



## Regulation of the profession

# Snowsports Instructor

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### Introduction

Holders of foreign professional qualifications may pursue a professional activity for which they are qualified in their country of origin in Switzerland, provided they meet the legal requirements. This factsheet explains the current regulations in Switzerland governing individual professional activities as those of a snowsports instructor. In order to carry out such activities, foreign professional qualifications (diplomas, degrees, certificates, etc.) must be comparable with the Swiss qualifications required by law.

The procedures differ depending on the duration of the professional activity in Switzerland: in the case of establishment in Switzerland, recognition of foreign professional qualifications is required before commencement of the regulated professional activity: [www.sbf.admin.ch/becc](http://www.sbf.admin.ch/becc)

Service providers established in an EU/EFTA country, who wish to pursue a regulated professional activity in Switzerland as self-employed persons or on secondment for a maximum of 90 working days per calendar year, are subject to a declaration requirement. The professional qualifications are verified by means of a fast-track procedure: [www.sbf.admin.ch/edeclaration](http://www.sbf.admin.ch/edeclaration)

Some snowsports activities do not fall under the high-risk category and are therefore considered 'non-regulated' activities. In other words, they may be carried out without the need for recognition of professional qualifications or any obligation to declare the activities to SERI. Employment prospects depend on supply and demand on the Swiss labour market. It is therefore possible to apply directly for employment or to accept jobs in a self-employed capacity.

## 1. Scope of activity

Snowsports activities in Switzerland are subject to the provisions of the Federal Act on Mountain Guides and other Organisers of High-Risk Activities<sup>1</sup> and its corresponding Ordinance<sup>2</sup>. If the activities to be carried out in Switzerland fall under the high-risk category set out in the above-mentioned legislation, then holders of professional qualifications obtained outside of Switzerland must have their qualifications recognised or verified in Switzerland **before** beginning to work.

<sup>1</sup> Federal Act on Mountain Guides and Organisers of other High-Risk Activities (SR 935.91)

<sup>2</sup> Ordinance on Mountain Guides and Organisers of other High-Risk Activities (SR 935.911; hereinafter: the Ordinance)

Due to its federalist system, Switzerland has two tiers of legislation (federal and cantonal). A federal act governs ski instruction outside the areas that are the responsibility of ski lift operators. The cantons are free to enact their own legislation and regulate professional activities more strictly than federal legislation. The cantons may regulate ski instruction on slopes for instance.

The profession of snowsports instructor covers the professional teaching of the following disciplines:

- alpine skiing
- snowboarding
- telemark skiing
- cross-country skiing
- snowshoeing tours

## **2. Scope of federal legislation**

The Federal Act on Mountain Guides and Organisers of Other High-Risk Activities and its corresponding Ordinance apply throughout the territory of the Confederation. It lays down certain criteria and defines which activities can only be carried out by mountain guides.

### *a. Criteria*

At federal level, the Ordinance on High-Risk Activities sets out the following criteria:

- The activity of a ski instructor falls within the scope of the Ordinance and is therefore regulated if:
  - carried out outside the area under the responsibility of ski lift operators;
  - primarily carried out on Swiss territory.  
Exception: if a route starts and finishes in another country and passes temporarily through Swiss territory, the activity is not considered to be regulated.
  - generate a primary or secondary income.  
Exception: income generated exclusively under the supervision and responsibility of non-profit organisations (e.g. Swiss Alpine Club, a sports club, a hiking club, or a school) is not taken into consideration.

*b. Activities reserved for mountain guides*

Snowsports instructors must also ensure that they do not pursue activities that are reserved for mountain guides. Snowsports instructors may ski outside the areas for which ski lift operators are responsible on condition that:

- they do not cross glaciers;
- the use of additional technical equipment such as ice axes, crampons or ropes is not necessary in order to ensure the safety of customers;
- the proposed activities **do not** exceed the following difficulty levels:
  - in the case of ski and snowboard touring, the rating of 'not very hard', abbreviated 'WS' in German and 'PD' in French;
  - for snowshoe tours, difficulty level of WT3; exception: snowshoe tours on market and open winter hike paths or snowshoe routes;
  - for off-piste skiing, difficulty level 'hard', abbreviated S in German and 'D' in French, as long as there is no risk of falling.

The table below<sup>3</sup> indicates which terrains are reserved for mountain guides. The colours have the following meanings:

- Green: activity not subject to federal legislation and therefore not regulated unless the cantons have additional legislation (see point 3 below);
- Orange: regulated activity;
- Red: activity reserved for mountain guides and therefore may not be carried out by persons who lack the required qualifications.

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<sup>3</sup> Annex 2 no 2 of Ordinance on Mountain Guides and Organisers of other High-Risk Activities.

