



Aids-Hilfe Schweiz
Aide Suisse contre le Sida
Aiuto Aids Svizzero

Legal Guide HIV

Everything you need
to know about HIV
and the Law

Impressum

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The most important information in short

1. Basic Information

In everyday life, we are, from time to time, confronted with legal questions and problems. If you take the correct steps from the start, the chances are that you will, eventually, obtain justice. It is not always possible or even the right decision to call in a lawyer.

This guide cannot possibly provide answers to all the many legal questions connected with HIV. It should, however, help you along in taking your first legal steps and enable you to weigh up whether or not it makes sense or would be necessary to involve legal professionals for in-depth clarifications and/or to take legal steps (e.g. lawsuits, complaints).

The following information is provided for you, chapter by chapter, with this guide: In an introduction (Basic Information), the most important and most frequent problems, which can occur within a specific legal area, are presented. A checklist should help you to remember the most important points. The various Example Appendixes will serve as a guide. The Further Information column refers to Literature, Internet Sites and specialist Legal Counselling Centres for each particular issue.

This guide is only then of any use, if the information that you really need is contained. Is something unclear or is there some important information, which is missing? We are always grateful for any inputs and suggestions at [recht@aids.ch](mailto:recht@ aids.ch).

Deadlines

One of the most important rules of play in legal disputes is: a strict **adherence to deadlines!** The best arguments in the world are useless if an entry is submitted too late, because the responsible authority, e.g. the court, will no longer read through the submission. This means that a missed deadline will result in you losing all your claims.

Deadlines can either be fixed by setting a date (e.g. „until the 24th of February“) or by setting days (e.g. „within 30 days“). The written submission (e.g. appeal, objection or complaint) must have been submitted to the Swiss post office by the last day of the deadline, at the latest. In order to be able to prove that you have complied with the deadline date, it is recommended that you send the letter by **recorded delivery**. It is also advisable not to wait until the last day, but to submit your letter at the post office a few days before the deadline date. This way, you avoid problems, even if you have miscalculated the deadline by a day.

A deadline, which is given in days, begins from the day upon which you receive the letter. The first day of the deadline is the day after you have received the letter. So, if you, for example, receive a ruling on the 1st of October with a time limit for appeal of 30 days, then the first day of the deadline is the 2nd of October and the last day of the deadline is the 31st of October. You must post your complaint on this day, at the very latest; otherwise the deadline will be missed.

In certain legal areas, there are still the so-called judicial holidays. These vary depending on the field of law and partly depending on the Canton. During the judicial holidays, a deadline lies dormant and carries on when the judicial holidays end. As a rule, the judicial holidays are specified in the decisions:

- from the seventh day before Easter until and including the seventh day after Easter;
- from the 15th of July until and including the 15th of August;
- from the 18th of December until and including the 2nd of January.

Once again: it is very important to adhere to the deadlines! If you miss a deadline, the courts or the authorities will no longer hear you, even if you do have a very good argument!

Costs

Legal disputes are, as a rule, expensive. High lawyer's costs and, partly, court costs can be incurred. As long as a legal dispute has not been taken to court and is still in the phase where both parties are trying to make their case known to each other, costs are normally not incurred. This also applies to administrative procedures. However, as soon as a legal action, an appeal or a complaint is submitted to a higher authority or a court; court costs can arise. Clarify early on with the relevant court, how high the costs can become.

If you have a legal protection insurance, or if you are a member of a union, these may take over a lawyer's costs. A lot of people are covered by legal protection insurance due to the supplementary insurance within their health insurance policy, without even being aware of it. If you are living in poor financial circumstances, it is possible, in some cases (preferably through a lawyer), to submit an application for cost-free case management and cost-free legal representation. If this is granted, lawyers and court costs are met by the state.

The principle here is: the higher the possible lawyer's fees and court costs, the more important the dispute subject matter must be, in order to make court proceedings and the involvement of a lawyer worthwhile. Otherwise, it can easily happen that a legal dispute over a couple of hundred francs can cause the lawyer's fees and court costs to reach an amount many times higher. In such cases, it is not worth going to court and a practical solution should be sought.



2. Checklist

- What deadlines are ongoing and when do these expire?
 - Do I have all the necessary documents?
 - How much would a court procedure cost?
 - What would a lawyer cost? Where can I find a good lawyer?
 - Can I apply for cost-free legal representation and cost-free case management?
 - Do I have a legal protection insurance or am I a member of a union?
 - Is there a legal protection insurance included in my health insurance policy?
 - What should I be aware of if I want to take out a legal protection insurance policy?
-



3. Examples

Application for free administration of justice

If you do not possess the necessary financial means and your legal request does not appear to be hopeless; you might possibly be eligible for cost-free legal protection insurance (court costs and lawyer's fees, covered by the state). Free administration of justice can be applied for in civil proceedings, criminal proceedings and in administrative proceedings. It does not however exempt someone from paying the damages of the winning opposite party. The application can, if necessary, be submitted by your lawyer.

Tips on legal protection insurance

Perhaps you are considering taking out a legal protection insurance policy, or you already have one and you want to submit a claim. This information guide offers you tips.



4. Further Information

Literature

- **It is your good right** (Das ist Ihr gutes Recht). Your everyday legal adviser, foundation for consumer protection (www.konsumentenschutz.ch)
- **Abu-Kompakt** – Basics: A practical reference book on various legal questions; easy to understand and explained in an illustrated way. Cornelsen Verlag (www.cornelsen.ch).
- **Social security guide** (Ratgeber Sozialversicherungen). An advisory guide from the Federal Office for Social Security. Targeted are small businesses, although the advice given is simply written and easy to understand for everyone. (www.bsv.admin.ch -> Informationen für KMU / Unternehmen -> Dokumente)

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation. Here you will find answers to the most important legal questions concerning HIV, as well as further legal information. [EN]
- www.beobachter.ch, www.ktipp.ch, www.saldo.ch: The homepages of the most important consumer magazines include a lot of information on legal questions
- www.sozialversicherungen.admin.ch: A very detailed list of the most important social security departments from the Federal Office for Social Security.

Legal advice

- **Legal aid at the Swiss Aids Federation**: Responsible for legal questions in connection with HIV and Aids (www.aids.ch). In the social security fields also legal representation.
- **Legal advice by the lawyer's collective**: From Monday to Friday, each afternoon, experienced lawyers give advice on all legal areas. An initial consultation costs CHF 70.--. The advice centre is in Zürich. (www.anwaltskollektiv.ch).
- **Advisory centres of the Swiss Bar Association**: The Swiss Bar Association runs cost-free advisory centres, in practically all Cantons (addresses under www.sav-fsa.ch, the link: Legal Advice)
- **Beobachter**: The magazine „Beobachter“ offers legal advice for their subscribers. (www.beobachter.ch)

Employment Law

1. Basic Information

Most people with HIV are at an age, where they are normally in some kind of employment. The ability to work is not affected as a rule and there are no professions which cannot be carried out as a result of an HIV-positive diagnosis. Nevertheless, certain questions can still arise.

The interview: What should an HIV-positive person say?

During the job interview, the employer is only allowed to ask questions, which are directly linked to the employment relationship, which say something about your ability to work and which are relevant to their selection. Questions, which are a breach of one's privacy rights are not permitted – for instance, questions relating to criminal records, pregnancy, religion or sexual orientation. This especially applies to an HIV infection.

Whether one is HIV-positive or not – does not, in principle, have to be made known. The question about one's HIV status can even be answered falsely (the so-called right to lie in self-defence).

When should an employer be informed of an HIV infection?

In Switzerland there are no professions, which are forbidden to people with HIV. The HIV infection does not, therefore, ever have to be admitted to, even in the health or gastronomy sectors.

If the HIV infection, e.g. the consequences thereof, should influence your ability to work, you should inform your employer that as a result of health restrictions, your ability to carry out the advertised position would be affected. You do not, however, have to specify the disease, which is responsible.

Medical suitability test

An employer can request a medical suitability test. The doctor (medical officer) is however only allowed to inform the employer as to whether or not you are able to enter into a working relationship purely on the basis of the test. An HIV test is not part of a medical suitability test.

Problems with work assignments abroad

Even if you are fully capable of working, certain trips abroad can, in rare cases, be problematic as far as carrying out your work goes, because certain countries make entering there complicated or even forbid any entry at all for people with HIV. It is therefore recommended to clarify the status of any future foreign working engagements beforehand. Exact information can be found under the chapter „[Travelling Abroad](#)“.

Absences from work

Your employer is obliged to guarantee you with short-notice work absences, e.g. doctor's visits. In the case of flexible working hours, routine doctor's visits should be carried out in your free time. If this is not possible, or if it is a matter of emergency, you do not have to catch up on the resulting lost working hours. For loss of working hours because of illnesses or accidents, see the chapter „[Daily Sickness Benefits Insurance](#)“.

Termination

In Switzerland, there is a freedom of dismissal. This means that an employer can give notice to his employee unproblematically as long as he or she adheres to the termination deadline. You do, however, have the right to request a written justification. (see [Example](#)).

- **Wrongful dismissal:** There are many reasons for a wrongful dismissal. A termination of employment, on the grounds of an individual personal characteristic for example, is considered wrongful. This includes nationality, religion, sexual orientation or even HIV.
- **Important:** even a wrongful dismissal remains valid; you can though demand compensation if you are able to prove that the dismissal was wrongful. As a rule, the courts rarely grant more than one or two month's wages, even though the law provides for up to six monthly wages as compensation (see [Example](#)).
- **Blocking periods:** If you become ill and can no longer work, you are protected, for a certain amount of time, from dismissal: in the first year of service for 30 days of illness, in the second year up until the fifth year for 180 days. A verbal dismissal during this so-called blocking period is void, therefore invalid. When the blocking period has expired, a dismissal, as a cause of the inability to work, is permitted.

Attention: The probationary period has no blocking periods!

Deadlines

In principle, you can make claims from an employment contract for up to 5 years. However, it is better not to wait that long. In the case of wrongful dismissal, you should submit a written objection to your employer. Legal action for wrongful dismissal must be taken between 180 days after the termination of the employment relationship (see [Example](#)).

Court proceedings

Industrial tribunal proceedings are free of charge up to a disputed amount of CHF 30'000.-. But be careful: the disputed amount of a job reference corresponds to approximately one month's wage. Whoever, therefore, submits a wage claim for CHF 28'000. - and, in addition, an alteration to the job reference letter, the disputed amount lies above CHF 30'000.-. If you have a legal protection insurance policy or are a member of a union, you might, under the circumstances, have the right to a lawyer, free of charge. Clarify this.

Employment letter of reference

The importance of an employment letter of reference is very often underestimated. When you apply for a new job, each new prospective employer will read through the letter of reference from your last workplace. If this is formulated negatively in any way, your chances of being invited for a job interview, are more often than not, not so good. Time and again, reference letters contain so-called coded, i.e. hidden, messages. It is important that you also recognise these codes (see [Example](#)). If you do not agree with certain comments, you should seek a discussion with your employer. It is recommended, in this case, that you immediately write to your employer and give a short reason for a proposed modification.

Under no circumstances, may the employer mention any medical diagnoses in a letter of reference.



Further information on the subject of HIV and employment can be found in the brochure [“HIV and Employment”](#) (in German and French)



2. Checklist

- What should I/must I say in my job interview?
 - How should I react if the employer asks me directly about an HIV infection?
 - Do I have to re-schedule my doctor's appointments to my free time?
 - What do I need to clarify, if I want to go and work abroad?
 - Has the employer observed the blocking periods when terminating employment?
 - What is the deadline for an objection to a wrongful dismissal? When does the time limit for legal action run out?
 - Which person, on behalf of the employer, is responsible for the personal files?
 - How high is the amount in dispute? Would court proceedings be free of charge?
 - Do I have all the most important documents (e.g. employment contract, personnel regulations, previous and current correspondence, personal files, etc.)?
 - Does the content of the letter of reference conform with the interim reports and qualification documents?
 - Are there hidden, coded phrases in the letter of reference, resp. interim letters of reference?
 - Should I seek legal advice/representation? Do I have a legal protection insurance policy or am I a member of a union?
-



3. Examples

Inspection of personal files

Before you even start to weigh up whether or not it is worth starting proceedings against your employer, you should know which documents your employer has in your personal file. Every employer has an obligation to keep one and every employee has the right to inspect these documents and to make copies of them. Most of the time, documents such as employment contracts and contract alterations, qualification documents or interim letters of reference, can be found in the personal file. Sometimes, internal documents can be found of which one was previously unaware.

Employment Court Lawsuit Form and List of Enclosures

If one cannot reach an agreement with one's employer, taking the case to court is unavoidable. If the case is not particularly complicated, you do not have to consult a lawyer. The industrial tribunal must officially establish the facts of the case and as a rule ask all the relevant questions.

It is important though, that you communicate clearly to the court what it is you want and that you can produce evidence (witnesses, documents). The easiest way to do this is to submit a legal action form to the court. The form attached here is that of the industrial tribunal court in Zürich but can be used in all Swiss law courts.

Typical codes in letters of reference

The law requires, that a letter of reference describes the work performance and behaviour of the employee. In an ideal case, the letter of reference does not contain any specifically stated codes (e.g., "this letter of reference is not coded" or "our company is committed to uncoded letters of reference"). If such a notation is missing, there is a danger that there are hidden formulations in the letter which mean something other (mostly negative) than they are given to mean at first glance. This is why it is important to know the meaning of the most important codes.

Scales for continued wage payments in the case of illness

If you are on sick leave, you are still entitled to your wages for a limited amount of time. If a daily sickness allowance is available, then the payments are in accordance with the insurance policy (as a rule 80% of the wage is paid for a period of 720 days). If no daily sickness allowance is available or you haven't been included in one, then the length of the continued payments is, according to the Canton, calculated in accordance with the so-called Bern, Basle or Zürich Scales.

Request for a written justification for the dismissal

A dismissal does not have to be justified right from the start. If you request it however, the employer must justify the reason why he or she has dismissed you. Especially, if you do not agree with the dismissal, it is recommended that you ask for the reason why.

Objection to a dismissal in the case of illness

If you receive a dismissal during an absence of illness, this becomes invalid if it is issued within the blocking period. You should then submit a written objection within 30 days.

Objection to a wrongful dismissal

If the dismissal is wrongful, then you should raise an objection, at the latest, on the last day of the working relationship and preferably in writing. If you miss out on this time limit, you **cannot** make a claim for compensation at a later date.



4. Further Information

Literature

- **Job and HIV.** Guideline for HIV-positive people, job seekers and employees, Swiss Aids Federation (can be ordered and downloaded at www.aids.ch)
- **Employment law – from work contract to dismissal** (Arbeitsrecht – Vom Vertrag bis zur Kündigung). Beobachter-Buchverlag, www.beobachter.ch
- **Employment law: what employees should know** (Arbeitsrecht: Was Angestellte Wissen müssen). Counselling advice with case examples, tips and letter examples, "Saldo" advice service, www.saldo.ch
- **Work, illness, disability** (Arbeit, Krankheit, Invalidität). A comprehensive piece, about work and social security legal aspects by K. Pärli/J. Hug/A. Petrik, Stämpfli-Verlag, 2nd edition, www.staempfliverlag.com

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation with various information on the subject of HIV at the workplace. [EN]
- www.gerichte-zh.ch: Homepage of the courts in the city of Zürich. Under the link Themen -> Arbeit, you will find a lot of information, checklists and forms on labour law. As the labour law is the same all over Switzerland, this information applies everywhere.
- www.seco.admin.ch: Homepage of the State Secretariat for the Economy SECO. Under the link „Publikationen und Dienstleistungen - Arbeit" there are leaflets and information. Here, you will also find the generally binding collective work agreements.
- www.unia.ch: The homepage of the union UNIA contains a lot of information on questions relating to all aspects of work. [EN]

Legal advice

- **Legal advisory service of the Swiss Aids Federation:** Responsible for questions relating to employment law in connection with HIV and Aids (www.aids.ch).
- **Legal information from the industrial courts:** Most industrial courts offer legal information on labour laws free of charge. Make enquiries at the court responsible (the court responsible is normally near your workplace).
- **Swiss Bar Association advisory centres:** The Swiss Bar Association runs advisory centres, free of charge, in practically every Canton (Addresses under www.sav-fsa.ch, link „Legal advice“)
- **Unions:** Many unions run a legal advisory service for their members.
- **Beobachter:** The magazine „Beobachter“ offers legal advice to its subscribers (www.beobachter.ch)

Daily Sickness Benefits Insurance

1. Basic Information

Illness can lead to a prolonged inability to work and result in financial loss. This income gap can be covered by the daily sickness benefits insurance, which, unfortunately, in Switzerland is not a compulsory insurance.

In the case of longer lasting absences from work, the continued payment of wages, required by law, does not offer enough protection against wage gaps. A possible disability pension is only paid after a waiting period of one year. It is for this payment gap that the daily benefits insurance is intended. There are those under the Health Insurance Act (KVG) and those under the Contract Insurance Law (VVG), those for private individuals and those for groups of people.

