



## Regulation of professions

# Lifting operations with cranes Construction equipment Work in suspension

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### Introduction

Under the Agreement on the Free Movement of Persons (AFMP<sup>1</sup>), professionals from the EU can have their qualifications recognised if the profession for which they are qualified in their country of origin is regulated in Switzerland.

This document aims to describe the Swiss regulations in the sector concerned. Regulated professions are those that are subject to specific training requirements and where access to the profession in question is only possible for professionals holding a specific qualification that is defined in relation to the Swiss education system. Foreign professionals can only access a regulated profession or occupation once their qualifications have been recognised.

If holders of foreign professional qualifications wish to pursue a profession or occupation other than those described in this document, they are free to do so without obtaining recognition of their qualifications (non-regulated profession). In this case it is the job market which will dictate their chances of finding employment or being awarded jobs in the case of self-employed persons.

The specific aspects of the procedure relating to **service providers** (as opposed to cases of permanent establishment in Switzerland) are described at the end of this document.

## 1. Hoisting device

The crane operator profession is regulated in Switzerland.<sup>2</sup> This requirement applies to the people who use, assemble or disassemble the following hoisting devices:

- A. Travelling cranes (truck-mounted crane, mobile cranes, caterpillar cranes, trailer cranes, telescopic forklifts and rail cranes equipped with a winch as well as truck cranes with a boom length of more than 22m or a load torque of more than 400 000Nm)
- B. Tower cranes (top-slewing-, slewing and luffing cranes)

<sup>1</sup> Bilateral agreement of 21 June 1999 between the Swiss Confederation and the European Community and its Member States on the free movement of persons, RS 0.142.112.681.

<sup>2</sup> Ordinance on the Safe Use of Cranes (SR 832.312.15).

This requirement **does not, however, apply** to the services using the following machinery:

- Gantry cranes, overhead cranes,
- Boom cranes,
- Revolving cranes,
- Truck cranes  
(boom length of less than 22m or a load torque of less than 400 000Nm),
- Devices for lifting persons and
- Construction machines, designed and equipped for earth moving operations and equipped with a load hook.

The professional qualifications must essentially conform to the qualifications required for acquiring a crane driver's licence A or B (travelling cranes or revolving cranes). Persons who operate cranes must, in particular:

- have been instructed (on the installation and use of the machinery; on slinging loads; on the inspection and maintenance of the cranes by the crane operator; and on work safety regulations),
- be able to communicate in the workplace, i.e. have oral communication skill in the language of the region where the activity is carried out, and
- enjoy physical and mental health to safely operate the crane.

The authority responsible (SUVA) for verifying qualifications provides a list<sup>3</sup> on its website with the foreign training courses which are recognised as equivalent to Swiss qualifications.

## 2. Construction equipment

The operation and use of construction equipment (earthworks /excavation) are basically governed by cantonal law (according to the SERI's knowledge: GE, VD, VS, NE). The service activity must in any case be declared to SERI according to the newly introduced declaration procedure **before** the service is provided.

This applies to the following categories of machinery:

- M1 small machines 2 to 5t
- M2 crawler or pneumatic excavators over 5t
- M3 crawler or pneumatic excavators over 5t
- M4 walking excavator
- M5 spreaders, pavers
- M6 compactors weighing more than 5t
- M7 special machines

## 3. Forklift drivers

This profession is regulated at federal level<sup>4</sup>. The recognition of professional qualification is therefore mandatory.

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<sup>3</sup> <https://www.suva.ch/material/kurs-veranstaltung/ausbildung%20fuer%20das%20fuehren%20von%20fahr-zeug%20und%20tumdrehturmen>

<sup>4</sup> Judgement J203 of the Federal Insurance Court (FIC) of 29 June 1994.

#### 4. Work in suspension

Work in suspension, i.e. where workers are secured with rope to carry out their professional activities, is also regulated.<sup>5</sup> This type of work can be necessary for building maintenance, building inspections, work on metallic structures, work on cliffs, tree pruning, etc.

These tasks require appropriate training for work in suspension, and they must be carried out in a team of two people for safety reasons.

#### 5. Specific details for EU/EFTA citizens who wish to provide services in Switzerland

##### *Basic principle*

In accordance with the Agreement on the Free Movement of Persons (AFMP), professionals who are legally established in the EU/EFTA may provide services in Switzerland without permanently establishing themselves in the country. In such cases, the duration of service provision is limited to 90 days per calendar year.

If the profession they wish to pursue is regulated, they can take advantage of a fast-track verification procedure for their professional qualifications, as set out in the EU directive 2005/36/EC<sup>6</sup> and the DRPA<sup>7</sup>. The service provision **must be declared in advance to SERI**<sup>8</sup>.

##### *Other obligations*

**In all cases**, persons intending to provide services **must also register with the State Secretariat for Migration** ([www.sem.admin.ch](http://www.sem.admin.ch) > Entry & Residence > Notification procedure for short-term work in Switzerland). This obligation also applies to non-regulated professions.

##### *Who is a service provider?*

Service provision is an economic activity that is practised on a self-employed basis or without conclusion of an employment contract with a Swiss employer. It is remunerated work of a temporary or occasional nature (limited to 90 working days per calendar year) carried out in Switzerland by an individual who is established in a country of the EU or EFTA. If you require further information, SERI provides a more detailed note on the concept of a service provider on its website.

Persons who are not service providers within the meaning of the AFMP will not be able to take advantage of the fast-track qualification verification procedure. They should instead have their qualifications recognised in accordance with Title III of directive 2005/36/EC by contacting the competent authority.

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<sup>5</sup> Ordinance on Safety and Health Protection of Employees in the Construction Industry (SR 832.311.141).

<sup>6</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255 of 30.9.2005, p. 22, in the current version in accordance with the agreement on the free movement of persons and the revised EFTA Convention.

<sup>7</sup> Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions, SR 935.01.

<sup>8</sup> [www.sbf.admin.ch/edeclaration](http://www.sbf.admin.ch/edeclaration)