questions and consult the wording of the CEA for the horticulture industry in the canton of Tessin.

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 CPC 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.

VJune22/RM