Daily benefits insurance according to the KVG

The Health Insurance Act (KVG) provides for the right to take out voluntary daily sickness benefits insurance. This can be provided by recognised health insurance companies, both as an individual insurance, as well as a collective insurance. In the case of a pre-existing health condition, the health insurance companies have the option of applying a reservation for a maximum of five years in connection with said pre-existing condition. Since the Swiss Federal Court of Insurance already considers an HIV infection to be a disease, health insurance companies are allowed to implement the above-mentioned reservation in relation to the KVG daily benefits insurance. In addition to this, most health insurance companies only offer symbolic daily insurance benefits (between CHF 10.- and CHF 30.- per day) because the legislator failed to set out a legal minimum daily benefits amount. This is why a daily benefits insurance under the KVG, nowadays, hardly plays a role anymore

Individual daily benefits insurance according to the VVG

Nowadays, the type of daily benefits insurance under the Private Insurance Contract Act (VVG) is dominant in both individual and collective insurance policies. (VVG). This law allows the insurers to carry out a comprehensive check-up on the health of the applicant before entering into a contract. This, in practice, is carried out with the completion of, a more or less detailed, health questionnaire. In contrast to a job interview, questions can be asked in connection with an HIV diagnosis. If an HIV infection exists, the application for individual daily benefits insurance is normally rejected.

Anyone who completes the (application) form incorrectly is committing a breach of an obligation to notify. If this is discovered, the insurance company can refuse to cover your claim costs, but then only if the non-declared health disorder (HIV infection) and the recently occurring health condition are not in any way linked (in other words linked to any illnesses associated with HIV). The insurance company must however pay the loss of wages for illnesses, which are in no way connected, to HIV.

Collective daily benefits insurance according to the VVG

Many employers take out a collective daily benefits insurance for their employees, which, mostly guarantee continued payments in the case of illness for up to 80% for a maximum of 720 days.

- **Collective daily benefits insurance with a medical check-up** upon joining the company: With this option, the new employees must complete a health declaration form when registering for a collective daily benefits insurance. The insurer has the possibility of making a risk selection and can refuse insurance cover altogether. Anyone who completes the health form incorrectly is in breach of an obligation to notify (see above).

- **Important:** In contrast to the insurance company, an employer has no right to an insight into your medical data. If you are required to fill out a questionnaire for the insurance company, then you should send this directly to the insurance company. Should the employer demand that you submit to him or her a copy of the questionnaire, then you can make a copy of it and falsify information (leaving out any mention of an HIV infection, etc.) and then send the correctly filled out questionnaire, with an accompanying letter (see [Example](#)) to the daily sickness benefits insurance company. This way you can avoid giving the employer an insight into your medical data.
- Especially larger employers enter into contracts with insurance companies, **without requiring a medical check-up**. This means that the risk of any loss of earnings during the period of the employment relationship is covered.
- If you are not included in the daily sickness benefits insurance scheme because of an HIV infection or any other illness, your employer must, over a limited period, implement continued wage payments (see "[Continued wage payments in the case of illness](#)"). Besides HIV, there are many other reasons, why one may not be included in the daily sickness benefits insurance scheme, such as, for example, an old knee injury or a back problem.

The end of an employment relationship usually means a withdrawal from the company group insurance scheme. Usually though, there is a clause in the general contract terms which provides the right to transfer over to an individual insurance policy, albeit with a higher premium.

Change of daily sickness benefits insurance

Because people with an HIV-positive diagnosis are denied direct access to individual daily sickness benefits insurances, transfer rights are extremely important.

- Before entering into a new working relationship, you should clarify whether or not a daily sickness benefits insurance is available and if yes, what type.
- If you have been included, by your employer, in a restriction-free collective daily benefits insurance scheme; if you change jobs, take an unpaid holiday or become self-employed, then you definitely should examine the possibility of transferring over into an individual insurance scheme without needing a new medical check-up (look up the General Insurance Conditions).
- Otherwise, it is worth registering with the unemployment insurance department, because then you have a legal right to a continuation of daily benefits insurance payments without the need of a medical check-up. In principle, you must declare a transfer to an individual insurance, within 30 days of termination of employment, unless the General Insurance Conditions stipulate a longer period.

Noteworthy is also the **Free Movement of Persons Agreement** among the collective daily benefits insurers:

In this agreement, the companies that are party to this Agreement undertake to provide all persons, previously insured, with the insurance cover provided by the new insurer – without (a renewed) risk selection. More information on this can be found on the homepage of the Swiss Insurance Association www.svv.ch -> Branche -> Kranken- und Unfallversicherung -> Krankentaggeld- und Unfallversicherung -> Freizügigkeitsabkommen

Direct right to claim

As a rule, the daily sickness benefits payments are processed by the employer; the insurer transfers the daily allowance to the employer and this is then paid out to the employee. If the transfer of your daily sickness allowances does not run smoothly, then you can exercise your right to have the payments made directly to you through the insurer, without any detour via the employer (see [Example](#)).

2. Checklist

Starting a job

- Does my new employer offer a daily sickness benefits insurance?
- Is it a daily sickness benefits insurance according to the KVG or according to the VVG?
- Does the daily sickness benefits insurer demand that I fill out a form with health questions?
- What benefits does the daily sickness benefit insurance provide (benefits duration and benefits amount in wage percentage)?
- Is there a danger that my employer can gain insight into the completed health questionnaire?
- Do I still have a private individual daily benefits insurance?

Change of job

- Is there a free right of transfer from the old to the new daily sickness benefits insurance scheme, without having to fill out a new health form?
- What are the insurance benefits of a new daily sickness benefits insurance scheme compared to the previous one?

Ending a job

- Will I receive undiminished daily benefits from my employer? Is it worth exercising my rights to claim directly with the insurers?
 - Is it possible for me to convert my collective daily benefits insurance into an individual daily benefits insurance?
 - How high will the premiums be for an individual daily benefits insurance?
 - Should I declare myself unemployed in order to obtain the right to an individual daily benefits insurance?
-

3. Examples

Accompanying letter to the health questionnaire

An employee cannot always be sure that his or her filled out questionnaire does not go directly to the daily sickness benefits insurer, without the employer being aware of it. Therefore, it is recommended that one completes the questionnaire incorrectly and to send the correctly completed questionnaire, together with an accompanying letter, directly to the daily sickness benefits insurer.

Assertion of the direct right to claim

If problems arise with an employer in connection with the forwarding of daily benefits payments, you can demand that your employer's collective daily sickness benefits insurance scheme pay you the sickness benefits directly. This way you will receive the daily benefits punctually and undiminished.

4. Further information

Literature

- **Daily sickness benefits payment, insurance and legal employment aspects** (Krankentaggeld, versicherungs- und arbeitsrechtliche Aspekte): The target audience of this book by Häberli/Husmann are actually lawyers; however, it is one of the few books that exists on the subject of daily sickness benefits payments, Bern 2022 (www.staempfliverlag.com)

- **How to be properly insured** (So sind Sie richtig versichert). An overview of private insurances. A clear and comprehensive guidebook for legal lay people. Ktipp-Buchverlag, 10th edition 2022 (www.ktipp.ch)
- **Work, illness, disability** (Arbeit, Krankheit, Invalidität). A comprehensive work on jobs and social security law aspects by K. Pärli/J. Hug/A. Petrik, Stämpfli-Verlag, 2nd edition 2024, www.staempfliverlag.com

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation with various topics, including insurance. [EN]
- **Websites of the various insurance companies:** As soon as you know with which insurance company your new employer has his or her collective daily benefits insurance policy; on most websites you can look up a detailed catalogue of services and the general insurance conditions. [EN]
- www.edoeb.admin.ch: On the homepage of the Federal Data and Information Commissioner (FDPIC) you will find information on data protection in daily sickness benefits insurance. [EN]

Legal advice

- **Legal advice from the Swiss Aids Federation:** Responsible for legal questions about daily sickness benefits in connection with HIV and Aids (www.aids.ch)
- **Ombudsman's office for health insurance:** For daily sickness benefits insurance according to the KVG: The ombudsman's office advises and mediates in cases where insurance holders feel they have been wrongly treated. (www.om-kv.ch)
- **Ombudsman of Private Insurance and of Suva:** For daily sickness benefits insurance according to the VVG: The Swiss Ombudsman of Insurance advises and mediates in cases where insurance holders feel they have been wrongly treated. (insuranceombudsman.ch)
- **Legal advisory office, UP for accident victims and patients:** Specialist lawyers offer advice on all legal problems in connection with daily sickness benefits insurance. Only available in the German-speaking part of Switzerland. (www.rechtsberatung-up.ch)

Occupational Pension Scheme

1. Basic Information

The occupational pension scheme (pension fund), the co-called Second Pillar, exists, aside from the old-age pension scheme (AHV) and the disability allowance (IV), to cover the risks of disability, age and death. While the AHV and IV as the First Pillar guarantees a minimum subsistence level payment, the occupational pension scheme enables the insured persons or their survivors to continue living their lives in an adequate manner. The objective is to reach, together with the 1st Pillar, a pension income of about 60% of the last paid wage.

Who is insured?

All employees with an annual income of more than CHF 22'500.- (status in 2024) are compulsorily insured in the occupational pension scheme.

Further occupational pension provisions

Most pension funds offer services, which go beyond the compulsory BVG insurance. This extensive occupational pension scheme is not a compulsory insurance and is based on the principles of private insurance law. As a result, pension funds are allowed to ask health questions in this area - but only in this area. Decisive, for the exact design, is the respective regulation of the respective pension fund.

Health issues

If questions about pre-existing illnesses are brought up in a questionnaire, you must answer them truthfully and, for instance, declare your HIV infection status. The pension fund will then make a reservation, for the non-compulsory area, for a maximum of five years for illnesses, which are directly related to HIV. After those five years, you are fully insured, even in the case of HIV related illnesses. If, for example, an HIV-positive person becomes disabled, due to HIV, during the first five years, then the pension fund will only provide the compulsory benefits; after those five years, the fund provides the full benefits, i.e. compulsory and non-compulsory.

According to the law of freedom of movement, the duration of the reservation must be credited in the case of a change of pension fund. If, for instance, you have worked for an employer for two years in which you have had a reservation with their pension fund, due to your HIV status, then the pension fund of your new employer is only allowed to make a reservation for a maximum of three years.

Important: In contrast to the pension fund (in the non-compulsory area), employers do not have the right of access your health details. If you must submit the completed pension fund questionnaire to your employer, then the following possibilities are open to you: You can tell your employer that you are sending the form directly to the pension fund by registered post and refer to data protection. Alternatively, you do not answer the questions correctly and immediately inform the pension fund, by registered post, explaining that you have provided false information to prevent your employer from unlawfully gaining insight into your health details but that you are sending them the correct information. Ask for a written confirmation of receipt of your letter from the pension fund. You also have the possibility of making a copy of the empty questionnaire, to fill out the copy correctly and to send it to the pension fund with an enclosed letter by registered post.

People with part-time jobs

People with part-time jobs, whose yearly income does not reach the minimum amount of CHF 22'050.- (status in 2024), have, despite this, the possibility of joining a pension fund. So, it is quite possible that the respective total income exceeds the minimum amount of CHF 22'050. -. Here, it is possible to become insured voluntarily. There are, in principle, two possibilities available: either the substitute occupational benefits holding institution or the pension fund with which the employer is affiliated, as long as the regulations provide for this. In such a case, the employers are liable to pay half of the amounts corresponding to the wages received by them.

Self-employed persons

As a self-employed person, you are not subject to the compulsory insurance scheme. You can however insure yourself **voluntarily** and in doing so save up security capital for the risk of old-age, disability and death.

The following possibilities are open to you:

- Connection to the pension fund of your professional/industry association.
- Some professional/industry associations offer self-employed people the possibility of insuring themselves through the pension fund schemes set up specifically for them. Also, freelance professionals have their own pension funds.
- Connection to a substitute occupational benefits holding institution.
- People who are self-employed and who are without a compulsory pension fund, are authorised to join a substitute occupational benefits holding institution (www.aeis.ch)
- Connection to the pension fund scheme of your employees.
- If you employ people who are subject to compulsory insurance, you must join a pension fund scheme. You can also become insured there yourself.

Disability benefits

If an HIV infection and/or other illnesses lead to permanent restrictions in one's ability to work (disability), there is a right to a disability pension from the pension fund, in addition to the pension from the 1st Pillar. A disability degree of 40% is required, which has already lasted a year. The pension fund bases its assessment of the disability degree and the pension entitlement on the information provided by the IV department.

Because the payment of a disability pension can be very expensive; quite often the question is disputed as to which pension fund should be liable to pay. It is, actually, the pension fund with which the person was initially insured when the inability to work first arose and which eventually led to the disability.

The amount of the pension fund's disability pension is calculated in accordance with the retirement assets offset by the credits which would have been acquired leading up to retirement. Disability payments can therefore vary enormously according to a person's income.

Partial disability

Anyone who is less than 100% disabled can, in theory, still take on part-time work. The pension funds are allowed to consider these residual earnings, even if it can be only hypothetically achieved. This regulation is reprehensible because it allows a pension reduction without any income coming in. Apart from this, it can be difficult to find a part-time job with a small pensum. For people with a disability, it can be, under the circumstances, even more difficult, if the job has to meet with certain basic conditions (e.g., the possibility of more frequent breaks, restrictions in carrying and lifting, etc.). In principle, the condition should be attached to the crediting by the pension fund, that the calculated residual earning capacity can actually be made use of. In addition to abilities and limitations, concrete opportunities on the labour market are also relevant.

Retirement benefits

The pension plan is based on an individual savings process. This begins at the age of 25 (for the risks of disability and death, already from the age of 18) and ends when the pensionable age is reached, i.e. after reaching the age of 65. The retirement assets accumulated over the years in the insured person's individual account are used to finance the retirement pension.

Survivor's benefits

The risk of death is also covered by the occupational benefit scheme. In principle, surviving spouses, registered life partners, as well as orphans, are entitled to survivor's benefits. The pension fund can also name other persons who may be entitled, for example, unmarried couples. If such a benefit is provided for then it is also applicable for same sex couples. According to the Federal Supreme Court, co-habitation is not a requirement, rather more decisive is the fact that both partners are prepared to help and support one another.

Vested benefits account

If you leave the pension scheme before a pensionable situation (age, death or disability), you are entitled to the termination benefit. One is speaking here of a vested benefits case. A vested benefits case can arise with a change of job as well as when you start a new job after leaving the pension fund scheme. With a change of job, the previous pension fund transfers the termination benefit to the pension fund of the new employer. Also, the insured person must inform the pension fund into which vested benefits institution the termination benefit should be transferred. You have a choice between a vested benefits account, with a transfer in your name, to a bank foundation or a vested benefits policy, set up in your name, within an insurance company.

When retirement assets are forgotten about

It happens very often that an employee no longer knows where his or her pension fund assets are kept, especially where frequent changes of jobs have occurred. If the pension fund has not received any notification from the insured person as to where the termination benefit should be transferred, the institution is obliged, no later than 2 years after the date of the vested benefits case, to transfer the termination benefit to a substitute occupational benefits holding institution.

In the search for forgotten benefits with institutions for occupational pension schemes, you can get in touch with the Second Pillar Central Office and they will tell you which institutions may be holding the corresponding assets, vested benefit accounts or policies (see [Example](#)). Pension schemes, and vested benefit institutions are obliged to report annually to the Second Pillar Central Office, if they are holding pension capital without any notification from the entitled persons.

Occupational pension fund scheme and unemployment

If you become unemployed, you are compulsorily insured through the occupational pension scheme against the risk of death and disability. The pre-condition is that you receive daily allowances or compensation from the unemployment insurance fund after the usual waiting period of 5 days and that the daily wage exceeds CHF 84.70 (status in 2024). The premiums for this provision are paid half by you and half by the unemployment insurance fund.

Cash withdrawal of the pension fund capital

If you meet with one of the following conditions, then you can withdraw the total vested benefits amount in cash:

- If you are leaving Switzerland permanently and if you can qualify this with confirmation of a registered place of residence or a confirmation of employment abroad.

Attention: In the case of an emigration to an EU/EFTA country, a cash payment is only possible for the part of the vested benefits amount which is above the non-compulsory level, provided you are subject to a compulsory insurance for old-age, disability and survivor's benefits in the country of destination!

- If you become self-employed with a full-time job and you are able to prove this with confirmation by the AHV Compensation Fund or the Tax Office.
- If your termination benefit amount is smaller than the individual personal contribution.
- If you use the money for residential property, which you personally and permanently inhabit. Up to the age of 50: payment of the entire vested benefits amount, above the age of 50: half or the amount which you could have brought forward at the age of 50 – whichever is higher.

Note: If you are married or officially registered, your partner must agree, in writing, to the cash payout.

2. Checklist

Insurability

- Am I subject to the compulsory occupational pension insurance?
- Can I join a pension fund voluntarily (e.g. in the case of self-employment or several small workloads)?

Health questions/Reservations

- Is there a danger that the employer can gain access to the health questionnaire, which I have completed, for the voluntary pension fund?
- If a reservation is made: Has it been clearly narrowed down? (Overtly general exclusions such as „infectious diseases“ rather than „HIV“, are not permitted).
- Is there a time limit on the reservations (a maximum of five years)?

End of work/Change of job

- Can I have the pension fund capital paid out?
 - Where is/will my pension fund money being/be kept?
 - Can I claim disability benefits from the pension fund?
 - Is it possible, that I have assets from an occupational pension scheme and am not (no longer) aware of it? Should I submit a search request to the Second Pillar Central Office?
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3. Examples

Accompanying letter Health Questionnaire BVG

As with the daily sickness benefits insurance companies, the pension fund companies often ask health questions when someone is starting a new job. Here, you should make absolutely sure that your employer is not made aware of your HIV infection or any other health-restriction issues you may have, as this information is not intended for him or her.

