

Free movement, safeguards and wage protection

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

The free movement of persons is the most sensitive substantive area. Switzerland has agreed to adopt the Citizens' Rights Directive, although with exceptions negotiated for its key interests. Permanent residence after five years would be available to workers but would be excluded for persons who had not been economically active for a defined period, while Swiss rules on expulsion of offenders would be preserved and access to social assistance for jobseekers would remain limited.¹ The package also specifies the safeguard clause of the agreement. Switzerland may take protective measures in the event of serious economic or social difficulties caused by free movement, and the arbitral tribunal can review whether such measures are justified. The domestic legislation in the package defines the indicators that the Federal Council would use to trigger the clause.²

Wage protection was the issue on which the framework agreement had failed. The package secures a principle of equal pay for equal work at the same place and allows Switzerland to keep a risk-based control system. As Part H, Chapter II has described, the prior notification period for posted workers is to be reduced to four working days, while fourteen domestic measures agreed between the social partners and the Federal Council are designed to preserve the level of protection.³ For employers in Basel, which rely heavily on cross-border service providers from Baden and Alsace, the new rules would reduce administrative friction while preserving controls that the trade unions consider essential.

1 Notes

1. On the exceptions to the adoption of Directive 2004/38/EC (right of permanent residence limited to persons with gainful employment, preservation of Swiss expulsion rules, limits on social assistance), see the dispatch of 13 March 2026. Content to be verified. ↩

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2. On the specified safeguard clause (Art. 14a AFMP in the amended version) and the domestic criteria for its activation, see the dispatch of 13 March 2026 and the draft amendment of the Foreign Nationals and Integration Act. Status to be verified. ↩
3. On the fourteen domestic measures for wage protection agreed in 2025 between the Federal Council, cantons and social partners, and on the reduction of the notification period to four working days, see the communications of the Federal Council and SECO and Part H, Chapter II. Cross-reference; status to be verified. ↩

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