Touring	Off-piste descents	Rating	Gradient	Exposure	Terrain	Bottlenecks during descent
		L/F (+)	Up to 30°	No risk of sliding out of control	Tame, hilly, smooth ground	No bottlenecks
		WS/PD (- +)	30° or more	Risk of sliding only a short distance with gentle gradient	Generally open slopes with some short steep sections with avoidable obstacles (quick turns required).	Bottlenecks short and not very steep
		ZS/AD (- +)	35° or more	Risk of sliding a longer distance, opportunities to brake (risk of injury)	Unavoidable short steep sections, some obstacles on moderately steep terrain requiring quick reactions (careful short turns required).	Short but steep
		S/D (- +)	40° or more	Risk of sliding a long distance, occasionally down steep slopes (risk of death)	Steep slopes cannot be avoided. Numerous obstacles requiring a good skiing technique.	Long and steep. Short turns possible for good skiers
		SS/TD (- +)	45° or more	Risk of sliding down steep slopes (risk of death)	Terrain generally very steep, often interspersed with rock steps. Succession of numerous obstacles.	Long and very steep. Side-slipping and jump turns required.
		AS/ED (- +)	50° or more	Very exposed	Very steep slopes or couloirs, no opportunity to stop during the descent.	Long, with a succession of very steep sections, descent by side-slipping and jump turns only.
		EX/EX	55° or more	Extremely exposed	Extreme slopes and couloirs.	Rappelling sometimes required across certain sections.

Ski tours with difficulty ratings of L/F and WS/PD are regulated and require recognition (in the case of establishment in Switzerland) or a declaration to SERI<sup>4</sup> (in the case of temporary provision of services) based on the criteria described above.

The same rules apply to off-piste ski descents at difficulty levels WS/PD, ZS/AD or S/D.

Difficulty ratings ZS/AD or S/D (tour category) and higher are reserved for mountain guides. Snowsports instructors are not permitted to carry out any commercial activities on terrain in these categories.

### c. Mandatory insurance coverage

Snowsports instructors are also required to take out professional liability insurance (cover: CHF 5 million)<sup>5</sup>.

<sup>4</sup> [www.sbf.admin.ch/qualification](http://www.sbf.admin.ch/qualification)

<sup>5</sup> Art. 24 of Ordinance on Mountain Guides and Organisers of other High-Risk Activities.

### 3. Scope of application of cantonal law

#### a. Legislative situation

In certain cantons, additional regulations must be observed.

The legislation in the cantons of Vaud<sup>6</sup>, Valais<sup>7</sup>, Graubünden<sup>8</sup> and Jura<sup>9</sup> specifically regulate the activities of snowsports instructors working on slopes accessible by ski lift. They make the activities of snowsports instructors dependent either on authorisation or on meeting certain requirements.

In addition, certain cantons that used to regulate these activities in the past adapted their legislation when the Federal Act on Mountain Guides and Organisers of other High-Risk Activities came into force, and now are aligned with federal legislation. The cantons concerned are Glarus<sup>10</sup> and Uri<sup>11</sup> (which make a simple reference to federal legislation) as well as Obwalden<sup>12</sup>, Schwyz<sup>13</sup>, Zug<sup>14</sup> and Zurich<sup>15</sup> (which have enacted specific legislative provisions that are generally based on the Federal Act).

#### b. Additional regulations in the cantons of Vaud, Jura, Valais and Graubünden

The scope of cantonal legislation was revised in the **Canton of Vaud**, which, from 1 November 2014, in addition to activities covered by the Federal Act on Mountain Guides and Organisers of other High-Risk Activities, also regulates all teaching of snowsports to minors (under 18 years of age) and the activities of businesses and schools that teach such courses. This means that any snowsports instructor who works as a service provider in Switzerland instructing minors must submit a preliminary declaration to SERI, even if they do not leave the area for which the ski lift operators are responsible.

In the Canton of Vaud, snowsports instructors – who require different levels of qualification depending on whether they teach as an employee or on a self-employed basis<sup>16</sup> – must also have a clean criminal record when it comes to offences of violence or sexual offences against minors and must take a professional development course every two years. Managers of snowsports schools require a licence (valid for two years) and must have completed the required training at Swiss Snowsports or the Swiss Association for Snowboard Schools. Like snowsports instructors, they must not have a criminal record for the offences mentioned above. The required level of training is as follows: in addition to the off-piste and touring modules (VT) and tourism/law (TR), instructors are required to complete two multidisciplinary internships of 40 days each (P1 and P2) and be able to teach a second discipline to beginners (ZG).