Application for BVG benefits

It is not always the case that the IV department automatically sends a copy of the IV (disability pension) ruling to the relevant pension fund. If you have been receiving an IV pension for the past few months and you have not been contacted by your pension fund, then, to be on the safe side, you should submit a copy of your application to them.

Application for an inspection of files

If the pension fund refuses to pay a BVG disability pension, they do not state the reasons for this within a ruling, but rather in the shape of an informal letter. The reasons are often kept to a minimum, which means that you can only make a clear picture for yourself, whether or not the rejection is justified, if you have access to the complete pension fund files.

Request to the 2nd Pillar Central and the corresponding Information Sheet

If you should, by chance, still have pension fund assets, then it is worth getting in touch with the 2nd Pillar Central Office. This department has an overview of all BVG assets in Switzerland. The application can be made by filling out the form intended for this purpose. Please also take note of the attached Information Sheet.



4. Further information

Literature

- **Switzerland's old-age insurance system – A tried-and-tested system – in simple terms:** This guide, published by the Federal Social Insurance Office, focuses on the 1st and 2nd pillar (www.bsv.admin.ch -> Social Insurance->Occupational pension funds) [EN]
- **Counting on retirement** (Mit der Pensionierung rechnen). How to plan your finances for old-age. Beobachter Buchverlag (www.beobachter.ch)
- **Plan your pension the right way** (Pensionierung richtig planen). The ideal time, the realistic budget, personal life planning. A lot of tips for the third stage of life. Ktipp-Ratgeber (www.ktipp.ch)

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation, including information on occupational pensions. [EN]
- www.bsv.admin.ch: On the homepage of the Federal Office of Social Security you will find a lot of information (Link: Social Insurance -> Occupational pension funds) [EN]
- sozialversicherungen.admin.ch: A further, very detailed collection on the most important social securities by the Federal Office of Social Security. Also included is information about occupational benefits (under: BV 2. Säule).

Legal advice

- **Legal advice of the Swiss Aids Federation:** Responsible for all legal questions concerning occupational benefits in connection with HIV and Aids (www.aids.ch)
- **Legal service "UP" for accident victims and patients:** Specialist lawyers offer advice on all legal problems in connection with occupational benefits. (www.rechtsberatung-up.ch)
- **BVG Information Association:** Free consultations on questions about pension funds throughout Switzerland. Dates and locations can be found on the website (www.bvgauskuenfte.ch)
- **Legal service "Procap":** Procap supports people living with disabilities in matters relating to social insurance law, including occupational benefits. (www.procap.ch)
- **Legal service "Inclusion Handicap":** Umbrella organisation of organisations for people with disabilities offers advice and assistance in all disability-related legal matters, free of charge (www.inclusion-handicap.ch)

Health Insurance

1. Basic Information

Every person living in Switzerland is subject to compulsory social health insurance according to the health insurance law (KVG), which guarantees basic medical care. In this basic insurance, all health insurance companies must accept applicants, male and female, regardless of pre-existing illnesses or age. It is for this reason that no questions, relating to your health, can be asked of you when concluding a contract.

Compulsory health insurance benefits

The compulsory health insurance (basic insurance) covers the costs for:

- **Diagnosis and treatment** of illnesses and accidents (if not already covered by a compulsory accident insurance) and the consequences thereof.
- **Medication**, which has been prescribed by a doctor.
- **Hospital stays** in the general ward of a hospital, which is on the hospital list of your Canton of residence or the Canton where you live (listed hospital).
- **External hospital care (Spitex)** provided this is prescribed by a doctor. Costs for home-help on a regular basis are not covered if there is no existing supplementary insurance available.
- Medical care in a **care home** or in the care department of a hospital, provided this is prescribed by a doctor. As a rule, a certain limited amount of the care costs must be paid for by the patient him or herself; the remaining uncovered nursing care costs are covered by the Cantons/communities of residence.

Costs for dental treatment are, in general, not covered by the basic insurance. An exception is made when irreparable damage occurs as a result of the side-effects of an HIV therapy, or if dental damage is the direct result of having contracted Aids.

Accident cover

If you work less than 8 hours a week for a single employer, you must take out an accident insurance cover with your existing health insurance company. This is not necessary if you work for a single employer for at least 8 hours a week - then you are automatically insured against accidents.

Deductible rate and excess

Apart from the health insurance premiums, the insured persons must provide two services themselves: deductible rate and excess.

The deductible rate is the yearly amount, which you have to pay to the insurance company yourself, all other costs are covered by the insurance company (in the cases listed above). You can choose the deductible rate amount yourself; the least amount is CHF 300.-, the maximum amount CHF 2'500.-, a year. The higher the deductible rate, the smaller the health insurance premiums. Choose the lowest deductible rate of CHF 300.- if you have to go for frequent blood tests and/or are taking HIV medication. A higher deductible rate is not worth choosing in this case (see [Example](#)). In addition to this, you yourself must pay 10% of the treatment and medication costs that exceed the deductible rate up to a maximum amount of CHF 700.-, per calendar year (excess). Note: In the case of original medication, and where there is generic medication available, the deductible rate goes up to 40%!

Advance payment obligation

Some health insurance companies require that you pay for the medicines, which you buy at the pharmacy; the insurance company will then reimburse you. This means that sometimes one has to pay high amounts, (e.g. for HIV therapy), in advance (the remuneration system principle). If this presents a problem for you or you do not want to do it this way, you should, before taking out a new health insurance policy, make sure that the accounting is settled directly between the pharmacy and the health insurance company (the remuneration system principle).

Alternative insurance models

The insurance companies offer various models, e.g., the HMO model, Telmed model, etc. With such a variety of alternatives on offer you can save on premiums; however, they do limit the choice of doctors/hospitals. Before you apply for such a model, you should ask the health insurance company exactly what sort of restrictions this might entail, particularly with regard to your chronic disease.

Cost approval

Before undergoing an expensive treatment, e.g. an operation, a rehabilitation, a spa stay or even the start of a longer lasting therapy, you should always obtain cost approval from the health insurance company, so as to be clear from the very beginning, whether or not and to what extent the company will cover the costs (see [Example](#)).

Supplementary insurances

Aside from the compulsory insurance, there are voluntary supplementary insurances, which provide a broader choice of services than the compulsory companies (for instance contributions towards fitness subscriptions, single rooms in hospitals, etc.). While the basic insurance companies are open to all residents of Switzerland, the supplementary insurances of the health insurance companies can carry out a so-called risk selection. This means, that the insured person can be asked many questions pertaining to his or her health. People with HIV/Aids are practically never included in these supplementary insurance schemes. It is also not worth filling out the forms falsely or, for instance, to write that one does not have HIV. Because as soon as the health insurance company finds this out (as a rule, then, when they have to provide benefits) they can annul the supplementary insurance contract and the insured person has consequently paid the premium for nothing. It is therefore important: before you cancel your supplementary insurances with your health insurance company, e.g. because the premium rates have become too expensive, you should be aware that you will never be able to take out those supplementary insurances at a later date.

Reduction of health insurance premium rates

If you live in modest financial circumstances, you may be entitled to a reduction of the health insurance premium rates. In each Canton, there are regulations and organisations. (The relevant addresses can be found on the homepage of the Federal Office of Public Health: [Bundesamt für Gesundheit](#)).

Termination

You can terminate the compulsory basic insurance at the end of the calendar year. For a termination of the contract as of the 31st of December, the letter of termination, sent by registered post, **must be received by the previous health insurance company no later than the 30th of November, respectively, no later than the last working day of November** (see [Example](#)). Attention: If the premium for the following year remains unchanged, a three-month term of notice applies.

If you have a minimum deductible rate (franchise) of CHF 300.- and no alternative insurance model such as HMO or a general practitioner's insurance model, you can cancel your contract in the middle of the year. For a termination for the 30th of June, the termination letter must arrive by registered post at your previous health insurance company by the 31st of March, resp. by the last working day in March.

Health insurance companies experiencing financial problems are allowed to raise the premium amount in the middle of the year. The health insurance company must inform the insured person of this by the end of April. If this should be the case, you can terminate your contract by the end of May and change over to another company by the 1st of July.

Your change of health insurance company will only become effective when the new insurance company confirms your admission to your previous insurance company.



2. Checklist

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- Which insurance models are available? To what extent is my free choice of doctor/hospital restricted?
 - Do I have to pay for the medication in advance?
 - Is it worth my paying a higher deductible rate?
 - Am I insured for accidents through my employer or do I have to include an accident cover in my basic insurance policy?
 - Do I have supplementary insurances? What do they cover?
 - Am I entitled to a premium reduction?
 - Prior to an expensive operation or therapy: Have I obtained cost credit approval?
 - Prior to a hospital stay: is the hospital, which I have chosen, on the list of hospitals of my Canton of residence? Or do I have to pay a certain amount myself?
 - What deadlines do I have to make a note of, if I want to change my basic insurance?
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3. Examples

Request for cost credit

In order to avoid future disputes as to whether or not a certain therapy, treatment or a cure is covered by the health insurance company, you should submit a request for cost credit approval in advance. As a rule, you should receive a reply from the insurance company within a few days.

Accident insurance exclusion

If you work for more than 8 hours a week for a single employer, you are automatically insured against occupational and non-occupational accidents. In this case you can remove the accident insurance from your health insurance policy.

Changing the deductible rate

If you want to change your deductible rate, (e.g. reduce it, because you are taking a new anti-retroviral HIV therapy medication), you must submit this by registered post at the end of the year with a one month time limit. Your letter should – just as with a termination - arrive, at the health insurance company, by the 30th of November, respectively by the last working day of November.

Termination of health insurance

For safety's sake, the termination should be sent by registered post and it should arrive at the health insurance company's offices on time. If your basic and supplementary insurances are with the same company and you only want to cancel your basic insurance policy, then you should explicitly state that you want to retain your supplementary insurance(s).

1 4. Further information

Literature

- **The compulsory health insurance system.** Detailed guide from the Federal Office for Public Health, available to download as a PDF: www.bag.admin.ch -> Insurances -> Health Insurance -> Key points in brief -> Dokumente) [EN]
- **1x1 of health insurance** (1x1 der Krankenversicherung). Easy to understand guidebook about health insurance. Can be ordered and downloaded at Santésuisse (www.santesuisse.ch -> Politik&Medien -> Publikationen -> 1x1)

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation, including information on health insurance. [EN]
- www.priminfo.admin.ch: Here, the premiums of the health insurance companies can be compared. This is a website of the Federal Office for Public Health.
- www.comparis.ch: Under the link Insurance -> Health insurance, one can find a lot of information about health insurance, as well as the health insurance premium comparisons. [EN]
- www.bag.admin.ch: Homepage of the Federal Office for Public Health. Under the link Insurances -> Health insurance, there is information on health insurance. [EN]

Legal advice

- **Legal advice of the Swiss Aids Federation:** Responsible for health insurance questions in connection with HIV and Aids (www.aids.ch)
- **Health insurance ombudsman's office:** The ombudsman's office advises and mediates in cases, where the insured person feels their health insurance company has wrongfully treated them (www.om-kv.ch)
- **Umbrella organisation of Swiss patient centers:** The website of the umbrella organisation provides links to patient advice centers throughout Switzerland, which offer advice on health insurance, among other things (www.patientenstelle.ch)
- **Legal advice office (UP) for accident victims and patients:** specialist lawyers offer advice on all legal problems in connection with the health insurance company (www.rechtsberatung-up.ch)

Disability Insurance

1. Basic Information

Whoever is at risk of becoming unemployed as a result of illness or who becomes fully or partially disabled, is eligible for a disability allowance from the disability insurance scheme (IV). Here there is a distinction in the different types of benefits.

Early detection

If you have been unemployed, uninterruptedly, for at least 30 days or have had repeated short absences due to illness within a year; your case can be submitted for early processing, to the IV department in your canton of residence. The application is voluntary and without any legal claim.

Not only are you entitled to register, but also your employer, your attending doctors, your daily allowance benefit, accident and unemployment insurance, your pension fund, the social welfare authorities and family members living in the same household with you. All of these people are however, obliged to inform you, in advance. The written registration must be submitted to the IV department of your Canton of residence. You can download the registration form at www.ahv-iv.ch.

Early recognition is a preventative measure so as to make sure that a disability can be prevented from occurring at a later date. The aim of early recognition is to ensure that suitable measures are taken at the workplace. In an early recognition discussion, an analysis is carried out of your medical, professional and social circumstances. Within 30 days it will be decided as to whether or not early intervention measures will be implemented (->IV application).

Early intervention measures

After early detection, early intervention is available as a follow-up measure. The aim here is to maintain the previous job or to facilitate integration into a new job. A plan is drawn up with a target agreement. An IV application is a prerequisite for the authorization of early intervention measures. Possible measures include, for example, training courses, workplace adaptation, job placement or career counselling.

Early intervention lasts a maximum of six months from the IV application date and is concluded with the integration route should be chosen or a pension should be considered.

Note: There is no legal entitlement to early intervention measures.

Integration measures

The integration measures pursue the goal of improving a long-lasting and significant ability to work. These include re-training, further education, career counselling and work placements. Important is the principle "Integration Before Retirement": pensions are only paid out when early intervention measures or integration measures are no longer possible or do not deliver the desired result.

Requirements for a disability pension

The entitlement begins, at the earliest, after a one year waiting period. During this year, the incapacity to work (restrictions in the current job due to health reasons) must amount to at least, on average, 40%. After this period, there must still be at least the same degree of incapacity to work (the inability, following integration into the general labour market to earn an income). In addition to this, the pension entitlement occurs, at the earliest, six months after the submission of the application to the IV department.

Calculation of the degree of disability

In order to be eligible for a disability allowance, the degree of disability is decisive. This corresponds to the percentage of the loss of earnings, due to the disability. In order to determine the degree of disability, the IV department differentiates between employed, unemployed and partially employed.

In the case of employed persons, the IV department determines the degree of disability by means of income comparison. The department determines the income which you could earn if no damage to health existed (= valid income). From this, they deduct the income that you can be expected to earn following the damage to your health and after proceeding with the re-integration measures (= disability allowance). The missing amount is the reduction of income due to disability. Expressed in percentage terms, the degree of disability is arrived at.

With unemployed persons, the IV department calculates the disability degree by activity comparison: Experts in the IV department clarify immediately, exactly how strongly the disability affects areas of activity, for example, when dealing with housework. With partially employed persons the IV department calculates the disability degree, according to disability in both areas: in working life (loss of income) and in the current areas of activity (activity comparison).

Pension disability amount

Pension eligibility according to the IVG is as follows:

Degree of disability under 40%	➤	No pension entitlement
Degree of disability of 40% to 49%	➤	At a degree of disability of 40% = 25% pension. Thereafter, the pensions increase by 2.5% per degree of disability. [Example: Degree of disability of 45% = 37.5% pension]
Degree of disability of 50% to 69%	➤	The pension corresponds to the degree of disability. [Example: Degree of disability of 58% = 58% pension]
Degree of disability of at least 70%	➤	Full pension (100%)

The procedure

The IV department informs the insured person, with a so-called preliminary decision, the kind of ruling it intends to issue. The preliminary decision is basically nothing more than a draft of the original ruling. The insured person has 30 days, in which to comment on the preliminary decision (= Objection, see [Example](#)). After that, the IV department issues the ruling. You must contest the ruling, within 30 days, at the cantonal insurance court if you are not in agreement with it (= Appeal, see [Example](#)). Due to the large deficit in disability insurance, the IV departments have become very strict over the past few years and are refusing more IV applications than before.

Supplementary benefits

The IV pension of the 1st Pillar is, on its own, not enough to secure a livelihood (maximum CHF 2'450.-per month – status in 2024). If required therefore, the so-called supplementary benefits (EL) boost the minimum legally anchored income received by IV pensioners. More on this in the following chapter.



2. Checklist

- Should I register myself for an early detection assessment?
 - Have I received a preliminary decision or a ruling from the IV department? Are there deadlines?
 - Is the decision acceptable to me? Should I study the current IV files?
 - What do my attending doctors have to say about the IV department's decision?
 - Do I have current doctor's reports with which I can disprove the arguments of the IV department?
 - Am I eligible for supplementary benefits?
 - Do I have a legal protection insurance policy?
 - Should I seek legal assistance?
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3. Examples

Application for access to files

Before you are able to judge whether legal steps are worth taking against a negative decision by the IV, you must have a comprehensive knowledge of the files. As it takes a few days before you receive the files, you should make – especially when there are deadlines – an application for access to the files quickly (see also precautionary objection below).

Precautionary objection against the preliminary decision

The deadline, for challenging a preliminary decision by the IV department, is, at 30 days, relatively short, especially if you want to study the files. It takes a few days for the files to reach you. If the timeline proves to be too short, you can submit a written precautionary objection, so that the deadline does not expire and at the same time request the files. After you have studied the files, you can decide whether the objection still needs to be justified (see below) or whether it should be retracted because the preliminary decision reached has been a correct one.

Objection/justification for the objection

The grounds for an objection must be drawn up individually in each case. A definitive example cannot be given, because each case is different. It is for this reason that the example letter shows only that, which should be contained in such a letter of objection.

Appeal against a ruling

An appeal must also be individually drawn up, it is for this reason that the example letter shows only how it should formally look and what it should contain. In the case of an appeal, it is to be recommended that comprehensive evidence (additional doctor's certificates, etc.) should be enclosed. As in the case of an objection, there is a 30-day deadline for submitting the appeal. In contrast to an objection, as complainant you must pay for the costs of the proceedings in advance. These can range between CHF 500.- and CHF 1000.-. However, if your appeal is upheld, the IV department must reimburse you with these costs.



