

Wages, posted workers and local rules

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Ticino protects its labour market through rules that apply to every employer, including newly arrived Italian ones. The cantonal minimum wage law entered into force on 1 December 2021 with hourly minimum wages differentiated by economic sector, the highest of which stood at CHF 19.50, and provided for staged increases that were to bring the range to CHF 19.75 to 20.25 in 2025.¹ A report of June 2024 on the first controls found that inspectors had examined about 8,700 companies and 47,000 workers and found infractions in about 3 per cent of cases, a significant share of them calculation errors.² On 20 April 2026 the Grand Council approved by 68 votes to 4 a compromise that raises the minimum to between CHF 21.75 and 22.25 from 2029 and redefines its relation to collective labour agreements.³ Collective agreements declared generally binding and the federal accompanying measures to the free movement of persons add sector-specific minimum wages, particularly in construction, cleaning and security.

An Italian company that stays in Italy and sends its workers to perform services in Ticino is subject to the federal Posted Workers Act. It must notify the posting in advance, respect Swiss minimum working conditions during the assignment and accept controls by the tripartite commissions. Self-employed service providers from Italy must prove their self-employed status.⁴ For an Italian construction or installation company that intends to work in Ticino while it builds up a local presence, these rules often determine the decision to found a Swiss company. A Ticino company with local staff is not subject to the notification procedure, though it must comply with Swiss wages and with the social security rules described above.

1 Moving the operating assets

The physical transfer of an operating business raises customs and VAT questions that are easily overlooked. Machinery, tools, stock and vehicles

brought from Italy into Switzerland are imports. They are subject to Swiss import VAT on their value, recoverable as input tax for a registered business, and to customs formalities. The Italian side treats the transfer as an export, which is zero-rated for VAT if documented, but which may be a taxable transfer for income tax purposes if the goods leave an Italian business. Where the Italian company sells the assets to the new Swiss company, the price must be at arm's length under the transfer pricing rules discussed in Chapter F.II apply. Where an Italian company simply relocates its production line, Article 166 TUIR applies to the assets that leave its Italian business, as described above.

Intangible assets need particular care. A brand, a patent, a software platform or a customer list developed in Italy cannot be moved to Ticino without valuation. If the Swiss company uses them without paying for them, the Italian authorities may assert an implicit transfer or a royalty. If it pays a fair price, the Italian company realizes a gain. Ticino's patent box, which grants relief of up to 90 per cent on profits from qualifying patents, is available only for patents developed with the company's own research activity under the nexus approach, which limits the benefit for intellectual property bought in from Italy.⁵

For the practitioner. - Check whether the client will actually live in Ticino before he buys property there without authorization. - Map employees who will move, commute or remain in Italy, and obtain permits and social security certificates before the first working day. - Apply Swiss minimum wages, generally binding collective agreements and the posting rules from the outset. - Document the transfer of machinery, stock and intangibles with valuations accepted in both states.

2 Notes

1. RSI, report on the first controls under the minimum wage law, 26 June 2024, <https://www.rsi.ch/info/ticino-grigioni-e-insubria/Salario-minimo-le-aziende-ticinesi-lo-rispettano--2187542.html> (original minimum of CHF 19.50 per hour, law in force since 2021); Commissione tripartita in materia di libera circolazione delle persone, Contratti normali di lavoro e legge sul salario minimo, 1 March 2022, https://m4.ti.ch/fileadmin/DFE/DE-USML/salario_minimo/ottenere_salario_diritto.pdf ("dal 1° dicembre 2021, sono in vigore anche i salari minimi, differenziati per settore economico"); "Via libera al salario minimo in Canton Ticino", VareseNews, 16 November 2021, <https://www.varesenews.it/2021/11/via-libera-al-salario-minimo->

canton-ticino/1400615/ ("dal 2025, il salario minimo cantonale sarà compreso tra 19.75 e 20.25 all'ora"). ↩

2. RSI, 26 June 2024 (above). ↩
3. Ticinonline, report on the Grand Council's approval of the minimum wage compromise, 20 April 2026, <https://www.tio.ch/ticino/politica/1919409/salario-minimo-approvato-il-compromesso>. ↩
4. Federal Act on Posted Workers of 8 October 1999, SR 823.20, Art. 6 paras 1 and 3 ("Die Arbeit darf frühestens acht Tage, nachdem der Einsatz gemeldet worden ist, aufgenommen werden"), text at [droit-bilingue.ch](https://www.droit-bilingue.ch), <https://www.droit-bilingue.ch/de-fr/8/82/823.20-6-11.html>, and Art. 1a para. 1 (proof of self-employment on request), <https://www.droit-bilingue.ch/de-fr/8/82/823.20-1a-5.html>. ↩
5. Presentation for start-ups of 5 November 2025 (above) (patent box up to 90 per cent). StHA, Art. 24a and 24b para. 1 (relief of 90 per cent in proportion of qualifying to total research and development expenditure per patent, the "Nexusquotient"), text at [droit-bilingue.ch](https://www.droit-bilingue.ch), <https://www.droit-bilingue.ch/de-fr/6/64/642.14-24b-40.html>. ↩

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