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<sup>6</sup> Loi sur l'exercice des activités économiques (LEAE; RSV 930.01)

<sup>7</sup> Gesetz über das Bergführerwesen und Anbieten weiterer Risikoaktivitäten (GBR; RSVs 935.2)

<sup>8</sup> Gesetz über das Berg- und Schneesportwesen (Bündner Rechtsbuch 947.100) und Ausführungsbestimmungen zum Gesetz über das Berg- und Schneesportwesen (Bündner Rechtsbuch 947.200)

<sup>9</sup> Ordonnance concernant l'enseignement du ski dans le canton du Jura (RSJu 935.221)

<sup>10</sup> Gesetz über die Handels- und Gewerbetätigkeiten, Art. 10 (GS IX/B/25/1)

<sup>11</sup> Einführungsreglement zum Bundesgesetz über das Bergführerwesen und Anbieten weiterer Risikoaktivitäten (Risikoaktivitätenreglement, RiskR) (Urner Rechtsbuch 70.2322)

<sup>12</sup> [www.ow.ch](http://www.ow.ch) > Verwaltung > Dienste A-Z > Bergführerwesen und Anbieten weiterer Risikoaktivitäten

<sup>13</sup> [www.sz.ch](http://www.sz.ch) > Unternehmen > Arbeit, Gewerbeaufsicht > Gewerbeaufsicht > Risikoaktivitäten

<sup>14</sup> [www.zg.ch](http://www.zg.ch) > Behörden > Volkswirtschaftsdirektion > Amt für Wirtschaft und Arbeit > Risikoaktivitäten

<sup>15</sup> [www.awa.zh.ch](http://www.awa.zh.ch) > Arbeitsbedingungen > Gewerbebewilligungen > Risikoaktivitäten

<sup>16</sup> Règlement sur les sports de neige et de randonnée, Art. 10 (RSV 935.25.21)

In the **canton of the Jura**, ski instructors must successfully complete a ski instructor course in order to obtain a licence. This licence must be renewed each year by doing a two-day refresher course. The activities of an assistant instructor are also regulated; after successfully completing the preparatory course, they can teach skiing for two years under the supervision of a ski instructor or the manager of a ski school.

In the **canton of Valais**, snowsports instructors wishing to operate in skiing areas must provide proof of having completed an initial training course (federally recognised tertiary-level professional qualification as a Swiss Snowsports +VT +TR<sup>17</sup> instructor or SSBS instructor) to obtain a licence and must provide a guarantee that they comply with the obligations imposed by the federal legislation.

In the **canton of Graubünden**, persons who teach and supervise snowsports in areas that fall within the responsibility of ski lift operators – in return for direct or indirect payment – require training as a mountain guide, snowsports instructor or equivalent. In addition to the activities of snowsports instructors mentioned above, the canton of Graubünden also regulates the sport of skwalling). The profession is also open to mountain guides. A cantonal licence is required for all teaching or guiding activities carried out using snowsports equipment, even on prepared slopes or cross-country trails<sup>18</sup>.

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<sup>17</sup> see the course programme: [www.snowsports.ch](http://www.snowsports.ch) > Ausbildung > Allgemeine Informationen > Berufsbild

<sup>18</sup> Ausführungsbestimmungen zum Gesetz über das Berg- und Schneesportwesen, Art. 3 Abs. 1 Bst. g (RS/GR 947.200)

## 4. 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<sup>19</sup>, 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>20</sup>, the Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (DRPA)<sup>21</sup> and its corresponding Ordinance<sup>22</sup>. The service provision **must be declared in advance to SERI**<sup>23</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 > Free Movement of Persons Switzerland – EU/EFTA > Notification procedure for short-term work in Switzerland). This obligation also applies to non-regulated professions.

### *What is a service provider?*

A service provider is an economically active person who is established in an EU/EFTA country and wishes to temporarily provide services in Switzerland (either in a self-employed capacity or on secondment) for remuneration. Service providers **have not signed an employment contract** with a Swiss employer and perform the regulated activity in Switzerland for a maximum of 90 working days per calendar year. For further information, a detailed factsheet<sup>24</sup> on the concept of service provision is available on the SERI website.

Persons who are not service providers within the meaning of the AFMP do not benefit from the fast-track qualification verification procedure. They should instead contact SERI's qualification recognition service<sup>25</sup> to have their qualifications recognised in accordance with Title III of Directive 2005/36/EC.

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<sup>19</sup> Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (AFMP); SR 0.142.112.681

<sup>20</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, 30.9.2005, p. 22, current version in accordance with the Agreement on the Free Movement of Persons and the revised EFTA Convention

<sup>21</sup> Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (DRPA); SR 935.01

<sup>22</sup> Ordinance of 26 June 2013 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (VMD); SR 935.011

<sup>23</sup> [www.sbf.admin.ch/edeclaration](http://www.sbf.admin.ch/edeclaration)

<sup>24</sup> Factsheet "[Definition of Service Provider](#)"

<sup>25</sup> [www.sbf.admin.ch/becc](http://www.sbf.admin.ch/becc)