4. Further information

Literature

- **Switzerland's invalidity insurance system: A tried-and-tested system – in simple terms:** This brochure provides basic information on invalidity benefits. It explains the goals behind the invalidity insurance system, describes how it works and shows which insurance provides which benefits. Published by the Federal Social Insurance Office FSIO, 2023, downloadable from www.bsv.admin.ch (Publications&Services -> Brochures and guides). [EN]
- **IV – What am I entitled to?** (IV – Was steht mir zu?) Everything about pensions, legal rights and insurances. Beobachter-Buchverlag (www.beobachter.ch).
- **Chronically ill – what do the social services offer?** (Chronisch krank – was leisten die Sozialversicherungen?) This guide from the Cancer, Lung and Rheumatism League, the Swiss Heart Foundation and diabetesschweiz deals with social insurance issues, including disability insurance. Can be ordered and downloaded at www.krebsliga.ch (Shop -> Broschüren/Infomaterial -> Publikationen für Fachpersonen).
- **Information sheets on disability allowance.** The information centre AHV/IV publishes several information sheets about disability insurance, in collaboration with the Federal Office for Social Security. PDF-download at www.ahv-iv.ch (link Sozialversicherungen / Invalidenversicherung / Merkblätter).
- **Disabled – what do I do?** (Behindert – was tun?). A guidebook on all legal questions on disability, published by Pro Infirmis (www.proinfirmis.ch -> Rechtsratgeber).
- **Work, illness, disability** (Arbeit, Krankheit, Invalidität). A comprehensive work on employment and legal social insurance aspects by K. Pärli/J. Hug/A. Petrik, Stämpfli-Verlag 2nd edition 2024 (www.staempfliverlag.com).

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation, including information on disability insurance. [EN]
- sozialversicherungen.admin.ch A comprehensive list of the most important social security companies by the Federal Office of Social Insurance. Also contains information about disability insurance.
- www.proinfirmis.ch: On the Pro Infirmis website you will find information all about the subject of disability (www.proinfirmis.ch).

Legal Advice

- **Legal Aid from the Swiss Aids Federation:** Responsible for all legal questions about disability insurance in connection with HIV and Aids (www.aids.ch)
- **Legal advice centre UP for accident victims and patients:** Specialist lawyers give advice on all legal questions in connection with disability insurance. Available in the German-speaking part of Switzerland only. (www.rechtsberatung-up.ch)
- **Legal service Procap:** Procap supports people living with disabilities in matters relating to social insurance law. (www.procap.ch)
- **Legal service “Inclusion Handicap”:** The umbrella organisation of organisations for people with disabilities offers advice and assistance in all disability-related legal matters, free of charge. (www.inclusion-handicap.ch)

Supplementary Benefits

1. Basic Information

If a disability or AHV pension together with any other income (e.g., from part-time job, pension of the pension fund) do not cover the minimum cost of living, an entitlement to supplementary benefits (EL) arises under certain conditions. These are, on the one hand, annual benefits to secure the minimum subsistence level, which are paid monthly, and, on the other hand, compensation for illness and disability costs.

Personal requirements

The following requirements must be met in order to receive supplementary benefits:

- Entitlement to a pension from the IV or AHV, to a helplessness allowance from the IV (from the age of 18) or a daily allowance from the IV (for at least six months) **and**
- Assets of less than CHF 100'000.- (single persons) or CHF 200'000 (married and registered couples); owner-occupied properties are not taken into account when calculating assets, **and**
- Domicile and actual residence in Switzerland **and**
- Citizen of Switzerland or an EU/AFTA state **or**
- Foreign national who has resided in Switzerland for at least ten years without interruption. For refugees and stateless persons, this period is five years.

If a person leaves Switzerland for more than three months at a time or for more than three months within a calendar year, the entitlement to supplementary benefits expires.

Exception: Supplementary benefits without a pension

Under certain circumstances, it is possible to register for EL even if you do not receive a pension: If you are at least 40% disabled or a survivor within the meaning of the law. This applies to citizens of Switzerland, the EU and EFTA, refugees, stateless persons and nationals of countries with which Switzerland has a social security agreement that provides for entitlement to extraordinary pensions.

Calculation of annual supplementary benefits

Whether and to what extent there is an entitlement to supplementary benefits is determined by comparing expenses and income. If the recognised expenses are higher than the eligible income, there is an entitlement to EL. As a rule, this entitlement arises from the month in which the application was submitted to the competent cantonal authority.

What expenses are included in the calculation?

- **General living expenses** (to cover all expenses that are not considered separately, i.e. for food, clothes, taxes). For single persons CHF 20'100.-, for married and registered couples CHF 30'150.- (as of 2024). Additional allowance is taken into account for children:

	0-10 years	11-25 years
1st child	CHF 7'380.-	CHF 10'515.-
2nd child	CHF 6'150.-	CHF 10'515.-
3rd child	CHF 5'125.-	CHF 7'010.-
4th child	CHF 4'270.-	CHF 7'010.-
Each additional child	CHF 3'560.-	CHF 3'505.-

- **Contributions to AHV, IV**

- **Contribution for compulsory health insurance:** The maximum amount that can be credited corresponds to the average cantonal or regional premium. If the effective premium is lower, only this premium will be taken into account.
- **Occupational expenses**
- **Family maintenance contributions paid:** e.g. alimony
- **Necessary supplementary family care for children under 11 years of age**
- **Costs for the maintenance of buildings and mortgage interest**
- **Rent and service charges:** The rent maxima are set according to the place of residence and take into account the fact that rents are higher in urban areas than in rural areas. Three regions are distinguished: metropolitan, urban, rural. You can see which region your place of residence belongs to at www.bsv.admin.ch.

Furthermore, the rent amounts depend on the number of persons living in the same household. Maximum amounts of the monthly gross rent (including service charges), as of 2024:

	Metropolitan region	Urban region	Rural region
1 person	CHF 1'465.-	CHF 1'420.-	CHF 1'295.-
2 persons	CHF 1'735.-	CHF 1'685.-	CHF 1'565.-
3 persons	CHF 1'925.-	CHF 1'845.-	CHF 1'725.-
4 persons	CHF 2'100.-	CHF 2'010.-	CHF 1'865.-

For individuals living in a shared apartment, the following maximum amounts apply regardless of the number of persons in the apartment:

Metropolitan	Urban	Rural
CHF 867.50	CHF 842.50	CHF 782.50

For persons who live in their own property, the imputed rental value is taken into account. For persons living in a home or hospital, the daily tax and personal expenses (e.g., purchase of clothes, products for personal hygiene, newspapers, taxes, etc.) are taken into account. These amounts are determined by the cantons.

What income is included in the calculation?

- **Pensions and daily allowances for the current year:** pensions from IV, AHV, pension fund, accident insurance and foreign social insurances as well as daily allowances from IV, unemployment insurance, health insurance or accident insurance.
- **Assets** over CHF 30'000.- (single persons) or CHF 50'000.- (married and registered couples)
- **Self-occupied property:** The value exceeding CHF 112'500.-
- **Income from employment, hypothetical income:** Of the earned income, 2/3 of the income exceeding CHF 1'000 per year is imputed for single persons. In the case of married and registered couples, 2/3 of the income exceeding CHF 1'500.- is taken into account for the partner entitled to a pension, and 80% of the income is taken into account for the partner without a pension. For a person with children, 2/3 of the income exceeding CHF 1'500.

Persons under 60 years of age who receive a partial IV pension are presumed to be able to earn an income. If they do not or not fully utilize this residual earning capacity, they are credited with a minimum income. This so-called hypothetical earned income is per year (as of 2024):

- with an IV degree of 40-49%: CHF 26'800
- with an IV degree of 50-59%: CHF 20'100.-
- with an IV degree of 60-69%: CHF 13'400.-

From this hypothetical income as well, CHF 1'000.- will be deducted for single persons and CHF 1'500.- for married and registered couples, and 2/3 of the remaining income is taken into account.

If a person entitled to EL can prove that they have made every reasonable effort to find a job but have been unsuccessful, the EL will exceptionally waive the deduction of the hypothetical earned income. Evidence of the unsuccessful efforts to find work will be accepted as proof.

Support from relatives, welfare and social assistance benefits, social insurance allowances for helplessness (except in the case of a stay in a home), scholarships and other support contributions for education are not counted as income.

- **Support contributions under family law:** e.g. alimony
- **Rental value of the apartment**
- **Income and assets that have been waived:** Asset waiver refers to the disposal of assets without legal obligation and without adequate compensation. This includes, for example, bequeathed inheritances, gifts made or losses from gambling in a casino.

Compensation of sickness and disability costs

People who are entitled to annual supplementary benefits can have their sickness and disability costs reimbursed in addition to the supplementary benefits. However, these costs are only reimbursed if they are not covered by other insurance, such as health, accident or disability insurance. A maximum of CHF 25,000 is reimbursed per year for single persons and CHF 50,000 for married or registered couples.

The following expenses are considered medical and disability costs:

- Dental treatment
- Care, assistance and support at home and in day care facilities
- Temporary stays in a home or hospital (maximum three months)
- Medically prescribed spa treatments and recovery cures
- Diet costs
- Transportation costs to the nearest place of treatment
- Aids and appliances (purchase or rental costs or cost sharing)
- Deductible and retention fee for basic health insurance

Other benefits

Recipients of supplementary benefits are exempt from the obligation to pay radio and TV fees. For an exemption, the supplementary benefit ruling must be submitted to SERAFE AG. Retroactive exemption is possible for up to five years.



2. Checklist

- Are my expenses higher than my income? EL calculation tool at www.ahv-iv.ch -> Sozialversicherungen -> Ergänzungsleistungen (EL) -> Berechnung Ergänzungsleistungen)
- Do I meet the formal requirements for receiving supplementary benefits?
IV or AHV pension? Assets of less than CHF 100,000? Residence in Switzerland? Citizen of Switzerland, the EU/EFTA or foreigner living in Switzerland for at least 10 years without interruption?
- Which region does my place of residence belong to (large center, city or countryside)?
- In the case of partial pension, can I prove that I cannot find a job and therefore cannot utilize my remaining earning capacity?
- What medical expenses are not covered by my insurance (health insurance, disability insurance, accident insurance)?



3. Examples

Registering for supplementary benefits

You must register in order to receive supplementary benefits. Specific registration forms are available. Here you can find out where to obtain them and which documents you need to enclose with your application.

Exemption from the obligation to pay the Serafe fee for radio and TV

As a recipient of supplementary benefits, you do not have to pay a fee for your radio and TV reception. The exemption is granted upon request and applies from the date of receipt of the supplementary benefit, for a maximum of five years back. If you are a member of a private household, the obligation to pay the fee does not apply to all members of the household.



4. Further Information

Literature

- **Supplementary benefits – when the AHV or IV is not enough** (Ergänzungsleistungen – wenn die AHV oder IV nicht reicht): This book clarifies and helps to close existing knowledge gaps on the existential insurance topic of “supplementary benefits” for those affected and their relatives. What does the supplementary benefit pay, what does it take into account, what does the voluntary waiver of assets mean? The guide answers FAQs and shows who is entitled to supplementary benefits and how the supplementary system works. A. Hubert, Beobachter Buchverlag, 9th edition 2024 (www.beobachter.ch)
- **Supplementary benefits – a proven system simply explained** (Die Ergänzungsleistungen - ein bewährtes System einfach erklärt): Brochure from the Federal Social Insurance Office FSIO with basic information on supplementary benefits (system, requirements, calculation, etc.), edition 2023. Downloadable and orderable at www.bsv.admin.ch (-> Publikationen&Services-> Broschüren und Ratgeber)
- **The practical guide** (der praktische Ratgeber): This brochure from the City of Zurich provides a detailed description of supplementary benefits to AHV/IV. In addition to a theoretical section, the brochure provides answers to frequently asked questions and explains the application procedure. The guide is aimed at citizens of Zurich and is therefore only applicable to other cantons to a limited extent. Edition 2024 downloadable at www.stadt-zuerich.ch (-> Sozialdepartement -> Beratung und Unterstützung -> Finanzielle Unterstützung -> Zusatzleistungen zur AHV/IV -> Broschüren).

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation, including information on supplementary benefits. [EN]
- www.ahv-iv.ch: The website of the AHV/IV information center provides some information on supplementary benefits, including the [explanatory video](#) «Supplementary benefits for people living at home” (Link: Social insurances -> Supplementary benefits). [EN]
- www.proinfirmis.ch: The Pro Infirmis website has an online guide to legal issues, which also deals with supplementary benefits in detail in the chapter «Pensions and supplementary benefits» (link: Rechtsratgeber -> Renten und Ergänzungsleistungen).
- www.bsv.admin.ch: The Federal Office of Social Insurance has published detailed information about supplementary benefits on its website (Link: Sozialversicherungen -> Ergänzungsleistungen EL)

Legal advice

- **Legal advisory of the Swiss Aids Federation:** Responsible for questions relating to supplementary benefits in connection with HIV and Aids (www.aids.ch)
- **Legal service Procap:** Procap supports people living with disabilities in matters relating to social insurance law, including supplementary benefits (www.procap.ch)
- **Legal service “Inclusion Handicap”:** The umbrella organisation of organisations for people with disabilities offers advice and assistance in all disability-related legal matters, including supplementary benefits, free of charge (www.inclusion-handicap.ch)

Data Protection/ Patient's Rights

1. Basic Information

The history of data protection began in 400 years B.C. with the Hippocratic Oath, which addresses the medical profession: *"And whatsoever I shall see or hear, in the course of my profession, as well as outside my profession on my intercourse with men, if it be what should not be published abroad, I will never divulge, holding such things to be holy secrets"*. This principle has also found its way into our present-day laws and is included in many legal provisions. Professional confidentiality does however not pertain only to doctors, but rather, anyone who has been taken into your confidence with highly personal information about, for example, your HIV infection. This also includes your partner, your work colleagues, your insurance company, etc. Every person has the right to protection of his or her privacy and has the right to keep the details of their private life secret. Highly personal data is considered sensitive data, which is particularly worth protecting under the Data Protection Act. This entails, amongst other things, information on religious and political opinions, personal health, private sphere (e.g. sexual orientation), ethnicity, social welfare measures or criminal prosecutions. This data enjoys a higher level of protection than any other data.

Where is data protection and confidentiality regulated?

The protection of privacy is anchored in the Federal Constitution (Art. 13 BV Protection of the Private Sphere). Together with this constitutional provision, there are several procedural law provisions with different scopes but which all have the same aim: personal protection. Legal regulations on data protection can be found in the Civil Code, in the Confederate Law of Protection, in the Cantonal Protection Laws as well as in the Penal Code. The criminal law provisions concern only certain professional categories: members of public authorities, members of the clergy, medical and legal professionals, chemists, psychologists, psychiatrists, auditors, as well as their assistants. If any person, from these professional categories, reveals a confidentiality, which has in view of their professional standing, been entrusted to them or has been understood by them to be confidential, they can be faced with a particularly severe punishment (a custodial sentence of up to three years or a fine). If a person from another professional group or a private person violates their duty to confidentiality, this is a civil legal violation of privacy, according to the Data Protection Act and the Civil Code. They can be ordered by the court to cease and desist and to make a satisfaction and compensation payment.

When can particularly sensitive personal data be passed on?

In principle, there is no personal data that might be passed on, retained, used, procured, revised or destroyed („processed“), without any pre-conditions. The new Data Protection Act, which came into force on 1 September 2023, requires that individuals whose data is processed must be informed about the scope and purpose of the data processing. This is usually done by means of a privacy policy.

The passing on of particularly sensitive personal data (e.g. information that someone is living with HIV) is only permitted in clearly defined exceptional cases, namely if

- **the affected person gives their permission**
When the person concerned, after having received adequate information, voluntarily and expressly grants permission for a disclosure.
- **the law allows it in an exceptional case**
e.g. in cases of self-defence, emergency, etc.
- **the superior authority grants authorisation**
Those who fall under the categories of authority or professional secrecy, have the possibility of being released from confidentiality, on application and with valid reasons by their superior authority. Dispensations are issued very restrictively and can, in principle, only then be issued if the discussions with the person concerned have been unsuccessful.

Note: The more sensitive the data, the higher the requirement for justification!

When a data protection violation has occurred

If your personal rights have been violated; within a year of your knowing about it, you can bring an action before the Civil Court of your place of residence or that of the defendant's. You can find out how you should proceed from the Federal or Cantonal Data Protection Officers (addresses see below). Court cases involving data protection violations, are as a rule, drawn out affairs and difficult to prove. Therefore, a high litigation risk with corresponding high costs can arise. Also, violations which have already occurred, usually cannot be made up for and remedied through the courts.

At best, further damage can be prevented. It is, for this reason, very important to avoid data protection violations. Therefore, for example, you should make those people, to whom you entrust sensitive information, aware, that this is highly personal information which they may not disclose without your prior permission.

Right to information, right to an inspection of medical history

Each person has – regardless of age, place of residence and nationality – the right to information on all data concerning him or herself. The right to information is very important in data protection, because you can only know what data is available when you have been informed of it.

In order to receive information, a written request (with personal identification) sent to the owner of the data collection is enough (see [Example letter](#)). A reason is not needed. What does make sense though is to give precise information in respect of the data which you would like to receive. The written data must, as a rule, come in the form of a printout or a photocopy and should, in principle, be free of charge.

The right to authorisation or deletion

If incorrect or outdated data is contained in the data collection, you can demand that this information be corrected or deleted. This can be essential in the case of a personal dossier, as well as a medical history dossier, for example, in connection with the mention of psychiatric problems. Although you do have the right to delete, or rather correct your data, following this through can prove difficult in isolated cases (see [Example](#)).

Patient's rights

Besides having the right to secrecy and an insight into your medical history, you are entitled to further important rights in relation to institutions and medical systems, including:

- **Right to treatment:** This always applies to public hospitals. In emergencies, even private doctors cannot refuse treatment.
- **Right to care:** With a medical procedure, as is the nature of things, success can never be guaranteed. However, patients have a right to professional and careful treatment.
- **Right to self-determination:** Both the HIV test and HIV therapy treatment are voluntary. If carried out against your will, it is an intrusion into your personal freedom.
- **Right to information:** Medical treatments often demand far-reaching decisions of you as a patient. In order to choose the correct procedure, which suits you personally, you have to get to know all the aspects of the planned treatment beforehand. Doctors are therefore obliged to inform you of the effects, side-effects, possible long-term consequences and of the alternative possibilities available. They must also point out to you the possible problems, which can arise in relation to the recovery of costs.

2. Checklist

- What specifications should I make in the current situation?
 - What sort of data does it concern? Is it data, which is worth protecting according to the Data Protection Act?
 - Who has access to my data?
 - Can I be sure, that before my data is passed on to a third party, my permission will be obtained?
 - Which company/department has processed data about me in the first place?
 - Should I submit an application for an inspection of my files?
 - Do the collected files represent the truth?
 - Do I want to have the data in the collected files corrected or deleted?
 - What is the proof? Can I prove that data has been unlawfully processed?
 - Will I be satisfactorily informed prior to medical treatment?
-

3. Examples

Application for an inspection of files

Before you can clarify whether and what sort of data protection violation has been committed, you should know what sort of data has been collected about you. You can request this together with an application for an inspection of the files.

Second application for an inspection of files

A company, which has unlawfully processed data, does not, as a rule, like to admit to it. This is why it can often happen, that you do not receive the files after the first application, although according to law, this must take place within 30 days. Here, a reminder letter can be of help, in which the legal consequences are indicated.

Request for deletion / Request for correction

If there is false information in the data collection, you can request, that it be removed or corrected.

Letter to prevent further data protection violations

If someone informs others of your HIV infection without your prior permission, it is recommended that you make the person aware of their breach of data protection and the possible subsequent legal consequences. Demand from him or her a written confirmation that they will respect your right to privacy protection in the future

4. Further information

Literature

- **Data protection and HIV** (Datenschutz und HIV). A brochure from the Swiss Aids Federation, explaining the most important data protection regulations, in different life situations, and showing how one can protect oneself against data protection violations (order and download it under www.aids.ch)

- **Protect your privacy** (So schützen Sie Ihre Privatsphäre). Who collects information about you and where? And what you can do about it. Saldo Guidebook, 2nd edition 2023 (www.saldo.ch)
- **Patient's rights** (Die Rechte der Patienten). Tips for dealing with doctors and hospitals. Includes, besides information on patient's rights, a chapter on data protection. K-Tipp-Guidebook, 5th edition, 2022 (www.ktipp.ch)
- **Patient's rights essential Information**. Brochure published by the health authorities of the cantons of BE, FR, GE, JU, NE, TI, VD and VS. Available to order and download in various languages, including English, e.g. on the website of the canton of Valais (www.vs.ch) [EN]

Internet

- www.positive-life.ch, www.aids.ch: Websites of the Swiss Aids Federation, including information on data protection. [EN]
- www.edoeb.admin.ch: On the homepage of the Federal Data Protection and Information Commissioner, there is a lot of information, brochures and tips on the subject of data protection. [EN]
- www.privatim.ch: On the homepage of the Cantonal Data Protection Officers, there are a lot of informative tips, as well as guidelines on everything concerning data protection and addresses of the cantonal officials responsible.

Legal Advice

- **Legal Advice from the Swiss Aids Federation**: Responsible for legal questions on everything concerning data protection in connection with HIV and Aids (www.aids.ch)
- **Federal Data Protection and Information Commissioner**: From Monday to Friday from 10.00 am. to 12.00 a.m. there is a telephone advisory service available under the number: 058 462 43 95. However, this only applies to data protection violations between private individuals and the Federal Government (www.edoeb.admin.ch)
- **Cantonal and communal Data Protection Officers**: Most Cantons and the larger cities have their own Data Protection Officers. They advise those affected by a data protection violation by the Canton or the municipality concerned. The addresses can be found under www.privatim.ch

Criminal Law

1. Basic Information

Since the 90's, people living with HIV in Switzerland have been convicted because they had unprotected sex. Due to a revision of the Epidemics Act in 2016, as well as the acknowledgement of the non-infectivity of persons whose viral load is no longer detectable thanks to HIV therapy (see below), the convictions of people with HIV has been significantly reduced in recent years.

Grievous bodily harm, Article 122 of the Penal Code (StGB)

People living with HIV, who engage in unprotected sexual intercourse can, under certain circumstances, be criminally prosecuted for grievous bodily harm. This applies even when no transmission has taken place (so-called attempted grievous bodily harm). If, however, one of the following conditions is met with, criminal liability does not apply:

- If the HIV-positive person informs their partner of the HIV infection and they consent to having sexual intercourse without protection, he or she is **not** liable to prosecution. It may be difficult to prove consent.
- An HIV-positive person is also **exempt** from prosecution if his or her viral load is no longer detectable, because he or she is no longer contagious and cannot transmit the virus at all.

The Declaration by the Federal Commission for Issues relating to Sexually Transmitted Infections (CFIST) on Infectivity

"HIV-positive people, whose viral load is no longer verifiable, thanks to successful HIV therapy cannot pass on HIV sexually." This [Meldung \(Report\)](#) released by the Federal Commission for Issues relating to Sexually Transmitted Infections (CFIST), (formerly the Federal Commission for AIDS-related Issues: FCAI) in the year 2008 ([updated in 2016](#)), put the problem of criminal liability in a new light: Can someone be made criminally liable for grievous bodily harm, if he or she, from a purely biological standpoint, is not capable of transmitting HIV?

The Swiss Aids Federation has been strongly committed to ensuring that the principles laid down by the CFIST are recognised by the prosecution authorities and courts and that under the given circumstances, no criminal prosecution is necessary.

The lobbying was worth it: People who, at the time of sexual intercourse, do not have a detectable viral load are, as a rule, no longer made criminally liable. This also applies even if they do not inform their partner of the HIV infection prior to having sexual intercourse.

Criminal proceedings

The investigative authorities know exactly what questions they must ask a suspect and how they can lead someone into making contradictory statements, which can then be used against him or her. Those who want to exercise their rights effectively cannot avoid hiring a lawyer. In doing so, it should first be clarified, whether or not the suspect has to pay for the lawyer's costs themselves or whether a so-called compulsory public defence lawyer is, for the time being, paid for by the state. A compulsory public defence lawyer is appointed, then, when a suspect has been held in custody for 10 days or if a sentence is in danger of lasting more than a year. In all other cases, a public defender is only then made available if the suspect has financial problems. In minor cases, no one has the right to a public defender.

One of the most important rights of any suspect is the right of refusal to give evidence. Because every statement can be used against you, it is often advisable to make a statement only then when you know exactly what evidence the investigating authorities can provide and when you have had a chance to consult with your lawyer. This sounds easier than it actually is. For most people affected, it is extremely difficult to refrain from making any statement at all when coming under pressure or even being remanded in pre-trial custody by the investigating authorities.

2. Checklist

- What am I being accused of?
 - Do I fulfil the conditions of the EKAF Statement?
 - Was my partner informed about my HIV infection before engaging in unprotected sexual intercourse?
 - As a suspect, am I entitled to a compulsory public defence lawyer or do I have to hire and pay for a lawyer myself?
 - When are the next Interrogations planned?
-

3. Examples

Overview of the current legal situation on the criminal liability for an HIV transmission

Unlike in the past, people in Switzerland with HIV who engage in unprotected sexual intercourse, are convicted only in very rare cases. Anyone who has no detectable viral load, and who informs their partner of their HIV infection prior to having unprotected sex, will no longer be prosecuted under criminal law.

Objection to a Penalty Order

Small offences are regulated with a Penalty Order. This becomes legally binding, if one does not raise an objection within a specified time limit. As the deadline is very short and because not much time remains to look at the case files from the authorities, it is also possible to submit a precautionary objection, which one can withdraw at a later date.

Request for an inspection of files

The investigative authorities are normally very hesitant about giving out case files, so as not to jeopardise the investigation. They want to avoid presenting a suspect with all the evidence, which they have against them, because otherwise they can prepare themselves and can influence witnesses. Nevertheless, it is worth trying to request an inspection of files and, if possible, to obtain the procedural files.

4. Further information

Literature

- **The Swiss Statement** - Statement by the Federal Commission for AIDS-related Issues (today: Federal Commission for Issues relating to Sexually Transmitted Infections CFIST) on non-infectivity from 2008, [Schweizerische Ärztezeitung](#) (2008;89:5).
- **The Swiss Statement - eight years later.** A look back at the developments following the publication of the EKAF-Statement and the impact made on the decriminalisation of HIV transmission (English). P. Vernazza/E. Bernard, [Swiss Medical Weekly vom 29.1.2016](#) [EN]
- **HIV Criminalization** – Human Rights Fact Sheet. A factsheet of UNAIDS, a subsidiary organisation of the UN, on the criminalisation of HIV transmission in an international context (downloadable under www.unaids.org -> resources -> publications -> topic criminalization). [EN]
- **Criminal investigation – What to do?** (Strafuntersuchung – Was tun?) A comprehensive guide from the Legal Information Lawyers Collective with many notes on criminal investigating (order it under www.anwaltskollektiv.ch). You can also download a fact sheet on the criminal investigation from this website.
- **Criminal sanctions** – Overview on the criminal sanctions in Switzerland from the Competence Centre for Law Enforcement SKJV (www.skjv.ch -> Was ist Justizvollzug? -> Strafrechtliche Sanktionen)

Internet

- www.hivjustice.net: HIV Justice Network: Platform on the subject of criminal liability of HIV transmission with articles and verdicts on the subject (international). [EN]
- www.straf-prozess.ch: A very good overview on the procedure of a criminal proceeding with information on everything that one needs to be aware of.

Legal Advice

- **On-call criminal defence lawyers:** Every day, even at weekends, a public defender who can act immediately can be contacted. The addresses of all emergency lawyers can be found on the website of the Swiss Lawyers Association www.sav-fsa.ch under Legal advice -> Criminal Defence Duty.
- **Legal Advice by the Lawyers Collective:** From Monday to Friday experienced lawyers give information and can also become active in criminal cases. An initial consultation costs CHF 70.--. The advice centre is in Zurich (www.anwaltskollektiv.ch).
- **Legal Advice Centres of the Lawyers Bar Association** The Lawyers Bar Association runs advice centres, in practically all Cantons, free of charge (Addresses under www.sav-fsa.ch, link Legal advice -> Legal advice).

Travelling Abroad

1. Basic Information

Several countries have immigration and a limited stay duration for anyone with HIV. In the case of illness abroad, the basic health insurance company does not always cover all treatment costs. Also, in the case of social security, it is worthwhile clarifying the situation before travelling.

Immigration restrictions

Some countries refuse entry to people who are HIV-positive, in some countries, entry is allowed, albeit only under certain conditions. It is recommended that one checks out the current entry regulations before travelling to another country. A list of the current entry regulations of almost every country, in relation to HIV, can be found under www.hivtravel.org. You can get information on the general entry and stay duration conditions, from the Federal Department of Foreign Affairs, as well as the foreign representatives in Switzerland (see [Further information](#)).

Health Insurance

If you are on holiday abroad, you continue to be covered by your basic insurance in Switzerland and you can also profit from supplementary insurances (if you have these). In most countries, having a basic insurance is enough to cover the costs of treatment. However, problems can arise in Australia, Canada, Japan and in the USA: Hospital costs there can be up to five times higher than they are here. That is why for these countries it is advisable to take out a travel health insurance. However, it should be noted that these insurances do not normally provide benefits for illnesses, which were already in existence, e.g. HIV, prior to taking out the insurance!

If you are planning a limited stay abroad for up to year, you can possibly remain covered by your basic insurance in Switzerland. Whether this is possible, in your particular case, should be checked out with your health insurance company.

If you want to emigrate indefinitely, it is, as a rule, not possible to remain insured by your health insurance company in Switzerland. An exception is made for EU/EFTA countries. Here it is possible or even a condition, in certain countries, to remain insured with the Swiss insurance company – provided you do not intend to work in an EU/EFTA country. Special conditions also apply in the case of a secondment, for instance, where you are sent by your Swiss employer to work abroad. The joint institution KVG can give you more detailed information on this (www.kvg.org).

If you have supplementary insurances you should clarify with your supplementary insurance company, whether or not you can suspend these for the duration of a long stay abroad. When changing your residence address to an address abroad, your supplementary insurances will be lost and due to the HIV infection, when you return to Switzerland, you will no longer be able to take out any new supplementary insurances.

Disability (IV) pensions and supplementary benefits abroad

If you receive a half, three-quarters or a full IV pension, you are eligible for these even if you have relocated your residency abroad. Quarter pensions are only paid out in EU and EFTA countries. There is a special IV department, which is responsible for IV recipients living abroad [DI Office for people living abroad OAIE](#). You must be careful if, in addition, you are also receiving supplementary benefits (EL): these are only paid out to those whose residency and domicile is in Switzerland. Anyone who emigrates loses all of his or her supplementary benefits (EL).

2. Checklist

-
- Are there entry restrictions, in the country, which I would like to travel to, for people with HIV?
 - Are there restricted residency durations, in the country to which I would like to emigrate, for people with HIV?
 - What general regulations of entry and residency apply in my country of destination?
 - Is my health insurance sufficient to cover my entire planned stay abroad?
 - Can I continue with my basic insurance and possible supplementary insurances in Switzerland for such time as I am abroad?
 - What consequences will an emigration have on my disability pension and my supplementary benefits?
 - What does this mean in respect of my accident insurance?
 - Is there a social security service in the country of my choice? To what degree is it possible to carry on with my Swiss insurance protection?
 - Do I have to de-register with the resident's registration office in my place of residence? If this is the case, will I be given a de-registration confirmation?
 - Have I registered, after moving away, with the Swiss representation in my destination country?
-

3. Example

Certificate for carrying medication

If you are planning a longer trip to a non-EU country and you have to take large amounts of medication with you, you should carry an up-to-date certificate, which has been issued by your doctor and which describes your particular medical situation. Such a doctor's certificate can help to avoid misunderstandings in the case of possible customs checks. An example is attached here.

Beware: For countries, where the entry of people with HIV is forbidden, carrying such a certificate with you is not to be recommended.

4. Further information

Literature

- **Country Dossiers: Living and Working abroad:** The Federal Department of Foreign Affairs (FDFA) has compiled detailed dossiers on various countries. They contain important information on entry, visas, the health system, work, education, housing, culture and security. Downloadable at www.eda.admin.ch (-> Living and working abroad -> Preparations for a stay abroad -> Emigrating-> Information about countries) [EN]
- **Travel Checklist** (Reise-Checkliste): Good preparation is essential for a successful trip. The FDFA's travel checklist can help. It shows what you should think about and prepare before and after booking and just before departure. Download at www.bundespublikationen.admin.ch (-> Suche). Available in German, French and Italian)
- **SwissInTouch, Switzerland in your pocket:** An App of the FDFA that makes staying in touch easier. This App keeps Switzerland at your fingertips. To install the app, visit: www.swissintouch.ch [EN]

Internet

- www.hivtravel.org A list of the current entry regulations of almost all countries, in connection with HIV. [EN]
- www.eda.admin.ch On the website of the Federal Department of Foreign Affairs FDFA you will find a list of foreign representatives in Switzerland and Swiss representatives abroad, as well as further helpful

information on the topic of emigration/stays abroad. [\[EN\]](#)

- www.aso.ch The website of the Organisation for the Swiss Abroad, offers information on topics such as health insurance, military service, work training and scholarships. [\[EN\]](#)
- ec.europa.eu/eures.ch – The European portal for professional mobility. Here one can find a list of jobs from across the entire EU region. [\[EN\]](#)

Legal Aid

- **Legal Aid of the Swiss Aids Federation:** Responsible for legal questions on all aspects of your (planned) stay abroad in connection with HIV (www.aids.ch)
- **FDFA Helpline:** On this Helpline of the Federal Department of Foreign Affairs (FDFA), for 365 days a year, one has around the clock access to detailed information on, among other things, travel information, consular protection and life abroad. Tel. no.: 0800 24-7-365; from abroad: +41 58 465 33 33
- **Soliswiss:** Founded in 1958, the cooperative for Swiss nationals abroad offers advice for emigrants, returnees and travelers by telephone, video call or on site in Bern. Counselling is free of charge for members and CHF 90.- for non-members (soliswiss.ch).



What is right is right: Your donation helps!

Discrimination, unlawful dismissals, data protection violations or the refusal of insurance cover, all make life difficult for many people living with HIV. The free legal advisory service of the Swiss Aids Federation, offers assistance to those affected: directly and without bureaucracy:

- We advise those affected on **claims and offer possible solutions.**
- We **intervene** with employers, neighbours, insurers and authorities.
- In many cases we **reverse unlawful decisions**

Get information from our website: www.aids.ch

With your donation, you make a valuable contribution and ensure that justice is done to people living with HIV. Thank you very much for your support! More at www.aids.ch/en/donations

Donation Account

Aids-Hilfe Schweiz, Zurich
Postkonto 30-10900-5
Because Every Donation Counts!



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93	Travelling Abroad	<u>Certificate permitting the carrying of medication</u>

[Your name]
[Your address]

[Institution to which your
application should be sent, e.g.
Court, Conciliatory Authority]
[Address]

[Place, Date]

Application for Cost-Free Justice Administration

1. Proceedings

Proceedings Nr.	Complainant Party	Defendant Party
<hr/>	<hr/>	<hr/>

Subject matter of the proceedings (e.g. divorce, claims, etc.)

2. Applicant Party

Name*	Street* /Nr.	Telephone Number:
<hr/>	<hr/>	<hr/>

First Name*	Post Office Box	Mobile Telephone Number
<hr/>	<hr/>	<hr/>

Date of Birth*	Postal Code* / Place	E-Mail Address
<hr/>	<hr/>	<hr/>

Profession*	Civil Status*	Place of Origin
<hr/>	<input type="checkbox"/> single	<hr/>
Employer	<input type="checkbox"/> married	Nationality
<hr/>	<input type="checkbox"/> separated	<hr/>
	<input type="checkbox"/> divorced	Translator required?
	<input type="checkbox"/> widowed	<input type="checkbox"/> yes
	<input type="checkbox"/> in a registered partnership	Language
	<input type="checkbox"/> dissolved partnership	<hr/>
	<input type="checkbox"/> co-habiting	
*Obligatory Information		

3. Persons living in the same household

Name	Profession or Activity	Net Wage (CHF/Month)

First Name	Employer

<input type="checkbox"/> Child <input type="checkbox"/> Other Person	Date of Birth	Familiy Relationship

4. Free Legal Aid

Do you require a lawyer?	Preferred Lawyer (Name, First Name, Address)
<input type="checkbox"/> yes <input type="checkbox"/> no	

5. Legal Aid and lawyer's down-payments

Is there a Legal Protection Insurance available or will the legal costs be covered by a third party (Professional Association, Union, etc.) ?	
<input type="checkbox"/> yes <input type="checkbox"/> no	If yes, by whom and to what extent (CHF)?

6. Income (per month)

Income Component	Applicant Party	Spouse / Partner
Earned income (Net salary, 13 th month salary, gratification, part-time work, expenses, etc.)	CHF	CHF
Insurance and annuity benefits (AHV, IV, EL, unemployment benefits, etc.)	CHF	CHF
Maintenance and support contributions	Personally: CHF	CHF
	Children: CHF	CHF
Family and educational allowances	CHF	CHF
Other income (household costs, children, food costs, sub-letting, etc.)	CHF	CHF
Investment income	CHF	CHF
Total income, per month	CHF	CHF

7. Expenditure (per month)

Expenditure	Applicant Party	Spouse / Partner
Rent/mortgage interest rates, incl. housing service charges	CHF	CHF
Health insurance premiums minus premium reduction	CHF	CHF
Work-related expenditures (public transport costs, car costs, daily commute, external catering)	CHF	CHF
Payment of maintenance	CHF	CHF
Debt interest rates	CHF	CHF
Tax allocations (Federal Government, Canton, Community)	CHF	CHF
Other expenses (childcare costs, nursery, day-mother, education costs)	CHF	CHF
Total expenditure, per month	CHF	CHF

8. Assets

Assets Worth	Applicant Party	Spouse / Partner
Accounts, savings accounts, securities, shares, as well as cash	CHF	CHF
Real estate, house, condominium (market value)	CHF	CHF
Car (current value) make, type, year, buying price	CHF	CHF
Life Insurances (Surrender value)	CHF	CHF
Further assets (non-distributed inheritance, shareholdings etc.)	CHF	CHF
Total assets worth	CHF	CHF

9. Debts

Dept Position	Applicant Party	Spouse / Partner
Credits, loans, mortgage debts (current debt status)	Creditor: Amount: CHF Creditor: Amount: CHF Total:	Creditor: Amount: CHF Creditor: Amount: CHF Total:
Outstanding taxes Canton, Community and Direct Federal Taxes (per year)	Year: Amount: CHF	Year: Amount: CHF
Further Debts	CHF	CHF
Total debts	CHF	CHF

10. Social Welfare

Are you on welfare	If yes, for what period of time ?
<input type="checkbox"/> Yes <input type="checkbox"/> no	

11. Enclosures

- ☐ Confirmation from the social welfare assistance authorities, if social welfare assistance is received; needs calculation
- ☐ Wages statement from the previous year
- ☐ Payroll accounting of the current year
- ☐ Rental contract
- ☐ Employment contract
- ☐ Mortgage interest rate and housing service charges from the previous year
- ☐ Health insurance premium statement
- ☐ Ruling on premium reduction
- ☐ Property and liability insurance documents
- ☐ Current bank and post office statements
- ☐ Latest tax statement (incl. list of securities) and latest tax assessment order
- ☐ Confirmation by the tax authorities: in accordance with cantonal practices, or at the request of the court responsible
- ☐ Further certificates which prove the financial situation of the applicant party:

12. Personal Signature/by hand

Place/Date

Signature

The applicant must personally sign the application. With this signature he or she declares that the information given above is true and complete and that he or she gives authorisation to the court to inspect all tax documents. The application must be submitted to the court, as well as to the conciliatory authority. Entries and enclosures are to be made with one copy each for the court and the conciliatory authority, as well as for each counterparty.

Tips on Legal Protection Insurance

If disputes have to be resolved in court, it often involves a lot of expense (court costs, lawyers costs, etc.). With a legal protection insurance policy, you can cover the cost risk of such a (possible) legal dispute.

Before you take out a legal protection insurance policy, you should take the following into consideration:

- As a rule you can choose between the different legal costs insurance types (car buying, selling, rental, repairs, sometimes also for such incidents such as pedestrian, cyclist, public transport passenger) or in the private sector (tenancy and labour law, purchase and loan agreements, disputes with insurance companies). There are often, also, combined solutions available.
- Clarify, as to whether or not you are already covered in one legal area or another, thorough the tenant's association, the union, the motoring association, the health insurance or elsewhere.
- Think about whether or not you really need an insurance cover for abroad. A lot of travel insurance companies also cover damage claims internationally, many though are limited to national damage claims only.
- Important: Family disputes (divorce, inheritance, marriage protection) tax and criminal proceedings are, as a rule, **not** insured!
- **Attention:** Most legal protection insurance companies have waiting periods (e.g, the first three months after the signing of the contract). Disputes, which arise within the waiting period, are subsequently not insured.

How you should proceed with damage claims

1. Some legal protection insurance companies offer a telephone Hotline. Call here first, if you are caught up in a legal dispute and get advice as to what first legal steps should be taken.
2. Fill out the damage/application form of your legal protection insurance company (you will find this on the website of your legal protection insurance company or you can order one by phone).
3. The legal protection insurance company will then check that the damage claim form is complete and whether the legal case is insured. If the legal case is not insured, the company will let you know and will return your documents. If the legal case is insured, a legal protection insurance lawyer will get in touch with you to discuss as to how you should proceed.
4. If the inclusion of an external lawyer becomes necessary, you can pass on the name of a lawyer of your choice to the legal protection insurance. He or she should be active in the particular area of the court which is responsible for hearing the case. You can, however, also choose a lawyer from the list of partner lawyers of your legal protection insurance company.

Important: Never hire a lawyer before you have reported the case first to your legal protection insurance company! The lawyer should take on the case, only then, when the legal protection insurance company has guaranteed that the costs are covered.

[Your Name]
[Your Address]
responsible]

Registered Letter

[Your employer]
[Name of the person

(Personal, Confidential)¹
[Address]

[Place, Current Date]

**[Your Name and Address]
Inspection of Personal Files**

Dear Mr. / Mrs, [Name]

May I please ask you to send me all of the documents from the personal file, which you have in your possession, in connection with myself. (Copies will suffice).

Thank you for your efforts.

Yours faithfully,

(Your Signature)

[Your First Name and Surname]

¹ With this inclusion, you are making sure that only the person responsible in the personnel office reads the letter.

Employment Lawsuit

Send a copy, in double, to the Employment Court [of your place of work]

Postmark:*	Process Number:*
Entry:*	Group:*

Employee	Employer
Surname: First Name: Date of Birth: Place of Origin: Nationality: Profession: Employed as: Translator needed? <input type="checkbox"/> yes <input type="checkbox"/> no Language:	Surname: First Name: Date of Birth: Place of Origin: Nationality: Type of Company: Translator needed? <input type="checkbox"/> yes <input type="checkbox"/> no Language:
	<i>or</i> Company description
Street: Postcode/Place: Delivery address: Available during the day under Tel. P: Mobile: E-Mail:	Street: Postcode/Place: Delivery address: Available during the day under Tel. P. Mobile: E-Mail:

Representative	Representative
Name: Postcode/Place: Tel:	Name: Postcode/Place: Tel:

Type and duration of employment			
Written contract :	<input type="checkbox"/> yes <input type="checkbox"/> no	From the :	
Entry on the :		Trial Period :	
Place of work :			
Gross wage :	CHF	Net wage :	CHF Other allowances : CHF
Commission :	CHF	Expenses :	CHF
13 th month wage:	CHF	Gratification :	CHF

Termination of Employment

Termination: ☐ due notice ☐ without notice
☐ oral notice ☐ written notice

Termination takes place on the: by whom?

Immediate dismissal on the: on the:

Was the termination justified in writing? ☐yes ☐no

Absences

If you are unable to attend court dates in the near future (military service, previously booked holidays, etc.), please enter the reason here

Absent from: until:

Monetary Claims

Wages and Expenses

Gross wage: from: to: CHF

Gross wage: from: to: CHF

Expenses (see index): CHF

Gross 13th monthly wage: CHF

Gratuities (see index) : CHF

Gross holiday pay Number of days : ☐ working days ☐ calendar days CHF

Gross accident wage/sickness wage from: until: CHF

Gross overtime wages (see index) CHF

Gross unjustified deductions (enclose wage statement) CHF

Compensation

Compensation for termination without notice (art. 337c, para. 3 OR) CHF

Compensation for wrongful dismissal (art. 336a OR) CHF

Further monetary claims (please specify):

CHF

CHF

Default interest at 5% from: CHF

Total claim CHF

Further Claims	
Confirmation of employment (only for the type and length of employment)	<input type="checkbox"/> yes <input type="checkbox"/> no
Letter of reference on performance and behaviour	<input type="checkbox"/> yes <input type="checkbox"/> no
Letter of reference alteration (enclose letter)	<input type="checkbox"/> yes <input type="checkbox"/> no
Commission-/wage statements for the period from: until:	
Publication of (what?):	
Reason for the termination	<input type="checkbox"/> yes <input type="checkbox"/> no
Further claims (what?):	

Remarks

Enclosures:	
Please submit, if possible, all documents at the start of proceedings. Number your receipts chronologically and make a list of the enclosed documents. Possible documents might be, for example:	
<input type="checkbox"/> Employment Contract <input type="checkbox"/> Wage Statements <input type="checkbox"/> Termination Letter	<input type="checkbox"/> Receipts <input type="checkbox"/> Correspondence <input type="checkbox"/> Commission Statements, Expenses, etc.

Place and Date:	Signature of the complainant:

Process-Number:

Parties: _____

List of Enclosures: Complainant

Nr.	Document Description	Date
1		
2		
3		

Letter of reference: Typical codes

Terms to describe an employee's performance

Very good

- his/her achievements have always had our fullest recognition in all respects
- his/her achievements were always very good
- we were always extremely satisfied
- always to our fullest satisfaction
- has met with our expectations in every respect and in the best possible way

Good

- we were always very satisfied
- achievements were always acknowledged
- fully satisfied with the achievements
- his/her achievements have always had our fullest recognition
- always to our fullest satisfaction
- has met with our expectations in every respect

Satisfactory

- we were very satisfied
- to our fullest satisfaction
- achievements were satisfactory
- has met with our expectations
- adequate
- we were always satisfied
- to our satisfaction

Inadequate

- we were satisfied
- by and large to our satisfaction
- has mostly fulfilled expectations
- carried out the delegated tasks with great diligence and interest
- was always eager to meet with requirements

Insufficient

- we were satisfied (made an effort)
- to our satisfaction (made an effort)
- no comment

Description of behaviour /conduct

Very good

- With superiors and employees always faultless
- His/her friendly nature always ensured him/her of a good relationship with superiors and employees
- The open and friendly nature of this person, towards superiors and employees, was always fully acknowledged and greatly appreciated
- His/her behaviour towards superiors, work colleagues, employees and clients has always been faultless
- He/she has been appreciated by superiors, colleagues and clients as a friendly and hardworking member of staf

Good

- His/her collegial nature always ensured him/her a good relationship with superiors and employees
- His/her behaviour towards superiors, work colleagues, employees and clients has been exemplary
- Relationship with superiors, work colleagues, employees and clients has been faultless
- His/her behaviour towards superiors, work colleagues and clients has been faultless

Satisfactory

- His/her behaviour towards superiors and work colleagues has been faultless
- His/her behaviour towards superiors and work colleagues never presented a cause for complaint
- His/her behaviour towards employees and superiors has been exemplary (Superiors are mentioned here in second place, hence the satisfactory assessment)
- His/her behaviour towards employees and superiors was good

Adequate

- His/her behaviour towards work colleagues has been faultless
- His/her behaviour towards work colleagues was friendly and helpful, the behaviour towards superiors, correct
- His/her conduct towards superiors has been exemplary
- His/her conduct towards superiors never presented a cause for complaint
- His/her behaviour towards superiors and employees never presented a cause for complaint

Inadequate

- His/her personal behaviour has been overall faultless
- He/she was appreciated as a sociable colleague among the staff
- He/she was considered to be a collegial and friendly work colleague
- His/her personal behaviour towards superiors and work colleagues has been adequate

Insufficient

- He/she was considered to be a collegial and friendly work colleague
- He/she was appreciated as a sociable colleague among the staff
- His/her personal behaviour has been overall faultless
- He/she was always eager to maintain a good relationship with colleagues and superiors

Bern, Basle and Zürich Scales: Continued payment of wages in the case of illness

Bern Scale

In the 1 st year	3 Weeks continued wages
In the 2 nd year	1 Month
In the 3 rd and 4 th year	2 Months
From the 5 th up to the 9 th year	3 Months
From the 10 th up to the 14 th year	4 Months
From the 15 th up to the 19 th year	5 Months
From the 20 th up to the 25 th year	6 Months

Basle Scale

In the 1 st year	3 Weeks continued wages
In the 2 nd and 3 rd year	2 Months
From the 4 th up to the 10 th year	3 Months
From the 11 th up to the 15 th year	4 Months
From the 16 th up to the 20 th year	5 Months
After the 21 st year	6 Months

Zürich Scale

In the 1 st year	3 Weeks continued wages
In the 2 nd year	8 Weeks
In the 3 rd year	9 Weeks
In the 4 th year	10 Weeks
Per additional year of service	One additional week each

Attention: An employer in Bern is not necessarily bound by the Bern Scale. An employer in Zürich is not necessarily bound by the Zürich Scale, etc. The only condition is that the employee knows exactly what is applicable.

These scales only come into effect if the company has not taken out a Daily Benefits Insurance Scheme or if employees have been blocked from receiving Daily Benefits Insurance due to pre-existing illnesses.

[Your Name]
[Your Address]

Registered Letter

[Your Employer]
[Name of the person responsible]
(Personal, Confidential)²
[Address]

[Place, Current Date]

[Your Name, Address]

Request for a written Justification for the Termination

Dear Mrs. / Mr.

With the letter of the [date], I have received your letter of termination.

With reference to Art. 335 OR of the Swiss Code of Obligations, I would kindly ask you to give me the reason for this termination, in writing, within seven days,

Yours faithfully,

_____ (Your Signature)

[Your First name and Surname]

² With this inclusion, you are making sure that only the person responsible in the personnel office reads your letter.

[Your Name]
[Your Address]

Registered Letter

[Your Employer]
[Name of the person responsible]
(Personal, Confidential)³
[Address]

[Place, Current Date]

Objection to the Non-Compliance of the Blocking Periods

Dear Mr. / Mrs. [Name]

As I have already informed you on the [date], I have been unable to work since the [starting date of the incapacity to work] and probably until the [probable end of the incapacity to work], according to my doctor's assessment as a result of illness.

You have given me notice in your letter of the [notice date] as per [end of the working relationship], i.e. during the afore-mentioned period of sickness-related inability to work. This termination is therefore, according to Art. 336c OR, null and void. *(Or, in the case of illness only then within the period of notice, instead: The notice period is extended for the length of the illness-related inability to work.*

As soon as the incapacity reason no longer applies, I will resume work.

Thank you for your efforts.

Yours faithfully,

_____ (Your Signature)

[Your First Name and Surname]

³ With this inclusion, you are making sure that only the person responsible in the personnel office reads your letter.

[Your Name]
[Your Address]

Registered Letter

[Your Employer]
[Name of the person responsible]
(Personal, Confidential)⁴
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth]

Objection to a Wrongful Dismissal

Dear Mrs. / Mr. [Name]

You gave me notice on the [date]. I consider this dismissal wrongful and am therefore raising an objection to it.

I regard your reason for the dismissal to be unfounded and would ask you to reconsider your decision and to annul the termination. Otherwise, I reserve the right to challenge this termination as wrongful and to claim compensation through the courts.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

⁴ With this inclusion, you are making sure that only the person responsible in the personnel office reads your letter.

[Your Name]
[Your Address]

Registered Letter⁵
[Your Daily Sickness Benefit Insurance]
[Address]

[Place, Current Date]

[Your Name, Address and if possible, Date of Birth, possibly Policy Number]

My registration with your Daily Sickness Benefits Insurance Company

Dear Sir or Madam

I have been employed by the company [name of your employer] since [date], which has taken out a collective daily allowance insurance with you. On the [date] I had to fill out a health questionnaire in the presence of my employer. As an employer does not have the right to access the health data of his employees, I have answered the question, relating to HIV, incorrectly. I do not want my employer to know about my HIV infection. I am, after all, fully capable of working.

With this letter to you, I am rectifying the false declaration. I am HIV-positive and would ask you to correct this information in the health questionnaire.

Please treat this information with the strictest confidence and I would ask you to not, under any circumstances, inform my employer.⁶

Thank you in advance and looking forward to your confirmation of my letter.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

Enclosure: Registration with health questionnaire⁷

⁵ It is imperative that the letter be sent by registered post. Only in this way can you prove, later, that you correctly reported your HIV infection. As soon as you receive confirmation from the Daily Sickness Benefit Insurance Company, this will suffice.

⁶ As a rule, a non-disclosure agreement between the insurance company and an employer works. Nevertheless, it is recommended that you specifically demand that discretion be fully adhered to.

⁷ If possible, you should make a copy of the health questionnaire. You should send the falsely completed one to your employer and the correctly completed one directly to the insurance company. If this is not possible, you can make the registration by letter or ask the insurance company for a new questionnaire.

[Your Name]
[Your Address]

Registered Letter

[Your Daily Sickness Benefit Insurance]
[Address]

[Place, Current Date]

[Your Name, Address and if possible, Date of Birth and Policy Nr.]

Direct Right of Claim

Dear Sir or Madam

I have been employed by the company [name of your employer] since [date], which has taken out a collective daily allowance insurance with you. As you know, I have been unemployed since [date] and am dependent on daily benefit allowances.⁸

Unfortunately, there are problems concerning the forwarding of daily allowances by my employer [if possible; specify in detail what kind of problems]. Therefore, I am forced to assert a direct right of claim against you in accordance with Art. 87 VVG⁹ and must ask you to transfer the daily allowances to me directly and with immediate effect. My payment details are as follows: [post office account details or bank account details]. I remain at your disposal for any further questions.

Thank you for your attention.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

⁸ If available; copies of the notification of illness and doctor's certificates.

⁹ The legal basis for a direct right of claim can be found in Article 87 of the Insurance Agreement Law (VVG). If it concerns a daily sickness benefits insurance in accordance with the KVG, then it must state "according to the BGE 120 V 38". In this decision, the Federal Supreme Court held that the direct right of claim also applies to KVG daily benefit insurances.

[Your Name]
[Your Address]

Registered Letter¹⁰
[Your Insurance Pension Fund]
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth, possibly Policy Nr.]

My registration with your Pension Fund

Dear Sir or Madam

I have been employed by the company [name of your employer] since [date], who is affiliated with your pension fund. On the [date] I had to fill out a health questionnaire in the presence of my employer. As an employer does not have the right to access the health data of his employees, I have answered the question, in relation to HIV, incorrectly. I do not want my employer to know about my HIV infection. I am, after all, fully capable of working.

With this letter to you I am rectifying the false declaration. I am HIV-positive and would ask you to correct this information in the health form.

Please treat this information with the strictest confidence and please do not, under any circumstances inform my employer.¹¹

Looking forward to your confirmation of my letter.

Yours faithfully,

_____(Your signature)

[Your First Name and Surname]

Enclosure: Registration with health questionnaire¹²

¹⁰ It is imperative that the letter be sent by registered post. Only in this way can you prove, at a later date, that you correctly reported your HIV infection. As soon as you receive confirmation from the Pension Fund Company, this will suffice.

¹¹ As a rule, a non-disclosure agreement between the pension fund company and an employer works. Nevertheless, it is recommended that you specifically demand that full discretion be adhered to.

¹² If possible, you should make a copy of the health questionnaire. You should send the falsely completed one to your employer and the correctly completed one directly to the pension fund company. If this is not possible, you can make the registration by letter or ask the insurance company for a new questionnaire.

[Your Name]
[Your Address]

Registered Letter
[Your Pension Fund]
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth, possibly Policy Nr.]

Benefits According to the BVG

Dear Sir or Madam

As you can see from the herewith-enclosed IV ruling of the [date], I have been receiving a disability pension since the [date]. I do not know whether you have already been informed of this. In any case, I would ask to clarify as to whether or not I am eligible for a disability pension according to the BVG.

Please let me know if you require further documentation or information.

I thank you for your efforts.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

Enclosure: IV ruling of the [date]

[Your Name]
[Your Address]

Registered Letter
[Your Pension Fund]
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth, possibly Policy Nr.]
Inspection of Files

Dear Mr. / Mrs, (Name of the person responsible, if known]

I would ask you to send me the complete case files as soon as possible.

Thank you very much for your efforts.

Yours faithfully,

_____(Your Signature)

[Your First and Last Name]

Enquiry at the 2nd Pillar Central Office regarding occupational benefit credit balances

Please take note of the information on the [Information Sheet](#), before you fill out this questionnaire. There should be just one questionnaire submitted per person.

If you are submitting an enquiry on behalf of a third party, please enclose a copy of a Power of Attorney. Thank you.

1.1 Details of the person for whom credits are being sought

Name

Surname

Date of Birth AHV-Nr.

Address

.....

.....

Telephone number

1.2 Extra details, *only* in the event of the death of the person for whom credit is being sought

Point 1.1 must be filled out in each case. Copies of the Death Certificate and a Family Identity Document must be enclosed.

Date of death

Information on the survivor's

Name First Name

Date of Birth Relationship

Address.....

.....

.....

2. Details of the work relationships from which BVG Benefits are being sought

From	To	Name of the Employer	Occupation / Area

3. Details of previous pension scheme(s)

Name

Address

.....

4. Information on the receipt of any further pension benefits

Are you already receiving a pension from one of the following institutions in Switzerland?

- | | | |
|--------------------------------------|------------------------------|-----------------------------|
| - AHV Retirement Pension | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| - IV-Disability Allowance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| - AHV Survivors Pension | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| - 2 nd Pillar Pension BVG | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Please send the questionnaire to:

**Zentralstelle 2. Säule
Sicherheitsfonds BVG
Geschäftsstelle
Postfach 1023
3000 Bern 14**

Tel. +41 31 380 79 75

Fax +41 31 380 79 81

E-mail: info@zentralstelle.ch

Place and Date.....

Signature of the applicant

If available, **copies** of the following documents should be enclosed with this inquiry application. The copies do not have to be authenticated.

- ☐ AHV Identity Card
- ☐ Wage Statement
- ☐ 2nd Pillar Insurance Certificate
- ☐ Statement from the individual AHV account (IK-Statement)
- ☐ Power of Attorney (only if requested for a third party)
- ☐ Death Certificate and Family Identity Card (compulsory in the case of a deceased person)

This form can also be downloaded, as a PDF document, under www.sfbvg.ch.

Source: 2nd Pillar Central Office/www.sfbvg.ch)

Zentralstelle 2. Säule

Sicherheitsfonds BVG
Postfach 1023
3000 Bern 14
Tel. +41 31 380 79 75
Fax +41 31 380 79 81

**Office central du
2ème pilier**

Fonds de garantie LPP
Case postale 1023
3000 Berne 14
Tél. +41 31 380 79 75
Fax +41 31 380 79 81

**Ufficio centrale del
secondo pilastro**

Fondo di garanzia LPP
Casella postale 1023
3000 Berna 14
Tel. +41 31 380 79 75
Fax +41 31 380 79 81

INFORMATION SHEET

Enquiry at the 2nd Pillar Central Office about credit balances from Occupational Pension Schemes

This information sheet informs you about cases in which a credit balance has been acquired under an occupational benefits scheme (also called 2nd pillar, pension fund, or LOB) in the event of professional activity in Switzerland.

The 2nd Pillar Central Office is a central, government-run institution for pension asset searches. For that purpose it is notified annually by occupational benefits institutions and institutions that keep vested benefits accounts or policies, of all persons with a credit balance. The 2nd Pillar Central Office itself does not manage credit balances, nor does it take decisions on entitlements to credit balances.

The history occupational benefits insurance in Switzerland

Introduction of the compulsory provision 1985

The statutory insurance obligation for occupational benefits has existed in Switzerland since 1 January 1985. Before that date any occupational benefits insurance was voluntary. Several employers had already established occupational benefits insurance schemes for their employees prior to 1985.

Entitlements prior to 1972

On termination of employment activity in Switzerland prior to 1972, any occupational pension entitlements were generally paid out with the last salary. As a rule, no further credit balances therefore exist in respect of employment relationships that ended prior to 1972.

Who is covered by occupational pension schemes?

Under the insurance obligation for occupational benefits in place since 1985, employees 25 years and older must be insured for retirement benefits, provided that their annual income is CHF 22'050 (as of 2024) or higher.

The exceptions, from compulsory insurance in the following cases:

- The contract of employment is limited to 3 months or less
- employment in Switzerland is not permanent and the person concerned has equivalent insurance in another country
- the employer is not subject to the obligation to contribute (e.g. embassies, international organisations, etc.)

- the person concerned earns income from secondary employment and either already has compulsory insurance for the main employment activity or is self-employed in the main profession.
- the person concerned is at least 70% disabled

Unemployed persons are only subject to compulsory insurance to cover the risks of death and disability. Under this pure risk insurance, no savings capital is accumulated and no entitlement to pension assets therefore arises. Likewise, only pure risk insurance is mandatory for persons who have not yet reached the age of 25.

How can you determine whether you have or had occupational benefits insurance?

By checking your payroll you will see whether occupational benefit contributions were deducted from your salary. In the event you are insured, you should receive from your employer's occupational benefits institution an attestation (insurance certificate or policy) informing you of your benefit entitlements.

The employer and its occupational benefits institution are required to inform you about your insurance. If you know the address of the occupational benefits institution, please contact it directly.

Enquiry to the 2nd Pillar Central Office

If you are trying to trace 2nd Pillar credit balances you may send an enquiry to the 2nd Pillar Central Office. Your enquiry will be compared with reports from occupational benefits institutions and from institutions that keep vested benefits accounts or policies. You will be informed if a match is found. You must then make any claims directly to the institution indicated, which alone decides on entitlement and possible disbursement.

Please send your inquiry to the following address:

**Zentralstelle 2. Säule
Sicherheitsfonds BVG
Geschäftsstelle
Postfach 1023
3000 Bern 14**

The completed and signed form may also be sent by e-Mail to the following address: info@zentralstelle.ch.
In any case, our reply will be by post.

For further information, we can be reached by phone on +41 31 380 79 75 (no credit balance information is provided by telephone) you can reach us under

Source: 2nd Pillar Central Office
www.sfbvg.ch

[Your Name]
[Your Address]

Registered Letter
[Your Health Insurance]
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth, possibly Policy Nr.]

Request for Cost Credit for [description of the planned therapy/treatment]

Dear Sir or Madam

According to the doctor's report¹³ from Dr. med. [name of the doctor], I am in need of the following treatment: [description of the planned therapy / treatment or operation].
I would ask you to approve a cost credit for this as soon as possible.

If you have any questions, may I ask you to contact Dr. [name of the doctor] directly if possible.

Thank you in advance.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

¹³ Without a doctor's report, stating that, for medical reasons, the planned treatment or therapy is necessary, the health insurance company will more likely than not, not agree to a cost credit. This is why you should obtain a doctor's report before submitting a request.

[Your Name]
[Your Address]

Registered Letter
[Your Health Insurance]
[Address]

[Place, Current Date]

Exclusion of Accident Cover
[Your Insurance Policy Nr.]

Dear Sir or Madam

As I am already insured against accidents by my employer, I would ask you to adjust the accident cover and the premium amount accordingly, as of next month.

Please find enclosed the confirmation from my employer.

Thank you in advance.

Yours faithfully,

_____ (Your Signature)

[Your First Name and Surname]

[Your Name]
[Your Address]

Registered Letter
[Your Health Insurance]
[Address]

[Place, Current Date] ¹⁴

Changing of the Deductible Rate

[Your Insurance Policy Nr.]

Dear Sir or Madam

Please change my deductible rate for the basic insurance from the 1st of January [of the following year] as follows:

Name, First Name	Deductible rate so far	New deductible rate

Thank you in advance.

Yours sincerely,

_____ (Your Signature)

[Your First Name and Surname]

¹⁴ **Important:** The letter must reach the health insurance company by the end of November! It is therefore too late if you send it on the 30th of November, so to be on the safe side it is better to send it 10 days earlier.

[Your Name]
[Your Address]

Registered Letter
[Your Health Insurance]
[Address]

[Place, Current Date]¹⁵

Termination of Basic Health Insurance

Dear Sir or Madam

I would like to terminate my basic health insurance cover listed below:¹⁶

Surname	First Name	Date of Birth	Termination Date

Please note that this termination is only valid for the basic insurance cover (KVG cover).¹⁷

I will be insured by a new health insurance company as from the aforementioned date. Please send me a confirmation of this termination.

Thank you in advance.

Yours faithfully,

_____ (Your Signature)

[Your First Name and Surname]

¹⁵ **Important:** The letter of termination must reach the health insurance company by the end of November! It is not enough if you send it on the 30th of November and to be safe it is better to send it 10 days earlier.

¹⁶ Policy Nr. if available

¹⁷ One can of course also terminate the supplementary insurance policy. Here though there are other termination deadlines to be adhered to. Please observe the General Terms of Contract. **Important:** As a rule, anyone with HIV or other chronic diseases can never again take out a supplementary insurance. This is why a termination should be well thought through.

[Your Name]
[Your Address]

Registered Letter
[Your IV Department]
[Address]

[Place, Current Date]

[Your AHV Nr.] ¹⁸
[Your Name and Address]

Request for an Inspection of Files

Dear Mr. / Mrs. [Name of administrator]

I would ask you to send me the complete case files for inspection (including the most recent version of the findings sheet from the temporary storage facility)¹⁹ as soon as possible²⁰.

I thank you for your efforts.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

¹⁸ Absolutely necessary: The IV departments manage their dossiers according to the AHV Nr.

¹⁹ The IV departments maintain their internal case files in a so-called findings sheet. If one does not specifically ask for this along with the IV files, one often does not receive it or at least not in the latest version. This document, though, is extremely important, because it shows the internal decisions made by the IV department.

²⁰ If there is a deadline, please bring this to the attention of the IV department.

[Your Name]
[Your Address]

Registered Letter²¹
[Your IV- Office] ²²
[Address]

[Place, Current Date] ²³

[Your Name, Address, Date of Birth and AHV Nr.]²⁴

Precautionary Objection²⁵ to your Preliminary Decision of [the date on the Preliminary Decision]²⁶

Dear Sir / Madam

I am raising, in due time²⁷ and with precaution, an objection to your preliminary decision of the (date of the preliminary decision). I can, however, only then justify it or at most withdraw it, once I have had access to the complete files. This is why I would ask you to send me, as soon as possible, the complete files for a brief inspection (copies will suffice). I would further ask you to grant me, according to common practice, an extended grace period of 30 days from the delivery of the files²⁸, in order for me to justify the objection.

I thank you for your efforts.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

Enclosure: Copy of the preliminary decision with envelope²⁹

²¹ Because an objection to a preliminary decision must be submitted within 30 days, this must always be sent by registered post. Only in this way can you prove that the deadline has been adhered to.

²² Each Canton has its own IV department. The address can be found on the preliminary decision letter.

²³ The deciding factor that the deadline has been met is not the date of the precautionary objection, but rather the date of the postmark.

²⁴ The new AHV. Nr. is no longer "self-descriptive", this means conclusions cannot be drawn as to the sex, age or name of the person concerned.

²⁵ With a precautionary objection you can prevent the deadline from running out. This makes sense, especially then when one is not yet familiar with the files and the deadline is about to end.

²⁶ Date of the preliminary decision. Important: The 30-day deadline does not begin on this date, rather on the date of delivery.

²⁷ The deadline for raising an objection is 30 days and begins upon receipt of the preliminary decision

²⁸ This extended grace period is, as a rule, granted unproblematically. This means that from the moment that you receive the files, you have 30 days in which to submit a justification.

²⁹ Always enclose copies (never originals) of the preliminary decision which are in reference to the objection.

[Your Name]
[Your Address]

Registered Letter³⁰
[Your IV- Department] ³¹
[Address]

[Place, Current Date] ³²

[Your Name, your AHV Nr.]

Objection to the Preliminary Decision

Dear Sir / Madam

In the above-mentioned matter, I herewith refer to your preliminary decision of the [date of the preliminary decision letter]. I am raising an objection to your decision and am presenting the following

Applications

[Make a list here of the things that you are requesting from the IV department, e.g. increase of disability level and disability allowance, additional review by a specialist, granting of professional measures, etc.]

Formal

The preliminary decision of the [date on the preliminary decision] was delivered to me on the [date of the delivery]. The deadline for raising an objection has been met with today's postmark.

*Evidence 1: Copy of the preliminary decision of the [date of the preliminary decision], Copy of the envelope*³³

Justification

[Formulate your justification, as to why you do not agree with the preliminary decision of the IV department and enclose relevant evidence (e.g. a current report from the doctor treating you, etc.), which proves that the assessment made by the IV department is a wrong one.

Evidence 2: Doctors report from Dr. XY.....

Evidence 3:.....

-

³⁰ Because an objection to a preliminary decision must be sent within 30 days, it should always be sent by registered post. Only in this way can you prove that you have adhered to the deadline.

³¹ The IV department address can be found on the preliminary decision letter.

³² The deciding factor that the deadline has been met is not the date of the precautionary objection, but rather the date of the postmark.

³³ You should always enclose a copy of the preliminary decision and the envelope with your objection. Keep all originals.

For the reasons set out above, I would ask you to uphold the objection in accordance with the above requests. I will, of course, be happy to assist you, if you should require further documents or information.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

Enclosures:

Evidence 1:

Evidence 2:

Evidence 3:

[Your Name]
[Your Address]

Registered Letter³⁴
[Social Security Court]³⁵
[Address]

[Place, Current Date]³⁶

Appeal

by

[Your Name]
[Your Address]

(Complainant)

against

[IV department, which has issued the ruling]
[Address]

(Respondent)

In the matter of

Order of the [date of the ruling]

[Your AHV Nr.]

I. Request

1. The ruling of the IV department should be annulled.
2. [Make a list here of what it is you are requesting, such as e.g. an increase of the disability pension, granting of professional measures, etc.].

³⁴ Because an appeal must be submitted within 30 days, it should always be sent per registered post. Only in this way can you prove that you have adhered to the deadline.

³⁵ The exact description of the court and its address can be found at the very back of the order, under "Rechtsmittelbelehrung" (Legal Means Instruction).

³⁶ The deciding factor that the deadline has been met is not the date of the appeal, but rather the date of the postmark

II. Formalities

The ruling of the [date of the ruling] was sent to me on the [the date, on which the ruling was sent to you]. With today's date, the 30-day objection time limit has been adhered to.

Evidence 1: Ruling from the IV department [Canton] of the [Date of the Ruling], including envelope³⁷

III. Justification

1. [Your reasons, why you do not agree with the ruling from the IV department and the appropriate evidence attached (e.g. current reports from your attending doctor(s), which can prove that the assessment, made by the IV department, is/was not a correct one.

2.

Evidences 2: Doctor's report from Dr. [.....]

Evidence 3:

From the reasons set out above, I respectfully ask you to uphold this appeal in accordance with the above requests. I will, of course, be happy to assist you, if you should require further documents or information.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

Evidence:

1. Ruling from the IV department of the
2.

³⁷ A copy of the ruling, as well as a copy of the envelope, must be enclosed with this letter of appeal!

Registration for supplementary benefits (EL)

Provisional calculation / EL calculator

In order to check in advance whether you are entitled to supplementary benefits, the AHV/IV Information Office has set up an EL calculator. The calculation is anonymous and your data will not be saved. The calculation is provisional and is based on a simplified calculation procedure. It is not a registration, is non-binding and does not constitute a legal claim: www.ahv-iv.ch -> Sozialversicherungen -> Ergänzungsleistungen (EL) -> Berechnung Ergänzungsleistungen)

Where do I register?

To receive supplementary benefits, you must register with the compensation office, the social insurance office or another office, depending on the canton. You can find the office responsible for you at www.ahv-iv.ch (-> Kontakte -> Kantonale Stellen für Ergänzungsleistungen/Überbrückungsleistungen). The application forms are available on the relevant websites, and in some cases, it is also possible to apply online.

The EL office usually decides on the entitlement and amount of benefits within 90 days of receipt of the application.

Start and end of entitlement to supplementary benefits

Entitlement to supplementary benefits to the AHV/IV generally begins in the month in which you submit the application and all legal requirements are met. Entitlement ceases at the end of the month in which one of the requirements is no longer met.

Changes in personal or financial circumstances

If you are registered for EL, you must notify the EL office immediately of any change in your personal circumstances and any significant change in your financial circumstances. Such changes are, for example:

- Change of address
- Change of rent (or additional persons in the same household)
- Commencement or termination of employment
- Increase in a benefit from a current or former employer, pension fund or pension scheme
- Inheritance or gift
- Assignment of assets
- Sale of real estate
- Admission to and discharge from hospitals and homes
- Start of regular benefits from a health insurance fund

Anyone who fails to report such changes or provides false information when registering must reimburse any benefits wrongly received.

[Your Name]
[Your Address]

SERAFE AG
Schweizerische Erhebungsstelle für die
Radio- und Fernsehgebühr
Postfach
8010 Zürich

[Place, Current Date]

Application for exemption from the obligation to pay fees

Dear Sir / Madam

Based on Art. 69b of the Federal Law on Radio and Television (RTVG), I kindly request that you exempt me from paying radio and television fees. In addition to an IV pension (or AHV pension), I receive supplementary benefits from the federal government. A confirmation that i receive supplementary benefits is enclosed³⁸.

Surname:

First name:

Street:

No:

Zip code:

City:

Telephone:

Date of birth:

AHV-No:

Thank you very much for your efforts and best regards,

_____ (Your Signature)

[Your first name and Surname]

Enclosure: Confirmation of receipt of supplementary benefits

³⁸ The confirmation should not be older than two years.

[Your Name]
[Your Address]

Registered Letter
[Insurance/Doctor/Employer/...]
[Name of the person responsible]
[Personal, Confidential]³⁸
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth]

Request for an Inspection of Files

Dear Sir / Madam

I would ask you, to send me a copy, of [my medical history/personal files/any available personal data], including information on where they originated. In addition, I would like to be informed to what purpose this existing data was collected and the laws on which the processing were based (e.g. in connection with the compulsory health insurance, disability insurance). At the same time, I would like information which departments or third parties the data has been transferred to (insurance companies).

Yours faithfully,

_____ (Your Signature)

[Your First Name and Surname]

Enclosure: Copy of Identity Document

[Subsequent confirmation must be enclosed on a separate sheet of paper!]

³⁸ With this inclusion, you are making sure that only the person responsible in the personnel office reads your letter.

Confirmation

The signatory confirms that he/she has, together with the enclosed copies, has submitted the complete dossier (personal file, medical history, health information). The dossier has neither been partially covered, nor modified in any way.

Place, Date

Signature of the employer, doctor, insurance company

[Your Name]
[Your Address]

Registered Letter

[Insurance/Doctor/Employer/...]
[Name of the person responsible]
[Personal, Confidential]³⁹
[Address]

Place, Current Date]

**[Your Name, Address and Date of Birth]
Request for an Inspection of Files
(Reminder)**

Dear Sir / Madam

I refer to my written request for an inspection of files, of the [date], to which I have, to date, received no reply.

According to Art. 25 FADP you are obliged to send me all [patient/personnel/insurance files]. According to Art. 18, para. 1 DPO⁴⁰, the information must be submitted within 30 days. This deadline runs out on the [date]⁴¹. You received my request for the information of the [date] on the [date]⁴². I therefore expect that copies, of all files which you have collected about me be sent to me by the [date], at the latest.

I would further draw your attention to the fact that the refusal to allow the inspection of files to an applicant is punishable by law Art. 60 FADP). So, should I not be in possession of all of the files which you have collected about me by the aforementioned deadline, I will assume that you are denying me access to the files in a way that is criminally relevant.

Yours faithfully,

_____(Your Signature)

[Your First Name and Surname]

Enclosure: Request for the inspection of files letter, of the [date]

³⁹ With this inclusion, you are making sure that only the person responsible in the personnel office reads the letter.

⁴⁰ Data Protection Ordinance of 31 August 2022.

⁴¹ 30 days after the first files inspection request was submitted.

⁴² With the Swiss Post Office's Track & Trace system, one can determine exactly when a registered letter has been delivered.

Registered Letter

[Your Name]

[Your Address]

[Owner of the Data Collection]

[Name of the person responsible]

[Personal, Confidential]⁴³

[Address]

[Place, Current Date]

Request for a Deletion of Data⁴⁴

Dear Sir / Madam

Based on Art. 32, para. 1 of the Federal Data Protection Act of the 25th of September 2020 (FADP), I would ask you, to delete all data, which you have collected about me in your database. I would kindly ask you to inform all third-party companies, to whom you have passed on my data, of this deletion and not to process any more data about me in the future.

Please confirm this in writing within 30 days or inform me of the reason for your decision in accordance of Art. 26 FADP if you are unable to comply with my request.

Thank you for your efforts.

Yours faithfully,

_____ (Your signature)

[Your First Name and Surname]

Enclosure: Copy of my Identity Document

⁴³With this inclusion, you are making sure that only the person responsible, in the personnel office, reads your letter

⁴⁴Source: Federal Data Protection and Information Commissioner (www.edoeb.admin.ch).

[Your Name]
[Your Address]

Registered Letter

[Owner of the data collection]
[Name of the person responsible]
[Personal, Confidential]⁴⁵
[Address]

[Place, Current Date]

Correction Request⁴⁶

Dear Sir / Madam

Based on Art. 32 para. 1 of the Federal Data Protection Act of the 25th of September 2020 (FADP) I would ask you, to carry out the following corrections in your database:

Incorrect information:

..... [Insert the incorrect information]

.....

The following information is correct:

..... [Insert the correct information]

.....

Please carry out this correction and notify all third-party companies to whom you have passed on information about me.

I would ask you to confirm this in writing within 30 days, or to inform me of the reason for your decision, if you are unable to comply with my request.

Thank you for your efforts.

Yours faithfully,

_____ (Your signature)

[Your First Name and Surname]

Enclosure: Copy of my Identity Document

⁴⁵With this inclusion, you are making sure that only the person responsible in the personnel office reads your letter.

⁴⁶Source: Federal Data Protection and Information Commissioner (www.edoeb.admin.ch).

Registered Letter
[Address of the person violating data protection]

Violation of Data Protection

With this letter, I would like to strongly draw your attention to the fact that being HIV-positive is an extremely intimate and personal issue and that I, and I alone, have the right to decide who I want to inform or not inform of my condition. You have clearly acted in an unlawful way by informing other people of my disease. The personal rights of a person are legally protected. Article 28 of the Civil Code Book (ZGB) is decisive: „Anyone whose personality has been unlawfully violated can appeal to the judge for his or her protection against those who have participated in the violation.“

In addition to this, following the court judgement, you could be liable to pay me damages and/or offer to make reparations.

_____ (Your Signature) [Your
First Name and Surname]

(The following confirmation should be attached to the letter on a separate page:)

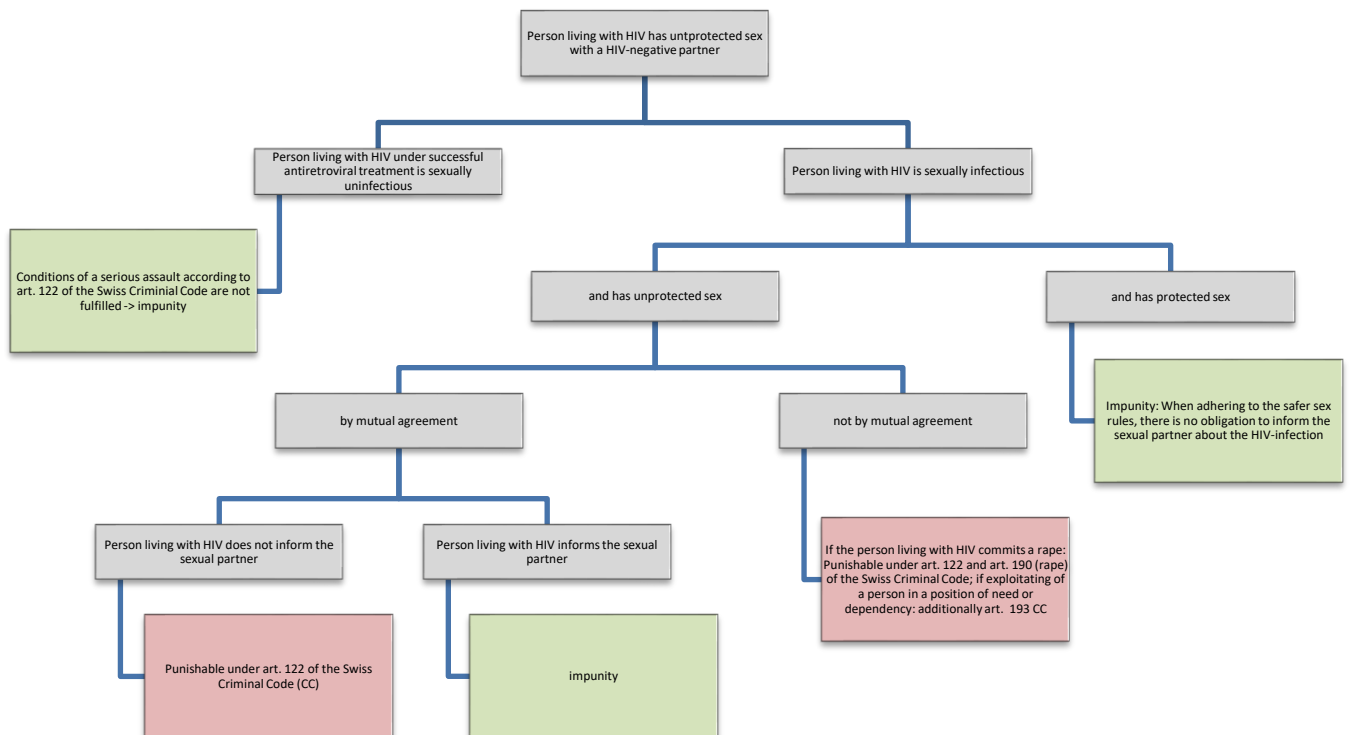
With my signature, I confirm (Name, First Name, Address), to adhere, in future, to the data protection regulations concerning..... (Your Name and First Name, Your Address. In particular, I will not inform any third parties of the medical condition of (Your Name and First Name), without their express and prior consent.

Signature of the person infringing data protection

Criminal Liability for the Transmission of HIV

The current legal status in Switzerland

Those who are undergoing an effective therapy, who are practicing safe sex or who inform his/her sex partner about their HIV infection, nowadays, no longer faces prosecution. Further cases where a legal prosecution can be enforced are shown in the following overview:



[Your Name]
[Your Address]

Registered Letter⁴⁹

[Relevant Investigating Authority]⁵⁰
[Address]

[Place, Current Date]

[Case Nr.]⁵¹

Objection to the Penalty Order of the [Date]

Dear Sir / Madam

I am hereby raising an objection, against the Penalty Order of the [date], in due time (see Enclosure).
I am requesting that the penalty be lifted entirely.

Justification: I do not agree, in any way whatsoever, that I should be penalised. [A further reason as to why you do not agree with the penalty]⁵².

Thank you in advance.

Yours faithfully,

_____ (Your Signature)

[Your First Name and Surname]

Enclosure: Penalty Order of the [date]⁵³

⁴⁹ Important in proving that you have adhered to the time limit.

⁵⁰ Where the objection should be sent to, can be found on the Penalty Order. The address is there.

⁵¹ Is to be found on the Penalty Order.

⁵² The better the objection is justified, the better the chances for the penalty to be rescinded.

⁵³ A copy or even the original of the Penalty Order must be enclosed.

[Your Name]
[Your Address]

Registered Letter

[Relevant Investigating Authority]⁵⁴
[Name of Person responsible]
[Address]

[Place, Current Date]

[Your Name, Address and Date of Birth, if possible, Reference Nr.]

Inspection of the Criminal Files

Dear Mrs. / Mr. [Name]

As I have learned, criminal proceedings have been brought against me concerning [the reason for the criminal proceedings]. I would ask you to send me the criminal files as soon as possible or alternatively to inform me of the location where I can view them.⁵⁵

Yours faithfully,

_____ (Your Signature)

[Your First Name and Surname]

⁵⁴ Depending on the stage of the proceedings, this can be either the police but also the Public Prosecutors office.

⁵⁵ As a rule, the criminal investigating authorities do not give out files, but one is allowed to view them at a designated location and to make copies.

ÄRZTLICHE BESCHEINIGUNG / MEDICAL CERTIFICATE / CERTIFICAT MEDICAL

Arzt/Doctor/Médecin/

Adresse/Address/Adresse

Ich, der unterzeichnende Arzt, Dr. med.

I, the undersigned, Doctor, Doctor of medicine

Je, soussigné Docteur, Docteur en médecine

bestätige, dass

certify that

certifie que

Name des Patienten/patient's name/nom du patient

Pass-Nr./Passport No./N° de passeport

an einer chronischen Erkrankung leidet und mit folgenden Medikamenten behandelt wird:

is affected with a chronic disease and is treated with the following medication:

souffre d'une pathologie chronique nécessitant la prise du traitement suivant:

Handelsname:

Brand name:

nom commercial:

Das mitgeführte Medikament wurde dem Patienten legal im Rahmen einer ärztlichen Behandlung verordnet.

Die Beschlagnahme bzw. Nichteinnahme des Medikaments kann lebensbedrohlich sein.

The medication the patient carries has been legally prescribed for medical treatment purposes.

Confiscating/not taking the medication may be life-threatening.

Le médicament utilisé par le patient a été légalement prescrit dans le cadre d'un traitement médical.

Confisquer/ne pas prendre le médicament peut mettre en danger la vie.

Ort/Place/Lieu

Datum/date

Unterschrift und Stempel des Arztes
Signature and stamp of the physician
Signature et cachet du médecin